



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

PUBLIC NOTICE

Comment Period Begins: 1 March 2011
Comment Period Ends: 1 April 2011
File Number: NAE 2010-1405
In Reply Refer To: Mr. Brian Valiton
Phone: (978) 318-8166
E-mail: brian.e.valiton@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: Massachusetts Institute of Technology

To install and maintain approximately 13,940 sq. ft. of permanent year-round floating docks at the MIT Sailing Pavilion along Memorial Drive to provide for additional docking, and boating access (both boat launching and retrieval) to the sailing facility. A detailed description and plans of the activity are shown on the enclosed plans entitled "MASSACHUSETTS INSTITUTE OF TECHNOLOGY SAILING PAVILION-FLOAT EXPANSION APPLICATION BY: MIT AT: CAMBRIDGE, MA COUNTY OF: MIDDLESEX," on 4 sheets, and dated "6/8/2010."

WATERWAY AND LOCATION OF THE PROPOSED WORK:

This work is proposed in the Charles River at the MIT Sailing Pavilion at 134 Memorial Drive, Cambridge, Massachusetts. The proposed location on the USGS Boston South quadrangle sheet is at UTM coordinates 4691480.00 N and 0328100.00 E in zone 19.

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,

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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 13,390 sq. ft. of Essential Fish Habitat (EFH) for various anadromous fish species such as alewife, blueback herring, and American shad and the catadromous American eel. This habitat consists of organic silt and river sediments. Since the docks will be floating there will be no loss of habitat and the only effect will be shading of the water column and river bottom in this area. There is only minimal impact on water circulation and water quality. Therefore, 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 the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

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:

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- (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 Mr. Brian Valiton at (978) 318-8166, (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.

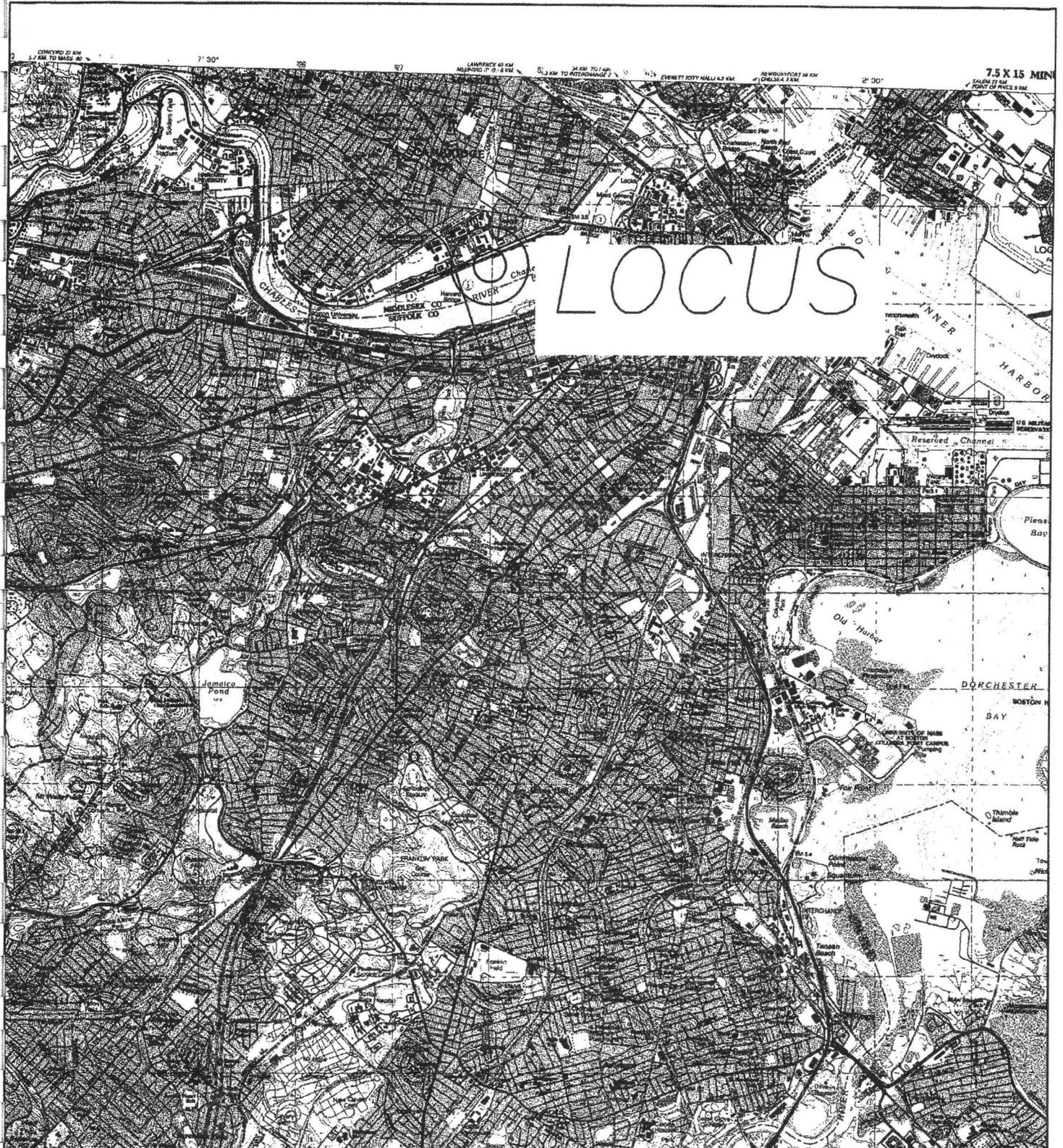
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



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

If you would prefer not to continue receiving Public Notices, 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: _____

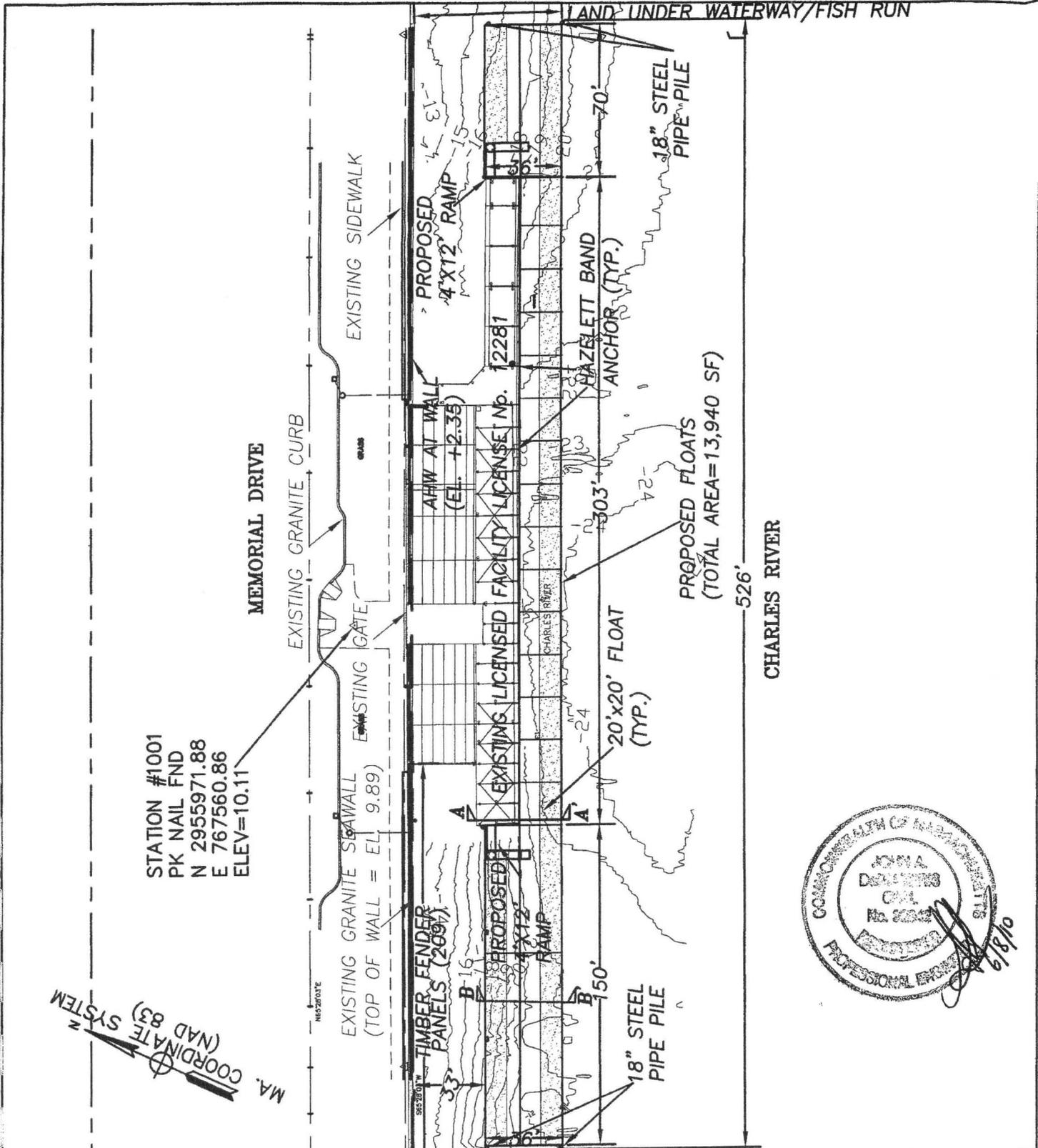


PURPOSE: PROPOSED FLOAT
 EXPANSION TO IMPROVE ACCESS TO
 NAVIGABLE WATERS
 DATUM: NGVD29=0.0

LOW WATER= 0.35'
 HIGH WATER= 2.35'

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

MASSACHUSETTS INSTITUTE OF
 TECHNOLOGY
 SAILING PAVILION—FLOAT EXPANSION
 APPLICATION BY: MIT
 AT: CAMBRIDGE, MA
 COUNTY OF: MIDDLESEX
 DATE: 6/8/2010 SHEET 1 OF 4

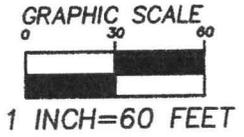


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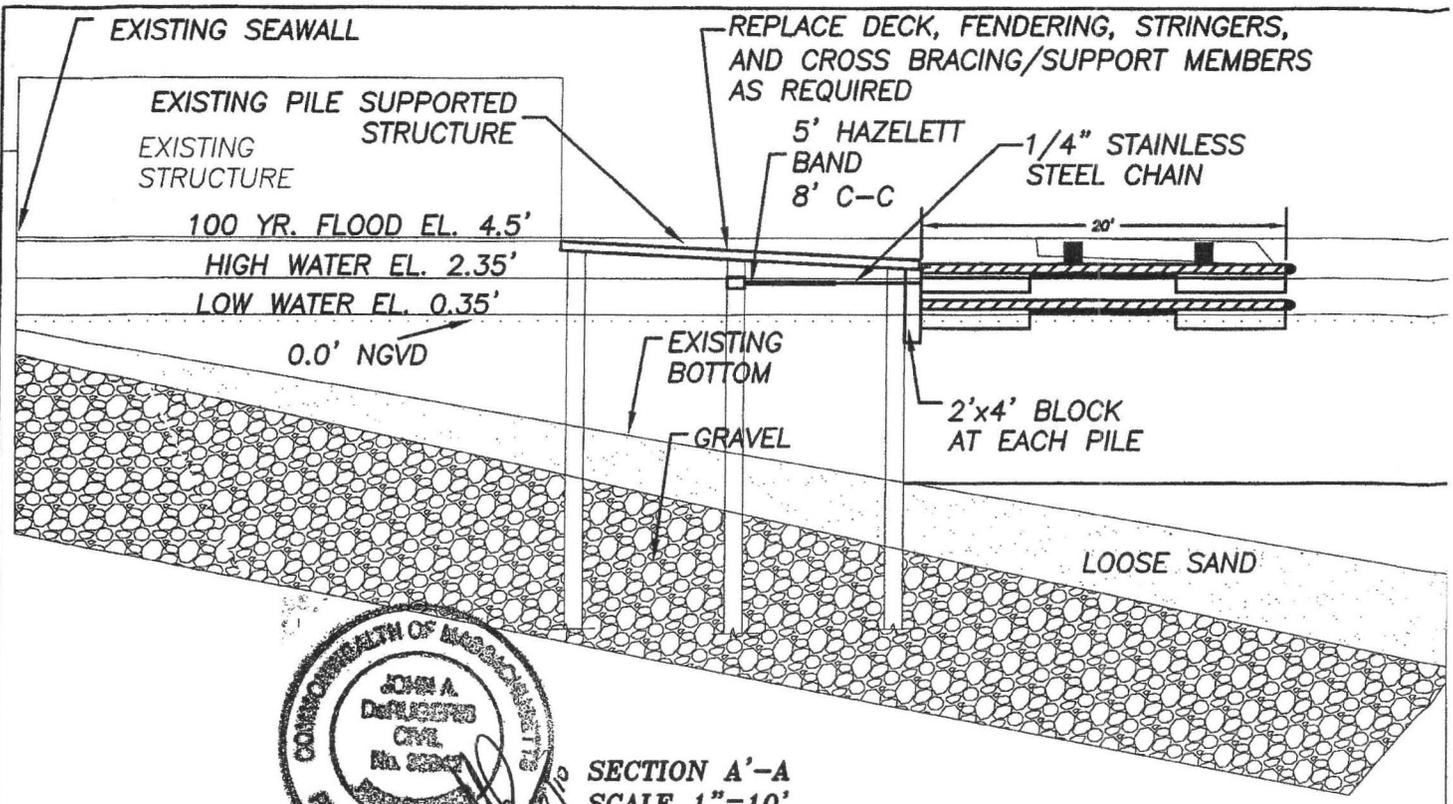
M.A. COORDINATE SYSTEM
 (NAD 83)



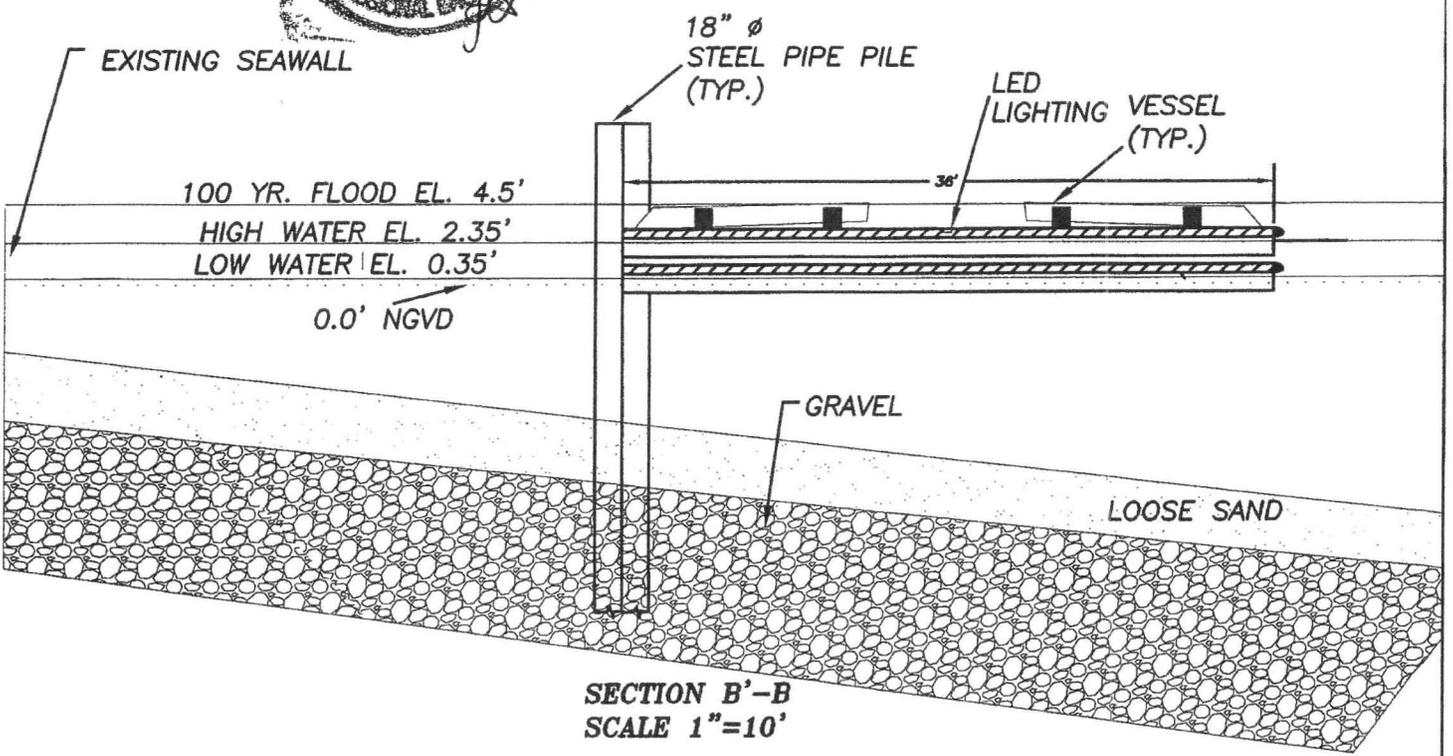
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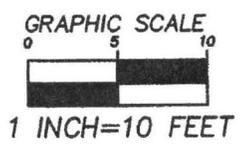


SECTION A'-A
SCALE 1"=10'



SECTION B'-B
SCALE 1"=10'

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GENERAL NOTES:

1. RESULTS OF HYDROGRAPHY AND SEDIMENT PROBING FROM CLE SURVEY OF 4-30-09.
2. SOUNDINGS ARE IN FEET AND TENTHS, AND REFER TO DEPTHS BELOW NGVD 1929. FIX AT DECIMAL POINT
3. ONE FOOT CONTOURS GENERATED USING 10' SORTED DATA SET FOR SURVEY.
4. BENCHMARK IS STATION #1001 PK NAIL SET IN CONCRETE WALKWAY NORTH OF ENTRANCE TO MIT SAILING PAVLION. EL=10.11' NGVD 1929. CHARLES RIVER ELEVATION 1.65' NGVD AT TIME OF SURVEY. SITE FEATURES PROVIDED BY SURVEYING & MAPPING CONSULTANTS, "TOPOGRAPHIC SURVEY" PLAN DATED JANUARY 9, 2008, REVISED MARCH 31, 2009.
5. EXISTING PIER PILE BENT LOCATIONS SURVEYED BY CLE ENGINEERING ON 4-30-09.
6. COORDINATES ARE BASED ON THE NAD-83 MASSACHUSETTS STATE PLANE.
7. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. CONSULT WITH CLE ENGINEERING FOR MORE DETAILED INFORMATION.
8. POSSESSION AND USE OF THE MATERIAL CONTAINED ON THESE DRAWINGS IS GRANTED ONLY IN CONNECTION WITH ITS USE AS IT RELATES TO THE TITLED PROJECT, ANY OTHER USE, REPRODUCTION OR DISCLOSURE OF THE INFORMATION CONTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF CLE ENGINEERING INC.

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