



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

# PUBLIC NOTICE

**Comment Period Begins: May 23, 2017**  
**Comment Period Ends: June 22, 2017**  
**File Number: NAE-2016-00413**  
**In Reply Refer To: Cori M. Rose**  
**Phone: (978) 318-8306**  
**E-mail: cori.m.rose@usace.army.mil**

The District Engineer has received an After-the-Fact permit application to retain work in waters of the United States from **the Town of Guilford Engineering Department, 50 Boston Street, Guilford, Connecticut 06437 c/o Mark Damiani, Assistant Town Engineer** for work associated with the reconstruction of Tuttle Point Road, Guilford, Connecticut. This work was undertaken in tidal waters and wetlands tributary to Long Island Sound from the intersection of Tuttle Point Road from Mulberry Road to White Top Lane, Mulberry Point, Guilford, Connecticut. The site coordinates are: Latitude 41.25773 North and Longitude -72.67883 on the New Haven USGS 25 minute quadrangle.

The applicant seeks to authorize and retain previously placed fill to elevate the centerline of the existing 18 foot wide roadway for a length of 631 feet to elevation 7.3 NAVD88. The work completed by the Town of Guilford included the use of backhoe, excavator and bulldozer to discharge approximately 300 cubic yards of rock fill over a 5,695 square foot (0.13 acre) area of tidal wetlands dominated by smooth cordgrass (*Spartina alterniflora*) for construction of the raised road embankment at a slope of one to one. In addition, two 40 foot long, 15 inch diameter culverts, one of which was non-functional, were replaced with a single 36 inch culvert. The new culvert was placed at the same invert elevation (2.0 feet NAVD88) as the previously installed twin structure. This work also included the replacement of the two existing 10 foot long by 5 foot high headwalls in kind. The culvert conveys flows from a 4.6 acre tidal wetland area identified as Tuttle Point Marsh.

The purpose of the completed work was to reduce the amount of road flooding, which will improve public safety and access for emergency vehicles during higher tidal events. The work is shown on the attached plans entitled "TUTTLE POINT ROAD RECONSTRUCTION," on 5 sheets, dated January 2017."

As identified above, the purpose of the fill in wetlands and waters was to prevent flooding of the causeway for the Tuttle Point Road neighbourhood of Faulkner Drive, Highland Street, Meriden Street, Spring Street, Sagamore Street, White Top Lane, and Rock Lane which can only be accessed via this roadway. The completed work shall ensure that historical flooding during storm and astrological high tide events, historically five or six times a year, will minimize the frequency of the road being overtopped. During tidal cycles the capacity of the twin 15 inch culverts prevented tidal inflow from reaching the entire 4.6 acre marsh surface at high tide.

Under post-construction condition, the increased capacity in the volume of the 36 inch culvert will not result in a net increase in acreage of tidal wetland. However, it will allow greater salt-water intrusion into the existing 4.6 acre wetland and a faster time to drain freshwater intrusion which is necessary to combat establishment of invasive common reed (*Phragmites australis*). The post-constructed condition is expected to result in tidal wetland enhancement that will exceed two times the area of wetland alteration. Thus compensatory mitigation is not being proposed by the applicant for permanent wetland fill.

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**FILE NO. NAE-2013-01681**

### **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.

### **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 has the potential to have an adverse effect approximately 0.51 acres of Essential Fish Habitat (EFH) for Pollock (*Pollachius virens*) juveniles and adults, whiting (*Merluccius bilinearis*) adults, red hake (*Urophycis chuss*) eggs, juveniles and adults, windowpane flounder (*Scophthalmus aquosus*) eggs, larvae, juveniles and adults, Atlantic sea herring (*Clupea harengus*) juveniles and adults, bluefish (*Pomatomus saltatrix*) juveniles and adults, , king mackerel (*Scomberomorus cavalla*) eggs, larvae, juveniles and adults, Spanish mackerel (*Scomberomorus maculatus*) eggs, larvae, juveniles and adults, cobia (*Rachycentron canadum*) eggs, larvae, juveniles and adults, and sand tiger shark (*Carcharias taurus*) larvae. However there is no Habitat Areas of Particular Concern designed at, or near, the site. The habitat at the proposed work location consists of an intertidal salt marsh embayment of approximately 4.6 acre dominated by saltmarsh cordgrass and

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common reed, surrounded by residential development. Tidal connectivity to the marsh is maintained by the aforementioned tidal creek, conveyed under Tuttle Point Road. The work resulted in the direct fill and associated loss of 5,695 square feet of vegetated tidal wetland (*Spartina alterniflora*) for construction of the elevated roadway revetment. Consequently, the District Engineer has made a preliminary determination that site-specific impacts of this project require expanded consultation for EFH. Accordingly, the Corps of Engineers will submit an EFH assessment to National Marine Fisheries Service, who in turn will provide conservation recommendations to the Corps. The Corps will coordinate with the applicant regarding implementation of these recommendations. The EFH consultation 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 New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, and determined that three species may be present and could be impacted by the project:

- Rufa Red Knot (*Calidris canutus rufa*)
- Roseate Tern (*Sterna dougallii dougallii*)
- Northern Long-eared Bat (*Myotis septentrionalis*)

Critical habitat for these species has not been designated. 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.

## **COASTAL ZONE MANAGEMENT**

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.

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The following authorizations have been applied for, or have been, or will be obtained:

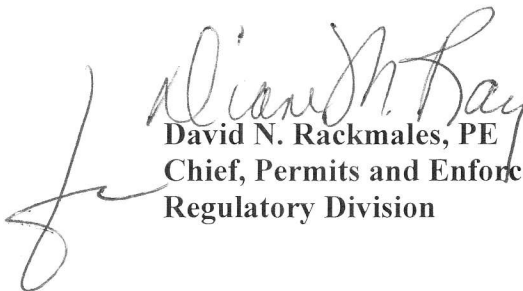
- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 Ms. Cori M. Rose at (978) 318-8306 or (800) 343-4789.

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.**

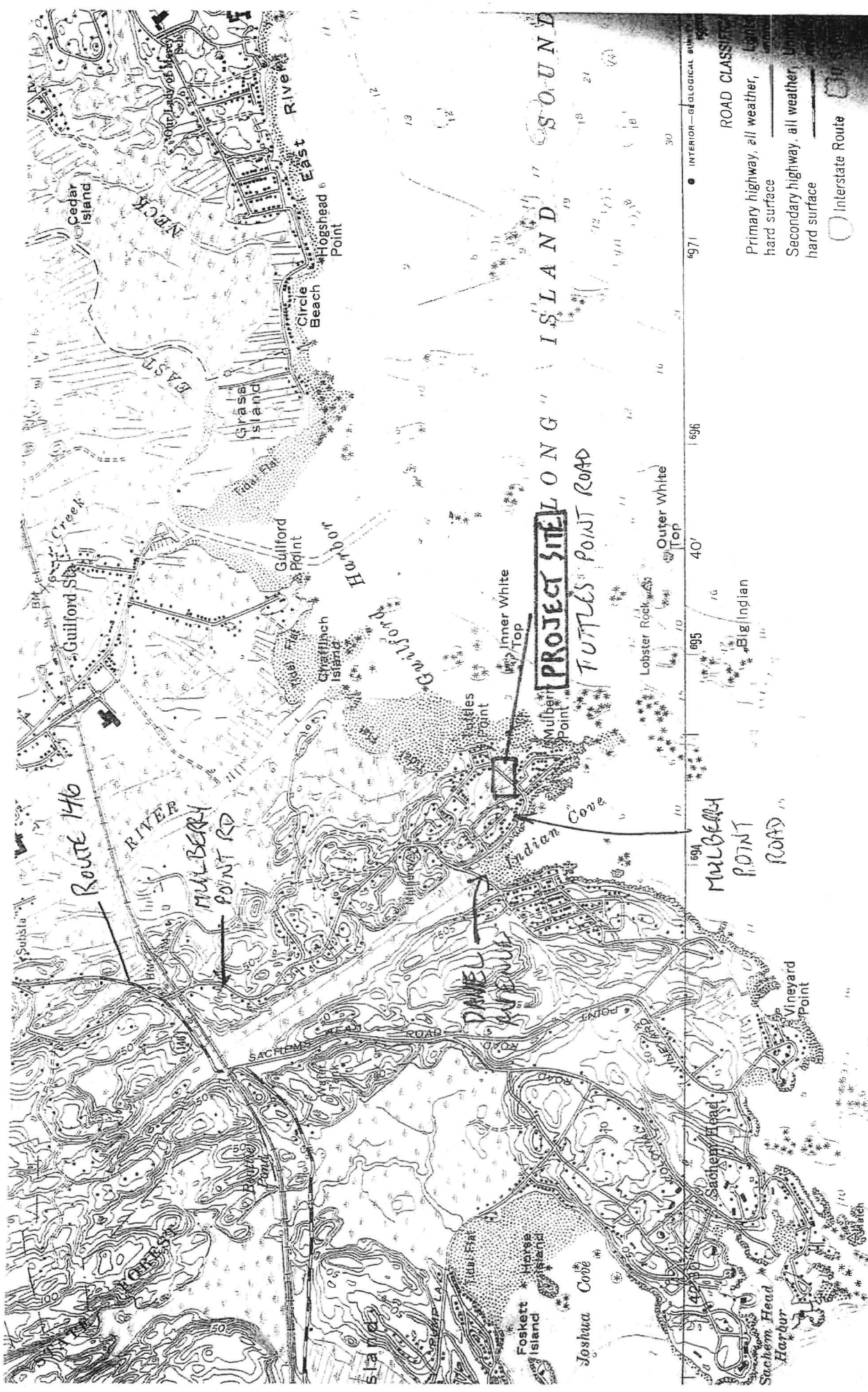


**David N. Rackmales, PE**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

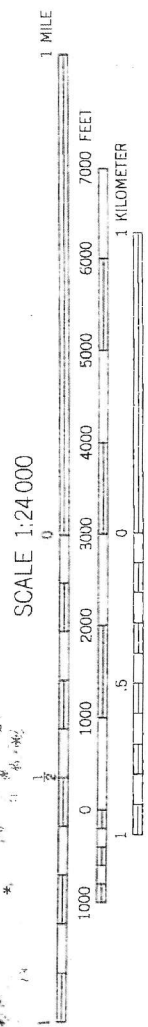
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina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

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_





# GUILFORD QUADRANGLE VICINITY MAP



SCALE 1:24000

CONTOUR INTERVAL 10 FEET

NATIONAL GEODETIC VERTICAL DATUM OF 1929  
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOW WATER  
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE  
CONTOUR INTERVAL REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER

1:31  
27 MILES

ROAD CLASSIFICATION  
 Primary highway, all weather, hard surface  
 Secondary highway, all weather, hard surface  
 Interstate Route

## ATTACHMENT B

Revisions shown in purple and white with State of Connecticut

CONNECTICUT

**PROJECT SITE**  
TURTLES POINT ROAD

Route 146

MULBERRY POINT RD

MULBERRY POINT ROAD

ISLAND SOUND

RIVER

SACHEM HEAD ROAD

DANIEL DAVENANT

Indian Cove

Joshua Cove

Sachem Head

Sachem Harbor

Vineyard Point

Outer White Top

Lobster Rock

Inner White Top

Mulberry Point

Grass Island

Gullford Point

Circle Beach

Hoghead Point

East River

Cedar Island

Grass Island

Fossil Flat

Chattahoochee Island

Inner White Top

Outer White Top

Lobster Rock

Inner White Top

Mulberry Point

Grass Island

Gullford Point

Circle Beach

Hoghead Point

East River

Cedar Island

Grass Island

Fossil Flat

Chattahoochee Island

Inner White Top

Outer White Top

Lobster Rock

Inner White Top

Mulberry Point

Grass Island

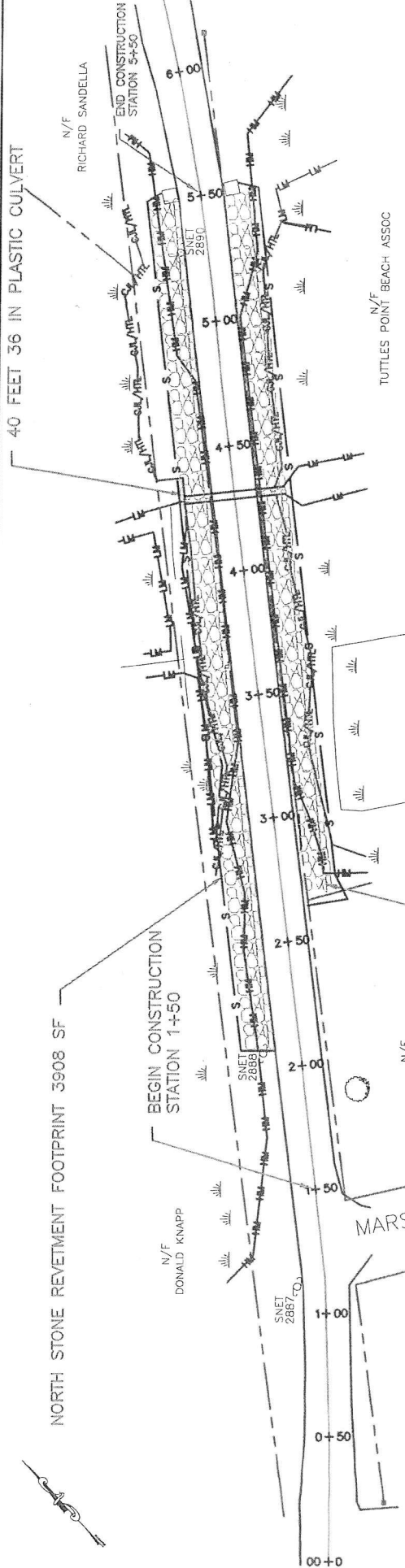
Gullford Point

Circle Beach

Hoghead Point

East River

Cedar Island



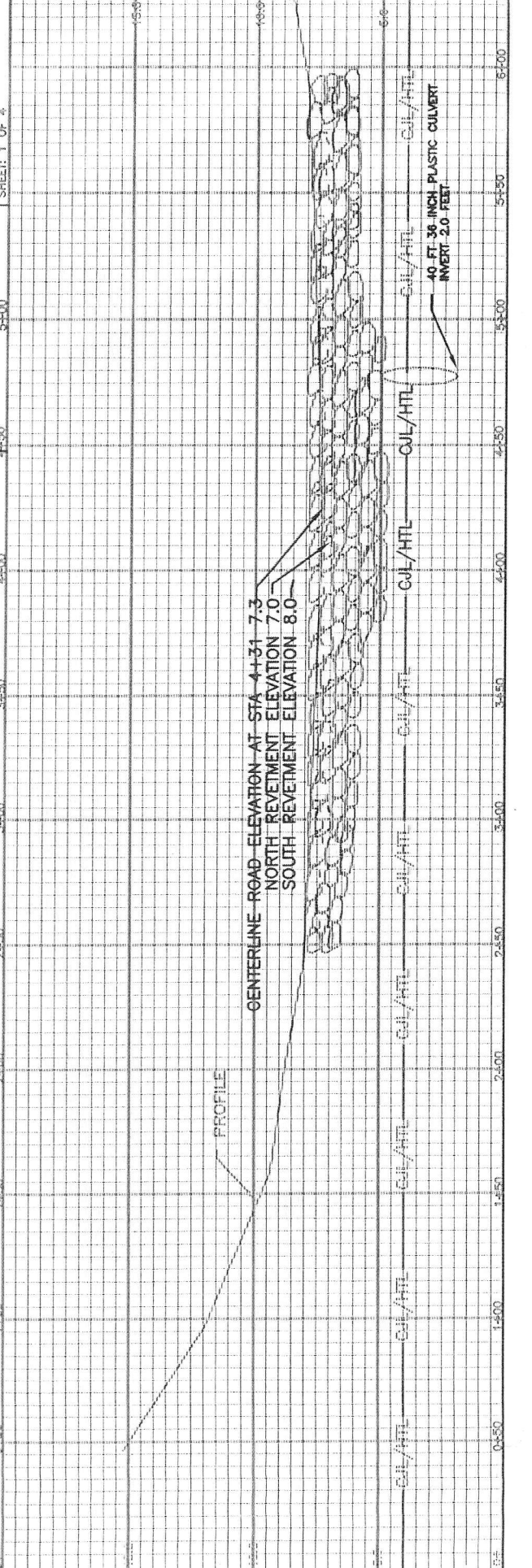
TOWN OF GUILFORD  
ENGINEERING DEPARTMENT

TUTTLES POINT ROAD RECONSTRUCTION  
GUILFORD, CONNECTICUT

AS-BUILT PLAN AND PROFILE

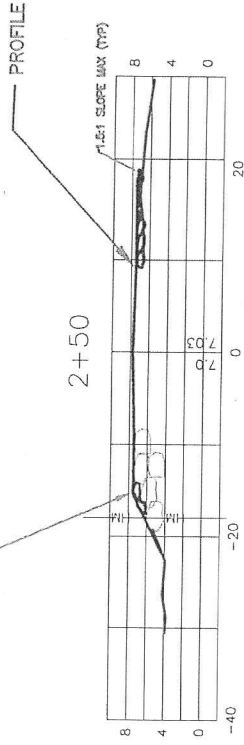
DATE: JANUARY 2017  
SCALE: 1"=60'H 1"=6'V  
SHEET: 1 OF 4

- LEGEND
- MONUMENT
  - IRON PIN
  - UTILITY POLE
  - COASTAL JURISDICTION LINE
  - HIGH TIDE LINE 4.0 FT
  - MEAN HIGH WATER 2.4 FT
  - APPROXIMATE PROPERTY LINE
  - LOW MARSH
  - HIGH MARSH
  - SILT FENCE
  - CUL/HTL
  - MHW
  - LM
  - HM
  - S

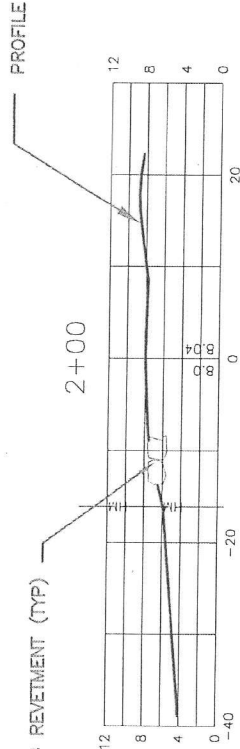


NOTE: ROAD WIDTH IS 18 FEET.  
ELEVATION DATUM IS NAVD88  
WETLANDS BOUNDARY MARKED BY RICHARD SNARSKI, CPSS

ADDITIONAL REVETMENT (TYP)

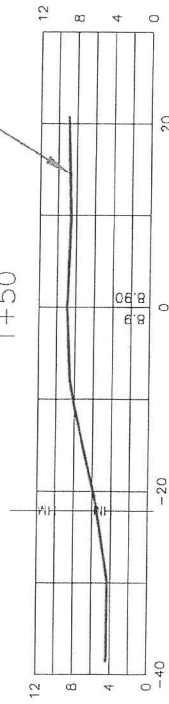


EXISTING REVETMENT (TYP)



PROFILE

1+50



LEGEND

- LOW MARSH — LM —
- HIGH MARSH — HM —
- COASTAL JURISDICTION LINE 4.0 FT — CUL —

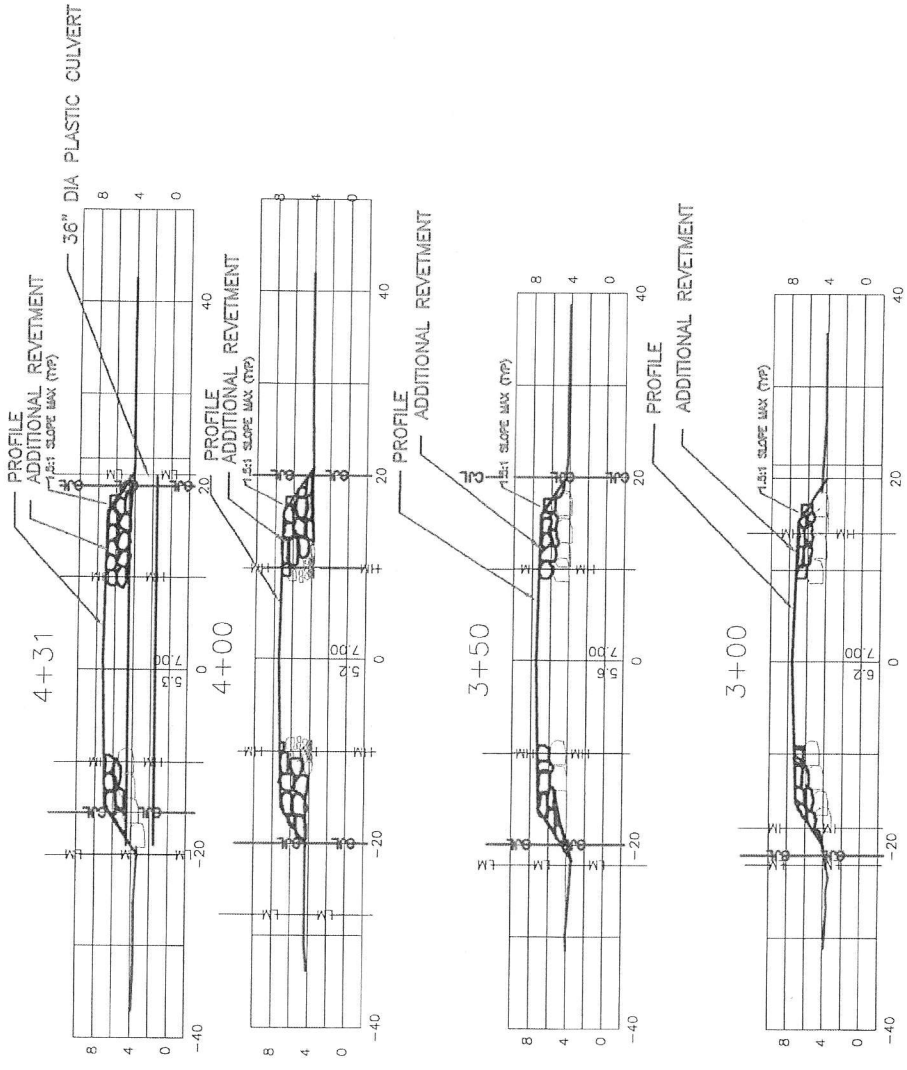
TOWN OF GUILFORD  
 ENGINEERING DEPARTMENT  
 TUTTLES POINT ROAD  
 RECONSTRUCTION  
 GUILFORD, CONNECTICUT

AS-BUILT CROSS SECTIONS

DATE: JANUARY 2017

SCALE: 1"=20' H 1"=20' V

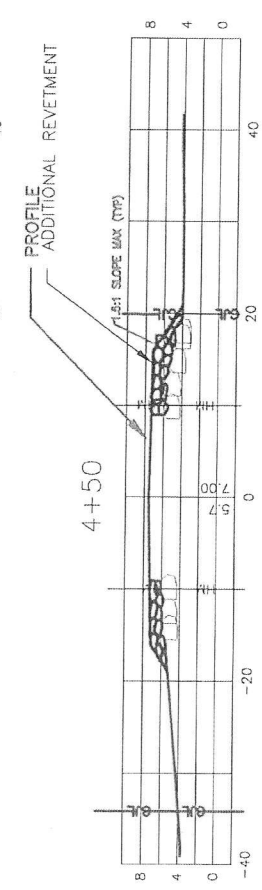
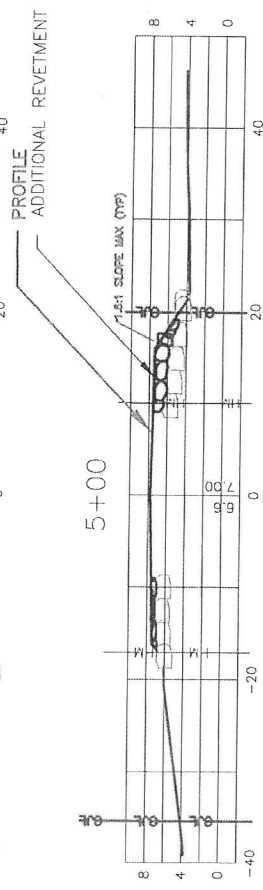
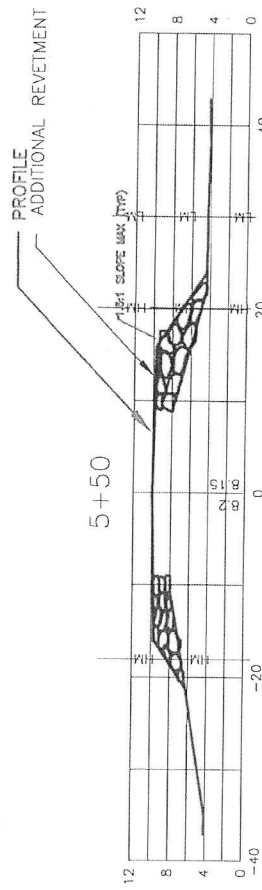
SHEET: 2 OF 4



LEGEND  
 LOW MARSH — LM —  
 HIGH MARSH — HM —  
 COASTAL JURISDICTION LINE 4.0 FT — CJL —

TOWN OF GUILFORD ENGINEERING DEPARTMENT
TUTTLES POINT ROAD RECONSTRUCTION GUILFORD, CONNECTICUT
AS-BUILT CROSS SECTIONS
DATE: JANUARY 2017
SCALE: 1"=20'H1"=20'V
SHEET: 3 OF 4





LEGEND

- LOW MARSH — LM —
- HIGH MARSH — HM —
- COASTAL JURISDICTION LINE 4.0 FT — CJL —

TOWN OF GUILFORD ENGINEERING DEPARTMENT
TUTTLES POINT ROAD RECONSTRUCTION GUILFORD, CONNECTICUT
AS-BUILT CROSS SECTIONS
DATE: JANUARY 2017
SCALE: 1"=20'H 1"=20'V
SHEET: 4 OF 4

Town of Guilford, Tuttle Point Road Elevation Guilford, CT NAE-2016-02468

