



PUBLIC NOTICE

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

Comment Period Begins: 8 August 2017
Comment Period Ends: 8 September 2017
File Number: NAE-2016-01773
In Reply Refer To: Phillip Nimeskern
Phone: (978) 318-8660
E-mail: phillip.w.nimeskern@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Mildred Bowler and Jack Gillon, 105 River Street, Weymouth, Massachusetts, 02191. This work is proposed in Weymouth Back River at Back River Road, Weymouth, Massachusetts. The site coordinates are: Latitude 42.25405°, Longitude -70.9334°.

The work involves constructing and retaining a 6' by 20' wooden pile and timber pier, a 20' long gangway with a 6' by 60' pile secured float (1.5 to 2.5 feet over bottom). Float stops on the piles will keep the float at a minimum height of 2.5' MLW. The pier will cross 13 linear feet of salt marsh. The bottom of the pier will be 5 to 7 feet above the surface of the marsh. This structure will provide waterway access for two adjacent residence properties.

The work is shown on the attached plans entitled "Back River Road, Weymouth, Massachusetts" on 5 sheets, and not dated.

The applicants have redesigned their project to avoid crossing a wider section of saltmarsh and to minimize the area of saltmarsh that will be shaded by the pier.

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 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

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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 0.011 acres of Essential Fish Habitat (*EFH*) for those species listed on the attached table. This habitat consists of subtidal estuarine. Loss of this habitat may adversely affect these species. 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.

COASTAL ZONE MANAGEMENT

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:

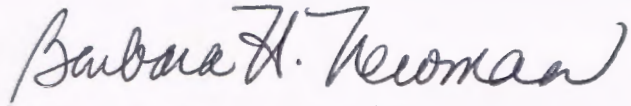
- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 Phillip Nimeskern at (978) 318-8660, (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 H. 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.

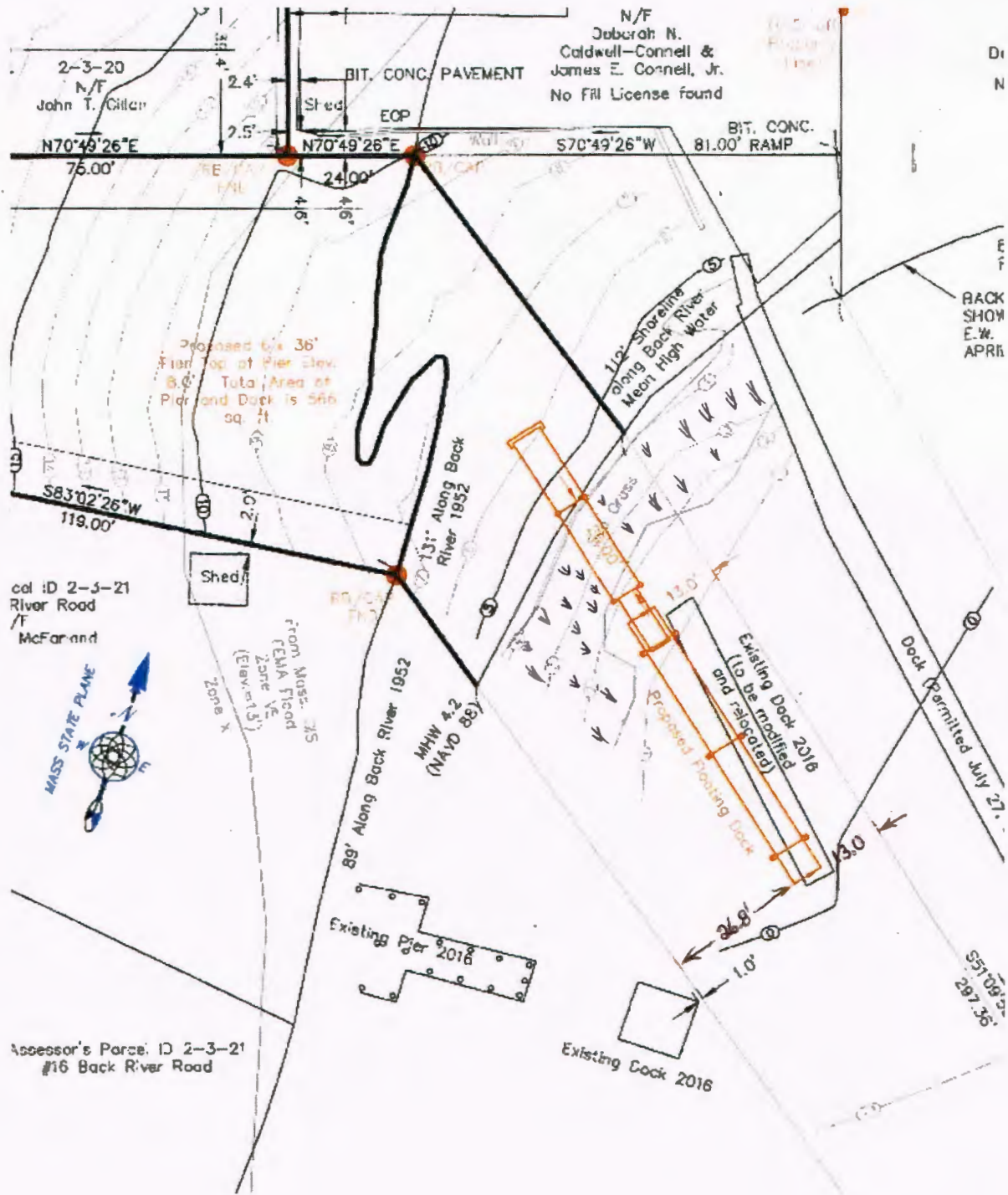
NAME: _____

ADDRESS: _____

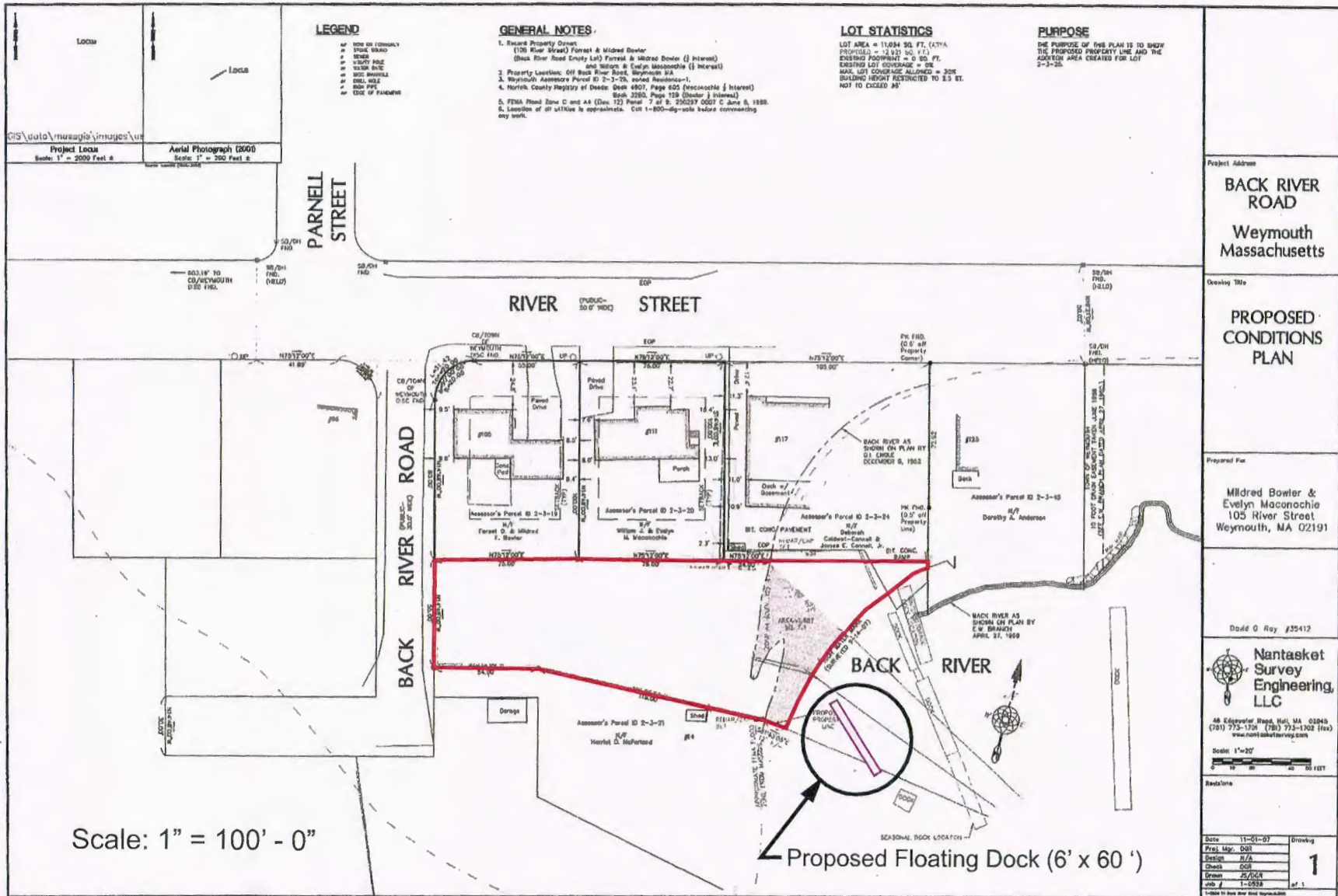
PHONE: _____

Essential Fish Habitat for NAE-2016-1773 Mildred Bowler and Jack Gillon

Species	Scientific Name	Life Stage				
		Eggs	Larvae	Juvenile	Adult	All Life Stages
American plaice	<i>Hippoglossoides platessoides</i>					x
Atlantic butterfish	<i>Peprilus triacanthus</i>	x	x			
Atlantic cod	<i>Gadus morhua</i>					x
Atlantic halibut	<i>Hippoglossus hippoglossus</i>					x
Atlantic herring	<i>Clupea harengus</i>					x
Atlantic mackerel	<i>Scomber scombrus</i>					x
Atlantic wolffish	<i>Anarhichas lupus</i>					x
Black sea bass	<i>Centropristis striata</i>			x	x	
Bluefin tuna	<i>Thunnus thynnus</i>				x	
Bluefish	<i>Pomatomus saltatrix</i>			x	x	
Haddock	<i>Melanogrammus aeglefinus</i>	x	x			
Little skate	<i>Leucoraja erinacea</i>			x	x	
Long-finned squid	<i>Doryteuthis pealeii</i>			x	x	
Ocean pout	<i>Macrozoarces americanus</i>					x
Pollock	<i>Pollachius virens</i>					x
Red hake	<i>Urophycis chuss</i>	x		x	x	
Scup	<i>Stenotomus chrysops</i>			x	x	
Sea scallop	<i>Placopecten magellanicus</i>					x
Silver hake or Whiting	<i>Merluccius bilinearis</i>					x
Spiny dogfish	<i>Squalus acanthias</i>				x	
Surf clam	<i>Spissula solidissima</i>					x
White hake	<i>Urophycis tenuis</i>					x
White shark	<i>Carcharodon carcharias</i>					x
Windowpane flounder	<i>Scophthalmus aquosus</i>					x
Winter flounder	<i>Pseudopleuronectes americanus</i>					x
Winter skate	<i>Leucoraja ocellata</i>			x		
Yellowtail flounder	<i>Limanda ferruginea</i>					x



Scale: 1" = 30' - 0"



LEGEND

- BOUNDARY
- EXISTING DRIVE
- EXISTING ROAD
- EXISTING SIDEWALK
- EXISTING UTILITY
- EXISTING FENCE
- EXISTING WALL
- EXISTING CURB
- EXISTING DRIVE
- EXISTING SIDEWALK
- EXISTING UTILITY
- EXISTING FENCE
- EXISTING WALL
- EXISTING CURB

GENERAL NOTES

1. Record Property Deed (105 River Street) Forest & Mildred Bowler (Back River Road Easement Lot) Forest & Mildred Bowler (3 Interest) and Wilson & Evelyn Macconchie (3 Interest)
2. Property Location: Off Back River Road, Weymouth MA
3. Weymouth Assessor Parcel ID 2-3-20, noted Assessor=1.
4. Norfolk County Registry of Deeds: Deed 4907, Page 655 (Macconchie 3 Interest) Book 2250, Page 159 (Bowler 3 Interest)
5. FEMA Flood Zone C and AE (Dec. 72) Panel 7 of 8, 250287 0007 C June 8, 1988.
6. Location of all utilities is approximate. Call 1-800-45-SCALE before commencing any work.

LOT STATISTICS

LOT AREA = 11,084 SQ. FT. (1/4 AC)
 PROPOSED = 2,120 SQ. FT.
 EXISTING FOOTPRINT = 0 SQ. FT.
 EXISTING LOT COVERAGE = 0%
 MAX. LOT COVERAGE ALLOWED = 20%
 BUILDING HEIGHT RESTRICTED TO 2.5 ST.
 NOT TO EXCEED 35'

PURPOSE

THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED PROPERTY LINE AND THE ADDITION AREA CREATED FOR LOT 2-3-20.

Project Address
BACK RIVER ROAD
 Weymouth
 Massachusetts

Drawing Title
PROPOSED CONDITIONS PLAN

Prepared For
 Mildred Bowler & Evelyn Macconchie
 105 River Street
 Weymouth, MA 02191

David O. Roy #35412

Nantasket Survey Engineering, LLC

48 Edgewater Road, Natl, MA 02045
 (781) 775-1700 (781) 773-1002 (fax)
 www.nantassket.com

Scale: 1"=20'

Date	11-01-07	Drawing	1
Proj. Mgr.	DOR		
Design	N/A		
Check	DOB		
Drawn	DO/DOA		
Job #	1-0228	of 1	

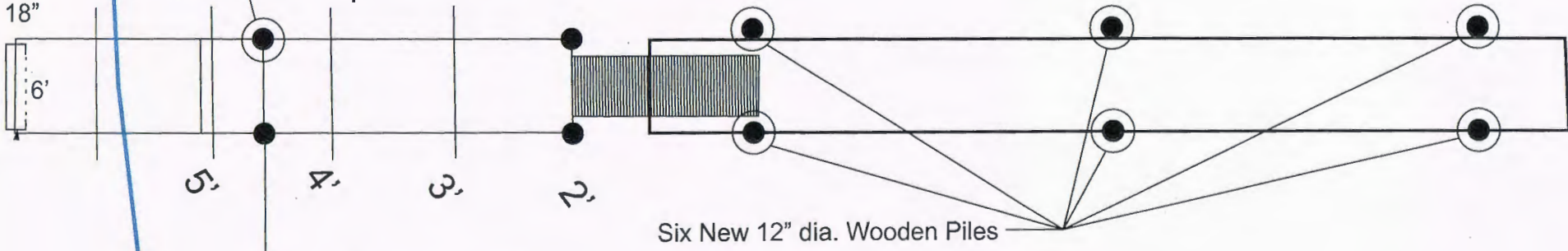
High Water

Four New 12" dia. Wooden Piles

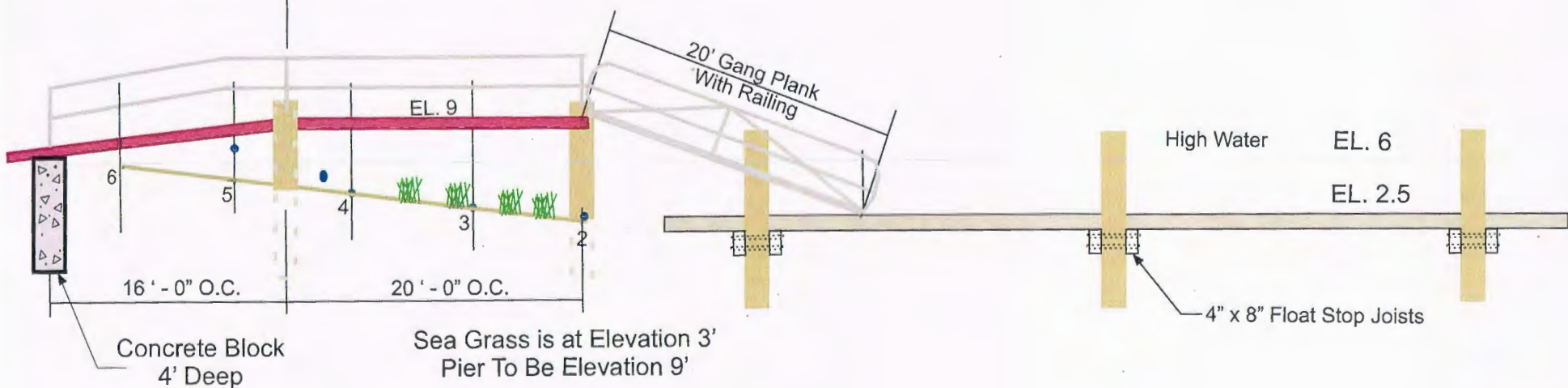
Scale: 1" = 10' - 0"

A (See Next Page)

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Six New 12" dia. Wooden Piles



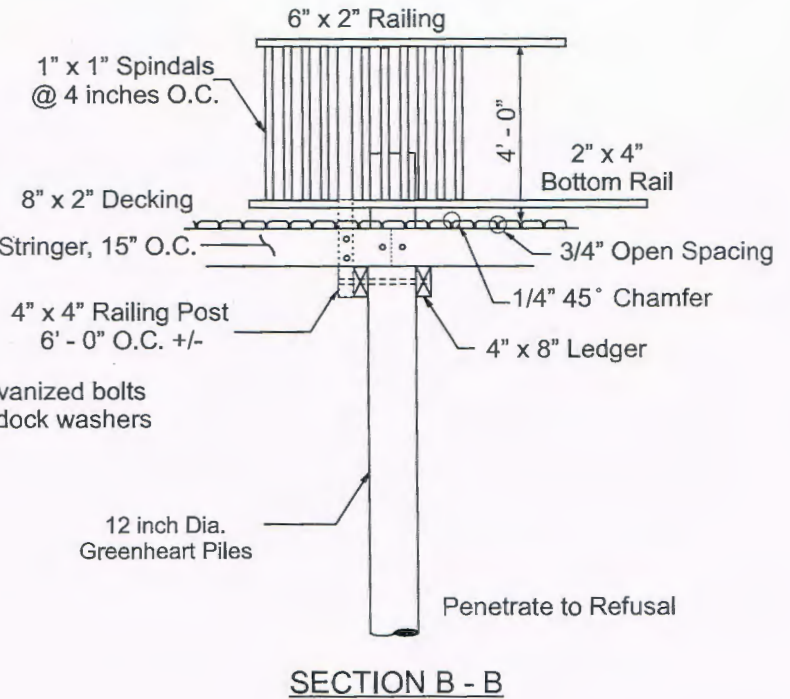
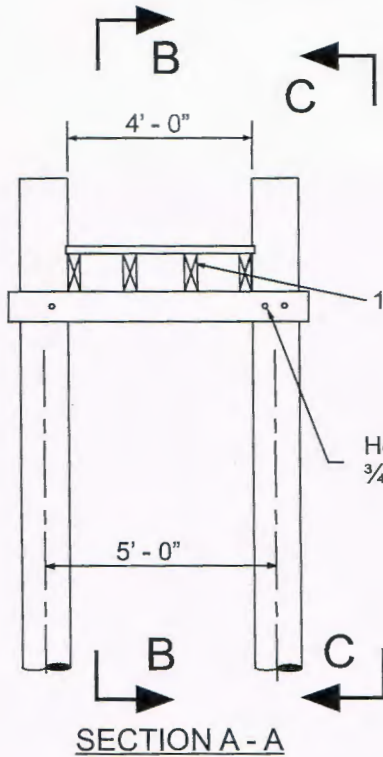
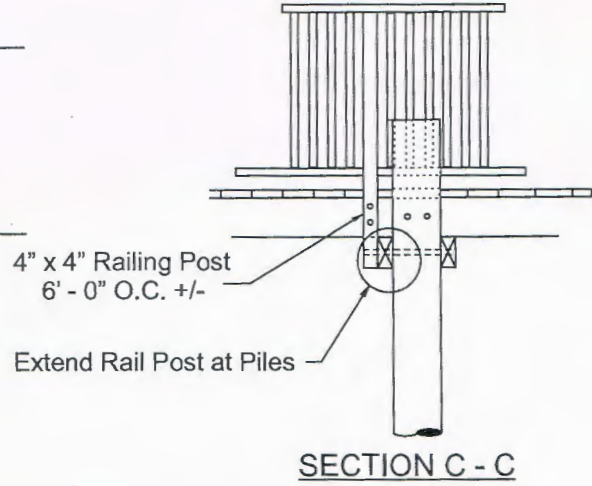
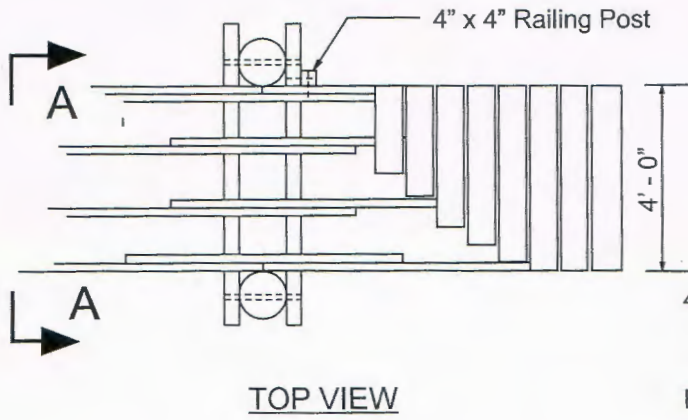
Concrete Block
4' Deep

Sea Grass is at Elevation 3'
Pier To Be Elevation 9'

High Water EL. 6

EL. 2.5

4" x 8" Float Stop Joists



John R. Gillon

PIER FRAMING PLAN

SCALE: 1" = 4' - 0"