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Permits and Permit Process for New Aquaculture Activities

Seattle District

U.S. Army Corps of Engineers

The Regulatory Program

15 February 2011



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Overall Objectives

- To understand the Corps' application review process
- To submit a **complete** permit application to result in a timely review of the application



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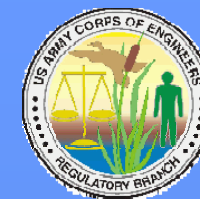


Presentation Outline

- Permitting Authority & Jurisdictional Areas
- Types of Permits
- Application Review Process and Mitigation
- Tips and Helpful Hints for Completing the Permit Application Form – Joint Aquatic Resources Permit Application (JARPA)
- Enforcement and Permit Compliance



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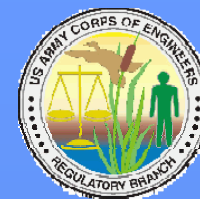


When do I call the Corps?





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When do I call the Corps?

When you are planning
on working in the
water or in wetlands





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Permitting Authority and Jurisdictional Areas

- 1) Is this **area** regulated by the Corps?
- 2) Is this **activity** regulated by the Corps?



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Aquaculture Activities

1) Is this **area** regulated by the Corps?

Yes, the Corps regulates all tidal (navigable) waters.

2) Is this **activity** regulated by the Corps?

Yes, the Corps regulates all work in navigable waters.



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Section 10 of the Rivers and Harbors Act of 1899

- To protect and preserve the navigability of navigable waters
- Requires that you obtain a permit from the Regulatory Branch for any **structure** or **work** in a **navigable** water of the U.S.





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Examples of Navigable Waters

- All tidal waters
- Puget Sound
- Hood Canal
- Strait of Juan de Fuca
- Willapa Bay





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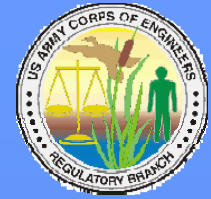


Activities regulated under Section 10 of the Rivers and Harbors Act include

- buoys
- floats
- breakwaters
- dredging
- rafts (for shellfish)
- fill
- log booms
- net pens
- geoduck tubes
- oyster racks
- piling
- boat ramps
- marine railways
- bulkheads



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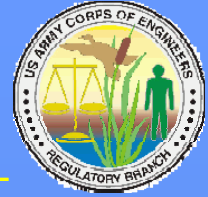


Section 10 Activities





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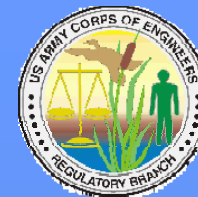


Section 404 of the Clean Water Act

- To restore and maintain the chemical, physical and biological integrity of the waters of the U.S.
- Requires that you obtain a permit from the Regulatory Branch for the **discharge of dredged or fill material** in any water of the U.S.



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Waters of the United States

- Navigable waters
 - For example: oceans, bays, and inlets
- Tributaries to navigable waters
 - For example: rivers and creeks, ephemeral and intermittent streams
 - Lakes and ponds
- Interstate bodies of water or wetlands
 - Crossing state lines or Indian reservation lines
- Wetlands adjacent to the waters listed above
- Special aquatic sites: wetlands, mudflats, vegetated shallows (eelgrass), riffle and pool complexes, coral reefs



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Activities regulated as a “discharge of dredged or fill material”

- placement of fill
(gravel, rock or dirt)
- mechanized land clearing
- grading
- excavation
(with associated discharge)





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Department of the Army Permits ("Corps" Permit) Types and Processes



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“Water Permits”

- Federal:
 - Corps: Department of the Army permit
- State
 - Department of Ecology
 - 401 Water Quality Certification (401)
 - Coastal Zone Management consistency concurrence (CZM)
 - Department of Fish and Wildlife
 - Hydraulic Project Approval (HPA) (for attendant features)
 - Department of Natural Resources
 - Aquatic land use authorization or lease
- City/County
 - Shoreline permit



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Types of Permits for Section 10 and 404 Activities

INDIVIDUAL

- Standard
- Letter of Permission

GENERAL

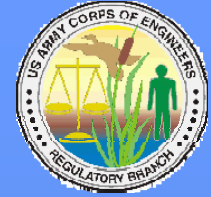
- Regional
- Nationwide





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Nationwide Permits



Updated every 5 years, most recently on March 18, 2007

Examples of NWP:

- NWP 3 Maintenance
- NWP 4 Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- NWP 10 Mooring Buoys
- NWP 48 Existing Commercial Shellfish Aquaculture Activities



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NWP 48 Existing Commercial Shellfish Aquaculture Activities

- Authorizes the **installation of structures** necessary for the continued operation of an **existing** commercial aquaculture activity
- Authorizes **discharges of dredged or fill material** necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities



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NWP 48 Existing Commercial Shellfish Aquaculture Activities

Existing = an aquaculture activity
(project area) granted authorization
from a State or local agency prior to
March 12, 2007 and which took place
prior to March 12, 2007



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NWP 48 Existing Commercial Shellfish Aquaculture Activities

- Does not authorize **new operations or expansion** of the project area of an existing activity
- Does not authorize **attendant features** such as piers, boat ramps, stockpiles, staging areas, or the deposition of shell material back into waters of the U.S.

These activities require authorization under a different type of Department of the Army Permit, typically a Standard Individual Permit.



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Details on NWP

- Information on all NWPs: Special Public Notice dated 7 November 2007
 - http://www.nws.usace.army.mil/PublicMenu/documents/REG/2007_NWPs_SPN_7nov2007_final.pdf
- Information on NWP 48
 - <http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=NWP48>



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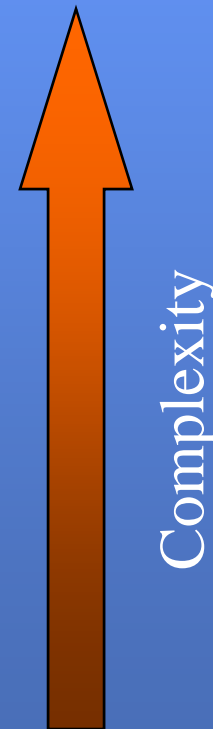
Types of Permits for Section 10 and 404 Activities

INDIVIDUAL

- Standard
- Letter of Permission
-

GENERAL

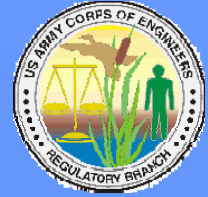
- Regional
- Nationwide





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Standard Individual Permit



- Application received reviewed for completeness
- Application complete - Prepare Corps/Ecology public notice
- Public Notice - to Federal, state, local agencies, Indian treaty tribes, adjacent property owners, interested citizen groups and individuals (30 day comment period)



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Standard Individual Permit



Permit Application Review

- Mitigation review
- Individual Endangered Species Act (ESA) coordination
- Historic Property review and coordination
- Alternatives Analysis for Section 404 projects
- Individual 401 water quality certification for 404 projects
- Prepare Environmental Assessment and Decision Document

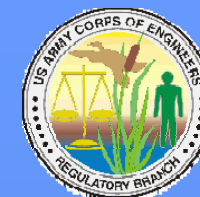
Permit Decision

- Total review time can range from **9 months to 2+ years. So plan accordingly!**





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Completing a JARPA Application for an Individual Permit



- Submit a *complete* JARPA application
- The online version has help buttons for each section
- The applicant can be the property owner or grower

2010		WASHINGTON STATE	
Joint Aquatic Resources Permit		Application (JARPA) Form ¹	
USE BLACK OR BLUE INK TO ENTER ANSWERS IN WHITE SPACES BELOW.			
			
		AGENCY USE ONLY	
		Date received: _____	
		Agency reference #: _____	
		Tax Parcel #(s): _____	

Part 1—Project Identification			
1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help] ²			

Part 2—Applicant			
The person or organization responsible for the project. [help]			
2a. Name (Last, First, Middle) and Organization (if applicable)			

2b. Mailing Address (Street or PO Box)			

2c. City, State, Zip			

2d. Phone (1)	2e. Phone (2)	2f. Fax	2g. E-mail
()	()	()	
Part 3—Authorized Agent or Contact			
Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b. of this application.) [help]			
3a. Name (Last, First, Middle) and Organization (if applicable)			

3b. Mailing Address (Street or PO Box)			



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Completing a JARPA Application for an Individual Permit



- Provide complete information on the property owner, particularly if the applicant does not own the property
- On State owned aquatic lands the property owner will be DNR

Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. [\[help\]](#)

- ☐ Same as applicant. (Skip to Part 5.)
- ☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- ☐ There are multiple property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.

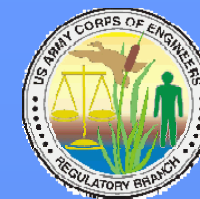
4a. Name (Last, First, Middle) and Organization (if applicable)			
4b. Mailing Address (Street or PO Box)			
4c. City, State, Zip			
4d. Phone (1)	4e. Phone (2)	4f. Fax	4g. E-mail
()	()	()	

If there are multiple property owners, attach a separate sheet of paper and list **all** property owners.



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Completing a JARPA Application for an Individual Permit



- Provide details on the project location
- Provide the street address of the upland property fronting the tidelands

Part 5—Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- ☐ There are multiple project locations (e.g., linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [\[help\]](#)

- ☐ State Owned Aquatic Land (If yes or maybe, contact the Department of Natural Resources (DNR) at (360) 902-1100)
- ☐ Federal
- ☐ Other publicly owned (state, county, city, special districts like schools, ports, etc.)
- ☐ Tribal
- ☐ Private

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [\[help\]](#)

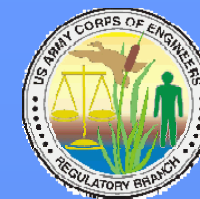
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [\[help\]](#)

5d. County [\[help\]](#)



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Completing a JARPA Application for an Individual Permit



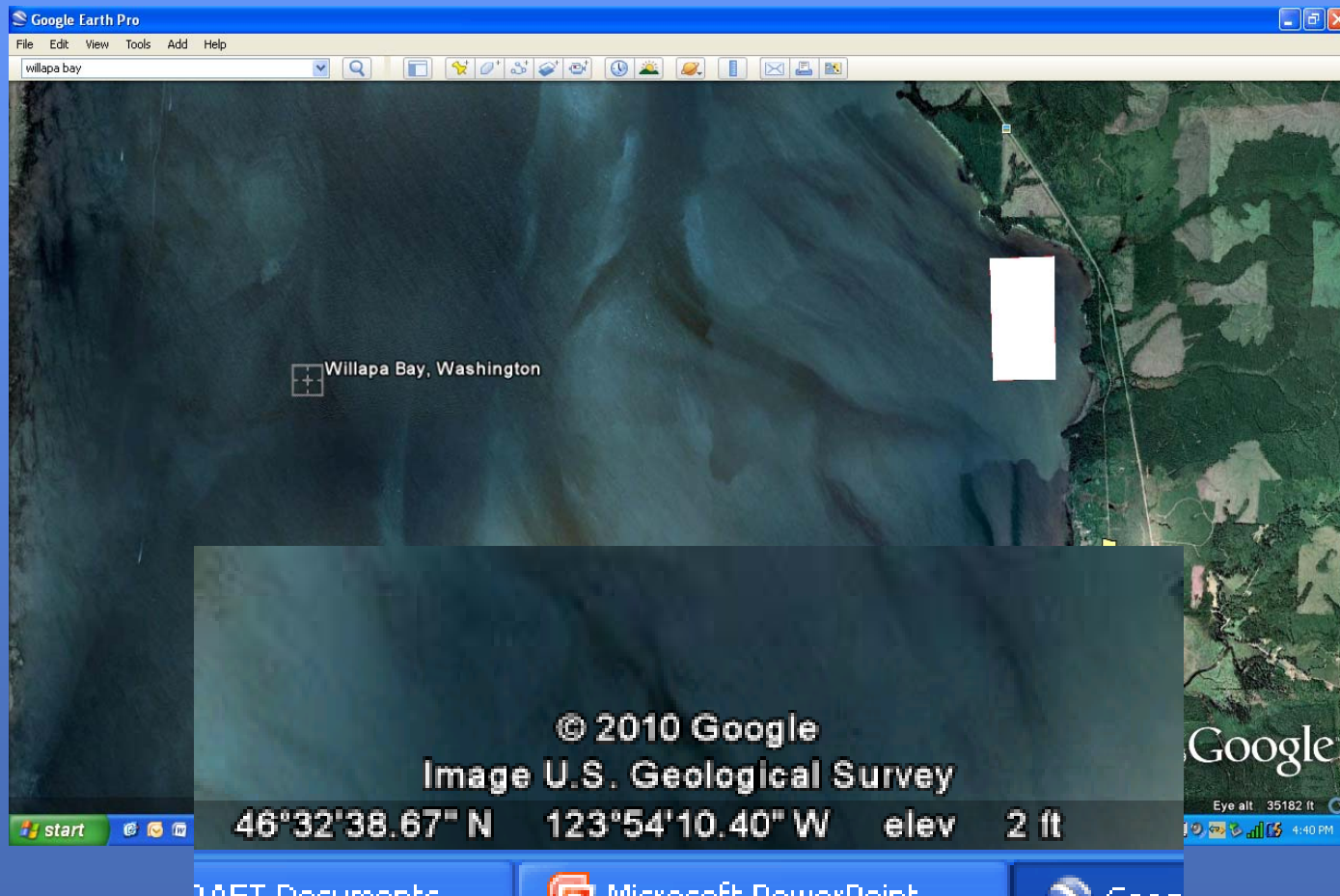
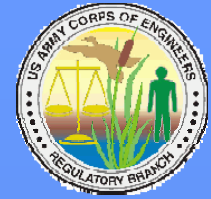
- Provide the S.T.R. for all areas in the project area
- Provide the latitude and longitude for the 4 corners of the project area
- Provide the tax parcels numbers for uplands and tidelands in the project area

5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
5f. Provide the latitude and longitude of the project location. [help]			
<ul style="list-style-type: none">• Example: 47.03922 N lat. / -122.89142 W long. (NAD 83)			
5g. List the tax parcel number(s) for the project location. [help]			
<ul style="list-style-type: none">• The local county assessor's office can provide this information.			



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Location Information on the Internet



- www.earth.google.com



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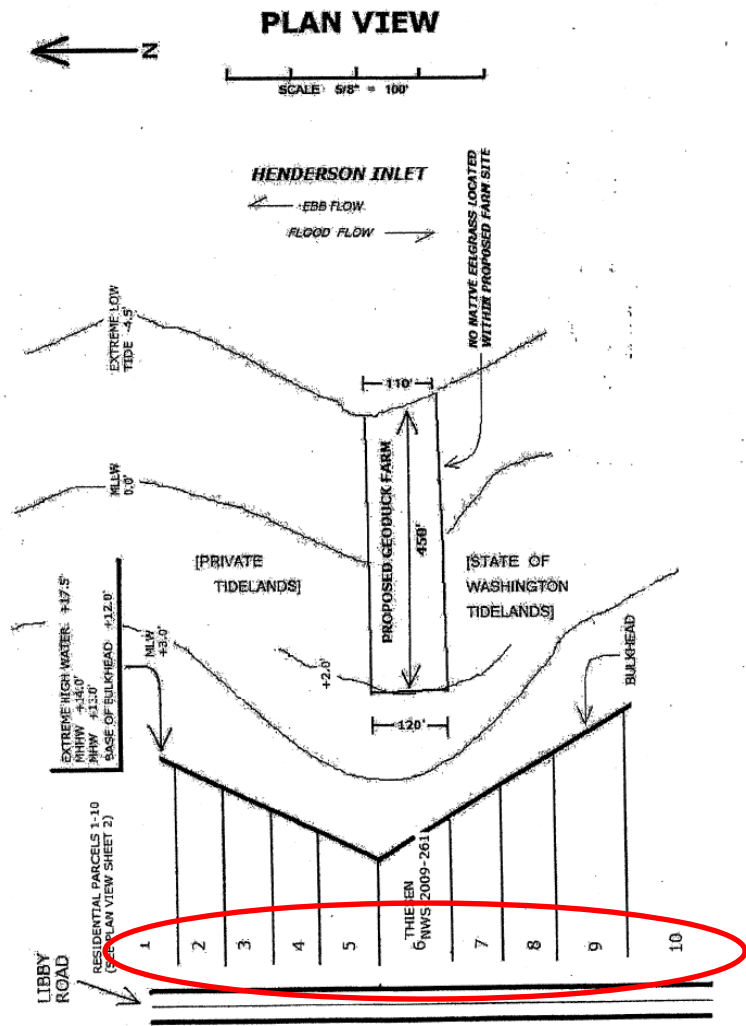
Completing a JARPA Application for an Individual Permit



- Provide the name and mailing addresses for **all** adjoining property owners, including adjacent upland property owners.
- It is often helpful to supplement this list with a map showing the location of each listed adjacent property owner

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]		
Name	Mailing Address	Tax Parcel # (if known)

PURPOSE: Shellfish Aquaculture	APPLICANT:	PROPOSED: 1.14 Acre Intertidal Shellfish Farm
DATUM: MLLW 0.0'	LOCATION ADDRESS: 8940 Libby Rd. NE Olympia WA 98506 Thurston County Parcel # 11905230400 N 47.16143 W-122.84211	IN/NEAR: Henderson Inlet/ Olympia, WA
ADJACENT PROPERTY OWNERS: See numbered Lots on Sheets 2 and 3		COUNTY/STATE: Thurston/Washington
SHEET 2 OF 6; DATE 05-21-09		



PURPOSE: Shellfish Aquaculture	APPLICANT:	PROPOSED: 1.14 Acre Intertidal Shellfish Farm
DATUM: MLLW 0.00'	LOCATION ADDRESS: 8940 Libby Rd. NE Olympia WA 98506 Thurston County Parcel # 11905230400 N 47.16143 W-122.84211	IN/NEAR: Henderson Inlet/ Olympia, WA
ADJACENT PROPERTY OWNERS: See numbered Lots on Sheets 2 and 3		COUNTY/STATE: Thurston/Washington
SHEET 3 OF 6; DATE 05-21-09		

PLAN VIEW ATTACHMENT

**UPLAND PARCEL OWNERS
WITHIN 500 FEET OF NWS-2009-261**

1. Parcel #5980120010
(undeveloped)
John and Kammy Minor
3648 Lovejoy CRT NE
Olympia, WA 98506
2. Parcel #59801200200
Mark Urmanski
9030 Libby Rd. NE
Olympia, WA 98506
3. Parcel #11905230100
Paul Bunning
9026A Libby Rd. NE
Olympia, WA 98506
4. Parcel #11905230200
Paul Bunning
9026A Libby Rd. NE
Olympia, WA 98506
5. Parcel #11905230300
John Lockhart
120 State Avenue NE
PMB 1191
Olympia, WA 98501
6. Parcel #11905230400
(NWS-2009-261)
Thomas and Carolyn Thiesen
8940 Libby Rd. NE
Olympia, WA 98506
7. Parcel #11905230402
William and Jeannie Evans
8928 Libby Rd. NE
Olympia, WA 98506
8. Parcel #11905230600
Kevin and Lilah Amos
8924 Libby Rd. NE
Olympia, WA 98506
9. Parcel #11905230601
Sarah Leisenring
8900 Libby Rd. NE
Olympia, WA 98506
10. Parcel #11905230500
Hui and Mao Rong Xia
8822 Libby Rd. NE
Olympia, WA 98506



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Completing a JARPA Application for an Individual Permit



- Provide information on **existing aquatic resources** including wetlands, vegetated shallows (eelgrass), aquatic vegetation, etc., **in and adjacent to** the project area
- Describe any riparian (vegetated upland areas along the water) that are **in and adjacent to** the project area
- Provide a brief description in the JARPA – provide **more** details in the Biological Evaluation/Assessment and Mitigation Plan (**make sure the descriptions match**)

5i. List all wetlands on or adjacent to the project location. [help]
5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]
5k. Is any part of the project area within a 100-year flood plain? [help]
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
5l. Briefly describe the vegetation and habitat conditions on the property. [help]



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Completing a JARPA Application for an Individual Permit



- Residential or commercial property? Recreational use?
- Nearby parks, outfalls, intakes, etc?
- Describe existing overwater structures, bulkhead, piling, buoys, shoreline development

5m. Describe how the property is currently used. [\[help\]](#)

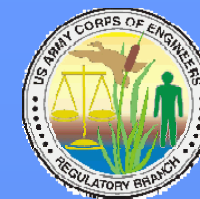
5n. Describe how the adjacent properties are currently used. [\[help\]](#)

5o. Describe the structures (above and below ground) on the property, including their purpose(s). [\[help\]](#)



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Completing a JARPA Application for an Individual Permit



Description must include:

- List of **specific species** to be planted
- **Area** to be planted for each species
- **Method of planting**
- **Method of harvesting**

Part 6—Project Description

6a. Summarize the overall project. You can provide more detail in 6d. [\[help\]](#)

6b. Indicate the project category. (Check all that apply) [\[help\]](#)

- | | | | | |
|--------------------------------------|--|--|---|---------------------------------------|
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Residential | <input type="checkbox"/> Institutional | <input type="checkbox"/> Transportation | <input type="checkbox"/> Recreational |
| <input type="checkbox"/> Maintenance | <input type="checkbox"/> Environmental Enhancement | | | |

6c. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> Aquaculture | <input type="checkbox"/> Culvert | <input type="checkbox"/> Float | <input type="checkbox"/> Road |
| <input type="checkbox"/> Bank Stabilization | <input type="checkbox"/> Dam / Weir | <input type="checkbox"/> Geotechnical Survey | <input type="checkbox"/> Scientific Measurement Device |
| <input type="checkbox"/> Boat House | <input type="checkbox"/> Dike / Levee / Jetty | <input type="checkbox"/> Land Clearing | <input type="checkbox"/> Stairs |
| <input type="checkbox"/> Boat Launch | <input type="checkbox"/> Ditch | <input type="checkbox"/> Marina / Moorage | <input type="checkbox"/> Stormwater facility |
| <input type="checkbox"/> Boat Lift | <input type="checkbox"/> Dock / Pier | <input type="checkbox"/> Mining | <input type="checkbox"/> Swimming Pool |
| <input type="checkbox"/> Bridge | <input type="checkbox"/> Dredging | <input type="checkbox"/> Outfall Structure | <input type="checkbox"/> Utility Line |
| <input type="checkbox"/> Bulkhead | <input type="checkbox"/> Fence | <input type="checkbox"/> Piling | |
| <input type="checkbox"/> Buoy | <input type="checkbox"/> Ferry Terminal | <input type="checkbox"/> Retaining Wall (upland) | |
| <input type="checkbox"/> Channel Modification | <input type="checkbox"/> Fishway | | |

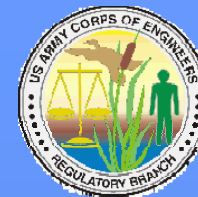
☐ Other:

- Provide a brief description in the JARPA – provide **more** details in the Biological Evaluation/Assessment and Mitigation Plan (**make sure the descriptions match**)



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6d. Describe how you plan to construct each project element checked in 6c. Include specific construction methods and equipment to be used. [\[help\]](#)

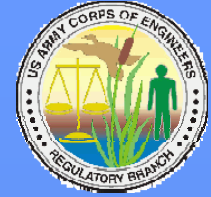
- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year flood plain.

- Provide a detailed description of all proposed activities including log booms, piers, boat ramps, stockpiling areas, equipment storage on or near beach, etc
- How will you prepare the land for planting (e.g., grading and removing biota, fill, etc)?
- How you will seed it?
- Planting density and species?
- Harvest schedule and methods?
- Provide a brief description in the JARPA – provide **more** details in the Biological Evaluation/Assessment and Mitigation Plan (**make sure the descriptions match**)



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6e. What are the start and end dates for project construction? (month/year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start date: _____

End date: _____

☐ See JARPA Attachment D

- Standard Individual Permits for aquaculture are typically issued for a 10 year period. For geoducks, that typically includes only one harvest, for oysters, that typically includes 2 - 3 harvests. The end date is the predicted date of the last harvest.

6f. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

- Human consumption? Bait?



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Part 7–Wetlands: Impacts and Mitigation

- ☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [\[help\]](#)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)

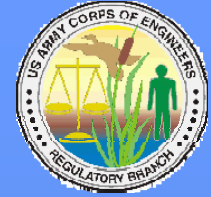
☐ Not applicable

- Because most aquaculture activities do not impact wetlands, you will typically check “Not applicable”



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- Provide information on impacts to the tidal water and substrate and measures you plan to take to **avoid, minimize, and compensate** for the impacts
- Provide a brief description in the JARPA – provide **more** details in the Mitigation Plan (**make sure the descriptions match**)

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

☐ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

☐ Yes ☐ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [\[help\]](#)

- If **yes**, submit the plan with the JARPA package and answer 8d.
- If **No**, or **Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☐ Not applicable

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g., you do not need to restate your answer here. [\[help\]](#)



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Mitigation Sequencing

- Avoid
- Minimize
- Compensate (Compensatory Mitigation)

The aquatic functions impacted (**temporary or permanent**) due to the project must be considered.

Mitigation sequencing is **also** essential to document for the **Endangered Species Act consultation**.



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Mitigation Sequencing

Avoidance Measures

- Locate project area away from vegetated shallows (eelgrass) and kelp beds
- Avoid work in mudflats
- Designate vessel landing and access points away from spawning areas



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Mitigation Sequencing

Minimization Measures

- Describe specific Best Management Practices which will be implemented
- If you will be using a Farm Plan to minimize impacts, you must submit a copy of your Farm Plan which will become a condition of your permit
- Fuel equipment away from the water
- Use appropriate screens on intake pumps



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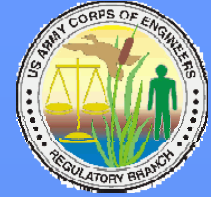
Mitigation Sequencing

Compensatory Mitigation

- Remove existing in-water structures (e.g., piers, floats, riprap, piling)
- Establish conservation easements on aquatic resources
- Add grating to existing overwater structures
- Prevent grounding of overwater structures and vessels
- Anything to improve the natural shoreline processes



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Mitigation Plans

- Corps/EPA 2008 Mitigation Rule requirements
 - This rule ensures that unavoidable losses of aquatic resources and functions are replaced for the benefit of the people of the nation.
 - Emphasizes avoiding and minimizing before proposing compensatory mitigation.
- Mitigation work must occur prior to or concurrent with construction of the project
- The format of a Mitigation Plan varies depending on the type of compensatory mitigation. Consult with your project manager and have someone with scientific expertise prepare the Plan.

Mitigation Rule: 33 CFR 325 & 332, April 10, 2008



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20 Minute Break



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Related Laws and Policies

To be addressed during the permit review process

- Section 401 of the Clean Water Act
- Section 7 of the Endangered Species Act
- Section 106 of the National Historic Preservation Act
- Tribal Trust responsibilities
- Magnuson-Stevens Fishery Conservation Management Act
- Coastal Zone Management Act
- National Environmental Policy Act
- Fish and Wildlife Coordination Act



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Endangered Species Act Agencies (Services)

- National Marine Fisheries Service (**NMFS**): jurisdiction over marine animals and anadromous fish (chinook, steelhead, orcas)
- U.S. Fish and Wildlife Service (**USFWS**): jurisdiction over birds, terrestrial animals, plants, and freshwater animals (bull trout, marbled murrelets, Columbia River white tailed deer)





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Endangered Species Act Evaluation

- Is the activity in the **critical habitat** of the ESA listed species (threatened or endangered) or is there the potential to affect the listed **species**?
- **Corps** determines: no effect or may affect (beneficial effect, not likely to adversely affect, or likely to adversely affect) for each listed species and their critical habitat



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“Affecting” ESA Species and/or their Critical Habitat

- Direct harm to listed plants or animals
- Impacts to habitat
- Impacts to food sources
- Impacts to reproduction
- On-site and off-site impacts must be considered
- Impacts during and after construction





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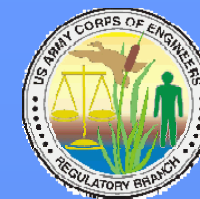
Biological Evaluation/Assessment

- A document prepared by a qualified scientist which describes:
 - the listed species and their critical habitat
 - the potential impacts to the listed species and their critical habitat
 - conservation measures which will be taken to minimize impacts to the listed species and their critical habitat



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Requirements for a Complete JARPA Application for an Individual Permit



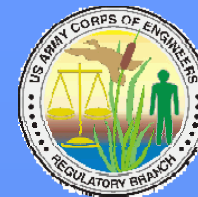
- Quantify the amount of impact to waters of the U.S. for each activity type

8e. Summarize impact(s) to each waterbody in the table below. [help]					
Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided. ² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain. ³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.					
8f. For all activities identified in 8e., describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]					

8g. For all excavating or dredging activities identified in 8e., describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]

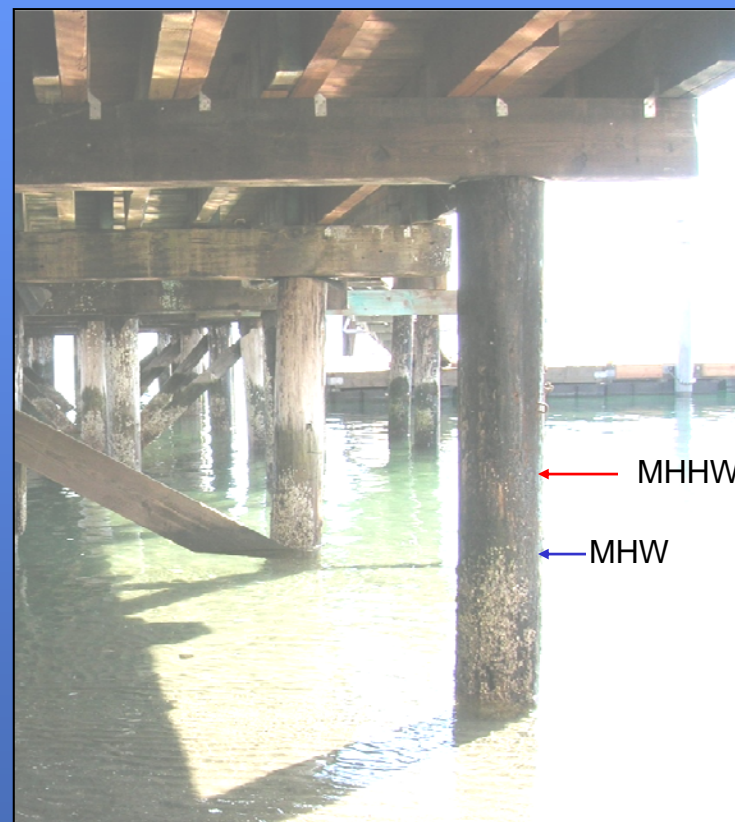


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Examples of Limits of Corps' Geographic Jurisdiction in Tidal Waters

- Puget Sound
 - Elliott Bay
 - Mean High Water = 10.4 feet
 - Mean Higher High Water = 11.3 feet
- Hood Canal
 - Seabeck
 - MHW = 10.5 feet
 - MHHW = 11.4 feet



Benchmarks can be found at:

www.nws.usace.army.mil/PublicMenu/Documents/Reg/applications/tides/tides.cfm



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Complete Permit Application Drawings

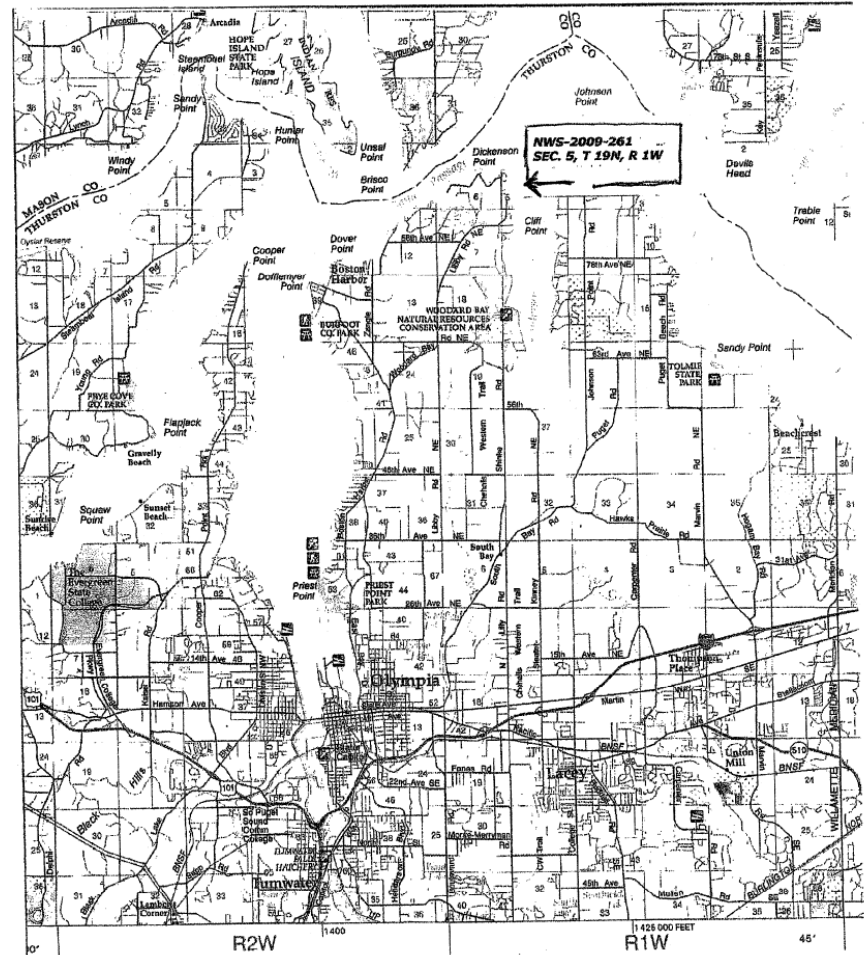
- Clear and concise black and white drawings on 8 ½- by 11- inch sheets of paper, showing:
 - A completed title block on each page
 - Property lines and DNR tidelands (if applicable)
 - Refer to our Drawing Checklist for key elements of drawings
- Similar to “a complete application”, submittal of a complete set of drawings at the time you submit your permit application, will help to expedite our review of your application



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- Vicinity Map
 - A detailed vicinity map showing the site in reference to a major highway or landmark
 - The latitude and longitude of the site. Provide the specific location (Latitude and Longitude) of each corner of the project area

PURPOSE: Shellfish Aquaculture	APPLICANT:	PROPOSED: 1.14 Acre Intertidal Shellfish Farm
DATUM: MLLW 0.00'	LOCATION ADDRESS: 8940 Libby Rd. NE Olympia WA 98506 Thurston County Parcel # 11905230400 N 47.16143 W-122.84211	IN/NEAR: Henderson Inlet/ Olympia, WA
ADJACENT PROPERTY OWNERS: See numbered Lots on Sheets 2 and 3		COUNTY/STATE: Thurston/Washington
SHEET 1 OF 6; DATE 05-21-09		

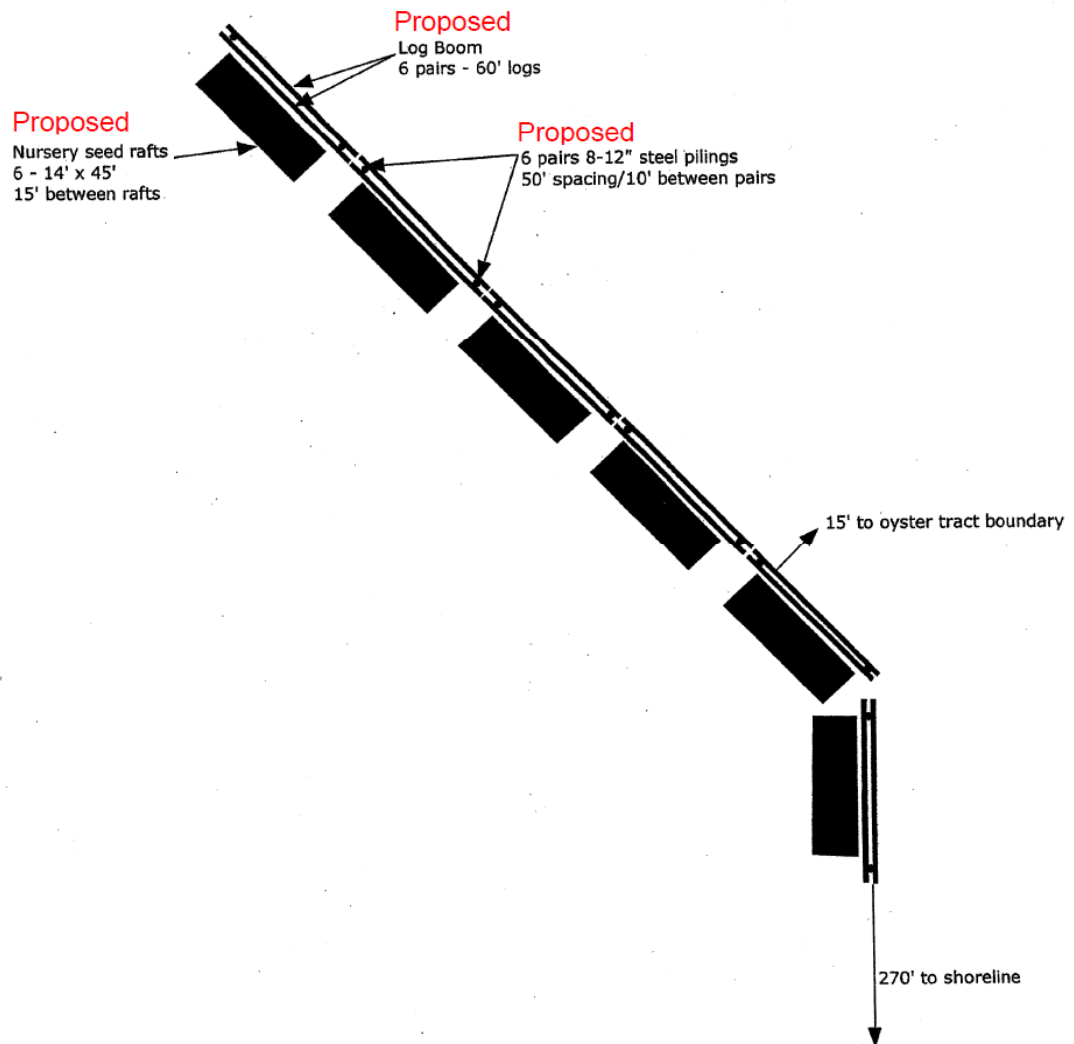




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• Plan View

- Existing conditions. Label existing structures as 'existing'.
- Proposed conditions. Label proposed work as 'proposed'.

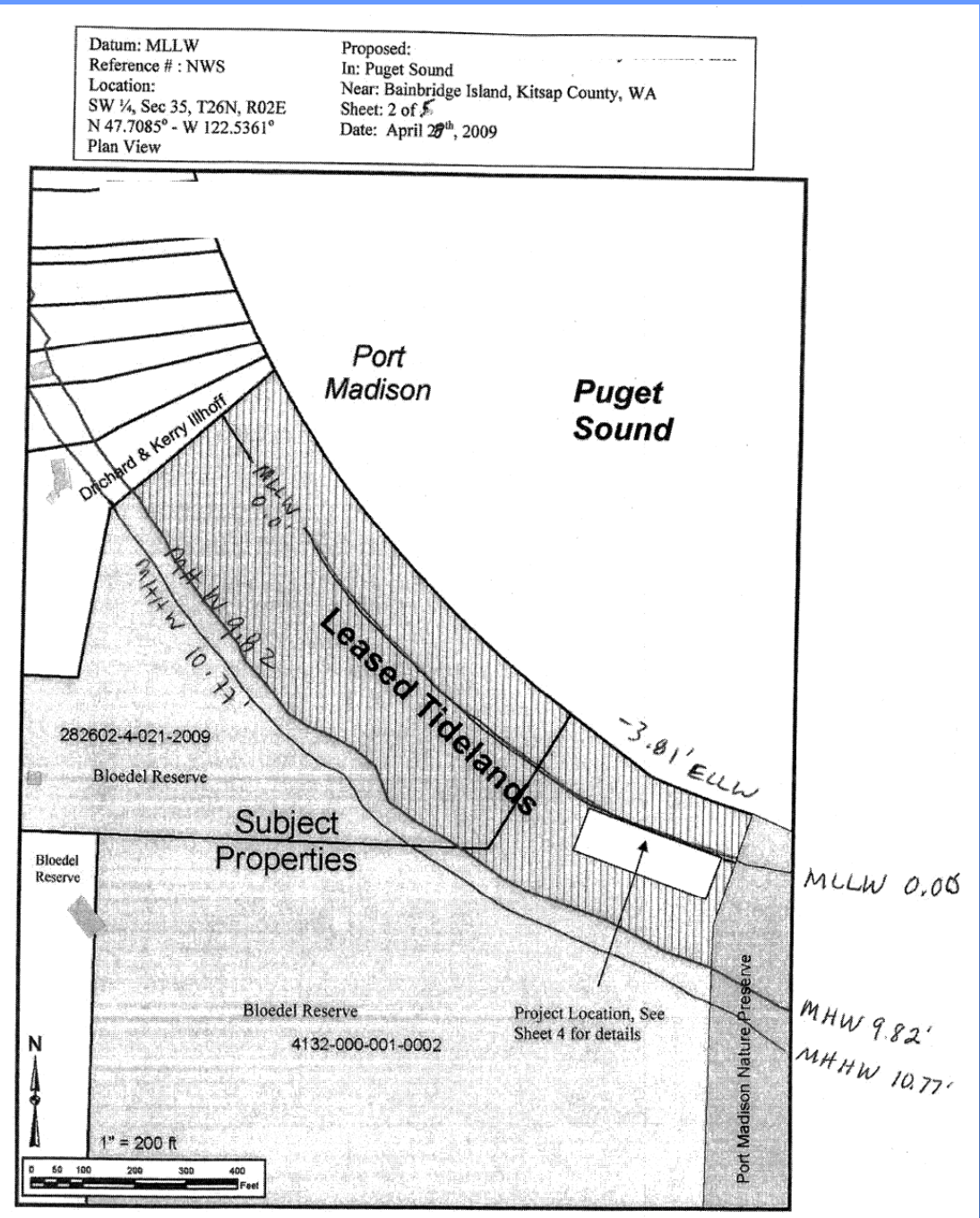


Applicant:	Reference:
Proposed: Floating geoduck seed nursery	
Purpose: Provide geoduck seed for aquaculture	
Location: Mason County, 609 E. Yates Rd, Shelton, WA	
Waterway: Spencer Cove, Case Inlet, Puget Sound	
Lat: 47.27187 Long: -122.86578	Datum: 0.00' MLLW
Date: March 10, 2010	Page 3 of 6



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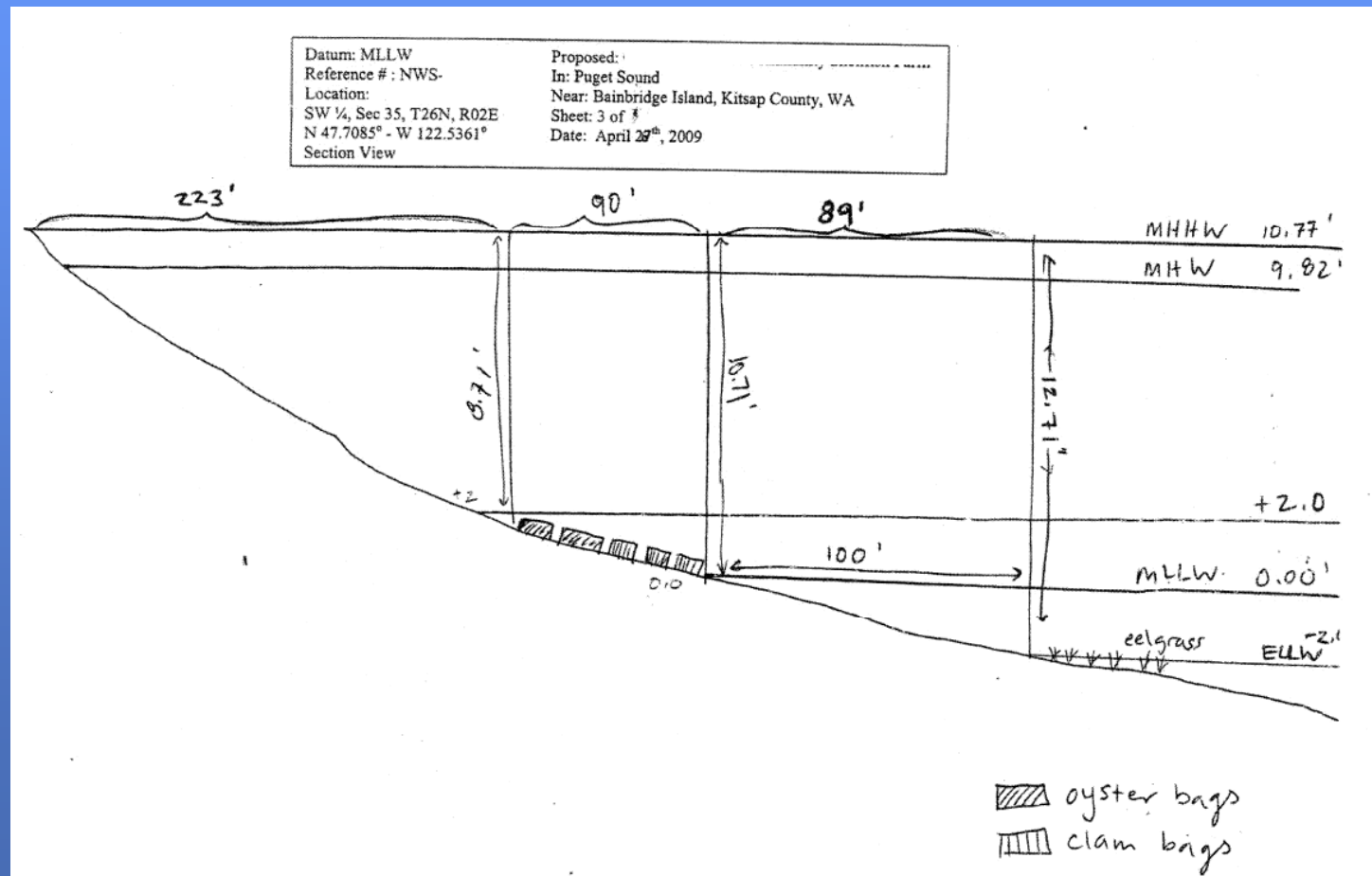
- Plan View
 - Show the location
mean
higher high
(MHHW)
and mean
high water
(MHW) in
relation to
the existing
and
proposed
work





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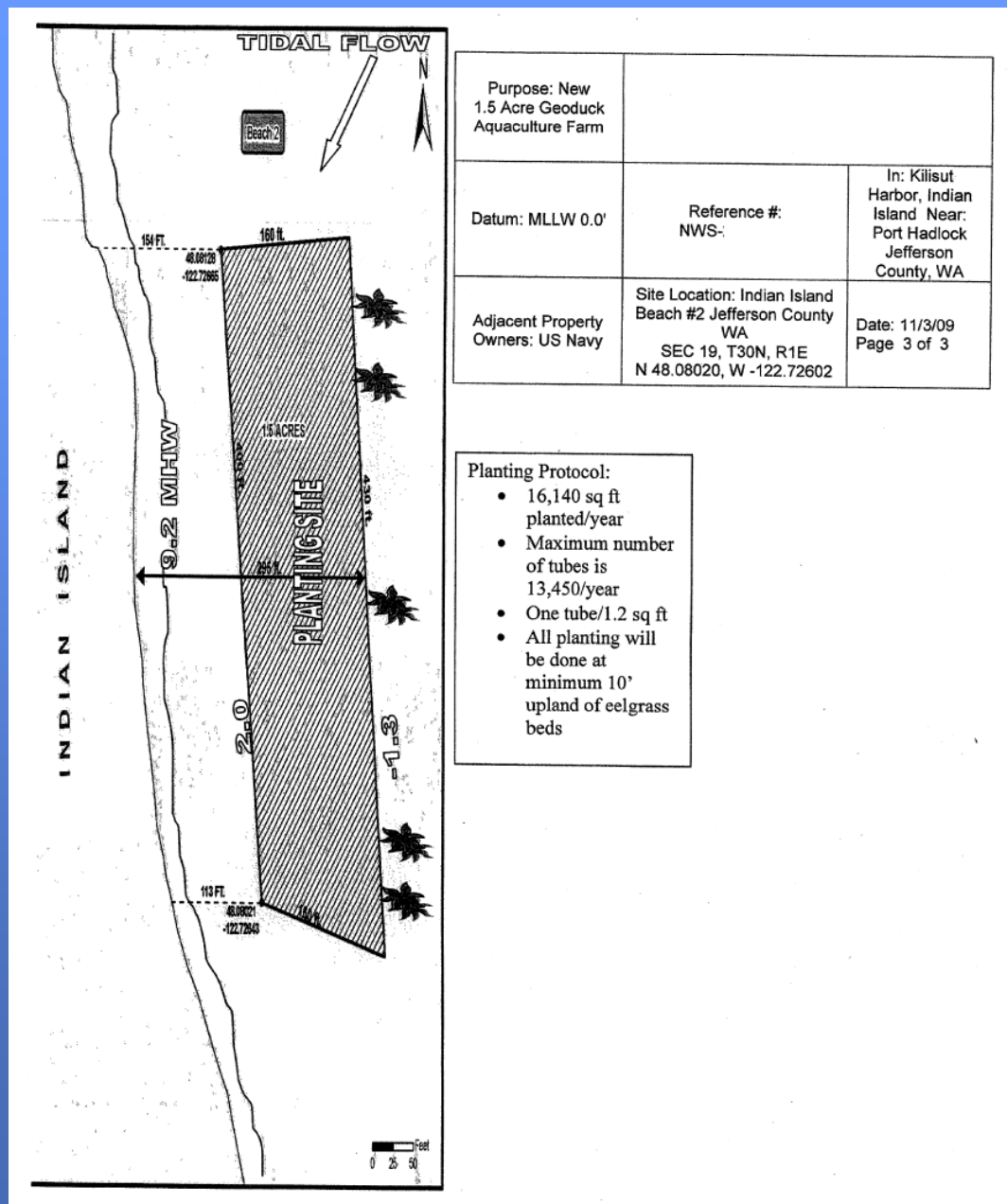
Elevation View





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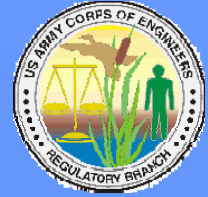
- Plan View
 - Location of different types of proposed species
 - Indicate area (acreage or square feet) for each proposed section of different species





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Completing a JARPA Application for an Individual Permit



9j. Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)

- If yes, attach it to your JARPA package.

☐ Yes ☐ No

9k. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

- Section 106 of the
National Historic Preservation Act (NHPA)

A Federal agency “having direct or indirect jurisdiction” over a proposed **Federal undertaking** shall, prior to approval of the undertaking, take into account the effect of the undertaking on any historic property “in or eligible for inclusion in the National Register.”

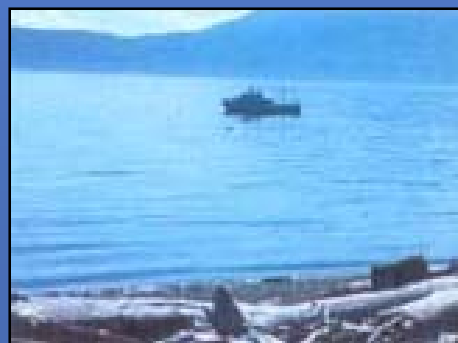


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Tribal Trust Responsibilities

- Treaty fishing rights
- Usual and accustomed fishing places
- Entitlement to “fair share” of fish runs
- May include protection of fish habitat
- Permit application review coordination procedures with certain Tribes





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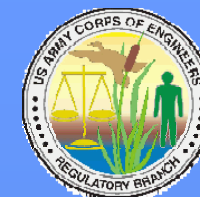
Corps' Public Interest Review Factors

- conservation
- economics
- aesthetics
- general environmental concerns
- wetlands
- historic properties
- fish and wildlife values
- flood hazards
- floodplain values
- land use
- navigation
- shore erosion and accretion
- recreation
- water supply and conservation
- water quality
- energy needs
- safety
- food and fiber production
- mineral needs
- property ownership



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Requirements for a Complete JARPA Application for an Individual Permit



- The applicant, agent, and property owner must **all** sign the JARPA

Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

11a. Applicant Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. _____ (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. _____ (initial)

Applicant Printed Name _____ Applicant Signature _____ Date _____

11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Authorized Agent Printed Name _____ Authorized Agent Signature _____ Date _____

11c. Property Owner Signature (if not applicant). [\[help\]](#) Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name _____ Property Owner Signature _____ Date _____



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Supplemental Information

- Submit appropriate Supplemental Information, including ESA, mitigation, cultural resources information
 - Biological Evaluation/Assessment prepared by a qualified scientist
 - Mitigation Plan
 - Cultural Resources Survey (if requested)
 - Coastal Zone Management Form
 - State permit (as applicable)
 - DNR land use authorization or lease
 - Department of Health for commercial shellfish license
 - WDFW permit for shellfish import and transfer
 - HPA for attendant features
 - Lease agreement
 - Farm plan



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Helpful Hints and Tips to expedite the review of your application

- Coordinate early with the Corps
 - Formal pre-application meetings (every other month)
 - Informal pre-application meetings (telephone, meetings)
- Avoid and minimize impacts to special aquatic sites and other waters of the U.S.
- Obtain scientific expertise
- Submit a *complete* JARPA application
- Clear and concise black and white drawings on 8 ½- by 11-inch sheets of paper

Submittal of all of the information detailed in the JARPA, and supplemental information, at the beginning of the process will help to expedite the review of your application



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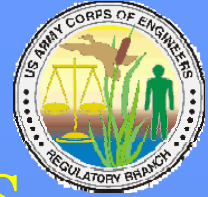


Common Problem Areas

- Information in the JARPA does not match information in the BE/BA or mitigation plan
 - Reference to different locations
 - Different acreage impacts
 - Different species or methods
- Incomplete and delayed submittal of all required and supplemental information (30-day or cancel)



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Addressing Public Comments

- You will be given the opportunity to respond to public comments submitted in response to the public notice
- Provide your project manager with your responses (do not respond directly to the commenter)



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Enforcement and Compliance



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Enforcement Program of the Regulatory Branch



Responsibilities

- To inspect permitted activities for **compliance with permit conditions**
- To investigate complaints about possible **violations** of Section 404 and 10



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Permit Compliance or permit non-compliance in this case...



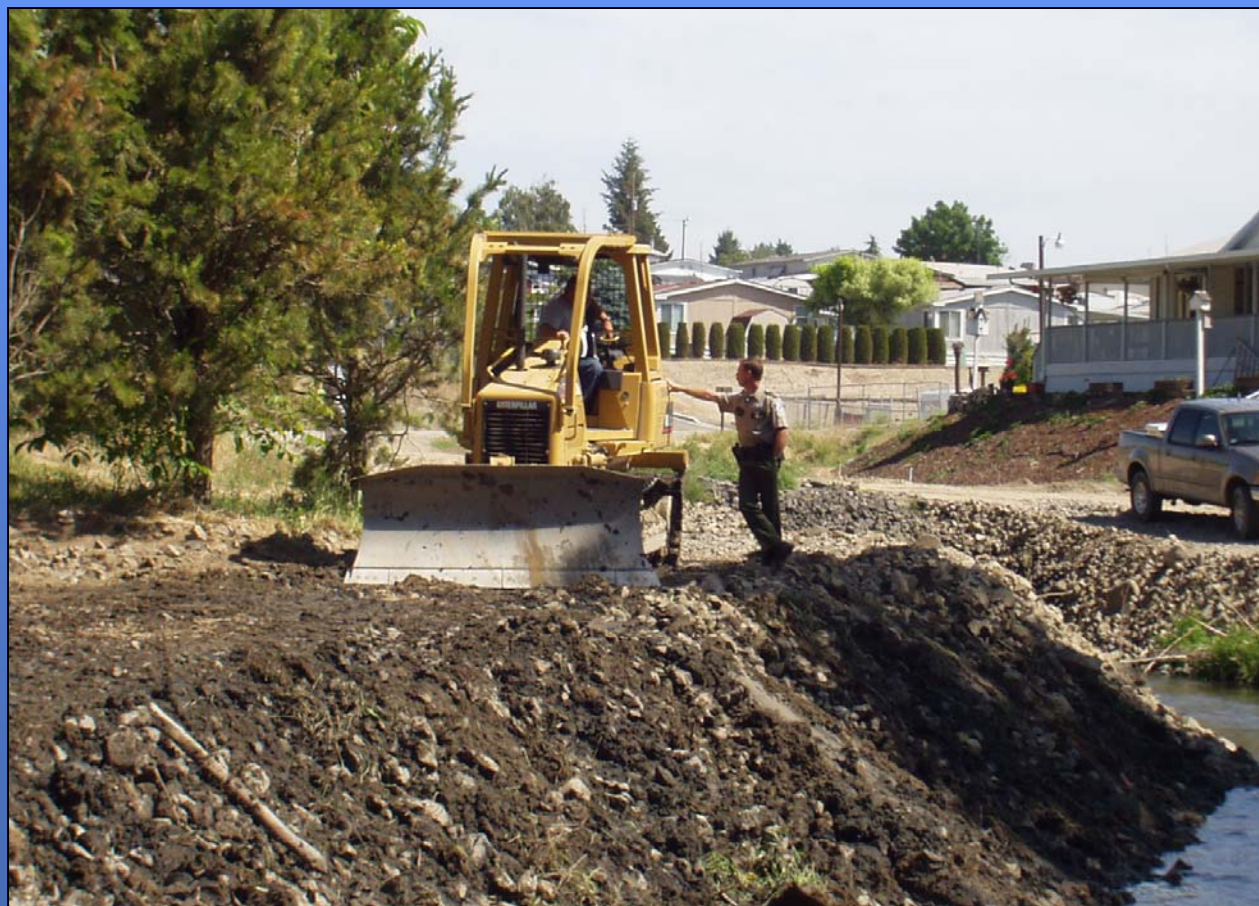
Violation of permit condition requiring work “in the dry”.



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Unauthorized Activities





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Enforcement Program of the Regulatory Branch

Resolution Options

- Voluntary removal or restoration
- Initial corrective measures
- Legal action, fine or prosecution
- Referral to the Environmental Protection Agency
- After-the-fact permit application





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Legal Action and Penalties

for Violations and Permit Non-Compliance

- Rivers and Harbors Act
 - Criminal misdemeanor
 - Penalties of up to \$100,000
- Clean Water Act
 - Civil or criminal
 - Penalties of up to \$27,500 per day the violation is in place



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Resources



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Information on the Internet

- Seattle District Regulatory Branch
 - www.nws.usace.army.mil
- Regulatory / Permits
- Corps Regulatory Headquarters
 - www.usace.army.mil/inet/functions/cw/cecwo/reg/index2.htm
- Corps of Engineers Headquarters (D.C.)
 - www.usace.army.mil



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Regulatory Branch Address

For U.S. Mail:

Post Office Box 3755

Seattle, Washington 98124-3755

For FEDEX, UPS, courier:

4735 East Marginal Way South

Seattle, Washington 98134-2388

Contacts

- Regulatory Branch (206) 764-3435
- Questions on NWP 48:
 - Pam Sanguinetti (206) 764-6904
 - Pamela.Sanguinetti@usace.army.mil
- Questions on this presentation:
 - Kristina Tong (206) 764-6913
 - Kristina.G.Tong@usace.army.mil

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