



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

PUBLIC NOTICE

Comment Period Begins: September 4, 2018
Comment Period Ends: October 4, 2018
File Number: NAE-2007-02926
In Reply Refer To: Joshua Helms
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E-mail: Joshua.m.helms@usace.army.mil

The District Engineer is soliciting comments on three projects which have applied for funding through the Commonwealth of Massachusetts Department of Fish and Game (MA DFG) In-lieu Fee (“ILF”) program. The Department of Fish and Game is the sponsor of the Massachusetts ILF Program which serves as an alternative form of compensatory mitigation for aquatic resource impacts. The Massachusetts ILF program is authorized by the New England District, Army Corps of Engineers (the “Corps”). A copy of the signed ILF agreement entitled “Commonwealth of Massachusetts Final In-Lieu Fee Program Instrument” dated May 23, 2014, includes details about the ILF Program goals and objectives in general and can be found at the following link:

<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/CTILFProgramInstrument.pdf>

The Massachusetts ILF Program accrued funds from in-lieu fee payments made by Corps permittees as mitigation for their permitted impacts. These funds are being used for mitigation projects proposed by DFG’s Divisions and programs based on the project evaluation and selection process in the Instrument. These proposed mitigation projects are for the preservation, restoration and enhancement of wetland and watercourse resources and associated upland buffers in the State of Massachusetts.

The District Engineer has received three applications to conduct work in waters of the United States from various applicants who have applied for 2018 funding under the ILF Program. The Addendum to this Public Notice includes a Fact Sheet with project descriptions and locus map for each of the three applications. The funds currently available are:

Berkshire / Taconic Service Area	\$13,447
Coast North Service Area	
Connecticut River	\$17,737
Coastal Central Service Area	\$483,351
Coastal North Service Area	\$1,189,139
Coastal South Service Area	\$1,118,978
Quabbin / Worcester Plateau	\$120,454

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties on MA DFG's proposed mitigation projects. Any comments received will be provided to the MA DFG for its review and consideration. The Corps, in consultation with MA DFG and the Interagency Review Committee, will make the final decision whether to approve the proposed mitigation projects. To make this decision, the Corps will consider comments received in response to this Public Notice to assess impacts of the proposed mitigation projects on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activities.

Where one or more of the activities 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").

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.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that one or more of the three projects may affect properties in, or eligible for listing in, the National Register of Historic Places. 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 proposal review process and the permit review process for those requiring Corps authorization.

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, that might occur at the project sites. It is our preliminary determination that the proposed activities for which funding 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.

COASTAL ZONE MANAGEMENT

The State of Massachusetts has an approved Coastal Zone Management Program. Coastal Zone Management consistency will be required for some of the individual proposals and by this public notice we are requesting the state provide any applicable comments at this time.

PUBLIC COMMENT

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 Joshua Helms at (978) 318-8211, if calling from within Massachusetts or at (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 projects. Requests for a public hearing shall specifically state the reasons for requesting 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.

**DESISTA.ROBER
T.J.1229271241**

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DESISTA.ROBERTJ.1229271241
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USA,
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Date: 2018.08.24 13:24:14 -04'00'

**ROBERT J. DESISTA
Acting Chief, 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: _____

Addendum to Public Notice – Proposed MA DFG ILF Projects (August 2018)

The Massachusetts Department of Fish and Game (DFG), sponsor of the MA In-Lieu Fee (ILF) Program, is currently proposing three projects for ILF funding in 2018. The Project Fact Sheets, included in this Addendum to the Public Notice, provide a locus map, proposed funding amount, and a summary of each project and its aquatic resource benefits.

DFG solicited project ideas and pre-proposal information from its Divisions, Land Protection Program and CZM. Full proposals were subsequently requested for eleven of the initial 36 project pre-proposals. Some of these pre-proposals will be reconsidered and further developed during the next round of ILF funding (Winter 2018/2019). The ILF team at DFG, which includes representatives from its Commissioner's Office, Division of Fisheries and Wildlife, Division of Marine Fisheries, and Division of Ecological Restoration, evaluated eleven full project proposals (7 preservation and 4 restoration).

Each of the proposed ILF projects was evaluated based on its alignment with MA ILF program selection criteria outlined in the MA ILFP Instrument, which include consideration of the following.

1. The project's ability to meet multiple objectives
2. The project's support of, or compatibility with, broader conservation or management objectives and their surrounding landscape
3. The project's likelihood of success
4. Whether the project will result in mitigation in same Service Area as the impacts providing fees; and
5. Cost of implementing and maintaining the project

The three projects currently proposed by MA DFG, and included in this Public Notice for comment, are:

- Marine Habitat Enhancement, Yarmouth MA Artificial Reef
- Improving Diadromous Fish Passage on the Ipswich River
- Wheeler Preservation Parcel, Hardwick MA

Please see the Project Fact Sheets below for locus maps and summary information.

Massachusetts Department of Fish and Game (MA DFG)
In-Lieu Fee (ILF) Program

Project Fact Sheet
Marine Habitat Enhancement, Yarmouth MA Artificial Reef

Proposed ILF Funding \$225,097

ILF Service Area Coastal (Coastal-South Subarea)

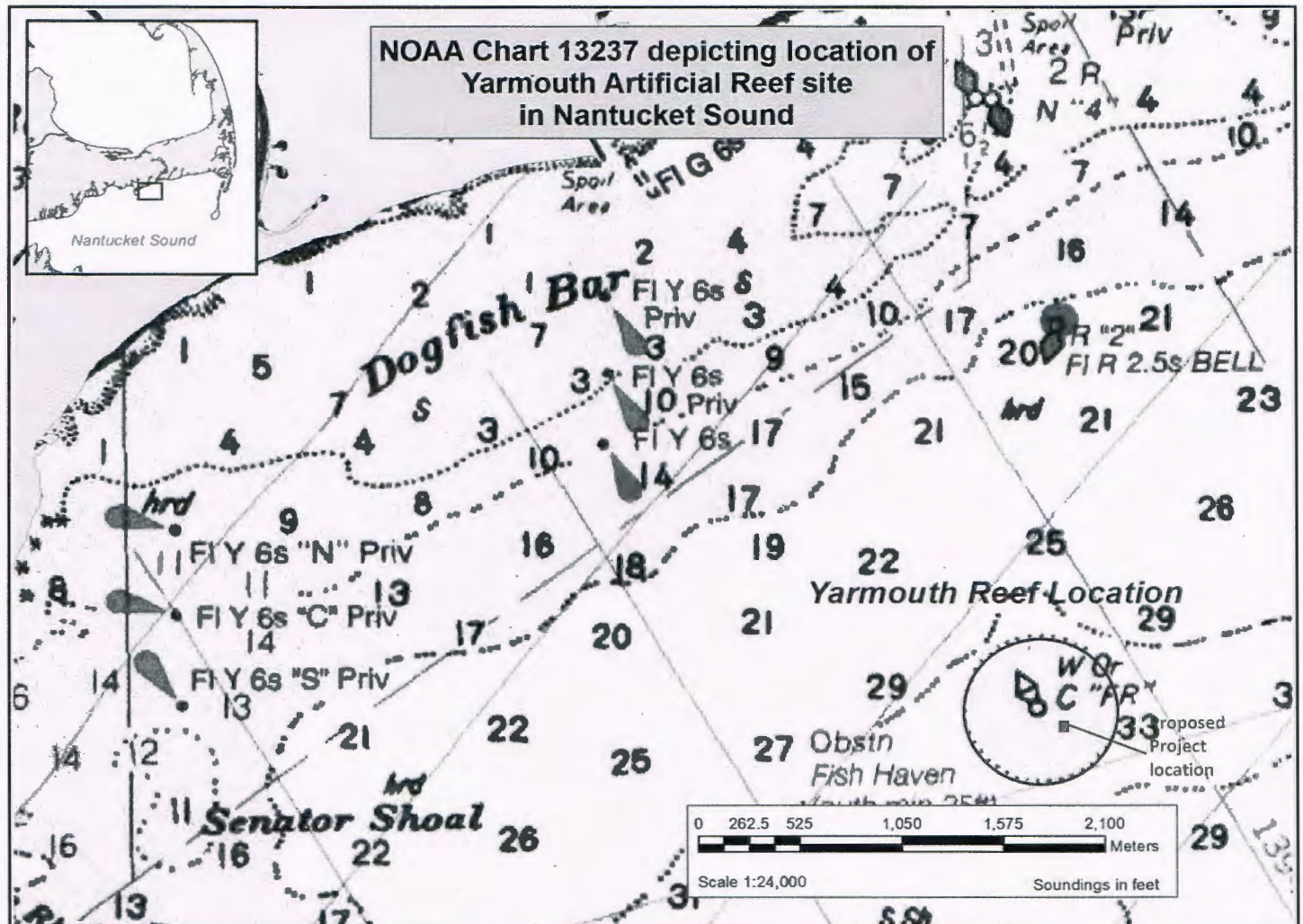
Project Location Corner Coordinates of 0.93 acre box within permitted reef site

NW: 41.608116 -70.194737

SW: 41.607560 -70.194737

NE: 41.608116 -70.194199

SE: 41.607560 -70.194199



Project Summary MA DFG's Division of Marine Fisheries (DMF) is proposing a structured habitat enhancement project that will generate 0.93 acres of marine subtidal artificial reef habitat by deploying two thousand (2,000) cubic yards of materials to the site. The selected site for this project is within an undeveloped portion of a 125-acre permitted artificial reef site. This project proposes to distribute structures in patches on the bottom, utilizing a 1:2 ratio of new structures to undisturbed natural bottom (33% material coverage to 67% undisturbed area). The proposed location is Essential Fish Habitat (EFH) for one or more life history stages of 15 managed marine species including Atlantic cod, winter flounder, long-fin squid, scup, black sea bass, and surf clam. MA DMF is proposing a rigorous, multifaceted monitoring program utilizing divers and remote sensing equipment to observe and measure species composition and successional colonization.

Massachusetts Department of Fish and Game (MA DFG)
In-Lieu Fee (ILF) Program

Project Fact Sheet
Improving Diadromous Fish Passage on the Ipswich River

Proposed ILF Funding \$81,300

Project Location Willowdale Dam, Ipswich MA Lat/Long 42.659880, -70.894150

ILF Service Area Coastal (Coastal-North Subarea)



Project Summary The project involves installation of a new Alaskan steeppass-style fishway, to be sited on river left at the Willowdale Dam in Ipswich, MA. This new fishway will replace a failing and poorly-sited weir-pool fishway that is currently sited on river right. The project is primarily targeting river herring, identified by NOAA as a Species of Concern, and will restore passage to 14.5 miles of mainstem spawning and nursery habitat for both alewife and blueback herring, and additional tributary river miles and pond acreage. The existing fishway will be filled with large and medium diameter cobble in order to provide passage for migratory American eel and sea lamprey at the dam, which will be an improvement in passage conditions for both species. The aquatic resource benefits of the project include enhancement of essential fish habitat with improved access to riverine freshwater habitats for a variety of fish species. Other ecological benefits include improved connectivity, food webs and nutrient transport among marine, estuarine, riverine tidal and riverine freshwater ecosystems. Installation of the fishway is planned to occur while the site is mobilized for additional dam repair during 2018. MA DFG's Division of Marine Fisheries (DMF) has undertaken design and planning in collaboration with the dam owner and other project partners. After the fishway is installed, DMF staff will conduct regular operation and maintenance visits as well as long-term monitoring, evaluation and management activities.

August 2018

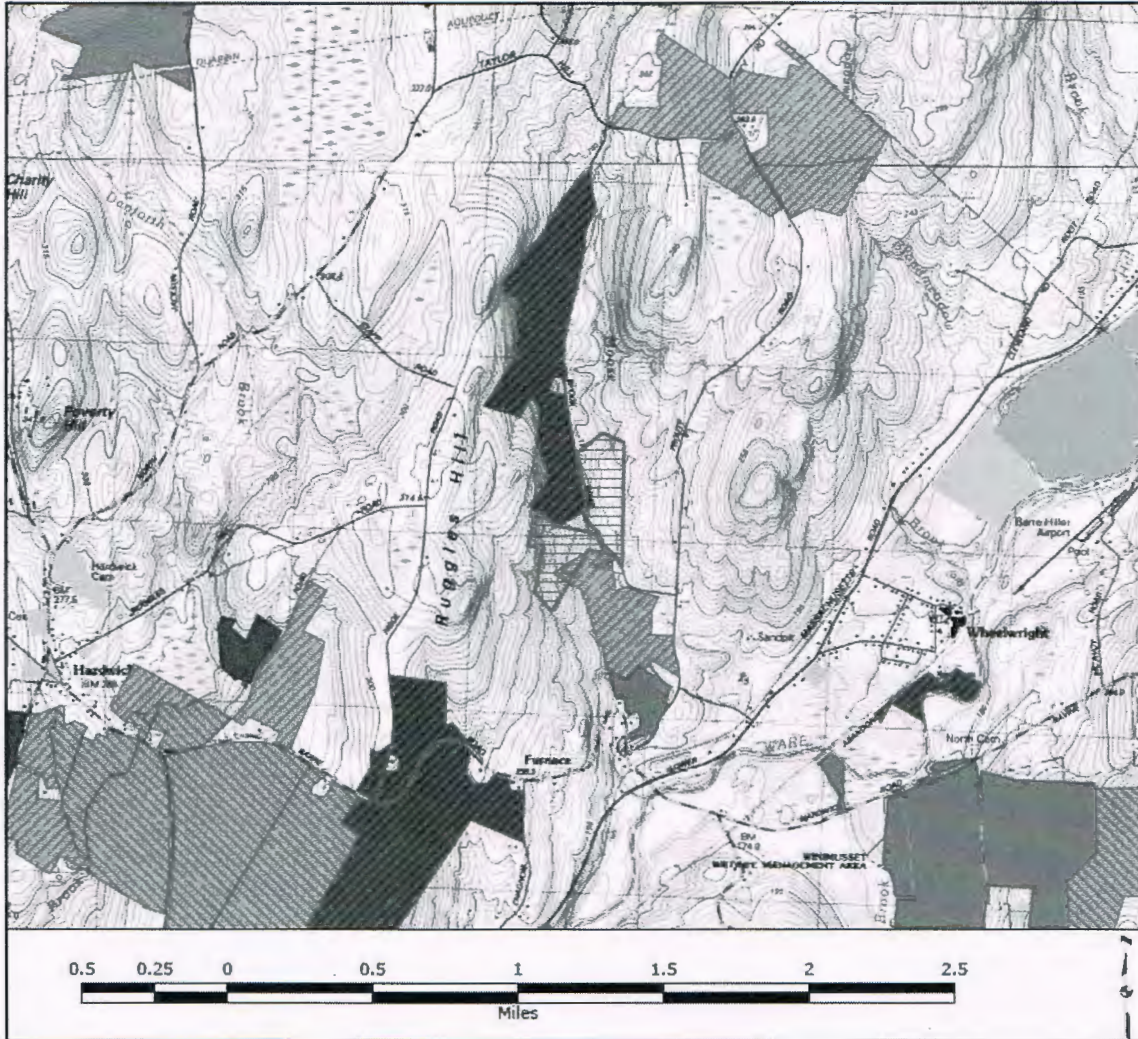
Massachusetts Department of Fish and Game (MA DFG)
In-Lieu Fee (ILF) Program

Project Fact Sheet
Wheeler Preservation Parcel, Hardwick MA

Proposed ILF Funding \$120,454

ILF Service Area Quabbin/Worcester Plateau Service Area

Project Location Brook Road, Hardwick MA (72°9'43.078"W 42°21'30.689"N)



Locus Map

Wheeler
Hardwick, MA

Legend

- Wheeler - 55 acres
- ▨ Conservation Restriction
- ▩ Agricultural Preservation Restriction
- Department of Fish & Game
- DCR-Water Supply Protection
- Municipal
- Land Trust
- Private

Project Summary The Department of Fish and Game/Division of Fisheries and Wildlife (DFW) Land Protection Program is requesting \$120,000 in In Lieu Fee Program funds for the fee interest acquisition of the 55-acre Wheeler property, located on Brook Road in the town of Hardwick, MA. The Wheeler property is the missing north-south connector within a 200-acre corridor of permanently protected open space along Moose Brook. The property is under imminent threat of development. Acquisition of the Wheeler parcel will result in the permanent protection of 2,400 linear feet along both sides of Moose Brook, an identified Coldwater Fisheries Resource (CFR), as well as a combined 1,500 linear feet along both sides of three unnamed tributaries to Moose Brook. The property contains approximately 12 acres of palustrine wetland, two certified vernal pools, and is identified in *Biomap2* as a critical area for conservation of biodiversity in MA, containing *Biomap2* Aquatic Core, Species of Conservation Concern, Critical Natural Landscape and Aquatic Buffer. Article 97 protection and DFW's commitment to stewardship and management of this property will help ensure that long-term resource preservation objectives for the property will be successful.