



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

September 26, 2013

Regulatory Division
File Number: NAE-2013-1320

Geordie Vining
Newburyport Office of Planning and Development
60 Pleasant Street
Newburyport, Massachusetts 01950

Dear Mr. Vining:

In accordance with your recent request, your Department of the Army permit number NAE-2013-1320, issued on September 10, 2013 is hereby modified. Special Condition #1 is replaced with the following:

1. No noise-producing activities, such as pile driving or sheet pile installation using an impact hammer shall occur between April 1st and July 30th of any year to prevent noise impacts to diadromous fish using the area for spawning migration.

All other conditions of the original permit remain in full force and effect.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

If you have any questions, please contact Crystal Gardner of my staff at (978) 318-8332.

Sincerely,

Karen Kirk Adams
Chief, Permits and Enforcement Branch
Regulatory Division



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2761

September 10, 2103

Regulatory Division
File Number: NAE-2013-1320

Geordie Vining
Newburyport Office of Planning and Development
60 Pleasant Street
Newburyport, Massachusetts 01950

Dear Mr. Vining:

We have reviewed your application to place and maintain 1,725 cubic yards of material over a 5,069 square foot area in conjunction with the repair and restoration of 1,350 feet of existing bulkhead and the replacement of piles. This project is located in the Merrimack River at 22 Merrimack Street, Newburyport, Massachusetts. The work is shown on the attached plans entitled "APPLICATION BY: TOWN OF NEWBURYPORT, IN: MERRIMACK RIVER, AT: NEWBURYPORT, COUNTY: ESSEX, STATE: MA", on nine sheets, and dated "05/20/13".

Based on the information you have provided, we have determined that the proposed activity which includes a discharge of dredged or fill material into waters or wetlands will have only minimal individual or cumulative environmental impacts on waters of the United States, including wetlands. Therefore, this work is authorized as a Category 2 activity under the attached Federal permit known as the Massachusetts General Permit (GP). This work must be performed in accordance with the terms and conditions of the GP and also in compliance with the following special conditions:

1. No work shall occur between April 1st and July 30th of any year to prevent noise impacts to diadromous fish using the area for spawning migration.

REVISED BY
ATTACHED
LETTER

The National Marine Fisheries Service has provided conservation recommendations regarding the effects of your project on Essential Fish Habitat (EFH) as designated under the Magnuson-Stevens Fishery Conservation and Management Act and is shown in special condition #1 above.

You are responsible for complying with all of the GP's requirements. Please review the attached GP carefully, in particular the GP conditions beginning on Page 5, to familiarize yourself with its contents. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document and this authorization letter are at the project site throughout the time the work is underway.

This determination becomes valid only after the Massachusetts Department of Environmental Protection (MassDEP) issues or waives Water Quality Certification (WQC) as required under Section 401 of the Clean Water Act. In the event the MassDEP denies the 401 WQC, this determination becomes null and void. The address of the MassDEP Regional office for your area is provided in the attached GP.

Your project is located within, or may affect resources within the coastal zone. The Massachusetts Office of Coastal Zone Management (CZM) has already determined that no further Federal Consistency Review is required.

This GP expires on January 21, 2015. Activities authorized under this GP that have commenced (i.e., are under construction) or are under contract to commence before this GP expires will have until January 21, 2016 to complete the activity under the terms and general conditions of the current GP. For work within Corps jurisdiction that is not completed by January 21, 2016, you will need to reference any reissued GP to see if your project is still authorized under Category 1 (no application required), or Category 2 (application required). If it is no longer authorized you must submit an application and receive written authorization before you can continue work within our jurisdiction. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction. This office must approve any changes before you undertake them.

This authorization requires you to complete and return the attached Work Start Notification Form(s) to this office at least two weeks before the anticipated starting date. You must also complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals).

This authorization presumes that the work as described above and as shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, submit a request for an approved jurisdictional determination in writing to this office.

This permit does not obviate the need to obtain other federal, state, or local authorizations required by law, as listed on Page 2 of the GP. Performing work not specifically authorized by this determination or failing to comply with any special condition(s) provided above or all the terms and conditions of the GP may subject you to the enforcement provisions of our regulations.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

Please contact Crystal Gardner, of my staff at 978-318-332 if you have any questions.

Sincerely,



Karen Kirk Adams
Chief, Permits & Enforcement Branch
Regulatory Division

Attachments

Copies Furnished:

Ed Reiner, U.S. EPA, Region 1, Boston, Massachusetts, reiner.ed@epa.gov

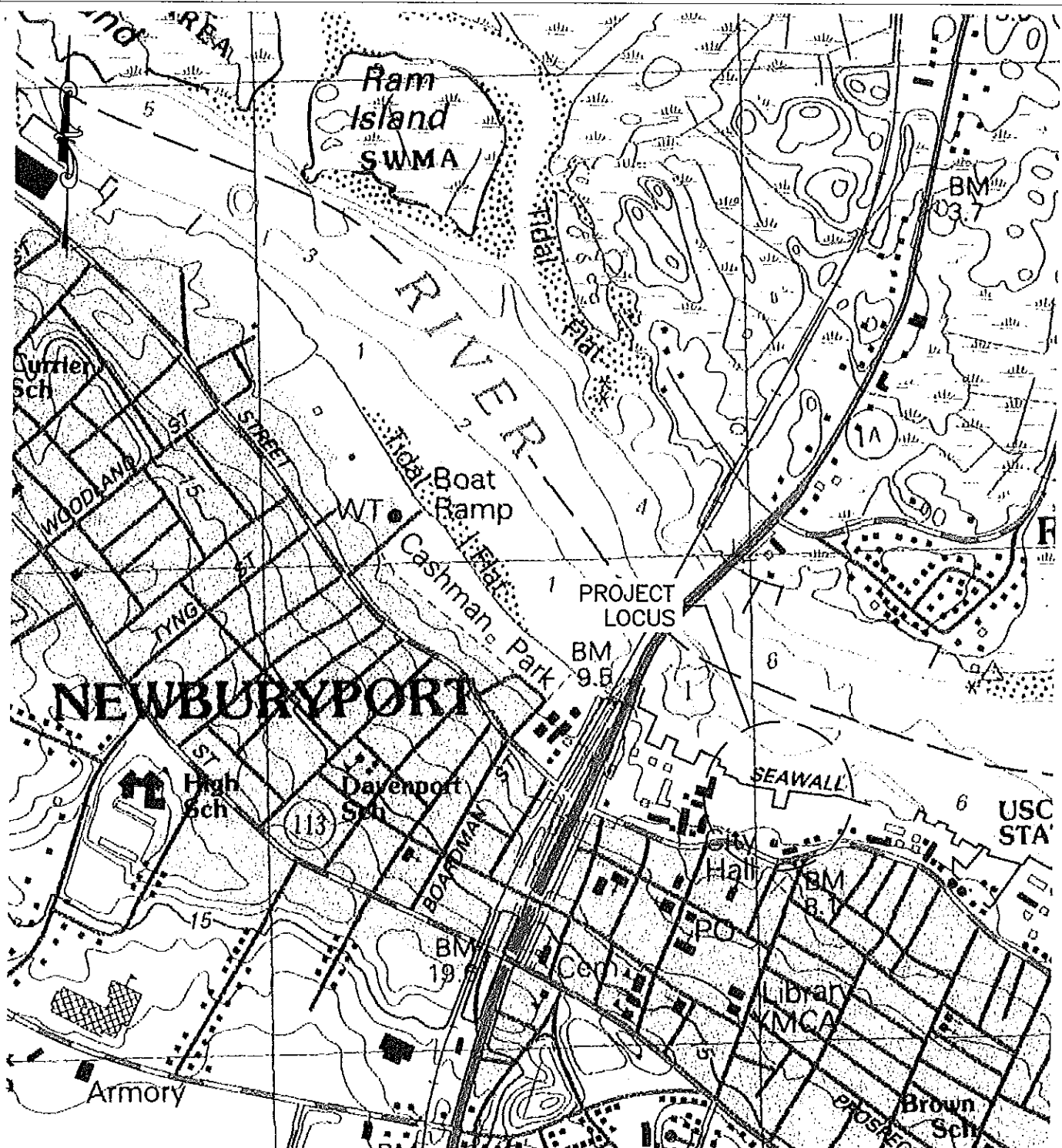
Christopher Boelke, National Marine Fisheries Service, Gloucester, Massachusetts,
christopher.boelke@noaa.gov

David Slagle, MassDEP-WRP, One Winter Street, 5th Floor, Boston, Massachusetts 02108

Robert Boeri, Coastal Zone Management, Boston, Massachusetts, Robert.Boeri@state.ma.us

Russell Titmuss, Bourne Consulting Engineering, 3 Bent Street, Franklin, Massachusetts 02038

File: X:\32867-32904\PERMITS\ACOE\SHT-01 LOCUS PLAN.dwg



0 1000
SCALE: 1"=1000'-0"

PURPOSE:

**BULKHEAD
REPAIR**

TITLE:

LOCUS PLAN

APPLICATION BY:

**TOWN OF
NEWBURYPORT**

100 YR FLOOD

VARIABLE

HTL

+6.09

MHW

+4.12

NGVD

-0.78

MLW

-3.97

BCE *Bourne Consulting Engineering*
301 Main Street
Providence, RI 02903
TEL (401) 533-9000 FAX (401) 533-9000

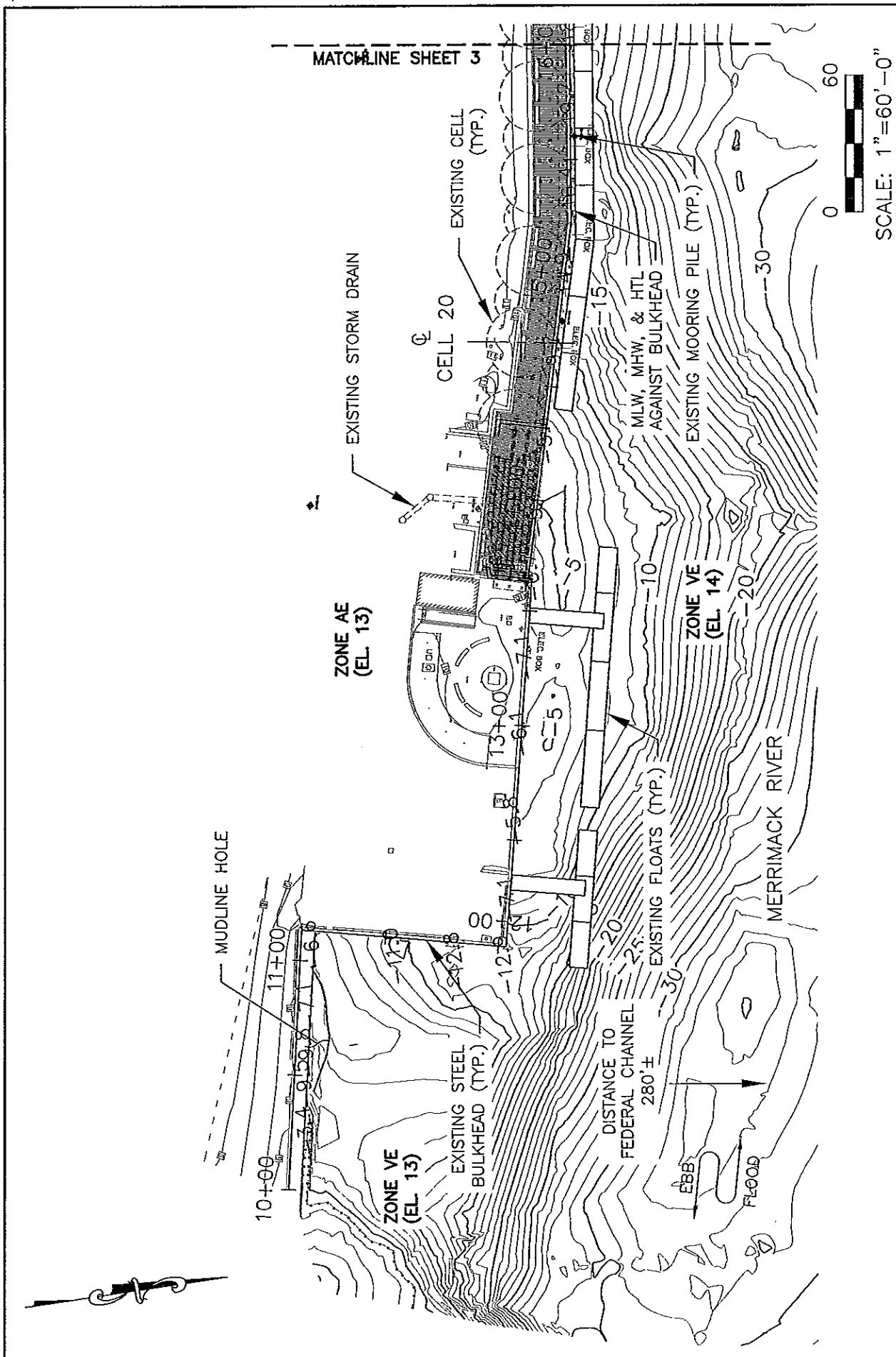
IN: MERRIMACK RIVER


AT: NEWBURYPORT

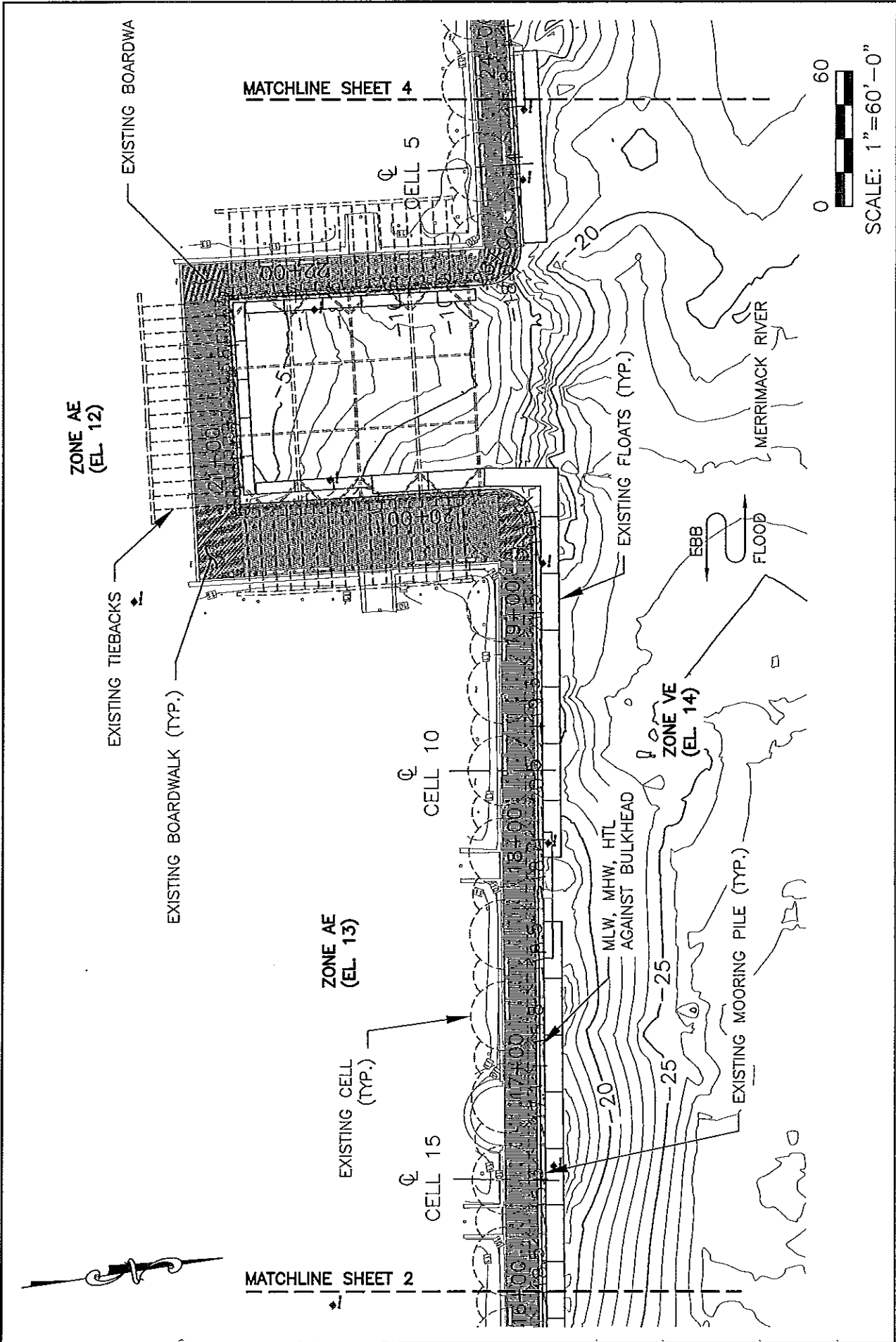
COUNTY: ESSEX

STATE: MA

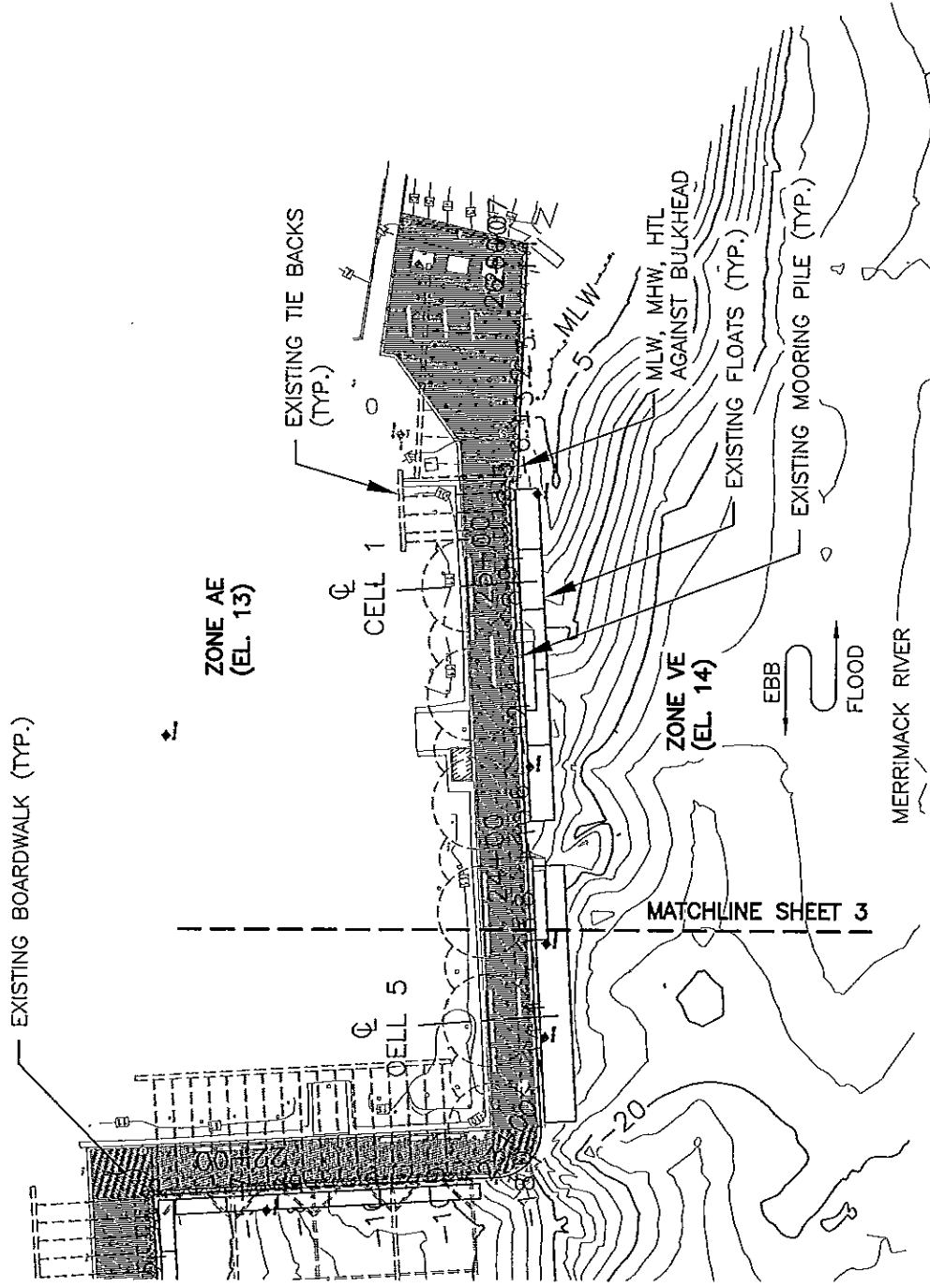
SHEET 1 OF 9 DATE: 05/20/13




100 YR FLOOD			VARIABLES	NGVD	-0.78	TITLE:	EXISTING CONDITIONS	APPLICATION BY: TOWN OF NEWBURYPORT	PURPOSE: BULKHEAD REPAIR	IN: MERRIMACK RIVER AT: NEWBURYPORT COUNTY: ESSEX STATE: MA	SHEET 2 OF 9 DATE: 05/30/13
HTL			+6.09	MLW	-3.97						
MHW			+4.12								
 Bourne Consulting Engineering 3 Main Street Providence, RI 02903 TEL: (401) 553-6666 FAX: (401) 553-6660											



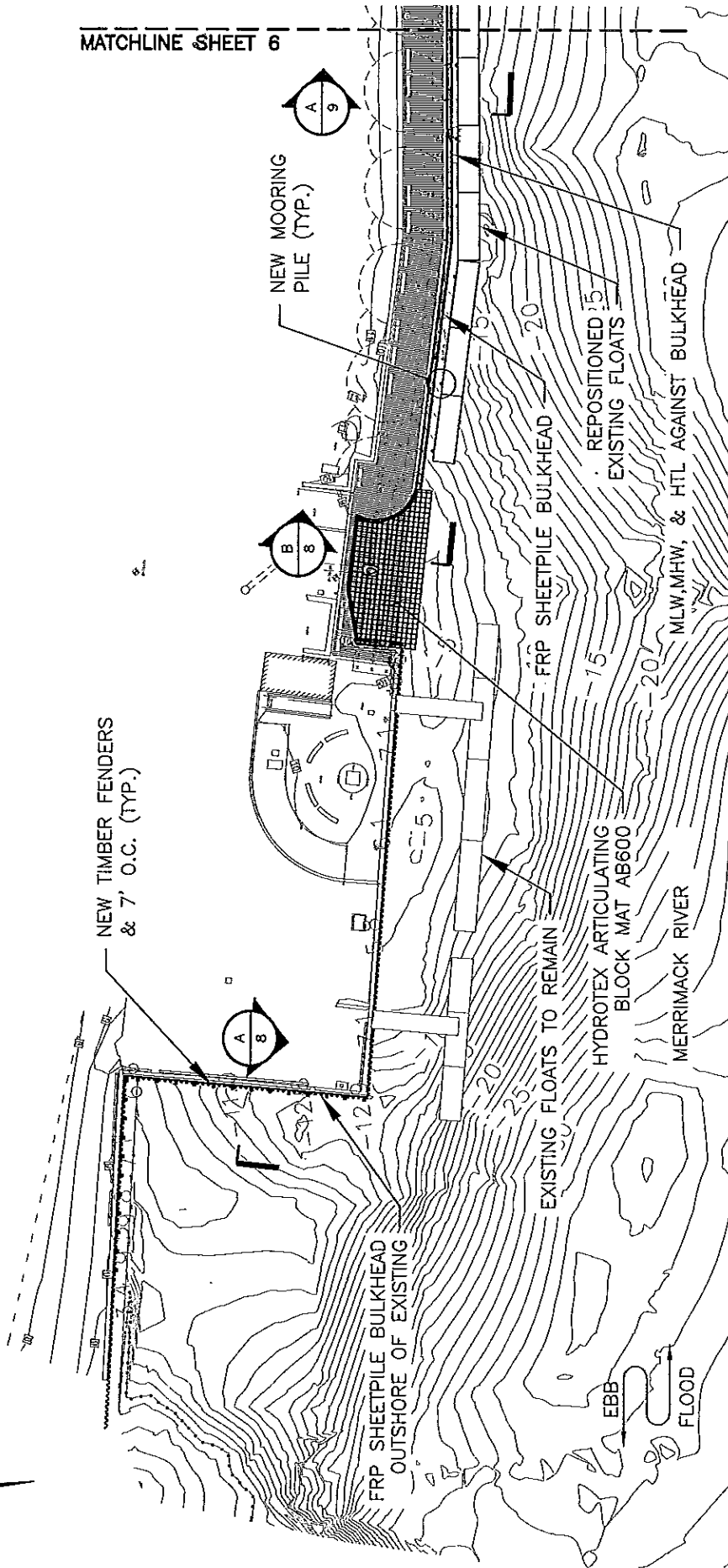
100 YR FLOOD HTL MHW	VARIES +6.09 +4.12	NGVD MLW	-0.78 -3.97	TITLE:	EXISTING CONDITIONS	IN: MERRIMACK RIVER AT: NEWBURYPORT COUNTY: ESSEX STATE: MA
BCE <i>Bourne Consulting Engineering</i> 3 Paul Street Newburyport, MA 01950 TEL (603) 553-0088 FAX (603) 553-0000	PURPOSE: BULKHEAD REPAIR	APPLICATION BY: TOWN OF NEWBURYPORT	SHEET 3 OF 9 DATE: 05/30/13			



SCALE: 1"=60'-0"

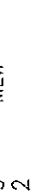
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HTL	+6.09	MLW	-3.97				
MHW	+4.12						
 BCE		Bourne Consulting Engineering 3 New Street Bourne, MA 01939 TEL: (508) 552-4444 FAX: (508) 552-4400			PURPOSE:	APPLICATION BY:	SHEET 4 OF 9
					BULKHEAD REPAIR	TOWN OF NEWBURYPORT	DATE: 05/30/13

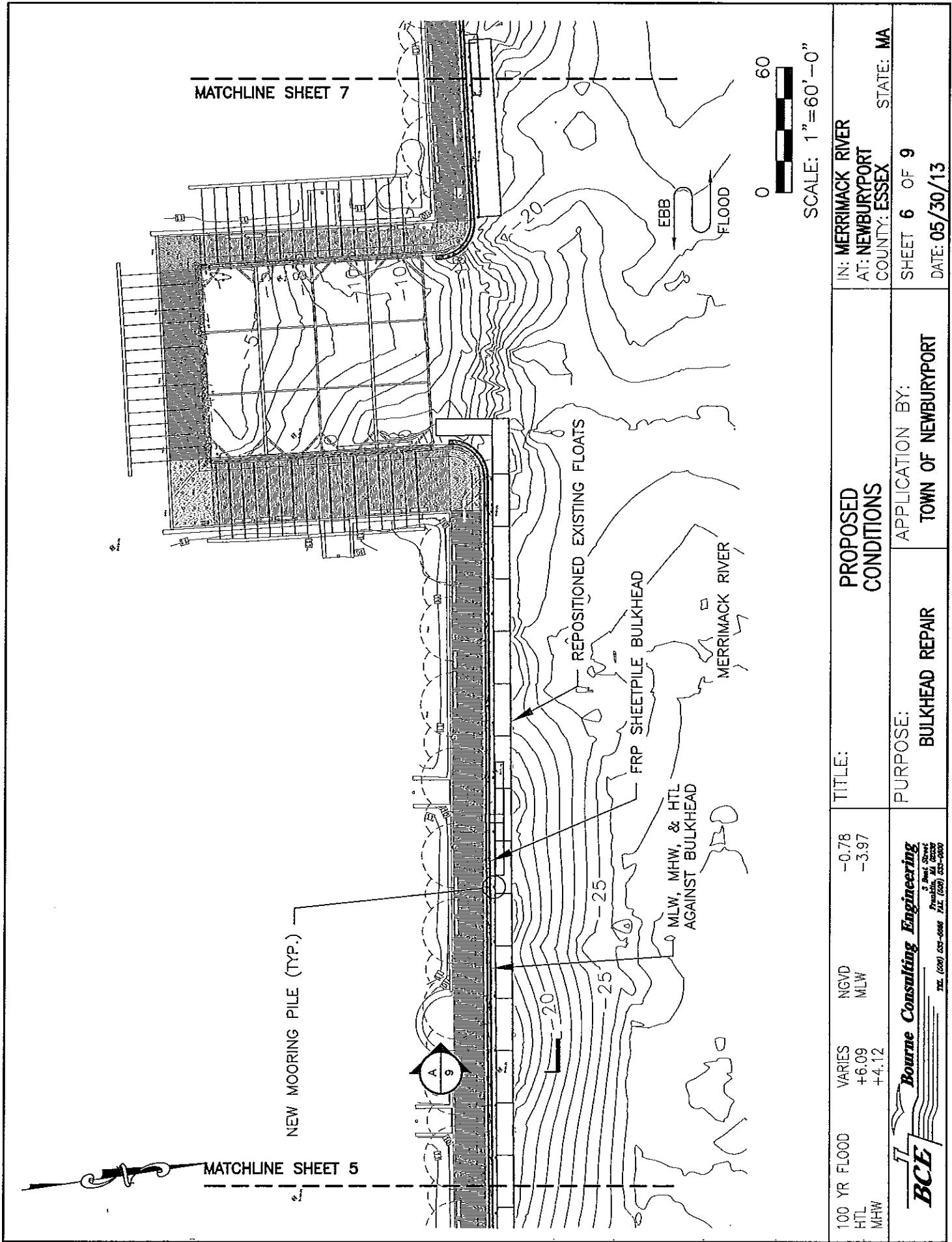
MATCHLINE SHEET 6

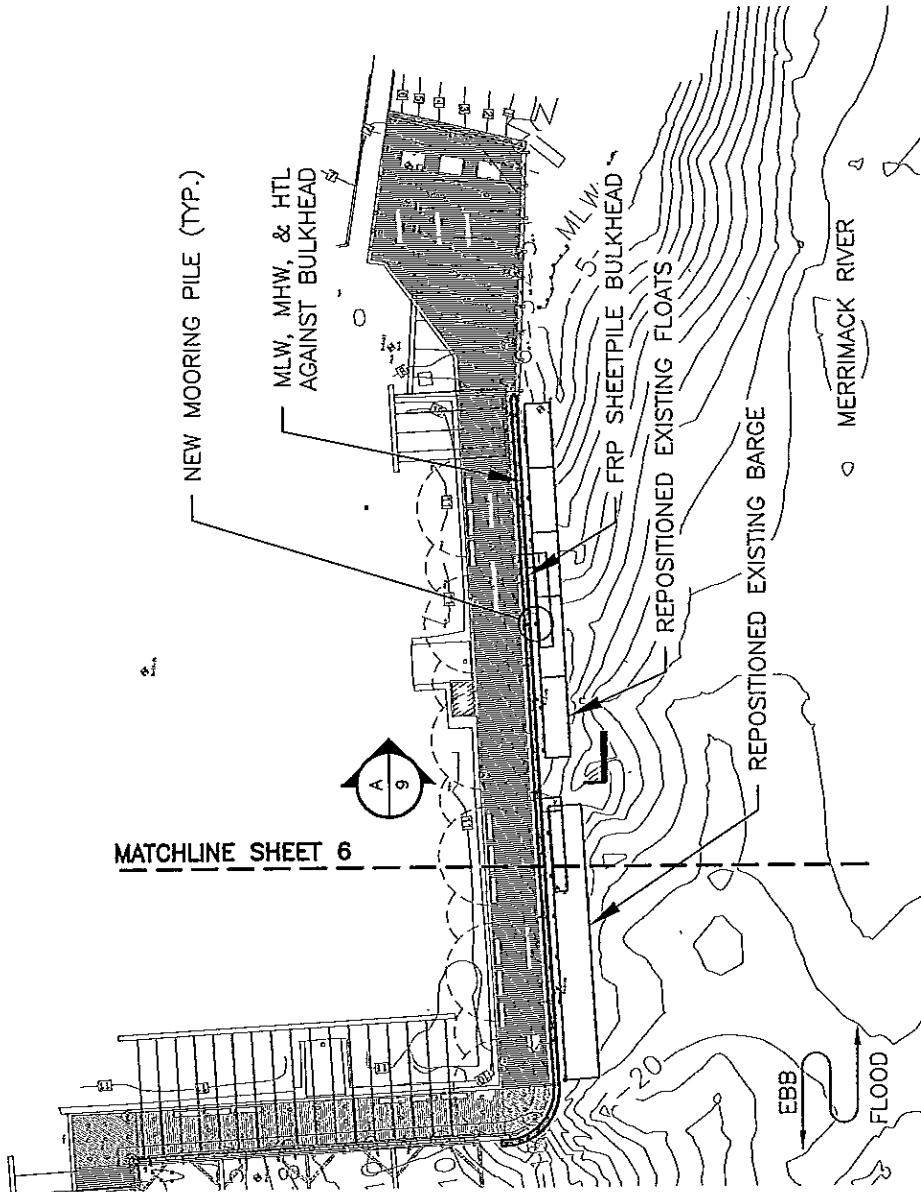


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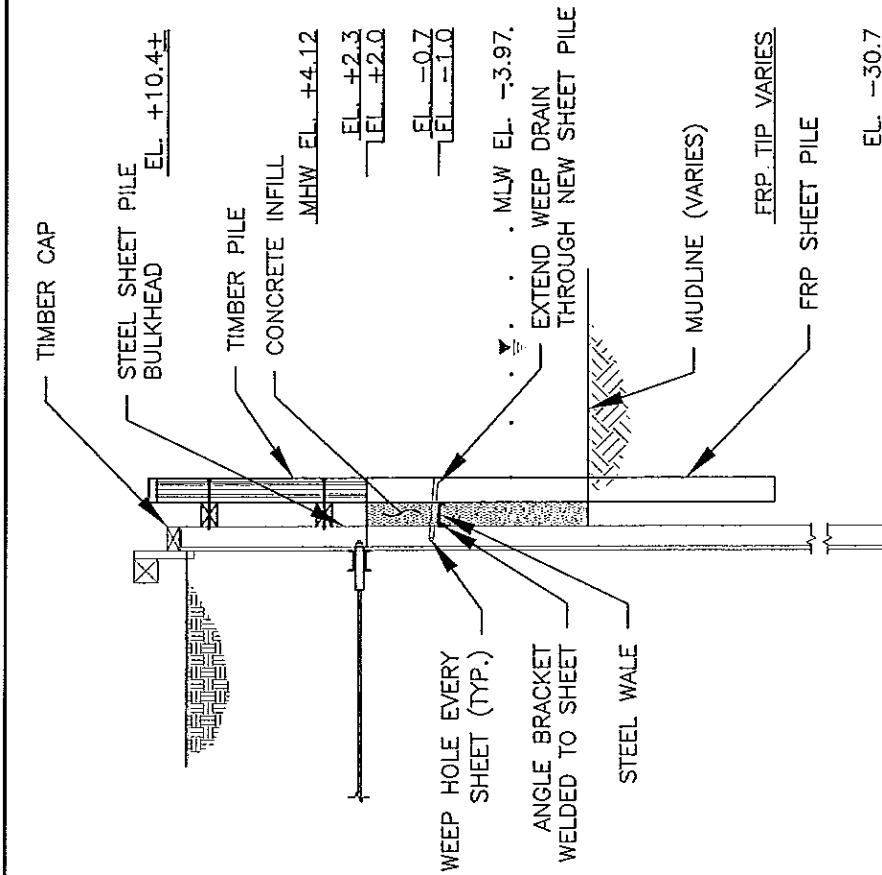
SCALE: 1"=60'-0"

100 YR FLOOD HTL MHW	VARIES +6.09 +4.12	NGVD MLW	-0.78 -3.97	TITLE:	PROPOSED CONDITIONS	IN: MERRIMACK RIVER AT: NEWBURYPORT COUNTY: ESSEX STATE: MA
 Bourne Consulting Engineering 3 Mill Street Plymouth, MA 01960 TEL (508) 553-0866 FAX (508) 553-0900				PURPOSE:	APPLICATION BY:	SHEET 5 OF 9 DATE: 05/30/13
				BULKHEAD REPAIR	TOWN OF NEWBURYPORT	





100 YR FLOOD HTL MHW	VARIES +6.09 +4.12	NGVD MLW	-0.78 -3.97	TITLE: PROPOSED CONDITIONS	APPLICATION BY: TOWN OF NEWBURYPORT	IN: MERRIMACK RIVER AT: NEWBURYPORT COUNTY: ESSEX STATE: MA
				PURPOSE: BULKHEAD REPAIR	SHEET 7 OF 9 DATE: 05/30/13	



EAST BULKHEAD - SECTION

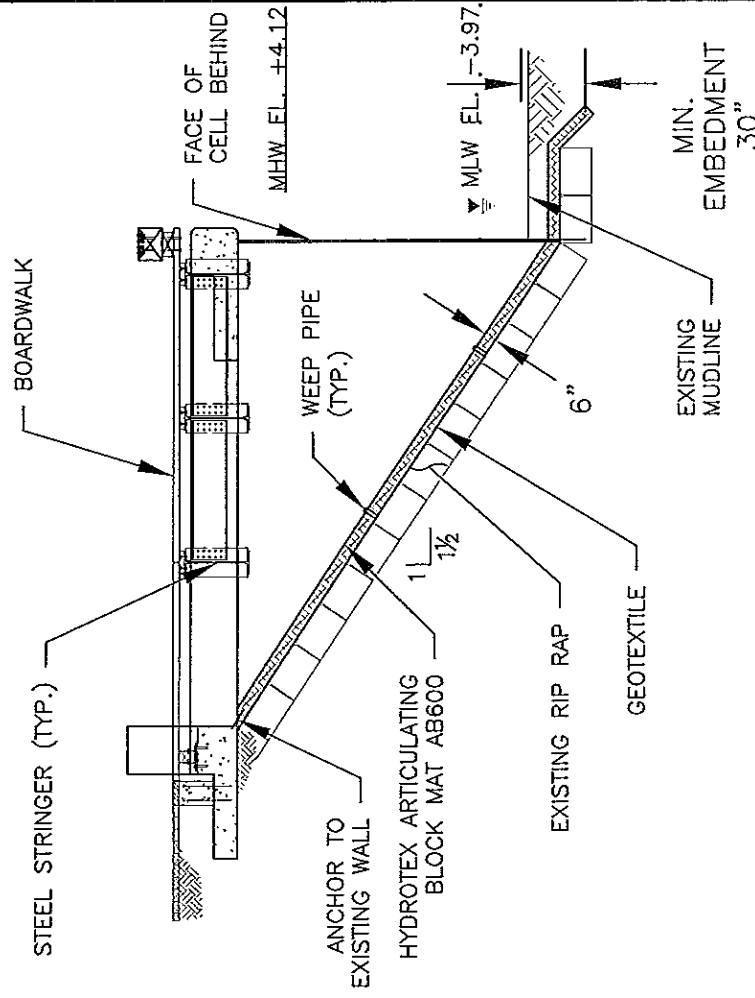
SCALE: 1/8" = 1'-0"

A
8

BULKHEAD - SECTION

SCALE: 1/8" = 1'-0"

B
8



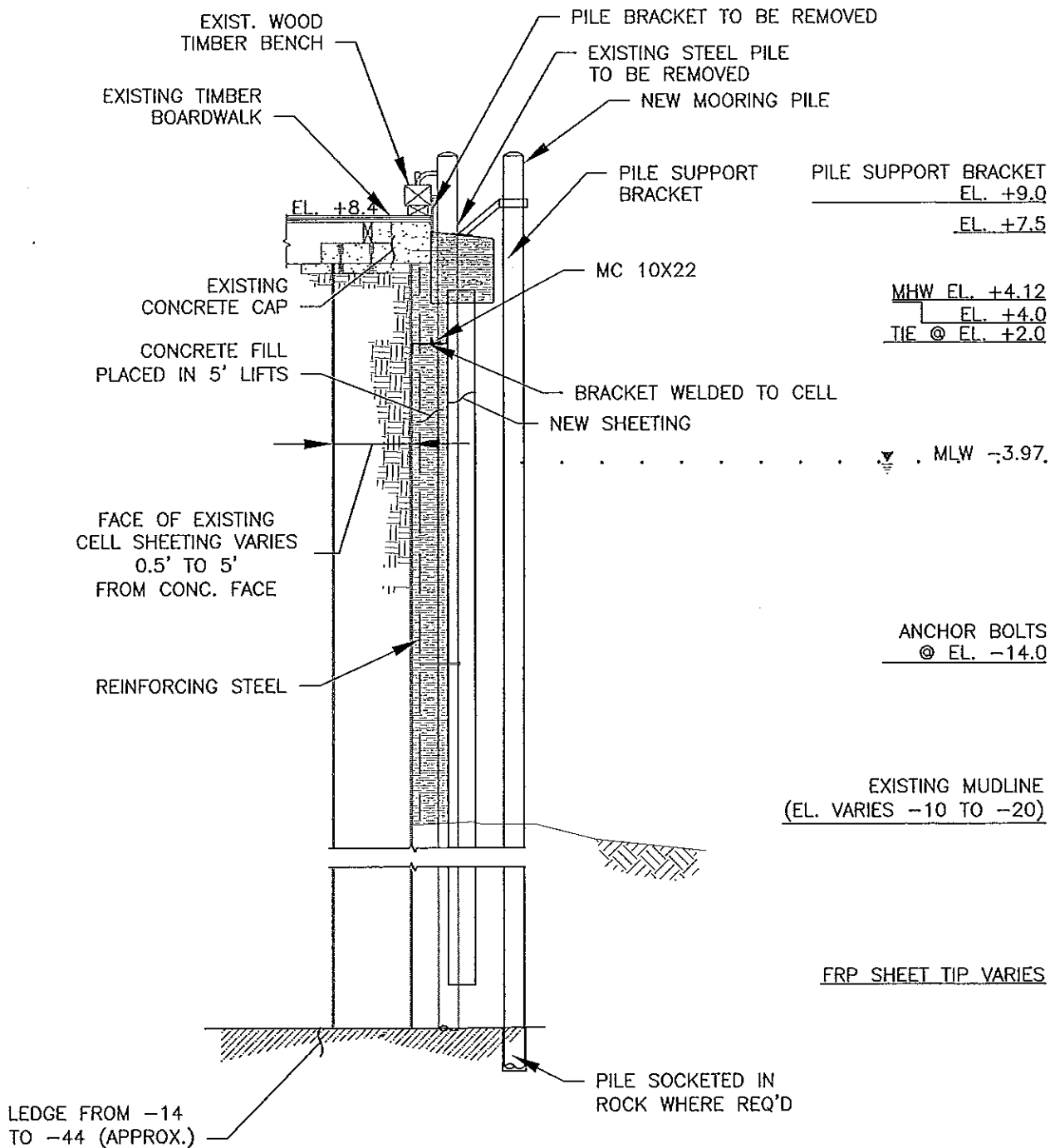
100 YR FLOOD HTL	VARIES +6.09	NGVD MLW	-0.78
MHW	+4.12		-3.97

BCE Bourne Consulting Engineering
 3 West Street
 Bourne, MA 02532
 TEL (508) 553-0888 FAX (508) 553-0900

TITLE:	PROPOSED SECTIONS	APPLICATION BY:
		TOWN OF NEWBURYPORT
PURPOSE:		
		BULKHEAD REPAIR

IN: MERRIMACK RIVER	SHEET 8 OF 9
AT: NEWBURYPORT	DATE: 05/30/13
COUNTY: ESSEX	
STATE: MA	

File: X:\32867-32904\PERMITS\ACOE\SHT-08.09 PROP. SECTIONS.dwg



A
9

STEEL CELLS BULKHEAD-SECTION

SCALE: 1/8"=1'-0"

PURPOSE:

**BULKHEAD
REPAIR**

TITLE:

**PROPOSED
SECTIONS**

APPLICATION BY:

**TOWN OF
NEWBURYPORT**

100 YR FLOOD	VARIES
HTL	+6.09
MHW	+4.12
NGVD	-0.78
MLW	-3.97

BCE *Bourne Consulting Engineering*
3 Bent Street
Franklin, MA
PH (508) 653-8604 FAX (508) 653-8600

IN: MERRIMACK RIVER
AT: NEWBURYPORT
COUNTY: ESSEX STATE: MA
SHEET 9 OF 9 DATE: 05/30/13



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

**GENERAL PERMIT
WORK-START NOTIFICATION FORM**
(Minimum Notice: Two weeks before work begins)

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Permits and Enforcement Branch *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Corps of Engineers Permit No. NAE-2013-1320 was issued to Newburyport Office of Planning & Development, on September 6, 2013. This work is located in the Merrimack River at 22 Merrimack Street, Newburyport, Massachusetts.. The permit authorized the permittee to place and maintain 1,725 cubic yards of material over a 5,069 square foot area in conjunction with the repair and restoration of 1,350 feet of existing bulkhead and the replacement of piles.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Telephone Numbers: () _____ () _____

Proposed Work Dates: Start: _____ Finish: _____

Permittee/Agent Signature: _____ **Date:** _____

Printed Name: _____ **Title:** _____

Date Permit Issued: _____ **Date Permit Expires:** _____

FOR USE BY THE CORPS OF ENGINEERS

PM: Gardner **Submittals Required:** _____

Inspection Recommendation: _____



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

(Minimum Notice: Permittee must sign and return notification
within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Permit Number: NAE-2013-1320

Project Manager Gardner

Name of Permittee: Newburyport Office of Development

Permit Issuance Date: September 6, 2013

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Permits and Enforcement Branch A *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

() _____
Telephone Number

() _____
Telephone Number

