



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

PUBLIC NOTICE

Comment Period Begins: 11 August 2015
Comment Period Ends: 11 September 2015
File Number: NAE 2013-981
In Reply Refer To: Mr. Brian E. Valiton
Phone: (978) 318-8166
E-mail: brian.e.valiton@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Crocker's Boat Yard, 15 Ashland Avenue, Manchester, Massachusetts 01944. This existing and proposed work is in Manchester Inner Harbor at 15 Ashland Avenue, Manchester, Massachusetts. The site coordinates are: Latitude 42° 34' 21.50" N Longitude 70° 46' 21.75" W.

The work involves the relocation/reconfiguration of 2,160 sq. ft. of existing pile-anchored permanent floats, the addition of 864 sq. ft. of new permanent pile-anchored floats, the relocation of the existing gangway, the addition of 1,152 sq. ft. of new bottom-anchored seasonal floats, the retention of 144 sq. ft. of existing unauthorized floating docks, the retention of six (6) 12" pilings, the retention of 6 existing unauthorized moorings, and the establishment of a reconfiguration zone around the existing marina structures. This work is part of the expansion of a long standing commercial marina operation in Manchester Inner Harbor. A portion of the marina docking facilities, some of the existing moorings, and a portion of the proposed reconfiguration zone extends into the Town of Manchester mooring basin 'C'. The dredging of that basin is the subject of a separate dredging application now before the Corps submitted by the Town (application file no. NAE 2012-322). This application by Crocker's does not involve any proposed dredging.

There are also other private applications for dredging and other structures in nearby areas of Manchester Inner Harbor by other applicants that have been submitted and are being considered at the same time. Those other applications that require an individual public notice are also the subject of separate notices being issued on this date. Three of those other private residential dredging and dock retention activities are being processed simultaneously under our General Permit procedures since we feel that the activities meet the requirements of the General Permit.

The work is shown on the attached plans entitled "PLAN ACCOMPANYING PETITION OF: CROCKER'S BOATYARD 15 ASHLAND AVE. MANCHESTER, MA 01944 TO AUTHORIZE AND MAINTAIN PILE SUPPORTED FLOATS AND GANGWAY, RECONFIGURATION ZONE & EXISTING COMMERCIAL MOORINGS MANCHESTER HARBOR ESSEX COUNTY, MASSACHUSETTS," on 8 sheets, and dated "6/05/15."

For this application, since this is just for adding new structures and retaining existing structures and establishing a reconfiguration zone there is no substantial aquatic resource impact requiring mitigation.

Two of the existing moorings are in an area containing eelgrass but the moorings are conservation moorings so there is no impact to the eelgrass. The anchors for other 4 moorings consist of concrete mooring blocks and chain in an area where there is no submerged aquatic vegetation. These 4 moorings are in the Town's mooring basin 'C'. So there are only minimal aquatic resource impacts from these moorings and no mitigation is 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 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 4320 sq. ft. of Essential Fish Habitat (EFH) for American plaice (eggs, larvae, juveniles, adults), Atlantic butterfish (eggs, larvae), Atlantic cod (eggs, larvae, juveniles, adults), Atlantic halibut (eggs, larvae, juveniles, adults), Atlantic mackerel (eggs, larvae, juveniles, adults), Atlantic sea herring (larvae, juveniles, adults), bluefish (juveniles, adults), haddock (eggs, larvae), Ocean pout (juveniles, adults), Pollock (eggs, larvae, juveniles), red hake (larvae, juveniles, adults), White Hake (eggs, larvae, juveniles, adults), whiting (eggs, larvae, juveniles, adults), winter flounder (eggs, larvae, juveniles, adults), windowpane flounder (eggs, larvae, juveniles, adults), and yellowtail flounder (eggs, larvae, juveniles, adults). This habitat consists of silty and sandy bottom areas. Loss of this habitat may adversely affect winter flounder and prey species utilized by other species. However, as discussed above because of the minimal impacts to EFH resources no mitigation is being proposed and 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.

COASTAL ZONE MANAGEMENT

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:

- 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 Mr. Brian Valiton at (978) 318-8166, (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.

CENAE-R
FILE NO. NAE-2013-981

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.



Kevin R. Kotelly, P.E.
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.

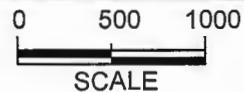
NAME: _____

ADDRESS: _____

PHONE: _____



LOCUS MAP
SCALE 1"=1000'



SHEET 1 OF 8

DATE: 06/05/15

PLAN ACCOMPANYING PETITION OF:
CROCKER'S BOATYARD
15 ASHLAND AVE. MANCHESTER, MA, 01944

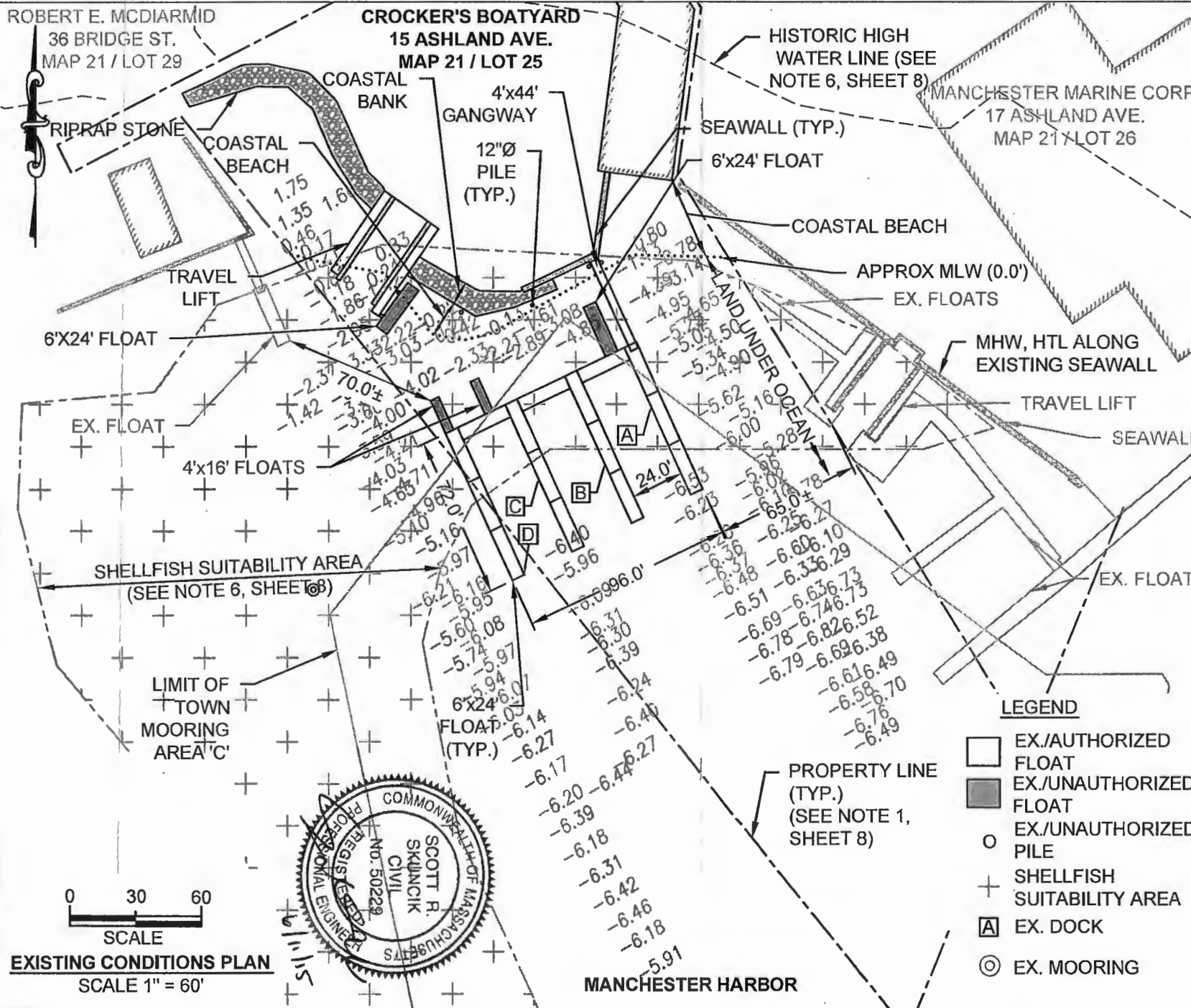
TO AUTHORIZE AND MAINTAIN PILE SUPPORTED
FLOATS AND GANGWAY, RECONFIGURATION ZONE &
EXISTING COMMERCIAL MOORINGS

MANCHESTER HARBOR
ESSEX COUNTY, MASSACHUSETTS

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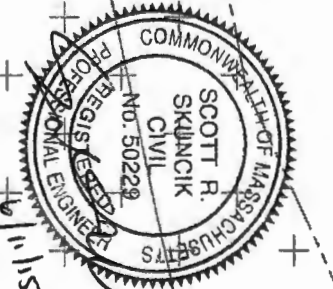
PLAN ACCOMPANYING PETITION OF:
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SHEET 2 OF 8

DATE: 06/05/2015

EXISTING CONDITIONS PLAN
 SCALE 1" = 60'

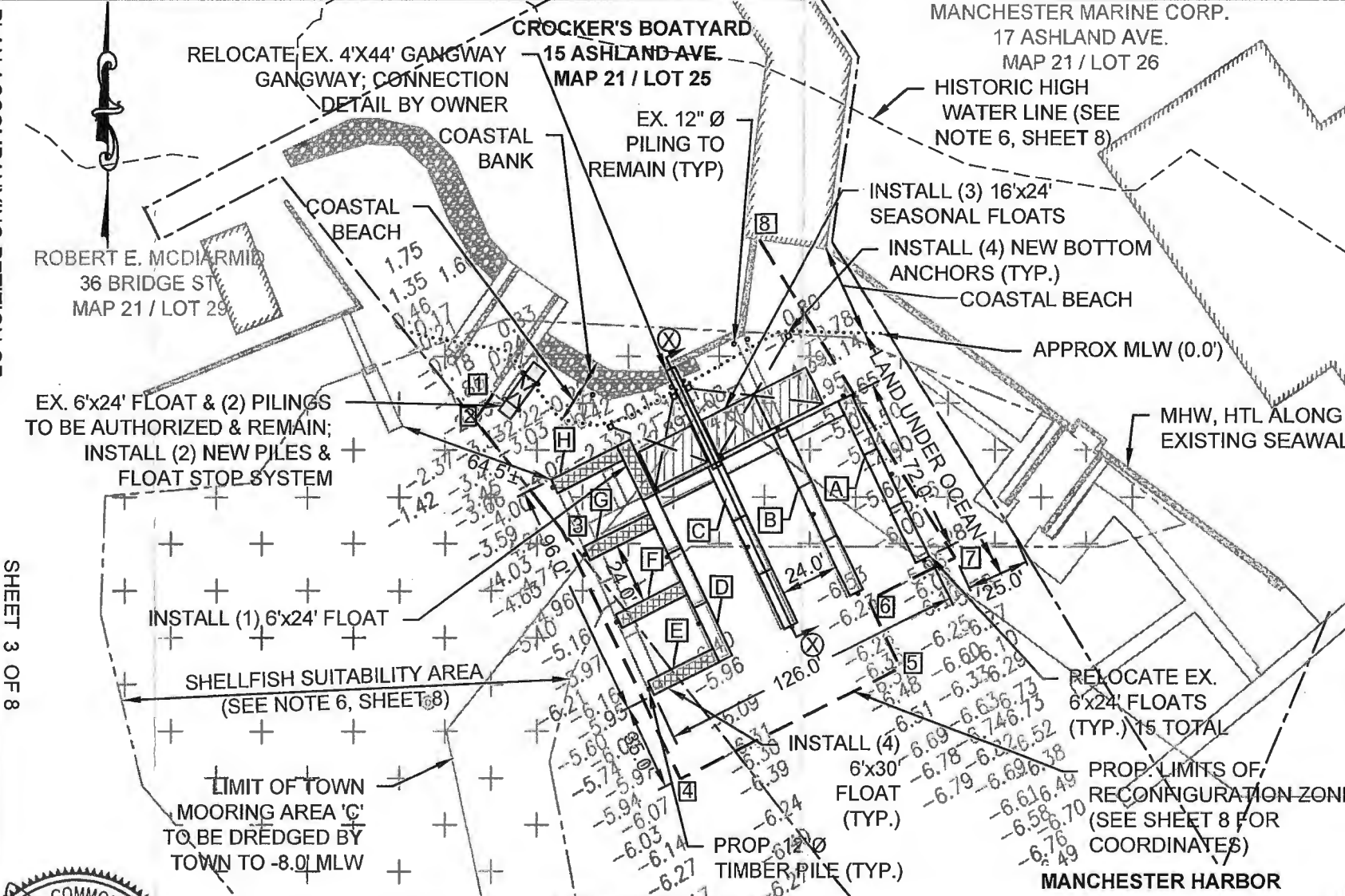


- LEGEND**
- EX./AUTHORIZED FLOAT
 - EX./UNAUTHORIZED FLOAT
 - EX./UNAUTHORIZED PILE
 - + SHELLFISH SUITABILITY AREA
 - ▣ EX. DOCK
 - ⊙ EX. MOORING

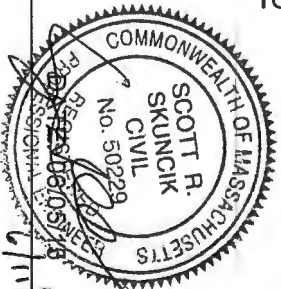
MANCHESTER HARBOR
 ESSEX COUNTY, MASSACHUSETTS

TO AUTHORIZE AND MAINTAIN PILE SUPPORTED
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PLAN ACCOMPANYING PETITION OF:
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 15 ASHLAND AVE. MANCHESTER, MA, 01944



SHEET 3 OF 8



<input type="checkbox"/>	TOTAL EX. AUTHORIZED FLOATS- TO BE RELOCATED	2,160 SF
<input type="checkbox"/>	TOTAL EX. UNAUTHORIZED FLOATS - TO BE AUTHORIZED/REMAIN	144 SF
<input checked="" type="checkbox"/>	TOTAL NEW FLOATS - TO BE AUTHORIZED	864 SF
●	TOTAL NEW 12" DIA. PILINGS - TO BE AUTHORIZED	19 EA
○	TOTAL EX. PILINGS - TO BE AUTHORIZED / REMAIN	6 EA
		TOTAL FLOAT AREA = 3,168 SF
		TOTAL PILINGS = 25 EA
<input checked="" type="checkbox"/>	TOTAL NEW SEASONAL FLOATS - TO BE AUTHORIZED	1,152 SF



**PROPOSED DOCK
 LAYOUT PLAN**
 SCALE 1" = 60'

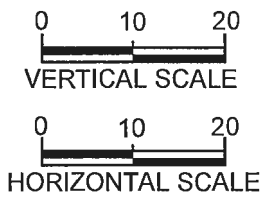
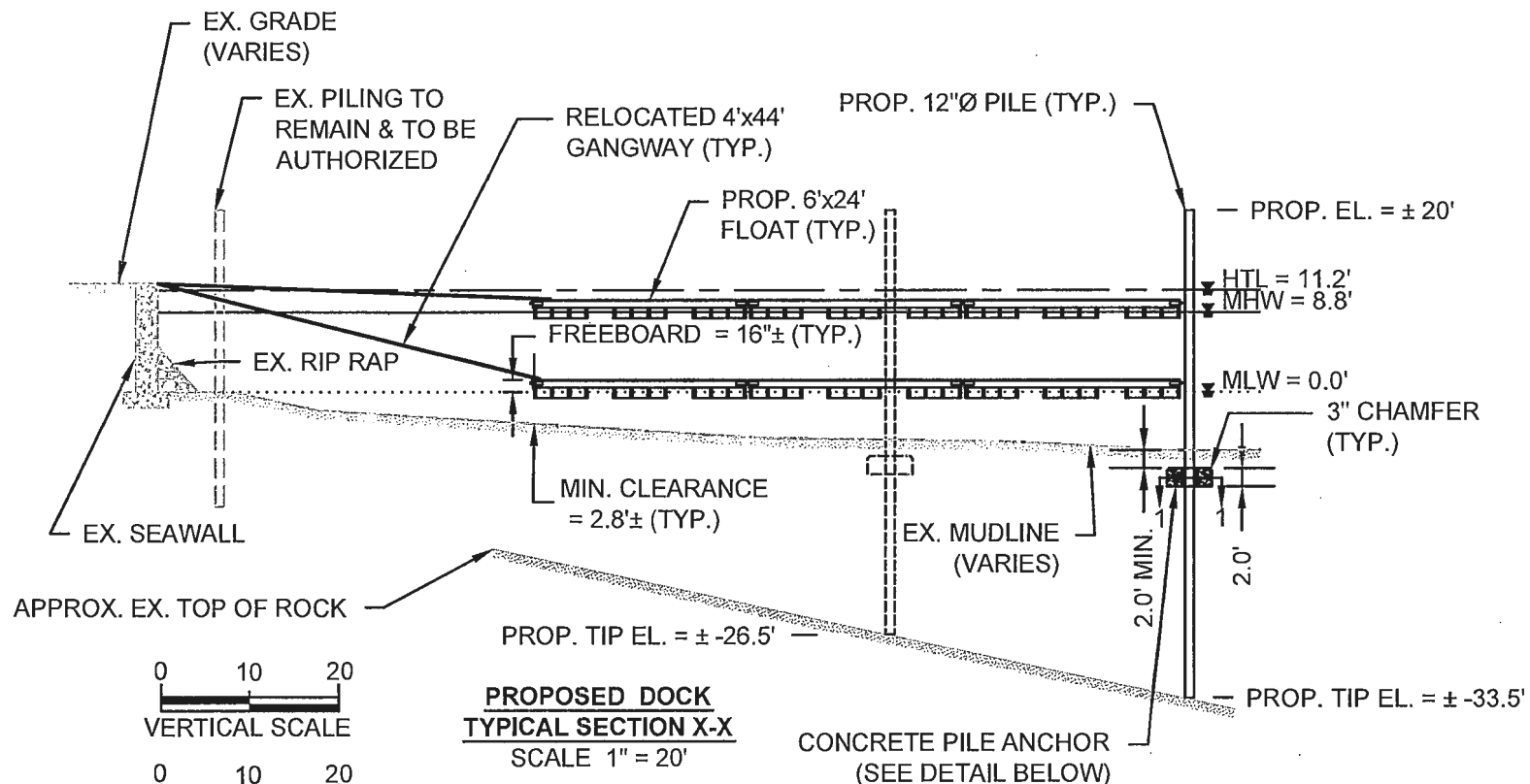
MANCHESTER HARBOR
 ESSEX COUNTY, MASSACHUSETTS

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 FLOATS AND GANGWAY, RECONFIGURATION ZONE &
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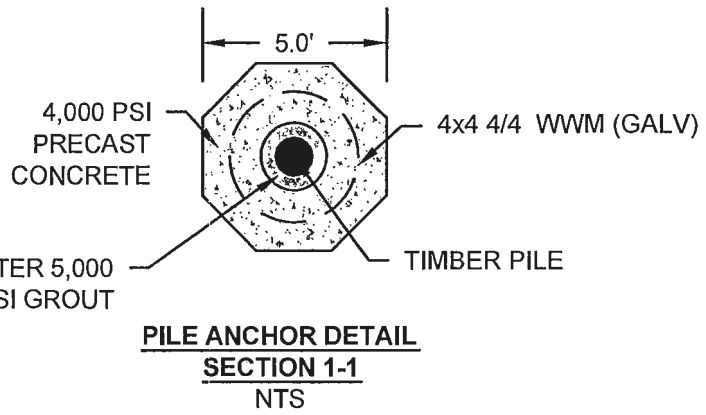
15 ASHLAND AVE. MANCHESTER, MA, 01944

CROCKER'S BOATYARD

PLAN ACCOMPANYING PETITION OF:



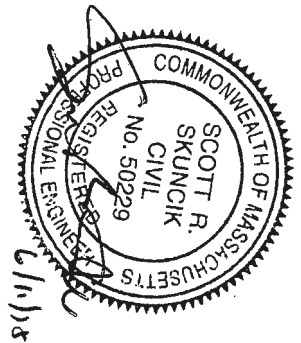
**PROPOSED DOCK
 TYPICAL SECTION X-X**
 SCALE 1" = 20'

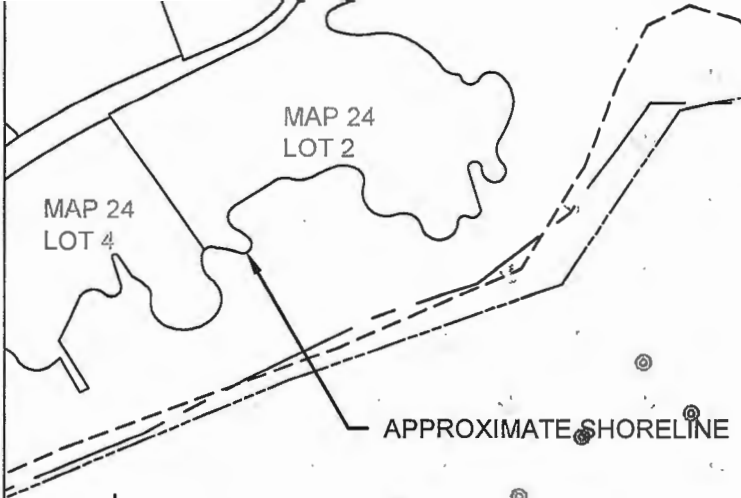


TYPICAL FLOAT SECTION & PILE ANCHOR DETAIL

SHEET 4 OF 8

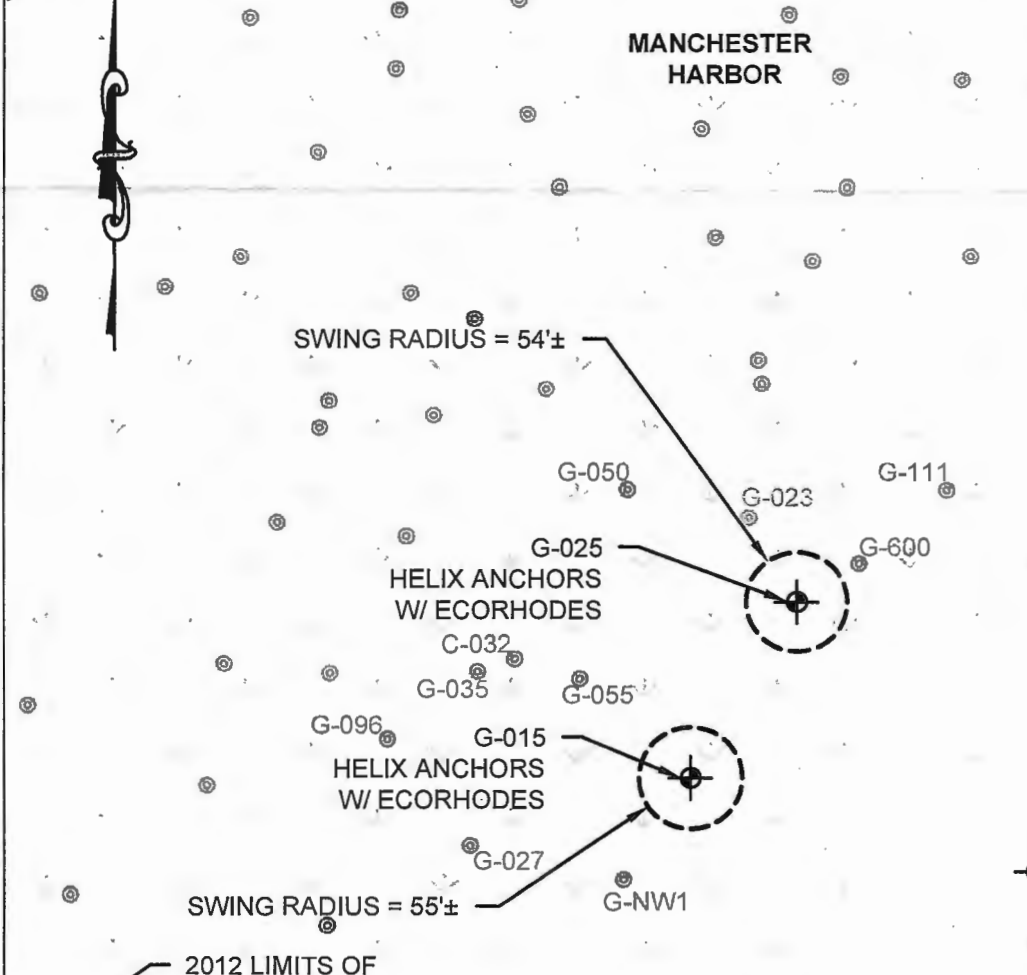
DATE: 06/05/2015





NOTES:

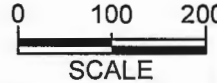
1. MOORING LOCATIONS SHOWN ARE BASED UPON MOST RECENT AVAILABLE INFORMATION FROM THE TOWN OF MANCHESTER GIS DATABASE.
2. LIMITS OF EEL GRASS SHOWN BASED UPON MOST RECENT AVAILABLE INFORMATION FROM THE MA GIS DATABASE.



LEGEND

- CROCKER'S BOATYARD MOORING
- ADJACENT MOORING
- MA DEP MAPPED EELGRASS

MOORING PLAN
AREA G
SCALE 1" = 200'



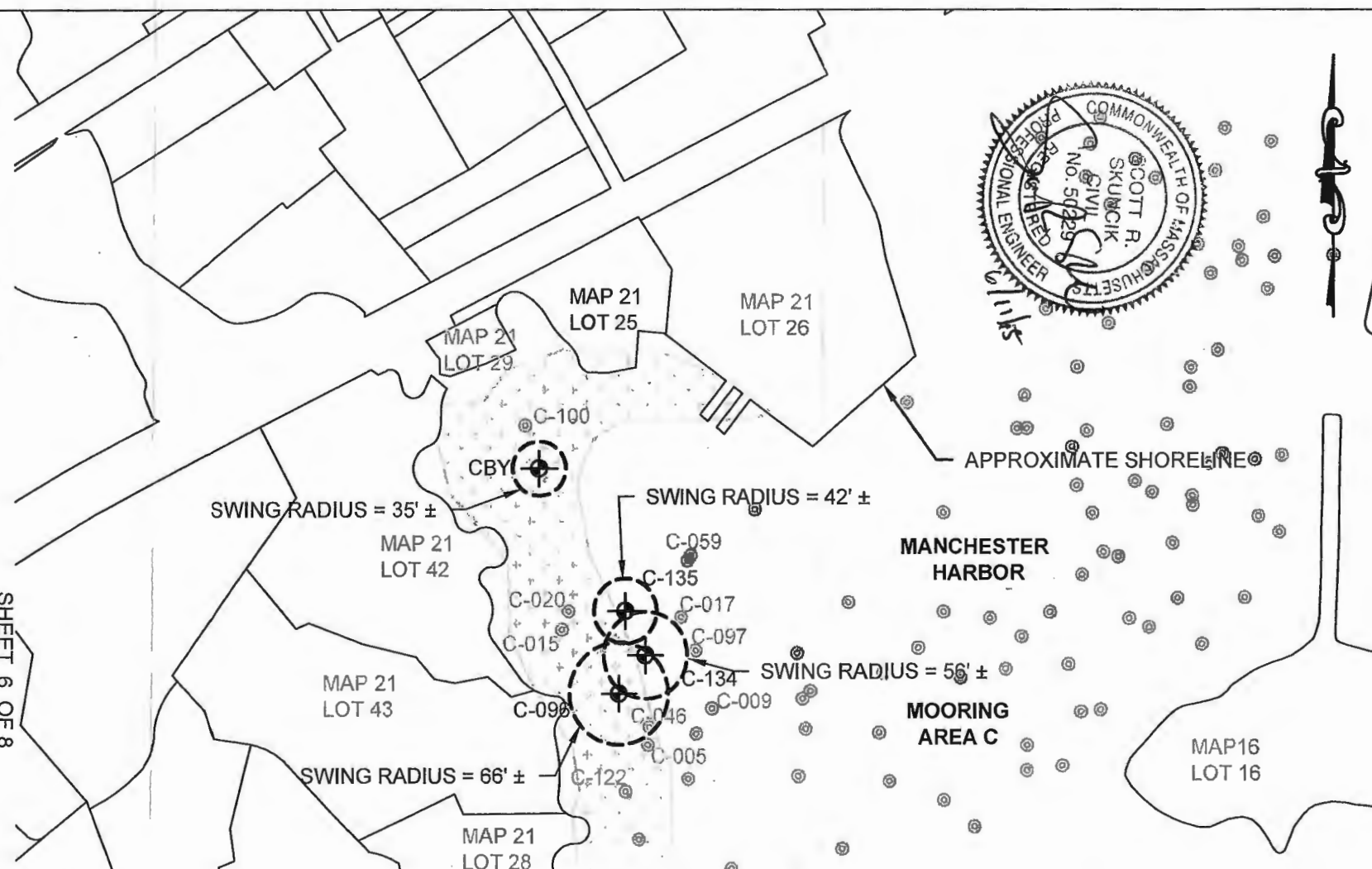
SHEET 5 OF 8

DATE: 06/05/15

PLAN ACCOMPANYING PETITION OF:
CROCKER'S BOATYARD
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TO AUTHORIZE AND MAINTAIN PILE SUPPORTED
FLOATS AND GANGWAY, RECONFIGURATION ZONE &
EXISTING COMMERCIAL MOORINGS

MANCHESTER HARBOR
ESSEX COUNTY, MASSACHUSETTS



PLAN ACCOMPANYING PETITION OF:
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 MANCHESTER HARBOR
 ESSEX COUNTY, MASSACHUSETTS

SHEET 6 OF 8

NOTES:

1. MOORING LOCATIONS BASED UPON MOST RECENT AVAILABLE INFORMATION FROM THE TOWN OF MANCHESTER GIS DATABASE.
2. BASED UPON MOST RECENT AVAILABLE INFORMATION FROM THE MA GIS DATABASE, NO EEL GRASS HABITAT HAS BEEN PREVIOUSLY / CURRENTLY MAPPED WITHIN THE VICINITY OF THE PROJECT SITE.
3. LIMITS OF SHELLFISH SUITABILITY AREA SHOWN BASED UPON MOST RECENT AVAILABLE INFORMATION FROM THE MA GIS DATABASE.

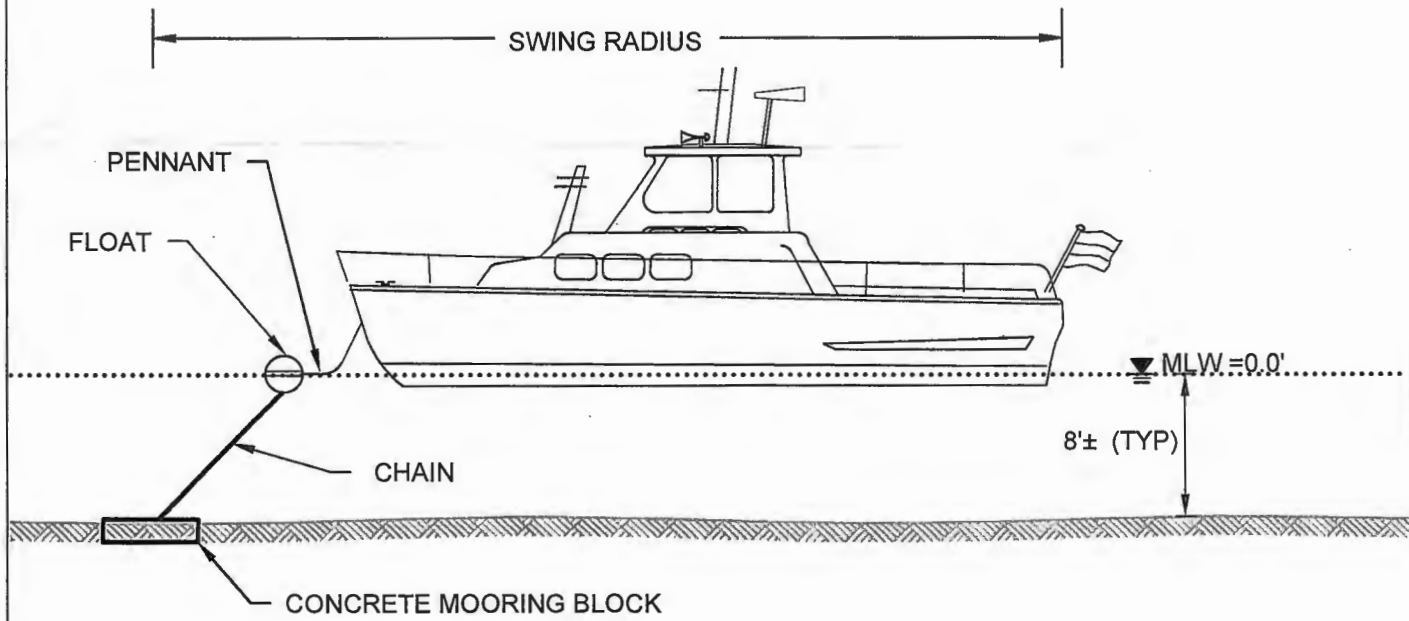
DATE: 06/05/15

MOORING PLAN
AREA C
 SCALE 1" = 200'

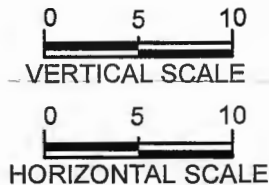


LEGEND

- CROCKER'S BOATYARD MOORING
- ADJACENT MOORING SHELLFISH SUITABILITY



**TYPICAL EXISTING MOORING
BLOCK & CHAIN DETAIL**
SCALE 1" = 10'



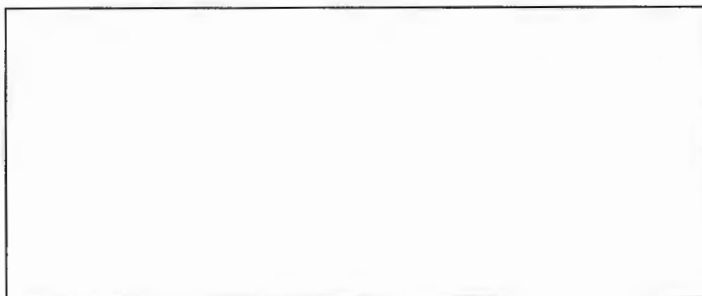
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MANCHESTER HARBOR
ESSEX COUNTY, MASSACHUSETTS

SHEET 7 OF 8

DATE: 06/05/15



NOTES:

1. EXISTING CONDITIONS AS SHOWN, INCLUDING PROPERTY LINE LOCATIONS, AS PROVIDED BY OWNER AND BASED UPON PLAN PREPARED BY COUNTY LAND SURVEYS, INC. DATED 12/07/2012 AND STAMPED BY RICHARD LOUD (MA PLS #37561).
2. HYDROGRAPHIC SOUNDINGS FROM SURVEY CONDUCTED BY CLE ENGINEERING, INC (CLE) ON 10/30/2014. SOUNDINGS ARE IN FEET AND TENTHS, AND REFER TO SHOALEST DEPTH BELOW MEAN LOW WATER (MLW).
3. PROJECT BENCHMARK (BM) IS A PK NAIL LOCATED IN THE SOUTH CORNER OF THE TIMBER PIER OF MANCHESTER MARINE CORP. (MAP 21 / LOT 26). (PK-6, EL. = 13.26 MLW)
4. COORDINATES SHOWN ARE BASED UPON MASSACHUSETTS STATE PLANE NORTH AMERICAN DATUM OF 1983 (MA NAD83).
5. EXISTING FLOATS AND SHORELINE STRUCTURES ARE AUTHORIZED BY THE FOLLOWING PERMITS / LICENSES: U.S. ARMY CORPS OF ENGINEERS PERMITS MA-MARN-51-15 DATED 12/15/50 & 12/8/77 AND MA-MARN-85-173 DATED 5/13/85; MA DPW LICENSE #3278 DATED 11/14/50 & MA DEQE LICENSE #1299 DATED 8/16/85.
6. SHELLFISH SUITABILITY AREA, EEL GRASS LIMITS, AND HISTORIC HIGH WATER LINE TAKEN FROM MOST RECENT AVAILABLE DATA FROM MA GIS DATABASE.

RECONFIGURATION ZONE COORDINATES (MA STATE PLANE)				
POINT #	NORTHING	EASTING	LATITUDE	LONGITUDE
1	3034110.1	851499.3	N42° 34' 17.3"	W70° 46' 29.4"
2	3034099.4	851491.9	N42° 34' 17.2"	W70° 46' 29.5"
3	3034055.4	851527.4	N42° 34' 16.7"	W70° 46' 29.1"
4	3033955.8	851576.3	N42° 34' 15.8"	W70° 46' 28.4"
5	3034000.3	851667.0	N42° 34' 16.2"	W70° 46' 27.2"
6	3034027.3	851653.8	N42° 34' 16.5"	W70° 46' 27.4"
7	3034044.4	851688.8	N42° 34' 16.6"	W70° 46' 26.9"
8	3034171.7	851608.9	N42° 34' 17.9"	W70° 46' 28.0"

HTL	+11.2'
MHW	+8.8'
NGVD 29	+4.0'
MLW	0.0'

DATUM SHIFT CHART



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