



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

PUBLIC NOTICE

Comment Period Begins: July 2, 2013
Comment Period Ends: August 3, 2013
File Number: NAE-2012-1014
In Reply Refer To: Cori M. Rose
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 as described below.

APPLICANT

Charles L. Viens
Charles Island Oyster Farm
Town of Milford, Connecticut

ACTIVITY

The work is the installation of structures in navigable waters of the United States to establish a commercial scale shellfish aquaculture farm for Eastern oyster (*Crassostrea virginica*) on Town of Milford shellfish lease 12M. A total of four-hundred (400) forty-five (45) inch-long by forty-one (41) inch-wide by fifteen (15) inch-high bottom cages for the rearing of Eastern oyster will be installed within an approximately 5.2-acre subset of a 29-acre town lease off of the shore land for the Town of Milford and Silver Sands State Park. The gear will be located approximately twelve-hundred thirty (1230) feet from the sand bar associated with Charles Island, known as "The Bar."

The cages will be set in trawls of ten (10) cages with five (5) feet between each cage in water depths of four (4) feet at mean lower low water (MLLW) and eight (8) feet at mean high water (MHW). There will be ten (10) trawls of ten (10) cages placed in a linear fashion along the fourteen-hundred thirty-one (1431) linear foot gear area for a total of four (4) sets of longlines seventy-five (75) feet in length. Each longline will have terminal buoys at each end for a project total of twenty (20) buoys per multiple longline string. The proposal is reduced in scale from the original proposal of fifteen hundred (1500) cages and fifteen (15) sets of longlines with one-hundred fifty (150) bottom cages.

Plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Long Island Sound off of Milford, Connecticut approximately eleven-hundred eighty-one feet from Myrtle Beach and twelve-hundred thirty-one feet from "the bar." The site coordinates for Lease 12M are:

Northwest Corner	Latitude 41° 11.612' N Longitude -73 ° 4.16' W
Northeast Corner	Latitude 41° 11.55' N Longitude -73 ° 3.858' W
Southeast Corner	Latitude 41° 11.538' N Longitude -73 ° 3.887' W
Southwest Corner	Latitude 41° 11.599' N Longitude -73 ° 4.189' W

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.

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).

This project will impact 3.6 acres of Essential Fish Habitat (*EFH*) for the following list of fish species and life stages as depicted on the attached table. This habitat consists of subtidal bottom consisting predominantly of sand with some gravel. The proposed retention structures and their contents may result in impacts to the biological, chemical or physical properties of the environment (e.g. biomass, organic content of the sediment, water temperature) at the water surface, in the water column and/or at the sediment surface. 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 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.

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:

- 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.

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.

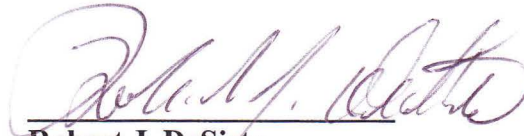
Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Ms. Cori M. Rose at (978) 318-8306, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

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.

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FILE NO. NAE-2012-1014

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: _____

EFH Fish Species as composed within EFH Grid squares 13, 14, and 15 and individual species source documents

Species	Coastal Estuaries	Fishers Island Sound	Long Island Sound
Demersal Species			
<u>Flounder</u>			
Summer flounder**	L J A	L J A	E L A
Windowpane flounder	E L J A	E L J A	E L J A
Winter flounder	E L J A	E L J A	E L J A
Witch flounder**	-	-	E L
Yellowtail flounder**	-	-	E L J A
<u>Groundfish</u>			
Atlantic cod**	-	J A	J A
Red hake	E L J A	E L J A	E L J A
Black sea bass**	J A	J A	J A
Pelagic Species			
<u>Fish</u>			
Atlantic butterflyfish**	J A	J A	J A
Atlantic mackerel**	-	J A	J A
Atlantic sea herring	J A	J A	J A
Bluefin tuna	-	A	A
Bluefish	J A	J A	J A
Cobia	E L J A	E L J A	E L J A
King mackerel	E L J A	E L J A	E L J A
Spanish mackerel	E L J A	E L J A	E L J A
<u>Sharks</u>			
Blue shark	-	L* J A	L* J A
Dusky shark	-	J	J
Sand tiger shark	-	L*	L*

E = Eggs L = Larvae; * for the shark species indicates neonates and early juveniles
 J = Juvenile A = Adult

** Included based on discussions within EFH Species Source Documents but not identified on Grid Squares 13, 14 or 15.

Figure 1. Site Location Map



Scale: 0.5 mi
 Datum WGS 1984

Lease 12M
 Area: 29 acres
 N: 73.4160 – 41.11612
 W: 73.3858 – 41.11550
 E: 73.3858 – 41.11550
 S: 73.4127 – 41.11415

Charles Island Oyster Farm

Milford, CT, Town Lease 12M

Long Island Sound

March 21, 2012

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Milford Lot 12M
Aquaculture Permit

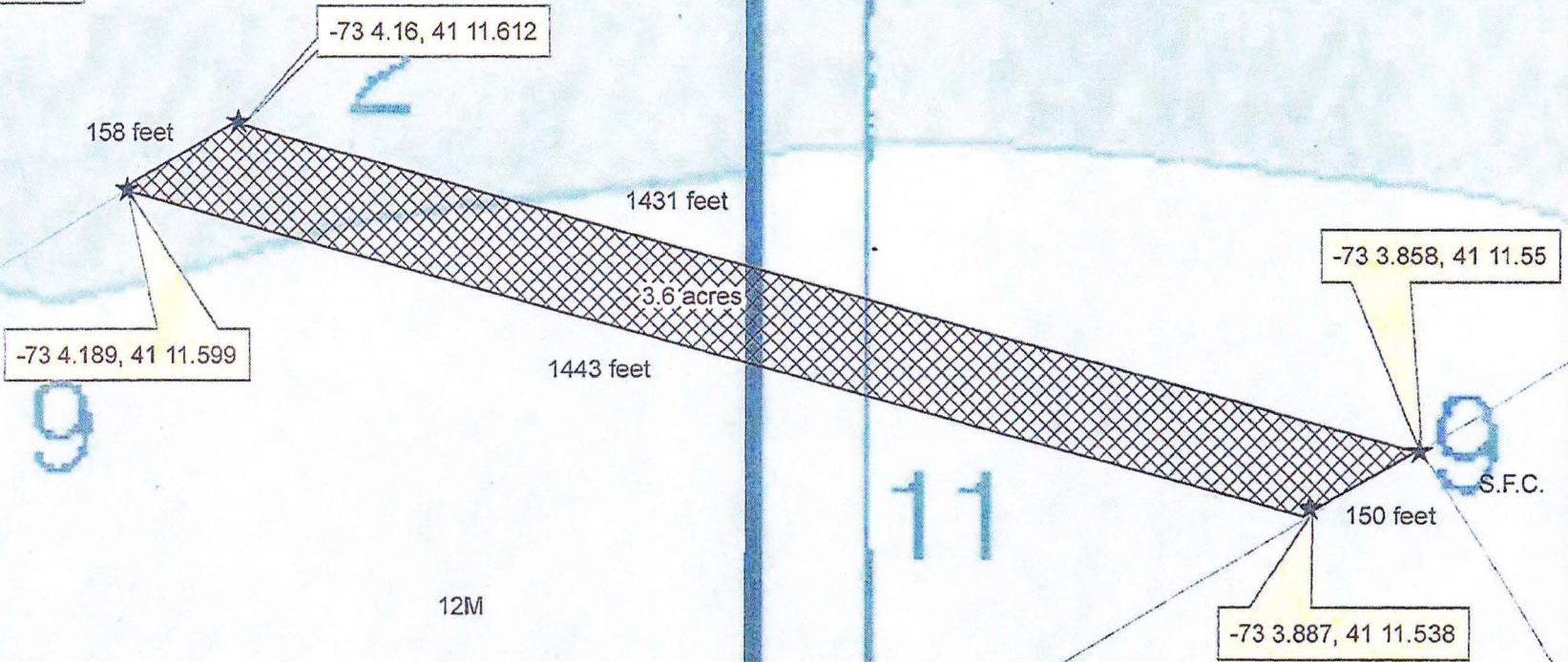
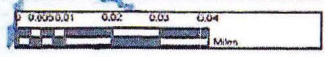
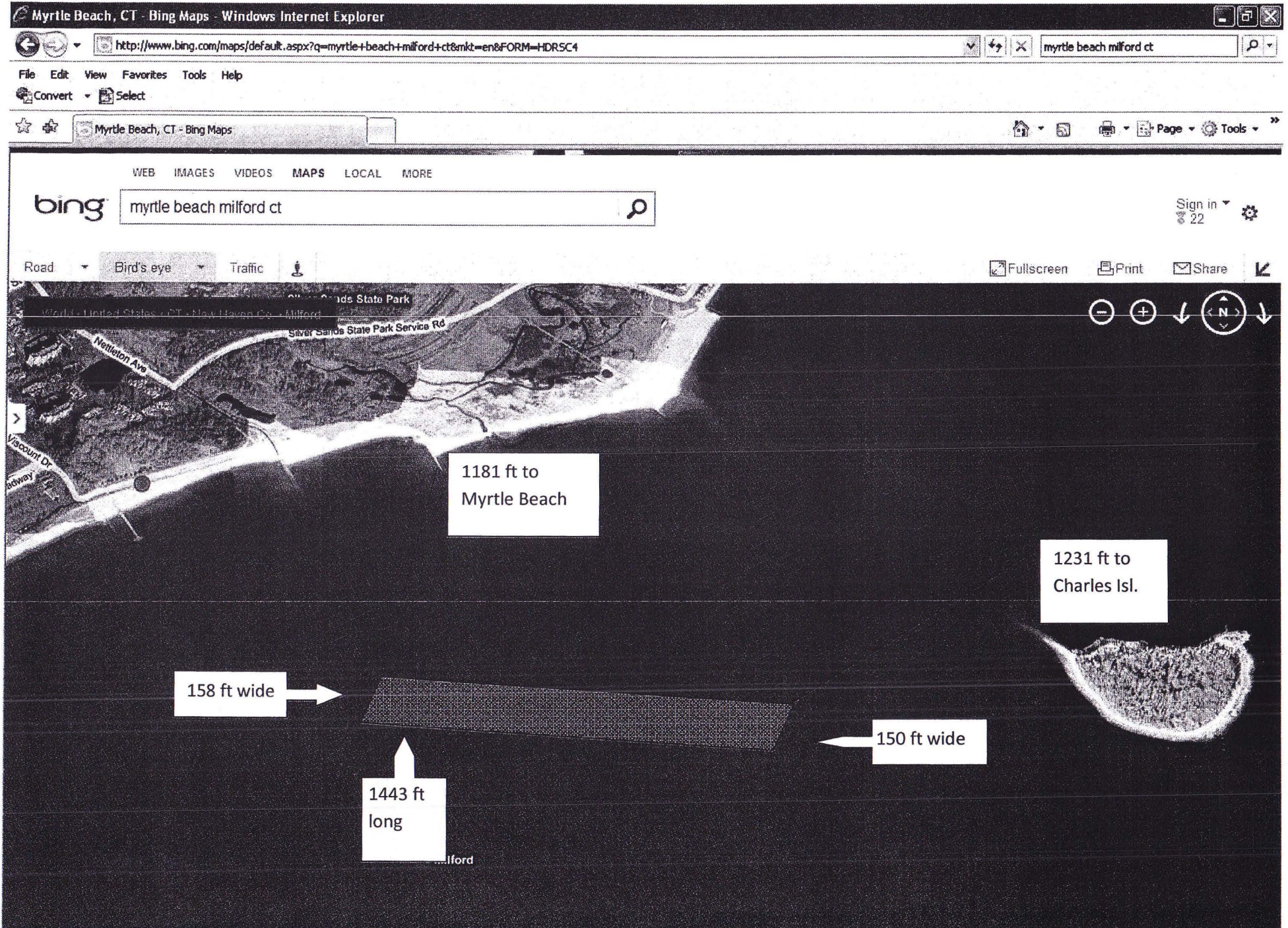


Fig. 2
NAD 83 DATUM

Map for information purposes only. Not to be used for navigation.
Map Creation Date 03/31/11

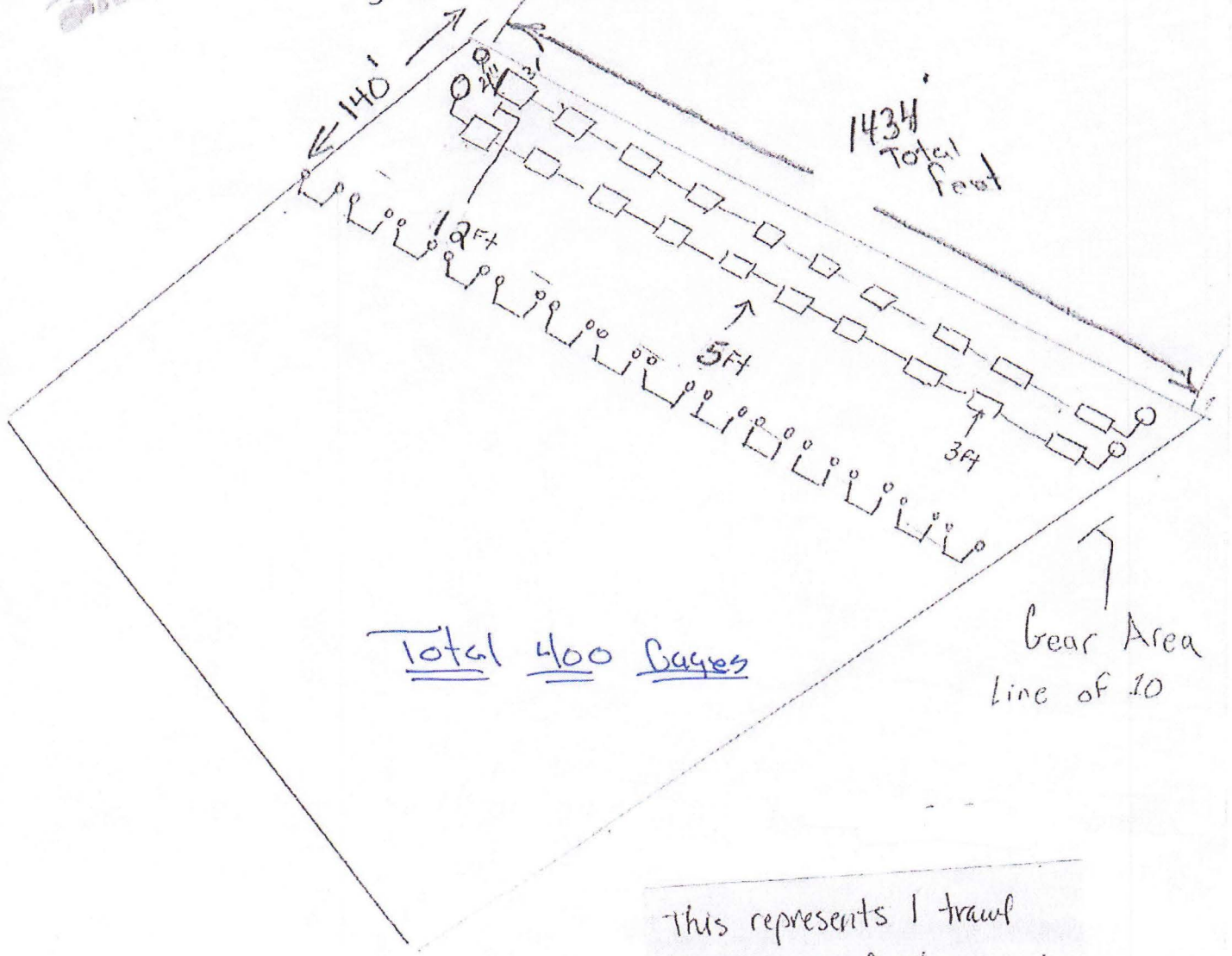


Charles Island Oyster Farm @ L-12M Milford CT



1700
300
2000

Top View
Site Location



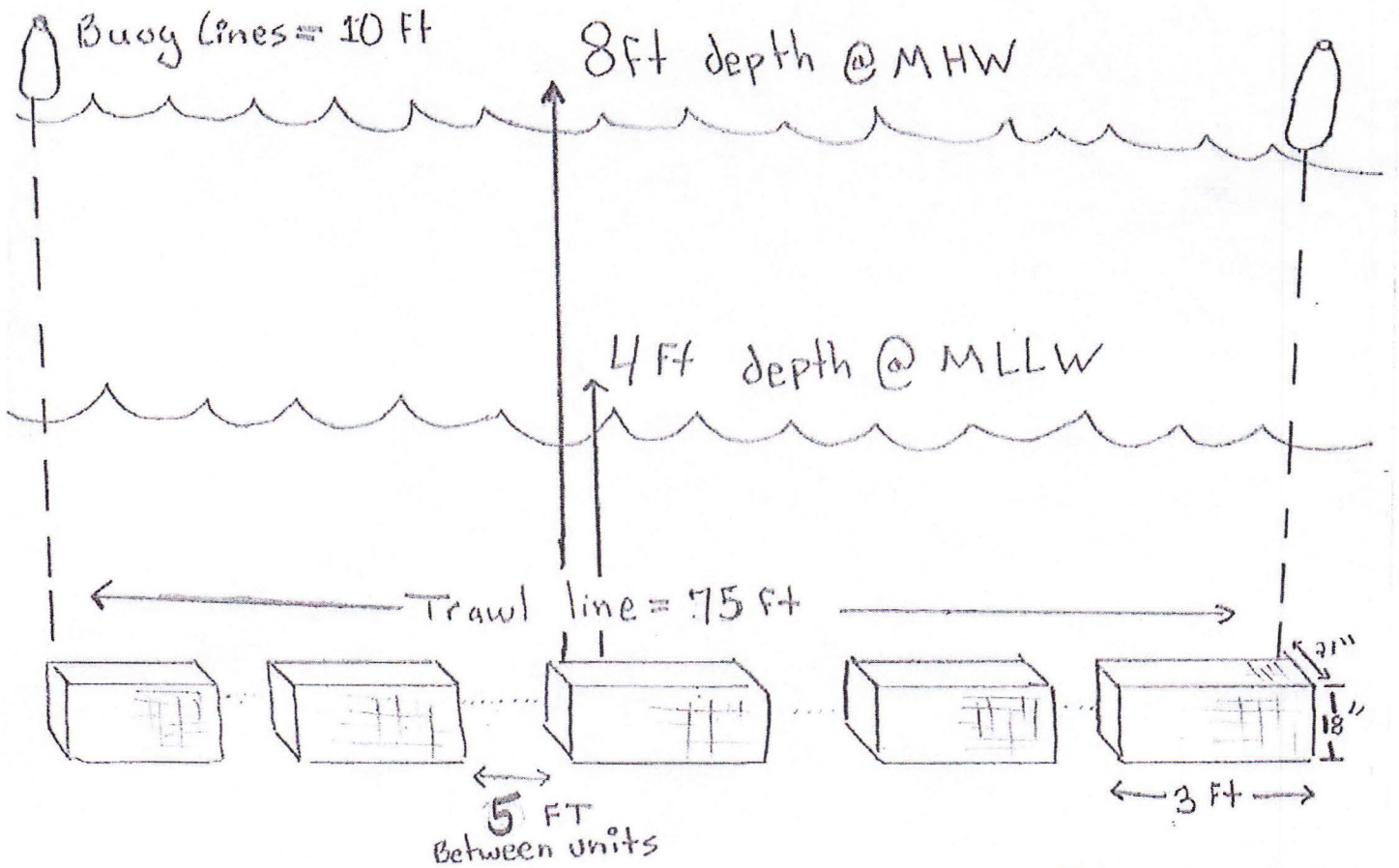
Total 400 Bays

Gear Area
Line of 10

This represents 1 trawl
unit. 15 of these set
end to end would fit
along the 1434 ft
long side of the lot

Fig. 2
Charles Island Oyster Farm
Milford CT, 12M
Long Island Sound
March 22, 2012
3/3

Fig. 3



10 Rows ex of 15 total units ^{Trawl lines} _{Per 1000}

400 Cages

Charles Island Oyster Farm
Milford, CT
Long Island Sound
12 M
March 20, 2012