



**US Army Corps
of Engineers®**

New England District

Maine Project Office

442 Civic Center Drive, Suite 350

Augusta, Maine 04330

PUBLIC NOTICE

Date: 14 APRIL 2020

Comment Period Ends: 14 MAY 2020

File Number: NAE-2020-00484

In Reply Refer To: Jay L. Clement

Or by e-mail: jay.l.clement@usace.army.mil

30 DAY NOTICE

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

**APPLICANT: MAINE DEPT. OF MARINE RESOURCES; 21 STATE HOUSE STATION;
AUGUSTA, MAINE 04333**

ACTIVITY: Install and maintain up to four, 22.28 meter (m) diameter circular floating fish pens (70m in circumference) within a polygonal shaped area with sides measuring 191m x 88m x 191m x 88m off the south shore of Little River (Cutler Harbor) at Cutler, Maine. The pens will be connected together to form a four pen line and will be secured by 2,200 lb anchors and 4,000 lb granite or concrete blocks. The facility will be used to raise federally endangered Atlantic salmon smolts to adults in order to then release adult fish to high quality inland riverine habitats. The long-term goal of this project is to increase the production of wild Atlantic salmon populations within currently underutilized vacant habitat contained in Maine rivers throughout the range of the endangered Gulf of Maine Distinct Population Segment (DPS) Atlantic salmon. The applicant is working in collaboration with Cooke Aquaculture USA in this conservation effort.

WATERWAY AND LOCATION OF THE PROPOSED WORK: Little River (Cutler Harbor); Cutler, Maine. The project is located at latitude 44.651068°N; and longitude -67.201715W, on the USGS CUTLER, ME quadrangle sheet.

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.

Where the activity involves the discharge of dredged or fill material into waters of the United States the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

ESSENTIAL FISH HABITAT (EFH): 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 potentially impact up to 4 acres of Essential Fish Habitat ("EFH"). This habitat consists of sub-tidal bottom composed of silt and clay with depths ranging from 31.5' to 38.4' mean low water. The proposed project is expected to have only short-term impacts on fish. During the placement of anchors and pens, suspended sediments and noise may temporarily displace fish in the project area. Minimal impacts are expected from structures or benthic degradation. Based upon this assessment of impacts to EFH, 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.

SECTION 106 COORDINATION: Based on his initial review, the District Engineer has determined that the proposed work is unlikely to impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES ACT 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 may affect a number of federally listed threatened or endangered species and their designated critical habitat. We are currently consulting with the U.S. Fish & Wildlife Service, the National Marine Fisheries Service and other federal action agencies to complete ESA section 7 consultation for this project. By this Public Notice, we request any information that is pertinent to this consultation.

OTHER APPROVALS: The applicant has supplied the Maine Department of Environmental Protection (Maine DEP) and the Maine Dept. of Marine Resources (Maine DMR) with permit/lease applications for the work described in this public notice. He is requesting that the Departments grant a lease within which to conduct aquaculture operations (Maine DMR); and grant or waive Water Quality Certification in accordance with Section 401 of the Clean Water Act (Maine DEP). Comments regarding the applicant's state applications

may be submitted by email to: Jonathan Lewis (Maine DMR) at Jon.Lewis@maine.gov and Mike Loughlin (Maine DEP) at Mike.Loughlin@maine.gov


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 Jay Clement at 207-623-8367, ext. 1 at our Augusta, Maine Project Office.

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.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Frank J. Del Giudice
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, 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: _____

5. VICINITY MAP

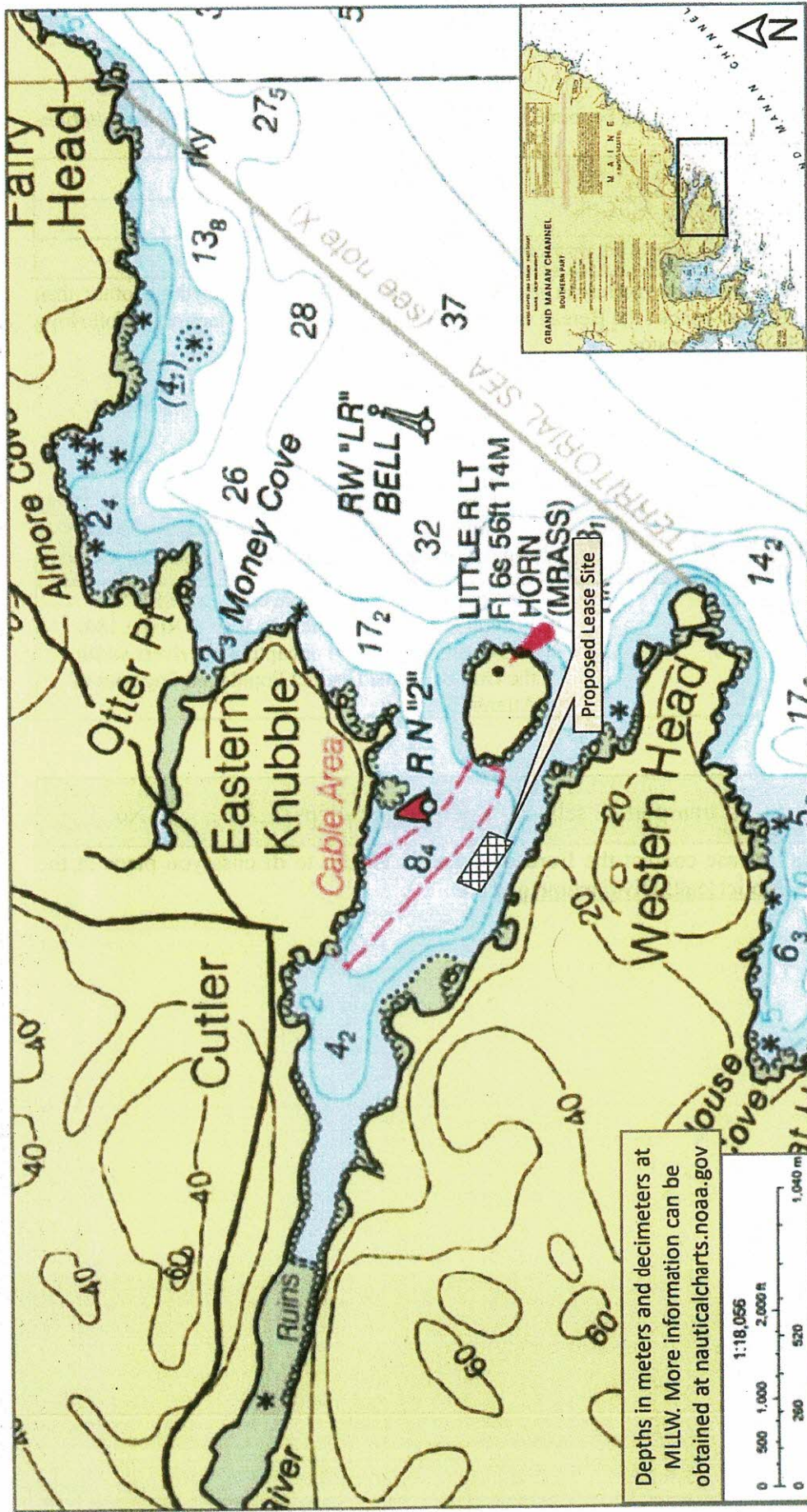
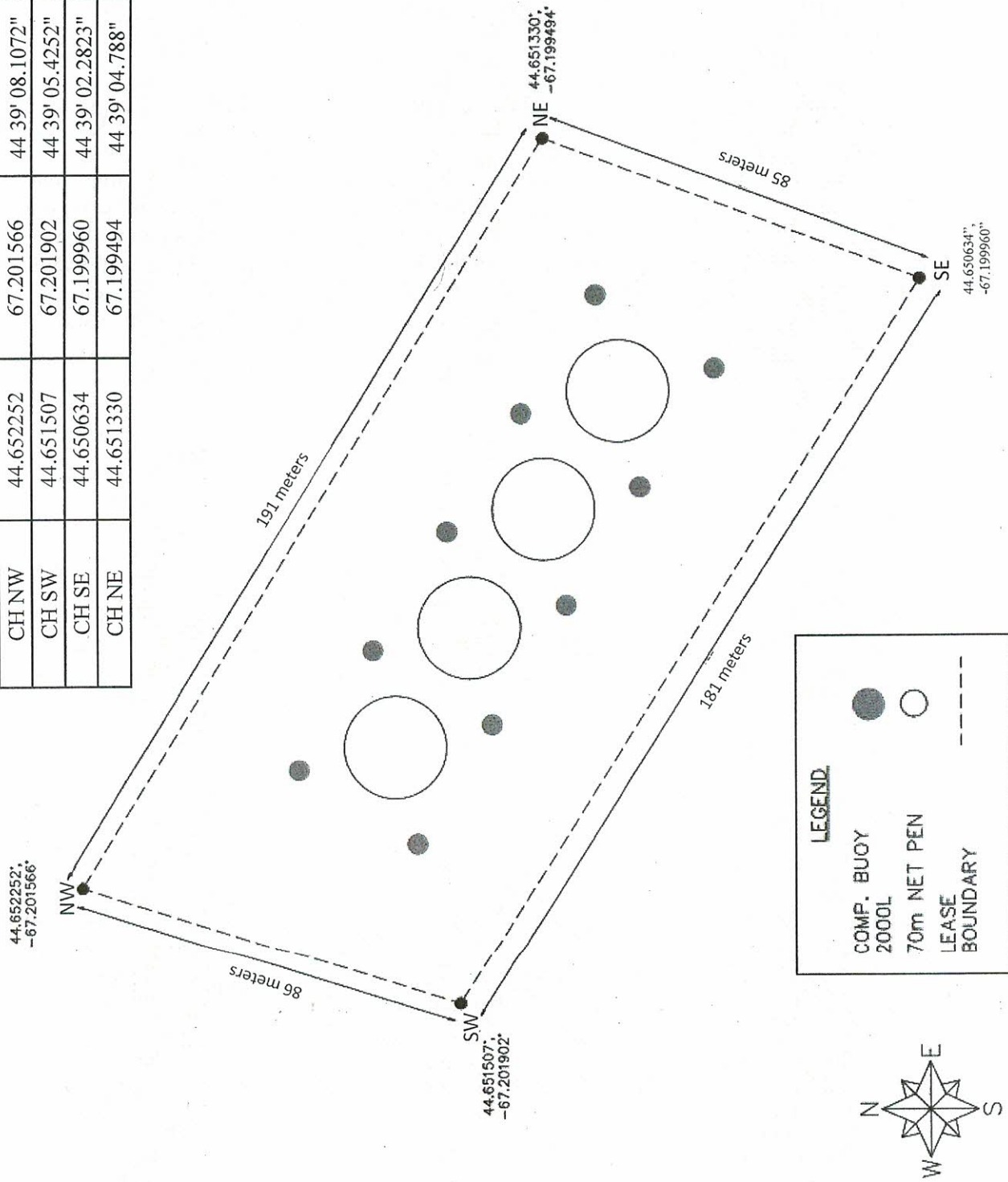


Figure 1: Vicinity map of Little River with proposed lease site shown. Inset of map from Grand Manan Channel NOAA nautical navigation chart. Bathymetry shown is depth (meters and decimeters) at mean lower low tide.

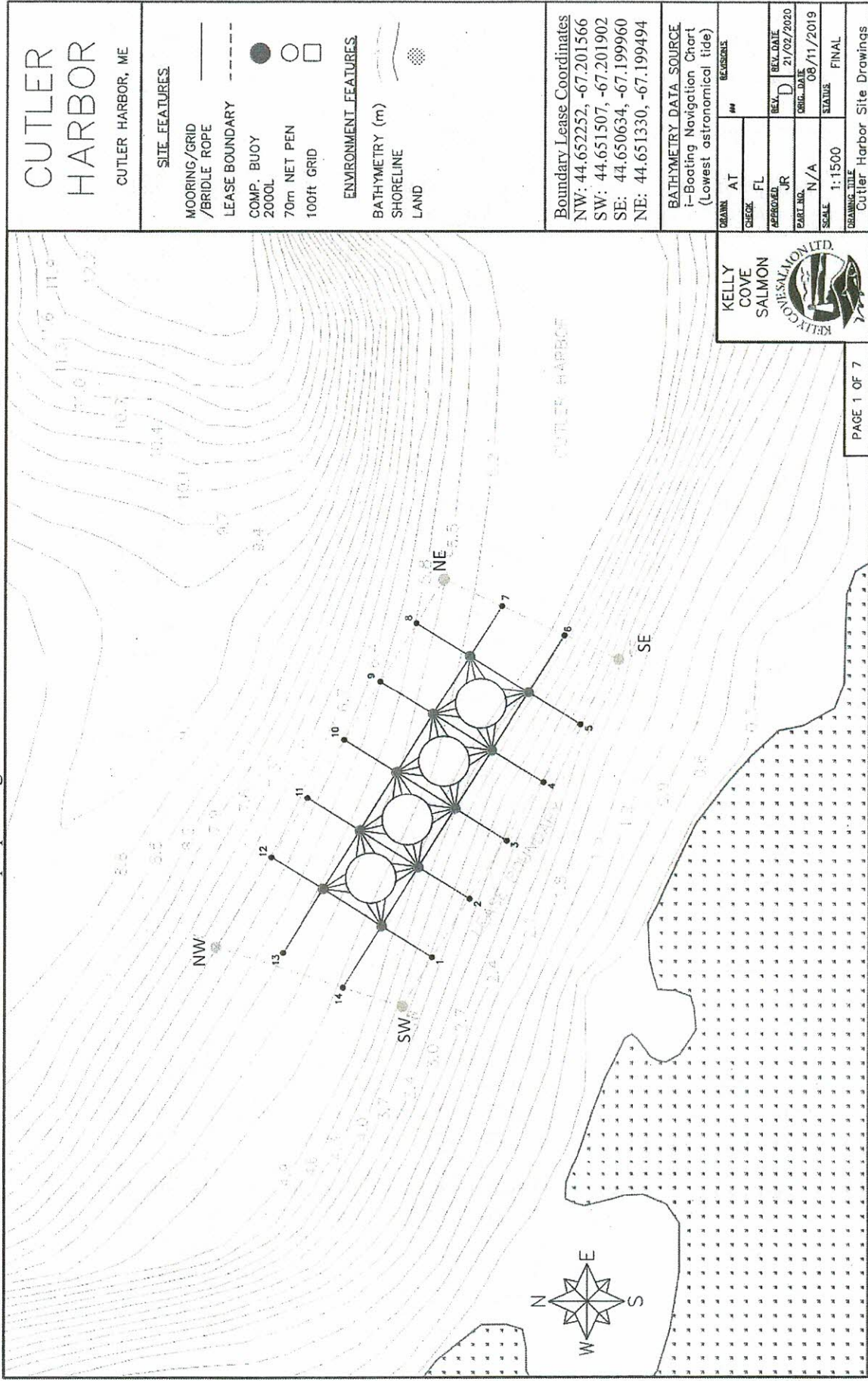
6. BOUNDARY DRAWING

Cutler Harbor Site Coordinates				
Cutler Harbor	Lat (Decimal)	Long (Decimal)	Lat (DMS)	Long (DMS)
CH NW	44.652252	67.201566	44° 39' 08.1072"	67° 12' 05.6376"
CH SW	44.651507	67.201902	44° 39' 05.4252"	67° 12' 06.8472"
CH SE	44.650634	67.199960	44° 39' 02.2823"	67° 11' 59.8560"
CH NE	44.651330	67.199494	44° 39' 04.788"	67° 11' 58.1784"



A) Overhead View

See Section 12- Part C for more overhead views of proposed gear.



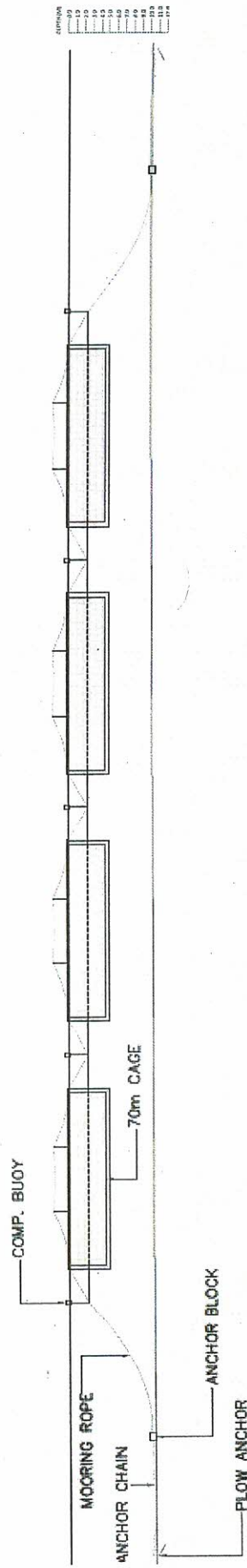
B) Cross-Section View

See Section 12- Part C for more cross-section views of proposed gear.

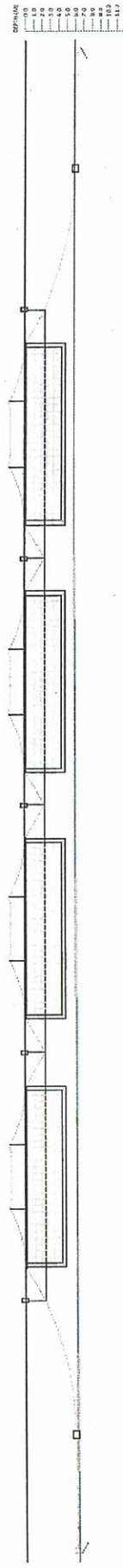
Note: There will not be any seasonal changes to gear layout, hence no additional cross section view is provided here.



SITE ELEVATION LAYOUT - MEAN HIGHER HIGH WATER (MHHW)



SITE ELEVATION LAYOUT - MEAN LOWER LOW WATER (MLLW)



KELLY COVE SALMON LTD.		ISSUED AT	DATE
KELLY COVE SALMON LTD.		CHECK FL	27/02/2020
KELLY COVE SALMON LTD.		APPROVED JR	REV. DATE
KELLY COVE SALMON LTD.		PART NO. N/A	05/11/2019
KELLY COVE SALMON LTD.		SCALE	STATUS
KELLY COVE SALMON LTD.		REVISION	FINAL

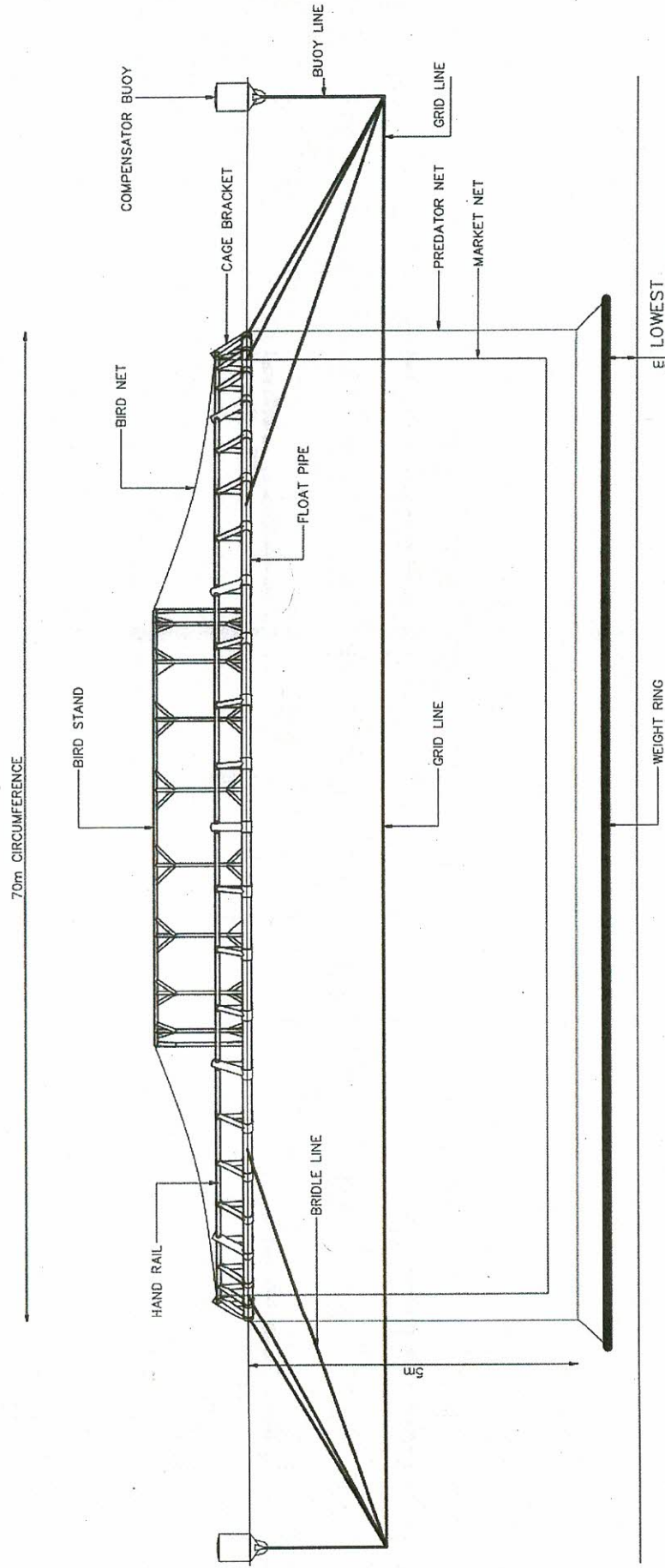
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Cutler Harbor Site Drawings

Gear Drawing (please label this “Gear Drawing”).

Directions: Include a drawing of an individual piece of gear for each of the gear type(s) you plan to use. The drawing(s) needs to depict the length, width, and height of each gear type with appropriate units referenced (i.e. 10in, 10ft, etc.).

CUTLER
HARBOR
CUTLER HARBOR, ME



LOWEST
CLEARANCE
GAP AT MLLW

CAGE ELEVATION DIAGRAM (MLLW)

	DESIGN	AT	REVISIONS
	CHECK	FL	
	APPROVED	JR	REV. DATE 21/02/2020
	PART NO.	N/A	ORIG. DATE 08/11/2019
SCALE			STATUS FINAL
DRAWING TITLE Cutler Harbor Site Drawings			

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