

PUBLIC NOTICE

US Army Corps of Engineers ® New England District 696 Virginia Road Concord, MA 01742-2751 Comment Period Begins: August 29, 2017 Comment Period Ends: September 30, 2017 File Number: NAE-2015-699 In Reply Refer To: Christine Jacek Phone: (978) 318-8026 E-mail: Christine.M.Jacek@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Michael Cahill representing the City of Beverly. This project is proposed in the Bass River in Beverly, Massachusetts. The center site coordinate for the project area is: Latitude 42.549401 Longitude -70.887874.

The work involves the mechanical dredging of 17.8 acres of silt and clay within the Bass River in two phases. Phase I will include areas of the Bass River from Bridge Street northward to areas just beyond the Bass Haven Yacht Club. Phase I will dredge this 315,005 square foot area, of which 94,105 is intertidal flats, to a depth of -6 mean low water with a one foot over dredge and will remove a total of 53,800 cubic yards of material. Phase II will include areas of the Bass River from Bridge Street southward to the confluence of the Bass River and the Danvers River. Phase II will dredge a 462,300 square foot area to a depth of -9 mean low water with a one foot over dredge and foot area to a depth of -9 mean low water with a one foot over dredge and will remove 50,500 cubic yards of material. A total of 104,300 cubic yards of silt and clay material will be removed from the Bass River and disposed of at the Massachusetts Bay Disposal Site. The Corps has determined that the material to be dredged and disposed of is suitable for offshore disposal.

The work is shown on the attached plans entitled "LOCUS PLAN", "PROJECT PHASING PLAN", "PHASE I EXISTING CONDITIONS", "PHASE I – EXISTING W/ HISTORICAL LIMITS & SHADING", "PHASE I PROPOSED CONDITIONS", "PHASE I PROPOSED CONDITIONS", "PHASE I DREDGE SECTIONS", "PHASE II EXISTING CONDITIONS", "PHASE II PROPOSED CONDITIONS", "PHASE II PROPOSED DREDGE SECTIONS" on twelve (12) sheets, and dated with sheets 1-6, 8 dated "06/19/17", sheet 7 dated "01/06/12", sheet 9 dated "03/13/15."

Pre-application coordination has resulted in the applicant proposing minimization of dredging impacts to intertidal areas within the Bass River. In addition to avoiding sensitive intertidal areas, the applicant is proposing storm water treatment improvements, removal of storm water sediment deposits, shoreline cleanup including a revetment reconstruction at Bass Haven Yacht Club, and the restoration of salt marsh flushing at Obear Park to compensate for unavoidable impacts to essential fish habitat associated with the proposed dredging.

AUTHORITY

Permits are required pursuant to:

- X___ Section 10 of the Rivers and Harbors Act of 1899
- _X_ Section 404 of the Clean Water Act
- __X__ 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.

Dredged Material Disposal Mitigation Discussion:

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. When applicable, the biological quality of the disposal of the material at the disposal site was also used to evaluate the feasibility of the open-water disposal alternative.

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 requested disposal site.

Testing Information

The dredged material has undergone physical, chemical, and biological testing and has satisfied the criteria for ocean disposal of dredged material as specified in Part 227 of the Ocean Dumping Act regulations. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

Massachusetts Bay Disposal Site

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 (the suitability was determined

with a project-specific evaluation with an established interagency review process) 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 distinct dredged material mounds have 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.

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).

The dredging portion of this project will impact approximately 17.8 acres of Essential Fish Habitat (EFH) for those species listed on the attached table. Habitat at this site can be described as marine intertidal and marine subtidal with fine silt or clay substrates. Loss of this habitat may result in adverse effects including direct or indirect physical, chemical, or biological alterations to the water or substrate utilized by EFH listed species; the loss of benthic organisms, prey species, and their habitat; and other ecosystem components utilized by EFH listed 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.

The disposal component of this project will result in the placement of approximately 104,300 cubic yards of dredged material within Essential Fish Habitat (EFH). The dredged material is proposed for placement at the Massachusetts Bay Disposal Site. The habitats at the dredge site and the disposal site are similar and both consist of silt, sand, and clay and mixtures of these grain sizes. Loss of this habitat may adversely affect the species and habitat shown on the attached table. Habitat at the disposal site can be described as marine subtidal with low velocity bottom currents. Temporary loss of these habitats may adversely affect the listed species and life stages by burying the sediment water interface, increasing local suspended sediment levels, displacing or burying forage species and other community members or shelter afforded those organisms and by denying the resources use of those EFHs. These impacts have been experienced in prior disposal actions and monitored by the DAMOS activities. There is an expectation that the proposed actions will follow the same event line with EFH recovery expected to follow a pattern similar to prior projects of the same nature. Thus, the District Engineer has made a preliminary determination that the site-specific individual and cumulative adverse effects 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

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(s)

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

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 Christine Jacek 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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

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Barbara Newman 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 <u>bettina.m.chaisson@usace.army.mil</u>. 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:	

Species		Life Stage				
	Scientific Name		Larvae	Juvenile	Adult	All Life Stages
Atlantic cod	Gadus morhua	Х	X	Х	X	Х
Haddock	Melanogrammus aeglefinus	Х	Х			
Pollock	Pollachius virens	Х	Х	Х	Х	Х
Whiting	Merluccius bilinearis	Х	Х	Х	Х	Х
Red Hake	Urophycis chuss	Х	Х	Х	Х	Х
White Hake	Urophycis tenuis	Х	Х	Х	Х	Х
Redfish	Sebastes fasciatus		Х	Х	Х	
Winter Flounder	Pseudopleuronectes americanus	X	Х	Х	Х	Х
Yellowtail Flounder	Limanda ferruginea	Х	Х	Х	Х	Х
Windowpane Flounder	Scophthalmus aquosus	Х	Х	Х	Х	Х
American Plaice	Hippoglossoides platessoides	X	Х	Х	Х	Х
Ocean Pout	Macrozoarces americanus	X	Х	Х	Х	Х
Atlantic Halibut	Hippoglossus hippoglossus	Х	Х	Х	Х	Х
Atlantic Sea Scallop	Placopecten magellanicus	X	Х	Х	Х	Х
Atlantic Sea Herring	Clupea harengus		Х	Х	Х	
Bluefish	Pomatomus saltatrix			Х	Х	
Long Finned Squid	Loligo pealeii			Х	Х	
Short Finned Squid	Illex illecebrosus			Х	Х	
Atlantic Butterfish	Peprilus triacanthus	X	Х	Х	Х	Х
Atlantic Mackerel	Scomber scombrus	X	Х	Х	Х	Х
Summer Flounder	Paralichthys dentatus				Х	
Scup	Stenotomus chrysops			Х	Х	
Black Sea Bass	Centropristis striata				Х	
Surf Clam	Spisula solidissima			Х	Х	
Bluefin Tuna	Thunnus thynnus			Х	Х	























