

Submitted electronically via nationwidepermits2020@usace.army.mil

October 23, 2020

Public Comment Process

Attn: COE-2020-0002

U.S. Army Corps of Engineers,
CECW-CO-R, 441 G Street NW,
Washington, DC 20314-1000.

Re: Proposed Rule, Reissue and Modify Nationwide Permits

To Public Comment Processing Personnel:

Thank you for the opportunity to review the Proposed Rule to Reissue and Modify Nationwide Permits (NWP). Mariculture is a rapidly growing industry in Alaska, and therefore we want to ensure the Alaska perspective is included in the national process. We have several comments and recommended changes regarding revised standards for NWP 48 and the new NWP A to consider for the public comment period. However, finfish farming is prohibited by law in Alaska and so we are not in support of a NWP B for finfish mariculture activities in the waters off Alaska.

Under the current NWP 48, the U.S. Army Corps of Engineers frequently determines “no effect” on Section 7 consultations for mariculture farms in Alaska. This determination has been based on the lack of published reports in Alaska documenting interactions or one factor, pile driving. The lack of reports in Alaska should not result in a no effect determination and pile driving is not a method used in aquatic farming. Therefore, we are requesting a regional condition for the use of appropriate criteria in assessing marine mammal interactions such as potential for entanglement, competition for space, and proximity of farms to pinniped haulouts to determine if Section 7 consultation is necessary.

We support the removal of the ½ acre limit for impacts to submerged aquatic vegetation in project areas that have not been used for commercial shellfish aquaculture in the last 100 years.

We **support/don't support** the requirement for a Pre-Construction Notification (PCN) and note that components of a PCN are required in Alaska's Aquatic Farm Lease and Permit joint-agency application. We request that a preliminary determination on a state lease/permit application is received by the applicant prior to submission of a USACE permit application.

We request that the conditions in NWP 48 and A be consistent, and preferably be combined into one NWP rather than separate ones for shellfish and seaweeds and we request that all permit authorizations in Alaska be issued under NWP 48 or A.

Additionally, the solicitation for comments specifically asks if only seaweed production should be considered when assessing habitat use and impacts, or whether shellfish species, such as mussels or oysters, should be included as part of a multispecies mariculture activity. We recommend including the production of all species.

Thank you again for the opportunity to provide comments on the proposed rule.

Respectfully,