



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

DEVAL L. PATRICK
Governor

IAN A. BOWLES
Secretary

TIMOTHY P. MURRAY
Lieutenant Governor

LAURIE BURT
Commissioner

March 11, 2009

Amy Lipkind
Coastal Engineering Company, Inc.
260 Cranberry Highway
Orleans, MA 02653

Re: Town of Harwich, Permit No. 12379

Dear Ms. Lipkind,

Enclosed is a revised copy of the above referenced Permit. Special Permit Condition #3 was modified to reflect that the time of year dredge restriction only applies to the inner channels of the subject harbors and the Herring River.

Please do not hesitate to give me a call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "David E. Hill".

David E. Hill
Environmental Engineer
Waterways Regulation Program

cc: Harwich Harbormaster
Office of Coastal Zone Management
Ben Lynch, Waterways Section Chief, DEP-Boston



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PERMIT NO. 12379

Name and Address of Permittee:

Town of Harwich
Attn: Tom Leach, Harbormaster
P.O. Box 207
Harwich Port, MA 02646

ISSUED: March 6, 2009
EXPIRES: March 5, 2019
Revised: 3/11/09 **"In bold text"**

Permission is hereby given by the Department of Environmental Protection to: maintenance dredge approximately 20,000 cubic yards (per channel) of sediment from the entrance channels leading into the Herring River, Allen Harbor, Wychmere Harbor and Squatucket Harbor, Harwich. Dredge material will be utilized for public and private beach nourishment along the Nantucket Sound shoreline.

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plan titled: "Proposed Dredging and Nourishment Plan, Harwich, MA", Coastal Engineering Company, Inc., dated August 29, 2007, Final Revision 10/22/08 (10 Sheets).

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the Permittee to conform to all terms and conditions stated herein.
2. This Waterways Permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Permittee prior to the commencement of any activity authorized pursuant to this Permit.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 866-539-7622 or 617-574-6868.

DEP on the World Wide Web: <http://www.mass.gov/dep>

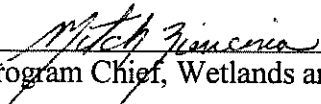
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3. This Waterways Permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This Permit may be revoked after the Department has given written notice of the alleged noncompliance to the Permittee, or his/her agent, and those persons who have filed a written request, with the Department, for such notice and has afforded the Permittee a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways Permit void.
4. This Waterways Permit is issued subject to all applicable federal, state, county, and municipal laws, ordinances, by-laws, and regulations, including but not limited to, a valid Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, s.40. In particular, this issuance is subject to the provisions of Sections 52 to 56, inclusive of Chapter 91 of the General Law and its Regulations 310 CMR 9.40(5), which provides, in part, that the transportation and dumping of dredge material shall be done under the supervision of the Department, and, when required, the Permittee shall provide at his/her expense a dredge inspector approved by the Department.
5. This Waterways Permit is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with the Water Quality Certification issued by the Department of Environmental Protection.
6. All subsequent maintenance dredging and transportation and disposal of this dredge material, during the term of this Permit, shall conform to all standards and conditions applied to the original dredging operation performed under this Permit.
7. After completion of the work authorized, the Permittee shall furnish to the Department a suitable plan showing the depths at mean low water over the area dredged. Dredging under this Permit shall be conducted so as to cause no unnecessary obstruction of the free passage of vessels, and care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Permittee shall, at his/her expense, remove the shoal areas. The Permittee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, the Permittee shall pay all costs associated with such work. Nothing in this Permit shall be construed to impair the legal rights of any persons, or to authorize dredging on land not owned by the Permittee without consent of the owner(s) of such property.
8. The Permittee shall assume and pay all claims and demands arising in any manner from the work authorized herein, and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, audits, damages, costs and expenses incurred by reason thereof.
9. The Permittee shall, at least three days prior to the commencement of any dredging in tide water, give written notice to the Department of the time, location and amount of the proposed work.
10. Whosoever violates any provisions of this Permit shall be subject to a fine of \$25,000 per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed \$25,000 per day for each day such violation occurs or continues.

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic methods.
2. Dredging shall be to a maximum depth of 6.0 feet below the mean low water (MLW) datum with an allowable one-foot overdredge at the Herring River, Allen Harbor and Wychmere Harbor entrance channels. Dredging shall be to a maximum depth of 8.0 feet below the mean low water (MLW) datum with an allowable one-foot overdredge at the Saquatucket Harbor entrance channel.
3. In order to protect spawning, larval and juvenile development of winter flounder, no dredging shall occur between January 15th and May 30th of any year **at the inner channels of the Herring River, Allen Harbor, Wychmere Harbor and Saquatucket Harbor**. In addition, no dredging shall occur between March 15th and June 15th of any year in the Herring River to protect herring migration and spawning.
4. Dredged material shall be utilized for beach nourishment at the locations shown on Permit Plan No. 12379. The material shall be placed and graded above the mean high water shoreline. No beach nourishment work, including the placement or removal of pipes or other equipment, and placement, dewatering and grading of dredged material, shall occur between April 1st and August 31st unless explicitly approved by the Natural Heritage and Endangered Species Program.
5. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this permit.
6. After completion of the work authorized, the Permittee shall furnish to the Department a suitable plan showing the depths at mean low water over the area dredged within 90 days of completion of dredging. At the end of each dredging season, a dredge and beach nourishment activities summary report shall be prepared and submitted to the MassDEP Wetlands and Waterways, Southeast Regional Office. At a minimum, the summary shall include, but not limited to, dredge volume and locations, beach nourishment locations and compatibility of grain-size distribution of the material dredged as compared to the receiving beach.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Program Chief, Wetlands and Waterways