



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

PUBLIC NOTICE

Comment Period Begins: January 17, 2012
Comment Period Ends: February 17, 2012
File Number: NAE-2011-2431
In Reply Refer To: John Sargent
Phone: (978) 318-8026
E-mail: John.C.Sargent@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

Massachusetts Department of Conservation and Recreation, John Murray

ACTIVITY

The Massachusetts Department of Conservation and Recreation is proposing maintenance work to the dam face at Benedict Pond. The dam is in a state of disrepair and action is required to ensure the dam functions as designed. The work includes the discharge of dredged or fill material for maintenance repairs to the 550 foot long face of the dam along the shore of the pond. This work would require about 4,300 square feet of temporary fill consisting of compact gravel for a berm coffer dam that would be constructed in the pond for dewatering the work areas. Approximately 1,500 square feet of pond bottom would be excavated along the face of the dam to expose areas for maintenance work then backfilled with compact gravel. About 1,600 square feet of gravel would be temporarily placed on the pond bottom to support heavy machinery. All temporary fill material would be removed and bottom contours restored following construction activities. The pond water surface would be partially drawn about 4 feet to allow work areas to dewater. Stream flow to Stony Brook would be maintained with a bypass pipe.

Mitigation of temporary impacts to water quality would include a temporary berm coffer dam, and water flow control, bypassing the pond outflow around the work areas during construction. The project will use turbidity curtains and use of best management practices for control of sedimentation, erosion, and turbidity impacts. These same practices will limit the spread of invasive species.

The work is described on the enclosed plans entitled "BENEDICT POND DAM REHABILITATION PROJECT GREAT BARRINGTON, MA," on 4 sheets, and dated "Dec. 2011."

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Benedict Pond within the Beartown State Forest in Berkshire County, Massachusetts, partially in the Town of Great Barrington and partially in the Town of Monterey. The pond is a man-made impoundment of Stony Brook, a tributary of Konkapot Brook which flows to the Housatonic River. The proposed location on the USGS Topographic quadrangle map Great Barrington, MA, 1987 is at Lat N 42d 12' 18" Long W 72d 17' 26".

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, 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 as amended.

SECTION 106 COORDINATION

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 Officers

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.

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 John Sargent at (978) 318-8026, (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, 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: _____

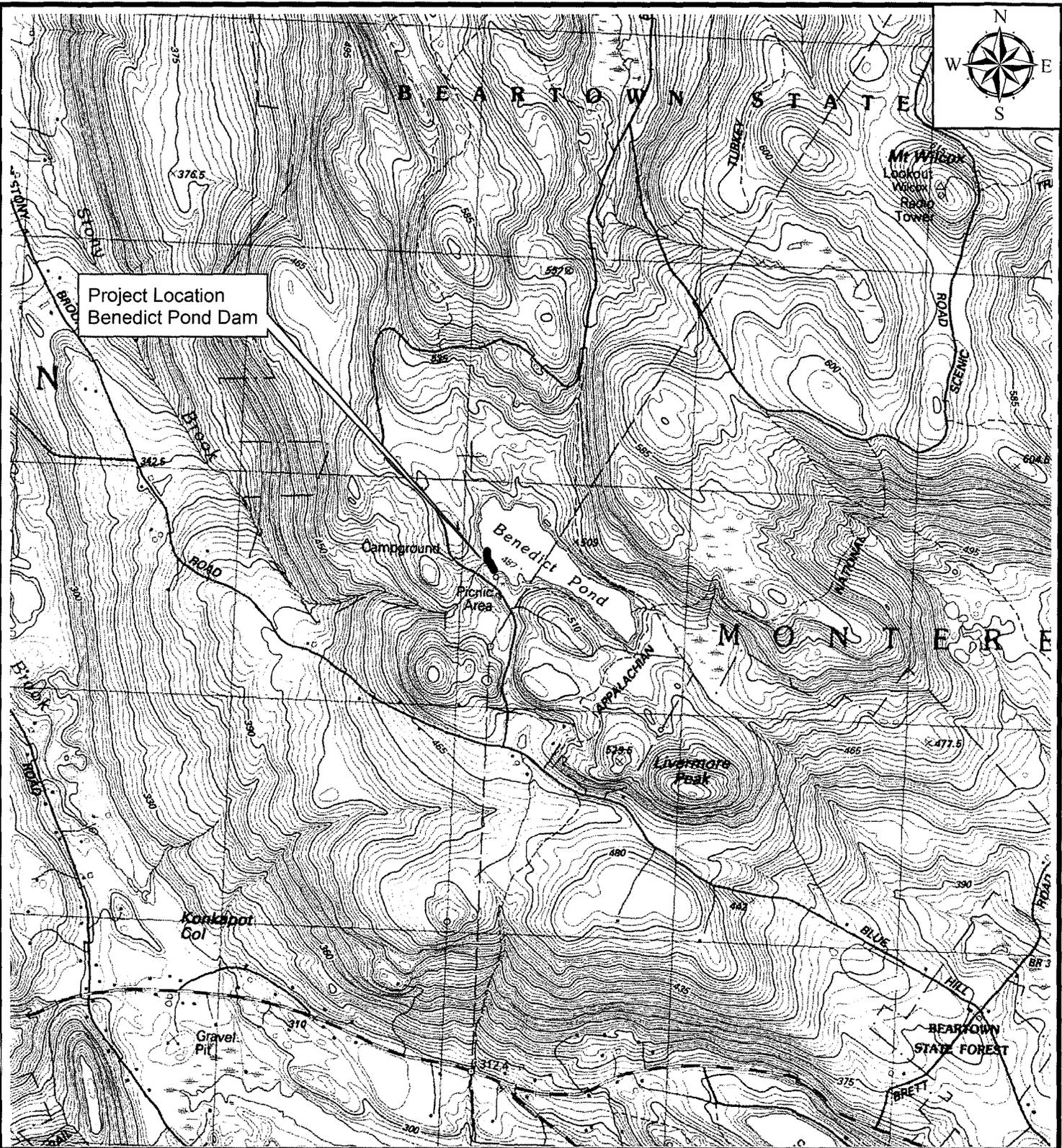


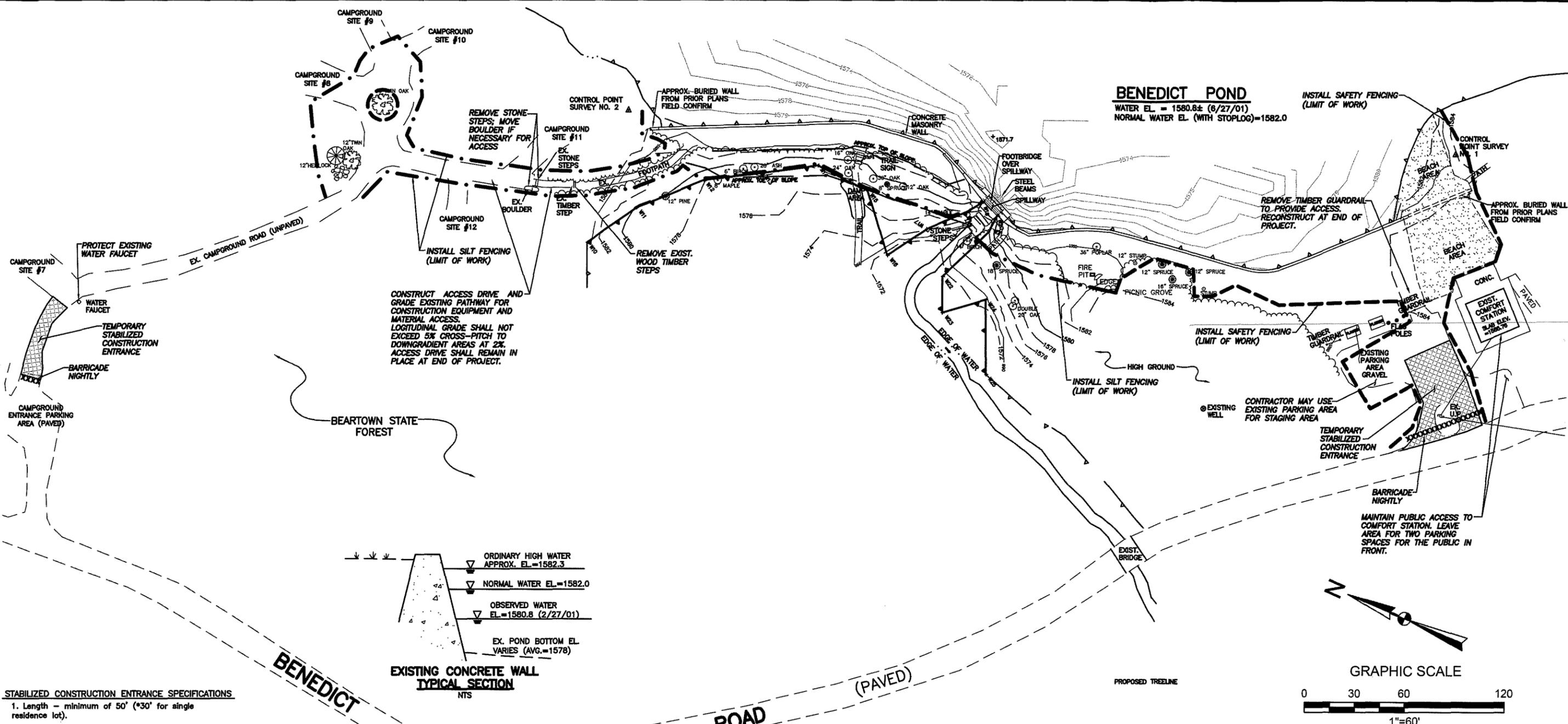
Figure 1: Locus

0 1,000 2,000 4,000 Feet

**Benedict Pond
Beartown State Forest
Great Barrington & Monterey, Massachusetts**

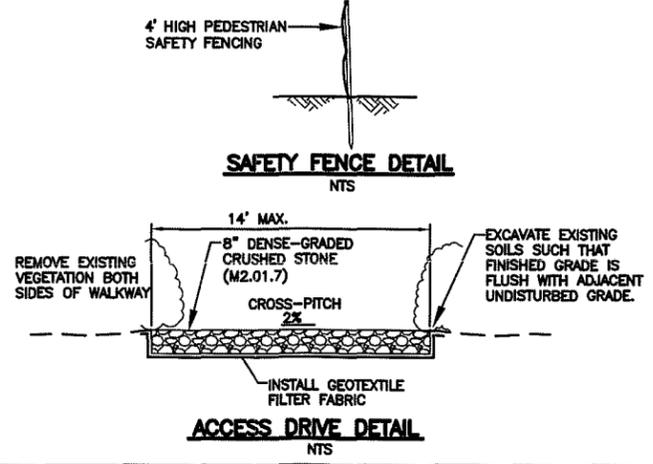
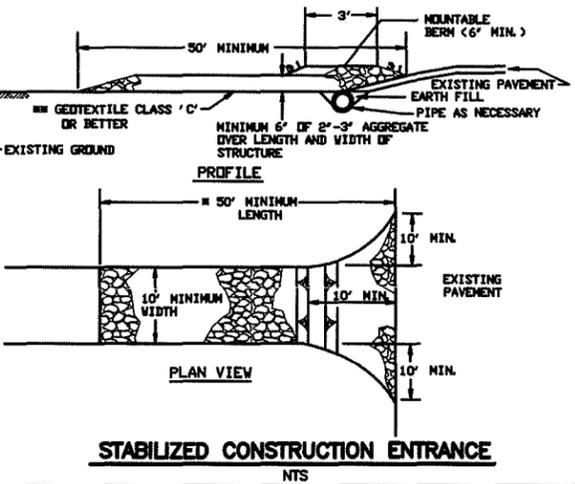
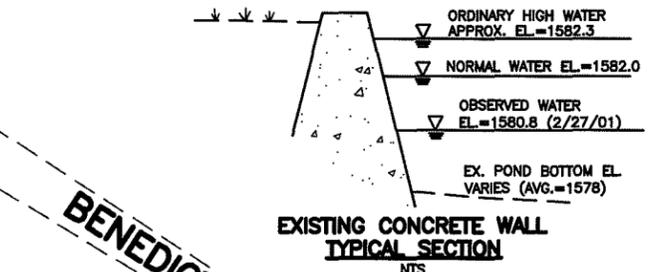
**USGS TOPOGRAPHIC QUADRANGLE MAP
GREAT BARRINGTON, MA, 1987**

©2011 - GZA GeoEnvironmental, Inc. GZA-J-99proj\98-0321-12 Benedict Pond Dam Final Plans & Permits\98-0321-12 cad\dwg\ACOE-DEC 2011.dwg [SHT1-11X17] December 15, 2011 - 3:21pm edward.mullin



STABILIZED CONSTRUCTION ENTRANCE SPECIFICATIONS

1. Length - minimum of 50' (*30' for single residence lot).
2. Width - 10' minimum, should be flared at the existing road to provide a turning radius.
3. Geotextile fabric (filter cloth) shall be placed over the existing ground prior to placing stone. **The plan approval authority may not require single family residences to use geotextile.
4. Stone - crushed aggregate (2" to 3") or reclaimed or recycled concrete equivalent shall be placed at least 6" deep over the length and width of the entrance.
5. Surface Water - all surface water flowing to or diverted toward construction entrances shall be piped through the entrance, maintaining positive drainage. Pipe installed through the stabilized construction entrance shall be protected with a mountable berm with 5:1 slopes and a minimum of 6" of stone over the pipe. Pipe has to be sized according to the drainage. When the SCE is located at a high spot and has no drainage to convey a pipe will not be necessary. Pipe should be sized according to the amount of runoff to be conveyed. A 6" minimum will be required.
6. Location - A stabilized construction entrance shall be located at every point where construction traffic enters or leaves a construction site. Vehicles leaving the site must travel over the entire length of the stabilized construction entrance.



LEGEND

	WETLAND BOUNDARY
	ESTIMATED WETLAND BOUNDARY
	EXISTING EDGE OF WATER
	EXISTING EDGE OF PAVEMENT
	EXISTING GRAVEL ROAD
	EXISTING FOOTPATH
	EXISTING BEACH
	APPROX. TREE/BRUSH LINE
	EXISTING 1 FT. CONTOUR
	EXISTING 10 FT. CONTOUR
	EXISTING POND BOTTOM CONTOURS
	PEDESTRIAN SAFETY FENCE (LIMIT OF WORK)
	SILT FENCE SEDIMENTATION BARRIER (LIMIT OF WORK)

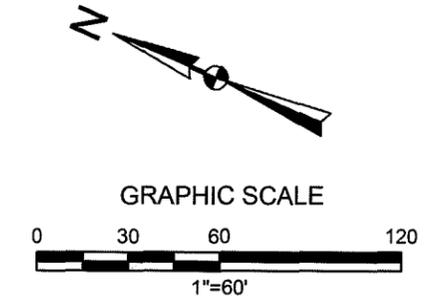
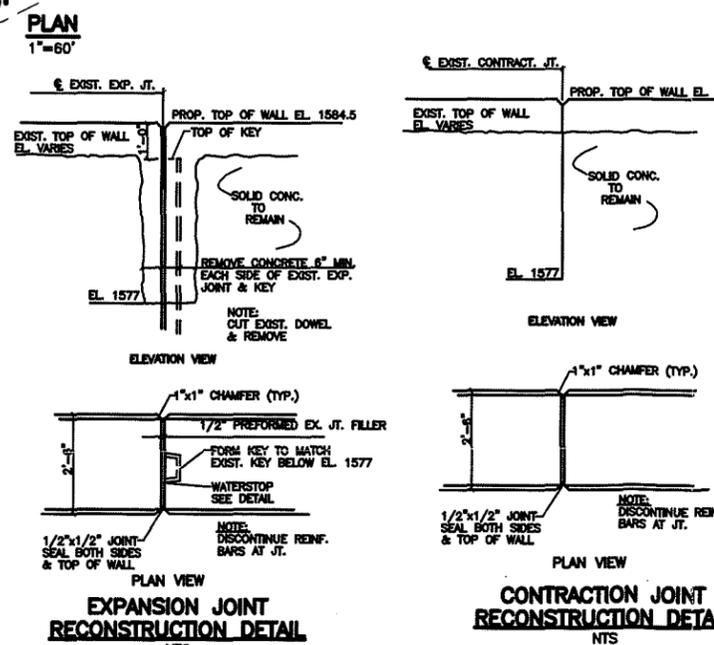
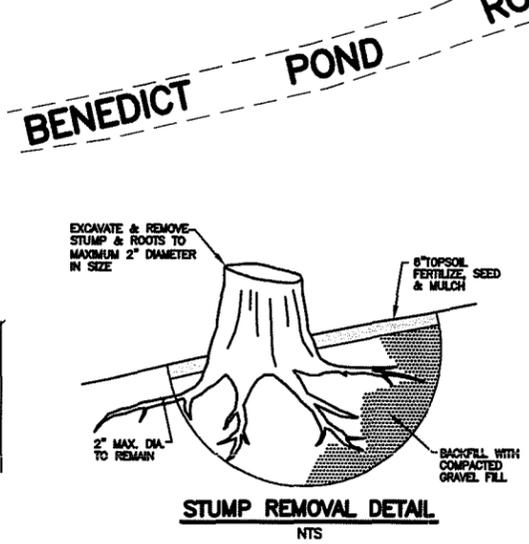
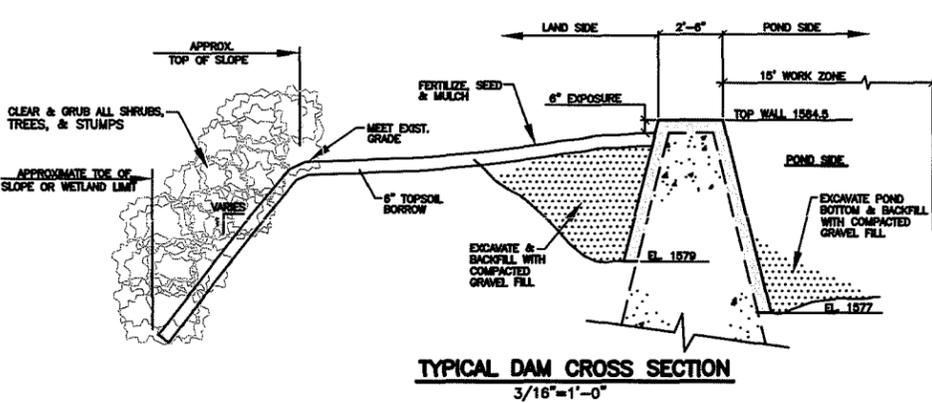
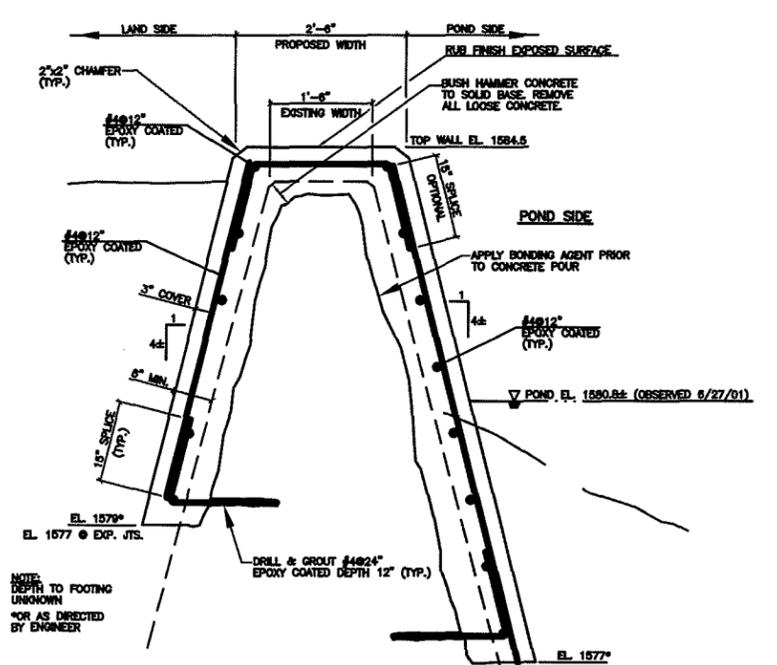
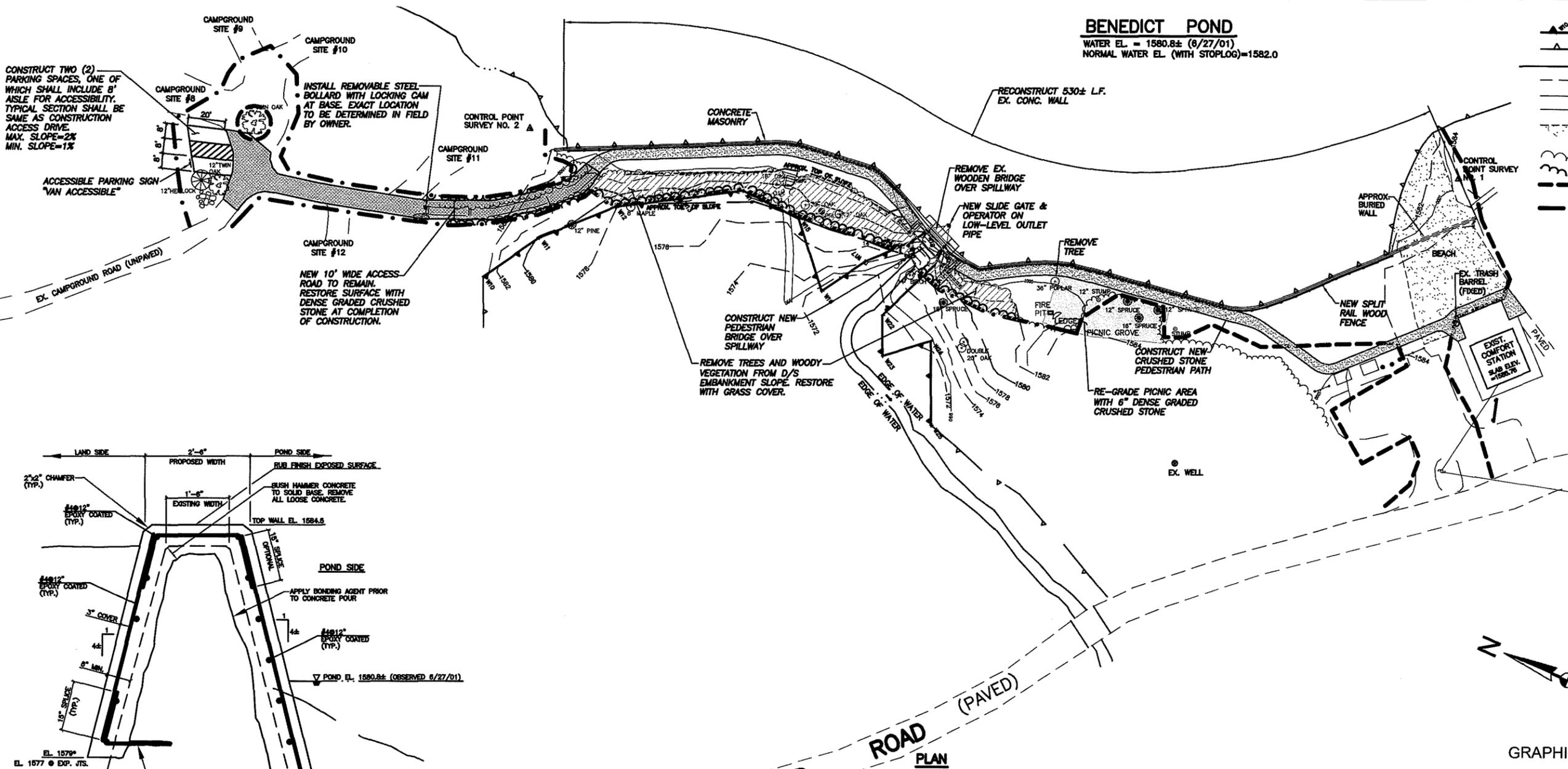
NO.	ISSUE/DESCRIPTION	BY	DATE
UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.			
BENEDICT POND DAM REHABILITATION PROJECT GREAT BARRINGTON, MA			
EXISTING CONDITIONS & ACCESS PLAN			
PREPARED BY: GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com		PREPARED FOR: COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION	
PROJ MGR: NYA	REVIEWED BY: NYA	CHECKED BY: NYA	FIG
DESIGNED BY: NYA	DRAWN BY: EDM	SCALE: AS NOTED	1
DATE: DEC. 2011	PROJECT NO. 98-0321-12	REVISION NO.	
			SHEET NO. 1 OF 3

© 2011 - GZA GeoEnvironmental, Inc. GZA-J:\98proj\98-0321-12 Benedict Pond Dam Final Plans & Permits\98-0321-12 cad\dwg\ACOE-DEC 2011.dwg [SHT2-11X17] December 15, 2011 - 4:11pm edward.mullin

BENEDICT POND
 WATER EL. = 1580.8± (8/27/01)
 NORMAL WATER EL. (WITH STOPLOG)=1582.0

LEGEND

	WETLAND BOUNDARY
	ESTIMATED WETLAND BOUNDARY
	EXISTING EDGE OF WATER
	EXISTING EDGE OF PAVEMENT
	EXISTING GRAVEL ROAD
	EXISTING FOOTPATH
	EXISTING BEACH
	APPROX. TREE/BRUSH LINE
	PROPOSED TREELINE
	PEDESTRIAN SAFETY FENCE (LIMIT OF WORK)
	SILT FENCE SEDIMENTATION BARRIER (LIMIT OF WORK)



NO.	ISSUE/DESCRIPTION	BY	DATE

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

BENEDICT POND DAM REHABILITATION PROJECT
 GREAT BARRINGTON, MA

PROPOSED IMPROVEMENTS PLAN

PREPARED BY: GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com	PREPARED FOR: COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION
PROJ MGR: NYA	REVIEWED BY: NYA
DESIGNED BY: NYA	DRAWN BY: EDM
DATE: DEC. 2011	PROJECT NO. 98-0321-12
	CHECKED BY: NYA
	SCALE: AS NOTED
	REVISION NO.

FIG 2
 SHEET NO. 2 OF 3

