



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

# PUBLIC NOTICE

**Comment Period Begins:** 19 OCTOBER 2021  
**Comment Period Ends:** 18 NOVEMBER 2021  
**File Number:** NAE-2020-1651  
**In Reply Refer To:** Shawn B. Mahaney  
**Phone:** (978) 318-8492  
**E-mail:** shawn.b.mahaney@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 the Kingfish Maine, Inc., 33 Salmon Farm Road, Franklin, Maine 04634. This work is proposed in freshwater wetlands and intertidal/subtidal zones of Chandler Bay off Dun Garvin Road at Jonesport, Maine. The site coordinates are: Latitude 44.555819°N, Longitude -67.572476 °W.

The work involves the development of a private, commercial land-based facility utilizing a recirculating aquaculture system (RAS) in order to grow a saltwater finfish species, Yellowtail Kingfish (*Seriola Lalandi*) for US and international food markets. The landward facility sited on 93 acres would require the construction of buildings to house administrative & operational functions, production modules, processing wastewater treatment, facility infrastructure (water, power, sewer), access drives and parking. The waterward portion of the facility would require the installation of 2 water intake and 2 water discharge pipes which will be buried in the intertidal zone and partially in the subtidal zone and anchored with concrete collars in the remainder of subtidal zone of the bay.

The natural resource impacts associated with this planned development are:

1. Permanently fill approximately 261,196SF (5.99 acres) of freshwater wetlands for the RAS facility.
2. Temporarily fill/impact approximately 8,620SF (0.197 acres.) of the intertidal and subtidal zones for trenching and back filling the intake/outfall pipes.
3. Indirectly fill/impact approximately 28,610SF (0.656 ac.) to the subtidal substrate for the pipes laying on the bottom and permanently fill/impact 7,136SF (0.163 acres) to the subtidal substrate for the install of precast concrete collars to hold the pipes in place.

The work is shown on the enclosed plans entitled "Kingfish Maine", on four (4) sheets, and dated "March 25, 2021".

The applicant has avoided and minimized impacts to Corps of Engineers regulated aquatic resources by looking at alternative sites and onsite design changes. To compensate for the project's unavoidable impacts to wetlands, the applicant proposes to make an In-Lieu-Fee payment of \$1,110,083.00 to the Maine Natural Resource Conservation Program. The applicant is proposing to use ECOblocks for the pipe anchors as they incorporate a bio enhancing mixture into the concrete to encourage biogenic growth as compensation for subtidal impacts.

#### **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 (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.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, 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, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, as amended.

#### **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 37,230SF (0.854 acres) of EFH. This habitat consists of ledge, rock, boulders, cobbles, and gravel in the intertidal area then transitioning to deep soft mud in the subtidal area. 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 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 not 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 state of Maine has an approved Coastal Zone Management Program. The applicant certifies that any proposed activity will comply with and will be conducted in a manner that is consistent with the enforceable policies of Maine's approved Coastal Zone Management Program. By this Public Notice, we are requesting the State's concurrence or objection to the applicant's consistency certification. Please provide any comments or questions on this topic to Maria Eggett, Maine Department of Environmental Protection ([Maria.Eggett@maine.gov](mailto:Maria.Eggett@maine.gov)).

A copy of the application materials can be found at <https://www.maine.gov/dep/projects/kingfish/index.html>. These are the same materials received with the Corps application.

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.
- ( X ) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

## COMMENTS

**CENAE-R**  
**FILE NO. NAE-2020-1651**

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 Shawn Mahaney at (978) 318-8492.

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.**

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**Frank J. Del Giudice**  
**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).



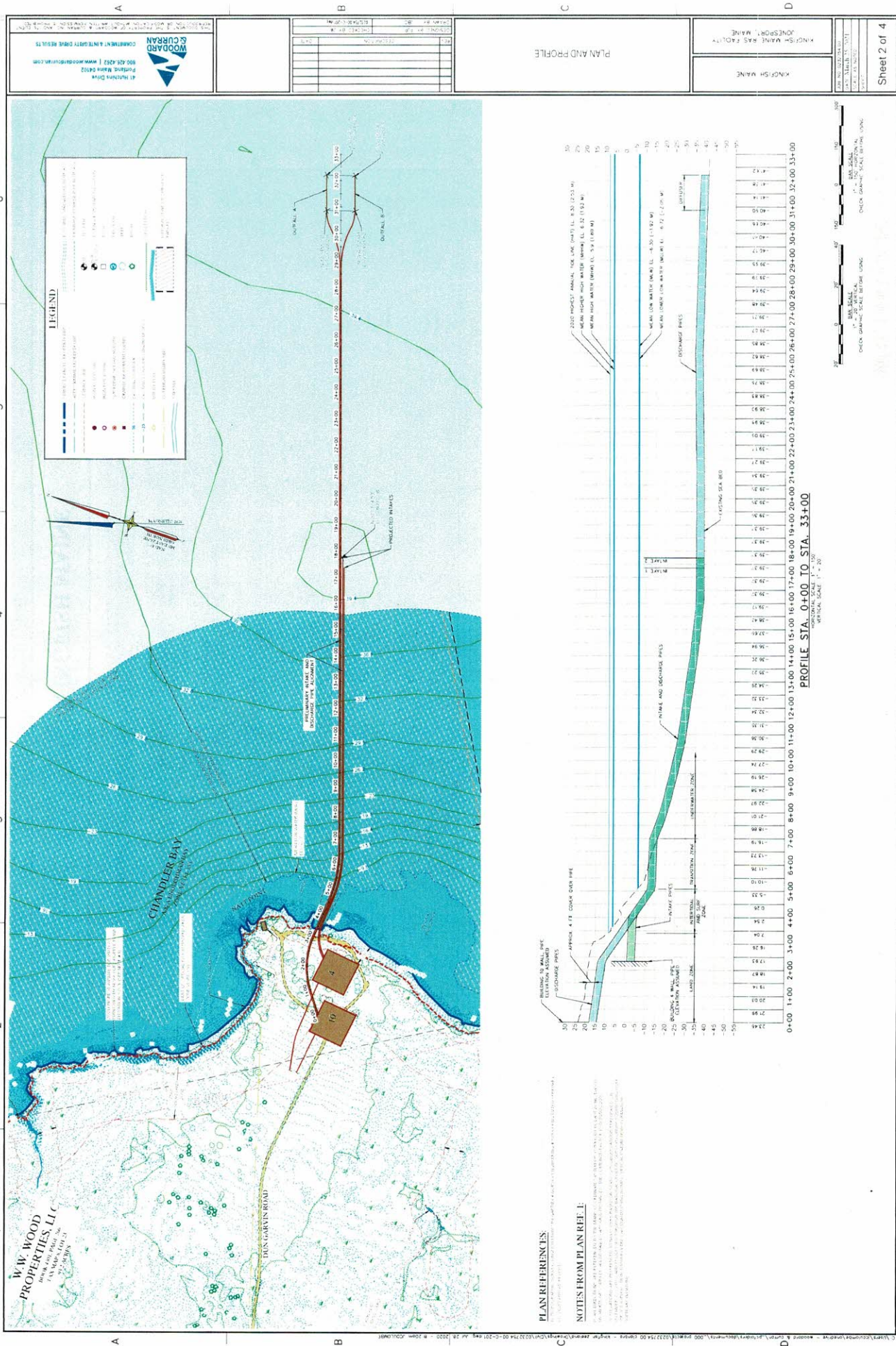


MAP REFERENCE: USGS JONESPORT QUADRANGLE 2018

# KINGFISH MAINE

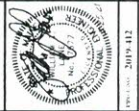
Sheet 1 of 4











Sheet 4 of 4

**Garley & Dorsky**  
INCORPORATED  
SURVEYING

KINGFISH MAINE  
NRA EXHIBIT WETLANDS

DATE: MARCH 25, 2021  
SCALE: 1" = 200'



**PLAN REFERENCES**

**NOTES FROM PLAN REF. E**

GRAPHIC SCALE  
1 inch = 200 feet

