



PUBLIC NOTICE

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

Comment Period Begins: February 8, 2010
Comment Period Ends: March 8, 2010
File Number: NAE-2010-02386
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

Town of Orleans
19 School Road
Orleans, Massachusetts 02653

ACTIVITY

The Town of Orleans proposes to reconstruct, widen by 2 feet, and lengthen by 10 feet an existing pier located in Meeting House Pond off of River Road in Orleans, Massachusetts. This project will result in a permanent impact of 345 square feet of fill of which 70 square feet will be salt marsh. The total temporary impact area including the cofferdam is 1421 square feet. This area includes the area of the boat ramp. Dewatering will be accomplished through a dirt bag filter system located within the paved parking area.

PROPOSED WORK AND PURPOSE

The work includes the discharge of fill material for the reconstruction, widening, and lengthening of an existing boat ramp constructed prior to 1971. The ramp will be lengthened by 10 feet and widened by 2 feet to improve boater access and safety. The existing deteriorated concrete ramp will be removed and replaced with a new cement concrete ramp. The new ramp will be grooved to improve safety and will have concrete curbs. The slope of the ramp will be increased to 12% to reduce the immersion of vehicles during boat launching and retrieval operations.

This project will result in a permanent impact of 345 square feet of fill of which 70 square feet will be salt marsh. A cofferdam will also be installed which will create a temporary impact of 1421 square feet. Dewatering will be accomplished using a sump pump within the cofferdam and will discharge through a dirt bag filter located within the paved parking area.

The work is described on the enclosed plans entitled "PLAN ACCOMPANYING PETITION OF: THE TOWN OF ORLEANS TO RECONSTRUCT AND ENLARGE A BOAT RAMP ON MEETINGHOUSE POND ORLEANS, MASSACHUSETTS," on 2 sheets, and dated "NOVEMBER 2011."

MITIGATION:

The Applicant has designed the expansion to take place on both sides of the existing ramp. Complete avoidance of expansion into Salt Marsh was not possible due to boat launching and loading operations. The Applicant proposes to restore 168 square feet of Salt Marsh as compensatory mitigation for permanent impacts. Also, the

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Applicant proposes to excavate debris, waste, or excess materials and to dispose of them properly. All areas not permanently impacted will be restored to preconstruction conditions.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Meeting House Pond off of River Road, Orleans, Massachusetts. The proposed location on the USGS Orleans quadrangle sheet is at coordinates 41° 46' 45'' N and 69° 58' 17'' 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.

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 1766 square feet of Essential Fish Habitat (EFH) for Atlantic cod (Eggs, Larvae, Juveniles, Adults), haddock (Juveniles and Adults), whiting (Eggs, Larvae, Juveniles, Adults), red hake (Eggs,

Larvae, Juveniles, Adults), redfish (Larvae, Juveniles, Adults), winter flounder (Eggs, Larvae, Juveniles, Adults), yellowtail flounder (Adult), windowpane flounder (Adult), American plaice (Adult), ocean pout (Eggs, Larvae, Juveniles, Adults), Atlantic halibut (Eggs, Larvae, Juveniles, Adults), Atlantic sea scallop (Eggs, Larvae, Juveniles, Adults), Atlantic sea herring (Juveniles and Adults), monkfish (Eggs, Larvae, Adults), bluefish (Adults), long finned squid (Juveniles and Adults), short finned squid (Juveniles and Adults), Atlantic butterfish (Eggs, Larvae, Juveniles, Adults), Atlantic mackerel (Eggs, Larvae, Juveniles, Adults), summer flounder (Eggs, Larvae, Juveniles, Adults), scup (Juveniles and Adults), black sea bass (Larvae, Juveniles, Adults), surf clam (Juveniles and Adults), spiny dogfish (Juveniles and Adults), blue shark (Adults), and bluefin tuna (Juveniles and Adults). This habitat consists of sandy material with some silt. Loss of this habitat may adversely affect the above listed species as 323 square feet of substrate that may be used as habitat for those species will be permanently filled. To help mitigate for the loss resources the Applicant is proposing to restore 168 square feet of Salt Marsh. 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:

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

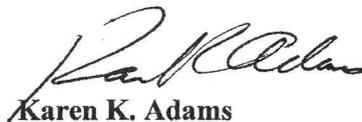
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Richard Kristoff at (978) 318-8171, (800) 343-4789 or (800) 362-4367, if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



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: _____



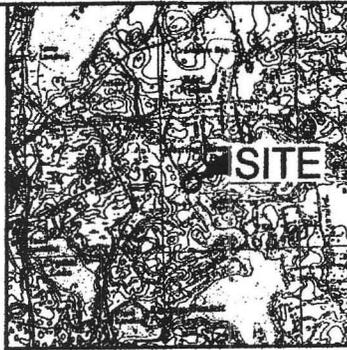
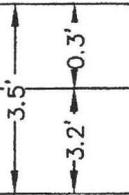
DATUM SKETCH

NOT TO SCALE

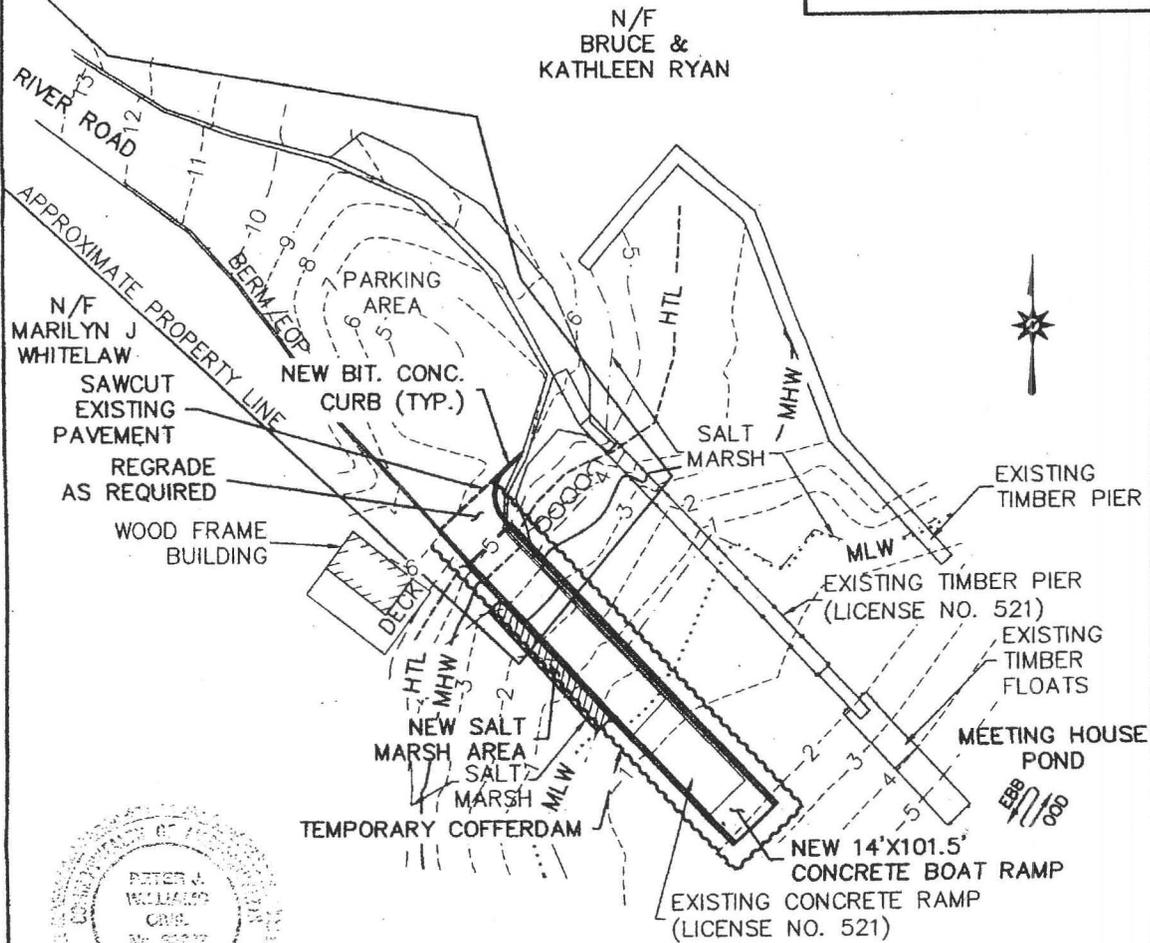
MEAN HIGH WATER (MHW) (EL. 3.5)

NAVD 88 (EL. 0.0)

MEAN LOW WATER (MLW) (EL. 0.0)



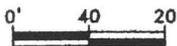
LOCUS MAP



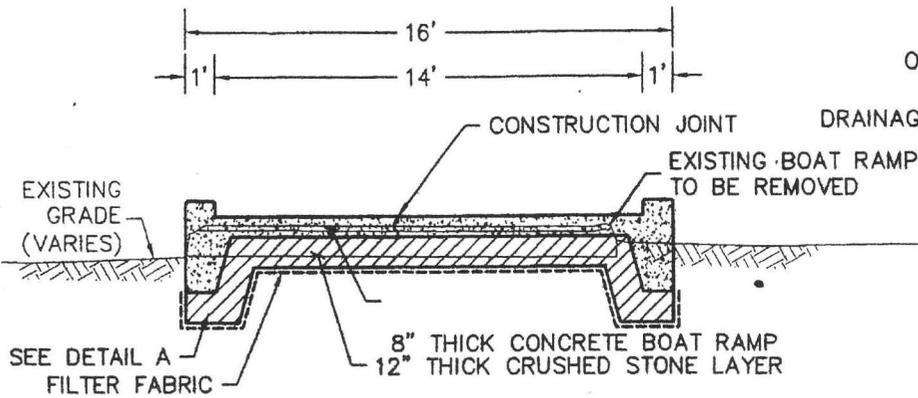
PETER J. WILLIAMS
CIVIL
No. 60017

SHEET 1 OF 2

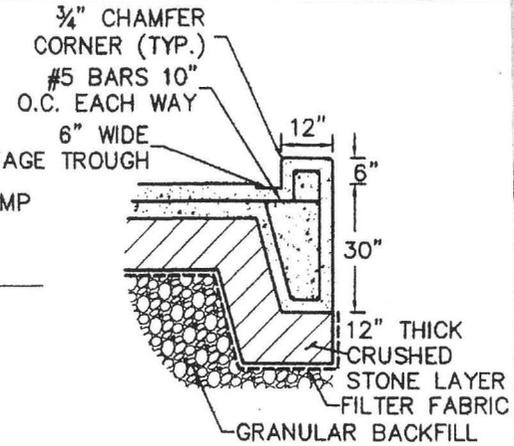
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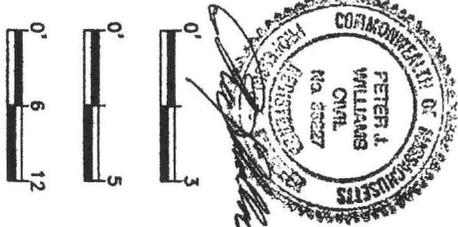
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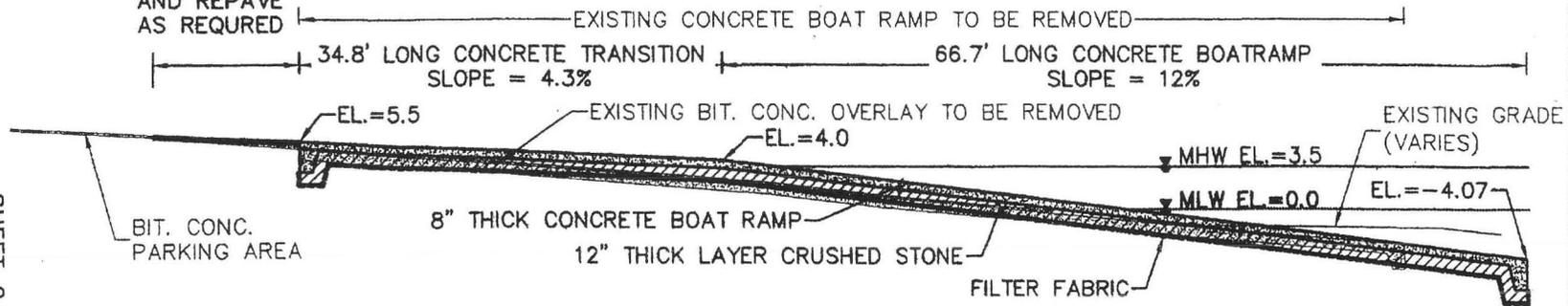
BOAT RAMP SECTION
 SCALE: 1"=5'



BOAT RAMP PROFILE
 SCALE: 1"=3'



REGRADE
 AND REPAVE
 AS REQUIRED



BOAT RAMP PROFILE
 SCALE: 1"=12'