



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

PUBLIC NOTICE

Comment Period Begins: June 26, 2018
Comment Period Ends: July 26, 2018
File Number: NAE-2017-00993
In Reply Refer To: Joshua Helms
Phone: (978) 318-8211
E-mail: Joshua.m.helms@usace.army.mil

The District Engineer has received a permit application to conduct work and place fill in waters of the United States from Mark Lender, 155 Shore Road, Clinton, Connecticut. This work is proposed in Long Island Sound at 155 Shore Road, Clinton, Connecticut (Latitude 41.267752°N, Longitude -72.497649°E).

The work involves the placement of 80 cubic yards of stone into a 360 square foot (SF) area of Long Island Sound in order to reconstruct a groin that was originally constructed sometime in the early 1900s, but is not currently serviceable and is in disrepair. The original groin was approximately 50 feet long by 6 to 8 feet wide, but has been displaced and at present covers a 900 SF area. The reconstructed groin is proposed to match the original footprint but also extend an additional 10 feet into Long Island Sound. The proposed groin will begin at the existing seawall and extend 60 feet water-ward. The groin will be approximately 6' wide and range in elevation above the substrate from 3.5' to 6'.

The work is shown on the attached plans entitled "MARK LENDER 155 SHORE ROAD CLINTON, CONNECTICUT," on six sheets, and dated "April 6, 2017" and revised: "June 21, 2017".

The proponent stated that the groin is capable of protecting adjacent residences while not preventing sediment from moving to the other local beaches. Additionally, the applicant has stated that the groin will maximize the width of the beach in front of the residences it protect, while not significantly impacting neighboring beaches.

The proponent considered the following alternatives in addition to the proposed design:

- A steel or wood groin of the same or longer length
- A steel or wood groin of a shorter length
- A no-build alternative

Originally, the proponent proposed to build a sheet pile wharf, but due to feedback from regulatory agencies, the proponent decided to change the design to a rock groin. The applicant stated that the rock groin was chosen as the preferred alternative as it provides habitat and absorbs energy as opposed to reflecting it. The original groin was composed of wood and stone, but the new groin will be composed solely of stone. The applicant stated that they designed the groin to have an elevation only 3 feet above MHW at its highest point rather than a 5 foot height which is recommended in some literature.

The applicant has stated the construction will follow the Best Management Practices listed below:

- Staging will occur above the HTL;
- There shall be no storage of toxic substances within Corps of Engineers jurisdiction;
- There shall be no storage or use of equipment or materials within any existing tidal wetland area;

- The contractor shall use leak free equipment using organically based hydraulic oils;
- The project area shall be continually monitored for debris or disturbance;
- Prior to starting work each day, the contractor shall walk of the project area to inspect for any wildlife;
- The contractor shall use a soft start of equipment daily for the protection of any nearby wildlife.

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 U.S. Army Corps of Engineers, New England District (Corps), 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. The Corps will consider all comments received 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.

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). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

There is no dredging proposed with this project. Placement of rock will impact approximately 360 SF of EFH. Habitat at this site can be described as sand, gravel, and cobble. Loss of this habitat may adversely affect species that use these waters and substrate. 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 Corps has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. 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 a listed species or their critical habitat. We are coordinating with the NMFS and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

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:

- (x) Permit, license or assent from State.
- (x) Permit from local wetland agency or conservation commission.
- (x) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

COMMENTS

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 Joshua Helms at (978) 318-8211, (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.



Kevin R. Kotelly, P.E.
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: _____

[

GROIN REPLACEMENT

MARK LENDER
155 SHORE ROAD
CLINTON, CONNECTICUT



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 - Plan View
- 6 of 8 - Proposed Conditions - Plan View
- 7 of 8 - Existing w/Proposed Waterward Extent - Ariel View
- 8 of 8 - Section View A-A

GENERAL NOTES:

1. BASE MAP COMPILED FROM THE FOLLOWING REFERENCE MAP:
 - 1.1. "TOPOGRAPHIC SURVEY - 155 SHORE ROAD, CLINTON, CT", SCALE: 1"=10'; DATED: 09-21-2016 AND PREPARED BY GESICK & ASSOCIATES, P.C.
2. 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.
3. 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.

Date: April 6, 2017

Revised: June 21, 2017

Permitting Agent: John B. Lust

Sheet: 1 of 8



SITE LOCATION MAP

Scale: 1" = 500'



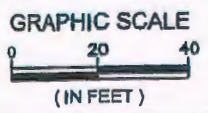
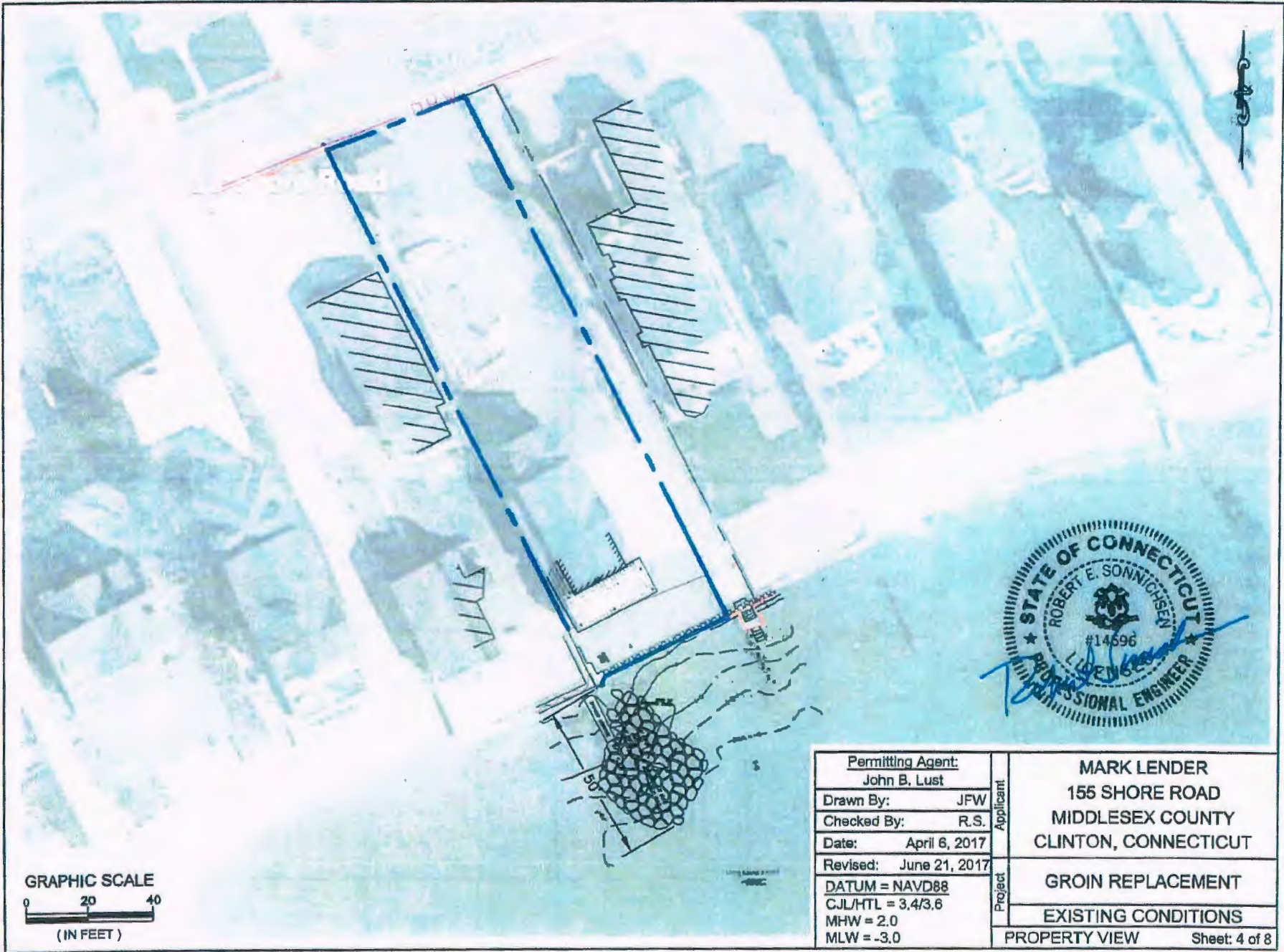
NORTH

0 SCALE REF. 1"

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

Applicant	MARK LENDER 155 SHORE ROAD MIDDLESEX COUNTY CLINTON, CONNECTICUT
	SITE LOCATION MAP Sheet: 2 of 8

EPT-7-N



Permitting Agent: John B. Lust		Applicant MARK LENDER 155 SHORE ROAD MIDDLESEX COUNTY CLINTON, CONNECTICUT
Drawn By: JFW		
Checked By: R.S.		
Date: April 6, 2017		
Revised: June 21, 2017		Project GROIN REPLACEMENT EXISTING CONDITIONS PROPERTY VIEW Sheet: 4 of 8
DATUM = NAVD88		
CJL/HTL = 3.4/3.6		
MHW = 2.0 MLW = -3.0		

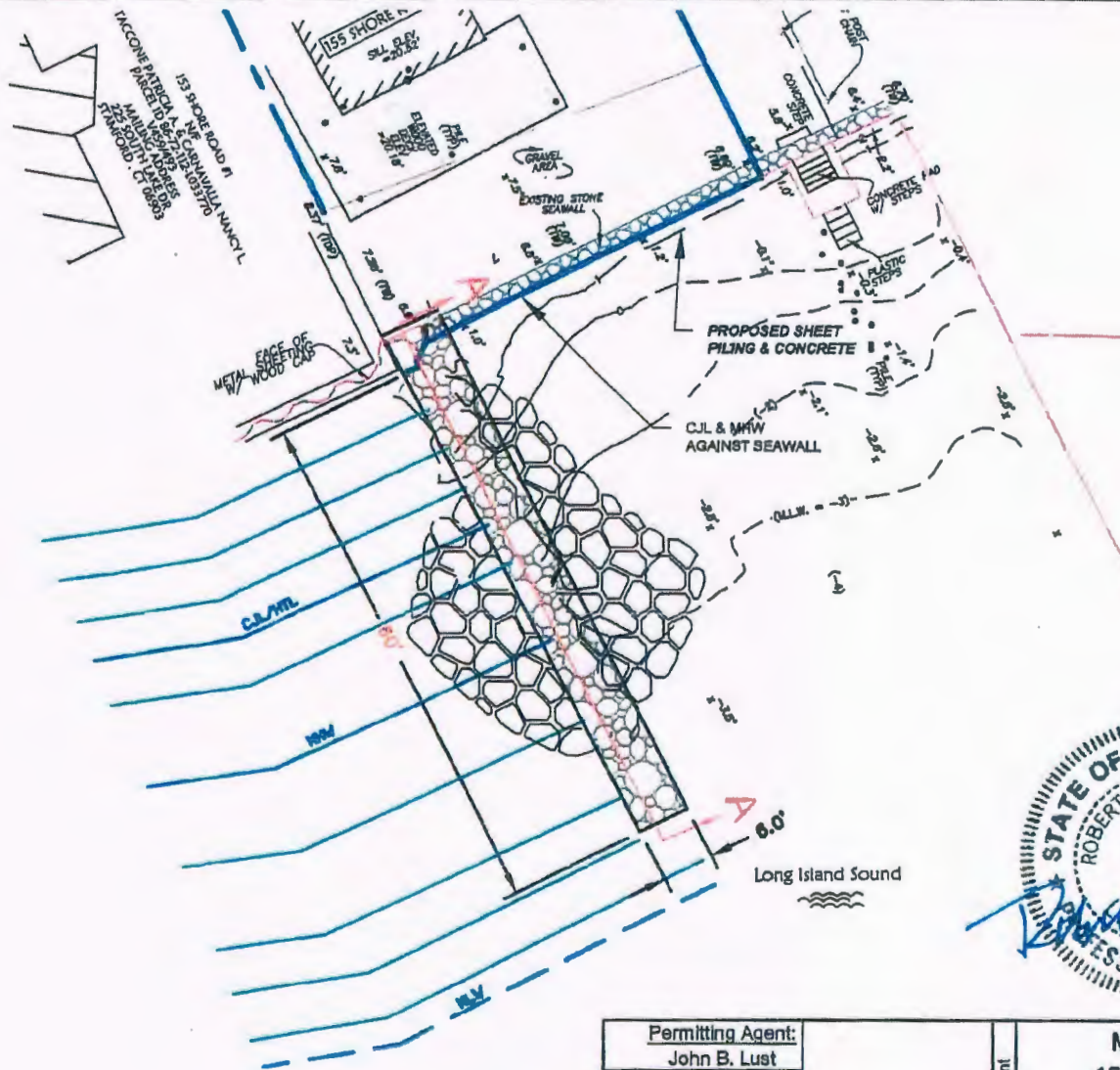


GRAPHIC SCALE



(IN FEET)

Permitting Agent: John B. Lust		MARK LENDER 155 SHORE ROAD MIDDLESEX COUNTY CLINTON, CONNECTICUT
Drawn By: JFW Checked By: R.S.		GROIN REPLACEMENT
Date: April 6, 2017 Revised: June 21, 2017		EXISTING CONDITIONS
DATUM = NAVD88 CJL/HTL = 3.4/3.8 MHW = 2.0 MLW = -3.0		PLAN VIEW
		Sheet: 5 of 8



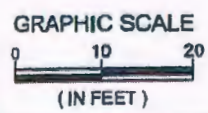
155 SHORE ROAD N
 TACONE PARKA DE CORNELLIA NUNCL
 222 SOUTH LAUREL ST
 STANFORD, CT 06803

155 SHORE A
 S.W. P.L. 2.0
 2.0
 1.0
 0.0
 -3.0

PROPOSED SHEET
 PILING & CONCRETE

C.J.L & M.H.W
 AGAINST SEAWALL

Long Island Sound



Permitting Agent:
 John B. Lust
 Drawn By: JFW
 Checked By: R.S.
 Date: April 6, 2017
 Rev: June 21, 2017
 DATUM = NAVD88
 C.JL/HTL = 3.4/3.6
 MHW = 2.0
 MLW = -3.0

Seal

Applicant	MARK LENDER 155 SHORE ROAD MIDDLESEX COUNTY CLINTON, CONNECTICUT
	PROJECT
Project	GROIN REPLACEMENT PROPOSED CONDITIONS PLAN VIEW
Sheet: 6 of 8	



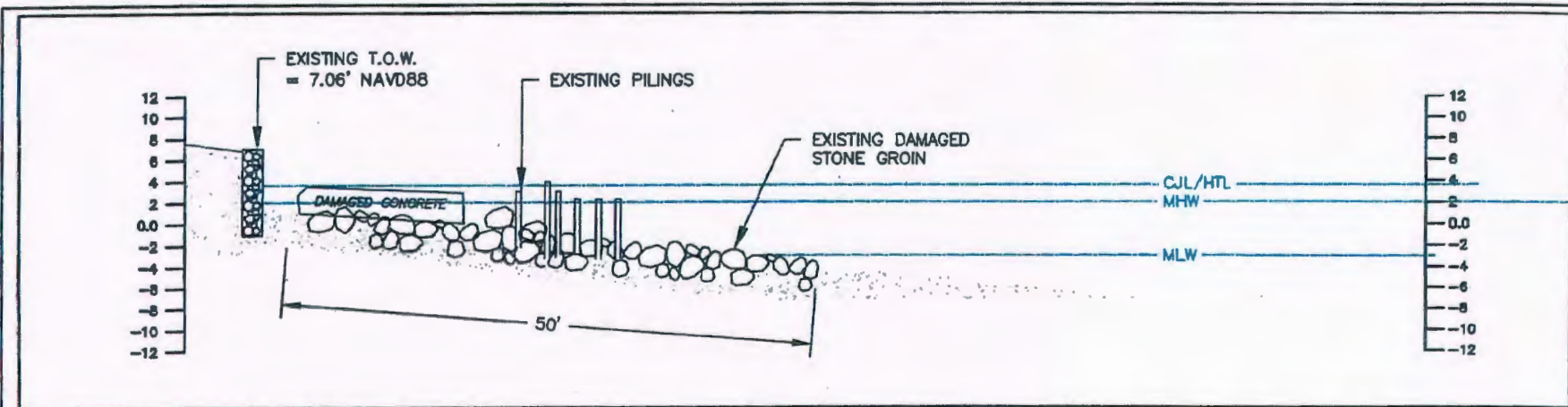
GRAPHIC SCALE



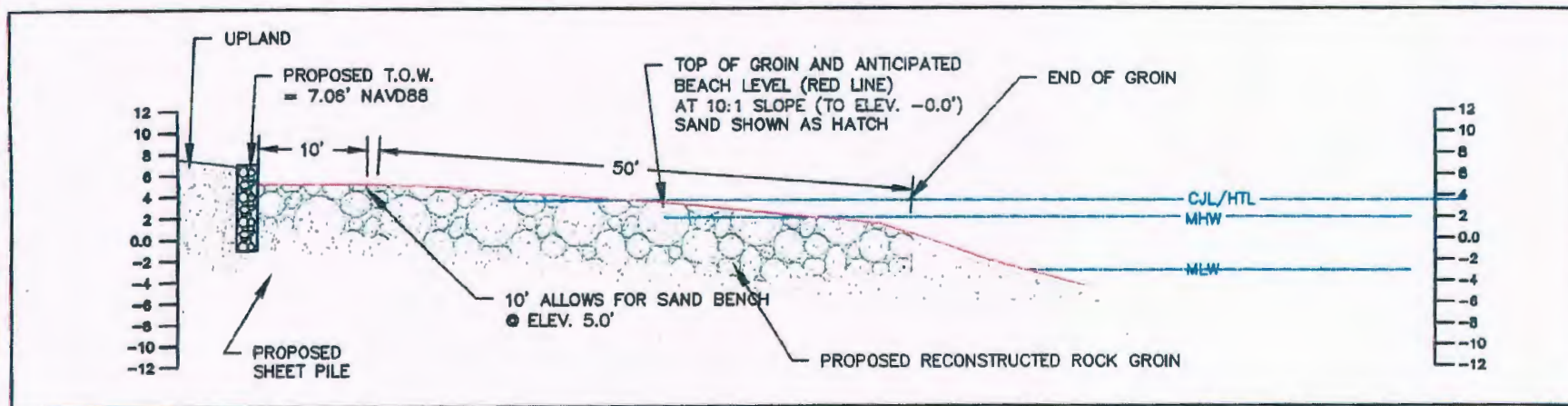
(IN FEET)

Permitting Agent:
 John B. Lust
 Drawn By: JFW
 Checked By: R.S.
 Date: April 6, 2017
 Rev: June 21, 2017
 DATUM = NAVD88
 CJL/HTL = 3.4/3.8
 MHW = 2.0
 MLW = -3.0

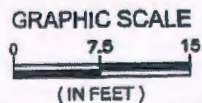
Applicant	MARK LENDER 155 SHORE ROAD MIDDLESEX COUNTY CLINTON, CONNECTICUT
	GROIN REPLACEMENT EXISTING W/PROPOSED WATERWARD EXTENT
Project	AERIAL VIEW



EXISTING SECTION



PROPOSED SECTION



Permitting Agent: John B. Lust	
Drawn By:	JFW
Checked By:	R.S.
Date:	April 6, 2017
Revised:	June 21, 2017
DATUM = NAVD88	
CJL/HTL = 3,4/3,6	
MHW = 2,0	
MLW = -3,0	



MARK LENDER
155 SHORE ROAD
MIDDLESEX COUNTY
CLINTON, CONNECTICUT

GROIN REPLACEMENT

CROSS SECTION A-A

SECTION VIEW

Sheet: 8 of 8