



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

PUBLIC NOTICE

Comment Period Begins: July 2, 2013
Comment Period Ends: August 2, 2013
File Number: NAE-2012-0309
In Reply Refer To: Michael Riccio
Phone: (978) 318-8685
E-mail: Michael.S.Riccio@usace.army.mil

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

APPLICANT: JOHNPAM, LLC

ACTIVITY: Construct and maintain a new commercial boating facility (A detailed description and plans of the activity are attached).

WATERWAY AND LOCATION OF THE PROPOSED WORK:

This work is proposed in the Housatonic River at 500 River Road in Shelton, Connecticut. The site coordinates are: Latitude 41.288373 Longitude -73.078641.

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.

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 0.35 acres of Essential Fish Habitat (EFH) for the species described on the attached Summary of Essential Fish Habitat (EFH) Designation. Loss of 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. 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 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-PEB
FILE NO. NAE-2012-0309

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 Michael Riccio at (978) 318-8685, (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: _____

PROPOSED WORK AND PURPOSE

The work includes the construction of a new commercial boating facility in the Housatonic River at 500 River Road in Shelton, Connecticut. The proposed project is designed to make this site a commercial water dependent facility. Sacred Heart University is leasing the site to facilitate their rowing program which uses sculls up to 63 feet in length. Although the facility is been designed to accommodate said rowing program, if at any point in time Sacred Heart University chooses to discontinue leasing the facility, it will remain a commercial boating facility.

The facility includes the following structures:

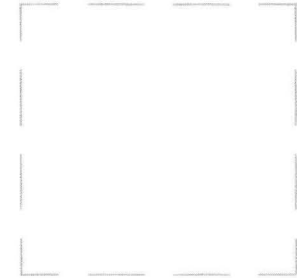
12' x 24' wooden deck (landward of Mean High Water), with a 6' x 68' long pile supported fixed wooden pier that will have four 4' x 20' finger floats and lead to a 5' x 28' aluminium ramp, an 8' x 48' float and a 12' x 64' T-head float. The project will also include two tie-off piles and will extend approximately 120 feet waterward of Mean High Water.

The work is described on the enclosed plans entitled "Commercial Pier, Ramp and Dock System JOHNPAAM, LLC 500 River Road Fairfield County Shelton, Connecticut" on seven sheets, and dated "November 1, 2011 Revised 2/22/2012."

COMMERCIAL PIER, RAMP AND DOCK SYSTEM

JOHNPAM, LLC

500 River Road
Fairfield County
Shelton, Connecticut



Engineer or Surveyor:
Permitting Agent: John B. Lust

GENERAL NOTES:

1. BASE MAP TAKEN FROM THE FOLLOWING REFERENCE MAPS:
 - 1.1. "MAP OF PROPERTY – PROPOSED PIER, RAMP & FLOAT PREPARED FOR SAL MATTO 500 RIVER ROAD (CT RT. 110) SHELTON, CONNECTICUT", SCALE: 1"=40'; DATED: JANUARY 6, 2012 AND PREPARED BY NOWAKOWSKI – O'BYMACHOW – KANE, ASSOCIATES.
2. PROJECT LOCATION MAP TAKEN FROM CT D.O.T. ELECTRONIC ROAD (TRU) MAPS.
3. THIS PLAN SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND NOT FOR CONSTRUCTION PURPOSES. ALL STRUCTURES, UTILITIES AND ELEVATIONS SHOULD BE FIELD VERIFIED PRIOR TO THE START OF ANY WORK.
4. THE ENGINEERING SEAL AND SIGNATURE IS PROVIDED TO INDICATE GENERAL CONFORMANCE WITH COASTAL ENGINEERING PRACTICE. THE ATTACHED DESIGNS ARE CONCEPTUAL AND FOR THE PURPOSE OF PERMITTING ONLY. THEY DO NOT INCLUDE A STRUCTURAL ENGINEERING ANALYSIS.

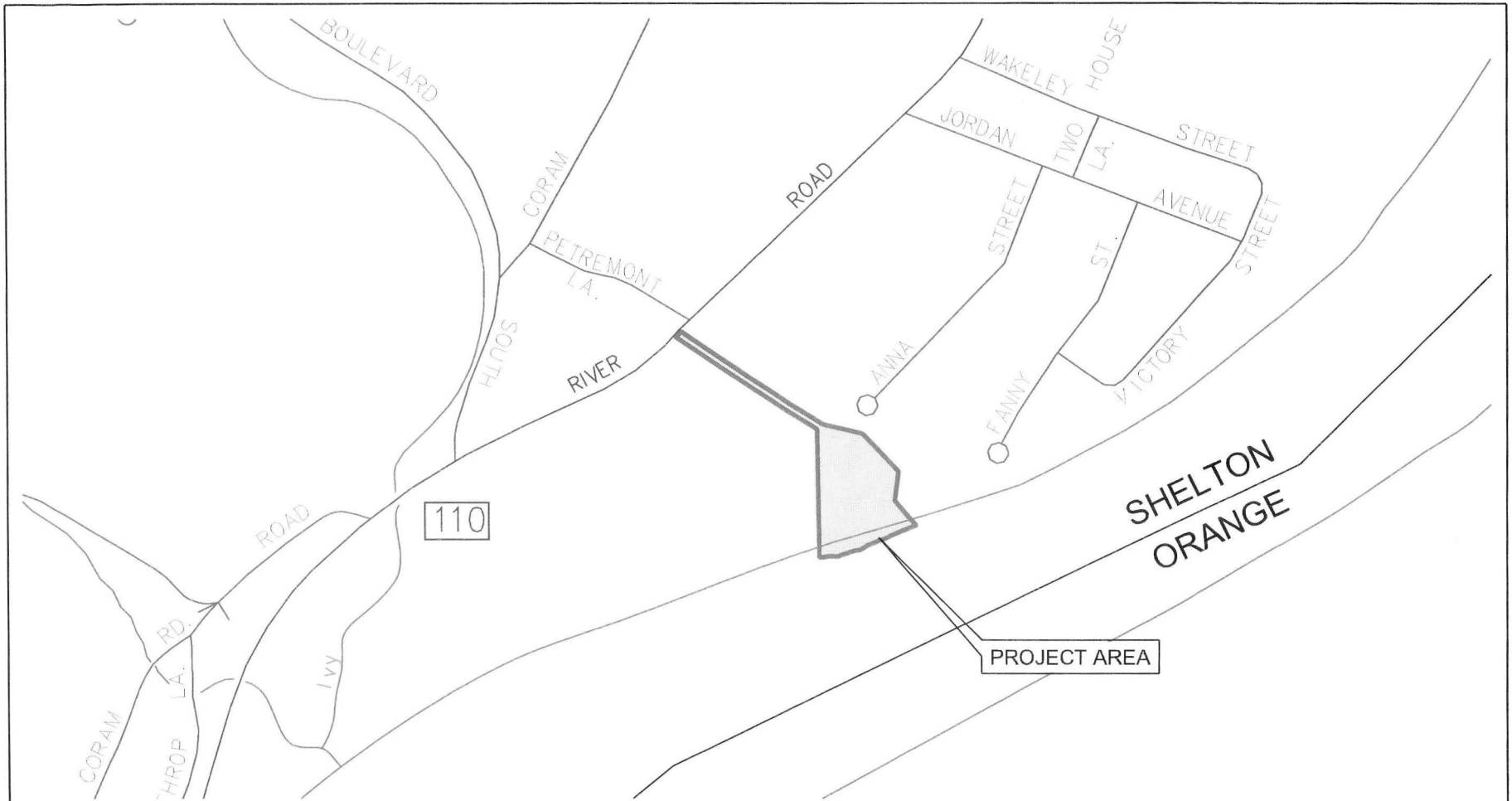
Drawing List

- | | | |
|--------|---|-------------------------------------|
| 1 of 8 | - | Cover Sheet |
| 2 of 8 | - | Site Location Map |
| 3 of 8 | - | Assessor Map |
| 4 of 8 | - | Existing Conditions (Property View) |
| 5 of 8 | - | Existing Conditions (Shore View) |
| 6 of 8 | - | Proposed Improvements |
| 7 of 8 | - | Proposed Winter Configuration |
| 8 of 8 | - | Section View A-A |

Date: November 1, 2011 Revised: 3/1/2012

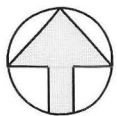
Permitting Agent: John B. Lust

Sheet: 1 of 8



SITE LOCATION MAP

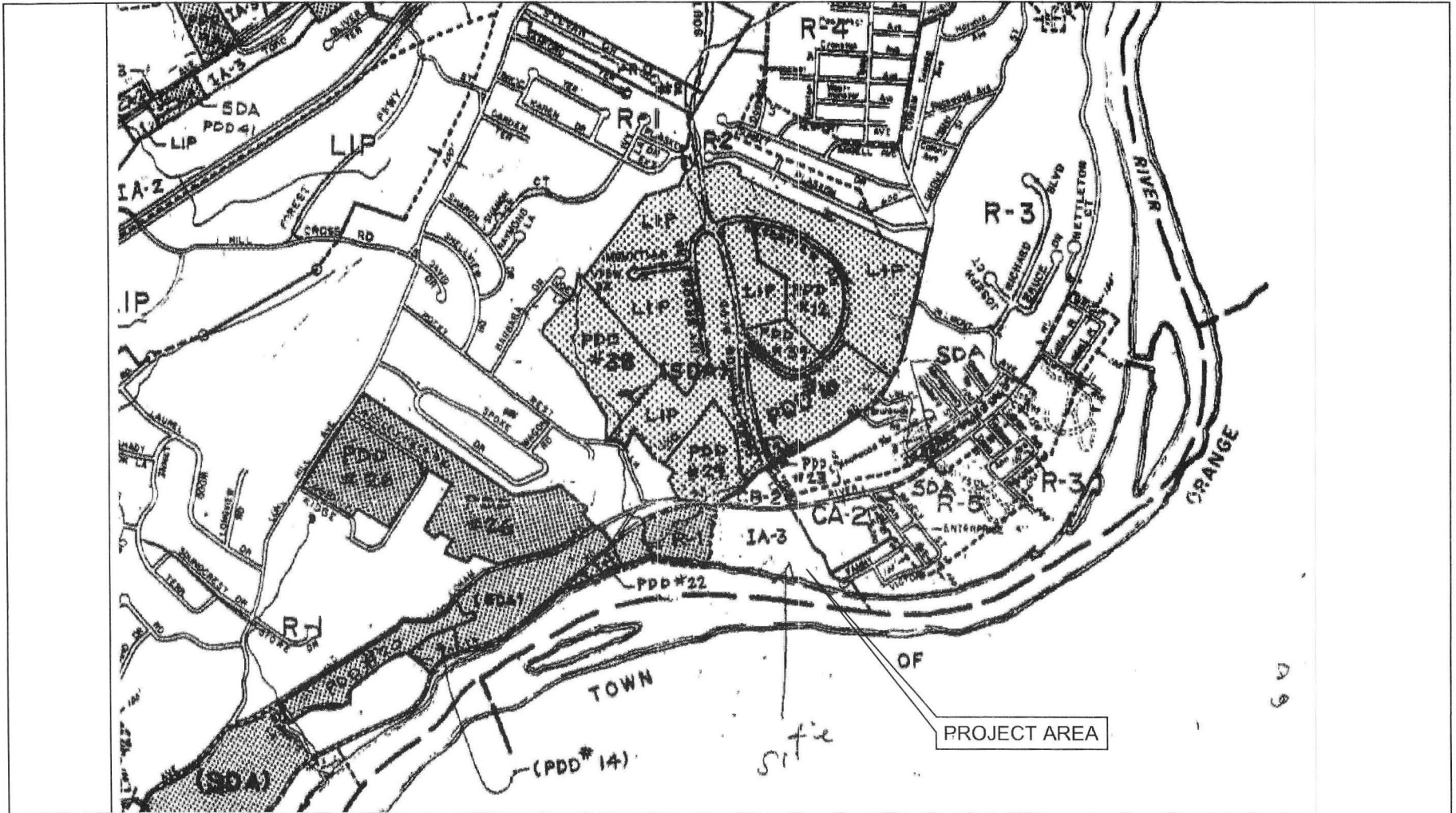
Scale: 1" = 500'



NORTH

PROJECT LOCATION MAP TAKEN FROM CT D.O.T. ELECTRONIC ROAD (TRU) MAPS.

| | |
|-----------|--|
| Applicant | JOHNPAM, LLC 500 RIVER ROAD FAIRFIELD COUNTY SHELTON, CONNECTICUT |
| | SITE LOCATION MAP Sheet: 2 of 8 |



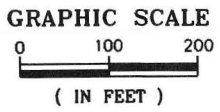
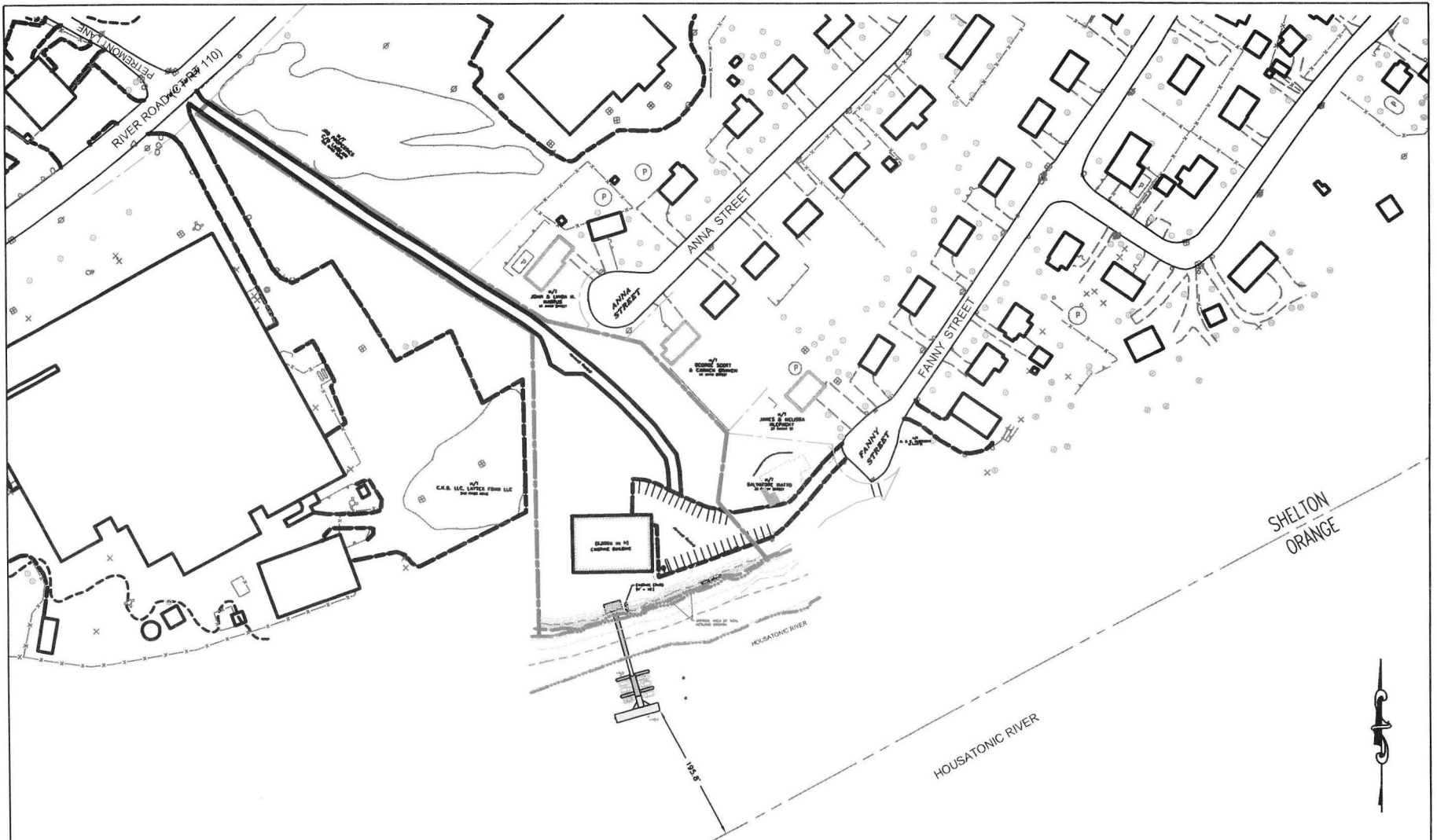
ASSESSOR MAP

NOT TO SCALE

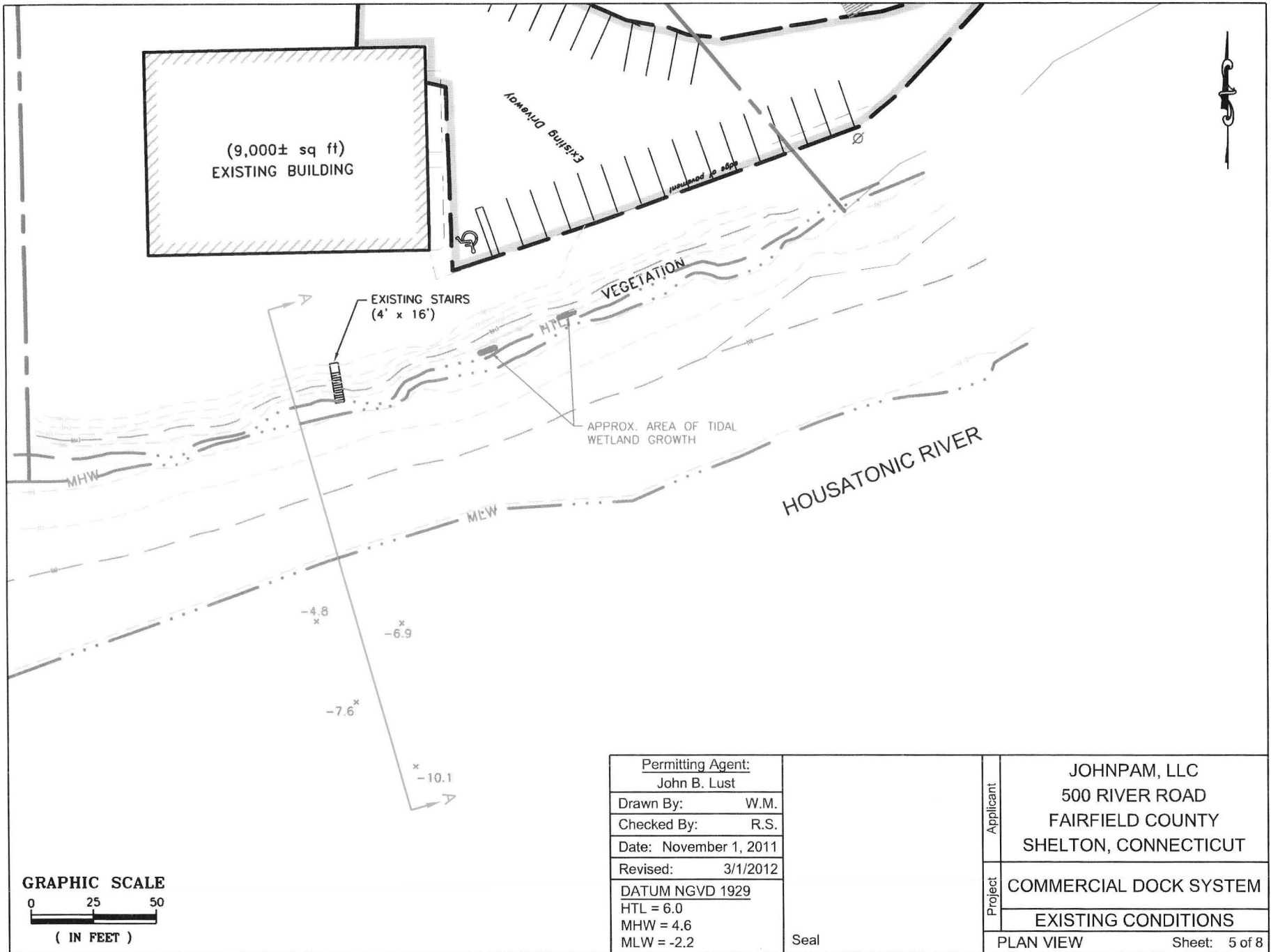


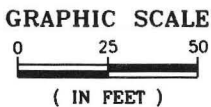
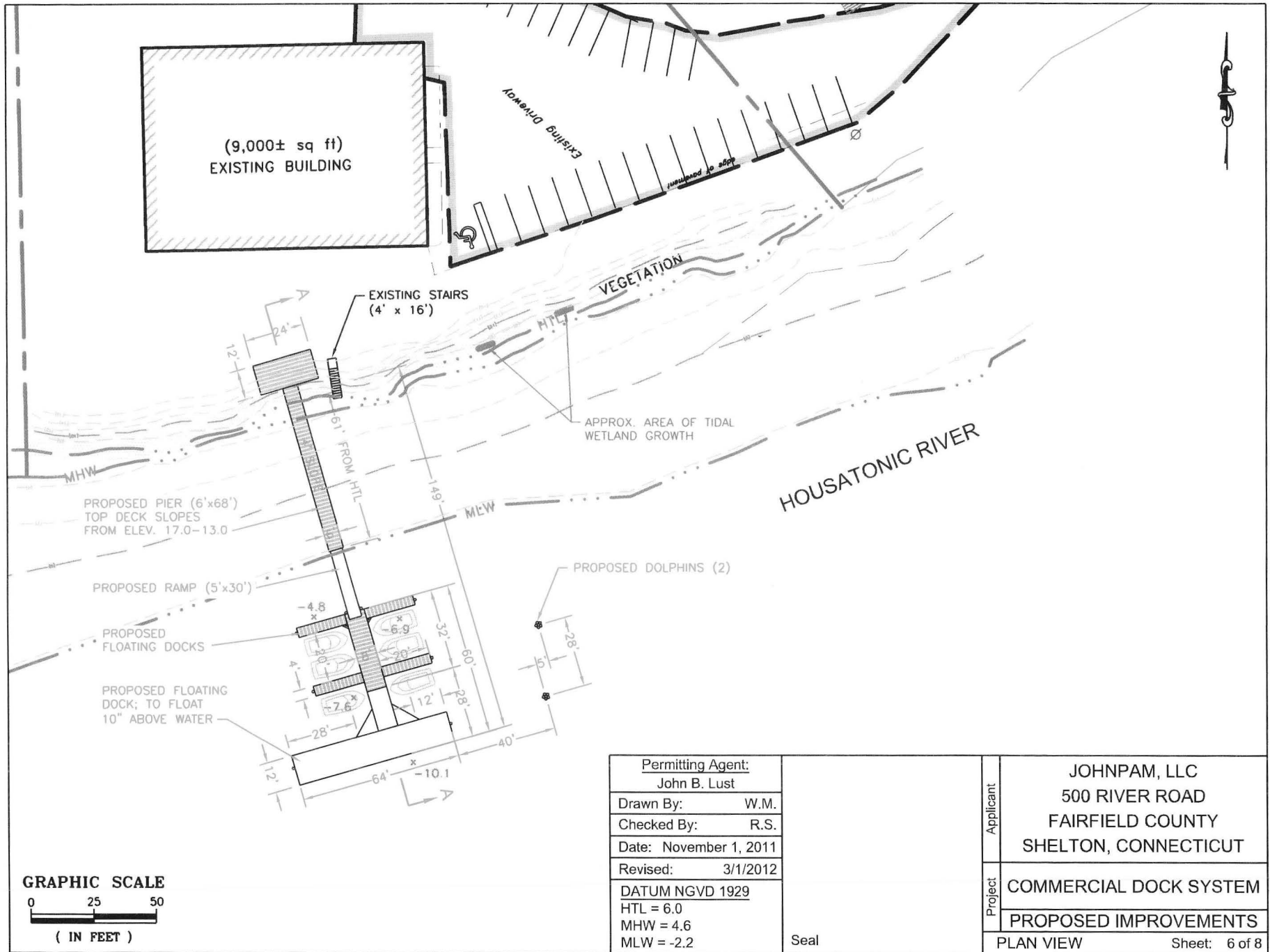
NORTH

| | |
|-----------|--|
| Applicant | JOHNPAM, LLC 500 RIVER ROAD FAIRFIELD COUNTY SHELTON, CONNECTICUT |
| | ASSESSOR MAP Sheet: 3 of 8 |



| | | | |
|---|--|---|--|
| Permitting Agent: John B. Lust | | Seal | Applicant JOHN PAM, LLC 500 RIVER ROAD FAIRFIELD COUNTY SHELTON, CONNECTICUT |
| Drawn By: W.M. | | | |
| Checked By: R.S. | | | |
| Date: November 1, 2011 | | | |
| Revised: 3/1/2012 | | | |
| DATUM NGVD 1929 HTL = 6.0 MHW = 4.6 MLW = -2.2 | | Project COMMERCIAL DOCK SYSTEM EXISTING W/PROPOSED PROPERTY VIEW | Sheet: 4 of 8 |

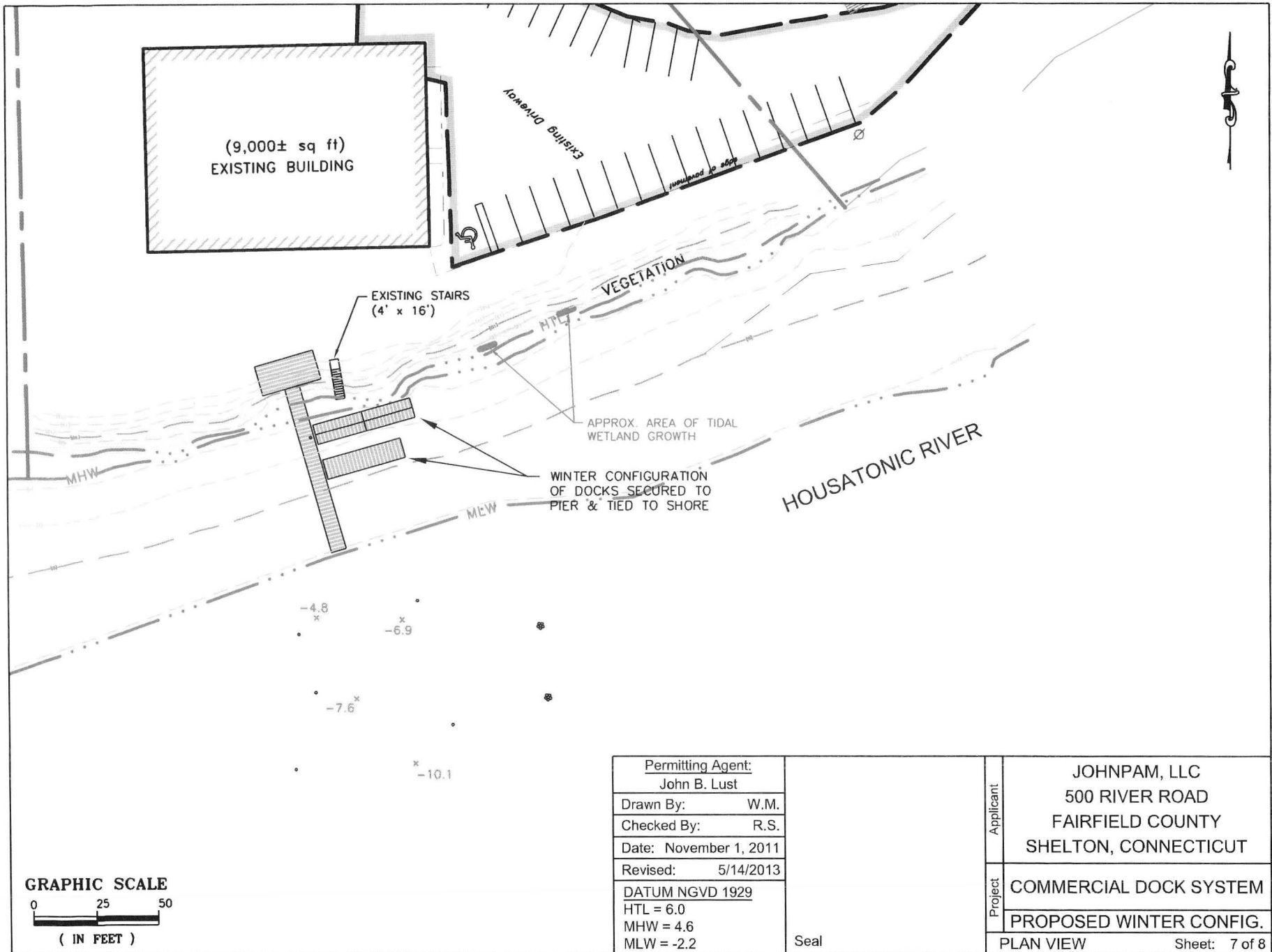




| | |
|--|------------------|
| <u>Permitting Agent:</u> John B. Lust | |
| Drawn By: | W.M. |
| Checked By: | R.S. |
| Date: | November 1, 2011 |
| Revised: | 3/1/2012 |
| <u>DATUM NGVD 1929</u> | |
| HTL = 6.0 | |
| MHW = 4.6 | |
| MLW = -2.2 | |

Seal

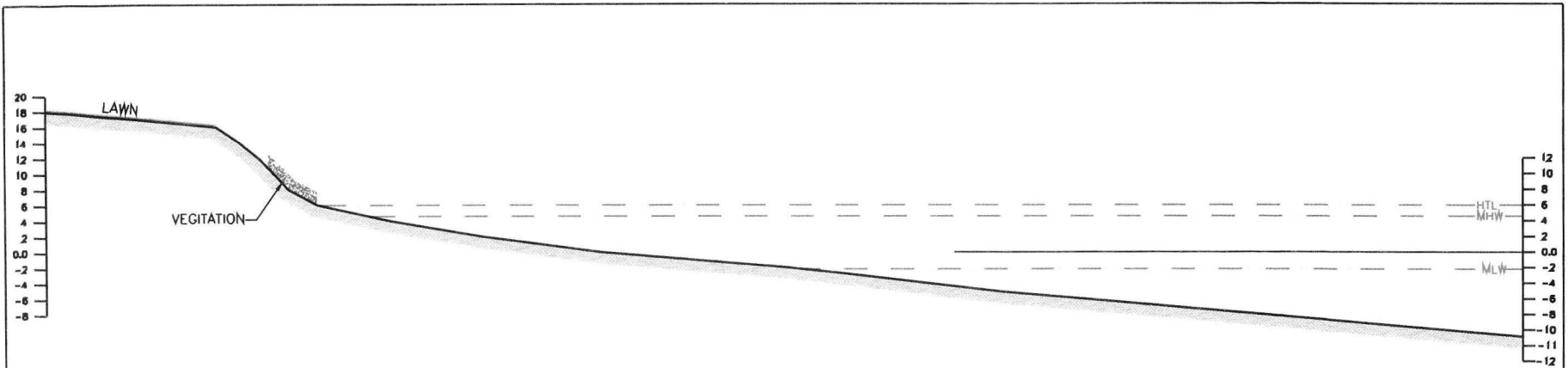
| | |
|-----------|--|
| Applicant | JOHNPAM, LLC 500 RIVER ROAD FAIRFIELD COUNTY SHELTON, CONNECTICUT |
| | COMMERCIAL DOCK SYSTEM |
| Project | PROPOSED IMPROVEMENTS |
| PLAN VIEW | Sheet: 6 of 8 |



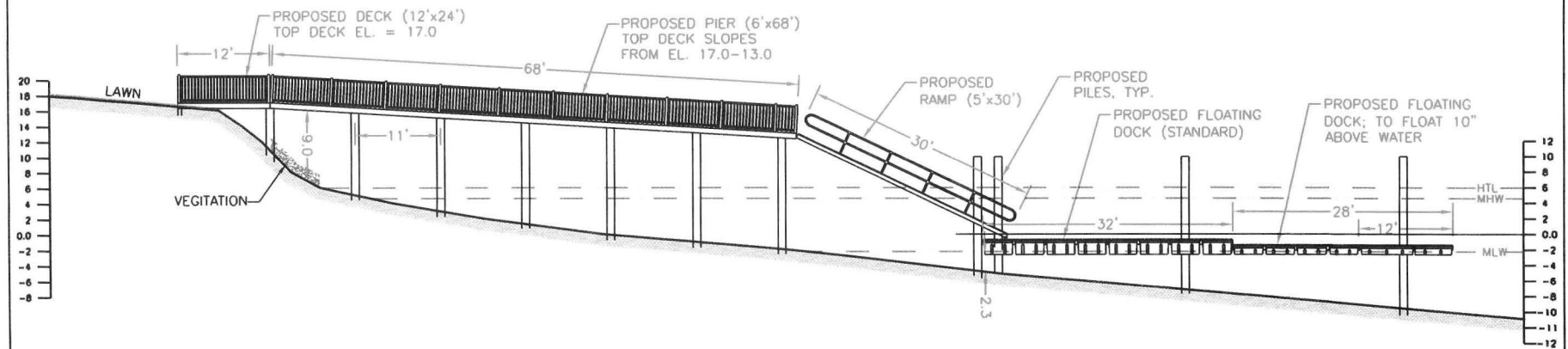
| | |
|-----------------------------------|------------------|
| Permitting Agent: John B. Lust | |
| Drawn By: | W.M. |
| Checked By: | R.S. |
| Date: | November 1, 2011 |
| Revised: | 5/14/2013 |
| DATUM NGVD 1929 | |
| HTL = 6.0 | |
| MHW = 4.6 | |
| MLW = -2.2 | |

Seal

| | | |
|-----------|---|---|
| Applicant | JOHN PAM, LLC 500 RIVER ROAD FAIRFIELD COUNTY SHELTON, CONNECTICUT | |
| | Project | COMMERCIAL DOCK SYSTEM PROPOSED WINTER CONFIG. |
| PLAN VIEW | | Sheet: 7 of 8 |

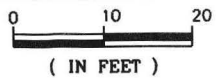


EXISTING SECTION



PROPOSED SECTION

GRAPHIC SCALE



| | | | |
|---|--|--|--|
| Permitting Agent: John B. Lust | | Seal | Applicant JOHNPAM, LLC 500 RIVER ROAD FAIRFIELD COUNTY SHELTON, CONNECTICUT |
| Drawn By: W.M. | | | |
| Checked By: R.S. | | | |
| Date: November 1, 2011 | | | |
| Revised: 3/1/2012 | | | |
| DATUM NGVD 1929 HTL = 6.0 MHW = 4.6 MLW = -2.2 | | Project COMMERCIAL DOCK SYSTEM CROSS SECTION A-A | SECTION VIEW Sheet: 8 of 8 |

Summary of Essential Fish Habitat (EFH) Designation**10 x 10 Square Coordinates:**

| Boundary | North | East | South | West |
|------------|------------|------------|------------|------------|
| Coordinate | 41° 20.0 N | 73° 00.0 W | 41° 10.0 N | 73° 10.0 W |

Square Description (i.e. habitat, landmarks, coastline markers): The waters within Long Island Sound within the square affecting south of the following: from Woodmont, CT., to the Housatonic River (the western shore east of Crimbo Point), including waters affecting Milford, CT., Pond Point, CT., Pond Pt., Milford Beaches, Charles I., Crimbo Pt., Milford Pt., and Nells I.

| Species | Eggs | Larvae | Juveniles | Adults |
|--|------|--------|-----------|--------|
| Atlantic salmon (<i>Salmo salar</i>) | | | X | X |
| Atlantic cod (<i>Gadus morhua</i>) | | | | |
| haddock (<i>Melanogrammus aeglefinus</i>) | | | | |
| pollock (<i>Pollachius virens</i>) | | | X | X |
| whiting (<i>Merluccius bilinearis</i>) | | | | X |
| offshore hake (<i>Merluccius albidus</i>) | | | | |
| red hake (<i>Urophycis chuss</i>) | X | X | X | X |
| white hake (<i>Urophycis tenuis</i>) | | | | |
| redfish (<i>Sebastes fasciatus</i>) | n/a | | | |
| witch flounder (<i>Glyptocephalus cynoglossus</i>) | | | | |
| winter flounder (<i>Pseudopleuronectes americanus</i>) | X | X | X | X |
| yellowtail flounder (<i>Limanda ferruginea</i>) | | | | |
| windowpane flounder (<i>Scophthalmus aquosus</i>) | X | X | X | X |
| 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>) | | | X | X |
| monkfish (<i>Lophius americanus</i>) | | | | |
| bluefish (<i>Pomatomus saltatrix</i>) | | | X | X |
| long finned squid (<i>Loligo pealeii</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>) | X | X | X | X |
| summer flounder (<i>Paralichthys dentatus</i>) | | | X | |
| scup (<i>Stenotomus chrysops</i>) | X | X | X | X |
| black sea bass (<i>Centropristis striata</i>) | n/a | | X | |
| 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 |
| sand tiger shark (<i>Carcharias taurus</i>) | | X | | |