



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

PUBLIC NOTICE

Comment Period Begins: September 8, 2020

Comment Period Ends: October 8, 2020

File Number: NAE-2020-01840

In Reply Refer To:

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 DANIEL MAGGIO, 44 PROSPECT STREET, APT. 1, GREENWICH, CONNECTICUT 06830. This work is proposed in waters of Western Long Island Sound off Greenwich Point approximately 1876 feet southwest of Flat Neck Point, and approximately 1193 feet southeast of Red Nun "2". The project is proposed to be undertaken at Department of Agriculture state-issued 10-acre lease identified as 2016-SW#22 in the vicinity of NAD83 Latitude 40.994676 N, Longitude -73.585488 W, UTM Zone 18.

The proposed work/gear area is depicted on the attached plans entitled "Daniel Maggio, Lot 2016-SW#22" dated "7/6/2020" and "6/3/2020."

The work involves the installation of lines, buoys, anchors and aids to navigation for the commercial cultivation of a winter crop of native sugar kelp (*Saccharina lattissima*). The initial gear installation at the 4.0-acre area will commence on/after November 1st of the calendar year and the crop harvest and lines will be removed by June 1 of each calendar year. The gear to be deployed will be set in a 600-foot-long by 300-foot-wide area as described below.

The regulated activities involve the installation of ten (10), 450-foot-long lines (250-feet of growing line and 200-feet of anchor line) anchored at each end with 150-pound drag embedment anchors for a total of 20 anchors for the entire project. The location of each anchor will be marked by a 6-inch white pot buoy affixed to a 1/2-inch vertical retrieval line. The gear will be set in water depths of 26 feet mean low water (MLW) and 33 feet mean high water (MHW). The two outer anchor chains will consist of 15-feet of 0.5-inch mooring chain attached to 5/8-inch to 1-inch sinking anchor line affixed to a 16-inch diameter white mooring buoy (20 white buoys in total). The horizontal kelp seed line, which will consist of 1/2-inch diameter sinking poly line, will be set horizontally between the terminal anchors. Each seaweed longline will be held in place approximately 7 to 10 feet (depending upon water clarity) below the water's surface by up to four 3/8-inch sinking lines affixed to (4) 12-inch diameter black flotation buoys spaced at an approximate interval of 50-feet (total of 40 flotation buoys). The purpose of these buoys is to accommodate the weight of the developing seaweed throughout the growing season. The applicant proposes to set the longlines in a northeast to southwest configuration, with a minimum of 18 feet of space between each of the set longlines.

Once the horizontal growing lines are seeded with kelp, the gear areas will be tended at least once a week. Additionally, once a month each line will be hauled in and checked for warp and headline depth. Buoys will be incrementally added/shifted throughout the growing season to accommodate the increasing weight of the seaweed to ensure adequate buoyancy and line tension. The horizontal lines will be maintained such that there is a minimum clearance of five (6) feet between the growing seaweed and the estuary bottom at MLW. In

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addition, the gear area will be marked by six (6) “aid to navigation” buoys that read “DANGER SURFACE GEAR AREA” spaced at a maximum interval of 300 feet, per State of Connecticut Department of Energy and Environmental Protection navigation agency requirement. After the last harvest of the season (sometime between mid-May and June 1st) the horizontal long-line gear and buoys will be removed and brought to a land-based facility for inspection and/or repair as needed. The aids to navigation and moorings will remain in the water throughout the year to designate the lease location.

In total, the project will possess 80 buoys, 20 anchors, 80 vertical sinking lines, 10 horizontal longlines and 6 aids to navigation.

The purpose of the proposed structures is to grow seaweed (kelp) as a harvestable crop for human consumption and commercial distribution.

No compensatory mitigation is proposed as the project will not result in permanent modification to resource areas or aquatic habitat. The structures will be installed, predominantly outside of the active use period and visited frequently to ensure gear is maintained in configuration and properly tensioned. The entire area will be properly demarcated to ensure mariners are aware of the potential presence of gear in the water column.

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 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 will impact approximately 300 square feet (.006-acre) of EFH. This habitat consists of fine sand/silt/clay with a water current of between 1 and 2 knots in a south-westerly direction. Temporary obstruction/modification of this habitat may adversely affect species that use these waters and substrate. 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 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 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

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consistency statement.

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

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 Ms. 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.

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.

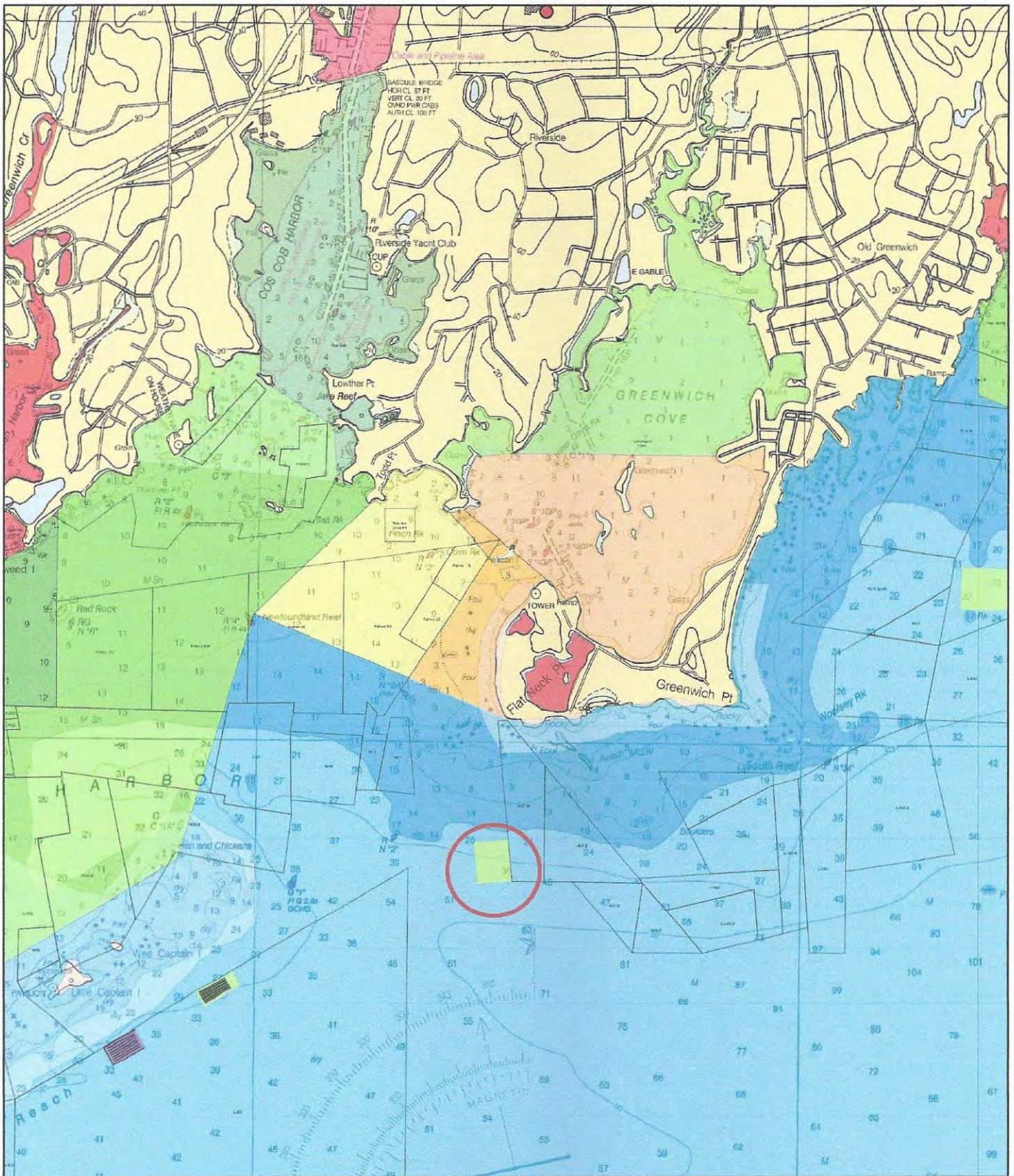
Kevin R. Kotelly, P.E.
Chief, Permits and Enforcement Branch
Regulatory Division

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: _____

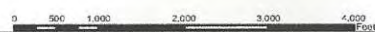


Daniel Maggio
 2016-SW#22
 10 acres total
 4 gear acres
 (10) 250' kelp longlines
 Greenwich, CT

Fig. 1
 Date: 6/2/2020

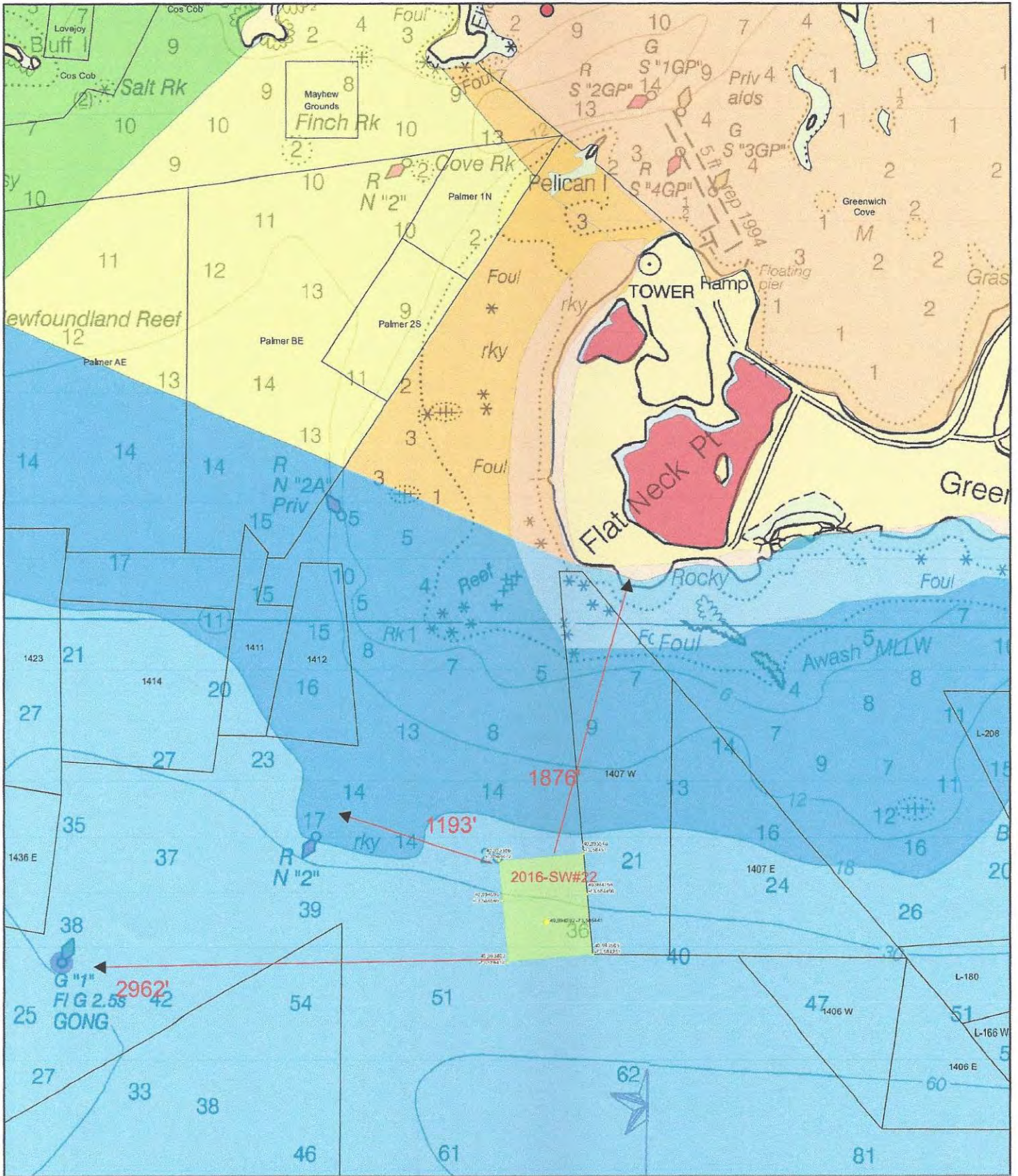


Coordinate System: NAD 1983 StatePlane Connecticut FIPS 0600 Feet
 Projection: Lambert Conformal Conic
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 False Northing: 500,000.0000
 Central Meridian: -72.7500
 Standard Parallel 1: 41.2000
 Standard Parallel 2: 41.8667
 Latitude Of Origin: 40.8333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



Legend

	Shellfish_Red_Commercial		Approved
	AquaGearArea		Conditionally Approved Seasonal
	AquaSites		Conditionally Approved
	RecreationalFishingActivity		Restricted
			Conditionally Restricted
			Prohibited
			DEEP Transitory Tow Paths 1999/c/2012

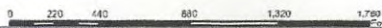


Daniel Maggio
 2016-SW#22
 10 acres total
 4 acres of gear
 (10) 250' kelp longlines
 Greenwich, CT

Fig. 1a

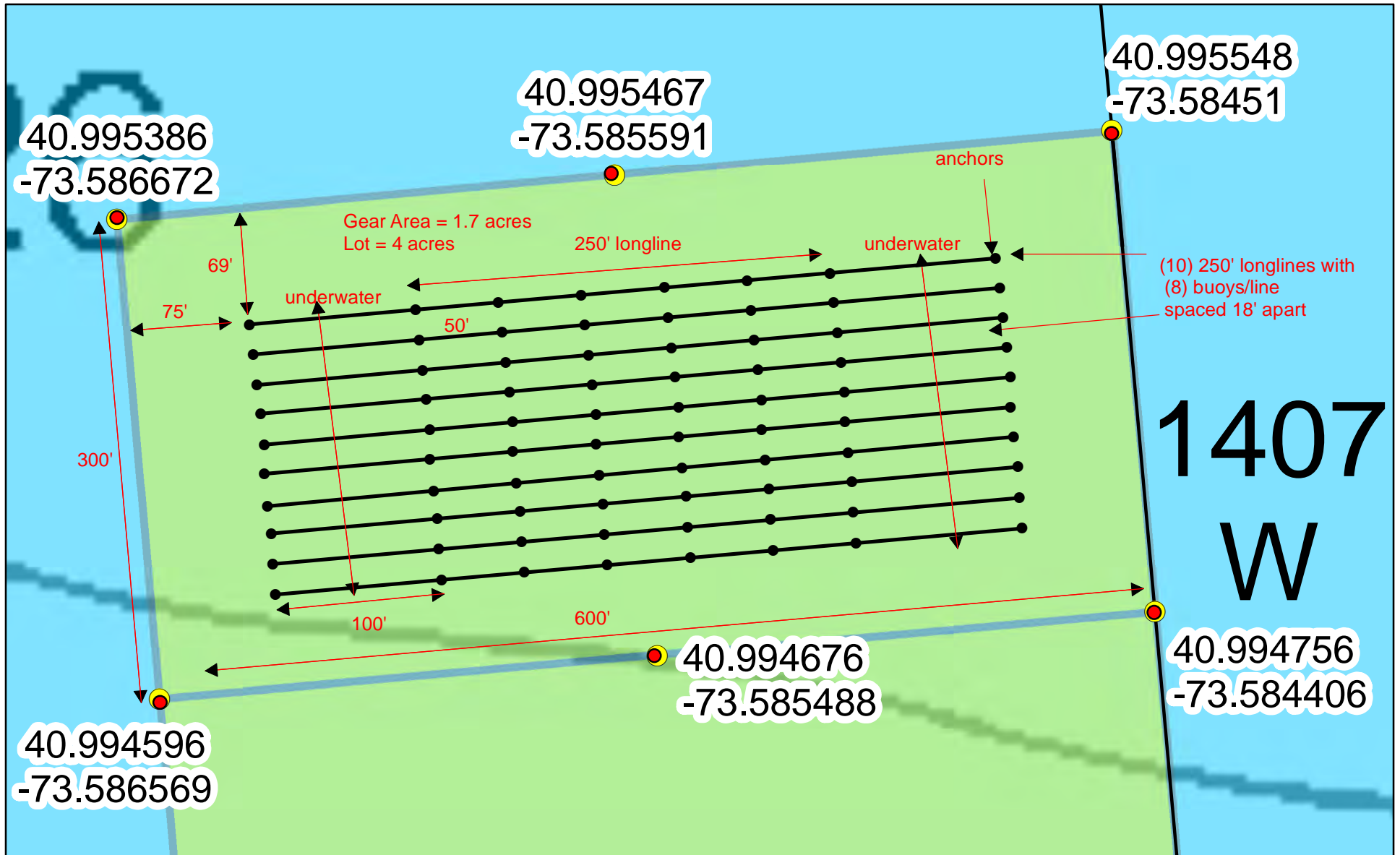
Date: 6/2/2020

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 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

- | | | | |
|--|-----------------------------|--|---------------------------------|
| | AquaSiesPoints/Dalls | | Approved |
| | Shelton_Bed_Commercial | | Conditionally Approved Seasonal |
| | AquaGear/Area | | Conditionally Approved |
| | RecreationalFishingActivity | | Restricted |
| | | | Prohibited |



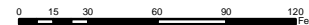
Daniel Maggio
lot 2016-SW#22
(10) longlines for kelp
Greenwich, CT

Danger/Info buoys ●

Fig. 2

Date: 7/6/2020

Coordinate System: NAD 1983 StatePlane Connecticut FIPS 0600 Feet
Projection: Lambert Conformal Conic
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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



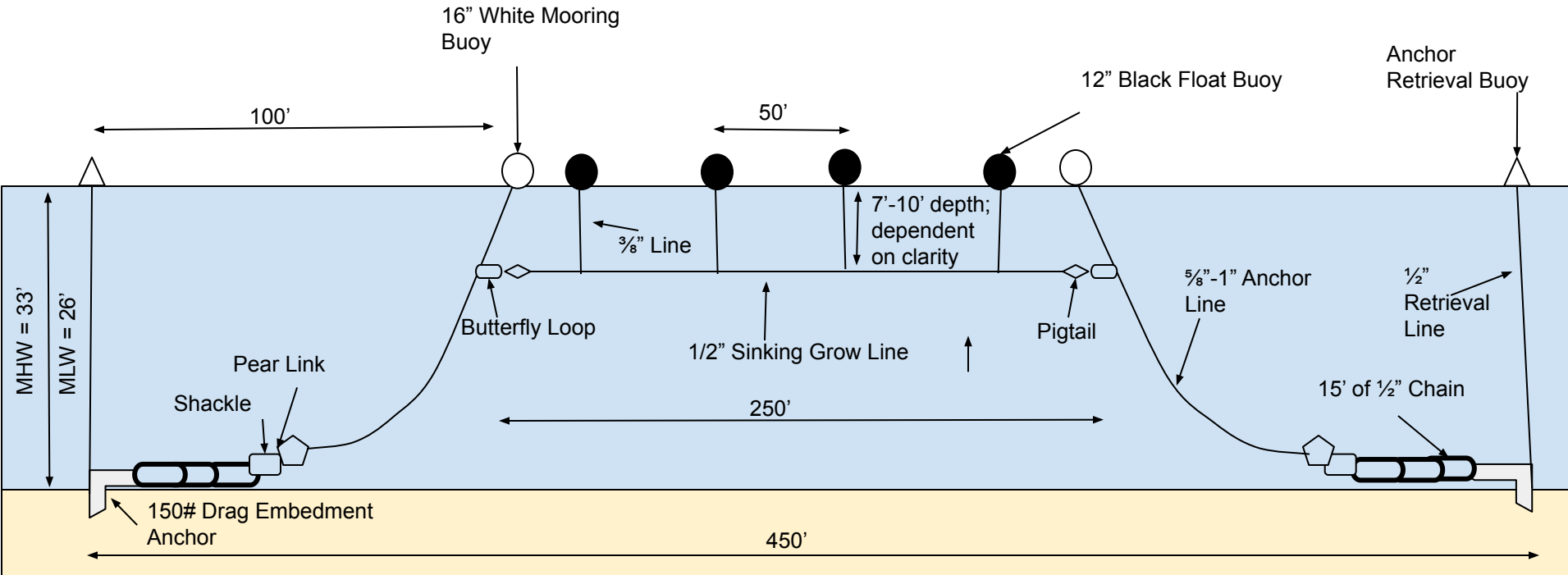
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- kelp_config Approved
- line_config
- AquaGearArea

Figure 3: Cross-Sectional Diagram

Not to Scale

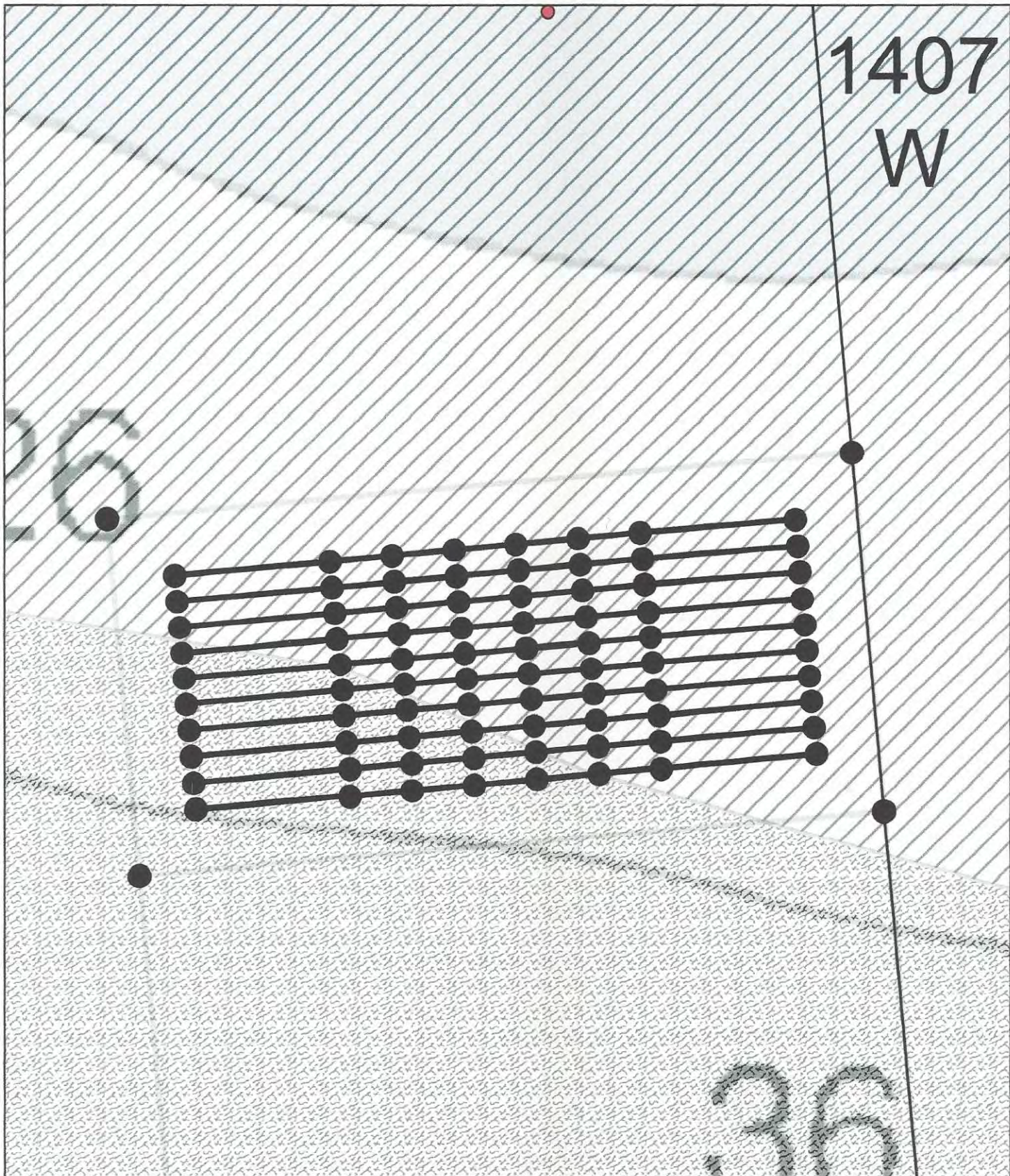
Daniel Maggio
 2016-SW#22
 Location: Greenwich, Ct
 Long Island Sound
 Gear area = 4 acres



Bottom Type: sand/silt/clay
 Water Current: 1-2 knots SW
 Growing Season: Nov 1- May 30
 Seed line & black buoys will be removed by June 1
 At full maturity the kelp blades will hang approx. 10' below the sinking growline, allowing for a minimum bottom clearance of 6' at MLW.

Total number of 250' longlines: 10
 12" black buoy: max of 4 per line
 16" white buoy: max of 2 per line
 6" white anchor retrieval buoy (pot buoy): max 2 per line
 150# drag embedment anchor at 5:1 scope, per anchor type requirements: maximum of 2 per line

Site Coordinates:
 NE Corner: 40.995548 N, -73.58451 W
 SE Corner: 40.994756 N, -73.584406 W
 SW Corner: 40.994596 N, -73.586569 W
 NW Corner: 40.995386 N, -73.586672 W





Daniel Maggio
 Lot 2016-SW#22
 4 acres
 kelp longlines
 Greenwich, CT
 sediment type

Coordinate System: NAD 1983 StatePlane Connecticut FIPS 0600 Feet
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Legend

-  Shellfish_Bed_Commercial
-  AquaGearArea

Sediment_type
TEXTURE



-  sand/silt/clay
-  silt-clay/sand

Fig.
 Date: 6/3/2020

