



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

# PUBLIC NOTICE

**Comment Period Begins: February 9, 2021**  
**Comment Period Ends: March 10, 2021**  
**File Number: NAE-2020-02621**  
**n Reply Refer To: Cori M. Rose**  
**Phone: (978) 318-8306**  
**E-mail: cori.m.rose@usace.army.mil**

The District Engineer has received a permit application to conduct work in waters of the United States from **SOUNDWATERS, INC., 1281 COVE ROAD, STAMFORD, CONNECTICUT 06902**. This work is proposed in waters of Long Island Sound north-easterly of Greenwich Point/Woolsey Rock identified on NOAA Chart 12368 in coastal waters offshore of Stamford, Connecticut. The proposed gear area is located approximately 3,200 feet southwest of Stamford Ledge Light and 4,000 feet northeast of red nun "34" at South Reef/Woolsey Rock. The project is proposed to be undertaken at a State of Connecticut Department of Agriculture 4.2-acre seaweed lease identified as 2016-SW#20 at the following NAD83 Coordinates:

Northeast Corner	41.008335 ° N	-73.552768 ° W
Southeast Corner	41.006421 ° N	-73.552788 ° W
Southwest Corner	41.006426 ° N	-73.553730 ° W
Northwest Corner	41.008347 ° N	-73.553713 ° W

The proposed project gear area is depicted on the attached plans entitled "SoundWaters, Mike Bagley, 2016-SW#20, Stamford, CT" dated "9/24/2020" and "SoundWaters, Inc. Kelp Farm Figure 2. Site Plan Diagram" dated "9/10/20".

The work proposed involves the installation of lines, buoys, anchors and regulatory aids to navigation for the cultivation of a winter crop of native sugar kelp/seaweed (*Saccarina lattissima*). Gear installation at the 4.2-acre area will commence on/after November 1<sup>st</sup> and the crop harvest and horizontal longlines will be removed no later than May 30<sup>th</sup> of each calendar year. The gear will be deployed in a 700-foot-long by 260-foot-wide area as described below and the entire 4.2-acre gear area will be marked with a minimum of eight (8) 48-inch diameter regulatory "aid to navigation" buoys that read "DANGER SURFACE GEAR AREA" spaced at a maximum interval of 300 feet, per State of Connecticut Department of Energy and Environmental Protection (CT DEEP) navigation agency requirement. The applicant will be required to obtain a regulatory marker permit from the CT DEEP Boating Division, Navigation & Boating Infrastructure Unit prior to installation of any gear and to report the gear to the U.S. Coast Guard for the Local Notice to Mariners.

The regulated structures will include the placement of five (5), 600-foot-long (anchor to anchor) horizontal seaweed lines held in place at each end with ¾-inch chain affixed to a 100-pound Danforth© standard fluke anchor that is rated for 3500-pounds of holding power. The gear will be set in water depth of approximately 22-feet mean lower low water (MLLW) and 29-feet mean high water (MHW). Each anchor line will be attached to an 11 or 12-inch diameter black retrieval buoy affixed to ½-inch diameter sinking (weighted) tow line. Between the pair of terminal anchors and associated anchor line will be affixed a 310-foot long seaweed growing line, strung approximately 4 to 6-feet below the water's surface. Along each of the 310-foot-long lines, there will be two (2) 16 to 18-inch diameter white buoys (anchor line buoys on each end of the main line), two (2) 11 to 12-inch diameter black tension buoys and seven (5) 11 to 12-inch diameter black flotation buoys which are intended to accommodate the weight of the increased seaweed density throughout the growing season. There will

approximately 50 to 75 feet between each surface buoy and a minimum of 40 feet of space between each of the set longlines.

When the horizontal lines are installed the project will accommodate 1,550 linear feet of seaweed growing line within the 4.2-acre gear area encompassed within the coordinates above. Once the horizontal growing lines are seeded the gear area will be tended at least once a week by the project team using an existing 25-foot boat. Any lines that are damaged, have moved or are not tensioned will be repaired immediately. Buoys will be incrementally added/shifted throughout the growing season to accommodate the increasing weight of the seaweed to ensure adequate buoyancy and line tension. Additionally, the growing kelp will be thinned and/or trimmed as needed to ensure that at least 5-feet of clearance will be present between the seaweed and the sea floor at MLLW.

After the last harvest of the season on or about May 15<sup>th</sup>, the horizontal longlines, flotation buoys and associated components will be removed from the water and brought to a land-based facility for inspection and/or repair as needed. The approved aids to navigation and anchored mooring lines will remain in the water throughout the year to designate the lease location.

As proposed the project cumulatively will possess five (5) horizontal longlines, ten (10) anchors, forty-five (45) 11 to 12-inch diameter black buoys, ten (10) 16 to 18-inch diameter white buoys and twenty (20) vertical and six (6) regulatory “aids to navigation” markers.

The purpose of the proposed structures is to grow seaweed (sugar kelp) for both educational purposes and commercial sale. The educational project component will allow for student research, funded by NOAA, focused on bioremediation and the effects of removing excess nitrogen from the Long Island Sound. After harvest the kelp will be sold as agricultural fertilizer or to local breweries.

No compensatory mitigation is proposed as the project will not result in permanent modification to resource areas or aquatic habitat. The structures will be installed on an annual basis and monitored to ensure gear is maintained in configuration and properly tensioned. The entire area will be properly demarcated to ensure mariners are aware of the potential presence of gear in the water column.

#### **AUTHORITY**

Permits are required pursuant to:

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

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

This project will impact Essential Fish Habitat (EFH) designated through the New England & Mid-Atlantic Fishery Management Councils. This habitat consists of subtidal bottom of silt/mud. Up to 120 square feet of temporary obstruction or modification of subtidal habitat from installation of the anchors may adversely affect species that use this substrate. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

### **NATIONAL HISTORIC PRESERVATION ACT**

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

### **ENDANGERED SPECIES CONSULTATION**

The Corps has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to Section 7 of the Endangered Species Act as amended. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect a listed species or their critical habitat. We are coordinating with the NMFS and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

**COASTAL ZONE MANAGEMENT**

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable, the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

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

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

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Ms. Cori M. Rose at (978) 318-8306, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly to reach an understanding.

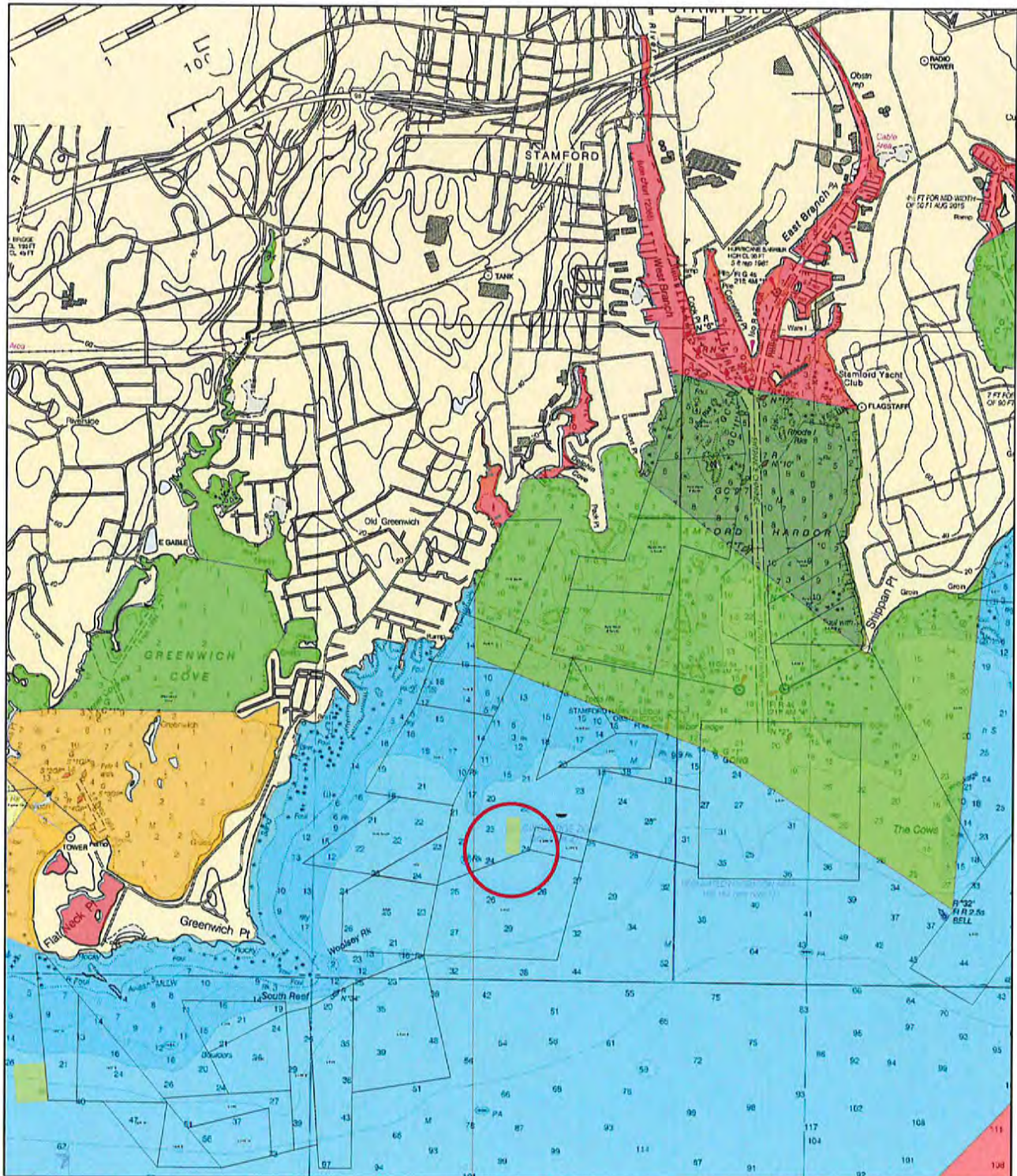
**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

**Michael S. Wierbonics**  
**Acting Chief, Permits and Enforcement Branch**  
**Regulatory Division**

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_





SoundWaters  
Mike Bagley  
2016-SW#20  
4 acres  
(5) 310' kelp long lines  
Stamford, CT  
Fig. 1

Date: 9/23/2020

Coordinate System: NAD 1983 StatePlane Connecticut FIPS 0600 Feet  
Projection: Lambert Conformal Conic  
Datum: North American 1983  
False Easting: 1,000,000.0000  
False Northing: 500,000.0000  
Central Meridian: -72.7500  
Standard Parallel 1: 41.2000  
Standard Parallel 2: 41.8667  
Latitude Of Origin: 40.8333  
Units: Foot US

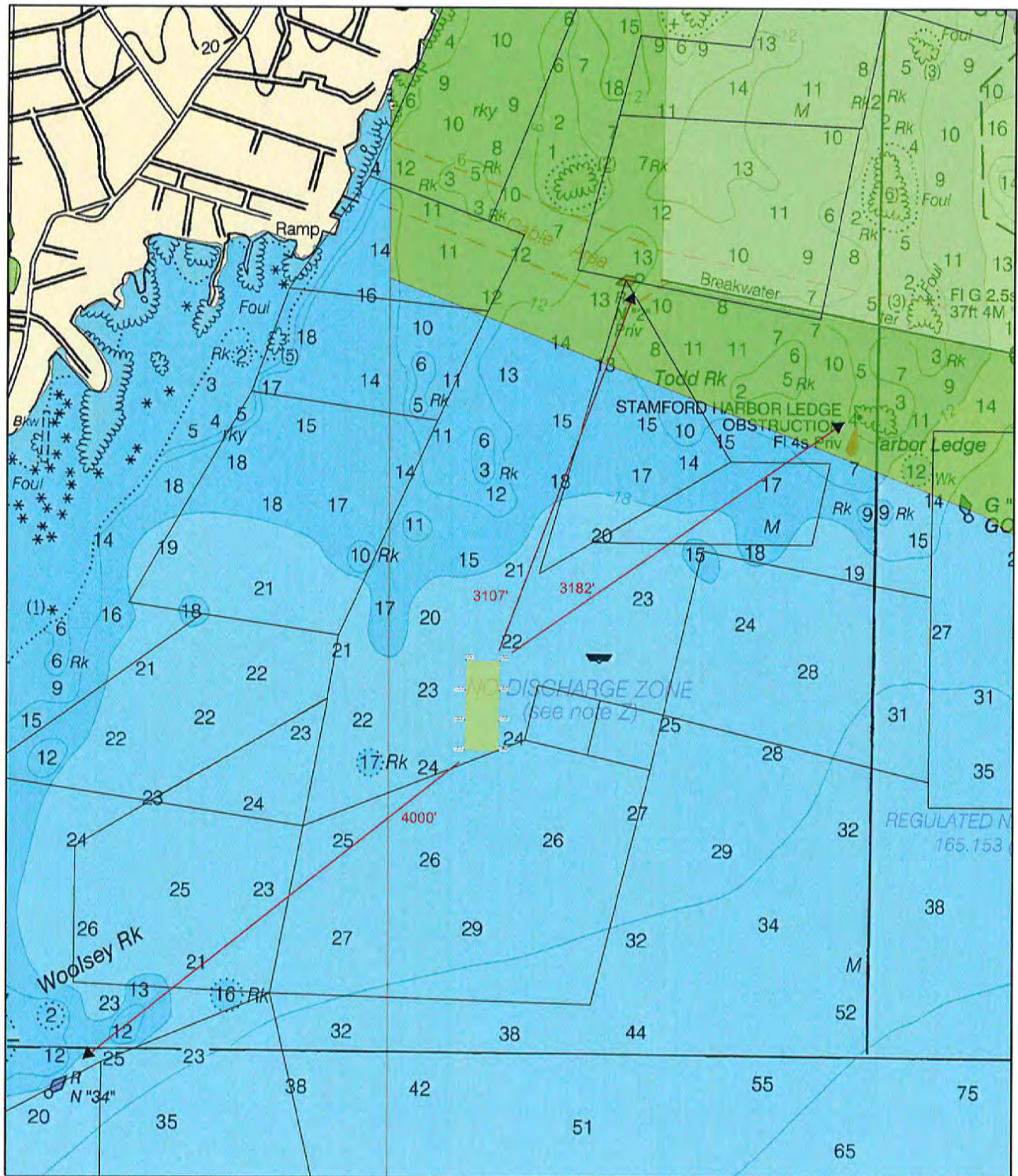


0 550 1,100 2,200 3,300 4,400 Feet

#### Legend

	Shellfish_Bed_Commercial		AquaGearArea		Shellfish_Class_Poly
	AquaGearArea		Approved		Approved
	AquaSites		Conditionally Approved Seasonal		Conditionally Approved
			Restricted		Conditionally Restricted
			Prohibited		





SoundWaters  
Mike Bagley  
2016-SW#20  
4.2 acres  
(5) 310' kelp long lines  
Stamford, CT

Fig.1a

Date: 9/24/2020

Coordinate System: NAD 1983 StatePlane Connecticut FIPS 0800 Feet  
Projection: Lambert Conformal Conic  
Datum: North American 1983  
False Easting: 1,000,000.0000  
False Northing: 500,000.0000  
Central Meridian: -72.7500  
Standard Parallel 1: 41.2000  
Standard Parallel 2: 41.8667  
Latitude Of Origin: 40.8333  
Units: Foot US

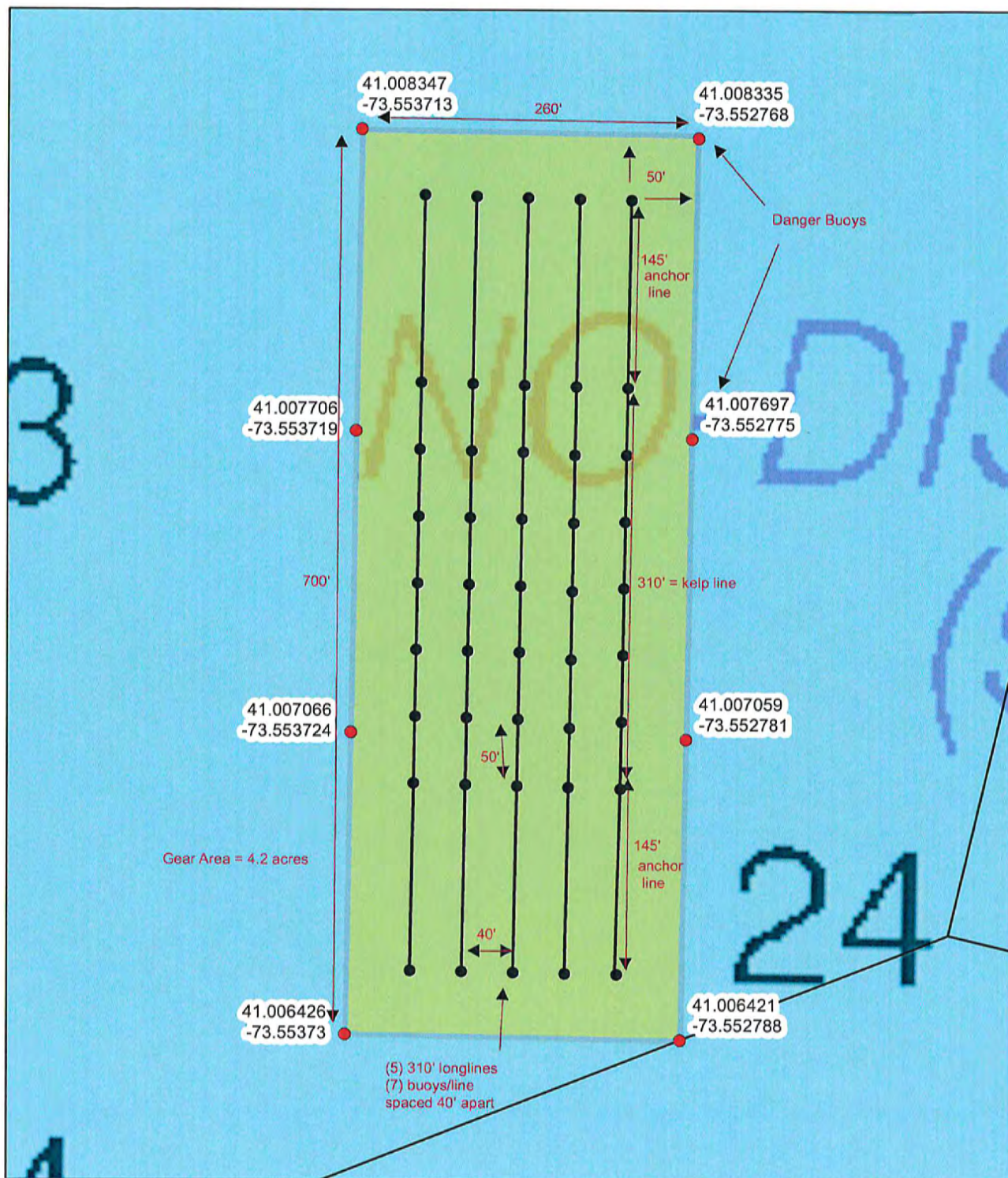


#### Legend

	Shellfish_Bed_Commercial		Shellfish_Class_Poly
	AquaGearArea		Approved
	GearCornersApp		Restricted
			Conditionally Restricted

0 245 490 980 1470 1960 Feet





SoundWaters  
Mike Bagley  
2016-SW#20  
4.2 acres  
(5) 310' kelp long lines  
Stamford, CT  
Danger buoys ●  
Fig. 2

Date: 9/24/2020

Coordinate System: NAD 1983 StatePlane Connecticut FIPS 0600 Feet  
Projection: Lambert Conformal Conic  
Datum: North American 1983  
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False Northing: 500,000.0000  
Central Meridian: -72.7500  
Standard Parallel 1: 41.2050  
Standard Parallel 2: 41.8667  
Latitude Of Origin: 40.6333  
Units: Foot US

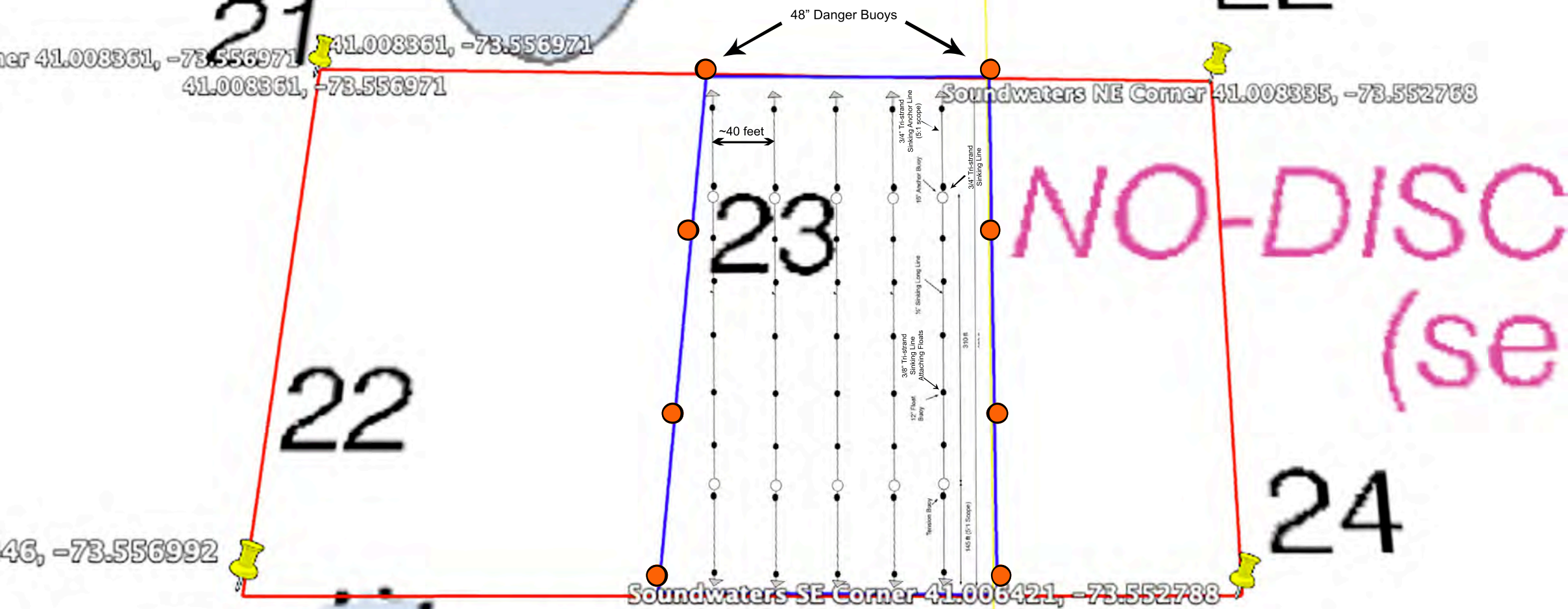


0 20 40 80 120 160 Feet

#### Legend

- Shellfish\_Bed\_Commercial
- AquaGearArea
- GearCornersApp
- kelp\_config
- Shellfish\_Class\_Poly
- Approved

**Figure 2. Site Plan Diagram**



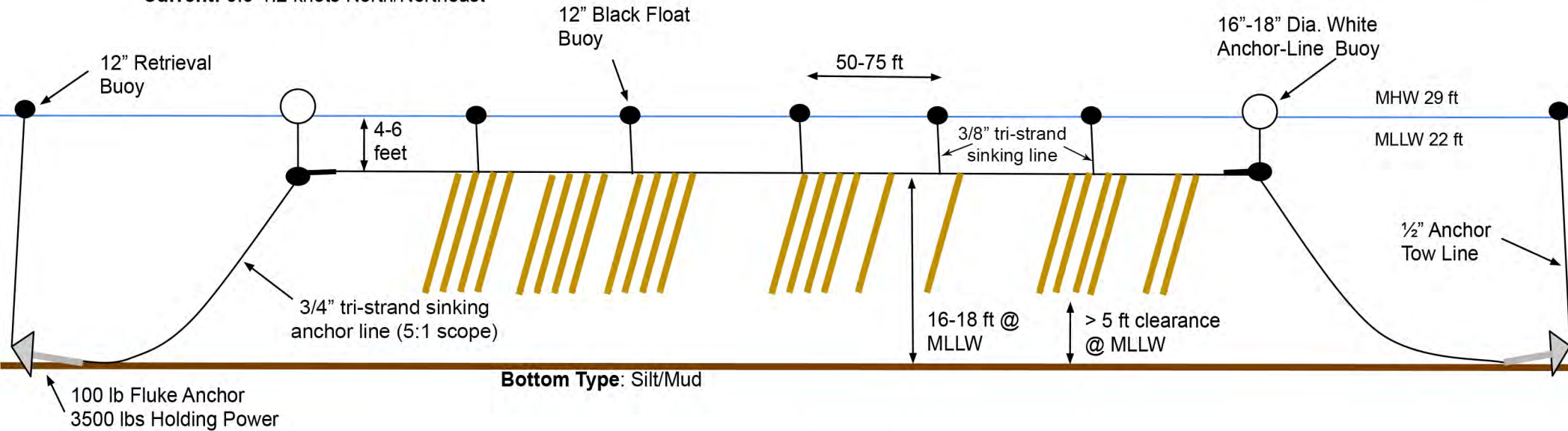
SoundWaters, Inc. Kelp Farm  
State Lot/Lease: #  
Long Island Sound  
Stamford, CT  
Gear Area = 4.2 acres  
9/10/20



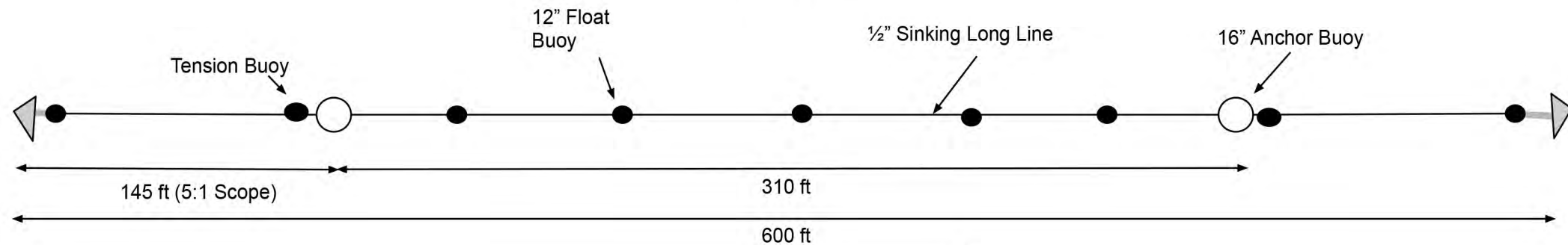
**Figure 3 Cross-Sectional View: 310 ft Kelp Longline**  
Longlines to be Installed North-South

SoundWaters, Inc. Kelp Farm  
State Lot/Lease: #  
Long Island Sound  
Stamford, CT  
Gear Area = 4.2 acres

**Current:** 0.6-1.2 knots North/Northeast



### Longline Plan View

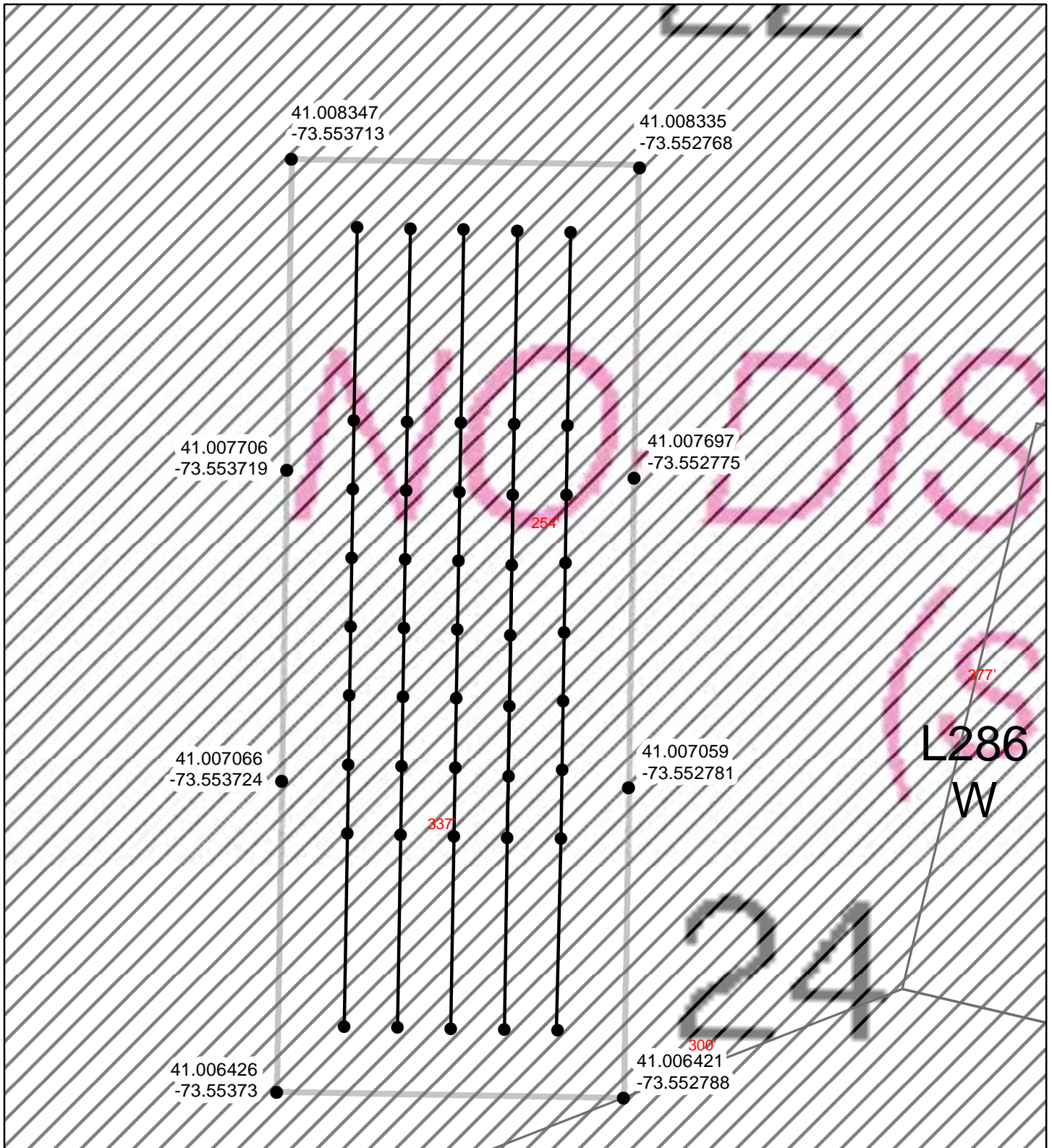


#### Project Features:

- Five 310 ft kelp longlines (600 ft anchor-to-anchor)
- Five 11-12 inch diameter (Polyform A-1 equivalent) black floatation buoys perline
- Two 16-18 inch diameter (Polyform A-3 equivalent) white buoys per line
- Two 100 lb Fluke Anchor (Danforth Standard or equivalent) with 3500 lbs holding power/ea

#### Project Notes:

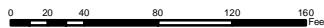
- Growing season Nov 1 through June 1
- Seed lines and black buoys to be removed by June 15
- At full maturity, at least 5 ft of clearance will be between the bottom of kelp and the sea floor
- Anchor area on bottom - approx 2 ft x 3 ft/anchor
- The minimum amount of vertical end-line will be used



Stony Creek Ocean Farm  
Sam Greenvall  
Lot BIL-9  
3.2 acres  
(50-100) bottom cages  
Branford, CT  
sediment type

Fig.

Coordinate System: NAD 1983 StatePlane Connecticut FIPS 0600 Feet  
Projection: Lambert Conformal Conic  
Datum: North American 1983  
False Easting: 1,000,000.0000  
False Northing: 500,000.0000  
Central Meridian: -72.7500  
Standard Parallel 1: 41.2000  
Standard Parallel 2: 41.8667  
Latitude Of Origin: 40.8333  
Units: Foot US



#### Legend

- AquaGearArea
- Shellfish\_Beds\_100620
- GearComersApp
- kelp\_config
- line\_config
- Sediment\_type
- TEXTURE
- silt-clay/sand