



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Frank Kinzie
Beverlyport Marina

Published: November 6, 2025
Expires: December 5, 2025

**New England District
Permit Application No. NAE-2005-01170**

TO WHOM IT MAY CONCERN: The New England District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Frank Kinzie
Beverlyport Marina
43 Water Street
Beverly, Massachusetts 01915

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with Beverly Harbor and Danvers River. The project/review area is located at 11 to 67 Water Street at Latitude 42.540451 N and Longitude -70.884846 W; in Beverly, Essex County, Massachusetts.

EXISTING CONDITIONS: Beverlyport Marina (BPM) is a full-service marina located at 11 to 67 Water Street in Beverly, Massachusetts. This shoreline is intensely developed and contains other commercial boating and recreational facilities as well as residential properties. This marina is in a State of Massachusetts Designated Port Area (DPA) with unauthorized structures and reconfiguration zones located in the Beverly Harbor Federal Navigation Project (FNP), the Federal Channel. However, The Corps has authorized some of these encroachments, including some at BPM.

State Chapter 91 Waterways Licenses No. 15580 (15 & 43-47A Water Street) and No.15581 (67 Water Street) for this project were issued on May 31, 2024.

PROJECT PURPOSE: To re-authorize a previous initial proffered permit to bring current marine floats into compliance, and also into conformity with existing Massachusetts state permits, through the creation of two reconfiguration zones. The zones would contain several floats, fuel dispensers, and pilings as described in the attached document. All structures are existing, with the exception of adding pilings which will replace moorings and enhance stability and resiliency of the float system.

Basic: Maintenance and modification to an existing marina.

Overall: The Corps has determined that the overall project purpose is maintenance and modification associated with bringing the current marine floats into compliance.

PROPOSED WORK: The applicant requests re-authorization of existing structures that includes:

Project Description

Re-authorization of an initially proffered permit to retain and maintain all the floats currently in place through the establishment of eastern and western reconfiguration zones within which the location, size and configuration of structures may be changed without further Corps permitting, as long as the structures remain within the reconfiguration zones.

The eastern reconfiguration zone would include the Fish Docks A and B docks (east of Gold Coast Marine). The western reconfiguration zone would include docks C through G (west of Gold Coast Marine). The zones and the structures in them are shown on the permit drawings and are described below. Coordinates are Massachusetts State Plane coordinates in U.S. Survey feet on the 1983 North American horizontal datum (NAD 83).

East Reconfiguration Zone:

Beginning at N 3022700.14, E 822766.79 at the seawall; thence South 11° 23' 16" West 267.43 feet to N 3022438.04, E 822713.98; thence South 86° 48' 10" West 243.62 feet to N 3022424.45, E 822470.74; thence North 3° 58' 16" East 340.25 feet to N 3022763.88, E 822494.30 at the seawall; thence to the point of beginning following the line of the seawall in a generally easterly direction.

West Reconfiguration Zone:

Beginning at N 3022770.02, E 822425.78 at the seawall; thence South 3° 58' 16" West 36.15 feet to N 3022733.96, E 822423.27; thence South 30° 3' 40" West 26.63 feet to N 3022710.91, E 822409.93; thence South 3° 58' 16" West 255.98 feet to N 3022455.55, E 822392.21; thence South 78° 1' 30" West 514.40 feet to N 3022348.82, E 821889.00; thence North 6° 44' 9" West 280.11 feet to N 3022627.00, E 821856.14 at the seawall; thence to the point of beginning following the line of the seawall in a generally easterly direction.

The Fish Dock

1. A, B, C, D, E, F, and G float systems which include ramps and all fingers coming from the main docks.
2. The floats running perpendicular and connecting A and B docks
3. The floats running perpendicular and connecting C and D docks

4. The float that runs on the north side of and parallel to the float connecting C and D docks and is of the same length.
5. The floats running perpendicular and connecting E, F and G docks
6. The floats in front of the travel lift and measuring 44', 17' and 35' respectively
7. Certain floats located in the Rack Cove measuring 42', 68', 100' and 117' respectively, and the fingers extending therefrom
8. The ramps and associated hardware and floats connecting the docks to the shore at 67 Water Street, 43 Water Street, and 11 Water Street
9. Piles holding the above-named floats in place including new piles at the seaward end of the floats in the FNP,
10. Bottom anchors and chains to secure floats in place, including anchors and chains in the FNP
11. The current fueling facility at its present location at the end of C dock, including 3 fuel dispensers, lines supplying fuel, electricity and fire suppression water to said fuel facility.
12. Fuel shed and float, including ship's store supplying marine provisions, sanitary and pump-out facilities and materials, supplies, equipment, etc. associated with the fueling facilities.
13. Appurtenances for servicing vessels and customers including utilities (water, electrical, telephone, cable TV, etc.), dock boxes, cleats, etc.
14. Ice shed containing an ice machine and another ice machine shown on the drawings.
15. Two soda machines located on C dock and G dock respectively.
16. Hydro-Hoist boat lifts that use hydraulic air pumps to hoist boats in finger slips.
17. Two dinghy rafts (6' x 50') located just off the seawall south of the rack storage building.

Additions to the original Proffered Permit NAE-2005-1170

The 2006 proffered permit included 14 new pilings in the Federal Channel, whereas the current application is for 28 new 12-inch timber pilings in the Federal Channel. Currently, the floats in the Federal Channel are mooring-held. The proposed is two sets (14 new pilings each) per main float line. This will better secure the floats.

To construct and maintain a new sheet pile bulkhead and fill an area that included an older travel lift pit. The reasons for this modification included providing a better and safer path for public access along the seawall, raising the seawall to accommodate rising sea levels, reducing erosion, and better protecting the above-ground fuel tanks.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: All of the structures are existing with the exception of 28 new 12-inch timber piles. These piles will be driven by vibratory hammer with a slow start and will be

initiated for 15 seconds at reduced energy followed by a one-minute waiting period. This sequence of 15 seconds of reduced energy driving, one-minute waiting period will be repeated two additional times, followed immediately by pile-driving at full rate and energy. Disturbed substrate won't generate measurable turbidity (e.g., rocks, coarse sand) and therefore turbidity controls are not warranted.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: Structures have been in place starting in 1978 and was initially proffered by the Corps.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the National Marine Fisheries Service (NMFS) Endangered Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect but not adversely affect NMFS ESA listed species. No other ESA-listed species or critical habitat will be affected by the proposed action.

This notice serves as request to the National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information

provided by the applicant, and consulted available species information. The project is existing, and no new impacts are expected.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

SECTION 408: The applicant will require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

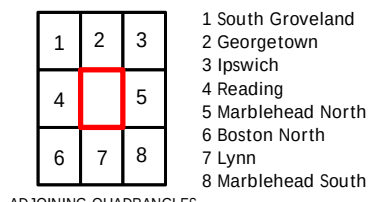
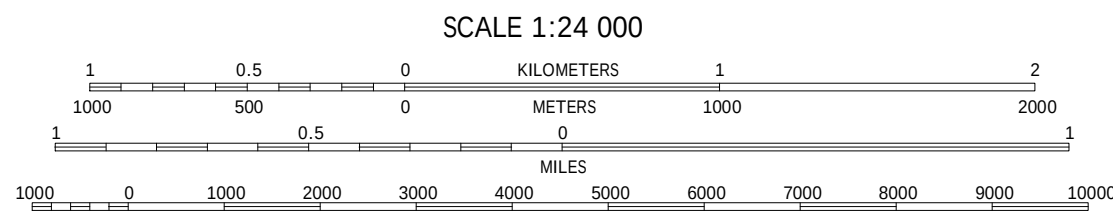
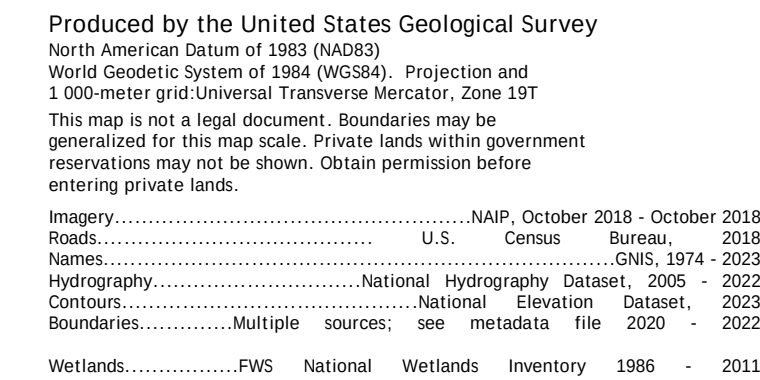
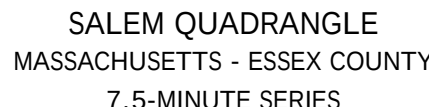
NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

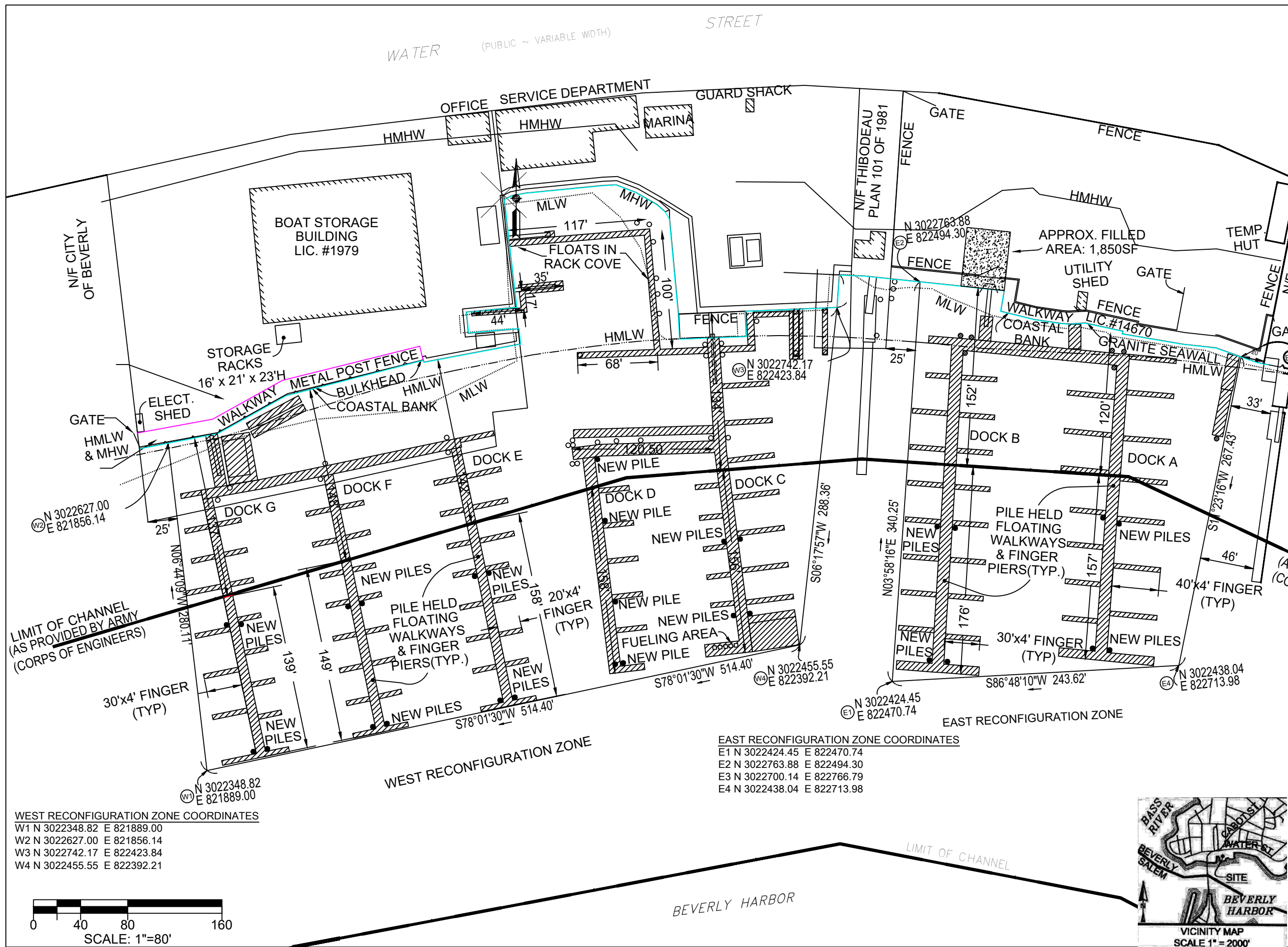
The New England District will receive written comments on the proposed work, as outlined above, until December 5, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to CENAE-R-PN-MA@USACE.ARMY.MIL Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, New England District, Attention: cenae-r-ma@usace.army.mil. Please refer to the permit application number in your comments.

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 public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



SALEM, MA
2024





General Notes

01	REV01	7/14
No.	Revision/Issue	Date

Firm Name and Address

Beverly Port Marina

Beverly Port Marina
43 Water St.
Beverly, MA 01915

Project Name

A.C.O.E. PERMIT SET

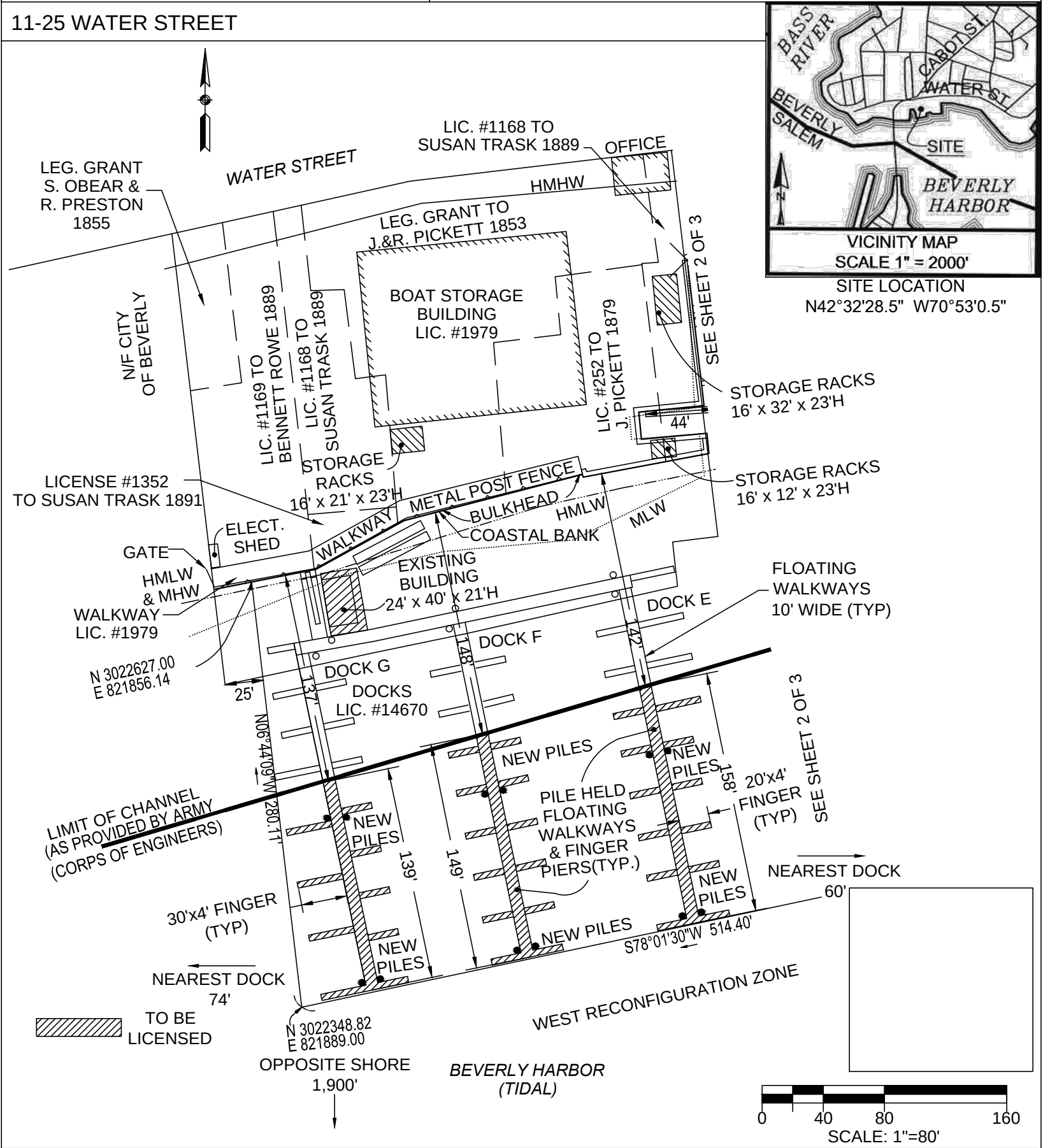
Project A.C.O.E. PERMIT	Sheet 1 OF 1
Date 07/14/2025	
Scale 1"=80'	

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC AND PRIVATE STREETS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN

DATE

P.E.



PLAN ACCOMPANYING PETITION OF BEVERLY PORT MARINA, INC. TO INSTALL NEW PILES AND MAINTAIN EXISTING PRIVATE BOATING FACILITY AND EXPANSION THERETO AND ESTABLISH A RECONFIGURATION ZONE ON FILLED AND FLOWED TIDELANDS OF BEVERLY HARBOR, BEVERLY, ESSEX COUNTY, MA.
JANUARY 18, 2023

SHEET 1 OF 3

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON
ARE THE LINES DIVIDING EXISTING OWNERSHIP, AND
THE LINES OF STREETS AND WAYS SHOWN ARE THOSE
OF PUBLIC AND PRIVATE STREETS ALREADY
ESTABLISHED AND THAT NO NEW LINES FOR DIVISION
OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE
SHOWN

P.E.

WATER STREET

SERVICE DEPARTMENT

GUARD SHACK

HMHW

MARINA

LIC. #4788 & LEG. GRANT TO J. FOSTER ACTS OF 1860

LIC. #4789

LIC. #5836

LEG. GRANT TO S. ADAMS 1850

N/F THIBODEAU PLAN 101 OF 1981

FUEL PAD AND TANKS (LIC#14670)

N 3022770.02 E 822425.78

N 3022742.17 E 822423.84

N 3022455.55 E 822392.21

SEE SHEET 1 OF 3

MLW

MHW

117'

35'

FLOATS IN RACK COVE

LIC #14670

HMLW

68'

FENCE

LIC. #14232

PREVIOUSLY LICENSED #4789

120.50

NEW PILE

DOCK D

NEW PILE

NEW PILES

DOCK C

TRANSIENT DOCKAGE WEST SIDE OF DOCK D

158'

NEW PILE

NEW PILES

FUELING AREA

NEW PILE

514.40'

S78°01'30"W

156'

S06°17'57"W

288.36'

NEAREST DOCK 60'

NEAREST DOCK 72'

LIMIT OF CHANNEL (AS PROVIDED BY ARMY (CORPS OF ENGINEERS))

WEST RECONFIGURATION ZONE

TO BE LICENSED

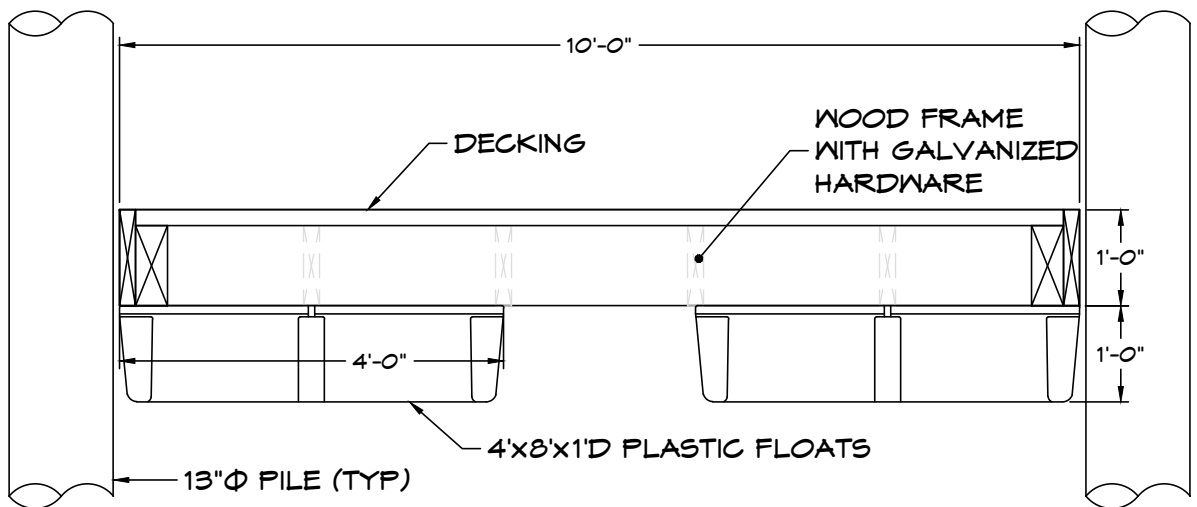
BEVERLY HARBOR (TIDAL)

OPPOSITE SHORE 1,760'

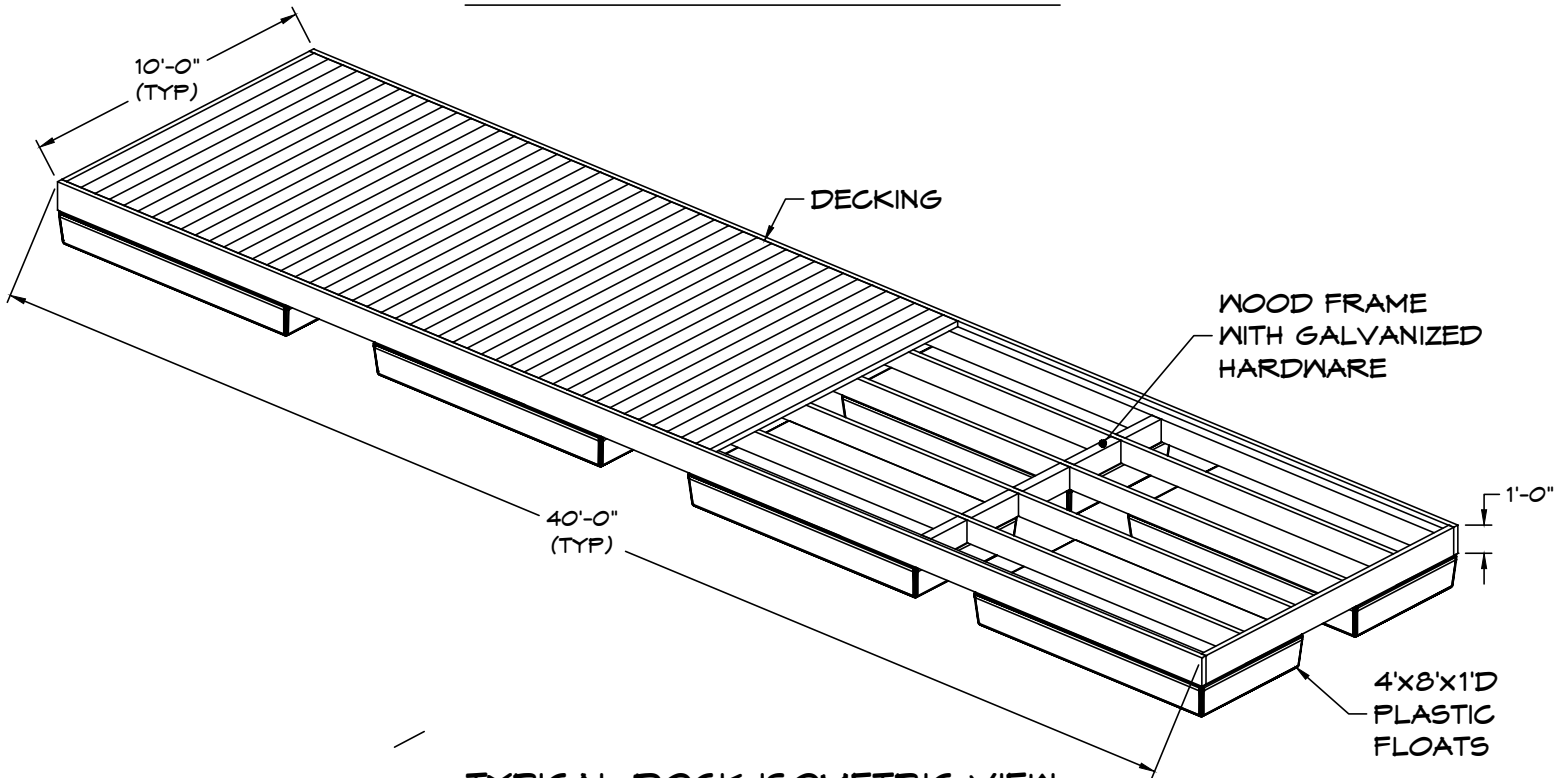
SCALE: 1"=40'

SHEET 2 OF 3

	I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS. I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC AND PRIVATE STREETS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN DATE _____ P.E. _____
--	--

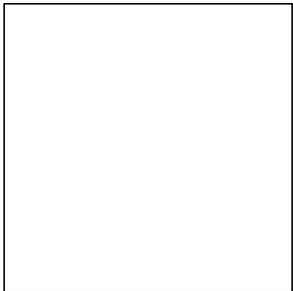


TYPICAL DOCK CROSS SECTION



TYPICAL DOCK ISOMETRIC VIEW

NOTE: THE USE OF UNENCAPSULATED POLYSTYRENE FOR NEW OR REPLACEMENT FLOATATION IS PROHIBITED

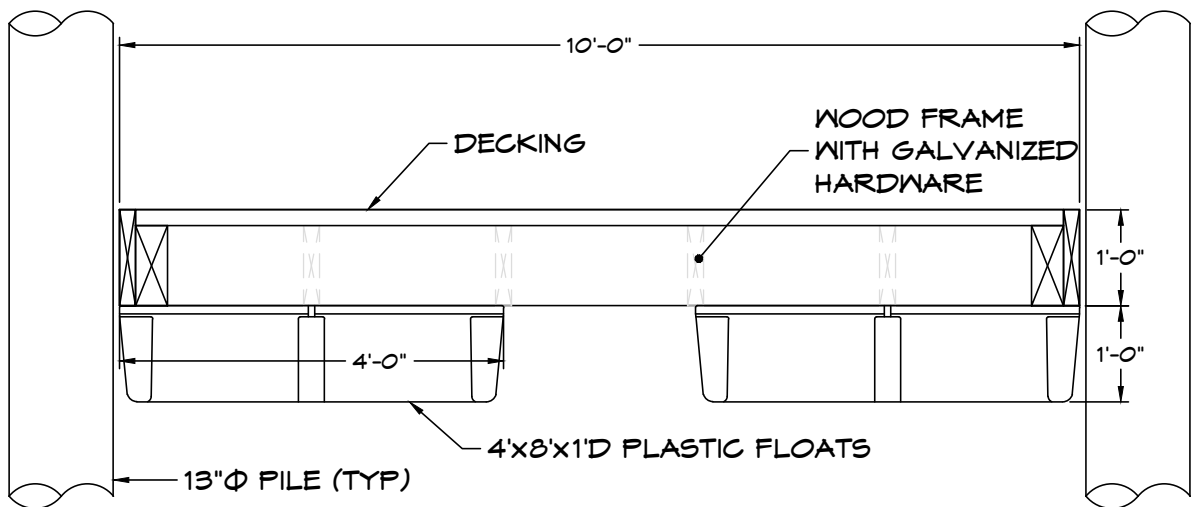


JANUARY 18, 2023	SHEET 3 OF 3
------------------	--------------

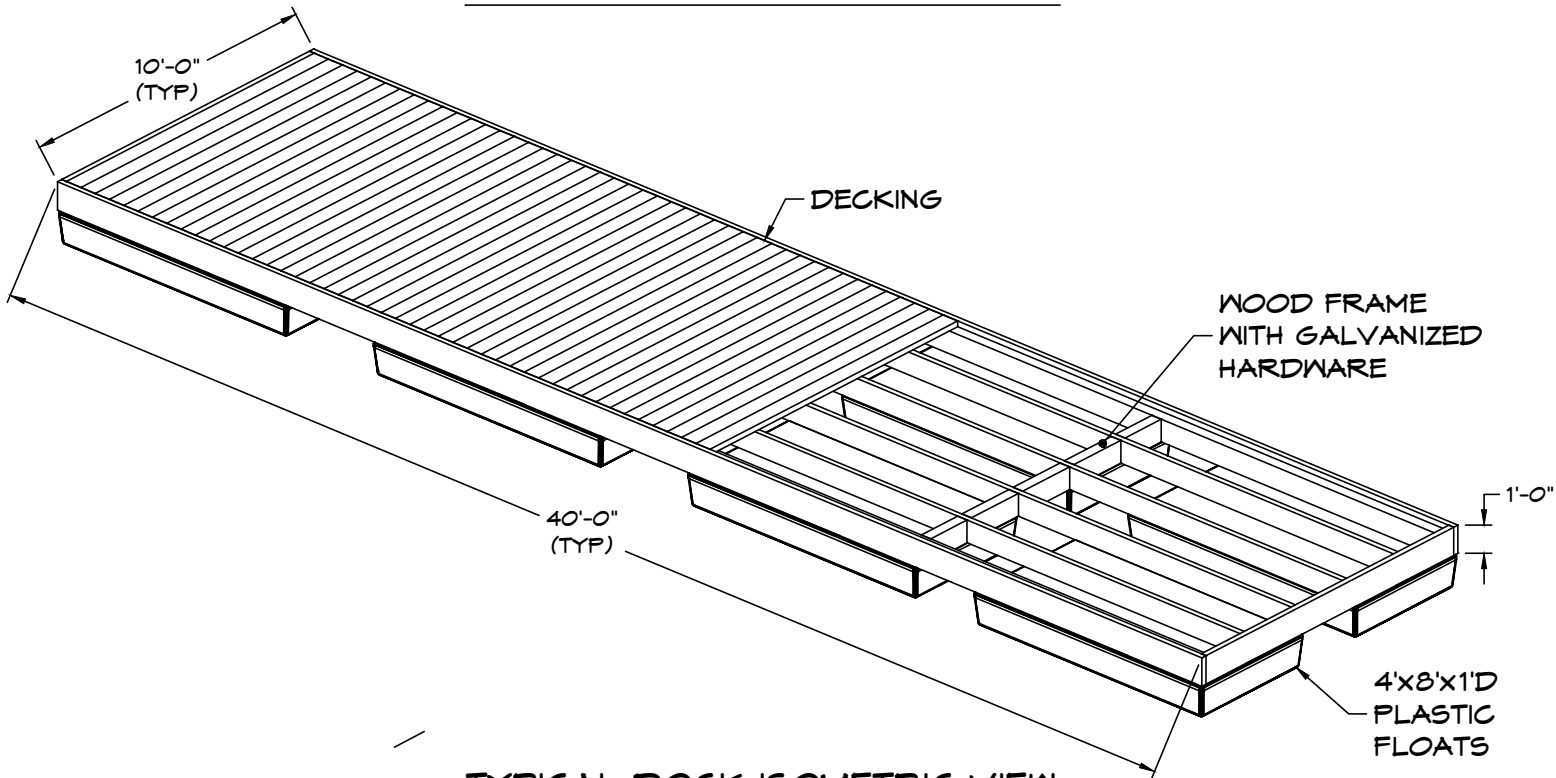
	I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS. I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC AND PRIVATE STREETS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN DATE _____ P.E. _____
--	--

67 WATER STREET	The main site plan depicts a waterfront area with several docks (DOCK A, DOCK B) and a granite seawall. It includes various property lines with bearings and distances (e.g., N 3022763.88, E 822494.30), as well as existing and proposed structures like gates, fences, utility sheds, and concrete pads. A 'LIMIT OF CHANNEL' line is shown, along with a 'PILE HELD FLOATING WALKWAYS & FINGER PIERS (TYP.)' area. The plan also indicates an 'EAST RECONFIGURATION ZONE' and 'NEW PILES'. A north arrow and a scale bar (1"=80') are included.
PLAN ACCOMPANYING PETITION OF BEVERLY PORT MARINA, INC. TO INSTALL NEW PILES AND MAINTAIN EXISTING PRIVATE BOATING FACILITY AND EXPANSION THERETO AND ESTABLISH A RECONFIGURATION ZONE ON FILLED AND FLOWED TIDELANDS OF BEVERLY HARBOR, BEVERLY, ESSEX COUNTY, MA. JANUARY 18, 2023	SHEET 1 OF 2

	I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS. I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC AND PRIVATE STREETS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN DATE _____ P.E. _____
--	--

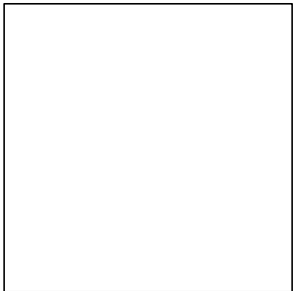


TYPICAL DOCK CROSS SECTION



TYPICAL DOCK ISOMETRIC VIEW

NOTE: THE USE OF UNENCAPSULATED POLYSTYRENE FOR NEW OR REPLACEMENT FLOATATION IS PROHIBITED



JANUARY 18, 2023	SHEET 2 OF 2
------------------	--------------