



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

# PUBLIC NOTICE

696 Virginia Road  
Concord, MA 01742-2751

**Date: February 19, 2008**  
**Comment Period Ends: March 19, 2008**  
**File Number: NAE-2006-3754**  
**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.

**Mark Patterson**  
**Town of Scituate**  
**100 Cole Parkway**  
**Scituate, Massachusetts 02066**

The work would include dredging in the float dock area and disposal of the dredged material at the Massachusetts Bay Disposal Site; a reconfiguration zone and installation of bottom anchored floats; placing fill below the High Tide Line to raise the parking area; construction of a pile supported travel lift and boat washing area; construction of a pile supported viewing pier, and kayak launch area; and salt marsh restoration.

A detailed description and plans of the activity are attached.

## **WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed in Scituate Harbor at 117 and 119 Edward Foster Road, Scituate, Massachusetts. The proposed location on the USGS Scituate quadrangle sheet is at 42 ° 11 ' 43" N 70 ° 43 ' 05" W Lat/Long

## **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).

The dredging portion of this project will impact approximately 132,050 SF of Essential Fish Habitat (EFH) for eggs, larvae, juvenile and adult Atlantic cod, Pollock, whiting, red hake, white hake, American plaice, ocean pout, Atlantic halibut, Atlantic sea scallop, Atlantic butterfish, Atlantic mackerel, winter flounder, and windowpane flounder; eggs, larvae and adult monkfish; eggs, juvenile and adult yellowtail flounder; juvenile and adult bluefish, scup, long finned squid, short finned squid, black seabass, surf clam and bluefin tuna; adult summer flounder, and spiny dogfish; and haddock eggs.

Habitat at this site can be described as a protected cove with shallow subtidal and intertidal areas with silt and clay marine bottom. Temporary disturbance of this habitat during dredging and placing piles may adversely affect eggs, larvae, juvenile and adult winter flounder, windowpane flounder, juvenile and adult bluefish, adult summer flounder, and juvenile and adult scup. The dredging would temporarily impact approximately 132,050 square feet of marine bottom habitat. Turbidity in the water column would be expected to increase during the dredging and placing of piles but return to pre-dredging and construction levels. The project has features to minimize impact to EFH to include, a 20-foot wide no dredge zone; a no dredge period of February 1 to May 30 to protect winter flounder spawning and juvenile development; planting of salt marsh vegetation (*Spartina alterniflora*) plantings and removal of invasive *Phragmites*. In addition, the existing riprap seawall and attached algae and marine life would remain intact because it likely contributes to habitat and food sources for EFH species. Therefore, the District Engineer has made a preliminary determination that the site-specific adverse effect would 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.

The dredged material disposal is proposed for the Massachusetts Bay Disposal Site (MBDS). The MBDS was officially designated a dredged material disposal site by the U.S. Environmental Protection agency in 1993. The material to be deposited has undergone physical and chemical analysis.

The Massachusetts Bay Disposal Site is frequently used for disposal of bottom sediments from various harbors in the Boston area. Approximately 300,000 cubic yards of suitable sediments (suitability determined through case-by-case analyses) are deposited at this site annually. The site is monitored through the Corps Disposal Area Monitoring System (DAMOS) program. The DAMOS studies show that the site is a low energy environment such that sediments deposited at this location will remain within the site's boundaries. The DAMOS monitoring has also shown that a distinct dredged material mound has been formed at the site. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged that utilize the site. Sediment deposited at the disposal site has not been found to affect areas outside the disposal site.

The Massachusetts Bay Disposal Site (MBDS) is centered at 42 ° 25.106' N, 70 ° 34.969' W (NAD 83) and is located 12 miles southeast of Gales Point, Massachusetts. The average water depths at the site range from 269 to 302 feet. This is an open water site, which provides Essential Fish Habitat for eggs, larvae, juvenile, and adult Atlantic cod, whiting red hake, white hake, witch flounder, winter flounder yellowtail flounder, American plaice, ocean pout, Atlantic halibut Atlantic sea scallop, monkfish, Atlantic butterfish, and Atlantic mackerel; larval, juvenile, and adult Atlantic sea herring; eggs and juvenile haddock; juvenile and adult long finned squid, short finned squid, and bluefin tuna; larval, juvenile and adult redfish; and egg and larval windowpane flounder. Habitat at this site can be described as silts and clays. There would be temporary impacts on the bottom and water column due to the disposal. 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.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

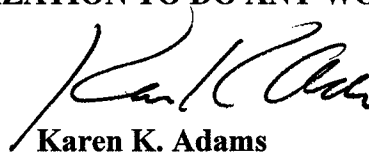
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact John Sargent at (978) 318-8026, (800) 343-4789 or (800) 362-4367, if calling 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**

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.

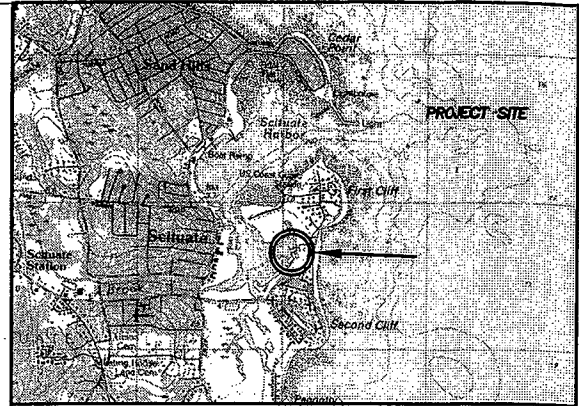
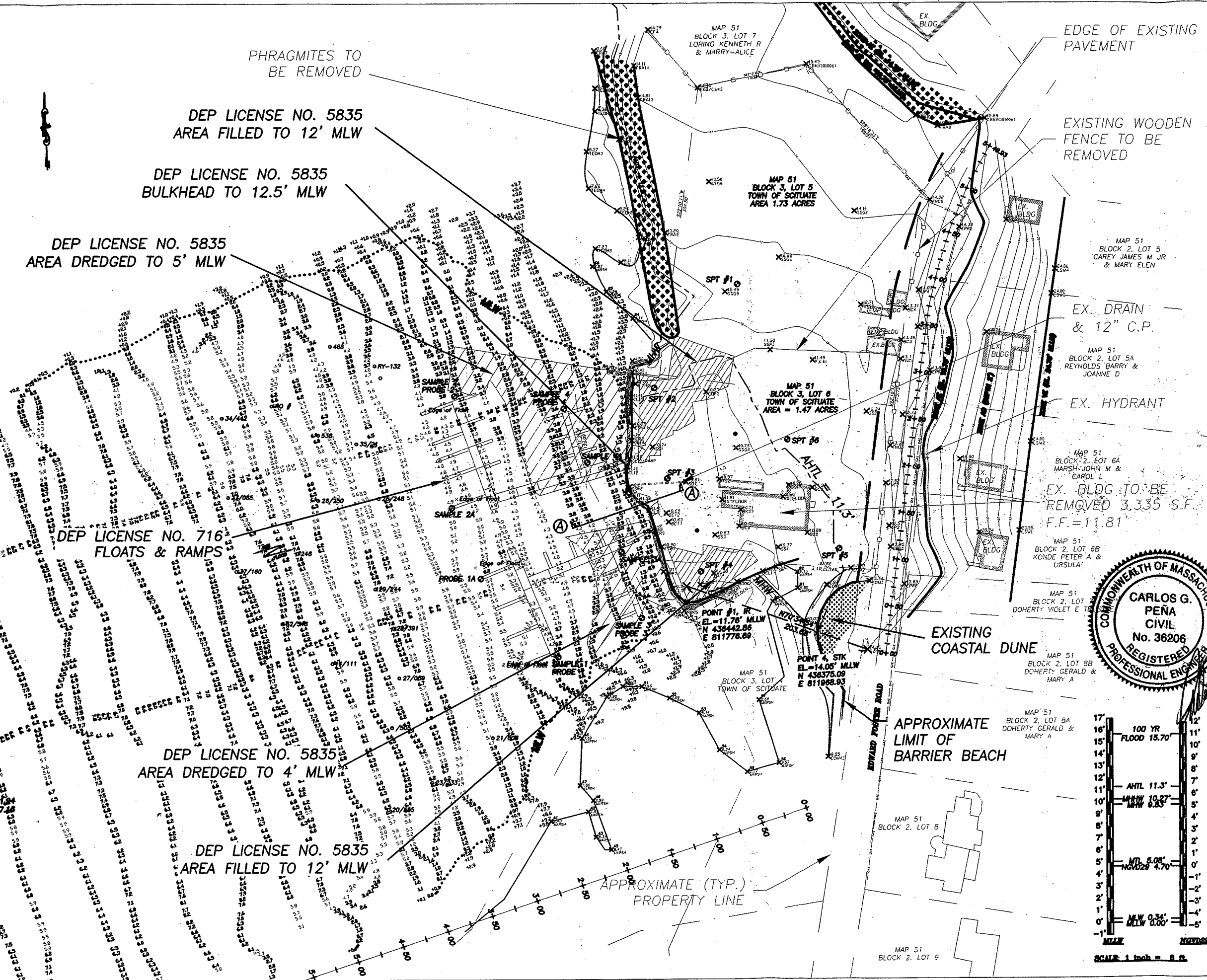
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

**PROPOSED WORK AND PURPOSE**

The work includes the discharge of dredged or fill material in navigable waters for the maintenance and new dredging of approximately 132,050 square feet of marine bottom (14,000 cubic yards) to a depth of -7 feet mean low water with 20-foot wide no dredging zone in intertidal area. The dredged material would be deposited in the Massachusetts Bay Disposal Site. It is our determination that the material is acceptable for unconfined open water disposal at this site.

The work would also include a reconfiguration zone for the marina to expand the number of slips to 108; fill of about 95,800 square feet of developed parking lot land below the High Tide Line (HTL) to raise the elevation by about 3.5 feet (to elevation 14 feet above Mean Low Low Water); a pile supported 7-foot x 75-foot viewing pier with a 15-foot x 15-foot end platform; and pile supported 30-foot x 120-foot boat travel lift. A 20-foot x 30 area partly below HTL would be used as a kayak launching area. Work would also include construction of a 2,500 square foot boat yard building, and 905 square foot marina building in uplands, and manual removal of *Phragmites* vegetation and planting with native salt marsh plants.

The work is described on the enclosed plans entitled "MAINTENANCE & IMPROVEMENT DREDGING AND MARINE PARK IMPROVEMENTS AT 117 EDWARD FOSTER ROAD SICTUATE, MA" on 4 sheets, and dated "01/28/08."

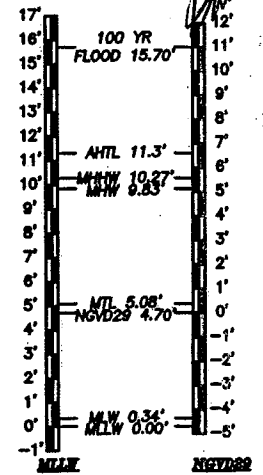
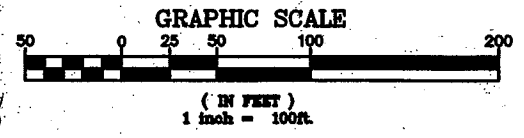
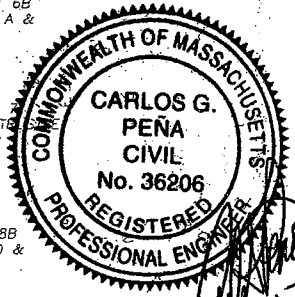


SITE LOCUS  
HULL QUAD. (N.T.S.)

- LEGEND**
- SAMPLE LOCATION
  - MOORING
  - GAS - GAS LINE
  - UTILITY POLE
  - - - EXISTING WOODEN FENCE
  - ⊗ FIRE HYDRANT
  - - - MLW 0.34'
  - - - MHW 0.81'
  - - - AHTL 11.3'

- NOTES**
1. RESULTS OF HYDROGRAPHY FROM SURVEY DATED 02-01-08.
  2. SOUNDINGS ARE IN FEET AND TENTHS, AND REFER TO DEPTHS BELOW MEAN LOWER LOW WATER.
  3. BENCHMARK IS DISK 5138-A EL. 15.60' MLLW, SITE BENCHMARK IS POINT 4, STK. EL. 14.05' MLLW, FEMA ELEVATION REFERENCED - RM#11, EL. 14.80' NGVD.
  4. COORDINATES ARE BASED ON THE NAD83 GRID SYSTEM FOR THE COMMONWEALTH OF MASSACHUSETTS.
  5. PROPERTY LINE INFORMATION BASED ON PLANS BY OUTBACK ENGINEERING, INC. DATED SEPTEMBER 18, 2002 AND REVISED JUNE 5, 2003.
  6. TOPOGRAPHIC SURVEYS DATES 10-01-06 & 10-10-06.
  7. SEDIMENT SAMPLES COLLECTED ON 8-30-08.
  8. FEMA COMMUNITY PANEL NUMBER 250220004E, MAP REVISED: OCT 16, 2003.
  9. PROPERTY INFORMATION, ASSESSORS MAP: 51 BLOCK: 3 LOT/PARCELS 5 & 6, BOOK # 28345- PAGE 284.
  10. 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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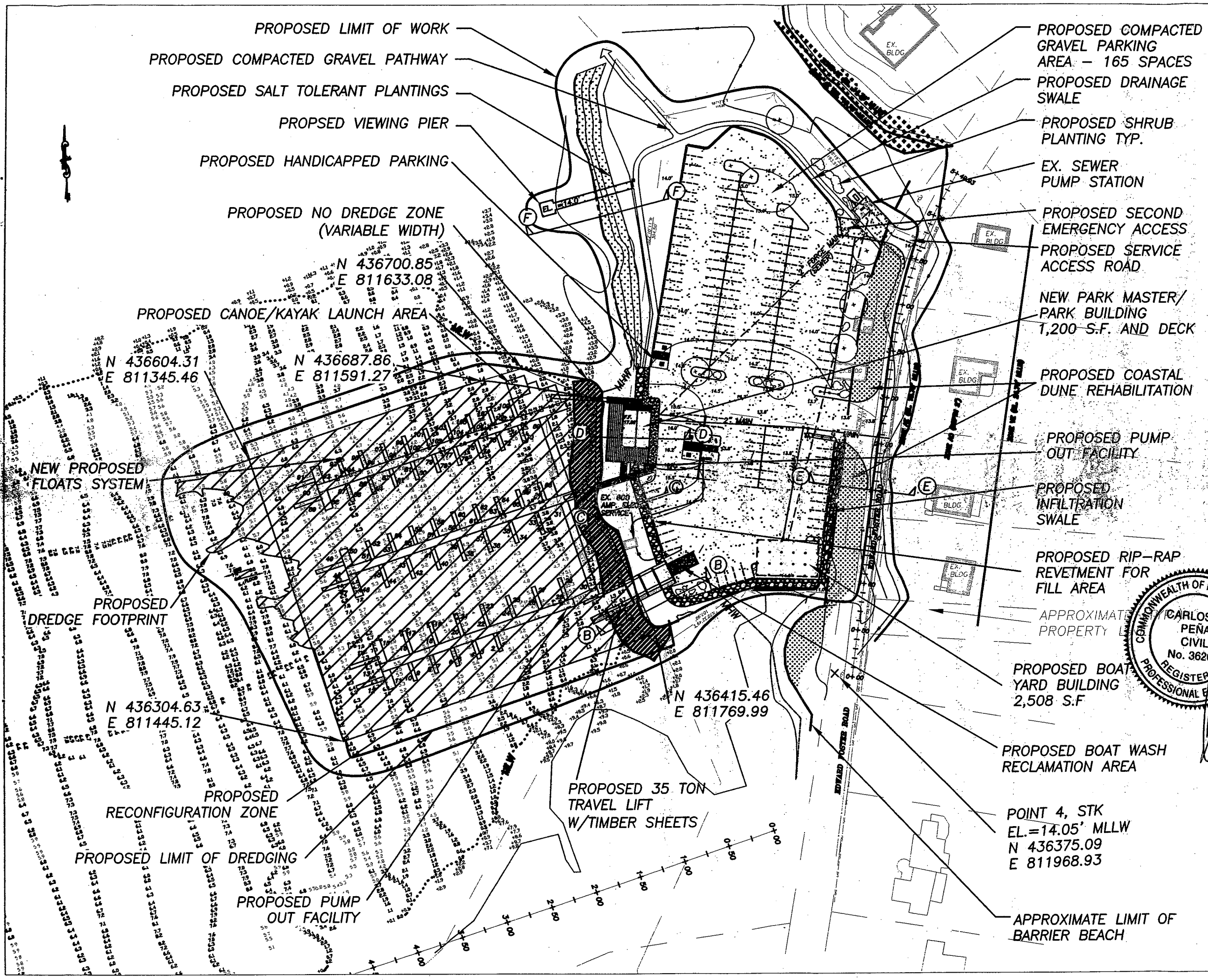
**PROJECT:**  
MAINTENANCE & IMPROVEMENT DREDGING AND MARINE PARK IMPROVEMENTS AT 117 EDWARD FOSTER ROAD SCITUATE, MA

**CLIENT:**  
TOWN OF SCITUATE  
600 CHIEF JUSTICE CUSHING HIGHWAY  
SCITUATE, MA 02066

**cle**  
**CLE ENGINEERING, INC.**  
15 Creek Road, Marion, MA 02738 (508) 748-0937

**SITE PLAN - SHEET 1 OF 4**  
**EXISTING CONDITIONS**

SCALE: AS NOTED	CHECKED: [ ]	DATE: 01/15/08	DRAWING No. Scituate Marine Park 1.dwg
DRAWN BY: CDD	BY: CP		COMP CODE: 04081.200
REVISION No. 1	DATE: 01-28-08	COMMENT: NO DREDGE ZONE	



- INTERESTS OF THE ACT
1. PROTECTION OF PUBLIC & PRIVATE WATER SUPPLY.
  2. PROTECTION OF GROUND WATER SUPPLY.
  3. FLOOD CONTROL.
  4. STORM DAMAGE PREVENTION.
  5. PREVENTION OF POLLUTION.
  6. PROTECTION OF LAND CONTAINING SHELLFISH.
  7. PROTECTION OF FISHERIES.
  8. PROTECTION OF WILDLIFE HABITAT.

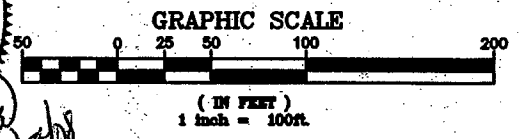
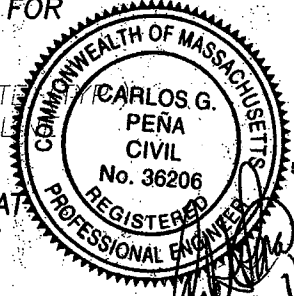
LEGEND

- SAMPLE LOCATION
- MOORING
- ⊙ MAN HOLE
- CATCH BASIN
- GAS- GAS LINE
- ⊕ UTILITY POLE
- EXISTING WOODEN FENCE
- ⊗ FIRE HYDRANT
- MLLW 0.34'
- MHW 9.81'
- AHTL 11.3'

NOTES:

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4. COORDINATES ARE BASED ON THE NAD83 GRID SYSTEM FOR THE COMMONWEALTH OF MASSACHUSETTS.
5. PROPERTY LINE INFORMATION BASED ON PLANS BY OUTBACK ENGINEERING, INC. DATED SEPTEMBER 28, 2002 AND REVISED JUNE 5, 2003.
6. TOPOGRAPHIC SURVEYS DATES 10-01-06 & 10-10-06.
7. SEDIMENT SAMPLES COLLECTED ON 8-30-06.
8. FEMA COMMUNITY PANEL NUMBER 250222004E, MAP REVISED: OCT 16, 2003.
9. PROPERTY INFORMATION, ASSESSORS MAP: 51 BLOCK: 3 LOT/PARCELS 5 & 6, BOOK # 28345 - PAGE 284.
10. 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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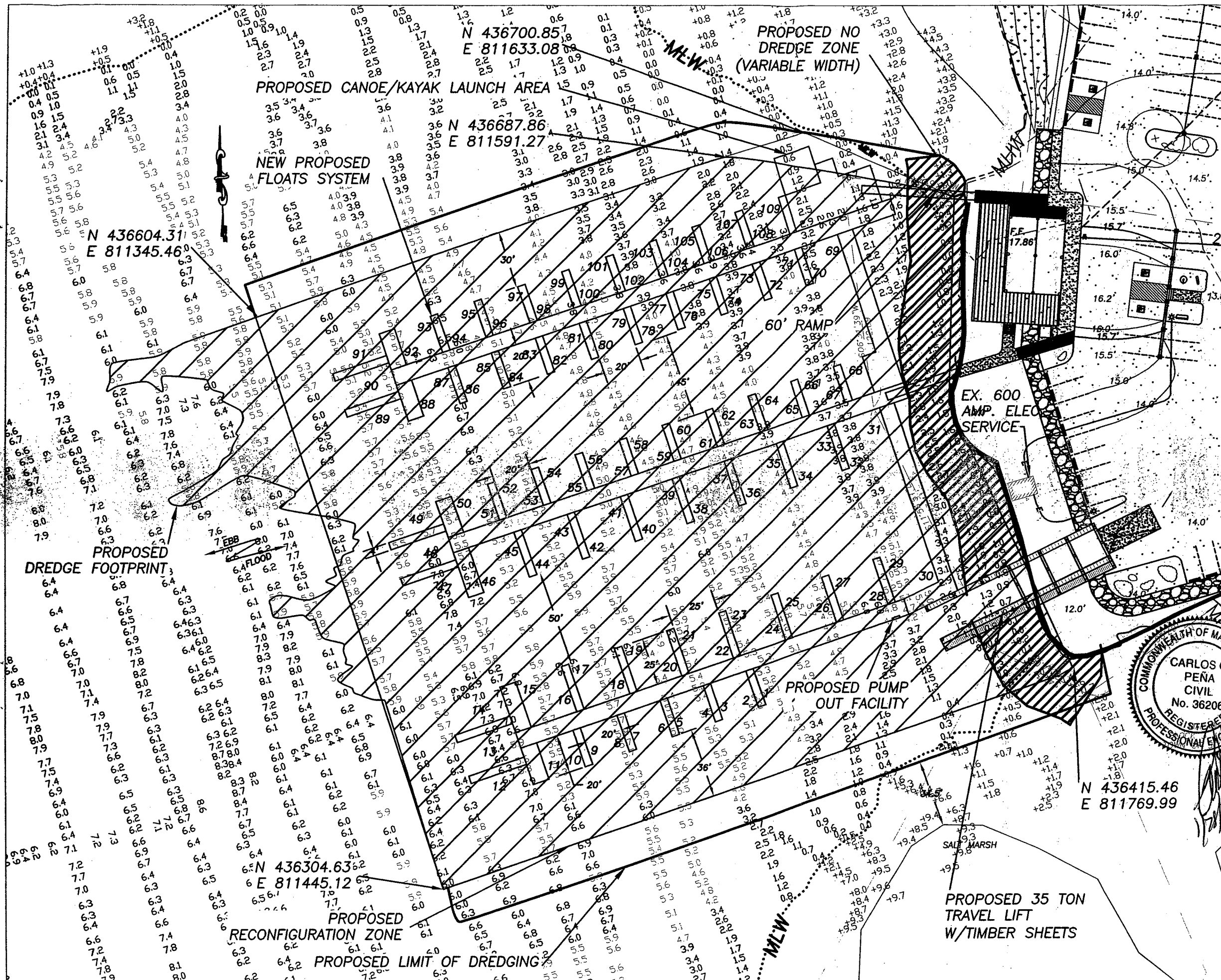


PROJECT: MAINTENANCE & IMPROVEMENT DREDGING AND MARINE PARK IMPROVEMENTS AT 117 EDWARD FOSTER ROAD SCITUATE, MA  
 CLIENT: TOWN OF SCITUATE  
 600 CHIEF JUSTICE CUSHING HIGHWAY  
 SCITUATE, MA 02066

**cle**  
**CLE ENGINEERING, INC.**  
 15 Creek Road, Marion, MA 02738 (508) 748-0937

SITE PLAN - SHEET 2 OF 4  
 PROPOSED CONDITIONS

SCALE: AS NOTED	CHECKED: DATE 01/15/08	DRAWING No. Scituate Marine Phase 1.dwg
DRAWN BY: CCD	BY: CP	COMP CODE 04081.200
REVISION No. 1	DATE 01-28-08	COMMENT NO DREDGE ZONE



- INTERESTS OF THE ACT**
1. PROTECTION OF PUBLIC & PRIVATE WATER SUPPLY.
  2. PROTECTION OF GROUND WATER SUPPLY.
  3. FLOOD CONTROL.
  4. STORM DAMAGE PREVENTION.
  5. PREVENTION OF POLLUTION.
  6. PROTECTION OF LAND CONTAINING SHELLFISH.
  7. PROTECTION OF FISHERIES.
  8. PROTECTION OF WILDLIFE HABITAT.

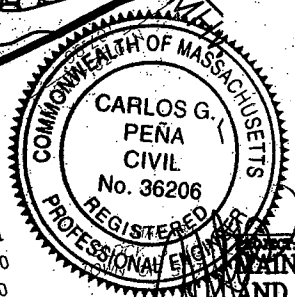
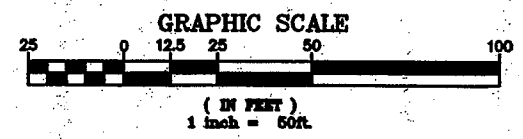
**LEGEND**

- SAMPLE LOCATION
- MOORING
- MAN HOLE
- CATCH BASIN
- GAS- GAS LINE
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7. SEDIMENT SAMPLES COLLECTED ON 8-30-06.
8. FEMA COMMUNITY PANEL NUMBER 250220004E/REVISED: OCT. 16, 2003.
9. PROPERTY INFORMATION, ASSESSORS' MAP: 01-00000-3 LOT/PARCELS 5 & 6, BOOK # 28345- PAGE 284.
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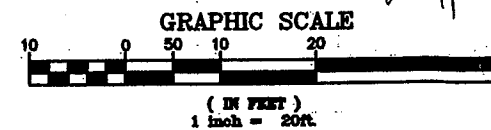
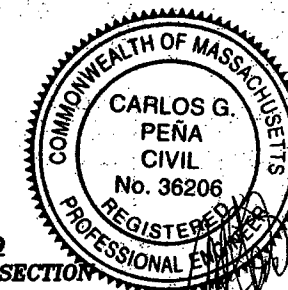
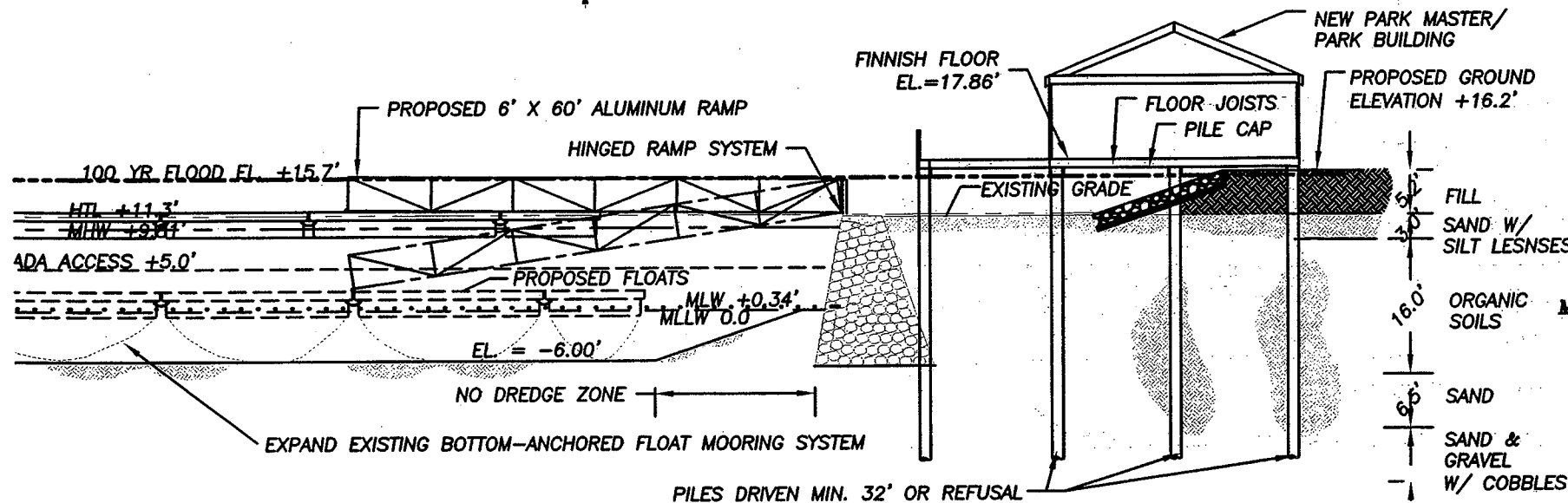
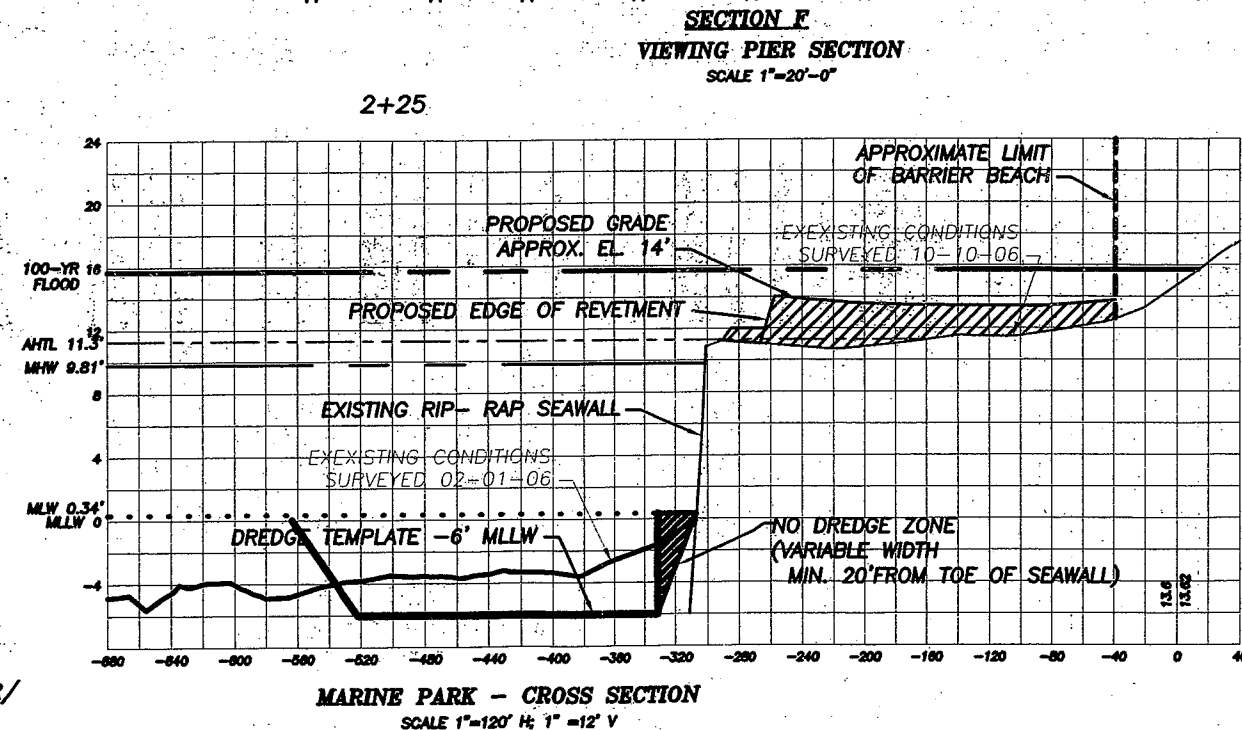
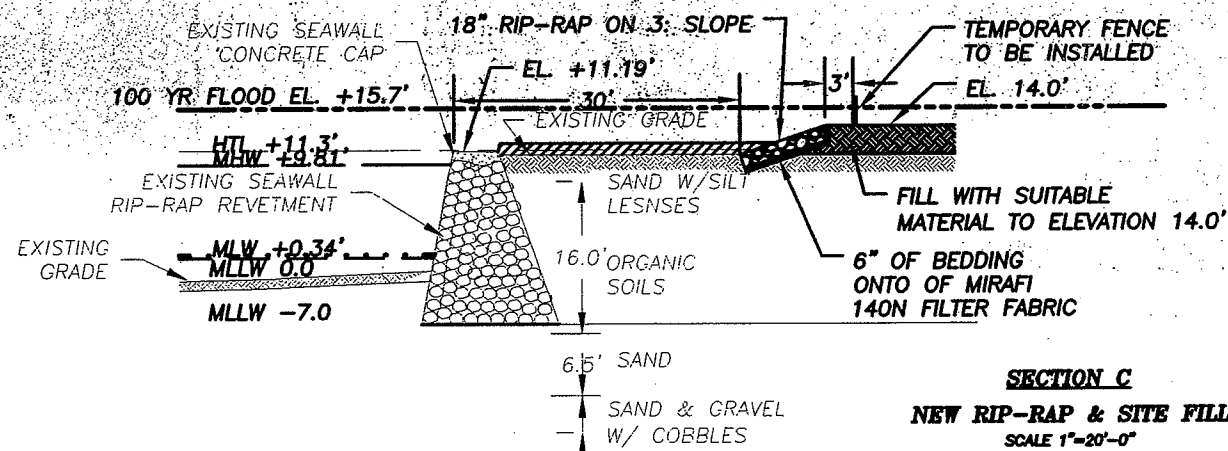
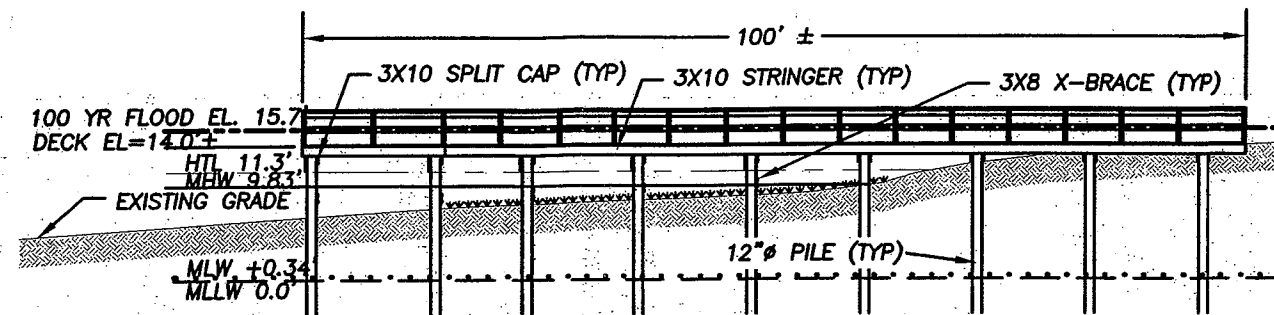
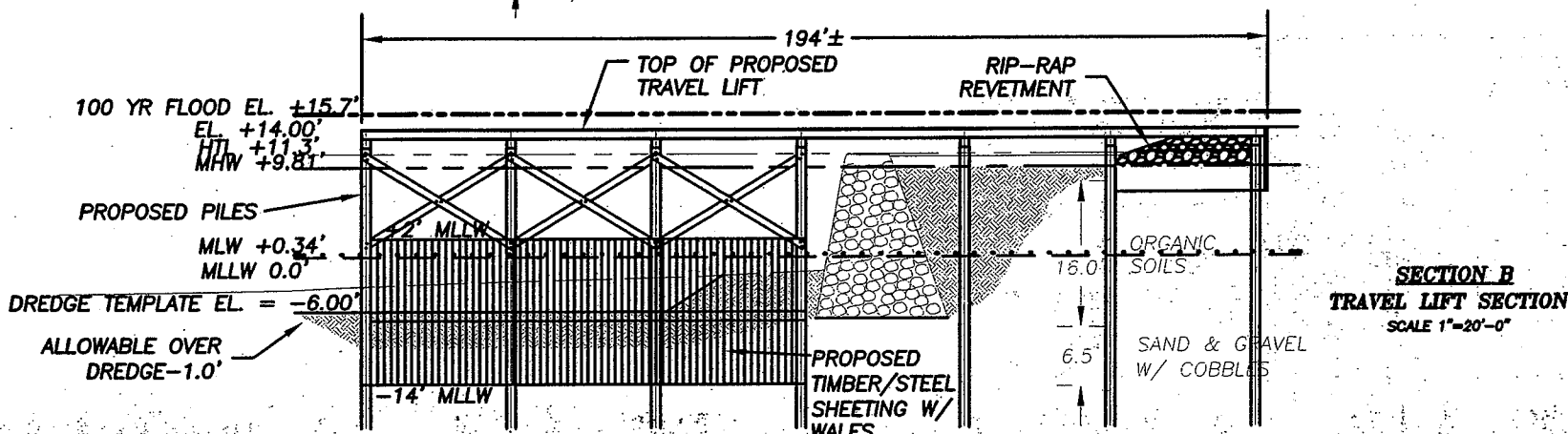
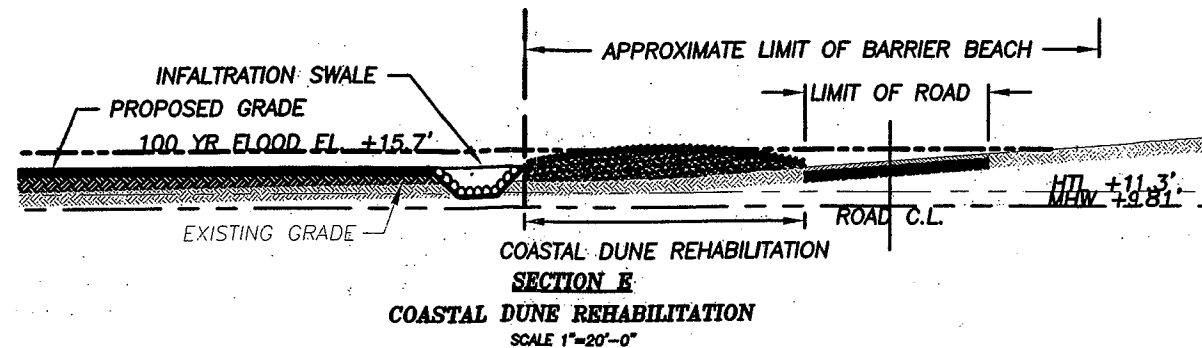
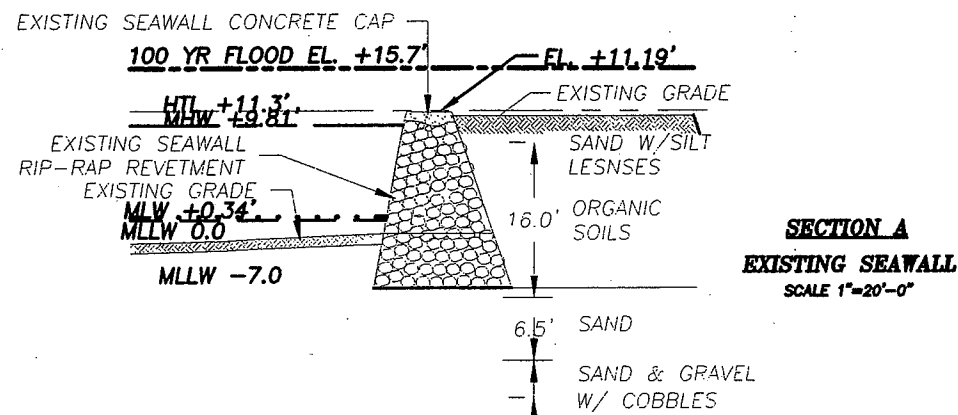
**MAINTENANCE & IMPROVEMENT DREDGING AND MARINE PARK IMPROVEMENTS AT 117 EDWARD FOSTER ROAD SCITUATE, MA**

CLIENT:  
 TOWN OF SCITUATE  
 600 CHIEF JUSTICE CUSHING HIGHWAY  
 SCITUATE, MA 02066

**cle**  
**CLE ENGINEERING, INC.**  
 15 Creek Road, Marion, MA 02738 (508) 748-0937

SITE PLAN -		SHEET 3 OF 4	
SCALE: AS NOTED	CHECKED: DATE 01/15/08	DRAWING No. Scituate Marina Phase 1.dwg	
DRAWN BY: CDD	BY: CP	COMP. CODE 04081.200	
REVISION No. 1	DATE 01-28-08	COMMENT NO DREDGE ZONE	





PROJECT: MAINTENANCE & IMPROVEMENT DREDGING AND MARINE PARK IMPROVEMENTS AT 117 EDWARD FOSTER ROAD SCITUATE, MA  
CLIENT: TOWN OF SCITUATE, 600 CHIEF JUSTICE CUSHING WAY, SCITUATE, MA 02066

**cle**  
**CLE ENGINEERING, INC.**  
15 Creek Road, Marion, MA 02738 (508) 748-0937

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DETAILS SHEET 4 OF 4