



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

# PUBLIC NOTICE

**Comment Period Begins:** May 27, 2014

**Comment Period Ends:** June 27, 2014

**File Number:** NAE-2011-1879

**In Reply Refer To:** Lindsay Flieger

**Phone:** (978) 318-8656

**E-mail:** Lindsay.Flieger@usace.army.mil

The District Engineer has received a permit application from the applicant below to conduct work in waters of the United States as described below.

**APPLICANT** Yarde Realty Company

**ACTIVITY** To construct a commercial marina and retain fill along the East River. A detailed description and plans of the activity are attached.

## **WATERWAY AND LOCATION OF THE PROPOSED WORK**

This work is proposed in the East River at 4 Boston Post Road, in Madison, Connecticut. The proposed location on the USGS Guilford quadrangle sheet is at Lat/Long coordinates 41.28498 N and -72.64606 W.

## **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, 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.

**CENAE-R**  
**FILE NO. NAE-2011-1879**

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).

This project will impact approximately 0.3 acres of Essential Fish Habitat (EFH) for some State Endangered, Threatened, and Species of Special Concern. The tidal wetland vegetation in the surrounding area consists of *Phragmites australis*, *Iva frutescens*, *Spartina patens* and *Spartina alterniflora*. 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.

**SECTION 106 COORDINATION**

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 is not likely to adversely affect any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

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.

**CENAE-R**  
**FILE NO. NAE-2011-1879**

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

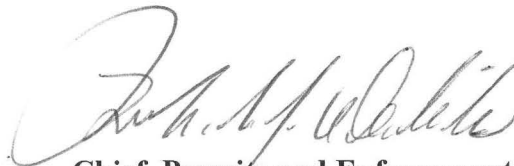
- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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, please contact Lindsay Flieger at (978) 318-8656, (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.**



**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto: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: \_\_\_\_\_

**CENAE-R**

**FILE NO. NAE-2011-1879**

**PROPOSED WORK AND PURPOSE**

This project includes the retention of fill and work in navigable waters for the construction of a 45 slip commercial marina constructed in two sections along the eastern shore of the East River. The line of slips will extend a maximum of 50 feet beyond Mean High Water (MHW).

The applicant is seeking to construct a marina as follows:

1) Northern Marina Section

- a. Install a 6' wide x 373' long pile secured main float with 27 slips that will run parallel to the shore line;
- b. Install a 4' wide x 40' long ramp access located in the northwest corner that will be connected to an upland steel sheet retaining wall and will lead to the aforementioned main float and a 10' x 19' access float;
- c. Install a central 6' wide x 80' long ramp that is connected to an 8' x 8' platform and leads to the main float and a 22' x 22' landing float;
- d. Install (24) 3' wide x 19' long finger floats secured with piles to create the slips;
- e. Install a 8' x 17' kayak launch float and a 6' wide x 26' long boat launch float;
- f. Install a 2' wide x 14' and a 3' wide x 14' long pile secured finger float;
- g. Install a 6' x 10' dock attendant booth float.

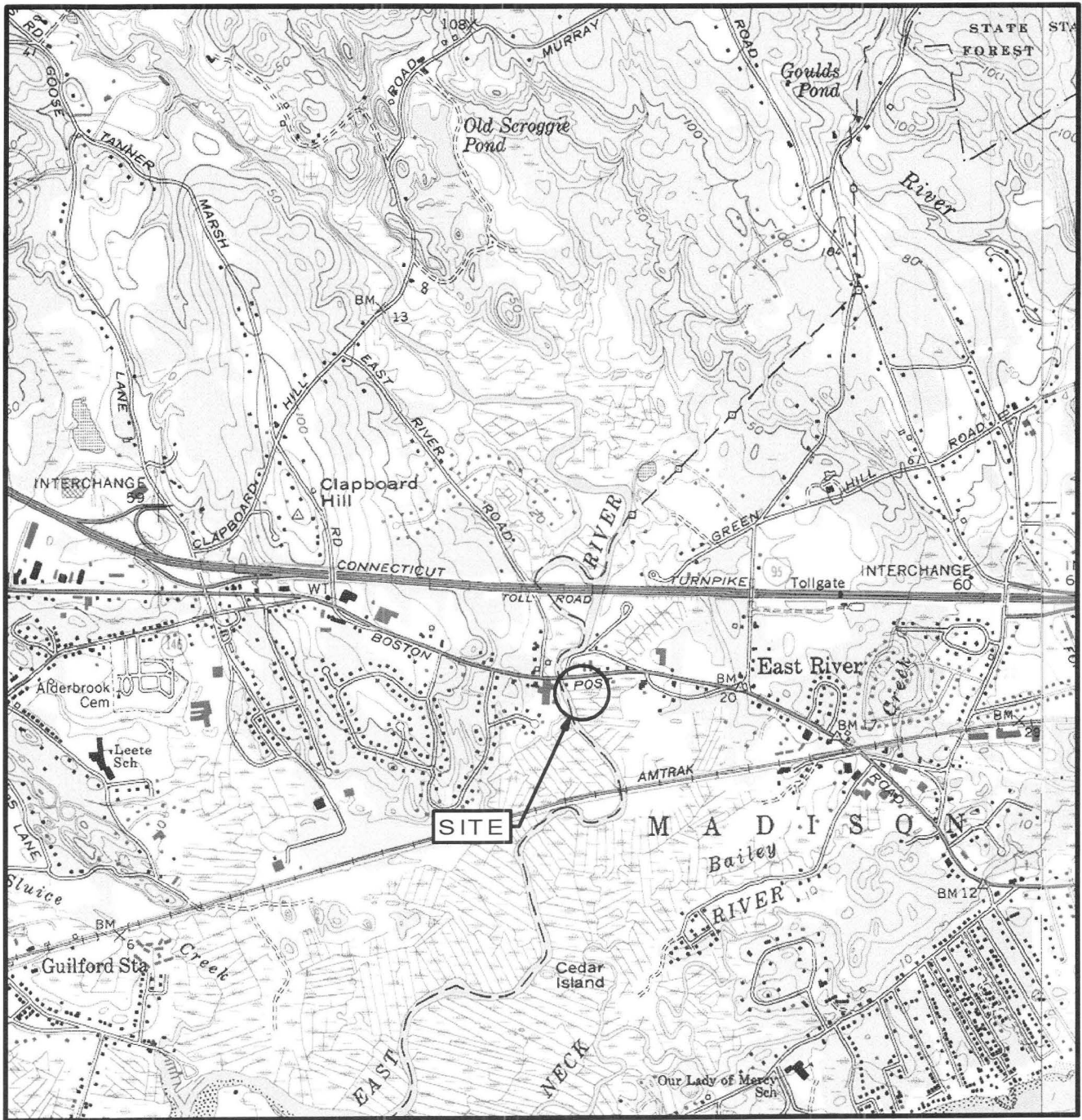
2) Southern Marina Section

- a. Install an 8' wide x 188' long pile secured main float with 18 slips and no physical connection to the upland. Slip owners will access the upland via a launch service from the southerly end of the northern dock;
- b. Install (6) 3' wide x 17' long finger floats secured with piles and (8) 3' wide x 19' long finger floats to create the slips;
- c. Install (2) 6' wide x 26' long pile secured floats;
- d. Install (2) 2' wide x 16' long pile secured finger floats;
- e. Install an 8' x 17' kayak launch float;
- f. Install a 6' x 10' dock attendant booth float.

3) Retain approximately 2,100 square feet and 63 cubic yards of wood mulch fill located waterward of the High Tide Line (HTL) as shown on sheet 7 and 9 of 14 on the plans.

The work is described on the enclosed plans entitled "Yarde Realty Company, 4 Boston Post Road, Madison, Connecticut," on 14 sheets, and dated "April 18, 2014."

**MITIGATION** The applicant has agreed to provide a contribution to the Connecticut In-Lieu Fee program to compensate for the 2,100 square feet of fill placed below the HTL.



**Coastline Consulting & Development**  
 5-B Old Post Road, Madison, CT 06443  
 (203) 245-8138

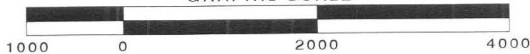
SHEET 1 OF 14  
 SITE LOCATION MAP

YARDE REALTY COMPANY  
 4 BOSTON POST ROAD  
 MADISON, CONNECTICUT

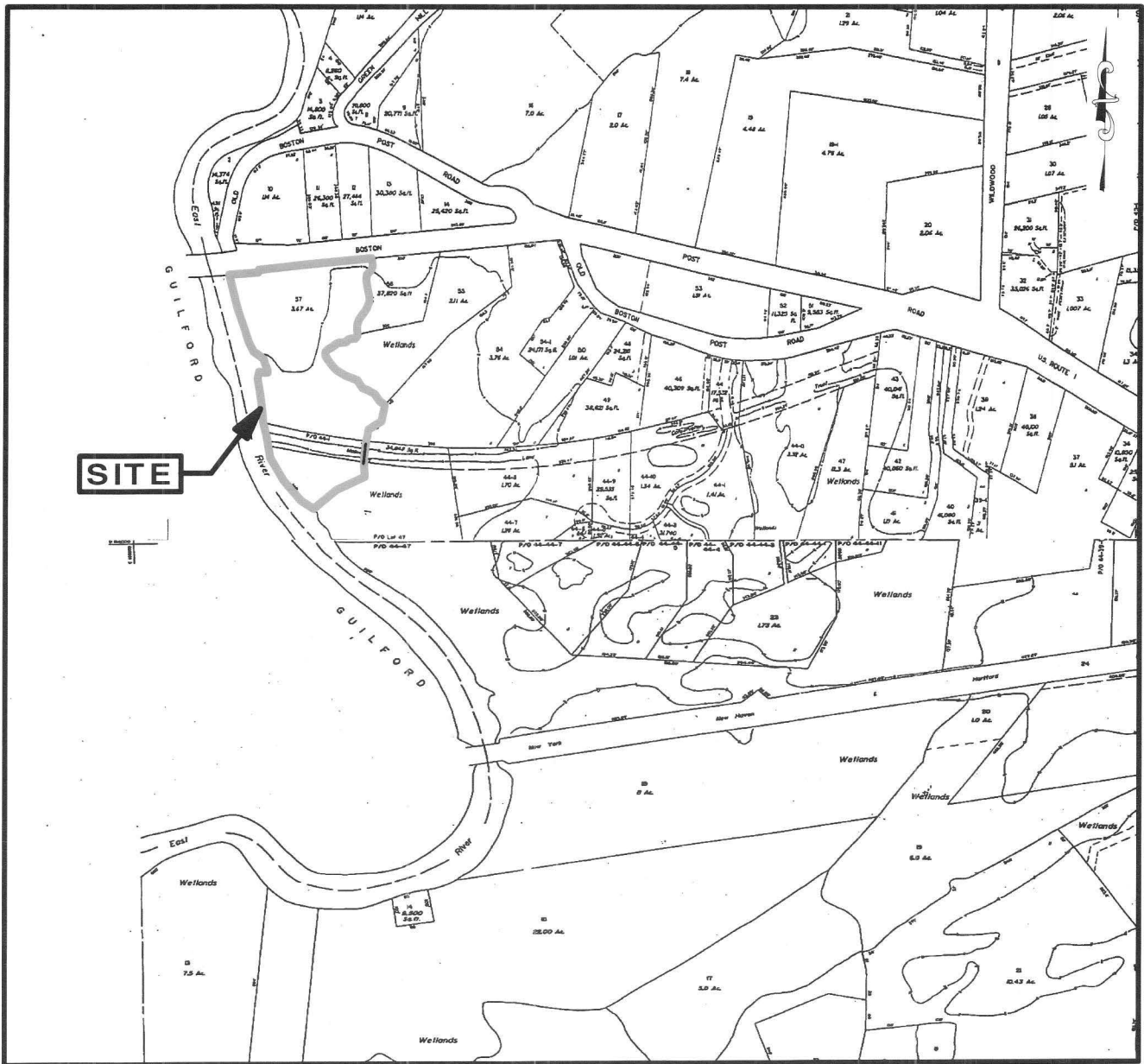
APRIL 18, 2014

SCALE: 1 = 24,000

GRAPHIC SCALE



NOTE: REFER TO NOTES FOR THIS SHEET ON APPLICATION DRAWING NOTES, SHEET 14 OF 14.



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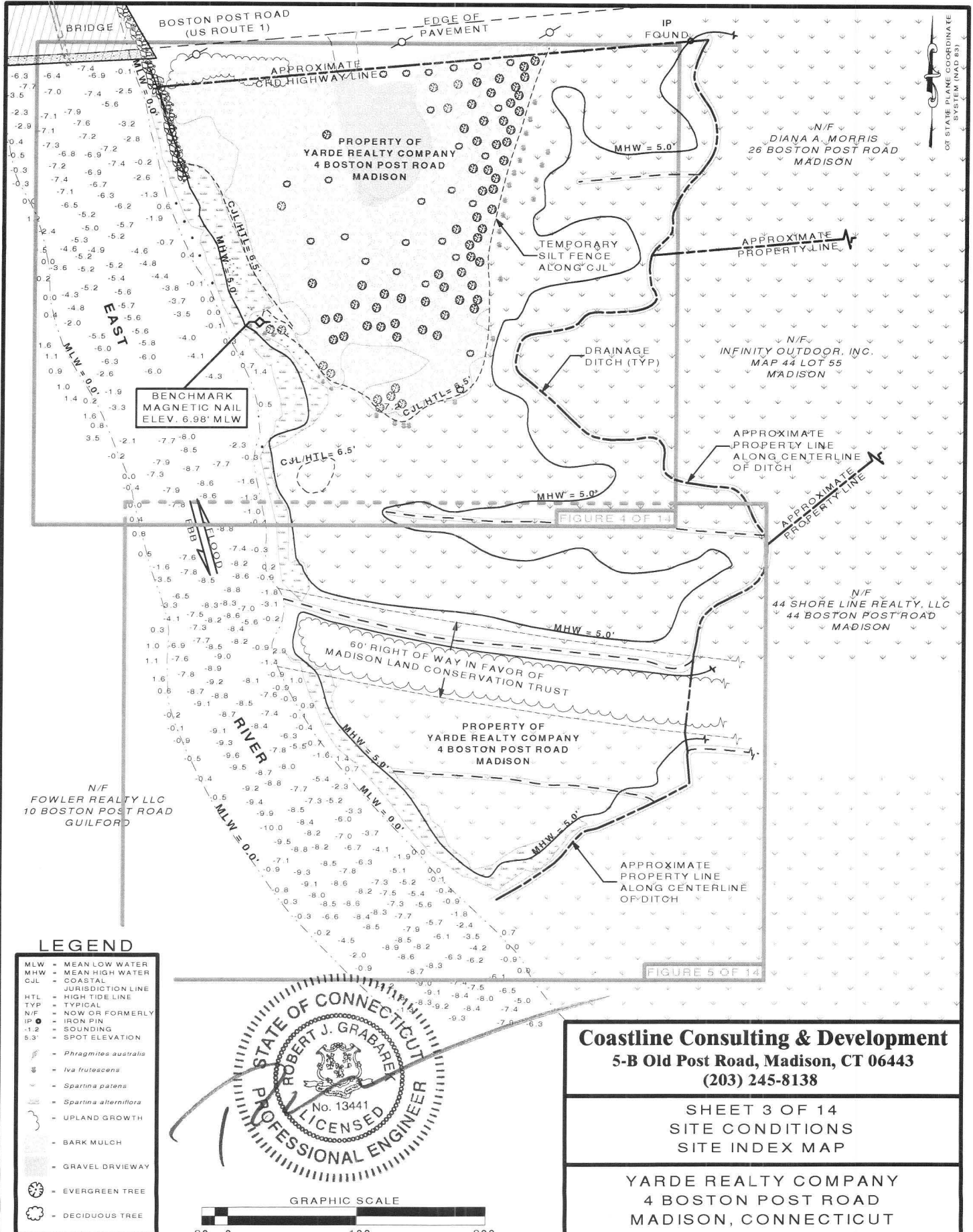
SHEET 2 OF 14  
 SITE PLAN VIEW

YARDE REALTY COMPANY  
 4 BOSTON POST ROAD  
 MADISON, CONNECTICUT

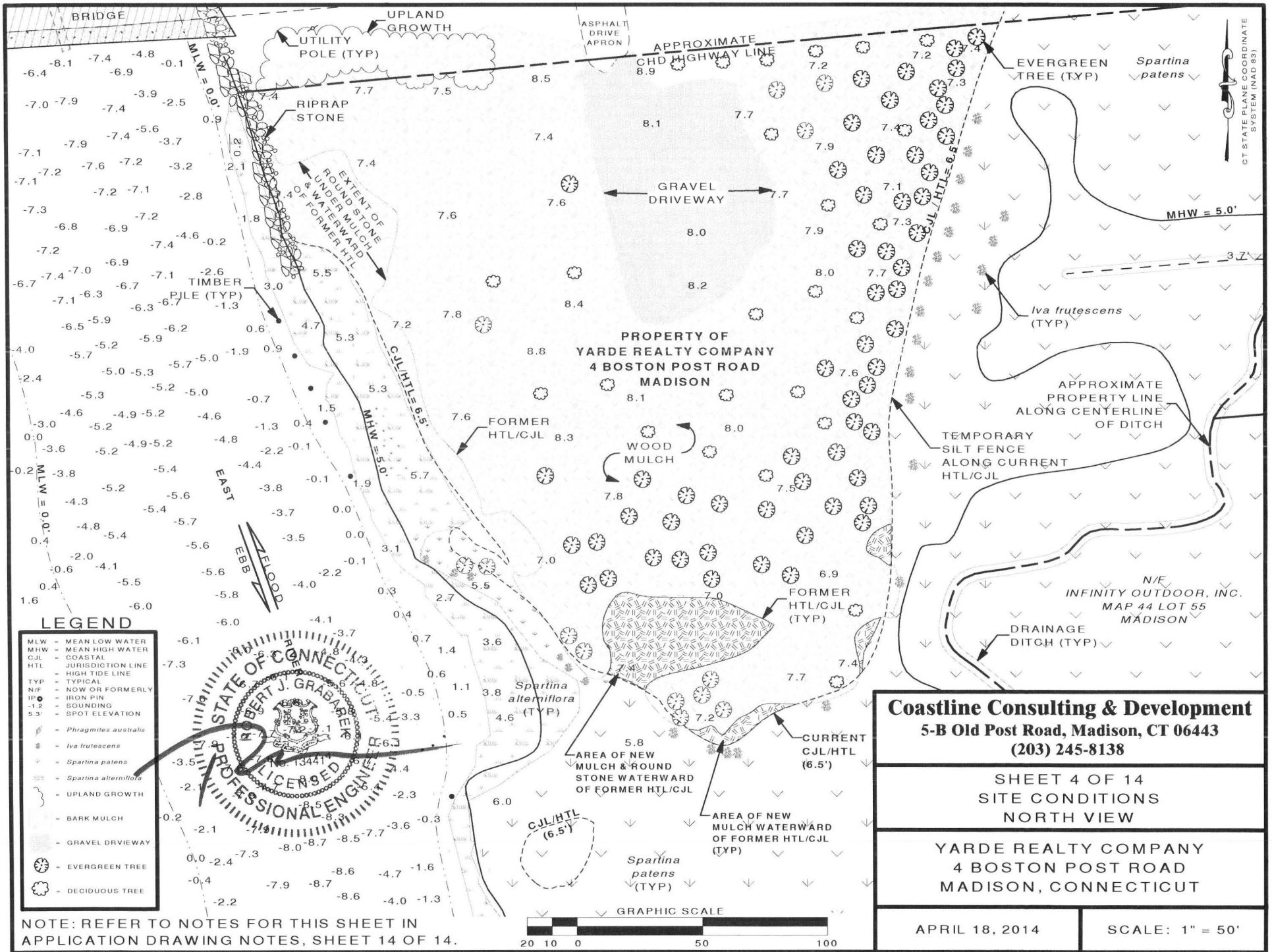
APRIL 18, 2014

SCALE: 1" = 500'

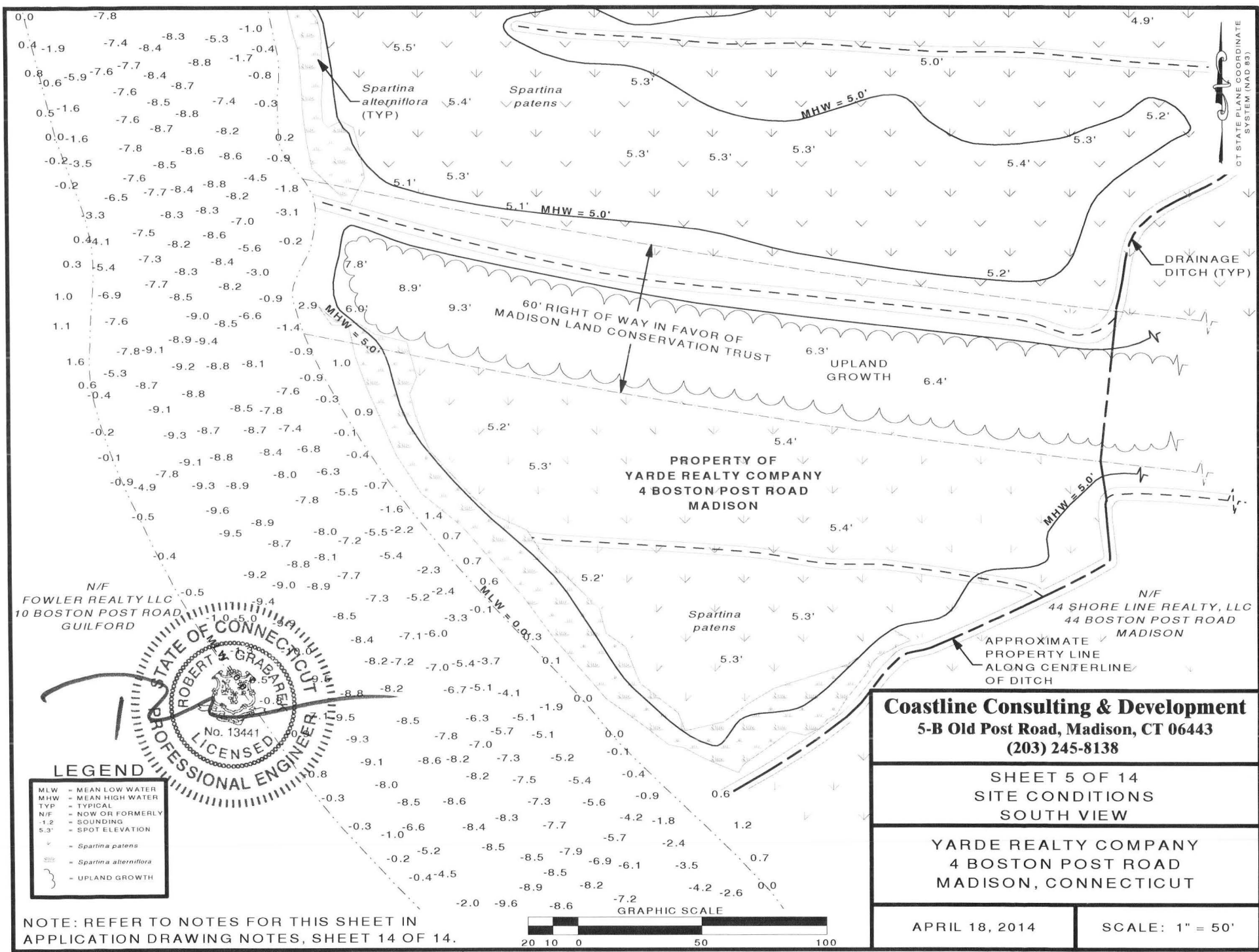
NOTE: REFER TO NOTES FOR THIS SHEET ON APPLICATION DRAWING NOTES, SHEET 14 OF 14.



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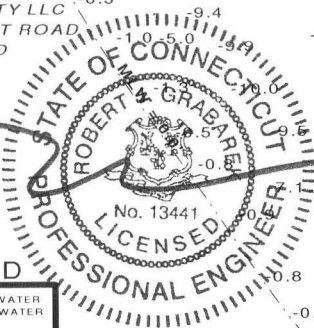




CT STATE PLANE COORDINATE SYSTEM (NAD 83)

N/F  
 FOWLER REALTY LLC  
 10 BOSTON POST ROAD  
 GUILFORD

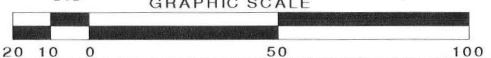
N/F  
 44 SHORE LINE REALTY, LLC  
 44 BOSTON POST ROAD  
 MADISON



**LEGEND**

- MLW = MEAN LOW WATER
- MHW = MEAN HIGH WATER
- TYP = TYPICAL
- N/F = NOW OR FORMERLY
- 1.2 = SOUNDING
- 5.3' = SPOT ELEVATION
- = *Spartina patens*
- = *Spartina alterniflora*
- = UPLAND GROWTH

NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES, SHEET 14 OF 14.



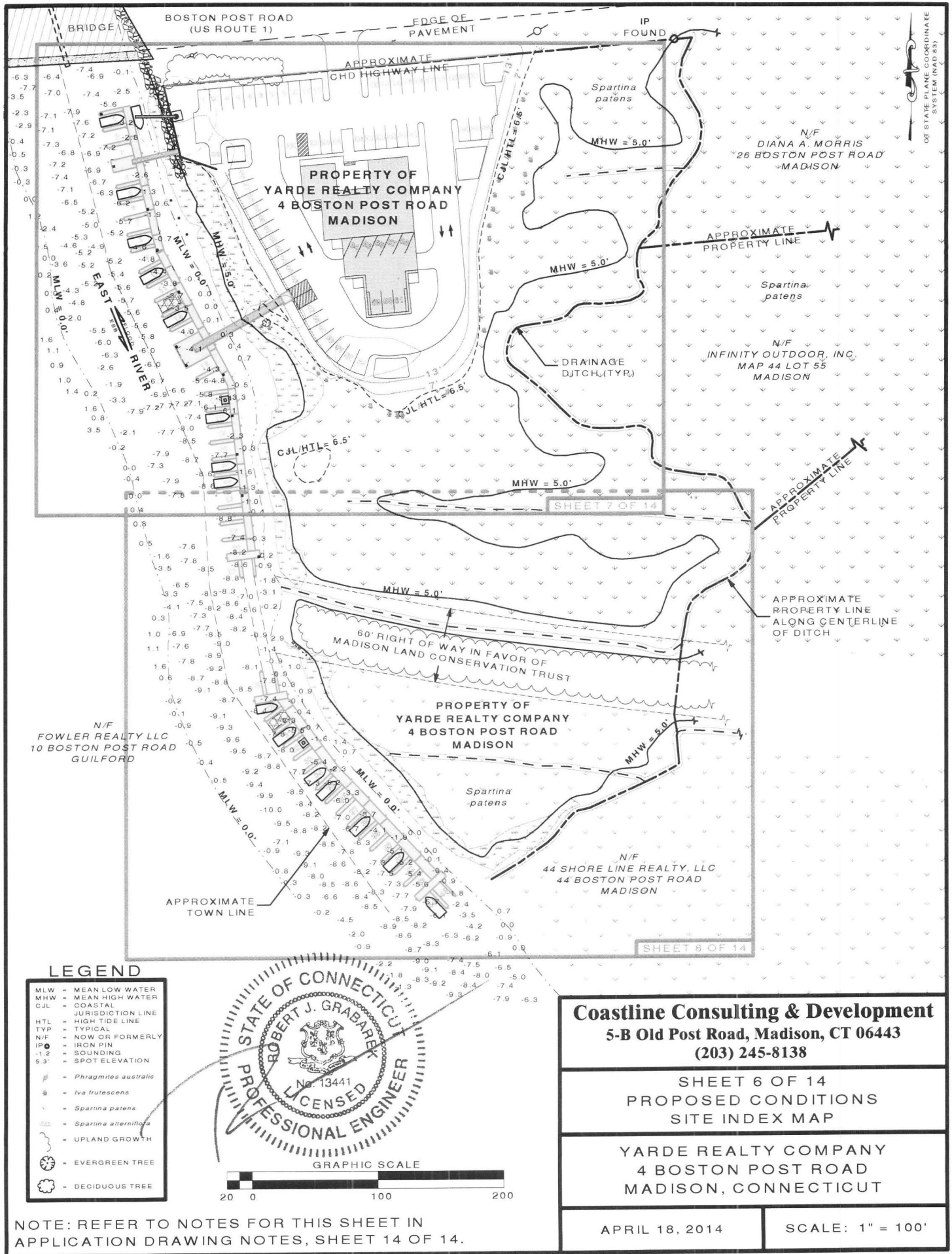
**Coastline Consulting & Development**  
 5-B Old Post Road, Madison, CT 06443  
 (203) 245-8138

SHEET 5 OF 14  
 SITE CONDITIONS  
 SOUTH VIEW

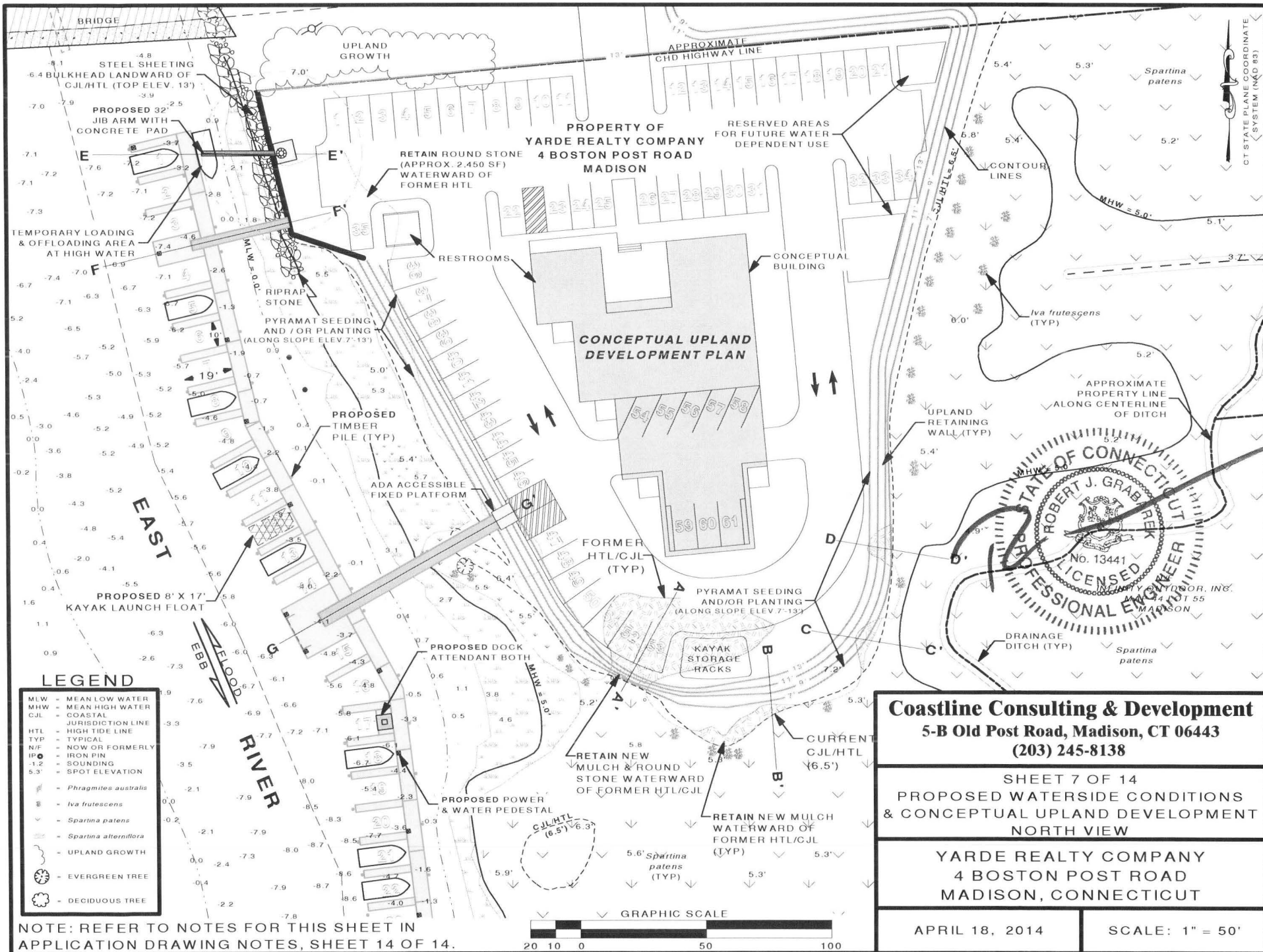
YARDE REALTY COMPANY  
 4 BOSTON POST ROAD  
 MADISON, CONNECTICUT

APRIL 18, 2014

SCALE: 1" = 50'



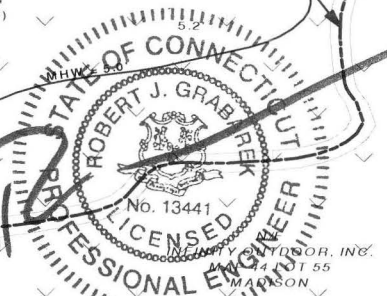
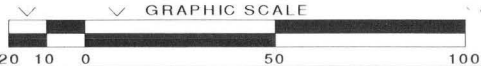
NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES, SHEET 14 OF 14.



**LEGEND**

MLW	- MEAN LOW WATER
MHW	- MEAN HIGH WATER
C/JL	- COASTAL JURISDICTION LINE
HTL	- HIGH TIDE LINE
TYP	- TYPICAL
N/F	- NOW OR FORMERLY
IP	- IRON PIN
-1.2	- SOUNDING
5.3'	- SPOT ELEVATION
	- <i>Phragmites australis</i>
	- <i>Iva frutescens</i>
	- <i>Spartina patens</i>
	- <i>Spartina alterniflora</i>
	- UPLAND GROWTH
	- EVERGREEN TREE
	- DECIDUOUS TREE

NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES, SHEET 14 OF 14.



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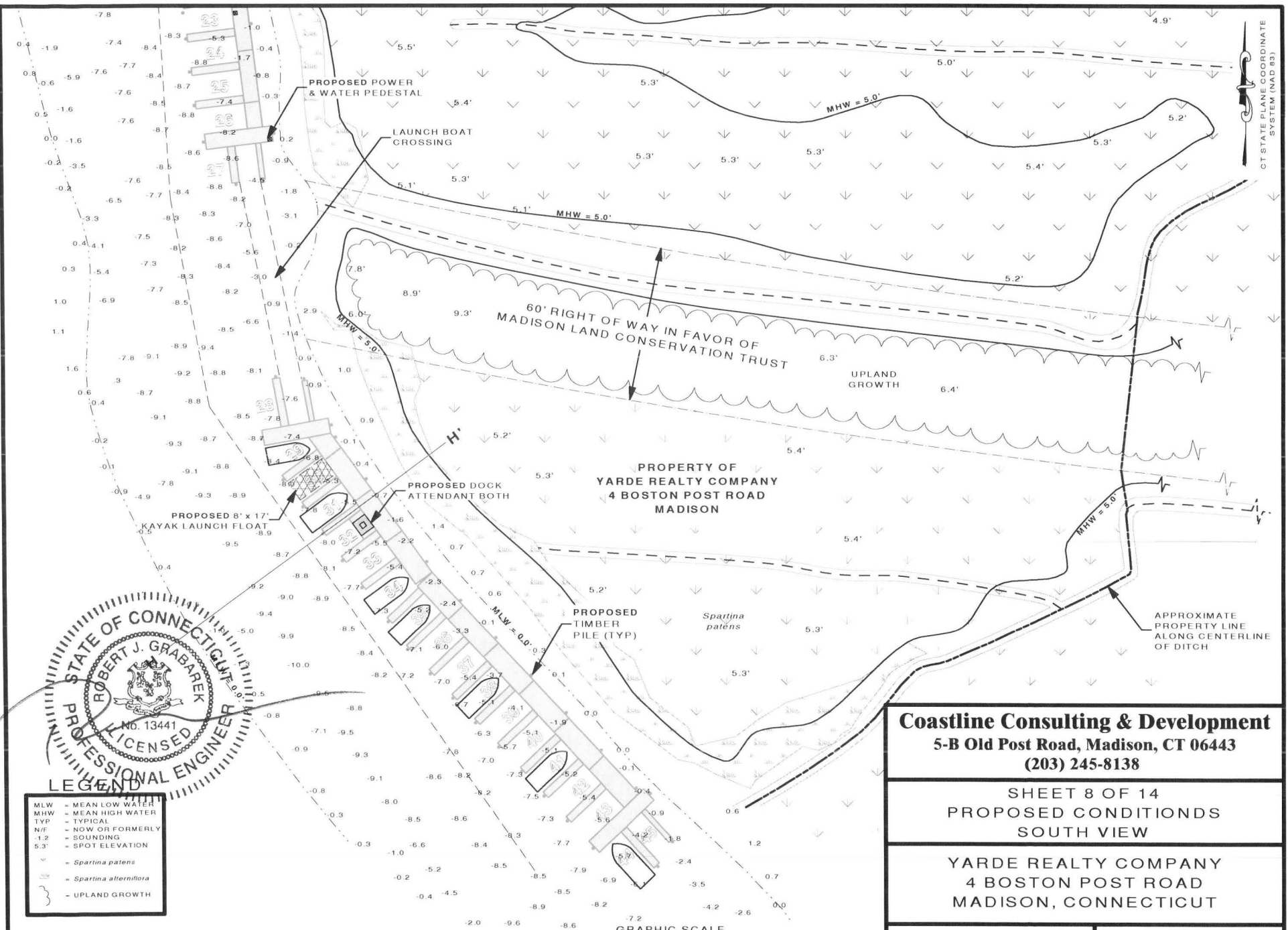
SHEET 7 OF 14  
 PROPOSED WATERSIDE CONDITIONS  
 & CONCEPTUAL UPLAND DEVELOPMENT  
 NORTH VIEW

YARDE REALTY COMPANY  
 4 BOSTON POST ROAD  
 MADISON, CONNECTICUT

APRIL 18, 2014

SCALE: 1" = 50'

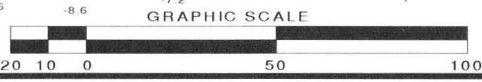
CT STATE PLANE COORDINATE SYSTEM (NAD 83)



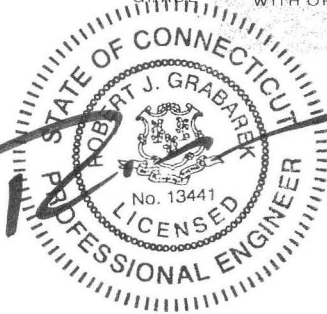
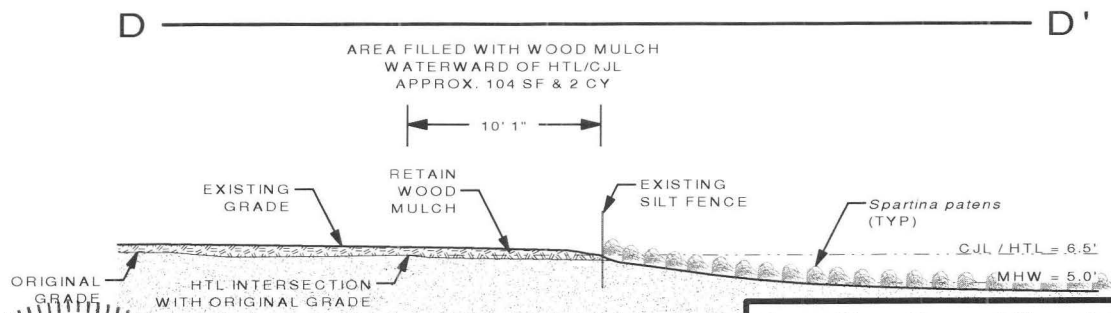
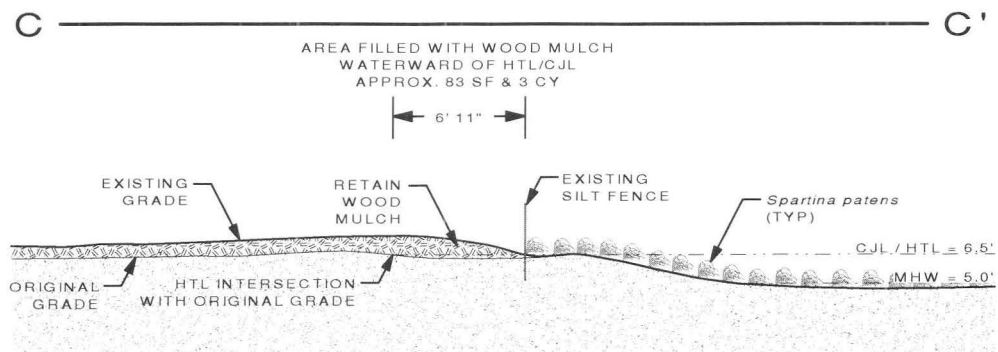
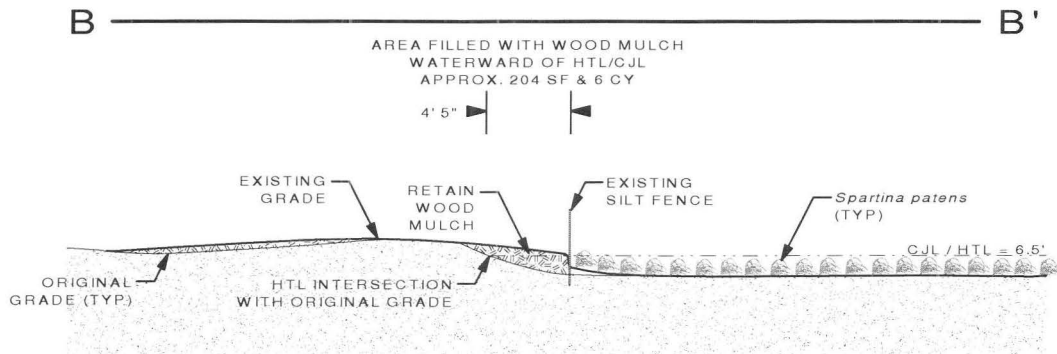
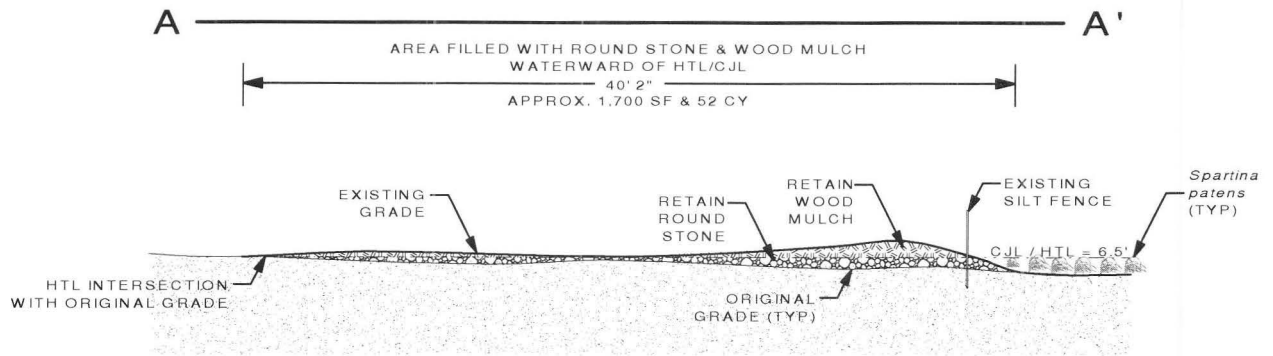
**LEGEND**

MLW	= MEAN LOW WATER
MHW	= MEAN HIGH WATER
TYP	= TYPICAL
N/F	= NOW OR FORMERLY
-1.2	= SOUNDING
5.3'	= SPOT ELEVATION
	= <i>Spartina patens</i>
	= <i>Spartina alterniflora</i>
	= UPLAND GROWTH

NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES, SHEET 14 OF 14.



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SHEET 8 OF 14 PROPOSED CONDITIONS SOUTH VIEW	
YARDE REALTY COMPANY 4 BOSTON POST ROAD MADISON, CONNECTICUT	
APRIL 18, 2014	SCALE: 1" = 50'



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SHEET 9 OF 14  
CROSS SECTIONS  
A - A', B - B', C - C', & D - D'

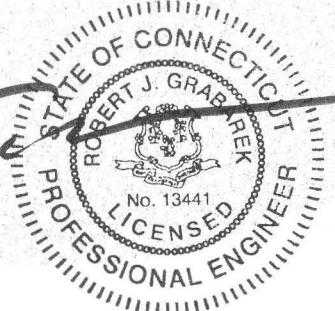
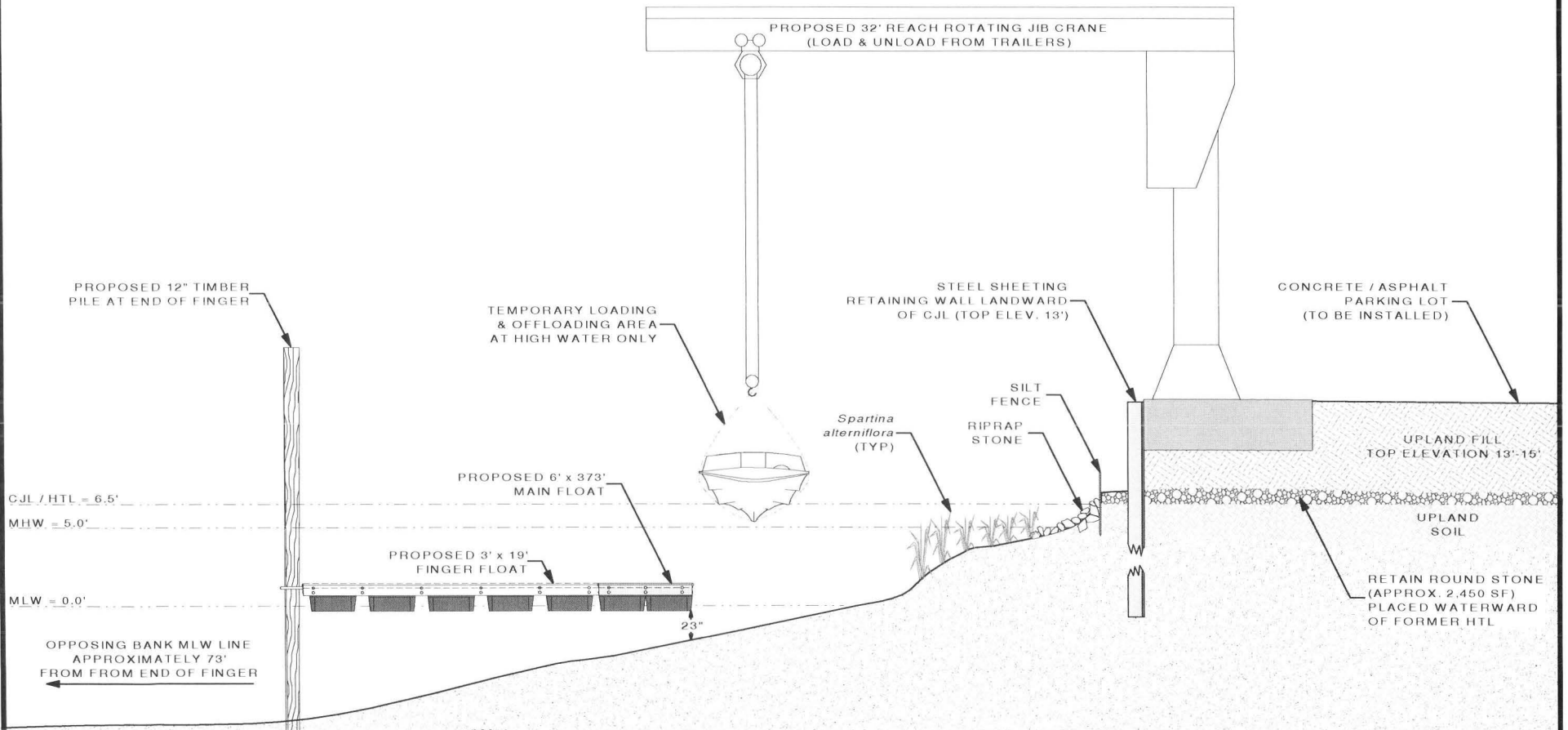
YARDE REALTY COMPANY  
4 BOSTON POST ROAD  
MADISON, CONNECTICUT

APRIL 18, 2014      SCALE: 1" = 10'

NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES, SHEET 14 OF 14.

E

E'



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SHEET 10 OF 14  
CROSS SECTION E - E'

YARDE REALTY COMPANY  
4 BOSTON POST ROAD  
MADISON, CONNECTICUT

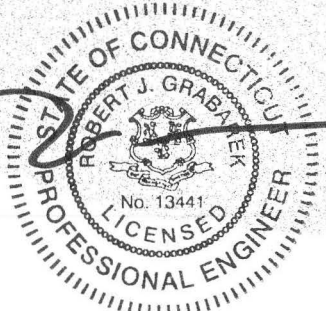
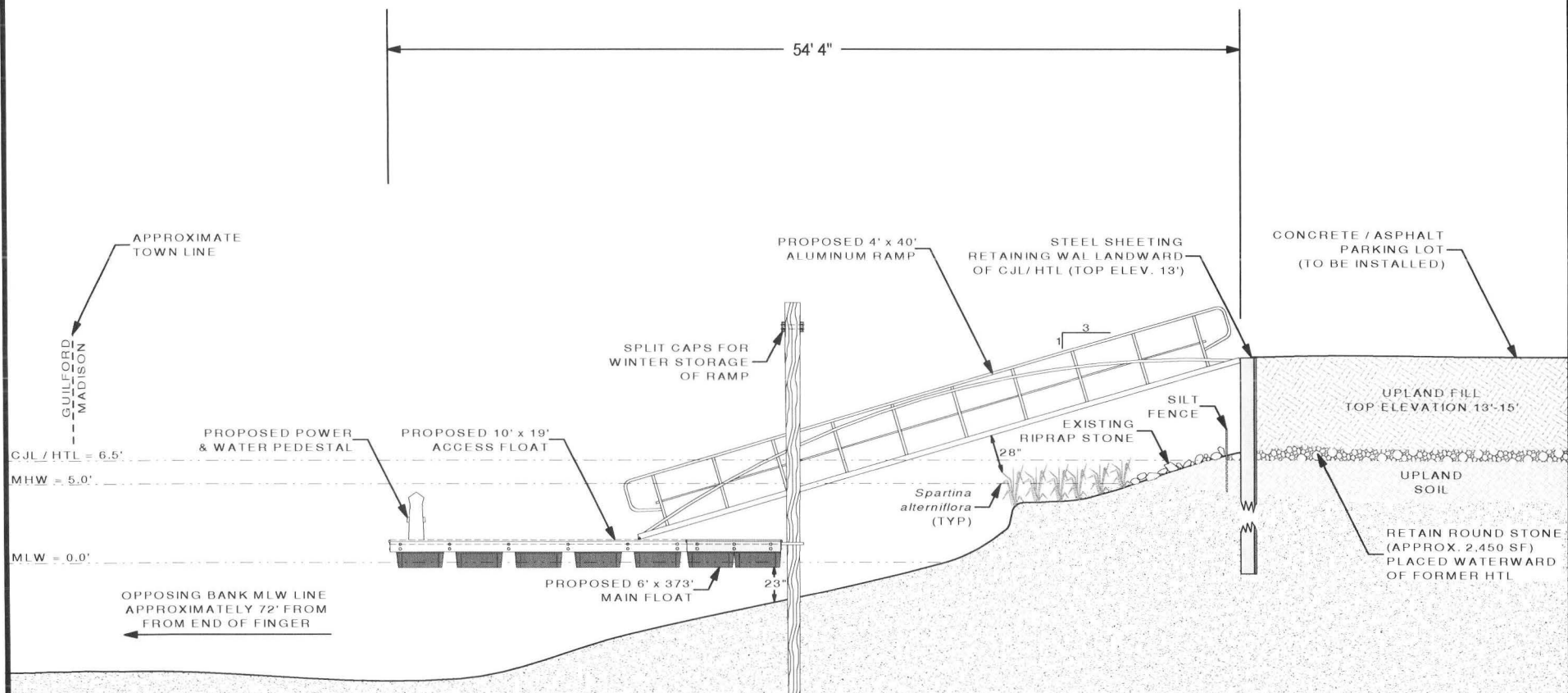
APRIL 18, 2014

SCALE: 1" = 10'

NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES, SHEET 14 OF 14.



F ————— F'



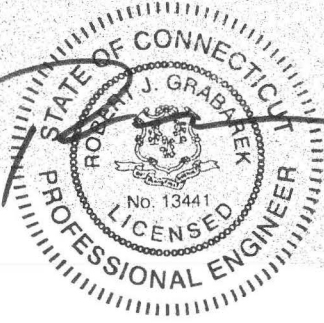
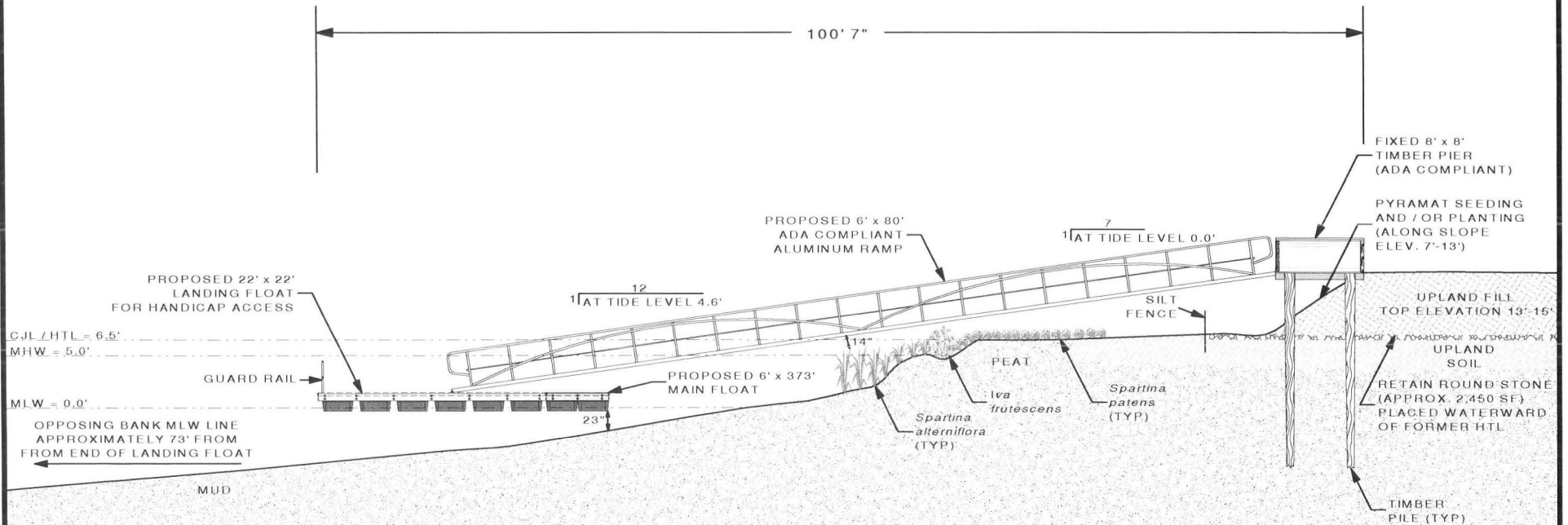
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SHEET 11 OF 14 CROSS SECTION F - F'	
YARDE REALTY COMPANY 4 BOSTON POST ROAD MADISON, CONNECTICUT	
APRIL 18, 2014	SCALE: 1" = 10'

G

G'



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SHEET 12 OF 14  
CROSS SECTION G - G'

YARDE REALTY COMPANY  
4 BOSTON POST ROAD  
MADISON, CONNECTICUT

APRIL 18, 2014

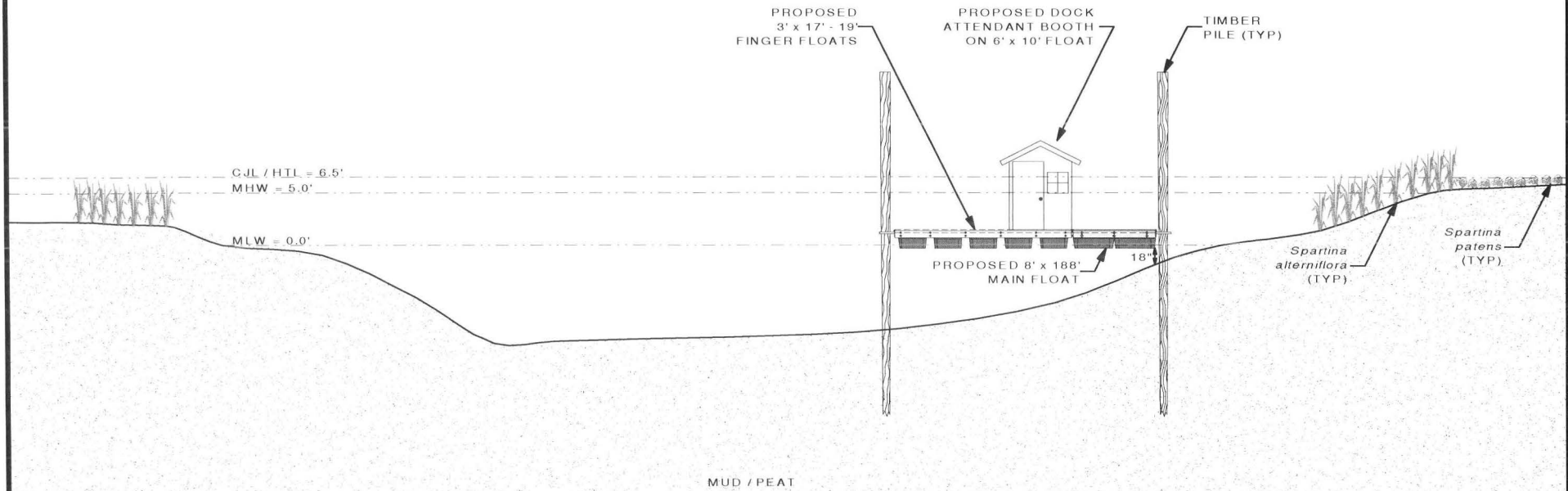
SCALE: 1" = 15'

NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES, SHEET 14 OF 14.

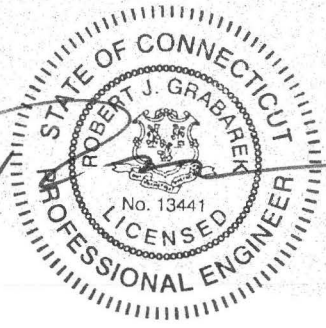


H

H'



MUD / PEAT



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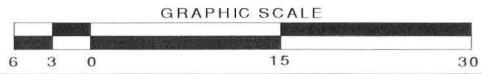
SHEET 13 OF 14  
 CROSS SECTION H - H'

YARDE REALTY COMPANY  
 4 BOSTON POST ROAD  
 MADISON, CONNECTICUT

APRIL 18, 2014

SCALE: 1" = 15'

NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES, SHEET 14 OF 14.



## APPLICATION DRAWING NOTES

### SHEET 1 OF 14 SITE LOCATION MAP

1. MAP TAKEN FROM TOPO, INC., 7.5 MINUTE USGS TOPOGRAPHIC MAPS OF THE GUILFORD, CONNECTICUT, QUADRANGLE, 1960 (PHOTO INSPECTED 1976, PHOTO REVISED 1984).

### SHEET 2 OF 14 SITE PLAN VIEW

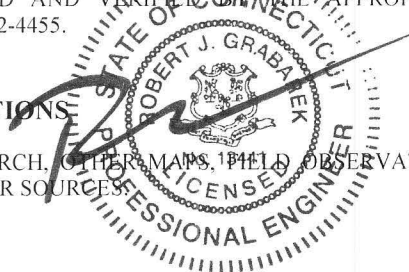
1. THE CONDITIONS ARE APPROXIMATE AND ARE BASED UPON MADISON, CT ASSESSOR MAPS AND FIELD OBSERVATIONS.

### SHEET 3-5 OF 14 SITE INDEX & SITE CONDITIONS

1. THIS APPLICATION DRAWING WAS PREPARED FROM RECORDED RESEARCH, OTHER MAPS, FIELD OBSERVATIONS COLLECTED ON 6/18/08, 6/20/08, 6/30/08, 3/3/11, 8/24/11, 1/10/12, & 3/6/13 AND OTHER SOURCES.
2. REFERENCE IS MADE TO THE FOLLOWING MAPS:
  - A. A CLASS T-2 & A-2 SURVEY TITLED, "IMPROVEMENT LOCATION SURVEY SHOWING COASTAL JURISDICTION ELEVATION 3.7 LINE AND TIDAL WETLAND BOUNDARY LINE OF 12-20-2012, #4 BOSTON POST ROAD - ASSESSOR MAP 44 LOT 57, MADISON, CONNECTICUT", DATED JANUARY 9, 2013, SCALE 1" = 30', AND PREPARED BY BARDEN SURVEY, LLC, 126 BOONE CIRCLE, WESTBROOK, CONNECTICUT.
  - B. A CLASS T-2 SURVEY TITLED "TOPOGRAPHIC SURVEY, EXISTING CONDITIONS, YARDE REALTY COMPANY, 4 BOSTON POST ROAD, MADISON, CONNECTICUT". DATED 17, 2011 SCALE 1" = 100', PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC, CERTIFIED BY JAMES NAGLE, L.S. LIC. NO. 15195
3. BENCHMARK, TIDE LINES, SOUNDINGS, AND UPLAND ELEVATIONS ARE IN FEET, FIELD-LOCATED BY COASTLINE CONSULTING & DEVELOPMENT, LLC, AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM BASED ON NAVD88 VERTICAL DATUM USING NOAA TIDE STATION #8464448 (1983-2001 EPOCH) IN GUILFORD, CONNECTICUT. THE COASTAL JURISDICTION LINE (CJL) ELEVATION OF 3.7' NAVD88 (6.5' MLW DATUM) IS THE VALUE FOR MADISON, CT AS RECOMMENDED BY THE CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION.
4. THESE DRAWINGS ARE FOR PLANNING AND PERMITTING PURPOSES ONLY. ANY PROPERTY LINES ARE DEPICTED GRAPHICALLY ONLY, AND DO NOT REPRESENT ANY PROPERTY/BOUNDARY OPINION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.
5. SITE MAY BE SUBJECT TO AND/OR TOGETHER WITH CERTAIN LITTORAL, RIPARIAN, OR OTHER RIGHTS AS PER THE RECORD MAY APPEAR
6. ANY UNDERGROUND AND/OR UNDERWATER UTILITY, STRUCTURE, AND FACILITY LOCATIONS DEPICTED AND/OR NOTED HEREON MAY HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROLE TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE. THE LOCATIONS OF WHICH ARE UNKNOWN TO COASTLINE CONSULTING & DEVELOPMENT, LLC. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO ANY CONSTRUCTION. CALL BEFORE YOU DIG: 1-800-922-4455.

### SHEET 6 - 13 OF 14 PROPOSED CONDITIONS & CROSS-SECTIONS

1. THESE APPLICATION DRAWINGS WERE PREPARED FROM RECORDED RESEARCH, OTHER MAPS, FIELD OBSERVATIONS COLLECTED ON 6/18/08, 6/20/08, 6/30/08, 3/3/11, 8/24/11, 1/10/12, & 3/6/13, AND OTHER SOURCES.
2. REFERENCE IS MADE TO THE FOLLOWING APPLICATION DRAWINGS:
  - A. "SHEETS 4 & 5 OF 14, SITE CONDITIONS, YARDE REALTY COMPANY, 4 BOSTON POST ROAD, MADISON, CONNECTICUT", SCALE: 1"=50', PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC.
  - B. "SHEETS 7 & 8 OF 14, PROPOSED CONDITIONS, YARDE REALTY COMPANY, 4 BOSTON POST ROAD, MADISON, CONNECTICUT", SCALE: 1"=50', PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC.
  - C. "CONCEPTUAL PLAN "B" OF 4 BOSTON POST ROAD, MADISON, CONNECTICUT" PREPARED FOR YARDE REALTY COMPANY, PREPARED BY FEDUS ENGINEERING, LLC, DATED 11/15/11.
3. SOUNDINGS AND UPLAND ELEVATIONS ARE IN FEET AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM BASED ON NAVD88.
4. THESE APPLICATION DRAWINGS ARE FOR PLANNING AND PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR BID DOCUMENTS, STRUCTURAL DESIGN, OR CONSTRUCTION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.



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SHEET 14 OF 14 APPLICATION DRAWING NOTES	
YARDE REALTY COMPANY 4 BOSTON POST ROAD MADISON, CONNECTICUT	
APRIL 18, 2014	FILE NO.: 08-141