



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

PUBLIC NOTICE

Comment Period Begins: May 20, 2014
Comment Period Ends: June 20, 2014
File Numbers: NAE-2014-729
In Reply Refer To: Lindsay Flieger
Phone: (978) 318-8656
E-mail: Lindsay.Flieger@usace.army.mil

The District Engineer has received permit applications from the following three adjacent property owners to conduct work in waters of the United States as described below.

APPLICANT Richard & Christina Wolff; Donald & Colleen Wood-Smith; John & Christina Horner

ACTIVITY: To place fill material in a manmade boat basin that encompasses three residential properties. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Byram River at 224, 230, and 232 Byram Shore Road in Greenwich, Connecticut. The proposed location on the USGS Mamaroneck quadrangle sheet is at Lat/Long coordinates 40.98983 N and -73.65673 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

CENAE-R

FILE NO. NAE-2014-730, NAE-2014-729, NAE-2012-422

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).

This project will impact 0.12 acres of Essential Fish Habitat (EFH). 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.

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.

CENAE-R

FILE NO. NAE-2014-730, NAE-2014-729, NAE-2012-422

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:

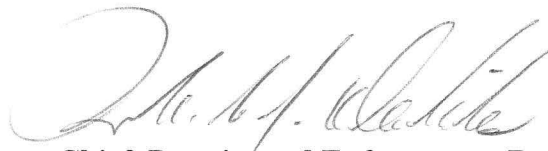
- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 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. 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

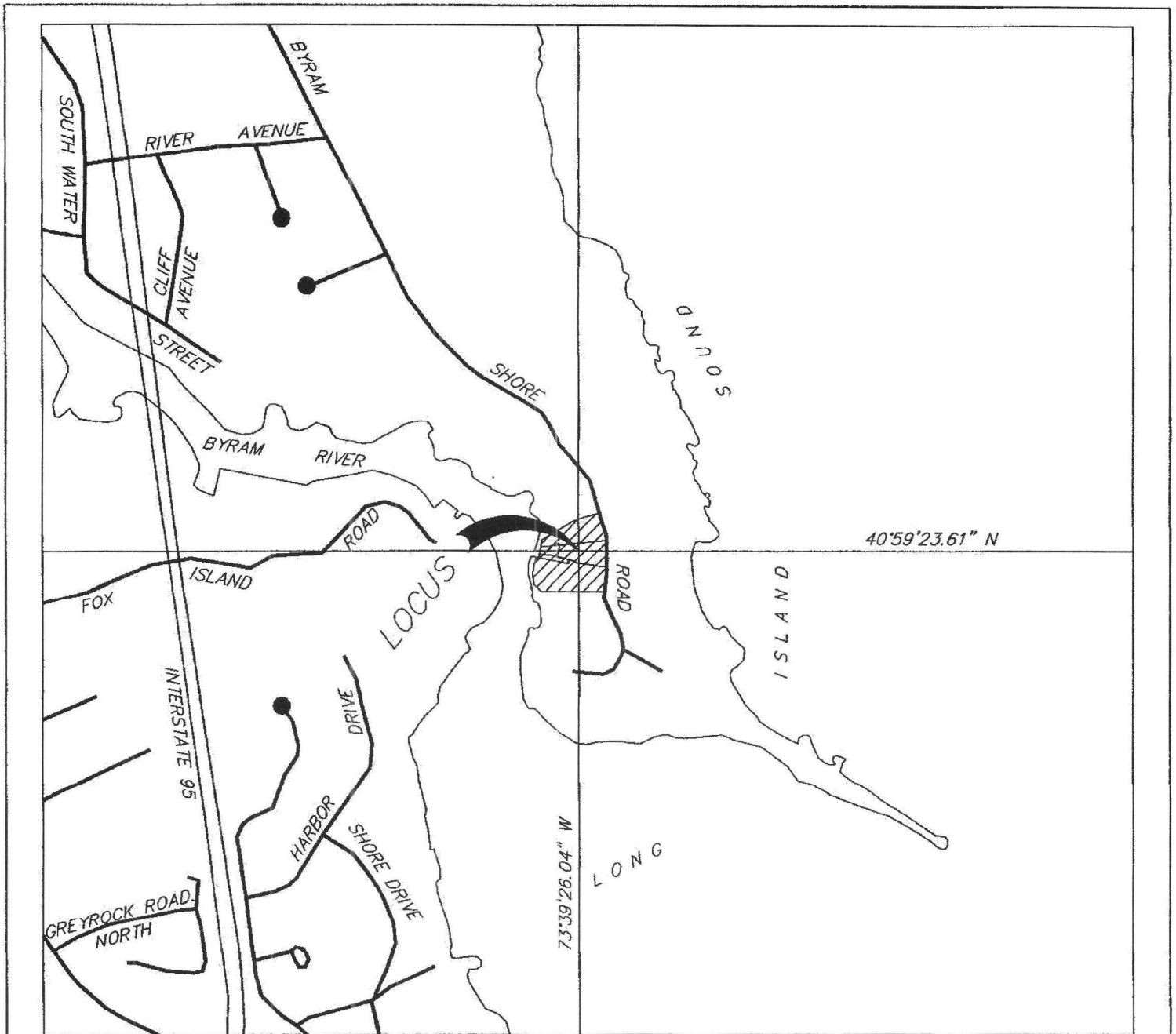
FILE NO. NAE-2014-730, NAE-2014-729, NAE-2012-422

PROPOSED WORK AND PURPOSE

This project involves the placement of fill material in a manmade boat basin that encompasses property located at 224, 230 & 232 Byram Shore Road in Greenwich, Connecticut.

The proposed work will include filling in a manmade tidal boat basin (approximately 5,436 square feet) with approximately 2,200 cubic yards of fill in order to match the surrounding upland grade. The applicants have stated that the purpose of the fill is to provide a means of berthing each owner's individual boat and to eliminate an area that is deemed a safety hazard.

The work is described on the enclosed plans entitled "Donald W. Wood-Smith, Richard K. Wolff, John Horner," on six sheets, and dated "January 27, 2014."



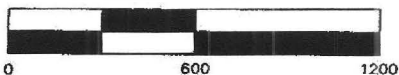
LOCATION MAP

TAX ASSESSORS LIST #04-2139, 04-2269 & 04-2118 ZONE: R - 20

PERMITTING AGENT
 JAMES J. BAJEK, LLC
 36 POTTER ROAD
 WILTON, NEW HAMPSHIRE 03086
 PHONE 603-654-5350
 JJBAJEK@COMCAST.NET

CIVIL ENGINEER:
 FRANZIONE ENGINEERING, LLC
 15 SNOWBERRY LANE
 NEW CANAAN, CT 06840
 PHONE: 203-554-9551

1 inch = 600 ft.



13-13232ACOE

LOCUS MAP
 224, 230 & 232 BYRAM SHORE ROAD
 PREPARED FOR

DONALD W. WOOD-SMITH
RICHARD K. WOLFF
JOHN HORNER

GREENWICH, CONNECTICUT

SCALE: 1" = 600 FT. JANUARY 27, 2014

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
 LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
 170 NOROTON AVENUE ~ 203-655-3331 ~ DARIEN, CONN. ©

SURVEY INFORMATION PREPARED BY
 WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
 FRANGIONE ENGINEERING, LLC NOT RESPONSIBLE
 FOR ACCURACY OF TOPOGRAPHIC SURVEY

N / F
 HAROLD P. KELLY
 BARBARA KELLY
 220 BYRAM SHORE ROAD
 ASSESSORS LIST #04-2119

N / F
 DONALD W. WOOD - SMITH
 COLLEEN A. WOOD - SMITH
 224 BYRAM SHORE ROAD
 ASSESSORS LIST #04-2139

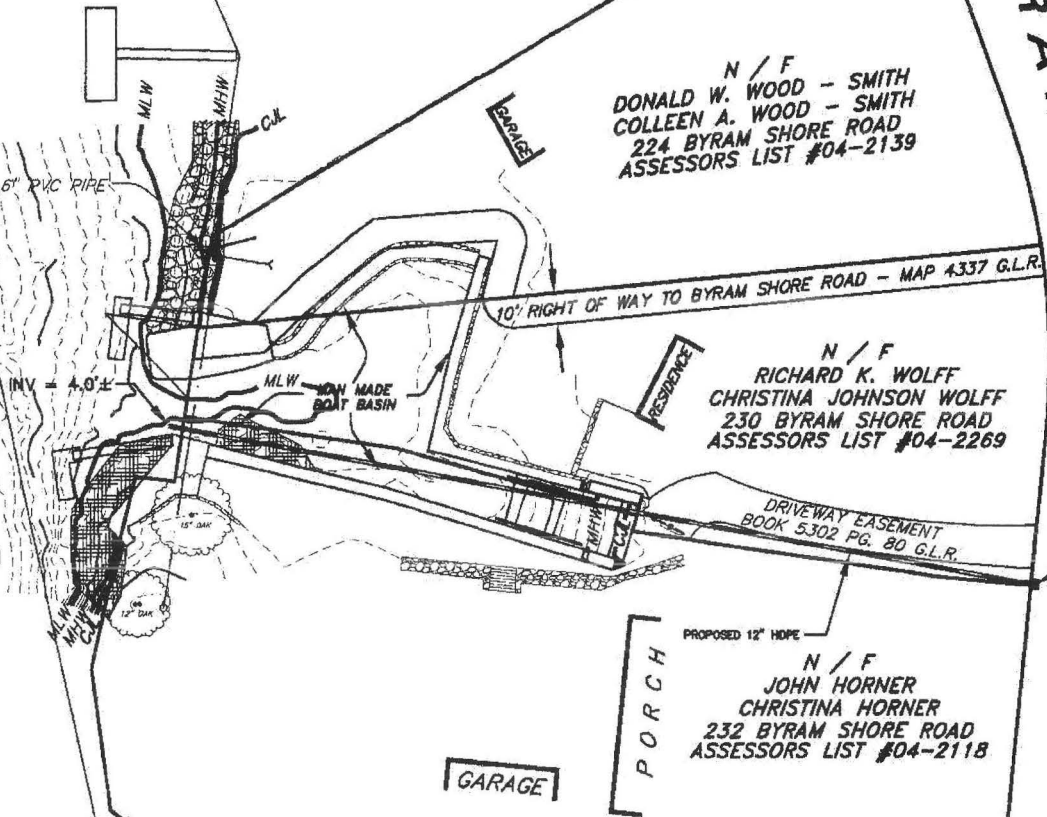
N / F
 RICHARD K. WOLFF
 CHRISTINA JOHNSON WOLFF
 230 BYRAM SHORE ROAD
 ASSESSORS LIST #04-2269

N / F
 JOHN HORNER
 CHRISTINA HORNER
 232 BYRAM SHORE ROAD
 ASSESSORS LIST #04-2118

N / F
 RANDALL A. HACK
 MARY A. HACK
 238 BYRAM SHORE ROAD
 ASSESSORS LIST #04-2120

FEDERAL CHANNEL LIMIT LINE
 BYRAM RIVER
 FLOOD
 EBB

BYRAM SHORE ROAD



GRT = 10.0'
 INV = 7.0'

PROXIMITY MAP
 224, 230 & 232 BYRAM SHORE ROAD
 PREPARED FOR

DONALD W. WOOD-SMITH
RICHARD K. WOLFF
JOHN HORNER

GREENWICH, CONNECTICUT

SCALE: 1" = 60 FT. JANUARY 27, 2014

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

LAND SURVEYORS ~ DARIEN, CONN. ©

SHEET 2 OF 6

DATUM: N.A.V.D. 88
 PLANS ARE FOR PERMITTING
 PURPOSES ONLY, NOT TO BE
 USED FOR CONSTRUCTION

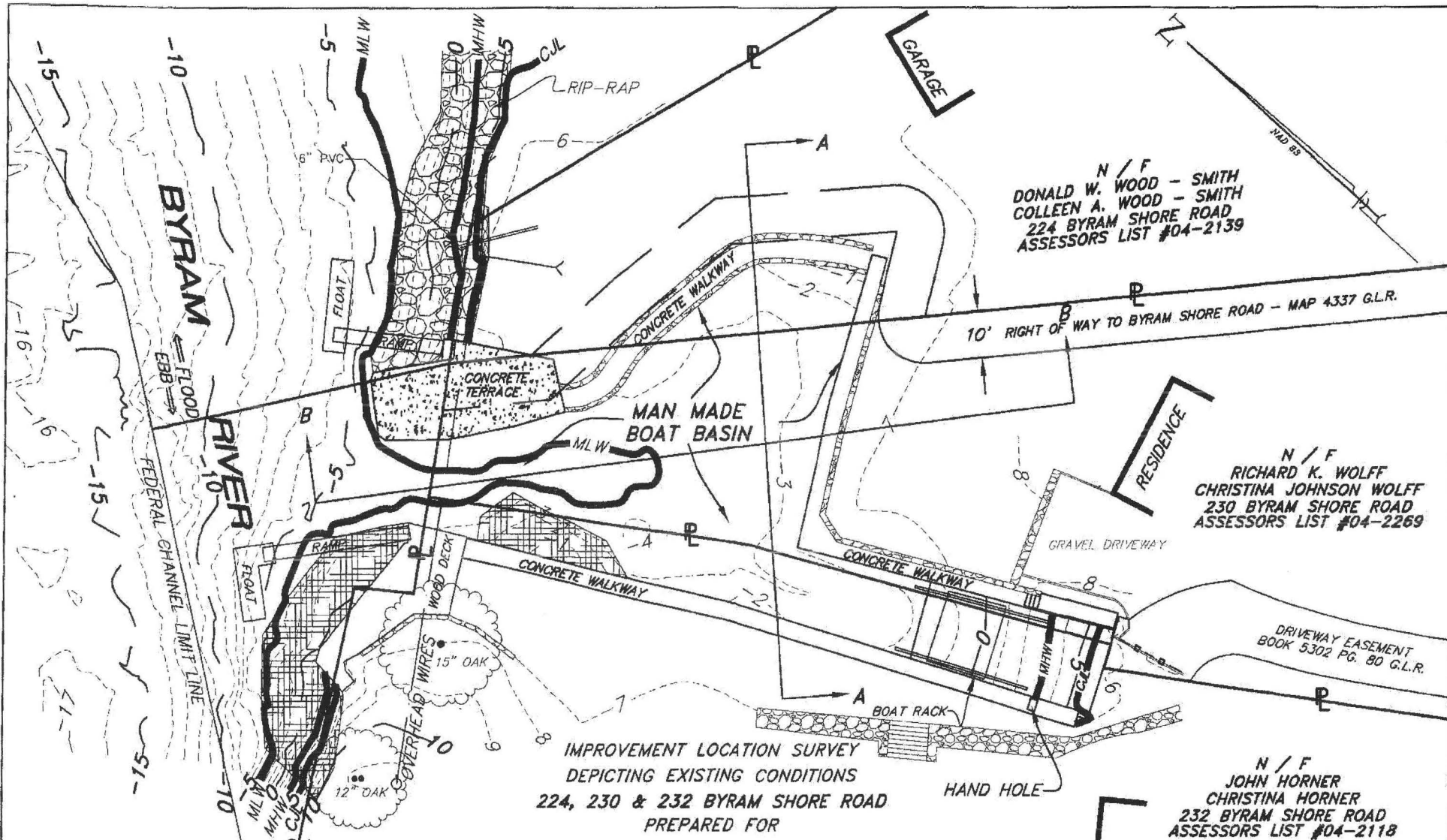
C.J.L. COASTAL JURISDICTION - ELEV. = 5.5
 M.H.W. MEAN HIGH WATER - ELEV. = 3.2
 M.L.W. MEAN LOW WATER - ELEV. = -4.0

ENGINEER & SURVEYOR NOT
 RESPONSIBLE IF PLANS ARE USED
 FOR ANYTHING OTHER THAN THAT
 WHICH WAS INTENDED.

1 inch = 60 ft.



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IMPROVEMENT LOCATION SURVEY
 DEPICTING EXISTING CONDITIONS
 224, 230 & 232 BYRAM SHORE ROAD
 PREPARED FOR

DONALD W. WOOD-SMITH
RICHARD K. WOLFF
JOHN HORNER

GREENWICH, CONNECTICUT

SCALE: 1" = 30 FT. JANUARY 27, 2014

DATUM: N.A.V.D. 88
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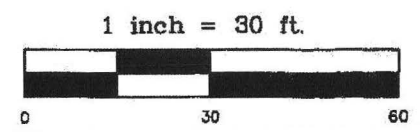
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 M.L.W. MEAN LOW WATER - ELEV. = -4.0

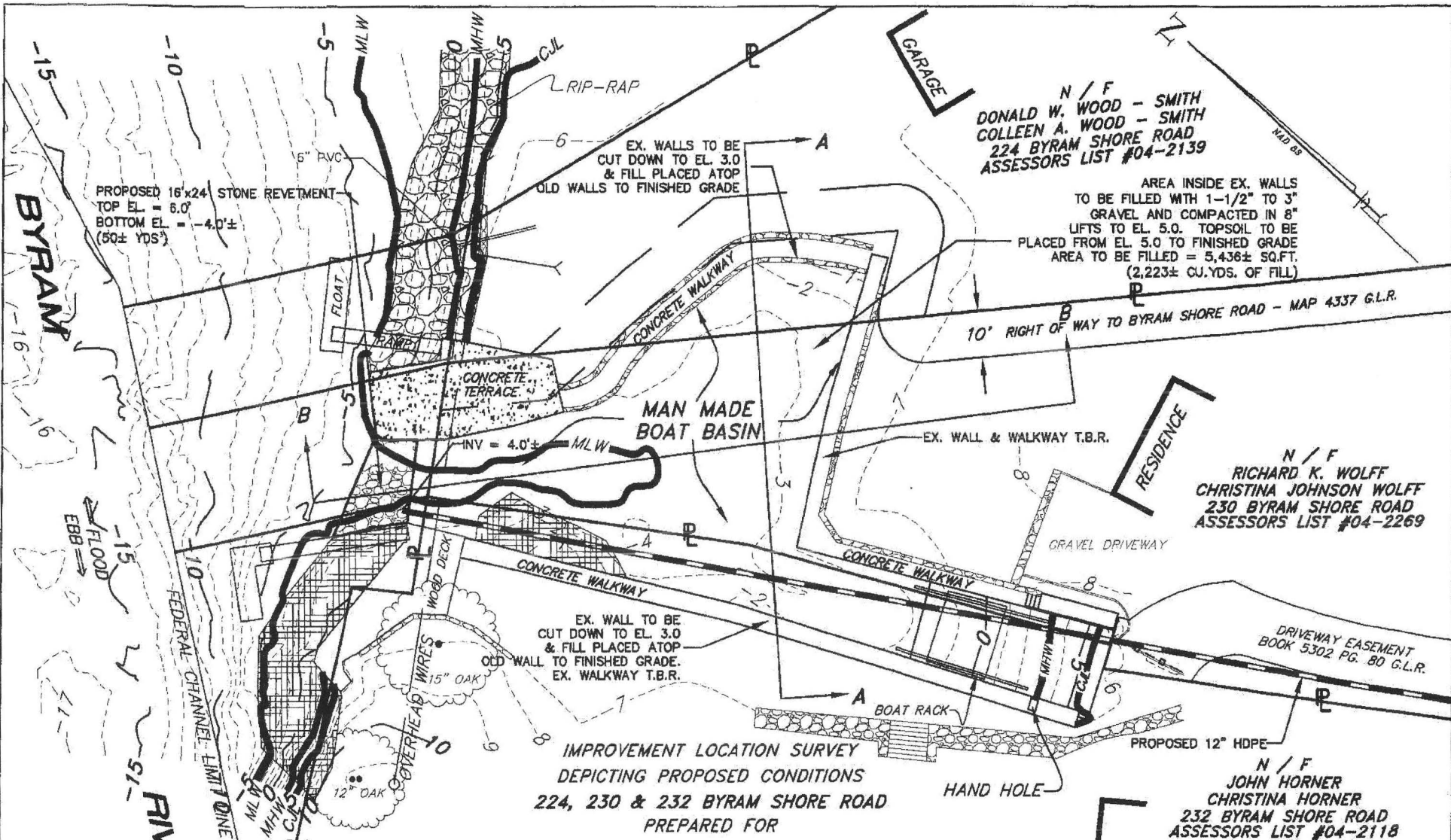
TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
 SUBSTANTIALLY CORRECT AS NOTED HEREON.
 PREPARED TO CLASS 'A - 2' & 'V-3' STANDARDS

Jeffrey W. McDougal Conn. L.L.S. Reg. No. 70080

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

LAND SURVEYORS ~ DARIEN, CONN. ©





N / F
 DONALD W. WOOD - SMITH
 COLLEEN A. WOOD - SMITH
 224 BYRAM SHORE ROAD
 ASSESSORS LIST #04-2139

AREA INSIDE EX. WALLS
 TO BE FILLED WITH 1-1/2" TO 3"
 GRAVEL AND COMPACTED IN 8"
 LIFTS TO EL. 5.0. TOPSOIL TO BE
 PLACED FROM EL. 5.0 TO FINISHED GRADE
 AREA TO BE FILLED = 5,436± SQ.FT.
 (2,223± CU.YDS. OF FILL)

N / F
 RICHARD K. WOLFF
 CHRISTINA JOHNSON WOLFF
 230 BYRAM SHORE ROAD
 ASSESSORS LIST #04-2269

N / F
 JOHN HORNER
 CHRISTINA HORNER
 232 BYRAM SHORE ROAD
 ASSESSORS LIST #04-2118

IMPROVEMENT LOCATION SURVEY
 DEPICTING PROPOSED CONDITIONS
 224, 230 & 232 BYRAM SHORE ROAD
 PREPARED FOR

DONALD W. WOOD-SMITH
RICHARD K. WOLFF
JOHN HORNER

GREENWICH, CONNECTICUT

SCALE: 1" = 30 FT.

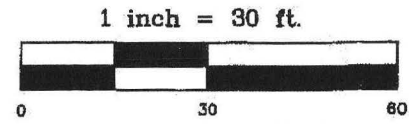
JANUARY 27, 2014

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Jeffrey W. McDougal Conn. L.L.S. Reg. No. 7009D

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

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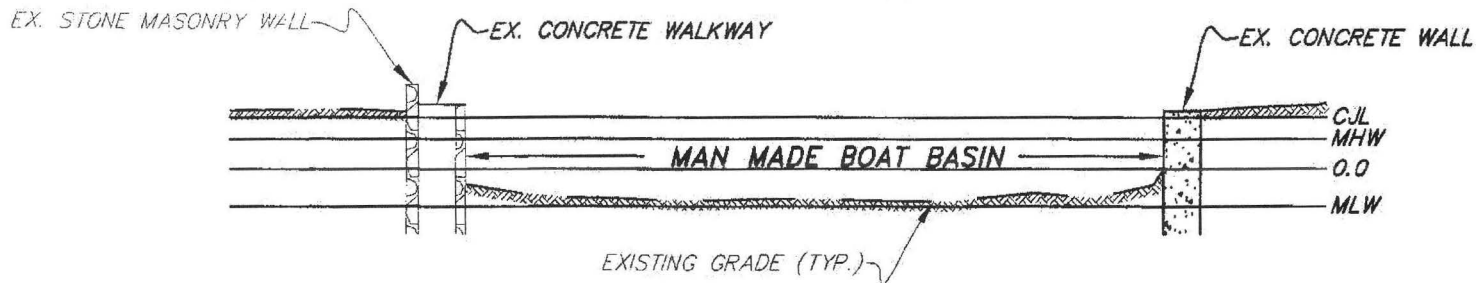


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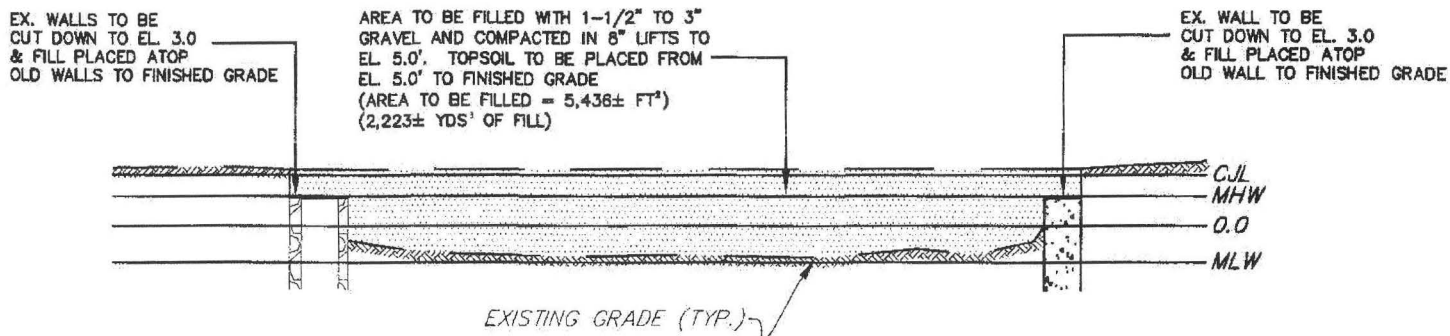
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 M.L.W. MEAN LOW WATER - ELEV. = -4.0

SHEET 4 OF 6



CROSS SECTION A - A



CROSS SECTION 'A - A'

IMPROVEMENT LOCATION SURVEY
 DEPICTING EXISTING CROSS SECTIONS
 224, 230 & 232 BYRAM SHORE ROAD
 PREPARED FOR

DONALD W. WOOD-SMITH
RICHARD K. WOLFF
JOHN HORNER

GREENWICH, CONNECTICUT

SCALE: 1" = 20 FT.

JANUARY 27, 2014

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1 inch = 20 ft.



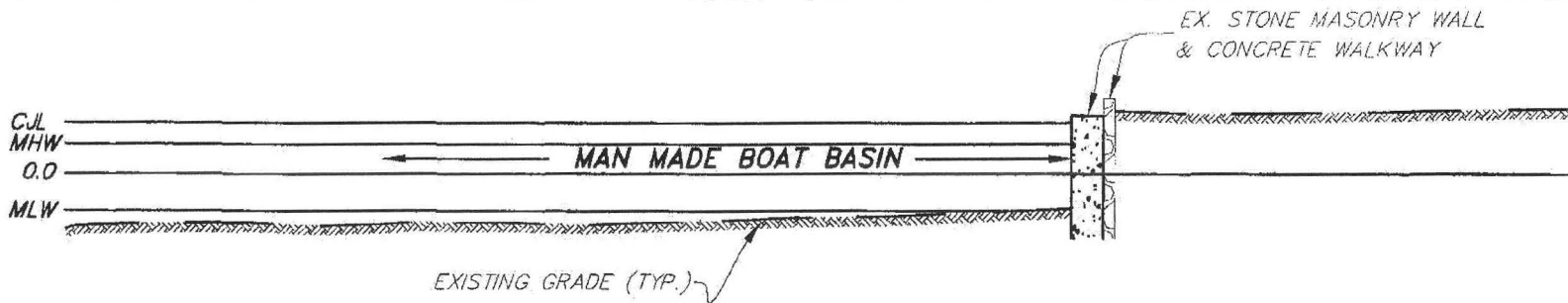
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Jeffrey W. McDougal Conn. L.L.S. Reg. No. 70090

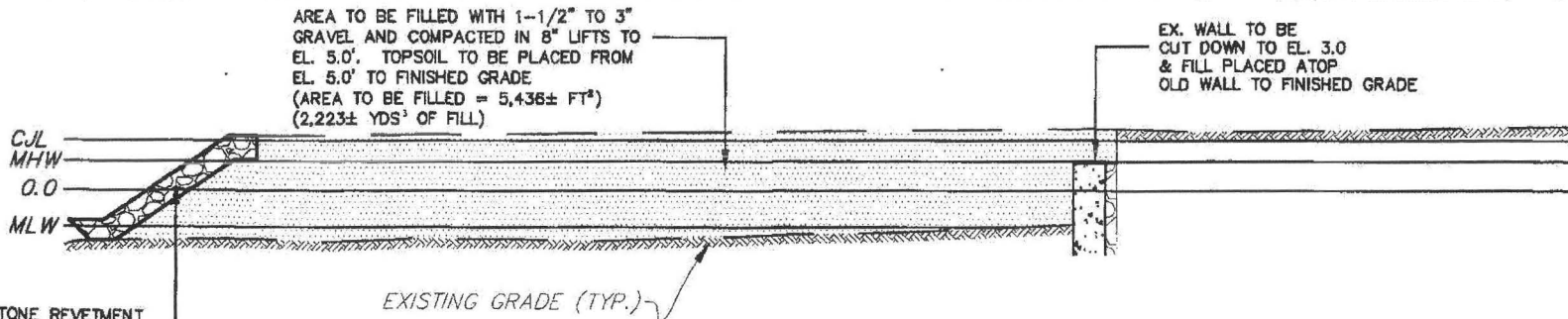
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13-13232ACOE



CROSS SECTION B - B



CROSS SECTION 'B - B'

IMPROVEMENT LOCATION SURVEY
 DEPICTING PROPOSED CROSS SECTIONS
 224, 230 & 232 BYRAM SHORE ROAD
 PREPARED FOR

DONALD W. WOOD-SMITH
RICHARD K. WOLFF
JOHN HORNER

GREENWICH, CONNECTICUT

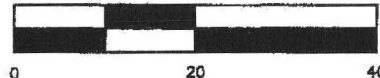
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