



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

#8D

MAY - 2 2013

Thomas A. Nies, Executive Director  
New England Fishery Management Council  
50 Water Street  
The Tannery, Mill 2  
Newburyport, Massachusetts 01950



Dear Tom:

The U.S. Army Corps of Engineers has published the enclosed public notice for a mussel aquaculture permit in the EEZ, 8.5 miles east of Rockport, Massachusetts. We mailed a preliminary description of this project to Paul Howard last December. It is our understanding that, if this project is permitted, it will be a provisional permit, with the stipulation that aquaculture operations cannot begin until the paralytic shellfish poisoning (PSP) closure currently in effect is either lifted or modified.

Even though mussels are not a federally managed species, I would welcome an opportunity for us (and the project participants) to provide a brief presentation and describe this project at a future Council meeting. Should you have any have any questions, please do not hesitate to contact me.

Sincerely,

for John K. Bullard  
Regional Administrator

cc: PMF, CBH (5/13)





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

# PUBLIC NOTICE

**Comment Period Begins: April 23, 2013**  
**Comment Period Ends: May 23, 2013**  
**File Number: NAE-2012-1598**  
**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

Northeastern Massachusetts Aquaculture Center  
Salem State University

## ACTIVITY

The work is structures in navigable waters of the United States to establish a commercial scale submerged blue mussel (*Mytilus edulis*) farm in federal waters on the outer continental shelf. Mussel longlines will be deployed in strings of 300 foot (ft) long header ropes submerged to a depth of 30 ft and anchored to the bottom with block and mushroom anchors. Each longline will have a surface float for visual marking and servicing of lines. Additional submerged floats will be attached as needed along header lines to support the weight of growing mussels.

Each longline corner will be anchored to the bottom with a 2000 lb concrete block anchor attached to a 600 lb mushroom anchor with chain. The corner and header lines will consist of 1 inch braided nylon rope. A 300 ft header line will be strung between the 2 corner lines and buoys. This configuration produces a ridged tensioned structure from which up to 100 mussel growout or spat collecting lines are deployed.

The mussels will be grown in cotton bisected socking material. Other types of socking materials may be tested at the site to determine their effectiveness. Mussel growlines will be 25 ft long and each growline will hold up to 100 socks spaced about 1 meter apart. As the mussels grow, additional 12 inch round submerged buoys will be required to maintain the lines at a depth of 25 – 30 ft.

At full scale operation, there will be 20 triplet (end to end) longline strings laying side by side with a space of 60 ft between each triplet longline. The full-scale site will consist of 60 – 300 ft submerged longlines in a 3 by 20 array. Each longline will have 100 – 25 ft socked mussel grow lines hanging below the header ropes.

All surface buoys will be uniformly colored and marked with the Northeastern Massachusetts Aquaculture Center logo and phone number. The growline buoys will have highflyer flags attached for visibility. All surface buoys will have break away links installed at the base of attachment to the growlines or mushroom anchors.



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The dimensions of the site will be 1200 feet by 1200 feet. Average depth of the site is about 150 ft with a range of 140 – 170 ft. The substrate is a relatively flat and featureless bottom. The dominant bottom type is cobble-sized rocks (2.12 – 10.1”) with a scattering of small sized boulders (1 – 2 ft average). There is also a layer of fine silt covering the bottom. 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 on the outer continental shelf 8.5 miles off Cape Ann, Massachusetts. The site is a 33 acre area around center point 42°41’00” N, 70°27’00” 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 33 acres of Essential Fish Habitat (EFH) for Atlantic cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), pollock (*Pollachius virens*), whiting (*Merluccius bilinearis*), Red hake (*Urophycis chuss*), white hake (*Urophycis tenuis*), redfish (*Sebastes fasciatus*), witch flounder (*Glyptocephalus cynoglossus*), American plaice (*Hippoglossoides platessoides*), Atlantic halibut (*Hippoglossus hippoglossus*), monkfish (*Lophius americanus*), spiny dogfish (*Squalus acanthias*), porbeagle shark (*Lamna nasus*), blue shark (*Prionace glauca*), and bluefin tuna (*Thunnus thynnus*). 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.

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THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



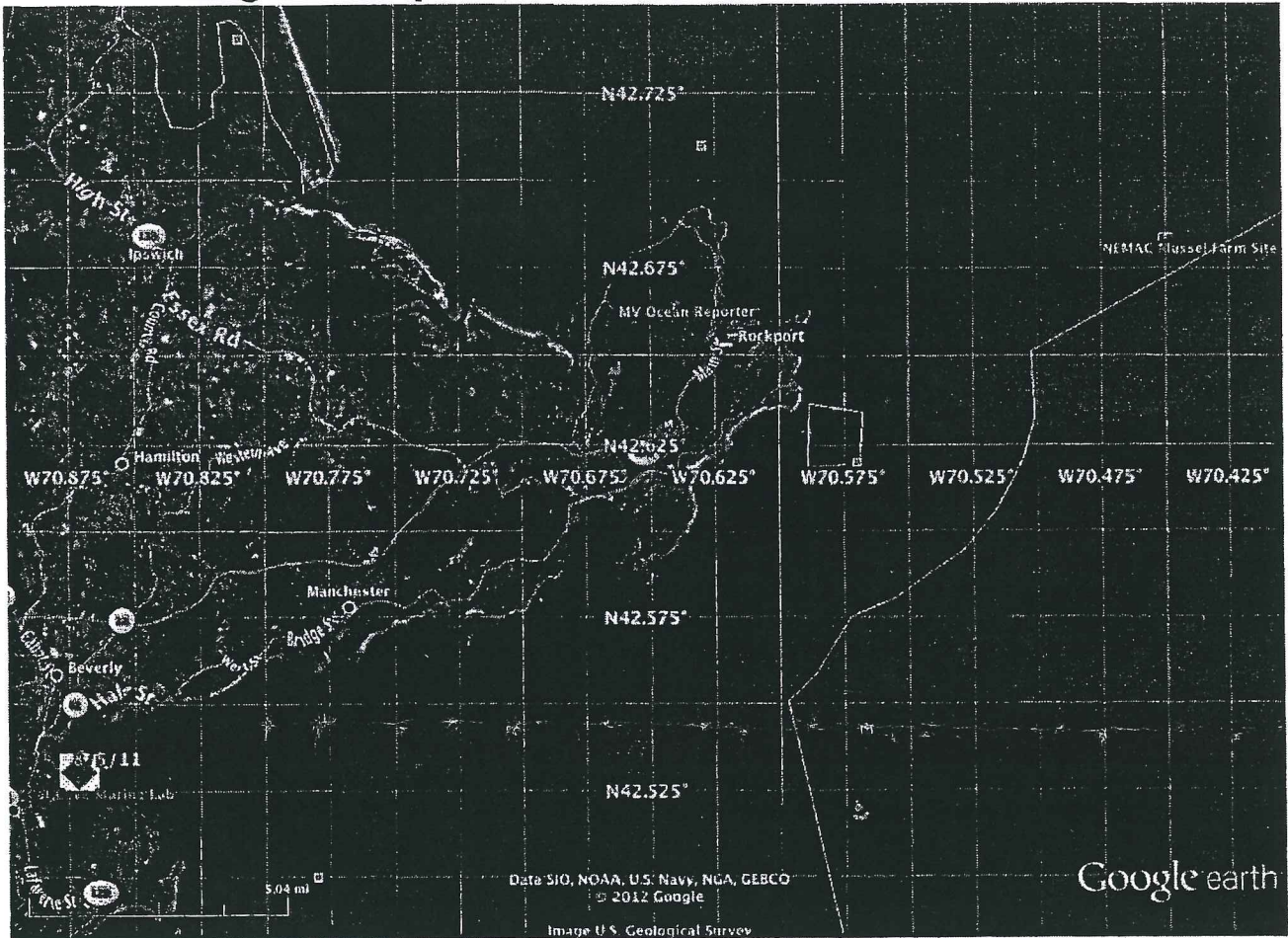
**Karen K. Adams**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

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: \_\_\_\_\_

Figure 1. Proposed Location of NEMAC Offshore Mussel Farm Site (Google Earth).

**Figure 1. Proposed NEMAC Offshore Mussel Farm Site**

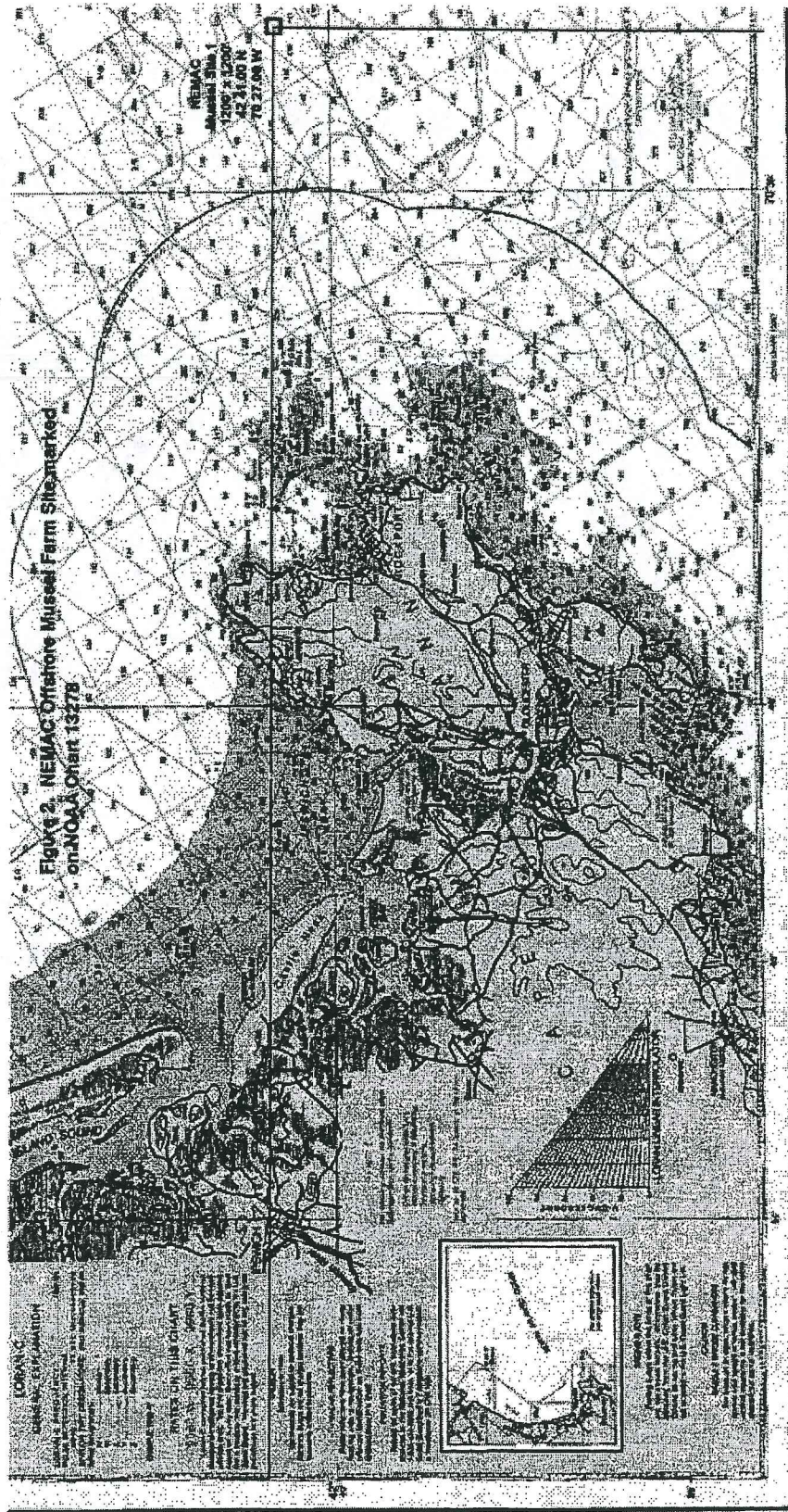


Google earth

miles  
km







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U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
BEAVER DAM, WISCONSIN 53002

NOAA Chart 13278  
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Figure 3 Proposed NEMAC Offshore Mussel Farm Site Close up Navigational Chart view with side scan profile.

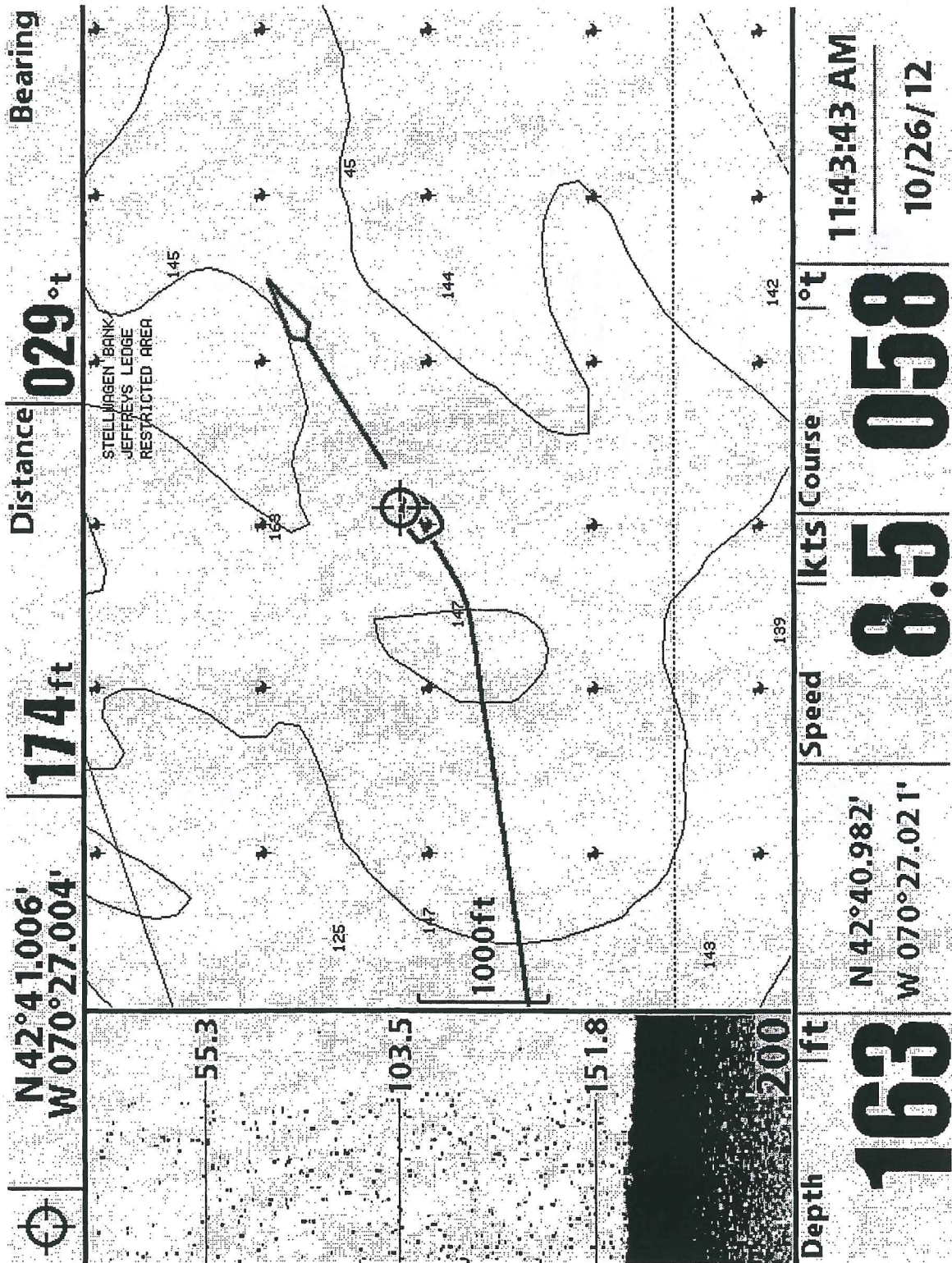
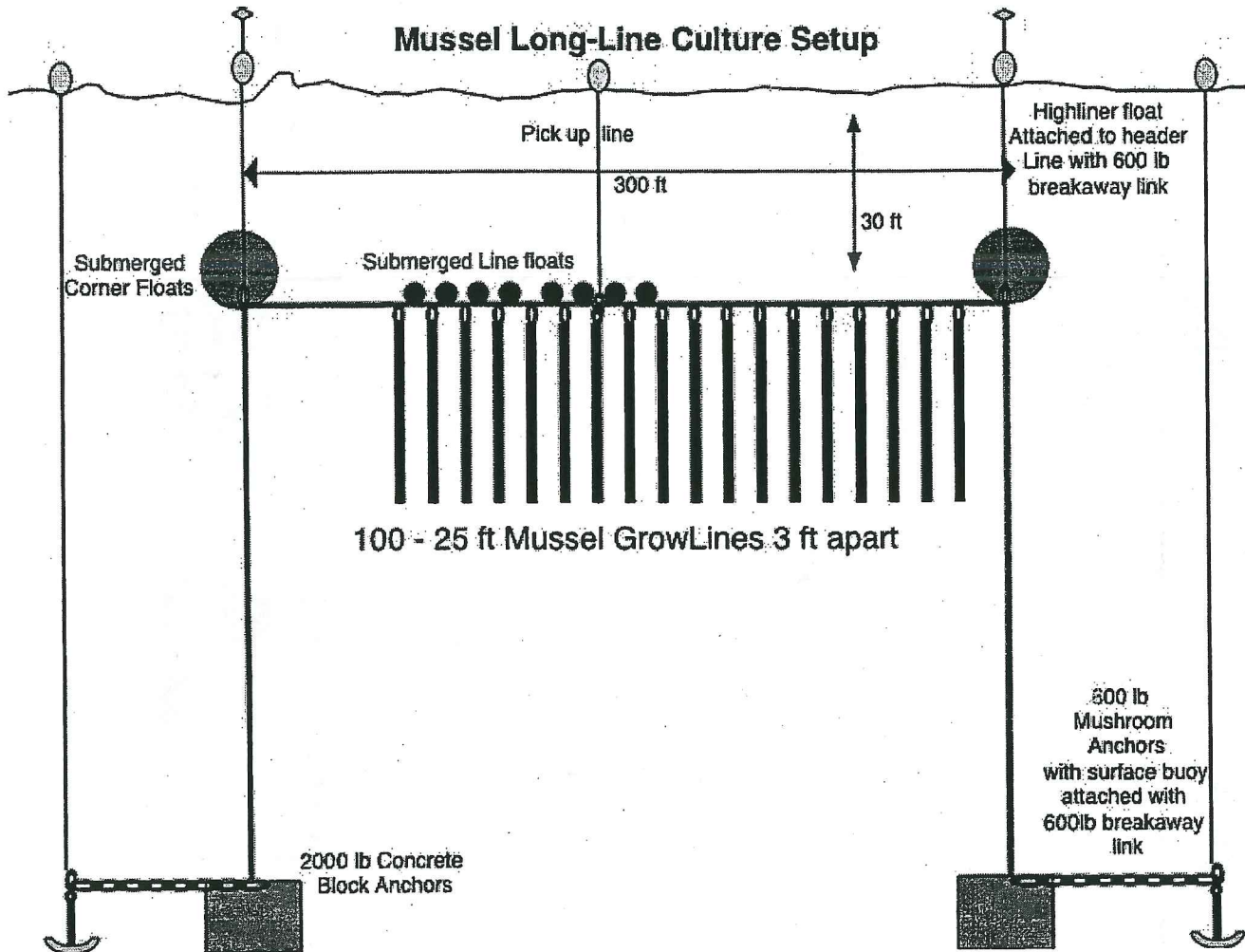




Figure 5. Mussel Longline Set Up



Notes: The concrete blocks will be about 4' x 4' x 2'

The mushrooms will have a 32" diameter base and a 59" long stem if we use cast iron. If we use steel the base is 40" diameter and 66" stem.

Anchor and header rope will be 7/8" Polysteel Rope