



**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-2007-2118
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

Michael Collins
2 Ocean Meadow Lane
Marblehead, Massachusetts 01945

ACTIVITY

Michael Collins proposes to construct and maintain a 6-foot x 124-foot pile supported pier, and place and maintain a 6-foot x 17-foot float, a 8-foot x 20-foot float, a 4-foot x 45-foot gangway. Plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This project is located in Salem Harbor, at 40B Cloutmans Lane, Marblehead Massachusetts. The proposed location on the USGS Marblehead North quadrangle sheet is at Lat 42.311282 Long -70.513121.

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 0.06 acre of Essential Fish Habitat (EFH) to include adult, juvenile, larval and egg stages of Atlantic Cod (*Gadus morhua*), winter flounder (*Pleuronectes americanus*), yellowtail flounder (*Pleuronectes ferruginea*), and juvenile and adult scup (*Stenotomus chrysops*) among other species. This habitat consists of rocky and sandy intertidal and subtidal habitats. Placing and maintenance of piles and disturbance caused by bottom anchors, and attached chains to secure the floats may adversely impact habitat for 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:

- 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.

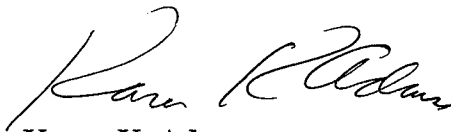
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact John Sargent at (978) 318-8026, (800) 343-4789 or (800) 362-4367, if calling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

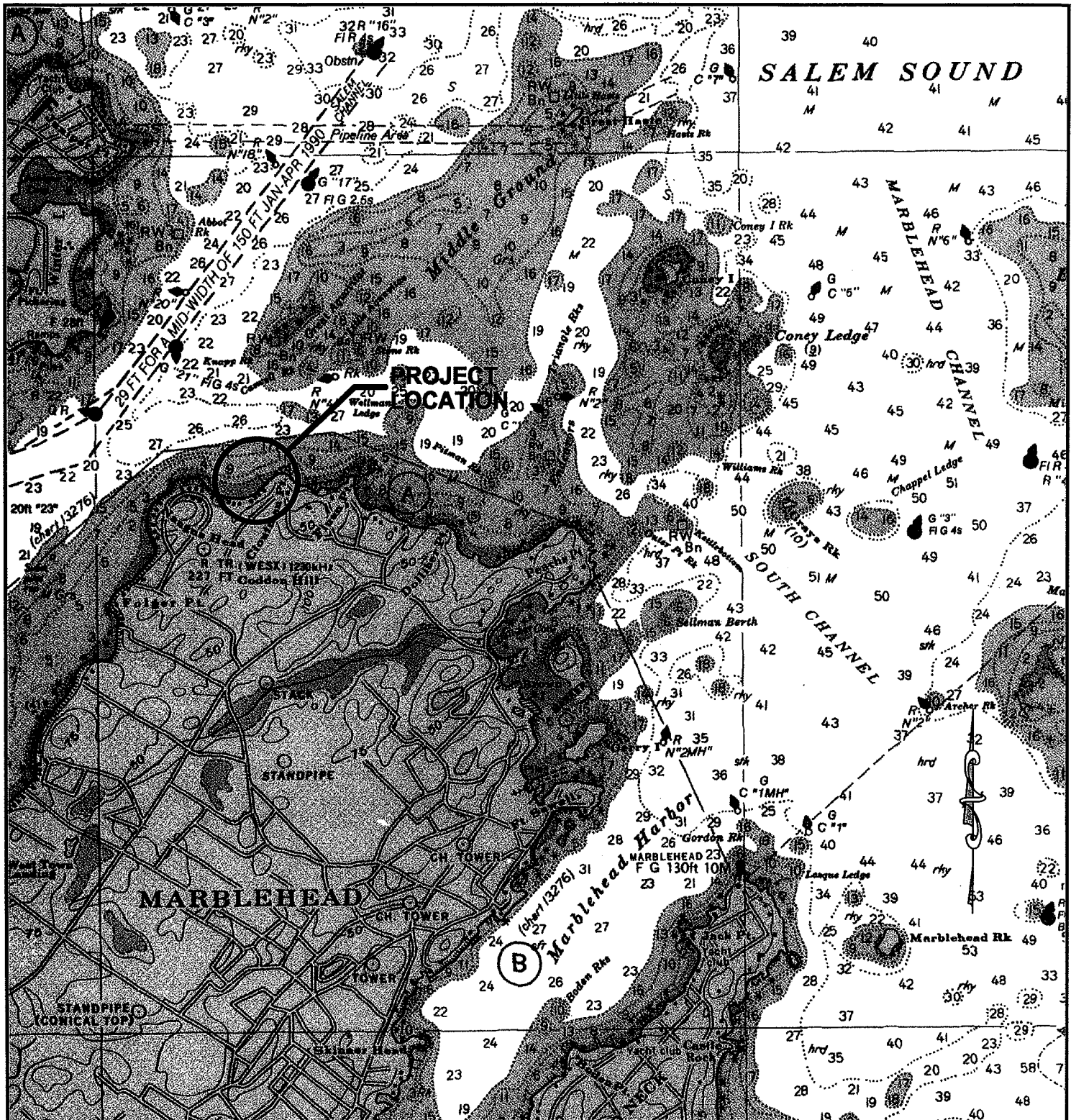
CENAE-R

FILE NO. NAE-200x-xxx

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: _____



PURPOSE: CONSTRUCT A NEW
STEEL PILE SUPPORTED PIER,
ALUMINUM GANGWAY & TIMBER
FLOATING DOCK

DATUM: MLW = 0.0'

CHILDS ENGINEERING CORPORATION
BOX 333 MEDFIELD, MA. 02052

VICINITY MAP

SCALE: NONE

APPLICATION BY:
MICHAEL COLLINS
2 OCEAN MEADOW LANE
MARBLEHEAD, MA 01945

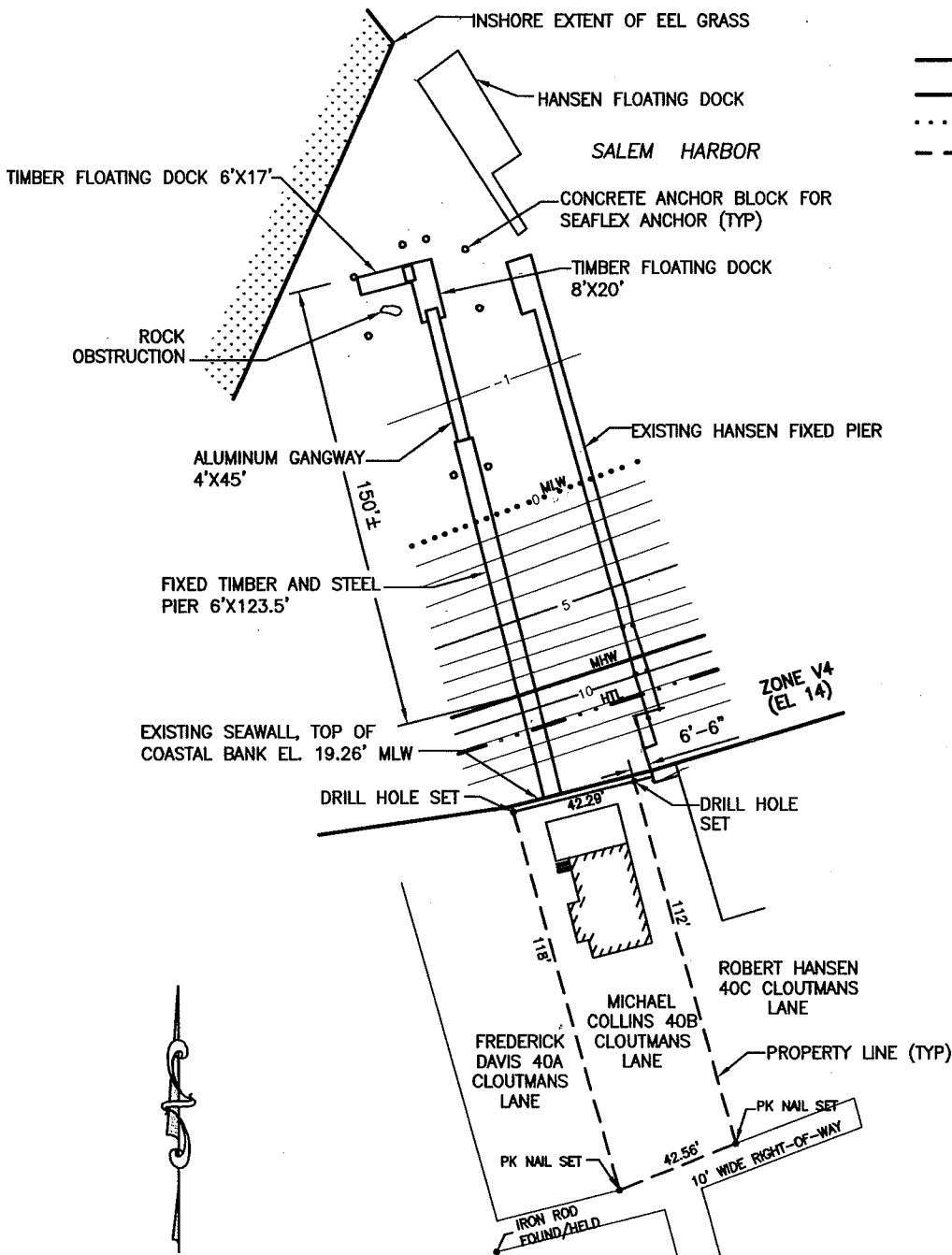
INSTALLATION OF NEW STEEL PILE
SUPPORTED PIER, ALUMINUM GANGWAY
AND TIMBER FLOATING DOCK

IN: MARBLEHEAD
AT: COLLIN'S RESIDENCE
COUNTY: ESSEX STATE: MA

SHEET 1 OF 6 DATE: 6/05/07

DATUM: MLW = 0.0'

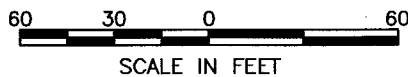
- . . . - HTL = +11.2'
 - - - - MHW = +9.1'
 MLW = 0.0'
 - - - - - ELW = -2.1'



PIER LAYOUT

SCALE: 1"=60'-0"

SITE PLAN



APPLICATION BY:
 MICHAEL COLLINS
 2 OCEAN MEADOW LANE
 MARBLEHEAD, MA 01945

INSTALLATION OF NEW STEEL PILE SUPPORTED PIER, ALUMINUM GANGWAY AND TIMBER FLOATING DOCK

IN: MARBLEHEAD
 AT: COLLIN'S RESIDENCE
 COUNTY: ESSEX STATE: MA

SHEET 2 OF 6 DATE: 6/05/07

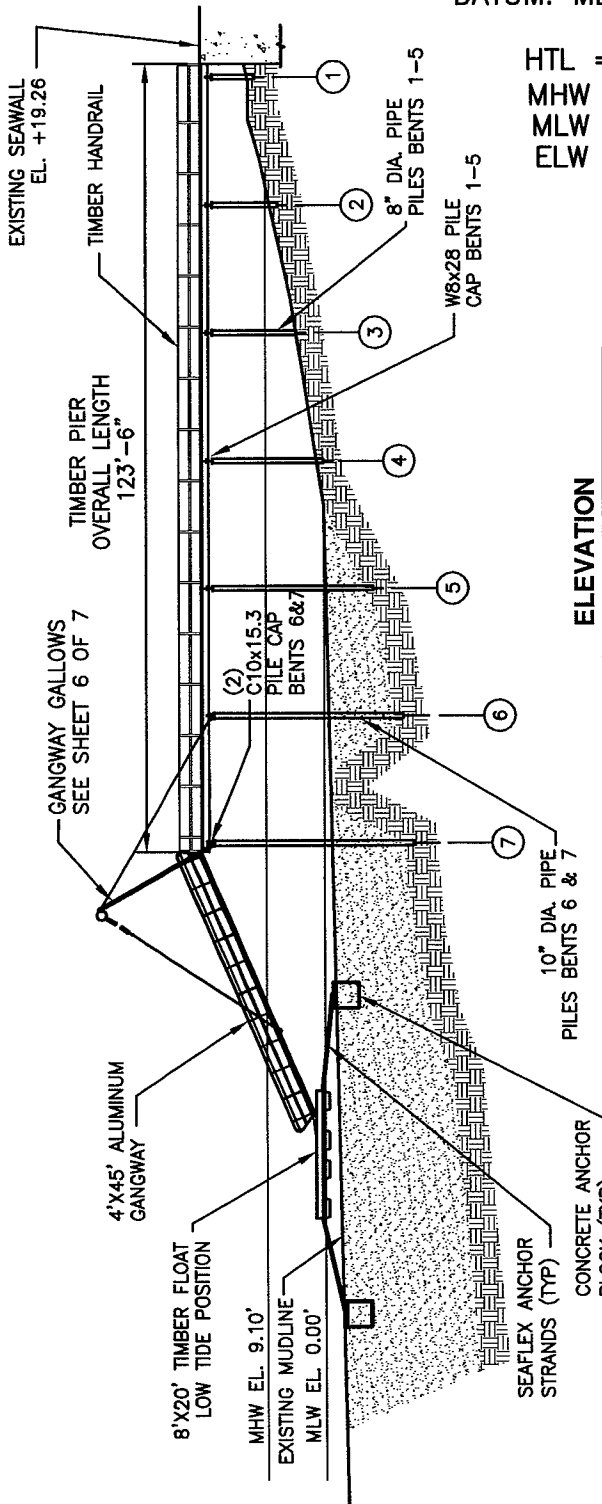
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 ALUMINUM GANGWAY & TIMBER
 FLOATING DOCK

DATUM: MLW = 0.0'

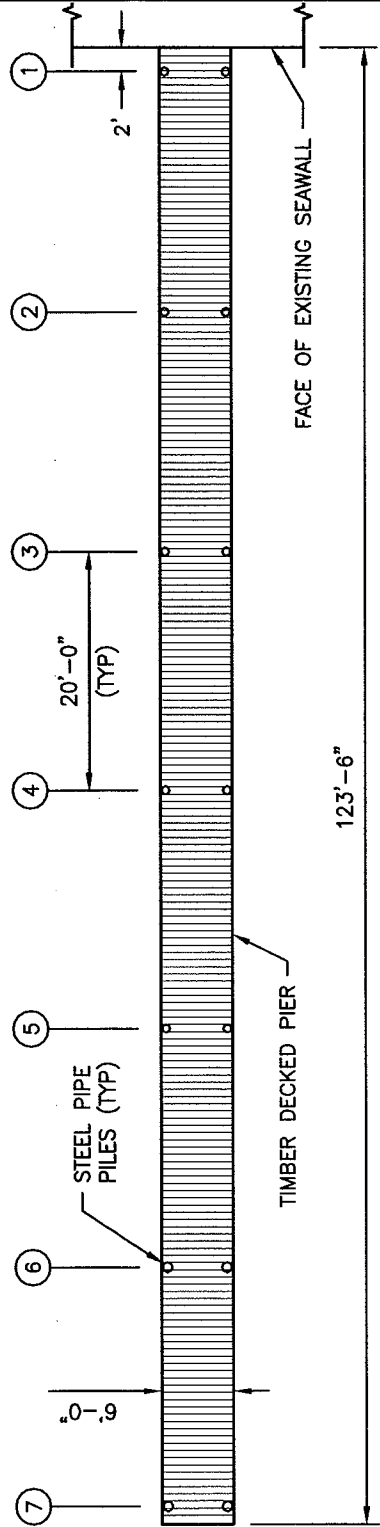
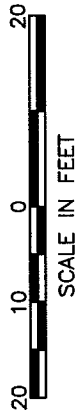
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DATUM: MLW = 0.0'

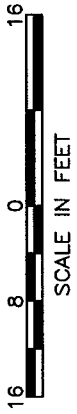
HTL = +11.2'
 MHW = +9.1'
 MLW = 0.0'
 ELW = -2.1'



ELEVATION
 SCALE: 1"=20'-0"



PIER PLAN
 SCALE: 3/32"=1'-0"



PURPOSE: CONSTRUCT A NEW STEEL PILE SUPPORTED PIER, ALUMINUM GANGWAY & TIMBER FLOATING DOCK

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CHILDS ENGINEERING CORPORATION
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ELEVATION & PIER PLAN

SCALE: AS SHOWN

APPLICATION BY:
 MICHAEL COLLINS
 2 OCEAN MEADOW LANE
 MARBLEHEAD, MA 01945

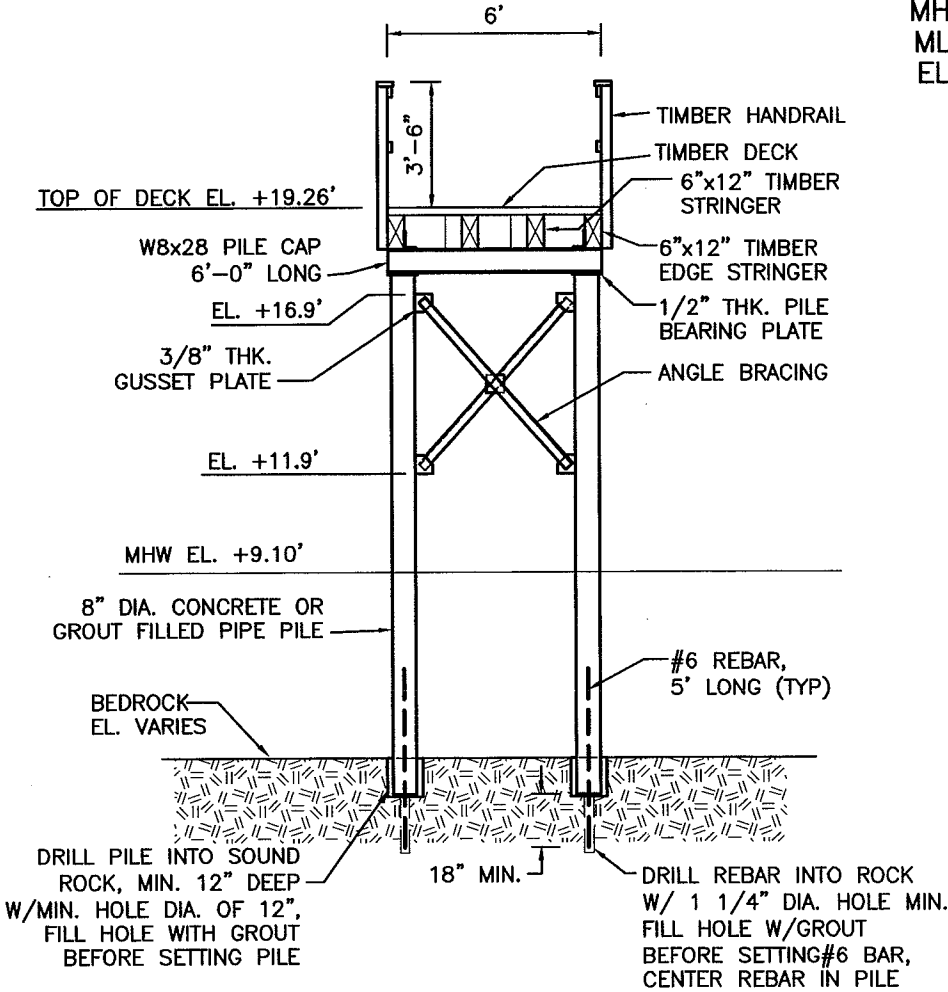
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IN: MARBLEHEAD
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 COUNTY: ESSEX STATE: MA

SHEET 3 OF 6 DATE: 6/05/07

DATUM: MLW = 0.0'

HTL = +11.2'
MHW = +9.1'
MLW = 0.0'
ELW = -2.1'



SECTION B-B (BENTS 1-5)

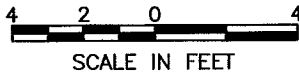
SCALE: 3/16"=1'-0"

PURPOSE: CONSTRUCT A NEW STEEL PILE SUPPORTED PIER, ALUMINUM GANGWAY & TIMBER FLOATING DOCK

DATUM: MLW = 0.0'

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BOX 333 MEDFIELD, MA. 02052

PROPOSED SECTION

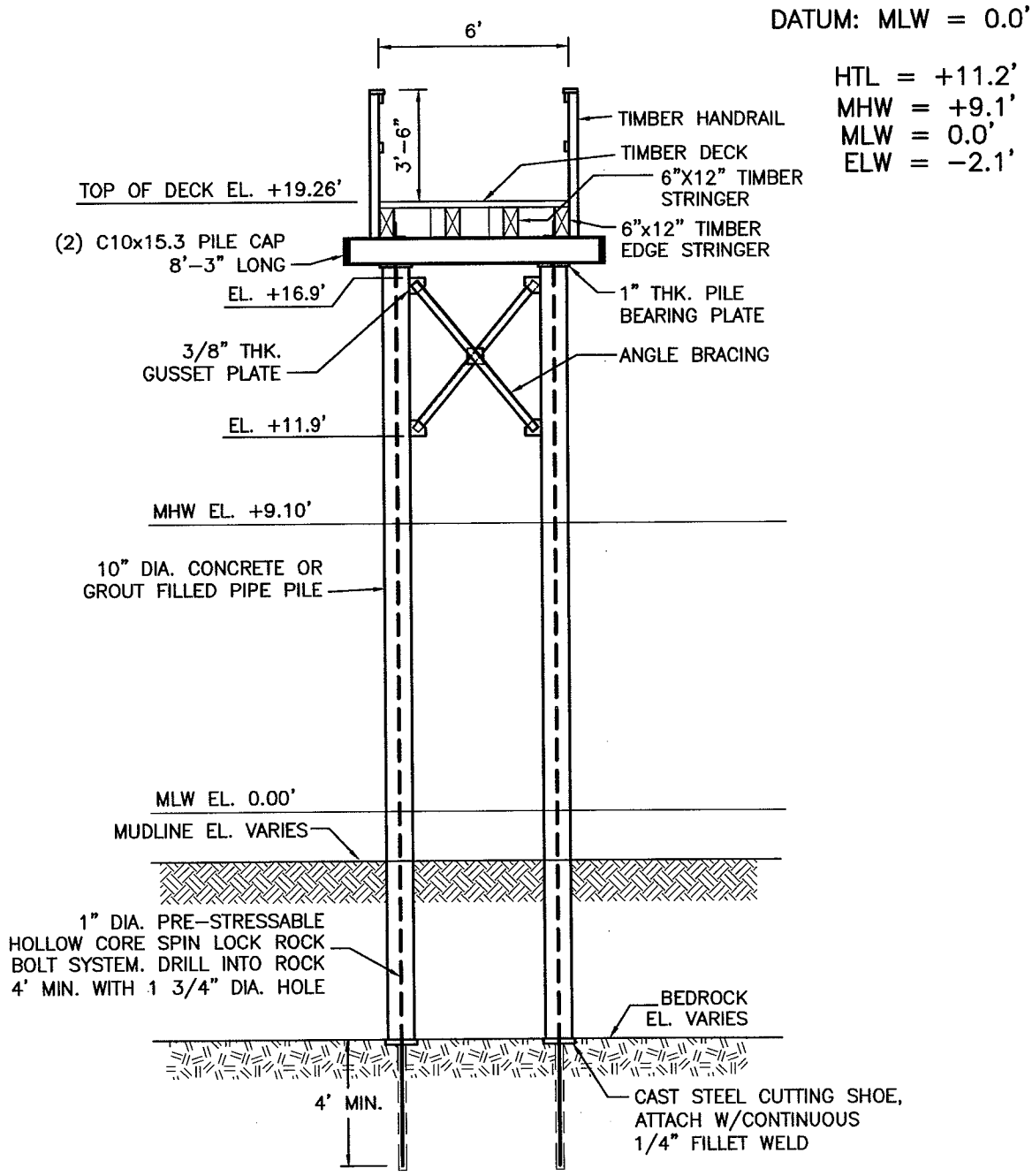


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INSTALLATION OF NEW STEEL PILE SUPPORTED PIER, ALUMINUM GANGWAY AND TIMBER FLOATING DOCK

IN: MARBLEHEAD
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COUNTY: ESSEX STATE: MA

SHEET 4 OF 6 DATE: 6/05/07



SECTION A-A (BENTS 6-7)

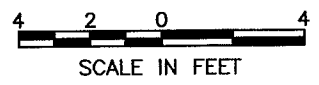
SCALE: 3/16"=1'-0"

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PROPOSED SECTION

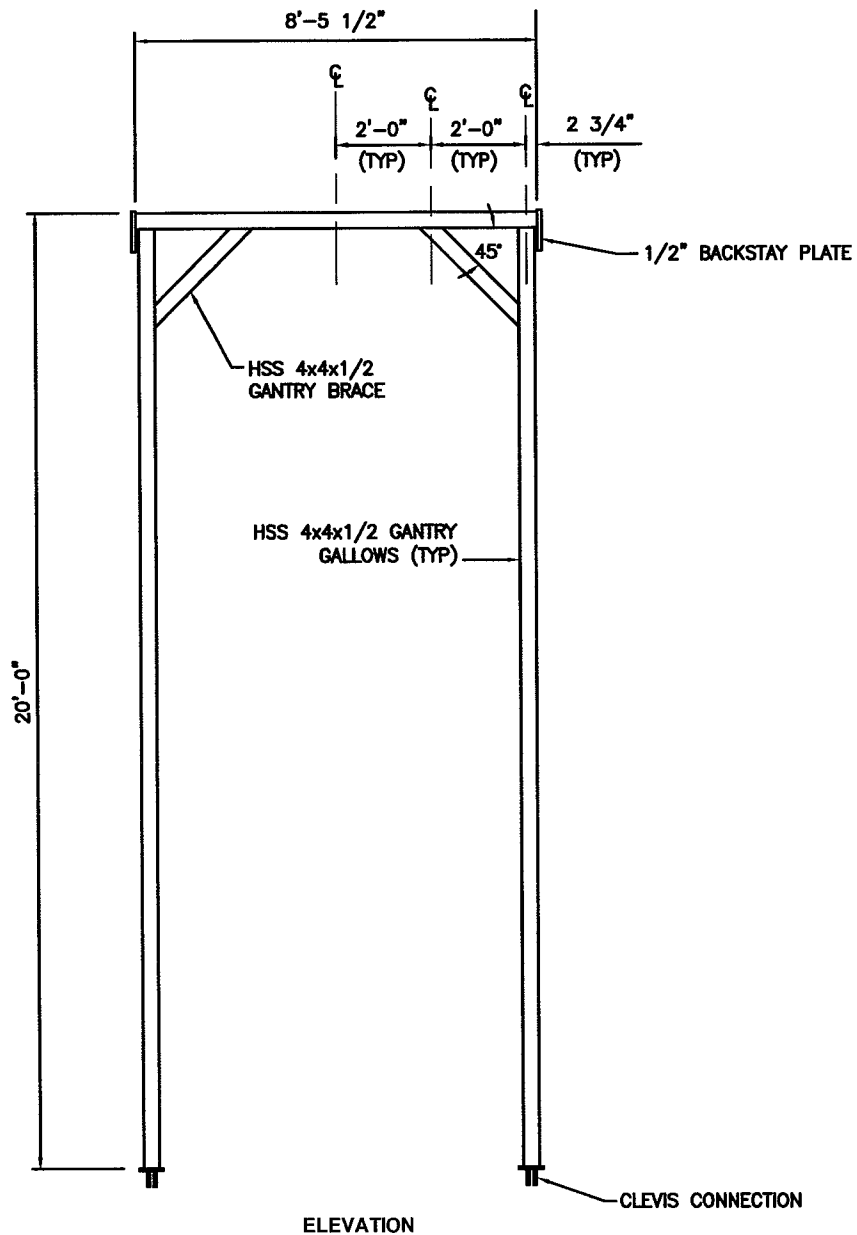


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GANGWAY GALLOWS

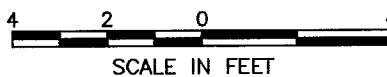
SCALE: 1/4"=1'-0"

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GANGWAY GALLOWS



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