
PUBLIC NOTICE



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

Comment Period Begins: August 12, 2014
Comment Period Ends: September 10, 2014
File Number: NAE-2014-990
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 from the Town of Winthrop, Massachusetts. This work is proposed in Crystal Cove/Boston Harbor, Shirley Street, Winthrop, Massachusetts 02125. The site coordinates are: Latitude 42°22'16", Longitude 70°58'19.6".

The work involves work and structures below the mean high water line of waters of the United States in order to construct the Winthrop HarborWalk project which is a proposed pedestrian walkway into Crystal Cove. The project involves partial reconstruction and enhancement of an existing spit of land referred to as the "trestle", constructed for railroad use in the 1890's, and consisting primarily of rock fill. The rock fill of the trestle will be retained as the foundation of the new HarborWalk.

The jurisdictional elements of this project will be the installation of steel sheeting along both sides of the existing railroad footprint and the construction of a 275 foot by 25 foot wood pier extending from the end of the railroad footprint area. The sheet piles will retain the existing fill and act as a means of erosion and sedimentation control during construction. Once the sheeting has been installed, the top of the existing railroad footprint will be brought up to grade for the Harborwalk and the walkway side slopes will be constructed.

The wood pier will be constructed on pile supports and will extend to the limit of the old train "trestle" foundation. The pier will be constructed of 12 inch timber piles spaced 5 feet on center with cross bracing. The pier will have 6 inch by 6 inch timber headers and 2 foot by 12 inch stringers to support the 2 inch wood decking serving as the surface of the pier. The decking will be spaced 1/4 inch apart to allow water penetration. The pier will also feature pile-supported flared platforms on both sides to accommodate a pavilion structure on the west side for special events and a fishing platform on the east side. The main pier will be elevated 5.8 feet above mean high water and the fishing pier will be elevated 4.3 feet above mean high water.

Measures to minimize impacts to resources during reconstruction of the trestle include project phasing so that most construction occurs within the limits of the steel sheeting, installed when walkway work begins. The sheet piles will retain the fill and act as a means of erosion and sedimentation control during construction. The wood pier is proposed for construction at the initial stage of any trestle work to allow its use as a platform from which to stage the remaining trestle work. Pile driving for the pier will occur from the top of the trestle. The Cove's shallow water prevents pile driving from a barge. No jetting is proposed. Work will be performed at the low part of the tidal cycle with all materials and equipment being removed prior to high tide. Once all piles are installed, the remainder of the pier will be constructed. A floating siltation curtain will be installed around the piles during driving to capture sediment and any floating debris. The walkway will be designed to survive a 100-year storm including overtopping of the walkway.

The work is shown on the attached plans entitled, "Plan Accompanying Petition of The Town of Winthrop To Repair Existing Solid Fill & Construct Timber Pier Extensions For Harborwalk In Boston Harbor, Winthrop, Massachusetts," on 10 sheets, and dated April, 2014.

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 6900 square feet of Essential Fish Habitat (EFH) for Atlantic cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), pollock (*Pollachius virens*), whiting (*Merluccius bilinearis*), red hake (*Urophycis chuss*), white hake (*Urophycis tenuis*), winter flounder (*Pseudopleuronectes americanus*), yellowtail flounder (*Limanda 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 pealeii*), short finned squid (*Illex illecebrosus*), Atlantic butterfish (*Peprilus triacanthus*), Atlantic mackerel (*Scomber scombrus*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristis striata*), surf clam (*Spisula solidissima*), and bluefin tuna (*Thunnus thynnus*).

This habitat consists of subtidal open water. 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.

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.

COASTAL ZONE MANAGEMENT

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.

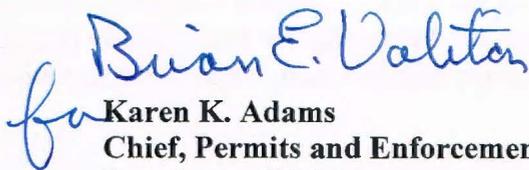
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Kevin R. Kotelly, P.E. at (978) 318-8703, (800) 343-4789 or (800) 362-4367,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

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FILE NO. NAE-2014-990

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.

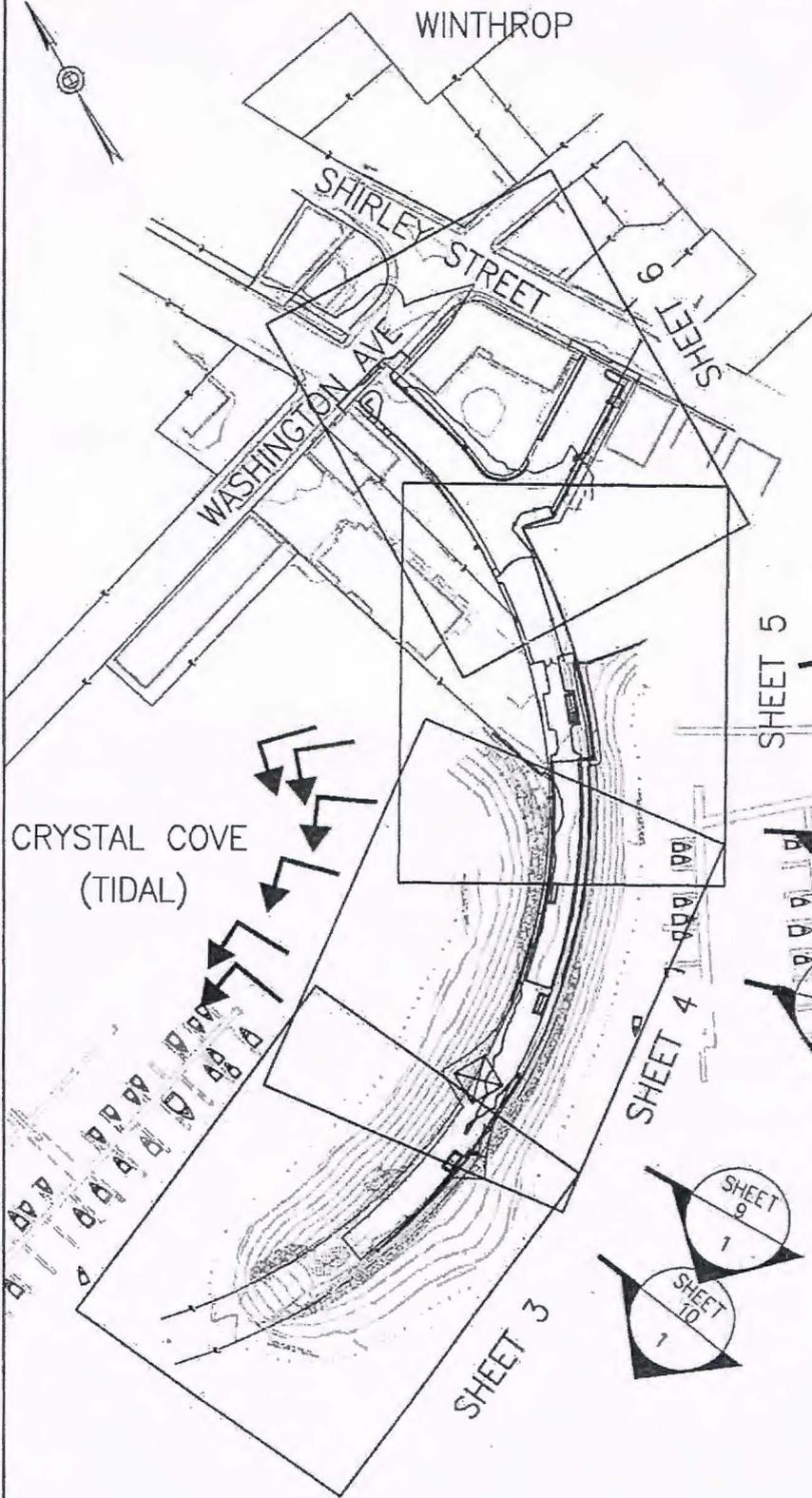
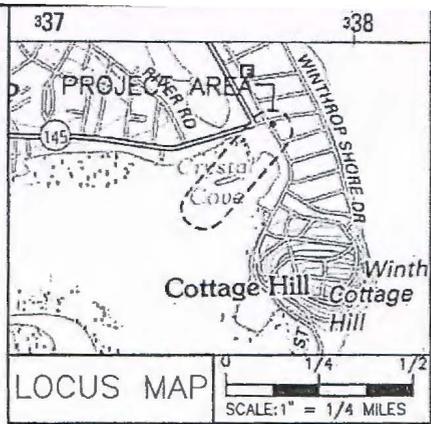
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in 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 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: _____



NOTE:
 ALL ELEVATIONS REFER TO NAVD 88 VERTICAL DATUM



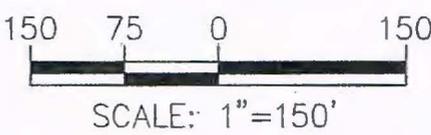
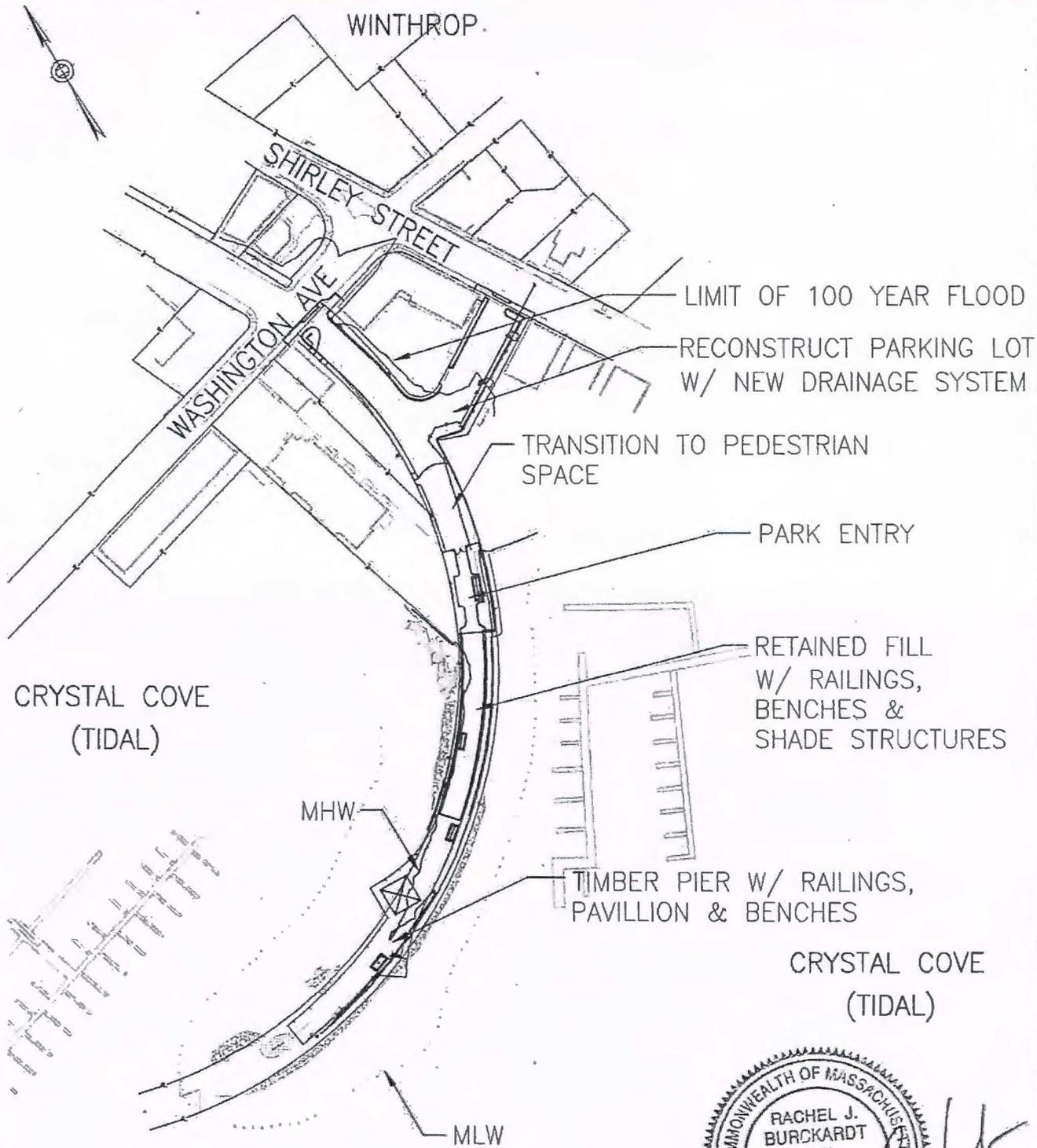
CRYSTAL COVE (TIDAL)
KEY PLAN
 SCALE: 1"=150'



NOTE: SITE INCLUDES FILLED TIDE LANDS — REF. H&L 1049, 1902, & 2300

WINTHROP HARBORWALK
 DATE: APRIL 2014 SHEET 1 OF 10

PLAN ACCOMPANYING PETITION OF THE TOWN OF WINTHROP TO REPAIR EXISTING SOLID FILL & CONSTRUCT TIMBER PIER EXTENSIONS FOR HARBORWALK IN BOSTON HARBOR, WINTHROP, MASSACHUSETTS



COMMONWEALTH OF MASSACHUSETTS
 RACHEL J. BURCKARDT
 CIVIL
 No. 31890
 REGISTERED
 PROFESSIONAL ENGINEER

Rachel J. Burckardt

5/13/2014

CRYSTAL COVE
(TIDAL)

12" TIMBER
PIER @
5' O.C. (TYP.)

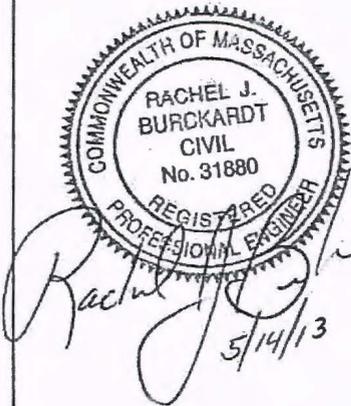
TIMBER PIER
W/ RAILINGS

MHW

MLW

PROPERTY
LINES

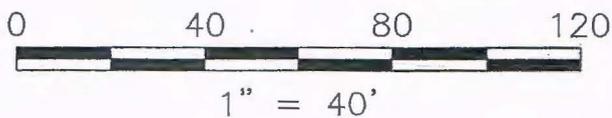
CRYSTAL COVE
(TIDAL)



LEGEND:

MHW —————

MLW ·········



FOR CONTINUATION SEE SHEET 4

CRYSTAL COVE
(TIDAL)

RET. WALL
W/CLF

SHEET PILE
RET. WALL (NO
REVETMENT)

MHW

SHEET PILE
RET. WALL
W/RESET TOP
OF REVETMENT

CRYSTAL COVE
(TIDAL)

PROPERTY
LINES

MLW

12" TIMBER
PIER @
5' O.C. (TYP.)

FOR CONTINUATION SEE SHEET 2

SHEET PILE
RET. WALL
W/RESET TOP
OF REVETMENT

MLW

TIMBER PIER
W/ RAILINGS



Rac
5/19/14

LEGEND:

MHW —————
MLW ·······



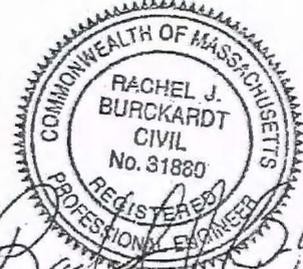
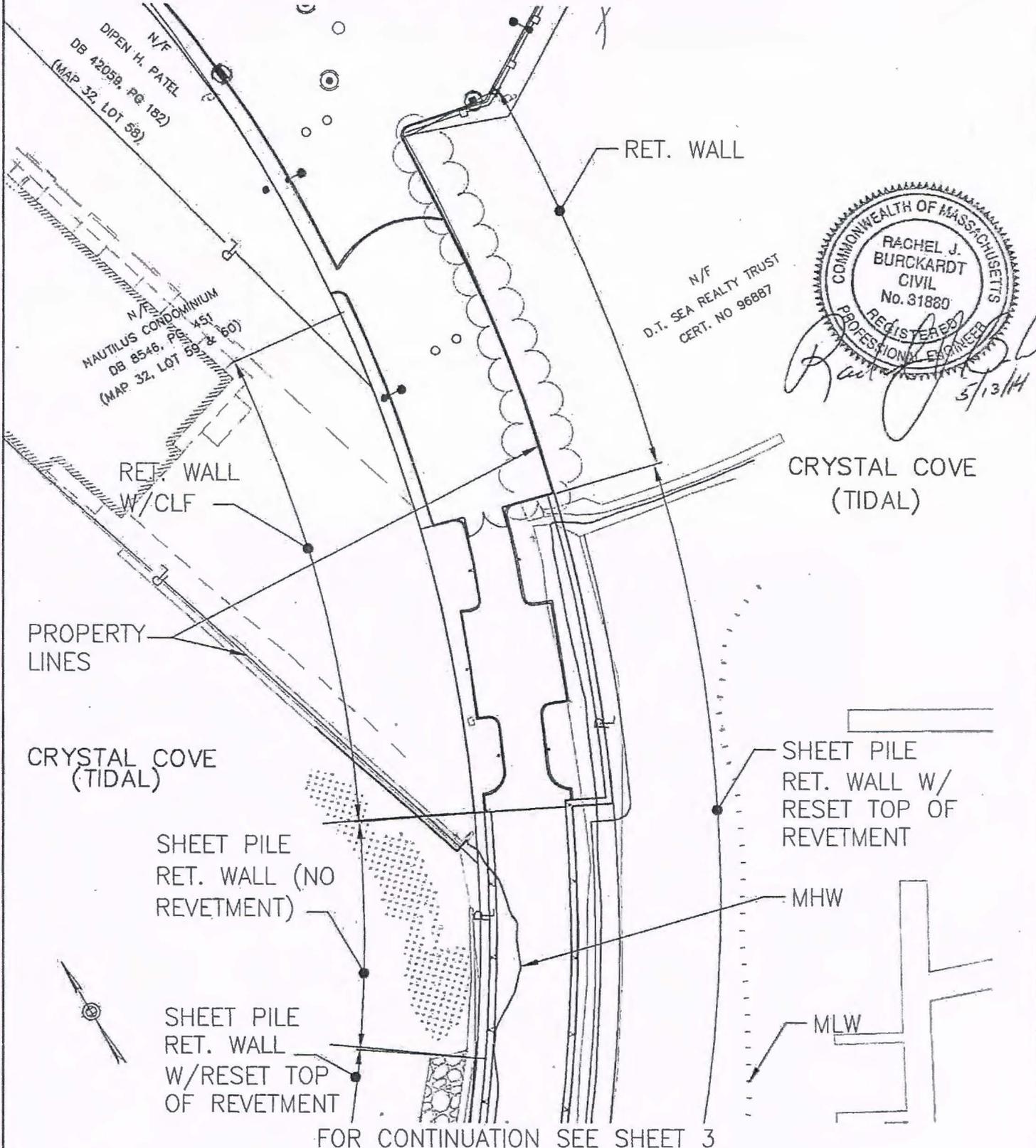
1" = 40'

WINTHROP HARBORWALK

DATE: APRIL 2014

SHEET 4 OF 10

FOR CONTINUATION SEE SHEET 5



Rachel J. Burckardt
 5/13/14

N/F
 D.T. SEA REALTY TRUST
 CERT. NO 96887

FOR CONTINUATION SEE SHEET 3

LEGEND:

MHW —————
 MLW ···········



1" = 40'



WASHINGTON AVE

STURGIS STREET

SHIRLEY STREET

WINTHROP BAY CONDOMINIUM
DB 13835, PG 262
(MAP 32, LOT 55 & 56)

TOWN OF WINTHROP
(MAP 32, LOT 54 & 57)

PROPERTY LINES

DIPEN H. PATEL
N/F
DB 42059, PG 182
(MAP 32, LOT 58)

TOWN OF WINTHROP
(MAP 32, LOT 54 & 57)

NAUTILUS CONDOMINIUM
DB 8546, PG 451
(MAP 32, LOT 59 & 60)

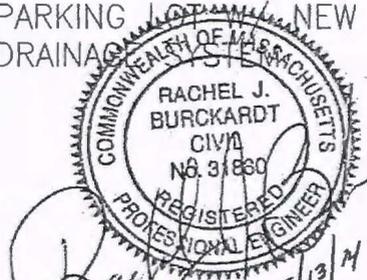
LIMIT OF
100 YR
FLOOD

RET. WALL
W/ CLF

RET. WALL

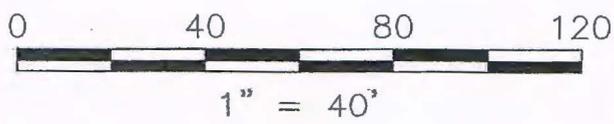
RECONSTRUCT
PARKING LOT & NEW
DRAINAGE

N/F
D.T. SEA REALTY TRUST
CERT. NO 96887

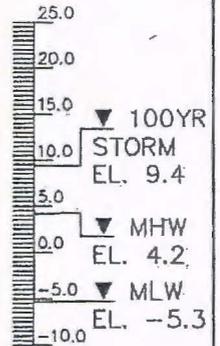
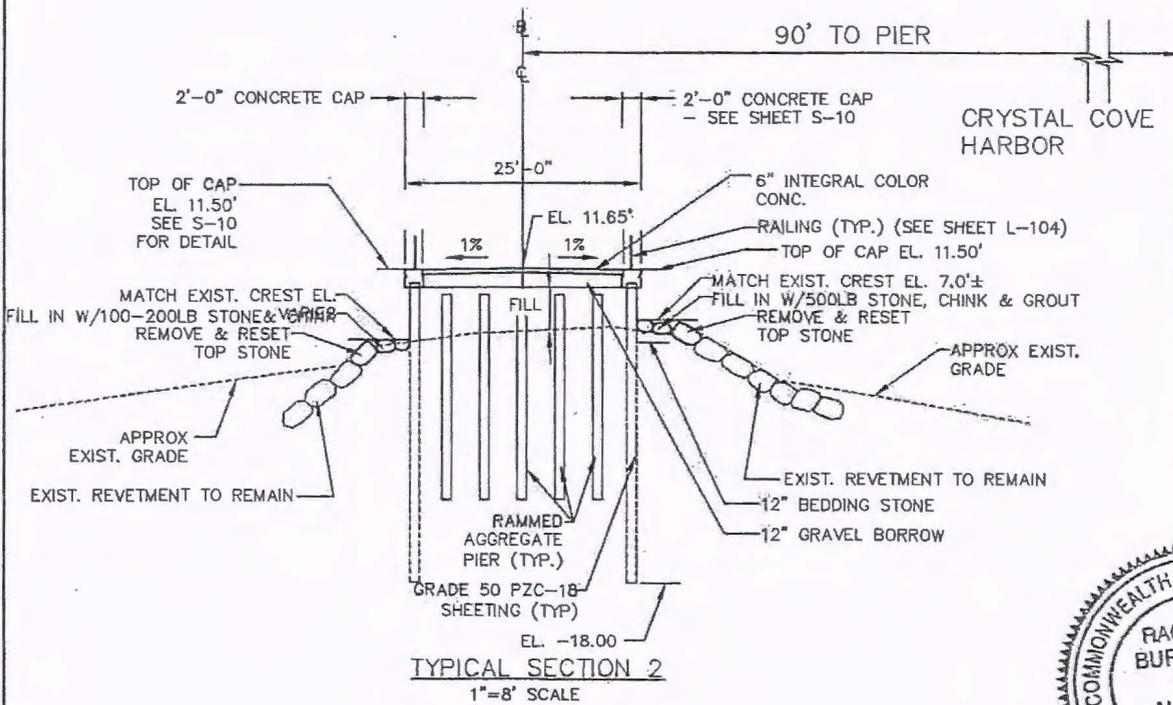
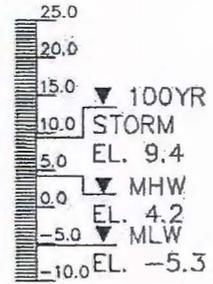
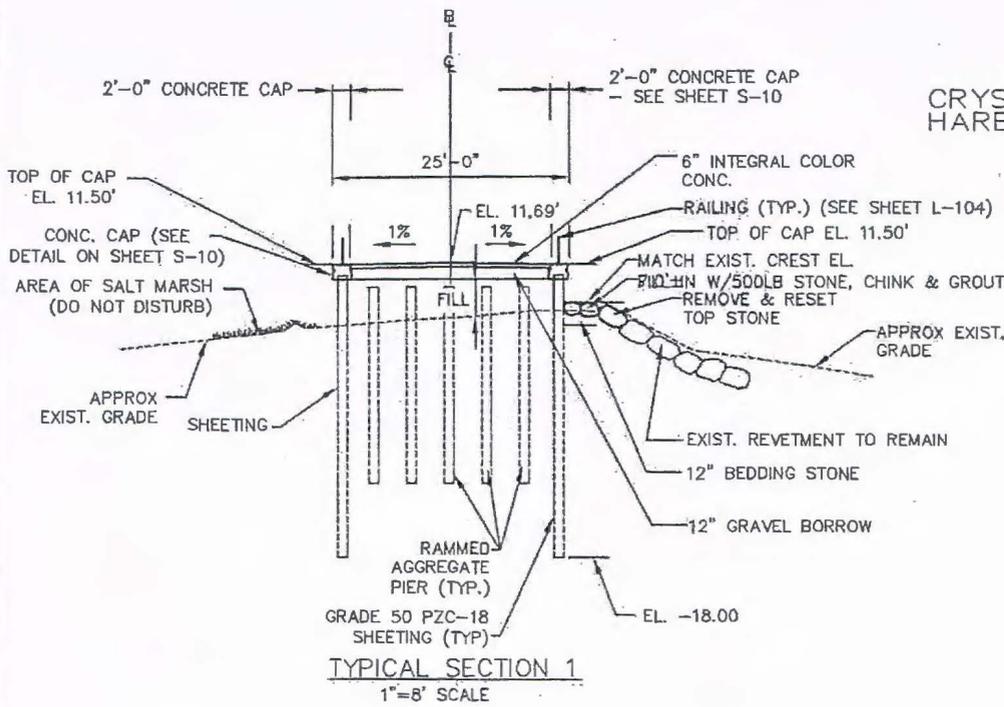


LEGEND:

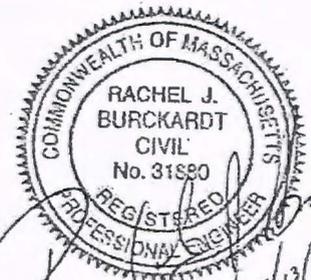
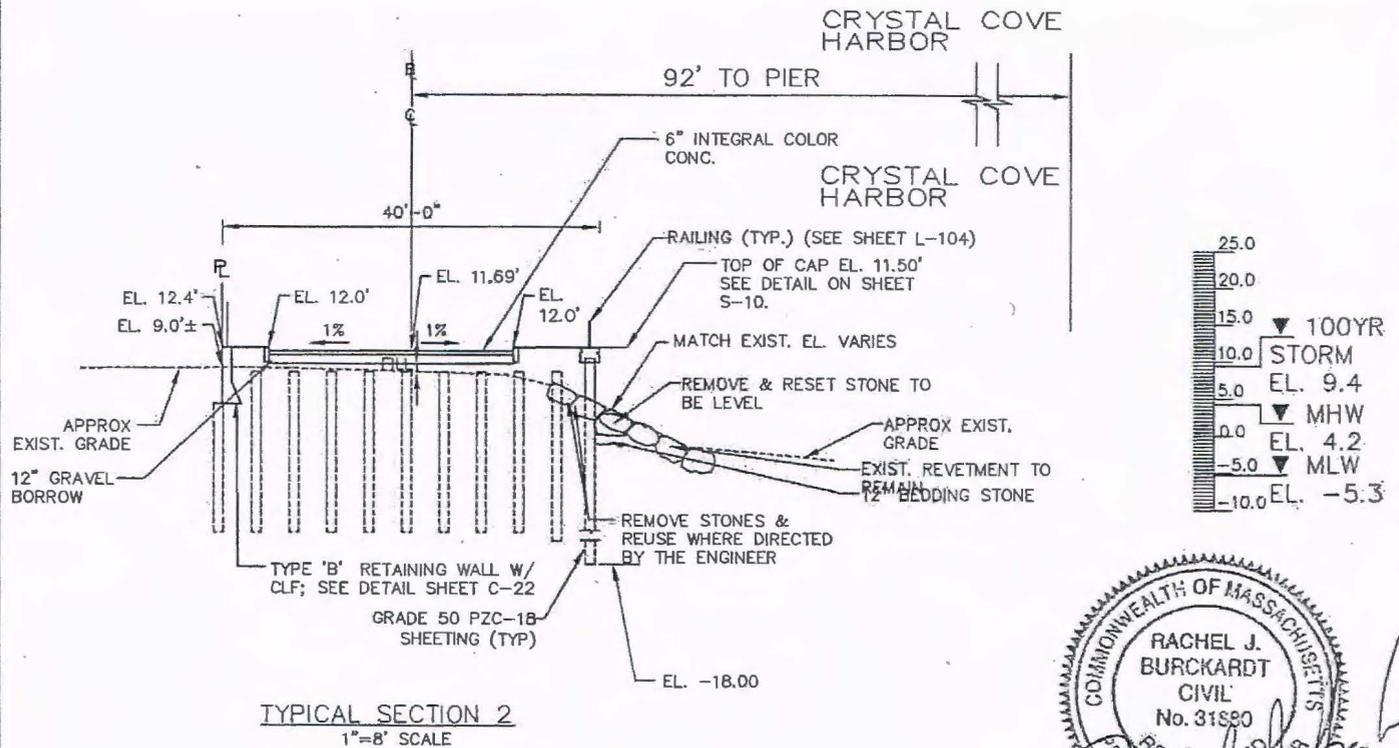
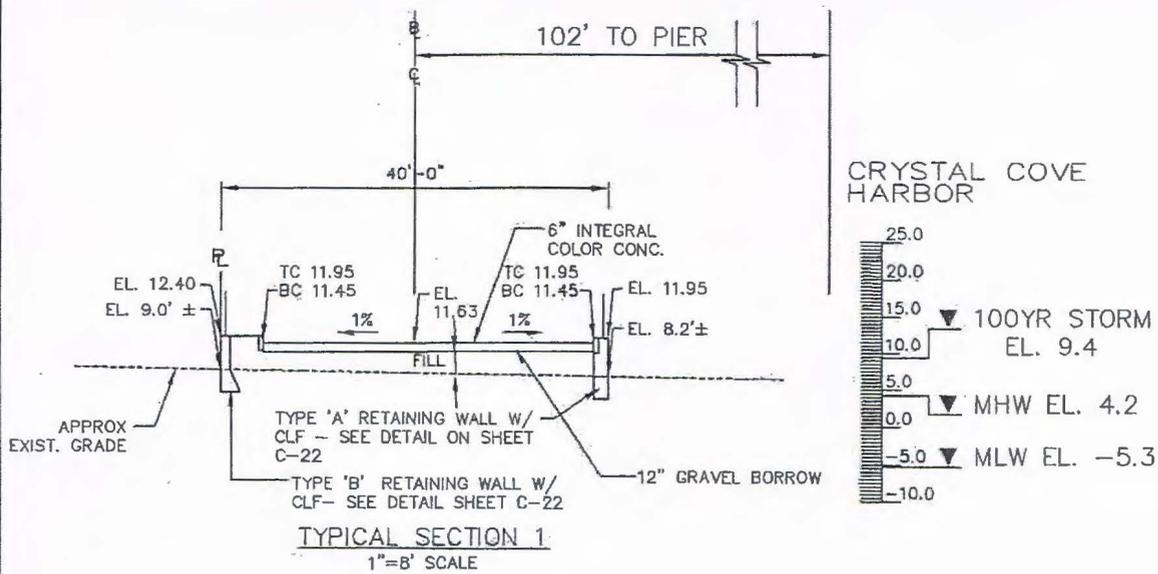
MHW —————
MLW ·········

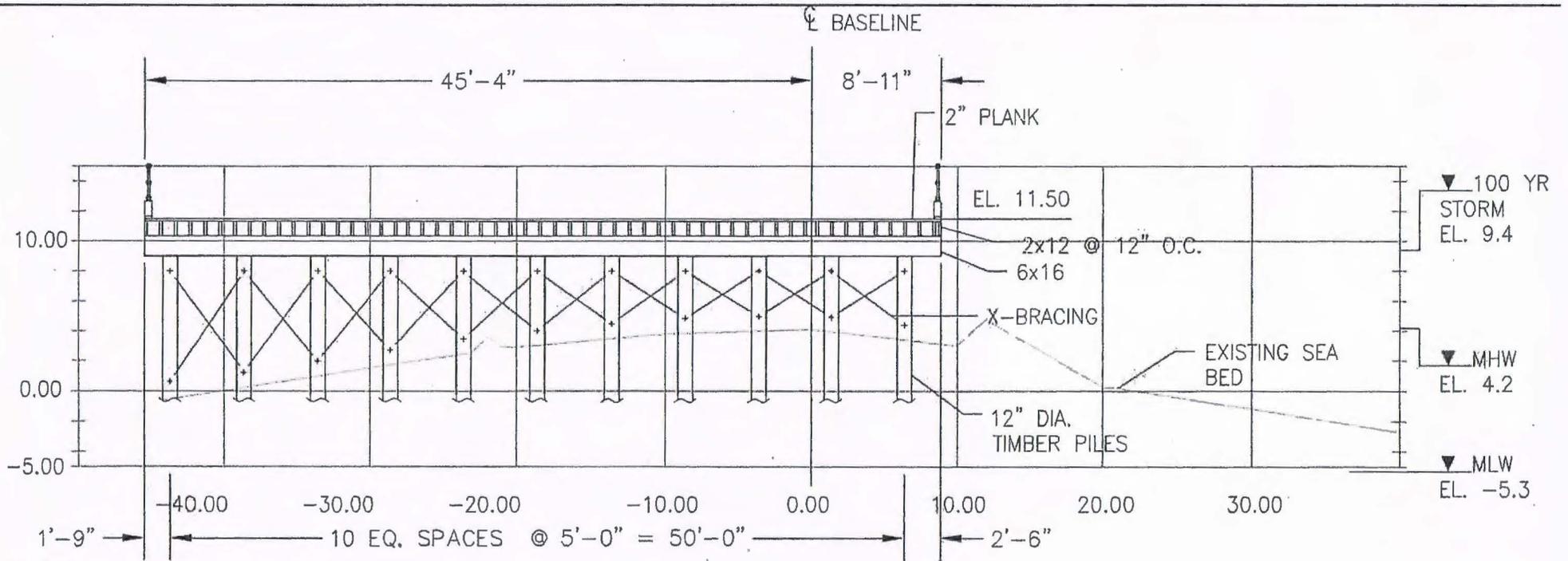


CRYSTAL COVE HARBOR



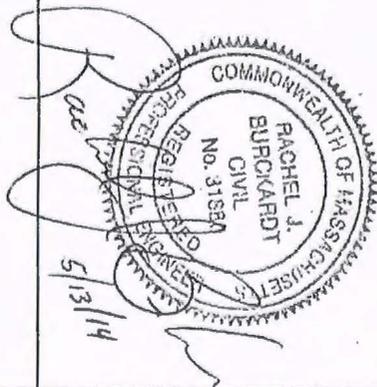
COMMONWEALTH OF MASSACHUSETTS
RACHEL J. BURCKARDT
CIVIL
No. 31880
REGISTERED PROFESSIONAL ENGINEER
5/13/14



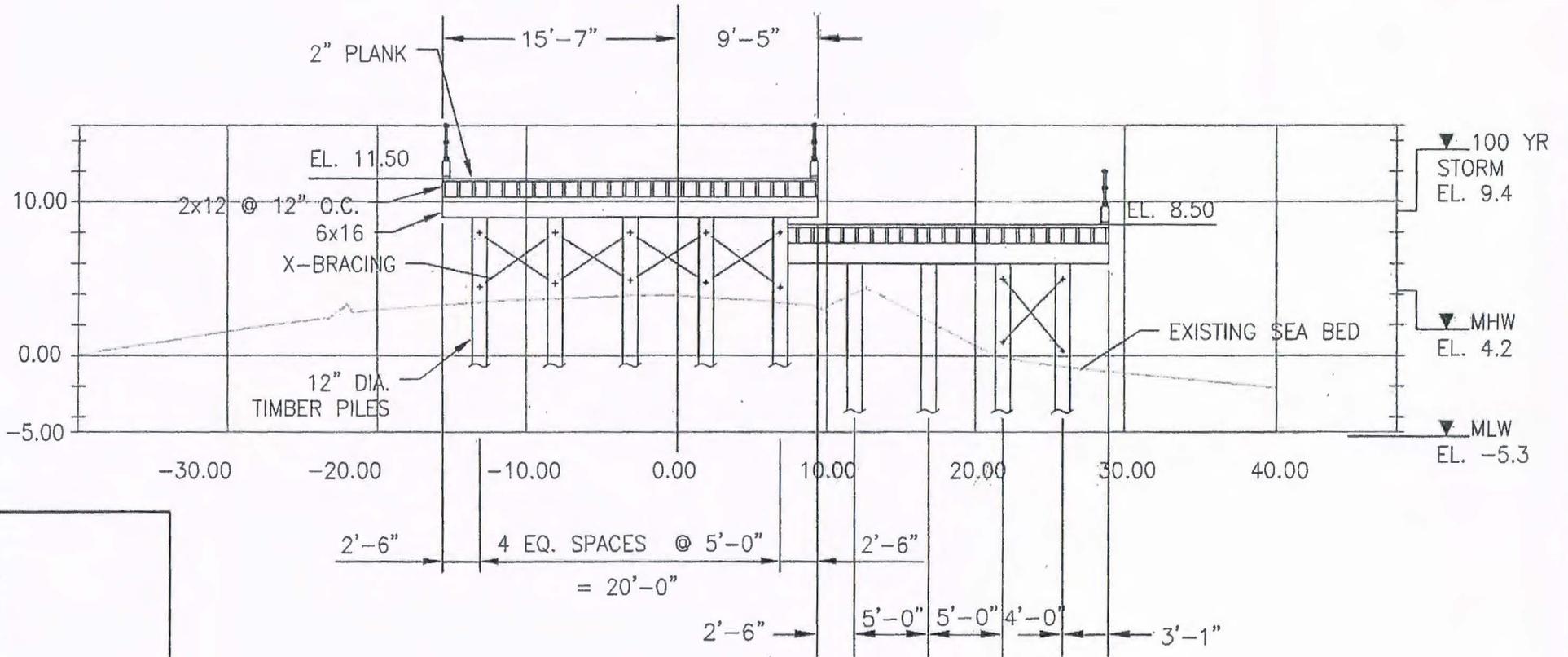


TYPICAL SECTION 1

1"=10' SCALE

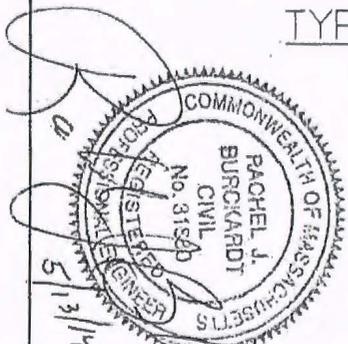


CL BASELINE



TYPICAL SECTION 1

1"=10' SCALE



WINTHROP HARBORWALK

DATE: APRIL 2014

SHEET 10 OF 10