

PUBLIC NOTICE

Applicant: Kurt Bornheim Town of Hull Published: July 9, 2025 Expires: August 8, 2025

New England District
Permit Application No. NAE-2007-02344

TO WHOM IT MAY CONCERN: The New England District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Kurt Bornheim

Town of Hull

253 Atlantic Avenue

Hull, Massachusetts 02045

AGENT: James Hill

Foth Infrastructure and Environment, LLC

114 Touro Street

Newport, Rhode Island 02840

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with the Weir River. The project/review area is located on the north and south side of Nantasket Pier off George Washington Boulevard; at Latitude 42.2696419 and Longitude -70.8586816; in Hull, Plymouth County, Massachusetts.

EXISTING CONDITIONS: The project area is the Nantasket Pier Facility, located within the Weir River in Hull, MA. Hull is located approximately 10 miles south of Boston. The project site abuts the Hampton Hill section of the Weir River Federal Navigational Project (FNP) -12-foot MLLW channel, which leads to Hingham Bay and Greater Boston Harbor and terminates at the Nantasket Pier maintenance dredging footprint. Water quality in the Weir River is dictated by tidal exchange with Hingham Bay, with freshwater input from the Weir River and Straits River, and overland runoff. In addition, there are four outfalls in close proximity to the project area. The Weir River is an active waterway that supports both recreational and commercial vessels and is the hub of the local Harbormaster's operations. The site was previously dredged in 2000 and 2012-2013.

PROJECT PURPOSE: To restore navigational safety and vessel access

to/from the North Docks, West End Docks, South Docks, and Transient Docking by the removal of existing sediment that has accumulated since the last maintenance dredging activities.

Basic: Dredging

Overall: Maintenance dredging and dredge material disposal.

PROPOSED WORK: The applicant requests authorization to mechanically dredge approximately 15,648 cubic yards (CY) of sediment over a 156,549 square foot (sq. ft.) area to depths of -6 or -9 mean lower low water with disposal at the Massachusetts Bay Disposal Site (MBDS). All areas will include an allowable one foot over depth with 3H:1V side slopes. A volume of 352 CY around the North Dock was found unsuitable for offshore disposal and will be avoided during the dredge event.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Dredging will be performed with an environmental bucket, all dredging will be performed outside of time of year restrictions, and the project avoids impacts to sensitive aquatic environments such as eelgrass and intertidal flats.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: The project proposes maintenance dredging. Impacts are anticipated to be temporary, and the dredging avoids sensitive areas such as eelgrass. No loss of waters of the U.S. is proposed.

CULTURAL RESOURCES: The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) GARFO Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect

species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat			
Name	Scientific Name	Federal Status	
Northern Long-Eared Bat	Myotis septentrionalis	Endangered	
Tricolored Bat	Perimyotis subflavus	Proposed Endangered	
Roseate Tern	Sterna dougallii dougallii	Endangered	
Monarch Butterfly	Danus Plexippus	Candidate	
Atlantic Sturgeon	Acipenser oxyrinchus oxyrinchus	Threatened (Gulf of Maine DPS)/ Endangered (all other DPS)	
Shortnose Sturgeon	Acipenser brevirostrum	Endangered	
Green Sea Turtle	Chelonia mydas	Threatened	
Kemp's Ridley Sea Turtle	Lepidochelys kempii	Endangered	
Leatherback Sea Turtle	Dermochelys coriacea	Endangered	
Loggerhead Sea Turtle	Caretta caretta	Threatened	
North Atlantic Right Whale	Eubalaena glacialis	Endangered	
North Atlantic Right Whale Critical Habitat	Eubalaena glacialis	Critical Habitat	
Fin Whale	Balaenoptera physalus	Endangered	

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a permit decision until the consultation process is complete.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: Based on the Massachusetts State Plane coordinates provided by the applicant, the waterward edge of the proposed structure or work is within the Hingham Harbor Federal Navigation Project.

SECTION 408: The applicant will require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification is required from the Massachusetts Department of Environmental Protection (MA DEP). A 401 WQC was issued by MA DEP on June 18, 2025, under file number 24-WW07-0003-APP.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

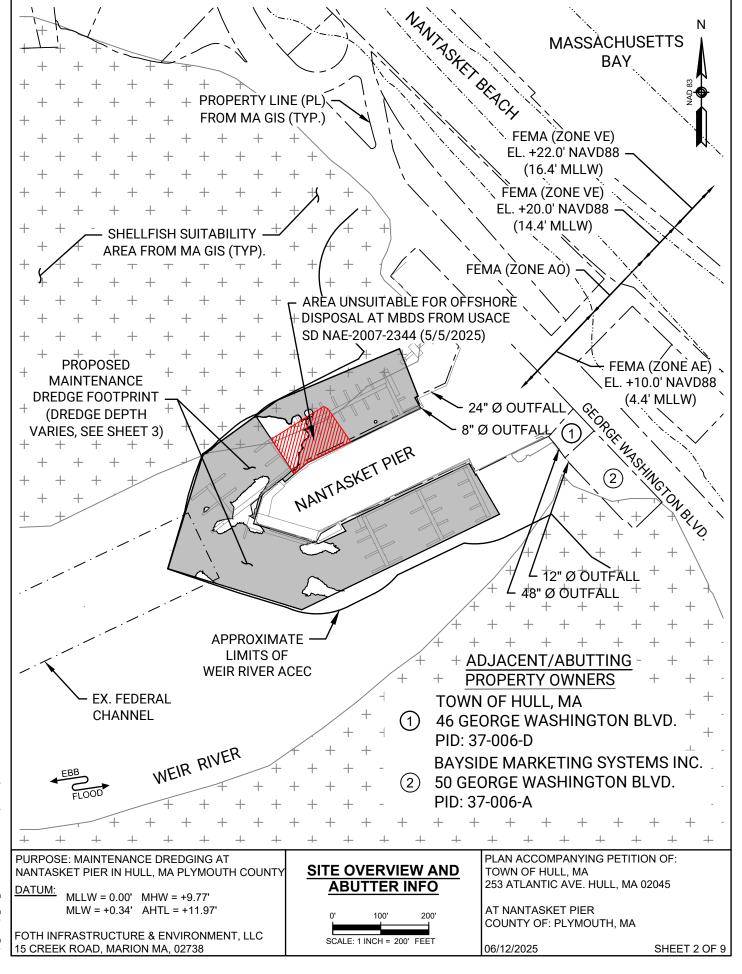
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection

Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

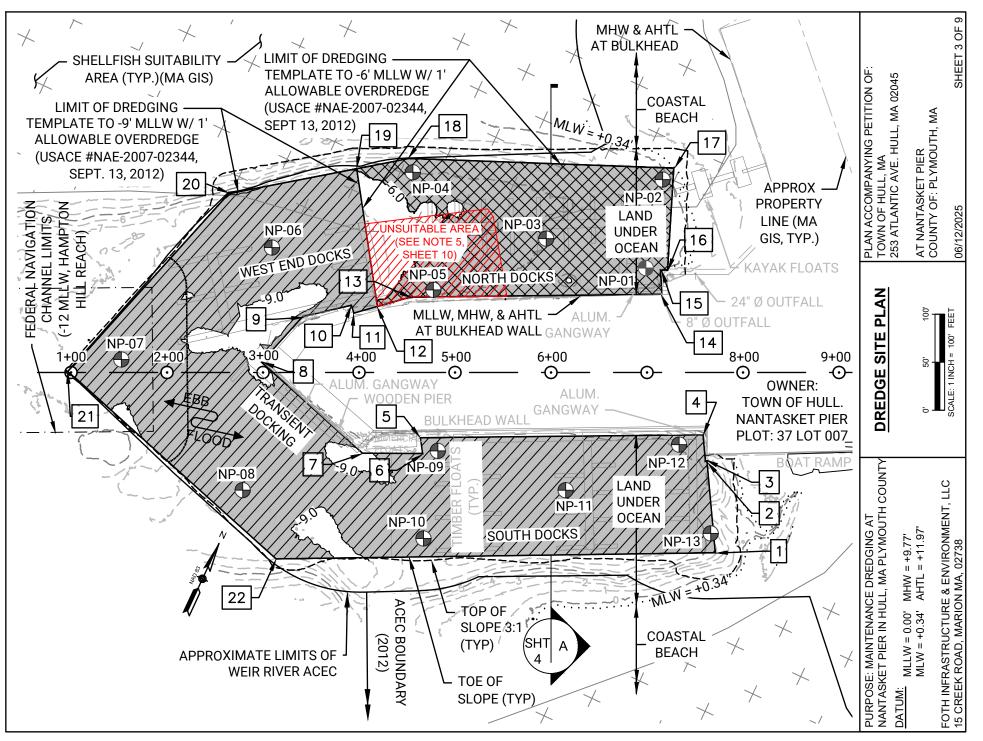
COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New England District will receive written comments on the proposed work, as outlined above, until August 9, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at https://rrs.usace.army.mil/rrs or to cenae-r-pn-ma@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, New England District, Attention: cenae-r-pn-ma@usace.army.mil. Please refer to the permit application number in your comments.

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 public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.



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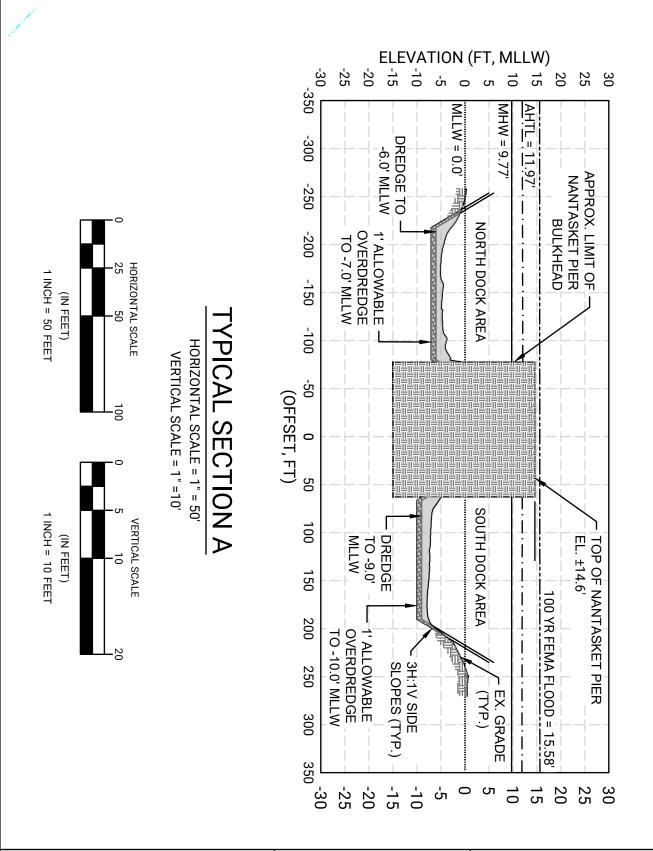
COUNTY OF: PLYMOUTH, MA

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06/12/2025

FOTH INFRASTRUCTURE & ENVIRONMENT, LLC

15 CREEK ROAD, MARION MA, 02738



PURPOSE: MAINTENANCE DREDGING AT NANTASKET PIER IN HULL, MA PLYMOUTH COUNTY

<u>DATUM:</u> MLLW = 0.00' MHW = +9.77' MLW = +0.34' AHTL = +11.97'

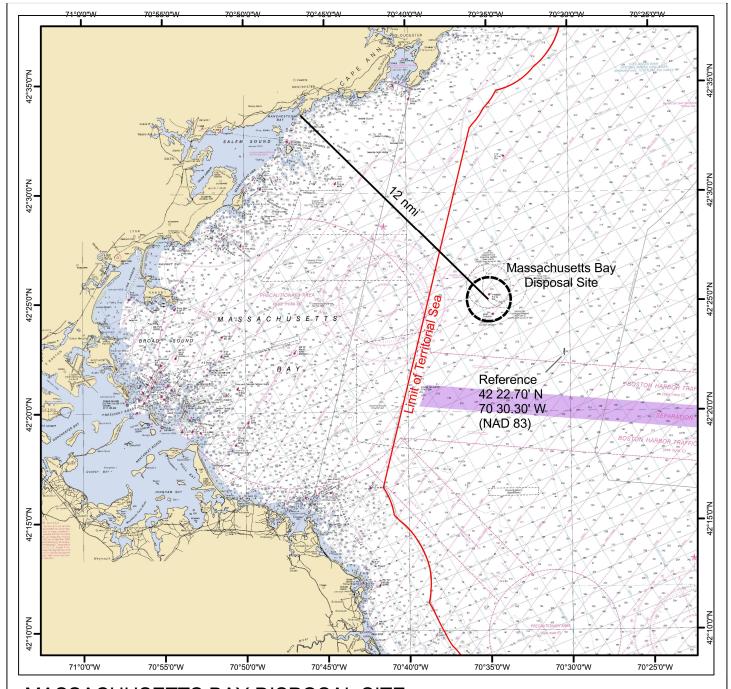
FOTH INFRASTRUCTURE & ENVIRONMENT, LLC 15 CREEK ROAD, MARION MA, 02738

TYPICAL DREDGE SECTION

PLAN ACCOMPANYING PETITION OF: TOWN OF HULL, MA 253 ATLANTIC AVE. HULL, MA 02045

AT NANTASKET PIER COUNTY OF: PLYMOUTH, MA

06/12/2025 SHEET 5 OF 9



MASSACHUSETTS BAY DISPOSAL SITE

THE MASSACHUSETTS BAY DISPOSAL SITE (MBDS) IS A CIRCULAR AREA 2 NAUTICAL MILES (NM) IN DIAMETER AND CENTERED AT 42° 25.1'N AND 70° 35.0'W (ALL COORDINATES ARE IN NAD83). ÎT IS LOCATED APPROXIMATELY 10 NM SOUTH-SOUTHEAST OF EAST POINT IN GLOUCESTER (MA), 12 NM SOUTHEAST FROM GALES POINT (MANCHESTER, MA) AND 18 NM FROM THE ENTRANCE TO BOSTON HARBOR. IT IS LOCATED IN 90 TO 100 METERS OF WATER IN A DEEP BASIN CALLED STELLWAGEN BASIN, DIRECTLY WEST OF STELLWAGEN BANK, AN UNDERWATER GLACIAL MARINE THAT RISES 50 METERS OF THE SURFACE WITHIN 3 NM OF THE DISPOSAL SITE.

PURPOSE: MAINTENANCE DREDGING AT NANTASKET PIER IN HULL, MA PLYMOUTH COUNTY

FOTH INFRASTRUCTURE & ENVIRONMENT, LLC 15 CREEK ROAD, MARION MA, 02738

MASSACHUSETTS BAY DISPOSAL SITE

DRAWING NOT TO SCALE

PLAN ACCOMPANYING PETITION OF: TOWN OF HULL. MA 253 ATLANTIC AVE. HULL, MA 02045

AT NANTASKET PIER COUNTY OF: PLYMOUTH, MA

06/12/2025

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NANTASKET PIER VOLUME & AREA TABLE

LOCATION	TYPE OF DREDGING	DREDGE DEPTHS	TOTAL VOLUME TO OVER DEPTH(CY)*	DREDGE AREA (SF)*
NANTASKET PIER BASIN	MAINTENANCE	-6 FT & -9 FT MLLW +1 FT OVER DEPTH	15,648	156,579
			*includes 3H:	1 V Side Slopes

*DREGE AREA INCLUDES 3H:1V SIDESLOPES OD = ALLOWABLE OVERDREDGE

MAINTENANCE DREDGE AREA LIMITS			
	Northing (ft)	Easting (ft)	
1	2923841.7	830011.8	
2	2923924.6	829963.7	
3	2923923.75	829962.2	
4	2923947.7	829948.4	
5	2923820.7 829682.7		
6	2923806.7	829691.8	
7	2923780.6	829634.7	
8	2923822.2	829499.5	
9	2923882.8	829518.2	
10	2923915.3	829559.4	
11	2923909.1	829565.1	
12	2923925.4	829584.4	
13	2923949.1	829611.5	
14	2924062.2	829847.9	
15	2924084.6	829835.8	
16	2924087.7	829842.4	
17	2924186.7	829803.5	
18	2924079.6	829549.5	
19	2924046.7	829504.3	
20	2923966.9	829394.5	
21	2923728.3	829320.9	
22	2923642.8	829599.7	

*FROM MASSDEP CHP. 91 PERMIT #13368 OCT 17, 2012

SEDIMENT SAMPLE LOCATIONS

COORDINATE TABLE				
NAD83, MA	NAD83, MA MAINLAND, US FOOT			
SAMPLE ID	NORTHING	EASTING		
NP-01	2924080	829821		
NP-02	2924171	829798		
NP-03	2924064	829714		
NP-04	2924068	829559		
NP-05	2923966	829630		
NP-06	2923935	829459		
NP-07	2923763	829366		
NP-08	2923693	829538		
NP-09	2923816	829705		
NP-10	2923727	829730		
NP-11	2923835	829843		
NP-12	2923928	829930		
NP-13	2923858	829999		

TIER 1: SAMPLED 7/18/2023 & 7/19/2023 TIER 2: SAMPLED 3/6/2024 & 3/7/2024 PER USACE COMPOSITING PLAN

PURPOSE: MAINTENANCE DREDGING AT NANTASKET PIER IN HULL, MA PLYMOUTH COUNTY

AREAS, VOLUMES, AND COORDINATES

PLAN ACCOMPANYING PETITION OF: TOWN OF HULL, MA 253 ATLANTIC AVE. HULL, MA 02045

AT NANTASKET PIER COUNTY OF: PLYMOUTH, MA

06/12/2025

FOTH INFRASTRUCTURE & ENVIRONMENT, LLC 15 CREEK ROAD, MARION MA, 02738

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Authorization	Date	Location	Dredge Depth	Description of
Addionization	Date	Location	Dreage Depart	Work/Comments
Waterways Permit #30	1916	Nantasket Pier	-6.0' MLW	Extend and enlarge the pier which would include dredging
Waterways Permit #38	1917	Nantasket Pier	-6.0' MLW	Extend and enlarge the pier which would include dredging
MADEP 401 WQC Trans# X120128	2000	Nantasket Pier	-10.0' MLW	Dredging of 83,900 CY of sediment from Weir River estuary in the vicinity of Nantasket Pier
USACE NAE- 1999-02220	2000	Nantasket Pier	-6.0' MLW and -10.0' MLW	Dredging of 83,900 CY of sediment
MEPA EEA #11982	2000	Nantasket Pier	-6.0' MLW	Dredging of 83,900 CY of sediment
USACE NAE- 2007-02344	2012	Nantasket Pier	-6.0' + 1.0' O.D. MLLW and -9.0' +1.0' O.D.	Dredging of 8,000 CY of sediment
MADEP Ch. 91 Dredge Permit #13368	2012	Nantasket Pier	-6.0' + 1.0' O.D. MLLW and -9.0' +1.0' O.D.	Dredging of 8,000 CY of sediment

NOTE: PRIOR DREDGE AUTHORIZATIONS LISTED ARE BASED UPON THOSE RECORD DOCUMENTS FOUND TO BE AVAILABLE FROM STATE AND FEDERAL AGENCIES.

PURPOSE: MAINTENANCE DREDGING AT

NANTASKET PIER IN HULL, MA PLYMOUTH COUNTY

PRIOR DREDGE **AUTHORIZATIONS** PLAN ACCOMPANYING PETITION OF: TOWN OF HULL, MA

253 ATLANTIC AVE. HULL, MA 02045

AT NANTASKET PIER COUNTY OF: PLYMOUTH, MA

06/12/2025

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FOTH INFRASTRUCTURE & ENVIRONMENT, LLC

15 CREEK ROAD, MARION MA, 02738

DREDGING NOTES:

- 1. RESULTS OF HYDROGRAPHY FROM FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC. (FOTH) SURVEY SURVEY DATED 8/29/2022. LOCATION OF EXISTING STRUCTURES TAKEN FROM TOPOGRAPHIC SURVEY BY FOTH DATED 9/16/2022.
- 2. ELEVATIONS ARE IN FEET AND TENTHS AND REFER TO MLLW. COORDINATES ARE BASED ON NAD83 MA-MAINLAND STATE PLANE GRID SYSTEM.
- 3. THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS CONDITIONS AT THAT TIME.
- 4. THE BOUNDARIES OF THE PROPOSED DREDGE FOOTPRINT ARE REFLECTIVE OF THE FOOTPRINT IN MASSACHUSETTS DEP CHP. 91 PERMIT #13368 (OCT 17, 2012).
- 5. UNSUITABLE AREA REFERS TO THE USACE SD ISSUED MAY 5, 2025 (NAE-2007-2344) IN WHICH THE HIGHLIGHTED AREA IS NOT SUITABLE FOR OFFSHORE DISPOSAL AT MBDS OR CCBDS.
- 6. LIMITS OF HISTORIC HIGH WATER, SHELLFISH SUITABILITY AREA, & FEMA FLOOD ZONE LINE AS SHOWN, ARE BASED ON AVAILABLE INFORMATION ON THE MASSGIS DATABASE.
- 7. THE WEIR RIVER AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC) BOUNDARY AROUND THE NANTASKET PIER IS DERIVED FROM THE ACEC DESIGNATION LETTER DATED DECEMBER, 1986.
- 8. THIS PROJECT IS LOCATED WITHIN FEMA FLOOD ZONE AE EL. 10' NAVD88 (15.58' MLLW) AS DELINEATED ON FIRM COMMUNITY MAP NUMBERS 25023C0038J, EFFECTIVE DATE 7/7/2012.
- 9. DREDGED MATERIAL IS TO BE DISPOSED OF OFFSHORE WITHIN THE MASSACHUSETTS BAY DISPOSAL SITE (MBDS).
- 10. SEDIMENT SAMPLES SHOWN IN THIS PLAN WERE COLLECTED ON 7/18/2023 & 7/19/2023.
- 11. THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF HYDROGRAPHIC AND TOPOGRAPHIC SURVEYS PERFORMED ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE SEABED 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, SHORELINES, STRUCTURES, HABITATS OR ANY OTHER PHYSICAL FEATURES RELATING TO THE PROJECT SITE, NOR DOES FOTH WARRANT THE EXISTENCE OR LOCATION OF SAID PHYSICAL FEATURES.
- 12. POSSESSION AND USE 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 CONTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF FOTH INFRASTRUCTURE & ENVIRONMENT, LLC.
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SURVEY NOTES

1. PROJECT NAME: TOWN OF HULL, MA NANTASKET PIER

2. PROJECT NUMBER: 0022H009.00

PLOT SCALE: 1"=40'
 SURVEY DATE: 8/29/2022

5. SURVEYOR: M.COUNT, J. HILL

6. VESSEL: OSCAR

7. TRANS./FATH.: RESON T-50, POS MV MOTION SENSOR

WEATHER COND: CLEAR, 85 DEGREES, WIND SW 5-10 KTS, SEAS CALM

9. PROJECT DATUM: MLLW

10. COOR. SYSTEM: NAD-83, MASSACHUSETTS MAINLAND

11. DATA REDUCTION: MINIMUM VALUE 3 FOOT RADIUS (SOUNDINGS & CONTOURS)
 12. SITE BENCHMARK: USGS DISK 1 1940 SET IN GRANITE BLOCK WALL NORTH OF

NANTASKET PIER, EL. +8.52' NAVD88 (+14.11' MLLW)

MEASURE DOWN IS X SET IN TIMBER WALE EL. +7.56' NAVD88

(+13.15 MLLW)

PURPOSE: MAINTENANCE DREDGING AT

NANTASKET PIER IN HULL, MA PLYMOUTH COUNTY

GENERAL DREDGE NOTES PLAN ACCOMPANYING PETITION OF:

TOWN OF HULL, MA

253 ATLANTIC AVE. HULL, MA 02045

AT NANTASKET PIER COUNTY OF: PLYMOUTH, MA

06/12/2025

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FOTH INFRASTRUCTURE & ENVIRONMENT, LLC 15 CREEK ROAD, MARION MA, 02738