

Army Corps Proposed Rule -- Revised Standards For Finfish, Seaweed, & Shellfish Aquaculture

The full rule is at the link. Comments are due by November 16.

<https://www.govinfo.gov/content/pkg/FR-2020-09-15/pdf/2020-17116.pdf>

Included among the more significant provisions are:

- Removal of the 1/2- 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.
- A new nationwide permit (NWP) is established to authorize structures anchored to the seabed in federal waters over the outer continental shelf, for seaweed mariculture activities. The Corps is also proposing to include in the terms of this NWP multi-trophic mariculture activities, if the mariculture operator wants to cultivate other species, such as bivalve shellfish, with the seaweed.
- The rule vests much of the seaweed permitting authority with the Corps district engineers. Consultation with other Federal agencies (NMFS, BOEM, USCG, the Corps itself) will occur if there are ESA, EFH, energy operations, and vessel safety and navigation impacts.
- Applicants must submit a Pre-Construction Notification (PCN) to the district for their seaweed projects which must include: 1) A map showing the locations and dimensions of the structure(s); 2) the name(s) of the species that will be cultivated during the period permit is in effect; and (3) general water depths in the project area(s). A detailed survey is not required. Items (1) and (3) will assist district engineers in evaluating potential impacts to navigation. The prospective permittee needs to submit only one PCN per structure or group of structures to be used for the seaweed mariculture.
- For finfish aquaculture, the Corps is seeking authorization for permitting of aquaculture operations in territorial seas (3 nautical miles from the baseline) and oceans over the OCS, including projects anchored to the seabed. The consultation process matches that for seaweed as well as delegation of authority to the district engineer for PCNs. NPDES permitting requirements for significant discharges still apply.