



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

PUBLIC NOTICE

Comment Period Begins: September 3, 2013
Comment Period Ends: October 3, 2013
File Number: NAE-2013-1584
In Reply Refer To: Kevin R. Kotelly, P.E.
Phone: (978) 318-8703
E-mail: kevin.r.kotelly@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States as described below.

APPLICANT

Domenic Santoro

ACTIVITY

The work is structures in navigable waters of the United States to establish a 30 acre submerged aquaculture longline area in federal waters on the outer continental shelf. Initially three 120 meter longlines would be deployed for shellfish farming to the east of Horseshoe Shoals in Nantucket Sound. Each longline will be anchored to the bottom with helical anchors or concrete block anchors. The anchor lines and horizontal headropes will consist of 1-inch polysteel rope. Each corner (the junction of anchor line and headrope) will be suspended by submerged buoys with a buoyancy of 500 to 1000 lbs at a submerged depth of 6 to 8 meters below the surface. The 120 meter headropes will be strung between the 2 corner buoys. This configuration produces a ridged tensioned structure from which up to 100 mussel socks or spat collecting lines may be deployed. All surface buoys will be uniformly colored and marked with the operators name and phone number. Highflyer buoys will mark the array for navigational safety.

The mussels will be grown in Canadian cotton bisected socking material and on New Zealand ropes with cotton socking. Other types of socking materials may be tested at the site to determine their effectiveness. As mussels grow, additional submerged buoys will be added to the headropes. The lines will be monitored bi-weekly and buoys will be added to the headrope periodically to maintain the depth as the mussels grow heavier.

The longlines will initially be used for a mussel farming research and demonstration project. Other types of shellfish such as oysters and bay scallops, as well as seaweed, also may be grown experimentally. If the initial project is successful, a build-out of up to 25 longlines will be considered.

The proposed site is 30 acres in area. Average depth of the site is 60 feet with a range of 50 to 65 feet. The substrate is a relatively featureless sandy bottom with sand waves. The work is described on the enclosed plans on four sheets.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in the Atlantic Ocean in federal waters near Horseshoe Shoals in Nantucket Sound, Massachusetts. The site is a 30 acre area around center point 41°30'41" N, 70°16'40" W.

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.

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). This project will impact 30 acres of Essential Fish Habitat (EFH) for Atlantic cod (*Gadus morhua*), winter flounder (*Pseudopleuronectes americanus*), windowpane flounder (*Scophthalmus aquosus*), long finned squid (*Loligo pealeii*), Atlantic butterfish (*Peprilus triacanthus*), Atlantic mackerel (*Scomber scombrus*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristis striata*), surf clam (*Spisula solidissima*), king mackerel (*Scomberomorus cavalla*), Spanish mackerel (*Scomberomorus maculatus*), and Cobia (*Rachycentron canadum*). This habitat consists of subtidal open water. Loss of this habitat may adversely affect the species listed above. 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 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. We are consulting with the National Marine Fisheries Service on the presence of federally listed endangered or threatened species in order to avoid adverse affects to any listed species that might be in the vicinity of the project. We will conclude consultation prior to the issuance of a permit.

The following authorizations have been applied for, or have been, or will be obtained:

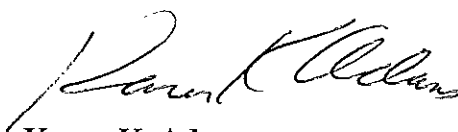
- Permit, License or Assent from State.
- Permit from Local Wetland Agency or Conservation Commission.
- Water Quality Certification in accordance with Section 401 of the Clean Water Act.

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 Kevin Kotelly at (978) 318-8703, (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 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.



Karen K. Adams
Chief, Permits and Enforcement Branch
Regulatory Division

CENAE-R
FILE NO. NAE-2013-1584

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. 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: _____
PHONE: _____

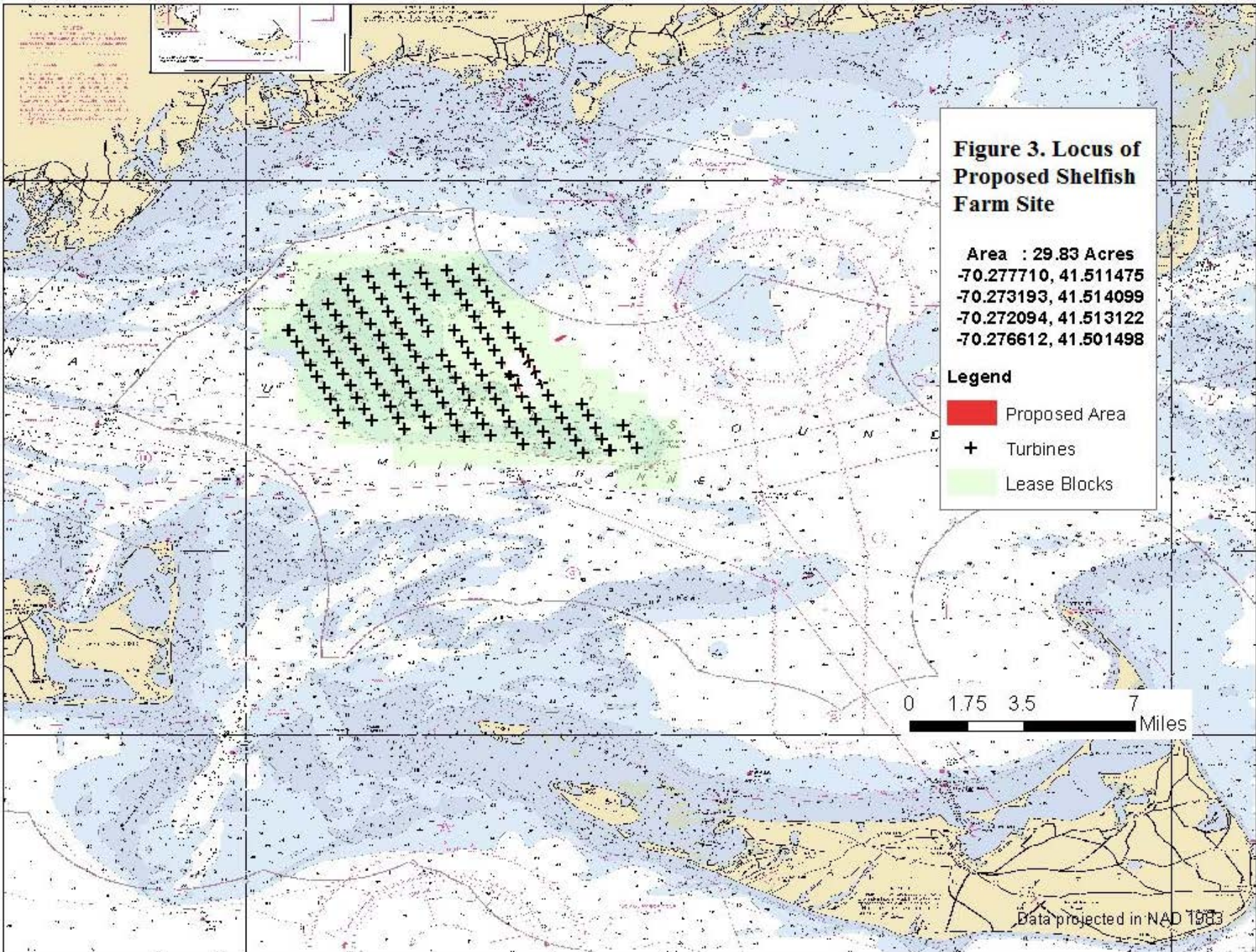


Figure 3. Locus of Proposed Shelfish Farm Site

Area : 29.83 Acres
-70.277710, 41.511475
-70.273193, 41.514099
-70.272094, 41.513122
-70.276612, 41.501498

Legend

- Proposed Area
- Turbines
- Lease Blocks

0 1.75 3.5 7 Miles

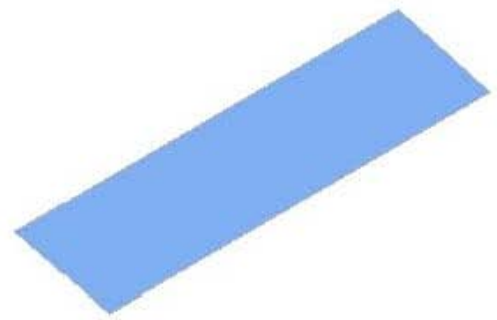
Data projected in NAD 1983

Figure 4. Detailed locus and area of proposed 30 acre site

Area 2: 29.83 Acres
-70.277710, 41.511475
-70.273193, 41.514099
-70.272094, 41.513122
-70.276612, 41.501498

Legend

- Proposed Areas
- Turbines
- Lease Blocks



63

59



57

Data projected in NAD 1983

Figure 1

Detailed plan for shellfish longlines near Horseshoe Shoals

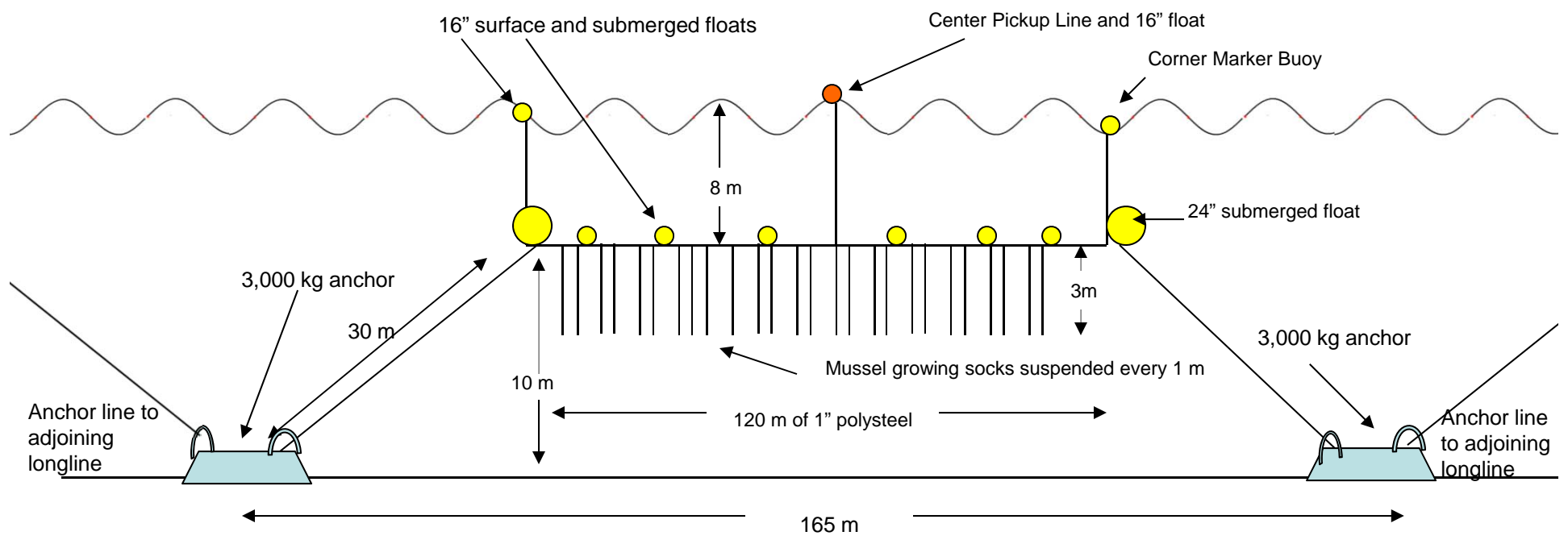


Figure 2. Complete array of 3 proposed longlines;
Helical anchors on the ends with block anchors in middle

