



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

# PUBLIC NOTICE

**Comment Period Begins:** 3/22/16  
**Comment Period Ends:** 4/21/16  
**File Number:** NAE-2015-02201  
**In Reply Refer To:** Joshua Helms  
**Phone:** (978) 318-8211  
**E-mail:** [joshua.m.helms@usace.army.mil](mailto:joshua.m.helms@usace.army.mil)

The District Engineer has received a permit application to conduct work in waters of the United States from Conrad H. & Janice M. Roy, 56 Ocean Drive, Mattapoisett, Massachusetts. This work is proposed in Mattapoisett Harbor at 56 Ocean Drive, Mattapoisett, Massachusetts. The site coordinates are: Latitude 41°38'12.6" Longitude 70°48'5.1".

The proposed project is the construction of a shore outhaul system below the mean high water mark of waters of the United States in to order provide the applicant easy access to deep water to anchor his recreational vessel to shore. The work includes the installation of a 12-inch diameter timber piling approximately 180 feet from the mean high water mark. The 25 foot piling has already been driven to a depth of approximately -10MLW.

The applicant proposes connecting this piling to a 3"x3" stainless steel post and located approximately 30 feet landward of the mean high water mark with its top 3' off the beach grade. The height of the line at the landward post is anticipated to be approximately 18 inches above the coastal beach and will connect to a pulley system on the top of the seaward piling. The polypropylene rope will maintain a minimum 42" clearance at high tide at the seaward piling as required by the conservation commission and will taper to approximately 18 inches at the coastal beach. The 180 foot distance is necessary to obtain 2 foot depth at MLW to accommodate a 13' skiff.

The work is shown on the attached plans entitled "P.T. TIMBER PILING & POLYPROPYLENE CABLES WITH A PULLEY," on three sheets, and dated "November 5, 2015."

Activities must be designed and constructed to avoid and minimize adverse effects both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site. Mitigation in all of its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) is required to the extent necessary to ensure that the adverse effect to the aquatic environment are no more than minimal.

## **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 .05 acres of Essential Fish Habitat (EFH) for Atlantic Wolffish (*Anarhichas lupus*), Black Sea Bass (*Centropristis striata*), Atlantic Herring (*Clupea harengus*), Atlantic Cod (*Gadus morhua*), Northern Shortfin Squid (*Illex illecebrosus*), Little Skate (*Leucoraja erinacea*), Winter Skate (*Leucoraja ocellata*), Longfin Inshore Squid (*Loligo pealeii*), Haddock (*Melanogrammus aeglefinus*), Smooth Dogfish (*Mustelus canis*), Summer Flounder (*Paralichthys dentatus*), Atlantic Butterfish (*Peprilus triacanthus*), Bluefish (*Pomatomus saltatrix*), Winter Flounder (*Pseudopleuronectes americanus*), Atlantic Mackerel (*Scomber scombrus*), Windowpane Flounder (*Scophthalmus aquosus*), Scup (*Stenotomus chrysops*), Albacore tuna (*Thunnus alalunga*), Bluefin Tuna (*Thunnus thynnus*), and Red Hake (*Urophycis chuss*). This habitat consists sandy bottom with scattered seagrass beds and cobble bottom. Loss of this habitat may adversely affect the species and habitat listed above. 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.

### **NATIONAL HISTORIC PRESERVATION ACT**

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.

### COASTAL ZONE MANAGEMENT

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 Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

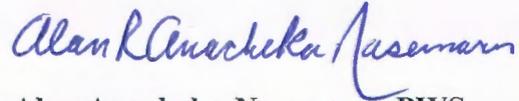
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Josh Helms at (978) 318-8211, (800) 343-4789 or (800) 362-4367, if calling 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.

CENAE-R  
FILE NO. NAE-2015-02201

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



**Alan Anacheke-Nasemann, PWS**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

If you would prefer not to continue receiving Public Notices by email, 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.

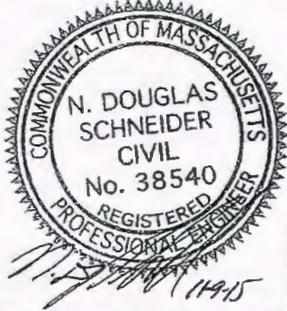
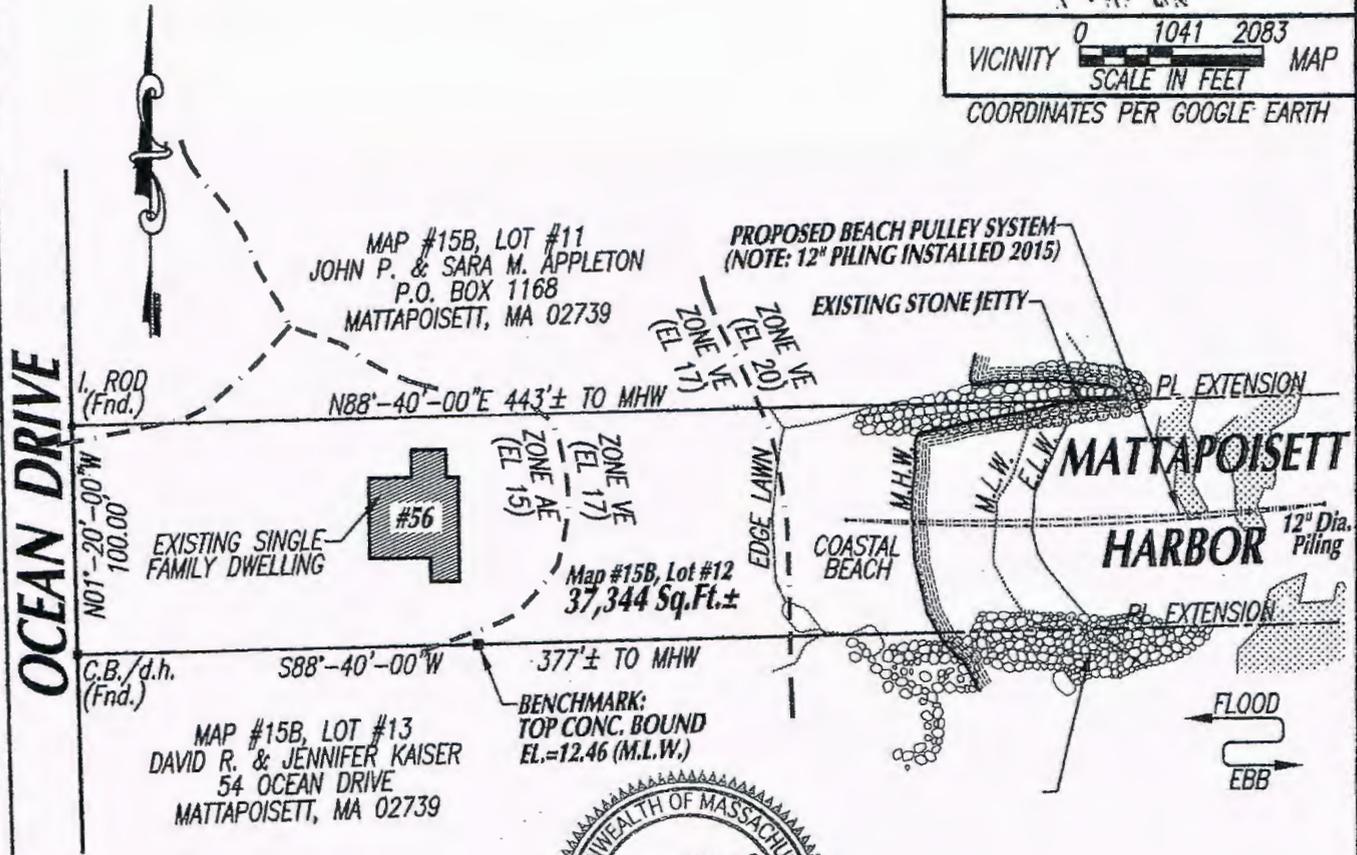
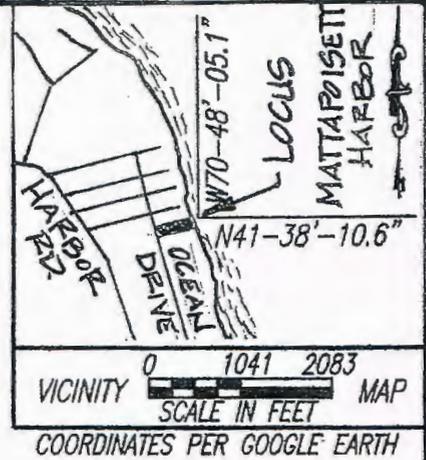
NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

**GENERAL NOTES:**

- 1.) ALL ELEVATIONS REFER TO A N.A.V.D. BENCHMARK WHICH WAS THEN ADJUSTED TO MAKE MEAN LOW WATER ELEVATION 0.0.
- 2.) ALL SOUNDINGS REFER TO DEPTHS BELOW THE PLANE OF MEAN LOW WATER (ELEVATION 0.0).
- 3.) HISTORIC MEAN HIGH WATER IS UNKNOWN.
- 4.) FLOOD ZONE LINES ARE AS DELINEATED ON F.I.R.M. COMMUNITY PANEL NUMBER 25023C0568K



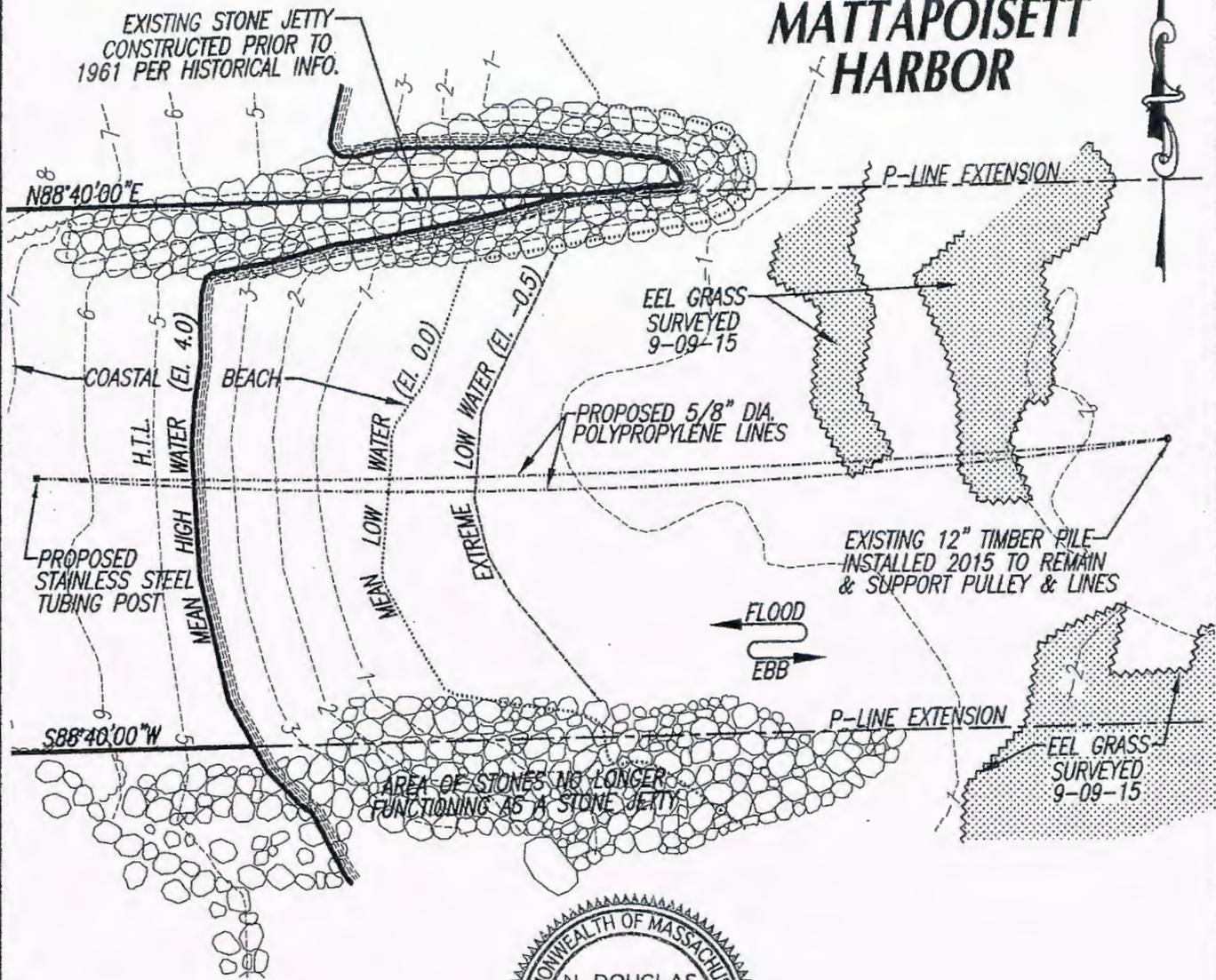
NO.	REVISION DATE	DESCRIPTION
1		

**PURPOSE:** TO INSTALL A RESIDENTIAL BEACH PULLEY SYSTEM  
**PREPARER:** N. DOUGLAS SCHNEIDER & ASSOCIATES, INC.  
 1 COUNTY ROAD, P.O. BOX 480  
 MATTAPOISETT, MA.. 02739  
 Ph. No. (508) 758-7866

**"LOCUS VIEW", SCALE: 1"=80'**  
**DATE:** NOVEMBER 5, 2015  
**DATUM:** MEAN LOW WATER  
**APPLICANTS/OWNERS:**  
 CONRAD H. & JANICE M. ROY  
 56 OCEAN DRIVE  
 MATTAPOISETT, MA 02739

**P.T. TIMBER PILING & POLYPROPYLENE CABLES WITH A PULLEY**  
**IN:** MATTAPOISETT HARBOR  
**COUNTY OF:** PLYMOUTH, MA.  
**TOWN OF:** MATTAPOISETT  
**SHEET 1 OF 3 SHEETS**

# MATTAPOISETT HARBOR



SCALE: 1"=30'  
PLAN VIEW

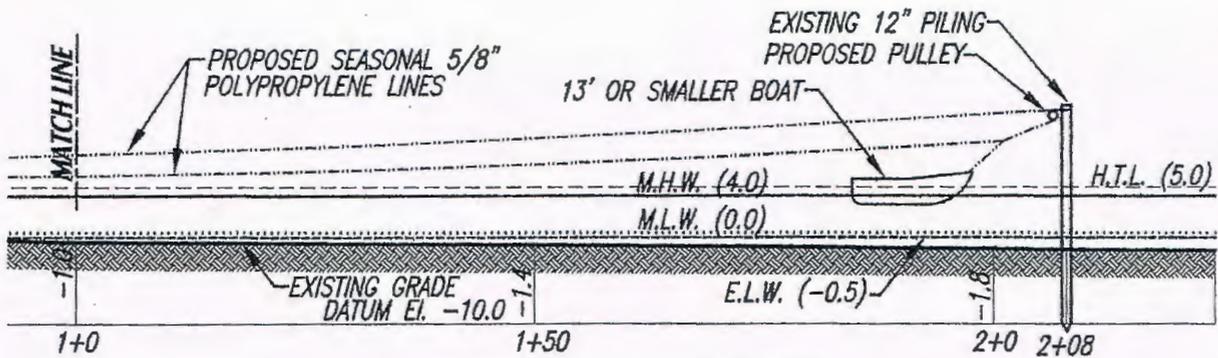
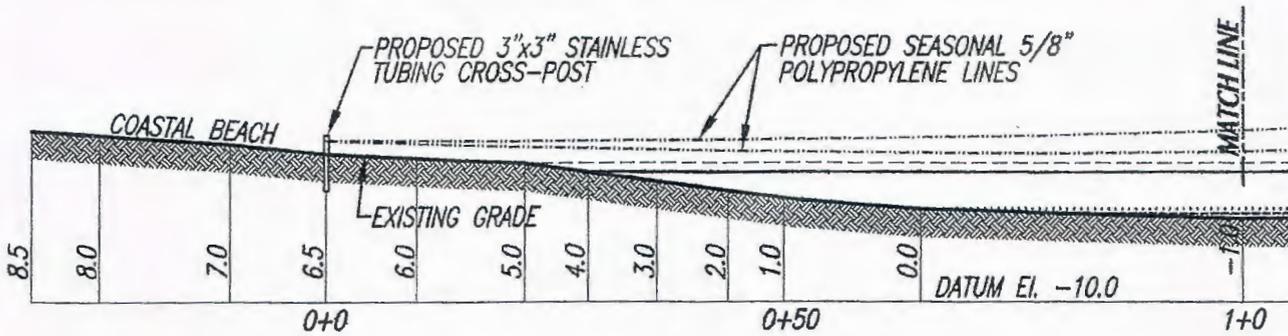


NO.	REVISION DATE	DESCRIPTION
1		

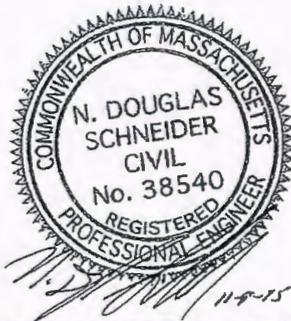
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 DATE: NOVEMBER 5, 2015  
 DATUM: MEAN LOW WATER  
 APPLICANTS/OWNERS:  
 CONRAD H. & JANICE M. ROY  
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 IN: MATTAPOISETT HARBOR  
 COUNTY OF: PLYMOUTH, MA.  
 TOWN OF: MATTAPOISETT  
 SHEET 2 OF 3 SHEETS



**BEACH PULLEY SYSTEM PROFILE**  
**VIEWING NORTHERLY**



NO.	REVISION DATE	DESCRIPTION
1		

**PURPOSE:** TO INSTALL A RESIDENTIAL BEACH PULLEY SYSTEM  
**PREPARER:** N. DOUGLAS SCHNEIDER & ASSOCIATES, INC.  
 1 COUNTY ROAD, P.O. BOX 480  
 MATTAPOISETT, MA. 02739  
 Ph. No. (508) 758-7866

"PROFILE VIEW", SCALE: 1"=20'  
 DATE: NOVEMBER 5, 2015  
 DATUM: MEAN LOW WATER  
**APPLICANTS/OWNERS:**  
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 SHEET 3 OF 3 SHEETS