



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

# PUBLIC NOTICE

696 Virginia Road  
Concord, MA 01742-2751

**Date: January 23, 2007**  
**Comment Period Ends: February 22, 2007**  
**File Number: NAE-2006-1465**  
**In Reply Refer To: Paul Sneeringer @ 978-318-8491**  
**Or by e-mail: paul.j.sneeringer@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

**Kevin Sousa, 35 Maple Street, Buzzards Bay, Massachusetts 02532**

## ACTIVITY

This project involves the installation of a floating dock and a near shore walkway in order to establish a boat livery service facility. A detailed description and plans of the applicant's activity are attached.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Onset Bay at 35 Maple Street, Wareham, Massachusetts. The proposed location on the USGS Onset quadrangle sheet is at 41° 44' 22.7" N, 70° 38' 54.7" W.

## 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.

### **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 approximately 0.10 acre of Essential Fish Habitat (EFH) for economically valuable marine fisheries such as winter flounder (*Pseudopleuronectes americanus*) (all stages), windowpane flounder (*Scophthalmus aquosus*) (all species), bluefish (*Pomatomus saltatrix*) (juveniles and adults), Atlantic butterfish (*Peprilus triacanthus*) (all stages), Atlantic mackerel (*Scomber scombrus*) (eggs and adults), summer flounder (*Paralichthys dentatus*) (larvae, juvenile and adults), scup (*Stenotomus chrysops*) (all stages), and black sea bass (*Centropristus striata*) (all stages). Loss of this habitat may adversely affect the above mentioned 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.

### **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 fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

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.

**CENAE-R**  
**FILE NO. NAE-2006-4173**

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 Paul Sneeringer at (978) 318-8491, (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.**



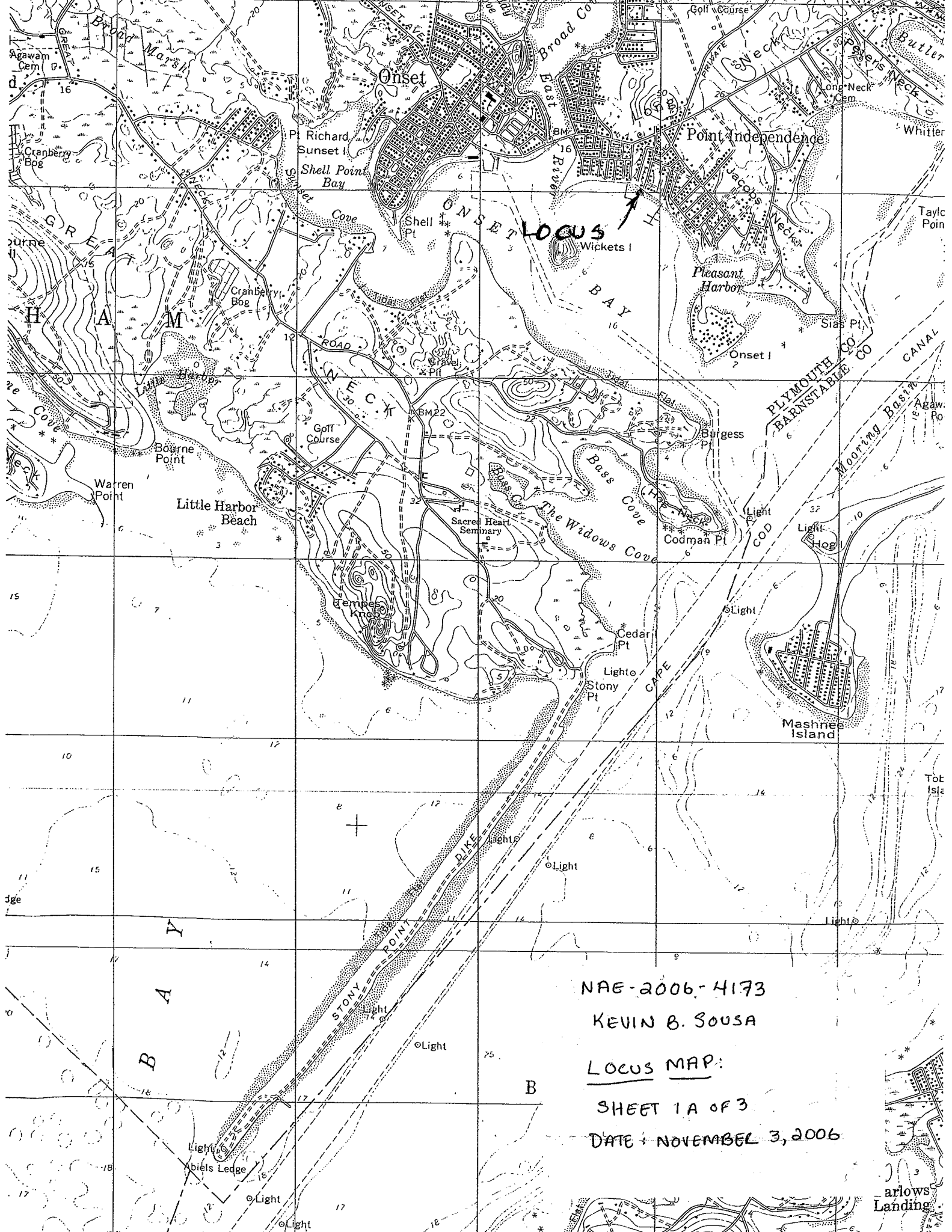
**Karen K. Adams**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

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](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: \_\_\_\_\_

**PROPOSED WORK AND PURPOSE**

This project involves the installation of a 92-foot long by 10-foot wide float and a 35-foot long by 10-foot wide float at the end of the existing residential pier and a 65-foot long by 4-foot near shore walkway in order to establish a boat livery service facility. This project is located in Onset Bay at 35 Maple Street in Wareham, Massachusetts. The applicant proposes to operate a boat towing service, a launching service and to rent sail boats from this facility. The applicant has requested that a reconfiguration zone be established around the proposed floats. No dredging has been requested as part of this application. The maximum encroachment of the dock is approximately 330 feet seaward of the existing seawall. This work is described on the enclosed plans entitled "KEVIN B. SOUSA," on a total of four sheets, and dated "November 3, 2006."



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KEVIN B. SOUSA

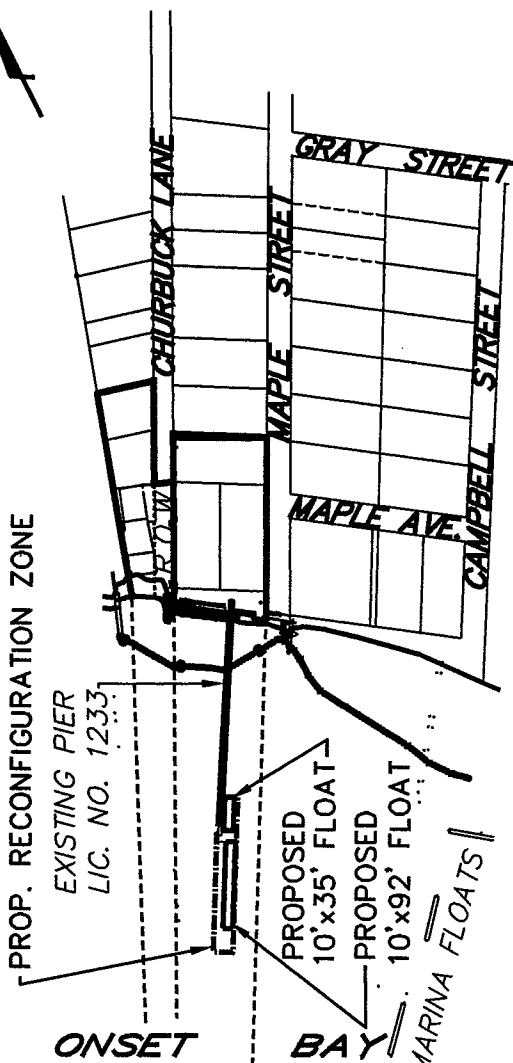
LOCUS MAP:

SHEET 1A OF 3

DATE: NOVEMBER 3, 2006

Howlands Landing

LOT 1003  
 POINT INDEPENDENCE YACHT CLUB  
 C/O PETER SILVA  
 32 PIERREPONT ROAD  
 WINCHESTER, MA. 01890



PROP. RECONFIGURATION ZONE

EXISTING PIER  
 LIC. NO. 1233

PROPOSED  
 10'x35' FLOAT  
 PROPOSED  
 10'x92' FLOAT

ONSET BAY

ONSET BAY MARINA FLOATS

LIMITS OF P.I.Y.C.  
 MOORING FIELD

**PLAN**

0' 100' 200'



SCALE: 1" = 200'

TO CONSTRUCT AND MAINTAIN  
 FLOATS, PILES & TIMBER WALKWAY

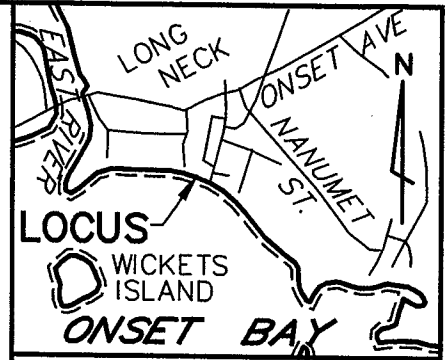
**ONSET BAY**  
 WAREHAM, PLYMOUTH COUNTY, MA.

APPLICATION BY:

**KEVIN B. SOUSA**

NOVEMBER 3, 2006

SHEET 18 OF 3



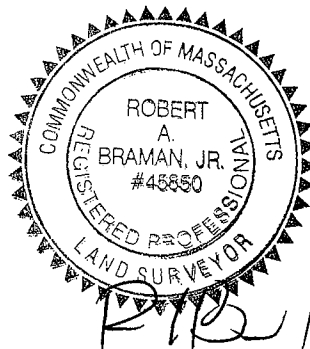
USGS  
 ONSET QUAD.

SCALE:  
 1"=2083'±

KEY MAP

**NOTES:**

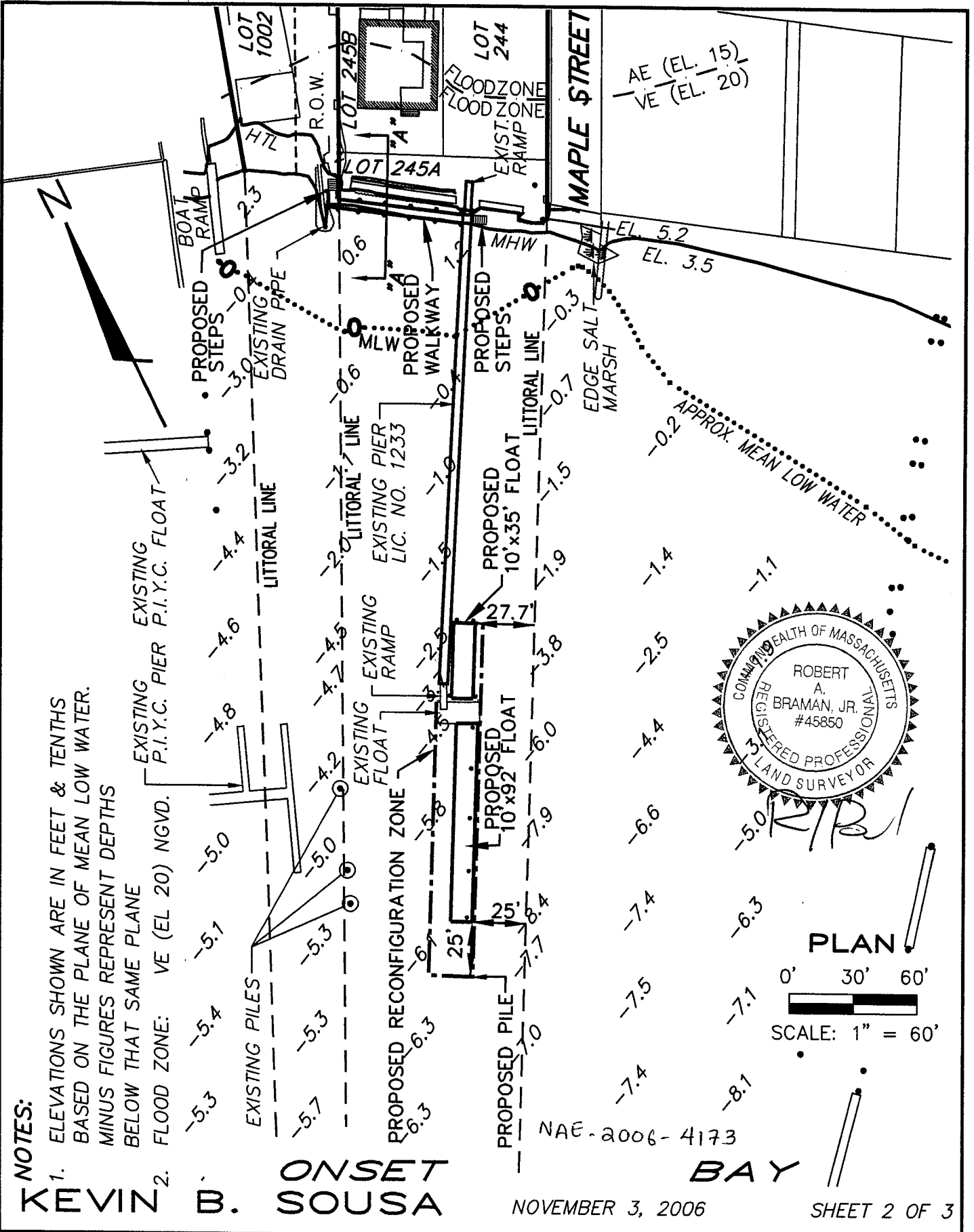
1. ELEVATIONS SHOWN ARE IN FEET & TENTHS  
 BASED ON THE PLANE OF MEAN LOW WATER.  
 MINUS FIGURES REPRESENT DEPTHS  
 BELOW THAT SAME PLANE
2. FLOOD ZONE: VE (EL 20) NGVD.



NAE-2006-4173

**BRAMAN SURVEYING & ASSOCIATES, LLC**  
 LAND SURVEYORS AND CIVIL ENGINEERS  
 140 MARION ROAD, WAREHAM, MA 02571

NOV 3 2006



**NOTES:**

1. ELEVATIONS SHOWN ARE IN FEET & TENTHS BASED ON THE PLANE OF MEAN LOW WATER. MINUS FIGURES REPRESENT DEPTHS BELOW THAT SAME PLANE
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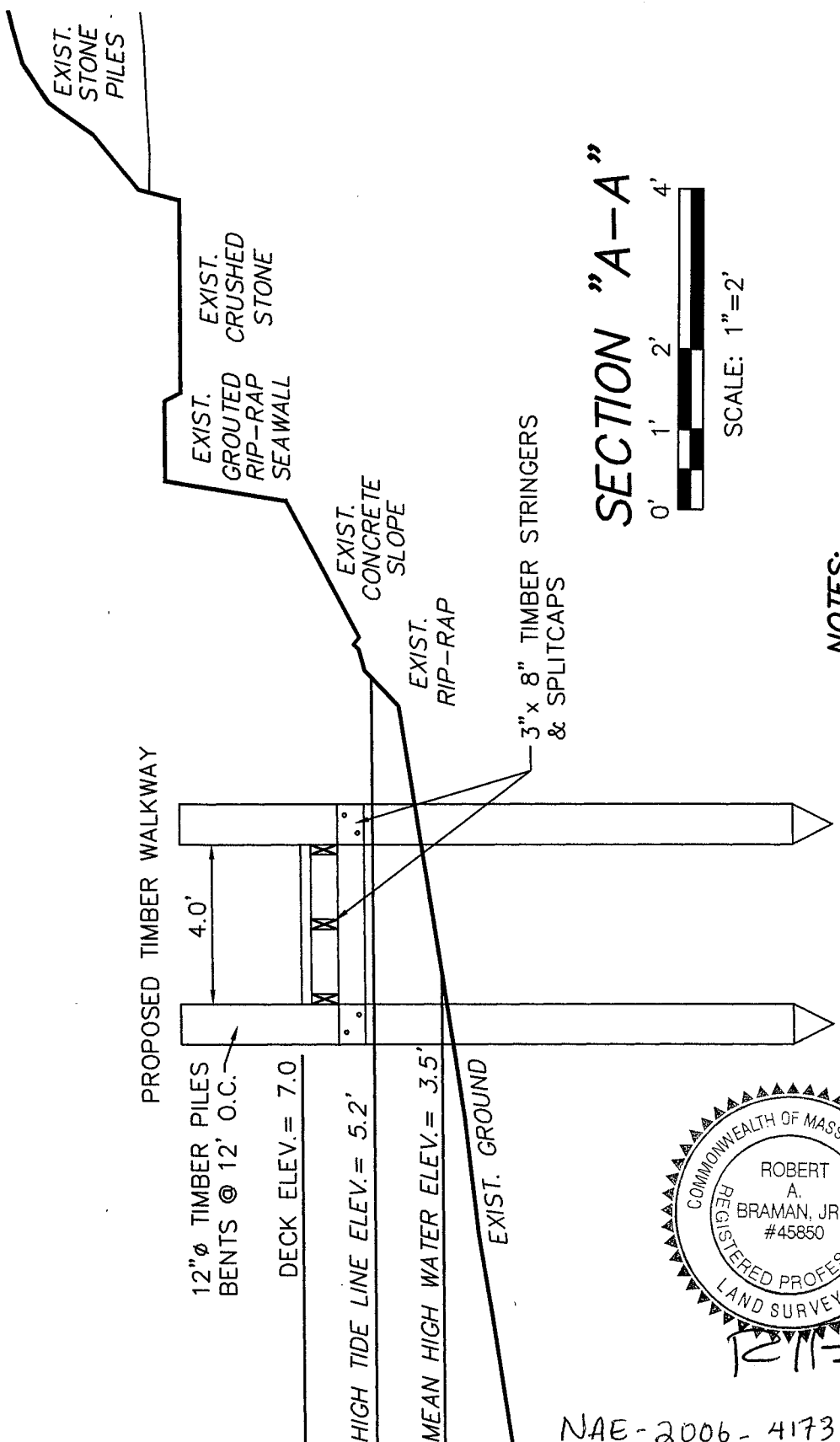
**KEVIN B. SOUSA**

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**BAY**

NOVEMBER 3, 2006

SHEET 2 OF 3



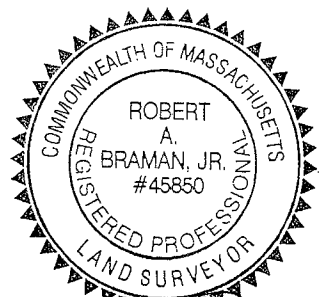
SECTION "A-A"



SCALE: 1"=2'

NOTES:

1. ELEVATIONS SHOWN ARE IN FEET & TENTHS BASED ON THE PLANE OF MEAN LOW WATER. MINUS FIGURES REPRESENT DEPTHS BELOW THAT SAME PLANE
2. FLOOD ZONE: VE (EL 20) NGVD.



*R. Braman*

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