



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

PUBLIC NOTICE

Comment Period Begins: 28 August 2012
Comment Period Ends: 17 September 2012
File Number: NAE-2005-01095
In Reply Refer To: Benjamin Cox
Phone: (978) 318-8295
E-mail: benjamin.r.cox@usace.army.mil

The District Engineer has received a permit application to continue to conduct work in waters of the United States as described below. This is a proposed re-issuance of a previously issued individual Corps of Engineers of Engineers permit.

APPLICANT

City of Salem, City Hall Annex, 120 Washington Street, Salem, Massachusetts 01970.

ACTIVITY

The City of Salem (Salem) proposes to continue to construct a multi-use water transportation facility in the Salem Harbor Designated Port Area in multiple phases. The project was initially permitted by the Corps of Engineers on November 20, 2009. However, since the project involves the disposal of dredged material in ocean waters the Corps only has authority to issue permits for up to three years. Phase 1 of the project, which is already under construction but for which the Corps of Engineers authorization will expire in late fall of 2012, involves the construction of a water transportation terminal and associated dredging and pier for various passenger vessels. The proposed work includes construction of a fixed steel pile supported pier totaling 17,210 square feet, placement of two 60' gangways and five 40' x 10' floats on the north side of the new pier for vessel docking, relocation of two 50' x 20' ferry barges and six 40' x 10' floating docks and three 60' gangways on the south side of the new pier for ferry landings and vessel docking, construction of a pile supported 12' wide walkway and building, construction of a vertical timber wave barrier along the centerline of the new pier, and dredging of 65,530 cubic yards of sediment from a 211,950 square foot area. Dredged material disposal would occur at the Massachusetts Bay Disposal Site. Only a portion of the work authorized in 2009 has been completed or is anticipated to be completed by November 19, 2012. This work includes the construction of approximately 500 linear feet of seawall. A small portion of dredging is scheduled to be completed near the end of August and a larger portion of dredging is scheduled from October 2012 through January 2013. Salem anticipates needing an additional three years to complete the work. Because time extensions cannot be authorized for permits with open water disposal under Section 103 of the Marine Protection, Research and Sanctuaries Act a new permit review is required. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Salem Harbor at 10 Blaney Street, Salem, Massachusetts. The site coordinates are: Latitude 42° 31' 19" N, Longitude 70° 52' 54". Disposal of dredged material will occur at the Massachusetts Bay Disposal Site (MBDS) which is an ocean disposal site. The MBDS is a 2.0 nmi (3.7 km) diameter circular area centered at 42° 25.106' N, 70° 34.969' W (NAD 83), is located 12 nmi (22 km) southeast of Gales Point, MA).

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 (MSA), 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 (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

Salem Harbor has been designated EFH for 23 federally managed species. These species include American plaice (eggs, larvae, juveniles, adults), Atlantic butterfish (eggs, larvae), Atlantic cod (eggs, larvae, juveniles, adults), Atlantic halibut (eggs, larvae, juveniles, adults), Atlantic mackerel (eggs, larvae, juveniles, adults), Atlantic sea herring (larvae, juveniles, adults), bluefish (juveniles, adults), haddock (eggs, larvae), Ocean pout (juveniles, adults), Pollock (eggs, larvae, juveniles), red hake (larvae, juveniles, adults), White Hake (eggs, larvae, juveniles, adults), whiting (eggs, larvae, juveniles, adults), winter flounder (eggs, larvae, juveniles, adults), windowpane flounder (eggs, larvae, juveniles, adults), and yellowtail flounder (eggs, larvae, juveniles, adults). The proposed dredging would affect approximately 211,950 square feet of EFH. An EFH assessment

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was transmitted to NMFS on March 16, 2009. On April 2, 2009, NMFS provided conservation recommendations pursuant to Section 305 (b)(4)(A) of the MSA. These recommendations included no dredging between February 15 and June 30 of any year, a maximum dredge depth of -16 ft MLW, and installation of a wave fence a minimum of five feet off the harbor bottom with permeable construction on the terminal end. These conservation recommendations were incorporated into the DA permit issued on November 20, 2009, as special conditions. The Corps will include these conservation recommendations if a decision to issue a permit for the proposed work is reached.

The dredged material disposal is proposed for the Massachusetts Bay Disposal Site. This is an open water ocean disposal site for dredged material, with water depths ranging from 269 to 302 feet (82-92 meters), that is utilized now, as well as in the past, for disposal of dredged material under approved disposal site conditions. The site is monitored under our Disposal Area Monitoring System (DAMOS). The disposal site also provides deep water habitat for the species listed above. However, since this is an approved ocean disposal site, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial.

NATIONAL HISTORIC PRESERVATION ACT

An intensive (locational) archaeological survey (Phase 1b) was conducted in 2009 for the proposed undertaking. This survey identified one potential submerged ancient site and two historical period maritime sites eligible for listing in the National Register of Historic Places. It was determined that the undertaking may have an adverse effect on these archaeological sites. To resolve this adverse effect, the Corps, State Historic Preservation Officer, Massachusetts Board of Underwater Archaeological Resources, Wampanoag Tribe of Gay Head (Aquinnah), and the City of Salem executed a memorandum of agreement (MOA) pursuant to 36 CFR Part 800.6(c) on November 18, 2009. This MOA required Salem to prepare a Phase II archaeological site examination and, if the sites were determined eligible for listing in the National Register, implement alternative plans for the undertaking. As a result of this examination, one site was determined to be eligible for listing in the National Register and avoided. The Corps modified the permit on December 23, 2012, to require avoidance of the site.

No changes from the previously authorized work are proposed and, if the Corps determines that issuance of a permit for the proposed work is appropriate, a special condition would be included to require Salem to protect the site of submerged terrestrial paleosediments by establishing a 30 foot wide buffer zone that prohibits dredging, project construction vessels, or anchoring of vessels.

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 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

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consistency statement. Note that the State of Massachusetts previously issued an individual Federal consistency determination for this project on October 6, 2009.

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 Benjamin Cox at (978) 318-8295, (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.

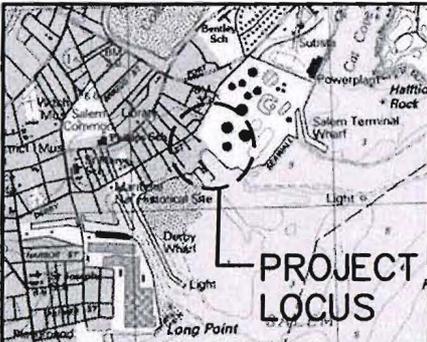
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



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: _____

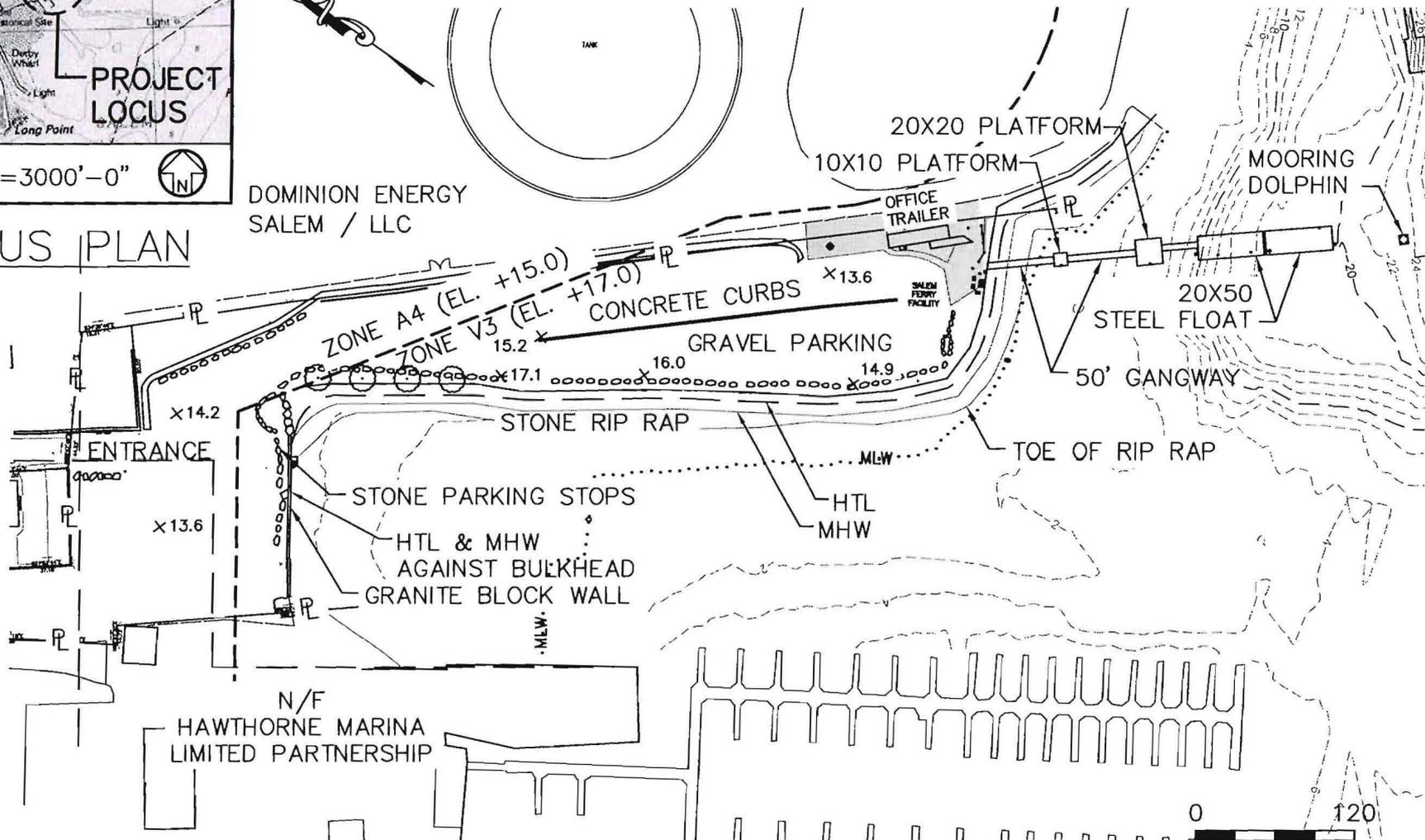


SCALE: 1" = 3000'-0"



DOMINION ENERGY
SALEM / LLC

LOCUS PLAN

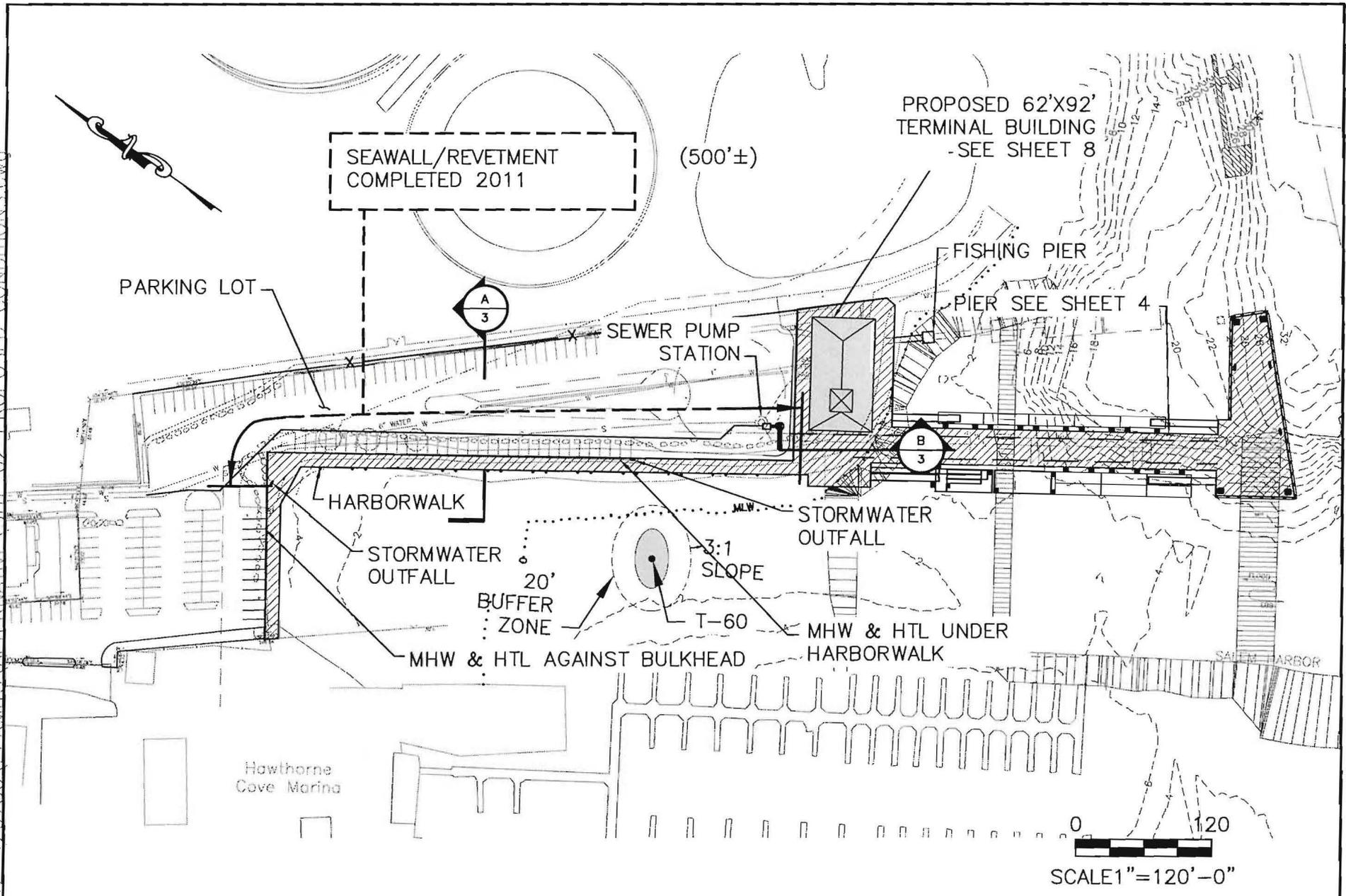


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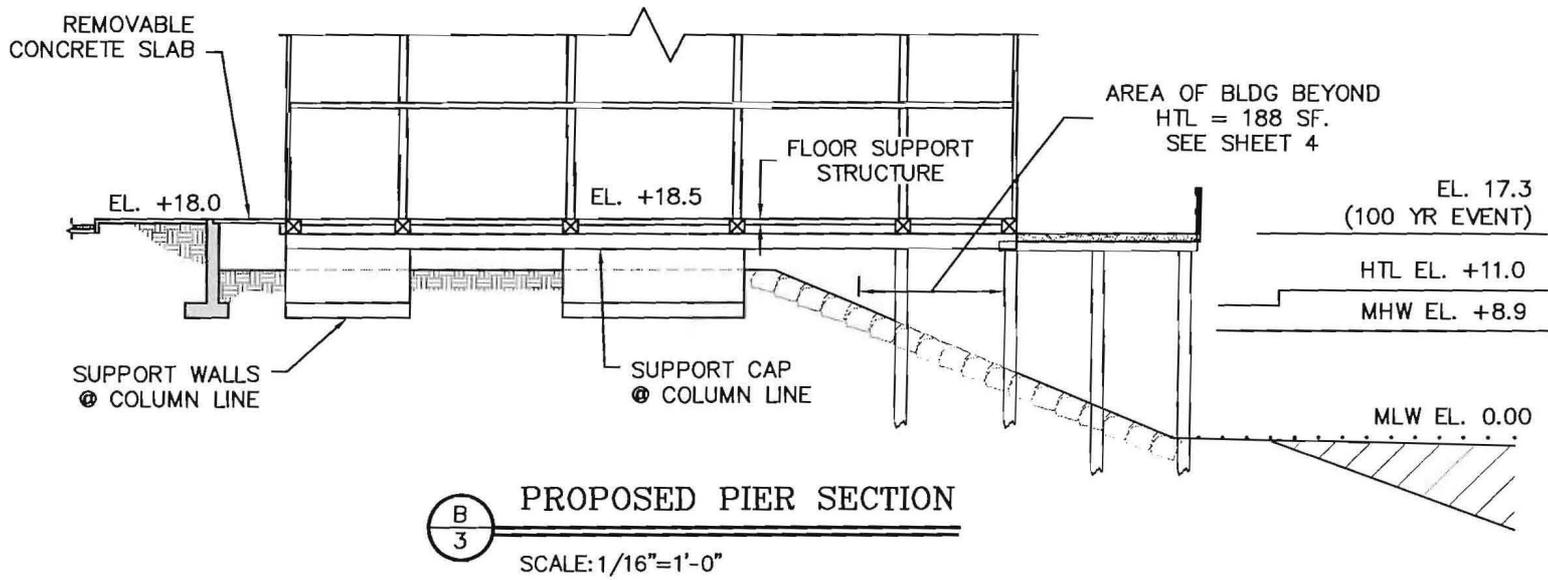
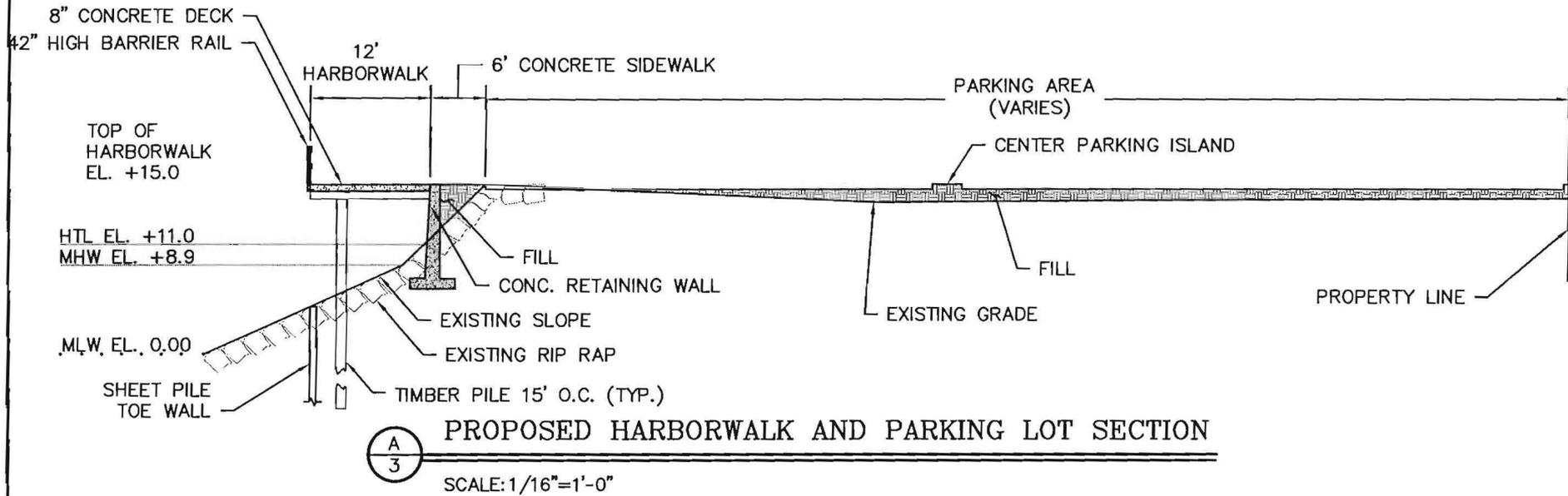
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		PURPOSE: PREFERRED ALTERNATIVE-PORT EXPANSION		APPLICATION BY: CITY OF SALEM	SHEET 1A OF 8 DATE: 08/21/08 REV 03/13/09

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MHW	+8.9			PREFERRED ALTERNATIVE-PORT EXPANSION	APPLICATION BY:	COUNTY: ESSEX STATE: MA
					CITY OF SALEM	SHEET 2A OF 8
<small>3 Reed Street Framingham, MA 01701 TEL (508) 825-0000 FAX (508) 825-0000</small>						DATE: 08/21/08 REV 07/30/12



File: 08/21/08

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HTL	+11.0	MLW	0.0
MHW	+8.9		

TITLE: **ALT - PROPOSED SECTIONS**

IN: SALEM
 AT: SALEM HARBOR
 COUNTY: ESSEX STATE: MA

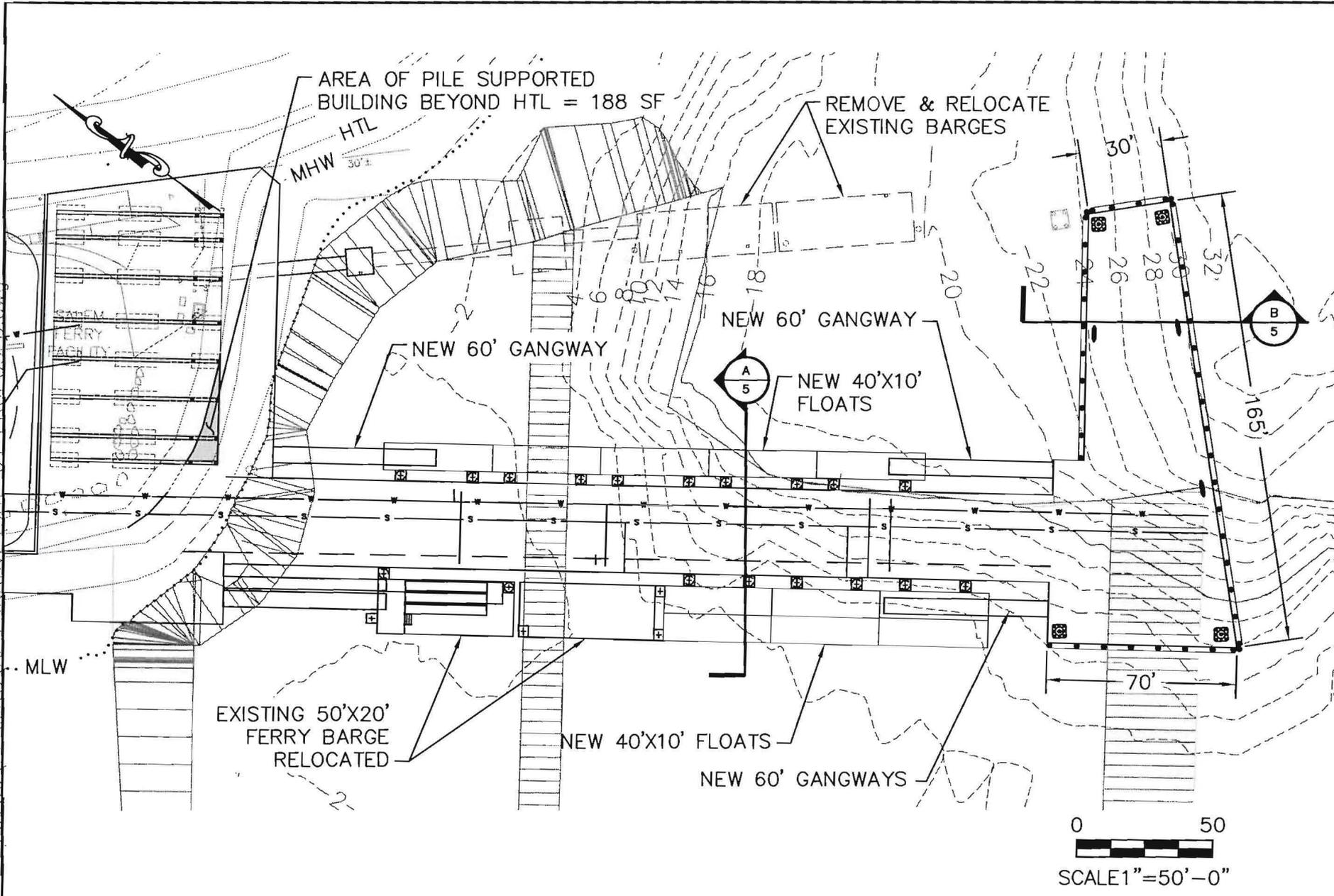
BCE Bourne Consulting Engineering
 3 Reed Street
 Franklin, MA 01902
 TEL: (508) 633-0000 FAX: (508) 633-0000

PURPOSE:
PREFERRED ALTERNATIVE-PORT EXPANSION

APPLICATION BY:
CITY OF SALEM

SHEET **3A** OF 8
 DATE: **01/15/09** REV **03/13/09**

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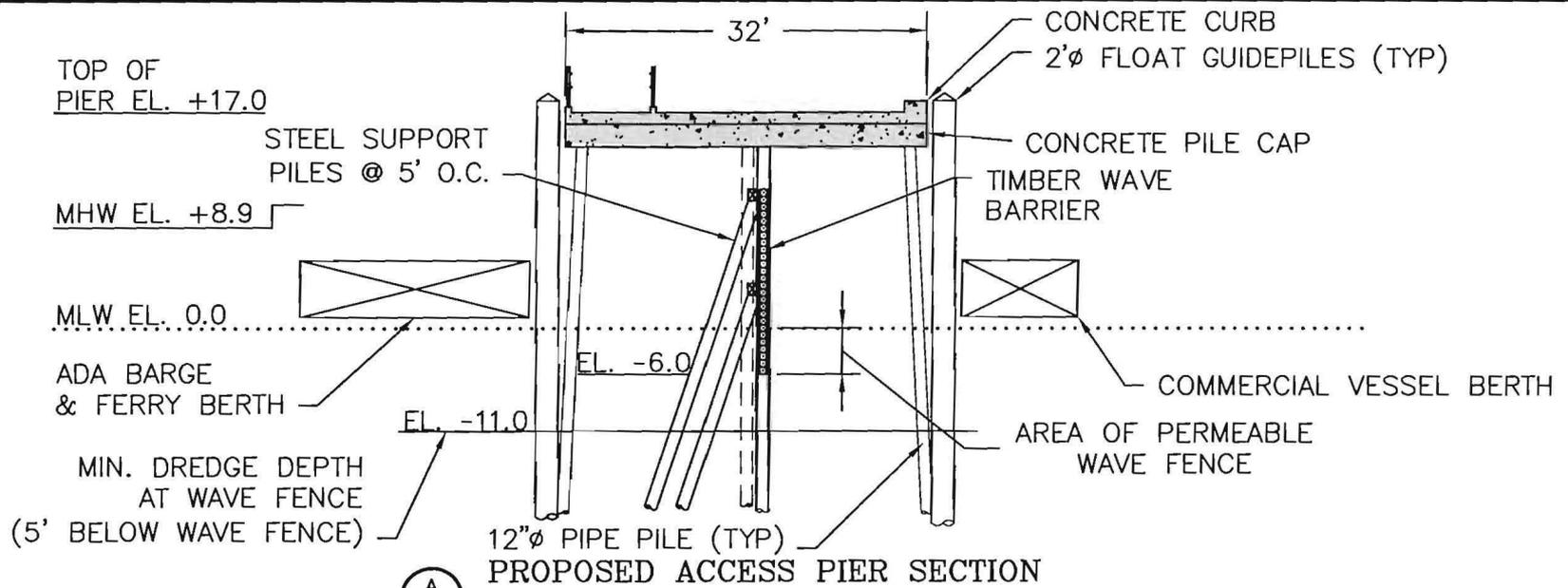


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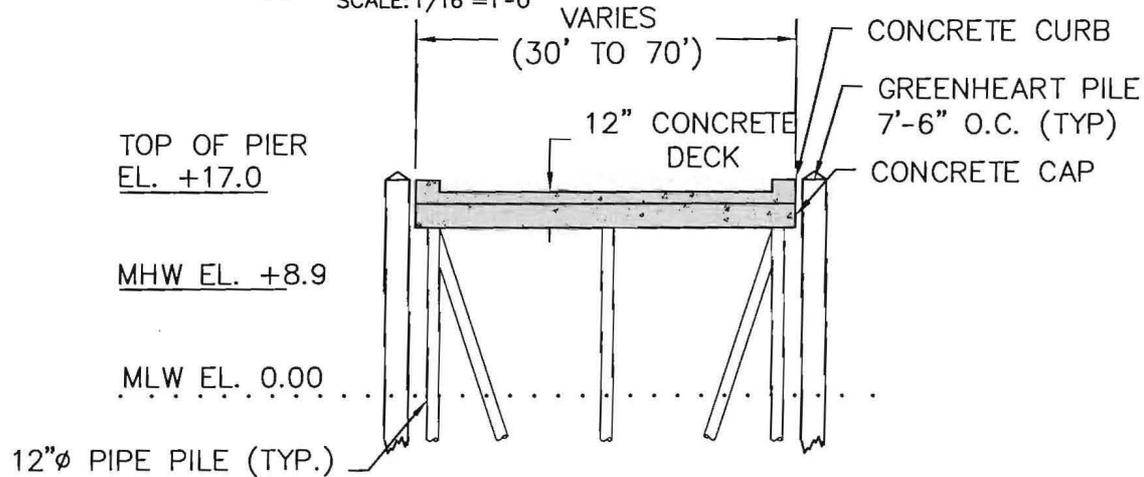
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PURPOSE:	PREFERRED ALTERNATIVE-PORT EXPANSION	
APPLICATION BY:	CITY OF SALEM	

IN:	SALEM
AT:	SALEM HARBOR
COUNTY:	ESSEX
STATE:	MA
SHEET	4A OF 8
DATE:	08/21/08 REV 03/13/09



A
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SCALE: 1/16"=1'-0"



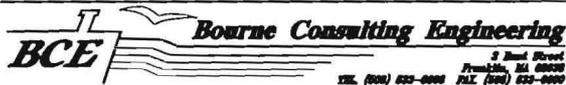
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PROPOSED PIER SECTION

SCALE: 1/16"=1'-0"

File: 08/21/08

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HTL	+11.0	MLW	0.0
MHW	+8.9		



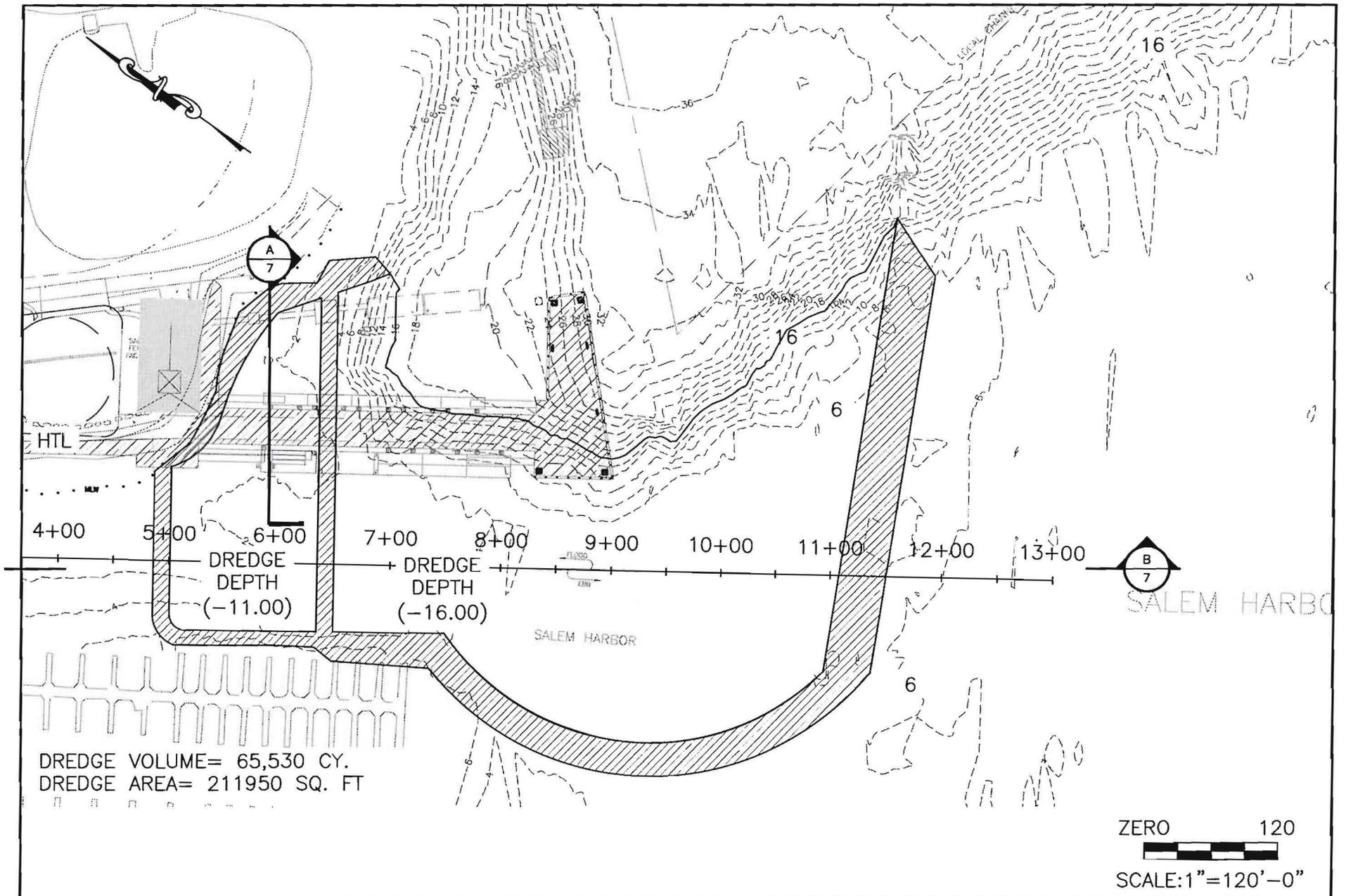
TITLE: **ALT - PROPOSED PIER SECTIONS**

IN: SALEM
 AT: SALEM HARBOR
 COUNTY: ESSEX STATE: MA

PURPOSE:
 PREFERRED ALTERNATIVE-PORT EXPANSION

APPLICATION BY:
 CITY OF SALEM

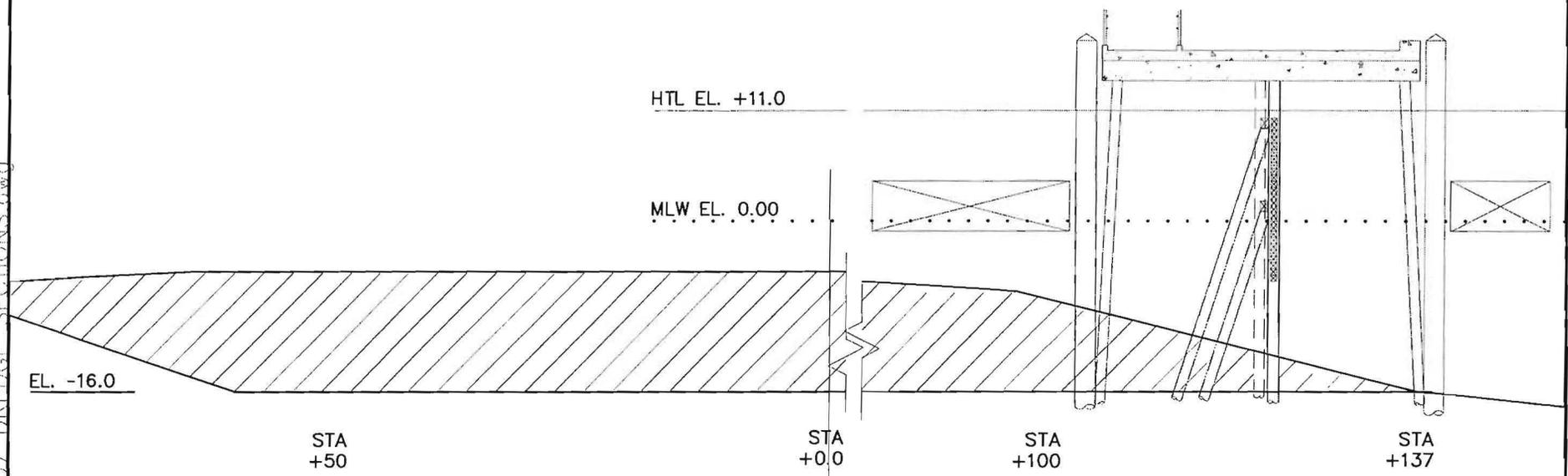
SHEET 5A OF 8
 DATE: 08/27/08 REV 03/13/09



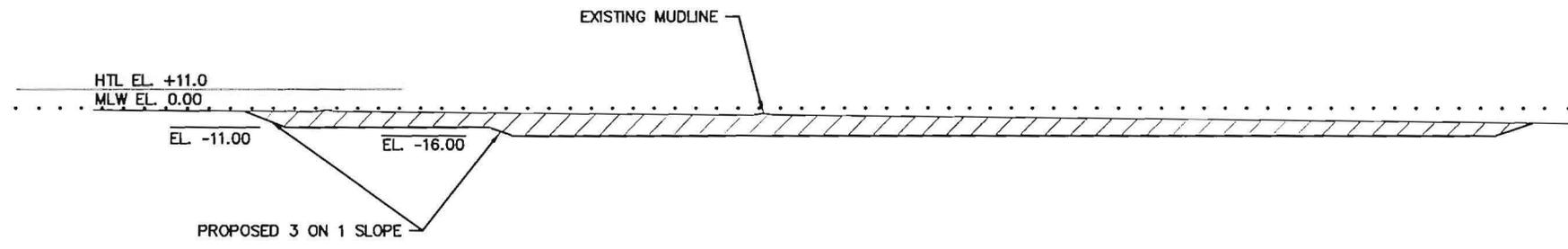
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	MHW	+8.9			PURPOSE:	APPLICATION BY:	COUNTY: ESSEX STATE: MA
					PREFERRED ALTERNATIVE-PORT EXPANSION	CITY OF SALEM	SHEET 6A OF 8
							DATE: 8/21/08 REV 03/13/09



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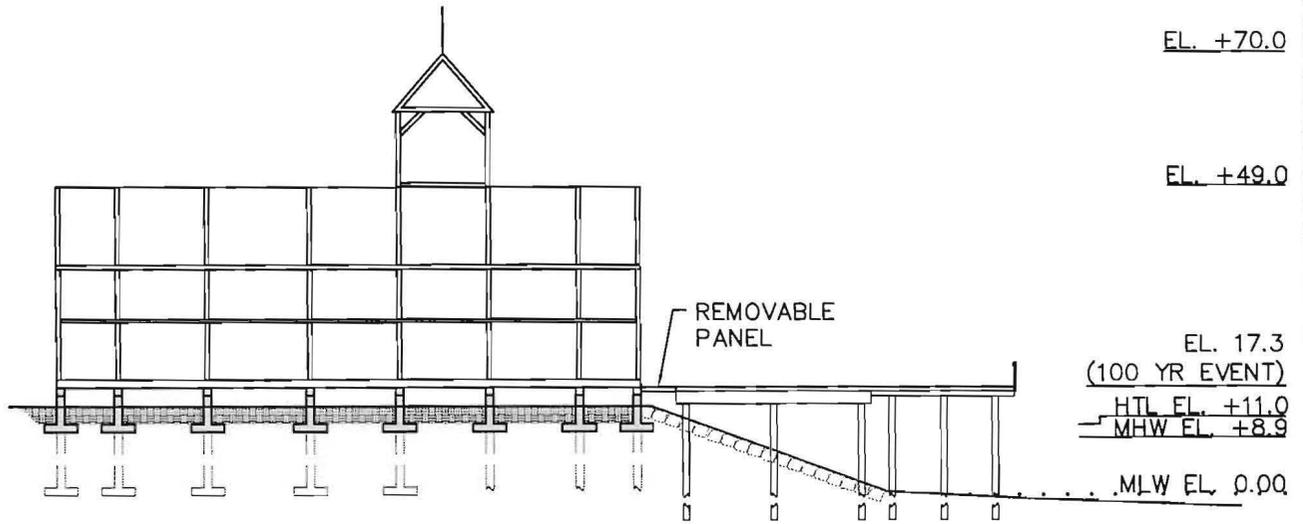
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PROPOSED PIER APPROACH SECTION
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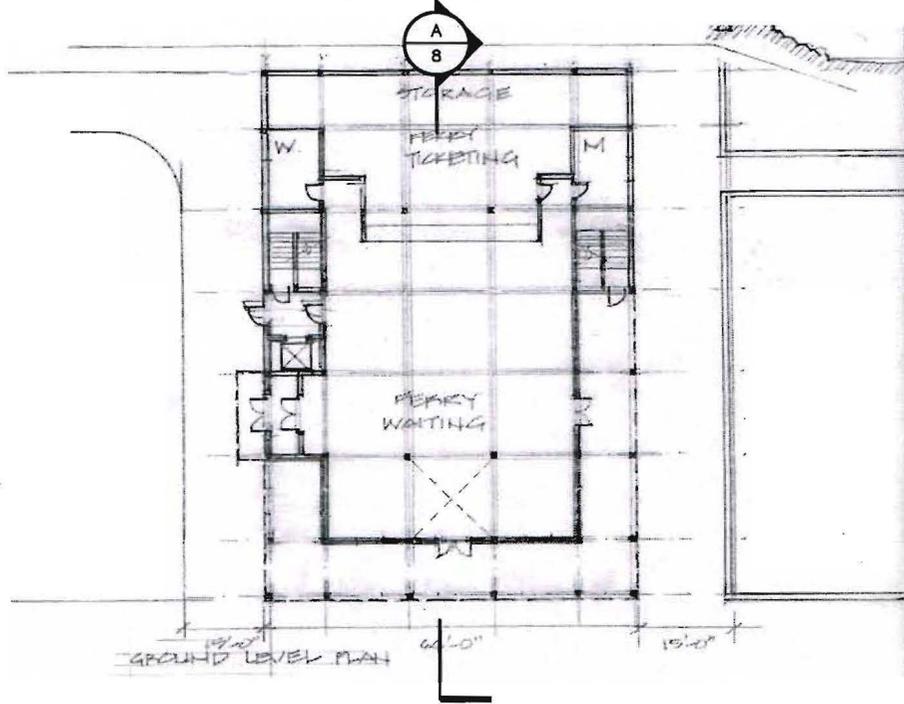
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PROPOSED DREDGE PROFILE
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MHW	+8.9					COUNTY: ESSEX STATE: MA
				PURPOSE:	APPLICATION BY:	SHEET 7A OF 8
				PREFERRED ALTERNATIVE-PORT EXPANSION	CITY OF SALEM	DATE: 08/21/08 03/13/09

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PROPOSED SECTION
 A
 8
 SCALE: 1"=30'-0"



PROPOSED GROUND LEVEL PLAN
 B
 8
 SCALE: 1"=30'-0"

REV 3/13/09

PURPOSE: PREFERRED ALTERNATIVE PORT EXPANSION	TITLE: ALT - PROPOSED TERMINAL	APPLICATION BY: CITY OF SALEM										
<table border="0"> <tr><td>100 YR FLOOD</td><td>+13.8</td></tr> <tr><td>HTL</td><td>+11.0</td></tr> <tr><td>MHW</td><td>+8.9</td></tr> <tr><td>NGVD</td><td>+4.2</td></tr> <tr><td>MLW</td><td>0.0</td></tr> </table>	100 YR FLOOD	+13.8	HTL	+11.0	MHW	+8.9	NGVD	+4.2	MLW	0.0	 <p>BCE Bourne Consulting Engineering <small>3 Bond Street Franklin, MA 01902 TEL (978) 633-0000 FAX (978) 633-0000</small></p>	IN: SALEM AT: SALEM HARBOR COUNTY: ESSEX STATE: MA SHEET 8A OF 8 DATE: 08/21/08
100 YR FLOOD	+13.8											
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