

# SHELLFISH AQUACULTURE PERMITTING PROGRAM UPDATE

Seattle District  
US Army Corps of Engineers  
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# AGENDA

- Welcome by Seattle District Commander COL Mark Gerald
- Introductions
- Status of Government Accountability Office Audit
- Potential 2020 Nationwide Permit Reissuance
- Summary of ESA Conservation Measures Clarifications
- Questions & Answers
- Closing Remarks



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# GOVERNMENT ACCOUNTABILITY OFFICE AUDIT

- GAO reviewed the Corps' process for authorizing shellfish aquaculture activities in the U.S. Coastal Waters
- Four coastal districts with aquaculture activities evaluated
- GAO followed standardized audit procedures including review of relevant federal laws and regulations, interviews with agency personnel and stakeholders, and document reviews.
- The audit evaluates the period of time from 2012 to 2017
- Final Report Titled, Information on Shellfish Aquaculture Permitting Activities Published February 2019 (GAO-19-145)
- Available at: <https://www.gao.gov/assets/700/697024.pdf>



# POTENTIAL 2020 NATIONWIDE PERMITS

- Potential out-of-cycle Nationwide Permit Re-Issuance
- Regulatory Reform Agenda – Executive Order 13777
- Could include modifications to Nationwide Permit 48
- Agency will follow standard re-issuance procedures at the national and district level



# ESA CONSERVATION MEASURE FEEDBACK

- Feedback requested at January 22, 2018 meeting
- Strong support for proffered NWP 48 process
- Some comments encouraging NWP 48 to provide stronger protections for marine environment
- Questions/feedback on implementing the conservation measures
- Coordinated with National Marine Fisheries Service and U.S. Fish and Wildlife Service



# ESA CONSERVATION MEASURE CLARIFICATIONS

- Minor modifications:
  - CM 10: Work is allowed for 2 weeks after a negative forage fish spawn survey
  - “For ‘new’ activities only, activities occurring in or adjacent to **potential** spawning habitat for sand lance, or surf smelt shall have a spawn survey completed in the work area by an approved biologist<sup>4</sup> prior to undertaking bed preparation, maintenance, and harvest activities if work will occur outside approved work windows for these species. If eggs are present, these activities are prohibited in the areas where spawning has occurred until such time as the eggs have hatched and spawn is no longer present. If eggs are not present, work can occur for two weeks. After two weeks, a new forage fish spawn survey shall be completed if still outside the approved work windows. A record shall be maintained of spawn surveys including the date and time of surveys; the area, materials, and equipment surveyed; results of the survey, etc. The Corps and the Services shall be notified if spawn is detected during a survey. The record of spawn surveys shall be made available upon request to the Corps and the Services.”

# ESA CONSERVATION MEASURE CLARIFICATIONS

- Minor modifications:
  - CM 15: Removed 5 gallon volume limit for portable fuel containers
  - “For boats and other gas-powered vehicles or power equipment that cannot be fueled in a staging area 150 feet away from a waterbody or at a fuel dock, fuels shall be transferred in Environmental Protection Agency (EPA)-compliant portable fuel containers during refilling. A polypropylene pad or other appropriate spill protection and a funnel or spill-proof spout shall be used when refueling to prevent possible contamination of waters. A spill kit shall be available and used in the event of a spill. All spills shall be reported to the Washington Emergency Management Office at (800) 258-5990. All waste oil or other clean-up materials contaminated with petroleum products will be properly disposed of off-site.”



# ESA CONSERVATION MEASURE CLARIFICATIONS

- CM 30: Removed due to the delisting of Puget Sound/Georgia Basin distinct population segment of canary rockfish
  - ~~“Mechanical dredge harvest/harrowing shall not be conducted in North Puget Sound between April 1 and August 31.”~~





# Questions



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