PUBLIC NOTICE

US Army Corps of Engineers ®
New England District
696 Virginia Road
Concord, MA 01742-2751

Comment Period Begins: April 7, 2020
Comment Period Ends: May 7, 2020
File Number: NAE-2017-02706
In Reply Refer To: Cori M. Rose
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The District Engineer has received a permit application to conduct work in waters of the United States from the **LYNDE POINT LAND TRUST, INC., 580 MAPLE AVENUE, OLD SAYBROOK, CONNECTICUT 06475**. This work is proposed in Long Island Sound and Crab Creek east and northeast of 6 Mohegan Avenue, Old Saybrook, Connecticut 06475. The site coordinates are: Latitude 41.270080º N and -72.350200º W.

The work involves the discharge of fill, both temporary and permanent, consisting of soil and rock associated with northerly relocation of Crab Creek, filling of the old tidal creek and cross-culvert abandonment in place under Mohegan Avenue, construction of intertidal stone sills, creation of tidal wetland habitat and reestablishment and expansion of coastal dune features. The reconfiguration of Crab Creek is designed to prevent tidal blockages and the placement of fill as a "living shoreline" is proposed to attenuate waves that are causing shoreline erosion and barrier beach migration northward. A total of 710 square feet of tidal wetland will be converted to dry land with placement of 63 cubic yards of sand for expansion of a coastal dune. In all the proposed work will result in a discharge of fill material and associated grading with permanent impacts over a 34,750 square foot (0.80-acre) area of unvegetated intertidal and subtidal habitat and a 710 square foot (0.016-acre) area of tidal wetland. The work will also include 8,300 square feet of temporary fill associated with best management practices.

The project will include the following components:

- Installation of best management construction practices to include silt-fence and staked straw wattles above Mean High Water (MHW) and turbidity curtains/debris booms at/below MHW for water quality protection. Also, placement of up to 8,300 square feet of temporary fill between MHW and the high tide line (HTL) in the form of mats for wetland substrate anti-compression protection, to enable access to the coastal construction areas.
- Excavation of a new, approximately, 450-linear foot long by 10-foot to 20-foot wide (two to one horizontal to vertical slope) by 3.25-foot deep tidal channel. The feature will have an average bottom elevation of -1.0-foot North American Vertical Datum (NAVD88) and will be located approximately 60-feet north of the existing Crab Creek channel location. This portion of the project will involve the removal of approximately 780 cubic yards of soil from an 8,350 square foot area of maritime shrub habitat consisting of marsh elder, seaside goldenrod, umbrella flatsedge, switchgrass and wildrye. The substrate material excavated from this area will be stockpiled in an upland area for reuse on site, placed directly into the existing Crab Creek, with excess materials removed off-site if any.
- Construction of a new 33-foot long by 6-foot wide by 2.4-foot high open bottom arch culvert under Mohegan Avenue. The new culvert inlet and outlet will be protected from scour with 2 cubic yards of rounded stone on each end of the pipe (a total footprint of 50 square feet). The culvert invert is designed

to maintain existing hydraulic control elevation of -2.0 feet NAVD88 between the creek and the salt pond.

- Backfill of the former 500-linear foot Crab Creek channel with discharge of approximately 720 cubic yards of substrate consisting of sand, peat and root mat over an area of approximately 8,700 square feet.
- Excavation below the high tide line to remove a temporary corrugated pipe from the former creek bed (placed in spring of 2019), backfill of the former creek channel to the adjacent wetland elevation (approximately -1.5-feet NAVD88) with up to 720 cubic yards of material excavated from the new channel, infill of the existing Mohegan Avenue culvert and abandonment of the pipe in place.
- Excavation of approximately 9,790 square feet of intertidal cobble and cobble beach and stockpiling of the material on the beach above the HTL for reuse to blend into edges and cap proposed stone sills. Subgrade preparation of an approximately 1,000 square foot to a depth of 6-inches below grade and placement of geotextile layer for stone sill construction.
- Installation of nine engineered stone sills with a base at mean lower low water elevation of -2.2 NAVD88 and a surface crest at/near 2.0-feet NAVD88 (approximately 0.4-feet above MHW). The features will each consist of an 8-inch layer of 2-inch mean rock-size stone bedding (base), a 2.5-foot thick layer of 1.2-foot mean rock-size angular armour stone, topped by a layer of rounded stone between 8 and 12-inches in diameter, which will be covered by an layer of 4 to 8-inch rounded cobbles. The front (south face) of the sill will be stabilized with a toe of large boulders ranging between 2 and 3 feet in diameter. The stone sills will range in length between approximately 29 linear feet to 60 linear feet along the 450-foot long shoreline stabilization area and in total will fill a 5,050-square foot area of intertidal cobble bottom.
- Removal and control of 4,815 square feet of invasive honeysuckle and common reed.
- Discharge of approximately 2,300 cubic yards sand backfill, covered by coir blanket for temporary stabilization, behind the constructed stone sills over a 20,950 square foot area to a maximum depth of approximately 18-inches for reestablishment of tidal wetland and revegetation of the infilled area with approximately 14,037 2-inch high plugs of smooth cordgrass, to be planted 18-inches on center in accordance with a proposed planting plan.
- Discharge of approximately 700 cubic yards of sand over an area of approximately 20,950 square feet for construction of a new sand dune at elevation 10-feet NAVD88 and revegetation of the feature in accordance with a proposed planting plan.
- Reestablishment of cobble beach over an estimated 11,380 square foot area landward of mean higher high-water elevation 1.7-feet NAVD88 and the newly created saltmarsh.

The proposed work is expected to take approximately 5 months (two for creek relocation and three for the living shoreline) and will be required to adhere to the time-of-year restrictions below:

- No work July 1 through September 6 to avoid impacts on the residential community
- No work April 1 through September 1 beachside to avoid potential impact to piping plover, unless authorized in writing by CT DEEP.

The purpose of the proposed work is to stabilize the long-term shoreline erosion and protect Lynde Point Marsh, Crab Creek, Mohegan Avenue and the adjacent salt pond from the more frequent storms that threaten these features.

The work is shown on the enclosed plans entitled “HEPBURN PRESERVE LIVING SHORELINE PROJECT, LYNDE POINT LAND TRUST, INC., OLD SAYBROOK, CONNECTICUT,” on 15 sheets dated

"NOVEMBER 2019" and revised through "MARCH 2020."

Impacts to aquatic resources have been avoided and minimized to the maximum extent practicable through inclusion of construction best management practices and time-of-year restrictions. Design of the rock sills has been modified to address conversion of Essential Fish Habitat and to maximize aquatic resource function. Although there will be unavoidable impact to intertidal cobble beach and maritime shrubland, the project has used in-kind habitat reestablishment to offset such impacts. In total, the project will result in permanent loss of 710 square feet of aquatic resource, which is expected to be mitigated by wetland reestablishment in the former tide creek.

AUTHORITY
Permits are required pursuant to:
__X__ Section 10 of the Rivers and Harbors Act of 1899
__X__ 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 U.S. Army Corps of Engineers, New England District (Corps), 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. The Corps will consider all comments received 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). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

The dredging portion of this project will impact approximately 5,050 SF of EFH. Habitat at this site can be described as intertidal beach dominated by rounded cobble. Loss of this habitat may adversely affect species that use these waters and substrate. 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.

Dredged material disposal will be on-site, in the intertidal zone, landward of the stone sills. The area provides essential fish habitat for managed fish species with EFH designated through the New England & Mid-Atlantic Fishery Management Councils. The disposal site is substantially like the dredging area which consists of intertidal beach dominated by rounded cobble. Conversion of this habitat may adversely affect species that use these waters and substrate. Loss of this habitat may adversely affect species that use these waters and substrate. The District Engineer has made a preliminary determination that site-specific impacts may be substantial. Accordingly, the Corps has begun expanded EFH coordination with the 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.

NATIONAL HISTORIC PRESERVATION ACT

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 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.
e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s).

ENDANGERED SPECIES CONSULTATION

The Corps is reviewing the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. Our review will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

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.

COMMENTS

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 Ms. Cori M. Rose at (978) 318-8306, (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 considering 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 to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Kevin R Kotelly

Kevin R. Kotelly, P.E.
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices by email, 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: _____
PHONE: _____