



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

PUBLIC NOTICE

Comment Period Begins: August 10, 2016
Comment Period Ends: September 9, 2016
File Number: NAE-1998-02651
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 from **The Town of Provincetown**. This work is proposed in **Provincetown Harbor, at 260 Main Street, Provincetown, Massachusetts**. The site coordinates are: Latitude 42.050 N and Longitude -70.1837.

The work involves the following proposed work:

Wave Attenuators

A 600' foot long attenuator is positioned to the northeast of the marina and a 200 foot long attenuator is positioned on the southwest side of the marina immediately adjacent to the MacMillan Pier. Each attenuator will be comprised of modular heavy duty concrete floats approximately 14 feet wide connected lengthwise to form a continuous flexible barrier and each unit weighs approximately 90,000 pounds. The connections between units are high strength and flexible to provide a continuous attenuator capable of accommodating the anticipated wave conditions. The attenuators will float through all stages of the tide and have a draft of 4 feet and a freeboard of 2 feet. The attenuators will be moored in position using steel pipe piles spaced at approximately 30 feet on center. The mooring piles will be designed to survive 100 year storm conditions and will be 36 inch diameter steel pipe. The proposed North attenuator will also provide transient berthing for approximately six larger fishing vessels.

Float Layout

The marina float layout matches the current berthing arrangement with the following modifications:

1. The North Dock main float is extended in length from 271 feet long to 358 feet long. This will allow a connection to the north attenuator which will then be used for additional transient berthing. Transient berthing is currently provided on the out shore (northern) ends of the north and south docks and on the T-head of Macmillan Wharf. The extended North Dock will have (3) additional 5' x 30' finger floats in order to provide an additional four slips for smaller vessels. In addition (4) 5' x 30' dinghy dock finger floats are proposed in order to create docking space.
2. The South Dock main float remains in the same footprint out shore but the length will be reduced from 281 feet overall to 275 feet. The reduction in length is to accommodate the south attenuator alongside the MacMillan Wharf. The finger float layout on the South Dock is revised and there will be one less finger on the South Side. This change is to accommodate the wider beam boats that are becoming more common.

The existing marina currently provides designated slips for up to 39 commercial vessels. The revised marina layout will provide designated slips for up to 44 boats and transient berthing for up to 6 larger commercial fishing vessels. Marina construction will consist of concrete main floats with timber finger floats. The concrete main floats will be 10 feet wide with a 2 foot freeboard and 2 foot draft. All utilities will be similar to the existing and will be located on the concrete main floats. Timber finger floats will allow for seasonal removal of the fingers from portions of the marina in order to reduce maintenance requirements during winter storms but some portions of the marina will remain in use year round. See the table below for a summary comparison of the existing and proposed marina.

	Existing Marina		Proposed Marina	
North Dock				
Main Float	271' x 8'	2,168 SF	358' x 10'	3,580 SF
Finger Floats	7 -40' x 6'	1,680 SF	7 -40' x 6'	1,680 SF
			2 -30' x 5'	300 SF
Dinghy Docks			4 -30' x 5'	600 SF
South Dock				
Main Float	281' x 8'	2,248 SF	275' x 10'	2,750 SF
	50' x 8' "L dock"	400 SF		
Finger Floats	14-40' x 6'	3,360 SF	7 -40' x 6'	1,680 SF
			7 -45' x 6'	1,890 SF
Attenuators				
North			600' x 14'	8,400 SF
South			200' x 14'	2,800 SF
		9,856 SF		23,680 SF

Dredging

Fairway

The Town is proposing to maintenance dredge approximately 3754 cubic yards of sand from a 39,605 square foot area to a depth of -6 feet below mean low water (MLW) inshore to -10 feet MLW outshore. This total also includes a 1 foot over dredge allowance and the total volume is 3,760 cubic yards. The Town is also seeking authorization to perform repeat maintenance dredging of up to 500 cubic yards of this area on an as needed basis due to historic shoaling rates.

Marina Basin

Deepening of the areas below the floating attenuators (improvement dredging) to ensure sufficient depth at all times to prevent grounding.

The Town is proposing to maintenance dredge approximately 3,350 cubic yards of sand from a 30,870 square foot area to a depth of -9 feet below mean low water (MLW) this includes a 1 foot over dredge. Of this 30,870 square feet, 17,770 square feet is within the marina maintenance dredging footprint and 13,100 square feet is footprint expansion. See Chart below for a complete summary of the dredging.

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Section of Project	Type	Area (SF)	Volume (CY)	Total volumes (CY)
Fairway	Maintenance	39,605	3,754	3,754
Marina	<u>Maintenance</u>	3,750	298	3,350
	Improvement by deepening	17,770 30,870	3,052	
	Improvement (new footprint)	13,100		
Totals for Project	Maintenance Improvement	43,355 30,870		7,104

All of the dredge material will be disposed of at an approved upland site; most likely the Town's compost.

The Town is proposing to use the "T" at the end of MacMillan Wharf for multi-purposes such as adaptable public space for a variety of community uses and events. Its current permitted use is to provide safe access for commercial fishing, whale watch and excursion vessel boarding and offloading of passengers, pedestrian walking and the Harbormaster's office.

Unauthorized Work – The following are currently existing but unauthorized structures on the wharf that are proposed to be retained:

1. To retain and maintain three 8' x 12' sheds located on floats belonging to the Center for Coastal Research (4W), and the Dolphin Fleet (3W & 5W).
2. To retain and maintain a 12' x 42' float located at Noah Santos (8W).
3. The addition of five 4' x 12' floats off MacMillan Wharf for dinghy use and for swimming.
4. To retain and maintain six artist shacks.
5. To retain and maintain the Harbormaster's office in its current location.
6. To retain and maintain a public restrooms next to the Harbormaster's office
7. To retain and maintain the gazebo and sitting area for ferry.
8. To retain and maintain overshadess and benches located on MacMillan Wharf.
9. To retain and maintain 11 parking spaces for fee for users having essential business on the pier and no public parking will be allowed.
10. To retain and maintain a 3' x 8' gangway leading to a 14' x 40' float which was built larger than previously permitted.

The work is shown on the attached plans entitled "EXISTING CONDITIONS-MARINA", "EXISTING CONDITIONS-FAIRWAY", "PROPOSED CONDITIONS MARINA DREDGING", "PROPOSED SECTIONS", "PROPOSED CONDITIONS MARINA DREDGING", "PROPOSED CONDITIONS FAIRWAY DREDGING", "PROPOSED DREDGE SECTION", "DREDGE QUANTITIES", "PIER DECK PLAN-SHT 1-2", "UNAUTHORIZED DREDGE AREA" and "MARINA DEWATERING DETAILS" on sheets 1-10 and 12-14, and dated "10/20/15."

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 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).

The entire project both structures and dredging will impact approximately 97,905 SF of Essential Fish Habitat (EFH) for those species listed on the table below. Habitat at this site can be described as a fine sand. Loss of this habitat may adversely affect the same species as shown on the table below. 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.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)	X	X	X	X
haddock (<i>Melanogrammus aeglefinus</i>)			X	X
whiting (<i>Merluccius bilinearis</i>)	X	X	X	X
red hake (<i>Urophycis chuss</i>)	X	X	X	X
winter flounder (<i>Pleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Pleuronectes ferruginea</i>)			X	X
windowpane flounder (<i>Scopthalmus aquosus</i>)				X
American plaice (<i>Hippoglossoides platessoides</i>)			X	X
ocean pout (<i>Macrozoarces americanus</i>)	X	X		X
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)	X	X	X	X
Atlantic sea scallop (<i>Placopecten magellanicus</i>)	X	X	X	X
Atlantic sea herring (<i>Clupea harengus</i>)		X	X	X
monkfish (<i>Lophius americanus</i>)	X	X		X
bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealei</i>)	n/a	n/a	X	X
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a	X	X
Atlantic butterfish (<i>Peprilus triacanthus</i>)	X	X	X	X
Atlantic mackerel (<i>Scomber scombrus</i>)	X	X	X	X
summer flounder (<i>Paralichthys dentatus</i>)	X	X		X
scup (<i>Stenotomus chrysops</i>)	n/a	n/a	X	X
black sea bass (<i>Centropristus striata</i>)	n/a			X
surf clam (<i>Spisula solidissima</i>)	n/a	n/a	X	X
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a	X	X
blue shark (<i>Prionace glauca</i>)				X
bluefin tuna (<i>Thunnus thynnus</i>)			X	X

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 may affect - 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:

- (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.

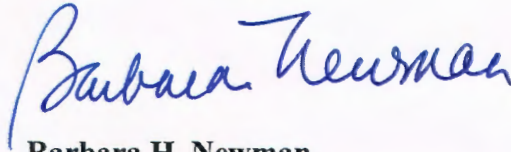
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Crystal Gardner at (978) 318-8332, (800) 343-4789 or (800) 362-4367, if calling 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.

CENAE-R
FILE NO. NAE-1998-02651

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.

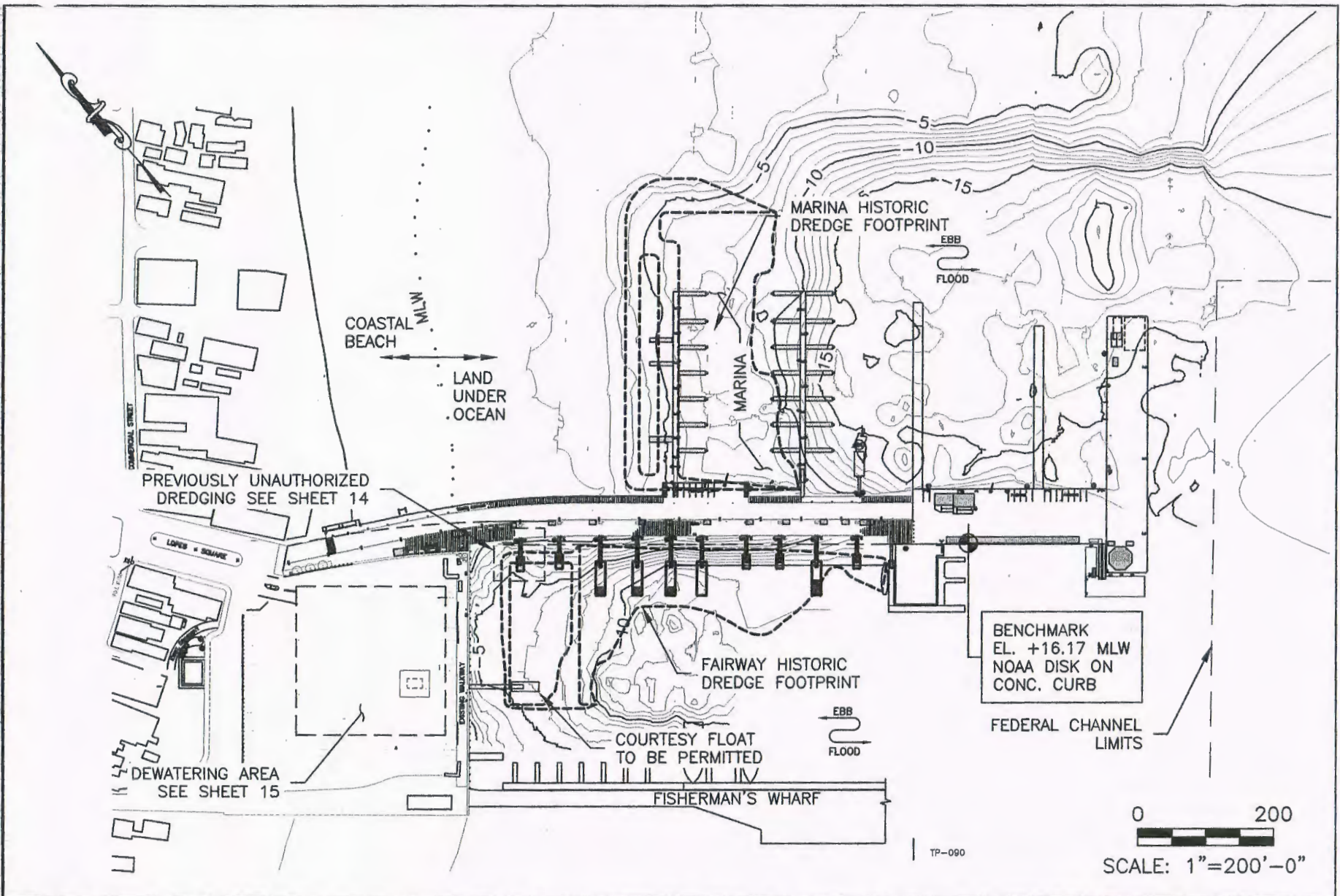
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ADDRESS: _____
PHONE: _____


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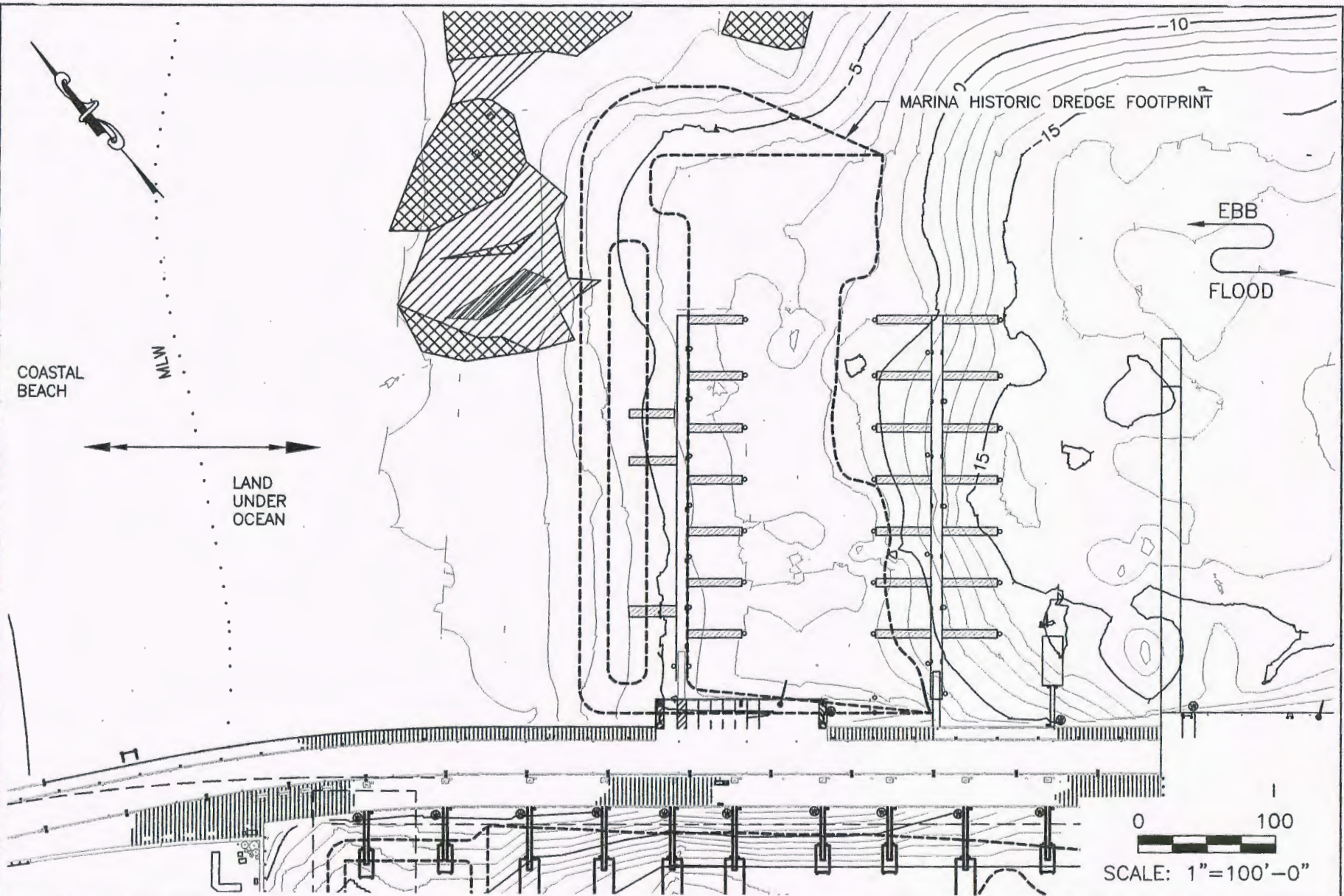
PURPOSE: MARINA RECONSTRUCTION	TITLE: LOCUS PLAN	APPLICATION BY: TOWN OF PROVINCETOWN
100 YR FLOOD +18.95 HTL +11.60 MHW +9.3 NGVD +4.10 MLW 0.0		IN: PROVINCETOWN AT: MACMILLAN WHARF COUNTY: BARNSTABLE STATE: MA SHEET 1 OF 15 DATE: 10/20/15

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100 YR FLOOD +18.95 HTL +11.60 MHW +9.3	NGVD +4.10 MLW 0.0	TITLE: SITE PLAN	IN: PROVINCETOWN AT: MACMILLAN WHARF COUNTY: BARNSTABLE STATE: MA
 Bourne Consulting Engineering, PC <small>3 West Street Franklin, MA 01902 TEL: (508) 533-0000 FAX: (508) 533-0000</small>		PURPOSE: MARINA RECONSTRUCTION	APPLICATION BY: TOWN OF PROVINCETOWN
		SHEET 2 OF 15 DATE: 10/20/15	

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100 YR FLOOD	+18.95	NGVD	+4.10
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MHW	+9.3		

TITLE: **EXISTING CONDITIONS—MARINA**

IN: **PROVINCETOWN**
 AT: **MACMILLAN WHARF**
 COUNTY: **BARNSTABLE** STATE: **MA**

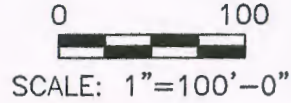
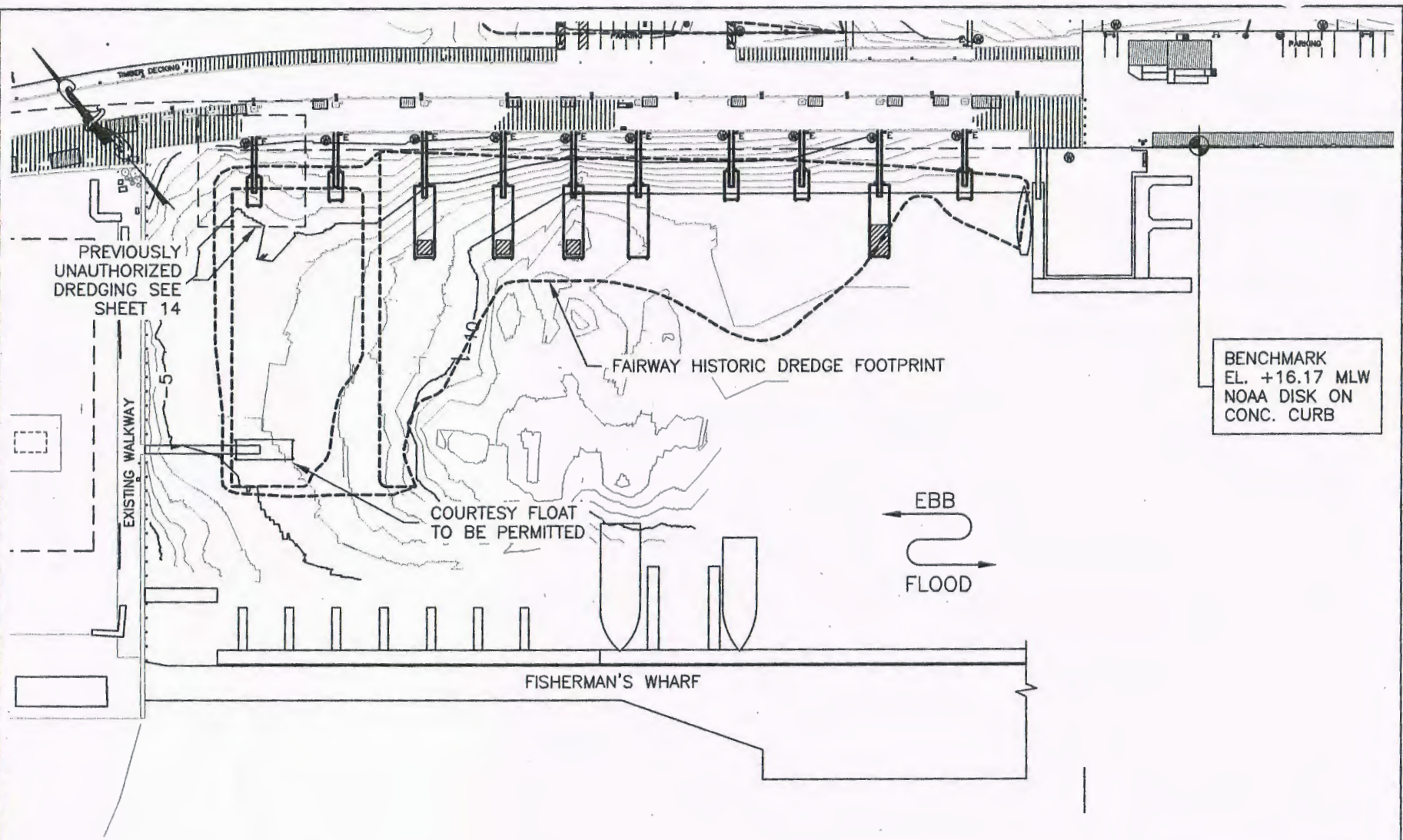
BCE Bourne Consulting Engineering, PC
 3 East Street
 Provincetown, MA 01960
 TEL. (508) 533-0000 FAX (508) 533-0000

PURPOSE:
MARINA RECONSTRUCTION

APPLICATION BY:
TOWN OF PROVINCETOWN

SHEET **3** OF **15**
 DATE: **10/20/15**

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MHW	+9.3		

TITLE: **EXISTING CONDITIONS—FAIRWAY**

IN: **PROVINCETOWN**
 AT: **MACMILLAN WHARF**
 COUNTY: **BARNSTABLE** STATE: **MA**

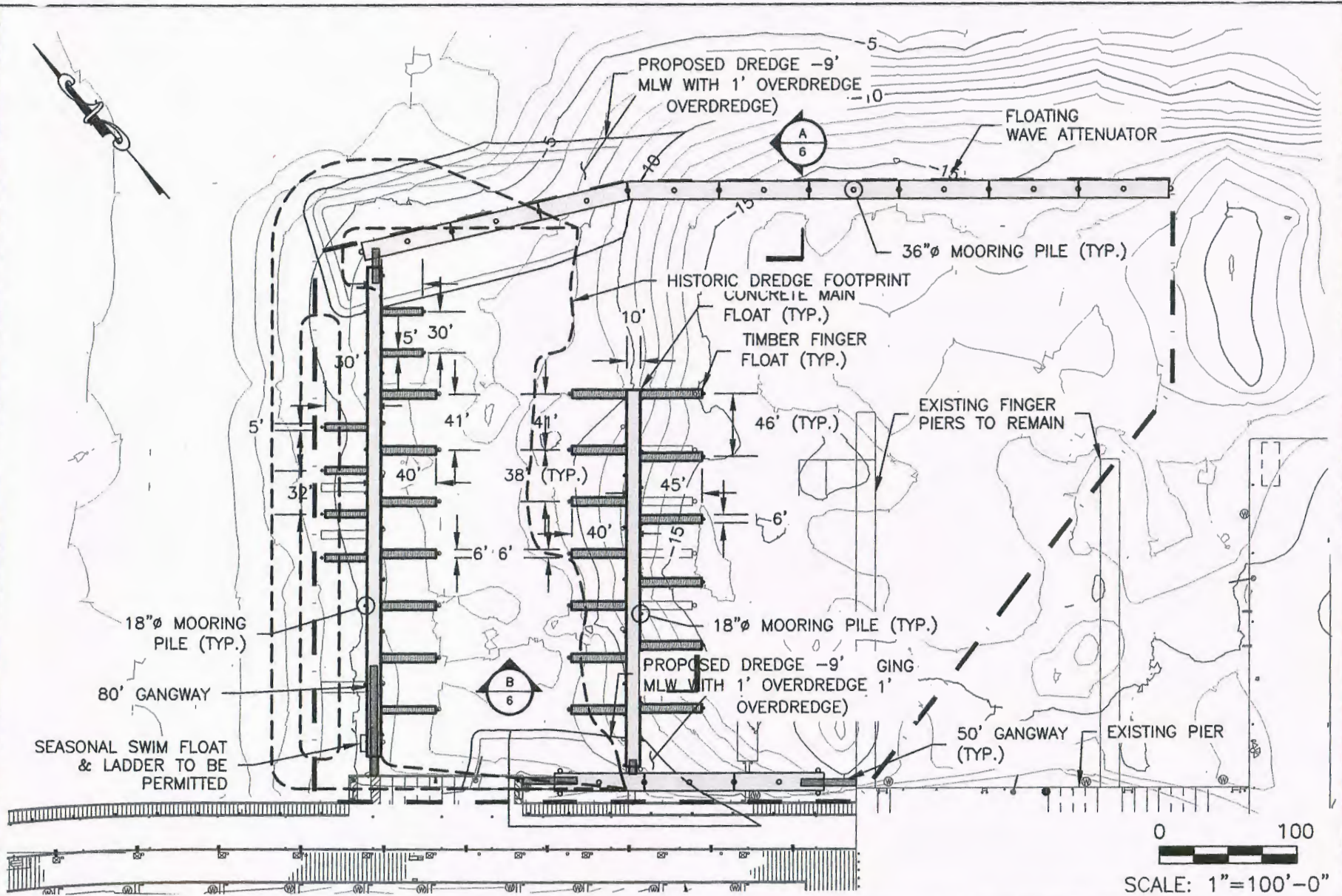
BCE Bourne Consulting Engineering, PC
 3 Dool Street
 Provincetown, MA 01995
 TEL. (508) 533-0000 FAX. (508) 533-0000

PURPOSE:
MARINA RECONSTRUCTION

APPLICATION BY:
TOWN OF PROVINCETOWN

SHEET **4** OF **15**
 DATE: **10/20/15**

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MHW	+9.3		

TITLE: **PROPOSED CONDITIONS MARINA DREDGING**

IN: **PROVINCETOWN**
 AT: **MACMILLAN WHARF**
 COUNTY: **BARNSTABLE** STATE: **MA**

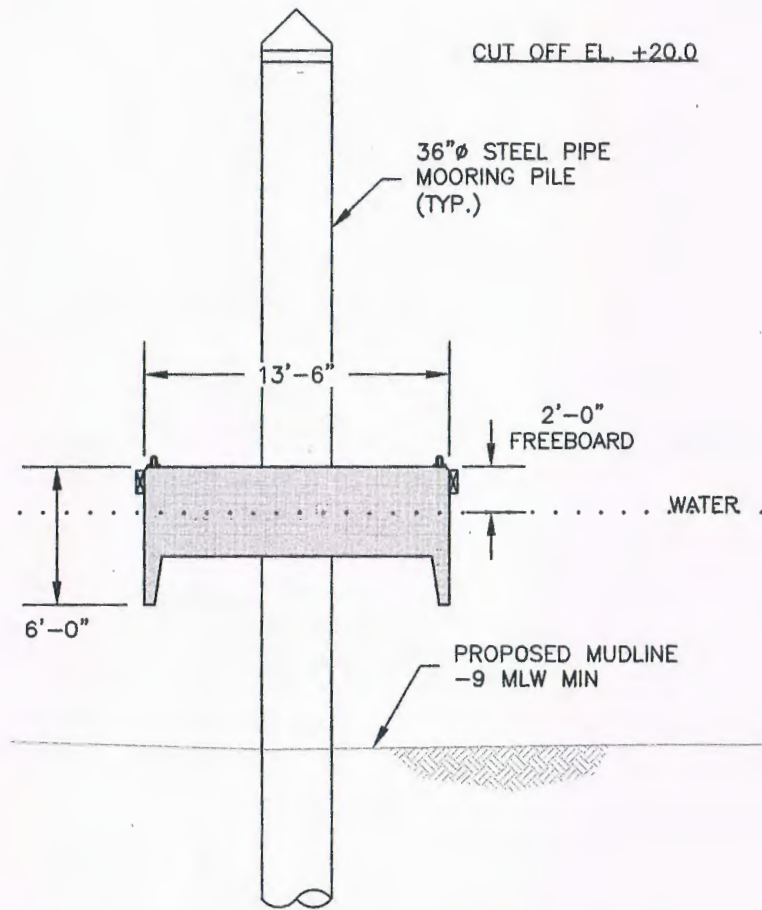
BCE Bourne Consulting Engineering, PC
 9 Post Street
 Provincetown, MA 01960
 TEL. (508) 553-0980 FAX. (508) 553-0980

PURPOSE:
MARINA RECONSTRUCTION

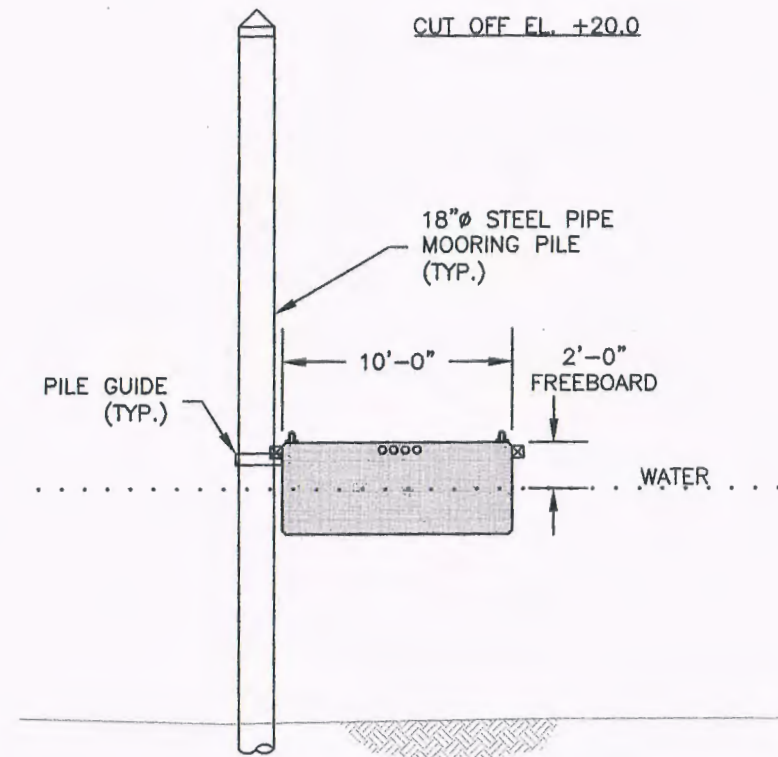
APPLICATION BY:
TOWN OF PROVINCETOWN

SHEET **5** OF **15**
 DATE: **10/20/15**

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WAVE ATTENUATOR-SECTION
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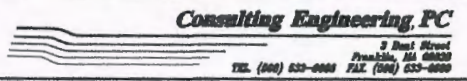


CONCRETE FLOAT-SECTION
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HTL	+11.60	MLW	0.0
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TITLE: **PROPOSED SECTIONS**

IN: **PROVINCETOWN**
 AT: **MACMILLAN WHARF**
 COUNTY: **BARNSTABLE** STATE: **MA**

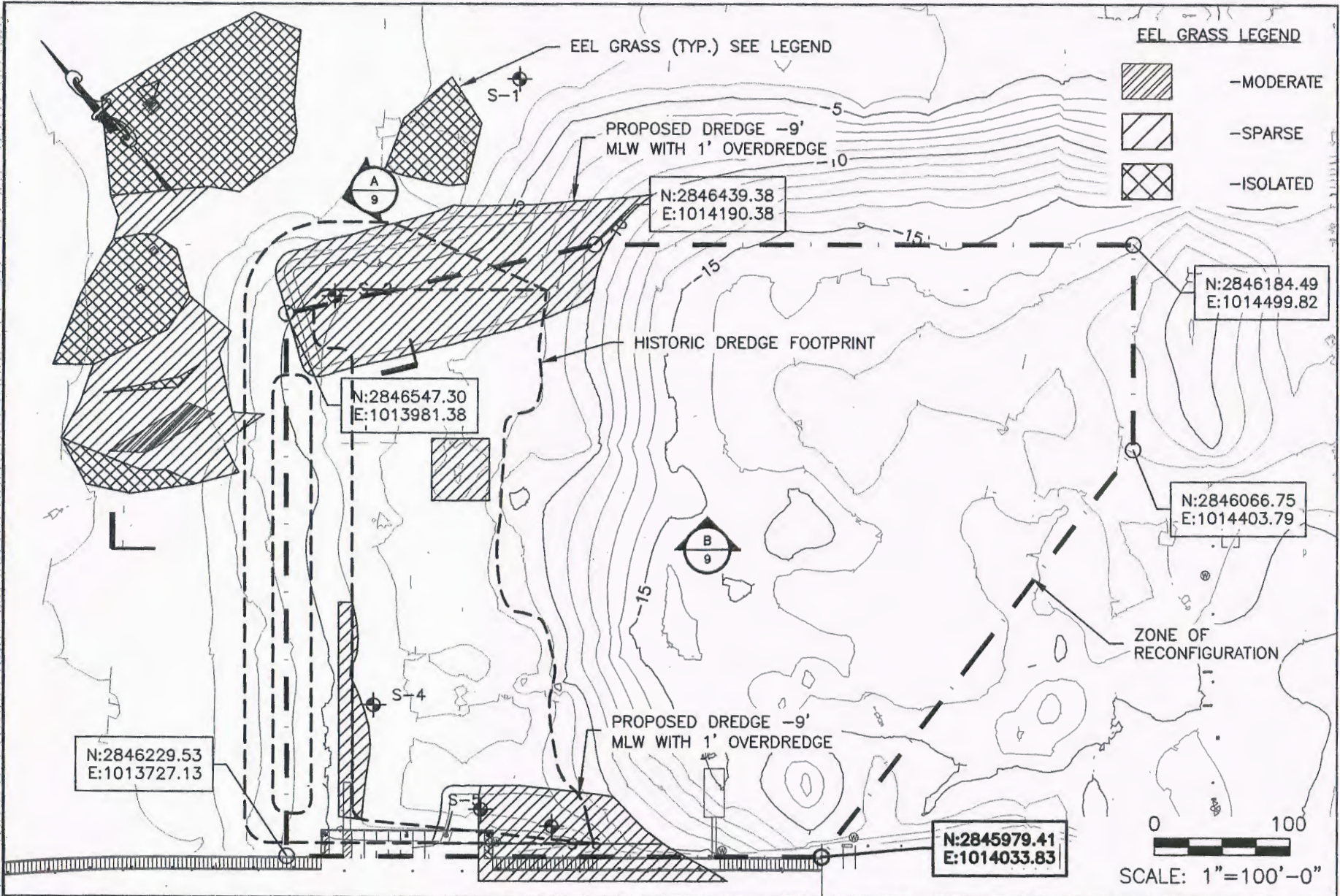


PURPOSE: **MARINA RECONSTRUCTION**

APPLICATION BY: **TOWN OF PROVINCETOWN**

SHEET **6** OF **15**
 DATE: **10/20/15**

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HTL	+11.60	MLW	0.0
MHW	+9.3		

TITLE: **PROPOSED CONDITIONS MARINA DREDGING**

IN: **PROVINCETOWN**
 AT: **MACMILLAN WHARF**
 COUNTY: **BARNSTABLE** STATE: **MA**

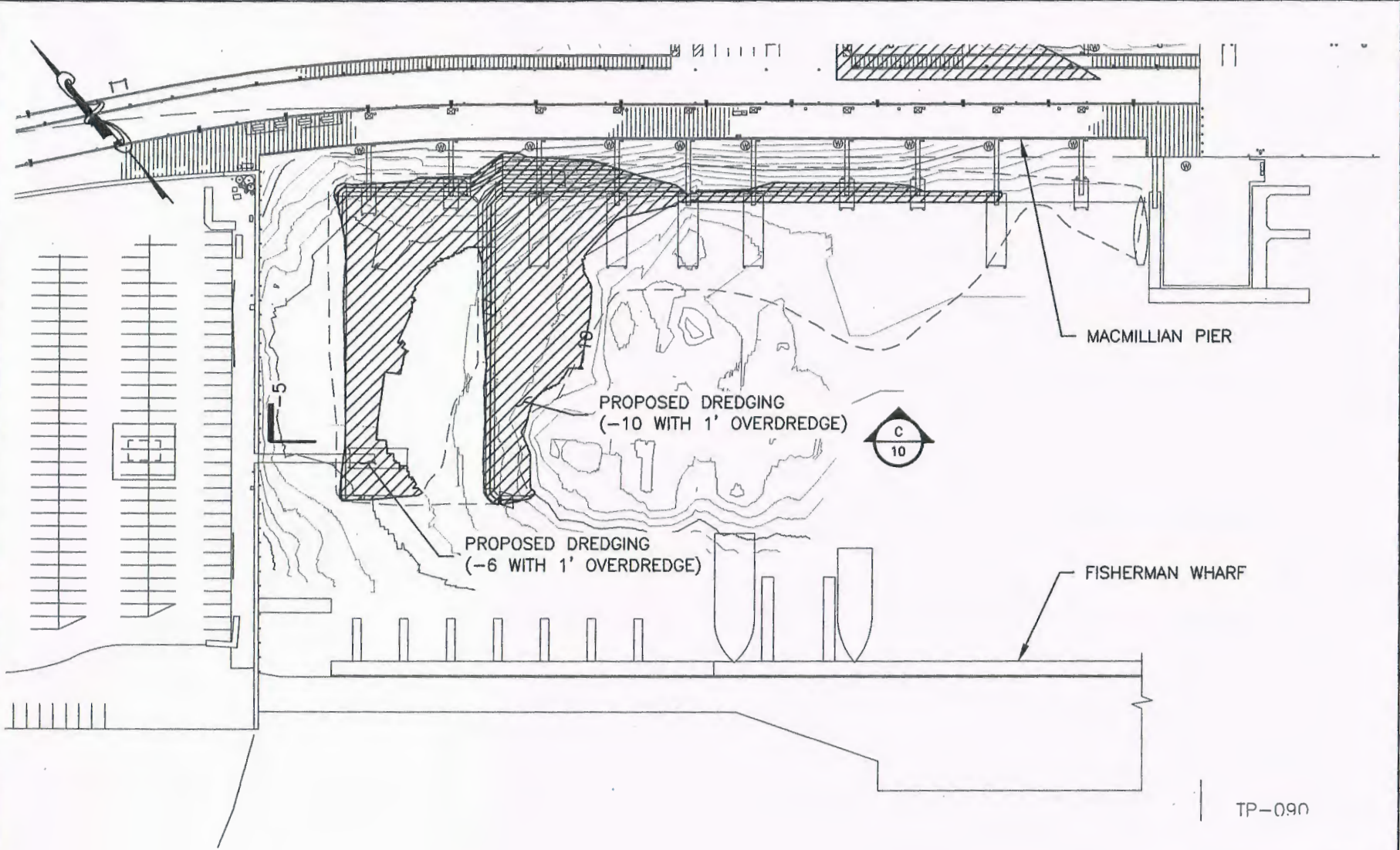
BCE *Boorne Consulting Engineering, PC*
 3 East Street
 Provincetown, MA 01970
 TEL: (508) 553-0000 FAX: (508) 553-0000

PURPOSE: **MARINA RECONSTRUCTION**

APPLICATION BY: **TOWN OF PROVINCETOWN**

SHEET **7** OF **15**
 DATE: **10/20/15**

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SCALE: 1"=100'-0"

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HTL	+11.60	MLW	0.0
MHW	+9.3		

TITLE: **PROPOSED CONDITIONS
FAIRWAY DREDGING**

IN: **PROVINCETOWN**
AT: **MACMILLAN WHARF**
COUNTY: **BARNSTABLE** STATE: **MA**

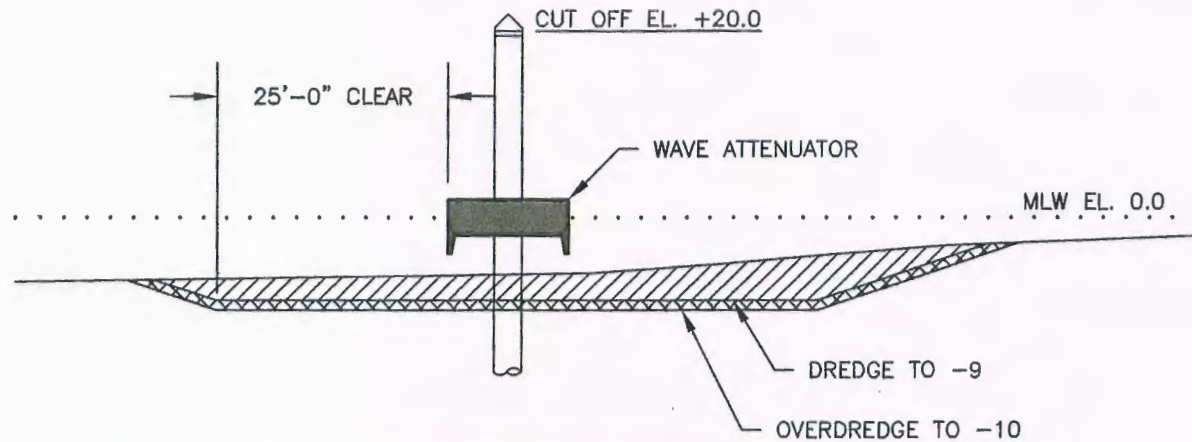
BCE Bourne Consulting Engineering, PC
3 West Street
Franklin, MA 01902
TEL. (508) 833-0000 FAX. (508) 833-0000

PURPOSE:
MARINA RECONSTRUCTION

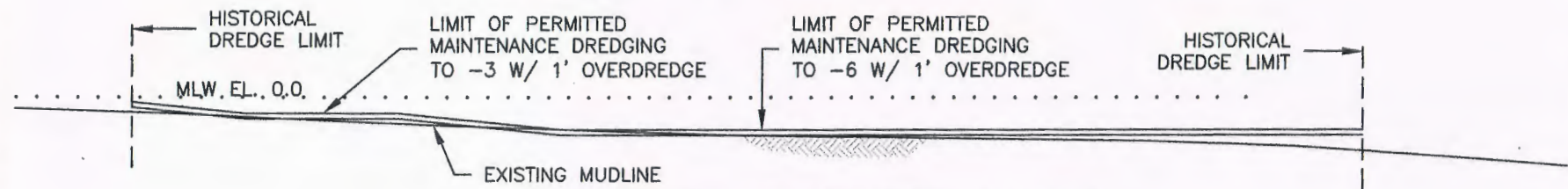
APPLICATION BY:
TOWN OF PROVINCETOWN

SHEET **8** OF **15**
DATE: **10/20/15**


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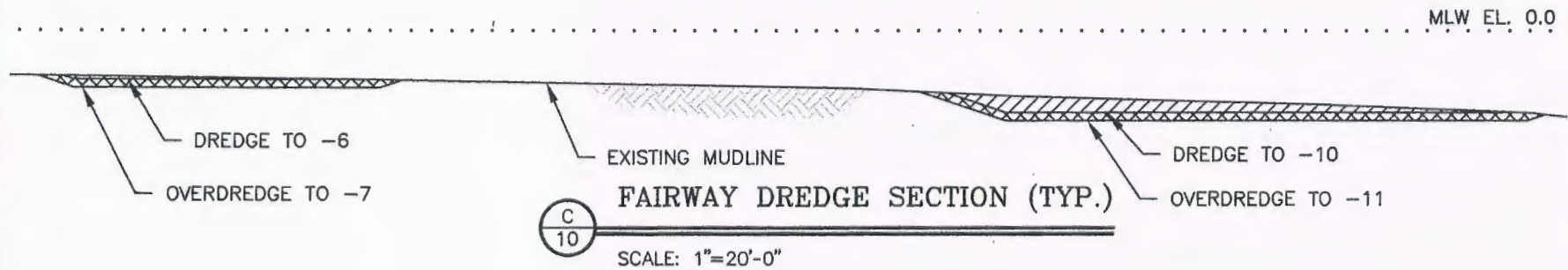
ABUTMENT DREDGE SECTION (TYP.)
 A
 9
 SCALE: 1"=20'-0"



MARINA DREDGE SECTION (TYP.)
 B
 9
 SCALE: 1"=30'-0"

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HTL	+11.60	MLW	0.0		
MHW	+9.3				
				PURPOSE: MARINA RECONSTRUCTION	APPLICATION BY: TOWN OF PROVINCETOWN
SHEET 9 OF 15 DATE: 10/20/15					

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FAIRWAY AREA MAINTENANCE DREDGING	
DREDGE	2,287 CU. YDS
OVERDREDGE	1,467 CU. YDS
TOTAL:	3,754 CU. YDS
MARINA AREA DREDGING	
MAINTENANCE DREDGE	298 CU. YDS
OVERDREDGE	1,992 CU. YDS
TOTAL:	3,350 CU. YDS

FAIRWAY AREA	
MAINTENANCE DREDGING	39,605 SQ. FT
MARINA AREA	
MAINTENANCE DREDGING	3,750 SQ. FT
IMPROVEMENT DREDGING WITHIN HISTORIC FOOTPRINT	17,770 SQ. FT
IMPROVEMENT DREDGING	13,100 SQ. FT
TOTAL FOR MARINA	34,620 SQ. FT

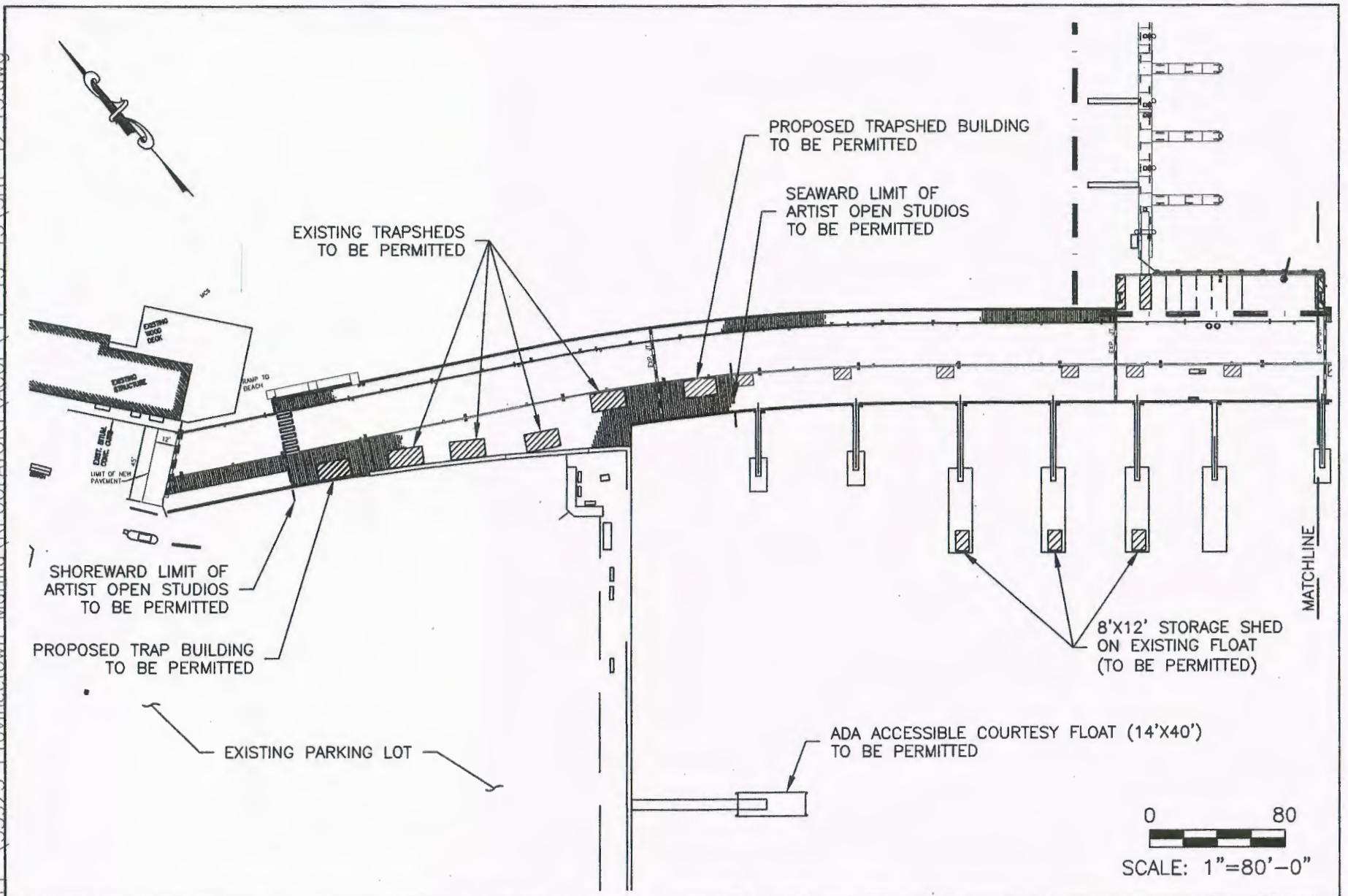
100 YR FLOOD	+18.95	NGVD	+4.10
HTL	+11.60	MLW	0.0
MHW	+9.3		

Consulting Engineering, PC
3 West Street
 Provincetown, MA 01970
 TEL. (508) 553-0000 FAX (508) 553-0000

TITLE:	DREDGING QUANTITIES	
PURPOSE:	MARINA RECONSTRUCTION	APPLICATION BY:
		TOWN OF PROVINCETOWN

IN: PROVINCETOWN
AT: MACMILLAN WHARF
COUNTY: BARNSTABLE STATE: MA
SHEET 10 OF 15
DATE: 10/20/15

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100 YR FLOOD	+18.95	NGVD	+4.10
HTL	+11.60	MLW	0.0
MHW	+9.3		

TITLE: PIER DECK PLAN-SHT 1

IN: PROVINCETOWN
 AT: MACMILLAN WHARF
 COUNTY: BARNSTABLE STATE: MA

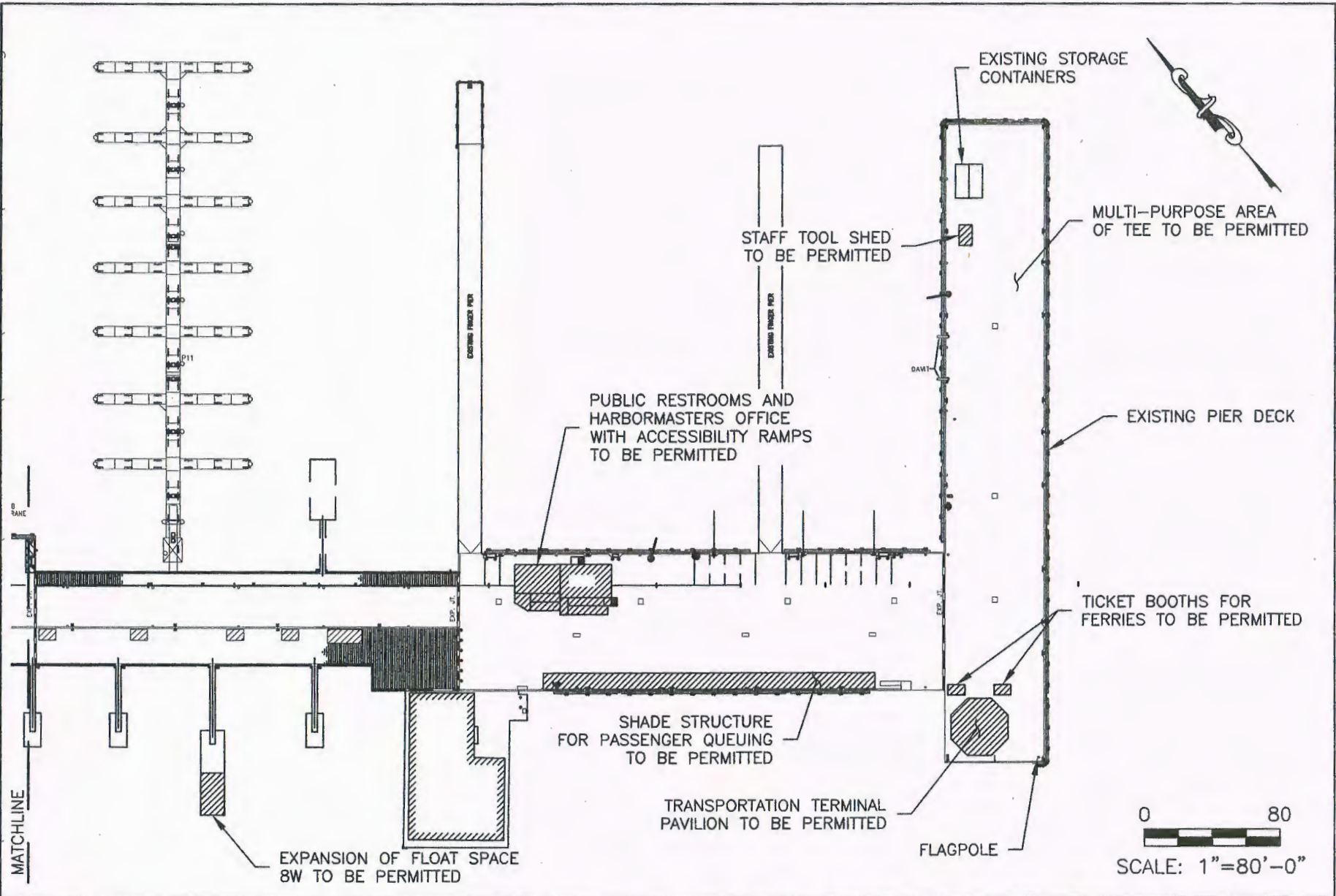
BCE Bourne Consulting Engineering PC
 3 Boat Street
 Provincetown, MA 01960
 TEL. (508) 653-6000 FAX. (508) 653-5000

PURPOSE:
 MARINA RECONSTRUCTION

APPLICATION BY:
 TOWN OF PROVINCETOWN

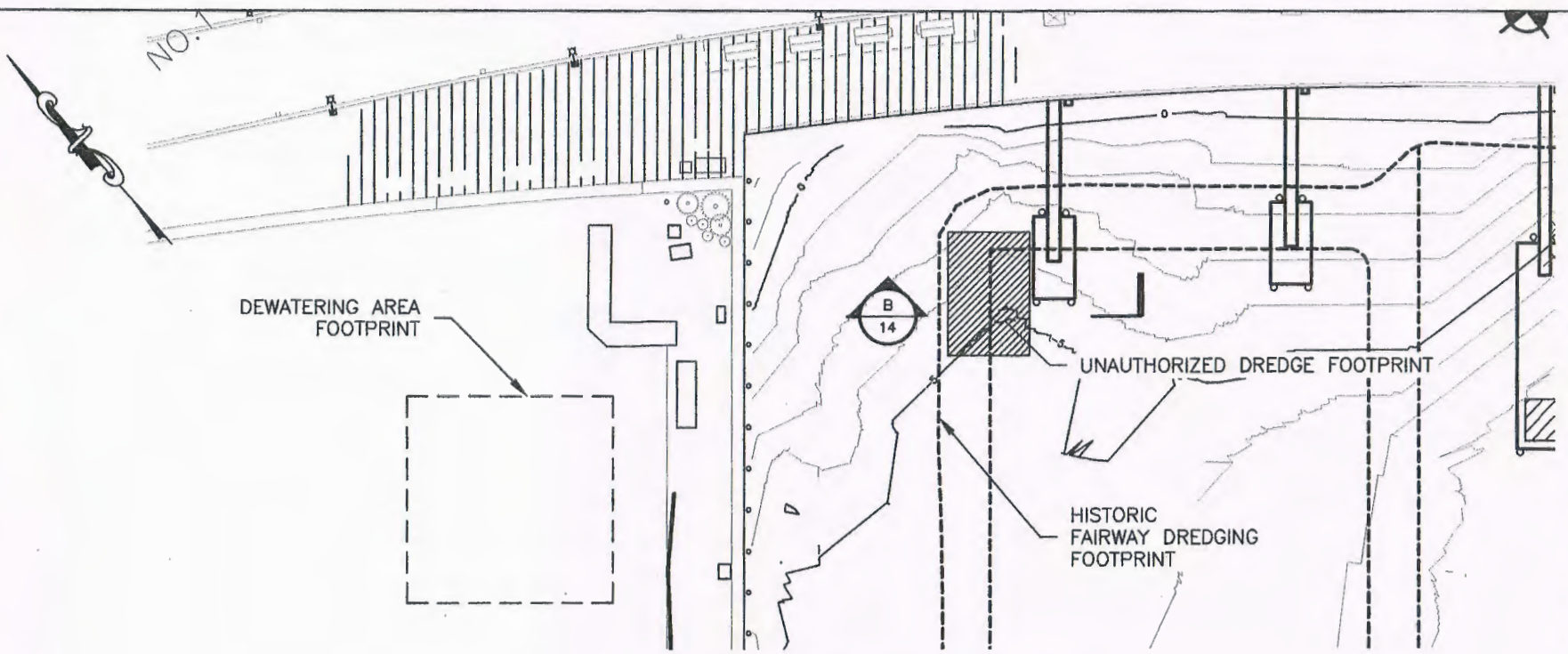
SHEET 12 OF 15
 DATE: 10/20/15

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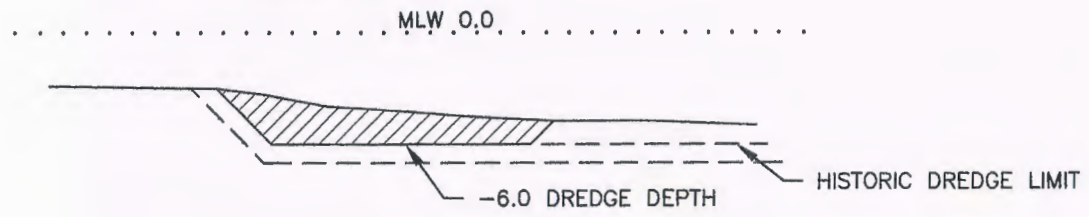


100 YR FLOOD +18.95 HTL +11.60 MHW +9.3	NGVD +4.10 MLW 0.0	TITLE: PIER DECK PLAN-SHT 2	IN: PROVINCETOWN AT: MACMILLAN WHARF COUNTY: BARNSTABLE STATE: MA
<p>BCE Bourn Consulting Engineering, PC <small>9 West Street Provincetown, MA 01962 TEL. (508) 555-0000 FAX. (508) 555-0000</small></p>		PURPOSE: MARINA RECONSTRUCTION	APPLICATION BY: TOWN OF PROVINCETOWN
		SHEET 13 OF 15 DATE: 10/20/15	

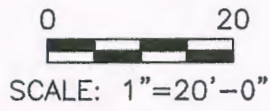
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A
14
DREDGE FOOTPRINT PLAN
SCALE: 1"=20'-0"

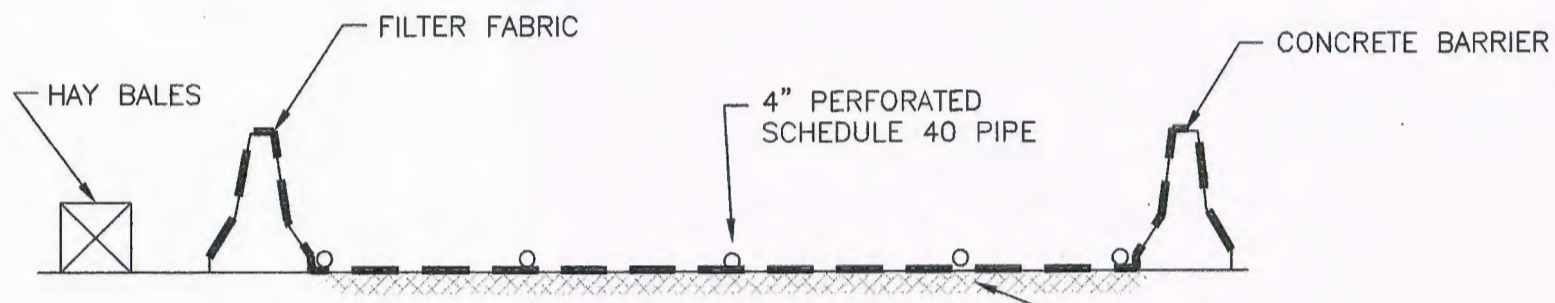


B
14
DREDGE SECTION
SCALE: 1"=10'-0"

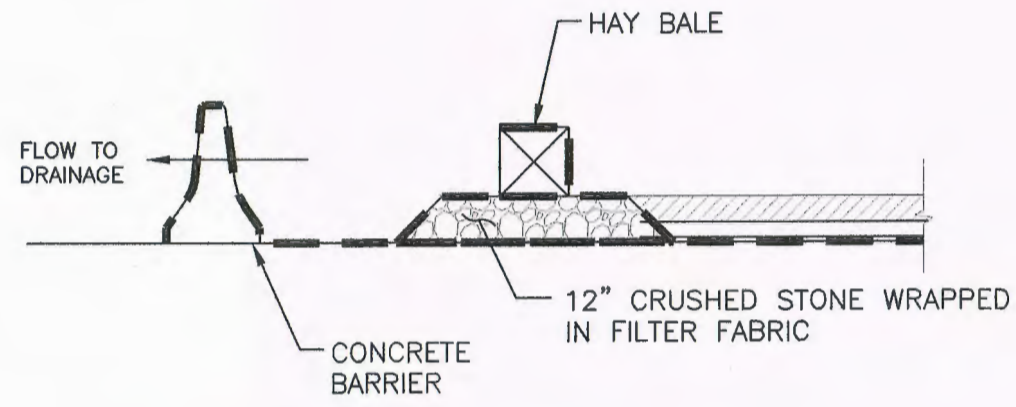


100 YR FLOOD	+18.95	NGVD	+4.10	TITLE:	UNAUTHORIZED DREDGE AREA		IN: PROVINCETOWN
HTL	+11.60	MLW	0.0	PURPOSE:	MARINA RECONSTRUCTION	APPLICATION BY:	AT: MACMILLAN WHARF
MHW	+9.3						COUNTY: BARNSTABLE STATE: MA
							SHEET 14 OF 15
<small>3 Dool Street Provincetown, MA 02539 TEL. (508) 533-0900 FAX. (508) 533-0900</small>							DATE: 10/20/15

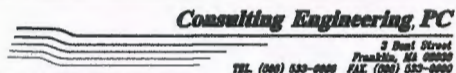
File: X:\33911-1\33925 Provincetown Marina\REG\REG\ATORY\ACOF\11-13-15\ SHT-06.09.10.15.dwg



A
 15
CROSS SECTION - CONTAINMENT AREA
 SCALE: 1/4" = 1'-0"



B
 15
CROSS SECTION - CONTAINMENT AREA
 SCALE: 1/4" = 1'-0"

100 YR FLOOD +18.95 NGVD +4.10 HTL +11.60 MLW 0.0 MHW +9.3	TITLE: MARINA DEWATERING DETAILS	IN: PROVINCETOWN AT: MACMILLAN WHARF COUNTY: BARNSTABLE STATE: MA
 <p> Consulting Engineering, PC <small>3 Duff Street Franklin, MA 01903 TEL. (508) 533-0000 FAX (508) 533-0000</small> </p>	PURPOSE: MARINA RECONSTRUCTION	APPLICATION BY: TOWN OF PROVINCETOWN
		SHEET 15 OF 15 DATE: 10/20/15