



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

PUBLIC NOTICE

Comment Period Begins: 10 December 2013
Comment Period Ends: 10 January 2014
File Number: NAE-2013-02315
In Reply Refer To: Richard Kristoff
Phone: (978) 318-8171
E-mail: Richard.C.Kristoff@usace.army.mil

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

APPLICANT

Dan Horn
Marine & Environmental Affairs Division
Town of Barnstable
1189 Phinney's Lane
Centerville, Massachusetts 02632

ACTIVITY

To establish a reconfiguration zone around the Town Marina located off of Freezer Road in Barnstable, Massachusetts within Barnstable Inner Harbor. The reconfiguration zone will allow the Town to configure floats in different layouts to best suit current needs. The total expected amount of vessels to moor at the docking facility is 100. The zone will be within the coordinates:

Northing	Easting
2720270.04	984179.99
2720258.53	984174.38
2720270.91	984149.00
2719986.00	984008.00
2719814.40	984026.62
2719786.86	983994.47
2719845.58	983822.44
2720217.07	983928.72
2720189.02	984034.76
2720237.67	984059.06
2720290.36	984046.06
2720344.72	984065.20
2720347.75	984111.37
2720367.21	984114.45
2720375.10	984173.20
2720286.55	984152.64

Additionally, six 12 inch diameter guide piles will be installed.

CENAE-R
FILE NO. NAE-2013-02315

The work is described on the enclosed plans entitled "PROPOSED TOWN MARINA FACILITY RECONFIGURATION ZONE INNER HARBOR IN BARNSTABLE, MA" on 4 sheets, dated "OCT. 2, 2013" with sheets 2 and 3 having a revision date of "DEC. 2, 2013" and sheet 4 having a revision date of "NOV. 25, 2013."

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Barnstable Inner Harbor off of Freezer Road, Barnstable, Massachusetts. The site coordinates are: Latitude N 41° 42' 19" Longitude W 70° 18' 0".

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 4.72 square feet, due to installing new piles, of Essential Fish Habitat (EFH) for Atlantic cod (Eggs, Larvae, Juveniles, and Adults), haddock (Eggs and Larvae), pollock (Larvae, Juveniles, and Adults), whiting (Eggs, Larvae, Juveniles, and Adults), red hake (Eggs, Larvae, Juveniles, and Adults), white hake (Eggs, Larvae, Juveniles, and Adults), winter flounder (Eggs, Larvae, Juveniles, and Adults), yellowtail flounder (Eggs, Larvae, Juveniles, and Adults), windowpane flounder (Eggs, Larvae, Juveniles, and Adults),

Larvae, Juveniles, and Adults), Atlantic sea scallop (Eggs, Larvae, Juveniles, and Adults), Atlantic sea herring (Eggs, Larvae, Juveniles, and Adults), monkfish (Eggs and Larvae), bluefish (Juveniles and Adults), long finned squid (Juveniles and Adults), short finned squid (Juveniles and Adults), Atlantic Butterfish (Eggs, Larvae, Juveniles, and Adults), Atlantic mackerel (Eggs, Larvae, Juveniles, and Adults), summer flounder (Adults), scup (Juveniles and Adults), black sea bass (Juveniles and Adults), spiny dogfish (Juveniles and Adults), bluefin tuna (Juveniles and Adults). This habitat consists of a varying substrate type of sand to silty fines. Loss of this habitat may adversely affect the listed 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 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.
- () Permit from Local Wetland Agency or Conservation Commission.
- () Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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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 Richard Kristoff at (978) 318-8171, (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.

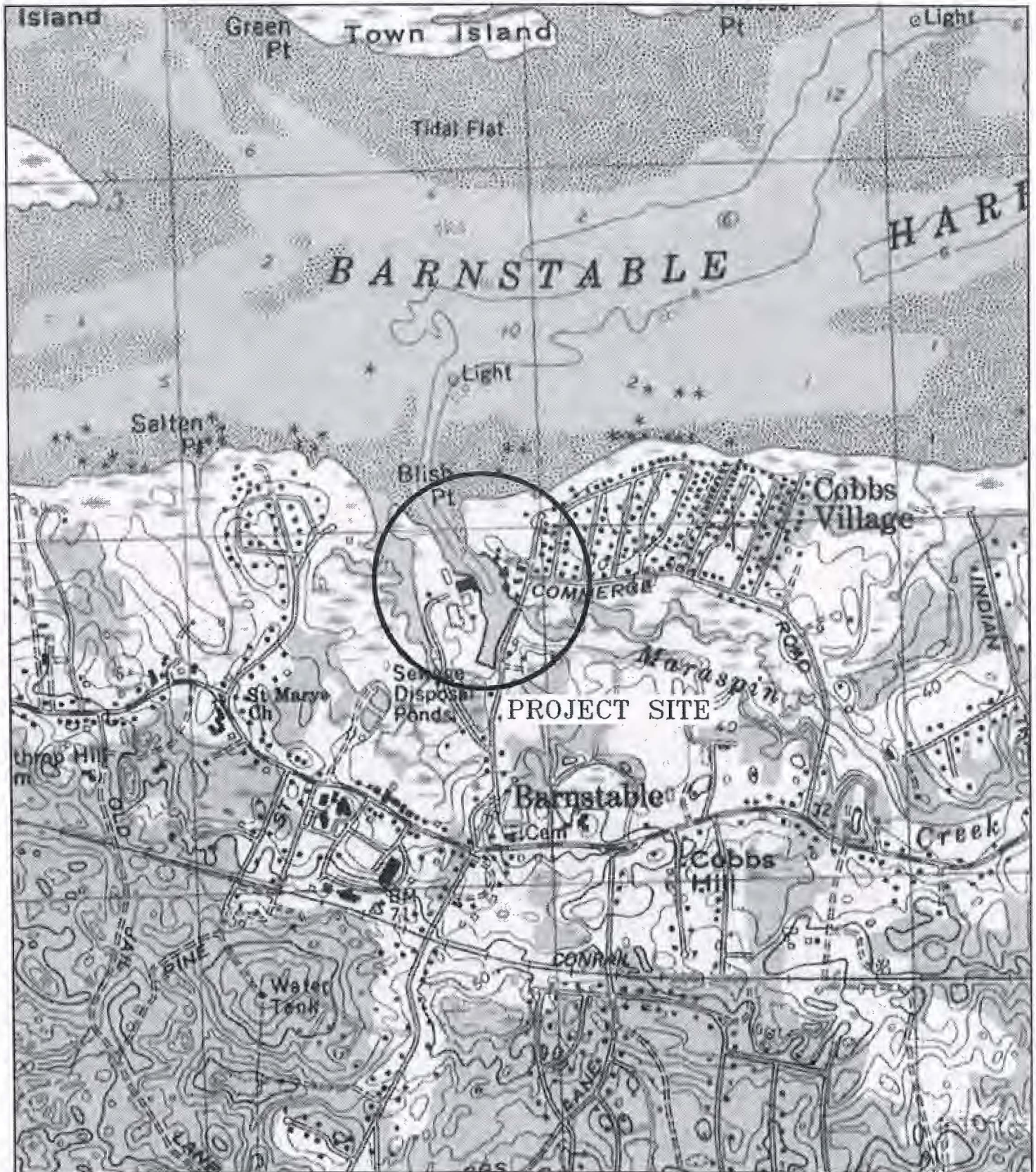
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



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. 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: _____



TO LICENSE AND MAINTAIN A RECONFIGURATION ZONE AT EXISTING TOWN MARINA TO IMPROVE ACCESS TO NAVIGABLE WATERS.

DATUM: MLW = 0.0
 MHW = 9.5'
 HTL = 12.4'

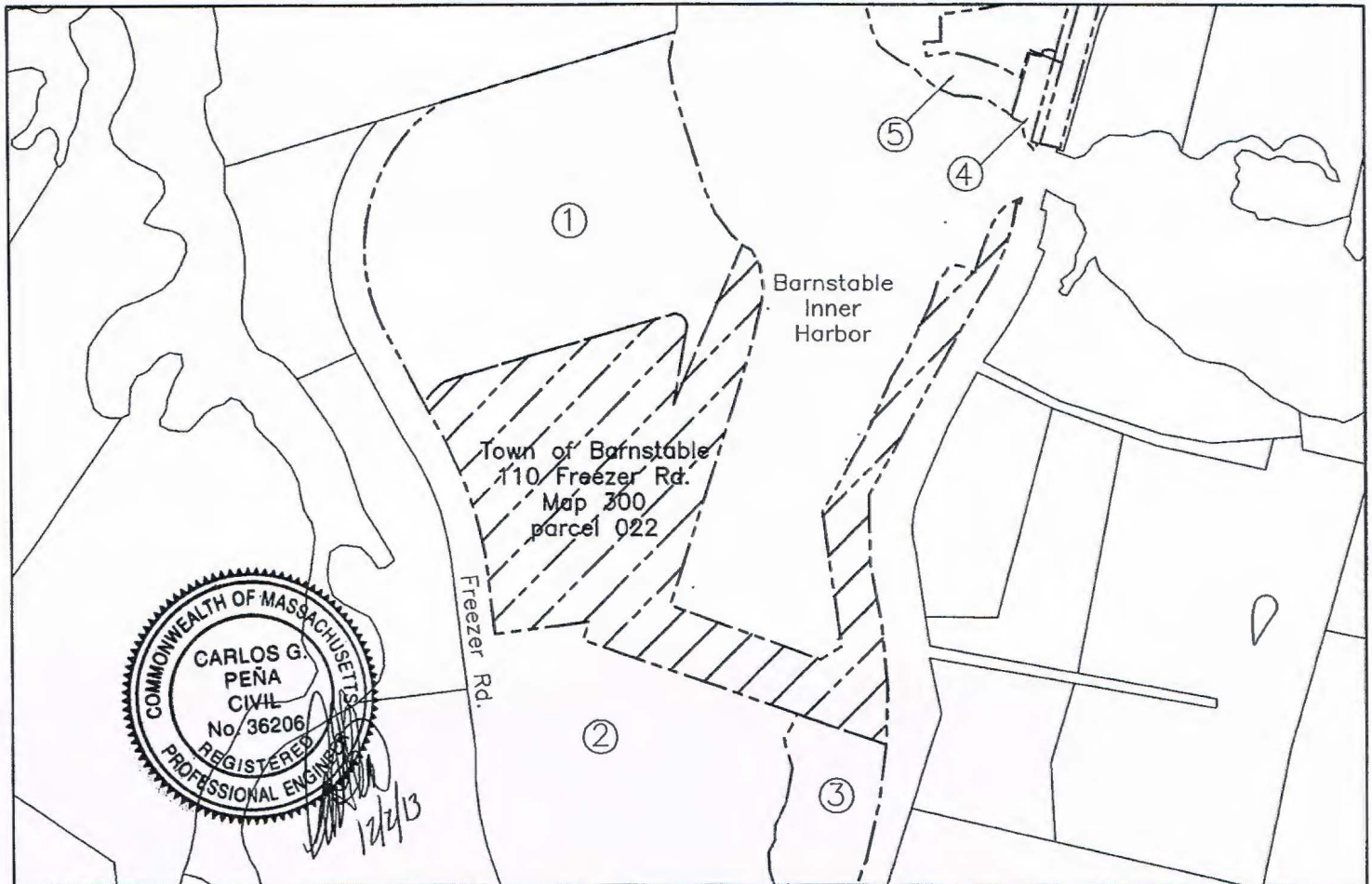
CLE ENGINEERING, INC.
 15 CREEK RD. MARION, MA 02738

VICINITY MAP
 USGS BARNSTABLE
 QUAD SHEET
 SCALE: 1"=2300'

PROPOSED TOWN MARINA FACILITY
 RECONFIGURATION ZONE
 INNER HARBOR IN BARNSTABLE, MA

AT: 110 FREEZER ROAD/MILLWAY ROAD
 COUNTY OF: BARNSTABLE
 APPLICATION BY: TOWN OF BARNSTABLE

DATE: OCT. 2, 2013 SHEET 1 OF 4

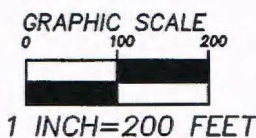


PROPERTY #	MAP/PARCEL/LOCATION	OWNER/ADDRESS
①	Map 300 Parcel 021 126 Freezer Rd.	Barnstable Marine Service, Inc. P.O. Box 366 Barnstable, MA 02630
②	Map 300 Parcel 023001 72 Freezer Rd.	Karen and Brian Hickey 72 Freezer Rd. Barnstable, MA 02630
③	Map 300 Parcel 024 149 Millway Rd.	149 Millway RE Trust P.O. Box 197 Barnstable, MA 02630
④	Map 300 Parcel 025 243 Millway Rd.	Marlu LLC P.O. Box 605 Barnstable, MA 02630
⑤	Map 301 Parcel 026 253 Millway Rd.	Millway Marina, Inc. P.O. Box 322 Barnstable, MA 02630

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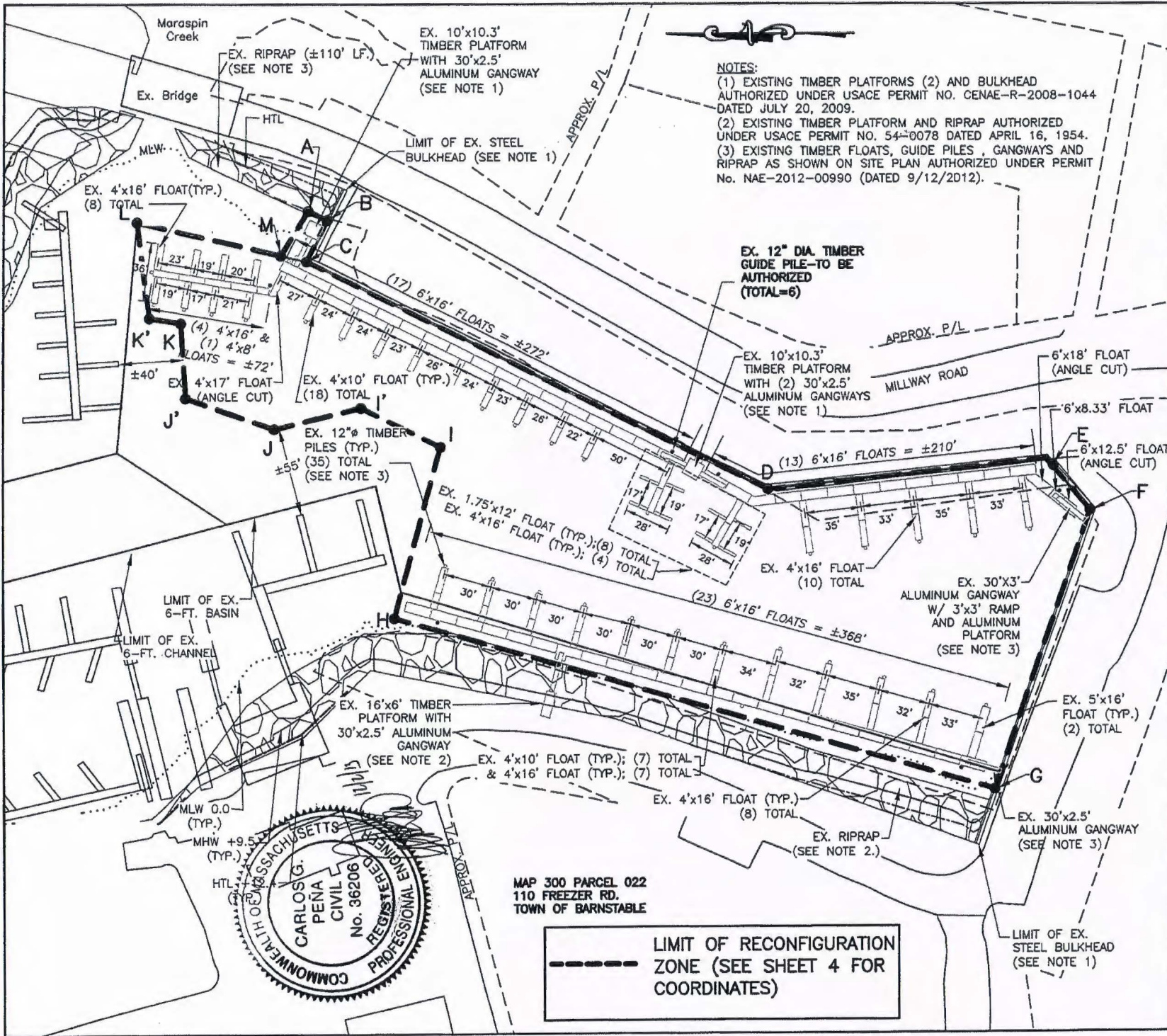
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**SITE PLAN
 ABUTTING PROPERTIES**



PROPOSED TOWN MARINA FACILITY
 RECONFIGURATION ZONE
 INNER HARBOR IN BARNSTABLE, MA

AT: 110 FREEZER ROAD/MILLWAY ROAD
 COUNTY OF: BARNSTABLE
 APPLICATION BY: TOWN OF BARNSTABLE
 REV.: DEC. 2, 2013
 DATE: OCT. 2, 2013 SHEET 2 OF 4



NOTES:
 (1) EXISTING TIMBER PLATFORMS (2) AND BULKHEAD AUTHORIZED UNDER USAGE PERMIT NO. CENAE-R-2008-1044 DATED JULY 20, 2009.
 (2) EXISTING TIMBER PLATFORM AND RIPRAP AUTHORIZED UNDER USAGE PERMIT NO. 54-0078 DATED APRIL 16, 1954.
 (3) EXISTING TIMBER FLOATS, GUIDE PILES, GANGWAYS AND RIPRAP AS SHOWN ON SITE PLAN AUTHORIZED UNDER PERMIT NO. NAE-2012-00990 (DATED 9/12/2012).

PROPOSED TOWN MARINA FACILITY RECONFIGURATION ZONE
 INNER HARBOR IN BARNSTABLE, MA

SITE PLAN EXISTING TOWN MARINA WITH PROPOSED RECONFIGURATION ZONE

TO LICENSE AND MAINTAIN A RECONFIGURATION ZONE AT EXISTING TOWN MARINA TO IMPROVE ACCESS TO NAVIGABLE WATERS.

AT: 110 FREEZER ROAD/MILLWAY ROAD
 COUNTY OF: BARNSTABLE
 APPLICATION BY: TOWN OF BARNSTABLE
 REV: DEC. 2, 2013
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MAP 300 PARCEL 022
 110 FREEZER RD.
 TOWN OF BARNSTABLE

LIMIT OF RECONFIGURATION ZONE (SEE SHEET 4 FOR COORDINATES)

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 15 CREEK RD. MARION, MA 02738

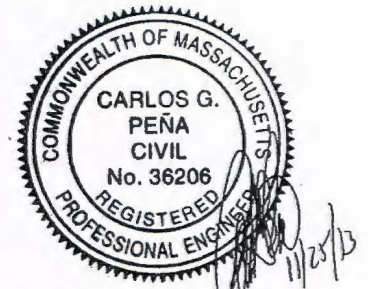
RECONFIGURATION ZONE COORDINATES

Location	MA State Plane Coordinates		Geographic Coordinates	
	Northing	Easting	Latitude (North)	Longitude (West)
A	2720270.04	984179.99	41° 42' 22.275"	70° 17' 55.464"
B	2720258.53	984174.38	41° 42' 22.162"	70° 17' 55.540"
C	2720270.91	984149.00	41° 42' 22.288"	70° 17' 55.872"
D	2719986.00	984008.00	41° 42' 19.493"	70° 17' 57.784"
E	2719814.40	984026.62	41° 42' 17.796"	70° 17' 57.571"
F	2719786.86	983994.47	41° 42' 17.528"	70° 17' 57.999"
G	2719845.58	983822.44	41° 42' 18.131"	70° 18' 00.256"
H	2720217.07	983928.72	41° 42' 21.786"	70° 17' 58.786"
I	2720189.06	984034.76	41° 42' 21.495"	70° 17' 57.393"
I'	2720237.67	984059.06	41° 42' 21.972"	70° 17' 57.065"
J	2720290.36	984046.06	41° 42' 22.494"	70° 17' 57.226"
J'	2720344.72	984065.20	41° 42' 23.028"	70° 17' 56.963"
K	2720347.75	984111.37	41° 42' 23.052"	70° 17' 56.354"
K'	2720367.21	984114.45	41° 42' 23.244"	70° 17' 56.310"
L	2720375.10	984173.20	41° 42' 23.314"	70° 17' 55.534"
M	2720286.55	984152.64	41° 42' 22.442"	70° 17' 55.821"

DATUM CHART

HTL	12.4'
MHW	9.5'
NAVD 88	5.62'
NGVD 29	4.75'
MLW	0.0'

(N.T.S)



GENERAL NOTES:

1. VERTICAL DATUM: MEAN LOW WATER (MLW) = 0.0
2. HORIZONTAL POSITIONING IS PROVIDED IN NAD83 MA STATE PLANE AND GEOGRAPHIC COORDINATES. VERTICAL DATUM SHIFT BETWEEN NGVD29 AND MLW IS 4.75', PROVIDED BY TOWN OF BARNSTABLE SURVEY DEPARTMENT.
3. PARCEL LINES, SITE FEATURES, AND TOPOGRAPHY FROM TOWN OF BARNSTABLE GIS AERIAL DATA DATED APRIL 2008. SUPPLEMENTAL TOPOGRAPHIC DATA AND LIMITS OF RIP RAP AND TOWN FLOATS FROM CLE SURVEY DATED 3/30/12 & 5/18/12.

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GENERAL NOTES

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SHEET 4 OF 4