



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

# PUBLIC NOTICE

**Comment Period Begins:** February 14, 2023  
**Comment Period Ends:** March 16, 2023  
**File Number:** NAE-2021-02624  
**In Reply Refer To:** Dan Vasconcelos  
**Phone:** (978) 318-8653  
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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 an unnamed tributary to Winimusset Brook, and vegetated wetlands, at Ravine Road in New Braintree, Massachusetts. The site coordinates are: Latitude 42.34690°N, Longitude 72.13270°W.

Note: Although this project is eligible for review under the General Permits for Massachusetts (MA GPs), the work is not expected to be complete until after the MA GPs expire on April 5, 2023. The applicant is therefore seeking an individual permit to allow more time to complete the work.

The work involves the permanent discharge of 667 square feet of fill material below the Ordinary High Water (OHW) mark of an unnamed tributary to Winimusset Brook, and 200 square feet within vegetated wetlands, associated with the replacement of two existing culvert crossings conveying the stream below Ravine Road. The existing upstream crossing consists of a 60” diameter plastic pipe with concrete headwall, while the downstream crossing consists of two 5.2’ wide X 3.2’ high pipe arches with fieldstone masonry headwall. Both crossings will be replaced with new 23’ wide open bottom bridge spans. The stream channel below the new bridges will be reconstructed with rip-rap overtopped with natural streambed material. Replacement of the upstream crossing will necessitate the relocation of an existing driveway. An additional 1,421 square feet of temporary impacts below OHW, and 477 square feet of temporary impacts within vegetated wetlands, are proposed resulting from construction access, water control measures, and dewatering.

The applicant’s stated project purpose is to replace the two deteriorating culverts. The work is shown on the enclosed plans entitled “NEW BRAINTREE RAVINE ROAD” on 13 sheets, and dated “1/27/2023”.

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 and conducting culvert work behind dewatered cofferdams to minimize turbidity in waterways. No federal compensatory mitigation is proposed because the impacts are considered minimal.

## 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.

#### **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 initiated coordination with the State Historic Preservation Officer (SHPO), Massachusetts Board of Underwater Archaeological Resources (BUAR), 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

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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 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 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).