



PUBLIC NOTICE

In Reply Refer to: Kevin DiRocco
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Levee Safety Program
Date: March 18, 2024
Comment Period Closes: April 2, 2024

15 DAY PUBLIC NOTICE ALTERATION OF A U.S. ARMY CORPS OF ENGINEERS CIVIL WORKS PROJECT PURSUANT TO 33 USC 408: North Nashua River Local Protection Project, Fitchburg, MA

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District (USACE) is evaluating plans under 33 U.S.C. 408 (Section 408) to allow the City of Fitchburg, MA to replace two existing stormwater outfalls with larger stormwater outfalls along the North Nashua River adjacent to 166 Boulder Drive in Fitchburg, MA. One outfall was constructed as part of the federally constructed North Nashua River Local Protection Project that was designed to improve flood flows through Fitchburg and reduce flood risk. The federally constructed outfall is an 18-inch-diameter outfall that penetrates a federally constructed floodwall and will be upsized to 24 inches in diameter by enlarging the opening through the existing wall. The second outfall is an existing 18-inch-diameter stormwater outfall that penetrates a dry-stacked stone wall along the bank of the improved North Nashua River channel within the Nashua River Local Protection Project. The outfall will be upsized to 60 inches. The stone wall was not federally constructed, so the federal interest is limited to verifying that the outfall structure does not encroach on the federally improved river channel and impede flood flows. The proposed project is part of a larger effort to separate combined sewer overflow from stormwater flow to meet National Pollutant Discharge Elimination System (NPDES) Permit requirements.

This Notice is being issued pursuant to 33 U.S.C. 408, USACE Engineering Circular (EC) 1165-2-220, Executive Order 11988 – Floodplain Management, and Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] 1500-1508) for implementing the procedural provisions of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et. seq.) and the USACE Procedures for Implementing NEPA (33 CFR 230). Section 408 allows USACE to grant permission for the alteration, occupation, or use of a USACE civil works project if it is determined that the activity will not be injurious to the public interest and will not impair the usefulness of the federal project. A decision on a Section 408 request is a federal action, and therefore subject to NEPA and other environmental compliance requirements.

The proposed project will be conducted within the locations of existing man-made features, including the site of the Nashua River Local Protection Project. As a result, the impacts of the project on the existing landscape and habitats will be minimal. USACE

has determined that the action falls within a categorical exclusion under 33 CFR 230.9 and, therefore, is categorically excluded from further NEPA review; an Environmental Assessment is not required for this action. The public is invited to provide comment. To request more information, contact: Kevin DiRocco, New England District, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742, Kevin.J.DiRocco@usace.army.mil. The comment period will end on April 2, 2024. Letters should be postmarked by this date.