



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 30, 2017
File Number: NAE-2017-01100
In Reply Refer To: Taylor Bell
Phone: (978) 318-8952
E-mail: taylor.m.bell@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Bren Smith. This work is proposed in Fisher's Island Sound, Groton, Connecticut. The site coordinates are: Latitude 41.310954°N Longitude 72.04025°W in the lease area SW 13.

The purpose of the project is to install gear to allow for the farming of *Saccharina lattissima* (sugar kelp).

The work involves the installation of seasonal aquaculture gear for a kelp farm located south of the Bluff Point State Park. The total acreage for the lease (SW13) is approximately 19 acres, and includes one gear area layout within the lease. The gear area is a 600' x 650' rectangle which includes a 50' buffer perimeter around the entire gear area, marked by safe boating buoys 12" in diameter with 36" visual exposure areas that read "Danger: Surface Gear Area". These will be placed at the corners and midpoints as necessary. Inside the gear area are twelve (12) longlines of 500' each, submerged a minimum of three feet (and a maximum of six feet) suspended horizontally. They will be suspended by 18" mooring buoys at each end and one in the center. Gear will be removed by late spring and reinstalled in the late fall.

The work is shown on the attached plans entitled "(Bren Smith Green Wave)," on 3 sheets, and dated "5/22/2017 & 4/10/2017".

The applicant has given the following statement in regard to navigation: "The site location was specifically chosen to have the lowest impact (to navigation)...the site selection is outside of any navigational channels and clear of any underwater cables. The area is sited in roughly 20 to 24 feet of water at low-tide, and with the gear suspended, it will not interfere with recreational or commercial boating. The gear area markers will also provide a warning around some submerged rocks in the east and west of the aquaculture lease vicinity" The Corps has not verified the adequacy of this statement.

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). An effects determination has not been made in regard to EFH, however a preliminary evaluation shows the project may be eligible for Programmatic Consultation. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final permit decision.

This project will impact .001 acres of Essential Fish Habitat for Smooth Dogfish, Black Sea Bass, Scup, Longfin Inshore Squid, Bluefish, Atlantic Butterfish, Atlantic Herring, and Summer Flounder. This habitat consists of sandy bottom. Loss of this habitat may adversely affect these species. 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:

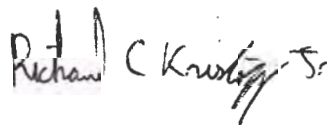
- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 Mr. Taylor Bell at (978) 318-8952.

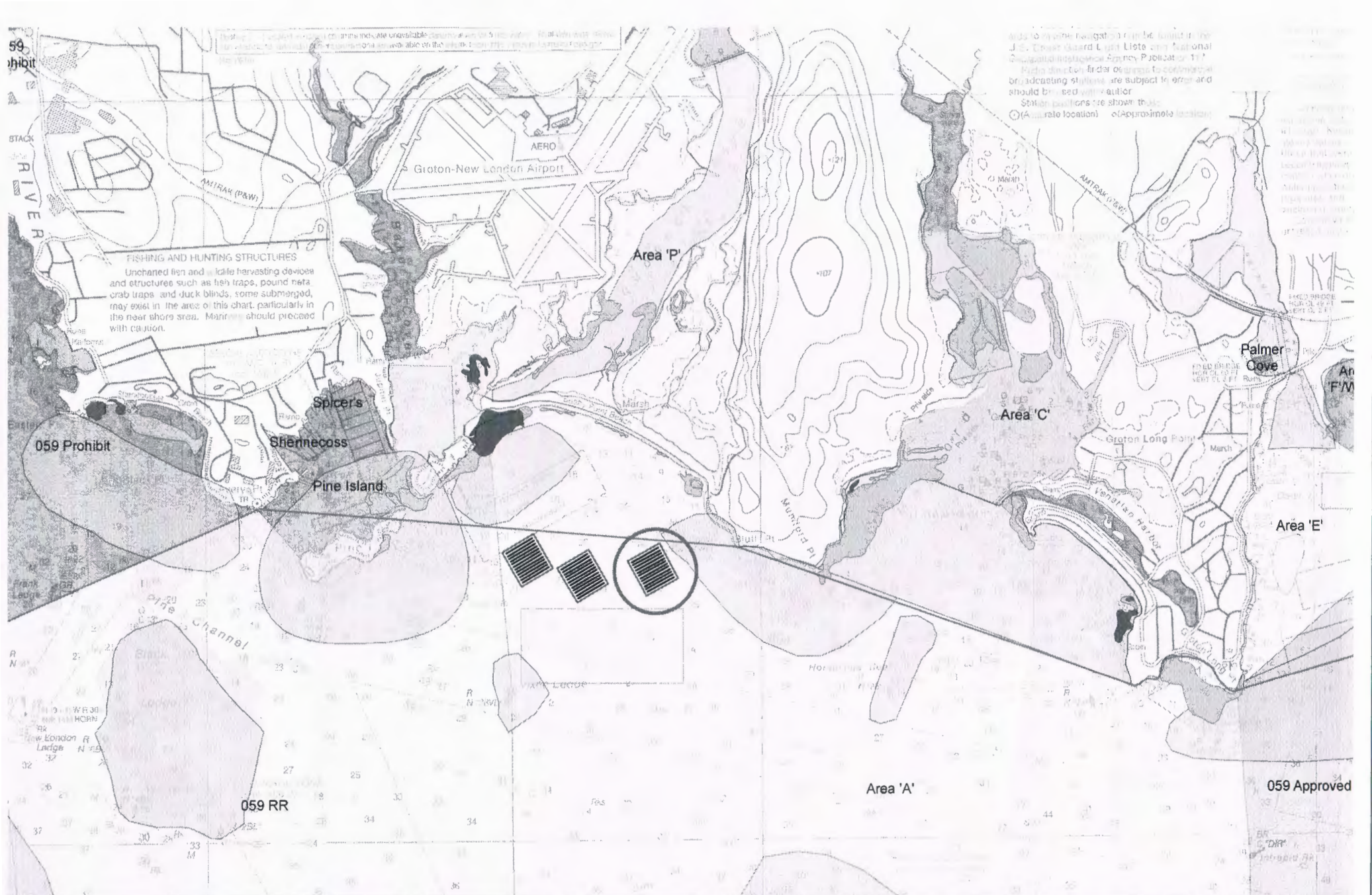
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining 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 Kristoff
Chief, Permits and Enforcement Branch B
Regulatory Division



aids to navigation may be found in the
 J. C. Coast Guard Light Lists and National
 Geospatial Intelligence Agency Publication 11
 Radio direction finder bearings to commercial
 broadcasting stations are subject to error and
 should be used with caution.
 Station locations are shown in:
 ○ (Accurate location) ◐ (Approximate location)

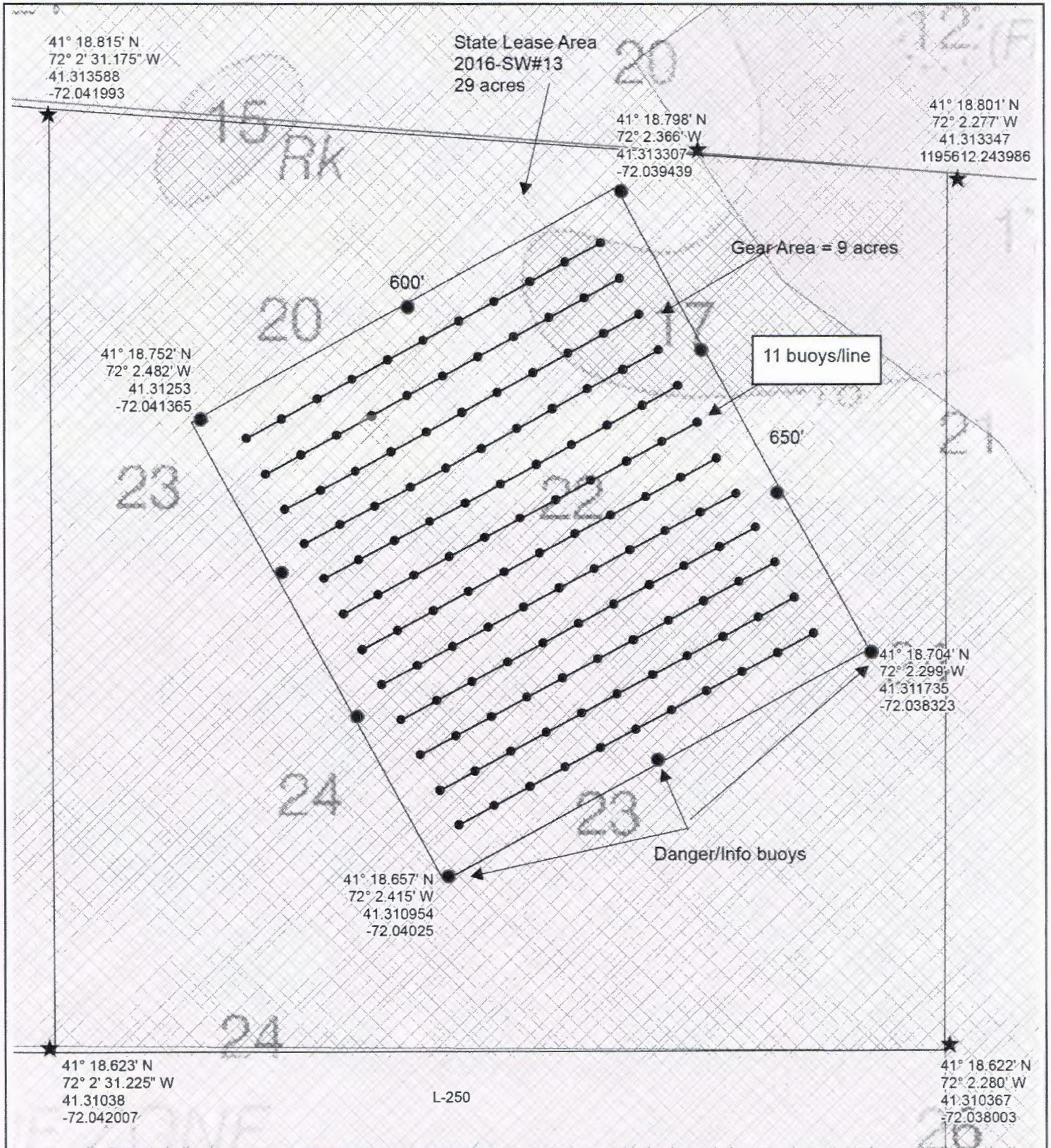
FISHING AND HUNTING STRUCTURES
 Uncharted fish and wildlife harvesting devices
 and structures such as fish traps, pound nets,
 crab traps and duck blinds, some submerged,
 may exist in the area of this chart, particularly in
 the near shore area. Mariners should proceed
 with caution.

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



- Legend**
- line_config
 - CTShellfish_Area_Town_Line_2016
 - Aqua Gear Area
- Eelgrass Beds 2012**
- High
 - Medium
 - Low
- Shellfish_Class_Poly040116**
- Approved
 - CAS
 - Conditionally Approved
 - Restricted
 - Conditionally Restricted
 - Prohibited

Greenwave
 Bren Smith
 2016-SW#13
 Groton, CT
 Fig. 1



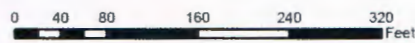
Bren Smith
Green Wave
2016-SW#13
9 acres
Groton, CT
Danger/Info buoys ●
Fig.

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

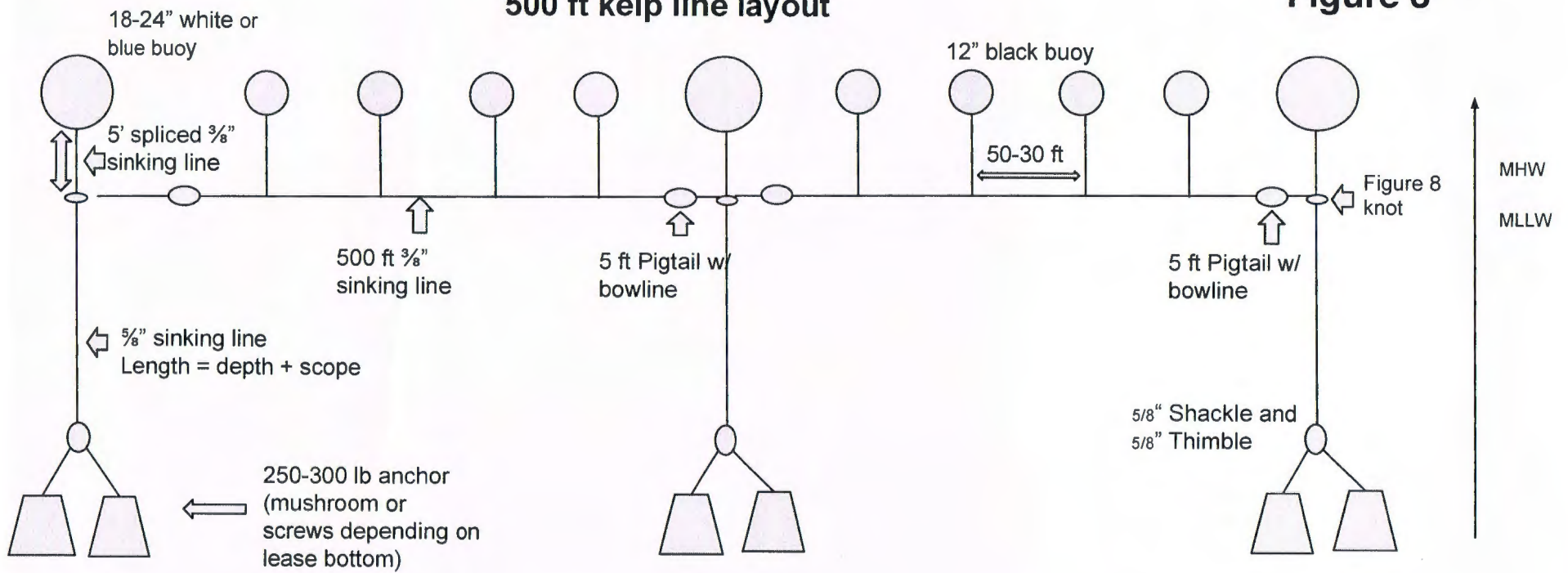
GearComersApp	TEXTURE
●	help_config
—	line_config
□	Aquatic Gear Area
	gravel
	gravel-sand
	sand
	sand clays&
	sand silt/clay
	sand/silt/clay
	silt-clays&sand



Map Date: 5/22/2017

500 ft kelp line layout

Figure 3



**Bren Smith
GreenWave Farms**

Groton, CT Fisher's Island Sound