



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: June 1, 2004

Comment Period Ends: July 1, 2004

File Number: NAE 2004 93 and 94

In Reply Refer To: Rich Roach

Or by e-mail: Richard.A.Roach

@usace.army.mil

Two N H Fisherman's Cooperatives propose ten long lines, for mariculture of blue mussels, to be located 2½ miles off Rye Beach. Request for Comment.

Two fisherman's cooperatives, the Portsmouth Fisherman's Cooperative and the Yankee Fisherman's cooperative have requested a Corps of Engineers permits under (Section 10 of the Rivers and Harbors Act of 1899) to place a series of blue mussel mariculture long lines in the ocean. This work is proposed in the Gulf of Maine within the coastal waters of N.H approximately 2½ Miles off Rye Beach.

While there are two applications involved, they would be similar operations. One group would be operated by the Portsmouth Fisherman's Cooperative, the other would be operated by the Yankee Fisherman's Cooperative, out of Seabrook Harbor. The devices used, to grow the mussels, the so called long lines, would be catenary systems, made up of ropes, tensioned between anchors and floats and suspended in the ocean. Three marker buoys, one at each end and one in the middle, would mark the location of each submerged longline. Each cooperative would have up to five devices deployed in a line trending northeast/southwest. Each line would be six hundred feet long and there would be six hundred feet separating each successive line. Altogether, the system would appear on the surface as a line of buoys extending for approximately two nautical miles parallel to shore about two and a half nautical miles from shore. The southwestern end of the series would be located at latitude 42° 56.06' North, longitude 70° 44.17' West. The northeastern end of the series would be located at latitude 42° 57.78' North, longitude 70° 42.44' West. Attached are a series of charts and drawings that show the proposed location and disposition of the system. The latitude and longitude of the ends of each of the proposed longlines are given in the attached drawings.

Interested persons should be aware that The New Hampshire Department of Fish and Game, which must also permit this project, has planned a Public Hearing at approximately 7:30 PM on June 8, 2004 at the Urban Forestry Center, 45 Elwyn Road in Portsmouth, NH.

Under the surface the devices would be a long gapped toothed series of segments of submerged horizontal lines with mussel socks hanging from them. The suspended socks would extend from thirty- five feet below the ocean surface to thirty-five feet above the ocean floor. At each end of the device, on the ocean floor, is a large granite block anchor. One line ascends at an angle, from the anchor to a large submerged buoy at either end of the head (horizontal) rope. Another line ascends vertically to the surface and is marked with a terminal buoy. These terminal buoys would mark where each device is located. In the

middle of each device, another vertical line connects a surface pick up buoy to the headline. This allows the harvesting vessel to lift the headrope to the surface to gain access to the vertical lines (on which the mussels grow). Intermediate flotation buoys, attached to the headrope every few meters, hold up the headrope. The buoyant force of the buoys keeps the horizontal headrope and suspended or draped vertical mussel ropes from sinking. The weight of the anchors keeps the system in tension and together with the weight of the mussels prevents the buoyed headrope from rising to the surface. The mussel socks hang from the head ropes like crenelated fringe. They are held up by the head rope and down by their own weight. They move to a limited degree with the current like kelp fronds.

These projects together will impact slightly under three acres of Essential Fish Habitat (EFH) for (see attached table at the back of this notice for a LIST OF SPECIES AND LIFE STAGES). This habitat consists of ocean water displaced by the devices and sand and mud bottom beneath the longlines and anchors. Loss of this habitat may adversely affect some of the life stages of some of the species listed in the table, by occupying or altering their habitat. However, because the volume of water occupied and the area of bottom covered are relatively small, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. No mitigation for EFH impacts is presently contemplated. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

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 Rich Roach at (978) 318-8211, (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 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.

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)

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

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.

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 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.

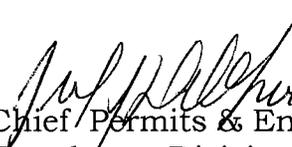

Chief, Permits & Enforcement Branch
Regulatory Division

Table 1. - Summary of Essential Fish Habitat (EFH) Designation in the vicinity of the proposed blue mussel mariculture devices which are subject of this notice.

10' x 10' Square Coordinates: Gulf of Maine off Rye and No. Hampton ,N.H.

Boundary	North	East	South	West
Coordinate	43° 00.0' N	70° 40.0' W	42° 50.0' N	70° 50.0' W

Square Description (i.e. habitat, landmarks, coastline markers) Gulf of Maine within the square affecting the following: from east of Salisbury, MA., north up to Rye, NH., including waters affecting Smithtown, NH., Hampton Beach and Hampton, NH. Other features affected include: Lockes Neck, Jenness Beach, Rye Ledge, Rye Beach, Fox Hill Pt., Little Boars Head Pt., Rye Ledge, North Beach, Great Boars Head, Hampton Harbor, Hampton Shoal Ledge, Seabrook Beach, Round Rock, Breaking Rocks, Salisbury Beach, and Cushing, MA. Also, the waters within this square affect east of Seabrook, NH., and the Seabrook Nuclear Power Station near Seabrook Beach.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod (<i>Gadus morhua</i>)	X	X	X	X
haddock (<i>Melanogrammus aeglefinus</i>)			X	
pollock (<i>Pollachius virens</i>)			X	
whiting (<i>Merluccius bilinearis</i>)	X	X	X	X
offshore hake (<i>Merluccius albidus</i>)				
red hake (<i>Urophycis chuss</i>)	X	X	X	X
white hake (<i>Urophycis tenuis</i>)				
redfish (<i>Sebastes fasciatus</i>)	n/a	X	X	X
witch flounder (<i>Glyptocephalus</i>)				

<i>cynoglossus</i>)				
winter flounder (<i>Pleuronectes americanus</i>)	X	X	X	X
yellowtail flounder (<i>Pleuronectes ferruginea</i>)			X	X
windowpane flounder (<i>Scophthalmus aquosus</i>)			X	X
American plaice (<i>Hippoglossoides platessoides</i>)			X	X
ocean pout (<i>Macrozoarces americanus</i>)	X	X	X	X
Atlantic halibut (<i>Hippoglossus hippoglossus</i>)	X	X	X	X
Atlantic sea scallop (<i>Placopecten magellanicus</i>)	X	X	X	X
Atlantic sea herring (<i>Clupea harengus</i>)			X	X
monkfish (<i>Lophius americanus</i>)	X	X	X	X
bluefish (<i>Pomatomus saltatrix</i>)				
long finned squid (<i>Loligo pealei</i>)	n/a	n/a	X	X
short finned squid (<i>Illex illecebrosus</i>)	n/a	n/a	X	X
Atlantic butterfish (<i>Peprilus triacanthus</i>)	X	X	X	X

Atlantic mackerel (<i>Scomber scombrus</i>)	X	X	X	X
summer flounder (<i>Paralichthys dentatus</i>)				X
scup (<i>Stenotomus chrysops</i>)	n/a	n/a	X	X
black sea bass (<i>Centropristus striata</i>)	n/a			
surf clam (<i>Spisula solidissima</i>)	n/a	n/a	X	X
ocean quahog (<i>Artica islandica</i>)	n/a	n/a		
spiny dogfish (<i>Squalus acanthias</i>)	n/a	n/a		
tilefish (<i>Lopholatilus chamaeleonticeps</i>)				
bluefin tuna (<i>Thunnus thynnus</i>)				X

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: _____

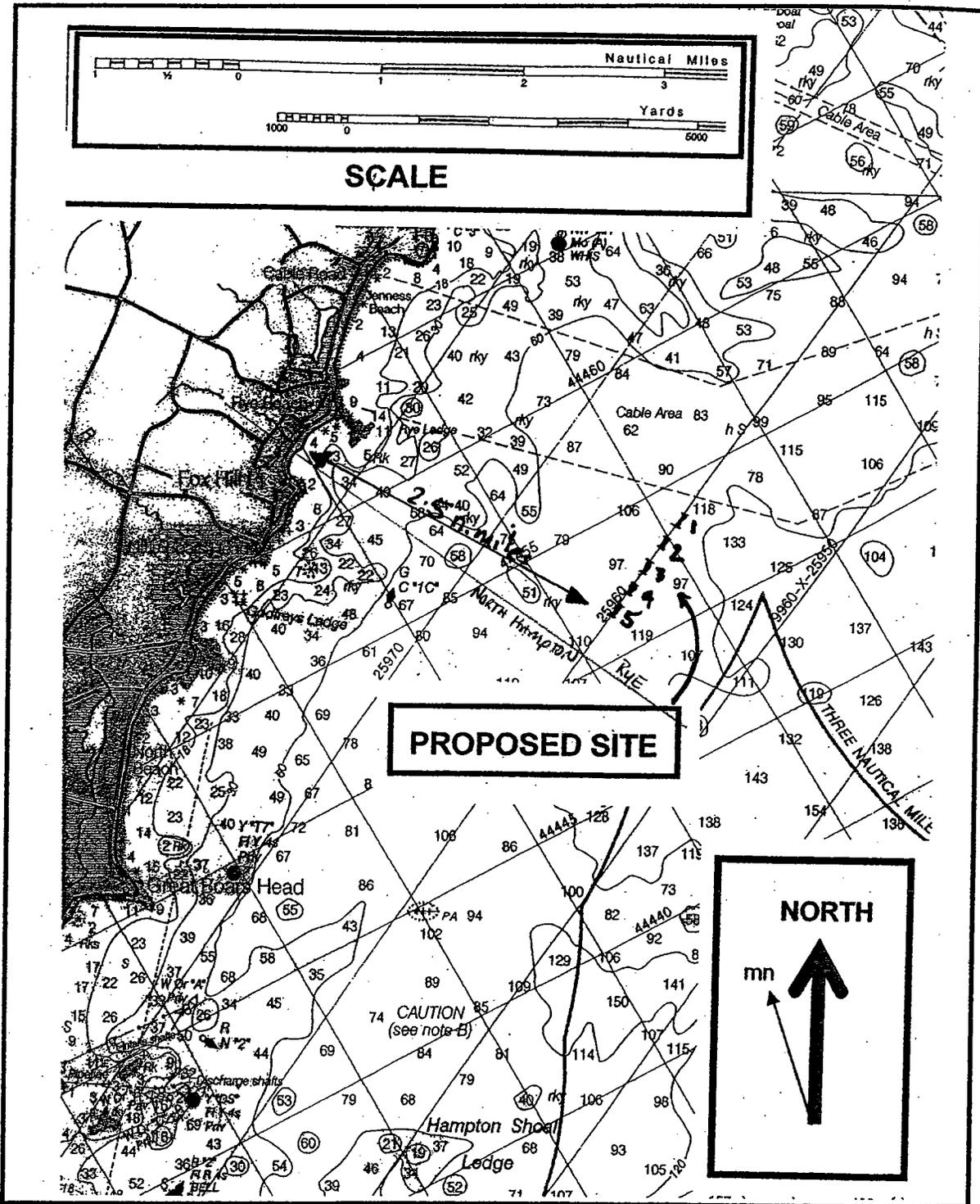


FIGURE 1. Copy of nautical chart number 13278 showing location of the proposed site.
Project: Portsmouth Fisherman's Co-Op Mussel Aquaculture Site
Prepared by: T. Shevenell, Research Scientist, UNH, Authorized Agent
Date Prepared: February 20, 2004

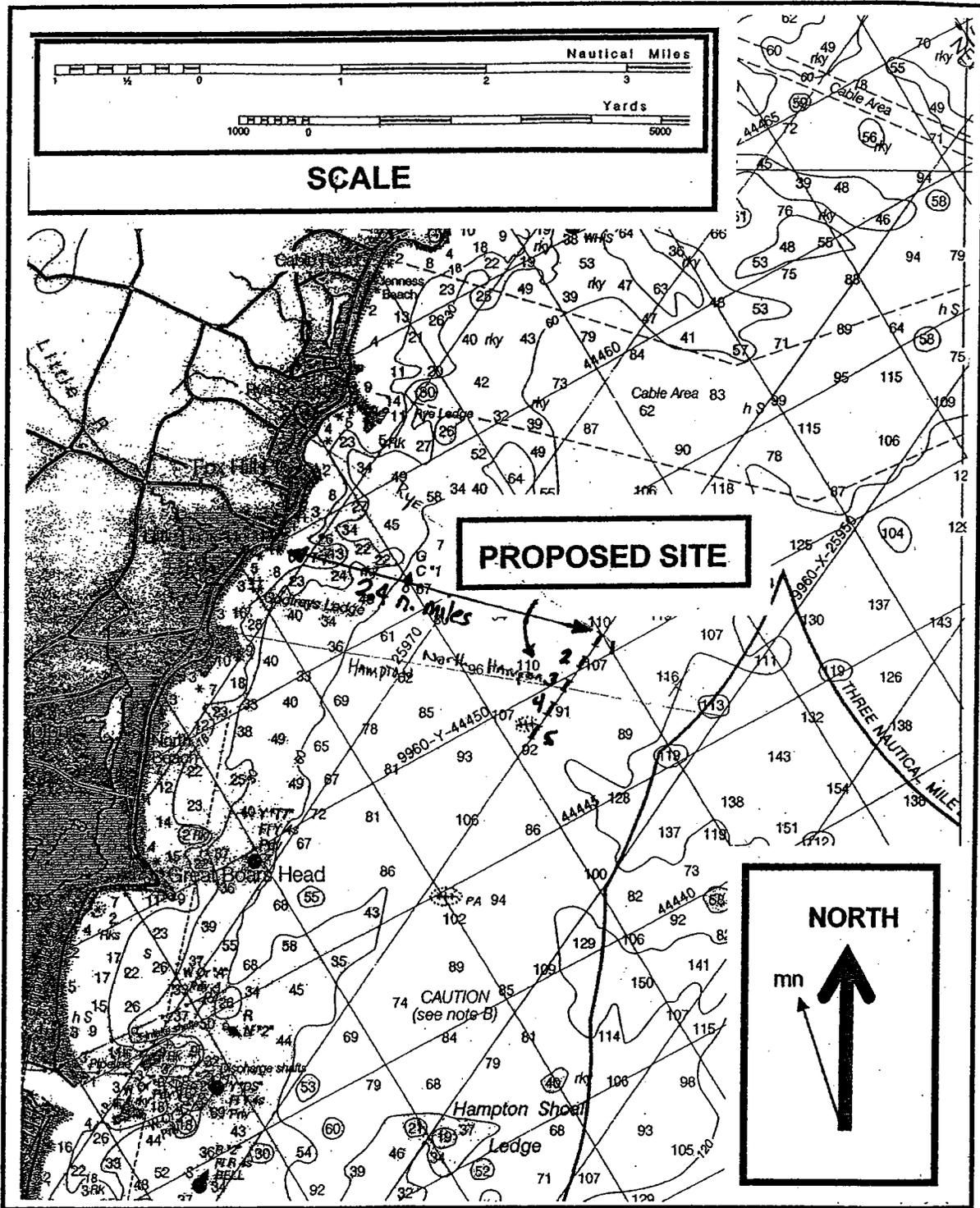


FIGURE 1. Copy of nautical chart number 13278 showing location of the proposed site.
Project: Yankee Fisherman's Co-Op Mussel Aquaculture Site
Prepared by: T. Shevenell, Research Scientist, UNH, Authorized Agent
Date Prepared: February 20, 2004

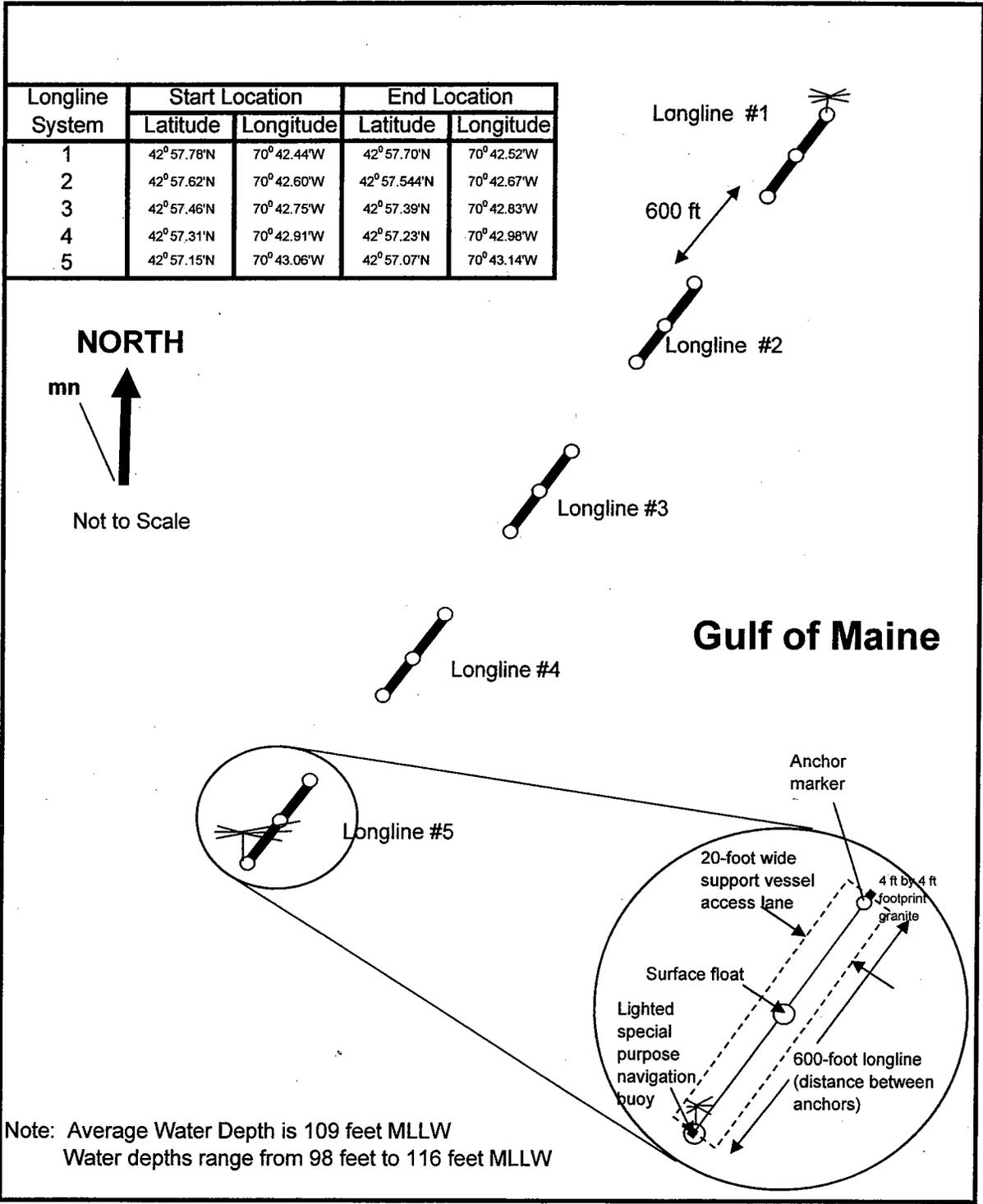


FIGURE 2. Plan view of the five (5) proposed longlines.
Project: Portsmouth Fisherman's Co-Op Mussel Aquaculture Site
Prepared by: T. Shevenell, Research Scientist, UNH, Authorized Agent
Date Prepared: February 20, 2004

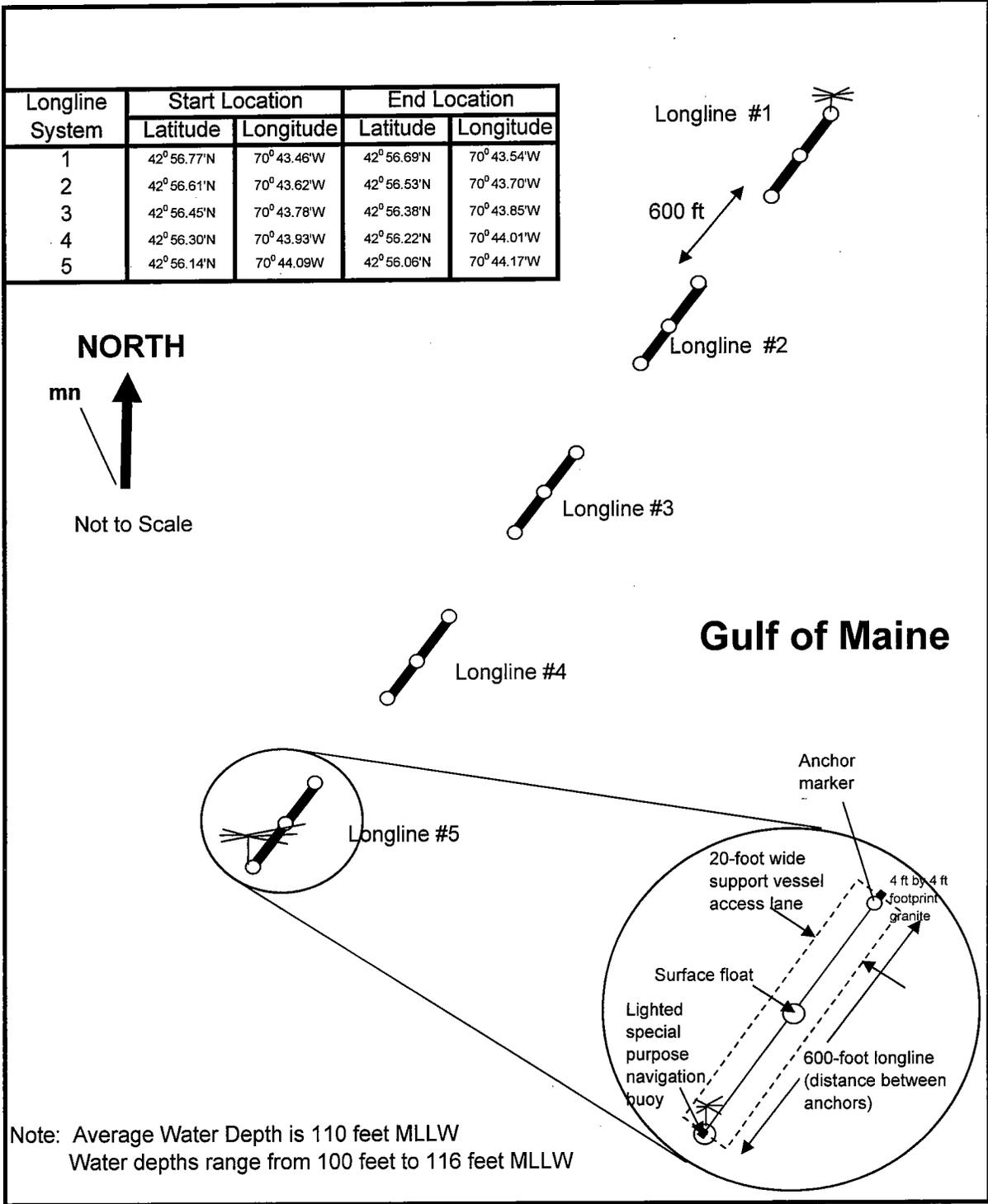


FIGURE 2. Plan view of the five (5) proposed longlines.
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Prepared by: T. Shevenell, Research Scientist, UNH, Authorized Agent
Date Prepared: February 20, 2004

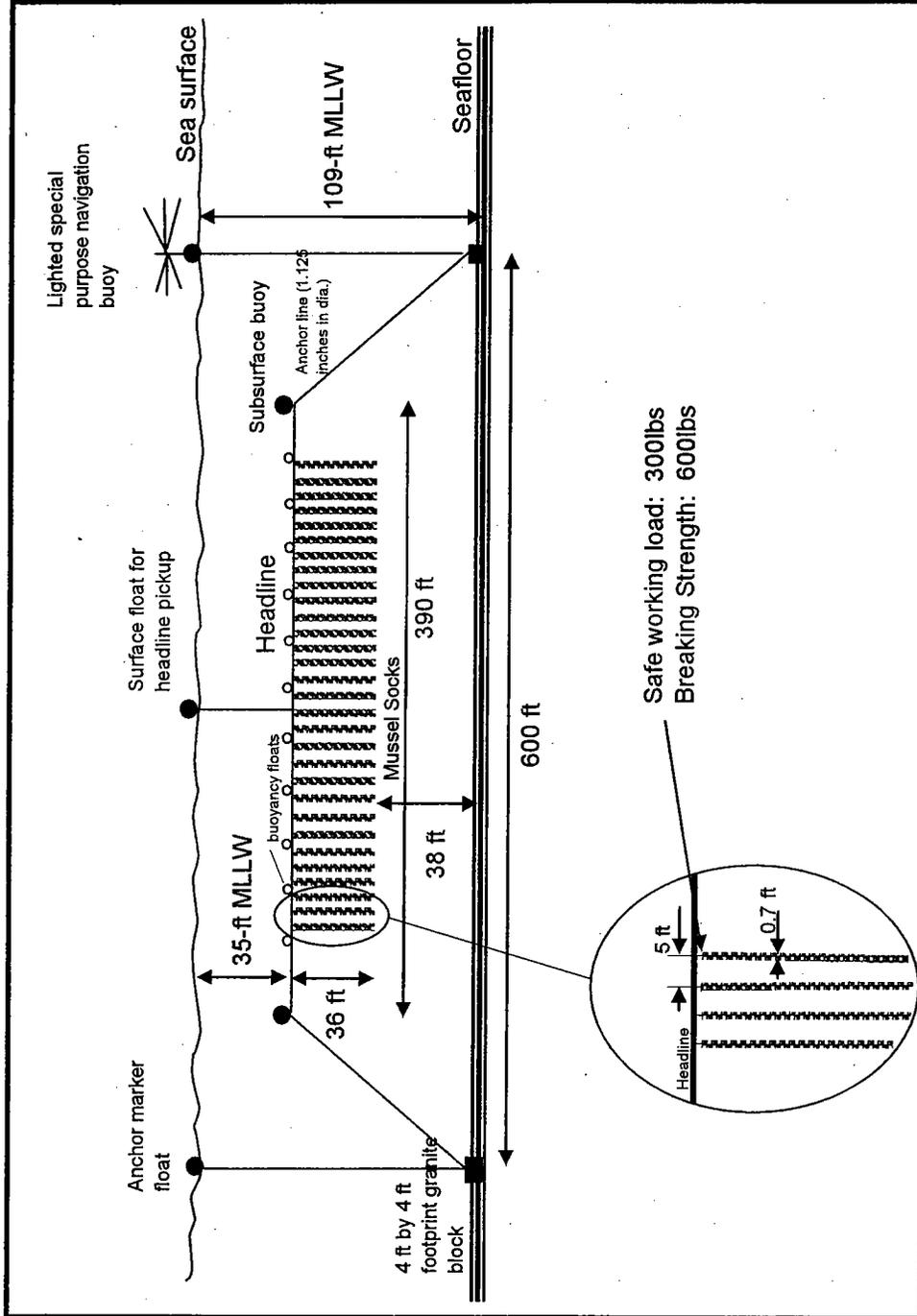


FIGURE 3a. Cross sectional view of a typical longline with individual socks
 Project: Portsmouth Fisherman's Co-Op Mussel Aquaculture Site
 Prepared by: T. Shevenell, Research Scientist, UNH, Authorized Agent
 Date Prepared: February 20, 2004

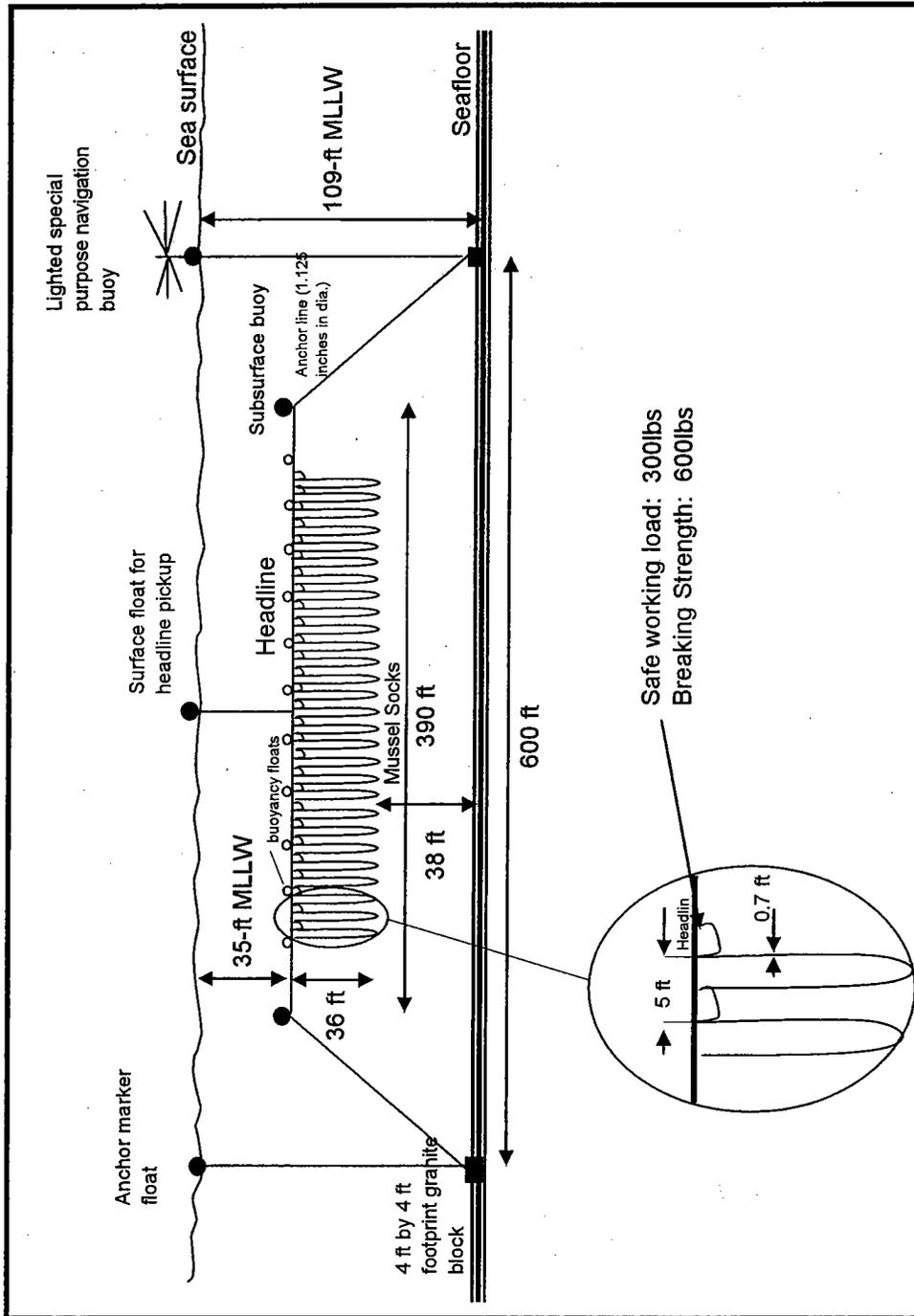


FIGURE3b. Cross sectional view of a typical longline with continuous sock.
 Project: Portsmouth Fisherman's Co-Op Mussel Aquaculture Site
 Prepared by: T. Shevenell, Research Scientist, UNH, Authorized Agent
 Date Prepared: February 20, 2004

Figure 5. Schematic of Vessel Tending a Submerged Longline

