



**US Army Corps
of Engineers**
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: July 6, 2004

Comment Period Ends: August 6, 2004

File Number: NAE-2004-351

In Reply Refer To: Mr. Brian Valiton

Or by e-mail: brian.e.valiton@usace.army.mil

Borden Light Marina, Inc., One Ferry Street, Fall River, Massachusetts 02721 has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899 to retain and maintain various existing unauthorized structures associated with this recreational marina, to install and maintain numerous other marina elements to further expand the existing marina, and to establish a marina reconfiguration zone within which the applicant may modify the physical layout of the marina structures without further Corps permit actions.

The existing structures that are the subject of this application are as follows:

- a. The existing office building 22' by 22' constructed on pilings out over the waterway at the main gas dock pier;
- b. The existing 7 pile-anchored floating wave attenuator barges installed in un-permitted locations instead of an originally approved floating, bottom-anchored, wave attenuator that was to be placed farther out into the waterway (5 of the barges were installed after 31 December 1997 when the construction time limits under the earlier Corps permit had expired);
- c. Approximately 8313 sq. ft. of pile-anchored floating docks of various widths installed in the waterway after 31 December 1997;
- d. An existing floating houseboat structure; and,
- e. The existing gas dock facility as currently configured.

The new structures and additional changes to the marina also being proposed that are the subject of this application are as follows:

- a. To relocate farther seaward and to permanently anchor the existing pile-anchored floating wave attenuator barges to use them as floating breakwaters;
- b. To add and permanently anchor (with pilings) one or more floating wave attenuator barges (as they become available) to act as floating breakwaters in the same location now occupied by the floating tire breakwater (to replace the floating tire breakwater);
- c. To place 98 separate single vessel mooring piles;
- d. To install and maintain approximately 9600 sq. ft. of new pile-anchored floating docks of various widths (within the limits of the Corps permit for this site issued in 1988);
- e. To install and maintain approximately 900 linear feet of fixed pile-supported public walkway extending out over the shoreline approximately 8' seaward of the mean high water line (in some areas the fixed pier along the shore will be extended as much as 16' in width seaward of the mean high water line to provide parking as well as the 8' wide public walkway);
- f. To install and maintain a new fixed pier 8' by 280' with wave boards at the downstream end of the floating dock structures; and,
- g. To construct a new pile-supported straddle hoist pier extending approximately 50' (29' wide) into the waterway seaward from the mean high water line.

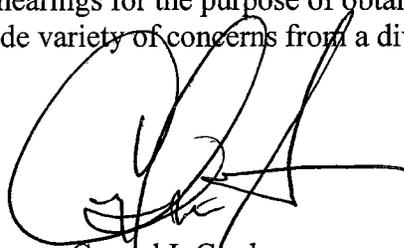
This work is proposed in Fall River Harbor at One Ferry Street, Fall River, Massachusetts and is described on the enclosed plans entitled "PROPOSED MARINA IN: MT HOPE BAY AT: FALL RIVER COUNTY OF: BRISTOL STATE: MA APPLICATION BY: BORDEN LIGHT MARINA, INC." on 10 sheets, and dated "6/18/04."

This project will impact 2.5 acres of Essential Fish Habitat (EFH) for haddock (larvae), red hake (larvae, juveniles, and adults), winter flounder (all life stages), windowpane flounder (all life stages), American plaice (larvae, juveniles, and adults), Atlantic sea herring (larvae, juveniles, and adults), bluefish (juveniles, and adults), Atlantic mackerel (all life stages), summer flounder (larvae, juveniles, adults), Scup (all life stages), black sea bass (juveniles, adults), King mackerel (all life stages), spanish mackerel (all life stages), and cobia (all life stages). This habitat consists of subtidal bottom. The only impacts on essential fish habitat from this project include shading of the bottom from the fixed and floating structures and the driving of pilings. Therefore, 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.

This project is located on the USGS Fall River quadrangle sheet at UTM zone 19 coordinates 4618590.00 N and 0319250.00 E.

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 E. 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.



Crystal I. Gardner
Chief, Permits & Enforcement Branch A
Regulatory Division

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS

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.

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.

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)

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

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.

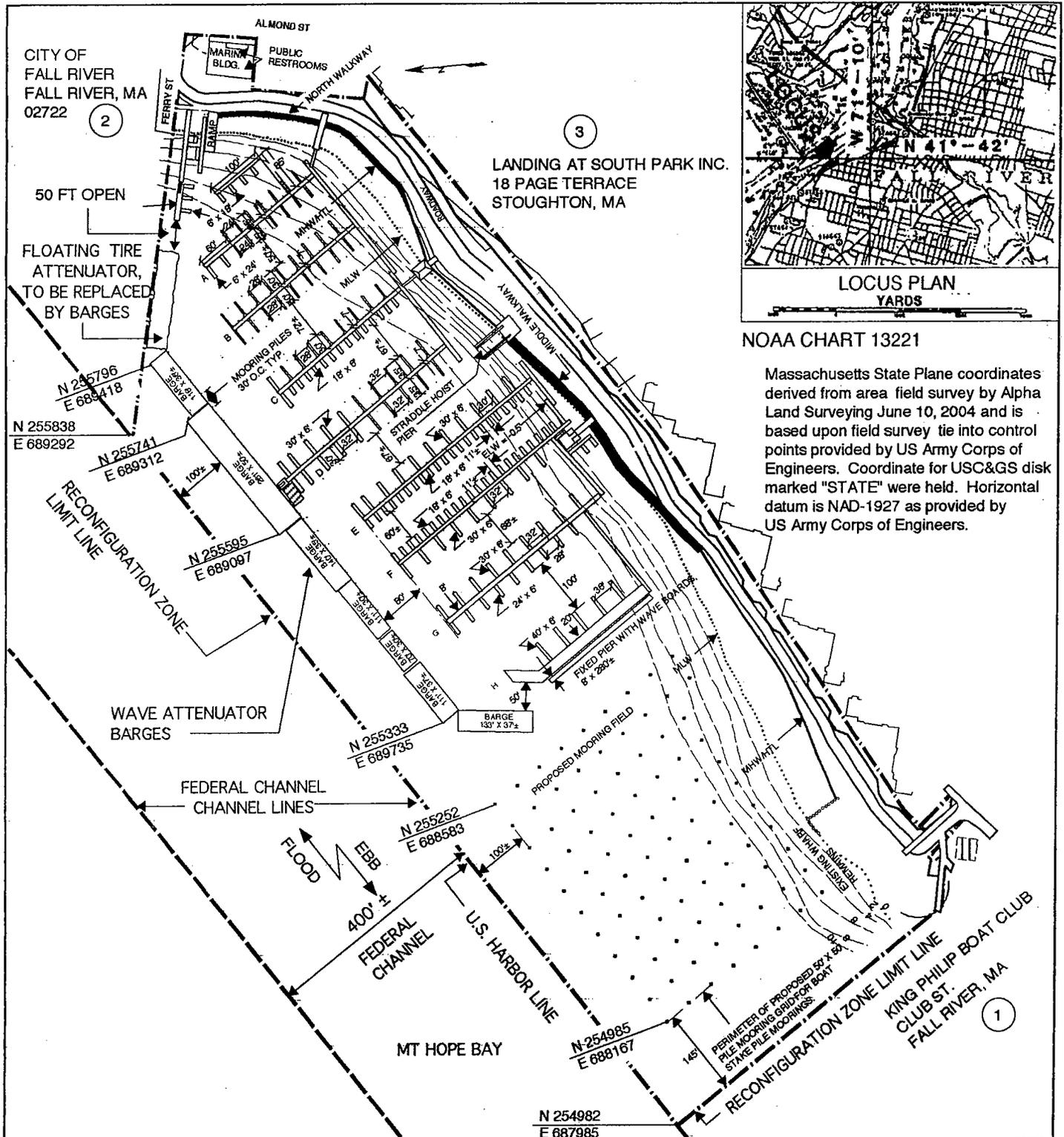
The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The 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.

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: _____



PURPOSE: RECREATIONAL BOAT MARINA
 DATUM: MLW = 0.0 FT

ADJACENT PROPERTY OWNERS:
 1. KING PHILIP BOAT CLUB
 2. CITY OF FALL RIVER, MA
 3. LANDING AT SOUTH PARK INC.

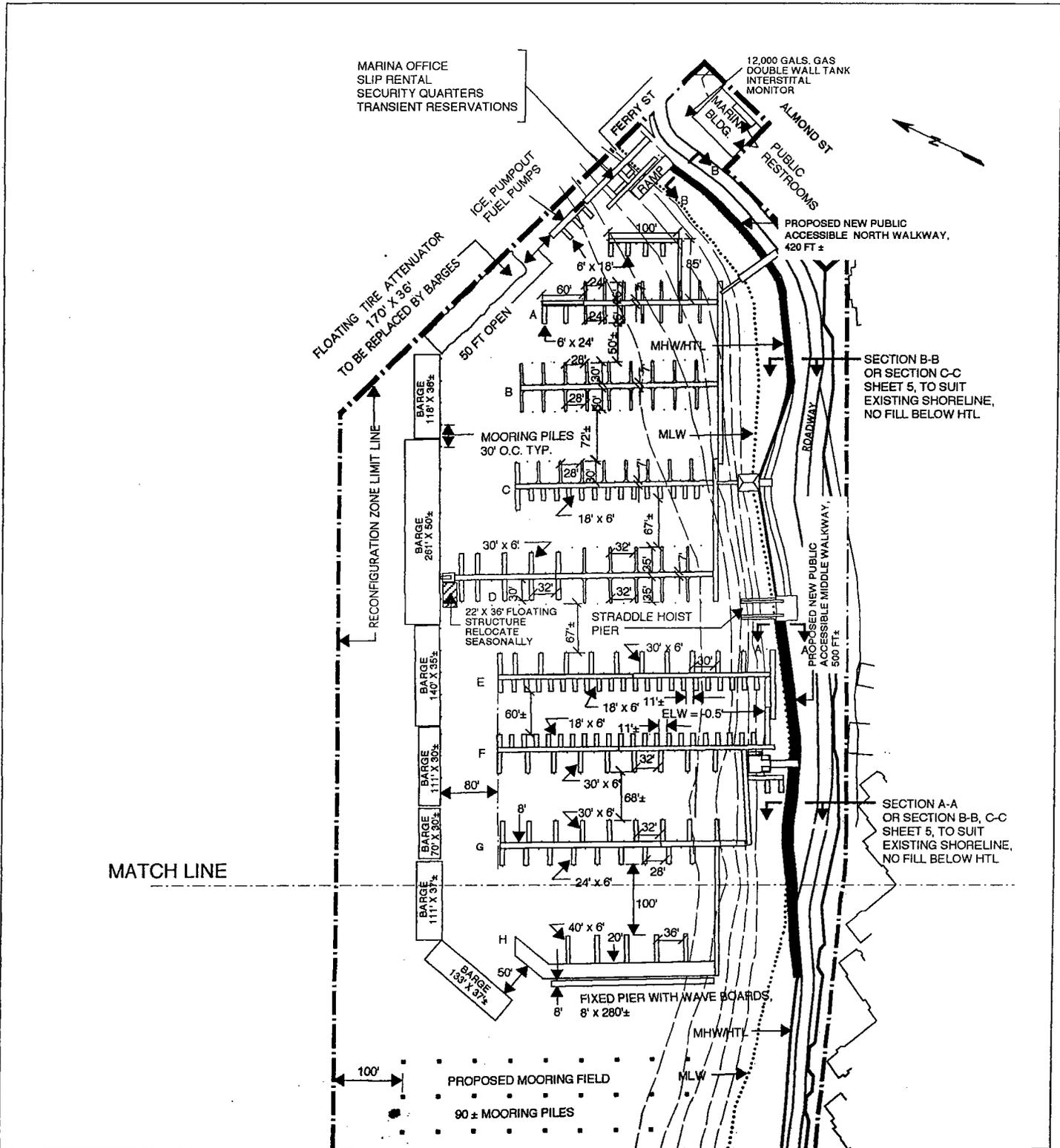
PLAN VIEW - ENLARGED

0 250
 SCALE IN FEET

BORDEN LIGHT MARINA, INC.
 ONE FERRY STREET
 FALL RIVER, MA 02721

PROPOSED MARINA

IN: MT HOPE BAY
 AT: FALL RIVER
 COUNTY OF: BRISTOL STATE: MA
 APPLICATION BY:
 BORDEN LIGHT MARINA, INC.
 SHEET 1 OF 10 DATE: 6-18-04



PURPOSE: RECREATIONAL BOAT MARINA
 DATUM: MLW = 0.0'

- ADJACENT PROPERTY OWNERS:
1. KING PHILIP BOAT CLUB
 2. CITY OF FALL RIVER
 3. LANDING AT SOUTH PARK INC.

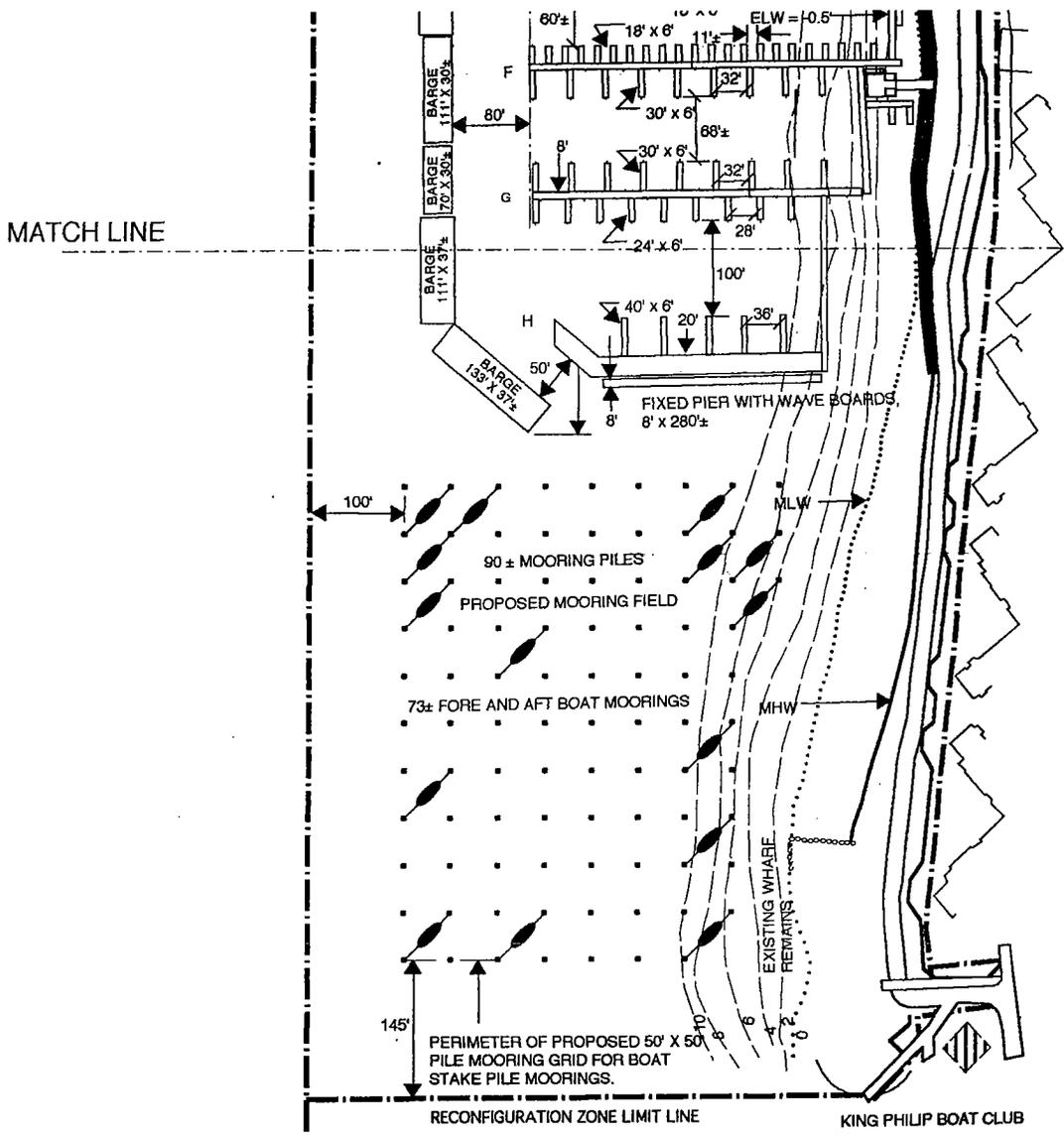
PLAN VIEW
2004 PROPOSED MARINA LAYOUT

0 100
 SCALE IN FEET

BORDEN LIGHT MARINA, INC.
 ONE FERRY STREET
 FALL RIVER, MA 02721

PROPOSED MARINA,

IN: MT HOPE BAY
 AT: FALL RIVER
 COUNTY OF: BRISTOL STATE: MA
 APPLICATION BY:
 BORDEN LIGHT MARINA, INC.
 SHEET 2 OF 10 DATE: 6-18-04

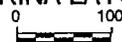


PURPOSE: RECREATIONAL BOAT MARINA

DATUM: MLW = 0.0'

- ADJACENT PROPERTY OWNERS:
1. KING PHILIP BOAT CLUB
 2. CITY OF FALL RIVER
 3. LANDING AT SOUTH PARK INC.

PLAN VIEW
2004 PROPOSED
MARINA LAYOUT

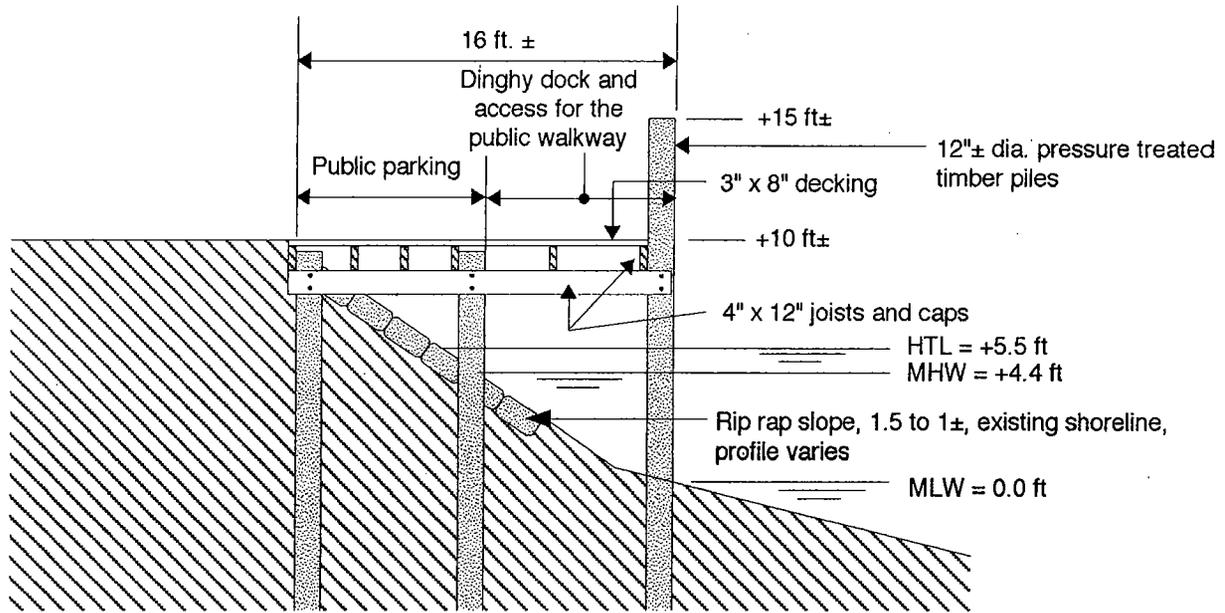


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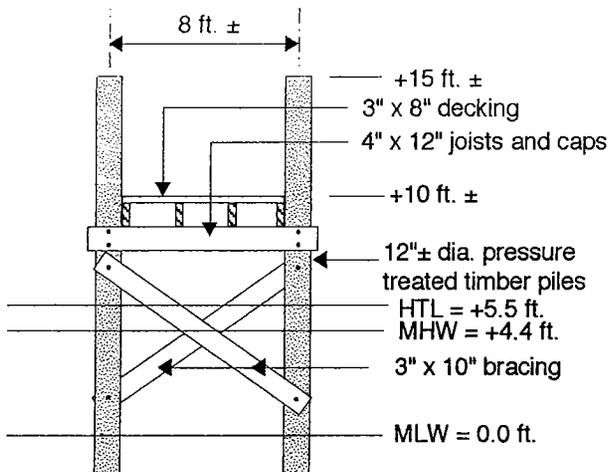
BORDEN LIGHT MARINA, INC.
ONE FERRY STREET
FALL RIVER, MA 02721

PROPOSED MARINA

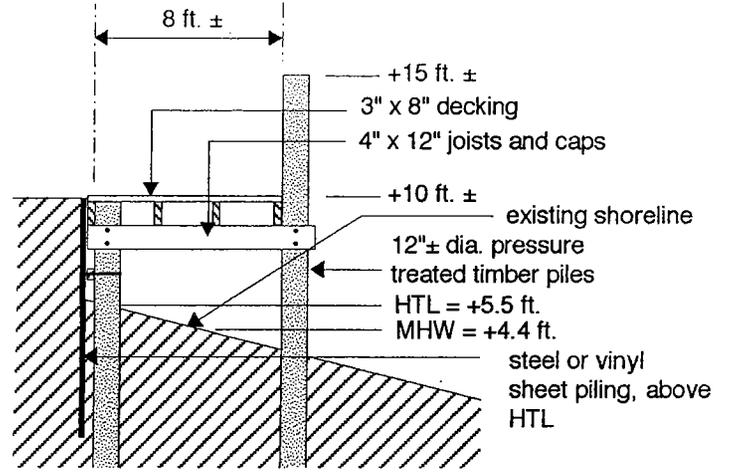
IN: MT HOPE BAY
AT: FALL RIVER
COUNTY OF: BRISTOL STATE: MA
APPLICATION BY:
BORDEN LIGHT MARINA, INC.
SHEET 3 OF 10 DATE: 6-18-04



**CROSS SECTION
A-A**
16 foot wide walkway
access for the public and parking



**CROSS SECTION
B-B**
Typical 8 foot wide
access for the public walkway



**CROSS SECTION
C-C**
8 foot wide
access for the public walkway with T & G
shoreline timber sheeting above HTL line

SCALE: 1/8" = 1'

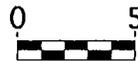
PURPOSE: RECREATIONAL BOAT MARINA

DATUM: MLW = 0.0 FT

ADJACENT PROPERTY OWNERS:

1. KING PHILIP BOAT CLUB
2. CITY OF FALL RIVER, MA
3. LANDING AT SOUTH PARK INC.

TIMBER WALKWAY DETAILS

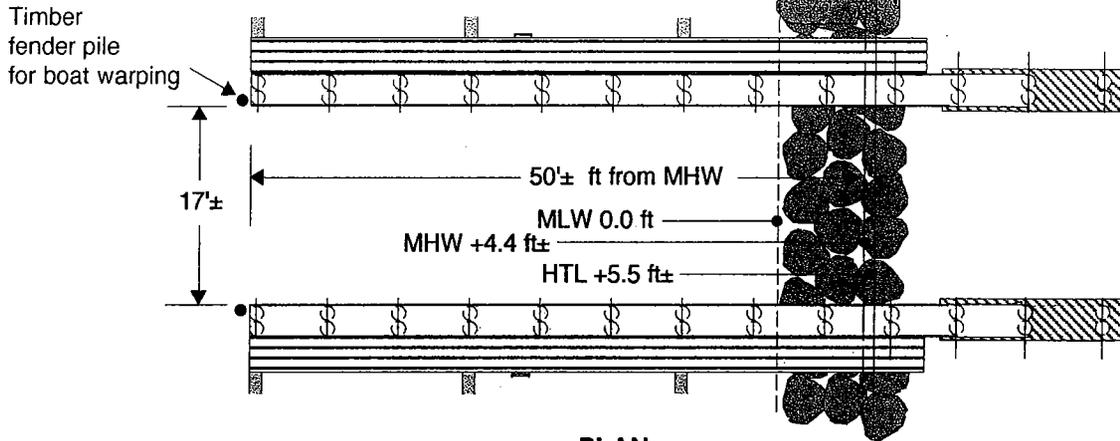


SCALE IN FEET

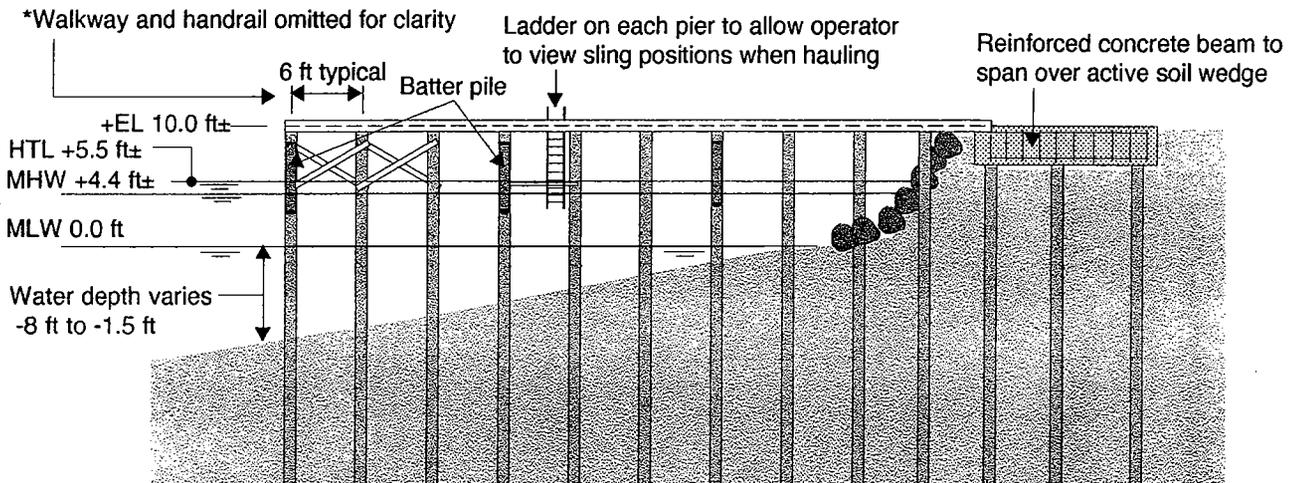
BORDEN LIGHT MARINA, INC.
ONE FERRY STREET
FALL RIVER, MA 02721

PROPOSED MARINA

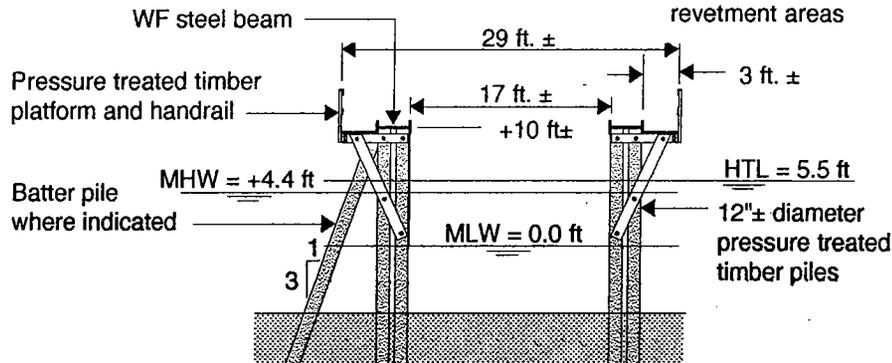
IN: MT HOPE BAY
AT: FALL RIVER
COUNTY OF: BRISTOL STATE: MA
APPLICATION BY:
BORDEN LIGHT MARINA, INC.
SHEET 4 OF 10 DATE: 6-18-04



PLAN



*Pile penetration - desirable to have minimum 15 ft± penetration into competent soils and below active soil wedge in revetment areas



CROSS SECTION

SCALE: 1/6" = 1'

PURPOSE: RECREATIONAL BOAT MARINA

DATUM: MLW = 0.0 FT

ADJACENT PROPERTY OWNERS:

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2. CITY OF FALL RIVER, MA
3. LANDING AT SOUTH PARK INC.

STRADDLE HOIST PIER

0 10

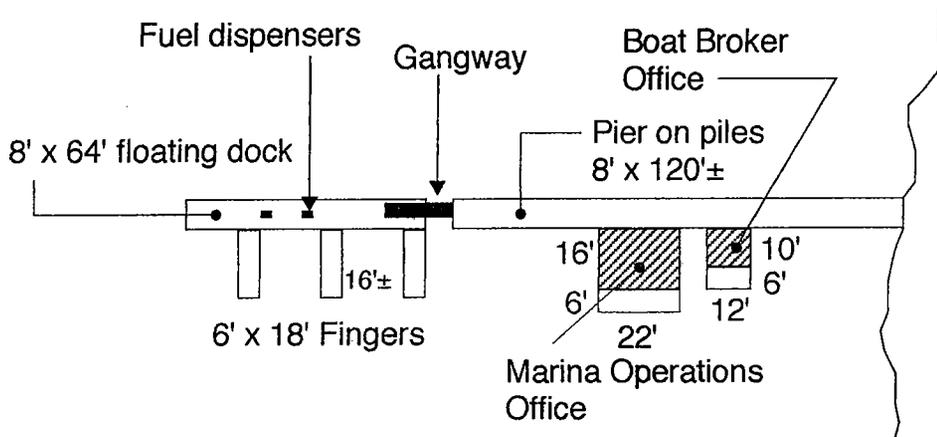


SCALE IN FEET

BORDEN LIGHT MARINA, INC.
 ONE FERRY STREET
 FALL RIVER, MA 02721

PROPOSED MARINA

IN: MT HOPE BAY
 AT: FALL RIVER
 COUNTY OF: BRISTOL STATE: MA
 APPLICATION BY:
 BORDEN LIGHT MARINA, INC.
 SHEET 5 OF 10 DATE: 6-18-04



PLAN

Fuel Dispensing Dock
Fixed Dock with Marina Operations
and Boat Broker Office



Scale: 1" = 50'

PURPOSE: RECREATIONAL BOAT MARINA

DATUM: MLW = 0.0'

ADJACENT PROPERTY OWNERS:

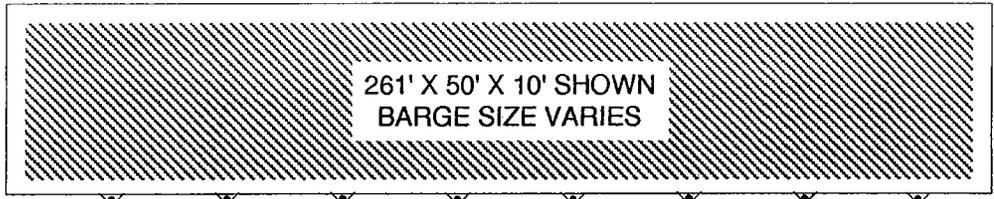
1. KING PHILIP BOAT CLUB
2. CITY OF FALL RIVER
3. LANDING AT SOUTH PARK INC.

PLAN VIEW
Fuel Dock
Fixed Dock and Structures

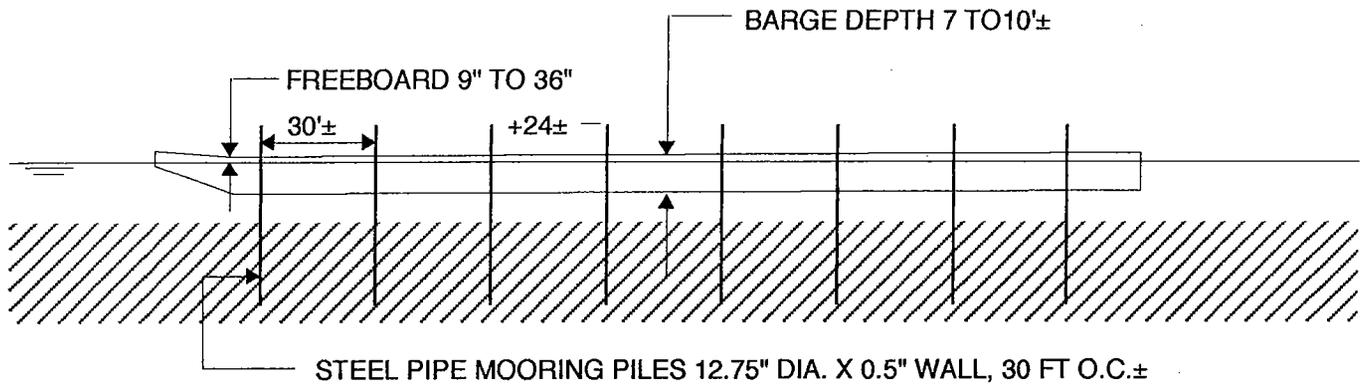
BORDEN LIGHT MARINA, INC.
ONE FERRY STREET
FALL RIVER, MA 02721

PROPOSED MARINA

IN: MT HOPE BAY
AT: FALL RIVER
COUNTY OF: BRISTOL STATE: MA
APPLICATION BY:
BORDEN LIGHT MARINA, INC.
SHEET 6 OF 10 DATE: 6-18-04

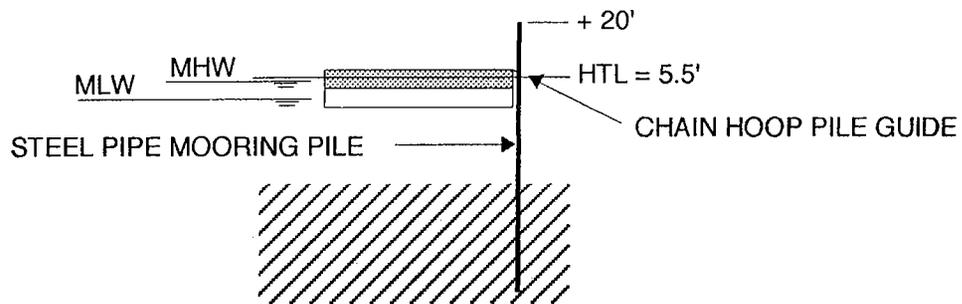


PLAN



NOTE: BARGES BEING FOAM FILLED TO FLOAT WITH FREEBOARD RANGE OF 9 TO 36 INCHES. FOAM FILLING ASSURES POSITIVE BUOYANCY AND ENHANCES WAVE ATTENUATION

ELEVATION



CROSS SECTION SHOWING PILE MOORING

BREAKWATER BARGE

PURPOSE: RECREATIONAL BOAT MARINA

DATUM: MLW = 0.0'

ADJACENT PROPERTY OWNERS:

1. KING PHILIP BOAT CLUB
2. CITY OF FALL RIVER
3. LANDING AT SOUTH PARK INC.

DETAILS
BREAKWATER BARGE

0 50



Scale: 1" = 50'

BORDEN LIGHT MARINA, INC.
ONE FERRY STREET
FALL RIVER, MA 02721

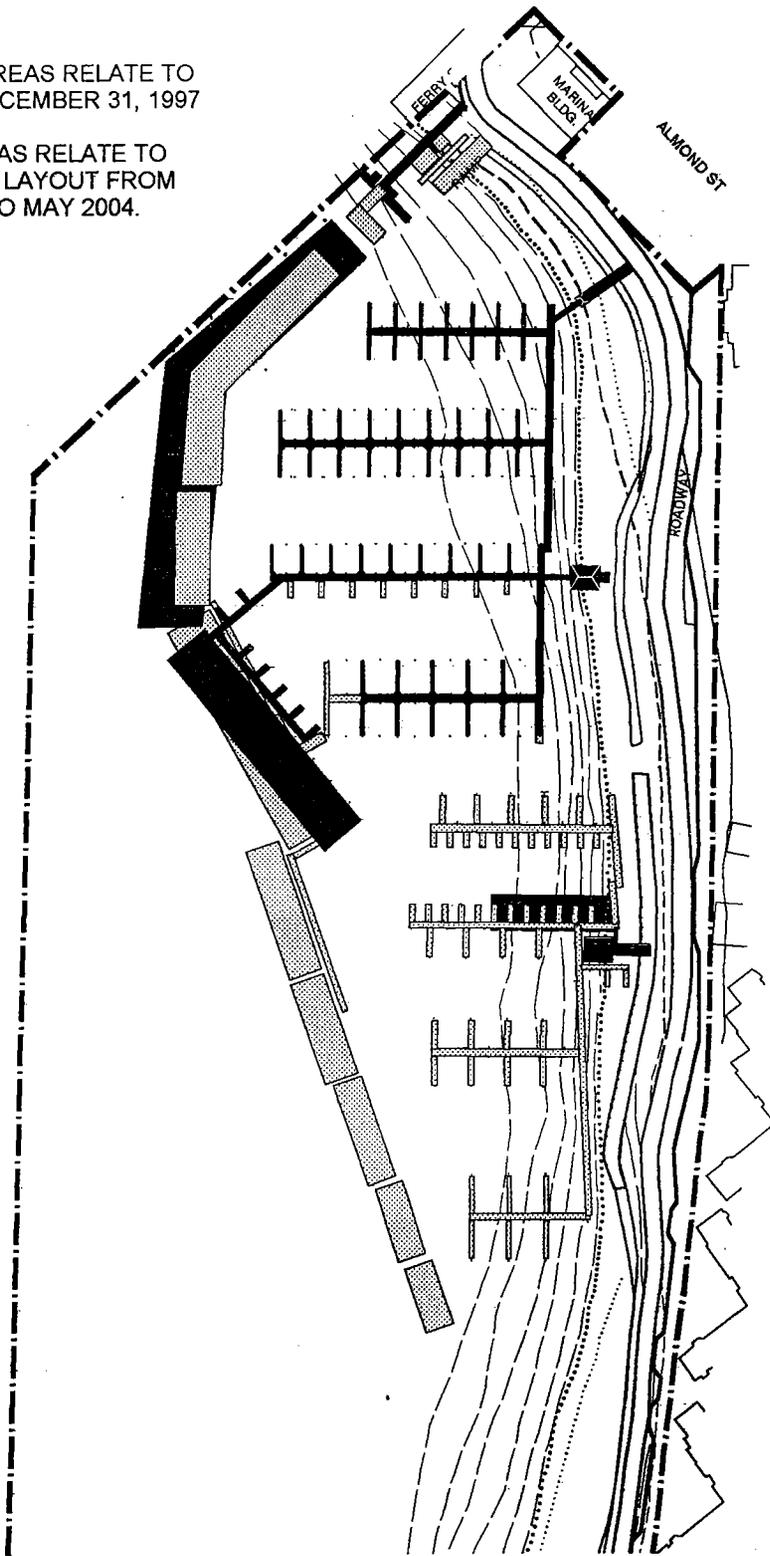
PROPOSED MARINA

IN: MT HOPE BAY
AT: FALL RIVER
COUNTY OF: BRISTOL STATE: MA
APPLICATION BY:
BORDEN LIGHT MARINA, INC.
SHEET 7 OF 10 DATE: 6-18-04

KEY:

BLACK SHADED AREAS RELATE TO LAYOUT AS OF DECEMBER 31, 1997

DOT SHADED AREAS RELATE TO CHANGES TO THE LAYOUT FROM 1 JANUARY 1988 TO MAY 2004.



0 100
SCALE IN FEET
DATUM: MLW = 0.0'

PURPOSE: RECREATIONAL BOAT MARINA

DATUM: MLW = 0.0'

ADJACENT PROPERTY OWNERS:

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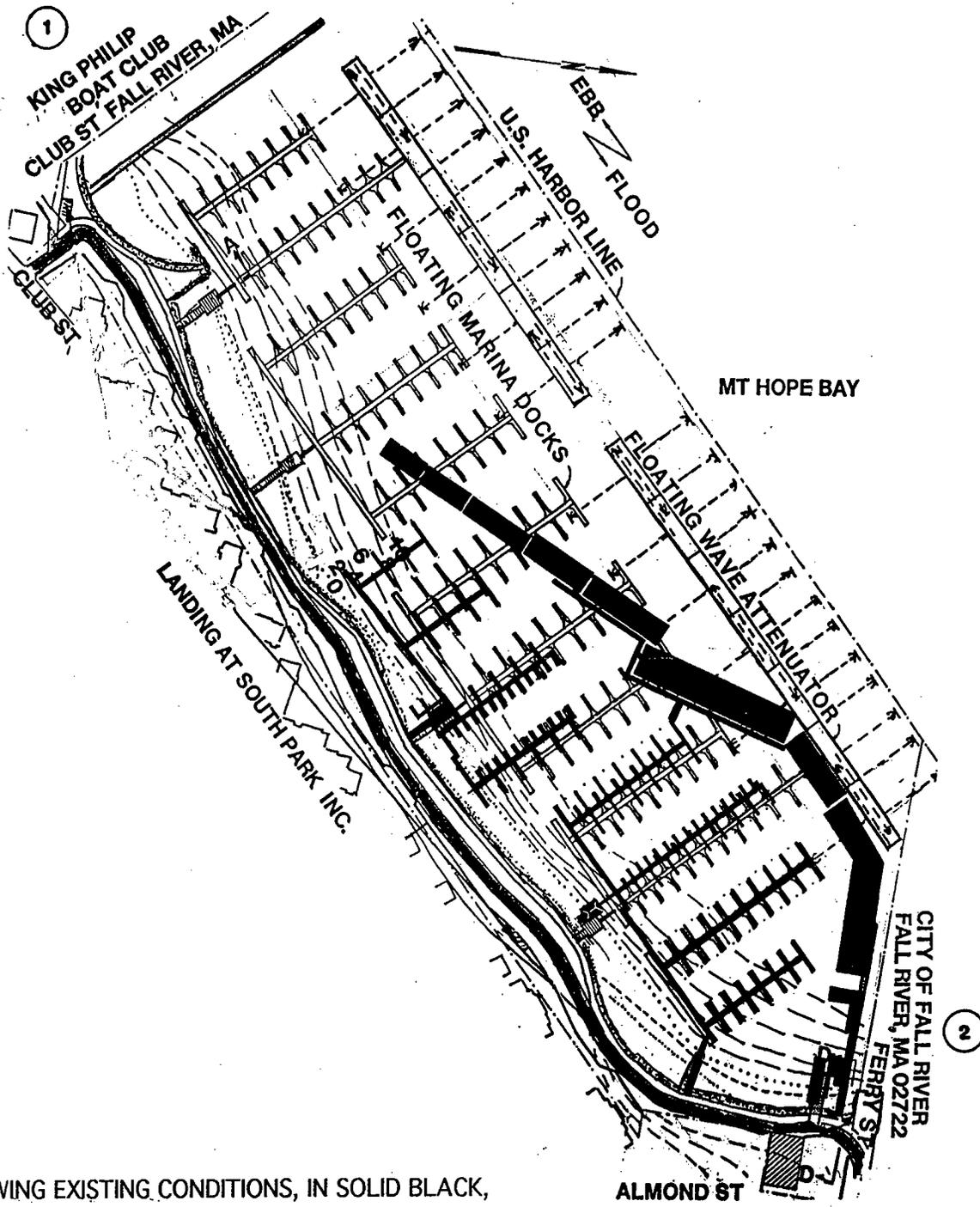
PLAN VIEW
1997 TO 2004 MARINA LAYOUT
COMPOSITE PLAN

0 100
SCALE IN FEET

BORDEN LIGHT MARINA, INC.
ONE FERRY STREET
FALL RIVER, MA 02721

PROPOSED MARINA

IN: MT HOPE BAY
AT: FALL RIVER
COUNTY OF: BRISTOL STATE: MA
APPLICATION BY:
BORDEN LIGHT MARINA, INC.
SHEET 8 OF 10 DATE: 6-18-04



PLAN SHOWING EXISTING CONDITIONS, IN SOLID BLACK, OF AUTHORIZED AND UNAUTHORIZED STRUCTURES TO MAY 2004 OVERLAIN ON PERMIT OF 1988.

DATUM: MLW = 0.0'

PURPOSE: RECREATIONAL BOAT MARINA

DATUM: MLW = 0.0 FT

ADJACENT PROPERTY OWNERS:

1. KING PHILIP BOAT CLUB
2. CITY OF FALL RIVER, MA
3. LANDING AT SOUTH PARK INC.

CONDITIONS OF 2004
OVERLAIN ON 1988 PERMIT
PLAN

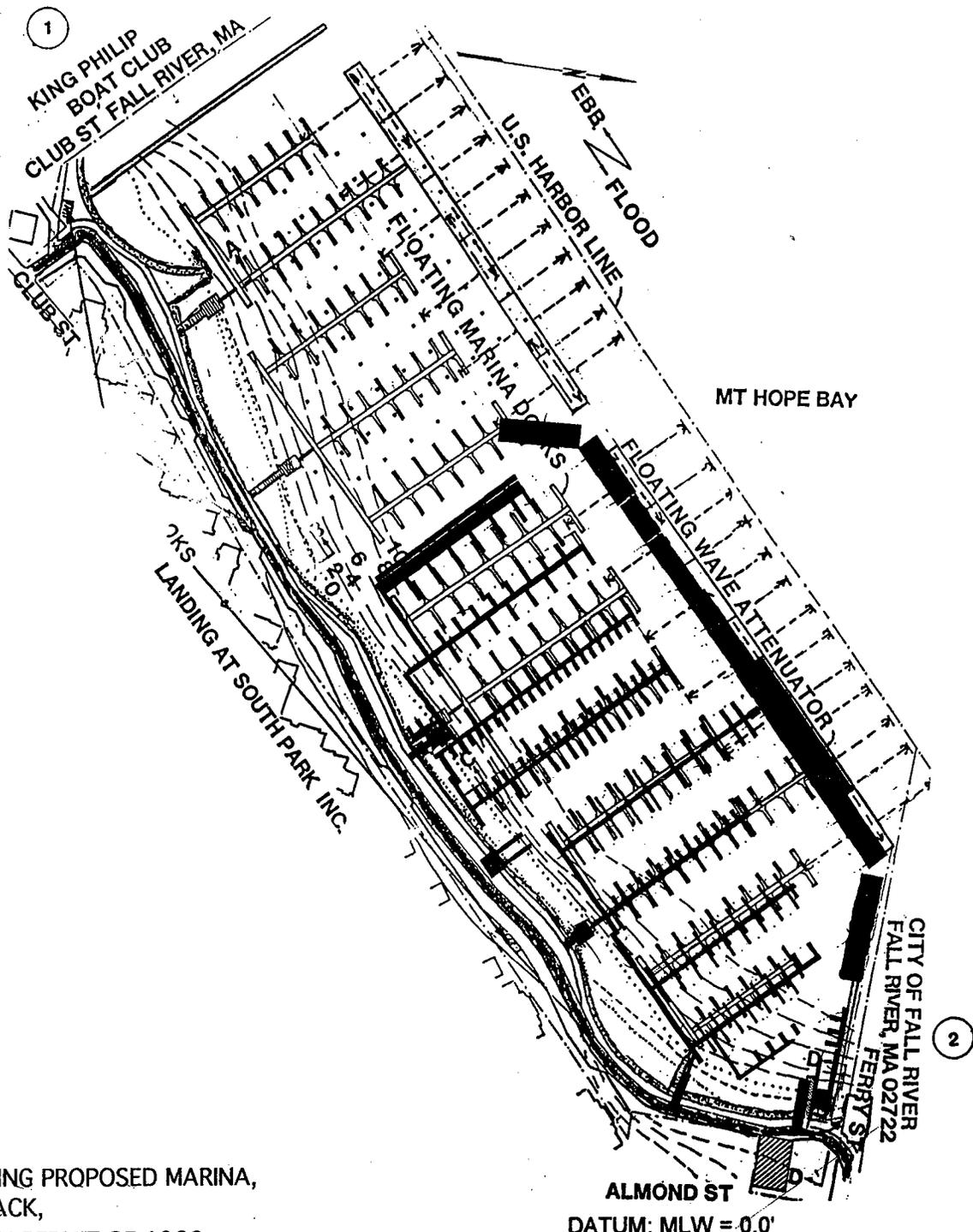
0 100 200

SCALE IN FEET

BORDEN LIGHT MARINA, INC.
ONE FERRY STREET
FALL RIVER, MA 02721

PROPOSED MARINA

IN: MT HOPE BAY
AT: FALL RIVER
COUNTY OF: BRISTOL STATE: MA
APPLICATION BY:
BORDEN LIGHT MARINA, INC.
SHEET 9 OF 10 DATE: 6-18-04



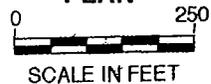
PLAN SHOWING PROPOSED MARINA,
IN SOLID BLACK,
OVERLAIN ON PERMIT OF 1988.

ALMOND ST
DATUM: MLW = 0.0'

PURPOSE: RECREATIONAL BOAT
MARINA
DATUM: MLW = 0.0 FT

- ADJACENT PROPERTY OWNERS:
1. KING PHILIP BOAT CLUB
 2. CITY OF FALL RIVER, MA
 3. LANDING AT SOUTH PARK INC.

**PROPOSED MARINA
OVERLAIN ON 1988 PERMIT
PLAN**



SCALE IN FEET
BORDEN LIGHT MARINA, INC.
ONE FERRY STREET
FALL RIVER, MA 02721

PROPOSED MARINA

IN: MT HOPE BAY
AT: FALL RIVER
COUNTY OF: BRISTOL STATE: MA
APPLICATION BY:
BORDEN LIGHT MARINA, INC.
SHEET 10 OF 10 DATE: 6-18-04