



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

PUBLIC NOTICE

Request ID: 408-NAE-2021-0005

REQUEST FOR PERMISSION TO OCCUPY A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

TITLE: Northern Avenue Bridge Structure replacement project

PUBLIC NOTICE COMMENT PERIOD:

Begins: May 10, 2021

Ends: June 10, 2021

REQUESTERS: The City of Boston Public Works Department, Engineering Division
Boston City Hall – Room 710, Boston, MA.

LOCATION: This action is proposed on the Fort Point Channel Federal Navigation Project (FNP), Boston, MA. The Northern Avenue Bridge Structure crosses a narrow part of the Fort Point Channel FNP, consisting of a 75-foot wide channel with a 23-foot depth MLLW through the bridge abutments/piers. See attached Figures 1 - 2 for vicinity and FNP maps.

REQUESTER'S PROPOSED ACTION: The proposed work will involve removing parts of the existing deteriorated Northern Avenue Swing Bridge Structure and the installation of a stationary replacement bridge over the FNP and a promenade outside the FNP. The proposed work will include the removal of the existing Bridge Tender's House north of the bridge, which will have no impact to the FNP. The new proposed fixed bridge will have a travel width of 40-feet as it enters Fort Point Channel from the west, and will gradually divide into two separate travel lanes measuring 24 feet wide each, which separate in the middle and then will join back together again at the eastern extent of the promenade. Walkways down to the promenade will be located at the points where the travel lanes separate. The promenade will be 432 feet long and 80 feet wide and will have no impact to the FNP. The vertical clearances of the new stationary bridge over the FNP will match the clearances of the Evelyn F. Moakley Bridge (Seaport Boulevard Bridge) of 16 feet above Mean High Water, which is located to the south of the proposed new bridge. The proposed horizontal clearance over the FNP will match the existing 75-foot horizontal clearance offered by the existing structure. Up to 2,407 cubic yards of material will be excavated over 38,741 square feet of subtidal bottom to perform the work associated with this proposal. Parts of the excavated area will occur in the side slope setback area of the FNP.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 (“Section 408”). A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision under Section 408 whether to grant the requested permission to occupy USACE civil works projects temporarily or permanently will be based on several factors:

- 1) Impair the Usefulness of the Project Determination. A technical review team will determine if the proposed occupation would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs.
- 2) Injurious to the Public Interest Determination. The proposed occupation will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposed occupation must be compared against its reasonably foreseeable detriments. The decision whether to approve the proposed occupation will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the occupation on the public interest.
- 3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements.

PUBLIC INVOLVEMENT: The USACE 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 the proposed action. Comments received before the deadline listed above will be used in the evaluation of potential impacts of proposed action on important resources and in the evaluation of whether allowing the proposed action would be injurious to the public interest and/or would impair the usefulness of the authorized project. Please limit comments to the area of the proposed action.

SUBMITTING COMMENTS: Written comments should reference the U.S. Army Corps of Engineers Public Notice Request ID: 408-NAE-2021-0005. Comments must reach

this office no later June 16, 2021 to become part of the record and be considered in the decision. Comments or requests for additional information should be mailed or emailed to the following address:

Email: Mark.E.Cutter@usace.army.mil

Mailing Address: ATTN: Mark Cutter, Chief, Navigation Section
U.S. Army Corps of Engineers, New England District
696 Virginia Rd,
Concord, MA 01473

Figure 1: Vicinity Map



Figure 2: Fort Point Channel Federal Navigation Project

