



# Public Notice

U.S. Army Corps  
Of Engineers  
New England District

696 Virginia Road  
Concord, MA 01742-2751

In Reply Refer to: Programs & Project Management Division

Email: [nae-pn-nave@usace.army.mil](mailto:nae-pn-nave@usace.army.mil)

Date: OCTOBER 3, 2011

Comment Period Closes: NOVEMBER, 1, 2011

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## 30-DAY PUBLIC NOTICE

### BOSTON HARBOR AND WEYMOUTH FORE RIVER FEDERAL NAVIGATION CHANNEL ROCK REMOVAL BOSTON AND HULL, MASSACHUSETTS

Interested parties are hereby notified that the U.S. Army Corps of Engineers, New England District, plans to perform work in the navigable waters of this District, under provisions Sections 401 and 404 of the Clean Water Act of 1977 (P.L. 95-217) and Section 103 of the Ocean Dumping Act (P.L. 92-532), and to authorize such work in accordance with Title 33, Parts 335-338 of the Code of Federal Regulations. The attachment lists pertinent laws, regulations, and directives.

**Project Description:** The Port of Boston is the largest port in New England with the following Federal navigation channels providing deep water for the Port of Boston: Broad Sound North Channel, President Roads Channel, Main Ship Channel, Reserved Channel, Mystic River and Chelsea River.

The Main Ship Channel is composed of two navigation lanes that are 35 and 40 feet deep at mean lower low water (MLLW). Potentially hazardous rock outcrops have been identified at two areas within the Main Ship Channel. See Figure 1. Of these outcrops, approximately 40% may need to be blasted prior to removal with a dredge. The remaining 60% of the rock may be removed utilizing mechanical means such as through grinding, a hydraulic impact hammer or an excavator. A total of approximately 140 cubic yards (cy) of rock and about one month of construction time will be needed to remove these hazards.

The authorized Federal project for the Weymouth Fore River includes a navigation channel 35 feet below MLLW. The channel is 500 feet wide from deep water in Nantasket Roads through the Nantasket (Hull) gut, and then is reduced to 400 feet wide through Hingham Bay to the mouth of the Weymouth Fore River where the channel is further reduced in width to 300 feet up to the Fore River Bridge (also known as the Washington Street bridge). The channel widens to 400 feet above the bridge.

Approximately 3,000 cy of rock would need to be removed from two areas located in the outer channel leading to Weymouth Fore River. See Figure 2. This rock will need to be blasted prior to removal with a mechanical dredge and is expected to take approximately two to three months to remove this material. Funding for rock removal from the Weymouth Fore River outer channel is uncertain at this time.

**Purpose of the Work:** Recent maintenance dredging of the Federal navigation channels in Boston Harbor, Boston, Massachusetts and the Weymouth Fore River in Weymouth, Hull and Hingham, Massachusetts revealed rock outcrops that are above the authorized depth. Exposed rock poses a safety hazards to ships transiting the navigation channels. Corps policy requires that rock be removed to at least two feet below the authorized depth in a navigation channel. Because both projects are located within the

Boston Harbor watershed, savings in mobilization and demobilization costs for rock removal are expected if both projects can be constructed at the same time.

**Disposal Area:** A total of approximately 3,140 cy of rock would be removed from both Federal navigation projects. The rock and incidental dredged (parent) material is expected to be disposed at the Massachusetts Bay Rock Reef Site (MBRRS) located about 20 miles offshore. The rock from the Weymouth Fore River and the Third Harbor Tunnel Project in Boston was disposed at the MBRRS between 1992 and 1993 to promote habitat diversity. The MBRRS is located within the boundaries of the previous interim Massachusetts Bay Disposal Site (MBDS); and is located just outside the boundaries of the current U.S. Environmental Protection Agency designated MBDS. Previous testing of the parent material (clay/glacial till, sand) in the Port of Boston and the outer channel for the Weymouth Fore River showed that this material is suitable for ocean water disposal.

**Additional Information:** Additional information may be obtained from Mr. Michael Keegan, Programs & Civil Project Management Branch, Programs & Project Management Division, at the return address above, telephone number (978) 318-8087.

**Coordination:** The proposed work is being coordinated with the following Federal and State agencies:

Federal

Environmental Protection Agency  
U.S. Fish and Wildlife Service  
National Marine Fisheries Service

Commonwealth of Massachusetts

Department of Environmental Protection  
Executive Office of Energy and Environment Affairs  
Department of Marine Fisheries  
Division of Fisheries and Wildlife  
State Historic Preservation Office

**Environmental Impacts:** An Environmental Assessment for this work is being prepared and will be made available for review upon request. I have made a preliminary determination that an Environmental Impact Statement for the proposed maintenance dredging is not required under the provisions of the National Environmental Policy Act of 1969. This determination will be reviewed in light of facts submitted in response to this notice.

**Federal Consistency with the Coastal Zone Management Program:** I find that rock removal to the authorized navigation project depth is consistent, to the maximum extent practicable, with the applicable management program established as a result of the Coastal Zone Management Act of 1972. Rock removal will be conducted, to the maximum extent practicable, in a manner that is consistent with the approved management program.

**Other Information:**

- a. Previous Dredging: This portion of the Main Ship Channel in Boston Harbor was last dredged in 2008; the Weymouth Fore River in 2007.
- b. Alternatives: The proposed work would remove hazardous rock outcrops above the authorized Federal navigation depths. The No Action Alternative is not acceptable because of the potential navigation hazards. Alternate disposal sites include beneficial use for habitat enhancement.
- c. Endangered Species: To protect the endangered right whale, whale observers will be on board the scows transiting to the MBRRS from February 1 to May 31 to avoid potential ship strikes. No

other endangered species or their critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844) are expected to be effected by the proposed project.

- d. Non-Federal Dredging: No other private or public rock removal is proposed in conjunction with this project.
- e. Floodplain Management: In accordance with Executive Order 11988, the Corps of Engineers has determined that the proposed work will not contribute to negative impacts or damages caused by floods.
- f. Cultural Resources: The proposed work is located in areas previously disturbed for maintenance dredging.
- g. Essential Fish Habitat: The U.S. Army Corps of Engineers is assessing the effects the proposed project is likely to have on Essential Fish Habitat (EFH) and has made a preliminary determination that there will be no significant impacts on the designated fisheries resources. Full determination will be made upon completion of the EFH assessment.
- h. Additional Requirements: As disposal of the rock will occur at the MBRRS, which is located in ocean waters outside State waters and the territorial sea, no Water Quality Certification is required from the Massachusetts Department of Environmental Protection under Section 401 of the Clean Water Act of 1977 (P.L. 95-217).

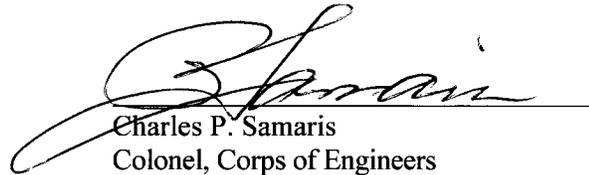
The decision whether to perform the work will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, and the welfare of the people.

The proposed transportation of this dredged material for disposing of it in ocean waters is being evaluated to determine that the proposed disposal will not unreasonably degrade or endanger human health, welfare, or amenities or the marine environment, ecological systems, or economic potentialities. In making this determination, the criteria established by the Administrator, U.S. EPA pursuant to section 102(a) of the Ocean Dumping Act will be applied. In addition, based upon an evaluation of the potential effect which the failure to utilize this ocean disposal site will have on navigation, economic and industrial development, and foreign and domestic commerce of the United States, an independent determination will be made of the need to dispose of the dredged material in ocean waters, other possible methods of disposal, and other appropriate locations.

Any person who has an interest which may be affected by the disposal of this dredged material may request a public hearing. The request must be submitted in writing to me within the comment period of this notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by this activity.

Please bring this notice to the attention of anyone you know to be interested in the project. Comments are invited from all concerned parties relating to this project and should be directed to me at the U.S Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: Mr. Michael Keegan, within 30 days of this notice.

30 SEP 11  
Date

  
Charles P. Samaris  
Colonel, Corps of Engineers  
District Engineer

## **Attachment**

### **Pertinent Laws, Regulations and Directives**

American Indian Religious Freedom Act of 1978, 42 U.S.C. 1996.

Archaeological Resources Protection Act of 1979, as amended, 16 U.S.C. 470 et seq.

Clean Air Act, as amended, 42 U.S.C. 7401 et seq.

Clean Water Act of 1977 (Federal Water Pollution Control Act Amendments of 1972) 33 U.S.C. 1251 et seq.

Coastal Zone Management Act of 1982, as amended, 16 U.S.C. 1451 et seq.

Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.

Estuarine Areas Act, 16 U.S.C. 1221 et seq.

Federal Water Project Recreation Act, as amended, 16 U.S.C. 4601-12 et seq.

Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq.

Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-1

Magnuson-Stevens Act, as amended, 16 U.S.C. 1801 et seq.

Marine Protection, Research, and Sanctuaries Act of 1971, as amended, 33 U.S.C. 1401 et seq.

National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.

National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq.

Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3000-3013,  
18 U.S.C. 1170

Preservation of Historic and Archaeological Data Act of 1974, as amended, 16 U.S.C. 469 et seq.  
This amends the Reservoir Salvage Act of 1960 (16 U.S.C. 469).

Rivers and Harbors Act of 1899, as amended, 33 U.S.C. 401 et seq.

Watershed Protection and Flood Prevention Act, as amended, 16 U.S.C. 1001 et seq.

Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271 et seq.

Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971.

Executive Order 11988, Floodplain Management, May 24, 1977 amended by Executive Order 12148,  
July 20, 1979.

Executive Order 11990, Protection of Wetlands, May 24, 1977.

Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, January 4, 1979.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-  
Income Populations, February 11, 1994.

Executive Order 13007, Accommodations of Sacred Sites, May 24, 1996.

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks,  
April 21, 1997.

Executive Order 13061, and Amendments – Federal Support of Community Efforts Along American  
Heritage Rivers.

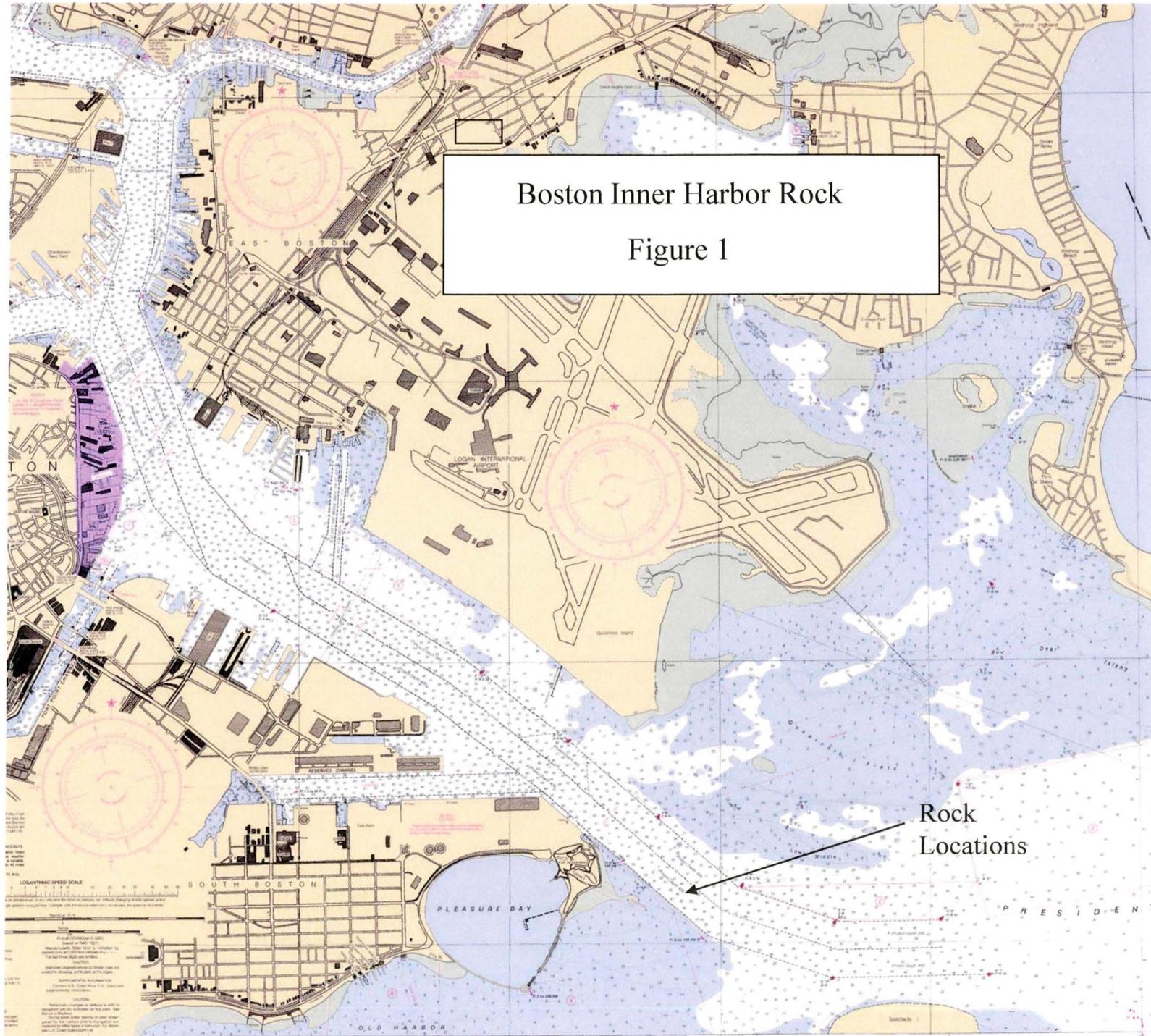
Executive Order 13175, Consultation and Coordination with Tribal Governments, November 2000.

Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing NEPA, August 11, 1980.

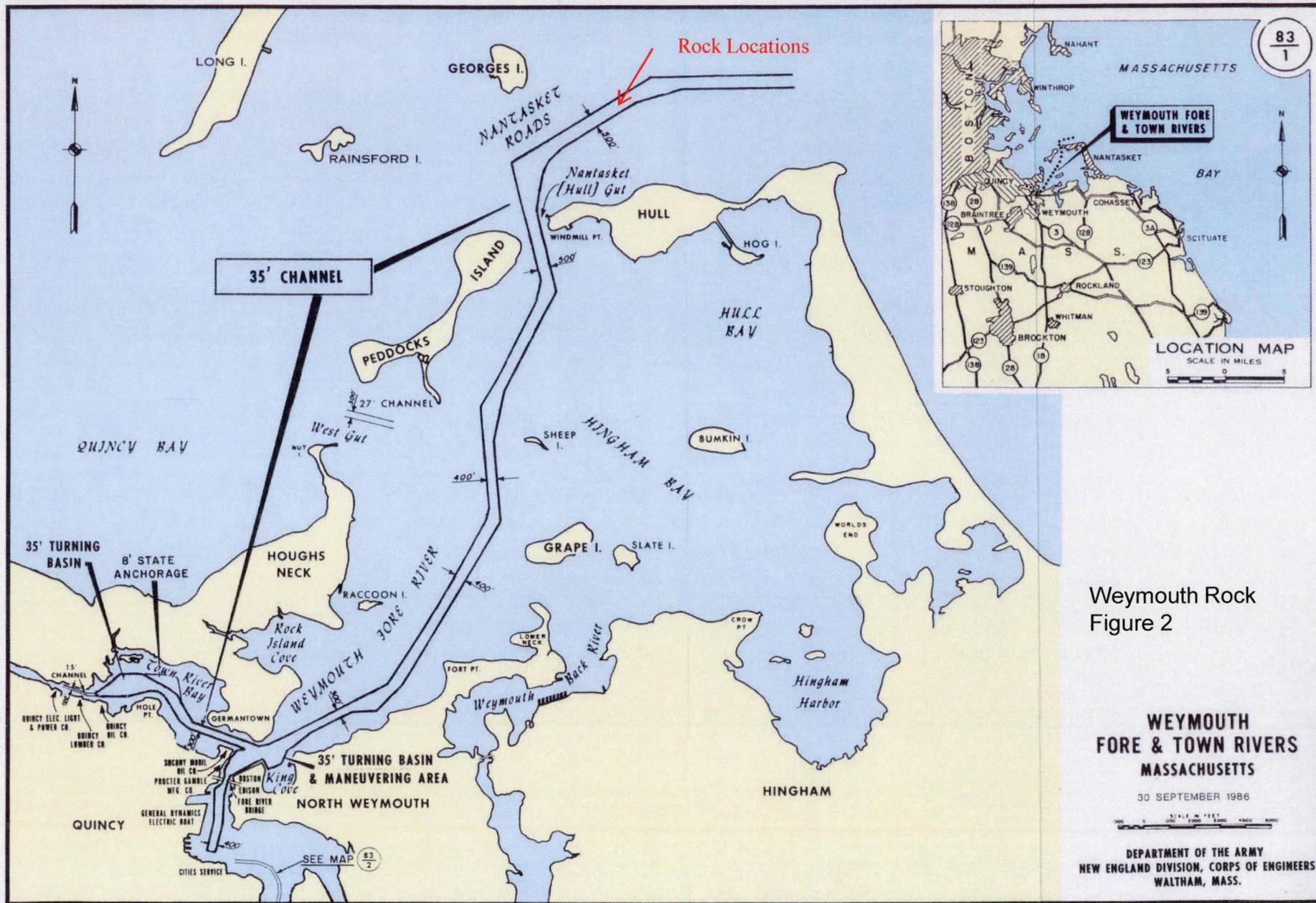
White House Memorandum, Government-to-Government Relations with Indian Tribes, April 29, 1994.

# Boston Inner Harbor Rock

Figure 1



Rock  
Locations



Weymouth Rock  
Figure 2

**WEYMOUTH  
FORE & TOWN RIVERS  
MASSACHUSETTS**

30 SEPTEMBER 1986

SCALE IN FEET  
0 1000 2000 4000 8000

DEPARTMENT OF THE ARMY  
NEW ENGLAND DIVISION, CORPS OF ENGINEERS  
WALTHAM, MASS.