PUBLIC NOTICE



US Army Corps of Engineers * New England District 696 Virginia Road Concord, MA 01742-2751 Comment Period Begins: May 25, 2021 Comment Period Ends: June 24, 2021 File Numbers: NAE-2016-00413, NAE-2012-02298 & NAE-2014-02195 In Reply Refer To: Cori M. Rose Phone: (978) 318-8306 E-mail: cori.m.rose@usace.army.mil

The District Engineer has received three After-the-Fact permit applications to retain work in waters of the United States from **the Town of Guilford, 31 Park Street, Guilford, Connecticut 06437 c/o Matthew T. Hoey, III** to <u>AUTHORIZE AND RETAIN PREVIOUSLY PLACED FILL</u> associated with the reconstruction and elevation of town roadways identified as Tuttles Point Road, Old Quarry Road and Chaffinch Island Road in the Town of Guilford, Connecticut. This work was undertaken in tidal waters and wetlands tributary to Long Island Sound and included the following impacts to aquatic resources as identified below:

TUTTLES POINT ROAD / Corps File No. NAE-2016-00413 - The project site is situated near the intersection of Tuttles Point Road extending approximately 400 linear feet 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 Guilford USGS 1:24K quadrangle. The work, which occurred in 2016, involved the total placement of 330 cubic yard of rock fill over a 6,200 square foot area of tidal wetland dominated by smooth cordgrass (Spartina alterniflora) for revetment slope reconstruction of an approximately 18-foot wide roadway to a top elevation of approximately 8-feet North American Vertical Datum 88 (NAVD88). Approximately 1,000 sq. ft. of this impact was authorized under a Connecticut General Permit verification on September 14, 2016. The work also included the replacement of two 40-foot long 15-inch diameter culverts, one which was non-functional, with a single 36-inch diameter pipe. The new culvert was placed at the same invert elevation (2.0 feet NAVD88). The work also involved the replacement of the two existing 10-foot long by 5-foot high headwalls. The wetland area and associated culvert is associated with a 4.6-acre tidal wetland area identified as Tuttles Point Marsh.

The work is shown on the attached plans and figures entitled:

- "TOPOGRAPHIC SURVEY AS BUILT OF A PORTION OF TUTTLES POINT ROAD" prepared by Anderson Engineering & Surveying Associates" in 1 sheet dated "JANUARY 9, 2019".
- "TUTTLES POINT ROAD RECONSTRUCTION GUILFORD, CONNECTICUT, AS-BUILT PLAN AND PROFILE" prepared by the Town of Guilford Engineering Department in 1 sheet dated "JANUARY 2017".
- "TOWN OF GUILFORD TUTTLES POINT ROAD GUILFORD, CONNECTICUT" prepared by Milone & MacBroom in 3 sheets and dated "11/2/2020" and "11/4/2020".
- "PHOTOGRAPHIC LOG" prepared by Milone & MacBroom in 2 sheets dated "10/31/18".

OLD QUARRY ROAD / Corps File No. NAE-2012-02298 - The project site is situated on Old Quarry Road and extends from Andrews Road to its cul-de-sac approximately 2000 linear feet in Guilford, Connecticut. The site coordinates are: Latitude 41.262673 North and Longitude -72.727083 on the Guilford USGS 1:24000K quadrangle. The work, which occurred in 2014, involved the total placement of approximately 1,270 cubic yard of rock fill over a 20,100 square foot area of tidal wetland dominated by smooth cordgrass (Spartina alterniflora) for revetment slope reconstruction of an approximately 22-foot wide roadway to a top elevation of approximately 6-feet North American Vertical Datum 88 (NAVD88). Approximately 15,000 sq. ft. of this impact was authorized under a Connecticut General Permit verification on December 19, 2013. The work also included the replacement of a 15-inch diameter culvert and a 24-inch diameter culvert with 24-inch and 48-inch diameter pipes, respectively. The 24-inch culvert was placed at invert elevation -2.4 feet NAVD88 and the 48-inch culvert was placed at invert elevation 0.2-feet NAVD88. The wetland area is associated with a 40-acre tidal wetland complex associated with Hoadley Creek.

The work is shown on the attached plans and figures entitled:

- "TOPOGRAPHIC SURVEY AS BUILT OF A PORTION OF OLD QUARRY ROAD" prepared by Anderson Engineering & Surveying Associates" in 2 sheets dated "APRIL 6, 2018".
- "TOWN OF GUILFORD OLD QUARRY ROAD, GUILFORD, CONNECTICUT" prepared by Milone & MacBroom in 4 sheets dated "11/2/2020", "15 NOV 2018", and "11/2/2020"
- "PHOTOGRAPHIC LOG" prepared by Milone & MacBroom dated "10/31/18".

CHAFFINCH ISLAND ROAD / Corps File No. NAE-2014-02195 – The project site is situated on Chaffinch Island Road and extends approximately 600 linear feet between street address #311 to #348 in Guilford, Connecticut. The site coordinates are: Latitude 41.266496 North and Longitude -72.678976 on the Guilford USGS 1:24000K quadrangle. The work, which occurred in 2016, involved the total placement of approximately 750 cubic yard of rock fill over a 12,240 square foot area of tidal wetland dominated by smooth cordgrass (Spartina alterniflora) for revetment slope reconstruction of an approximately 22-foot wide roadway to a top elevation of approximately 10-feet North American Vertical Datum 88 (NAVD88). Approximately 6,550 sq. ft. of this impact was authorized under a Connecticut General Permit verification on July 21, 2015. The work also included the replacement of two 40-foot long 30-inch diameter culverts, one which was non-functional, with a single 48-inch diameter pipe. The new culvert was placed at invert elevation -3.8 feet NAVD88 and involved the replacement of the two existing 5-foot long by 5-foot high headwalls. The wetland area and associated culvert is associated with a tidal wetland complex associated with the western shore of the West River estuary marsh system.

The work is shown on the attached plans and figures entitled:

- "TOPOGRAPHIC SURVEY AS BUILT OF A PORTION OF CHAFFINCH ISLAND ROAD" prepared by Anderson Engineering & Surveying Associates" dated "DEC. 27, 2017" revised through "3-13-18".
- "TOWN OF GUILFORD CHAFFINCH ISLAND ROAD, GUILFORD, CONNECTICUT" prepared by Milone & MacBroom in 3 sheets dated "11/2/2020", and "15 NOV 2018".
- "PHOTOGRAPHIC LOG" prepared by Milone & MacBroom in 2 sheets dated "10/31/18".

The purpose of the fill discharged into waters and wetlands was to raise the elevation of the coastal roadways to reduce the amount of coastal flooding and improve public safety and access for emergency vehicles during higher tidal events.

To offset the total cumulative impact of 38,540 square feet (0.885 acre) tidal wetlands from the three completed roadway reconstruction projects at Tuttles Point Road, Chaffinch Island Road and Old Quarry Road, the permittee proposed to conduct the following activities:

- a. Restore approximately 0.45 acres of existing lawn to tidal wetlands;
- b. Restore approximately 2,365 linear feet of 2' wide (4,730 sq. ft. / 0.23 acre) tidal creek system;
- c. Restore approximately 7.46 acres of tidal marsh by the eradication of Common reed (Phragmites australis); and
- d. Monitor, maintain and repair, as needed, the cumulative tidal wetland restoration area of 8.19 acres. e. Protection of the restoration areas in perpetuity though Conservation Easement and stewardship with implementation of a long-term management plan.

The purpose of the proposed compensatory mitigation is to restore and enhance the existing ecological value of tidal wetlands at the mouth of the West River and tidal wetlands bordering the Town of Guilford's Chittenden Park.

AUTHORITY

Permits are required pursuant to:

- x Section 10 of the Rivers and Harbors Act of 1899
- x Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act.
- Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

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.

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). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

This project has the potential to have an effect, either adverse or beneficial, on approximately 9 acres of Essential Fish Habitat (EFH) for Pollock (Pollachius vierens) 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 work locations consist of intertidal salt marsh estuarine embayments dominated by saltmarsh cordgrass and common reed, surrounded by residential development. Tidal connectivity to the estuarine system is maintained by the tidal creeks and artificial conveyances under Tuttles Point Road, Chaffinch Island Road, Old Quarry Road and through the West River. The work resulted in the direct fill and associated loss of 0.885 acre of vegetated tidal wetland (Sparting alterniflora) for construction of the elevated roadway revetments. 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).

CENAE-R FILE NOS. NAE-2016-00413, NAE-2012-02298 & NAE-2014-02195 ENDANGERED SPECIES CONSULTATION

The USACE is reviewing 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. Our review 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.
- () 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 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 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.

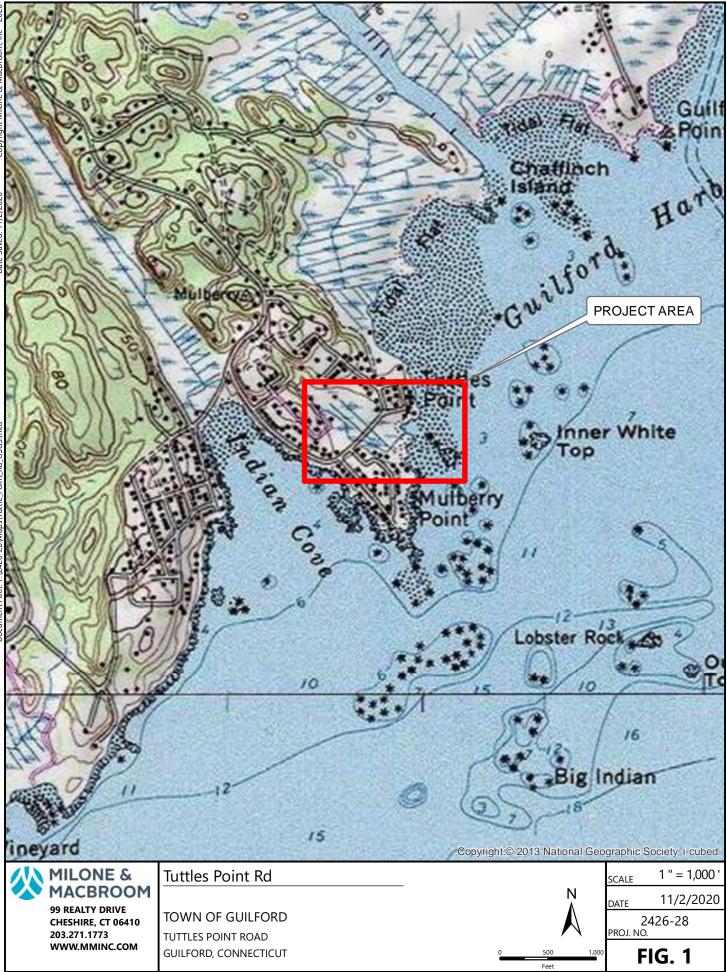
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

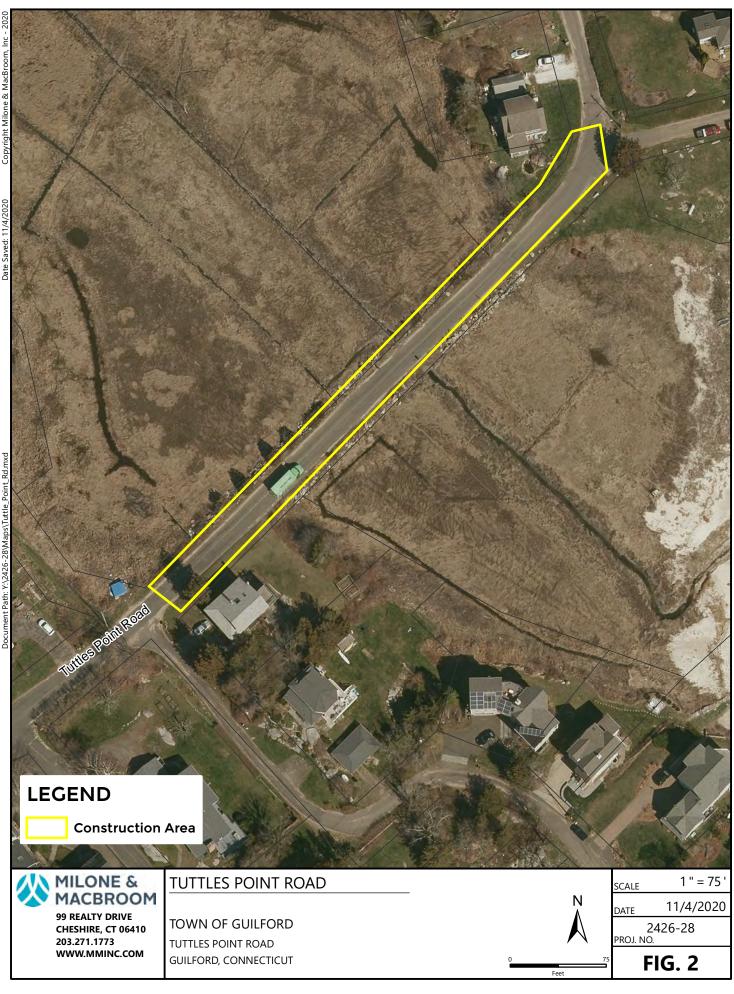
Kevin R Kotelly

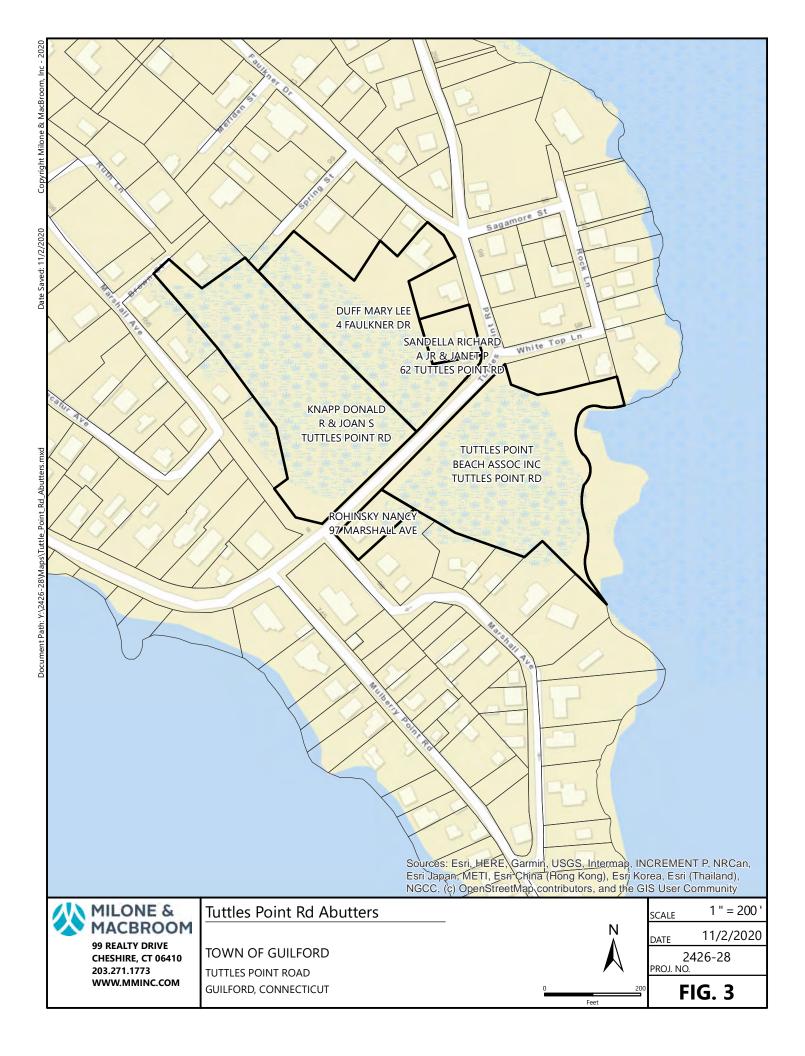
Kevin R. Kotelly, P.E. Chief, Permits and Enforcement Branch Regulatory Division

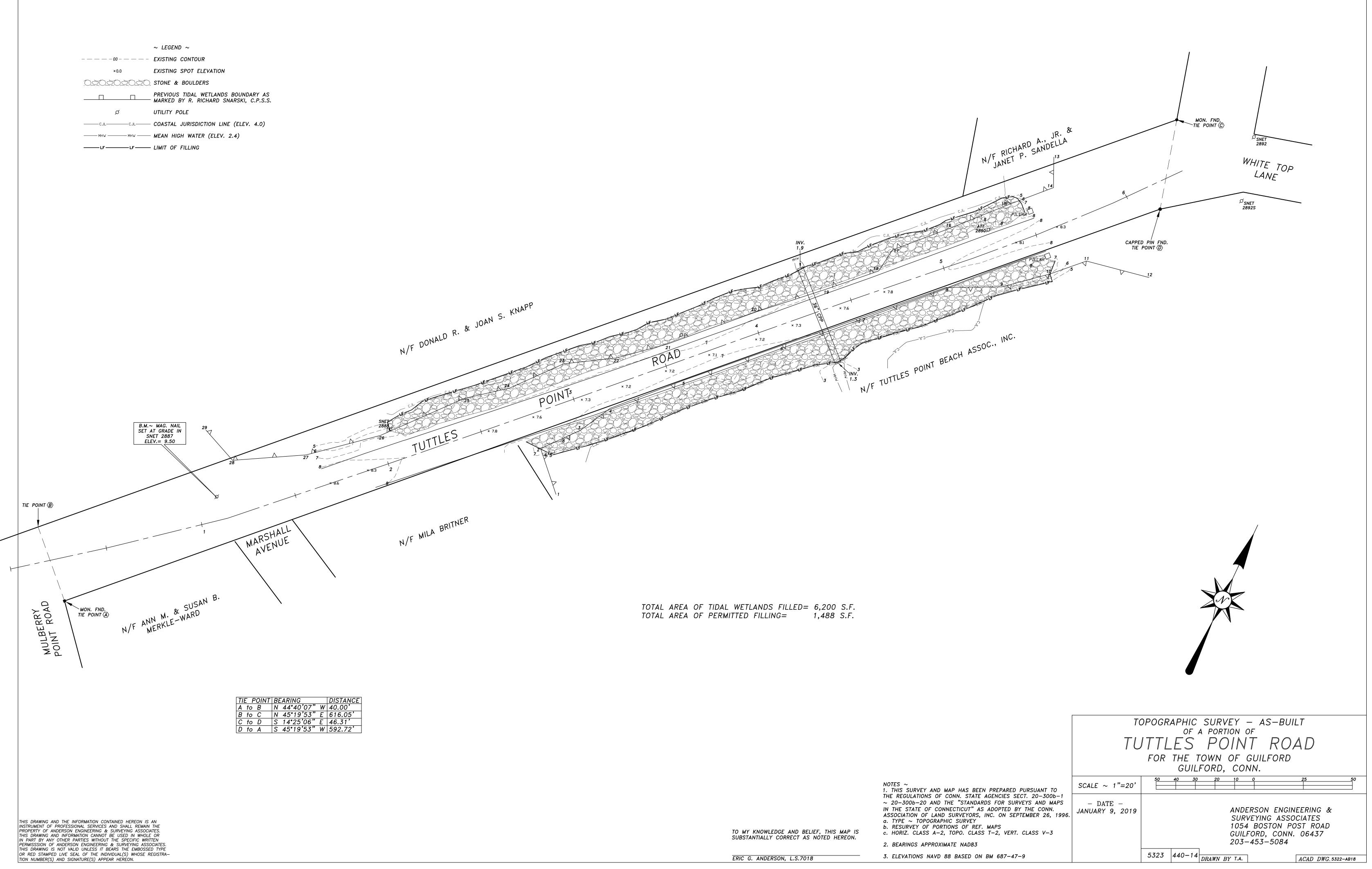
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at <u>bettina.m.chaisson@usace.army.mil</u>.

TOWN OF GUILFORD TUTTLES POINT ROAD AS-BUILT

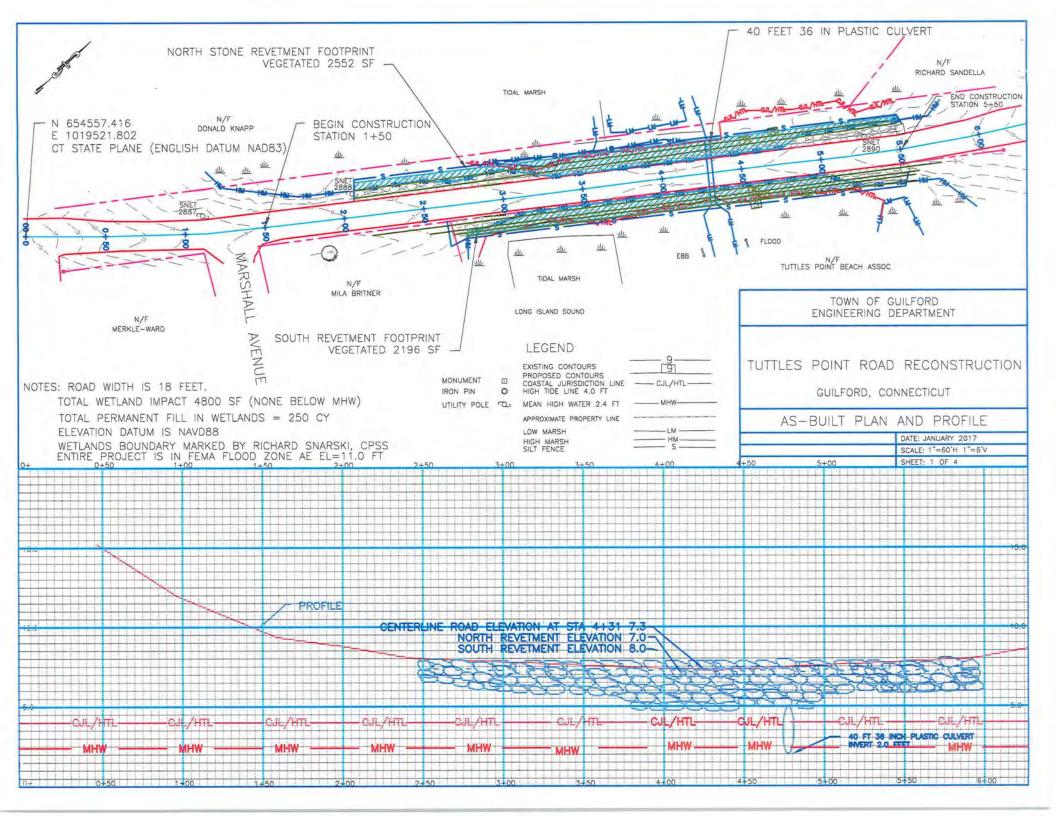








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Client Name Town of Guilf		Site Location: Tuttles Point Road, Guilford, Connec	Project No. 2426-28		
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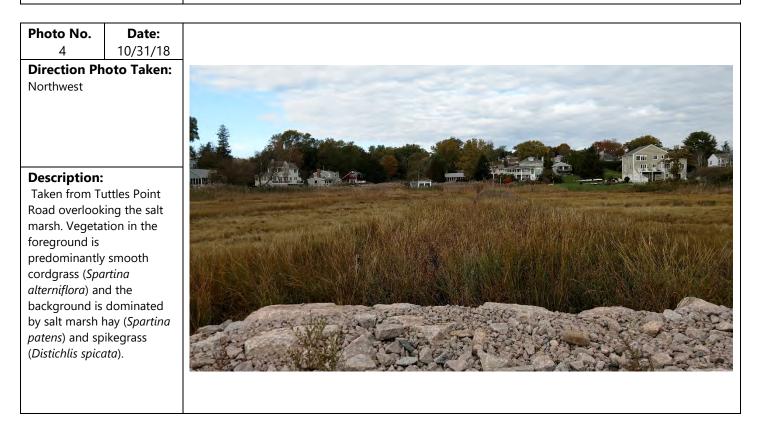
Town of Guilford

PHOTOGRAPHIC LOG

Site Location:

Tuttles Point Road, Guilford, Connecticut

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Description: Salt marsh bey shoulder. The r dominated by (<i>Distichlis spico</i> marsh hay (<i>Spo</i> <i>patens</i>).	rond road marsh is spike grass ata) and salt	



TOWN OF GUILFORD OLD QUARRY ROAD AS-BUILT

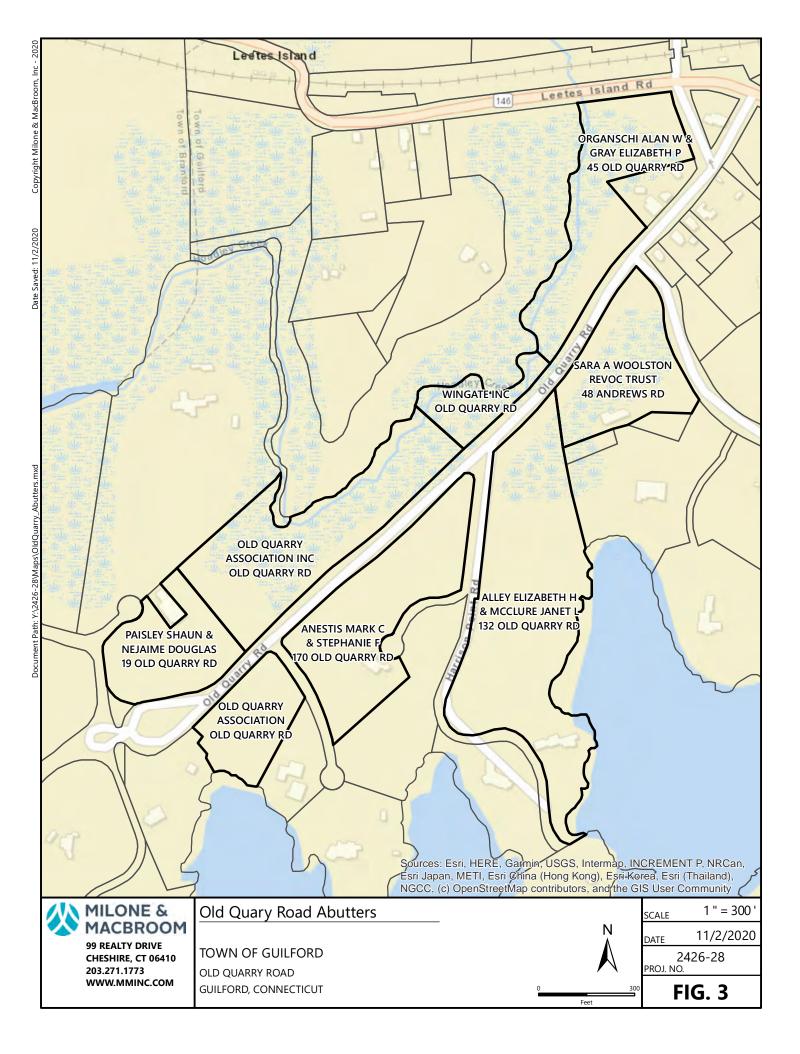


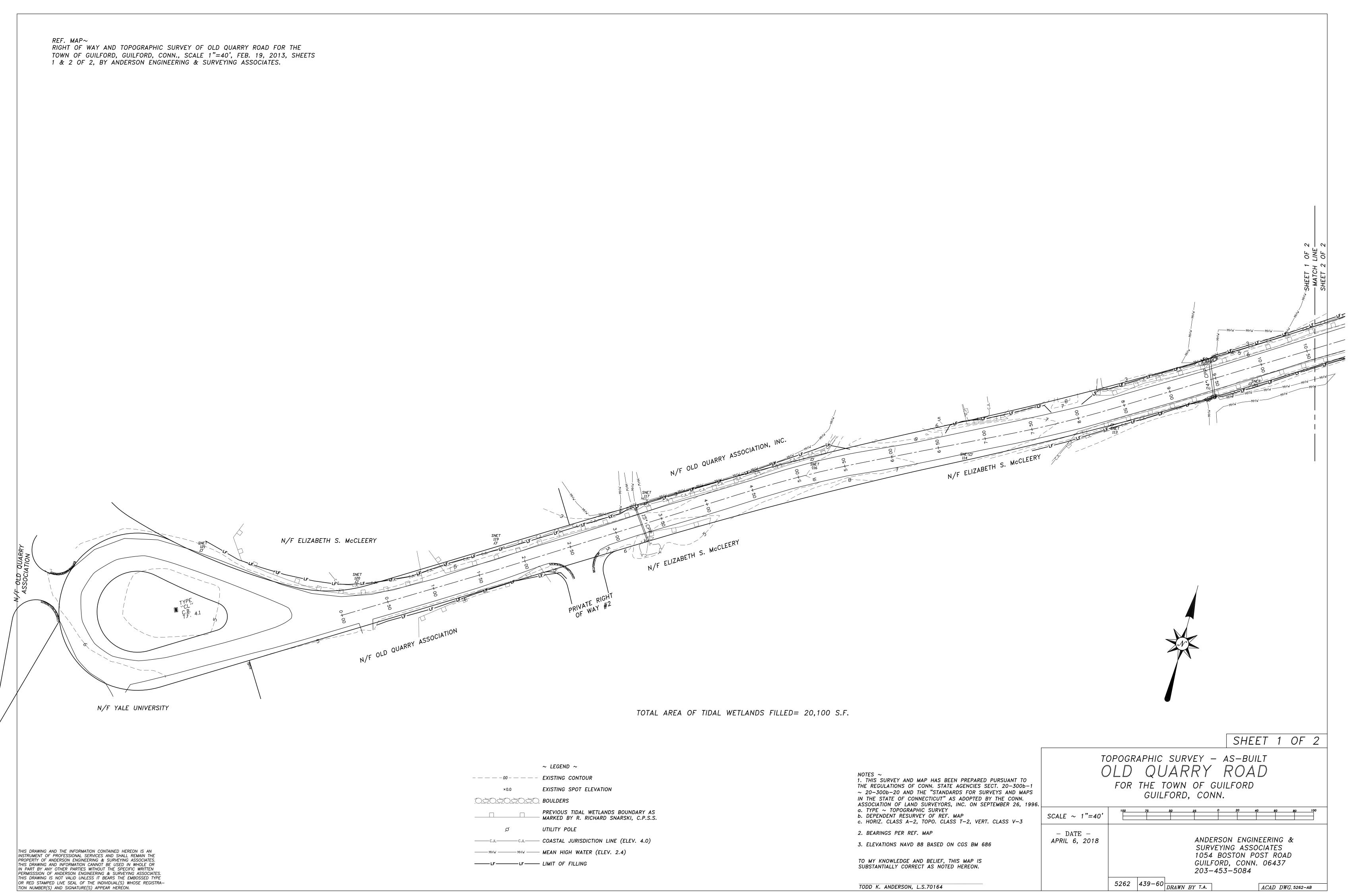


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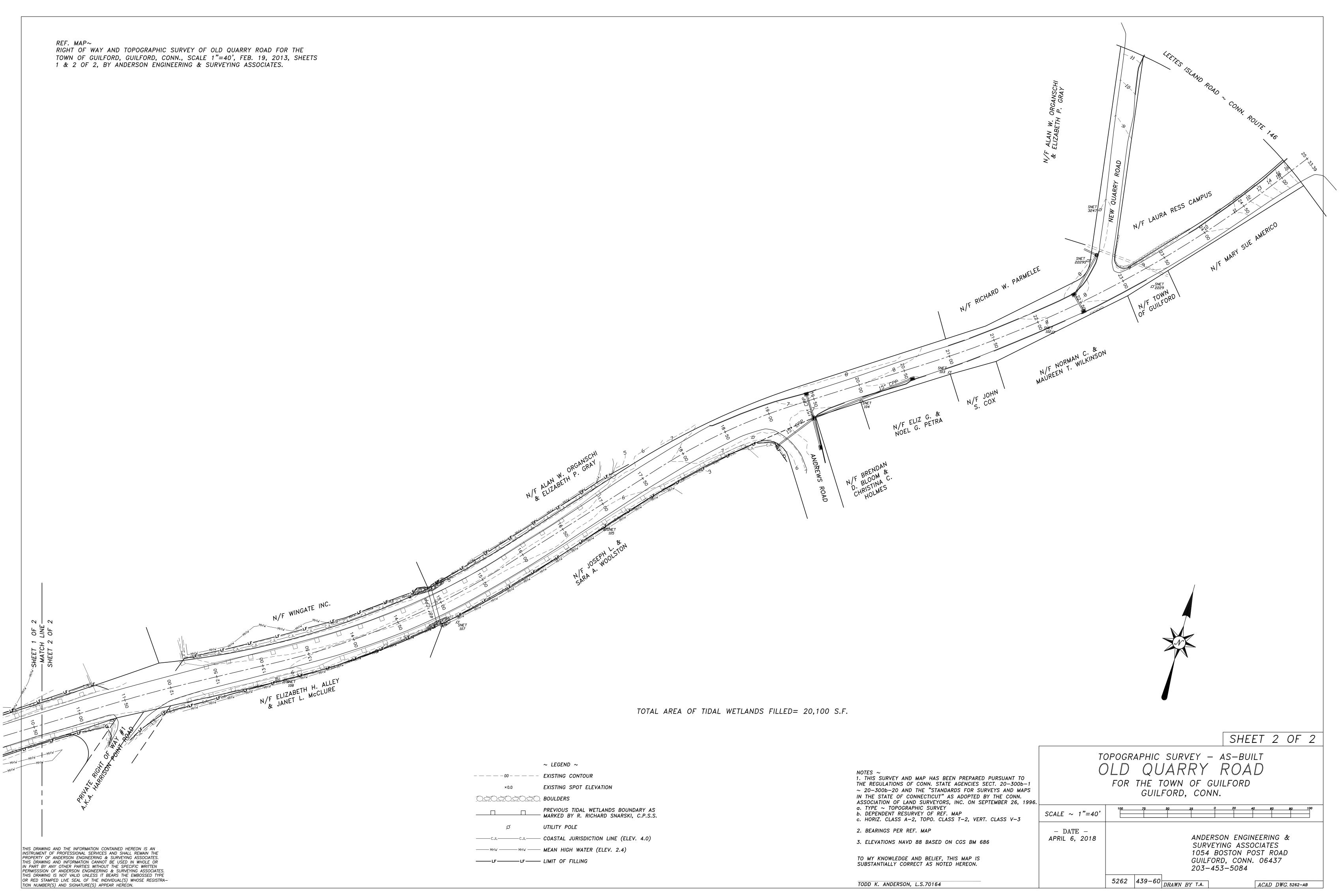
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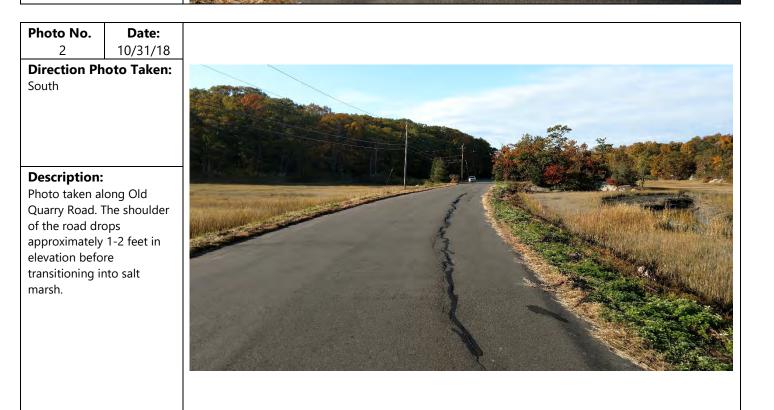




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MHW MHW	MEAN HIGH WATER (ELEV. 2.4)
LFLF	LIMIT OF FILLING



MILONE & MACBROOM **PHOTOGRAPHIC LOG** Project No. **Client Name:** Site Location: Town of Guilford 2426-28 Old Quarry Road, Guilford, Connecticut Photo No. Date: 10/31/18 1 **Direction Photo Taken:** North **Description:** Salt marshes border either side of Old Quarry Road.



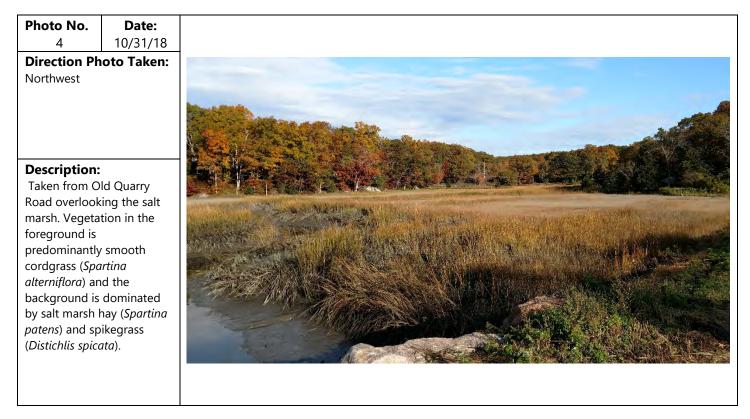
Client Name:

Town of Guilford

PHOTOGRAPHIC LOG

Site Location: Old Quarry Road, Guilford, Connecticut

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TOWN OF GUILFORD CHAFFINCH ISLAND ROAD AS-BUILT







99 Realty Drive Cheshire, Connecticut 06410 (203) 271-1773 www.mminc.com

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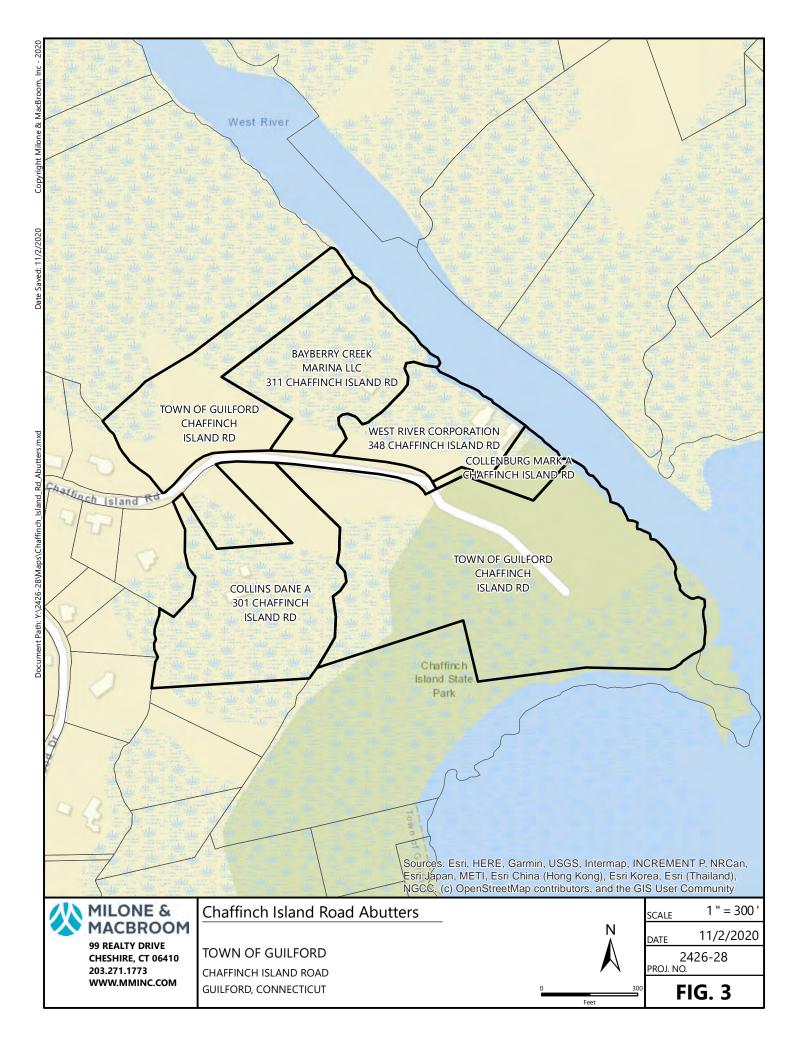
TOWN OF GUILFORD

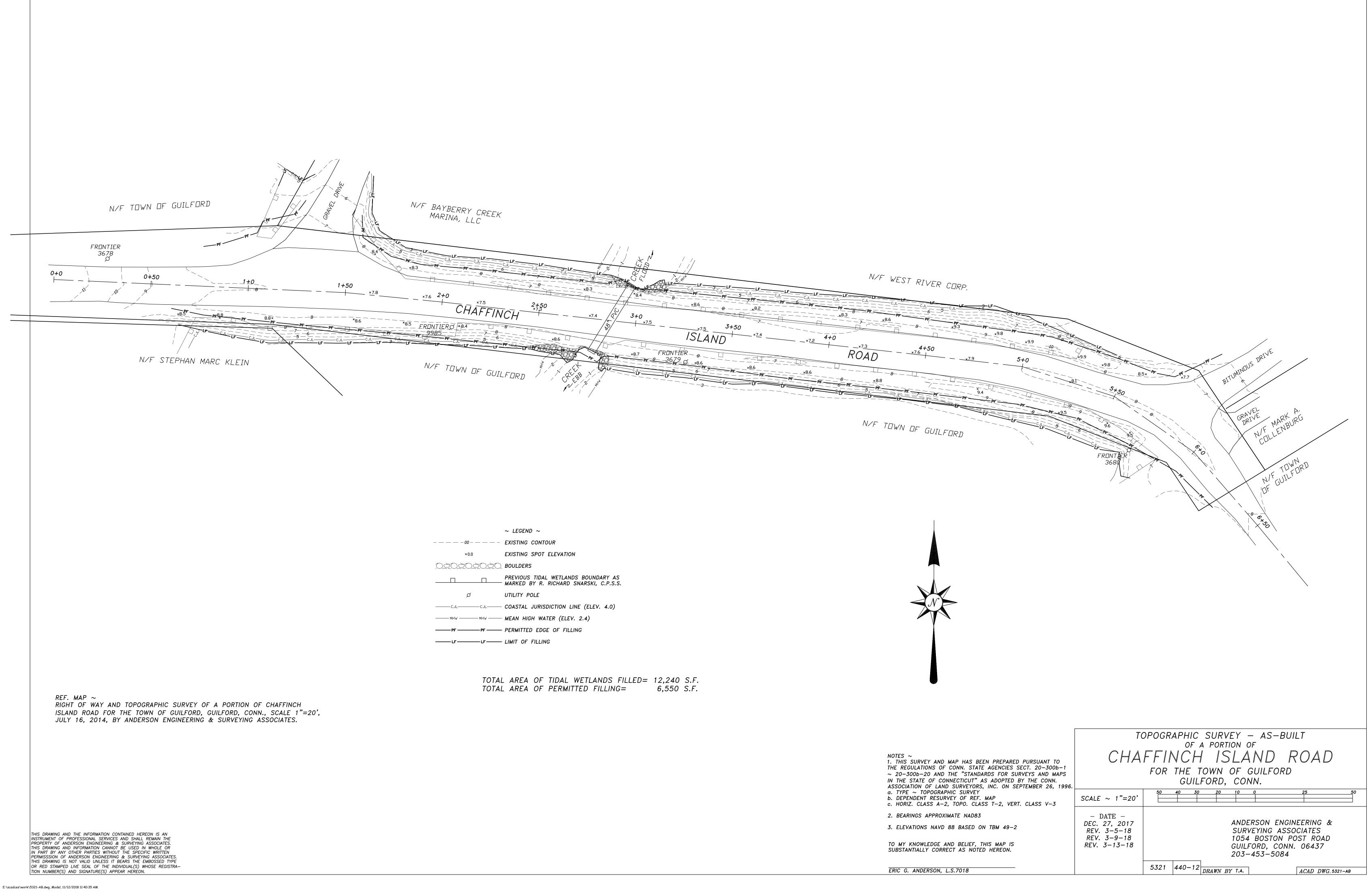
CHAFFINCH ISLAND ROAD GUILFORD, CONNECTICUT

SOURCE: GOOGLE EARTH

DATE: 15 NOV 2018 NOT TO SCALE PROJ. NO.: 2426-28 DESIGNED DRAWN CHECKED MBR KFK MBR DRAWING NAME: FIG. 2

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Client Name:

Town of Guilford

PHOTOGRAPHIC LOG

Site Location:

Chaffinch Island Road, Guilford, Connecticut





Client Name:

Town of Guilford

PHOTOGRAPHIC LOG

Site Location: Chaffinch Island Road, Guilford, Connecticut

Photo No.	Date:	
3	10/31/18	-
Direction Pho South	oto Taken:	k
Description: Taken from Chaffinch		
Island Road bank looking out towards Chaffinch Island Park and salt marsh.		
The coastal wetland was not impacted by road renovations.		

