PUBLIC NOTICE

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US Army Corps of Engineers ® New England District 696 Virginia Road Concord, MA 01742-2751 Comment Period Begins: March 28, 2017 Comment Period Ends: April 28, 2017

File Number: NAE-2012-440

In Reply Refer To: Paul Sneeringer

Phone: (978) 318-8491

E-mail: paul.j.sneeringer@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from the Massachusetts Port Authority (Massport), One Harborside Drive, Suite 200S, East Boston, Massachusetts. This work is proposed in the Reserved Channel at the Conley Container Terminal, East First Street, South Boston, Massachusetts. The site coordinates are: Latitude 42.3420 °N, Longitude -71.0253 °W. The purpose for this project is to construct a new wharf and to establish two deep water berths at the Conley Container Terminal with minimum depths of at least -50 feet mean lower low water (MLLW) that can support larger container vessels.

This project includes removing the maritime facilities associated with the former Coastal Oil terminal property; installing a new 1,278 linear foot pile-supported concrete wharf at Berth #10; and mechanically dredging 175-foot wide slips at Berths #10 and #11 to a depth of -50 feet MLLW plus dedicated overdredge. The new wharf at Conley Terminal – Berth #10 has been designed in order to service vessels with up to a 10,000 twenty-foot- equivalent- units (TEU) capacity. This wharf will support three larger Ship-to-Shore (STS) container cranes, which are necessary to load and unload containers from the bigger and taller container vessels.

Approximately 912 steel piles will be installed as part of the construction of the Berth #10 wharf. A steel sheet bulkhead will be constructed at the landward edge of this wharf. Massport will fill approximately 23,500 square feet of waters of the United States and to emplace/upgrade riprap side slopes on 132,100 square feet of waters of the United States to realign the shoreline and to armor the slope below the proposed Berth #10 wharf.

Massport proposes to mechanically dredge approximately 13.0 acres of waters of the United States, in order to construct the new wharf and to dredge the proposed 175-foot wide slips at Conley Terminal Berths #10 and #11 (970 feet long) to a depth of -50 feet MLLW plus two feet, or four feet in areas where rock is located, of dedicated overdredge. Massport estimates that there could be approximately an additional 8,500 cubic yards of rock removal. This may require blasting. Massport proposed to recycle or to dispose the approximately 32,500 cubic yards of oil impacted soils at an upland site; to dispose of approximately 111,200 cubic yards of the historic fill material at a Boston Harbor Confined Aquatic Disposal cell; and to dispose of approximately 213,900 cubic yards of the improvement dredged material at the Massachusetts Bay Disposal Site (MBDS). Massport also proposes to deauthorize portions of the existing Reserved Channel Federal Navigation Project in order to incorporate it into the deepwater Berths #10 and #11 slips.

The work is described on the attached plans entitled "MASSPORT – BERTH 10 CONSTRUCTION," on a total of 19 sheets, and dated "12/22/16" and revised "02/28/17" as well as "Figure 7:Riprap area changes for Berth 10 Project" from Massport's Essential Fish Habitat Assessment, dated "February 17, 2017".

Through the development of this project, the applicant has attempted to avoid and minimize direct impacts to waters of the United States. As part of the construction of the new wharf, there will be a net gain of approximately 14,700 square feet of restored intertidal and subtidal areas [38,200 square feet of restored intertidal/subtidal habitat minus 23,500 square feet of filled intertidal and subtidal areas]. The Corps continues to work with the applicant to minimize temporary construction impacts (noise and turbidity impacts) to Waters of the United States.

AUTHORITY

Permits are required pursuant to:

XX Section 10 of the Rivers and Harbors Act of 1899

XX Section 404 of the Clean Water Act

XX 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 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 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 sites.

Testing Information

The dredged material has undergone physical analysis and has satisfied Part 227.13(b) of exclusionary criteria of the Ocean Dumping Act regulations regarding biological testing. 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.

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 U.S. 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).

13.5 acres of on-site Essential Fish Habitat (EFH) for all life stages of winter flounder, windowpane flounder, white hake, Atlantic Tomcod, and Cunner as well as Tautog (eggs and larvae life stages) etc. This habitat consists mainly of soft bottom (sandy/silty mud) subtidal areas. Loss of this habitat may adversely affect any of the above mentioned species. Massport has provided a more detailed discussion of all EFH impacts associated with this project in their Essential Fish Habitat Assessment, dated February 16, 2017, which is available upon request. In this assessment, Massport states that certain site-specific impacts, such as pile driving operations, bulkhead and riprap revetment construction may have substantial impacts on EFH.

Dredged material disposal for this project is proposed at a Boston Harbor Confined Aquatic Disposal cell and at the Massachusetts Bay Disposal Site. These are both open water sites. Habitat at these sites can be described as

estuarine or marine open water. Massport's EFH Assessment provides a detailed description of species that could be affected by the proposed disposal activities. This EFH Assessment is available upon request. The District Engineer has made a preliminary determination that the site specific adverse effects associated with dredge disposal operations will not be substantial.

The Corps is continuing consultation with the National Marine Fisheries Service regarding EFH Conservation recommendations for this project. The Corps will coordinate with the applicant regarding implementation of any EFH Conservation recommendations. The EFH consultation process will be concluded prior to our final permit decision.

NATIONAL HISTORIC PRESERVATION ACT

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. 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 permit review process.

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:

- (XX) Permit, License or Assent from State.
- (XX) Permit from Local Wetland Agency or Conservation Commission.
- (XX) 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 Paul Sneeringer at (978) 318-8491, (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.

Barbara H. Newman

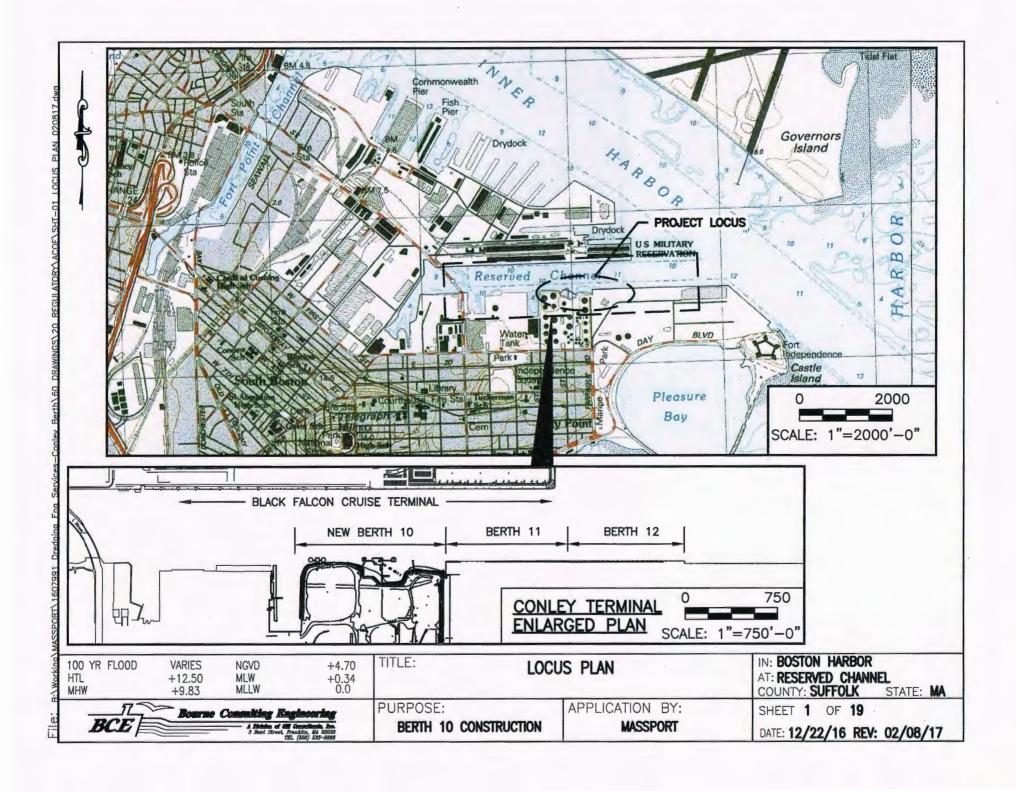
Chief, Permits and Enforcement Branch

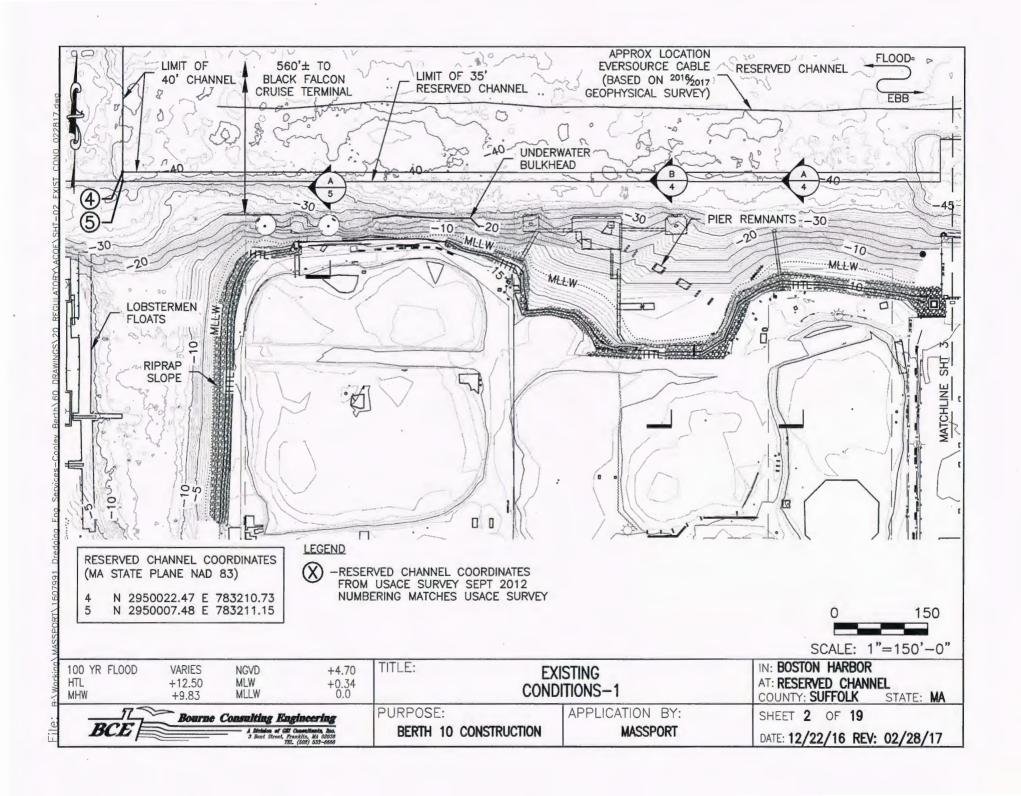
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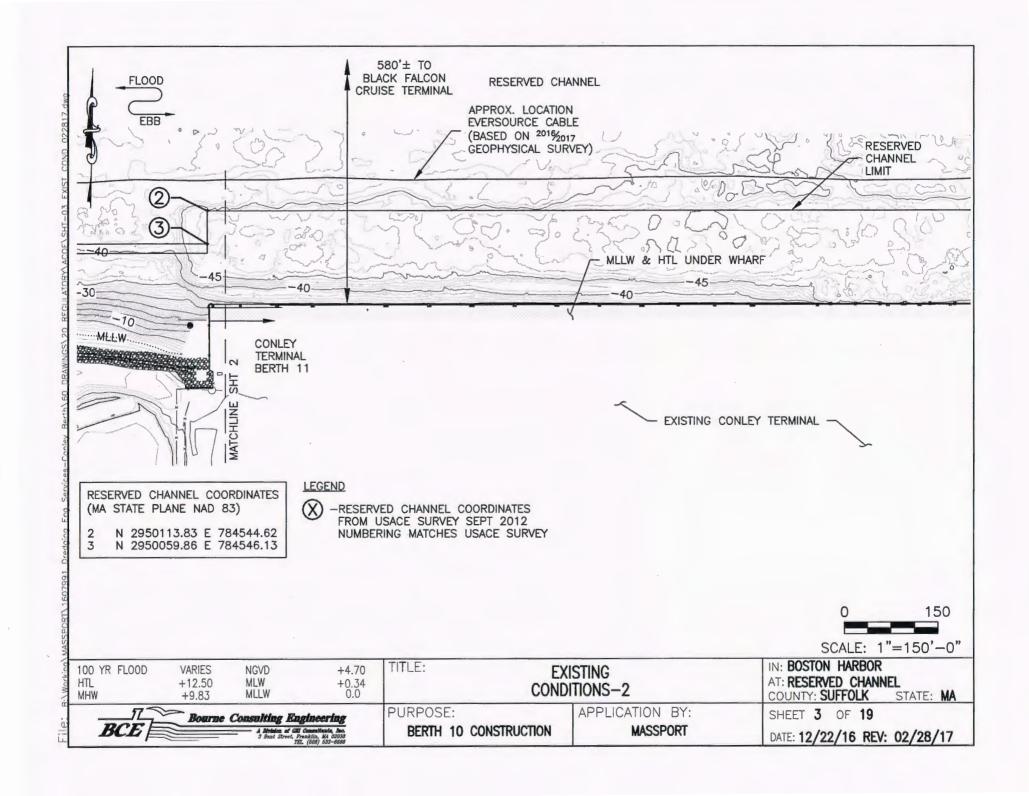
Regulatory Division

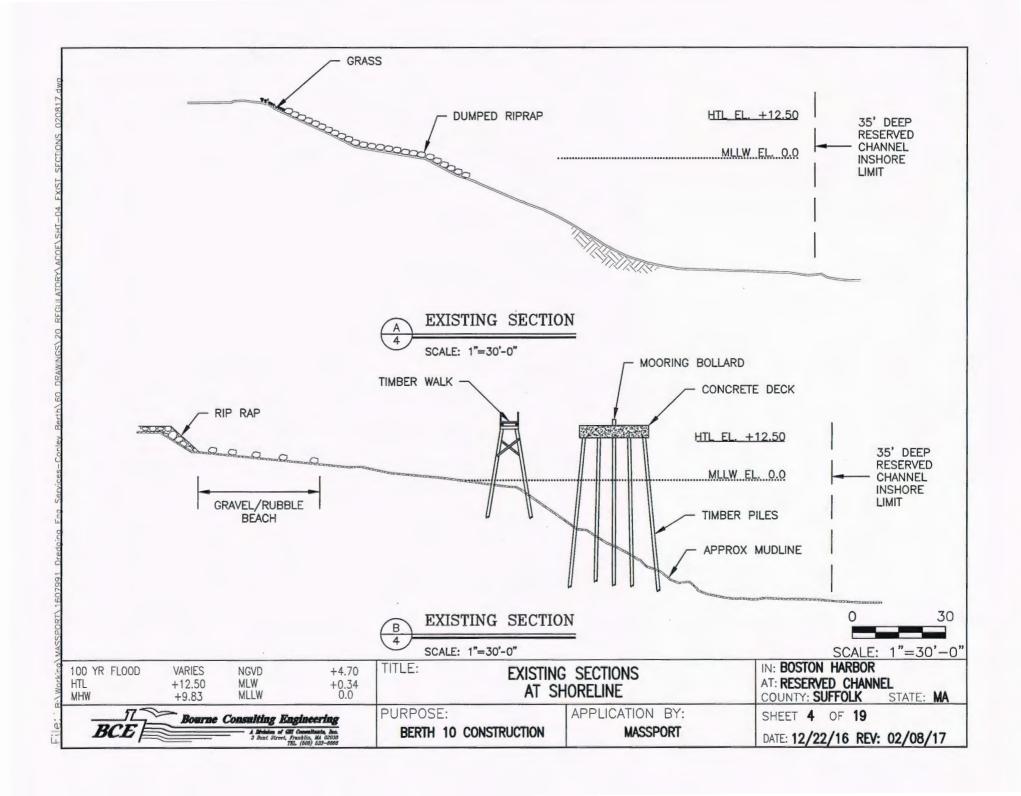
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

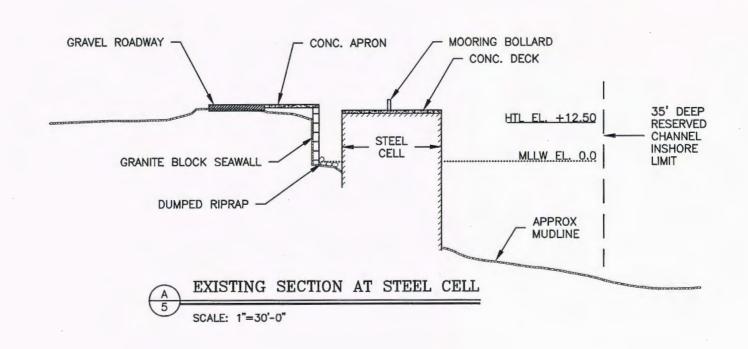
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SCALE: 1"=30'-0" IN: BOSTON HARBOR TITLE: +4.70 **EXISTING SECTIONS** 100 YR FLOOD **VARIES** NGVD MLW MLLW +0.34 AT: RESERVED CHANNEL HTL +12.50AT SHORELINE COUNTY: SUFFOLK STATE: MA MHW +9.83 APPLICATION BY: PURPOSE: SHEET 5 OF 19

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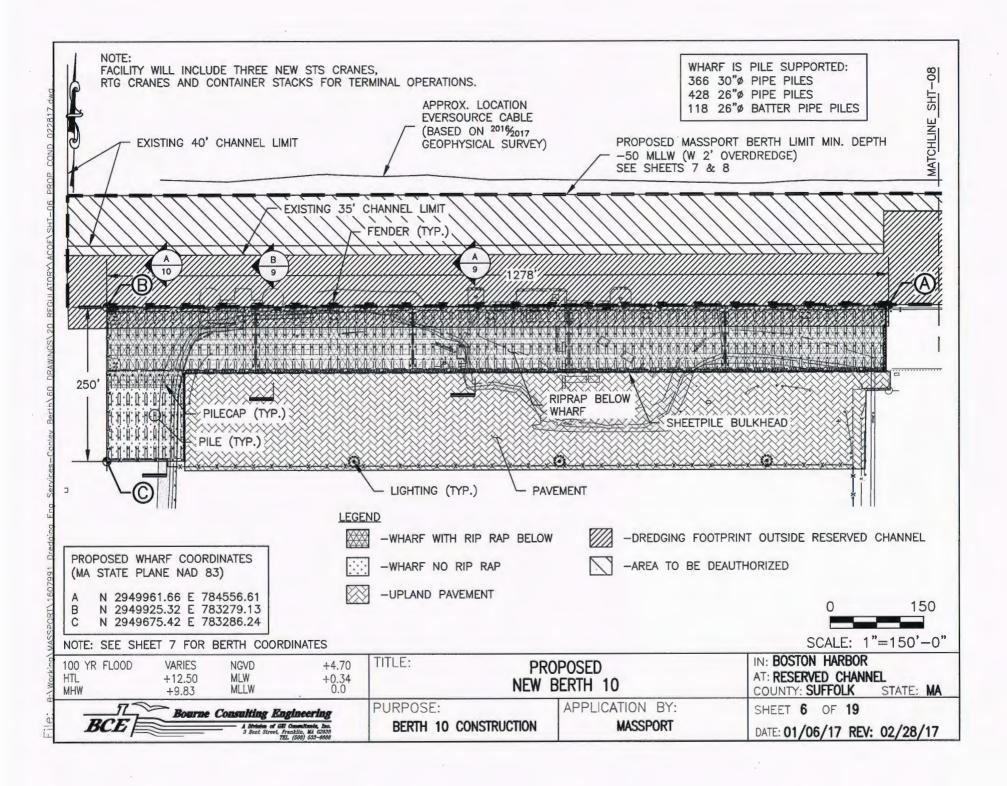
BERTH 10 CONSTRUCTION

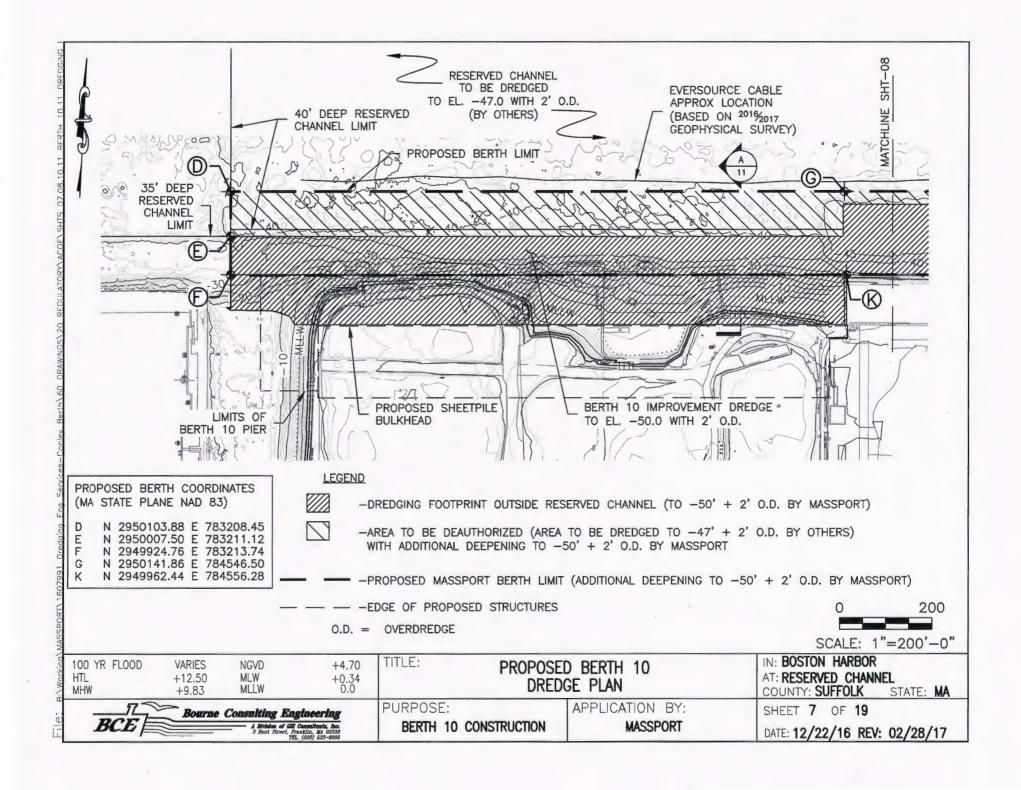
MASSPORT

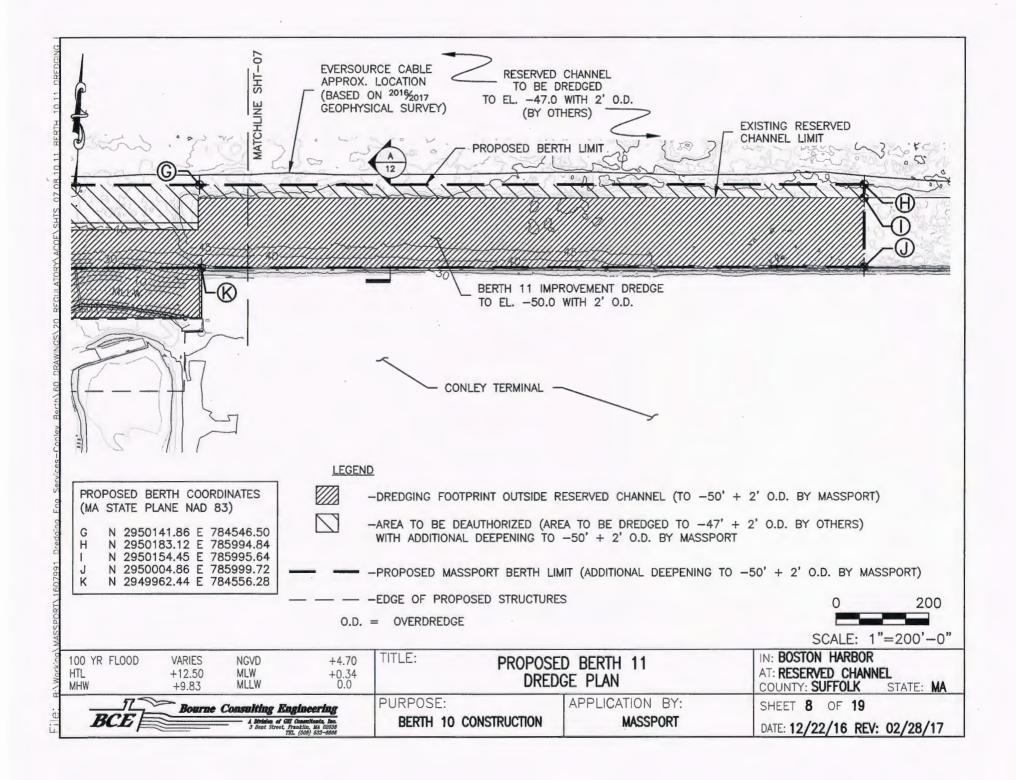
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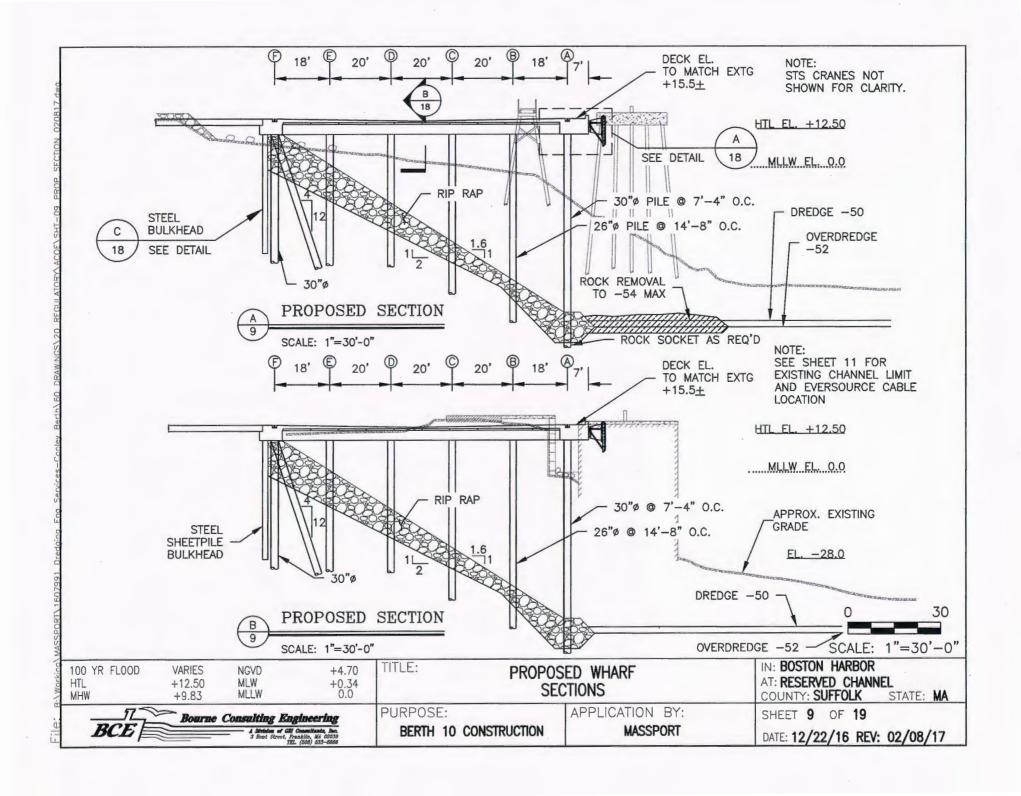
DATE: 12/22/16 REV: 02/08/17

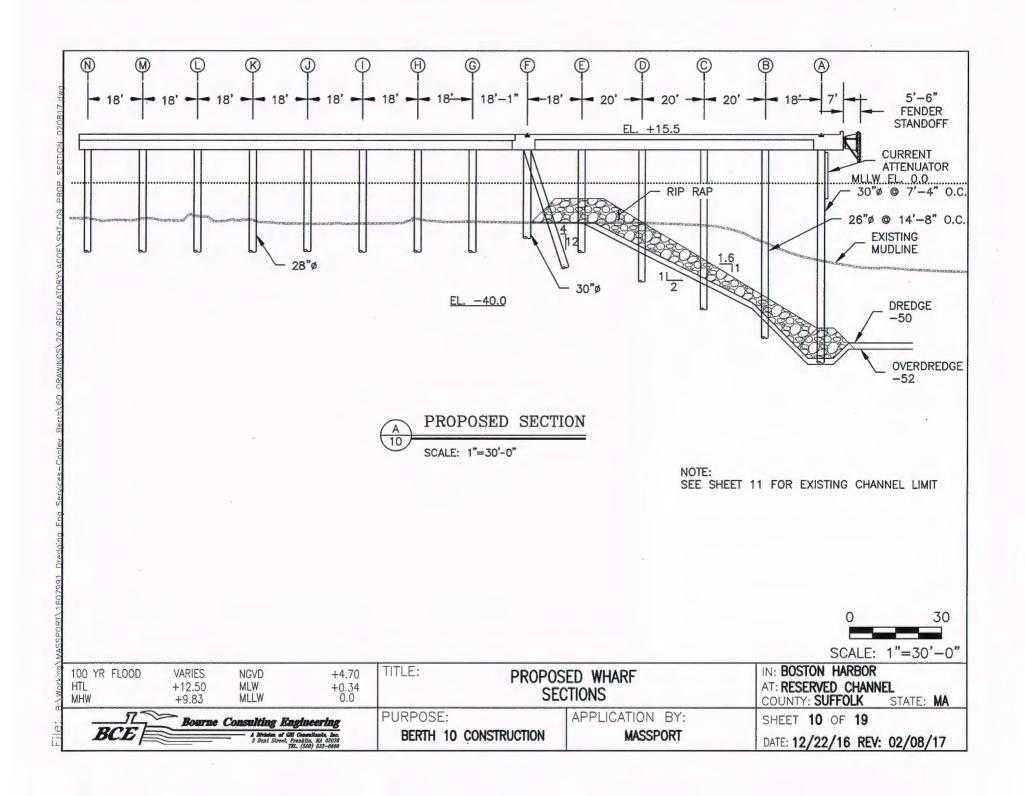
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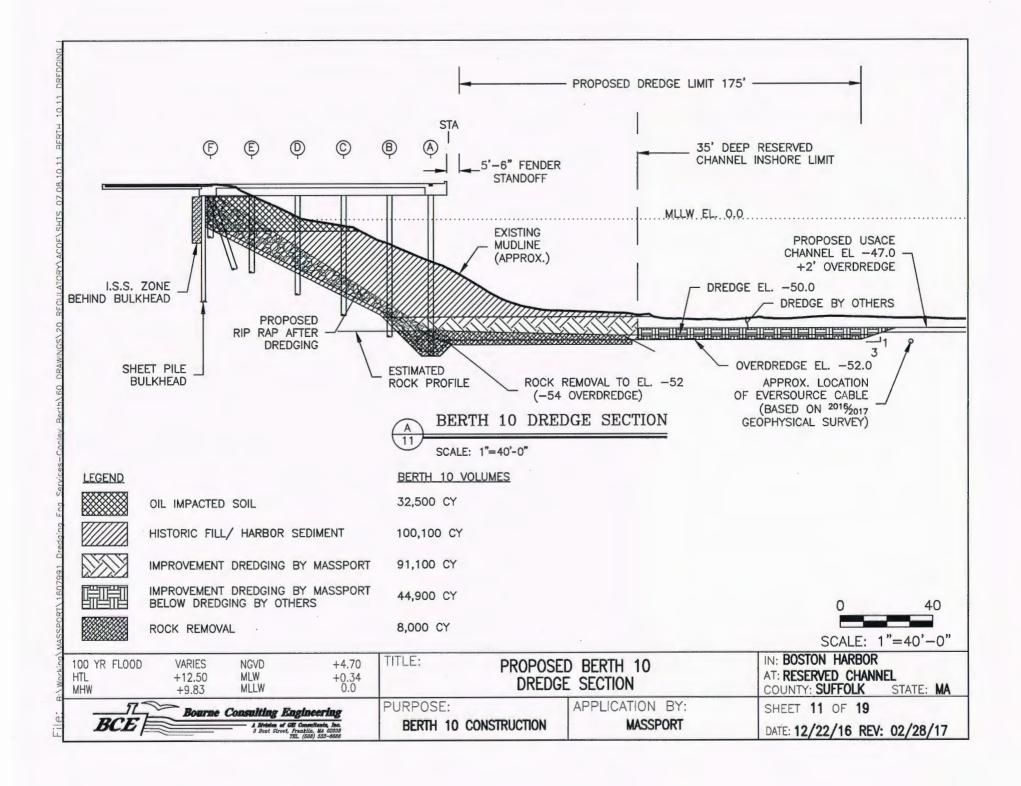


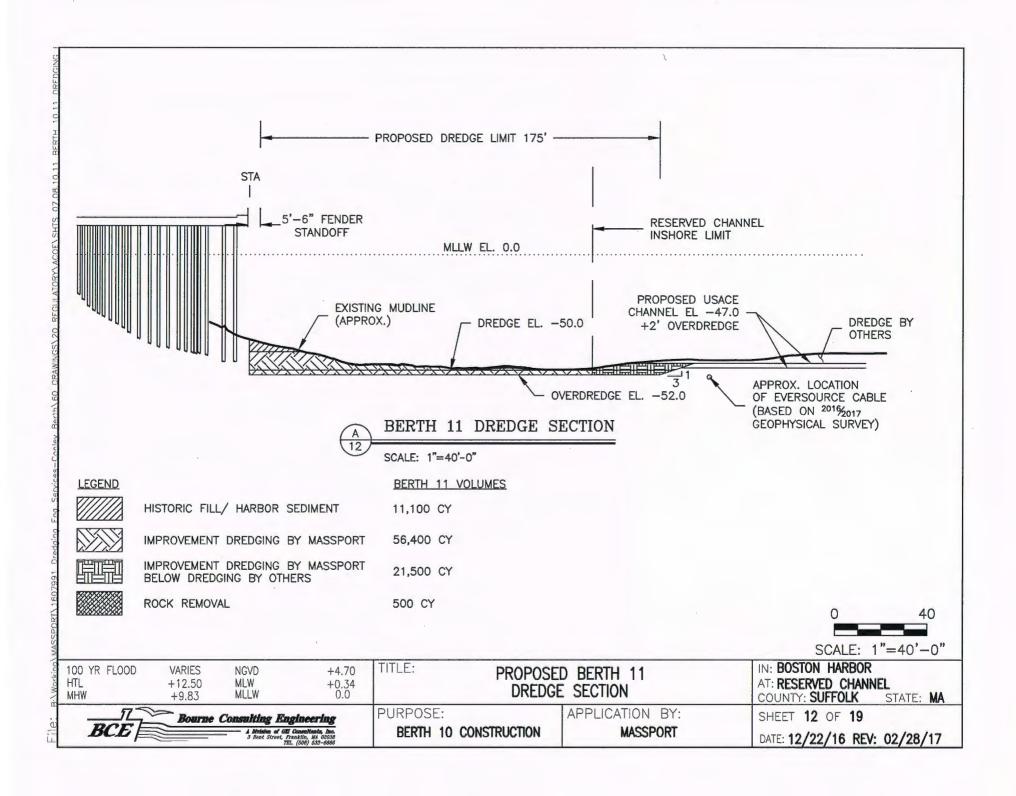


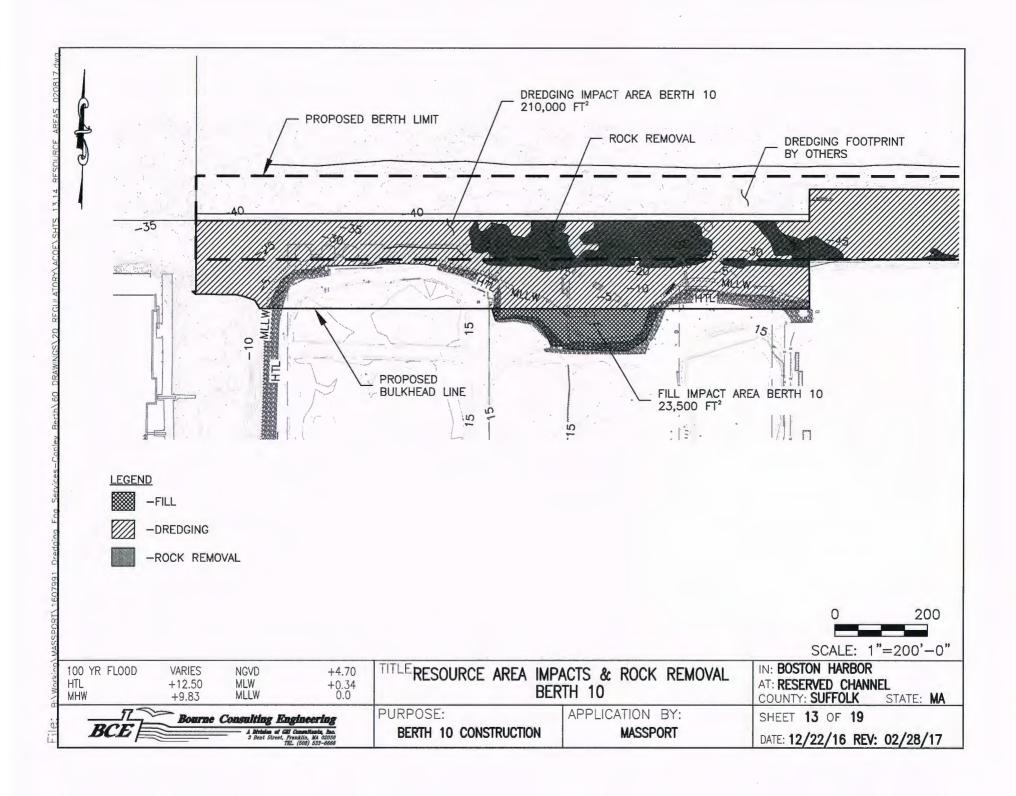


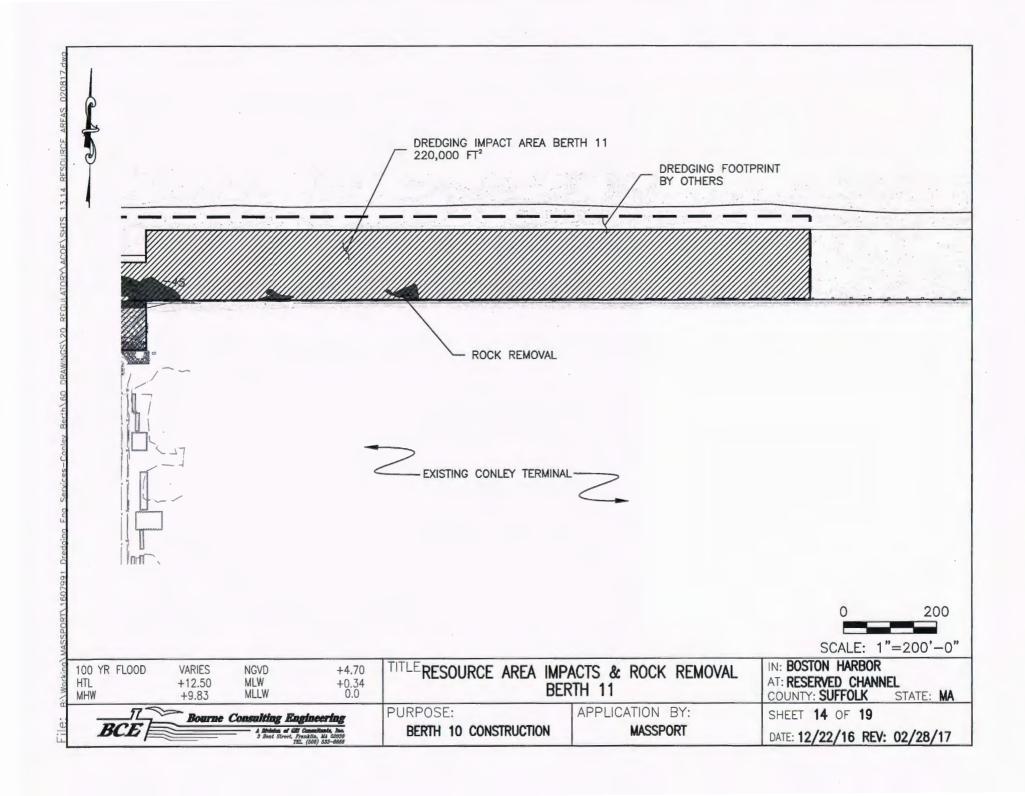


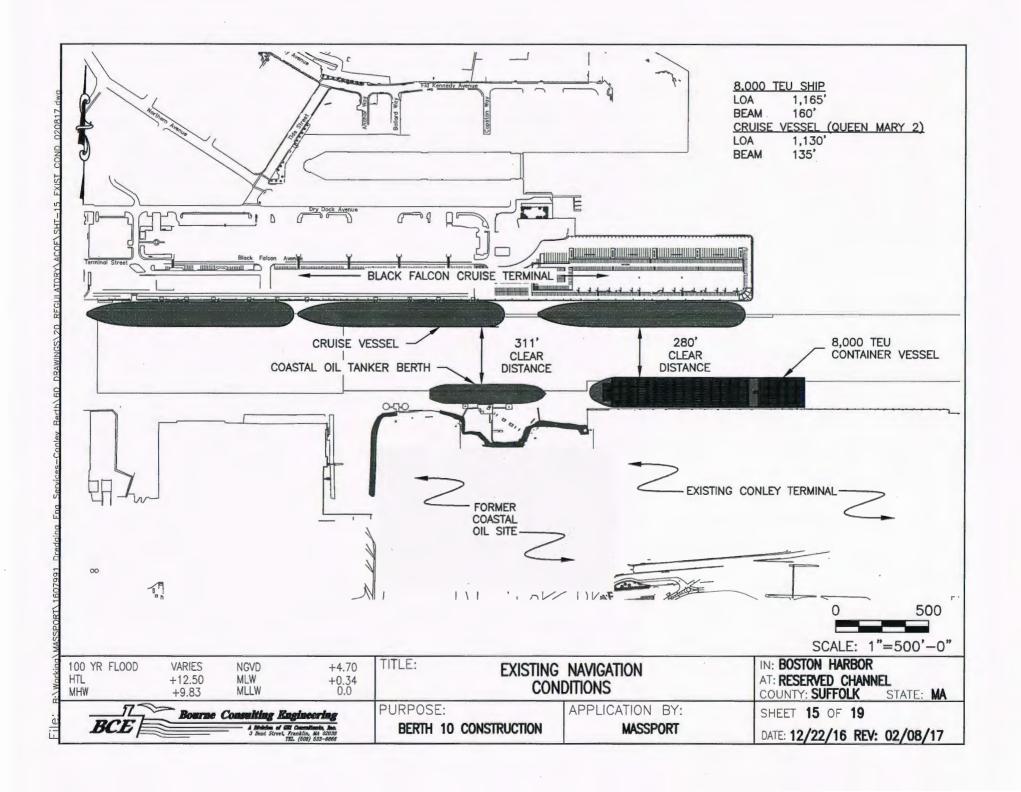


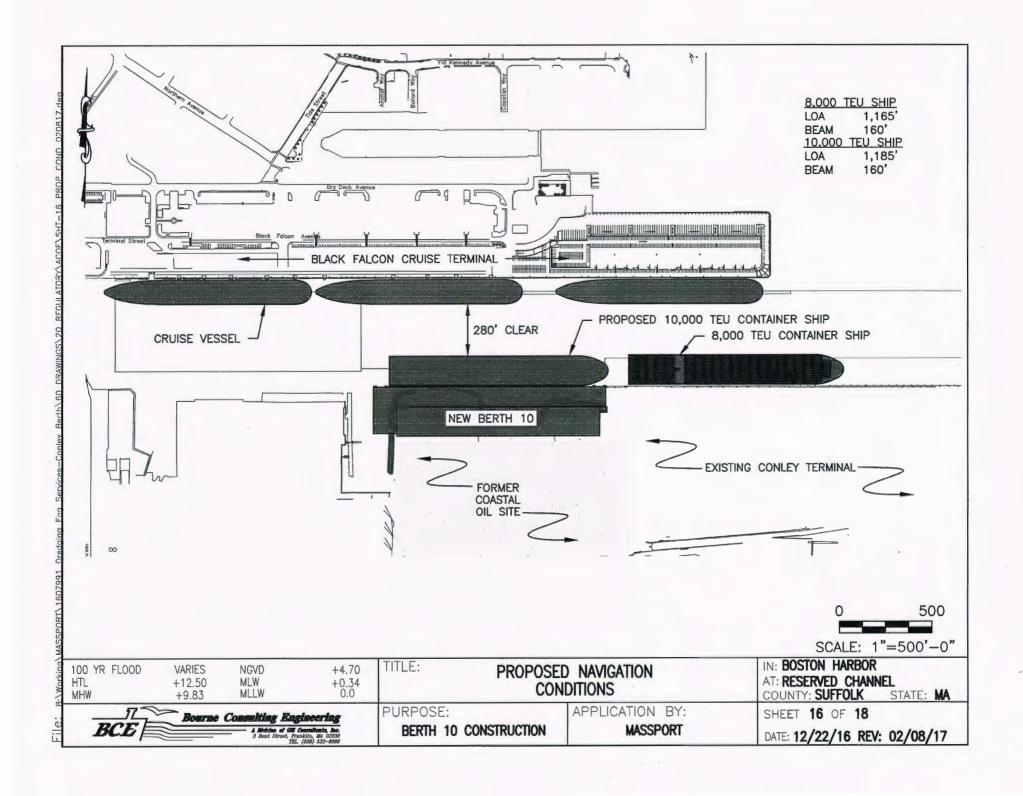












NOTES:

- 1. TOPOGRAPHIC DATA SHOWN HEREON WAS COLLECTED BETWEEN DECEMBER 16, 2015 AND FEBRUARY 12, 2016 BY NITSCH ENGINEERING AND CAN ONLY REFLECT CONDITIONS AS THEY EXISTED DURING THE TIME OF THE SURVEY.
- 2. HYDROGRAPHIC DATA SHOWN HEREON WAS COLLECTED ON NOVEMBER 10, 2015 AND CAN ONLY REFLECT CONDITIONS AS THEY EXISTED DURING THE TIME OF THE SURVEY. CONTOURS SHOWN ARE BASED ON 3X3 MINIMUM DATA.
- 3. COORDINATES ARE BASED ON MASSACHUSETTS MAINLAND 2001 STATE PLANE COORDINATE SYSTEM NAD88 AND ARE EXPRESSED IN FEET.
- 4. SOUNDINGS AND ELEVATIONS ARE SHOWN IN FEET AND TENTHS BASED ON A MEAN LOWER LOW WATER (MLLW) DATUM. POSITIVE VALUES REPRESENT HEIGHT ABOVE THAT SAME PLANE.
- 5. EVERSOURCE CABLE LOCATION IS APPROXIMATE AND WAS OBTAINED FROM HALEY & ALDRICH PLAN TITLED "SITE AND SUBSURFACE EXPLORATION LOCATION PLAN AND SUBSURFACE PROFILES A-A AND B-B" DATED NOVEMBER 2006.

DREDGING AREAS & VOLUMES: <u>BERTH 10</u> 210,000 SF 276,600 CY <u>BERTH 11</u> 220,000 SF 89,500 CY FILL AREAS & VOLUMES:

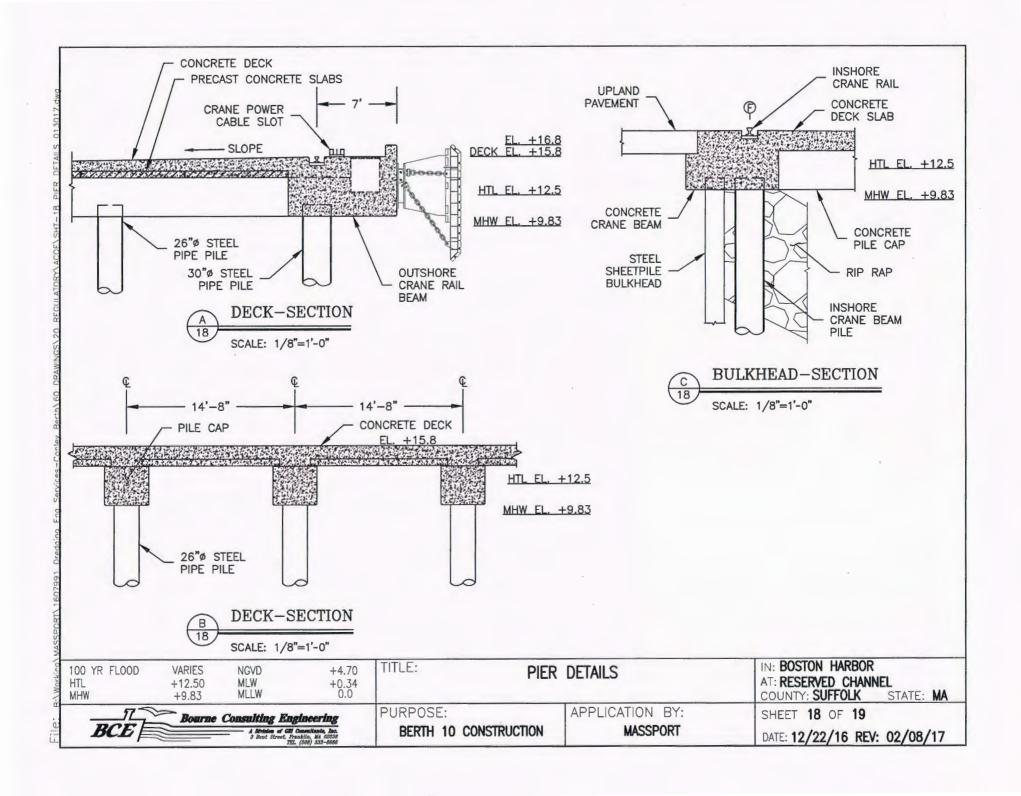
<u>BERTH 10</u> 23,500 SF 14,000 CY FILL
52,500 CY RIPRAP

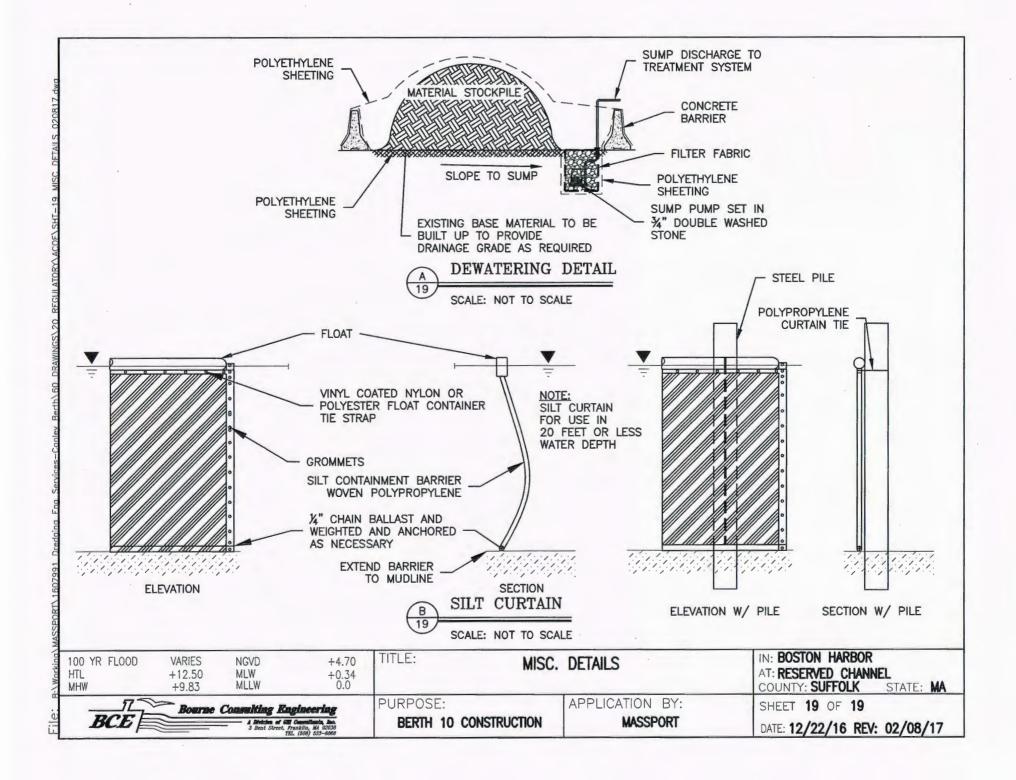
<u>BERTH 11</u> 0 SF 0 CY

ROCK REMOVAL AREA & VOLUME: (INCLUDED WITHIN TOTALS ABOVE)

65,000 SF 8,500 CY

100 YR FLOOD HTL MHW	VARIES +12.50 +9.83	NGVD MLW MLLW	+4.70 +0.34 0.0	TITLE: GENERAL NOTES		IN: BOSTON HARBOR AT: RESERVED CHANNEL COUNTY: SUFFOLK STATE: MA
BCE	Bourne	Consulting Kn	gineering Communication runking, MA 02038 1, (508) 533-6566	PURPOSE: BERTH 10 CONSTRUCTION	APPLICATION BY: MASSPORT	SHEET 17 OF 19 DATE: 12/22/16 REV: 02/08/17





area of 23,500 SF (shown on Sheet 13, Attachment C) with a net gain of tidal/sub-tidal riprap habitat (38,200) of approximately 14,700 SF.

It is expected that the riprap will gradually fill in and be overlaid with silt as occurred at nearby Conley Berth 12. Berth 12 construction was completed in 1995 and included a riprap slope similar to that proposed for Berth 11. Although no surveys were done to measure the depth of new siltation, a dive inspection in 2014 of Conley Terminal Berth 12 found that the riprap was buried in silt and could not be reached by hand probing. Silt thickness over riprap was estimated to be in excess of 12 inches.

Increased levels of turbidity and suspended sediments may occur during the removal of existing riprap depending on the level of silty sediment that is between and underneath the riprap. There are no data available for turbidity levels for this type of activity, however, the levels are expected to be minimal.

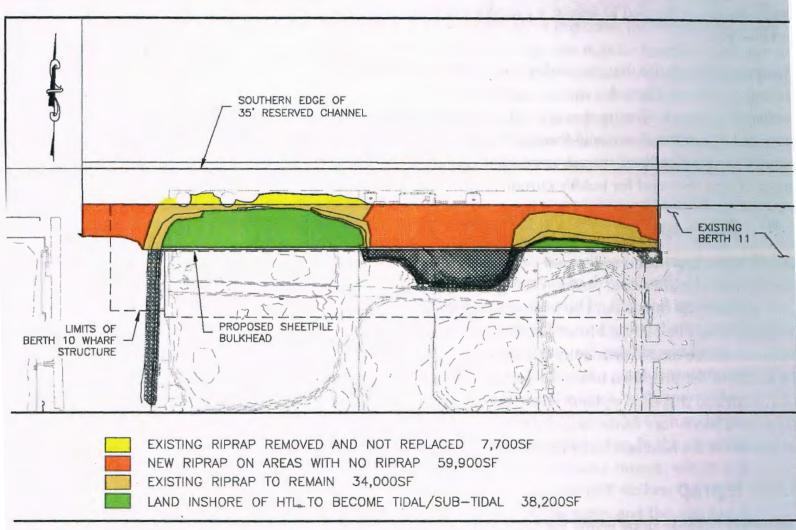


Figure 7. Riprap area changes for the Berth 10 Project.

llow = existing riprap that will be removed during dredging and not be replaced (7,700 SF). Orange area = new riprap areas which do not currently have riprap (59,900 SF). Brown area = existing riprap which will remain riprap in the