



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

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: June 1, 2004

Comment Period Ends: July 2, 2004

File Number: NAE-2004-205

In Reply Refer To: Brian E. Valiton

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

The Town of Plymouth, 11 Lincoln Street, Plymouth, Massachusetts 02360 and the Massachusetts Department of Fish & Game Public Access Board, 1440 Soldiers Field Road, Brighton, Massachusetts 02135 have jointly requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899 to install and maintain a new pile-supported fixed pier (7' by 25'), a ramp (41' by 4'), and a total of 830 square feet of pile-anchored floating docks extending into the waters of the Congressionally authorized Federal anchorage in Plymouth Harbor. The structures are for public use. The project is at White Street, Plymouth, Massachusetts, off the Leo Demarsh State Boat Ramp. The structures are as shown on the enclosed plans entitled "PLAN TO ACCOMPANY PETITION OF TOWN OF PLYMOUTH TO LICENSE AND MAINTAIN PROPOSED STRUCTURES IN PLYMOUTH HARBOR, PLYMOUTH, PLYMOUTH COUNTY, MA," on 4 sheets with a separate locus map, and dated "Dec. 15, 2003."

This project is only for driving of the pilings and installing the small fixed pier and floating docks. Therefore, there is minimal site-specific impact to Essential Fish Habitat (EFH). 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 proposed structures are located on the USGS Plymouth quadrangle sheet at UTM 19 coordinates 4647033.00 N and 0361846.00 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 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.

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.

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 Harbormaster.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

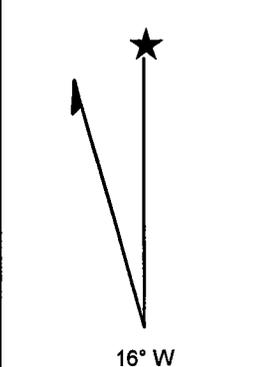
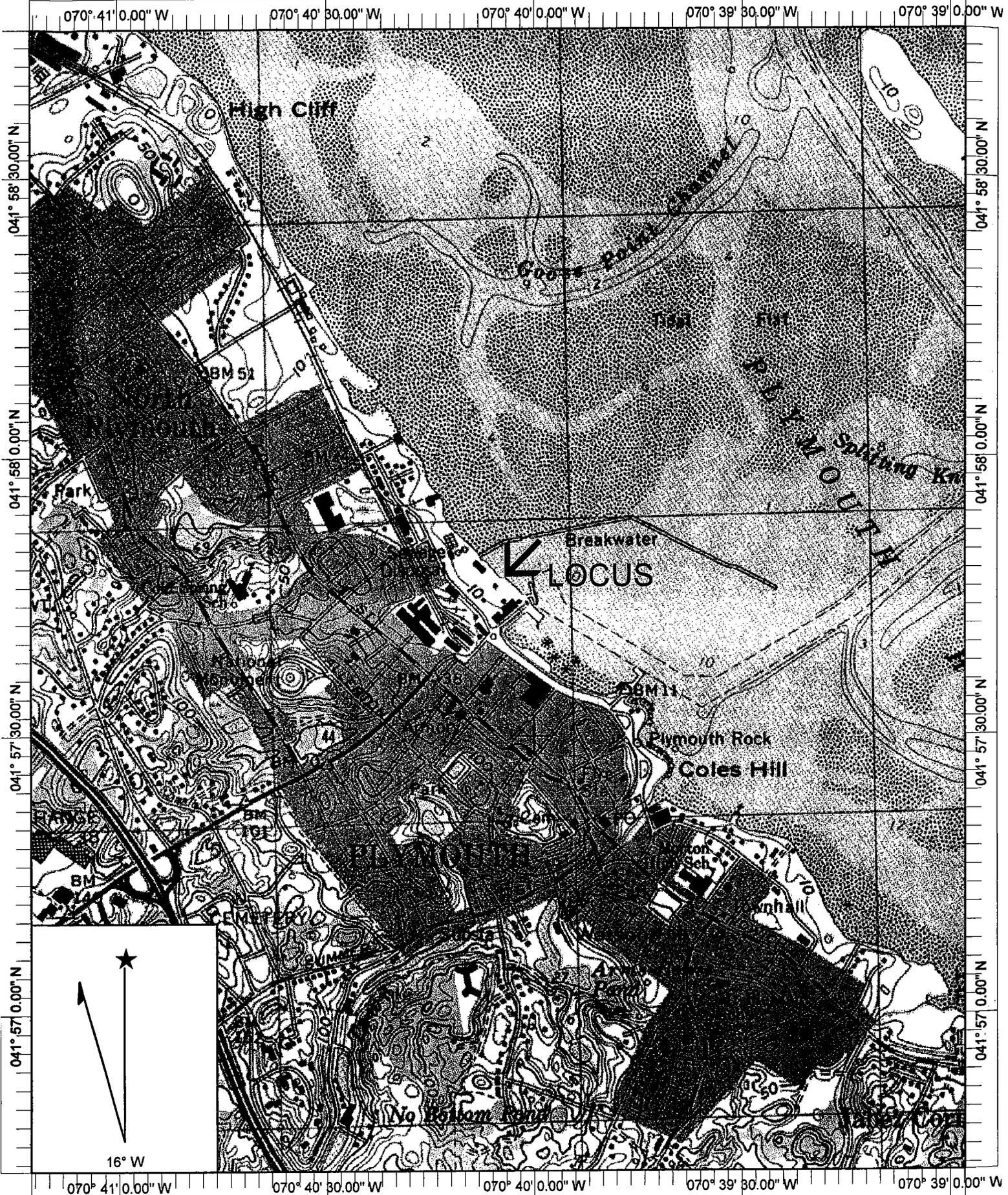
The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management 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.

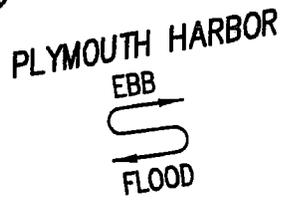
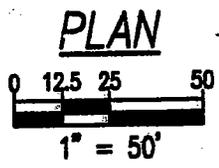
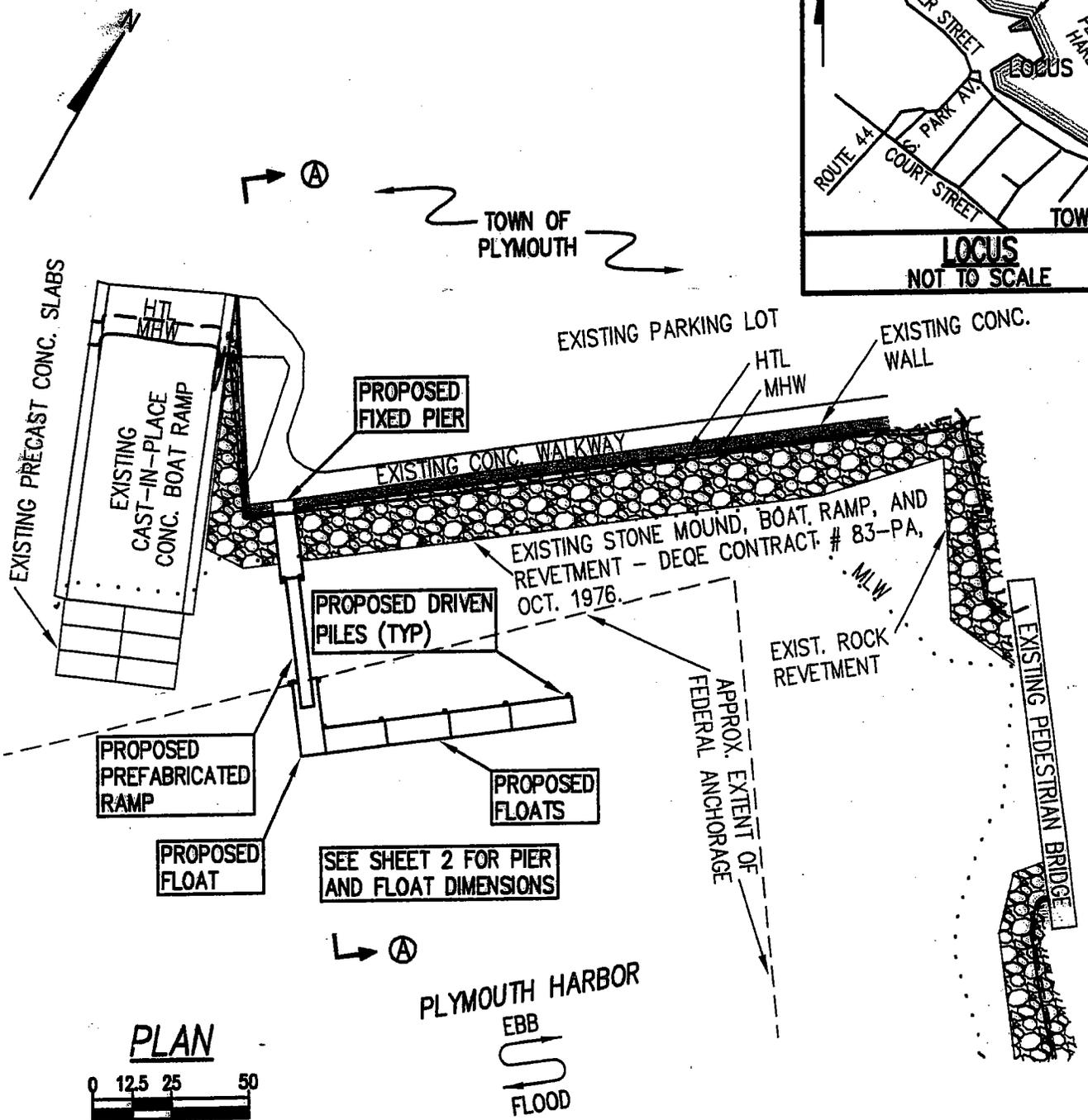
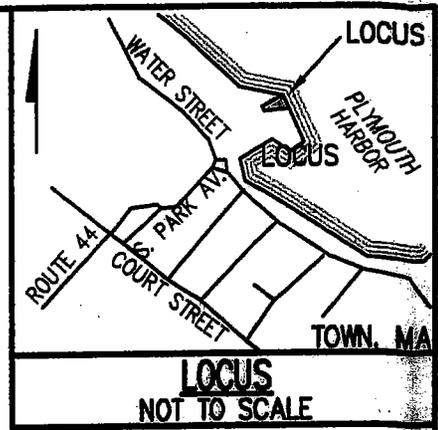
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____



Name: PLYMOUTH
 Date: 12/30/2003
 Scale: 1 inch equals 1333 feet

Location: 041° 57' 44.5" N 070° 40' 05.1" W
 Caption: C15939PABACOEJAB
 Plymouth Harbor
 Map 14A Parcel 21A

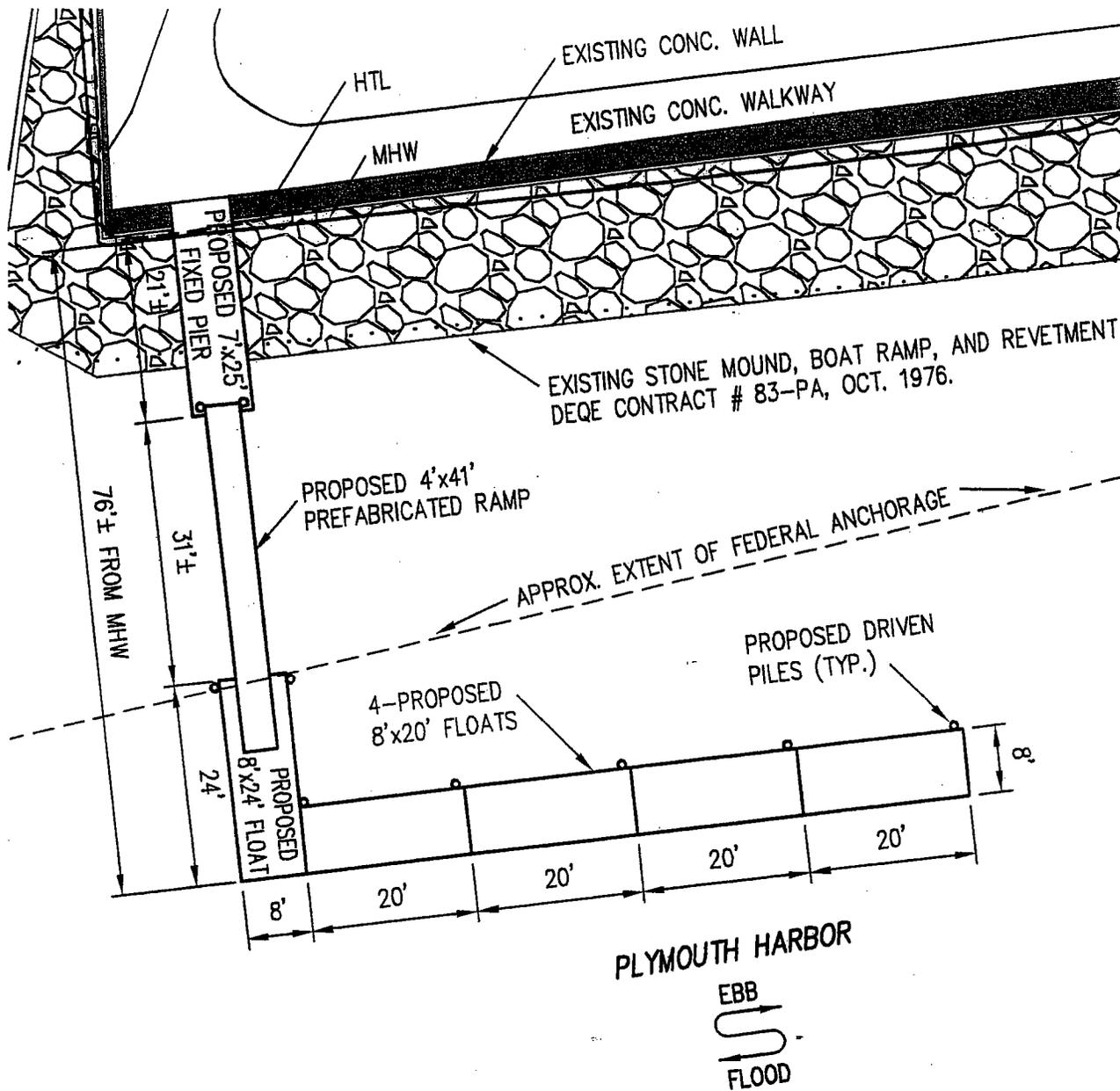


REFERENCE DATUM IS MEAN LOW WATER=0.0
 FEMA DATUM IS N.G.V.D.
 REF: TOWN ASSESSOR'S PLAT 14A, LOT 21A

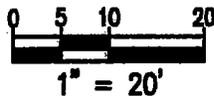
PLAN TO ACCOMPANY PETITION OF
TOWN OF PLYMOUTH
 TO LICENSE AND MAINTAIN
 PROPOSED STRUCTURES
 IN PLYMOUTH HARBOR,
 PLYMOUTH, PLYMOUTH COUNTY, MA

PREPARED BY
 COASTAL ENGINEERING CO., INC.
 260 CRANBERRY HIGHWAY
 ORLEANS, MA 02653

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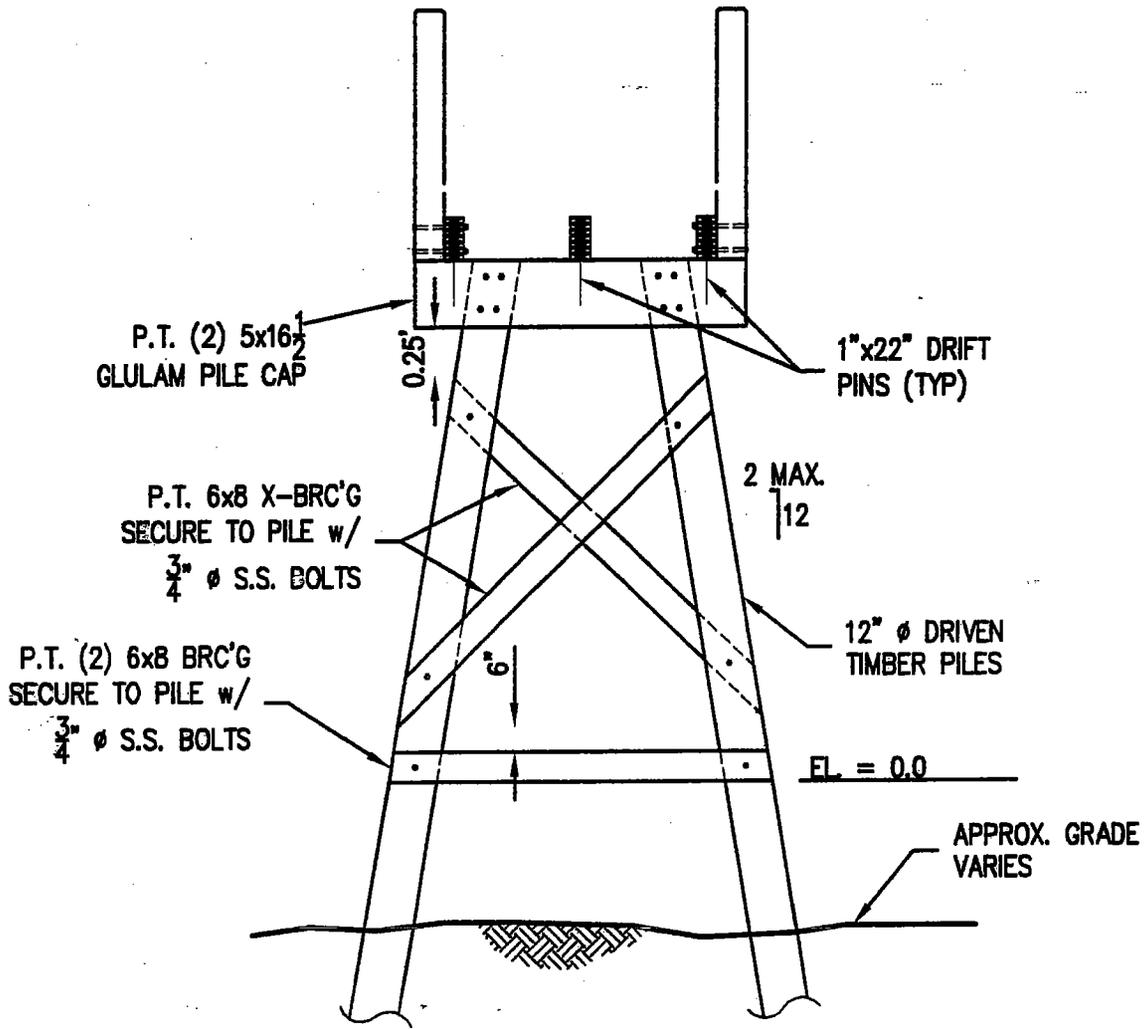
PLAN



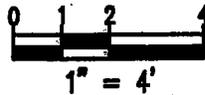
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DETAIL



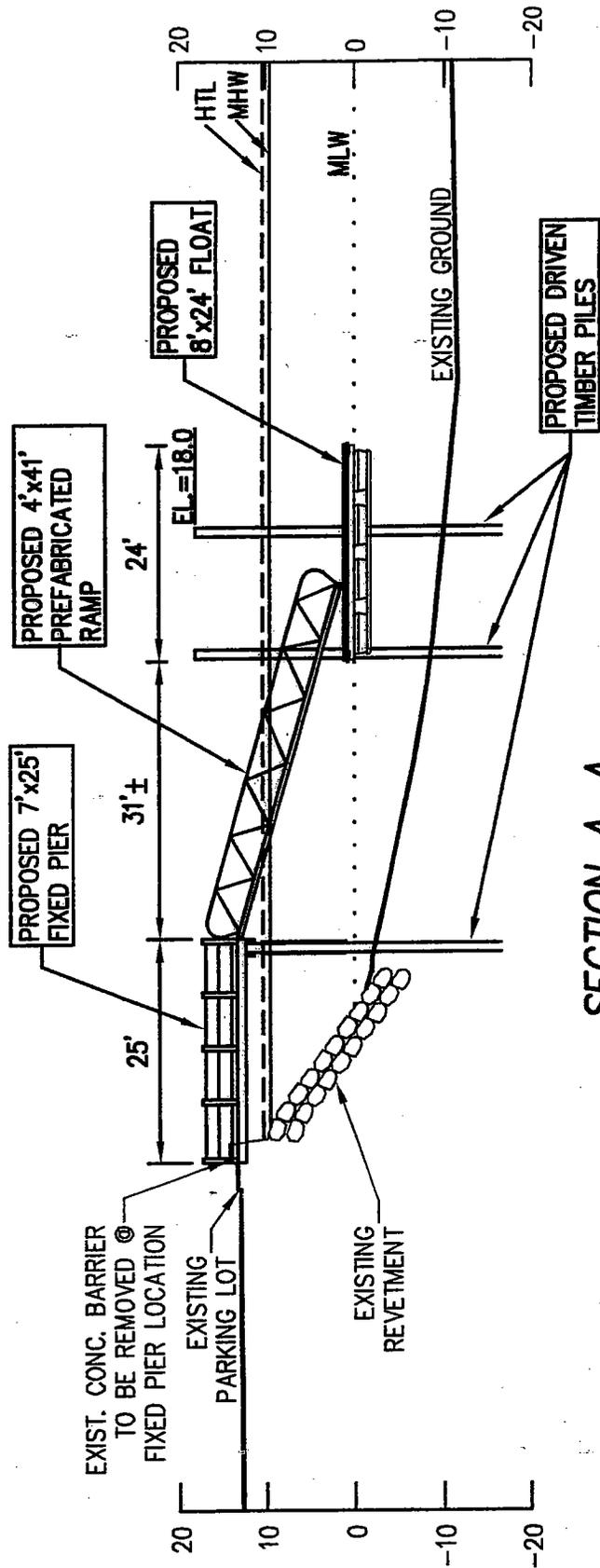
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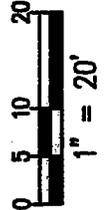
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LAND SUBJECT TO COASTAL STORM FLOODING | COASTAL BANK | LAND UNDER WATER



SECTION A-A



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