



# PUBLIC NOTICE

**US Army Corps  
of Engineers®**  
New England District

8 Carmichael Street, Suite 205  
Essex Junction, Vermont 05452

**Date:** 03/Aug/2010  
**Comment Period Ends:** 03/Sept/2010  
**File Number:** NAE-2009-383  
**In Reply Refer To:** Michael S. Adams  
**Or by e-mail:** Michael.S.Adams@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. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

**APPLICANT: Local Motion, ATTN: Chapin Spencer, 1 Steele Street, Burlington, Vermont 05401**

## ACTIVITY

Place and maintain a new docking facility for a ferry and repair and rehabilitate an existing abutment off an existing causeway at "The Cut" in Lake Champlain in South Hero, Vermont, as shown on the attached drawings. The proposed work involves the following:

- a. Place and maintain two "T" shaped floating main docks: An 8' wide, 48' long dock will be placed parallel to the causeway. A 24' wide, 55' long dock will be placed perpendicular to the causeway. The dock will be accessed by a 6' wide, 40' long gangway. The gangways will be attached to concrete ramps constructed on the causeway. The docks will extend a maximum of 95' beyond ordinary high water (OHW). The floating docks will be anchored to the lake bottom with helical anchors.
- b. Place and maintain two floating 20' wide, 84' long wave attenuators extending a maximum of 135' beyond OHW. The attenuators will be anchored to the lake bottom with helical anchors.
- c. Place and maintain about 25 cy of rock fill below OHW in conjunction with the construction of the concrete ramp to access the southern dock. This work will impact about 410 sq. ft. (0.01 acre) of lake bottom.
- d. Place and maintain about 90 cy of rock fill below OHW in conjunction with the rehabilitation of the lakeward end of the northern causeway. This work will impact about 805 sq. ft. (0.02 acre) of lake bottom. The northern abutment will be rehabilitated into a viewing area. This work will impact about 50 sq. ft. of the abutment below OHW. About ½ cy of concrete will be placed below OHW for this work.
- e. Eleven wooden piles will be cut at the lake bottom lakeward of the northern abutment and removed.

The purpose of the project is to provide ferry service for bicyclists and pedestrians between the two sides of "The Cut", and to provide improved recreational access to the lake.

The only alternative considered was the construction of a pedestrian bridge. A bridge would interfere with navigation on the lake. The no-build alternative would not accomplish the project purpose of providing improved recreational access to the lake and would not prevent the continued erosion of the causeway.

**CENAE-R**  
**FILE NO. NAE-2009-383**

The work is partially described on the enclosed plans, in seven sheets, entitled "BIKE FERRY DOCKING", [sheet 1 dated "06/13/08", sheet 2 dated "06/12/08" (revised "05/26/09"), sheets 3, 4, and 7 dated "06/13/08" (revised "05/26/09"), and sheet 5 dated "11/24/08" (revised "05/26/09")], and "OVERLOOK" (dated "JANUARY 2009").

**WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed at "The Cut" in Malletts Bay of Lake Champlain in South Hero, Vermont. The project is located on the USGS Colchester Point, VT quadrangle sheet at UTM coordinates 4938731 N and 633917.0 E.

**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.

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 Michael S. Adams at (802) 872-2893.

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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.

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)

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

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.

The following authorizations have been applied for, or have been, or will be obtained:

- Permit, License or Assent from State of Vermont.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

  
Frank DelGiudice  
Chief, Permits & Enforcement Branch  
Regulatory Division

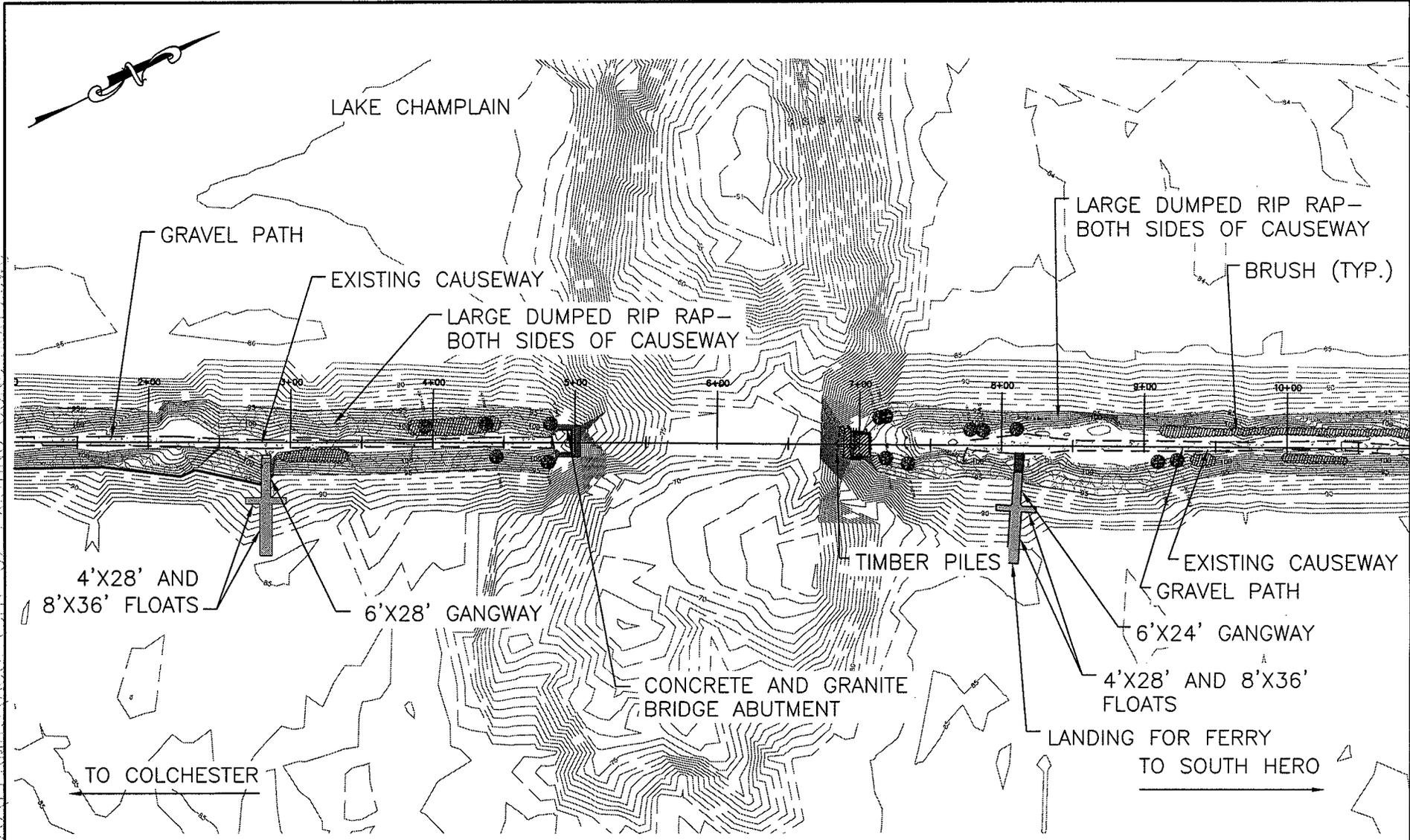
**CENAE-R**  
**FILE NO. NAE-2009-383**

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](mailto: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: \_\_\_\_\_



File: X:\25536-25570\PERMITS\ACCA\SHI-02 EXISTING COND.LIN.DWG



A  
2

**EXISTING CONDITIONS**

SCALE: 1" = 100'

REVISED: 05/26/09

FEMA +102.0 LOW LAKE LEVEL +93.5  
 HIGH LAKE LEVEL +101.5 DATUM NGVD 0.0  
 ORDINARY HIGH WATER +98.0

TITLE: **EXISTING CONDITIONS**

IN: **LAKE CHAMPLAIN**  
 AT: **SOUTH HERO**  
 COUNTY: **GRAND ISLE** STATE: **VT**

**BCE** Bourne Consulting Engineering  
 3 Bent Street  
 Franklin, MA 02039  
 PH. (508) 533-0000 FAX. (508) 533-0000

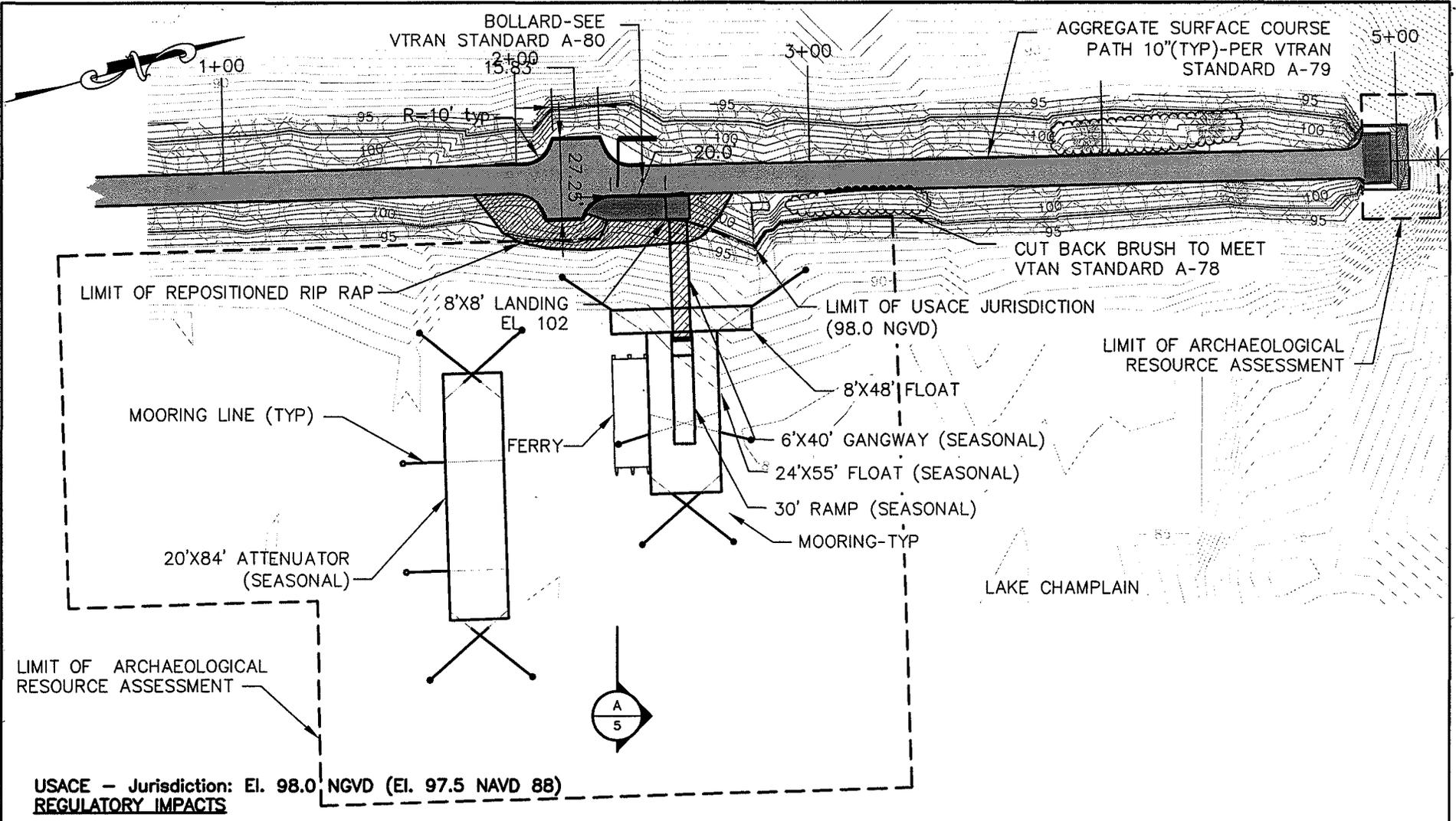
PURPOSE: **BIKE FERRY DOCKING**

APPLICATION BY: **LOCAL MOTION, INC.**

SHEET **2** OF **7**  
 DATE: **06/12/08**



Fig. X:\25536-25570\PERMITS\ACCF\SHIT\_3\_4\_PROPOSED\_CONDITIONS.dwg



**USACE - Jurisdiction: El. 98.0 NGVD (El. 97.5 NAVD 88)**  
**REGULATORY IMPACTS**

**SOUTH SIDE**

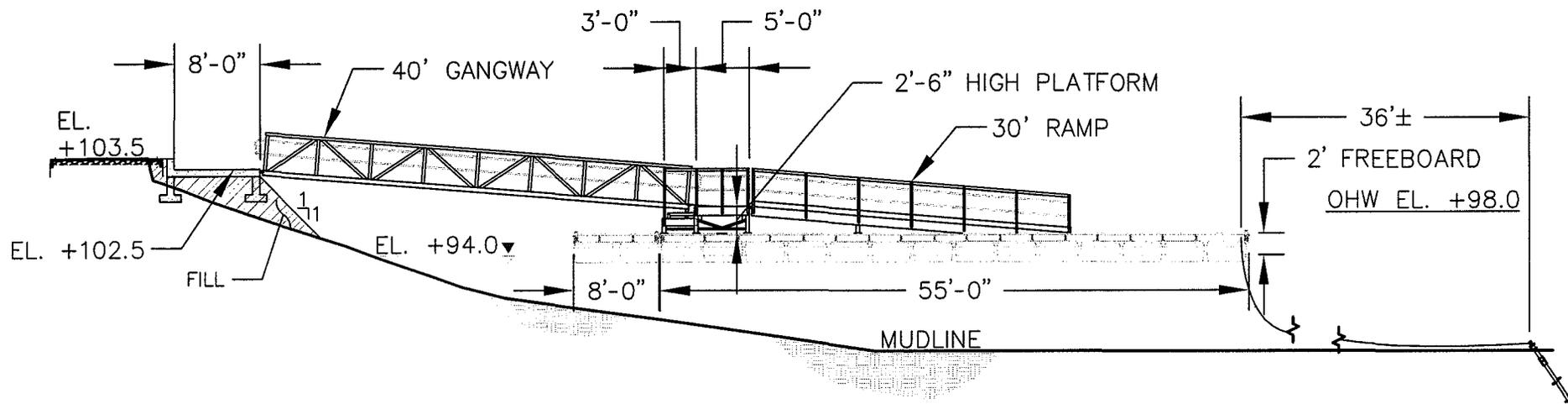
- Floats:** 1,704 sf - seasonal
- Gangways:** 240 sf - seasonal
- Wave Attenuator:** 1,680 sf - seasonal
- Access Ramps:** 410 sf - permanent

**SOUTH END LAYOUT**  
 SCALE: 1"=50'-0"

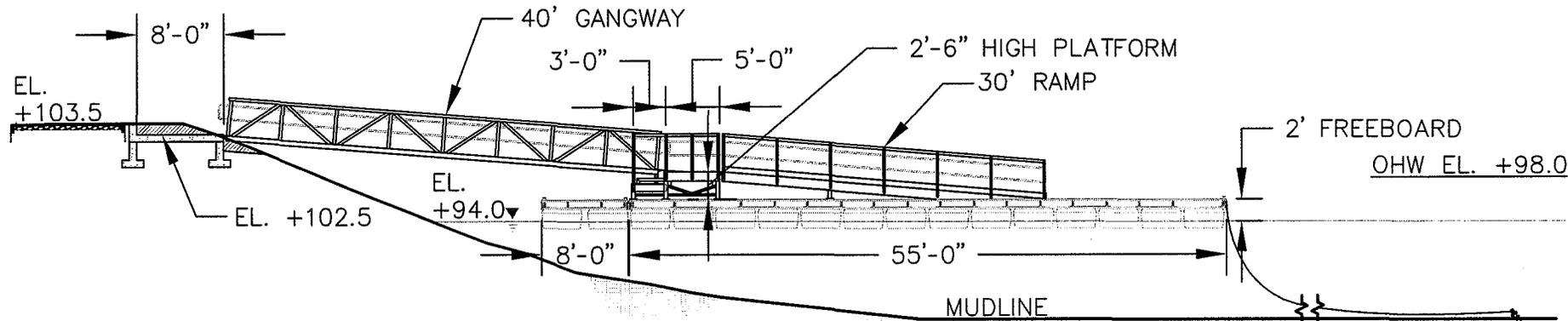
REVISED: 05/26/09

FEMA +102.0 HIGH LAKE LEVEL +101.5 ORDINARY HIGH WATER +98.0	LOW LAKE LEVEL +93.5 DATUM NGVD 0.0	<b>TITLE: PROPOSED LOCAL MOTION LAYOUT SOUTH END</b>	<b>IN: LAKE CHAMPLAIN</b> <b>AT: SOUTH HERO</b> <b>COUNTY: GRAND ISLE STATE: VT</b>
		<b>PURPOSE: BIKE FERRY DOCKING</b>	<b>APPLICATION BY: LOCAL MOTION, INC.</b>
			<b>SHEET 4 OF 7</b> <b>DATE: 06/13/08</b>

File: X:\25536-A\PERMITS\ACOE\052809\SH1 5 CROSS SECTION.dwg



**(A)**  
5  
**SOUTH END FLOATS**  
SCALE: 1"=15'-0"



**(B)**  
5  
**NORTH END FLOATS**  
SCALE: 1"=15'-0"

REVISED: 05/26/09

FEMA	+102.0	LOW LAKE LEVEL	+93.5
HIGH LAKE LEVEL	+101.5	DATUM NGVD	0.0
ORDINARY HIGH WATER	+98.0		

TITLE: **PROPOSED CROSS SECTIONS**

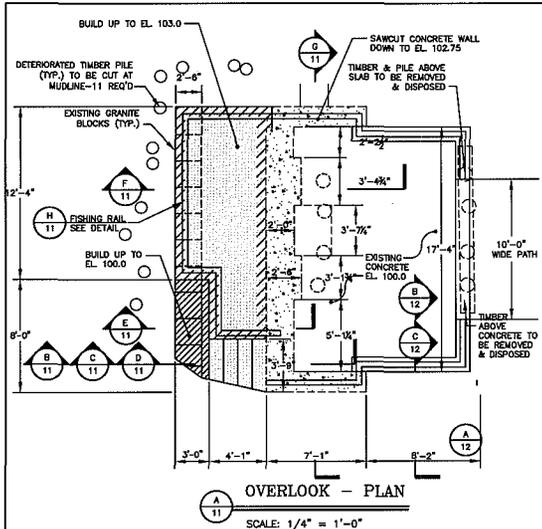
IN: **LAKE CHAMPLAIN**  
AT: **SOUTH HERO**  
COUNTY: **GRAND ISLE** STATE: **VT**

**BCE** Bourne Consulting Engineering  
3 Boat Street  
Franklin, MA 02039  
PH. (508) 533-0066 FAX. (508) 533-0000

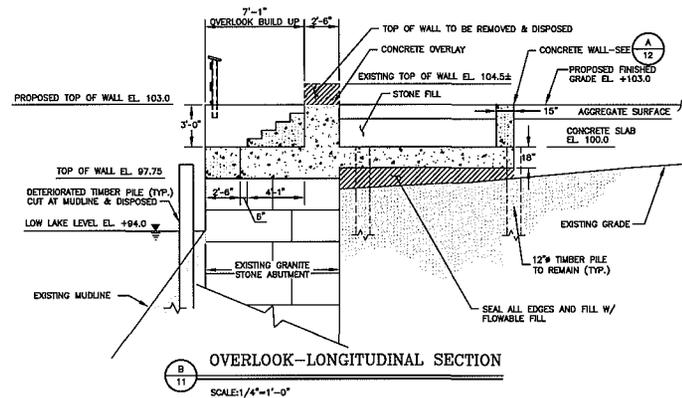
PURPOSE: **BIKE FERRY DOCKING**

APPLICATION BY: **LOCAL MOTION, INC.**

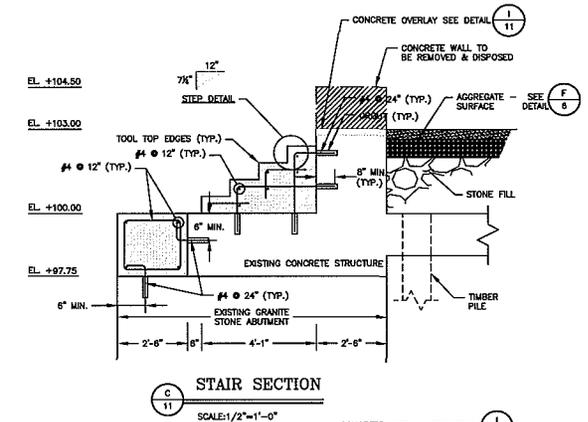
SHEET **5** OF **7**  
DATE: **11/24/08**



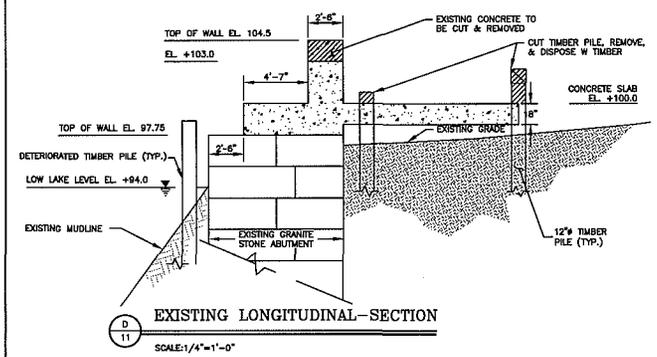
**OVERLOOK - PLAN**  
SCALE: 1/4" = 1'-0"



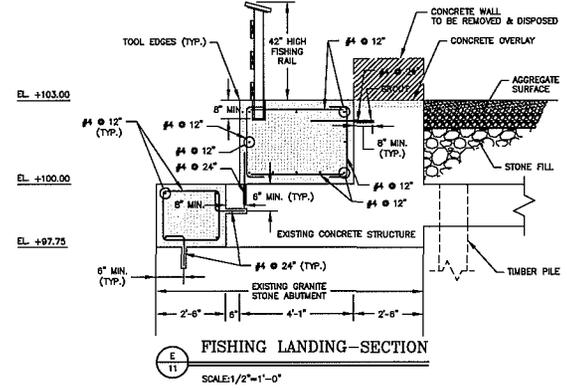
**OVERLOOK-LONGITUDINAL SECTION**  
SCALE: 1/4" = 1'-0"



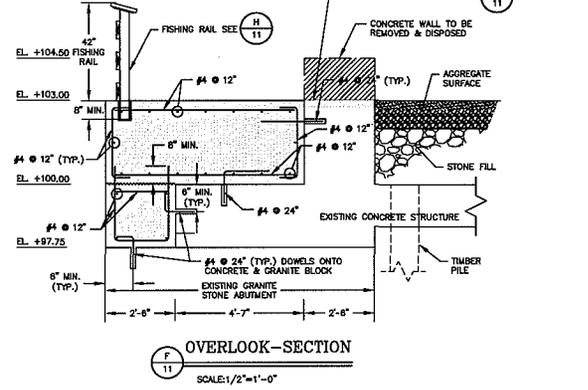
**STAIR SECTION**  
SCALE: 1/2" = 1'-0"



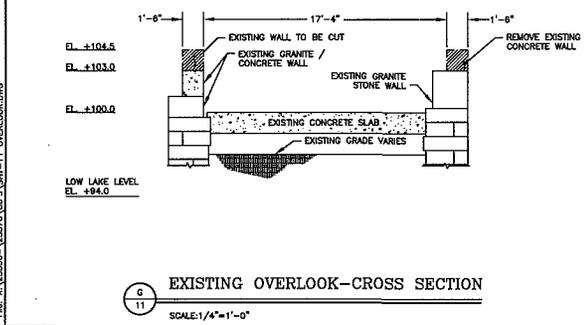
**EXISTING LONGITUDINAL-SECTION**  
SCALE: 1/4" = 1'-0"



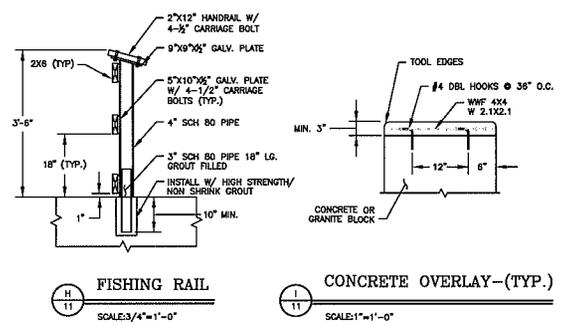
**FISHING LANDING-SECTION**  
SCALE: 1/2" = 1'-0"



**OVERLOOK-SECTION**  
SCALE: 1/2" = 1'-0"



**EXISTING OVERLOOK-CROSS SECTION**  
SCALE: 1/4" = 1'-0"



**FISHING RAIL**  
SCALE: 3/4" = 1'-0"

**CONCRETE OVERLAY-(TYP.)**  
SCALE: 1" = 1'-0"

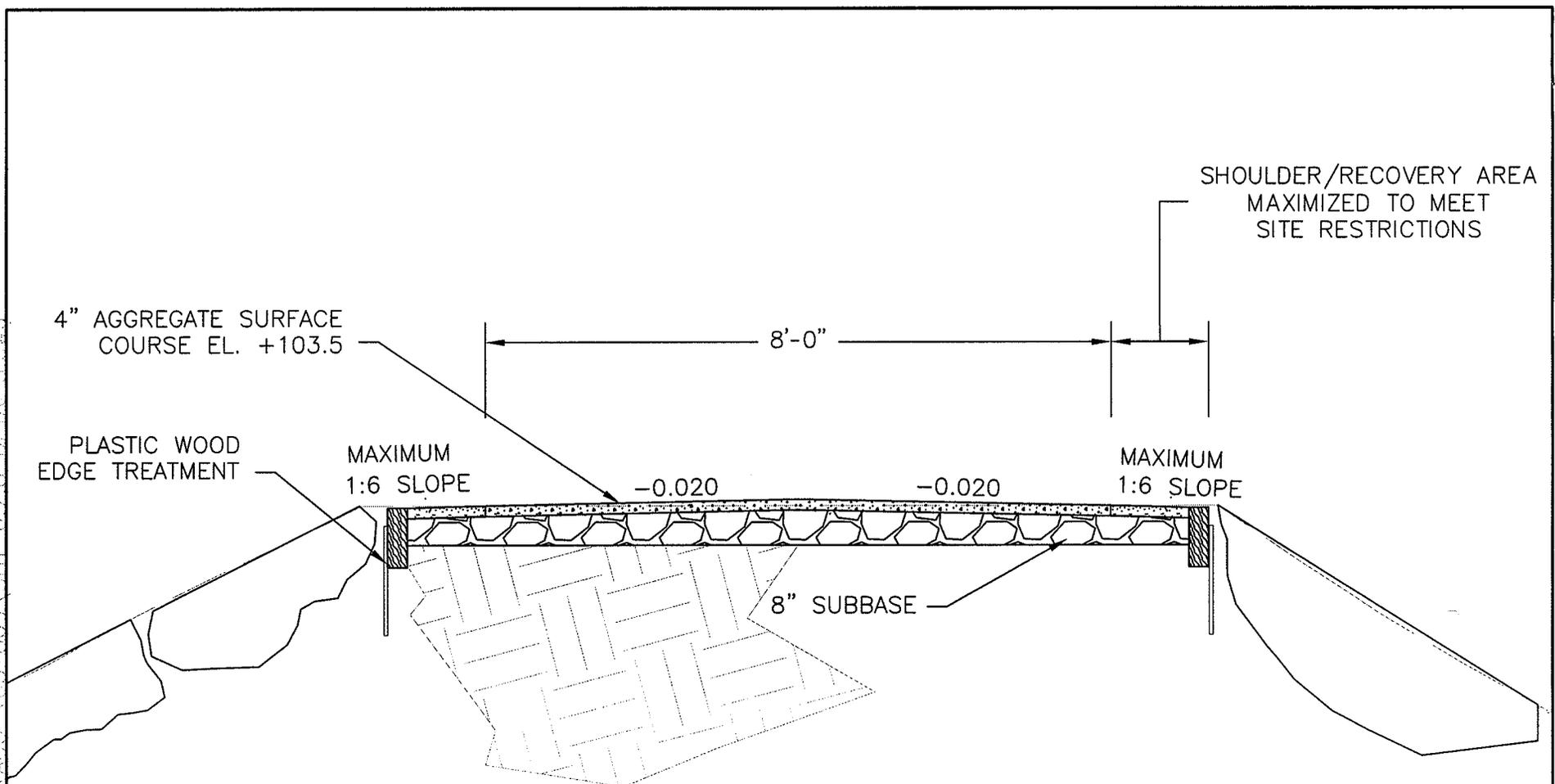
- NOTES:
1. GROUT FOR ALL ANCHORS SHALL BE HIGH STRENGTH/ NON-SHRINK AND BE FIVESTAR 120 OR EQUIVALENT.
  2. TOOL OR CHAMFER ALL EXPOSED EDGES.
  3. MAINTAIN 3" COVER OVER REINFORCING UNLESS OTHERWISE NOTED.
  4. CONTRACTOR TO FIELD VERIFY OVERLOOK DIMENSIONS.
  5. FLOWABLE FILL SHALL MEET REQUIREMENTS OF ITEM 900.845 SPECIAL PROVISION (CONTROLLED DENSITY (FLOWABLE) FILL).

**OVERLOOK**  
BIKE FERRY  
SO. HERO STP ALPT (1)  
LOCAL MOTION, INC.  
SOUTH HERO, VT  
JANUARY 2009

		<b>Bourne Consulting Engineering</b> <small>100 West Colchester Street          South Hero, VT 05488          TEL: (802) 888-4125 FAX: (802) 888-4022</small>	
		DRAWN: JSF CHECKED: RBB APPROVED: JBB DATE: 10/19/09	DRAWING NO. 25570-03-11 SHEET 6 OF 7
REVISIONS			

File: X:\25570-03\5\SRF-11 OVERLOOK.DWG

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A  
8
**BIKE PATH**  
 SCALE: 1/2" = 1'-0"

NOTE: NO DISTURBANCE BELOW EL. +98.0

OHW EL. +98.0

REVISED: 05/26/09

FEMA +102.0 LOW LAKE LEVEL +93.5 HIGH LAKE LEVEL +101.5 DATUM NGVD 0.0 ORDINARY HIGH WATER +98.0	<b>TITLE:</b> TYPICAL PATH SECTIONS	<b>IN:</b> LAKE CHAMPLAIN <b>AT:</b> SOUTH HERO <b>COUNTY:</b> GRAND ISLE <b>STATE:</b> VT
<b>Bourne Consulting Engineering</b> <small>3 Dent Street Franklin, MA 02039 PH: (508) 533-0000 FAX: (508) 533-0000</small>	<b>PURPOSE:</b> BIKE FERRY DOCKING	<b>APPLICATION BY:</b> LOCAL MOTION, INC.
		SHEET 7 OF 7 DATE: 06/13/08