



# PUBLIC NOTICE

US Army Corps  
of Engineers®  
New England District

696 Virginia Road  
Concord, MA 01742-2751

Date: February 26, 2008  
Comment Period Ends: March 26, 2008  
File Number: 2007-2242  
In Reply Refer To: Ted Lento

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: James Cowdell, City of Lynn, 3 City Hall Square, Lynn, MA 01901**

**ACTIVITY :** The City of Lynn, through its Economic Development and Industrial Corporation, is seeking to place fill material, install structures and dredge a boat basin in conjunction with proposed improvements to the Blossom Street Waterfront Facility in Lynn Harbor.

A detailed description and plans of the activity are attached.

## **WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed in Lynn Harbor at the Blossom Street Extension off Route 1A. The proposed location on the USGS MA-LYNN quadrangle sheet is at UTM coordinates x:339787.96, y: 4702111.52 in UTM Zone 19.

## **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).

This project will have an adverse effect on 12,380 square feet of Essential Fish Habitat (EFH) for 24 species of fishes and invertebrates with designated EFH as listed on the attached Table 1. This habitat consists of the inter-tidal and subtidal substrate to be dredged and filled. Loss of this habitat may adversely affect spawning, nursery, and foraging habitat for a variety of fish and invertebrate species. The District Engineer has made a preliminary determination that site-specific impacts may be substantial. Accordingly, the Corps of Engineers has submitted an expanded EFH assessment to National Marine Fisheries Service, who in turn will provide conservation recommendations to the Corps. The Corps will coordinate with the applicant regarding implementation of these recommendations. The EFH consultation will be concluded prior to the final decision.

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

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.

**CENAE-R**  
**FILE NO. NAE-2007-2242**

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 Ted Lento at (978) 318-8863, (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 Kirk Adams  
Chief, Permits and Enforcement Branch  
Regulatory Division

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](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: \_\_\_\_\_

## PROPOSED WORK AND PURPOSE

- Expand the existing bulkhead towards the south along the toe of the existing placed rip rap and along the north side of the boat ramp. This expansion will require the removal of the existing placed rip rap that may be utilized elsewhere on the site. This area would then be filled in to meet site grade. The bulkhead expansion will increase the waterfront access along the bulkhead from 60' to 150'. An inter-tidal area of approximately 2,785 sf would be lost due to proposed fill behind the bulkhead and stone rip rap will be placed along the base of the bulkhead, extending out 10', to provide crevices, shading and replicate the lost inter-tidal muscle habitat.
- The existing 120 foot by 30 foot boat ramp will be removed and a new ramp constructed in the same location. Dredging an area of approximately 500 square feet within the inter-tidal zone will be required to obtain 4 feet of draft at base of ramp.
- Development of float system for excursion and passenger vessels involves installation of a barge with two attached docks that can accommodate the mooring of two vessels 70 to 80 feet in length. An 18'x15' timber pier with two 7'x30' gangways and associated ramping and platform system on a 25'x90' steel barge with two attached finger barges (10'x70' & 10'x58') will be installed. Barges are to be pile moored. In addition a wave attenuation fence would be installed to protect the facility and will extend 52' feet beyond the mean high water line of Lynn Harbor. The wave attenuator is being proposed to protect the facility from moderate wave action and lend stability to the floating docks. The wave fence will be constructed as to leave a 2' gap above the mud line to allow for migration of sea life and not restrict water flow or impact water quality.
- Dredging will include the removal of approximately 4,000 CY of material from a 12,380 sf area below the mean high water line in order to provide a boat basin adjacent to the proposed docks and to increase water depth at the end of the boat ramp. Approximately 5,400 sf of dredging would occur within the subtidal zone and 7,370 sf in the inter-tidal zone of which 1,420 sf will remain inter-tidal and will be reseeded with shellfish. This leaves 5,950 sf of shellfish bed to be replicated in the inter-tidal zone by removal of previously dumped concrete and stone debris. Dredge material will be removed and dewatered on site as depicted on sheet 3A of 6 and then transported to an upland site for disposal.
- As part of this proposal the upland portion of the site will also require reconstruction including: demolition of the existing building, installation of drainage and reconstruction of the parking areas. The new drainage would require installation of an 18 inch diameter outfall pipe with a tide-flex check valve as depicted on sheet 6 of 6 of the permit plans.

**CENAE-R**

**FILE NO. NAE-2007-2242**

The project purpose is to provide a year-round passenger vessel operation and a cargo loading/off loading terminal as well as provide the public access to navigable waters for recreational boating in Lynn Harbor.

The work is described on the enclosed plans entitled "EDIC / CITY OF LYNN" on 7 sheets numbered one through six dated 07/12/07 and sheet 3A dated 8/15/07.

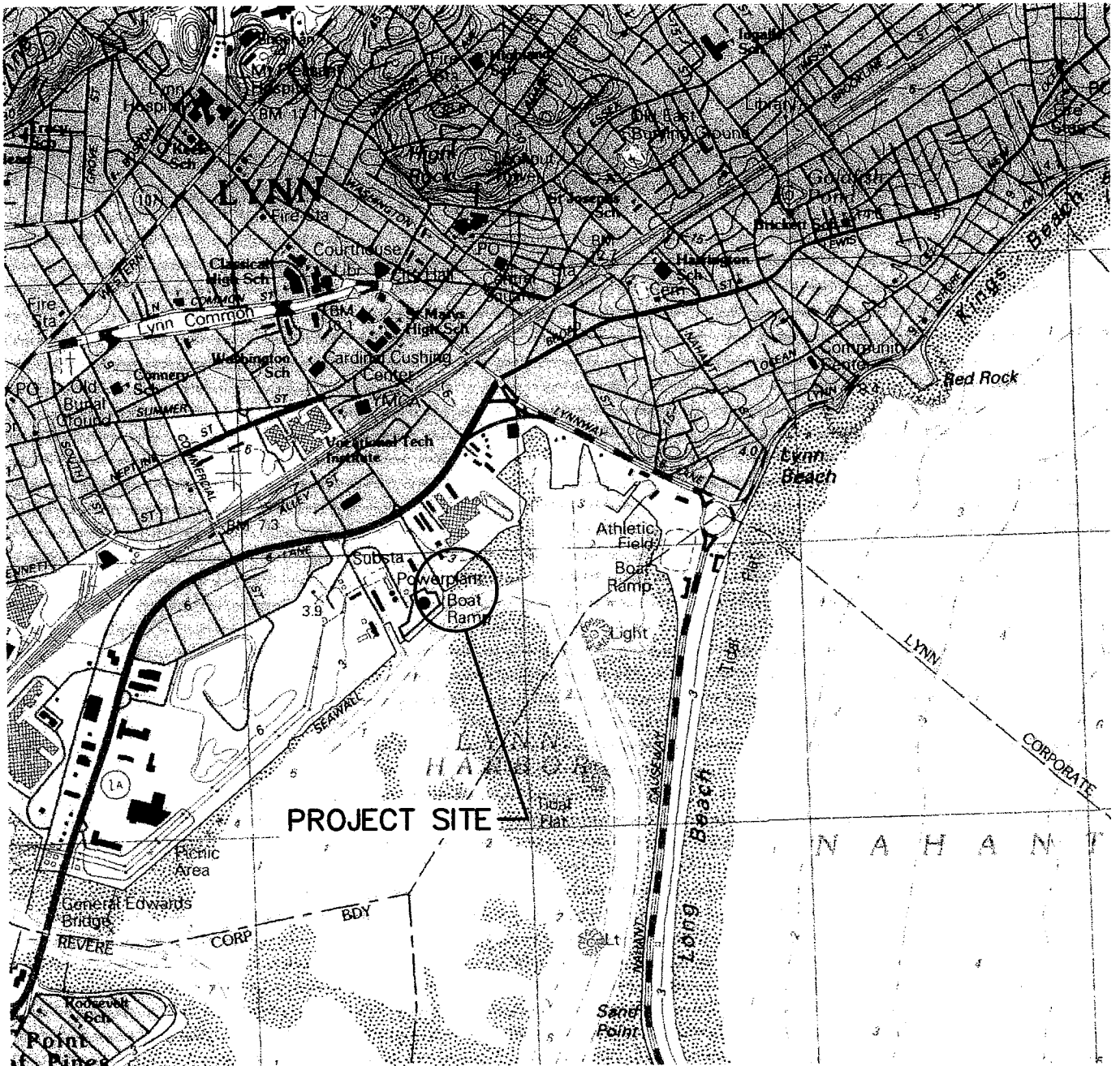
**Table 1**

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod ( <i>Gadus morhua</i> )	X	X	X	X
haddock ( <i>Melanogrammus aeglefinus</i> )	X	X		
pollock ( <i>Pollachius virens</i> )	X	X	X	X
whiting ( <i>Merluccius bilinearis</i> )	X	X	X	X
red hake ( <i>Urophycis chuss</i> )	X	X	X	X
white hake ( <i>Urophycis tenuis</i> )	X	X	X	X
winter flounder ( <i>Pleuronectes americanus</i> )	X	X	X	X
yellowtail flounder ( <i>Pleuronectes ferruginea</i> )	X	X	X	X
windowpane flounder ( <i>Scophthalmus aquosus</i> )	X	X	X	X
American plaice ( <i>Hippoglossoides platessoides</i> )	X	X	X	X
ocean pout ( <i>Macrozoarces americanus</i> )	X	X	X	X
Atlantic halibut ( <i>Hippoglossus hippoglossus</i> )	X	X	X	X
Atlantic sea scallop ( <i>Placopecten magellanicus</i> )	X	X	X	X
Atlantic sea herring ( <i>Clupea harengus</i> )		X	X	X
bluefish ( <i>Pomatomus saltatrix</i> )			X	X
long finned squid ( <i>Loligo pealei</i> )	n/a	n/a	X	X
short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a	X	X
Atlantic butterfish ( <i>Peprilus triacanthus</i> )	X	X	X	X
Atlantic mackerel ( <i>Scomber scombrus</i> )	X	X	X	X
summer flounder ( <i>Paralichthys dentatus</i> )				X
scup ( <i>Stenotomus chrysops</i> )	n/a	n/a	X	X
black sea bass ( <i>Centropristus striata</i> )	n/a			X
surf clam ( <i>Spisula solidissima</i> )	n/a	n/a	X	X
bluefin tuna ( <i>Thunnus thynnus</i> )			X	X

Notes: The notation "X" indicates that EFH has been designated within the square for a given species and life stage. The notation "n/a" indicates some of the species either have no data available on the designated lifestages, or those lifestages are not present in the species' reproductive cycle.

Source: National Marine Fisheries Service, "Summary of Essential Fish Habitat (EFH) Designation" posted on the internet at: <http://www.nero.noaa.gov/hcd/STATES4/CapecodtoNH/42207050.html>

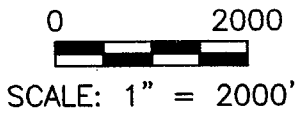
File: X:\255336-1\255336-1\Permits\NOI\set-1\CWC



### USGS MAP

BLOSSOM STREET WATERFRONT FACILITY  
EDIC/CITY of LYNN

LYNN, MA  
JULY, 2007

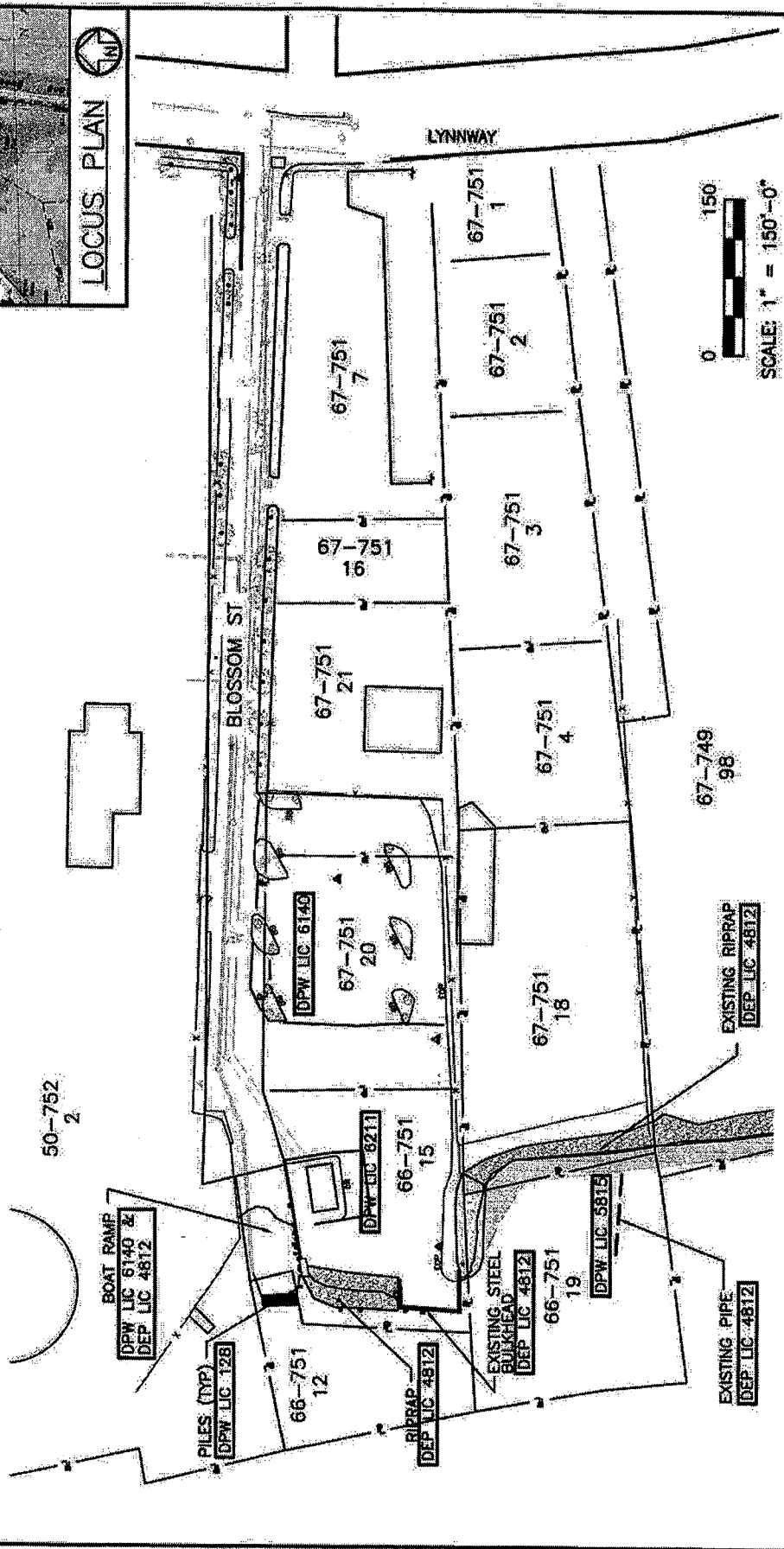


**BCE** Bourne Consulting Engineering  
 104 West Central Street  
 Franklin, MA 01920  
 TEL (508) 620-0133 FAX (508) 620-0071


EXHIBIT 1



LOCUS PLAN 

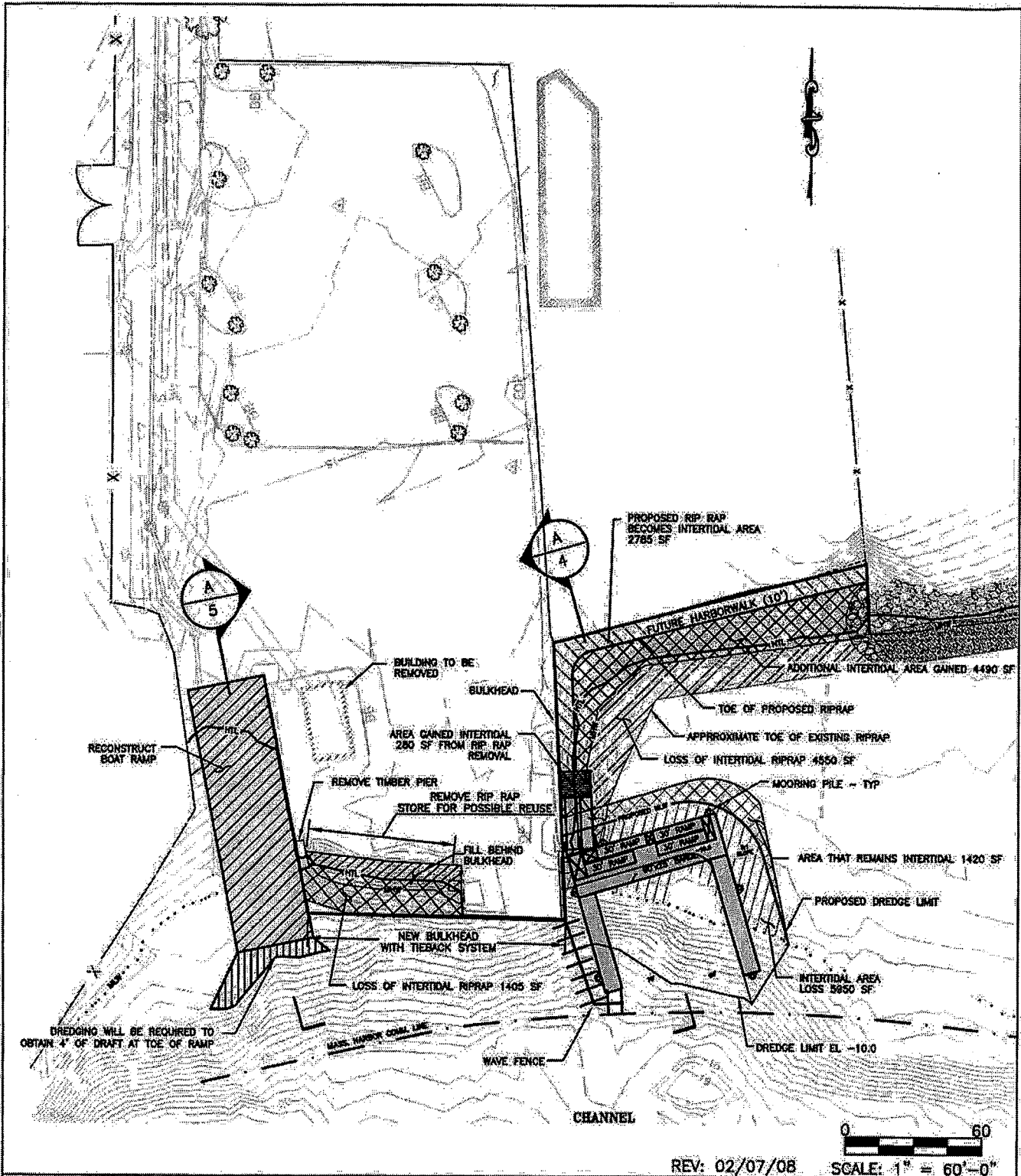


50-752  
2


100 YR FLOOD HTL MHW	12.00 9.40	NOVD MLW	0.00	TITLE:	SITE PLAN	IN: LYNN AT: LYNN HARBOR COUNTY: ESSEX	STATE: MA
 <b>Bourne Consulting Engineering</b> <small>INCORPORATED IN MASSACHUSETTS          200 WEST STREET, SUITE 200          BOURNE, MASSACHUSETTS 01939-2000          TEL: (508) 866-4325 FAX: (508) 866-4327</small>				PURPOSE: COMMERCIAL VESSEL DOCKAGE		APPLICATION BY: EDIC/City of LYNN	
				SHEET 1 OF 6		DATE: 07/12/07	

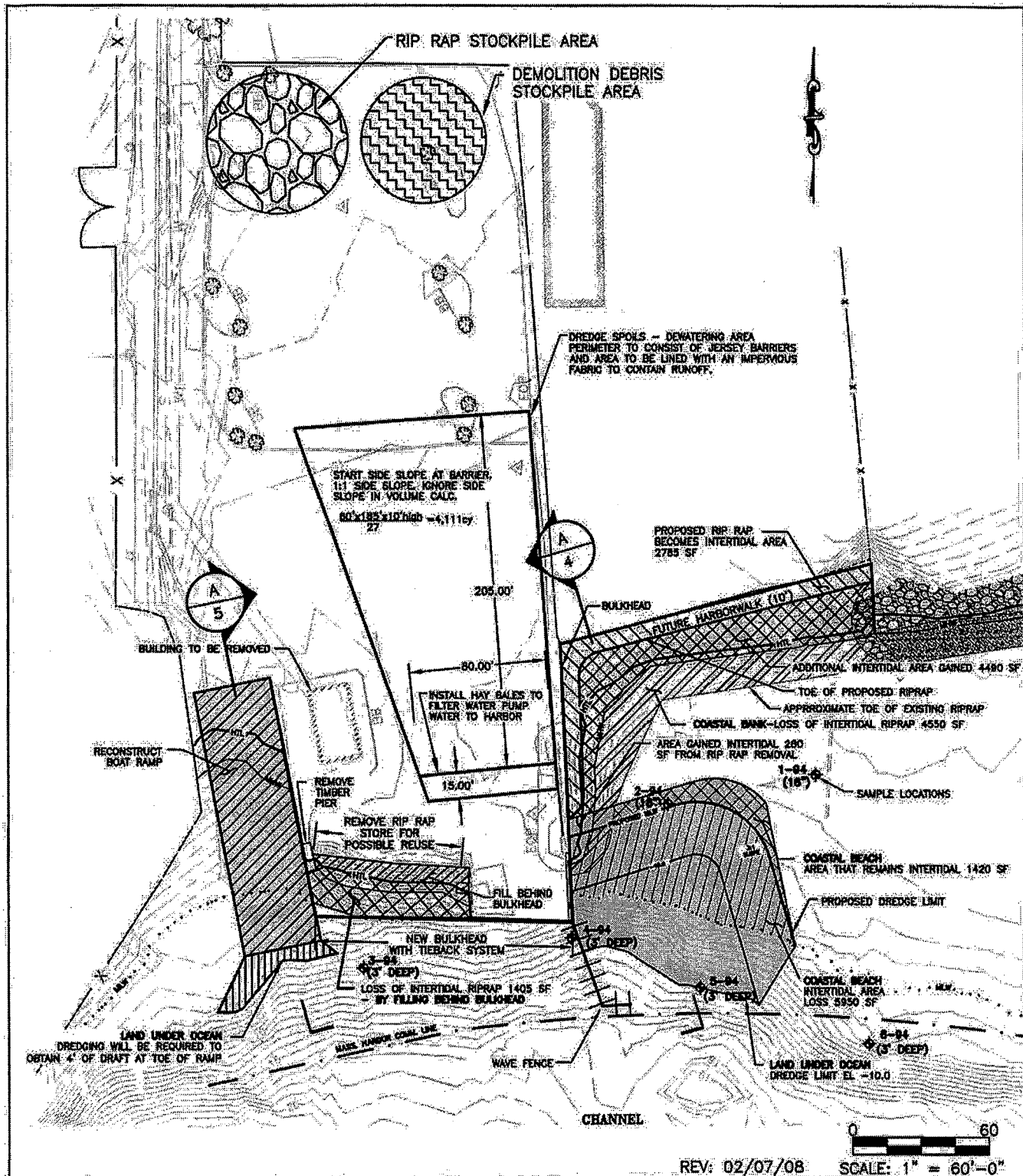







REV: 02/07/08 SCALE: 1" = 60'-0"

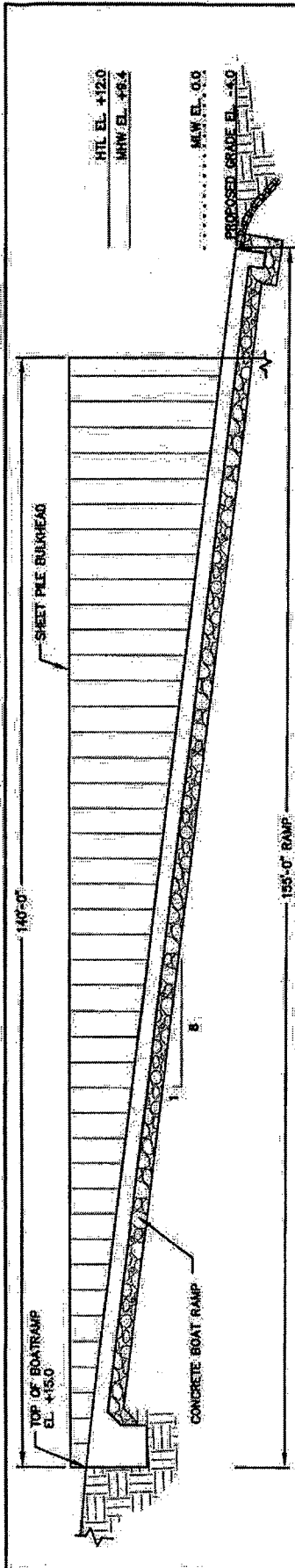
<b>PURPOSE:</b> Commercial Dockage Facility	<b>TITLE:</b> PROPOSED LAYOUT	<b>APPLICATION BY:</b> EDIC/City of LYNN
100 YR FLOOD HTL 12.00 MHW 9.40 NGVD MLW 0.00		IN: LYNN AT: LYNN HARBOR COUNTY: ESSEX STATE: MA SHEET 3 OF 6 DATE: 07/12/07



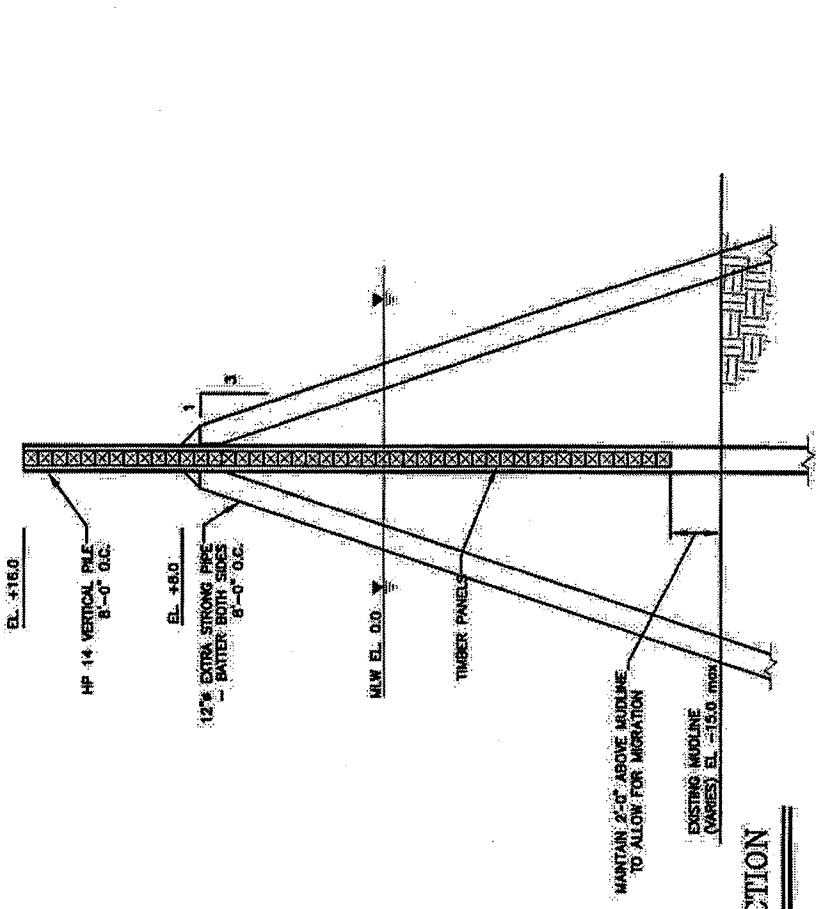
REV: 02/07/08 SCALE: 1" = 60'-0"

<p>PURPOSE:</p> <p><b>Commercial Dockage Facility</b></p>	<p>TITLE:</p> <p><b>IMPACT &amp; MITIGATION PLAN</b></p>	<p>APPLICATION BY:</p> <p><b>EDIC/City of LYNN</b></p>
<p>100 YR FLOOD</p> <p>HTL 12.00</p> <p>MHW 9.40</p> <p>NGVD</p> <p>MLW 0.00</p>		<p>IN: LYNN</p> <p>AT: LYNN HARBOR</p> <p>COUNTY: ESSEX STATE: MA</p> <p>SHEET 3 of 6 DATE: 08/15/07</p>





**BOAT RAMP SECTION**  
 SCALE: 1" = 20'-0"



**WAVE FENCE SECTION**  
 SCALE: 1/8" = 1'-0"

100 YR FLOOD	NGVD	TITLE:		IN: LYNN
HTL	MHW	BOAT RAMP	CROSS SECTIONS	AT: LYNN HARBOR
MHW	12.00	PURPOSE:	COMMERCIAL VESSEL DOCKAGE	COUNTY: ESSEX
	9.40	APPLICATION BY:	EDIC/City of LYNN	STATE: MA
				SHEET 5 OF 6
				DATE: 07/31/07

