PUBLIC NOTICE

US Army Corps of Engineers ℝ New England District 696 Virginia Road Concord, MA 01742-2751 Comment Period Begins: July 23, 2013 Comment Period Ends: August 23, 2013

File Number: NAE-2008-2185

In Reply Refer To: Ms. Diane M. Ray

Phone: (978) 318-8831

E-mail: diane.m.ray@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

APPLICANT: RAP Riverside Drive, LLC

ACTIVITY: Remove derelicts structures, construct a new launch ramp, perform maintenance dredging with open water disposal and install two docks with finger piers.

A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Connecticut River off property located at 18 Riverside Avenue, Old Saybrook, Connecticut. The site coordinates are: Latitude 41.32054, Longitude 72.35106.

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

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.

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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).

The dredging portion of this project and subsequent construction of the new docks/boat launch will impact approximately 30,000 square feet of Essential Fish Habitat (EFH) for the attached list of species and their life stages. Habitat at this site can be described as silt, sand and gravel. Loss of this habitat may adversely affect any of the attached list of species. 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.

The dredged material disposal is proposed for either the New London Disposal Site or the Central Long Island Sound Disposal Site. Both sites are open water disposal sites, which provide Essential Fish Habitat for the attached list of species and their life stages. Habitat at these sites can be described as sand and silt. Loss of this habitat may adversely affect any of the species listed on the attached sheets. 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 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 provided we incorporate a special condition to any permit issued restricting dredging operations during sensitive time for any listed species or their habitat as directly by National Marine Fisheries Service. By this Public Notice, we are requesting that National Marine Fisheries Service concur with our determination and provide us with appropriate conservation recommendations.

The States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and New York 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 obtained:

- (X) Permit, License or Assent from State.
- (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. Diane M. Ray at 978-318-8831, (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 DQ ANY WORK.

Robert J. DeSista

Chief, Permits and Enforcement Branch

Regulatory Division

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If you would prefe	er not to continue receiving Public Notices by email, please contact Ms. Tina Chai	isson 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 En	gineers,
696 Virginia Road	, Concord, MA 01742-2751.	
NAME:		
ADDRESS:		
PHONE:		

PROPOSED WORK AND PURPOSE:

The proposal includes work as described on the attached plans entitled, "New Dock Facilities & Dredging, Town of Old Saybrook, Middlesex County, Connecticut, Connecticut River, RAP Riverside Drive, LLC" in eight sheets, dated, "April 17, 2008", revised through "March 25, 2013" and "New London Disposal Site" and "Central Long Island Sound Disposal Site", each on one sheet, not dated.

The proposed work is described as follows:

- 1. Remove derelict piles/structures, including concrete retaining walls that outline the location of the proposed boat ramp;
- 2. Construct within a temporary cofferdam, an approximately 16' wide x 116' long, pre-cast concrete boat launch ramp delineated by sheet piling on the northern and southern sides that meet the elevation of the existing repair shop floor west of the ramp with a base composed of approximately 100 cubic yards of crushed stone over an approximately 1,250 square foot area and 100 cubic yards of interlocking concrete block scour protection over an approximately 1,250 square foot area at the waterward end of the ramp;
- 3. Dredge an approximately 30,000 square foot area to -5' mean low water. A total of approximately 4,000 cubic yards of silt, sand and gravel will be dredged mechanically and disposed of at either the New London Disposal Site or at the Central Long Island Sound Disposal Site and capped with suitable sediment;
- 4. Install and maintain two docks on either side of the launch ramp as follows:
 - a. Northern Dock A fixed pier comprised of an approximately 6' wide x 13' long section placed parallel to the shoreline, a 5' wide x 55' long section perpendicular to the shore, a 6' wide x 74' long section parallel to the shore, a 5' wide x 42' long section perpendicular to the shore from which will extend south a 4' x 40' fixed finger pier parallel to the shore and a 3.5' wide x 20' long ramp east of the fixed pier leading to 92 linear feet of 6' wide main floating dock from which will extend south three 4' wide finger floats, one 40' long and two 28' long with associated braced restraint, tie-off and fender piles and utilities, and
 - b. Southern Dock A fixed pier comprised of a 6' wide x 66' section perpendicular to the shore, a 6' wide by 34' long section placed parallel to the shore from which will extend north and parallels the shore, two 4' wide x 20' long fixed finger piers and a 3.5' wide x 20' long ramp east of the fixed pier leading to a 6' wide x 77' long main floating dock from which will extend south, three 4' wide x 20' finger floats, associated braced restraint, tie-off and fender piles and utilities.

The extent of encroachment beyond mean high water will be approximately 170'. The slip capacity of the marina will be 17.

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Dredged Material Disposal Mitigation Discussion:

The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analyzed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is disposal at the requested disposal site.

The dredged material has undergone physical, chemical, and/or biological analysis. It is our preliminary determination that the material is acceptable for disposal at this disposal site.

Any permit issued for this project will include special conditions requiring scows to come to a complete stop when disposing of the material at the disposal site. There will also be a time of year restriction included as a special condition which prohibits dredging during ecologically sensitive times of years.

Central Long Island Sound Disposal Site

The Central Long Island Sound Disposal Site is frequently used for disposal of bottom sediments from various harbors along the eastern New York, northern Long Island, and central and western Connecticut coasts. An average of approximately 400,000 cubic yards of suitable sediments (suitability determined through case-by-case analyses) has been deposited at this site annually. The site has been monitored through the Corps' Disposal Area Monitoring System (DAMOS) program. DAMOS studies show that the site is a low energy environment such that sediment deposited at this location will remain within the site's boundaries. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged that utilize the site. Areas outside the disposal site have not been found to be affected by sediment deposited within the site.

New London Disposal Site

The New London Disposal Site is used periodically for disposal of bottom sediments dredged principally from the New London, Mystic, and Groton areas. The quantity of sediments deposited at the site varies considerably each year and peaks when the Federal Channel and Navy-maintained reaches of the Thames River are dredged. Overall, the site receives approximately 200,000 cubic yards of suitable sediments annually (suitability determined through case-by-case analyses). The site has been monitored through the Corps' Disposal Area Monitoring System (DAMOS) program. DAMOS studies show that the site is a low energy environment such that sediment deposited at this location will remain within the site's boundaries. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged that utilize the site. Areas outside the disposal site have not been found to be affected by sediment deposited within the site.

Summary of Essential Fish Habitat (EFH) Designation 10 x 10 Square Coordinates: Central Long Island Sound Disposal Site

Boundary	North	East	South	West
Coordinate	41° 10.0' N	72° 50.0' W	41° 00.0' N	73° 00.0' W

<u>Square Description (i.e. habitat, landmarks, coastline markers):</u> Atlantic Ocean waters within the square within Long Island Sound affecting the following: one square south of the waters within the square south of New Haven, CT. In this square there is a dumping ground on the northeast corner.

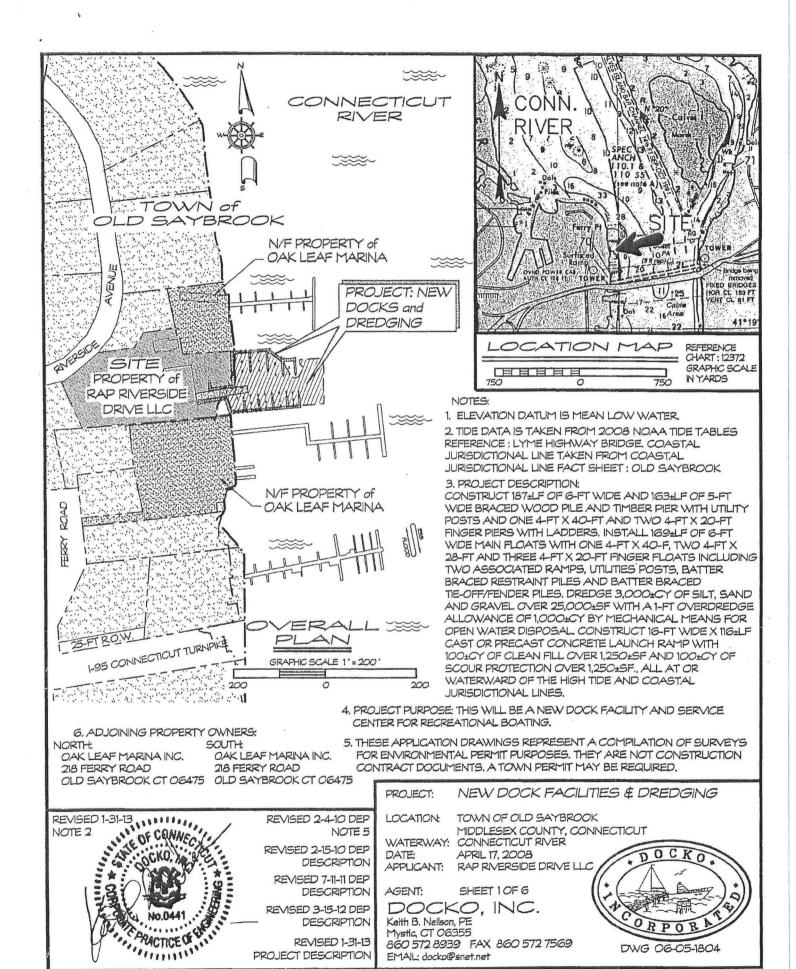
_Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (Salmo salar)			X	X
pollock (Pollachius virens)			X	X
whiting (Merluccius bilinearis)				X
red hake (Urophycis chuss)	X	X	x	X
winter flounder (Pleuronectes americanus)	X	X	X	X
windowpane flounder (Scopthalmus aquosus)	X	X	X	X
American plaice (Hippoglossoides platessoides)			X	X
Atlantic sea herring (Clupea harengus)			x	x
bluefish (Pomatomus saltatrix)			x	X
Atlantic mackerel (Scomber scombrus)	X	X	X	X
summer flounder (Paralicthys dentatus)			X	
scup (Stenotomus chrysops)	X	X	X	X
black sea bass (Centropristus striata)	n/a		X	
king mackerel (Scomberomorus cavalla)	X	X	X	X
Spanish mackerel (Scomberomorus maculatus)	X	X	X	X
cobia (Rachycentron canadum)	X	X	X	X
sand tiger shark (Odontaspis taurus)		X		

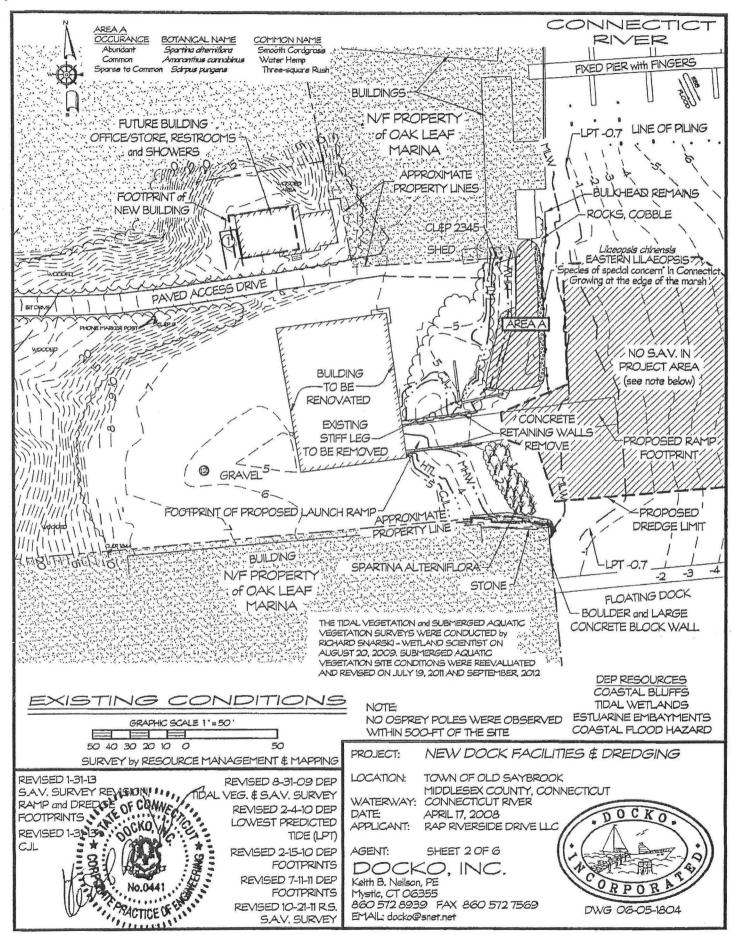
<u>Summary of EFH Designation for the 10' x 10' Square Quadrant Inclusive the New London Disposal Site</u>

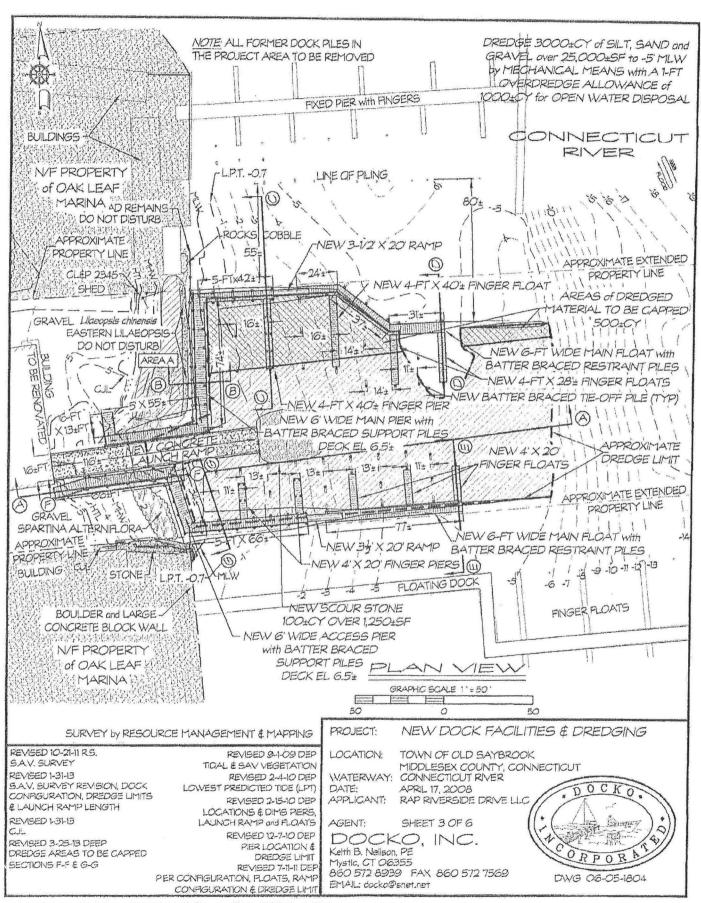
Boundary	North	East	South	West
Coordinate	41° 20.0' N	72° 00.0' W	41° 10.0' N	72° 10.0' W

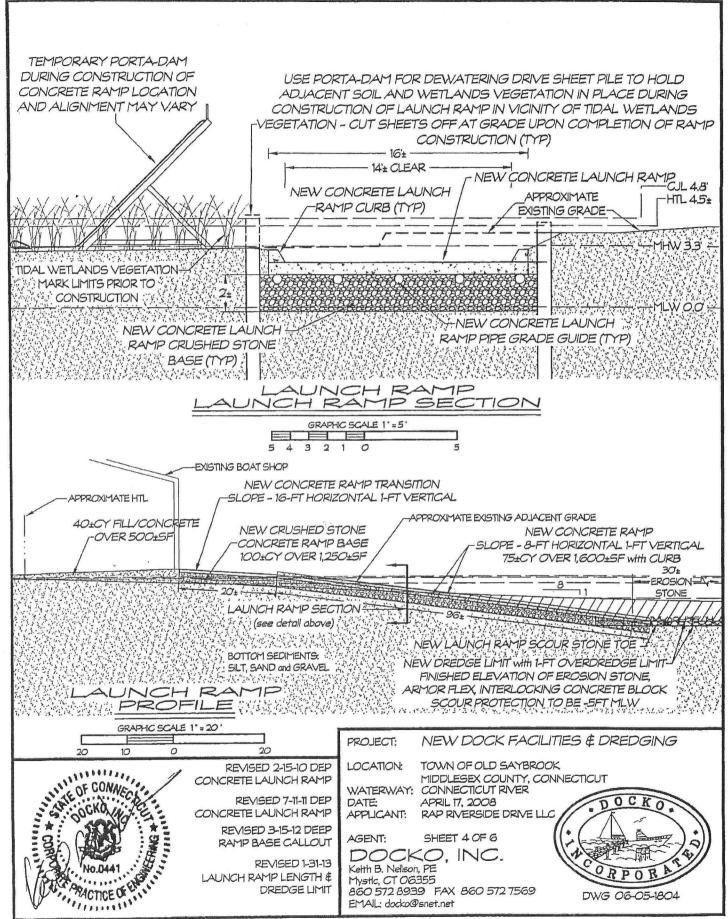
Square Description (i.e. habitat, landmarks, coastline markers): The waters within the square within the Connecticut River estuary affecting the following: the northeast tip of Plum I., Great Gull I., Little Gull I., the western third of Fishers I., Flat Hammock, South Dumpling, and North Dumpling. These waters also affect the following south of Groton, CT., from Groton Long Point to Millstone Point just east of Niantic Bay, including south of the entrance to New Long Harbor, and south of the following: Mumford Point, Poquonock Point, Avery East Point, Eastern Point, and Goshen Point. In addition, these waters affect the following: western Fishers Island Sound, North Hill and Hay Harbors, New London Harbor, western West Harbor, Silver Eel Cove, Mumford Cove, and the entrance to the Thames River. Finally, the following features are affected: Constellation Rock, Old Silas Rock, Valiant Rock, Little Goshen Reef, Twotree I., Twotree I. Channel, Bartlett Reef, Goshen Ledge, Rapid Rock, Flat Rock, High Rock, Cormorant Rock, Sarah Ledge, Black Ledge, Vixen Ledge, New London Ledge, Black Ledge, Pine I., Pine I. Channel, Frank Ledge, Black Rock, Jordan Cove, and Pleasure Beach, along with a dumping ground just south of New London Harbor.

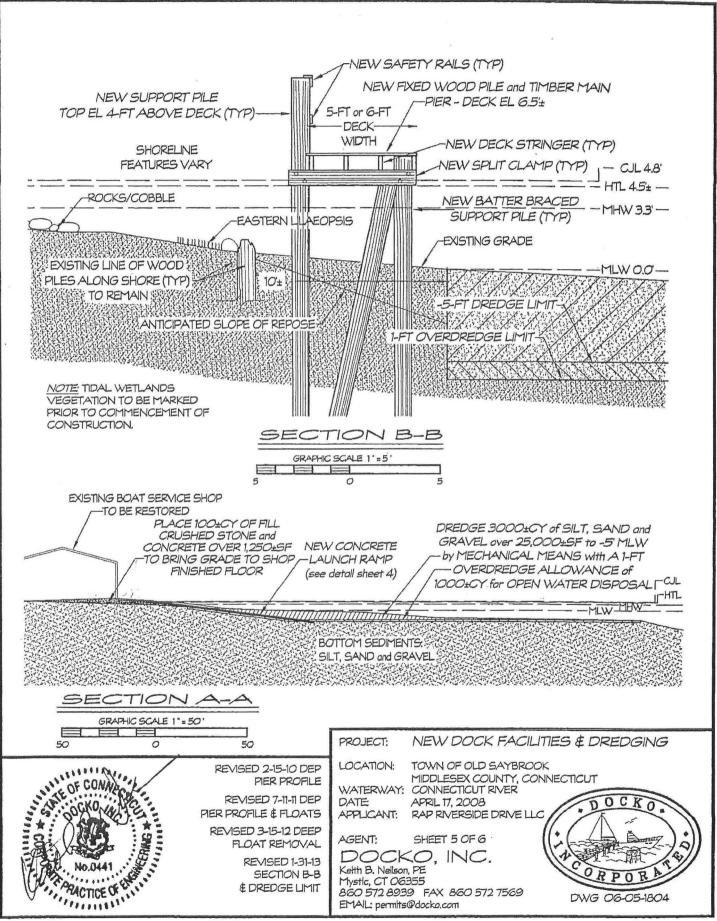
Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (Salmo salar)			X	X
red hake (Urophycis chuss)				X
Atlantic sea herring (Clupea harengus)				X
monkfish (Lophius americanus)				
bluefish (Pomatomus saltatrix)			X	X
king mackerel (Scomberomorus cavalla)	X	X	X	X
Spanish mackerel (Scomberomorus maculatus)	X	X	X	X
cobia (Rachycentron canadum)	X	X	X	X
sand tiger shark (Odontaspis taurus)		X		
dusky shark (Charcharinus obscurus)			X	
bluefin tuna (Thunnus thynnus)				X

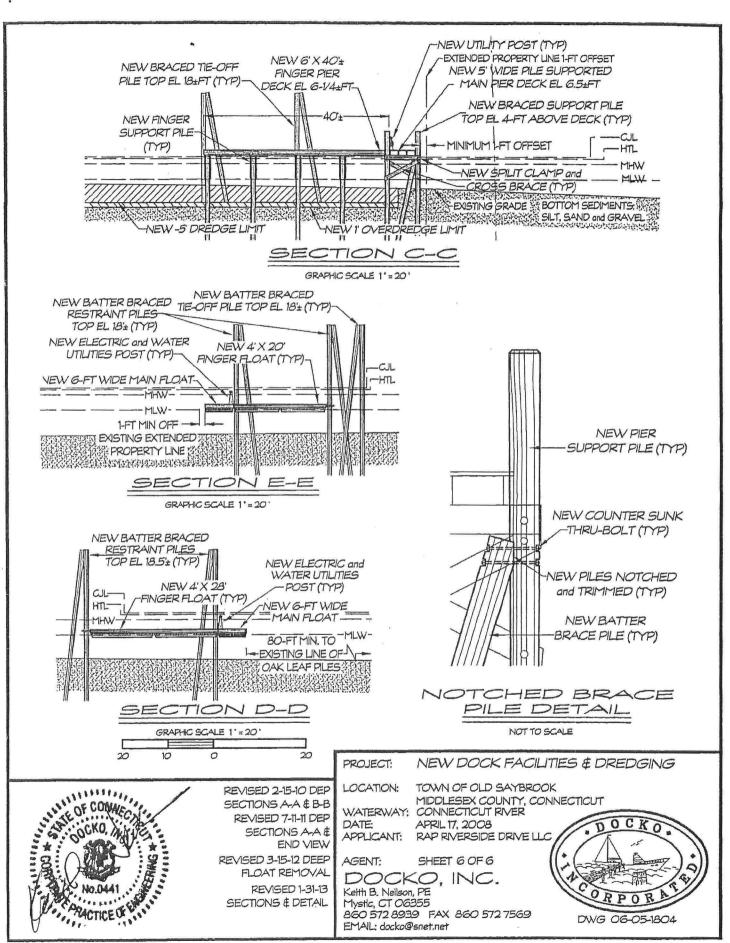


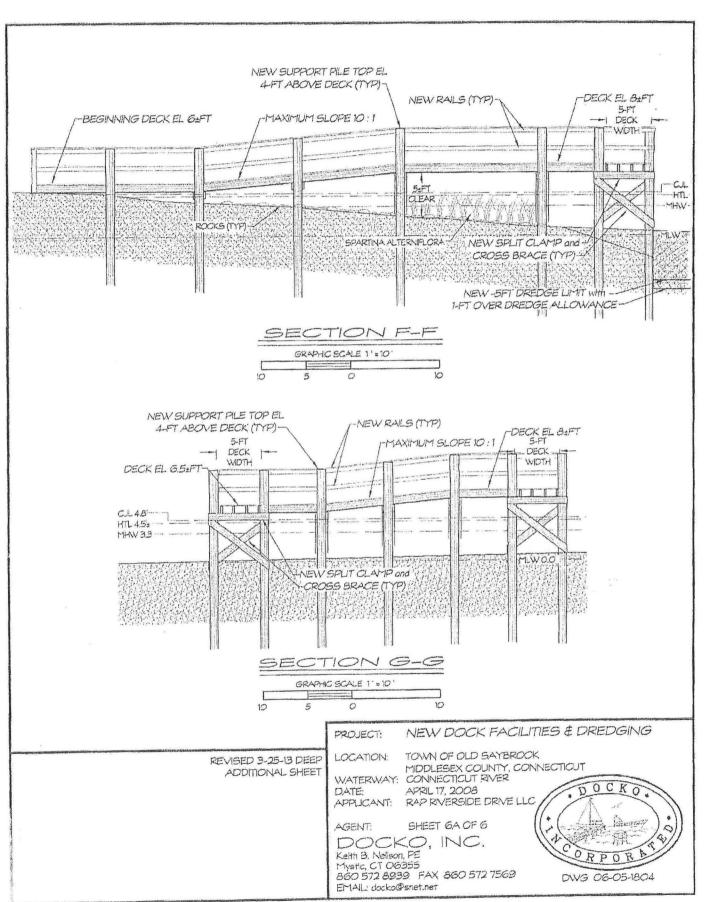


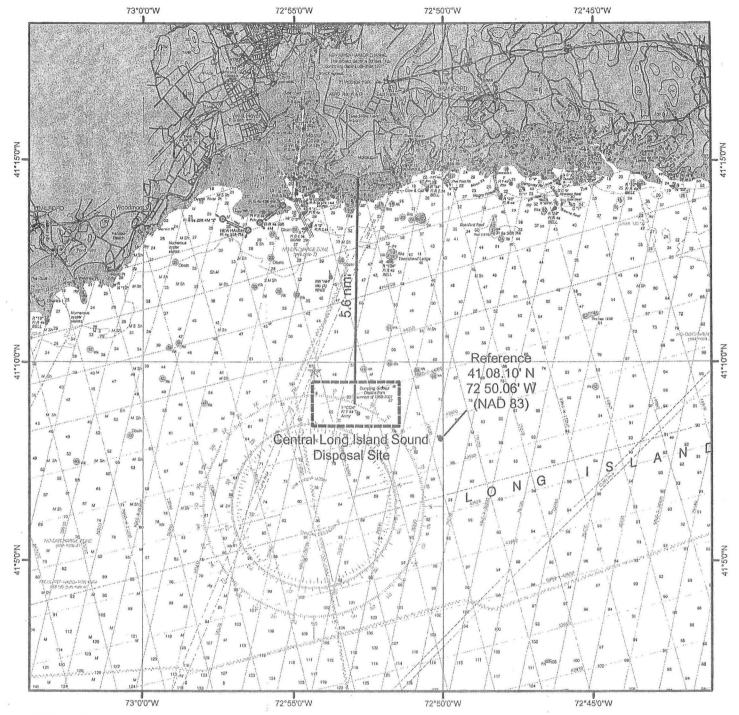






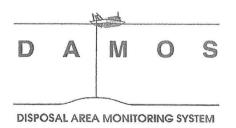


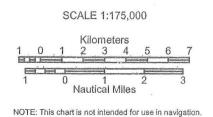




CENTRAL LONG ISLAND SOUND DISPOSAL SITE

Description: The Central Long Island Sound Disposal Site (CLDS) is one of four regional dredged material disposal sites located in the waters of Long Island Sound. CLDS covers a 11.04 km² (3.2 nmi²) area and is centered at 41° 08.950' N, 72° 52.950' W (NAD 83). It is located approximately 10.89 km (5.6 nmi) south of South End Point, East Haven, Connecticut. Since 1977, the management strategy at CLDS has entailed the controlled placement of small to moderate volumes of sediment to form individual disposal mounds on the seafloor. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.



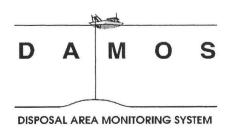




72°5'0"W

NEW LONDON DISPOSAL SITE

Description: The New London Disposal Site (NLDS) is an active open water dredged material disposal site located 3.1 nmi (5.4 km) south of Eastern Point in Groton, CT. Centered at 41°16.306' N, 72°04.571' W (NAD 83), the 1 nmi² (3.4 km²) NLDS has water depths which range from 46 ft (14 m) to 79 ft (24 m). The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents.



72°10'0"W

