



**US Army Corps
of Engineers**®
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Comment Period Begins: May 4, 2021
Comment Period Ends: June 3, 2021
File Number: NAE-2014-02585
In Reply Refer To: Dan Vasconcelos
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The District Engineer has received a permit application to conduct work in waters of the United States from the Massachusetts Department of Transportation (MassDOT) – Highway Division, 10 Park Plaza, Boston, Massachusetts 02116. This work is proposed in the Sudbury River, Whitehall Brook, an unnamed perennial stream, nine unnamed intermittent streams, and associated vegetated wetlands at the Interstate 90/Interstate 495 Interchange, extending approximately one mile in each direction from the interchange, and including Fruit Street and Flanders Road, in Hopkinton and Westborough, Massachusetts. The site coordinates are: Latitude 42°16'00"N, Longitude 71°33'51.00"W.

The work includes the discharge of fill material into waters of the United States, including 97,801 square feet (2.2 acres) of permanent impacts to vegetated wetlands, 239,002 square feet (5.5 acres) of temporary impacts to vegetated wetlands, 7,506 square feet (0.2 acres) of permanent stream impacts, and 13,247 square feet (0.3 acres) of temporary stream impacts, resulting from improvements to the I-90/I-495 Interchange. Included in the temporary wetland impacts are 982 square feet of temporary impacts to a vernal pool. The purpose of this project is to improve the safety and operational efficiency of the interchange, including reducing crashes, congestion, and queuing, and eliminating the need for all vehicles to pass through the former toll plaza. The proposed work includes the following components:

- Roadway widening on I-90 and I-495 to accommodate increased shoulder widths
- Widening of I-495 NB between I-90 and Route 9 EB off-ramp to accommodate an auxiliary lane
- Construction of seven new direct and semi-direct ramps between I-90 and I-495
- Reconstruction of existing ramp between I-495 SB to I-90 EB
- Removal of existing I-90 WB on- and off-ramps, I-495 NB on- and off-ramps, and three associated culverts
- Replacement of the following existing bridges:
 - o I-495 over the MBTA Worcester line and I-90
 - o I-90 over the MBTA Worcester line
 - o Fruit Street over I-495
 - o I-495 NB over Flanders Road
- Replacement/extension of the following existing culverts:
 - o I-90 over Whitehall Brook
 - o I-495 over unnamed intermittent stream
 - o Former toll plaza ramps over unnamed intermittent streams
 - o Former toll plaza ramp over vegetated wetland
- Construction of four new bridge span crossings over unnamed intermittent streams and the Sudbury River
- Bank stabilization/stream channel improvements at stream crossings
- Improvements to the existing roadway drainage system

Permanent Section 404 impacts associated with this project would result primarily from roadway widening, ramp and bridge construction, culvert replacement/extension, retaining wall construction, slope grading, vegetated apron construction, and installation of scour protection measures. Temporary Section 404 impacts would result primarily from temporary work zones and construction access.

The work is shown on the enclosed plans entitled “MASSACHUSETTS DEPARTMENT OF TRANSPORTATION HIGHWAY DIVISION PLAN AND PROFILE OF RECONSTRUCTION OF THE I-495 / I-90 INTERCHANGE IN THE TOWNS OF HOPKINTON AND WESTBOROUGH MIDDLESEX AND WORCESTER COUNTIES”, on 55 sheets, and dated “APRIL 2021”.

The project has been designed to avoid and minimize impacts to waters of the United States, including wetlands, through the use of various best management practices, including the installation of erosion and sedimentation controls at the project limits, the use of steeper slopes or retaining walls adjacent to wetlands wherever feasible, using bridge spans to cross waterways and wetlands where feasible, limiting the number of bridge piers within wetlands, and designing replacement culverts to meet stream crossing standards. As mitigation for unavoidable impacts, the applicant proposes onsite wetland restoration where existing loop ramps are being removed, including the daylighting of three streams, and stormwater improvements.

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 U.S. Army Corps of Engineers, New England District (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. The Corps will consider all comments received 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.

NATIONAL HISTORIC PRESERVATION ACT

The Federal Highway Administration (FHWA) is the lead federal agency responsible for coordination pursuant to Section 106 of the National Historic Preservation Act. MassDOT has concluded coordination with the State Historic Preservation Officer (SHPO) and relevant Tribal Historic Preservation Officers (THPOs) on behalf of the FHWA. Although FHWA has taken the lead on this consultation, 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. The Corps will continue review and consultation as required to fulfil the requirements of the National Historic Preservation Act as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

FHWA is the lead federal agency responsible for coordination pursuant to Section 7 of the Endangered Species Act. Although FHWA is the lead federal agency, the Corps has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect a listed species or their critical habitat. FHWA is coordinating with the U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

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.

COMMENTS

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 Dan Vasconcelos at (978) 318-8653, (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.

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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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Paul M. Maniccia
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at 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: _____
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