

# **PUBLIC NOTICE**

US Army Corps of Engineers ® New England District 696 Virginia Road Concord, MA 01742-2751 Comment Period Begins: April 4, 2017 Comment Period Ends: May 4, 2017 File Number: NAE-2011-00558 In Reply Refer To: Phillip Nimeskern Phone: (978) 318-8660 E-mail: Phillip.W.Nimeskern@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from **Hingham Shipyard Marinas, LLC, 24 Shipyard Drive, Hingham, Massachusetts.** This work is proposed in **Weymouth Back River** at **24 Shipyard Drive, Hingham, Massachusetts**. The site coordinates are: Latitude 41.68675; Longitude -70.16016.

The work involves maintenance dredging two areas in an existing boat basin, which have a total of 4.3 acres, to -7' MLLW, with a 1' overdredge. This basin was last dredged in 1951. Approximately 10,800 cubic yards of sandy and silty materials will be mechanically dredged and disposed of at Massachusetts Bay Disposal Site (MBDS). This work is necessary to restore safe navigation and to give the marina access to, and use of, the waterway.

The work is shown on the attached plans entitled "HINGHAM SHIPYARD MARINA MAINTENANCE DREDGING PROJECT," on 10 sheets, and dated "6/9/16."

# 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

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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, US 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.

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.

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 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.

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 analysed 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.

#### ESSENTIAL FISH HABITAT

The dredging portion of this project will impact approximately 4.3 acres of Essential Fish Habitat (EFH) for those species listed on the attached table. Habitat at this site can be described as estuarine unconsolidated sandy and silty bottom. Loss of this habitat may temporarily adversely affect those species listed on the attached table. However the District Engineer has made a preliminary determination that the site-specific

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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 dredged material disposal is proposed for MBDS. This is an open water site, which provides Essential Fish Habitat for those species listed on the attached table. Habitat at this site can be described as marine open-water. Loss of this habitat may temporarily adversely affect those species listed on the attached table. 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.

# 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 Tribal Historic Preservation Officers

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#### 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,

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please contact Phillip Nimeskern at (978) 318-8660; (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 H. 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.

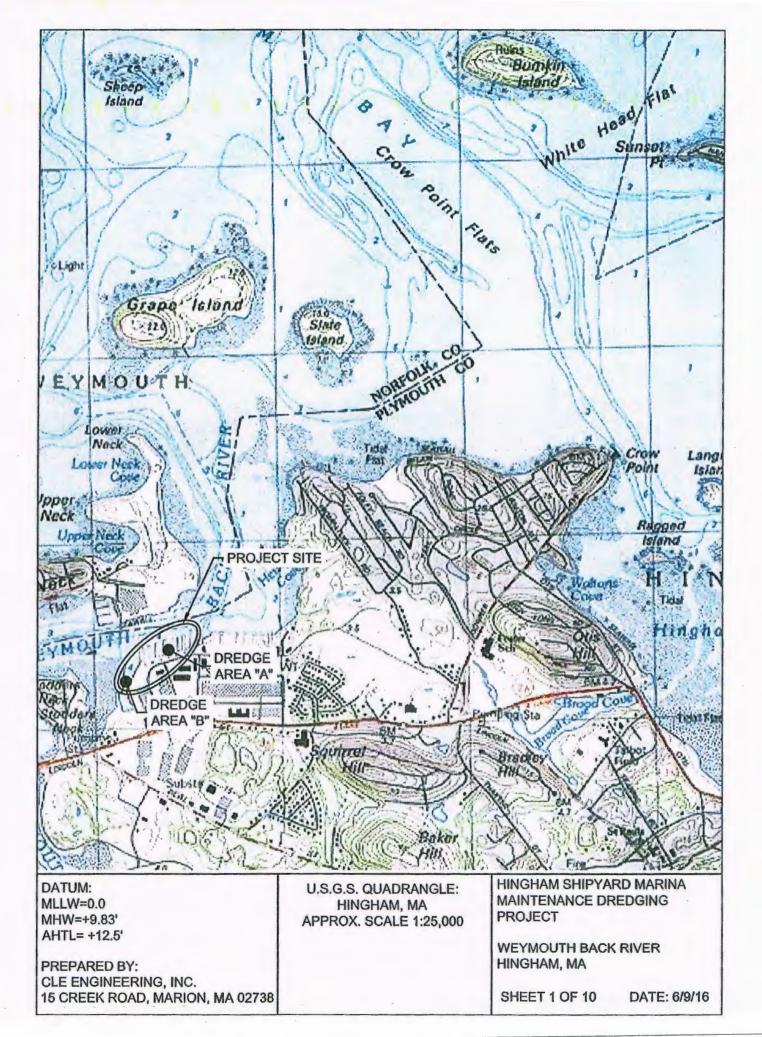
NAME:	•	
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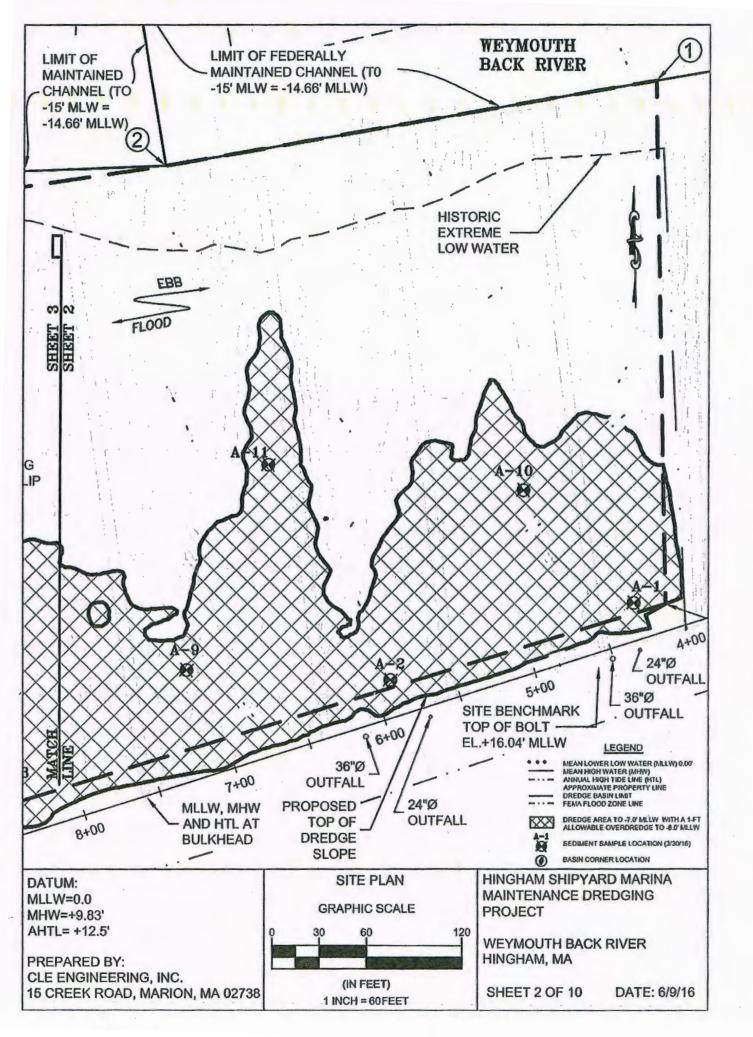
	Scientific Name	Life Stage				
Species		Eggs Larvae		Juvenile Adult		All Life Stages
American plaice	Hippoglossoides platessoides	1	~	~	~	
Atlantic butterfish	Peprilus triacanthus	1	~			
Atlantic cod	Gadus morhua	1	~	~	~	
Atlantic halibut	Hippoglossus hippoglossus					$\checkmark$
Atlantic mackerel	Scomber scombrus	1	$\checkmark$	$\checkmark$	~	
Atlantic sea herring	Clupea harengus		~	~	~	
Atlantic wolffish	Anarhichas lupus					$\checkmark$
Black sea bass	Centropristis striata					$\checkmark$
Bluefin tuna	Thunnus thynnus				~	
Bluefish	Pomatomus saltatrix			$\checkmark$	~	
Haddock	Melanogrammus aeglefinus	1	~			
Little skate	Leucoraja erinacea			$\checkmark$	$\checkmark$	
Long-finned squid	Doryteuthis pealeii			~	~	
Ocean pout	Macrozoarces americanus	1	~	~	~	
Pollock	Pollachius virens	1	~	~	~	
Red hake	Urophycis chuss	1		× .	V.	
Sea Scallop	Placopectin magellanicus					$\checkmark$
Silver hake or Whiting	Merluccius bilinearis	1	~	~	~	
White hake	Urophycis tenuis	1	$\checkmark$	~	~	
White shark	Carcharodon carcharias					V
Windowpane flounder	Scophthalmus aquosus	1	$\checkmark$	~	~	
Winter flounder	Pseudopleuronectes americanus	V.	V.	$\checkmark$	~	
Winter skate	Leucoraja ocellata	~	~	~	$\checkmark$	
Yellowtail flounder	Limanda ferruginea	~	$\checkmark$	~	~	

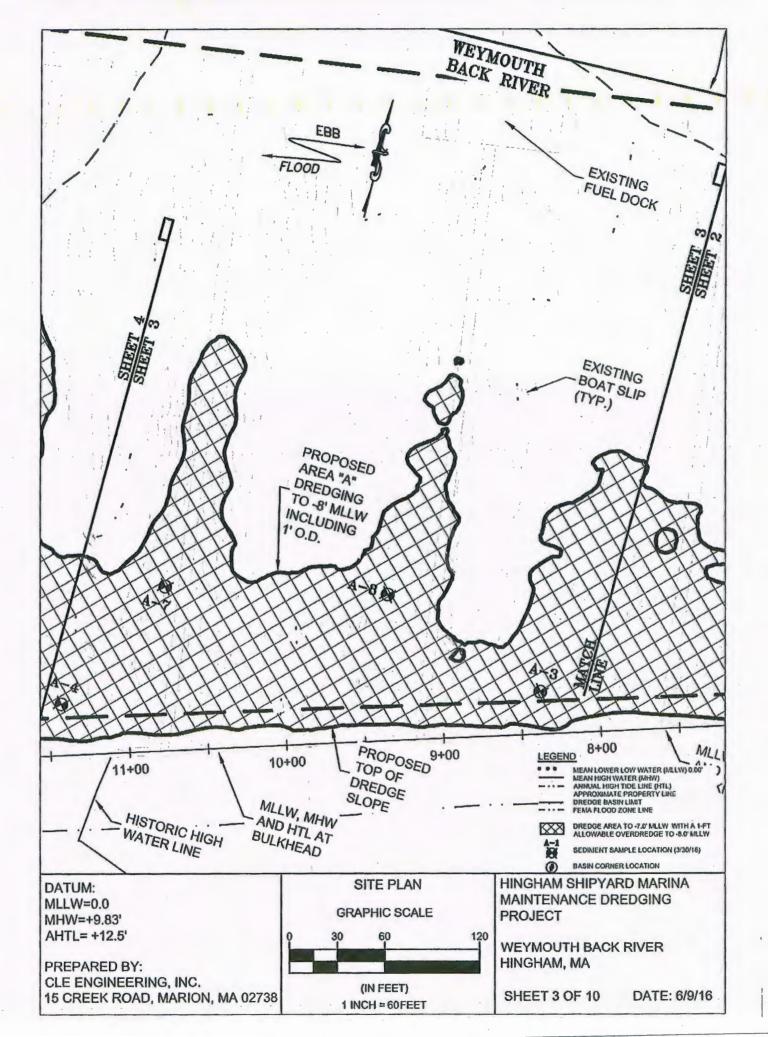
# Essential Fish Habitat for NAE-2011-00558 Hingham Shipyard Marinas

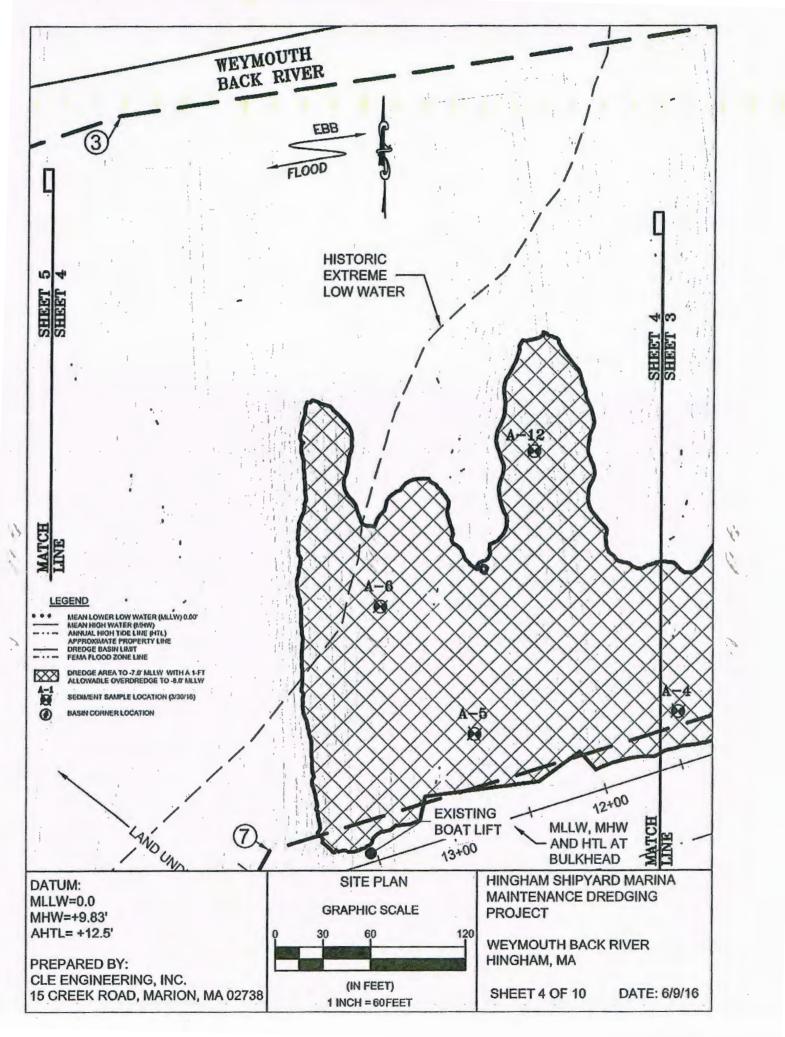
	Scientific Name	Life Stage				
Species		Eggs	Larvae	Juvenile	Adult	All Life Stages
American plaice	Hippoglossoides platessoides	~		$\checkmark$	~	
Atlantic butterfish	Peprilus triacanthus		~			
Atlantic cod	Gadus morhua	1	~	$\checkmark$	$\checkmark$	
Atlantic halibut	Hippoglossus hippoglossus					~
Atlantic herring	Clupea harengus		$\checkmark$	$\checkmark$	~	
Atlantic mackerel	Scomber scombrus	1	~	$\checkmark$	~	
Atlantic wolffish	Anarhichas lupus					~
Basking shark	Cetorhynus maximus			$\checkmark$	$\checkmark$	
Bluefin tuna	Thunnus thynnus	-		1	~	
Blue shark	Prionace glauca		1	~	$\checkmark$	
Haddock	Melanogrammus aeglefinus			~	~	
Monkfish	Lophius americanus	1	~	~	~	
Ocean pout	Macrozoarces americanus	1	~	~	$\checkmark$	
Red hake	Urophycis chuss	1	~	~	~	
Redfish	Sebastes faciatus & S. mentella					1
Sea scallop	Placopecten magellanicus					🗸 .
Short-finned squid	Illex illecebrosus				1	
Silver hake or Whiting	Merluccius bilinearis	1	~	$\checkmark$	~	
Smooth skate	Malacoraja senta			~		
Spiny dogfish	Squalus acanthias			1 12 12 12 12 12 12 12 12 12 12 12 12 12	~	
Thorny skate	Ambyraja radiata			~	$\checkmark$	
White hake	Urophycis tenuis	1	~	~	~	
White shark	Carcharodon carcharias					~
Windowpane flounder	Scophthalmus aquosus		~			
Winter flounder	Pseudopleuronectes americanus	~	~	~	$\checkmark$	
Winter skate	Leucoraja ocellata		~			
Witch flounder	Glyptocephalus cynoglossus	~	~	$\checkmark$	~	-
Yellowtail flounder	Limanda ferruginea	~	• •	· 🗸 ·	1	

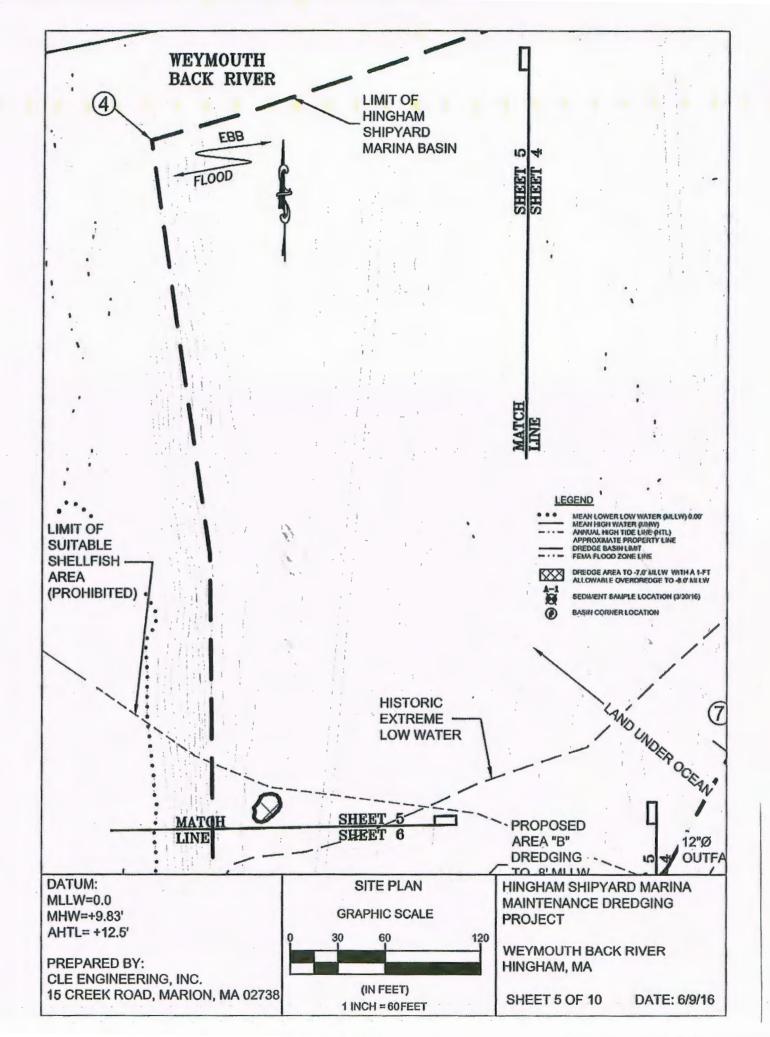
## Essential Fish Habitat for Massachusetts Bay Disposal Site

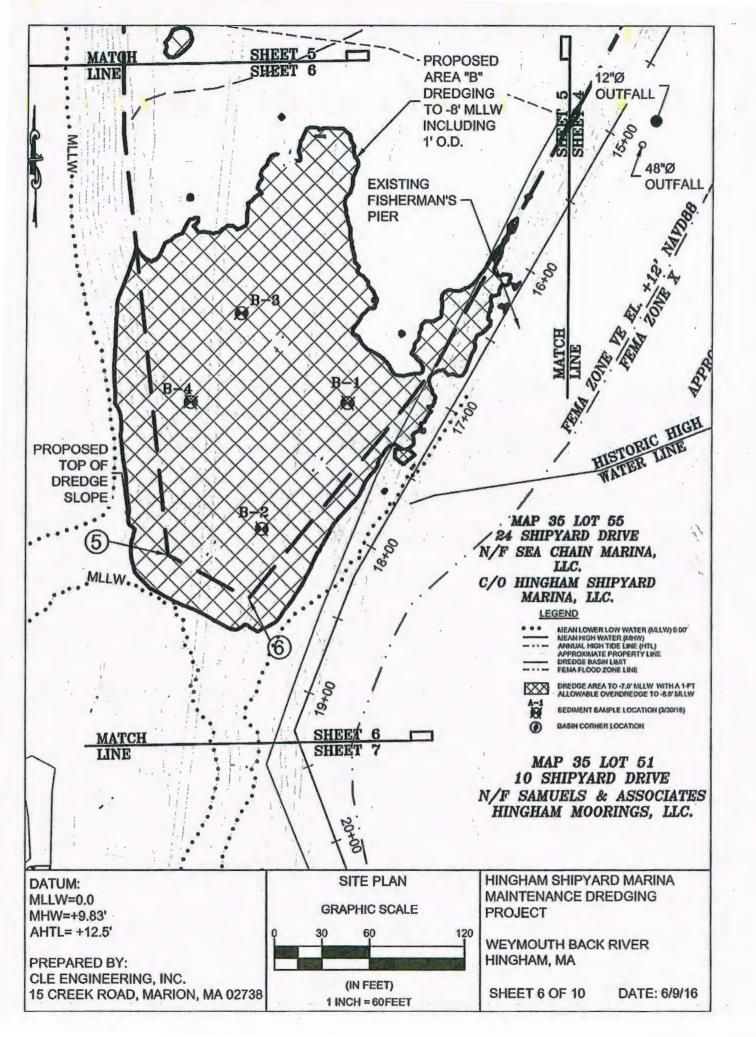


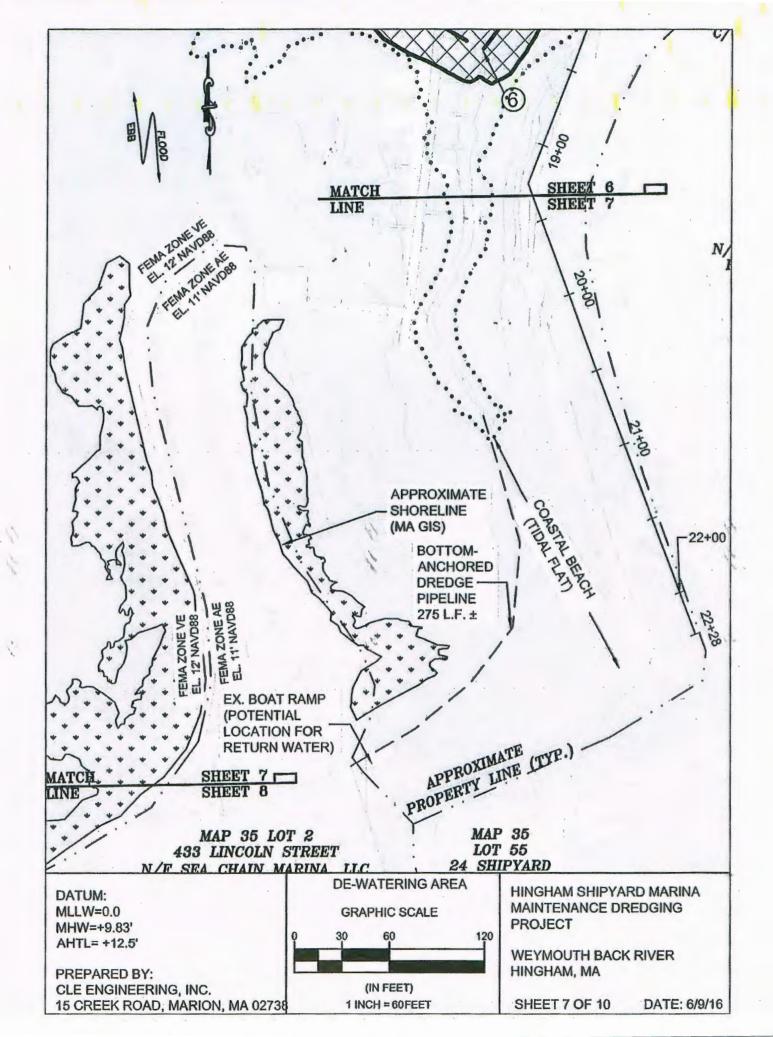


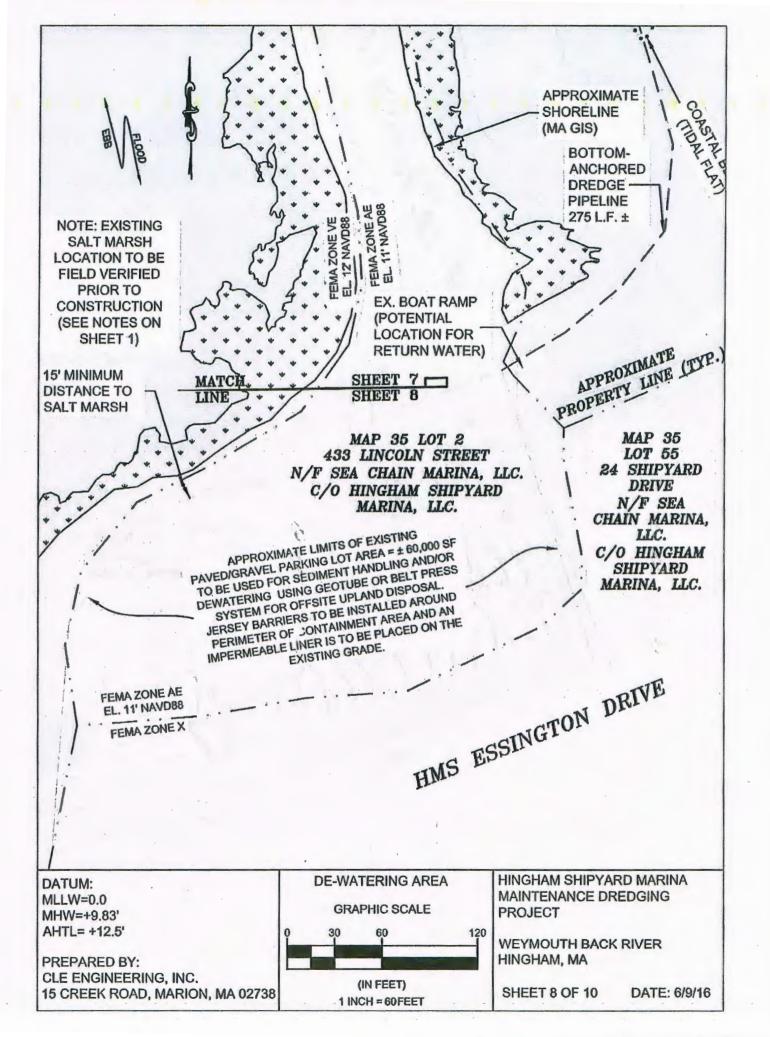






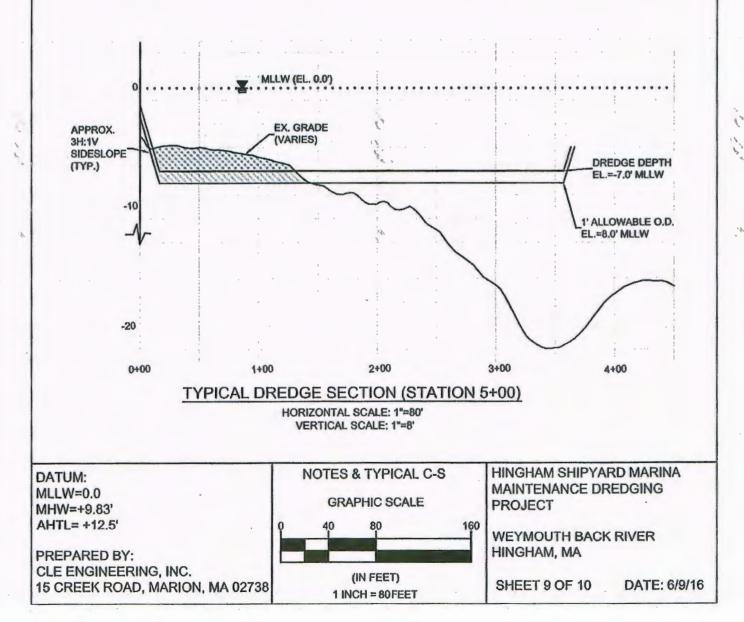






GENERAL NOTES:

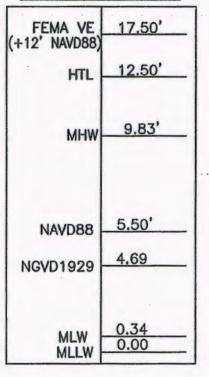
- 1. RESULTS OF HYDROGRAPHIC SURVEY BY CLE ENGINEERING, INC. (CLE) DATED 4/11/14.
- 2. ELEVATIONS ARE IN FEET AND TENTHS, AND REFER TO MEAN LOWER LOW WATER (MLLW).
- 3. COORDINATES ARE BASED ON NAD83 MASSACHUSETTS MAINLAND STATE PLANE GRID SYSTEM.
- PROJECT BENCHMARK IS NAIL IN DCR PIER, ELEVATION 15.24' MLLW. SITE BENCHMARK IS BOLT IN GANGWAY GATE EL. 10.54' NAVD88 (16.04' MLLW) BASED ON RTK GPS, GEOID 2012A USING KEYNET CORRECTIONS.
- PROJECT SITE LOCATED WITHIN FEMA ZONE VE 12' NAVD 88 AND ZONE AE 11' NAVD88. FLOOD PLAIN INFORMATION FROM FEMA FIRM PANEL 25023C 0018 J AND 25023C 00181 J EFFECTIVE DATE JULY 17, 2012 REVISED AS PER LOMR EFFECTIVE AUGUST 14, 2015.
- 6. APPROXIMATE PROPERTY LINE LOCATIONS, SHELLFISH SUITABILITY, NHESP
- AREAS, SHORELINE, SALT MARSH, AND HISTORIC HIGH WATER LINE ARE LOCATED FROM MA GIS DATA. 7. THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF SURVEYS PERFORMED ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. NO SURVEYS WERE CONDUCTED TO LOCATE PROPERTY LINES, CHANNEL LIMITS, EASEMENTS, UTILITIES, GEOTECHNICAL FEATURES, STRUCTURES, HABITATS OR ANY OTHER PHYSICAL FEATURES RELATING TO THE PROJECT SITE, NOR DOES CLE WARRANT THE EXISTENCE OR LOCATION OF SAID PHYSICAL FEATURES.
- 8. POSSESSION AND USE OF THE MATERIAL CONTAINED ON THESE DRAWINGS IS GRANTED ONLY IN CONNECTION WITH ITS USE AS IT RELATES TO THE TITLED PROJECT, ANY OTHER USE, REPRODUCTION OR DISCLOSURE OF THE INFORMATION CO'NTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF CLE ENGINEERING INC.



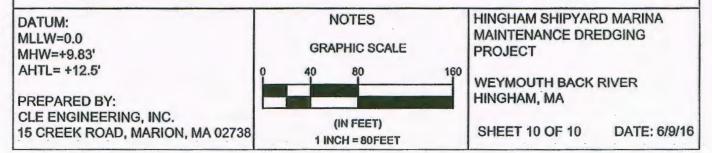
DREDGE AREA	DREDGE VOLUME (CY)			
	DREDGING TO -7' MLLW	1' O.D. TO -8' MLLW		
Α	3,150	4,650		
B	1,850	1,150		
TOTAL (CY)	5,000	5,800		
GRAND TOTAL (CY)	10,800			

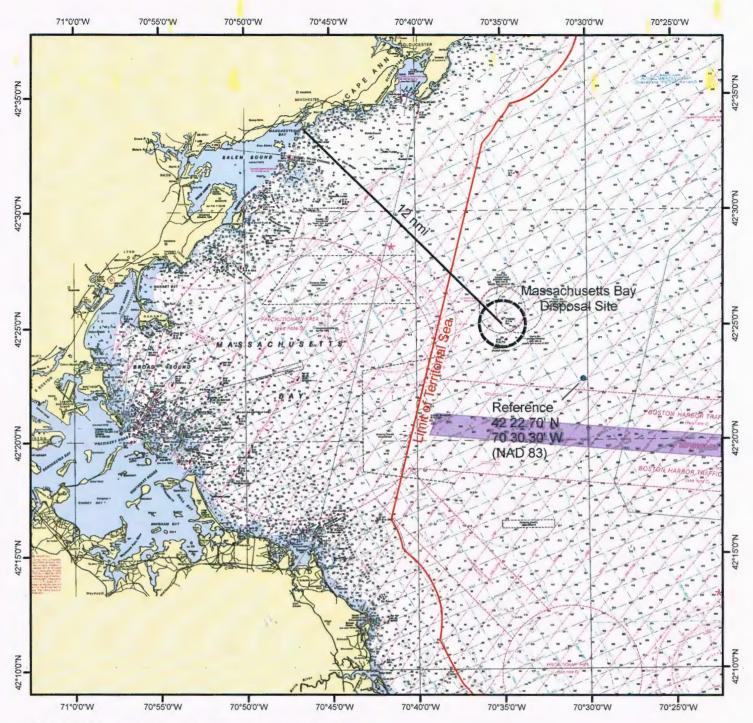
	MA STATE PLANE COORDINATES				
<b>BASIN LOCATION</b>	NORTHING	EASTING			
1	2918125.99	813154.81			
2	2918060.99	812773.81			
3	2917952.197	812026.74			
4	2917861.88	811752.01			
5	2917119.89	811821.95			
6	2917092.295	811873.08			
7	2917491.29	812129.71			
8	2917784.07	813091.76			

#### DATUM SHIFT CHART



DATUM SHIFT FROM BOSTON STATION #8443970 1983-2001 TIDAL EPOCH NAVD88 TO NGVD29 SHIFT FROM VDATUM GEOID 2012A FOR PROJECT SITE





# MASSACHUSETTS BAY DISPOSAL SITE

Description: The Massachusetts Bay Disposal Site (MBDS), 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. Water depths range from 269 to 302 ft (82 to 92 m). The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.

