

# PUBLIC NOTICE



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

**Comment Period Begins: February 5, 2013**  
**Comment Period Ends: February 20, 2013**  
**File Number: NAE-2012-00292**  
**In Reply Refer To: Crystal I. Gardner**  
**Phone: (978) 318-8332**  
**E-mail: crystal.i.gardner@usace.army.mil**

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

## **APPLICANT: The Town of Danvers**

**ACTIVITY:** To establish a reconfiguration zone, the placement of new floats & gangway, the replacement of existing floats and the relocation of existing steel piles. The existing structures were authorized by the Corps of Engineers under permit numbers NEDOD-R-86-134 and 9-75-182. The work includes work in navigable waters for the establishment of a reconfiguration zone (coordinates shown on sheet 4), the construction and maintenance of an 8' x 56' timber pier, a 4' x 80' gangway, a 10' x 20' float, a 4' x 20' kayak launch, three 6' x 20' floats, two steel piles, the replacement of twenty-four 3' x 18' floats with 4' x 20' floats and the relocation of four existing steel piles. The original public notice is modified to include two 45' x 460' winter float storage zones (coordinates shown on sheet 5).

The work is described on the enclosed plans entitled "*AT CRANE RIVER, COUNTY; ESSEX COUNTY, APPLICATION BY, TOWN OF DANVERS MCDEWELL AVENUE, DANVERS, MASSACHUSETTS*" on four sheets, and dated "*JANUARY 2012.*"

## **WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed in Crane River at McDewell Avenue, Danvers, Massachusetts. The site coordinates are: Latitude N 42 33 06 Longitude W 70 55 17.

## **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

## **CENAE-R**

**FILE NO. NAE-2012-00292**

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.

## **ESSENTIAL FISH HABITAT**

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).

This project will impact 0.05 acres of Essential Fish Habitat (*EFH*) for American Plaice (Eggs, Larvae Juvenile Adult), Haddock (Eggs, Larvae), Atlantic Herring (Larvae, Juvenile, Adult), Ocean Pout (Juvenile, Adult, Eggs, Larvae), Atlantic Cod (Juvenile, Eggs, Larvae, Adult), Pollock (Eggs, Larvae, Juvenile, Adult), Yellowtail Flounder (Juvenile, Larvae, Eggs, Adult), Sea Scallop (ALL), Window Pane Flounder (Eggs, Larvae, Juvenile, Adult), White Hake (Larvae, Eggs, Juvenile, Adult), Winter Flounder (Larvae, Eggs, Juvenile, Adult), Red Hake (Adult, Juvenile, Eggs), Silver Hake (Adult, Larvae, Eggs, Juvenile), White Shark (ALL) and Bluefin Tuna (Adult). 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.

## **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:

- 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)

**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 it is 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.

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.
- ( ) 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 I. Gardner at (978) 318-8332, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

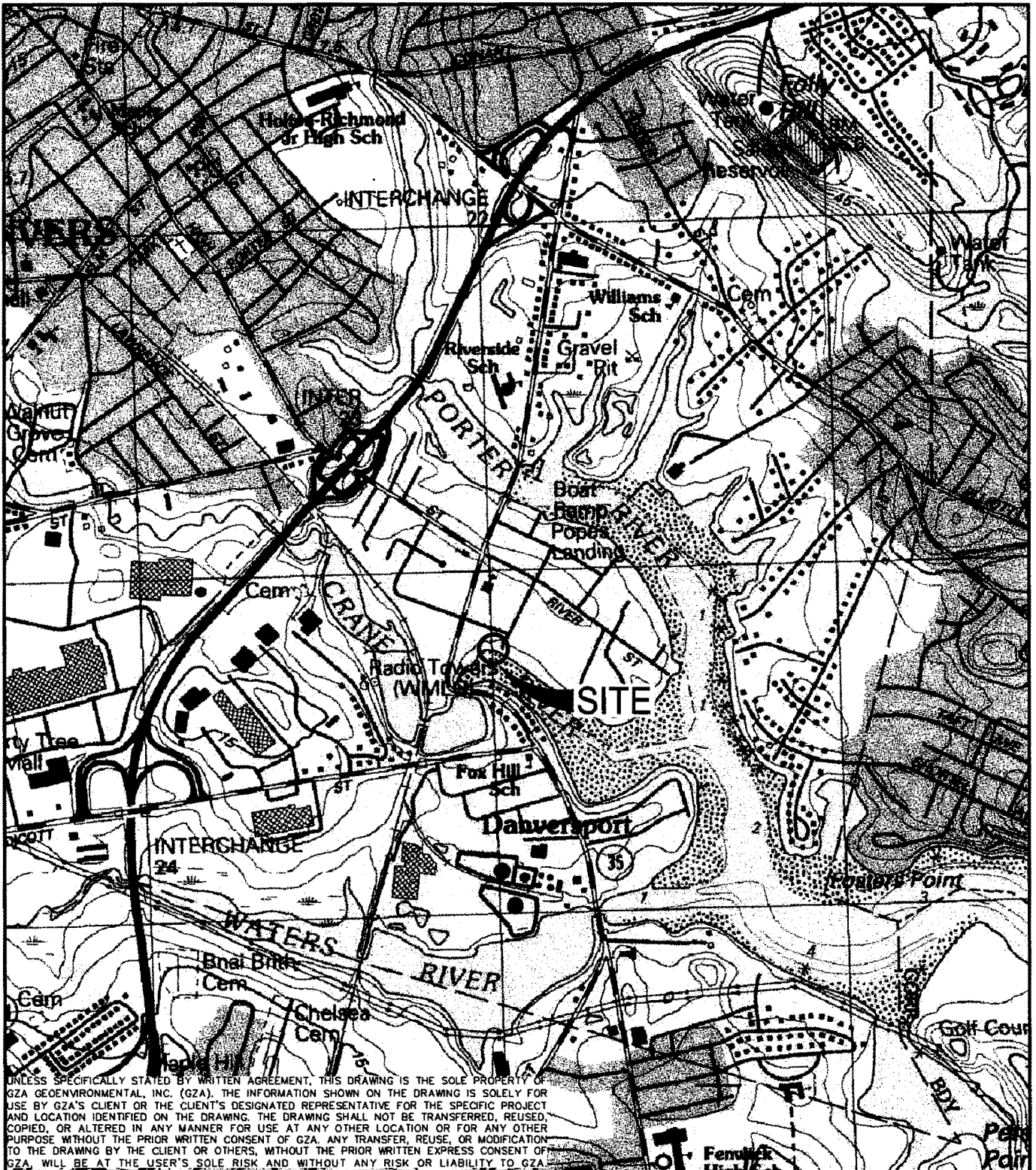
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining 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.**

  
**Karen Kirk Adams**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

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.

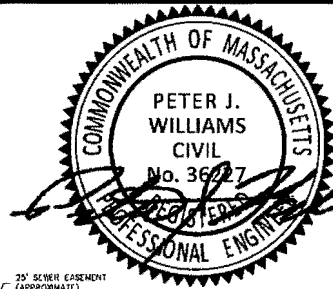


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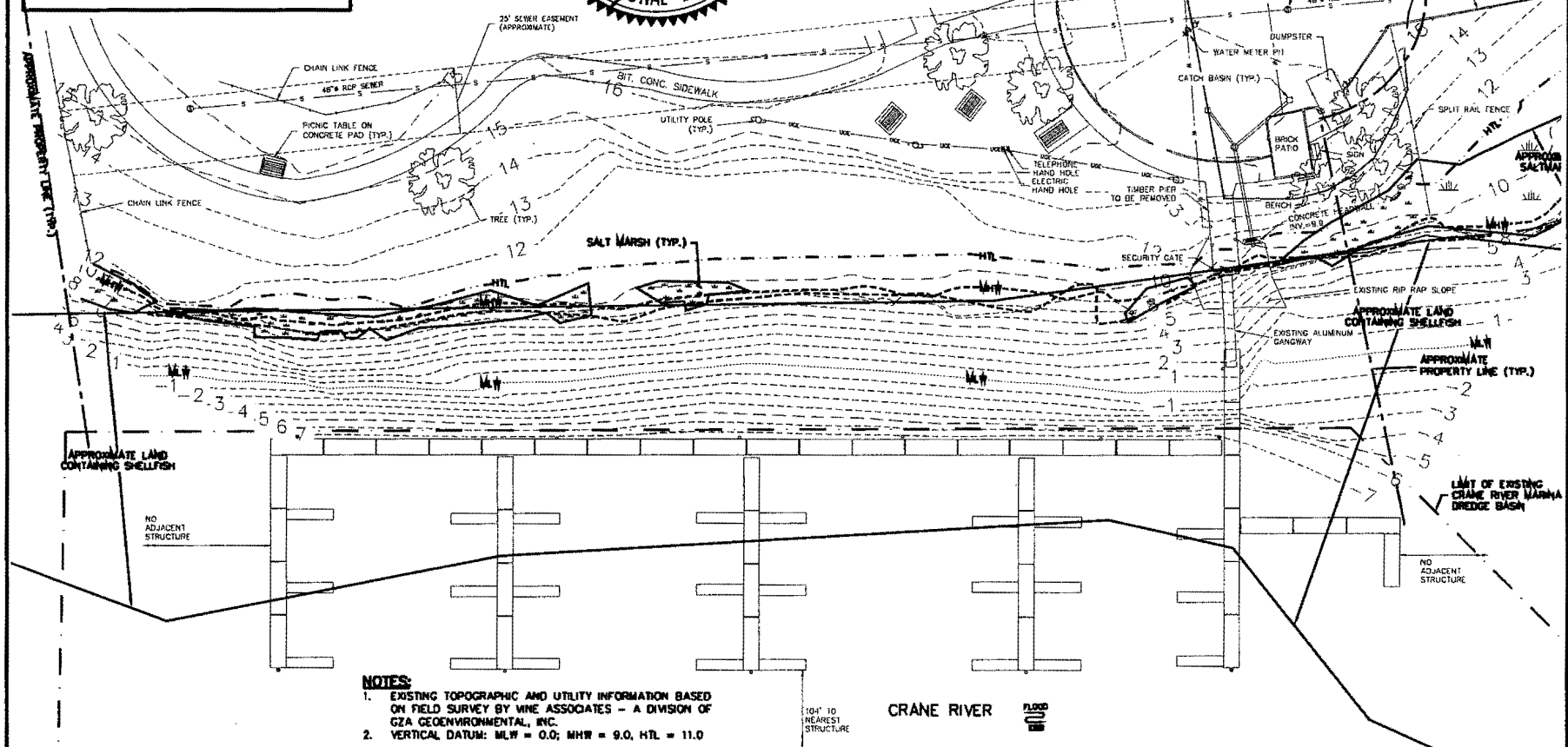
<p>DATUM: MLW = 0.0 MHW = 9.0 HTL = 11.0</p>	<p>LOCUS</p>	<p>AT: CRANE RIVER COUNTY: ESSEX COUNTY APPLICATION BY: THE TOWN OF DANVERS MCDEWELL AVENUE DANVERS, MASSACHUSETTS REVISED: OCTOBER 3, 2012 JANUARY 2012 SHEET 1 OF 5</p>
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**DATUM SKETCH**  
NOT TO SCALE

MEAN HIGH WATER (MHW) (EL. 9.00)	
NAVD 86 (EL. 0.00)	
MEAN LOW WATER (MLW) (EL. 0.00)	



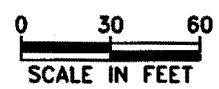
*Peter J. Williams*  
REGISTERED PROFESSIONAL ENGINEER



- NOTES:**
1. EXISTING TOPOGRAPHIC AND UTILITY INFORMATION BASED ON FIELD SURVEY BY WINE ASSOCIATES - A DIVISION OF GZA GEOENVIRONMENTAL, INC.
  2. VERTICAL DATUM: MLW = 0.0; MHW = 9.0, HTL = 11.0

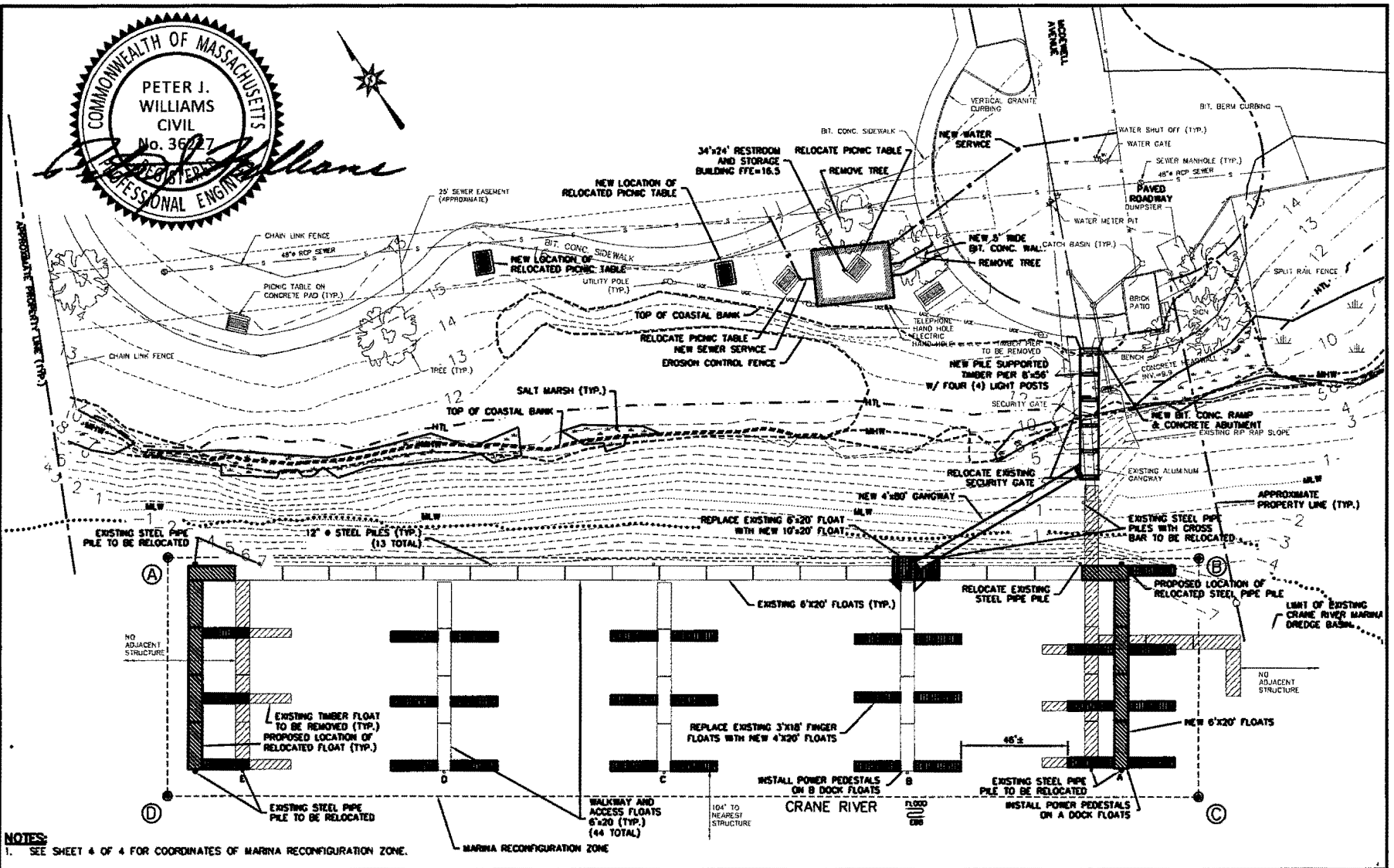
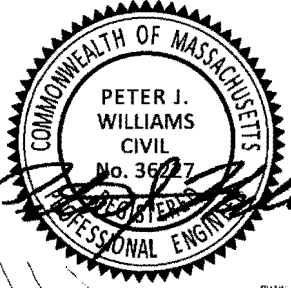
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**DATUM:** MLW = 0.0  
MHW = 9.0  
HTL = 11.0



**EXISTING CONDITIONS PLAN**

**AT:** CRANE RIVER  
**COUNTY:** ESSEX COUNTY  
**APPLICATION BY:**  
TOWN OF DANVERS  
MCDEWELL AVENUE  
DANVERS, MASSACHUSETTS  
**REVISED:** OCTOBER 3, 2012  
JANUARY 2012 **SHEET 2 OF 5**



**NOTES:**  
 1. SEE SHEET 4 OF 4 FOR COORDINATES OF MARINA RECONFIGURATION ZONE.

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**DATUM:** MLW = 0.0  
 MHW = 9.0  
 HTL = 11.0

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 SCALE IN FEET

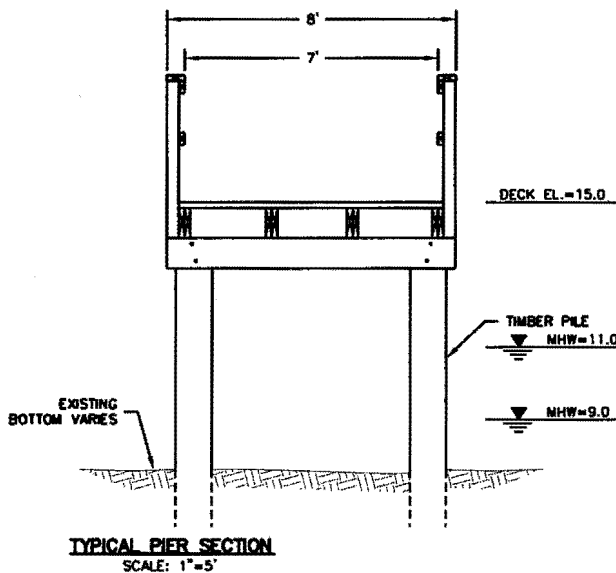
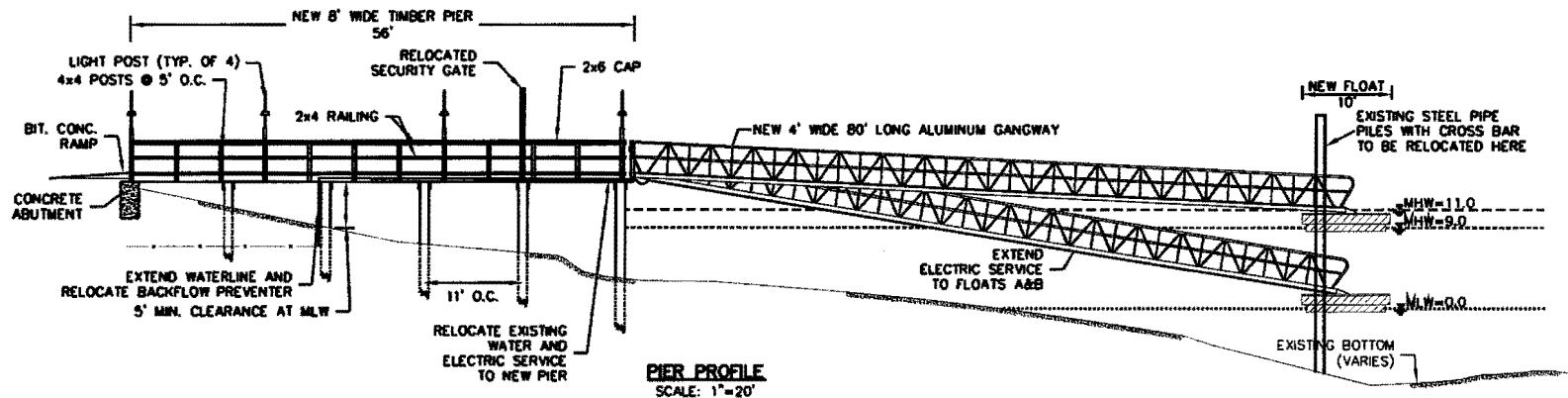
# PROPOSED WORK PLAN

**AT: CRANE RIVER**

**COUNTY: ESSEX COUNTY**

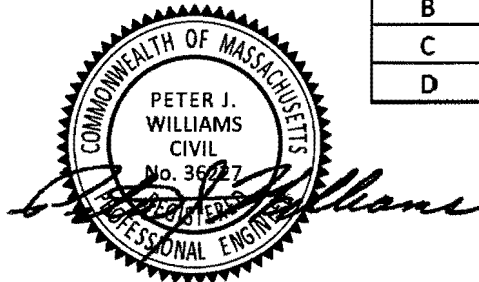
**APPLICATION BY:**  
 TOWN OF DANVERS  
 MCDEWELL AVENUE  
 DANVERS, MASSACHUSETTS

**REVISED: OCTOBER 3, 2012**  
**JANUARY 2012** SHEET 3 OF 5



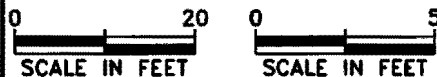
HORIZONTAL POSITIONS OF MARINA RECONFIGURATION ZONE

Point ID	Massachusetts State Plane	
	Northing	Easting
A	3026839.4281	811763.6822
B	3026584.6813	812129.0297
C	3026500.9230	812070.6325
D	3026755.6697	811705.2850



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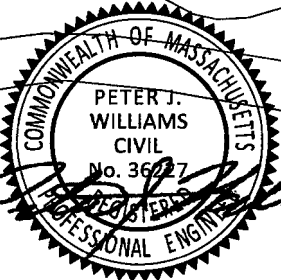
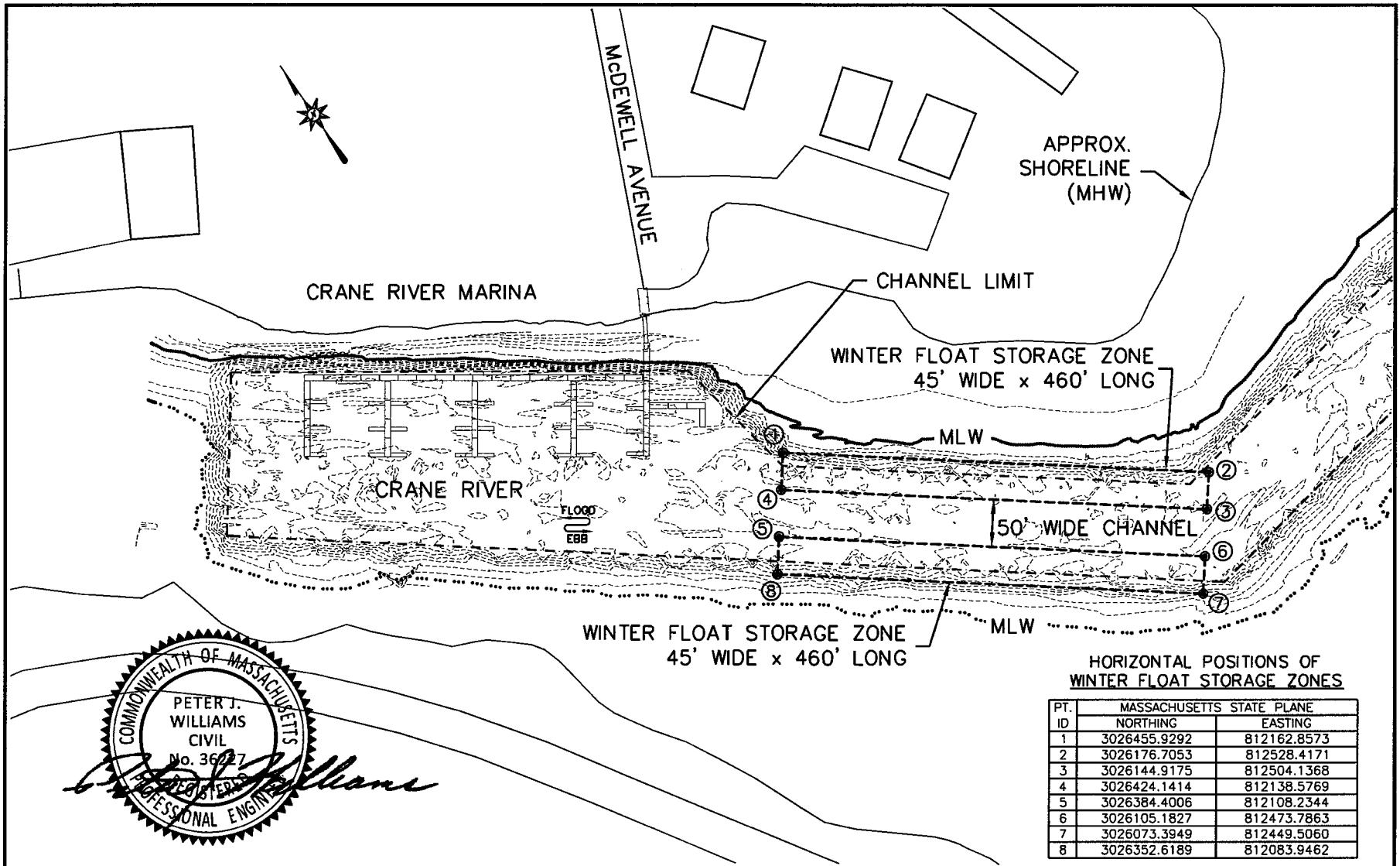


PIER PROFILE AND SECTIONS

AT: CRANE RIVER

COUNTY: ESSEX COUNTY  
APPLICATION BY:  
TOWN OF DANVERS  
MCDEWELL AVENUE  
DANVERS, MASSACHUSETTS

REVISED: OCTOBER 3, 2012  
JANUARY 2012 SHEET 4 OF 5



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DATUM: MLW = 0.0  
 MHW = 9.0  
 HTL = 11.0

0 75 150  
 SCALE IN FEET

## WINTER FLOAT STORAGE PLAN

AT: CRANE RIVER

COUNTY: ESSEX COUNTY

APPLICATION BY:  
 TOWN OF DANVERS  
 MCDWELL AVENUE  
 DANVERS, MASSACHUSETTS

REVISED: DECEMBER 31, 2012  
 JANUARY 2012

SHEET 5 OF 5