



# CONNECTICUT DEPARTMENT OF AGRICULTURE

PO Box 97, 190 Rogers Avenue, Milford, CT 06460  
Bureau of Aquaculture



SUBJECT: Haslea, Inc. Lots: L619, L628, L613, L610, L609, L604, L632, L634, L633

MEMORANDUM FOR: Harbormaster, Harbor Management Commission and Shellfish Commission,  
Town of Westport, Connecticut

11/6

RECEIVED

FROM: CT Department of Agriculture Bureau of Aquaculture

OCT 22 2021

TOWN OF WESTPORT  
CONSERVATION DEPARTMENT

Dear Ladies and Gentlemen:

Attached is a copy of an application submitted to the CT Bureau of Aquaculture for work and structures associated with the above referenced [shellfish] aquaculture project. The work includes the installation of (3,796) Seapa baskets configured such that the baskets (26" L x 10" W x 6" H) are attached to (14) ground lines that sit on the bottom at all times. The lots are all in the Sherwood Millpond in Westport, CT as depicted in the attached application.

Because you possess knowledge of the local waterway, its recreational uses, navigable condition and local environmental character we are providing you with a preliminary opportunity to comment on this draft proposal concurrent with the State and Federal regulatory review. We recommend that, at a minimum, you answer the general questions below. Please provide your comments, concerns and/or recommendations for this proposed project within 15 days from the date of your receipt of this letter.

If you could please review the enclosed project description and plans and provide me with your response to the following questions, your response will greatly assist us in our evaluation of potential project impacts to navigation and public waterfront use in Westport, Connecticut.

a. Will this proposal cause interference with local navigation or navigable thoroughfares, demarcated channels, or inhibit access to waterfront parcels?

YES  NO

b. Are there any existing structures, moorings or other obstructions in the vicinity of the proposed work that are not shown on the plans?

YES  \* NO

c. Are you aware of any specific water dependent uses (e.g. sailboat races, recreational fishing derby, etc.) at this location which may be impacted by the proposed structures?

YES  \* NO

1/8



# CONNECTICUT DEPARTMENT OF AGRICULTURE

PO Box 97, 190 Rogers Avenue, Milford, CT 06460

*Bureau of Aquaculture*



d. Are you aware of any special aquatic resources or habitats of concern (e.g. eelgrass beds, cobble bottom/reef habitat, state or federal listed species or local recreational shellfish beds that could be impacted by the proposal?

YES  \* NO

Do you have any other comments concerning this proposal which will assist us in our public interest review process? If so, please attach them and return with this form to [David.Carey@ct.gov](mailto:David.Carey@ct.gov) or [Shannon.Kelly@ct.gov](mailto:Shannon.Kelly@ct.gov), facsimile (203) 783-9976 or by mail at the address above. Please feel free to contact us at (203) 874-0696 with any questions or comments you may have on this process and thank you for your assistance.

Additional Comments: Click or tap here to enter text.

*See attached letter dated November 4, 2021  
from the Westport Shellfish Commission.*

Enclosure

cc:



# WESTPORT CONNECTICUT

SHELLFISH COMMISSION  
TOWN HALL, 110 MYRTLE AVENUE  
WESTPORT, CONN. 06880

November 4, 2021

Connecticut Department of Agriculture  
Bureau of Aquaculture  
c/o David Carey  
P.O. Box 97  
Milford, CT 06460

**RE: Haslea, Inc. Application Sherwood Mill Pond Westport, CT  
Lots L619, L628, L610, L609, L604, L632, L634, L633,**

**Request to install 3,796 Seapa baskets configured such that the baskets (26" long x 10" wide x 6" in high) are attached to 14 ground lines that sit on the bottom at all times.**

Dear Mr. Carey:

The Westport Shellfish Commission held a public hearing on November 3, 2021 to review the above-referenced application. Attached are the answers to questions(a) – (d) as well as additional comments and recommendations for your consideration:

- a. The Commission found that the proposed activity will **NOT** cause interference with local navigation or navigable thoroughfares, demarcated channels or inhibit access to waterfront parcels.
- b. The Commission found that **YES**, there are existing structures, moorings or other obstruction in the vicinity of the proposed work that are not shown on the plans.

Specifically, the Commission found that there are three Osprey platforms on land directly adjacent to where the proposed baskets would be installed.

- c. The Commission found that **YES**, it is aware of specific water dependent uses at this location which may be impacted by the proposed structures.

Specifically, the Sherwood Mill Pond is a popular spot for canoes, kayaks, paddleboarders, crabbers and kayak tours. The property belonging to the Town located at 191 Hillspoint Rd., and which the applicant states is the area from which access is gained to the Mill Pond, is also where a designated public launch site is for these non-motorized boats. The boaters often traverse the pond in a northeast direction to a watercourse connection that outlets to Burying Hill Beach on the east side of Sherwood Island State Park. Boaters would need to paddle across the location of where the baskets are proposed especially over bed 628W.

- d. The Commission found that **YES**, it is aware of special aquatic resources or habitats of concern, state of federal listed species or local recreational shellfish beds that could be impacted by the proposal.

Specifically, the Commission found from a list provided by Shannon Kelly of your staff that the following bird species are listed as threatened or of special concern in the Mill Pond:

Great Egret, State Threatened  
Snowy Egret, State Threatened  
Glossy Ibis, State Special Concern  
Little Blue Heron, State Special Concern  
Yellow-crowned Night Heron, State Special Concern

Furthermore, Bald Eagles, a State-Threatened species, are present on the Mill Pond.

The following reptile species is also found in and around the Mill Pond: Northern Diamondback terrapin, a State Species of Special Concern.

Attached is a list of birds that regularly use the Mill Pond seasonally as prepared by Tina Green, CT Ornithological Association and Avian Records Committee of CT

Furthermore, it is uncertain whether eelgrass beds are present or not, as no investigation has been completed.

In addition to the above, the Westport Shellfish Commission offers the following comments, concerns and recommendations:

The application as prepared has several inconsistencies throughout. These include, but are not limited to:

- The address of the project on the application to the Army Corps of Engineers is listed as 191 Hillspoint Rd. This is town-owned property and the applicant has not requested or received authorization to use the property for the launching of vessels or parking of commercial vehicles at this property.
- The number of boats to be used in the operation is listed as one in the application and yet testimony provided at the meeting said there would be five boats in operation;
- The applicant informed the Commission that the beds are franchised and not "Town" as answered in Question 9;
- The applicant answered both "yes" and "no" to Question G7 indicating that a new wildlife survey needs to be done for the Mill Pond as part of this application review. This is especially true since one hasn't been done in nearly 20 years and that, if the intent of the applicant is to increasingly add more gear into the pond, a baseline **wildlife inventory** should be done so as to monitor impact of increased aquaculture activity over time.

Based on these inconsistencies alone, the Westport Shellfish Commission finds that the application should be withdrawn and resubmitted once inconsistencies are corrected on the application form and once it has been determined what authority the applicant has to use town property, in-part, to conduct its business.

Furthermore, without a wildlife inventory and an aquatic survey, it is really impossible to answer definitively if the proposed activity will cause an impact to aquatic or wildlife species. Without this knowledge, one must assume that the activity "could," indeed, result in an impact.

In addition to the above, the Westport Shellfish Commission recommends the following.

1. That the Bureau of Aquaculture and or CT DEEP and or Army Corps of Engineers requires an **Operations Plan** from the applicant to better understand the amount of anticipated activity in and around the Mill Pond throughout the year. This would include such things as the hours of operation, total number of vessels to be used in the operation, the amount of gear and when it will be installed and removed, where workers will park and how many vehicles are anticipated.

The Sherwood Mill Pond is an estuarine embayment situated in a very densely populated section of the community with residential homes directly abutting the Pond. The proposal will significantly increase activity in and around the Pond. And, presumably, if this endeavor is successful, it is possible that an application to install more gear will be applied for in the future putting even more pressure on the Pond. Having some sort of document that outlines what can be expected with this type of operation would be most helpful.

2. An **Environmental Impact Assessment** should be required to analyze the impact that the placement of this many structures will have on the plant and aquatic life in the pond, including benthic species, as well as the huge, varied bird population that visit and or call the Mill Pond home. An EIS would also include impact on the shoreline from erosion of the embankment in the launch site and the increase in trash within the Pond resulting from the operation.
3. An **analysis of the carrying-capacity of the Mill Pond** as it relates to seed oyster growth. This is important to determine now, before an increase in activity is approved and potentially more is applied for in the future. During the hearing, the owner of the beds did state that this analysis had been done but he refused to share that with the Town for proprietary reasons. If this is understandable, then the State and or Army Corps can request to see it and have it on file as this and future applications are submitted.

In summary, the Westport Shellfish Commission finds that the application should be withdrawn and resubmitted in order to correct inconsistencies in the application form. Furthermore, additional information including submission of an Operations Plan, Wildlife and Plant Inventory of the Mill Pond an Environmental Impact Assessment and a Carrying-Capacity Analysis should be conducted. Finally, and most importantly, until it is determined if the applicant has Town authorization to use the town-owned property at 191 Hillspoint Rd. to conduct, in-part, its business, then the application review should be put on-hold.

Thank you for the opportunity to comment.

Sincerely,

*Heather Williams*  
AMM

Heather Williams, Chair  
Westport Shellfish Commission

Cc: Cori Rose, Army Corps of Engineers  
Peter Francis, CT DEEP Boating Division  
Kim Czapl, CT DEEP Land and Water Resources  
Bruce ~~Brian~~ Williams, CT DEEP Marine Fisheries  
Jenny Dickson, CT DEEP Wildlife Division  
Jeff Northrop  
Jonathan Goldstein, Haslea Inc.

Attachment

Shellfish/Millpond/Response to BOA

11/4/21 Haslea, Inc. Application - Sherwood Mill Pond  
Letter Attachment  
Question (d)  
Westport, CT

Mozian, Alicia

RECEIVED

**From:** alicia mozian <amjmozian@hotmail.com>  
**Sent:** Wednesday, November 3, 2021 11:20 AM  
**To:** Mozian, Alicia  
**Subject:** Fw: Sherwood Mill Pond Species

NOV 03 2021

TOWN OF WESTPORT  
CONSERVATION DEPARTMENT

CAUTION: This email originated from outside of the Town of Westport's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**From:** Heather Williams <walklet@sbcglobal.net>  
**Sent:** Tuesday, November 2, 2021 4:26 PM  
**To:** Alicia Mozian <amjmozian@hotmail.com>; Michele Berglund <mberglund@westportct.gov>  
**Cc:** Clarinda Higgins (rindyhiggins@gmail.com) <rindyhiggins@gmail.com>; Dick Harris <rbharris39@gmail.com>; Jamie Walsh <walshjamesroy@sbcglobal.com>; Jay Grayson <jlgrayson@mac.com>; Susan Voris <SVORIS@westportct.gov>  
**Subject:** Fwd: Sherwood Mill Pond Species

I asked Tina Green for an expanded bird list for the Sherwood Millpond.  
Feel free to add to the website and reference for discussion.  
Thanks,  
Heather

Begin forwarded message:

**From:** Tina Green  
**Subject:** Re: Sherwood Mill Pond Species

The Mill Pond is a very important "feeding area" for many birds that breed and nest in Westport. Here is a list of birds that regularly use the Mill Pond seasonally.

- Canada Goose
- Mute Swan
- Gadwall
- American Wigeon
- Eurasian Wigeon
- Mallard
- American Black Duck
- Northern Pintail
- Green-winged Teal
- Canvasback
- Bufflehead
- Hooded Merganser
- Red-breasted Merganser
- Clapper Rail
- Dunlin
- Least Sandpiper

Semipalmated Sandpiper  
Short-billed Dowitcher  
Spotted Sandpiper  
Greater Yellowlegs  
Willet  
Lesser Sandpiper  
Laughing Gull  
Ring-billed Gull  
Herring Gull  
Great Black-backed Gull  
Common Tern  
Forster's Tern  
Least Tern  
Osprey  
Bald Eagle  
Belted Kingfisher  
Great Egret  
Snowy Egret  
Yellow-crowned Night-Heron  
Black-crowned Night-Heron  
Little Blue Heron  
Green Heron

Occasionally occurring:

Common Loon  
Red-throated Loon  
Hudsonian Godwit  
Gull-billed Tern  
Black-legged Kittiwake

Marsh Wrens and Saltmarsh Sparrows nest along the edges and in the marsh as well.

I am happy to provide any information to insure the protection of this location.

Best regards,

Tina Green  
CT Ornithological Association  
(past President)  
Avian Records Committee of CT  
203-247-2660 cell