



# PUBLIC NOTICE

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

**Comment Period Begins: 22 March 2016**  
**Comment Period Ends: 21 April 2016**  
**File Number: NAE-2010-01590**  
**In Reply Refer To: Phillip Nimeskern**  
**Phone: (978) 318-8660**  
**E-mail: [phillip.w.nimeskern@usace.army.mil](mailto:phillip.w.nimeskern@usace.army.mil)**

The District Engineer has received a permit application to conduct work in waters of the United States from Duxbury Bay Maritime School. This work is proposed in Duxbury Bay at 457 Washington Street, Duxbury, Massachusetts. The site coordinates are: Latitude 42° 02' 17"; Longitude 70° 40' 10".

The work involves increasing the total number of floats from 9 to 22 and establishing a Reconfiguration Zone. The total area of floats will be increased from 4,483 square feet to 8,677 square feet. These floats will be arranged into 4 groups of several floats each. Each group will be secured by a line attached to a 50' chain attached to a 500 pound Dor-Mor mooring anchor. Three of the groups touch the Federal Navigation Project anchorage line. The mooring anchors are located in the federal anchorage and any boat moored at the outermost floats will extend into the anchorage.

These floats will replace those that were previously installed without a permit. The unpermitted docks were removed in 2015. The purpose of the floats is to provide access for a public boating school. In addition, dock space is rented to shellfish aquaculturists for mooring slips and to hold oyster seed trays. Four slips are rented in the summer time and 7 are rented in the winter. Oyster trays are built into the two middle float groups and are accessible through doors on the surface of the floats.

The Reconfiguration Zone will consist of 2 separate parts with a total area of approximately 22,395 square feet. The zone will be used by 4 to 7 commercial boats and 33 boats belonging to the school.

The work is shown on the attached plans entitled "PLANS ACCOMPANYING APPLICATION OF DUXBURY BAY MARITIME SCHOOL FOR MAINTENANCE DREDGING AND [sic] FLOAT RECONFIGURATION ZONE & CHAPTER 10 PERMIT," on 3 sheets, and dated "2/1/2012", "FEBRUARY 26, 2016" and "2/1/2013 REV. 8/18/15"

## **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).

This project will impact 0.20 acres of Essential Fish Habitat (EFH) for those species listed below. This habitat consists of sandy subtidal sediments in an area that has been dredged. Loss of this habitat may adversely affect American plaice (*Hippoglossoides platessoides*), Atlantic butterfish (*Peprilus triacanthus*), Atlantic cod (*Gadus morhua*), Atlantic halibut (*Hippoglossus hippoglossus*), Atlantic herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Atlantic sea scallop (*Placopecten magellanicus*), Atlantic wolffish (*Anarhichas lupus*), Bluefin tuna (*Thunnus thynnus*), Bluefish (*Pomatomus saltatrix*), Haddock (*Melanogrammus aeglefinus*), Little Skate (*Leucoraja erinacea*), Long-fin inshore squid (*Loligo pealeii*), Ocean pout (*Macrozoarces americanus*), Pollock (*Pollachius virens*), Red hake (*Urophycis chuss*), Scup (*Stenotomus chrysops*), Sea Scallop (*Placopectin magellanicus*), Smooth dogfish (*Mustelus canis*), Spiny Dogfish, (*Squalus acanthias*), White hake (*Urophycis tenuis*), White Shark (*Carcharodon carcharias*), Silver hake or Whiting (*Merluccius bilinearis*), Window pane flounder (*Scophthalmus aquosus*), Winter flounder (*Pseudopleuronectes americanus*), Yellowtail flounder (*Limanda ferruginea*) by impacts by the anchors or shading. 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.

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FILE NO. NAE-2010-01590

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



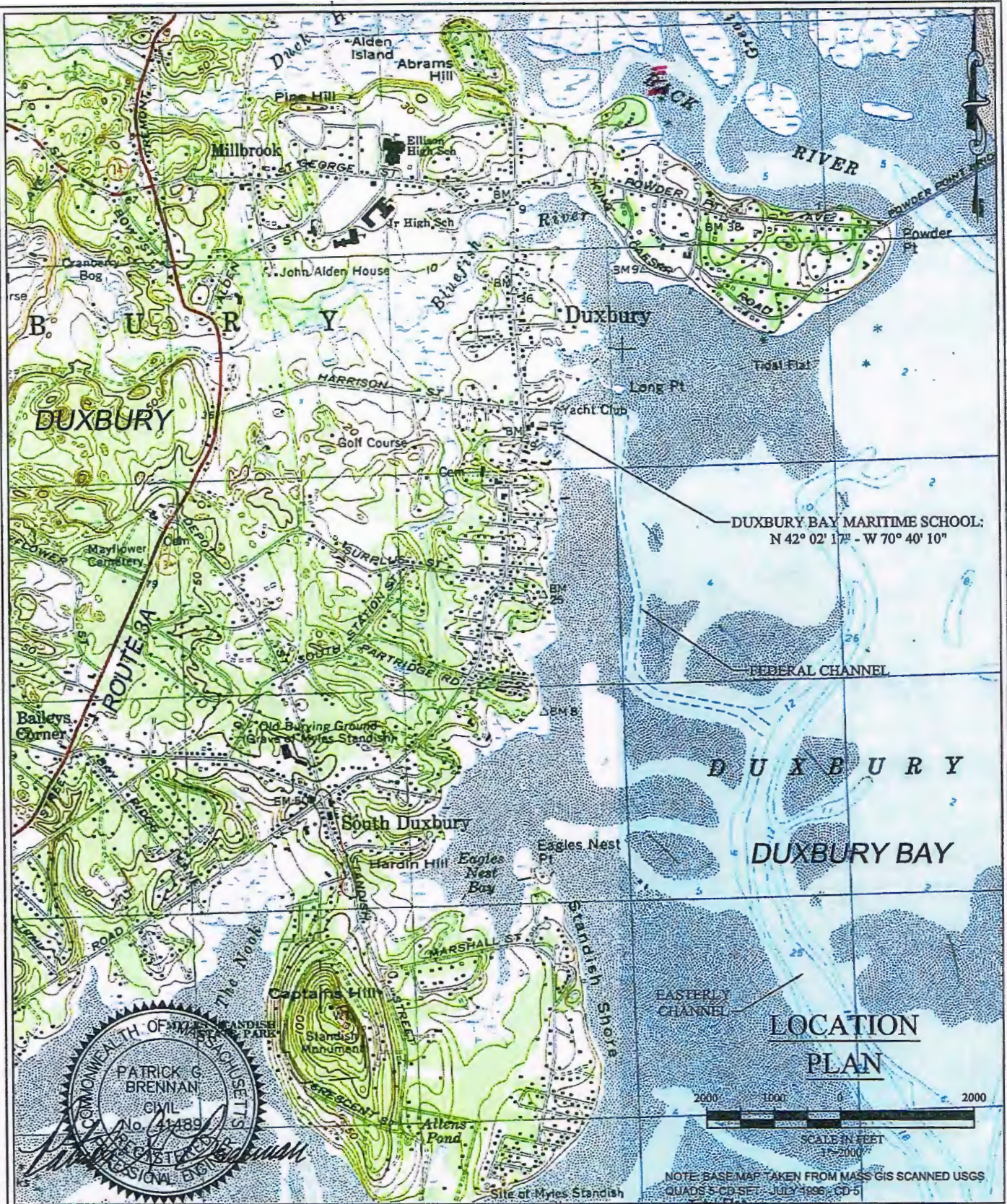
**Alan Anacheke-Nasemann**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

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.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

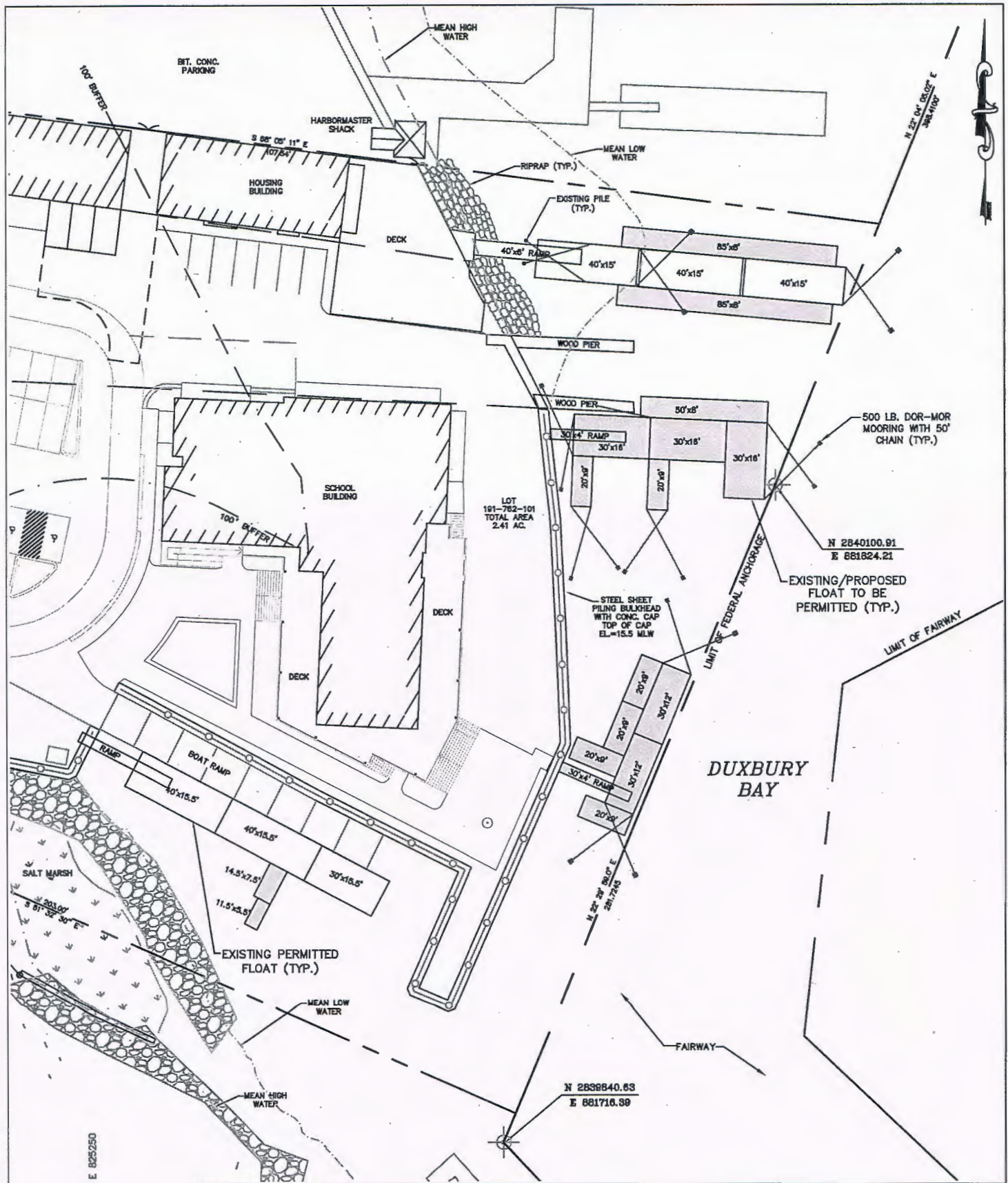


PLANS ACCOMPANYING APPLICATION OF DUXBURY DUXBURY BAY  
 MARITIME SCHOOL FOR MAINTENANCE DREDGING AND FLOAT  
 RECONFIGURATION ZONE **& Chapter 10**  
 IN DUXBURY BAY **permit**  
 DUXBURY, MASSACHUSETTS

DATE: 2/1/2012

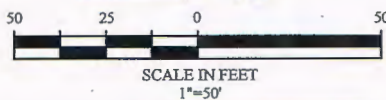
SHEET 1 OF 3

**AMORY ENGINEERS, P.C.**  
 DUXBURY, MASSACHUSETTS

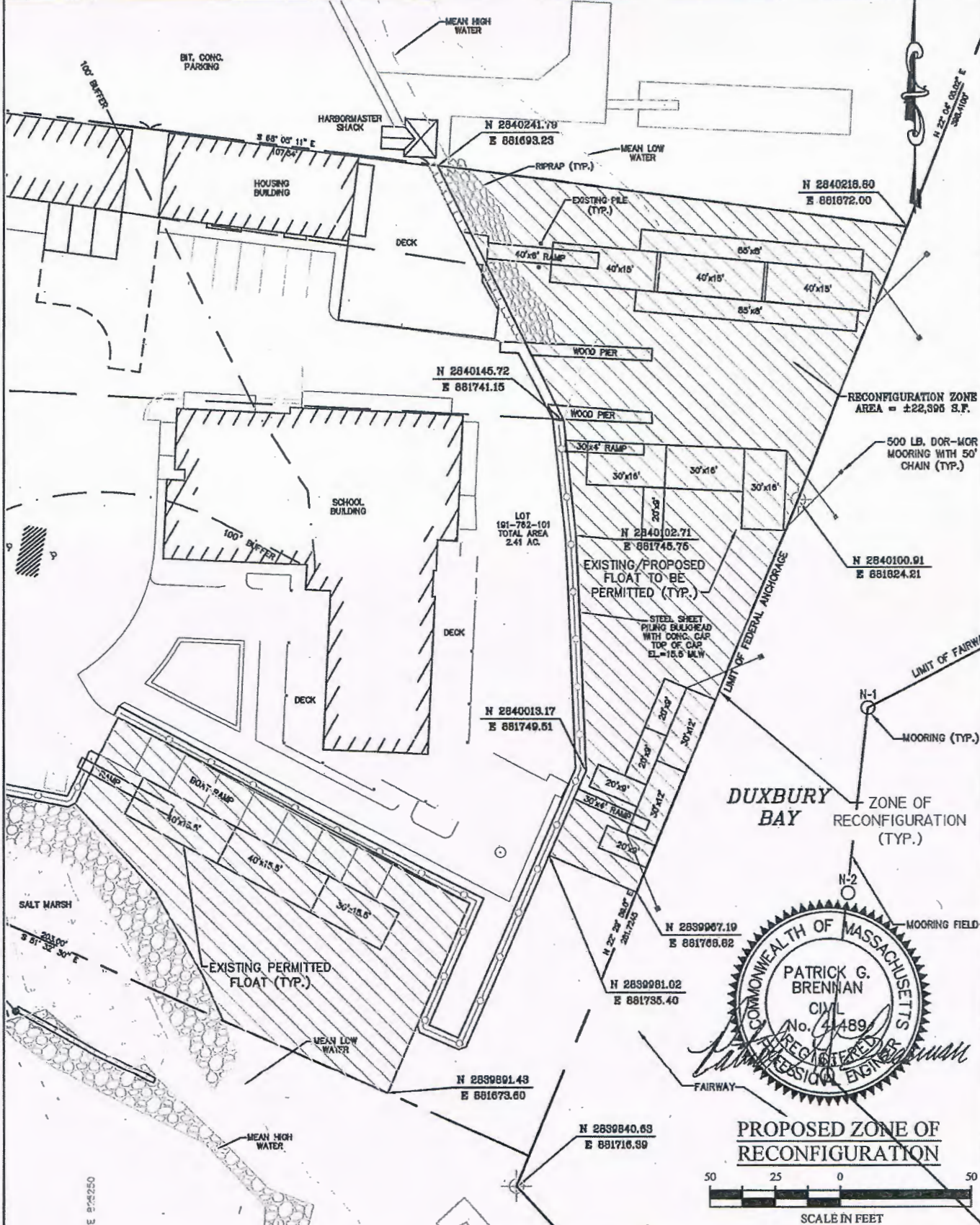


APPLICANT: DUXBURY BAY MARITIME SCHOOL  
 PURPOSE: FLOATS & RECONFIGURATION  
 TOWN: DUXBURY, MA  
 COUNTY OF: PLYMOUTH, MA  
 WATERBODY: DUXBURY BAY  
 VERTICAL DATUM: MLW = EL. 0.00  
 HORIZONTAL: MA STATE PLANE COORDINATES

## EXISTING/PROPOSED FLOAT PLAN



PLANS ACCOMPANYING APPLICATION OF  
 DUXBURY BAY MARITIME SCHOOL  
 FOR FLOAT PLAN AND  
 RECONFIGURATION ZONE  
 SHEET 2 OF 3  
 FEBRUARY 26, 2016



PLANS ACCOMPANYING APPLICATION OF DUXBURY DUXBURY BAY  
MARITIME SCHOOL FOR MAINTENANCE DREDGING AND FLOAT  
RECONFIGURATION ZONE **+ Chapter 10**  
IN DUXBURY BAY **permit**  
DUXBURY, MASSACHUSETTS

DATE: 2/1/2012 REV. 8/18/15 SHEET 3 OF 3

**AMORY ENGINEERS, P.C.**  
DUXBURY, MASSACHUSETTS