



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

# PUBLIC NOTICE

**Comment Period Begins:** May 10, 2022

**Comment Period Ends:** June 9, 2022

**File Number:** NAE-2017-01614

**In Reply Refer To:** Ruth Brien

**Phone:** (978) 318-8054

**E-mail:** [ruthann.a.brien@usace.army.mil](mailto:ruthann.a.brien@usace.army.mil)

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The District Engineer has received a permit application to conduct work in waters of the United States from HRP 776 Summer Street, LLC located at 99 Summer Street, Boston, Massachusetts. This work is proposed in the Reserved Channel of Boston Harbor between 776 and 834 Summer Street in Boston, Massachusetts. The site coordinates are: Latitude 42.33969 Longitude -71.03526.

The proposed work involves approximately 656 linear feet of shoreline stabilization work. Work would include the construction of a new, elevated seawall to replace the existing deteriorating seawall. The new seawall would consist of steel sheet piles driven in front of the existing structures, which include a combination of metal sheeting, concrete piles, and wooden bulkheads. In the locations of existing outfalls 1 and 2- where subsurface concrete basins are present below the waterline- the sheet piles would be driven immediately in front of the basins to avoid disturbing structures of unknown depth and construction. Clean fill material would be installed behind the new sheet pile seawall. At the eastern edge of the seawall, the sheet pile would tie into the existing bulkhead. The line of proposed sheet pile would follow the coastline up to the existing timber bulkhead, which would be removed and replaced with a riprap slope. The seawall along the west corner of the waterline would be constructed as a concrete retaining wall up to elevation 17.55 from the top of the riprap slope. The existing riprap slope in the western corner of the coastline would be regraded with additional riprap to support the increased height of the new seawall. The design would also include additional riprap at the toe of slope to increase dissipation of wave action. The proposed concrete retaining wall would follow the western coastline up to the platform of the former West Pump House, which would remain. North of the West Pump House platform, the existing steel sheet pile bulkhead would be cleaned and recoated. On top of this bulkhead, a new concrete retaining wall would be constructed up to elevation 20.05.

The proposed project impacts include approximately 1,942 square feet of permanent fill to subtidal bottom and approximately 4,124 square feet of permanent fill to intertidal areas. This would include a volume of 1,782 cubic yards of fill material, which would include the riprap that would be added for shoreline stabilization. In addition, the project would restore approximately 570 square feet of intertidal area via the removal of the existing timber bulkhead and a failed steel sheet pile cell, effectively removing 103 cubic yards of material below the high tide line.

The proposed work is shown on the enclosed plans entitled "INSTALLATION OF NEW STEEL SHEET PILE BULKHEAD, FILL AND SUPPLEMENTAL RIPRAP" on twelve sheets, and dated "3/16/22".

The applicant believes they have avoided and minimized project impacts to the maximum extent practicable and they are not proposing compensatory mitigation.

**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.
- ☐ Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

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 (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 this proposed activity. The USACE 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.

**ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

This project will impact 0.14 acres of EFH. This habitat consists of .094 acre of mostly previously disturbed intertidal substrate and .044 acre of subtidal substrate. Loss of this habitat may adversely affect species that use these waters and substrate. However, 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.

## **NATIONAL HISTORIC PRESERVATION ACT**

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

## **ENDANGERED SPECIES CONSULTATION**

The USACE 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. We are coordinating with the National Marine Fisheries Service and/or 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 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.

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 Ruth Brien at (978) 318-8054, (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 USACE 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.

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 Maniccia*

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

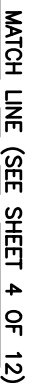
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If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil).









DATUM: MLLW = 0.0'

CHILDS ENGINEERING CORPORATION  
34 WILLIAM WAY, BELLINGHAM, MA 02019

## EXISTING PLAN



APPLICATION BY:

HRP 776 SUMMER STREET, LLC  
99 SUMMER STREET, SUITE 1110  
BOSTON, MA 02110

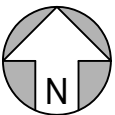
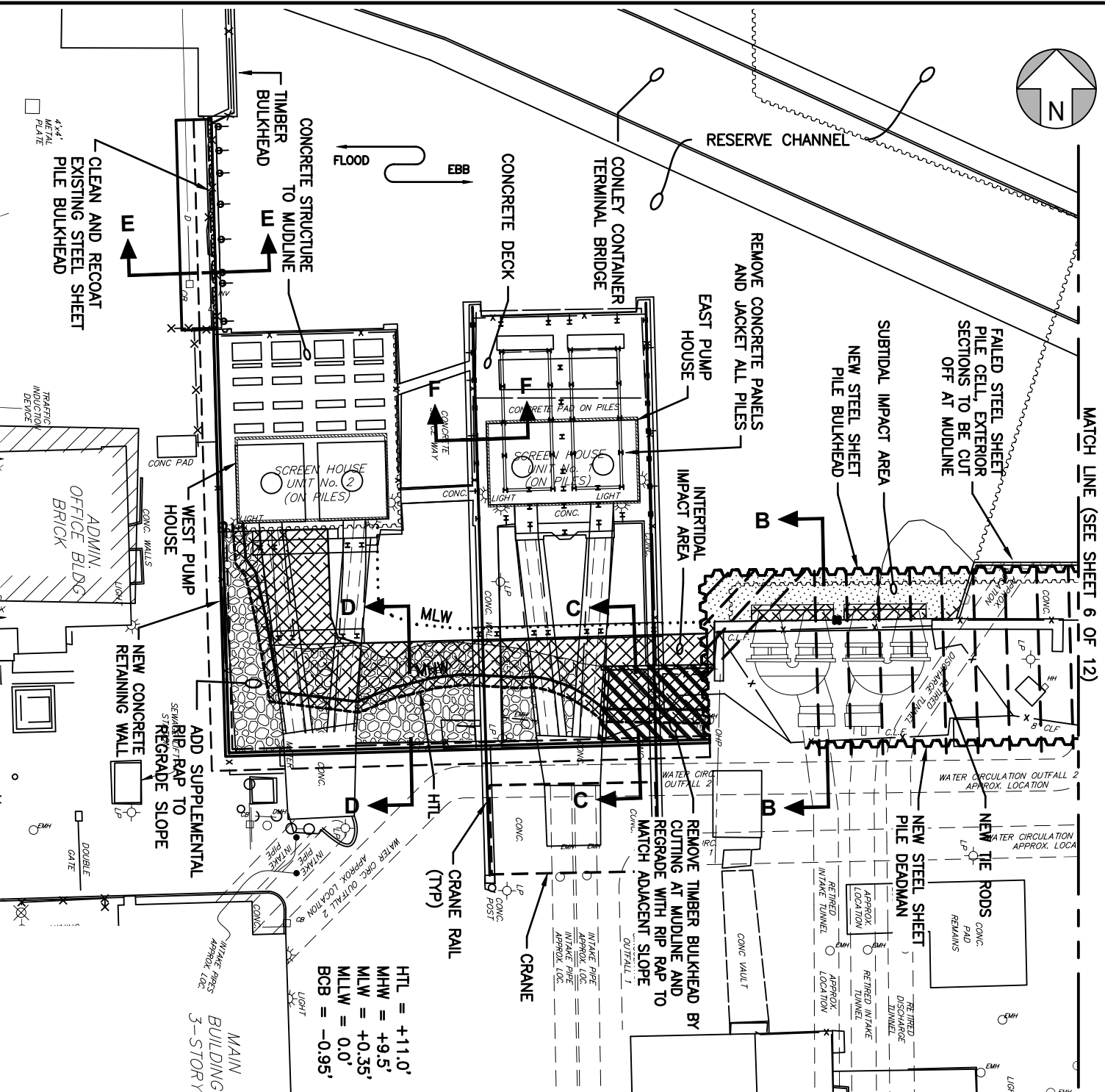
## INSTALLATION OF NEW STEEL SHEET PILE BULKHEAD, FILL AND SUPPLEMENTAL RIP RAP

IN: BOSTON HARBOR RESERVE CHANNEL  
AT: 776 SUMMER STREET  
COUNTY: SUFFOLK STATE: MA

SHEET 3 OF 12      DATE: 3/16/22







PURPOSE: TO PERFORM REPAIRS TO SHORELINE STRUCTURES INCLUDING BULKHEAD AND RIP RAP

DATUM: MLW = 0.0'

CHILDS ENGINEERING CORPORATION  
34 WILLIAM WAY, BELLINGHAM, MA 02019

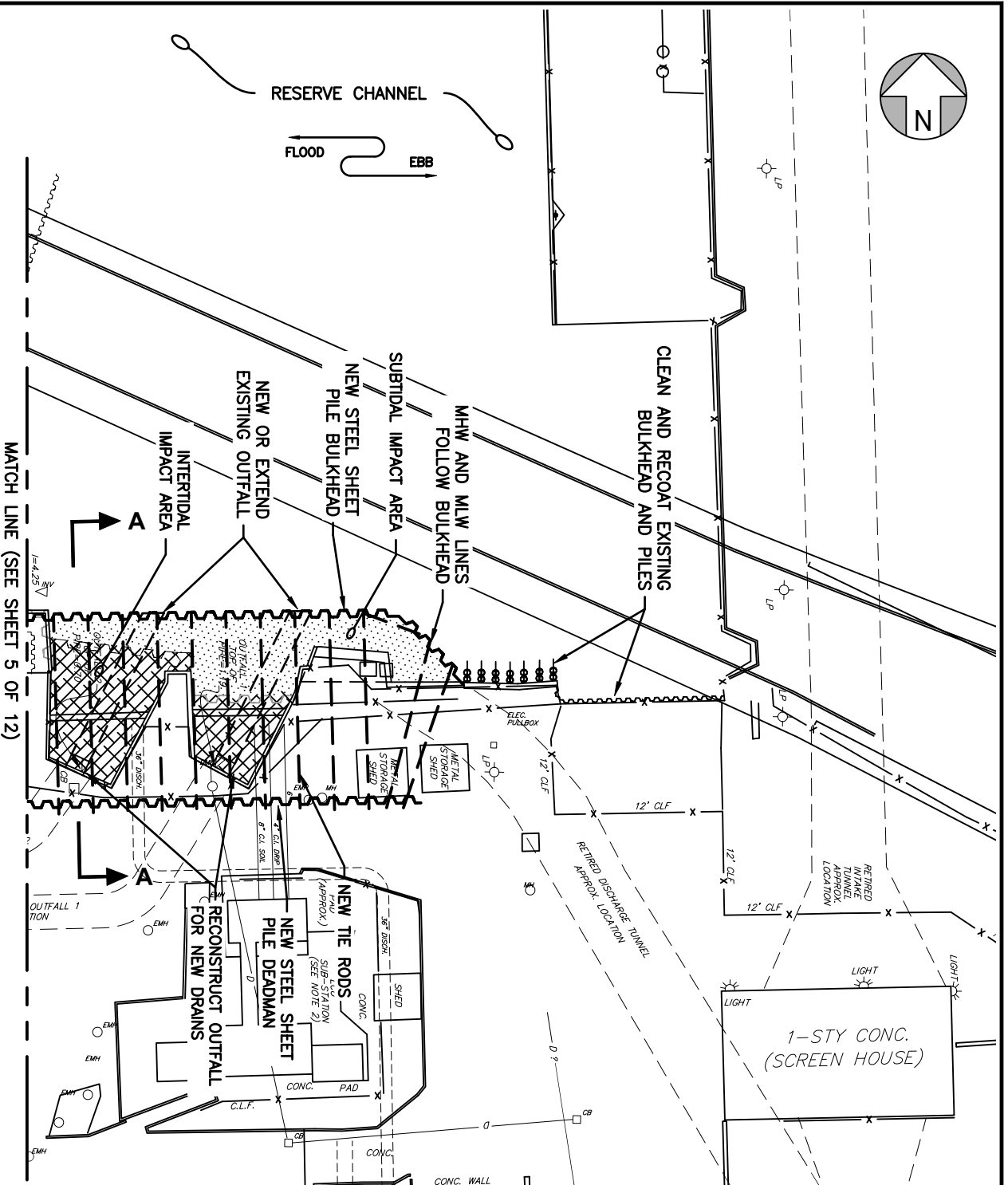
## PROPOSED PLAN



APPLICATION BY:  
HRP 776 SUMMER STREET, LLC  
99 SUMMER STREET, SUITE 1110  
BOSTON, MA 02110

INSTALLATION OF NEW STEEL SHEET PILE BULKHEAD, FILL AND SUPPLEMENTAL RIP RAP

IN: BOSTON HARBOR RESERVE CHANNEL  
AT: 776 SUMMER STREET  
COUNTY: SUFFOLK STATE: MA  
SHEET 5 OF 12 DATE: 3/16/22



PURPOSE: TO PERFORM REPAIRS TO  
SHORELINE STRUCTURES INCLUDING  
BULKHEAD AND RIP RAP

DATUM: MLW = 0.0'

CHILDS ENGINEERING CORPORATION  
34 WILLIAM WAY, BELLINGHAM, MA 02019

## PROPOSED PLAN



APPLICATION BY:  
HRP 776 SUMMER STREET, LLC  
99 SUMMER STREET, SUITE 1110  
BOSTON, MA 02110

INSTALLATION OF NEW STEEL  
SHEET PILE BULKHEAD, FILL AND  
SUPPLEMENTAL RIP RAP

IN: BOSTON HARBOR RESERVE CHANNEL  
AT: 776 SUMMER STREET  
COUNTY: SUFFOLK STATE: MA  
SHEET 6 OF 12 DATE: 3/16/22

HTL = +11.0'  
 MHW = +9.5'  
 MLW = +0.35'  
 MLW = 0.0'  
 BCB = -0.95'

PURPOSE: TO PERFORM REPAIRS TO  
 SHORELINE STRUCTURES INCLUDING  
 BULKHEAD AND RIP RAP

DATUM: MLW = 0.0'

CHILDS ENGINEERING CORPORATION  
 34 WILLIAM WAY, BELLINGHAM, MA 02019

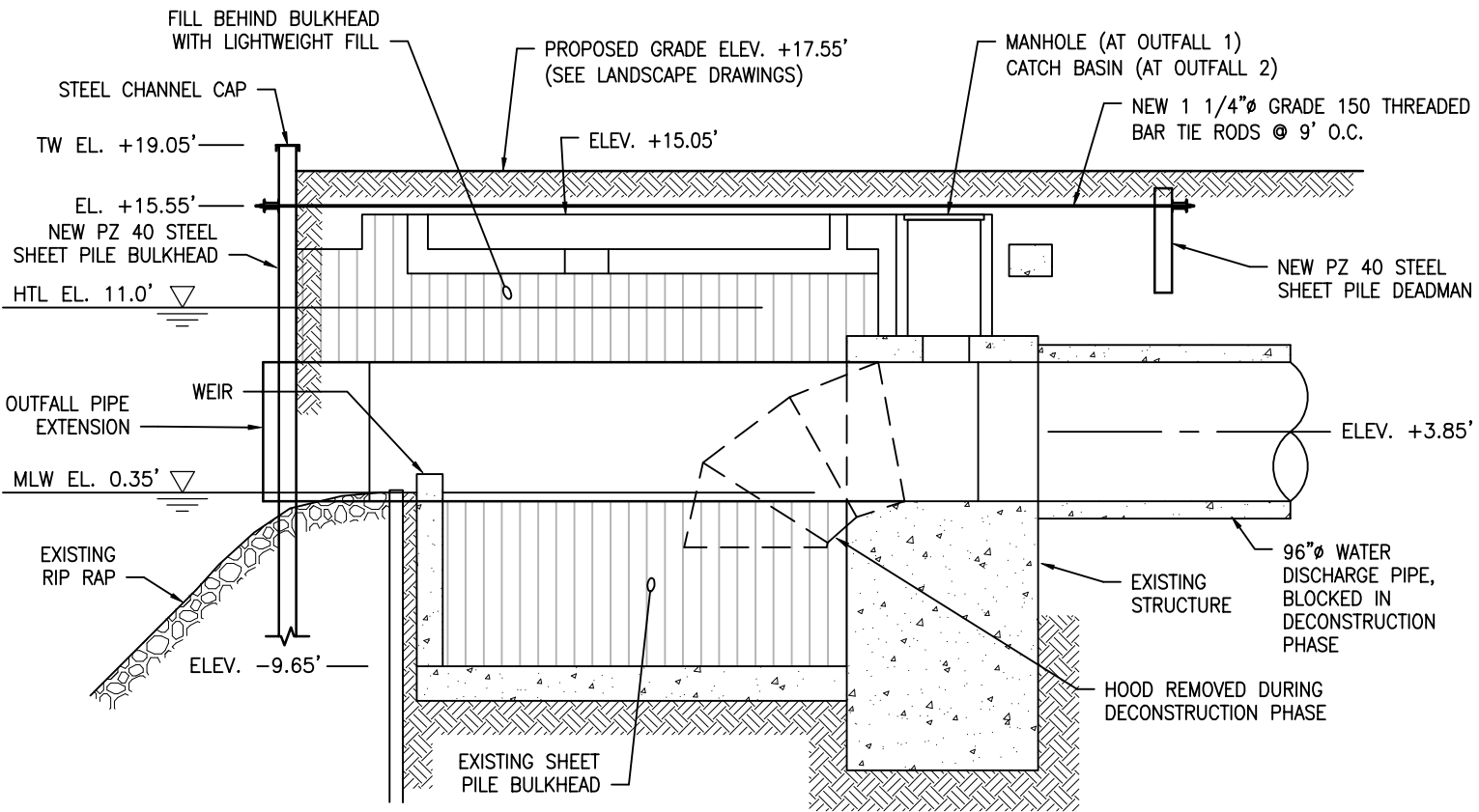
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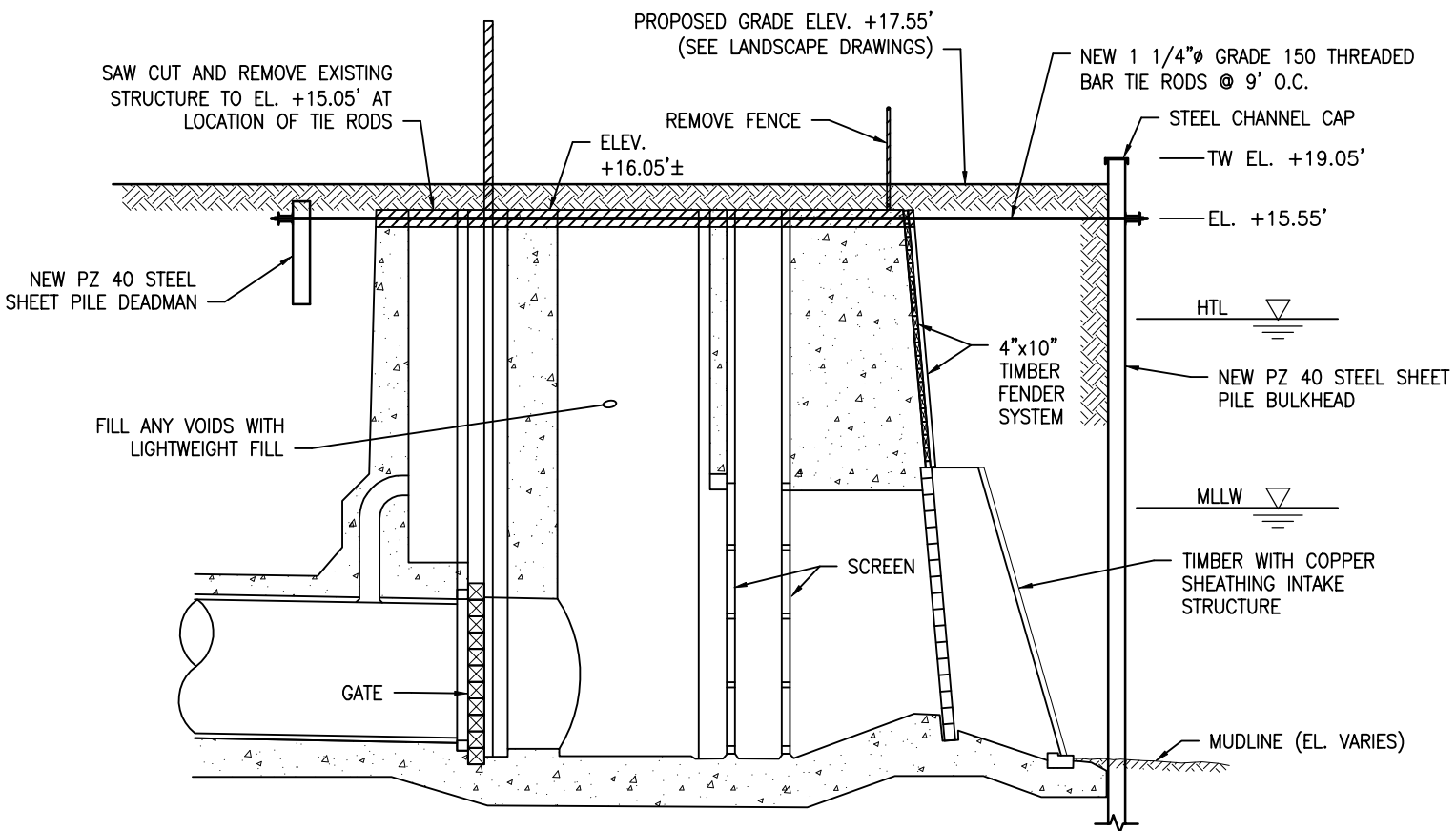


APPLICATION BY:  
 HRP 776 SUMMER STREET, LLC  
 99 SUMMER STREET, SUITE 1110  
 BOSTON, MA 02110

INSTALLATION OF NEW STEEL  
 SHEET PILE BULKHEAD, FILL AND  
 SUPPLEMENTAL RIP RAP

IN: BOSTON HARBOR RESERVE CHANNEL  
 AT: 776 SUMMER STREET  
 COUNTY: SUFFOLK STATE: MA  
 SHEET 7 OF 12 DATE: 3/16/22





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## SECTION B-B



APPLICATION BY:  
 HRP 776 SUMMER STREET, LLC  
 99 SUMMER STREET, SUITE 1110  
 BOSTON, MA 02110

INSTALLATION OF NEW STEEL  
 SHEET PILE BULKHEAD, FILL AND  
 SUPPLEMENTAL RIP RAP

IN: BOSTON HARBOR RESERVE CHANNEL  
 AT: 776 SUMMER STREET  
 COUNTY: SUFFOLK STATE: MA  
 SHEET 8 OF 12 DATE: 3/16/22

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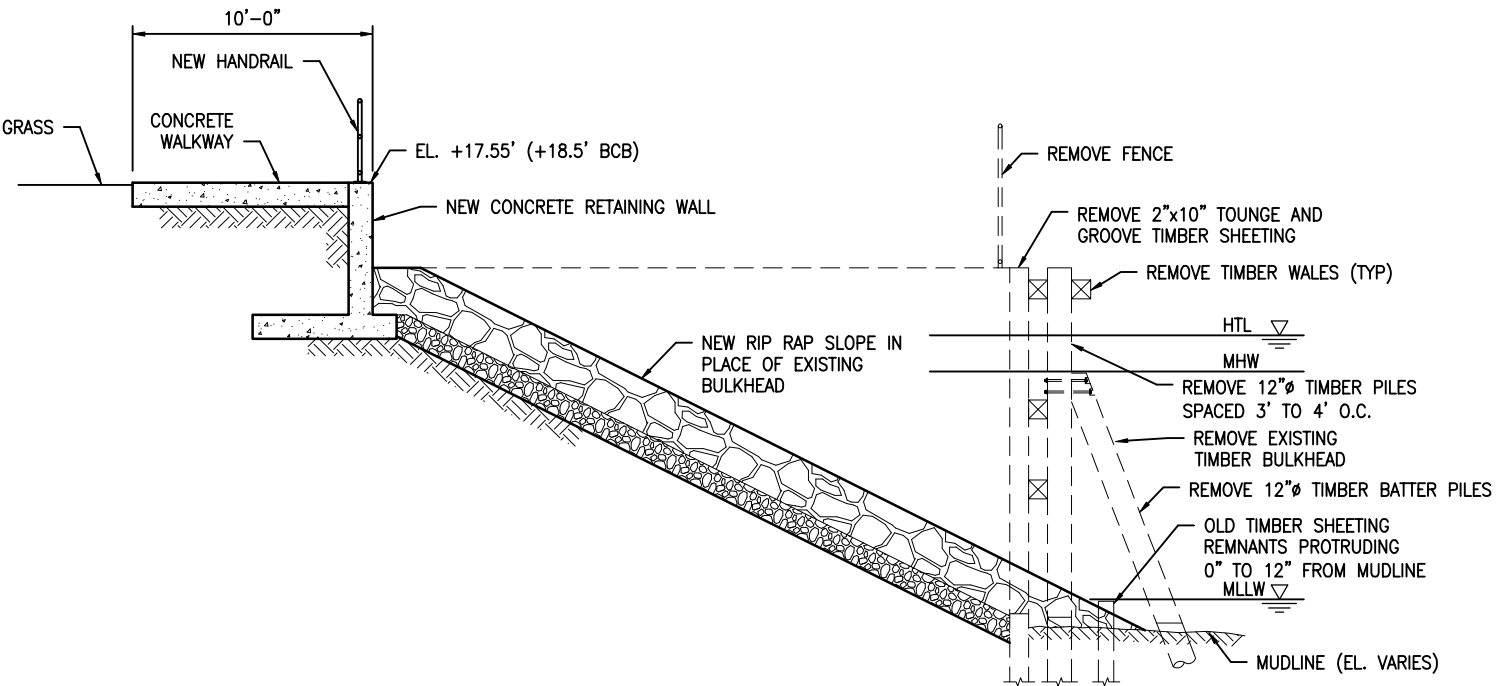
## SECTION C-C



APPLICATION BY:  
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99 SUMMER STREET, SUITE 1110  
BOSTON, MA 02110

INSTALLATION OF NEW STEEL  
SHEET PILE BULKHEAD, FILL AND  
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IN: BOSTON HARBOR RESERVE CHANNEL  
AT: 776 SUMMER STREET  
COUNTY: SUFFOLK STATE: MA  
SHEET 9 OF 12 DATE: 3/16/22



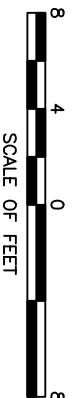
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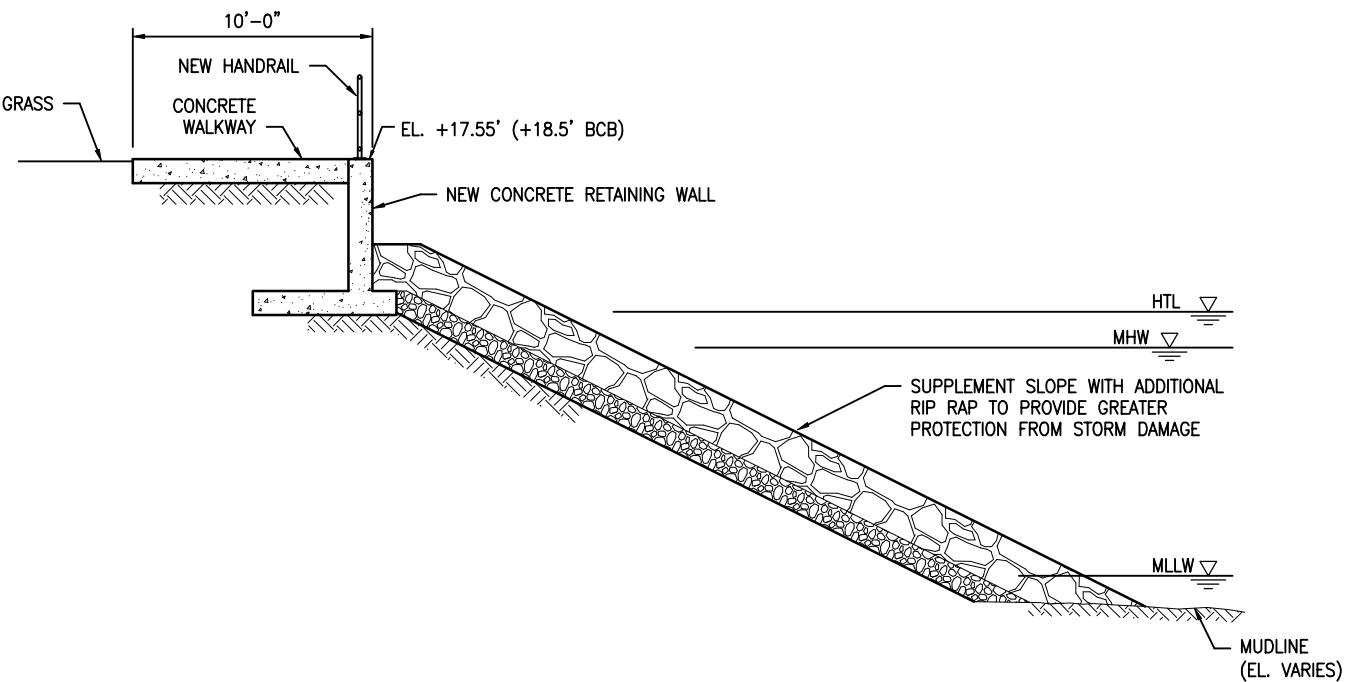
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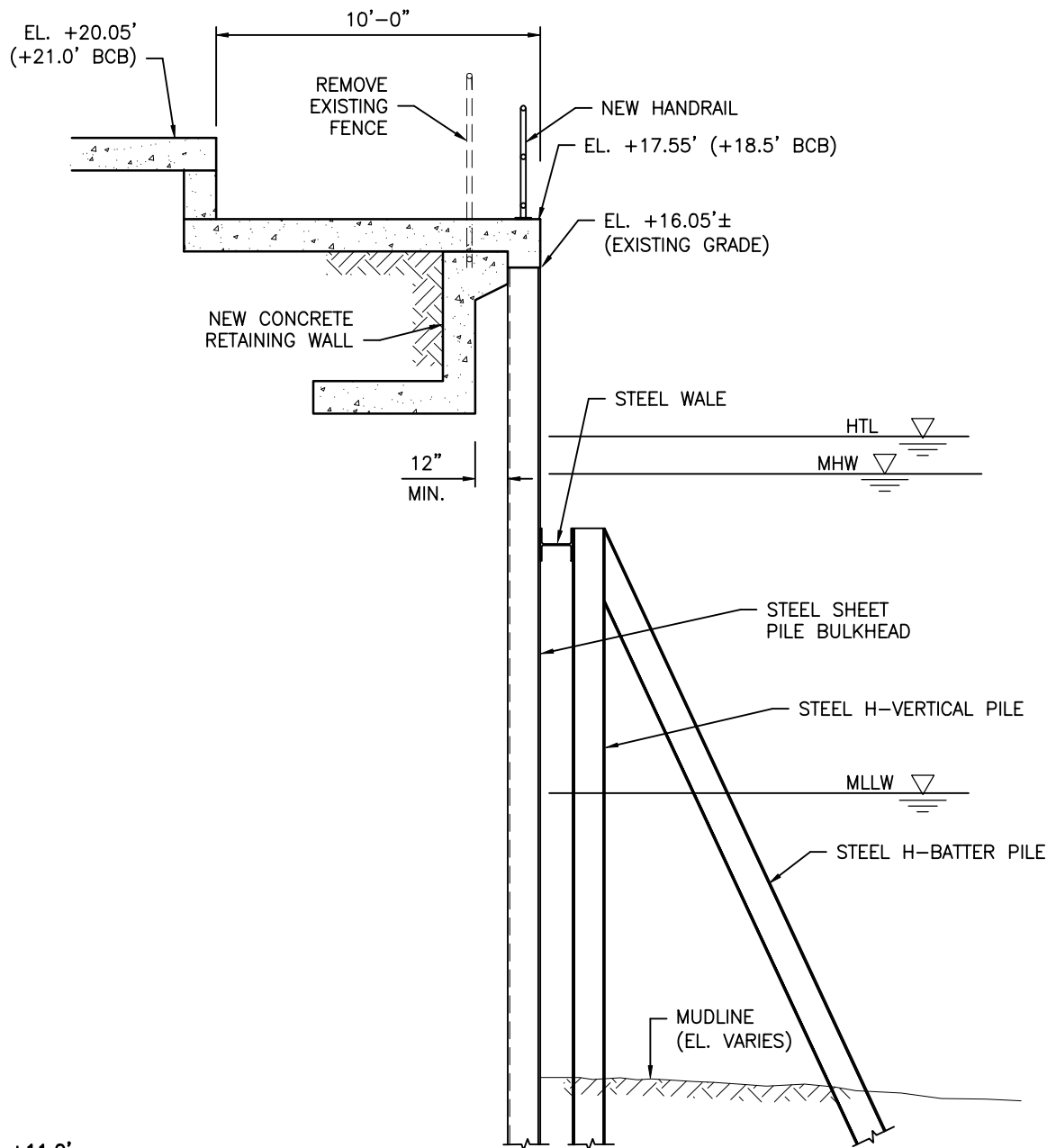
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INSTALLATION OF NEW STEEL  
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SHEET 10 OF 12 DATE: 3/16/22







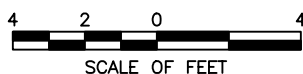
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## SECTION E-E

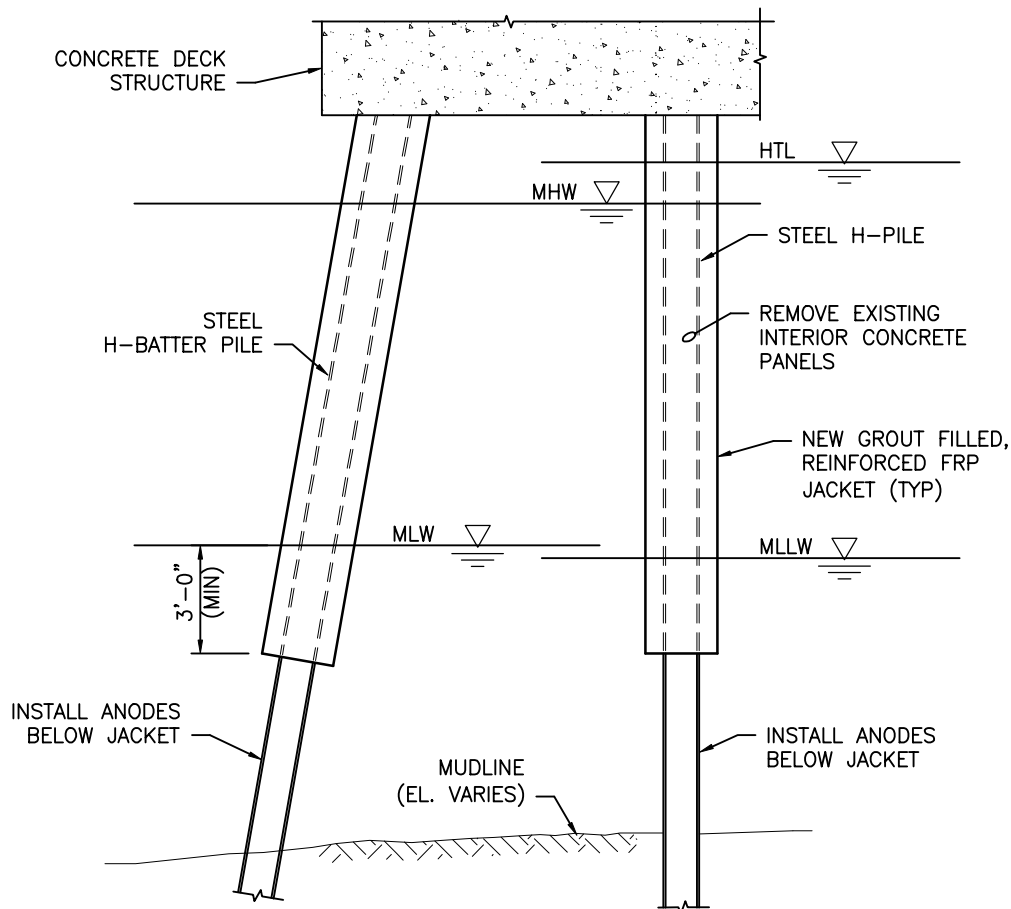


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 99 SUMMER STREET, SUITE 1110  
 BOSTON, MA 02110

INSTALLATION OF NEW STEEL  
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IN: BOSTON HARBOR RESERVE CHANNEL  
 AT: 776 SUMMER STREET  
 COUNTY: SUFFOLK STATE: MA

SHEET 11 OF 12 DATE: 3/16/22



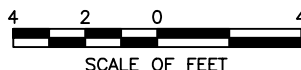
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## SECTION F-F



APPLICATION BY:  
HRP 776 SUMMER STREET, LLC  
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BOSTON, MA 02110

INSTALLATION OF NEW STEEL SHEET PILE BULKHEAD, FILL AND SUPPLEMENTAL RIP RAP

IN: BOSTON HARBOR RESERVE CHANNEL  
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COUNTY: SUFFOLK STATE: MA

SHEET 12 OF 12 DATE: 3/16/22