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# PUBLIC NOTICE



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

Comment Period Begins: April 17, 2018  
Comment Period Ends: May 17, 2018  
File Number: NAE-2016-02263  
In Reply Refer To: Cori M. Rose  
Phone: (978) 318-8306  
E-mail: cori.m.rose@usace.army.mil

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The District Engineer has received a permit application to conduct work in waters of the United States from **THIMBLE ISLAND OYSTER COMPANY C/O BRENDAN SMITH, 43 East Pearl Street, New Haven, Connecticut**. This work is proposed in Jarvis Creek approximately 330 feet north of the existing tide gate and 230 feet south of the railroad right-of-way in Branford, Connecticut.

The site coordinates are:

POINT	LATITUDE	LONGITUDE
Northwest Corner	41° 15' 59.69N	-72° 44' 23.35 W
Northeast Corner	41° 15' 59.78 N	-72° 44' 22.84 W
Southeast Corner	41° 15' 56.37 N	-72° 44' 22.23 W
Southwest Corner	41° 15' 56.27 N	-72° 44' 22.74 W

The proposed work involves the installation of up to 300, 36-inch long by 20-inch wide by 6-inch high shellfish rearing bags (each with two floats during the summer) affixed to a 350-foot 3/8-inch neutrally-buoyant (floating) line with a strength of 2700 pounds, configured in a north-south direction on the outer edge of the Jarvis Creek. Each line will have up to 75 bags, spaced at more than one foot apart. The 350-foot long bag strings will be anchored on each end with a 35.7 pound weight that will be marked with a 12-inch terminal buoy.

The bags will remain floating on the surface during the growing season, estimated to be April through October of the calendar year. Water depths at the site are estimated at 8.3 feet mean low water and 14.2 feet mean high water. Then the flotation buoys will be removed from the bags and they will be sunk to the bottom of Jarvis Creek for the winter season, estimated to be November through March of the calendar year, to avoid ice damage. The gear will be kept a minimum of 7.5-feet from the edge of the creek and the adjacent tidal wetlands. When the shellfish reach a marketable size, they will be relayed to existing, previously authorized, bottom cages outside of Jarvis Creek at State shellfish lease 551 for depuration (cleansing) in accordance with State Department of Aquaculture requirements.

The total project will have a gear area of one acre and include 300 bags configured in four (4) lines of 75 bags, eight (8) anchors, eight (8) terminal anchor buoys, and 600 bag-flotation buoys approximately 24-inches long by 4-inches wide.

In addition, the gear area will be marked, as required by the State of Connecticut Department of Energy and Environmental Protection navigation agency requirement with “aid to navigation” buoys.

The work is shown on the attached plans entitled “THIMBLE ISLAND OYSTER, JARVIS CREEK, BRANFORD, CT,” on five sheets, and dated received “3/29/18.”

The purpose of the proposed structures is to grow eastern oysters from seed to 3 inches in size suitable for commercial shellfish market distribution.

Because the proposed structures are temporary, compensatory mitigation for habitat loss is not proposed.

#### **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 2,880 square feet of Essential Fish Habitat (EFH). This habitat consists of unconsolidated silt/sand bottom. Loss 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 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.

### **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:

- 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.**



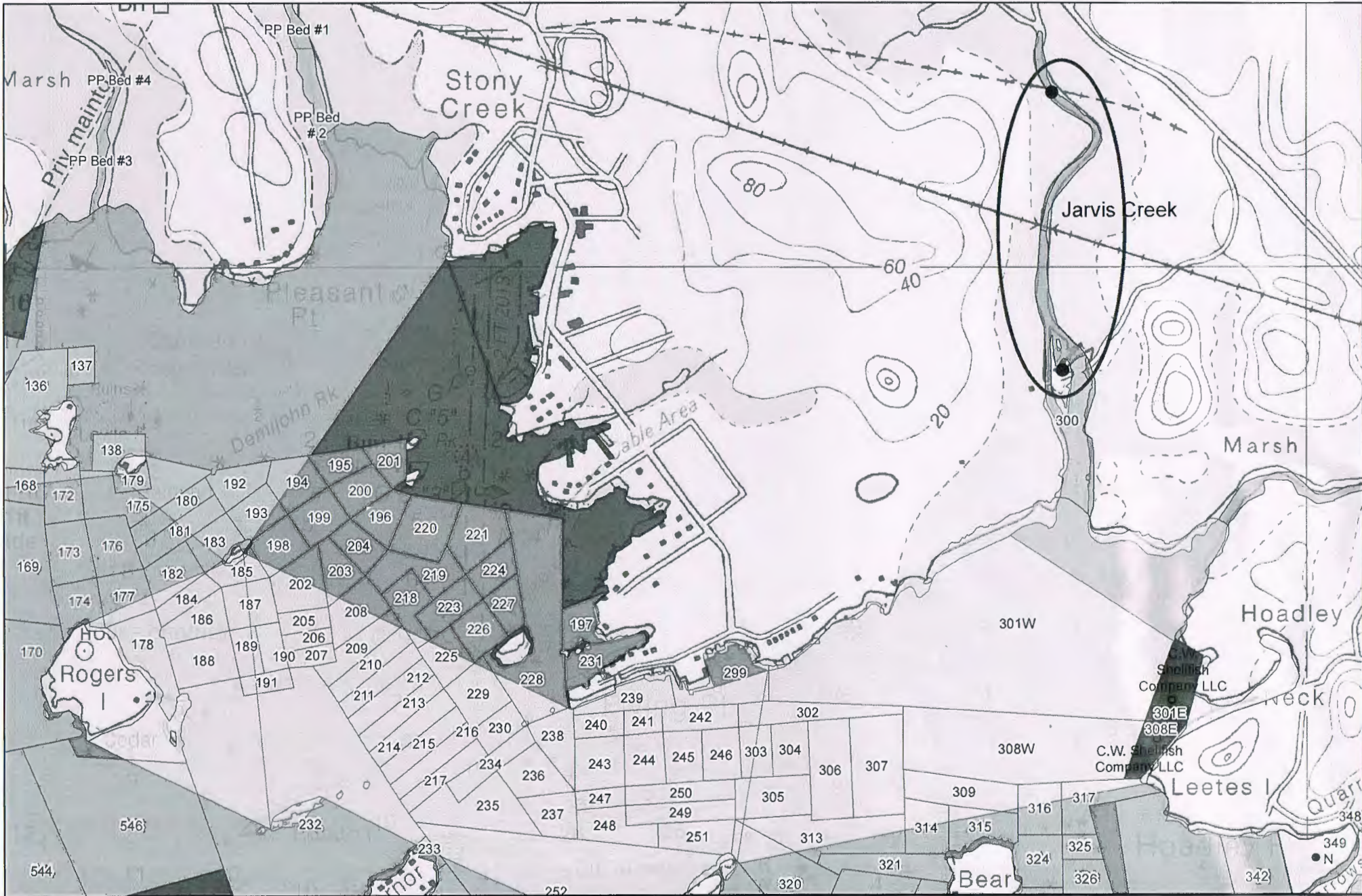
**Kevin R. Kotelly, P.E.**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

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](mailto: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: \_\_\_\_\_

thin the site.





Thimble Island Oysters  
 B. Smith  
 Branford, CT  
 Jarvis Creek  
 Fig. 1  
 Gear Area

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**

● AquaSitesPoints	<b>Shellfish_Class_Poly040116</b>
■ AquaSites	■ Approved
□ Aqua Gear Area	□ Conditionally Approved
□ Managed_Shellfish_Beds_2014	■ Restricted
	■ Conditionally Restricted
	■ Prohibited



41° 16.044' N  
72° 44.383' W  
41.267403  
-72.739714

41° 16.041' N  
72° 44.369' W  
41.267356  
-72.739483

66'

● CT 064fAO

660'

perimeter = 1458.8 ft

41° 15.939' N  
72° 44.362' W  
41.265647  
-72.739362

86'

41° 15.933' N  
72° 44.377' W  
41.265552  
-72.73962

### Legend

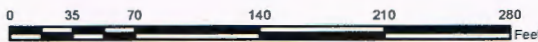
- AquaSitesPoints
- AquaSites
- Aqua Gear Area
- Managed\_Shellfish\_Beds\_2014
- Shellfish\_Class\_Poly040116
  - Approved
  - Conditionally Approved
  - Restricted
  - Conditionally Restricted
  - Prohibited

Thimble Is. Oyster  
Jarvis Creek  
Branford, CT  
Gear Area 1.0 acre  
Fig. 2

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



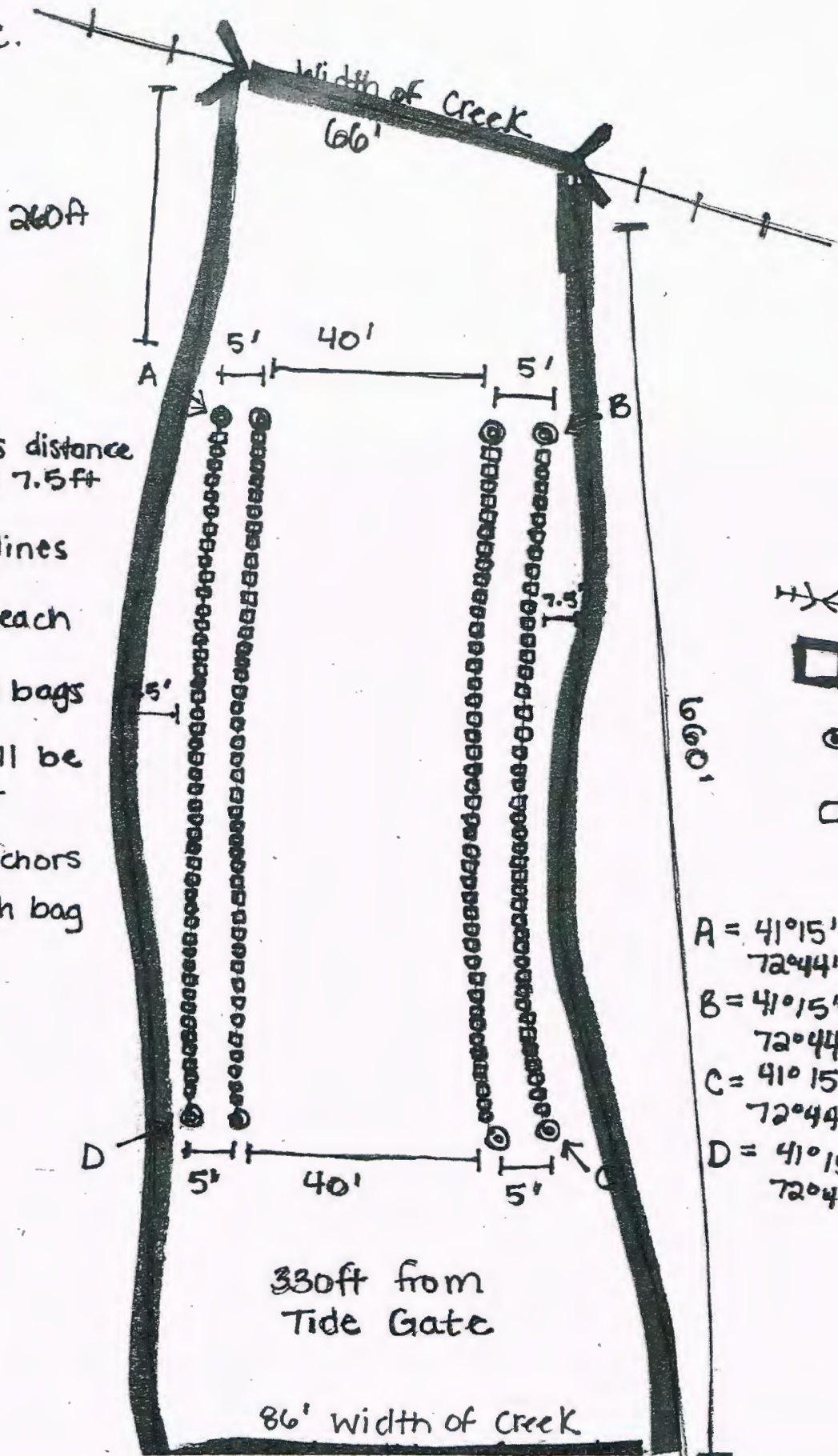
Map Date: 8/24/2016



# THIMBLE ISLAND OYSTER

Jarvis Creek. Branford CT

Figure 3c.



Floating bags distance from shore  $\approx 7.5$ ft

Total of 4 lines

75 bags on each line

Total of 300 bags

Each line will be Max 350 ft

Total of 8 anchors  
2 buoys on each bag

⚡ = railroad

◻ = gear Perimeter

⊙ = Anchor buoy

◻ = Floating bag

A =  $41^{\circ}15'59.69''$ N  
 $72^{\circ}44'23.35''$ W

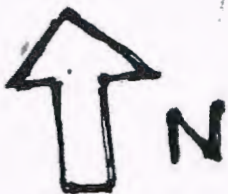
B =  $41^{\circ}15'59.78''$ N  
 $72^{\circ}44'22.84''$ W

C =  $41^{\circ}15'56.37''$ N  
 $72^{\circ}44'22.23''$ W

D =  $41^{\circ}15'56.27''$ N  
 $72^{\circ}44'22.74''$ W

330ft from Tide Gate

86' width of Creek

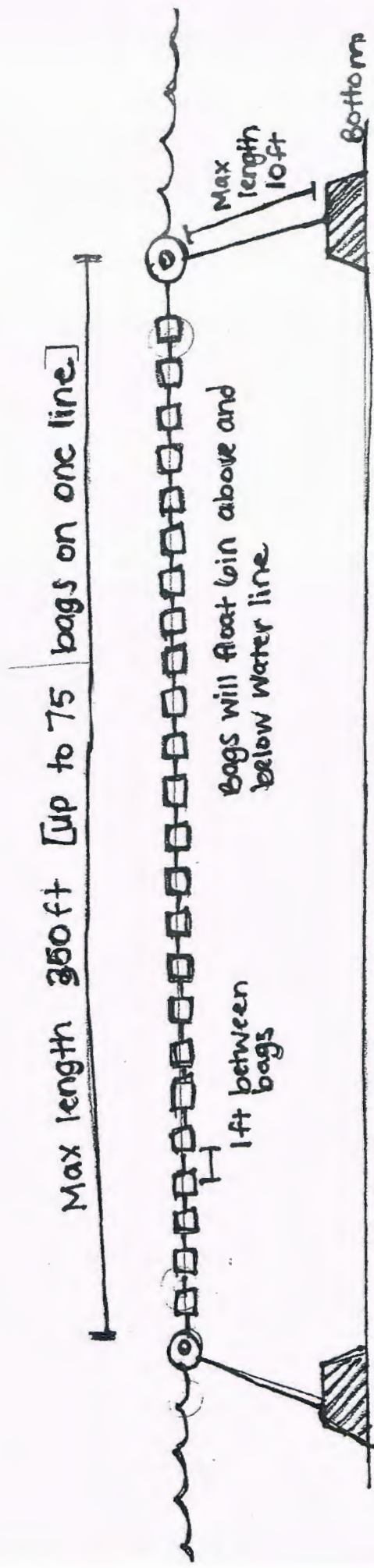




# THIMBLE ISLAND OYSTER

Jarvis Creek, Branford CT

Figure 3a. Summer






MHW = 14.18ft  
MLW = 8.33ft

~~~~~ = Water line

\_\_\_\_\_ = 5/8" floating line  
2700lb tensile strength

⊙ = Anchor buoy  
12" Diameter

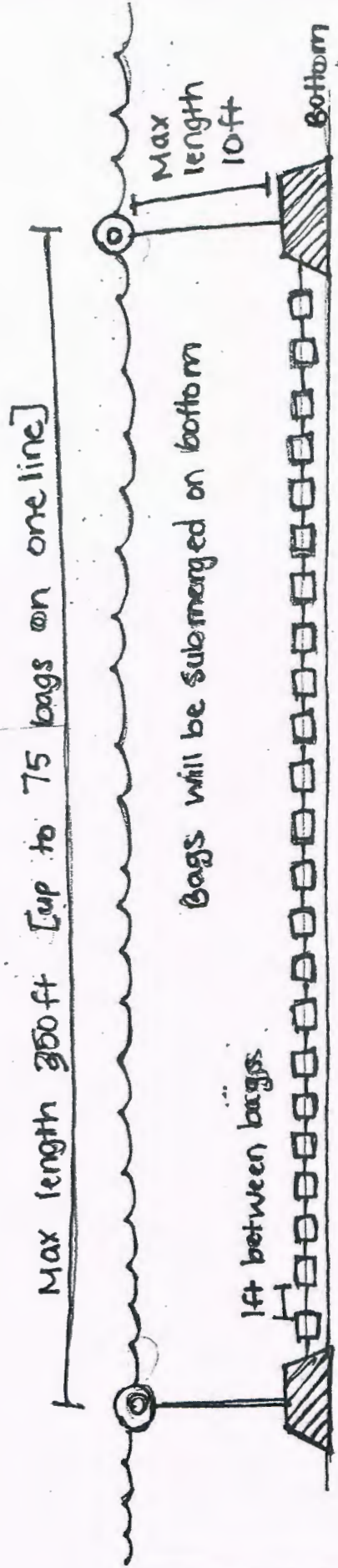
 = Anchor 12" x 6" x 6"  
(37.5 lbs)

 = oyster bag =   
4 1/2 in x 3 1/2 in x 20 in x 8 1/2 in



# THIMBLE ISLAND OYSTER Jarvis Creek, Bramford CT

Figure 3b. Winter






Bags will be submerged on bottom

MHW = 14.18 ft  
MLW = 8.33 ft

~~~~~ = Water line

———— = 3/8" floating line  
2700 lb tensile strength

 = Anchor 12" x 6" x 6"  
37.5 lbs

 = oyster bag =  20 in  
36 in

⊙ = Anchor buoy 12" Diameter