



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

PUBLIC NOTICE

Comment Period Begins: June 11, 2013
Comment Period Ends: July 11, 2013
File Number: NAE-2012-00312
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

Mark Rousseau
Massachusetts Division of Marine Fisheries
&
John Rendon
Town of Harwich

PROPOSED WORK AND PURPOSE

The work includes work in navigable waters for the construction of artificial reefs throughout a 9.88 acres site covering no more than 1.11 acres of substrate for the purpose of creating structure. The purpose of this work is to enhance hard bottom habitat for benthic communities in Nantucket Sound. The project proposes a 2:1 ratio of natural substrate to artificial reef structures. Deploying new material within these limits will provide additional environmental benefits to structure-oriented marine resources in an area of limited structure habitat, maintain a substantial amount of undisturbed area on-site, and afford additional opportunities for near shore anglers. The exact material type to be deployed is unknown at this time. However, the Division of Marine Fisheries (DMF) and the Town of Yarmouth is looking at materials of opportunity such as damaged concrete culverts, natural rock, or other clean material and manufactured units like Reef Balls. The separation between the top of the structure to the sea surface at mean low water will be 24 feet. The volume of materials to be discharged range from 5,265 cubic yards to 10,531 cubic yards depending on the maximum vertical relief that ranges from 3 to 6 feet.

The work is described on the enclosed plans entitled "PLAN TO ACCOMPANY PETITION OF THE TOWN OF HARWICH AND THE COMMONWEALTH OF MASSACHUSETTS DIVISION OF MARINE FISHERIES TO LICENSE AND MAINTAIN AN EXISTING ARTIFICIAL REEF LOCATED IN NANTUCKET SOUND AT HARWICH, MASSACHUSETTS," on 4 sheets, and dated "APRIL 9, 2013."

MITIGATION

The project impacts have been minimized and resources avoided as much as possible by using a 2:1 ratio of natural substrate to artificial reef. This allows natural bottom for marine life such as quahogs to occupy while still have the desired effect of creating new habitat for marine fish such as black sea bass. Mitigation is not being proposed at this time.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Nantucket Sound off the coast of Harwich, Massachusetts. The site coordinates are: Latitude N 41.625852 Longitude W -70.070204.

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.

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 9.5 acres of Essential Fish Habitat (EFH) for *Atlantic cod (Adults)*, *Pollock (Juveniles,)* *winter flounder (Eggs, Larvae, Juveniles, and Adults)*, *windowpane flounder (Adults)*, *long finned squid (Juveniles and Adults)*, *Atlantic butterfish (Eggs, Larvae, Juveniles, and Adults)*, *Atlantic Mackerel (Eggs,*

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Larvae, Juveniles, and Adults), summer flounder (*Eggs, Larvae, Juveniles, and Adults*), scup (*Juveniles and Adults*), black sea bass (*Larvae, Juveniles, and Adults*), surf clam (*Juveniles, and Adults*), king mackerel (*Eggs, Larvae, Juveniles, and Adults*), Spanish mackerel (*Eggs, Larvae, Juveniles, and Adults*), and Cobia (*Eggs, Larvae, Juveniles, and Adults*). This habitat is relatively uniform throughout the site consisting primarily of sand. Loss of this habitat may adversely affect the above listed species by adding structure to the substrate. 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.
- (X) 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

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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: _____

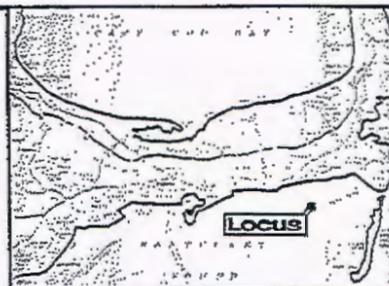
GENERAL LAW 36 SECTION 13A

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

Christopher M. White 4/9/13
REGISTERED PROFESSIONAL ENGINEER



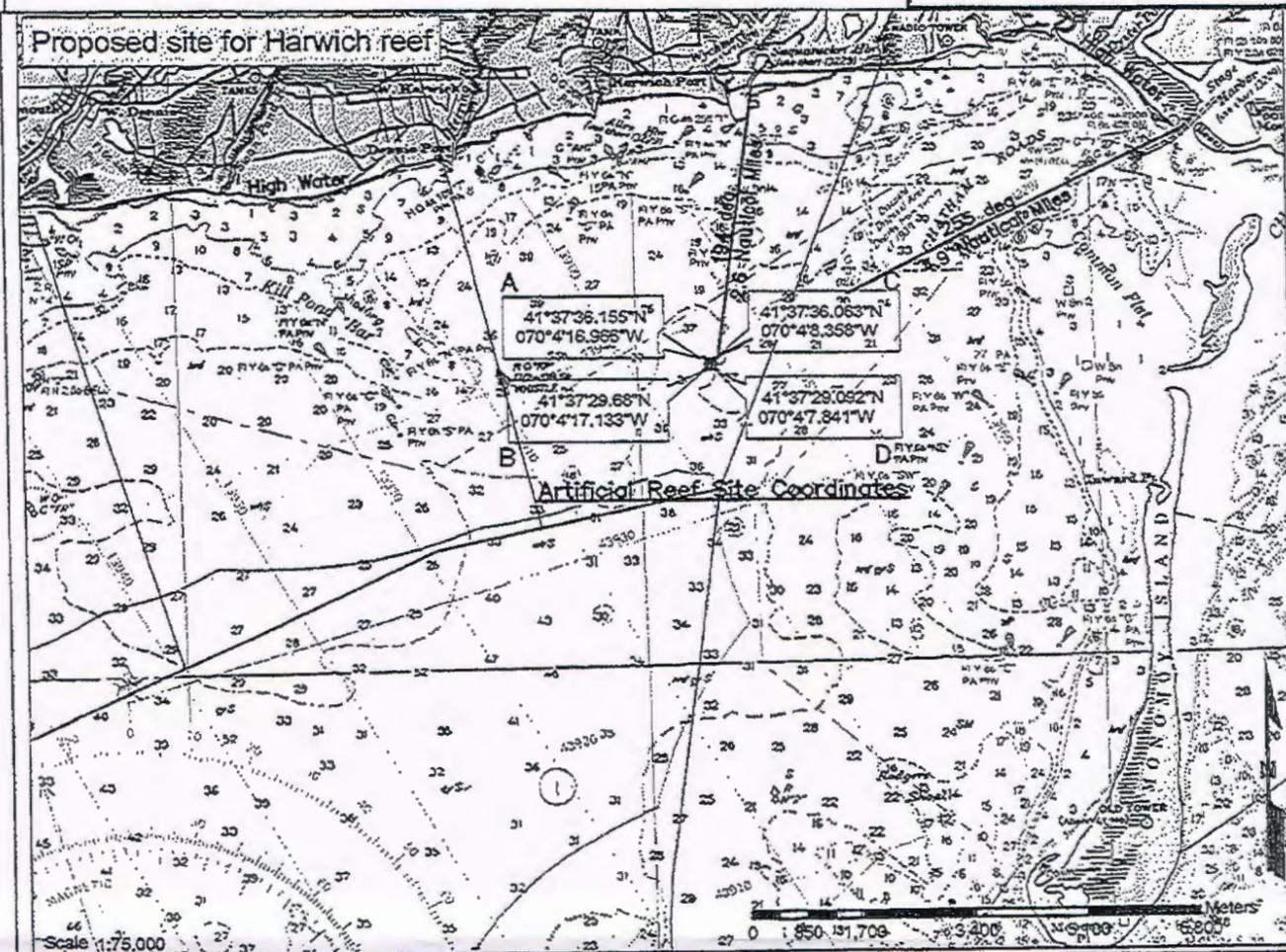
SHEET 1 OF 4



LOCUS MAP
HARWICH REEF
(NOT TO SCALE)

HARWICH REEF LOCATION

APPROXIMATELY 2.3 NAUTICAL MILES FROM THE ENTRANCE TO SAQUATUCKET HARBOR AT BEARING 194 DEG. AND 4.3 NAUTICAL MILES FROM THE ENTRANCE TO STAGE HARBOR AT BEARING OF 255 DEGREES.



Source: NOAA CHART 13237
Water Depths are in Feet

SITE OF THE HARWICH
ARTIFICIAL REEF

PLAN TO ACCOMPANY PETITION OF
THE TOWN OF HARWICH AND
THE COMMONWEALTH OF MASSACHUSETTS
DIVISION OF MARINE FISHERIES
TO LICENSE AND MAINTAIN AN
ARTIFICIAL REEF
LOCATED IN NANTUCKET SOUND
AT HARWICH, MASSACHUSETTS

PREPARED BY: TIBBETTS ENGINEERING CORP. TAUNTON, MA.

JN 12127.220

APRIL 9, 2013

GENERAL LAW 36 SECTION 13A

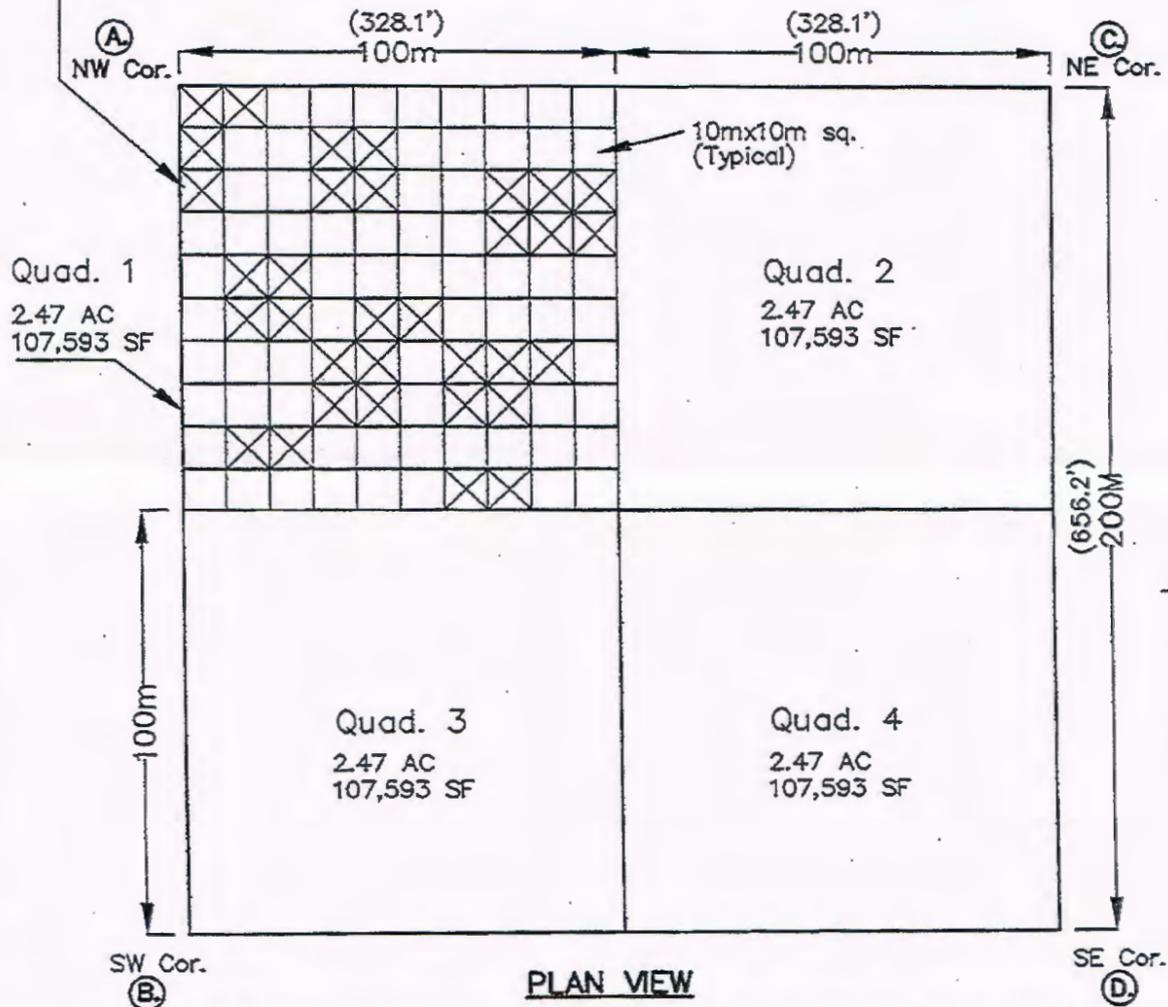
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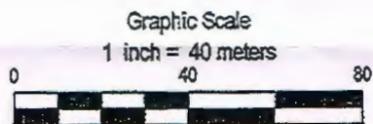


SHEET 2 OF 4

MAXIMUM OF 33 BLOCKS (10M X 10M) IN EACH OF FOUR QUADRANTS AVAILABLE FOR REEF MATERIAL DEPLOYMENT.



MAXIMUM AREA OF OCCUPATION - 11% (47,341 SF) OF THE FOUR QUADRANT REEF THAT CONTAINS A TOTAL SURFACE AREA OF 9.88 ACRES.



GENERAL REEF CONFIGURATION

PLAN TO ACCOMPANY PETITION OF THE TOWN OF HARWICH AND THE COMMONWEALTH OF MASSACHUSETTS DIVISION OF MARINE FISHERIES TO LICENSE AND MAINTAIN AN ARTIFICIAL REEF LOCATED IN NANTUCKET SOUND AT HARWICH, MASSACHUSETTS

PREPARED BY: TIBBETTS ENGINEERING CORP. TAUNTON, MA.

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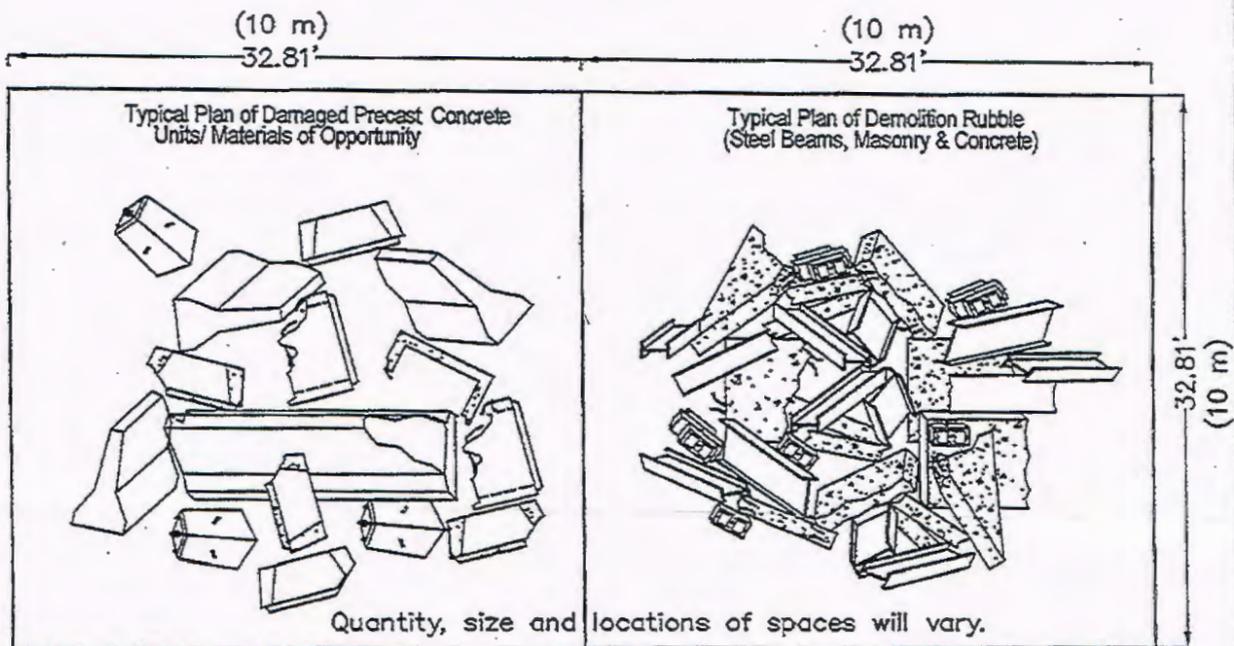
GENERAL LAW 36 SECTION 13A

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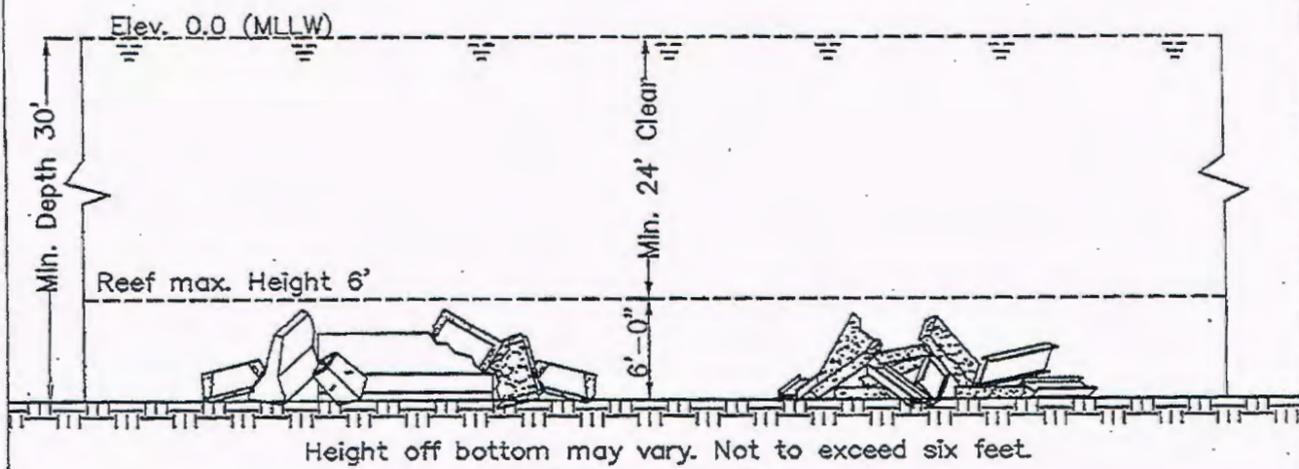
Christopher M. White 4/9/13
REGISTERED PROFESSIONAL ENGINEER



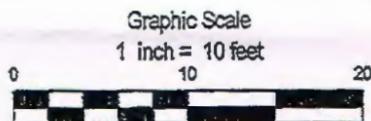
SHEET 3 OF 4



PLAN VIEW



ELEVATION VIEW



TYPICAL REEF USING DEMOLITION CONCRETE, STEEL, MASONRY OR DAMAGED PRECAST CONCRETE UNITS

PREPARED BY: TIBBETTS ENGINEERING CORP. TAUNTON, MA.

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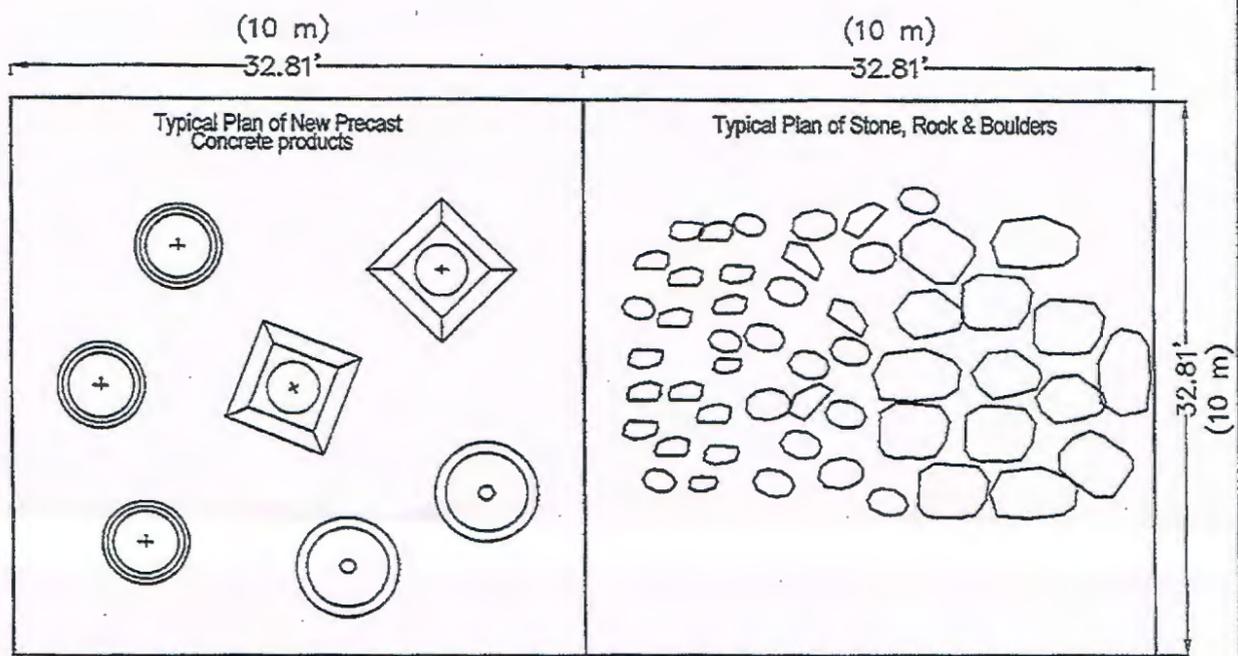
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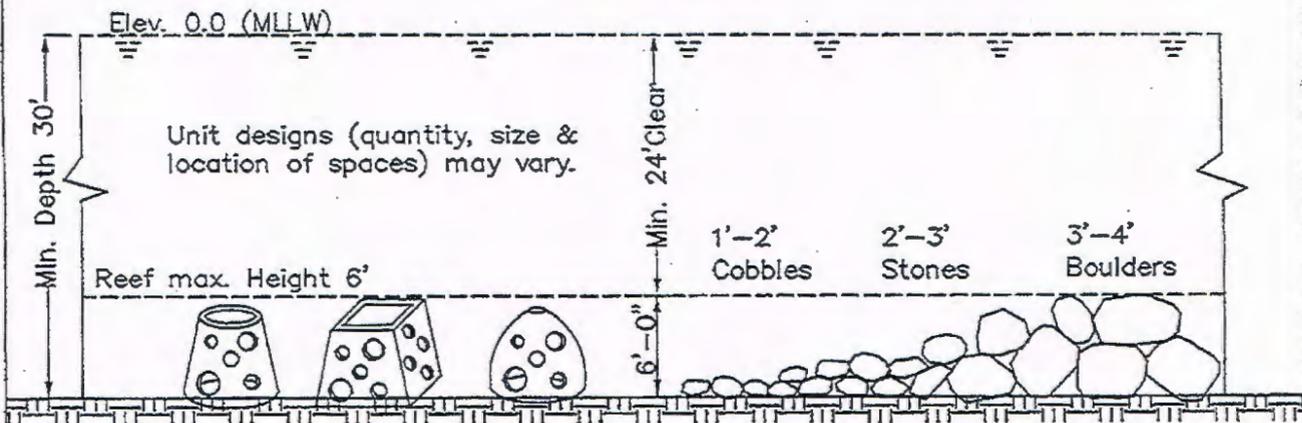


SHEET 4 OF 4

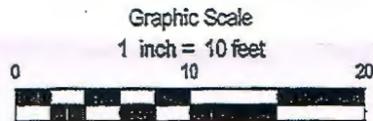


Actual footprints, dimensions & configurations may vary. Not to exceed six feet off bottom.

PLAN VIEW



ELEVATION VIEW



TYPICAL REEF USING STONE OR NEW PRECAST CONCRETE STRUCTURES

PLAN TO ACCOMPANY PETITION OF THE TOWN OF HARWICH AND THE COMMONWEALTH OF MASSACHUSETTS DIVISION OF MARINE FISHERIES TO LICENSE AND MAINTAIN AN ARTIFICIAL REEF LOCATED IN NANTUCKET SOUND AT HARWICH, MASSACHUSETTS

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