



# PUBLIC NOTICE

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

**Comment Period Begins: August 9, 2016**  
**Comment Period Ends: September 9, 2016**  
**File Number: NAE-2016-0390**  
**In Reply Refer To: Crystal Gardner**  
**Phone: (978) 318-8332**  
**E-mail: [crystal.i.gardner@usace.army.mil](mailto:crystal.i.gardner@usace.army.mil)**

The District Engineer has received a permit application to conduct work in waters of the United States from **Charles Lagasse, Provincetown Marina LLC**. This work is proposed in Provincetown Harbor at 9 Ryder Street Extension, Provincetown, Massachusetts. The site coordinates are: Latitude °N 42.05 and Longitude °W 70.18.

The proposed work involves the following:

## **Pier Work**

To construct and maintain one 19'7" x 427' dock that will serve also as a wave attenuator, one 19'7" x 263' foot dock that will also serve as a wave attenuator, five 8' x 80' finger floats, one 8' x 60' finger float, a 66' x 129' float, a 12' x 1750' harborwalk to expand the existing deck by 2,625 square feet, and a public restroom with 2" water and 2" forced sewer lines to run the entire length of the pier.

Water and electricity utility lines are proposed for each slip and a vessel pump out hydrant is proposed to be located every 50 feet. A fuel facility is proposed to service boats and is shown on sheet 2 of 8. It is also proposed that the pier may be used for non-profit event space.

## **Dredging**

To dredge 1,394 cubic yards of material from an 18,275 square foot area to a depth of -6 feet below mean low water (MLW) on the north side of the wharf. Dewatering will occur at the adjacent municipal parking lot and the material will be reused at an approved upland location.

## **Reconfiguration Zone**

The application includes a request to establish a reconfiguration zone as shown on sheet 6 of 8.

**Unauthorized work - The following are currently existing but unauthorized structures on the wharf that are proposed to be retained:**

To retain and maintain 186 parking spaces for fee and a marina staff quarters (see sheet 7 of 8).

The work is shown on the attached plans entitled "SITE PLAN, PROVINCETOWN MARINA, LLC, FISHERMAN'S WHARF, RYDER STREET EXTENSION, PROVINCETOWN, MA, ISSUED FOR AUTHORIZATION UNDER SECTION 10 OF THE RIVERS AND HARBORS ACT & SECTION 404



UNDER THE CLEAN WATER ACT," on eight sheets, and dated "7/7/2016."

#### 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.

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 entire project, both structures and dredging, will impact 67,687 SF of Essential Fish Habitat (EFH) for those species listed on the table below. This habitat consists of fine sand. Loss of this habitat may adversely affect the same species shown on the table below. 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.



Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod ( <i>Gadus morhua</i> )	X	X	X	X
haddock ( <i>Melanogrammus aeglefinus</i> )			X	X
whiting ( <i>Merluccius bilinearis</i> )	X	X	X	X
red hake ( <i>Urophycis chuss</i> )	X	X	X	X
winter flounder ( <i>Pleuronectes americanus</i> )	X	X	X	X
yellowtail flounder ( <i>Pleuronectes ferruginea</i> )			X	X
windowpane flounder ( <i>Scopthalmus aquosus</i> )				X
American plaice ( <i>Hippoglossoides platessoides</i> )			X	X
ocean pout ( <i>Macrozoarces americanus</i> )	X	X		X
Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )	X	X	X	X
Atlantic sea scallop ( <i>Placopecten magellanicus</i> )	X	X	X	X
Atlantic sea herring ( <i>Clupea harengus</i> )		X	X	X
monkfish ( <i>Lophius americanus</i> )	X	X		X
bluefish ( <i>Pomatomus saltatrix</i> )			X	X
long finned squid ( <i>Loligo pealei</i> )	n/a	n/a	X	X
short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a	X	X
Atlantic butterfish ( <i>Peprilus triacanthus</i> )	X	X	X	X
Atlantic mackerel ( <i>Scomber scombrus</i> )	X	X	X	X
summer flounder ( <i>Paralichthys dentatus</i> )	X	X		X
scup ( <i>Stenotomus chrysops</i> )	n/a	n/a	X	X
black sea bass ( <i>Centropristus striata</i> )	n/a			X
surf clam ( <i>Spisula solidissima</i> )	n/a	n/a	X	X
ocean quahog ( <i>Artica islandica</i> )	n/a	n/a		
spiny dogfish ( <i>Squalus acanthias</i> )	n/a	n/a	X	X
blue shark ( <i>Prionace glauca</i> )				X
bluefin tuna ( <i>Thunnus thynnus</i> )			X	X

## 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:

- The permit area has been extensively modified by previous work.
- The permit area has been recently created.
- The proposed activity is of limited nature and scope.
- 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.
- 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 may affect - 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:

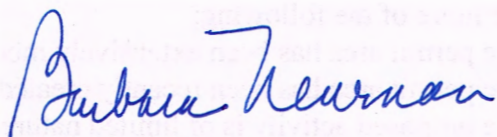
- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 Crystal Gardner at (978) 318-8332, (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**  
**Regulatory Division**

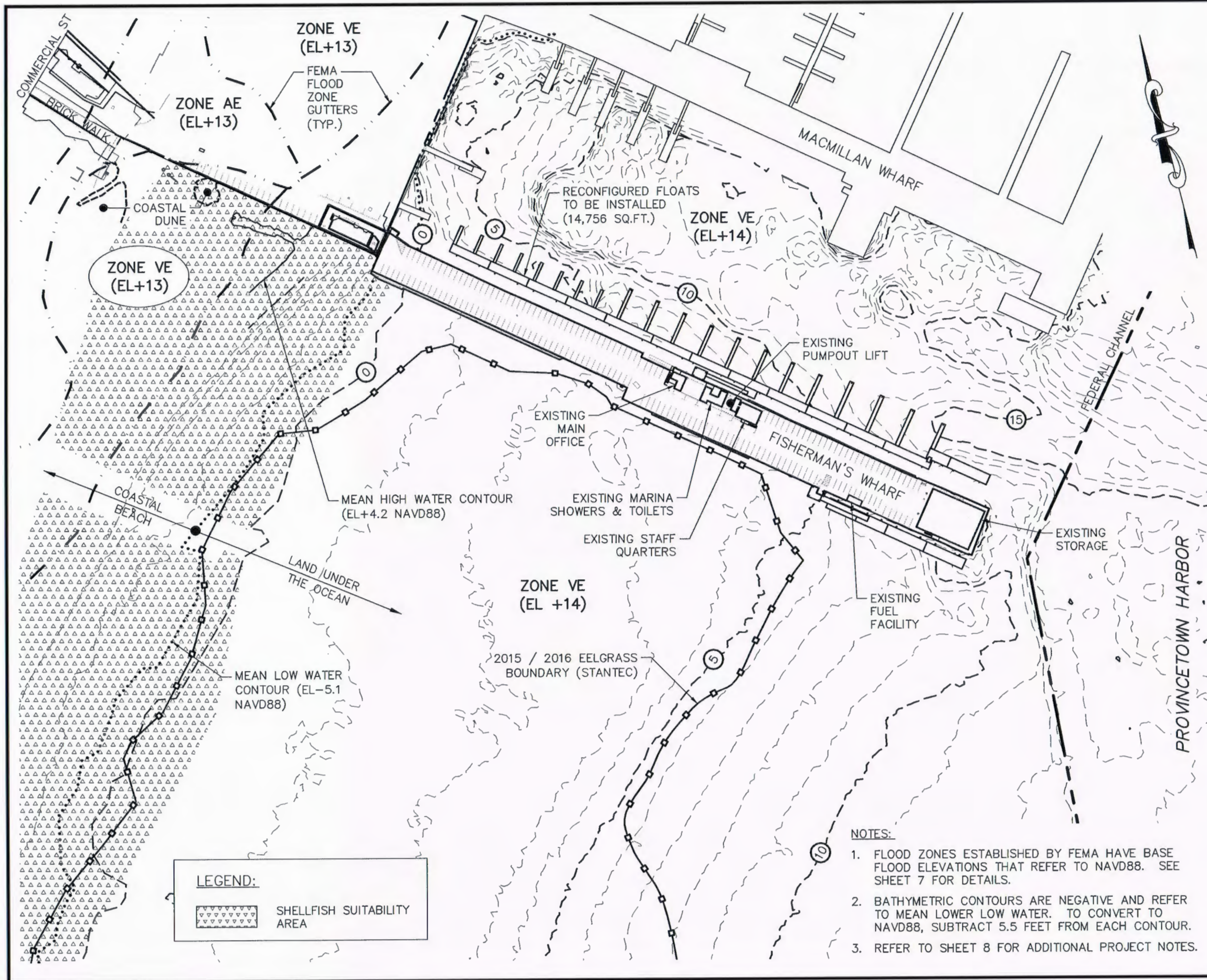


**CENAE-R**  
**FILE NO. NAE-2016-0390**

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: \_\_\_\_\_

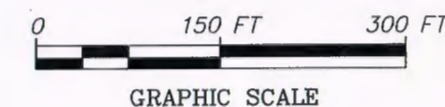




HARBOR ENGINEERING, LLC

26 BOSWORTH STREET  
BARRINGTON, RI 02806  
(401) 829-4870  
harboreng.com

No.	Revision	Date	App.



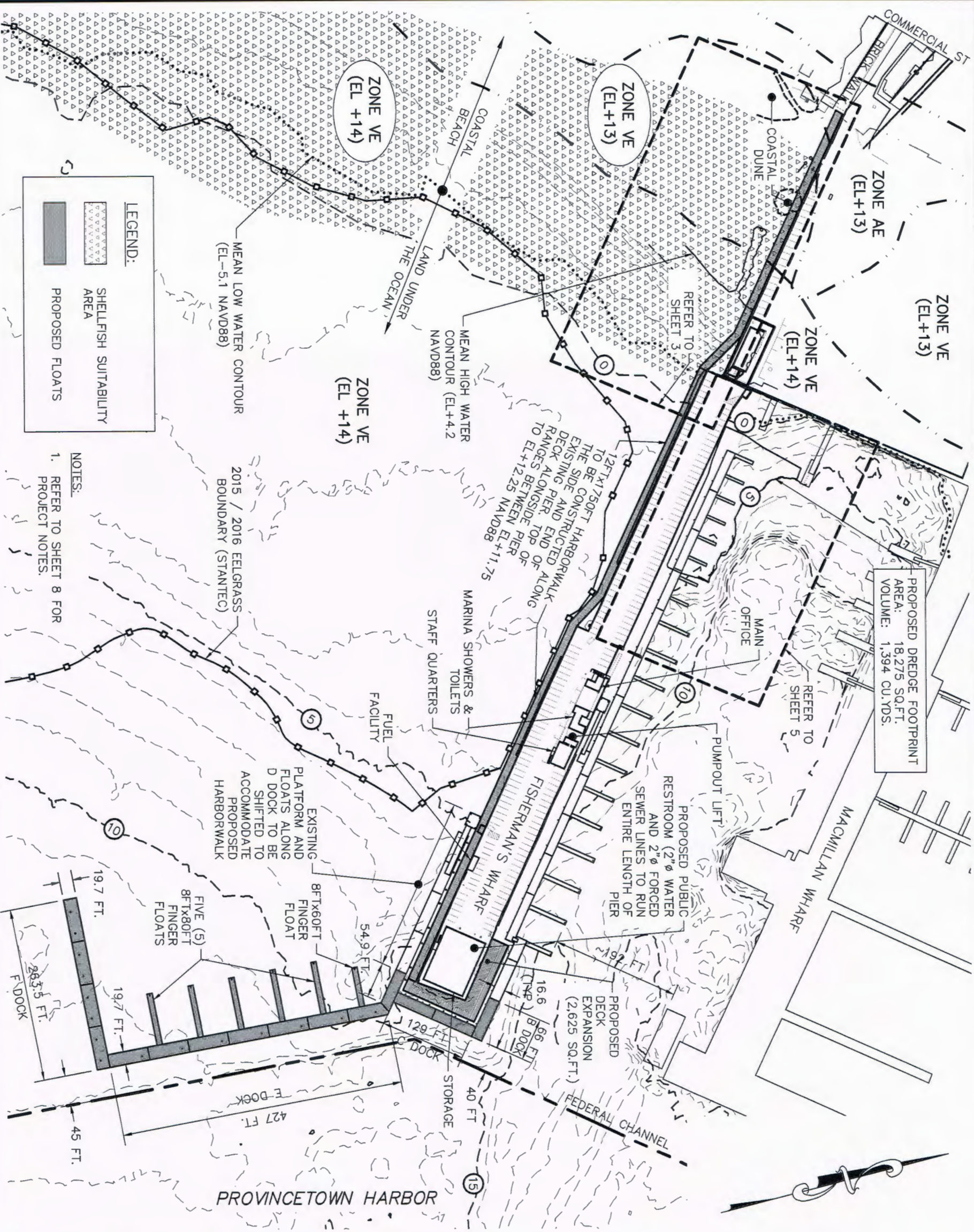
Client/Owner:  
**PROVINCETOWN MARINA, LLC**  
FISHERMAN'S WHARF  
RYDER STREET EXTENSION  
PROVINCETOWN, MA

Issued for:  
AUTHORIZATION UNDER SECTION 10 OF  
THE RIVERS AND HARBORS ACT & SECTION  
404 UNDER THE CLEAN WATER ACT

Drawing Title:  
**SITE PLAN**  
EXISTING CONDITIONS & BATHYMETRY  
MEAN LOWER LOW WATER DATUM  
NOT FOR CONSTRUCTION

Date:	7/7/2016
Scale:	1"=150FT
Designed By:	
Drawn by:	AJK
Checked by:	
Project Number:	2015-11
Sheet	1 of 8
Drawing Number:	PCN-EX-1

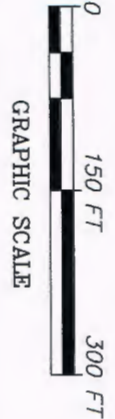






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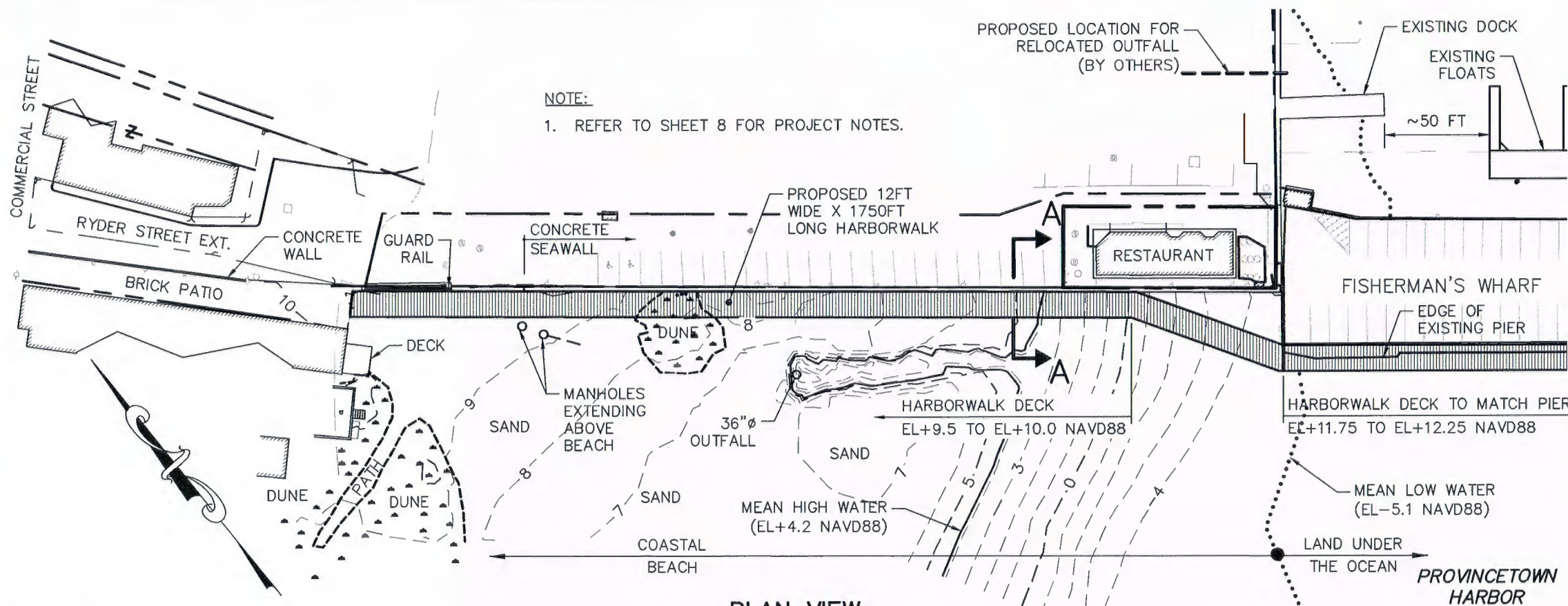
Client/Owner:  
**PROVINCETOWN MARINA, LLC**  
FISHERMAN'S WHARF  
RYDER STREET EXTENSION  
PROVINCETOWN, MA

Issued for:  
**AUTHORIZATION UNDER SECTION 10 OF THE RIVERS AND HARBORS ACT & SECTION 404 UNDER THE CLEAN WATER ACT**

Drawing Title:  
**SITE PLAN**  
PROPOSED CONDITIONS  
*NOT FOR CONSTRUCTION*

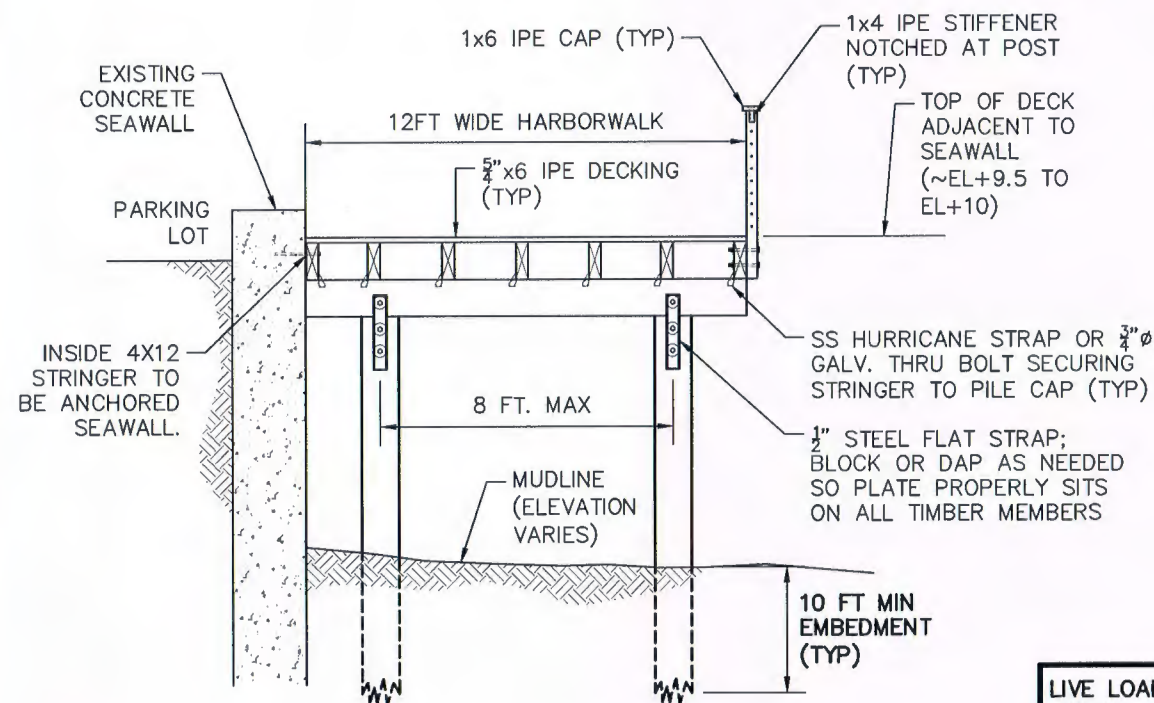
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Scale:	1"=150FT
Designed By:	AJK
Drawn by:	AJK
Checked by:	
Project Number:	2015-11
Sheet	2 of 8
Drawing Number:	PCN-PR-1





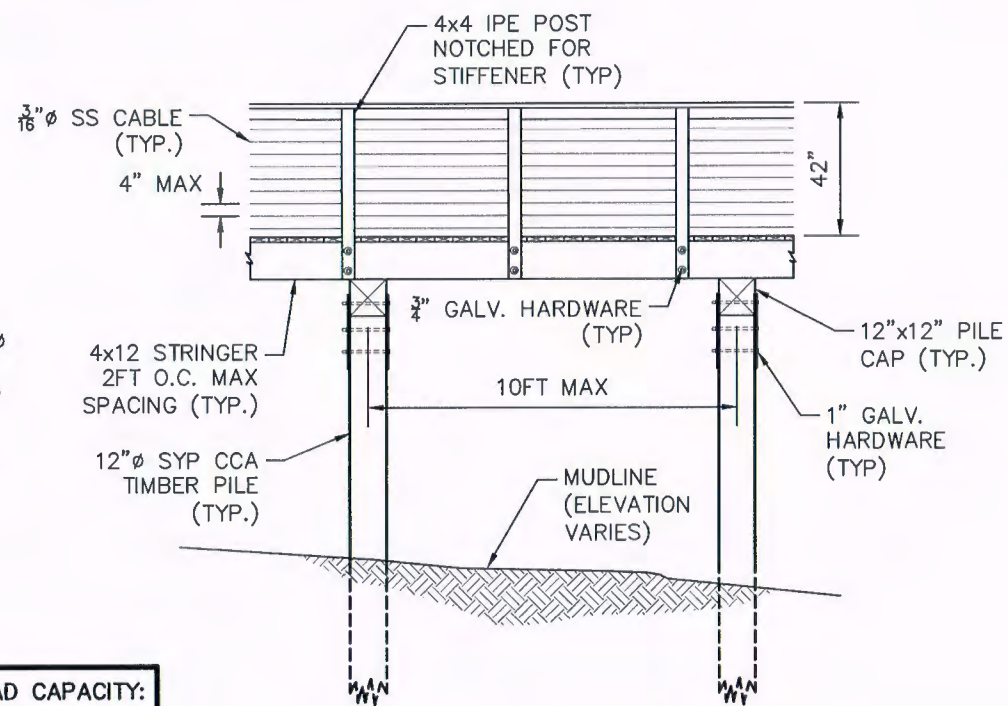
**PLAN VIEW**

SCALE: 1"=60FT



**SECTION A-A**

SCALE: 1"=5FT



**TYP. HARBORWALK ELEVATION**

SCALE: 1"=5FT



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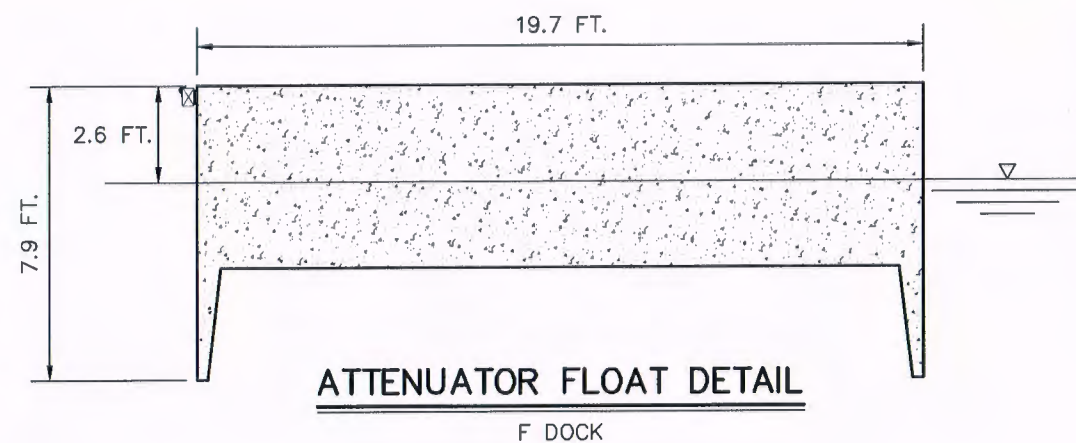
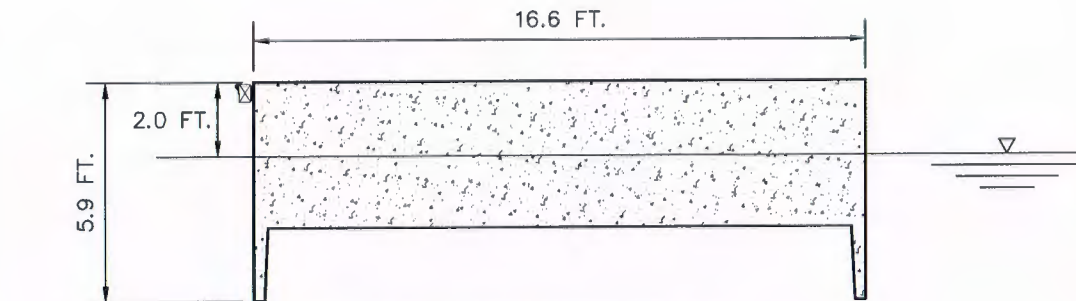
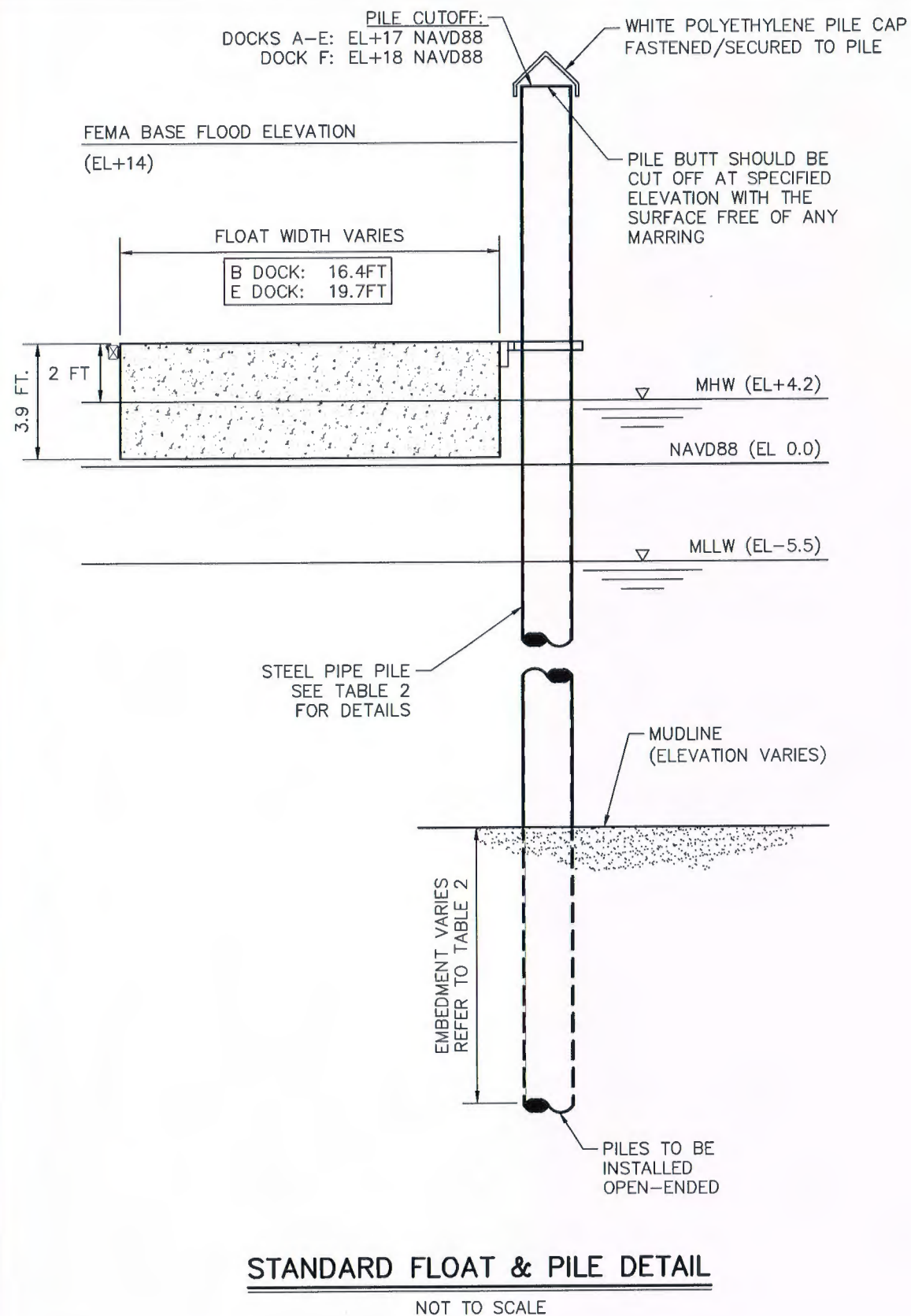
Client/Owner:  
**PROVINCETOWN MARINA, LLC**  
FISHERMAN'S WHARF  
RYDER STREET EXTENSION  
PROVINCETOWN, MA

Issued for:  
AUTHORIZATION UNDER SECTION 10 OF  
THE RIVERS AND HARBORS ACT & SECTION  
404 UNDER THE CLEAN WATER ACT

Drawing Title:  
**SITE PLAN**  
PROPOSED HARBORWALK EXTENSION  
VERTICAL DATUM: NAVD88  
*NOT FOR CONSTRUCTION*

Date:	7/7/2016
Scale:	VARIES
Designed By:	
Drawn by:	AJK
Checked by:	
Project Number:	2015-11
Sheet	3 of 8
Drawing Number:	PCN-PR-2





**TABLE 2: PILE PROPERTIES & MIN. EMBEDMENT**

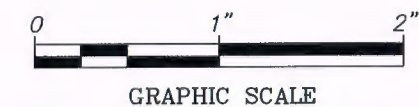
DOCK	PILE DIAMETER (IN)	WALL THICKNESS (IN)	MIN. EMBEDMENT (FT)
B	24	0.5	19
C	30	0.5	22
D	30	0.5	22
E	18	0.5	16
E	30	0.5	22
F	36	0.75	34



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FISHERMAN'S WHARF  
RYDER STREET EXTENSION  
PROVINCETOWN, MA

Issued for:  
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THE RIVERS AND HARBORS ACT & SECTION  
404 UNDER THE CLEAN WATER ACT

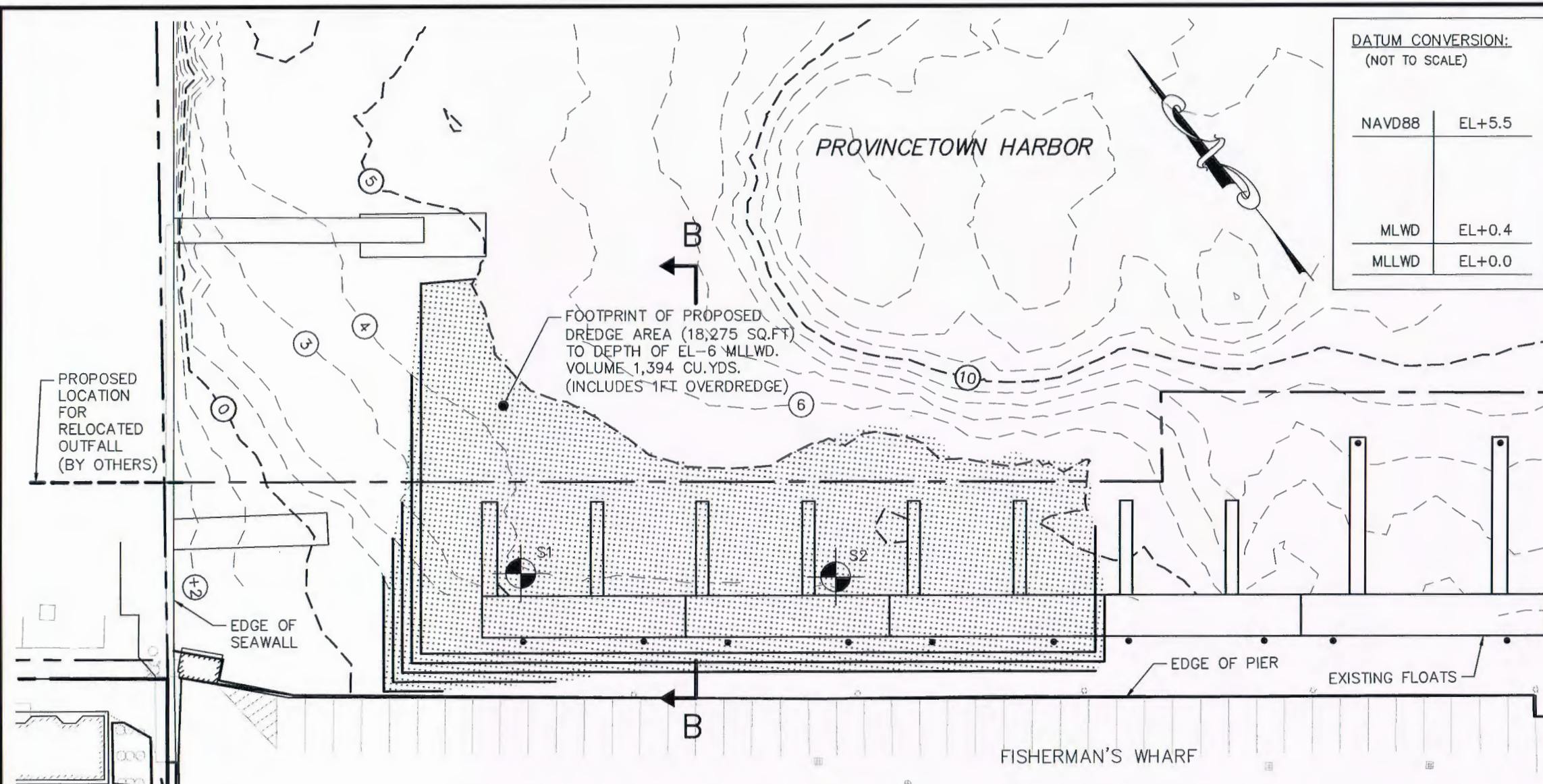
Drawing Title:  
**SECTION**  
PILE AND FLOATS  
VERTICAL DATUM: NAVD88  
*NOT FOR CONSTRUCTION*

Date:	7/7/2016
Scale:	NTS
Designed By:	AJK
Drawn by:	AJK
Checked by:	
Project Number:	2015-11
Sheet	4 of 8
Drawing Number:	PCN-X-1

**NOTES:**

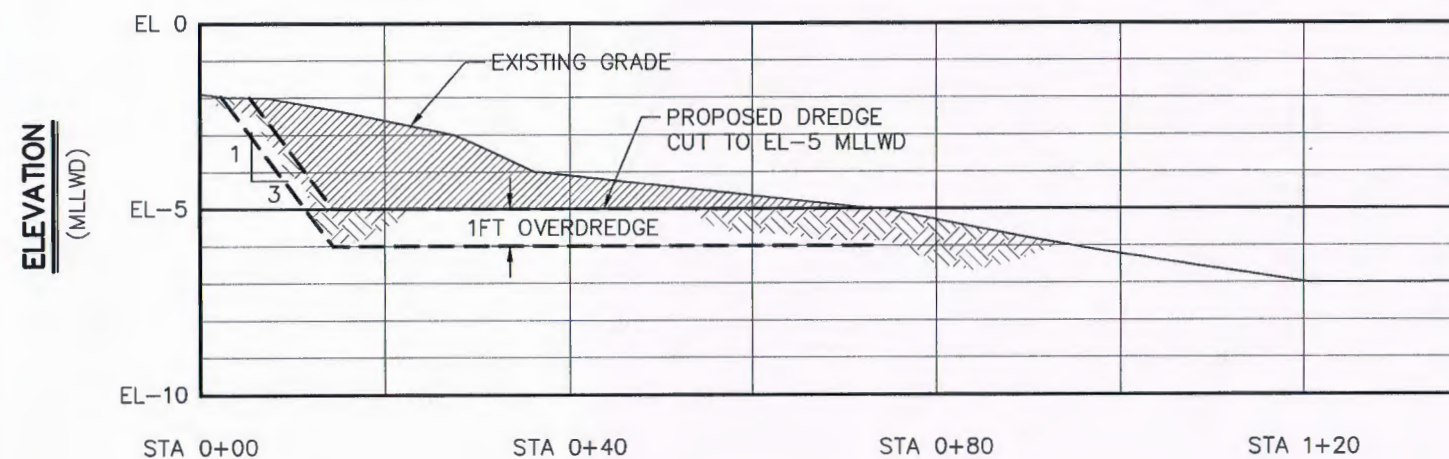
1. REFER TO SHEET 8 FOR PROJECT NOTES.





**PLAN VIEW**

1"=40FT



**SECTION B-B**

HORIZONTAL: 1"=20FT

DATUM CONVERSION:  
(NOT TO SCALE)

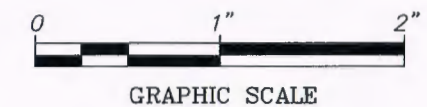
NAVD88	EL+5.5
MLWD	EL+0.4
MLLWD	EL+0.0



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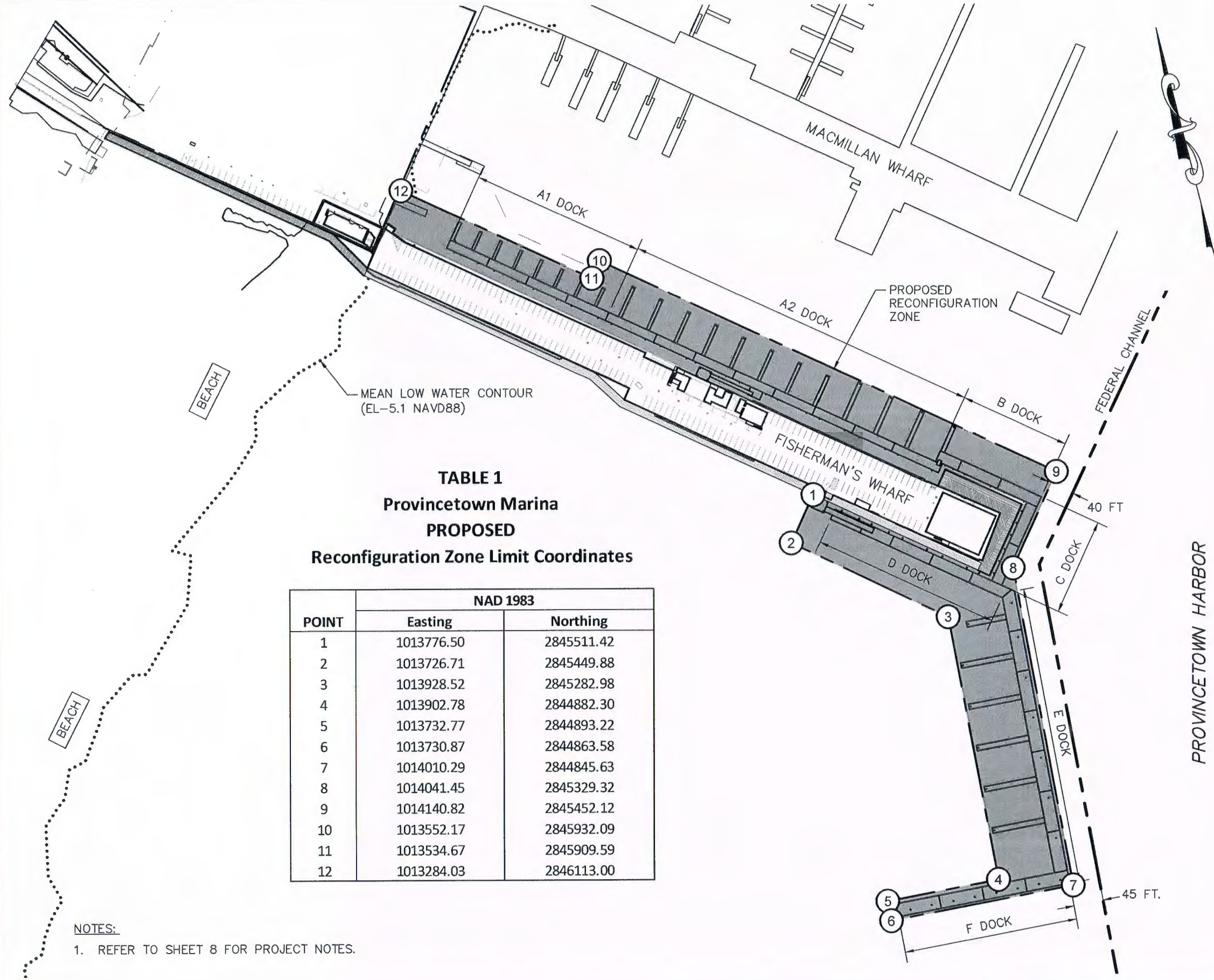
Drawing Title:  
**SITE PLAN**  
PROPOSED DREDGING & SEDIMENT SAMPLING  
MEAN LOWER LOW WATER DATUM  
NOT FOR CONSTRUCTION

Date:	7/7/2016
Scale:	VARIES
Designed By:	AJK
Drawn by:	AJK
Checked by:	
Project Number:	2015-11
Sheet	5 of 8
Drawing Number:	PCN-D-1

**NOTES:**

- BATHYMETRIC CONTOURS ARE NEGATIVE AND REFER TO MEAN LOWER LOW WATER UNLESS THE DEPTH IS INDICATED WITH A '+'. 1
- REFER TO SHEET 8 FOR ADDITIONAL PROJECT NOTES.





**TABLE 1**  
**Provincetown Marina**  
**PROPOSED**  
**Reconfiguration Zone Limit Coordinates**

POINT	NAD 1983	
	Easting	Northing
1	1013776.50	2845511.42
2	1013726.71	2845449.88
3	1013928.52	2845282.98
4	1013902.78	2844882.30
5	1013732.77	2844893.22
6	1013730.87	2844863.58
7	1014010.29	2844845.63
8	1014041.45	2845329.32
9	1014140.82	2845452.12
10	1013552.17	2845932.09
11	1013534.67	2845909.59
12	1013284.03	2846113.00

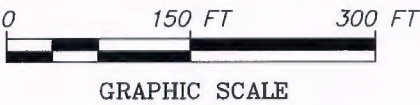
NOTES:  
1. REFER TO SHEET 8 FOR PROJECT NOTES.



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404 UNDER THE CLEAN WATER ACT

Drawing Title:  
**SITE PLAN**  
PROPOSED RECONFIGURATION  
ZONE  
NOT FOR CONSTRUCTION

Date:	7/7/2016
Scale:	1"=150FT
Designed By:	
Drawn by:	AJK
Checked by:	
Project Number:	2015-11
Sheet	6 of 8
Drawing Number:	PCN-RCZ-1

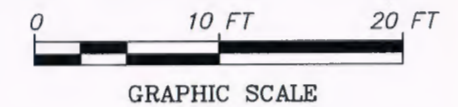




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404 UNDER THE CLEAN WATER ACT

Drawing Title:  
**BUILDING #3**  
MARINA STAFF QUARTERS  
ZONE  
NOT FOR CONSTRUCTION

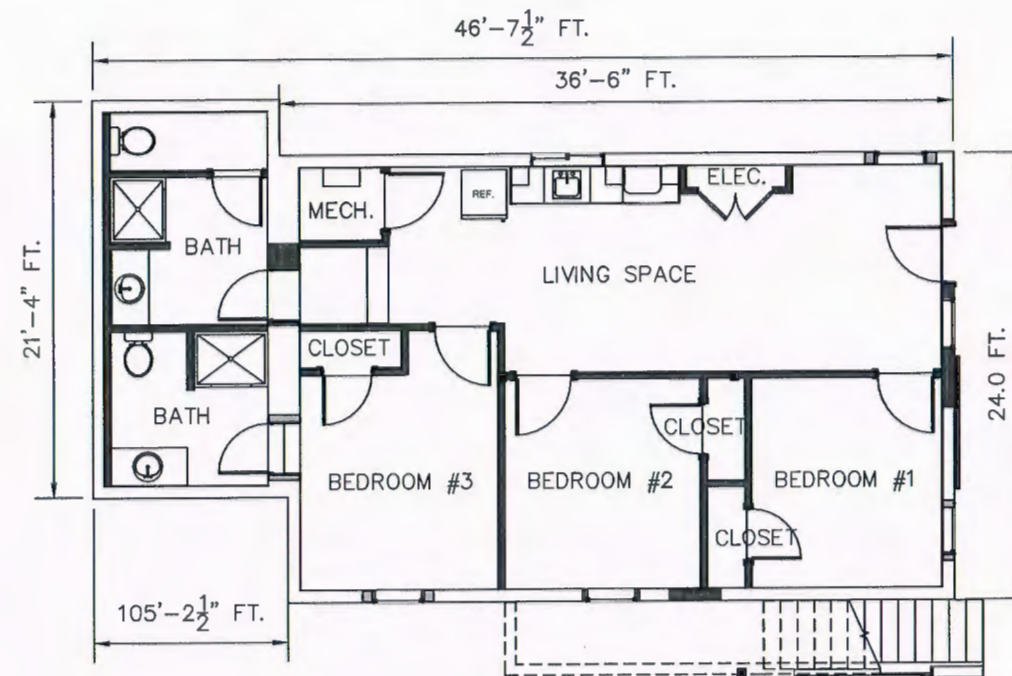
Date: 7/7/2016  
Scale: 1"=10FT

Designed By:  
Drawn by: AJK  
Checked by:

Project Number:  
2015-11

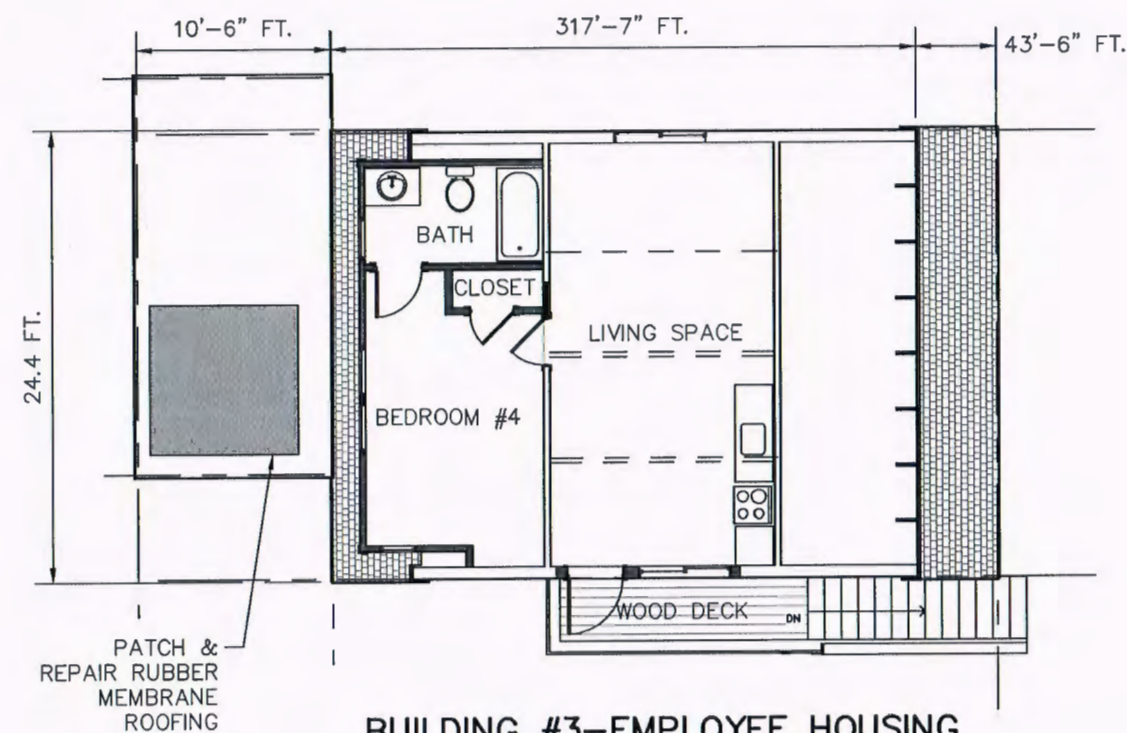
Sheet 7 of 8

Drawing Number:  
PCN-B-1



**BUILDING #3-EMPLOYEE HOUSING**

PROPOSED FIRST FLOOR PLAN



**BUILDING #3-EMPLOYEE HOUSING**

PROPOSED SECOND FLOOR PLAN

NOTES:

1. REFER TO SHEET 8 FOR PROJECT NOTES.



NOTES:

1. SITE INFORMATION SHOWN IS BASED ON THE PROGRESS PRINT OF THE EXISTING CONDITIONS SITE PLAN TITLED "ALTA/ACSM LAND TITLE SURVEY IN PROVINCETOWN, MASSACHUSETTS" PREPARED BY DGT SURVEY GROUP-NORTH SHORE LLC FOR PROVINCETOWN MARINA, LLC DATED OCTOBER 16, 2015.
2. TOPOGRAPHIC SURVEY PERFORMED ON MARCH 30, 2016 BY DGT SURVEY GROUP - NORTH SHORE LLC. ELEVATIONS ASSOCIATED WITH THE TOPOGRAPHIC CONTOURS SHOWN ON SHEET PR-3 REFERENCE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
3. THE BATHYMETRY DEPICTED ON THIS DRAWING REPRESENTS THE RESULTS OF A MULTIBEAM SURVEY PERFORMED BY SEAVISION UNDERWATER SOLUTIONS, INC. ON OCTOBER 16, 2015 AND CAN ONLY BE CONSIDERED TO INDICATE THE GENERAL CONDITIONS EXISTING AT THAT TIME. BATHYMETRIC CONTOURS ARE NEGATIVE AND REFER TO MEAN LOWER LOW WATER UNLESS THE DEPTH IS INDICATED WITH A '+'.
  - 3.1. THE MULTIBEAM BATHYMETRY DEPICTED ON THIS DRAWING WAS COLLECTED WITH A NORBIT 455 KHZ CHIRP MULTIBEAM ECHOSOUNDER, PAIRED WITH AN SBG SYSTEMS EKINOX-D INERTIAL NAVIGATION SYSTEM. THE SYSTEM RECEIVED REAL-TIME KINEMATIC CORRECTIONS FROM THE MAINE TECHNICAL SOURCE REAL-TIME VIRTUAL REFERENCE STATION (VRS) NETWORK.
  - 3.2. ALL DATA WAS COLLECTED AND PROCESSED USING THE HYPACK 2014 HYDROGRAPHIC SURVEY SOFTWARE PACKAGE.
  - 3.3. HORIZONTAL POSITIONING REFERENCES THE NORTH AMERICAN DATUM OF 1983 (NAD 1983) MASSACHUSETTS-MAINLAND STATE PLANE (FEET). VERTICAL SOUNDINGS REFERENCE NOAA MEAN LOWER LOW WATER, WHICH HAS AN ELEVATION OF -5.47 FEET RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 PER THE NOAA VDATUM UTILITY. THIS CONVERSION, AND ALL TIDE OBSERVATIONS HAVE BEEN CHECKED DURING SURVEY OPERATIONS RELATIVE TO NOAA BENCHMARK 6121 C 2010 WITH AN ELEVATION OF +17.07' AND MEAN LOWER LOW WATER NOAA BENCHMARK 6121 D 2010 WITH AN ELEVATION OF +16.50- FEET MEAN LOWER LOW WATER.
4. LIMITS OF MACMILLAN WHARF WERE DIGITIZED FROM MASS GIS 2014 USGS COLOR ORTHO IMAGERY AND SHOULD BE CONSIDERED APPROXIMATE.
5. THE LOCATION OF THE FEDERAL CHANNEL SHOWN WAS ESTABLISHED USING COORDINATES OBTAINED FROM USACE WORKSHEET CONVERTED FROM NAD27 TO NAD83 STATE PLANE COORDINATES USING NOAA VDATUM V3.4 SOFTWARE.
6. 2015 / 2016 EELGRASS BOUNDARY SHOWN ESTABLISHED BY STANTEC
7. FLOOD ZONES SHOWN WERE DIGITIZED FROM THE FLOOD INSURANCE RATE MAP 25001C0116J DATED JULY 16, 2014 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. ELEVATIONS REFER TO NAVD88.

TABLE 3: TIDAL AND STORM SURGE BENCHMARKS

BENCHMARK	ELEVATION (NAVD88)
100 YEAR BASE FLOOD ELEVATION	14.0*
100 YEAR STILLWATER ELEVATION & SETUP	N/A
100 YEAR STILLWATER ELEVATION	9.0
50 YEAR STILLWATER ELEVATION	N/A
10 YEAR STILLWATER ELEVATION	8.4
MEAN HIGHER HIGH WATER (MHHW)	4.6
MEAN HIGH WATER (MHW)	4.2
NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88)	0.0
MEAN LOW WATER (MLW)	-5.1
MEAN LOWER LOW WATER (MLLW)	-5.5

NOTES:

1. FEMA BENCHMARKS OBTAINED FROM FLOOD INSURANCE STUDY FOR BARNSTABLE COUNTY DATED JULY 2014.
2. NOAA TIDAL BENCHMARKS OBTAINED FROM USING NOAA VERTICAL DATUM TRANSFORMATION SOFTWARE (VDATUM) V3.4.
3. ELEVATIONS ABOVE DENOTED WITH A '\*' INCLUDE WAVE ACTION.



HARBOR ENGINEERING, LLC

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No.	Revision	Date	App.

Client/Owner:

PROVINCETOWN MARINA, LLC

FISHERMAN'S WHARF  
RYDER STREET EXTENSION  
PROVINCETOWN, MA

Issued for:

AUTHORIZATION UNDER SECTION 10 OF  
THE RIVERS AND HARBORS ACT & SECTION  
404 UNDER THE CLEAN WATER ACT

Drawing Title:

PROJECT NOTES

NOT FOR CONSTRUCTION

Date: 7/7/2016

Scale:

Designed By:

Drawn by: AJK

Checked by:

Project Number:

2015-11

Sheet 8 of 8

Drawing Number:

PCN-N-1