



**US Army Corps
of Engineers**®
New England District
11 Lincoln Street, Room 210
Essex Junction, Vermont 05452

PUBLIC NOTICE

Comment Period Begins: 7 August 2018
Comment Period Ends: 6 September 2018
File Number: NAE-2008-2790
In Reply Refer To: Michael S. Adams
Phone: (802) 872-2893 or (978) 318-8485
E-mail: michael.s.adams@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

APPLICANT: Lake Champlain Transportation Company, ATTN: Russell Fox, King Street Dock, Burlington, Vermont 05401

ACTIVITY: Expand and maintain an existing commercial marina and reconfigure existing ferry slips in Burlington Bay of Lake Champlain off King Street in Burlington, Vermont. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Burlington Bay of Lake Champlain at King Street Dock in Burlington, Vermont. The site coordinates are: Latitude 44.474093 N, Longitude 73.222197 W.

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 and/or an 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.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

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 Officer(s)

ENDANGERED SPECIES CONSULTATION

The Corps has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. 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 a listed species or their critical habitat. We are coordinating with the NMFS and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

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 Michael S. Adams at (802) 872-2893 or (978) 318-8485.

CENAE-R
FILE NO. NAE-2009-00894

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.

for **Frank J. DelGiudice**
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. 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: _____

PROPOSED WORK AND PURPOSE

Place fill and perform work within navigable waters for the expansion of an existing docking facility, the reconfiguration of existing ferry slips, maintenance dredging and reconstruction of an existing retaining wall at an existing commercial facility in Burlington Bay of Lake Champlain. The proposed work involves the following:

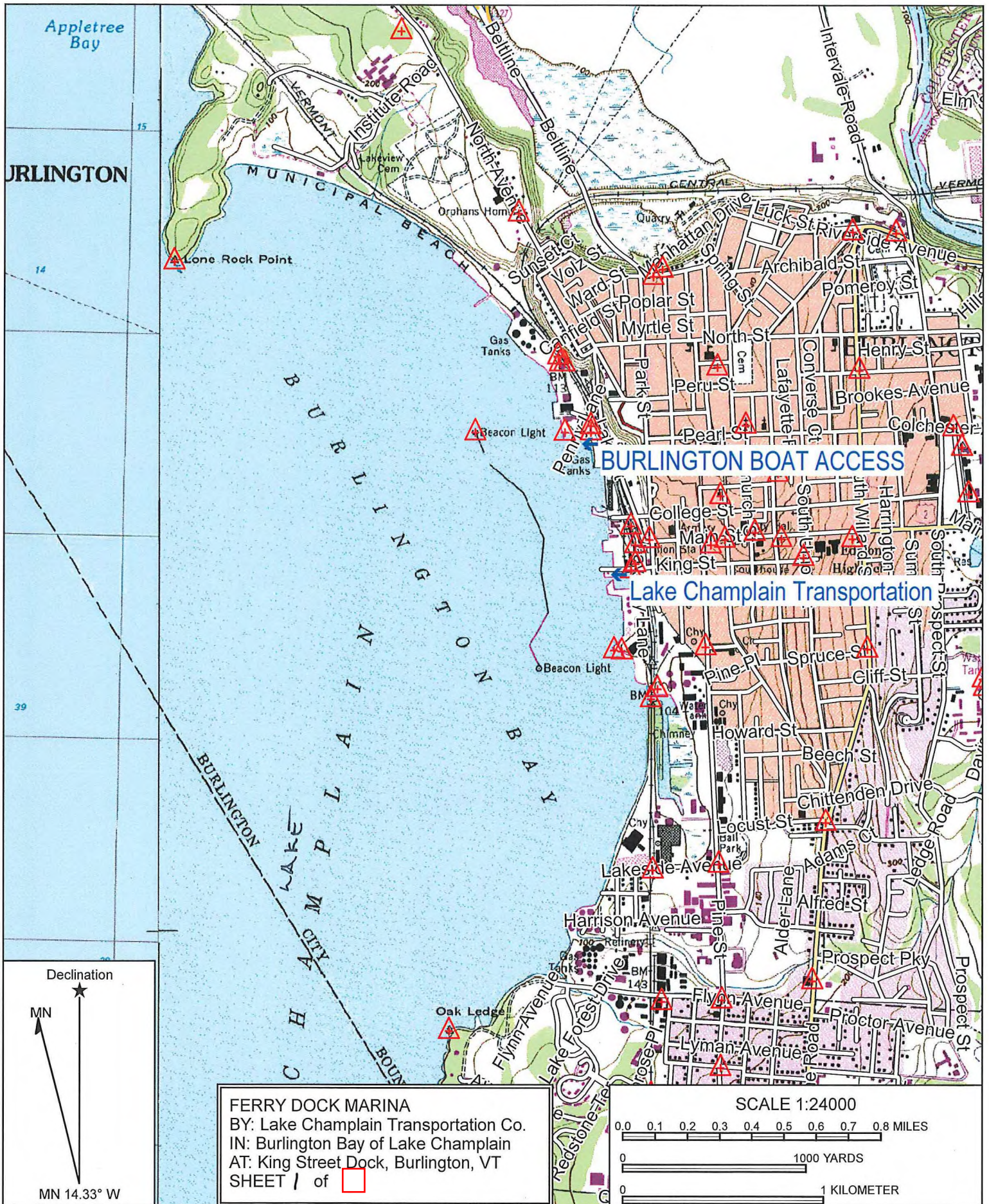
- a. **Expand and maintain the existing docking facility.** This will consist of replacing the existing floating main dock parallel to the west side of the bulkhead with a 12' wide, 138' long dock. Place and maintain a 6'-8' wide, 424' long floating main dock parallel to the bulkhead with three 5' wide, 40' long float and pile-supported fingers within the basin area. Place and maintain four floating docks with float and pile-supported fingers off the main docks. Dock "Alpha" will be 8' wide, 175' long with ten 4' wide, 20' long fingers. Dock "Bravo" will be 6' wide, 175' long with ten 4' wide, 24'-30' long fingers. Dock "Charlie" will be 6' wide, 261' long with twelve 4' wide, 26' long fingers. Dock "Delta" will be 6' wide, 380' long with seven 4' wide, 26' long and three 5' wide, 40' long fingers. Retain and maintain a 6' wide, 114' long floating dock with four 4' wide, 20' long float and pile-supported fingers and a 12' wide, 103' long floating service dock off the south side of the bulkhead. The docks will extend a maximum of 388' beyond the ordinary high water mark (OHW).
- b. **Reconfigure the existing ferry slips.** This will consist of removing 27 white oak piling dolphins (totaling 239 pilings). Place and maintain 6 white oak piling dolphins (totaling 30 pilings) and 15 steel pile dolphins (totaling 84 pilings) at the relocated ferry ramps.
- c. **Reconstruct the existing retaining wall.** This will consist of the repair of about 130 linear feet of wall in the southeast corner of the basin. About 198 cy of fill will be placed below OHW, and about 342 sq. ft. of lake bottom will be filled. About 107 sq. ft. of lake bottom will be restored by the work.
- d. **Maintenance dredging.** Perform maintenance dredging in an approximately 9,350 sq. ft. area within the basin to a depth of approximately 8 feet below the horizontal plane of mean low water. An estimated quantity of approximately 886 cubic yards of sand and silt will be removed by mechanical means. The dredged material will be disposed of at an upland, non-wetland location offsite.

The docks will be removed from the lake and stored on the upland during the non-boating season. The purpose of the project is to provide additional dockage for restaurant customers and transient boaters, and relocate ferry slips for easier and safer ferry dockage.

The work is described on the enclosed plans, in seven sheets, entitled "FERRY DOCK MARINA", "BOUNDARY PLAT", "EXISTING SITE PLAN", and "FERRY BERTH PLAN", dated "JULY 2018".

MITIGATION/ALTERNATIVES

The work involves the expansion and reconfiguration of an existing commercial marina and ferry slips in Burlington Bay of Lake Champlain. The project is water dependant. There are no practicable off-site alternatives. The only alternatives to the reconstruction of the bulkhead would be the "no-action" alternative. The "no-action" alternative does not allow the applicant to achieve the project purpose of providing improved shoreline protection of the site. Impacts of the project have been minimized to the maximum extent practicable. The Corps has determined that compensatory mitigation is not necessary.



Name: BURLINGTON
 Date: **JULY 2018**
 Scale: 1 inch = 2,000 ft.

Location: 44.472806° N, 73.229075° W
 Caption: <<Type caption here.>>

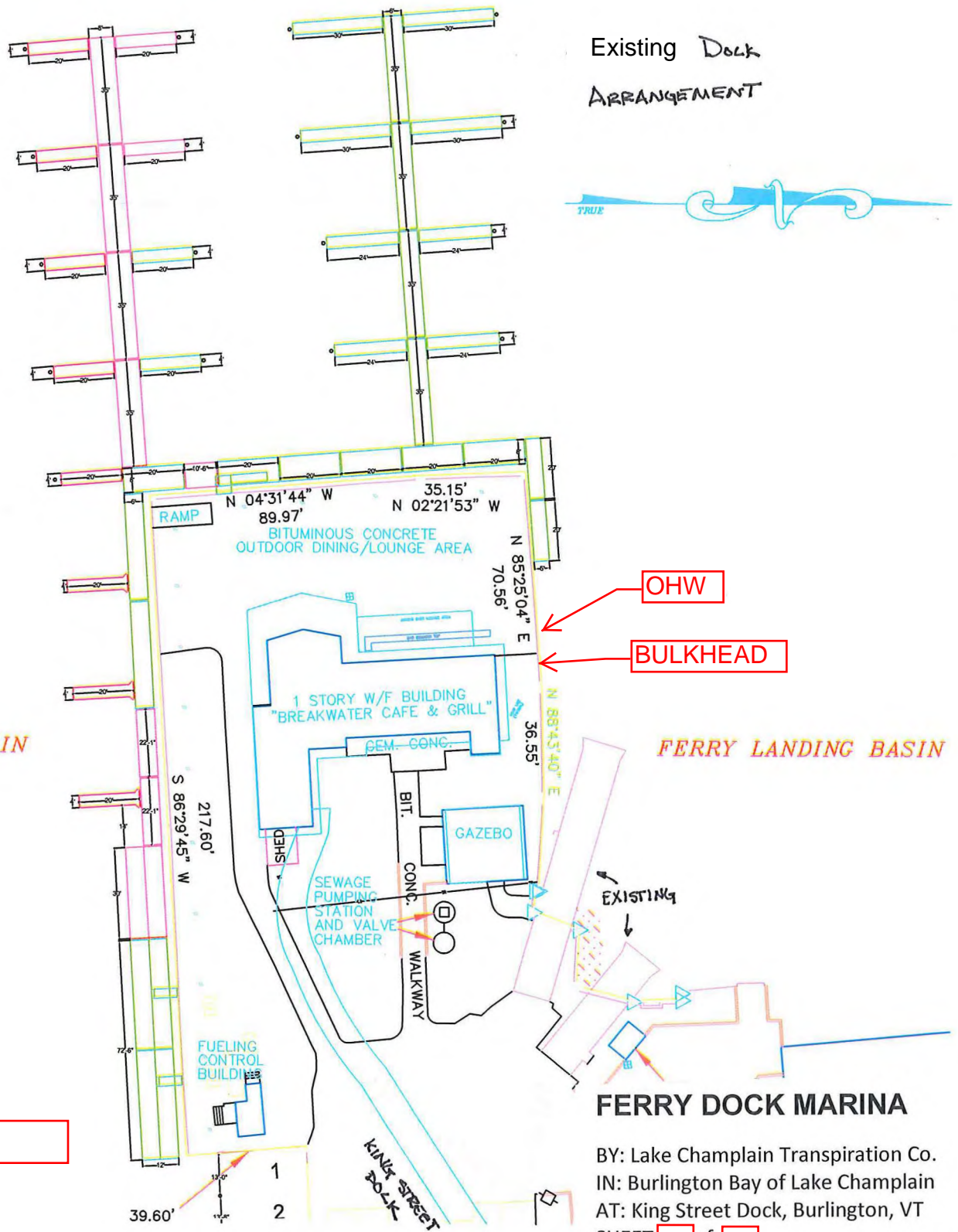
LAKE CHAMPLAIN

BURLINGTON BAY

GREEN DOCKS = EXISTING

MAGENTA DOCKS = PROPOSED 2017 INSTALL

RED DOCKS = LONG TERM PROPOSED DOCKS



Existing Dock
ARRANGEMENT



PERKINS PIER BASIN

FERRY LANDING BASIN

OHW

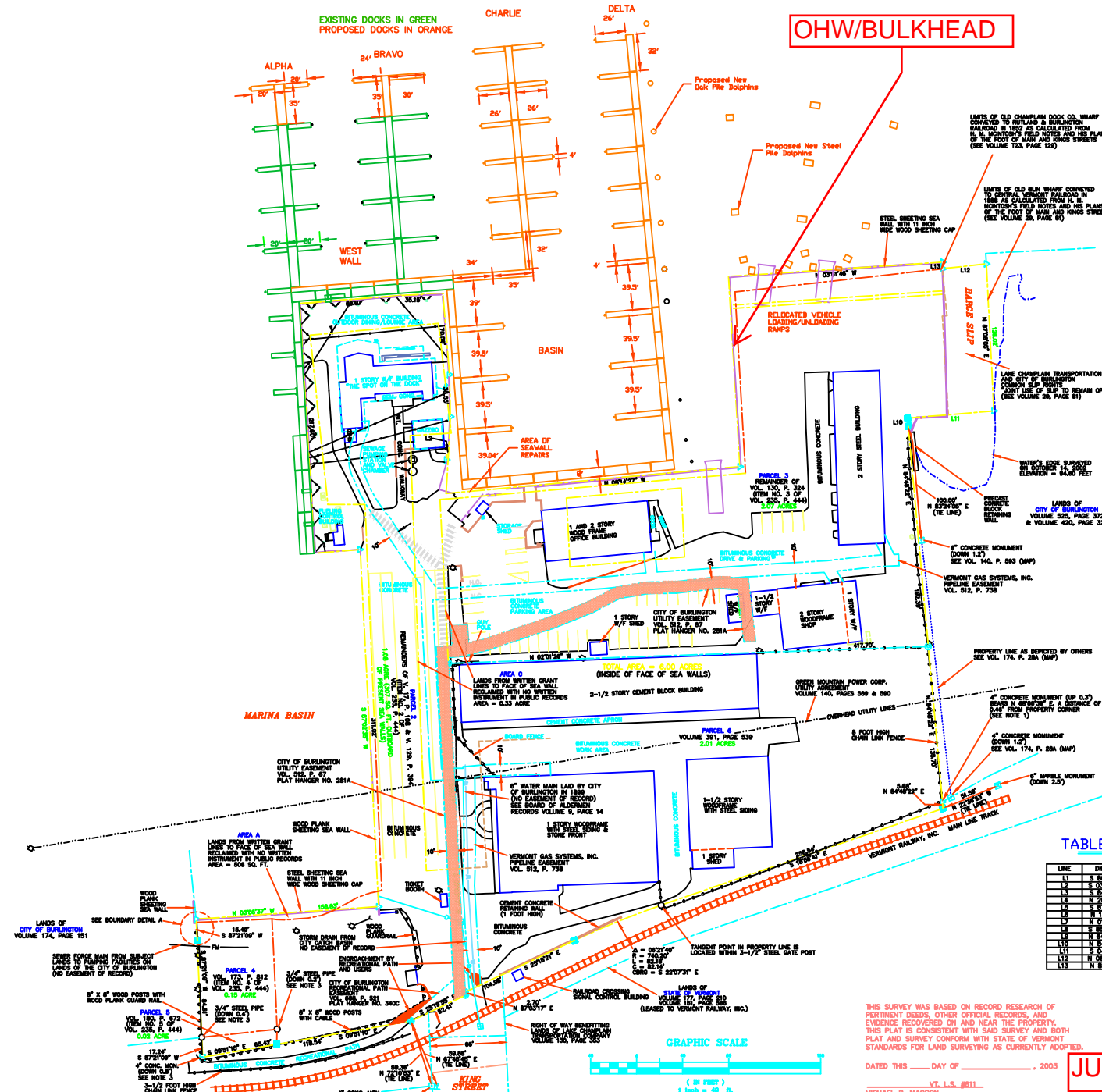
BULKHEAD

JULY 2018

FERRY DOCK MARINA

BY: Lake Champlain Transpiration Co.
 IN: Burlington Bay of Lake Champlain
 AT: King Street Dock, Burlington, VT
 SHEET of

LAKE CHAMPLAIN
BURLINGTON BAY



OHW/BULKHEAD

EXISTING DOCKS IN GREEN
PROPOSED DOCKS IN ORANGE

LIMITS OF OLD CHAMPLAIN DOCK CO. WHARF
CONVEYED TO RUTLAND RAILROAD IN 1893 AS CALCULATED FROM
MORTON'S FIELD NOTES AND THE PLANS
OF THE FOOT OF MAIN AND KING STREETS
(SEE VOLUME 124, PAGE 129)

LIMITS OF OLD WHARF CONVEYED
TO RUTLAND RAILROAD IN 1893 AS CALCULATED FROM
MORTON'S FIELD NOTES AND THE PLANS
OF THE FOOT OF MAIN AND KING STREETS
(SEE VOLUME 28, PAGE 8)

NOTES

- SEE RECORD OF SURVEY ENTITLED "BOUNDARY SURVEY LANDS OF AND LANDS TO BE CONVEYED TO THE CITY OF BURLINGTON COLLEGE STREET BURLINGTON, VERMONT" PREPARED BY HENES & LANSING CONSULTING ENGINEERS, INC. DATED MARCH 20, 1993 AND FILED IN PLAT NUMBER NO. 3008 OF THE BURLINGTON LAND RECORDS.
- SEE PLAN ENTITLED "PORTION OF PORTION OF EYE ESTATE PROPERTY OF CHAMPLAIN TRANSPORTATION CO. BURLINGTON, VT." DATED NOVEMBER 1879.
- SEE RECORD OF SURVEY ENTITLED "PROPERTY SURVEY FOR LAKE CHAMPLAIN TRANSPORTATION CO. BURLINGTON, VERMONT" PREPARED BY HARVELL ASSOC. INC. DATED MAY 1964 AND FILED IN VOLUME 176, PAGE 513 OF THE BURLINGTON LAND RECORDS.
- SEE RAILROAD LOCATION PLANS ENTITLED "STATION MAP-LANDS RUTLAND RAILROAD LOCATED BY THE RUTLAND RAILROAD COMPANY MAIN LINE FROM STATION 6380+00 TO STATION 6440+00" PREPARED BY THE OFFICE OF THE VALUATION ENGINEER DATED JUNE 30, 1917, RE-DATED JANUARY 1, 1964, SHEET VZ-2-10E AND FILED IN THE BURLINGTON CITY CLERK'S RECORDS.
- SEE PLAN ENTITLED "RUTLAND RAILROAD BURLINGTON, VT. LAND TO BE ACQUIRED OF CHAMPLAIN TRANSPORTATION CO." DATED MARCH 23, 1915.
- RAILROAD SIDING INFORMATION SHOWN HEREIN IS BASED ON THE ACTUAL LOCATION OF THE CENTER LINES OF KING AND BATTERY STREETS, REED DESCRIPTIONS OF SAID SIDING, AND REED DESCRIPTIONS OF THE INTERSECTING SUBJECT PROPERTY LINES, AND DIFFERS SLIGHTLY FROM DATA SHOWN ON RAILROAD LOCATION MAPS.
- KING STREET WAS DEDICATED BY THE PROPRIETORS OF THE TOWN OF BURLINGTON, EXTENDING TO THE WATERS OF LAKE CHAMPLAIN. A RESURVEY IN 1883 AFFIRMS THE WEST TERMINUS TO BE THE EDGE OF THE WATERS OF LAKE CHAMPLAIN. RECORDS OF ROADS VOLUME 1, PAGE 20, THE ARTIFICIAL LANDS LYING WEST OF THE TERMINUS OF KING STREET MAY BE SUBJECT TO AN EASEMENT FOR THE PUBLIC TO ACCESS NAVIGABLE WATERS.
- AFTER A FOUR YEAR LITIGATION CONCERNING ALLEGED OBSTRUCTIONS INTO THE AREA BETWEEN THE WESTERLY EXTENSION OF THE NORTH AND SOUTH SIDING OF KING STREET, BY CHAMPLAIN TRANSPORTATION CO. AND SHEPARD & HORSE LINDER CO., THE CITY, BY VOTE OF THE BOARD OF ALDERMEN ON FEBRUARY 1, 1904, DROPPED PROSECUTION AT THE MARCH TERM, 1904, OF THE CHITTENDEN COUNTY COURT, VIZ:
RESOLVED THAT THE ATTORNEYS EMPLOYED BY THE CITY TO ASSIST IN THE PROSECUTION AGAINST THE CHAMPLAIN TRANSPORTATION CO. AND SHEPARD & HORSE LINDER CO. BE INSTRUCTED TO ASK THE STATES ATTORNEY OF CHITTENDEN COUNTY TO ENTER A RES. PROCEED IN SAID MATTER AT THE PRESENT TERM OF THE CHITTENDEN COUNTY COURT, RESOLVED THAT IN VIEW OF THE RECENT DECISIONS TO THE CITY CLERK, AUTHORIZING THE CITY TO ACQUIRE AND MAINTAIN A PUBLIC DOCK ON THE LAKE FRONT OR AT THE FOOT OF CERTAIN STREETS, THAT THE FURTHER PROSECUTION OF THE CHAMPLAIN TRANSPORTATION CO. AND SHEPARD & HORSE LINDER CO. BE DISCONTINUED AT THE FURTHER ORDER OF THE COURT, AND THAT THE FURTHER EMPLOYMENT OF ATTORNEYS FOR THAT PURPOSE BE DISCONTINUED.
- SECTION 3.4.1 OF THE CITY OF BURLINGTON ZONING ORDINANCE DESCRIBES CERTAIN PROPOSED EASEMENTS AS FOLLOWS:
a. A pedestrian easement thirty (30) feet in width along the center line of Main Street extended to Lake Champlain west of the Union Station Building.
b. A water-front pedestrian easement fifty (50) feet in width, abutting the ordinary high water mark of Lake Champlain from Maple Street extended to College Street.
c. The following existing streets remain Maple and King streets and as extended to Lake Champlain.
d. Port Street created Port Street is a lane forty four (44) feet in width, located adjacent to and west of the old Rutland railway right-of-way and owned by the State of Vermont running between the King Street Dock and College Street.
THESE EASEMENTS WOULD ENCLOSE THE EASTERLY, NORTHERLY, AND WESTERLY PORTIONS OF THE SUBJECT LANDS IF SAID PROPOSED EASEMENTS WERE DEDICATED AND ACCEPTED BY THE CITY.
- THE BASIS OF BEARINGS WAS OBTAINED FROM THE RECORDS OF SURVEY CALLED FOR IN NOTE 1, ABOVE, AND IS REFERENCED TO TRUE NORTH.

LEGEND

- FOUND RAIL ROAD
- SET STEEL PIPE (6" OR 8" DIAMETER)
- FOUND STEEL PIPE (6" OR 8" DIAMETER) AS NOTED
- FOUND CONCRETE MONUMENT
- FOUND NOT RECORDED
- SET 4" X 4" CONCRETE MONUMENT
- SET RAILROAD SPIC IN ASPHALT
- UTILITY POLE AND SET VIRE ANCHOR
- PROPERTY LINE
- EASEMENT OR RIGHT-OF-WAY LINE
- OVERHEAD UTILITY LINE
- WATER MAIN
- SHOW FENCE MAIN
- CHAIN LINK FENCE
- QUARD RAIL
- AREA OF ENCROACHMENT
- CITY OF BURLINGTON UTILITY EASEMENT AREA
- WATERS OF LAKE NEAR SHORE

TABLE OF LINES

LINE	DIRECTION	DISTANCE
L1	S 88°42' E	30.61'
L2	S 89°00' E	7.00'
L3	S 89°00' E	1.00'
L4	S 89°00' E	1.00'
L5	S 89°00' E	1.00'
L6	S 89°00' E	1.00'
L7	S 89°00' E	1.00'
L8	S 89°00' E	1.00'
L9	S 89°00' E	1.00'
L10	S 89°00' E	1.00'
L11	S 89°00' E	1.00'
L12	S 89°00' E	1.00'
L13	S 89°00' E	1.00'
L14	S 89°00' E	1.00'
L15	S 89°00' E	1.00'

CITY CLERK'S OFFICE
RECEIVED _____ 2003, AT _____ M
AND RECORDED IN PLAT NUMBER # _____
OF BURLINGTON LAND RECORDS. ATTEST:
BRENDA KELLERER, CITY CLERK

REVISION _____ DATE _____

BOUNDARY PLAT

LANDS OF
LAKE CHAMPLAIN TRANSPORTATION COMPANY
KING STREET FERRY DOCK
BURLINGTON, VERMONT

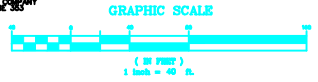
LAND LINES
J. R. HENES & LANSING
P. O. Box 43
Burlington, VT 05401
Tel. (802) 877-8246

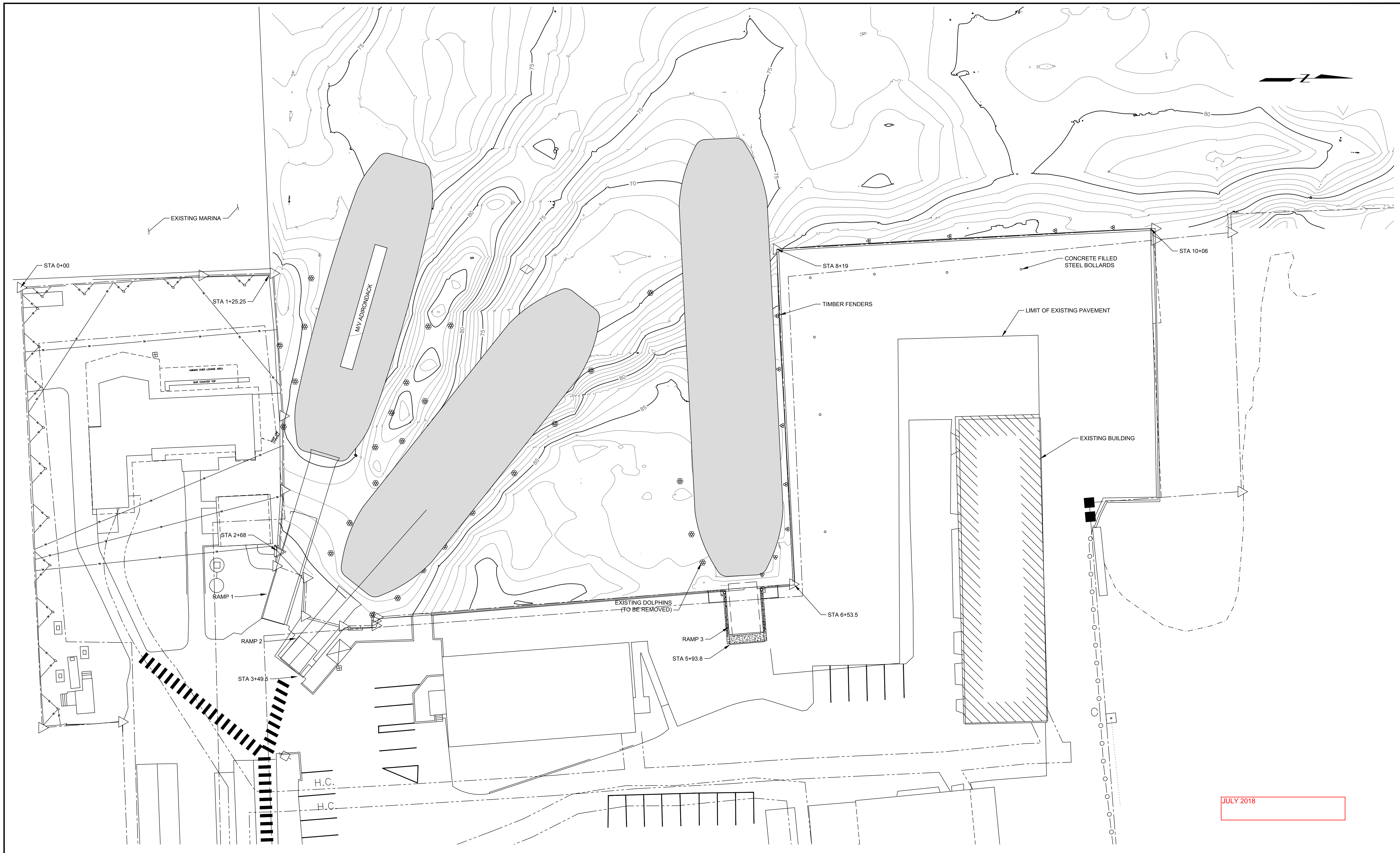
SOLD: 1 inch = 40 feet DATE: JUNE 19, 2003 DRAWING NO. 1

THIS SURVEY WAS BASED ON RECORD RESEARCH OF PERTINENT DEEDS, OTHER OFFICIAL RECORDS, AND EVIDENCE RECOVERED ON AND NEAR THE PROPERTY. THIS PLAT IS CONSISTENT WITH SAID SURVEY AND BOTH PLAT AND SURVEY CONFORM WITH STATE OF VERMONT STANDARDS FOR LAND SURVEYING AS CURRENTLY ADOPTED.

DATED THIS _____ DAY OF _____, 2003
VT. L.S. #611
MICHAEL R. MAGDON

JULY 2018





Attention:				
0				
NO.	DATE	ISSUE/REVISION	APP	

DRAFT

Designed:	-
Checked:	-
Drawn:	JSF
Submitted By:	-
P.E. Number:	-

Waterfront Division
GEI Consultants
 3 BENT STREET
 FRANKLIN, MA 02038
 (508)533-6666

Lake Champlain Transportation Company
 1 King Street
 Burlington, VT

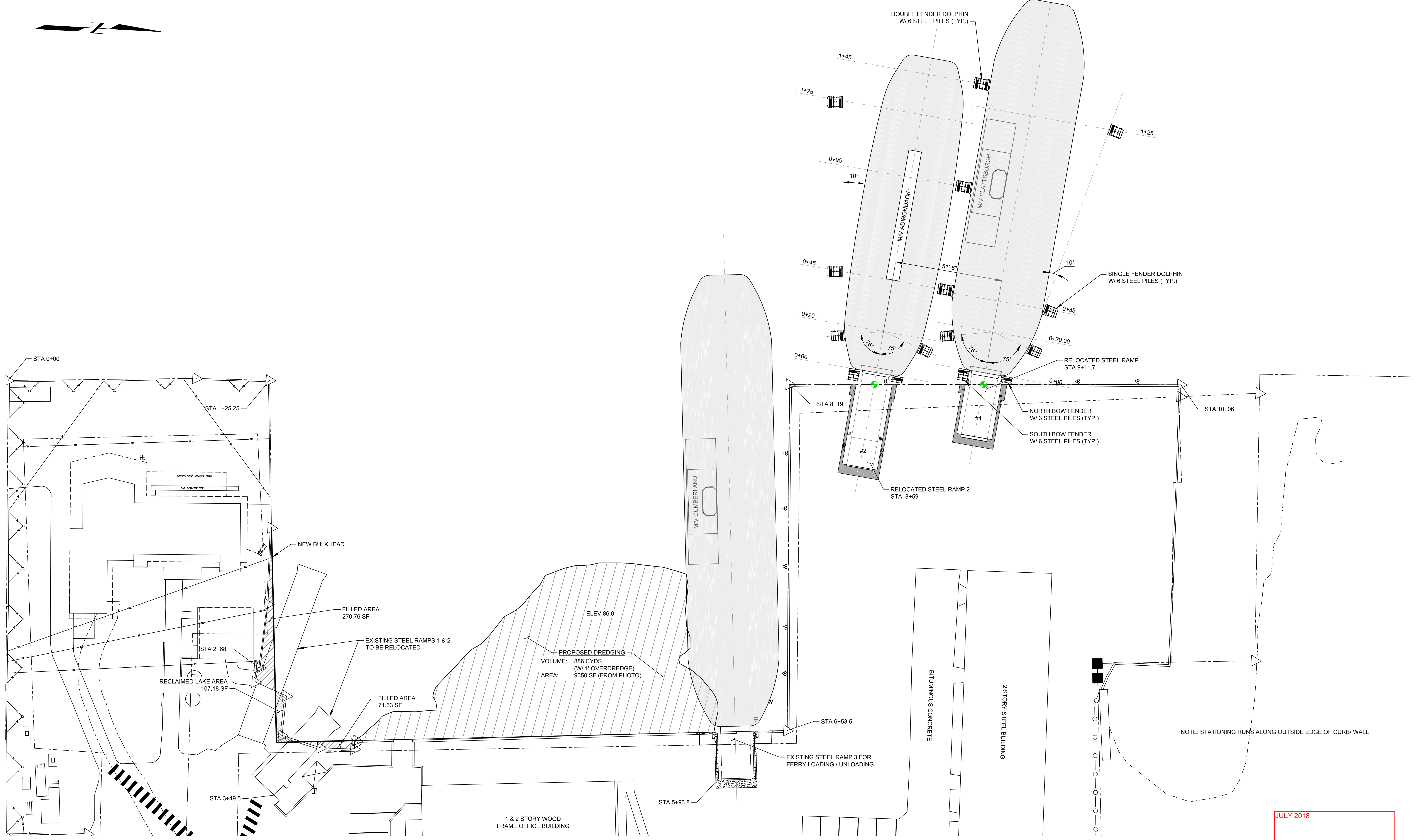
GEI Project 1801230

Burlington Marine Facility Modification
 Burlington, VT

EXISTING SITE PLAN

DWG. NO.
C-001

SHEET NO.
01 OF XX



Attention:			
NO.	DATE	ISSUE/REVISION	APP
0			

DRAFT

Designed:	-
Checked:	-
Drawn:	JSF
Submitted By:	-
P.E. Number:	-

Waterfront Division
GEI Consultants
 3 BENT STREET
 FRANKLIN, MA 02038
 (508)533-6666

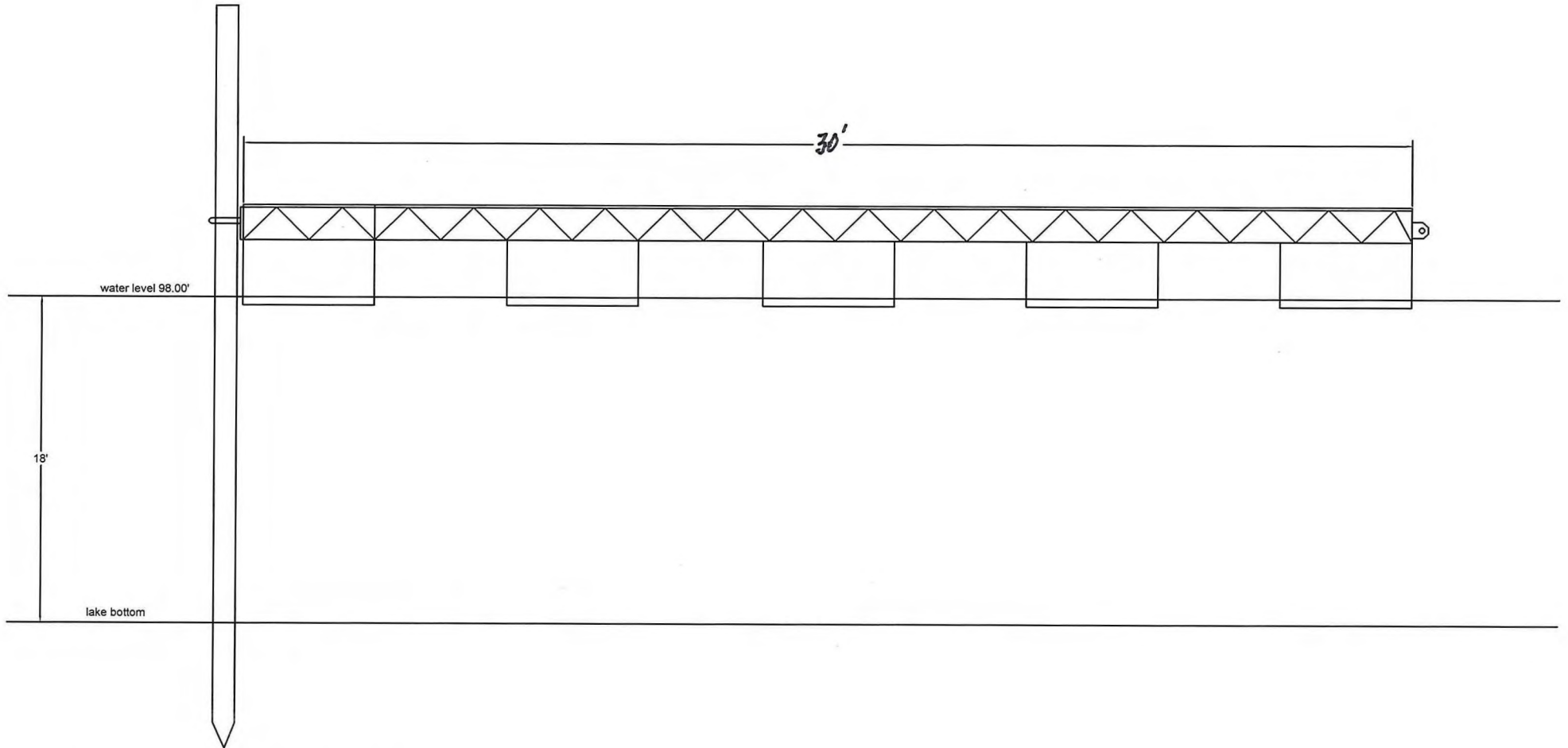
Lake Champlain
 Transportation Company
 1 King Street
 Burlington, VT

Burlington Marine Facility Modification
 Burlington, VT

FERRY BERTH PLAN

DWG. NO.
C-002
 SHEET NO.
02 OF XX

FLOAT + PILE - SUPPORTED FINGER



FERRY DOCK MARINA

BY: Lake Champlain Transpiration Co.
IN: Burlington Bay of Lake Champlain
AT: King Street Dock, Burlington, VT
SHEET of

JULY 2018