



PUBLIC NOTICE

US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Date: February 3, 2004
Comment Period Ends: March 3, 2004
File Number: 200102741
In Reply Refer To: Ted Lento

The Boston Water and Sewer Commission (BWSC), 980 Harrison Avenue, Boston, MA 02119 has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act to dredge and discharge fill material below the high tide line of Pine Neck Creek in Dorchester, Massachusetts. The dredge and fill work will be done in conjunction with the restoration of a 70-foot long section of Pine Neck Creek at BWSC drainage outfall DO-092. The work is depicted in the attached plans entitled "OUTFALL RESTORATION PROJECT, PINE NECK CREEK" dated "November 1, 2003".

The restoration work proposes to remove the sediment that has accumulated within the channel starting at the outfall headwall and extending approximately 70 feet seaward. Approximately 600 cubic yards of sediment will be dredged from an area of 3,120 square feet below the mean high tide line of Pine Neck Creek. Approximately 300 cubic yards of stone riprap will be placed within 2,600 square feet of the dredged channel and wetland plantings established along the restored channel side slopes to help maintain the configuration of the channel and prevent future sloughing of the channel's sides. In addition, the area surrounding the DO-092 outfall structure will be restored in order to stabilize the eroding banks and provide improved ground cover as well as to provide for future access for maintenance of the channel. Stabilizing the existing outfall structure including the headwall will require the placement of about 50 cubic yards of fill material in a 400 square foot area. The total waterway and mudflat impacts are summarized in the following table.

Activities	Location	Area	Work Description
Dredging of Channel	Waters of the United States/ Mudflat:	3,120 SF 600 CY	Restoration of configuration and elevation of channel that existed when outfall was installed.
Rip-Rap of channel	Waters of the United States/ Mudflat	2,600 SF 300 CY	Completely contained within dredged area Fill minimized through use of bio-engineering techniques
Backfill at Headwall	Waters of the United States:	400 SF 50 CY	<ul style="list-style-type: none">▪ Area below high annual tide▪ Existing area is eroding lawn and public way
Total Fill Placed in Resource Areas		3,000 SF 350 CY	

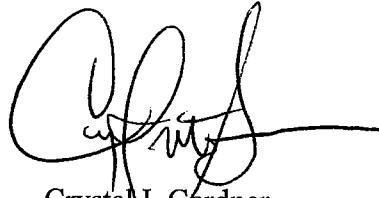
This project will impact 3,120 square feet of Essential Fish Habitat (EFH) for species listed on the attached Table 1. The adversely affected habitat consists of inter-tidal mudflat that has formed because of sedimentation from the outfall and erosion of the banks. These flats are of relatively low productivity or species utilization and have been closed to shell fishing. The proposed action would temporarily affect the current inter-tidal benthic community at this site however the project site is not optimal Essential Fish Habitat (EFH) for any of the species listed by New England Fishery Management Council (NEFMC) for Massachusetts Bay. The listed species are primarily sub-tidal and while some of these species may feed in inter-tidal areas during high tides, these inter-tidal areas are not critical to their survival. The majority of these species is highly mobile and is expected to avoid the work area during construction. After construction, it is expected that the benthic inter-tidal community will reestablish and these species could feed here again. 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.

The project purpose is to reestablish the approximate configuration and elevations of the channel that existed when the DO-092 outfall was constructed in order to allow for the free flow of storm water from the outfall and to stabilize the eroding banks.

This project is located on the USGS Boston South quadrangle sheet at UTM zone 19 coordinates 331657E and 4683979N.

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, 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.



Crystal M. Gardner
Chief, Permits & Enforcement Branch
Regulatory Division

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in 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.

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.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and 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.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

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.

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.

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.

If you would prefer not to continue receiving public notices, please check here () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.

NAME:

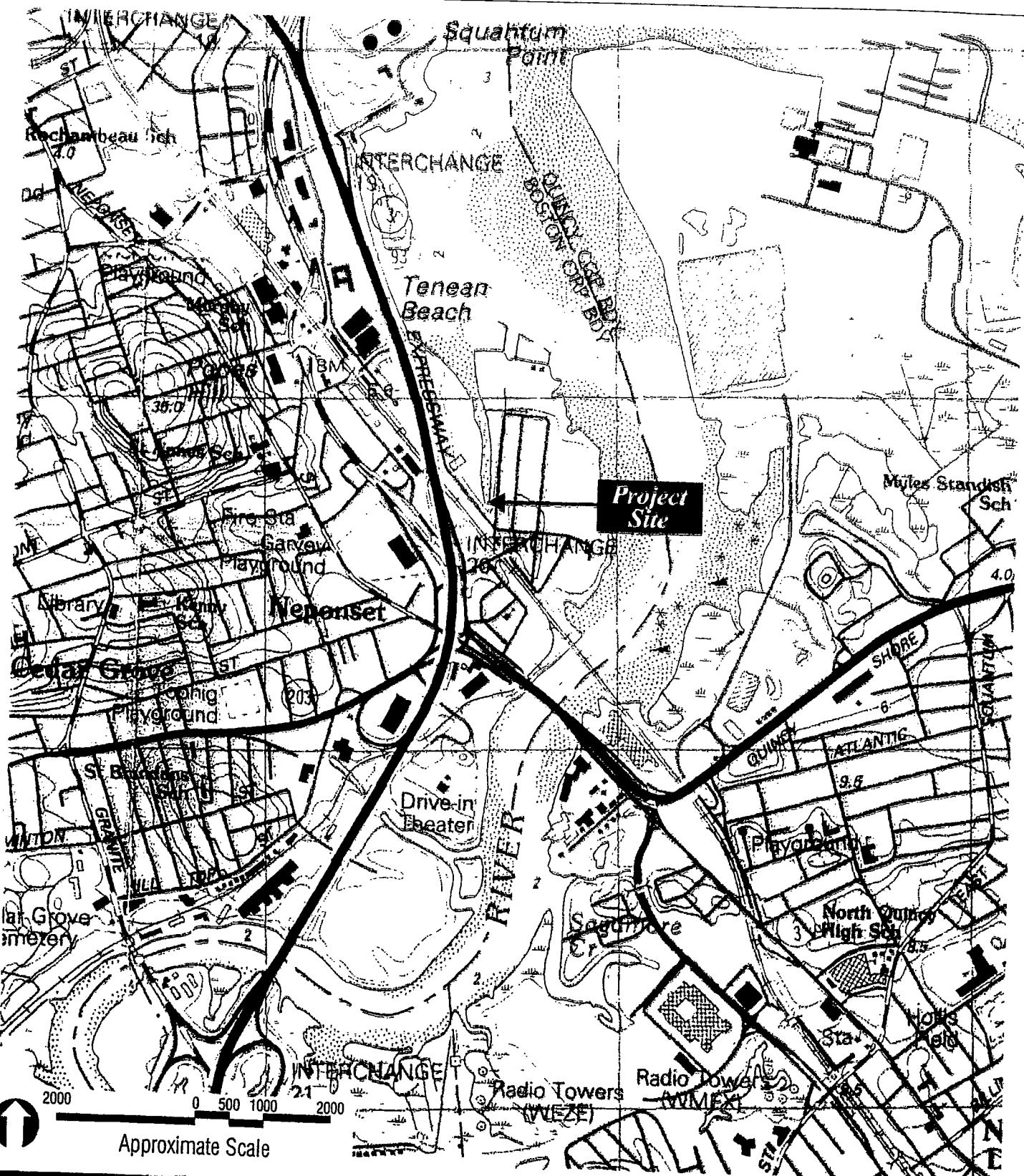
ADDRESS:

Table 1. Species and Life Stages that NEFMC & MAFMC Have Designated EFH for in Massachusetts Bay

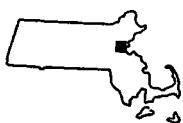
Species	Eggs	Larvae	Juveniles	Adults
Atlantic Cod (<i>Gadus morhua</i>)	X	X	X	X
Haddock (<i>Melanogrammus aeglefinus</i>)	X	X		
Pollock (<i>Pollachius virens</i>)	X	X	X	X
Whiting (<i>Merluccius bilinearis</i>)	X	X	X	X
Red Hake (<i>Urophycis chuss</i>)	X	X	X	X
White Hake (<i>Urophycis tenuis</i>)	X	X	X	X
Winter Flounder (<i>Pseudopleuronectes americanus</i>)	X	X	X	X
Yellowtail Flounder (<i>Pleuronectes ferruginea</i>)	X	X	X	X
Windowpane Flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X
American Plaice (<i>Hippoglossoides platessoides</i>)	X	X	X	X
Ocean Pout (<i>Macrozoarces americanus</i>)	X	X	X	X
Atlantic Halibut (<i>Hippoglossus hippoglossus</i>)	X	X	X	X
Atlantic Sea Scallop (<i>Placopecten magellanicus</i>)	X	X	X	X
Atlantic Herring (<i>Clupea harengus</i>)		X	X	X
Bluefish (<i>Pomatomus saltatrix</i>)			X	X
Long-finned Squid (<i>Loligo pealei</i>)			X	X
Short-finned Squid (<i>Illex illecebrosus</i>)			X	X
Atlantic Butterfish (<i>Peprilus triacanthus</i>)	X	X	X	X
Atlantic Mackerel (<i>Scomber scombrus</i>)	X	X	X	X
Summer Flounder (<i>Paralichthys dentatus</i>)				X
Scup (<i>Stenotomus chrysops</i>)			X	X

Black Sea Bass (<i>Centropristes striata</i>)			X	X
Surf Clam (<i>Spisula solidissima</i>)			X	X
Bluefin Tuna (<i>Thunnus thynnus</i>)			X	X
Barndoor Skate (<i>Dipturus laevis</i>)			X	X
Little Skate (<i>Leucoraja erinacea</i>)			X	X
Smooth Skate (<i>Malacoraja senta</i>)			X	X
Thorny Skate (<i>Amblyraja radiate</i>)			X	X
Winter Skate (<i>Leucoraja ocellata</i>)			X	X

P:\4000\4210\Outfall Cleaning Proj\Permits_rev_041603\Acoe\EFH Table.doc



**RIZZO
ASSOCIATES**
A TETRA TECH COMPANY

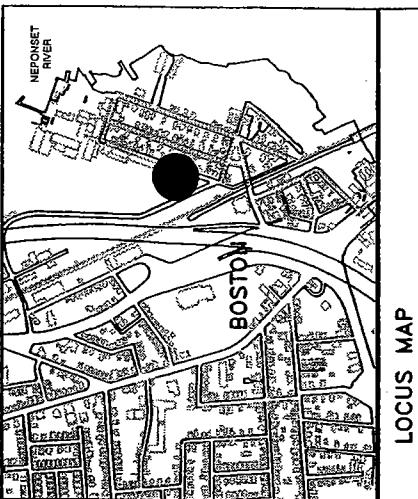


Boston Water and Sewer Commission
Pine Neck Creek Outfall
Dorchester, Massachusetts

Source:
Mass USGS quads

Site Location Map

Figure 1



LOCIS MAP

Notes:
1. FEMA Flood Information - FIRM City of Boston Panel 23 of 31 Panel
#F250286 0023C dated 4-1-82

Legend:
 Abutters

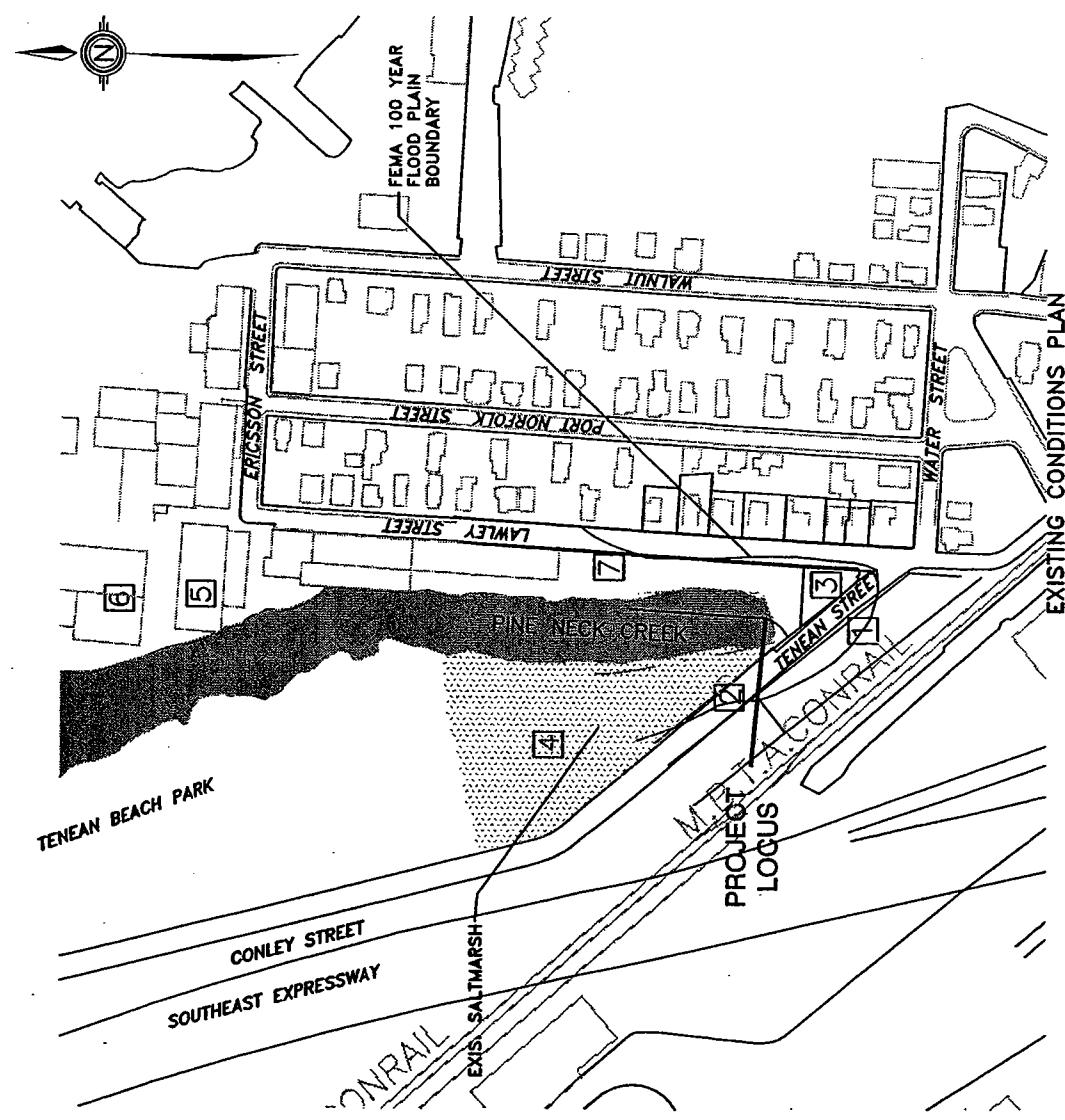
NOTE: DRAWINGS FOR PERMITTING PURPOSES
ONLY
NOT FOR CONSTRUCTION

300 Feet

NOVEMBER 1, 2003

SHEET 1 OF 9

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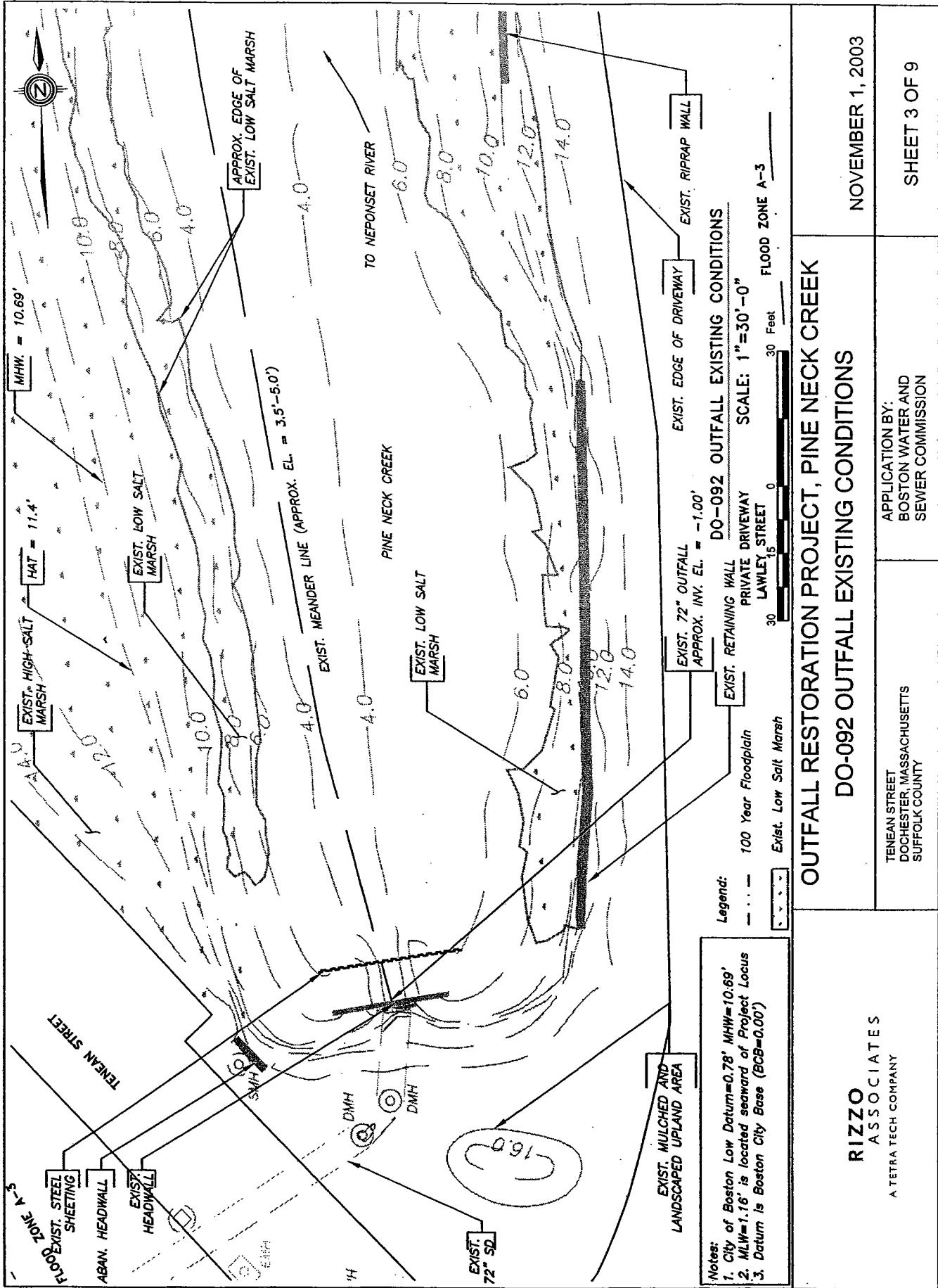
EXISTING CONDITIONS PLAN

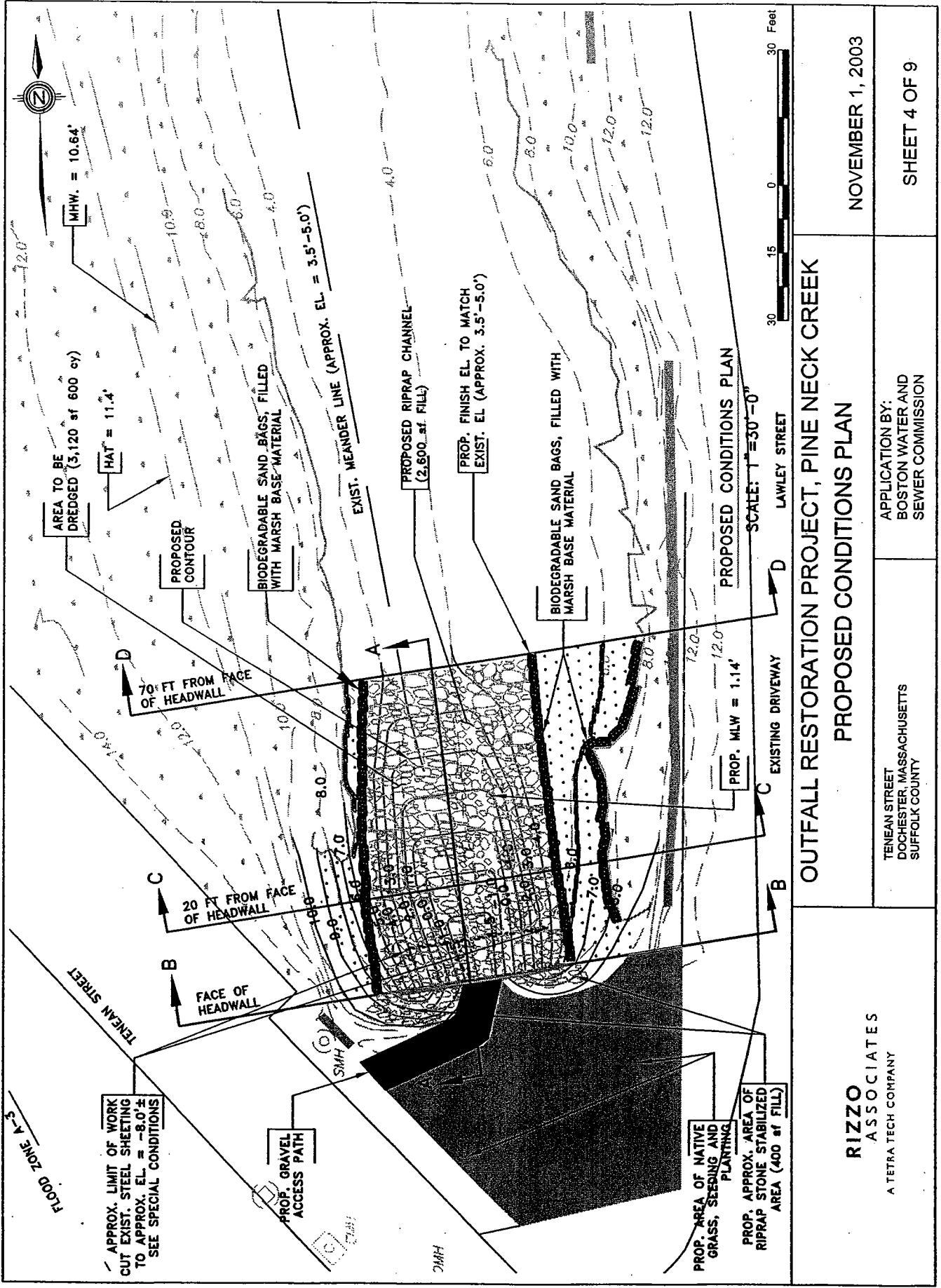
APPLICATION BY:
BOSTON WATER &
SEWER COMMISSION

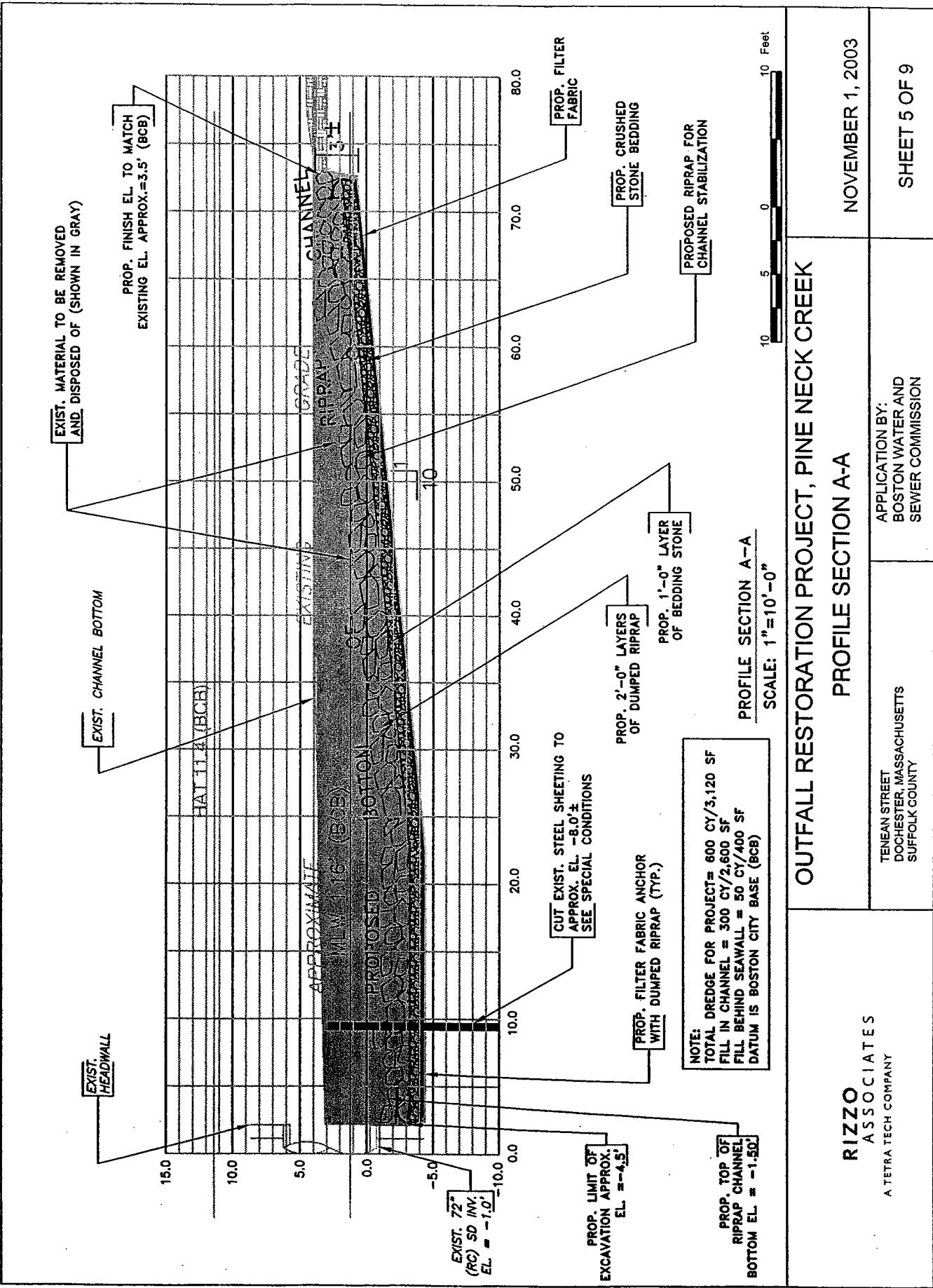
TENEAN STREET
DOCHESTER, MASSACHUSETTS
SUFFOLK COUNTY

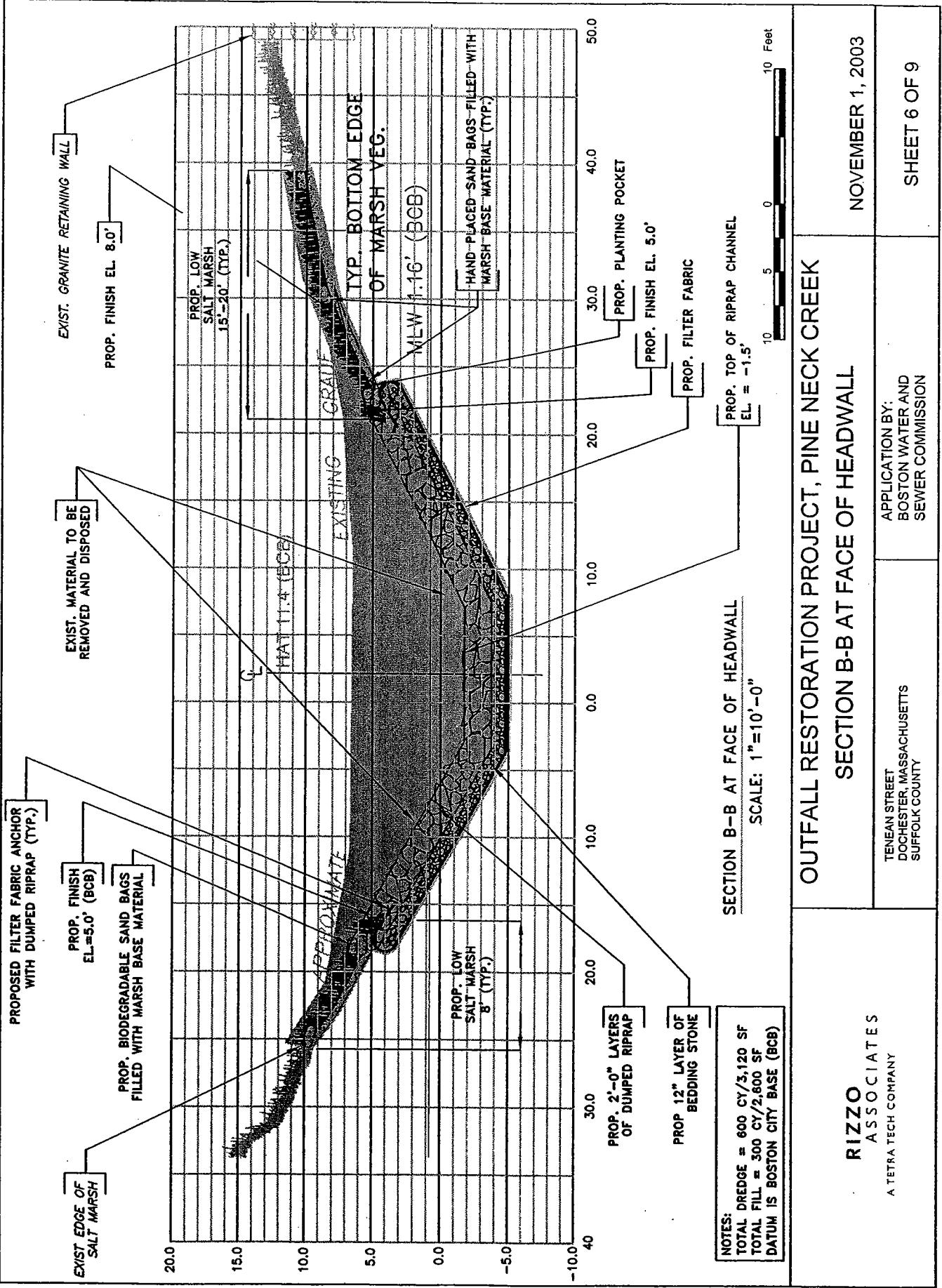
RIZZO
ASSOCIATES
A TETRA TECH COMPANY

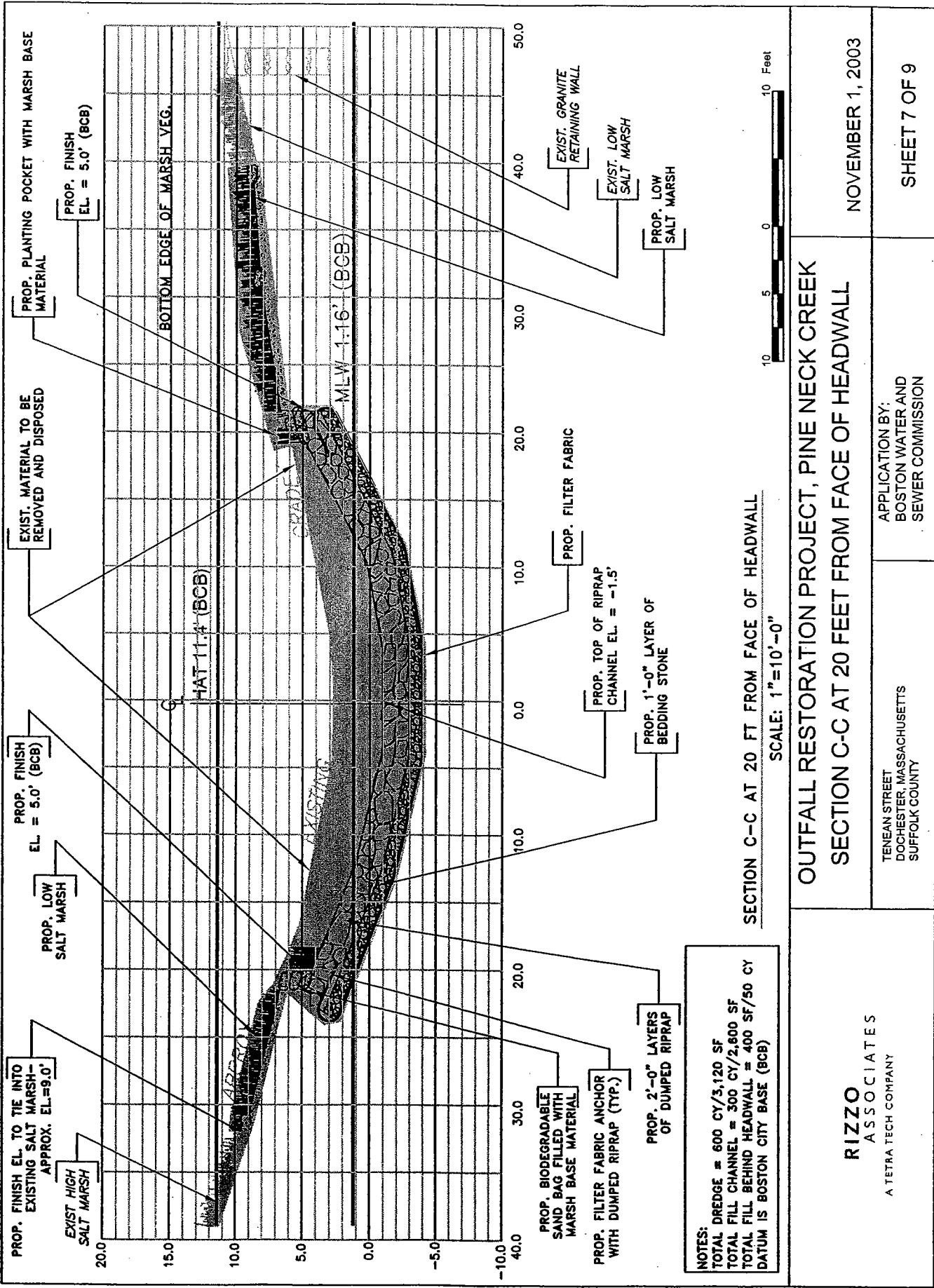
ABUTTERS			
<input type="checkbox"/> 1	Parcel ID: 1602563000 Tenean Street Massachusetts Bay Transit Authority 10 Park Plaza Boston, MA 02116	<input type="checkbox"/> 2	Parcel ID: 1602619000 City of Boston C/O Public Works Department One City Hall Square Boston, MA 02201-1107
<input type="checkbox"/> 3	Parcel ID: 1602619000 Lawley Street Metropolitan District Commission Metropolitan District Commission Real Estate Division 20 Somerset Street Boston, MA 02108	<input type="checkbox"/> 4	Parcel ID: 1602566000 Tenean Beach Playground Commonwealth of Massachusetts Metropolitan District Commission Planning Division C/O Julia O'Brien 20 Somerset Street Boston, MA 02108
<input type="checkbox"/> 5	Parcel ID: 1602617012 6 Ericsson St Graphic Properties Inc. 6 Ericsson St Dorchester MA 02122	<input type="checkbox"/> 6	Parcel ID: 1602617011 Parcel ID: 1602617010 6 and 8 Ericsson St TRE Inc Mass Corp 940 Providence High Way Dedham MA 02026
<input type="checkbox"/> 7	Parcel ID: 1602618000 74 Lawley St John G McLaughlin Trust 74 Lawley St Dorchester MA 02122	OUTFALL RESTORATION PROJECT, PINE NECK CREEK	
RIZZO ASSOCIATES A TETRATECH COMPANY		NOVEMBER 1, 2003	
TENEAN STREET DOCHESTER, MASSACHUSETTS SUFFOLK COUNTY		APPLICATION BY: BOSTON WATER AND SEWER COMMISSION	SHEET 2 OF 9
		J:\Project\ME01\Outfall_cleaning_cont\permit_plans\N02_outfall_plans\ACDE\SheeT 2.dwg 10/27/2003 02:50:00 PM EST	

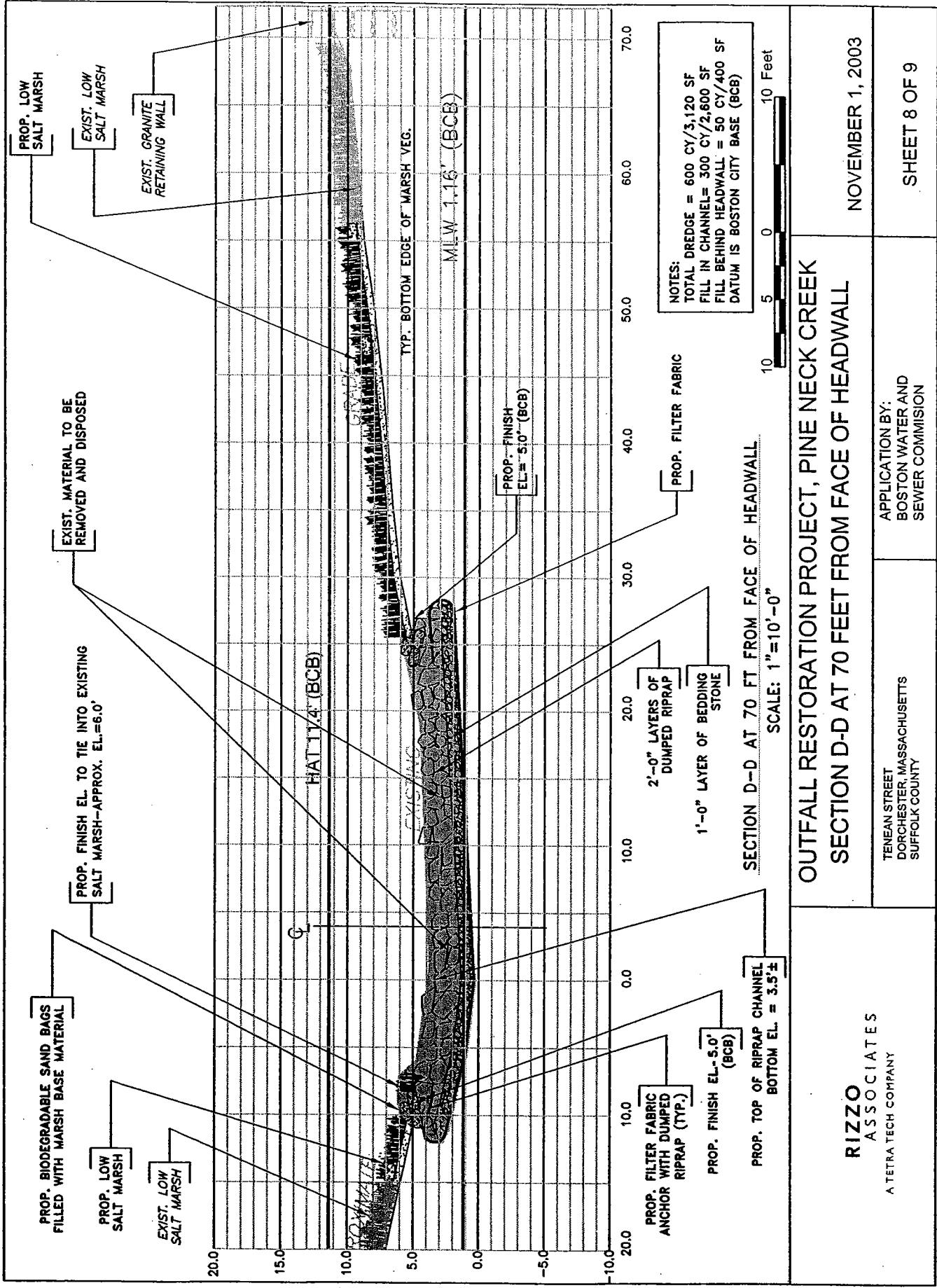


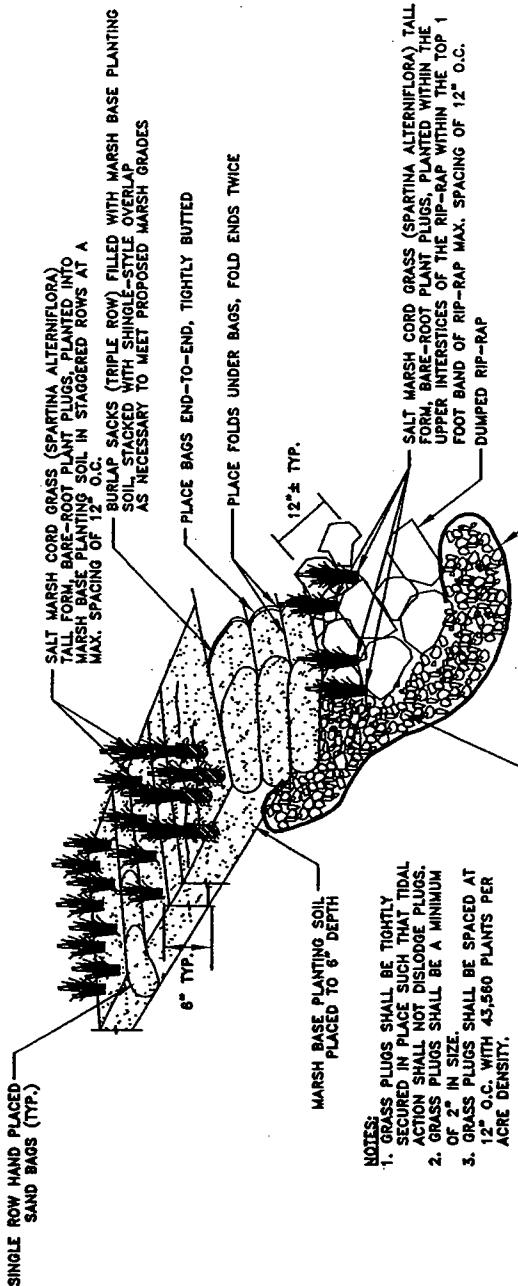












NOTES:

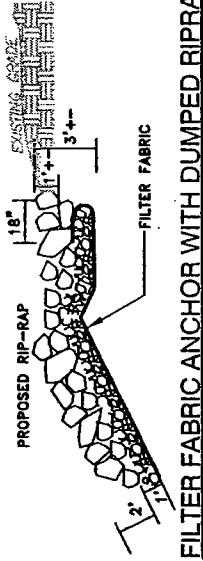
1. GRASS PLUGS SHALL BE TIGHTLY SECURED IN PLACE SUCH THAT TIDAL ACTION SHALL NOT DISLodge PLUGS.
2. GRASS PLUGS SHALL BE A MINIMUM OF 2" IN SIZE.
3. GRASS PLUGS SHALL BE SPACED AT 12" O.C. WITH 4,360 PLANTS PER ACRE DENSITY.

STABILIZING BEDDING STONE LEVELING COURSE TO 6" MIN. DEPTH DIRECTLY BELOW SANDBAGS

SALT MARSH CORD GRASS (SPARTINA ALTERNIFLORA) TALL FORM, BARE-ROOT PLANT PLUGS, PLANTED INTO A MARSH BASE PLANTING SOIL, IN STAGGERED ROWS AT A MAX. SPACING OF 12" O.C. BURLAP SACKS (TRIPLE ROW) FILLED WITH MARSH BASE PLANTING SOIL, STACKED WITH SHINGLE-STYLE OVERLAP AS NECESSARY TO MEET PROPOSED MARSH GRADES

**TYPICAL SANDBAG PLACEMENT AND SALT MARSH
BASE MATERIAL AND SALT MARSH PLANTING**

FILTER FABRIC (TYP.) ANCHORED
WITH DUMPED RIP-RAP SEE
DETAIL THIS SHEET



FILTER FABRIC ANCHOR WITH DUMPED RIPRAP

NOVEMBER 1, 2003

TYPICAL DETAILS

RIZZO
ASSOCIATES
A TERRATECH COMPANY

TENEAN STREET
DORCHESTER MASSACHUSETTS
SUFFOLK COUNTY

APPLICATION BY:
BOSTON WATER AND
SEWER COMMISSION

SHEET 9 OF 9