



# PUBLIC NOTICE

**Comment Period Begins:** March 5, 2024

**Comment Period Ends:** April 5, 2024

**File Number:** NAE-2022-00692

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

**Phone:** (978) 831-3673

**Email:** [cori.m.rose@usace.army.mil](mailto: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-2022-00692 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 affiliated with Londons Brook on the Fairchild Wheeler Country Club at 2390 Easton Turnpike, Fairfield Connecticut 06824. The site coordinates are Latitude 41.21253° North and Longitude -73.23832° West.

The work will involve the discharge of approximately 1,170 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 two earthen berms. The northernmost berm which will create Detention Area 120 (total flood storage capacity of 13.1 acre-feet) will be approximately 6-feet high and 70-feet wide and will extend for approximately 500 linear feet. Incorporated into the earthen berm will be an approximately 64-foot-long by 20-foot-wide concrete weir control structure to regulate flow. The southernmost berm, which will create Detention Area 110 (total flood storage capacity of 21.4 acre-feet), will be approximately 9.5-feet high and 75-feet wide and will extend for approximately 300 linear feet. Incorporated into the earthen berm will be an approximately 90-foot-long by 20-foot-wide concrete weir control structure to regulate flows. Both flow weirs will be capped with a timber bridge for pedestrian access.

In total, the two berms will result in the permanent loss of approximately 12,250 square feet of wetlands and 910 square feet / 116 linear feet of watercourse (Londons Brook). Additionally, the work will result in an estimated temporary impact to 910 square feet of wetlands and 350 sq. ft. (151 linear feet) of watercourse from construction-related activities. Post-construction, the indirect impact to wetland from retention of flood waters is estimated to be approximately 3.5 acres. Impacts to WOTUS are reflected in the table below:

<b>Detention Area 110 (approximate estimate)</b>		
<b>Impact</b>	<b>Area</b>	<b>Type</b>
Direct Wetland Impact	9,210 sq. ft. / 0.21 acre	Fill/Disturbance
Direct Stream Impact	560 sf. ft. / 0.012 acre	Fill/Disturbance
Stream Loss	49 Linear Feet	Fill/Disturbance
Indirect Wetland Impact	88,000 SF/2.02 acres	Temporary Inundation
<b>Detention Area 120 (approximate estimate)</b>		
<b>Impact</b>	<b>Area</b>	<b>Type</b>
Direct Wetland Impact	3,950 sq. ft. / 0.09 acre	Fill/Disturbance
Direct Stream Impact	700 sq. ft. / 0.02 acre	Fill/Disturbance
Stream Loss	68 Linear Feet	Fill
Indirect Wetland Impact	71,000 SF/1.63 acre	Temporary Inundation

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The purpose of the project is to install flood water detention that will be capable of attenuating flows downstream and that is 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 "FAIRCHILD WHEELER COUNTRY CLUB (SITE 7)" on 11 sheets, dated "JUNE 10, 2022", revised through "AUGUST 9, 2023."

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 so that we may 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.

### **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 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 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.

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 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

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need for a public hearing and to determine the overall public interest of the proposed activity. People 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 of the Regulatory Division Technical Regional Execution Center by email at [cori.m.rose@usace.army.mil](mailto:cori.m.rose@usace.army.mil) or by phone at (978) 831-3573.

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

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