



**U.S. Army Corps
Of Engineers
New England District**

**696 Virginia Road
Concord, MA 01742-2751**

Public Notice

**In Reply Refer to: Programs & Project Management Division
Email: nae-pn-nave@usace.army.mil**

Date: MAY 31, 2011

Comment Period Closes: JUNE 30, 2011

30-DAY PUBLIC NOTICE

MAINTENANCE DREDGING OF THE 38-FOOT DEEP NAVIGATION CHANNEL IN THE VICINITY OF THE CHELSEA STREET BRIDGE CHELSEA AND BOSTON, 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 of 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 replacement of the existing Chelsea Street Bridge with a new vertical lift bridge allows the Corps to modify the existing Federal navigation channel in the vicinity of the bridge. The Chelsea River navigation channel was authorized to a width of 225 feet by the River and Harbor Act of 23 October 1962, but because of the restrictions caused by the Chelsea Street Bridge, the channel was never widened to its authorized width. The project area is located approximately 125 feet downstream of the bridge to approximately 350 feet upstream of the bridge. There are two alternatives currently under consideration to widen the channel. Both alternatives are located in disturbed areas where previous vehicular or railroad bridges, and utilities were constructed.

The first alternative would create a minimum 140-foot wide channel in the vicinity of the new Chelsea Street Bridge. The alignment of the 140-foot wide channel is shown on the attached Figure. The second alternative is the creation of a minimum 175-foot wide channel. The alignment of this channel is also shown on the attached Figure. The 175-foot wide channel alignment is dependent on bulkhead modifications that must be designed and implemented by non-Federal interests. These bulkhead modifications must be completed before the navigation channel can be widened to 175 feet. Both alternatives would widen the channel to the channel depth of -38 feet MLLW which was authorized in the Water Resources Development Act of 1990. A Chelsea River channel width of 220 feet was authorized in the River & Harbor Act of 1962, however, the presence of the bridge limited the channel that could be developed at that time. The Corps has the authority to make minor modifications to navigation channel dimensions as outlined in ER 1130-2-520, dated 29 November 1996.

Purpose of the Work: Fuel tankers transiting the existing Chelsea River have less than six feet of clearance between the existing Chelsea Street bascule bridge fenders. The new vertical lift bridge that is currently under construction will eliminate any constriction of the navigation channel. The purpose of this Federal navigation project is to widen the navigation channel in the area of the Chelsea Street Bridge quickly after the new bridge is finished. Widening the channel will allow a larger class of vessels to

safely enter the oil terminals upstream of the bridge and potentially increase the volume of home heating oil (and various other commodities) available to Massachusetts. The project is also needed to reduce potentially hazardous navigation conditions. Dredging is expected to begin as soon as possible after completion of the new bridge, sometime in the beginning of 2012.

Disposal Area: Approximately 34,700 cy of material, which includes two feet of overdepth dredging, would be removed by mechanical means to widen the channel to 140 feet. Of this amount, approximately 5,100 cy of surface material is unsuitable for ocean placement and will need to be placed into the existing CAD cell C12 constructed during the deepening of the Boston Harbor Navigation Improvement Project. This cell is located at the upper end of the navigation channel in the Chelsea River. The remaining 29,600 cy of material is parent material and will be placed at the USEPA Designated Massachusetts Bay Disposal Site located 20 miles offshore. This active disposal site is and has been used for the placement of dredged material that has passed chemical and biological testing. All of the dredged material will be placed in a slit hull scow for transportation to either the CAD cell or the MBDS for placement. Approximately 53,000 cy of material, including two feet of overdepth dredging, would need to be removed by mechanical means to widen the existing navigation channel in the Chelsea River to 175 feet. Of this amount, approximately 7,100 cy is unsuitable for ocean water disposal and would be disposed into CAD cell C12. The remaining 45,900 cy of suitable material would be disposed at the MBDS. It is anticipated that the dredging and disposal activities would take approximately 30 days to accomplish

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 possibilities. In making this determination, the criteria established by the Administrator, EPA pursuant to section 102(a) of the ODA, will be applied. In addition, based upon 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 was made of the need to dispose of the dredged material in ocean waters, other possible methods of disposal, and other appropriate locations.

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, State, and local 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

City of Chelsea
Conservation Commission

City of Boston
Conservation Commission

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, based on the information contained in the project's Environmental Assessment, that maintenance dredging of the authorized navigation project is consistent, to the maximum extent practicable, with the applicable management program established as a result of the Coastal Zone Management Act of 1972. The dredging and disposal operation will be conducted, to the maximum extent practicable, in a manner that is consistent with the State's approved management program. This determination will be submitted to the Massachusetts Coastal Zone Management Office for their concurrence.

Other Information:

- a. **Previous Dredging:** A portion of the Chelsea River (Creek) located just below the Chelsea Street Bridge and through the existing bridge opening, was last dredged in 2008 from a depth of -35 to -38 feet MLLW. The rest of the river was previously dredged between 1999 and 2000.
- b. **Alternatives:** The proposed work would widen the existing navigation channel in the vicinity of the Chelsea Street Bridge to a minimum of 140 feet. Widening the existing channel to a minimum of 175 feet would be dependent on others performing bulk head work prior to maintenance dredging in the beginning of 2012. The No Action Alternative is not acceptable because of the potential navigation hazards.
- c. **Endangered Species:** To protect the endangered right whale, whale observers will be on board the scows transiting to the MBDS 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 private or public dredging 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 maintenance and will be located in areas previously disturbed for bridges and utility work.
- 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:** A Water Quality Certification application for disposal of dredged material into CAD cell C12 will be submitted to the Massachusetts Department of Environmental Protection under Section 401 of the Clean Water Act of 1977 (P.L. 95-217), along with a request to the Massachusetts Office of Coastal Zone Management for the State's concurrence with our determination of Federal consistency with the State's approved coastal zone management program. The Clean Water Act of 1977 requires that the work comply, to the maximum extent practicable, with State or interstate requirements to control the discharge of dredged or fill material.

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.

Selection of the above described proposed disposal sites for dredged material associated with maintenance of this navigation project shall be made through application of guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, in conjunction with the Secretary of the Army. If these guidelines alone would prohibit the use of the proposed disposal sites, any potential impairment to the maintenance of navigation, including any economic impact on navigation which would result from failure to use the disposal site, will also be considered.

Any person who has an interest which may be affected by the dredging and disposal of this dredged material may request a public hearing. The request must be submitted in writing to me within 30 days of the date 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.

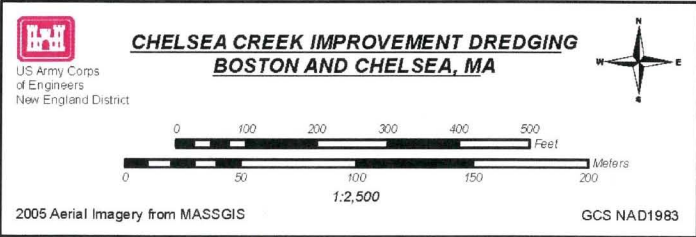
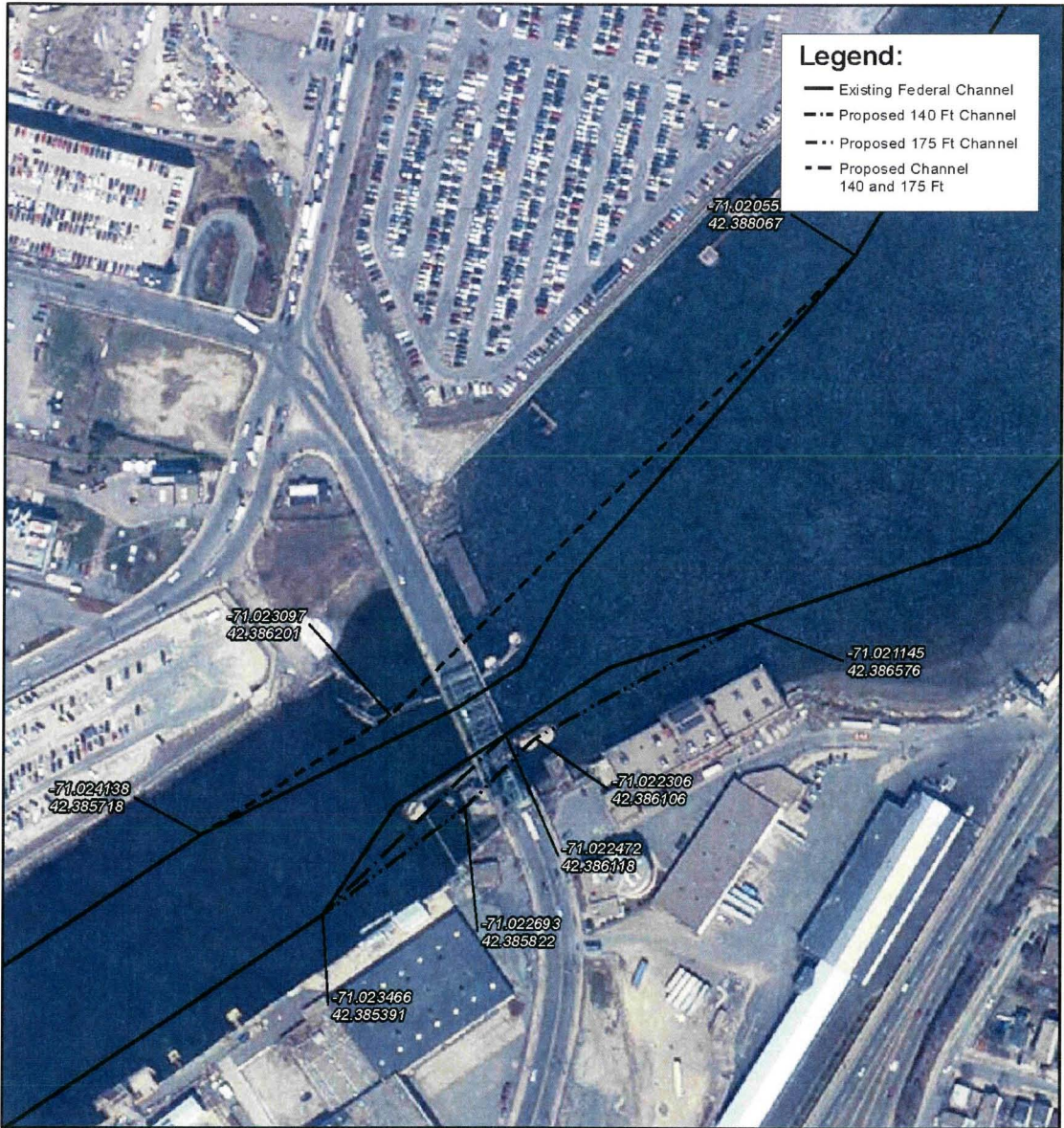
Please bring this notice to the attention of anyone you know to be interested in the project. Comments are invited from all concerned parties relating to this project and should be directed to me at the U.S Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, ATTN: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

26 May 2011

Date



Philip T. Feir
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.