PUBLIC NOTICE

US Army Corps of Engineers * New England District 696 Virginia Road

Concord, MA 01742-2751

Comment Period Begins: July 23, 2013 Comment Period Ends: August 22, 2013

File Number: NAE-2007-02427

In Reply Refer To: Richard Kristoff

Phone: (978) 318-8171

E-mail: Richard.C.Kristoff@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

APPLICANT

Michael Trotta Superintendent, Department of Public Works Town of Canton

ACTIVITY

To conduct repairs to an existing dam that consists of an earth and retained earth embankment with a concrete and mortared-boulder spillway near the right abutment that releases into Massapoag Brook. Currently Shepard Pond Dam is structurally deficient and in poor condition. Repairs and improvements include redesigning the spillway, construction of a new low level outlet, reconstruct the embankment, grout certain embankment areas, and miscellaneous work. The work will involve the discharge of 9,700 square feet of materials however; there will be no net gain of fill area as 9,700 square feet of area will need to be excavated/dredged. Temporary impacts will be 4.1 to 4.3 acres due to dewatering the pond for the construction of the low water outlet.

A detailed description can be found on page 4.

WATERWAY AND LOCATION OF THE PROPOSED WORK

The dam is located at the northeast end of Shepard Pond, just west of Washington Street in Canton, Massachusetts. The coordinates are N 42.14487 and W 71.14963.

AUTHORITY

Permits are required pursuant to:

Section 10 of the Rivers and Harbors Act of 1899

X 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.

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

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 New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. 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 any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

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.

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 interest of the proposed activity.

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 Richard Kristoff at (978) 318-8171, (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.

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.

Karen K. Adams

Chief, Permits and Enforcement Branch

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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: | |
|----------|--|
| ADDRESS: | |
| PHONE: | |

PROPOSED WORK AND PURPOSE

The work includes the discharge of fill material for repairs and improvements to a failing dam known as Shepard Pond Dam:

Spillway- The existing spillway is about 38 feet wide and 13 feet tall. Repairs to the spillway include excavating boulders alongside the downstream face of the concrete spillway wall. The top 4 feet of the spillway will be demolished and a new concrete labyrinth weir about 38 feet wide will constructed in its place. There will be retaining walls constructed along the spillway upstream approach to retain dredging that will occur there. The new spillway design is expected to pass the predicted 100 year flood.

Low Level Outlet- A new low level outlet will be constructed. It will be about 3 feet wide and 9 to 10 feet tall. The new outlet will be located between the labyrinth weir and the embankment and will be controlled by stoplogs.

Embankment- The top 4 to 8 feet of the embankment will be demolished and reconstructed to elevation 141 to repair voids, provide a level crest, and install erosion protection on the upstream side of the slope. The portion to be reconstructed is about 105 feet long.

Grouting- The embankment area, upstream of the spillway, and the right abutment will be grouted to reduce groundwater flow through the dam and foundation.

Miscellaneous- A left downstream concrete retaining wall will be constructed, tree and stump removal will be conducted, the right downstream masonry wall will be repaired, the right abutment will be regarded and have erosion protection added, and portions of the former flume will be filled.

Excavation- This project will include excavation and replacement of existing fill, enlargement/regrading of existing fill, and excavation within wetlands however, the excavation square footage will equal the discharge square footage of 9,700 square feet. Excavation within wetlands is needed to construct the low level outlet require by the Massachusetts Department of Recreation and Conservation Office of Dam Safety Regulations, to replace portions of the embankment, and to install erosion protection rip rap. To conduct this work dewatering will be necessary which will impact roughly 4.1 to 4.3 acres of resources. A small portion of excavation may need to be conducted in the wet to install water diversion and dewatering control methods. Excavated materials will be reused on site or disposed of at an appropriate upland location.

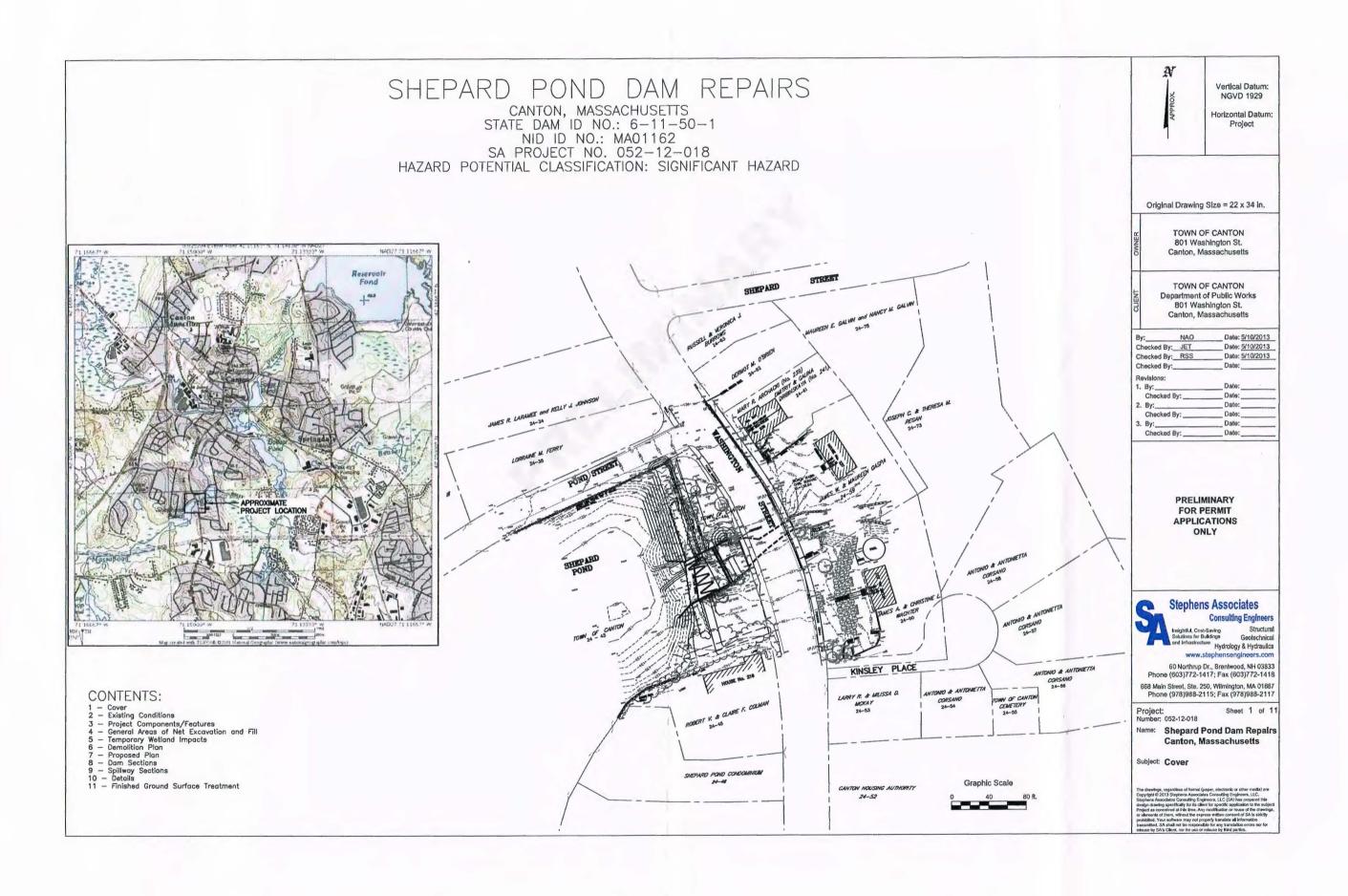
Fill within wetlands include rip rap for erosion protection on the upstream face of the embankment, right abutment, and upstream and downstream side of the spillway. The discharge of soil fill is needed for reconstructing the embankment and regrading the right abutment. Concrete will be discharged for the spillway, low level outlet, and training walls.

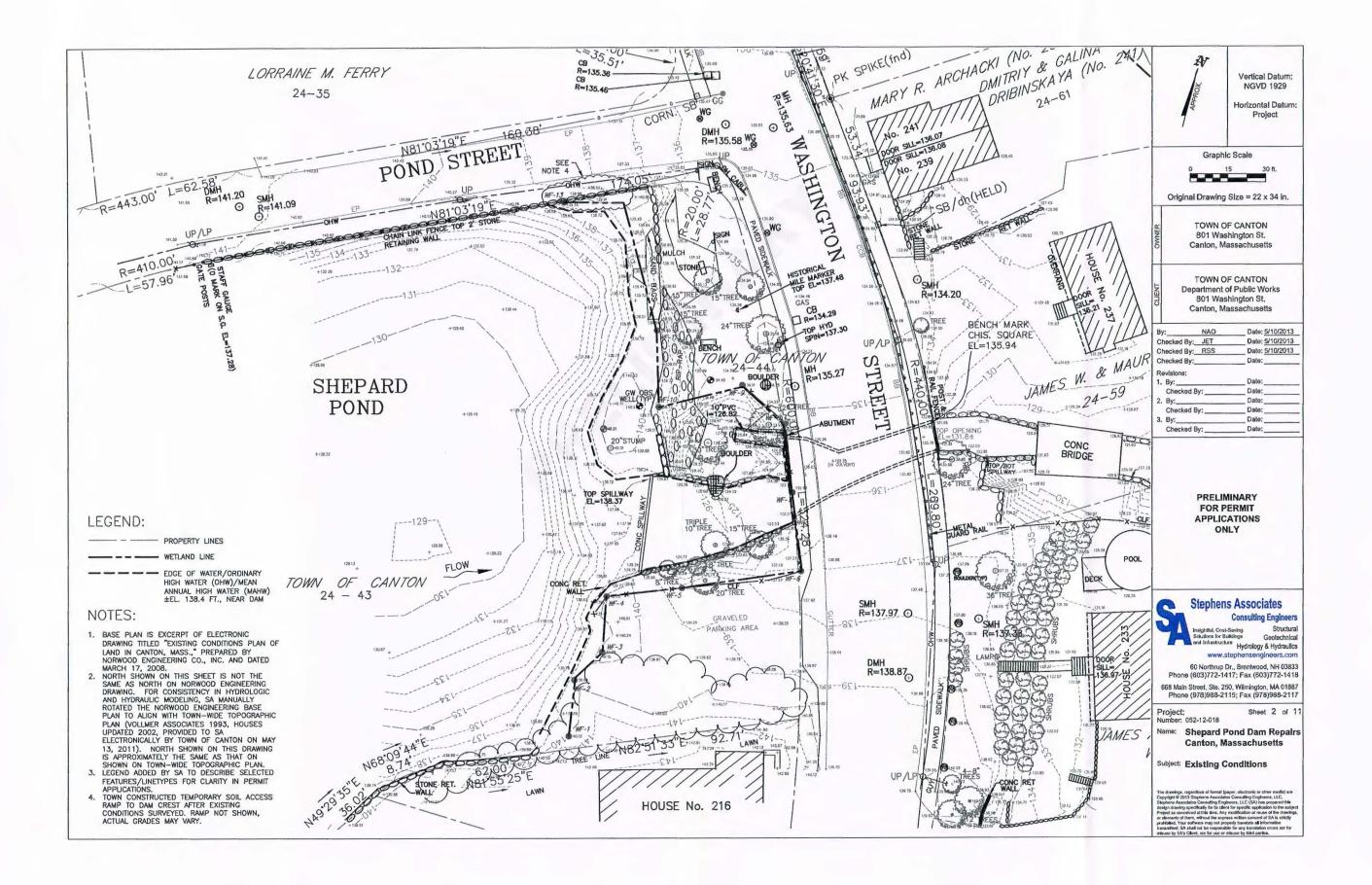
Foundation Grouting- Grout will be injected into voids of existing soils. This work will not increase fill discharge but provide better structural integrity of the dam. If grouting is conducted prior to other construction activities water control and diversion upstream of the spillway may need to occur for grouting equipment access.

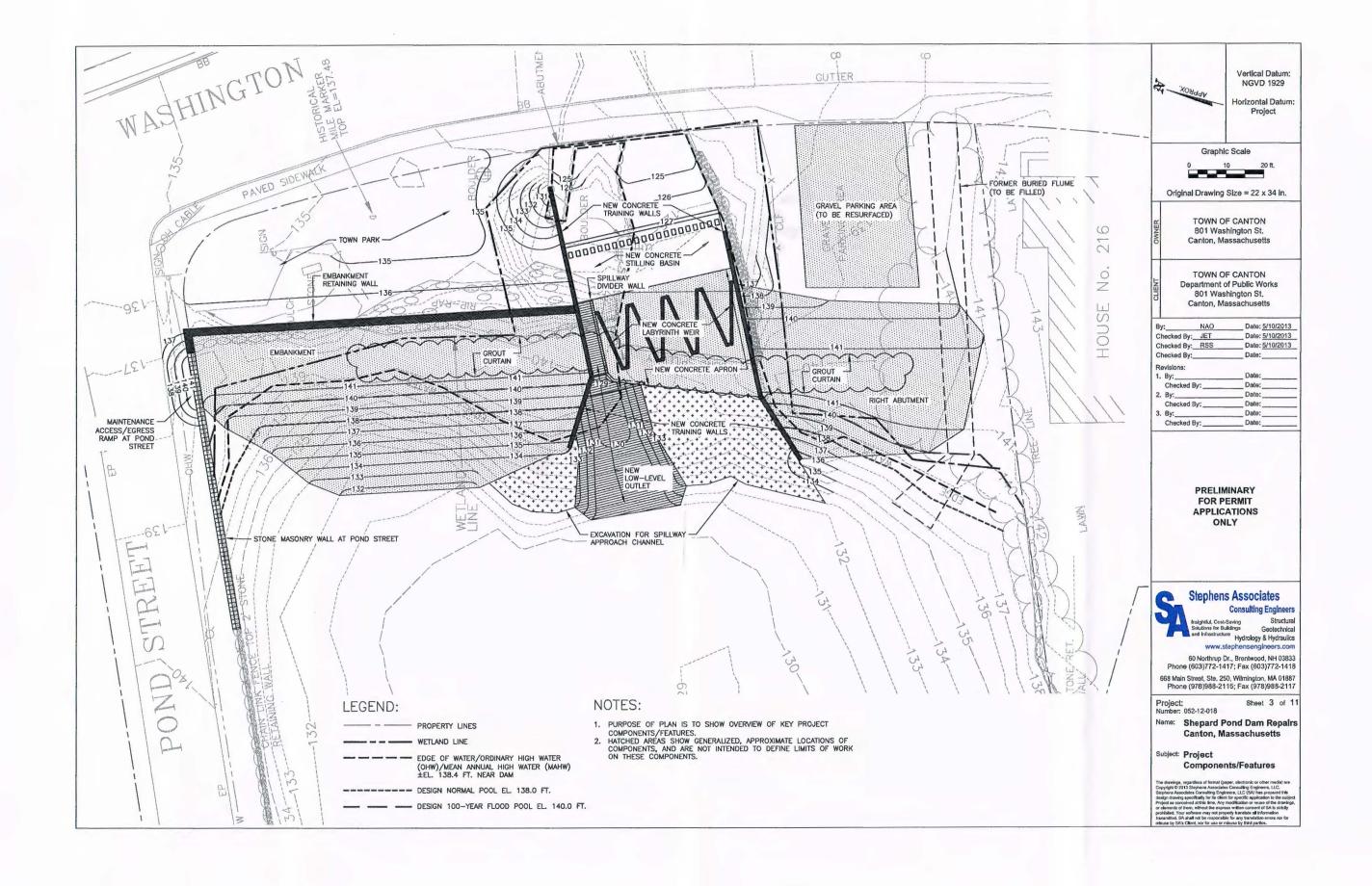
This work will allow the pond to return to its historic water elevation. The existing alternate spillway was filled and no longer operates.

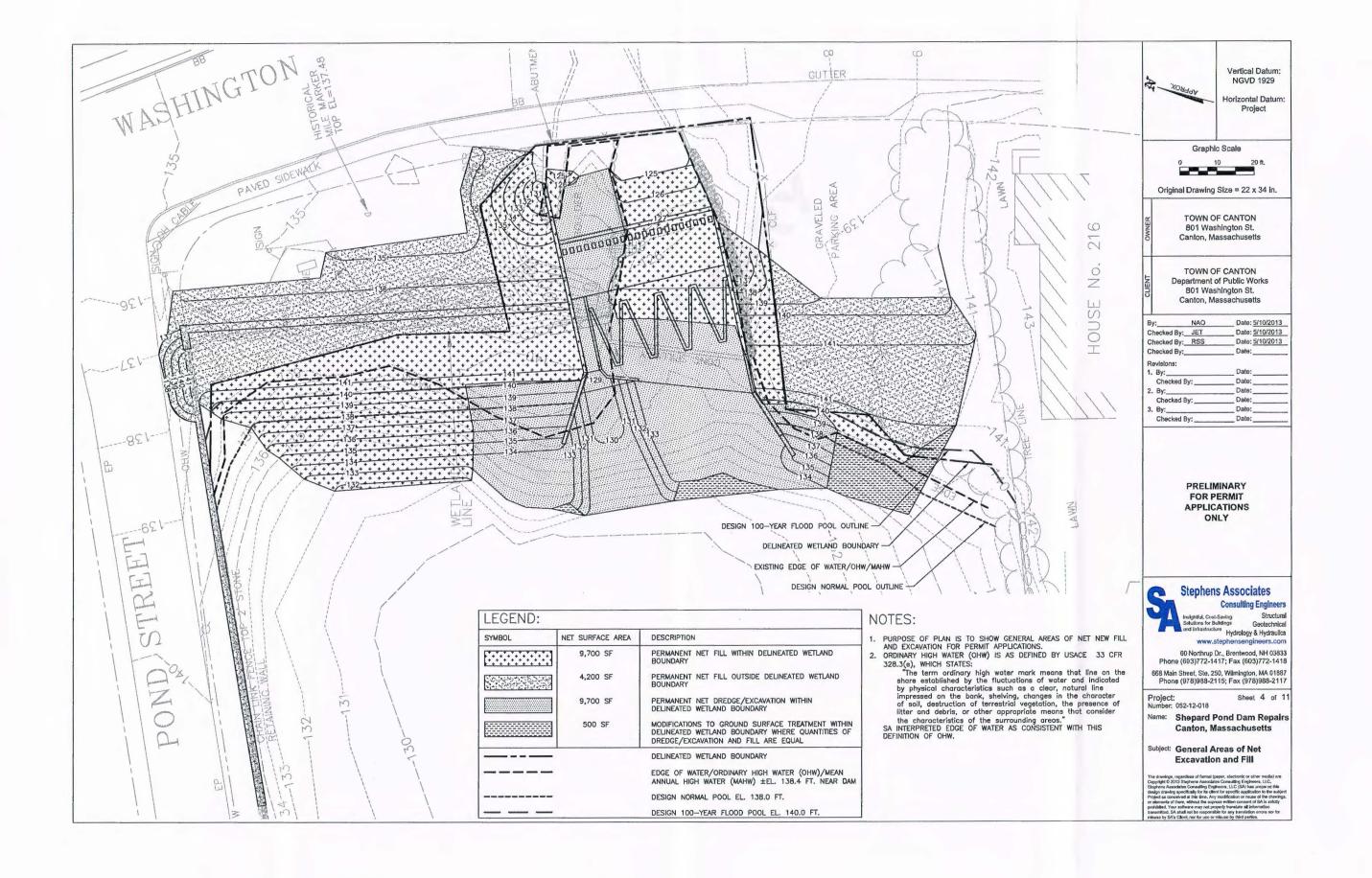
Secondary Impacts- To conduct the improvements the pond water level will need to be lowered to approximately elevation 130 feet. The current normal elevation is 138.4. This will expose/dewater approximately 4.1 to 4.3 acres of pond bottom. To minimize further draining of the pond temporary cofferdams will be utilized.

The work is described on the enclosed plans entitled "Shepard Pond Dam Repairs Canton, Massachusetts," on 11 sheets, and dated "5/10/2013."











LEGEND:

APPROXIMATE EXISTING EDGE OF WATER/NORMAL POOL/ORDINARY HIGH WATER (OHW)/MEAN ANNUAL HIGH WATER (MAHW) ±138.4 FT

- APPROXIMATE OUTLINE OF POND WHEN TEMPORARILY DEWATERED TO EL. 131 FT

NOTES:

PURPOSE OF PLAN IS TO SHOW SHEPARD POND BATHYMETRY, EXISTING POND OUTLINE AND ANTICIPATED TEMPORARY DEWATERED POND OUTLINE RELATIVE TO AERIAL PHOTOGRAPH.

TOPOGRAPHY AND EDGE OF WATER FROM 1965 TOWN OF CANTON TOPOGRAPHIC SURVEY, BATHYMETRY FROM 1970 TOWN OF CANTON BATHYMETRIC SURVEY, IN IMMEDIATE VICINITY OF DAM, TOPOGRAPHY

BATHYMETRY FROM EXISTING CONDITIONS PLAN (SEE SHEET 2).
AERIAL PHOTOGRAPH FROM GOOGLE MAPS. IMAGE DATED APRIL 17,
2008, ACCESSED BY SA ON MARCH 5, 2013.
PLANS AND AERIAL PHOTOGRAPH SCALED USING SCALES PRINTED ON
DRAWINGS/PHOTOGRAPH, AND ALIGNED USING COMMON SITE
FEATURES (E.G. FENCE GATE AT STAFF GAGE, SPILLWAY, POND

FLATURES (E.G. FENCE GAIE AT STAFF GAGE, SPILLWAY, POND OUTLINE, WASHINGTON STREET, ETC.)
ANTICIPATED TEMPORARY DEWATERED POND OUTLINE AT EL. 131 FT PRODUCED BY AUTOCAD BASED ON TOPOGRAPHY AND BATHYMETRY. ELEVATIONS REFER TO NGVD 1929.
TABLE OF ELEVATION VS SURFACE AREA PRODUCED BY AUTOCAD FROM TOPOGRAPHY AND BATHYMETRY:

| IMPOUNDMENT | IMPOUNDMENT |
|-----------------|-------------------|
| WATER SURFACE | WATER SURFACE |
| ELEVATION (FT.) | AREA (SQUARE FT.) |
| 130 | 10,000 |
| 131 | 19,000 |
| 132 | 40,000 |
| 133 | 65,000 |
| 134 | 102,000 |
| 135 | 132,000 |
| 136 | 165,000 |
| 137 | 181,000 |
| 138 | 193,000 |
| 138.4 | 199,000 |



Vertical Datum: NGVD 1929

Horizontal Datum: Project

Graphic Scale



Original Drawing Size = 22 x 34 in.

TOWN OF CANTON 801 Washington St. Canton, Massachusetts

TOWN OF CANTON Department of Public Works 801 Washington St. Canton, Massachusetts

| Ву: | NAO | Date: 5/10/2013 |
|------------|--|-----------------|
| Checked B | y: JET | Date: 5/10/2013 |
| Checked B | y: RSS | Date: 5/10/2013 |
| Checked B | y: | Date: |
| Revisions: | | |
| 1. By: | and the second s | Date: |
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| 2. By: | | Date: |
| | d By: | |
| 3. By: | | Date: |
| | | Date; |

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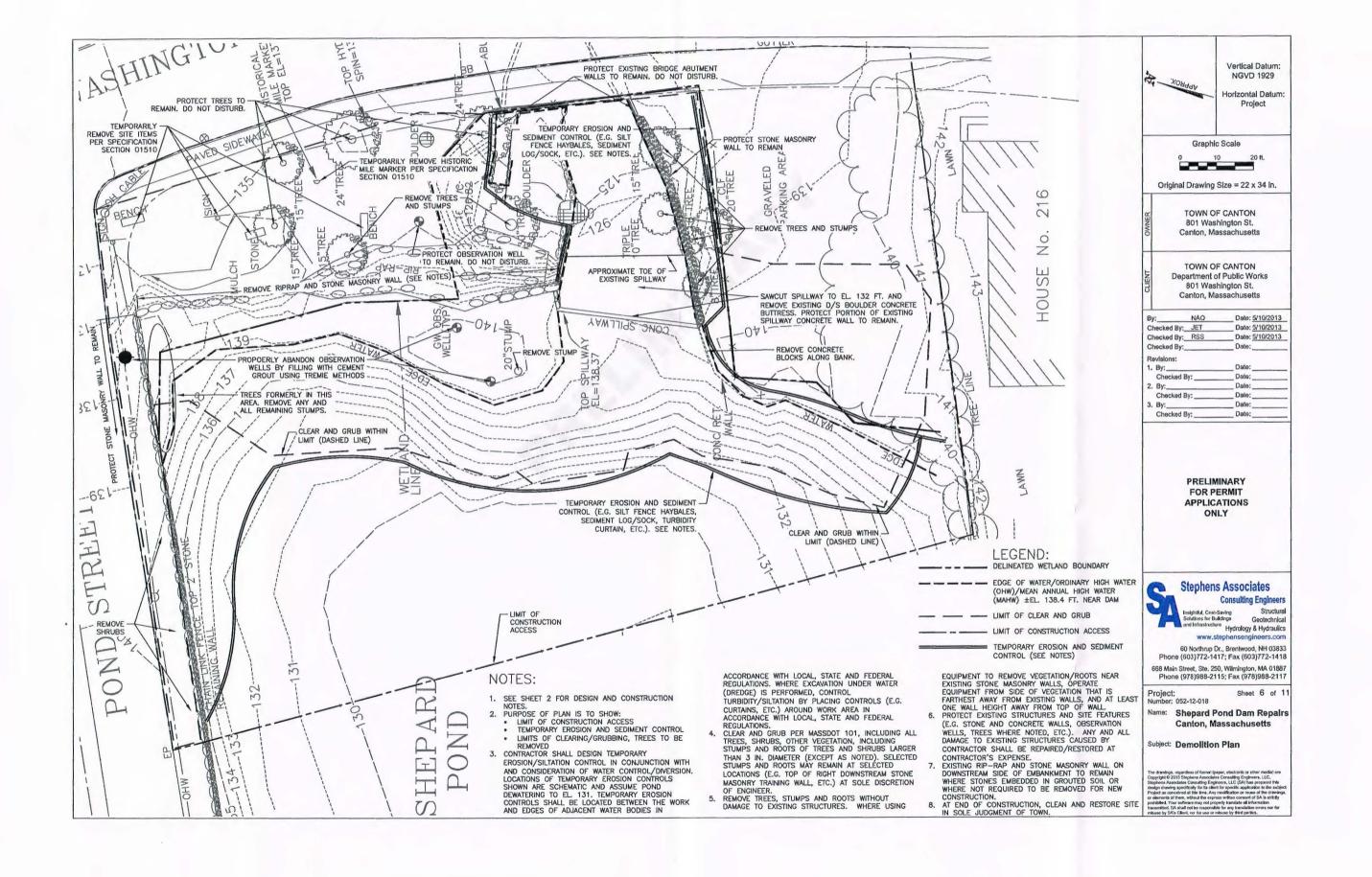
668 Main Street, Ste. 250, Wilmington, MA 01887 Phone (978)988-2115; Fax (978)988-2117

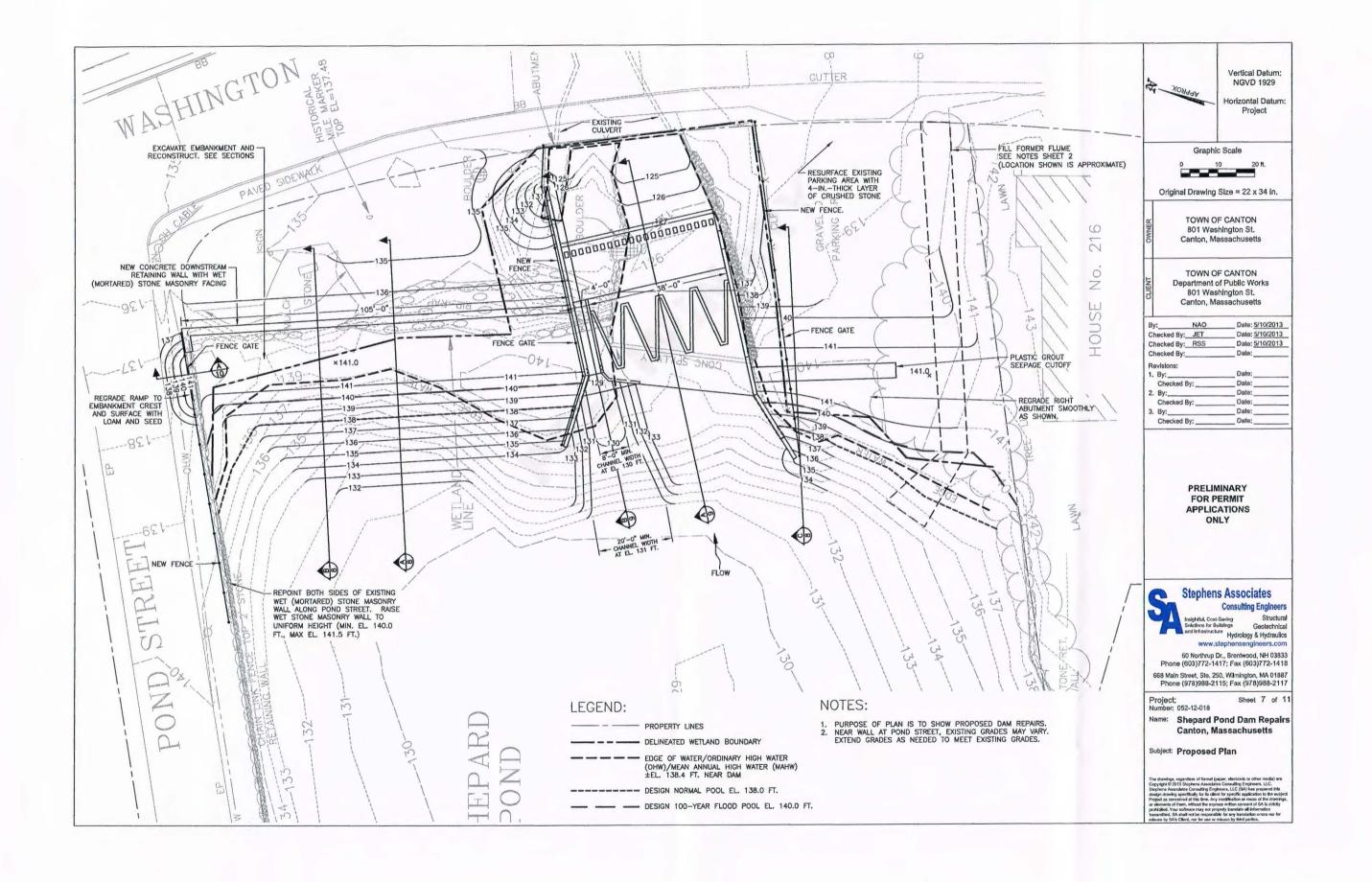
Project: Number: 052-12-018

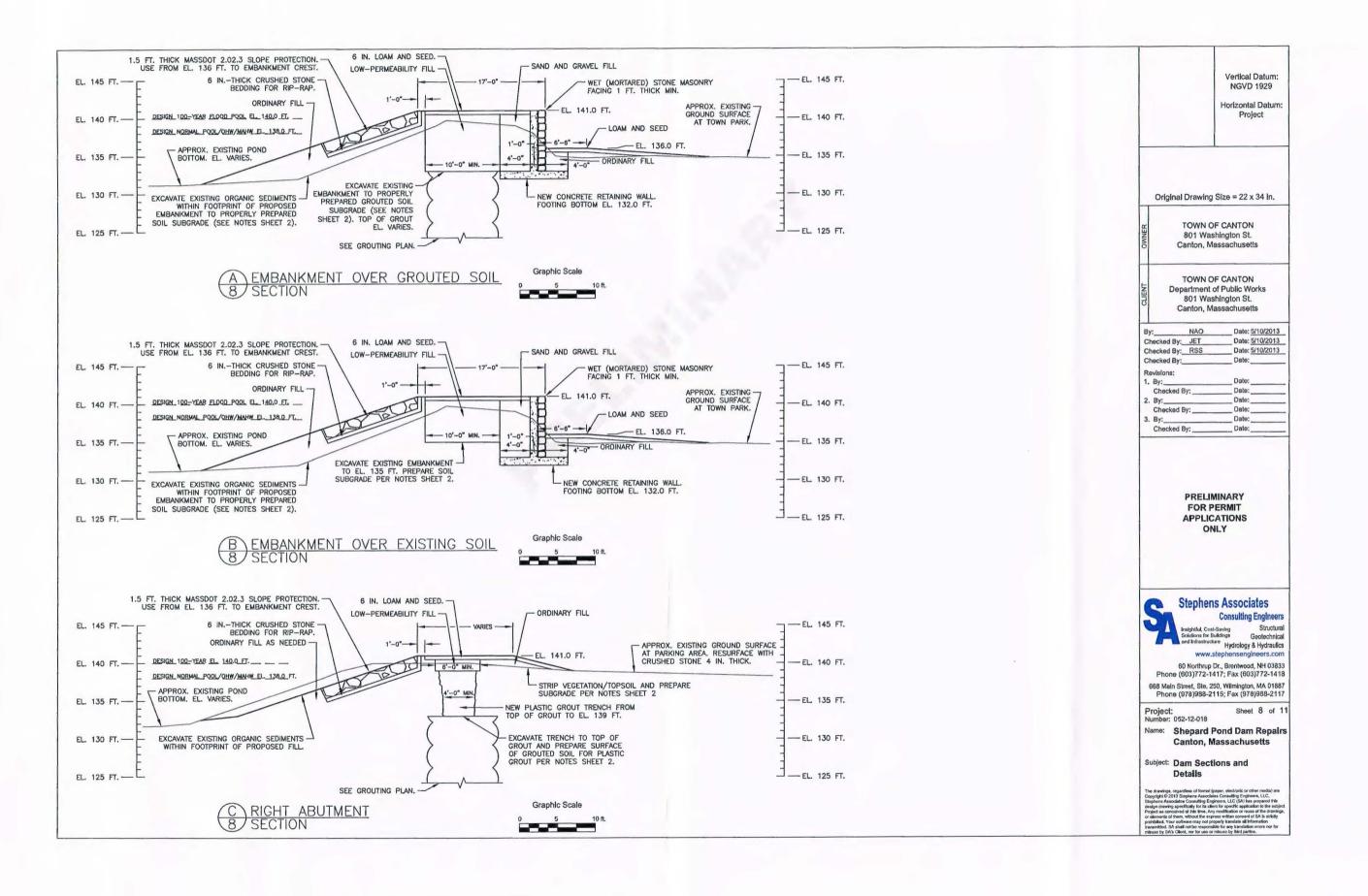
Name: Shepard Pond Dam Repairs

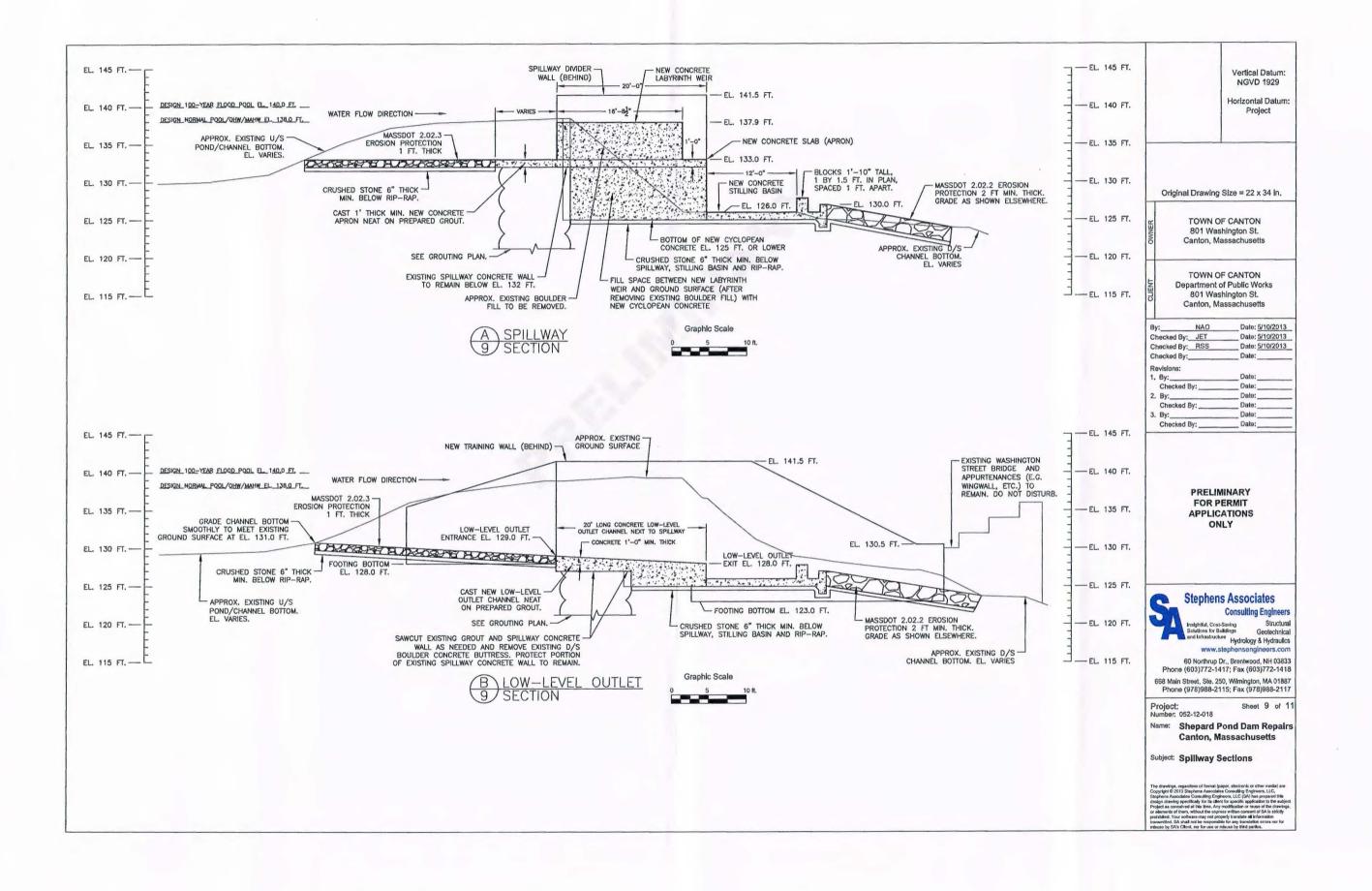
Canton, Massachusetts Subject: Temporary Wetland

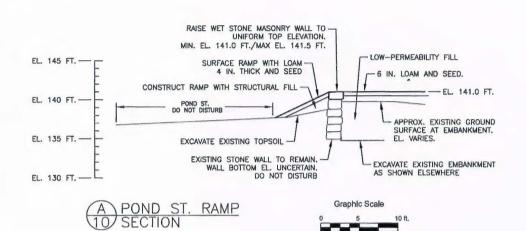
Impacts

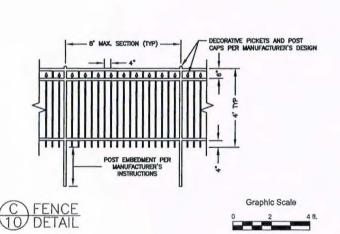


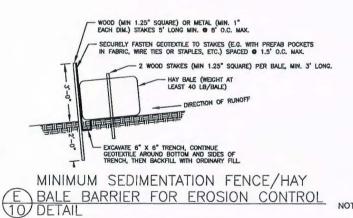


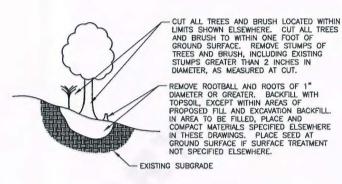




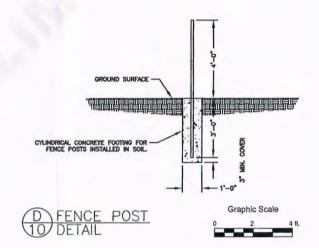


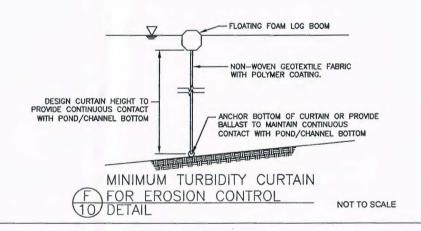






B TYPICAL VEGETATION REMOVAL NOT TO SCALE





Vertical Datum: NGVD 1929

Horizontal Datum: Project

Original Drawing Size = 22 x 34 in.

TOWN OF CANTON 801 Washington St. Canton, Massachusetts

TOWN OF CANTON
Department of Public Works
801 Washington St.
Canton, Massachusetts

| - Control | | |
|-----------------------|--------|-----------------|
| Ву: | NAO | Date: 5/10/2013 |
| Checked B | y: JET | Date: 5/10/2013 |
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| Checked B | y: | Date: |
| Revisions: | | |
| 1. By: | | Date: |
| Checked By: | | |
| 2. By: Checked By: | | Date: |
| | | |
| 3. By: | | Date: |
| | d By: | Date: |

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Project: Sheet 10 of 11 Number: 052-12-018

Name: Shepard Pond Dam Repairs Canton, Massachusetts

Subject: Dam Sections and Details

The drawings, equadies of format (paper, electionic or other models are Copyright 0.2013 Steptone Associates Consulting Engineers, LLCC, Steptone Associates of the district or design of the steptone and the step and the steptone and the steptone and the steptone and the step and the steptone and the step and the steptone and the steptone and the step and the step and the steptone and the steptone and the step and the steptone and the steptone and the step and the steptone and the steptone and the steptone and the step and th

