
PUBLIC NOTICE



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

Comment Period Begins: May 1, 2012
Comment Period Ends: June 1, 2012
File Number: NAE-2006-500
In Reply Refer To: John C. Sargent
Phone: (978) 318-8026
E-mail: John.C.Sargent@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

APPLICANT

City of Beverly, William Scanlon, Jr., 191 Cabot Street, Beverly, Massachusetts 01915

ACTIVITY

Mechanically dredge approximately 53,800 cubic yards of material to elevation – 6 feet MLW from the Bass River and disposal at the Mass Bay Disposal Site to restore safe navigation. The total dredge area would be 315,005 square feet of which 94,105 square feet would be in intertidal areas. The area was previously dredged in 1904, 1934, and 1955. The dredged material would be disposed at the Massachusetts Bay Disposal Area. Plans of the activity are attached.

The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analyzed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is disposal at the Massachusetts Bay Disposal Site. The dredged material has undergone physical, chemical, and/or biological analysis. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

Any permit issued for this project will include special conditions requiring scows to come to a complete stop when disposing of the material at the disposal site. There will also be a time of year restriction included as a special condition which prohibits dredging during ecologically sensitive times of years.

The Massachusetts Bay Disposal Site is frequently used for disposal of bottom sediments from various harbors in the Boston area. Approximately 300,000 cubic yards of suitable sediments (suitability determined through case-by-case analyses) are deposited at this site annually. The site is monitored through the Corps Disposal Area Monitoring System (DAMOS) program. The DAMOS studies show that the site is a low energy environment such that sediments deposited at this location will remain within the site's boundaries. The DAMOS monitoring has also shown that a distinct dredged material mound has been formed at the site. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged that

utilize the site. Sediment deposited at the disposal site has not been found to affect areas outside the disposal site. The Environmental Protection Agency has designated the Massachusetts Bay Disposal Site usable for disposal of dredged sediments.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Bass River off of River Street and McPherson Drive in Beverly, Massachusetts. The site coordinates are located on attached plans.

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 have an adverse effect on 7.24 acres of Essential Fish Habitat (EFH) for adult, juvenile and larval Windowpane Flounder, Winter Flounder, adult and juvenile Bluefish, adult Summer Flounder, juvenile Pollock, and surf clam among other species. This habitat consists of 2.16 acres of soft bottom intertidal areas and 5.08 acres of subtidal soft bottom estuarine habitat. Loss of intertidal habitats and impacts to subtidal habitat may adversely affect adult and larval and juvenile winter flounder spawning and rearing habitat. As compensatory mitigation the town proposes to seed with shellfish approximately 2 acres in the Pine River in Revere or Saugus. No dredging is proposed from February 1 to June 30 to minimize adverse impacts to EFH. The District Engineer has made a preliminary determination that site-specific impacts may be substantial. Accordingly, the Corps of Engineers will submit an expanded EFH assessment to National Marine Fisheries Service, who in turn will provide conservation recommendations to the Corps. The Corps will coordinate with the applicant regarding implementation of these recommendations. The EFH consultation will be concluded prior to the final decision.

The dredged material disposal is proposed for the Massachusetts Bay Disposal Site (MBDS). The MBDS was officially designated a dredged material disposal site by the U.S. Environmental Protection Agency in 1993. The material to be deposited has undergone physical and chemical analysis. The Massachusetts Bay Disposal Site is frequently used for disposal of bottom sediments from various harbors in the Boston area. Approximately 300,000 cubic yards of suitable sediments (suitability determined through case-by-case analyses) are deposited at this site annually. The site is monitored through the Corps Disposal Area Monitoring System (DAMOS) program. The DAMOS studies show that the site is a low energy environment such that sediments deposited at this location will remain within the site's boundaries. The DAMOS monitoring has also shown that a distinct dredged material mound has been formed at the site. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged that utilize the site. Sediment deposited at the disposal site has not been found to affect areas outside the disposal site.

The Massachusetts Bay Disposal Site (MBDS) is centered at 42 ° 25.106' N, 70 ° 34.969' W (NAD 83) and is located 12 miles southeast of Gales Point, Massachusetts. The average water depths at the site range from 269 to 302 feet. This is an open water site, which provides Essential Fish Habitat for eggs, larvae, juvenile, and adult Atlantic cod, whiting red hake, white hake, witch flounder, winter flounder yellowtail flounder, American plaice, ocean pout, Atlantic halibut Atlantic sea scallop, monkfish, Atlantic butterfish, and Atlantic mackerel; larval, juvenile, and adult Atlantic sea herring; eggs and juvenile haddock; juvenile and adult long finned squid, short finned squid, and bluefin tuna; larval, juvenile and adult redfish; and egg and larval windowpane flounder. Habitat at this site can be described as silts and clays. There would be temporary impacts on the bottom and water column due to the disposal. 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

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FILE NO. NAE-200x-xxx

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

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 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.

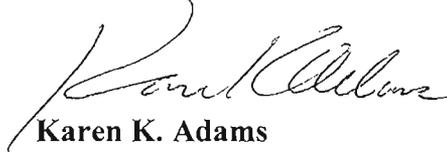
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please copy John Sargent at (978) 318-8026, (800) 343-4789 or (800) 362-4367, if calling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

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FILE NO. NAE-200x-xxx

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

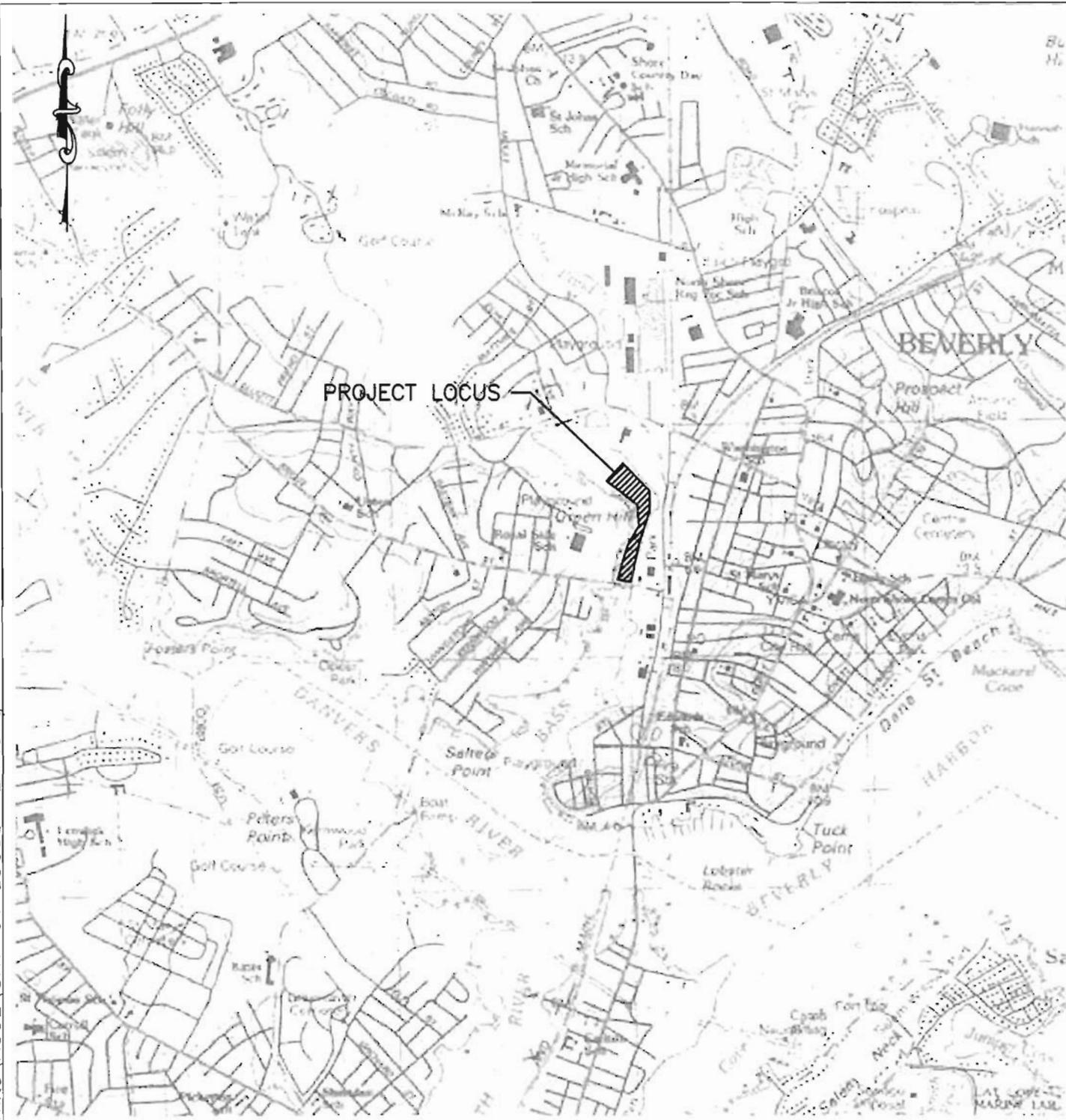


Karen K. Adams
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, 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.

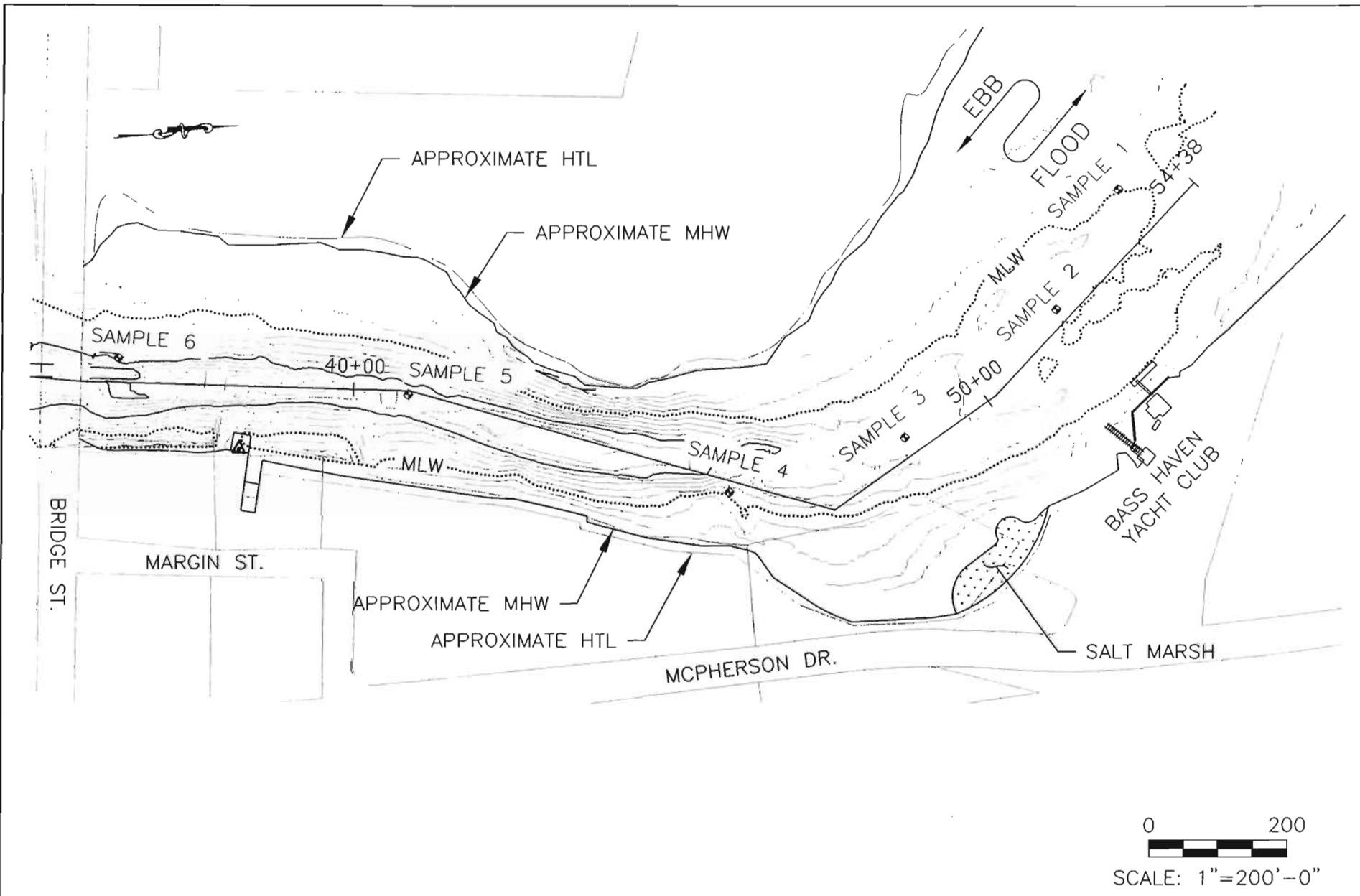
NAME: _____
ADDRESS: _____

File: X:\30774-30800\Permits\ACOE\SHT-01 LOCUS PLAN.dwg



SCALE: 1"=2000'-0"

<p>PURPOSE: MAINTANENCE DREDGING</p>	<p>TITLE: LOCUS PLAN</p>	<p>APPLICATION BY: CITY OF BEVERLY</p>
<p>100 YR FLOOD +14.5 HTL +11.37 MHW +9.03 NGVD +4.50 MLW 0.0</p>	 <p>BCE Bourne Consulting Engineering 3 Boat Street Franklin, MA 01830 TEL: (508) 633-8888 FAX: (508) 633-8888</p>	<p>IN: BEVERLY AT: BASS RIVER COUNTY: ESSEX STATE: MA SHEET 1 OF 6 DATE: 01/06/12</p>



100 YR FLOOD	+14.5	NGVD	+4.50	TITLE:	EXISTING CONDITIONS	IN: BEVERLY
HTL	+11.37	MLW	0.0			AT: BASS RIVER
MHW	+9.03					COUNTY: ESSEX STATE: MA
 Bourne Consulting Engineering <small>3 Beal Street Franklin, MA 02038 TEL (508) 533-6006 FAX (508) 533-9000</small>				PURPOSE:	APPLICATION BY:	SHEET 2 OF 6
				MAINTANENCE DREDGING	CITY OF BEVERLY	DATE: 01/06/12

LEGEND:



TOTAL IMPACT AREA -
CHANNEL AND SIDE SLOPES



AREA ABOVE MLW

----- 1955 HISTORIC BASIN
MA DPW CONTRACT 1455

----- HISTORIC CHANNEL 1904 HLC LIC. (2854)

----- 1934 HISTORIC BASIN
MA DPW CONTRACT 414

LIMIT OF 1904 DREDGE IMPACT

PROPOSED TOP OF
DREDGE SLOPE

PROPOSED TOE OF
DREDGE SLOPE

BRIDGE ST.

MHW HTL
BASS RIVER

MLW
40+00

45+00

MLW

MARGIN ST.

APPROXIMATE MHW

APPROXIMATE HTL

EBB
FLOOD

MLW
54+38

50+00

BASS HAVEN
YACHT CLUB



SCALE: 1"=200'-0"

100 YR FLOOD	+14.5	NGVD	+4.50
HTL	+11.37	MLW	0.0
MHW	+9.03		

TITLE: **EXISTING W/ HISTORICAL
LIMITS & PROPOSED SHADING**

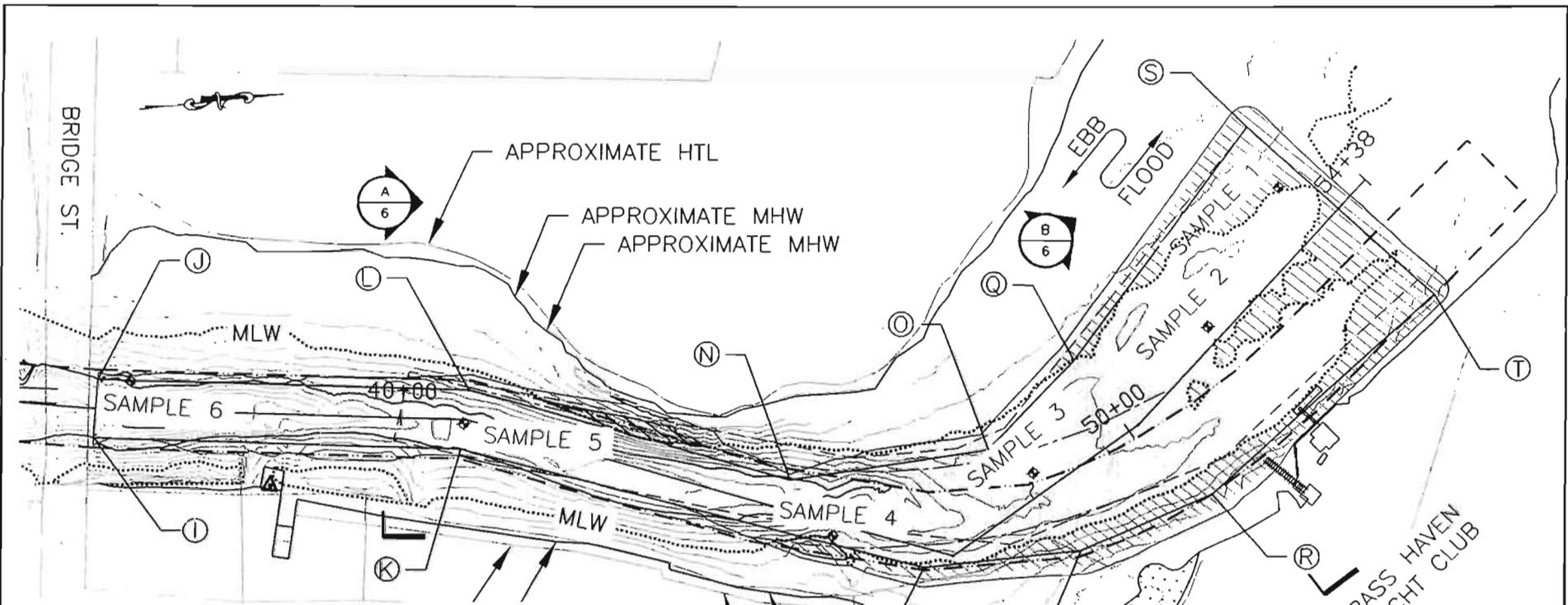
IN: **BEVERLY**
AT: **BASS RIVER**
COUNTY: **ESSEX** STATE: **MA**

BCE Bourne Consulting Engineering
3 Deal Street
Franklin, MA 02039
TEL (508) 633-9999 FAX (508) 633-9900

PURPOSE:
MAINTANENCE DREDGING

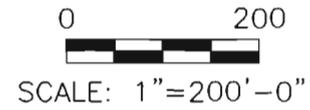
APPLICATION BY:
CITY OF BEVERLY

SHEET **3** OF **6**
DATE: **01/06/12**



FULL DEPTH PROPOSED DREDGING LIMITS

CHANNEL POINT	STATION	NORTHING	EASTING
I	36+19	3025953.62	821229.10
J	36+19	3025967.52	821155.48
K	40+80	3026408.12	821293.32
L	40+80	3026426.46	821219.57
M	46+94	3026978.16	821508.92
N	45+00	3026820.71	821378.53
O	48+41	3027075.43	821367.86
P	48+63	3027179.23	821509.39
Q	50+20	3027195.80	821266.60
R	50+15	3027346.06	821444.98
S	53+88	3027443.46	820992.41
T	53+88	3027637.40	821211.77



100 YR FLOOD	+14.5	NGVD	+4.50
HTL	+11.37	MLW	0.0
MHW	+9.03		

TITLE: **PROPOSED CONDITIONS**

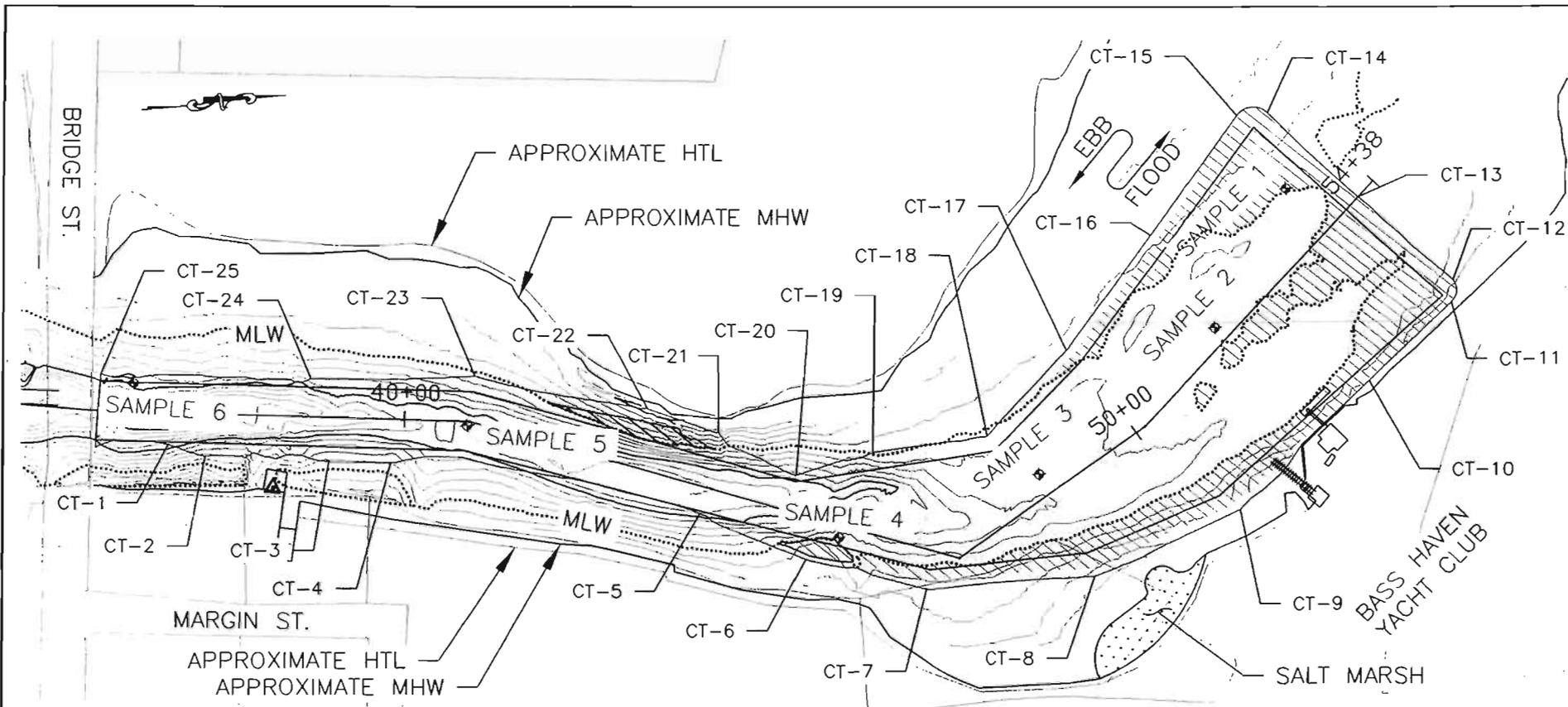
IN: **BEVERLY**
 AT: **BASS RIVER**
 COUNTY: **ESSEX** STATE: **MA**

BCE Bourne Consulting Engineering
 3 Bond Street
 Franklin, MA 01920
 TEL (508) 633-0886 FAX (508) 633-0800

PURPOSE: **MAINTANENCE DREDGING**

APPLICATION BY: **CITY OF BEVERLY**

SHEET **4** OF **6**
 DATE: **01/06/12**



PROPOSED DREDGING LIMITS

CONTROL POINT	NORTHING	EASTING	CONTROL POINT	NORTHING	EASTING	CONTROL POINT	NORTHING	EASTING
CT-1	3026042.42	821244.48	CT-12	3027670.96	821214.32	CT-23	3026431.30	821200.20
CT-2	3026086.59	821264.93	CT-13	3027585.00	821077.01	CT-24	3026228.29	821181.22
CT-3	3026239.20	821288.17	CT-14	3027462.64	820975.46	CT-25	3025968.70	821147.04
CT-4	3026315.07	821298.43	CT-15	3027423.82	820974.66			
CT-5	3026695.49	821405.37	CT-16	3027299.72	821114.70			
CT-6	3026822.88	821478.51	CT-17	3027179.46	821250.64			
CT-7	3026971.06	821532.76	CT-18	3027067.74	821348.08			
CT-8	3027184.92	821539.81	CT-19	3026920.66	821352.40			
CT-9	3027375.27	821476.04	CT-20	3026822.06	821370.70			
CT-10	3027553.06	821330.68	CT-21	3026729.41	821306.14			
CT-11	3027666.32	821242.33	CT-22	3026642.34	821265.33			



SCALE: 1"=200'-0"

100 YR FLOOD	+14.5	NGVD	+4.50
HTL	+11.37	MLW	0.0
MHW	+9.03		

TITLE:

**PROPOSED
CONDITIONS**

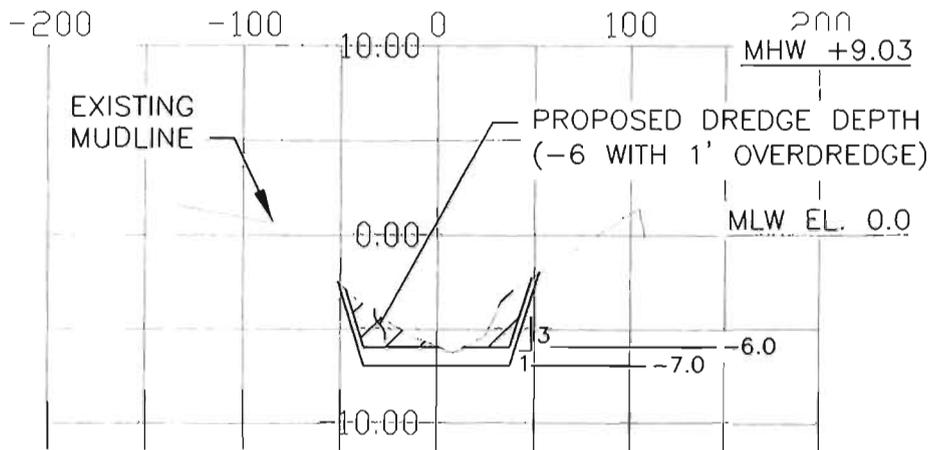
IN: **BEVERLY**
 AT: **BASS RIVER**
 COUNTY: **ESSEX** STATE: **MA**



PURPOSE:
MAINTANENCE DREDGING

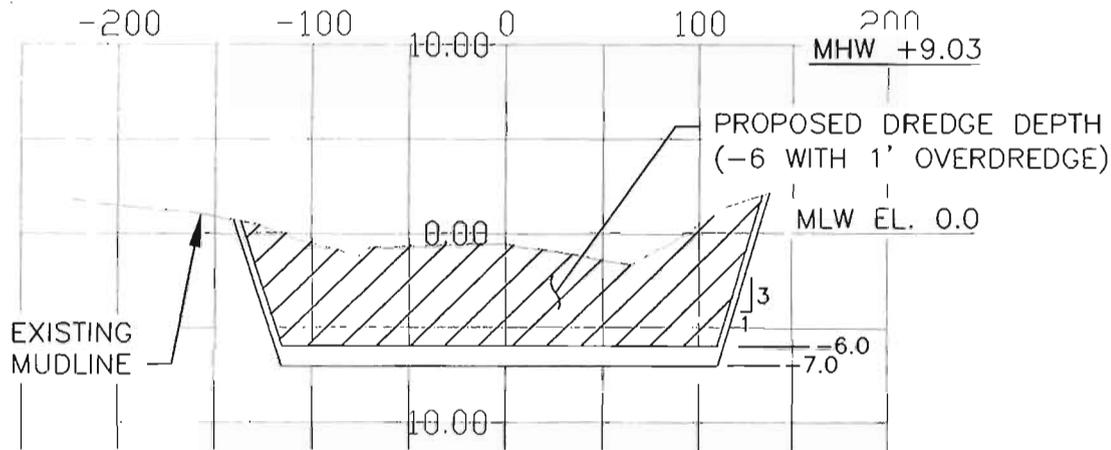
APPLICATION BY:
CITY OF BEVERLY

SHEET **5** OF **6**
 DATE: **01/06/12**



A
6
DREDGE SECTION STA 40+00

SCALE: HORIZONTAL 1"=100'
VERTICAL 1"=10'



B
6
DREDGE SECTION STA 50+00

SCALE: HORIZONTAL 1"=100'
VERTICAL 1"=10'

NOTES:

1. HYDROGRAPHIC DATA SHOWN HERE IN WAS COLLECTED ON JUNE 28, 2010 BY BOURNE CONSULTING ENGINEERING AND CAN ONLY REFLECT CONDITIONS AS THEY EXISTED DURING THE TIME OF SURVEY.
2. SOUNDINGS AND ELEVATIONS ARE SHOWN IN FEET AND TENTHS BASED ON MEAN LOW WATER DATUM. POSITIVE VALUES REPRESENT DEPTH ABOVE THAT SAME PLANE.
3. DREDGE AREAS ARE SHOWN TO AN EL. -6, WITH SIDE SLOPES TO MEET EXISTING GRADE AT 1V:3H SLOPE, WITH A 1' OVERDREDGE.
4. UPLAND FEATURES WERE TAKEN FROM MA GIS-MORIS LAYER ASSESSOR'S PARCELS LEVEL 0-FOR ORTHO PHOTOS ON JANUARY 6, 2012.
5. MATERIAL DISPOSAL WILL BE OFFSITE AT THE MASS. BAY DISPOSAL SITE

PROPOSED DREDGE LIMITS (-6 MLW)
 PHASE 1: STA 36+00 TO 53+88
 -6 DREDGE 43,700 CY
 -7 DREDGE 10,000 CY
 TOTAL 53,800 CY

PHASE 1 DREDGE AREA: 315,005 SF
 INTERTIDAL IMPACT: 94,105 SF



SCALE: 1"=200'-0"

100 YR FLOOD	+14.5	NGVD	+4.50
HTL	+11.37	MLW	0.0
MHW	+9.03		

TITLE:

DREDGE SECTIONS

IN: **BEVERLY**
 AT: **BASS RIVER**
 COUNTY: **ESSEX** STATE: **MA**

PURPOSE:

MAINTANENCE DREDGING

APPLICATION BY:

CITY OF BEVERLY

SHEET **6** OF **6**

DATE: **01/06/12**