



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

# PUBLIC NOTICE

**Comment Period Begins: June 8, 2021**  
**Comment Period Ends: July 8, 2021**  
**File Number: NAE-2020-00155**  
**In Reply Refer To: Richard Kristoff**  
**Phone: (978) 318-8171**  
**E-mail: Richard.C.Kristoff@usace.army.mil**

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The District Engineer has received a permit application to conduct work in waters of the United States from Blue Water Fisheries (Scott Flood) PO Box 159, Contoocook, New Hampshire 03229. This work is proposed in the Piscataqua River at the Commercial Fish Pier located at 1 Pierce Island Road, Portsmouth, New Hampshire and two open water sites within the Atlantic Ocean at coordinates:

-70.622537 42.822296  
-70.641075 42.822661  
-70.640895 42.829019  
-70.622355 42.828655

-70.642478 42.837425  
-70.623907 42.837124  
-70.624102 42.830772  
-70.642672 42.831073

The work involves to install, operate and maintain 40 submersible fish pens in two mooring grids (20 pens per grid). Each mooring grid will occupy a 250 acre section of open water. The structures will comprise of a plurality of embedment anchors, associated hardware, tension lines and buoys. Each cage will be submerged in no less than 15 meters of water most of the time.

To construct the fish farm and mooring grid partially assembled anchors, chain, lines, floats and rigging hardware will be loaded onto a vessel with a crane for deployment at the offshore site. An "as-built" will be created once the mooring grid has been constructed. Partially assembled fish cages will be towed from the Portsmouth Port Authority Pier to the offshore site. Once the fish pens arrive at the offshore site they will be fully erected and connected to the mooring grid. Their buoyancy will adjusted so it is properly balanced.

A fleet of 6 vessels will be required to tend the fish farm at full buildout. The vessels will range from 25 feet to 100 feet and will be tied to each other at the State of New Hampshire Port Authority Commercial Fish Pier at 1 Pierce Island Road, Portsmouth, New Hampshire. The route the vessels take will start at the dock in Portsmouth Harbor, travel out the mouth of the Piscataqua and turn right to go south until the boat reaches the fish farm pens. The boats will return along the same route but in reverse.

The work is shown on the enclosed plans entitled "BLUE WATER FISHERIES, LLC. STEELHEAD TROUT FARM," on 1 sheet, dated "12/15/2020", "BLUE WATER FISHERIES, LLC. STEELHEAD TROUT FARM," on 1 sheet, dated "09/16/2020", and "BLUE WATER FISHERIES, LLC. STEELHEAD TROUT FARM," on 3 sheet, and not dated.

The project has minimized its impacts as the applicant has stated the farm will be marked on navigational charts along with transmitting the location of structure through the Automatic Identification System (AIS). The applicant has also stated that once the Farm's operations are terminated then the physical benthic habitat impacts will return to pre-construction condition as the bottom is sand and mud.

**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.
- Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

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 (USACE), 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 USACE 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 have an adverse effect on 500 acres of EFH. This habitat consists of soft sediments including mud and sand. Loss of this habitat may adversely affect species that use these waters and substrate. The District Engineer has made a preliminary determination that site-specific impacts may be substantial. Accordingly, the USACE will submit an expanded EFH assessment to the National Marine Fisheries Service, who in turn will provide conservation recommendations to the USACE. The USACE will coordinate with the

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applicant regarding implementation of these recommendations. The EFH consultation 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 USACE 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 likely to adversely affect a listed species or their critical habitat. We are coordinating with the National Marine Fisheries Service and/or 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. The Applicant has stated NOAA's Office of Coastal Management has not advised Blue Water Fisheries that it has approved a state's Coastal Zone Management Program request for unlisted activity review. As such, BWF currently has no obligation to seek or obtain a Coastal Zone Management Federal consistency certification state. 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,

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please contact Richard Kristoff at (978) 318-8171, (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 USACE 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.

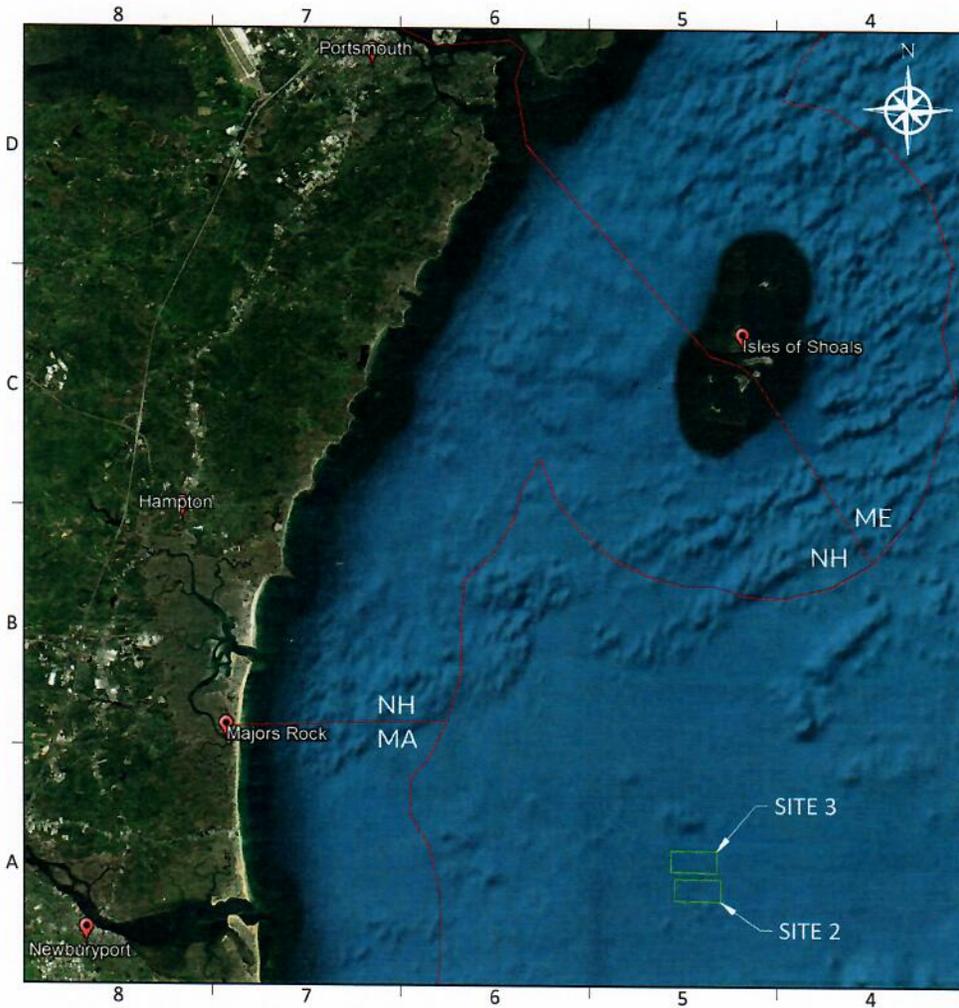
The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

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

**Frank J. DelGiudice**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

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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).



REVISIONS		
REV	ECO	DATE
A	10253	12/17/2020

Site	Longitude	Latitude	Depth (m)
2	-70.622537	42.822296	82
2	-70.641075	42.822661	75
2	-70.640895	42.829019	75
2	-70.622355	42.828655	82
3	-70.642478	42.837425	74
3	-70.623907	42.837124	81
3	-70.624102	42.830772	81
3	-70.642672	42.831073	74

### Legend

Landmark Distance	(nm)
Hampton Harbor	8.1
Newburyport Harbor	7.4
Portsmouth Harbor	13.8
Isles of Shoals	8.3
Majors Rock	8.1

*The information contained on this drawing is preliminary and conceptual in nature and should not be relied upon for engineering purposes. Once the site has been selected and approved by the regulatory agencies, detailed engineering drawings of the submersible fish farm system will be completed and will be available.*

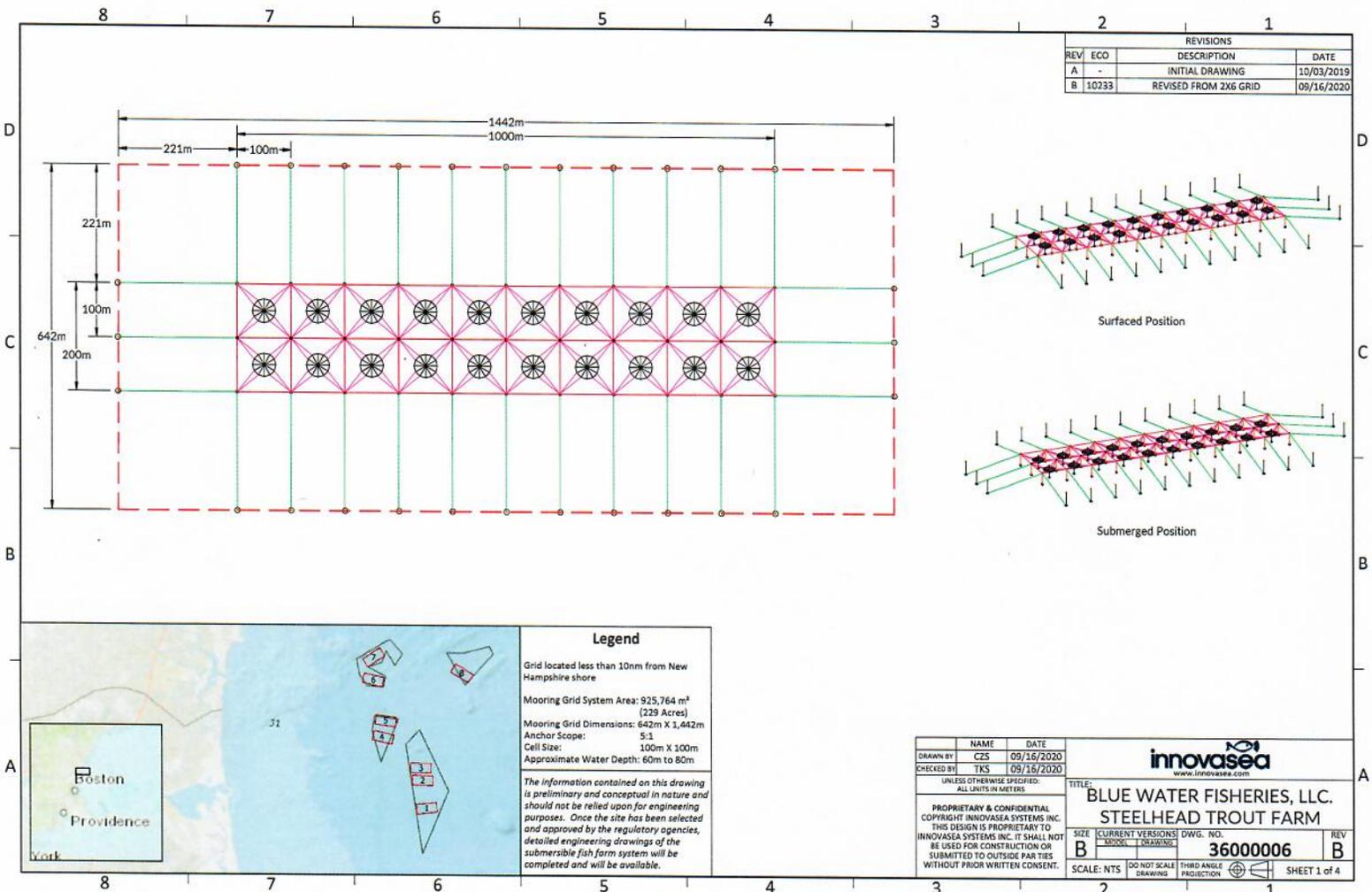
	NAME	DATE
DRAWN BY	CZS	12/15/2020
CHECKED BY	LRG	12/16/2020



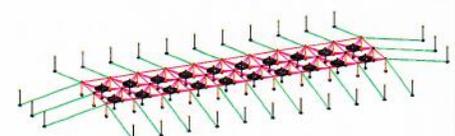
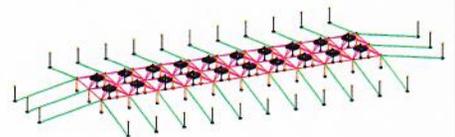
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TITLE: **BLUE WATER FISHERIES, LLC.  
 STEELHEAD TROUT FARM**

SIZE	UNLESS OTHERWISE SPECIFIED: ALL UNITS IN METERS	DWG. NO.	REV
B		27005038	A
SCALE: NTS	DO NOT SCALE DRAWING	THIRD ANGLE PROJECTION	SHEET 1 of 1



REVISIONS			
REV	ECO	DESCRIPTION	DATE
A	-	INITIAL DRAWING	10/03/2019
B	10233	REVISED FROM 2X6 GRID	09/16/2020



NAME	DATE
DRAWN BY: CZS	09/16/2020
CHECKED BY: TKS	09/16/2020

UNLESS OTHERWISE SPECIFIED:  
ALL UNITS IN METERS

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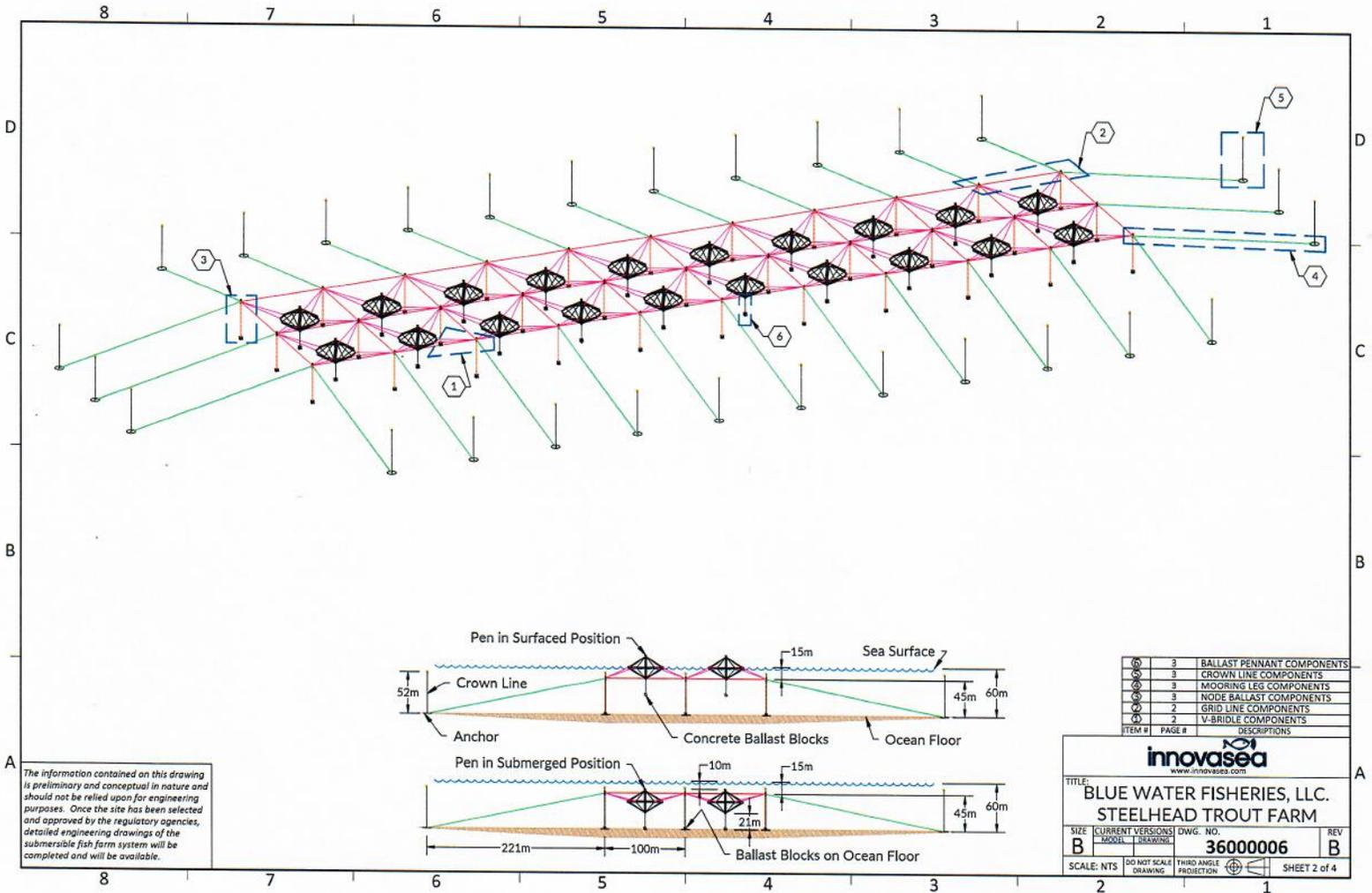
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TITLE: BLUE WATER FISHERIES, LLC.  
STEELHEAD TROUT FARM

SIZE: B	CURRENT VERSIONS: MODEL: DRAWING:	DWG. NO.: 36000006	REV: B
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SCALE: NTS DO NOT SCALE DRAWING THIRD ANGLE PROJECTION

SHEET 1 of 4



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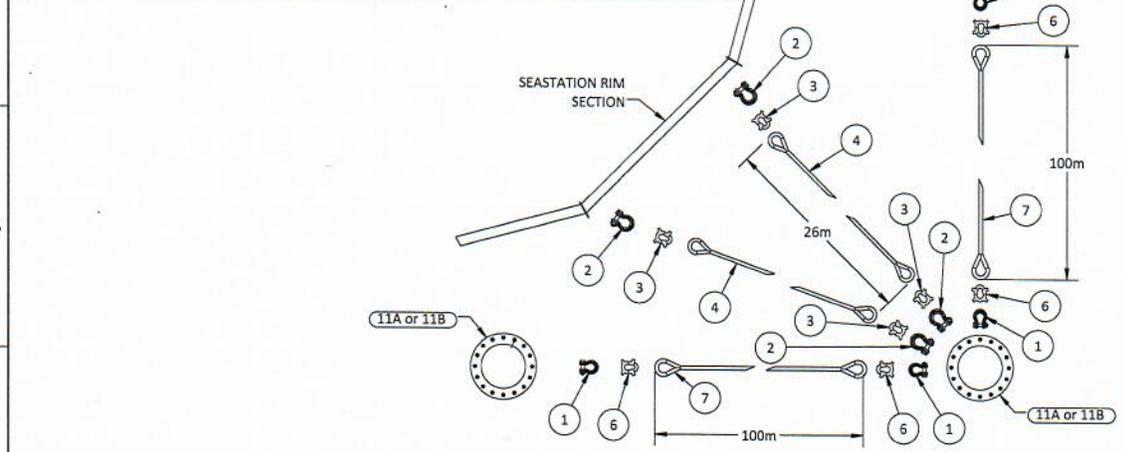
ITEM #	PAGE #	DESCRIPTIONS
①	3	BALLAST PENNANT COMPONENTS
②	3	CROWN LINE COMPONENTS
③	3	MOORING LEG COMPONENTS
④	3	NODE BALLAST COMPONENTS
⑤	2	GRID LINE COMPONENTS
⑥	2	V-BRIDLE COMPONENTS

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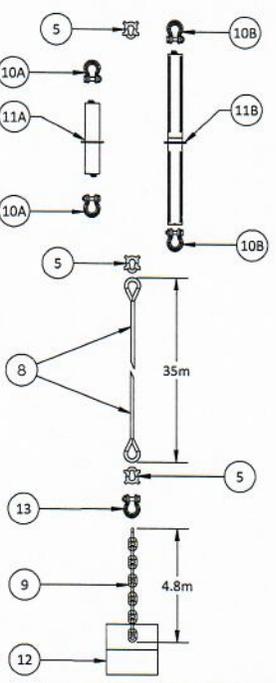
SIZE: <b>B</b>	CURRENT VERSIONS: <b>36000006</b>	DWG. NO. <b>36000006</b>	REV <b>B</b>
SCALE: NTS	DO NOT SCALE DRAWING	THIRD ANGLE PROJECTION	SHEET 2 of 4

ITEM #	DESCRIPTION	SPECIFICATION	SIZE
1	SHACKLE - MOORING/GRID	VAN BEEST SAFETY ANCHOR SHACKLE	57mm (42.5t WLL)
2	SHACKLE - V-BRIDLE	VAN BEEST SAFETY ANCHOR SHACKLE	38mm (17t WLL)
3	LINE THIMBLE - V-BRIDLE	NEWCO TYPE EARED	No. 6-7
4	BRIDLE LINE	8 BRAID BLUE STEEL 500kg MINIMUM TENSION	44mm
5	LINE THIMBLE - CROWN/NODE	NEWCO TYPE EARED	No. 6-7
6	LINE THIMBLE - MOORING/GRID	NEWCO TYPE EARED	No. 8
7	GRID LINE (TYP)	SUPERTEC - 8 STRAND 3mt MINIMUM TENSION	64mm
8	NBPL LINE	SUPERTEC - 8 STRAND 1-3mt MINIMUM TENSION	52mm
9	NBPL CHAIN	STUDLINK CHAIN	38mm
10A	SHACKLE - CROWN/1.2 NODE	VAN BEEST SAFETY ANCHOR SHACKLE	38mm (17t WLL)
10B	SHACKLE - CROWN/3.5 NODE	VAN BEEST SAFETY ANCHOR SHACKLE	45mm (25t WLL)
11A	1.2 NODE BUOY	INNOVASEA DWG 170079	1.2 mT
11B	3.5 NODE BUOY	INNOVASEA DWG 170080	3.5 mT
12	NODE BALLAST BLOCK	CONCRETE CUBE 2,400kg DRY WEIGHT	1m X 1m X 1m
13	SHACKLE - NODE BALLAST	VAN BEEST SCREW PIN SHACKLE	38mm (17t WLL)



① V-BRIDLE COMPONENTS

③ NODE BALLAST PENNANT LINE (NBPL) COMPONENTS



② GRID LINE COMPONENTS

SHACKLE CONN. TO NODE PLATE  
EITHER 1.2 MT OR 3.5 MT NODE BUOY

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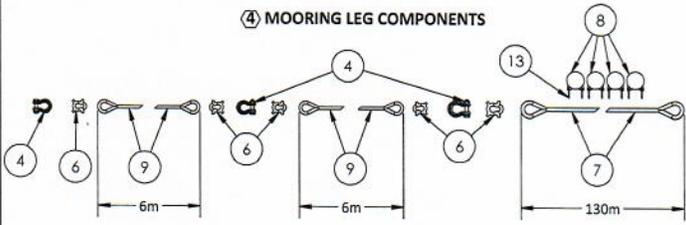
TITLE: BLUE WATER FISHERIES, LLC. STEELHEAD TROUT FARM

SIZE: B	CURRENT VERSIONS: 1	DWG. NO.: 36000006	REV: B
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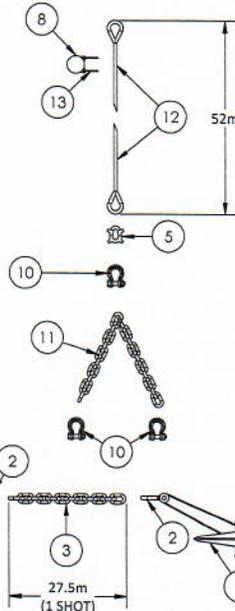
SCALE: NTS DO NOT SCALE DRAWING THIRD ANGLE PROJECTION SHEET 3 of 4

ITEM #	DESCRIPTION	SPECIFICATION	SIZE
1	ANCHOR	STEVPRIS Mk5 ANCHOR	2500 kg
2	ANCHOR SHACKLE	VAN BEEST SCREW PIN SHACKLE	57mm (42.5t WLL)
3	ANCHOR CHAIN	STUDLINK CHAIN	60mm
4	SHACKLE - MOORING/GRID	VAN BEEST SAFETY ANCHOR SHACKLE	57mm (42.5t WLL)
5	LINE THIMBLE - CROWN/NODE	NEWCO TYPE EARED	No. 6-7
6	LINE THIMBLE - MOORING/GRID	NEWCO TYPE EARED	No. 8
7	MOORING LINE	SUPERTEC - 8 STRAND 3mt MINIMUM TENSION	68mm
8	TRAWL FLOAT	NITCHIMO UBE EARED TRAWL FLOAT	547mm
9	TENSION LINE	SUPERTEC - 8 STRAND 3mt MINIMUM TENSION	68mm
10	SHACKLE - CROWN/NODE	VAN BEEST SAFETY ANCHOR SHACKLE	38mm (17t WLL)
11	CROWN LINE CHAIN	STUDLINK CHAIN - 6 LINKS	38mm
12	CROWN LINE	SUPERTEC - 8 STRAND 50kg MINIMUM TENSION	52mm
13	FLOAT LASHING LINE	#333 WHITE BRAID NYLON	5 lb
14	CONCRETE BALLAST BLOCK	4,350kg DRY WEIGHT	1m X 2m X 2m
15	BALLAST CHAIN	STUDLINK CHAIN	32mm
16	BALLAST SHACKLE	VAN BEEST SAFETY ANCHOR SHACKLE	38mm (17t WLL)
17	BALLAST PENNANT LINE	BLUE STEEL POLY 8-STRAND	44mm

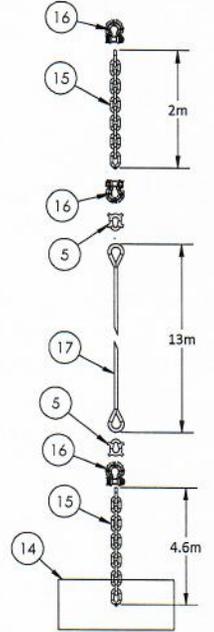
④ MOORING LEG COMPONENTS



⑤ CROWN LINE COMPONENTS



⑥ BALLAST PENNANT COMPONENTS



ANCHOR WILL OCCUPY 13m SQUARE OF SUBSTRATE

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SIZE: <b>B</b>	CURRENT VERSIONS: MODEL DRAWING	DWG. NO: <b>36000006</b>	REV: <b>B</b>
SCALE: NTS		DO NOT SCALE DRAWING	THIRD ANGLE PROJECTION

SHEET 4 of 4