



PUBLIC NOTICE

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

8 Carmichael Street, Suite 205
Essex Junction, Vermont 05452

Date: November 4, 2008
Comment Period Ends: December 4, 2008
File Number: NAE-2008-777
In Reply Refer To: Michael S. Adams
Or by e-mail: michael.s.adams@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

New England Powerboat Services, LLC, ATTN: Rob Svendsen, P.O. Box 82, North Hero, Vermont 05474

ACTIVITY

Expand an existing commercial marina on Lake Champlain in North Hero, Vermont, as shown on the attached drawings. The proposed work involves the following:

- a. Placement and maintenance of a 7' wide, 360' long floating dock accessed by a 7' wide, 41' long gangway. The dock will have thirty 4' wide, 24'-32' long floating fingers and a 12' wide, 71' long floating "T" at the lakeward end. A 6' x 8' shed with an attached 4' diameter lighthouse will be on the "T" to provide protective cover for equipment. The dock will extend a maximum of 410' beyond Ordinary High Water (OHW) and will be anchored with twenty-four 1' x 6' x 6' concrete blocks.
- b. Placement and maintenance of a 7' wide, 140' long floating dock accessed by a 4' wide, 20' long gangway. The dock will extend a maximum of 160' beyond OHW and will be anchored with ten 1' x 6' x 6' concrete blocks.
- c. Placement and maintenance of a 25' wide, 50' long pile-supported travel lift extending a maximum of 50' beyond OHW.
- d. Replacement and maintenance of 95 linear feet of a deteriorated concrete block wall with a new concrete footing and block wall in the same location. The new wall will be extended about 85 linear feet for an overall length of 180' and will impact a maximum of about 570 sq. ft. of lake bottom. This will involve the placement of about 7 cy of fill below OHW.
- e. Perform maintenance dredging of an approximately 10,300 square-foot area to a depth of elevation 90' (mean sea level). An estimated quantity of approximately 790 cubic yards of sand and silt will be removed by mechanical means. Dredging will extend a maximum of 105' beyond OHW. The material will be placed into an upland area on the property.

The purpose of the project is to provide recreational boating access to Lake Champlain. The proposed project will increase the marina's slip capacity to 69 boats (a 40% increase).

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Lake Champlain at North Hero, Vermont. The proposed location on the USGS Rouses Point, NY-VT quadrangle sheet is at UTM coordinates 4971390 N and 636398 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 the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION (IF APPLICABLE)

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 proposed project site during the construction and subsequent operation/use period sought by the applicant. We have undertaken a Biological Assessment (BA) of the potential for interactions and adverse impacts to those listed species. It is our 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

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FILE NO. NAE-2008-777

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 BA determination.

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 Michael S. Adams at (802) 872-2893.

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>.

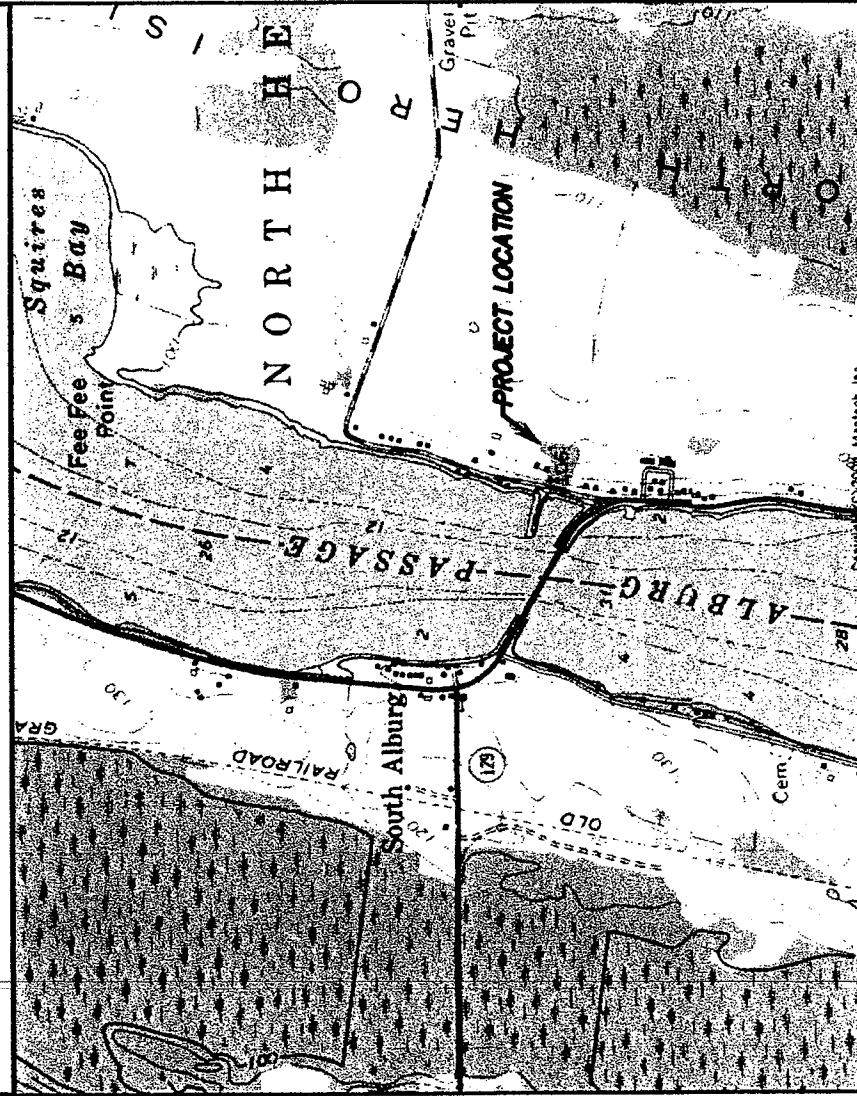
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

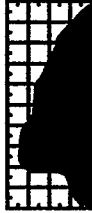

Frank J. Delgiudice
Chief, Permits and Enforcement Branch
Regulatory Division

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: _____

Location Map

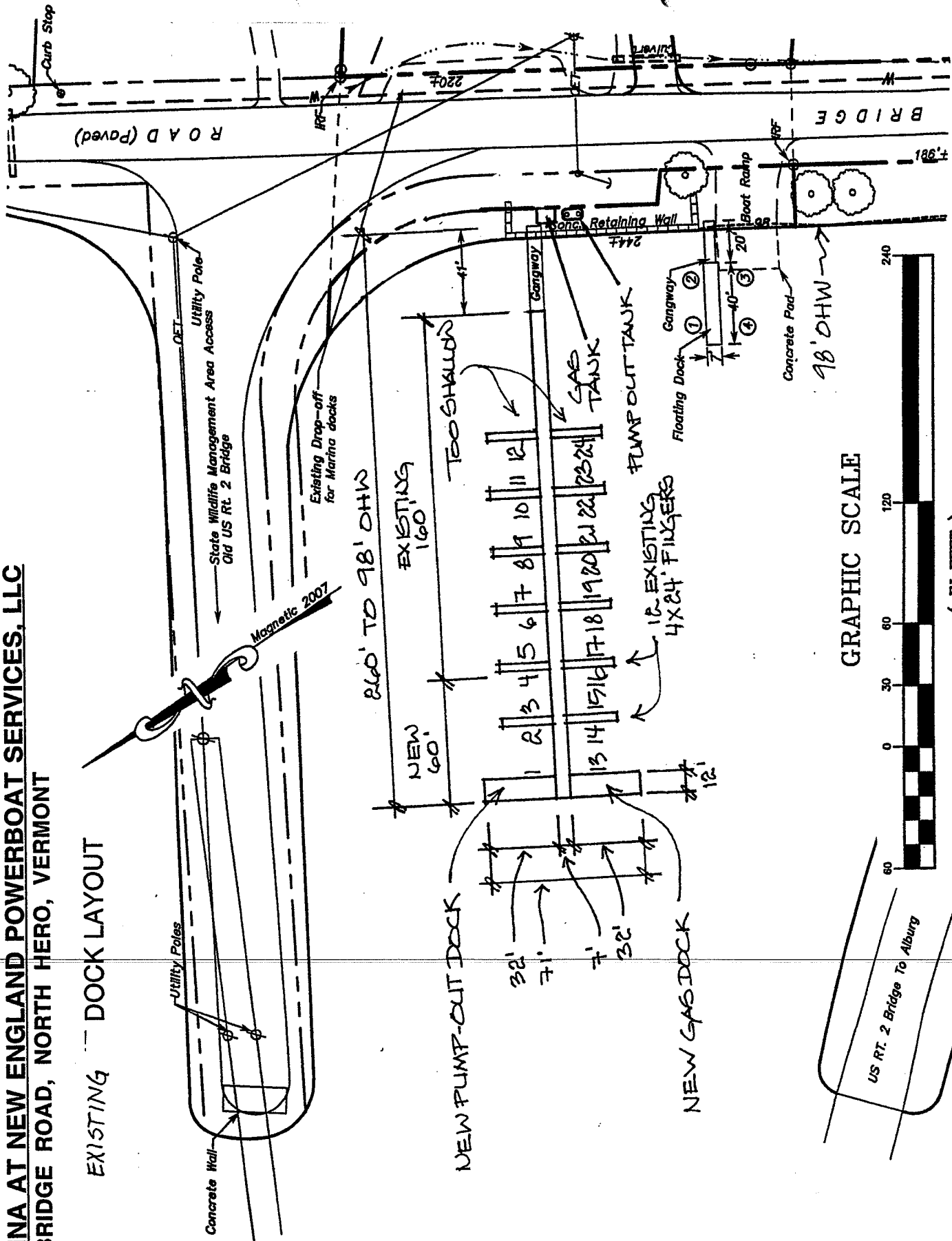


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|  <p>SUMMIT ENGINEERING, INC <small>Engineers • Surveyors • Planners • Landscape Architects</small></p> <p>50 Joy Drive P.O. Box 2225 South Burlington, VT 05407-2225 Bus. (802) 656-5588 Fax (802) 656-3029</p> | <p>LOCATION MAP</p> | <p>DATE 3/7/07</p> |
| | <p>THE MARINA AT N.E. POWERBOAT SERVICES, LLC 132 BRIDGE ROAD NORTH HERO, VERMONT ©</p> | <p>DRAWING NO. SHEET 1 OF 1</p> <p>PROJECT NO. 8005</p> |

FILE NAME: MAP

**MARINA AT NEW ENGLAND POWERBOAT SERVICES, LLC
132 BRIDGE ROAD, NORTH HERO, VERMONT**

EXISTING DOCK LAYOUT



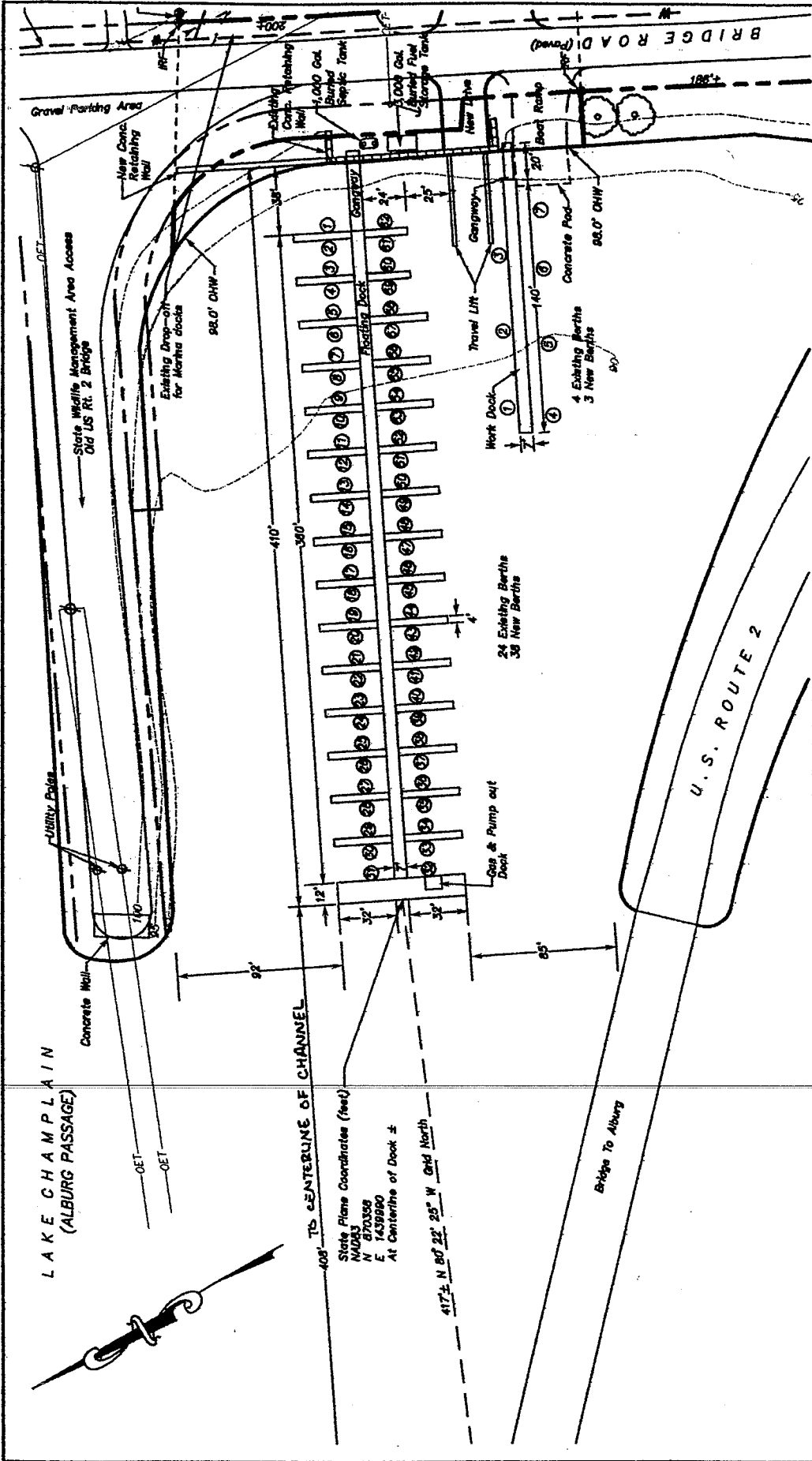
GRAPHIC SCALE



(IN FEET)

LAKE CHAMPLAIN
(ALBURG PASSAGE)

US RT. 2 Bridge To Alburg



DATE 7/15/08
 DRAWING NO. S2
 PROJECT NO. 8005

PROPOSED NEW DOCK LAYOUT

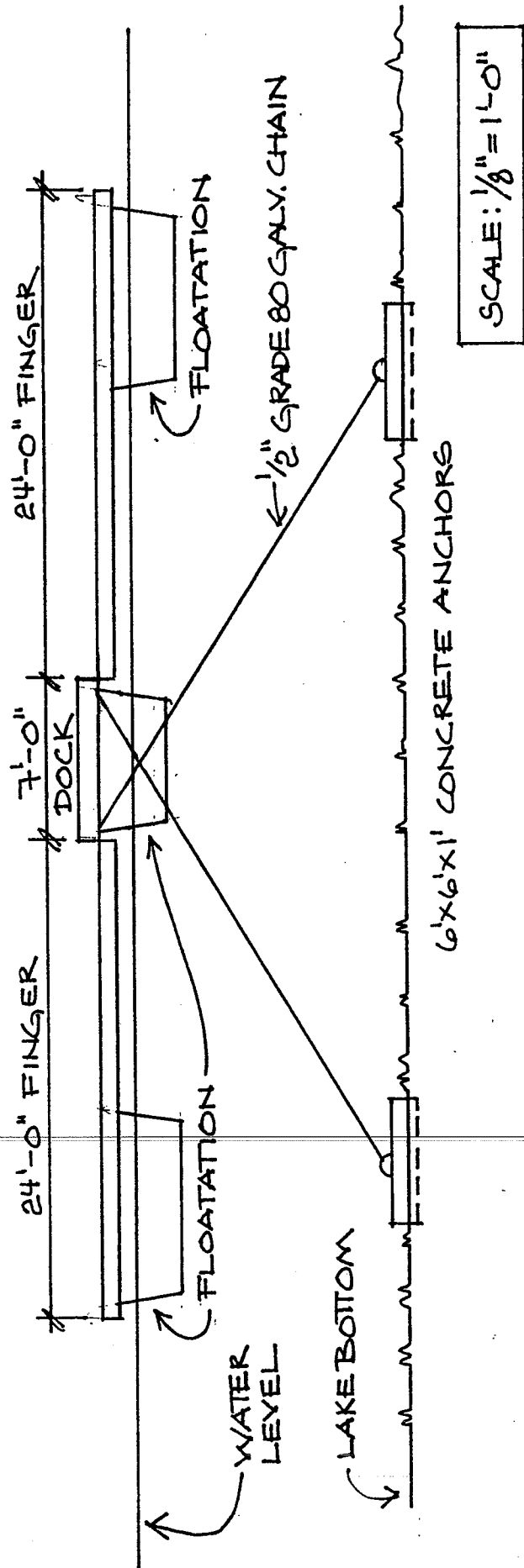
NEW ENGLAND POWERBOAT SERVICES, LLC
 132 BRIDGE ROAD
 NORTH HERO, VERMONT

SUMMIT ENGINEERING, INC.
 Engineers • Surveyors • Planners • Landscape Architects

50 Joy Drive
 South Burlington, VT 05403
 Bus. (802) 858-6568 Fax (802) 858-3529

FILE NAME: R.S171

GRAPHIC SCALE
 (IN FEET)
 1 inch = 60 ft.



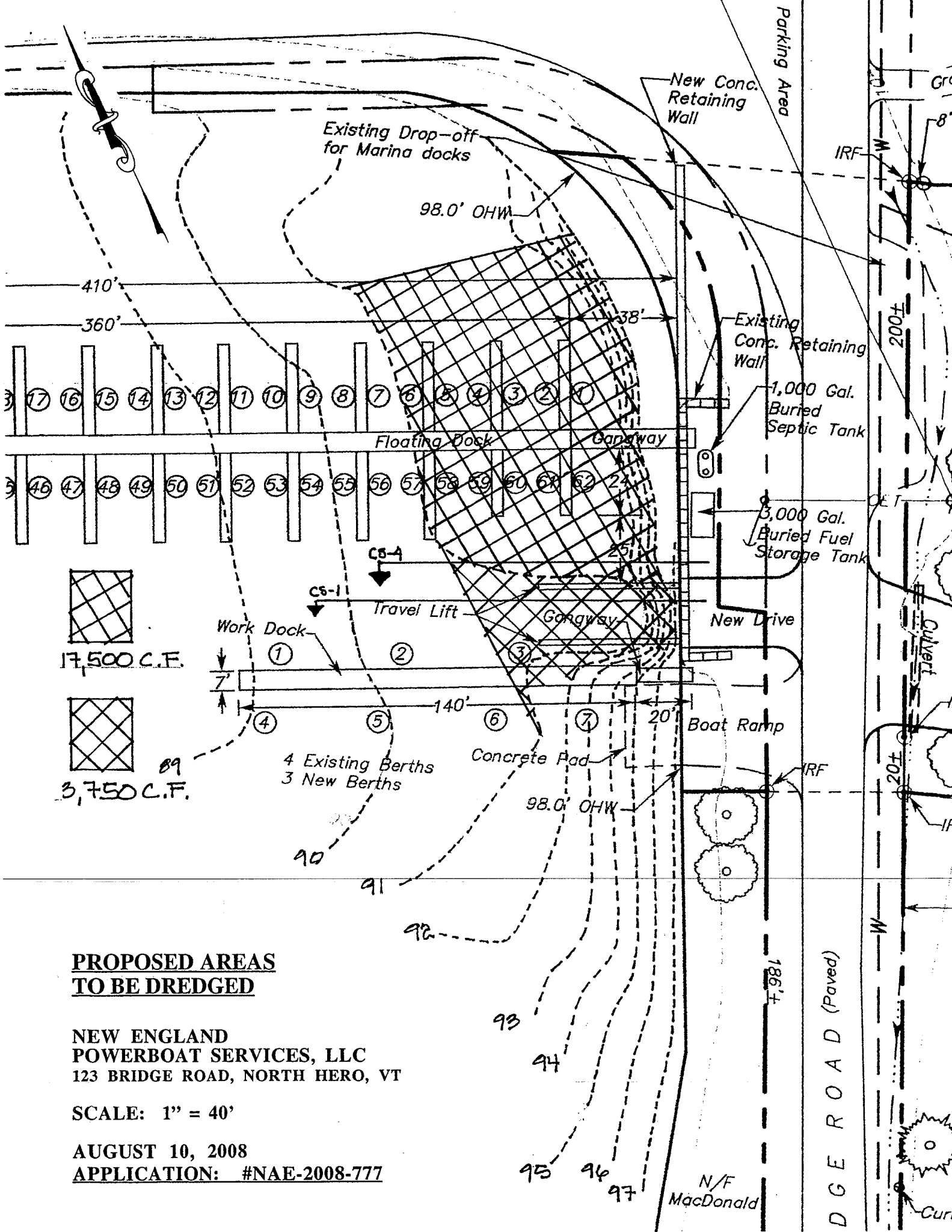
MARINA AT NEW ENGLAND POWERBOAT SERVICES, LLC
132 BRIDGE ROAD, NORTH HERO, VERMONT

CROSS-SECTION OF EXISTING AND NEW ANCHORING SYSTEM

Scale: 1/8" = 1' - 0"

BODY OF WATER: LAKE CHAMPLAIN'S "ALBURGH PASSAGE"

March 31, 2008



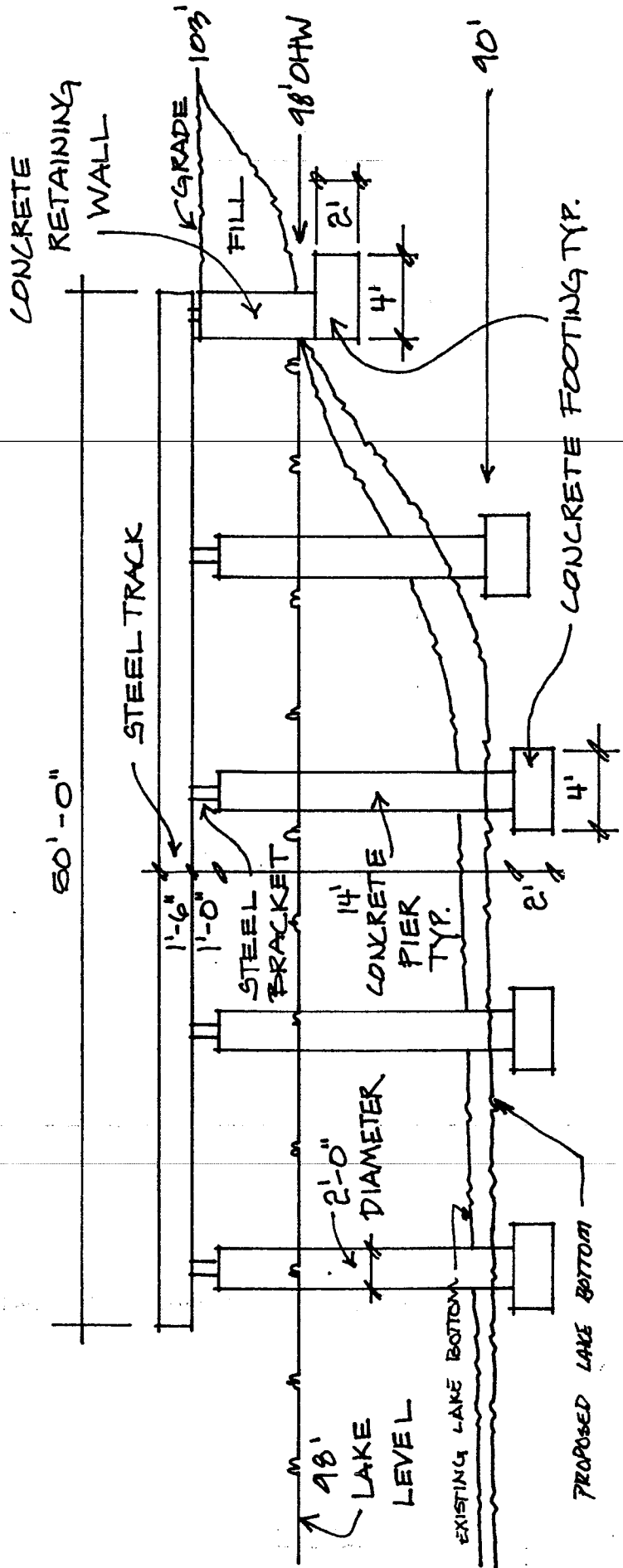
**PROPOSED AREAS
TO BE DREDGED**

**NEW ENGLAND
POWERBOAT SERVICES, LLC
123 BRIDGE ROAD, NORTH HERO, VT**

SCALE: 1" = 40'

AUGUST 10, 2008

APPLICATION: #NAE-2008-777



EAST-WEST CROSS SECTION
CS - 1 THROUGH
PROPOSED LAUNCHING PIER

NEW ENGLAND
 POWERBOAT SERVICES, LLC
 123 BRIDGE ROAD, NORTH HERO, VT

SCALE: 1/8" = 1' - 0"
 AUGUST 10, 2008
 APPLICATION: #NAE-2008-777

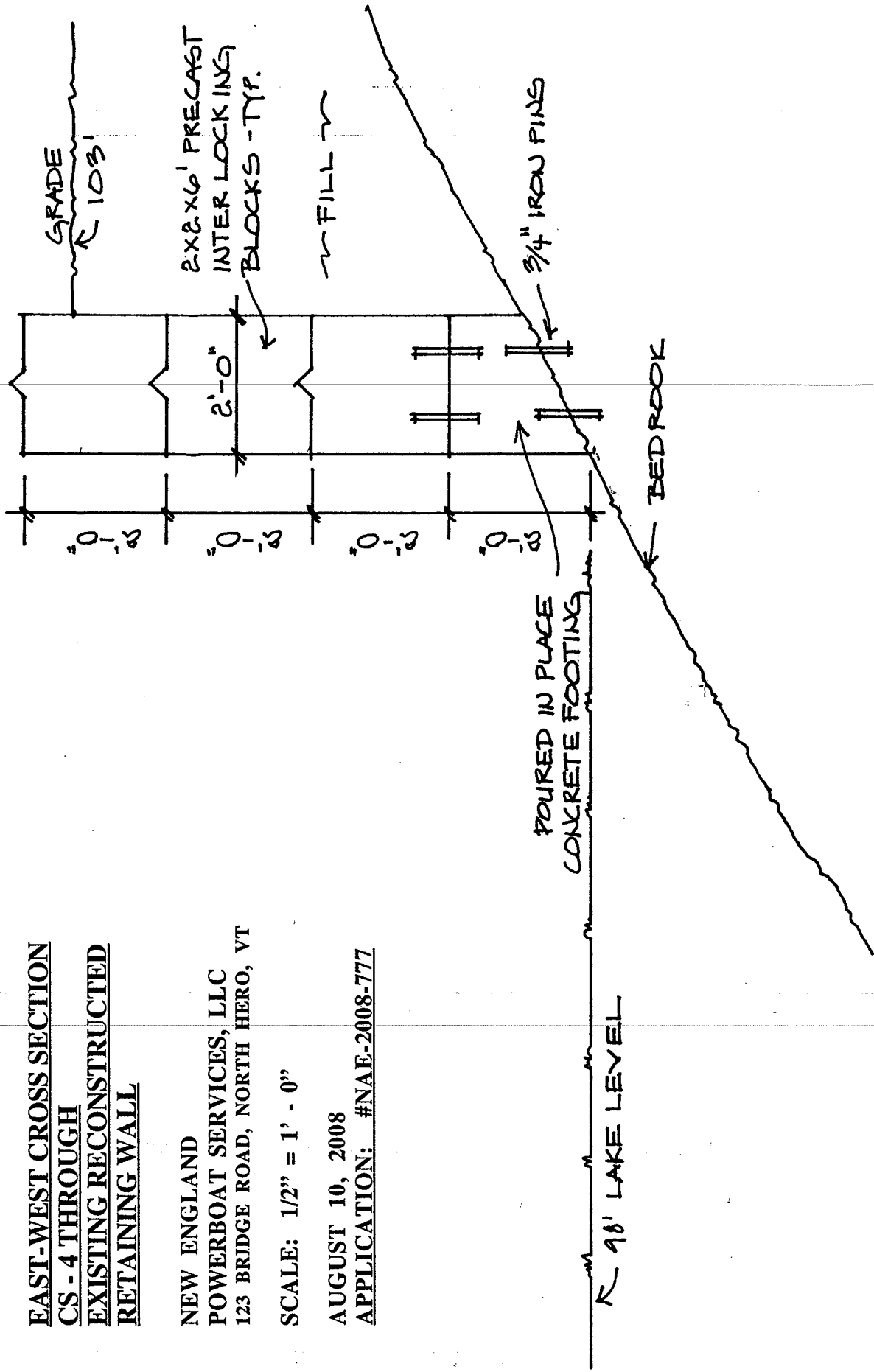
EAST-WEST CROSS SECTION
CS - 4 THROUGH
EXISTING RECONSTRUCTED
RETAINING WALL

NEW ENGLAND
POWERBOAT SERVICES, LLC
123 BRIDGE ROAD, NORTH HERO, VT

SCALE: 1/2" = 1' - 0"

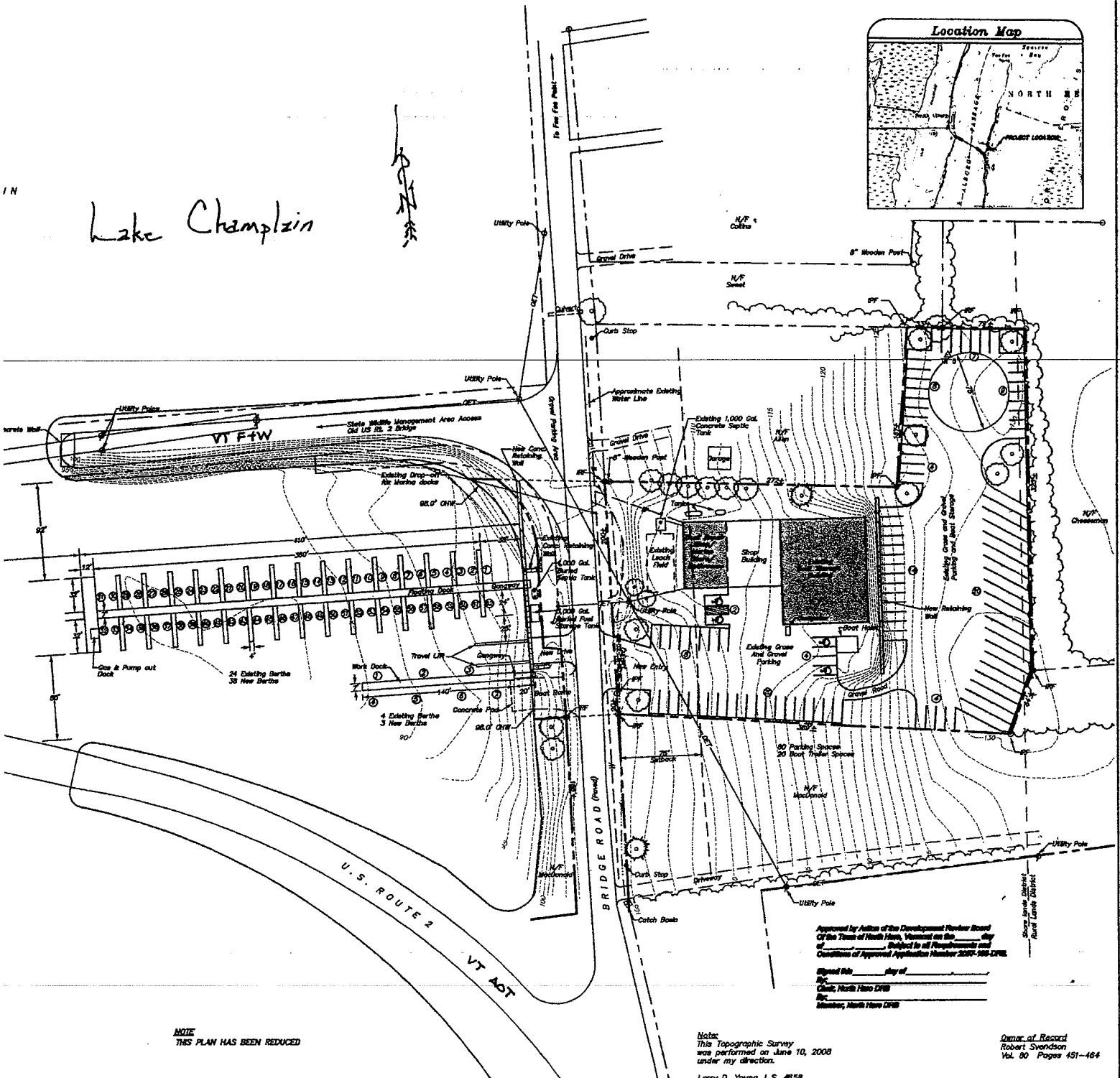
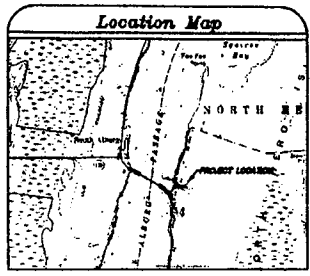
AUGUST 10, 2008

APPLICATION: #NAE-2008-777

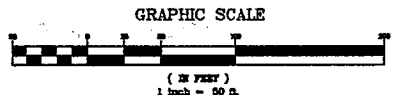


1 N

Lake Champlain



NOTE
THIS PLAN HAS BEEN REDUCED



Approved by Action of the Development Review Board
Of the Town of North Hero, Vermont on the _____ day of _____
Subject to all Requirements and
Conditions of Approved Application Number 2007-108-LTR.
Signed this _____ day of _____
By: _____
Chair, North Hero DWR
Number: North Hero DWR _____

Notes:
This Topographic Survey
was performed on June 10, 2008
under my direction.
Larry D. Young, L.S. #858

Owner of Record
Robert Swanson
Vol. 90 Pages 451-464

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|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------|
| SURVEY LDY/GDO DESIGNED GDO DRAWN GDO/NPN CHECKED LDY SCALE 1"=50' FILE NAME: 200802 | BLIMMIT ENGINEERING, INC Engineers • Surveyors • Planners • Landscape Architects 50 Joy Drive South Burlington, VT 05403 Ph. (802) 658-5588 Fax (802) 658-3629 | FINAL SITE PLAN | DATE 6/17/08 |
| | | NEW ENGLAND POWERBOAT SERVICES, LLC. 132 BRIDGE ROAD NORTH HERO, VERMONT | DRAWING NO. S2 PROJECT NO. 8005 |