



## PUBLIC NOTICE

**Comment Period Begins:** June 25, 2024  
**Comment Period Ends:** July 25, 2024  
**File Number:** NAE-2022-01568  
**In Reply Refer to:** Mr. Taylor Bell  
**Phone:** (978) 318-8952  
**Email:** Taylor.m.bell@usace.army.mil

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### **SUBJECT:**

This notice announces that a Complete Prospectus has been submitted by the Coastal Restoration Group, LLC that was prepared by Waypoint LLC for the development of the Nantucket Harbor Eelgrass Mitigation Bank.

### **MITIGATION BANK SPONSOR:**

Coastal Restoration Group, LLC  
P.O. Box 5266  
Nantucket, Massachusetts 02554

### **LOCATION:**

The Nantucket Harbor Eelgrass Mitigation Bank (NHEMB) is located within the Army Corps of Engineers (USACE) Massachusetts Coastal Zone regulatory boundary in the Atlantic Ocean, near the community of Nantucket, Nantucket County, Massachusetts (near NAD83 latitude 41.29043° longitude -70.07804°). The restoration site is located in Nantucket Harbor.

### **PURPOSE:**

Coastal Restoration Group, L.L.C. is proposing to establish a 5-acre commercial mitigation bank. The mitigation bank would generate compensatory mitigation credits for purchase by Department of Army permit applicants to fulfill compensatory mitigation requirements for impacts subject to USACE regulatory authorities. During permit evaluations, USACE approves or disapproves an applicant's use of bank mitigation credits on a case-by-case basis.

The NHEMB is proposing to sell compensatory mitigation credits to all coastal New England.

### **GENERAL INFORMATION:**

Mitigation banks are defined as a site, or suite of sites, where aquatic resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by Department of the Army (DA) permits pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. In general, units of

restored, established, enhanced or preserved wetlands or streams are expressed as “credits” which may subsequently be withdrawn to offset “debits” incurred at a permitted project site. In this way, a permit requirement to provide compensatory mitigation can be transferred to the mitigation bank sponsor. The operation and use of mitigation banks are governed by an approved mitigation banking instrument (MBI). The MBI is the legal document for the establishment, operation and the use of a mitigation bank. The sponsor would be responsible for the successful development of the mitigation bank including monitoring and reporting requirements.

A group of federal and state regulatory and resource agency representatives known as the Interagency Review Team (IRT) would oversee the establishment and management of the bank. The IRT is chaired by USACE. The primary role of the IRT is to facilitate the establishment of the mitigation bank through the development of an MBI. The IRT will review the prospectus, instrument, and other appropriate documents and provide comments to the USACE.

USACE approves or disapproves the use of the bank for specific projects pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. USACE provides no guarantee that any individual or general permit would be authorized to use the bank for compensation.

#### **PROJECT DESCRIPTION:**

The primary goal of the Nantucket Eelgrass Mitigation Bank is to restore a 5-acre eelgrass bed in Nantucket Harbor, which will provide compensatory mitigation credits to offset impacts to similar resources in the proposed service area. This will be accomplished by vegetation re-establishment. These actions will include harvesting seed from donor eelgrass beds to plant at the proposed mitigation site, as well as transplanting healthy eelgrass shoots to the restoration site. The prospectus outlines that a Conservation Land Use Agreement would serve as the site protection instrument for the project.

Eelgrass restoration is proposed to be credited at least 1:1 or 100% ratio, resulting in 5 eelgrass credits.

A copy of the complete prospectus can be found on RIBITS here:

[https://ribits.ops.usace.army.mil/ords/f?p=107:278:3511855618097::RP,278:P278\\_BAN\\_K\\_ID:6238](https://ribits.ops.usace.army.mil/ords/f?p=107:278:3511855618097::RP,278:P278_BAN_K_ID:6238)

A hard copy of the complete prospectus will be provided if requested.

### **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). EFH describes waters and substrate necessary for fish to spawn, breed, feed, or grow to maturity.

The District Engineer has made a preliminary determination that site-specific adverse effects will not be substantial, if there is any impact at all. Further consultation with the National Marine Fisheries Service regarding EFH recommendations is being conducted and will be concluded prior to the final decision.

### **NATIONAL HISTORIC PRESERVATION ACT**

Based on our initial review, the proposed activity would not affect historic properties. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the review process.

### **ENDANGERED SPECIES CONSULTATION**

The USACE is reviewing the applications 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. This review 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. 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. Through this public notice, USACE is 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:

- ( X ) Permit, license or assent from State.
- ( X ) Permit from local wetland agency or conservation commission.
- ( X ) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

### **COMMENTS**

USACE is soliciting comments from the public, federal, state, and local agencies and officials, Native Tribes, and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by USACE to determine whether to issue, modify, condition, or deny a permit if needed for these proposals. 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, and to determine the need for a public hearing and gauge the overall public interest of the proposed activity.

All comments received will be available for public review in their entirety and will be considered a matter of public record. 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 Mr. Taylor Bell at [taylor.m.bell@usace.army.mil](mailto:taylor.m.bell@usace.army.mil), (978) 318-8952, (800) 343-4789, or (800) 362-4367.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the modification. Requests for a public hearing shall specifically state the reason(s) 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. Copies of letters of objection will be forwarded to the applicant. Typically, the USACE will request that the applicant contact objectors directly in an effort to reach an understanding.

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



Stephen V. Rochette  
Chief, Technical Support Branch  
Regulatory Division

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Please contact Ms. Tina Chaisson at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil) or (978) 318-8058 if you would like to be removed from our public notice mailing list.

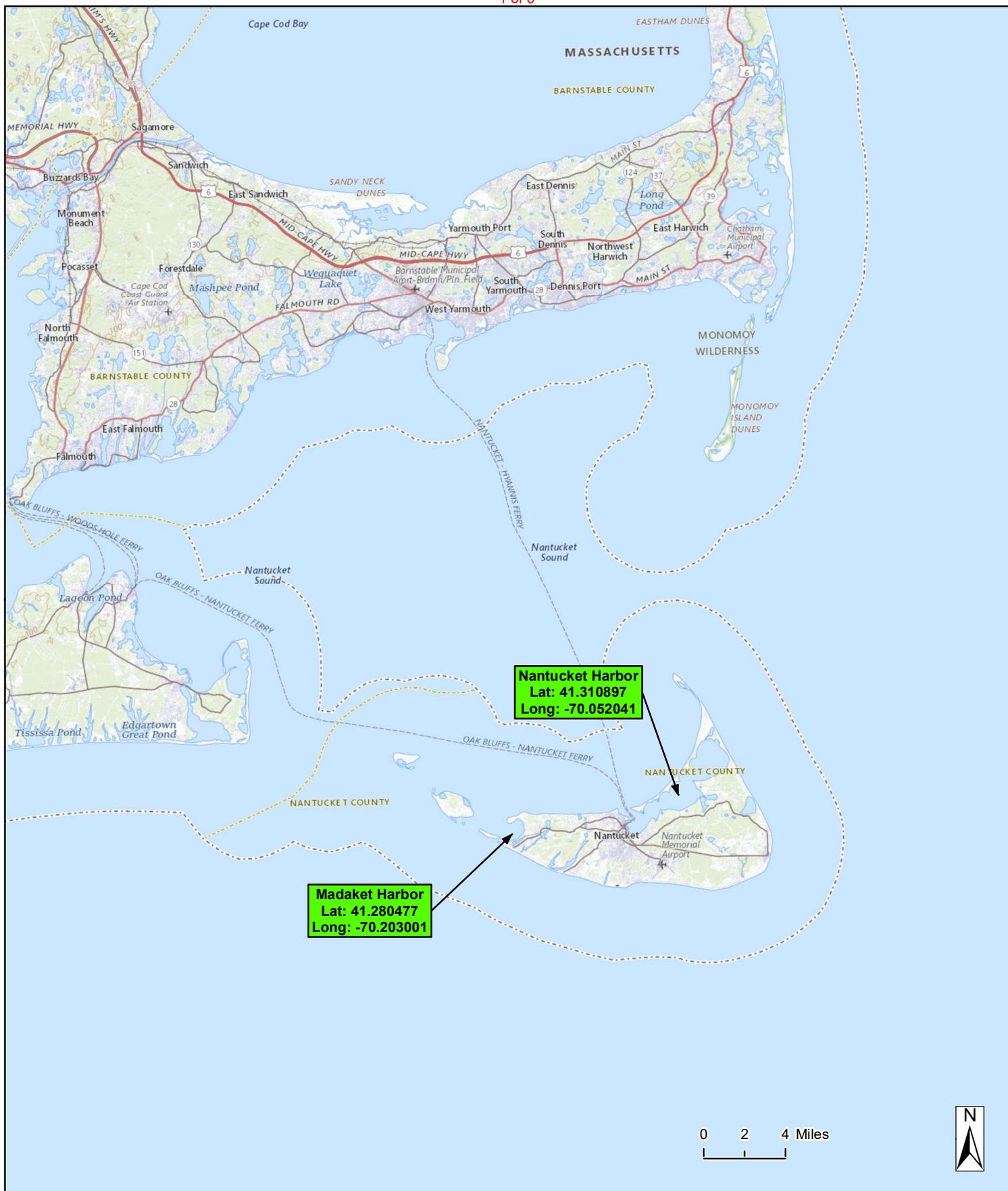


FIGURE 1. PROJECT LOCATION ON USGS TOPOGRAPHIC MAP

 <p><b>US Army Corps of Engineers</b></p>	PROJECT NAME: NANTUCKET EELGRASS MITIGATION BANK	 <p><b>WAYPOINT</b> LLC</p>
	PROJECT LOCATION: NANTUCKET, MASSACHUSETTS	
	PREPARED FOR: COASTAL RESTORATION GROUP, LLC	
	PROJECT ID: NAE-2022-01568	
	WPT#: 2021-34	
PRINT DATE: 12/13/2021		

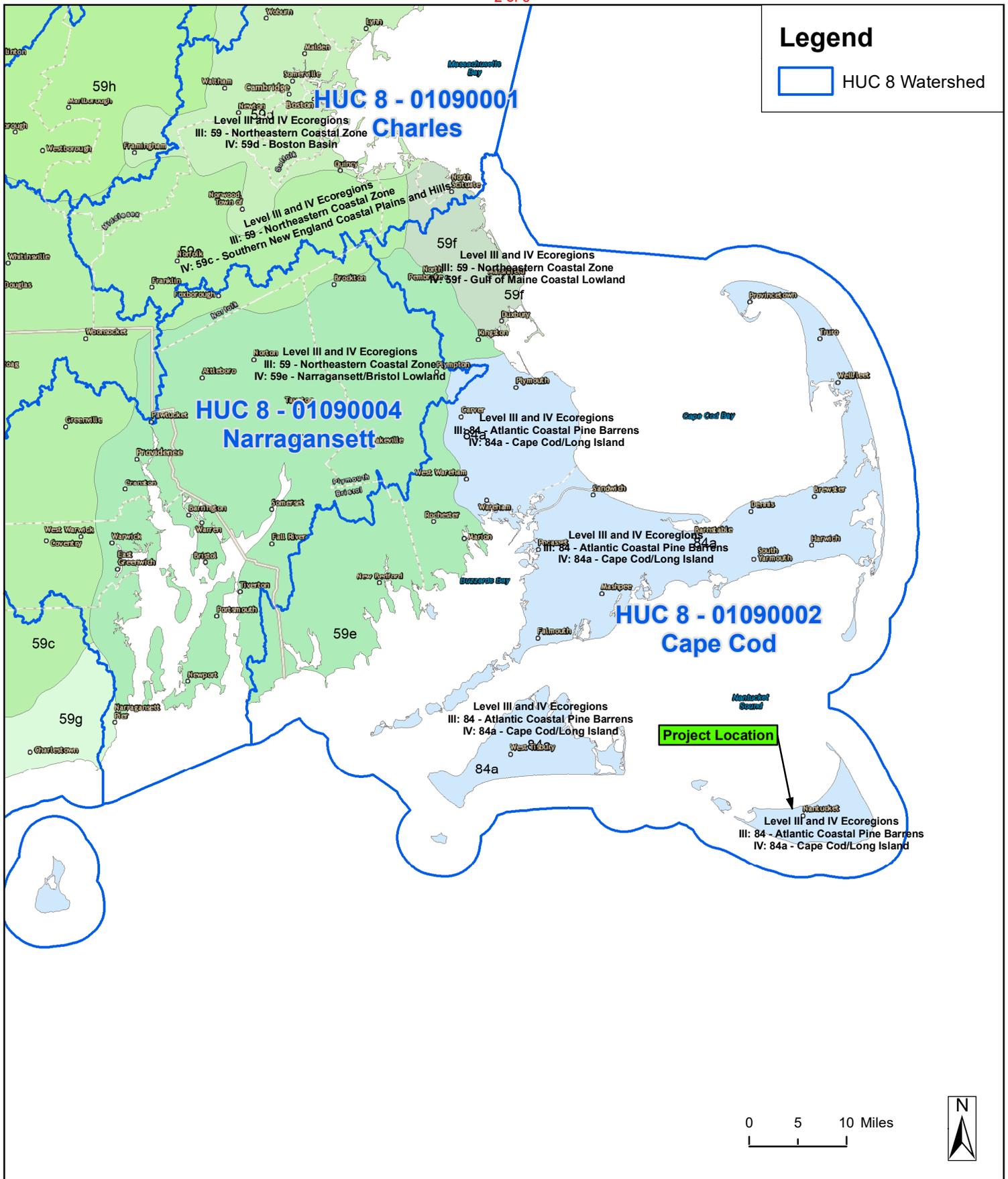


FIGURE 2. 8 DIGIT HUC LOCATION MAP WITH LEVEL IV ECOREGION BOUNDARIES



**US Army Corps  
of Engineers®**

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 PROJECT LOCATION: NANTUCKET, MASSACHUSETTS  
 PREPARED FOR: COASTAL RESTORATION GROUP, LLC  
 PROJECT ID: NAE-2022-01568  
 WPT#: 2021-34  
 PRINT DATE: 07/13/2022



**WAYPOINT** LLC



FIGURE 3: SERVICE AREAS MAP

	PROJECT NAME: NANTUCKET EELGRASS MITIGATION BANK	
	PROJECT LOCATION: NANTUCKET, MASSACHUSETTS	
	PREPARED FOR: COASTAL RESTORATION GROUP, LLC	
	PROJECT ID: NAE-2022-01568	
	WPT#: 2021-34	
PRINT DATE: 08/23/2023		



# Massachusetts Division of Marine Fisheries SHELLFISH SANITATION AND MANAGEMENT

Growing Area Code: NT2

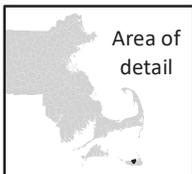
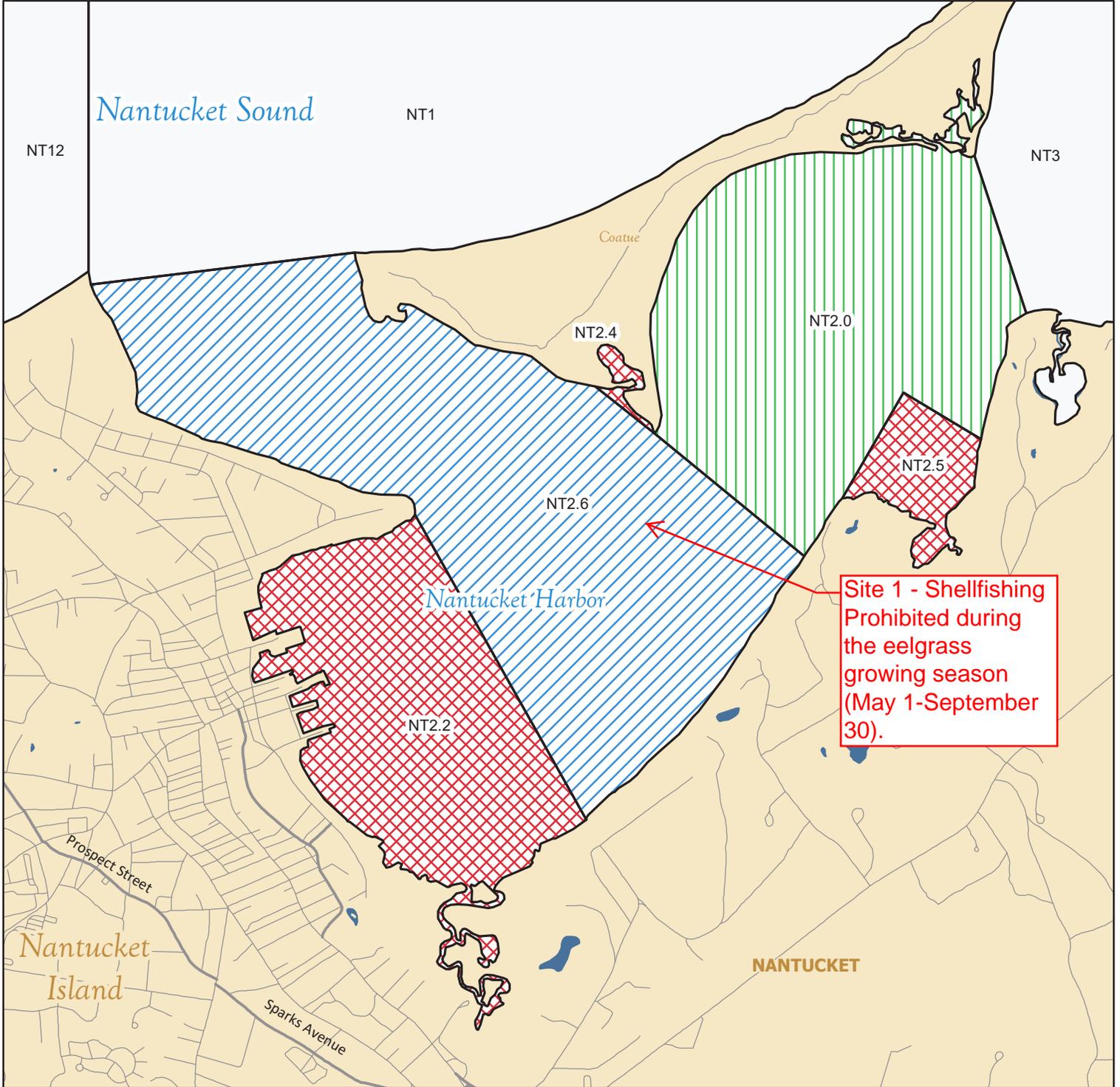
Area Name: NANTUCKET HARBOR WEST

Area Town(s): Nantucket

## Shellfish Area Classification

	Approved		Conditionally Restricted
	Conditionally Approved		Prohibited
	Restricted		

Produced: 1/25/2022



This map depicts the Marine Fisheries' sanitary classification of shellfish growing waters in accordance with the National Shellfish Sanitation Program. It does not indicate the current status, either "open" or "closed" to harvesting due to shellfish management or public health reasons. Always confirm the status with local authorities and/or Marine Fisheries. Information on this map may be out-dated or otherwise incorrect, and should not be relied upon for legal purposes.

- Marsh/Wetland
- Saltmarsh
- Pond/Lake/Reservoir
- Town Boundaries
- Stream/Ditch/Canal



### Legend

#### Wetlands

##### NWI Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

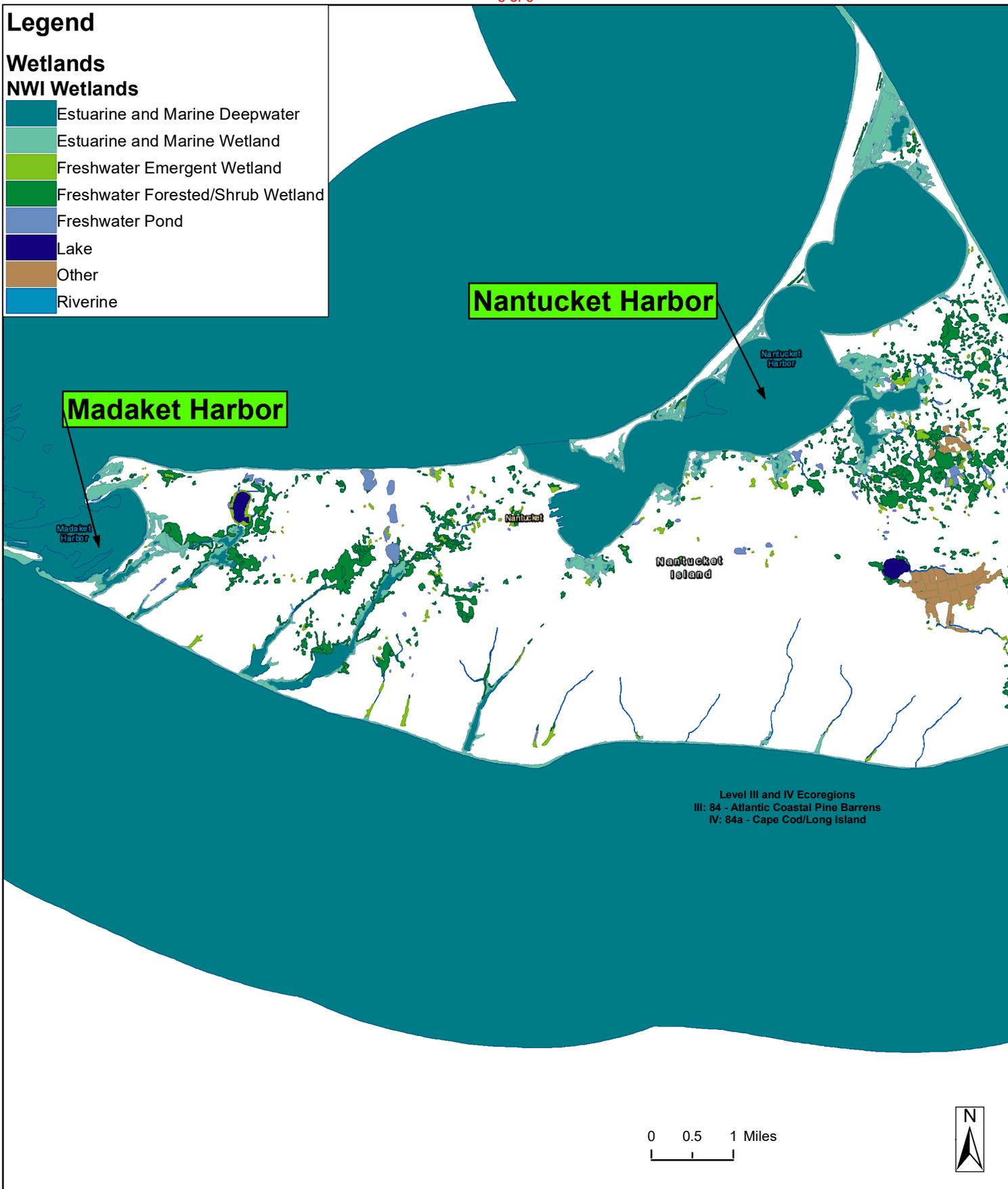


FIGURE 5. NWI WETLANDS MAP

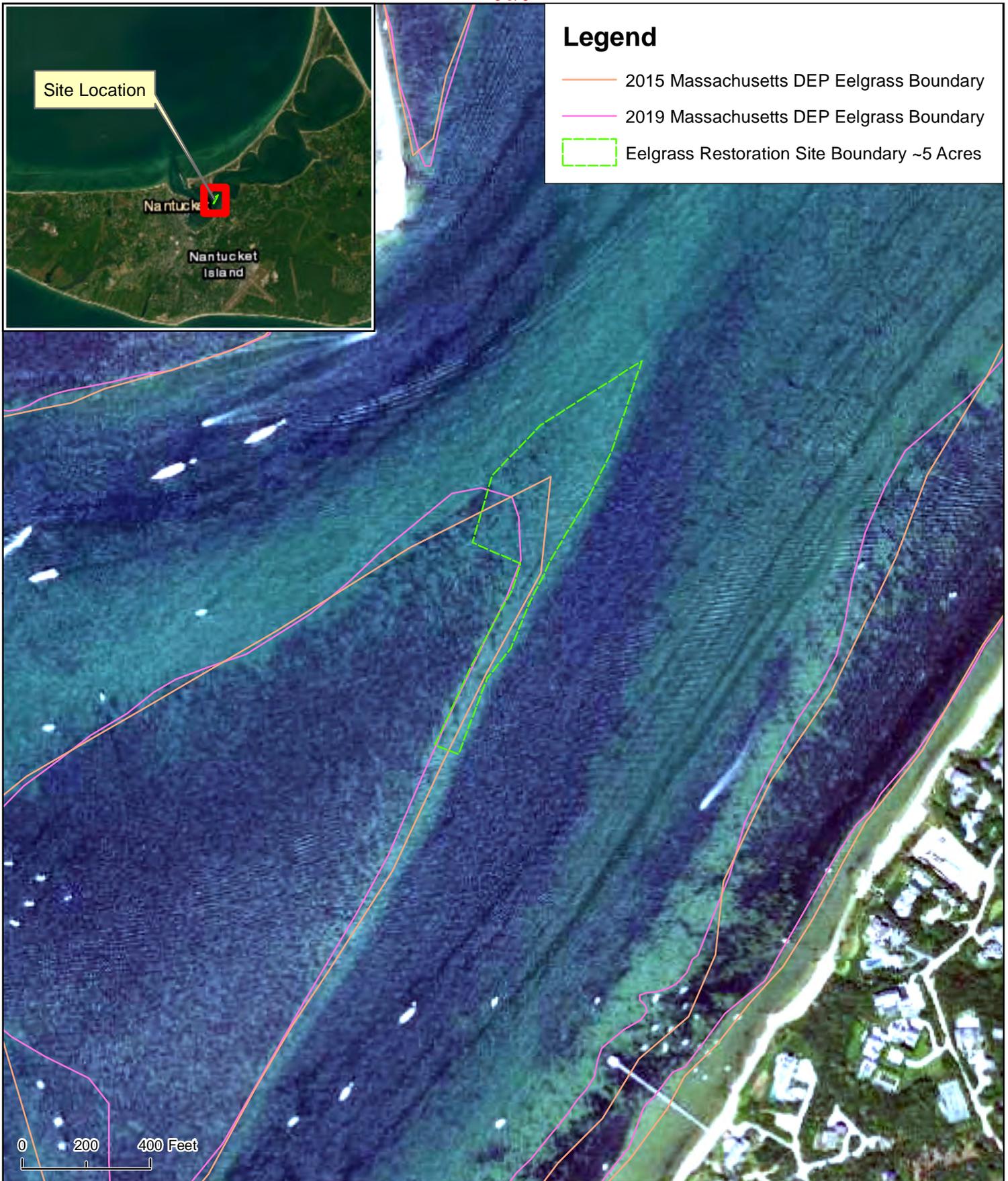


**US Army Corps  
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**WAYPOINT** LLC



**FIGURE 6. NANTUCKET HARBOR EELGRASS RESTORATION SITE**



PROJECT NAME: NANTUCKET HARBOR EELGRASS RESTORATION PROJECT  
PROJECT LOCATION: NANTUCKET, MASSACHUSETTS  
PREPARED FOR: U.S. ARMY CORPS OF ENGINEERS & COASTAL RESTORATION GROUP  
PROJECT ID: NAE-2022-01568  
WPT#: 2021-34  
PRINT DATE: 01/02/2024

