



Public Announcement

U.S. ARMY CORPS OF ENGINEERS

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Aquaculture activities and the use of pesticides or herbicides

SEATTLE –The U.S. Army Corps of Engineers (Corps) regulates the discharge of dredged or fill material in waters of the United States or structures or work in navigable waters of the United States associated with the seeding, rearing, cultivation, transplanting and/or harvesting activities associated with shellfish aquaculture. To authorize this work the Corps processes permit applications under either the standard individual or nationwide permit process. As a part of the review, the Corps must ensure compliance with Section 7 of the Endangered Species Act through consultation with the National Marine Fisheries Service and U.S. Fish and Wildlife Service (Services). To streamline the consultation process the Corps has received a programmatic biological opinion from both the Services for *Shellfish Activities in Washington State Inland Marine Waters*. This programmatic consultation only covers certain activities within the Corps' jurisdiction. As the Corps does not have the authority to regulate the use of pesticides or herbicides the programmatic consultation does not include the use of either product.

To use the programmatic consultation a prospective permittee must complete a Specific Project Information Form (SPIF) and submit it, along with any other required information, to the Corps. Question 46 in the SPIF asks the prospective permittee to affirm whether “the activities being authorized by this action shall not involve the use of pesticides or herbicides during the time of the authorization.” Regardless of whether the answer is “will meet” or “will not meet” the Corps will make a final permit decision for the work in the Corps' jurisdiction. However, if the answer is “will not meet,” before there is any application of pesticides or herbicides at the project area, permittees must work with the appropriate local, state, and/or federal agencies to ensure they have the appropriate permits and have obtained any necessary ESA coverage prior to their use.

For additional information about Aquaculture Permitting visit our website at: <http://www.nws.usace.army.mil>