



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

PUBLIC NOTICE

Comment Period Begins: August 1, 2017
Comment Period Ends: August 30, 2017
File Number: NAE-2017-1193
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 from Francis J. Santos, FJ Santos Living Trust, 131A Commercial Street, Provincetown, Massachusetts. This work is proposed in Provincetown Harbor at 131A Commercial Street, Provincetown, Massachusetts. The site coordinates are: Latitude 042 02' 44.3118" N Longitude 070 11' 32.5005" W.

The work involves construction and maintenance of a 52' x 216' wharf with a 20' x 30' dock master's building, an 8' x 617' pier, a 5' x 40' ramp, to install 155 steel piles by pile driver and to relocate a 90 foot float system. The entire structure will extend approximately 985 feet beyond Mean High Water (MHW).

The purpose of this work is to gain access to deeper water and to prevent existing floats from bottoming out.

The work is shown on the attached plans entitled "APPLICATION BY: FJ SANTOS LIVING TRUST, 131 A COMMERCIAL STREET PURPOSE: TO LICENSE AND MAINTIAN A PROPOSED WHARF, PIER RAMP AND FLOAT SYSTEM IN PROVINCETOWN HARBOR, BARNSTABLE COUNTY, MA" on thirteen sheets, and dated "JUNE 8, 2017"

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 0.40 acres of Essential Fish Habitat (EFH) for those species listed on the table below). This habitat consists of fine sand. Loss of this habitat may adversely affect (name species, provide a brief description of impact to habitat or species and any anticipated mitigation). 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.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)	X	X	X	X
haddock (<i>Melanogrammus aeglefinus</i>)			X	X
whiting (<i>Merluccius bilinearis</i>)	X	X	X	X
red hake (<i>Urophycis chuss</i>)	X	X	X	X
winter flounder (<i>Pleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Pleuronectes ferruginea</i>)			X	X
windowpane flounder (<i>Scophthalmus aquosus</i>)				X
American plaice (<i>Hippoglossoides platessoides</i>)			X	X
ocean pout (<i>Macrozoarces americanus</i>)	X	X		X
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)	X	X	X	X
Atlantic sea scallop (<i>Placopecten magellanicus</i>)	X	X	X	X
Atlantic sea herring (<i>Clupea harengus</i>)		X	X	X
monkfish (<i>Lophius americanus</i>)	X	X		X
bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealei</i>)	n/a	n/a	X	X
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a	X	X
Atlantic butterfish (<i>Peprilus triacanthus</i>)	X	X	X	X
Atlantic mackerel (<i>Scomber scombrus</i>)	X	X	X	X
summer flounder (<i>Paralichthys dentatus</i>)	X	X		X
scup (<i>Stenotomus chrysops</i>)	n/a	n/a	X	X
black sea bass (<i>Centropristius striata</i>)	n/a			X
surf clam (<i>Spisula solidissima</i>)	n/a	n/a	X	X
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a	X	X
blue shark (<i>Prionace glauca</i>)				X
bluefin tuna (<i>Thunnus thynnus</i>)			X	X

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

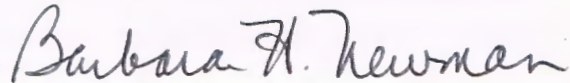
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the

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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.



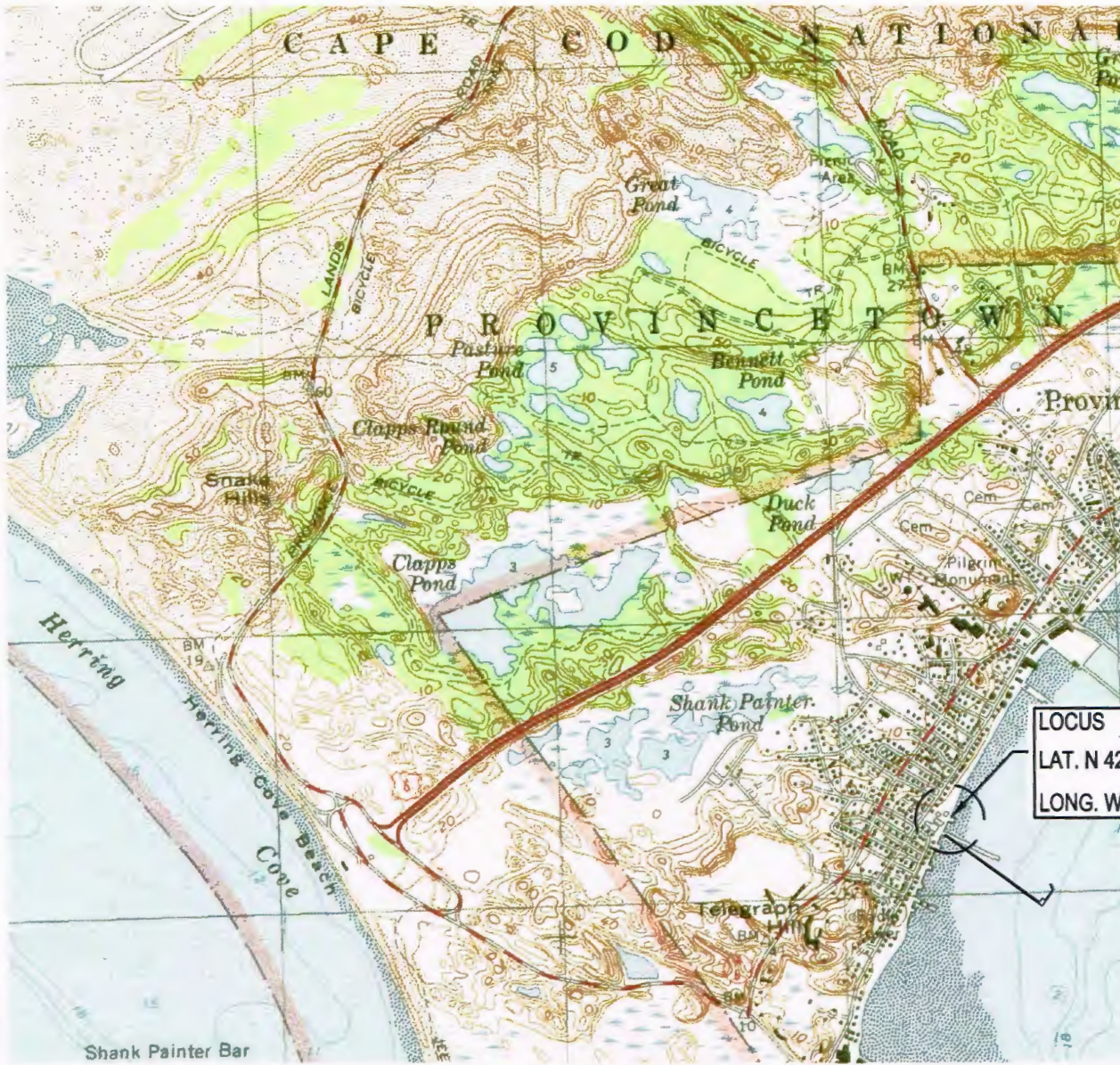
Barbara H. Newman
Chief, Permits and Enforcement Branch
Regulatory Division

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: _____

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FEMA DATUM IS N.G.V.D.

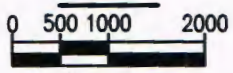
REF: TOWN ASSESSOR'S MAP 6-4, PARCEL 18



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LOCUS
LAT. N 42° 2.716'
LONG. W 70° 11.450'

PLAN



1"=2000'

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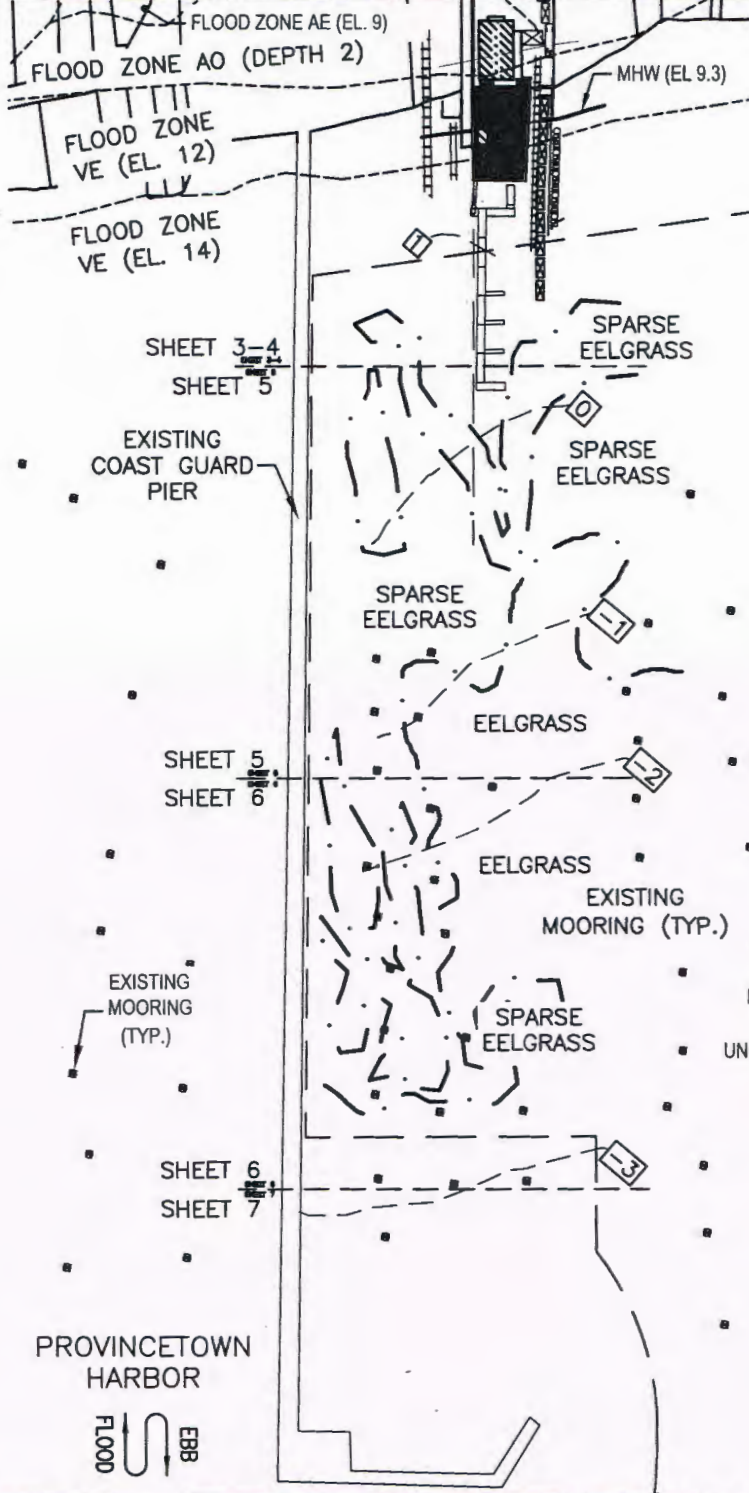
SOURCE: U.S.G.S. QUADRANGLE "PROVINCETOWN - MA."

PURPOSE:
TO LICENSE AND MAINTAIN A
PROPOSED WHARF, PIER RAMP AND
FLOAT SYSTEM IN PROVINCETOWN
HARBOR,
PROVINCETOWN, BARNSTABLE COUNTY,
MA

VICINITY MAP

APPLICATION BY:
FJ SANTOS LIVING TRUST
131 A COMMERCIAL STREET
PREPARED BY
COASTAL ENGINEERING CO., INC.
260 CRANBERRY HIGHWAY
ORLEANS, MA 02653
MARCH 31, 2017 SHEET 1 OF 12

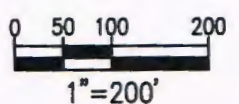
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PLAN



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PROVINCETOWN
HARBOR



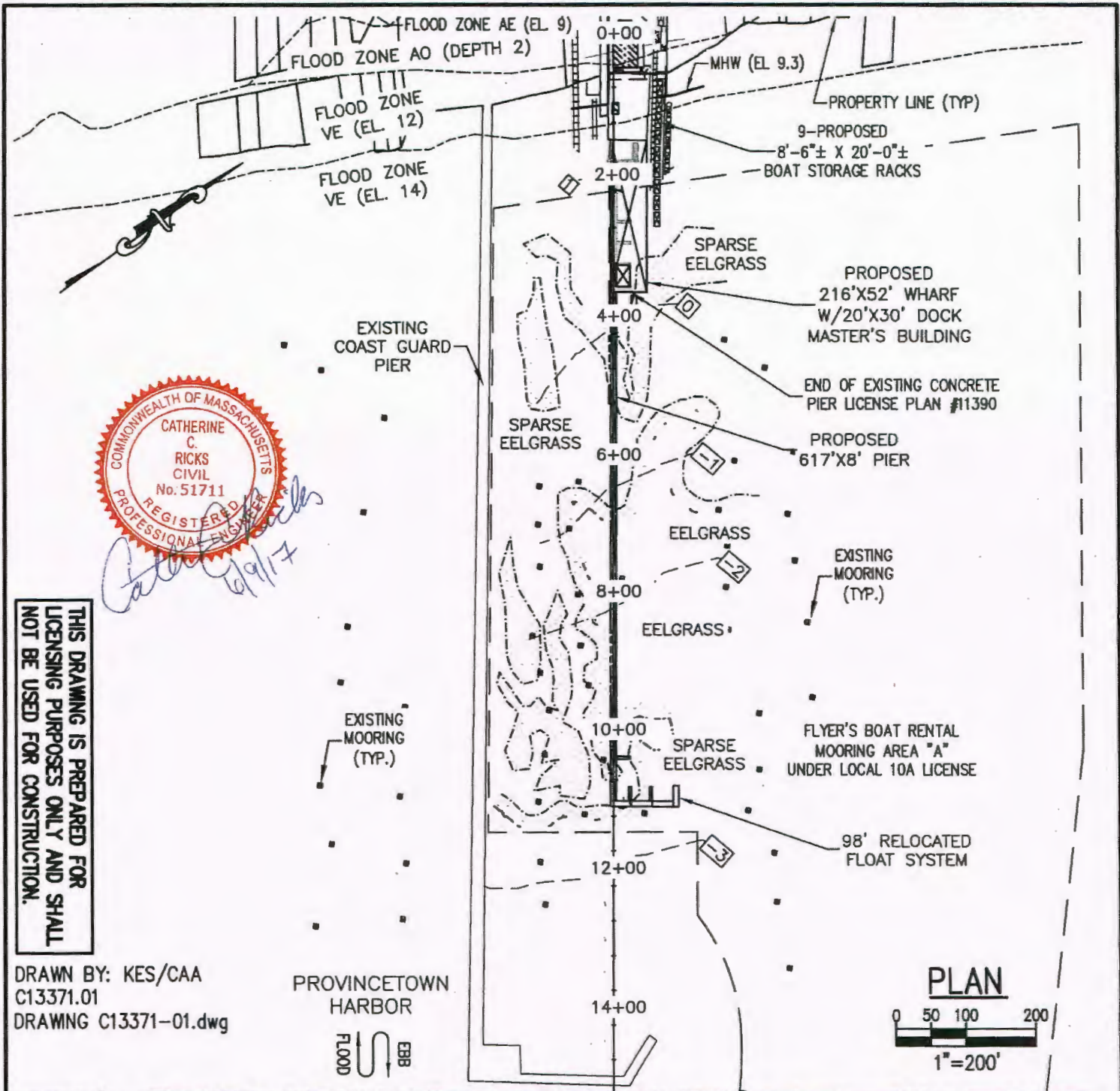
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PROVINCETOWN, BARNSTABLE COUNTY,
MA

EXISTING CONDITIONS

APPLICATION BY:
FJ SANTOS LIVING TRUST
131 A COMMERCIAL STREET

PREPARED BY
COASTAL ENGINEERING CO., INC.
260 CRANBERRY HIGHWAY
ORLEANS, MA 02653

MARCH 31, 2017 SHEET 2 OF 12

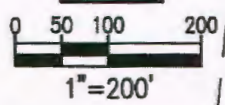


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PROVINCETOWN HARBOR

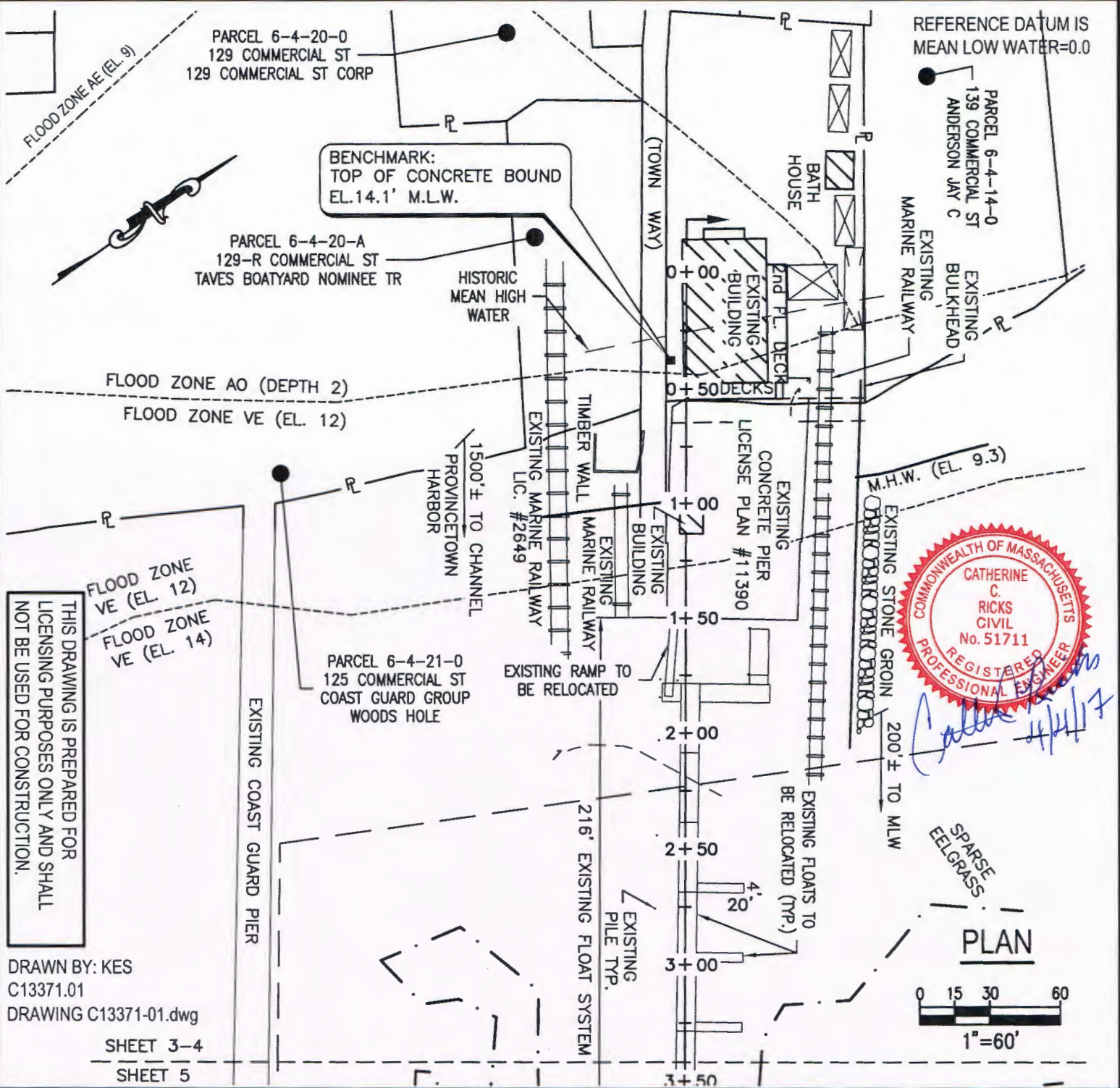
PLAN



PURPOSE:
TO LICENSE AND MAINTAIN A PROPOSED WHARF, PIER RAMP AND FLOAT SYSTEM IN PROVINCETOWN HARBOR, PROVINCETOWN, BARNSTABLE COUNTY, MA

SITE PLAN

APPLICATION BY:
FJ SANTOS LIVING TRUST
131 A COMMERCIAL STREET
PREPARED BY
COASTAL ENGINEERING CO., INC.
260 CRANBERRY HIGHWAY
ORLEANS, MA 02653
JUNE 8, 2017



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SHEET 3-4
SHEET 5

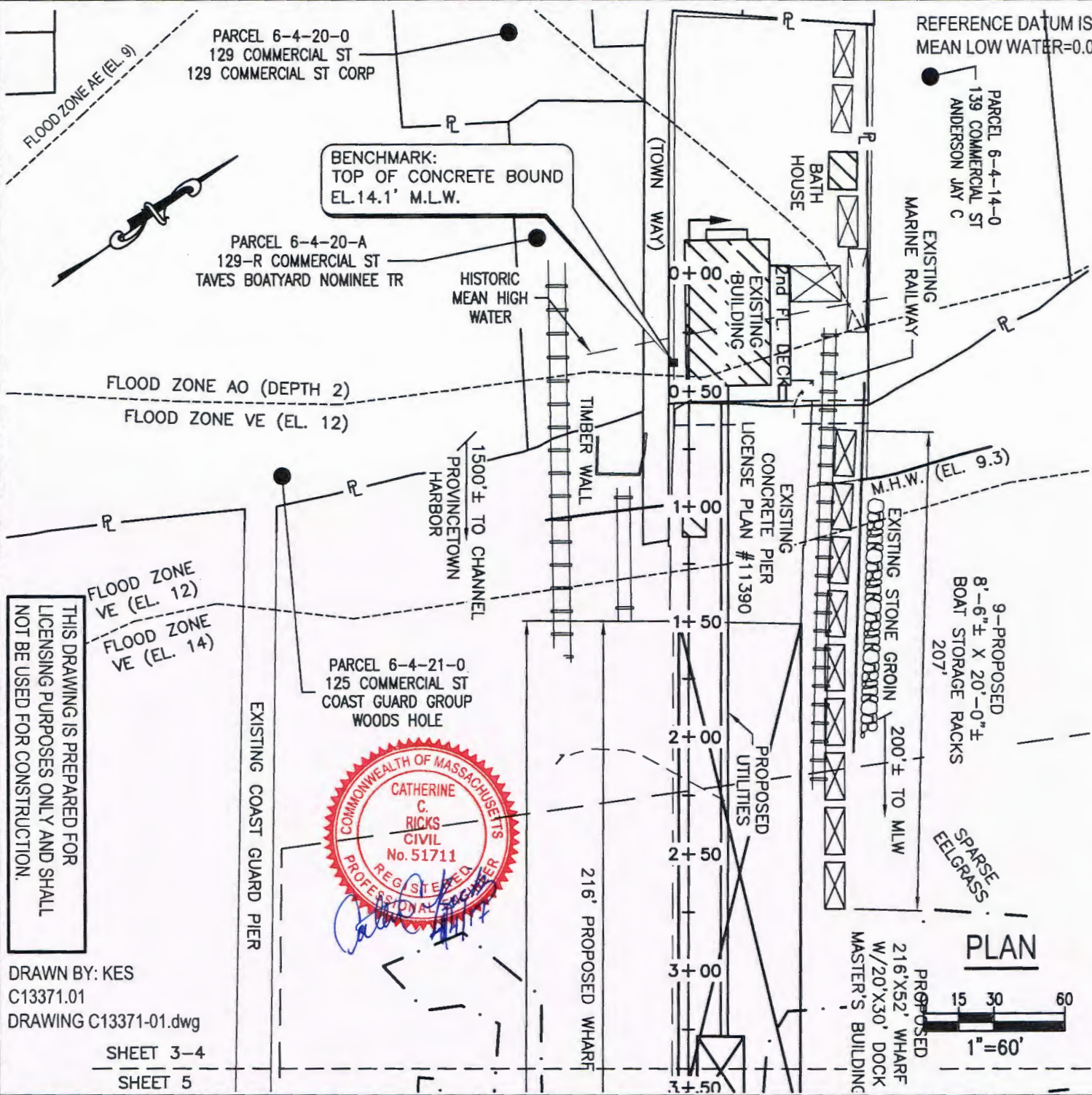
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MARCH 31, 2017 SHEET 3 OF 12



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SHEET 3-4
SHEET 5

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SHEET 3-4
SHEET 5

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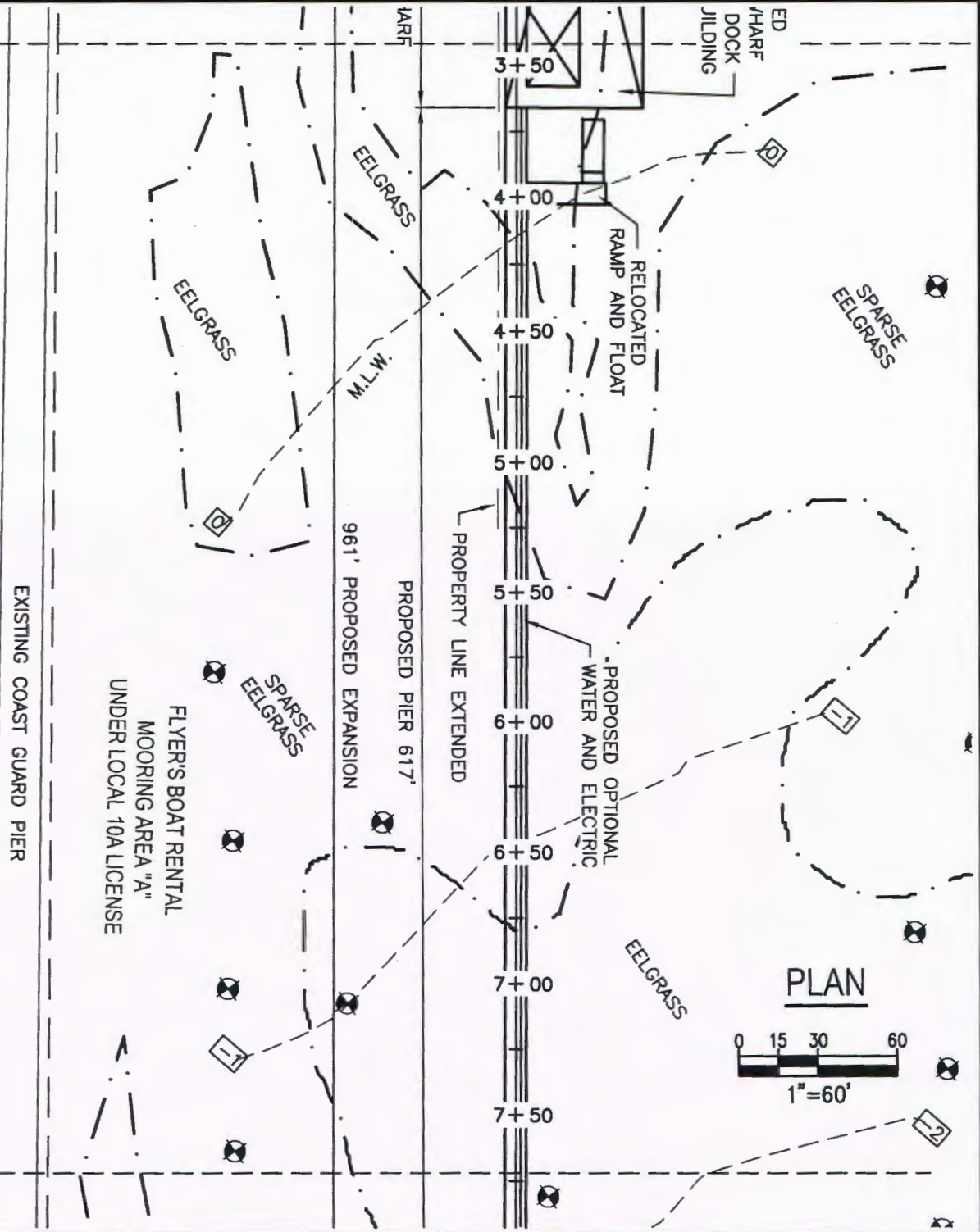


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SHEET 5
SHEET 6



PURPOSE:
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HARBOR,
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MA

SITE PLAN

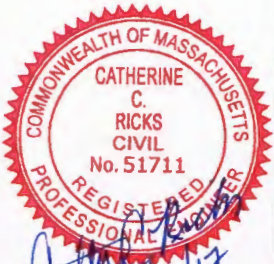
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MARCH 31, 2017 SHEET 5 OF 12

SHEET 5
SHEET 6

REFERENCE DATUM IS
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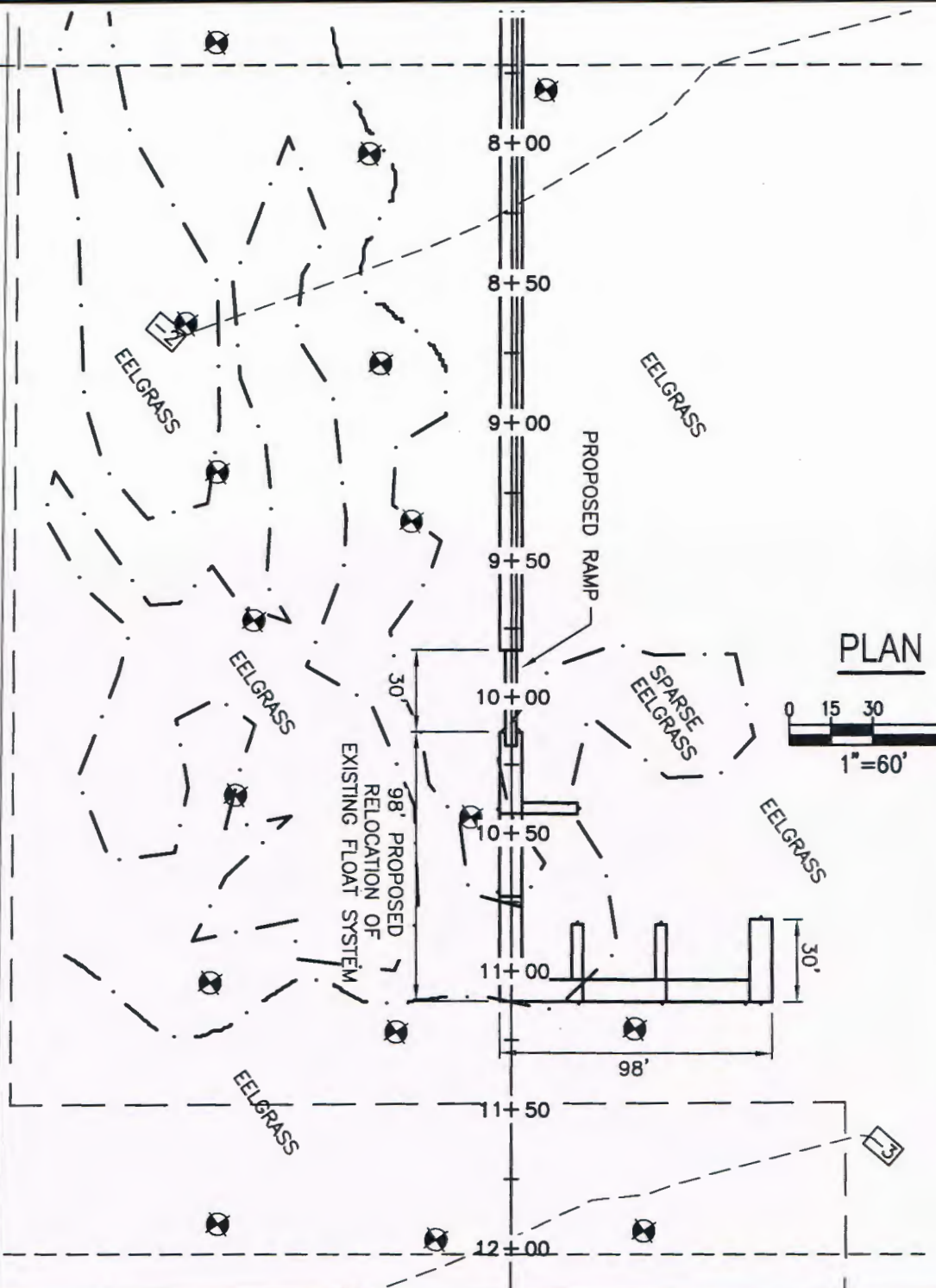
Catherine Ricks
4/4/17

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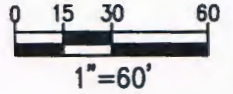
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SHEET 6
SHEET 7

EXISTING COAST GUARD PIER



PLAN



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SITE PLAN

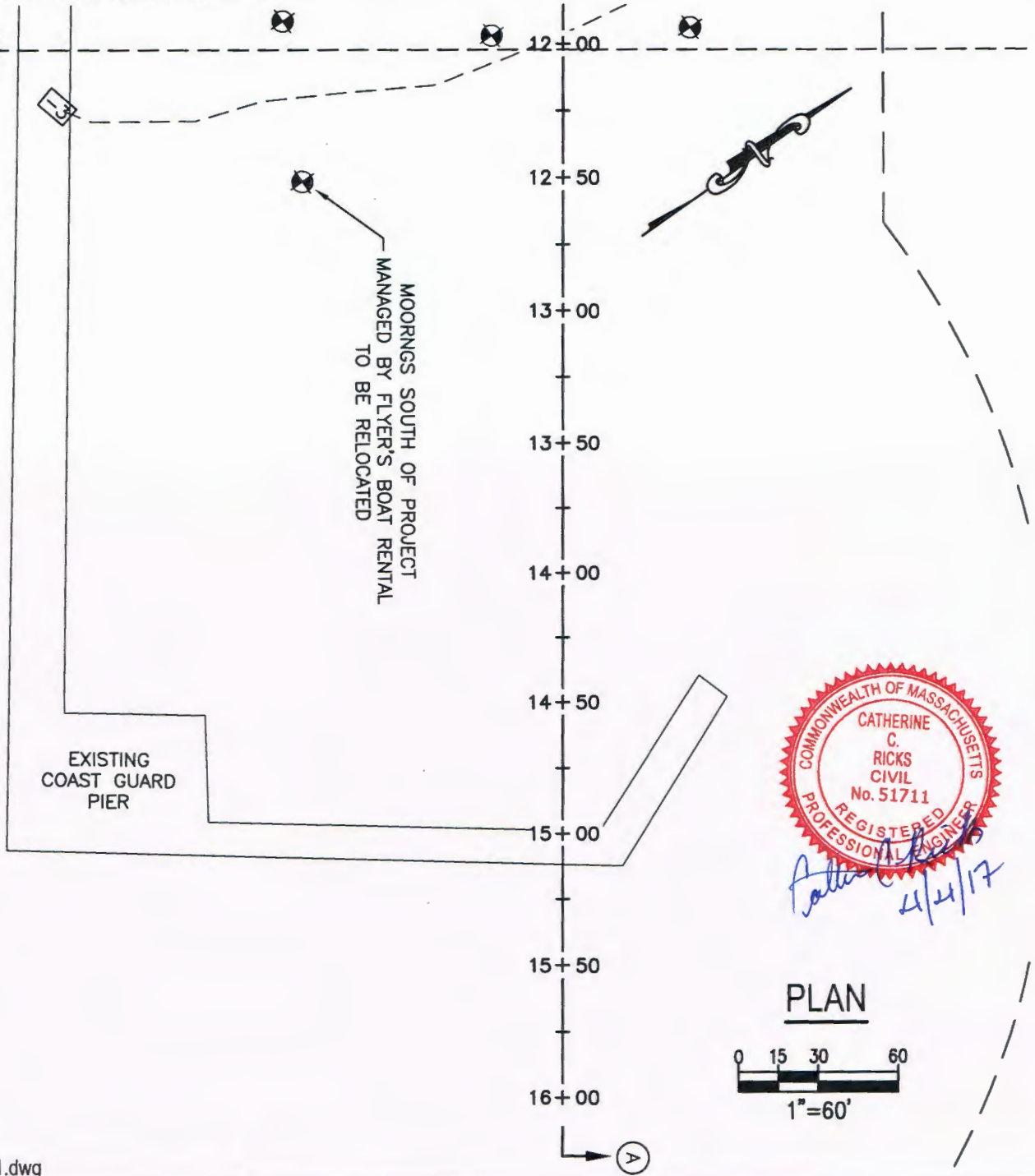
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MARCH 31, 2017 SHEET 6 OF 12

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SHEET 6
SHEET 7



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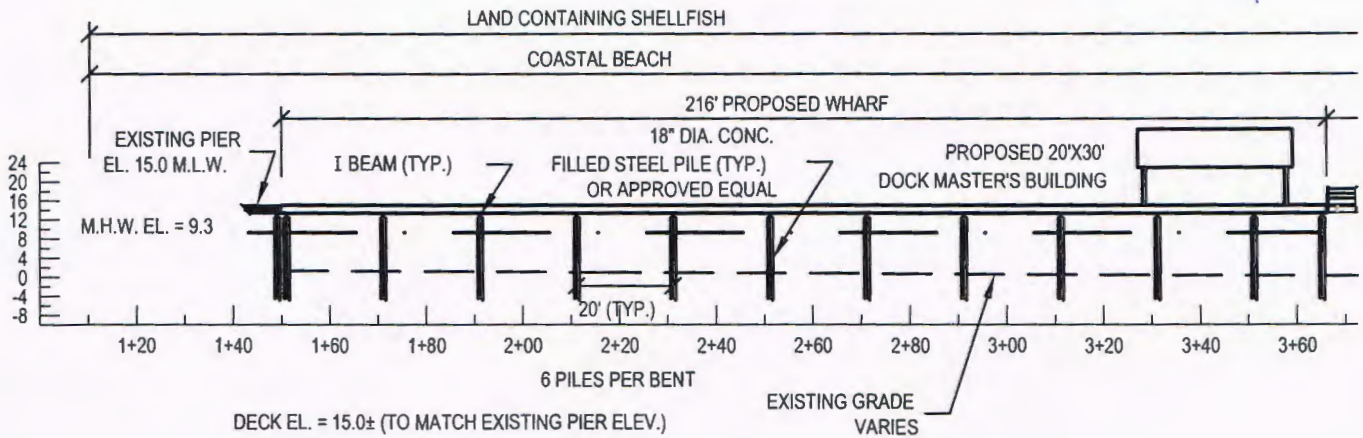
SITE PLAN

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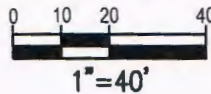
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COASTAL ENGINEERING CO., INC.
260 CRANBERRY HIGHWAY
ORLEANS, MA 02653

MARCH 31, 2017 SHEET 7 OF 12

REFERENCE DATUM IS MEAN LOW WATER=0.0



SECTION A-A



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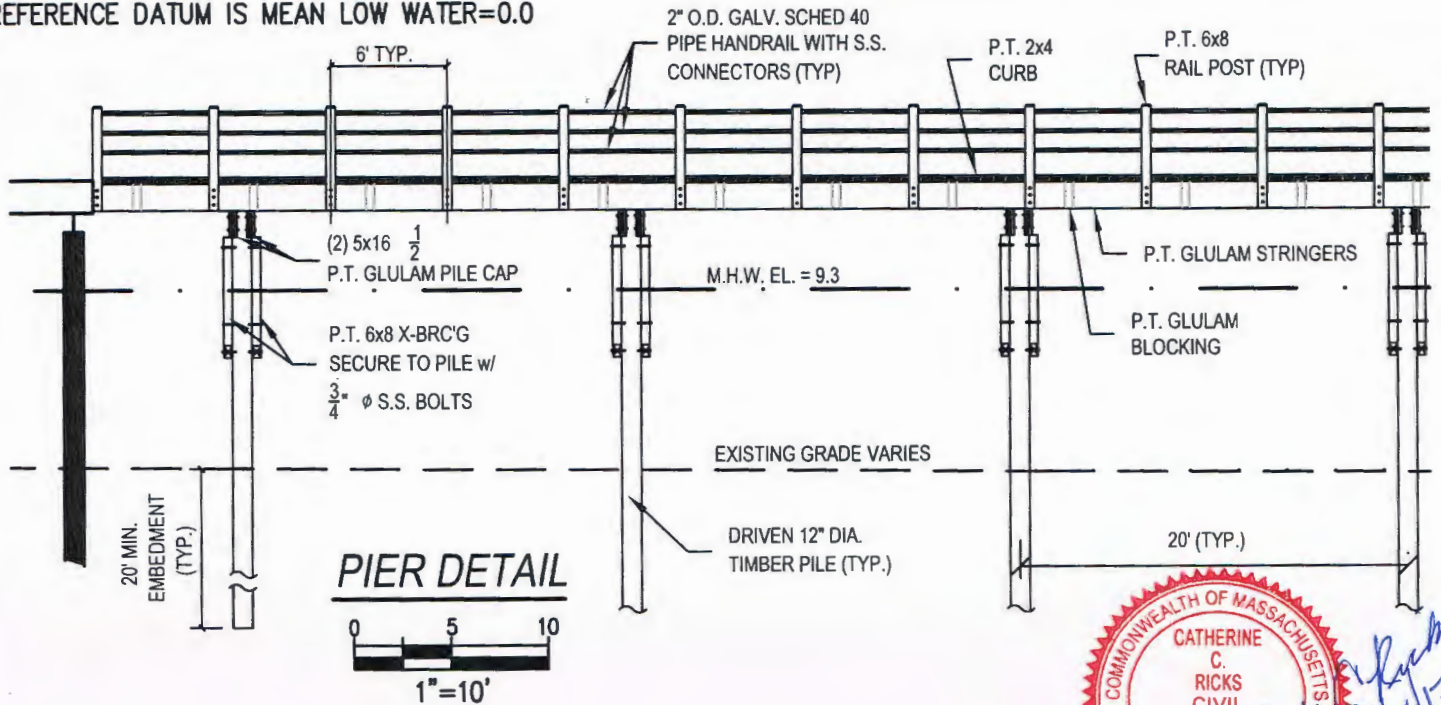
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PURPOSE:
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PROFILE PLAN

APPLICATION BY:
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131 A COMMERCIAL STREET
PREPARED BY
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260 CRANBERRY HIGHWAY
ORLEANS, MA 02653
MARCH 31, 2017 SHEET 8 OF 12

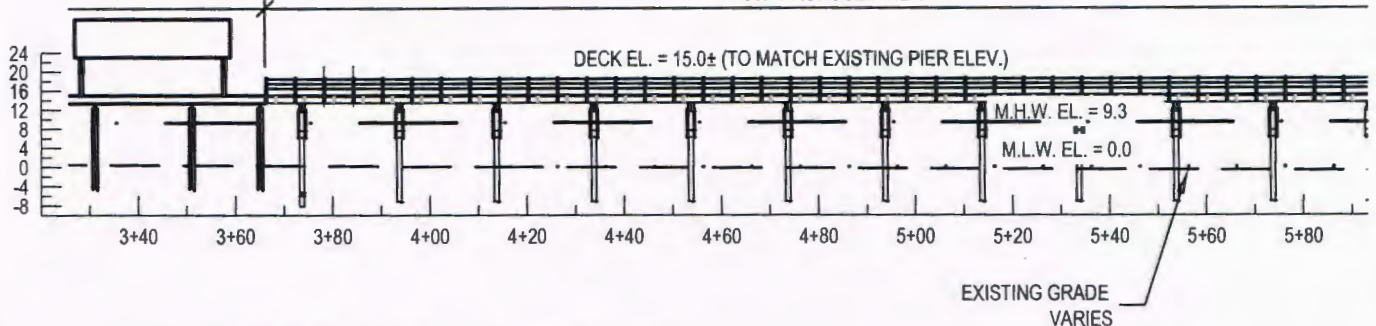
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LAND CONTAINING SHELLFISH

LAND UNDER OCEAN

617' PROPOSED PIER



(72) 18" DIA CONCRETE FILLED STEEL PILES FOR WHARF

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PROFILE PLAN AND PIER DETAIL

APPLICATION BY:
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MARCH 31, 2017 SHEET 9 OF 12

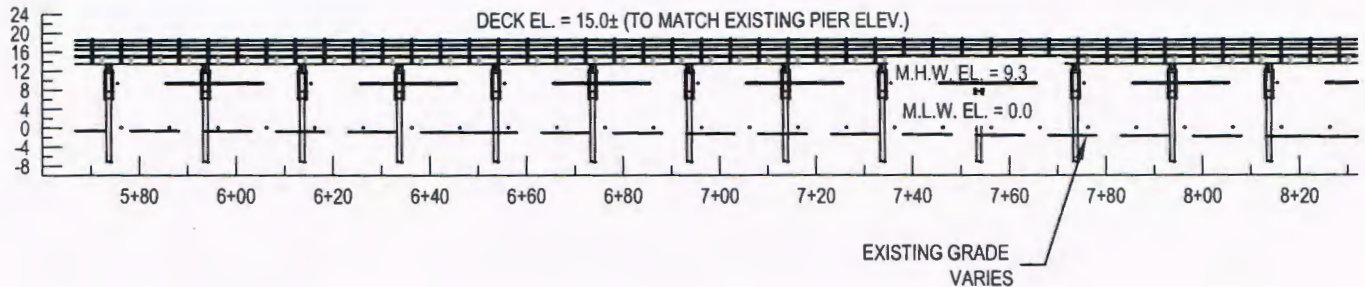
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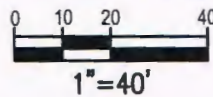
LAND CONTAINING SHELLFISH

LAND UNDER OCEAN

617' PROPOSED PIER



SECTION A-A



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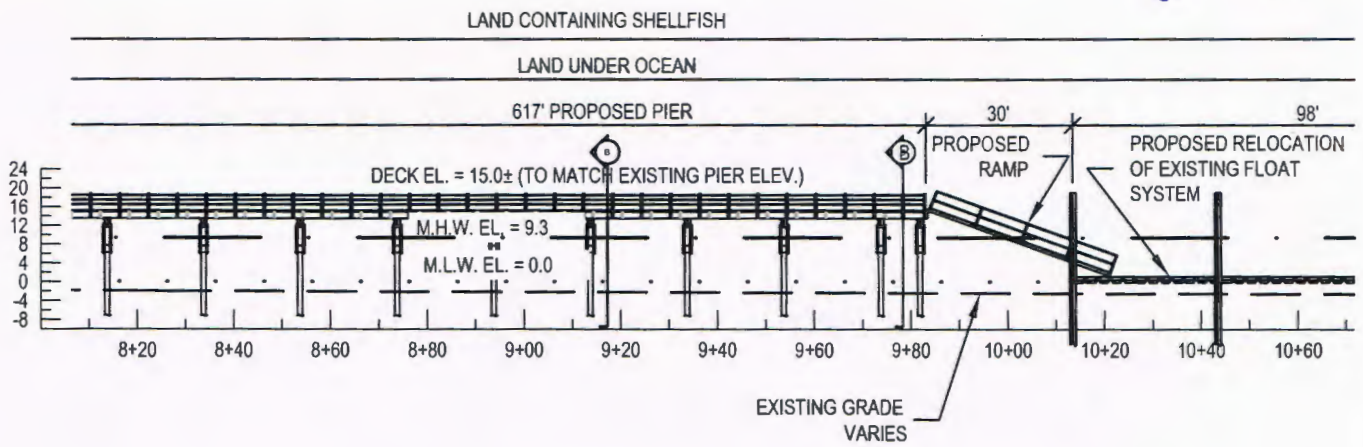
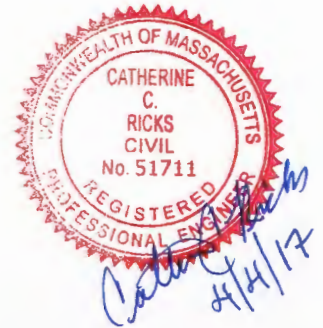
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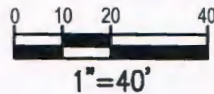
MARCH 31, 2017

SHEET 10 OF 12

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SECTION A-A



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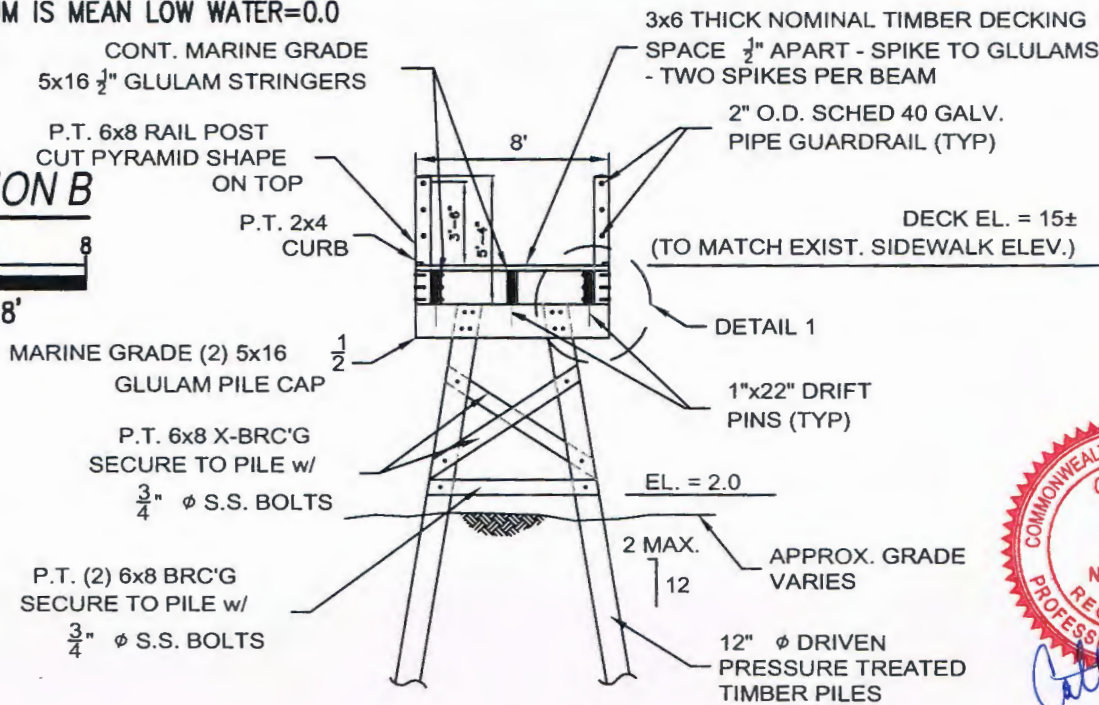
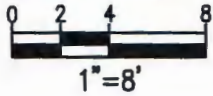
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PROFILE PLAN

APPLICATION BY:
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260 CRANBERRY HIGHWAY
ORLEANS, MA 02653
MARCH 31, 2017 SHEET 11 OF 12

REFERENCE DATUM IS MEAN LOW WATER=0.0

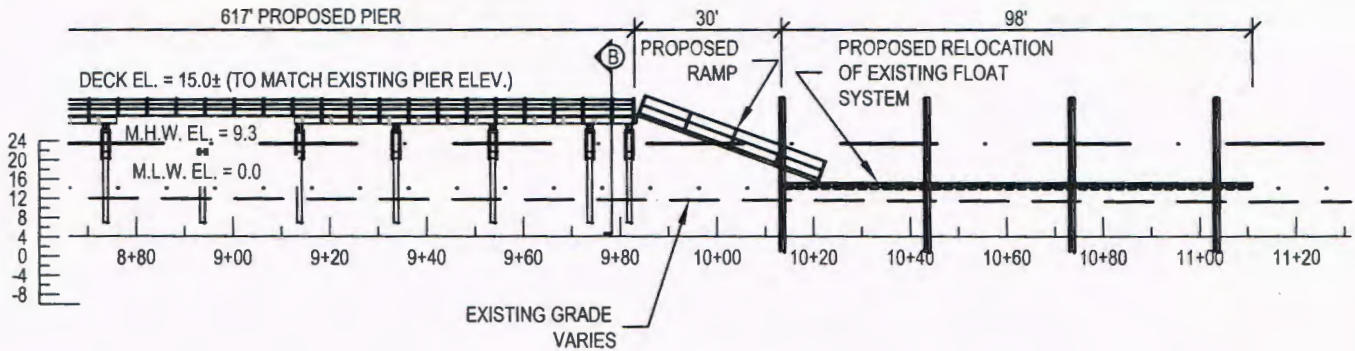
SECTION B



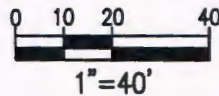
LAND CONTAINING SHELLFISH

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PROFILE PLAN AND PIER SECTION

APPLICATION BY:
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260 CRANBERRY HIGHWAY
ORLEANS, MA 02653
MARCH 31, 2017 SHEET 12 OF 12