
PUBLIC NOTICE



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

Comment Period Begins: November 26, 2019
Comment Period Ends: December 11, 2019
File Number: NAE-2018-01057
In Reply Refer To: Cori Rose
Phone: (978) 318-8306
E-mail: cori.m.rose@usace.army.mil

15-Day Public Notice

The District Engineer has received a permit application from Jonathan McGee, New England Sea Farms, LLC, 11 Windermere Way, Ivoryton, Connecticut, to install a kelp farm of five acres in waters of the United States off of Guilford, Connecticut, between Leetes Island and Sachems Head. The work is proposed in Long Island Sound, Guilford, Connecticut. The lease area coordinates are: Latitude 41.250008, Longitude -72.725642 (northeast corner). The gear/structure area coordinates are: Latitude 41.25, Longitude -72.726 (northeast corner). The work is shown on the enclosed plans titled "New England Sea Farms, Jonathan McGee, Lot 2016-SW#21, 5 acres, Guildford, CT," on three sheets, and dated "8/14/19."

The kelp would be grown for culinary uses and be seeded with a state-approved, local source. The kelp, which grows approximately five feet in length, would be grown on four 500-foot long lines spaced at least 20 feet apart. The lines would be anchored with appropriate mooring anchors on each end and at the midpoint, and the mooring anchors would be connected to a total of three mooring buoys. Each line would be supported by eleven 12-inch diameter floating buoys spaced 30-50 feet apart for the purpose of maintaining a horizontal configuration of the line, which is important for the crop yield, and the lines and their orientation will be visible on the surface. The entire rectangular boundary around the long lines would be marked with six safety aids to navigation (hazard buoys) placed no more than 300 feet apart and supported by mooring anchors. The sides of the rectangular boundary would be no closer than 50 feet from the long line(s).

One long line would be installed in the first year, a second long line would be installed in the second year, and two more long lines would be installed in the third year. The long lines would be in place from October 1 through May 15 until harvest and then will be removed May 30. The gear would be deployed with the help of a commercial entity (e.g., a local marina crew). The long lines would likely be seeded in November and inspected periodically to monitor line conditions and product growth. After the season, by May 30, the long lines and flotation buoys would be removed from the site and cleaned/repared. The mooring anchors and buoys would remain in the water.

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.
- Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

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 U.S. Army Corps of Engineers, New England District (Corps), 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 Corps 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.

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). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

This project, specifically concrete mooring anchors if selected instead of mushroom anchors, would impact a maximum of 360 SF of EFH. This habitat consists mostly of sand with a minimum water depth of 14 feet mean lower low water and 20 feet at mean high water. Loss of this habitat may adversely affect managed fish species with EFH designated through the New England & Mid-Atlantic Fishery Management Councils. 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

e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s).

ENDANGERED SPECIES CONSULTATION

The Corps 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 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 states of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island 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 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.
- () Water Quality Certification in accordance with Section 401 of the Clean Water Act.

COMMENTS

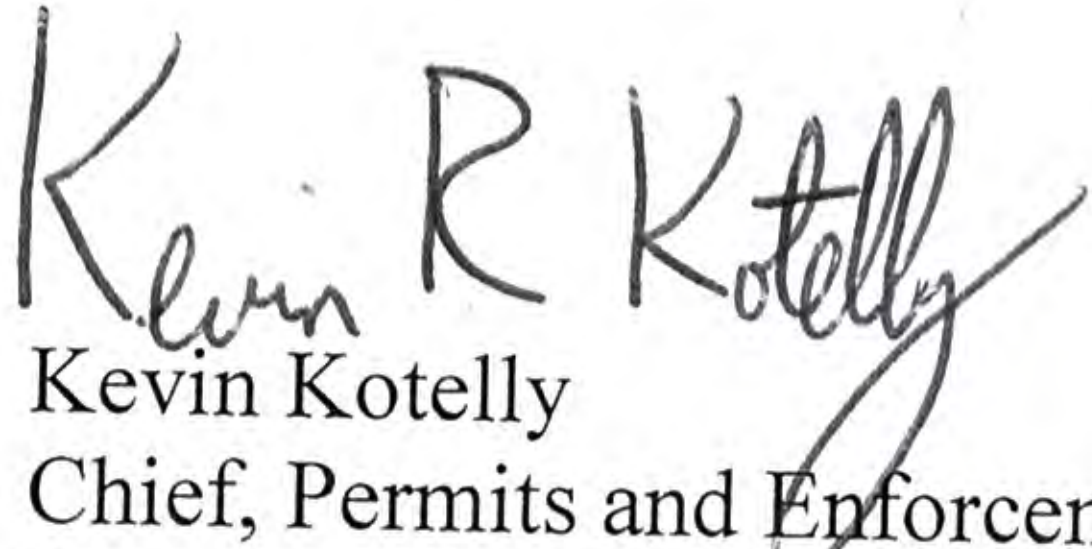
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Cori Rose at (978) 318-8306.

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.

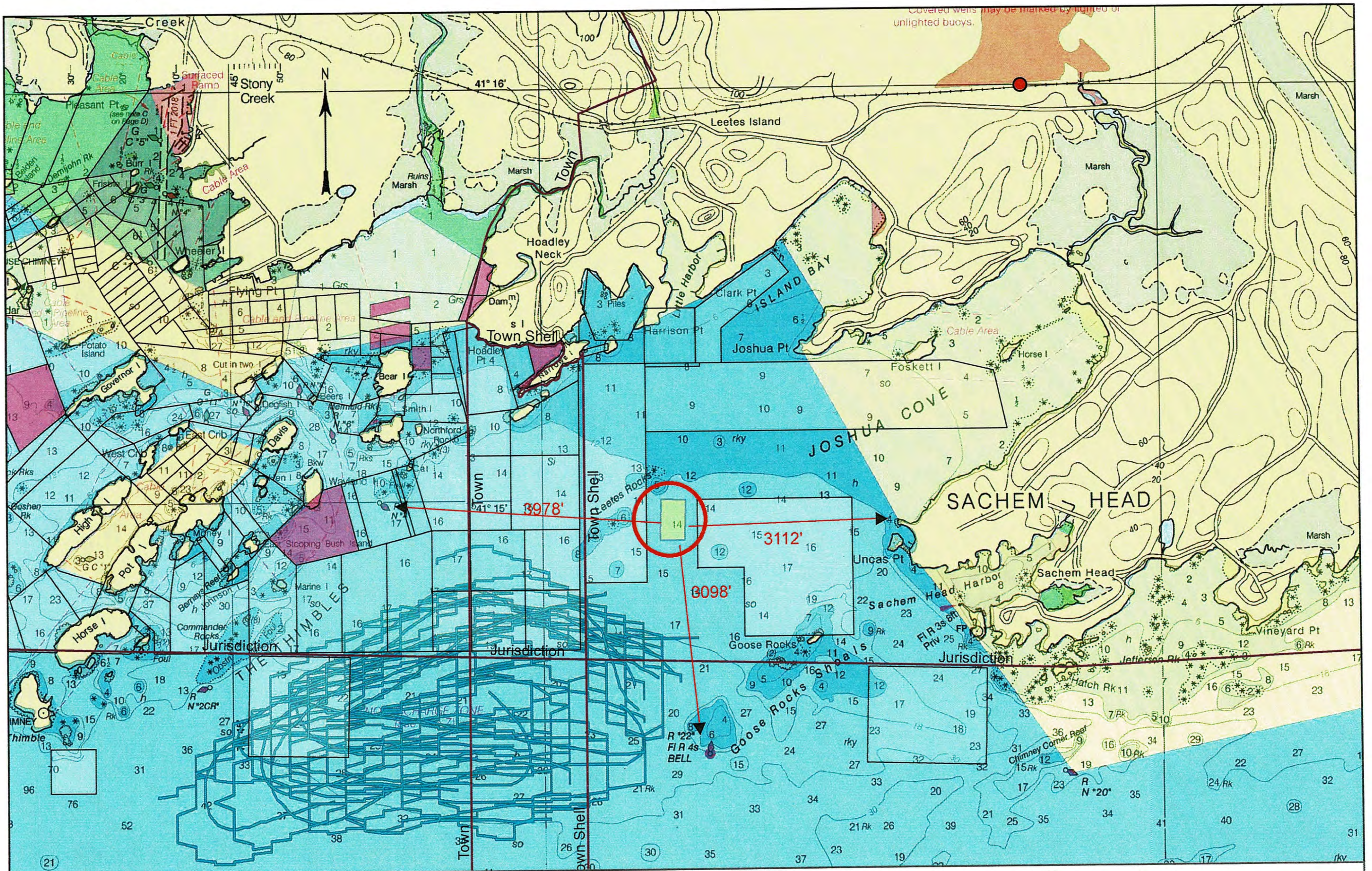
CENAE-R
FILE NO. NAE-2018-01057

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Kevin Kotelly
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: _____



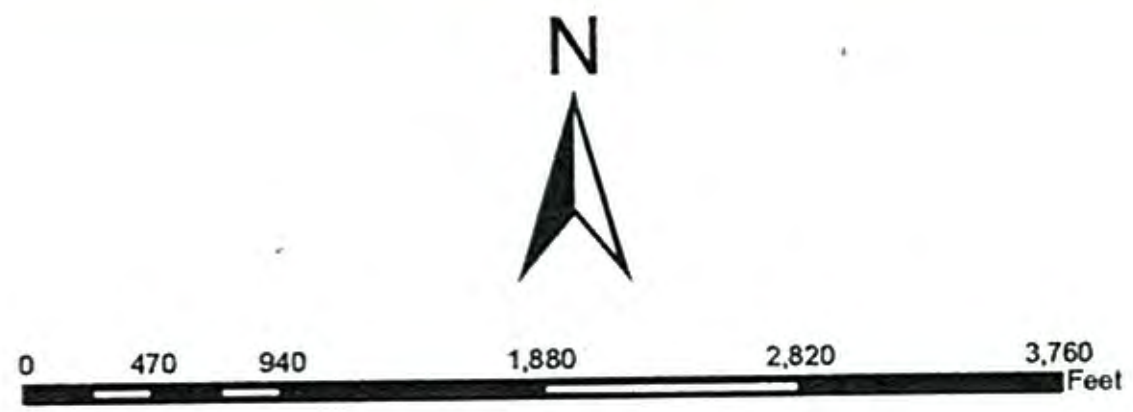
New England Sea Farms
 Jonathan McGee
 Lot 2016-SW#21
 5 acres
 Guilford, CT



Fig. 1

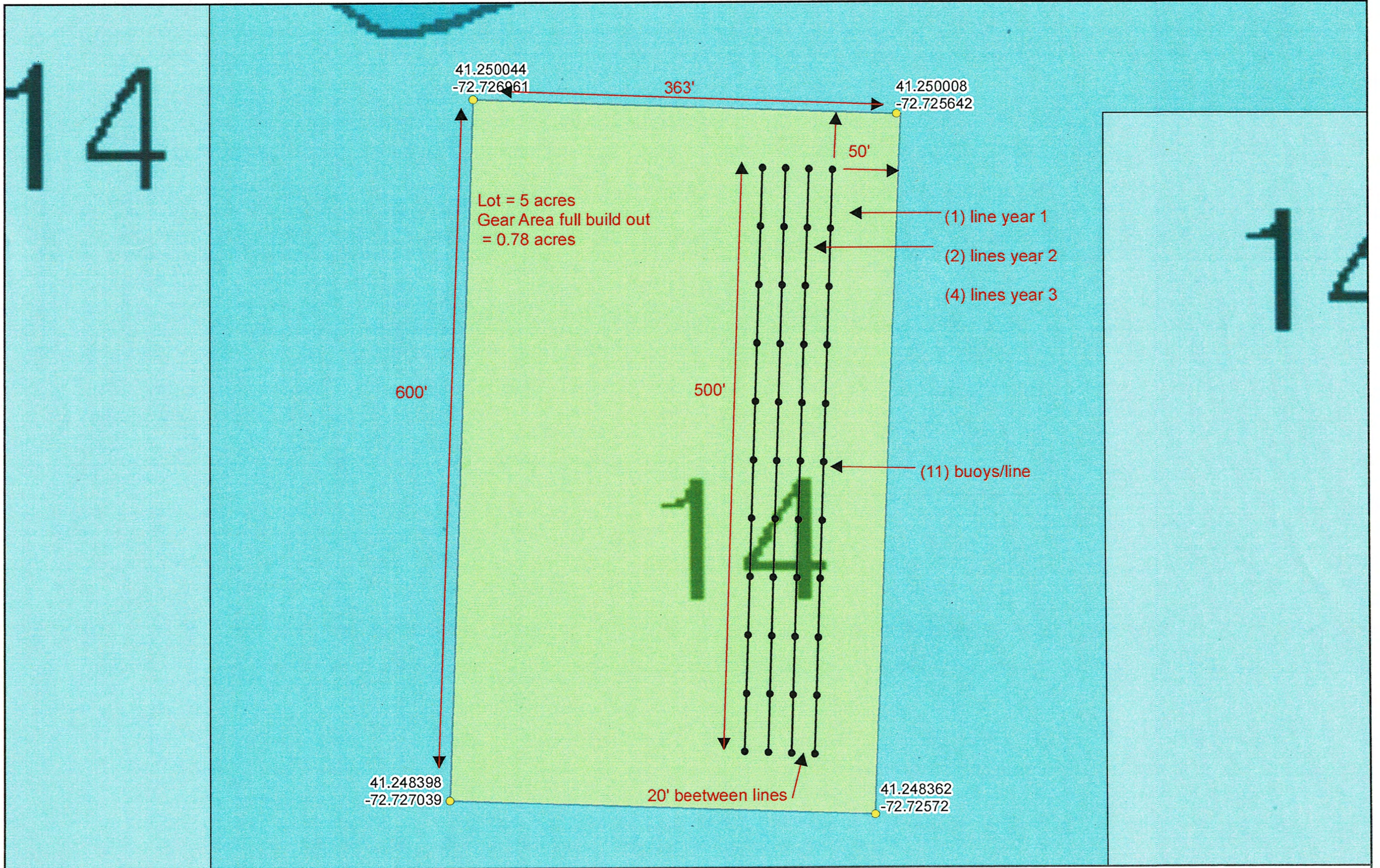
Date: 8/14/2019

Coordinate System: NAD 1983 StatePlane Connecticut FIPS 0600 Feet
 Projection: Lambert Conformal Conic
 Datum: North American 1983
 False Easting: 1,000,000.0000
 False Northing: 500,000.0000
 Central Meridian: -72.7500
 Standard Parallel 1: 41.2000
 Standard Parallel 2: 41.8667
 Latitude Of Origin: 40.8333
 Units: Foot US



Legend

	Shellfish_Bed_Commercial		Approved
	AquaSites		Conditionally Approved Seasonal
	Aqua Gear Area		Conditionally Approved
	DEEPTrawSurveyTowPaths1995to2012		Restricted
			Conditionally Restricted
			Prohibited



New England Sea Farms
Jonathan McGee
Lot 2016-SW#21
5 acres
Guilford, CT

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Units: Foot US

Fig. 2

Date: 8/14/2019

