



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

## PUBLIC NOTICE

**Comment Period Begins: October 31, 2017**  
**Comment Period Ends: January 7, 2018**  
**File Number: NAE-2017-00205**  
**In Reply Refer To: Ms. Cori M. Rose**  
**Phone: (978) 318-8306**  
**E-mail: cori.m.rose@usace.army.mil**

### **ANNOUNCEMENT OF PUBLIC HEARING AND REQUEST FOR COMMENT**

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 was the subject of a Public Notice issued by this office on August 1, 2017. The application describes 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 approximately 6.41 acre area in the Niantic River, Waterford, Connecticut. The project is described in more detail below. The applicant is working with the Waterford-East Lyme Shellfish Commission to obtain use of an area within the river identified as WELSCO-7. The corner coordinates for the proposed project site are: Latitude 41.32719 North and -72.17808 West. State Plane Coordinates (NAD83) for the area are:

Latitude 41.328361 N	Longitude -72.177194 W
Latitude 41.327000 N	Longitude -72.176805 W
Latitude 41.326333 N	Longitude -72.178972 W
Latitude 41.327000 N	Longitude -72.179555 W

By this notice we are announcing a public hearing and requesting comments in writing, or orally at the hearing, on this application.

**Date:** December 7, 2017  
**Time:** 6:00 PM EDT Hearing Registration opens (and will remain open until 7:00 pm EDT).  
6:00 PM EDT Public Information Session will commence  
7:00 PM EDT Formal Hearing will begin  
**Location:** Waterford Town Hall – Auditorium  
15 Rope Ferry Road, Waterford, Connecticut

There will be an applicant-sponsored information session before the formal hearing where members of the public can ask questions and obtain information about particular aspects of the project from the project proponent, as well as, obtain information from the Corps about the permit evaluation process. Public hearings

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are held at the discretion of the District Engineer and the purpose of the hearing is to acquire information from the public so that the Corps of Engineers can conduct a thorough evaluation of pertinent issues.

Subsequent to the hearing the transcript will be available for review on our web page and/or at our office, or may be purchased directly from the reporter. A copy of our final decision document, including the environmental assessment will be available upon request. Any person shall be able to submit oral or written statements concerning the subject matter of the hearing, to call witnesses who may present oral or written statements, and to present recommendations as to an appropriate decision. However, the time limit for oral comments will be limited. Any person may present written statements for the hearing record prior to the time that the hearing record is closed to public submissions, and may present proposed findings and recommendations. All comments received in response to this notice, as part of the hearing record or submitted in response to the previous Public Notice will be considered equally by the Corps. Consequently, if you have already submitted comments, there is no need to resubmit them as part of this proceeding.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in 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.

WRITTEN STATEMENTS MAY BE MAILED TO: The U.S. Army Corps of Engineers, New England District, Attn: Ms. Cori Rose, 696 Virginia Road, Concord, Massachusetts 01742-2751. Comments must be received by January 7, 2018. If you have any questions, please contact Cori M. Rose at (978) 318-8306 or use our toll free number (800) 343-4789.

**Project Description:** The proposed shellfish farm location is 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 application submitted to the Corps of Engineers describes 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 on a proposed 6.41 acre shellfish lease. The aquaculture site will be configured using three different types of rearing structures to experiment with shellfish growth and survival including reinforcement steel bar (rebar) racks, PVC coated steel wire trays, and high density polyethylene (HDPE) trays.

The installation of gear is proposed to be phased over a five year period with a maximum buildout of 1,221 eight-foot long by two-foot wide by one-foot high 3/8-inch rebar racks that will cumulatively hold 6,105 mesh bags for the containment and grow out of eastern oyster, 1,110 three-foot wide by four-foot long by 17-inch high PVC coated steel mesh wire (Aquamesh©) trays with feet rearing of Atlantic bay scallop, and 4,206 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 "legs." During the growing season (spring through late-fall) shellfish will be held in one of these three gear areas. The growing shellfish will be tended throughout the season and the majority of the product disseminated or to market by late-fall or early-winter. 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

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its shellfish from the other gear areas may be located to this portion of the site for survival purposes during the winter to avoid freezing/desiccation. 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 aquaculture project 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 have stated that the proposed area lacks a substantial natural set of shellfish due to its intertidal exposure and high-energy dynamic.

The purpose of the proposed structures is the experimental gear evaluation for the cultivation of eastern oyster for commercial shellfish aquaculture purposes and the rearing of native Atlantic bay scallop for use in the Niantic River for population enhancement and habitat restoration.

The work is shown on the attached plans entitled "WELSCO 7, NIAN TIC BAY SHELLFISH FARM," on 5, and dated "March 24, 2017."

**Alternatives Considered:** The following alternative sites were identified by the Waterford-East Lyme Shellfish Commission in its 2002 Policy Statement as possible locations for shellfish aquaculture and were investigated by the applicant before selection of a "preferred" project location:

Alternative 1 (WELSCO 1): This location is on the opposite (west) side of Federal Navigation Project in the Niantic River, in waters of East Lyme, Connecticut and just south of the State Military Training Facility Camp Nett (formerly Camp Niantic). Review of the location identified that the southern portion of the area overlaps with a local mooring field, the northern half is popular for recreational fishing and it is very close to the Federal Navigation Project (FNP)

Alternative 2 (WELSCO 2): This location is the southernmost location in the Niantic River adjacent to the East Lyme peninsula that carries State Route 156 (Main Street) and the Amtrak Railroad over the river. This area is easily accessible from the shoreline, is popularly used for general recreation and recreational shellfishing, and currently possesses eelgrass (special aquatic site). Finally, the northeast corner of the area abuts the federal channel.

Alternative 3 (WELSCO 3): This area is located just north and east of the preferred alternative and the Mago Point local anchorage on the east side of the river in Waterford (just south of Bishops Street). Similar to the other options above it will conflict with popular recreational shellfish beds. Although it is further removed from the FNP, it would interfere with a locally used boating thoroughfare known as Indian Channel.

Alternative 4 (WELSCO 4): This location is further north than the previous alternatives on the eastern side of the river, perpendicular to the intersection of Niantic River Road and Daniels Avenue in Waterford. There is a locally established mooring field within the site perimeter and there is limited space for the proposed project. Although is removed from high boat traffic, eelgrass is present. It is also

very close to several existing residential docks.

Alternative 5 (WELSCO 5): This area is slightly north of WELSCO 4 in an area roughly perpendicular to the intersection of Niantic River Road and the streets of 7th through 10th Avenue. The water depth at this site is deeper, it has ample room to avoid residential docks, there is no eelgrass present and it would be suitable for the proposed purpose. The only negative appears to be that it might interfere with recreational use of personal watercraft. This area was ultimately eliminated because the Waterford Harbor Management Commission raised unspecific objection to the use at this location.

Alternative 6 (WELSCO 6): This location is a narrow area on the western shore in the northern portion of Niantic River in East Lyme. It is adjacent to a 457-acre compendium of 13 parcels managed by the Town of East Lyme as a nature preserve. It is North of Mount Tabor, South of Golden Spur and parallel with the Oswegatchie Hills, a north-south oriented ridge (previously known as Sargents Head). This location is unlike the other locations above in that it has a silt bottom with lower salinity. The area is closed to recreational shellfishing. Although it is far removed from the FNP it is popularly used for high-speed recreation including water skiing and tubing.

Alternative 7 (WELSCO 7): This is the preferred location and the subject of this application, on the eastern portion of Squall Flats, northwest of Mago Point. The southernmost corner is located 363 feet northwest from FNP Red #6 buoy and the northernmost corner is located 361 feet east of FNP Red #14 buoy. This site consists of a very shallow, and relatively stable intertidal sand bar (possibly a flood-tidal delta) just north of the bay bridge and adjacent to Mago Point. This location was selected because its shallow condition makes it unsuitable for navigation and most recreational uses, it is closed to recreational shellfishing during the growing season (only open during the winter) and it does not possess a productive population of natural shellfish, it is removed from the FNP, not associated with existing mooring areas and does not have eelgrass.

#### **AUTHORITY**

Permits are required pursuant to:

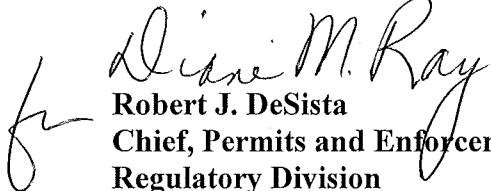
- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act.

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

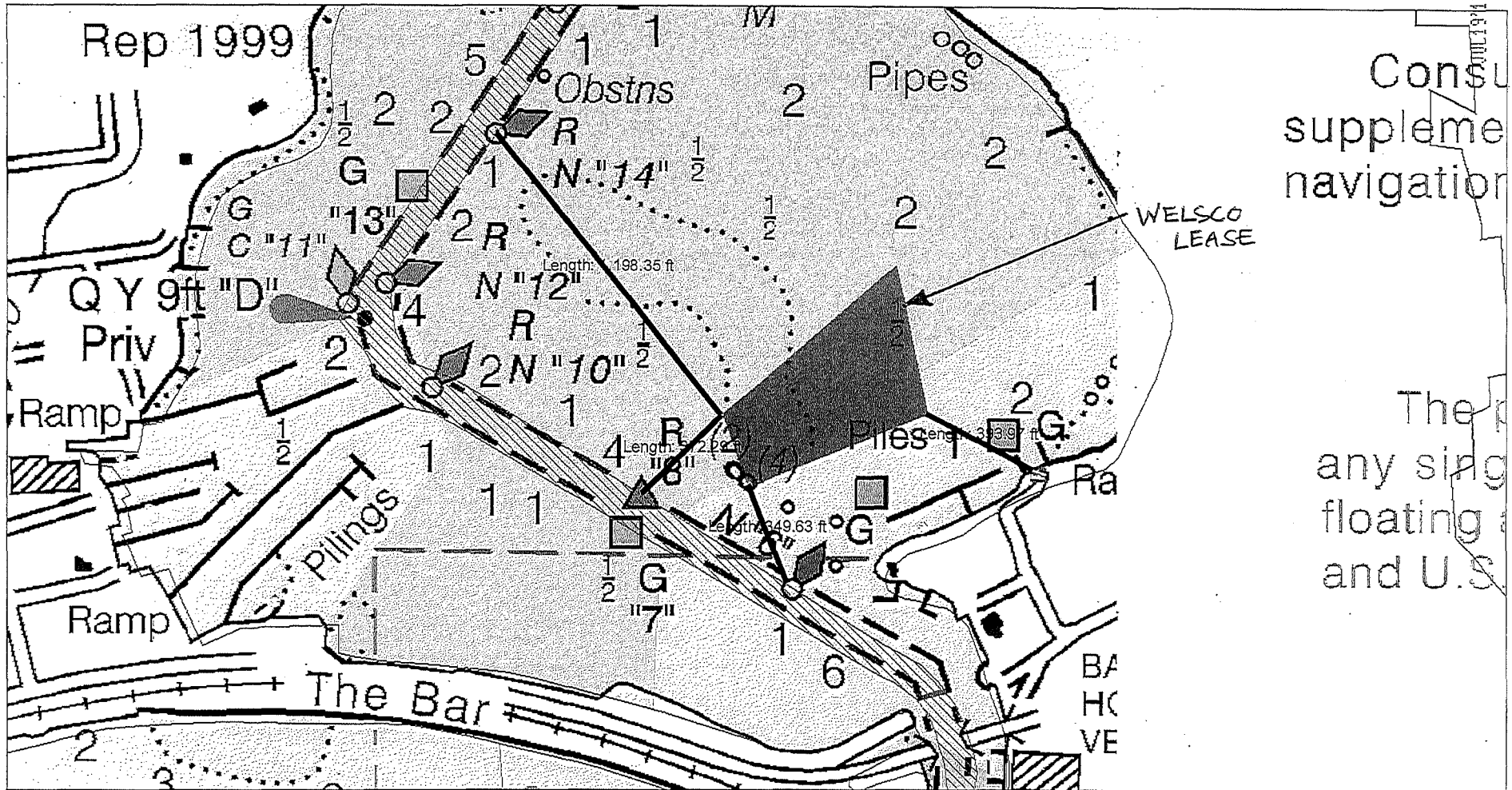
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impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact 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.

  
**Robert J. DeSista**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

VICINITY MAP WELSCO 7 NIAHTIC RIVER

JULY 1997 REG DIV

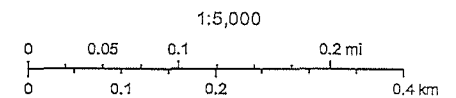


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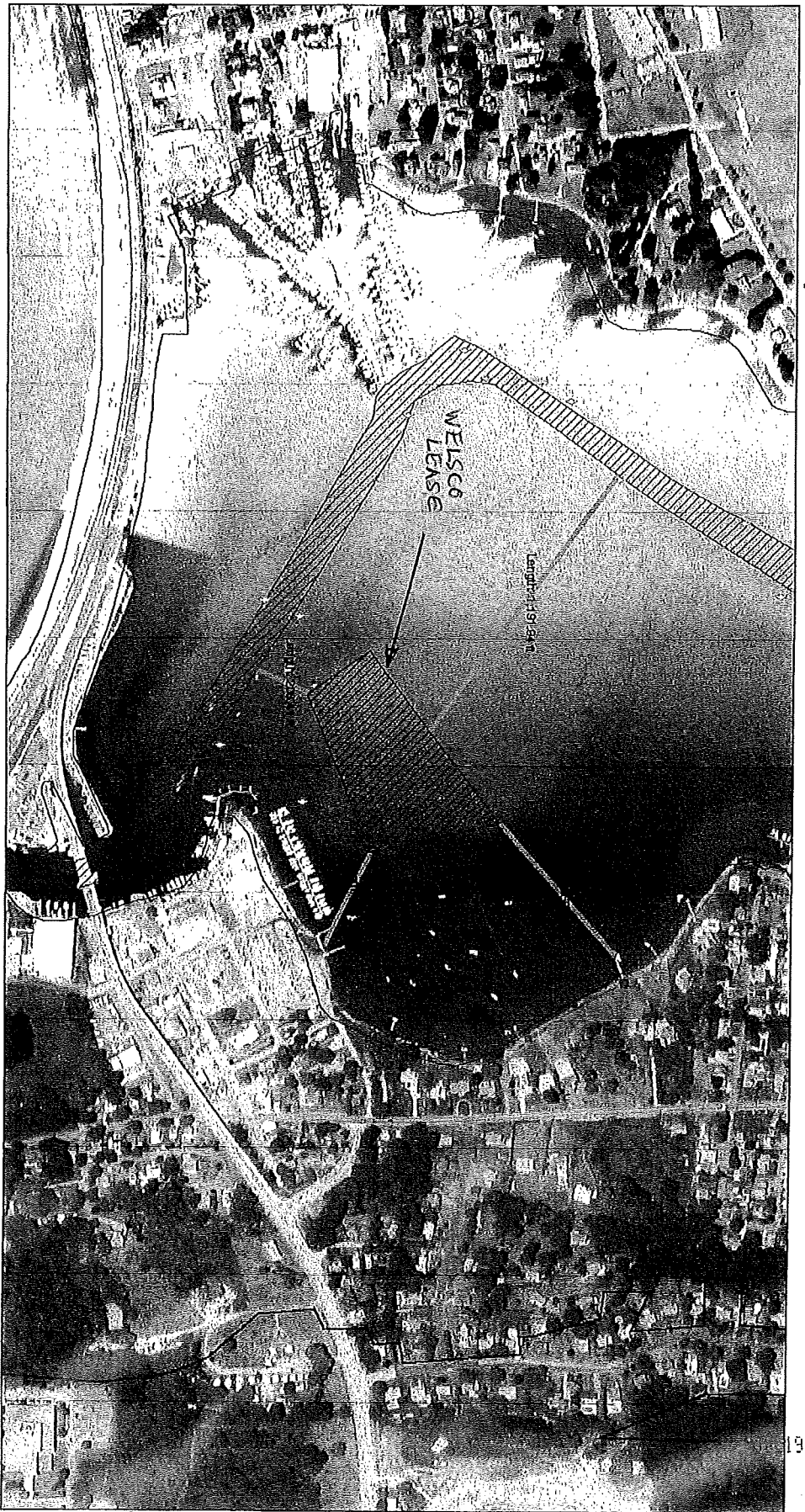
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July 13, 2017

- CT Marinas 2016
- Coastal Boat Launches
  - Trailer, Car Top/Carry-In
  - Channels, Basins, Anchorage Areas (DEEP)
- CTRecreationalBeds
  - Recreational Conditional
- Recreational Open-Seasonal
- Connecticut Towns
- Coastal Boundary






Vicinity Map WELSCO 7

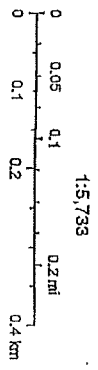


19'17 REG DIV

March 24, 2017

Aids to Navigation (2013)

-  Channels, Basins, Anchorage Areas (DEEP)
-  Committed Towns
-  Coastal Boundary

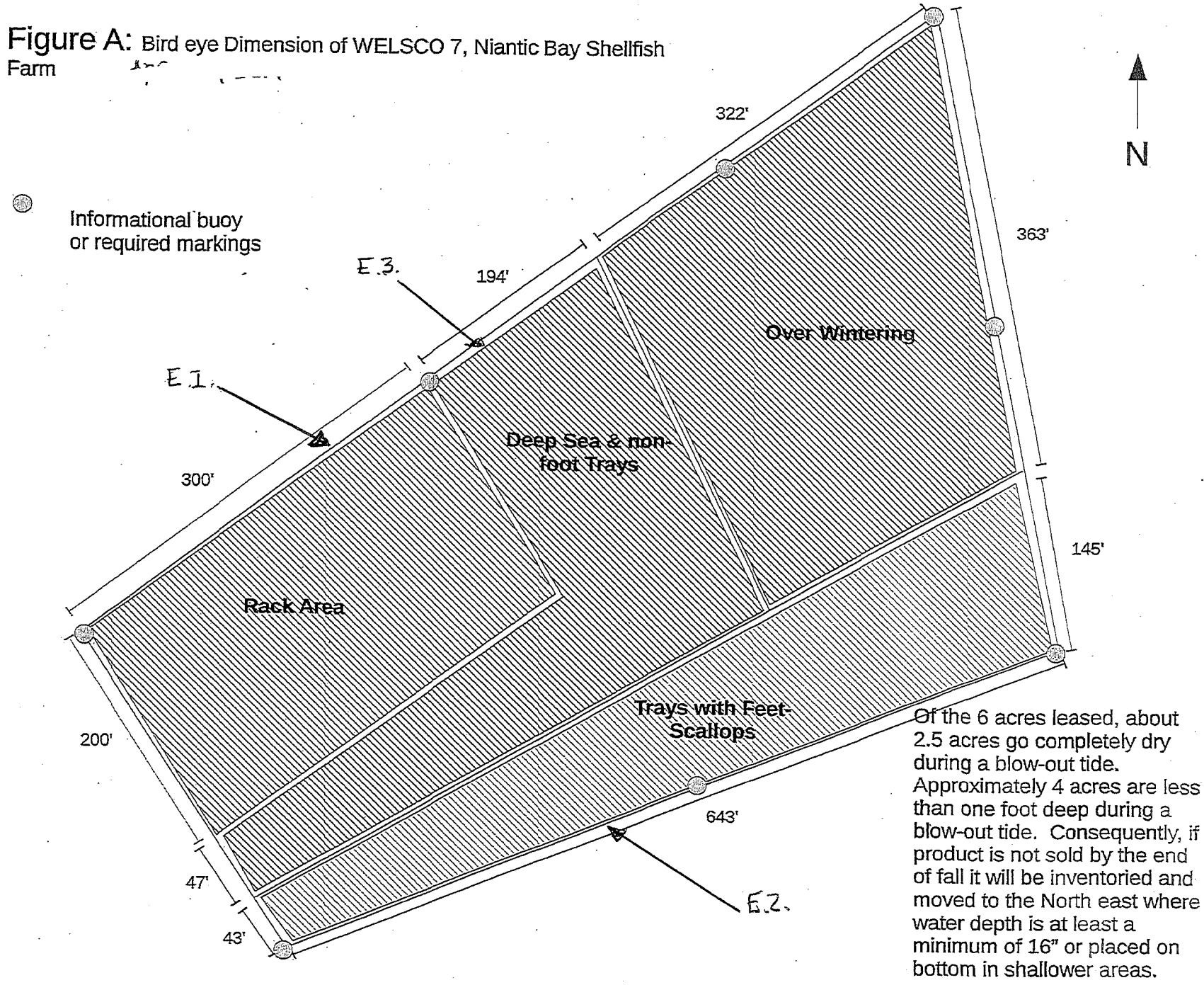


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Nantux Bay Shellfish Farm  
Copyright Connecticut Sea Grant and UConn CLEAV



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



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**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.

○ Informational buoy or required markings

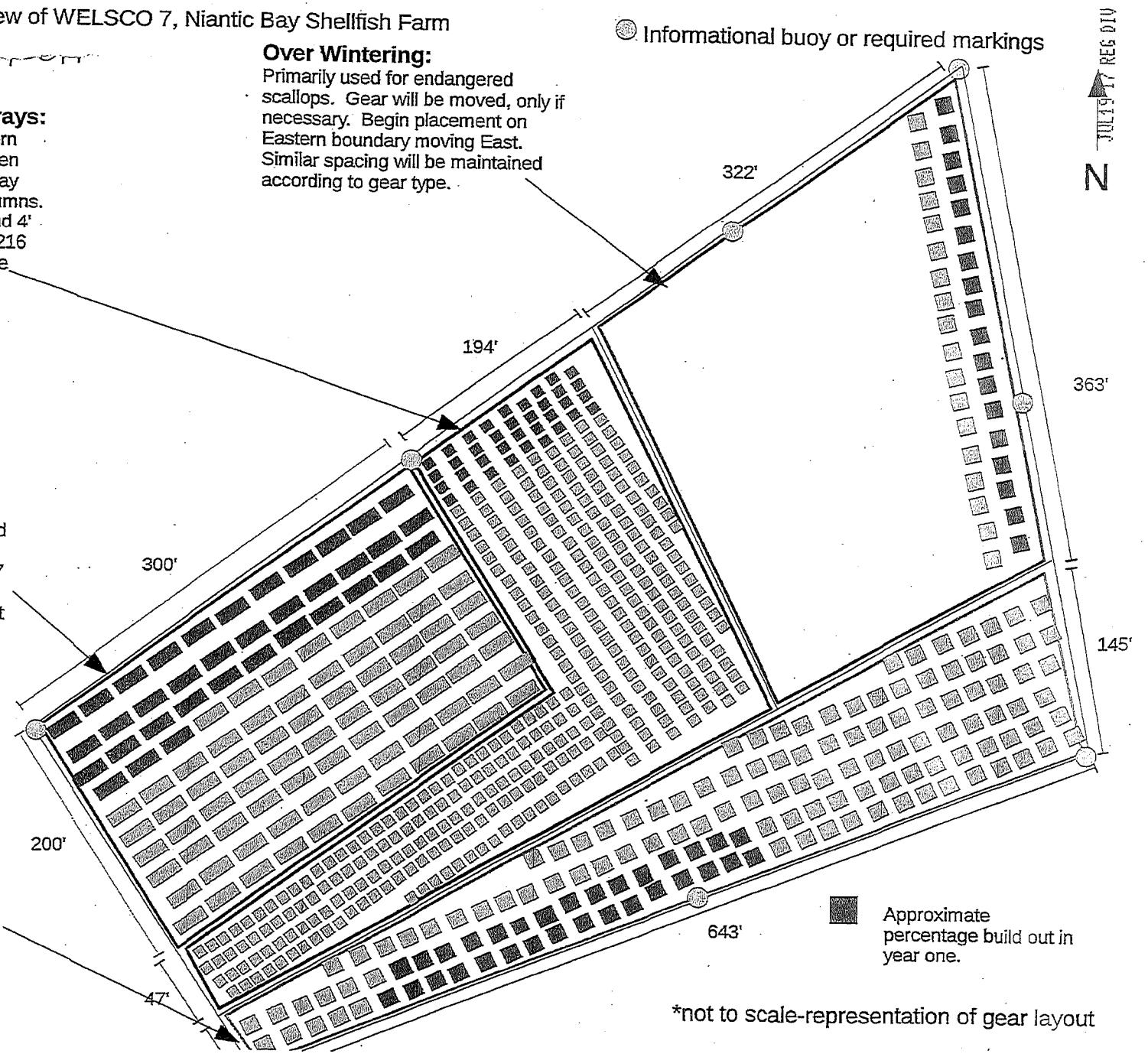
Ref. Fig. E.1

**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 1/4<sup>th</sup> of capacity.

Ref. Fig. E.2

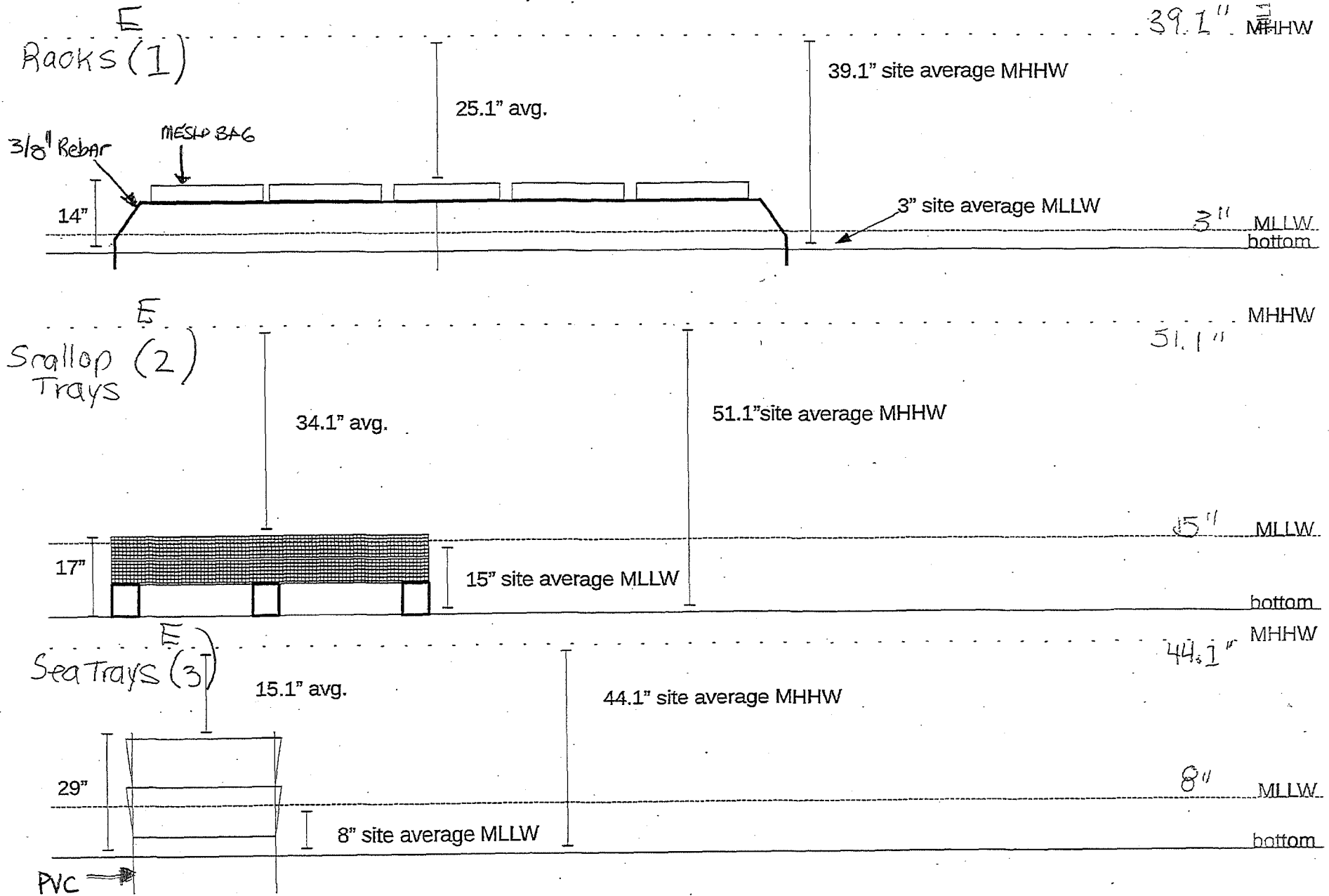
**Trays with Feet-Scallops:**

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.



\*not to scale-representation of gear layout

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



## Attachment Mi:

(This original document was created for WELSCO and The Waterford Harbor Management Commission. Both commission have view this document. 2/18/2016)

The six shaded areas have been identified by WELSCO in the 2002 Policy Statement as possible areas for Aquaculture Projects

### Lease Locations Overview

