



PUBLIC NOTICE

US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

Date: 1 May 2007
Comment Period Ends: 1 June 2007
File Number: NAE 2005-2436
In Reply Refer To: Norm Farris
Or by e-mail: charles.n.farris@usace.army.mil

The District Engineer has received a permit application from the applicant below to conduct work in waters of the United States as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT

Town of Danvers, Susan Fletcher – Town of Danvers Assistant Director of Planning and Human Services, Town Hall, 1 Sylvan Street, Danvers, MA 01923

ACTIVITY

To perform maintenance dredging an area of approximately 605,900 sq. ft. to a depth of -6.0 ft. MLW within the state navigational channel in Danvers, MA. Approximately 58,000 cu. yds. of silty material will be removed by mechanically dredging and disposed of at Massachusetts Bay Disposal Site (MBDS). This area was last dredged in 1983. The work is described on the enclosed plans entitled "Maintenance Dredging, Crane and Porter Rivers, Town Of Danvers, Danvers, Massachusetts," on four sheets, and dated "January 2007."

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Porter and Crane Rivers in Danvers, Massachusetts. The proposed location on the USGS Salem, Massachusetts quadrangle sheet is at UTM 4712982 N and 34260 W. A small section of the proposed dredging footprint is intertidal mudflat habitat, a Special Aquatic Site (SAS).

Independent of this project, five private marina operations are applying for maintenance and improvement dredging at locations along the Porter River. These applicants intend to use the biological testing results from this project to eliminate the need for biological testing for their projects. Thus they will be piggybacking their projects on the testing results from the Town project.

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.

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 605,900 SF of Essential Fish Habitat (EFH) for Atlantic cod (*Gadus morhua*) all life stages; haddock (*Melanogrammus aeglefinus*) all life stages; Pollock (*Pollachius virens*) all life stages; whiting (*Merluccius bilinearis*) all life stages; red hake (*Urophycis chuss*) all life stages except eggs; white hake (*Urophycis tenuis*) all life stages except spawning adults; winter flounder (*Pseudopleuronectes americanus*) all life stages; yellowtail flounder (*Pleuronectes ferrunginea*) all life stages; windowpane flounder (*Scophthalmus aquosus*) all life stages; American plaice (*Hippoglossoides platessoides*) all life stages; ocean pout (*Macrozoarces americanus*) all life stages; Atlantic sea scallops (*Placopecten magellanicus*) all life stages; Atlantic sea herring (*Clupea harengus*) all life stages except eggs; bluefish (*Pomatomus saltatrix*) juveniles and adults; butterfish (*Peprilus triacanthus*) all life stages; Atlantic mackerel (*Scomber scombrus*) all life stages except for spawning adults and scup (*Stenotomus chrysops*) juveniles only. Habitat at this site can be described as fine sands and silt. Loss of this habitat may adversely affect whiting, red hake, white hake, winter flounder, yellowtail flounder, windowpane flounder, and American plaice. This impact is expected to be localized and short-term with impacted habitat being quickly re-colonized once dredging operations cease. Additionally, most of these species are pelagic and have the ability to avoid the impacted habitat during dredging operations. 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 (MBDS). This is an open water site, which provides Essential Fish Habitat for Atlantic cod (*Gadus morhua*) all life stages; haddock (*Melanogrammus aeglefinus*) all life stages; Pollock (*Pollachius virens*) all life stages; whiting (*Merluccius bilinearis*) all life stages; red hake (*Urophycis albidus*) all life stages except eggs; white hake (*Urophycis tenuis*) all life stages except spawning adults; winter flounder (*Pseudopleuronectes americanus*) all life stages except eggs and juveniles; yellowtail flounder (*Pleuronectes ferrunginea*) all life stages except eggs; windowpane flounder (*Scopthalmus aquosus*) all life stages except eggs; American plaice (*Hippoglossoides platessoides*) all life stages; ocean pout (*Macrozoarces americanus*) all life stages; Atlantic sea scallops (*Placopecten magellanicus*) all life stages; Atlantic sea herring (*Clupea harengus*) all life stages except eggs and juveniles; bluefish (*Pomatomus saltatrix*) adults; butterfish (*Peprilus triacanthus*) all life stages; Atlantic mackerel (*Scomber scombrus*) all life stages except for spawning adults; and scup (*Stenotomus chrysops*) juveniles only. Habitat at this site can be described as cobble, silt and sand. Loss of this habitat may adversely affect these species, but the impact is expected to be localized and short-term. 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.

SECTION 106 COORDINATION

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)

Pursuant to the **Endangered Species Act**, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

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.

CENAE-R
FILE NO. NAE-2005-2436

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.

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 Charles N. Farris at (978) 318-8336, (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.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Karen K. Adams
Chief, Permits and Enforcement Branch
Regulatory Division

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FILE NO. NAE-2005-2436

If you would prefer not to continue receiving Public Notices, 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:

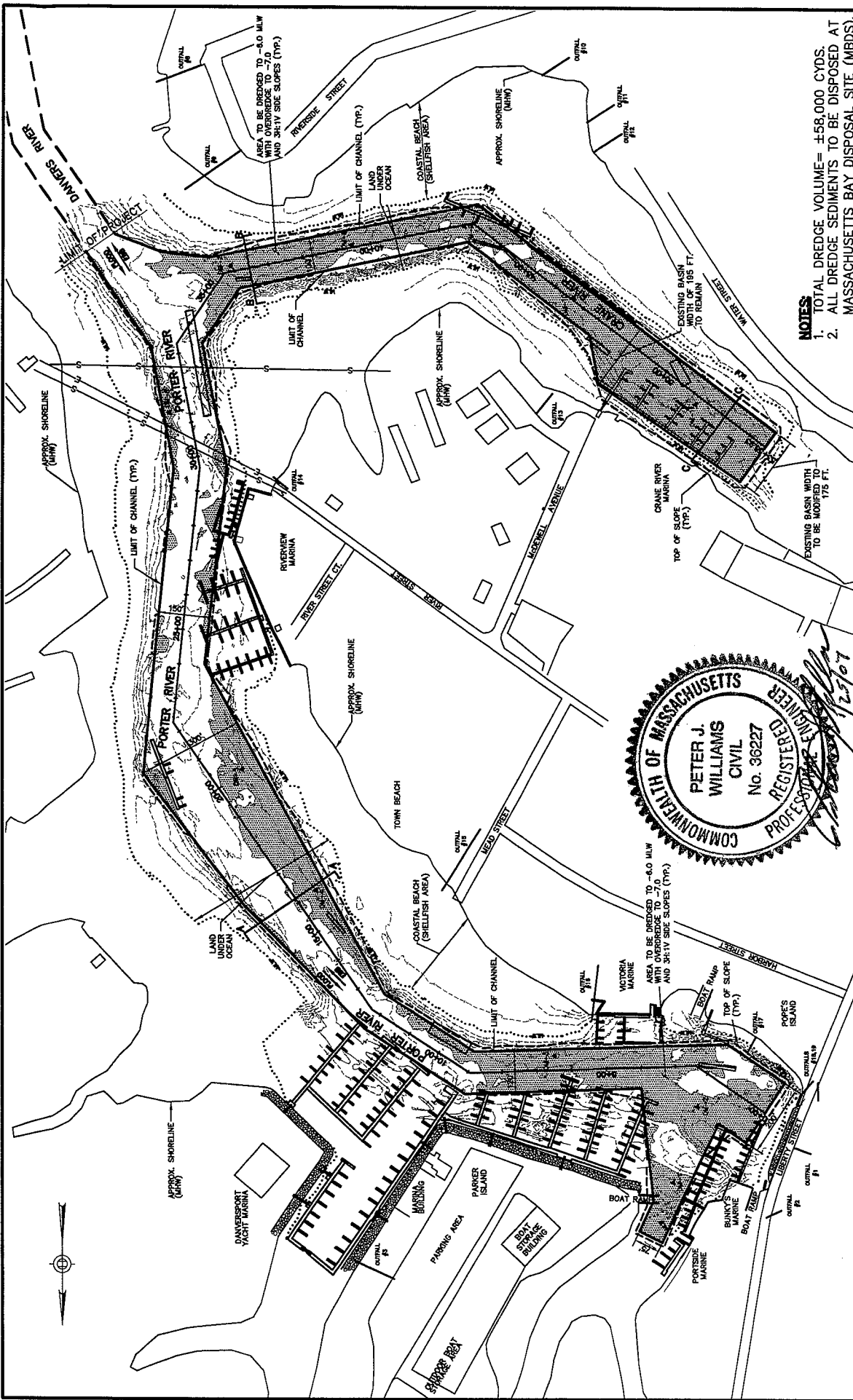
ADDRESS:

PROPOSED WORK AND PURPOSE

To perform work and discharge dredged material below the high tide line of waters of the United States in order to maintenance dredge up to 58,000 cubic yards of sand, silt and mud from Danvers Harbor. This work will be performed for the purposes of maintaining a state navigation channel and providing access to Danvers Harbor.

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 (suitability determined through case-by-case analyses) 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 a distinct dredged material mound has 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.

The work is described on the enclosed plans entitled "Maintenance Dredging, Crane and Porter Rivers, Town Of Danvers, Danvers, Massachusetts," on two sheets, and dated "July 2005."



NOTES:
 1. TOTAL DREDGE VOLUME= ±58,000 CYDS.
 2. ALL DREDGE SEDIMENTS TO BE DISPOSED AT MASSACHUSETTS BAY DISPOSAL SITE (MBDS).

AT: CRANE AND PORTER RIVERS
 DANVERS, MA
COUNTY: ESSEX COUNTY
APPLICATION BY:
 TOWN OF DANVERS
 1 SYLVAN STREET
 DANVERS, MASSACHUSETTS

JANUARY 2007 SHEET 2 OF 5

DREDGING PLAN

CRANE AND PORTER RIVERS

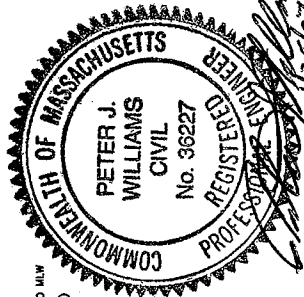
MAINTENANCE DREDGING

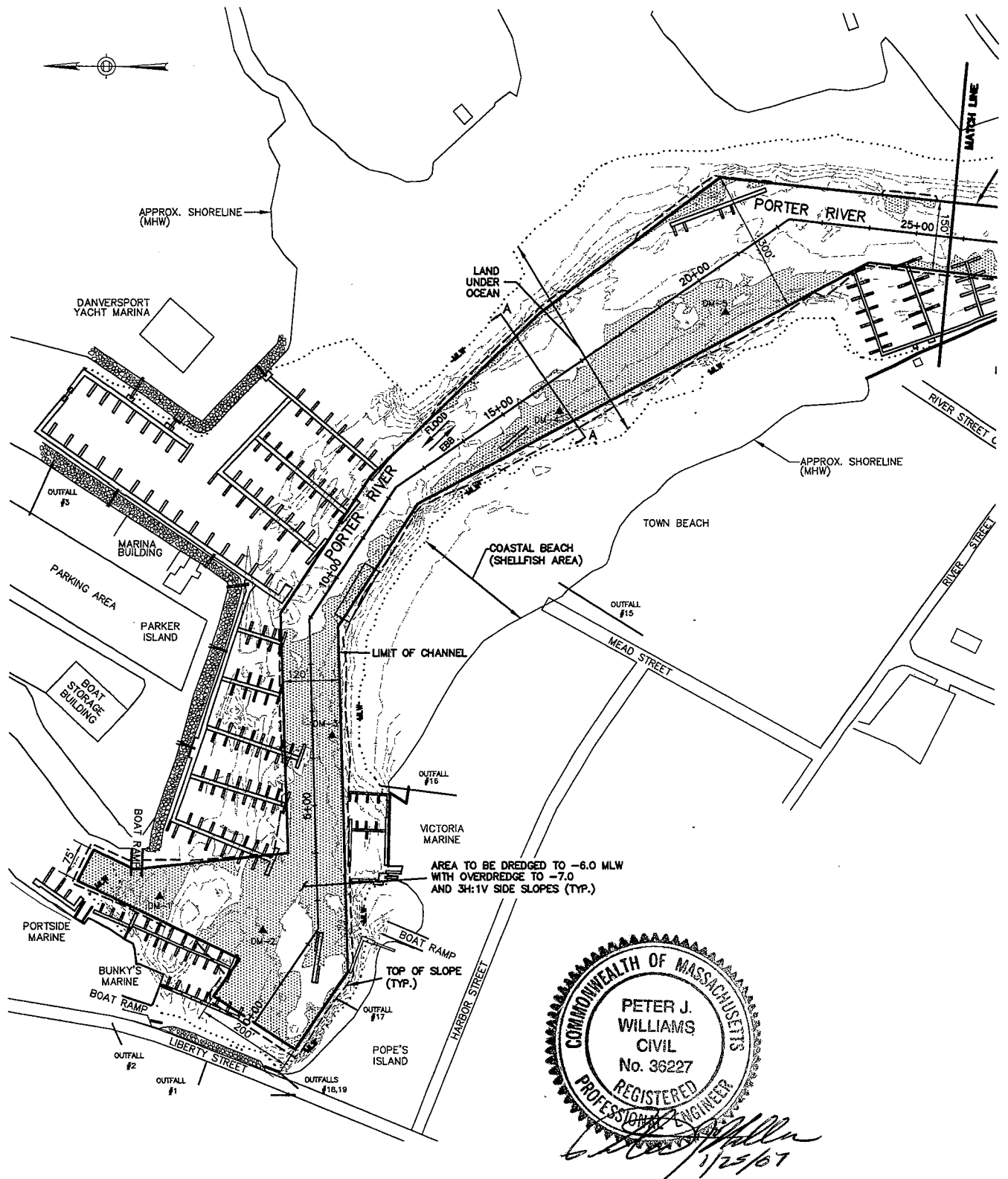
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LEGEND:

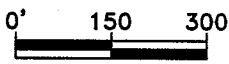
- ▲ MW-1 2005 SAMPLE LOCATION
- S — EXISTING SEWER LINE
- E — EXISTING ELECTRICAL LINE





COMMONWEALTH OF MASSACHUSETTS
 PETER J. WILLIAMS
 CIVIL
 No. 36227
 REGISTERED
 PROFESSIONAL ENGINEER
Peter J. Williams
 1/25/07

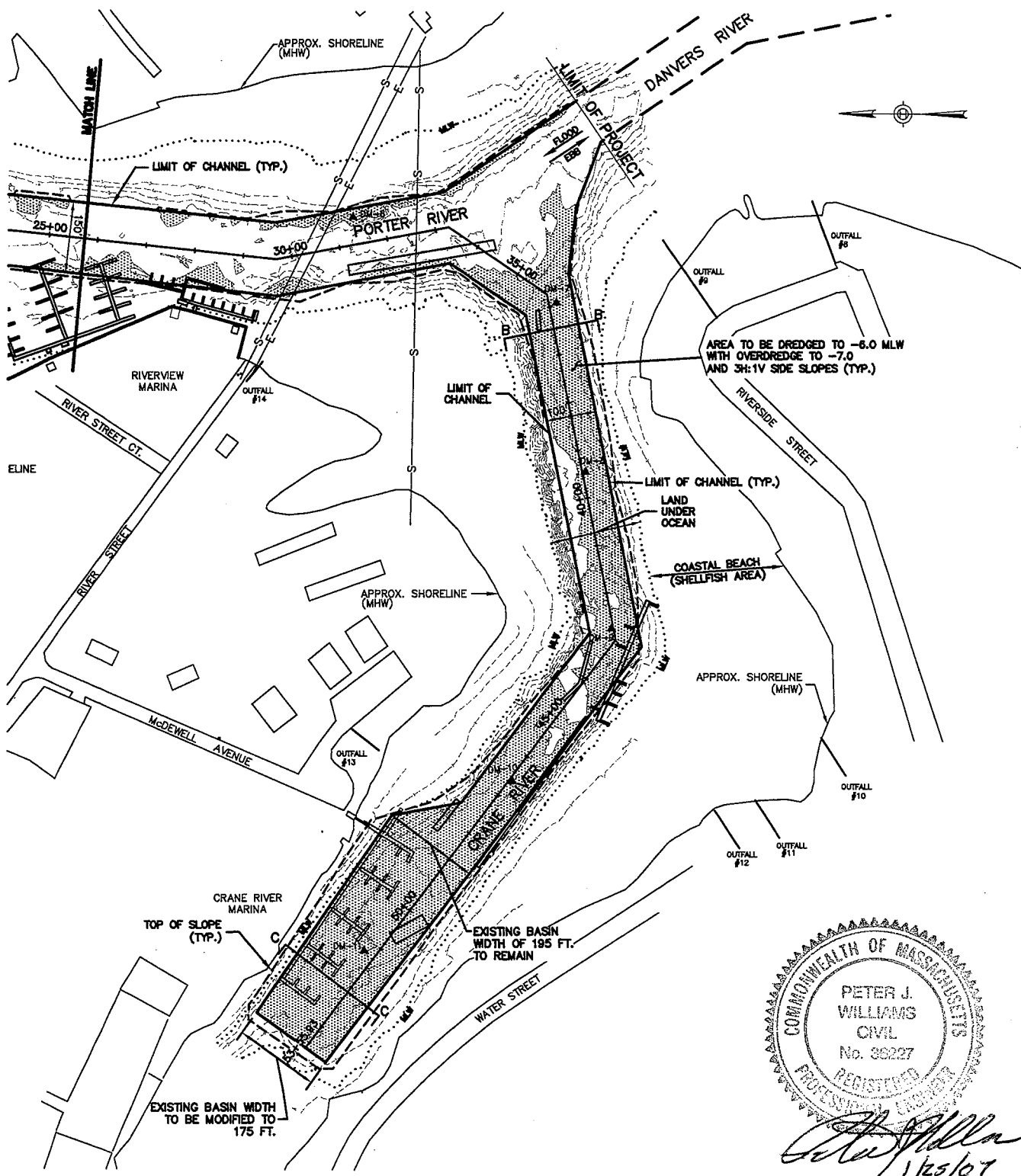
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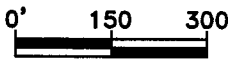
DREDGING PLAN
CRANE AND PORTER RIVERS
MAINTENANCE DREDGING

AT: CRANE AND PORTER RIVERS
 DANVERS, MA
 COUNTY: ESSEX
 APPLICATION BY:
 TOWN OF DANVERS
 1 SYLVAN STREET
 DANVERS, MASSACHUSETTS

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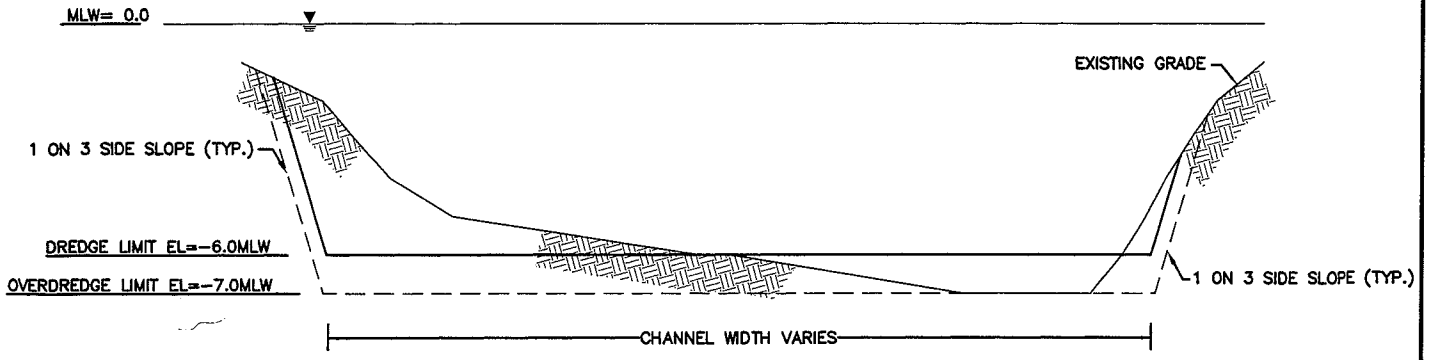
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DREDGING PLAN CRANE AND PORTER RIVERS MAINTENANCE DREDGING

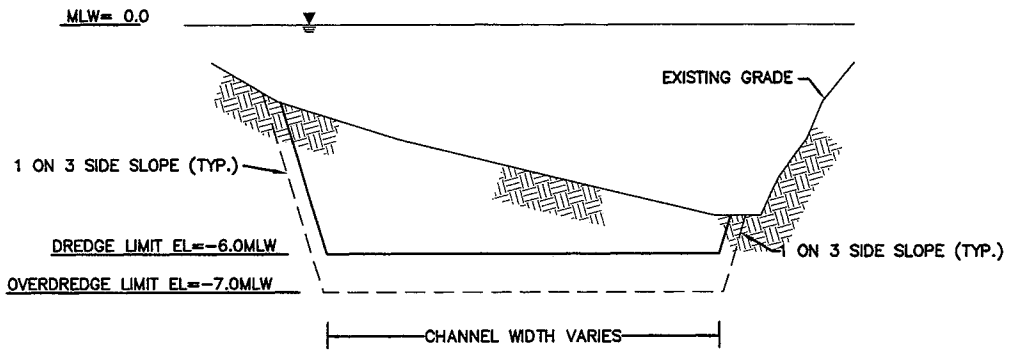
AT: CRANE AND PORTER RIVERS
 DANVERS, MA
 COUNTY: ESSEX
 APPLICATION BY:
 TOWN OF DANVERS
 1 SYLVAN STREET
 DANVERS, MASSACHUSETTS

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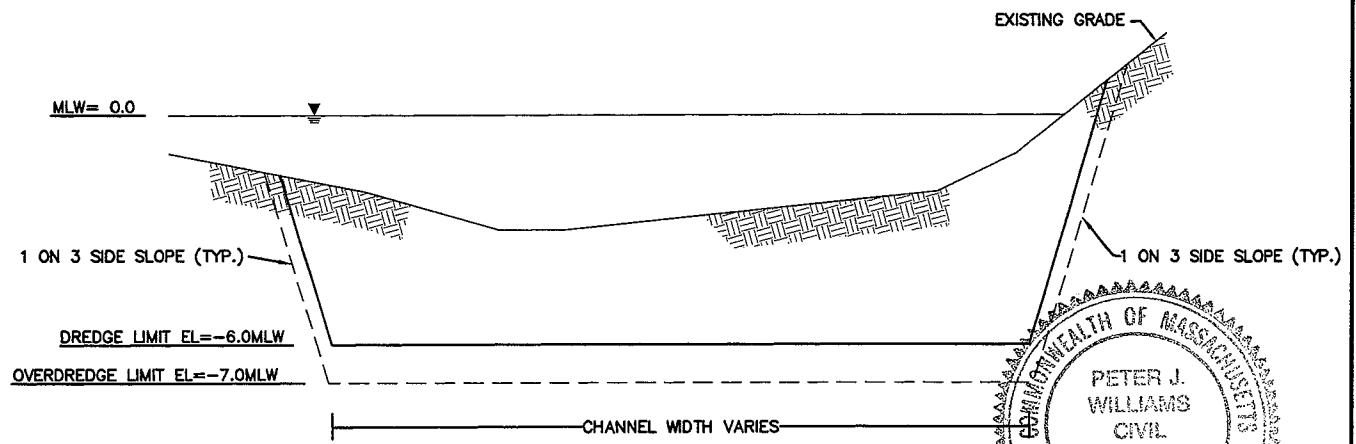
TYPICAL DREDGE CROSS SECTION A-A

HORIZONTAL SCALE: 1" = 50'
 VERTICAL SCALE: 1" = 5'



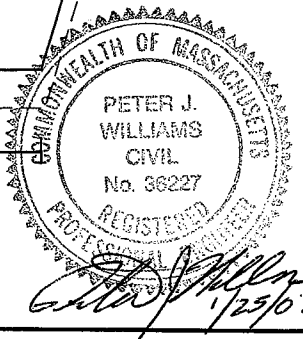
TYPICAL DREDGE CROSS SECTION B-B

HORIZONTAL SCALE: 1" = 50'
 VERTICAL SCALE: 1" = 5'



TYPICAL DREDGE CROSS SECTION C-C

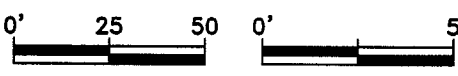
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 VERTICAL SCALE: 1" = 5'



DATUM: MLW = 0.0
 MHW = 9.0
 HTL = 10.4

**TYPICAL SECTIONS
 CRANE AND PORTER RIVERS
 MAINTENANCE DREDGING**

AT: CRANE AND PORTER RIVERS
 DANVERS, MA
 COUNTY: ESSEX
 APPLICATION BY:
 TOWN OF DANVERS
 1 SYLVAN STREET
 DANVERS, MASSACHUSETTS



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