



# PUBLIC NOTICE

US Army Corps  
of Engineers®  
New England District

696 Virginia Road  
Concord, MA 01742-2751

**Date:** August 11, 2009  
**Comment Period Ends:** September 11, 2009  
**File Number:** 2007-3405  
**In Reply Refer To:** Ted Lento

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

**APPLICANT** March Fourth LLC, P.O. Box 850972, Braintree, MA, 02185

**ACTIVITY** March Fourth, LLC (the Proponent) proposes to place fill material within an area of approximately 6.48 acres below the high tide line of the Weymouth Fore River at Dry Docks 11 and 12 within the former Fore River Shipyard, 115 East Howard St., Quincy MA 02169. A detailed description and plans of the activity are attached.

## **WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed in the Weymouth Fore River at 115 East Howard Street, Quincy, MA 02169 at Latitude/Longitude 42° 14' 16" N/70° 58' 27" W.

## **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).

EFH has been designated within the Weymouth Fore River for a total of 26 species of economically valuable marine fishery species. Listed species include Atlantic cod (*Gadus morhua*), winter flounder (*Psuedopleuronectes americanus*), yellowtail flounder (*Pleuronectes ferruginea*), windowpane flounder (*Scophthalmus aquosus*), American plaice (*Hippoglossoides platessoides*), Atlantic butterfish (*Peprilus triacanthus*), and Atlantic mackerel (*Scomber scombrus*). The filling of the two dry docks within the Fore River will impact approximately 6.48 acres of habitat located within two dry docks that have concrete sides and a concrete floor that are subject to tidal flows when the dry dock gates are open. 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.

## SECTION 106 COORDINATION

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)

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

**CENAE-R**  
**FILE NO. NAE-2007-3405**

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.

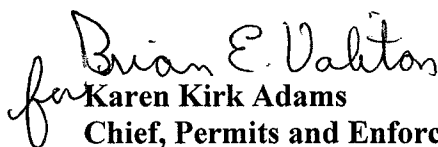
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Ted Lento at (978) 318-8863, (800) 343-4789 or (800) 362-4367, if calling 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.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

  
for **Karen Kirk 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](mailto: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: \_\_\_\_\_

### **PROJECT PURPOSE**

Create an area for unloading materials transported in waterborne commerce from vessels berthed at the former Weymouth Fore River Shipyard in order to increase the maritime industrial use of the property.

### **PROJECT DESCRIPTION**

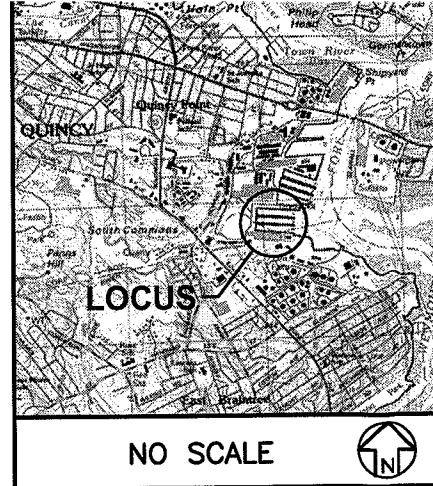
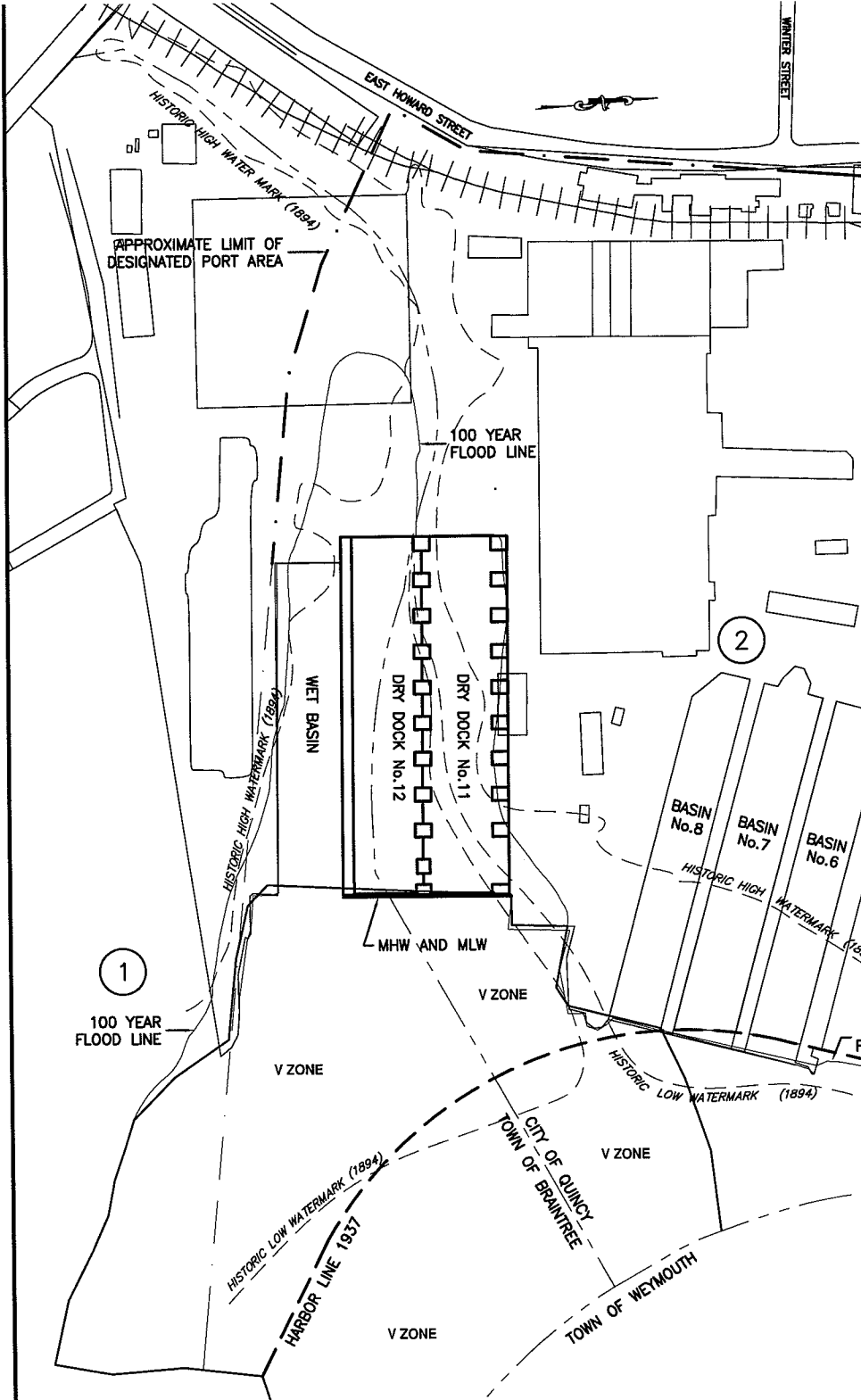
The Proponent seeks to retain and maintain as well as place additional fill within an area of approximately 6.48 acres below the high tide line of the Weymouth Fore River that currently consist of Drydocks 11 and 12 and is adjacent to Wet Basin 13, an 800-foot long deepwater slip. The two drydocks have concrete floors, concrete walls and steel gates at the seaward end that open to allow for the ebb and flow of the tidal river. The project design includes retaining a sloped earthen berm placed behind the dry dock gates about one year ago that permanently sealed the drydock from the river. This sloped berm is supported at the seaward end by a 3' high by 3' wide reinforced concrete wall doweled into the existing concrete slab at the bottom of the dry docks. The slope is covered by a filter fabric, bedding stone, and armor stone (riprap). Landward of the berm, the dry docks would be filled to grade. Once the filling is completed, drainage will be installed and the surface paved. Dry Docks 11 and 12 comprise approximately 298,300 square feet and approximately 283,900 cubic yards of fill will be required between the bottom of the dry docks and the high tide line (elevation 11.7 feet. above mean low water) in order to fill the dry docks level to the surrounding grade.

The work is described on the enclosed plans entitled "PLANS ACCOMPANYING PETITION OF MARCH FOURTH, LLC TO CONSTRUCT AND MAINTAIN REINFORCED CONCRETE RETAINING WALLS AND FILL AT THE FORE RIVER SHIPYARD, QUINCY AND BRAINTREE, COUNTY OF NORFOLK, MASSACHUSETTS," on 7 sheets revised July 2008.

### **MITIGATION**

The applicant has not proposed mitigation for loss of open water due to the manmade features present in the impact area, including the concrete slab floor and concrete sidewalls of the dry dock and manipulation of water levels through gates and pumps that are able to maintain the area in dry conditions.





FROM NOAA CHART No. 13270

# LOCUS PLAN

DATUM: MLW = 0.0'

————— MHW = +9.6'  
 ..... MLW = 0.0'  
 - - - - - ELW = -1.8'

**ABUTTERS:**

① BRAINTREE,  
 CITGO PETROLEUM  
 P.O. BOX 3758  
 TULSA, OK 74102

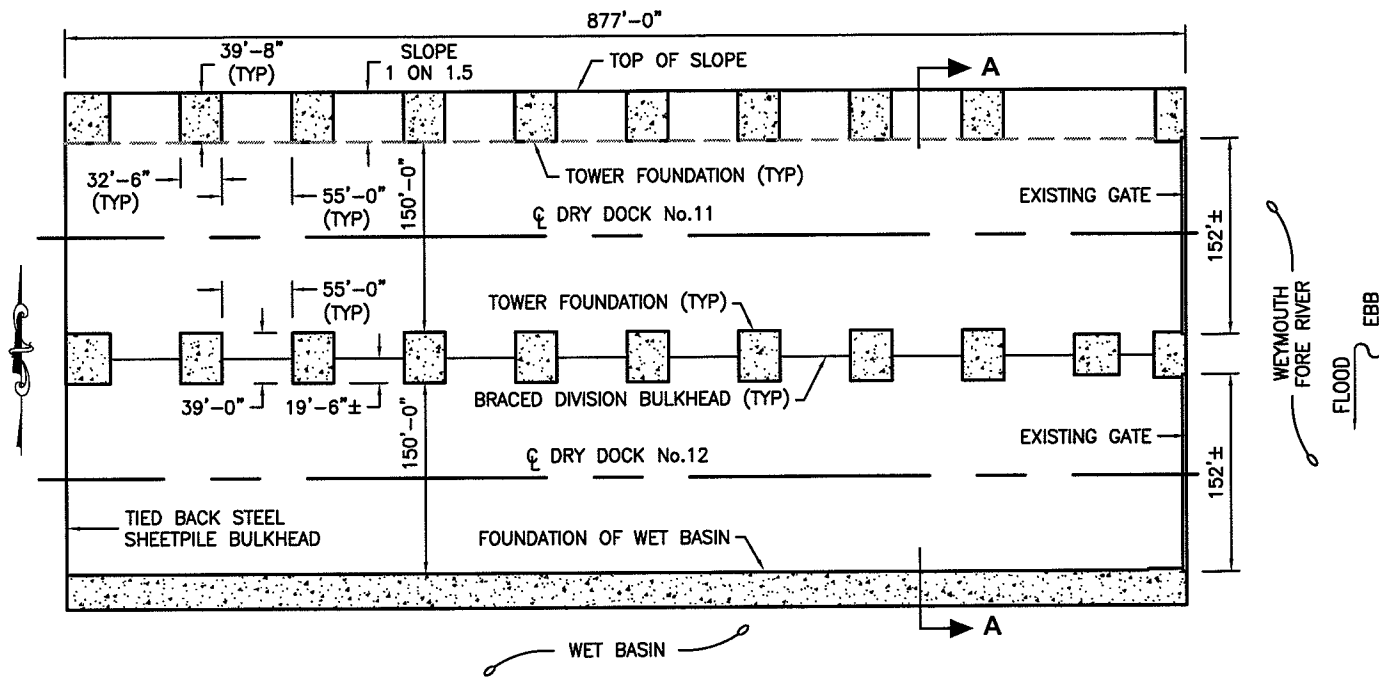
② QUINCY,  
 MARCH FOURTH LLC  
 444 QUINCY AVENUE  
 BRAINTREE, MA 02184

**LICENSES:**

DEQE No. 635, 01/31/1980  
 DEQE No. 153, 08/05/1976  
 DPW No. 6167, 10/10/1973  
 DPW No. 2287, 11/25/1940  
 DPW No. 2032, 12/21/1938  
 DPW No. 1813, 01/05/1937

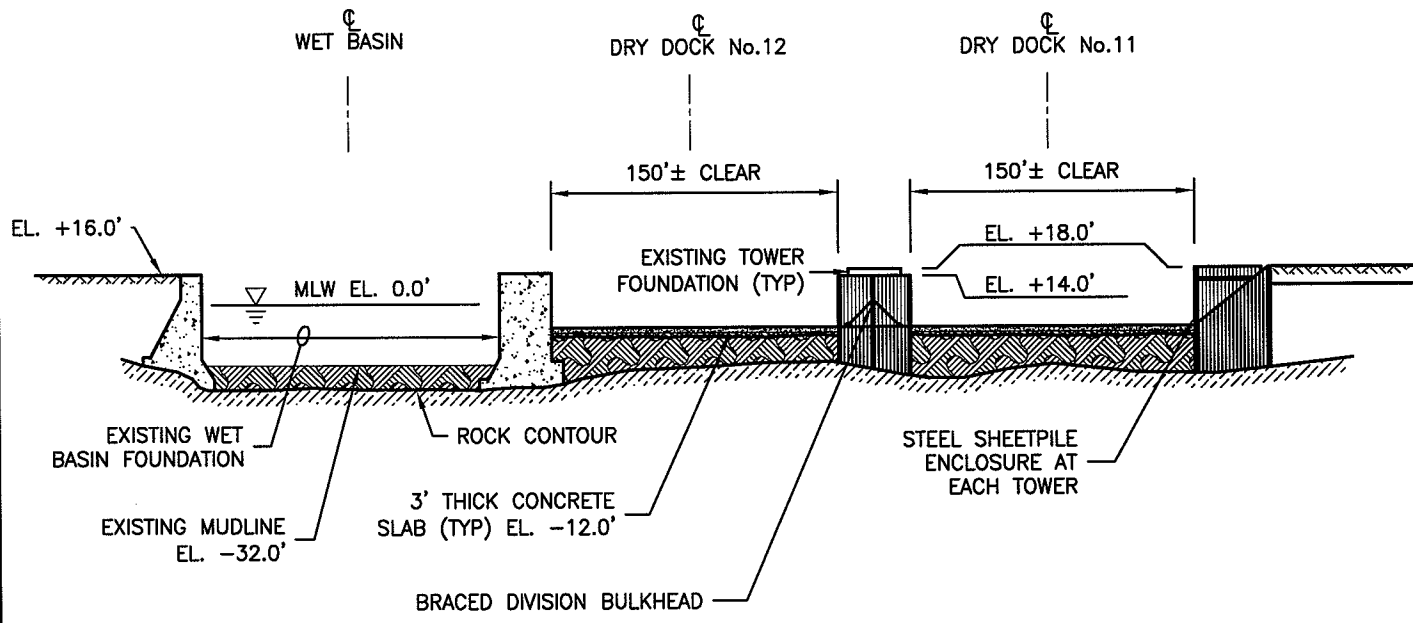
**NOTE:**  
 HISTORIC HIGH WATER MARK AND HISTORIC LOW WATER MARK ARE REFERENCED FROM: U.S. COAST SURVEY TOPOGRAPHIC, SHEETS #2180 AND #2191 (DATED 1894)

PLANS ACCOMPANYING PETITION OF  
**MARCH FOURTH, LLC**  
 TO CONSTRUCT AND MAINTAIN  
 REINFORCED CONCRETE RETAINING WALLS  
 AND FILL AT THE FORE RIVER SHIPYARD,  
 QUINCY AND BRAINTREE, COUNTY OF  
 NORFOLK, MASSACHUSETTS  
 REVISED JULY 2008



**EXISTING PLAN (CONTRACT AREA)**

SCALE: 1"=150'-0"

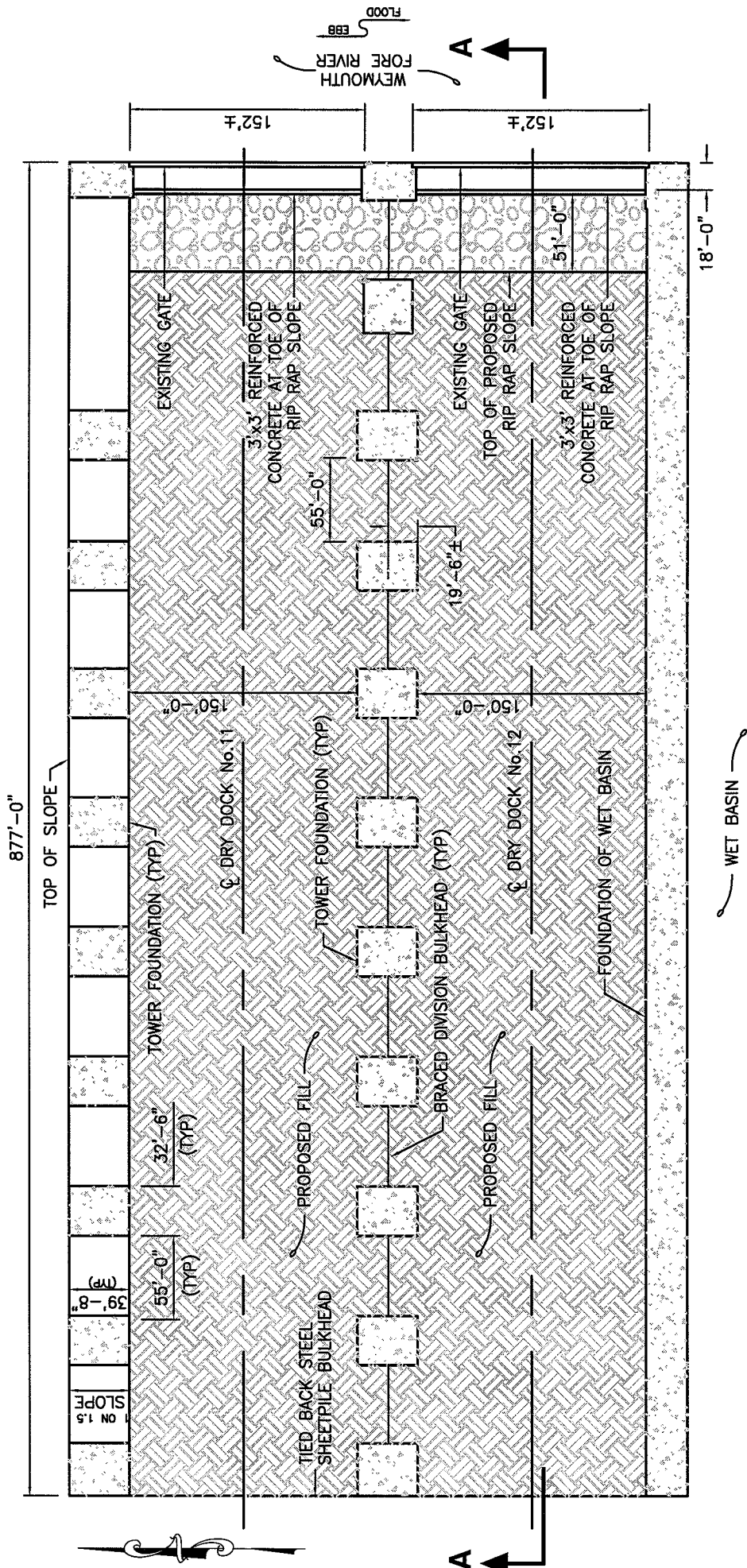


**SECTION A-A**

SCALE: 1"=100'-0"

DATUM: MLW = 0.0'

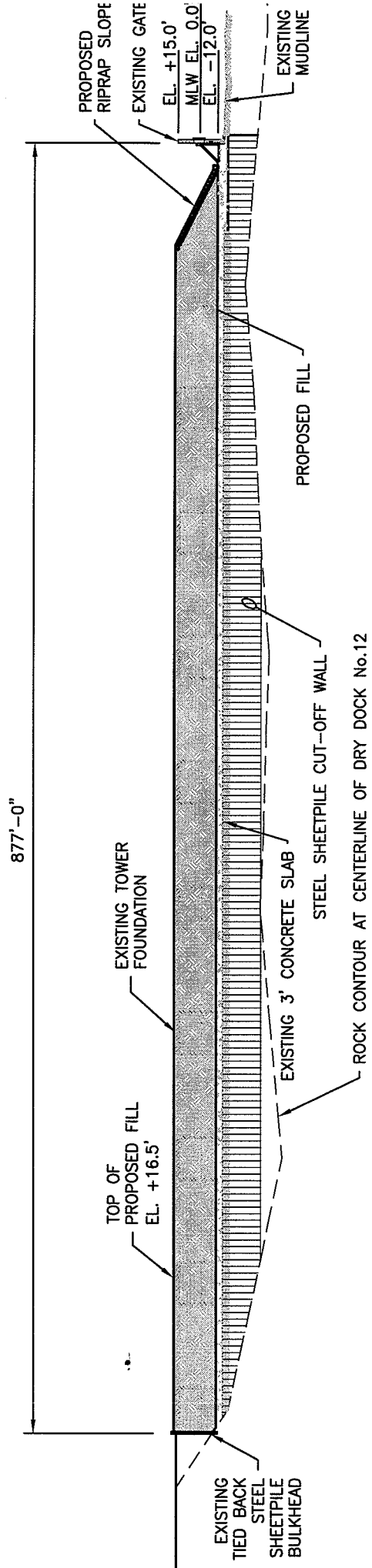
- MHW = +9.6'
- ..... MLW = 0.0'
- ELW = -1.8'



**PROPOSED PLAN (CONTRACT AREA)**  
 SCALE: 1"=100'-0"

DATUM: MLW = 0.0'

————— MHW = +9.6'  
..... MLW = 0.0'  
- - - - - ELW = -1.8'

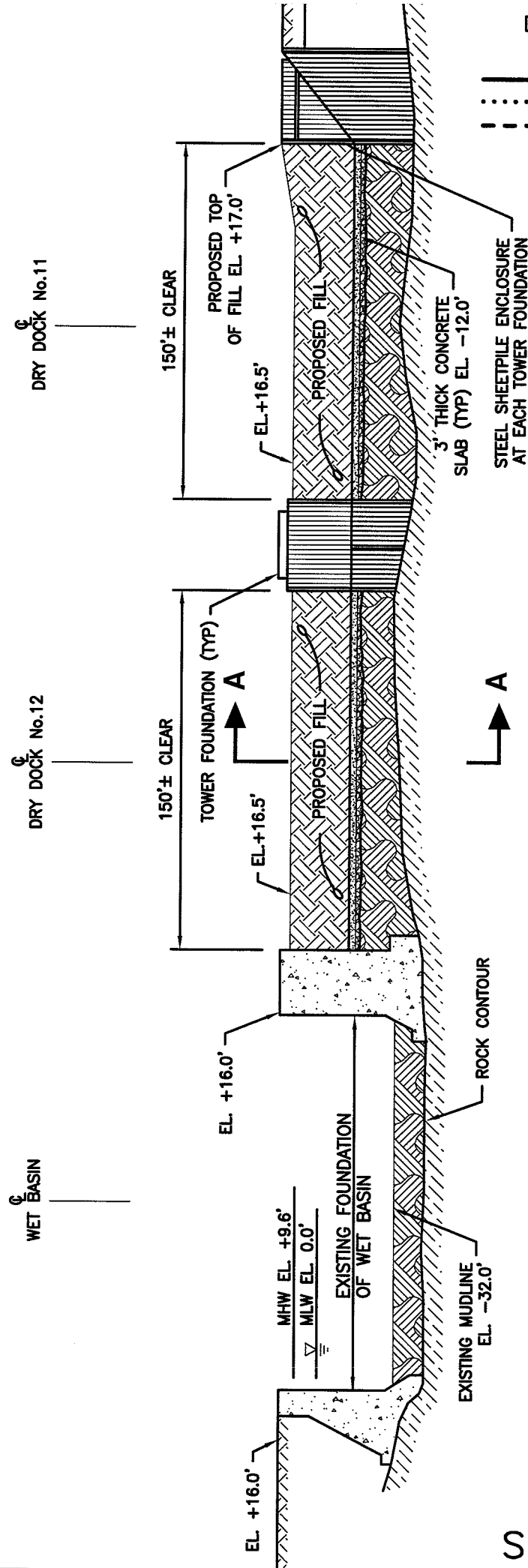


**PROPOSED LONGITUDINAL SECTION**

SCALE: 1"=100'-0"

DATUM: MLW = 0.0'

— MHW = +9.6'  
..... MLW = 0.0'  
- - - - - ELW = -1.8'



**PROPOSED CROSS SECTION**

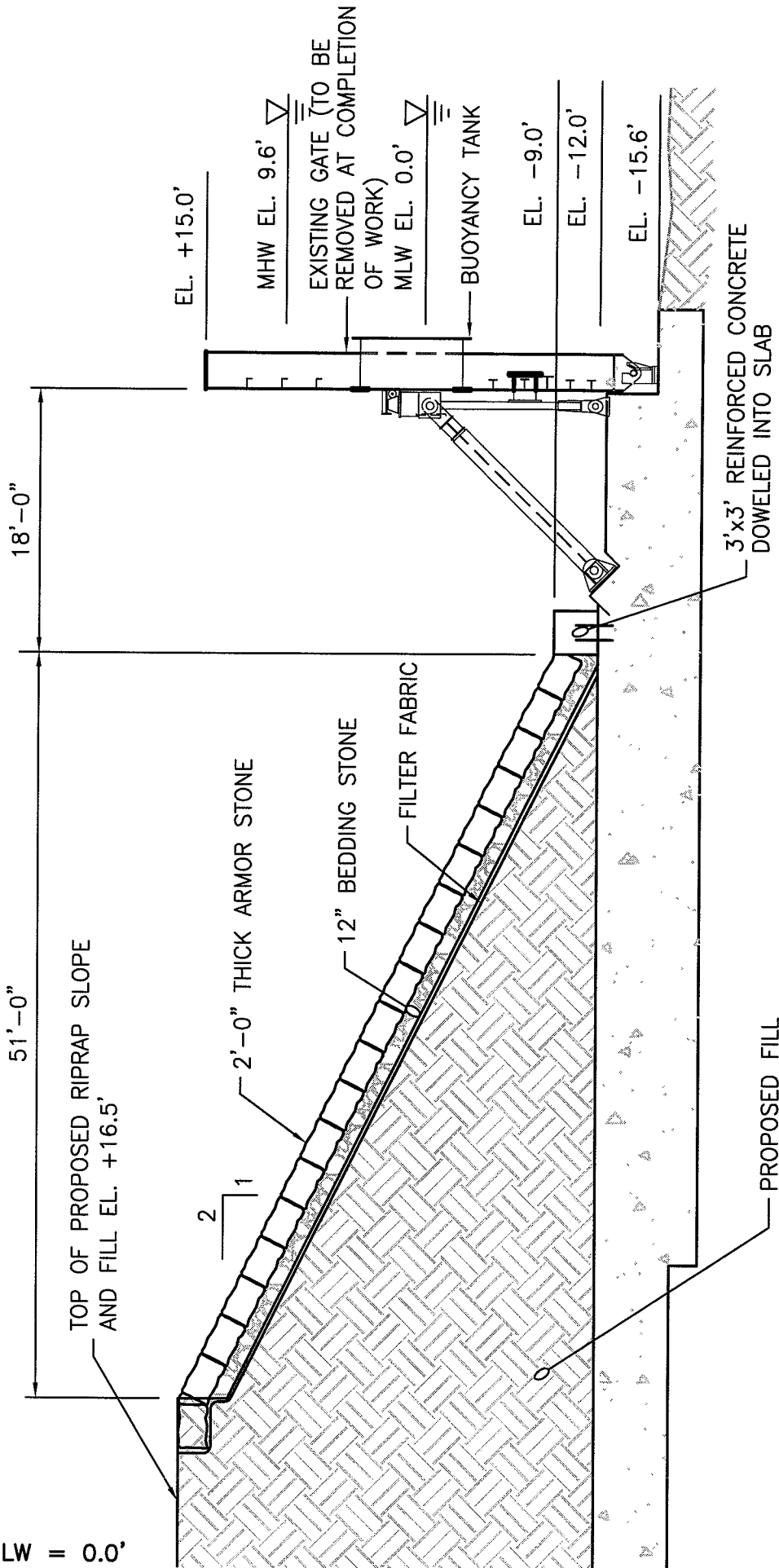
SCALE: 1"=60'-0"

DATUM: MLW = 0.0'

————— MHW = +9.6'  
 ..... MLW = 0.0'  
 - - - - - ELW = -1.8'

**SECTION A-A  
RIPRAP SLOPE**

SCALE: 3/32" = 1'-0"



DATUM: MLW = 0.0'

MHW = +9.6'

MLW = 0.0'

ELW = -1.8

PHASE 1 SECURITY AREA  
APPROVED AUG. 2008  
BY COAST GUARD

APPROXIMATE FUTURE  
PHASE 2 SECURITY AREA  
(INCLUDES PREVIOUS PHASE 1)

WET BASIN

DRY DOCK No.12

DRY DOCK No.11

### SECURITY AREAS

SCALE: 1"=200'-0"



SCALE OF FEET