PUBLIC NOTICE



US Army Corps of Engineers * New England District 696 Virginia Road Concord, MA 01742-2751 Comment Period Begins: November 7, 2017 Comment Period Ends: December 10, 2017

File Number: NAE-2015-1349 In Reply Refer To: Christine Jacek

Phone: (978) 318-8026

E-mail: Christine.M.Jacek@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Larry Robertie representing Palmers Cove Yacht Club, Inc. of 74 Leavitt Street, Salem, Massachusetts. This work is proposed in Salem Harbor at 74 Leavitt Street, Salem, Massachusetts. The site coordinates are: Latitude: 42.514073, Longitude: -70.88741.

The work involves the maintenance dredging of 219,404 square feet of Salem Harbor with disposal of the 25,000 cubic yards of dredged material at Massachusetts Bay Disposal Site. The applicant is requesting to retain, maintain, and expand 4,863 square feet of pile supported floats and piers as detailed in the attached table entitled "Table 1: Permitted Vs. Proposed Structures Summary" and is requesting a 199,310 square foot area be designated as a reconfiguration zone to allow for the movement of structures as needed.

The work is shown on the attached plans entitled "VICINITY MAP MAINENANCE DREDGING PALMER COVE", "OVERALL SITE LAYOUT & SHEET INDEX MAINTENANCE DREDGING PALMER COVE", "SITE PLAN MAINTENANCE DREDGING PALMER COVE", "SECTION "A-A" MAINTENANCE DREDGING PALMER COVE", "SECTIONS "B-B" & "C-C" MAINTENANCE DREDGING PALMER COVE", "OVERALL SITE LAYOUT & SHEET INDEX FLOATS & PILES INSTALL PALMER COVE", and "SITE PLAN FLOATS & PILES INSTALL PALMER COVE" on fourteen (14) sheets, and dated "JUNE 2017."

The proposed project has been designed to minimize impacts to the surrounding environment to the greatest extent practicable. Several mitigation measures have been proposed including a time of year restriction to protect fisheries resources, a reduction in the dredge footprint to minimize impacts to intertidal areas and submerged aquatic vegetation, the movement of floats to prevent grounding in intertidal areas at low tide, and in lieu fee mitigation for unavoidable impacts to special aquatic sites, including intertidal mud flat areas.

AUTHORITY

Permits are required pursuant to:

- X Section 10 of the Rivers and Harbors Act of 1899
- X Section 404 of the Clean Water Act
- X 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 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 U.S. Army Corps of Engineers, New England District (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. The Corps will consider all comments received 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.

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.

Dredged Material Disposal Mitigation Discussion:

The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analyzed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal. When applicable, the biological quality of the disposal of the material at the disposal site was also used to evaluate the feasibility of the open-water disposal alternative.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is disposal at the requested disposal site.

Testing Information

The dredged material has undergone physical, chemical, and biological testing and has satisfied the criteria for ocean disposal of dredged material as specified in Part 227 of the Ocean Dumping Act regulations. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

Massachusetts Bay Disposal Site

The Massachusetts Bay Disposal Site is frequently used for disposal of bottom sediments from various harbors in the Boston area. Approximately 300,000 cubic yards of suitable sediments (the suitability was determined with a project-specific evaluation with an established interagency review process) are deposited at this site annually. The site is monitored through the Corps Disposal Area Monitoring System (DAMOS) program. The DAMOS studies show that the site is a low energy environment such that sediments deposited at this location

will remain within the site's boundaries. The DAMOS monitoring has also shown that distinct dredged material mounds have been formed at the site. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged that utilize the site. Sediment deposited at the disposal site has not been found to affect areas outside the disposal site. The Environmental Protection Agency has designated the Massachusetts Bay Disposal Site usable for disposal of dredged sediments.

Any permit issued for this project will include special conditions requiring scows to come to a complete stop when disposing of the material at the disposal site. There will also be a time of year restriction included as a special condition which prohibits dredging during ecologically sensitive times of years.

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). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

The dredging portion of this project will impact approximately 219,404 SF of EFH. Habitat at this site can be described as soft silt with traces of sand. Loss of this habitat may adversely affect species that use these waters and substrate. 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.

The dredged material disposal is proposed for Massachusetts Bay Disposal Site. This is an open water site, which provides EFH. Habitat at this site can be described as silt, sand, and clay with various grain sizes. Loss of this habitat may adversely affect species that use these waters and substrate. 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 Corps has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. 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 a listed species or their critical habitat. We are coordinating with the NMFS and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

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.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

COMMENTS

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 Christine Jacek at (978) 318-8026, (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.

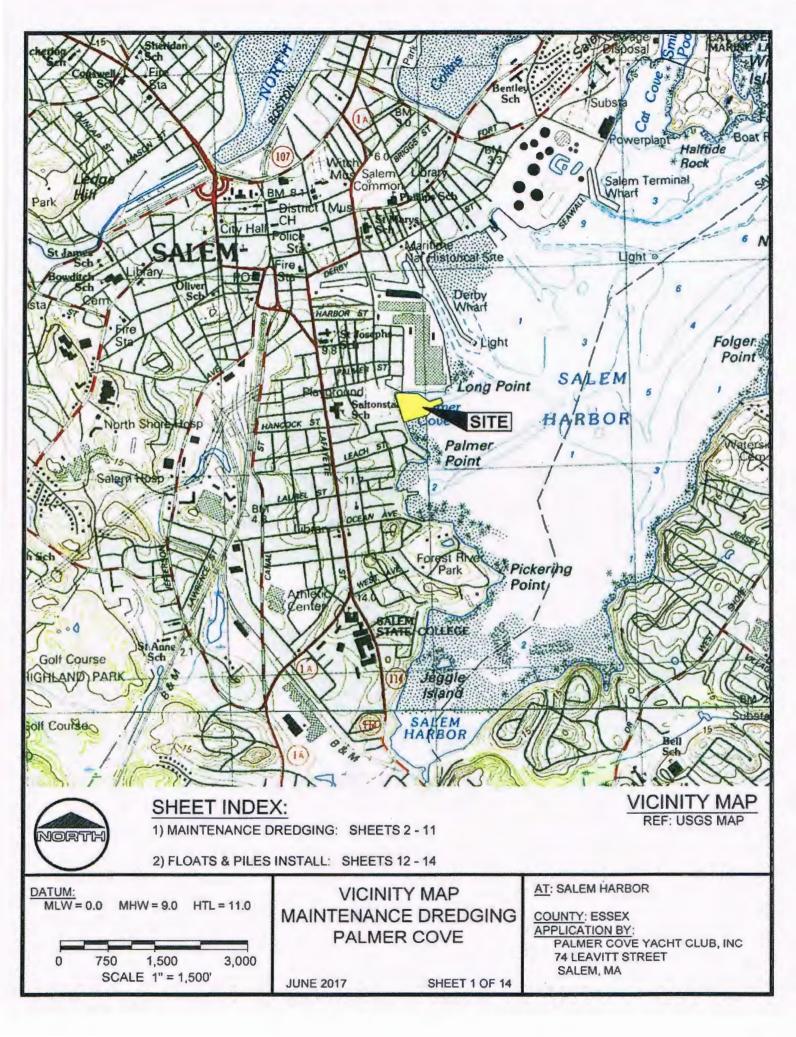
Barbara Newman

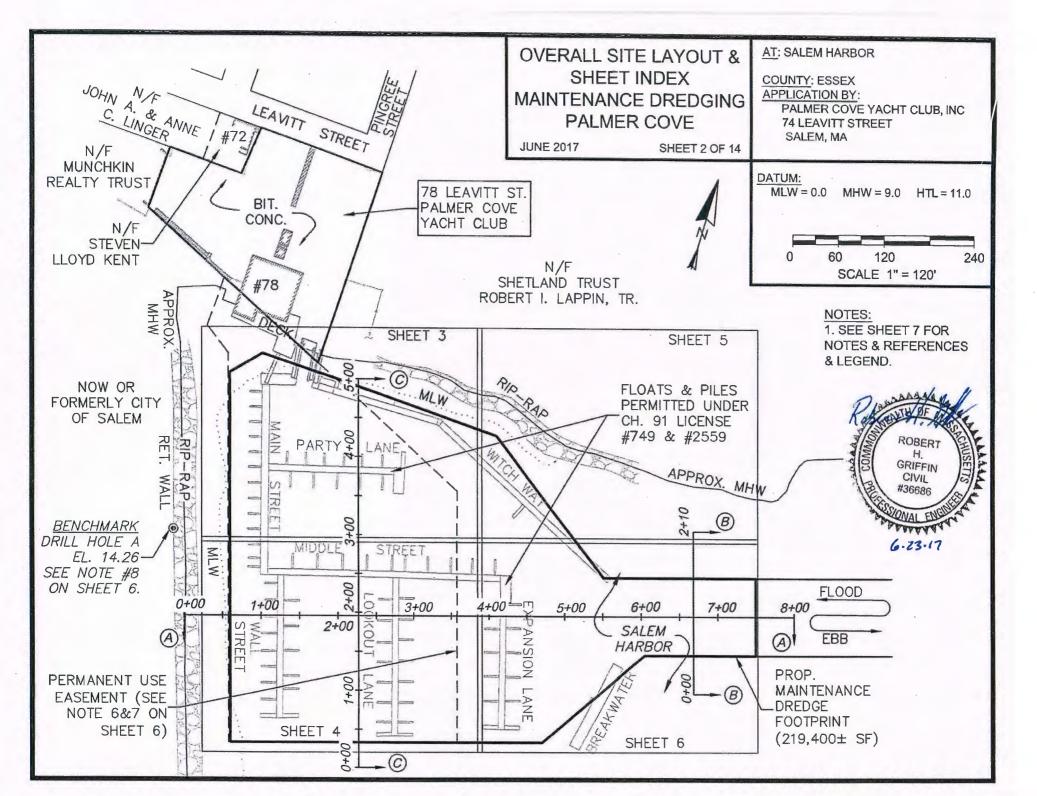
Chief, Permits and Enforcement Branch

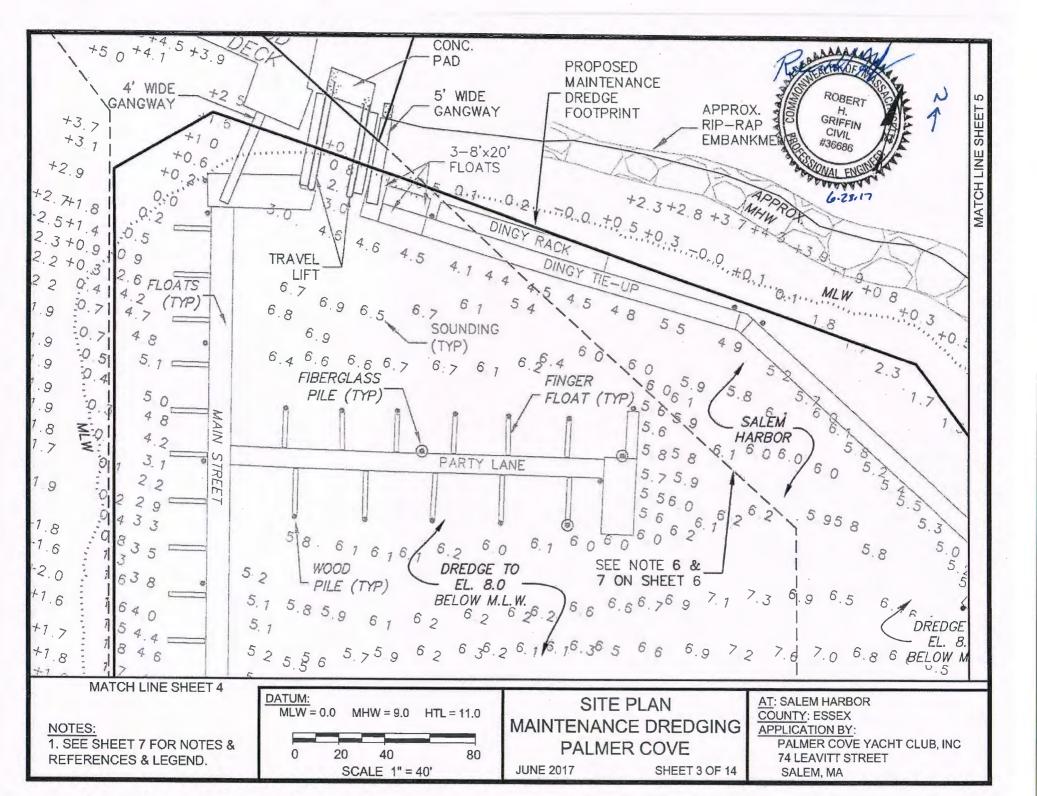
Regulatory Division

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. 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.

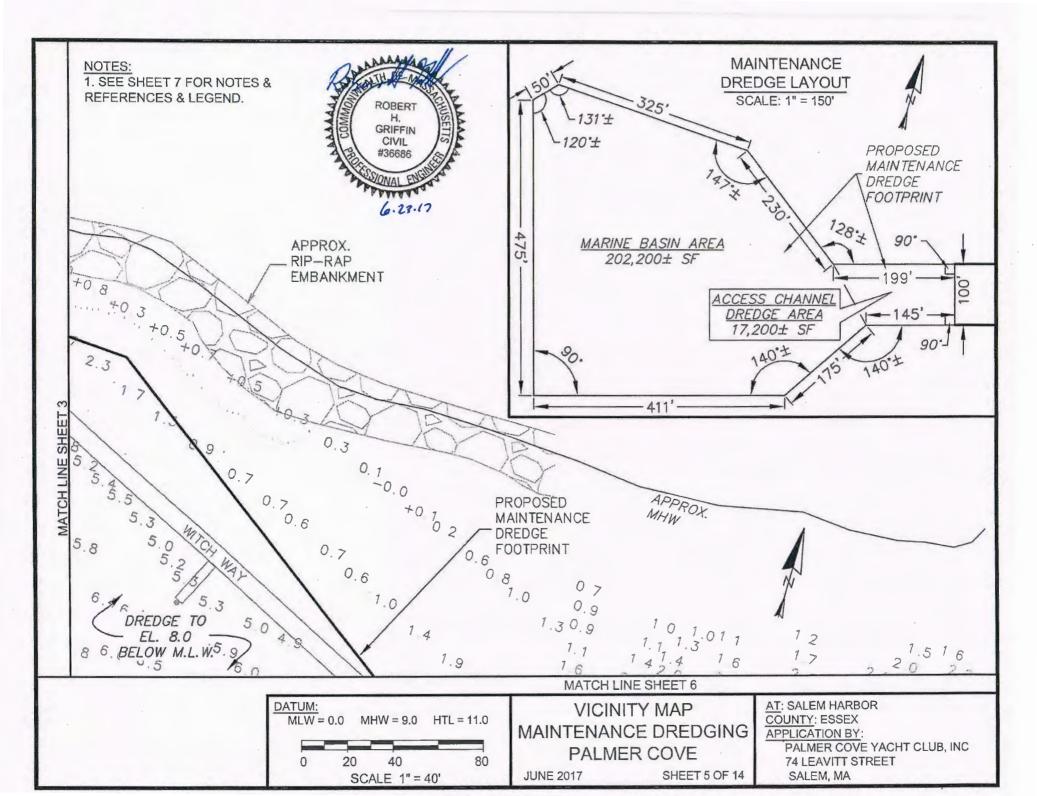
NAME:			
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DATUM: SITE PLAN AT: SALEM HARBOR NOTES: MLW = 0.0 MHW = 9.0 HTL = 11.0 COUNTY: ESSEX 1. SEE SHEET 7 FOR NOTES & MAINTENANCE DREDGING APPLICATION BY: REFERENCES & LEGEND. PALMER COVE PALMER COVE YACHT CLUB, INC 20 40 80 74 LEAVITT STREET SCALE 1" = 40' **JUNE 2017** SHEET 4 OF 14 SALEM, MA MATCH LINE SHEET 3 +1.9 5 2 +1.8 FLOATS **FINGER** +1.8 FLOAT (TYP) (TYP) 3+1 9 MLW MLW MIDDLE STREET SHEET FIBER WOOD 8 GLASS 6.2 5 58 PILE 51.8 PILE MATCH LINE 6 5 (TYP) 5 5 9 4.9 6 0 6 5.0 TREE 60 DREDGE TO 6 EL. 8.0-5 3 5 > BELOW M.L.W 6 5 5 SEE NOTE 6 6.0 5 & 7 ON 3.8+1 6.0 58 5,9 SHEET 6 5 3 SALEM 6. 1 HARBOR 58 SO 5 SOUNDING 60 5 1 (TYP) 0 4 9 6 **PROPOSED** ROBERTS MAINTENANCE 6 0 6.2 4.6 DREDGE 6 .0 FOOTPRINT 3 43 84.04 3 4 5

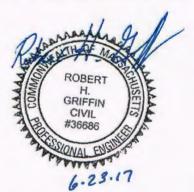


AT: SALEM HARBOR VICINITY MAP NOTES: DATUM: COUNTY: ESSEX MLW = 0.0 MHW = 9.0 HTL = 11.0 1. SEE SHEET 7 FOR NOTES & MAINTENANCE DREDGING APPLICATION BY: REFERENCES & LEGEND. PALMER COVE YACHT CLUB, INC PALMER COVE 20 40 80 74 LEAVITT STREET SCALE 1" = 40' **JUNE 2017** SHEET 6 OF 14 SALEM, MA MATCH LINE SHEET 5 6.2 2.9 6.5 3.3 3.6 4.0 6.6 6.5 4.5 5.0 5 2 5.6 6 2 6.7 . 5 5 9 6. 1 6 6 6 6 . 3 6 6.6 6.6 6.8 6.8 6 7.0 6.9 74 FIBER 7.3 7.0 74 7.5 GLASS 7.3 7.4 7.4 PILE .4 7.4 7.5 75 (TYP) 6.7 4 6.7 7.4 7,5 .8 DREDGE TO WOOD 7.2 7.0 7.6 73 8.0 EL. 76 6.8 PILE 76 BELOW M.L. W. 68 7.0 9 6 7.0 6 3 . 9 ANSION 6 6.4 6 FINGER 7.0 SALEM .8 FLOAT 5 0 6 HARBOR 6 (TYP) 6.6 5 6 6 2 8 6 6.5 6 SHEET 4 ANE 6 6.4 3 5 . 9 6 6 5 2 4 SOUNDING 3.0 6.5 2 6 4 6 5 . 3 2 20 6.4 6 2 0 2.2 7.9 6.2 1 9 6 .0 6. 1 PROPOSED 2.2 2.0 FLOATS 6 6.3 MAINTENANCE (TYP) 6 1.8 5 6.3 DREDGE 9 1.9 **FOOTPRINT** 1.8 5 . 9 5 7.8 1.7 1.8 1.8 17 ROBERT 9 1.8 6.4 H 7.6 7.9 1.8 GRIFFING 1.9 5 CIVIL 1.6 6. 1 1.8 1.8 8 18 2. 1 WONAL EN 1.8 FLOAT 1.9 1.8 6.23.17 1.8 5. 1 5.0 5. 1 . 5. 1 1.7

NOTES & REFERENCES:

- 1. SEE SHEET 14 FOR PILE & FLOAT TABLE.
- 2. PROPOSED HARBOR IMPROVEMENTS MAINTENANCE DREDGING PLAN BY DEP QUALITY **ENGINEERING DATED JULY 1980**
- 3. CH91. WATERWAY LICENSE NO. 5447 APPROVED OCTOBER 15, 1968 FOR SHETLAND PROPERTIES TO CONSTRUCT A STONE DYKE AND PLACE SOLID FILL IN TIDE WATERS OF SALEM HARBOR BY JAMES RYAN (ESRD PLAN 237 OF 1969).
- 4. PROPOSED DREDGING PALMER COVE BY DPW OF MASS - DIV. OF WATERWAYS DATED OCTOBER 1946.
- 5. CH. 91 WATERWAYS LICENSE NO. 749 APPROVED AUGUST 21, 1981 TO MAINTAIN WALLS. TRAVEL LIFT TRACKS AND PILES, RAMP, WALLS, DECKS, STRUCTURES, FLOATS, AND PILES IN PALMER COVE DATED MARCH 3, 1981 (ESRD PLAN 158 OF 1981).
- 6. PERMANENT USE EASEMENT DESCRIBED IN DEED BK. 23391, PG. 232 AND DEPICTED ON PLAN RECORDED WITH DEED BK. 6865, PG. 788
- 7. CH. 91 WATERWAYS LICENSE NO. 2559; APPROVED FEB. 15, 1991.
- 8. THE ELEVATION OF DRILL HOLE "A" ON THE PROJECT MLW DATUM IS 14.26' WHICH IS ELEVATION 8.92' ON THE NAVD88 DATUM.

- 9. HYDROGRAPHIC SURVEY BY STEELE ASSOCIATES MARINE CONSULTANTS, LLC. THE HYDROGRAPHIC SURVEY REPRESENTS CONDITIONS EXISTING ON 07/13/15 AND MAY NOT BE REPRESENTATIVE OF CONDITIONS ON OTHER DATES.
- 10. SINGLE BEAM BATHYMETRIC DATA COLLECTED USING SURVEY VESSEL HAYDEN JANE, AN ODOM ECHOTRACH 200KHZ SONAR, A CODA F175 IMU, A TRIMBLE SPS855 RTK GPS POSITIONING SYSTEM WITH MTS CORRECTIONS, A DIGIBAR S, AND HYPACK 2014 FOR DATA ACQUISITION AND PROCESSING.
- 11. SOUNDING ELEVATIONS ARE NEGATIVE (FEET BELOW 0.0 MLW DATUM) UNLESS NOTED AS POSITIVE.
- 12. THIS PLAN IS NOT TO BE USED TO DETERMINE EXACT PROPERTY LINES.
- 13. PROPOSED MAINTENANCE DREDGING LIMIT, AS SHOWN, IS CONSISTENT WITH AREA IDENTIFIED BY US ARMY CORPS OF ENGINEERING PERMIT NO. MA-SALE-81-096.
- 14. TOTAL PROPOSED DREDGE AREA = 219,400 SQ. FT. TOTAL PROPSOED DREDGE VOLUME = 25,000 CU. YDS. ALL DREDGE AREA & VOL. INCLUDES SIDESLOPES.



 $L \cdot E \cdot G \cdot E \cdot N \cdot D$

--- PROPERTY LINE

CLILLIA BUILDING

SOUNDING

--- EASEMENT

__MLW _ _ _ MEAN LOW WATER

- PROP. MAINTENANCE DREDGE FOOTPRINT

DATUM:

MLW = 0.0 MHW = 9.0 HTL = 11.0

VICINITY MAP MAINTENANCE DREDGING PALMER COVE

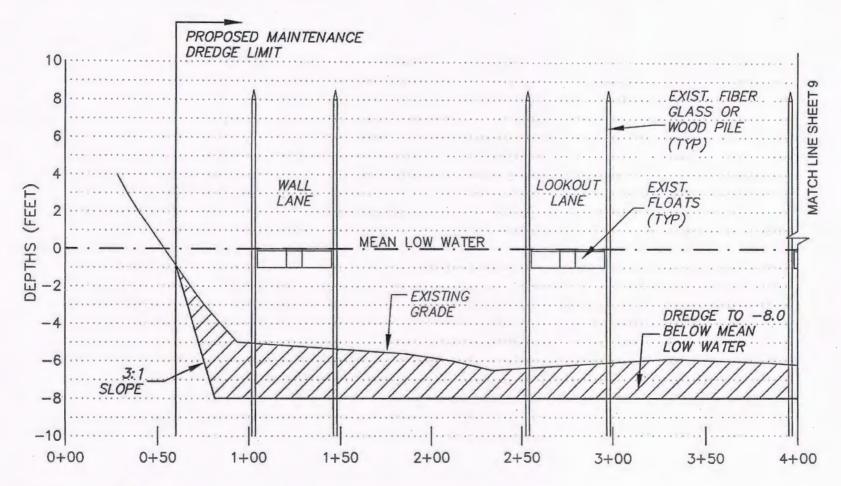
AT: SALEM HARBOR

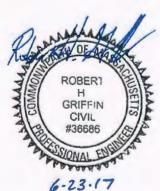
COUNTY: ESSEX APPLICATION BY:

PALMER COVE YACHT CLUB, INC 74 LEAVITT STREET SALEM, MA

JUNE 2017

SHEET 7 OF 14



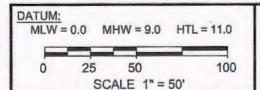




SITE SECTION "A-A"

HORZ, SCALE: 1" = 50' VERTICAL SCALE: 1" = 5' NOTES:

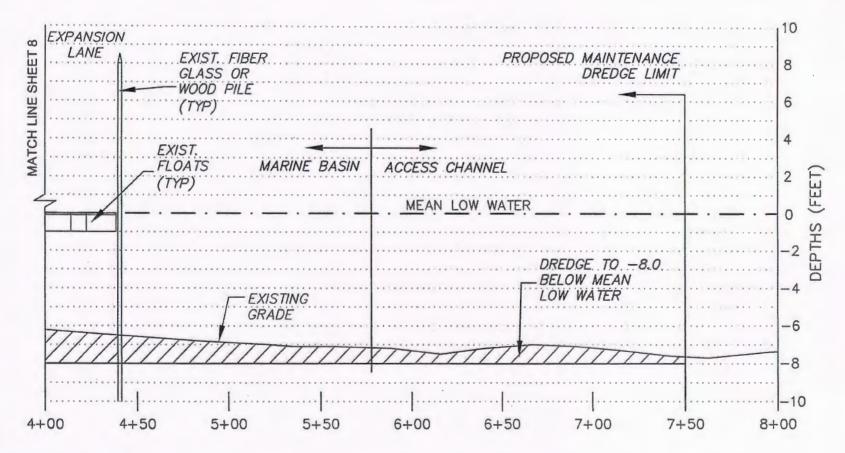
1. SEE SHEET 7 FOR NOTES & REFERENCES & LEGEND.



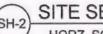
SECTION "A-A" MAINTENANCE DREDGING PALMER COVE

JUNE 2017

SHEET 8 OF 14



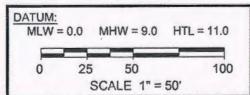




SITE SECTION "A-A".

HORZ. SCALE: 1" = 50' VERTICAL SCALE: 1" = 5' NOTES:

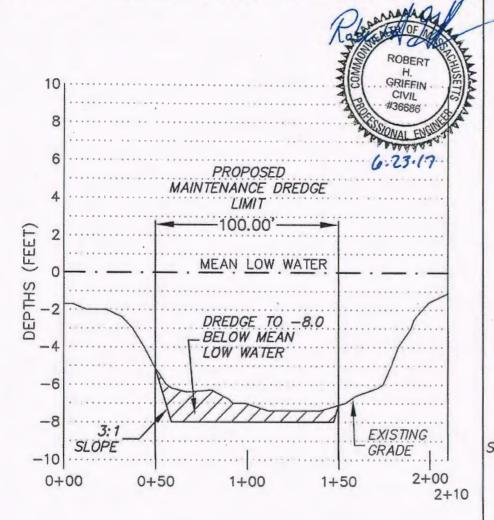
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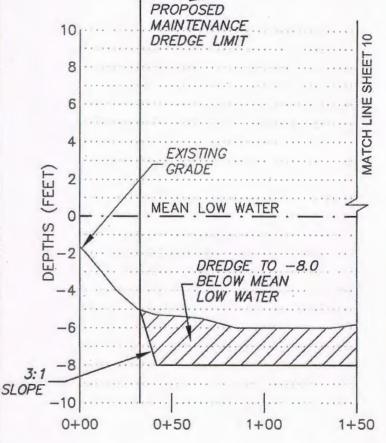


SECTION "A-A" MAINTENANCE DREDGING PALMER COVE

JUNE 2017

SHEET 9 OF 14





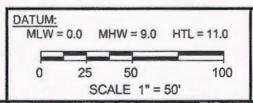
SITE SECTION "B-B" - ACCESS CHANNEL

HORZ. SCALE: 1" = 50' VERTICAL SCALE: 1" = 5' SITE SECTION "C-C" - MARINA BASIN

HORZ. SCALE: 1" = 50' VERTICAL SCALE: 1" = 5'

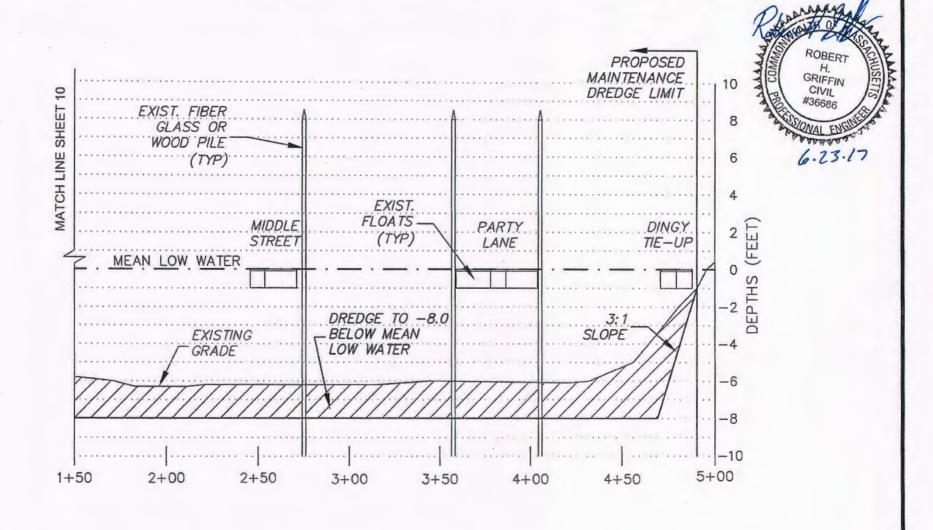
NOTES:

1. SEE SHEET 7 FOR NOTES & REFERENCES & LEGEND.



SECTIONS "B-B" & "C-C"
MAINTENANCE DREDGING
PALMER COVE

JUNE 2017 SHEET 10 OF 14



SH2 SITE SECTION "C-C" - MARINA BASIN

HORZ. SCALE: 1" = 50'

VERTICAL SCALE: 1" = 5'

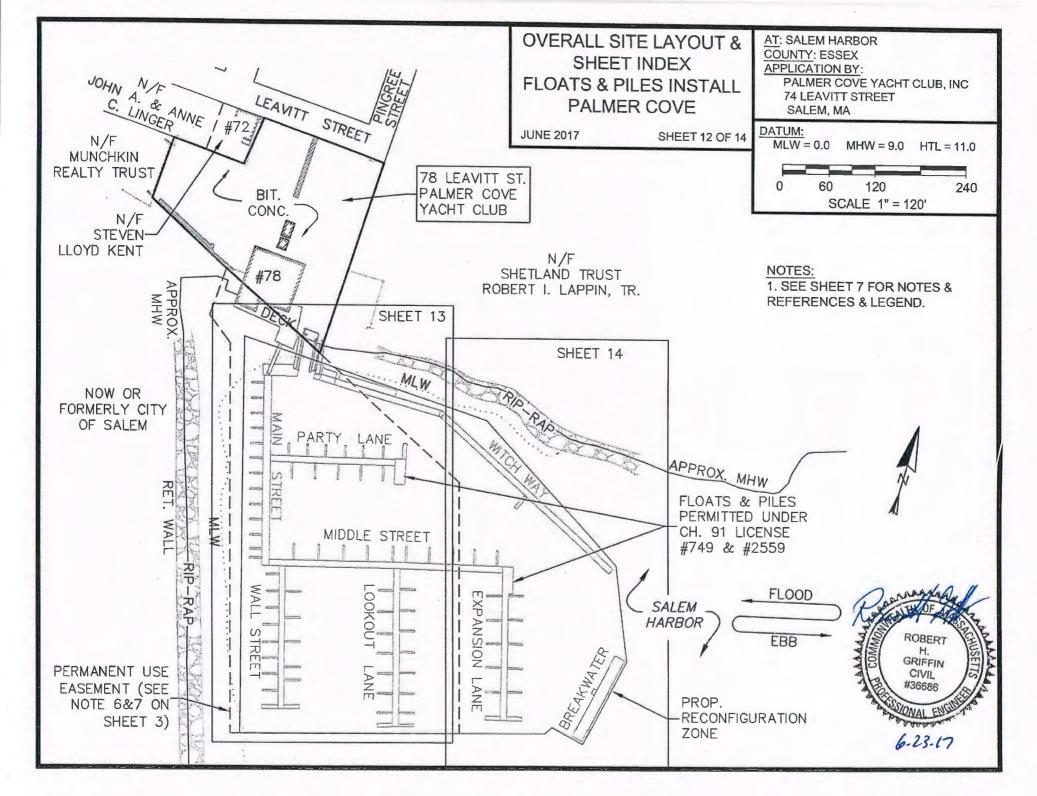
NOTES:

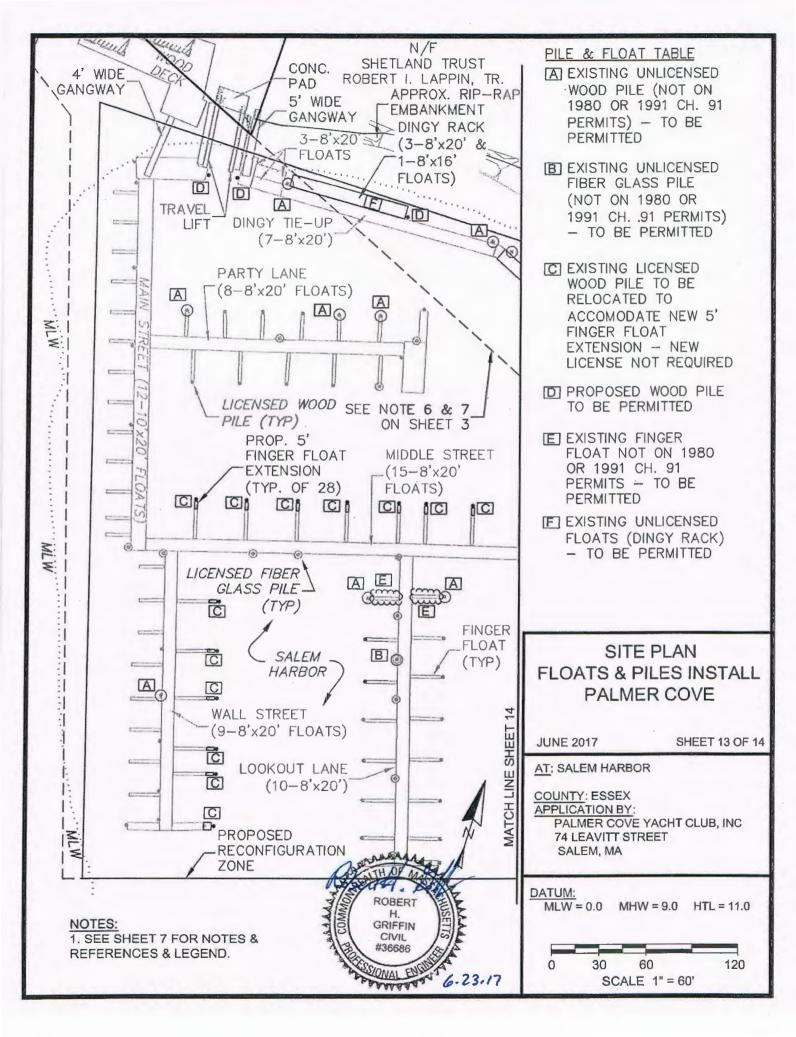
1. SEE SHEET 7 FOR NOTES & REFERENCES & LEGEND.

DATUM: MLW = 0.0 MHW = 9.0 HTL = 11.0 0 25 50 100 SCALE 1" = 50'

SECTION "C-C" MAINTENANCE DREDGING PALMER COVE

JUNE 2017 SHEET 11 OF 14





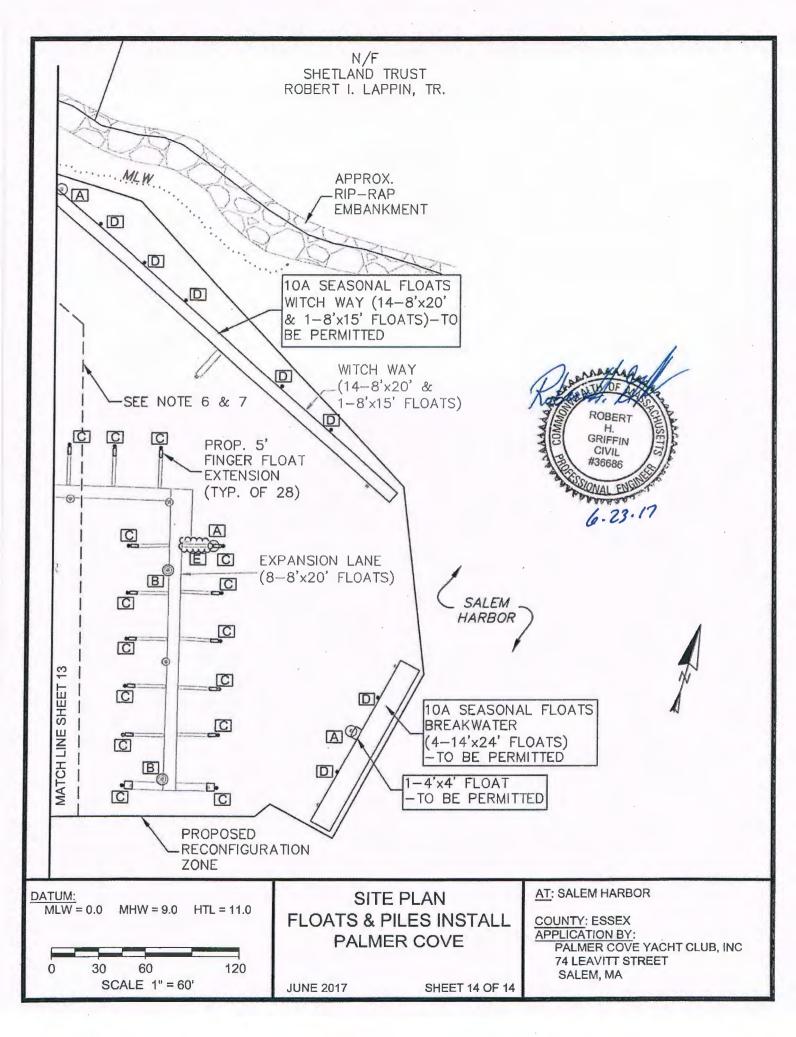


TABLE 1 Permitted Vs. Proposed Structure Summary Palmers Cove Yacht Club Salem, MA

Location	Main Piers								Finger Piers				Finger Pier Extension				Piles						
	Permitted					Exisiting			Permitted			Exisiting			Proposed			Permitted	Existing	Propose			
		Floats		Pi	ier		Floats		Pi	er				·								LXBIII	
	Number	Width	Length	Length	Area	Number	Width	Length	Length	Area	Number	Width	Area	Number	Width Length	Area	Number	Width	Extended	Area	Number	Number	Numbe
Dingy Tie up	7	8	20	140	1120	7	8	20	140	1120	0			0							0	2	2
Float at Ramp	1	27.7	14.6	14.6	404.42	3	8	20	60	480													
Main Street	12	10	20	240	2400	12	10	20	240	2400	. 14	2X20	560	13	2X16	416					13	6	1
Float at Ramp	1	28	15	15	420	1	32	15	15	480				6	2X16	192							
Party Lane	8	8	20	160	1280	8	8	20	160	1280	11	2X20	440	5	2X20	200					12	15	0
Float at End	1	32.5	14.5	14.5	471.25	1	33	15	15	495	1	5X20	100	1	5X20	100							=
Middle Street	15	8	20	300	2400	15	8	20	300	2400	10	2X20	400	9	2X20	360	9	2	5	90	17	16	0
Float at End	1	34	14	14	476	1	35	14	14	490				1	4X20	80	1	4	5	20			
Wall Street	9	8	20	180	1440	9	8	20	180	1440	14	2X20	560	3	2X16	96	0	2	5	0	11	12	0
														10	2X20	400	5	2	5	50			
											2	5X20	200	2	5X20	200	1	5	5	25			-
Lookout Lane	10	8	20	200	1600	10	8	20	200	1600	12	2X20	480	12	2X20	480					18	21	0
											2	5X20	200	2	2X20 5X20	100							_
											_	JAZO	200	1	4X20	80					-		
Expansion Lane	8	8	20	160	1280	8	8	20	160	1280	11	2X20	440	6	2X20	240		2	5	60	11	15	0
expansion tane	0	0	20	100	13291.7	•	٥	20	Subtotal	13465	11	2320	440	2	5X20	200	6	5	5	50	11	15	1
	Sectio	n 10A flo	ats and t	Jnpermit	ted Float:	Applying	for Lice	nse						4	3X20	240	4	3	5	60			
Witch Way						14	8	20	280	2240	1	8X20	160	1	4X20	80					2	3	6
						1	8	15	15	120													
Break Water					-	4	14	24	96	1344			-								2	3	3
						1	4	4	4	16													
Dingy Rack						3	8	20	60	480													0
						. 1	8	16	15 Subtotal	128 4328													
									Subtotal	4328													
	Number			Length	Area	Number			Length	Area	Number		Area	Number		Area	Number			Area	Number	Number	Numb
Totals	73			1438.1	13291.7	99			1955	17777	77		3540	79		3544	28			355	86	93	12

	Permited	Existing & Proposed	Difference	Total Additional Area To Be Licensed
Area of Floats	13292	17777	4485	
Area of finger Piers	3540	3899	359	1000
Piles	86	105	19	4863
{Piles	are 12" diamete	r, area equals 1 ft	2)	