



PUBLIC NOTICE

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

Comment Period Begins: September 15, 2015
Comment Period Ends: October 15, 2015
File Number: NAE-2012-01239
In Reply Refer To: Alan R. Anacheke-Nasemann, PWS
Phone: (978) 318-8214
E-mail: alan.r.anacheke-nasemann@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States, from the Mashpee Wampanoag Tribal Gaming Authority. This work is proposed in unnamed tributaries of the Cotley River and adjacent wetlands at the MA-24 and MA-140 interchange, and Stevens Street, Taunton, Massachusetts. The site coordinates are: Latitude 41.87429 Longitude -71.04996.

The work involves the discharge of fill material into 85,370 square feet (1.96 acres) of waters of the United States (including adjacent wetlands), including 68,770 square feet (1.58 acres) of permanent impacts and 16,600 square feet (0.38 acre) of temporary impacts, and 315 linear feet of an existing stream, in order to install new highway interchange exit and entrance ramps and lanes so as to increase highway capacity sufficiently to accommodate increased traffic expected to result from construction of the planned Mashpee Wampanoag Tribe's proposed Project First Light destination resort casino, to be located on Stevens Street and O'Connell Way immediately adjacent to the above noted highway interchange, on lands proposed to be taken into trust (hereinafter, "Lands into Trust," or "LIT") by the United States Department of Interior Bureau of Indian Affairs ("BIA") on behalf of the Tribe.

The work is shown on the attached plans entitled "ACOE Section 404 Permit Application – Public Notice Project First Light," on 12 sheets, and dated "September 8, 2015."

The applicant has provided information on appropriate and practicable steps that have been or will be taken to avoid and minimize adverse impacts to the aquatic environment. As mitigation for the unavoidable permanent loss of 1.58 acres of wetlands and 315 linear feet of an existing stream, the applicant has proposed to restore approximately 0.66 acre of former wetlands and create an additional 1.52 acres of wetlands on the proposed LIT project site.

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.

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 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 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:

- 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.

CENAE-R
FILE NO. NAE-2012-01239

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 Alan Anacheke-Nasemann at (978) 318-8214, (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.

Additional Information: The proposed LIT is the subject of a Final Environmental Impact Statement (FEIS) released by BIA on September 5, 2014 (Federal Register 79:172, p. 53077). The FEIS can be reviewed and/or obtained via the internet, at: <http://www.mwteis.com/>; written copies are not available from the Corps of Engineers, but may be obtained as described in the Federal Register Notice (see: <https://www.federalregister.gov/articles/2014/09/05/2014-20669/final-environmental-impact-statement-for-the-proposed-fee-to-trust-transfer-of-property-and>). **Please note that the U.S. Army Corps of Engineers authority in this matter is limited to evaluation of impacts to waters of the United States, including adjacent wetlands, pursuant to Section 404 of the Clean Water Act, and to reaching a decision on whether to grant or deny a Department of the Army permit authorizing the discharge of dredged or fill material into those waters.** The U.S. Army Corps of Engineers has no role or decision-making authority concerning the LIT proposal under consideration by BIA. Any comments which are beyond or outside the Corps' legal authority, that are received in response to this public notice, will not be considered.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

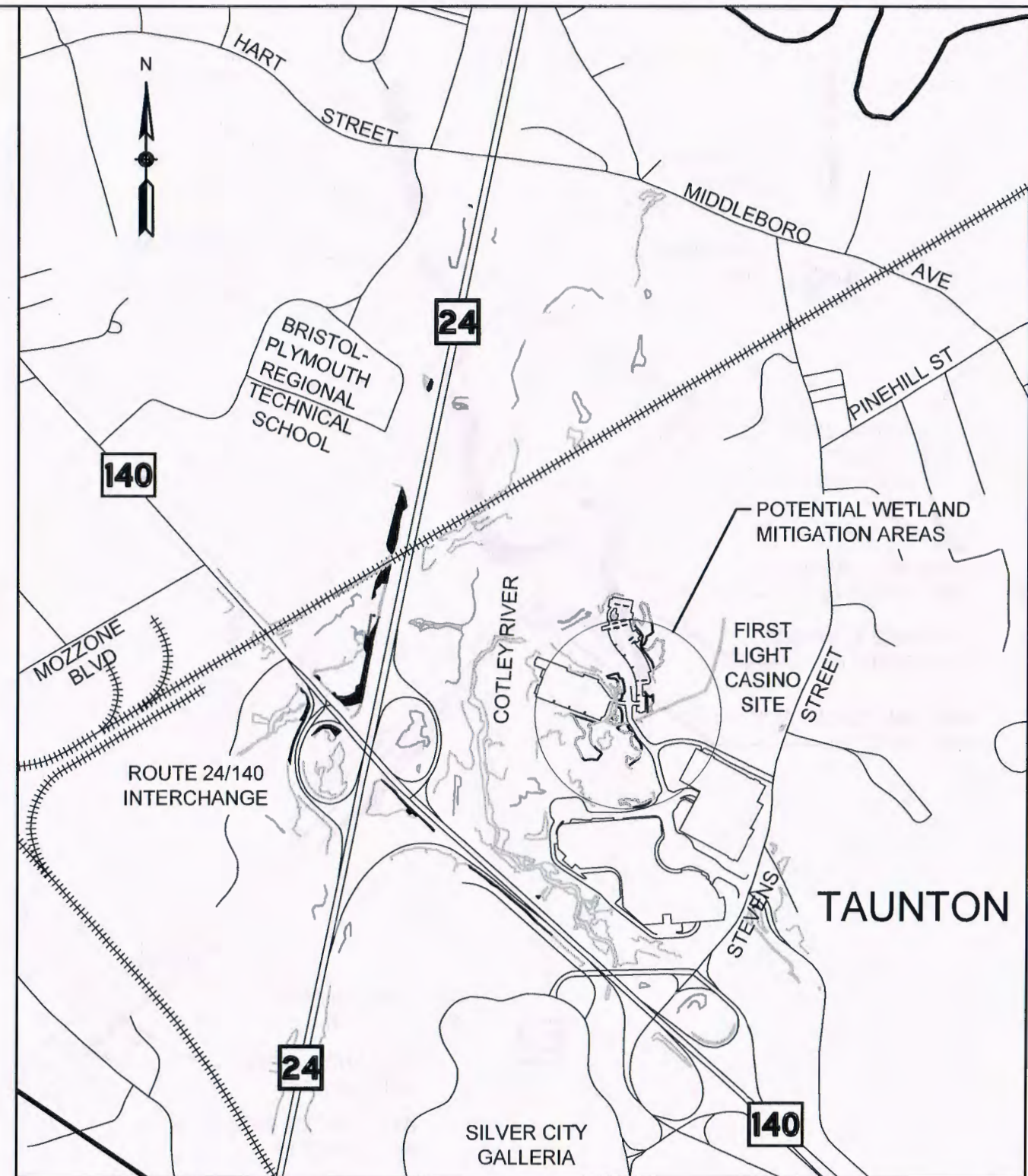


Kevin R. Kotelly, P.E.
Chief, Permits and Enforcement Branch
Regulatory Division

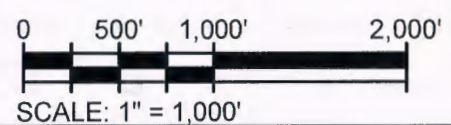
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps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

NAME: _____
ADDRESS: _____
PHONE: _____

SHEET #	TITLE
1	INDEX OF SHEETS - PROJECT LOCUS MAP
2	KEY SHEET - IMPACT LEGEND
3	PART 1 - PLAN
4	PART 2 - PLAN
5	PART 3 - PLAN
6	PART 4 - PLAN
7	PART 5 - CROSS SECTIONS
8	PART 6 - CROSS SECTIONS
9	PART 7 - CROSS SECTIONS
10	PART 8 - CROSS SECTIONS
11	PART 9 - PLAN - CROSS SECTION
12	WETLAND MITIGATION AREAS



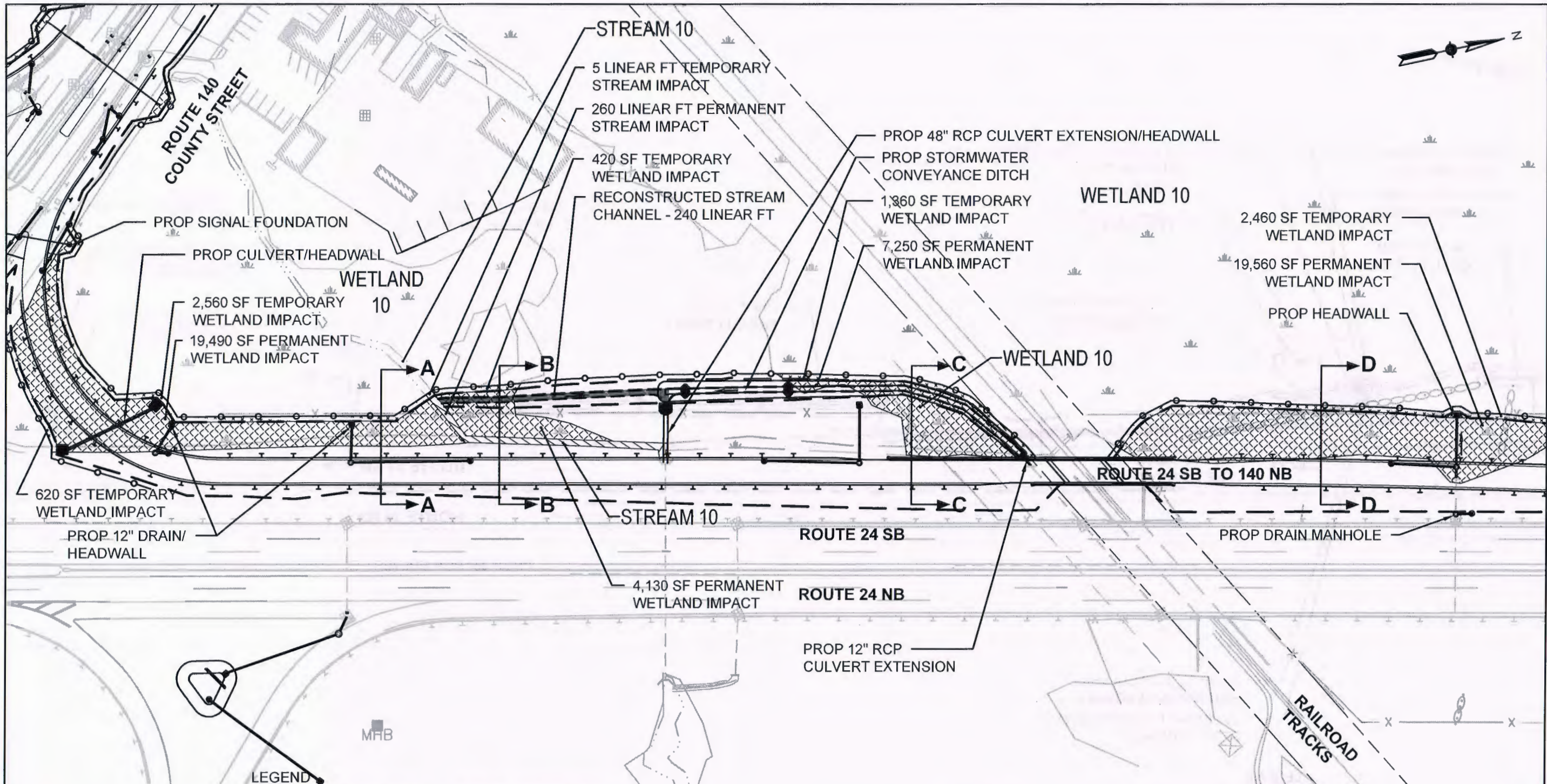
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 VERTICAL DATUM: NAVD88



ABBREVIATIONS:

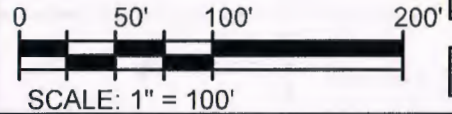
PROP - PROPOSED	TYP - TYPICAL
EXIST - EXISTING	MAX - MAXIMUM
RCP - REINFORCED CONCRETE PIPE	NB - NORTHBOUND
	SB - SOUTHBOUND

ACOE Section 404 Permit Application - Public Notice		DATE:
Project First Light		September 8, 2015
INDEX OF SHEETS - PROJECT LOCUS MAP		
PROJECT LOCATION:	APPLICANT:	SHEET 1 OF 12
TAUNTON, BRISTOL COUNTY	Mashpee Wampanoag Tribal Gaming Authority	

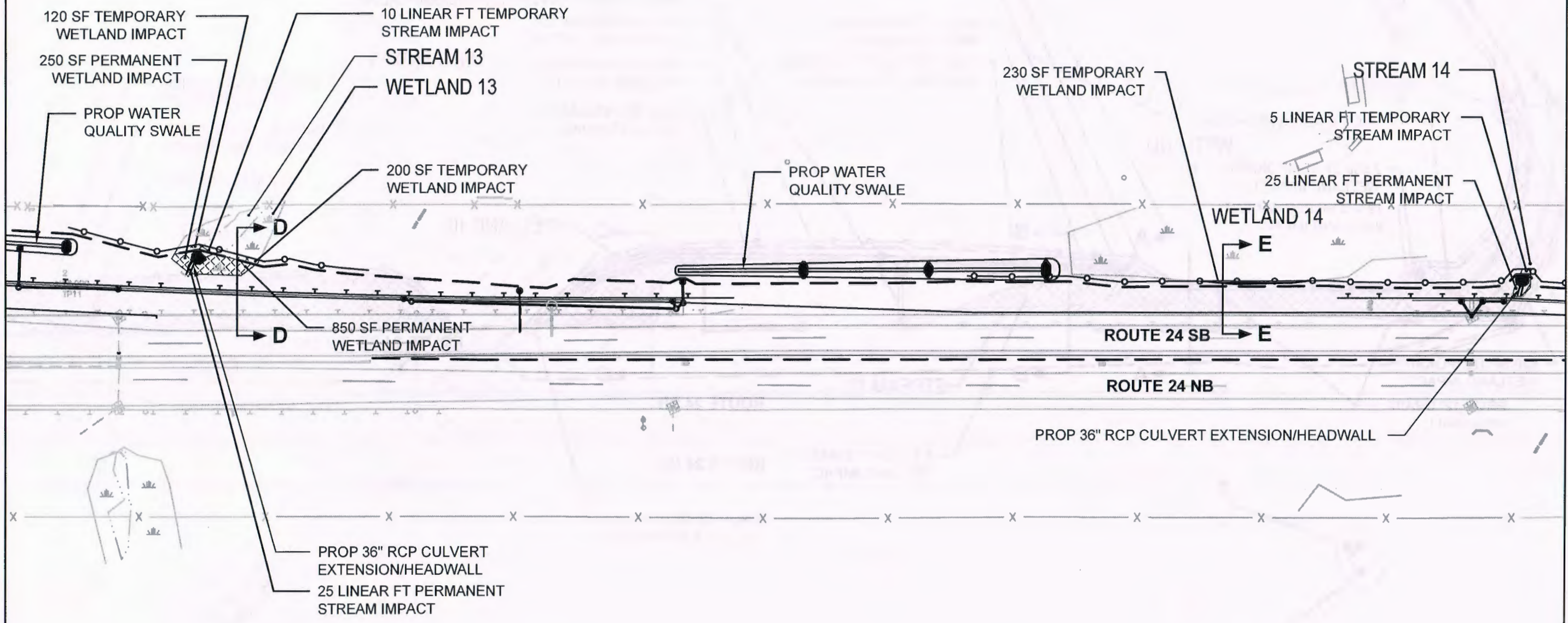


LEGEND

- EXIST STREAM
- PROP DITCH
- █ EXIST WETLAND
- █ PROP STREAM
- ▨ PERMANENT WETLAND IMPACTS
- ▨ PERMANENT STREAM IMPACTS
- ▨ TEMPORARY WETLAND IMPACTS
- ▨ TEMPORARY STREAM IMPACTS
- COMPOST FILTER TUBES
- LIMITS OF WORK

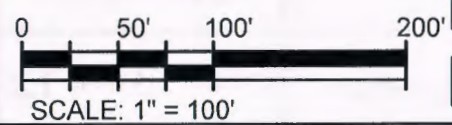


ACOE Section 404 Permit Application - Public Notice		DATE: September 8, 2015
Project First Light PART 1 - PLAN		
PROJECT LOCATION: TAUNTON, BRISTOL COUNTY	APPLICANT: Mashpee Wampanoag Tribal Gaming Authority	SHEET 3 OF 12

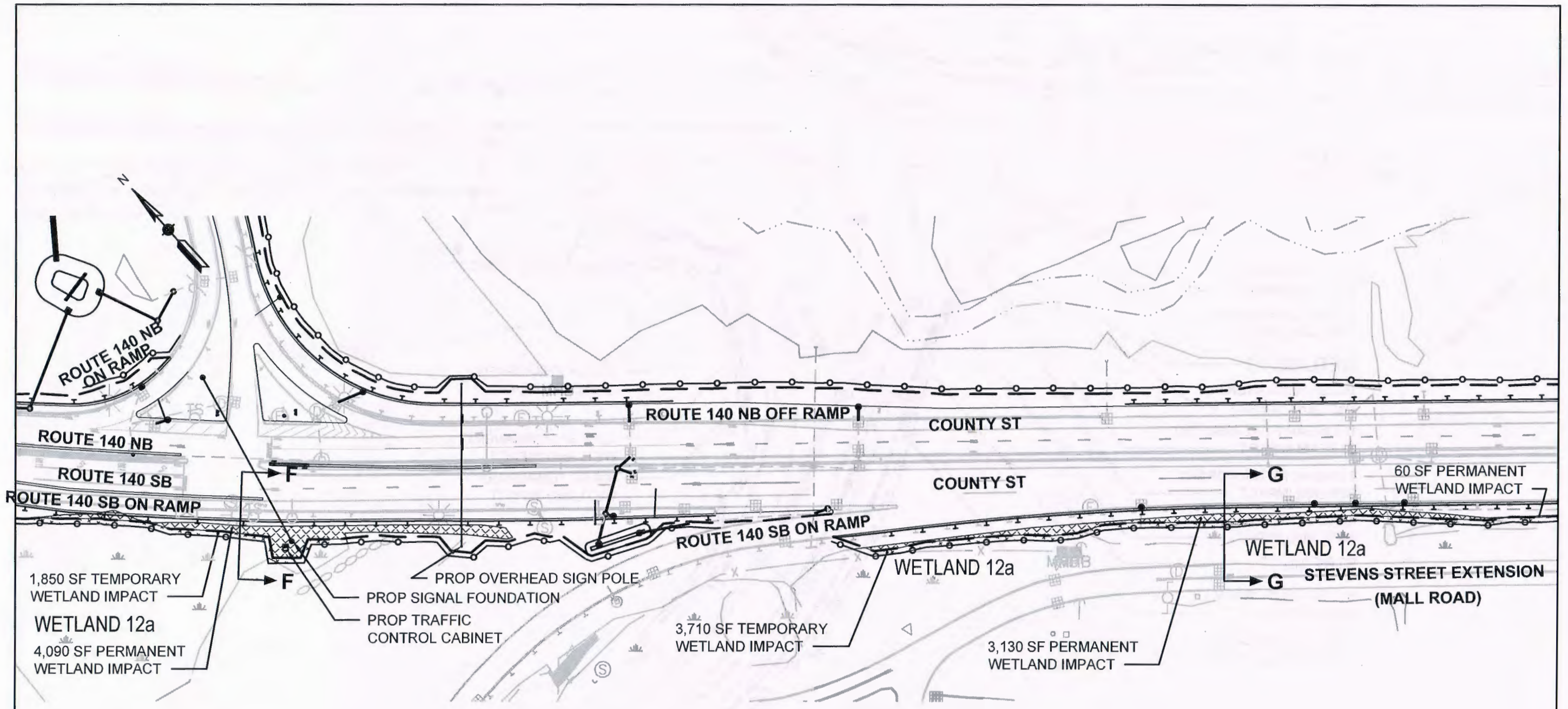


LEGEND

- EXIST STREAM
- PROP DITCH
- EXIST WETLAND
- PROP STREAM
- PERMANENT WETLAND IMPACTS
- PERMANENT STREAM IMPACTS
- TEMPORARY WETLAND IMPACTS
- TEMPORARY STREAM IMPACTS
- COMPOST FILTER TUBES
- LIMITS OF WORK

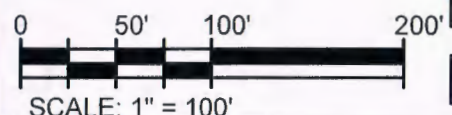


ACOE Section 404 Permit Application - Public Notice		DATE: September 8, 2015
Project First Light PART 2 - PLAN		
PROJECT LOCATION: TAUNTON, BRISTOL COUNTY	APPLICANT: Mashpee Wampanoag Tribal Gaming Authority	SHEET 4 OF 12

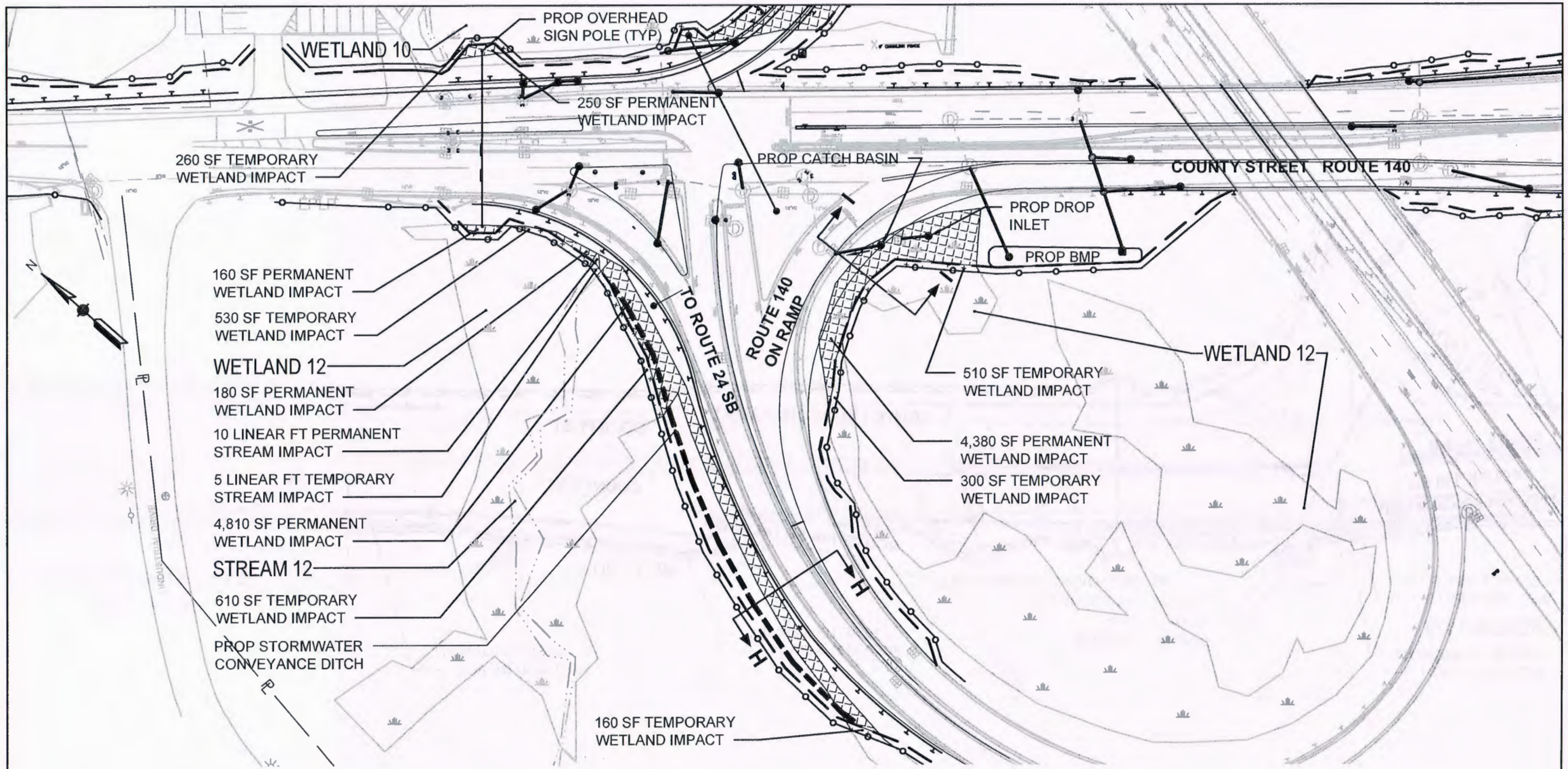


LEGEND

EXIST STREAM	PROP DITCH	
EXIST WETLAND	PROP STREAM	
PERMANENT WETLAND IMPACTS	PERMANENT STREAM IMPACTS	COMPOST FILTER TUBES
TEMPORARY WETLAND IMPACTS	TEMPORARY STREAM IMPACTS	LIMITS OF WORK

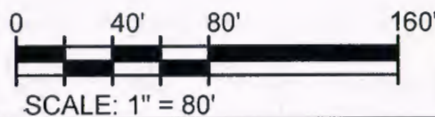


ACOE Section 404 Permit Application - Public Notice		DATE: September 8, 2015
Project First Light PART 3 - PLAN		
PROJECT LOCATION: TAUNTON, BRISTOL COUNTY	APPLICANT: Mashpee Wampanoag Tribal Gaming Authority	SHEET 5 OF 12

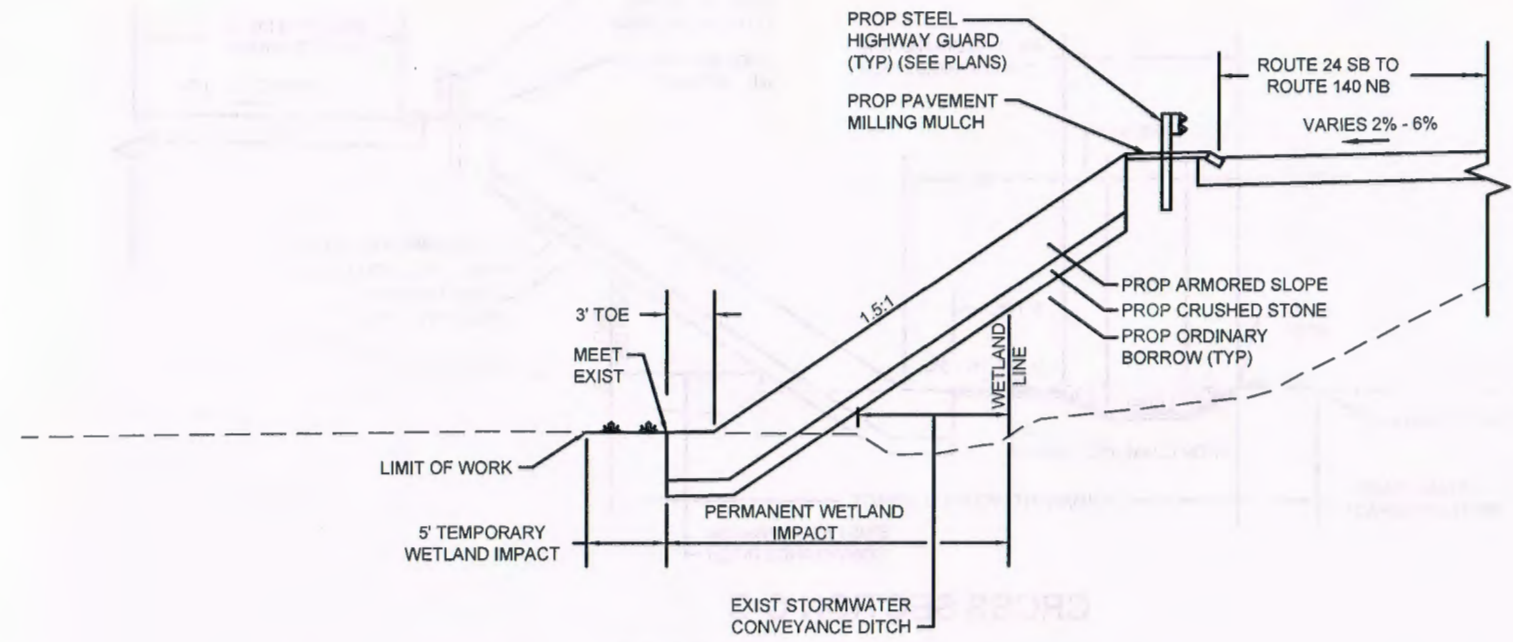


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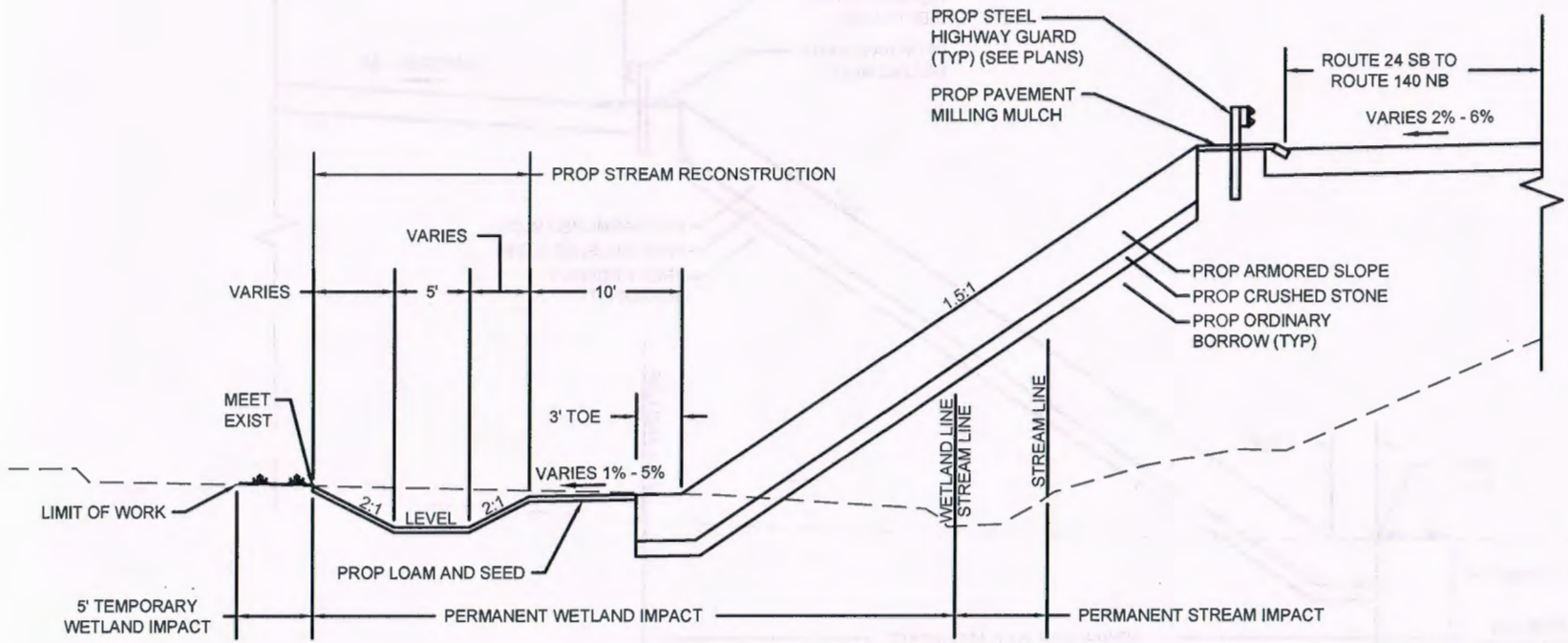
- EXIST STREAM
- PROP DITCH
- EXIST WETLAND
- PROP STREAM
- PERMANENT WETLAND IMPACTS
- PERMANENT STREAM IMPACTS
- TEMPORARY WETLAND IMPACTS
- TEMPORARY STREAM IMPACTS
- COMPOST FILTER TUBES
- LIMITS OF WORK



ACOE Section 404 Permit Application - Public Notice Project First Light PART 4 - PLAN		DATE: September 8, 2015
PROJECT LOCATION: TAUNTON, BRISTOL COUNTY	APPLICANT: Mashpee Wampanoag Tribal Gaming Authority	SHEET 6 OF 12



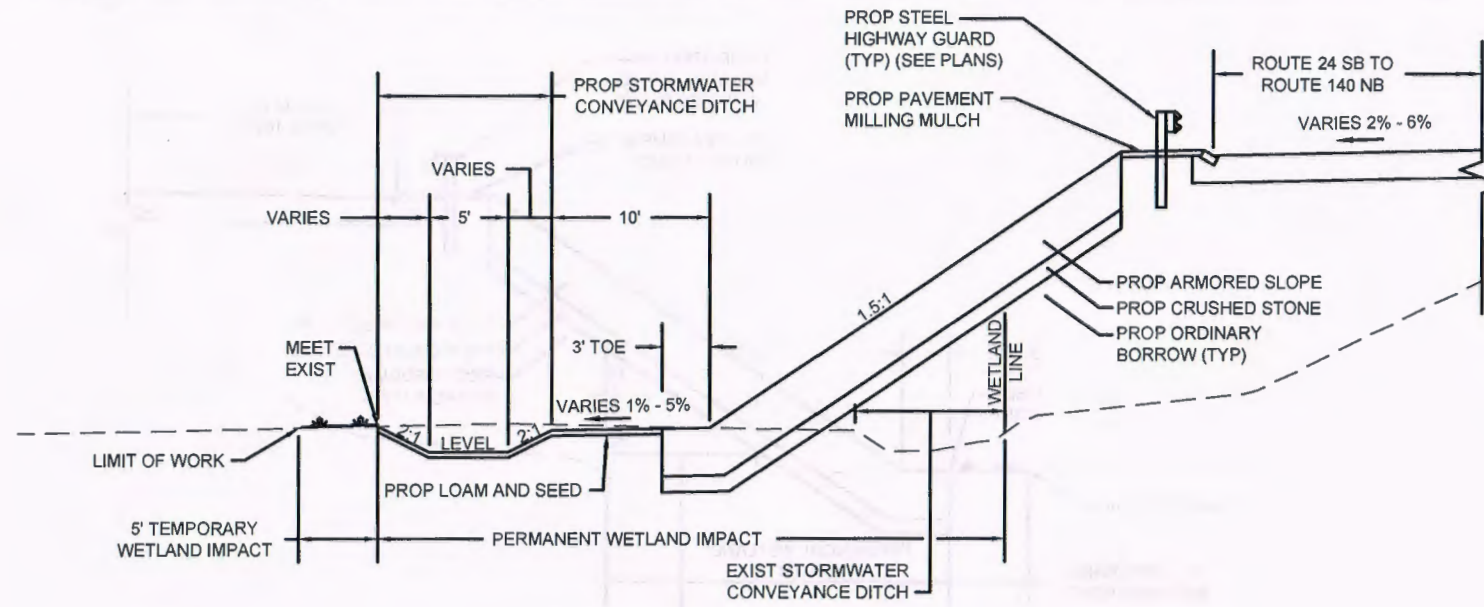
CROSS SECTION A-A



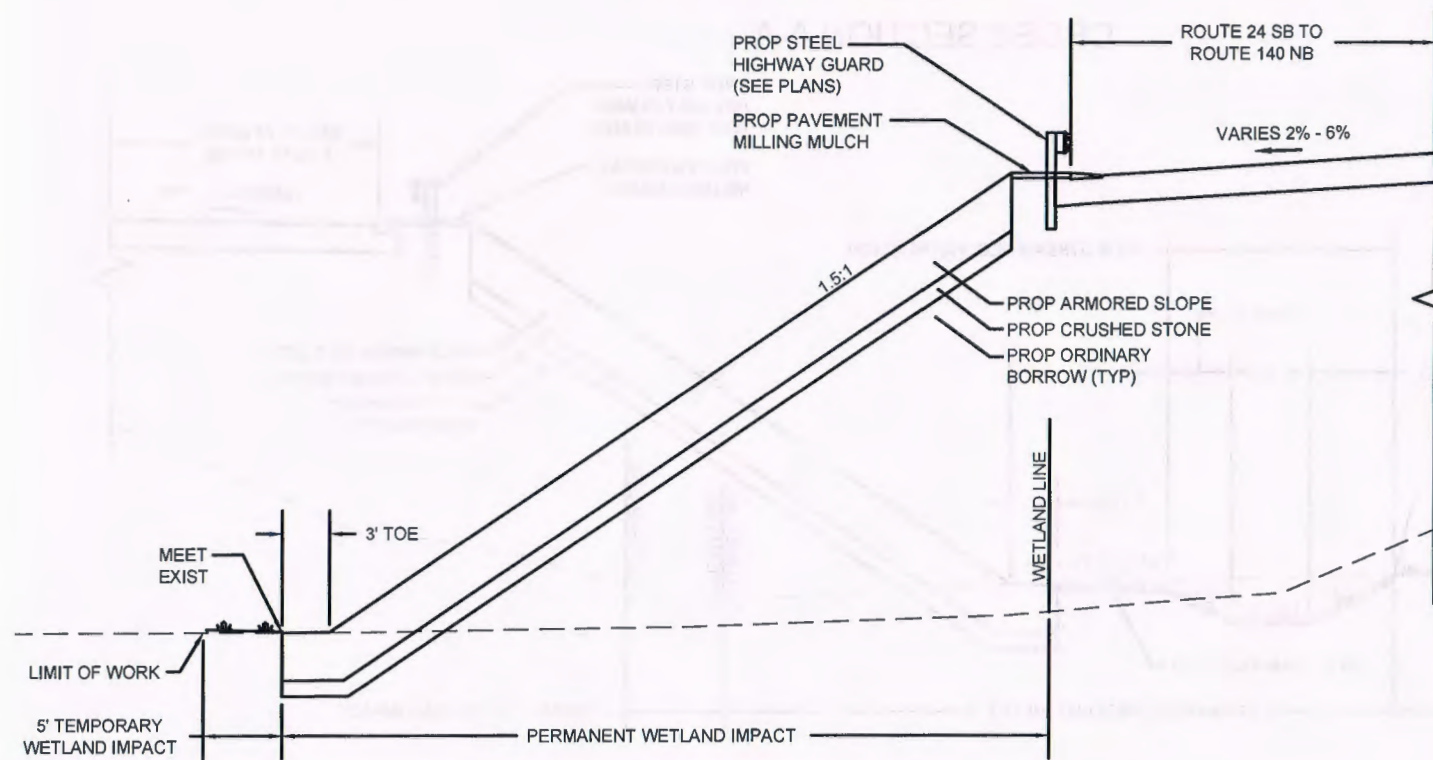
CROSS SECTION B-B

ACOE Section 404 Permit Application - Public Notice Project First Light PART 5 - CROSS SECTIONS		DATE: September 8, 2015
PROJECT LOCATION: TAUNTON, BRISTOL COUNTY	APPLICANT: Mashpee Wampanoag Tribal Gaming Authority	SHEET 7 OF 12

NOT TO SCALE



CROSS SECTION C-C



CROSS SECTION D-D

ACOE Section 404 Permit Application - Public Notice
 Project First Light
 PART 6 - CROSS SECTIONS

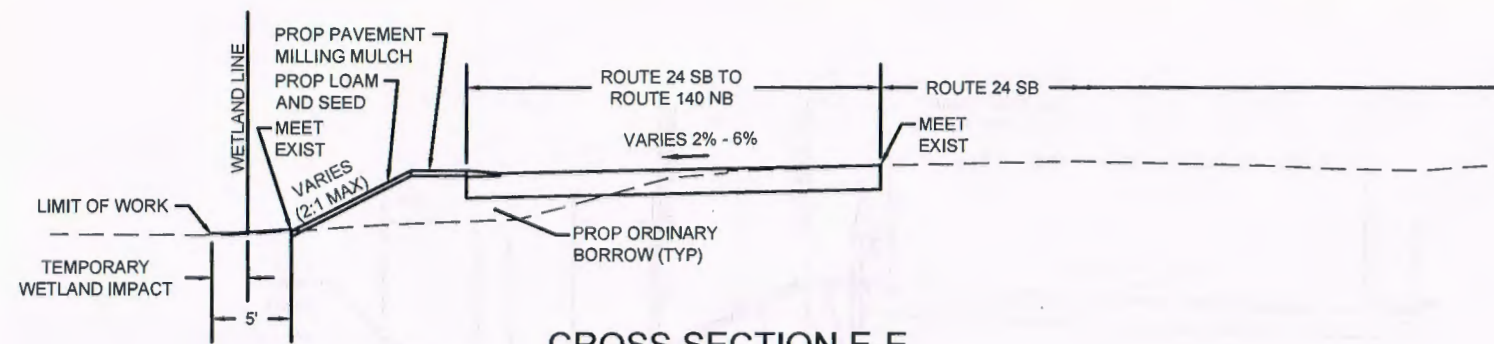
DATE:
 September 8, 2015

PROJECT LOCATION:
 TAUNTON, BRISTOL COUNTY

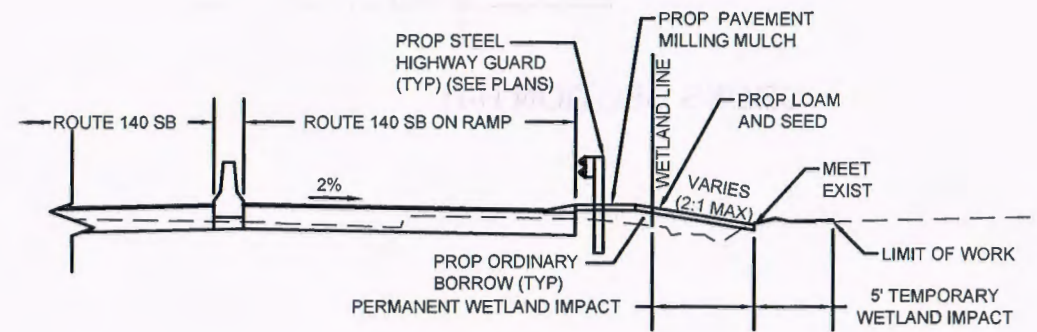
APPLICANT:
 Mashpee Wampanoag Tribal Gaming Authority

SHEET 8 OF 12

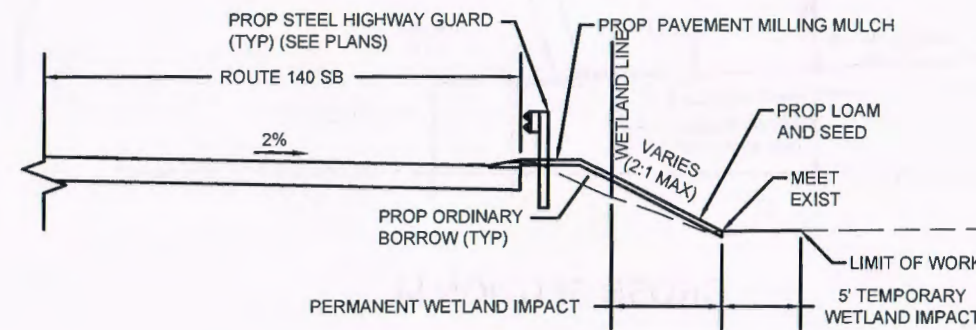
NOT TO SCALE



CROSS SECTION E-E



CROSS SECTION F-F



CROSS SECTION G-G

ACOE Section 404 Permit Application - Public Notice
 Project First Light
 PART 7 - CROSS SECTIONS

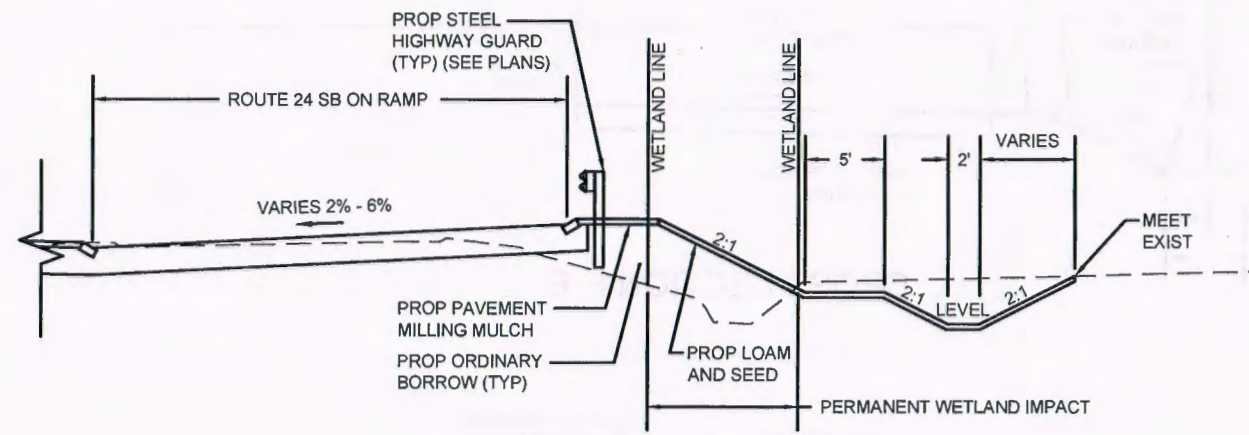
DATE:
 September 8, 2015

PROJECT LOCATION:
 TAUNTON, BRISTOL COUNTY

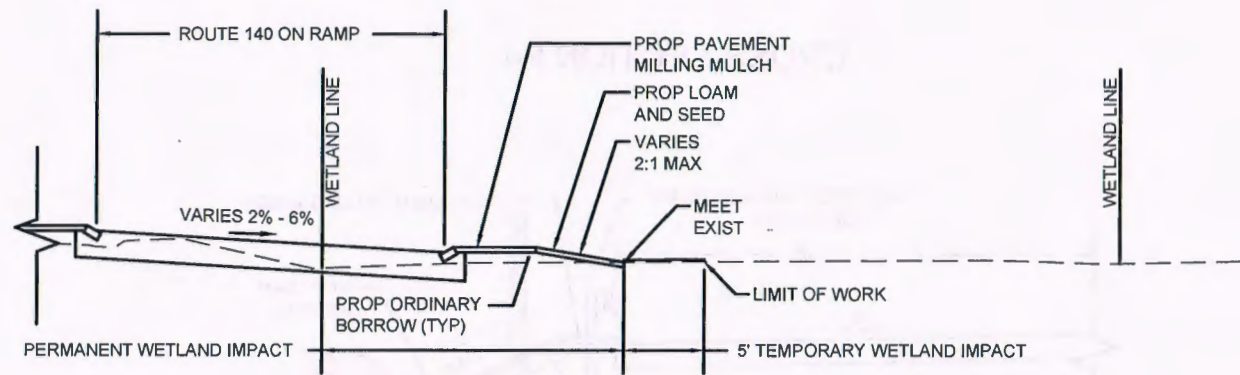
APPLICANT:
 Mashpee Wampanoag Tribal Gaming Authority

SHEET 9 OF 12

NOT TO SCALE



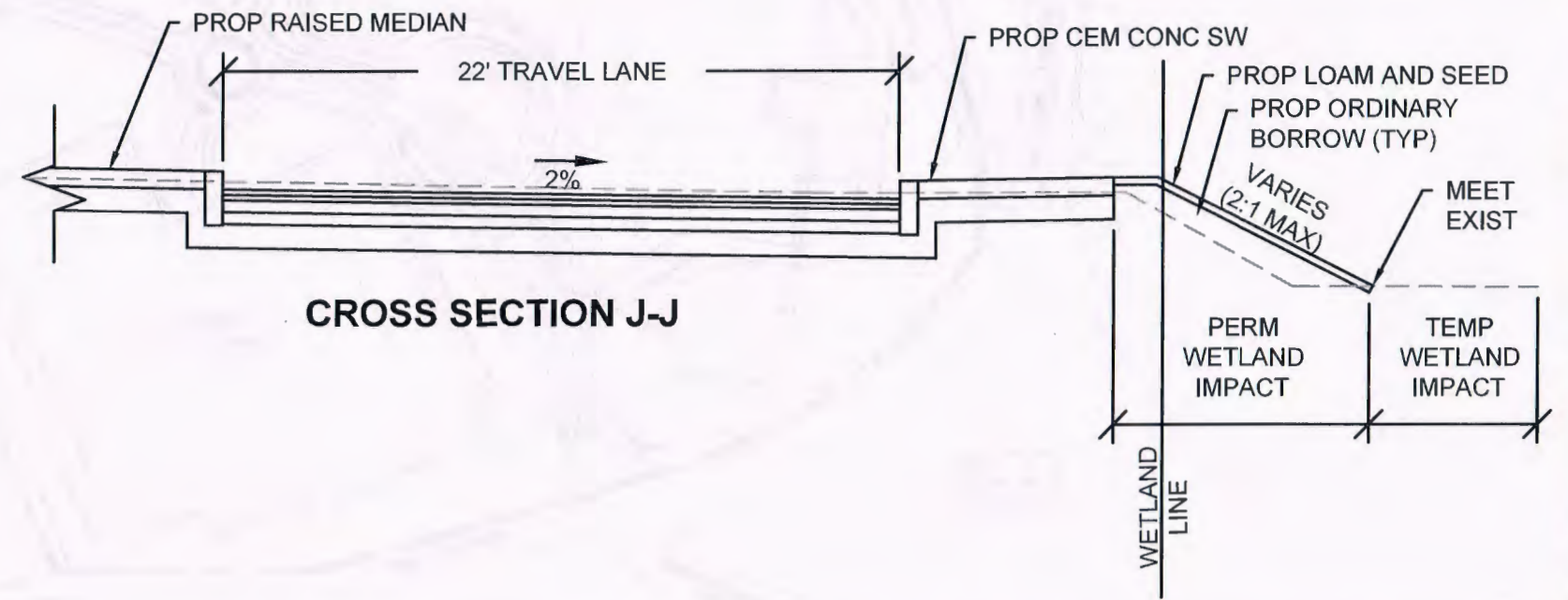
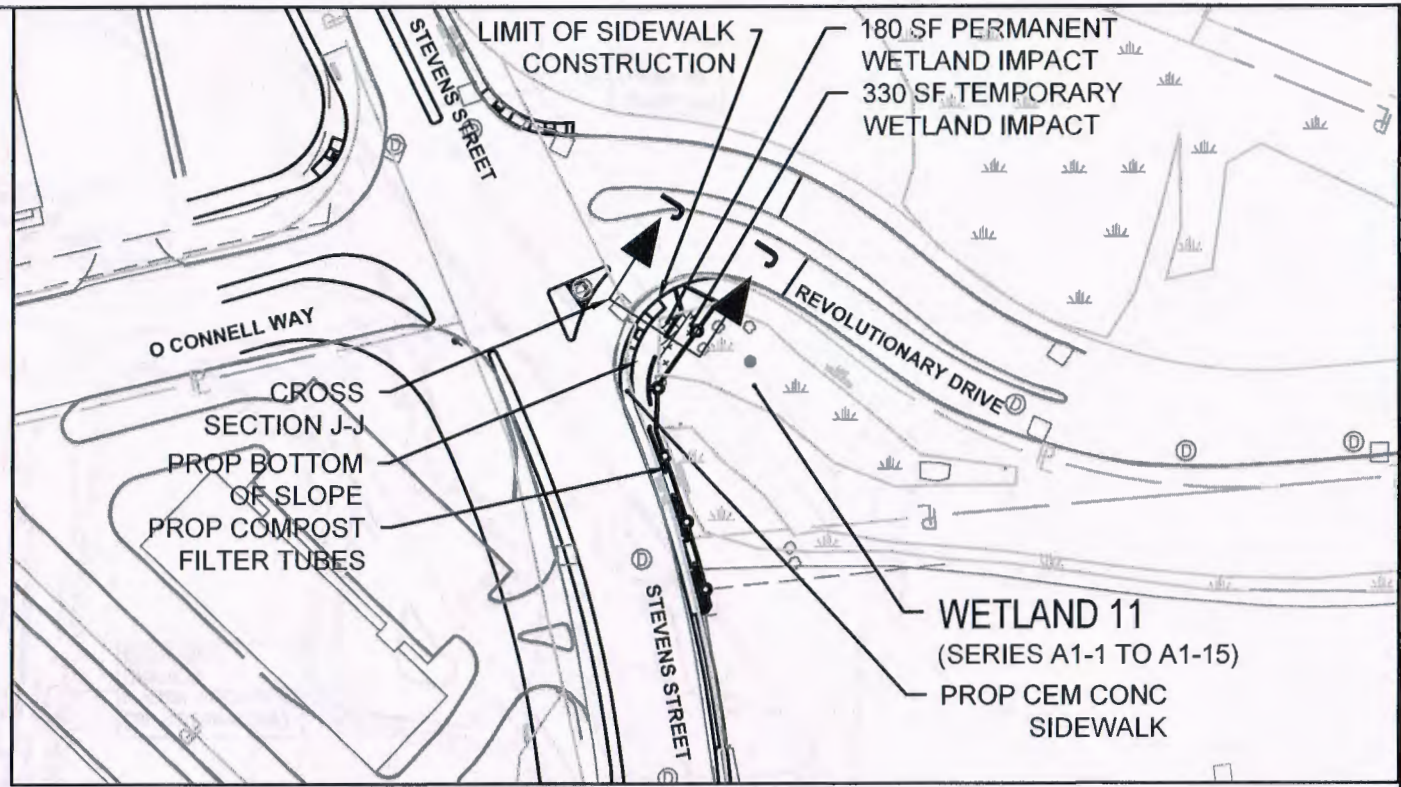
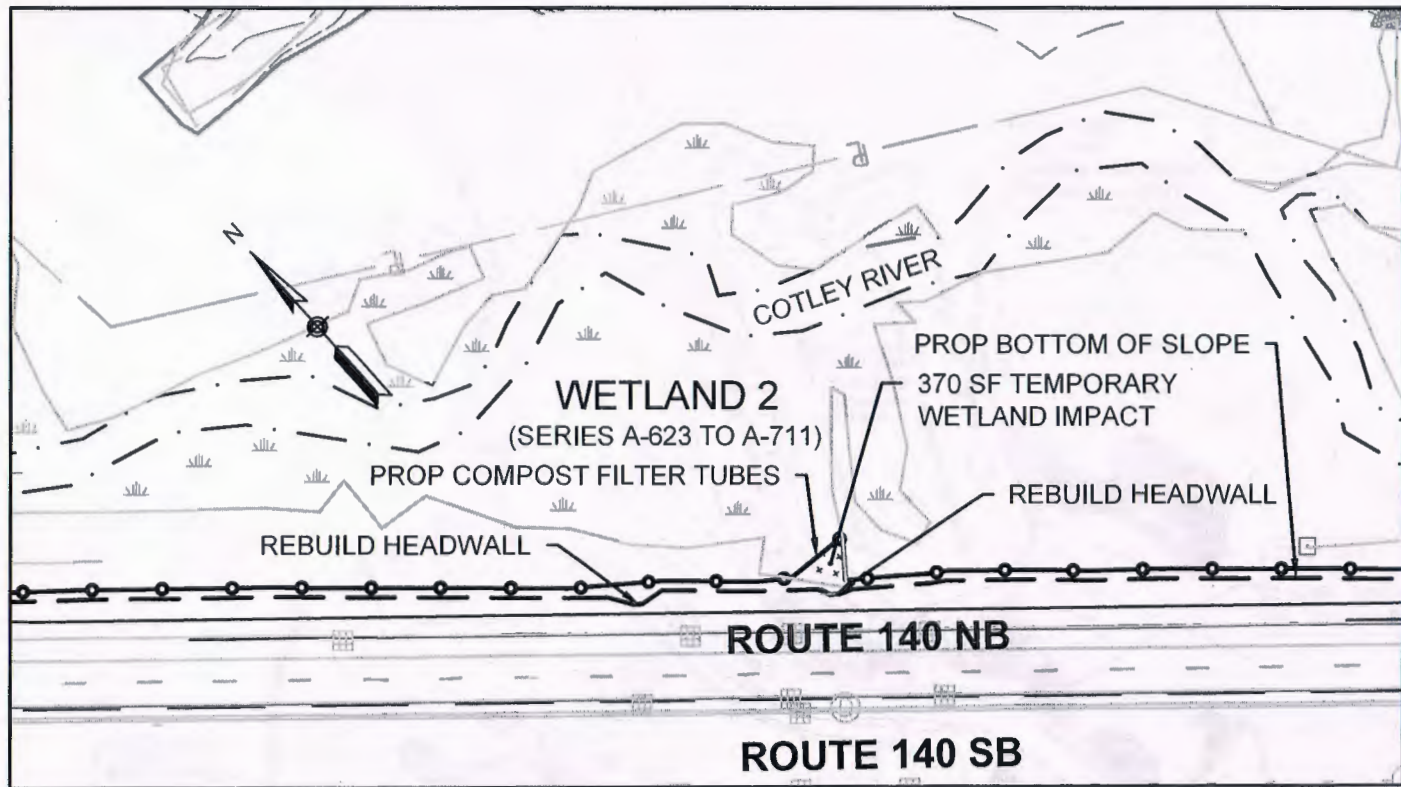
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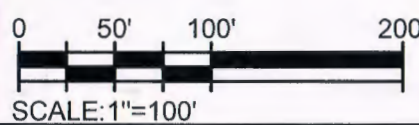
CROSS SECTION I-I

NOT TO SCALE

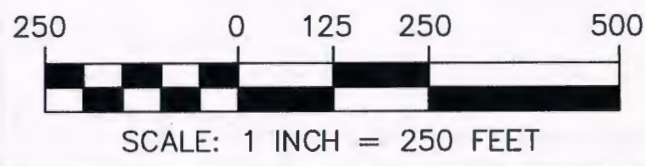
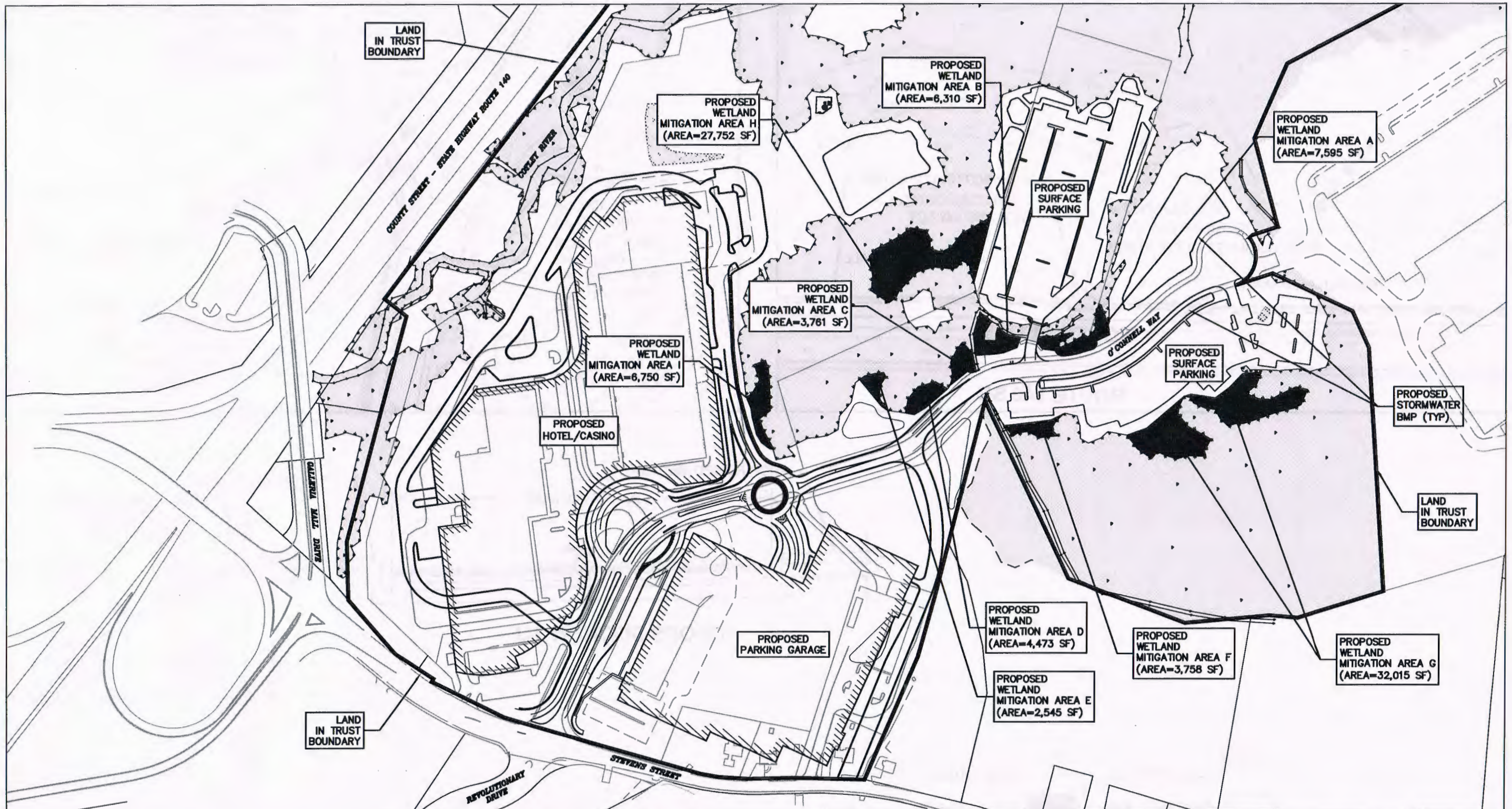
ACOE Section 404 Permit Application - Public Notice Project First Light PART 8 - CROSS SECTIONS		DATE: September 8, 2015
PROJECT LOCATION: TAUNTON, BRISTOL COUNTY	APPLICANT: Mashpee Wampanoag Tribal Gaming Authority	SHEET 10 OF 12



- LEGEND**
- EXIST STREAM
 - PROP DITCH
 - EXIST WETLAND
 - PROP STREAM
 - PERMANENT WETLAND IMPACTS
 - PERMANENT STREAM IMPACTS
 - TEMPORARY WETLAND IMPACTS
 - TEMPORARY STREAM IMPACTS
 - COMPOST FILTER TUBES
 - LIMITS OF WORK



ACOE Section 404 Permit Application Public Notice		DATE:
Project First Light		September 8, 2015
PART 11 - PLAN		
PROJECT LOCATION:	APPLICANT:	SHEET 11 OF 12
TAUNTON, BRISTOL COUNTY	Mashpee Wampanoag Tribal Gaming Authority	



SITE PLAN
 SCALE: 1"=250'

ACOE Section 404 Permit Application Project First Light WETLAND MITIGATION AREAS		DATE: September 8, 2015
PROJECT LOCATION: TAUNTON, BRISTOL COUNTY	APPLICANT: Mashpee Wampanoag Tribal Gaming Authority	SHEET 12 OF 12