



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

PUBLIC NOTICE

Comment Period Begins: May 22, 2012
Comment Period Ends: June 22, 2012
File Number: NAE-2009-1511
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 River Bend Associates

ACTIVITY To discharge fill into waters and wetlands in order to remove an existing 250' dam, culverts, and road embankment and to construct a new road crossing with two new culverts upstream of existing dam. Fill will be placed within 19,129 square feet of wetlands. In addition, 2,717 square feet of wetlands will be excavated and 32,370 square feet of the existing Mill Brook will be altered due to increased flow. The purpose of the new road construction is to access other upland parcels that will not require additional wetland impacts. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Mill Brook at Old Iron Ore Road, Bloomfield, Connecticut. The proposed location on the USGS Hartford North quadrangle sheet is at Lat/Long coordinates 41.86723 N and -72.709 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

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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.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

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.

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.

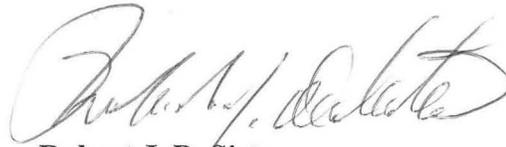
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Lindsay Flieger at (978) 318-8656, (800) 343-4789 or (800) 362-4367, if 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.

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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

The work includes the discharge of dredged or fill material into the Mill Brook impoundment for the purpose of installing a new embankment and road crossing. The existing dam consists of an approximately 250 foot-long earthen embankment with an elevation range of 143.3 feet at the southwestern end to 143.7 feet at the northeastern end. It is currently classified by the CT DEEP as “Low Hazard/Class A”. The area of the impoundment is approximately 2.09 acres with an approximate volume of 14 acre-feet; a reinforced concrete outlet pipe exists within the embankment, but it is frequently blocked. Overtopping occurs at the northeastern end of the dam through an existing gravel spillway that is approximately 75 feet long by 4 feet wide x 2 feet deep and ends with a settling basin.

The existing impoundment will be lowered by using low-level outfall pipes which run through the existing embankment. When the water level has reached stream bed elevation, the existing embankment overflow channel on the northeastern side will be expanded to divert stream flow and armoured in order to convey a 10 year return frequency storm event. The dam will be removed beginning at the western end of the embankment and will require approximately 100 cubic yards of soil to be removed from within the wetland area as part of this activity. The construction of the new road and embankment will occur concurrently with the removal of the existing road. As the existing western embankment is removed, the construction of the new western embankment will begin approximately 20 feet upstream. At the time, a primary box culvert approximately 75 feet long by 11 feet wide by 3 feet 7 inches deep will be installed. In addition, a secondary box culvert will be installed that is approximately 75 feet long by 9 feet 2 inches wide by 3 feet 3 inches deep. After installation, the stream flow will be directed through the culverts and all temporary water controls will be removed.

Wetlands will be permanently and temporarily impacted by the construction of the new embankment and road crossing. Permanent wetland impacts include the reduction of water surface elevation in the impoundment and will consist of 58,539 square feet (1.34 acres). Temporary wetland impacts will be due to the installation of settling basins, diversion berm, and a high level overflow pipe that will redirect water. The total area of temporary impacts will be approximately 59,115 square feet (1.36 acres).

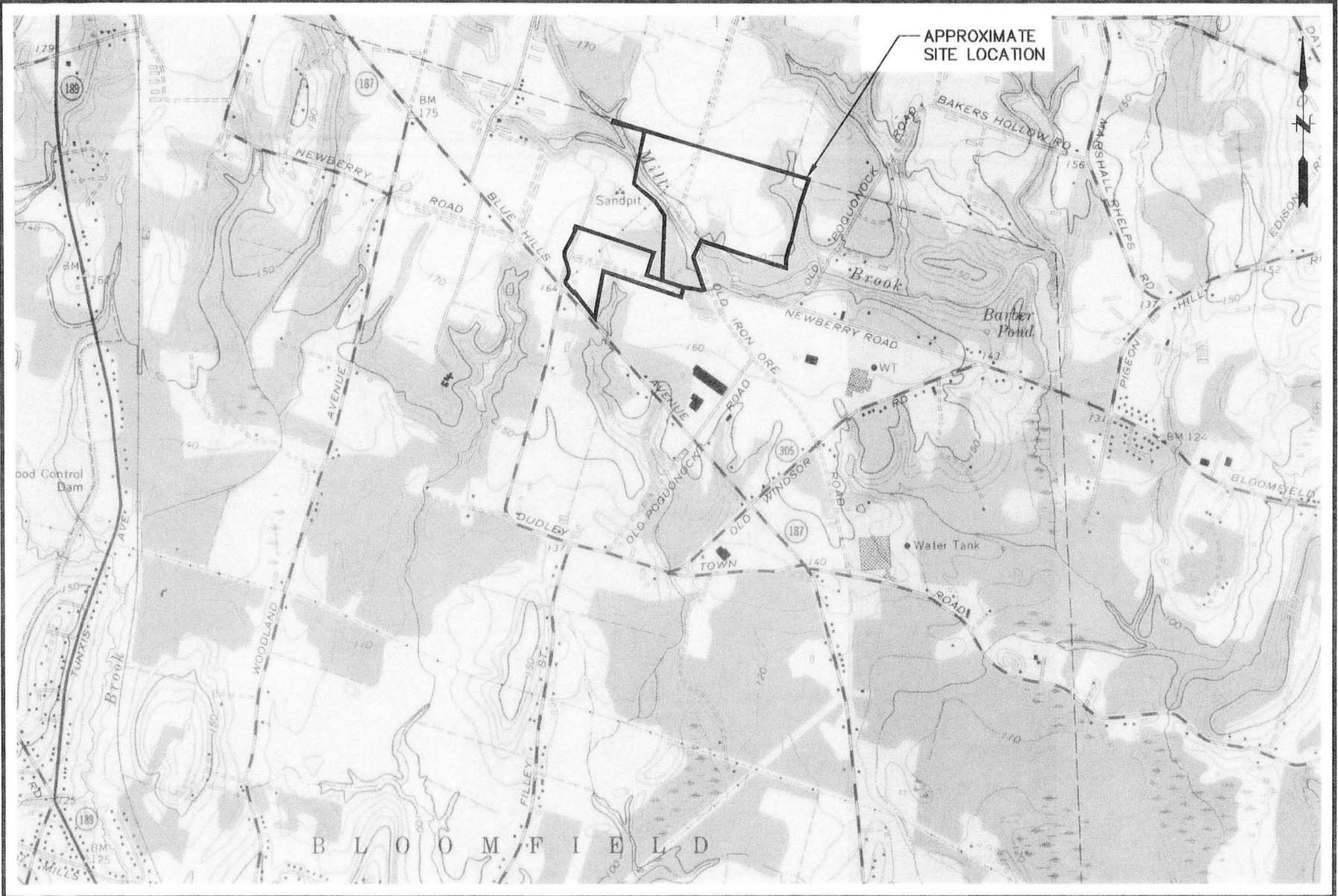
The work is described on the enclosed plans entitled “GRIFFIN LAND PHOENIX CROSSING SUBDIVISION OLD IRON ORE ROAD POND DAM,” on portions of a set of 33 sheets, and dated “August 25, 2011.”

MITIGATION

Mill Brook is a shallow stream that runs through a primarily agricultural and commercial area. The embankment has created an impoundment that provides habitat for small and juvenile warm water fish species. The proposed embedded box culvert will increase water flow and therefore decrease the temperature of the stream to allow for more fish species.

To compensate for the fill placed in wetlands, approximately 3,720 linear feet of perennial stream (Mill Brook) will be restored within the former impoundment in addition to the conversion of 1.35 acres of former impoundment to floodplain and riparian wetlands adjacent to Mill Brook. There will also be the removal of invasive species within the delineated wetlands and those adjacent. Restoration within the impoundment will rely on the existing seed bank within the pond sediments and will be monitored with an invasive species management plan. The proposed activity will ultimately result in the restoration of Palustrine Forested Broad-Leaved Deciduous Seasonally Flooded/Saturated (PFO1E). Sediment and erosion controls such as: silt fences, diversion ditches, and sediment traps will be used during the process.

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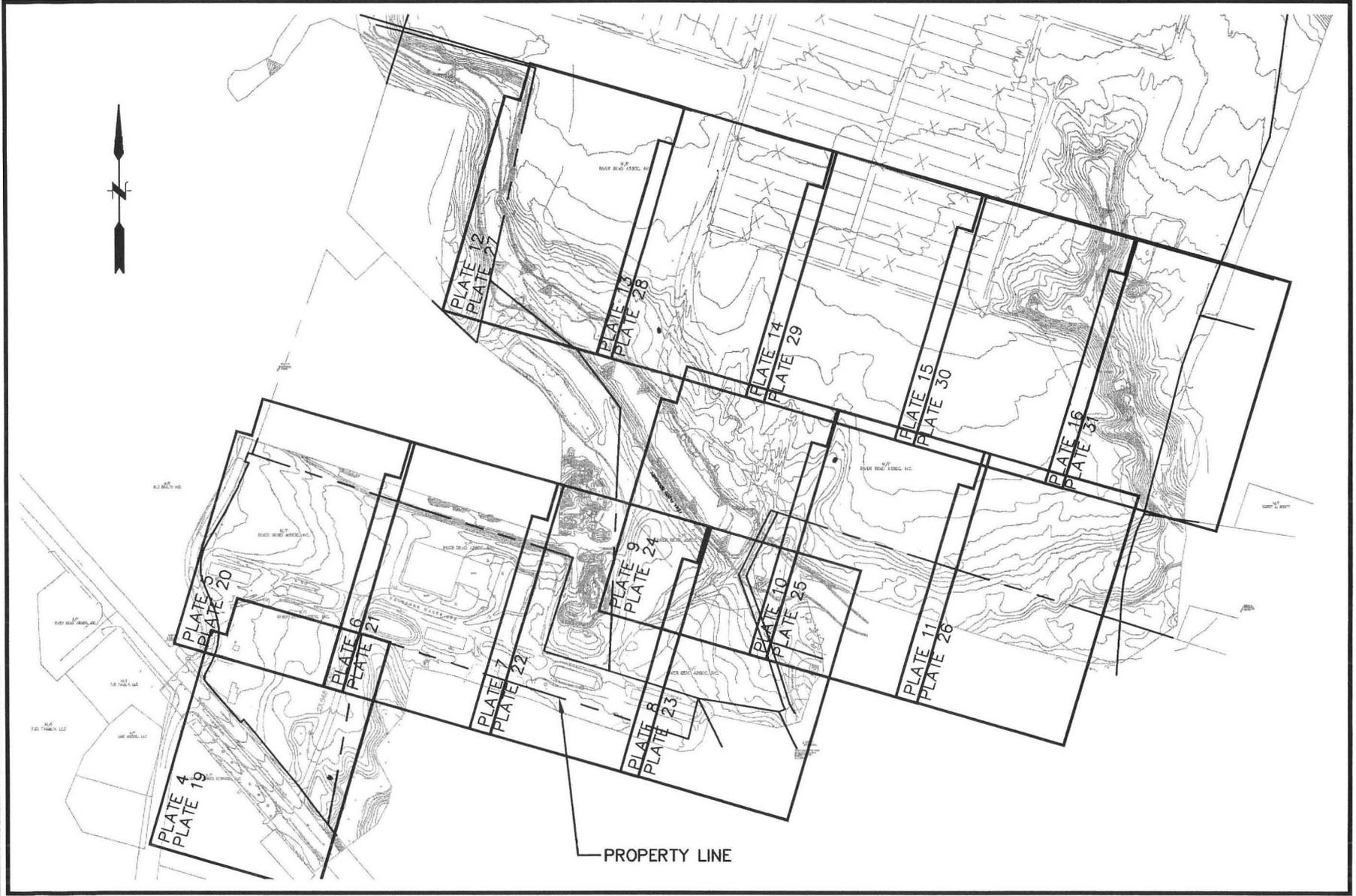
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GRIFFIN LAND
 PHOENIX CROSSING SUBDIVISION
 OLD IRON ORE ROAD POND DAM
 VICINITY MAP
 BLOOMFIELD CONNECTICUT

PROJ. No. 20080054.A20
 DATE: 8/25/2011
PLATE-1

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GRIFFIN LAND
 PHOENIX CROSSING SUBDIVISION
 OLD IRON ORE ROAD POND DAM
 KEYMAP - EXISTING CONDITIONS

BLOOMFIELD CONNECTICUT

PROJ. No.: 20080054.A20
DATE: 8/25/2011
PLATE-3

File Path: J:\DWG\2008\054\A20\Plan\2008054A20_FRM01_ACOE.dwg, Layout: PLATE-4, Plotted: Tue, Apr 17, 2012 - 9:57 AM User: Dcarlson
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GRIFFIN LAND
 PHOENIX CROSSING SUBDIVISION
 OLD IRON ORE ROAD POND DAM
 EXISTING CONDITIONS

CONNECTICUT

PROJ. No.: 20080054.A20
 DATE: 8/25/2011

PLATE-4

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BLOOMFIELD

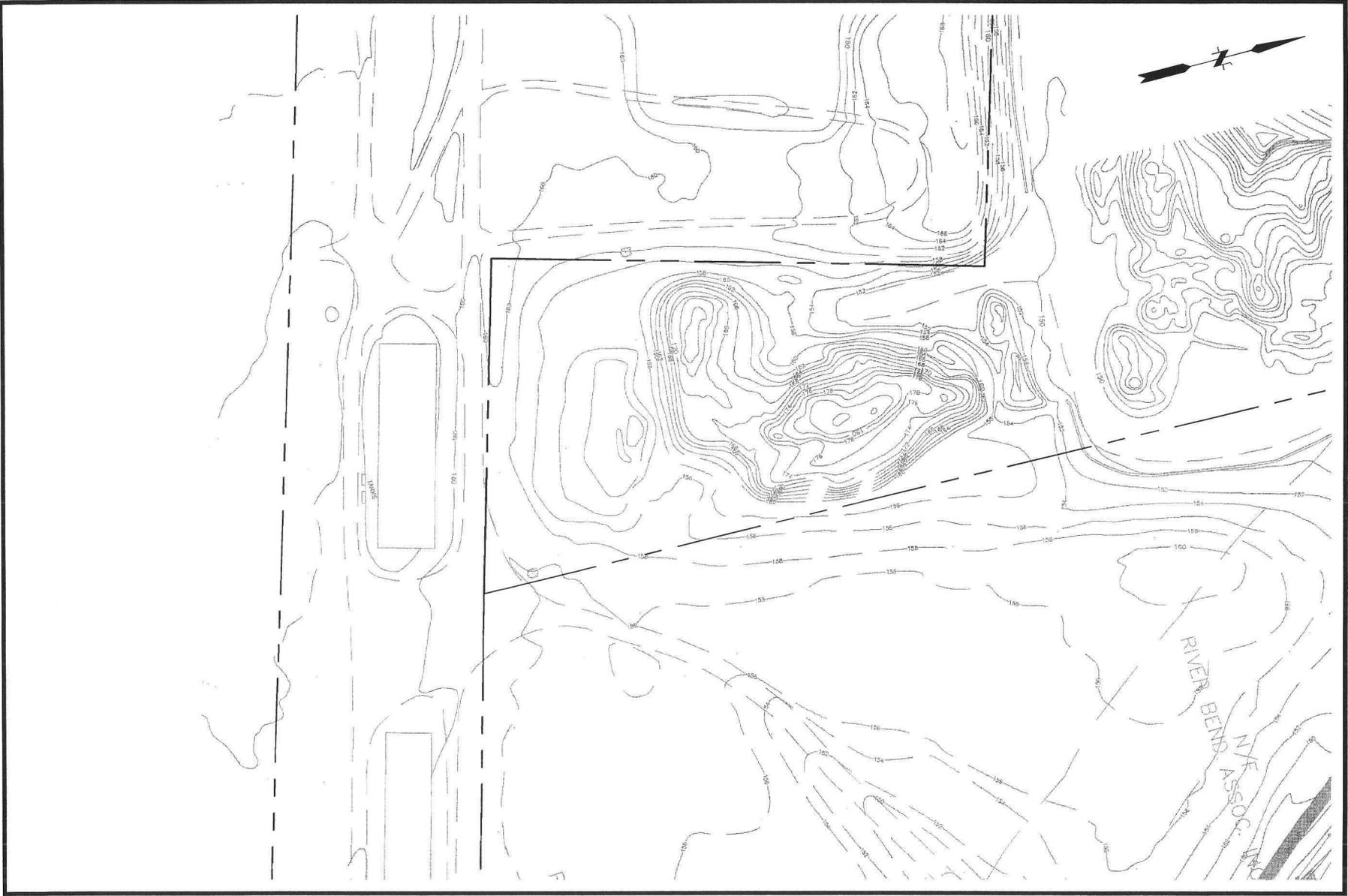
GRIFFIN LAND
 PHOENIX CROSSING SUBDIVISION
 OLD IRON ORE ROAD POND DAM
 EXISTING CONDITIONS

CONNECTICUT

PROJ. No.: 20080054.A20
 DATE: 8/25/2011

PLATE-5

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GRIFFIN LAND
 PHOENIX CROSSING SUBDIVISION
 OLD IRON ORE ROAD POND DAM
 EXISTING CONDITIONS
 BLOOMFIELD
 CONNECTICUT

PROJ. No.: 20080054.A20
 DATE: 8/25/2011
PLATE-7

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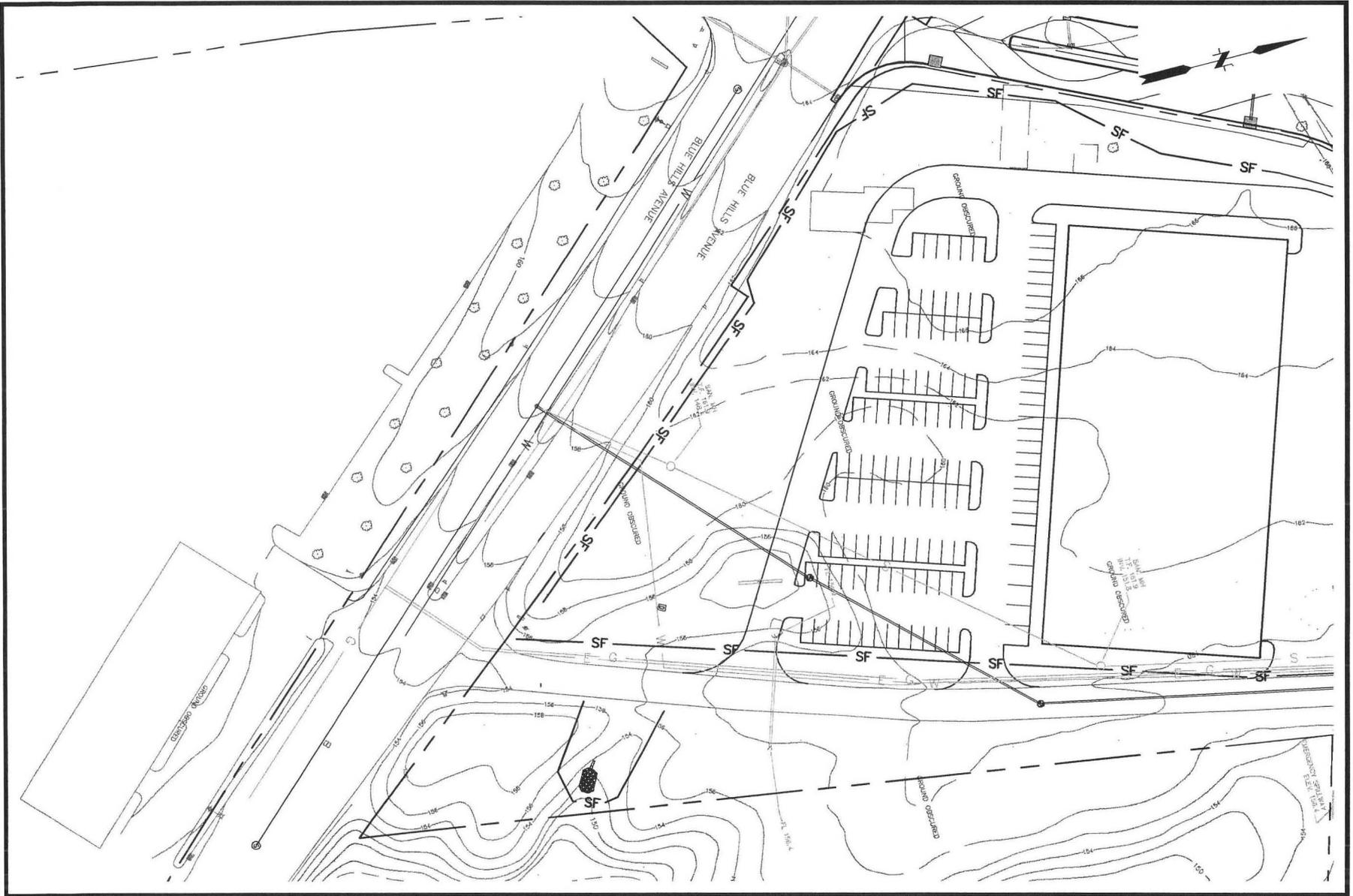
GRIFFIN LAND
 PHOENIX CROSSING SUBDIVISION
 OLD IRON ORE ROAD POND DAM
 EXISTING CONDITIONS

BLOOMFIELD CONNECTICUT

PROJ. No.: 20080054.A20
DATE: 8/25/2011
PLATE-8

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BLOOMFIELD

GRIFFIN LAND
 PHOENIX CROSSING SUBDIVISION
 OLD IRON ORE ROAD POND DAM
 EROSION, SEDIMENT & TEMPORARY WATER CONTROLS

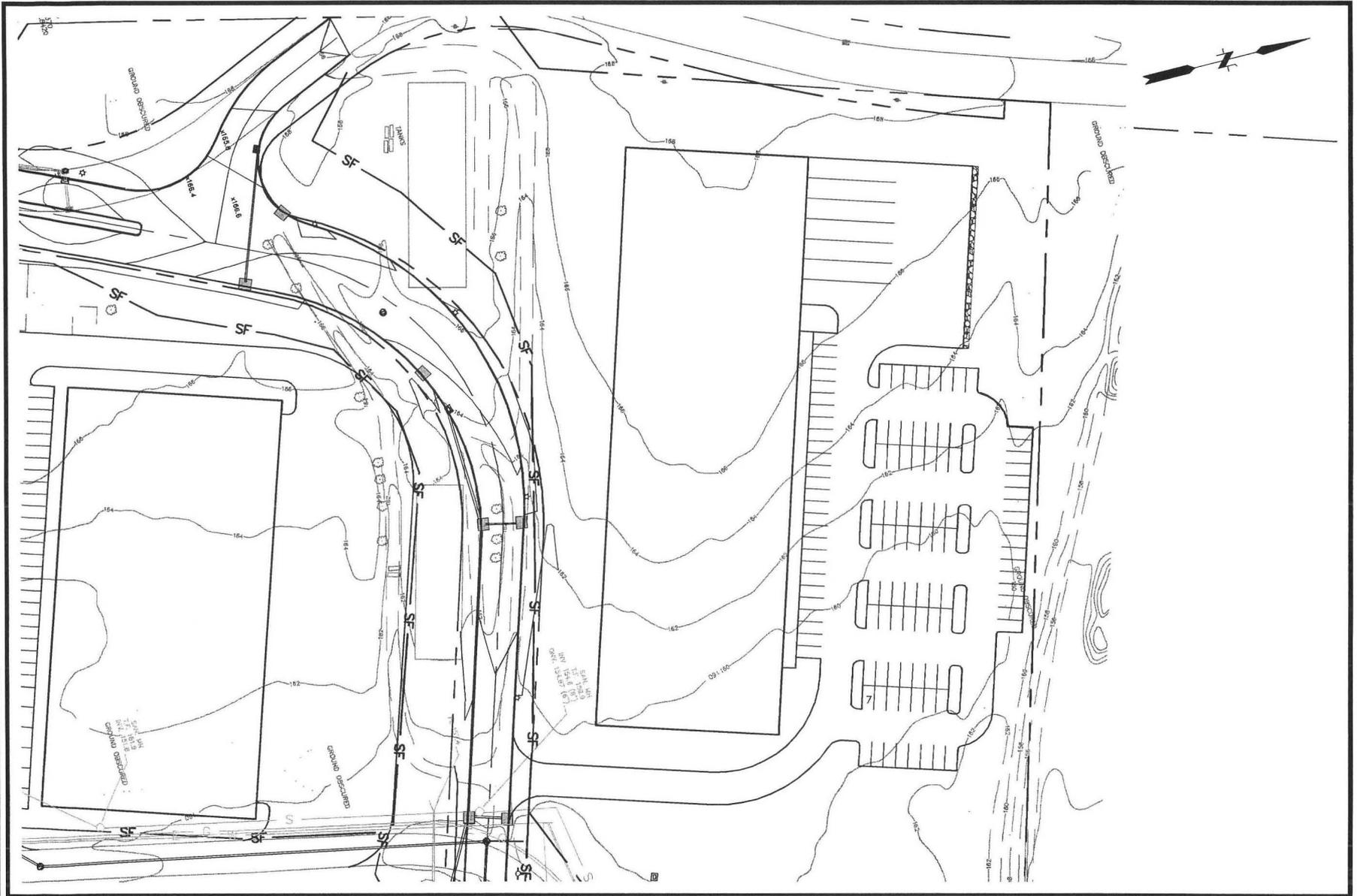
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PROJ. No.: 20080054.A20
 DATE: 8/25/2011

PLATE-19

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GRIFFIN LAND

PHOENIX CROSSING SUBDIVISION
 OLD IRON ORE ROAD POND DAM

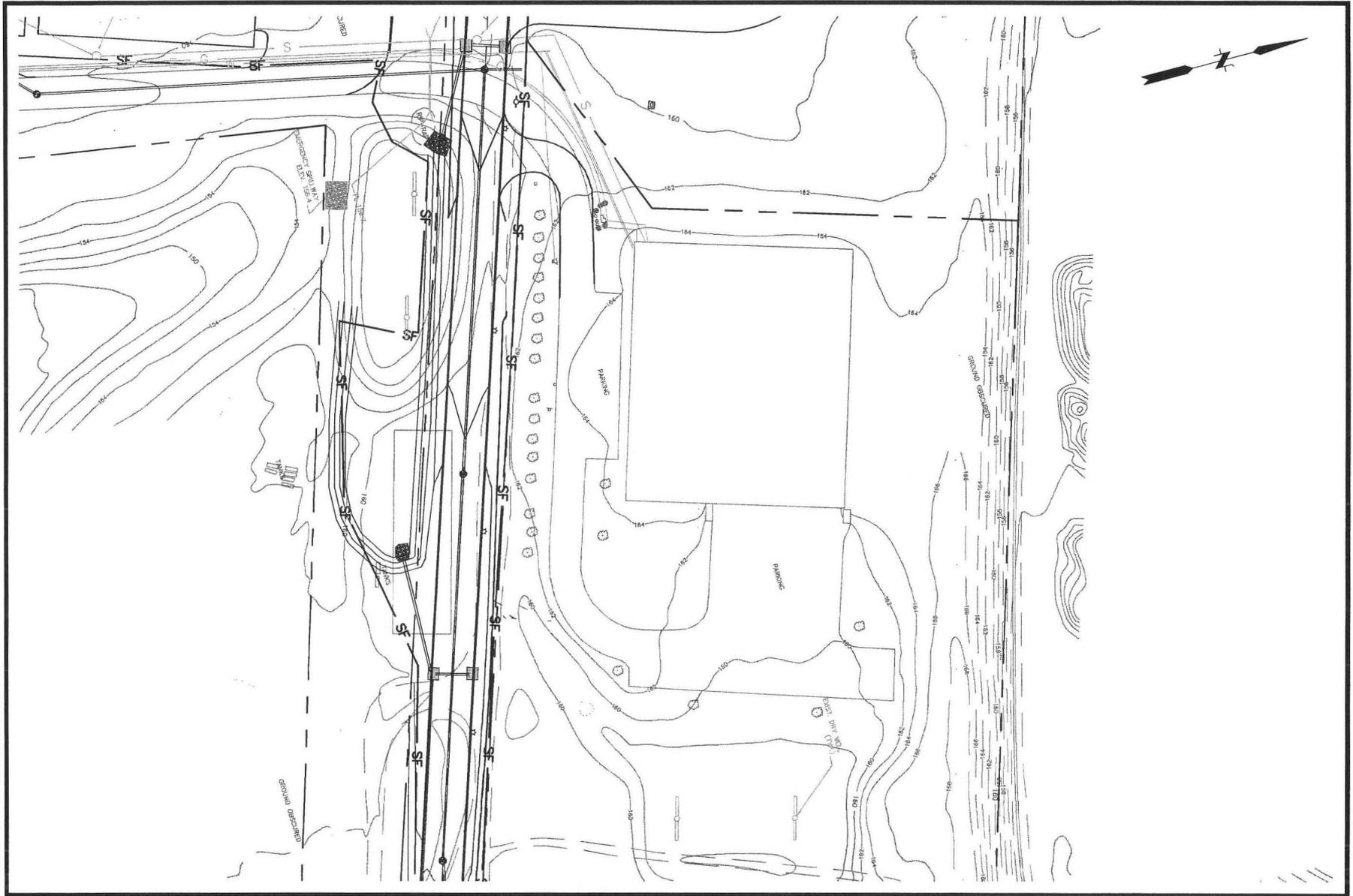
EROSION, SEDIMENT & TEMPORARY WATER CONTROLS

CONNECTICUT

PROJ. No.: 20080054.A20
 DATE: 8/25/2011

PLATE-20

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GRIFFIN LAND

PHOENIX CROSSING SUBDIVISION
 OLD IRON ORE ROAD POND DAM
 EROSION, SEDIMENT & TEMPORARY WATER CONTROLS

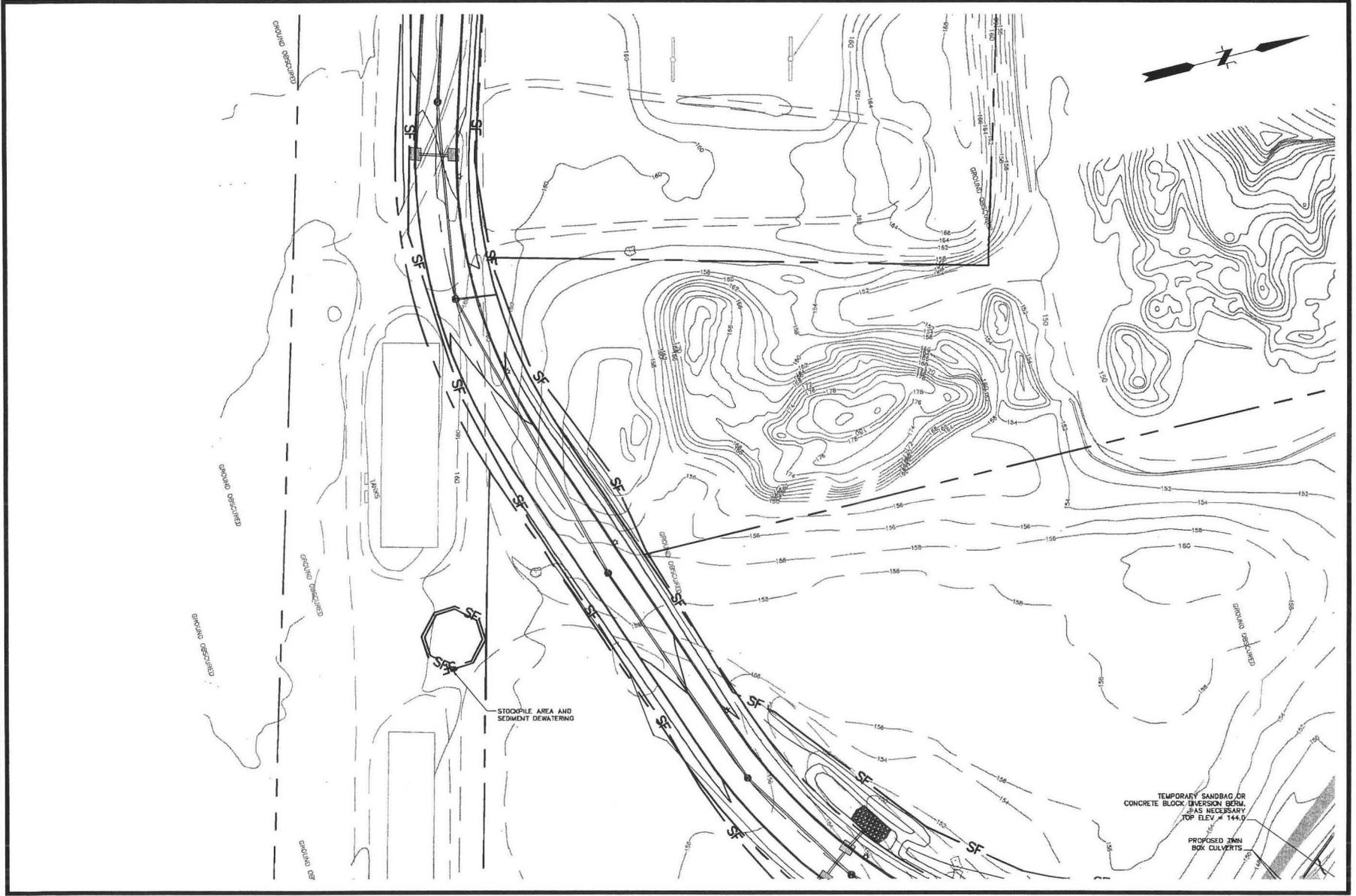
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PROJ. No.: 20080054.A20
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PLATE-21

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 OLD IRON ORE ROAD POND DAM
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PROJ. No.: 20080054.A20
 DATE: 8/25/2011

PLATE-22

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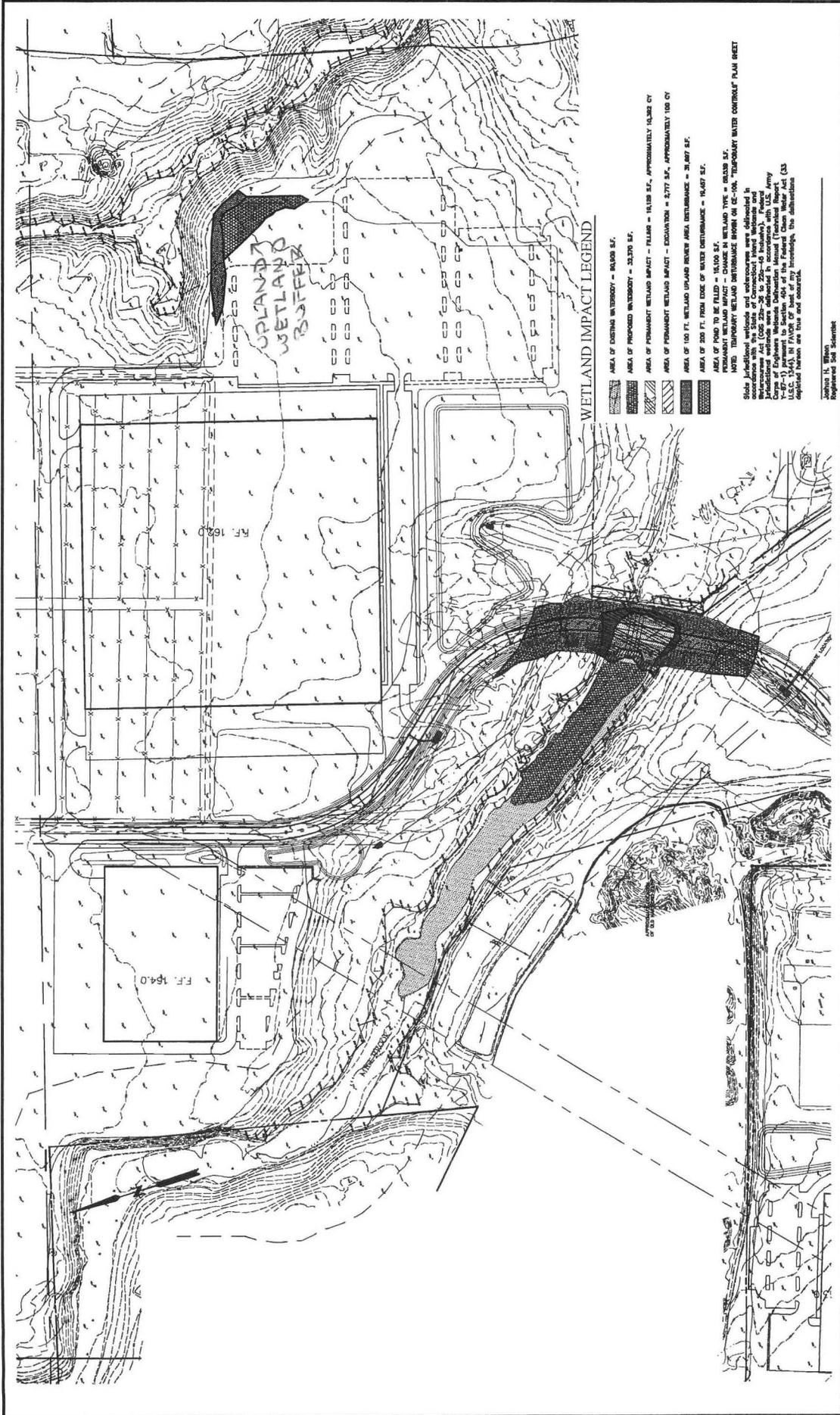
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OLD IRON ORE ROAD POND DAM
 EROSION, SEDIMENT & TEMPORARY WATER CONTROLS

BLOOMFIELD CONNECTICUT

PROJ. No.: 2008054.A20 DATE: 8/25/2011
PLATE-23



WETLAND IMPACT LEGEND

- AREA OF EXISTING WATERBODY = 14,000 S.F.
- AREA OF PROPOSED WATERBODY = 33,370 S.F.
- AREA OF PERMANENT WETLAND IMPACT - FILLING = 14,000 S.F., APPROXIMATELY 14.0% OF
- AREA OF PERMANENT WETLAND IMPACT - EXCAVATION = 2,777 S.F., APPROXIMATELY 10.0% OF
- AREA OF 100 FT. WETLAND UPLAND BUFFER AREA DISTURBANCE = 21,497 S.F.
- AREA OF 200 FT. FROM EDGE OF WATER DISTURBANCE = 16,467 S.F.
- AREA OF FLOOD TO BE FILLED = 15,000 S.F.
- PERMANENT WETLAND IMPACT - CHANGE IN WETLAND TYPE = 16,638 S.F.
- NOTE: TEMPORARY WETLAND DISTURBANCE SHOWN ON CE-104, "TEMPORARY WATER CONTROL PLAN SHEET"

State jurisdiction wetlands and watercourses were delineated in accordance with the National Wetlands Inventory, National Wetlands Inventory Act (CWS 224-26 to 224-48 Inland), Federal Wetlands Inventory Act (CWS 224-26 to 224-48 Inland), Federal Army Corps of Engineers Wetlands Delineation Manual (Technical Manual 47-1-87-1) prepared by Section 404 of the Federal Clean Water Act (33 USC 1344) and 40 CFR 401.16. The delineation of wetlands and watercourses are true and correct.

John H. Wilcox
Registered Soil Scientist

SCALE: HORIZ. 1" = 100'

VERT. 1" = 10'

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GRAPHIC SCALE: 0 50 100

PROJ. NO. 200800410
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GRIFIN LAND
WETLAND IMPACT MAP
PHOENIX CROSSING
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CONNECTICUT

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DESIGNER/PL		
REVIEWER		
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PLATE-32

