



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: March 13, 2003

Comment Period Ends: April 17, 2003

File Number: 200202751

In Reply Refer To: Cori M. Rose

Or by e-mail: Cori.M.Rose@usace.army.mil

ISSUANCE OF THIS PUBLIC NOTICE SERVES AS NOTIFICATION TO THE PUBLIC THAT THE CONNECTICUT DEP WILL REVIEW THIS PROPOSAL FOR CONSISTENCY WITH THE STATE'S FEDERALLY APPROVED COASTAL ZONE MANAGEMENT PLAN

MARICULTURE UNLIMITED, 11 SURF ROAD, WESTPORT, CONNECTICUT has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act 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 Cockenoe 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.

The proposed project will impact approximately 522.4 acres of Essential Fish Habitat (EFH) for fish species identified in Attachment 1 including winter Flounder (all life stages), windowpane flounder (all

life stages), Atlantic herring (juveniles and adults), whiting (adults), red hake (all life stages), bluefish (adults and juveniles), summer flounder (juveniles), scup (all life stages), black sea bass (juveniles), and long finned squid (eggs and larvae). Benthic habitat characteristics at the proposed rearing areas consist of mostly flat bottom, predominantly soft mud with some rock outcrops and shellfish mixed into the sediment at Site 1a/1b Westport/Cockenoe Island, and a mixed bottom of hard sand and soft mud with some shell hash at Site 2 Milford/Cedar Beach.

Installation of submerged, mid-water longline gear may adversely affect the normal migratory movement of pelagic fish such as Atlantic herring, whiting, Atlantic mackerel and long-finned squid. However, it is believed that the behavioral impedance of these structures will be no more than minimal, due to the open structural design of the units. It is not anticipated that installation of these units will not result in the permanent displacement of benthic fish species such as winter flounder and windowpane flounder bottom forage habitat since the gear will not be in contact with the bottom. Maintenance of the gear topside may result in the temporary resuspension of organic fouling material during harvest and high pressure washing of the suspended cages. It is anticipated that there will not be a significant increase in deposition in any one area due to the open nature and high velocity of tidal currents at the proposed rearing sites.

As a result of the assessment of impacts, the District Engineer has made a preliminary determination that the site-specific adverse effect of the project 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.

Project area 1 is located on the USGS Sherwood Point quadrangle sheet at UTM coordinates 4550674 N and 638079 E; project area 2 is located at the USGS Milford quadrangle sheet at UTM coordinates 4561376 N and 659155 E (see Attachment 2 for specific Latitude and Longitude coordinates of gear boundaries).

In order to properly evaluate the proposal, the Corps is seeking public comment. Anyone wishing to comment to the Corps 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.

Also, issuance of this Public Notice serves as notification to the public that the Connecticut DEP will review this proposal for consistency with the State's federally approved Coastal Zone Management Plan. Anyone wishing to comment to the Connecticut Department of Environmental Protection, Office of Long Island Sound Programs on the proposed activity pursuant to Connecticut's Coastal Zone Management Plan is encouraged to do so. Comments should be submitted in writing by the above date to Peter Francis, CT DEP OLISP, 79 Elm Street, Hartford, CT 06106.

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.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS

Robert J. DeSista
Chief, Permits & Enforcement Branch
Regulatory Division

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.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and 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.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

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

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.

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.

If you would prefer not to continue receiving public notices, please check here () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.

NAME:
ADDRESS: