
15-DAY NOTICE PUBLIC NOTICE



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

Comment Period Begins: July 22, 2014
Comment Period Ends: August 12, 2014
File Number: NAE-2013-0032
In Reply Refer To: Cori M. Rose
Phone: (978) 318-8306
E-mail: cori.m.rose@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from **Killingworth Cranberries, LLC c/o Keith B. Bishop**, 25 Meadow Ridge Lane, Guilford, Connecticut. This work is proposed in **Pond Meadow Brook at Pond Meadow Road, Killingworth, Connecticut**. The site coordinates are: 41.41429 North Latitude and -72.57962 East Longitude and depicted on the attached location map.

THIS IS AN AFTER-THE-FACT PERMIT APPLICATION.

The work conducted included the discharge of 185 cubic yards of clean sand fill over a 9,940 square foot area in waters and wetlands associated with Pond Meadow Brook for construction of a new access road berm to control seasonal water levels. Work also included cutting and grubbing of trees and shrubs over a 2.6 acre area and subsequent discharge of sand over a 1.32± acre area for reclamation of the eastern growing area for planting of cranberry bushes.

The purpose of the work was to restore the surface of the cranberry bog to a condition suitable for commercial cranberry production and mechanical harvest.

Bog reclamation activities include:

- Excavation to remove wetland vegetation (herbs and shrubs), including the existing cranberry vines, and organic wetland soil to a depth of approximately 8 inches
- Modification of an existing 675± foot-long bog road and berm to increase its height and width (1-foot and 10-feet, respectively) on the northern border of the reclaimed bog
- Construction of 1,192± linear feet of new 10-foot wide and 1-foot high berm/bog road on the eastern, southern and western borders of the reclaimed bog
- Discharge of 1,376 cubic yards of clean sand fill in the former wetland area to a depth of 4-inches to re-establish a planting bed
- Construction of 2.5-foot deep toe drain along the perimeter of the new berm to facilitate drainage during high water conditions.
- Installation of 4-inch diameter plastic corrugated subsurface drainage tiles and interior drainage pipes at a depth of 12-inches below the filled surface to replace existing open drainage features
- Construction a 0.40 acre 7-foot deep irrigation and tailwater recovery pond
- Installation of 18-inch culvert and 12-inch diameter (invert 497-feet NGVD)
- Installation of underground irrigation system
- Planting of approximately 11,761 cranberry plants (1 plant/square foot).

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The work is shown on the attached plans entitled “EXISTING CRANBERRY BOG,” on 2 sheets dated “April 29, 2014” revised “June 24, 2014” and “PRELIMINARY CRANBERRY BOG LAYOUT” on 1 undated sheet.

Mitigation measures to offset the loss of flood storage, prevent the discharge of soil and silt downstream and facilitate break-down of chemical pesticide applications included the construction of a 0.4 acre irrigation and tailwater recovery pond. The pond will provide an increase in flood storage of approximately 140 cubic yards and serve as pre-treatment before discharge to the Pond Meadow Brook tributary. Much of the irrigation pond and the pump house have been located in upland to minimize impact to wetland. The constructed bog road has been minimized to a single-wide access of 10-feet over the standard 12-foot single wide width.

Compensation for direct and secondary impact to wetland habitat function is anticipated to be maintained by contribution into the Connecticut In Lieu Fee Program and/or enhancement measures on bog adjacent to the commercial wetland.

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.

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. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

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.

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 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.

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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.



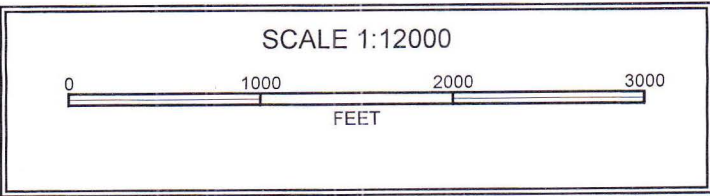
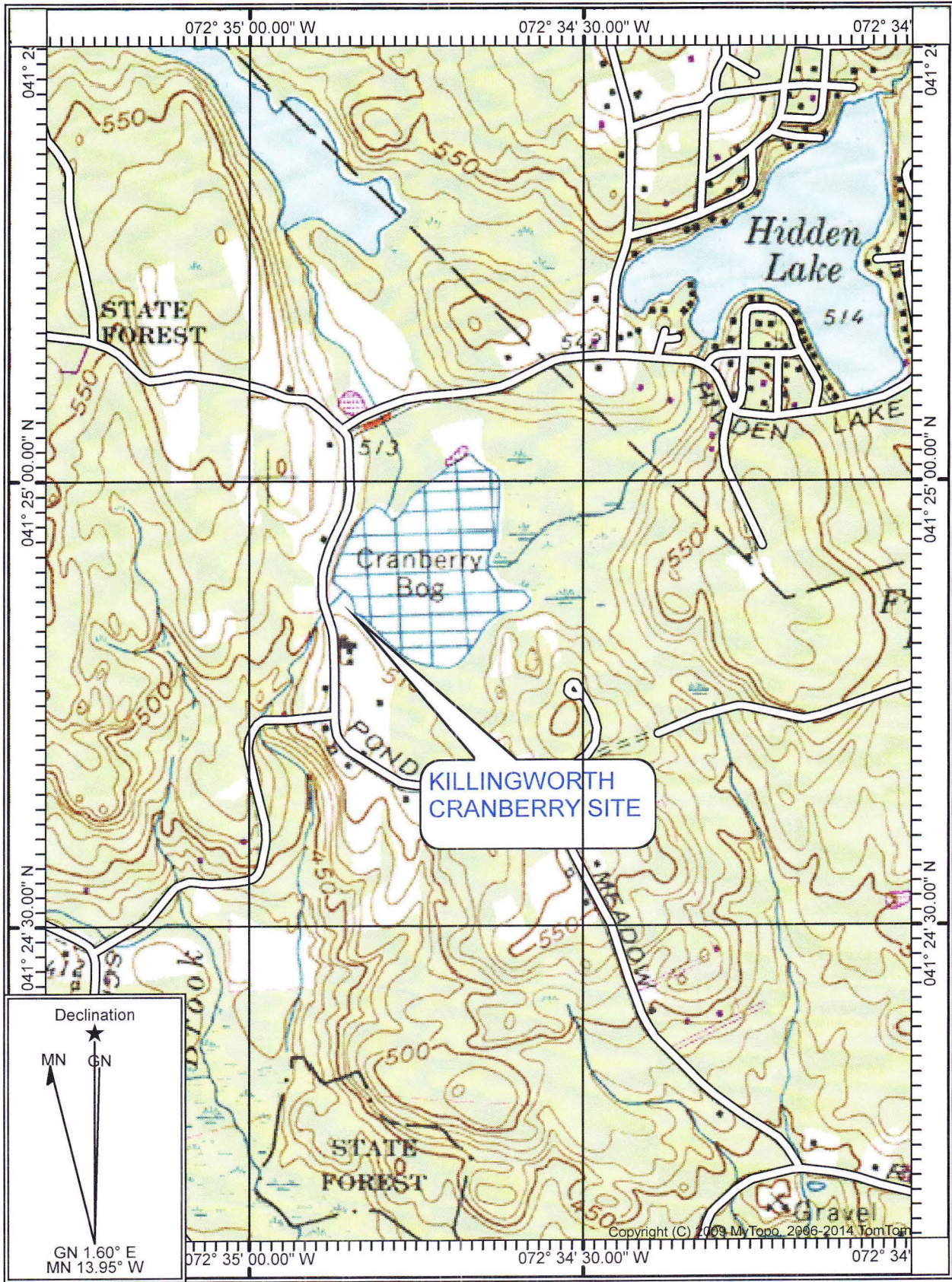
for **Robert J. DeSista**
Chief, Permits and Enforcement Branch
Regulatory Division

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. 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: _____

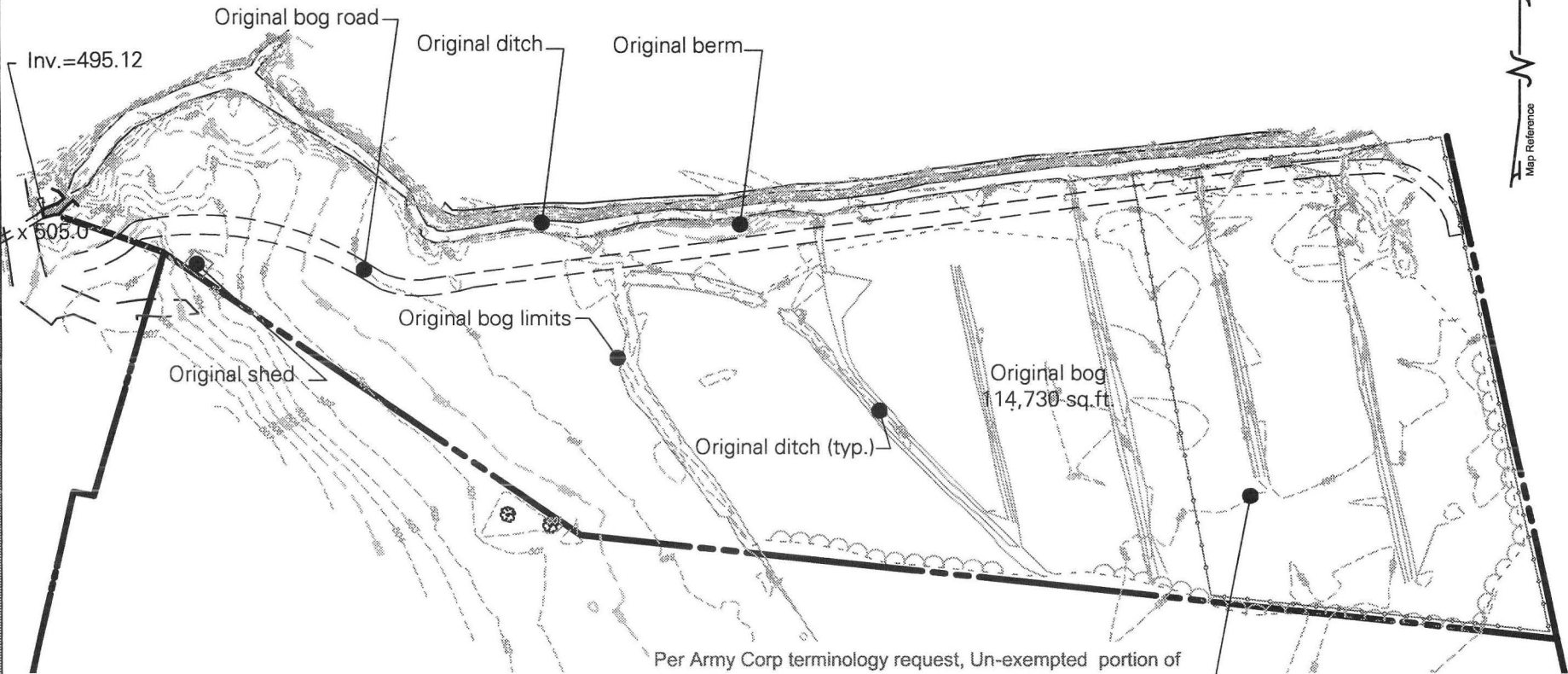
ADDRESS: _____

PHONE: _____



KILLINGWORTH
CRANBERRIES
POND MEADOW ROAD
C/O KEITH BISHOP
KILLINGWORTH CT

Notes: Existing cranberry bed (land in agricultural use) lies entirely within wetlands (jurisdictional waters of the United States).
 Approximate length of original bog road = 675'±
 Average variable width of original bog road = 8' to 10'



Per Army Corp terminology request, Un-exempted portion of 1.32 +/- acres. However this area has been in continuous agricultural production by previous owner.

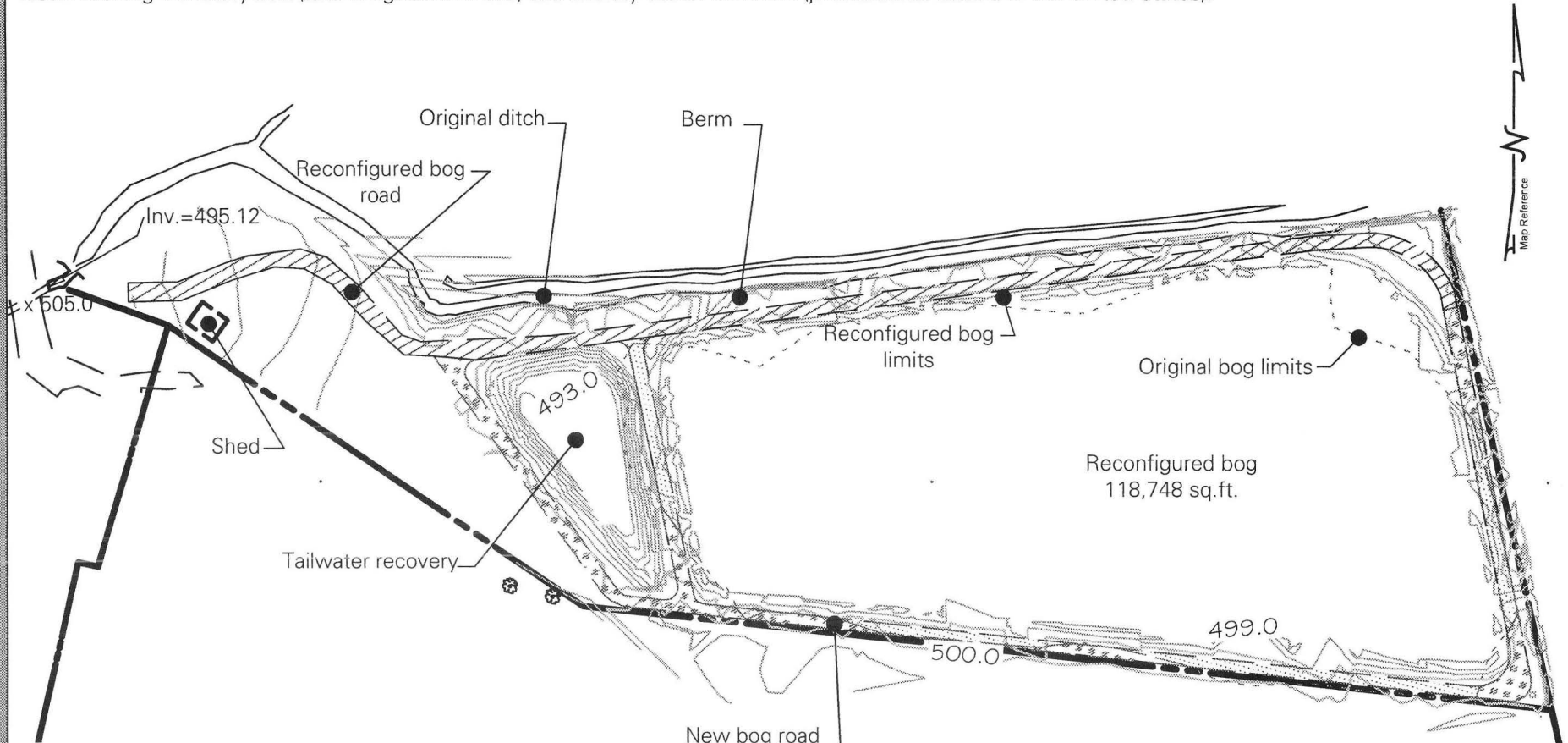
Legend

- Property Line / Right Of Way Line
- Un-exempted cranberry bed limit

Existing cranberry bog prior to renovation

Prepared For Keith Bishop		Date 04-29-14 Rev. 06-24-14	Scale 1" = 100'	Thomas A. Stevens & Associates, Inc. Civil Engineers • Land Surveyors 141 Durham Road, Unit 24 P.O. Box 568 Madison, Connecticut 06443-0568 (203) 245-0149 (860) 373-0260 Fax (203) 245-0731 www.civilsurvey.org
Location 155 Pond Meadow Road, Killingworth, Connecticut		Project 5480	Drawn Tony Bolduc	
Assessor's Info Map 09, Lot 03	Drawing A-0017	View 8.5 x 11 org	Sheet 1 Of 2	





Note: Existing cranberry bed (land in agricultural use) lies entirely within wetlands (jurisdictional waters of the United States).



New bog road
185cy±
9' wide
1,192'± length
9,940 sq.ft.

Reconfigured bog
118,748 sq.ft.

Legend

-  Property Line / Right Of Way Line
-  Reconfigured bog road
-  New bog road outside original wetlands
-  New bog road within original wetlands

Existing cranberry bog post renovation

Prepared For Keith Bishop		Date 04-29-14 Rev. 06-24-14	Scale 1" = 100'
Location 155 Pond Meadow Road, Killingworth, Connecticut		Project 5480	Drawn Tony Bolduc
Assessor's Info Map 09, Lot 03	Drawing A-0017	View 8.5 x 11 org	Sheet 1 Of 2

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3/29/2013