



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

PUBLIC NOTICE

Comment Period Begins: April 6, 2010
Comment Period Ends: May 6, 2010
File Number: NAE-2004-3550
In Reply Refer To: John Sargent
Phone: (978) 318-8026
E-mail: john.c.sargent@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. This Public Notice is reissued to include the attached list of project locations that was omitted in the Public Notice issued on March 30, 2010.

APPLICANT Massachusetts Division of Marine Fisheries, Attn: Phillip Brady, 1213 Purchase Street, New Bedford, Massachusetts 02740

ACTIVITY The work would be in navigable and inland waters and would result in discharge of dredge or fill material in coastal streams and the Merrimack River. The purpose of the work would be to restore, and maintain fishways at 180 existing facilities to provide diadromous fish access to spawning and nursery habitats (a list of sites is attached). The extent of the work would range from minor repairs to replacement. Fishways are typically 30-100 feet in length, 4 to 6 feet wide and 2 to 4 feet deep. Construction materials are usually steel reinforced concrete and concrete or wood baffles. Cofferdams would be temporarily placed to dewater work areas during construction.

The work is described on the enclosed plans entitled "FISHWAY DESIGNS USED IN DMF CONSTRUCTION PROGRAM," on 4 sheets, and dated "February 24, 2010."

WATERWAY AND LOCATION OF THE PROPOSED WORK

The work is proposed in navigable waters and coastal streams in Barnstable, Bristol, Dukes, Essex, Middlesex, Norfolk, Plymouth and Suffolk counties in Massachusetts. Refer to attached list of locations.

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 Essential Fish Habitat (EFH) for juvenile and adult Atlantic salmon at the Pawtucket Dam and the Essex Dam sites on the Merrimack River. The work would also affect EFH habitat for forage species to include blueback herring, alewife, American shad, rainbow smelt, and American eel. 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.

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 Officers

INFORMAL 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 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.

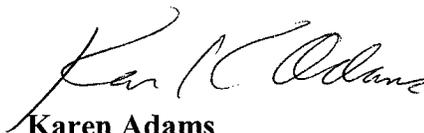
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact John Sargent at (978) 318-8026, (800) 343-4789 or (800) 362-4367, if calling 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.

In accordance with 33 CFR 325.2(a)(8), we publish monthly a list of permits issued or denied during the previous month at www.nae.usace.army.mil/reg, under the heading "Monthly General and Individual Permit Authorizations." Relevant environmental documents and the SOFs or RODs are available upon written request and, where applicable, upon the payment of administrative fees. Also visit www.nae.usace.army.mil for more information on the New England District Corps of Engineers programs.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



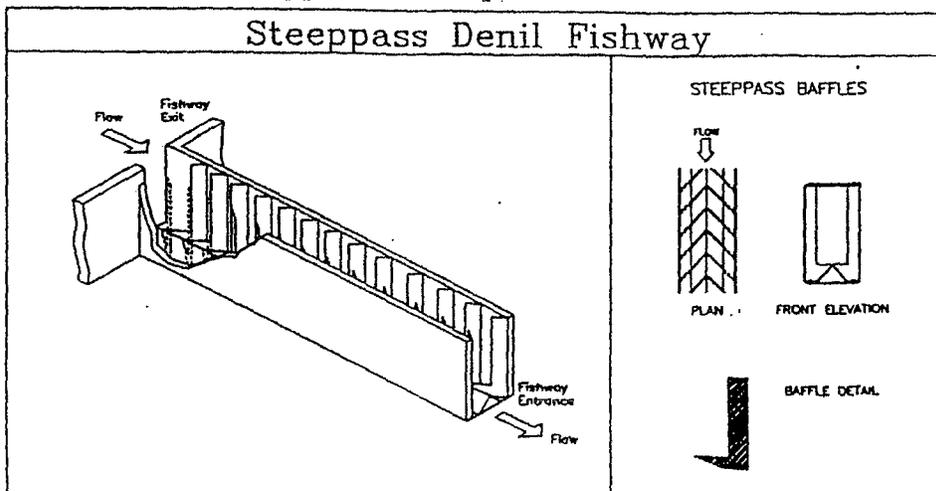
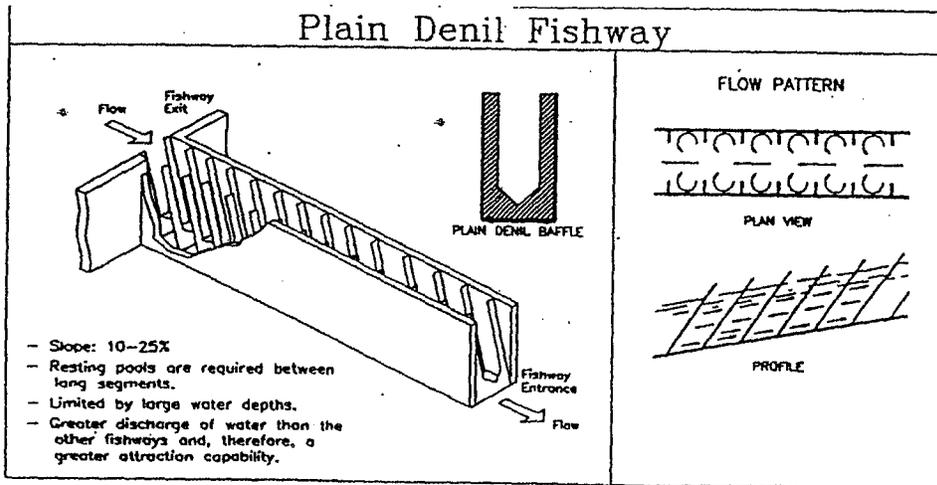
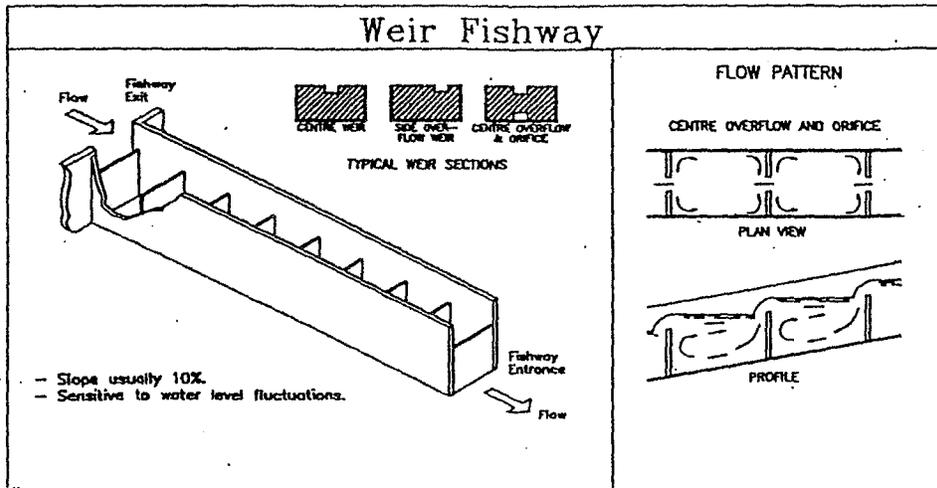
Karen Adams
Chief, Permits and Enforcement Branch
Regulatory Division

CENAE-R
FILE NO. NAE-2004-3550

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.

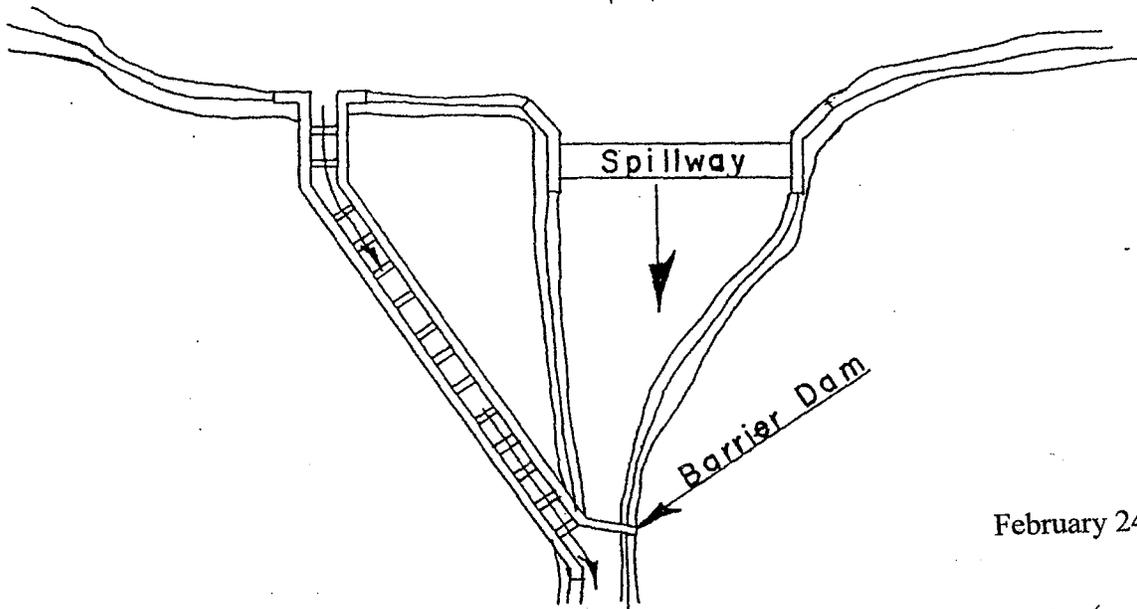
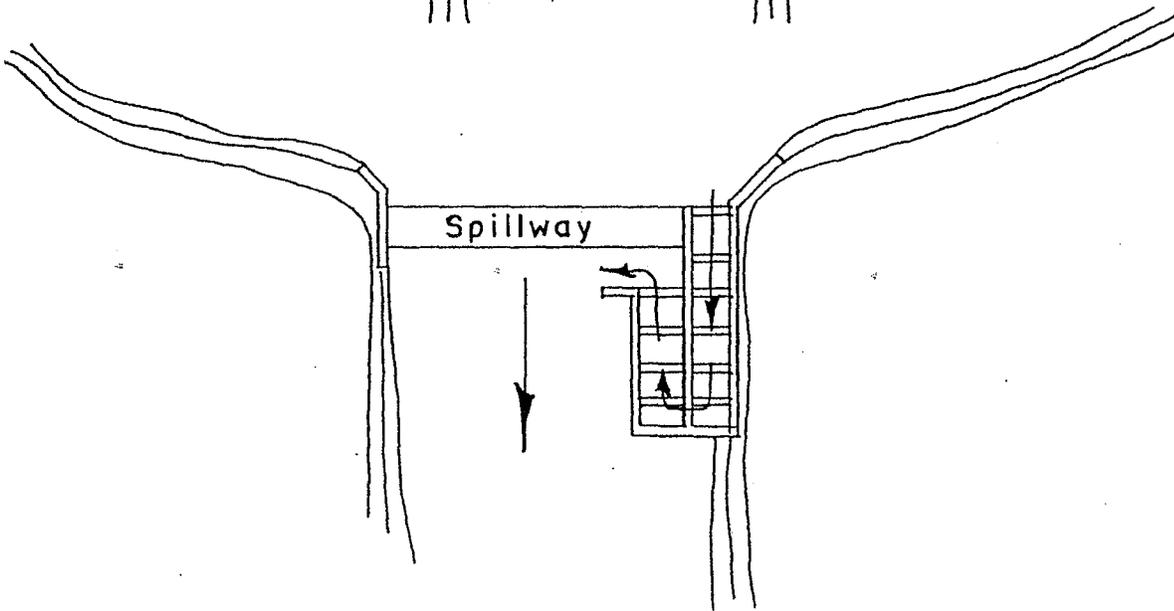
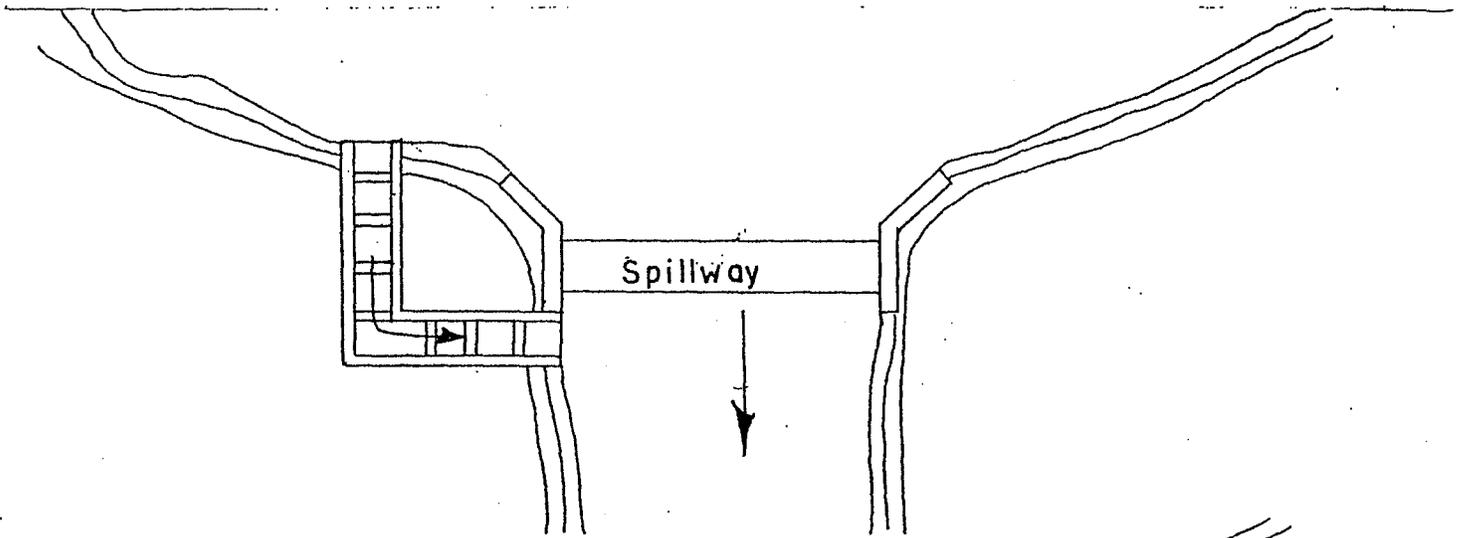
NAME: _____
ADDRESS: _____

FISHWAY DESIGNS USED IN DMF CONSTRUCTION PROGRAM



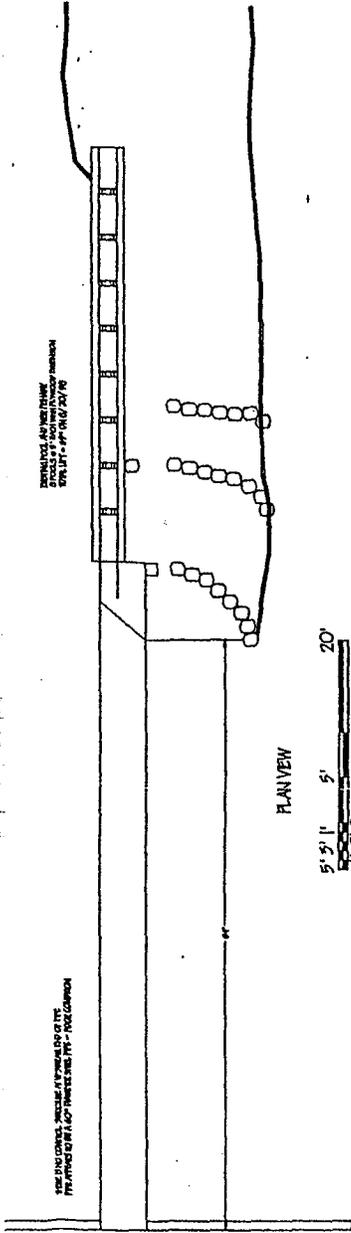
February 24, 2010

Fishway Placement in Dams

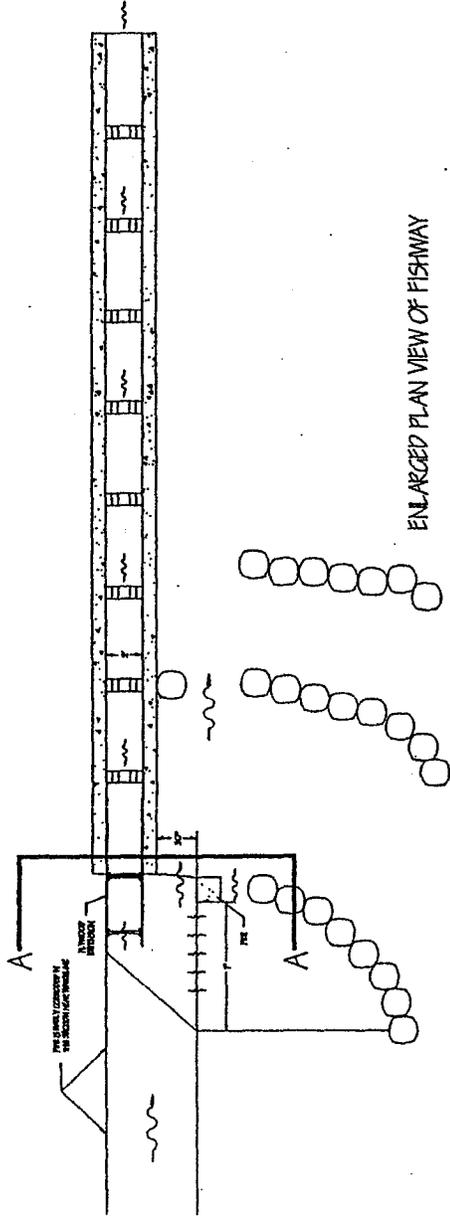


February 24, 2010

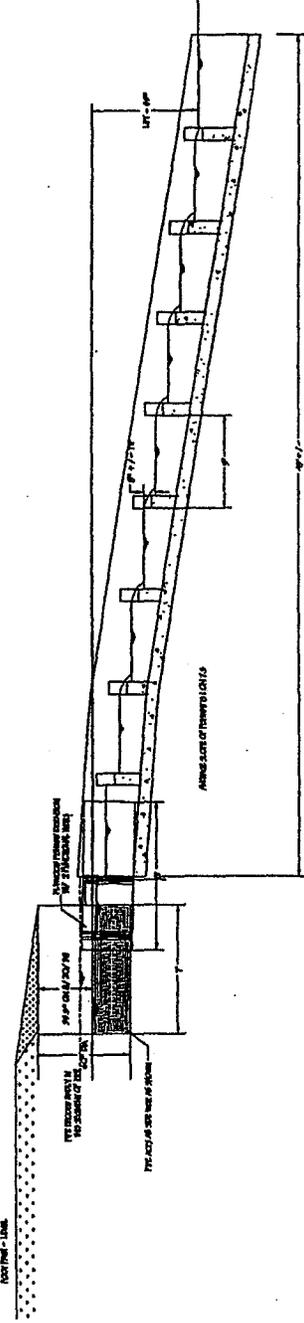
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PLAN VIEW



ENLARGED PLAN VIEW OF FISHWAY



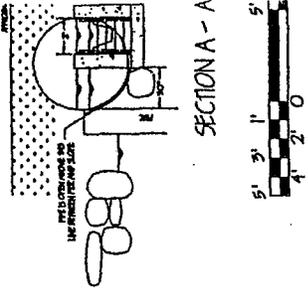
SECTION VIEW OF FISHWAY

TYPICAL CONCRETE WEIR-POOL DESIGN

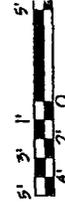
February 24, 2010

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1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. DIMENSIONS IN PARENTHESES ARE ALTERNATE DIMENSIONS.
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SECTION A - A



Wood Denil
Concrete weir-pool
Stream baffles
Concrete/wood weir-pool
Concrete stream baffles
Concrete weir
Concrete/wood notched weir
Concrete weir
Concrete/wood weir-pool
Concrete/wood weir-pool
Wood Denil
Concrete/wood weir-pool
Concrete/wood weir-pool
Concrete stream baffles
Wood weir-pool
Wood Denil
Concrete/wood weir-pool
Concrete/wood weir-pool
Concrete/wood weir-pool
Wood Denil
Placed boulders
Concrete weir-pool
Concrete bog flume
Wood weir-pool
Concrete/wood weir pool
Wood weir-pool
Concrete weir-pool
Wood weir-pool
Wood weir-pool
Concrete weir-pool
Concrete weir-pool
Concrete weir pool
Stream baffles
Wood weir-pool
Concrete stream baffles
Concrete/wood weir
Concrete weir-pool
Concrete/wood weir
Stone/concrete weir-pool
Stone/concrete weir-pool
Weir-pool

Red Brook
Red Brook
Pocasset River
Cedar Lake Ditch
Herring Brook
Wild harbor River
Trunk River
Fresh River
Coonamessett River
Coonamessett River
Coonamessett River
Flax Pond
Green Pond
Childs River
Quashnet River
Quashnet River
Mashpee River
Mashpee River
Mashpee River
Santuit River
Marstons Mills River
Marstons Mills River
Marstons Mills River
Marstons Mills River
Centerville River
Centerville River
Mill Creek
Parkers River
Parkers River
Bass River
Herring River
Herring River
Red River
Red River
Ryders Cove
Pilgrim Lake
Pilgrim Lake
Rock Harbor Creek
Stoney Brook
Stoney Brook
Quivett Creek

Bourne
Bourne
Bourne
Falmouth
Mashpee
Mashpee
Mashpee
Mashpee
Mashpee
Barnstable
Barnstable
Barnstable
Barnstable
Barnstable
Barnstable
Barnstable
Yarmouth
Yarmouth
Yarmouth
Yarmouth
Harwich
Harwich
Harwich
Harwich
Chatham
Truro
Orleans
Orleans
Brewster
Brewster
Brewster

Below railroad tracks
Shore Road
County Road
Bay Road
Wings Pond
Dam Pond
Oyster Pond
Siders Pond
off John Parker Road
off John Parker Road
Pond 14
off John Parker Road
Mill Pond
Carriage Shop Road
Mass. DFW property
Johns Pond
below Rt. 130
above Rt. 130
Mashpee-Wakeby Pond
Santuit Pond
below Rt. 28
Rt. 149
River Road
Middle Pond
Lake Elizabeth
Wequaquet Lake
Rt. 28
off Forest Road
Long Pond
Miss Thachers Pond
off Depot Street
Hinckley's Pond
Venies Road
Skinequit Pond
Lovers Lake
Rt. 6
Herring Brook Road
Cedar Pond
below Stoney Brook Road
above Stoney Brook Road
off Airline Road

Concrete/wood weir-pool	Scargo Lake	Dennis	off Rt. 6A	
Wood weir-pool	Mill Creek	Barnstable	Mill Pond	
Concrete weir-pool	Sandwich Creek	Sandwich	Lower Shawme Pond	Bypassed
Concrete/wood weir-pool	Sandwich Creek	Sandwich	Upper Shawme Pond	
Concrete/wood Denil	Eel River	Plymouth	Haydens Pond	
Concrete weir-pool	Eel River	Plymouth	Russel Mill Pond	Not functional
Granite notched weir	Town Brook	Plymouth	Water Street	
Concrete weir-pool	Town Brook	Plymouth	Jenny Gristmill	
Concrete weir-pool/denil	Town Brook	Plymouth	Newfield Street	
Concrete weir-pool	Town Brook	Plymouth	Billington Street	
Concrete weir-pool	Town Brook	Plymouth	off Billington Street	
Concrete weir-pool	Town Brook	Plymouth	off Billington Street	
Concrete weir-pool	Jones River	Kingston	Elm Street	
Wood weir-pool	Jones River	Kingston	Soules Pond	
Concrete weir pool	Jones River	Kingston	Silvia Place Road	
Concrete weir-pool	Jones River	Kingston	Russell Pond	
Concrete weir-pool	Island Creek	Duxbury	Rt. 3A	
Wood weir-pool	Bluefish Creek	Duxbury	off Beaverbrook Lane	
Concrete weir-pool	South River	Marshfield	Rt. 3A	
Concrete weir-pool	First Herring Brook	Scituate	Country Way	
Concrete weir-pool	First Herring Brook	Scituate	off Country Way	Not functional
Concrete weir-pool	First Herring Brook	Scituate	Rt. 3A	Submersed
Concrete weir-pool	Herring Brook	Pembroke	Rt. 14	
Concrete weir-pool	Herring Brook	Pembroke	above Mountain Avenue	
Wood Denil	Herring Brook	Pembroke	below Hobomock Street	
Wood Denil	Herring Brook	Pembroke	Cranberry Lane	
Concrete/wood Denil	Indianhead River	Pembroke	Elm Street	
Concrete weir-pool	Bound Brook	Scituate	Mordicai Lincoln Road	
Concrete/aluminum Denil	Bound Brook	Scituate	Beechwood Street	
Concrete/aluminum Denil	Bound Brook	Scituate	Aaron River Reservoir	
Concrete weir-pool	Weir River	Hingham	Foundry Pond	
Concrete weir-pool	Accord Brook	Hingham	Triphammer Pond	
Concrete weir-pool	Back River	Weymouth	Broad Street	
Concrete weir-pool	Back River	Weymouth	Jackson Square	
Concrete weir-pool	Back River	Weymouth	Pleasant Street	
Concrete/wood Denil	Back River	Weymouth	Iron Hill	
Concrete/wood Denil	Back River	Weymouth	Whitmans Pond	
Concrete weir-pool/locks	Charles River	Boston	Charles River Dam	
Concrete/wood Denil	Charles River	Watertown	Watertown Dam	
Concrete/wood Denil	Charles River	Waltham	Moody Street	
Concrete/wood Denil	Charles River	Newton	Newton Lower Falls	

MASSACHUSETTS COASTAL FISH LADDERS

DESIGN	RIVER	TOWN	LOCATION	COMMENTS
Concrete weir-pool	Palmer River	Rehoboth	Shad Factory Pond	
Concrete weir-pool	Coles River	Swansea	Rt. 6	
Steel & wood weir-pool	Segreganset River	Dighton	Brook Street	
Wooden Denil	Three Mile River	Dighton	Lincoln Street	Washed out, 1998
Wooden weir-pool	Nemasket River	Middleborough	Oliver Mills	
Concrete & wood weir-pool	Nemasket River	Middleborough	Wareham Street	
Concrete & wood Denil	Nemasket River	Middleborough	Assawompset Pond	
Wooden Denil	Fall Brook	Middleborough	Rt. 28	Deteriorated
Ineffective ladder/partial breach	Town Brook	Bridgewater	Rt. 104	
Concrete weir-pool	Town Brook	Bridgewater	High Street	
Concrete weir-pool	Town Brook	W. Bridgewater	River Street	
Concrete weir-pool	Furnace Brook	Taunton	Rico Reservoir	Not functional
Stone stream baffles	Cockeast Pond	Westport	River Road	
Wooden Denil	Westport R., W. Br.	Westport	Adamsville Road	
Concrete weir-pool/denil	Paskamanset River	Dartmouth	Rock O Dundee Road	
Concrete/wood weir-pool	Acushnet River	Acushnet	Mill Road	
Concrete/stone	Acushnet River	Acushnet	Hamlin Street	
Concrete/granite	Acushnet River	Acushnet	New Bedford Reservoir	
Concrete/wood Denil	Mattapoissett River	Mattapoissett	Rt. 6	
Concrete/wood weir/pool	Mattapoissett River	Mattapoissett	Snipatuit Pond	
Concrete weir/pool	Sippican River	Rochester	Hathaway Pond	
Wooden Denil	Sippican River	Rochester	Marys Pond Road	
Concrete/stone mill race	Weweantic River	Wareham	Station Street	
Concrete/wood Denil	Wankinco River	Wareham	Main Street	
Concrete/wood Denil	Wankinco River	Wareham	Tihonet Road	
Concrete weir-pool	Agawam River	Wareham	Below Rt. 28	
Stream baffles	Agawam River	Wareham	Above Rt. 28	
Concrete/wood weir-pool/denil	Agawam River	Wareham	Glen Charlie Pond	
Concrete/wood Denil	Agawam River	Plymouth	Besse Bog Reservoir	
Wood weir-pool	Agawam River	Plymouth	off Agawam Road	
Wood weir-pool	Gibbs Brook	Wareham	Dicks Pond	
Wood Denil	Red Brook	Plymouth	White Island Pond	
Wood stream baffles	Bourne Pond Brook	Bourne	Bourne Pond	
Concrete weir-pool	Monument River	Bourne	Cape Cod Canal	
Concrete/wood weir-pool	Monument River	Bourne	Rt. 6	
Concrete/stone weir-pool	Monument River	Bourne	Bourmedale Road	
Concrete/wood weir	Monument River	Bourne	Great Herring Pond	

Concrete/wood Denil
Concrete weir-pool
Navigation locks
Concrete weir-pool
Concrete weir-pool
Concrete/wood weir-pool
Stone stream baffles
Concrete/wood Denil
Concrete weir-pool
Stone/concrete weir-pool
Concrete weir-pool
Concrete weir-pool
Concrete weir-pool
Concrete weir-pool
Concrete weir-pool
Wood Denil
Mechanical lift
Concrete vertical slot/mechanical lift
Concrete/wood Denil
Concrete/wood Denil
Stream baffles

Charles River
Charles River
Mystic River
Saugus River
Little River
Essex River
Ipswich River
Ipswich River
Egypt River
Parker River
Merrimack River
Merrimack River
Concord
Lagoon Pond
Gay Head Herring Cr.

Newton
Medway
Boston
Saugus
Gloucester
Essex
Ipswich
Ipswich
Ipswich
Newbury
Newbury
Newbury
Newbury
Groveland
Georgetown
Lawrence
Lowell
Lowell
Oak Bluffs
Gay Head

Cordingly Dam
Medway Dam
Amelia Earhart
Saugus Iron Works
Rt. 133
Lily Pond
Essex Falls
Sylvannia Dam
Willowdale
Ipswich Municipal Power Sta.
Central Street
Larken Street
Main Street
off Main Street
River Street
Pentucket Pond
Essex Dam
Pawtucket Dam
Centennial Island
off Barnes Road
South Road

Not functional