



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

PUBLIC NOTICE

Comment Period Begins: May 2, 2017
Comment Period Ends: June 2, 2017
File Number: NAE-2016-00019
In Reply Refer To: Phillip Nimeskern
Phone: (978) 318-8660
E-mail: Phillip.W.Nimeskern@usace.army.mil

The District Engineer has received a permit application and permission request to conduct work in waters of the United States from the Town of Harwich, 715 Main Street, Harwich Port, Massachusetts, 02646. This work is proposed in Saquatucket Harbor at 715 Main Street, Harwich, Massachusetts. The site coordinates are: Latitude 41.66875; Longitude -70.05889.

The Town of Harwich proposes to reconstruct the existing Saquatucket Harbor marina, to maintenance dredge the boat basin while all piers and floats are removed, and to reconfigure the marina to add more berthing. The work involves maintenance and improvement dredging of the town anchorage and Federal Navigation Project (FNP) anchorage and the complete reconstruction and reconfiguration of the marina's float system, portions of which are proposed to occupy the 6' deep anchorage portion of the FNP. The sandy dredged material is proposed for nourishment of nearby beach while the fine material will be disposed of at Rhode Island Sound Disposal Site (RISDS).

The proposed project consists of the following:

- Demolition and disposal of all existing floating docks except for the existing pump-out dock
- Construction of an all-new floating dock marina
 - 28,000 square feet of floating docks (increase of 8,800 sf)
 - 240 piles (decrease of 70)
 - 200 slips
 - The new eastern pier will extend 220' into FNP
- Maintenance dredging to -6 feet MLW
 - 144,000 square feet
 - 7,500 cubic yards
- Improvement dredging (deepening within existing footprint) to -8 feet MLW
 - 100,100 square feet, all within maintenance footprint
 - 9,600 cubic yards
- Total area of dredging is 244,100 square feet (5.5 acres), which includes the FNP and 3:1 side slopes
- Total volume of dredging is 17,100 cubic yards
- Construction of a new ADA compliant access to the ferry and other passenger vessels
 - New 42' aluminum gangway
- Minor maintenance work to existing bulkhead comprising only repair of existing bulkhead support connections.
- Establish a reconfiguration zone for a maximum of 200 vessels. The reconfiguration zone will include part of the FNP anchorage.

Of the proposed project described above, the following will be in the FNP:

- Marina Components:
 - 70 Piles
 - 547 LF of Main Float
 - 31 Finger Floats
 - Total area of Floats - 8952 SF - including mains and fingers
- Dredging Footprints within the project limits are as follows:
 - 8' MLLW with 1' over dredge (values based on improvement only, below authorized depth)
 - 30,000 SF
 - 3,218 CY (improvement beyond authorized depth)
 - 6' MLLW with 1' over dredge
 - 35,373 SF
 - 4630 CY

The work is shown on the attached plans entitled "PURPOSE: MARINA RECONSTRUCTION / APPLICATION BY: TOWN OF HARWICH," on 8 sheets, and dated "01/24/17."

AUTHORITY

Permits are required pursuant to:

- x Section 10 of the Rivers and Harbors Act of 1899
- x Section 404 of the Clean Water Act
- x Section 103 of the Marine Protection, Research and Sanctuaries Act.

Permission is required pursuant to:

- x Section 14 of the Rivers and Harbors Act of 1899

Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408 authorizes the Secretary of the Army to grant permission for the alteration or occupation or use of the project if the Secretary determines that the activity will not impair the usefulness of the project and that it will not be injurious to the public interest.

The decision whether to issue a permit and grant permission 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, US 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.

The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analysed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal. When applicable, the biological quality of the disposal of the material at the disposal site was also used to evaluate the feasibility of the open-water disposal alternative.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is disposal at the requested disposal site.

Testing Information

The dredged material has undergone physical, chemical, and biological testing and has satisfied the criteria for ocean disposal of dredged material as specified in Part 227 of the Ocean Dumping Act regulations. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

Rhode Island Sound Disposal Site

The Rhode Island Sound Disposal Site was designated by the Environmental Protection Agency to be usable for disposal of dredged sediments in December 2004. Prior to its site designation, it was selected for temporary use and was employed during 2003-2004 for placement of over 5 million cubic yards of sediment from the Providence River (primarily from the Federal Navigation Project). All sediments disposed at this site have been determined suitable with a project-specific evaluation with an established interagency review process. The site is monitored through the Corps Disposal Area Monitoring System (DAMOS) program. The DAMOS studies show that the site is a low energy environment such that sediments deposited at this location will remain within the site's boundaries. The DAMOS monitoring has also shown that distinct dredged material mounds have been formed at the site. Sediment deposited at the disposal site has not been found to affect areas outside the disposal site.

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).

The dredging portion of this project will impact approximately 244,100 SF of Essential Fish Habitat (EFH) for all life stages of smooth dogfish (*Mustelus canis*), and little skate (*Leucoraja erinacea*). Habitat at this site can be described as a man-made boat basin that is regularly dredged. The proposed dredge may temporarily adversely affect whatever fish species happen to be present at that time. 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.

The dredged material disposal is proposed for Rhode Island Sound Disposal Site (RISDS). This is an open water site, which provides Essential Fish Habitat for the species and their life stages on the attached list. Habitat at this site can be described as subtidal sand and fine material. Loss of this habitat probably won't adversely affect any of the commercially important species as there is so much of this habitat and disposal impacts at this site have been shown to be temporary. 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)

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:

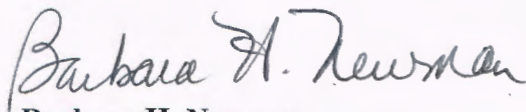
- (x) Permit, License or Assent from State.
- (x) Permit from Local Wetland Agency or Conservation Commission.
- (x) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 Phillip Nimeskern at (978) 318-8660, (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.



Barbara H. Newman
Chief, Permits and Enforcement Branch A
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. 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: _____

**Summary of Essential Fish Habitat (EFH) Designation
for Rhode Island Sound Disposal Site**

10 x 10 Square Coordinates:

Boundary	North	East	South	West
Coordinate	41° 10.0' N	71° 20.0' W	41° 00.0' N	71° 30.0' W

Square Description (i.e. habitat, landmarks, coastline markers): Waters within the Atlantic Ocean within the square one square southeast of Block Island, Rhode Island within the precautionary area to the shipping traffic lanes to and from Buzzards Bay and Narragansett Bay.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)	X	X	X	X
Atlantic sea herring (<i>Clupea harengus</i>)			X	X
black sea bass (<i>Centropristus striata</i>)	n/a		X	
blue shark (<i>Prionace glauca</i>)		X	X	X
bluefin tuna (<i>Thunnus thynnus</i>)			X	X
bluefish (<i>Pomatomus saltatrix</i>)				X
cobia (<i>Rachycentron canadum</i>)	X	X	X	X
common thresher shark (<i>Alopias vulpinus</i>)		X	X	X
dusky shark (<i>Charcharinus obscurus</i>)			X	
king mackerel (<i>Scomberomorus cavalla</i>)	X	X	X	X
long finned squid (<i>Loligo pealei</i>)	n/a	n/a	X	
monkfish (<i>Lophius americanus</i>)	X	X		X
ocean pout (<i>Macrozoarces americanus</i>)	X	X	X	X
red hake (<i>Urophycis chuss</i>)	X	X	X	
sand tiger shark (<i>Odontaspis taurus</i>)		X		
sandbar shark (<i>Charcharinus plumbeus</i>)			X	X

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scup (<i>Stenotomus chrysops</i>)	n/a	n/a	X	X
shortfin mako shark (<i>Isurus oxyrinchus</i>)		X	X	
Spanish mackerel (<i>Scomberomorus maculatus</i>)	X	X	X	X
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a	X	X
summer flounder (<i>Paralichthys dentatus</i>)		X	X	X
whiting (<i>Merluccius bilinearis</i>)	X	X	X	
windowpane flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X
winter flounder (<i>Pleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Pleuronectes ferruginea</i>)	X	X	X	X

100 YR FLOOD	+16.03	NAVD88	+2.03
HTL	+4.54	MLW	+0.28
MHW	+3.44	MLLW	0.0

IN: **SAQUATUCKET HARBOR**
AT: **HARWICH**
COUNTY: **BARNSTABLE** STATE: **MA**

APPLICATION BY:
TOWN OF HARWICH

SHEET 1 OF 8
DATE: 01/24/17





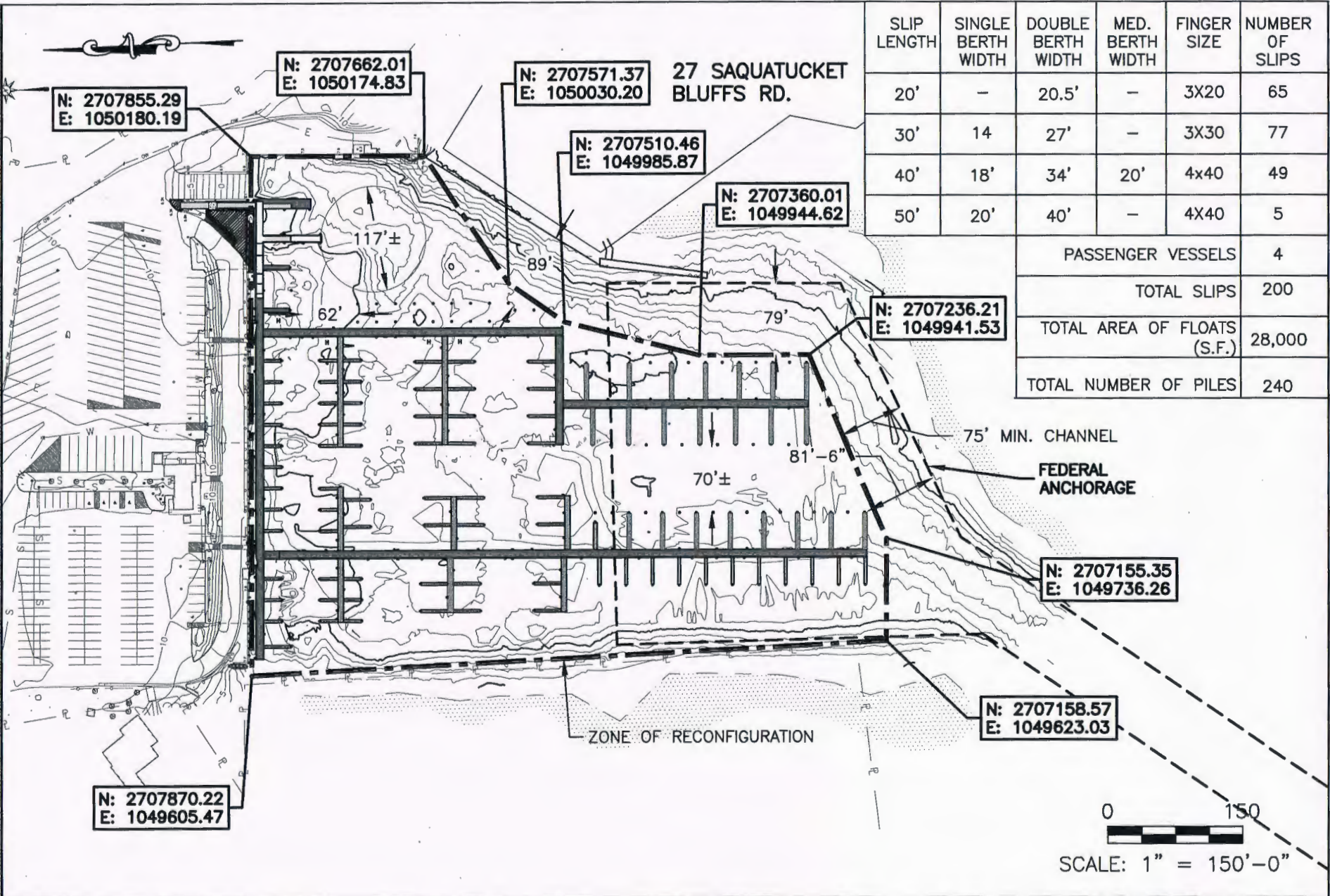
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HTL	+4.54	MLW	+0.28
MHW	+3.44	MLLW	0.0


IN: **SAQUATUCKET HARBOR**
AT: **HARWICH**
COUNTY: **BARNSTABLE** STATE: **MA**

SHEET **2** OF **8**

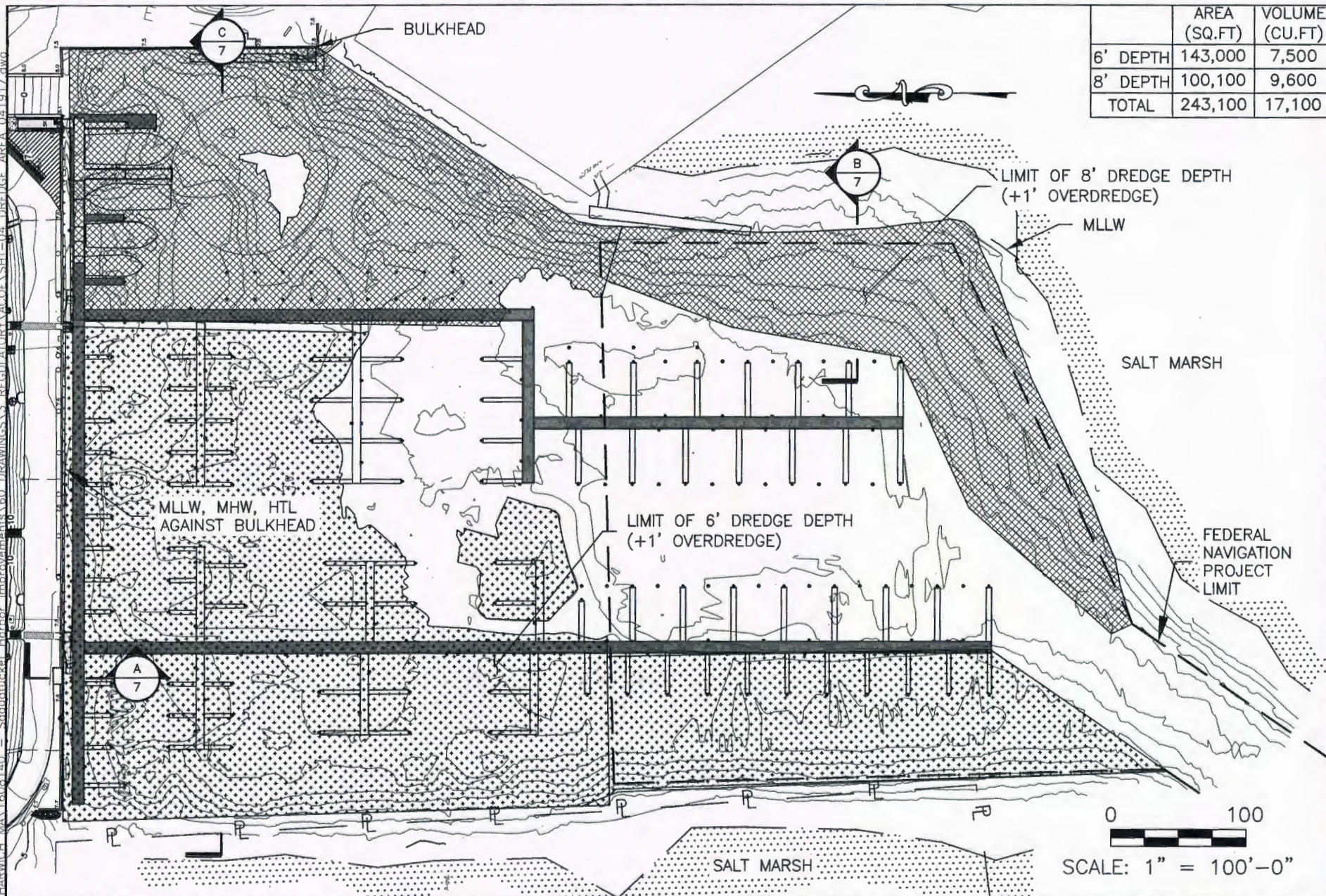
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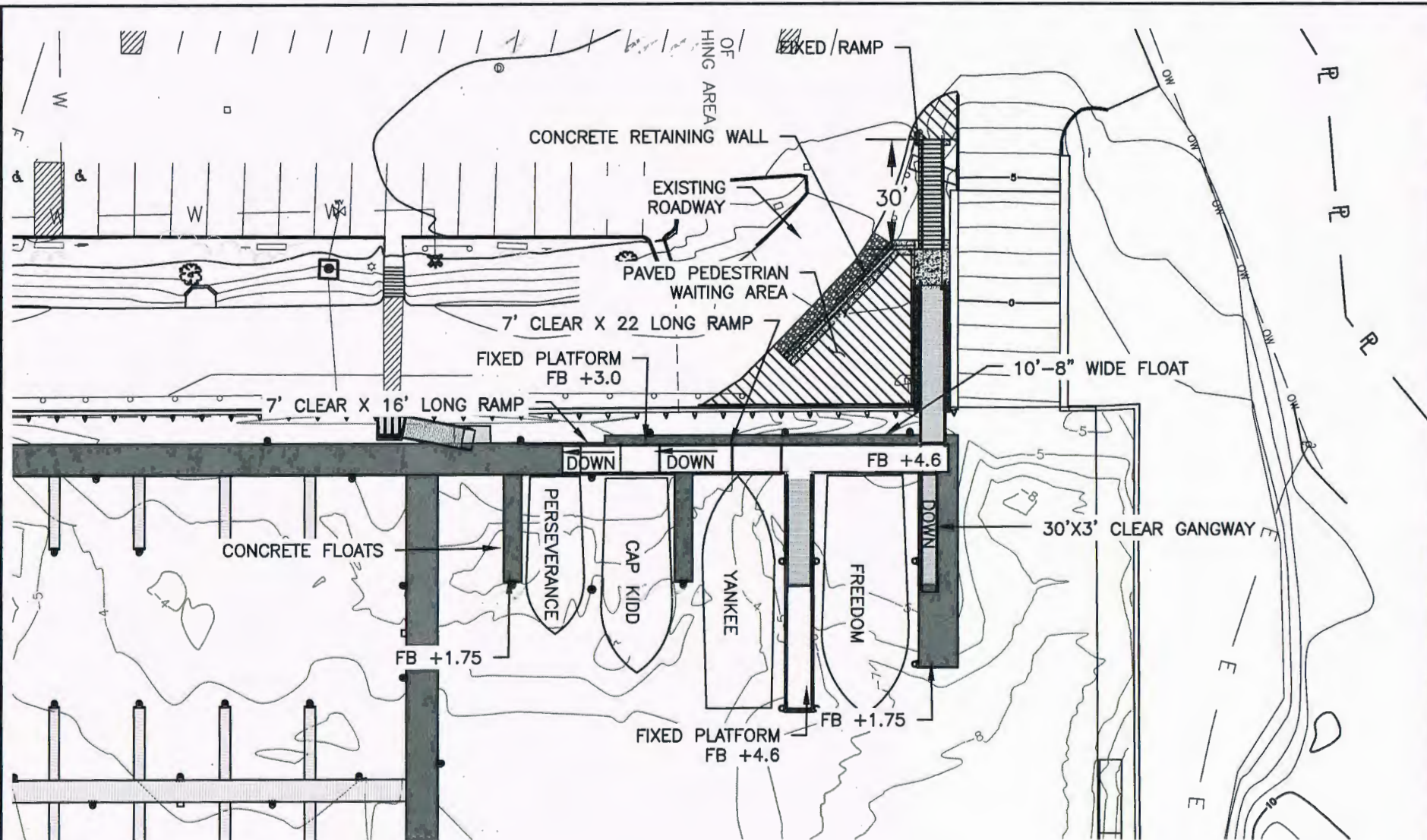


100 YR FLOOD +16.03 NAVD88 +2.03 HTL +4.54 MLW +0.28 MHW +3.44 MLLW 0.0				TITLE: PROPOSED FLOAT LAYOUT		IN: SAQUATUCKET HARBOR AT: HARWICH COUNTY: BARNSTABLE STATE: MA	
 Bourne Consulting Engineering <small>A Division of GRI Consultants, Inc. 3 Bent Street, Franklin, MA 02039 TEL: (508) 533-8888</small>				PURPOSE: MARINA RECONSTRUCTION	APPLICATION BY: TOWN OF HARWICH	SHEET 3 OF 8 DATE: 04/19/17	

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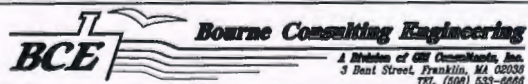
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HTL	+4.54	MLW	+0.28
MHW	+3.44	MLLW	0.0

TITLE:

**ADA ACCESS PLAN
PROJECT DETAILS**

IN: **SAQUATUCKET HARBOR**
AT: **HARWICH**
COUNTY: **BARNSTABLE** STATE: **MA**



PURPOSE:

MARINA RECONSTRUCTION

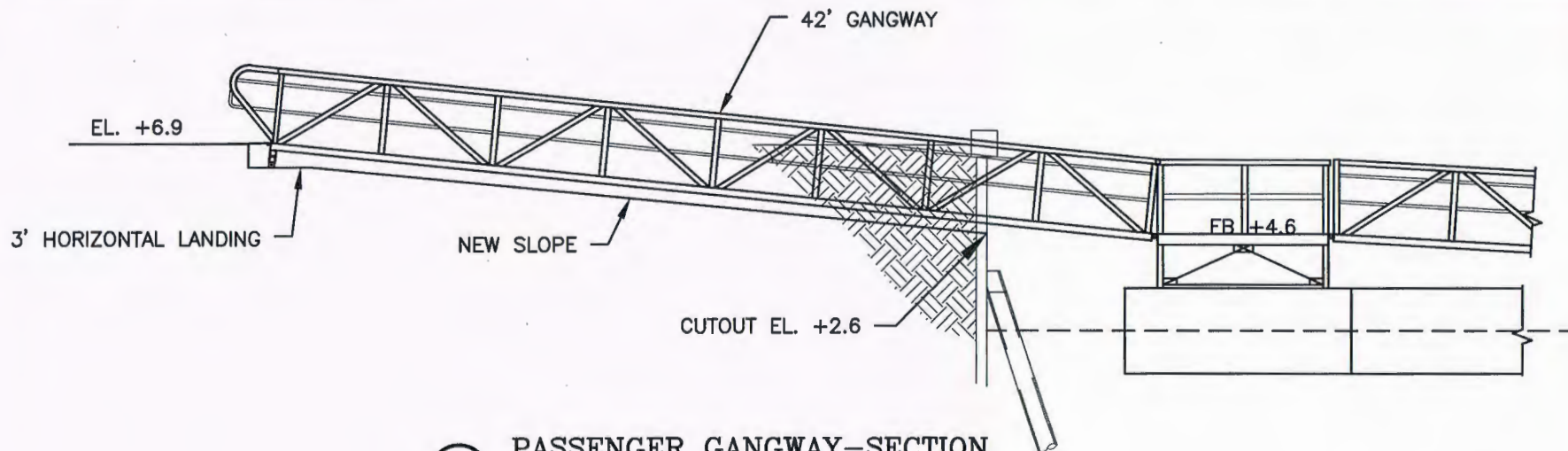
APPLICATION BY:

TOWN OF HARWICH

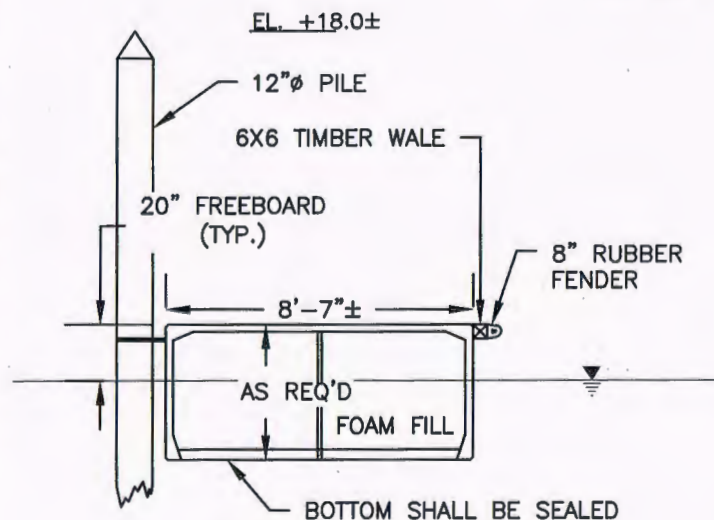
SHEET **5** OF **7**

DATE: **01/24/17**

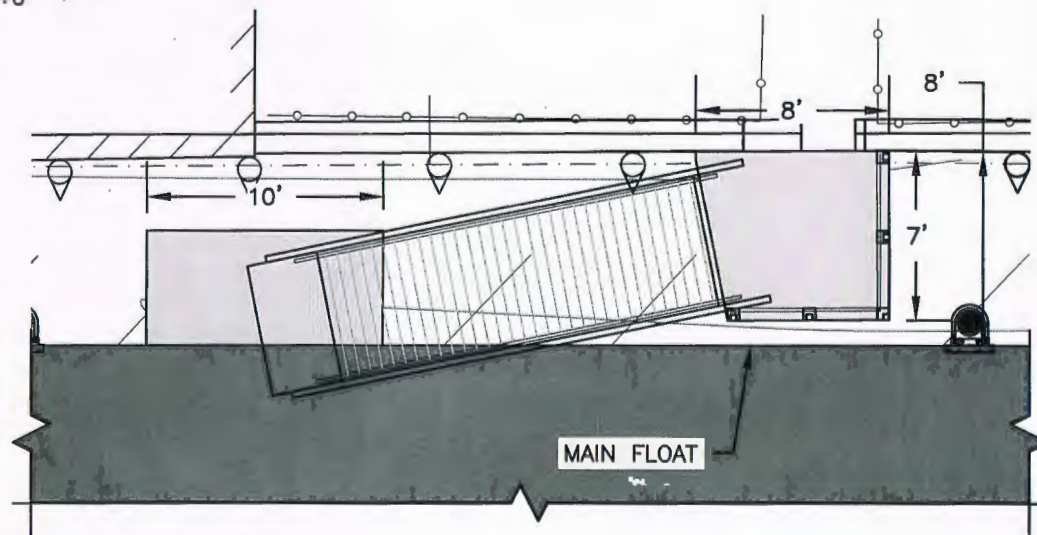
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A
6
PASSENGER GANGWAY-SECTION
SCALE: 1/8"=1'-0"



B
6
TYPICAL FLOAT-SECTION
SCALE: 3/16"=1'-0"



C
6
TYPICAL GANGWAY-PLAN
SCALE: 1/8"=1'-0"

100 YR FLOOD	+16.03	NAVD88	+2.03
HTL	+4.54	MLW	+0.28
MHW	+3.44	MLLW	0.0

TITLE:

GANGWAY & FLOATS PROJECT DETAILS

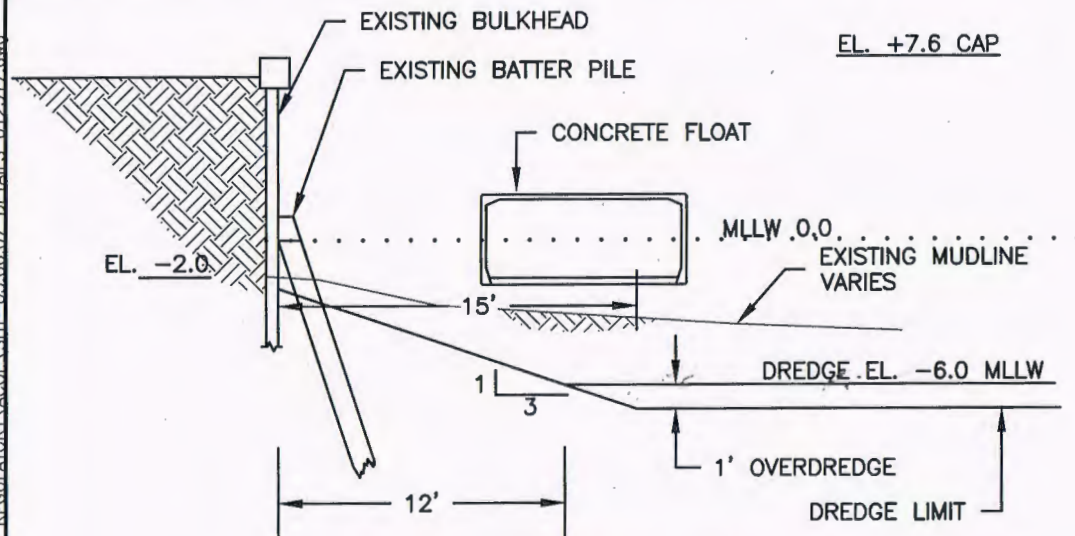
IN: SAQUATUCKET HARBOR
AT: HARWICH
COUNTY: BARNSTABLE STATE: MA

PURPOSE:
MARINA RECONSTRUCTION

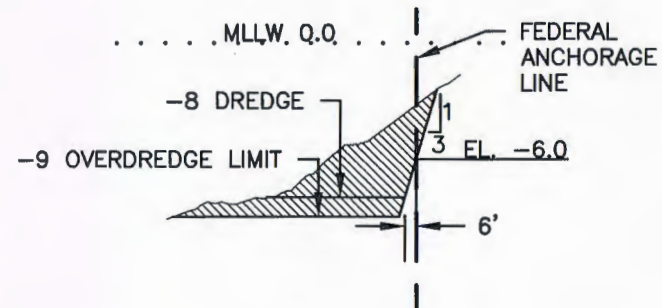
APPLICATION BY:
TOWN OF HARWICH

SHEET 6 OF 7
DATE: 01/24/17

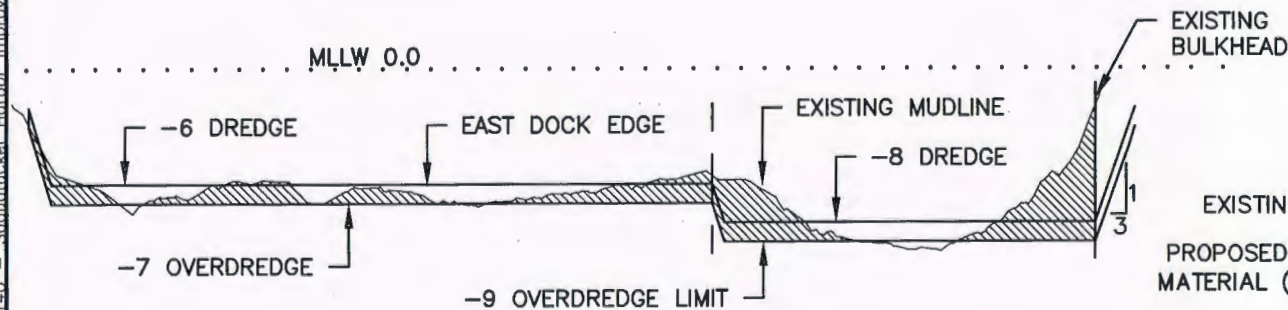
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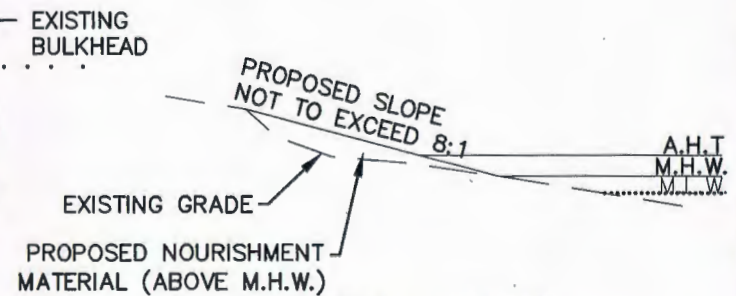
A
7
TYPICAL BULKHEAD-SECTION
SCALE: 1/8"=1'-0"



B
7
CHANNEL DREDGE-SECTION
SCALE-HOR: 1"=100'-0"
VERT: 1"=10'-0"

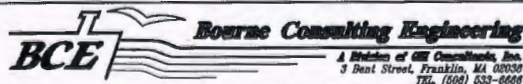


C
7
TYPICAL DREDGE-SECTION
SCALE-HOR: 1"=100'-0"
VERT: 1"=10'-0"



D
7
TYPICAL BEACH NOURISHMENT PROFILE
SCALE: N.T.S.

100 YR FLOOD	+16.03	NAVD88	+2.03
HTL	+4.54	MLW	+0.28
MHW	+3.44	MLLW	0.0



TITLE:

**DREDGE SECTIONS
PROJECT DETAILS**

IN: **SAQUATUCKET HARBOR**
AT: **HARWICH**
COUNTY: **BARNSTABLE** STATE: **MA**

PURPOSE:

MARINA RECONSTRUCTION

APPLICATION BY:

TOWN OF HARWICH

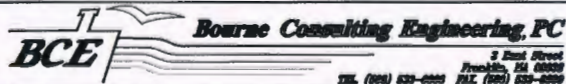
SHEET **7** OF **7**

DATE: **01/24/17**



SCALE: 1"=1000'-0"

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HTL	+4.54	MLW	+0.23
MHW	+3.44	MLLW	0.0



TITLE: **PROPOSED DREDGING AND NOURISHMENT
SAQUATUCKET HARBOR**

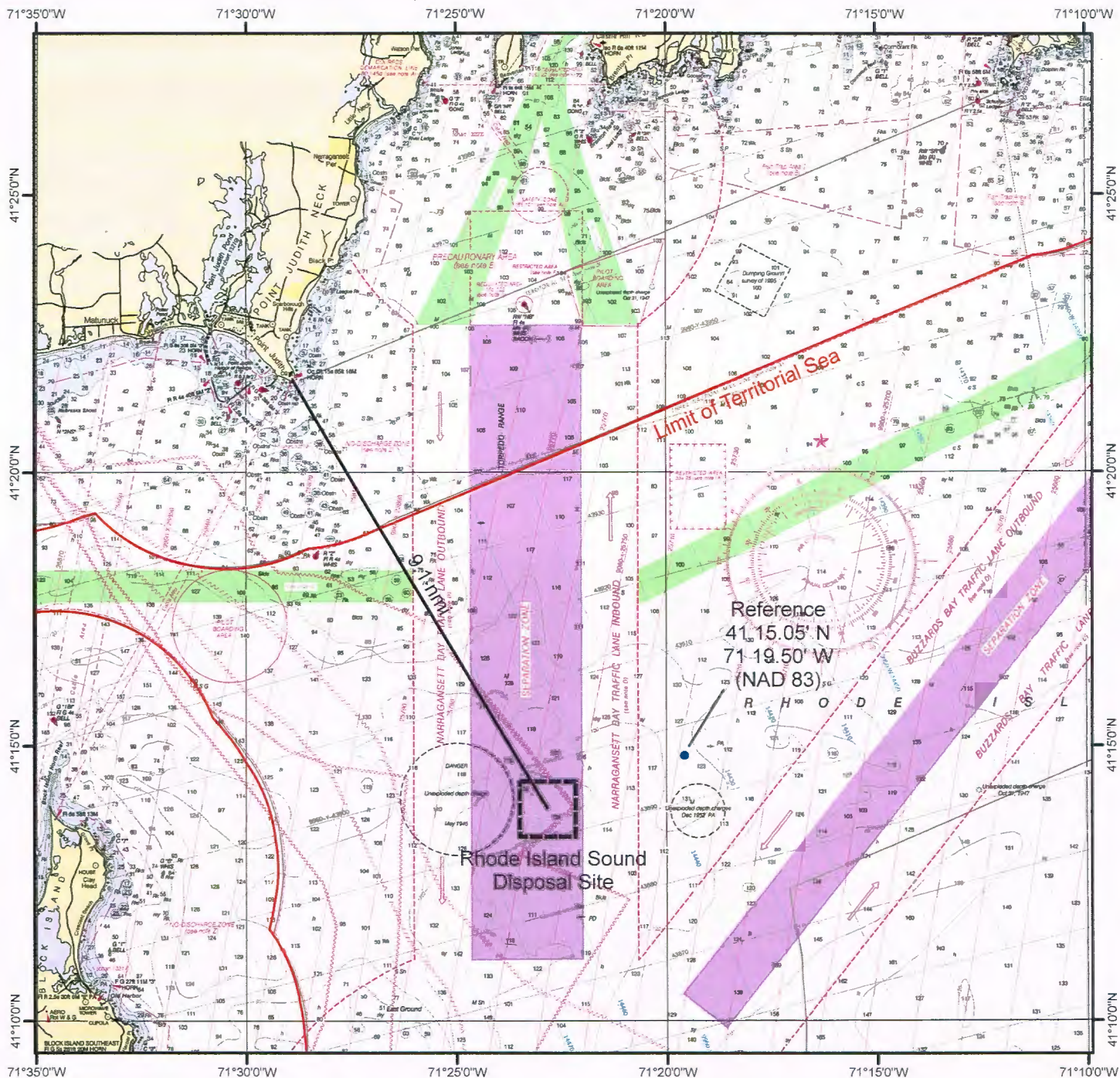
PURPOSE:
DREDGE

APPLICATION BY:
TOWN OF HARWICH

IN: **NANTUCKET SOUND**
AT: **HARWICH**
COUNTY: **BARNSTABLE** STATE: **MA**

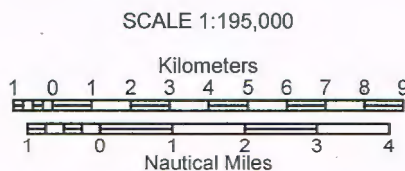
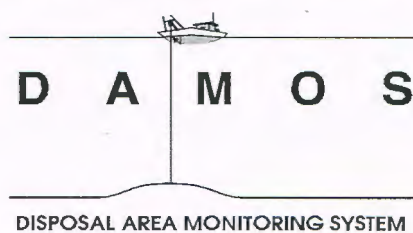
SHEET **8** OF **8**

DATE: **01/24/17**



RHODE ISLAND SOUND DISPOSAL SITE

Description: The Rhode Island Sound Disposal Site (RISDS) was designated in December 2004. This 3.24 km² (1 nautical mi²) site is centered at 41° 13.850' N, 71° 22.817' W (NAD 83). It is located approximately 9.1 nmi (16.8 km) south-southeast of Point Judith, Rhode Island, and approximately 11.3 nmi (21 km) south of the entrance to Narragansett Bay. It is situated within the Separation Zone for the Narragansett Bay Inbound and Outbound Traffic Lanes and lies within a topographic depression, with water depths from 36 to 39 m. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.



NOTE: This chart is not intended for use in navigation.

