



US Army Corps
of Engineers®
New England District

REVISED PUBLIC NOTICE

Date: December 18, 2003

Comment Period Ends: January 21, 2004

File Number: 200202751

In Reply Refer To: Cori Rose or Paula Kullberg

Or by e-mail: cori.m.rose@usace.army.mil or

paula.g.kullberg@usace.army.mil

MARICULTURE UNLIMITED LLC, 4 CRESCENT AVENUE, BRIDGEPORT CT 06608 has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899 to install and maintain at total of 88 submerged longlines for the rearing of eastern oysters at two sites in the nearshore coastal environment of Long Island Sound.

This Public Notice identifies the applicant's proposed modifications to the original proposal to install 225 submerged longlines over a 522.4 acre area at three state administered shellfish leases in Westport and Milford, Connecticut, as noticed on March 13, 2003 and June 19, 2003.

The proposed shellfish gear, as identified by the modifications, will be deployed in phases over a 3-year period and at full build-out will encompass a total area of 175.3 acres off of the shoreline of Milford and Westport, Connecticut. The revised proposal is described below and is depicted on the enclosed plans entitled "Mariculture Unlimited LLC, Modification to Permit Application 200202751," on 15 sheets, and dated "November 17, 2003."

Site 1 - Westport CT

This rearing area has been relocated from its original proposed location just to the northeast of Cockenoe Island Shoal to a revised location approximately 2 nautical miles southeast of Cedar Point and the entrance to Saugatuck Harbor and approximately 1 nautical mile due east of Cockenoe Reef (see attached coordinates). The original proposal for one hundred and sixty-nine 525-foot long longlines (including terminal anchors) over 366.8 acres, each suspending 50 cage units (5.1' high modules) for the rearing of oysters has been reduced. The project modification proposes installation of 12 longlines over 20.5 acres in the first year, the installation of an additional 12 longlines over 26.2 acres in year two, and the installation of an additional 24 longlines over 44.8 acres in year three for a total 3-year build-out of forty-eight 525-foot long longlines over 91.5 acres. The proposed longlines will be designed to maintain a depth of 10 below mean low water in approximately 32 to 38 feet of water through use of a combination of mid water plastic buoys and intermediate anchors. Marine engineering analysis of this design has not yet been completed.

Site 2 - Milford CT

This rearing area has consolidated and shifted slightly to the south to take advantage of additional water depth and is located approximately 1.25 nautical miles from "Bell R 15" and approximately 4,300 feet from the outer Housatonic River breakwater (see attached coordinates). The original proposal for fifty-six 525-foot long longlines (including terminal anchors) over 155.5 acres, each suspending 50 cage units (5.1' high modules) for the rearing of oysters has been reduced. The project modification proposes installation of 10 longlines over 15.4 acres in the first year, the installation of an additional 8 longlines over 12.3 acres in year two, and the installation of an additional 22 longlines over 56.1 acres in year three for a total 3-year build-out of forty 525-foot long longlines over 83.8 acres. The proposed longlines will be designed to maintain a depth of 10 below mean low water in approximately 18 to 23 feet of water through use of a combination of mid water plastic buoys and intermediate anchors. Marine

engineering analysis of this design has not yet been completed.

The purpose of the proposed activity is for the establishment of a commercial aquaculture operation to grow eastern oyster in western Long Island Sound.

The proposed project will impact approximately 175.3 acres of Essential Fish Habitat (EFH) for fish species 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 Westport, and a mixed bottom of hard sand and soft mud with some shell hash at Milford.

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 on Essential Fish Habitat 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.

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

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 or Ms. Paula Kullbert at (978) 318-8170, (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.



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

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS

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.

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 the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

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 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.

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 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.

If you would prefer not to continue receiving Public Notices, 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: _____

ATTACHMENT 1

Table 1. The number of submerged lines and total acreage of gear field for each year of operation at the Milford and Westport oyster farm locations.

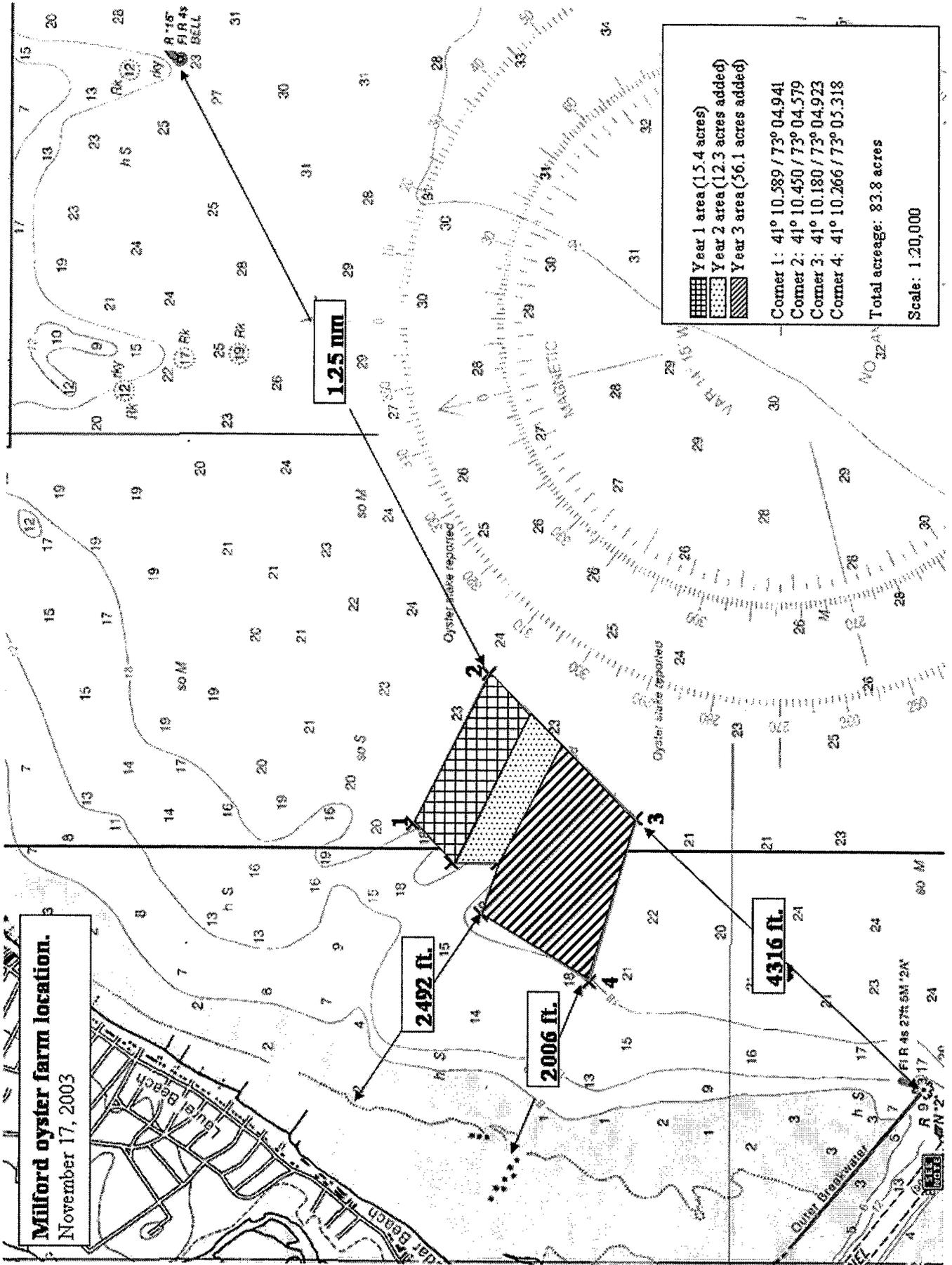
	Number of lines	Acreage	Dimensions of gear field
MILFORD			
Year One	10	15.4	425 x 1580 ft
Year Two	18	27.7	790 x 1580 ft
Year Three	40	83.8	2006 x 1580 ft
WESTPORT			
Year One	12	20.5	607 x 1457 ft
Year Two	24	46.7	1399 x 1457 ft
Year Three	48	91.5	2735 x 1457 ft

Table 2. Latitude/Longitude coordinates for the corners of the Milford and Westport oyster farm locations at final build out.

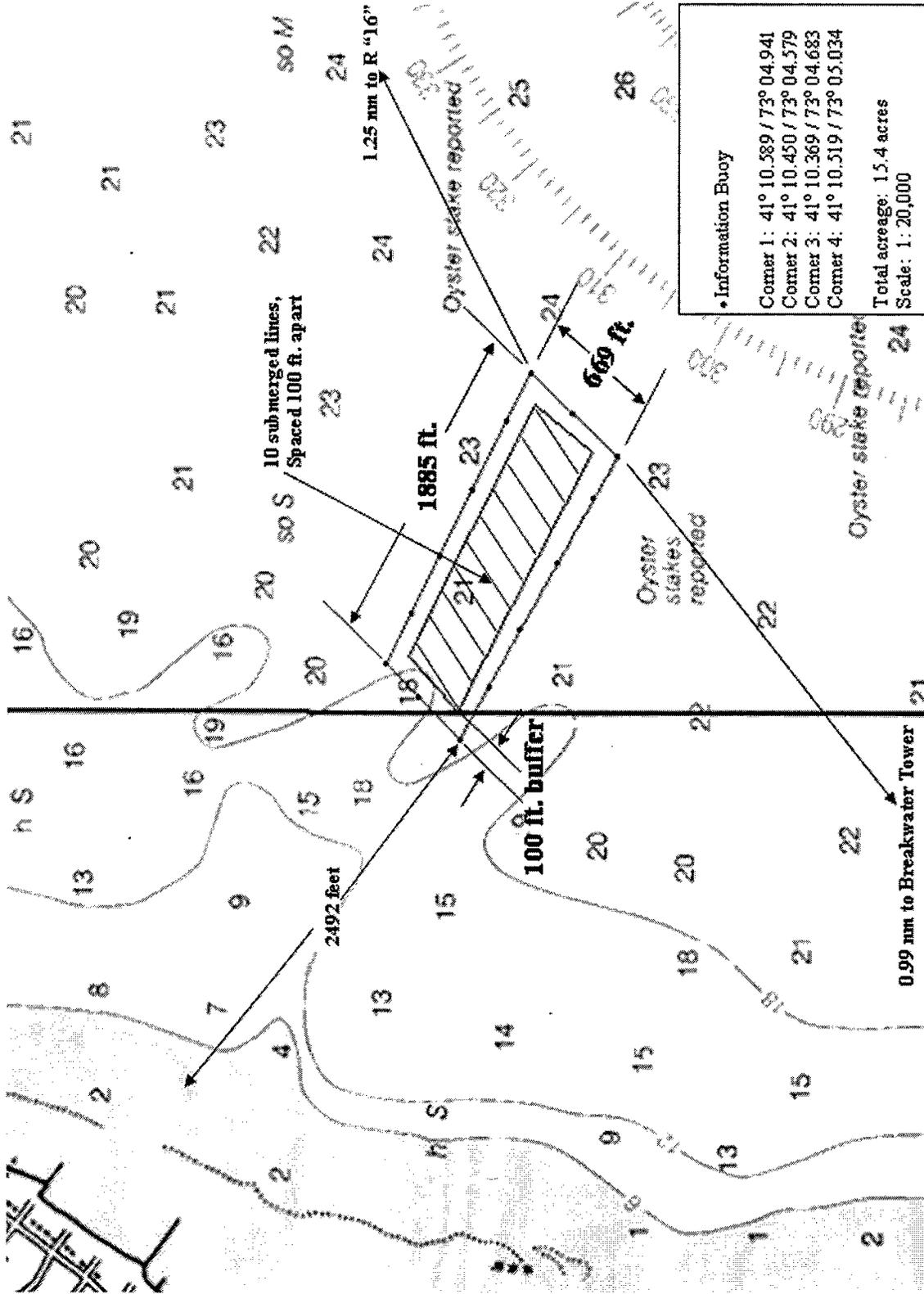
	Latitude	Longitude
MILFORD		
Year Three	41° 10.589	73° 04.941
	41° 10.450	73° 04.579
	41° 10.180	73° 04.923
	41° 10.266	73° 05.318
	41° 10.462	73° 05.159
	41° 10.432	73° 05.034
	41° 10.519	73° 05.034
WESTPORT		
Year Three	41° 05.544	73° 18.013
	41° 05.269	73° 18.013
	41° 05.411	73° 18.640
	41° 05.117	73° 18.640

Milford oyster farm location.

November 17, 2003

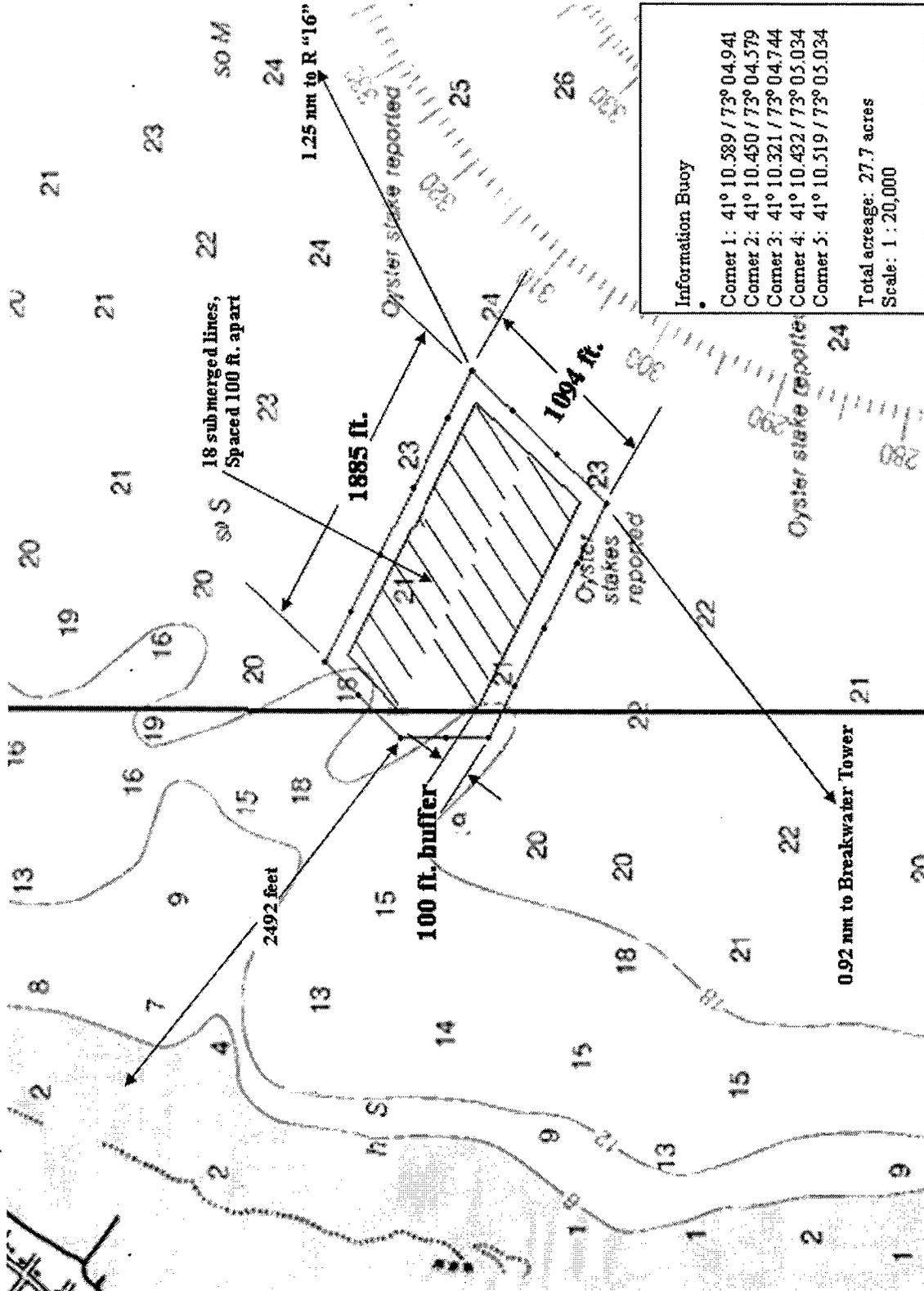


Milford, year 1 details.
November 17, 2003



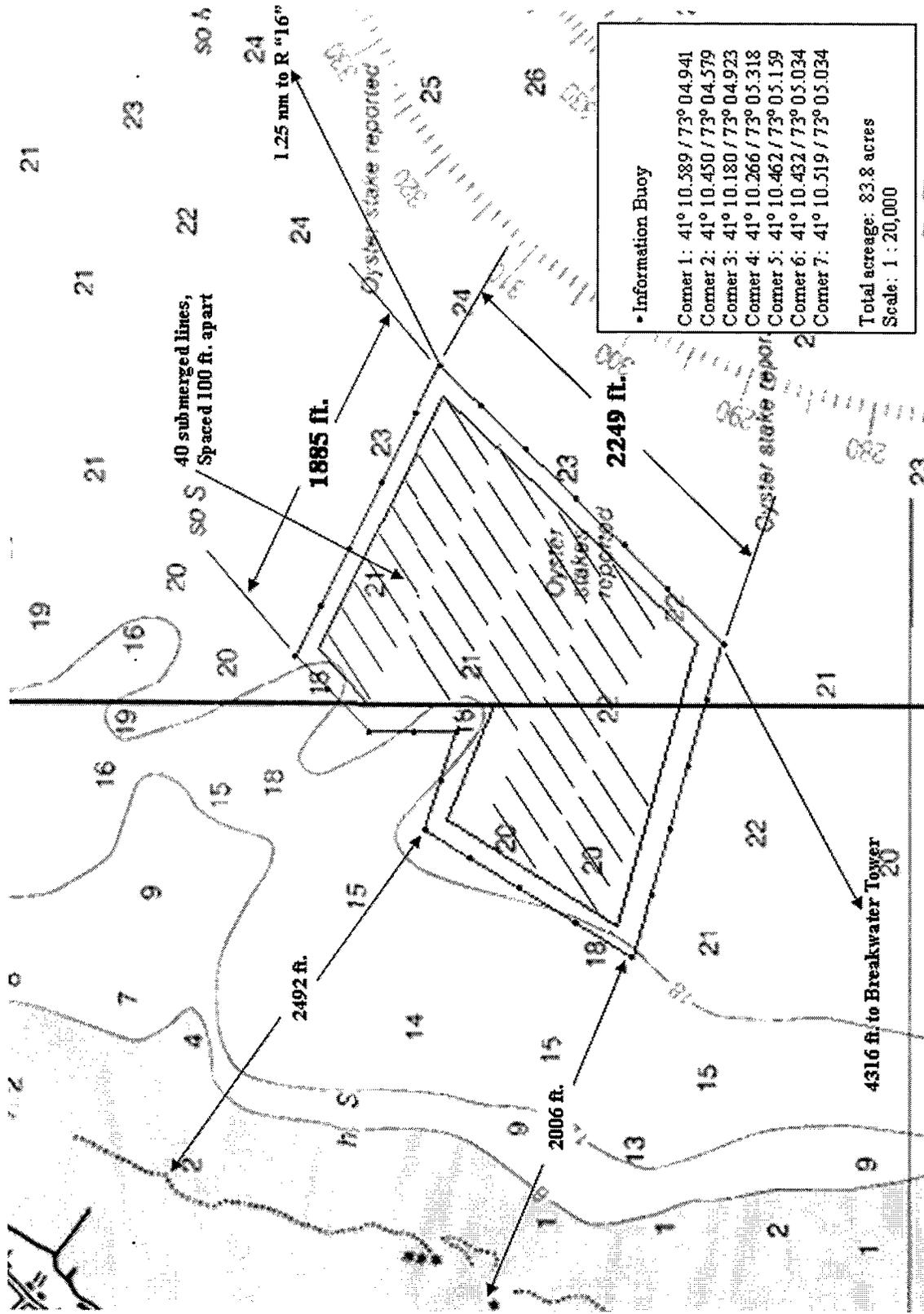
Milford, year 2 details

November 17, 2003



Milford, year 3 details

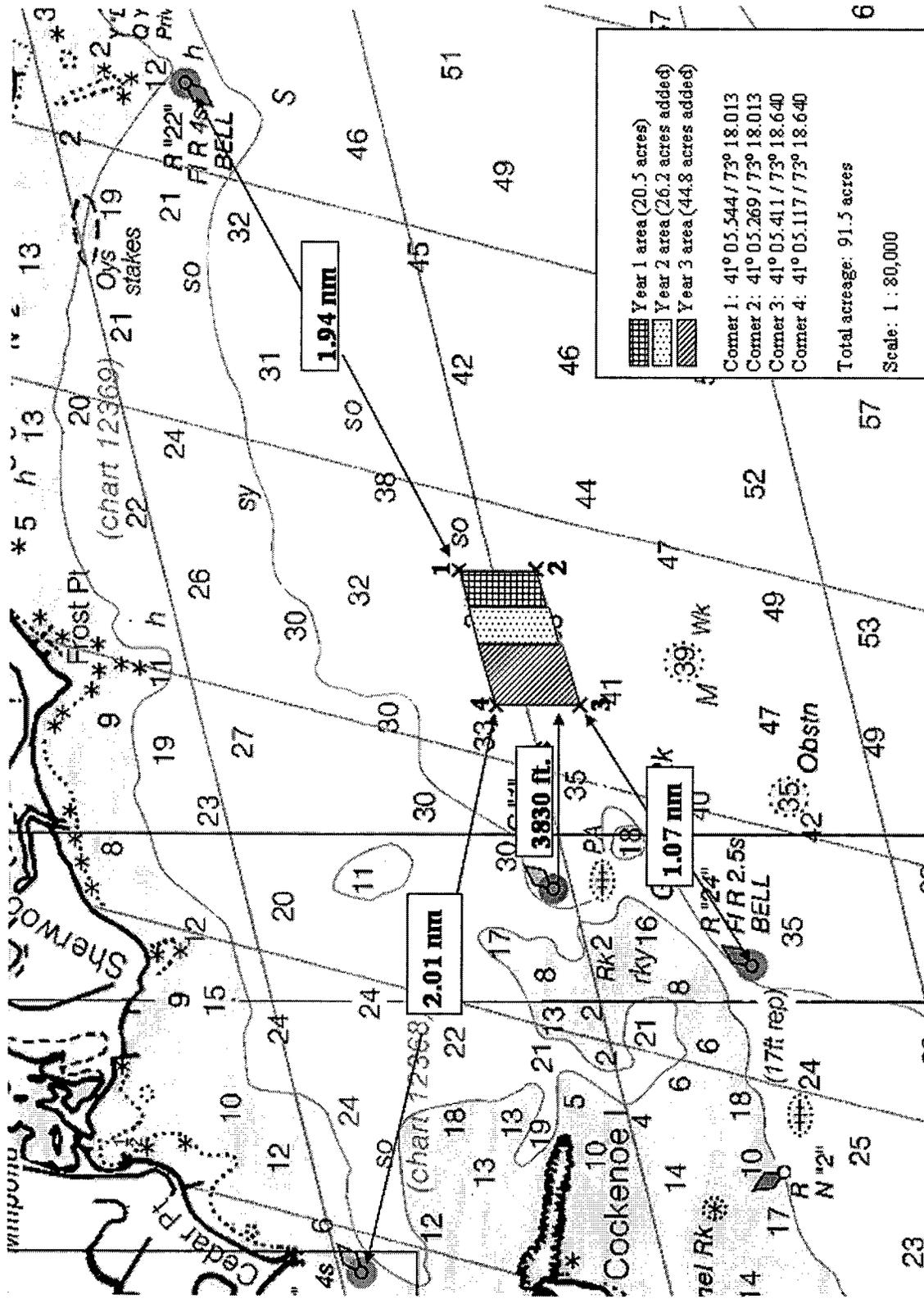
November 17, 2003



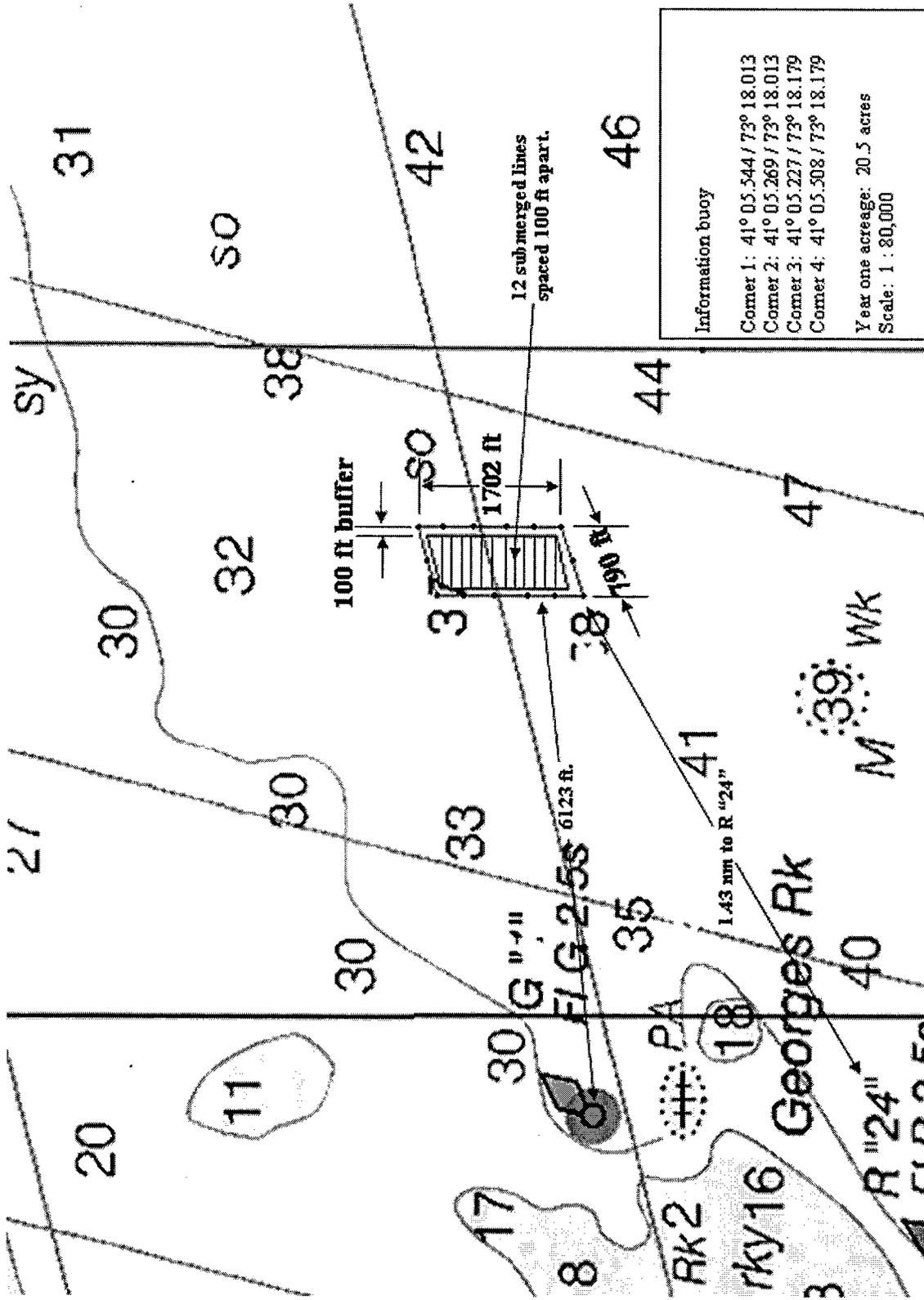
• Information Buoy	
Corner 1:	41° 10.589 / 73° 04.941
Corner 2:	41° 10.450 / 73° 04.579
Corner 3:	41° 10.180 / 73° 04.923
Corner 4:	41° 10.266 / 73° 05.318
Corner 5:	41° 10.462 / 73° 05.159
Corner 6:	41° 10.432 / 73° 05.034
Corner 7:	41° 10.519 / 73° 05.034
Total acreage: 83.8 acres	
Scale: 1 : 20,000	

Westport oyster farm location.

November 17, 2003



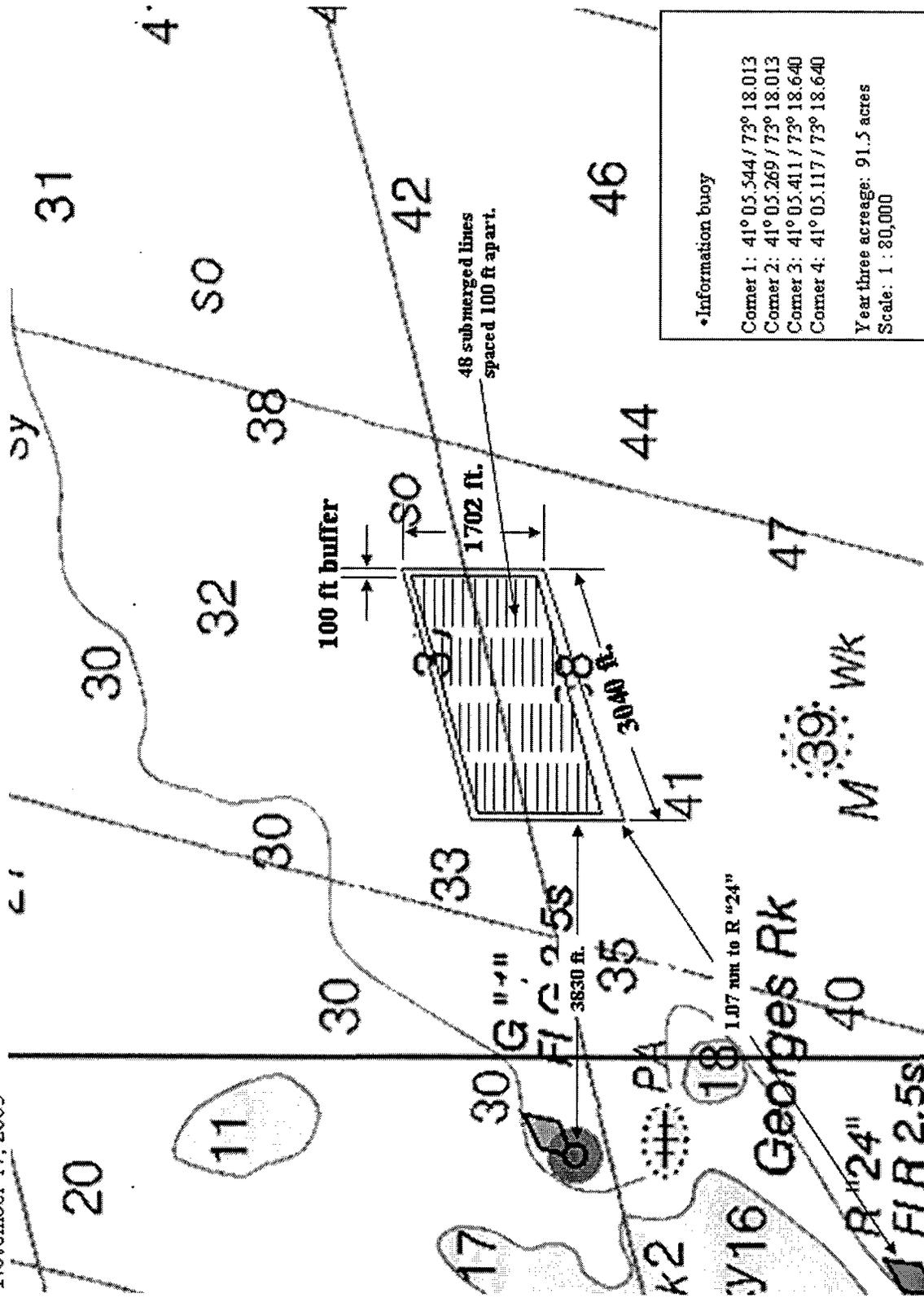
Westport, Year one details
 November 17, 2003



Information buoy
 Corner 1: 41° 05.544 / 73° 18.013
 Corner 2: 41° 05.269 / 73° 18.013
 Corner 3: 41° 05.227 / 73° 18.179
 Corner 4: 41° 05.308 / 73° 18.179
 Year one acreage: 20.5 acres
 Scale: 1 : 80,000

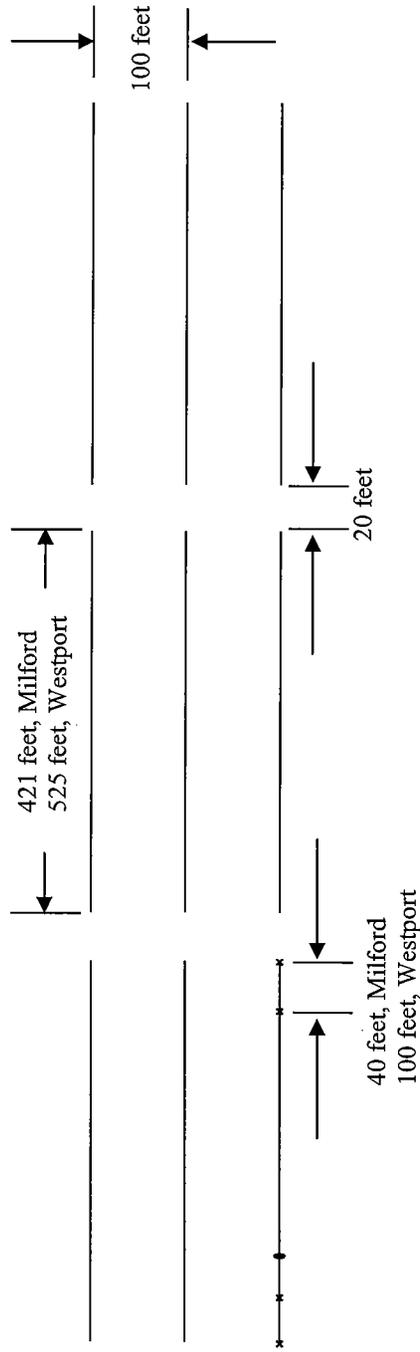
Westport, Year three details

November 17, 2003



• Information buoy
 Corner 1: 41° 05.544 / 73° 18.013
 Corner 2: 41° 05.269 / 73° 18.013
 Corner 3: 41° 05.411 / 73° 18.640
 Corner 4: 41° 05.117 / 73° 18.640
 Year three acreage: 91.5 acres
 Scale: 1 : 80,000

Relation of long-lines to each consecutive line and parallel lines.
 Milford and Westport locations.
 Mariculture Unlimited, LLC
 Modification to permit application # 200202751
 November 17, 2003.



*	Helix anchor
•	8 inch diameter marker buoy

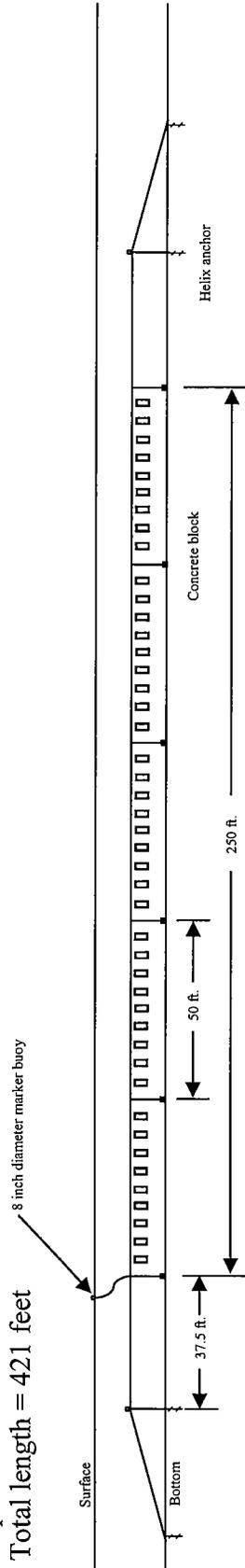
Proposed long-line system design for Milford and Westport locations.
 Mariculture Unlimited, LLC
 Modification to permit application # 200202751
 November 17, 2003.

Milford

Scale: 1 inch = 50 feet

Depth at MLLW = 20 feet

Total length = 421 feet

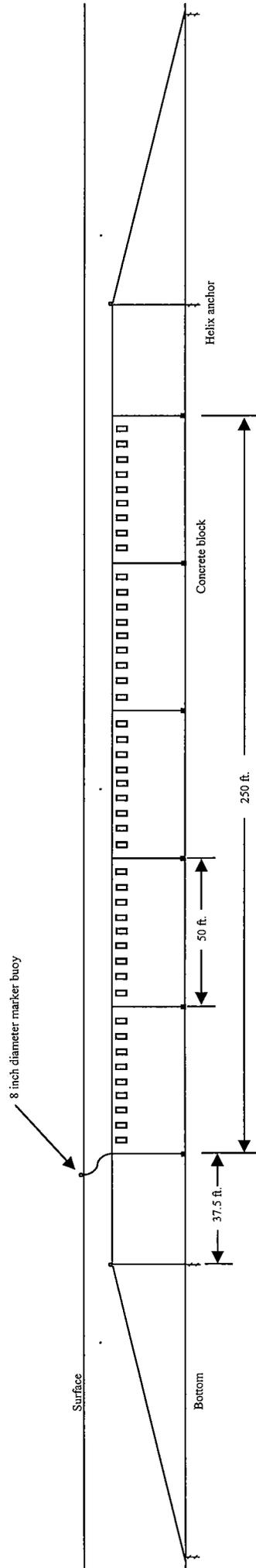


Westport

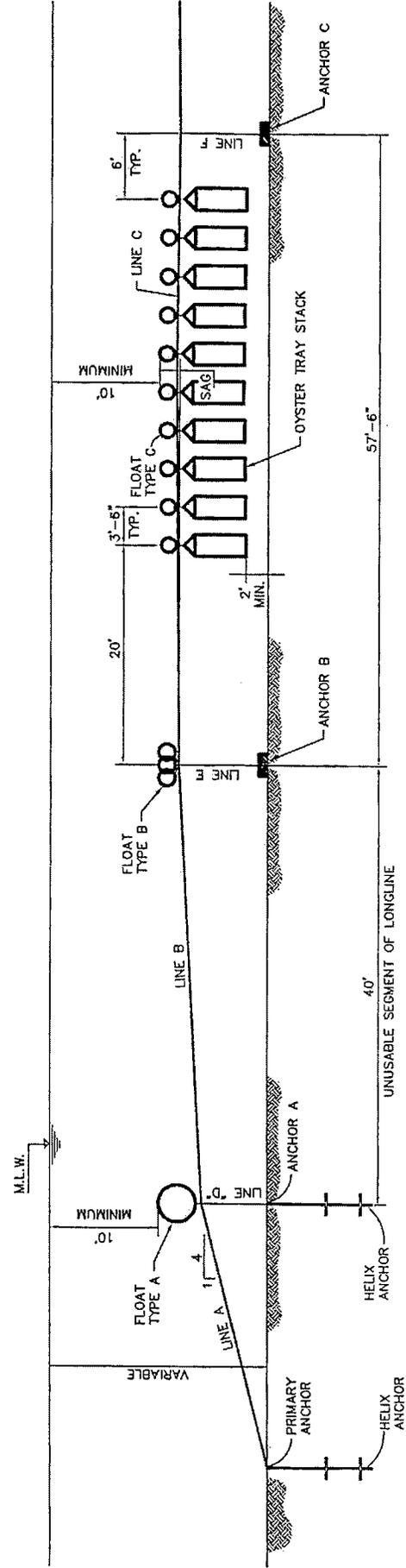
Scale: 1 inch = 50 feet

Depth at MLLW = 35 feet

Total length = 525 feet



Detailed diagram of long-line design.
 Milford and Westport locations.
 Mariculture Unlimited, LLC
 Modification to permit application # 200202751
 November 17, 2003.



SCALE: 1" = 16'

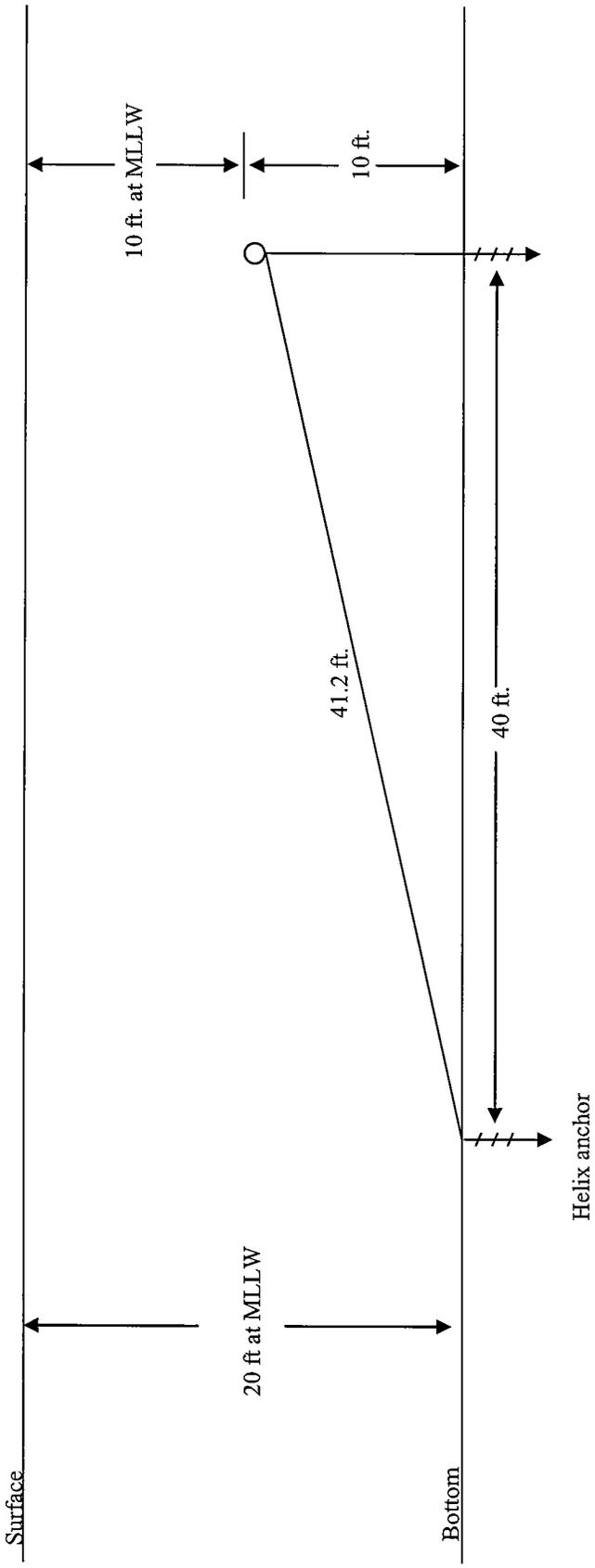
MARICULTURE UNLIMITED, LLC
 AQUACULTURE PROJECT
 LONGLINE DESIGN PARAMETERS

DATE: 10-30-03 FIG. 3.4-1



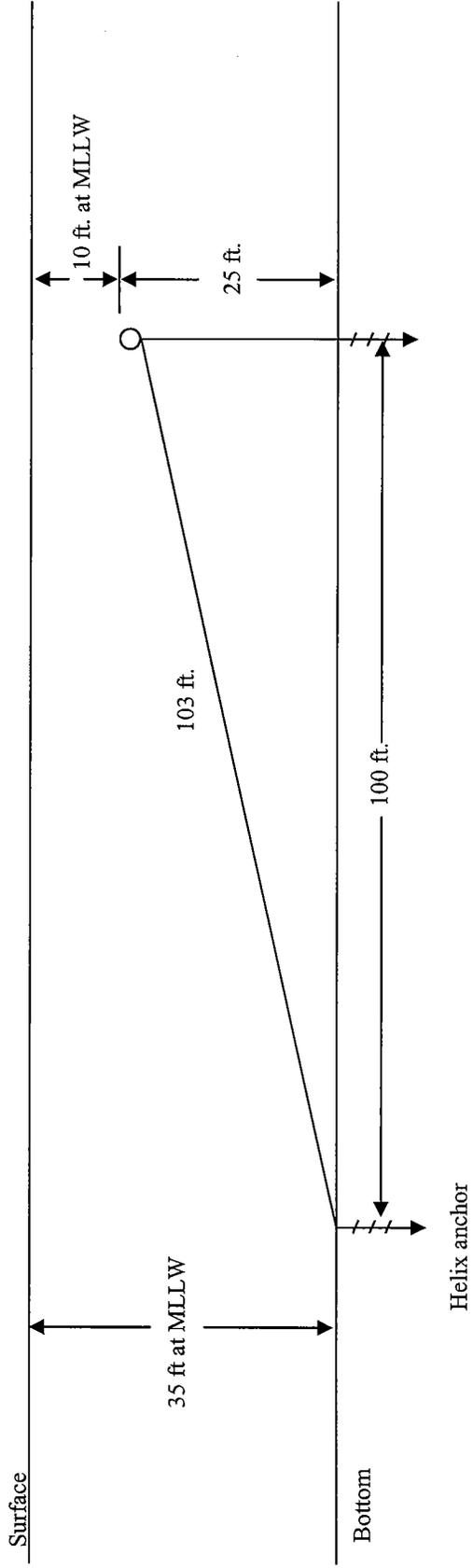
Proposed long-line end anchor system design for Milford.
Mariculture Unlimited, LLC
Modification to permit application # 200202751
November 17, 2003.

Scale: 1 inch = 8 feet



Proposed long-line end anchor system design for Westport.
Mariculture Unlimited, LLC
Modification to permit application # 200202751
November 17, 2003.

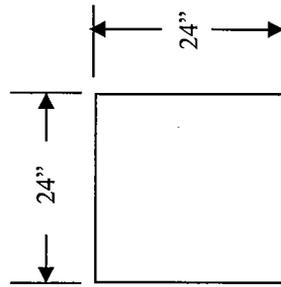
Scale: 1 inch = 20 feet



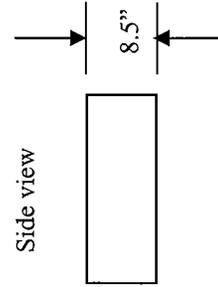
Hanging oyster basket proposed design.
Mariculture Unlimited, LLC
Modification to permit application # 200202751
November 17, 2003.

Scale: 1 inch = 2 feet

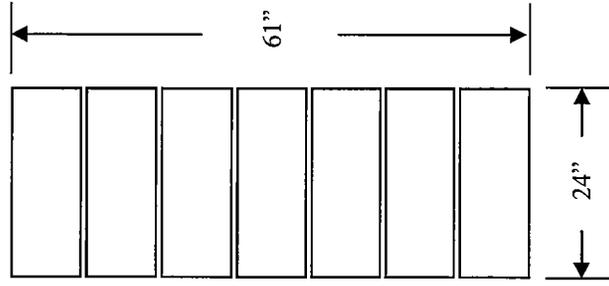
Overhead view



Side view

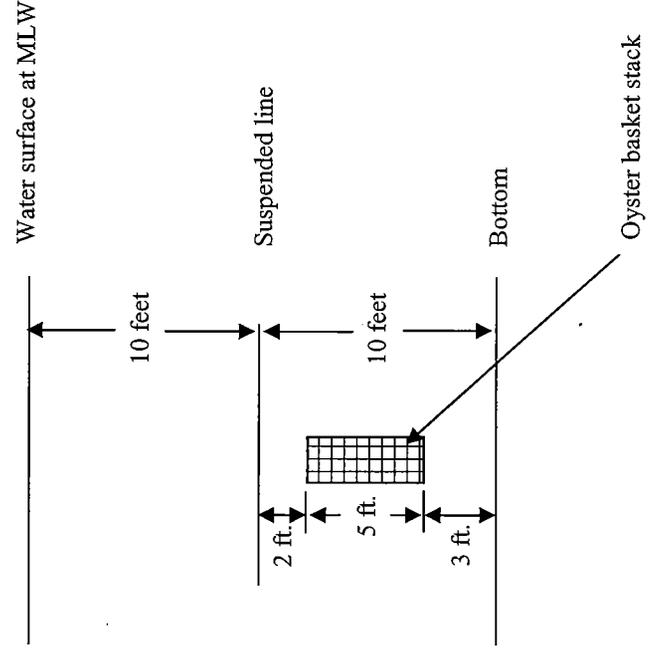


Side view of 7 tray stack



Hanging oyster basket in water column
 Milford and Westport locations
 Mariculture Unlimited, LLC
 Modification to permit application # 200202751
 November 17, 2003.

Milford
 Scale: 1 inch = 8 feet



Westport
 Scale: 1 inch = 8 feet

