



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

# PUBLIC NOTICE

**Comment Period Begins: October 8, 2013**  
**Comment Period Ends: November 7, 2013**  
**File Number: NAE-2013-00163**  
**In Reply Refer To: Crystal I. Gardner**  
**Phone: (978) 318-8332**  
**E-mail: crystal.i.gardner@usace.army.mil**

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

## APPLICANT

Benjamin Chamberlin Realty LLC dba Bridge Marina, 179 Bridge Road, Salisbury, Massachusetts 01952

## ACTIVITY

Benjamin Chamberlin Realty LLC dba Bridge Marina has applied for authorization to expand their currently authorized marina and to establish a reconfiguration zone. A detailed description and plans of the activity are attached.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Merrimack River at 179 Bridge Road, Salisbury, Massachusetts 01952. The site coordinates are: Latitude N 42.81694 and Longitude W -70.87056.

## 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.

## 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 0.45 acres of Essential Fish Habitat (*EFH*) for Atlantic salmon (*Salmo salar*), Atlantic cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), pollock (*Pollachius virens*), whiting (*Merluccius bilinearis*), offshore hake (*Merluccius albidus*), red hake (*Urophycis chuss*), white hake (*Urophycis tenuis*), redfish (*Sebastes fasciatus*), witch flounder (*Glyptocephalus cynoglossus*), winter flounder (*Pleuronectes americanus*), windowpane flounder (*Scophthalmus aquosus*), yellowtail flounder (*Pleuronectes ferruginea*), American plaice (*Hippoglossoides platessoides*), ocean pout (*Macrozoarces americanus*), Atlantic halibut (*Hippoglossus hippoglossus*), Atlantic sea scallop (*Placopecten magellanicus*), Atlantic sea herring (*Clupea harengus*), monkfish (*Lophius americanus*), bluefish (*Pomatomus saltatrix*), long finned squid (*Loligo pealei*), short finned squid (*Illex illecebrosus*), Atlantic butterfish (*Peprilus triacanthus*), Atlantic mackerel (*Scomber scombrus*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristes striata*), surf clam (*Spisula solidissima*), ocean quahog (*Artica islandica*), spiny dogfish (*Squalus acanthias*) and tilefish (*Lopholatilus chamaeleonticeps*). This habitat consists of (*DESCRIBE SUBSTRATE*).

Loss of this habitat may adversely affect the species below and their life stages:

Species	Eggs	Larvae	Juveniles	Adults	Spawning Adults
Atlantic salmon ( <i>Salmo salar</i> )			F,M	F,M	
pollock ( <i>Pollachius virens</i> )	M	M	M		
whiting ( <i>Merluccius bilinearis</i> )	M				
white hake ( <i>Urophycis tenuis</i> )	M				
winter flounder ( <i>Pleuronectes americanus</i> )	M	M	M	M	M
yellowtail flounder ( <i>Pleuronectes ferruginea</i> )	S	S			
Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )	S	S	S	S	S

Atlantic mackerel ( <i>Scomber scombrus</i> )	M	M				
---	---	---	--	--	--	--

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 Officer(s)

## 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.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any 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:

- (X) Permit, License or Assent from State.
- (X) 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 Crystal Gardner at (978) 318-8332, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

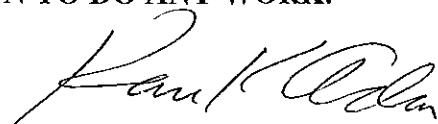
CENAE-R

FILE NO. NAE-20013-00163

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 Kirk 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: \_\_\_\_\_

## PROPOSED WORK AND PURPOSE

The work includes work in navigable waters for the construction and maintenance of two 8' x 60' floating docks, two 8' x 78' floating docks, an 8' x 100' floating dock, an 8' x 120' floating dock, two 8' x 300' floating dock systems, two 8' x 530' floating dock systems, four 6' x 33' floating docks and a 6' x 250' gangway. The new docks will add an additional 1,360 linear feet to what is currently authorized. The existing mooring field will be eliminated and some of the proposed docks will be installed in their place. The existing fuel dock will be moved to the outermost proposed dock. A reconfiguration zone will be established at N 3123076.8940 & E825390.5588, N 3122683.4270 & E 825136.2855, N 3122905.5843 & E 824655.0927 and N3123302.3507 & E 824915.7673.

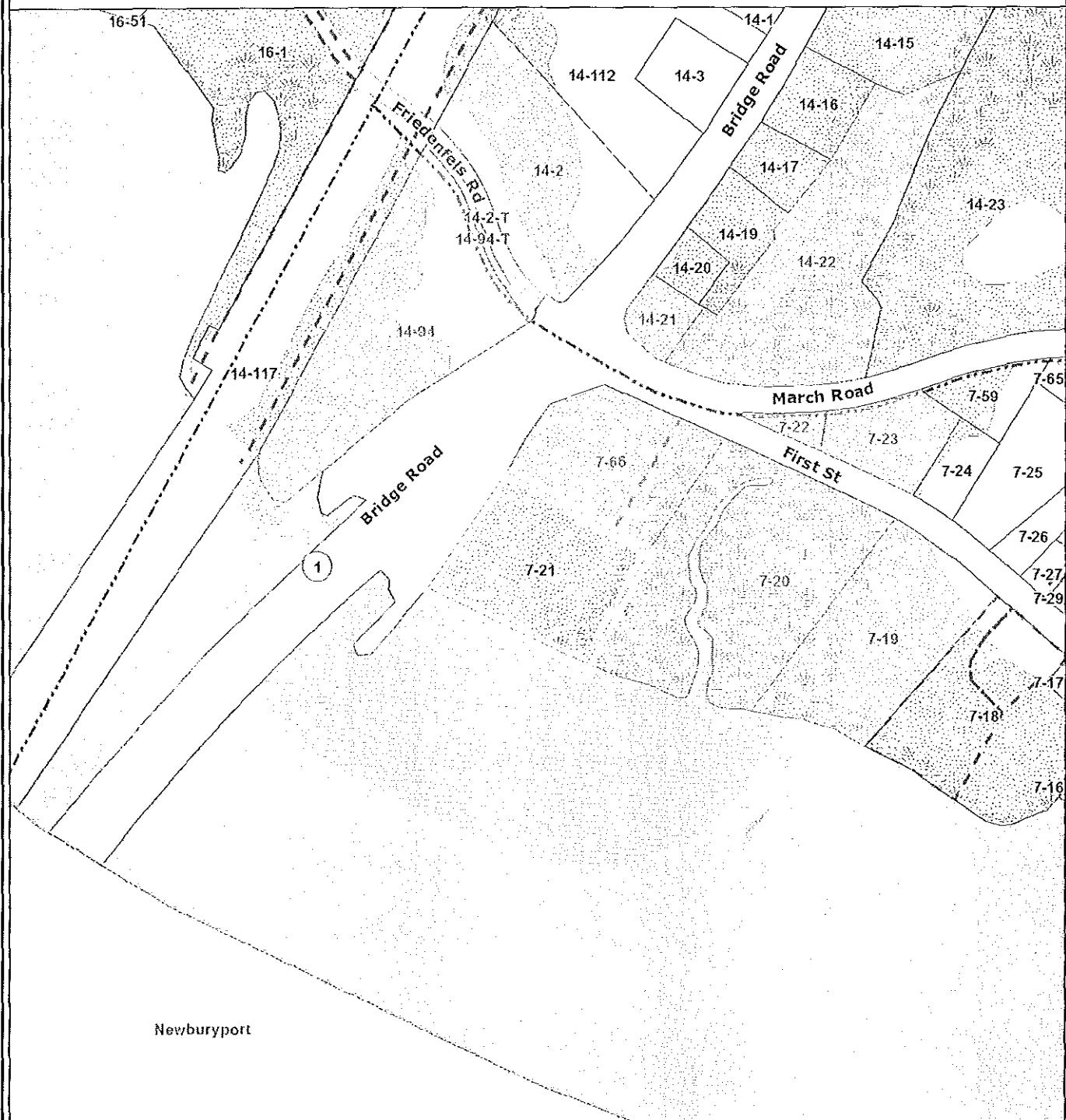
The work is described on the enclosed plans entitled "*EXISTING FLOAT SYSTEM PLAN BRIDGE MARINA (EAST), SALISBURY, MASSACHUSETTS*" and "*PROPOSED FLOAT SYSTEM RECONFIGURATION PLAN BRIDGE MARINA (EAST), SALISBURY, MASSACHUSETTS*" both on one sheet, and dated "*MAY 21, 2013*."

The purpose of this work is to provide additional dock space in order to meet the demand in the area.

Salisbury MIMAP

**179 BRIDGE ROAD - 300'**

May 24, 2013

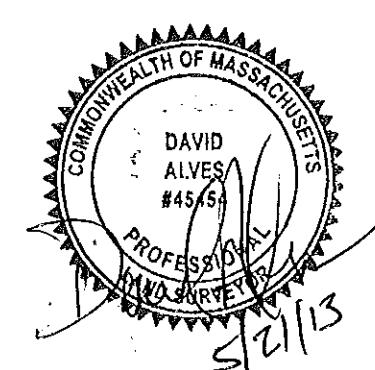
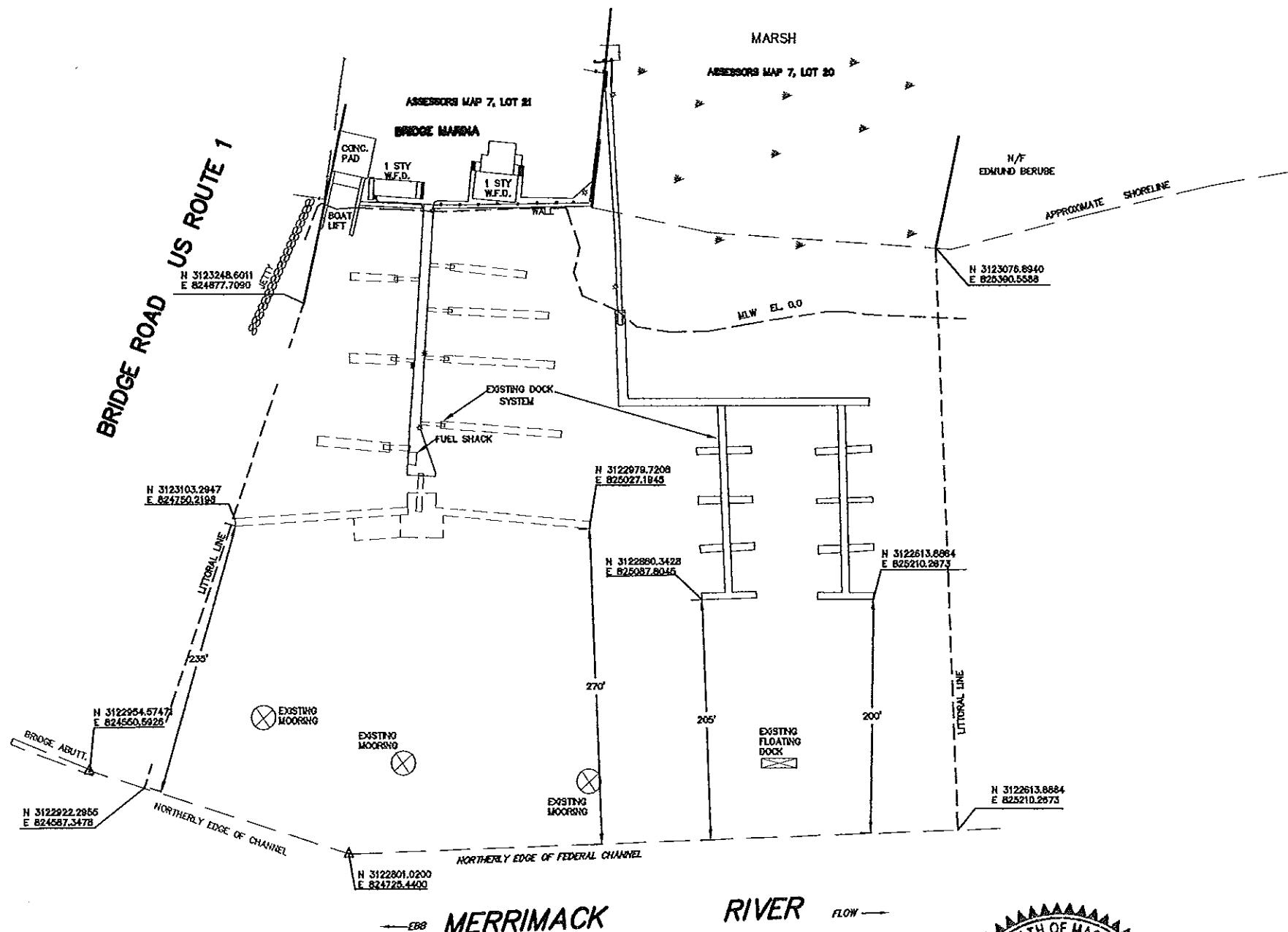
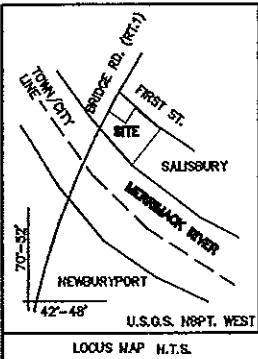


- NH Bound
- MVPC Boundary
- Salisbury Boundary
- Parcels
- Trails
- Easements
- Hydrographic Features
- Streams
- Floodplain
  - 100 Year Floodplain
  - 500 Year Floodplain
- Wetlands
- Exempt Lands

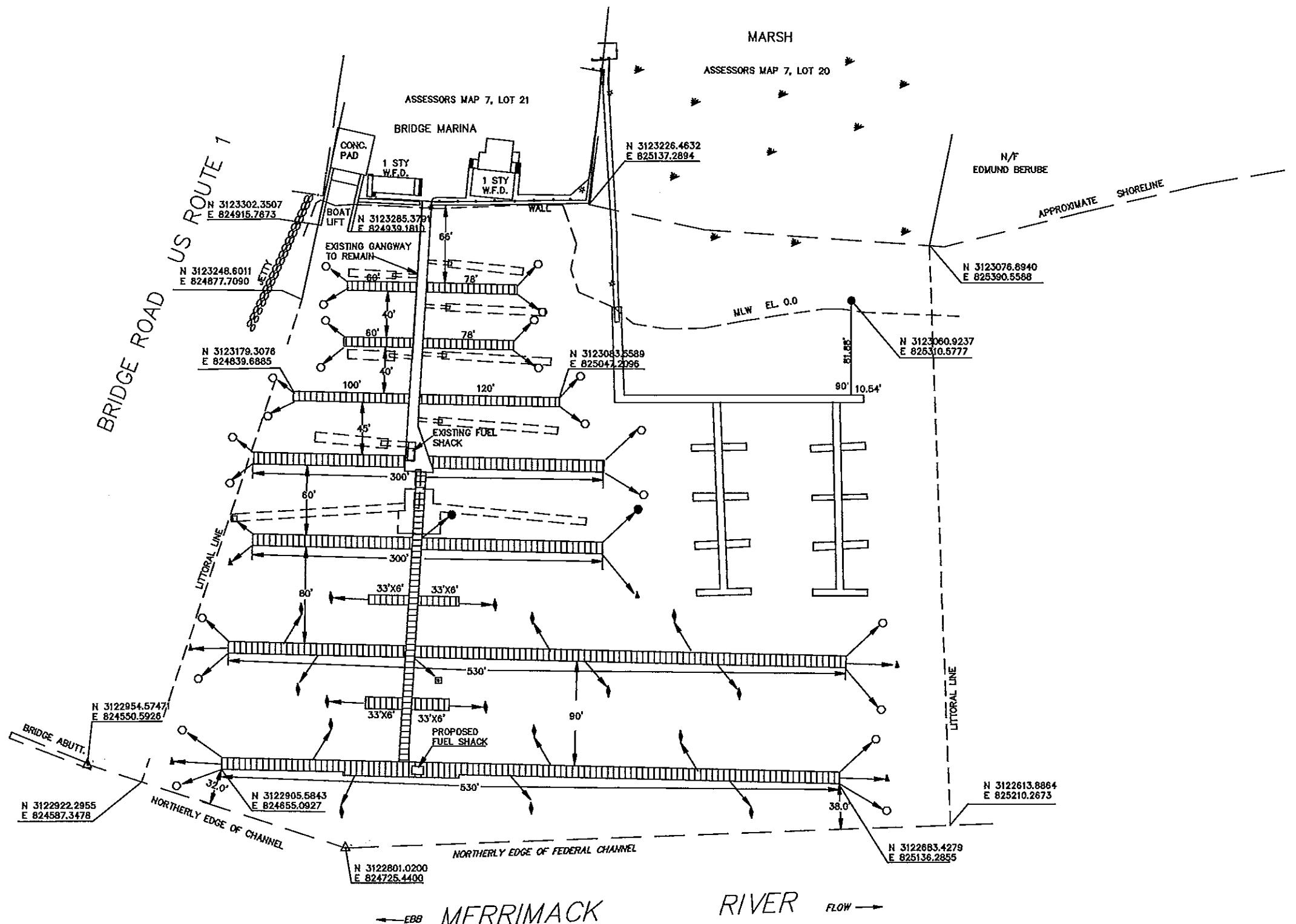
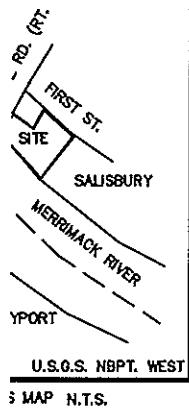
1" = 208 ft



Horizontal Datum: MA StatePlane Coordinate System, Datum NAD83, Meters. Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Salisbury. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE TOWN OF SALISBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF SALISBURY DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.



EXISTING FLOAT SYSTEM PLAN BRIDGE MARINA (EAST) SALISBURY, MASSACHUSETTS PREPARED FOR MARK AUDETTE		
SCALE: 1"=120' MAY 21, 2013		
WAYPOINT SURVEYING SERVICES 141 BRIDGE ROAD SUITE 202-5 SALISBURY, MA. 01952 (978) 505-6261		
REVISIONS	SHEET #	CHECKED BY:
SZ 1/13	1 of 1	D.A.
DRAWN BY: D.A.	FILE #: WPT 1040	DESIGN BY: D.A.



PROPOSED FLOAT SYSTEM RECONFIGURAT PLAN		
BRIDGE MARINA (EAST) SALISBURY, MASSACHUSETTS		
PREPARED FOR MARK AUDETTE		
SCALE: 1"=120' MAY		
WAYPOINT SURVEYING SERVICES 141 BRIDGE ROAD SUITE 202-1 SALISBURY, MA 01952 (978) 505-5261		
REVISIONS	DRAWN BY: D.A.	SHEET #: 1 of 1
CHECKED BY: D.A.		