

## **Determination of the Need for a Public Hearing**

**1. Applicant:** Mariculture Unlimited  
**Application Number:** 200202751

**2.** This determination of the need for a public hearing is being taken under authority delegated to the District Engineer from the Secretary of the Army and the Chief of Engineers by Title 33, Code of Federal Regulations, Part 327, as published in the 13 November 1986 Federal Register pursuant to Section 404 of the Clean Water Act, Public Law 95-217.

**3. Description, location and purpose of work:** The applicant proposes to install and maintain at total of 225 submerged longlines for the rearing of eastern oysters at three state administered shellfish lease areas in the nearshore coastal environment of Long Island Sound. The proposed shellfish rearing areas will encompass a total area of 522.4 acres off of the shoreline of Milford and Westport, Connecticut.

### **Site 1a/1b - Westport CT**

The 366.8-acre rearing area at Lease 602 and 612 is located to the northeast of Cokenoe Reef, southeast of the Saugatuck River entrance, and north of Georges Rock in 24 to 32 feet of water at an orientation of 317° (see attached coordinates). At this site, approximately one hundred sixty-nine 325 foot long longlines, each suspending 50 cage units (4.6' high modules) for the rearing of oysters, is proposed to be submerged 10 feet below the water surface, kept afloat between large flotation buoys and anchored by 4 terminal helix-style anchors and 6 intermediately placed 200 pound mushroom anchors. Compensation buoys will be used to keep the longline off of the bottom. Tidal currents at the site run 272 ° on a flood tide, and 84° on an ebb tide. Predicted maximum current velocities for the site are 1.2 knot on a flood tide, and 1.88 knot on an ebb tide.

### **Site 2 - Milford CT**

The 155.5 acre rearing area at Lease 390 is located offshore of Cedar Beach and Laurel Beach in water depths of between 15 and 22 feet at an orientation of 205° (see attached coordinates). At this lease, approximately fifty-six 325 foot long longlines, each suspending 50 cage units (4.6' high modules) for the rearing of oysters, is proposed to be submerged 8 feet below the water surface, kept afloat between large flotation buoys and anchored by 4 terminal helix-style anchors and 6 intermediately placed 200 pound mushroom anchors. Compensation buoys will be used to keep the longline off of the bottom. Tidal currents at the site run 250 ° on a flood tide, and 70° on an ebb tide. Predicted maximum current velocities for the site are 0.8 knot on a flood tide, and 1.1 knot on an ebb tide.

The purpose of the proposed activity is for the establishment of a commercial aquaculture operation to grow eastern oyster.

**4.** In response to our public notice, we received approximately 400 letters and an additional 300 form letter post-cards objecting to the proposed project. Approximately 200 of the letters included a request for a public hearing. No letters were received in support of the project. Concerns stated from those requesting a hearing included:

- a. The aquaculture gear would pose a serious impediment to established recreational uses of the coastal area at the mouth of the Saugatuck River and the cove between Charles Island, Milford and the Housatonic River Breakwater, Stratford. Existing uses recognized for the lease areas include impact to nationally recognized sailboat racing program “standard race areas” for the Cedar Point Yacht Club and Housatonic Boat Club, high school and beginners sailing programs and Special Olympics regattas, recreational fishing, commercial lobstering, swimming, jet skiing, windsurfing, kayaking, tubing, and other water-related recreational opportunities
- b. The proposed gear would pose a substantial safety risk to boaters and commercial and recreational fishermen alike. In particular the gear may anchoring of vessels in emergency situations or during rapidly approaching seasonal storms very difficult and dangerous and small sailboats and windsurfers that capsize or “go turtle” may become enmeshed in the gear posing a real risk of injury or loss of life and result in property damage to both the gear and the boats.
- c. The proposed gear will pose a significant impediment to coastal navigation. In particular, any boat with a draft over 8 feet is in danger of entangling lines with its keel, the gear area will result in additional restriction of an already narrow entrance to Saugatuck Harbor seriously impacting the only access (both inbound and outbound) between the Saugatuck River and Long Island Sound and increasing the danger of collisions. In addition, the gear could become dislodged during seasonal coastal storms and potentially create an impediment to navigation.
- d. The area proposed for private aquaculture enterprise has a long and well-established history of serving the public trust and issuance of a permit for the proposed project will effectively take public trust areas used by many of the commercial economic benefit of a few. It is believed that the proposal is contrary to the public interest and would be detrimental to a large number of residents and visitors to Connecticut

- e. The proposal will impact the community financially, because it will result in the loss of business to commercial entities that currently depend on seasonal recreational boating income, including marinas, marine retail, restaurants, sporting goods stores etc.
- f. Many of the waterfront property owners moor their boats in the Cove off of Cedar and Laurel Beach in Milford CT and installation of the gear in these locations will impede riparian homeowners' access to their moorings.

**5.** The purpose of a public hearing is to obtain public comment when the receipt of such comment is the best means for understanding a wide variety of concerns from a diverse segment of the public. We have received comments both on a wide range of concerns and from a diverse segment of the public. In addition to the significant scope and nature of the proposed project, the issues raised in comment letters to the Corps are substantial and there appears to be a valid interest to be served by holding a public hearing.

**6.** In addition, we received inquiries and a request for a public hearing from Congressman Christopher Shays, Congresswoman Rosa DeLauro, Senator Win Smith, State House of Representatives Majority Leader James Amann, and State Representatives Kenneth Bernhard and John Stripp. All of the above indicated that a hearing was in the best interest of their constituents.

**7.** I, hereupon, determine that a public hearing is warranted in this matter and should be scheduled promptly.

Colonel Thomas Koning

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District Engineer                      Date