



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

PUBLIC NOTICE

Comment Period Begins: March 18, 2014
Comment Period Ends: April 17, 2014
File Number: NAE-2007-18
In Reply Refer To: Paula G. Kullberg
Phone: (978) 318-8170
E-mail: paula.g.kullberg@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from **Mark Flynn, 88 Ayers Point Road, Old Saybrook, Connecticut, 06475**. This work is proposed in tidal wetland and Hydes Point Creek, Lower CT River at 88 Ayers Point Road, Old Saybrook, Connecticut. The site coordinates are: Latitude: 41.32684 ° N Longitude: -72.36385 ° W.

The work involves the following: To install a total of approximately 376 feet of new post and timber walkway within a large tidal wetland complex located off of property located at 88 Ayers Point Road, Old Saybrook, Connecticut. The purpose of the project is for personal recreational boat access to the Connecticut River. In particular, to install an approximately 175'-long by 3'-wide by 3.5'-high fixed wood post and timber walkway with grate decking over tidal wetland, connecting to a 109'-long by 3'-wide by 4'-high grate-decked walkway continuing over the tidal wetland, connecting to a 107'-long by 3'-wide by 4'-high grate-decked walkway that extends within and parallel to, a relict mosquito-control ditch, leading to a 15'-long by 4'-wide tiered pier terminating in Hydes Point Creek off of the Connecticut River. Currently there exists in the marsh, an approximately 20-foot section of grate-decked walkway and another approximately 20 feet of undecked/uncompleted walkway footings that the proposed structures will connect to along the transect. Taken together, the existing section and all of the proposed structures will be approximately 406 feet in length, and will transect a large tidal marsh complex located in the Lower Connecticut River. The Connecticut River and its tidal marshes have been named as an internationally significant wetland designated under the RAMSAR Convention for its value to the nation.

The work is shown on the attached plans entitled "WALKWAY EXTENSION; TOWN OF OLD SAYBROOK, MIDDLESEX COUNTY, CONNECTICUT, HYDES POINT CREEK; MARK FLYNN," on five (5) sheets, and dated "DECEMBER 5, 2011."

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,

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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.

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).

This project will impact approximately 1,233 square feet (0.0283 acre) of Essential Fish Habitat (EFH). This habitat consists of estuarine intertidal emergent marsh with a muddy substrate. Loss of this habitat may adversely affect the species and life stages listed in the attached table. 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.

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 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 project site. It is our preliminary 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 may affect Federally-listed species of Special Concern and/or their designated critical habitat: the Least Bittern, Saltmarsh Sharp-tailed Sparrow, King Rail, Least Sandpiper, Spotted Sandpiper, Snowy Egret, Little Blue Heron, and Glossy Ibis. The Lower Connecticut River is recognized as containing "Wetlands of International Importance" under the intergovernmental RAMSAR Convention.

The Connecticut River has the most extensive fresh and brackish tidal wetland systems in the Northeast. It contains one of the least disturbed and most pristine large-river tidal marsh systems in the nation. Its habitats provide vital breeding, foraging, resting, and migratory pathways for rare and diverse bird species. Historic numbers of breeding rallids and other secretive marsh birds have declined throughout the Lower CT River RAMSAR Site (CT DEEP, 2006 Report). This area provides important habitat throughout the year or a wide variety of rare birds and represents one of the critical migratory corridors on the east coast (USFWS, 2006). The tidal marshes in the Lower Connecticut River support globally significant populations of nesting saltmarsh sharp-tailed sparrow, listed as 'near threatened' by BirdLife International, and historic populations of nesting black rails. The area is located within the Connecticut River Focus Area, an area identified by the Atlantic Coast Joint Venture (ACJV) as critical for migratory birds. Wetland restoration and enhancement has been identified as a high priority Conservation Action (CA) in Connecticut's Comprehensive Wildlife Conservation Strategy (CWCS) and several other planning documents such as the ACJV Implementation Plan (USFWS 2006) and the Bird Conservation Region (BCR) 30 Implementation Plan (USFWS 2008). This **specific project area** in Ayers Point Marsh has undergone invasive plant species (*Phragmites sp.*) control treatment by CT DEEP as part of their efforts to restore this tidal marsh habitat, including for bird species.

By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

COASTAL ZONE MANAGEMENT

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:

- 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.

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,

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please contact Paula Kullberg at (978) 318-8170, (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.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Robert J. DeSista
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: _____

Summary of Essential Fish Habitat (EFH) Designations

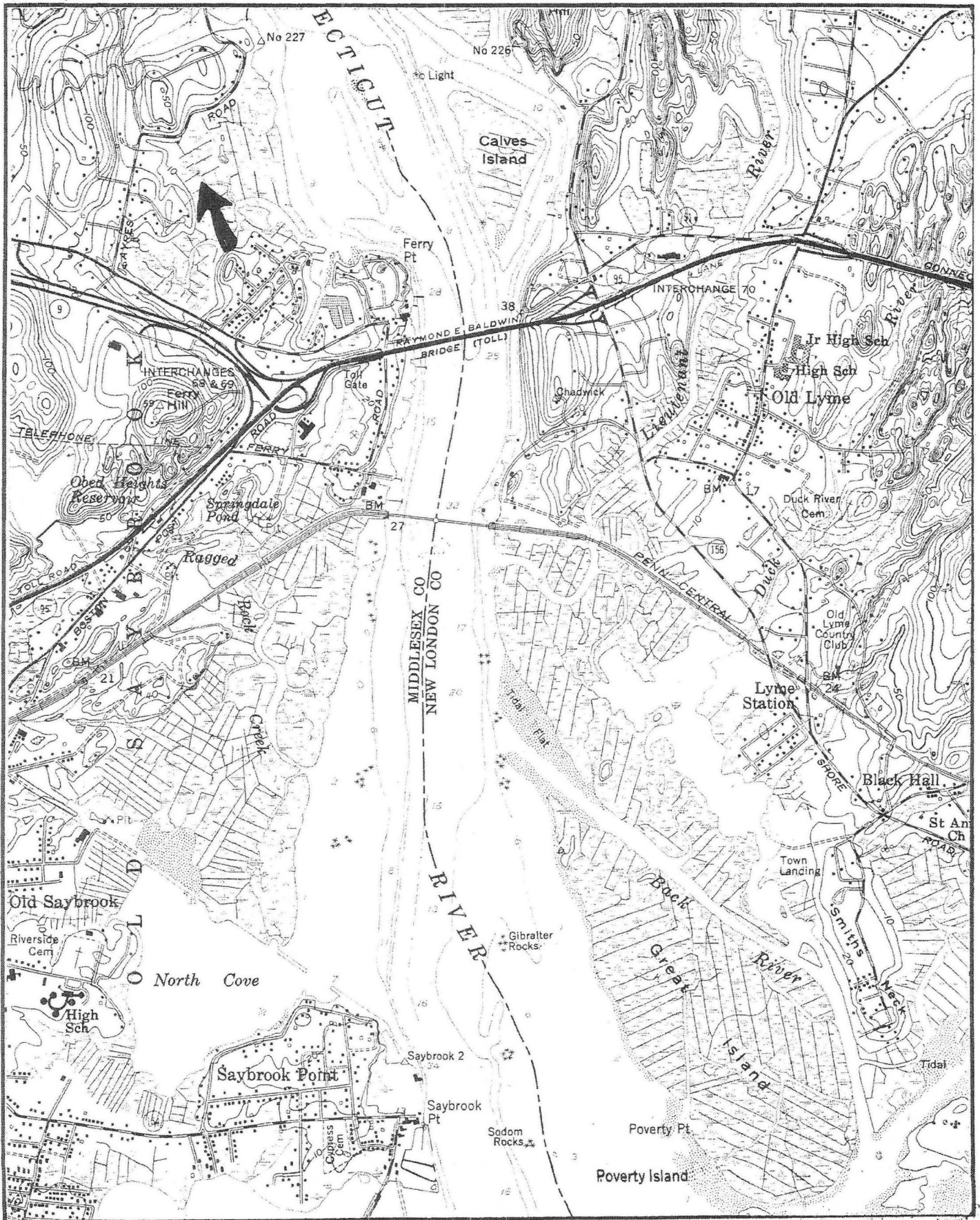
Name of Estuary/ Bay/ River: Connecticut River, Connecticut

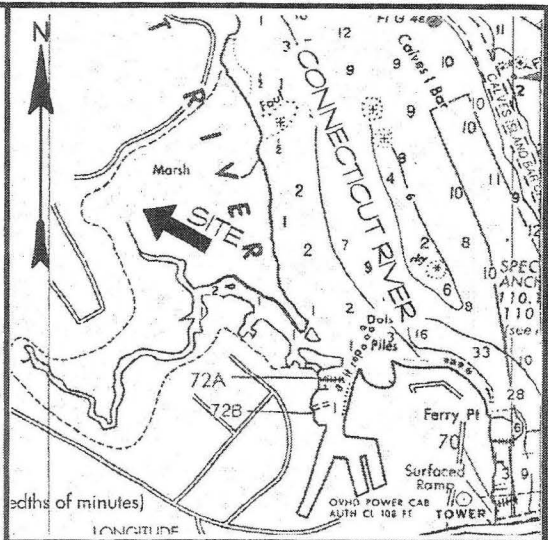
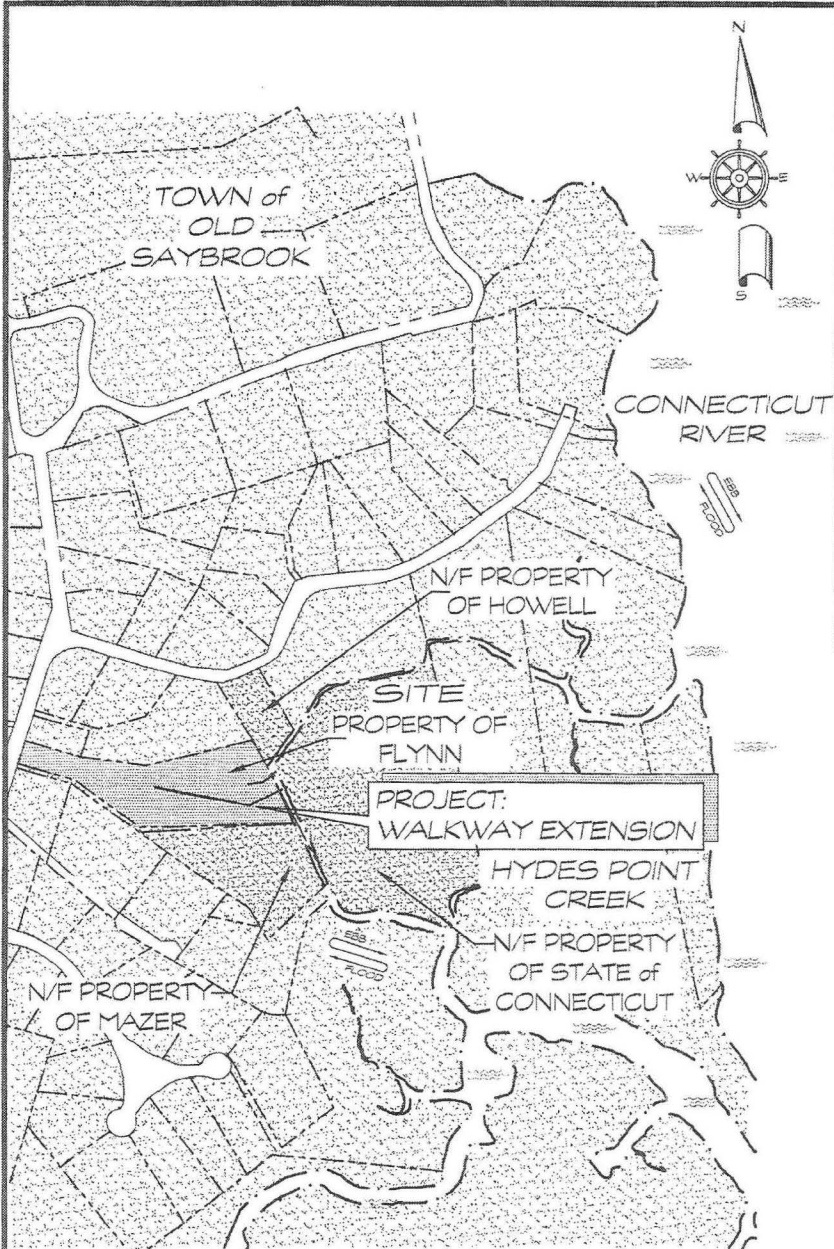
10y x 10y latitude and longitude squares included in this bay or estuary or river (southeast corner boundaries):

4140/7230; 4130/7220; 4120/7220; 4120/7210; 4120/7200; 4120/7150; 4110/7210; 4110/7200; 4110/7210; 4110/7200; 4110/7150

Species	Eggs	Larvae	Juveniles	Adults	Spawning Adults
Atlantic salmon (<i>Salmo salar</i>)			F,M	F,M	
Atlantic cod (<i>Gadus morhua</i>)					
haddock (<i>Melanogrammus aeglefinus</i>)					
pollock (<i>Pollachius virens</i>)					
whiting (<i>Merluccius bilinearis</i>)					
offshore hake (<i>Merluccius albidus</i>)					
red hake (<i>Urophycis chuss</i>)			M	M	
white hake (<i>Urophycis tenuis</i>)					
redfish (<i>Sebastes fasciatus</i>)	n/a				
witch flounder (<i>Glyptocephalus cynoglossus</i>)					
winter flounder (<i>Pleuronectes americanus</i>)	M	M	M	M	M
yellowtail flounder (<i>Pleuronectes ferruginea</i>)					
windowpane flounder (<i>Scophthalmus aquosus</i>)	M	M	M	M	M
American plaice (<i>Hippoglossoides platessoides</i>)					
ocean pout (<i>Macrozoarces americanus</i>)					
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)					
Atlantic sea scallop (<i>Placopecten magellanicus</i>)					
Atlantic sea herring (<i>Clupea harengus</i>)					

monkfish (<i>Lophius americanus</i>)					
bluefish (<i>Pomatomus saltatrix</i>)			M,S	M,S	
long finned squid (<i>Loligo pealei</i>)	n/a	n/a			
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a			
Atlantic butterfish (<i>Peprilus triacanthus</i>)					
Atlantic mackerel (<i>Scomber scombrus</i>)					
summer flounder (<i>Paralichthys dentatus</i>)			M	M	
scup (<i>Stenotomus chrysops</i>)					
black sea bass (<i>Centropristus striata</i>)					
surf clam (<i>Spisula solidissima</i>)	n/a	n/a			
ocean quahog (<i>Artica islandica</i>)	n/a	n/a			
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a			
tilefish (<i>Lopholatilus chamaeleonticeps</i>)					
king mackerel (<i>Scomberomorus cavalla</i>)	X	X	X	X	
Spanish mackerel (<i>Scomberomorus maculatus</i>)	X	X	X	X	
cobia (<i>Rachycentron canadum</i>)	X	X	X	X	





LOCATION MAP REFERENCE CHART : 12372
 GRAPHIC SCALE IN YARDS

- NOTES:
1. ELEVATION DATUM IS MEAN LOW WATER.
 2. TIDE DATA IS TAKEN FROM 2006 NOAA TIDE TABLES REFERENCE : LYME HIGHWAY BRIDGE.
 3. PROJECT DESCRIPTION:
 CONSTRUCT 175±LF OF 3-FT WIDE FIXED WOOD POST AND TIMBER WAKWAY WITH A PLASTIC GRATE DECKING FROM AN AUTHORIZED WALKWAY TO SHORE, WATERWARD OF THE HIGH TIDE LINE.
 4. PROJECT PURPOSE:
 THIS IS A PRIVATE DOCK FOR RECREATIONAL BOATING.
 5. THESE APPLICATION DRAWINGS REPRESENT A COMPILATION OF SURVEYS FOR PERMIT PURPOSES. THEY ARE NOT CONSTRUCTION CONTRACT DOCUMENTS.
 6. ADJOINING PROPERTY OWNERS:
 NORTH:
 ALAN HOWELL
 132 AYERS PT ROAD
 OLD SAYBROOK, CT 06475
 EAST:
 STATE OF CONNECTICUT
 165 CAPITOL AVENUE
 ROOM 5th FLOOR SOUTH
 HARTFORD, CT 06118
 SOUTH:
 EDWARD & CGARLENE MAZER
 96 AYERS PT ROAD
 OLD SAYBROOK, CT 06475

OVERALL PLAN
 GRAPHIC SCALE 1" = 600'

SOUTH:
 EDWARD & CGARLENE MAZER
 96 AYERS PT ROAD
 OLD SAYBROOK, CT 06475

EAST:
 STATE OF CONNECTICUT
 165 CAPITOL AVENUE
 ROOM 5th FLOOR SOUTH
 HARTFORD, CT 06118

PROJECT: WALKWAY EXTENSION

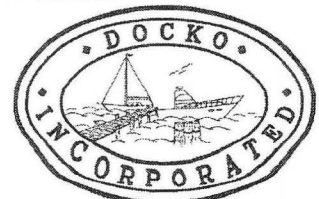
LOCATION: TOWN OF OLD SAYBROOK
 MIDDLESEX COUNTY, CONNECTICUT

WATERWAY: HYDES POINT CREEK

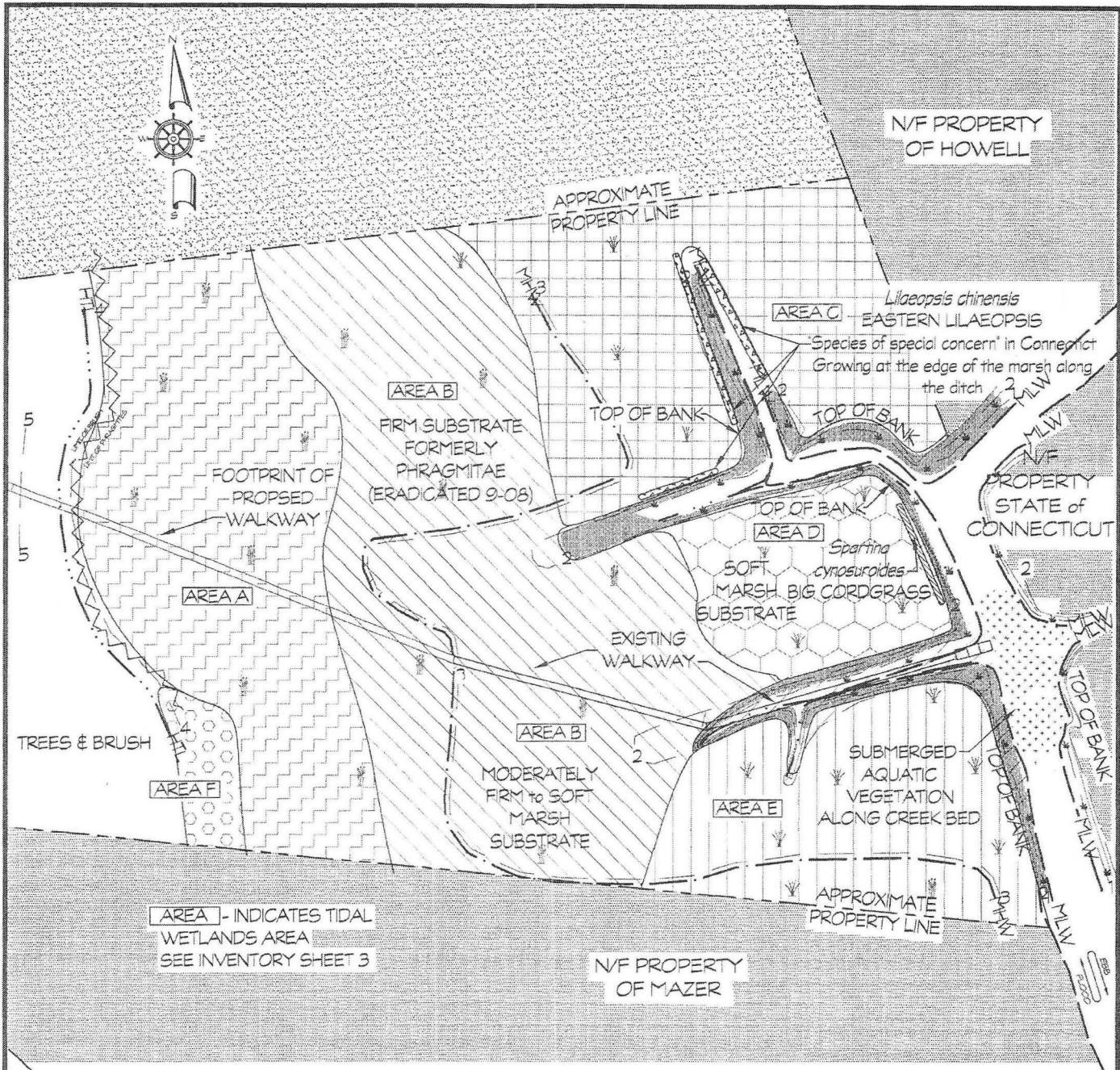
DATE: DECEMBER 5, 2011

APPLICANT: MARK FLYNN

AGENT: SHEET 1 OF 5
DOCKO, INC.
 Keith B. Nelson, PE
 Mystic, CT 06355
 860 572 8939 FAX 860 572 7569
 EMAIL: docko@snet.net

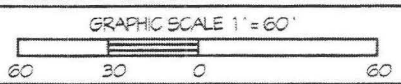


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AREA A - INDICATES TIDAL WETLANDS AREA SEE INVENTORY SHEET 3

EXISTING CONDITIONS

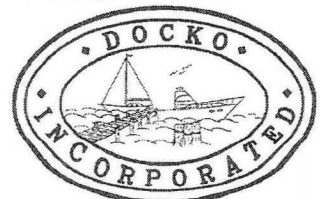


REVISED 1-4-11 DEP ACOE FOOTPRINT and TIDAL VEGETATION

MLW DATUM SURVEY by J. DEMPSEY & ASSOCIATES
TIDAL WETLAND / S.A.V. SURVEYS by RICHARD SNARSKI 8-18-09

PROJECT: WALKWAY EXTENSION
LOCATION: TOWN OF OLD SAYBROOK
MIDDLESEX COUNTY, CONNECTICUT
WATERWAY: HYDES POINT CREEK
DATE: DECEMBER 5, 2011
APPLICANT: MARK FLYNN

AGENT: SHEET 2 OF 5
DOCKO, INC.
Keith B. Nelson, PE
Mystic, CT 06355
860 572 8939 FAX 860 572 7569
EMAIL: docko@snet.net



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TIDAL WETLANDS and SUBMERGED AQUATIC VEGETATION INVENTORY

OCCURANCE KEY

A - Abundant
 C - Common
 S - Sparse

AREA A

<u>OCCURANCE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
C	<i>Peltandra virginica</i>	Arrow Arum
S	<i>Zizania aquatica</i>	Wild Rice
S	<i>Sagittaria latifolia</i>	Northern Arrowhead
S	<i>Cyperus strigosus</i>	Umbrella Sedge
S	<i>Amaranthus cannabinus</i>	Water Hemp
C	<i>Polygonum punctatum</i>	Water Shortweed
S	<i>Polygonum arifolium</i>	Haberd-leaved Tearthumb
S	<i>Alisma subcordatum</i>	Water Plantain
S	<i>Leersia oryzoides</i>	Rice Cutgrass
S	<i>Pluchea purpurascens</i>	Annual Saltmarsh Fleabane
S	<i>Euthamia graminifolia</i>	Gross-leaved Goldenrod
S	<i>Mikania Scandens</i>	Climbing Hempweed
C	<i>Typha latifolia</i>	Broad-leaved Cattail
C	<i>Phragmites australis</i>	Common Reed
S	<i>Sium suave</i>	Water Parsnip
S	<i>Lycopus virginicus</i>	Water Horsehound

AREA B

<u>OCCURANCE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
A	<i>Zizania aquatica</i>	Wild Rice
S	<i>Scheuchzeria palustris</i>	Softstem Bulrush
S	<i>Peltandra virginica</i>	Arrow Arum
C	<i>Typha latifolia</i>	Broad-leaved Cattail
S-C	<i>Phragmites australis</i>	Common Reed
S	<i>Polygonum punctatum</i>	Water Shortweed
S	<i>Sagittaria latifolia</i>	Northern Arrowhead
S	<i>Typha angustifolia</i>	Narrow-leaved Cattail
S	<i>Leersia oryzoides</i>	Rice Cutgrass

AREA C

<u>OCCURANCE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
A	<i>Zizania aquatica</i>	Wild Rice
A	<i>Typha angustifolia</i>	Narrow-leaved Cattail
S	<i>Phragmites australis</i>	Common Reed
S	<i>Typha latifolia</i>	Broad-leaved Cattail
S	<i>Sium suave</i>	Water Parsnip
S	<i>Peltandra virginica</i>	Arrow Arum
S	<i>Sagittaria latifolia</i>	Northern Arrowhead
S-C	<i>Hibiscus moscheutos</i>	Rose Mallow
S	<i>Leersia oryzoides</i>	Rice Cutgrass

AREA D

<u>OCCURANCE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
C	<i>Zizania aquatica</i>	Wild Rice
A	<i>Typha angustifolia</i>	Narrow-leaved Cattail
C	<i>Hibiscus moscheutos</i>	Rose Mallow
S	<i>Peltandra virginica</i>	Arrow Arum
S	<i>Phragmites australis</i>	Common Reed

AREA E

<u>OCCURANCE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
A	<i>Zizania aquatica</i>	Wild Rice
A	<i>Typha angustifolia</i>	Narrow-leaved Cattail
S	<i>Hibiscus moscheutos</i>	Rose Mallow
S	<i>Peltandra virginica</i>	Arrow Arum
S	<i>Typha latifolia</i>	Broad-leaved Cattail
S	<i>Leersia oryzoides</i>	Rice Cutgrass
S	<i>Sagittaria latifolia</i>	Northern Arrowhead

AREA F

<u>OCCURANCE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
C	<i>Acer rubrum</i>	Red Maple
C	<i>Alnus incana</i>	Speckled Alder
S	<i>Clethra alnifolia</i>	Peppercorn
C	<i>Symplocarpus foetidus</i>	Skunk Cabbage
S	<i>Impatiens capensis</i>	Jewelweed

SUBMERGED AQUATIC VEGETATION

<u>OCCURANCE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
C	<i>Elodea nuttallii</i>	Elodea
S	<i>Ceratophyllum demersum</i>	Coontail
C	<i>Potamogeton crispus</i>	Curly Pondweed

 Indicates - *Vicia pugnax*
 Marsh Fiddler Crab beds

THE TIDAL VEGETATION and SUBMERGED AQUATIC VEGETATION SURVEY WAS CONDUCTED BY RICHARD SNARSKI on AUGUST 18, 2009
 CERTIFIED SOIL SCIENTIST #975
 PROFESSIONAL WETLAND SCIENTIST #1391

REVISED 1-4-11 DEP ACOE VEGETATION INVENTORY

PROJECT: WALKWAY EXTENSION

LOCATION: TOWN OF OLD SAYBROOK
 MIDDLESEX COUNTY, CONNECTICUT

WATERWAY: HYDES POINT CREEK

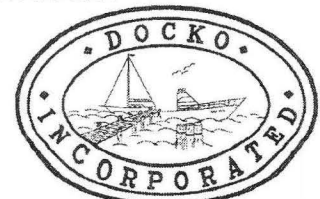
DATE: JANUARY 8, 2010

APPLICANT: MARK FLYNN

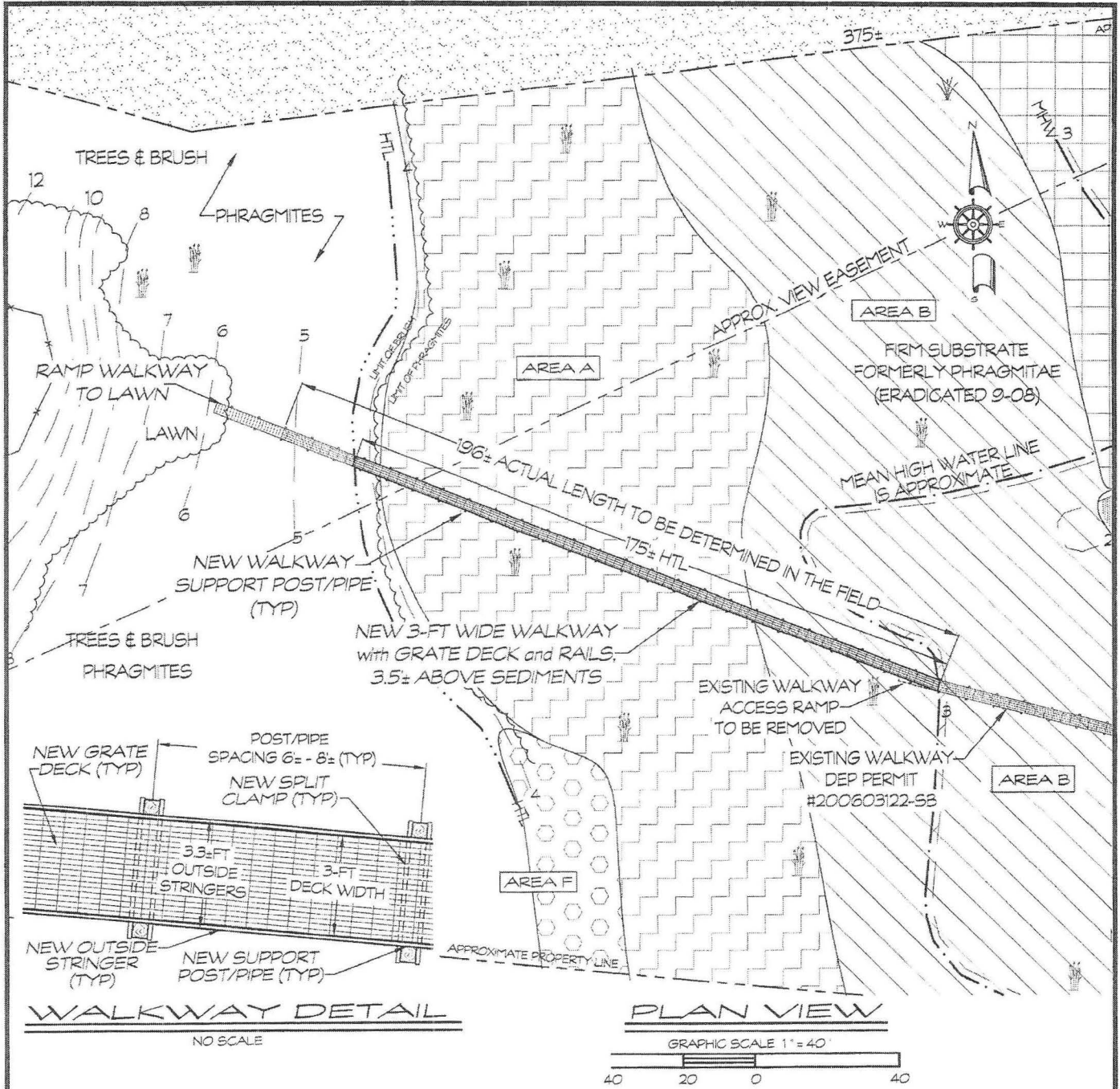
AGENT: SHEET 3 OF 5

DOCKO, INC.

Keith B. Nelson, PE
 Mystic, CT 06355
 860 572 8939 FAX 860 572 7569
 EMAIL: docko@snet.net



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MLW DATUM SURVEY by J. DEMPSEY & ASSOCIATES
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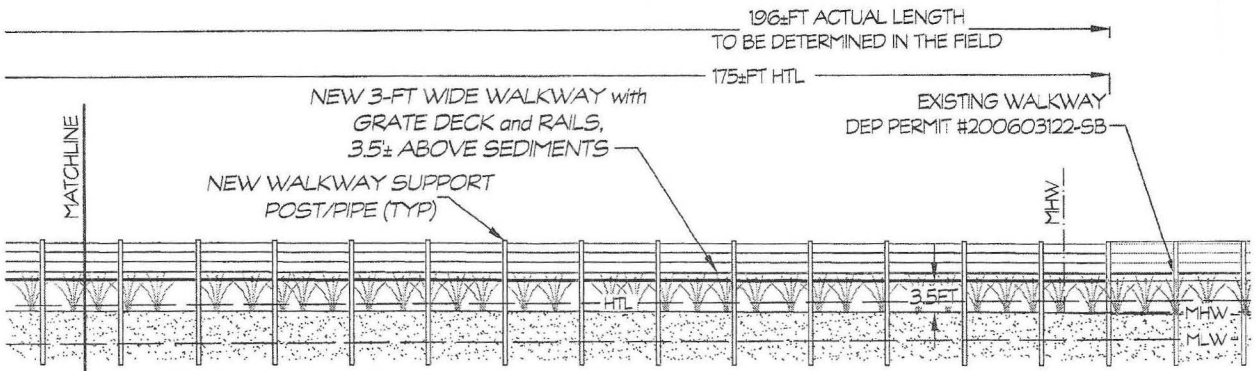
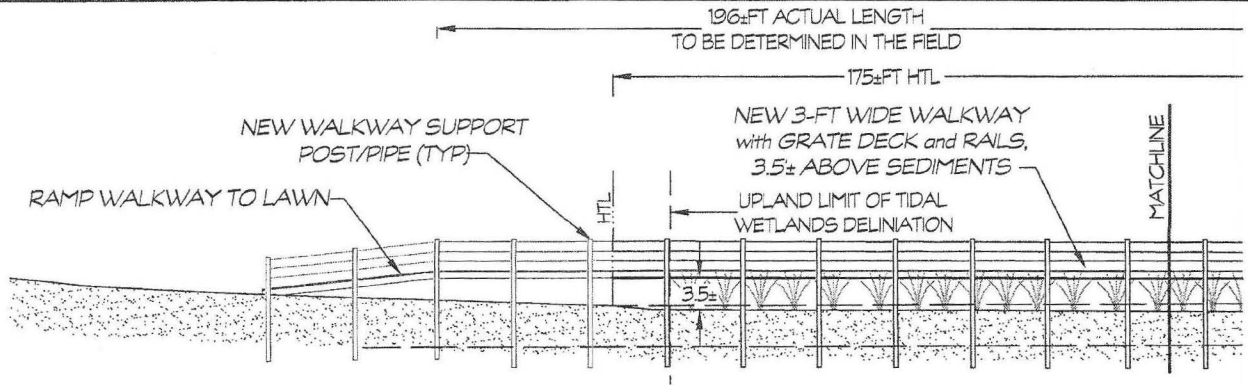
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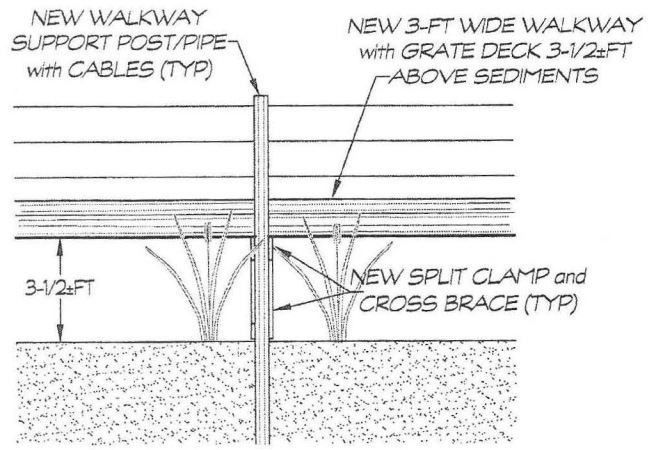
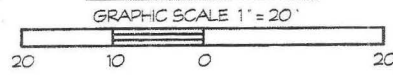
Keith B. Neilson, PE
 Mystic, CT 06355
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 EMAIL: docko@snet.net



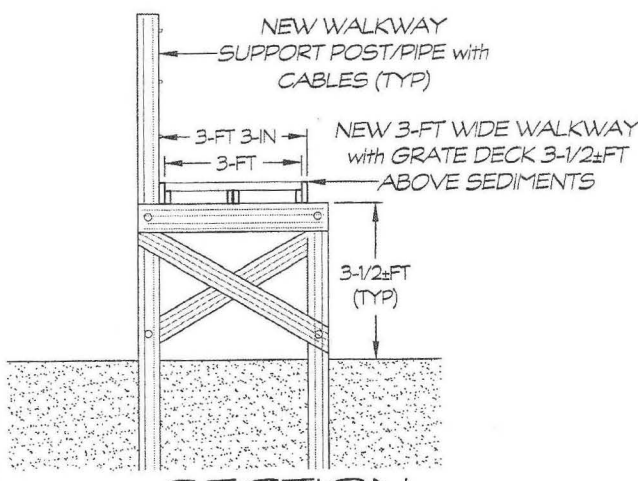
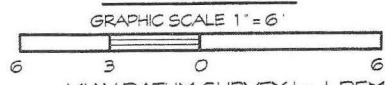
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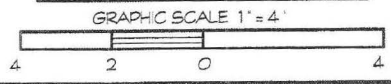
PROFILE



DETAIL



SECTION



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DWG 06-07-1632