



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

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: April 24, 2003

Comment Period Ends: May 26, 2003

File Number: 200300294

In Reply Refer To: Ted Lento

Raytheon Company, 528 Boston Post Road, Mail Stop 1880, Sudbury, MA 01776 has requested a Corps of Engineers permit under Section 404 of the Clean Water Act to place fill material within approximately 1.5 acres of wetland located at 430 Boston Post Road in Wayland, Massachusetts. The impacted area is located in the floodplain of the Sudbury River adjacent to a former Raytheon facility, an approximate 83-acre property. The proposed work involves the remediation of approximately 1.5 acres of wetland soils and sediment impacted by polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), and metals. The remediation will require excavation to a depth of about 18 inches and off-site disposal of impacted soil and sediment, re-soiling and re-vegetating to repair the temporary damage and restoration of the wetland. The remediation area will be restored to a functional deep emergent marsh system as part of the Sudbury River floodplain. Restoration will include placement of clean fill material to restore the site to approximate original contours, re-vegetating by seeding and planting, nuisance species control, construction monitoring, and ecological monitoring. Temporary impacts to the wetland areas will be minimized through use of engineering controls (erosion controls, flood prevention, dewatering, temporary road system) and separation of waste and materials staging areas. The work is further depicted on the attached permit plans entitled "RAYTHEON COMPANY, 430 BOSTON POST ROAD" on Exhibit 1, 2, 3, 9 10 & 10B. The project purpose is to remedy the environmental hazards at the site in compliance with the Massachusetts Contingency Plan.

This project will impact habitat for fifteen species of fish that may occur in, or near, the project area. Based on the average annual flooding per month over a 20-year history, four species could potentially spawn in the study area including chain pickerel (*Esox niger*), redbfin pickerel (*Esox americanus* ssp. *americanus*), northern pike (*Esox lucius*), and yellow perch (*Perca flavescens*). Common carp (*Cyprinus carpio*), golden shiner (*Notemigonus crysoleucas*), white sucker (*Catostomus commersoni*), creek chubsucker (*Erimyzon oblongus*), brown bullhead (*Ameiurus nebulosus*), white perch (*Morone americana*), largemouth bass (*Micropterus salmoides*), pumpkinseed sunfish (*Lepomis gibbosus*), bluegill sunfish (*Lepomis macrochirus*), banded sunfish (*Enneacanthus obesus*), and black crappie (*Pomoxis nigromaculatus*), may also feed in the study area, but would likely spawn in or along the main channel of the Sudbury River. Female chain pickerel, redbfin pickerel, and northern pike deposit eggs strewn over submerged vegetation in the early spring. Eggs develop and hatch within 6–14 days, and sac-fry become active and feed within a week. Fry food for all three species is initially composed of plankton, invertebrates, and microcrustaceans. Yellow perch spawn in February, March, April, and May, and deposit their eggs over submerged vegetation. The Site is known to be flooded in February (100%), March (100%), April (100%), May (38.7%), and June (6.6%), and these periods correlate with spawning and feeding times for chain pickerel, redbfin pickerel, northern pike, and yellow perch. Similarly, fry could potentially survive and feed when the Site is flooded before migrating to the river channel. Depending on the date of egg deposition and water temperature, chain pickerel, redbfin pickerel, and northern pike fry could remain on Site to feed in the spring for an estimated 41–49 days before migrating

to the river channel. Similarly, depending on the date of egg deposition and water temperature, yellow perch fry could remain on Site to feed for an estimated maximum of 99 days in the spring before migrating to the river channel. The remaining 11 species may feed within the study area during spring and early summer, but either spawn when water levels are lower or in habitats found in the river channel. Temporary impacts to this habitat may adversely affect these species; however the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial.

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.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS

Crystal I. Gardner
Chief, Permits & Enforcement Branch
Regulatory Division

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in 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.

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.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and 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.

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 initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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.

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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.

NAME:

ADDRESS: