



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

PUBLIC NOTICE

Comment Period Begins: May 1, 2018
Comment Period Ends: June 1, 2018
File Number: NAE-2017-02116
In Reply Refer To: Christine Jacek
Phone: (978) 318-8026
E-mail: Christine.M.Jacek@usace.army.mil

The District Engineer has received a permit application to conduct work in waters of the United States from Carl Douglas, Jamie Bassett, and Richard Curtiss of 720 Main Street, Chatham, Massachusetts. This work is proposed in Nantucket Sound off the coast of Harding's Beach in Chatham, Massachusetts. The corner coordinates for the three locations are:

Site 1:

NORTH LATITUDE	WEST LONGITUDE
41.665578	-70.00245
41.666719	-70.001439
41.665050	-69.998083
41.663908	-69.999097

Site 2:

NORTH LATITUDE	WEST LONGITUDE
41.662180	-69.996695
41.662947	-69.994134
41.658337	-69.991934
41.657625	-69.993698

Site 3:

NORTH LATITUDE	WEST LONGITUDE
41.659333	-69.991264
41.656050	-69.991822
41.656186	-69.994656
41.659508	-69.994467

The work involves work and structures below the mean high water line of waters of the United States in order to construct and maintain a kelp aquaculture farm in three different locations off the coast of Chatham, Massachusetts. Site 1 is approximately 27 acres in size, site 2 is approximately 12.6 acres in size, and site 3 is approximately 23 acres in size. Initial construction will consist of a maximum of fifteen (15) lines placed across the three sites. Complete build will consist of 350 lines across all three sites. The kelp lines will consist of two moorings with a 200 ft. line between the moorings containing a seeded kelp line. Gear visible above the water is anticipated to consist of two 30 inch mooring buoys and two 12 inch buoys per line. All other gear will

be located below the water line. Kelp lines are proposed to be placed at the sites in October and removed by April.

The work is shown on the attached plans entitled "Chatham Kelp, LLC," on three (3) sheets, and dated "April 2018".

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 (Corps), 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 Corps 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 impact 62 acres of Essential Fish Habitat (*EFH*). This habitat consists of medium to fine grain sand with no submerged aquatic vegetation. 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 Corps 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 NMFS 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. 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 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, please contact Christine Jacek at (978) 318-8026, (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

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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.

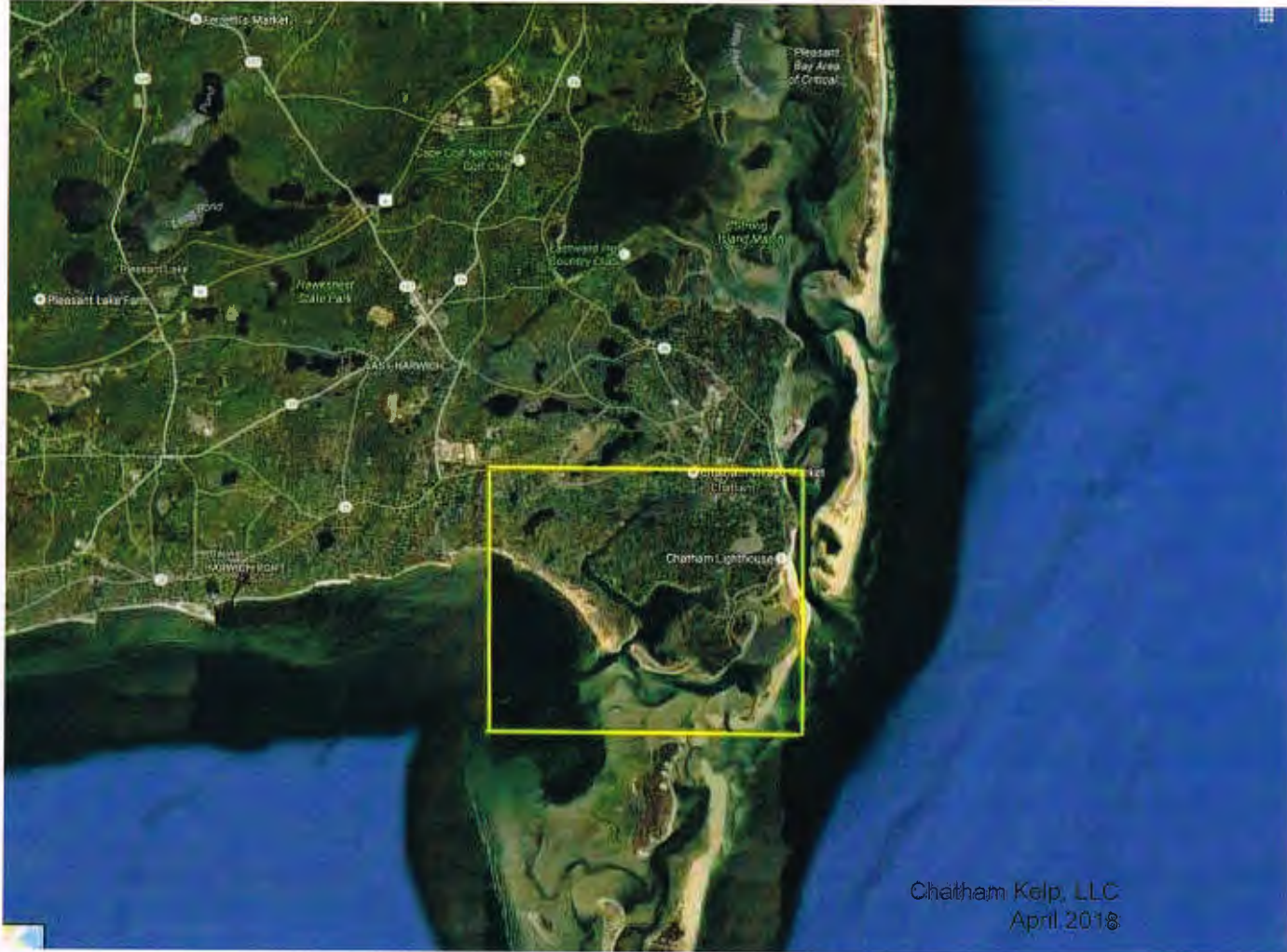
THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



**Barbara Newman
Chief, Permits and Enforcement Branch
Regulatory Division**

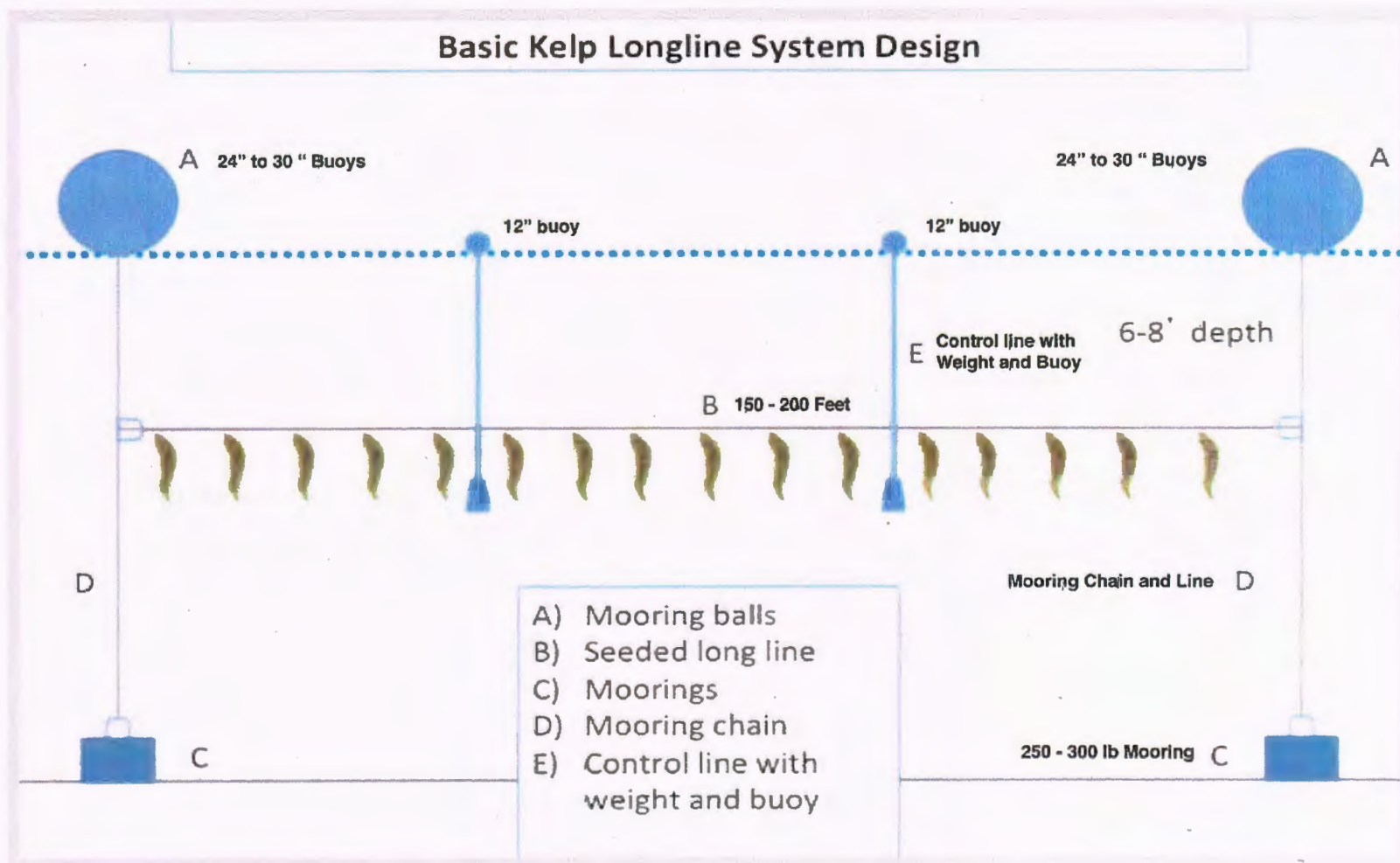
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____
PHONE: _____



Chatham Kelp, LLC
April 2018





Grow Depth from Mooring Ball to Block =
15' to 30' at Mean Low

Kelp grow-out line set-up

Method # 2 – More lines,