

PUBLIC NOTICE

US Army Corps of Engineers R New England District 696 Virginia Road Concord, MA 01742-2751 Comment Period Begins: February 25, 2014 Comment Period Ends: March 25, 2014

File Number: NAE-2014-178

In Reply Refer To: Michael Narcisi

Phone: (978) 318-8454

E-mail: Michael.J.Narcisi@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Peppermint Ridge, LLC., c/o Gary D. Smith. This work is proposed in The Niantic River at 1 First Street, Waterford, CT. The site coordinates are: Latitude 41.325607 Longitude -72.177185.

The purpose of this project is to upgrade the existing 17-slip floating dock facility at the Peppermint Ridge Marina, Waterford, CT. The new pile-supported structures are expected to better accommodate the Niantic River currents, which have caused damage in the past. The applicant proposes to maintain the 17-slip configuration while accommodating the berthing of larger vessels—including two dedicated slips for transient boaters.

The proposed reconfiguration will remove existing structures and allow for the following:

North:

- retain 10'x16' fixed dock
- install new 6'x20' floating transient dinghy dock, with 3 piles; to attach to existing dock via 3'x28' aluminum ramp
- rebuild existing wooden staircase

South:

- remove existing 250' fixed dock, and replace with new 293' floating dock system maintaining 17 slips:
 - 6'x37' float with one 3'x20' finger
 - 6'x71' floating dock with two 4'x20' fingers
 - 6'x57' float with two 4'x20' fingers
 - 8'x127' floating dock with: 5'x30' finger, 4'x25' finger, two 3'x20' fingers, 6'x10' float landing, and 4'x20' aluminum ramp
- Dock house conversion to two public restrooms:
 - includes water and sewer systems
 - install new 4'x20' ramp, and new stairs to replace existing
 - new 5.5'x9.5' (58+/- SF) pier platform with one pile
 - new 300 SF observation deck over the existing dock house

New structures will extend up to 75' beyond mean high water (MHW), and the closest pile is expected to be 45' away from the 8-ft federal channel.

The work is shown on the attached plans, in 17 sheets, and dated "Jan. 14, 2014."

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AUTHORITY

Pern	nits are required pursuant to:
<u>X</u>	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.

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).

Beyond the existing facilities' footprint, the proposed marina expansion is expected to impact an additional 22,000+/- sq. ft. (0.5 acres) of Essential Fish Habitat (*EFH*). See attached EFH listing of potential species and their life stages. The project site is located 500 ft north of the CT156/Main Street Bridge. The project area habitat consists of a developed shorefront with neighboring boat dock facilities. The intertidal zone consists of a masonry stone seawall to the north that grades to a rock and cobble revetment that protects most of the peninsula. The subtidal substrate primarily consists of gravelly sand with stones, and no submerged aquatic vegetation beds are present. The District Engineer has made a preliminary determination that the site-specific adverse effects on EFH will not be substantial; furthermore, consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

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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.

COASTAL ZONE MANAGEMENT

The State of Connecticut has an approved **Coastal Zone Management Program**. 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.
- (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 Michael Narcisi at (978) 318-8454, or (800) 343-4789.

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

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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 DO ANY WORK.

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:		

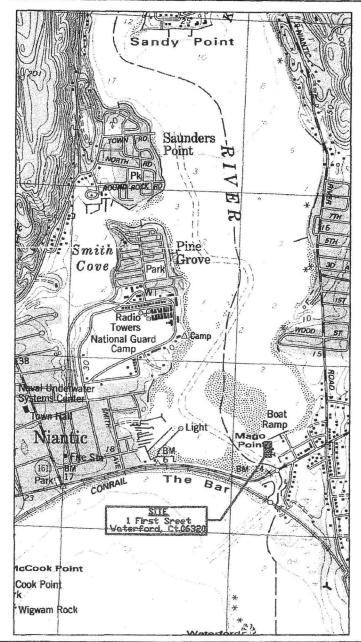
Summary of Essential Fish Habitat (EFH) Designation

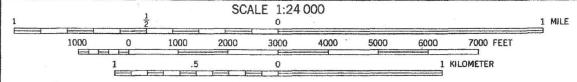
10 x 10 Square Coordinates:

Boundary	North	East -	South	West
Coordinate	41 30.0 N	72 00.0 W	41 20.0 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: within New London Harbor from Long Island Sound on the south, north up to just north of Smith Cove within the Thames River. These waters affect the following: Greens Harbor, Hog Back, White Rock, Melton Ledge, Groton, CT., and New London CT., Winthrop Pt., Jacobs Rock, Bailey Pt., Mamacoke River, and Harrison, CT. Also, the waters within this square are found within the Poquonock River north of the Groton New London Airport, and affect waters within northern Jordan Cove, Jordan Brook, and North Wing Brook, near Jordan CT.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon (Salmo salar)			Х	X
pollock (Pollachius virens)			Х	X
red hake (Urophycis chuss)	X	Х	Х	X
windowpane flounder (Scophthalmus	Х	Х	Х	X
Atlantic seaherring (Clupea harengus)			Х	Х
monkfish (Lophius americanus)				X
bluefish (Pomatomus saltatrix)			Х	Х
king mackerel (Scomberomorus cavalla)	X	×	X	X
Spanish mackerel (Scomberomorus	X	X	Х	Х
cobia (Rachycentron canadum)	X	X	X	X
sand tiger shark (Carcharias taurus)		X		





CONTOUR INTERVAL 10 FEET

NATIONAL GEODETIC VERTICAL DATUM OF 1929
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOW WATER
THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE MEAN RANGE OF TIDE IS APPROXIMATELY 2.7 FEET

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

NIANTIC, CONN. – N. Y. 41072-C2-TF-024

1983

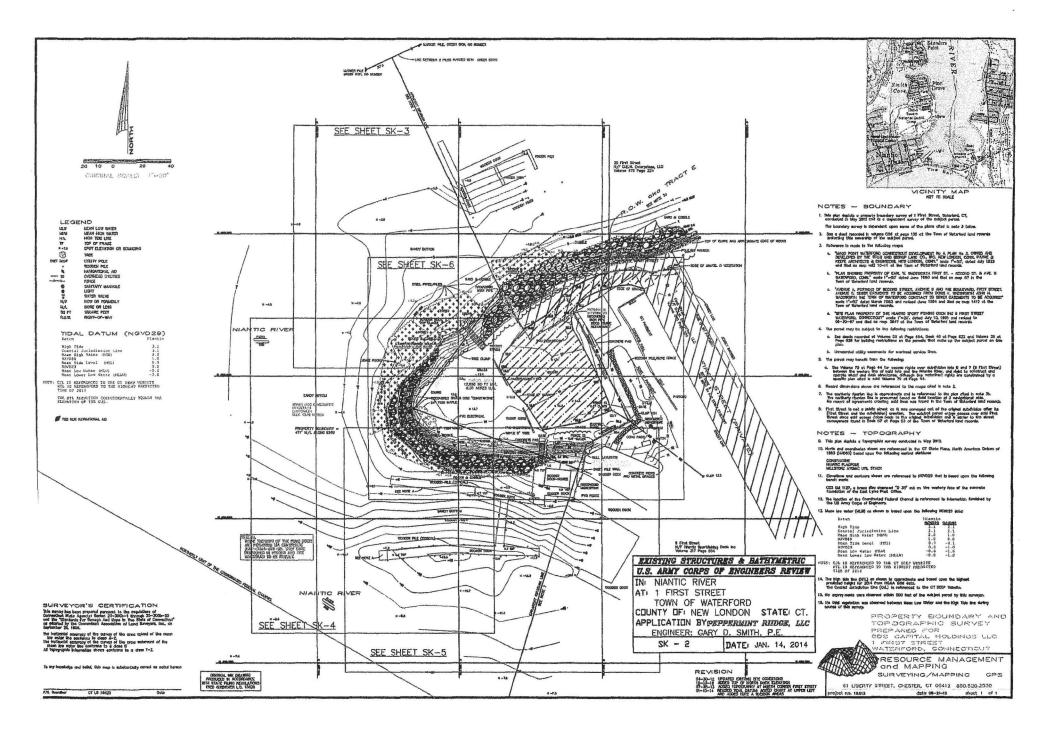
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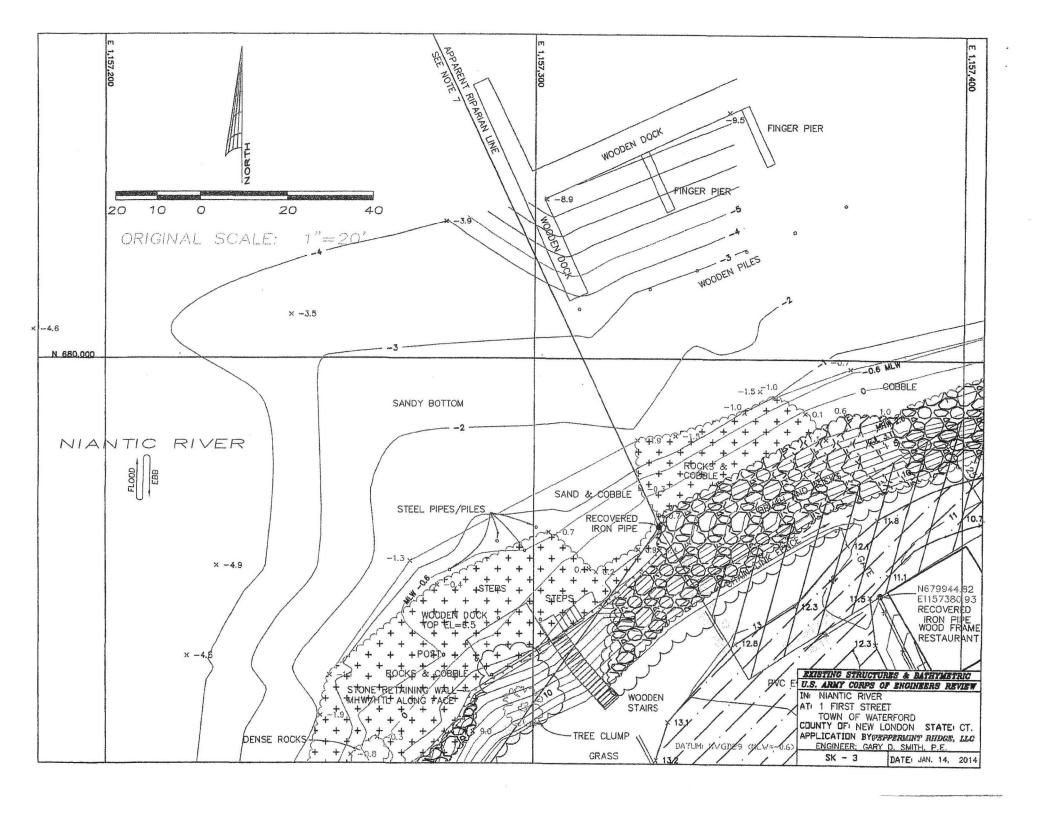
USGS TOPOGRAPHIC QUADRANGLE MAP U.S. ARMY CORPS OF ENGEERS REVIEW

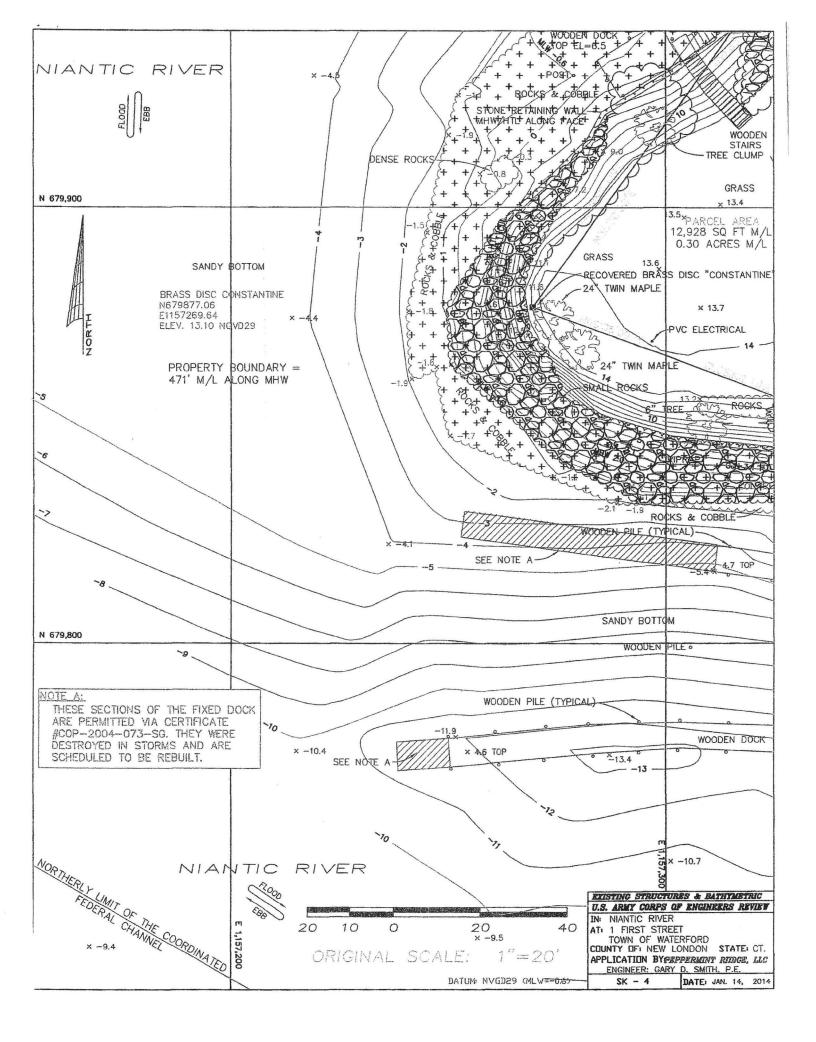
IN: NIANTIC RIVER
AT: 1 FIRST STREET
TOWN OF WATERFORD
COUNTY OF: NEW LONDON STATE: CT.
APPLICATION BY: PEPPERBINT RIDGE, LLC
ENGINEER: GARY D. SMITH, P.E.

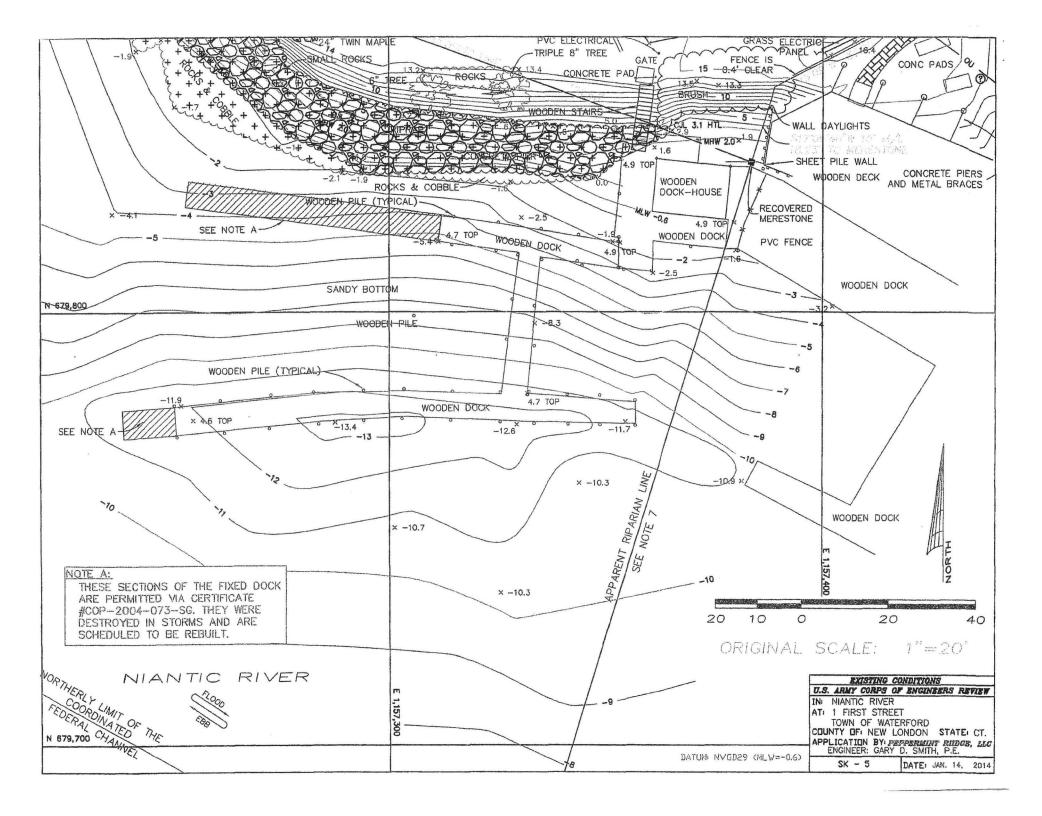
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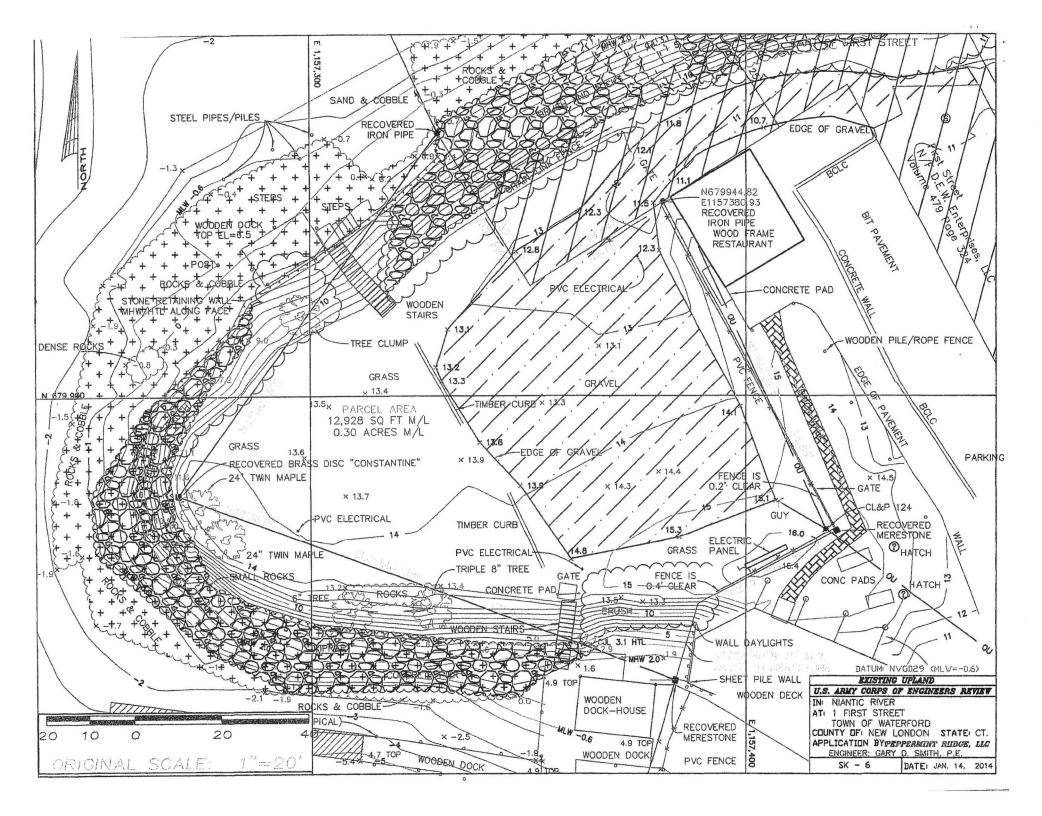
DATE: JAN. 14, 2014

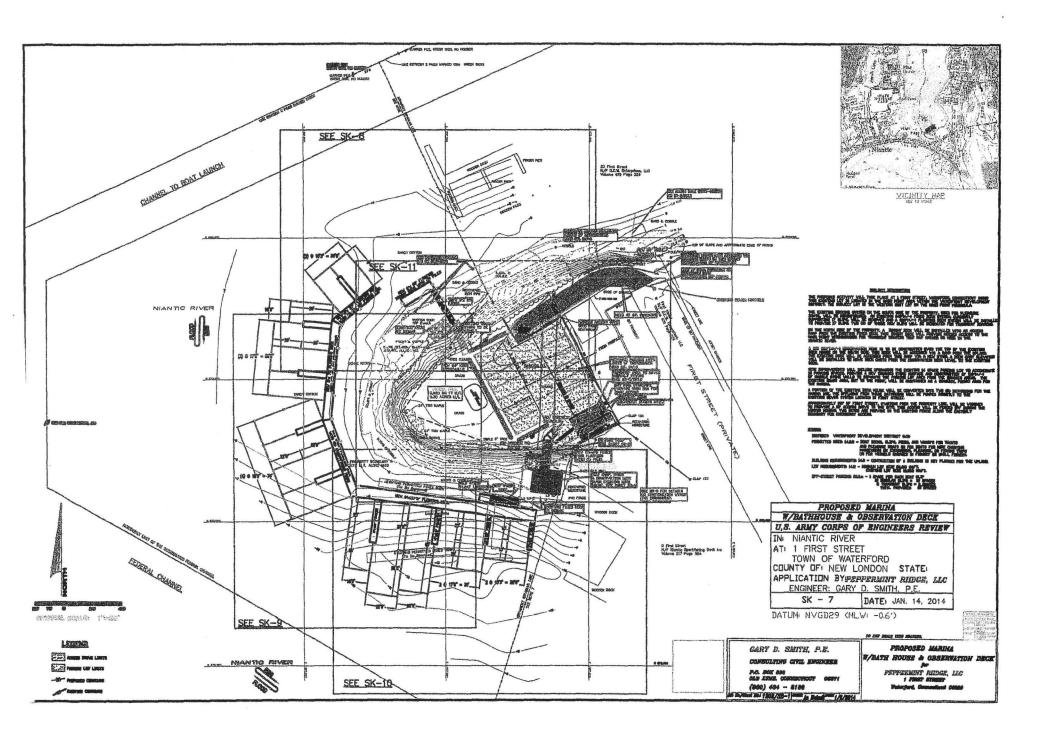


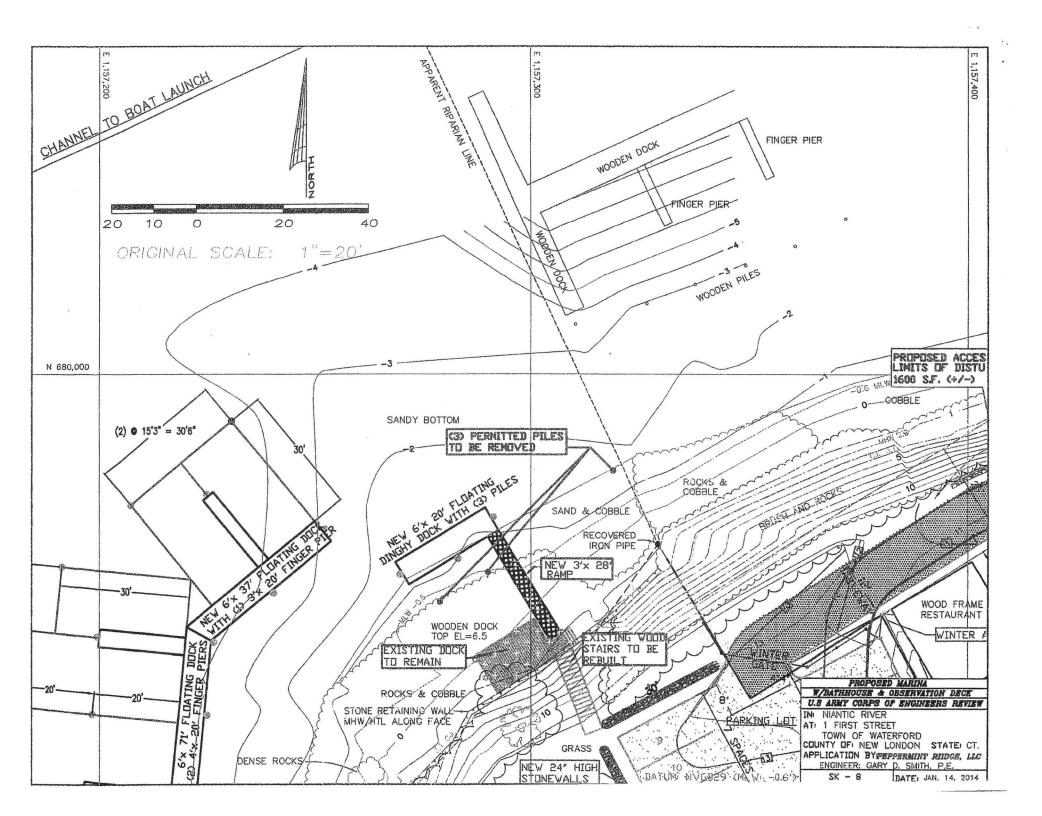


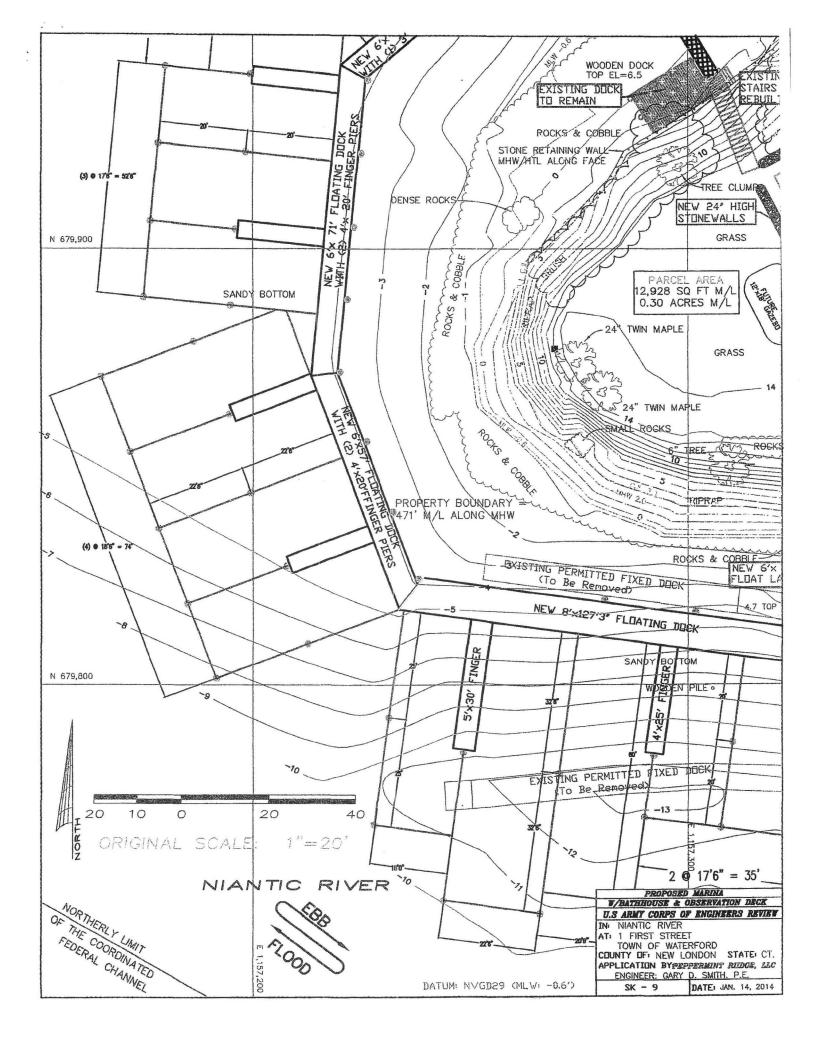


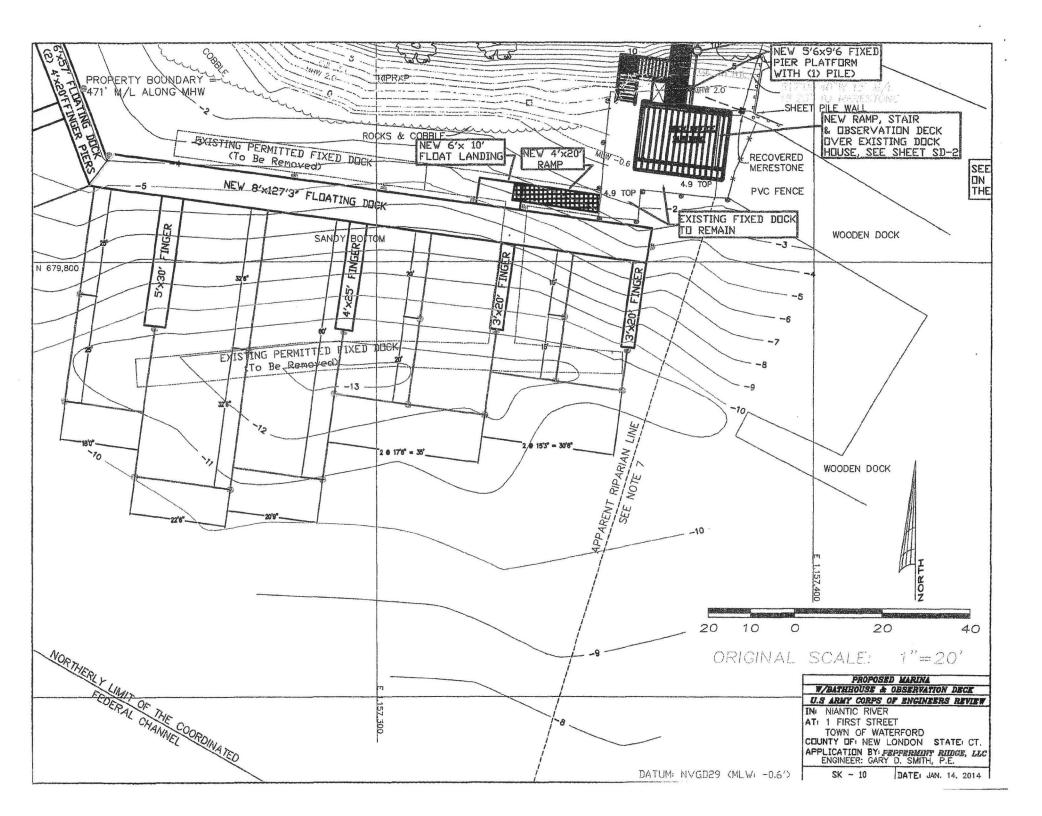


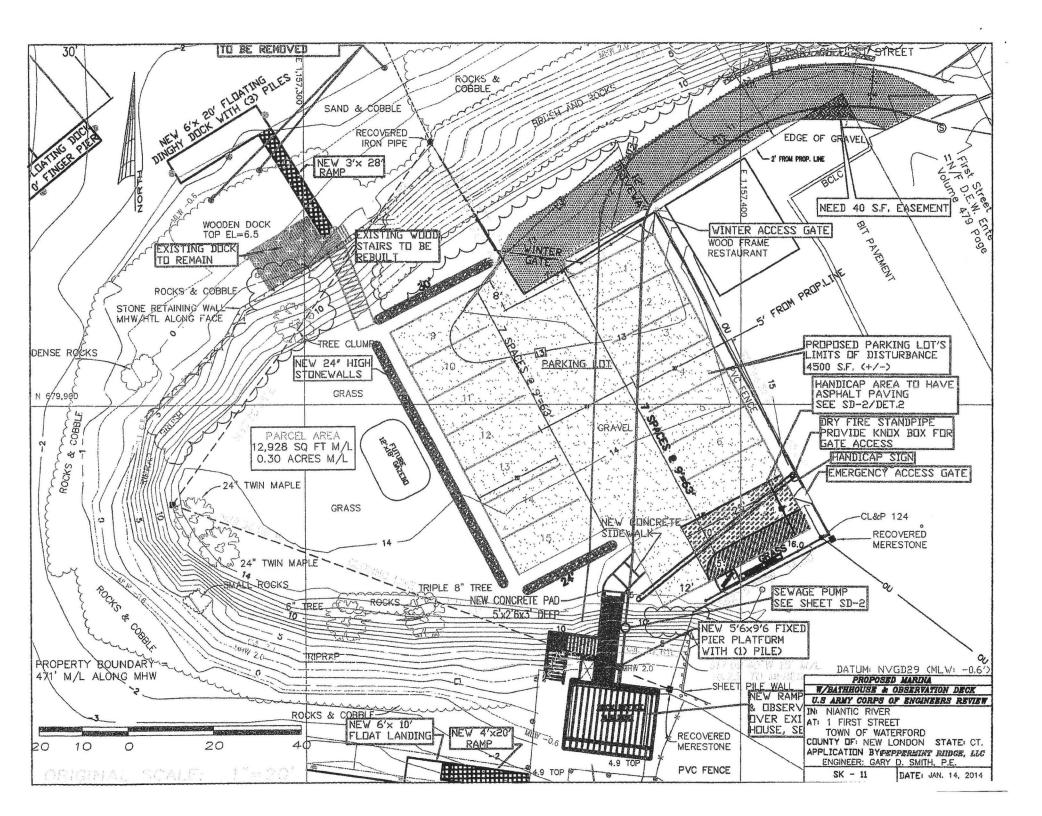


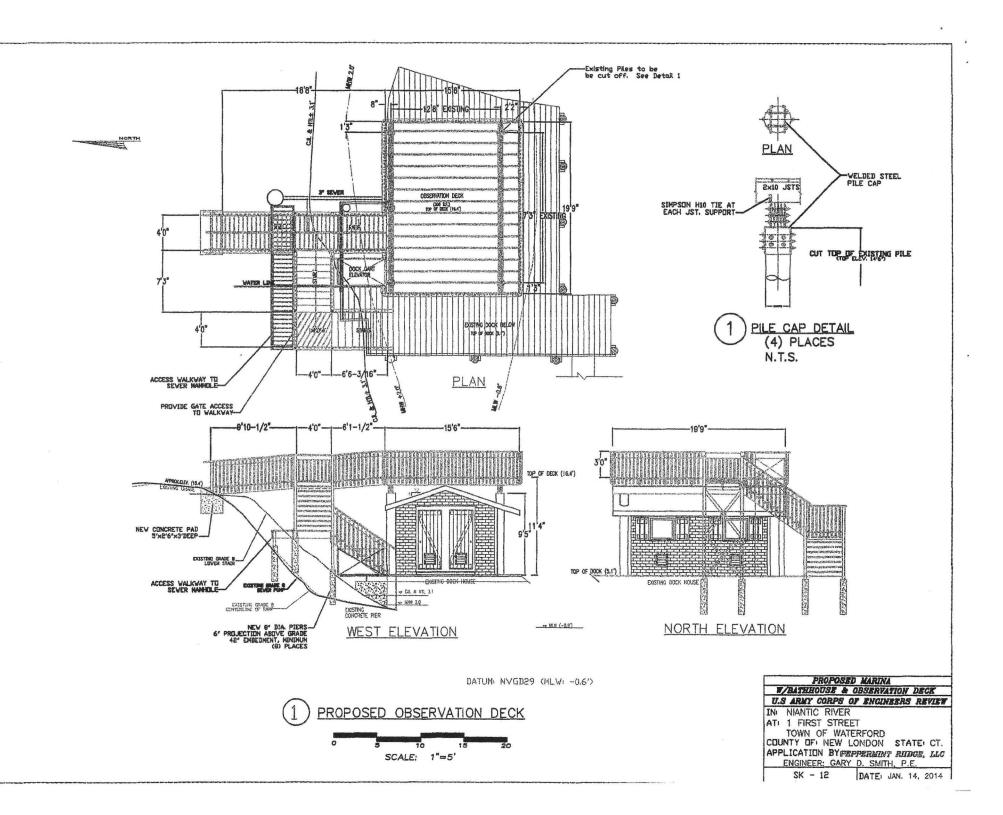


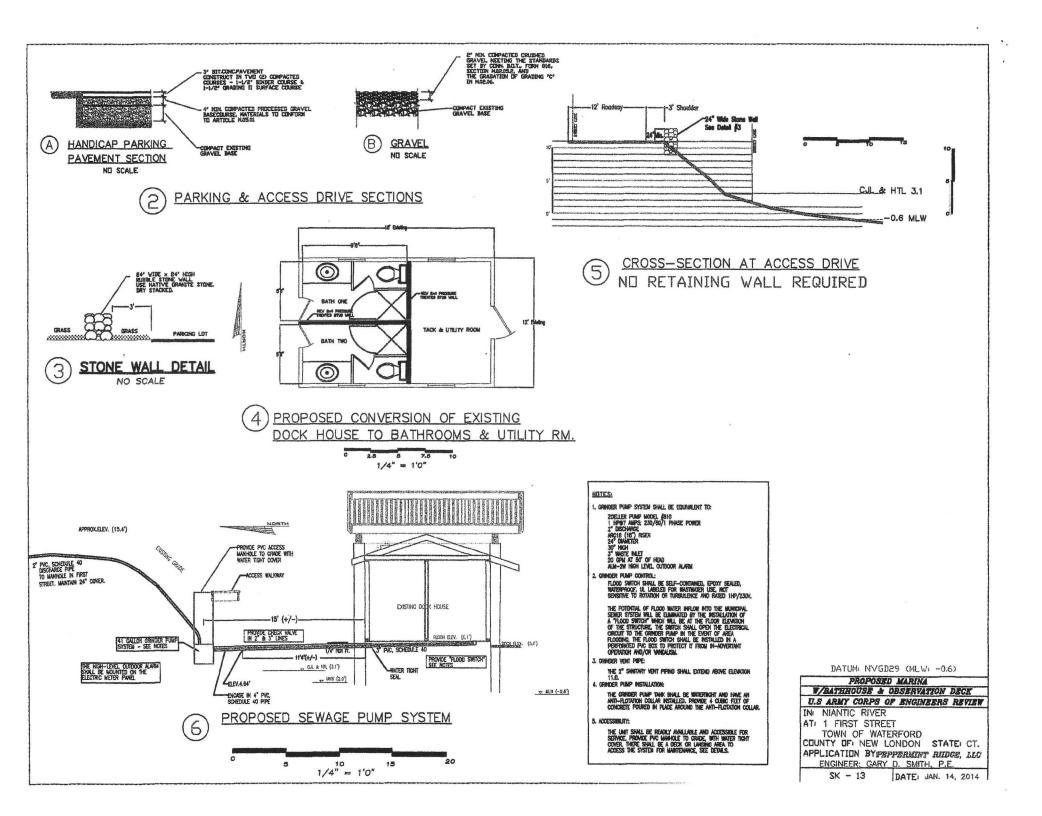


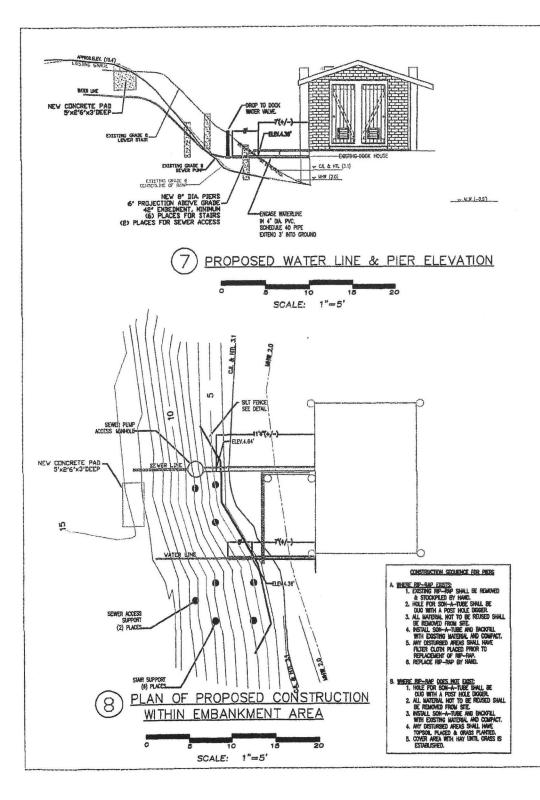












EROSION & SEDIMENTATION CONTROL PLAN NOTES

I. EROSION AND SEDDMENTATION CONTROLS MOST BE CONSTRUCTED, STRBILIZED, AND FUNCTIONAL BEFORE GENERAL SITE DISTORBANCE WITHIN THE TRIBUTARY AREAS OF TROSS CONTROLS

2. AFTER FOVAL SITE STABILIZATION HAS BEEN ACHIEVED, TIMPORARY REASON AND SEDDMENTATION CONTROLS MOST BE REMOVED. AREAS DISTURBED DORING REMOVAL OF THE CONTROLS MOST BE STABILIZED.

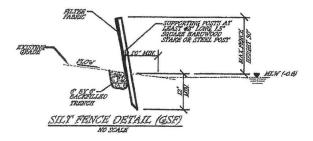
3. EGOSION AND SEDIMENTATION CONTROLS MOST BE PROTECTED FROM UNAUTEORIZED ACTS OF TEURO PARTIES.

4. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE PROPER CONSTRUCTION, STABILIZATION AND MANTEMANIS OF ALL SEASON & SEDDIENTATION CONTROLS AND RELATED ITEMS INCLUDED WITEIN TELS PLAN.

S. THE CONTRACTOR MUST DEVILOR, AND HAVE APPROVED BY THE TORM OF WATERPOOD, A SEPARATE ECOSION & SECONDATIATION CONTROL PLAN FOR MACE SPOUL BERRY, OR OTHER WORK AREA NOT DETAILED IN THE PERMITTED PLAN WHETHER LOCATED WITHIN OR OUTSIDE OF THE CONSTRUCTION LIGHTS.

6. SECULO ANY MEASURES CONTADIED WITHIN THIS PLAN PROVE INCAPSELE OF ADEQUATELY REMOTING SECONDAY PROM CHASTE FLOWS FORD TO DESERBAGE OF OF STABLICENIC THE SURFACES INVOLVED, ADDITIONAL MALSONES MUST BE INDUCATELY INFOMEMENTED BY THE CONTRACTOR TO ELEGIANTE ALS SOOF PROJECTED.

T. ONTIL THE SITS AS STABLLEED, ALL BEASION & SEDDLENTATION CONTROLS MOST BE MAINTAINED PROPERLY. MAINTENANCE MOST DICLIDIS INSPECTIONS OF ALL BEOSION & SECONDENTATION CONTROLS AFTER BAGE STORM EVANT AND ON A WEEKT MASSE. HE PREVADITE AND EMEDIAL MAINTENANCE WORK DICLODING CLEANOUT, REPHAIL MAINTENANCE WORK DICLODING CLEANOUT, REPHAIL REPLACIMENT, RESPANDING RESECONDE REMOLERING AND RESPECTIVE MOST SE PERSONERS DISCONSINTELY.



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(9) SEDIMENTATION & EROSION CONTROLS

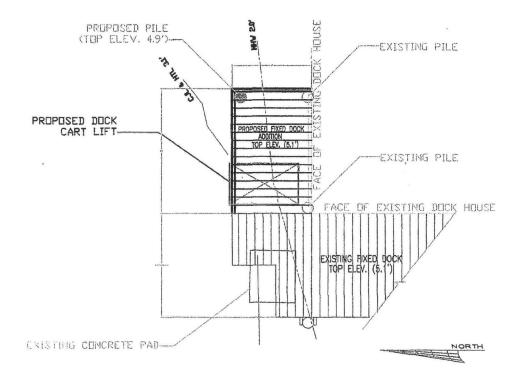
PROPOSED MARINA W/BATHHOUSE & OBSERVATION DECK U.S ARMY CORPS OF ENGINEERS REVIEW

IN: NIANTIC RIVER AT: 1 FIRST STREET TOWN OF WATERFORD

COUNTY OF NEW LONDON STATE CT.
APPLICATION BYPEPPERMINT RIDGE, LLC
ENGINEER: GARY D. SMITH, P.E.

DATUM NVGD29 (MLV: -0.6)

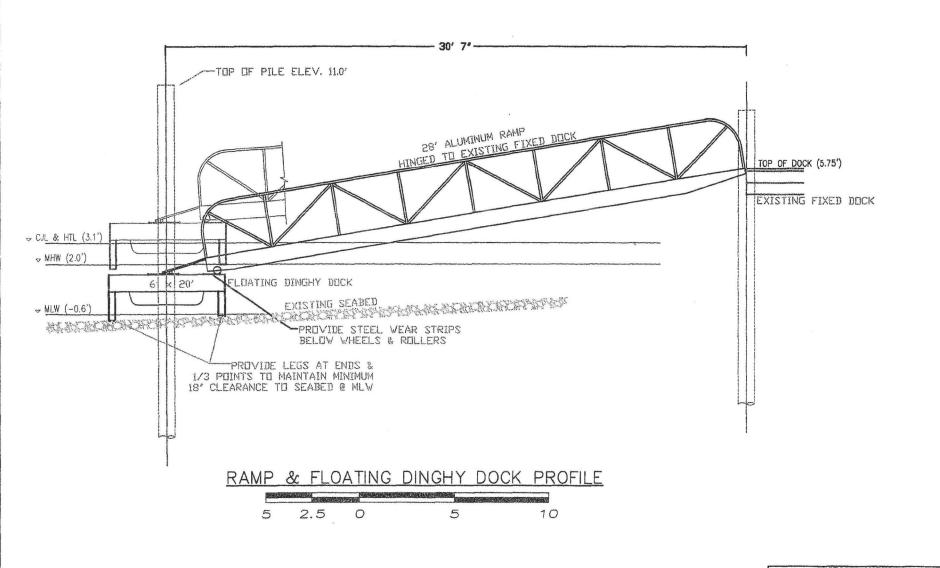
SK - 14 DATE: JAN. 14, 2014



PROPOSED FIXED DOCK ADDITION 58 SQ.FT.



PROPOSED MARINA W/BATHHOUSE & OBSERVATION DECK U.S ARMY CORPS OF ENGINEERS REVIEW

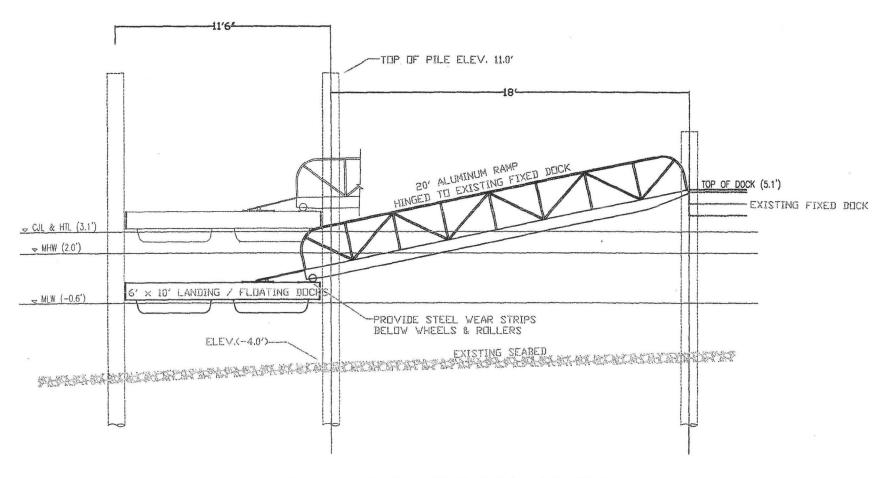


PROPOSED MARINA W/BATHHOUSE & OBSERVATION DECK U.S ARMY CORPS OF ENGINEERS REVIEW

IN NIANTIC RIVER ATI 1 FIRST STREET TOWN OF WATERFORD COUNTY OF NEW LONDON STATE CT. APPLICATION BYPEPPERMINT RIDGE, LLC ENGINEER: GARY D. SMITH. P.E. SK - 16

DATUM NVGD29 (MLW: -0.6)

DATE: JAN. 14, 2014



RAMP & MAIN FLOATING DOCK PROFILE



PROPOSED MARINA W/BATHHOUSE & OBSERVATION DECK U.S ARMY CORPS OF ENGINEERS REVIEW IN: NIANTIC RIVER AT: 1 FIRST STREET TOWN OF WATERFORD COUNTY OF NEW LONDON STATE CT. APPLICATION BYPEPPERMINT RHIDGE, LLC ENGINEER: GARY D. SMITH, P.E. SK - 17

DATUM: NVGD29 (MLV: -0.6)

DATE: JAN. 14. 2014