



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

PUBLIC NOTICE

Comment Period Begins: March 29, 2011
Comment Period Ends: April 28, 2011
File Number: NAE-2010-01059
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

Kristin Decas, Executive Director
New Bedford Harbor Development Commission
106 Co-op Wharf
New Bedford, Massachusetts 02740

ACTIVITY

The New Bedford Harbor Development Commission (HDC) is requesting a permit retain and maintain rental moorings for seasonal/transient recreational boaters, commercial use, and marine industrial use within two areas, Gifford St. Area and Pope's Islands South Mooring Area in New Bedford Harbor. In addition to the mooring field areas, the HDC is requesting authorization to retain an 8 foot by 20 foot existing float used for vessel pumpout operations. The pumpout service dock will be located at the Pope's Island Marina and will utilize pilings for anchoring.

As shown on the attached plans, the mooring areas are north of the Hurricane Barrier. The Pope's Island South Mooring field limit is approximately 26 feet from the nearest federal anchorage, and approximately 35 feet from the nearest federal maneuvering area. The limits of the Gifford Street field limits maintain a 90 foot offset from both the federal manoeuvring area and the main channel, however the field limits are immediately adjacent to the channel leading from the Gifford Street boat launch. In total, the two mooring fields involve approximately 90 acres, Pope's Island South being approximately 28 acres in size and the Gifford Street mooring field being approximately 62 acres in size.

The applicant proposes that helix anchors will be the preferred mooring system and shall be installed to a minimum of torque equivalent to the required holding capacity for the vessel. The applicant also proposes that helix anchors may use high performance shock absorber type system such as those manufactured by Hazelett Marine, Synergy Marine, or the like - in lieu of chain systems. All proposed helix systems shall be reviewed by the HDC Executive Director and/or Harbormaster for authorization. The transient moorings installed by the HDC will utilize a helical anchor system. Concrete mushrooms are permitted in the harbor. Steel dead weight systems, which are commonly used for the existing moorings, may be used if a maritime expert deemed acceptable by the HDC Executive Director and/or Harbormaster submits documentation showing the mooring system is of adequate holding capacity for the vessel in order to obtain authorization of the HDC.

The work is described on the enclosed plans entitled "AUTHORIZATION OF EXISTING & PROPOSED COMMERCIAL MOORINGS IN NEW BEDFORD HARBOR APPLICANT: NEW BEDFORD HARBOR DEVELOPMENT COMMISSION COUNTY OF: BRISTOL," on 7 sheets, and dated "03/07/11".

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in New Bedford Harbor, Massachusetts. More specifically the mooring fields are proposed at the Gifford St. Area and Pope's Island South Mooring Area. The mooring fields are located within the following USGS Latitude and Longitude coordinates:

Pope's Island		Gifford Street			
70°54'57"	41°38'15"	70°54'49"	41°37'43"	70°54'45"	41°37'24"
70°54'51"	41°38'17"	70°54'40"	41°37'45"	70°54'46"	41°37'25"
70°54'50"	41°38'16"	70°54'37"	41°37'43"	70°54'48"	41°37'29"
70°54'43"	41°38'18"	70°54'30"	41°37'36"	70°54'50"	41°37'39"
70°54'42"	41°38'17"	70°54'28"	41°37'32"	70°54'48"	41°37'26"
70°54'43"	41°38'16"	70°54'23"	41°37'28"	70°54'50"	41°37'26"
70°54'43"	41°38'16"	70°54'25"	41°37'28"	70°54'48"	41°37'21"
70°54'44"	41°38'15"	70°54'32"	41°37'25"	70°54'46"	41°37'21"
70°54'42"	41°38'14"	70°54'34"	41°37'33"		
70°54'42"	41°38'2"	70°54'33"	41°37'36"		
70°54'49"	41°38'5"	70°54'33"	41°37'37"		
70°54'40"	41°38'24"	70°54'37"	41°37'37"		
70°54'40"	41°38'22"	70°54'38"	41°37'33"		
70°54'38"	41°38'20"	70°54'41"	41°37'29"		
70°54'35"	41°38'23"	70°54'39"	41°37'20"		
70°54'36"	41°38'26"	70°54'46"	41°37'14"		
70°54'38"	41°38'26"	70°54'48"	41°37'14"		
70°54'38"	41°38'25"	70°54'45"	41°37'22"		

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 approximately 90 acres of Essential Fish Habitat (EFH) for Atlantic cod (eggs, larvae, juveniles, and adults), haddock (eggs and larvae), red hake (larvae, juveniles, and adults), winter flounder (eggs, larvae, juveniles, and adults), windowpane flounder (eggs, larvae, juveniles, and adults), American plaice (juveniles and adults), Atlantic sea herring (juveniles and adults), bluefish (juveniles and adults), long finned squid (juveniles and adults), Atlantic butterfish (eggs, larvae, juveniles, and adults), Atlantic mackerel (eggs, larvae, juveniles, and adults), summer flounder (eggs, larvae, juveniles, and adults), scup (eggs, larvae, 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), cobia (eggs, larvae, juveniles, and adults), sandbar shark (adults), and bluefin tuna (juveniles). This habitat consists of silty material. Loss of this habitat may adversely affect the above named species, due to shading and the substrate being covered by moorings. 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:

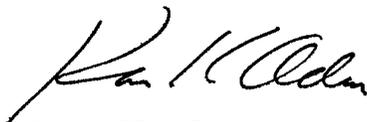
- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- () Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



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

CENAE-R
FILE NO. NAE-2010-01059

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: _____

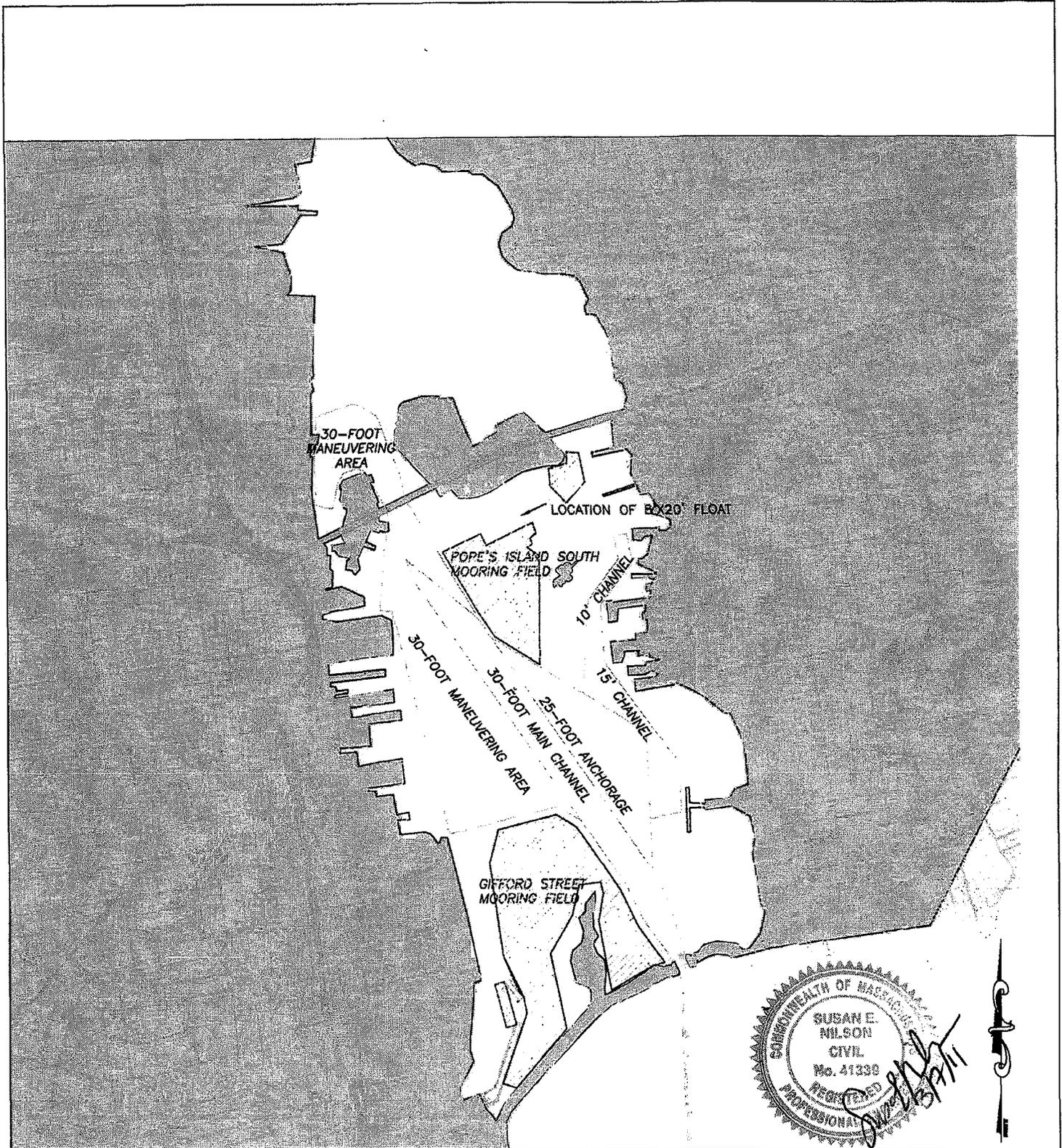


PURPOSE: MOORINGS PROVIDE ACCESS
 TO NAVIGABLE WATERS
 DATUM: MLLW = 0.0
 MHW = 3.8
 HTL = 5.2

VICINITY MAP

AUTHORIZATION OF EXISTING &
 PROPOSED COMMERCIAL MOORINGS
 IN NEW BEDFORD HARBOR
 APPLICANT: NEW BEDFORD HARBOR
 DEVELOPMENT COMMISSION
 COUNTY OF: BRISTOL
 DATE: 03/07/11 SHEET 1 OF 7

CLE ENGINEERING, INC.
 15 CREEK RD. MARION, MA 02738



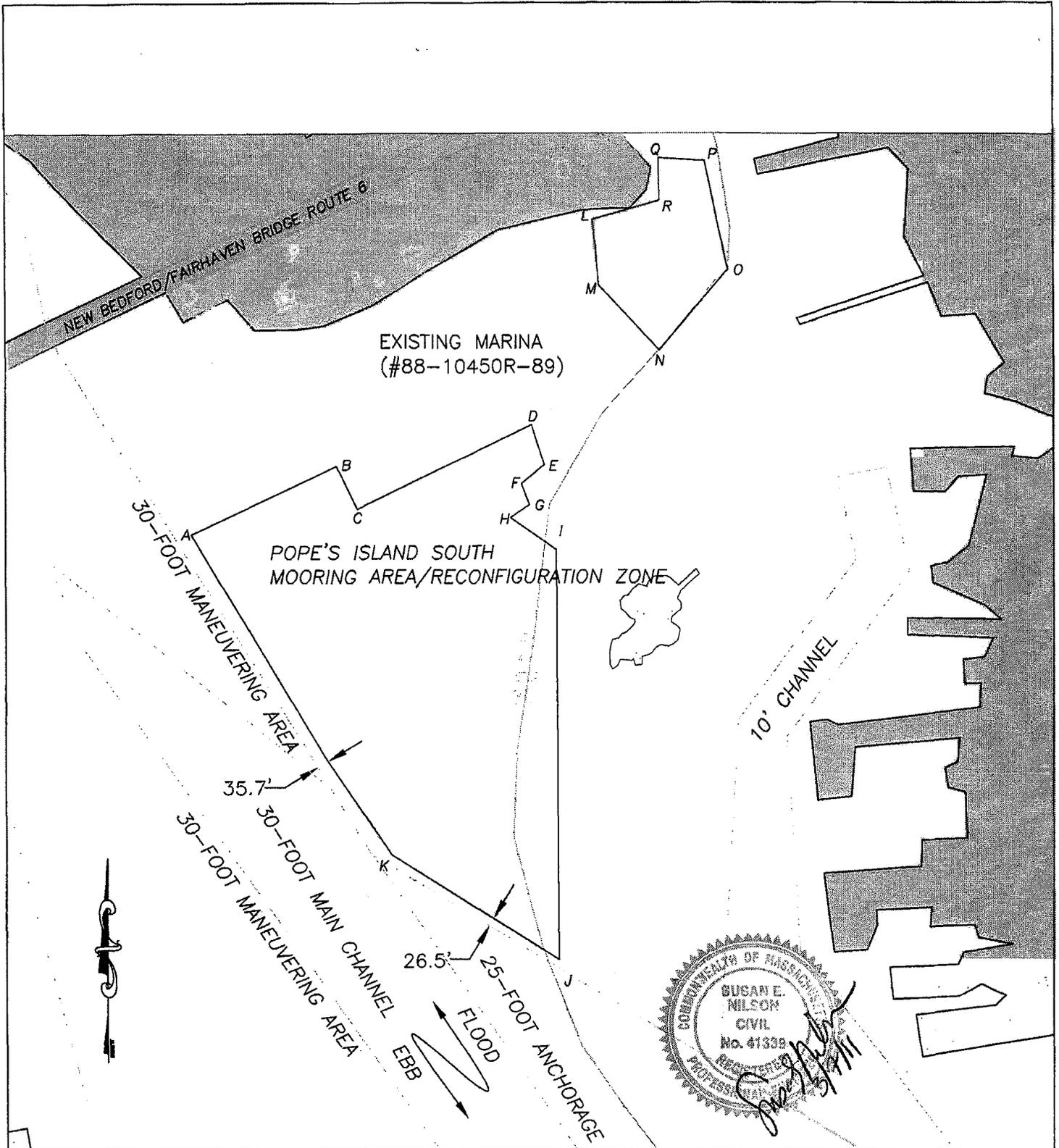
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CLE ENGINEERING, INC.
 15 CREEK RD. MARION, MA 02738

HARBOR OVERVIEW

SCALE 1" = 1500'

AUTHORIZATION OF EXISTING &
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 IN NEW BEDFORD HARBOR
 APPLICANT: NEW BEDFORD HARBOR
 DEVELOPMENT COMMISSION
 COUNTY OF: BRISTOL
 DATE: 03/07/11 SHEET 2 OF 7



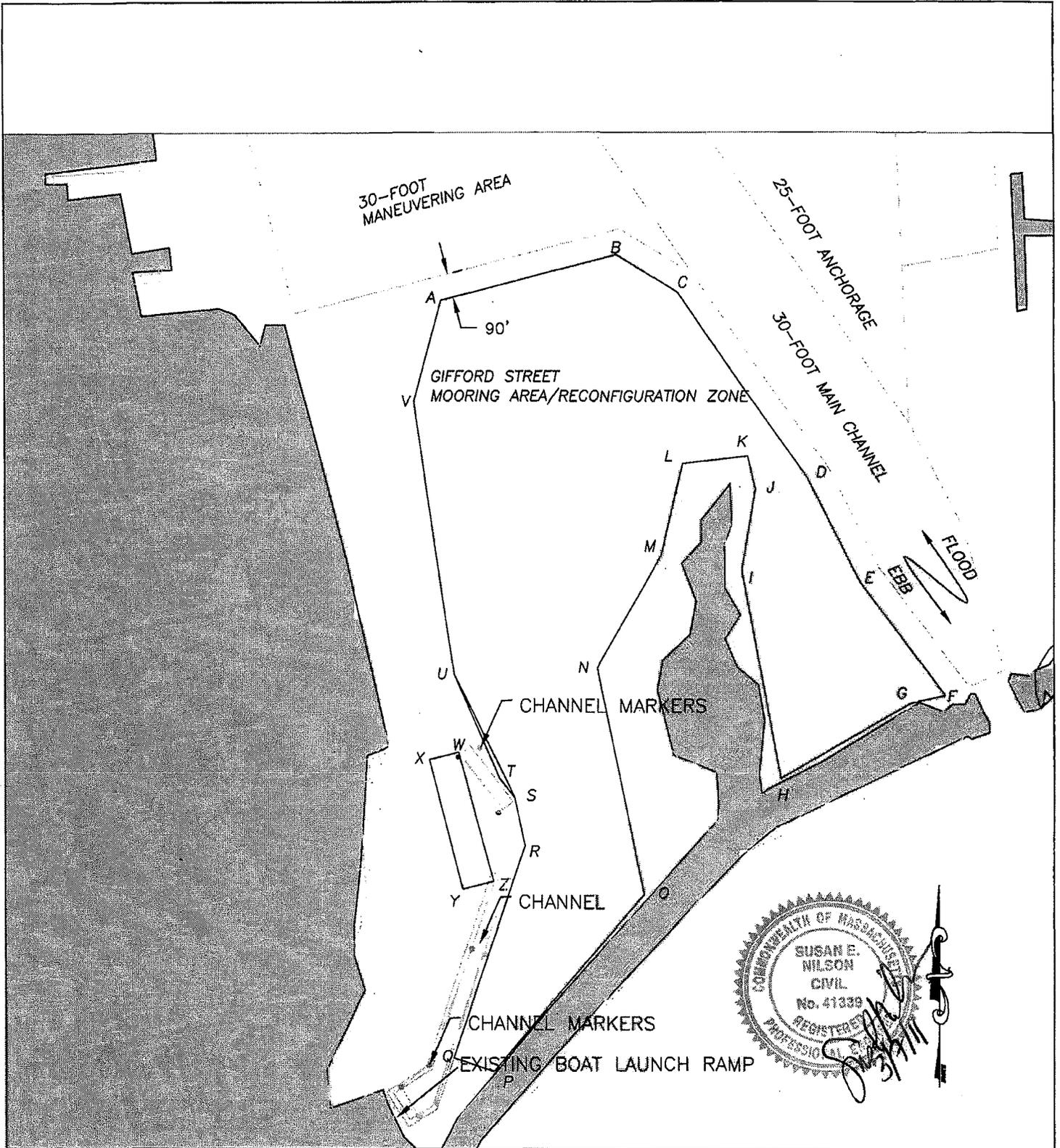
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CLE ENGINEERING, INC.
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POPE'S ISLAND SOUTH MOORING AREA

SCALE 1" = 400'

AUTHORIZATION OF EXISTING & PROPOSED COMMERCIAL MOORINGS IN NEW BEDFORD HARBOR
 APPLICANT: NEW BEDFORD HARBOR DEVELOPMENT COMMISSION
 COUNTY OF: BRISTOL
 DATE: 03/07/11 SHEET 3 OF 7.



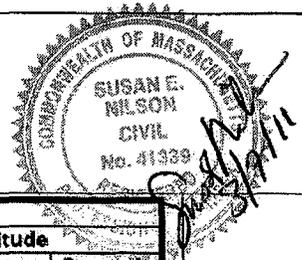
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CLE ENGINEERING, INC.
 15 CREEK RD. MARION, MA 02738

GIFFORD ST.
 MOORING AREA

SCALE 1" = 500'

AUTHORIZATION OF EXISTING &
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 IN NEW BEDFORD HARBOR
 APPLICANT: NEW BEDFORD HARBOR
 DEVELOPMENT COMMISSION
 COUNTY OF: BRISTOL
 DATE: 03/07/11 SHEET 4 OF 7



Pope's Island - Mooring Field Limits

	Easting	Northing	Latitude			Longitude		
			Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
A	815829.2283	2693513.642	70	54	57.3143	41	38	15.357
B	816270.4491	2693724.29	70	54	51.4848	41	38	17.4081
C	816333.8256	2693591.542	70	54	50.6622	41	38	16.0924
D	816874.8606	2693854.52	70	54	43.5133	41	38	18.6536
E	816915.0976	2693728.564	70	54	42.9949	41	38	17.4065
F	816843.2829	2693669.17	70	54	43.946	41	38	16.8246
G	816867.6194	2693603.848	70	54	43.6314	41	38	16.1777
H	816808.267	2693564.126	70	54	44.4167	41	38	15.7893
I	816951.8965	2693465.779	70	54	42.5341	41	38	14.8079
J	816957.2165	2692205.225	70	54	42.5785	41	38	2.3543
K	816436.9589	2692527.516	70	54	49.4003	41	38	5.5737
L	817066.1553	2694482.784	70	54	40.937	41	38	24.8473
M	817084.4726	2694278.061	70	54	40.7144	41	38	22.8235
N	817272.3018	2694082.849	70	54	38.2585	41	38	20.8822
O	817483.6101	2694326.348	70	54	35.4535	41	38	23.2733
P	817413.1725	2694664.85	70	54	38.3503	41	38	26.6223
Q	817272.0008	2694673.879	70	54	38.2087	41	38	26.7211
R	817273.3916	2694542.51	70	54	38.2023	41	38	25.4232

Gifford Street - Mooring Field Limits

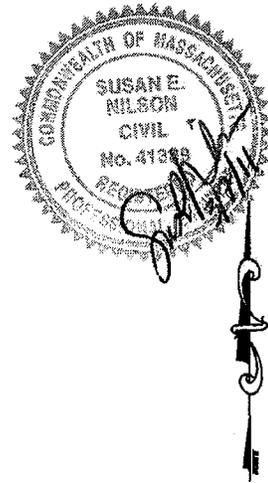
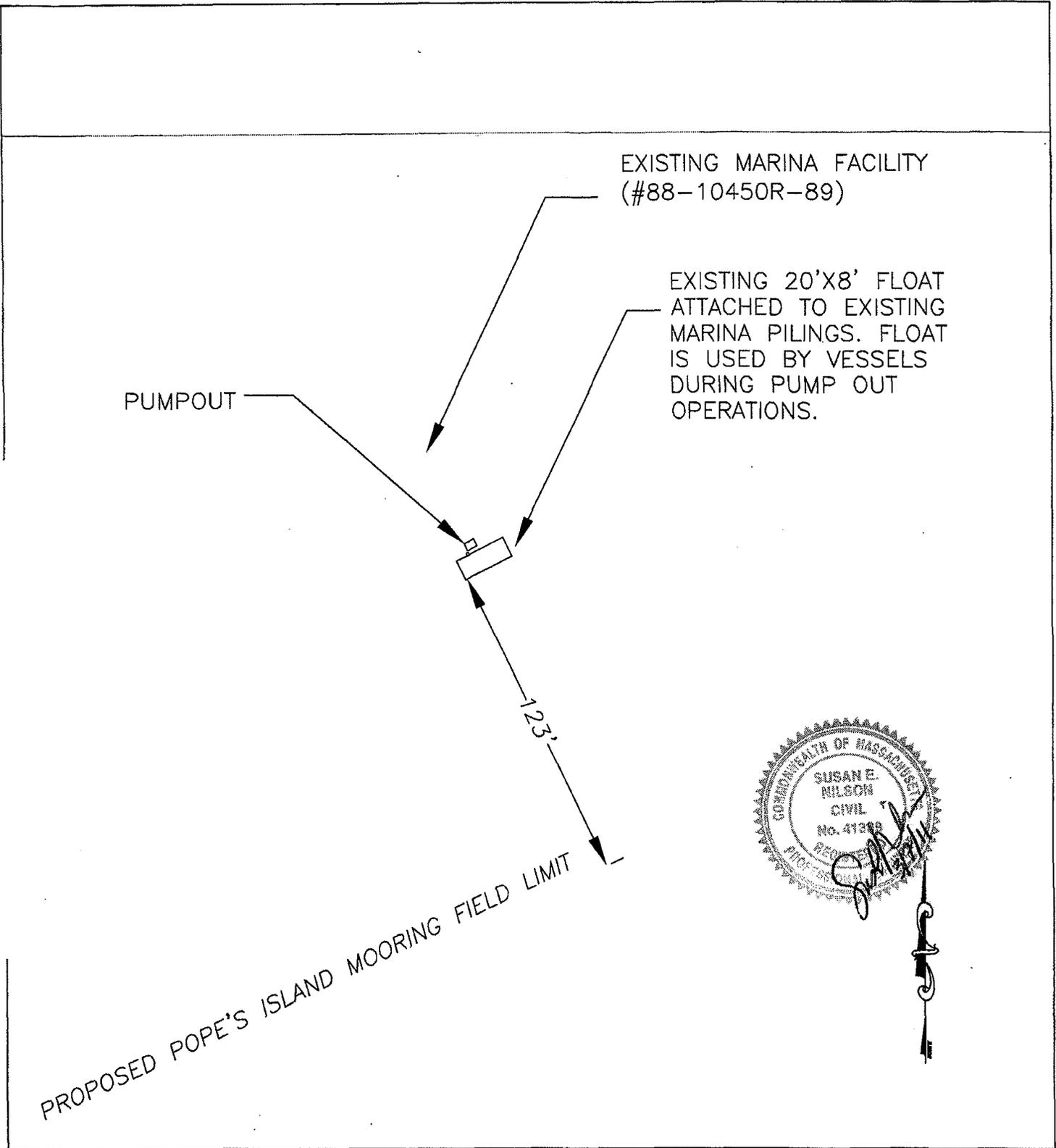
	Easting	Northing	Latitude			Longitude		
			Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
A	816463.7486	2690297.384	70	54	49.2494	41	37	43.54
B	817142.7078	2690470.633	70	54	40.2936	41	37	45.2053
C	817378.1864	2690327.273	70	54	37.206	41	37	43.773
D	817873.8475	2689616.65	70	54	30.7443	41	37	36.7187
E	818074.2133	2689215.783	70	54	28.1428	41	37	32.7448
F	818393.2905	2688780.002	70	54	23.9815	41	37	28.4177
G	818264.0957	2688748.844	70	54	25.8854	41	37	28.1168
H	817772.6781	2688458.59	70	54	32.1821	41	37	25.285
I	817624.1949	2689257.142	70	54	34.0643	41	37	33.1842
J	817675.8633	2689570.814	70	54	33.3554	41	37	36.2795
K	817645.4465	2689699.253	70	54	33.7441	41	37	37.5504
L	817396.2933	2689668.32	70	54	37.0276	41	37	37.2619
M	817314.2853	2689314.545	70	54	38.1395	41	37	33.7724
N	817064.8922	2688878.993	70	54	41.4628	41	37	29.4866
O	817246.5794	2688012.555	70	54	39.1494	41	37	20.9145
P	816662.9879	2687328.889	70	54	48.8949	41	37	14.2002
Q	816507.8105	2687381.577	70	54	48.9332	41	37	14.7312
R	816784.35	2688197.151	70	54	45.2184	41	37	22.7696
S	816743.8604	2688382.975	70	54	45.7347	41	37	24.6082
T	816686.1281	2688454.932	70	54	46.4882	41	37	25.323
U	816511.4138	2688853.287	70	54	48.7525	41	37	29.2701
V	816356.8131	2689904.329	70	54	50.893	41	37	39.6642
W	816527.5364	2688554.056	70	54	48.5673	41	37	26.313
X	816415.3994	2688524.885	70	54	50.0464	41	37	26.0323
Y	816544.2036	2688030.972	70	54	48.3953	41	37	21.1443
Z	816663.0215	2688061.902	70	54	46.8281	41	37	21.4417

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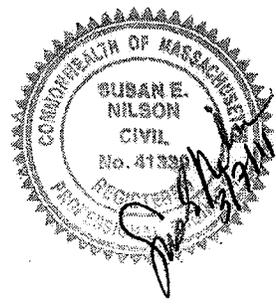
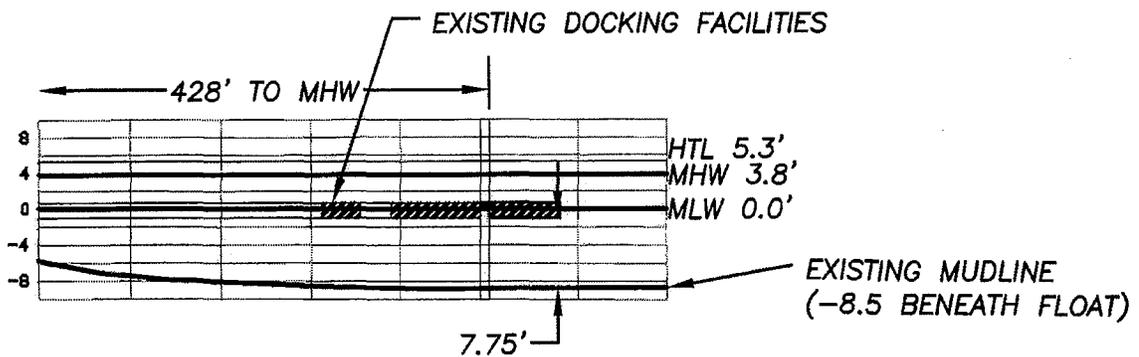
MOORING FIELD LIMITS

AUTHORIZATION OF EXISTING & PROPOSED COMMERCIAL MOORINGS IN NEW BEDFORD HARBOR
 APPLICANT: NEW BEDFORD HARBOR DEVELOPMENT COMMISSION
 COUNTY OF: BRISTOL
 DATE: 03/07/11 SHEET 5 OF 7

CLE ENGINEERING, INC.
 15 CREEK RD. MARION, MA 02738



<p>PURPOSE: MOORINGS PROVIDE ACCESS TO NAVIGABLE WATERS DATUM: MLLW = 0.0 MHW = 3.8 HTL = 5.2</p> <p>CLE ENGINEERING, INC. 15 CREEK RD. MARION, MA 02738</p>	<p>POPE'S ISLAND COMMERCIAL MOORINGS</p> <p>SCALE 1" = 50'</p>	<p>AUTHORIZATION OF EXISTING & PROPOSED COMMERCIAL MOORINGS IN NEW BEDFORD HARBOR APPLICANT: NEW BEDFORD HARBOR DEVELOPMENT COMMISSION COUNTY OF: BRISTOL DATE: 03/07/11 SHEET 6 OF 7</p>
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CLE ENGINEERING, INC.
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POPE'S ISLAND
 MOORING AREA

SCALE 1" = 20'

AUTHORIZATION OF EXISTING & PROPOSED COMMERCIAL MOORINGS IN NEW BEDFORD HARBOR
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