



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

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: 25 September 2007
Comment Period Ends: 26 October 2007
File Number: NAE 2004 - 1077
In Reply Refer To: Mr. Brian E. Valiton
Or by e-mail: brian.e.valiton@usace.army.mil

The District Engineer has received a permit application from the applicant below to **retain and maintain existing structures 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: Concordia Company, Inc., 300 Gulf Road, South Dartmouth, Massachusetts 02748

ACTIVITY:

Retain and maintain 167 existing commercial moorings in the waters of Apponagansett Bay (Padanaram Harbor), Dartmouth, Massachusetts. A detailed description and plans of the applicant's mooring locations are attached.

WATERWAY AND LOCATION OF THE EXISTING WORK SUBJECT TO THIS APPLICATION:

This existing structures are located in Apponagansett Bay (Padanaram Harbor), Dartmouth, Massachusetts. The moorings are on the USGS New Bedford South quadrangle sheet. The moorings extend throughout the harbor both westerly and southerly of the channel and easterly of the main channel. The approximate middle of the moorings on the west side of the main channel into Padanaram Harbour is at UTM Zone 19 coordinates 4604700.00 N and 0337650.00 E. The approximate middle of the greatest mass of the moorings on the east side of the main channel in Padanaram Harbor is at UTM Zone 19 coordinates 4605000.00 N and 0337800.00 E. The applicant has provided coordinates of the specific mooring locations and shown the locations on the drawings.

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 (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

Our initial view is that the mooring anchors, anchor lines and moored vessels do not impact any EFH resources or any of the life stages of any fish species that utilize these waters. Further consultation with the NMFS regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

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:

- () Permit, License or Assent from State.
- (X) Permit from Local Harbormaster or other local authority/official authorized under State law.

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 Mr. Brian Valiton at (978) 318-8166, (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

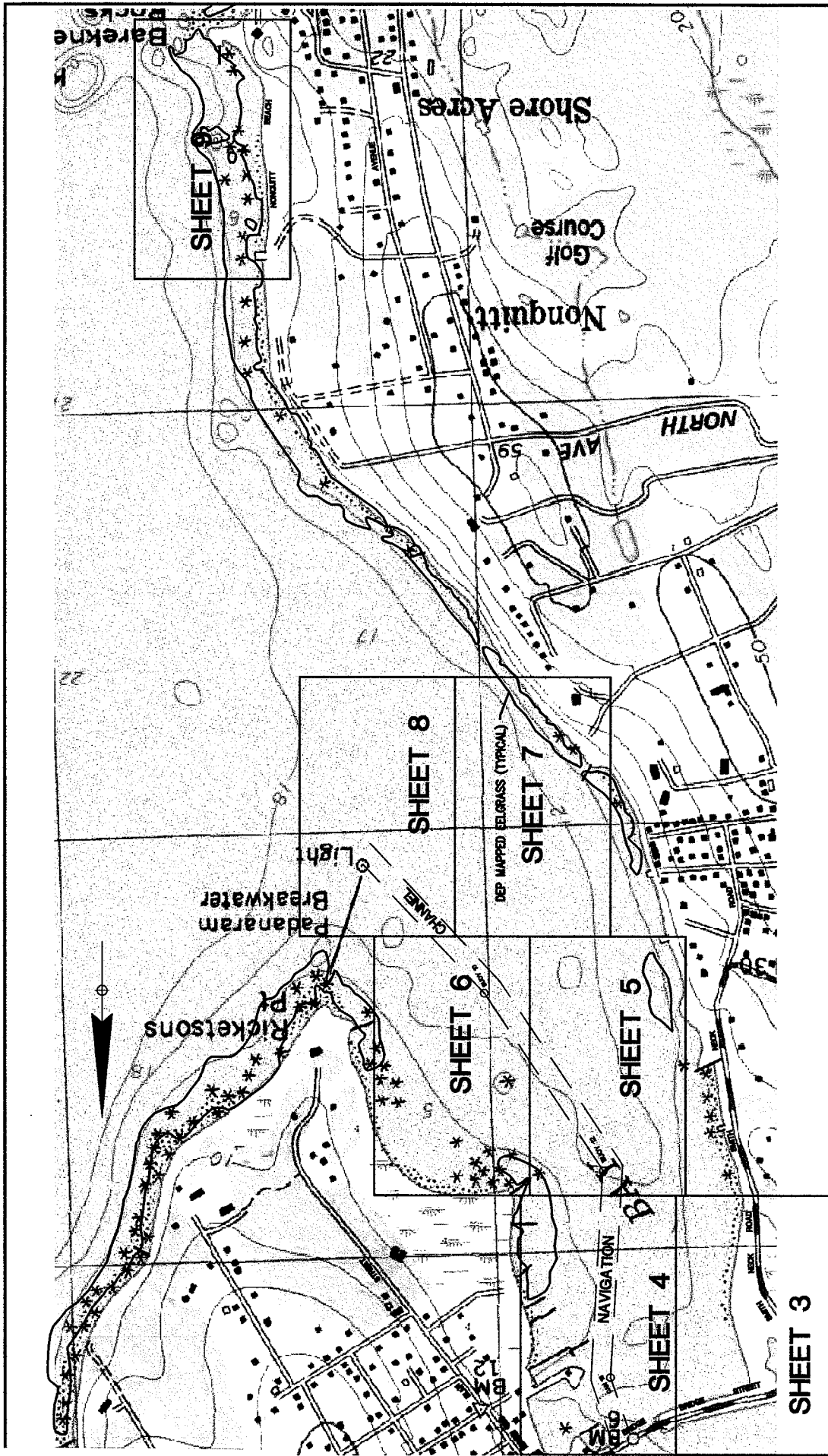
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers,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

NAME: _____
ADDRESS: _____

PROPOSED WORK AND PURPOSE

The structures that Concordia Company, Inc., are seeking to retain include 167 commercial moorings that consist of various types of anchors, chain, and some type of float. The anchors are of various types as shown on sheet 9 of 9.

The work is described on the enclosed plans entitled "CONCORDIA COMPANY, INC. AT: PADANARAM HARBOR DARTMOUTH, MA BRISTOL COUNTY SOUTHERN DISTRICT," on 9 sheets, and dated "AUG. 18, 2007."



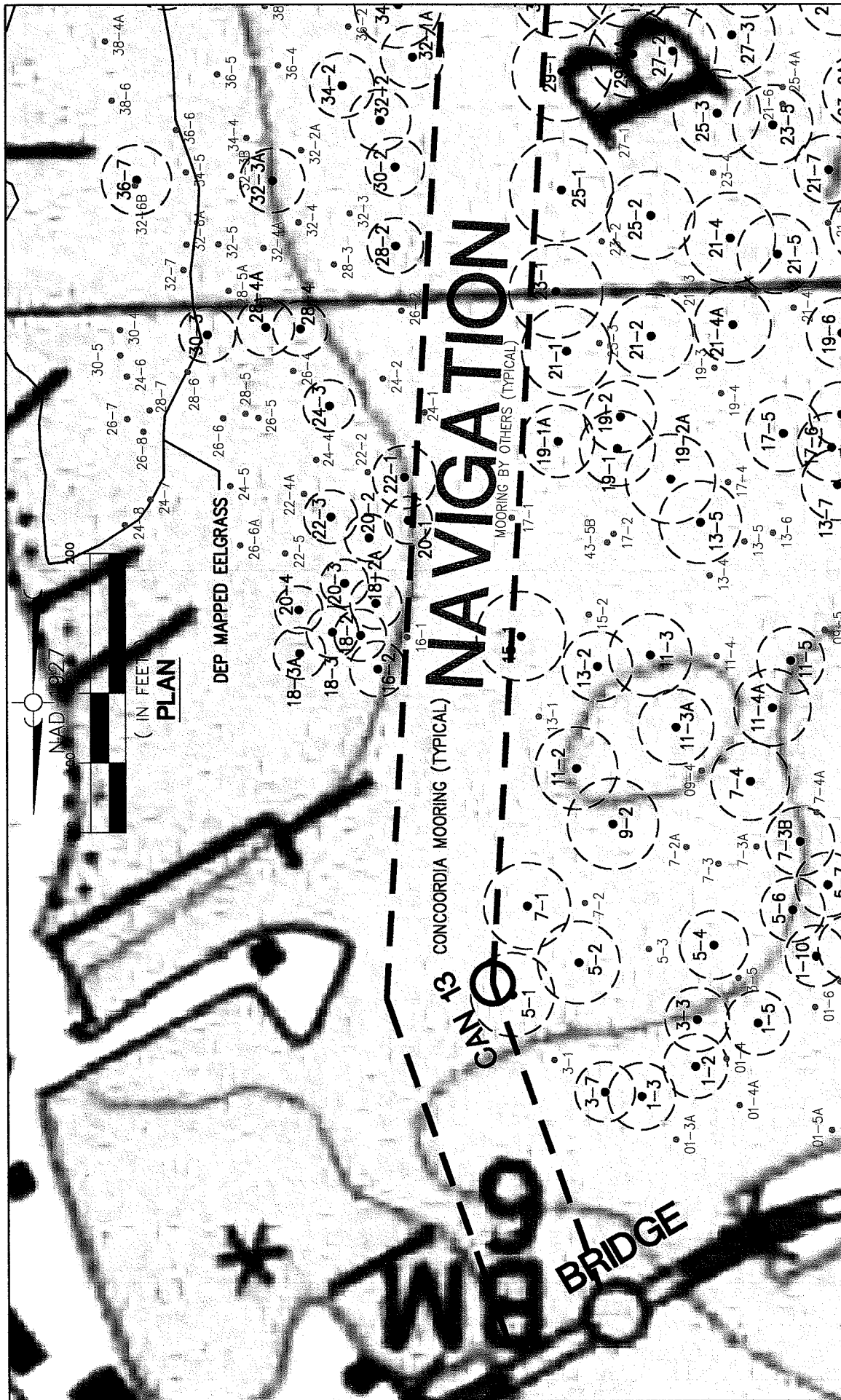
CULLINAN ENGINEERING
 AUBURN - BOSTON - LAKEVILLE, MASSACHUSETTS
 CIVIL ENGINEERS - SURVEYORS - TRANSPORTATION DESIGNERS
 400 COMMONWEALTH AVE., BOSTON, MA 02215 617/538-8070 FAX 617/538-8086
 10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/946-8811 FAX 508/946-8955

AT: PADANARAM HARBOR
 DARTMOUTH, MA
 BRISTOL COUNTY, SOUTHERN DISTRICT

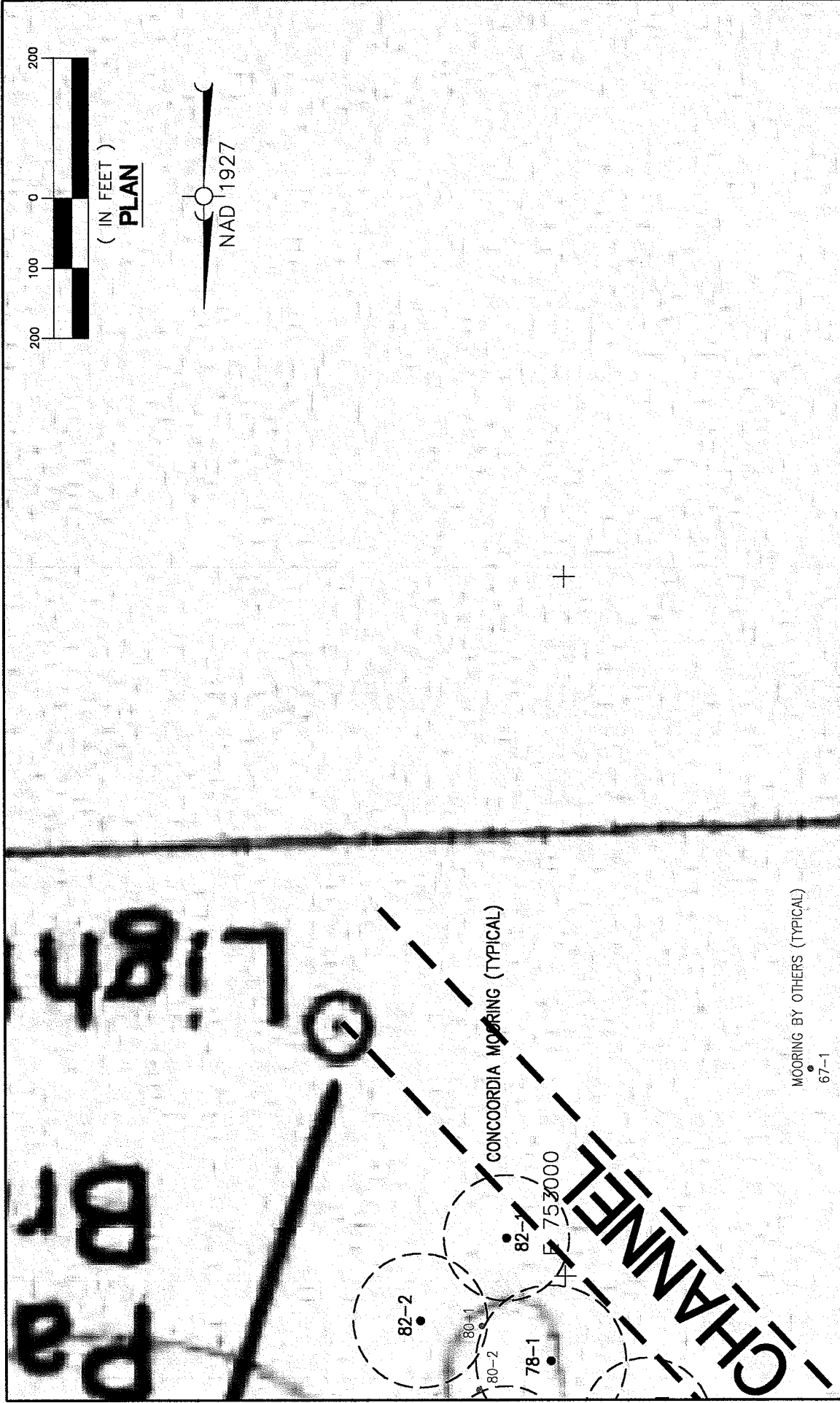
APPLICATION BY:
 CONCORDIA COMPANY, INC.

DATE: AUG. 18, 2007
 SHEET 2 OF 9

CONCORDIA COMPANY, INC.
 SHEET LAYOUT



<p>CULLINAN ENGINEERING <small>AUBURN - BOSTON - LAKEVILLE - TRANSPORTATION DESIGN CIVIL ENGINEERING - SURVEYING - MA 200 AUBURN ST., AUBURN, MA 01501 508/832-5881 FAX 508/832-5796 400 COMMERCIAL ST AVE., EASTON, MA 02218 617/336-5070 FAX 617/336-8088 10 INVERGATE DRIVE, LAKEVILLE, MA 02454 508/946-8881 FAX 508/946-8825</small></p>		<p>CONCORDIA COMPANY, INC. EXISTING MOORING LOCATIONS</p>		<p>DATE AUG. 18, 2007</p>
<p>AT: PADANARAM HARBOR DARTMOUTH, MA BRISTOL COUNTY, SOUTHERN DISTRICT</p>		<p>APPLICATION BY: CONCORDIA COMPANY, INC.</p>		<p>SHEET 4 OF 9</p>



CONCORDIA COMPANY, INC. EXISTING MOORING LOCATIONS		DATE AUG. 15, 2007
AT: PADANARAM HARBOR DARTMOUTH, MA BRISTOL COUNTY, SOUTHERN DISTRICT	APPLICATION BY: CONCORDIA COMPANY, INC.	SHEET 8 OF 9

CULLINAN ENGINEERING
 AUBURN - BOSTON - LAKEVILLE - MASSACHUSETTS
 CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
 200 AUBURN ST., AUBURN, MA 01501-5591 FAX: 508/832-5790
 10 REVERSHO DRIVE, LAKEVILLE, MA 02347 508/942-8811 FAX: 508/942-6935

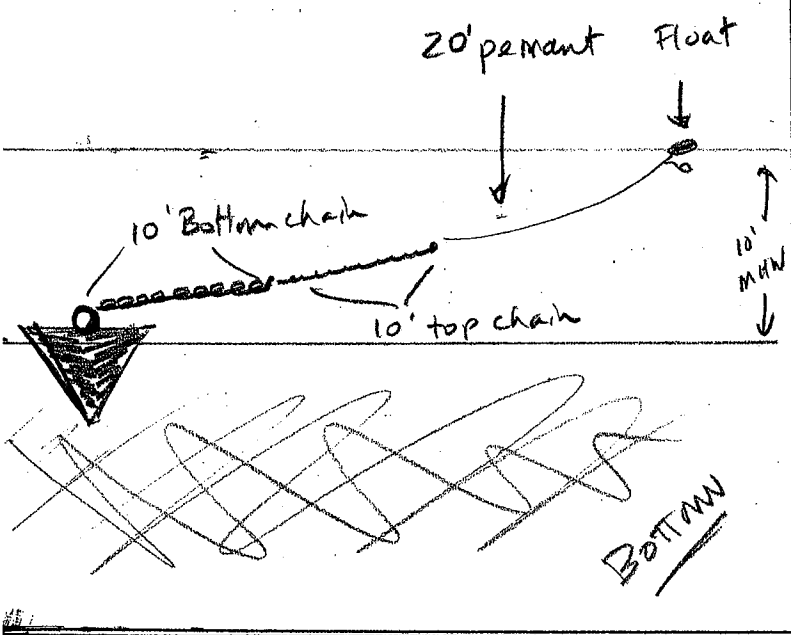
MOORING BY OTHERS (TYPICAL)
 67-1

1) Concordia Company, Inc. moorings are set up and installed to meet the requirements specified in the Town of Dartmouth mooring regulations, promulgated by the Waterways Management Commission and passed December 16, 2003. All of these moorings are in the area identified in Schedule B, South of the Bridge, Apponagansett Bay.

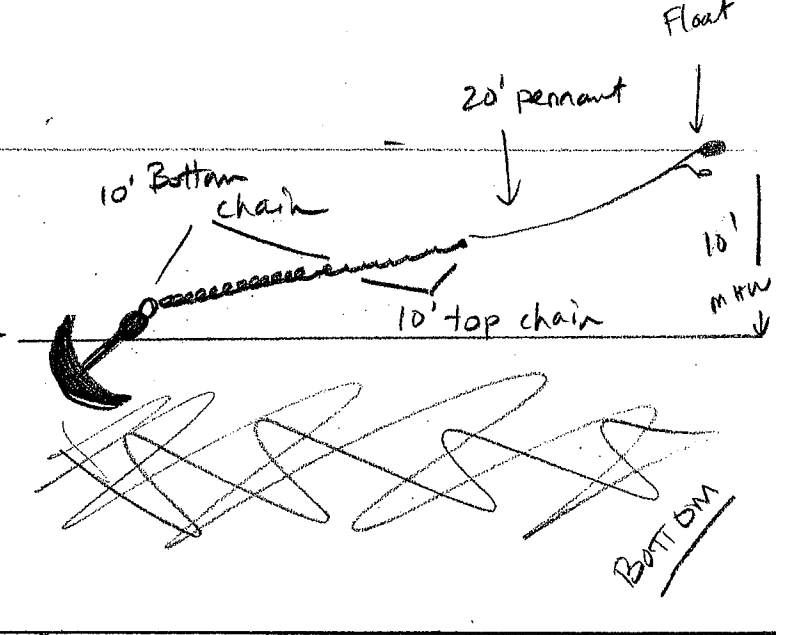
All three types of mooring gear approved by the Town are used by Concordia Company, Inc. In addition, 3 Helix-type moorings are in use; these were approved by the Harbormaster's office prior to the Dec 16, 2003 regulations.

Below please find a representative sketch of each the 4 types of moorings owned by Concordia Company installed in Apponagansett Bay (Padanaram Harbor). Attached are the Town of Dartmouth Schedule B and a copy of the Mooring Regulations.

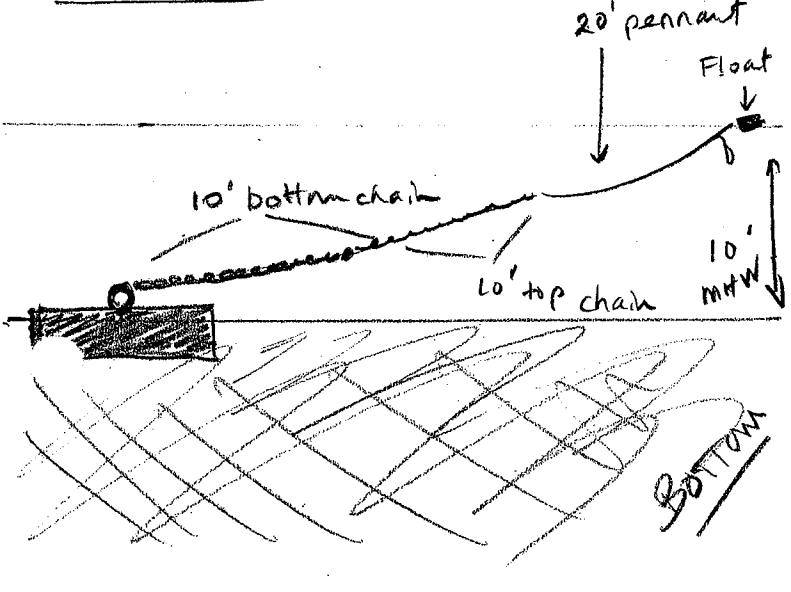
i. PYRAMID



ii. MUSTROOM



iii. DEADWEIGHT



iv. HELIX

