



**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-2007-3220**  
**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

Hingham Boatyard, LLC

## ACTIVITY

To permit after-the-fact an approximately 2,325 square foot float configuration, proposed work in navigable waters to install three 12-inch steel piles to provide support and stability to the existing, unpermitted, floats, and to delineate a proposed marina reconfiguration zone. The piles will be mechanically driven to a minimum of 15 feet below the substrate or to refusal. The reconfiguration zone is intended to allow for consolidation of the floats in the middle of the marina in order to protect the floats over the winter time. All other existing structures and fill at the Hingham Boatyard were previously permitted by the Corps under permit number 200200258. The work is described on the enclosed plans entitled, "Plans Accompanying Petition of Hingham Cove, LLC, To Make Improvements To Existing Float System In Hingham Harbor, Town of Hingham, Plymouth County, Massachusetts," on four sheets, and dated, "November 13, 2007.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Hingham Harbor at 26 Summer Street, Hingham, Massachusetts. The proposed location on the USGS Weymouth, MA quadrangle sheet is at UTM Zone 19 coordinates 4678623N and 4678623E.

## 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 1.13 acres of Essential Fish Habitat (EFH) for various life stages of 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*), 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*), 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*), and bluefin tuna (*Thunnus thynnus*). This habitat consists of subtidal area. 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. The proposed activity is of limited nature and scope.
- c. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation

Officers

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.

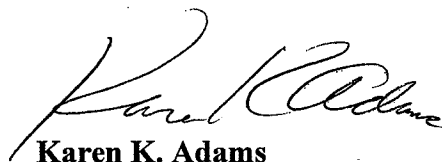
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Kevin Kotelly at (978) 318-8703, (800) 343-4789 or (800) 362-4367, if calling 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**

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: \_\_\_\_\_

DATE: Nov 13, 2007 - 10:14AM  
FILENAME: H:\H152\001\H152\_USGS\_Locus.dwg



Hingham Boat Yard  
26 Summer Street  
Hingham, Massachusetts

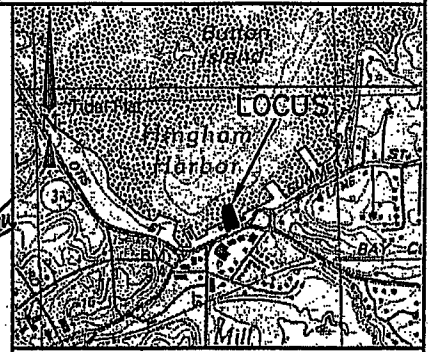
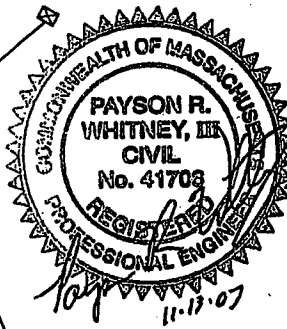
USGS Topographic Map  
Locus

Engineers  
Scientists  
Consultants

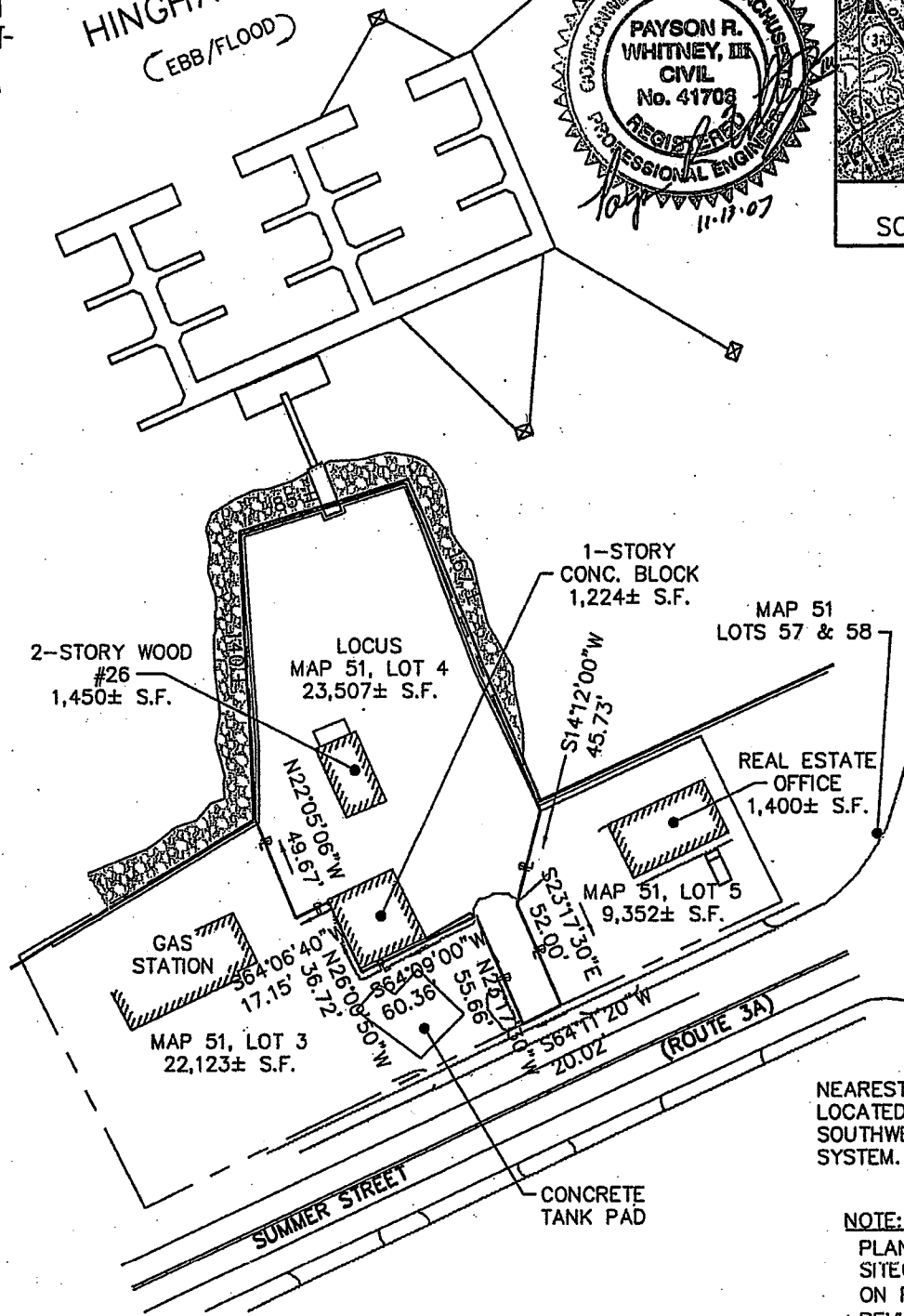
Figure



HINGHAM HARBOR  
(EBB/FLOOD)



SITE LOCUS  
SCALE: 1" = 2,000'±



ABUTTER LIST

LOCUS  
MAP 51, LOT 4

MAP 51, LOT 3  
N/F MOBIL OIL CORP.  
c/o MOBIL SERVICE CO.  
PROPERTY TAX DIVISION  
P.O. BOX 290  
DALLAS, TX 75221

MAP 51, LOT 5  
N/F HELM REALTY TR.  
c/o LUCAS & J.  
HELMBERGER  
30 SUMMER STREET  
HINGHAM, MA 02043

MAP 51, LOTS 57 & 58  
N/F TOWN OF HINGHAM  
RECREATION  
210 CENTRAL STREET  
HINGHAM, MA 02043

NEAREST ADJACENT FLOAT IS  
LOCATED APPROXIMATELY 115 FT.±  
SOUTHWEST OF SUBJECT FLOAT  
SYSTEM.

NOTE:

PLAN INFORMATION PROVIDED BY  
SITEC, INC., NEW BEDFORD, MA,  
ON PLANS DATED 12/05/03,  
REVISED 1/20/04.

0 80 160



SCALE IN FEET

SHEET 1 OF 4

PROPERTY PLAN

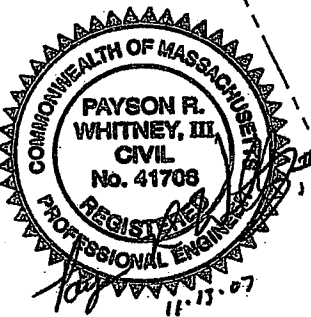
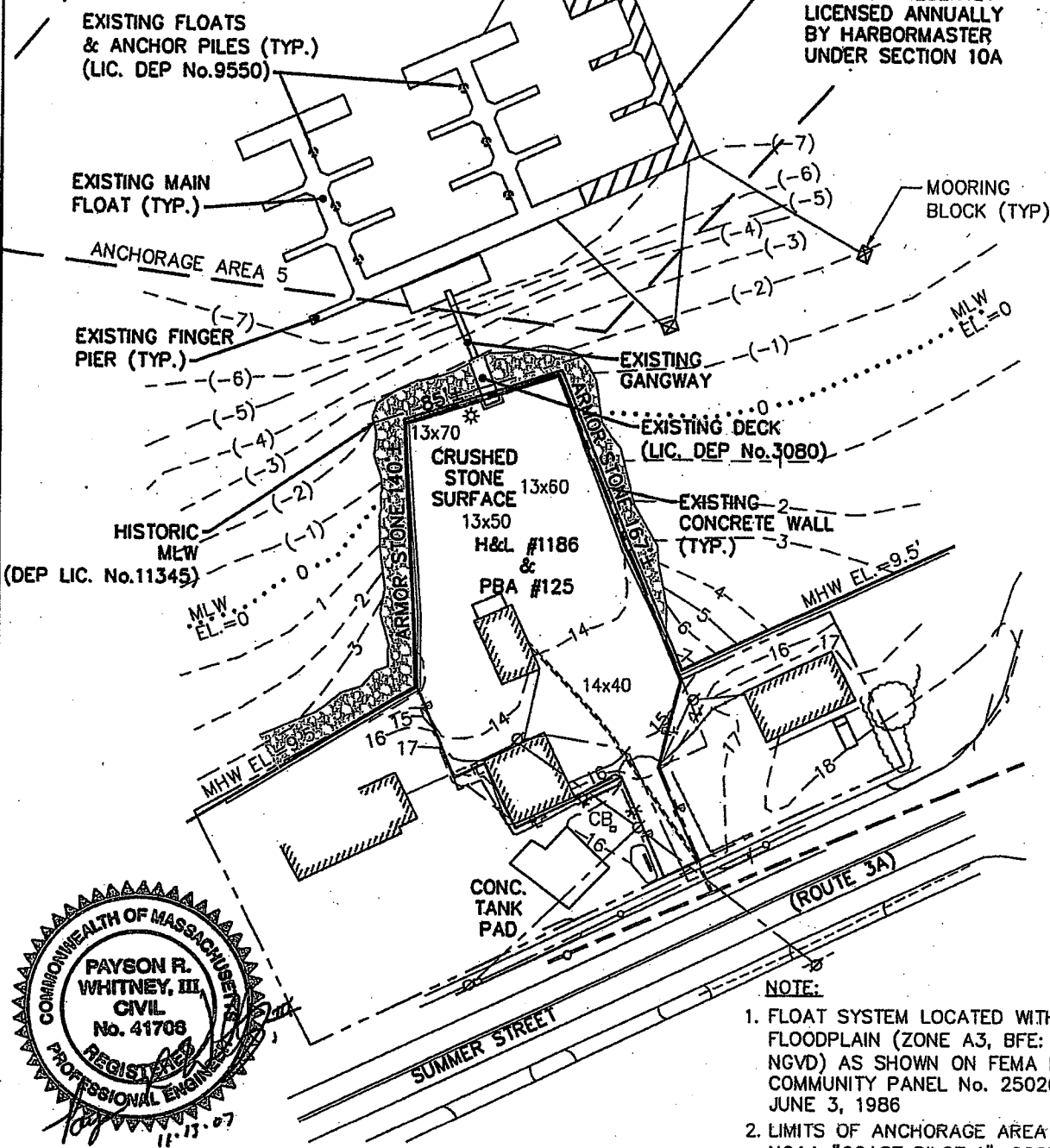
PLANS ACCOMPANYING PETITION OF HINGHAM COVE, LLC  
TO MAKE IMPROVEMENTS TO EXISTING FLOAT SYSTEM  
IN HINGHAM HARBOR, TOWN OF HINGHAM,  
PLYMOUTH COUNTY, MASSACHUSETTS  
PLANS SHOW EXISTING STRUCTURES AND FILL,  
INCLUDING STRUCTURES AND FILL UNDER EXISTING VALID LICENSES.

PREPARED BY: ESS GROUP, INC.  
NOVEMBER 13, 2007

PLANS AND ENGINEER'S CERTIFICATION ARE FOR  
PERMITTING PURPOSES ONLY.

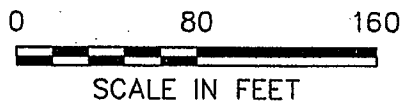
# HINGHAM HARBOR

(EBB/FLOOD)



## LEGEND

MEAN HIGH WATER (MHW) —————  
 MEAN LOW WATER (MLW) ·········

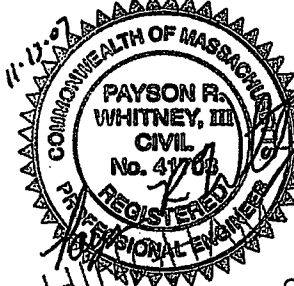


## NOTE:

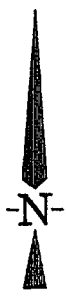
1. FLOAT SYSTEM LOCATED WITHIN 100 YR. FLOODPLAIN (ZONE A3, BFE: 11 FT NGVD) AS SHOWN ON FEMA FIRM COMMUNITY PANEL No. 250268 0004 B, JUNE 3, 1986
2. LIMITS OF ANCHORAGE AREA 5 FROM NOAA "COAST PILOT 1", 2007 [33 CFR 110.32(e)].

SHEET 2 OF 4

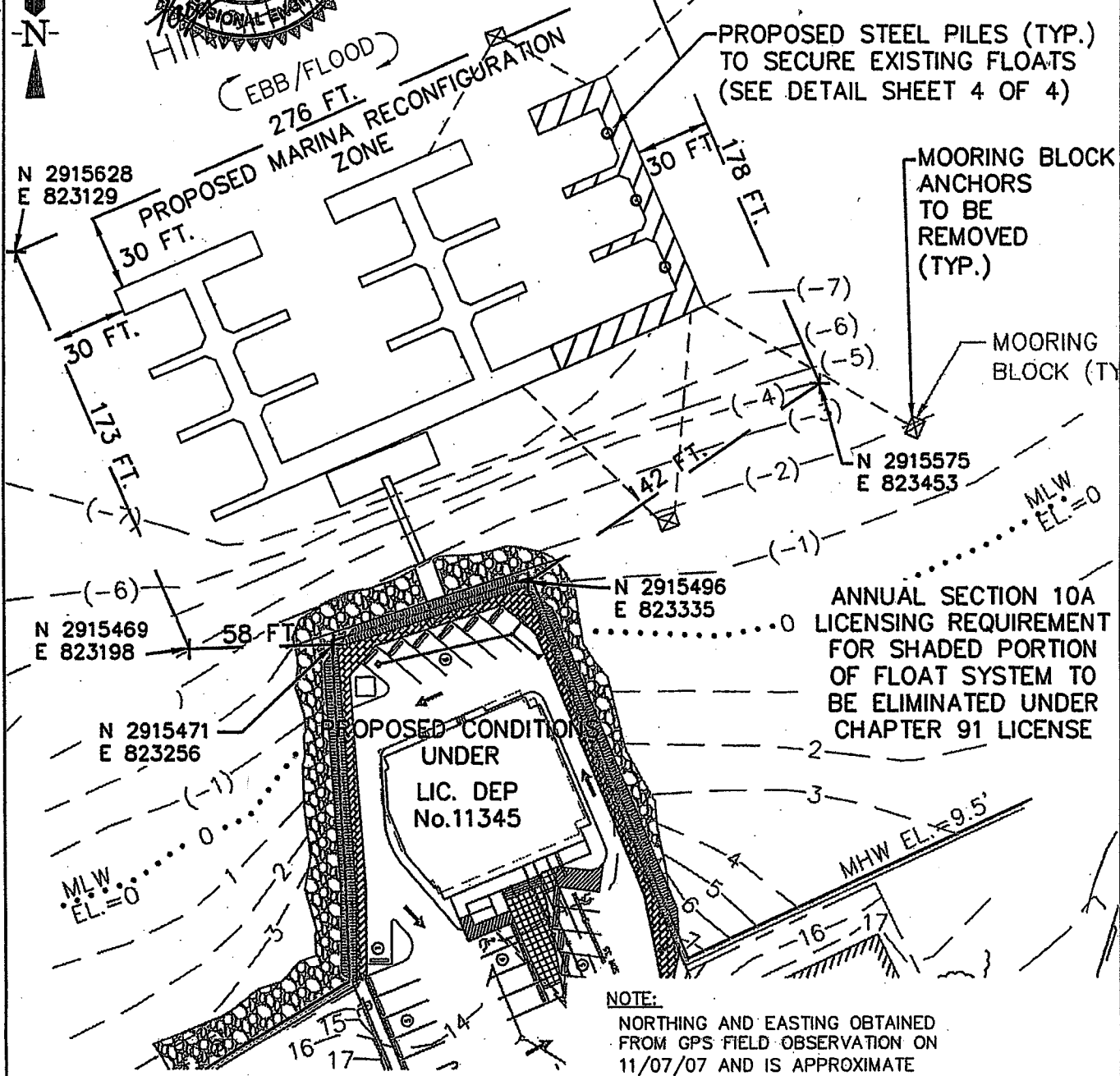
**EXISTING CONDITIONS PLAN**  
 PLANS ACCOMPANYING PETITION OF HINGHAM COVE, LLC  
 TO MAKE IMPROVEMENTS TO EXISTING FLOAT SYSTEM  
 IN HINGHAM HARBOR, TOWN OF HINGHAM,  
 PLYMOUTH COUNTY, MASSACHUSETTS  
 PLANS SHOW EXISTING STRUCTURES AND FILL AUTHORIZED UNDER  
 EXISTING VALID LICENSES.  
 PREPARED BY: ESS GROUP, INC.  
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**NOTE:**  
 PLAN INFORMATION PROVIDED BY  
 SITEC, INC., NEW BEDFORD, MA,  
 ON PLANS DATED 12/05/03,  
 REVISED 1/20/04.



HINGHAM HARBOR



PROPOSED STEEL PILES (TYP.)  
 TO SECURE EXISTING FLOATS  
 (SEE DETAIL SHEET 4 OF 4)

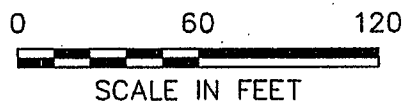
MOORING BLOCK  
 ANCHORS  
 TO BE  
 REMOVED  
 (TYP.)

MOORING  
 BLOCK (TYP.)

ANNUAL SECTION 10A  
 LICENSING REQUIREMENT  
 FOR SHADED PORTION  
 OF FLOAT SYSTEM TO  
 BE ELIMINATED UNDER  
 CHAPTER 91 LICENSE

**LEGEND**

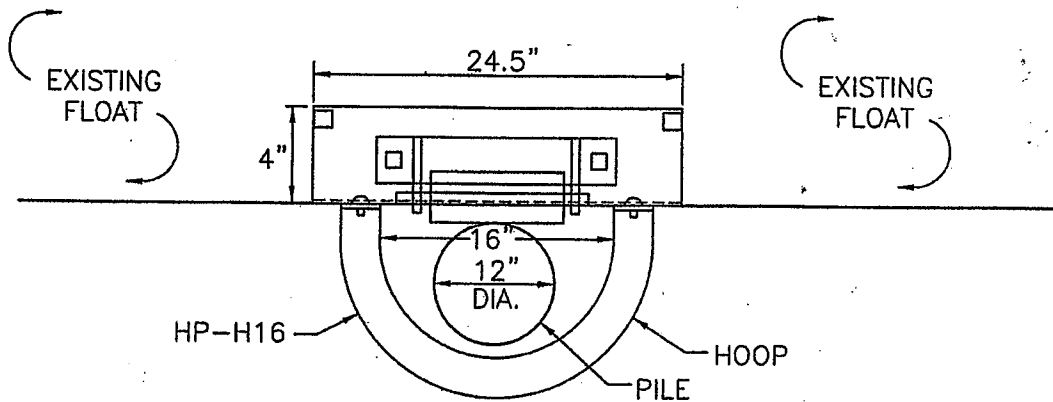
MEAN HIGH WATER (MHW) —————  
 MEAN LOW WATER (MLW) ······



SHEET 3 OF 4

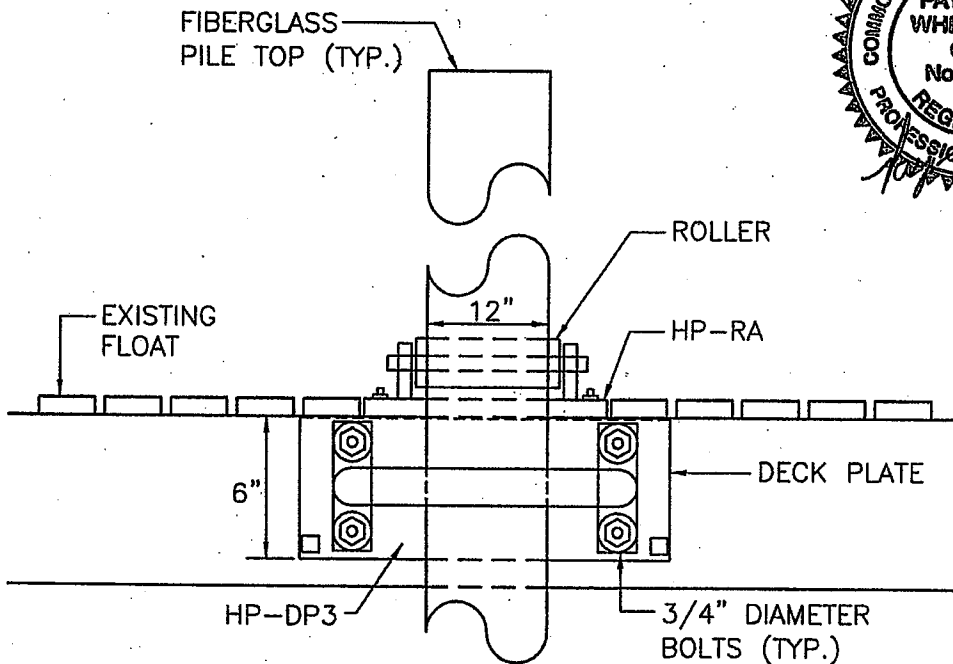
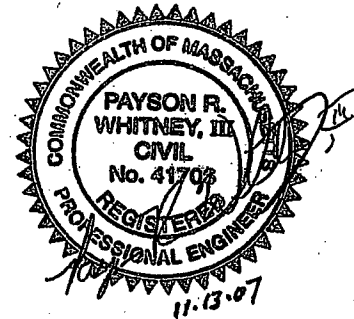
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**NOTE:**  
 NORTHING AND EASTING OBTAINED  
 FROM GPS FIELD OBSERVATION ON  
 11/07/07 AND IS APPROXIMATE  
 (DATUM: NAD83 FEET).



**PLAN VIEW - PILE HOOP**

NOT TO SCALE



**ELEVATION - PILE HOOP**

NOT TO SCALE

**NOTE:**

1. 12" DIAMETER STEEL PILES TO BE DRIVEN A MINIMUM OF 15' BELOW GRADE OR TO REFUSAL.

**NOTE:**

PLAN INFORMATION PROVIDED BY  
SITEC, INC., NEW BEDFORD, MA,  
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SHEET 4 OF 4

**PILE DETAIL SHEET**

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