



**US Army Corps  
of Engineers**®  
New England District

# PUBLIC NOTICE

696 Virginia Road  
Concord, MA 01742-2751

**Date:** January 2, 2008  
**Comment Period Ends:** February 4, 2008  
**File Number:** NAE-2007-1702  
**In Reply Refer To:** Cori M. Rose  
**Or by e-mail:** cori.m.rose@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. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

**APPLICANT: McCallum Enterprises I, L.P., 2874 Main Street, Stratford, Connecticut 06614**

**ACTIVITY:** Discharge 45,000 cubic yards of fill over a 2.5 acre area in the Shelton Canal, a diversion of the Housatonic River, below ordinary high water to facilitate reuse/development of the subject parcel. A detailed description and plans of the activity are attached.

**PROPOSED MITIGATION:** In order to compensate or otherwise offset the impact of fill in the Shelton Canal, the applicant proposes to install, in cooperation with the Connecticut Department of Environmental Protection, a Denil Fish Ladder at the Derby Dam by 2009 in order to restore access for, and facilitate the passage of, migratory fish species including blueback herring, American shad, alewife and American eel. Installation of a fish ladder at Derby Dam will allow migratory fish species access to historical Riverine habitat including 5 miles of mainstem river and its tributaries and access to 328 acres within Lake Housatonic.

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** This work is proposed in the Shelton Canal, a diversion of the Housatonic River just south of the Derby Dam at 305 Canal Street in Shelton, Connecticut. The proposed project is located approximately 1 mile upstream of the river's confluence with the Naugatuck River on the USGS CT – Ansonia quadrangle sheet at UTM coordinates 18 4576483 N and 658823 E.

## **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

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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.

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.

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 proposed project site during the construction and subsequent operation/use period sought by the applicant. We have undertaken a Biological Assessment (BA) of the potential for interactions and adverse impacts to those listed species. It is our 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 BA 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.

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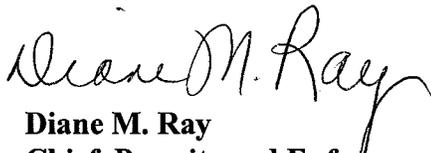
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Ms. Cori M. Rose at (978) 318-8306 (800) 343-4789 or (800) 362-4367, if 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.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**



**Diane M. Ray**  
**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](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.

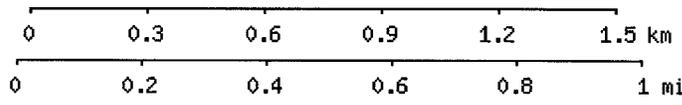
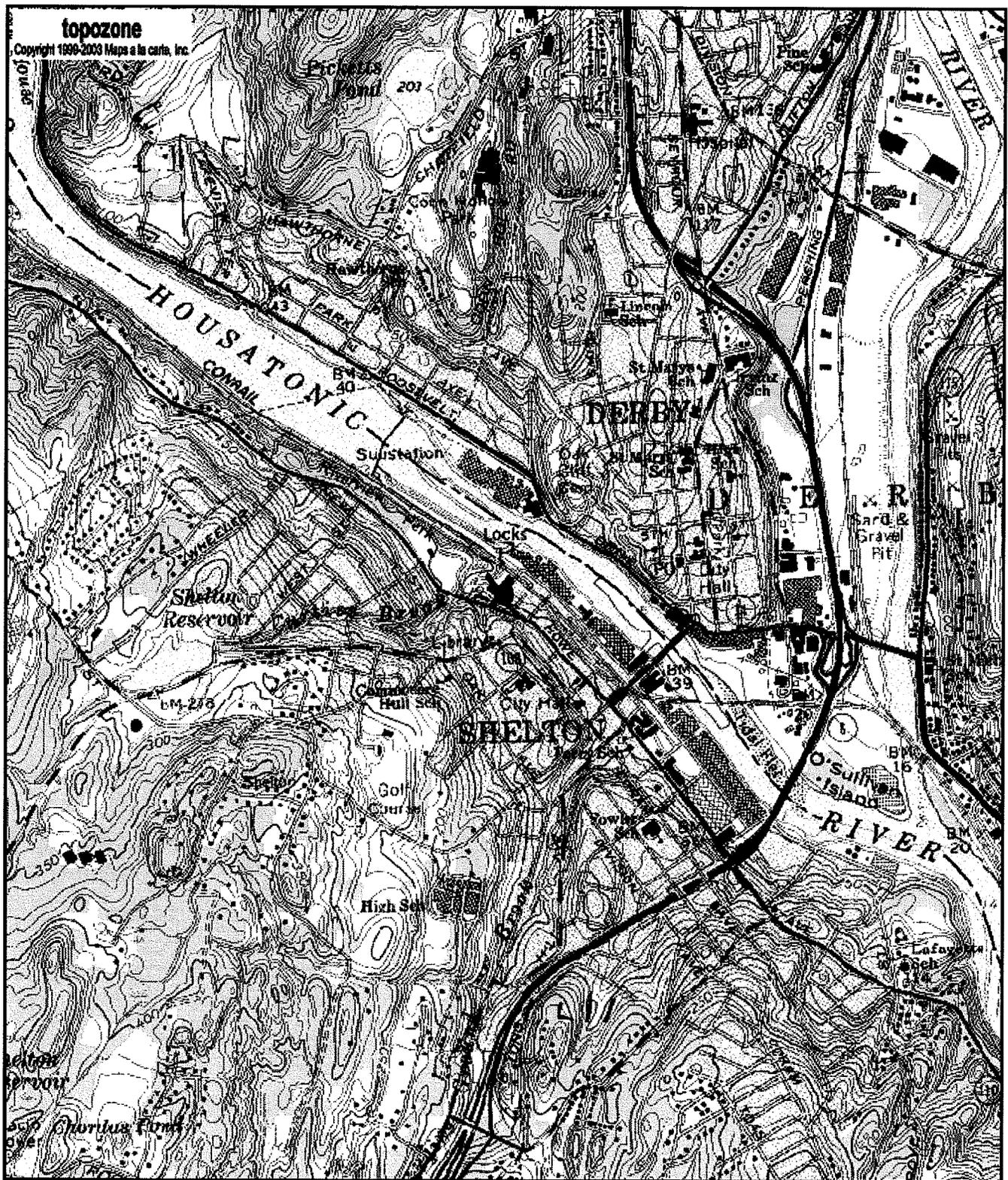
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

**PROPOSED WORK AND PURPOSE:** McCallum Enterprises, I L.P proposes to discharge up to 45,000 cy of compacted earth fill in waters below ordinary high water over a 2.5 acre area of a remnant of the abandoned Shelton Canal. The canal which no longer functions and has been severely altered from its original configuration, was historically part of a lock system to divert boat traffic around the Derby Dam situated in the mainstem Housatonic River. Currently, the canal is used for the supply of water from the Housatonic River for downstream industrial water consumers with historic water rights. The applicant proposes to continue such water distribution via extension and maintenance of an existing water supply conveyance structure.

The proposed construction sequence includes the installation of a temporary twin wall sheet-pile coffer dam over 75% of the width of the canal to permit phased installation of a new concrete retaining wall under dry conditions. Discharge from the dewatered areas will be routed initially to a temporary sediment basin, suitably confined grassed area or through temporary filtering structures such as filter bags or hay bale dikes to prevent sediment laden water from entering waters at the site. The filtered water will be returned to the canal south of the new retaining wall. Following phase I installation of the wall, flow to the canal will be stopped temporarily and a 30 inch extension to the existing water supply pipe will be installed. A similar process will be used to extend an existing surface drain culvert and then phase II installation of the remainder of the retaining wall will commence. Following installation of the wall, the canal will be pumped and discharged into the lock area south of the wall and backfill of the dewatered canal will take place. Once construction and associated backfill is complete, the applicant will remove all temporary erosion and sediment control measures including the coffer dam. The proposed work will only be undertaken during a period of low flow.

The proposed activity will result in the topographical modification of a manmade watercourse within the floodplain of the Housatonic River but will not result in an increase in the flood levels during either the 100 year or 10 year discharges.

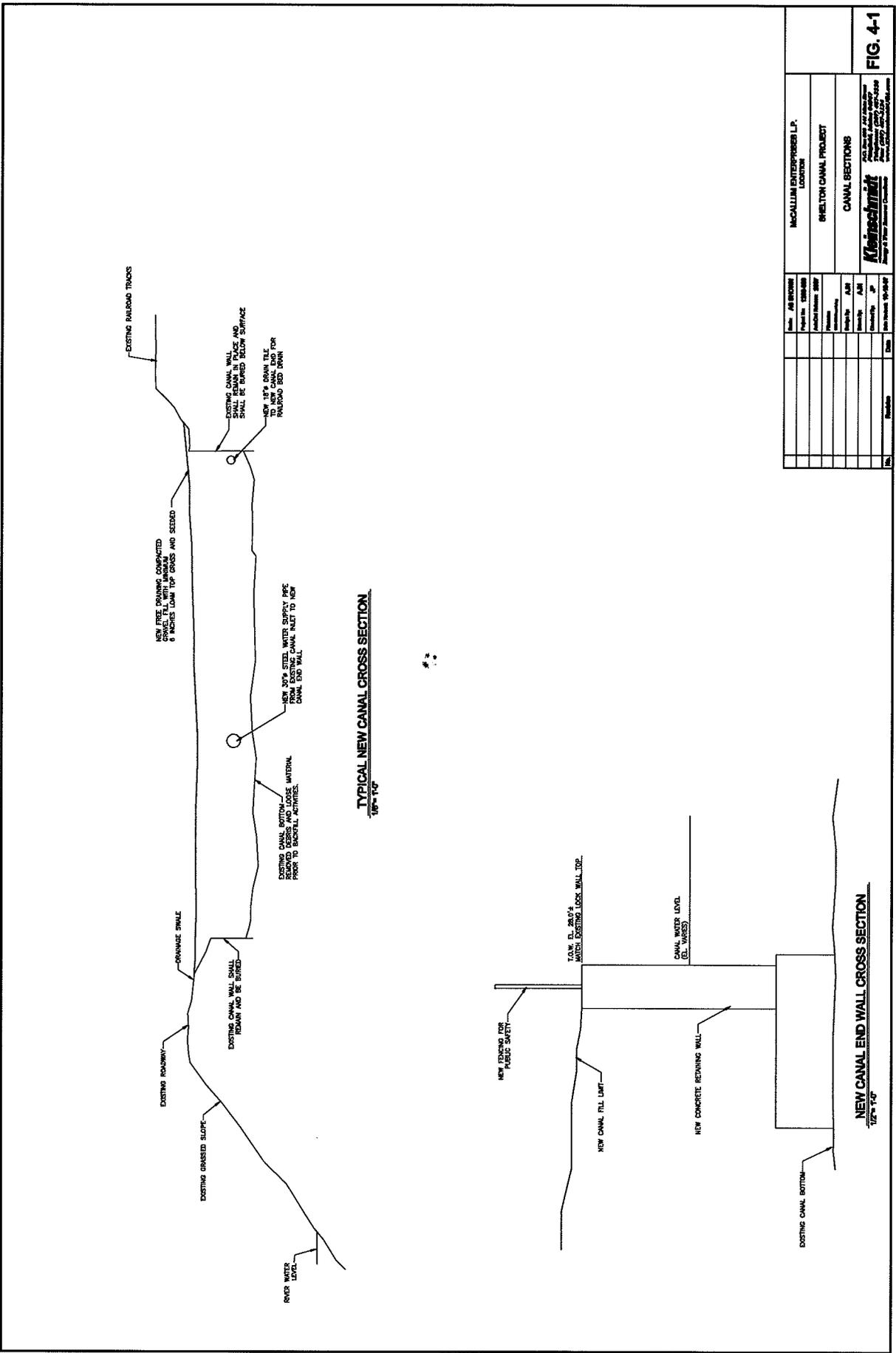
The purpose of the proposed fill is to make the parcel more marketable for resale and future development purposes. A secondary objective of the proposed project is to finance the construction of fish passage facilities to provide migratory fish species with access to available aquatic habitat upstream of Derby Dam.

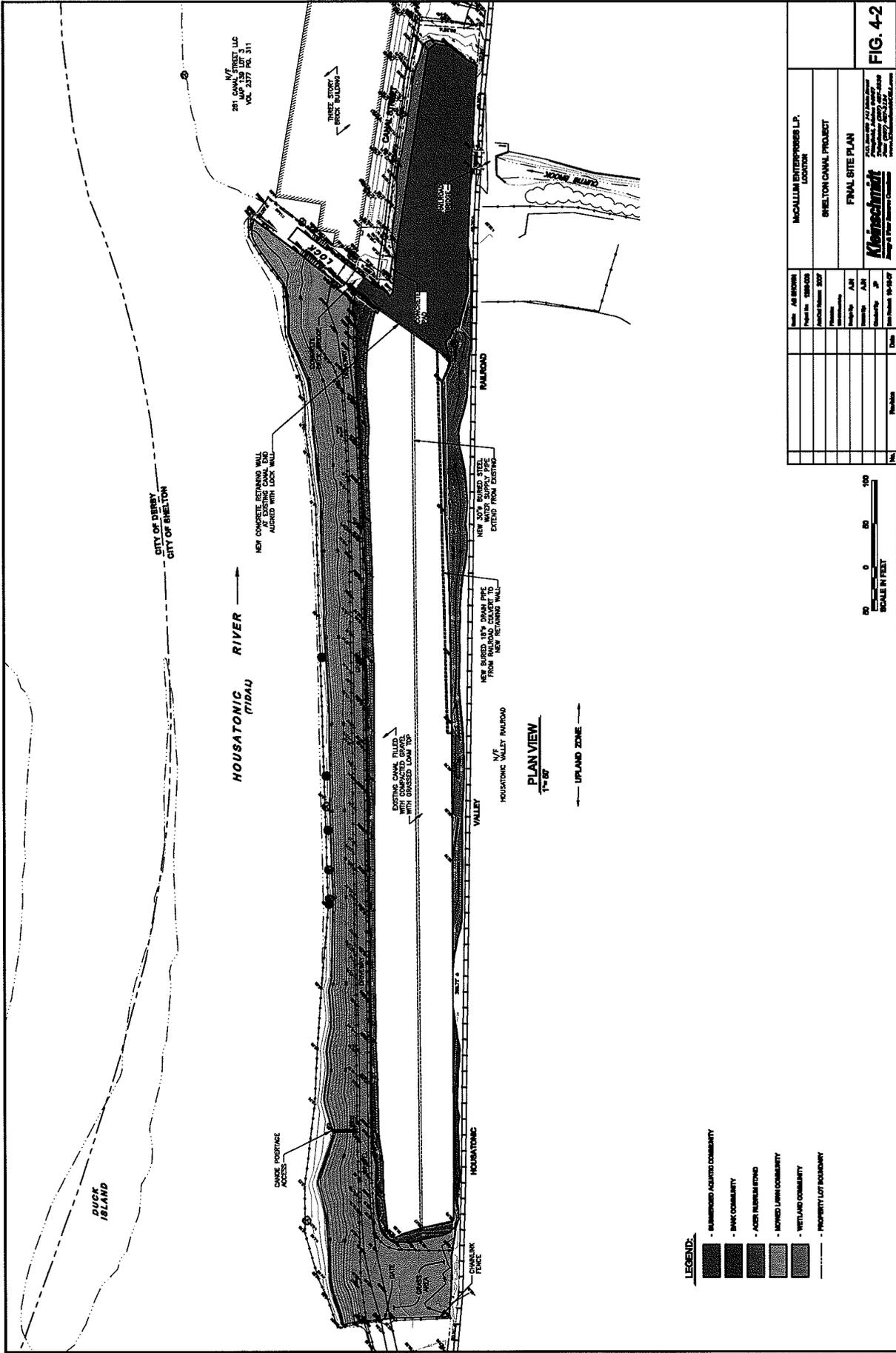


UTM 18 659183E 4575880N (NAD27)  
**Curtiss Brook, USGS Ansonia (CT) Quadrangle**  
 Projection is UTM Zone 18 NAD83 Datum



M=-13.861  
 G=1.257





MOCALLUM ENTERPRISES LP, LONDON	
SHELTON CANAL PROJECT	
FINAL SITE PLAN	
DATE: 10/15/07	SCALE: 1" = 60'
PROJECT NO: 07-001	PROJECT NAME: SHELTON CANAL PROJECT
CLIENT: MOCALLUM ENTERPRISES LP	DESIGNER: K&S ENGINEERING
DATE: 10/15/07	SCALE: 1" = 60'

**FIG. 4-2**