



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

# PUBLIC NOTICE

**Comment Period Begins: November 1, 2011**  
**Comment Period Ends: December 2, 2011**  
**File Number: NAE 2010-1435**  
**In Reply Refer To: Mr. Brian E. 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 retain structures in waters of the United States as described below.

**APPLICANT: RICHARDSON'S MARINE, P.O. BOX 534, NORTH CHATHAM, MASSACHUSETTS**

**ACTIVITY:** To retain and maintain 4 existing commercial moorings in Chatham. Three of them are in the Mitchell River and one is in Mill Pond. The mooring locations are shown on the enclosed plans entitled "APPLICATION BY: RICHARDSON'S MARINE SERVICE PURPOSE: TO LICENSE AND MAINTAIN EXISTING MOORINGS IN MITCHELL RIVER AND MILL POND, CHATHAM, BARNSTABLE COUNTY, MA," on 4 sheets, and dated "September 9, 2011."

## **WATERWAY AND LOCATION OF THE PROPOSED WORK:**

As mentioned above, three of the moorings are in the Mitchell River and one is in Mill Pond in Chatham, Massachusetts. The mooring locations on the USGS Chatham quadrangle sheet are at the following UTM coordinates all in Zone 19:

Mooring # 1 4613093.00 N and 419802.22 E  
Mooring # 2 4612967.5 N and 419962.8 E  
Mooring # 3 4613277.00 N and 419897.00 E  
Mooring # 4 4613917.00 N and 420574.88 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.

**CENAE-R**

**FILE NO. NAE-2010-1435**

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 100 sq. ft. of EFH for Atlantic butterfish (eggs, larvae, juveniles, adults), Atlantic cod (eggs, larvae, juveniles, adults), Atlantic mackerel (eggs, larvae, juveniles, adults), haddock (juveniles, adults), whiting (eggs, larvae, juveniles, adults), red hake (eggs, larvae, juveniles, adults), redfish (larvae, juveniles, adults), ocean pout (eggs, larvae, juveniles, adults), Atlantic halibut (eggs, larvae, juveniles, adults), yellowtail flounder (adults), American plaice (adults), Atlantic sea scallop (eggs, larvae, juveniles, adults), Atlantic sea herring (juveniles, adults), monkfish (eggs, larvae, adults), bluefish (adults), winter flounder (eggs, larvae, juveniles, adults), windowpane flounder (adults), long-finned squid (juveniles, adults), short-finned squid (juveniles, adults), summer flounder (eggs, larvae, juveniles, adults), scup (juveniles, adults), black sea bass (larvae, juveniles, adults), surf clam ( juveniles, adults), spiny dogfish (juveniles, adults), blue shark (adults), and bluefin tuna (juveniles, adults). Habitat at this site can be described as silt and sand. 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.

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:

- Permit, License or Assent from State.
- Permit from Local Harbormaster.
- 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.

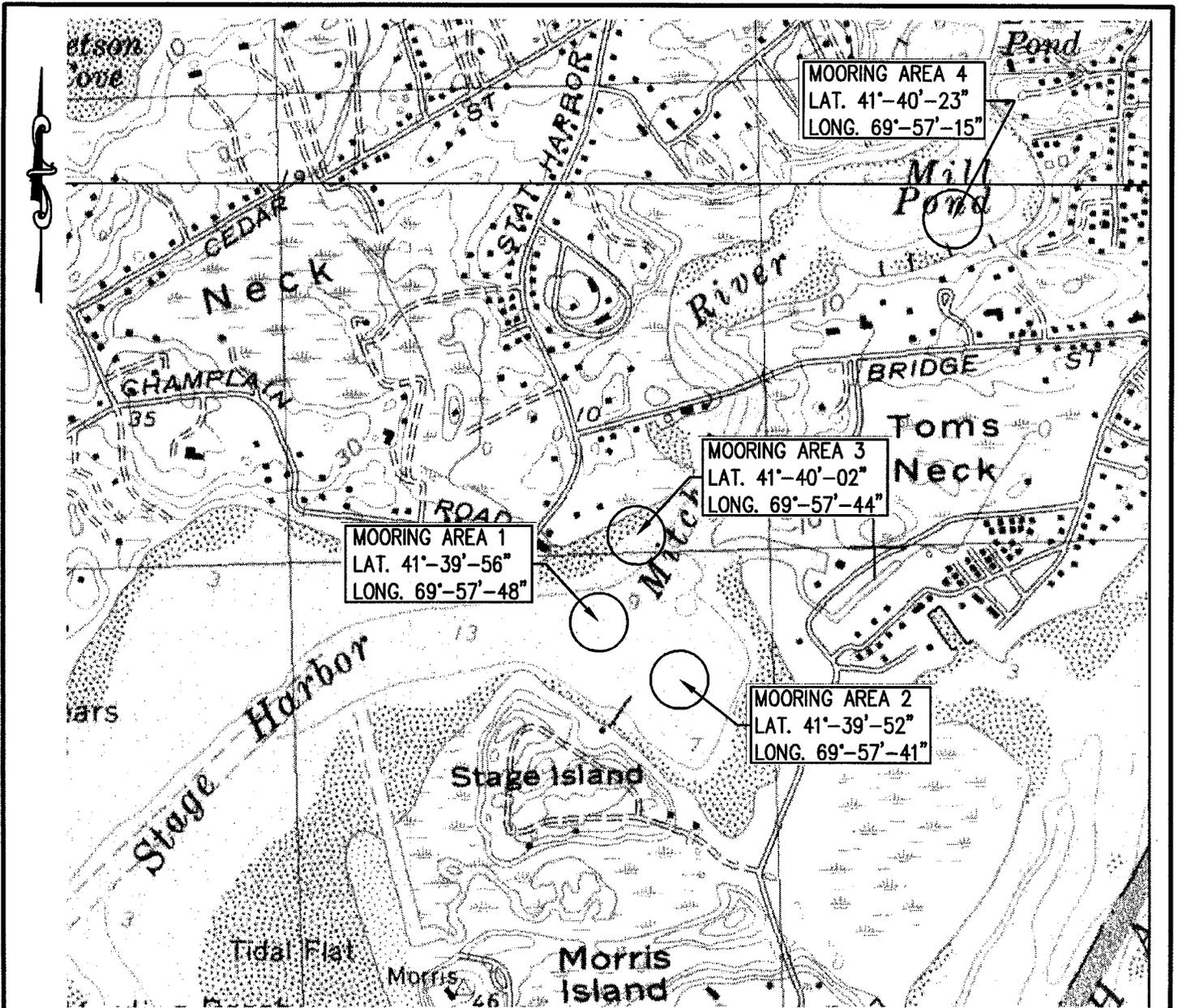
**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

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

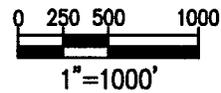
**CENAE-R**  
**FILE NO. NAE-2010-1435**

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: \_\_\_\_\_



**PLAN**



DRAWING C17629.dwg  
DRAWN BY: KES  
C17629.00

SOURCE: U.S.G.S. QUADRANGLE "CHATHAM- MA."

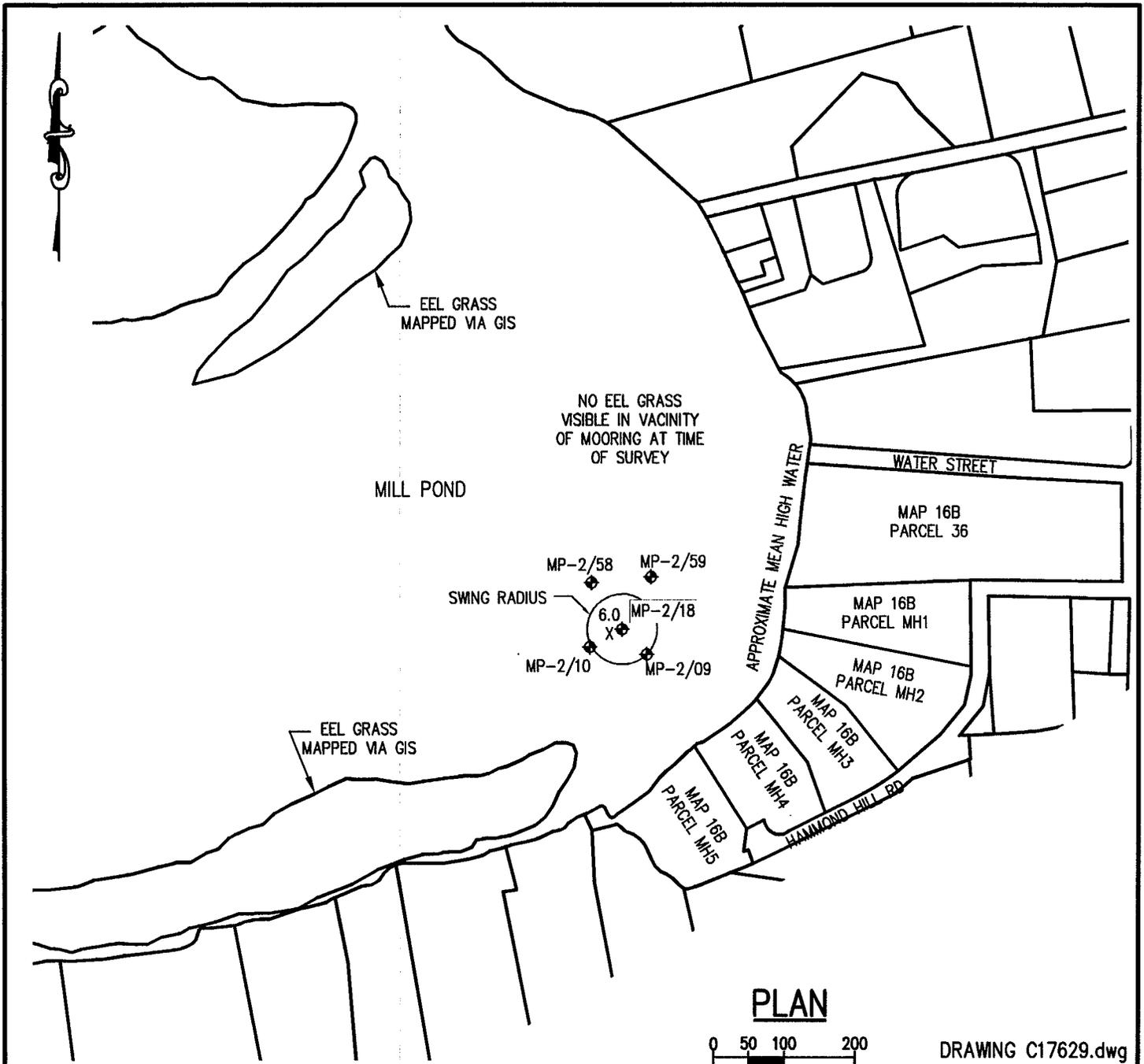
PURPOSE:  
TO LICENSE AND MAINTAIN EXISTING  
MOORINGS IN  
MITCHELL RIVER AND MILL POND,  
CHATHAM, BARNSTABLE COUNTY, MA

**VICINITY MAP**

APPLICATION BY:  
RICHARDSON'S MARINE SERVICE

PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653

SEPTEMBER 09, 2011 SHEET 1 OF 4



REF: TOWN ASSESSOR'S MAPS 14A, 15A AND 16B

DRAWING C17629.dwg  
 DRAWN BY: KES  
 C17629.00

PURPOSE:  
 TO LICENSE AND MAINTAIN EXISTING  
 MOORINGS IN  
 MITCHELL RIVER AND MILL POND,  
 CHATHAM, BARNSTABLE COUNTY, MA

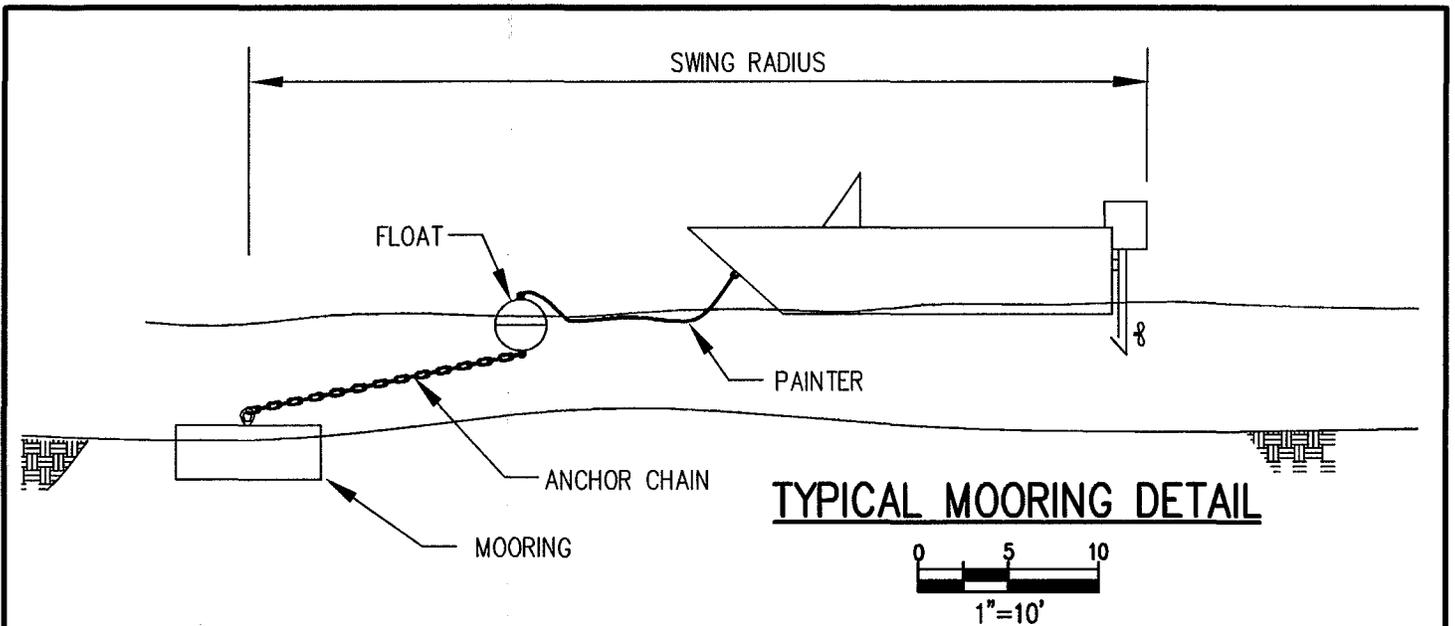
**MOORING AREA**  
**1**

APPLICATION BY:  
 RICHARDSON'S MARINE SERVICE

PREPARED BY  
 COASTAL ENGINEERING CO., INC.  
 260 CRANBERRY HIGHWAY  
 ORLEANS, MA 02653

SEPTEMBER 09, 2011 SHEET 2 OF 4





MOORING CONFIGURATION TABLE					
DESCRIPTION	MOORING	CHAIN	PAINTER	FLOAT	SWING RADIUS
MP 2/18	2000lb BLOCK	(15') 1/2" CHAIN	12'	BALL	50'
SH 1/108	2000lb BLOCK	(15') 1/2" CHAIN	-	15'X4' DOCK	50'
SH 2/28	2-4000lb BLOCKS	(10') 3/4" CHAIN (10") 1/2" CHAIN	12'	BALL	75'
SH 2/29	500lb MUSHROOM	(10') 1" DOUBLE LINK CHAIN	12'	BALL	50'

DRAWING C17629.dwg  
 DRAWN BY: KES  
 C17629.00

PURPOSE:  
 TO LICENSE AND MAINTAIN EXISTING  
 MOORINGS IN  
 MITCHELL RIVER AND MILL POND,  
 CHATHAM, BARNSTABLE COUNTY, MA

### MOORING DETAILS

APPLICATION BY:  
 RICHARDSON'S MARINE SERVICE

PREPARED BY  
 COASTAL ENGINEERING CO., INC.  
 260 CRANBERRY HIGHWAY  
 ORLEANS, MA 02653

SEPTEMBER 09, 2011 SHEET 4 OF 5