



**US Army Corps
of Engineers** ®
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: January 9, 2007
Comment Period Ends: February 9, 2007
File Number: NAE 2006-513
In Reply Refer To: David Keddell
Or by e-mail: david.m.keddell@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT

John & Kathy Melville

ACTIVITY

A detailed description and plans of the applicant's activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in federal wetlands connected to Whetstone Brook at 191 rear Plympton Street, Middleboro, Massachusetts. The proposed location on the USGS Plympton quadrangle sheet is at UTM coordinates 4642689 N and 347935 E.

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.

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.

SECTION 106 COORDINATION

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)

Pursuant to the **Endangered Species Act**, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

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.

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FILE NO. NAE-2006-513

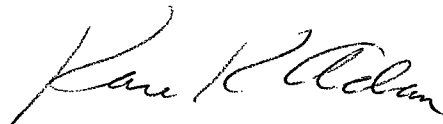
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact David Keddell at (978) 318-8692, (800) 343-4789 or (800) 362-4367, if calling 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.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Karen K. Adams
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, 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: _____

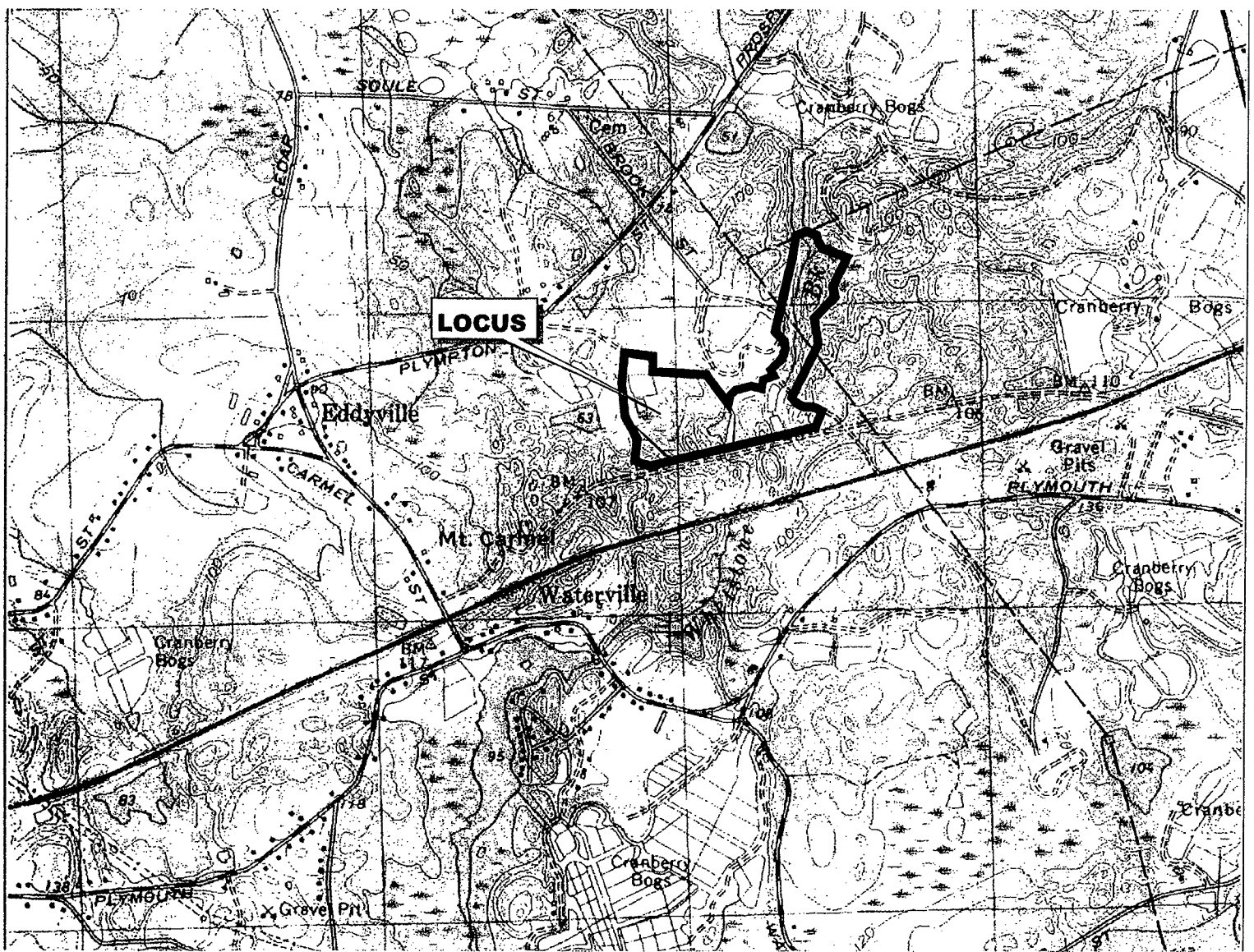
ADDRESS: _____

PROPOSED WORK AND PURPOSE

This is an after the fact application to retain dredged and fill material placed in federal wetlands to construct additional cranberry bogs. The material had been placed without federal or state authorization.

The State of Massachusetts took an enforcement action which resulted in a consent decree to resolve the violation. The size of the original violation was 4.655 acres in size. The consent decree stated that 2.55 acres of wetlands be restored (Bog 6); 1.87 acres of fill in bog 5 (and in the bog service road) could be retained provided 2.82 acres of forested wetlands and 0.258 acres of open water is created (Bog 2) as mitigation for the work to be retained.

The work is described on the enclosed plans entitled "ATF Plan Melville Farm," on 5 sheets, and dated "1/3/07"

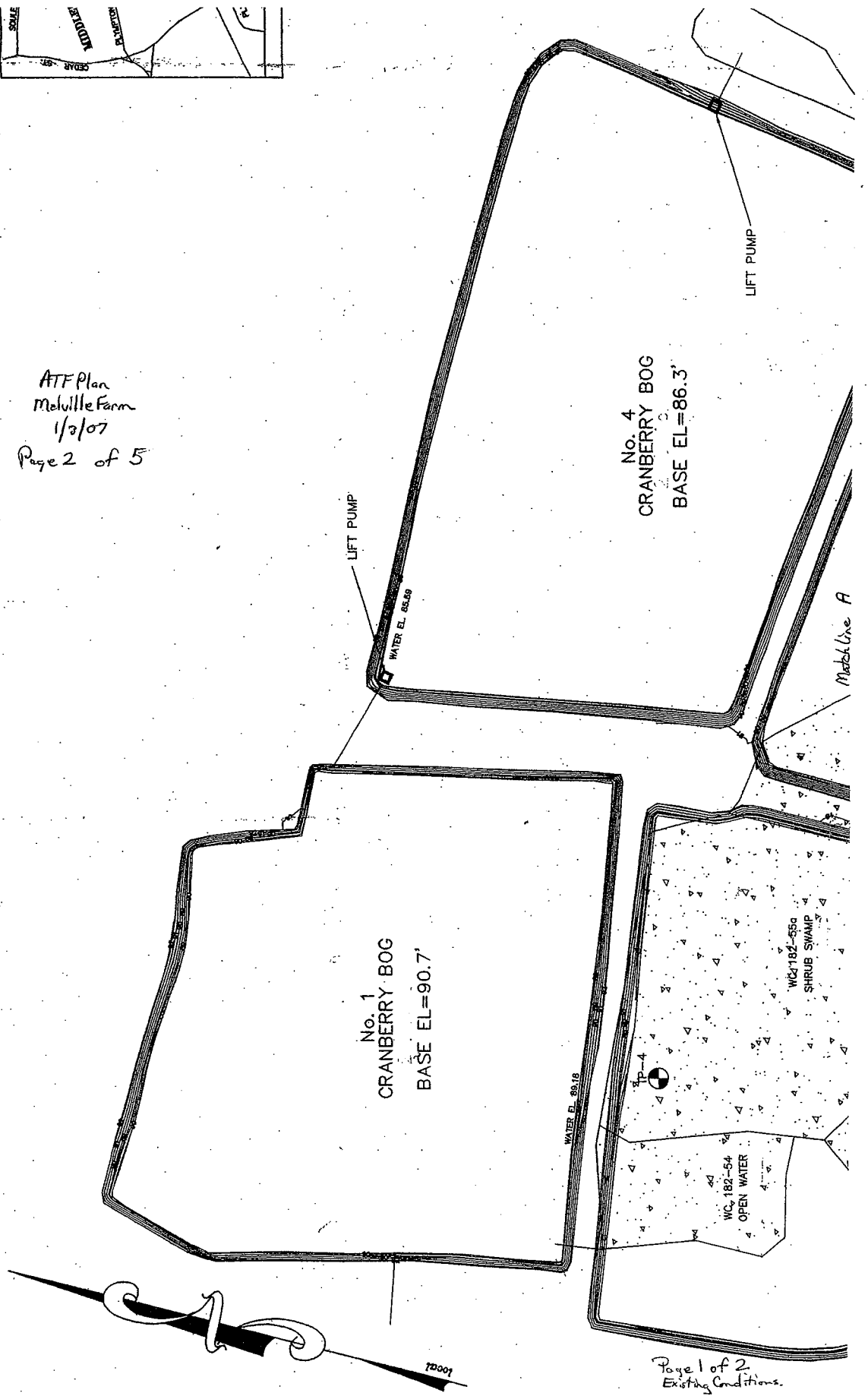


ATF Plan
Melville Farm
1/3/07
Page 1 of 5

Plympton Quad



ATF Plan
 Melville Farm
 1/3/07
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Page 1 of 2
 Existing Conditions.



EXISTING
RESERV
1.1 AC
ELEV. V
85.0'

WATER EL. 86.77
06/22/05

INNER RIPARIAN

WC 182-67
SHRUB SWAMP

No. 6
CRANBERRY BOG
BASE EL=90.0'

OUTER RIPARIAN

No. 5
CRANBERRY BOG
BASE EL=88.6'

Mastline H

WC 182-55B
SHRUB SWAMP

EXISTING DIKE ROAD ELEV. 93.0'

No. 2
CRANBERRY BOG
BASE EL=91.0'

WC 182-56
DECIDUOUSLY
WOODED SWAMP

No. 3
CRANBERRY BOG
BASE EL=92.0'

WC 182-57
MIXED
WOODED SWAMP

WC 182-58
DECIDUOUSLY
WOODED SWAMP

EXISTING
OPEN WATER

WATER EL. 80.79
06/22/05

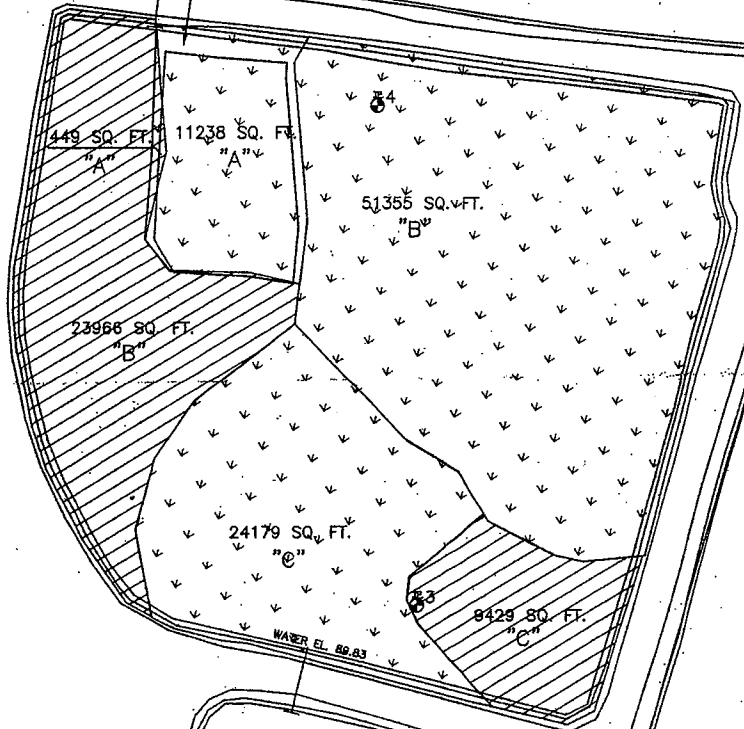
ATF Plan
Melville Farm
1/3/07
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Existing Conditions

BASE EL=90.7'

RESTORATION OF
INLAND BANK
SEE DETAIL

WATER EL. 89.18



WATER EL. 87.83

Matchline B

No. 3
CRANBERRY BOG
BASE EL=92.0'

EXISTING
OPEN WATER

WATER EL. 90.79
06/22/05

WATER EL. 91.57

Page 1 of 2
Proposed Land Plans

ATF Plan
Melville Farm
1/8/07
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| | |
|--------|--------|
| 182-56 | 74792 |
| 182-57 | 15333 |
| 182-58 | 4922 |
| 182-67 | 24654 |
| 182-68 | 10454 |
| SF | 192706 |
| Ac | 4.424 |

No. 4
CRANBERRY BOG
BASE EL=86.3'

LIFT PUMP

EXISTING
RESERVOIR
1.1 Acres
ELEV. VARIES
85.0' - 87.0'

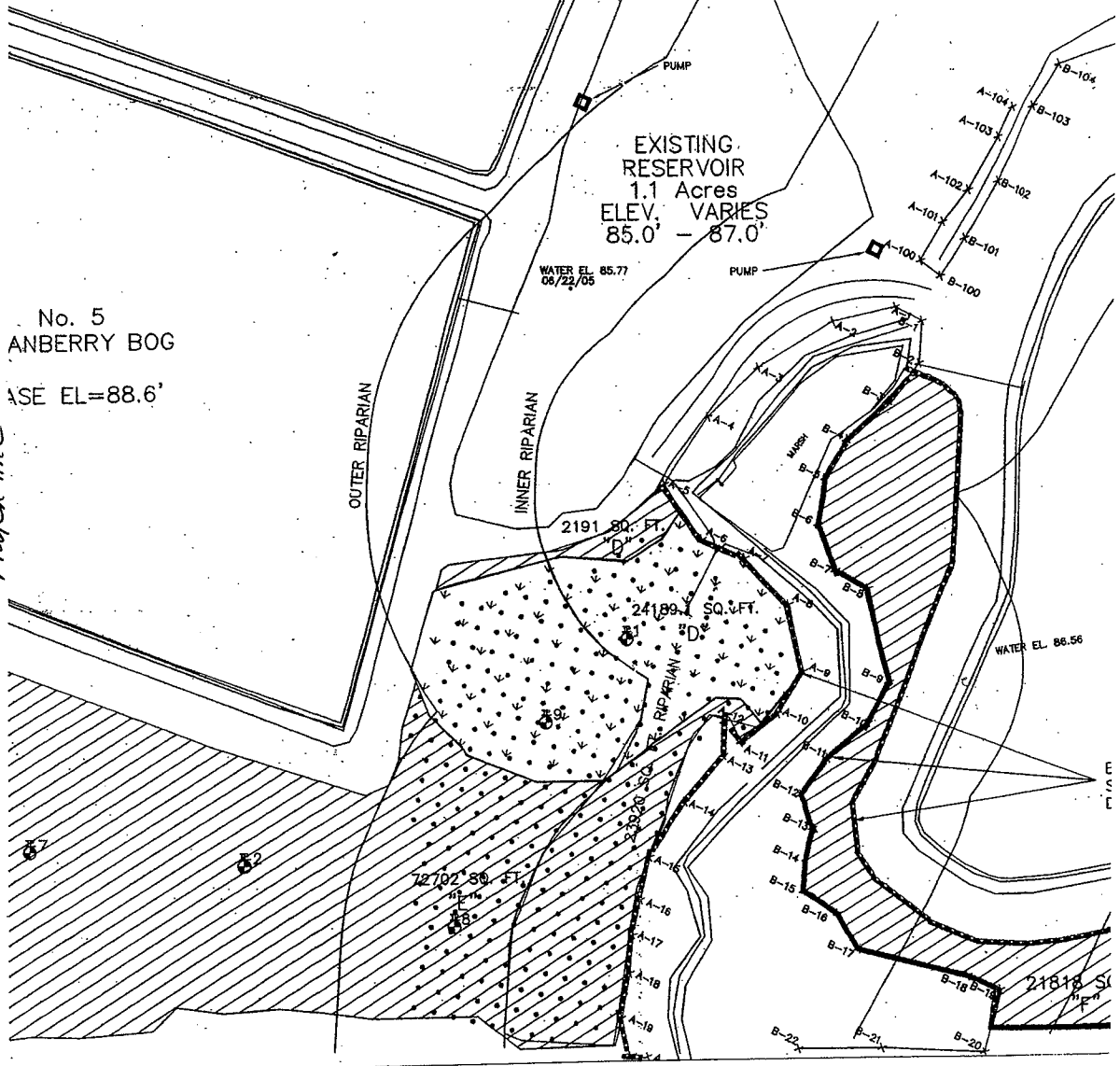
WATER EL. 85.77
06/22/05

No. 5
CRANBERRY BOG
BASE EL=88.6'

B
Match line

OUTER RIPARIAN

INNER RIPARIAN



Page 2 of 2
Proposed Conditions

ATF Plan
Melville Farm
1/3/07
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