



## PUBLIC NOTICE

**Comment Period Begins:** May 28, 2024

**Comment Period Ends:** June 27, 2024

**File Number:** NAE-2013-3666

**In Reply Refer to:** Charles Farris, Regulatory Division

**Phone:** (978) 318-8336

**Email:** [charles.n.farris@usace.army.mil](mailto:charles.n.farris@usace.army.mil)

---

The District Engineer, U.S. Army Corps of Engineers, New England District (USACE), has received a permit application, file number NAE-2013-3666, to conduct work in waters of the United States from MBTA, 10 Park Plaza, Suite 5720, Boston, Massachusetts. This work is proposed in Weymouth Back River at 28 Shipyard Drive Hingham, Massachusetts. The site coordinates are: Latitude 42.253729 Longitude-70.919686.

The MBTA proposes to replace the existing floating dock, walkways, and gangway and increase the capacity of the docking basins at the current location. To do this the applicant would create a new docking facility This facility would consist of a 3,500-square-foot floating dock, a 6-foot-wide by 120-foot-long gangway, an elevated walkway of pile-supported, concrete-decked platforms and an at-grade 85 foot concrete walkway with canopy providing access to the ferry from the rest of the docking facility. Concrete retaining walls and backfill would be placed along the at-grade walkway for approximately 54 feet of the total length of the walkway. This would increase the walkway surface to elevation 14' NAVD88.

In addition, improvement dredging of a 19,000 sq ft basin to a depth of 11.5 feet below Mean Lower Low Water (MLLW) would occur, with an additional 1.0-foot allowance for overdredging. This would produce a volume of approximately 2,450 cubic yards of dredged material which would be disposed of at the Massachusetts Bay Disposal Site (MBDS).

The work is shown on the enclosed plans titled "Ferry landing, Weymouth Back River, at Hewitt Cove, County Plymouth State MA," on seven sheets, and dated "October 3, 2023, revised April 15, 2024."

The applicant has avoided and minimized impacts and no compensatory mitigation requirements are expected.

### 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 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.

#### **Dredged Material Disposal Mitigation Discussion:**

The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analyzed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal. When applicable, the biological quality of the disposal of the material at the disposal site was also used to evaluate the feasibility of the open-water disposal alternative.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is disposal at the requested disposal site.

### **Dredged Material Testing Information.**

#### **For Section 103 Permits: (Cape Arundel, Portland, Mass Bay, RI Sound):**

The dredged material has undergone physical, chemical, and biological testing and has satisfied the criteria for ocean disposal of dredged material as specified in Part 227 of the Ocean Dumping Act regulations. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

Any permit issued for this project will include special conditions requiring scows to come to a complete stop when disposing of the material at the disposal site. There will also be a time of year restriction included as a special condition which prohibits dredging during ecologically sensitive times of years.

the disposal site are slightly above background levels, indicative of the influence of the earlier dredge disposal at the site.

Previous research has shown that areas outside the disposal site have not been found to be affected by sediment deposited within the site.

The disposal site is located within the identified limits of the Right Whale Critical Habitat Area.

#### **Massachusetts Bay Disposal Site**

The Massachusetts Bay Disposal Site is frequently used for disposal of bottom sediments from various harbors in the Boston area. Approximately 300,000 cubic yards of suitable sediments (the suitability was determined with a project-specific evaluation with an established interagency review process) are deposited at this site annually. The site is monitored through the USACE Disposal Area Monitoring System (DAMOS) program. The DAMOS studies show that the site is a low energy environment such that sediments deposited at this location will remain within the site's boundaries. The DAMOS monitoring has also shown that distinct dredged material mounds have been formed at the site. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged that utilize the site. Sediment deposited at the disposal site has not been found to affect areas outside the disposal site. The Environmental Protection Agency has designated the Massachusetts Bay Disposal Site usable for disposal of dredged sediments.

The activities proposed herein may also require permission from the USACE pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a

CENAE-R  
File No: NAE-2013-3666

USACE federally authorized Civil Works project known as Weymouth Back River. The proposed alteration involves dredging in or near the confines of the FNP. The proposed alteration is located at the end of the present MBTA Hingham Ferry Terminal. A permit pursuant to Section 10/404/103 shall not be granted until the Section 408 permission is issued. Through this public notice, we are soliciting information necessary to inform the USACE evaluation and review.

### **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.

The dredging portion of this project will impact approximately 19,000 square feet of EFH. Habitat at this site can be described as fine grained sediments and sand in subtidal habitat. 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.

The dredged material disposal is proposed for Massachusetts Bay Disposal Site. This is an open water site, which provides EFH. Habitat at this site can be described as silts and sands in deep subtidal habitat. 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 our initial review of the proposed project (undertaking), the undertaking would have no effect on historic properties. There are no historic structures in the project footprint, however, the footprint is just outside the historic district of the U.S. Naval Ammo Depot.

Additional review and consultation to fulfill 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 is reviewing 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. Our review will be concluded prior to the final decision.

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 (ESA) 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.
- ( ) Permit from local wetland agency or conservation commission.
- (x) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

## **COMMENTS**

The Corps of Engineers 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. Any comments received will be considered by the Corps of Engineers 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

CENAE-R  
File No: NAE-2013-3666

interest of the proposed activity. People submitting comments are advised that all comments received will be available for public review in their entirety and will be considered a matter of public record.

Comments should be submitted in writing by the above date. If you have any questions, please contact Charles Farris, Regulatory Division, at **Charles.N.Farris@usace.army.mil**, (978) 318-8336, (800) 343-4789 or (800) 362-4367.

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. 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.

Paul Maniccia  
Chief, Massachusetts Section  
Regulatory Division

---

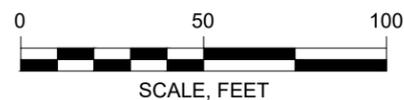
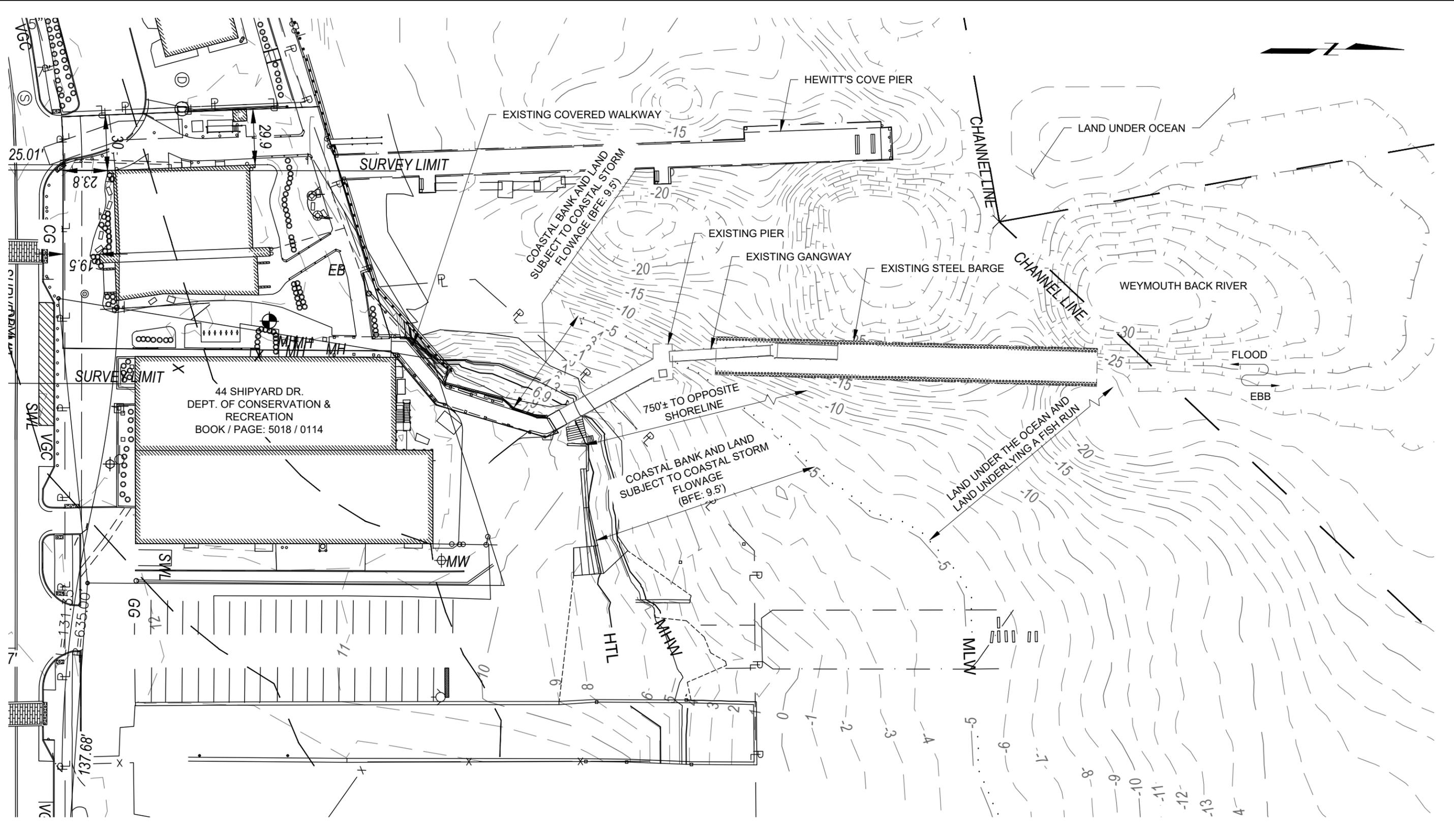
Please contact Ms. Tina Chaisson at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil) or (978) 318-8058 if you would like to be removed from our public notice mailing list.

File: B:\Working\MBTA\2200343 Hingham Dock Design and Permitting Services\00\_CAD\Design\Sheets\PERMITS\USACOE\SHT-01 LOCUS PLAN.dwg



TITLE: LOCUS PLAN		IN: WEYMOUTH BACK RIVER
PURPOSE: FERRY LANDING		AT: HEWITT'S COVE
APPLICATION BY: MBTA		COUNTY: PLYMOUTH STATE: MA
		SHEET 1 OF 7
		DATE: 10/03/23 REV 04/15/24

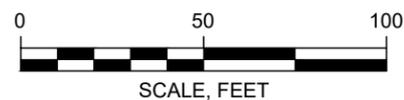
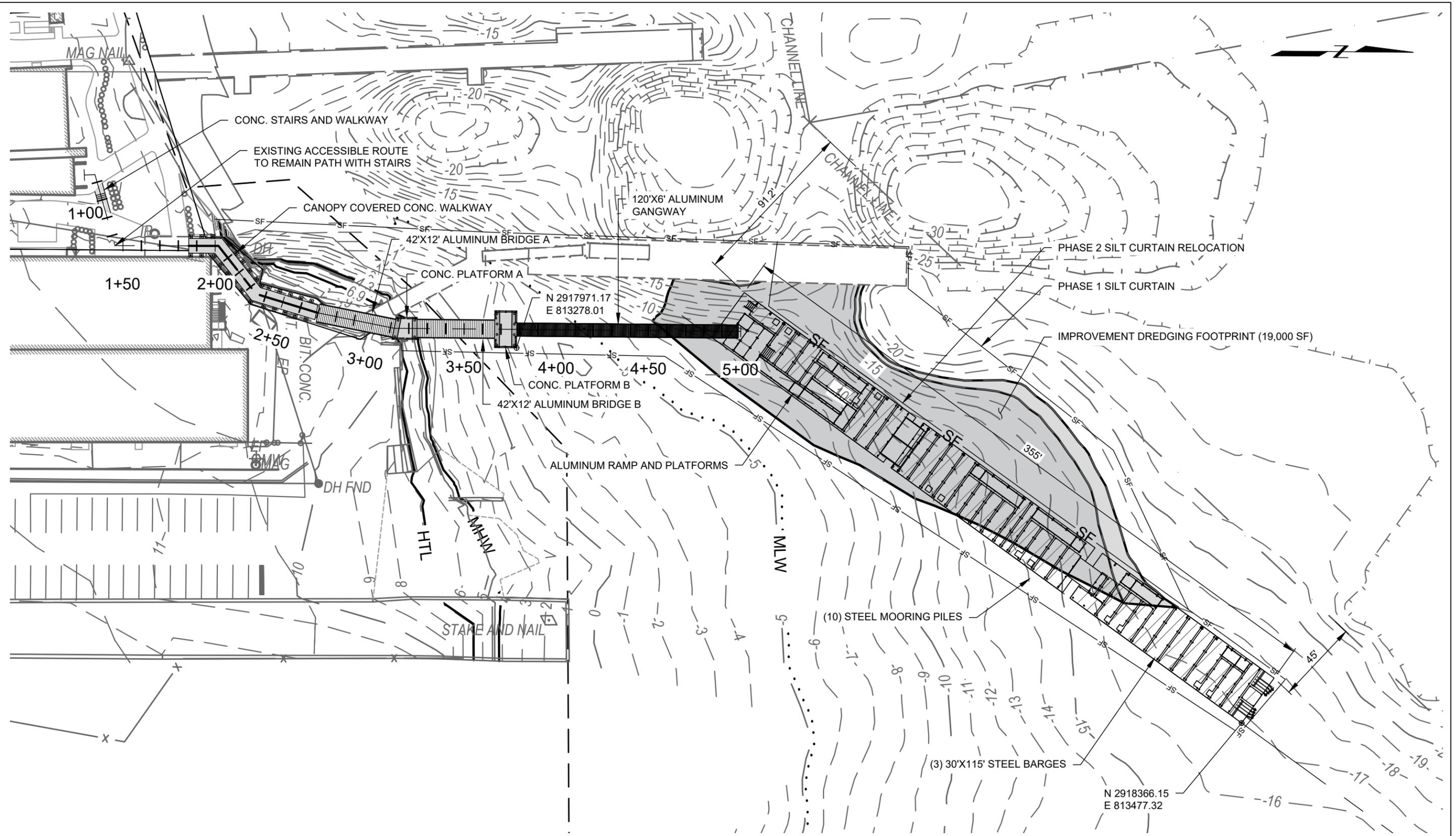
File: B:\Working\MBTA\2200343 Hingham Dock Design and Permitting Services\00\_CAD\Design\Sheets\PERMITS\USACOE\SH-02 EXIST COND PLAN.dwg



100 YR FLOOD +13.0  
HTL +6.92  
MHW +4.33  
NAVD88 0.00  
MLW -5.16

TITLE: EXISTING CONDITIONS PLAN		IN: WEYMOUTH BACK RIVER
PURPOSE: FERRY LANDING		AT: HEWITT'S COVE
APPLICATION BY: MBTA		COUNTY: PLYMOUTH STATE: MA
		SHEET 2 OF 7
		DATE: 10/03/2023 REV 04/15/24

File: B:\Working\MBTA\2200343 Hingham Dock Design and Permitting Services\00\_CAD\Design\Sheets\PERMITS\USACOE\SH-03\_PROP\_COND\_PLAN.dwg

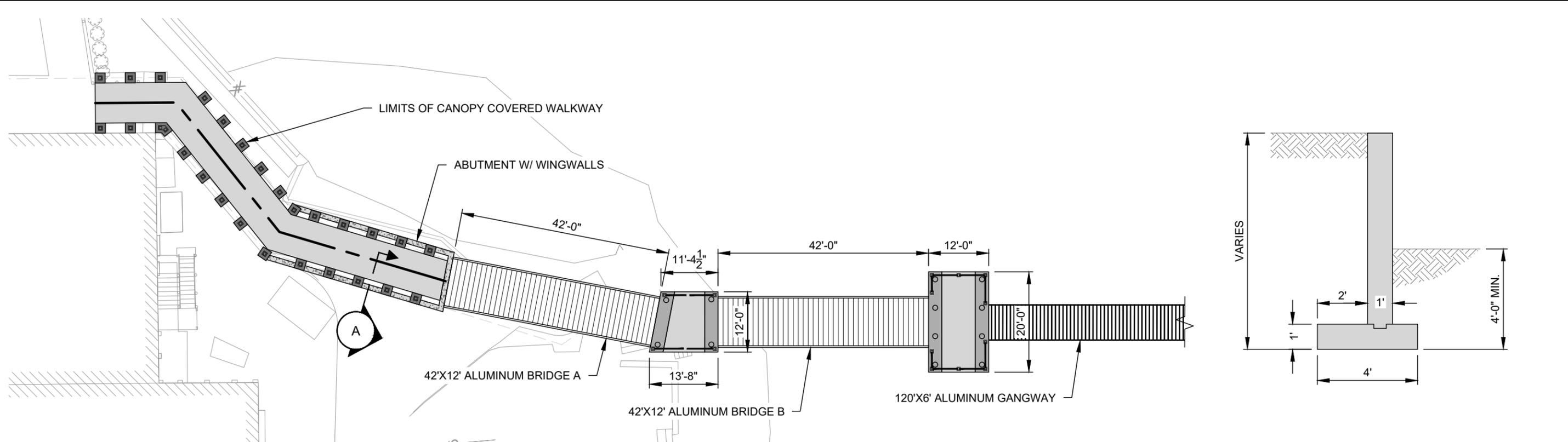


100 YR FLOOD	+13.0
HTL	+6.92
MHW	+4.33
NAVD88	0.00
MLW	-5.16

TITLE: PROPOSED CONDITIONS PLAN	
PURPOSE: FERRY LANDING	APPLICATION BY: MBTA

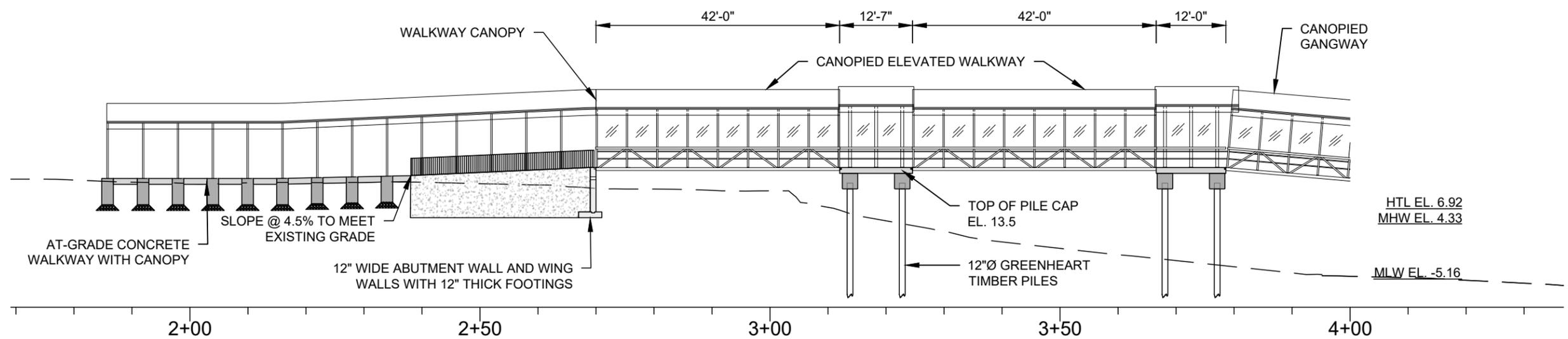
IN: WEYMOUTH BACK RIVER AT: HEWITT'S COVE COUNTY: PLYMOUTH STATE: MA
SHEET 3 OF 7
DATE: 10/03/2023 REV 04/15/24

File: B:\Working\MBTA\2200343 Hingham Dock Design and Permitting Services\00\_CAD\Design\Sheets\PERMITS\USACOE\SH-04\_PIER PLAN & ELEVATION.dwg

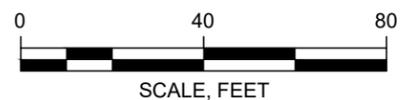


**PLAN**  
PROPOSED PIER  
SCALE: 1" = 20'

**A SECTION**  
PROPOSED ABUTMENT  
SCALE: 1/4" = 1'-0"



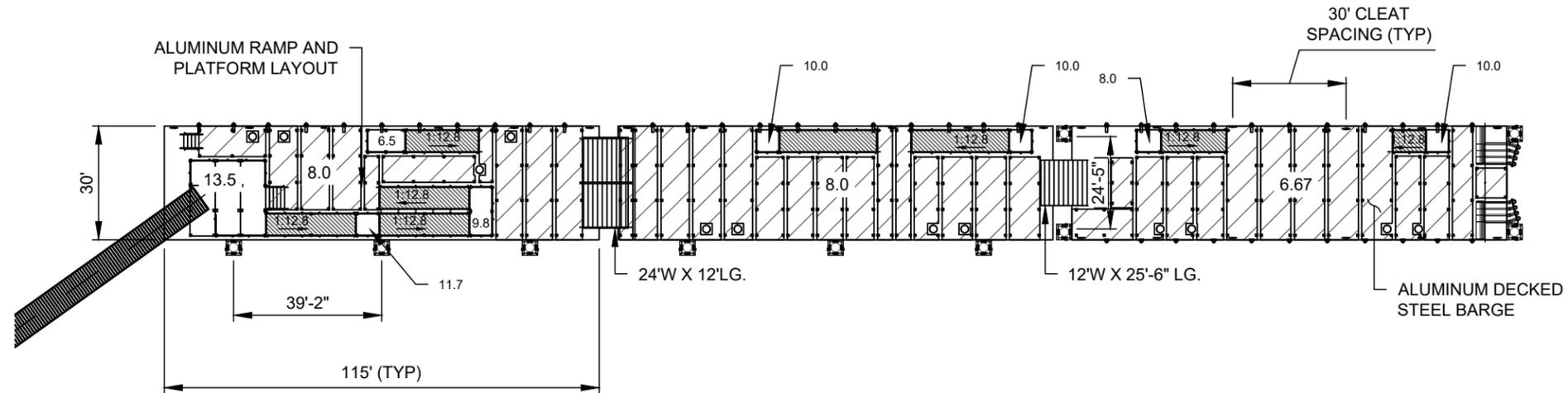
**ELEVATION**  
PROPOSED PIER  
SCALE: 1" = 20'



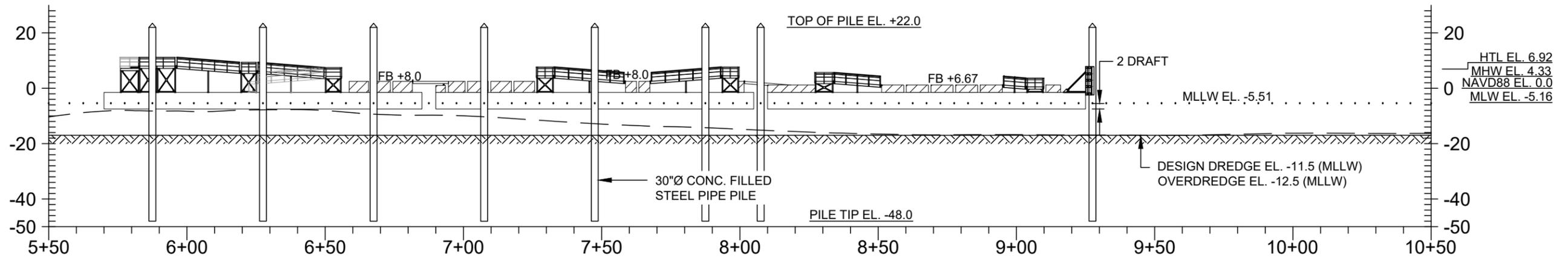
100 YR FLOOD	+13.0
HTL	+6.92
MHW	+4.33
NAVD88	0.00
MLW	-5.16

TITLE: PIER PLAN & ELEVATION		IN: WEYMOUTH BACK RIVER
PURPOSE: FERRY LANDING		AT: HEWITT'S COVE
APPLICATION BY: MBTA		COUNTY: PLYMOUTH STATE: MA
		SHEET 4 OF 7
		DATE: 10/03/2023

File: B:\Working\MBTA\2200343 Hingham Dock Design and Permitting Services\00\_CAD\Design\Sheets\PERMITS\USACOE\SH-05 BARGE PLAN & ELEVATION.dwg



**PLAN**  
BARGE LAYOUT SCALE: 1" = 40'



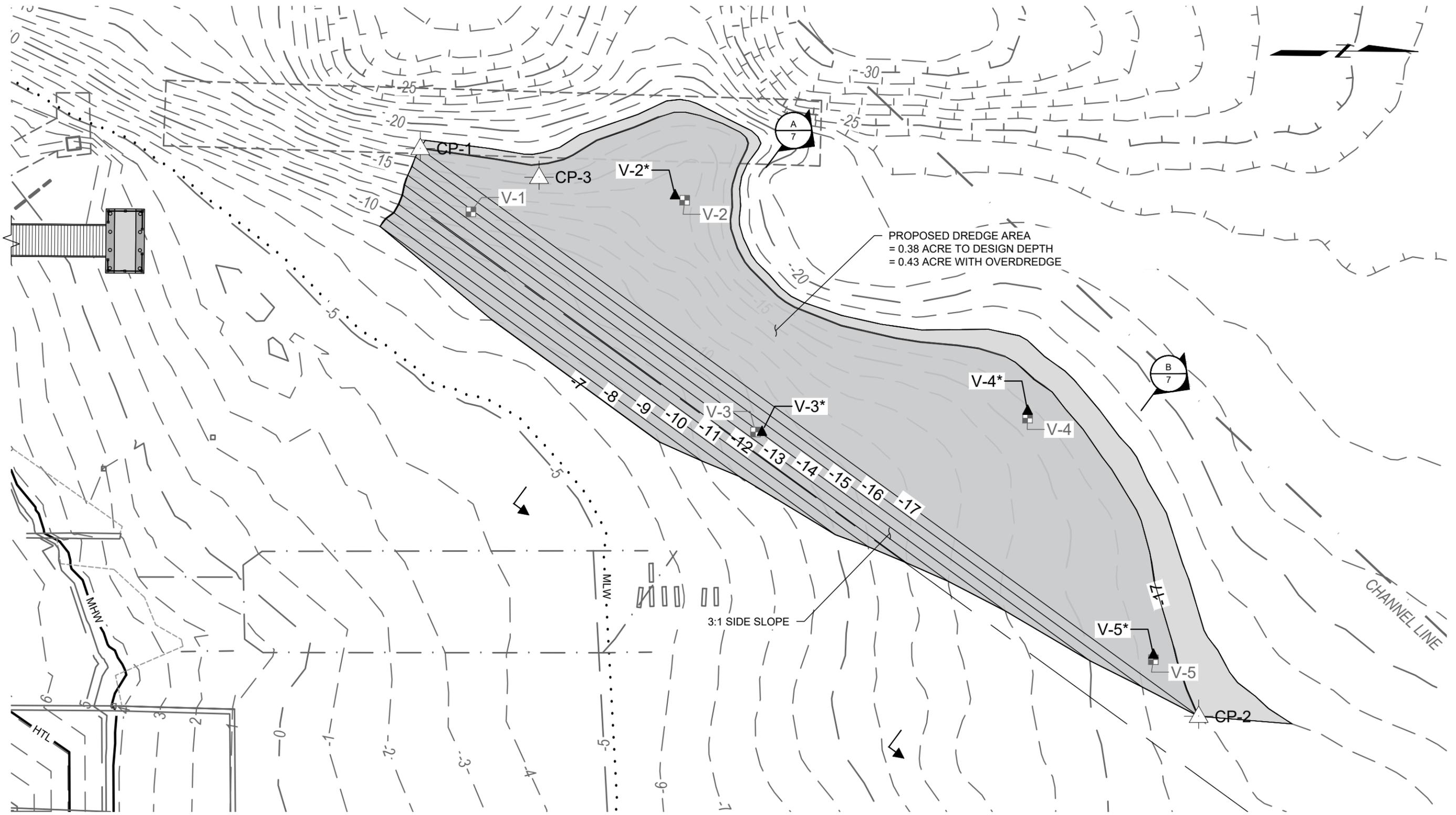
**ELEVATION**  
BARGE LAYOUT SCALE: 1" = 40'



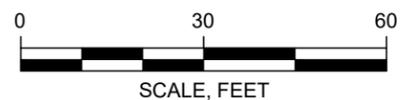
100 YR FLOOD +13.0  
HTL +6.92  
MHW +4.33  
NAVD88 0.00  
MLW -5.16

TITLE: BARGE PLAN & ELEVATION		IN: WEYMOUTH BACK RIVER
PURPOSE: FERRY LANDING		AT: HEWITT'S COVE
APPLICATION BY: MBTA		COUNTY: PLYMOUTH STATE: MA
		SHEET 5 OF 7
		DATE: 10/03/2023

File: B:\Working\MBTA\2200343 Hingham Dock Design and Permitting Services\00\_CAD\Design\Sheets\PERMITS\USACOE\SH-06\_DREDGE\_PLAN.dwg



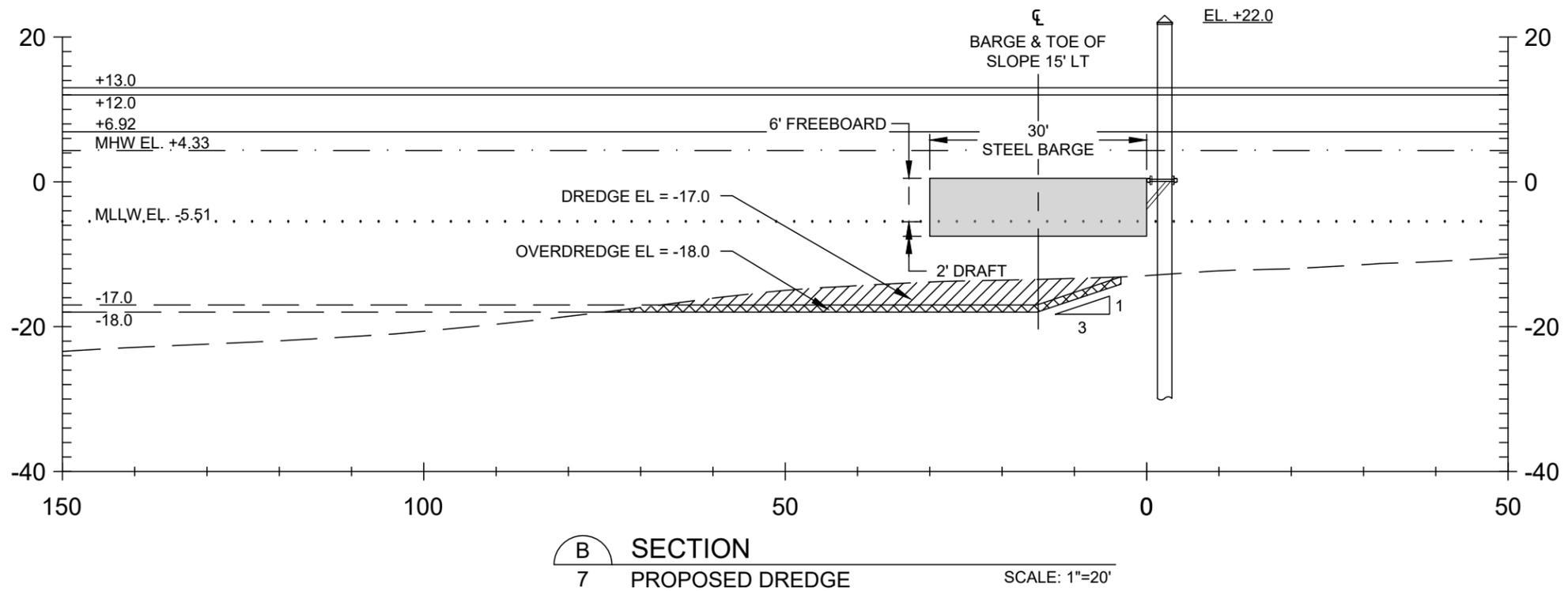
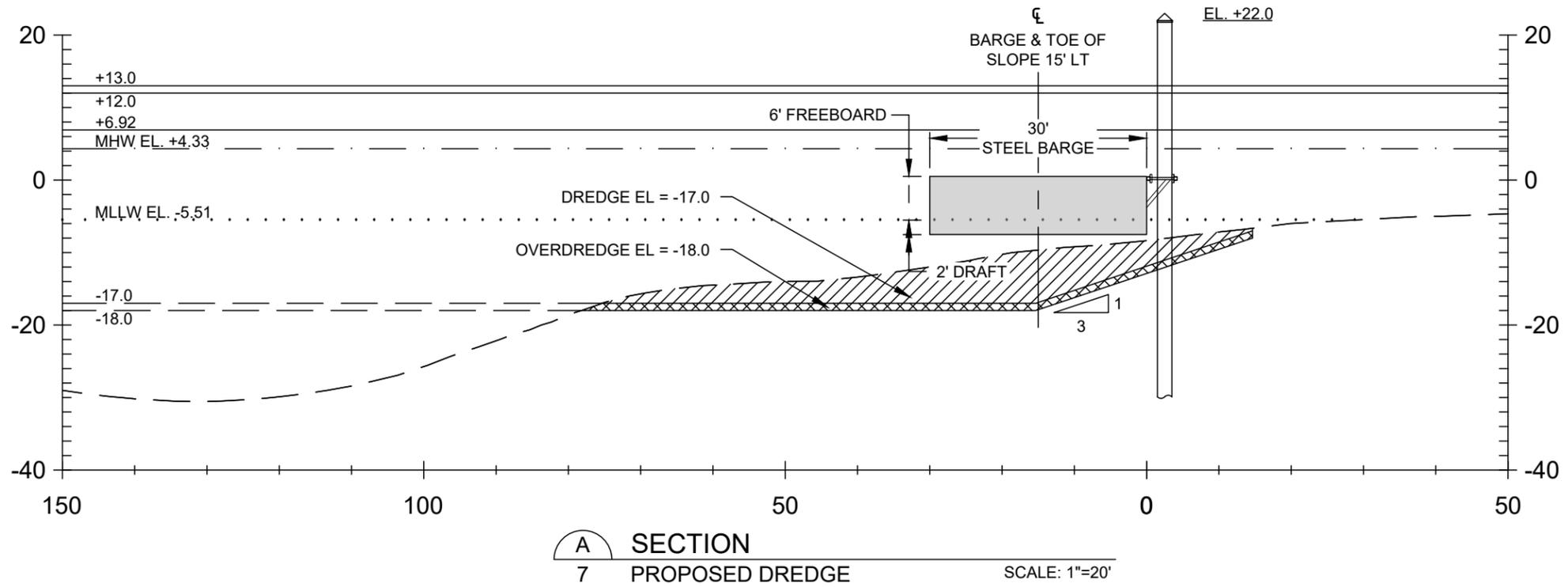
PROPOSED DREDGE AREA  
 = 0.38 ACRE TO DESIGN DEPTH  
 = 0.43 ACRE WITH OVERDREDGE



100 YR FLOOD +13.0  
 HTL +6.92  
 MHW +4.33  
 NAVD88 0.00  
 MLW -5.16

TITLE: DREDGE PLAN		IN: WEYMOUTH BACK RIVER
PURPOSE: FERRY LANDING		AT: HEWITT'S COVE
APPLICATION BY: MBTA		COUNTY: PLYMOUTH STATE: MA
		SHEET 6 OF 7
		DATE: 10/03/2023 REV 04/15/24

File: B:\Working\MBTA\2200343 Hingham Dock Design and Permitting Services\00\_CAD\Design\Sheets\PERMITS\USACOE\SH7-06 DREDGE PLAN.dwg



100 YR FLOOD +13.0  
HTL +6.92  
MHW +4.33  
NAVD88 0.00  
MLW -5.16

TITLE: DREDGE SECTIONS

PURPOSE:  
FERRY LANDING

APPLICATION BY:  
MBTA

IN: WEYMOUTH BACK RIVER  
AT: HEWITT'S COVE  
COUNTY: PLYMOUTH STATE: MA  
SHEET 7 OF 7  
DATE: 10/03/2023