



**US Army Corps
of Engineers®**
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: May 8, 2007
Comment Period Ends: June 8, 2007
File Number: NAE-2007-336
In Reply Refer To: Kevin R. Kotelly, P.E.
Or by e-mail: kevin.r.kotelly@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

The City of Chelsea, Massachusetts

PROPOSED WORK AND PURPOSE

To perform work and place approximately 1200 square feet of fill material below the high tide line in order to construct a new 36-inch stormwater outfall to the Chelsea River. The proposed stormwater outfall would consist of a 36-inch diameter reinforced concrete storm drain, a concrete headwall and splashpad, and a riprap plunge pool for scour protection. In order to minimize construction related turbidity in the Chelsea River, construction would take place at low tide and silt curtains would be utilized. The purpose of this project is to alleviate flooding and allow the City to proceed with the separation of sewer and drainage infrastructure (combined sewer overflows) in this area of Chelsea. This work is proposed in the Chelsea River near the intersection of Highland Street and Marginal Street at the Chelsea Municipal Easement located at 197-201 Marginal Street, Chelsea, Massachusetts. The work is described on the enclosed plans entitled "Highland Street Infrastructure Improvements," on seven sheets, and dated "January 16, 2007."

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Chelsea River near the intersection of Highland Street and Marginal Street at the Chelsea Municipal Easement located at 197-201 Marginal Street, Chelsea, Massachusetts. The proposed location on the USGS Boston North quadrangle sheet is at 42° 23' 09" N, 71° 01' 55" W.

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, 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.

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).

Essential Fish Habitat (EFH) has been designated within the Chelsea River for a total of 26 species of economically valuable marine fishery species. Listed species include Atlantic cod (*Gadus morhua*), winter flounder (*Pleuronectes americanus*), yellowtail flounder (*Pleuronectes ferruginea*), windowpane flounder (*Scopthalmus aquosus*), American plaice (*Hippoglossoides platessoides*), Atlantic butterfish (*Peprilus triacanthus*), and Atlantic mackerel (*Scomber scombrus*). This project will impact approximately 1200 square feet of EFH. Existing habitat consists of intertidal mudflat. 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 proposed activity is of limited nature and scope.
- c. 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.
- d. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer

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 proposed project site during the construction and subsequent operation/use period sought by the applicant. It is our 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 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.

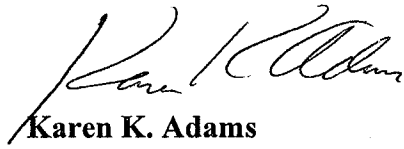
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Kevin Kotelly at (978) 318-8703, (800) 343-4789 or (800) 362-4367, if calling 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>.

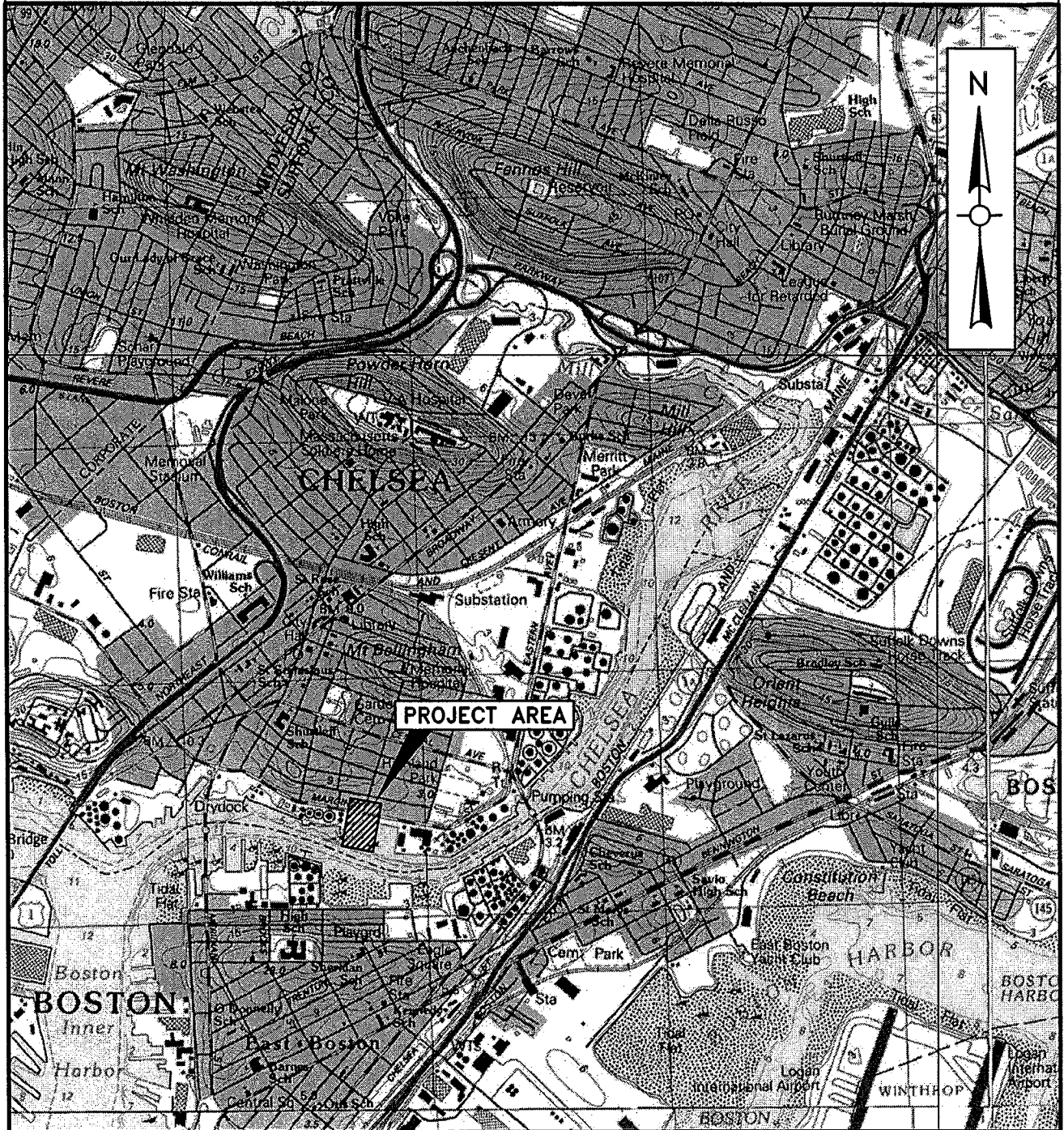
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



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

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.

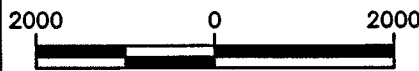
NAME: _____
ADDRESS: _____



PURPOSE: STORMWATER OUTFALL

ADJACENT PROPERTY OWNERS:
 SMP CORPORATION
 ROCK CHAPEL MARINE LLC

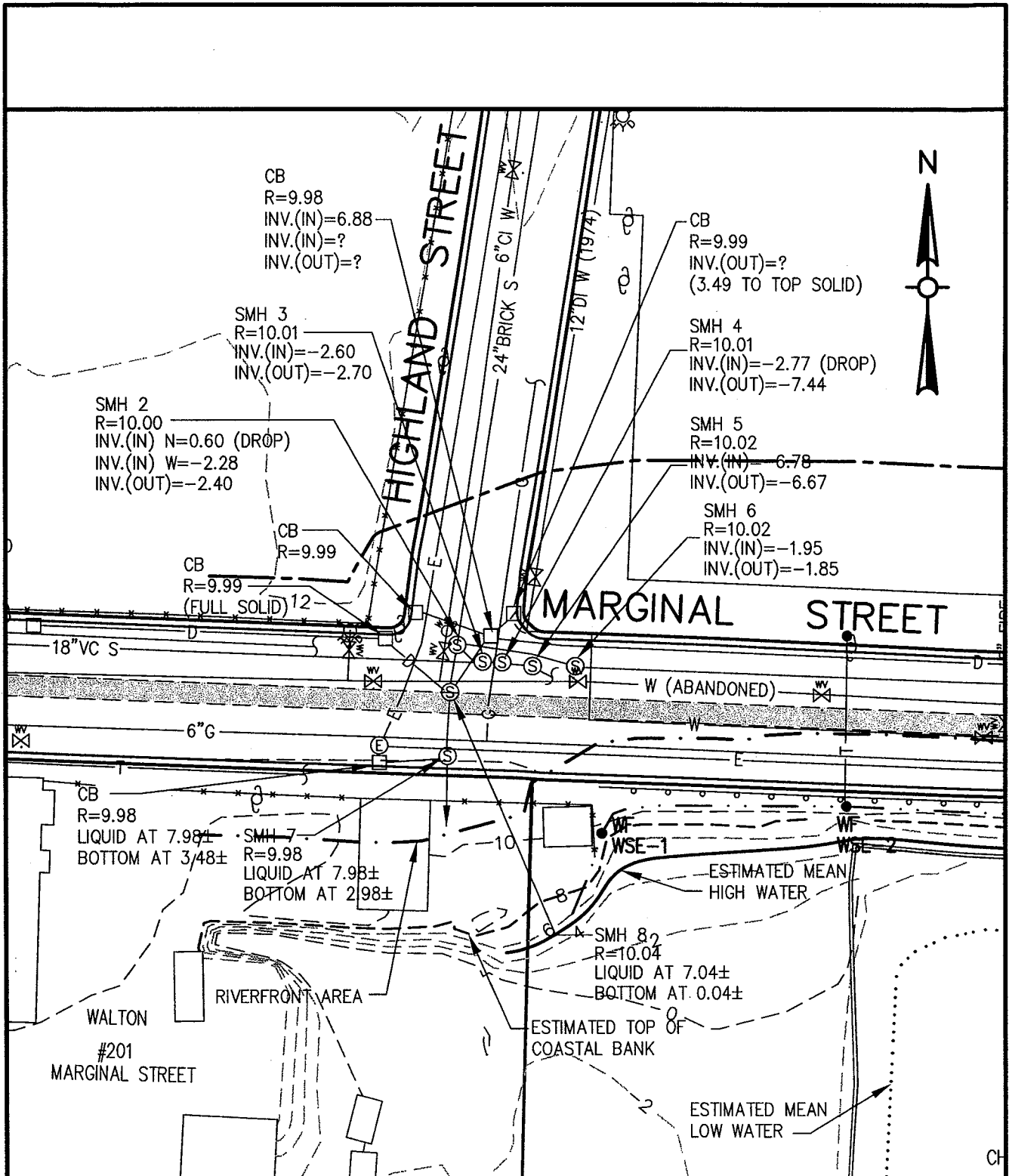
VICINITY PLAN



CITY OF CHELSEA
 MASSACHUSETTS

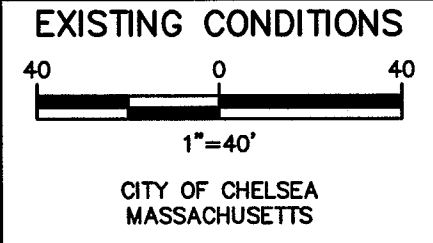
HIGHLAND STREET
 INFRASTRUCTURE
 IMPROVEMENTS

AT: 201 MARGINAL STREET
 CHELSEA RIVER
 COUNTY OF: SUFFOLK STATE: MA.
 APPLICATION BY: CITY OF CHELSEA, MA
 SHEET 1 OF 7 DATE: 01/16/07



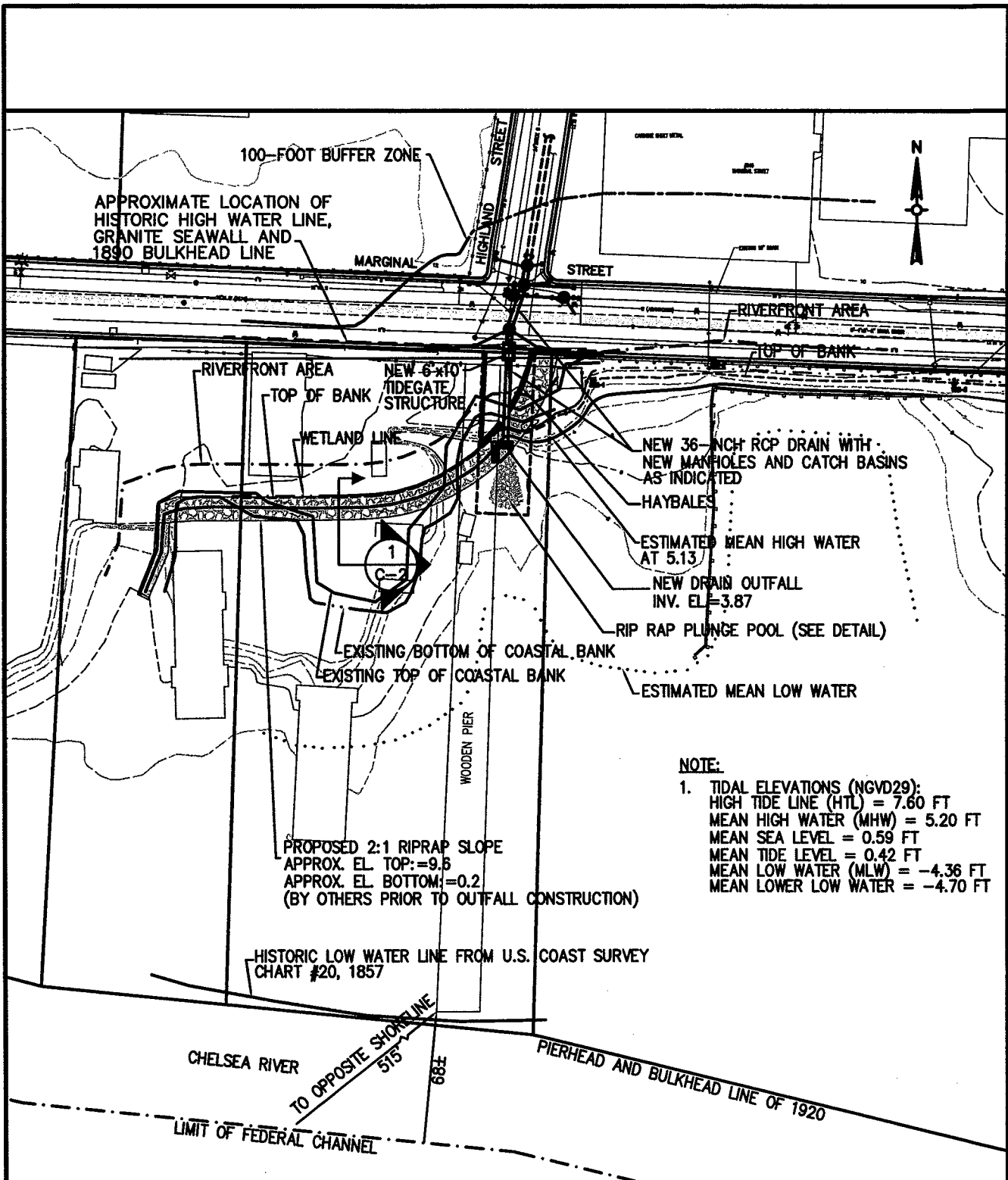
PURPOSE: STORMWATER OUTFALL

ADJACENT PROPERTY OWNERS:
 SMP CORPORATION
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**HIGHLAND STREET
 INFRASTRUCTURE
 IMPROVEMENTS**

**AT: 201 MARGINAL STREET
 CHELSEA RIVER
 COUNTY OF: SUFFOLK STATE: MA.
 APPLICATION BY: CITY OF CHELSEA, MA
 SHEET 2 OF 7 DATE: 01/16/07**



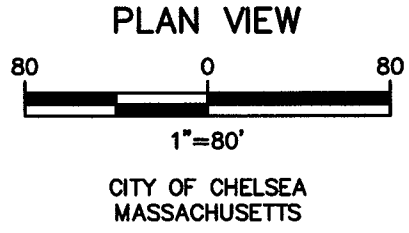
NOTE:
 1. TIDAL ELEVATIONS (NGVD29):
 HIGH TIDE LINE (HTL) = 7.60 FT
 MEAN HIGH WATER (MHW) = 5.20 FT
 MEAN SEA LEVEL = 0.59 FT
 MEAN TIDE LEVEL = 0.42 FT
 MEAN LOW WATER (MLW) = -4.36 FT
 MEAN LOWER LOW WATER = -4.70 FT

PROPOSED 2:1 RIPRAP SLOPE
 APPROX. EL. TOP: =9.5
 APPROX. EL. BOTTOM: =0.2
 (BY OTHERS PRIOR TO OUTFALL CONSTRUCTION)

HISTORIC LOW WATER LINE FROM U.S. COAST SURVEY
 CHART #20, 1857

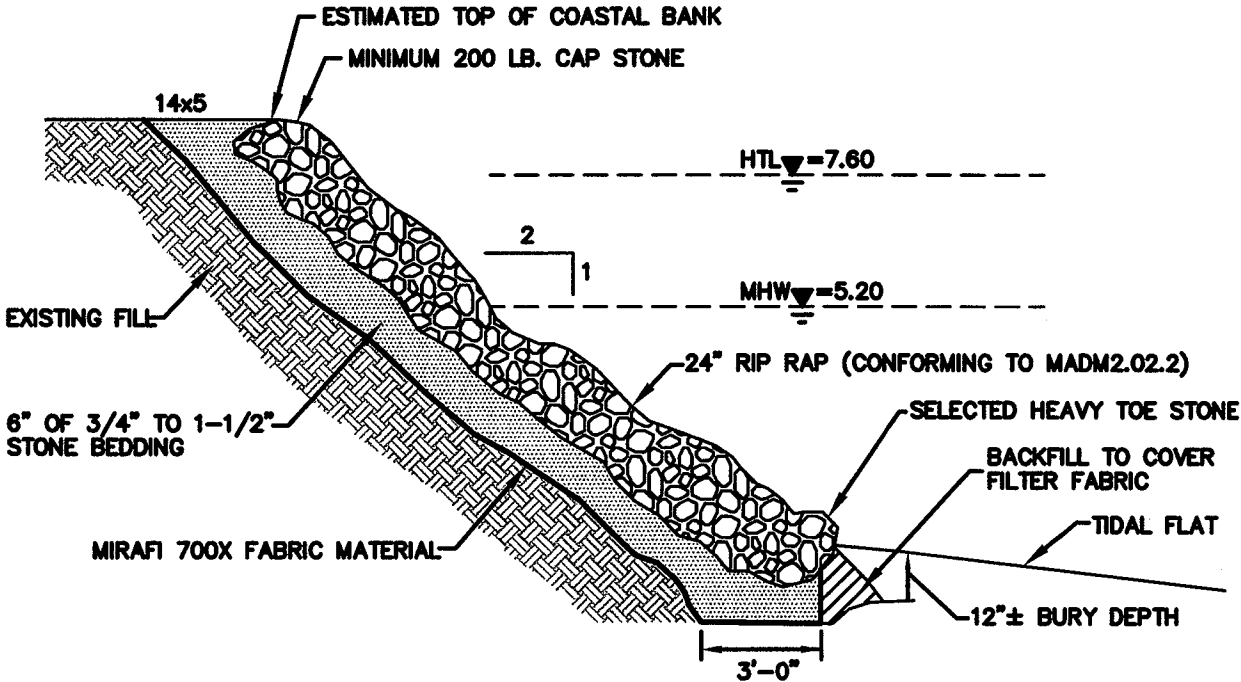
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**HIGHLAND STREET
 INFRASTRUCTURE
 IMPROVEMENTS**

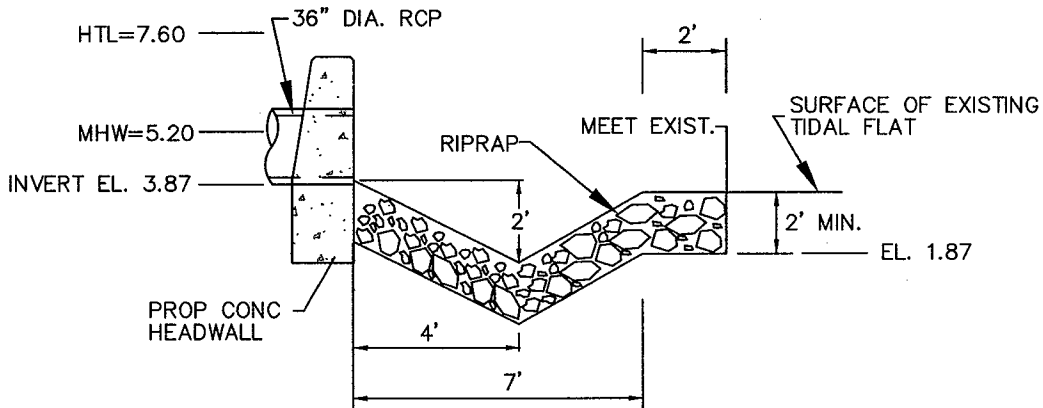
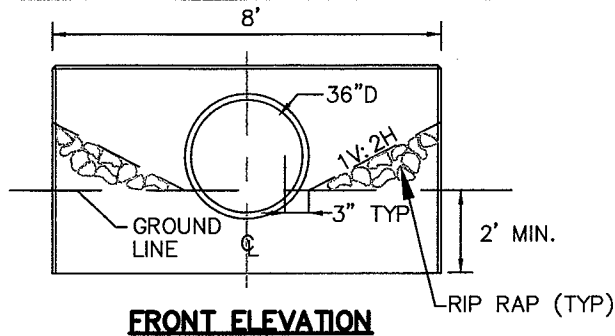
AT: 201 MARGINAL STREET
 CHELSEA RIVER
 COUNTY OF: SUFFOLK STATE: MA.
 APPLICATION BY: CITY OF CHELSEA, MA
 SHEET 3 OF 7 DATE: 01/16/07



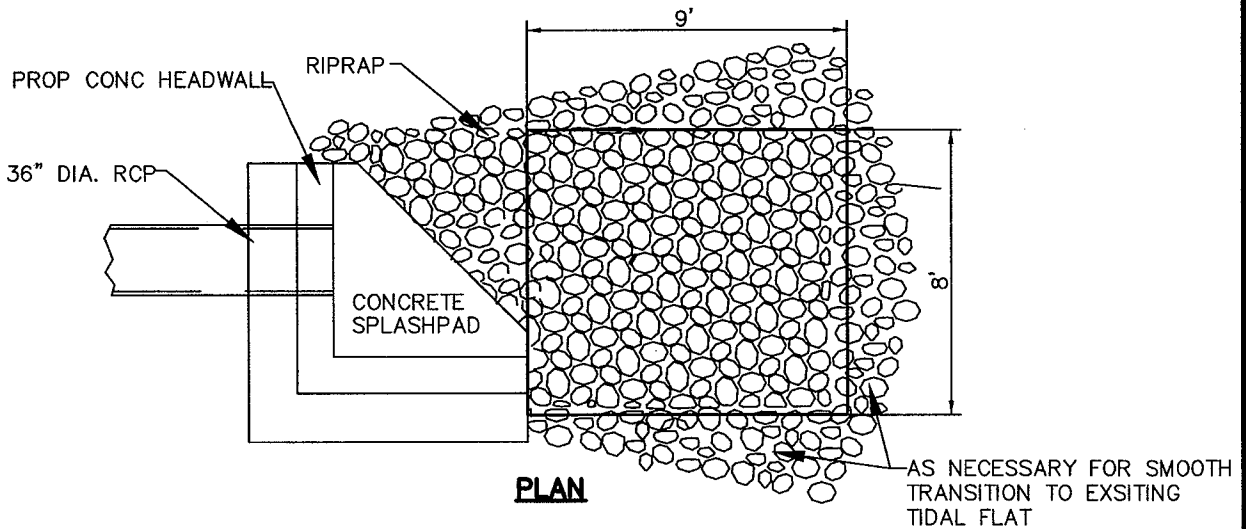
SECTION 1
 NOT TO SCALE (C-2)

MLW = -4.36

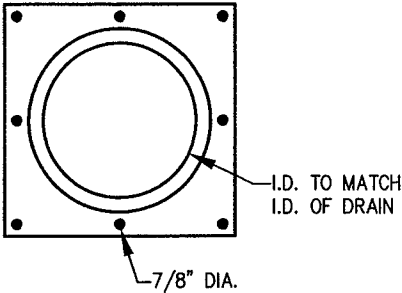
<p>PURPOSE: STORMWATER OUTFALL</p> <p>ADJACENT PROPERTY OWNERS: SMP CORPORATION ROCK CHAPEL MARINE LLC</p>	<p>RIPRAP SLOPE SECTION (BY OTHERS)</p> <p>NOT TO SCALE</p> <p>CITY OF CHELSEA MASSACHUSETTS</p>	<p>HIGHLAND STREET INFRASTRUCTURE IMPROVEMENTS</p> <p>AT: 201 MARGINAL STREET CHELSEA RIVER COUNTY OF: SUFFOLK STATE: MA. APPLICATION BY: CITY OF CHELSEA, MA SHEET 4 OF 7 DATE: 01/16/07</p>
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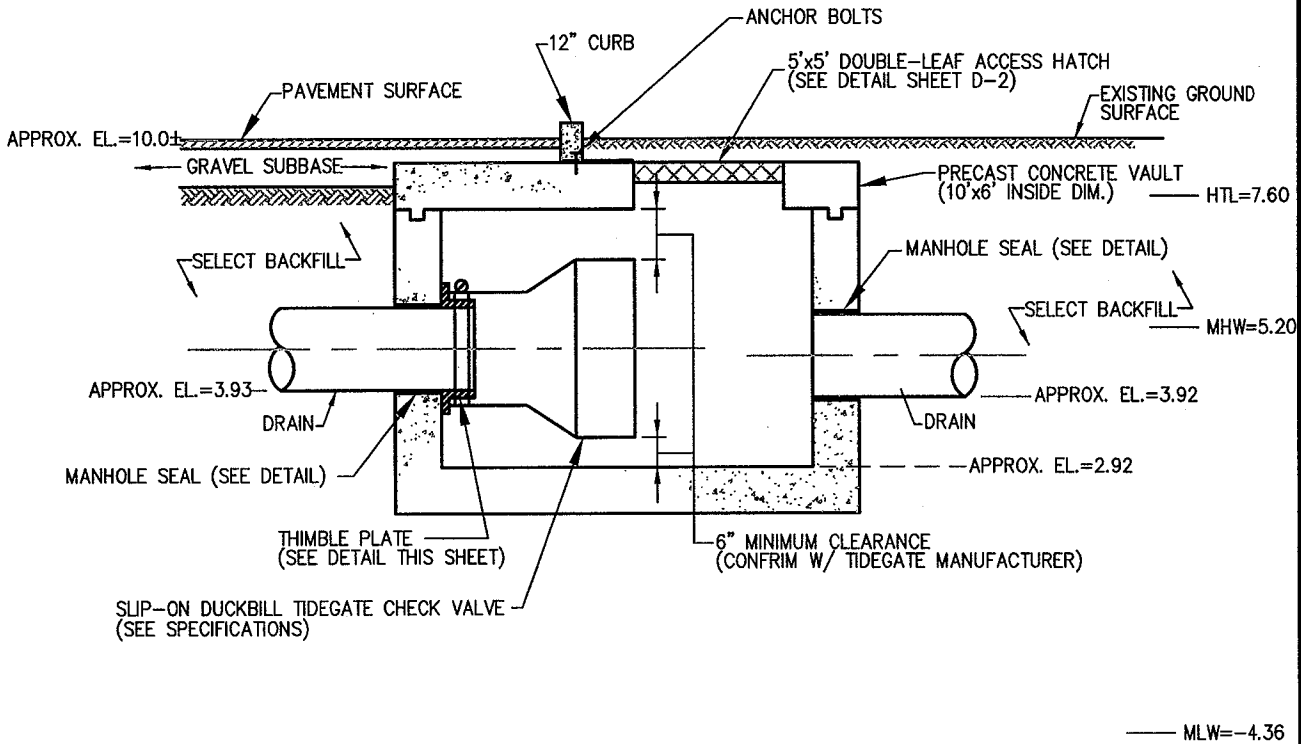
MLW=-4.36



<p>PURPOSE: STORMWATER OUTFALL</p> <p>ADJACENT PROPERTY OWNERS: SMP CORPORATION ROCK CHAPEL MARINE LLC</p>	<p>PLUNGE POOL DETAIL NOT TO SCALE</p> <p>CITY OF CHELSEA MASSACHUSETTS</p>	<p>HIGHLAND STREET INFRASTRUCTURE IMPROVEMENTS</p> <p>AT: 201 MARGINAL STREET CHELSEA RIVER COUNTY OF: SUFFOLK STATE: MA. APPLICATION BY: CITY OF CHELSEA, MA SHEET 5 OF 7 DATE: 01/16/07</p>
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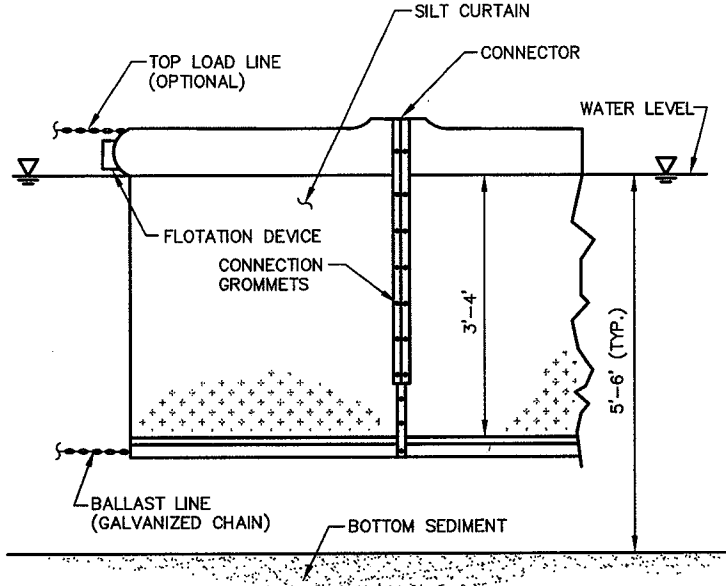


THIMBLE PLATE
NOT TO SCALE

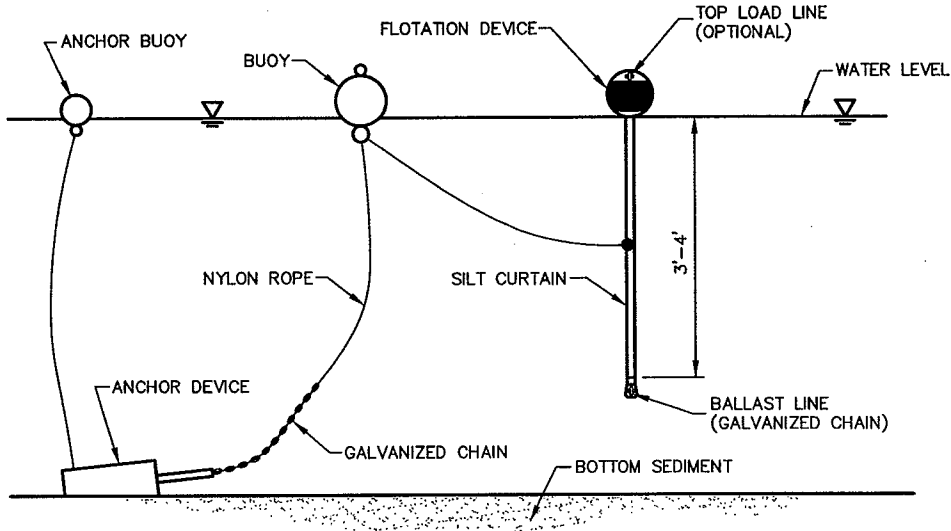


TIDEGATE STRUCTURE DETAIL
NOT TO SCALE

<p>PURPOSE: STORMWATER OUTFALL</p> <p>ADJACENT PROPERTY OWNERS: SMP CORPORATION ROCK CHAPEL MARINE LLC</p>	<p>TIDEGATE STRUCTURE DETAIL NOT TO SCALE</p> <p>CITY OF CHELSEA MASSACHUSETTS</p>	<p>HIGHLAND STREET INFRASTRUCTURE IMPROVEMENTS</p> <p>AT: 201 MARGINAL STREET CHELSEA RIVER COUNTY OF: SUFFOLK STATE: MA. APPLICATION BY: CITY OF CHELSEA, MA SHEET 6 OF 7 DATE: 01/16/07</p>
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SECTION VIEW
N.T.S.



SIDE VIEW
N.T.S.

<p>PURPOSE: STORMWATER OUTFALL</p> <p>ADJACENT PROPERTY OWNERS: SMP CORPORATION ROCK CHAPEL MARINE LLC</p>	<p>SILT CURTAIN DETAIL NOT TO SCALE</p> <p>CITY OF CHELSEA MASSACHUSETTS</p>	<p>HIGHLAND STREET INFRASTRUCTURE IMPROVEMENTS</p> <p>AT: 201 MARGINAL STREET CHELSEA RIVER COUNTY OF: SUFFOLK STATE: MA. APPLICATION BY: CITY OF CHELSEA, MA SHEET 7 OF 7 DATE: 01/16/07</p>
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