



**US Army Corps  
of Engineers**®  
New England District  
696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

**Comment Period Begins: September 2, 2014**  
**Comment Period Ends: October 2, 2014**  
**File Number: NAE-2008-1323**  
**In Reply Refer To: John Sargent**  
**Phone: (978) 318-8026**  
**E-mail: john.c.sargent@usace.army.mil**

The District Engineer has received a permit application from Stonebridge Marina, LLC, P.O. Box 600, East Wareham, MA 02538 to permit a reconfiguration zone in waters of the United States. The project site is located in the East River at 5 East Boulevard, Wareham, Massachusetts 02538. The site coordinates are: Lat 832919.217 N Long 270357.652 E, Lat 832831.020 N, Long 270386.005 E, Lat 832900.853 N Long 270315.821 E, Lat 832841.630 N Long 270335.742 E, Lat 832846.299 N Long 270353.746 E and Lat 832823.203 N Long 270361.484 E. The purpose of the project is the reconfiguration of existing or new piers and floats within the bounds of the reconfiguration zone.

The proposed reconfiguration zone is shown on the attached plans entitled "VICINITY MAP," and "PLAN VIEW EXISTING & PROPOSED CONDITIONS" and "RECONFIGURE ZONE AND LIMITS OF EAST RIVER CHANNEL" on 3 sheets, and dated "JULY 31, 2014."

The proposed reconfiguration zone would be within the existing marina area in the area encompassed by existing piers and floats, therefore compensatory mitigation for adverse impacts to the marine ecosystem is not required.

## **AUTHORITY**

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899  
 Section 404 of the Clean Water Act  
 Section 103 of the Marine Protection, Research and Sanctuaries Act.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other



public interest factors listed above. Comments are used in the preparation of an Environmental Assessment or and Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

This project will impact 0.89 acres of Essential Fish Habitat (EFH) for early life history stages and adults of winter flounder (*Pseudopleuronectes americanus*), scup (*Stenotomus chrysops*), windowpane flounder (*Scophthalmus aquosus*), and bluefish (*Pomatomus saltatrix*) among others. This habitat consists of predominantly of subtidal sandy bottom estuary within upper Onset Bay. Impacts of the project to this habitat may adversely affect these species. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

### **NATIONAL HISTORIC PRESERVATION ACT**

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officers

### **ENDANGERED SPECIES CONSULTATION**

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.



**COASTAL ZONE MANAGEMENT**

The State of Massachusetts has an approved Coastal Zone Management Program. The applicant has applied for a Coastal Zone consistency determination on August 15, 2014 and believes that the proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

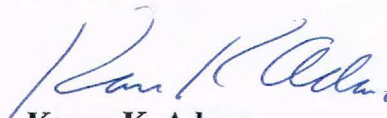
- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact John Sargent at (978) 318-8026, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**



**Karen K. Adams**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

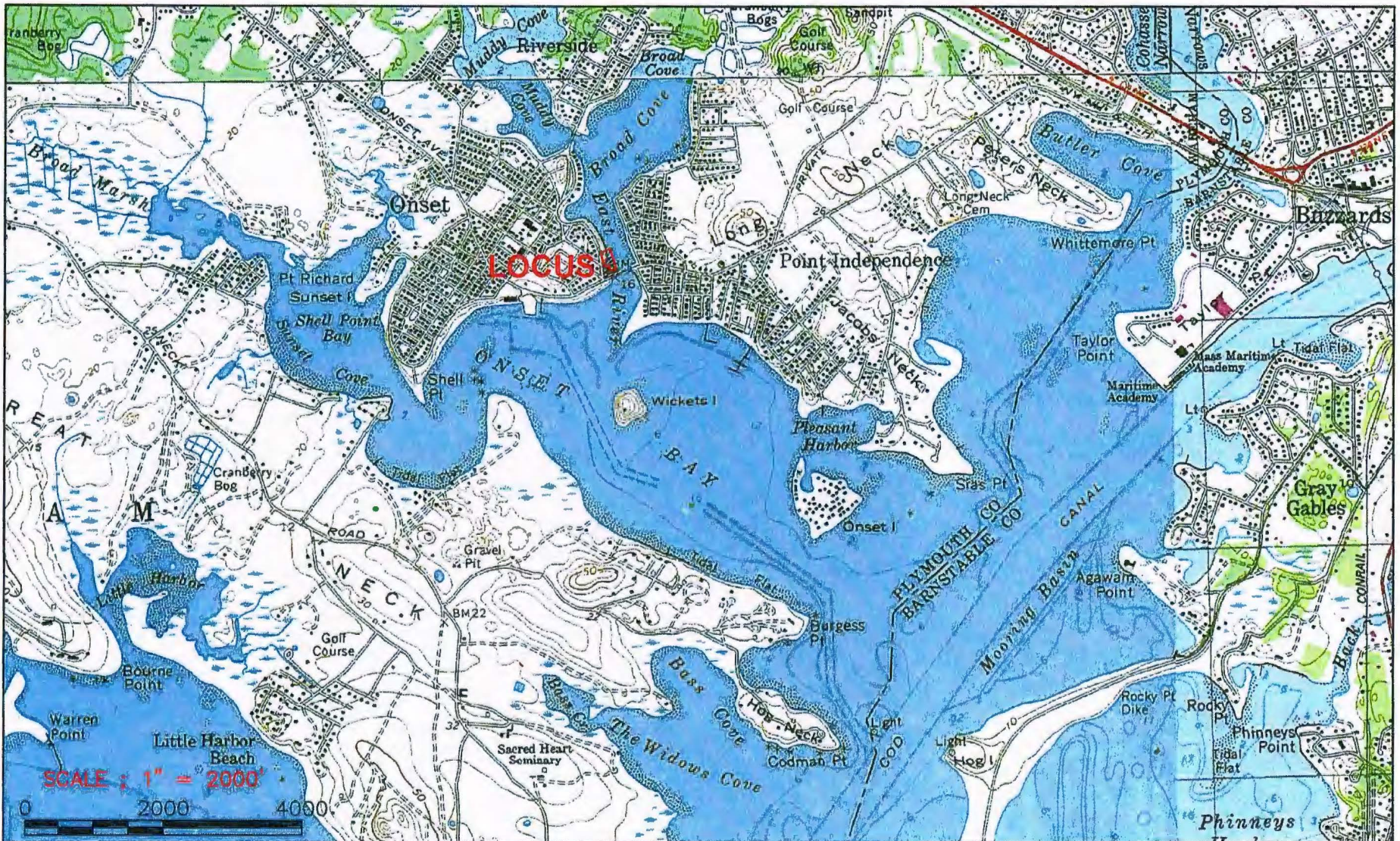
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

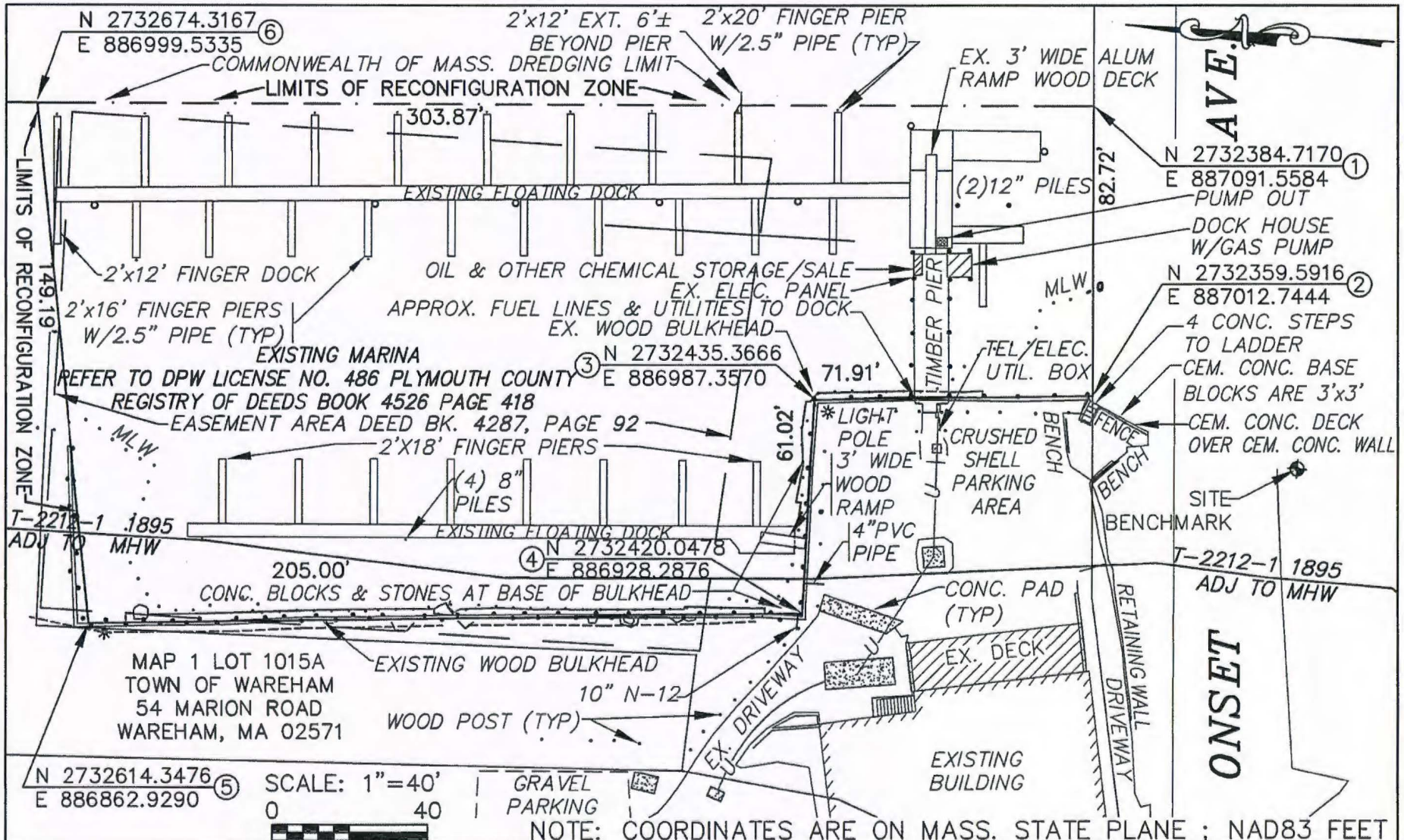




<p><b>G.A.F. ENGINEERING, INC.</b>          PROFESSIONAL ENGINEERS &amp; LAND SURVEYORS</p>	<p><b>VINCINITY MAP</b></p>		<p>DATE          JULY 31, 2014</p>
<p>266 MAIN STREET - WAREHAM, MA 02571          TEL: (508) 295-6600 FAX: (508) 295-6634          E-MAIL: gaf.eng@verizon.net or info@gaf-eng.com</p>	<p>AT: 5 EAST BOULEVARD, EAST RIVER          IN: WAREHAM          PLYMOUTH COUNTY          STATE OF MASSACHUSETTS</p>	<p>APPLICATION BY :  <b>STONEBRIDGE MARINA, LLC</b>          P.O. BOX 600, EAST WAREHAM, MA 02538</p>	<p>SHEET OF          1 3</p>

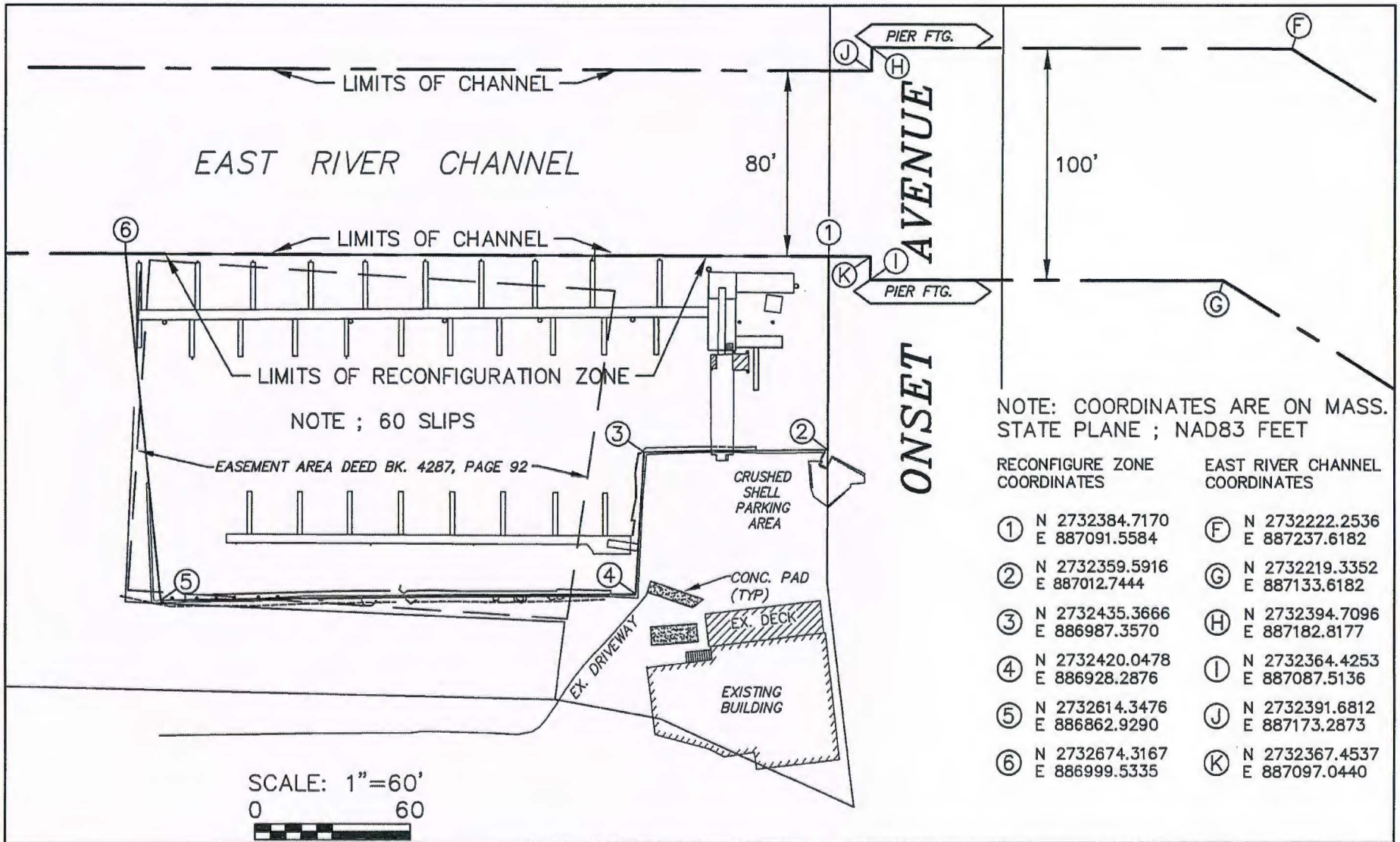
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	AT: 5 EAST BOULEVARD, EAST RIVER IN: WAREHAM PLYMOUTH COUNTY STATE OF MASSACHUSETTS	APPLICATION BY : <b>STONEBRIDGE MARINA, LLC</b> P.O. BOX 600, EAST WAREHAM, MA 02538	JULY 31, 2014 SHEET OF 2 3





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**RECONFIGURE ZONE AND LIMITS OF EAST RIVER CHANNEL**

AT: 5 EAST BOULEVARD, EAST RIVER  
 IN: WAREHAM  
 PLYMOUTH COUNTY  
 STATE OF MASSACHUSETTS

APPLICATION BY :  
**STONEBRIDGE MARINA, LLC**  
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DATE  
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SHEET 3 OF 3