
PUBLIC NOTICE



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

Comment Period Begins: August 1, 2017
Comment Period Ends: August 29, 2017
File Number: NAE-2017-00205
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 from **NIANTIC BAY SHELLFISH FARM, LLC, C/O TIMOTHY LONDREGAN III, PO BOX 106, NIANTIC, CONNECTICUT**. This work is proposed in Niantic River at and a Waterford-East Lyme Shellfish Commission lease identified as WELSCO-7, Waterford, Connecticut. The site coordinates are: Latitude 41.32719 North and -72.17808 West. State Plane Coordinates (NAD83) for the area are:

x = 1157323.440494	y = 680890.144710
x = 1157433.538619	y = 680394.920786
x = 1156840.056017	y = 680148.075198
x = 1156678.234846	y = 680389.922550

The project site is located in the Niantic River on the eastern portion of Squall Flats, northwest of Mago Point. The southernmost corner is located 363 feet northwest from Red #6 buoy and the northernmost corner is located 361 feet east of Red #14 buoy.

The work involves the installation of racks, bags, cages, trays and associated Aids to Navigation to assess commercial feasibility for shellfish aquaculture on the river (shoal) bottom and in the water column at an existing 6.41 acre shellfish lease. The lease will be broken down into four separate experimental growing areas as discussed below.

Rack Area -Figure E (1)

This gear area will include the phased installation of up to 305 eight-foot long by two-foot wide by one-foot high racks constructed from 3/8-inch reinforced steel bar in the first year (25% of Area E-1), on which approximately 525 mesh bags will be placed for the rearing of shellfish. The initial phase of rack installation will commence from north to south (landward) in an approximate configuration of 37 rows of 33 racks. There will be a minimum of one foot of space between each row. The site will be expanded with a maximum capacity at five years of 1,221 racks holding 6,105 mesh bags.

Trays with Feet -Figure E (2)

This gear area, which will be used exclusively for the rearing of bay scallop, will include the phased installation initially of 111 (10% of Area E-2) three-foot wide by four-foot long by 17-inch high PVC coated steel mesh wire (Aquamesh©) trays with feet. The gear will be installed with a minimum of three feet between trays and five feet between rows. The area has the potential for expansion to maximum capacity at five years of 1110 trays.

Deep Sea & Non-foot Trays – Figure E (3)

For deployment at this gear area during the first year of the phased project there will be up to 1,000 two-foot wide by two-foot long by one-foot high rearing trays constructed of high density polyethylene (HDPE) plastic secured in place with polyvinyl chloride (PVC) pipe. The gear will be installed with a minimum of one foot between each tray and three feet between each row. Upon expansion to capacity at five years this gear area will hold up to 4,206 trays.

Over-wintering

The northwest corner of the lease has been designated as an over-wintering area as it does not dewater completely during the tidal cycle. Gear and/or its shellfish from Areas E(1), E(2) and E(3) will be located here for survival purposes. This rearing area will not add additional units of gear to the shellfish lease.

Seasonal operation will commence at the beginning of each shellfish season with the establishment of a crop in April of the calendar year. The growing shellfish will be tended throughout the growing season and the majority of the product disseminated or to market by late-fall or early-winter. Some portion of the shellfish seed and scallops may be overwintered in the area identified above. All harvesting, cleaning and sorting will be completed by hand, without the use of heavy machinery or mechanized tools.

The entire lease and its individual gear areas will be surrounded by eight Boating Hazard Marker Buoys as an Aid to Navigation, at no more than a 300 foot interval, per State of Connecticut Department of Energy and Environmental Protection navigation agency specification. Water depths at the site range from approximately three inches mean lower low water (MLLW) to 16 inches MLLW at maximum ebb tide and approximately 39 inches to 51 inches at flood tide. Although designated as a natural shellfish bed and recreational shellfish area, both the Bureau of Aquaculture and the Shellfish Warden for WELSCO identify the area as lacking natural set or resources of concern due to exposure and high-energy.

The purpose of the proposed structures is the experimental cultivation of eastern oyster (*Crassostrea virginica*) for commercial shellfish aquaculture and rearing of native bay scallop (*Argopectin irradians*) for population enhancement and restoration.

The work is shown on the attached plans entitled “WELSCO 7, Niantic Bay Shellfish Farm,” on 5, and dated “March 24, 2017.”

The designation of the shellfish lease for this project by the Waterford-East Lyme Shellfish Commission was a result of an exhaustive 15 month process of evaluation that considered, and ultimately eliminated, six other lease sites within the river due to a variety of factors including boating, navigation hazards, recreational shell-fishing, recreational sports and recreational fishing, submerged aquatic vegetation, and other significant resource areas.

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 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.

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 approximately 6.9 acre of Essential Fish Habitat (*EFH*) for those species and life stages listed on the attached table. This habitat consists of intertidal and subtidal dynamic sand bar (packed sand) with outlying areas to the south and east of unvegetated mud/silt bottom. Temporary obstruction of this habitat may adversely affect foarge specie and access for juvenile fish resources. 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.

COASTAL ZONE MANAGEMENT

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.

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.



Richard C. Kristoff
Chief, Permits and Enforcement Branch
Regulatory Division

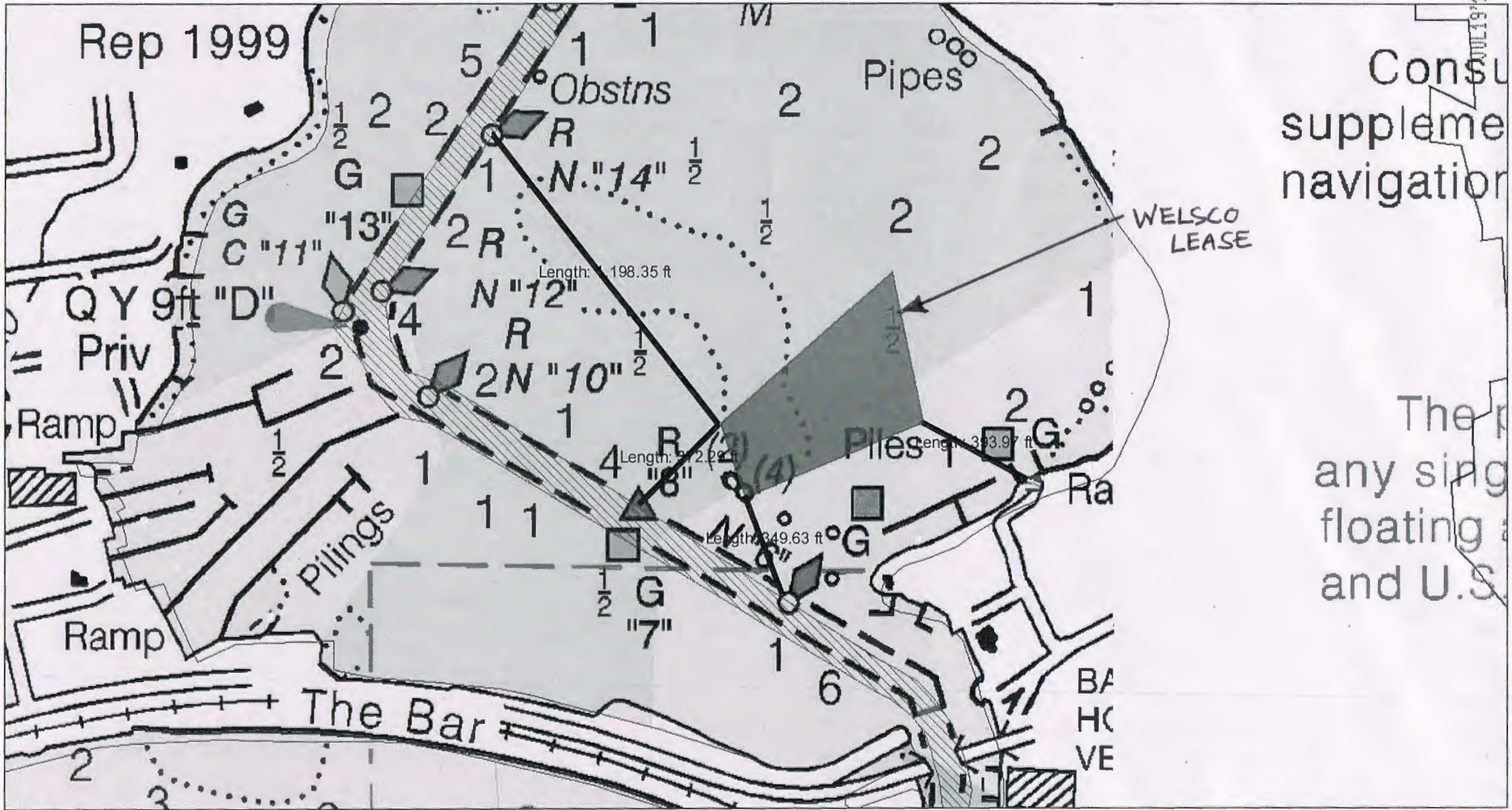
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FILE NO. NAE-2017-00205

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: _____

VICINITY MAP WELSCO 7 NIAANTIC RIVER



July 13, 2017

CT Marinas 2016

Coastal Boat Launches

Trailer, Car Top/Carry-In

Channels, Basins, Anchorage Areas (DEEP)

CT Recreational Beds

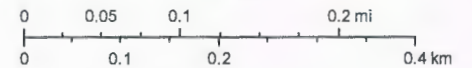
Recreational Conditional

Recreational Open-Seasonal

Connecticut Towns

Coastal Boundary

1:5,000







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Vicinity Map WELSCO 7

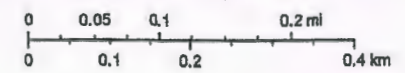
DATE 9/17 REG DIV



March 24, 2017

-  Aids to Navigation (2013)
-  Channels, Basins, Anchorage Areas (DEEP)
-  Connecticut Towns
-  Coastal Boundary

1:5,733



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Niantic Bay Shellfish Farm
Copyright: Connecticut Sea Grant and UCenn CLEAR

Figure A: Bird eye Dimension of WELSCO 7, Niantic Bay Shellfish Farm

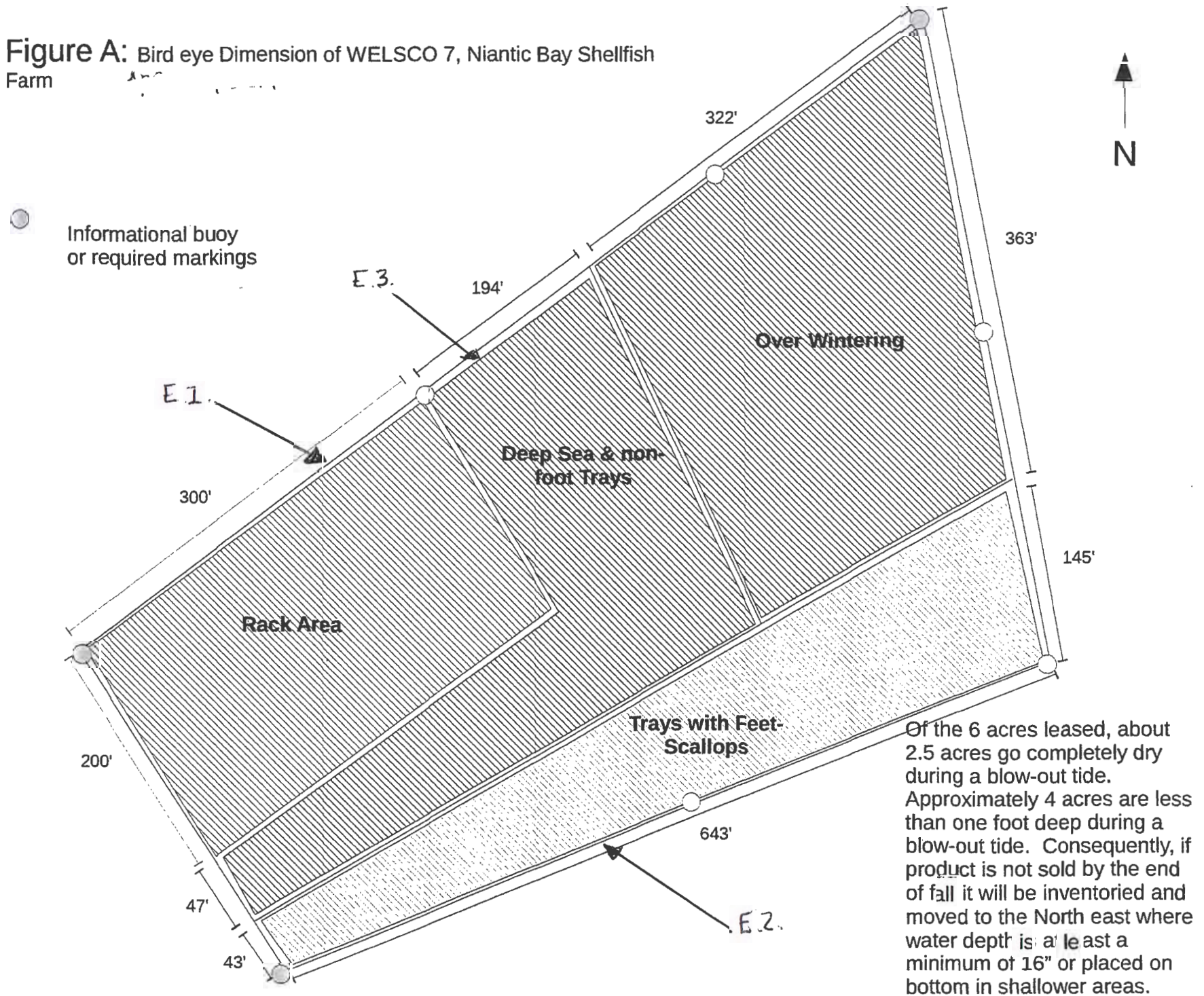


Figure B: Bird eye view of WELSCO 7, Niantic Bay Shellfish Farm

Ref. Fig. E.3.

Deep Sea & non-foot Trays:

Begin deployment from Northern boundary line moving South then South West upon hitting the Tray with Feet area. Rows and columns. 1' between trays in columns and 4' between rows. Possibility of 4216 units. First year, Currently have 1000 units for deployment.

Over Wintering:

Primarily used for endangered scallops. Gear will be moved, only if necessary. Begin placement on Eastern boundary moving East. Similar spacing will be maintained according to gear type.

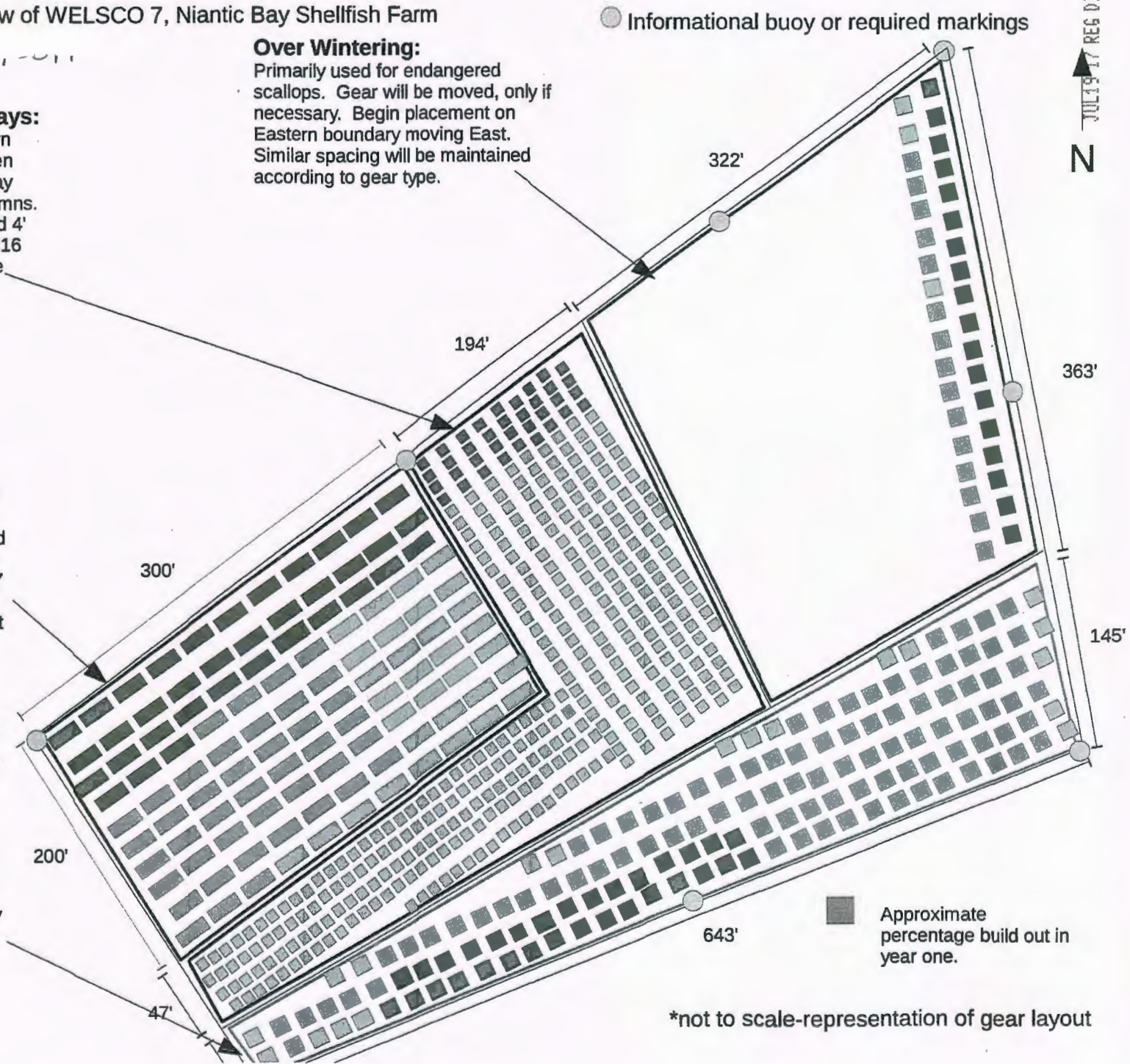
Ref. Fig. E.1

Rack Area: Build-out North to South. Racks will parallel Northern boundary line abutted to one another with 3' spacing between rows. Possibility of 37 rows with 33 racks per row (1221 racks or 6105 bags) first year utilize 1/4th of capacity.

Ref. Fig. E.2.

Trays with Feet-Scallops:

Build out from the South boundary. Trays lines will parallel Southern boundary and pyramid as the two vectors separate. 3' spacing between trays and 5' between lines. Capacity for approximately 1110 trays. (calculations based off area sq. ft. (62194.24688) / sq. ft. per tray based on size and spacing (56). Testing viability of Scallops first year with 1/10th capacity.



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■ Approximate percentage build out in year one.

*not to scale-representation of gear layout

Figure E: Cross Section of Niantic Bay Shellfish Farm Gear at WELSCO 7

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