



**US Army Corps
of Engineers**®
New England District
**696 Virginia Road
Concord, MA 01742-2751**

PUBLIC NOTICE

Comment Period Begins: October 23, 2012
Comment Period Ends: November 21, 2012
File Number: NAE-2008-3209
In Reply Refer To: Kevin R. Kotelly, P.E.
Phone: (978) 318-8703
E-mail: kevin.r.kotelly@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

APPLICANT

The Massachusetts Department of Transportation

ACTIVITY

The work includes the placement of fill below the ordinary high water line of waters of the United States (US) including wetlands in order to reconstruct the existing Methuen Rotary interchange. The rotary is located at Exit 46 of Interstate Route 93 (I-93). State Routes 110 and 113 intersect with I-93 at the rotary. The project includes the removal of the existing rotary and construction of a new partial clover-leaf interchange with a new interstate bridge, six (6) new interchange ramps, multi-lane signalized intersections within and on the local approaches to the interchange, widening I-93 from three lanes in each direction to four lanes in each direction, improved bicycle and pedestrian accommodations, landscaping, lighting, stormwater treatment, and noise barriers.

Impacts to waters of the US will be as follows:

Direct Permanent Impacts will be 84,971 square feet (SF) of fill within wetlands and 6,286 SF of fill within waterways (intermittent streams) associated with the construction of the interchange ramps.

Secondary Permanent Impacts will be 10,975 SF to wetlands which will be fragmented from existing wetlands associated with the construction of the interchange ramps.

Temporary Impacts will be 693 SF of wetland disturbance associated with a temporary equipment work zone within wetlands to build a retaining wall. Temporary wetland impacts will be restored in place.

Total wetland impacts from permanent, secondary, and temporary impacts will be approximately 102,925 SF. The project purpose is to provide for the safe and efficient flow of local and regional traffic at the I-93/Route 110/Route 113 Methuen Rotary Interchange by correcting safety deficiencies and reducing congestion for the current and projected traffic volumes.

The work is described on the enclosed plans entitled, "Application for U.S. ACOE Section 404 Individual Permit, I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction," on 18 sheets, and dated, May 21, 2012.

MITIGATION

The project has been designed to avoid and minimize impacts to waters of the US as much as possible. In order to mitigate for unavoidable wetland impacts, the Applicant has proposed a Mitigation Plan that includes both onsite and offsite mitigation. The onsite mitigation consists of 121,867 SF of new storm water management structures including sedimentation basins, a wet detention basin, a recharge/detention basin, and an extended detention basin. These structures are intended to replace stormwater functions of the impacted wetlands. The offsite mitigation consists of 229,595 SF of new wetlands. The combined onsite and offsite mitigation equals 351,462 SF and the total permanent wetland impacts equal 102,232 SF which results in a mitigation ratio of 3.4:1.

A Mitigation Plan is under review by the Corps of Engineers and the final Plan will need to be approved by the Corps before the permit decision.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed near the Merrimack River at the I-93/Route 110/Route 113 Interchange in Methuen, Massachusetts 01844. The site coordinates are: Latitude 42°42'18.8" N, Longitude 71°12'37.73" W. The wetland mitigation site is proposed at 18 Lowell Boulevard, Methuen, Massachusetts 01844.

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). The District Engineer has determined that the proposed project will have no adverse affect on EFH.

NATIONAL HISTORIC PRESERVATION ACT

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)

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 project site. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be 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 determination.

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.

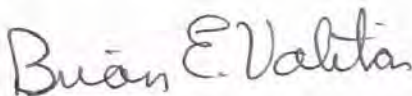
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Kevin Kotelly at (978) 318-8703, (800) 343-4789 or (800) 362-4367, if calling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

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FILE NO. NAE-2008-3209

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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


for **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.

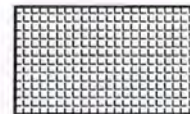
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ADDRESS: _____

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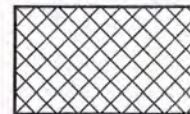
<u>PLAN #</u>	<u>TITLE</u>
1	INDEX OF SHEETS - IMPACT LEGEND
2	PROJECT LOCUS MAP
3	KEY SHEET
4-5	WETLAND A FILL
6	WETLAND A SECONDARY IMPACT
7-9	WETLAND B FILL
10	WETLAND C IMPACTS
11-12	WETLAND A CROSS SECTION
13-14	WETLAND B CROSS SECTION
15-16	WETLAND MITIGATION AREA
17	WETLAND MITIGATION AREA CROSS SECTION A
18	WETLAND MITIGATION AREA CROSS SECTION B



WETLAND FILL AREA
(RAMP AND GRADING)



WATERWAY FILL

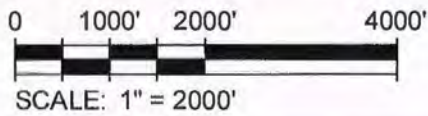
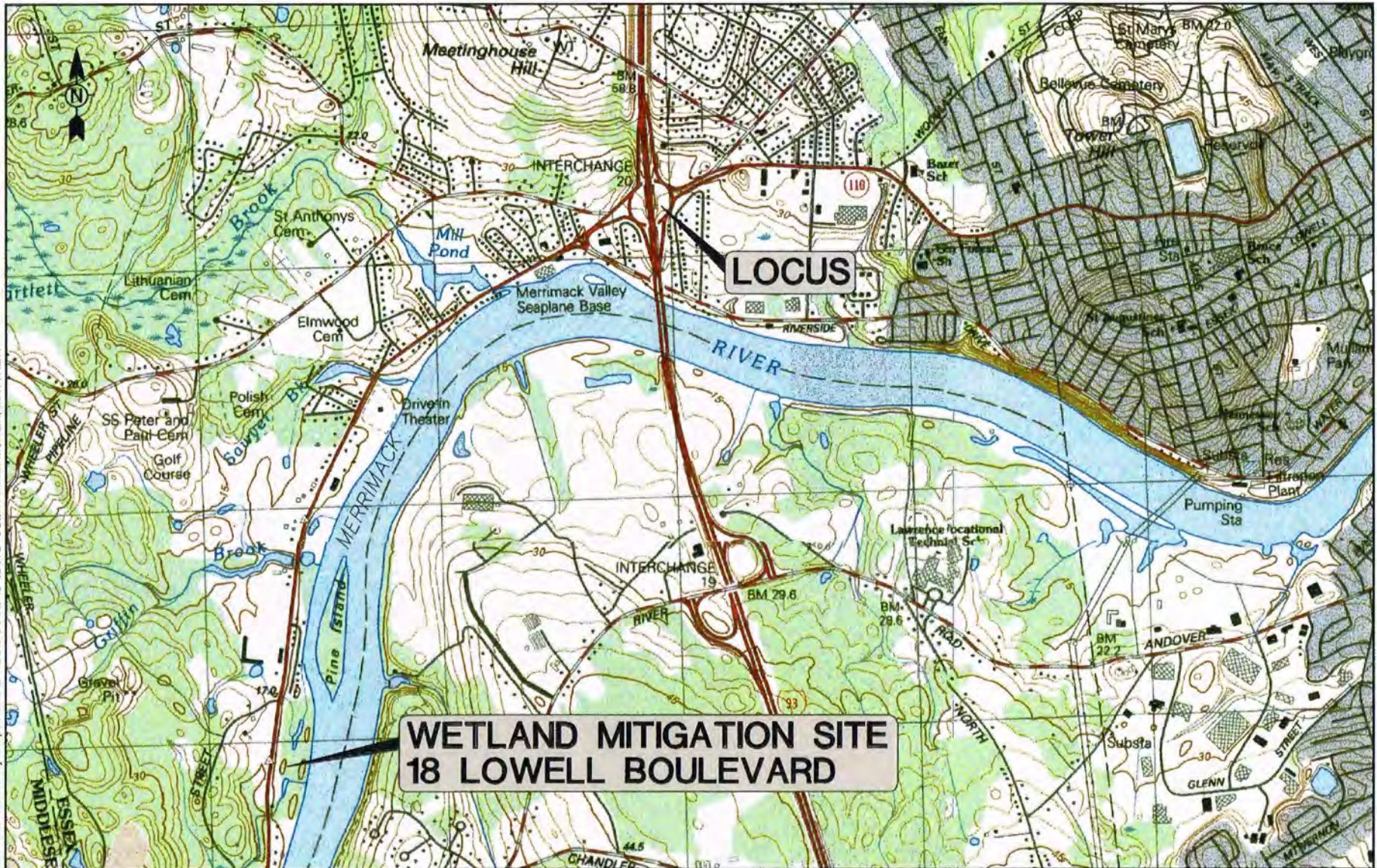


WETLAND SECONDARY IMPACT

HORIZONTAL DATUM: NAD 83
VERTICAL DATUM: NAVD 88

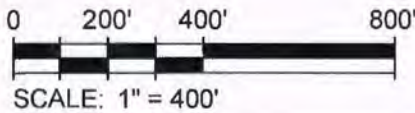
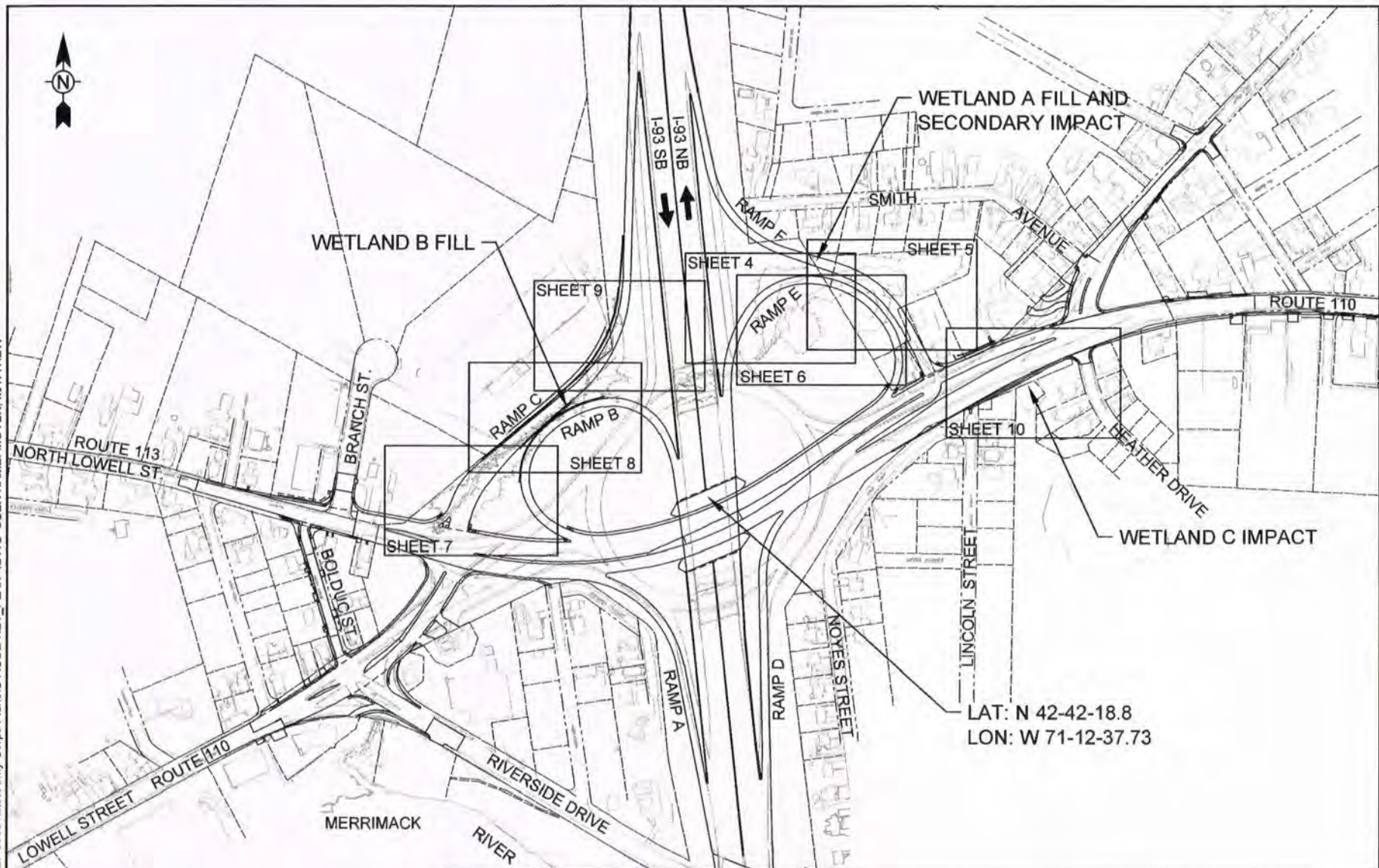
Application for U.S. ACOE Section 404 Individual Permit I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction INDEX OF SHEETS - IMPACT LEGEND		DATE: May 21, 2012
PROJECT LOCATION: METHUEN, ESSEX COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 1 18

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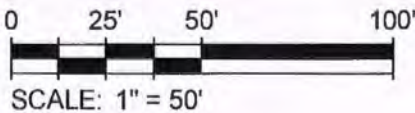
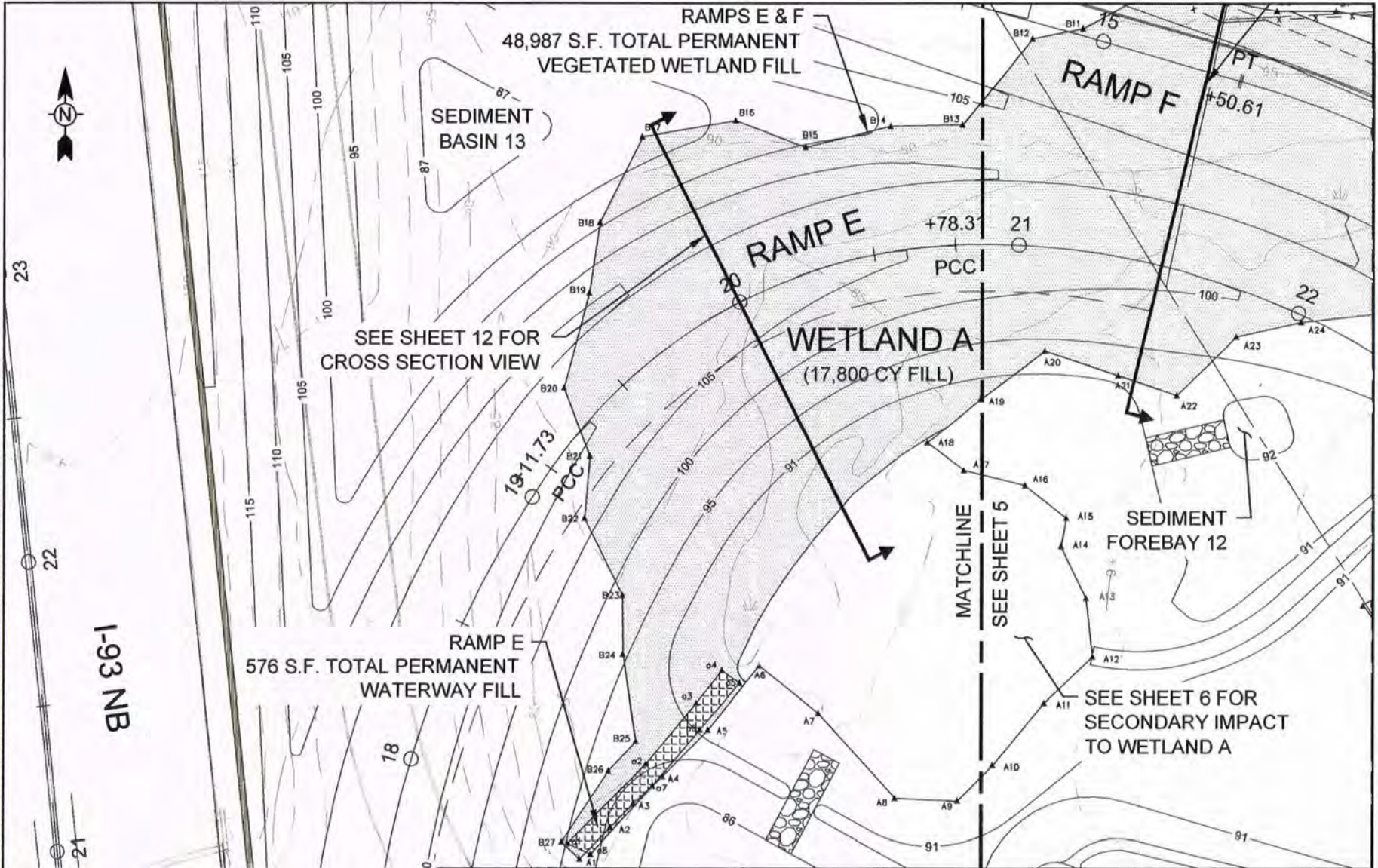
<p>Application for U.S. ACOE Section 404 Individual Permit I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction PROJECT LOCUS MAP</p>		<p>DATE: October 12, 2011</p>
<p>PROJECT LOCATION: METHUEN, ESSEX COUNTY MASSACHUSETTS</p>	<p>APPLICATION BY: Massachusetts Department of Transportation Highway Division</p>	<p>SHEET OF 2 OF 18</p>

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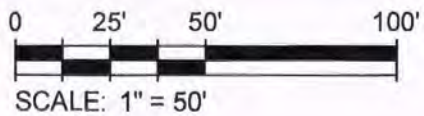
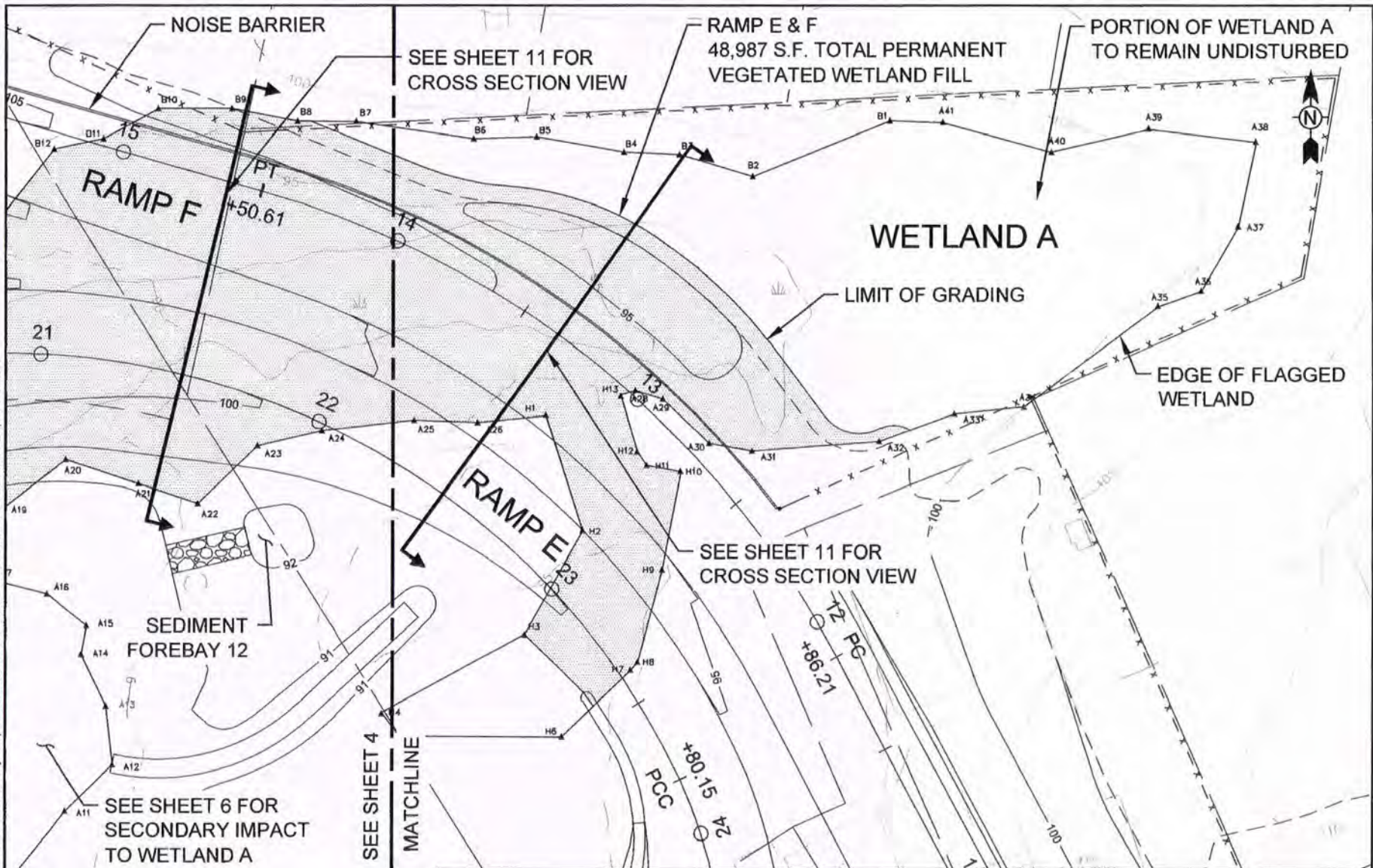
Application for U.S. ACOE Section 404 Individual Permit I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction KEY SHEET - AREAS OF IMPACTS		DATE: October 12, 2011
PROJECT LOCATION: METHUEN, ESSEX COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 3 OF 18

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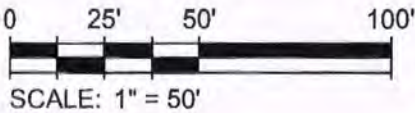
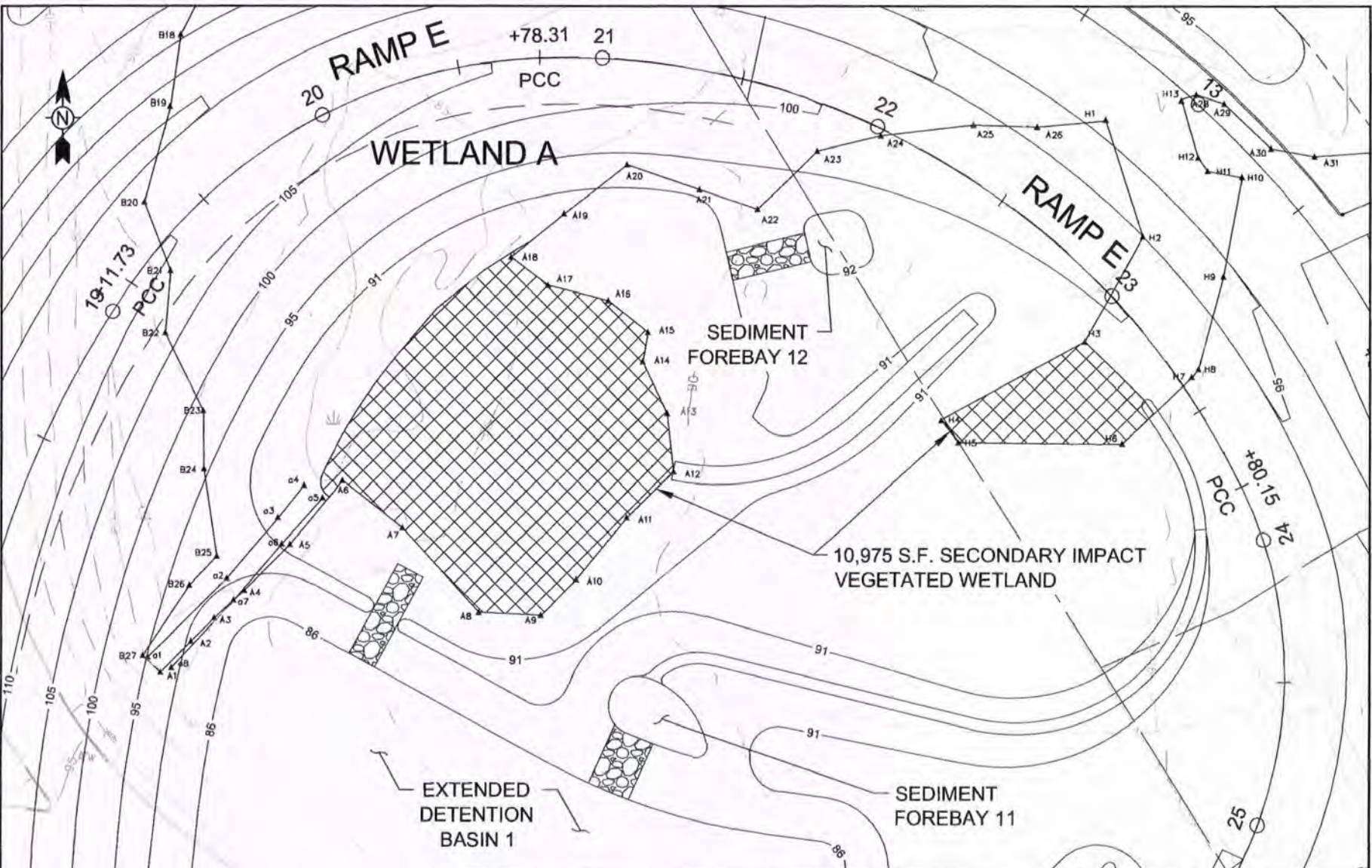
Application for U.S. ACOE Section 404 Individual Permit I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction WETLAND A FILL (NORTHEAST QUADRANT)		DATE: October 12, 2011
PROJECT LOCATION: METHUEN, ESSEX COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 4 OF 18

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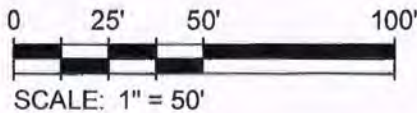
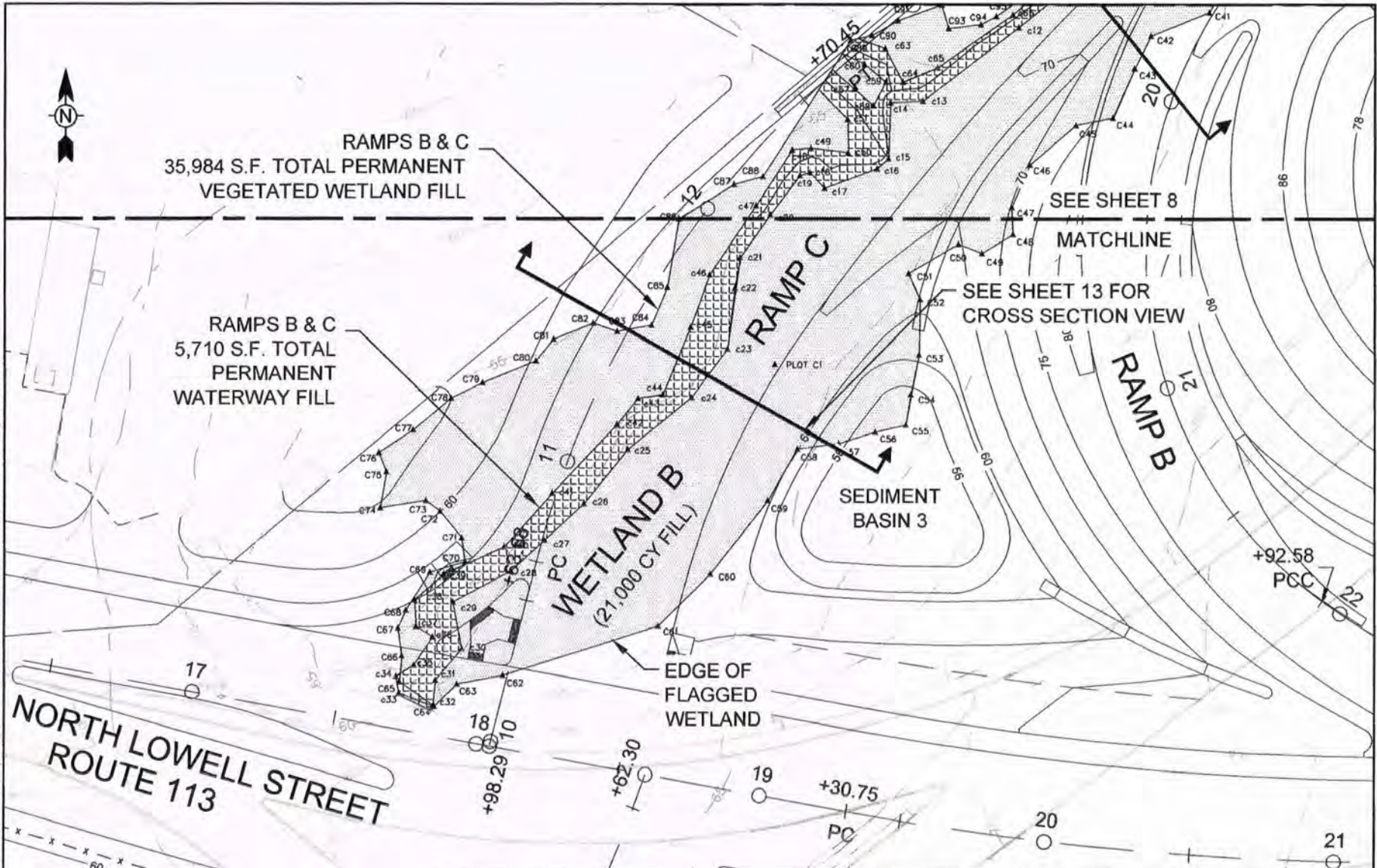
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Application for U.S. ACOE Section 404 Individual Permit I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction WETLAND A SECONDARY IMPACT (NORTHEAST QUADRANT)		DATE: May 21, 2012
PROJECT LOCATION: METHUEN, ESSEX COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET 6 OF 18

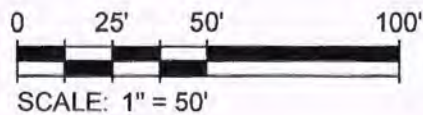
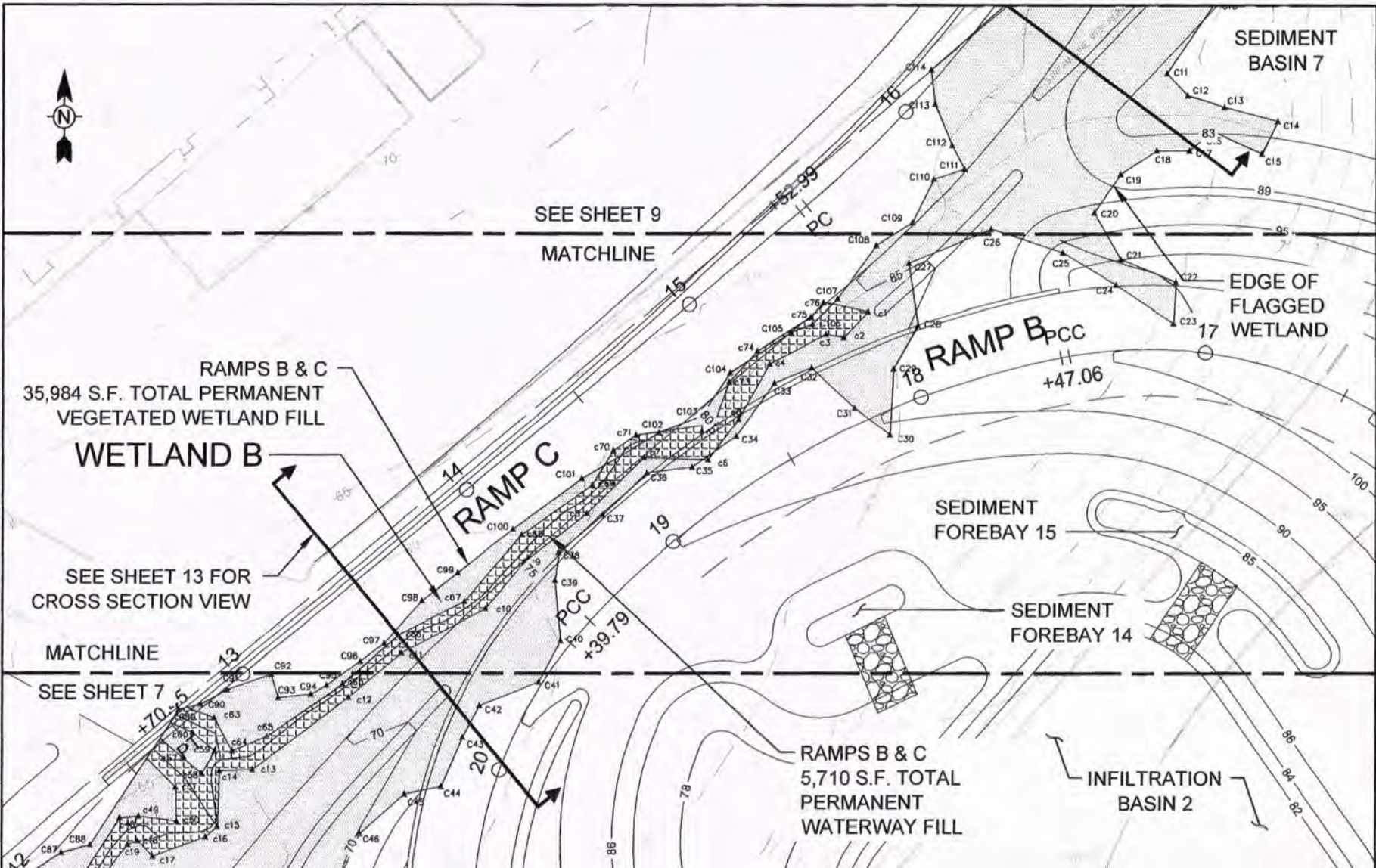
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Application for U.S. ACOE Section 404 Individual Permit I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction WETLAND B FILL (NORTHWEST QUADRANT)		DATE: October 12, 2011
PROJECT LOCATION: METHUEN, ESSEX COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 7 18

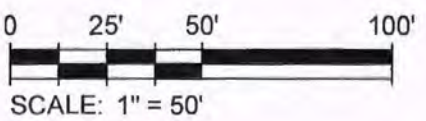
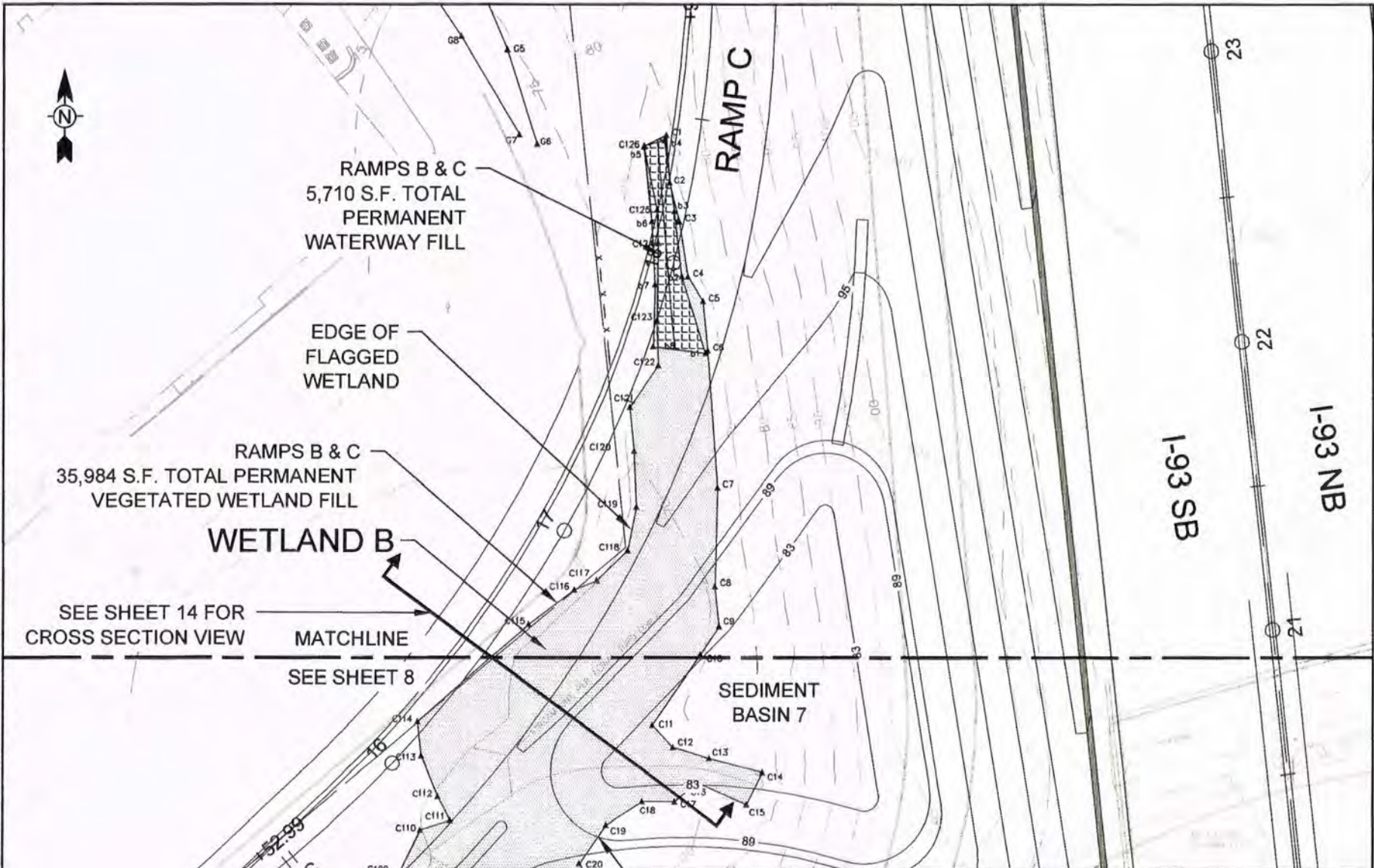


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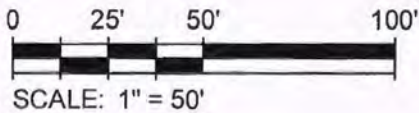
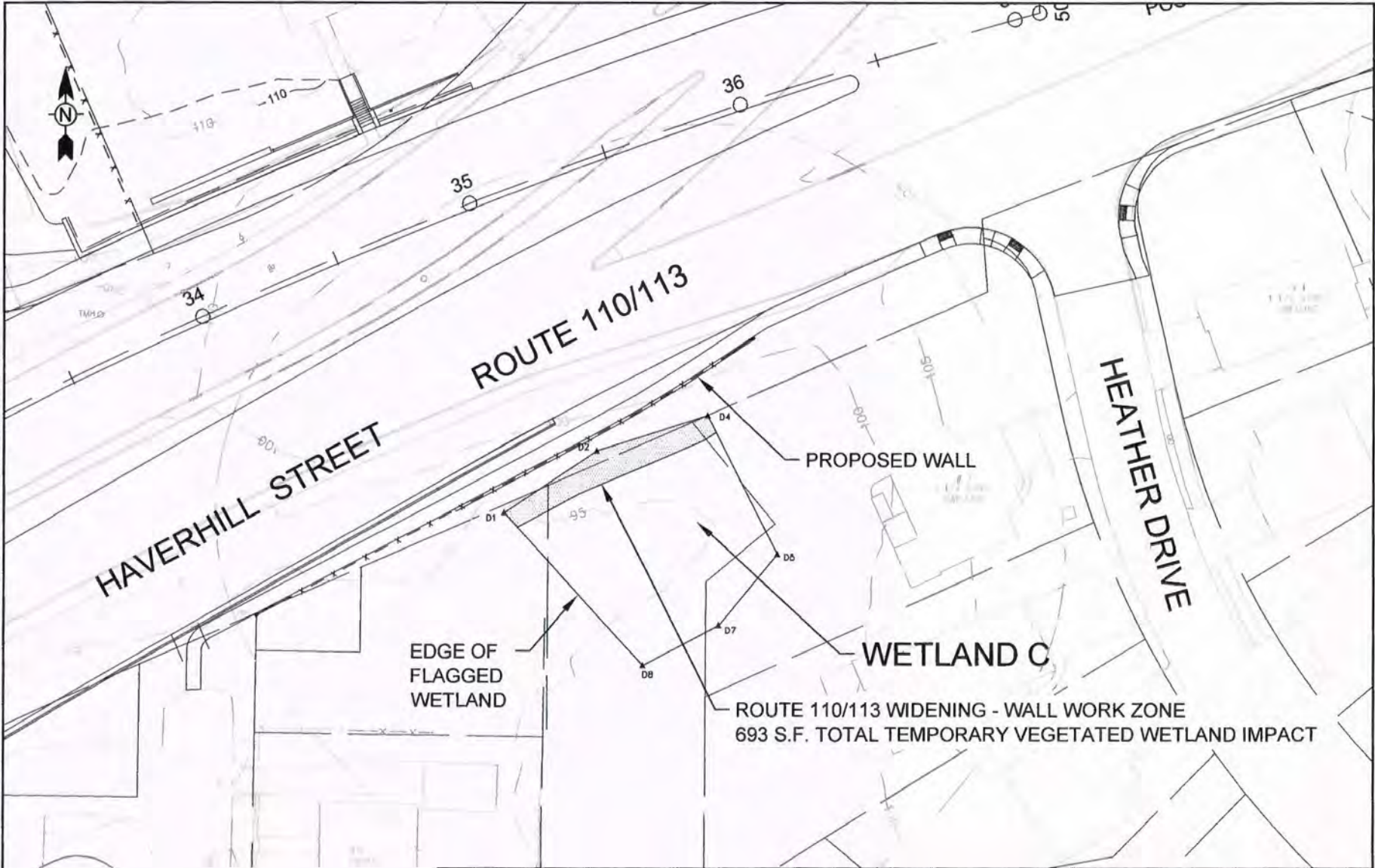
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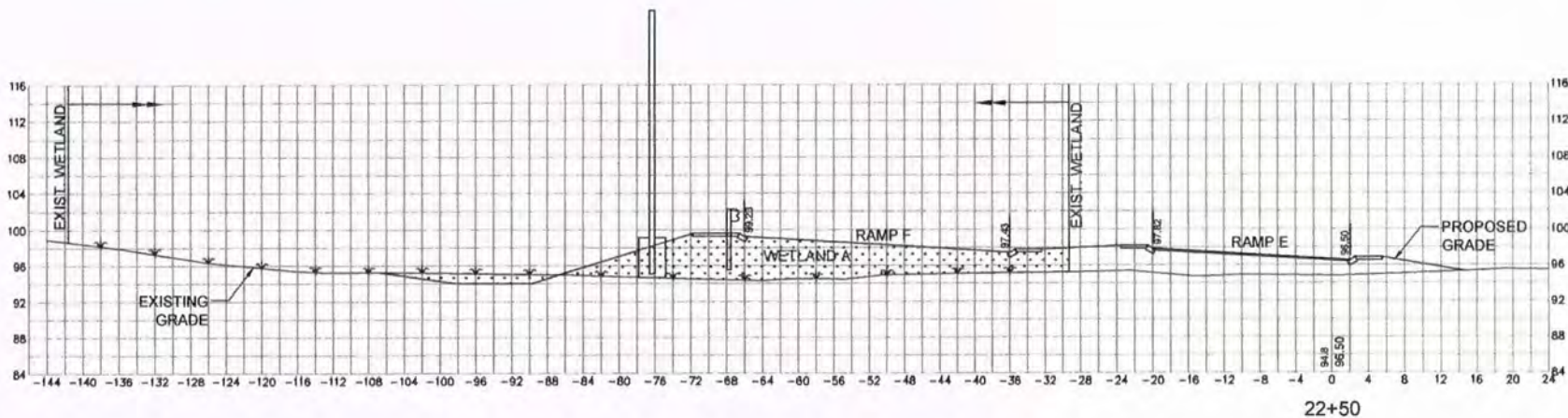
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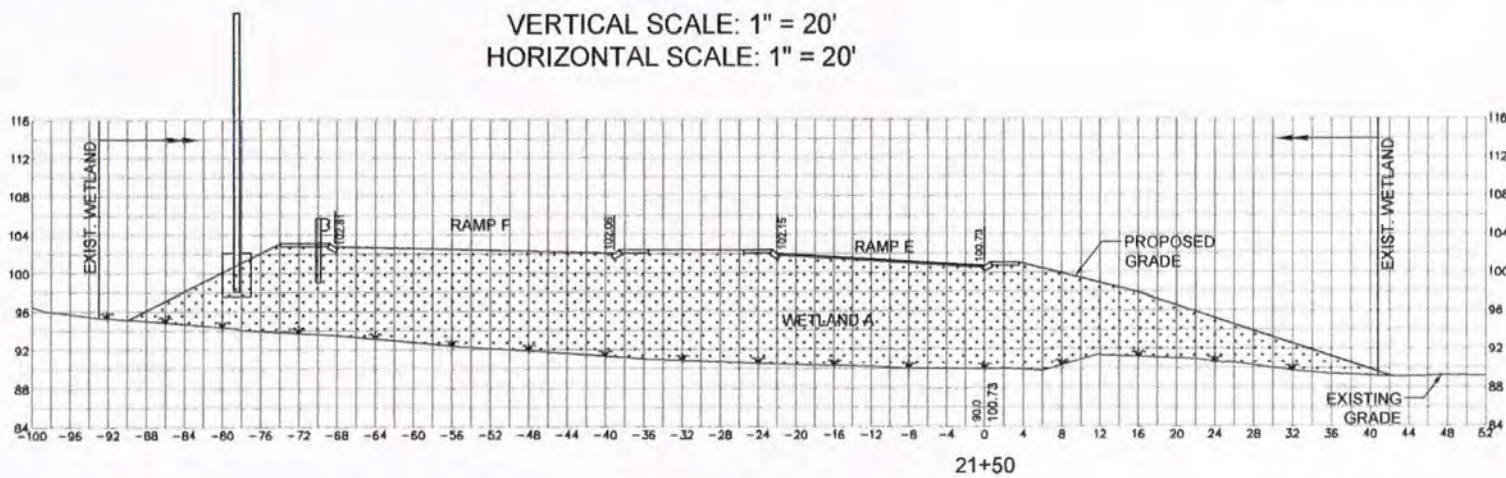


Application for U.S. ACOE Section 404 Individual Permit I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction WETLAND C IMPACT (SOUTH EAST)		DATE: October 12, 2011
PROJECT LOCATION: METHUEN, ESSEX COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 10 18

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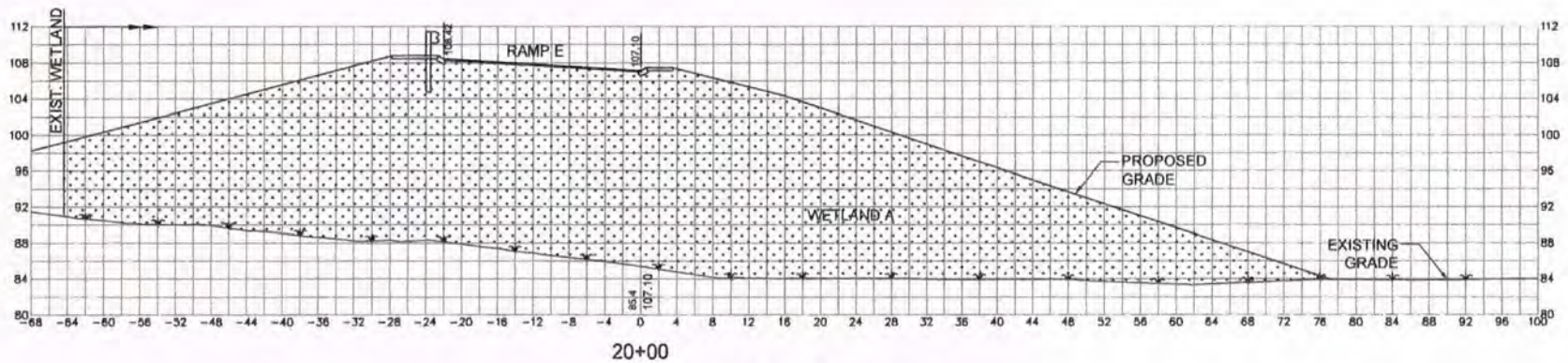
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Application for U.S. ACOE Section 404 Individual Permit I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction WETLAND A CROSS SECTIONS		DATE: October 12, 2011
PROJECT LOCATION: METHUEN, ESSEX COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 11 OF 18

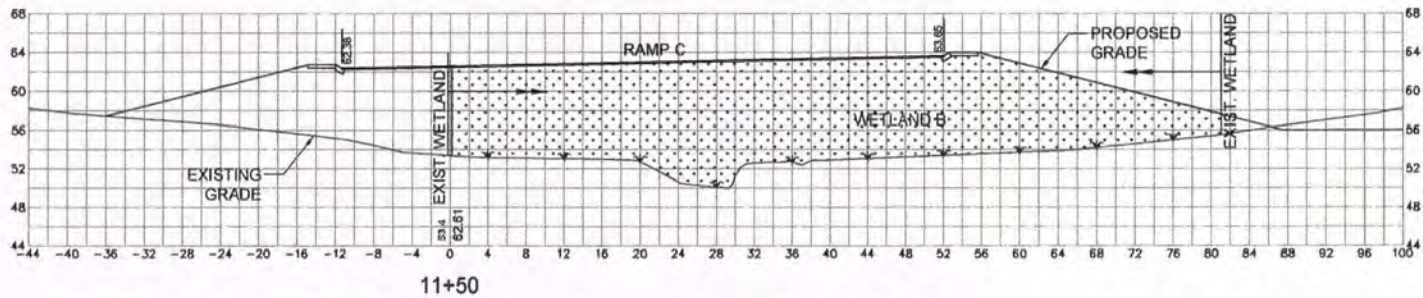
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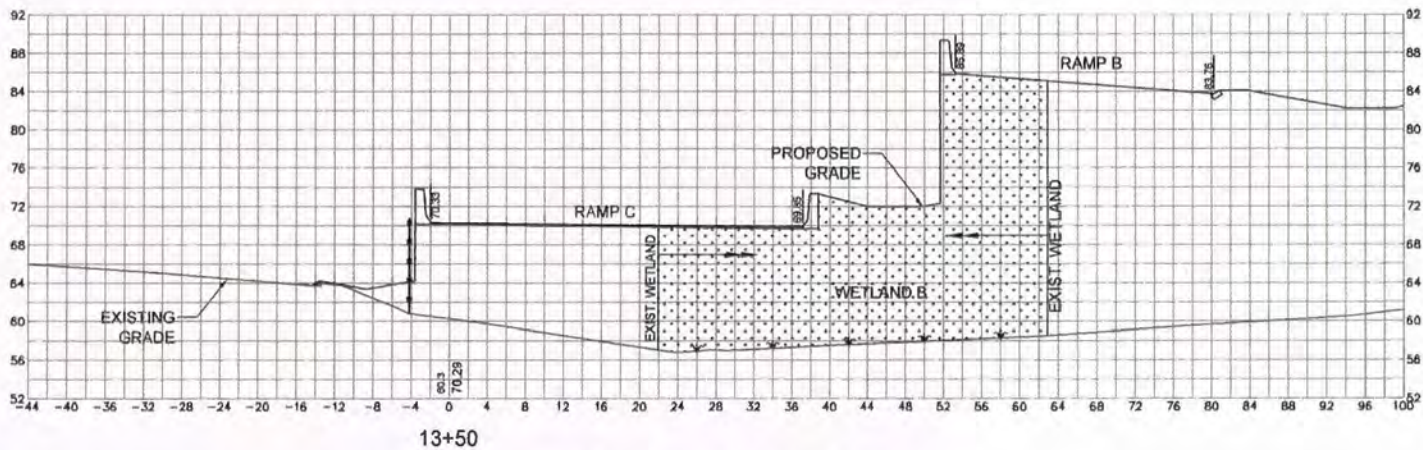
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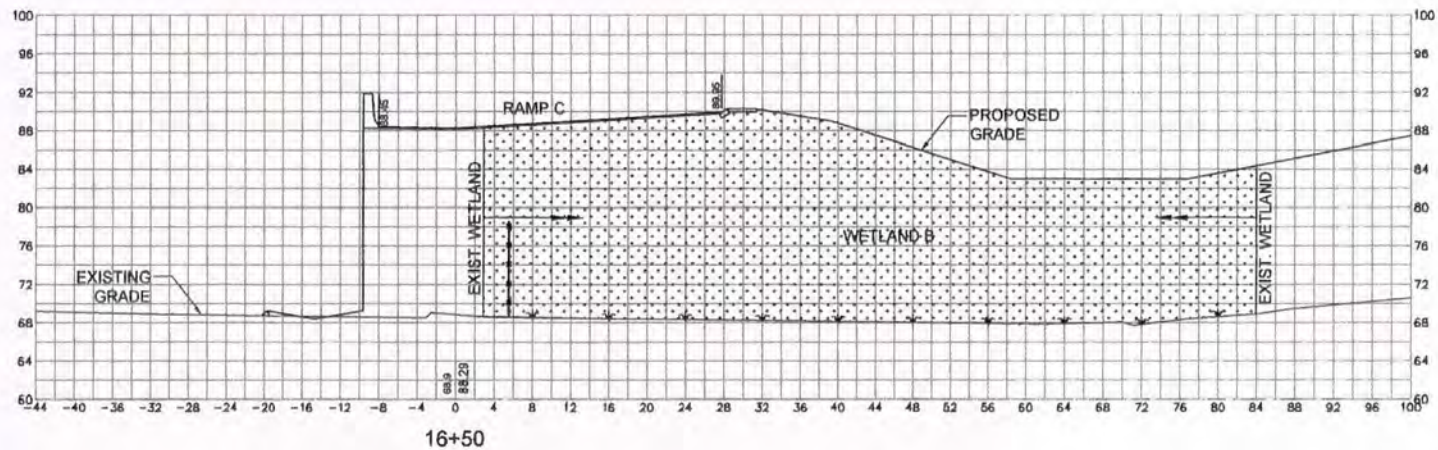
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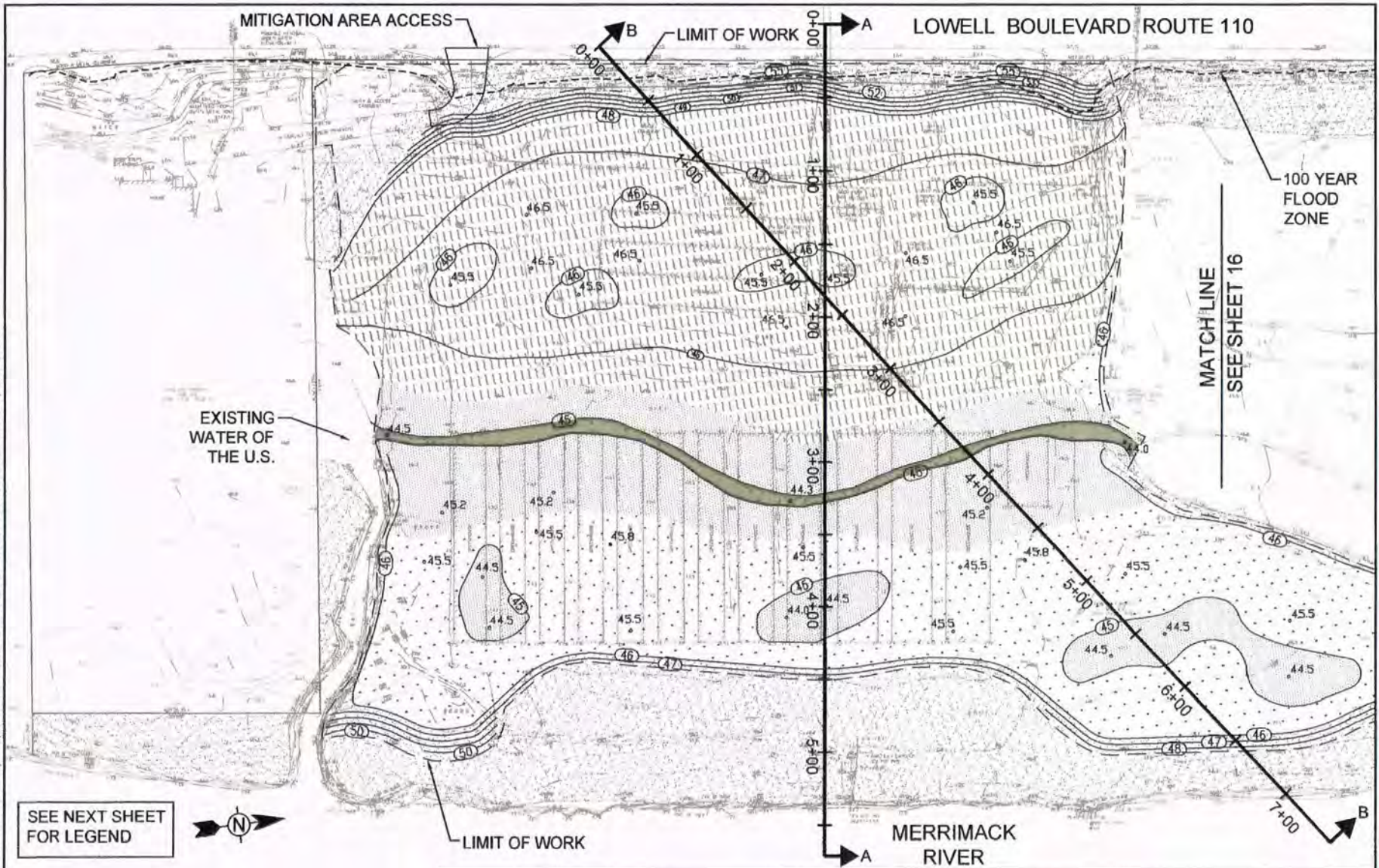
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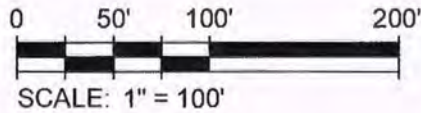
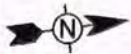
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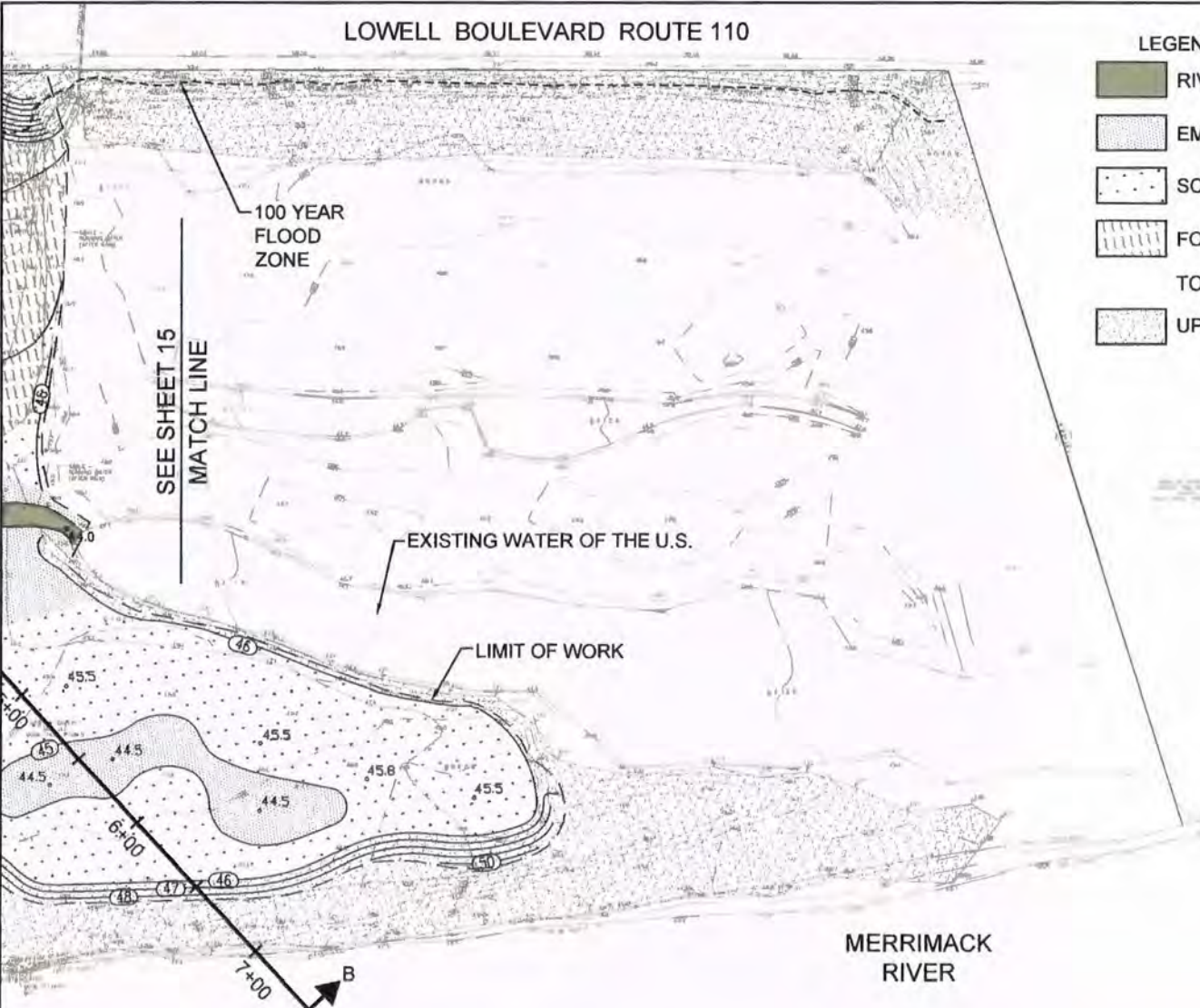


SEE NEXT SHEET FOR LEGEND



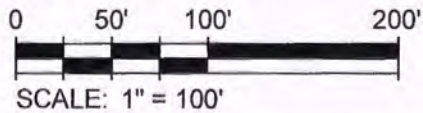
Application for U.S. ACOE Section 404 Individual Permit I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction WETLAND MITIGATION AREA		DATE: October 12, 2011
PROJECT LOCATION: METHUEN, ESSEX COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 15 18

LOWELL BOULEVARD ROUTE 110



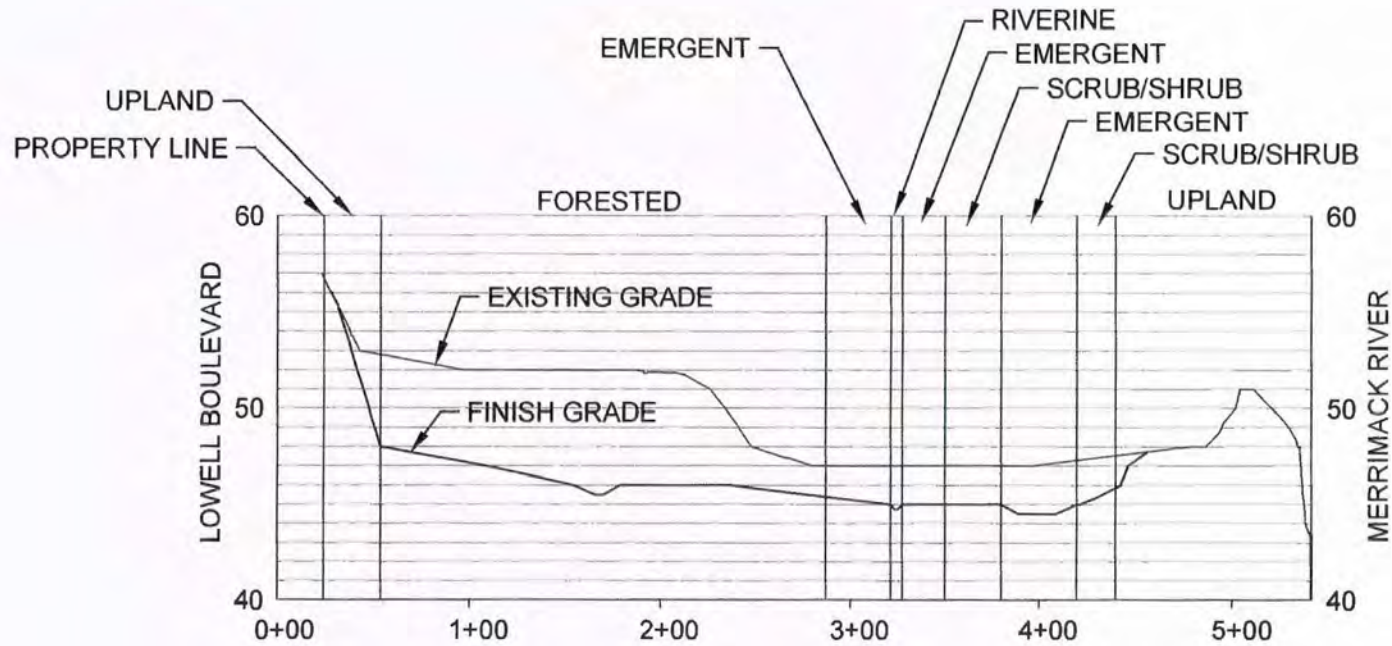
LEGEND		TOTAL PROPOSED
	RIVERINE	4,692 SF / 0.11 AC
	EMERGENT	49,847 SF / 1.14 AC
	SCRUB / SHRUB	72,091 SF / 1.66 AC
	FORESTED	102,965 SF / 2.36 AC
	TOTAL	229,595 SF / 5.27 AC
	UPLAND PRESERVATION	138,667 SF / 3.18 AC

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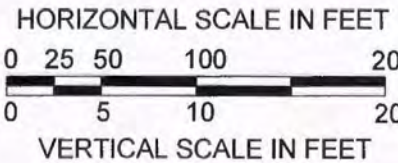


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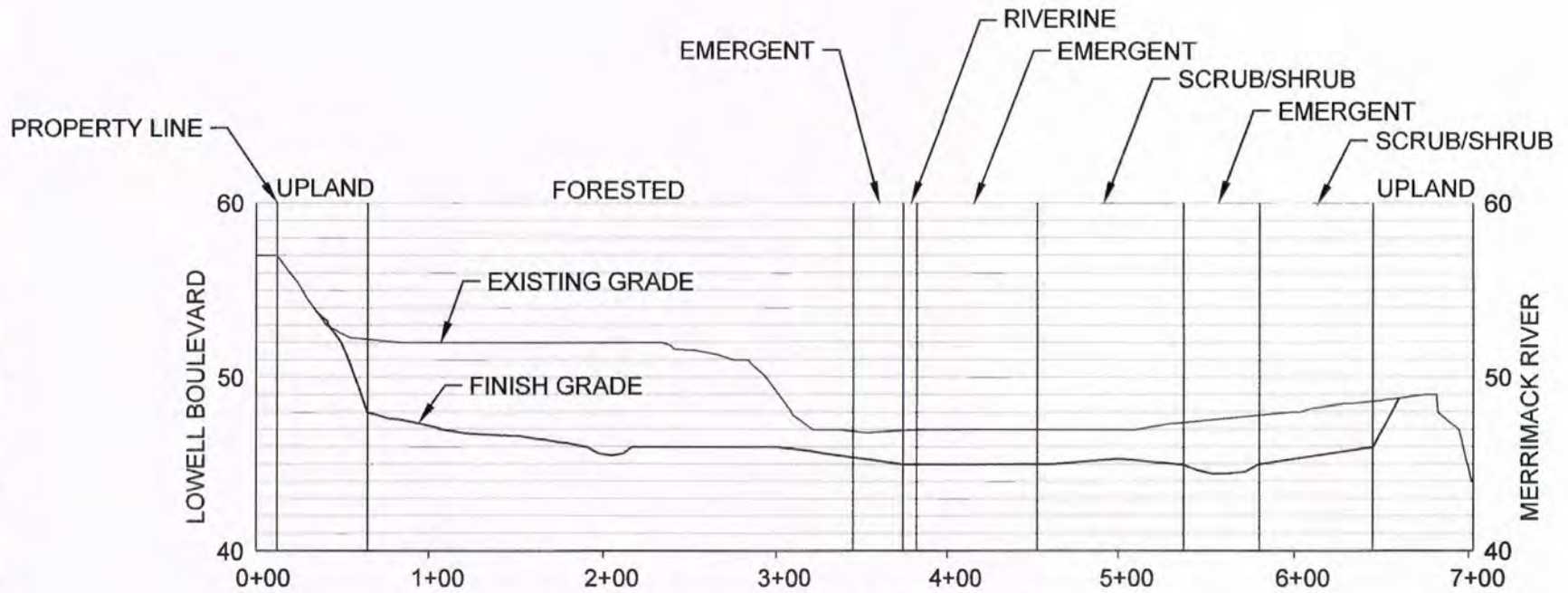


SECTION A-A

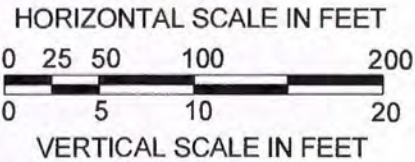


Application for U.S. ACOE Section 404 Individual Permit I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction WETLAND MITIGATION AREA SECTION A-A		DATE: October 12, 2011
PROJECT LOCATION: METHUEN, ESSEX COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 17 18

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SECTION B-B



Application for U.S. ACOE Section 404 Individual Permit I-93/Route 110/Route 113 Interchange Reconfiguration & Reconstruction WETLAND MITIGATION AREA SECTION B-B		DATE: October 12, 2011
PROJECT LOCATION: METHUEN, ESSEX COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 18 18