
PUBLIC NOTICE



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

Comment Period Begins: February 25, 2014
Comment Period Ends: March 27, 2014
File Number: NAE-2013-2643
In Reply Refer To: Paul Sneeringer
Phone: (978) 318-8491
E-mail: paul.j.sneeringer@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from the Daniel H. Schulman 2012 Trust and Jennie A. Kassanoff 2012 Trust, P.O. Box 465, Tyringham, Massachusetts. This work is proposed within Sodem Pond and Hop Brook at 38 Sodem Road, Tyringham, Massachusetts. The site coordinates are: Latitude 42° 12' 52.6" N Longitude 73° 09' 55.4" W.

The work involves excavating accumulated sediment from the 47,000 square foot Sodem Pond. This work is being proposed to maintain existing recreational uses (swimming, boating, and fishing) within Sodem Pond. This project will involve the discharge of dredged and/or fill material into approximately 40,000 square feet of waters of the United States, associated with Sodem Pond. The applicant proposes to dewater the Sodem Pond impoundment using existing water control structures at the downstream dam. Hop Brook will be diverted through an existing low flow channel along the east side of the Sodem Pond impoundment in order to allow the proposed excavation work to be completed "in the dry". An excavator will be used to remove the accumulated sediments from the dewatered impoundment. Approximately 1,825 cubic yards of bottom sediments will be deposited at an on-site upland disposal site. This pond dredging work will result in only temporary impacts to Sodem Pond and Hop Brook. There is no need for compensatory mitigation for this project.

The work is described on the enclosed plans entitled "POND DREDGING for DANIEL SCHULMAN," on a total of five sheets, and dated "JANUARY 13, 2014" and revised "2/10/2014".

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.

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.

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 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.

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FILE NO. NAE-2013-2643

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 **Paul Sneeringer** at (978) 318-8491, (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.

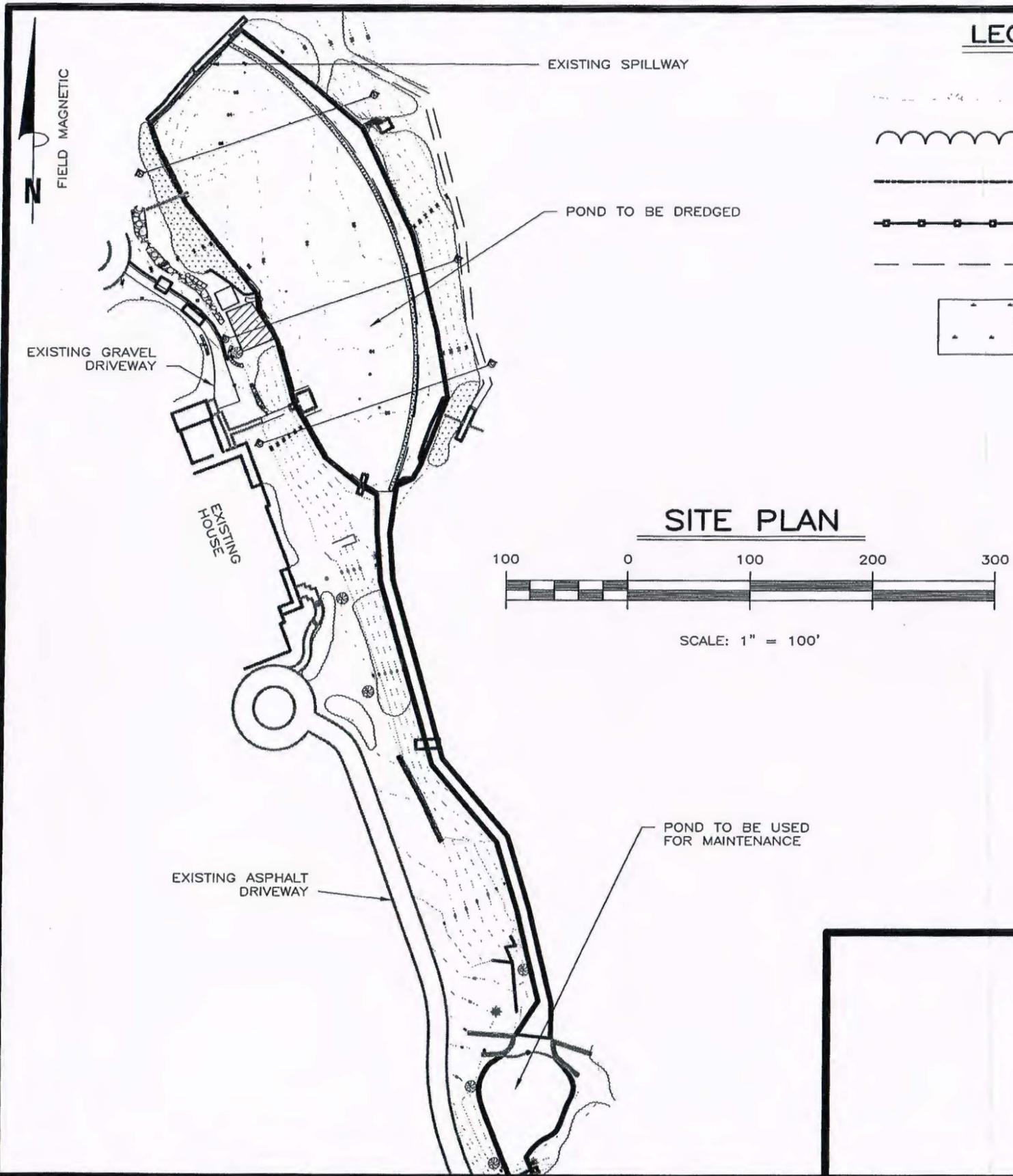
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Karen K. Adams-
Chief, Permits and Enforcement Branch
Regulatory Division

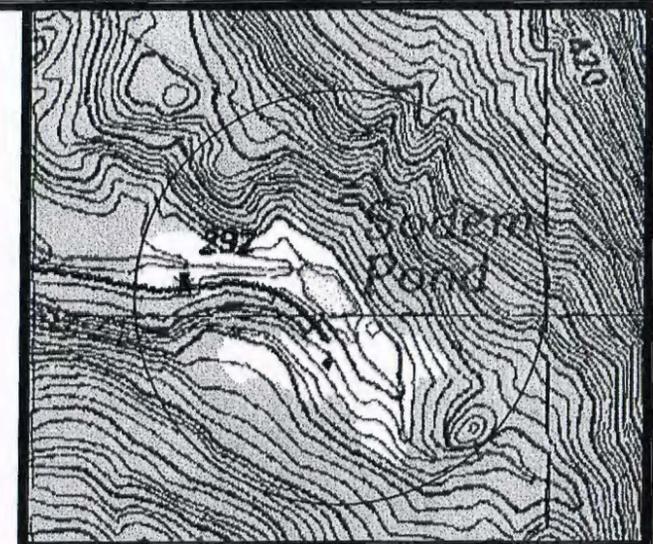
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____
PHONE: _____



LEGEND

- EXISTING CONTOURS
- ~~~~~ EDGE OF TREELINE(CANOPY)
- STRAW WATTLE
- SILT FENCE LINE
- - - - - LIMIT OF EXCAVATION
- [] BORDERING VEGETATED WETLAND



GENERAL NOTES:

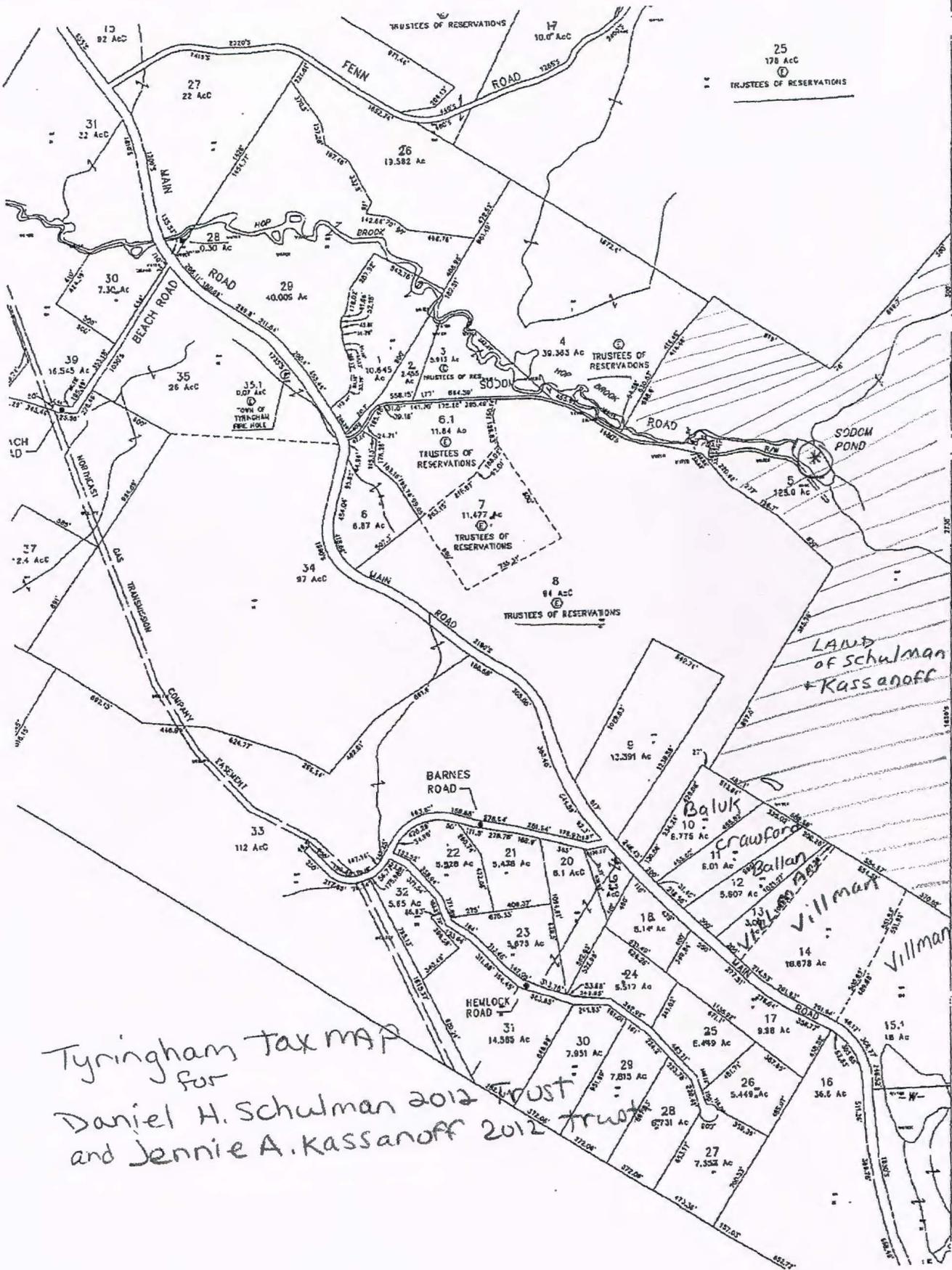
1. DRAWING REFLECTS CONDITIONS AS FOUND IN THE FIELD ON AUGUST 7, 2013.
2. CONTOUR INTERVAL IS 2' REFERENCED TO A LOCAL ARBITRARY DATUM. TBM IS A METAL SPIKE IN GROUND-ELEV=100.00 AND BOLT IN SPILLWAY ELEV=89.71
3. THIS PLAN WAS COMPILED USING AUTOCAD 2002 AND EAGLE POINT SOFTWARE. CONTOURS ARE COMPUTER GENERATED INTERPOLATIONS EDITED TO GENERALLY CONFORM TO FIELD OBSERVATIONS. CRITICAL ELEVATIONS SHOULD BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
4. UNDERGROUND UTILITIES ARE DEPICTED AS APPARENT IN THE FIELD AND MAY NOT BE EXACTLY AS SHOWN OR COMPLETE.
5. WETLANDS DELINEATED ON AUGUST 7, 2013 BY WHITE ENGINEERING, INC.
6. TOPOGRAPHIC SURVEY PERFORMED BY WHITE ENGINEERING, INC. ON AUGUST 7, 2013

POND DREDGING PLAN for DANIEL SCHULMAN			
38 SODEM ROAD		TYRINGHAM, MA	
1	MODIFICATIONS PER US ACOE	SDB	2/10/2014
NO:	REVISION:	BY:	DATE:

WHITE ENGINEERING INC.
CIVIL & ENVIRONMENTAL
55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201

PHONE (413) 443-8011 E-MAIL WHITEENG@AOL.COM FAX (413) 443-8012

DATE: JANUARY 13, 2014	DRN: CJM	APVD: MPW	DWG NO: 13-07-10B-11X17
DS'GN: SDB	OKD: SDB	SCALE: AS NOTED	SHEET 1A OF 3



Tyringham tax map
 for
 Daniel H. Schulman 2012 Trust
 and Jennie A. Kassanoff 2012 Trust

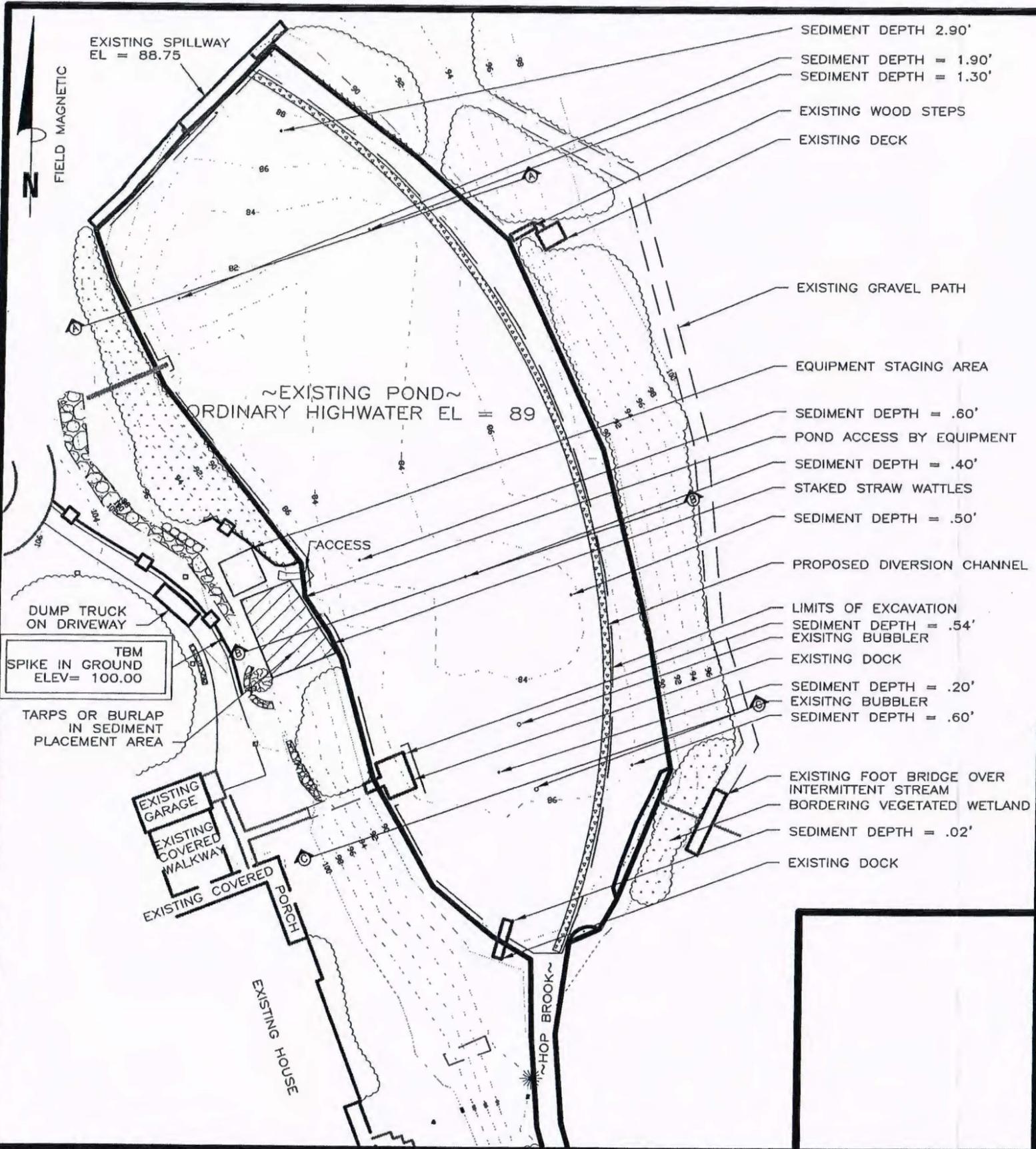
White Engineering Inc.
 SHEET 18 OF 3

OTIS

SEDIMENT DISPOSAL AREA FOR DANIEL SCHULMAN



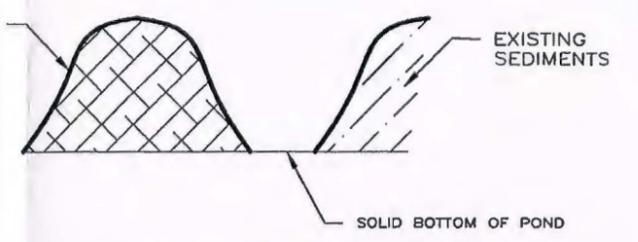
NTS



LEGEND

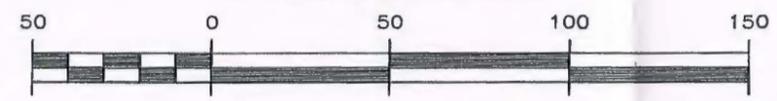
- EXISTING CONTOURS
- ~~~~~ EDGE OF TREELINE(CANOPY)
- STRAW WATTLE
- SILT FENCE LINE
- LIMIT OF EXCAVATION
- [] BORDERING VEGETATED WETLAND

MOVE EXISTING SEDIMENTS TO CREATE BERM SUITABLE TO MAINTAIN CHANNEL AND REASONABLY DRY WORK AREA



DIVERSION SWALE DETAIL
NTS

SITE PLAN

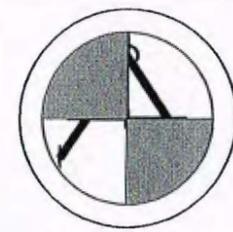


SCALE: 1" = 50'

CONSTRUCTION SEQUENCE

1. INSTALL EROSION CONTROLS PER PLAN AND NARRATIVE
2. BEGIN DRAW DOWN OF POND
3. EXCAVATE DIVERSION CHANNEL
4. PREPARE DEWATERING AREA
5. LOAD SEDIMENT ONTO DUMP TRUCKS IN DRIVEWAY
6. TRANSPORT SEDIMENT TO DISPOSAL AREA
7. SEED AND MULCH ANY DISTURBED AREAS INCLUDING DISPOSAL AREA
8. RESTORE WATER LEVEL IN POND

TITLE: POND DREDGING PLAN for DANIEL SCHULMAN			
38 SODEM ROAD		TYRINGHAM, MA	
NO: 1	REVISION: REVISED DETAIL	BY: SDB	DATE: 2/10/2014

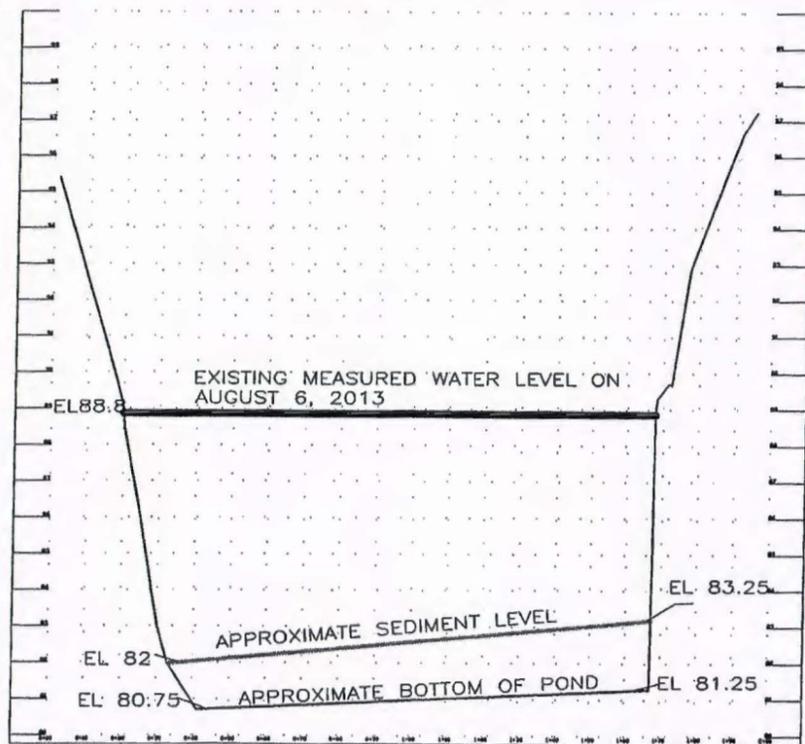


WHITE ENGINEERING INC.

CIVIL & ENVIRONMENTAL

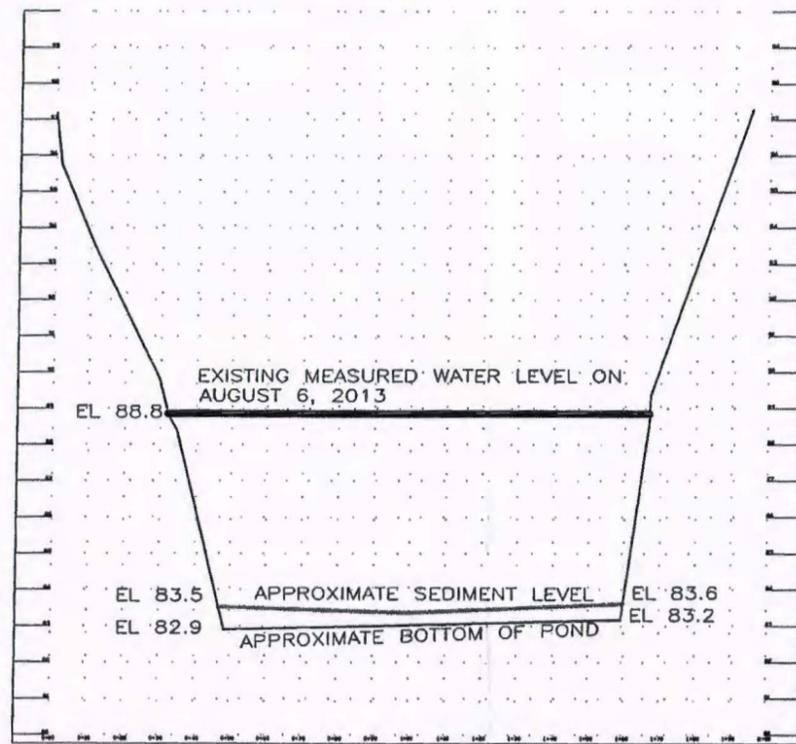
55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201

PHONE (413) 443-8011	E-MAIL WHITEENG@AOL.COM	FAX (413) 443-8012
DATE: JANUARY 13, 2014	DRN: CJM	APVD: MPW
DSGN: SDB	OKD: SDB	SCALE: AS NOTED
DWG NO: 13-07-10B-11X17		SHEET 2 OF 3



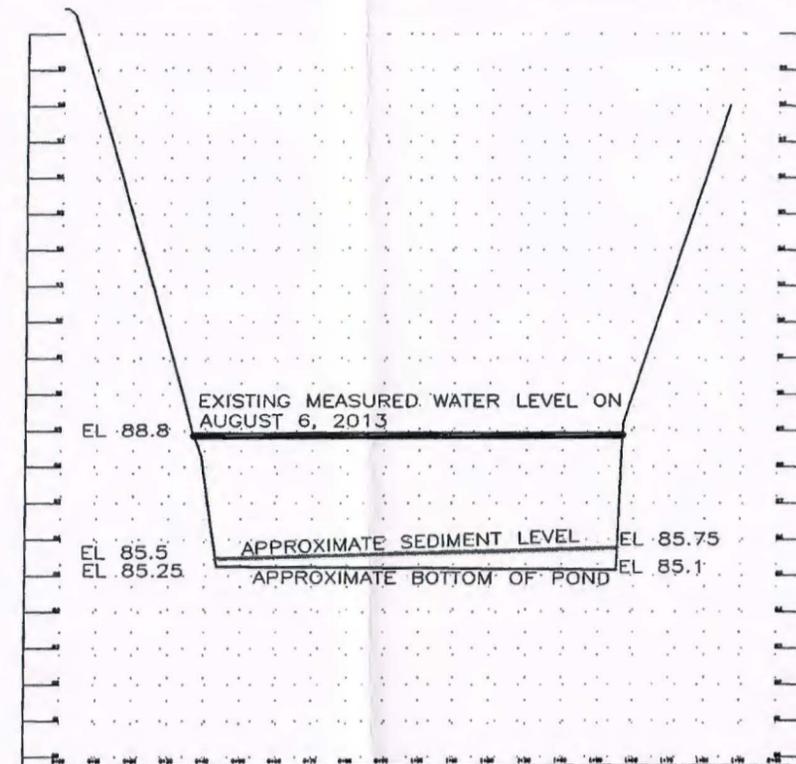
CROSS SECTION A-A

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=2'



CROSS SECTION B-B

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=2'



CROSS SECTION C-C

HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: 1"=2'

TITLE:				POND DREDGING PLAN for DANIEL SCHULMAN			
38 SODEM ROAD				TYRINGHAM, MA			
1		ADDED ELEVATIONS		SDB		2/10/2014	
NO:		REVISION:		BY:		DATE:	
				WHITE ENGINEERING INC.			
				CIVIL & ENVIRONMENTAL			
				55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201			
PHONE (413) 443-8011		E-MAIL WHITEENG@AOL.COM		FAX (413) 443-8012			
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DSGN: SDB		OKD: SDB		SCALE: AS NOTED		SHEET 3 OF 3	