



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

# PUBLIC NOTICE

**Comment Period Begins: October 27, 2015**  
**Comment Period Ends: November 26, 2015**  
**File Number: NAE-2013-1026**  
**In Reply Refer To: Crystal Gardner**  
**Phone: (978) 318-8332**  
**E-mail: crystal.i.gardner@usace.army.mil**

The District Engineer has received a permit application to conduct work in waters of the United States from Robert DeSalvio, Wynn MA LLC, 3131 Las Vegas Boulevard South, Las Vegas, Nevada 89109. This work is proposed in the Mystic River at 1 Horizon Way, Everett, Massachusetts 02149. The site coordinates are: Latitude 42 23'38" N Longitude 71 04' 17" W.

The work involves the mechanical dredging of 19,620 cubic yards (cy) of material from a 78,045 square foot area (sf) below the high tide line (HTL) which is at elevation +7.30 NAVD88 datum to a depth of -10 feet below mean low water (MLW) which is at elevation -5.21 NAVD88. Approximately 2,285 CY of this dredged material is between mean high water (MHW) located at elevation +4.35 NAVD88 datum and the HTL and will be removed by excavation in the dry. The dredged material will be disposed of at an out-of-state facility. In addition 4, 130 CY of fill will be placed and maintained below the HTL for shoreline stabilization and within an area of ecological restoration as part of a living shoreline.

The work also includes the placement and maintenance of a 525 linear foot (lf) vertical steel bulkhead which will replace the existing bulkhead, the construction and maintenance of a 9,240 square foot (sf) floating dock system, a 5, 800 sf pile supported walkway (20' x 290') and two new 42-inch diameter and one relocated 36-inch storm water outfalls.

The work is shown on the attached plans entitled "WYNN RESORT IN EVERETT, MYSTIC RIVER," on twelve sheets, and dated "JULY 2015." The purpose of this project is to clean-up a vacant chemical plant site and to create a gaming establishment.

Mitigation of the impacts will include but not limited to intertidal shoreline clean-up of remnant industrial debris and sunken barges, the creation of a living shoreline and the possibility of compensation using the Massachusetts In-Lieu-Fee Program.

The applicant has avoided and minimized impacts to resources to the extent possible to maintain a viable project.

## **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 .5 acres of Essential Fish Habitat for those species listed on the attached table. This habitat consists of mud and sand. Loss of this habitat may adversely affect Pollock (*Pollachius virens*) -juveniles, Winter Flounder (*Pleuronectes americanus*)-all life stages and Windowpane Flounder (*Scopthalmus aquosus*)-all life stages. 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 the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

#### **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**



**CENAE-R**  
**FILE NO. NAE-2013-1026**

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:


- (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 Crystal Gardner at (978) 318-8332, (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.

**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](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: \_\_\_\_\_

PHONE: \_\_\_\_\_

**Table 3: Inner Boston Harbor / Lower Mystic River EFH Designated Species**

<i>Species</i>	<i>Eggs</i>	<i>Larvae</i>	<i>Juveniles</i>	<i>Adults</i>
Atlantic cod ( <i>Gadus morhua</i> )	X	X	X	X
haddock ( <i>Melanogrammus aeglefinus</i> )	X	X		
pollock ( <i>Pollachius virens</i> )	X	X	X	X
whiting ( <i>Merluccius bilinearis</i> )	X	X	X	X
Red hake ( <i>Urophycis chuss</i> )	X	X	X	X
white hake ( <i>Urophycis tenuis</i> )	X	X	X	X
winter flounder ( <i>Pleuronectes americanus</i> )	X	X	X	X
yellowtail flounder ( <i>Pleuronectes ferruginea</i> )	X	X	X	X
windowpane flounder ( <i>Scopthalmus aquosus</i> )	X	X	X	X
American plaice ( <i>Hippoglossoides platessoides</i> )	X	X	X	X
ocean pout ( <i>Macrozoarces americanus</i> )	X	X	X	X
Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )	X	X	X	X
Atlantic sea scallop ( <i>Placopecten magellanicus</i> )	X	X	X	X
Atlantic sea herring ( <i>Clupea harengus</i> )		X	X	X
long finned squid ( <i>Loligo pealei</i> )	n/a	n/a	X	X
short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a	X	X
Atlantic butterfish ( <i>Peprilus triacanthus</i> )	X	X	X	X
Atlantic mackerel ( <i>Scomber scombrus</i> )	X	X	X	X
summer flounder ( <i>Paralichthys dentatus</i> )				X
scup ( <i>Stenotomus chrysops</i> )			X	X
black sea bass ( <i>Centropristus striata</i> )			X	X
surf clam ( <i>Spisula solidissima</i> )	n/a	n/a	X	X
bluefin tuna ( <i>Thunnus thynnus</i> )			X	X

Source: NMFS, 2001





Wynn Resort in Everett  
Everett, Massachusetts

Figure 1  
Locus Map  
Source: US Geological Survey, 1995





**Wynn Resort in Everett**  
Everett, Massachusetts

Figure 2  
**Locus Aerial**  
Source: MassGIS, 2008

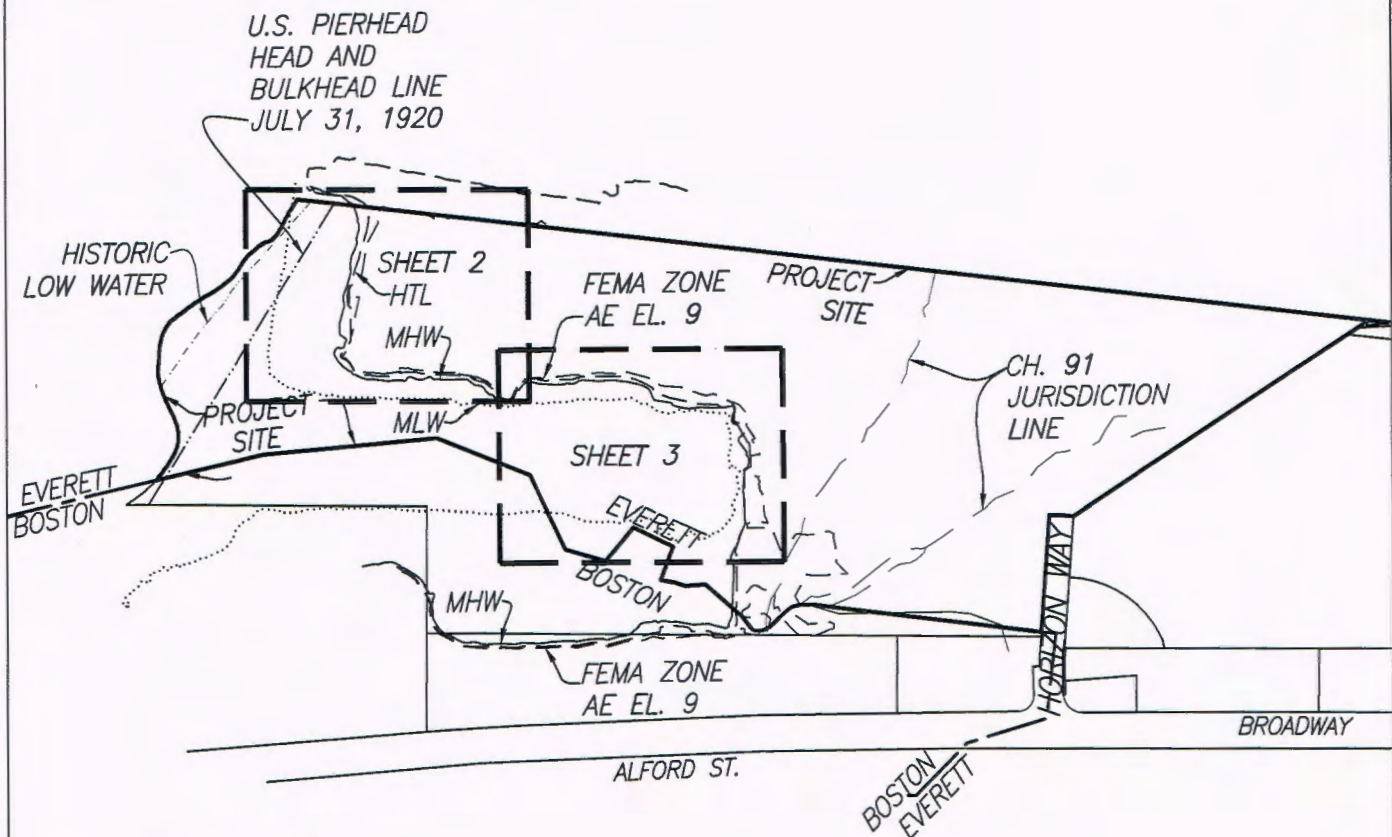


GENERAL NOTES:

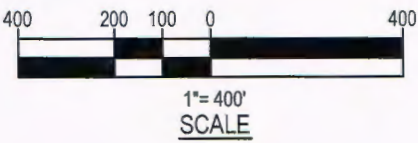
ELEVATIONS REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988(NAVD88).

REFERENCE MADE TO A PLAN ENTITLED "EXISTING CODITIONS PLAN OF LAND, BROADWAY (ROUTE 99), EVERETT, MASS." DATED FEBRUARY 27, 2015, PREPARED BY FELDMAN LAND SURVEYORS.

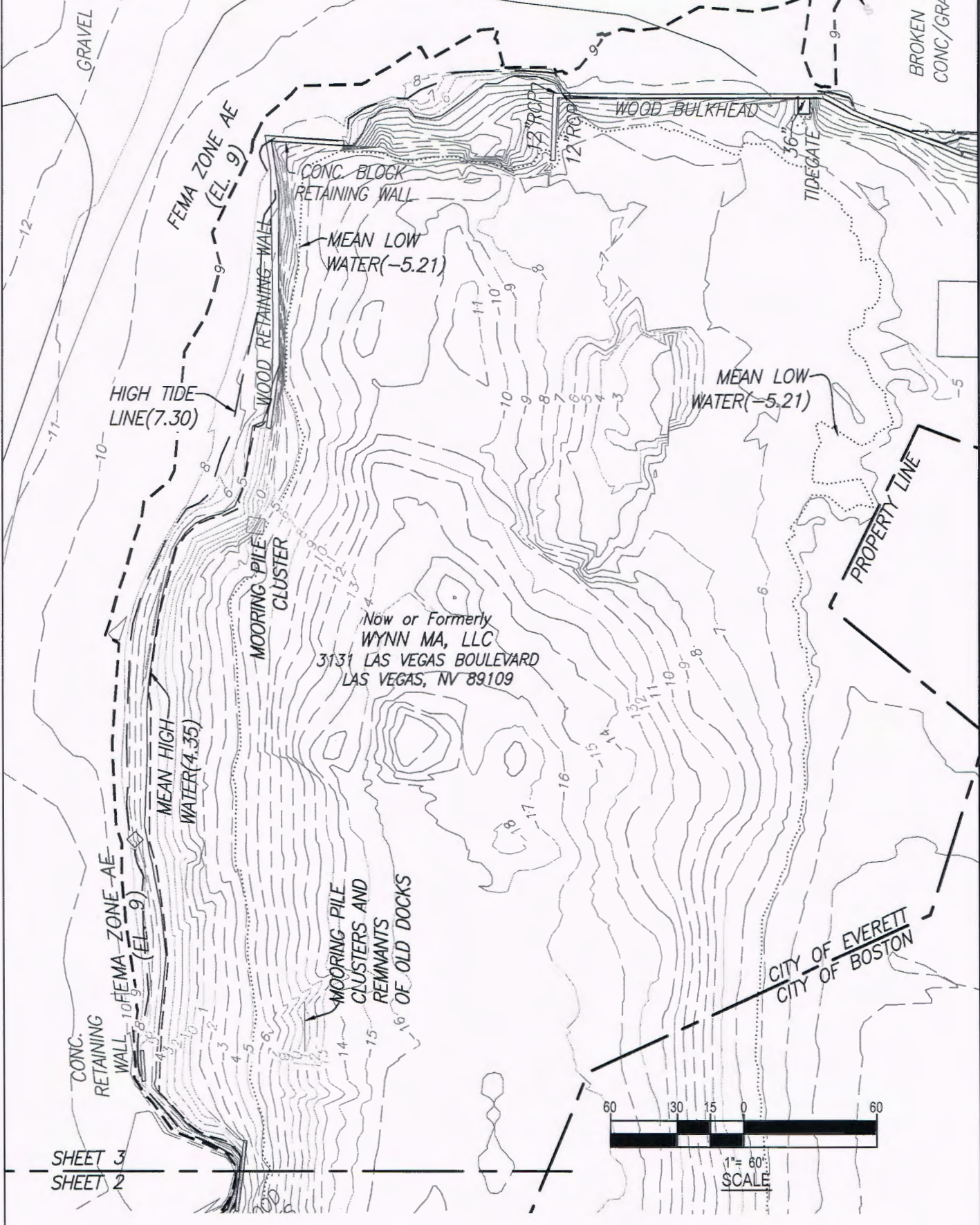
- LEGEND
- HIGH TIDE LINE (HTL) [7.30']
  - MEAN HIGH WATER(MHW) [4.35']
  - ..... MEAN LOW WATER(MLW) [-5.21']
  - HISTORIC MHW
  - ..... HISTORIC MLW
  - FEMA FLOODPLAIN BOUNDARY [9']



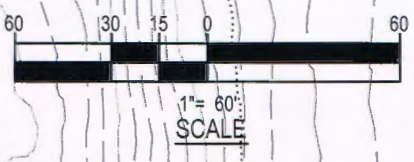
"KEY SHEET"  
WYNN RESORT IN EVERETT  
MYSTIC RIVER  
SHEET 1 OF 12  
DATE: JULY 2015



"EXISTING CONDITIONS PLAN"  
WYNN RESORT IN EVERETT  
MYSTIC RIVER  
SHEET 2 OF 12  
DATE JULY 2015

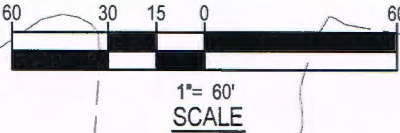


SHEET 3  
SHEET 2





"EXISTING CONDITIONS PLAN"  
WYNN RESORT IN EVERETT  
MYSTIC RIVER  
SHEET 3 OF 12  
DATE: JULY 2015



SHEET 3  
SHEET 2

Now or Formerly  
MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY  
10 PARK PLAZA  
BOSTON, MASS 02116

HIGH TIDE  
LINE(7.30)

Now or Formerly  
WYNN MA, LLC  
3131 LAS VEGAS BOULEVARD  
LAS VEGAS, NV 89109

OVERGROWTH

GRAVEL PATH

5' CLF  
PROPERTY LINE

FEMA ZONE AE  
(EL. 9)

HIGH TIDE  
LINE(7.30)

MEAN HIGH  
WATER(4.35)

U.S. PIERHEAD HEAD AND  
BULKHEAD LINE  
JULY 31, 1920

MEAN LOW  
WATER(-5.21)

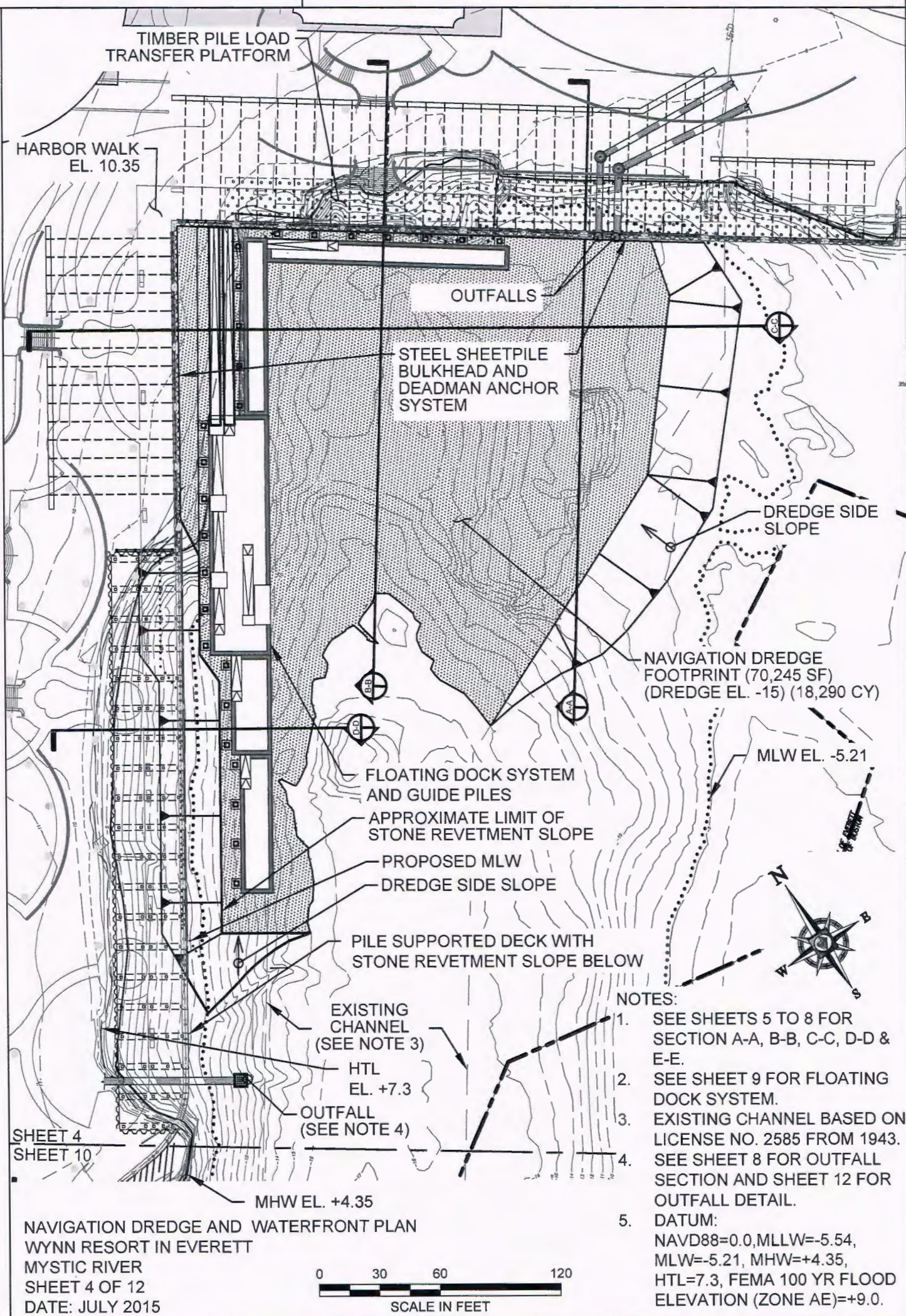
HISTORIC  
LOW WATER



I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

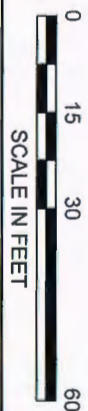
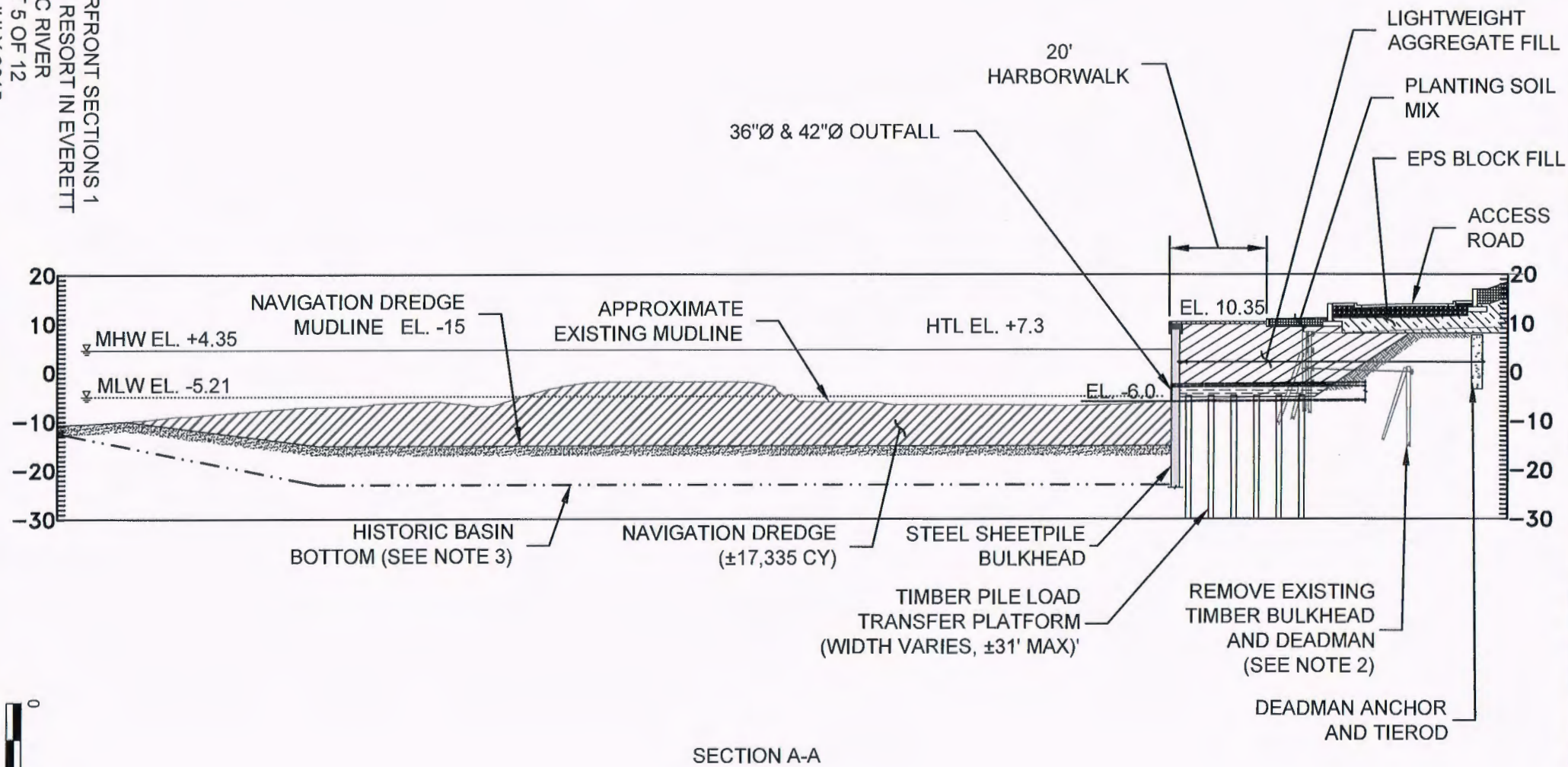
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DATE





WATERFRONT SECTIONS 1  
WYNN RESORT IN EVERETT  
MYSTIC RIVER  
SHEET 5 OF 12  
DATE: JULY 2015



NOTES:

1. SEE SHEET 4 FOR PLAN VIEW.
2. EXISTING TIMBER BULKHEAD BASED ON LICENSE NO. 200 & 201 FROM 1922 AND LICENSE NO. 2585 FROM 1943.
3. HISTORIC BASIN BOTTOM BASED ON LICENSE NO. 2585 FROM 1943.

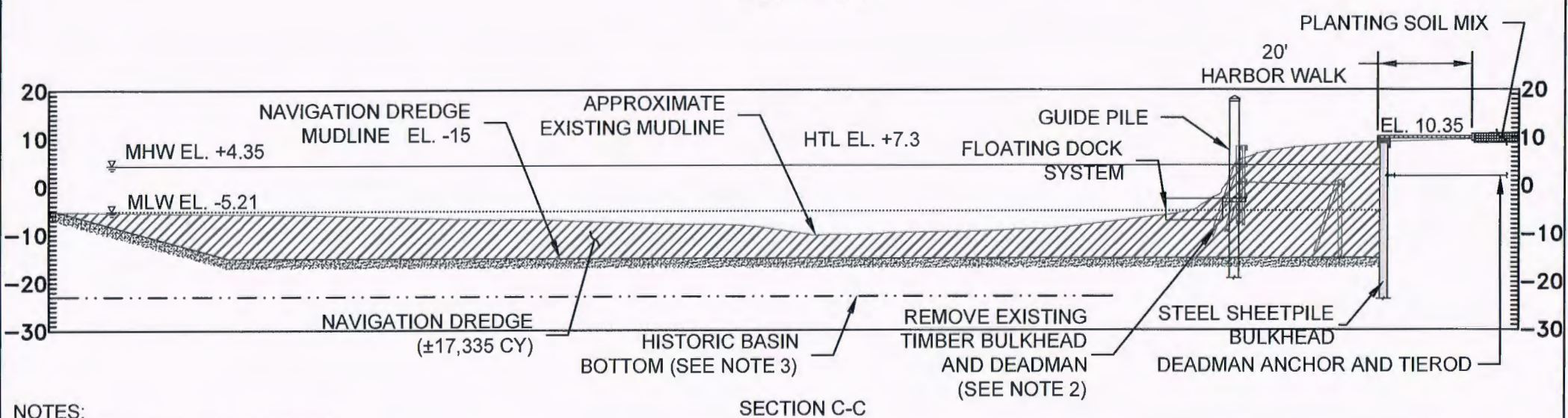
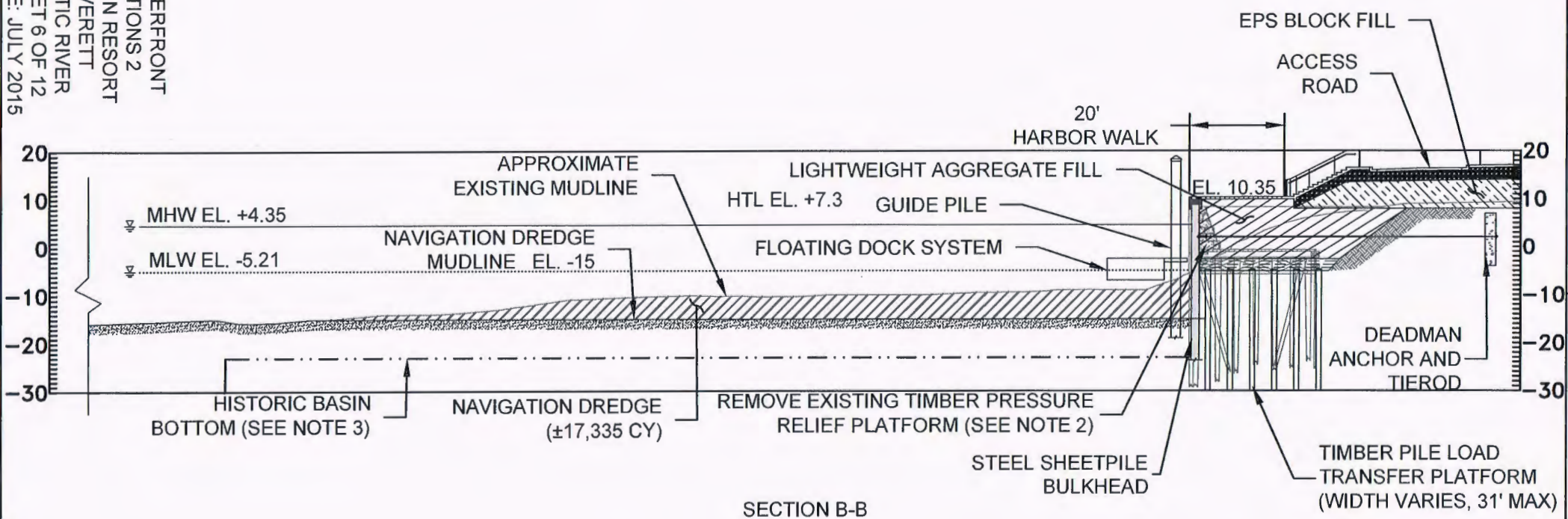
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DATE \_\_\_\_\_

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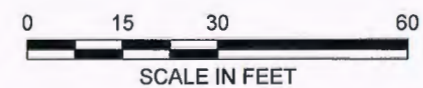


WATERFRONT  
SECTIONS 2  
WYNN RESORT  
IN EVERETT  
MYSTIC RIVER  
SHEET 6 OF 12  
DATE: JULY 2015



NOTES:

1. SEE SHEET 4 FOR PLAN VIEW.
2. EXISTING TIMBER BULKHEAD BASED ON LICENSE NO. 200 & 201 FROM 1922 AND LICENSE NO. 2585 FROM 1943.
3. HISTORIC BASIN BOTTOM BASED ON LICENSE NO. 2585 FROM 1943.



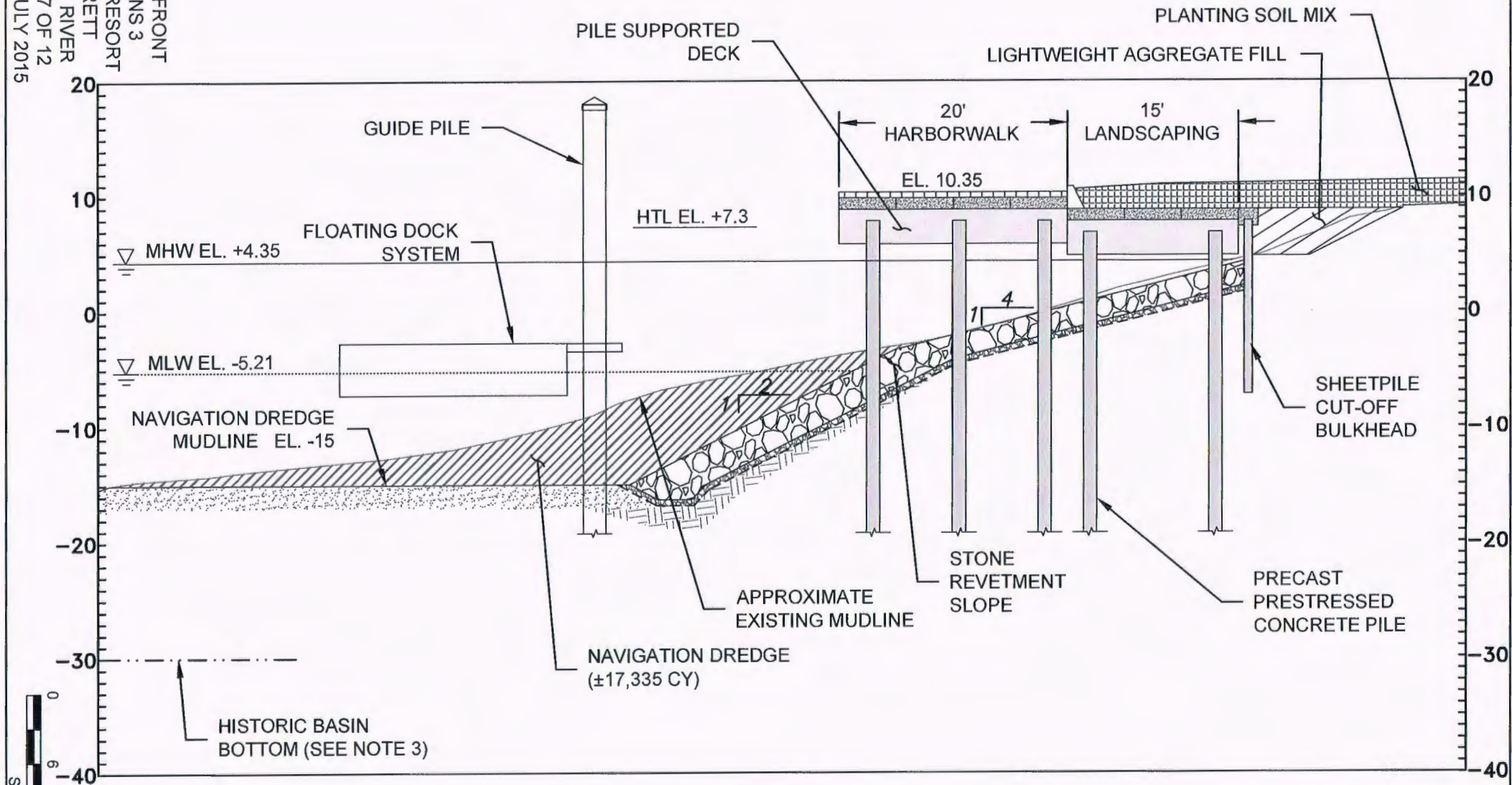
SIGNATURE

DATE

I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.



WATERFRONT  
SECTIONS 3  
WYNN RESORT  
IN EVERETT  
MYSTIC RIVER  
SHEET 7 OF 12  
DATE: JULY 2015



NOTES:

1. SEE SHEET 4 FOR PLAN VIEW.
2. FLOATING DOCK SYSTEM: ESTIMATED 48" MAXIMUM DRAFT, ESTIMATED 30" MINIMUM UNDERCLEARANCE. SEE SHEET 9 FOR FLOATING DOCK SYSTEM PLAN.
3. HISTORIC BASIN BOTTOM BASED ON LICENSE NO. 2585 FROM 1943.

SECTION D-D

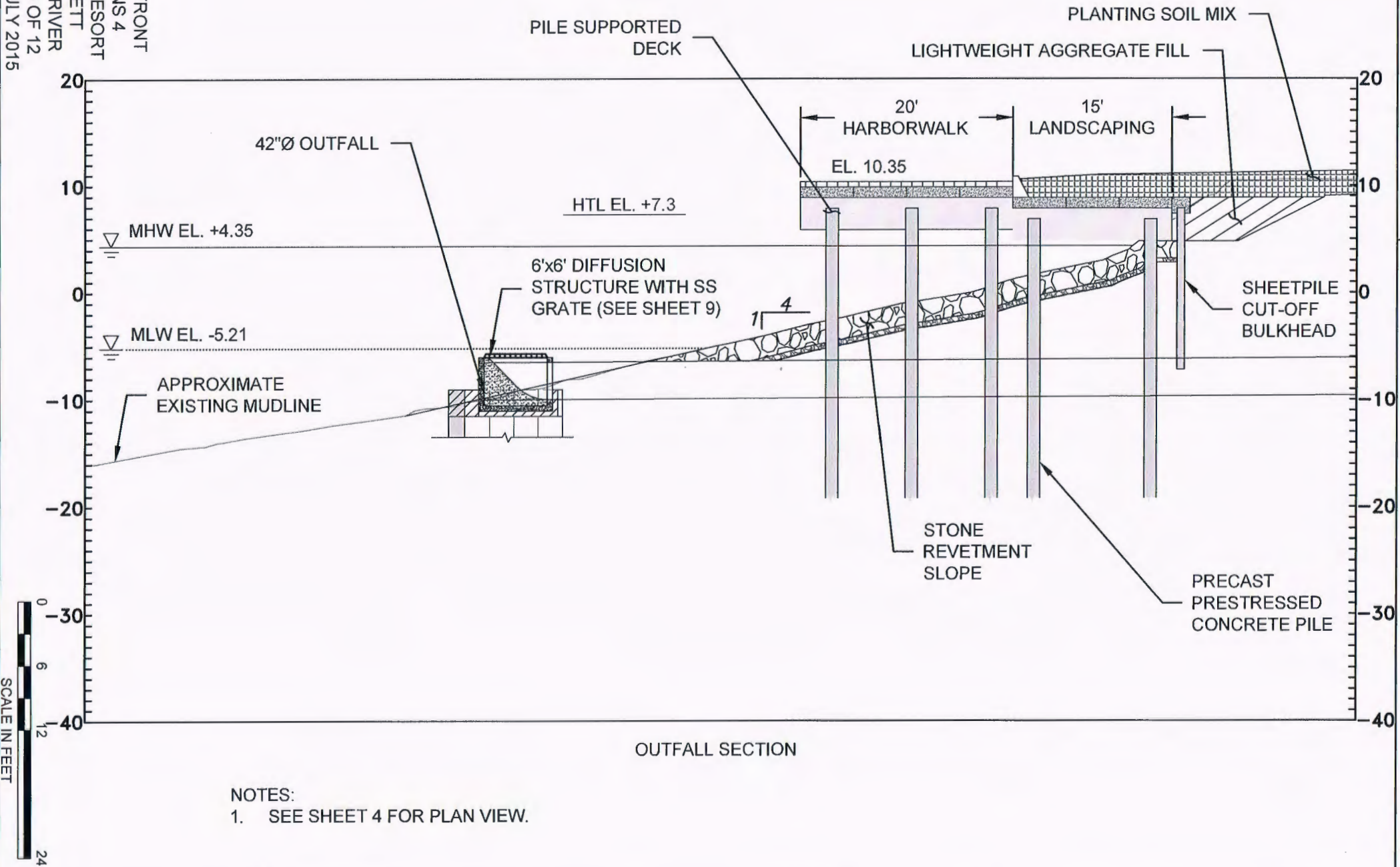
SIGNATURE

DATE

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WATERFRONT  
SECTIONS 4  
WYNN RESORT  
IN EVERETT  
MYSTIC RIVER  
SHEET 8 OF 12  
DATE: JULY 2015



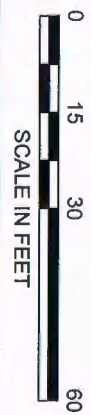
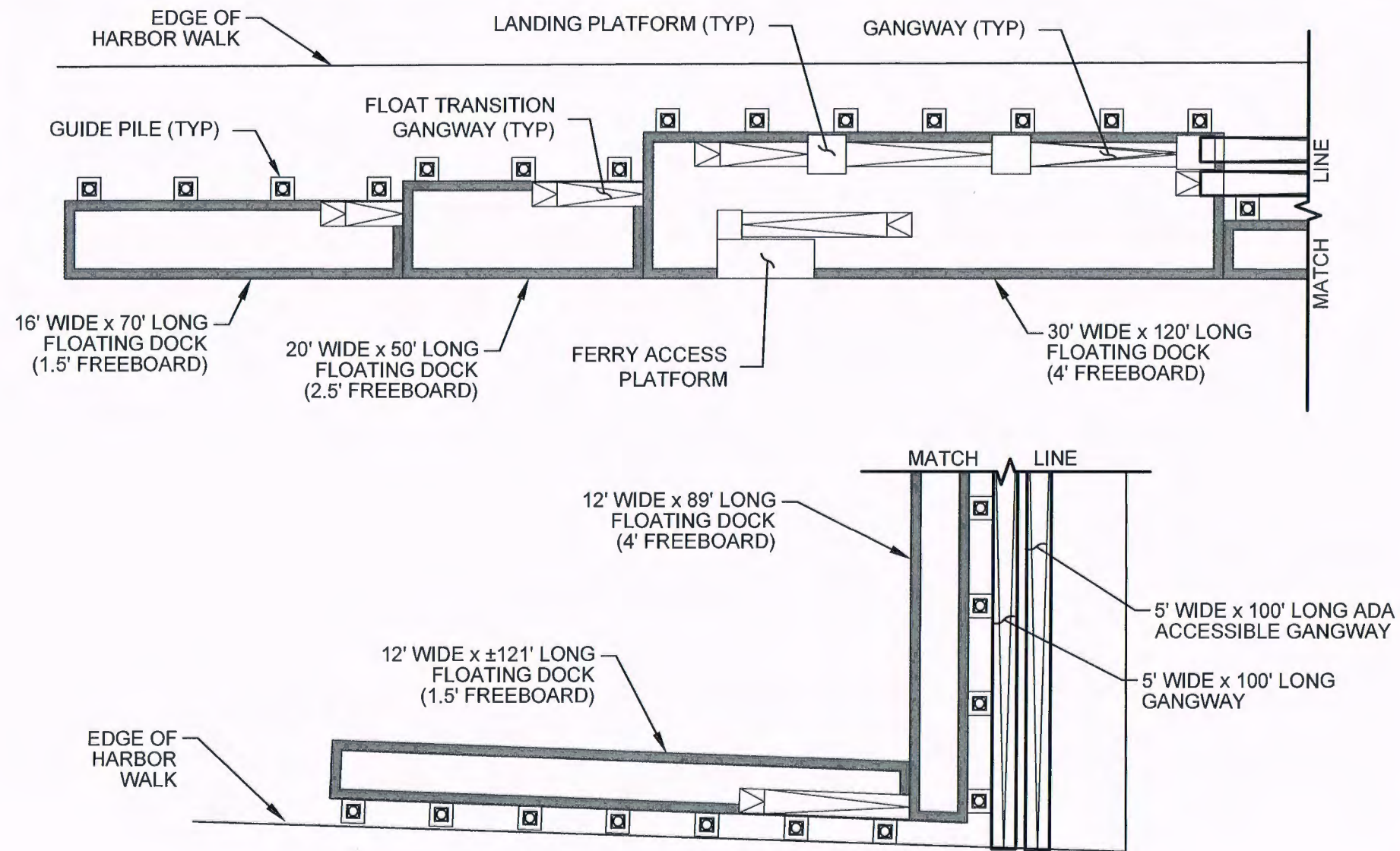
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DATE \_\_\_\_\_

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RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.



FLOATING DOCK SYSTEM PLAN  
WYNN RESORT IN EVERETT  
MYSTIC RIVER  
SHEET 9 OF 12  
DATE: JULY 2015



NOTES:

1. FLOATING DOCK DIMENSIONS, RAMP SLOPES AND FEATURES TO COMPLY WITH 521 CMR.
2. FLOATING DOCK SYSTEM TO HAVE A MAXIMUM DRAFT OF 4 FEET AND A MINIMUM 2.5 FEET UNDERCLEARANCE.

I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

SIGNATURE

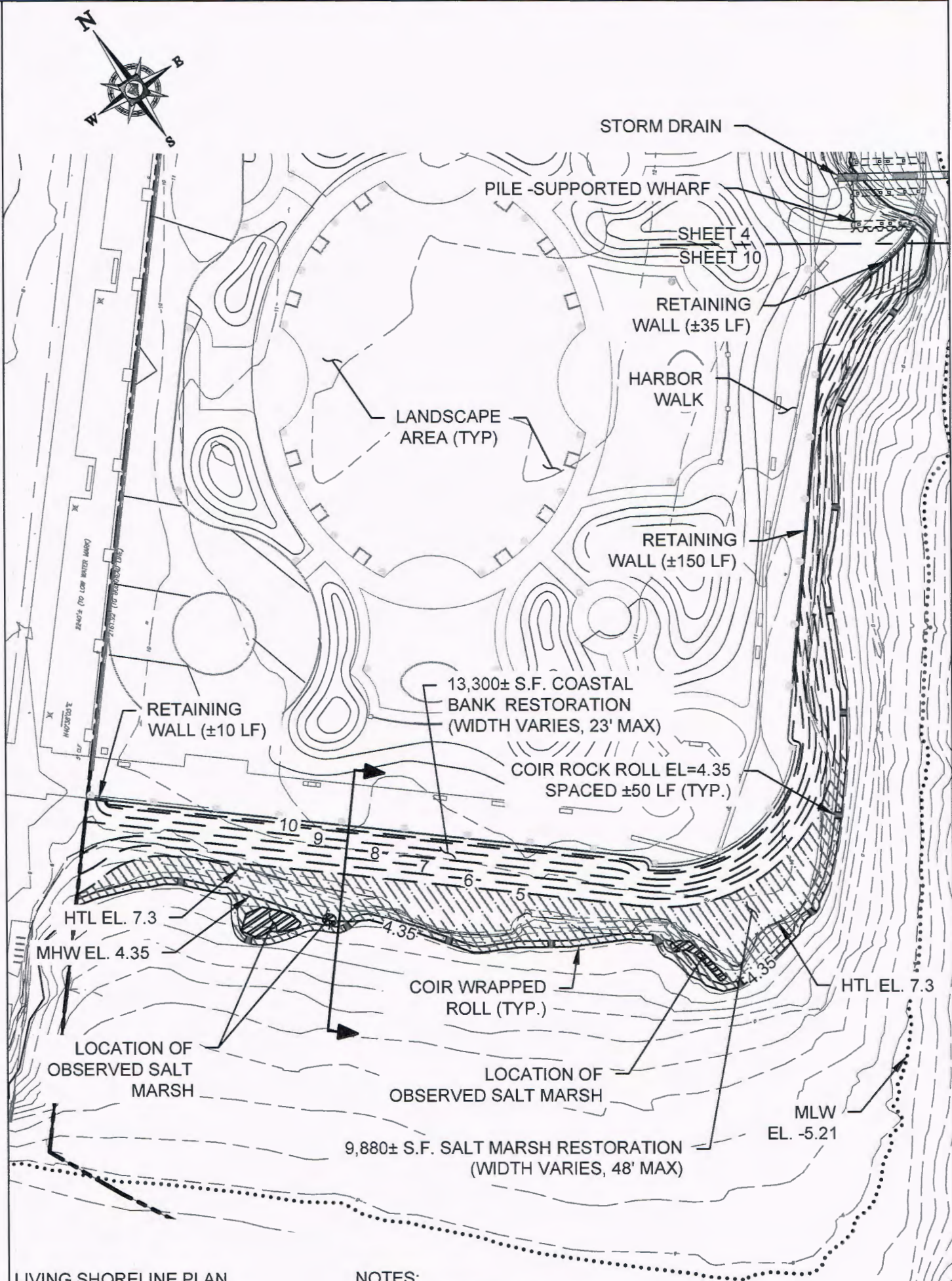
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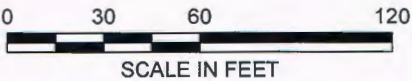
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DATE



LIVING SHORELINE PLAN  
WYNN RESORT IN EVERETT  
MYSTIC RIVER  
SHEET 10 OF 12  
DATE: JULY 2015

NOTES:  
1. SEE SHEET 11 FOR  
TYPICAL SECTION.

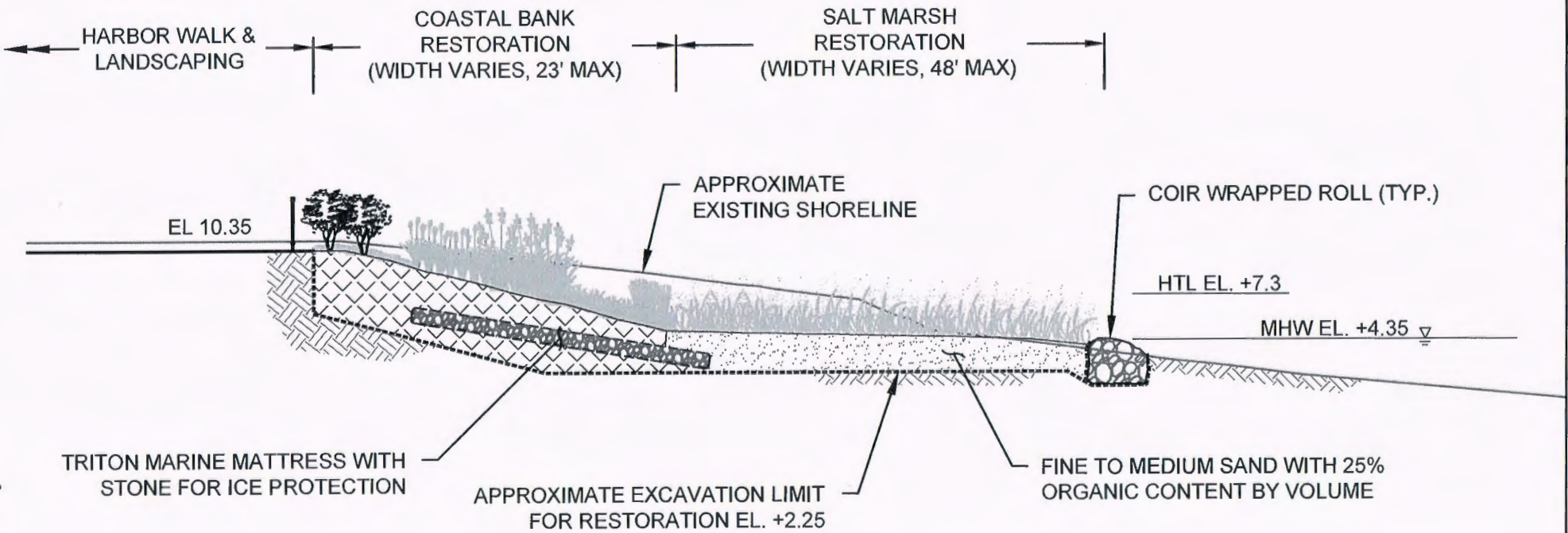




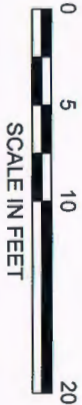
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_



TYPICAL LIVING SHORELINE SECTION



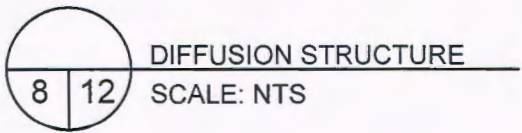
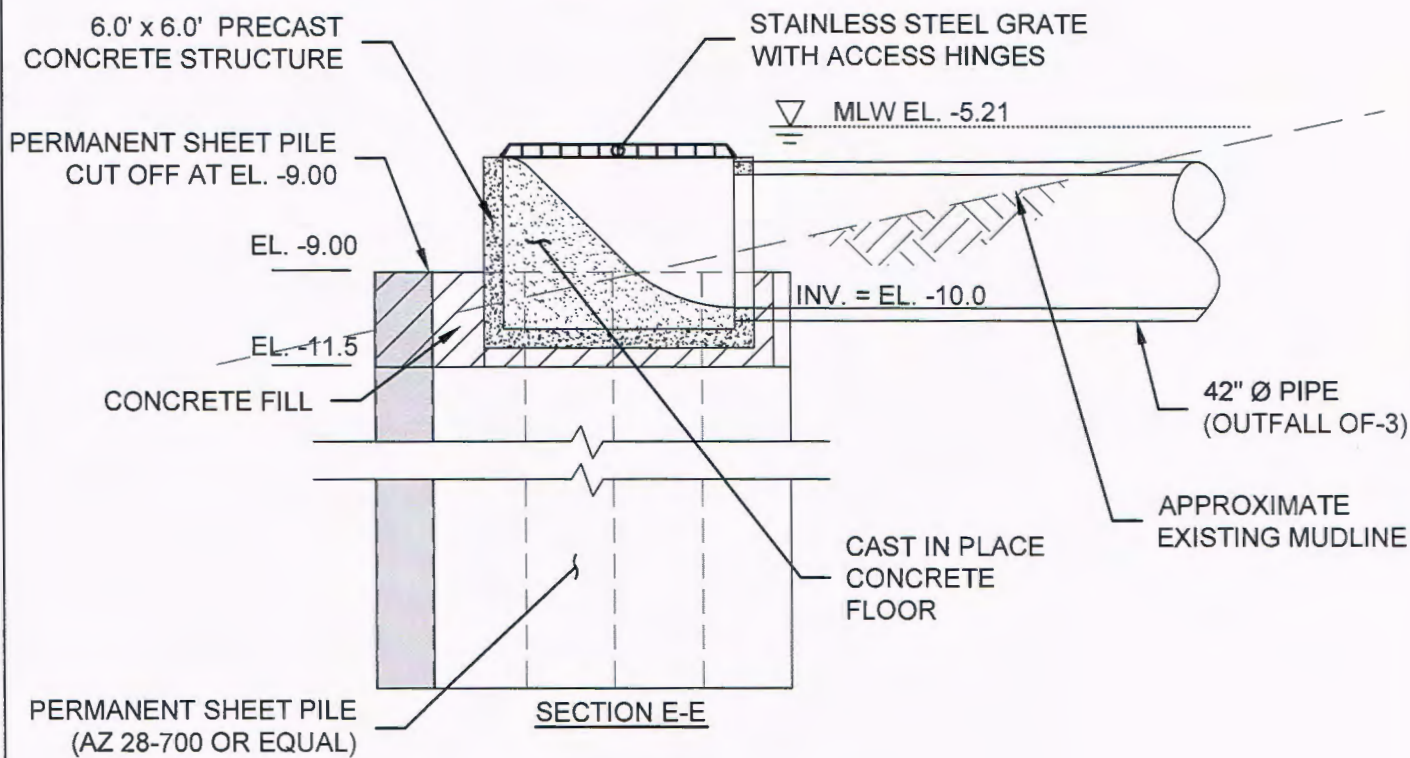
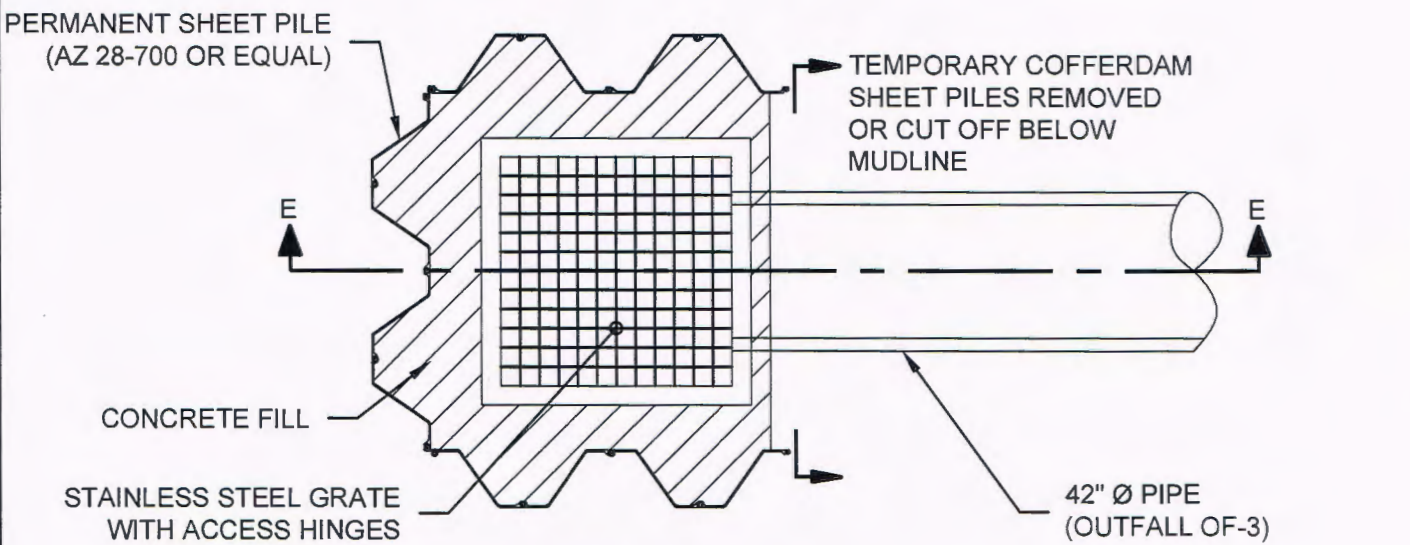
LIVING SHORELINE SECTION  
WYNN RESORT IN EVERETT  
MYSTIC RIVER  
SHEET 11 OF 12  
DATE: JULY 2015



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SIGNATURE

DATE



DIFFUSION STRUCTURE  
WYNN RESORT IN EVERETT  
MYSTIC RIVER  
SHEET 12 OF 12  
DATE: JULY 2015

