



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

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: January 8, 2008
Comment Period Ends: February 8, 2008
File Number: NAE-2005-3503
In Reply Refer To: Kevin R. Kotelly, P.E.
Or by e-mail: Kevin.r.kotelly@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

Oyster Harbors Yacht Basin Realty Corp.

ACTIVITY

To permit after-the-fact and proposed work, structures, moorings, fill, dredging, and zones of reconfiguration below the high tide line at the Oyster Harbors Yacht Basin, 122 and 182 Bridge Street, Osterville, Massachusetts. There has been a marina/boatyard in operation at this site since the late 1940's. The Marina has received various permits for the structures and activities at the Marina, however, not all activities have been previously permitted. This Public Notice is to permit after-the-fact the existing jurisdictional items that have never previously received Corps permits such as bulkheads, revetments, fill, a pile supported building, boat launching ramp, dolphin, tie-down piles, piers, floats, rip-rap, and existing commercial moorings and to permit proposed work, structures, and activities such as, a 10-foot extension to the northerly travel lift pier, zones of reconfiguration for the piers, piers and floats, and maintenance dredging. The following lists specify the structures and work that would be permitted and that are permitted already.

Existing structures that would be permitted after-the-fact are:

- Six 4 foot (') by (x) 30' floats
- Two 4' x 28' floats
- One 4' x 31' float
- Three 4' x 25' floats
- Two 4' x 34' floats
- One 4' x 35' float
- One 4' x 40' float
- One 5' x 40' float
- One 6' x 77' float
- One 3.5' x 16' pier, 2.5' x 16' ramp, and 6' x 20' float
- One 4' x 144' float
- One 4' x 35' pier, ramp, and float combination
- One pier extension from 5' to 6'
- One 6' x 150' pier
- One 4' x 35' ramp and 5' x 16' float

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- One 6' x 60' pier
- One 6' x 50' pier

Proposed items that would be permitted are:

- A 6' x 10' travel lift pier extension
- Two zones of reconfiguration for piers, ramps, floats, and piles.
- Maintenance dredging to dredge an approximately 3.5-acre area to a depth of 6 feet below mean low water. Approximately 8,000 cubic yards of sand mixed with silt will be removed by mechanical means and disposed of above the high tide line at the following locations:
 - Sable Residence: 105 Shurtleff Road, Eastham, Massachusetts
 - DeRemer Residence: 125 Shurtleff Road, Eastham, Massachusetts
 - Vanderloot Residence: 125 Shurtleff Road, Eastham, Massachusetts
 - Mense] Residence: 425 Shurtleff Road, Eastham, Massachusetts
 - Lapham Residence: 435 Shurtleff Road, Eastham, Massachusetts
 - Mouchantat Residence: 405 Shurtleff Road, Eastham, Massachusetts
 - Phifer Residence: 55 Sunset Lane, Eastham, Massachusetts
 - Rice Residence: 25 & 45 Sunset Lane, Eastham, Massachusetts
 - Morcaldi Residence: 1 Bayberry Lane, Eastham, Massachusetts
 - Chesquessett Yacht & Country Club: 675 Chesquessett Neck Road, Wellfleet, Massachusetts

The existing items that were previously permitted are:

- One 5' x 146' pier
- One 5.5' x 163' pier
- One 12' x 27' pier
- One 4.5' x 58' pier
- One 3' x 36' float
- One 4' x 36' float
- One 4.5' x 32' float
- One 4.5' x 25' float
- Two 3.5' x 16' floats
- One 4' x 144' float
- One 4' x 144' float
- One 3' x 108' pier, 2' x 12' ramp, and 8.5' x 20' float
- One 5' x 108' pier
- One 2.5' x 16' ramp
- One 5' x 50' float
- One 5' x 65' float
- Four 5' x 65' floats
- One 4' x 20' float
- One 8' x 116' pier
- Two 4' x 30' floats
- One 4' x 32' float
- One 5' x 152' pier
- One 7' x 132' pier

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- One 4' x 38' float
- Two 4' x 40' floats
- One 5' x 106' pier
- One 7' x 85' pier
- One 13' x 62' pier
- One 3' x 16' ramp
- One 6' x 20' float
- One 6' x 80' float
- One 6' x 32' float
- One 6' x 156' float
- Three 4' x 28' floats
- One 5' x 42' float
- One 5' x 181' float
- One 5' x 44' pier
- One 4' x 54' pier
- One 6' x 163' pier
- One 5' x 76' pier
- One 3' x 16' ramp
- One 6' x 70' float
- One 6' x 160' pier
- One 3' x 40' pier
- One 5' x 40' pier

The work is described on the enclosed plans entitled, "Plan to Accompany Petition of Oyster Harbors Yacht Basin to License and Maintain Structures and Moorings and Establish Zone of Reconfiguration and Maintenance Dredging In North Bay, Barnstable, Barnstable County, MA," on fourteen sheets, and the most recent revisions dated, "11-07-07," and "07-20-07."

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in North Bay at Oyster Harbors Marine, 122 and 182 Bridge Street, Osterville, Massachusetts 02655. The proposed location on the USGS Barnstable quadrangle sheet is at Latitude 41°37'27.6" N and Longitude 70°23'46.8" 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.

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 3.5-acres of Essential Fish Habitat (EFH) for various life stages of Atlantic Cod, redfish, winter flounder, windowpane flounder, long finned squid, short finned squid, Atlantic butterfish, Atlantic mackerel, summer flounder, scup, black sea bass, surf clam, ocean quahog, spiny dogfish, king mackerel, Spanish mackerel, and Cobia. This habitat consists of subtidal sand, fine sand, and some silt. Loss of this habitat may adversely affect the species listed above. 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. 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.
- c. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officers

ENDANGERED SPECIES CONSULTATION

The New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the proposed project site during the construction and subsequent operation/use period sought by the applicant. It is our determination that the proposed activity for which authorization is being sought is designed, situated or will be

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operated/used in such a manner that it is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our BA determination.

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 Kevin Kotelly at (978) 318-8703, (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

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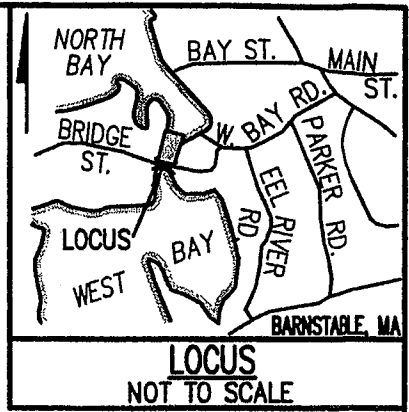
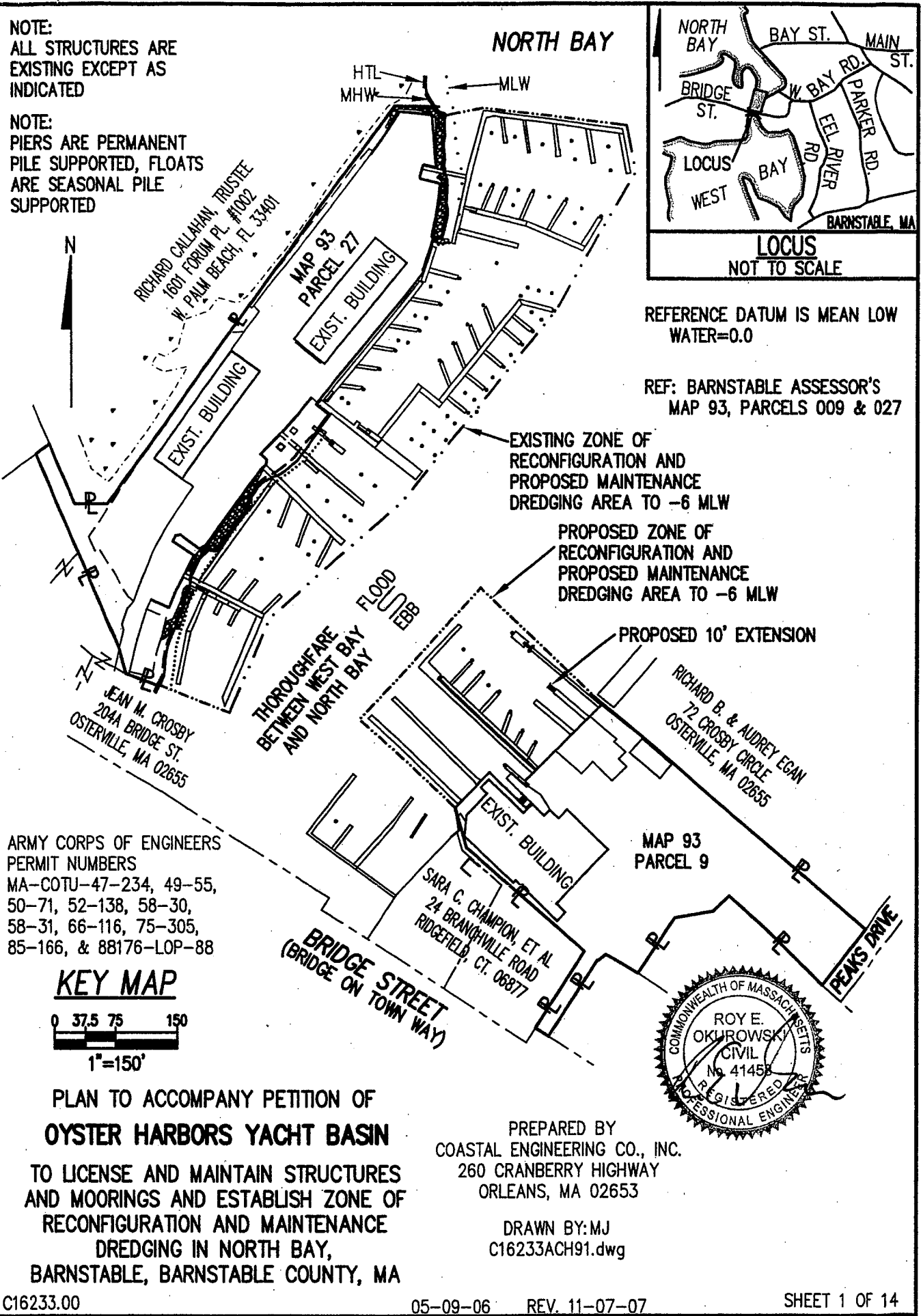
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers,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

NAME: _____

ADDRESS: _____

NOTE:
ALL STRUCTURES ARE
EXISTING EXCEPT AS
INDICATED

NOTE:
PIERS ARE PERMANENT
PILE SUPPORTED, FLOATS
ARE SEASONAL PILE
SUPPORTED



REFERENCE DATUM IS MEAN LOW
WATER=0.0

REF: BARNSTABLE ASSESSOR'S
MAP 93, PARCELS 009 & 027

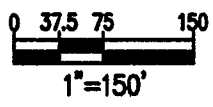
EXISTING ZONE OF
RECONFIGURATION AND
PROPOSED MAINTENANCE
DREDGING AREA TO -6 MLW

PROPOSED ZONE OF
RECONFIGURATION AND
PROPOSED MAINTENANCE
DREDGING AREA TO -6 MLW

PROPOSED 10' EXTENSION

ARMY CORPS OF ENGINEERS
PERMIT NUMBERS
MA-COTU-47-234, 49-55,
50-71, 52-138, 58-30,
58-31, 66-116, 75-305,
85-166, & 88176-L0P-88

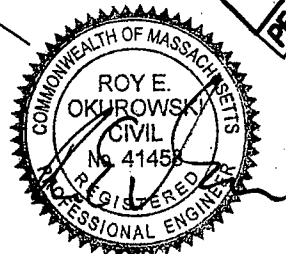
KEY MAP



PLAN TO ACCOMPANY PETITION OF
OYSTER HARBORS YACHT BASIN
TO LICENSE AND MAINTAIN STRUCTURES
AND MOORINGS AND ESTABLISH ZONE OF
RECONFIGURATION AND MAINTENANCE
DREDGING IN NORTH BAY,
BARNSTABLE, BARNSTABLE COUNTY, MA

PREPARED BY
COASTAL ENGINEERING CO., INC.
260 CRANBERRY HIGHWAY
ORLEANS, MA 02653

DRAWN BY: MJ
C16233ACH91.dwg

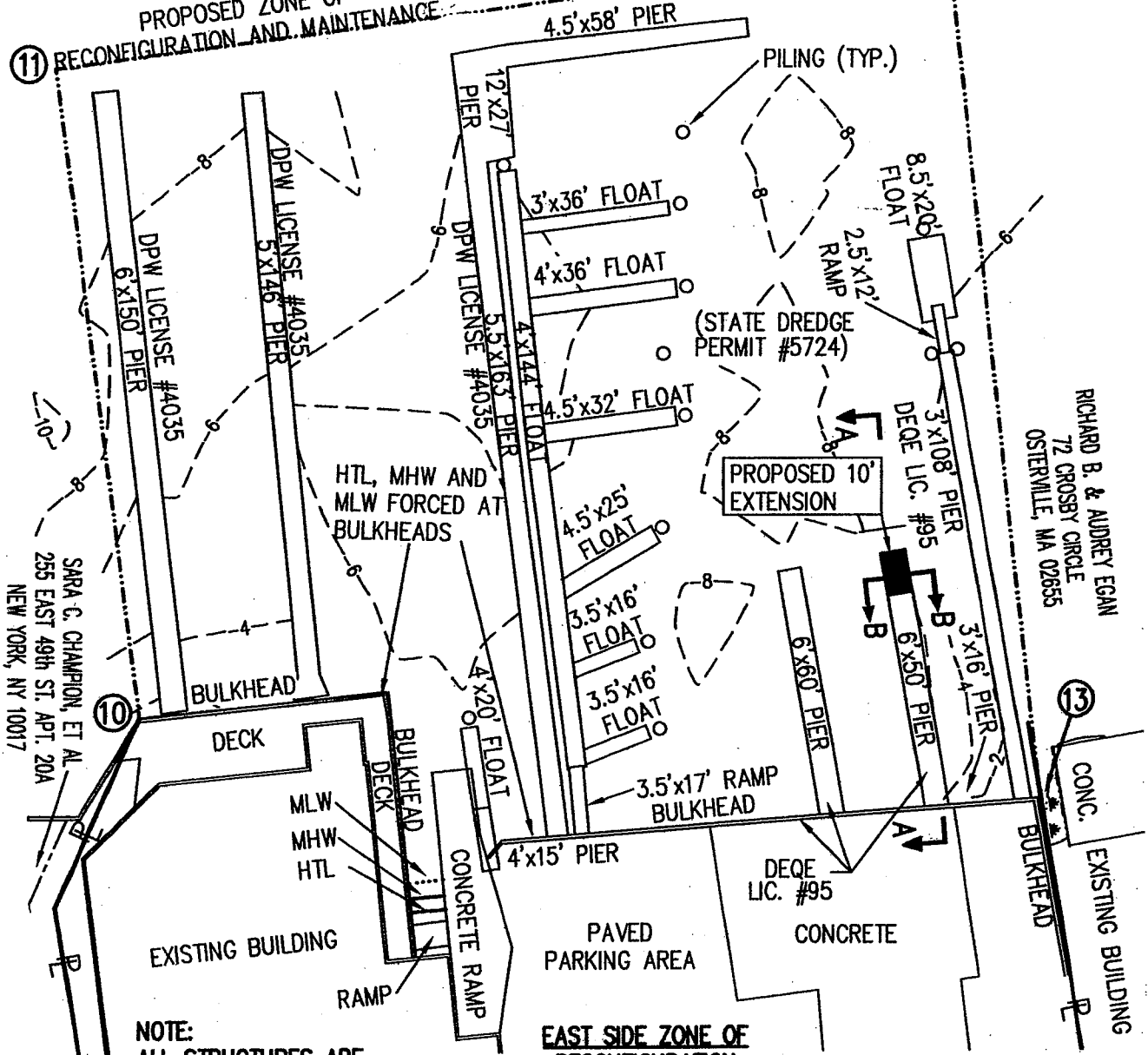


REFERENCE DATUM IS MEAN LOW WATER = 0.0

THOROUGHFARE BETWEEN WEST BAY AND NORTH BAY FLOOD

PROPOSED ZONE OF RECONFIGURATION AND MAINTENANCE

DREDGE AREA TO -6 MLW



SARA C. CHAMPION, ET AL
255 EAST 49TH ST. APT. 20A
NEW YORK, NY 10017

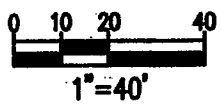
RICHARD B. & AUDREY EGAN
72 CROSBY CIRCLE
OSTERVILLE, MA 02655

NOTE:
ALL STRUCTURES ARE
EXISTING EXCEPT AS
INDICATED

LICENSES #4035, #95, #5724

① SEE ZONE OF RECONFIGURATION COORDINATES ON SHEET 9.

PLAN



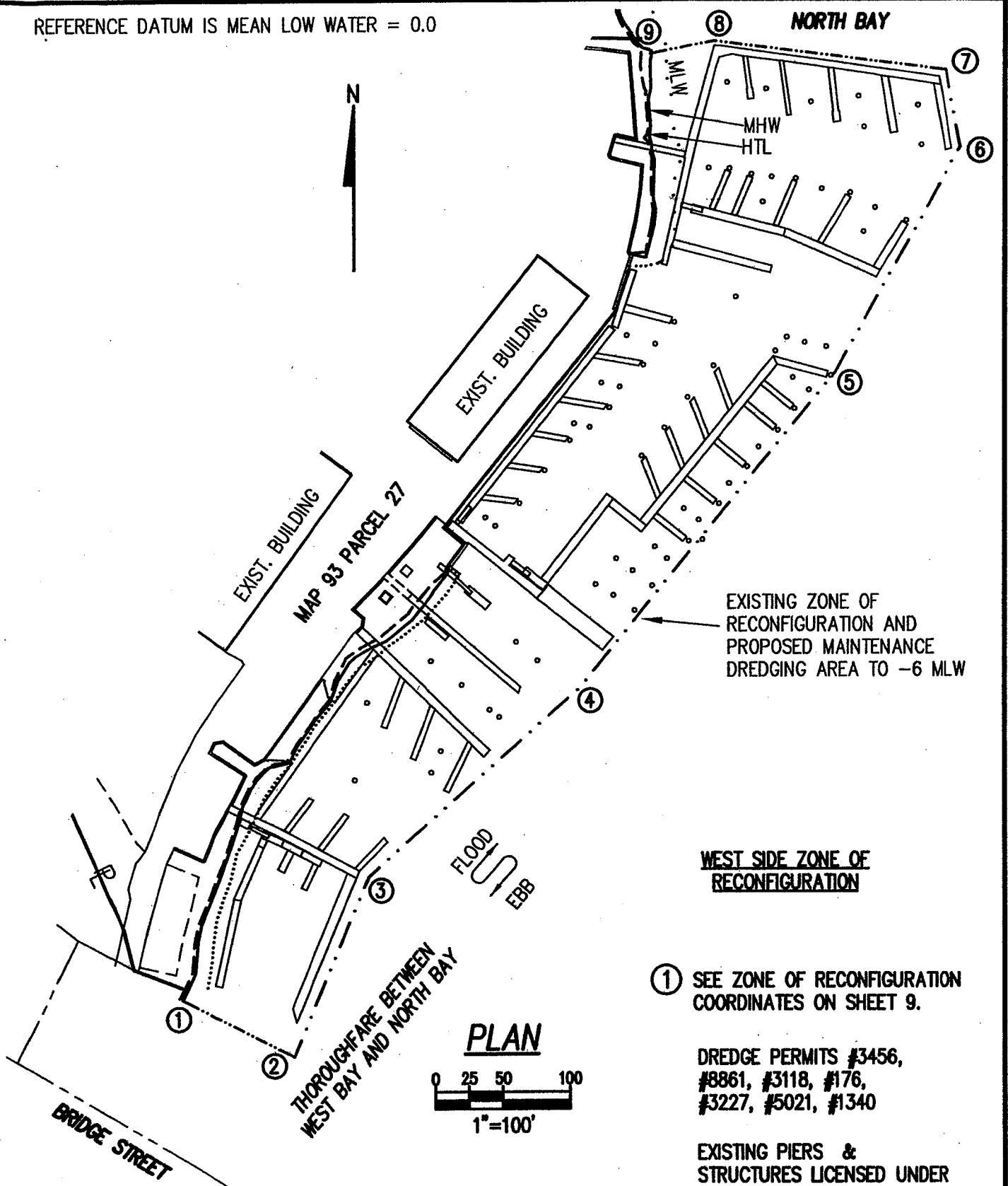
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EXISTING ZONE OF RECONFIGURATION AND PROPOSED MAINTENANCE DREDGING AREA TO -6 MLW

WEST SIDE ZONE OF RECONFIGURATION

① SEE ZONE OF RECONFIGURATION COORDINATES ON SHEET 9.

DREDGE PERMITS #3456, #8861, #3118, #176, #3227, #5021, #1340

EXISTING PIERS & STRUCTURES LICENSED UNDER CHAPTER 91 LICENSES: 1340, 3847, 5021, 2990, 3227, 3456, 3118, 5576, & 2157

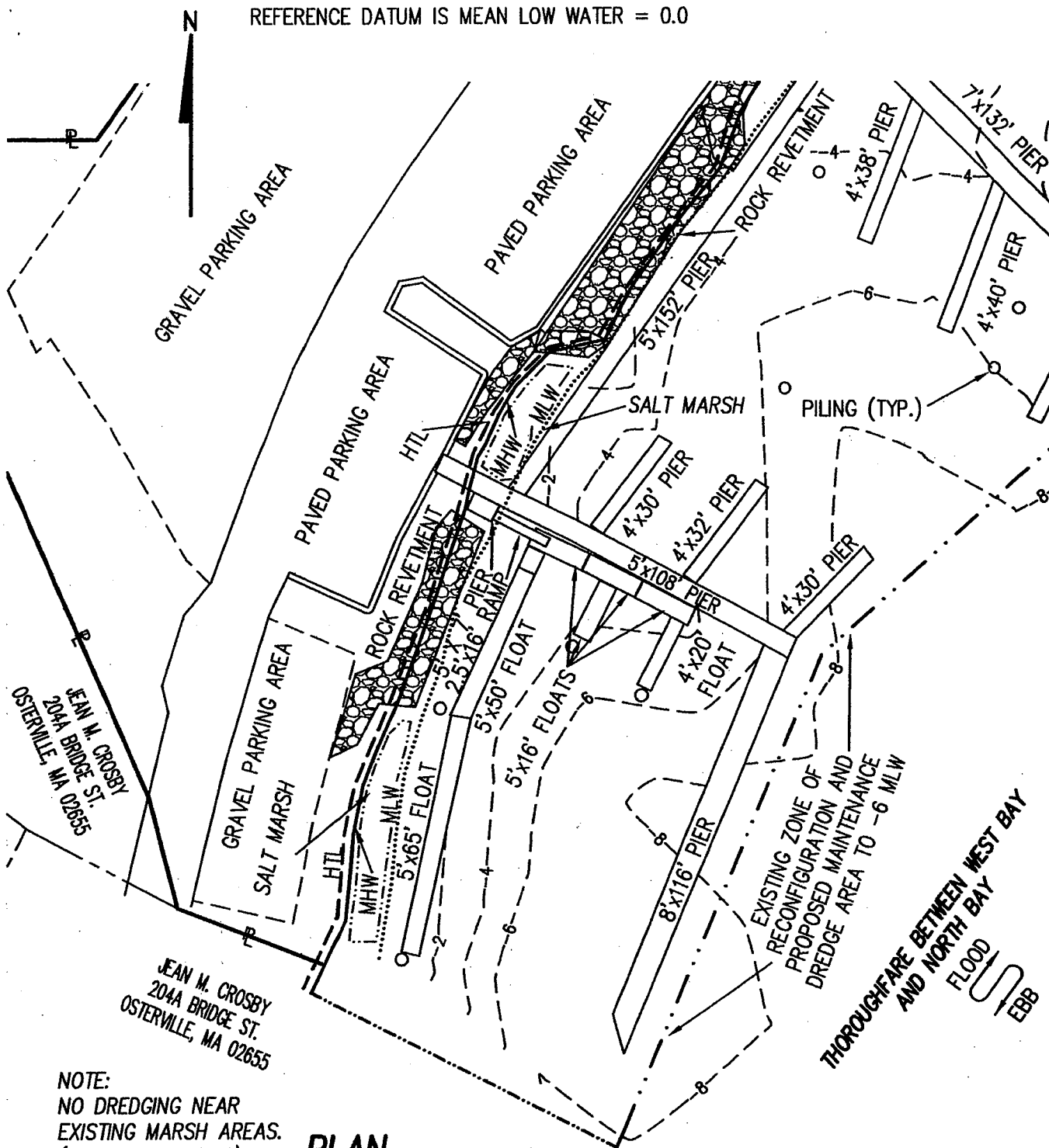
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ORLEANS, MA 02653

DRAWN BY: MJ C16233ACH91.dwg

PLAN TO ACCOMPANY PETITION OF OYSTER HARBORS YACHT BASIN

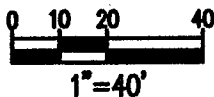
TO LICENSE AND MAINTAIN STRUCTURES AND MOORINGS AND ESTABLISH ZONE OF RECONFIGURATION AND MAINTENANCE DREDGING IN NORTH BAY, BARNSTABLE, BARNSTABLE COUNTY, MA

REFERENCE DATUM IS MEAN LOW WATER = 0.0



NOTE:
 NO DREDGING NEAR
 EXISTING MARSH AREAS.
 (SEE SECTION C-C)

PLAN



**PLAN TO ACCOMPANY PETITION OF
 OYSTER HARBORS YACHT BASIN**

**TO LICENSE AND MAINTAIN STRUCTURES
 AND MOORINGS AND ESTABLISH ZONE OF
 RECONFIGURATION AND MAINTENANCE
 DREDGING IN NORTH BAY,
 BARNSTABLE, BARNSTABLE COUNTY, MA**

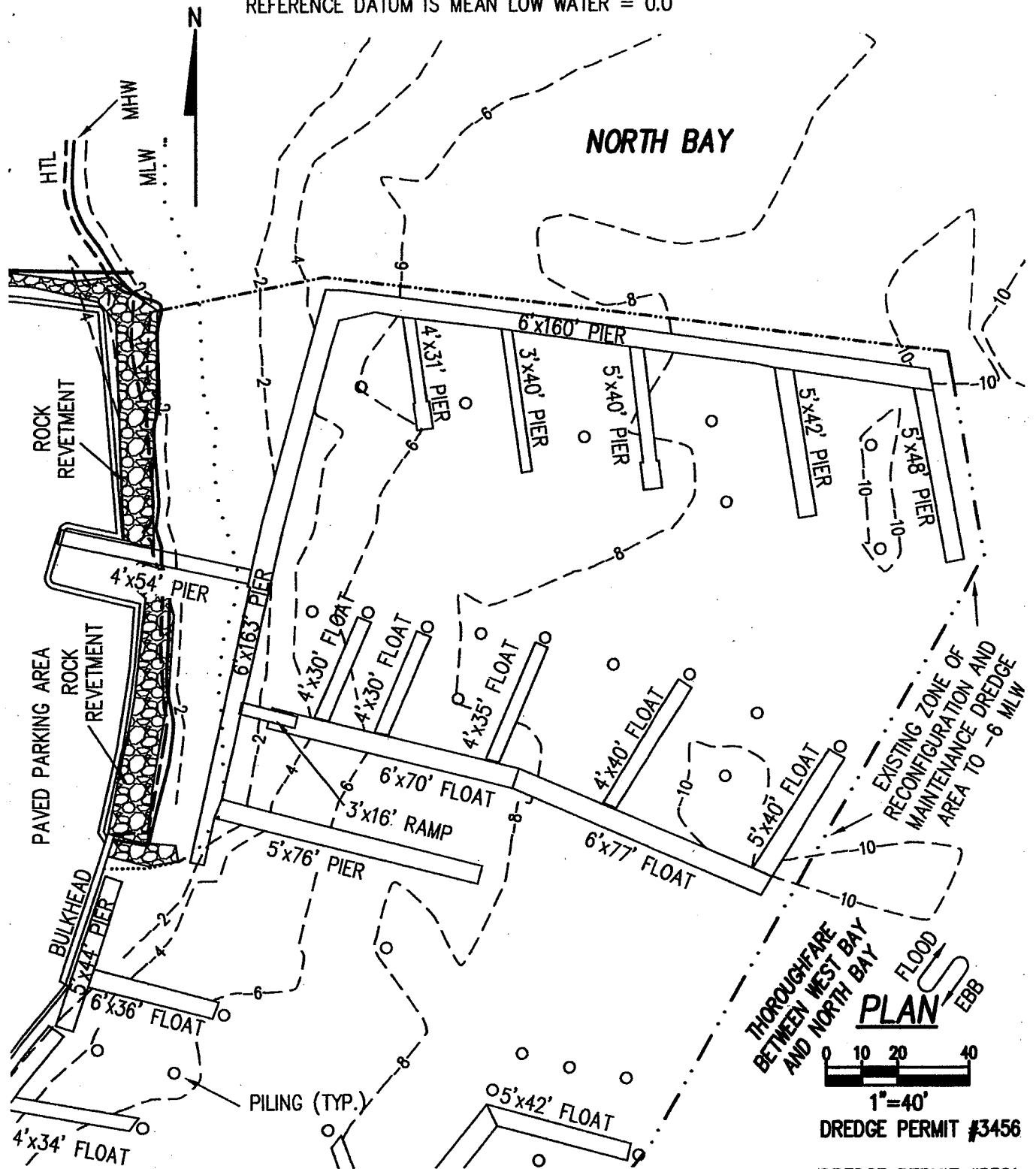
**DREDGE PERMITS #3456,
 #8861, #3118, #176,
 #3227, #5021, #1340**

**EXISTING PIERS & STRUCTURES
 LICENSED UNDER CHAPTER 91
 LICENSES: 1340, 3847, 5021,
 2990, 3227, 3456, 3118,
 5576, & 2157**

PREPARED BY
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 260 CRANBERRY HIGHWAY
 ORLEANS, MA 02653

DRAWN BY: MJ C16233ACH91.dwg

REFERENCE DATUM IS MEAN LOW WATER = 0.0



**PLAN TO ACCOMPANY PETITION OF
OYSTER HARBORS YACHT BASIN**
TO LICENSE AND MAINTAIN STRUCTURES
AND MOORINGS AND ESTABLISH ZONE OF
RECONFIGURATION AND MAINTENANCE
DREDGING IN NORTH BAY,
BARNSTABLE, BARNSTABLE COUNTY, MA

EXISTING PIERS &
STRUCTURES LICENSED UNDER
CHAPTER 91 LICENSES: 1340,
3847, 5021, 2990, 3227,
3456, 3118, 5576, & 2157

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260 CRANBERRY HIGHWAY
ORLEANS, MA 02653

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DREDGE PERMIT #3456

DREDGE PERMIT #8861

DREDGE PERMIT #3118

DREDGE PERMIT #176

DREDGE PERMIT #3227

DREDGE PERMIT #5021

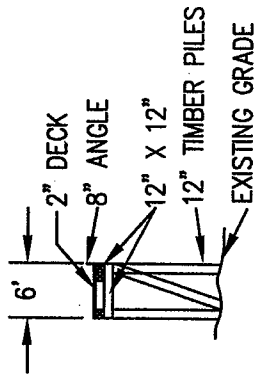
DREDGE PERMIT #1340

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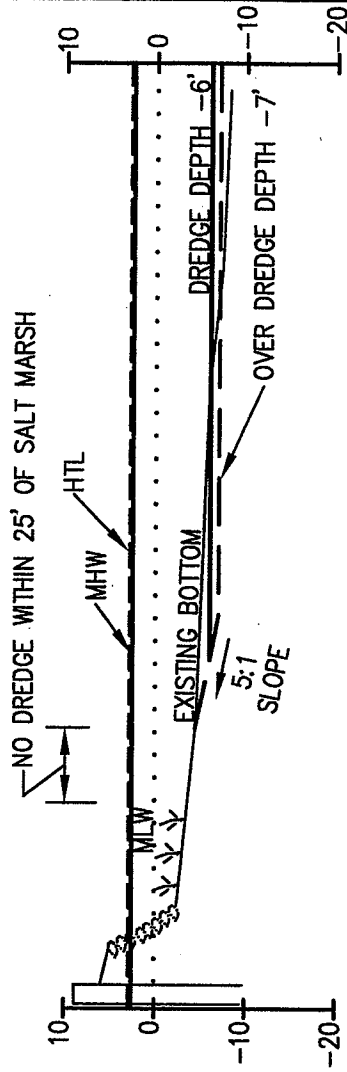
PLAN TO ACCOMPANY PETITION OF OYSTER HARBORS YACHT BASIN TO LICENSE AND MAINTAIN STRUCTURES AND MOORINGS AND ESTABLISH ZONE OF RECONFIGURATION AND MAINTENANCE DREDGING IN NORTH BAY, BARNSTABLE, BARNSTABLE COUNTY, MA

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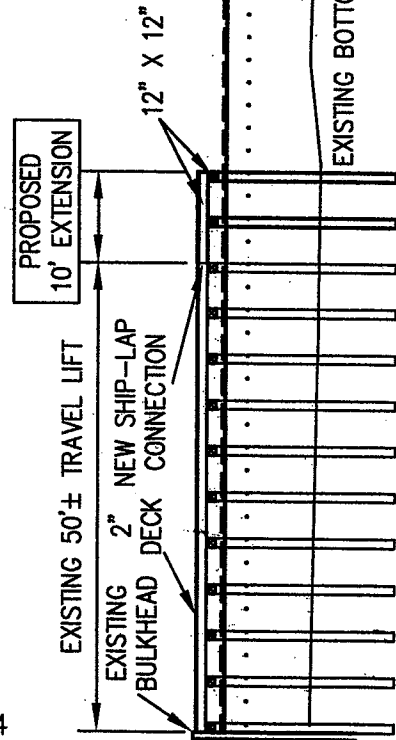
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SECTION B-B



SECTION C-C



SECTION A-A



WEST SIDE ZONE OF
RECONFIGURATION

① N 2689875.0
E 957695.0

② N 2689857.0
E 957786.0

③ N 2689999.0
E 957804.0

④ N 2690176.0
E 957918.0

⑤ N 2690449.0
E 958039.0

⑥ N 2690632.0
E 958085.0

⑦ N 2690683.0
E 958060.0

⑧ N 2690657.0
E 957887.0

⑨ N 2690637.0
E 957849.0

EAST SIDE ZONE OF
RECONFIGURATION

⑩ N 2689838.0
E 958080.0

⑪ N 2689910.0
E 957940.0

⑫ N 2690101.0
E 958039.0

⑬ N 2690005.0
E 958219.0

PLAN COORDINATES ARE IN NAD83 FEET

**PLAN TO ACCOMPANY PETITION OF
OYSTER HARBORS YACHT BASIN**

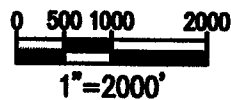
**TO LICENSE AND MAINTAIN STRUCTURES
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DREDGING IN NORTH BAY,
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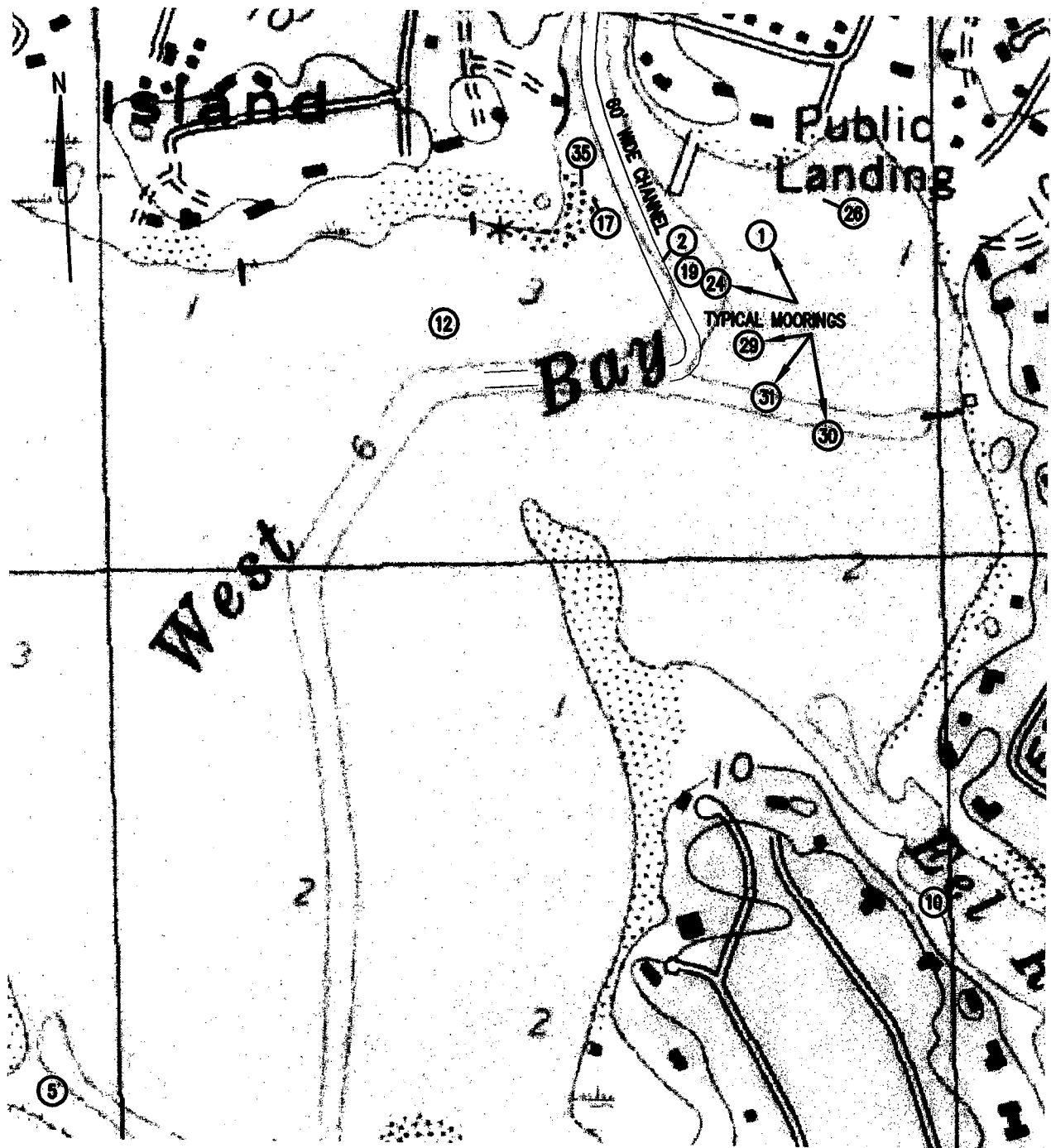
MOORING LOCUS MAP



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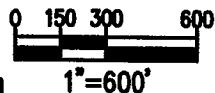
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C16233ACH91.dwg

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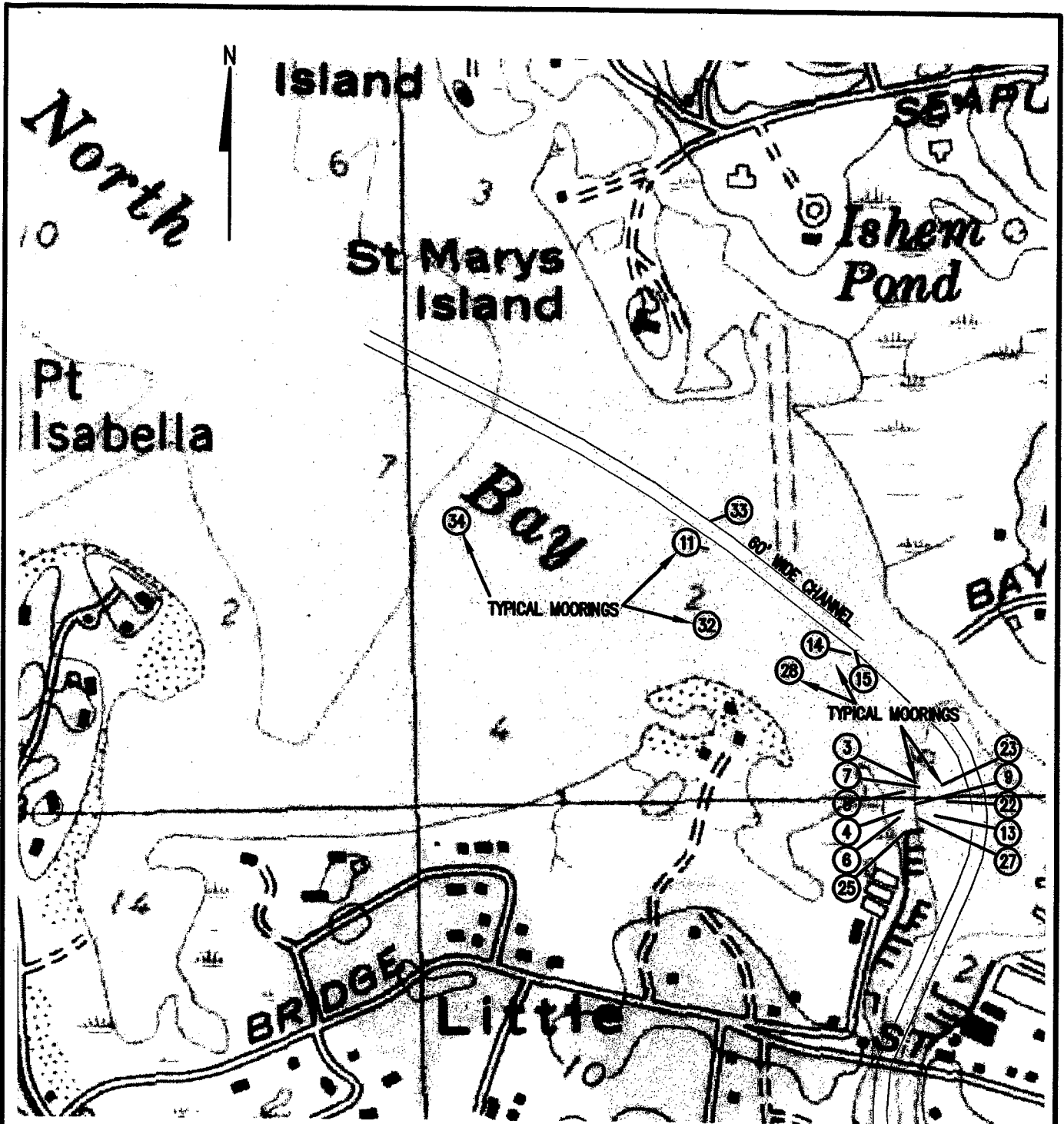
KEY MAP MOORING AREA A

PLAN TO ACCOMPANY PETITION OF
OYSTER HARBORS YACHT BASIN

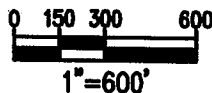


TO LICENSE AND MAINTAIN STRUCTURES
 AND MOORINGS AND ESTABLISH ZONE OF
 RECONFIGURATION AND MAINTENANCE
 DREDGING IN NORTH BAY,
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 ORLEANS, MA 02653
 DRAWN BY: MJ C16233ACH91.dwg



KEY MAP MOORING AREA B



**PLAN TO ACCOMPANY PETITION OF
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DRAWN BY: MJ
C16233ACH91.dwg

PREPARED BY
COASTAL ENGINEERING CO., INC.
260 CRANBERRY HIGHWAY
ORLEANS, MA 02653

MOORING LOCATIONS

NUMBER	NORTH	EAST	MOORING	DESCRIPTION
1	2688832	958571	WB-R12	500lb mushroom with ball float
2	2688728	958183	T6	500lb mushroom with ball float
3	2690916	958022	C10N	250lb mushroom with lobster buoy
4	2690794	957970	C6 & C7	500lb & 200lb mushroom with floating dock
5	2690764	957978	SB-R1	250lb mushroom with lobster bouy
6	2690763	957955	C5 & NBC-R7	250lb and 200lb mushroom with floating dock
7	2690896	958037	C11	500lb mushroom with ball float
8	2690875	957977	C8	250lb mushroom floating dock
9	2690825	958023	C9	250lb mushroom with ball float
10	2692288	959189	ER-R1	150lb mushroom with ball float
11	2691897	957135	C49	500lb mushroom with ball float
12	2688474	957311	WB-R10	500lb mushroom with ball float
13	2690776	958107	NBC-R10	250lb mushroom with ball float
14	2691470	957764	NBC-R12	150lb mushroom with lobster bouy
15	2691459	957741	R13	200lb mushroom with ball float
17	2688961	957903	R2	500lb mushroom with ball float
19	2688687	958288	WB-R4	250lb mushroom with lobster bouy
22	2690837	958159	R5	500lb mushroom with ball float
23	2690908	958136	R6	200lb mushroom with ball float
24	288643	958393	WB-R7	200lb mushroom with ball float
25	2690703	957979	NBC-C4	1000lb mushroom with floating dock
26	2688973	958821	R9	150lb mushroom with lobster bouy
27	2690761	958038	R8	250lb mushroom with ball float
28	2691385	957484	T1	1000lb block with ball float
29	2688402	958525	T11	1000lb mushroom with ball float
30	2688052	958841	T13	500lb mushroom with ball float
31	2688201	958596	T14	500lb mushroom with ball float
32	2691573	957132	T2	500lb mushroom with ball float
33	2692018	957149	T20	500lb mushroom with ball float
34	2692004	956056	T25	1000lb mushroom with ball float
35	2689021	957856	C1	1000lb mushroom with ball float

PLAN COORDINATES ARE IN NAD83 FEET

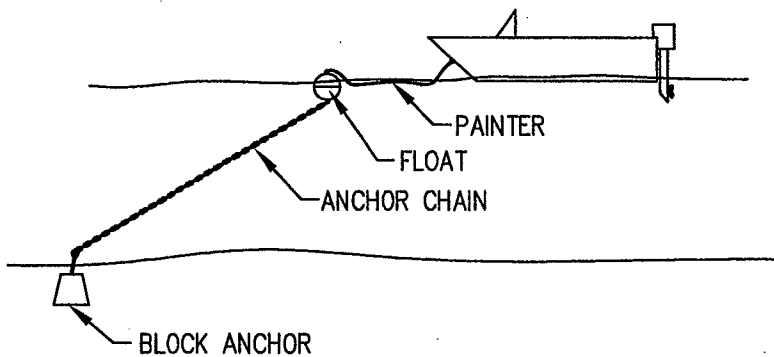
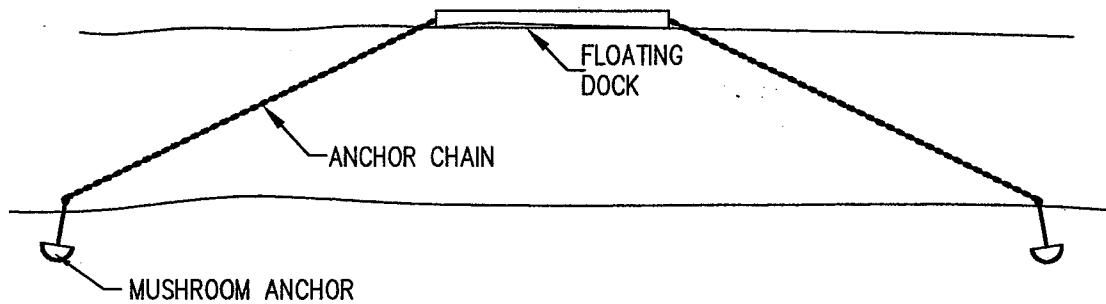
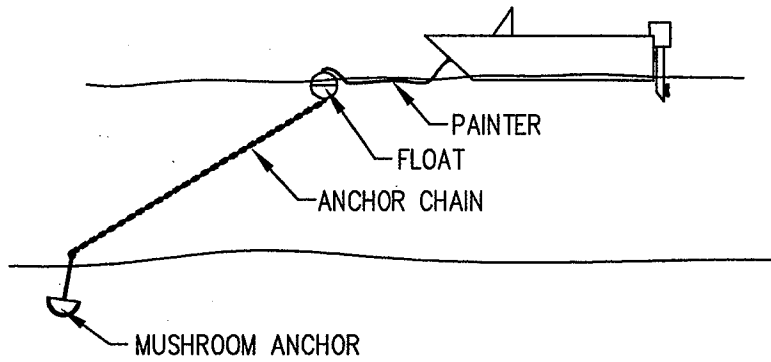
NOTE: ALL MOORINGS SHOWN ARE
EXISTING AND PERMITTED BY
THE BARNSTABLE
HARBORMASTER.

PLAN TO ACCOMPANY PETITION OF OYSTER HARBORS YACHT BASIN

TO LICENSE AND MAINTAIN STRUCTURES
AND MOORINGS AND ESTABLISH ZONE OF
RECONFIGURATION AND MAINTENANCE
DREDGING IN NORTH BAY,
BARNSTABLE, BARNSTABLE COUNTY, MA

PREPARED BY
COASTAL ENGINEERING CO., INC.
260 CRANBERRY HIGHWAY
ORLEANS, MA 02653
DRAWN BY: MJ C16233ACH91.dwg

TYPICAL MOORING DETAILS



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