



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

# PUBLIC NOTICE

696 Virginia Road  
Concord, MA 01742-2751

**Date: September, 30, 2008**  
**Comment Period Ends: October 30, 2008**  
**File Number: NAE-2005-2112**  
**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

**Walter W. Collins, trustee**  
**T.K. O'Malley's**  
**190-194 Front Street**  
**Scituate, Massachusetts 02066**

## ACTIVITY

Mr. Collins has applied to install and maintain a new marina facility at 194 Front Street in Scituate Massachusetts. The facility will consist of a pile supported timber pier measuring 8 foot wide X 95 foot long, a 5 foot wide X 28 foot long gangway connecting to two lines of floats in an "L" shape. The initial floatline measures 6.6 feet wide X 39.3 feet long and connects to a second line of floats 6.6 feet wide and 82.4 feet long. The existing rip rap on this site received a state license in 1947 and is proposed to be retained and maintained.

The work is described on the enclosed plans entitled "PURPOSE TO CONSTRUCT PILE SUPPORTED DOCK AND MARINA FLOATS AND MAINTAIN EXISTING RIP RAP SEAWALL," on 8 sheets, and dated "6/2/05 REV. 12/23/2005 REV. 6/16/2008."

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Scituate Inner Harbor at 194 Front Street, Scituate, Massachusetts. The proposed location on the USGS Scituate quadrangle sheet is at UTM coordinates 4672800 N and 357600 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.

## 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 .04 acres of Essential Fish Habitat (EFH) for Atlantic salmon (*Salmo salar*), Atlantic cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), pollock (*Pollachius virens*), whiting (*Merluccius bilinearis*), offshore hake (*Merluccius albidus*), red hake (*Urophycis chuss*), white hake (*Urophycis tenuis*), redfish (*Sebastes fasciatus*), witch flounder (*Glyptocephalus cynoglossus*), winter flounder (*Pleuronectes americanus*), yellowtail flounder (*Pleuronectes ferruginea*), windowpane flounder (*Scophthalmus aquosus*), American plaice (*Hippoglossoides platessoides*), ocean pout (*Macrozoarces americanus*), Atlantic halibut (*Hippoglossus hippoglossus*), Atlantic sea scallop (*Placopecten magellanicus*), Atlantic sea herring (*Clupea harengus*), monkfish (*Lophius americanus*), bluefish (*Pomatomus saltatrix*), long finned squid (*Loligo pealei*), short finned squid (*Illex illecebrosus*), Atlantic butterfish (*Peprilus triacanthus*), Atlantic mackerel (*Scomber scombrus*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristus striata*), surf clam (*Spisula solidissima*), ocean quahog (*Artica islandica*), spiny dogfish (*Squalus acanthias*), tilefish (*Lopholatilus chamaeleonticeps*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), cobia (*Rachycentron canadum*).

This habitat consists of silty sand to mud flat. Loss of this habitat may adversely affect these species with the resulting shade from the new structure. 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 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.

**CENAE-R**  
**FILE NO. NAE-2005-2112**

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>.

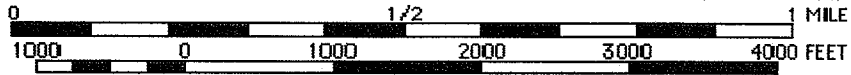
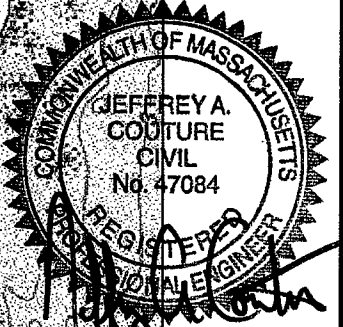
**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**



**Karen Kirk 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: \_\_\_\_\_



PURPOSE: TO CONSTRUCT PILE SUPPORTED DOCK AND MARINA FLOATS AND MAINTAIN EXISTING RIP RAP SEAWALL

**SITEC**  
ENVIRONMENTAL  
Civil and Environmental Engineering  
Land Use Planning and Surveying  
Hazardous & Solid Waste Consultants

769 Plain Street, Unit C  
Marshfield, MA 02050  
PHONE (781) 319-0100  
FAX (781) 834-4783

## USGS LOCUS MAP

SCALE: AS SHOWN  
DATUM: MSL  
SHEET 1 of 8

AT: SCITUATE INNER HARBOR  
SCITUATE, MA  
COUNTY OF: PLYMOUTH, MA  
APPLICATION BY:  
WALTER W. COLLINS  
194 FRONT STREET  
DATE: 6/2/05 REV. 12/23/05  
6/16/08

**ABUTTERS LIST (OWNER & MAILING ADDRESS)**

**MAP 50 BLOCK 7 LOT 3 & 4 (SUBJECT PROPERTY)**

WALTER W. COLLINS, TRUSTEE  
T.K. O'MALLEY'S  
194 FRONT STREET  
SCITUATE, MA 02066

**MAP 50 BLOCK 7 LOT 7**

LINDA A. BEAGAN  
5 OLD DOCK STREET  
SCITUATE, MA 02066

**MAP 50 BLOCK 7 LOT 8**

FIRST PARISH ROAD CO., INC.  
146 FRONT STREET  
SCITUATE, MA 02066

**MAP 50 BLOCK 7 LOT 1**

NOBLE CORPORATION  
205 FRONT STREET  
SCITUATE, MA 02066

**MAP 50 BLOCK 7 LOT 8A**

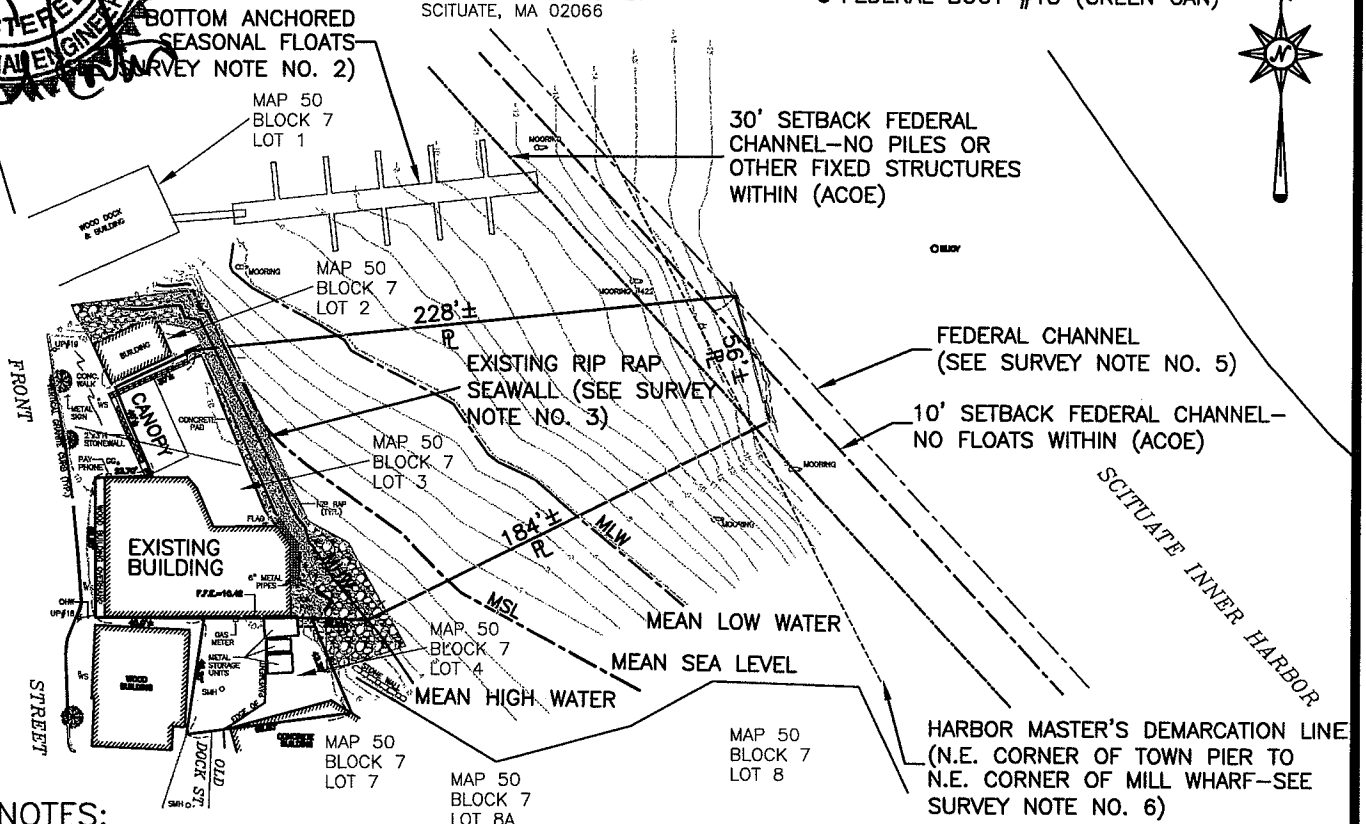
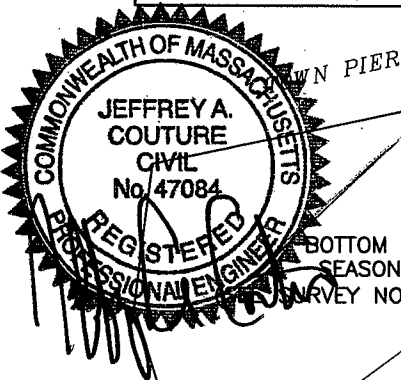
CHAMBERLAIN T.P. & L.G., TRUSTEES  
3 OLD DOCK STREET  
SCITUATE, MA 02066

**MAP 50 BLOCK 7 LOT 2**

GEORGEA BOURNAZOS CB TRUST  
11 HARBOR HEIGHTS RD.  
SCITUATE, MA 02066

● FEDERAL BOUY #13 (GREEN CAN)

**FEMA 100-YEAR  
FLOOD ZONE AE (EL. 12.0)**



**SURVEY NOTES:**

1. PROPERTY LINE LOCATIONS FOR PROPOSED MARINA PROPERTY FROM COMMERCIAL MORTGAGE PLAN PREPARED FOR OHRENBERGER ASSOCIATES & SOUTH COASTAL BANK BY COLONIAL LAND SURVEYING COMPANY, INC. 2004.
2. LOCATIONS FOR FLOATS FROM MA DEP CHAPTER 91 LICENSE PLAN #4074 PREPARED FOR JOAN NOBLE BY GARY JAMES, P.E. ISSUED SEPT. 2, 1994.
3. RIP RAP WALL & FILL MA DEP CHAPTER 91 LICENSE PLAN NO. 2928, ISSUED MARCH 18, 1947.
4. EXISTING CONDITIONS SURVEY, INCLUDING BOTTOM ELEVATIONS, BUILDINGS, MOORINGS AND BOUYS ON SITE, INC. SURVEY COMPLETED DECEMBER, 2004.
5. FEDERAL CHANNEL BOUNDARY COORDINATE INFORMATION FROM ACOE. DATUM = MASS STATE PLANE COORDINATES, NAD 1927.
6. HARBOR MASTER DEMARCATION LINE PER AGREEMENT WITH SCITUATE HARBOR MASTER FROM 9/14/05 WATERSHEET ASSESSMENT.



PURPOSE: TO CONSTRUCT PILE SUPPORTED DOCK AND MARINA FLOATS AND MAINTAIN EXISTING RIP RAP SEAWALL

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Marshfield, MA 02050  
PHONE (781) 319-0100  
FAX (781) 834-4783

**OVERALL SITE PLAN**

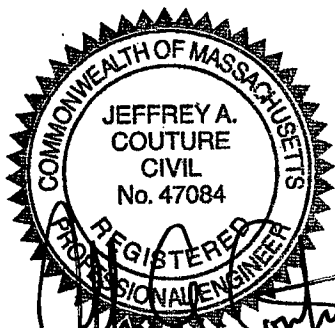
SCALE: 1"=80'  
DATUM: MSL  
SHEET 2 of 8

AT: SCITUATE INNER HARBOR  
SCITUATE, MA

COUNTY OF: PLYMOUTH, MA  
APPLICATION BY:

WALTER W. COLLINS  
194 FRONT STREET

DATE: 6/2/05 REV. 12/23/05  
6/16/08



HARBOR MASTER'S DEMARCATION LINE  
(N.E. CORNER OF TOWN PIER TO  
N.E. CORNER OF MILL WHARF--SEE  
SURVEY NOTE NO. 6)

FEDERAL BOUY #13 (GREEN CAN)



SCITUATE INNER HARBOR

FEDERAL CHANNEL  
(SEE SURVEY NOTE NO. 5)

10' SETBACK FEDERAL CHANNEL  
(NO FLOATS WITHIN)

BOUY

30' SETBACK FEDERAL  
CHANNEL--NO PILES OR  
OTHER FIXED STRUCTURES  
WITHIN (ACOE)

BOTTOM ANCHORED  
SEASONAL FLOATS

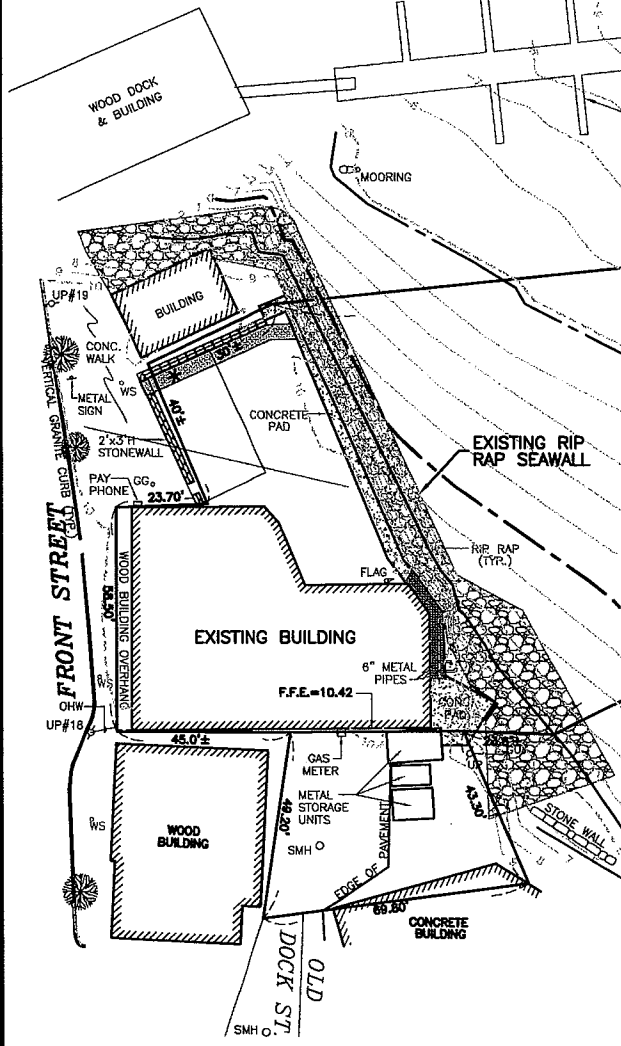
EXISTING COMMERCIAL MOORING  
TO BE RELOCATED PER HARBOR  
MASTER SEPT. 22, 2005  
APPROVAL LETTER

MEAN LOW WATER

MEAN HIGH WATER

MEAN SEA LEVEL

0' 50' 100' 150'



PURPOSE: TO CONSTRUCT PILE  
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FLOATS AND MAINTAIN EXISTING  
RIP RAP SEAWALL

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# EXISTING CONDITIONS

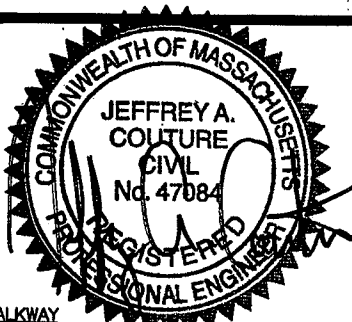
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DATUM: MSL  
SHEET 3 of 8

AT: SCITUATE INNER HARBOR  
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HARBOR MASTER'S DEMARCATION LINE  
(N.E. CORNER OF TOWN PIER TO  
N.E. CORNER OF MILL WHARF—SEE  
SURVEY NOTE NO. 6)

FEDERAL BOUY #13 (GREEN CAN)



**4' WIDE PUBLIC WALKWAY**

FROM FRONT STREET TO DOCK AND FLOATS FOR USE BY  
MARINA PATRONS & FIRE/MEDICAL/POLICE EMERGENCY PERSONNEL.  
TO BE SEPARATED BY PHYSICAL BARRIER. ACCESS FROM FRONT STREET  
CONTROLLED BY PUNCH LOCK BOX TO BE UNLOCKED FOR PUBLIC ACCESS  
DURING RESTAURANT OPERATING HOURS.

N:437320.690  
E:810032.210

SCITUATE INNER HARBOR

FEDERAL CHANNEL  
(SEE SURVEY NOTE NO. 5)

10' SETBACK FEDERAL CHANNEL  
(NO FLOATS WITHIN)

BUOY

30' SETBACK FEDERAL  
CHANNEL—NO PILES OR  
OTHER FIXED STRUCTURES  
WITHIN (ACOE)

BOTTOM ANCHORED  
SEASONAL FLOATS  
PROPOSED FLOATING DOCK  
SYSTEM TO BE REMOVED  
SEASONALLY AND DURING  
FEDERAL CHANNEL DREDGING

N:437188.038  
E:810108.538

N:437168.061  
E:810129.761

N:437179.994  
E:810111.288

N:437146.967  
E:810144.718

N:437125.645  
E:810159.607

30' MIN. FOR  
HANDICAP  
ACCESSIBILITY

MEAN LOW WATER

MEAN HIGH WATER

MEAN SEA LEVEL



PURPOSE: TO CONSTRUCT PILE  
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**PROPOSED  
SITE LAYOUT**

SCALE: 1"=50'  
DATUM: MSL  
SHEET 4 of 8

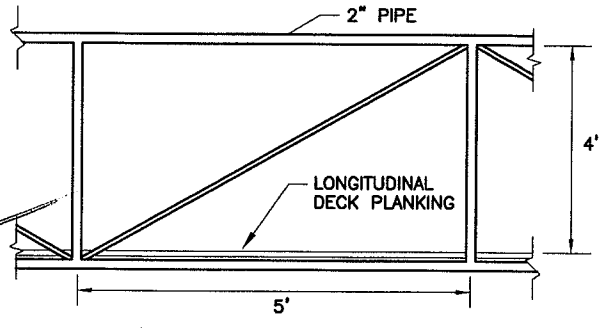
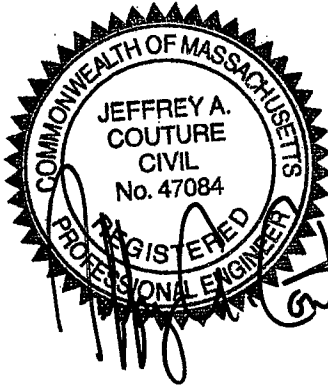
AT: SCITUATE INNER HARBOR  
SCITUATE, MA

COUNTY OF: PLYMOUTH, MA  
APPLICATION BY:

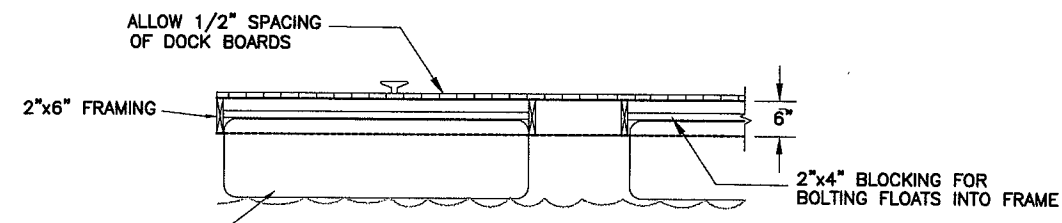
WALTER W. COLLINS  
194 FRONT STREET

DATE: 6/2/05 REV. 12/23/05  
6/16/08

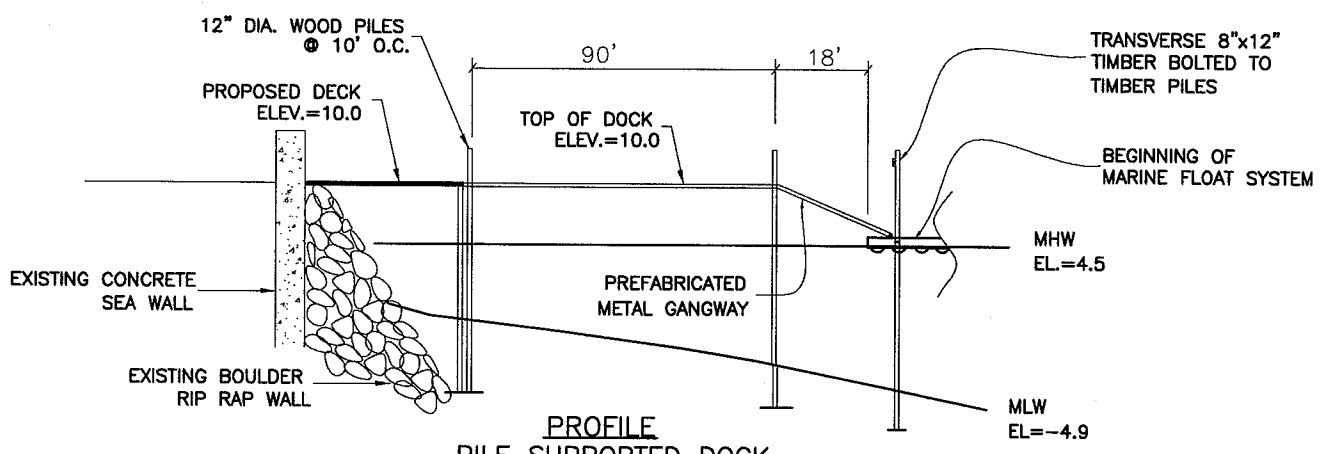




**TYPICAL GANGWAY DETAIL**  
NOT TO SCALE



**FLOAT DETAIL**  
NOT TO SCALE



**PROFILE PILE SUPPORTED DOCK**  
NOT TO SCALE

**NOTES:**

1. 12" DIAMETER WOOD PILES TO BE DRIVEN A MINIMUM OF 10' BELOW GRADE OR TO REFUSAL.
2. ALL HARDWARE SHALL BE HOT DIPPED GALVANIZED.

PURPOSE: TO CONSTRUCT PILE SUPPORTED DOCK AND MARINA FLOATS AND MAINTAIN EXISTING RIP RAP SEAWALL

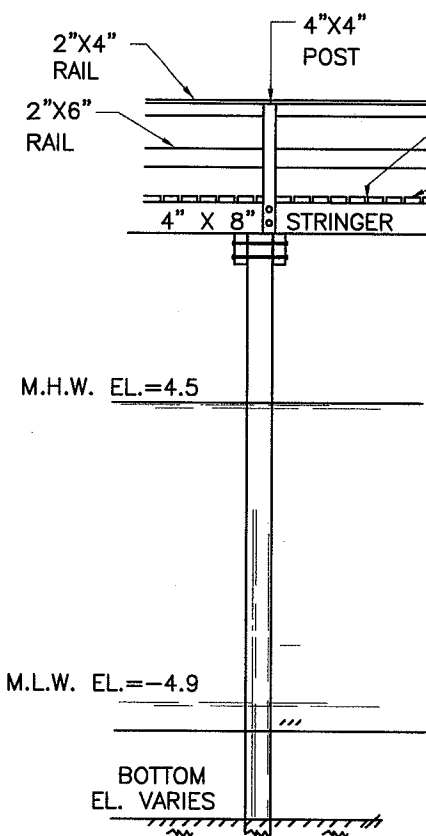
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**PROFILE**

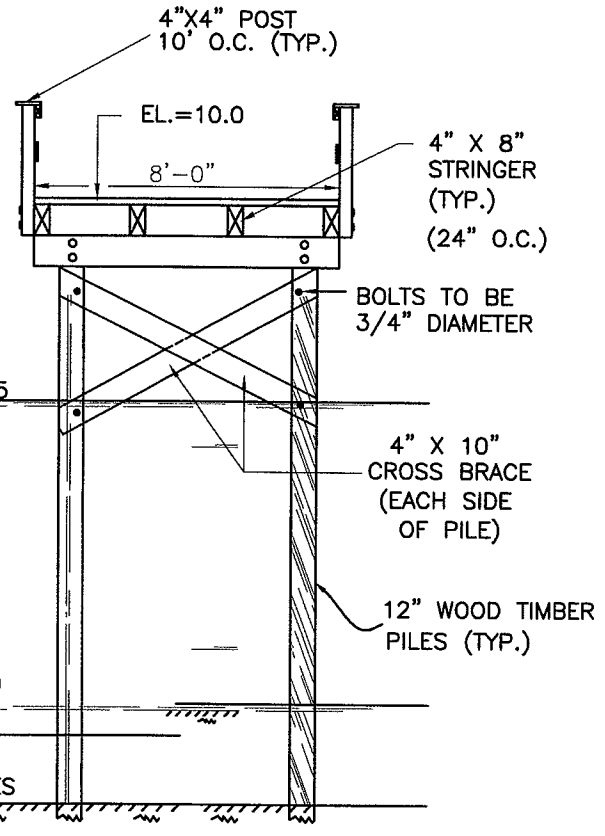
DATUM: MSL  
SHEET 5 of 8

AT: SCITUATE INNER HARBOR  
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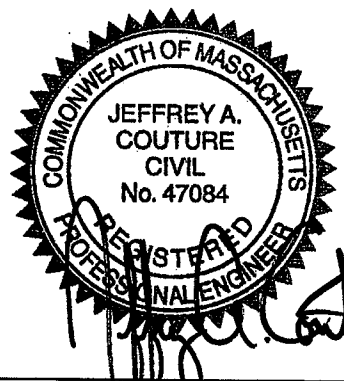
SIDE ELEVATION

1" SPACING BETWEEN 2"x6" DECKING  
 FULL SIZE 2"x6" DECKING NAILED TO STRINGERS



END ELEVATION

PROPOSED DOCK DETAILS  
 NOT TO SCALE



PURPOSE: TO CONSTRUCT PILE SUPPORTED DOCK AND MARINA FLOATS AND MAINTAIN EXISTING RIP RAP SEAWALL

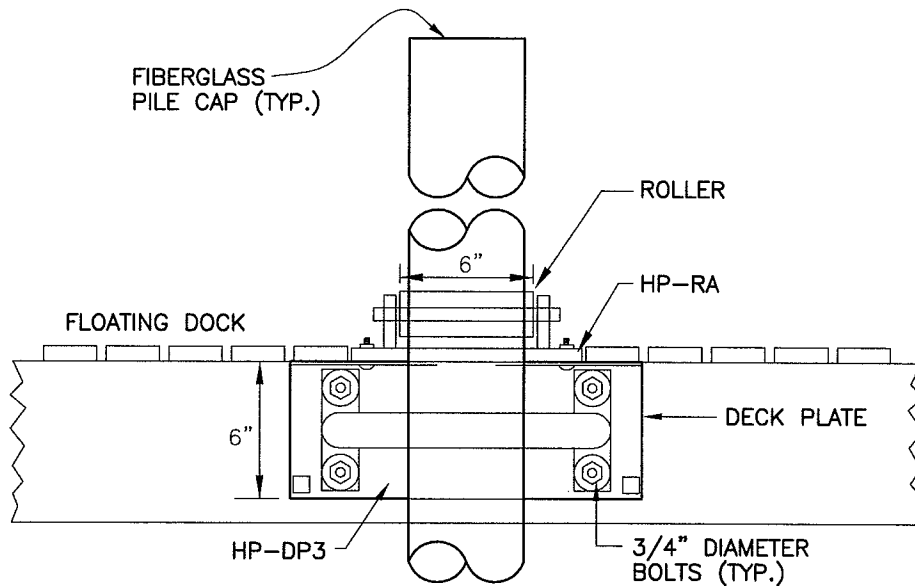
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**DETAILS**

DATUM: MSL  
 SHEET 6 of 8

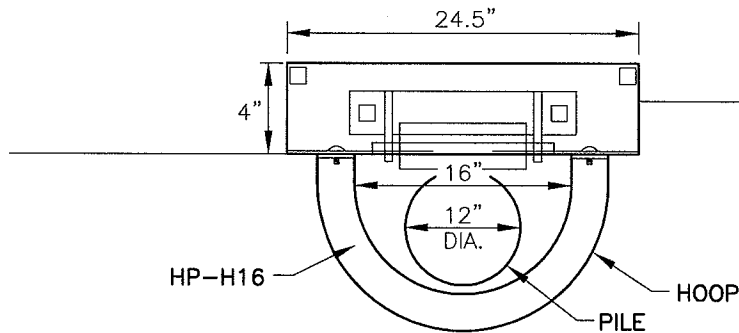
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ELEVATION - PILE HOOP  
FLOATING DOCK DETAIL

NOT TO SCALE

- NOTES: 1. 12" DIAMETER WOOD PILES TO BE DRIVEN A MINIMUM OF 15' BELOW GRADE OR TO REFUSAL.



PLAN VIEW - PILE HOOP  
FLOATING DOCK DETAIL

NOT TO SCALE



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**DETAILS**

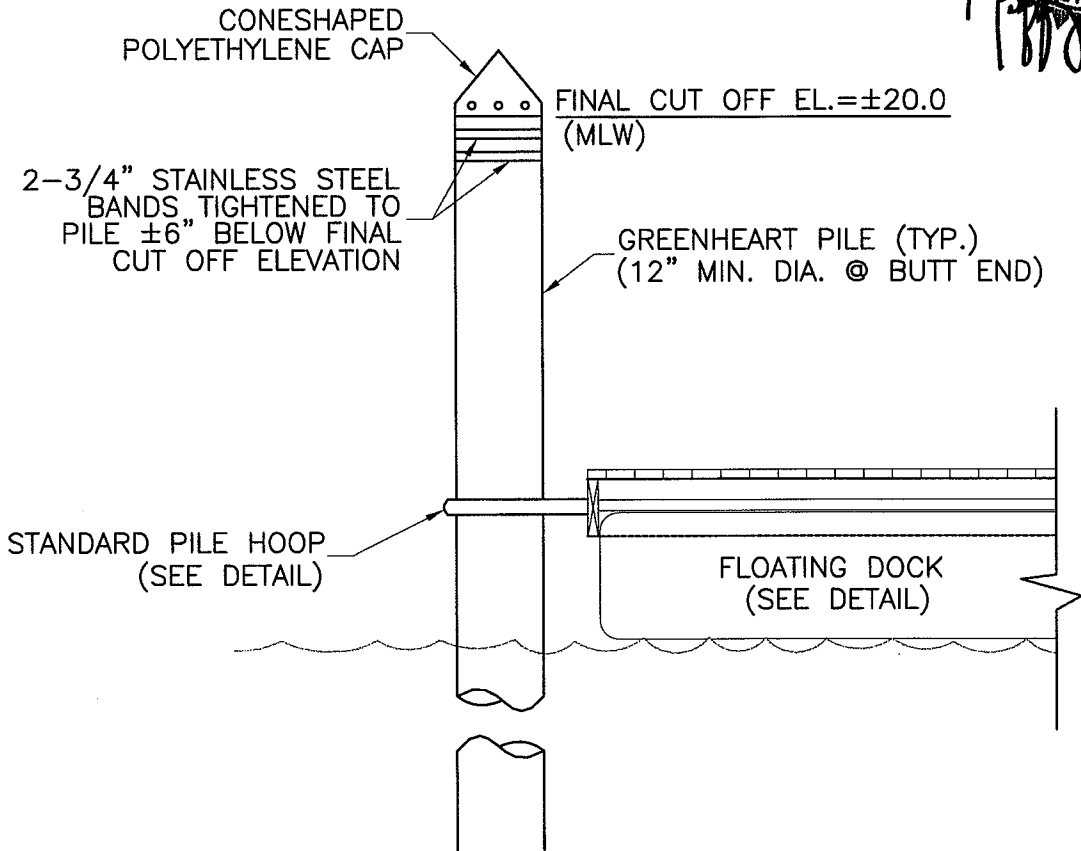
DATUM: MSL  
SHEET 7 of 8

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ELEVATION-FLOATING DOCK PILE

NOT TO SCALE

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**DETAILS**

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 SHEET 8 of 8

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