



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

PUBLIC NOTICE

Comment Period Begins: August 1, 2017
Comment Period Ends: August 29, 2017
File Number: NAE-2016-00974
In 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 **J.P. VELOTTI, P.O BOX 2122, WESTPORT, CONNECTICUT 06880**. This work is proposed in waters of Long Island Sound, south and southeast of Sheffield and Shea Islands at state-issued leases identified as 2016-SW-3 Lots 1 and 2, and 2016-SW-4. The center site coordinates for the leases are: Latitude 41.049042 North, -73.413990 West and 41.053104 North, -73.398069 West. Lease SW-3 is located immediately south/southeast of Sheffield Island near a marked navigation hazard known as "Yellow Rocks" on NOAA Chart 12368. The location of least SW-4 is to the immediate east of the southernmost portion of Shea Island (formerly Ram Island). The proposed work and the corner coordinates for the state leases are depicted on the attached plans entitled "J.P. Velotti," dated "5/22/2017".

The work involves the installation of lines, buoys, anchors and aids to navigation for the commercial cultivation of a winter crop of native sugar kelp (*Saccarina lattissima*). Gear installation at each of the three 6.2 acre areas will commence in mid-October of each calendar year and a final harvest will be completed in early to mid-June. The gear to be deployed at each location is identical in configuration and technical specification and is described in more detail below.

Lease SW-3 Lot 1 and Lot 2

At the 34.05 acre Lease SW-3 there will be two 600-foot long by 450-foot wide gear areas (depicted as Lots 1 and 2 on the attached plan entitled Fig. 2A) consisting of eight (8) long-lines between 300 and 500 feet in length. The culture lines will be set from west to east and anchored on each end and in the middle with twin 250 to 300 pound mushroom or screw anchors marked by 18-inch mooring buoy on a vertical, weighted line in an average water depth of 20 feet mean lower low water (MLLW). There will be a minimum of 50 feet of space between each set line. The horizontal lines in the upper water column on which the seaweed will be attached will be suspended a minimum of three (3) feet and a maximum of six (6) feet below the water surface and held in place vertically with 12-inch diameter buoys spaced between 30 and 50 feet apart. The vertical lines will consist of weighted line and/or will be sheathed with a rigid structure such as PVC pipe to minimize the potential for entanglement of turtles and marine mammals. The gear areas will be tended at least once a week. Additionally, once a month each line will be hauled in and checked for warp and headline depth. 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. The will be maintained such that there is a minimum clearance of five (5) feet between the growing seaweed and the estuary bottom at MLLW. Each gear area will be marked by eight (8) "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 navigation agency requirement. After the last harvest of the season the long-line gear will be removed and brought to a land-based facility for inspection and/or repair as needed. The aids to navigation and moorings will remain in the water throughout the year to designate the lease location.

Lease SW-4

At the 19.44 acre Lease SW-4 there will be one 600-foot long by 450-foot wide gear area (depicted as Lease SW-4 on the attached plan entitled Fig. 2B) consisting of eight (8) long-lines between 300 and 500 feet in length. The site-specific installation and configuration at this site is identical to that described for SW-3 above.

Seasonal operation for the aquaculture operation will commence with installation of the gear and placement of the seed kelp on or around October 1st and harvest of the final crop in early to mid-June of each year.

The purpose of the proposed structures is to grow seaweed (kelp) as a harvestable crop for human consumption and to provide information to support research and education into other sustainable, commercial uses of the crop.

The designation of the seaweed culture lease sites for this project was a result of an evaluation that considered, and ultimately eliminated, multiple other lease sites from Rowayton to Bridgeport due to a variety of factors including commercial and recreational boating, navigation hazards, recreational shell-fishing, shellfish nursery areas, recreational sports and recreational fishing. The current lease location takes advantage of shallow obstructions and an eastern island configuration to minimize likelihood of conflict with most other uses.

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 in order 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).

This project will impact approximately 18.6 acres of Essential Fish Habitat (*EFH*) for those species and life stages listed on the attached table. This habitat consists of subtidal bottom of sand, silt-sand-clay and gravel-sand in open water surrounding islands deposited as a terminal glacial moraine. Installation of the gear and its bottom anchors may affect these resource areas. 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 New England District, Army Corps of Engineers has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, which might occur at the project site. 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 any Federally-listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

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.
- (X) Permit from Local Wetland Agency or Conservation Commission.

CENAE-R
FILE NO. NAE-2016-00974

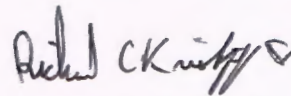
() Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 in an effort to reach an understanding.

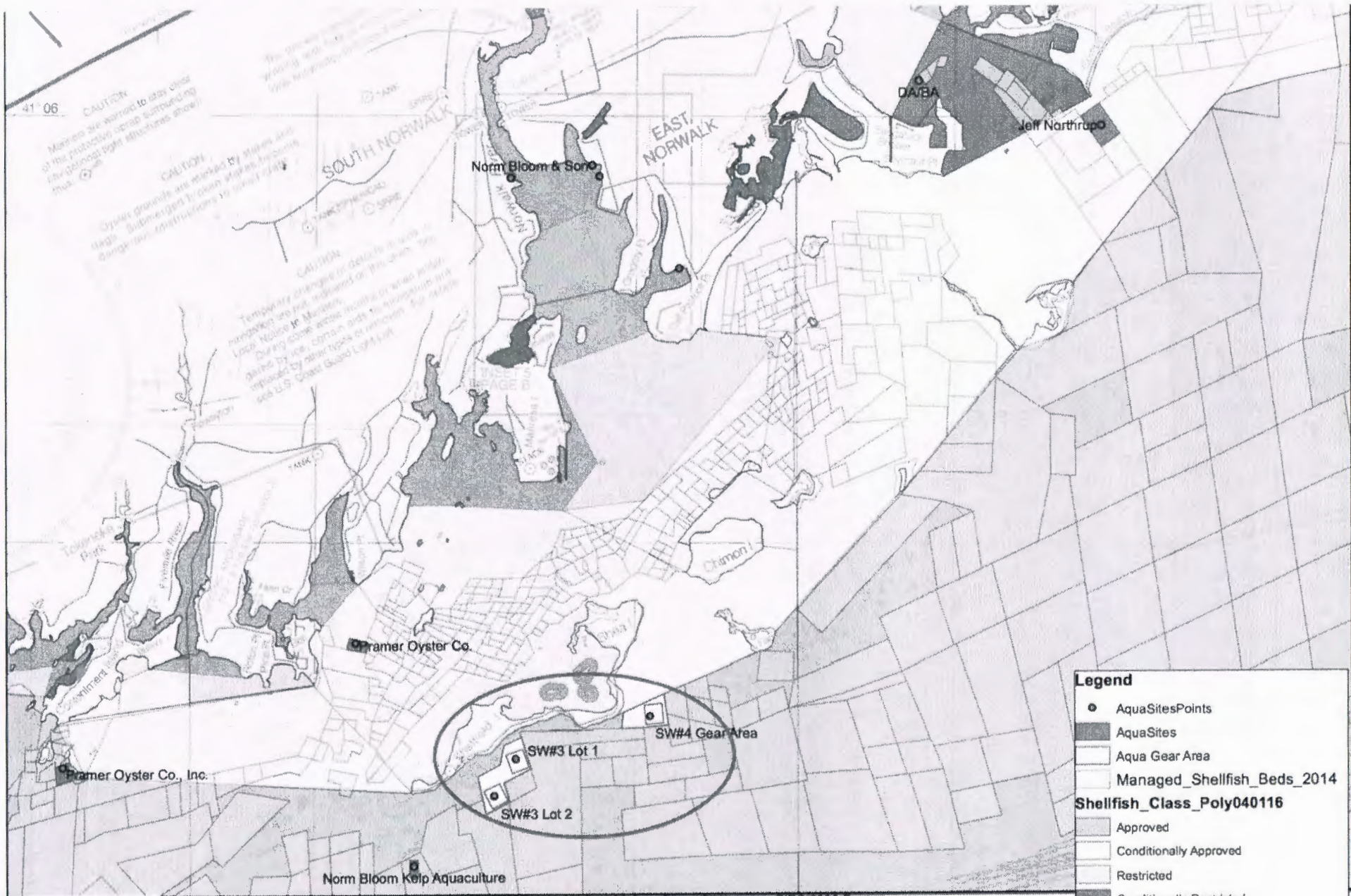
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Richard C. Kristoff
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. 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: _____



41° 06'

CAUTION
Mariners are warned to stay clear of the protective strap surrounding this structure.

CAUTION
Oyster grounds are marked by stakes and flags. Submergence by ocean waves, incoming surge and currents may result in injury.

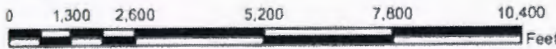
CAUTION
Temporary changes in depths in this area are not indicated on this chart. The local Harbor is marked. During some storms, winds and waves may be raised by ice, storm surges or other factors. For details, see U.S. Coast Guard Light List.

JP Vellotti
Norwalk, CT
kelp longlines
2016-SW#3, #4
Fig. 1

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



Map Date: 4/25/2016



Legend

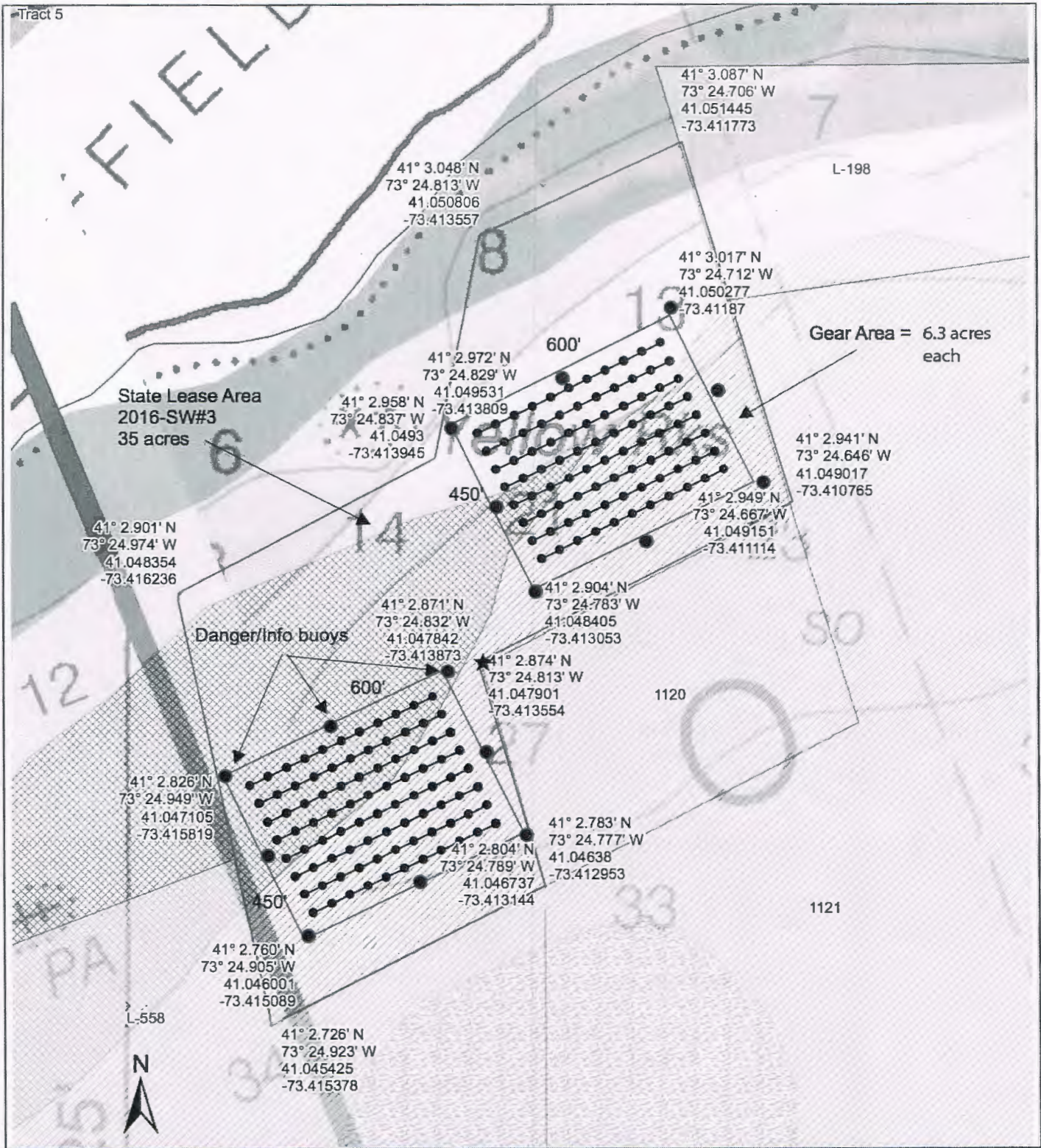
- AquaSitesPoints
- AquaSites
- Aqua Gear Area
- Managed Shellfish Beds 2014

Shellfish_Class_Poly040116

- Approved
- Conditionally Approved
- Restricted
- Conditionally Restricted
- Prohibited

Eelgrass Beds 2012

- High
- Medium
- Low
- DEEP Trawl Survey Tow Paths 1995 to 2012

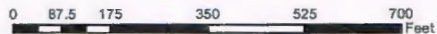


JP Vellotti
2016-SW#3
Gear Area #1&2
6.3 acres each
Norwalk, CT
Danger/Info buoys ●
Fig. 2A

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

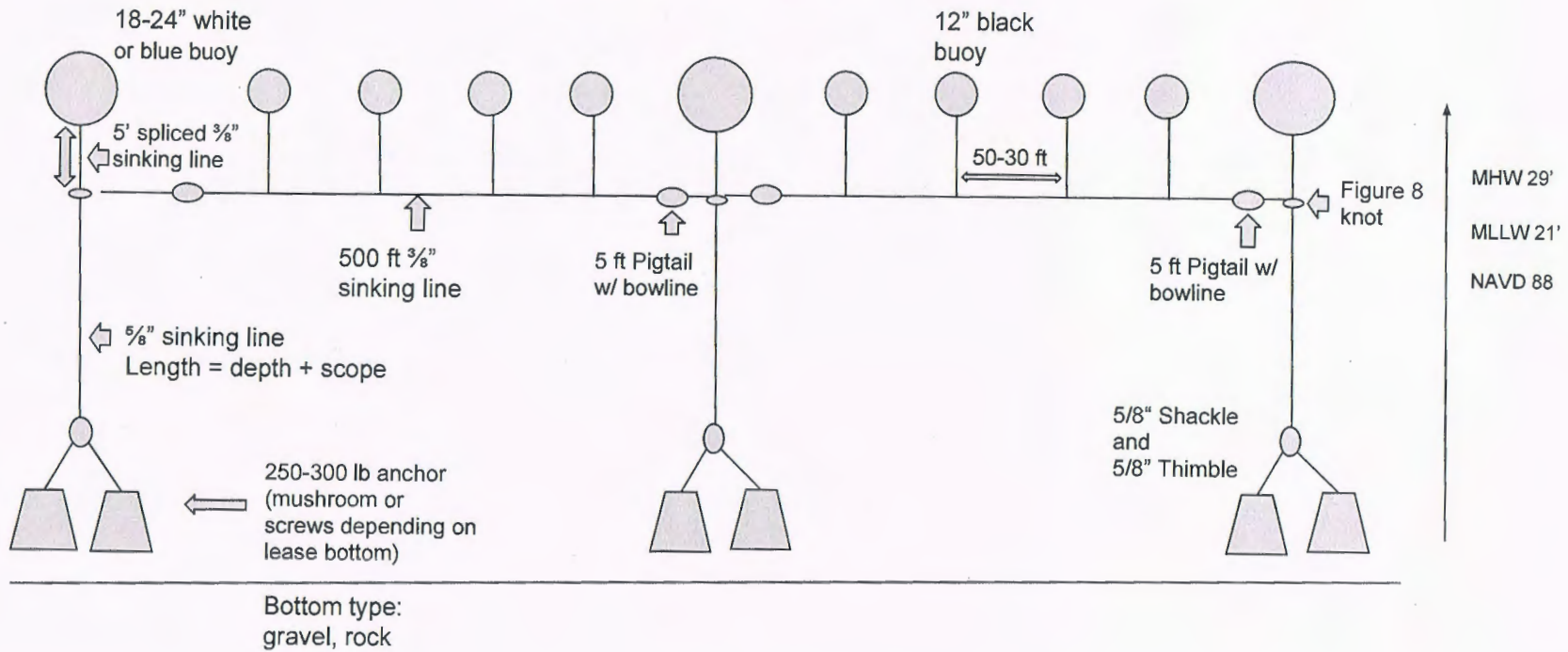
Legend

- | | | | |
|---|------------------|---|----------------|
| ● | gear_corners_app | ▨ | gravel |
| ○ | info_buoys | ▨ | gravel-sand |
| □ | line_buoys | ▨ | sand |
| □ | Aqua Door Area | ▨ | sand-clay/silt |
| | | ▨ | sand-silt/silt |
| | | ▨ | sand/very clay |
| | | ▨ | silt-clay/sand |



Map Date: 5/22/2017

500 ft kelp line layout



JP Vellotti
 500 ft longline
 2016-SW#3
 Norwalk, CT
 Fig. 3