APPENDIX D

COASTAL ZONE FEDERAL CONSISTENCY

DETERMINATIONS

Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Office of Long Island Sound Programs

Coastal Management Consistency Review Form for Federal Activities

Use of this form, although not mandatory, will facilitate coastal consistency review analysis by the Federal agency and result in submission of sufficient information for comprehensive review by the Department of Energy and Environmental Protection (DEEP) Office of Long Island Sound Programs (OLISP). It is anticipated that submittal of a completed form with indicated supplemental materials will, in most instances, eliminate the need for further information. The form should be used in conjunction with the *Reference Guide to Coastal Policies and Definitions* (DEEP-OLISP-GUID-200). The *Instructions and Guidance for Completing the Federal Coastal Consistency Review Form for Federal Activities* (DEEP-OLISP-INST-300) explains how to complete this form and provides several critical definitions and pertinent guidance. Once completed, please submit this form with the appropriate supporting documentation to: CT DEEP-OLISP, 79 Elm Street, Hartford, CT 06106-5127. For further information or assistance in completing this form, please contact us at the address above or by phone at 860-424-3034.

Part I: Federal Agency and Contact Identification

Agency Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8833** ext. Fax:

Agency Contact: **Keith Hannon** Title: **Project Manager**

E-Mail: **Keith.W.Hannon@usace.army.mil**

Identification of Primary Contact for correspondence if other than Agency Contact noted above:

Company Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8685** ext. Fax:

Contact Person: **Kelsie Dakessian** Title: **Biologist**

E-Mail: **Kelsie.Dakessian@usace.army.mil**

Part II: Review Type and Project Title

Type of Review (check one):

☐ Federal Development Project ☐ Negative Determination

☒ Other Federal agency activity (specify general type): **Aquatic plant management**

Project Title or Other Identification:

Connecticut River Hydrila Control Research & Demonstration Project

Part III: Other DEEP Involvement with the Project

Is any component of this activity directly regulated by DEEP separate from the Federal Coastal Consistency Process (e.g., 401 Water Quality Certification)? ☒ Yes ☐ No

If yes, list below all DEEP permits, certifications, or other authorizations being pursued for this activity, and describe the regulated activity/ies:

Aquatic Pesticide Permit

☐ Check if additional sheets are attached to this page

Has any other unit of the DEEP been contacted regarding this activity? ☒ Yes ☐ No

If yes, please identify other Departmental contacts:

CT NDDB
Pesticide Management Program
Fisheries Division

☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information

1. Description of Proposed Activity

Describe the proposed federal activity including its purpose and all related actions. For site-specific activities, such actions might include: site clearing, grading, demolition, and other site preparations; percentage of increase or decrease in impervious cover from existing conditions resulting from the activity; phasing, timing, and method of proposed construction; and new uses and changes from existing uses. For site-specific activities proposed at waterfront sites, provide detailed information regarding any water-dependent uses proposed. For non-site specific activities, include a complete description of the proposed activity and its purpose.

The purpose of the proposed project is to provide a field-scale demonstration of technology developed under the Aquatic Plant Control Research Program (APCRP), which is evaluating the effectiveness of an aquatic herbicide to manage monoecious hydrilla (Hydrilla verticillata) in the Lower Connecticut River watershed. This field demonstration will support the development of future guidance on how to manage this invasive aquatic plant which is expanding in high water exchange systems throughout the northeastern U.S. In addition, this field demonstration will provide interim control of hydrilla at Chester Creek.

The proposed action includes the use of diquat dibromide (diquat), dipotassium salt of endothall, florpyrauxifen-benzyl or combinations thereof to control hydrilla within Chester Creek, with a proposed treatment area of 37.9 acres. The field demonstration will select herbicide(s) treatments based on site-specific conditions treatment prior to application. The treatment rates proposed include: diquat at 370 ppb; dipotassium salt of endothall at 5 ppm; and florpyr-auxifenbenzyl at 48 ppb. Treatment application will adhere to the EPA-approved label, and will utilize sub-surface boat-based injection methods.

The proposed project would occur in the summer after July 4th 2025, or after July 4 in subsequent future treatments.

☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information (cont.)

2. Is the Project Site-Specific?

☒ Yes Please continue with Part IV and fill out all subsequent parts of the form.

☐ No Skip to Part V: Identification of Applicable Enforceable Policies

3. Location Information

a. Project Address, Location, or Affected Area: **Chester Creek**

City/Town: **Chester** State: **CT** Zip Code: **06412**

b. Agency's interest in property, if any:

☐ fee simple ☐ option ☐ lessee ☐ easement ☒ not applicable

☐ other (specify):

c. Is the activity proposed at a waterfront site (includes tidal wetlands frontage) or within coastal, tidal or navigable waters? ☒ Yes ☐ No

If yes, name the affected coastal, tidal or navigable waters:

Chester Creek

d. If off-site effects on coastal uses and/or resources are anticipated, identify the address or location(s) of such effects and attach a map (8 ½" x 11" format) indicating this area:

☐ Check if additional sheets are attached to this page

☐ Check here to indicate map is enclosed.

e. If the Federal project is site specific, identify and describe the existing land use on and adjacent to the site of the proposed activity and any anticipated location(s) of off-site effects on coastal resources or uses. Clearly differentiate between the descriptions of on-site and off-site areas. Include any existing structures and significant features at either location.

Chester Creek is a tidal creek that contains multiple marinas and a yacht club. Surrounding land is primarily wetland habitat, with limited residential and commercial land use. The dominant land use, aside from wetland habitat, is located near the confluence of the creek and the Connecticut River with developed shoreline for marinas and other commercial uses.

☐ Check if additional sheets are attached to this page

f. Indicate the area of the project site: **37.9** ☒ acres or ☐ square feet

g. Indicate the area of any anticipated off-site effects: **0**

☐ acres or ☐ square feet or ☐ other units (specify units):

Part IV: Detailed Project Information (cont.)

4. Project Plans

If the proposed Federal activity is a "Federal Development Project", or other site specific activity, please provide project plans in 8 ½" x 11" format that clearly and accurately depict the following items, and check the appropriate boxes to indicate that the information is included in this review package:

- ☐ Project location
- ☐ Existing and proposed conditions, including buildings and grading
- ☐ Coastal resources on and contiguous to the site
- ☐ High Tide Line [as defined in CGS § 22a-359(c)], Mean High Water, and Mean Low Water elevations and contours (for parcels abutting coastal waters and/or tidal wetlands only)
- ☐ Soil erosion and sediment controls
- ☐ Stormwater management measures
- ☐ Ownership and type of use on adjacent properties
- ☐ Reference datum (i.e., National Geodetic Vertical Datum, Mean Sea Level, etc.)

If a Spill Prevention, Control, and Containment Plan (SPCC) has been developed for this site, please provide a copy in the review package and check here to indicate its inclusion ☐

Part V: Identification of the Applicable Enforceable Policies

In this Part, there are four tables which should be completed by checking the appropriate boxes in each. Table 1: *Coastal Resources and Associated Enforceable Policies*, is to identify on-site, adjacent, and/or potentially affected State-statutorily defined coastal resources. Table 2: *Coastal Uses and Associated Enforceable Policies*, is to identify existing and proposed State-statutorily defined coastal uses potentially affected by the project. Table 3a: *Potential Adverse Impacts on Coastal Resources* and Table 3b: *Potential Adverse Impacts on Water-dependent Uses and Opportunities* is to identify State-statutorily-defined adverse impacts.

Table 1

Coastal Resources and Associated Enforceable Policies	On-site	Adjacent	Affected by the proposed Federal activity**
General Coastal Resources* - Definition: CGS § 22a-93(7) Policy: CGS § 22a-92(a)(2)	☒	☒	☒
Beaches & Dunes - Definition: CGS § 22a-93(7)(C) Policies: CGS §§ 22a-92(b)(2)(C) and 22a-92(c)(1)(K)	☐	☐	☐
Bluffs & Escarpments - Definition: CGS § 22a-93(7)(A) Policy: CGS § 22a-92(b)(2)(A)	☐	☐	☐
Coastal Hazard Area - Definition: CGS § 22a-93(7)(H); Policies: CGS §§ 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)	☐	☐	☐
Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters - Definitions: CGS §§ 22a-93(5), 22a-93(7)(G), 22a-93(7)(K), and 22a-93(7)(L); Policies: CGS §§ 22a-92(a)(2) and 22a-92(c)(2)(A)	☐	☐	☐
Developed Shorefront - Definition: CGS § 22a-93(7)(I); Policy: CGS § 22a-92(b)(2)(G)	☐	☒	☐
Freshwater Wetlands and Watercourses - Definition: CGS § 22a-93(7)(F) Policy: CGS § 22a-92(a)(2)	☒	☐	☐
Intertidal Flats - Definition: CGS § 22a-93(7)(D) Policies: CGS § 22a-92(b)(2)(D) and 22a-92(c)(1)(K)	☐	☐	☐
Islands - Definition: CGS § 22a-93(7)(J) Policy: CGS § 22a-92(b)(2)(H)	☐	☐	☐
Rocky Shorefront - Definition: CGS § 22a-93(7)(B) Policy: CGS § 22a-92(b)(2)(B)	☐	☐	☐
Shellfish Concentration Areas - Definition: CGS § 22a-93(7)(N) Policy: CGS § 22a-92(c)(1)(I)	☐	☐	☐
Shorelands - Definition: CGS § 22a-93(7)(M) Policy: CGS § 22a-92(b)(2)(I)	☐	☒	☐
Tidal Wetlands - Definition: CGS § 22a-93(7)(E) Policies: CGS §§ 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)	☐	☐	☐

* The General Coastal Resource Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The coastal resources affected by the project can be on-site, adjacent, or further removed from the project site.

Table 2

Coastal Uses and Associated Enforceable Policies	
☒	General Development* - CGS §§ 22a-92(a)(1), 22a-92(a)(4), and 22a-92(a)(9)
☐	Boating - CGS § 22a-92(b)(1)(G), 22a-92(b)(1)(H), and 22a-92(b)(1)(I)
☒	Coastal Recreation and Access - CGS §§ 22a-92(a)(2), 22a-92(a)(6), 22a-92(c)(1)(J), and 22a-92(c)(1)(K)
☐	Coastal Structures and Filling - CGS § 22a-92(a)(2), 22a-92(b)(1)(D), 22a-92(c)(1)(B), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)
☐	Cultural Resources – CGS § 22a-92(b)(1)(J)
☐	Dams, Dikes and Reservoirs - CGS § 22a-92(a)(2)
☐	Dredging and Navigation - CGS §§ 22a-92(a)(2), 22a-92(c)(1)(C), 22a-92(c)(1)(D), and 22a-92(c)(1)(E)
☐	Energy Facilities - CGS §§ 16-50g and 16-50p(a)
☒	Fisheries - CGS § 22a-92(c)(1)(I)
☐	Flooding and Erosion - CGS § 22a-92(a)(5)
☐	Fuel, Chemicals and Hazardous Materials - CGS §§ 22a-92(a)(2), 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)
☐	Facilities and Resources which are in the National Interest - Definition CGS § 22a-93(14) - Policy CGS 22a-92(a)(10)
☒	Intergovernmental Coordination - CGS § 22a-92(a)(9)
☐	Open Space and Agricultural Lands - CGS § 22a-92(a)(2)
☐	Ports and Harbors – CGS § 22a-92(b)(1)(C)
☐	Sewer and Water Lines - CGS § 22a-92(b)(1)(B)
☐	Solid Waste - CGS § 22a-92(a)(2)
☐	Transportation - CGS §§ 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
☒	Water-dependent Uses** - Definition CGS § 22a-93(16) - Policies CGS §§ 22a-92(a)(3) and 22a-92(b)(1)(A)

* The General Development Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The Water-Dependent Uses Policies are applicable to all activities proposed at waterfront sites, including those sites with only tidal wetlands frontage.

Identification of State Statutorily Defined Potential Adverse Impacts

In Tables 3a and 3b, identify the adverse impact categories that apply to the proposed Federal activity. The "Applicable" column **must be checked** if the proposed activity has the **potential** to generate any of the State-statutorily defined adverse impacts, even if the activity is designed to avoid such impacts. Also indicate, by checking the appropriate boxes, whether the potential adverse impacts have been avoided or minimized and whether any resource compensation is proposed.

Table 3a

Potential Adverse Impacts on Coastal Resources	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Characteristics and Functions of Resources - CGS § 22a-93(15)(H)	☐	☐	☐	☐	☒
Coastal Flooding - CGS § 22a-93(15)(E)	☐	☐	☐	☐	☒
Coastal Waters Circulation Patterns - CGS § 22a-93(15)(B)	☐	☐	☐	☐	☒
Drainage Patterns - CGS § 22a-93(15)(D)	☐	☐	☐	☐	☒
Patterns of Shoreline Erosion and Accretion - CGS § 22a-93(15)(C)	☐	☐	☐	☐	☒
Visual Quality - CGS § 22a-93(15)(F)	☐	☐	☐	☐	☒
Water Quality - CGS § 22a-93(15)(A)	☒	☒	☐	☐	☐
Wildlife, Finfish, Shellfish Habitat - CGS § 22a-93(15)(G)	☒	☒	☐	☐	☐

Table 3b

Potential Adverse Impacts on Water-dependent Uses and Opportunities	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Locating a non-water-dependent use at a site physically suited for, or planned for location of, a water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Replacing an existing water-dependent use with a non-water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters - CGS § 22a-93(17)	☐	☐	☐	☐	☒

Part VI: Consistency Analysis

Explain how the proposed activity is consistent with all of the applicable enforceable policies identified in Part V, why any remaining adverse impacts resulting from the proposed activity or use have not been mitigated, and why the project as proposed is consistent with the enforceable policies of Connecticut's Coastal Management Program*.* If an adverse impact **may** result from the proposed Federal activity, describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts. For proposed Federal Development Projects, please describe the stormwater best management practices that will be utilized. Such systems should be designed to meet the guidance provided in the accompanying instructions.

A consistency analysis is attatched to this form.

☒ Check if additional sheets are attached to this page

Part VII: Level of Consistency and Identification of Legal Authority that Prohibits Full Consistency, if Applicable

Federal regulations allow Federal activities to be less than fully consistent with a State's enforceable policies **only** if "full consistency is prohibited by existing law applicable to the Federal Agency" [15 CFR 930.32]. Please check the appropriate box below to indicate the activities degree of consistency.

☒ Project is *fully* consistent with Connecticut's enforceable policies

☐ Project is *not fully* consistent with Connecticut's enforceable policies, but is consistent to the maximum extent practicable

If the proposed Federal Activity described in this form is not *fully* consistent with Connecticut's enforceable policies, but only consistent to the maximum extent practicable, in accordance with 15 CFR 930.32, please identify and describe the statutory provisions, legislative history, or other legal authority which limits the federal agency's discretion to comply fully with Connecticut's Coastal Management Program. Please attach additional pages if necessary. Attach copies of the relevant statutory provisions, legislative history, or other legal authority cited.

☐ Check if additional sheets are attached to this page

Part VIII: Coastal Zone Management Act Consistency Statement

Note: This Part *must* be completed for all submissions

In this Statement "Federal Agency" means:

U.S. Army Corps of Engineers, New England Distriction

and "the project" means:

Connecticut River Hydrilla Control Research and Demonstration Project

This document provides the State of Connecticut Coastal Management Program with the required Consistency Determination under CZMA Section 307(c)(1) [or (2)] and 15 CFR Part 930, Subpart C, for the project described in this *Coastal Mangement Consistency Review Form for Federal Activities*. This determination is provided by the Federal Agency identified above. The information in this Consistency Determination is provided pursuant to 15 CFR Section 930.39. The Federal Agency has determined that the project affects the land or water uses or natural resources of Connecticut as described above. Based on the information, data, and analysis included in the *Coastal Mangement Consistency Review Form for Federal Activities* for the project, the Federal Agency has determined that the proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Connecticut Coastal Management Program as evaluated in this form.

Pursuant to 15 CFR Section 930.41, the Connecticut Coastal Management Program has 60 days from receipt of this form in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR Section 930.41(b).

Part IX: Certifying Signatures

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief."

	04/03/2025
Signature of Certifier	Date
Keith Hannon	**Project Manager**
Name of Certifier (print or type)	Title (if applicable)
	04/03/2025
Signature of Preparer	Date
Kelsie Dakessian	Biologist
Name of Preparer (print or type)	Title (if applicable)

Chester Creek

Part VI: Consistency Analysis

1. COASTAL RESOURCES

General Coastal Resources Policy:

The proposed project includes the control of the invasive aquatic plant hydrilla (*Hydrilla verticillata*) through use of the aquatic herbicide. The proposed project will have no significant, adverse impacts on water quality, tidal or freshwater wetlands and watercourses, islands, State parks and forests, marine resources, fish and wildlife, flood control, and recreation of the cove or the Connecticut River, and will not introduce invasive plants, sources of pollution, or create erosional problems. The shorefront and bordering tidal wetlands of Chester Creek would be unaffected by the management of hydrilla. The proposed herbicides for consideration are approved federally through the U.S. Environmental Protection Agency (EPA) and by the state through the Connecticut Department of Energy and Environmental Protection (CTDEEP) Pesticide Management Program, with herbicide application adhering to the label.

Developed Shorefront:

The project area is adjacent to developed shorefront, but no adverse impacts are expected from the proposed action. The proposed treatment will utilize subsurface injection methods to control hydrilla in Chester Creek, and there will be no impacts on upland resources.

Freshwater Wetlands and Watercourses:

The proposed project will result in benefits to freshwater wetlands and watercourses by controlling hydrilla to levels that don't encroach wetlands and to densities that will not alter the integrity of the wetlands. The proposed herbicides for considerations aquatic herbicide are unlikely to cause a significant effect on wetlands adjacent to the sites.

The proposed project may result in temporary impacts to non-target plant species located on the fringe of the proposed treatment area, with a low risk anticipated to emergent plant species due to the subsurface application methods. Any impacts to non-target species would be temporary, with revegetation occurring after treatment from a seed bank or reproductive structures (e.g. rhizomes). The proposed action will impact the overall function of the wetlands bordering Chester Creek. There are no anticipated adverse impacts expected to freshwater watercourses with the implementation of the proposed action. The chemical treatment of hydrilla in Chester Creek will provide benefits to the hydrology of the system by reducing and potentially eliminating hydrilla populations from obstructing the flow of water. This will prevent flooding and return the system to a more natural state of flow.

Shorelands:

The project area is adjacent to shorelands but no adverse impacts are expected from the proposed action. The action of aquatic herbicide application will occur only within the waters of Chester Creek, with subsurface injection of herbicide, and will not have impacts on the upland resources.

2. COASTAL USES

General Development Policy:

Development, preservation, or use of the land and water resources of the coastal area will not be adversely affected by the proposed project, nor will it deter development, preservation, or use by significantly disrupting either the natural environment or sound economic growth. The proposed project will improve the conditions of Chester Creek. The proposed project will be coordinated with CT DEEP (Fisheries Consultation and NDDB Review), the EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to determine that the project will not have significant adverse effects on fish and wildlife habitats or wetlands. The project will not adversely affect scenic resources, natural protective features, important agricultural lands, or wetlands.

Coastal Recreation and Access Policy:

The proposed project will result in significant benefits with respect to improved ease and safety of navigation and improved public access to, and use of, the public trust lands and waters of the State. Control of hydrilla will improve boating access to and within Chester Creek by preventing the establishment of dense vegetation mats that may result in clogged waterways.

Fisheries:

The proposed project will beneficially impact fisheries resources by enhancing the productivity of natural resources that provide more natural feeding and spawning habitat for fish. Hydrilla overtakes aquatic systems, outcompeting native submerged aquatic vegetation and overcrowding underwater resources. Management of hydrilla will allow native vegetation to reestablish providing natural habitat to the fisheries in Chester Creek.

Intergovernmental Coordination:

The proposed project is consistent as the project is being permitted and coordinated with state and federal agencies to ensure that it complies with environmental laws and regulations. The project will beneficially impact natural resources and will not disrupt economic development.

Water-Dependent Uses Policy:

The project will control the invasive aquatic plant hydrilla present in Chester Creek, thereby allowing water-dependent uses.

3. STATE STATUTORILY DEFINED POTENTIAL ADVERSE IMPACTS

Water Quality:

Short-term adverse impacts are expected, including the temporary increase in turbidity due to the reduction and removal of hydrilla as well as a decrease in dissolved oxygen due to the death and decomposition of hydrilla due to herbicide treatment. Impacts to dissolved oxygen would be localized to treatment areas for a short period of time. The proposed treatment area is connected to the main river, and water exchange is highly dynamic due to river flow and tidal influence. It is assumed that waters with low dissolved oxygen will be replaced quickly during tidal exchanges and due to flow-through within the river channel. Long-term beneficial impacts are anticipated to water quality with the treatment of hydrilla including the return of naturally occurring water temperatures, pH, and dissolved oxygen levels.

Without management of hydrilla, water quality will decline in the areas that it is present due to its ability to change natural temperature, pH, and dissolved oxygen of the system. The fluctuations in these measures can contribute to the release of nutrients, such as phosphorus, from the sediments. There would continue to be a seasonal decrease in dissolved oxygen when hydrilla senesces and decomposes causing harm and imbalances over the long-term.

Wildlife, Finfish, Shellfish Habitat:

No federally listed threatened or endangered species are known to permanently inhabit Chester Creek. Atlantic and Shortnose sturgeon may occur within the creek, and may utilize habitat for spawning, and foraging. The proposed herbicides do not have known toxicity to fish, such as sturgeon. The reduced oxygen in the water due to the decomposition of hydrilla after herbicide treatment, will produce unfavorable localized conditions for individuals that may be in or near a treatment area. Unfavorable conditions, from decrease dissolved oxygen, will be temporary. It is assumed that waters with decreased dissolved oxygen will be replaced from constant exchange from tidal and flow-through waters within the Connecticut River system. The removal of hydrilla will also impact the insects, mollusks, and worms that sturgeon feed on by eliminating viable habitat. Sturgeon will be able to move to areas that are either not infested with hydrilla or have not been treated for the removal of hydrilla to avoid hypoxia and find more aquatic vegetation to forage for food. No long-term impact to sturgeon is expected. Coordination will occur with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

registered. Registration of the herbicides implies that the active chemicals will not have significant, lasting adverse impacts to the invertebrates that may be present.

An assessment of the project area indicates that there will be no significant impacts to Essential Fish Habitat, as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996. In addition, the project will be coordinated with the National Marine Fisheries Services to ensure no impacts to Essential Fish Habitat. Potential impacts to essential fish habitat from this project include temporary loss of submerged aquatic vegetation from herbicide application. The herbicide will selectively affect the invasive hydrilla and will leave some natives. Revegetation of native species is anticipated following the growing season. This project is not expected to significantly affect any managed species. See Appendix B of the EA for the full EFH analysis.

Actions Taken to Minimize Environmental Impacts

1. Application of aquatic herbicides will be avoided April 1 to July 1 to avoid the spawning season for migratory fish species, such as alewife and blueback herring, and the northern pike.

2. All herbicide application will strictly follow EPA and label requirements.

Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Office of Long Island Sound Programs

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Part I: Federal Agency and Contact Identification

Agency Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8833** ext. Fax:

Agency Contact: **Keith Hannon** Title: **Project Manager**

E-Mail: **Keith.W.Hannon@usace.army.mil**

Identification of Primary Contact for correspondence if other than Agency Contact noted above:

Company Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8685** ext. Fax:

Contact Person: **Kelsie Dakessian** Title: **Biologist**

E-Mail: **Kelsie.Dakessian@usace.army.mil**

Part II: Review Type and Project Title

Type of Review (check one):

☐ Federal Development Project ☐ Negative Determination

☒ Other Federal agency activity (specify general type): **Aquatic plant management**

Project Title or Other Identification:

Connecticut River Hydrilla Control Research & Demonstration Project

Part III: Other DEEP Involvement with the Project

Is any component of this activity directly regulated by DEEP separate from the Federal Coastal Consistency Process (e.g., 401 Water Quality Certification)? ☒ Yes ☐ No

If yes, list below all DEEP permits, certifications, or other authorizations being pursued for this activity, and describe the regulated activity/ies:

Aquatic Pesticide Permit

☐ Check if additional sheets are attached to this page

Has any other unit of the DEEP been contacted regarding this activity? ☐ Yes ☐ No

If yes, please identify other Departmental contacts:

CT NDDB
Pesticide Management Program
Fisheries Division

☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information

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Describe the proposed federal activity including its purpose and all related actions. For site-specific activities, such actions might include: site clearing, grading, demolition, and other site preparations; percentage of increase or decrease in impervious cover from existing conditions resulting from the activity; phasing, timing, and method of proposed construction; and new uses and changes from existing uses. For site-specific activities proposed at waterfront sites, provide detailed information regarding any water-dependent uses proposed. For non-site specific activities, include a complete description of the proposed activity and its purpose.

The purpose of the proposed project is to provide a field-scale demonstration of technology developed under the Aquatic Plant Control Research Program (APCRP), which is evaluating the effectiveness of an aquatic herbicide to manage monoecious hydrilla (Hydrilla verticillata) in the Lower Connecticut River watershed. This field demonstration will support the development of future guidance on how to manage this invasive aquatic plant which is expanding in high water exchange systems throughout the northeastern U.S. In addition, this field demonstration will provide interim control of hydrilla at Deep River.

The proposed action includes the use of diquat dibromide (diquat), dipotassium salt of endothall, florpyrauxifen-benzyl or combinations thereof to control hydrilla within Deep River, with a proposed treatment area of 5.3 acres. The field demonstration will select herbicide(s) treatments based on site-specific conditions treatment prior to application. The treatment rates proposed include: diquat at 370 ppb; dipotassium salt of endothall at 5 ppm; and florpyr-auxifenbenzyl at 48 ppb. Treatment application will adhere to the EPA-approved label, and will utilize sub-surface boat-based injection methods.

The proposed project would occur in the summer after July 4th 2025, or after July 4 in subsequent future treatments.

☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information (cont.)

2. Is the Project Site-Specific?

☒ Yes Please continue with Part IV and fill out all subsequent parts of the form.

☐ No Skip to Part V: Identification of Applicable Enforceable Policies

3. Location Information

a. Project Address, Location, or Affected Area: **Deep River**

City/Town: **Deep River** State: **CT** Zip Code: **06417**

b. Agency's interest in property, if any:

☐ fee simple ☐ option ☐ lessee ☐ easement ☒ not applicable

☐ other (specify):

c. Is the activity proposed at a waterfront site (includes tidal wetlands frontage) or within coastal, tidal or navigable waters? ☒ Yes ☐ No

If yes, name the affected coastal, tidal or navigable waters:

Deep River

d. If off-site effects on coastal uses and/or resources are anticipated, identify the address or location(s) of such effects and attach a map (8 ½" x 11" format) indicating this area:

☐ Check if additional sheets are attached to this page

☐ Check here to indicate map is enclosed.

e. If the Federal project is site specific, identify and describe the existing land use on and adjacent to the site of the proposed activity and any anticipated location(s) of off-site effects on coastal resources or uses. Clearly differentiate between the descriptions of on-site and off-site areas. Include any existing structures and significant features at either location.

Deep River is a tributary to the Connecticut River. The surrounding land is primarily wetland habitat. The proposed treatment site includes portions near Route 154 and Winter Ave, with residential and limited industrial land uses abutting Deep River.

☐ Check if additional sheets are attached to this page

f. Indicate the area of the project site: **5.3** ☒ acres or ☐ square feet

g. Indicate the area of any anticipated off-site effects: **0**

☐ acres or ☐ square feet or ☐ other units (specify units):

Part IV: Detailed Project Information (cont.)

4. Project Plans

If the proposed Federal activity is a "Federal Development Project", or other site specific activity, please provide project plans in 8 ½" x 11" format that clearly and accurately depict the following items, and check the appropriate boxes to indicate that the information is included in this review package:

- ☐ Project location
- ☐ Existing and proposed conditions, including buildings and grading
- ☐ Coastal resources on and contiguous to the site
- ☐ High Tide Line [as defined in CGS § 22a-359(c)], Mean High Water, and Mean Low Water elevations and contours (for parcels abutting coastal waters and/or tidal wetlands only)
- ☐ Soil erosion and sediment controls
- ☐ Stormwater management measures
- ☐ Ownership and type of use on adjacent properties
- ☐ Reference datum (i.e., National Geodetic Vertical Datum, Mean Sea Level, etc.)

If a Spill Prevention, Control, and Containment Plan (SPCC) has been developed for this site, please provide a copy in the review package and check here to indicate its inclusion ☐

Part V: Identification of the Applicable Enforceable Policies

In this Part, there are four tables which should be completed by checking the appropriate boxes in each. Table 1: *Coastal Resources and Associated Enforceable Policies*, is to identify on-site, adjacent, and/or potentially affected State-statutorily defined coastal resources. Table 2: *Coastal Uses and Associated Enforceable Policies*, is to identify existing and proposed State-statutorily defined coastal uses potentially affected by the project. Table 3a: *Potential Adverse Impacts on Coastal Resources* and Table 3b: *Potential Adverse Impacts on Water-dependent Uses and Opportunities* is to identify State-statutorily-defined adverse impacts.

Table 1

Coastal Resources and Associated Enforceable Policies	On-site	Adjacent	Affected by the proposed Federal activity**
General Coastal Resources* - Definition: CGS § 22a-93(7) Policy: CGS § 22a-92(a)(2)	☒	☒	☒
Beaches & Dunes - Definition: CGS § 22a-93(7)(C) Policies: CGS §§ 22a-92(b)(2)(C) and 22a-92(c)(1)(K)	☐	☐	☐
Bluffs & Escarpments - Definition: CGS § 22a-93(7)(A) Policy: CGS § 22a-92(b)(2)(A)	☐	☐	☐
Coastal Hazard Area - Definition: CGS § 22a-93(7)(H); Policies: CGS §§ 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)	☐	☐	☐
Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters - Definitions: CGS §§ 22a-93(5), 22a-93(7)(G), 22a-93(7)(K), and 22a-93(7)(L); Policies: CGS §§ 22a-92(a)(2) and 22a-92(c)(2)(A)	☐	☐	☐
Developed Shorefront - Definition: CGS § 22a-93(7)(I); Policy: CGS § 22a-92(b)(2)(G)	☐	☒	☐
Freshwater Wetlands and Watercourses - Definition: CGS § 22a-93(7)(F) Policy: CGS § 22a-92(a)(2)	☒	☐	☐
Intertidal Flats - Definition: CGS § 22a-93(7)(D) Policies: CGS § 22a-92(b)(2)(D) and 22a-92(c)(1)(K)	☐	☐	☐
Islands - Definition: CGS § 22a-93(7)(J) Policy: CGS § 22a-92(b)(2)(H)	☐	☐	☐
Rocky Shorefront - Definition: CGS § 22a-93(7)(B) Policy: CGS § 22a-92(b)(2)(B)	☐	☐	☐
Shellfish Concentration Areas - Definition: CGS § 22a-93(7)(N) Policy: CGS § 22a-92(c)(1)(I)	☐	☐	☐
Shorelands - Definition: CGS § 22a-93(7)(M) Policy: CGS § 22a-92(b)(2)(I)	☐	☒	☐
Tidal Wetlands - Definition: CGS § 22a-93(7)(E) Policies: CGS §§ 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)	☐	☐	☐

* The General Coastal Resource Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The coastal resources affected by the project can be on-site, adjacent, or further removed from the project site.

Table 2

Coastal Uses and Associated Enforceable Policies	
☒	General Development* - CGS §§ 22a-92(a)(1), 22a-92(a)(4), and 22a-92(a)(9)
☐	Boating - CGS § 22a-92(b)(1)(G), 22a-92(b)(1)(H), and 22a-92(b)(1)(I)
☒	Coastal Recreation and Access - CGS §§ 22a-92(a)(2), 22a-92(a)(6), 22a-92(c)(1)(J), and 22a-92(c)(1)(K)
☐	Coastal Structures and Filling - CGS § 22a-92(a)(2), 22a-92(b)(1)(D), 22a-92(c)(1)(B), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)
☐	Cultural Resources – CGS § 22a-92(b)(1)(J)
☐	Dams, Dikes and Reservoirs - CGS § 22a-92(a)(2)
☐	Dredging and Navigation - CGS §§ 22a-92(a)(2), 22a-92(c)(1)(C), 22a-92(c)(1)(D), and 22a-92(c)(1)(E)
☐	Energy Facilities - CGS §§ 16-50g and 16-50p(a)
☒	Fisheries - CGS § 22a-92(c)(1)(I)
☐	Flooding and Erosion - CGS § 22a-92(a)(5)
☐	Fuel, Chemicals and Hazardous Materials - CGS §§ 22a-92(a)(2), 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)
☐	Facilities and Resources which are in the National Interest - Definition CGS § 22a-93(14) - Policy CGS 22a-92(a)(10)
☒	Intergovernmental Coordination - CGS § 22a-92(a)(9)
☐	Open Space and Agricultural Lands - CGS § 22a-92(a)(2)
☐	Ports and Harbors – CGS § 22a-92(b)(1)(C)
☐	Sewer and Water Lines - CGS § 22a-92(b)(1)(B)
☐	Solid Waste - CGS § 22a-92(a)(2)
☐	Transportation - CGS §§ 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
☒	Water-dependent Uses** - Definition CGS § 22a-93(16) - Policies CGS §§ 22a-92(a)(3) and 22a-92(b)(1)(A)

* The General Development Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The Water-Dependent Uses Policies are applicable to all activities proposed at waterfront sites, including those sites with only tidal wetlands frontage.

Identification of State Statutorily Defined Potential Adverse Impacts

In Tables 3a and 3b, identify the adverse impact categories that apply to the proposed Federal activity. The "Applicable" column **must be checked** if the proposed activity has the **potential** to generate any of the State-statutorily defined adverse impacts, even if the activity is designed to avoid such impacts. Also indicate, by checking the appropriate boxes, whether the potential adverse impacts have been avoided or minimized and whether any resource compensation is proposed.

Table 3a

Potential Adverse Impacts on Coastal Resources	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Characteristics and Functions of Resources - CGS § 22a-93(15)(H)	☐	☐	☐	☐	☒
Coastal Flooding - CGS § 22a-93(15)(E)	☐	☐	☐	☐	☒
Coastal Waters Circulation Patterns - CGS § 22a-93(15)(B)	☐	☐	☐	☐	☒
Drainage Patterns - CGS § 22a-93(15)(D)	☐	☐	☐	☐	☒
Patterns of Shoreline Erosion and Accretion - CGS § 22a-93(15)(C)	☐	☐	☐	☐	☒
Visual Quality - CGS § 22a-93(15)(F)	☐	☐	☐	☐	☒
Water Quality - CGS § 22a-93(15)(A)	☒	☒	☐	☐	☐
Wildlife, Finfish, Shellfish Habitat - CGS § 22a-93(15)(G)	☒	☒	☐	☐	☐

Table 3b

Potential Adverse Impacts on Water-dependent Uses and Opportunities	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Locating a non-water-dependent use at a site physically suited for, or planned for location of, a water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Replacing an existing water-dependent use with a non-water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters - CGS § 22a-93(17)	☐	☐	☐	☐	☒

Part VI: Consistency Analysis

Explain how the proposed activity is consistent with all of the applicable enforceable policies identified in Part V, why any remaining adverse impacts resulting from the proposed activity or use have not been mitigated, and why the project as proposed is consistent with the enforceable policies of Connecticut's Coastal Management Program*.* If an adverse impact **may** result from the proposed Federal activity, describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts. For proposed Federal Development Projects, please describe the stormwater best management practices that will be utilized. Such systems should be designed to meet the guidance provided in the accompanying instructions.

A consistency analysis is attatched to this form.

☒ Check if additional sheets are attached to this page

Part VII: Level of Consistency and Identification of Legal Authority that Prohibits Full Consistency, if Applicable

Federal regulations allow Federal activities to be less than fully consistent with a State's enforceable policies **only** if "full consistency is prohibited by existing law applicable to the Federal Agency" [15 CFR 930.32]. Please check the appropriate box below to indicate the activities degree of consistency.

☒ Project is *fully* consistent with Connecticut's enforceable policies

☐ Project is *not fully* consistent with Connecticut's enforceable policies, but is consistent to the maximum extent practicable

If the proposed Federal Activity described in this form is not *fully* consistent with Connecticut's enforceable policies, but only consistent to the maximum extent practicable, in accordance with 15 CFR 930.32, please identify and describe the statutory provisions, legislative history, or other legal authority which limits the federal agency's discretion to comply fully with Connecticut's Coastal Management Program. Please attach additional pages if necessary. Attach copies of the relevant statutory provisions, legislative history, or other legal authority cited.

☐ Check if additional sheets are attached to this page

Part VIII: Coastal Zone Management Act Consistency Statement

Note: This Part *must* be completed for all submissions

In this Statement "Federal Agency" means:

U.S. Army Corps of Engineers, New England District

and "the project" means:

Connecticut River Hydrilla Control Research and Demonstration Project

This document provides the State of Connecticut Coastal Management Program with the required Consistency Determination under CZMA Section 307(c)(1) [or (2)] and 15 CFR Part 930, Subpart C, for the project described in this *Coastal Mangement Consistency Review Form for Federal Activities*. This determination is provided by the Federal Agency identified above. The information in this Consistency Determination is provided pursuant to 15 CFR Section 930.39. The Federal Agency has determined that the project affects the land or water uses or natural resources of Connecticut as described above. Based on the information, data, and analysis included in the *Coastal Mangement Consistency Review Form for Federal Activities* for the project, the Federal Agency has determined that the proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Connecticut Coastal Management Program as evaluated in this form.

Pursuant to 15 CFR Section 930.41, the Connecticut Coastal Management Program has 60 days from receipt of this form in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR Section 930.41(b).

Part IX: Certifying Signatures

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief."

	04/03/2025
Signature of Certifier	Date
Keith Hannon	**Project Manager**
Name of Certifier (print or type)	Title (if applicable)
	04/03/2025
Signature of Preparer	Date
Kelsie Dakessian	Biologist
Name of Preparer (print or type)	Title (if applicable)

Deep River

Part VI: Consistency Analysis

1. COASTAL RESOURCES

General Coastal Resources Policy:

The proposed project includes the control of the invasive aquatic plant hydrilla (*Hydrilla verticillata*) through use of the aquatic herbicide. The proposed project will have no significant, adverse impacts on water quality, tidal or freshwater wetlands and watercourses, islands, State parks and forests, marine resources, fish and wildlife, flood control, and recreation of the river or the Connecticut River, and will not introduce invasive plants, sources of pollution, or create erosional problems. The shorefront and bordering wetlands of Deep River would be unaffected by the management of hydrilla. The proposed herbicides for consideration are approved federally through the U.S. Environmental Protection Agency (EPA) and by the state through the Connecticut Department of Energy and Environmental Protection (CTDEEP) Pesticide Management Program, with herbicide application adhering to the label.

Developed Shorefront:

The project area is adjacent to developed shorefront, but no adverse impacts are expected from the proposed action. The proposed treatment will utilize subsurface injection methods to control hydrilla in Deep River, and there will be no impacts on upland resources.

Freshwater Wetlands and Watercourses:

The proposed project will result in benefits to freshwater wetlands and watercourses by controlling hydrilla to levels that don't encroach wetlands and to densities that will not alter the integrity of the wetlands. The proposed herbicides for considerations aquatic herbicide are unlikely to cause a significant effect on wetlands adjacent to the sites.

The proposed project may result in temporary impacts to non-target plant species located on the fringe of the proposed treatment area, with a low risk anticipated to emergent plant species due to the subsurface application methods. Any impacts to non-target species would be temporary, with revegetation occurring after treatment from a seed bank or reproductive structures (e.g. rhizomes). The proposed action will impact the overall function of the wetlands bordering Deep River. There are no anticipated adverse impacts expected to freshwater watercourses with the implementation of the proposed action. The chemical treatment of hydrilla in Deep River will provide benefits to the hydrology of the system by reducing and potentially eliminating hydrilla populations from obstructing the flow of water. This will prevent flooding and return the system to a more natural state of flow.

Shorelands:

The project area is adjacent to shorelands but no adverse impacts are expected from the proposed action. The action of aquatic herbicide application will occur only within the waters of Deep River, with subsurface injection of herbicide, and will not have impacts on the upland resources.

2. COASTAL USES

General Development Policy:

Development, preservation, or use of the land and water resources of the coastal area will not be adversely affected by the proposed project, nor will it deter development, preservation, or use by significantly disrupting either the natural environment or sound economic growth. The proposed project will improve the conditions of Deep River. The proposed project will be coordinated with CT DEEP (Fisheries Consultation and NDDB Review), the EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to determine that the project will not have significant adverse effects on fish and wildlife habitats or wetlands. The project will not adversely affect scenic resources, natural protective features, important agricultural lands, or wetlands.

Coastal Recreation and Access Policy:

The proposed project will result in significant benefits with respect to improved ease and safety of navigation and improved public access to, and use of, the public trust lands and waters of the State. Control of hydrilla will improve boating access to and within Deep River by preventing the establishment of dense vegetation mats that may result in clogged waterways.

Fisheries:

The proposed project will beneficially impact fisheries resources by enhancing the productivity of natural resources that provide more natural feeding and spawning habitat for fish. Hydrilla overtakes aquatic systems, outcompeting native submerged aquatic vegetation and overcrowding underwater resources. Management of hydrilla will allow native vegetation to reestablish providing natural habitat to the fisheries in Deep River.

Intergovernmental Coordination:

The proposed project is consistent as the project is being permitted and coordinated with state and federal agencies to ensure that it complies with environmental laws and regulations. The project will beneficially impact natural resources and will not disrupt economic development.

Water-Dependent Uses Policy:

The project will control the invasive aquatic plant hydrilla present in Deep River, thereby allowing water-dependent uses of the river to continue.

3. STATE STATUTORILY DEFINED POTENTIAL ADVERSE IMPACTS

Water Quality:

Short-term adverse impacts are expected, including the temporary increase in turbidity due to the reduction and removal of hydrilla as well as a decrease in dissolved oxygen due to the death and decomposition of hydrilla due to herbicide treatment. Long-term beneficial impacts are anticipated to water quality with the treatment of hydrilla including the return of naturally occurring water temperatures, pH, and dissolved oxygen levels.

Without management of hydrilla, water quality will decline in the areas that it is present due to its ability to change natural temperature, pH, and dissolved oxygen of the system. The fluctuations in these measures can contribute to the release of nutrients, such as phosphorus, from the sediments. There would continue to be a seasonal decrease in dissolved oxygen when hydrilla senesces and decomposes causing harm and imbalances over the long-term.

Wildlife, Finfish, Shellfish Habitat:

No federally listed threatened or endangered species are known to permanently inhabit Deep River. Atlantic and Shortnose sturgeon may occur within the Connecticut River for spawning, and foraging. The proposed herbicides do not have known toxicity to fish, such as sturgeon. The reduced oxygen in the water due to the decomposition of hydrilla after herbicide treatment, will produce unfavorable localized conditions for individuals that may be in or near a treatment area. The removal of hydrilla will also impact the insects, mollusks, and worms that sturgeon feed on by eliminating viable habitat. Sturgeon will be able to move to areas that are either not infested with hydrilla or have not been treated for the removal of hydrilla to avoid hypoxia and find more aquatic vegetation to forage for food. No long-term impact to sturgeon is expected. Coordination will occur with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

Impacts to finfish species are expected to be minimal. Deep River may provide spawning habitat for migratory fish, such as blueback herring and alewife. There are no impacts expected to these species because herbicide application will occur after of the spawning season, with treatment occurring after July 1st. Additionally, any impacts to northern pike will be avoided with this window.

Benthic organisms and shellfish inhabiting the area will not be impacted by the proposed action. The proposed herbicides for consideration are both federally and state registered. Registration of the herbicides implies that the active chemicals will not have significant, lasting adverse impacts to the invertebrates that may be present.

Water-Dependent Uses Policy:

The project will control the invasive aquatic plant hydrilla present in Deep River, thereby allowing water-dependent uses.

3. STATE STATUTORILY DEFINED POTENTIAL ADVERSE IMPACTS

Water Quality:

Short-term adverse impacts are expected, including the temporary increase in turbidity due to the reduction and removal of hydrilla as well as a decrease in dissolved oxygen due to the death and decomposition of hydrilla due to herbicide treatment. Impacts to dissolved oxygen would be localized to treatment areas for a short period of time. The proposed treatment area is connected to the main river, and water exchange is highly dynamic due to river flow and tidal influence. It is assumed that waters with low dissolved oxygen will be replaced quickly during tidal exchanges and due to flow-through within the river channel. Long-term beneficial impacts are anticipated to water quality with the treatment of hydrilla including the return of naturally occurring water temperatures, pH, and dissolved oxygen levels.

Without management of hydrilla, water quality will decline in the areas that it is present due to its ability to change natural temperature, pH, and dissolved oxygen of the system. The fluctuations in these measures can contribute to the release of nutrients, such as phosphorus, from the sediments. There would continue to be a seasonal decrease in dissolved oxygen when hydrilla senesces and decomposes causing harm and imbalances over the long-term.

Wildlife, Finfish, Shellfish Habitat:

No federally listed threatened or endangered species are known to permanently inhabit Deep River. Atlantic and Shortnose sturgeon may occur within Deep River, and may utilize habitat for spawning, and foraging. The proposed herbicides do not have known toxicity to fish, such as sturgeon. The reduced oxygen in the water due to the decomposition of hydrilla after herbicide treatment, will produce unfavorable localized conditions for individuals that may be in or near a treatment area. Unfavorable conditions, from decrease dissolved oxygen, will be temporary. It is assumed that waters with decreased dissolved oxygen will be replaced from constant exchange from tidal and flow-through waters within the Connecticut River system. The removal of hydrilla will also impact the insects, mollusks, and worms that sturgeon feed on by eliminating viable habitat. Sturgeon will be able to move to areas that are either not infested with hydrilla or have not been treated for the removal of hydrilla to avoid hypoxia and find more aquatic vegetation to forage for food. No long-term impact to sturgeon is expected. Coordination will occur with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

An assessment of the project area indicates that there will be no significant impacts to Essential Fish Habitat, as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996. In addition, the project will be coordinated with the National Marine Fisheries Services to ensure no impacts to Essential Fish Habitat. Potential impacts to essential fish habitat from this project include temporary loss of submerged aquatic vegetation from herbicide application. The herbicide will selectively affect the invasive hydrilla and will leave some natives. Revegetation of native species is anticipated following the growing season. This project is not expected to significantly affect any managed species. See Appendix B of the EA for the full EFH analysis.

Actions Taken to Minimize Environmental Impacts

1. Application of aquatic herbicides will be avoided April 1 to July 1 to avoid the spawning season for migratory fish species, such as alewife and blueback herring, and the northern pike.

2. All herbicide application will strictly follow EPA and label requirements.

Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Office of Long Island Sound Programs

Coastal Management Consistency Review Form for Federal Activities

Use of this form, although not mandatory, will facilitate coastal consistency review analysis by the Federal agency and result in submission of sufficient information for comprehensive review by the Department of Energy and Environmental Protection (DEEP) Office of Long Island Sound Programs (OLISP). It is anticipated that submittal of a completed form with indicated supplemental materials will, in most instances, eliminate the need for further information. The form should be used in conjunction with the *Reference Guide to Coastal Policies and Definitions* (DEEP-OLISP-GUID-200). The *Instructions and Guidance for Completing the Federal Coastal Consistency Review Form for Federal Activities* (DEEP-OLISP-INST-300) explains how to complete this form and provides several critical definitions and pertinent guidance. Once completed, please submit this form with the appropriate supporting documentation to: CT DEEP-OLISP, 79 Elm Street, Hartford, CT 06106-5127. For further information or assistance in completing this form, please contact us at the address above or by phone at 860-424-3034.

Part I: Federal Agency and Contact Identification

Agency Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8833** ext. Fax:

Agency Contact: **Keith Hannon** Title: **Project Manager**

E-Mail: **Keith.W.hannon@usace.army.mil**

Identification of Primary Contact for correspondence if other than Agency Contact noted above:

Company Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8685** ext. Fax:

Contact Person: **Kelsie.Dakessian@usace.army.mil** Title: **Biologist**

E-Mail: **Kelsie.Dakessian@usace.army.mil**

Part II: Review Type and Project Title

Type of Review (check one):

☐ Federal Development Project ☐ Negative Determination

☒ Other Federal agency activity (specify general type): **Aquatic plant management**

Project Title or Other Identification:

Connecticut River Hydrilla Control Research & Demonstration Project

Part III: Other DEEP Involvement with the Project

Is any component of this activity directly regulated by DEEP separate from the Federal Coastal Consistency Process (e.g., 401 Water Quality Certification)? ☒ Yes ☐ No

If yes, list below all DEEP permits, certifications, or other authorizations being pursued for this activity, and describe the regulated activity/ies:

Aquatic Pesticide Permit

☐ Check if additional sheets are attached to this page

Has any other unit of the DEEP been contacted regarding this activity? ☒ Yes ☐ No

If yes, please identify other Departmental contacts:

CT NDDB
Pesticide Management Program
Fisheries Divsion

☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information

1. Description of Proposed Activity

Describe the proposed federal activity including its purpose and all related actions. For site-specific activities, such actions might include: site clearing, grading, demolition, and other site preparations; percentage of increase or decrease in impervious cover from existing conditions resulting from the activity; phasing, timing, and method of proposed construction; and new uses and changes from existing uses. For site-specific activities proposed at waterfront sites, provide detailed information regarding any water-dependent uses proposed. For non-site specific activities, include a complete description of the proposed activity and its purpose.

The purpose of the proposed project is to provide a field-scale demonstration of technology developed under the Aquatic Plant Control Research Program (APCRP), which is evaluating the effectiveness of an aquatic herbicide to manage monoecious hydrilla (Hydrilla verticillata) in the Lower Connecticut River watershed. This field demonstration will support the development of future guidance on how to manage this invasive aquatic plant which is expanding in high water exchange systems throughout the northeastern U.S. In addition, this field demonstration will provide interim control of hydrilla at Hamburg Cove.

The proposed action includes the use of diquat dibromide (diquat), dipotassium salt of endothall, florpyrauxifen-benzyl or combinations thereof to control hydrilla within Hamburg Cove, with a proposed treatment area of 178.8 acres. The field demonstration will select herbicide(s) treatments based on site-specific conditions treatment prior to application. The treatment rates proposed include: diquat at 370 ppb; dipotassium salt of endothall at 5 ppm; and florpyr-auxifenbenzyl at 48 ppb. Treatment application will adhere to the EPA-approved label, and will utilize sub-surface boat-based injection methods.

The proposed project would occur in the summer after July 4th 2025, or after July 4 in subsequent future treatments.

☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information (cont.)

2. Is the Project Site-Specific?

☒ Yes Please continue with Part IV and fill out all subsequent parts of the form.

☐ No Skip to Part V: Identification of Applicable Enforceable Policies

3. Location Information

a. Project Address, Location, or Affected Area: **Hamburg Cove**

City/Town: **Lyme** State: **CT** Zip Code: **06371**

b. Agency's interest in property, if any:

☐ fee simple ☐ option ☐ lessee ☐ easement ☒ not applicable

☐ other (specify):

c. Is the activity proposed at a waterfront site (includes tidal wetlands frontage) or within coastal, tidal or navigable waters? ☒ Yes ☐ No

If yes, name the affected coastal, tidal or navigable waters:

Hamburg Cove/Eightmile river

d. If off-site effects on coastal uses and/or resources are anticipated, identify the address or location(s) of such effects and attach a map (8 ½" x 11" format) indicating this area:

☐ Check if additional sheets are attached to this page

☐ Check here to indicate map is enclosed.

e. If the Federal project is site specific, identify and describe the existing land use on and adjacent to the site of the proposed activity and any anticipated location(s) of off-site effects on coastal resources or uses. Clearly differentiate between the descriptions of on-site and off-site areas. Include any existing structures and significant features at either location.

Hamburg Cove is a tidal cove at the confluence of the Eightmile river and the Connecticut River. Abutting land uses include commercial, including a marina, residential, and open space. Additionally, the proposed treatment area is adjacent to various freshwater wetlands.

☐ Check if additional sheets are attached to this page

f. Indicate the area of the project site: **178.8** ☒ acres or ☐ square feet

g. Indicate the area of any anticipated off-site effects: **0**

☐ acres or ☐ square feet or ☐ other units (specify units):

Part IV: Detailed Project Information (cont.)

4. Project Plans

If the proposed Federal activity is a "Federal Development Project", or other site specific activity, please provide project plans in 8 ½" x 11" format that clearly and accurately depict the following items, and check the appropriate boxes to indicate that the information is included in this review package:

- ☐ Project location
- ☐ Existing and proposed conditions, including buildings and grading
- ☐ Coastal resources on and contiguous to the site
- ☐ High Tide Line [as defined in CGS § 22a-359(c)], Mean High Water, and Mean Low Water elevations and contours (for parcels abutting coastal waters and/or tidal wetlands only)
- ☐ Soil erosion and sediment controls
- ☐ Stormwater management measures
- ☐ Ownership and type of use on adjacent properties
- ☐ Reference datum (i.e., National Geodetic Vertical Datum, Mean Sea Level, etc.)

If a Spill Prevention, Control, and Containment Plan (SPCC) has been developed for this site, please provide a copy in the review package and check here to indicate its inclusion ☐

Part V: Identification of the Applicable Enforceable Policies

In this Part, there are four tables which should be completed by checking the appropriate boxes in each. Table 1: *Coastal Resources and Associated Enforceable Policies*, is to identify on-site, adjacent, and/or potentially affected State-statutorily defined coastal resources. Table 2: *Coastal Uses and Associated Enforceable Policies*, is to identify existing and proposed State-statutorily defined coastal uses potentially affected by the project. Table 3a: *Potential Adverse Impacts on Coastal Resources* and Table 3b: *Potential Adverse Impacts on Water-dependent Uses and Opportunities* is to identify State-statutorily-defined adverse impacts.

Table 1

Coastal Resources and Associated Enforceable Policies	On-site	Adjacent	Affected by the proposed Federal activity**
General Coastal Resources* - Definition: CGS § 22a-93(7) Policy: CGS § 22a-92(a)(2)	☒	☒	☒
Beaches & Dunes - Definition: CGS § 22a-93(7)(C) Policies: CGS §§ 22a-92(b)(2)(C) and 22a-92(c)(1)(K)	☐	☐	☐
Bluffs & Escarpments - Definition: CGS § 22a-93(7)(A) Policy: CGS § 22a-92(b)(2)(A)	☐	☐	☐
Coastal Hazard Area - Definition: CGS § 22a-93(7)(H); Policies: CGS §§ 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)	☐	☐	☐
Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters - Definitions: CGS §§ 22a-93(5), 22a-93(7)(G), 22a-93(7)(K), and 22a-93(7)(L); Policies: CGS §§ 22a-92(a)(2) and 22a-92(c)(2)(A)	☐	☐	☐
Developed Shorefront - Definition: CGS § 22a-93(7)(I); Policy: CGS § 22a-92(b)(2)(G)	☐	☒	☐
Freshwater Wetlands and Watercourses - Definition: CGS § 22a-93(7)(F) Policy: CGS § 22a-92(a)(2)	☒	☐	☐
Intertidal Flats - Definition: CGS § 22a-93(7)(D) Policies: CGS § 22a-92(b)(2)(D) and 22a-92(c)(1)(K)	☐	☐	☐
Islands - Definition: CGS § 22a-93(7)(J) Policy: CGS § 22a-92(b)(2)(H)	☐	☐	☐
Rocky Shorefront - Definition: CGS § 22a-93(7)(B) Policy: CGS § 22a-92(b)(2)(B)	☐	☐	☐
Shellfish Concentration Areas - Definition: CGS § 22a-93(7)(N) Policy: CGS § 22a-92(c)(1)(I)	☐	☐	☐
Shorelands - Definition: CGS § 22a-93(7)(M) Policy: CGS § 22a-92(b)(2)(I)	☐	☒	☐
Tidal Wetlands - Definition: CGS § 22a-93(7)(E) Policies: CGS §§ 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)	☐	☐	☐

* The General Coastal Resource Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The coastal resources affected by the project can be on-site, adjacent, or further removed from the project site.

Table 2

Coastal Uses and Associated Enforceable Policies	
☒	General Development* - CGS §§ 22a-92(a)(1), 22a-92(a)(4), and 22a-92(a)(9)
☐	Boating - CGS § 22a-92(b)(1)(G), 22a-92(b)(1)(H), and 22a-92(b)(1)(I)
☒	Coastal Recreation and Access - CGS §§ 22a-92(a)(2), 22a-92(a)(6), 22a-92(c)(1)(J), and 22a-92(c)(1)(K)
☐	Coastal Structures and Filling - CGS § 22a-92(a)(2), 22a-92(b)(1)(D), 22a-92(c)(1)(B), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)
☐	Cultural Resources – CGS § 22a-92(b)(1)(J)
☐	Dams, Dikes and Reservoirs - CGS § 22a-92(a)(2)
☐	Dredging and Navigation - CGS §§ 22a-92(a)(2), 22a-92(c)(1)(C), 22a-92(c)(1)(D), and 22a-92(c)(1)(E)
☐	Energy Facilities - CGS §§ 16-50g and 16-50p(a)
☒	Fisheries - CGS § 22a-92(c)(1)(I)
☐	Flooding and Erosion - CGS § 22a-92(a)(5)
☐	Fuel, Chemicals and Hazardous Materials - CGS §§ 22a-92(a)(2), 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)
☐	Facilities and Resources which are in the National Interest - Definition CGS § 22a-93(14) - Policy CGS 22a-92(a)(10)
☒	Intergovernmental Coordination - CGS § 22a-92(a)(9)
☐	Open Space and Agricultural Lands - CGS § 22a-92(a)(2)
☐	Ports and Harbors – CGS § 22a-92(b)(1)(C)
☐	Sewer and Water Lines - CGS § 22a-92(b)(1)(B)
☐	Solid Waste - CGS § 22a-92(a)(2)
☐	Transportation - CGS §§ 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
☐	Water-dependent Uses** - Definition CGS § 22a-93(16) - Policies CGS §§ 22a-92(a)(3) and 22a-92(b)(1)(A)

* The General Development Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The Water-Dependent Uses Policies are applicable to all activities proposed at waterfront sites, including those sites with only tidal wetlands frontage.

Identification of State Statutorily Defined Potential Adverse Impacts

In Tables 3a and 3b, identify the adverse impact categories that apply to the proposed Federal activity. The "Applicable" column **must be checked** if the proposed activity has the **potential** to generate any of the State-statutorily defined adverse impacts, even if the activity is designed to avoid such impacts. Also indicate, by checking the appropriate boxes, whether the potential adverse impacts have been avoided or minimized and whether any resource compensation is proposed.

Table 3a

Potential Adverse Impacts on Coastal Resources	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Characteristics and Functions of Resources - CGS § 22a-93(15)(H)	☐	☐	☐	☐	☒
Coastal Flooding - CGS § 22a-93(15)(E)	☐	☐	☐	☐	☒
Coastal Waters Circulation Patterns - CGS § 22a-93(15)(B)	☐	☐	☐	☐	☒
Drainage Patterns - CGS § 22a-93(15)(D)	☐	☐	☐	☐	☒
Patterns of Shoreline Erosion and Accretion - CGS § 22a-93(15)(C)	☐	☐	☐	☐	☒
Visual Quality - CGS § 22a-93(15)(F)	☐	☐	☐	☐	☒
Water Quality - CGS § 22a-93(15)(A)	☒	☒	☐	☐	☐
Wildlife, Finfish, Shellfish Habitat - CGS § 22a-93(15)(G)	☒	☒	☐	☐	☐

Table 3b

Potential Adverse Impacts on Water-dependent Uses and Opportunities	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Locating a non-water-dependent use at a site physically suited for, or planned for location of, a water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Replacing an existing water-dependent use with a non-water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters - CGS § 22a-93(17)	☐	☐	☐	☐	☒

Part VI: Consistency Analysis

Explain how the proposed activity is consistent with all of the applicable enforceable policies identified in Part V, why any remaining adverse impacts resulting from the proposed activity or use have not been mitigated, and why the project as proposed is consistent with the enforceable policies of Connecticut's Coastal Management Program*.* If an adverse impact **may** result from the proposed Federal activity, describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts. For proposed Federal Development Projects, please describe the stormwater best management practices that will be utilized. Such systems should be designed to meet the guidance provided in the accompanying instructions.

A consistency analysis is attatched to the form

☒ Check if additional sheets are attached to this page

Part VII: Level of Consistency and Identification of Legal Authority that Prohibits Full Consistency, if Applicable

Federal regulations allow Federal activities to be less than fully consistent with a State's enforceable policies **only** if "full consistency is prohibited by existing law applicable to the Federal Agency" [15 CFR 930.32]. Please check the appropriate box below to indicate the activities degree of consistency.

☒ Project is *fully* consistent with Connecticut's enforceable policies

☐ Project is *not fully* consistent with Connecticut's enforceable policies, but is consistent to the maximum extent practicable

If the proposed Federal Activity described in this form is not *fully* consistent with Connecticut's enforceable policies, but only consistent to the maximum extent practicable, in accordance with 15 CFR 930.32, please identify and describe the statutory provisions, legislative history, or other legal authority which limits the federal agency's discretion to comply fully with Connecticut's Coastal Management Program. Please attach additional pages if necessary. Attach copies of the relevant statutory provisions, legislative history, or other legal authority cited.

☐ Check if additional sheets are attached to this page

Part VIII: Coastal Zone Management Act Consistency Statement

Note: This Part *must* be completed for all submissions

In this Statement "Federal Agency" means:

U.S. Army Corps of Engineers, New England District

and "the project" means:

Connecticut River Hydrilla Control Research and Demonstration Project

This document provides the State of Connecticut Coastal Management Program with the required Consistency Determination under CZMA Section 307(c)(1) [or (2)] and 15 CFR Part 930, Subpart C, for the project described in this *Coastal Mangement Consistency Review Form for Federal Activities*. This determination is provided by the Federal Agency identified above. The information in this Consistency Determination is provided pursuant to 15 CFR Section 930.39. The Federal Agency has determined that the project affects the land or water uses or natural resources of Connecticut as described above. Based on the information, data, and analysis included in the *Coastal Mangement Consistency Review Form for Federal Activities* for the project, the Federal Agency has determined that the proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Connecticut Coastal Management Program as evaluated in this form.

Pursuant to 15 CFR Section 930.41, the Connecticut Coastal Management Program has 60 days from receipt of this form in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR Section 930.41(b).

Part IX: Certifying Signatures

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief."

	04/03/2025
Signature of Certifier	Date
Keith Hannon	**Project Manager**
Name of Certifier (print or type)	Title (if applicable)
	04/03/2025
Signature of Preparer	Date
Kelsie Dakessian	Biologist
Name of Preparer (print or type)	Title (if applicable)

Hamburg Cove

Part VI: Consistency Analysis

1. COASTAL RESOURCES

General Coastal Resources Policy:

The proposed project includes the control of the invasive aquatic plant hydrilla (*Hydrilla verticillata*) through use of the aquatic herbicide. The proposed project will have no significant, adverse impacts on water quality, tidal or freshwater wetlands and watercourses, islands, State parks and forests, marine resources, fish and wildlife, flood control, and recreation of the cove or the Connecticut River, and will not introduce invasive plants, sources of pollution, or create erosional problems. The shorefront and bordering wetlands of Hamburg Cove would be unaffected by the management of hydrilla. The proposed herbicides for consideration are approved federally through the U.S. Environmental Protection Agency (EPA) and by the state through the Connecticut Department of Energy and Environmental Protection (CTDEEP) Pesticide Management Program, with herbicide application adhering to the label.

Developed Shorefront:

The project area is adjacent to developed shorefront, but no adverse impacts are expected from the proposed action. The proposed treatment will utilize subsurface injection methods to control hydrilla in Hamburg Cove, and there will be no impacts on upland resources.

Freshwater Wetlands and Watercourses:

The proposed project will result in benefits to freshwater wetlands and watercourses by controlling hydrilla to levels that don't encroach wetlands and to densities that will not alter the integrity of the wetlands. The proposed herbicides for considerations aquatic herbicide are unlikely to cause a significant effect on wetlands adjacent to the sites.

The proposed project may result in temporary impacts to non-target plant species located on the fringe of the proposed treatment area, with a low risk anticipated to emergent plant species due to the subsurface application methods. Any impacts to non-target species would be temporary, with revegetation occurring after treatment from a seed bank or reproductive structures (e.g. rhizomes). The proposed action will impact the overall function of the wetlands bordering Hamburg Cove. There are no anticipated adverse impacts expected to freshwater watercourses with the implementation of the proposed action. The chemical treatment of hydrilla in Hamburg Cove will provide benefits to the hydrology of the system by reducing and potentially eliminating hydrilla populations from obstructing the flow of water. This will prevent flooding and return the system to a more natural state of flow.

Shorelands:

The project area is adjacent to shorelands but no adverse impacts are expected from the proposed action. The action of aquatic herbicide application will occur only within the waters of Hamburg Cove, with subsurface injection of herbicide, and will not have impacts on the upland resources.

2. COASTAL USES

General Development Policy:

Development, preservation, or use of the land and water resources of the coastal area will not be adversely affected by the proposed project, nor will it deter development, preservation, or use by significantly disrupting either the natural environment or sound economic growth. The proposed project will improve the conditions of Hamburg Cove. The proposed project will be coordinated with CT DEEP (Fisheries Consultation and NDDB Review), the EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to determine that the project will not have significant adverse effects on fish and wildlife habitats or wetlands. The proposed project will be coordinated with the National Parks Service to ensure no adverse impacts to the Eightmile river, a scenic river, relative to the Wild and Scenic Rivers Act. The project will not adversely affect scenic resources, natural protective features, important agricultural lands, or wetlands.

Coastal Recreation and Access Policy:

The proposed project will result in significant benefits with respect to improved ease and safety of navigation and improved public access to, and use of, the public trust lands and waters of the State. Control of hydrilla will improve boating access to and within Hamburg Cove by preventing the establishment of dense vegetation mats that may result in clogged waterways.

Fisheries:

The proposed project will beneficially impact fisheries resources by enhancing the productivity of natural resources that provide more natural feeding and spawning habitat for fish. Hydrilla overtakes aquatic systems, outcompeting native submerged aquatic vegetation and overcrowding underwater resources. Management of hydrilla will allow native vegetation to reestablish providing natural habitat to the fisheries in Hamburg Cove.

Intergovernmental Coordination:

The proposed project is consistent as the project is being permitted and coordinated with state and federal agencies to ensure that it complies with environmental laws and

regulations. The project will beneficially impact natural resources and will not disrupt economic development.

Water-Dependent Uses Policy:

The project will control the invasive aquatic plant hydrilla present in Hamburg Cove, thereby allowing water-dependent uses of the cove to continue.

3. STATE STATUTORILY DEFINED POTENTIAL ADVERSE IMPACTS

Water Quality:

Short-term adverse impacts are expected, including the temporary increase in turbidity due to the reduction and removal of hydrilla as well as a decrease in dissolved oxygen due to the death and decomposition of hydrilla due to herbicide treatment. Impacts to dissolved oxygen would be localized to treatment areas for a short period of time. The proposed treatment area is connected to the main river, and water exchange is highly dynamic due to river flow and tidal influence. It is assumed that waters with low dissolved oxygen will be replaced quickly during tidal exchanges and due to flow-through within the river channel. Long-term beneficial impacts are anticipated to water quality with the treatment of hydrilla including the return of naturally occurring water temperatures, pH, and dissolved oxygen levels.

Without management of hydrilla, water quality will decline in the areas that it is present due to its ability to change natural temperature, pH, and dissolved oxygen of the system. The fluctuations in these measures can contribute to the release of nutrients, such as phosphorus, from the sediments. There would continue to be a seasonal decrease in dissolved oxygen when hydrilla senesces and decomposes causing harm and imbalances over the long-term.

Wildlife, Finfish, Shellfish Habitat:

No federally listed threatened or endangered species are known to permanently inhabit Hamburg Cove. Atlantic and Shortnose sturgeon may occur within the cove for spawning, and foraging. The proposed herbicides do not have known toxicity to fish, such as sturgeon. The reduced oxygen in the water due to the decomposition of hydrilla after herbicide treatment, will produce unfavorable localized conditions for individuals that may be in or near a treatment area. Unfavorable conditions, from decreased dissolved oxygen, will be temporary. It is assumed that waters with decreased dissolved oxygen will be replaced from constant exchange from tidal and flow-through waters within the Connecticut River system. The removal of hydrilla will also impact the insects, mollusks, and worms that sturgeon feed on by eliminating viable habitat. Sturgeon will be able to move to areas that are either not infested with hydrilla or have not been treated for the removal of hydrilla to avoid hypoxia and find more aquatic vegetation to forage for food. No long-term impact to sturgeon is expected. Coordination will occur with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

Impacts to finfish species are expected to be minimal. Coves off the mainstem of the Connecticut River can provide spawning habitat for migratory fish, such as blueback herring and alewife. There are no impacts expected to these species because herbicide application will occur after of the spawning season.

Benthic organisms and shellfish inhabiting the area will not be impacted by the proposed action. The proposed herbicides for consideration are both federally and state registered. Registration of the herbicides implies that the active chemicals will not have significant, lasting adverse impacts to the invertebrates that may be present.

An assessment of the project area indicates that there will be no significant impacts to Essential Fish Habitat, as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996. In addition, the project will be coordinated with the National Marine Fisheries Services to ensure no impacts to Essential Fish Habitat. Potential impacts to essential fish habitat from this project include temporary loss of submerged aquatic vegetation from herbicide application. The herbicide will selectively affect the invasive hydrilla and will leave some natives. Revegetation of native species is anticipated following the growing season. This project is not expected to significantly affect any managed species. See Appendix B of the EA for the full EFH analysis.

Actions Taken to Minimize Environmental Impacts

1. Application of aquatic herbicides will be avoided April 1 to July 1 to avoid the spawning season for migratory fish species, such as alewife and blueback herring, and the northern pike.

2. All herbicide application will strictly follow EPA and label requirements.

Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Office of Long Island Sound Programs

Coastal Management Consistency Review Form for Federal Activities

Use of this form, although not mandatory, will facilitate coastal consistency review analysis by the Federal agency and result in submission of sufficient information for comprehensive review by the Department of Energy and Environmental Protection (DEEP) Office of Long Island Sound Programs (OLISP). It is anticipated that submittal of a completed form with indicated supplemental materials will, in most instances, eliminate the need for further information. The form should be used in conjunction with the *Reference Guide to Coastal Policies and Definitions* (DEEP-OLISP-GUID-200). The *Instructions and Guidance for Completing the Federal Coastal Consistency Review Form for Federal Activities* (DEEP-OLISP-INST-300) explains how to complete this form and provides several critical definitions and pertinent guidance. Once completed, please submit this form with the appropriate supporting documentation to: CT DEEP-OLISP, 79 Elm Street, Hartford, CT 06106-5127. For further information or assistance in completing this form, please contact us at the address above or by phone at 860-424-3034.

Part I: Federal Agency and Contact Identification

Agency Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8833** ext. Fax:

Agency Contact: **Keith Hannon** Title: **Project Manager**

E-Mail: **Keith.W.hannon@usace.army.mil**

Identification of Primary Contact for correspondence if other than Agency Contact noted above:

Company Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8685** ext. Fax:

Contact Person: **Kelsie.Dakessian@usace.army.mil** Title: **Biologist**

E-Mail: **Kelsie.Dakessian@usace.army.mil**

Part II: Review Type and Project Title

Type of Review (check one):

☐ Federal Development Project ☐ Negative Determination

☒ Other Federal agency activity (specify general type): **Aquatic plant management**

Project Title or Other Identification:

Connecticut River Hydrilla Control Research & Demonstration Project

Part III: Other DEEP Involvement with the Project

Is any component of this activity directly regulated by DEEP separate from the Federal Coastal Consistency Process (e.g., 401 Water Quality Certification)? ☒ Yes ☐ No

If yes, list below all DEEP permits, certifications, or other authorizations being pursued for this activity, and describe the regulated activity/ies:

Aquatic Pesticide Permit

☐ Check if additional sheets are attached to this page

Has any other unit of the DEEP been contacted regarding this activity? ☒ Yes ☐ No

If yes, please identify other Departmental contacts:

CT NDDB
Pesticide Management Program
Fisheries Divsion

☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information

1. Description of Proposed Activity

   Describe the proposed federal activity including its purpose and all related actions. For site-specific activities, such actions might include: site clearing, grading, demolition, and other site preparations; percentage of increase or decrease in impervious cover from existing conditions resulting from the activity; phasing, timing, and method of proposed construction; and new uses and changes from existing uses. For site-specific activities proposed at waterfront sites, provide detailed information regarding any water-dependent uses proposed. For non-site specific activities, include a complete description of the proposed activity and its purpose.

   The purpose of the proposed project is to provide a field-scale demonstration of technology developed under the Aquatic Plant Control Research Program (APCRP), which is evaluating the effectiveness of an aquatic herbicide to manage monoecious hydrilla (Hydrilla verticillata) in the Lower Connecticut River watershed. This field demonstration will support the development of future guidance on how to manage this invasive aquatic plant which is expanding in high water exchange systems throughout the northeastern U.S. In addition, this field demonstration will provide interim control of hydrilla at Joshua Creek.

   The proposed action includes the use of diquat dibromide (diquat), dipotassium salt of endothall, florpyrauxifen-benzyl or combinations thereof to control hydrilla within Joshua Creek, with a proposed treatment area of 20.7 acres. The field demonstration will select herbicide(s) treatments based on site-specific conditions treatment prior to application. The treatment rates proposed include: diquat at 370 ppb; dipotassium salt of endothall at 5 ppm; and florpyr-auxifenbenzyl at 48 ppb. Treatment application will adhere to the EPA-approved label, and will utilize sub-surface boat-based injection methods.

   The proposed project would occur in the summer after July 4th 2025, or after July 4 in subsequent future treatments.

   ☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information (cont.)

2. Is the Project Site-Specific?

☒ Yes Please continue with Part IV and fill out all subsequent parts of the form.

☐ No Skip to Part V: Identification of Applicable Enforceable Policies

3. Location Information

a. Project Address, Location, or Affected Area: **Joshua Creek**

City/Town: **Lyme** State: **CT** Zip Code: **06371**

b. Agency's interest in property, if any:

☐ fee simple ☐ option ☐ lessee ☐ easement ☒ not applicable

☐ other (specify):

c. Is the activity proposed at a waterfront site (includes tidal wetlands frontage) or within coastal, tidal or navigable waters? ☒ Yes ☐ No

If yes, name the affected coastal, tidal or navigable waters:

Joshua Creek

d. If off-site effects on coastal uses and/or resources are anticipated, identify the address or location(s) of such effects and attach a map (8 ½" x 11" format) indicating this area:

☐ Check if additional sheets are attached to this page

☐ Check here to indicate map is enclosed.

e. If the Federal project is site specific, identify and describe the existing land use on and adjacent to the site of the proposed activity and any anticipated location(s) of off-site effects on coastal resources or uses. Clearly differentiate between the descriptions of on-site and off-site areas. Include any existing structures and significant features at either location.

Joshua Creek is a tidal creek located off of the Connecticut River. The creek is surrounded by freshwater wetlands, with other surrounding lands containing residential use and open space.

☐ Check if additional sheets are attached to this page

f. Indicate the area of the project site: **20.7** ☒ acres or ☐ square feet

g. Indicate the area of any anticipated off-site effects: **0**

☐ acres or ☐ square feet or ☐ other units (specify units):

Part IV: Detailed Project Information (cont.)

4. Project Plans

If the proposed Federal activity is a "Federal Development Project", or other site specific activity, please provide project plans in 8 ½" x 11" format that clearly and accurately depict the following items, and check the appropriate boxes to indicate that the information is included in this review package:

- ☐ Project location
- ☐ Existing and proposed conditions, including buildings and grading
- ☐ Coastal resources on and contiguous to the site
- ☐ High Tide Line [as defined in CGS § 22a-359(c)], Mean High Water, and Mean Low Water elevations and contours (for parcels abutting coastal waters and/or tidal wetlands only)
- ☐ Soil erosion and sediment controls
- ☐ Stormwater management measures
- ☐ Ownership and type of use on adjacent properties
- ☐ Reference datum (i.e., National Geodetic Vertical Datum, Mean Sea Level, etc.)

If a Spill Prevention, Control, and Containment Plan (SPCC) has been developed for this site, please provide a copy in the review package and check here to indicate its inclusion ☐

Part V: Identification of the Applicable Enforceable Policies

In this Part, there are four tables which should be completed by checking the appropriate boxes in each. Table 1: *Coastal Resources and Associated Enforceable Policies*, is to identify on-site, adjacent, and/or potentially affected State-statutorily defined coastal resources. Table 2: *Coastal Uses and Associated Enforceable Policies*, is to identify existing and proposed State-statutorily defined coastal uses potentially affected by the project. Table 3a: *Potential Adverse Impacts on Coastal Resources* and Table 3b: *Potential Adverse Impacts on Water-dependent Uses and Opportunities* is to identify State-statutorily-defined adverse impacts.

Table 1

Coastal Resources and Associated Enforceable Policies	On-site	Adjacent	Affected by the proposed Federal activity**
General Coastal Resources* - Definition: CGS § 22a-93(7) Policy: CGS § 22a-92(a)(2)	☒	☒	☒
Beaches & Dunes - Definition: CGS § 22a-93(7)(C) Policies: CGS §§ 22a-92(b)(2)(C) and 22a-92(c)(1)(K)	☐	☐	☐
Bluffs & Escarpments - Definition: CGS § 22a-93(7)(A) Policy: CGS § 22a-92(b)(2)(A)	☐	☐	☐
Coastal Hazard Area - Definition: CGS § 22a-93(7)(H); Policies: CGS §§ 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)	☐	☐	☐
Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters - Definitions: CGS §§ 22a-93(5), 22a-93(7)(G), 22a-93(7)(K), and 22a-93(7)(L); Policies: CGS §§ 22a-92(a)(2) and 22a-92(c)(2)(A)	☐	☐	☐
Developed Shorefront - Definition: CGS § 22a-93(7)(I); Policy: CGS § 22a-92(b)(2)(G)	☐	☐	☐
Freshwater Wetlands and Watercourses - Definition: CGS § 22a-93(7)(F) Policy: CGS § 22a-92(a)(2)	☒	☐	☐
Intertidal Flats - Definition: CGS § 22a-93(7)(D) Policies: CGS § 22a-92(b)(2)(D) and 22a-92(c)(1)(K)	☐	☐	☐
Islands - Definition: CGS § 22a-93(7)(J) Policy: CGS § 22a-92(b)(2)(H)	☐	☐	☐
Rocky Shorefront - Definition: CGS § 22a-93(7)(B) Policy: CGS § 22a-92(b)(2)(B)	☐	☐	☐
Shellfish Concentration Areas - Definition: CGS § 22a-93(7)(N) Policy: CGS § 22a-92(c)(1)(I)	☐	☐	☐
Shorelands - Definition: CGS § 22a-93(7)(M) Policy: CGS § 22a-92(b)(2)(I)	☐	☒	☐
Tidal Wetlands - Definition: CGS § 22a-93(7)(E) Policies: CGS §§ 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)	☐	☐	☐

* The General Coastal Resource Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The coastal resources affected by the project can be on-site, adjacent, or further removed from the project site.

Table 2

Coastal Uses and Associated Enforceable Policies	
☒	General Development* - CGS §§ 22a-92(a)(1), 22a-92(a)(4), and 22a-92(a)(9)
☐	Boating - CGS § 22a-92(b)(1)(G), 22a-92(b)(1)(H), and 22a-92(b)(1)(I)
☒	Coastal Recreation and Access - CGS §§ 22a-92(a)(2), 22a-92(a)(6), 22a-92(c)(1)(J), and 22a-92(c)(1)(K)
☐	Coastal Structures and Filling - CGS § 22a-92(a)(2), 22a-92(b)(1)(D), 22a-92(c)(1)(B), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)
☐	Cultural Resources – CGS § 22a-92(b)(1)(J)
☐	Dams, Dikes and Reservoirs - CGS § 22a-92(a)(2)
☐	Dredging and Navigation - CGS §§ 22a-92(a)(2), 22a-92(c)(1)(C), 22a-92(c)(1)(D), and 22a-92(c)(1)(E)
☐	Energy Facilities - CGS §§ 16-50g and 16-50p(a)
☒	Fisheries - CGS § 22a-92(c)(1)(I)
☐	Flooding and Erosion - CGS § 22a-92(a)(5)
☐	Fuel, Chemicals and Hazardous Materials - CGS §§ 22a-92(a)(2), 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)
☐	Facilities and Resources which are in the National Interest - Definition CGS § 22a-93(14) - Policy CGS 22a-92(a)(10)
☒	Intergovernmental Coordination - CGS § 22a-92(a)(9)
☐	Open Space and Agricultural Lands - CGS § 22a-92(a)(2)
☐	Ports and Harbors – CGS § 22a-92(b)(1)(C)
☐	Sewer and Water Lines - CGS § 22a-92(b)(1)(B)
☐	Solid Waste - CGS § 22a-92(a)(2)
☐	Transportation - CGS §§ 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
☐	Water-dependent Uses** - Definition CGS § 22a-93(16) - Policies CGS §§ 22a-92(a)(3) and 22a-92(b)(1)(A)

* The General Development Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The Water-Dependent Uses Policies are applicable to all activities proposed at waterfront sites, including those sites with only tidal wetlands frontage.

Identification of State Statutorily Defined Potential Adverse Impacts

In Tables 3a and 3b, identify the adverse impact categories that apply to the proposed Federal activity. The "Applicable" column **must be checked** if the proposed activity has the **potential** to generate any of the State-statutorily defined adverse impacts, even if the activity is designed to avoid such impacts. Also indicate, by checking the appropriate boxes, whether the potential adverse impacts have been avoided or minimized and whether any resource compensation is proposed.

Table 3a

Potential Adverse Impacts on Coastal Resources	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Characteristics and Functions of Resources - CGS § 22a-93(15)(H)	☐	☐	☐	☐	☒
Coastal Flooding - CGS § 22a-93(15)(E)	☐	☐	☐	☐	☒
Coastal Waters Circulation Patterns - CGS § 22a-93(15)(B)	☐	☐	☐	☐	☒
Drainage Patterns - CGS § 22a-93(15)(D)	☐	☐	☐	☐	☒
Patterns of Shoreline Erosion and Accretion - CGS § 22a-93(15)(C)	☐	☐	☐	☐	☒
Visual Quality - CGS § 22a-93(15)(F)	☐	☐	☐	☐	☒
Water Quality - CGS § 22a-93(15)(A)	☒	☒	☐	☐	☐
Wildlife, Finfish, Shellfish Habitat - CGS § 22a-93(15)(G)	☒	☒	☐	☐	☐

Table 3b

Potential Adverse Impacts on Water-dependent Uses and Opportunities	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Locating a non-water-dependent use at a site physically suited for, or planned for location of, a water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Replacing an existing water-dependent use with a non-water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters - CGS § 22a-93(17)	☐	☐	☐	☐	☒

Part VI: Consistency Analysis

Explain how the proposed activity is consistent with all of the applicable enforceable policies identified in Part V, why any remaining adverse impacts resulting from the proposed activity or use have not been mitigated, and why the project as proposed is consistent with the enforceable policies of Connecticut's Coastal Management Program. If an adverse impact **may** result from the proposed Federal activity, describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts. For proposed Federal Development Projects, please describe the stormwater best management practices that will be utilized. Such systems should be designed to meet the guidance provided in the accompanying instructions.

A consistency analysis is attatched to the form

☒ Check if additional sheets are attached to this page

Part VII: Level of Consistency and Identification of Legal Authority that Prohibits Full Consistency, if Applicable

Federal regulations allow Federal activities to be less than fully consistent with a State's enforceable policies **only** if "full consistency is prohibited by existing law applicable to the Federal Agency" [15 CFR 930.32]. Please check the appropriate box below to indicate the activities degree of consistency.

☒ Project is *fully* consistent with Connecticut's enforceable policies

☐ Project is *not fully* consistent with Connecticut's enforceable policies, but is consistent to the maximum extent practicable

If the proposed Federal Activity described in this form is not *fully* consistent with Connecticut's enforceable policies, but only consistent to the maximum extent practicable, in accordance with 15 CFR 930.32, please identify and describe the statutory provisions, legislative history, or other legal authority which limits the federal agency's discretion to comply fully with Connecticut's Coastal Management Program. Please attach additional pages if necessary. Attach copies of the relevant statutory provisions, legislative history, or other legal authority cited.

☐ Check if additional sheets are attached to this page

Part VIII: Coastal Zone Management Act Consistency Statement

Note: This Part *must* be completed for all submissions

In this Statement "Federal Agency" means:

U.S. Army Corps of Engineers, New England District

and "the project" means:

Connecticut River Hydrilla Control Research and Demonstration Project

This document provides the State of Connecticut Coastal Management Program with the required Consistency Determination under CZMA Section 307(c)(1) [or (2)] and 15 CFR Part 930, Subpart C, for the project described in this *Coastal Mangement Consistency Review Form for Federal Activities*. This determination is provided by the Federal Agency identified above. The information in this Consistency Determination is provided pursuant to 15 CFR Section 930.39. The Federal Agency has determined that the project affects the land or water uses or natural resources of Connecticut as described above. Based on the information, data, and analysis included in the *Coastal Mangement Consistency Review Form for Federal Activities* for the project, the Federal Agency has determined that the proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Connecticut Coastal Management Program as evaluated in this form.

Pursuant to 15 CFR Section 930.41, the Connecticut Coastal Management Program has 60 days from receipt of this form in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR Section 930.41(b).

Part IX: Certifying Signatures

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief."

	04/03/2025
Signature of Certifier	Date
Keith Hannon	**Project Manager**
Name of Certifier (print or type)	Title (if applicable)
	04/03/2025
Signature of Preparer	Date
Kelsie Dakessian	Biologist
Name of Preparer (print or type)	Title (if applicable)

Joshua Creek

Part VI: Consistency Analysis

1. COASTAL RESOURCES

General Coastal Resources Policy:

The proposed project includes the control of the invasive aquatic plant hydrilla (*Hydrilla verticillata*) through use of the aquatic herbicide. The proposed project will have no significant, adverse impacts on water quality, tidal or freshwater wetlands and watercourses, islands, State parks and forests, marine resources, fish and wildlife, flood control, and recreation of the cove or the Connecticut River, and will not introduce invasive plants, sources of pollution, or create erosional problems. The shorefront and bordering tidal wetlands of Joshua Creek would be unaffected by the management of hydrilla. The proposed herbicides for consideration are approved federally through the U.S. Environmental Protection Agency (EPA) and by the state through the Connecticut Department of Energy and Environmental Protection (CTDEEP) Pesticide Management Program, with herbicide application adhering to the label.

Freshwater Wetlands and Watercourses:

The proposed project will result in benefits to freshwater wetlands and watercourses by controlling hydrilla to levels that don't encroach wetlands and to densities that will not alter the integrity of the wetlands. The proposed herbicides for considerations aquatic herbicide are unlikely to cause a significant effect on wetlands adjacent to the sites.

The proposed project may result in temporary impacts to non-target plant species located on the fringe of the proposed treatment area, with a low risk anticipated to emergent plant species due to the subsurface application methods. Any impacts to non-target species would be temporary, with revegetation occurring after treatment from a seed bank or reproductive structures (e.g. rhizomes). The proposed action will impact the overall function of the wetlands bordering Joshua Creek. There are no anticipated adverse impacts expected to freshwater watercourses with the implementation of the proposed action. The chemical treatment of hydrilla in Joshua Creek will provide benefits to the hydrology of the system by reducing and potentially eliminating hydrilla populations from obstructing the flow of water. This will prevent flooding and return the system to a more natural state of flow.

Shorelands:

The project area is adjacent to shorelands but no adverse impacts are expected from the proposed action. The action of aquatic herbicide application will occur only within the waters of Joshua Creek, with subsurface injection of herbicide, and will not have impacts on the upland resources.

2. COASTAL USES

General Development Policy:

Development, preservation, or use of the land and water resources of the coastal area will not be adversely affected by the proposed project, nor will it deter development, preservation, or use by significantly disrupting either the natural environment or sound economic growth. The proposed project will improve the conditions of Joshua Creek. The proposed project will be coordinated with CT DEEP (Fisheries Consultation and NDDB Review), the EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to determine that the project will not have significant adverse effects on fish and wildlife habitats or wetlands. The project will not adversely affect scenic resources, natural protective features, important agricultural lands, or wetlands.

Coastal Recreation and Access Policy:

The proposed project will result in significant benefits with respect to improved ease and safety of navigation and improved public access to, and use of, the public trust lands and waters of the State. Control of hydrilla will improve boating access to and within Joshua Creek by preventing the establishment of dense vegetation mats that may result in clogged waterways.

Fisheries:

The proposed project will beneficially impact fisheries resources by enhancing the productivity of natural resources that provide more natural feeding and spawning habitat for fish. Hydrilla overtakes aquatic systems, outcompeting native submerged aquatic vegetation and overcrowding underwater resources. Management of hydrilla will allow native vegetation to reestablish providing natural habitat to the fisheries in Joshua Creek.

Intergovernmental Coordination:

The proposed project is consistent as the project is being permitted and coordinated with state and federal agencies to ensure that it complies with environmental laws and regulations. The project will beneficially impact natural resources and will not disrupt economic development.

Water-Dependent Uses Policy:

The project will control the invasive aquatic plant hydrilla present in Joshua Creek, thereby allowing water-dependent uses of the cove to continue.

3. STATE STATUTORILY DEFINED POTENTIAL ADVERSE IMPACTS

Water Quality:

Short-term adverse impacts are expected, including the temporary increase in turbidity due to the reduction and removal of hydrilla as well as a decrease in dissolved oxygen due to the death and decomposition of hydrilla due to herbicide treatment. Impacts to dissolved oxygen would be localized to treatment areas for a short period of time. The proposed treatment area is connected to the main river, and water exchange is highly dynamic due to river flow and tidal influence. It is assumed that waters with low dissolved oxygen will be replaced quickly during tidal exchanges and due to flow-through within the river channel. Long-term beneficial impacts are anticipated to water quality with the treatment of hydrilla including the return of naturally occurring water temperatures, pH, and dissolved oxygen levels.

Without management of hydrilla, water quality will decline in the areas that it is present due to its ability to change natural temperature, pH, and dissolved oxygen of the system. The fluctuations in these measures can contribute to the release of nutrients, such as phosphorus, from the sediments. There would continue to be a seasonal decrease in dissolved oxygen when hydrilla senesces and decomposes causing harm and imbalances over the long-term.

Wildlife, Finfish, Shellfish Habitat:

No federally listed threatened or endangered species are known to permanently inhabit Joshua Creek. Atlantic and Shortnose sturgeon may occur within the Connecticut River for spawning, and foraging. The proposed herbicides do not have known toxicity to fish, such as sturgeon. The reduced oxygen in the water due to the decomposition of hydrilla after herbicide treatment, will produce unfavorable localized conditions for individuals that may be in or near a treatment area. Unfavorable conditions, from decreased dissolved oxygen, will be temporary. It is assumed that waters with decreased dissolved oxygen will be replaced from constant exchange from tidal and flow-through waters within the Connecticut River system. The removal of hydrilla will also impact the insects, mollusks, and worms that sturgeon feed on by eliminating viable habitat. Sturgeon will be able to move to areas that are either not infested with hydrilla or have not been treated for the removal of hydrilla to avoid hypoxia and find more aquatic vegetation to forage for food. No long-term impact to sturgeon is expected. Coordination will occur with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

Impacts to finfish species are expected to be minimal. Coves off the mainstem of the Connecticut River can provide spawning habitat for migratory fish, such as blueback herring and alewife. There are no impacts expected to these species because herbicide application will occur after of the spawning season, with treatment occurring after July 1st.

Benthic organisms and shellfish inhabiting the area will not be impacted by the proposed action. The proposed herbicides for consideration are both federally and state

Water-Dependent Uses Policy:

The project will control the invasive aquatic plant hydrilla present in Post and Pratt Coves, thereby allowing water-dependent uses.

3. STATE STATUTORILY DEFINED POTENTIAL ADVERSE IMPACTS

Water Quality:

Short-term adverse impacts are expected, including the temporary increase in turbidity due to the reduction and removal of hydrilla as well as a decrease in dissolved oxygen due to the death and decomposition of hydrilla due to herbicide treatment. Impacts to dissolved oxygen would be localized to treatment areas for a short period of time. The proposed treatment area is connected to the main river, and water exchange is highly dynamic due to river flow and tidal influence. It is assumed that waters with low dissolved oxygen will be replaced quickly during tidal exchanges and due to flow-through within the river channel. Long-term beneficial impacts are anticipated to water quality with the treatment of hydrilla including the return of naturally occurring water temperatures, pH, and dissolved oxygen levels.

Without management of hydrilla, water quality will decline in the areas that it is present due to its ability to change natural temperature, pH, and dissolved oxygen of the system. The fluctuations in these measures can contribute to the release of nutrients, such as phosphorus, from the sediments. There would continue to be a seasonal decrease in dissolved oxygen when hydrilla senesces and decomposes causing harm and imbalances over the long-term.

Wildlife, Finfish, Shellfish Habitat:

No federally listed threatened or endangered species are known to permanently inhabit Post and Pratt Coves. Atlantic and Shortnose sturgeon may occur within these coves, and may utilize habitat for spawning, and foraging. The proposed herbicides do not have known toxicity to fish, such as sturgeon. The reduced oxygen in the water due to the decomposition of hydrilla after herbicide treatment, will produce unfavorable localized conditions for individuals that may be in or near a treatment area. Unfavorable conditions, from decrease dissolved oxygen, will be temporary. It is assumed that waters with decreased dissolved oxygen will be replaced from constant exchange from tidal and flow-through waters within the Connecticut River system. The removal of hydrilla will also impact the insects, mollusks, and worms that sturgeon feed on by eliminating viable habitat. Sturgeon will be able to move to areas that are either not infested with hydrilla or have not been treated for the removal of hydrilla to avoid hypoxia and find more aquatic vegetation to forage for food. No long-term impact to sturgeon is expected. Coordination will occur with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

registered. Registration of the herbicides implies that the active chemicals will not have significant, lasting adverse impacts to the invertebrates that may be present.

An assessment of the project area indicates that there will be no significant impacts to Essential Fish Habitat, as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996. In addition, the project will be coordinated with the National Marine Fisheries Services to ensure no impacts to Essential Fish Habitat. Potential impacts to essential fish habitat from this project include temporary loss of submerged aquatic vegetation from herbicide application. The herbicide will selectively affect the invasive hydrilla and will leave some natives. Revegetation of native species is anticipated following the growing season. This project is not expected to significantly affect any managed species. See Appendix B of the EA for the full EFH analysis.

Actions Taken to Minimize Environmental Impacts

1. Application of aquatic herbicides will be avoided April 1 to July 1 to avoid the spawning season for migratory fish species, such as alewife and blueback herring, and the northern pike.

2. All herbicide application will strictly follow EPA and label requirements.

Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Office of Long Island Sound Programs

Coastal Management Consistency Review Form for Federal Activities

Use of this form, although not mandatory, will facilitate coastal consistency review analysis by the Federal agency and result in submission of sufficient information for comprehensive review by the Department of Energy and Environmental Protection (DEEP) Office of Long Island Sound Programs (OLISP). It is anticipated that submittal of a completed form with indicated supplemental materials will, in most instances, eliminate the need for further information. The form should be used in conjunction with the *Reference Guide to Coastal Policies and Definitions* (DEEP-OLISP-GUID-200). The *Instructions and Guidance for Completing the Federal Coastal Consistency Review Form for Federal Activities* (DEEP-OLISP-INST-300) explains how to complete this form and provides several critical definitions and pertinent guidance. Once completed, please submit this form with the appropriate supporting documentation to: CT DEEP-OLISP, 79 Elm Street, Hartford, CT 06106-5127. For further information or assistance in completing this form, please contact us at the address above or by phone at 860-424-3034.

Part I: Federal Agency and Contact Identification

Agency Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8833** ext. Fax:

Agency Contact: **Keith Hannon** Title: **Project Manager**

E-Mail: **Keith.W.hannon@usace.army.mil**

Identification of Primary Contact for correspondence if other than Agency Contact noted above:

Company Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8685** ext. Fax:

Contact Person: **Kelsie.Dakessian@usace.army.mil** Title: **Biologist**

E-Mail: **Kelsie.Dakessian@usace.army.mil**

Part II: Review Type and Project Title

Type of Review (check one):

☐ Federal Development Project ☐ Negative Determination

☒ Other Federal agency activity (specify general type): **Aquatic plant management**

Project Title or Other Identification:

Connecticut River Hydrilla Control Research & Demonstration Project

Part III: Other DEEP Involvement with the Project

Is any component of this activity directly regulated by DEEP separate from the Federal Coastal Consistency Process (e.g., 401 Water Quality Certification)? ☒ Yes ☐ No

If yes, list below all DEEP permits, certifications, or other authorizations being pursued for this activity, and describe the regulated activity/ies:

Aquatic Pesticide Permit

☐ Check if additional sheets are attached to this page

Has any other unit of the DEEP been contacted regarding this activity? ☒ Yes ☐ No

If yes, please identify other Departmental contacts:

CT NDDB
Pesticide Management Program
Fisheries Divsion

☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information

1. Description of Proposed Activity

   Describe the proposed federal activity including its purpose and all related actions. For site-specific activities, such actions might include: site clearing, grading, demolition, and other site preparations; percentage of increase or decrease in impervious cover from existing conditions resulting from the activity; phasing, timing, and method of proposed construction; and new uses and changes from existing uses. For site-specific activities proposed at waterfront sites, provide detailed information regarding any water-dependent uses proposed. For non-site specific activities, include a complete description of the proposed activity and its purpose.

   The purpose of the proposed project is to provide a field-scale demonstration of technology developed under the Aquatic Plant Control Research Program (APCRP), which is evaluating the effectiveness of an aquatic herbicide to manage monoecious hydrilla (Hydrilla verticillata) in the Lower Connecticut River watershed. This field demonstration will support the development of future guidance on how to manage this invasive aquatic plant which is expanding in high water exchange systems throughout the northeastern U.S. In addition, this field demonstration will provide interim control of hydrilla at Parkers Point.

   The proposed action includes the use of diquat dibromide (diquat), dipotassium salt of endothall, florpyrauxifen-benzyl or combinations thereof to control hydrilla within Parkers Point, with a proposed treatment area of 2.4 acres. The field demonstration will select herbicide(s) treatments based on site-specific conditions treatment prior to application. The treatment rates proposed include: diquat at 370 ppb; dipotassium salt of endothall at 5 ppm; and florpyr-auxifenbenzyl at 48 ppb. Treatment application will adhere to the EPA-approved label, and will utilize sub-surface boat-based injection methods.

   The proposed project would occur in the summer after July 4th 2025, or after July 4 in subsequent future treatments.

   ☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information (cont.)

2. Is the Project Site-Specific?

☒ Yes Please continue with Part IV and fill out all subsequent parts of the form.

☐ No Skip to Part V: Identification of Applicable Enforceable Policies

3. Location Information

a. Project Address, Location, or Affected Area: **Parkers Point**

City/Town: **Chester** State: **CT** Zip Code: **06412**

b. Agency's interest in property, if any:

☐ fee simple ☐ option ☐ lessee ☐ easement ☒ not applicable

☐ other (specify):

c. Is the activity proposed at a waterfront site (includes tidal wetlands frontage) or within coastal, tidal or navigable waters? ☒ Yes ☐ No

If yes, name the affected coastal, tidal or navigable waters:

Connecticut River

d. If off-site effects on coastal uses and/or resources are anticipated, identify the address or location(s) of such effects and attach a map (8 ½" x 11" format) indicating this area:

☐ Check if additional sheets are attached to this page

☐ Check here to indicate map is enclosed.

e. If the Federal project is site specific, identify and describe the existing land use on and adjacent to the site of the proposed activity and any anticipated location(s) of off-site effects on coastal resources or uses. Clearly differentiate between the descriptions of on-site and off-site areas. Include any existing structures and significant features at either location.

Parkers Point is located along the mainstem of the Connecticut River. The proposed treatment site is adjacent to residential and open space (e.g. park) land use. The southern portion of the proposed treatment site is adjacent to freshwater forested wetlands.

☐ Check if additional sheets are attached to this page

f. Indicate the area of the project site: **20.7** ☒ acres or ☐ square feet

g. Indicate the area of any anticipated off-site effects: **0**

☐ acres or ☐ square feet or ☐ other units (specify units):

Part IV: Detailed Project Information (cont.)

4. Project Plans

If the proposed Federal activity is a "Federal Development Project", or other site specific activity, please provide project plans in 8 ½" x 11" format that clearly and accurately depict the following items, and check the appropriate boxes to indicate that the information is included in this review package:

- ☐ Project location
- ☐ Existing and proposed conditions, including buildings and grading
- ☐ Coastal resources on and contiguous to the site
- ☐ High Tide Line [as defined in CGS § 22a-359(c)], Mean High Water, and Mean Low Water elevations and contours (for parcels abutting coastal waters and/or tidal wetlands only)
- ☐ Soil erosion and sediment controls
- ☐ Stormwater management measures
- ☐ Ownership and type of use on adjacent properties
- ☐ Reference datum (i.e., National Geodetic Vertical Datum, Mean Sea Level, etc.)

If a Spill Prevention, Control, and Containment Plan (SPCC) has been developed for this site, please provide a copy in the review package and check here to indicate its inclusion ☐

Part V: Identification of the Applicable Enforceable Policies

In this Part, there are four tables which should be completed by checking the appropriate boxes in each. Table 1: *Coastal Resources and Associated Enforceable Policies*, is to identify on-site, adjacent, and/or potentially affected State-statutorily defined coastal resources. Table 2: *Coastal Uses and Associated Enforceable Policies*, is to identify existing and proposed State-statutorily defined coastal uses potentially affected by the project. Table 3a: *Potential Adverse Impacts on Coastal Resources* and Table 3b: *Potential Adverse Impacts on Water-dependent Uses and Opportunities* is to identify State-statutorily-defined adverse impacts.

Table 1

Coastal Resources and Associated Enforceable Policies	On-site	Adjacent	Affected by the proposed Federal activity**
General Coastal Resources* - Definition: CGS § 22a-93(7) Policy: CGS § 22a-92(a)(2)	☒	☒	☒
Beaches & Dunes - Definition: CGS § 22a-93(7)(C) Policies: CGS §§ 22a-92(b)(2)(C) and 22a-92(c)(1)(K)	☐	☐	☐
Bluffs & Escarpments - Definition: CGS § 22a-93(7)(A) Policy: CGS § 22a-92(b)(2)(A)	☐	☐	☐
Coastal Hazard Area - Definition: CGS § 22a-93(7)(H); Policies: CGS §§ 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)	☐	☐	☐
Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters - Definitions: CGS §§ 22a-93(5), 22a-93(7)(G), 22a-93(7)(K), and 22a-93(7)(L); Policies: CGS §§ 22a-92(a)(2) and 22a-92(c)(2)(A)	☐	☐	☐
Developed Shorefront - Definition: CGS § 22a-93(7)(I); Policy: CGS § 22a-92(b)(2)(G)	☐	☐	☐
Freshwater Wetlands and Watercourses - Definition: CGS § 22a-93(7)(F) Policy: CGS § 22a-92(a)(2)	☒	☐	☐
Intertidal Flats - Definition: CGS § 22a-93(7)(D) Policies: CGS § 22a-92(b)(2)(D) and 22a-92(c)(1)(K)	☒	☐	☐
Islands - Definition: CGS § 22a-93(7)(J) Policy: CGS § 22a-92(b)(2)(H)	☐	☐	☐
Rocky Shorefront - Definition: CGS § 22a-93(7)(B) Policy: CGS § 22a-92(b)(2)(B)	☐	☐	☐
Shellfish Concentration Areas - Definition: CGS § 22a-93(7)(N) Policy: CGS § 22a-92(c)(1)(I)	☐	☐	☐
Shorelands - Definition: CGS § 22a-93(7)(M) Policy: CGS § 22a-92(b)(2)(I)	☐	☒	☐
Tidal Wetlands - Definition: CGS § 22a-93(7)(E) Policies: CGS §§ 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)	☐	☐	☐

* The General Coastal Resource Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The coastal resources affected by the project can be on-site, adjacent, or further removed from the project site.

Table 2

Coastal Uses and Associated Enforceable Policies	
☒	General Development* - CGS §§ 22a-92(a)(1), 22a-92(a)(4), and 22a-92(a)(9)
☐	Boating - CGS § 22a-92(b)(1)(G), 22a-92(b)(1)(H), and 22a-92(b)(1)(I)
☒	Coastal Recreation and Access - CGS §§ 22a-92(a)(2), 22a-92(a)(6), 22a-92(c)(1)(J), and 22a-92(c)(1)(K)
☐	Coastal Structures and Filling - CGS § 22a-92(a)(2), 22a-92(b)(1)(D), 22a-92(c)(1)(B), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)
☐	Cultural Resources – CGS § 22a-92(b)(1)(J)
☐	Dams, Dikes and Reservoirs - CGS § 22a-92(a)(2)
☐	Dredging and Navigation - CGS §§ 22a-92(a)(2), 22a-92(c)(1)(C), 22a-92(c)(1)(D), and 22a-92(c)(1)(E)
☐	Energy Facilities - CGS §§ 16-50g and 16-50p(a)
☒	Fisheries - CGS § 22a-92(c)(1)(I)
☐	Flooding and Erosion - CGS § 22a-92(a)(5)
☐	Fuel, Chemicals and Hazardous Materials - CGS §§ 22a-92(a)(2), 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)
☐	Facilities and Resources which are in the National Interest - Definition CGS § 22a-93(14) - Policy CGS 22a-92(a)(10)
☒	Intergovernmental Coordination - CGS § 22a-92(a)(9)
☐	Open Space and Agricultural Lands - CGS § 22a-92(a)(2)
☐	Ports and Harbors – CGS § 22a-92(b)(1)(C)
☐	Sewer and Water Lines - CGS § 22a-92(b)(1)(B)
☐	Solid Waste - CGS § 22a-92(a)(2)
☐	Transportation - CGS §§ 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
☐	Water-dependent Uses** - Definition CGS § 22a-93(16) - Policies CGS §§ 22a-92(a)(3) and 22a-92(b)(1)(A)

* The General Development Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The Water-Dependent Uses Policies are applicable to all activities proposed at waterfront sites, including those sites with only tidal wetlands frontage.

Identification of State Statutorily Defined Potential Adverse Impacts

In Tables 3a and 3b, identify the adverse impact categories that apply to the proposed Federal activity. The "Applicable" column **must be checked** if the proposed activity has the **potential** to generate any of the State-statutorily defined adverse impacts, even if the activity is designed to avoid such impacts. Also indicate, by checking the appropriate boxes, whether the potential adverse impacts have been avoided or minimized and whether any resource compensation is proposed.

Table 3a

Potential Adverse Impacts on Coastal Resources	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Characteristics and Functions of Resources - CGS § 22a-93(15)(H)	☐	☐	☐	☐	☒
Coastal Flooding - CGS § 22a-93(15)(E)	☐	☐	☐	☐	☒
Coastal Waters Circulation Patterns - CGS § 22a-93(15)(B)	☐	☐	☐	☐	☒
Drainage Patterns - CGS § 22a-93(15)(D)	☐	☐	☐	☐	☒
Patterns of Shoreline Erosion and Accretion - CGS § 22a-93(15)(C)	☐	☐	☐	☐	☒
Visual Quality - CGS § 22a-93(15)(F)	☐	☐	☐	☐	☒
Water Quality - CGS § 22a-93(15)(A)	☒	☒	☐	☐	☐
Wildlife, Finfish, Shellfish Habitat - CGS § 22a-93(15)(G)	☒	☒	☐	☐	☐

Table 3b

Potential Adverse Impacts on Water-dependent Uses and Opportunities	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Locating a non-water-dependent use at a site physically suited for, or planned for location of, a water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Replacing an existing water-dependent use with a non-water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters - CGS § 22a-93(17)	☐	☐	☐	☐	☒

Part VI: Consistency Analysis

Explain how the proposed activity is consistent with all of the applicable enforceable policies identified in Part V, why any remaining adverse impacts resulting from the proposed activity or use have not been mitigated, and why the project as proposed is consistent with the enforceable policies of Connecticut's Coastal Management Program. If an adverse impact **may** result from the proposed Federal activity, describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts. For proposed Federal Development Projects, please describe the stormwater best management practices that will be utilized. Such systems should be designed to meet the guidance provided in the accompanying instructions.

A consistency analysis is attatched to the form

☒ Check if additional sheets are attached to this page

Part VII: Level of Consistency and Identification of Legal Authority that Prohibits Full Consistency, if Applicable

Federal regulations allow Federal activities to be less than fully consistent with a State's enforceable policies **only** if "full consistency is prohibited by existing law applicable to the Federal Agency" [15 CFR 930.32]. Please check the appropriate box below to indicate the activities degree of consistency.

☒ Project is *fully* consistent with Connecticut's enforceable policies

☐ Project is *not fully* consistent with Connecticut's enforceable policies, but is consistent to the maximum extent practicable

If the proposed Federal Activity described in this form is not *fully* consistent with Connecticut's enforceable policies, but only consistent to the maximum extent practicable, in accordance with 15 CFR 930.32, please identify and describe the statutory provisions, legislative history, or other legal authority which limits the federal agency's discretion to comply fully with Connecticut's Coastal Management Program. Please attach additional pages if necessary. Attach copies of the relevant statutory provisions, legislative history, or other legal authority cited.

☐ Check if additional sheets are attached to this page

Part VIII: Coastal Zone Management Act Consistency Statement

Note: This Part *must* be completed for all submissions

In this Statement "Federal Agency" means:

U.S. Army Corps of Engineers, New England District

and "the project" means:

Connecticut River Hydrilla Control Research and Demonstration Project

This document provides the State of Connecticut Coastal Management Program with the required Consistency Determination under CZMA Section 307(c)(1) [or (2)] and 15 CFR Part 930, Subpart C, for the project described in this *Coastal Mangement Consistency Review Form for Federal Activities*. This determination is provided by the Federal Agency identified above. The information in this Consistency Determination is provided pursuant to 15 CFR Section 930.39. The Federal Agency has determined that the project affects the land or water uses or natural resources of Connecticut as described above. Based on the information, data, and analysis included in the *Coastal Mangement Consistency Review Form for Federal Activities* for the project, the Federal Agency has determined that the proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Connecticut Coastal Management Program as evaluated in this form.

Pursuant to 15 CFR Section 930.41, the Connecticut Coastal Management Program has 60 days from receipt of this form in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR Section 930.41(b).

Part IX: Certifying Signatures

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief."

	04/03/2025
Signature of Certifier	Date
Keith Hannon	**Project Manager**
Name of Certifier (print or type)	Title (if applicable)
	04/03/2025
Signature of Preparer	Date
Kelsie Dakessian	Biologist
Name of Preparer (print or type)	Title (if applicable)

Parkers Point

Part VI: Consistency Analysis

1. COASTAL RESOURCES

General Coastal Resources Policy:

The proposed project includes the control of the invasive aquatic plant hydrilla (*Hydrilla verticillata*) through use of the aquatic herbicide. The proposed project will have no significant, adverse impacts on water quality, tidal or freshwater wetlands and watercourses, islands, State parks and forests, marine resources, fish and wildlife, flood control, and recreation of the Connecticut River, and will not introduce invasive plants, sources of pollution, or create erosional problems. The shorefront, bordering wetlands, and intertidal habitat of Parkers Point would be unaffected by the management of hydrilla. The proposed herbicides for consideration are approved federally through the U.S. Environmental Protection Agency (EPA) and by the state through the Connecticut Department of Energy and Environmental Protection (CTDEEP) Pesticide Management Program, with herbicide application adhering to the label.

Freshwater Wetlands and Watercourses:

The proposed project will result in benefits to freshwater wetlands and watercourses by controlling hydrilla to levels that don't encroach wetlands and to densities that will not alter the integrity of the wetlands. The proposed herbicides for considerations aquatic herbicide are unlikely to cause a significant effect on wetlands adjacent to the sites.

The proposed project may result in temporary impacts to non-target plant species located on the fringe of the proposed treatment area, with a low risk anticipated to emergent plant species due to the subsurface application methods. Any impacts to non-target species would be temporary, with revegetation occurring after treatment from a seed bank or reproductive structures (e.g. rhizomes). The proposed action will impact the overall function of the wetlands bordering Parkers Point. There are no anticipated adverse impacts expected to freshwater watercourses with the implementation of the proposed action. The chemical treatment of hydrilla in Parkers Point will provide benefits to the hydrology of the system by reducing and potentially eliminating hydrilla populations from obstructing the flow of water. This will prevent flooding and return the system to a more natural state of flow.

Intertidal Flats:

The project area is adjacent to intertidal shoreline area, with a small mudflat located in the southern portion of the proposed treatment area. No adverse impacts are expected to any intertidal flat habitat.

Shorelands:

The project area is adjacent to shorelands but no adverse impacts are expected from the proposed action. The action of aquatic herbicide application will occur only within the waters of Parkers Point, with subsurface injection of herbicide, and will not have impacts on the upland resources.

2. COASTAL USES

General Development Policy:

Development, preservation, or use of the land and water resources of the coastal area will not be adversely affected by the proposed project, nor will it deter development, preservation, or use by significantly disrupting either the natural environment or sound economic growth. The proposed project will improve the conditions of Parkers Point. The proposed project will be coordinated with CT DEEP (Fisheries Consultation and NDDB Review), the EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to determine that the project will not have significant adverse effects on fish and wildlife habitats or wetlands. The project will not adversely affect scenic resources, natural protective features, important agricultural lands, or wetlands.

Coastal Recreation and Access Policy:

The proposed project will result in significant benefits with respect to improved ease and safety of navigation and improved public access to, and use of, the public trust lands and waters of the State. Control of hydrilla will improve boating access to and within Parkers Point by preventing the establishment of dense vegetation mats that may result in clogged waterways.

Fisheries:

The proposed project will beneficially impact fisheries resources by enhancing the productivity of natural resources that provide more natural feeding and spawning habitat for fish. Hydrilla overtakes aquatic systems, outcompeting native submerged aquatic vegetation and overcrowding underwater resources. Management of hydrilla will allow native vegetation to reestablish providing natural habitat to the fisheries in Parkers Point.

Intergovernmental Coordination:

The proposed project is consistent as the project is being permitted and coordinated with state and federal agencies to ensure that it complies with environmental laws and regulations. The project will beneficially impact natural resources and will not disrupt economic development.

Water-Dependent Uses Policy:

The project will control the invasive aquatic plant hydrilla present in Parkers Point, thereby allowing water-dependent uses of along this portion of the Connecticut River.

3. STATE STATUTORILY DEFINED POTENTIAL ADVERSE IMPACTS

Water Quality:

Short-term adverse impacts are expected, including the temporary increase in turbidity due to the reduction and removal of hydrilla as well as a decrease in dissolved oxygen due to the death and decomposition of hydrilla due to herbicide treatment. Impacts to dissolved oxygen would be localized to treatment areas for a short period of time. The proposed treatment area is connected to the main river, and water exchange is highly dynamic due to river flow and tidal influence. It is assumed that waters with low dissolved oxygen will be replaced quickly during tidal exchanges and due to flow-through within the river channel. Long-term beneficial impacts are anticipated to water quality with the treatment of hydrilla including the return of naturally occurring water temperatures, pH, and dissolved oxygen levels.

Without management of hydrilla, water quality will decline in the areas that it is present due to its ability to change natural temperature, pH, and dissolved oxygen of the system. The fluctuations in these measures can contribute to the release of nutrients, such as phosphorus, from the sediments. There would continue to be a seasonal decrease in dissolved oxygen when hydrilla senesces and decomposes causing harm and imbalances over the long-term.

Wildlife, Finfish, Shellfish Habitat:

No federally listed threatened or endangered species are known to permanently inhabit Parkers Point. Atlantic and Shortnose sturgeon may occur within the Connecticut River for spawning, and foraging. The proposed herbicides do not have known toxicity to fish, such as sturgeon. The reduced oxygen in the water due to the decomposition of hydrilla after herbicide treatment, will produce unfavorable localized conditions for individuals that may be in or near a treatment area. Unfavorable conditions, from decreased dissolved oxygen, will be temporary. It is assumed that waters with decreased dissolved oxygen will be replaced from constant exchange from tidal and flow-through waters within the Connecticut River system. The removal of hydrilla will also impact the insects, mollusks, and worms that sturgeon feed on by eliminating viable habitat. Sturgeon will be able to move to areas that are either not infested with hydrilla or have not been treated for the removal of hydrilla to avoid hypoxia and find more aquatic vegetation to forage for food. No long-term impact to sturgeon is expected. Coordination will occur with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

Benthic organisms and shellfish inhabiting the area will not be impacted by the proposed action. The proposed herbicides for consideration are both federally and state registered. Registration of the herbicides implies that the active chemicals will not have significant, lasting adverse impacts to the invertebrates that may be present.

An assessment of the project area indicates that there will be no significant impacts to Essential Fish Habitat, as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996. In addition, the project will be coordinated with the National Marine Fisheries Services to ensure no impacts to Essential Fish Habitat. Potential impacts to essential fish habitat from this project include temporary loss of submerged aquatic vegetation from herbicide application. The herbicide will selectively affect the invasive hydrilla and will leave some natives. Revegetation of native species is anticipated following the growing season. This project is not expected to significantly affect any managed species. See Appendix B of the EA for the full EFH analysis.

Actions Taken to Minimize Environmental Impacts

1. Application of aquatic herbicides will be avoided April 1 to July 1 to avoid the spawning season for migratory fish species, such as alewife and blueback herring, and the northern pike.

2. All herbicide application will strictly follow EPA and label requirements.

Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Office of Long Island Sound Programs

Coastal Management Consistency Review Form for Federal Activities

Use of this form, although not mandatory, will facilitate coastal consistency review analysis by the Federal agency and result in submission of sufficient information for comprehensive review by the Department of Energy and Environmental Protection (DEEP) Office of Long Island Sound Programs (OLISP). It is anticipated that submittal of a completed form with indicated supplemental materials will, in most instances, eliminate the need for further information. The form should be used in conjunction with the *Reference Guide to Coastal Policies and Definitions* (DEEP-OLISP-GUID-200). The *Instructions and Guidance for Completing the Federal Coastal Consistency Review Form for Federal Activities* (DEEP-OLISP-INST-300) explains how to complete this form and provides several critical definitions and pertinent guidance. Once completed, please submit this form with the appropriate supporting documentation to: CT DEEP-OLISP, 79 Elm Street, Hartford, CT 06106-5127. For further information or assistance in completing this form, please contact us at the address above or by phone at 860-424-3034.

Part I: Federal Agency and Contact Identification

Agency Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8833** ext. Fax:

Agency Contact: **Keith Hannon** Title: **Project Manager**

E-Mail: **Keith.W.hannon@usace.army.mil**

Identification of Primary Contact for correspondence if other than Agency Contact noted above:

Company Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8685** ext. Fax:

Contact Person: **Kelsie.Dakessian@usace.army.mil** Title: **Biologist**

E-Mail: **Kelsie.Dakessian@usace.army.mil**

Part II: Review Type and Project Title

Type of Review (check one):

☐ Federal Development Project ☐ Negative Determination

☒ Other Federal agency activity (specify general type): **Aquatic plant management**

Project Title or Other Identification:

Connecticut River Hydrilla Control Research & Demonstration Project

Part III: Other DEEP Involvement with the Project

Is any component of this activity directly regulated by DEEP separate from the Federal Coastal Consistency Process (e.g., 401 Water Quality Certification)? ☒ Yes ☐ No

If yes, list below all DEEP permits, certifications, or other authorizations being pursued for this activity, and describe the regulated activity/ies:

Aquatic Pesticide Permit

☐ Check if additional sheets are attached to this page

Has any other unit of the DEEP been contacted regarding this activity? ☒ Yes ☐ No

If yes, please identify other Departmental contacts:

CT NDDB
Pesticide Management Program
Fisheries Divsion

☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information

1. Description of Proposed Activity

   Describe the proposed federal activity including its purpose and all related actions. For site-specific activities, such actions might include: site clearing, grading, demolition, and other site preparations; percentage of increase or decrease in impervious cover from existing conditions resulting from the activity; phasing, timing, and method of proposed construction; and new uses and changes from existing uses. For site-specific activities proposed at waterfront sites, provide detailed information regarding any water-dependent uses proposed. For non-site specific activities, include a complete description of the proposed activity and its purpose.

   The purpose of the proposed project is to provide a field-scale demonstration of technology developed under the Aquatic Plant Control Research Program (APCRP), which is evaluating the effectiveness of an aquatic herbicide to manage monoecious hydrilla (Hydrilla verticillata) in the Lower Connecticut River watershed. This field demonstration will support the development of future guidance on how to manage this invasive aquatic plant which is expanding in high water exchange systems throughout the northeastern U.S. In addition, this field demonstration will provide interim control of hydrilla at Post and Pratt coves.

   The proposed action includes the use of diquat dibromide (diquat), dipotassium salt of endothall, florpyrauxifen-benzyl or combinations thereof to control hydrilla within Post and Pratt Coves, with a proposed treatment area of 35.5 acres. The field demonstration will select herbicide(s) treatments based on site-specific conditions treatment prior to application. The treatment rates proposed include: diquat at 370 ppb; dipotassium salt of endothall at 5 ppm; and florpyr-auxifenbenzyl at 48 ppb. Treatment application will adhere to the EPA-approved label, and will utilize sub-surface boat-based injection methods.

   The proposed project would occur in the summer after July 4th 2025, or after July 4 in subsequent future treatments.

   ☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information (cont.)

2. Is the Project Site-Specific?

☒ Yes Please continue with Part IV and fill out all subsequent parts of the form.

☐ No Skip to Part V: Identification of Applicable Enforceable Policies

3. Location Information

a. Project Address, Location, or Affected Area: **Post and Pratt Coves**

City/Town: **Deep River** State: **CT** Zip Code: **06417**

b. Agency's interest in property, if any:

☐ fee simple ☐ option ☐ lessee ☐ easement ☒ not applicable

☐ other (specify):

c. Is the activity proposed at a waterfront site (includes tidal wetlands frontage) or within coastal, tidal or navigable waters? ☒ Yes ☐ No

If yes, name the affected coastal, tidal or navigable waters:

Post and Pratt Coves

d. If off-site effects on coastal uses and/or resources are anticipated, identify the address or location(s) of such effects and attach a map (8 ½" x 11" format) indicating this area:

☐ Check if additional sheets are attached to this page

☐ Check here to indicate map is enclosed.

e. If the Federal project is site specific, identify and describe the existing land use on and adjacent to the site of the proposed activity and any anticipated location(s) of off-site effects on coastal resources or uses. Clearly differentiate between the descriptions of on-site and off-site areas. Include any existing structures and significant features at either location.

Post and Pratt coves are tidal coves located off the mainstem of the Connecticut River. The proposed treatment site is surrounded by freshwater wetlands, with minimal open space and residential land uses. There is commercial (e.g. marinas) land use adjacent to the entrance of Pratt Cove from the Connecticut River.

☐ Check if additional sheets are attached to this page

f. Indicate the area of the project site: **35.5** ☒ acres or ☐ square feet

g. Indicate the area of any anticipated off-site effects: **0**

☐ acres or ☐ square feet or ☐ other units (specify units):

Part IV: Detailed Project Information (cont.)

4. Project Plans

If the proposed Federal activity is a "Federal Development Project", or other site specific activity, please provide project plans in 8 ½" x 11" format that clearly and accurately depict the following items, and check the appropriate boxes to indicate that the information is included in this review package:

- ☐ Project location
- ☐ Existing and proposed conditions, including buildings and grading
- ☐ Coastal resources on and contiguous to the site
- ☐ High Tide Line [as defined in CGS § 22a-359(c)], Mean High Water, and Mean Low Water elevations and contours (for parcels abutting coastal waters and/or tidal wetlands only)
- ☐ Soil erosion and sediment controls
- ☐ Stormwater management measures
- ☐ Ownership and type of use on adjacent properties
- ☐ Reference datum (i.e., National Geodetic Vertical Datum, Mean Sea Level, etc.)

If a Spill Prevention, Control, and Containment Plan (SPCC) has been developed for this site, please provide a copy in the review package and check here to indicate its inclusion ☐

Part V: Identification of the Applicable Enforceable Policies

In this Part, there are four tables which should be completed by checking the appropriate boxes in each. Table 1: *Coastal Resources and Associated Enforceable Policies*, is to identify on-site, adjacent, and/or potentially affected State-statutorily defined coastal resources. Table 2: *Coastal Uses and Associated Enforceable Policies*, is to identify existing and proposed State-statutorily defined coastal uses potentially affected by the project. Table 3a: *Potential Adverse Impacts on Coastal Resources* and Table 3b: *Potential Adverse Impacts on Water-dependent Uses and Opportunities* is to identify State-statutorily-defined adverse impacts.

Table 1

Coastal Resources and Associated Enforceable Policies	On-site	Adjacent	Affected by the proposed Federal activity**
General Coastal Resources* - Definition: CGS § 22a-93(7) Policy: CGS § 22a-92(a)(2)	☒	☒	☒
Beaches & Dunes - Definition: CGS § 22a-93(7)(C) Policies: CGS §§ 22a-92(b)(2)(C) and 22a-92(c)(1)(K)	☐	☐	☐
Bluffs & Escarpments - Definition: CGS § 22a-93(7)(A) Policy: CGS § 22a-92(b)(2)(A)	☐	☐	☐
Coastal Hazard Area - Definition: CGS § 22a-93(7)(H); Policies: CGS §§ 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)	☐	☐	☐
Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters - Definitions: CGS §§ 22a-93(5), 22a-93(7)(G), 22a-93(7)(K), and 22a-93(7)(L); Policies: CGS §§ 22a-92(a)(2) and 22a-92(c)(2)(A)	☐	☐	☐
Developed Shorefront - Definition: CGS § 22a-93(7)(I); Policy: CGS § 22a-92(b)(2)(G)	☐	☐	☐
Freshwater Wetlands and Watercourses - Definition: CGS § 22a-93(7)(F) Policy: CGS § 22a-92(a)(2)	☒	☐	☐
Intertidal Flats - Definition: CGS § 22a-93(7)(D) Policies: CGS § 22a-92(b)(2)(D) and 22a-92(c)(1)(K)	☐	☐	☐
Islands - Definition: CGS § 22a-93(7)(J) Policy: CGS § 22a-92(b)(2)(H)	☐	☐	☐
Rocky Shorefront - Definition: CGS § 22a-93(7)(B) Policy: CGS § 22a-92(b)(2)(B)	☐	☐	☐
Shellfish Concentration Areas - Definition: CGS § 22a-93(7)(N) Policy: CGS § 22a-92(c)(1)(I)	☐	☐	☐
Shorelands - Definition: CGS § 22a-93(7)(M) Policy: CGS § 22a-92(b)(2)(I)	☐	☒	☐
Tidal Wetlands - Definition: CGS § 22a-93(7)(E) Policies: CGS §§ 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)	☐	☐	☐

* The General Coastal Resource Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The coastal resources affected by the project can be on-site, adjacent, or further removed from the project site.

Table 2

Coastal Uses and Associated Enforceable Policies	
☒	General Development* - CGS §§ 22a-92(a)(1), 22a-92(a)(4), and 22a-92(a)(9)
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☒	Coastal Recreation and Access - CGS §§ 22a-92(a)(2), 22a-92(a)(6), 22a-92(c)(1)(J), and 22a-92(c)(1)(K)
☐	Coastal Structures and Filling - CGS § 22a-92(a)(2), 22a-92(b)(1)(D), 22a-92(c)(1)(B), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)
☐	Cultural Resources – CGS § 22a-92(b)(1)(J)
☐	Dams, Dikes and Reservoirs - CGS § 22a-92(a)(2)
☐	Dredging and Navigation - CGS §§ 22a-92(a)(2), 22a-92(c)(1)(C), 22a-92(c)(1)(D), and 22a-92(c)(1)(E)
☐	Energy Facilities - CGS §§ 16-50g and 16-50p(a)
☒	Fisheries - CGS § 22a-92(c)(1)(I)
☐	Flooding and Erosion - CGS § 22a-92(a)(5)
☐	Fuel, Chemicals and Hazardous Materials - CGS §§ 22a-92(a)(2), 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)
☐	Facilities and Resources which are in the National Interest - Definition CGS § 22a-93(14) - Policy CGS 22a-92(a)(10)
☒	Intergovernmental Coordination - CGS § 22a-92(a)(9)
☐	Open Space and Agricultural Lands - CGS § 22a-92(a)(2)
☐	Ports and Harbors – CGS § 22a-92(b)(1)(C)
☐	Sewer and Water Lines - CGS § 22a-92(b)(1)(B)
☐	Solid Waste - CGS § 22a-92(a)(2)
☐	Transportation - CGS §§ 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
☐	Water-dependent Uses** - Definition CGS § 22a-93(16) - Policies CGS §§ 22a-92(a)(3) and 22a-92(b)(1)(A)

* The General Development Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The Water-Dependent Uses Policies are applicable to all activities proposed at waterfront sites, including those sites with only tidal wetlands frontage.

Identification of State Statutorily Defined Potential Adverse Impacts

In Tables 3a and 3b, identify the adverse impact categories that apply to the proposed Federal activity. The "Applicable" column **must be checked** if the proposed activity has the **potential** to generate any of the State-statutorily defined adverse impacts, even if the activity is designed to avoid such impacts. Also indicate, by checking the appropriate boxes, whether the potential adverse impacts have been avoided or minimized and whether any resource compensation is proposed.

Table 3a

Potential Adverse Impacts on Coastal Resources	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Characteristics and Functions of Resources - CGS § 22a-93(15)(H)	☐	☐	☐	☐	☒
Coastal Flooding - CGS § 22a-93(15)(E)	☐	☐	☐	☐	☒
Coastal Waters Circulation Patterns - CGS § 22a-93(15)(B)	☐	☐	☐	☐	☒
Drainage Patterns - CGS § 22a-93(15)(D)	☐	☐	☐	☐	☒
Patterns of Shoreline Erosion and Accretion - CGS § 22a-93(15)(C)	☐	☐	☐	☐	☒
Visual Quality - CGS § 22a-93(15)(F)	☐	☐	☐	☐	☒
Water Quality - CGS § 22a-93(15)(A)	☒	☒	☐	☐	☐
Wildlife, Finfish, Shellfish Habitat - CGS § 22a-93(15)(G)	☒	☒	☐	☐	☐

Table 3b

Potential Adverse Impacts on Water-dependent Uses and Opportunities	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Locating a non-water-dependent use at a site physically suited for, or planned for location of, a water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Replacing an existing water-dependent use with a non-water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters - CGS § 22a-93(17)	☐	☐	☐	☐	☒

Part VI: Consistency Analysis

Explain how the proposed activity is consistent with all of the applicable enforceable policies identified in Part V, why any remaining adverse impacts resulting from the proposed activity or use have not been mitigated, and why the project as proposed is consistent with the enforceable policies of Connecticut's Coastal Management Program. If an adverse impact **may** result from the proposed Federal activity, describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts. For proposed Federal Development Projects, please describe the stormwater best management practices that will be utilized. Such systems should be designed to meet the guidance provided in the accompanying instructions.

A consistency analysis is attatched to the form

☒ Check if additional sheets are attached to this page

Part VII: Level of Consistency and Identification of Legal Authority that Prohibits Full Consistency, if Applicable

Federal regulations allow Federal activities to be less than fully consistent with a State's enforceable policies **only** if "full consistency is prohibited by existing law applicable to the Federal Agency" [15 CFR 930.32]. Please check the appropriate box below to indicate the activities degree of consistency.

☒ Project is *fully* consistent with Connecticut's enforceable policies

☐ Project is *not fully* consistent with Connecticut's enforceable policies, but is consistent to the maximum extent practicable

If the proposed Federal Activity described in this form is not *fully* consistent with Connecticut's enforceable policies, but only consistent to the maximum extent practicable, in accordance with 15 CFR 930.32, please identify and describe the statutory provisions, legislative history, or other legal authority which limits the federal agency's discretion to comply fully with Connecticut's Coastal Management Program. Please attach additional pages if necessary. Attach copies of the relevant statutory provisions, legislative history, or other legal authority cited.

☐ Check if additional sheets are attached to this page

Part VIII: Coastal Zone Management Act Consistency Statement

Note: This Part *must* be completed for all submissions

In this Statement "Federal Agency" means:

U.S. Army Corps of Engineers, New England District

and "the project" means:

Connecticut River Hydrilla Control Research and Demonstration Project

This document provides the State of Connecticut Coastal Management Program with the required Consistency Determination under CZMA Section 307(c)(1) [or (2)] and 15 CFR Part 930, Subpart C, for the project described in this *Coastal Mangement Consistency Review Form for Federal Activities*. This determination is provided by the Federal Agency identified above. The information in this Consistency Determination is provided pursuant to 15 CFR Section 930.39. The Federal Agency has determined that the project affects the land or water uses or natural resources of Connecticut as described above. Based on the information, data, and analysis included in the *Coastal Mangement Consistency Review Form for Federal Activities* for the project, the Federal Agency has determined that the proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Connecticut Coastal Management Program as evaluated in this form.

Pursuant to 15 CFR Section 930.41, the Connecticut Coastal Management Program has 60 days from receipt of this form in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR Section 930.41(b).

Part IX: Certifying Signatures

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief."

	04/03/2025
Signature of Certifier	Date
Keith Hannon	**Project Manager**
Name of Certifier (print or type)	Title (if applicable)
	04/03/2025
Signature of Preparer	Date
Kelsie Dakessian	Biologist
Name of Preparer (print or type)	Title (if applicable)

Post and Pratt Coves

Part VI: Consistency Analysis

1. COASTAL RESOURCES

General Coastal Resources Policy:

The proposed project includes the control of the invasive aquatic plant hydrilla (*Hydrilla verticillata*) through use of the aquatic herbicide. The proposed project will have no significant, adverse impacts on water quality, tidal or freshwater wetlands and watercourses, islands, State parks and forests, marine resources, fish and wildlife, flood control, and recreation of the Connecticut River, and will not introduce invasive plants, sources of pollution, or create erosional problems. The shorefront and bordering wetlands of Post and Pratt Coves would be unaffected by the management of hydrilla. The proposed herbicides for consideration are approved federally through the U.S. Environmental Protection Agency (EPA) and by the state through the Connecticut Department of Energy and Environmental Protection (CTDEEP) Pesticide Management Program, with herbicide application adhering to the label.

Freshwater Wetlands and Watercourses:

The proposed project will result in benefits to freshwater wetlands and watercourses by controlling hydrilla to levels that don't encroach wetlands and to densities that will not alter the integrity of the wetlands. The proposed herbicides for considerations aquatic herbicide are unlikely to cause a significant effect on wetlands adjacent to the sites.

The proposed project may result in temporary impacts to non-target plant species located on the fringe of the proposed treatment area, with a low risk anticipated to emergent plant species due to the subsurface application methods. Any impacts to non-target species would be temporary, with revegetation occurring after treatment from a seed bank or reproductive structures (e.g. rhizomes). The proposed action will impact the overall function of the wetlands bordering Post and Pratt Coves. There are no anticipated adverse impacts expected to freshwater watercourses with the implementation of the proposed action. The chemical treatment of hydrilla in Post and Pratt Coves will provide benefits to the hydrology of the system by reducing and potentially eliminating hydrilla populations from obstructing the flow of water. This will prevent flooding and return the system to a more natural state of flow.

Shorelands:

The project area is adjacent to a small amount of shorelands but no adverse impacts are expected from the proposed action. The action of aquatic herbicide application will occur only within the waters of Post and Pratt Coves, with subsurface injection of herbicide, and will not have impacts on the upland resources.

2. COASTAL USES

General Development Policy:

Development, preservation, or use of the land and water resources of the coastal area will not be adversely affected by the proposed project, nor will it deter development, preservation, or use by significantly disrupting either the natural environment or sound economic growth. The proposed project will improve the conditions of Post and Pratt Coves. The proposed project will be coordinated with CT DEEP (Fisheries Consultation and NDDB Review), the EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to determine that the project will not have significant adverse effects on fish and wildlife habitats or wetlands. The project will not adversely affect scenic resources, natural protective features, important agricultural lands, or wetlands.

Coastal Recreation and Access Policy:

The proposed project will result in significant benefits with respect to improved ease and safety of navigation and improved public access to, and use of, the public trust lands and waters of the State. Control of hydrilla will improve boating access to and within Post and Pratt Coves, by preventing the establishment of dense vegetation mats that may result in clogged waterways.

Fisheries:

The proposed project will beneficially impact fisheries resources by enhancing the productivity of natural resources that provide more natural feeding and spawning habitat for fish. Hydrilla overtakes aquatic systems, outcompeting native submerged aquatic vegetation and overcrowding underwater resources. Management of hydrilla will allow native vegetation to reestablish providing natural habitat to the fisheries in Post and Pratt Coves.

Intergovernmental Coordination:

The proposed project is consistent as the project is being permitted and coordinated with state and federal agencies to ensure that it complies with environmental laws and regulations. The project will beneficially impact natural resources and will not disrupt economic development.

Water-Dependent Uses Policy:

The project will control the invasive aquatic plant hydrilla present in Post and Pratt Coves, thereby allowing water-dependent uses.

3. STATE STATUTORILY DEFINED POTENTIAL ADVERSE IMPACTS

Water Quality:

Short-term adverse impacts are expected, including the temporary increase in turbidity due to the reduction and removal of hydrilla as well as a decrease in dissolved oxygen due to the death and decomposition of hydrilla due to herbicide treatment. Impacts to dissolved oxygen would be localized to treatment areas for a short period of time. The proposed treatment area is connected to the main river, and water exchange is highly dynamic due to river flow and tidal influence. It is assumed that waters with low dissolved oxygen will be replaced quickly during tidal exchanges and due to flow-through within the river channel. Long-term beneficial impacts are anticipated to water quality with the treatment of hydrilla including the return of naturally occurring water temperatures, pH, and dissolved oxygen levels.

Without management of hydrilla, water quality will decline in the areas that it is present due to its ability to change natural temperature, pH, and dissolved oxygen of the system. The fluctuations in these measures can contribute to the release of nutrients, such as phosphorus, from the sediments. There would continue to be a seasonal decrease in dissolved oxygen when hydrilla senesces and decomposes causing harm and imbalances over the long-term.

Wildlife, Finfish, Shellfish Habitat:

No federally listed threatened or endangered species are known to permanently inhabit Post and Pratt Coves. Atlantic and Shortnose sturgeon may occur within these coves, and may utilize habitat for spawning, and foraging. The proposed herbicides do not have known toxicity to fish, such as sturgeon. The reduced oxygen in the water due to the decomposition of hydrilla after herbicide treatment, will produce unfavorable localized conditions for individuals that may be in or near a treatment area. Unfavorable conditions, from decrease dissolved oxygen, will be temporary. It is assumed that waters with decreased dissolved oxygen will be replaced from constant exchange from tidal and flow-through waters within the Connecticut River system. The removal of hydrilla will also impact the insects, mollusks, and worms that sturgeon feed on by eliminating viable habitat. Sturgeon will be able to move to areas that are either not infested with hydrilla or have not been treated for the removal of hydrilla to avoid hypoxia and find more aquatic vegetation to forage for food. No long-term impact to sturgeon is expected. Coordination will occur with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

An assessment of the project area indicates that there will be no significant impacts to Essential Fish Habitat, as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996. In addition, the project will be coordinated with the National Marine Fisheries Services to ensure no impacts to Essential Fish Habitat. Potential impacts to essential fish habitat from this project include temporary loss of submerged aquatic vegetation from herbicide application. The herbicide will selectively affect the invasive hydrilla and will leave some natives. Revegetation of native species is anticipated following the growing season. This project is not expected to significantly affect any managed species. See Appendix B of the EA for the full EFH analysis.

Actions Taken to Minimize Environmental Impacts

1. Application of aquatic herbicides will be avoided April 1 to July 1 to avoid the spawning season for migratory fish species, such as alewife and blueback herring, and the northern pike.

2. All herbicide application will strictly follow EPA and label requirements.

Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Office of Long Island Sound Programs

Coastal Management Consistency Review Form for Federal Activities

Use of this form, although not mandatory, will facilitate coastal consistency review analysis by the Federal agency and result in submission of sufficient information for comprehensive review by the Department of Energy and Environmental Protection (DEEP) Office of Long Island Sound Programs (OLISP). It is anticipated that submittal of a completed form with indicated supplemental materials will, in most instances, eliminate the need for further information. The form should be used in conjunction with the *Reference Guide to Coastal Policies and Definitions* (DEEP-OLISP-GUID-200). The *Instructions and Guidance for Completing the Federal Coastal Consistency Review Form for Federal Activities* (DEEP-OLISP-INST-300) explains how to complete this form and provides several critical definitions and pertinent guidance. Once completed, please submit this form with the appropriate supporting documentation to: CT DEEP-OLISP, 79 Elm Street, Hartford, CT 06106-5127. For further information or assistance in completing this form, please contact us at the address above or by phone at 860-424-3034.

Part I: Federal Agency and Contact Identification

Agency Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8833** ext. Fax:

Agency Contact: **Keith Hannon** Title: **Project Manager**

E-Mail: **Keith.W.hannon@usace.army.mil**

Identification of Primary Contact for correspondence if other than Agency Contact noted above:

Company Name: **U.S. Army Corps of Engineers, New England District**

Mailing Address: **696 Virginia Road**

City/Town: **Concord** State: **MA** Zip Code: **01742**

Business Phone: **978-318-8685** ext. Fax:

Contact Person: **Kelsie.Dakessian@usace.army.mil** Title: **Biologist**

E-Mail: **Kelsie.Dakessian@usace.army.mil**

Part II: Review Type and Project Title

Type of Review (check one):

☐ Federal Development Project ☐ Negative Determination

☒ Other Federal agency activity (specify general type): **Aquatic plant management**

Project Title or Other Identification:

Connecticut River Hydrilla Control Research & Demonstration Project

Part III: Other DEEP Involvement with the Project

Is any component of this activity directly regulated by DEEP separate from the Federal Coastal Consistency Process (e.g., 401 Water Quality Certification)? ☒ Yes ☐ No

If yes, list below all DEEP permits, certifications, or other authorizations being pursued for this activity, and describe the regulated activity/ies:

Aquatic Pesticide Permit

☐ Check if additional sheets are attached to this page

Has any other unit of the DEEP been contacted regarding this activity? ☒ Yes ☐ No

If yes, please identify other Departmental contacts:

CT NDDB
Pesticide Management Program
Fisheries Divsion

☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information

1. Description of Proposed Activity

   Describe the proposed federal activity including its purpose and all related actions. For site-specific activities, such actions might include: site clearing, grading, demolition, and other site preparations; percentage of increase or decrease in impervious cover from existing conditions resulting from the activity; phasing, timing, and method of proposed construction; and new uses and changes from existing uses. For site-specific activities proposed at waterfront sites, provide detailed information regarding any water-dependent uses proposed. For non-site specific activities, include a complete description of the proposed activity and its purpose.

   The purpose of the proposed project is to provide a field-scale demonstration of technology developed under the Aquatic Plant Control Research Program (APCRP), which is evaluating the effectiveness of an aquatic herbicide to manage monoecious hydrilla (Hydrilla verticillata) in the Lower Connecticut River watershed. This field demonstration will support the development of future guidance on how to manage this invasive aquatic plant which is expanding in high water exchange systems throughout the northeastern U.S. In addition, this field demonstration will provide interim control of hydrilla at Selden Creek.

   The proposed action includes the use of diquat dibromide (diquat), dipotassium salt of endothall, florpyrauxifen-benzyl or combinations thereof to control hydrilla within Selden Creek, with a proposed treatment area of 48.1 acres. The field demonstration will select herbicide(s) treatments based on site-specific conditions treatment prior to application. The treatment rates proposed include: diquat at 370 ppb; dipotassium salt of endothall at 5 ppm; and florpyr-auxifenbenzyl at 48 ppb. Treatment application will adhere to the EPA-approved label, and will utilize sub-surface boat-based injection methods.

   The proposed project would occur in the summer after July 4th 2025, or after July 4 in subsequent future treatments.

   ☐ Check if additional sheets are attached to this page

Part IV: Detailed Project Information (cont.)

2. Is the Project Site-Specific?

☒ Yes Please continue with Part IV and fill out all subsequent parts of the form.

☐ No Skip to Part V: Identification of Applicable Enforceable Policies

3. Location Information

a. Project Address, Location, or Affected Area: **Selden Creek**

City/Town: **Lyme** State: **CT** Zip Code: **06371**

b. Agency's interest in property, if any:

☐ fee simple ☐ option ☐ lessee ☐ easement ☒ not applicable

☐ other (specify):

c. Is the activity proposed at a waterfront site (includes tidal wetlands frontage) or within coastal, tidal or navigable waters? ☒ Yes ☐ No

If yes, name the affected coastal, tidal or navigable waters:

Selden Creek

d. If off-site effects on coastal uses and/or resources are anticipated, identify the address or location(s) of such effects and attach a map (8 ½" x 11" format) indicating this area:

☐ Check if additional sheets are attached to this page

☐ Check here to indicate map is enclosed.

e. If the Federal project is site specific, identify and describe the existing land use on and adjacent to the site of the proposed activity and any anticipated location(s) of off-site effects on coastal resources or uses. Clearly differentiate between the descriptions of on-site and off-site areas. Include any existing structures and significant features at either location.

Selden Creek is a tidal creek located off the mainstem of the Connecticut River. The proposed treatment site is surrounded by freshwater wetlands and open space.

☐ Check if additional sheets are attached to this page

f. Indicate the area of the project site: **48.1** ☒ acres or ☐ square feet

g. Indicate the area of any anticipated off-site effects: **0**

☐ acres or ☐ square feet or ☐ other units (specify units):

Part IV: Detailed Project Information (cont.)

4. Project Plans

If the proposed Federal activity is a "Federal Development Project", or other site specific activity, please provide project plans in 8 ½" x 11" format that clearly and accurately depict the following items, and check the appropriate boxes to indicate that the information is included in this review package:

- ☐ Project location
- ☐ Existing and proposed conditions, including buildings and grading
- ☐ Coastal resources on and contiguous to the site
- ☐ High Tide Line [as defined in CGS § 22a-359(c)], Mean High Water, and Mean Low Water elevations and contours (for parcels abutting coastal waters and/or tidal wetlands only)
- ☐ Soil erosion and sediment controls
- ☐ Stormwater management measures
- ☐ Ownership and type of use on adjacent properties
- ☐ Reference datum (i.e., National Geodetic Vertical Datum, Mean Sea Level, etc.)

If a Spill Prevention, Control, and Containment Plan (SPCC) has been developed for this site, please provide a copy in the review package and check here to indicate its inclusion ☐

Part V: Identification of the Applicable Enforceable Policies

In this Part, there are four tables which should be completed by checking the appropriate boxes in each. Table 1: *Coastal Resources and Associated Enforceable Policies*, is to identify on-site, adjacent, and/or potentially affected State-statutorily defined coastal resources. Table 2: *Coastal Uses and Associated Enforceable Policies*, is to identify existing and proposed State-statutorily defined coastal uses potentially affected by the project. Table 3a: *Potential Adverse Impacts on Coastal Resources* and Table 3b: *Potential Adverse Impacts on Water-dependent Uses and Opportunities* is to identify State-statutorily-defined adverse impacts.

Table 1

Coastal Resources and Associated Enforceable Policies	On-site	Adjacent	Affected by the proposed Federal activity**
General Coastal Resources* - Definition: CGS § 22a-93(7) Policy: CGS § 22a-92(a)(2)	☒	☒	☒
Beaches & Dunes - Definition: CGS § 22a-93(7)(C) Policies: CGS §§ 22a-92(b)(2)(C) and 22a-92(c)(1)(K)	☐	☐	☐
Bluffs & Escarpments - Definition: CGS § 22a-93(7)(A) Policy: CGS § 22a-92(b)(2)(A)	☐	☐	☐
Coastal Hazard Area - Definition: CGS § 22a-93(7)(H); Policies: CGS §§ 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)	☐	☐	☐
Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters - Definitions: CGS §§ 22a-93(5), 22a-93(7)(G), 22a-93(7)(K), and 22a-93(7)(L); Policies: CGS §§ 22a-92(a)(2) and 22a-92(c)(2)(A)	☐	☐	☐
Developed Shorefront - Definition: CGS § 22a-93(7)(I); Policy: CGS § 22a-92(b)(2)(G)	☐	☐	☐
Freshwater Wetlands and Watercourses - Definition: CGS § 22a-93(7)(F) Policy: CGS § 22a-92(a)(2)	☒	☐	☐
Intertidal Flats - Definition: CGS § 22a-93(7)(D) Policies: CGS § 22a-92(b)(2)(D) and 22a-92(c)(1)(K)	☐	☐	☐
Islands - Definition: CGS § 22a-93(7)(J) Policy: CGS § 22a-92(b)(2)(H)	☐	☐	☐
Rocky Shorefront - Definition: CGS § 22a-93(7)(B) Policy: CGS § 22a-92(b)(2)(B)	☐	☐	☐
Shellfish Concentration Areas - Definition: CGS § 22a-93(7)(N) Policy: CGS § 22a-92(c)(1)(I)	☐	☐	☐
Shorelands - Definition: CGS § 22a-93(7)(M) Policy: CGS § 22a-92(b)(2)(I)	☐	☒	☐
Tidal Wetlands - Definition: CGS § 22a-93(7)(E) Policies: CGS §§ 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)	☐	☐	☐

* The General Coastal Resource Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The coastal resources affected by the project can be on-site, adjacent, or further removed from the project site.

Table 2

Coastal Uses and Associated Enforceable Policies	
☒	General Development* - CGS §§ 22a-92(a)(1), 22a-92(a)(4), and 22a-92(a)(9)
☐	Boating - CGS § 22a-92(b)(1)(G), 22a-92(b)(1)(H), and 22a-92(b)(1)(I)
☒	Coastal Recreation and Access - CGS §§ 22a-92(a)(2), 22a-92(a)(6), 22a-92(c)(1)(J), and 22a-92(c)(1)(K)
☐	Coastal Structures and Filling - CGS § 22a-92(a)(2), 22a-92(b)(1)(D), 22a-92(c)(1)(B), 22a-92(c)(1)(K), and 22a-92(c)(2)(B)
☐	Cultural Resources – CGS § 22a-92(b)(1)(J)
☐	Dams, Dikes and Reservoirs - CGS § 22a-92(a)(2)
☐	Dredging and Navigation - CGS §§ 22a-92(a)(2), 22a-92(c)(1)(C), 22a-92(c)(1)(D), and 22a-92(c)(1)(E)
☐	Energy Facilities - CGS §§ 16-50g and 16-50p(a)
☒	Fisheries - CGS § 22a-92(c)(1)(I)
☐	Flooding and Erosion - CGS § 22a-92(a)(5)
☐	Fuel, Chemicals and Hazardous Materials - CGS §§ 22a-92(a)(2), 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)
☐	Facilities and Resources which are in the National Interest - Definition CGS § 22a-93(14) - Policy CGS 22a-92(a)(10)
☒	Intergovernmental Coordination - CGS § 22a-92(a)(9)
☐	Open Space and Agricultural Lands - CGS § 22a-92(a)(2)
☐	Ports and Harbors – CGS § 22a-92(b)(1)(C)
☐	Sewer and Water Lines - CGS § 22a-92(b)(1)(B)
☐	Solid Waste - CGS § 22a-92(a)(2)
☐	Transportation - CGS §§ 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
☐	Water-dependent Uses** - Definition CGS § 22a-93(16) - Policies CGS §§ 22a-92(a)(3) and 22a-92(b)(1)(A)

* The General Development Policy is applicable to all proposed activities within Connecticut's coastal boundary and coastal area.

** The Water-Dependent Uses Policies are applicable to all activities proposed at waterfront sites, including those sites with only tidal wetlands frontage.

Identification of State Statutorily Defined Potential Adverse Impacts

In Tables 3a and 3b, identify the adverse impact categories that apply to the proposed Federal activity. The "Applicable" column **must be checked** if the proposed activity has the **potential** to generate any of the State-statutorily defined adverse impacts, even if the activity is designed to avoid such impacts. Also indicate, by checking the appropriate boxes, whether the potential adverse impacts have been avoided or minimized and whether any resource compensation is proposed.

Table 3a

Potential Adverse Impacts on Coastal Resources	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Characteristics and Functions of Resources - CGS § 22a-93(15)(H)	☐	☐	☐	☐	☒
Coastal Flooding - CGS § 22a-93(15)(E)	☐	☐	☐	☐	☒
Coastal Waters Circulation Patterns - CGS § 22a-93(15)(B)	☐	☐	☐	☐	☒
Drainage Patterns - CGS § 22a-93(15)(D)	☐	☐	☐	☐	☒
Patterns of Shoreline Erosion and Accretion - CGS § 22a-93(15)(C)	☐	☐	☐	☐	☒
Visual Quality - CGS § 22a-93(15)(F)	☐	☐	☐	☐	☒
Water Quality - CGS § 22a-93(15)(A)	☒	☒	☐	☐	☐
Wildlife, Finfish, Shellfish Habitat - CGS § 22a-93(15)(G)	☒	☒	☐	☐	☐

Table 3b

Potential Adverse Impacts on Water-dependent Uses and Opportunities	Applicable	Impacts Are Avoided	Impacts Are Minimized	Compensation Is Proposed	Not Applicable
Locating a non-water-dependent use at a site physically suited for, or planned for location of, a water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Replacing an existing water-dependent use with a non-water-dependent use - CGS § 22a-93(17)	☐	☐	☐	☐	☒
Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters - CGS § 22a-93(17)	☐	☐	☐	☐	☒

Part VI: Consistency Analysis

Explain how the proposed activity is consistent with all of the applicable enforceable policies identified in Part V, why any remaining adverse impacts resulting from the proposed activity or use have not been mitigated, and why the project as proposed is consistent with the enforceable policies of Connecticut's Coastal Management Program. If an adverse impact **may** result from the proposed Federal activity, describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts. For proposed Federal Development Projects, please describe the stormwater best management practices that will be utilized. Such systems should be designed to meet the guidance provided in the accompanying instructions.

A consistency analysis is attatched to the form

☒ Check if additional sheets are attached to this page

Part VII: Level of Consistency and Identification of Legal Authority that Prohibits Full Consistency, if Applicable

Federal regulations allow Federal activities to be less than fully consistent with a State's enforceable policies **only** if "full consistency is prohibited by existing law applicable to the Federal Agency" [15 CFR 930.32]. Please check the appropriate box below to indicate the activities degree of consistency.

☒ Project is *fully* consistent with Connecticut's enforceable policies

☐ Project is *not fully* consistent with Connecticut's enforceable policies, but is consistent to the maximum extent practicable

If the proposed Federal Activity described in this form is not *fully* consistent with Connecticut's enforceable policies, but only consistent to the maximum extent practicable, in accordance with 15 CFR 930.32, please identify and describe the statutory provisions, legislative history, or other legal authority which limits the federal agency's discretion to comply fully with Connecticut's Coastal Management Program. Please attach additional pages if necessary. Attach copies of the relevant statutory provisions, legislative history, or other legal authority cited.

☐ Check if additional sheets are attached to this page

Part VIII: Coastal Zone Management Act Consistency Statement

Note: This Part *must* be completed for all submissions

In this Statement "Federal Agency" means:

U.S. Army Corps of Engineers, New England District

and "the project" means:

Connecticut River Hydrilla Control Research and Demonstration Project

This document provides the State of Connecticut Coastal Management Program with the required Consistency Determination under CZMA Section 307(c)(1) [or (2)] and 15 CFR Part 930, Subpart C, for the project described in this *Coastal Mangement Consistency Review Form for Federal Activities*. This determination is provided by the Federal Agency identified above. The information in this Consistency Determination is provided pursuant to 15 CFR Section 930.39. The Federal Agency has determined that the project affects the land or water uses or natural resources of Connecticut as described above. Based on the information, data, and analysis included in the *Coastal Mangement Consistency Review Form for Federal Activities* for the project, the Federal Agency has determined that the proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Connecticut Coastal Management Program as evaluated in this form.

Pursuant to 15 CFR Section 930.41, the Connecticut Coastal Management Program has 60 days from receipt of this form in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR Section 930.41(b).

Part IX: Certifying Signatures

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief."

	04/03/2025
Signature of Certifier	Date
Keith Hannon	**Project Manager**
Name of Certifier (print or type)	Title (if applicable)
	04/03/2025
Signature of Preparer	Date
Kelsie Dakessian	Biologist
Name of Preparer (print or type)	Title (if applicable)

Selden Creek

Part VI: Consistency Analysis

1. COASTAL RESOURCES

General Coastal Resources Policy:

The proposed project includes the control of the invasive aquatic plant hydrilla (*Hydrilla verticillata*) through use of the aquatic herbicide. The proposed project will have no significant, adverse impacts on water quality, tidal or freshwater wetlands and watercourses, islands, State parks and forests, marine resources, fish and wildlife, flood control, and recreation of the Connecticut River, and will not introduce invasive plants, sources of pollution, or create erosional problems. The shorefront and bordering wetlands of Selden Creek would be unaffected by the management of hydrilla. The proposed herbicides for consideration are approved federally through the U.S. Environmental Protection Agency (EPA) and by the state through the Connecticut Department of Energy and Environmental Protection (CTDEEP) Pesticide Management Program, with herbicide application adhering to the label.

Freshwater Wetlands and Watercourses:

The proposed project will result in benefits to freshwater wetlands and watercourses by controlling hydrilla to levels that don't encroach wetlands and to densities that will not alter the integrity of the wetlands. The proposed herbicides for considerations aquatic herbicide are unlikely to cause a significant effect on wetlands adjacent to the sites.

The proposed project may result in temporary impacts to non-target plant species located on the fringe of the proposed treatment area, with a low risk anticipated to emergent plant species due to the subsurface application methods. Any impacts to non-target species would be temporary, with revegetation occurring after treatment from a seed bank or reproductive structures (e.g. rhizomes). The proposed action will impact the overall function of the wetlands bordering Selden Creek. There are no anticipated adverse impacts expected to freshwater watercourses with the implementation of the proposed action. The chemical treatment of hydrilla in Selden Creek will provide benefits to the hydrology of the system by reducing and potentially eliminating hydrilla populations from obstructing the flow of water. This will prevent flooding and return the system to a more natural state of flow.

Shorelands:

The project area is adjacent to a small amount of shorelands but no adverse impacts are expected from the proposed action. The action of aquatic herbicide application will occur only within the waters of Selden Creek, with subsurface injection of herbicide, and will not have impacts on the upland resources.

2. COASTAL USES

General Development Policy:

Development, preservation, or use of the land and water resources of the coastal area will not be adversely affected by the proposed project, nor will it deter development, preservation, or use by significantly disrupting either the natural environment or sound economic growth. The proposed project will improve the conditions of Selden Creek. The proposed project will be coordinated with CT DEEP (Fisheries Consultation and NDDB Review), the EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to determine that the project will not have significant adverse effects on fish and wildlife habitats or wetlands. The project will not adversely affect scenic resources, natural protective features, important agricultural lands, or wetlands.

Coastal Recreation and Access Policy:

The proposed project will result in significant benefits with respect to improved ease and safety of navigation and improved public access to, and use of, the public trust lands and waters of the State. Control of hydrilla will improve boating access to and within Selden Creek, by preventing the establishment of dense vegetation mats that may result in clogged waterways.

Fisheries:

The proposed project will beneficially impact fisheries resources by enhancing the productivity of natural resources that provide more natural feeding and spawning habitat for fish. Hydrilla overtakes aquatic systems, outcompeting native submerged aquatic vegetation and overcrowding underwater resources. Management of hydrilla will allow native vegetation to reestablish providing natural habitat to the fisheries in Selden Creek.

Intergovernmental Coordination:

The proposed project is consistent as the project is being permitted and coordinated with state and federal agencies to ensure that it complies with environmental laws and regulations. The project will beneficially impact natural resources and will not disrupt economic development.

Water-Dependent Uses Policy:

The project will control the invasive aquatic plant hydrilla present in Selden Creek, thereby allowing water-dependent uses.

3. STATE STATUTORILY DEFINED POTENTIAL ADVERSE IMPACTS

Water Quality:

Short-term adverse impacts are expected, including the temporary increase in turbidity due to the reduction and removal of hydrilla as well as a decrease in dissolved oxygen due to the death and decomposition of hydrilla due to herbicide treatment. Impacts to dissolved oxygen would be localized to treatment areas for a short period of time. The proposed treatment area is connected to the main river, and water exchange is highly dynamic due to river flow and tidal influence. It is assumed that waters with low dissolved oxygen will be replaced quickly during tidal exchanges and due to flow-through within the river channel. Long-term beneficial impacts are anticipated to water quality with the treatment of hydrilla including the return of naturally occurring water temperatures, pH, and dissolved oxygen levels.

Without management of hydrilla, water quality will decline in the areas that it is present due to its ability to change natural temperature, pH, and dissolved oxygen of the system. The fluctuations in these measures can contribute to the release of nutrients, such as phosphorus, from the sediments. There would continue to be a seasonal decrease in dissolved oxygen when hydrilla senesces and decomposes causing harm and imbalances over the long-term.

Wildlife, Finfish, Shellfish Habitat:

No federally listed threatened or endangered species are known to permanently inhabit Selden Creek. Atlantic and Shortnose sturgeon may occur within the creek, and may utilize habitat for spawning, and foraging. The proposed herbicides do not have known toxicity to fish, such as sturgeon. The reduced oxygen in the water due to the decomposition of hydrilla after herbicide treatment, will produce unfavorable localized conditions for individuals that may be in or near a treatment area. Unfavorable conditions, from decreased dissolved oxygen, will be temporary. It is assumed that waters with decreased dissolved oxygen will be replaced from constant exchange from tidal and flow-through waters within the Connecticut River system. The removal of hydrilla will also impact the insects, mollusks, and worms that sturgeon feed on by eliminating viable habitat. Sturgeon will be able to move to areas that are either not infested with hydrilla or have not been treated for the removal of hydrilla to avoid hypoxia and find more aquatic vegetation to forage for food. No long-term impact to sturgeon is expected. Coordination will occur with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

An assessment of the project area indicates that there will be no significant impacts to Essential Fish Habitat, as defined by the Magnuson-Stevens Fishery Conservation and Management Act and amended by the Sustainable Fisheries Act of 1996. In addition, the project will be coordinated with the National Marine Fisheries Services to ensure no impacts to Essential Fish Habitat. Potential impacts to essential fish habitat from this project include temporary loss of submerged aquatic vegetation from herbicide application. The herbicide will selectively affect the invasive hydrilla and will leave some natives. Revegetation of native species is anticipated following the growing season. This project is not expected to significantly affect any managed species. See Appendix B of the EA for the full EFH analysis.

Actions Taken to Minimize Environmental Impacts

1. Application of aquatic herbicides will be avoided April 1 to July 1 to avoid the spawning season for migratory fish species, such as alewife and blueback herring, and the northern pike.

2. All herbicide application will strictly follow EPA and label requirements.