



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

PUBLIC NOTICE

Comment Period Begins: October 5, 2010
Comment Period Ends: November 5, 2010
File Number: NAE-2010-1503
In Reply Refer To: Barbara Newman
Phone: (978) 318-8515 or by
E-mail: [barbara.h.newman](mailto:barbara.h.newman@usace.army.mil)
@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 William S. Donat

ACTIVITY Construction of a walkway leading to a fixed T-head pier, with a boat davit and ladders. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Neck River at 99 Garnet Park Road, in Madison, CT. The proposed location on the USGS CT- Guilford quadrangle sheet is 41.278 latitude and -72.638 longitude.

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 impact 0.02 acres of Essential Fish Habitat (EFH) for the 11 species and their life stages listed on the attached sheet. This habitat consists of silty soils in the river and peat in the marsh. Loss of these habitats may adversely affect those species. 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.

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 fulfill 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:

- (x) 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 Barbara Newman at (978) 318-8515, (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

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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.

In accordance with 33 CFR 325.2(a) (8), we publish monthly a list of permits issued or denied during the previous month at www.nae.usace.army.mil/reg, under the heading "Monthly General and Individual Permit Authorizations." Relevant environmental documents and the SOFs or RODs are available upon written request and, where applicable, upon the payment of administrative fees. Also visit www.nae.usace.army.mil for more information on the New England District Corps of Engineers programs.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Diane Ray
Acting 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 project involves work in navigable waters for construction of the following structures:

- An approximate 3' x 295' fixed timber walkway with open-grate decking supported by thirty-eight (38) 6" timber piles and two (2) 8" timber piles.
- An approximate 4' x 12' fixed T-Head pier supported by four (4) 8" timber piles.
- Two (2) boat davit arms attached atop the fixed T-Head pier
- Two (2) 28" wide pedestrian access ladders located at the mean high water line
- A 36" wide boat access ladder located at the terminus of the fixed T- Head pier.

The extent of encroachment beyond mean high water will be 285' . The project is described on the enclosed plans entitled: "Donat Property, 99 Garnet Park Road, Madison, Connecticut," on six (6) sheets, and dated "July 31, 2009."

The pier will be constructed in multiple segments, using the newly constructed portions of the pier as a base for the subsequent construction activities. All piles will be driven by hand directed portable pneumatic hammers, until the last segment of the pier is installed. For the last segment, piles will be installed using a barge mounted pneumatic hammer.

All project materials will be stored landward of the high tide line on existing impervious surfaces and no heavy machinery will be used in the wetlands.

Several alternatives were examined and rejected by the applicant. These include the following:

- No walkway. The walkway is seen as a necessity by the applicant in order to have safe access to the waterside. The majority of the site is flooded on a regular basis, and contains a soft substrate made up of peat and muck which is soft and spongy and difficult to walk on. In addition the tidal vegetation, which is very dense, hides the sinkholes that also present a danger for walking.
- Using access to the north in the Bailey River - The land that would provide access to the Bailey River is not owned by the applicant and he therefore has no riparian rights to this River and no interest in purchasing the rights or the property.
- Sharing the dock with the abutting neighbor – this was not seen as practical, as the new owner of the abutting land has different requirements and needs.

MITIGATION

The applicant is not able to avoid impacts to the wetlands if he is to have access to the Neck River from his property. However, he states that impacts to the wetlands have been minimized by placing the walkway within the footprint of the swale, and using 6" piles in lieu of standard 12" piles spaced at 15 foot intervals in order to minimize their number. The indirect impact of shading will be minimized by ensuring that the pier is elevated a minimum of four (4) feet above the vegetation and by using open-grate decking. The fixed T-Head is being used instead of a ramp and float to avoid contact with the river bottom. Furthermore, the structure will incorporate boat davit arms, which will keep vessels off the river bottom during periods of low tide.

Summary of Essential Fish Habitat (EFH) Designation

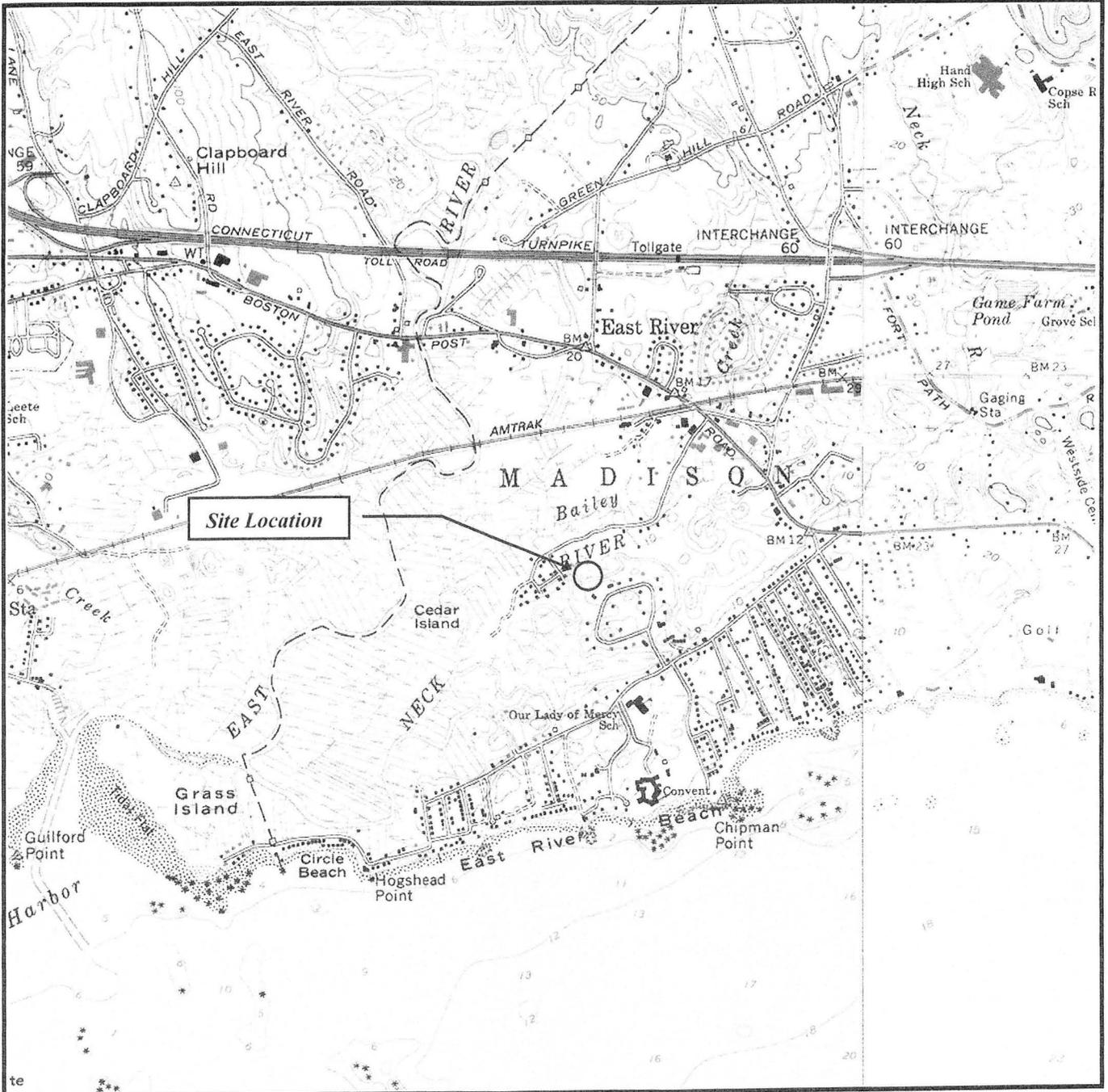
10 x 10 Square Coordinates:

Boundary	North	East	South	West
Coordinate	41° 20.0 N	72° 30.0 W	41° 10.0 N	72° 40.0 W

Square Description (i.e. habitat, landmarks, coastline markers): The waters within the Connecticut River estuary within the square south of the following: Guilford, CT., East River, CT., and Madison, CT., from Guilford Point past the East River entrance, past Hogshead Pt., Hamonasset Beach, Hamonasset Point, Hamonasset River, past Clinton Harbor, Hammock Pt., and Kelsey Pt. to just west of Kelsey Pt. These waters also affect Falkner I., Kimberly Reef, and western Six Mile Reef. Lobster Rock, Half Acre Rock, Charles Reef, Madison Reef, Tuxis I., and Stone I. Reef.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (<i>Salmo salar</i>)			X	X
Atlantic cod (<i>Gadus morhua</i>)				
haddock (<i>Melanogrammus aeglefinus</i>)				
pollock (<i>Pollachius virens</i>)			X	X
whiting (<i>Merluccius bilinearis</i>)				X
offshore hake (<i>Merluccius albidus</i>)				
red hake (<i>Urophycis chuss</i>)	X		X	X
white hake (<i>Urophycis tenuis</i>)				
redfish (<i>Sebastes fasciatus</i>)	n/a			
witch flounder (<i>Glyptocephalus cynoglossus</i>)				
winter flounder (<i>Pleuronectes americanus</i>)				
yellowtail flounder (<i>Pleuronectes ferruginea</i>)				
windowpane flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X
American plaice (<i>Hippoglossoides platessoides</i>)				
ocean pout (<i>Macrozoarces americanus</i>)				

Atlantic halibut (<i>Hippoglossus hippoglossus</i>)				
Atlantic sea scallop (<i>Placopecten magellanicus</i>)				
Atlantic sea herring (<i>Clupea harengus</i>)			X	X
monkfish (<i>Lophius americanus</i>)				
bluefish (<i>Pomatomus saltatrix</i>)			X	X
long finned squid (<i>Loligo pealei</i>)	n/a	n/a		
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a		
Atlantic butterfish (<i>Peprilus triacanthus</i>)				
Atlantic mackerel (<i>Scomber scombrus</i>)				
summer flounder (<i>Paralichthys dentatus</i>)				
scup (<i>Stenotomus chrysops</i>)	n/a	n/a		
black sea bass (<i>Centropristus striata</i>)	n/a			
surf clam (<i>Spisula solidissima</i>)	n/a	n/a		
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a		
tilefish (<i>Lopholatilus chamaeleonticeps</i>)				
king mackerel (<i>Scomberomorus cavalla</i>)	X	X	X	X
Spanish mackerel (<i>Scomberomorus maculatus</i>)	X	X	X	X
cobia (<i>Rachycentron canadum</i>)	X	X	X	X
sand tiger shark (<i>Odontaspis taurus</i>)		X		



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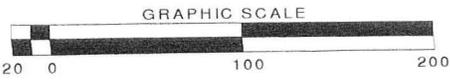
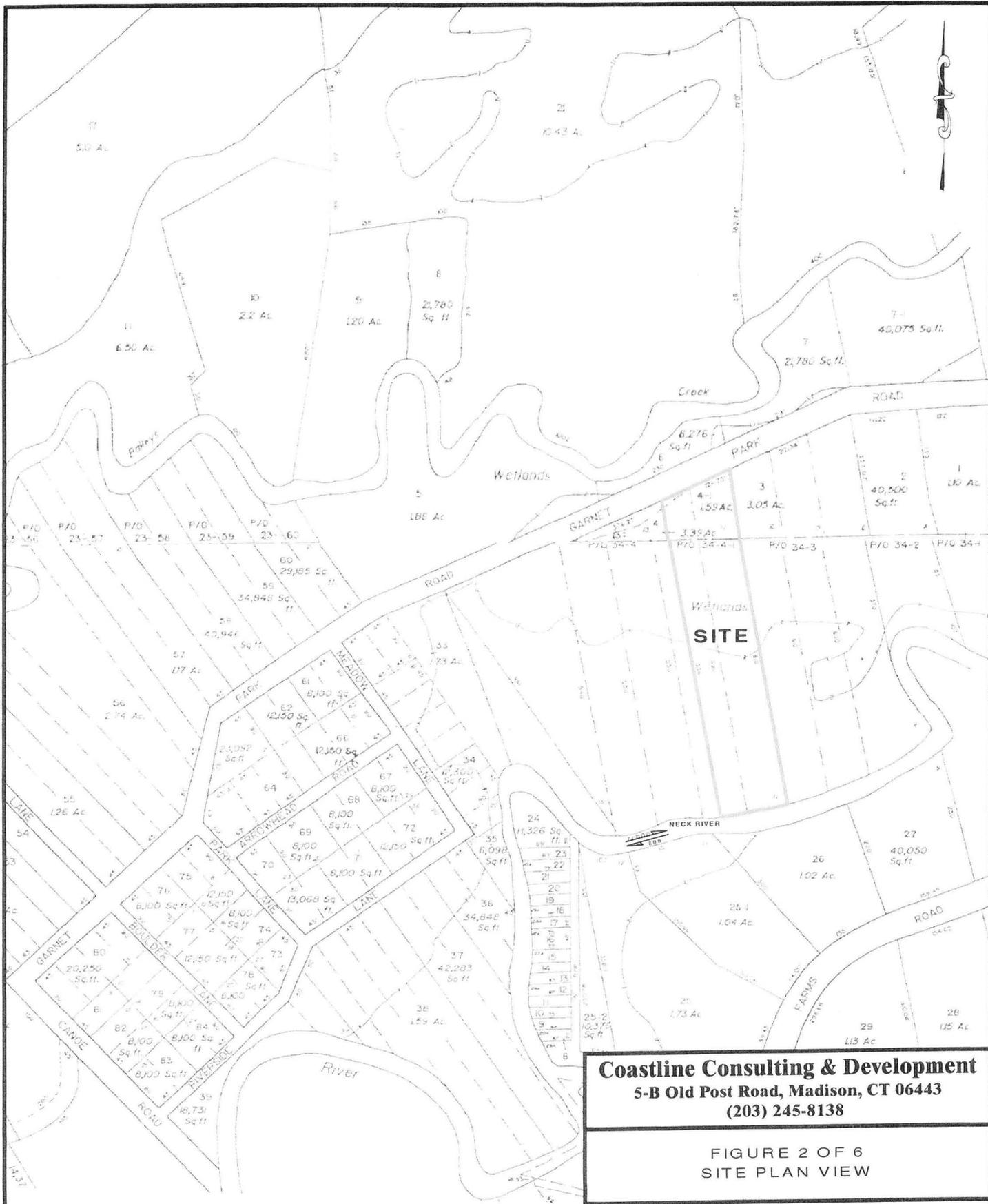
FIGURE 1 OF 6
 SITE LOCATION MAP

DONAT PROPERTY
 99 GARNET PARK ROAD
 MADISON, CONNECTICUT

NOTE: REFER TO NOTES FOR THIS FIGURE IN
 PROJECT DRAWING NOTES ON FIGURE 6 OF 6.

DECEMBER 30, 2009

SCALE: 1 = 12,000



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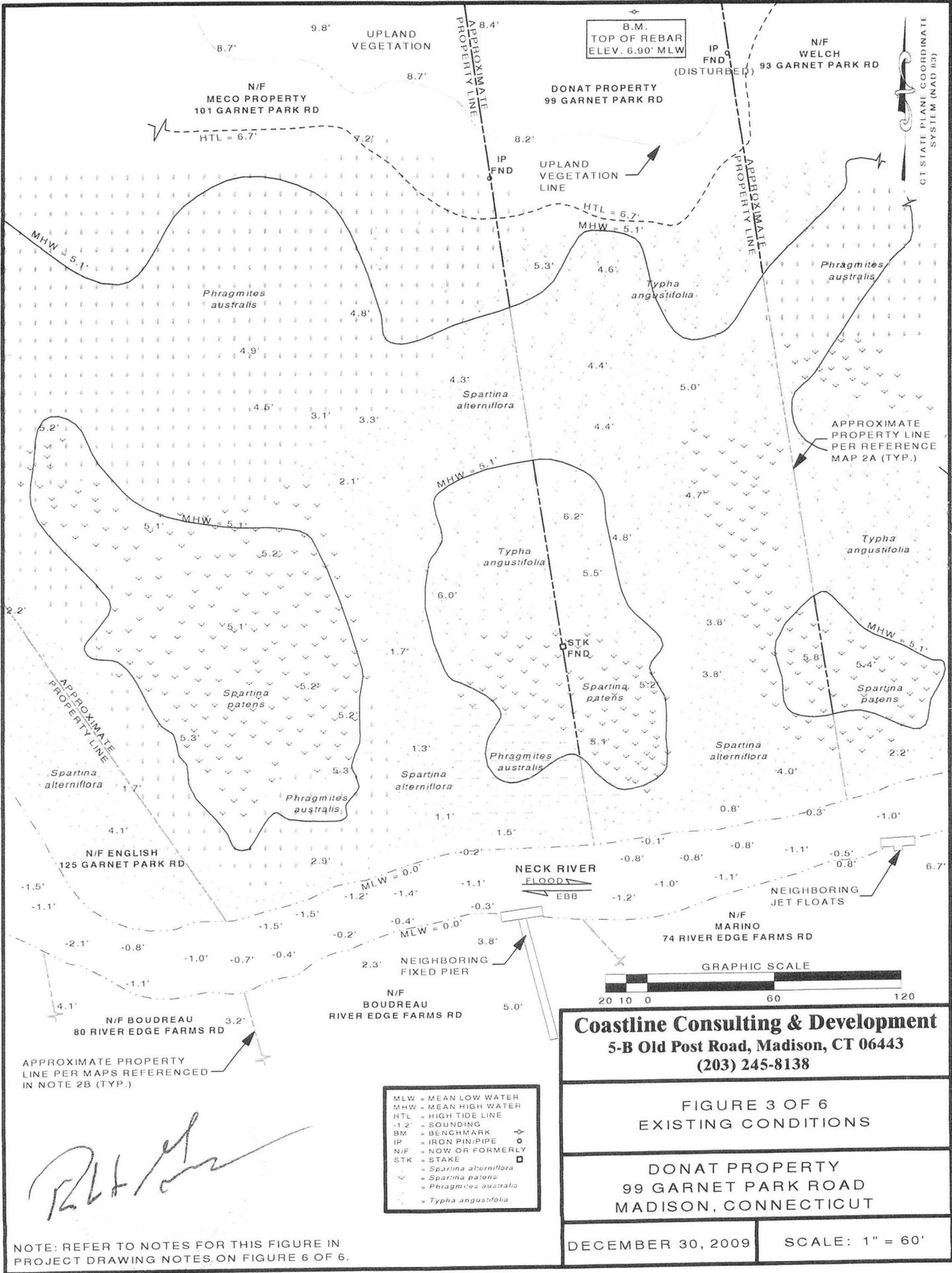
FIGURE 2 OF 6
 SITE PLAN VIEW

DONAT PROPERTY
 99 GARNET PARK ROAD
 MADISON, CONNECTICUT

DECEMBER 30, 2009

SCALE: 1" = 100'

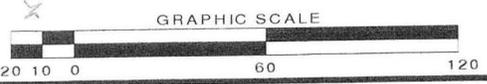
NOTE: REFER TO NOTES FOR THIS FIGURE IN PROJECT DRAWING NOTES ON FIGURE 6 OF 6.



B.M.
TOP OF REBAR
ELEV. 6.90' MLW

CT STATE PLANE COORDINATE
SYSTEM (NAD 83)

APPROXIMATE
PROPERTY LINE
PER REFERENCE
MAP 2A (TYP.)



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FIGURE 3 OF 6
EXISTING CONDITIONS

DONAT PROPERTY
99 GARNET PARK ROAD
MADISON, CONNECTICUT

DECEMBER 30, 2009

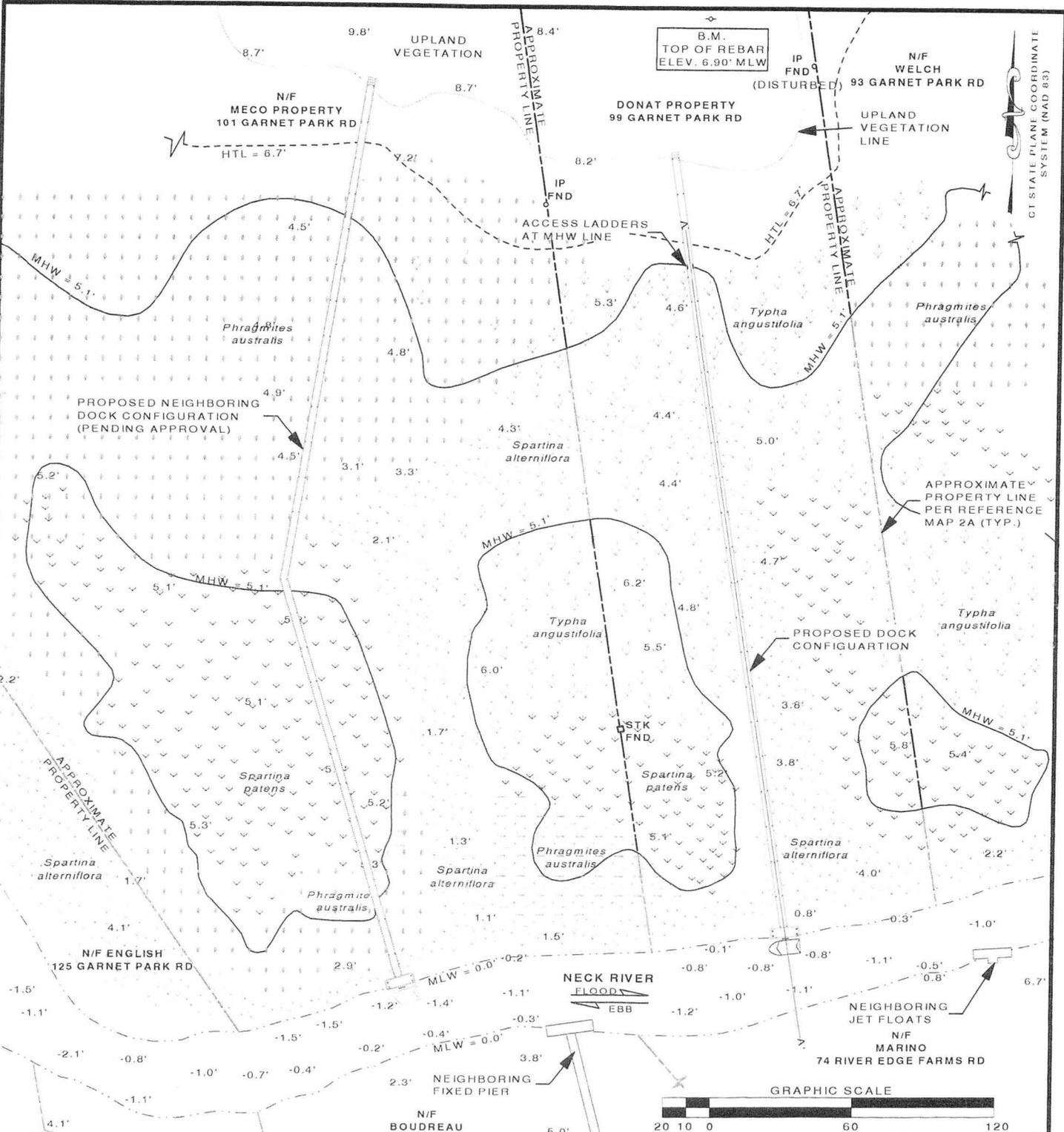
SCALE: 1" = 60'

- MLW = MEAN LOW WATER
- MHW = MEAN HIGH WATER
- HTL = HIGH TIDE LINE
- 1.2' = SOUNDING
- BM = BENCHMARK
- IP = IRON PIN/PIPE
- N/F = NOW OR FORMERLY
- STK = STAKE
- ▭ = *Spartina alterniflora*
- ▽ = *Spartina patens*
- = *Phragmites australis*
- ∩ = *Typha angustifolia*

APPROXIMATE PROPERTY
LINE PER MAPS REFERENCED
IN NOTE 2B (TYP.)

[Handwritten Signature]

NOTE: REFER TO NOTES FOR THIS FIGURE IN
PROJECT DRAWING NOTES ON FIGURE 6 OF 6.



CT STATE PLANE COORDINATE SYSTEM (NAD 83)



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FIGURE 4 OF 6
 PROPOSED CONDITIONS

DONAT PROPERTY
 99 GARNET PARK ROAD
 MADISON, CONNECTICUT

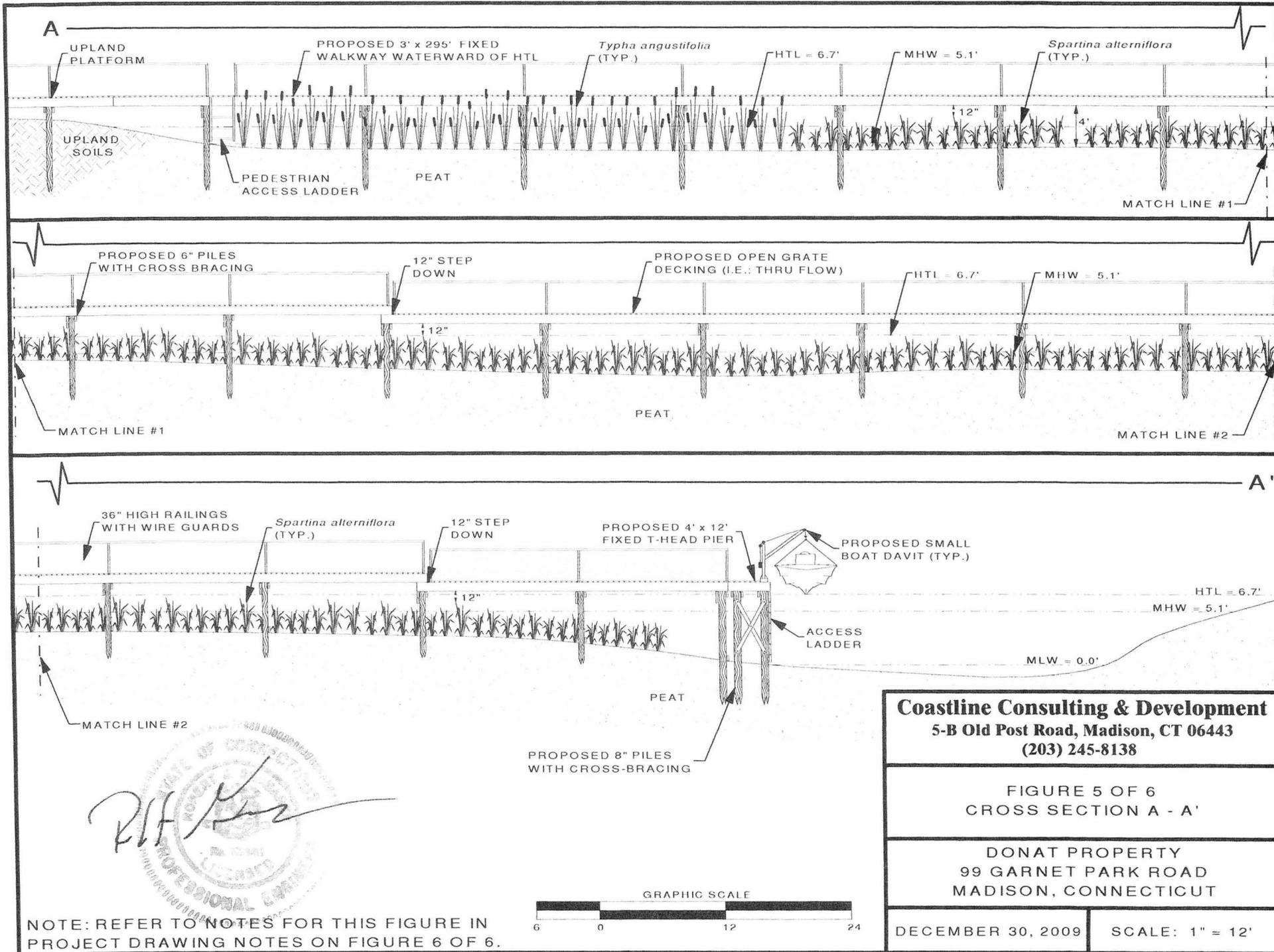
DECEMBER 30, 2009

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- ∩ = *Typha angustifolia*

Rolf H. [Signature]
 PROFESSIONAL ENGINEER

NOTE: REFER TO NOTES FOR THIS FIGURE IN PROJECT DRAWING NOTES ON FIGURE 6 OF 6.



PROJECT DRAWING NOTES

**FIGURE 1 OF 6
SITE LOCATION MAP**

1. MAP TAKEN FROM TOPO, INC., 7.5 MINUTE USGS TOPOGRAPHIC MAPS OF THE GUILFORD, CONNECTICUT QUADRANGLE, 1960 (PHOTO INSPECTED 1976, PHOTO REVISED 1984). SCALE: 1 = 12,000.

**FIGURE 2 OF 6
SITE PLAN VIEW**

1. THE CONDITIONS ARE APPROXIMATE AND ARE BASED UPON MADISON, CT ASSESSOR MAPS #24 & #34 AND FIELD OBSERVATIONS.

**FIGURE 3 OF 6
EXISTING CONDITIONS**

1. THIS APPLICATION DRAWING WAS PREPARED FROM RECORDED RESEARCH, OTHER MAPS, FIELD OBSERVATIONS COLLECTED ON 12/15/08, 12/18/08, 6/4/09, & 6/9/09, AND OTHER SOURCES. IT IS NOT TO BE CONSTRUED AS A PROPERTY/BOUNDARY OR LIMITED PROPERTY/BOUNDARY SURVEY.
2. REFERENCE IS MADE TO THE FOLLOWING MAPS:
 - A. A T-2 SURVEY TITLED "FIGURE 1 OF 2, TOPOGRAPHIC SURVEY, DONAT PROPERTY, 99 GARNET PARK ROAD, MADISON, CONNECTICUT". DATED DECEMBER 30, 2009, SCALE 1" = 60', AND PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC.
 - B. A CLASS A-2 SURVEY TITLED "SUBDIVISION MAP AND SITE DEVELOPMENT PLAN, LAND OF ROBINSON C. VANCIL, GARNET PARK ROAD, MADISON, CONNECTICUT", DATED MAY 2, 1999, SCALE 1" = 50, PREPARED BY KENNY ASSOCIATES, INC, LAND SURVEYORS & LAND USE PLANNERS, MADISON, CONNECTICUT.
 - C. A LETTER DATED JANUARY 11, 2010 FROM MILONE & MACBROOM CERTIFYING PROPERTY LINES.
 - D. MADISON ASSESSOR MAPS #23, #24, #34, & #35.
3. BENCHMARK, TIDE LINES, SOUNDINGS, AND UPLAND ELEVATIONS ARE IN FEET, FIELD-LOCATED BY COASTLINE CONSULTING & DEVELOPMENT, LLC, AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM BASED ON NAVD88 VERTICAL DATUM USING NOAA TIDE STATION #8463701 (1983-2001 EPOCH) AND CDOT HTL DATA (1983-2007) FOR MADISON, CT.
4. THIS MAP IS FOR PLANNING AND PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR FILING ON LAND RECORDS IN TOWN OR CITY CLERK'S OFFICE. THE PROPERTY LINES ARE DEPICTED GRAPHICALLY ONLY, AND DO NOT REPRESENT ANY PROPERTY/BOUNDARY OPINION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.
5. SITE MAY BE SUBJECT TO AND/OR TOGETHER WITH CERTAIN LITTORAL, RIPARIAN, OR OTHER RIGHTS AS PER THE RECORD MAY APPEAR.
6. ANY UNDERGROUND AND/OR UNDERWATER UTILITY, STRUCTURE, AND FACILITY LOCATIONS DEPICTED AND/OR NOTED HEREON MAY HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROLE TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE LOCATIONS OF WHICH ARE UNKNOWN TO COASTLINE CONSULTING AND DEVELOPMENT, LLC. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO ANY CONSTRUCTION. CALL BEFORE YOU DIG: 1-800-922-4455.

**FIGURES 4 & 5 OF 6
PROPOSED CONDITIONS & CROSS-SECTION**

1. THESE APPLICATION DRAWINGS WERE PREPARED FROM RECORDED RESEARCH, OTHER MAPS, FIELD OBSERVATIONS COLLECTED ON 12/15/08, 12/18/08, 6/4/09, & 6/9/09, AND OTHER SOURCES.
2. REFERENCE IS MADE TO THE FOLLOWING MAPS & APPLICATION DRAWINGS:
 - A. "FIGURE 3 OF 6, EXISTING CONDITIONS, DONAT PROPERTY, 99 GARNET PARK ROAD, MADISON, CONNECTICUT". SCALE 1" = 60', PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC.
 - B. "FIGURE 4 OF 6, PROPOSED CONDITIONS, DONAT PROPERTY, 99 GARNET PARK ROAD, MADISON, CONNECTICUT". SCALE 1" = 12', PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC.
3. SOUNDINGS AND UPLAND ELEVATIONS ARE IN FEET AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM BASED ON NAVD88.
4. THESE APPLICATION DRAWINGS ARE FOR PLANNING AND PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR BID DOCUMENTS, STRUCTURAL DESIGN, OR CONSTRUCTION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.

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FIGURE 6 OF 6
PROJECT DRAWING NOTES

DONAT PROPERTY
99 GARNET PARK ROAD
MADISON, CONNECTICUT

DECEMBER 30, 2009

FILE NO.: 08-85