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# PUBLIC NOTICE



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

**Comment Period Begins: October 28, 2014**  
**Comment Period Ends: November 26, 2014**  
**File Numbers: NAE-2011-1324, NAE-2011-1344,  
NAE-2012-2066, NAE-2013-201, NAE-2013-754**  
**In Reply Refer To: Kevin R. Kotelly, P.E.**  
**Phone: (978) 318-8703**  
**E-mail: kevin.r.kotelly@usace.army.mil**

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The District Engineer has received five permit applications to conduct work in waters of the United States from Theodore Lambrecht, Andy Roberts, Charles Connors, Matthew Herr, and Gordon Fraser of Nantucket, Massachusetts. The work is proposed at the Town of Nantucket's Aquaculture zone located at the Head of the Harbor, Nantucket, Massachusetts. The site coordinates are: Latitude 41°19'53", Longitude 70°0'58".

The Corps previously issued permits for 4-acres of floating aquaculture to all five of these individuals over the last 3-years within the Town of Nantucket's 30-acre aquaculture zone. The Town is now expanding the aquaculture zone from 30-acres to 60-acres and these individuals would be granted an additional 4-acres, for a total of 8-acres apiece. Each individual would be issued a new Corps permit. The previously issued permits are as follows:

- NAE-2011-1324 Theodore Lambrecht – 4 acres; issued October 25, 2011.
- NAE-2011-1344 Andy Roberts – 4 acres; issued June 18, 2012.
- NAE-2012-2066 Charles Connors – 4 acres; issued April 2, 2013.
- NAE-2013-201 Matthew Herr – 4 acres; issued May 10, 2013.
- NAE-2013-754 Gordon Fraser – 4 acres; issued August 7, 2013.

The proposed subdivision of the 60-acre zone is depicted on the attached plan. The proposed permits would also allow the Town to reconfigure the location of the grant holders within the 60-acre aquaculture zone if the Town needs to do so in the future.

The aquaculture projects include structures and work below the mean high water line of waters of the United States to perform culturing and harvesting of bivalve molluscs (oysters) in subtidal, open water habitat. The culturing would be performed via wire mesh cages containing oyster bags under plastic floats. The area of the floating structures may cover the entire area, however, it is planned to phase in coverage of the area over time.

The propagation of oysters would be done using the OYSTER – GRO system using 3 foot (ft) by 6 ft by 9 inch (in) cages floated with 9 in by 12 in by 60 in plastic floats. The cages and floats will be anchored to the bottom with moorings and connected in strings of various lengths.

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Maintenance of the cages and bags will be necessary to keep them free of biofouling by either flipping the cages to allow air drying or by pressure washing or hand scrubbing with brushes. Over the wintertime, the cages will be submerged in the water column to avoid winter ice and storms. In the spring, the cages will be re-floated.

The grant areas would be appropriately marked with floating mooring balls. Access to the site will be by boat. The work is described on the enclosed plans entitled, "Town of Nantucket – GIS Mapsheet," on three sheets.

**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 60-acres of Essential Fish Habitat (EFH) for Atlantic cod, haddock, winter flounder, windowpane flounder, long finned squid, short finned squid, Atlantic butterfish, Atlantic mackerel, summer flounder, scup, black sea bass, surf clam, king mackerel, Spanish mackerel, cobia, blue shark, sandbar shark, and bluefin tuna. 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.

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**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. 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 any Federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

**COASTAL ZONE MANAGEMENT**

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.

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.

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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.**

*Alan R. Anacheles Casanova*  
for **Karen K. Adams**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

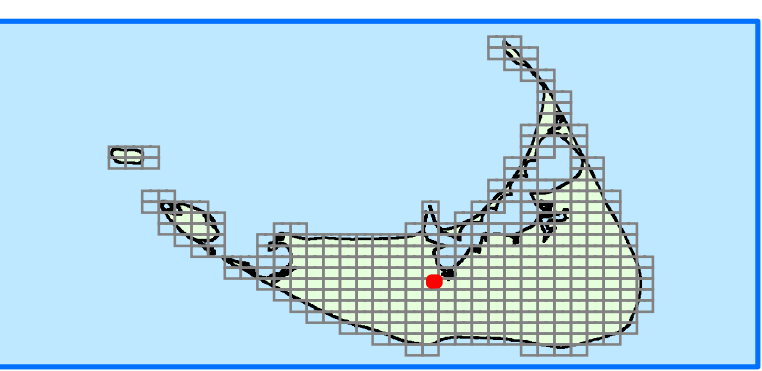
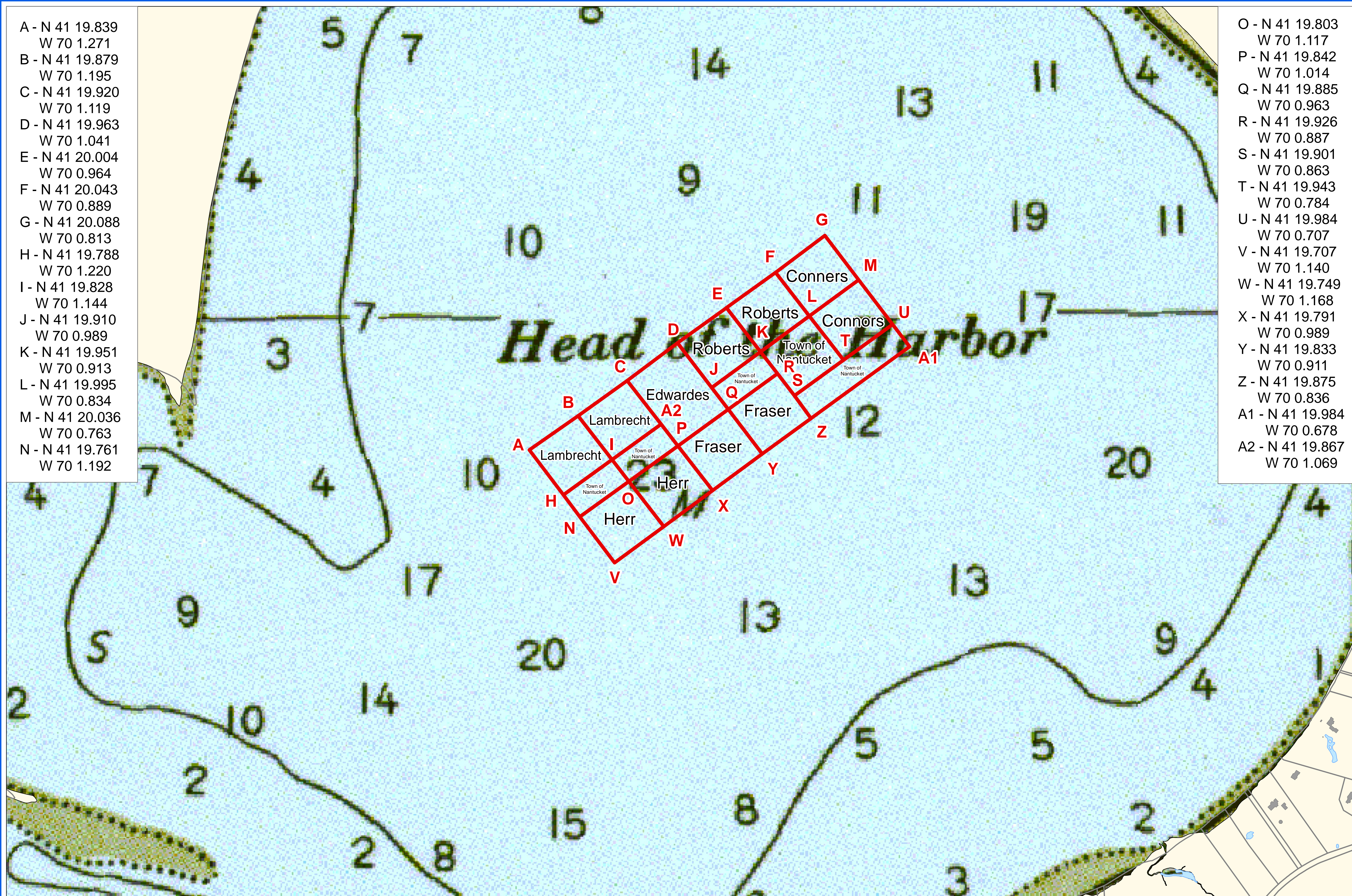
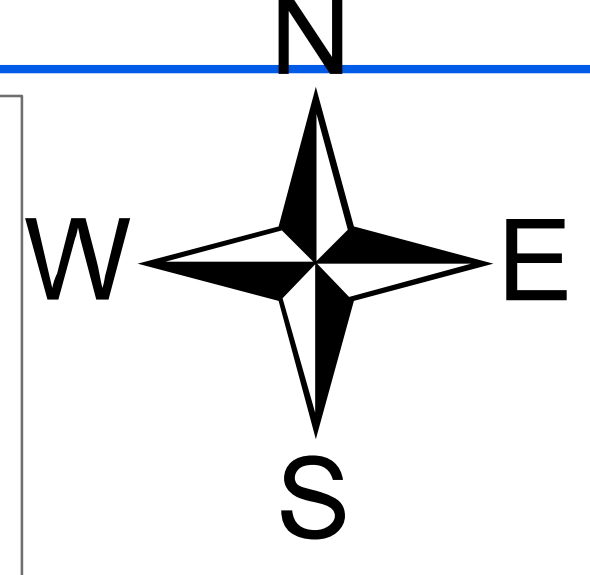
If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina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

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_



A - N 41 19.839  
W 70 1.271  
B - N 41 19.879  
W 70 1.195  
C - N 41 19.920  
W 70 1.119  
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E - N 41 20.004  
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W 70 1.014  
Q - N 41 19.885  
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The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.

09/03/2014

# Town of Nantucket - GIS Mapsheet

Nantucket governmental agencies will not necessarily approve applications based solely on GIS data. Applicants for permits and licenses must inquire of the relevant agency for applicable requirements.

The presence of information of this mapsheet does not necessarily imply public right-of-way or the right of public access.

The planimetric data on this mapsheet is based primarily upon interpretation of April, 2003 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

The parcel boundaries are based primarily upon the Tax Assessor's data through December, 2011.

**Legend**

- ACE Aquaculture
- Parcels
- Building

Please send identification of any errors and corresponding corrections to:  
GIS Coordinator  
Town of Nantucket  
2 Fairgrounds Rd  
Nantucket, MA 02554



**Aquaculture**



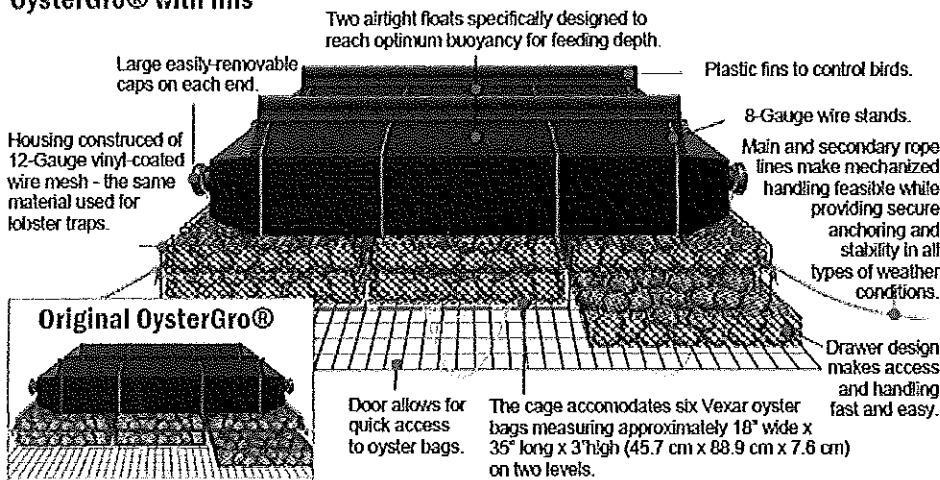


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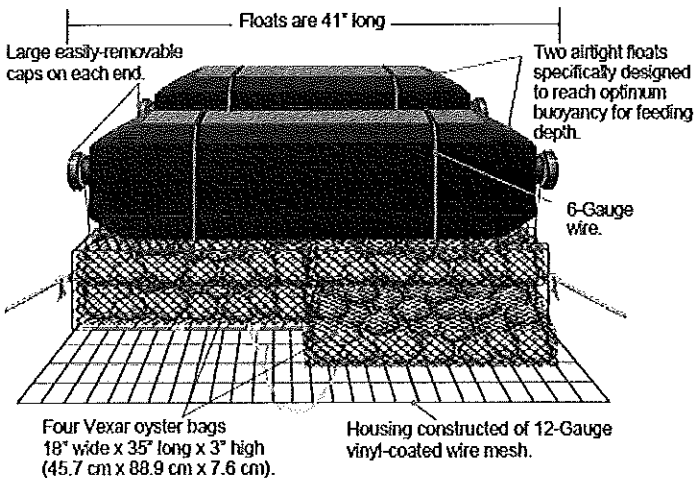
## A cost-efficient solution for high-quality oyster production.

At its core, OysterGro® consists of a compact wire mesh housing with two specially designed floats that provide an ideal, versatile environment for the growth, cleaning, sorting, protection and survival of oysters in a farming environment.

### OysterGro® with fins



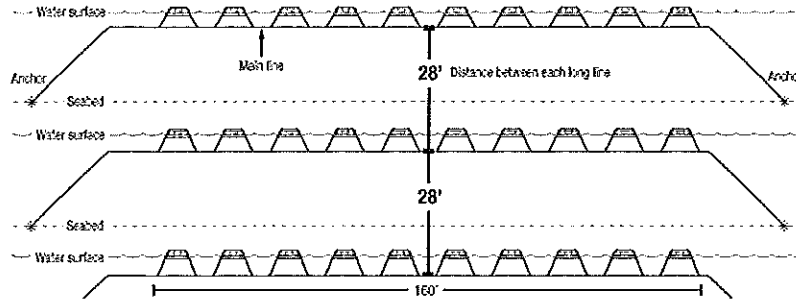
### Mini OysterGro®



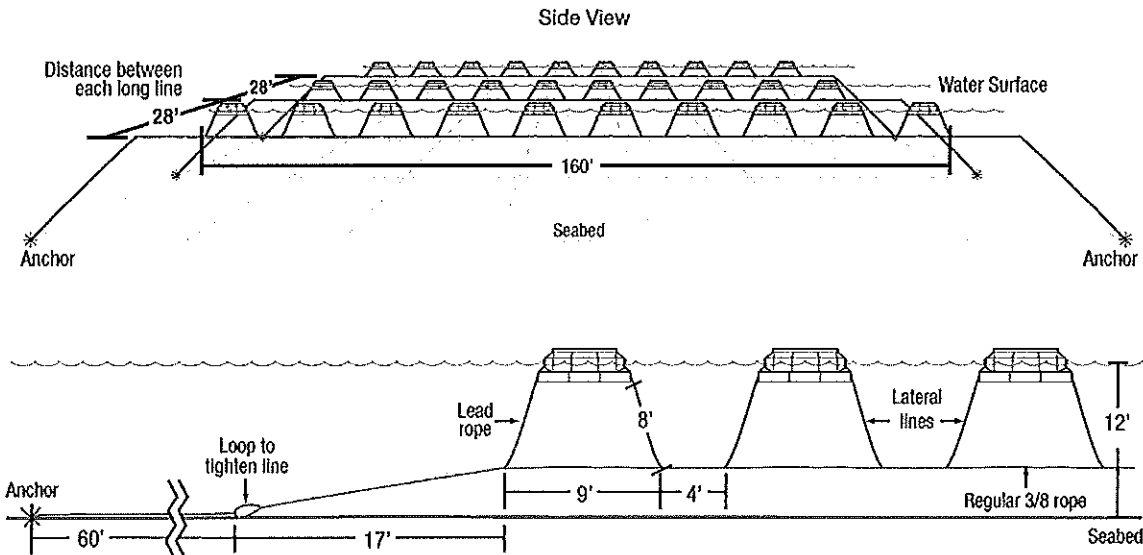
### Wire mesh



(<http://www.riverdale.com/>)



A typical long line consists of one individual row of 10 to 12 OysterGro Units. The units are linked together with 3/8" ropes. Proper anchorage is necessary to hold the units to the seabed. The long lines are usually around 160 feet.



The shellfish seed will be introduced in June and monitored for growth until the end of October. They will be graded and transferred to clean larger mesh bags as they grow. The maximum density for a market size oyster using this system is 1,200 three inch oysters per cage or 200 per bag.

The cages will have to be cleaned on a regular basis to prevent bio-fouling organisms becoming a dominant presence. This will be done by either manual scrubbing or pressure-washing. In the winter, this system is will be submerged so that the cages sit on the bottom of the lease protected from ice and winter storm events. The cage system will be raised and re-suspended the following spring.