



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

# REVISED PUBLIC NOTICE

**Comment Period Begins:** November 20, 2018  
**Comment Period Ends:** December 20, 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 revised 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 165 feet southwest of the Harbor breakwater. The coordinates (NAD 1983) for the proposed phased project gear area are:

<b>PHASE 1 POINT</b>	<b>LATITUDE</b>	<b>LONGITUDE</b>
Northwest Corner	41.324916	-71.917699
Northeast Corner	41.324993	-71.91711
Southeast Corner	41.324257	-71.917132
Southwest Corner	41.32257	-71.91769
<b>PHASE 2 POINT</b>	<b>LATITUDE</b>	<b>LONGITUDE</b>
Northwest Corner	41.325036	-71.917071
Northeast Corner	41.32512	-71.916498
Southeast Corner	41.324386	-71.916542
Southwest Corner	41.324323	-71.91708
<b>PHASE 3 POINT</b>	<b>LATITUDE</b>	<b>LONGITUDE</b>
Northwest Corner	41.325166	-71.916455
Northeast Corner	41.325216	-71.915883
Southeast Corner	41.324556	-71.915916
Southwest Corner	41.324481	-71.916458

The work is shown on the attached plans entitled "Stonington Aqua Farms, Dana Lewis, L-584, Stonington, CT" on 8 sheets, dated 4/25/18, 9/27/18, 10/1/2018, 10/17/18, 10/23/18.

## Phase I

The first phase of the project will involve the installation of seventy (40 double stack bottom cages approximately 4 feet long by 3 feet wide by 2 feet high attached to horizontal sinking ground lines set in a north-south configuration (10 cages per line) for the rearing of eastern oyster. Each ground line will be set in water depths ranging from 18 feet MLLW to 21 feet MHW and ballasted by the weight of the cages/shellfish. Each line, with 10 bottom cages spaced approximately 25 feet apart, will possess a single Styrofoam flotation buoy on one end to locate and tend the cage line. Additionally, during this phase the applicant will install ten (10) independently-buoyed, 4 foot long, by 4 foot high, by 3 foot wide, bottom cages set a minimum of 25 feet from the next adjacent cage or line. For Phase 1, the 50 cages will be spaced over a 0.97 acre area of the 7.7

acre lease site. There will be a total of 14 vertical buoy lines in this phase. The entire 0.97 acre first phase 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 & III (Full Build-out)**

Phases II and III will mirror the number and configuration of bottom cages and floats in Phase I. Each phase will be implemented with a minimum of 50 feet between the corresponding corner aid-to-navigation buoys. At full build-out the project will consist of 120 bottom cages affixed to ground lines in a north-south configuration and 30 independently-buoyed cages over a total gear area of approximately 2.66 acres. Additionally, the full project will maintain a minimum 25 foot buffer from the submerged aquatic vegetation/eelgrass bed to the west and a 165 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 1,800 square feet 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:

- (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.

## **COMMENTS**

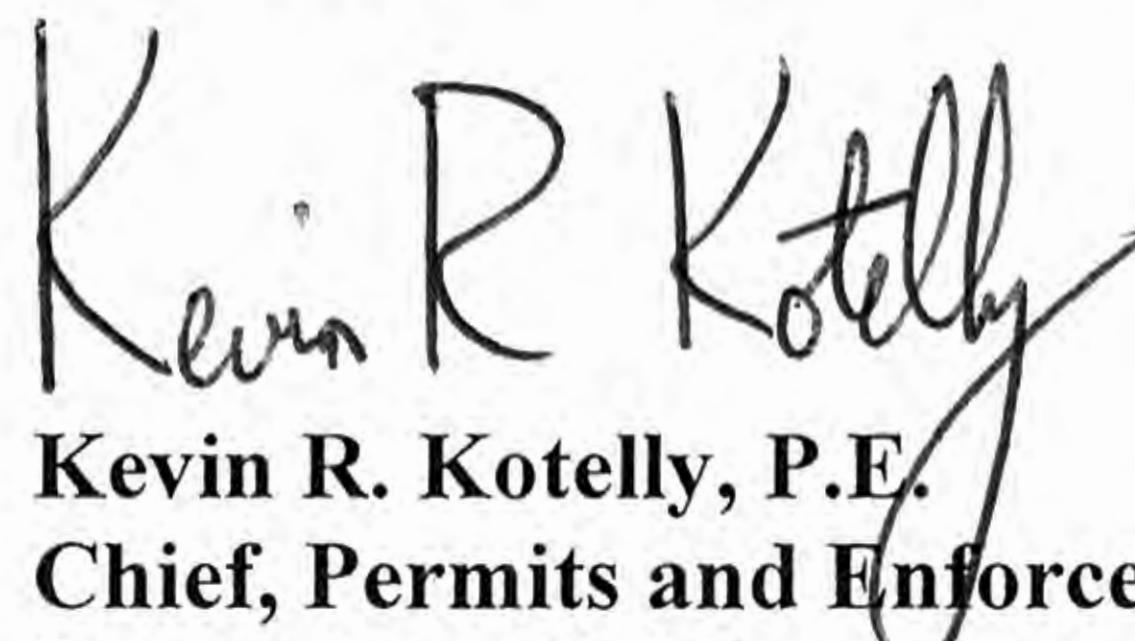
**CENAE-R**  
**FILE NO. NAE-2018-00503**

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.

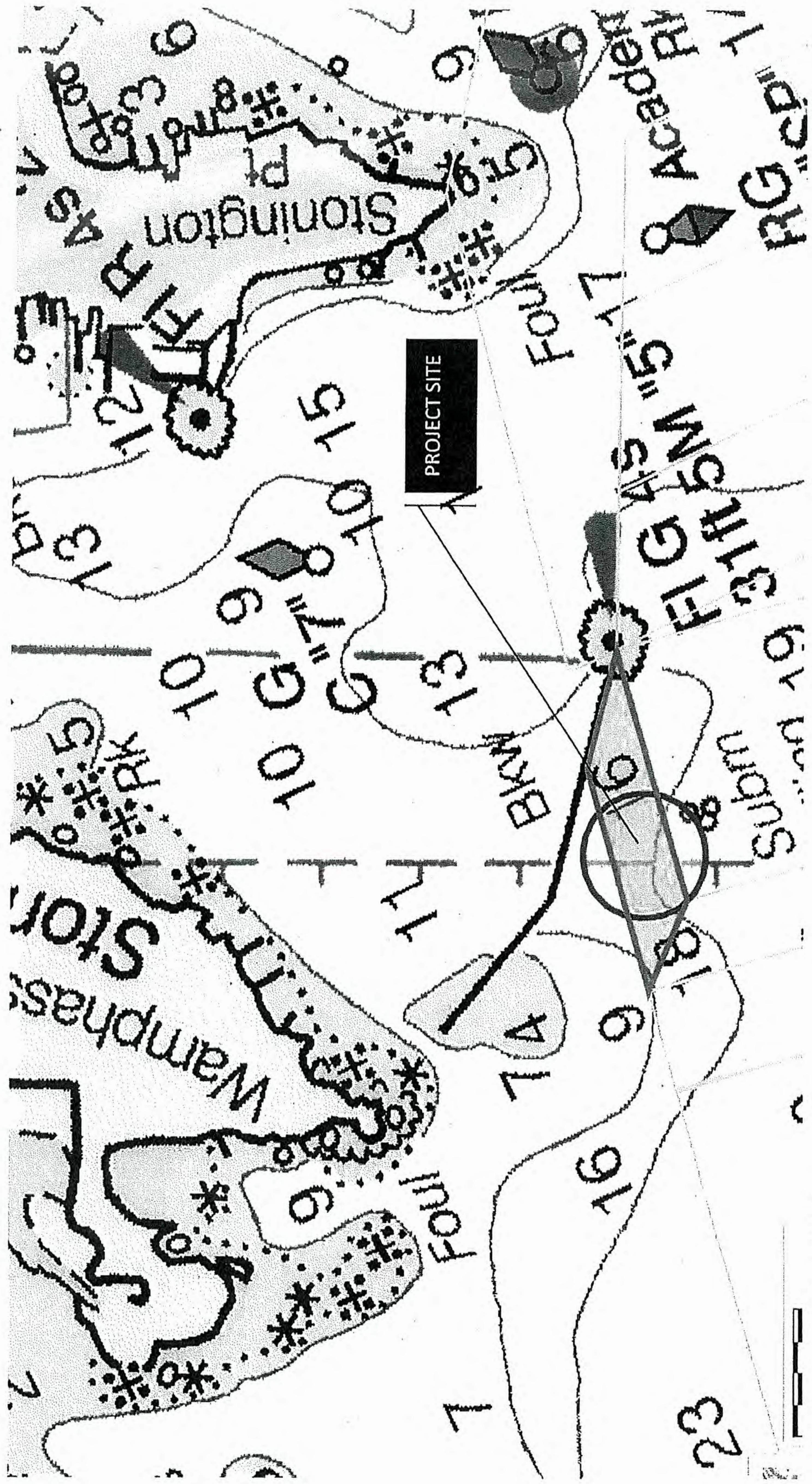
**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**



**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: \_\_\_\_\_



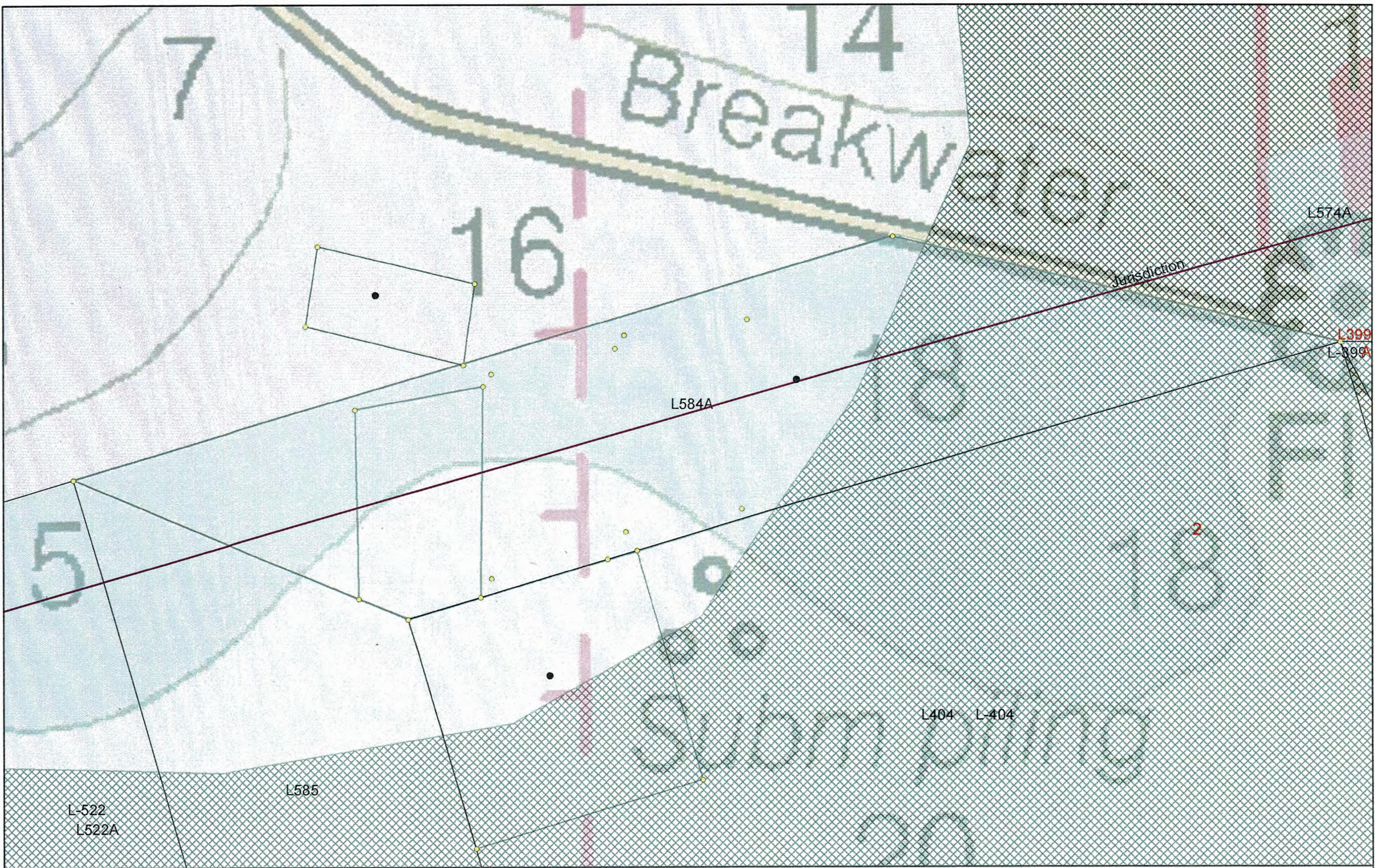
Stonington Aquafarms, LLC

Dana Lewis

L584

Lease Area 7.7 acres  
Phase I Gear Area 1.66  
Location Map

4/25/18



Stonington Aqua Farms  
Dana Lewis  
Lot 584  
Stonington, CT  
sediment type

Fig. 4

Date: 10/29/2018

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

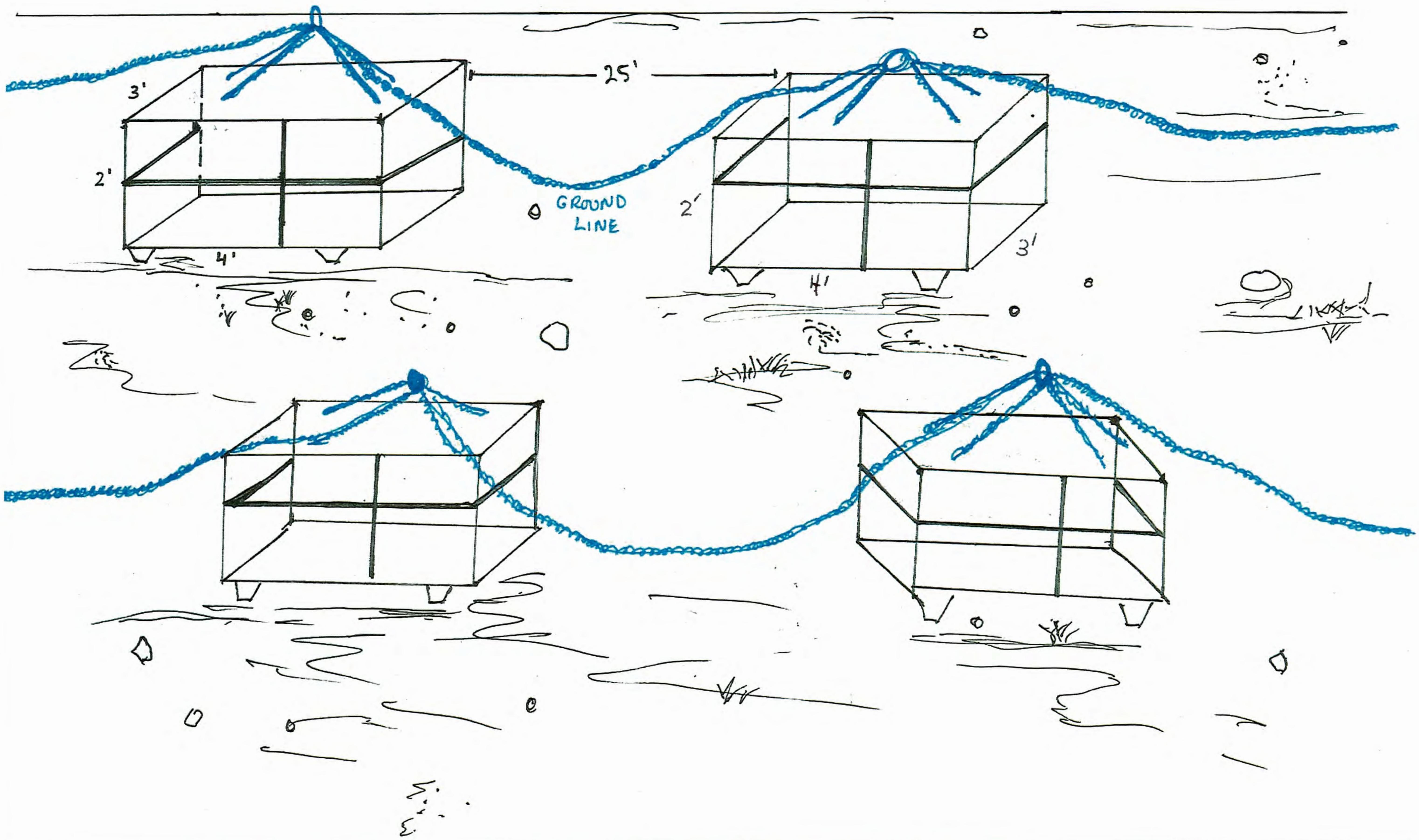


0 40 80 160 240 320 Feet

Legend	
	Sediment_type
	TEXTURE
●	AquaSitesPoints
■	AquaSites
■	Aqua Gear Area
■	Shellfish_Bed_Commercial
[white square]	gravel-sand
[diagonal hatching]	sand

CAGES ON BOTTOM  
FIGURE 3 (b)

Stonington Aquafarms, LLC  
Stonington, CT  
L 584  
Fishers Island Sound



INDEPENDENT CAGES on BOTTOM  
for  
Phase 1, 2 and 3

Fig. 3

DANA LEWIS

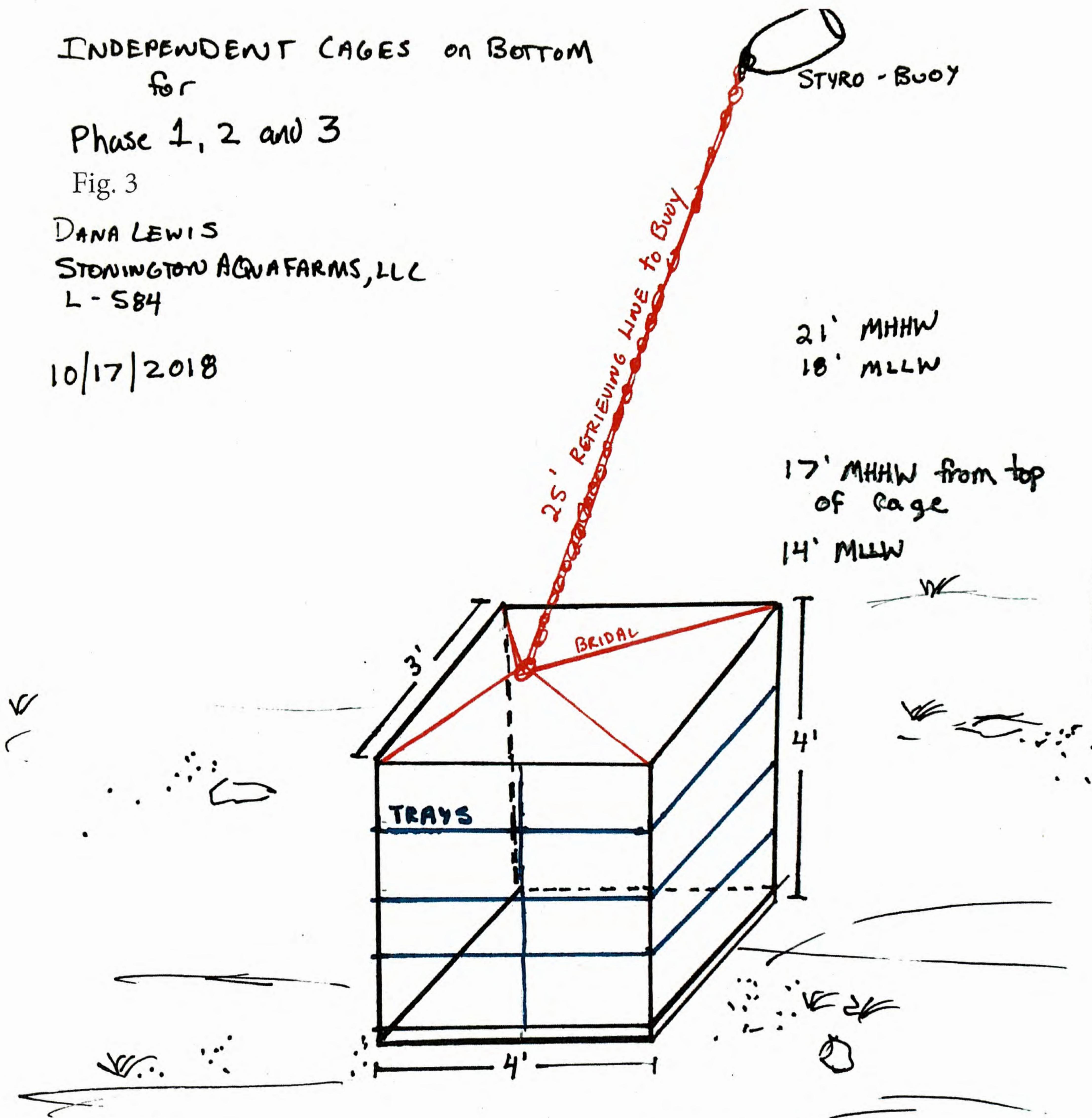
STONINGTON AQUAFARMS, LLC  
L - 584

10/17/2018

21' MHHW  
18' MLLW

17' MHHW from top  
of page

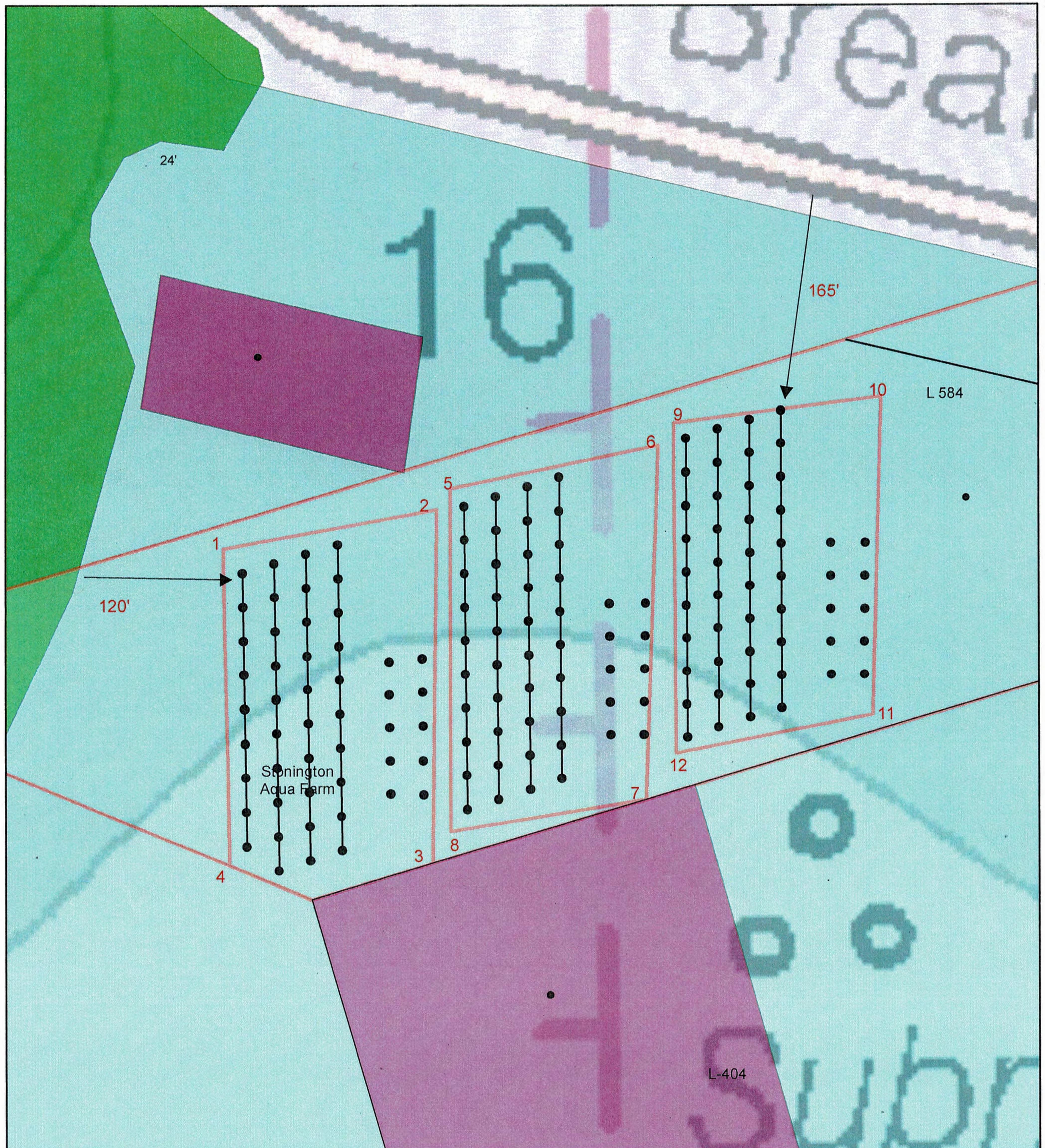
14' MLLW



4' x 3' x 4' Cage

✓ D

✓



Stonington Aqua Farms

Dana Lewis

L 584

Stonington, CT

Fig. 2(b)

Phase 3

(12) groundlines w/(10) cages ea  
(30) individual bottom cages

Coordinate System: NAD 1983 StatePlane Connecticut FIPS 0600 Feet

Projection: Lambert Conformal Conic

Datum: North American 1983

False Easting: 1,000,000.000

False Northing: 500,000.000

Central Meridian: -72.7500

Standard Parallel 1: 41.2000

Standard Parallel 2: 41.8667

Latitude Of Origin: 40.8333

Units: Foot US



0 25 50 100 150 200 Feet

#### Legend

Aquasites

Aqua Gear Area

Shellfish\_Bed\_Commercial

RecreationalFishingActivity

#### Eelgrass Beds 2012

Medium

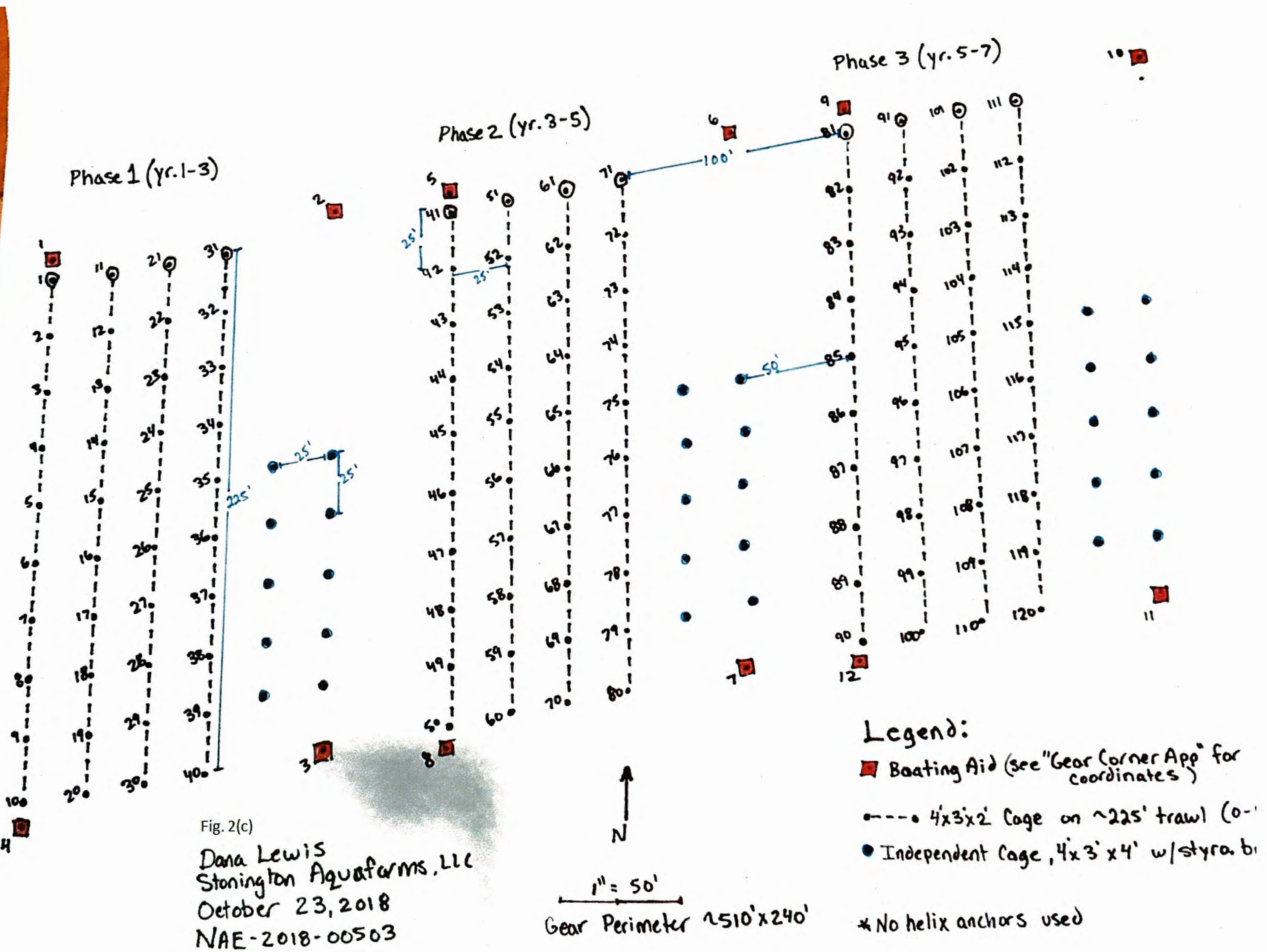
Shellfish\_class080217

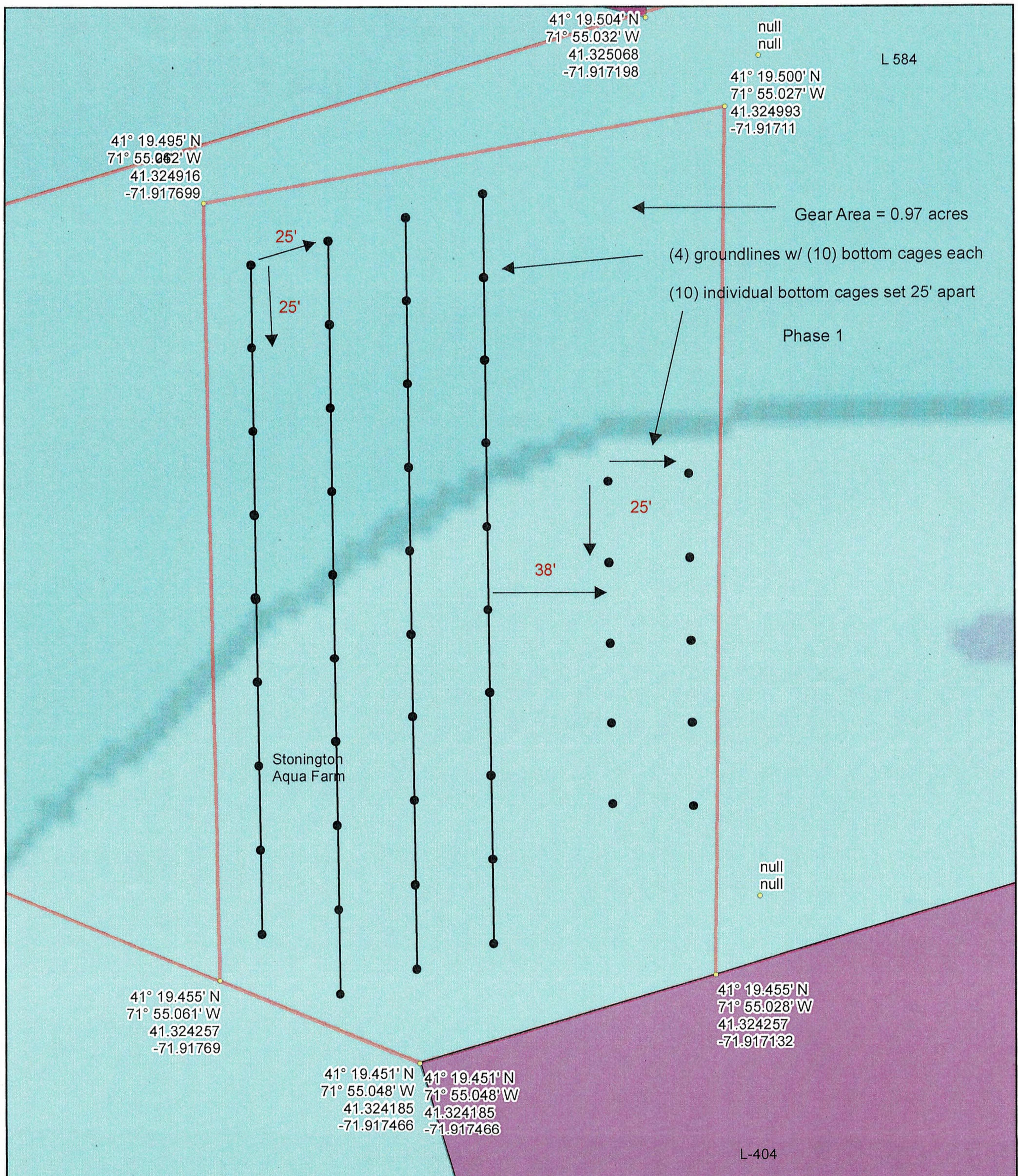
Subtype\_Class

Approved

Conditionally Restricted-Relay

Date: 9/27/2018





Stonington Aqua Farms  
Dana Lewis  
L 584  
Stonington, CT

Fig. 2(d)  
Gear Layout/Dimensions  
Phase 1

Date: 10/1/2018

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 10 20 40 60 80 Feet



Legend
AquaSites
Aqua Gear Area
Shellfish_Bed_Commercial
Shellfish_class080217
Subtype_Class
Approved