



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

PUBLIC NOTICE

Comment Period Begins: 24 April 2012
Comment Period Ends: 25 May 2012
File Number: NAE 2007-2144
In Reply Refer To: Mr. Brian Valiton
Phone: (978) 318-8166
E-mail: brian.e.valiton@usace.army.mil

The District Engineer has received a request from the applicant below to modify the Federal harbor lines in Boston Harbor as described below.

APPLICANT: United States Department of the Interior - National Park Service – Charlestown Navy-Navy Yard – Boston National Historical Park

ACTIVITY: The National Park Service (NPS) has requested that the Corps of Engineers modify the location of one portion of the Federal harbor lines in Boston Harbor in the vicinity of the Charlestown Navy Yard. This request is to have the Federal harbor line correspond with the State harbor line location in the harbor area just offshore of the Charlestown Navy Yard. This is to be done so that the property boundaries of the Boston National Historical Park [Charlestown Navy Yard] that will be occupied by the NPS can be expanded to include an additional area of Boston Harbor that was transferred to the Boston National Historical Park by the Commonwealth of Massachusetts. The State law transferring this submerged land area from State ownership to the Federal government required, as a condition of the property transfer, that the Federal harbor line in this location also be modified to reflect the new property boundaries.

Public notices seeking public comment on modifying the location of Federal harbor lines anywhere in the United State have become very infrequent because on 27 May 1970, by Federal regulation published on that date, the legal effect of Federal harbor lines was revised. Since 27 May 1970 Federal harbor lines are now only guidelines for defining, with regard to navigation interests alone, the offshore limits for open pile structures (pierhead lines) or fills (bulkhead lines). Prior to 27 May 1970 riparian owners could erect open pile structures or undertake solid fill construction shoreward of harbor lines in navigable waters without obtaining separate Corps permits under the Section 10 of the Rivers and Harbors Act of 1899. This is no longer the case. Relocating this harbor line channelward, as requested by the NPS, does not mean that there is a presumption that future permits authorizing further encroachments farther into the harbor at this location will be allowed. This is simply to change the property boundaries of the Charlestown Navy Yard. Again no physical changes or structures are being proposed. If any physical structures or work are proposed they will need to go through a separate permit process including a public interest and NEPA review in accordance with our normal permit requirements.

WATERWAY AND LOCATION OF THE PROPOSED ACTIVITY:

This harbor line revision is proposed in Boston Inner Harbor at the Charlestown Navy Yard, Boston, Massachusetts. The proposed location on the USGS Boston South quadrangle sheet is at UTM coordinates 46928870.00 N and 0330800.00 E in zone 19.

AUTHORITY:

The authority to establish and modify Federal harbor lines was created pursuant to Section 11 of the Rivers and

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Harbors Act of 1899 (33 U.S.C. 404). Under this statute (effective March 3, 1899 and first enacted August 11, 1888) the establishment of harbor lines beyond which no piers, wharves or bulkheads could be constructed was allowed by the Secretary of the Army in order to preserve and protect navigation in a harbor. From historic harbor line drawings in our files, we understand that harbor lines were first established in this portion of Boston Harbor as early as 7 September 1898 and the locations of these lines has been modified on a number of occasions since then.

The decision whether to approve this modification 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 on general navigation in this portion of Boston Harbor of shifting the harbor line channelward and the affects of this proposal on the public interest. Any comments received will be considered by the Corps of Engineers in determining whether to approve, modify, or deny this proposed change in the harbor line location.

SECTION 106 COORDINATION:

This activity only involves shifting the existing administratively established federal harbor line channelward and no new structures, filling or other work will occur as a result of this modification. Therefore, the District Engineer has initially determined that little likelihood exists for the proposal to affect the Charlestown Navy Yard. Furthermore, the National Park Service is itself the proponent and the action is deemed necessary to further enhance and protect the integrity of the National Park property as a result of the acquisition and submerged land expansion. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the review process for this modification of the harbor line.

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. Since this proposal is only an administrative action and no physical construction or other activity will occur as a result of it there will be no impact on 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.

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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 Mr. Brian Valiton at (978) 318-8166, (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 request to modify this harbor line. Requests for a public hearing shall specifically state the reasons for holding a public hearing.

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.

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: _____

FOR REGISTRY USE ONLY

NOTES

- 1.) COORDINATE SYSTEM SHOWN BASED ON MAD 1927 AND DEVELOPED BY SURVEY THROUGH MONUMENTS HLMK61 AND HLMK63 SHOWN ON THE PLAN REFERENCED BELOW AS REFERENCE #2.
- 2.) LIMITS OF CHANNEL TAKEN FROM DIGITAL FILE PROVIDED BY THE U.S. CORPS OF ENGINEERS.
- 3.) MHB (FOUND) REFERS TO MASSACHUSETTS HIGHWAY BOUND.

REFERENCES

- 1.) PLAN TITLED "HARBOR LINES, BOSTON HARBOR, MASS." SHEET NO. 5, DATED JUNE 30, 1939 PREPARED BY THE U.S. CORPS OF ENGINEERS.
- 2.) PLAN TITLED "HARBOR LINES, BOSTON HARBOR, MASS." SHEET NO. 4 OF 12, DATED JUNE 3, 1948 PREPARED BY THE U.S. CORPS OF ENGINEERS. (NO DECREE)
- 3.) PLAN TITLED "BOSTON NAVAL SHIPYARD, BOSTON, MASS., REAL ESTATE SUMMARY MAP" MODIFIED & UPDATED THROUGH 7-17-69, PREPARED BY THE DEPARTMENT OF THE NAVY BUREAU OF YARDS & DOCKS.

PROPERTY REFERENCES

DEED

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PLANS

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9182	134
9182	223
10714	159
11052	3

STATE HIGHWAY LAYOUT NO.

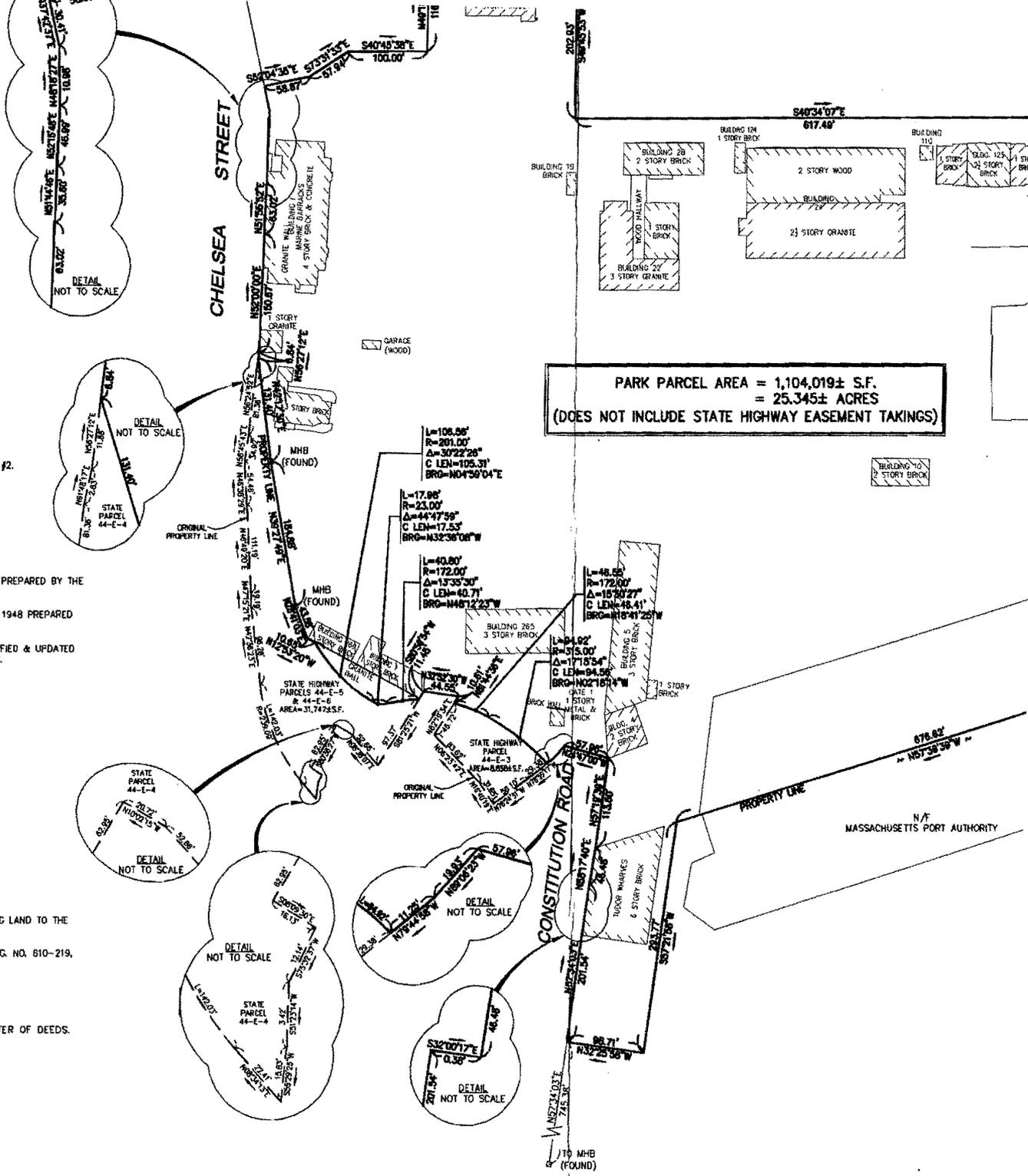
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LETTER FROM THE UNITED STATES OF AMERICA GENERAL SERVICES ADMINISTRATION TRANSFERRING LAND TO THE DEPARTMENT OF THE INTERIOR, FILE NO. TR101-01, DATED JULY 26, 1976.

PLAN TITLED "REAL ESTATE SUMMARY MAP, BOSTON NAVAL SHIPYARD, BOSTON, MASS.," PWO DWG. NO. 610-219, DATED 7/14/65 AND MODIFIED THROUGH 7/17/69.

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

11 SUPPLEMENTAL RECORD 11/20/01 LAC



**PARK PARCEL AREA = 1,104,019± S.F.
= 25.345± ACRES
(DOES NOT INCLUDE STATE HIGHWAY EASEMENT TAKINGS)**