



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

PUBLIC NOTICE

Comment Period Begins: November 23, 2010
Comment Period Ends: December 23, 2010
File Number: NAE-2004-00364
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 from the applicant below to **conduct work in waters of the United States** as described below.

APPLICANT

Joseph Jannetty
Cordage Development, LLC

ACTIVITY

To construct and maintain a seasonal 440' long floating tire breakwater that will be anchored every 40' with chains to existing moorings.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Plymouth Bay at 10 Cordage Park Circle, Plymouth, Massachusetts. The proposed location on the USGS North Plymouth quadrangle sheet is at Longitude -70.68751 and Latitude 41.98237.

AUTHORITY

Permits are required pursuant to:

- X 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 approximately 880 square feet of Essential Fish Habitat (EFH) for Atlantic cod (eggs, larvae, juveniles, adults), haddock (eggs and larvae), Pollock (larvae, juveniles, adults), whiting (eggs, larvae, juveniles, adults), red hake (eggs, larvae, juveniles, adults), white hake (eggs, larvae, juveniles, adults), winter flounder (eggs, larvae, juveniles, adults), yellowtail flounder (eggs, larvae, juvenile, adult), windowpane flounder (eggs, larvae, juvenile, adult), American plaice (eggs, larvae, juvenile, adult), ocean pout (eggs, larvae, juvenile, adult), Atlantic halibut (eggs, larvae, juvenile, adult), Atlantic sea scallop (eggs, larvae, juvenile, adult), Atlantic sea herring (larvae, juvenile, adult), bluefish (juvenile, adult), long finned squid (juvenile, adult), short finned squid (juvenile, adult), Atlantic butterfish (eggs, larvae, juvenile, adult), Atlantic mackerel (eggs, larvae, juvenile, adult), scup (juvenile, adult), black sea bass (adult), surf clam (juvenile, adult), and bluefin tuna (juvenile, adult). Loss of this habitat may adversely affect the species that utilize this aquatic area. 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.

SECTION 106 COORDINATION

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.
- () Water Quality Certification in accordance with Section 401 of the Clean Water Act.

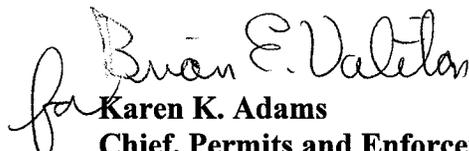
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Richard Kristoff at (978) 318-8171, (800) 343-4789 or (800) 362-4367, if 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.

In accordance with 33 CFR 325.2(a)(8), we publish monthly a list of permits issued or denied during the previous month at www.nae.usace.army.mil/reg, under the heading "Monthly General and Individual Permit Authorizations." Relevant environmental documents and the SOFs or RODs are available upon written request and, where applicable, upon the payment of administrative fees. Also visit www.nae.usace.army.mil for more information on the New England District Corps of Engineers programs.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


for **Karen K. Adams**
Chief, Permits and Enforcement Branch
Regulatory Division

CENAE-R
FILE NO. NAE-2004-00364

If you would prefer not to continue receiving Public Notices, 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.

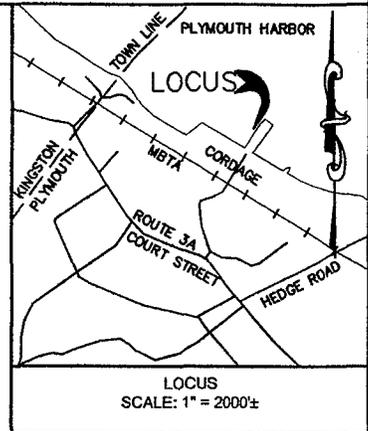
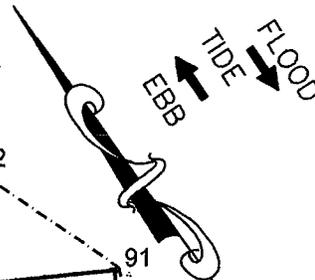
NAME: _____
ADDRESS: _____

PROPOSED WORK AND PURPOSE

The work includes work in navigable waters of wave protection for boat slips belonging to Cordage Development, LLC. The boat slips were originally constructed with only being protected by a previously existing rock seawall. During the 2009 boating season it became apparent that the seawall was not enough protection as waves refracted off of it and caused damage to the floating dock system and vessels moored there. The proposed project involves constructing a 440' long wave attenuator made out of 40' long sections of foam filled tires attached to non-treated timber poles and anchored to existing moorings. The purpose of the project is to enhance wave protection for the floating dock system and vessels from another northeast storm event. The wave attenuator will only be used during the boating season and removed after the season has commenced. The wave attenuator will attach to the existing seawall and continue northward and will be chained to 11 existing moorings approximately every 40'.

The work is described on the enclosed plans entitled "WAVE PROTECTION BARRIER COE PERMIT # NAE 2004-364," on 2 sheets, and dated "03-22-10."

PLYMOUTH BAY



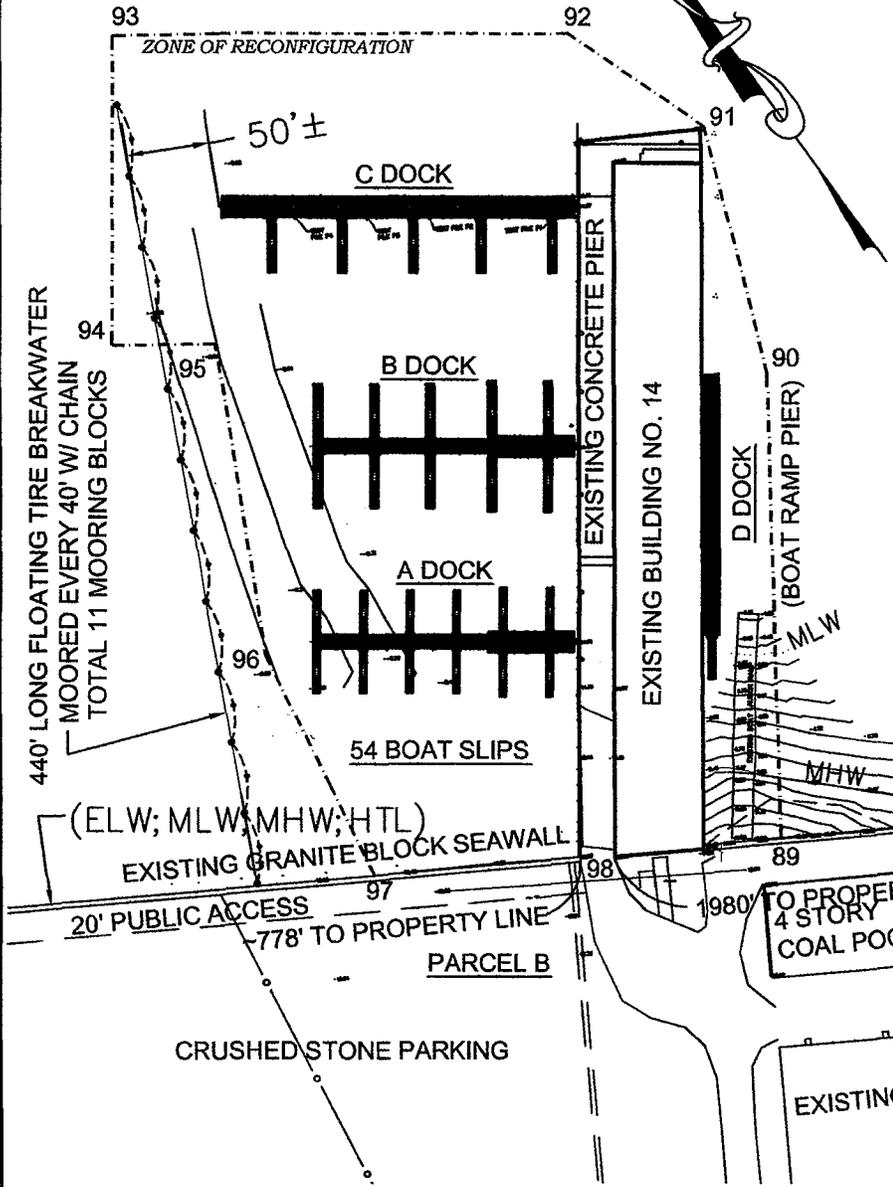
DATUM: MLW = 0.0'
 MHW = +9.5'
 ELEVATIONS IN FEET
 MASS COORDINATE SYSTEM
 41° 58' 55" N
 70° 41' 13" W

RECONFIGURATION ZONE COORDINATES

POINT#	NORTHING	EASTING
89	2819227.6101	877166.0525
90	2819443.3751	877310.9989
91	2819575.3754	877361.4622
92	2819661.2045	877329.1703
93	2819807.2318	877123.0912
94	2819667.8194	877022.9939
95	2819635.5524	877069.7988
96	2819477.6808	876991.3529
97	2819343.3328	876969.1960

EXISTING PIER COORDINATES

91	2819575.633	877359.454
98	2819283.488	877066.136

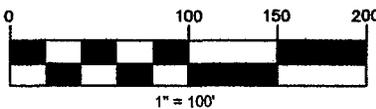


SHEET 1 OF 2

PURPOSE: RETAIN AND MAINTAIN WAVE PROTECTION BARRIER

- ADJACENT PROPERTY OWNERS:
1. M.B.T.A.
 2. SHEEHAN, MAUREEN, TRUSTEE
 3. ACQUITY MANAGEMENT, INC.

PLAN VIEW



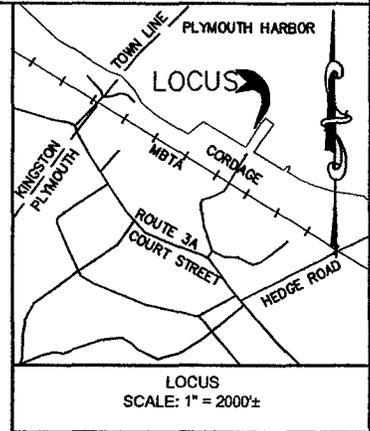
CORDAGE DEVELOPMENT, LLC
 10 CORDAGE PARK CIRCLE
 PLYMOUTH, MA. 02360

WAVE PROTECTION BARRIER
 COE PERMIT # NAE 2004-364

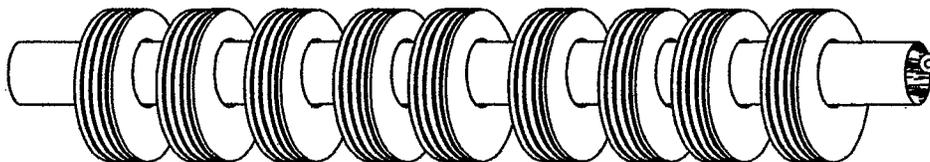
CORDAGE PARK
 PLYMOUTH, MA.
 PLYMOUTH COUNTY, MA

APPLICATION BY:
 CORDAGE DEVELOPMENT, LLC

DATE: 03-22-10



DATUM: MLW = 0.0'
 MHW = +9.5'
 ELEVATIONS IN FEET
 MASS COORDINATE SYSTEM
 41° 58' 55" N
 70° 41' 13" W

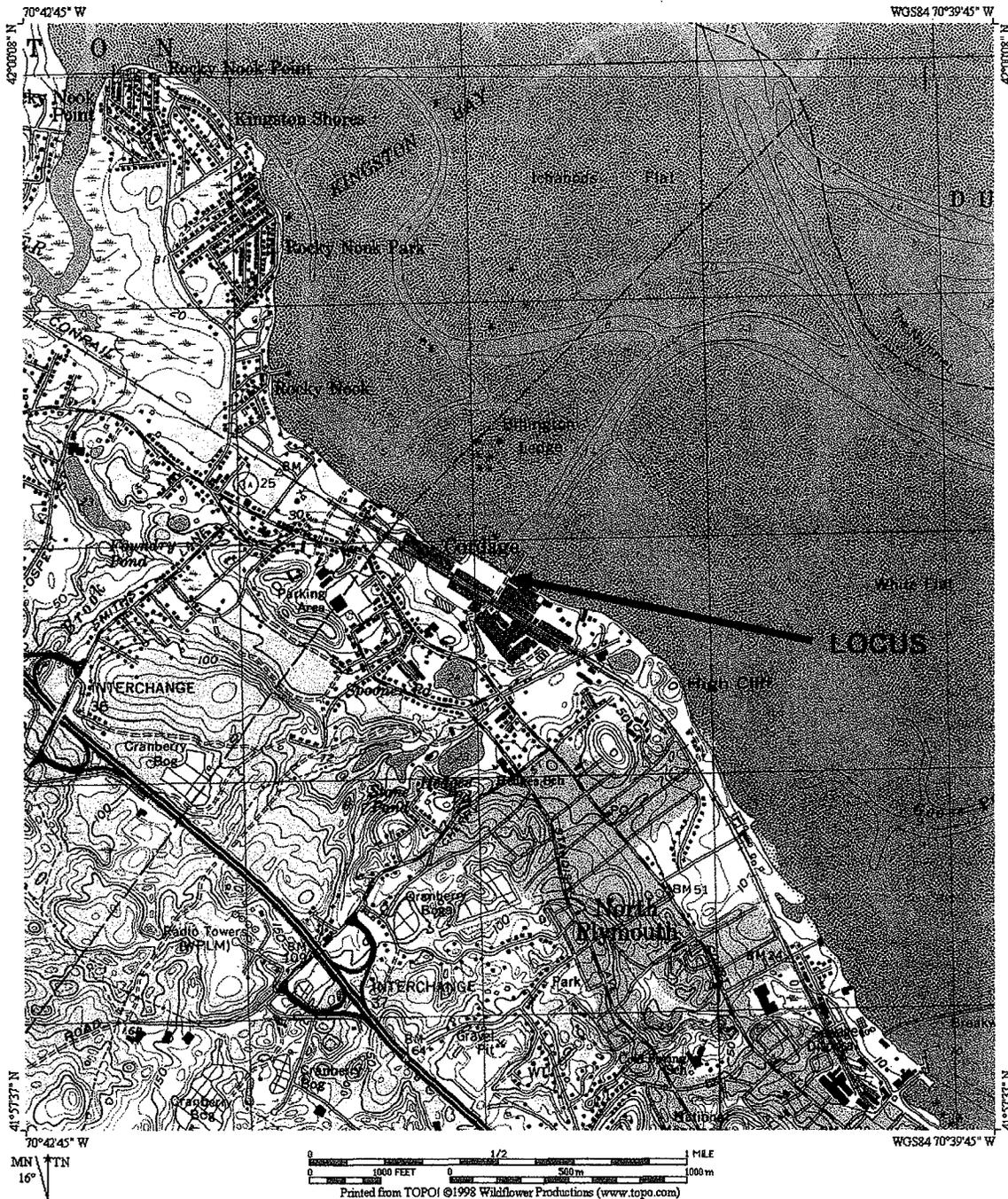


TYPICAL 40' LONG SECTION

- NOTES:**
- ±38 FOAM FILLED TIRES PER 40' POLE
 - POLES TO BE NON-TREATED TIMBER
 - ALL FASTENINGS TO BE HOT DIPPED GALVANIZED
 - CHAIN ANCHORS TO BE 40"x72"x12" CONCRETE

SHEET 2 OF 2

<p>PURPOSE: RETAIN AND MAINTAIN WAVE PROTECTION BARRIER</p> <p>ADJACENT PROPERTY OWNERS: 1. M.B.T.A. 2. SHEEHAN, MAUREEN, TRUSTEE 3. ACQUITY MANAGEMENT, INC.</p>	<p>DETAIL VIEW</p> <p>NOT TO SCALE</p> <p>CORDAGE DEVELOPMENT, LLC 10 CORDAGE PARK CIRCLE PLYMOUTH, MA. 02360</p>	<p>WAVE PROTECTION BARRIER COE PERMIT # NAE 2004-364 CORDAGE PARK PLYMOUTH, MA. PLYMOUTH COUNTY, MA</p> <p>APPLICATION BY: CORDAGE DEVELOPMENT, LLC</p> <p>DATE: 03-22-10</p>
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USGS QUADRANGLE
Plymouth, Mass.
Scale 1 : 12,000

Cordage Development, LLC
Cordage Park
Plymouth, Mass.

Locus: 41° 58' 55" N
70° 41' 16" W