

Shellfish Aquaculture Permitting Program Update

Seattle District Regulatory Branch
U.S. Army Corps of Engineers

September 2016



Meeting Agenda

- 1:00 pm Opening remarks
- 1:05 pm Brief overview of the Corps aquaculture
permitting program
- 1:15 pm Update on ongoing activities
- Programmatic Endangered Species Act
Consultation
 - Permit tools for 2017
 - Upcoming milestones and
opportunities for involvement
- 1:45 pm Questions & Answers
- 2:45 pm Closing Remarks



Ongoing Activities Update – Key Take-Aways

- ▶ Decision to proceed with Nationwide Permit (NWP) 48 at this time
- ▶ Seattle District is assessing need for Regional Conditions for NWP 48
- ▶ Programmatic Biological Opinions (BiOps) received from both Services. Both BiOps and the Corps Programmatic Biological Assessment are available on our website
- ▶ Specific Project Information Forms (SPIFs) will be required for ESA coverage
- ▶ SPIFs will be available soon on our website



Overview of Corps Aquaculture Permitting Program

District Engineer visited sites in Willapa Bay and South Puget Sound



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Update on Ongoing Activities - ESA

- ▶ FWS Biological Opinion received 26 August 2016
- ▶ NMFS Biological Opinion received 2 September 2016
- ▶ Both BiOps and Corps Programmatic Biological Assessment posted on Corps website (<http://www.nws.usace.army.mil/>)
- ▶ Special Project Information Form (SPIF) available later this month on line



Programmatic ESA/MSA Consultation

- ▶ Streamlined Endangered Species Act/Magnuson-Stevens Act review
- ▶ Covers both new and on-going activities
- ▶ Covers range of shellfish activities (e.g., commercial, recreational, research, native shellfish restoration)
- ▶ Not tied to any specific type of permit or applicant; available as an option for any shellfish activity application



Next Steps - ESA

Next steps after programmatic consultation finalized

- ▶ Documents posted on Seattle District web page
- ▶ Issue Public Notice explaining procedures for re-verifying permits by end of month
- ▶ Workshops with industry, Tribes, applicants and agents (SEPT-DEC)
- ▶ Programmatic may be used as a reference for projects not meeting the conditions. These projects will require an individual ESA/MSA consultation with USFWS/NMFS



Update for NEW Applications

- ▶ For new applicants - an application (JARPA) is still required
- ▶ Include completed Specific Project Information Form (SPIF) with the application to obtain ESA coverage
- ▶ Instructions for filling out the JARPA for a shellfish application can be found at:
<http://www.ecy.wa.gov/programs/sea/aquaculture/pdf/JARPAinstruction.pdf>



Milestones - ESA

- ▶ Sept. 9, 2016 – BiOps, PBA posted
- ▶ September 2016 – SPIF form available
- ▶ September 2016 - Special Public Notice
- ▶ Sept - Dec 2016 – Outreach meetings with agencies, industry, Tribes, applicants, agents, and other interested public



Future Permitting Mechanisms



Permitting Tool: NWP 48

- ▶ Will use NWP 48 (2012) until it expires March 2017
 - Coordination meetings with Tribes and Agencies, meetings with others as requested
 - Est. 4-6 months to re-verify majority of actions currently lacking ESA coverage
 - Cannot use NWP 48 (2012) once it expires March 18, 2017
 - All applicants verified under (2012) NWP 48 will have a one year grace period (from March 18, 2017) if the verified activity has commenced
 - All actions verified under NWP 48 (2012) will require re-verification in 2017



Way Forward – NWP 48 (2017)

- ▶ Seattle District is not pursuing a Regional General Permit for aquaculture activities at this time
- ▶ Seattle District will proceed with the 2017 NWP 48
- ▶ The current NWP 48 (2012) expires March 2017 and is being revised and proposed for reissuance at the national level
- ▶ Seattle District assessing the need for regional conditions to NWP 48



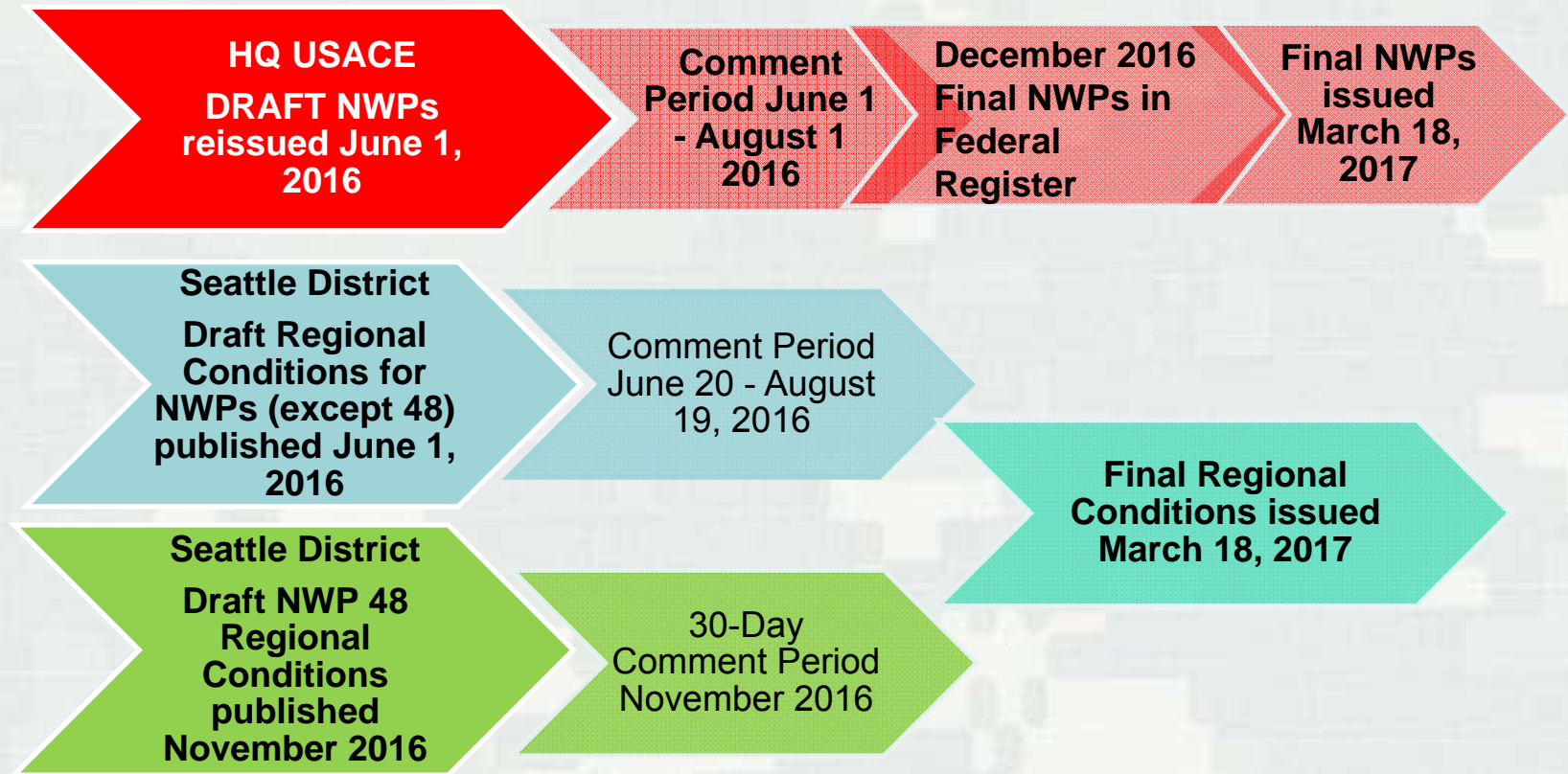
Permitting Tool: NWP 48 (2017)

Regional Conditions

- ▶ Regional conditions are specific to the needs and/or requirements of a particular region or state
- ▶ Important mechanism to ensure the adverse environmental effects of activities are no more than minimal, both individually and cumulatively
- ▶ Any proposed draft conditions would be put out for public review and comment (via public notice), in November
- ▶ The 30-day public notice is the public's opportunity to comment on any proposed regional conditions.



NWP Reissuance Process Overview



Summary of Upcoming NWP 48 (2017) Milestones*

- ▶ Nov 2016 – Public Notice with any Draft Regional Conditions for NWP 48 with 30 day public comment period
- ▶ Standard coordinating meetings with Agencies and Tribes
- ▶ Meetings with others as requested
- ▶ March 2017 – Issue final regional conditions after approval by the Northwest Division Commander



* Projected dates are estimates based on current schedule



QUESTIONS?



January 2017 – Next quarterly
Aquaculture stakeholder meeting

