



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

# PUBLIC NOTICE

696 Virginia Road  
Concord, MA 01742-2751

**Date:** December 18, 2007  
**Comment Period Ends:** January 18, 2008  
**File Number:** NAE-2007-2429  
**In Reply Refer To:** John Sargent  
**Or by e-mail:** john.c.sargent@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

Henry Norweb III  
Beverly Yacht Club  
99 Water Street  
Marion, Massachusetts  
02738

## ACTIVITY

The Beverly Yacht Club proposes work to include rebuilding and maintaining the existing pier and gazebo, increasing the width of the existing pier from 5 feet to 8 feet; extending two existing bottom anchored timber floats, the northern by 45 and the southern by 55 feet; extending one existing concrete float by 55 feet; and a reconfiguration zone for the marina. Plans of the activity are attached.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This project is located in Sippican Harbor, at 99 Water Street, Marion, Massachusetts. The proposed location on the USGS Marion Quadrangle sheet is at Lat 41° 42' 12.08" Long -70° 45' 31.04".

## 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 0.6 acre of Essential Fish Habitat (EFH) to include adult, juvenile, larval and egg stages of Atlantic cod (*Gadus morhua*), winter flounder (*Pleuronectes americanus*), windowpane flounder (*Scopthalmus aquosus*), black sea bass (*Centropristus striata*), and scup (*Stenotomus chrysops*) among other species. This marine bottom substrate consists of sandy and muddy intertidal and subtidal habitats. Placing and maintenance of piles, increased shading from expansion of floats, and disturbance caused by construction activity below the high tide line may adversely impact EFH 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 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)

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.
- ( ) 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 John Sargent at (978) 318-8026, (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**

**CENAE-R**  
**FILE NO. NAE-2007-02429**

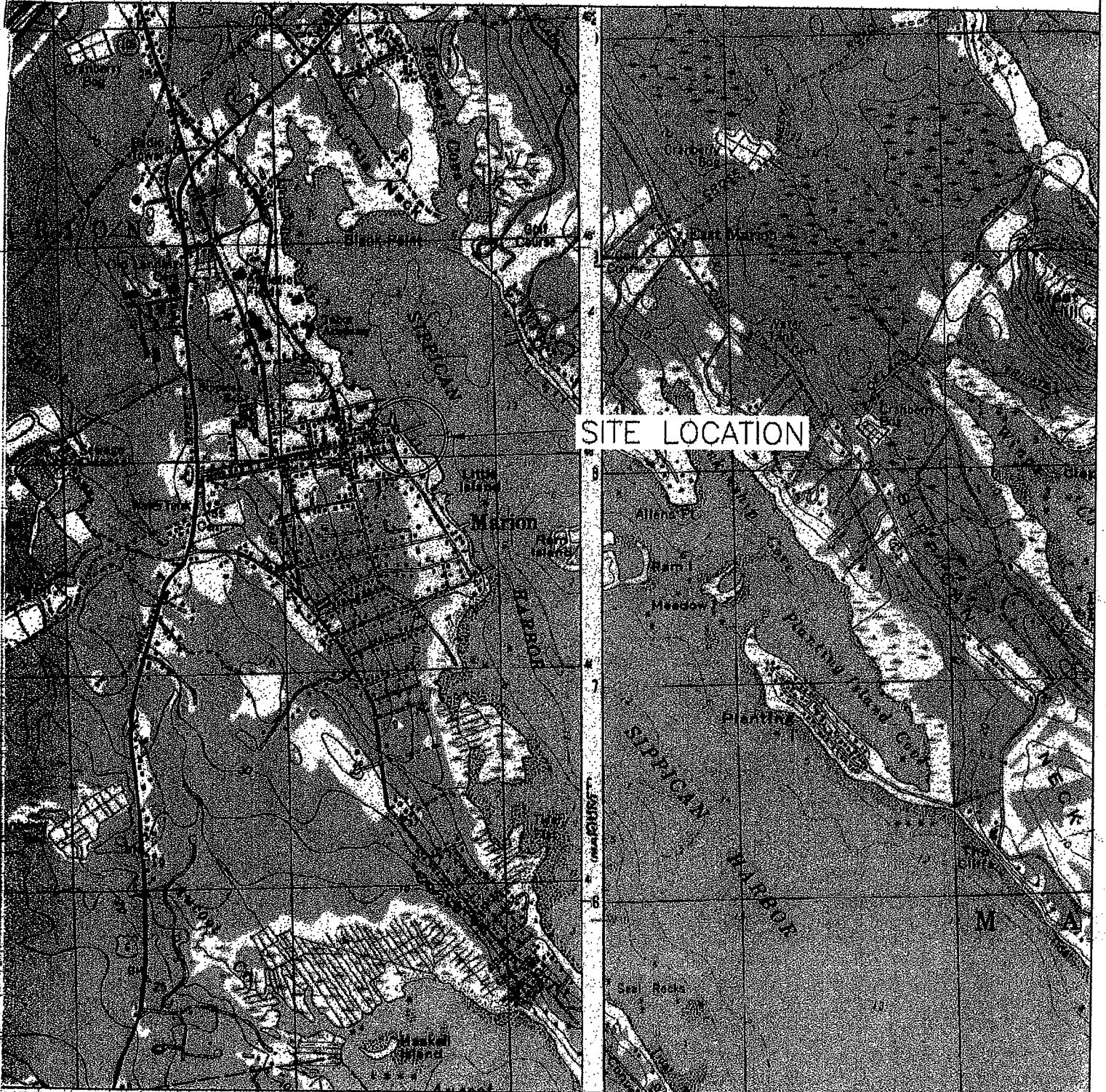
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME:

ADDRESS:

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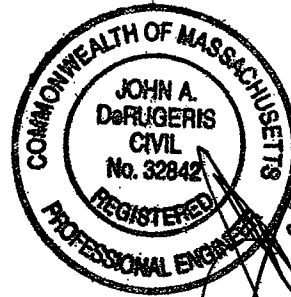
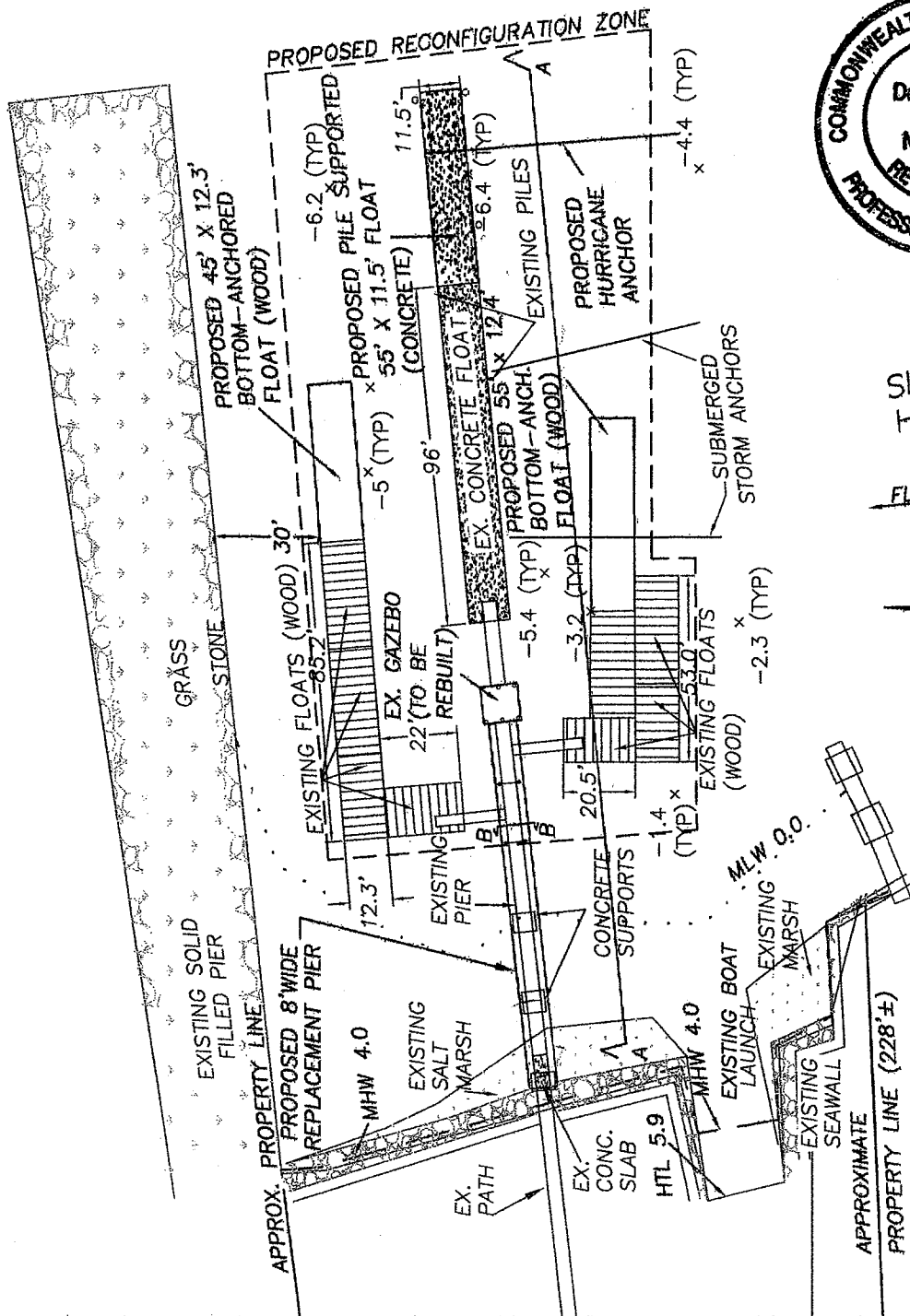


SITE LOCATION

PURPOSE: PROPOSED PIER  
 RECONSTRUCTION AND FLOAT  
 EXPANSION WILL IMPROVE ACCESS  
 TO NAVIGABLE WATERS  
 DATUM: MLW = 0.0  
 MHW = 4.0  
 HTL = 5.9  
 BEVERLY ENGINEERING, INC.  
 5 CREEK RD. MARION, MA 02738

VICINITY MAP  
 USGS NANTUCKET  
 QUAD SHEET  
 SCALE: 1"=2083'

PROPOSED PIER AND FLOAT PLAN  
 IN SIPPICAN HARBOR  
 AT: 99 WATER STREET,  
 MARION, MASSACHUSETTS  
 COUNTY OF: PLYMOUTH  
 APPLICATION BY: BEVERLY YACHT  
 CLUB  
 DATE: 06/04/07 SHEET 1 OF 5



SIPPICAN HARBOR

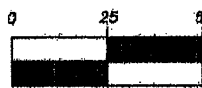
FLOOD  
EBB



PROPOSE: PROPOSED PIER  
CONSTRUCTION AND FLOAT  
EXPANSION WILL IMPROVE ACCESS  
NAVIGABLE WATERS  
TUM: MLW = 0.0  
MHW = 4.0  
HTL = 5.9  
ENGINEERING, INC.  
CREEK RD. MARION, MA 02738

SITE PLAN VIEW

GRAPHIC SCALE

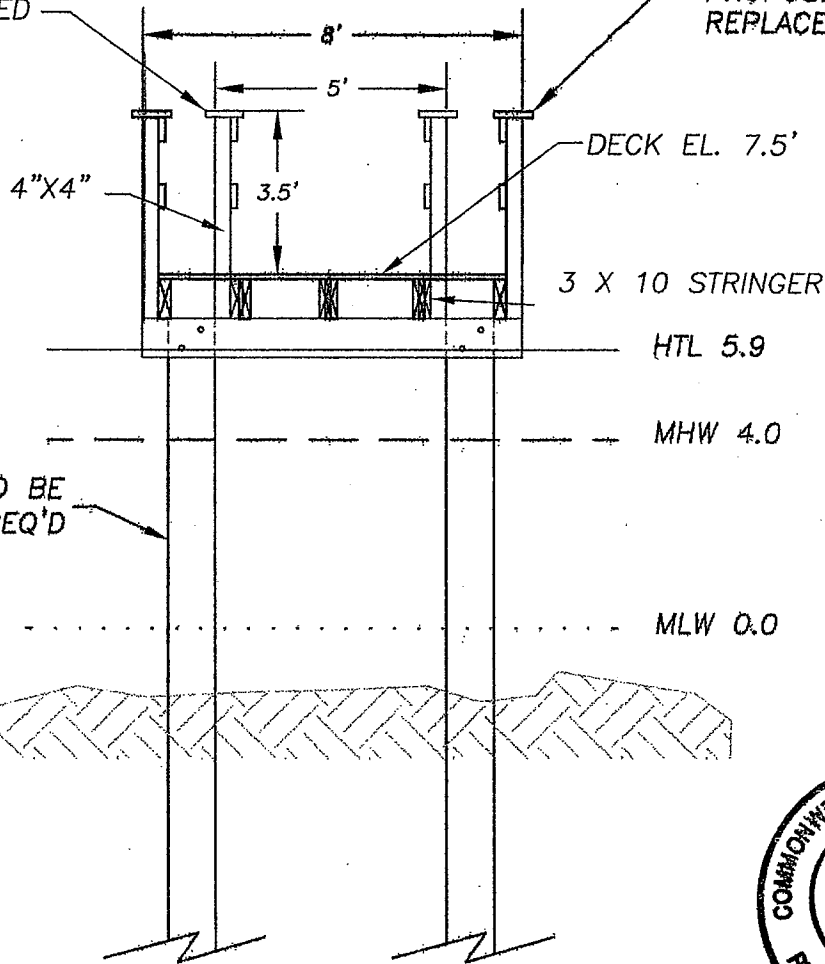


1 INCH = 50 FEET

PROPOSED PIER AND FLOAT PLAN  
IN SIPPICAN HARBOR  
AT: 99 WATER STREET,  
MARION, MASSACHUSETTS  
COUNTY OF: PLYMOUTH  
APPLICATION BY: BEVERLY YACHT CLUB  
DATE: 06/04/07 SHEET 2 OF 5

EXISTING PIER STRINGERS,  
DECK & RAILS TO BE  
REPLACED

PROPOSED 8' WIDE  
REPLACEMENT PIER



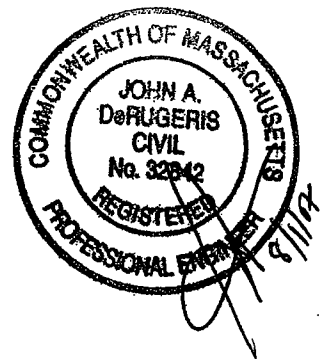
12" EX. PILE TO BE  
REPLACED AS REQ'D

HTL 5.9

MHW 4.0

MLW 0.0

PILES TO BE DRIVEN TO REFUSAL / MINIMUM 15 FEET



PURPOSE: PROPOSED PIER  
RECONSTRUCTION AND FLOAT  
EXPANSION WILL IMPROVE ACCESS  
TO NAVIGABLE WATERS  
DATUM: MLW = 0.0  
MHW = 4.0  
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ENGINEERING, INC.  
5 CREEK RD, MARION, MA 02738

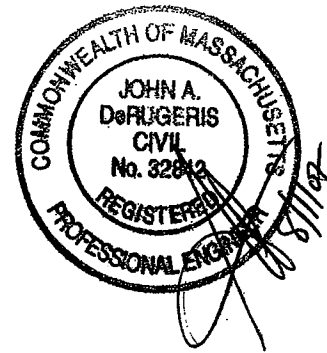
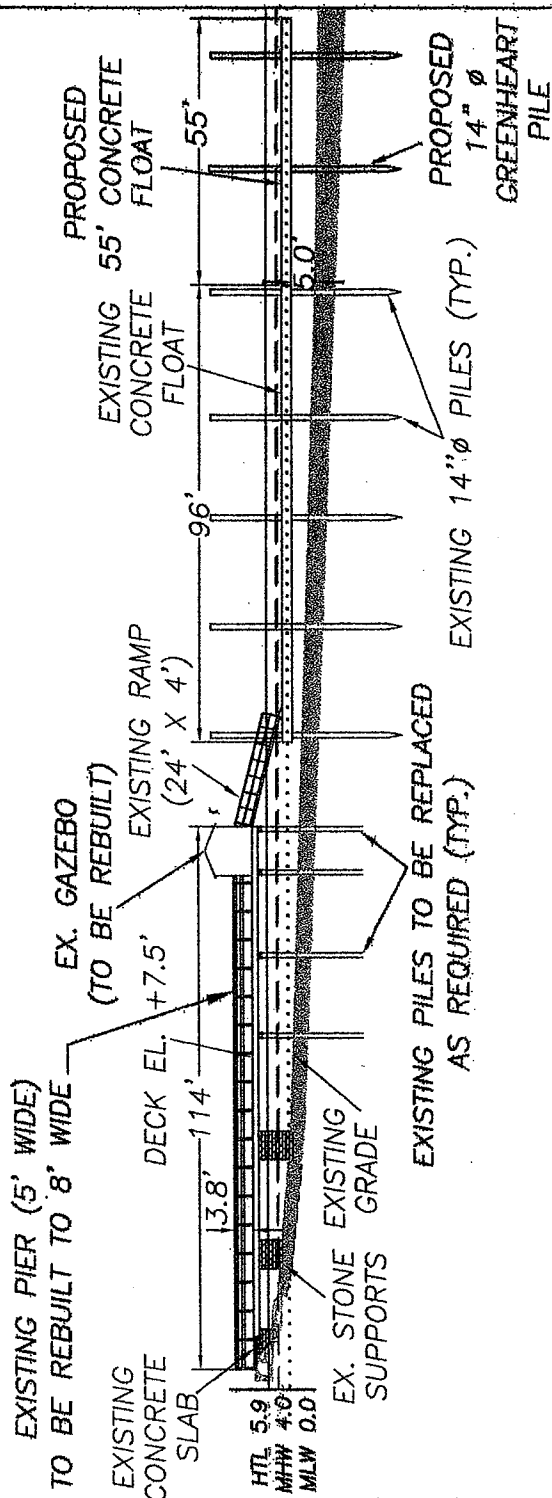
SECTION B-B

GRAPHIC SCALE



1 INCH = 4 FEET

PROPOSED PIER AND FLOAT PLAN  
IN SIPPICAN HARBOR  
AT: 99 WATER STREET,  
MARION, MASSACHUSETTS  
COUNTY OF: PLYMOUTH  
APPLICATION BY: BEVERLY YACHT  
CLUB  
DATE: 06/04/07 SHEET 3 OF 5



PURPOSE: PROPOSED PIER  
RECONSTRUCTION AND FLOAT  
EXPANSION WILL IMPROVE ACCESS  
TO NAVIGABLE WATERS

DATUM: MLW = 0.0  
MHW = 4.0  
HTL = 5.9

GLE ENGINEERING, INC.  
5 CREEK RD. MARION, MA 02738

SECTION A-A

GRAPHIC SCALE



1 INCH = 40 FEET

PROPOSED PIER AND FLOAT PLAN  
IN SIPPICAN HARBOR  
AT: 99 WATER STREET,  
MARION, MASSACHUSETTS  
COUNTY OF: PLYMOUTH  
APPLICATION BY: BEVERLY YACHT  
CLUB

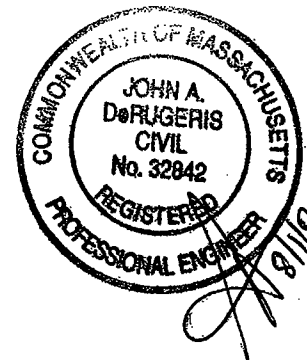
DATE: 06/04/07 SHEET 4 OF 5



NOTES:

1. RESULTS OF HYDROGRAPHY FROM SURVEY DATED 12-15-05.
2. SOUNDINGS ARE IN FEET AND TENTHS, AND REFER TO DEPTHS BELOW MEAN LOW WATER.
3. BENCHMARK IS NOAA 7385 F 1976 EL. 7.84' MLLW
4. COORDINATES ARE BASED ON THE LAMBERT GRID SYSTEM FOR THE COMMONWEALTH OF MASS, AND WERE TAKEN FROM CONTROL FURNISHED BY THE OWNER AND WAS NOT INDEPENDENTLY VERIFIED.
5. THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF HYDROGRAPHIC SURVEYS PERFORMED ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE SEABED CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. NO SURVEYS WERE CONDUCTED TO LOCATE PROPERTY LINES, CHANNEL LIMITS, EASEMENTS, UTILITIES, GEOTECHNICAL FEATURES, SHORELINES, STRUCTURES, HABITATS OR ANY OTHER PHYSICAL FEATURES RELATING TO THE PROJECT SITE, NOR DOES CLE WARRANT THE EXISTENCE OR LOCATION OF SAID PHYSICAL FEATURES.
6. POSSESSION AND USE OF THE MATERIAL CONTAINED ON THESE DRAWINGS IS GRANTED ONLY IN CONNECTION WITH ITS USE AS IT RELATES TO THE TITLED PROJECT, ANY OTHER USE, REPRODUCTION OR DISCLOSURE OF THE INFORMATION CONTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF CLE ENGINEERING INC.

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