



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

PUBLIC NOTICE

Comment Period Begins: 29 December 2015
Comment Period Ends: 26 January 2016
File Number: NAE-2012-02074
In Reply Refer To: Phillip Nimeskern
Phone: (978) 318-816-8660
E-mail: Phillip.W.Nimeskern@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Stuart Bornstein, 297 North Street, Hyannis, Massachusetts. This work is proposed in Maraspin Creek at 153 Freezer Road, Barnstable, Massachusetts. The site coordinates are: Latitude 41° 42' 27"; Longitude -70° 18' 5".

The work involves the construction and maintenance of a private 5 slip dock and boat basin. The applicant will remove the existing permitted wooden wharf, the two wooden bulkheads located underneath it, and riprap. This intertidal and subtidal area under the dock will be excavated to -5' MLW. Approximately 3,700 s. f. of filled bulkhead and approximately 6,900 s. f. of side slope will be dredged. Approximately 3,866 cubic yards of sediment will be removed and dewatered onsite for re-use onsite or for upland disposal at a landfill.

The existing concrete bulkhead located landward of the wharf will be removed and the upland behind it will be excavated to create a revetment in line with the adjacent revetments. The sloped bank thus created, which will be armored with stone, will be approximately 5,000 s. f. and 150 feet long. Approximately 2,700 cu. yds. of material will be removed and disposed of on site or at a landfill.

A dock system will be constructed in the excavated area. A 10' wide, 100' long pile and timber pier will be constructed parallel to the shore. Two 6' wide by 24' long pile and timber ramps will extend from the shore to the 100' pier. A 20' wide by 40' long wharf will extend from the shore into the creek at the southern end of the 100' pier. A 6' by 7.275' pile and timber gangway platform will be built at the outer end of the wharf. A 4' by 40' gangway will connect the gangway platform to the floating dock. The floating dock will consist of three pile-secured connected floats with the dimensions 6' by 51', 12' by 20' and 5' by 24'. All piles will be made of 12" diameter steel pipe. A 56' long, 20' high, timber pile fender system will be constructed next to the timber pier.

The work is shown on the attached plans entitled "INSTALLATION OF NEW RIPRAP SLOPE, TIMBER PILE SUPPORTED TIMBER PIER, GANGWAY AND FLOATING DOCKS," on 9 sheets, and dated "02/10/14, REVISED 12/23/14"

The only proposed fill is stone to armour the revetment that will be excavated in the existing concrete bulkhead. Further fill was avoided, the minimal amount of stone armouring will be placed, and compensation is unnecessary.

AUTHORITY

Permits are required pursuant to:

 x Section 10 of the Rivers and Harbors Act of 1899

x 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, US 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 6,900 sf or 0.16 acres of Essential Fish Habitat (EFH) for Albacore Tuna (*Thunnus alalunga*), American plaice (*Hippoglossoides platessoides*), Atlantic cod (*Gadus morhua*), Bluefin tuna (*Thunnus thynnus*), Haddock (*Melanogrammus aeglefinus*), Ocean pout (*Macrozoarces americanus*), Pollock (*Pollachius virens*), Red hake (*Urophycis chuss*), Sea Scallop (*Placopectin magellanicus*), Silver hake or Whiting (*Merluccius bilinearis*), Smooth dogfish (*Mustelus canis*), White hake (*Urophycis tenuis*), White Shark (*Carcharodon carcharias*), Windowpane flounder (*Scophthalmus aquosus*), Winter flounder (*Pseudopleuronectes americanus*), Yellowtail flounder (*Limanda ferruginea*). This habitat consists of sandy substrate. 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.

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.



Alan R. Anacheke-Nasemann, PWS
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: _____

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:

- (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 questions, please contact Phillip Nimeskern at (978) 318-8660, (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.



PURPOSE: DREDGE AREATO ELEV. -5.0',
CONSTRUCT NEW RIP RAP SLOPE AND
TIMBER PIER W/ACCESS RAMP TO NEW
FLOATING DOCKS.

DATUM: MEAN LOW WATER = 0.0'

CHILDS ENGINEERING CORPORATION
34 WILLIAM WAY, BELLINGHAM, MA 02019

LOCUS MAP

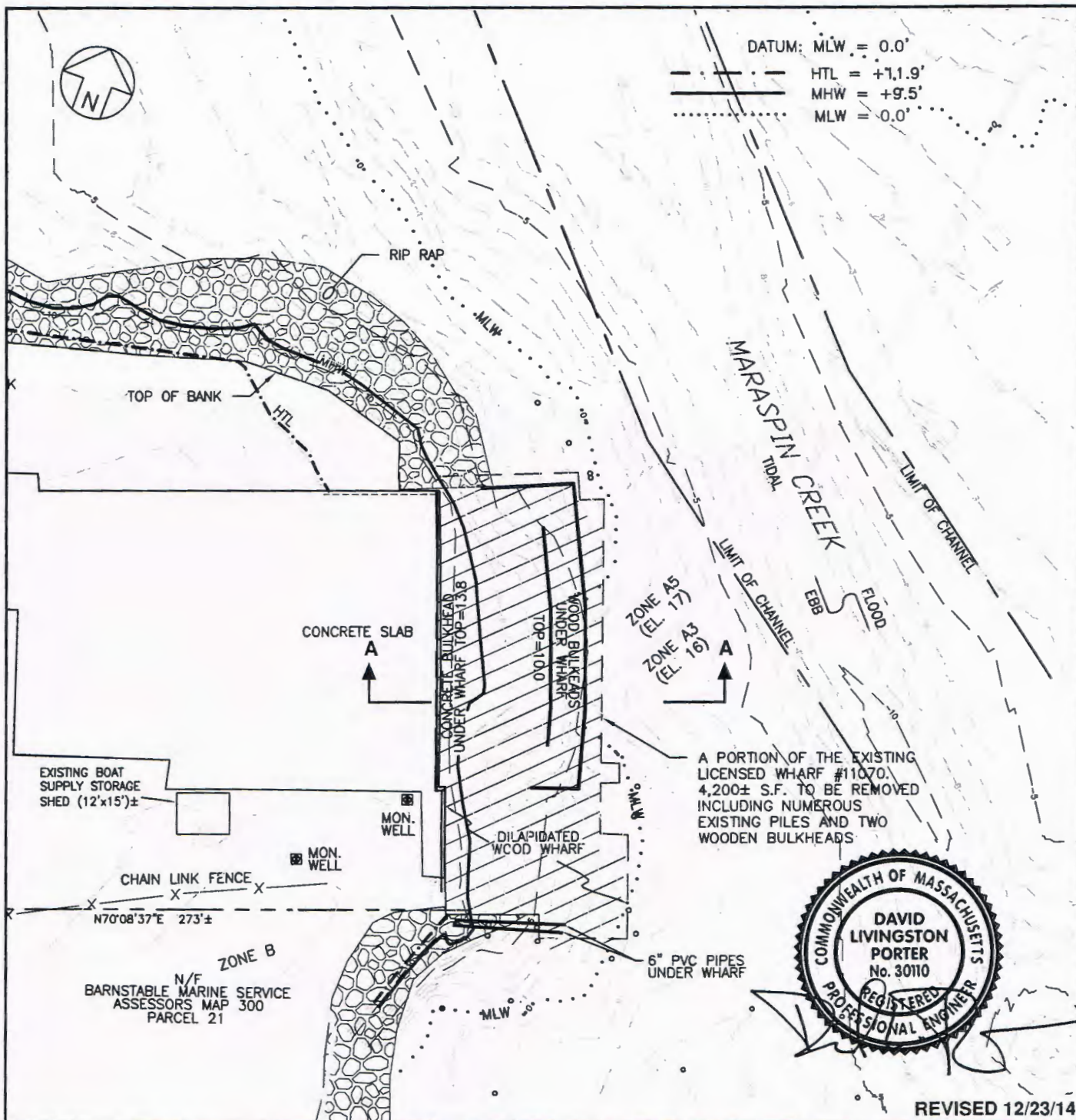
SCALE: NONE

APPLICATION BY:
STUBORN LIMITED PARTNERSHIP
297 NORTH STREET
HYANNIS, MA 02601

INSTALLATION OF NEW RIP RAP SLOPE,
TIMBER PILE SUPPORTED TIMBER PIER,
GANGWAY AND FLOATING DOCKS

IN: MARASPIN CREEK
AT: 153 FREEZER ROAD, BARNSTABLE
COUNTY: BARNSTABLE STATE: MA

SHEET 1 OF 9 DATE: 2/01/14

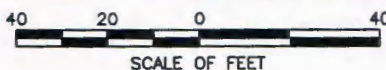


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EXISTING SITE PLAN



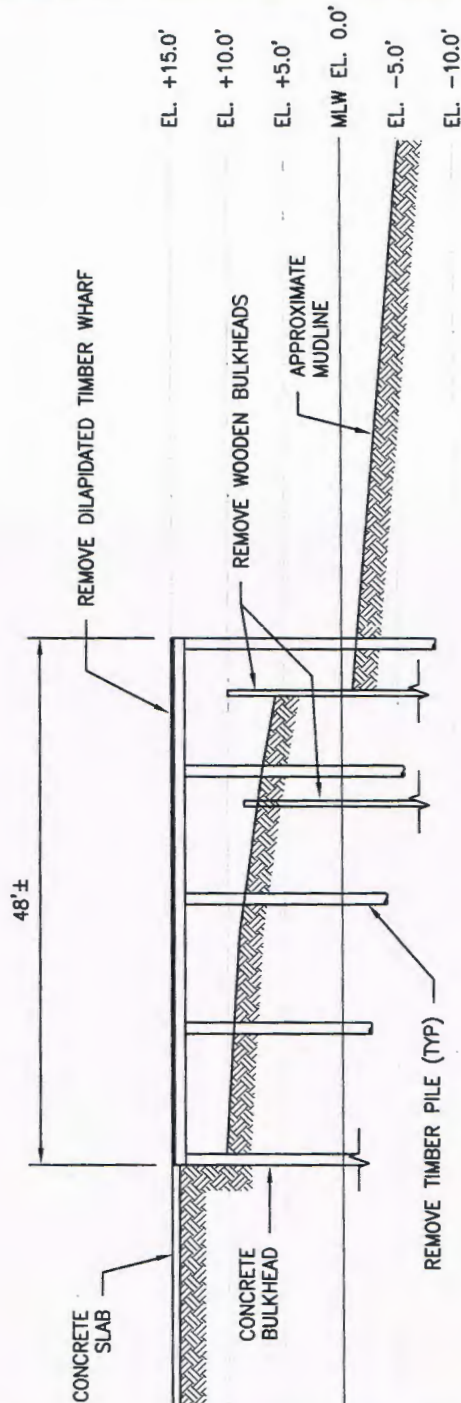
APPLICATION BY:
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297 NORTH STREET
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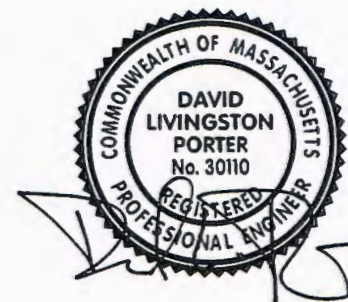
SHEET 2 OF 9 DATE: 2/01/14

DATUM: MLW = 0.0'
 HTL = +11.9'
 MHW = +9.5'
 MLW = 0.0'



EXISTING SECTION A-A

SCALE: 1/16"=1'-0"



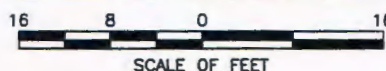
REVISED 12/23/14

PURPOSE: DREDGE AREA TO ELEV. -5.0', CONSTRUCT NEW RIP RAP SLOPE AND TIMBER PIER W/ACCESS RAMP TO NEW FLOATING DOCKS.

DATUM: MEAN LOW WATER = 0.0'

CHILDS ENGINEERING CORPORATION
 34 WILLIAM WAY, BELLINGHAM, MA 02019

EXISTING SECTION A-A



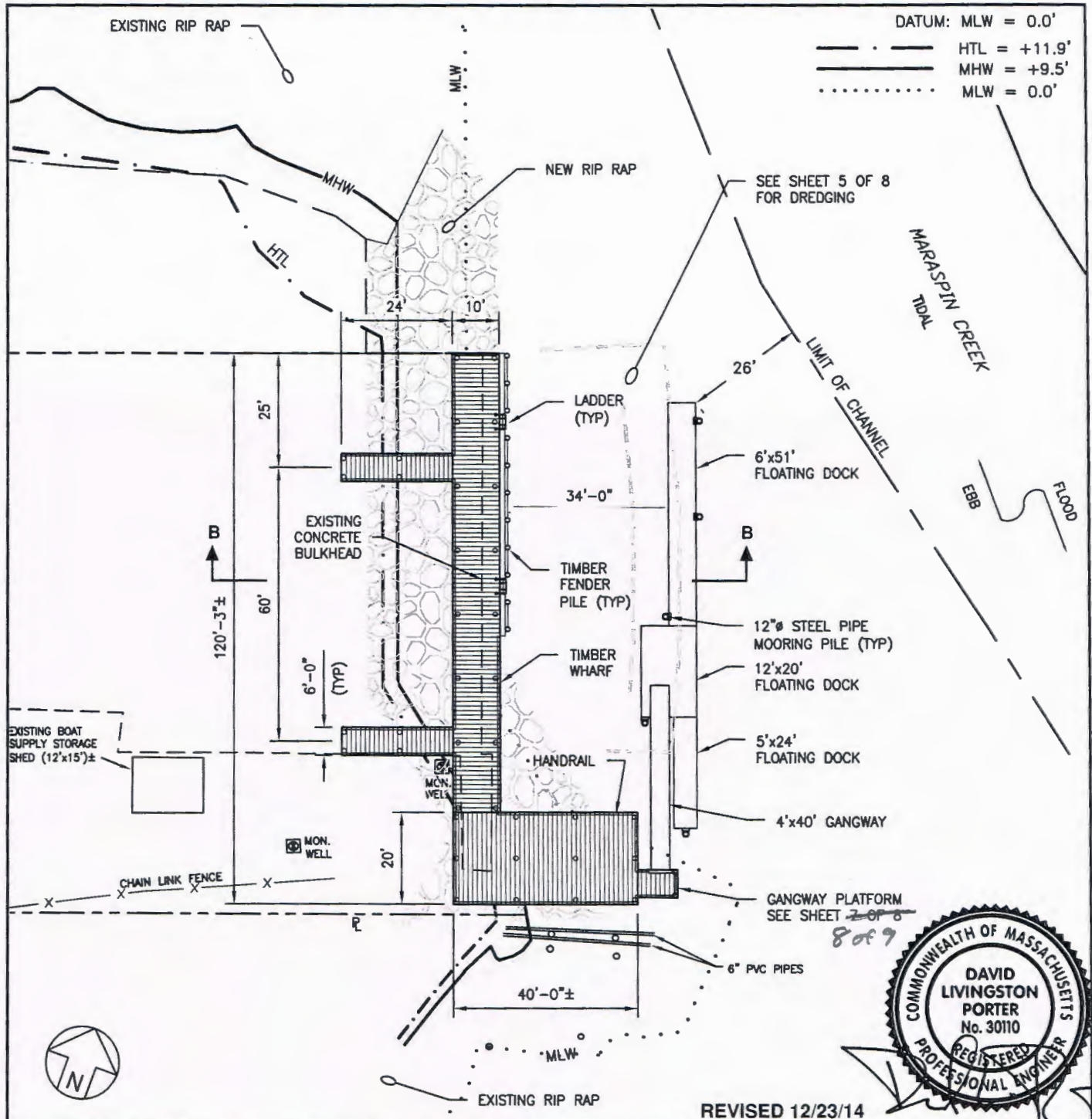
SCALE OF FEET

APPLICATION BY:
 STUBORN LIMITED PARTNERSHIP
 297 NORTH STREET
 HYANNIS, MA 02601

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 COUNTY: BARNSTABLE STATE: MA

SHEET 3 OF 9 DATE: 2/01/14

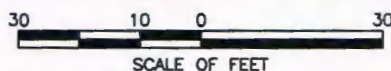


PURPOSE: DREDGE AREA TO ELEV. -5.0', CONSTRUCT NEW RIP RAP SLOPE AND TIMBER PIER W/ACCESS RAMP TO NEW FLOATING DOCKS.

DATUM: MEAN LOW WATER = 0.0'

CHILDS ENGINEERING CORPORATION
34 WILLIAM WAY, BELLINGHAM, MA 02019

PROPOSED PLAN



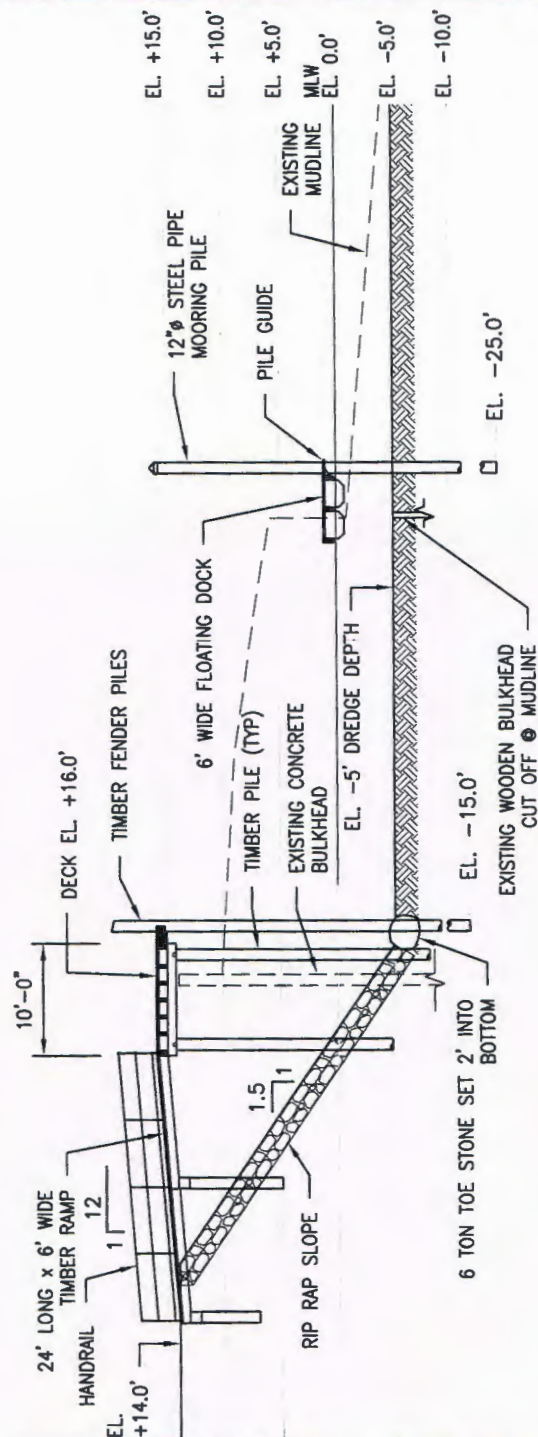
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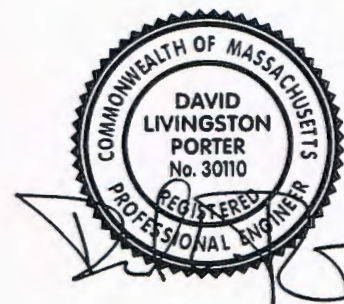
SHEET 4 OF 9 DATE: 2/01/14

DATUM: MLW = 0.0'
 HTL = +11.9'
 MHW = +9.5'
 MLW = 0.0'



PROPOSED SECTION B-B

SCALE: 1/16"=1'-0"



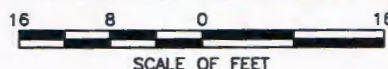
REVISED 12/23/14

PURPOSE: DREDGE AREA TO ELEV. -5.0', CONSTRUCT NEW RIP RAP SLOPE AND TIMBER PIER W/ACCESS RAMP TO NEW FLOATING DOCKS.

DATUM: MEAN LOW WATER = 0.0'

CHILDS ENGINEERING CORPORATION
 34 WILLIAM WAY, BELLINGHAM, MA 02019

PROPOSED SECTION B-B

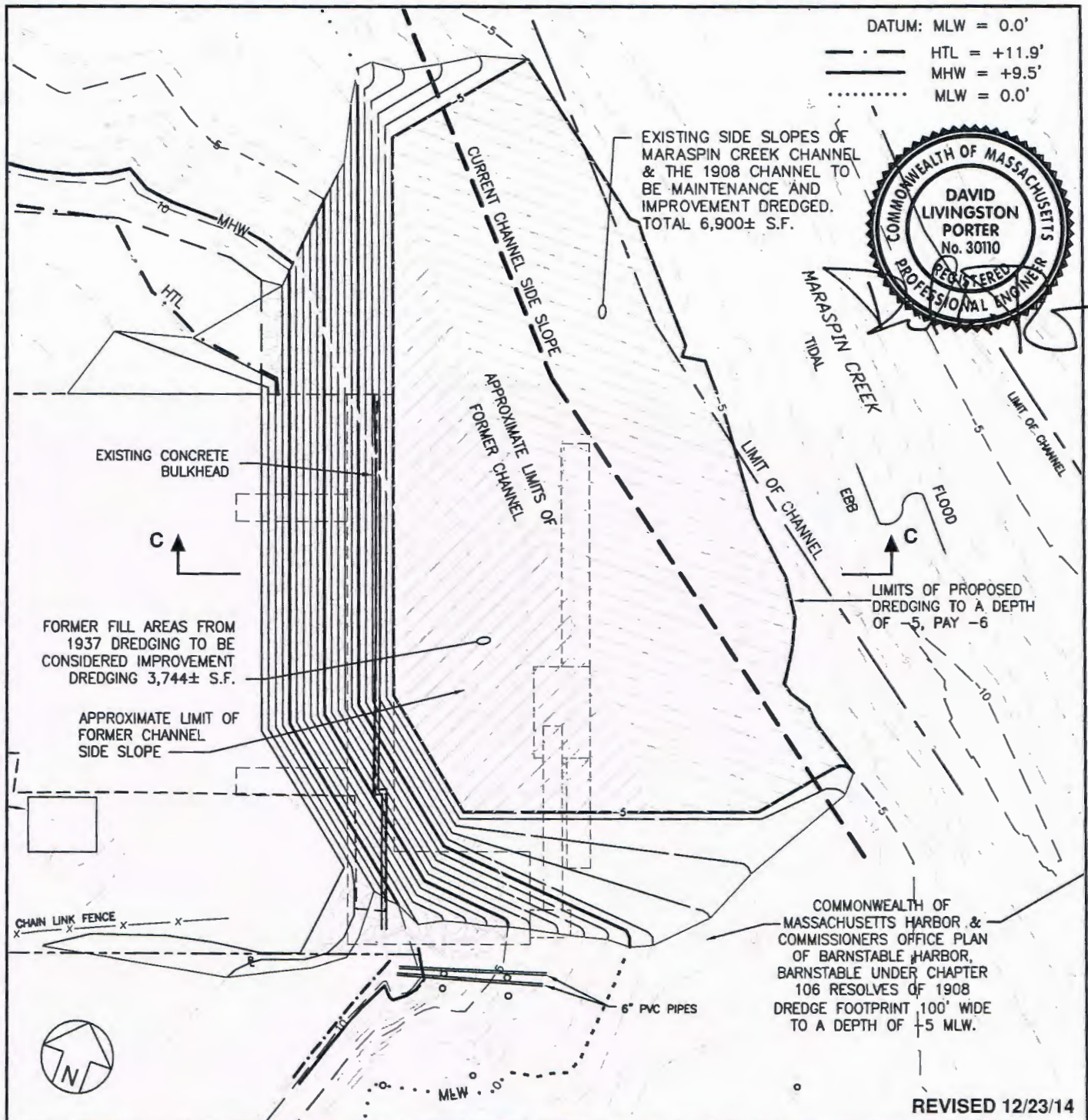


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 COUNTY: BARNSTABLE STATE: MA

SHEET 5 OF 9 DATE: 2/01/14

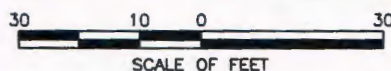


PURPOSE: DREDGE AREA TO ELEV. -5.0', CONSTRUCT NEW RIP RAP SLOPE AND TIMBER PIER W/ACCESS RAMP TO NEW FLOATING DOCKS.

DATUM: MEAN LOW WATER = 0.0'

CHILDS ENGINEERING CORPORATION
34 WILLIAM WAY, BELLINGHAM, MA 02019

PROPOSED DREDGE PLAN



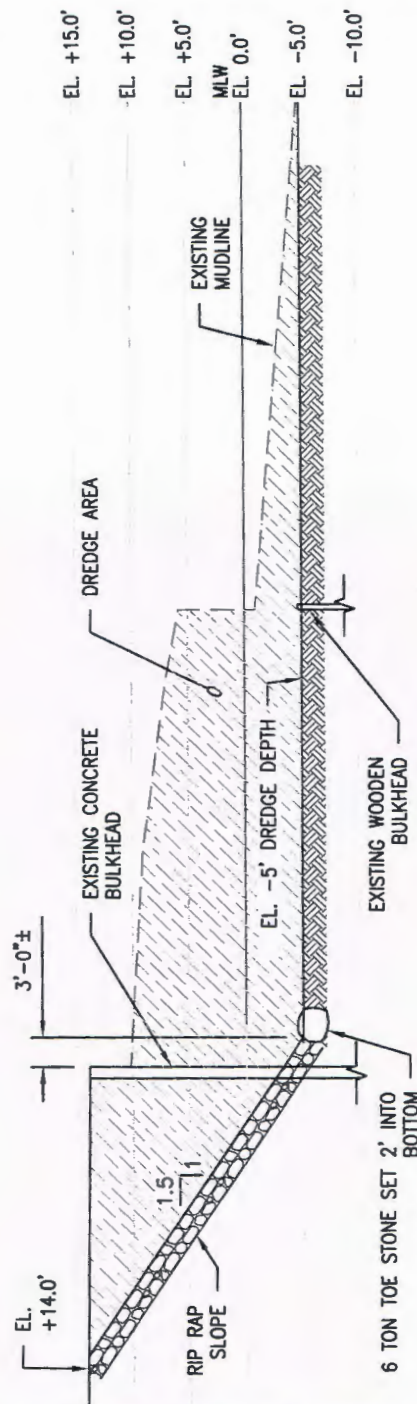
APPLICATION BY:
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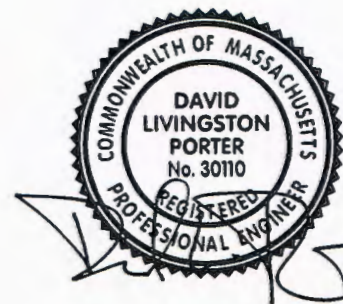
SHEET 6 OF 9 DATE: 2/01/14

DATUM: MLW = 0.0'
 HTL = +11.9'
 MHW = +9.5'
 MLW = 0.0'



DREDGE SECTION C-C

SCALE: 1/16"=1'-0"



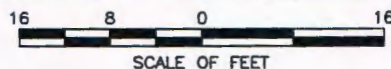
REVISED 12/23/14

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DATUM: MEAN LOW WATER = 0.0'

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DREDGE SECTION C-C



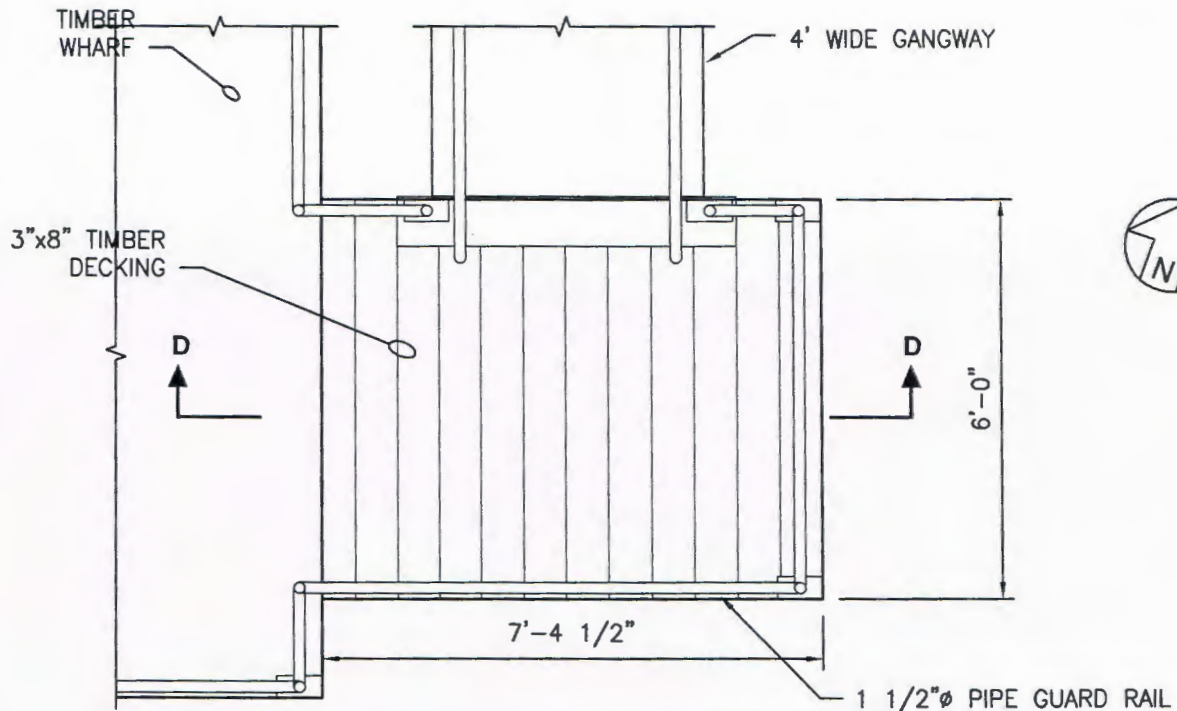
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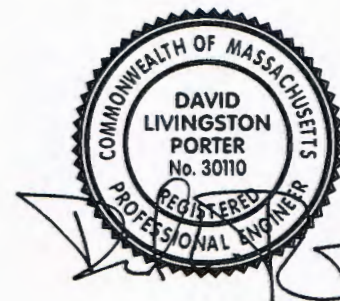
SHEET 7 OF 9 DATE: 2/01/14

DATUM: MLW = 0.0'
 HTL = +11.9'
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 MLW = 0.0'



GANGWAY PLATFORM DECK PLAN

SCALE: 3/8"=1'-0"



REVISED 12/23/14

PURPOSE: DREDGE AREATO ELEV. -5.0',
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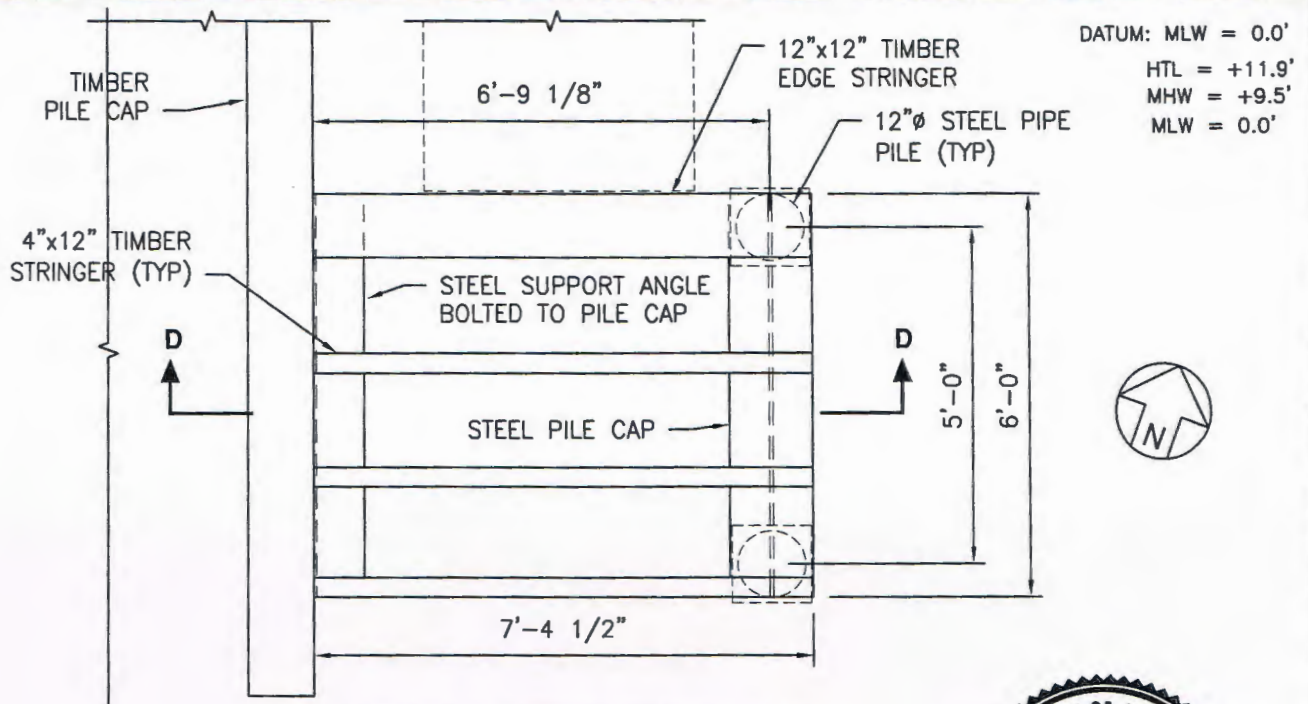
PLATFORM DECK PLAN

APPLICATION BY:
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 297 NORTH STREET
 HYANNIS, MA 02601

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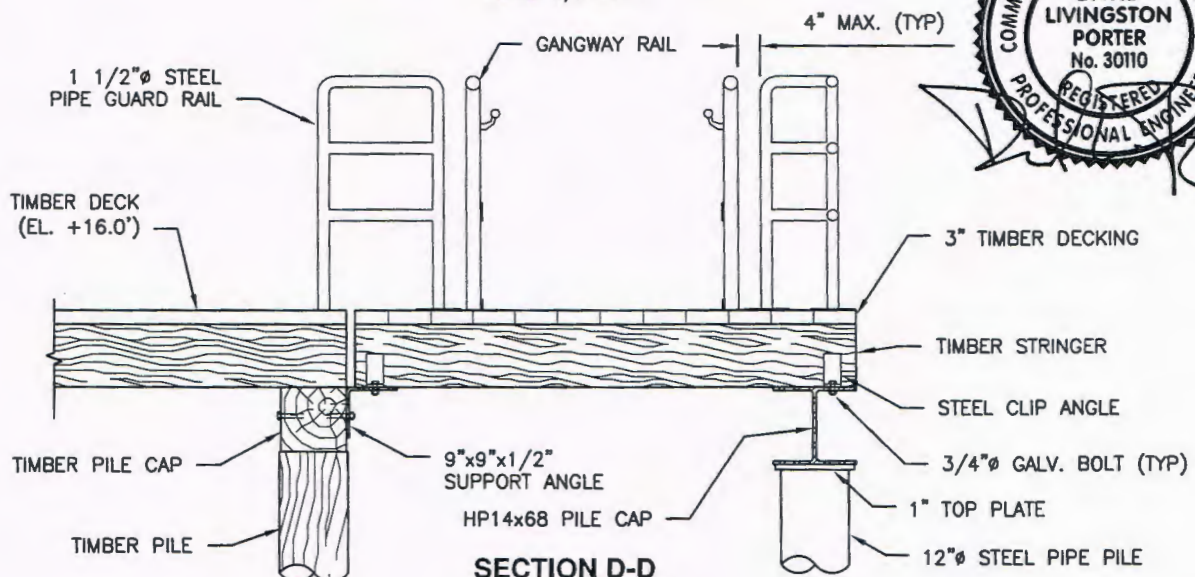
IN: MARASPIN CREEK
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SHEET 8 OF 9 DATE: 2/01/14



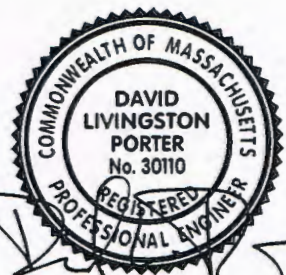
GANGWAY PLATFORM FRAMING PLAN

SCALE: 3/8"=1'-0"



SECTION D-D

SCALE: 3/8"=1'-0"



REVISED 12/23/14

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PLATFORM DETAILS

APPLICATION BY:
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