



PUBLIC NOTICE

Comment Period Begins: March 5, 2024

Comment Period Ends: April 5, 2024

File Number: NAE-2022-00691

In Reply Refer to: Ms. Cori M. Rose, Regulatory Division

Phone: (978) 831-3673

Email: cori.m.rose@usace.army.mil

The District Engineer, U.S. Army Corps of Engineers, New England District (USACE), has received a permit application, file number NAE-2022-00691 to conduct work in waters of the United States (WOTUS) from William Hurley at the Town of Fairfield Engineering Department, Sullivan Independence Hall, 725 Old Post Road, Fairfield, Connecticut 06824. This work is proposed in waters that are a tributary of the Rooster River in Tunxis Hill Park at 225 Melville Avenue, Fairfield Connecticut 06824. The site coordinates are Latitude 41.17997° North and Longitude -73.22738° West.

The work proposed will involve the discharge of approximately 250 cubic yards of fill material consisting of soil, crushed stone, and interlocking concrete blocks underlain by a layer of geosynthetic polypropylene mesh grid, into waters and wetlands for the construction of an earthen berm. The berm will be approximately 8-feet high and 60-feet wide and will extend for approximately 400 linear feet. Incorporated into the detention area is an approximately 5-foot-wide concrete outlet control structure connected to a 42-inch diameter reinforced concrete pipe (RCP) to regulate flow. The berm will create a flood storage detention with a capacity of 10.06 acre-feet.

Flow from the site will be conveyed through the installed outlet control structure and RCP under the existing baseball field for approximately 260-feet before connecting to a new 36-inch diameter RCP that will convey flow from the park to a stream outlet north of Villa Place, east of its intersection with Nordstrand Avenue. This RCP conveyance is not subject to USACE Regulatory Review as its installation will not occur in waters or wetlands that may be subject to regulation as WOTUS.

In total the proposed project will result in the permanent loss of 1,170 sq. ft. of wetlands and 595 sq. ft. (117 linear feet) of watercourse. Temporary impact from construction will impact 70 sq. ft (10 linear feet) of watercourse and 340 sq. ft. of wetland. In the long-term, indirect wetland impacts will be incurred through the temporary inundation of a 45,000 sq. ft. (1.03 acre) area of the southern, on-site wetland during high-flow events. The zone of inundation will include portions of the unnamed stream channel and forested wetlands bordering the watercourse within the eastern portion of the wetland.

The purpose of the project is to install flood water detention that will be capable of attenuating flows downstream and will be able to reduce the frequency and severity of flooding to properties and public infrastructure along the Rooster River.

The work is shown on the enclosed plans prepared by SLR Consulting entitled "TUNXIS HILL PARK (SITE 1)" on 7 sheets dated "JUNE 10, 2022."

The applicant proposes to minimize adverse impact of the work with a temporary water bypass to maintain instream flow during instream construction and through the installation and maintenance of water quality best management practices. To offset the unavoidable adverse impacts to WOTUS, mitigation may include on-site wetland rehabilitation or compensation through the Audubon Connecticut In-Lieu Fee Program.

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 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 WOTUS 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 our initial review of the proposed project, it appears there is little likelihood that a historic property exists or may be affected due to the nature, scope, and magnitude of the work, and/or structures to be permitted. This is based upon the following: the permit area has been extensively modified by previous work and the permit area has been recently created in modern times. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be undertaken as part of the permit review process and these consultations will be completed prior to a making a final decision on the application.

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 (ESA) 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 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.

COMMENTS

The USACE is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties so that we may evaluate the impacts of this proposed activity. Any comments received will be considered by USACE 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. People

CENAE-R-CT
File No. NAE-2022-00691-TREC

submitting comments are advised that all comments received will be available for public review in their entirety and will be considered a matter of public record.

Comments should be submitted in writing by the above date. If you have any questions, please contact Ms. Cori M. Rose, Regulatory Division Technical Regional Execution Center by email at cori.m.rose@usace.army.mil or by phone at (978) 831-3673.

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. 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, CT/RI Section
Regulatory Division

Please contact Ms. Tina Chaisson at bettina.m.chaisson@usace.army.mil or (978) 318-8058 if you would like to be removed from our public notice mailing list.