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# PUBLIC NOTICE



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

**Comment Period Begins: October 13, 2015**  
**Comment Period Ends: November 12, 2015**  
**File Number: NAE-2011-212**  
**In Reply Refer To: Joshua Helms**  
**Phone: (978) 318-8211**  
**E-mail: Joshua.M.Helms@usace.army.mil**

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The District Engineer has received a permit application to conduct work in waters of the United States from Jay M. Cashman of Quincy Shipyard, LLC., 549 South Street, Quincy, Massachusetts. This work is proposed in the Fore River at 549 South Street, Quincy, Massachusetts. The site coordinates are: Latitude 42.243226° N and Longitude 70.970758° W.

The work involves dredging a 150 foot by 50 foot area to a depth of approximately 38 feet below the horizontal plane of mean low water. An estimated quantity of 23,000 cubic yards of silt will be removed by mechanical means and disposed of at the Massachusetts Bay Disposal Site. The dredge area is located adjacent to Pier 1 at the Quincy Shipyard. The dredging is proposed to accommodate larger vessels with deeper drafts and to match the recent adjacent dredging of the Fore River to an elevation of 38 feet below mean low water.

The work is shown on the attached plans entitled "PLAN ACCOMPANYING THE PETITION OF QUINCY SHIPYARD LLC, TO CONDUCT DREDGING AT: PIER 1, WEYMOUTH FORE RIVER, QUINCY, MASSACHUSETTS, NORFOLK COUNTY," on three sheets, and dated "August 21, 2015."

Activities must be designed and constructed to avoid and minimize adverse effects both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site. Mitigation in all of its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) is required to the extent necessary to ensure that the adverse effect to the aquatic environment are no more than 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.

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.

**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.

**Testing Information**

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.

**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 Corps 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.



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.

**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 dredging portion of this project will impact approximately 7500 SF of Essential Fish Habitat (EFH) for: American Plaice, Atlantic Butterfish, Atlantic Cod, Atlantic Halibut, Atlantic Herring, Atlantic Mackerel, Atlantic Wolffish, Black Sea Bass, Bluefin Tuna, Bluefish, Haddock, Little Skate, Longfin Inshore Squid, Ocean Pout, Pollock, Red Hake, Sea Scallop, Silver Hake, White Hake, White Shark, Windowpane Flounder, Winter Flounder, Winter Skate, and Yellowtail Flounder. Habitat at this site can be described as subtidal silt. Loss of this habitat may adversely affect the species listed above. 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. Habitat at this site can be described as soft sediment which provides Essential Fish Habitat for various life stages of: American Plaice, Atlantic Butterfish, Atlantic Cod, Atlantic Halibut, Atlantic Herring, Atlantic Mackerel, Atlantic Wolffish, Basking Shark, Bluefin Tuna, Blue Shark, Haddock, Longfin Inshore Squid, Monkfish, Northern Shortfin Squid, Ocean Pout, Redfish, Red Hake, Sea Scallop, Silver Hake, Smooth Skate, Spiny Dogfish, Thorny Skate, White Hake, White Shark, Windowpane Flounder, Winter Flounder, and Yellowtail Flounder. Loss of this habitat may adversely affect the species listed above. 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 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.

**COASTAL ZONE MANAGEMENT**

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:

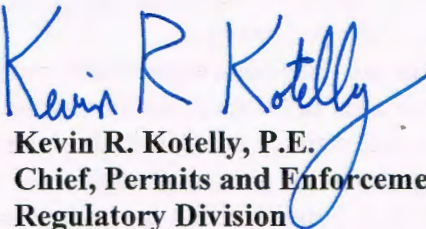
- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 Josh Helms at (978) 318-8211, (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.**

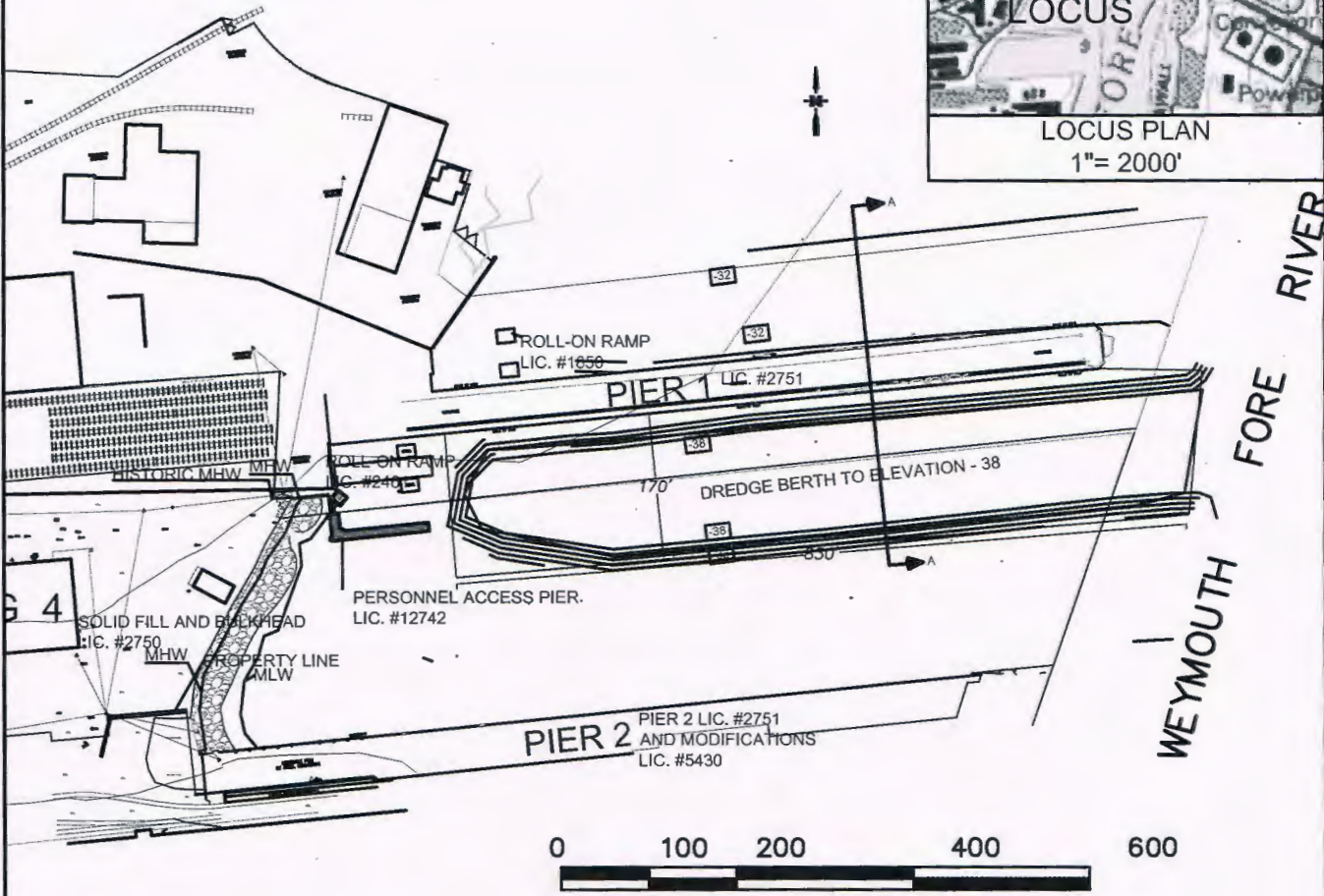
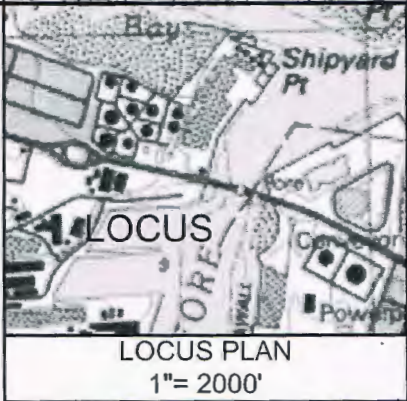
  
**Kevin R. Kotelly, P.E.**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

**CENAE-R**  
**FILE NO. NAE-2011-212**

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). 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: \_\_\_\_\_

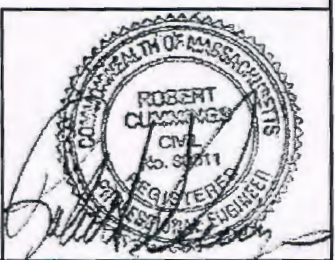




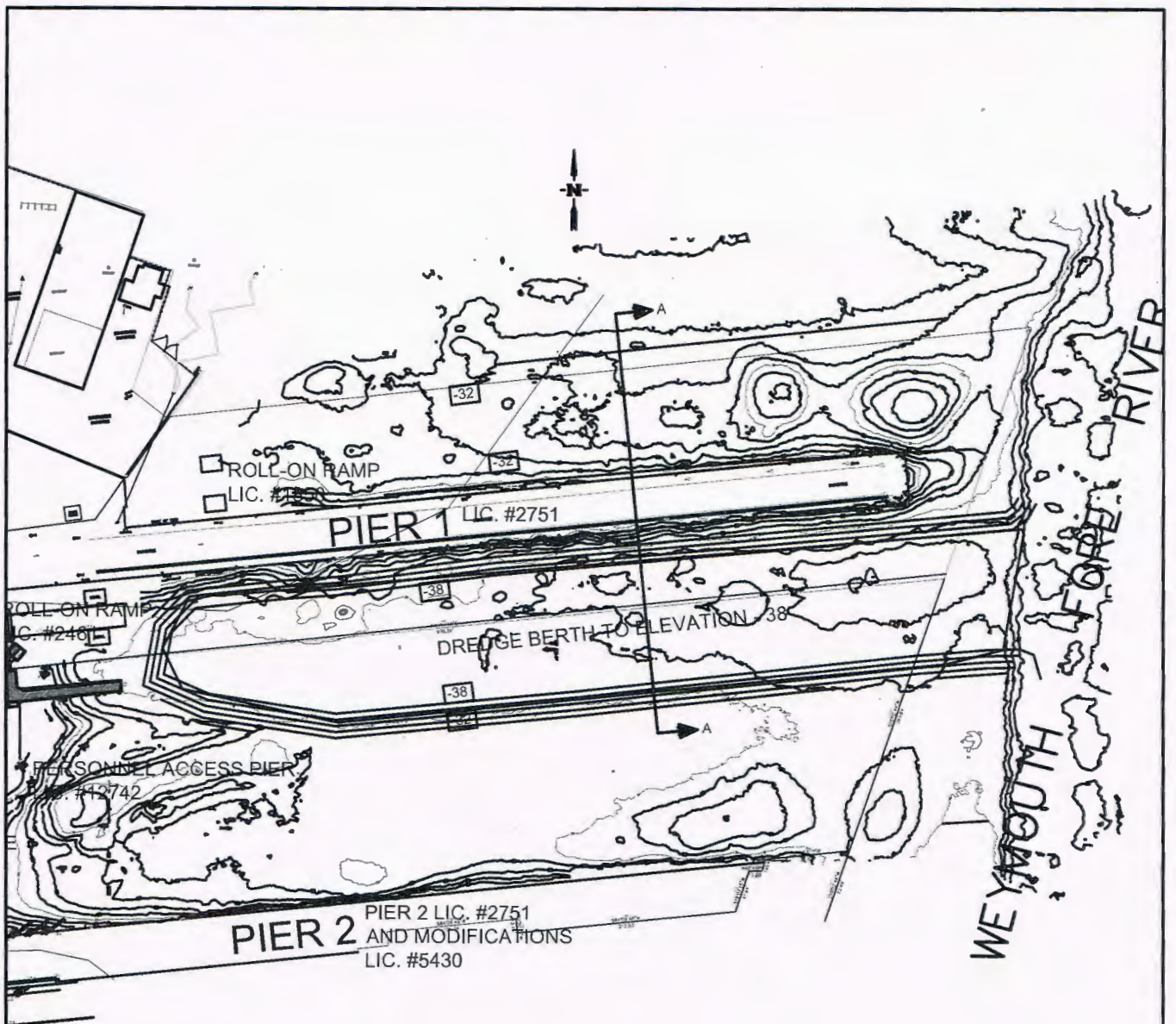
**OVERALL SITE PLAN**

SHEET 1 OF 3

PLAN ACCOMPANYING THE  
 PETITION OF QUINCY SHIPYARD,  
 LLC , TO CONDUCT DREDGING AT :  
 PIER 1, WEYMOUTH FORE RIVER,  
 QUINCY, MASSACHUSETTS,  
 NORFOLK COUNTY



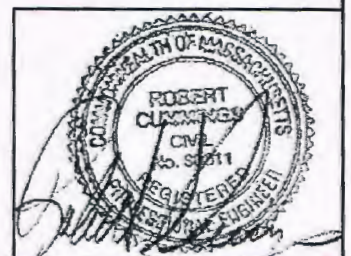


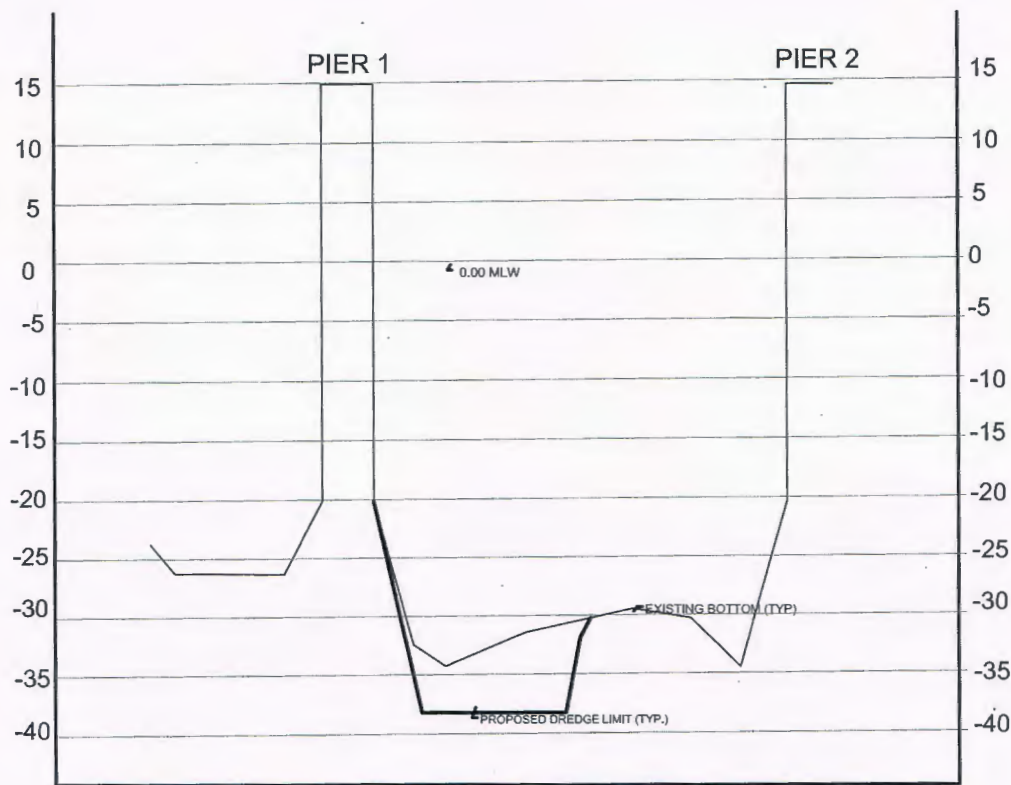


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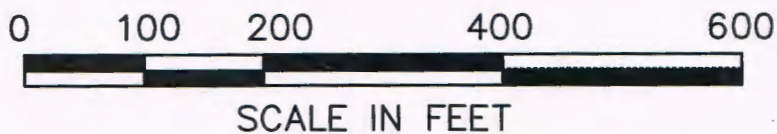
SHEET 2 OF 3

PLAN ACCOMPANYING THE  
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**SECTION A-A**



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SHEET 3 OF 3

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