



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

PUBLIC NOTICE

Date: June 22, 2004
Comment Period Ends: July 22, 2004
File Number: NAE 2004-1602
In Reply Refer To: David M. Keddell
Or by e-mail: david.m.keddell@usace.army.mil

The Flyer's Boat Club, Inc., PO Box 262, South Orleans, Massachusetts 02662 has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899 to relocate their existing mooring field to another location within Provincetown Harbor. This work is proposed in Provincetown Harbor, Cape Cod Bay in Provincetown, Massachusetts. The basic project purpose is to relocate the original mooring field from the area defined by the state plane coordinate list of:

Northing	Easting
383,083	957,304
382,741	957,710
382,437	957,358
382,728	956,951

to the new mooring field location defined by the state plane coordinate list of:

Northing	Easting
383,199	957,549
382,548	958,553
382,007	957,953
382,735	957,024

The work is described on the enclosed plans entitled "MOORING FIELD SITE PLAN," on 3 sheets, and dated "April 23, 2004"

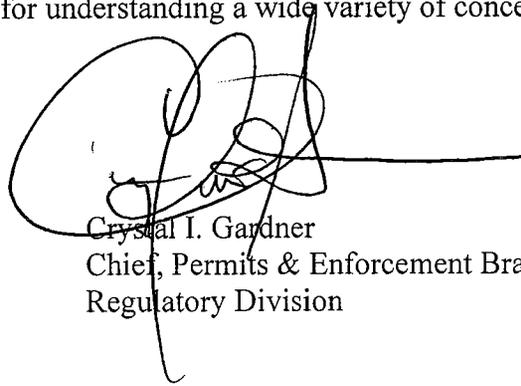
This project will impact approximately 5 acres of Essential Fish Habitat (EFH) for Atlantic salmon (*Salmo salar*), Atlantic cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), pollock (*Pollachius virens*), whiting (*Merluccius bilinearis*), offshore hake (*Merluccius albidus*), red hake (*Urophycis chuss*), white hake (*Urophycis tenuis*), redfish (*Sebastes fasciatus*), witch flounder (*Glyptocephalus cynoglossus*), winter flounder (*Pleuronectes americanus*), yellowtail flounder (*Pleuronectes ferruginea*), windowpane flounder (*Scophthalmus aquosus*), American plaice (*Hippoglossoides platessoides*), ocean pout (*Macrozoarces americanus*), Atlantic halibut (*Hippoglossus hippoglossus*), Atlantic sea scallop (*Placopecten magellanicus*), Atlantic sea herring (*Clupea harengus*), monkfish (*Lophius americanus*), bluefish (*Pomatomus saltatrix*), long finned squid (*Loligo pealei*), short finned squid (*Illex illecebrosus*), Atlantic butterfish (*Peprilus triacanthus*), Atlantic mackerel (*Scomber scombrus*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristus striata*), surf clam (*Spisula solidissima*), ocean quahog (*Artica islandica*), spiny dogfish (*Squalus acanthias*), tilefish (*Lopholatilus chamaeleonticeps*). 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.

This project is located on the USGS Provincetown quadrangle at UTM coordinates N 4655400 and E 402000.

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 David Keddell at (978) 318-8692, (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.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS



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

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.

CHOOSE 1 OF THE 2 FOLLOWING PARAGRAPHS:

(1) 106 REVIEW COMPLETE

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)

(2) 106 REVIEW ONGOING

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

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:

- (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.

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: _____

Mooring Field Site Plan
Location Page

April 23, '04

E 958,012.4

N 383,420.4
E 957,952.8

N 384,654.0
E 957,781.6

N 383,436.5
E 957,703.4

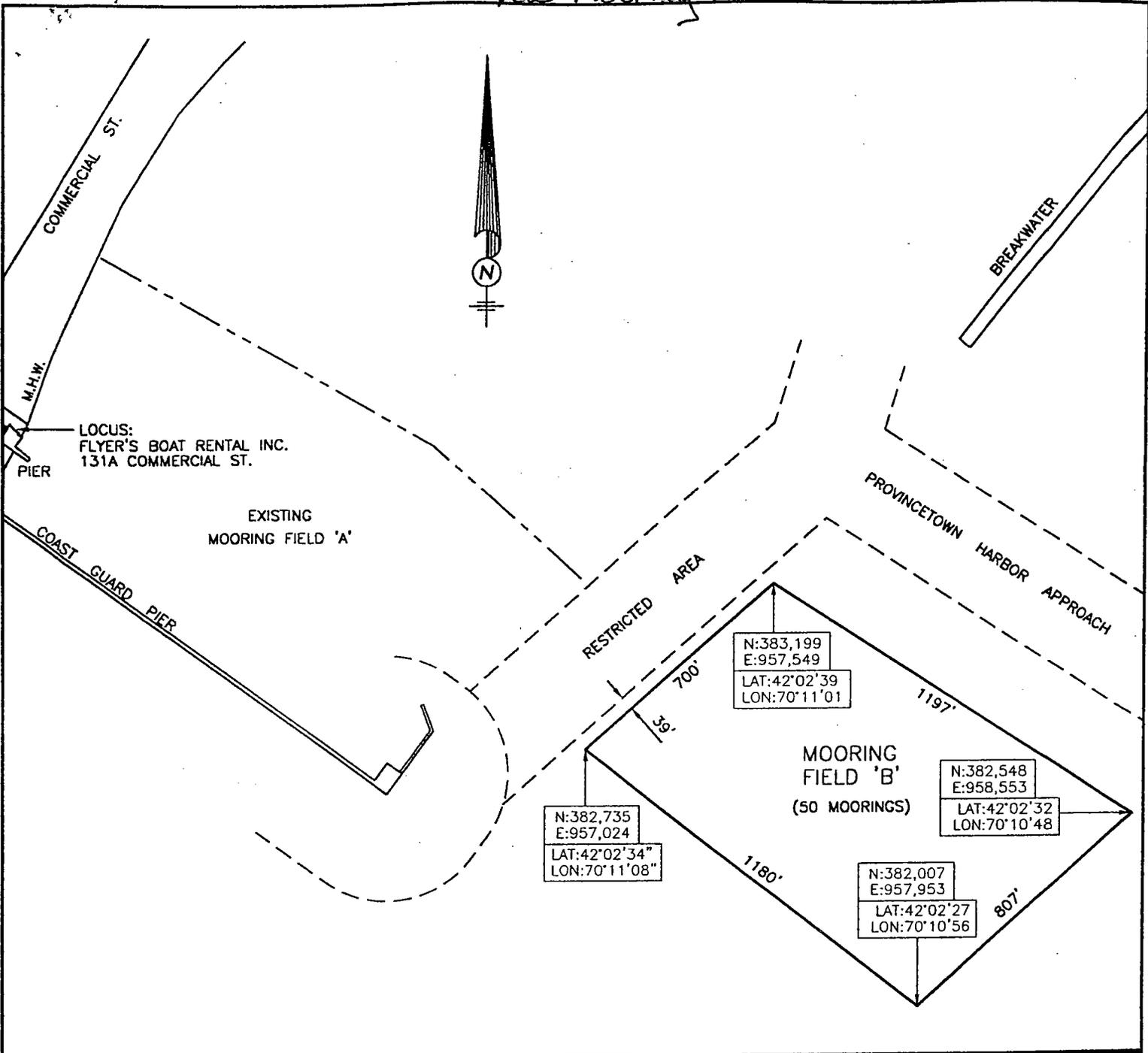
MOORING AREA "A"

MOORING AREA "B"

PROPOSED EXTENSION OF
MOORING AREA "B"

Existing
Mooring Fields

New Mooring Field



MOORING FIELD SITE PLAN

LOCUS : **PROVINCETOWN HARBOR**
 PROVINCETOWN, MA

PLAN PREPARED FOR :
FLYER'S BOAT RENTAL INC.

REV. 4/23/04

SCALE : 1"=400' DATE : 12/17/03



JOB No. 02113

FILE=02113SPC-R1.DWG

≈ 20 Acres



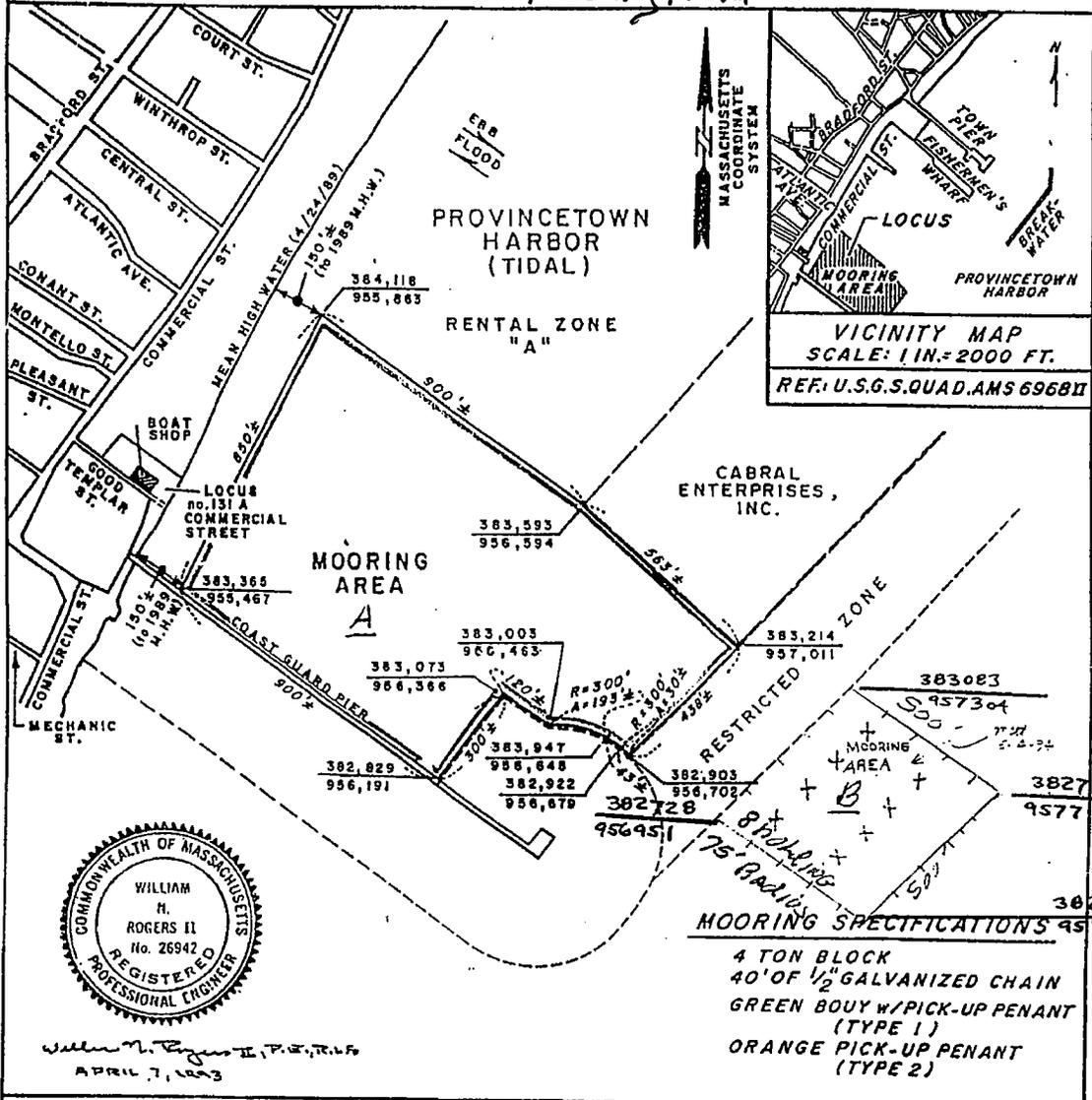
April 23, 2004
 DATE

FELCO, INC.

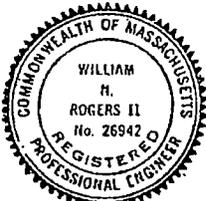
ENGINEERING / LAND SURVEYING
 P.O. BOX 1366
 ORLEANS, MA 02653
 (508) 255-8141 (FAX) 255-2954

00126

Old Mooring Field



VICINITY MAP
 SCALE: 1 IN. = 2000 FT.
 REF: U.S.G.S. QUAD. AMS 6968II



William H. Rogers II, P.E., R.L.S.
 APRIL 7, 1993

PURPOSE: LICENSE EXISTING MOORING AREA
DATUM: MEAN LOW WATER STATE PLANE COORDINATES
ADJACENT PROPERTY OWNER: COMMONWEALTH OF MASSACHUSETTS

PLAN VIEW
 SCALE OF FEET
 0 200 400 800
 FRANCIS SANTOS
 FLYER'S BOAT SHOP
 94 COMMERCIAL STREET
 PROVINCETOWN, MA. 02657

EXISTING MOORING AREA
 IN PROVINCETOWN HARBOR
 TOWN OF PROVINCETOWN
 COUNTY OF BARNSTABLE,
 MASSACHUSETTS
 APPLICATION BY:
 FLYER'S BOAT RENTAL, INC.
 FLYER'S BOAT SHOP, INC.
 SHEET 2 OF 4 MARCH, 1993

revised 4/23/04

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