



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

PUBLIC NOTICE

Comment Period Begins: April 20, 2021
Comment Period Ends: May 20, 2021
File Number: NAE-2005-01536
In Reply Refer To: Christina M. Comeau
Phone: (978) 618-1870
E-mail: Christina.M.Comeau@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Chester Point Marina, 72 Railroad Avenue, Chester, Connecticut. This work is proposed in Chester Creek at 72 Railroad Ave, Chester, Connecticut. The site coordinates are: Latitude 41.406810 Longitude, -72.430489.

The work involves the installation and maintenance of a 6' wide by 220' fixed, pile supported pier and associated pilings. Also, to install a 6' wide by 24' long access pier, and a 4' wide by 24' long utilities pier. Also being considered with this application is the removal of non-native *Hydrilla verticillata* within the project footprint. The purpose of the project is to provide additional marina space to expand the recreational services that the marina provides.

The work is shown on the enclosed plans entitled "NEW PIER, TOWN OF CHESTER, MIDDLESEX COUNTY, CONNECTICUT," on 4 sheets, and dated "SEPTEMBER 17, 2020."

The locations of the pier structures are positioned to minimize the impacts to the existing, native Submerged Aquatic Vegetation (SAV). A proposal to remove the non-native SAV is being considered to enhance the habitat for the native SAV species.

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 U.S. Army Corps of Engineers, New England District (USACE), 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. The USACE will consider all comments received 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). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

This project will impact .046 acres of EFH. This habitat consists of silty and muddy intertidal and subtidal zones with intermittent SAV. Loss of this habitat may adversely affect species that use these waters and substrate. 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.

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 USACE has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. 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 a listed species or their critical habitat. We are coordinating with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

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.
- (x) Permit from local wetland agency or conservation commission.
- () Water Quality Certification in accordance with Section 401 of the Clean Water Act.

COMMENTS

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 Christina M. Comeau at (978) 618-1870, (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 USACE 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.

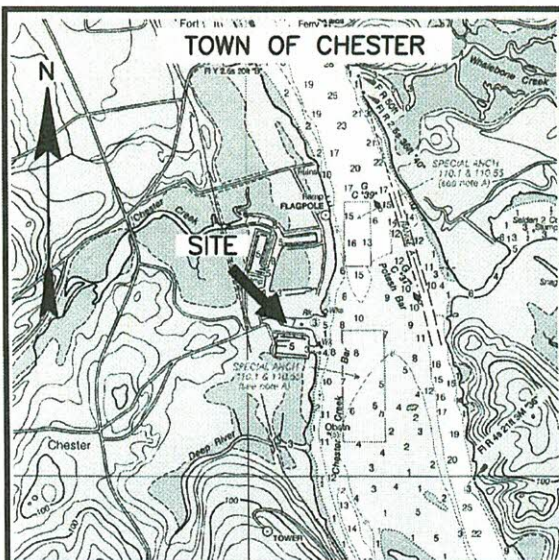
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

**Michael
Wierbonics**

**Michael S. Wierbonics
Acting Chief, Permits and Enforcement Branch
Regulatory Division**

Digitally signed by
Michael Wierbonics
Date: 2021.04.12 09:31:46
-04'00'

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.



LOCATION MAP

REFERENCE
CHART: 13214
GRAPHIC SCALE
IN YARDS

NOTES:

1. ELEVATION DATUM IS MEAN LOW WATER (MLW).
2. TIDE DATA IS TAKEN FROM 2020 NOAA TIDE TABLES
REFERENCE: HADLYME, C.J. IS TAKEN FROM THE
COASTAL JURISDICTIONAL LINE FACT SHEET:
CONNECTICUT RIVER WEST BANK - CHESTER

3. PROJECT DESCRIPTION: INSTALL 220' LF OF 6-FT
WIDE PILE SUPPORTED WOOD PIER, WITH TWO
ASSOCIATED EXISTING PILE SUPPORTED ACCESS
PIERS, A NEW PILE SUPPORTED ACCESS PIER AND A
NEW PILE SUPPORTED UTILITIES PIER, WATERWARD
OF THE MEAN HIGH WATER AND COASTAL
JURISDICTION LINES.

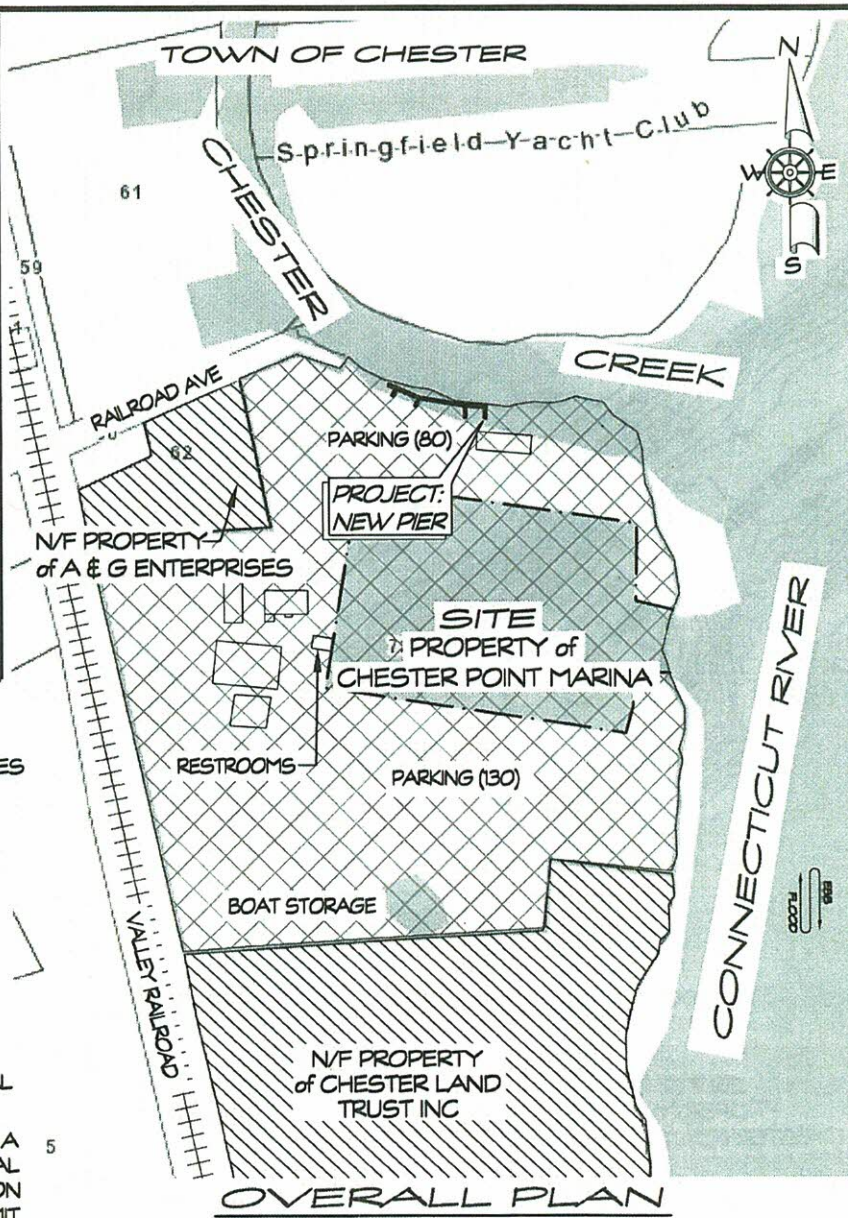
4. PROJECT PURPOSE: TO REESTABLISH A
COMMERCIAL MARINA IN SUPPORT OF RECREATIONAL
BOATING ACCESS.

5. THESE APPLICATION DRAWINGS REPRESENT A
COMPILATION OF SURVEYS FOR ENVIRONMENTAL
PERMIT PURPOSES. THEY ARE NOT CONSTRUCTION
CONTRACT DOCUMENTS. A TOWN BUILDING PERMIT
MAY BE REQUIRED.

6. ADJOINING PROPERTY OWNERS:

NORTH:	SOUTH:
A & G ENTERPRISES	CHESTER LAND TRUST INC
24 HEMLOCK TERRACE	PO BOX 82
DEEP RIVER, CT 06417	CHESTER, CT 06412

7. SITE ADDRESS:
72 RAILROAD AVENUE
CHESTER, CT 06412



OVERALL PLAN

GRAPHIC SCALE 1" = 400'
400 200 0 400

NOTE: THE SHORELINE SHOWN ON THIS DRAWING IS BASED ON
TOWN GIS PLANIMETRIC INFORMATION AND MAY NOT REFLECT
THE CURRENT TIDE LINE LOCATIONS OR SITE FEATURES.

PROJECT: NEW PIER

LOCATION: TOWN OF CHESTER
MIDDLESEX COUNTY, CONNECTICUT

WATERWAY: CHESTER CREEK

DATE: SEPTEMBER 17, 2020

APPLICANT: CHESTER POINT MARINA

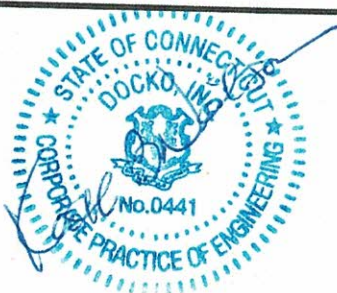
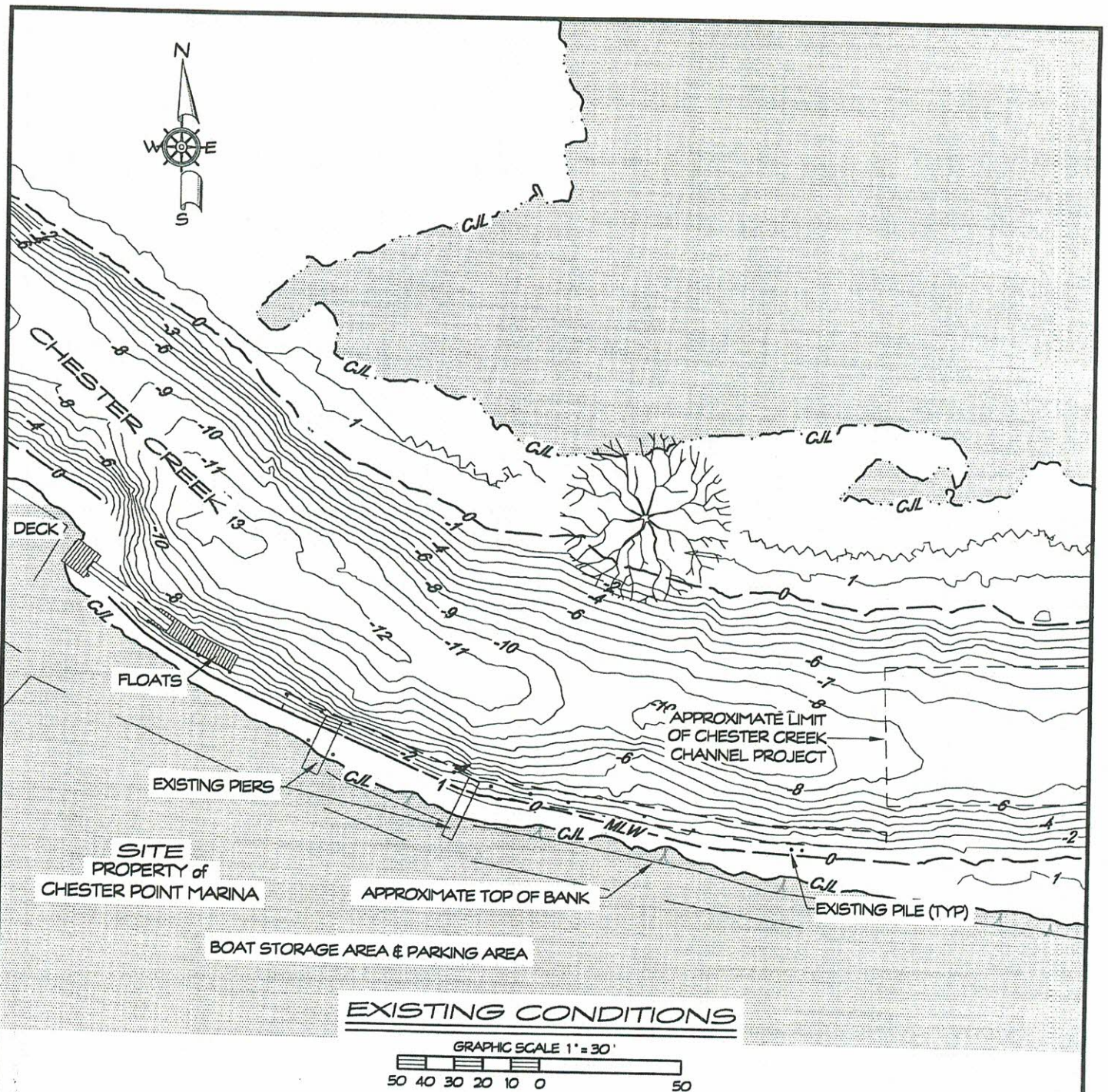
AGENT: SHEET 1 OF 4

DOCKO, INC.

Keith B. Neilson, PE
Mystic, CT 06355
860 572 8939 FAX 860 572 7569
EMAIL: office@docko.com



DWG 20-02-3085



PROJECT: NEW PIER
 LOCATION: CHESTER CREEK - TOWN of CHESTER
 MIDDLESEX COUNTY
 WATERWAY: CHESTER CREEK
 DATE: SEPTEMBER 21, 2020
 APPLICANT: CHESTER POINT MARINA

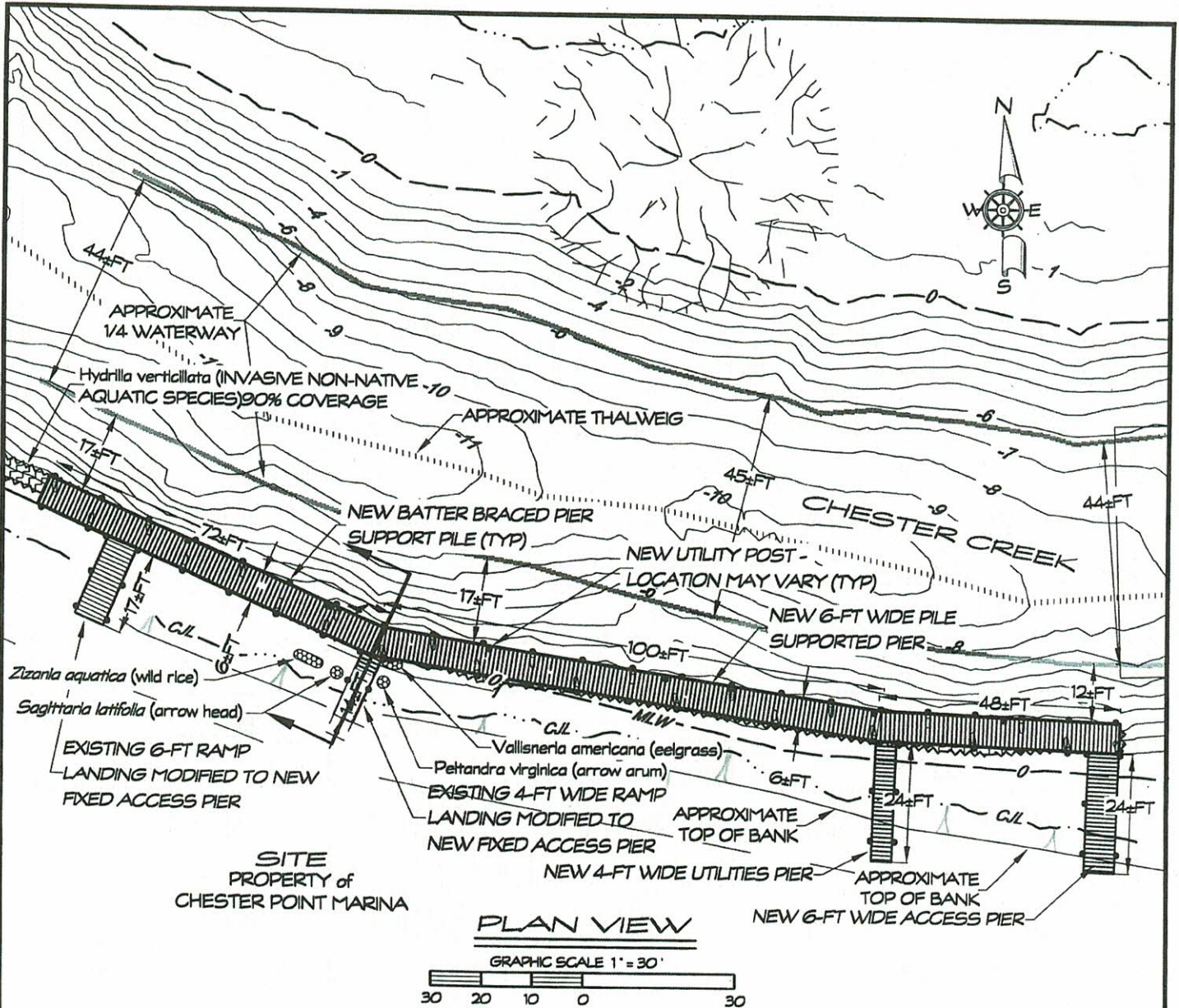
AGENT: SHEET 2 OF 4

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DWG 20-02-3085



PROJECT: NEW PIER

LOCATION: CHESTER CREEK - TOWN of CHESTER
MIDDLESEX COUNTY

WATERWAY: CHESTER CREEK

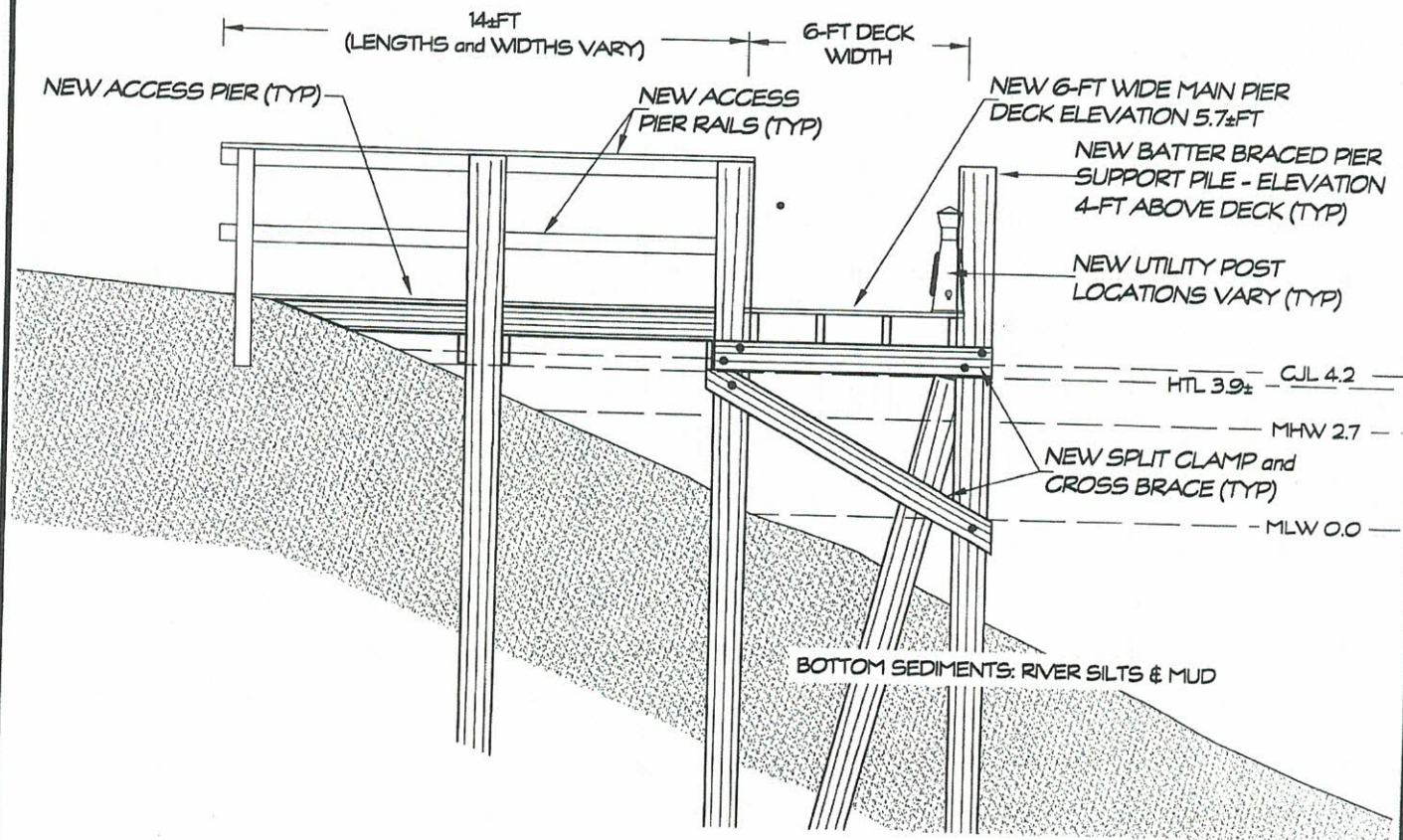
DATE: SEPTEMBER 21, 2020

APPLICANT: CHESTER POINT MARINA

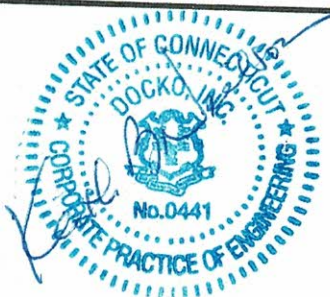
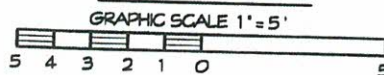
AGENT: SHEET 3 OF 4
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DWG 20-02-3085



SECTION



PROJECT: NEW PIER

LOCATION: CHESTER CREEK - TOWN of CHESTER

MIDDLESEX COUNTY

WATERWAY: CHESTER CREEK

DATE: SEPTEMBER 21, 2020

APPLICANT: CHESTER POINT MARINA

AGENT: SHEET 4 OF 4

DOCKO, INC.

Keith B. Nelson, PE

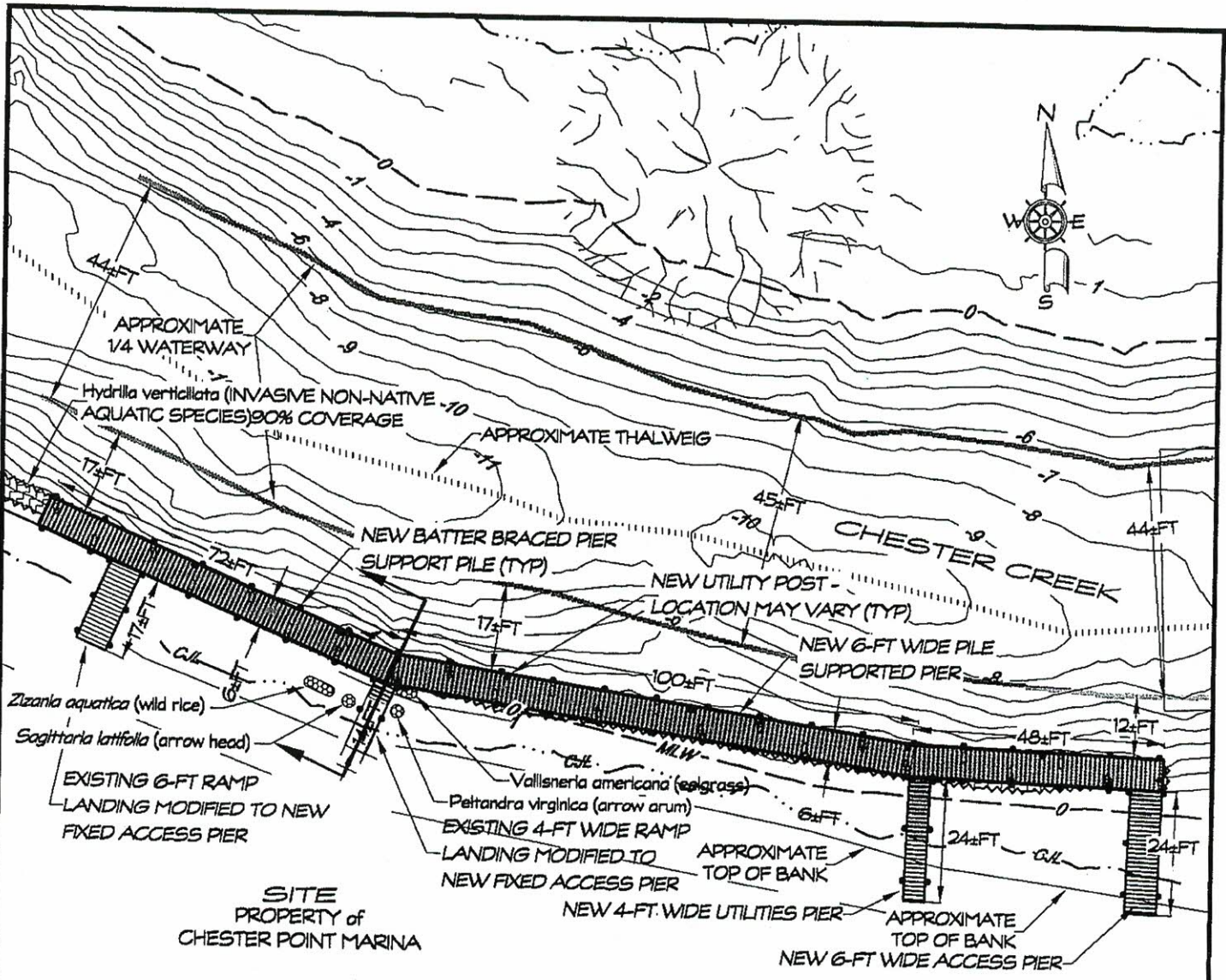
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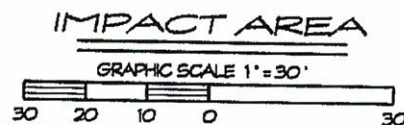
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IMPACT AREA:	
MAIN PIER =	1319±SF
4-FT WIDE ACCESS PIER =	48±SF
6-FT WIDE ACCESS PIER =	99±SF
TOTAL =	1,466±SF
TOTAL FEE:	
(1,466±SF X \$0.80) = \$1,172.80	



PROJECT AREA EXHIBIT

REVISED 3-02-21 DEEP
PROJECT AREA EXHIBIT

PROJECT: NEW PIER

LOCATION: CHESTER CREEK - TOWN of CHESTER
MIDDLESEX COUNTY
WATERWAY: CHESTER CREEK
DATE: SEPTEMBER 21, 2020
APPLICANT: CHESTER POINT MARINA

AGENT: SHEET 1 OF 1
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