



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

PUBLIC NOTICE

Comment Period Begins: July 16, 2013
Comment Period Ends: August 16, 2013
File Number: NAE-2012-722
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 Alan Howell

ACTIVITY Construct a fixed timber walkway that leads to a fixed pier on a residential property. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Hydes Point Creek at 132 Ayers Point Road, Old Saybrook, Connecticut. The proposed location on the USGS Old Lyme quadrangle sheet is at coordinates 41.1942 N and 72.2151 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.

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 have an adverse effect on Essential Fish Habitat (EFH). The District Engineer has made a preliminary determination that site-specific impacts may 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. The Corps will coordinate with the applicant regarding implementation of these recommendations.

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)

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, please contact Lindsay Flieger at (978) 318-8656, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

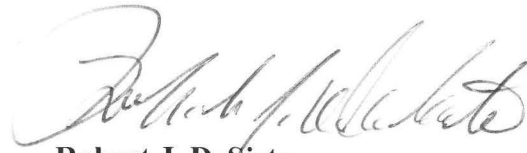
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a

CENAE-R
FILE NO. NAE-2012-722

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, 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.

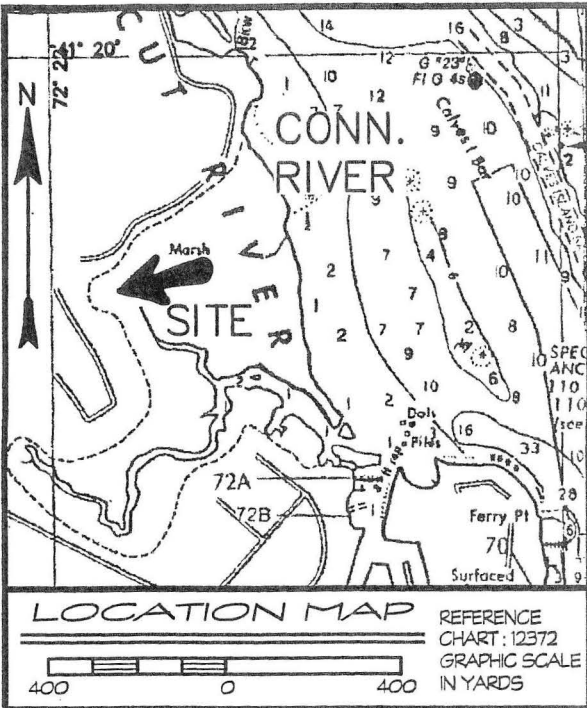
NAME: _____
ADDRESS: _____

PROPOSED WORK AND PURPOSE

This project includes work in navigable waters for a new, fixed walkway and pier configuration at a residential property in Hydes Point Creek in Old Saybrook, Connecticut. The proposed dock configuration will provide waterside access over an existing marsh. This structure will be primarily used for kayak/canoe launching and retrieving.

New work includes installing a 3.3' wide x 205' long timber catwalk with grate decking and cable rails that leads to a 6' wide x 15' long post/pipe and timber multi-level pier with grate decking.

The work is described on the enclosed plans entitled "New Catwalk and Fixed Pier, Town of Old Saybrook, Middlesex County, Connecticut, Hydes Point Creek," on four sheets, and dated "October 7, 2011." The extent of encroachment beyond mean high water will be approximately 180 feet.



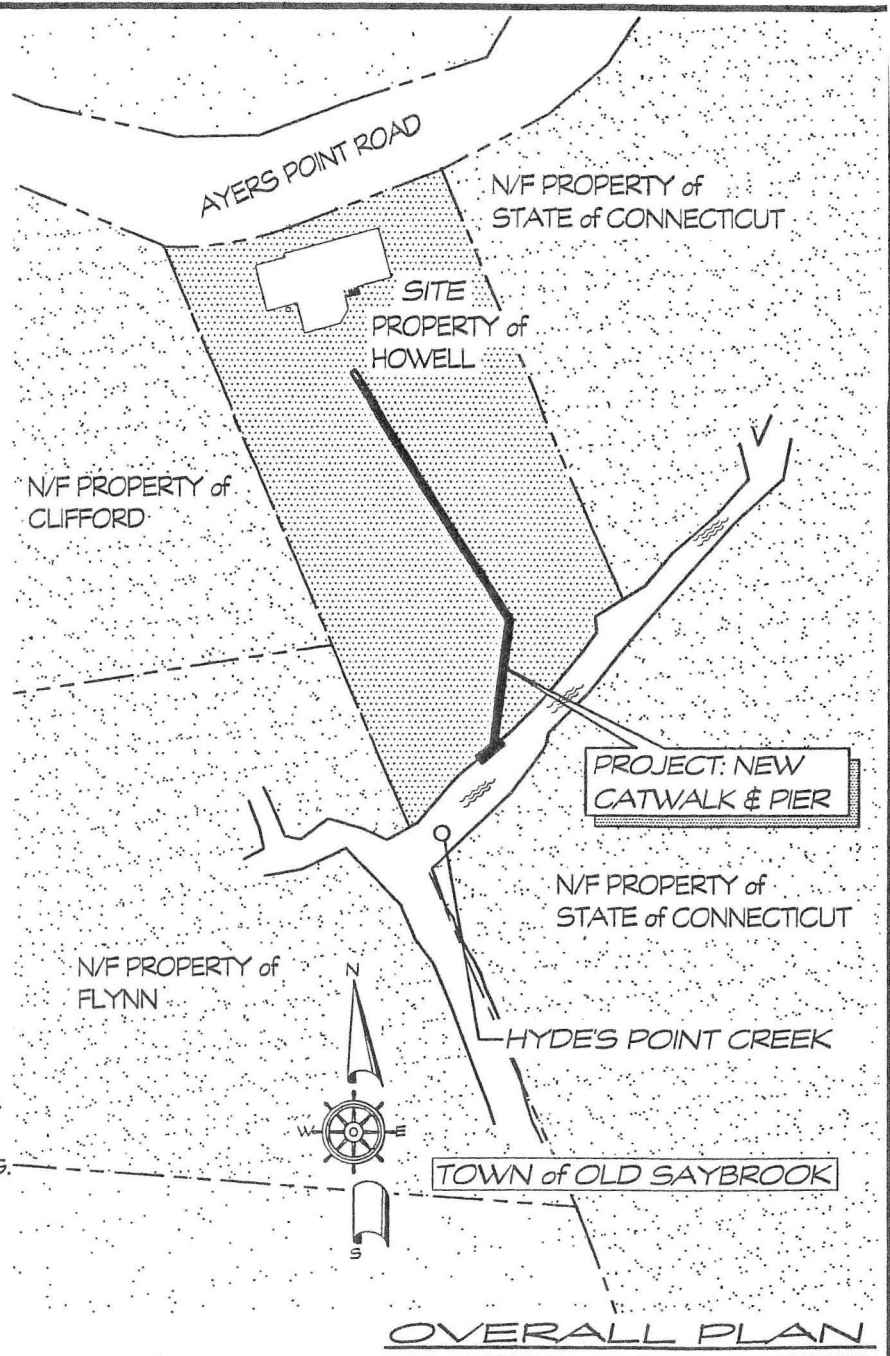
NOTES:

- ELEVATION DATUM IS MEAN LOW WATER.
- TIDE DATA IS TAKEN FROM 2011 NOAA TIDE TABLES REFERENCE: MILLSTONE POINT AND SAYBROOK JETTY
- PROJECT DESCRIPTION:
CONSTRUCT 15±LF OF 6-FT WIDE FIXED WOOD POST/ PIPE AND TIMBER MULTI-LEVEL PIER WITH GRATE DECKING AND 205±LF OF 3.3-FT WIDE ACCESS CATWALK WITH GRATE DECKING AND CABLE RAILS, WATERWARD OF THE HIGH TIDE LINE.
- PROJECT PURPOSE:
THIS A PRIVATE DOCK FOR RECREATIONAL BOATING.
- THESE APPLICATION DRAWINGS REPRESENT A COMPILATION OF SURVEYS FOR ENVIRONMENTAL PERMIT PURPOSES. THEY ARE NOT CONSTRUCTION CONTRACT DOCUMENTS.
- ADJOINING PROPERTY OWNERS:

WEST:
EUGENE and LINDA CLIFFORD
AYERS POINT ROAD
OLD SAYBROOK, CT 06357

MARK and ANNE FLYNN
88 AYERS POINT ROAD
OLD SAYBROOK, CT 06357

EAST:
STATE OF CONNECTICUT
165 CAPITOL AVE
HARTFORD, CT 06106



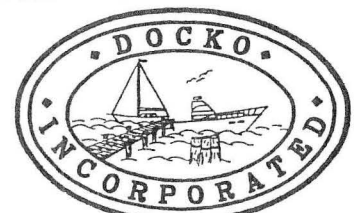
SURVEY: by RESOURCE MANAGEMENT & MAPPING
by J. DEMPSEY ASSOCIATES

PROJECT: NEW CATWALK AND FIXED PIER

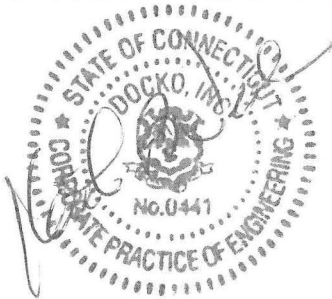
LOCATION: TOWN OF OLD SAYBROOK
MIDDLESEX COUNTY, CONNECTICUT
WATERWAY: HYDES POINT CREEK
DATE: OCTOBER 7 2011
APPLICANT: ALAN HOWELL

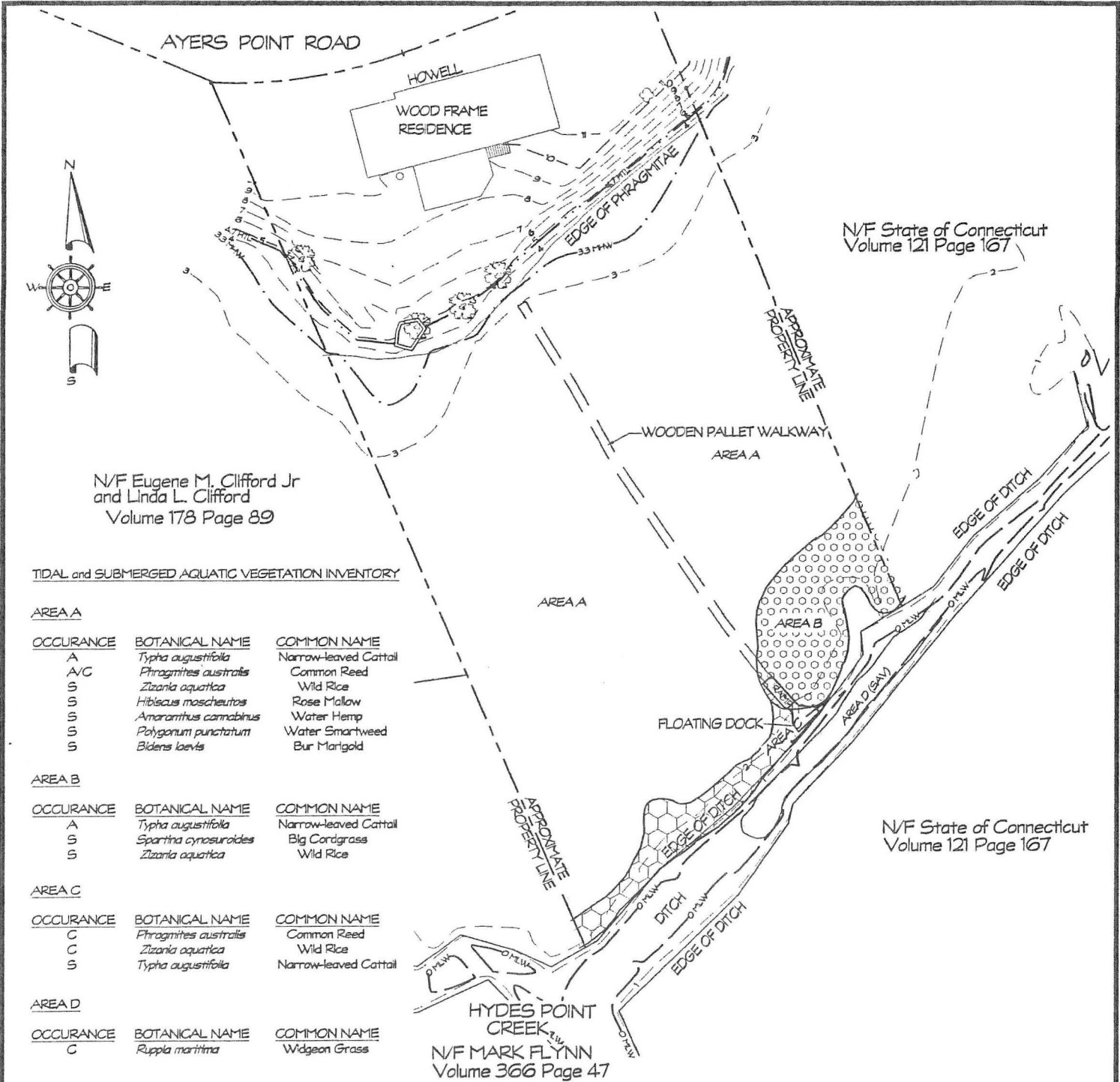
AGENT: SHEET 1 OF 4
DOCKO, INC.

Keith B. Neilson, PE
Mystic, CT 06355
860 572 8939 FAX 860 572 7569
EMAIL: permits@docko.com



DWG 11-01-2268





N/F State of Connecticut
Volume 121 Page 167

N/F Eugene M. Clifford Jr
and Linda L. Clifford
Volume 178 Page 89

TIDAL and SUBMERGED AQUATIC VEGETATION INVENTORY

AREA A

<u>OCCURRENCE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
A	<i>Typha angustifolia</i>	Narrow-leaved Cattail
A/C	<i>Phragmites australis</i>	Common Reed
S	<i>Zizania aquatica</i>	Wild Rice
S	<i>Hibiscus moscheutos</i>	Rose Mallow
S	<i>Amaranthus cannabinus</i>	Water Hemp
S	<i>Polygonum punctatum</i>	Water Smartweed
S	<i>Bidens laevis</i>	Bur Marigold

AREA B

<u>OCCURRENCE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
A	<i>Typha angustifolia</i>	Narrow-leaved Cattail
S	<i>Spartina cynosuroides</i>	Big Cordgrass
S	<i>Zizania aquatica</i>	Wild Rice

AREA C

<u>OCCURRENCE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
C	<i>Phragmites australis</i>	Common Reed
C	<i>Zizania aquatica</i>	Wild Rice
S	<i>Typha angustifolia</i>	Narrow-leaved Cattail

AREA D

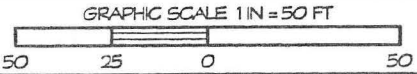
<u>OCCURRENCE</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
C	<i>Ruppia maritima</i>	Widgeon Grass

N/F State of Connecticut
Volume 121 Page 167

HYDES POINT
CREEK
N/F MARK FLYNN
Volume 366 Page 47

EXISTING CONDITIONS

SURVEY: by RESOURCE MANAGEMENT & MAPPING
by J. DEMPSEY ASSOCIATES

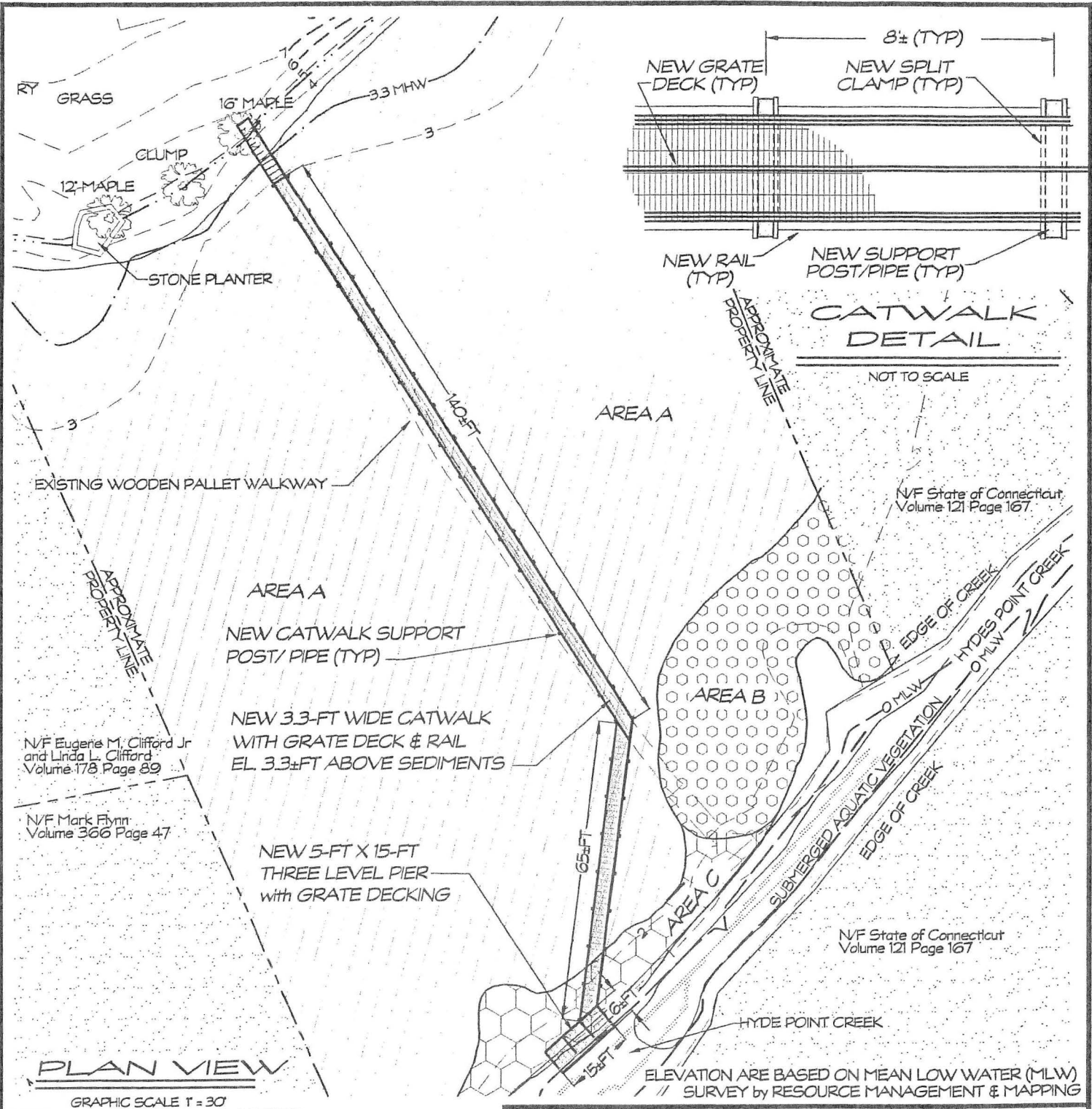


PROJECT: NEW CATWALK and PIER
LOCATION: TOWN OF OLD SAYBROOK
MIDDLESEX COUNTY, CONNECTICUT
WATERWAY: HYDES POINT CREEK
DATE: OCTOBER 7, 2011
APPLICANT: ALAN HOWELL

AGENT: SHEET 2 of 4
DOCKO, INC.
Keith B. Neilson, PE
Mystic, CT 06355
860 572 8939 FAX 860 572 7569
EMAIL: permits@docko.com



DWG 11-01-2268

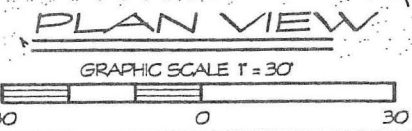


N/F Eugene M. Clifford Jr and Linda L. Clifford
Volume 178 Page 89

N/F Mark Flynn
Volume 366 Page 47

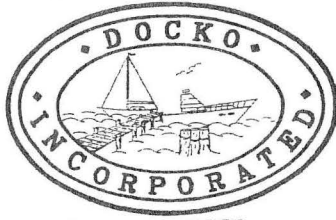
N/F State of Connecticut
Volume 121 Page 167

N/F State of Connecticut
Volume 121 Page 167



ELEVATION ARE BASED ON MEAN LOW WATER (MLW)
SURVEY by RESOURCE MANAGEMENT & MAPPING

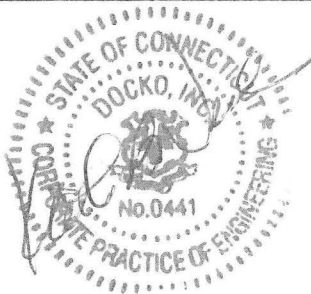
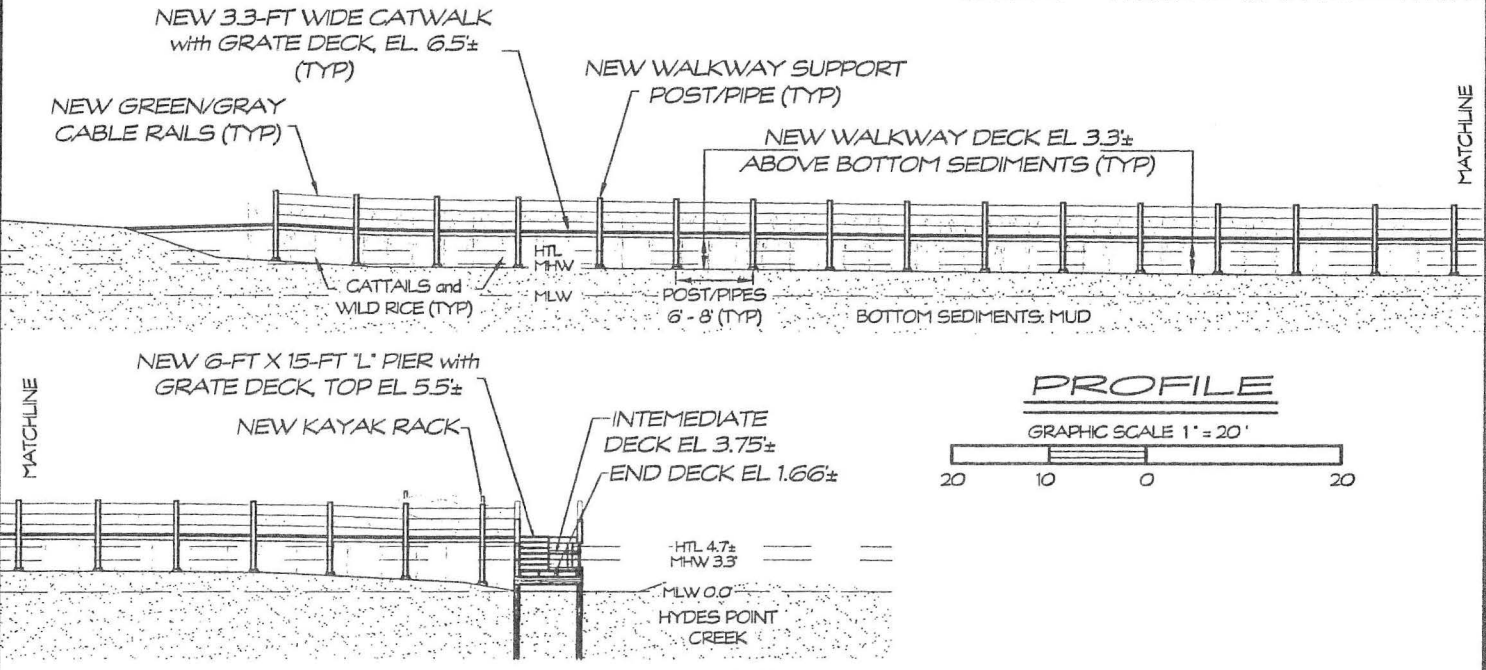
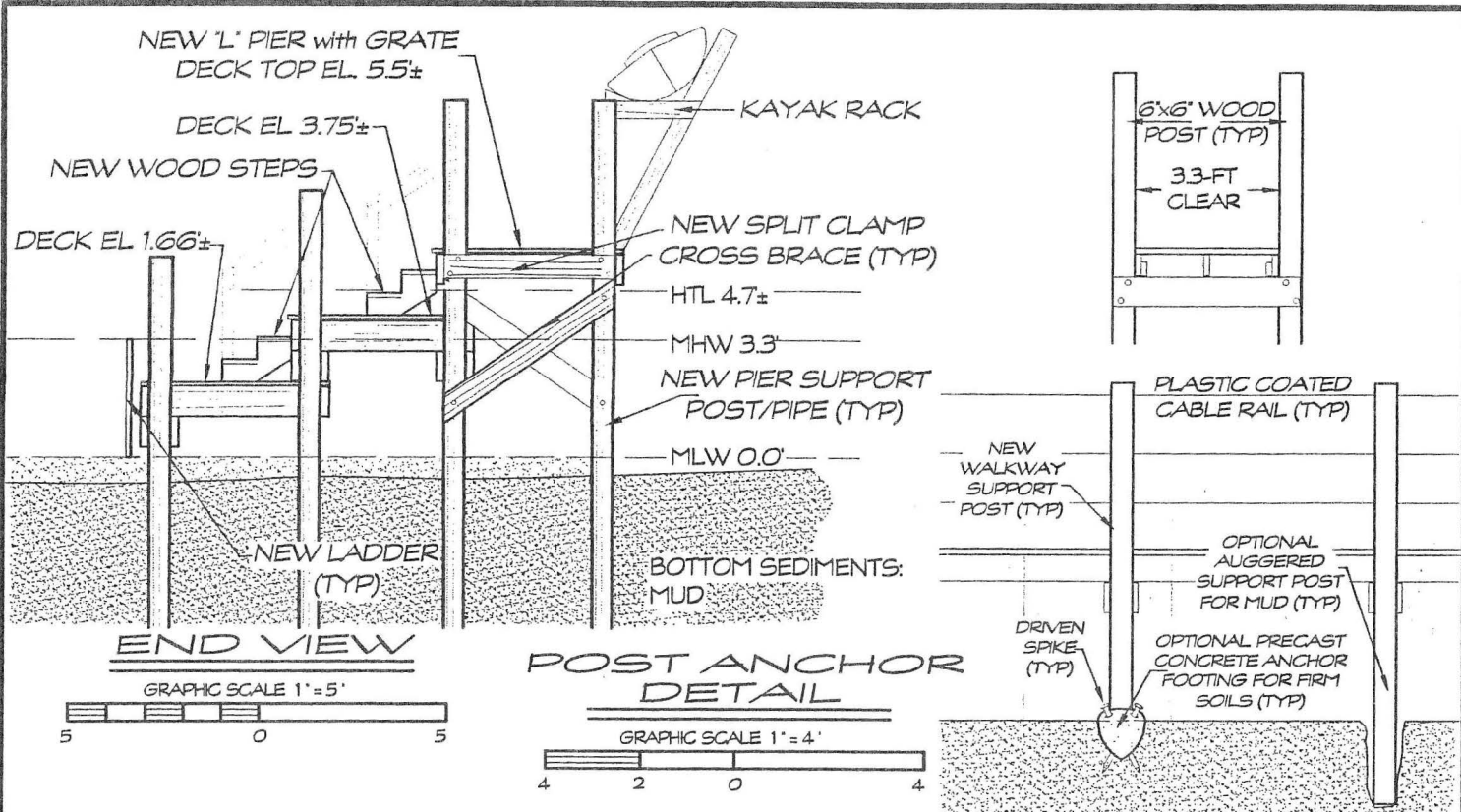
PROJECT: NEW CATWALK and PIER
 LOCATION: TOWN OF OLD SAYBROOK
 MIDDLESEX COUNTY, CONNECTICUT
 WATERWAY: HYDES POINT CREEK
 DATE: OCTOBER 7, 2011
 APPLICANT: ALAN HOWELL
 AGENT: SHEET 3 OF 4
DOCKO, INC.
 Keith B. Neilson, PE
 Mystic, CT 06355
 860 572 8939 FAX 860 572 7569
 EMAIL: docko@snet.net



DWG 11-01-2268



REVISED 5-15-2 DEEP
PIER WIDTH



REVISED 5-15-12 DEEP
PIER WIDTH

PROJECT: NEW CATWALK AND FIXED PIER
 LOCATION: TOWN OF OLD SAYBROOK
 MIDDLESEX COUNTY, CONNECTICUT
 WATERWAY: HYDES POINT CREEK
 DATE: OCTOBER 7, 2011
 APPLICANT: ALAN HOWELL
 AGENT: SHEET 4 OF 4
DOCKO, INC.
 Keith B. Neilson, PE
 Mystic, CT 06355
 860 572 8939 FAX 860 572 7569
 EMAIL: docko@snet.net



DWG 11-01-2268