
PUBLIC NOTICE



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

Comment Period Begins: April 8, 2014
Comment Period Ends: May 8, 2014
File Number: NAE-2014-00251
In Reply Refer To: Dan Vasconcelos
Phone: (978) 318-8653
E-mail: daniel.b.vasconcelos@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from the Massachusetts Department of Transportation – Highway Division (MassDOT), 10 Park Plaza, Boston, Massachusetts 02116. This work is proposed in unnamed waters of the United States at the bridge (No. B-06-011) conveying Route 126 over an abandoned CSX railroad bed in Bellingham, Massachusetts. The site coordinates are: Latitude 42.034071°, Longitude -71.493210°.

Although this project may have only minimal impacts and may be eligible for authorization under the current Massachusetts General Permit, the work is not expected to begin until after the General Permit expires on January 20, 2015. The applicant is seeking an individual permit to allow for a full five years in which to complete the work.

The work involves the discharge of 441 square feet of fill material into unnamed waters of the United States associated with the replacement of the bridge (No. B-06-011) conveying Route 126 over an abandoned CSX railroad bed in Bellingham, Massachusetts. The purpose of the work is to replace the existing, structurally deficient, functionally obsolete bridge with a new bridge while also accommodating a potential future shared-use path beneath the bridge. The proposed work would replace the existing three-span structure with a 24-foot arch culvert with associated mechanically stabilized earth (MSE) walls. Section 404 impacts would result from the relocation of an intermittent stream running adjacent to the rail bed necessary in order to install the 24-foot arch culvert and associated MSE walls. The existing 24-inch reinforced concrete pipe (RCP) with drop inlet structure currently conveying the stream below ground under the bridge would be replaced with an at-grade 36-inch RCP located slightly to the north. This work would also occur within the 750-foot critical terrestrial habitat of three potential vernal pools (PVPs).

The work is shown on the attached plans entitled “APPLICATION FOR SECTION 401 WATER QUALITY CERTIFICATION, SOUTH MAIN STREET (ROUTE 126) OVER CSX (ABANDONED)”, on six sheets, and dated “March 28, 2014”.

In developing plans for replacing the Route 126 bridge, MassDOT considered ways to avoid and minimize impacts to waters of the United States, including wetlands. Steps to avoid and minimize impacts to wetlands and waterways include installing compost filter tubes to control sediment, conducting work during low-flow periods when the stream is dry, and seeding the relocated stream bed with a native seed mix to prevent erosion. No compensatory mitigation is proposed due to the limited nature of the impacts.

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.

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.

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 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. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

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 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.

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 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
Regulatory Division

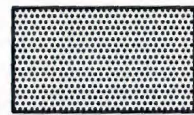
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____
PHONE: _____

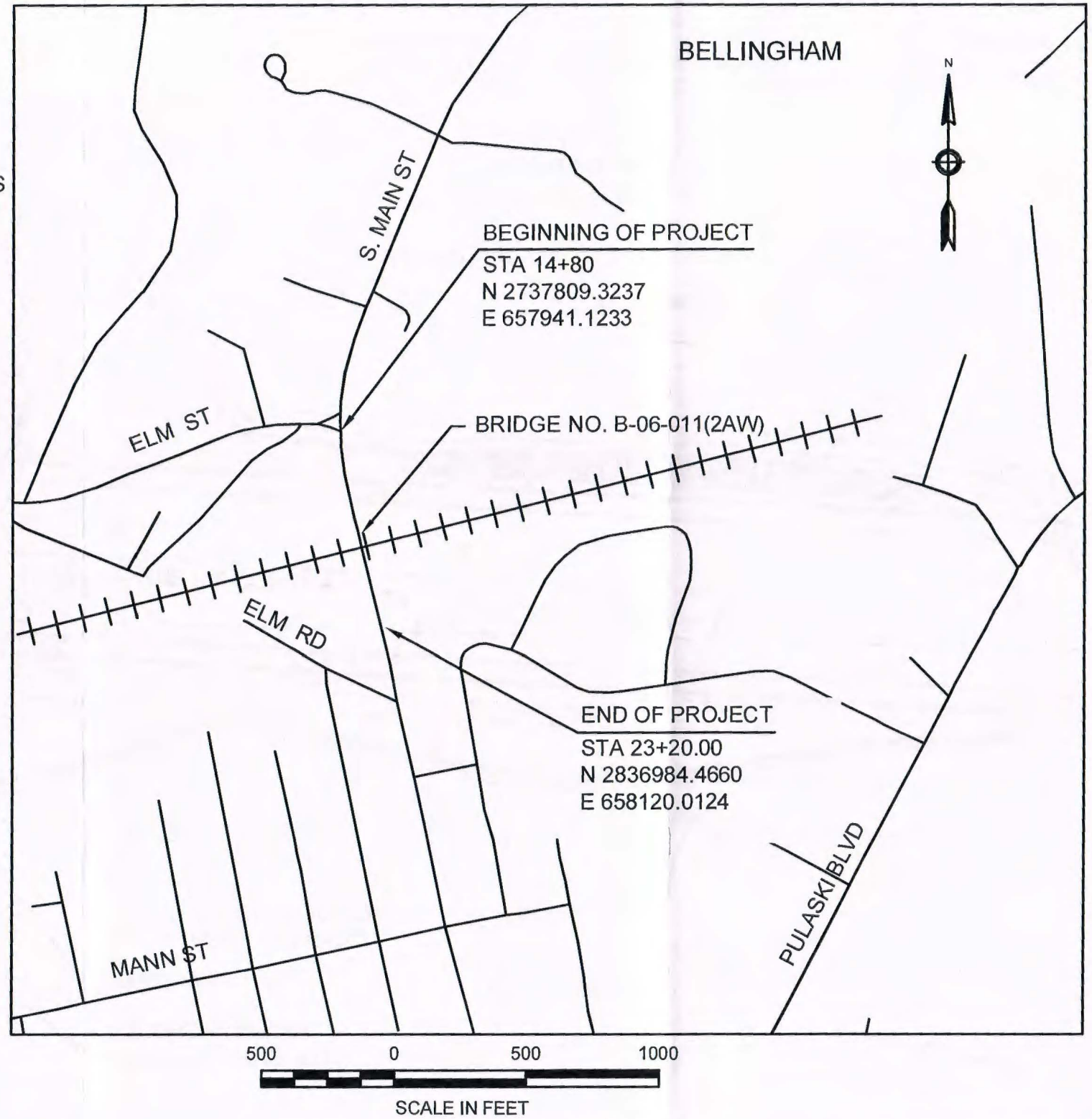
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PLAN #	TITLE
1	INDEX OF SHEETS - IMPACT LEGEND - PROJECT LOCUS MAP
2	WATERWAY IMPACTS
3	PROFILE
4	WATERWAY IMPACT & WATERWAY RELOCATION CROSS SECTIONS
5	WATERWAY RELOCATION DETAILS
6	WATERWAY RELOCATION AREAS

IMPACT LEGEND

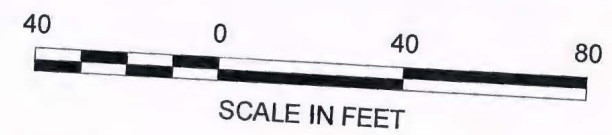
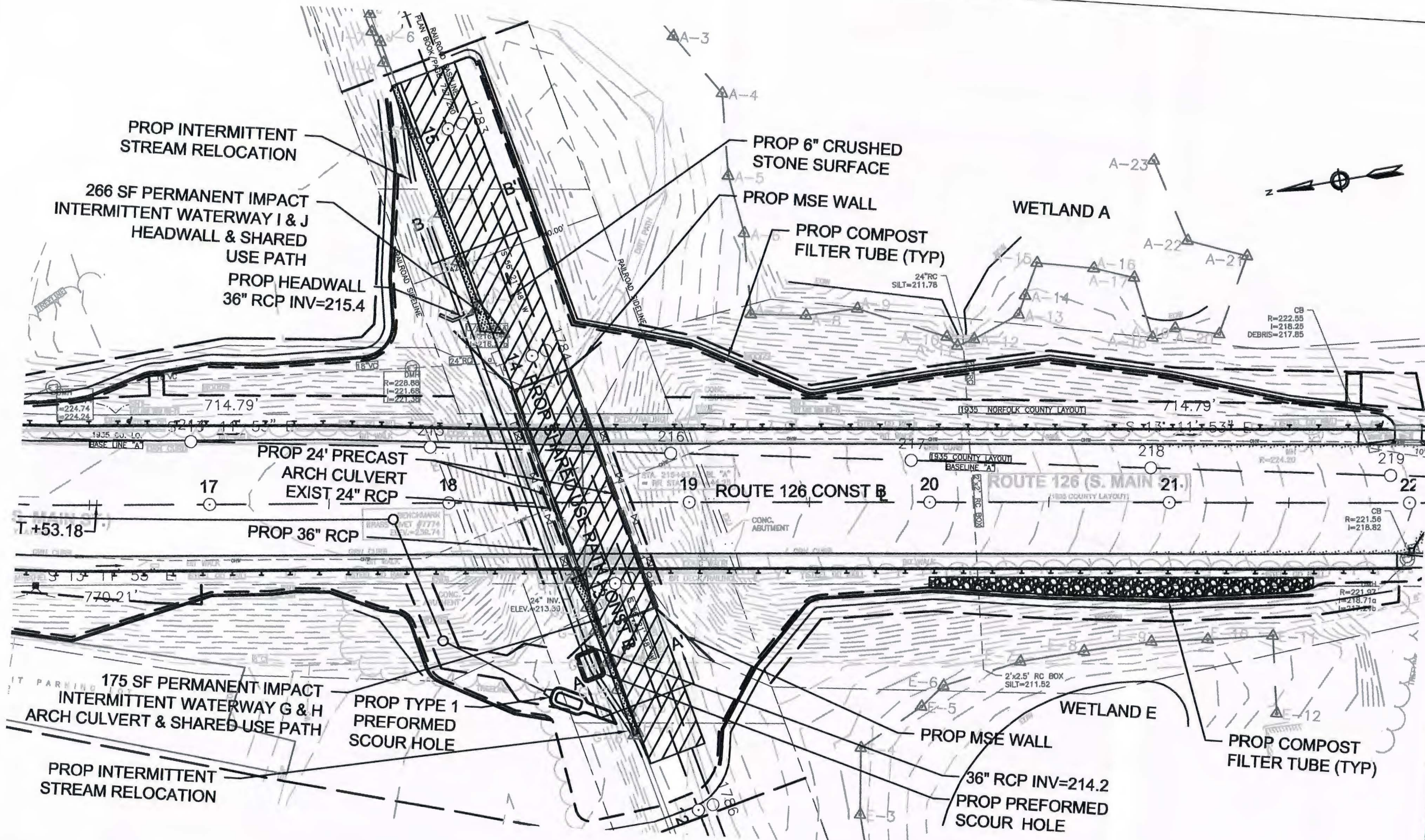


PERMANENT WATERWAY IMPACT



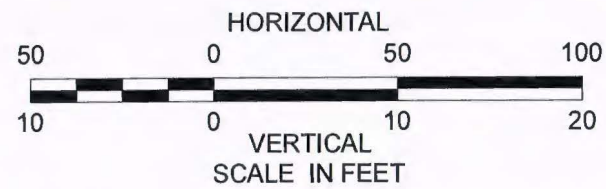
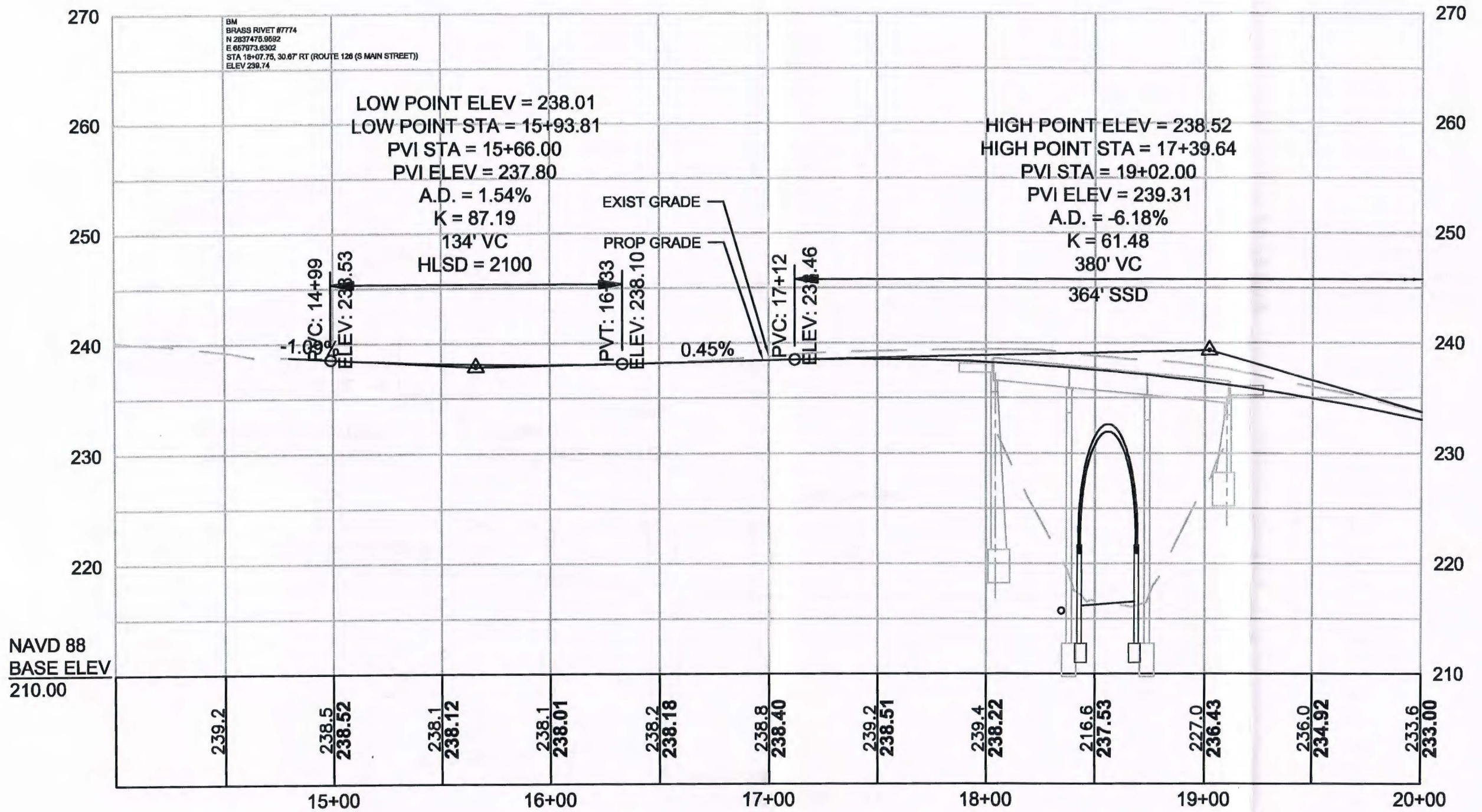
Application for Section 401 Water Quality Certification South Main Street (Route 126) Over CSX (Abandoned) INDEX OF SHEET - IMPACT LEGEND - PROJECT LOCUS MAP		DATE: MARCH 28, 2014
PROJECT LOCATION: BELLINGHAM, NORFOLK COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 1 6

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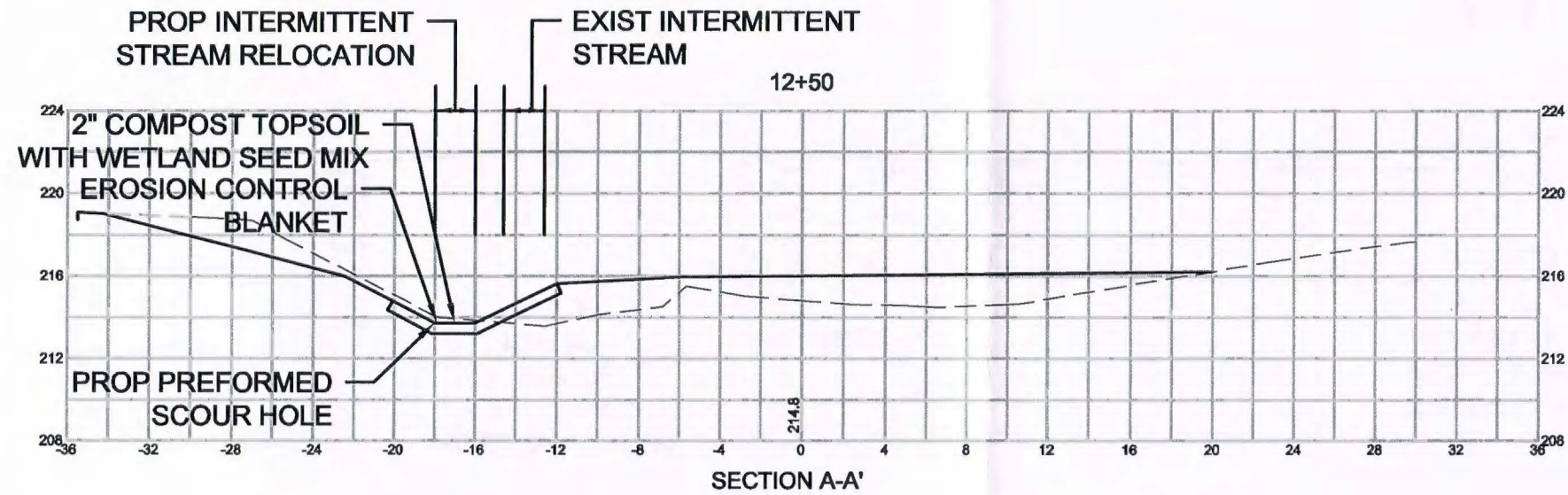
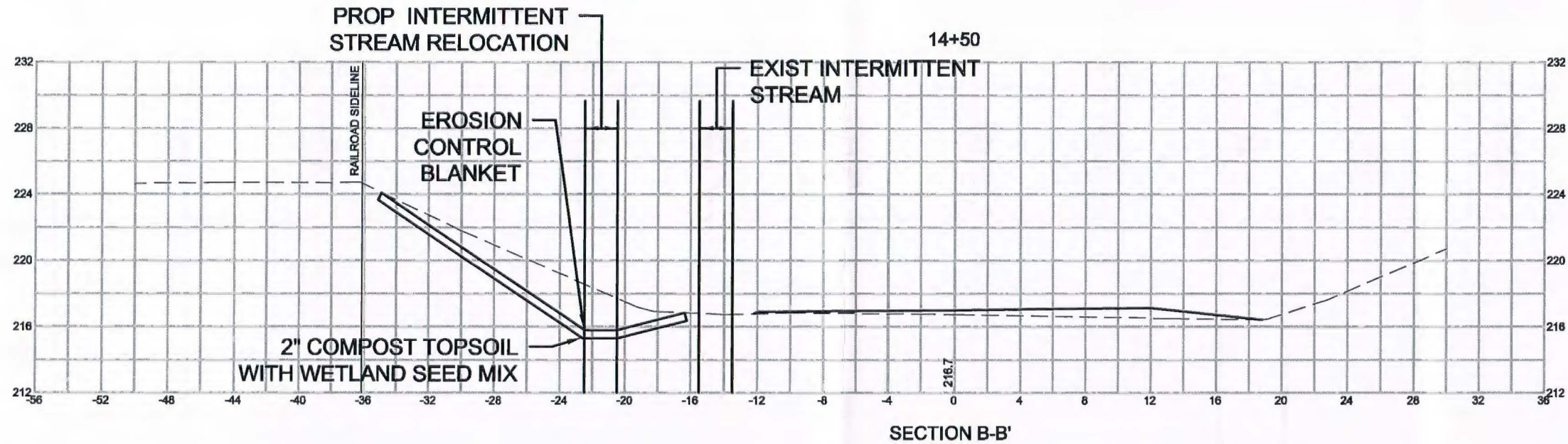
Application for Section 401 Water Quality Certification South Main Street (Route 126) Over CSX (Abandoned) WATERWAY IMPACT SHEET		DATE: MARCH 28, 2014
PROJECT LOCATION: BELLINGHAM, NORFOLK COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 2 OF 6

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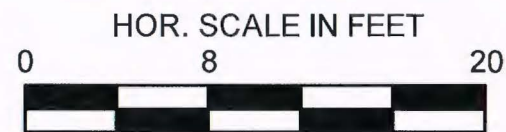
Application for Section 401 Water Quality Certification South Main Street (Route 126) Over CSX (Abandoned) PROFILE		DATE: MARCH 28, 2014
PROJECT LOCATION: BELLINGHAM, NORFOLK COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 3 6

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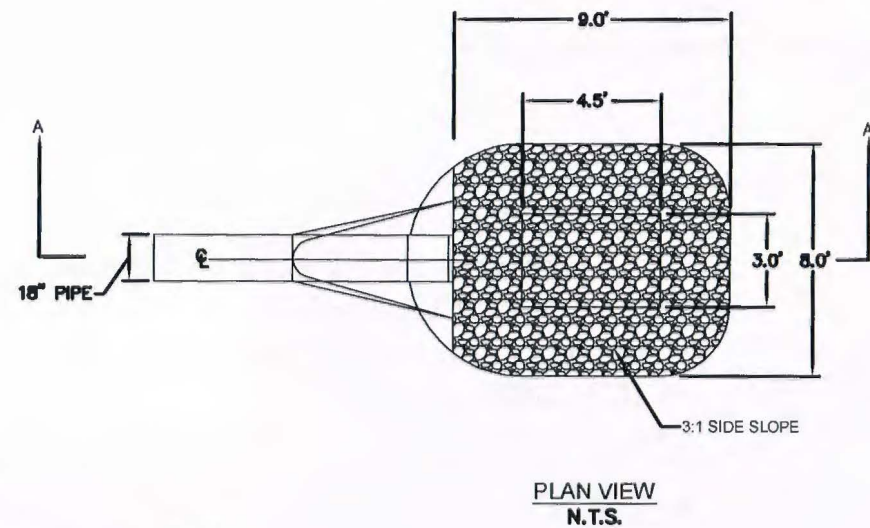
NOTES:

1. EROSION CONTROL BLANKET SHALL BE BIONET C125BN LONG-TERM BIODEGRADABLE DOUBLE-NET COCONUT BLANKET OR APPROVED EQUAL, INSTALLED TO MANUFACTURE SPECIFICATIONS.
2. WETLAND SEED MIX SHALL BE NEW ENGLAND WETMIX BY NEW ENGLAND WETLAND PLANTS, INC. OR APPROVED EQUAL.

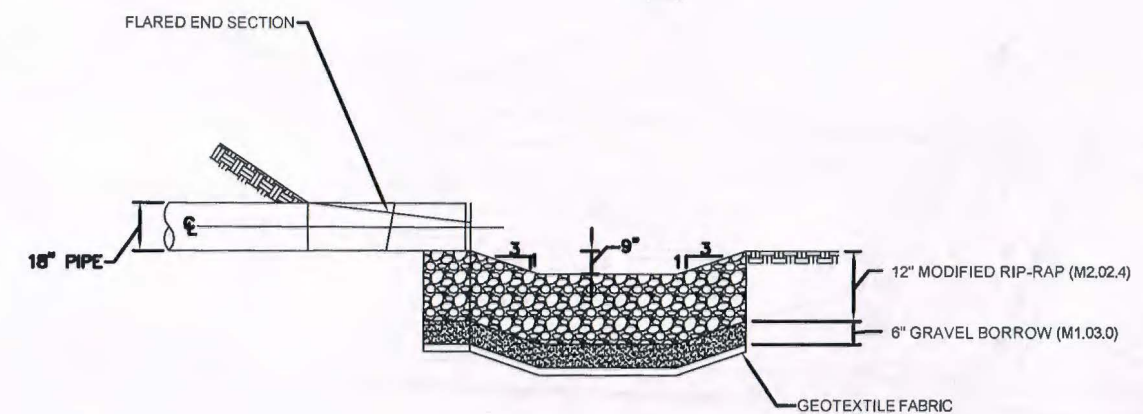


Application for Section 401 Water Quality Certification South Main Street (Route 126) Over CSX (Abandoned) WATERWAY IMPACT & WATERWAY RELOCATION CROSS SECTIONS		DATE: MARCH 28, 2014
PROJECT LOCATION: BELLINGHAM, NORFOLK COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 4 OF 6

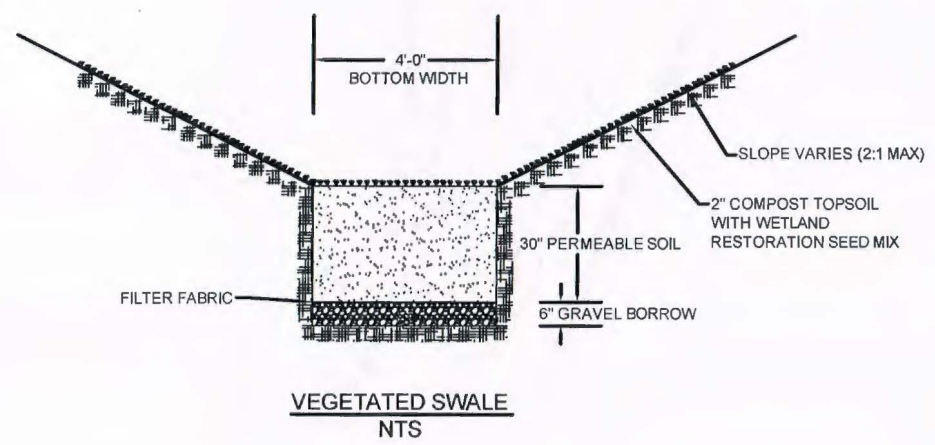
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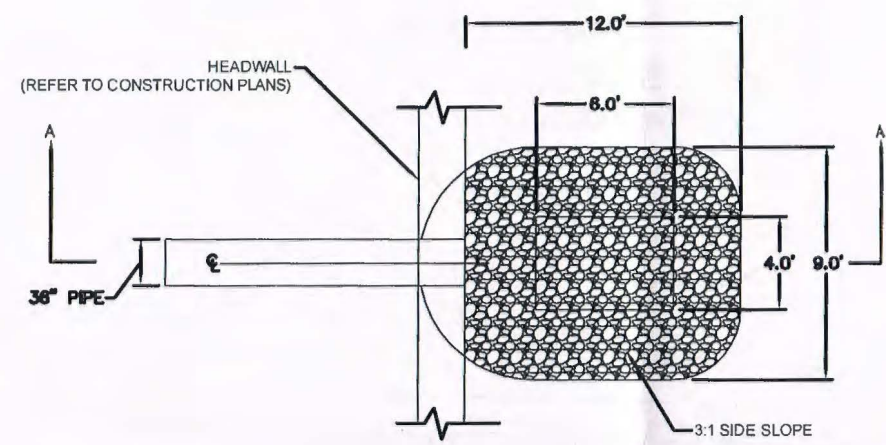
PLAN VIEW
N.T.S.



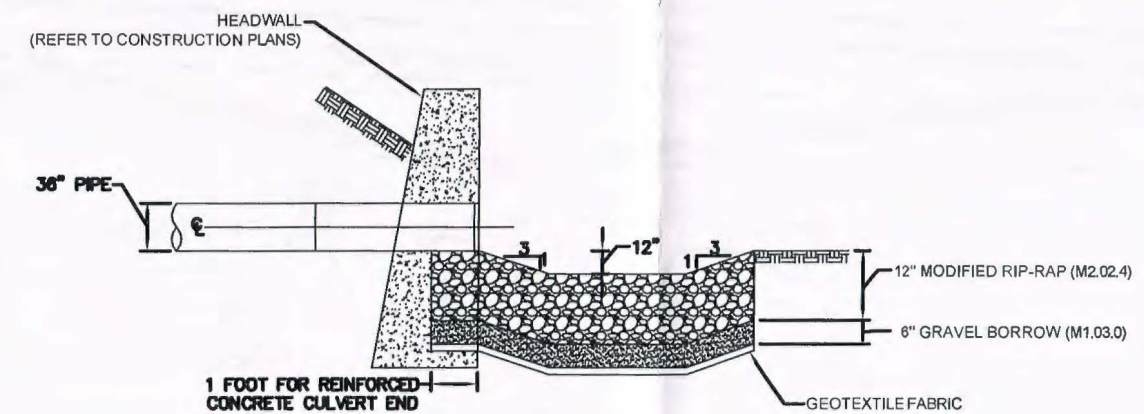
SECTION A-A
N.T.S.
18-INCH OUTFALL
SCOUR PROTECTION DETAIL
(TYPE 1 PREFORMED SCOUR HOLE)
NTS



VEGETATED SWALE
NTS



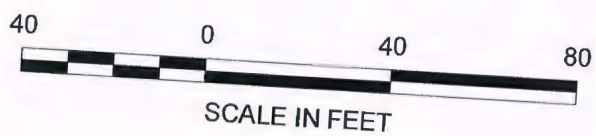
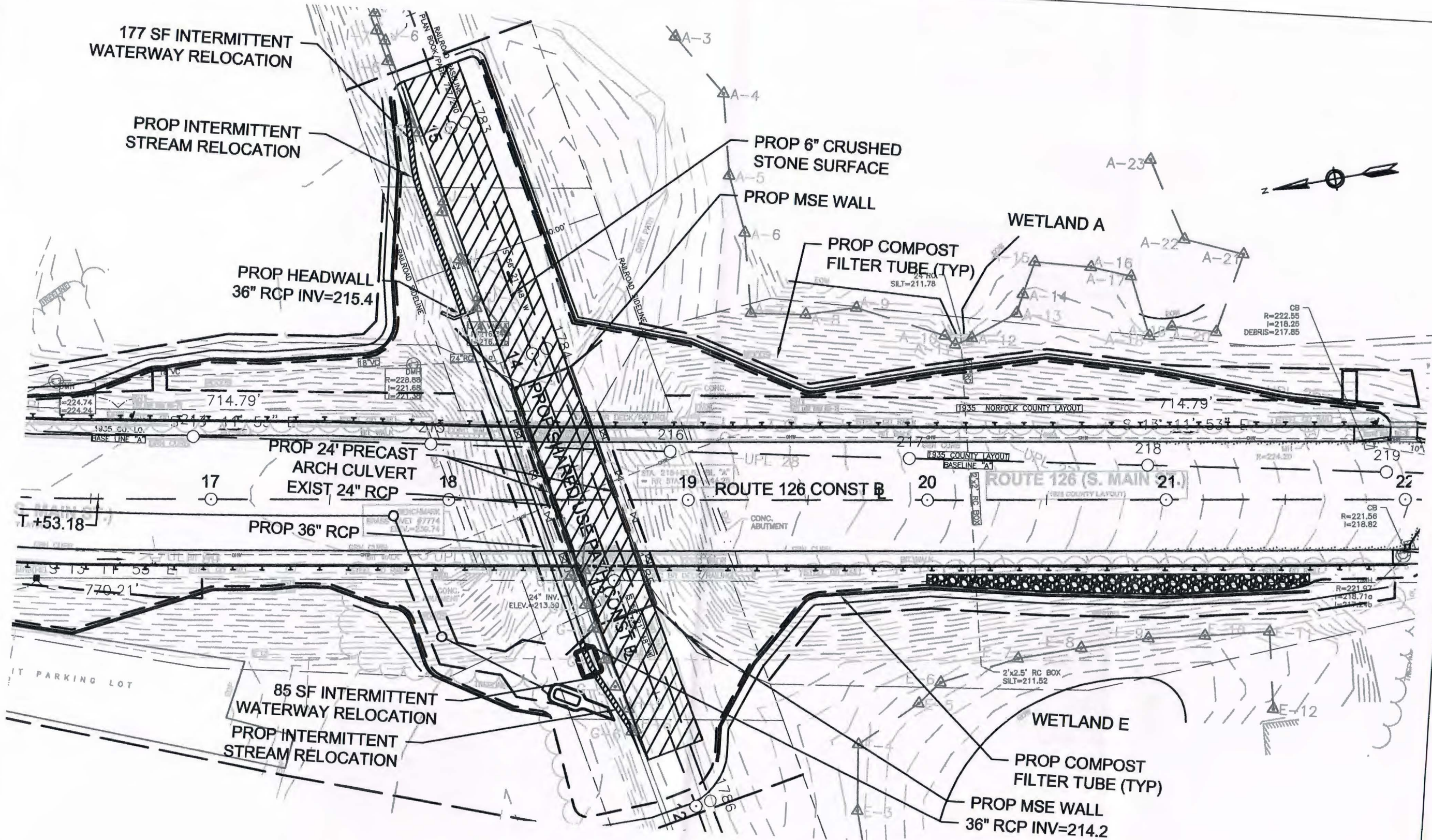
PLAN VIEW
N.T.S.



SECTION A-A
N.T.S.
36-INCH OUTFALL
SCOUR PROTECTION DETAIL
(PREFORMED SCOUR HOLE)
NTS

Application for Section 401 Water Quality Certification South Main Street (Route 126) Over CSX (Abandoned) WATERWAY RELOCATION DETAILS		DATE: MARCH 28, 2014
PROJECT LOCATION: BELLINGHAM, NORFOLK COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 5 6

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Application for Section 401 Water Quality Certification South Main Street (Route 126) Over CSX (Abandoned) WATERWAY RELOCATION AREAS		DATE: MARCH 28, 2014
PROJECT LOCATION: BELLINGHAM, NORFOLK COUNTY MASSACHUSETTS	APPLICATION BY: Massachusetts Department of Transportation Highway Division	SHEET OF 6 6