

U.S. ARMY CORPS OF ENGINEERS

Portland District Regulatory Branch
Authorities pertaining to the regulation of
mariculture activities

Brielle Cummings
1 October 2022

"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."



**US Army Corps
of Engineers®**



PURPOSE AND AGENDA

Purpose: To explain the U.S. Army Corps of Engineers (Corps) Regulatory Program's authority pertaining to mariculture activities

Specifics:

- Regulatory Authorities
- Additional Environmental Compliance
- Permit applications and materials





REGULATORY AUTHORITIES



Section 10 of the Rivers and Harbors Act

- Requires a permit for any structure or work within Navigable Waters (to include waters subject to the ebb and flow of the tide)
 - Mariculture structures include, and are not limited to, longlines, bags, nets, pots, etc.
 - Work may include sowing and harvesting activities
 - Maintenance activities may require a Section 10 authorization

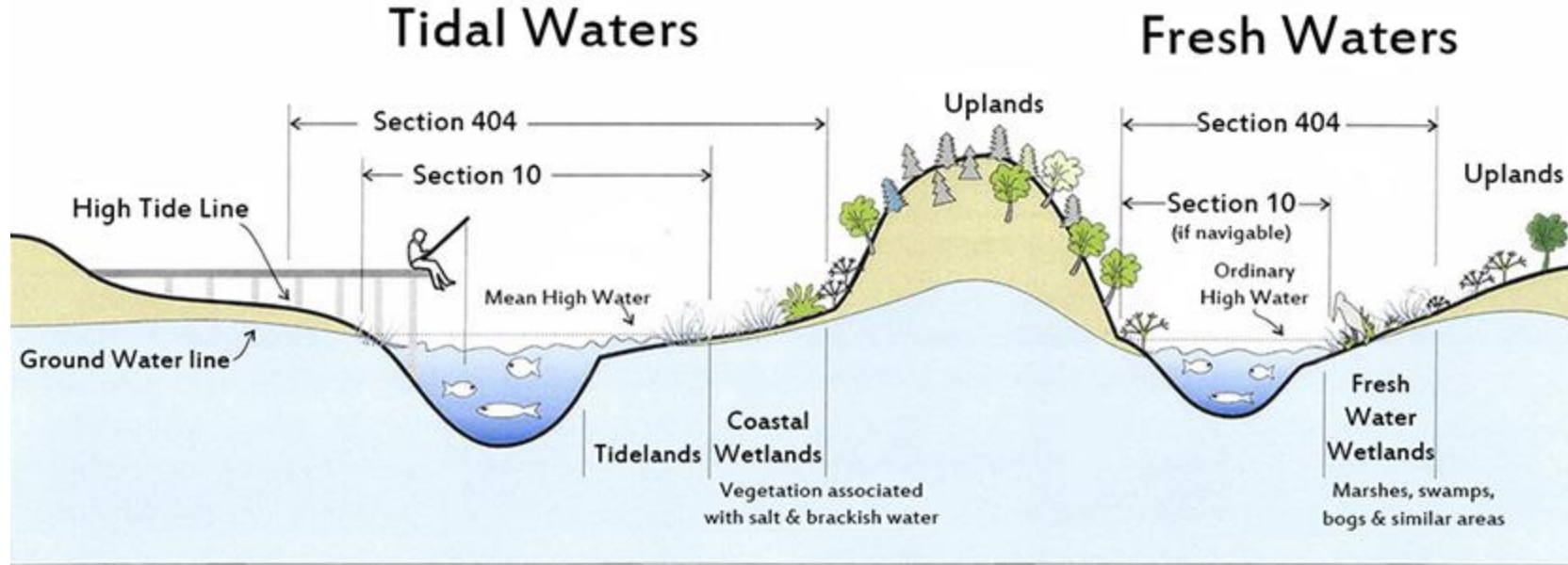
Section 404 of the Clean Water Act

- Requires a permit for discharges of dredged or fill material into waters of the U.S. (includes Navigable Waters)
 - Proposed activities are evaluated on a case-by-case basis to determine whether there is a discharge of dredged/fill material

Please contact your friendly local Corps Regulatory Project Manager for project specific questions! Contact information is available on our [website](http://www.nwp.usace.army.mil/Missions/Regulatory/Contact/).
(www.nwp.usace.army.mil/Missions/Regulatory/Contact/)



Corps of Engineers Regulatory Jurisdiction



Typical examples of regulated activities

Section 103
 Ocean Discharge of Dredged Material
 Ocean discharges of dredged material.

Section 404
 Disposal of Dredged or Fill Material
 All filling activities, utility lines, outfall structures, beach nourishment, riprap, jetties, some excavation activities, etc.

Section 10
 All Structures and Work (navigable waters)
 Dredging, marinas, piers, wharves, floats, intake/outtake pipes, pilings, bulkheads, ramps, fills, overhead transmission lines, etc.



ADDITIONAL ENVIRONMENTAL REVIEWS

Prior to a decision on a permit application for mariculture activities, the Corps must ensure that that applicable laws have been adhered to; this may include:

- Endangered Species Act
- Magnuson-Stevens Fisheries Conservation and Management Act
- Marine Mammal Protection Act
- National Historic Preservation Act
- Tribal treaty and trust coordination
- Section 401 Water Quality Certification
- Coastal Zone Management Act



The Corps Regulatory PM will evaluate the proposed action in accordance with these requirements and may require additional information from the applicant to complete the applicable processes.

No decision can be made until consultation or coordination procedures pursuant to the applicable laws are completed/fulfilled.



PERMIT APPLICATION AND MATERIALS



Applicants must submit an application for a proposed project to the Portland District application email at PortlandPermits@usace.army.mil. We strongly encourage the use of the Joint Permit Application Form (<https://www.nwp.usace.army.mil/Missions/Regulatory/Apply/>).

Each application must include plan view figures showing the location of the proposed activity, boundaries of a site and boundaries of different cultivation methods (if applicable), acreage of cultivation. Include cross-section figures of the proposed activity and cultivation methods in relation to the mean high water and high tide line.

Each application will be evaluated under a Nationwide Permit, Letter of Permission, or Standard Individual Permit. The applicability and limitations of each may be discussed with the Project Manager assigned to the application.

The Corps will also establish pre-application meetings to discuss proposed activities and will provide input on necessarily application materials.