



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

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: May 13, 2008
Comment Period Ends: June 13, 2008
File Number: NAE-2008-1239
In Reply Refer To: Ted Lento

The District Engineer has received a permit application from the applicant listed below to conduct work in waters of the United States as described on the attachment labeled Project Description and as depicted on the attached plans entitled "SOUTH RIVER PARTNERS, LLC" on 6 sheets dated February 2008 and "VESSEL BERTHING LAYOUT" on 1 sheet. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT: South River Partners, LLC, 1094 Blue Hill Avenue, Milton, MA 02186

ACTIVITY

South River Partners proposes to remove the existing pier and docks and reconfigure them with a fixed pier and pile supported floating docks to improve navigational access and safe mooring of boats by relocating docks from the mudflats to deeper water at the South River Marina. A detailed description and plans of the applicant's activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the South River off Central Avenue between Webster and Dartmouth Streets in Scituate, Massachusetts. The proposed location can be found on the USGS Scituate quadrangle sheet at 42.139 N and -70.693 W.

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 1,975 square feet of Essential Fish Habitat (EFH) for Atlantic Cod, haddock, Pollock, whiting, red hake, white hake, winter flounder, yellowtail flounder, windowpane flounder, American plaice, ocean pout, Atlantic halibut, Atlantic sea scallop, Atlantic sea herring, long finned squid, short finned squid, Atlantic butterfish, Atlantic mackerel, summer flounder, scup, black sea bass, surf clam, and blue fin tuna. This habitat consists of fairly shallow portion of the South River with depths between 3 feet to 16 feet depending on the tide. The site does not contain eelgrass or salt marsh, however the inter-tidal area contains mudflats and the area is mapped for mussels. Modification of this habitat may adversely affect winter flounder during construction activities due to turbidity during pile installation; however time of year restrictions on in water work would minimize these impacts. 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 Ted Lento at (978) 318-8863, (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: _____

PROJECT PURPOSE

The project purpose is to reconfigure the marina in order to improve navigation access and extend the docks seaward into deeper water to prevent the floating docks from resting on the mud at low tide.

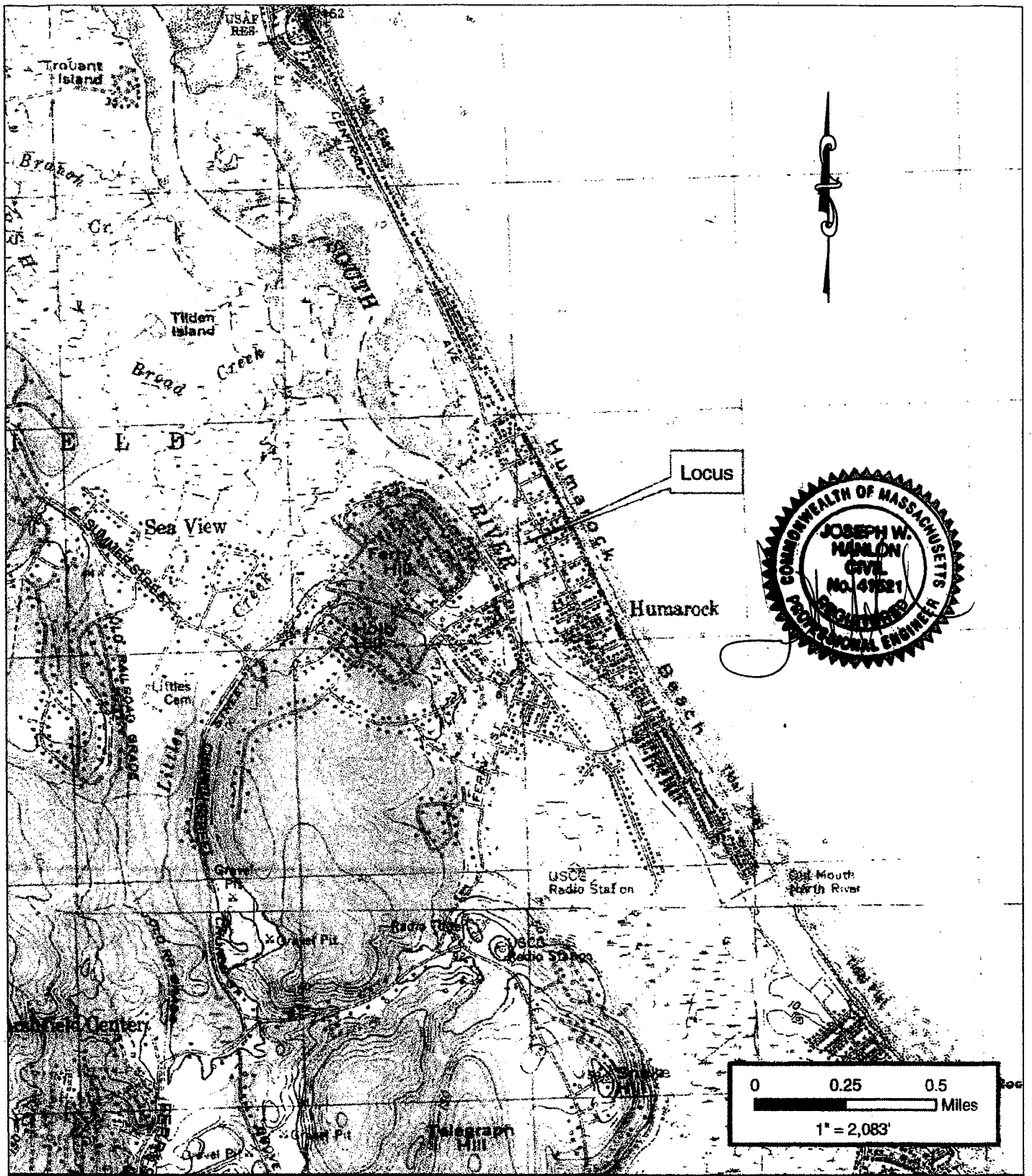
PROJECT DESCRIPTION


The proposed marina will consist of a 570 square foot fixed pier to extend the docks out beyond the inter-tidal zone. The pier will be 135' long and 4' wide except at the outshore end where the pier will be 5' wide with a bench on either side to allow public viewing of the waterfront. At the outshore end of the pier a 3' x 40' gangway will connect the pier to 1465 square feet of floating dock and fingers, providing 16 slips and running parallel with the shore. The docks include 11 slips allowing vessels to be berthed perpendicular to the floats and 5 vessels to be side berthed along the dock.

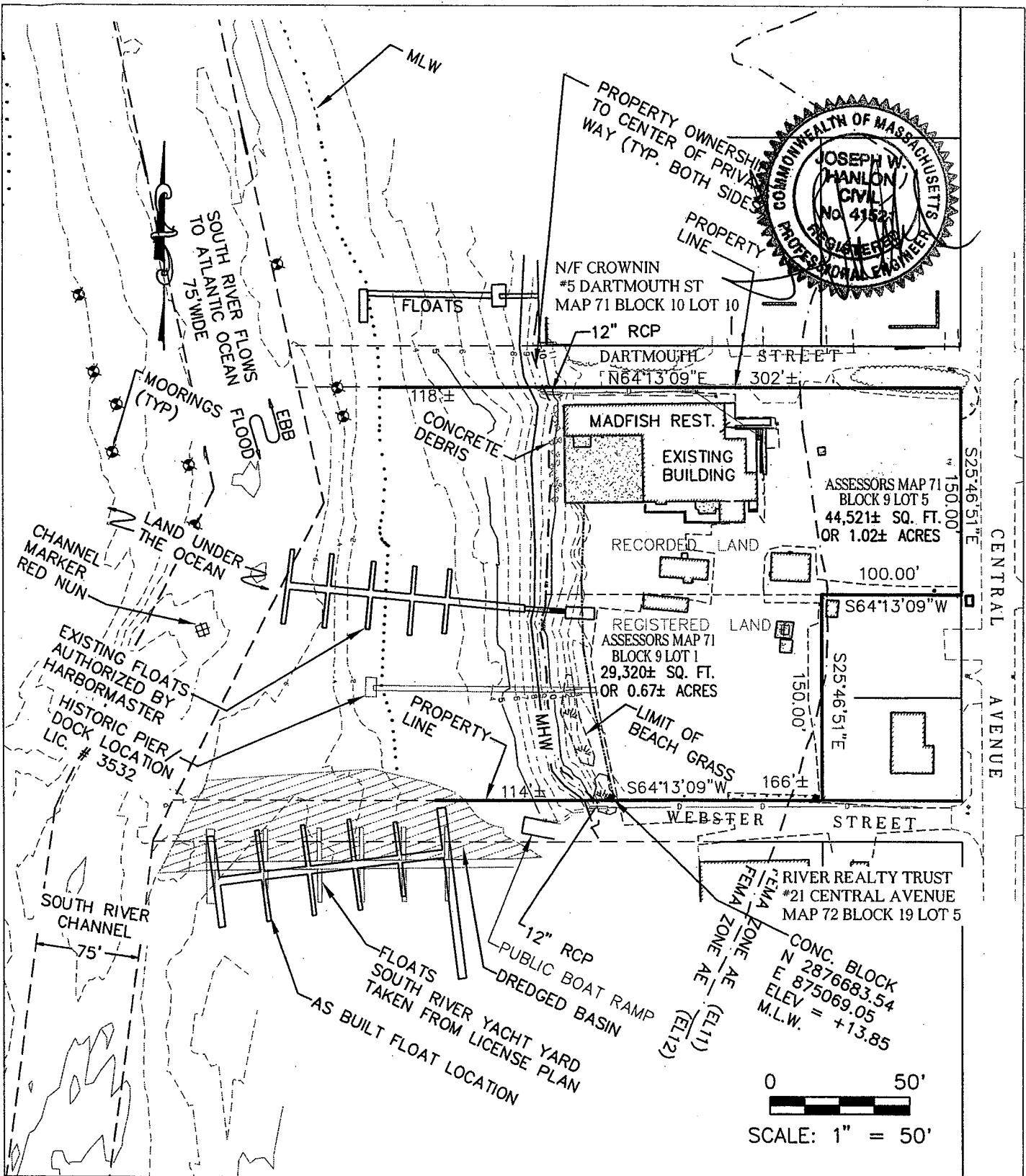
The southern section of floats will be a conventional pile moored dock consisting of 109' of main float and six 20' long fingers. Each finger will be held at the outshore end using a mooring pile. The inshore end will be connected to the main dock. In addition a mooring pile will be located in the center of each berth to secure boats during periods of high current. The project will include a total of 22 mooring piles.


The northern section of the dock will be 106 feet long by 4 feet wide float, providing 3 slips. Due to the shallow water and proximity of the state channel, the float will run parallel to the shore.

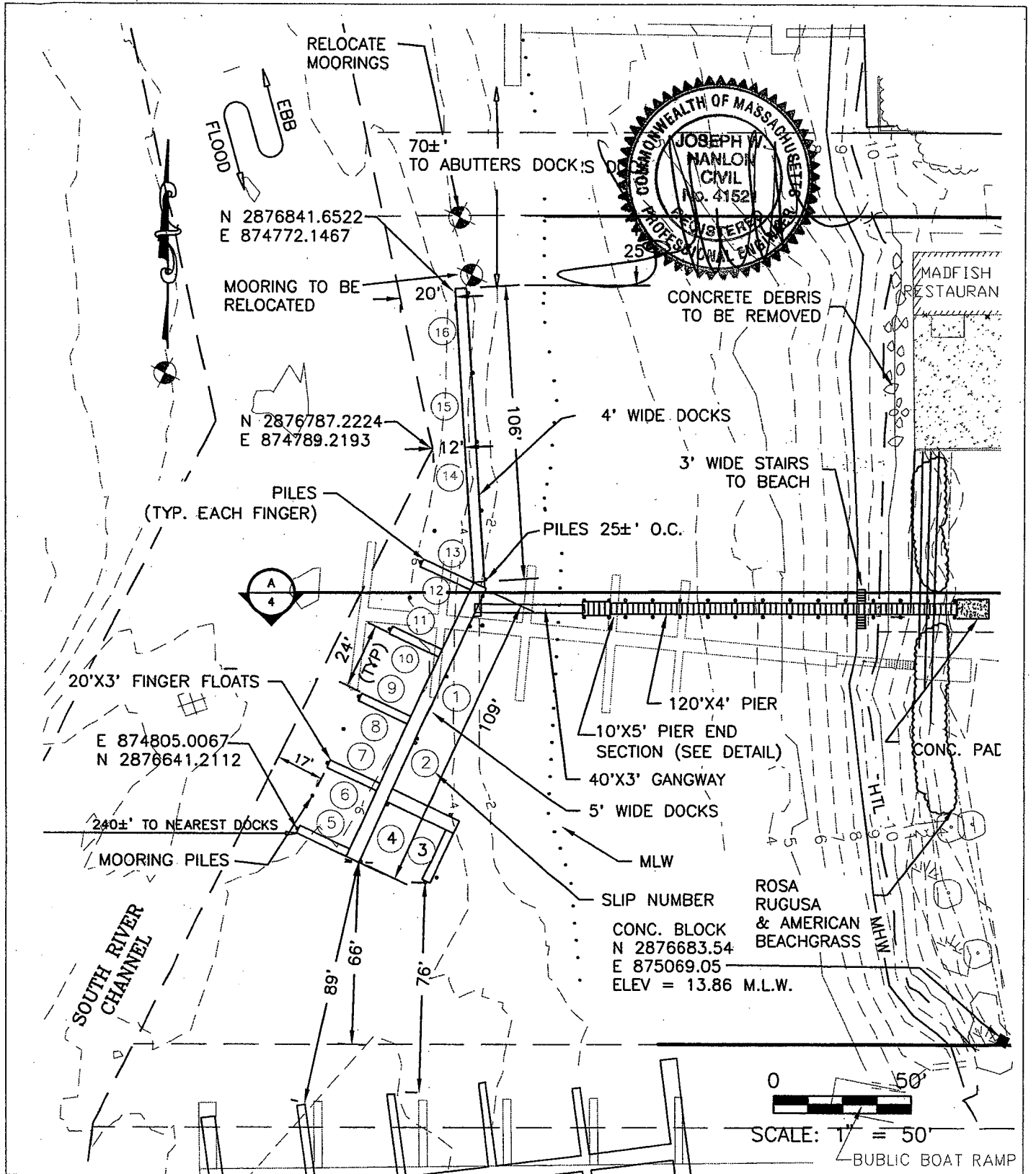
The marina will have a maximum of 16 moored boats. The length of the boats will vary and may be up to 35 feet long, however boats will not encroach into the navigation channel.




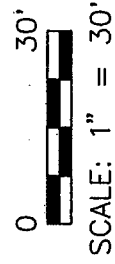
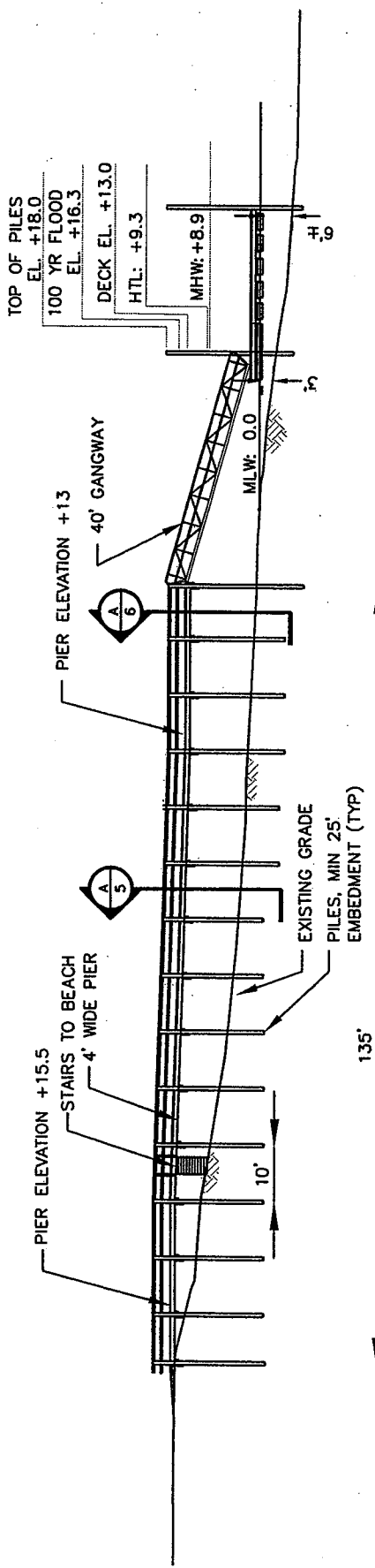
PURPOSE: MARINA EXPANSION	TITLE: PIER SECTION	APPLICATION BY: SOUTH RIVER PARTNERS, LLC
100 YR FLOOD +16.3 HTL +9.3 MHW +8.9 NGVD +4.3 MLW 0.0	 TETRA TECH RIZZO Ten Forbes Road Braintree, MA 02184	IN: SOUTH RIVER PARTNERS LLC AT: HUMAROCK COUNTY: PLYMOUTH STATE: MA SHEET 1 OF 6 DATE: FEB. 2008



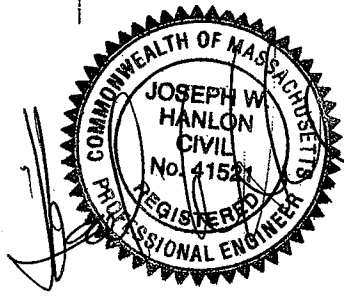
PURPOSE: MARINA EXPANSION	TITLE: EXISTING CONDITIONS	APPLICATION BY: SOUTH RIVER PARTNERS, LLC										
<table border="0"> <tr><td>100 YR FLOOD</td><td>+16.3</td></tr> <tr><td>HTL</td><td>+9.3</td></tr> <tr><td>MHW</td><td>+8.9</td></tr> <tr><td>NGVD</td><td>+4.3</td></tr> <tr><td>MLW</td><td>0.0</td></tr> </table>	100 YR FLOOD	+16.3	HTL	+9.3	MHW	+8.9	NGVD	+4.3	MLW	0.0	 TETRA TECH RIZZO Ten Forbes Road Braintree, MA 02184	IN: SOUTH RIVER PARTNERS LLC AT: HUMAROCK COUNTY: PLYMOUTH STATE: MA SHEET 2 OF 6 DATE: FEB. 2008
100 YR FLOOD	+16.3											
HTL	+9.3											
MHW	+8.9											
NGVD	+4.3											
MLW	0.0											



PURPOSE: MARINA EXPANSION	TITLE: PROPOSED MARINA	APPLICATION BY: SOUTH RIVER PARTNERS, LLC
100 YR FLOOD +16.3 HTL +9.3 MHW +8.9 NGVD +4.3 MLW 0.0	 TETRA TECH RIZZO Ten Forbes Road Braintree, MA 02184	IN: SOUTH RIVER PARTNERS LLC AT: HUMAROCK COUNTY: PLYMOUTH STATE: MA SHEET 3 OF 6 DATE: FEB. 2008



PIER ELEVATION
SCALE: 1" = 30'



100 YR FLOOD	+16.3	NGVD	+4.3	TITLE:	PIER ELEVATION	IN: SOUTH RIVER
HTL	+9.3	MLW	0.0	PURPOSE:	PIER DESIGN	AT: HUMAROCK
MHW	+8.9					COUNTY: PLYMOUTH STATE: MA
 TETRA TECH RIZZO Ten Forbes Road Braintree, MA 02184				APPLICATION BY: SOUTH RIVER PARTNERS, LLC		
				SHEET 4 OF 6 DATE: FEBRUARY 2008		

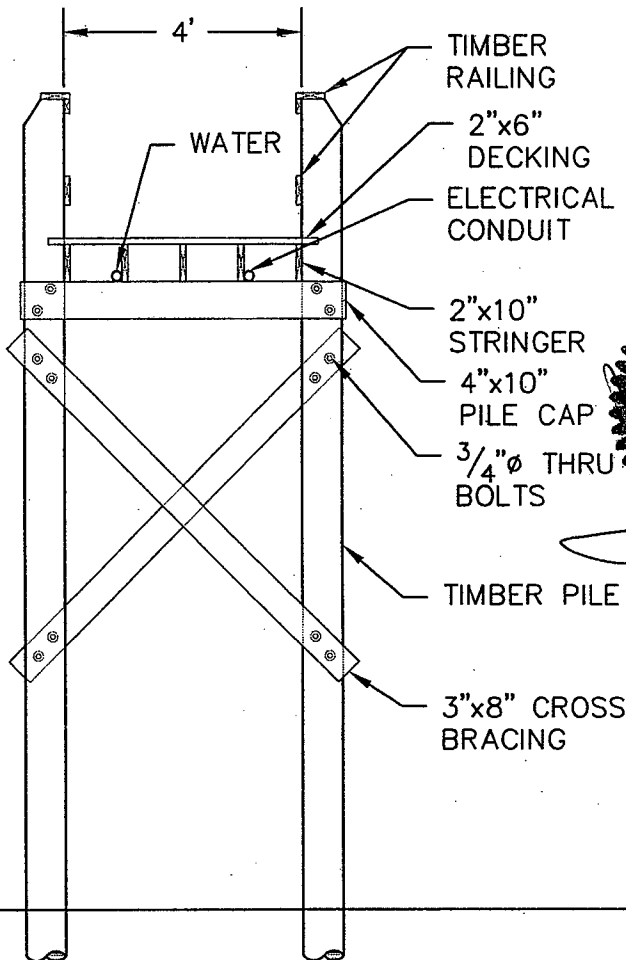
100 YR
FLOOD: 16.3'

DECK
EL. VARIES

HTL: 9.6

MHW: +8.9

GRADE EL. 0.0



PIER SECTION (TYP.)




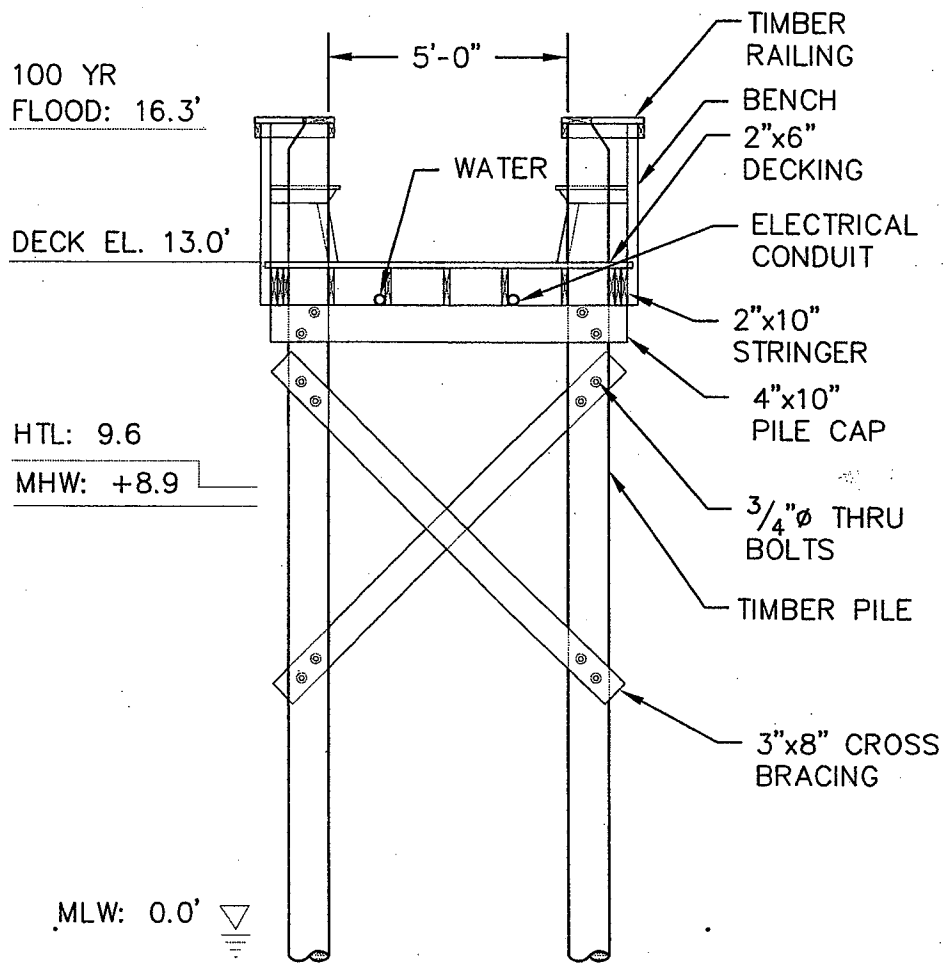
PROJECT DRAWING NOTES:

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

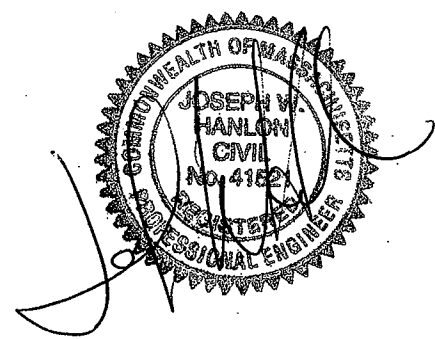
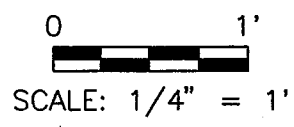
SCALE: 1/4" = 1'


1. HYDROGRAPHIC DATA SHOWN HEREON WAS COLLECTED IN MAY/JUNE 2005 BY COLER & COLANTONIO, INC AND CAN ONLY REFLECT CONDITIONS AS THEY EXISTED DURING THE TIME OF THE SURVEY.
2. SOUNDINGS AND ELEVATIONS ARE SHOWN IN FEET AND TENTHS BASED ON A MEAN LOW WATER DATUM. POSITIVE VALUES REPRESENT DEPTH ABOVE THAT SAME PLANE.
3. PROPERTY LINE INFORMATION AND UPLAND SITE FEATURS ARE TAKEN FROM A PLAN ENTITLED "EXISTING CONDITIONS PLAN, 8 DARTMOUTH STREET, ASSESSORS MAP 71 BLOCK 9 LOT 5, SCITUATE/HUMAROCK, MASSACHUSETTS", DATED JUNE 4, 2007 AND IS PROVIDED FOR REFERANCE ONLY.
4. THIS PLAN HAS BEEN PREPARED FOR PERMITTING OF A PROPOSED BOATING FACILITY AND IS NOT TO BE USED FOR REPRODUCTIONS OF PROPERTY LINES, ZONING INTERPRETATIONS OR ANY PURPOSE NOT SPECIFICALLY INCLUDED ON THESE PLANS.

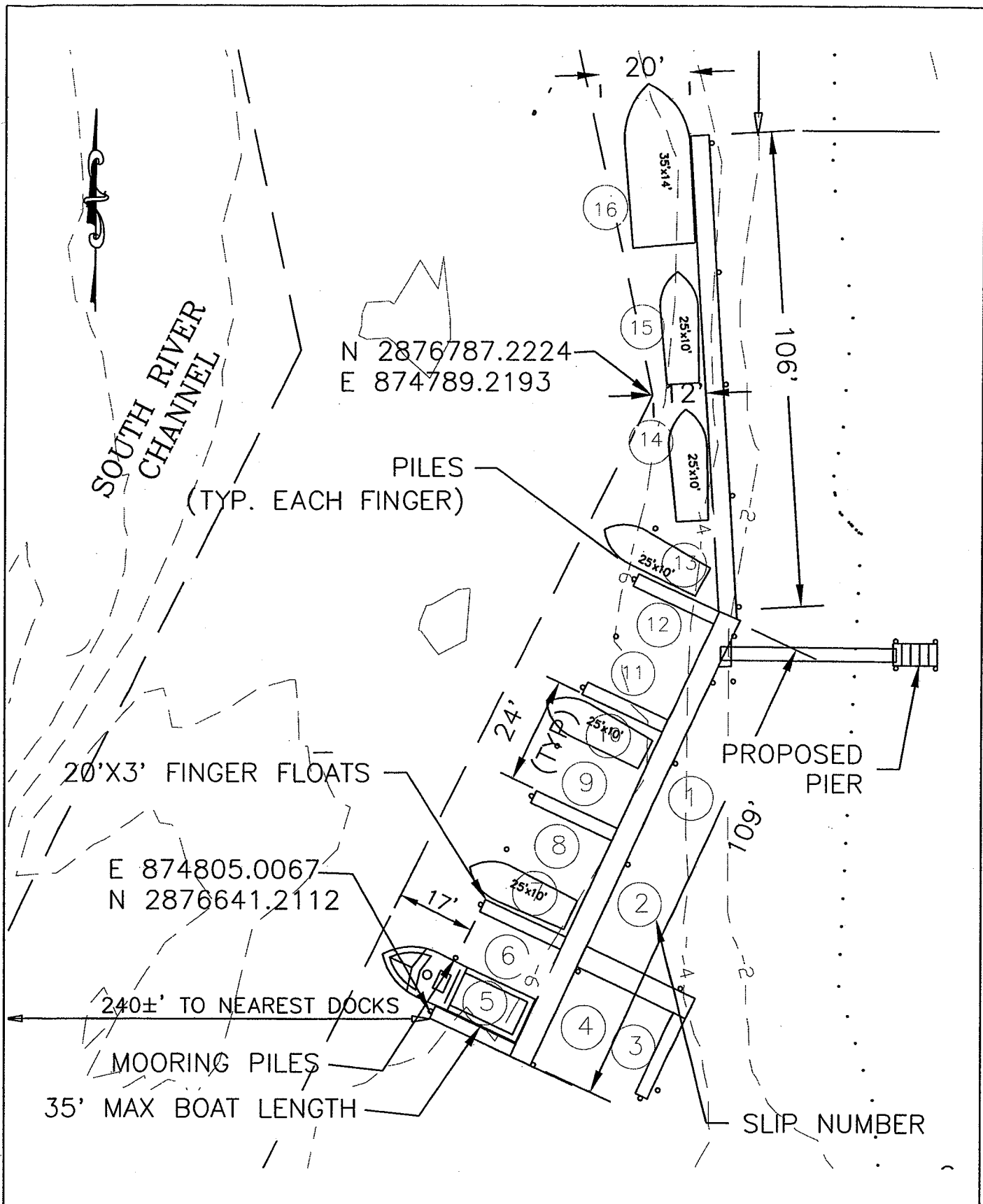
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PIER SECTION WITH BENCH
 SCALE: 1/4" = 1'-0"



PURPOSE: MARINA EXPANSION	TITLE: PIER SECTION WITH BENCH	APPLICATION BY: SOUTH RIVER PARTNERS, LLC
100 YR FLOOD +16.3 HTL +9.3 MHW +8.9 NGVD +4.3 MLW 0.0	 TETRA TECH RIZZO Ten Forbes Road Braintree, MA 02184	IN: SOUTH RIVER PARTNERS LLC AT: HUMAROCK COUNTY: PLYMOUTH STATE: MA SHEET 6 OF 6 DATE: FEB. 2008



SOUTH RIVER CHANNEL

N 2876787.2224
E 874789.2193

PILES
(TYP. EACH FINGER)

20'X3' FINGER FLOATS

E 874805.0067
N 2876641.2112

240±' TO NEAREST DOCKS

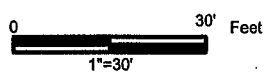
MOORING PILES

35' MAX BOAT LENGTH

PROPOSED PIER

SLIP NUMBER

SOUTH RIVER PARTNERS LLC
8 DARTMOUTH STREET
HUMAROCK, MA



VESSEL BERTHING LAYOUT

SKETCH 1