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# PUBLIC NOTICE



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

**Comment Period Begins: August 1, 2017**  
**Comment Period Ends: August 30, 2017**  
**File Number: NAE-2017-00847**  
**In Reply Refer To: Taylor Bell**  
**Phone: (978) 318-8952**  
**E-mail: taylor.m.bell@usace.army.mil**

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The District Engineer has received a permit application to conduct work in waters of the United States from Jean Paul Vellotti. This work is proposed in Fisher's Island Sound, Groton, Connecticut. The site coordinates are: Latitude 41.312231°N Longitude 72.045902°W in the lease area SW 12.

The purpose of the project is to install gear to allow for the farming of *Saccharina lattissima* (sugar kelp).

The work involves the installation of seasonal aquaculture gear for a kelp farm located south of the Bluff Point State Park. The total acreage for the lease(SW12) is approximately 50 acres, and includes two gear area layouts within the lease. Each gear area is identical and is a 600' x 650' rectangle which includes a 50' buffer perimeter around the entire gear area, marked by safe boating buoys 12" in diameter with 36" visual exposure areas that read "Danger: Surface Gear Area". These will be placed at the corners and midpoints as necessary. Inside each gear area are twelve (12) longlines of 500' each, submerged a minimum of three feet (and a maximum of six feet) suspended horizontally. They will be suspended by 18" mooring buoys at each end and one in the center. Gear will be removed by late spring and reinstalled in the late fall.

The work is shown on the attached plans entitled "(JP Vellotti Kelp Long Lines)," on 5 sheets, and dated "5/22/2017 & 4/18/2017 & 4/4/2017".

The applicant has given the following statement in regard to navigation: "The site location was specifically chosen to have the lowest impact (to navigation)...the site selection is outside of any navigational channels and clear of any underwater cables. The area is sited in roughly 20 to 24 feet of water at low-tide, and with the gear suspended, it will not interfere with recreational or commercial boating. The gear area markers will also provide a warning around some submerged rocks in the east and west of the aquaculture lease vicinity" The Corps has not verified the adequacy of this statement.

## **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). An effects determination has not been made in regard to EFH, however a preliminary evaluation shows the project may be eligible for Programmatic Consultation. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final permit decision.

This project will impact .005 acres of Essential Fish Habitat for Smooth Dogfish, Black Sea Bass, Scup, Longfin Inshore Squid, Bluefish, Atlantic Butterfish, Atlantic Herring, and Summer Flounder. This habitat consists of sandy bottom. Loss of this habitat may adversely affect these species. 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:

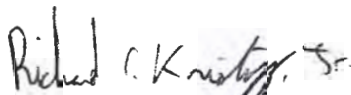
- ( X ) Permit, License or Assent from State.
- ( X ) Permit from Local Wetland Agency or Conservation Commission.
- ( ) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 Mr. Taylor Bell at (978) 318-8952.

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.**



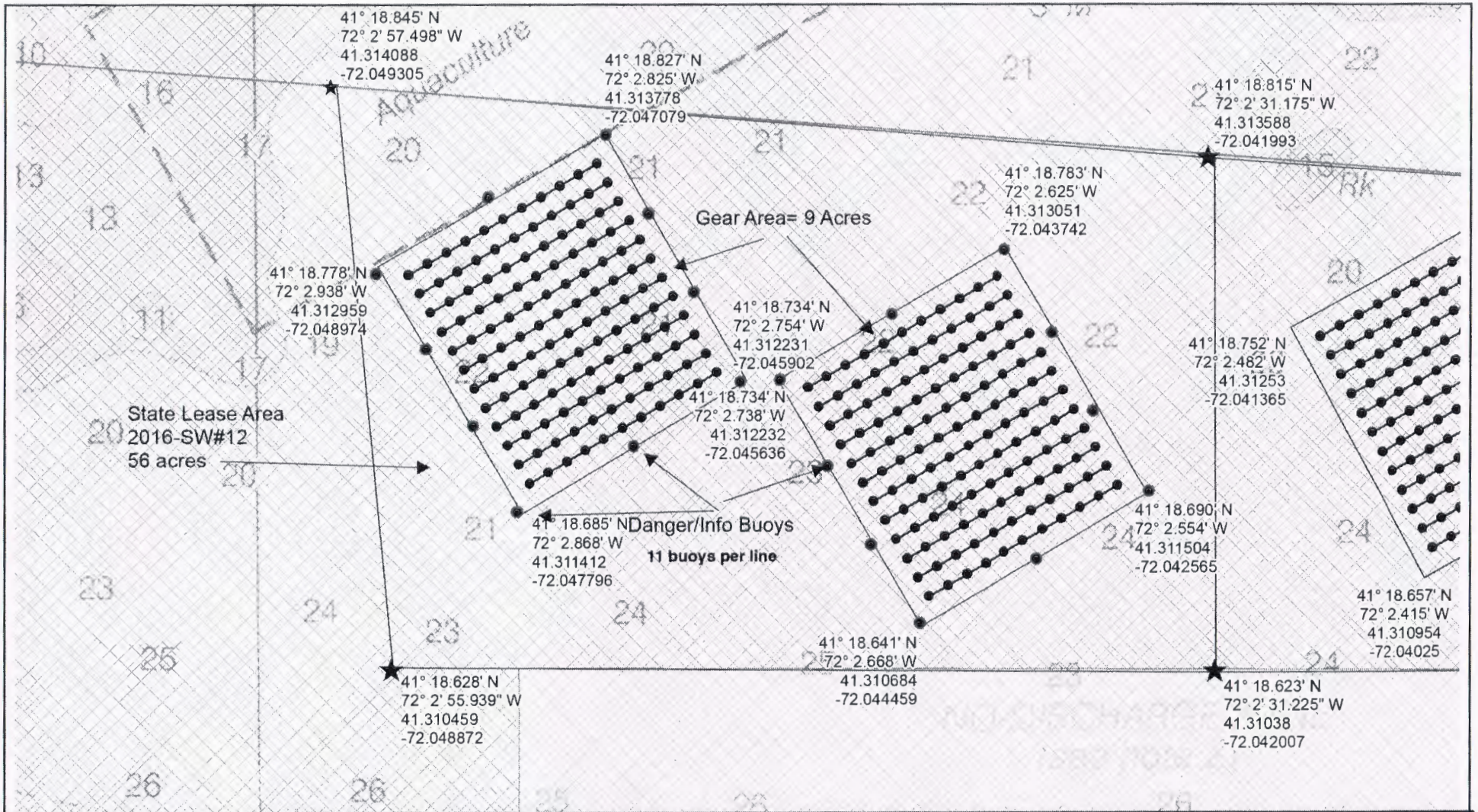
**Richard Kristoff**  
**Chief, Permits and Enforcement Branch B**  
**Regulatory Division**

**CENAE-R**  
**FILE NO. NAE-2017-00847**

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: \_\_\_\_\_

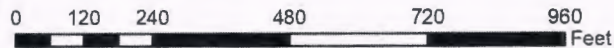




JP Vellotti  
2016-SW#12  
9 acres each  
Groton, CT  
Danger/Info buoys  
Fig.

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

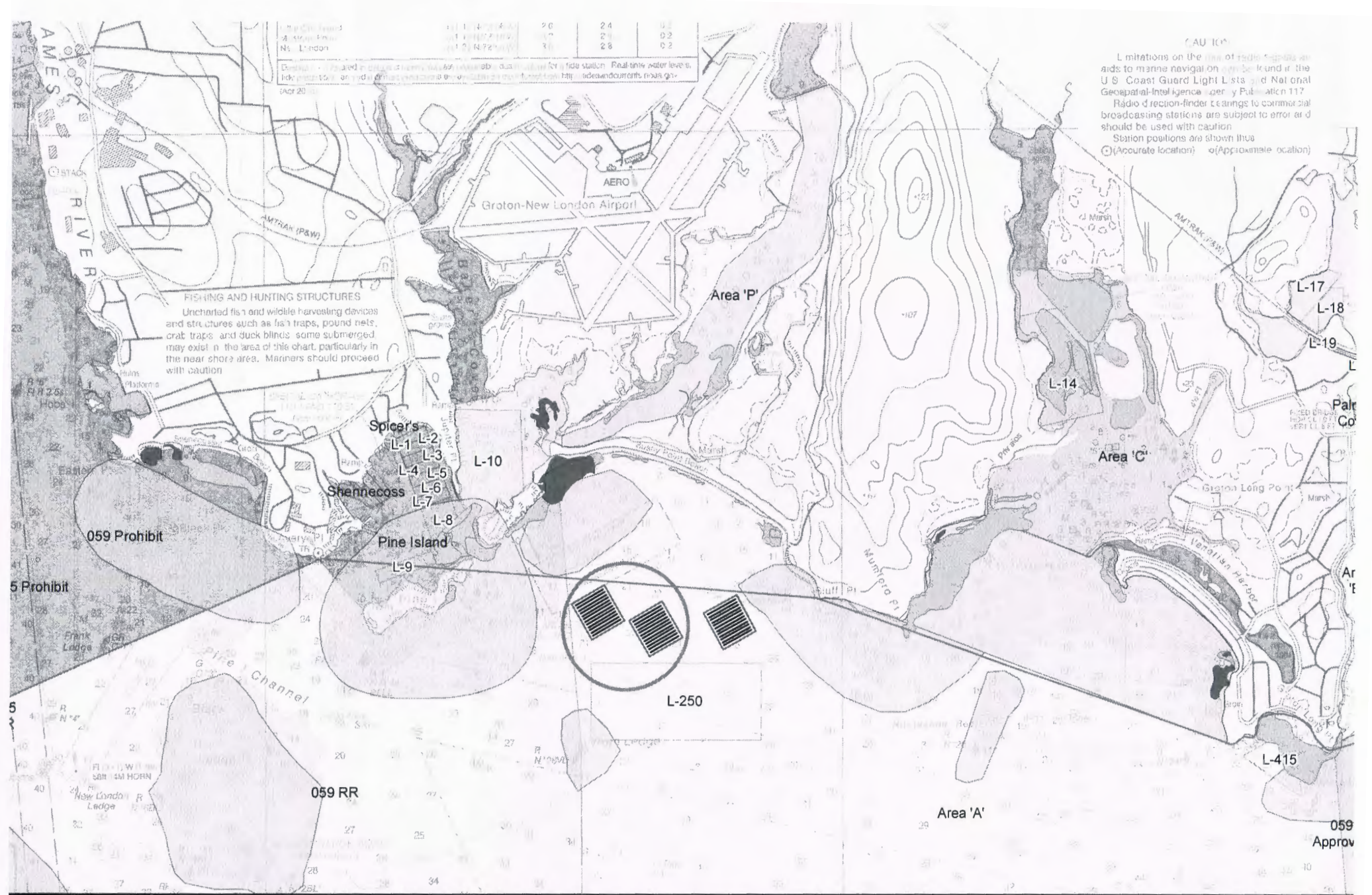
Map Date: 5/22/2017



**Legend**

Symbol	TEXTURE
●	gravel
—	gravel-sand
□	sand
□	sand-clay/silt
□	sand-silt/clay
□	sand/silt/clay
□	silt-clay/sand





Latitude	41° 14' 24.00" N	20	24	0.2
Longitude	72° 07' 21.00" W	21	21	0.2
Scale	1:50,000	22	26	0.2

CAUTION  
 Limitations on the use of radio aids to marine navigation can be found in the U.S. Coast Guard Light Lists and National Geospatial-Intelligence Agency Publication 117. Radio direction-finder bearings to commercial broadcasting stations are subject to error and should be used with caution. Station positions are shown thus:  
 (●) (Accurate location) (○) (Approximate location)

**FISHING AND HUNTING STRUCTURES**  
 Uncharted fish and wildlife harvesting devices and structures such as fish traps, pound nets, crab traps, and duck blinds, some submerged, may exist in the area of this chart, particularly in the near shore area. Mariners should proceed with caution.

P Vellotti  
 elp long lines  
 016-SW#12  
 Groton, CT  
 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



Map Date: 4/18/2017

**Legend**

- line\_config
- CTShellfish\_Area\_Town\_Line\_2016
- Aqua Gear Area

**Eelgrass Beds 2012**

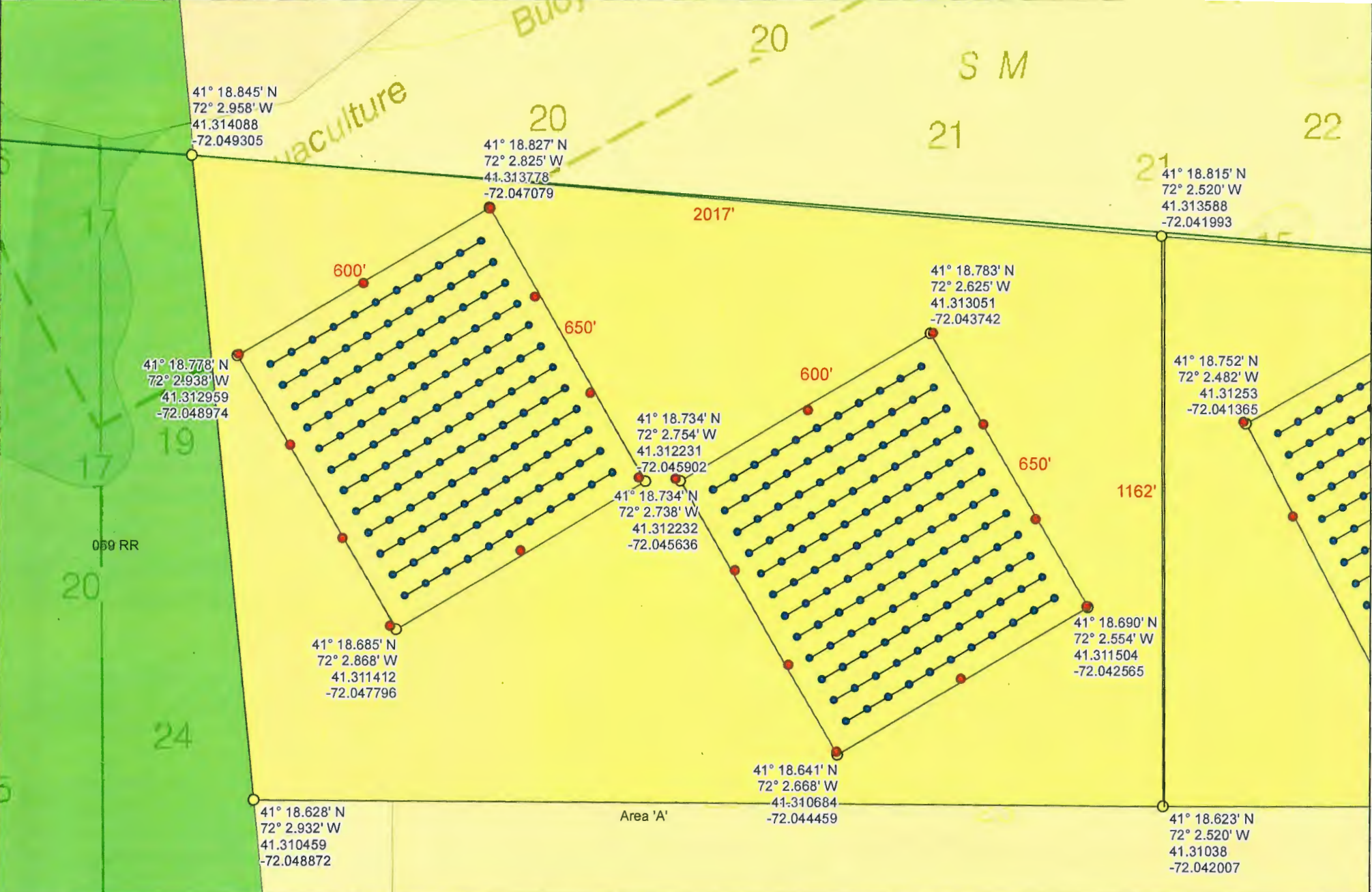
- High
- Medium
- Low

**Shellfish\_Class\_Poly040116**

- Approved
- CAS
- Conditionally Approved
- Restricted
- Conditionally Restricted
- Prohibited
- Managed Shellfish Beds 2014

650 1300 2600 3900 5200





JP Vellotti  
 2016-SW#12  
 Groton, CT  
 9 acres each  
 Danger/ Info buoys ●  
 Fig. 2

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: 4/4/2017





JP Vellotti  
 2016-SW#12  
 Grotori, CT  
 9 acres  
 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

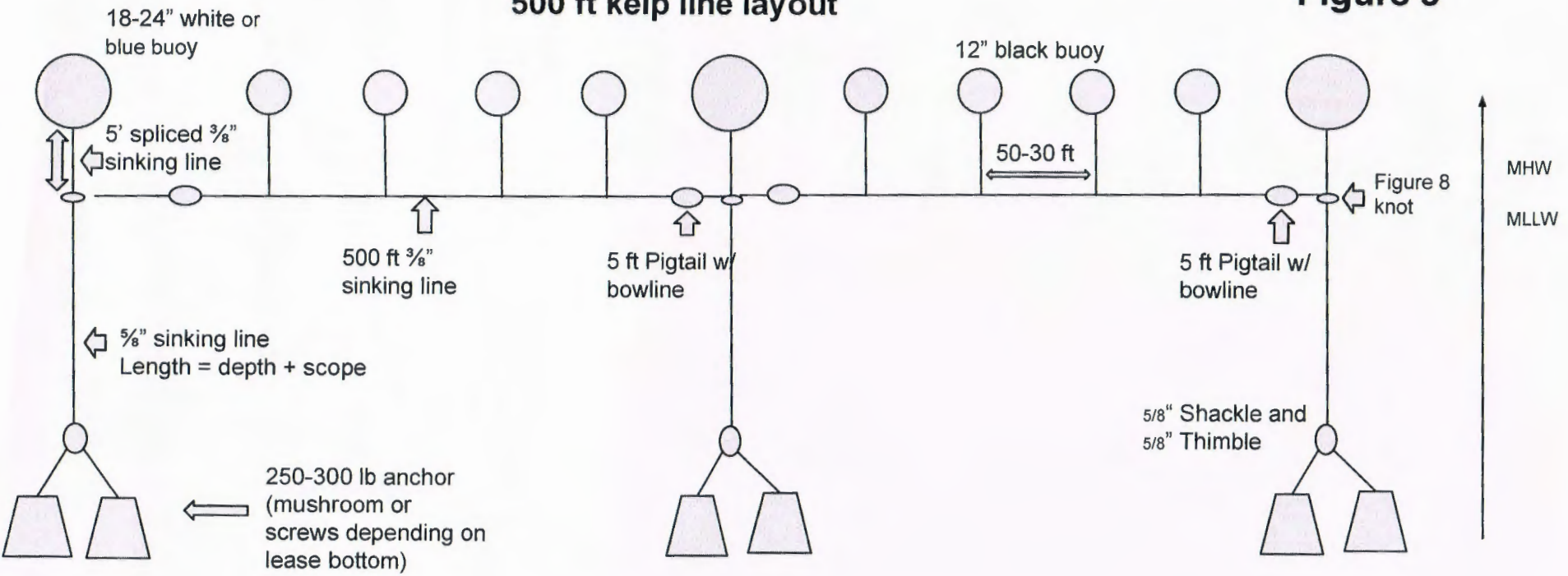
N  
 Map Date: 4/4/2017

- Legend**
- GearCornersApp
  - Aqua Gear Area
  - kelp\_config
  - line\_config
- Eelgrass Beds 2012**
- High
  - Medium
  - Low
- Shellfish\_Class\_Poly040116**
- Approved
  - CAS
  - Conditionally Approved
  - Restricted
  - Conditionally Restricted
  - Prohibited
  - Managed\_Shellfish\_Beds\_2014
  - DEEPTrawlSurveyTowPaths1995to2012
  - DEEPTrawlSurveyTowPaths1995to2012



# 500 ft kelp line layout

# Figure 3



## Groton, CT Fisher's Island Sound