



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

# PUBLIC NOTICE

**Comment Period Begins:** June 19, 2018

**Comment Period Ends:** July 19, 2018

**File Number:** NAE-2018-00503

**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 **Stonington Aquafarms, LLC c/o Dana Lewis, 60 Sandpiper Crescent, Milford, Connecticut 06460**. This work is proposed in waters of Fishers Island Sound outside of the Stonington Harbor breakwater at a State of Connecticut shellfish lease identified as Lot 584. The project site is approximately 1700 feet to the southeast of Wamphassuc Point and will be located 100 feet south of the Harbor breakwater. The coordinates for the proposed project gear area are:

<b>YEAR 1 POINT</b>	<b>LATITUDE</b>	<b>LONGITUDE</b>
Northwest Corner	41.325240	-71.916440
Northeast Corner	41.325429	-71.915555
Southeast Corner	41.324615	-71.915552
Southwest Corner	41.324426	-71.916442
<b>YEAR 7 POINT</b>	<b>LATITUDE</b>	<b>LONGITUDE</b>
Northwest Corner	41.32485	-71.91800
Northeast Corner	41.32530	-71.91601
Southeast Corner	41.32457	-71.91601
Southwest Corner	41.32446	-17.91800

The work is shown on the attached plans entitled "Stonington Aquafarm, LLC" on 6 sheets, dated "4/25/18."

## **Phase I**

The first phase of the project will involve the installation of seventy (70) double stack bottom cages approximately 4 feet long by 3 feet wide by 2 feet high attached to horizontal ground lines set in a north-south configuration (10 cages per line) for the rearing of eastern oyster over a 1.66 acre area of the 7.7 acre lease site. Each ground line will be affixed in water depths ranging from 18 feet MLLW to 21 feet MHW through the use of two helix-type, embedded screw anchors on either end (total of 14 for the project). Each line, with 10 bottom cages spaced approximately 25 feet apart, will be located for tending and harvest through the use of a single vertical line spliced to one of the anchor lines and affixed to a single Styrofoam flotation buoy (total of 7 line buoys for the 1<sup>st</sup> phase). The entire first year gear area will be surrounded by four (4) aid to navigation "hazard markers," affixed by chain to helix anchors, spaced at a maximum interval of 300 feet, in conformance with State of Connecticut Department of Energy and Environmental Protection navigation agency requirement.

### **Phase II- Full Build-out**

At full build-out the project will consist of up to 400 bottom cages affixed to ground lines in a north-south configuration centered on the 7.7 acre lease Lot 584. The full project will maintain a minimum 25 foot buffer from the submerged aquatic vegetation/eelgrass bed to the west and a 100 foot buffer from the southern side of the Stonington Harbor breakwater.

### **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 U.S. Army Corps of Engineers, New England District (Corps), 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. The Corps will consider all comments received 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 approximately 6 acres of Essential Fish Habitat (EFH). This habitat consists of unconsolidated gravel-sand. Loss of this habitat may adversely affect species that use these waters and 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 the U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

## OTHER GOVERNMENT AUTHORIZATIONS

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:

- ☒ 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.

## COMMENTS

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

**CENAE-R**  
**FILE NO. NAE-2018-00503**

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.

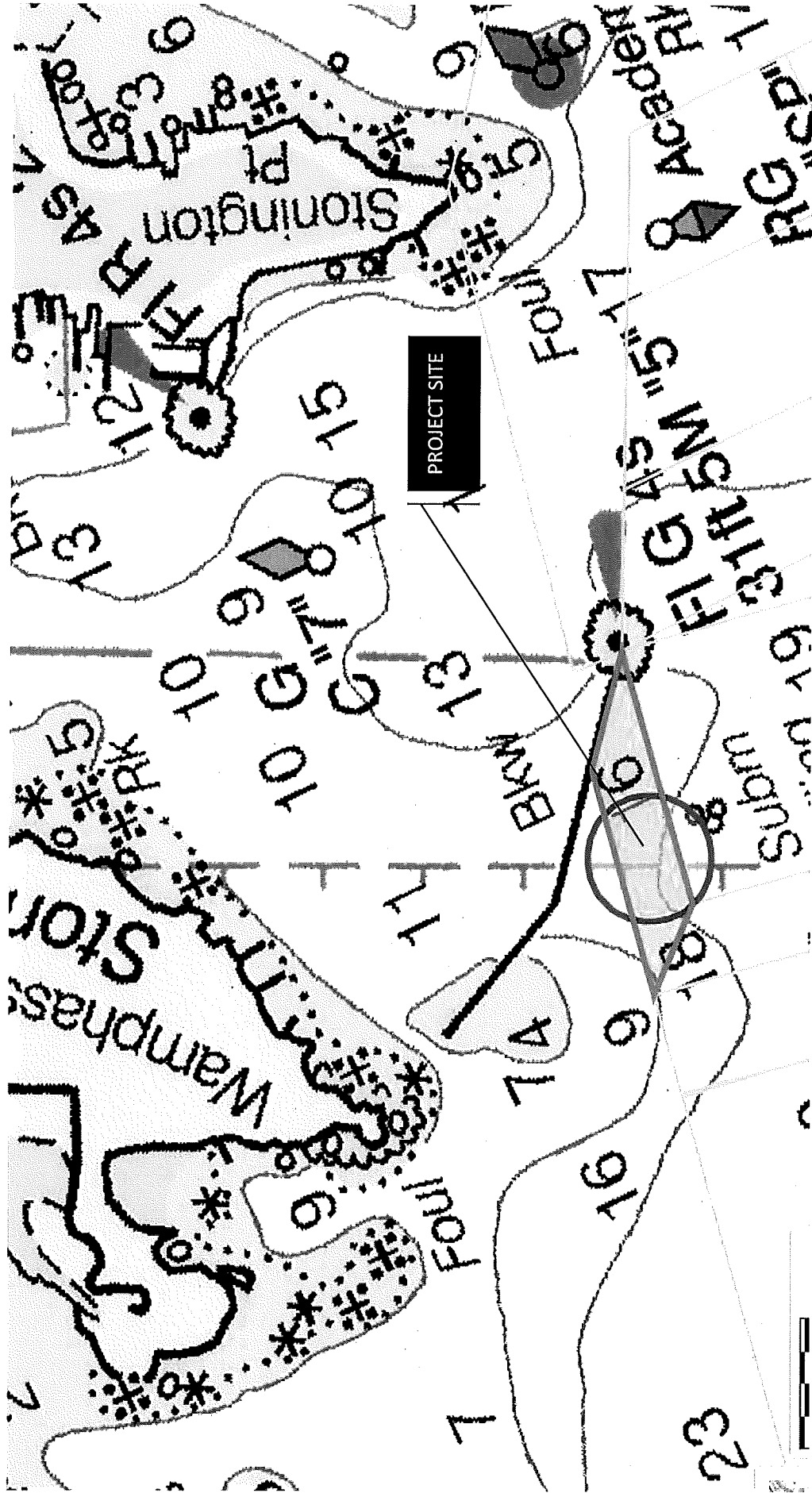
**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**



**Kevin R. Kotelly, P.E.**  
**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: \_\_\_\_\_



Stonington Aquafarms, LLC

Dana Lewis

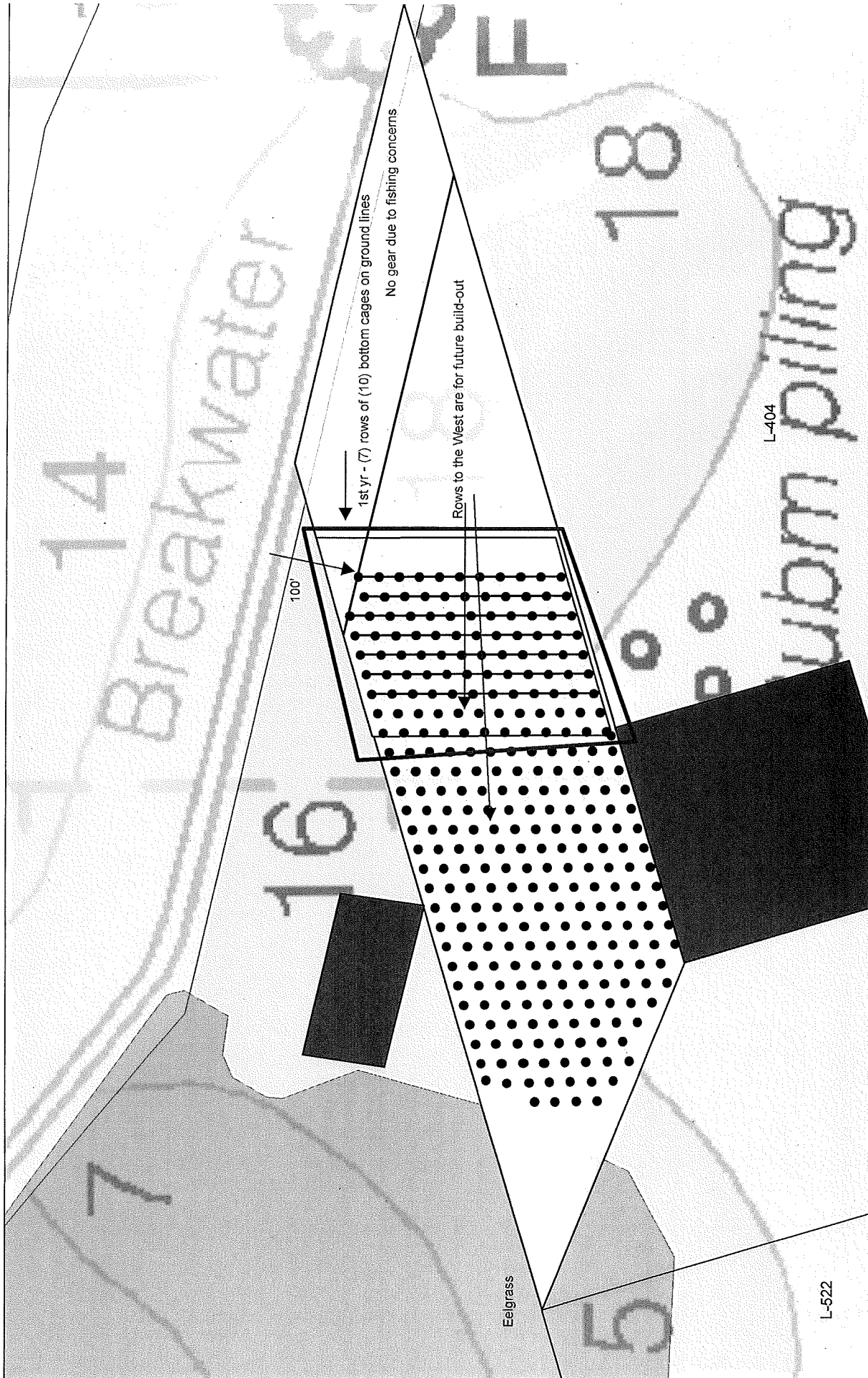
L584

Lease Area 7.7 acres

Phase I Gear Area 1.66

Location Map

4/25/18



Stonington Aqua Farm  
Dana Lewis  
Lot 584  
Stonington, CT

Fig. 1  
4/25/18

Coordinate System: NAD 1983 StatePlane Connecticut FIPS 6000 Feet  
Datum: North American 1983  
False Easting: 1,000,000.0000  
False Northing: 500,000.0000  
Central Meridian: -72.5000  
Standard Parallel 1: -41.0000  
Standard Parallel 2: -41.8667  
Latitude of Origin: -40.8000  
Units: Foot US

**Legend**

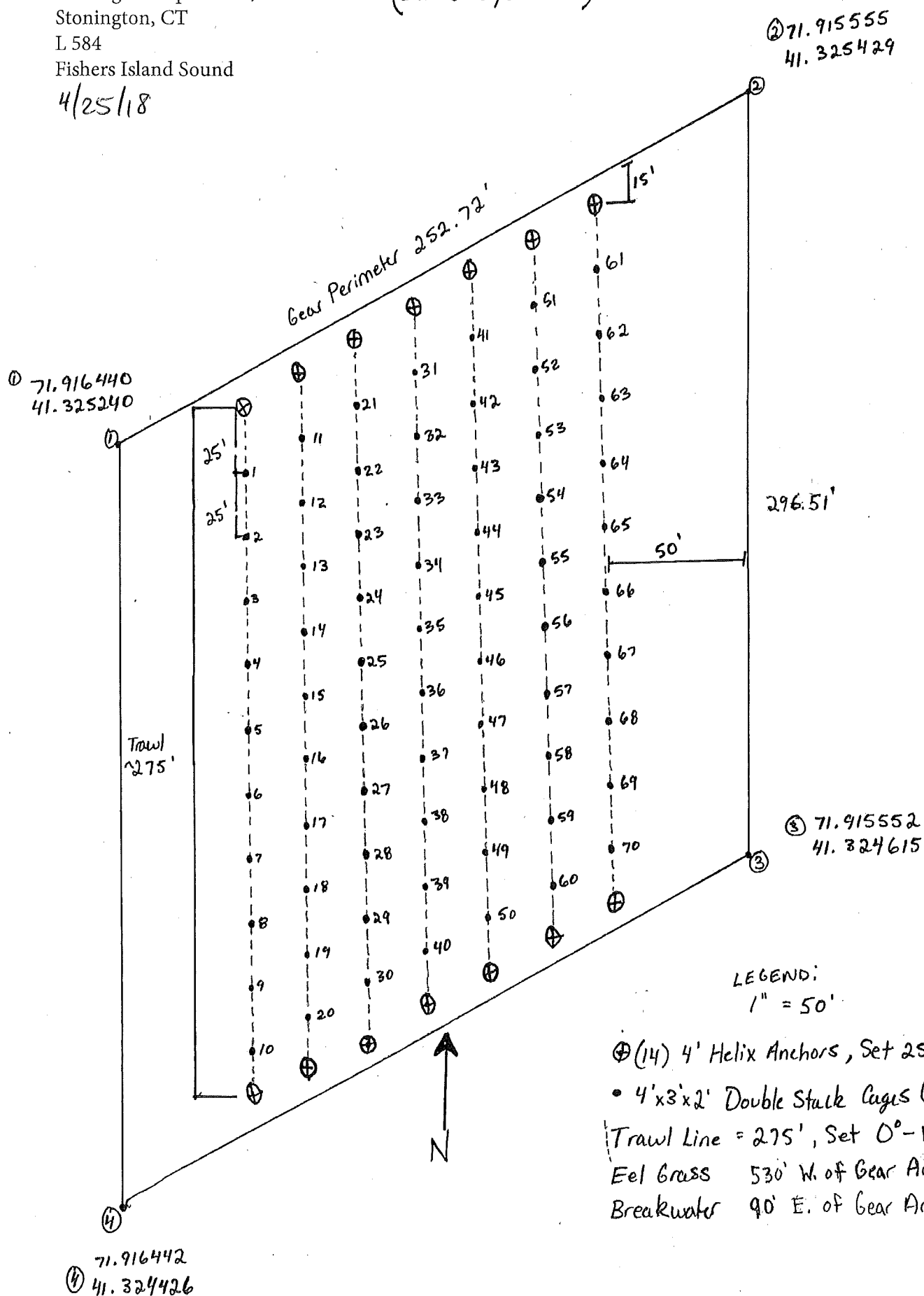
	Water		Proposed Aquaculture
	Land		Proposed Future Build-out
	Breakwater		Proposed Future Build-out
	Elgrass		Proposed Future Build-out
	Proposed Future Build-out		Proposed Future Build-out

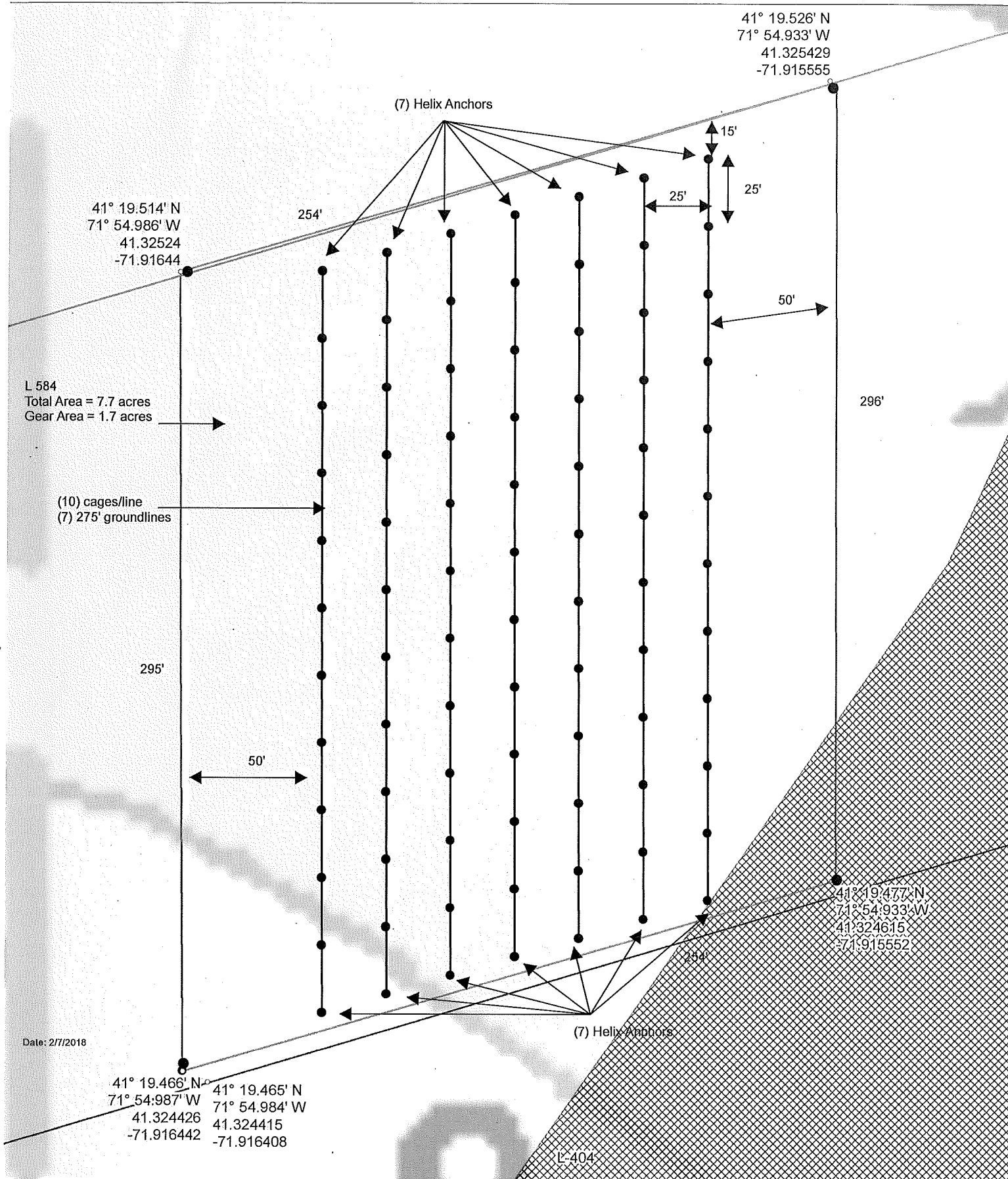
N

0 100 200 300 400 500 Feet

L 584  
1.66 Acres (Bear Area)  
(Birds-eye View)

② 71.915555  
41.325429





Stonington Aquafarms, LLC  
 Dana Lewis  
 L 584  
 Gear = 1.7 acres  
 Stonington, CT  
 sediment type  
 Danger/Info buoys

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  
 Aqua Gear Area  
 Sediment\_type  
 gravel  
 gravel-sand  
 sand  
 sand-clay/silt  
 sand-silt/clay  
 sand/silt/clay  
 silt-clay/sand

Fig. 3 4/25/18



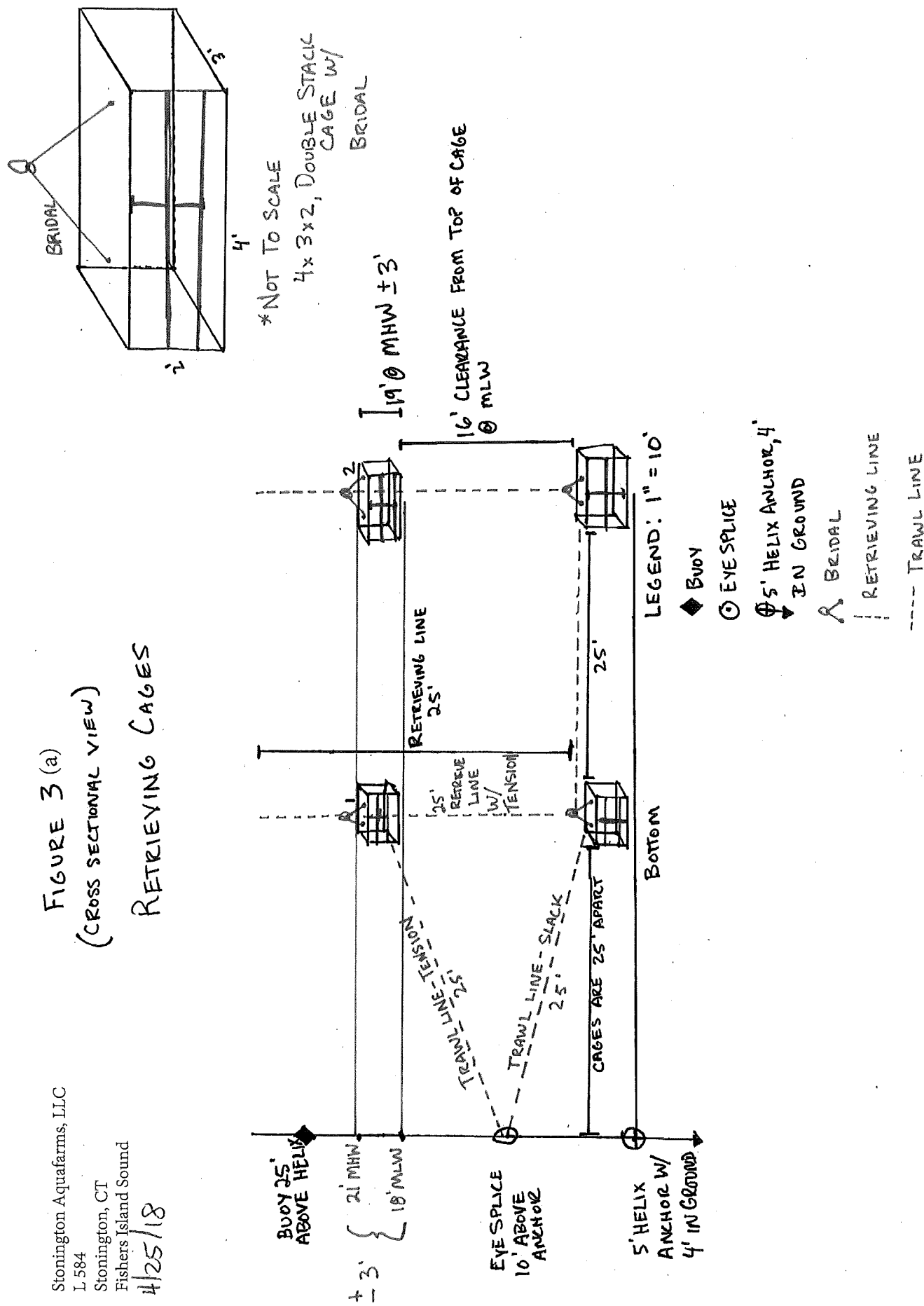


L 584

Fishers Island Sound

4/25/18

FIGURE 3 (a)  
(CROSS SECTIONAL VIEW)  
RETRIEVING CAGES



CAGES ON BOTTOM

FIGURE 3B

Stonington Aquafarms, LLC

Stonington, CT

L 584

Fishers Island Sound

4/25/18

