



Nationwide Permit 48 Reporting & PCN Instructions



Date: May 31, 2007

The Nationwide Permit (NWP) 48 reporting requirement will help monitor the use of this NWP to better enable the assessment of the interaction between aquaculture and the environment. We have attempted to keep the reporting requirements as simple as possible by providing a combination form that includes both reporting and PCN information. Thank you for your participation.

Reporting and Pre-construction Notification Submission timeline	
Nationwide Permit 48 Reports	Nationwide Permit 48 Pre-construction Notification
June 18, 2007	as early as possible (72 FR 11194)

1. Name and Address of Permittee: Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the responsible officer and his/her title. If more than one party is associated with the report or pre-construction notification (PCN), please include all necessary information for all parties with the report or PCN.

2. Initial Determination of Eligibility for Coverage as an Existing Shellfish Aquaculture Activity: NWP 48 authorizes only existing shellfish aquaculture activities. For the purposes of this NWP, an existing operation is one that has been granted a permit, license, or lease from a state or local agency specifically authorizing commercial aquaculture activities and which has undertaken such activities prior to the date of issuance of this NWP. See 72 FR 11147 for further discussion.

3. Location: Enter the county and city where the existing commercial shellfish aquaculture activity is located. If available, provide the latitude and longitude. Please give any other information that will assist in identifying the site such as a map or description of the existing commercial shellfish aquaculture activity location. Accurate information is crucial for the timely processing of NWP 48 reports and PCNs. The submission of sketches and drawings usually clarify the project and, when provided, result in a quicker decision.

Definition of Project Area: For the purposes of this NWP, the project area is defined as the area of waters of the United States occupied by the existing operation. In most cases, the project area will consist of the area covered by the state or local aquaculture permit, license, or lease. The project area may consist of several sites that are not contiguous. The project area may include areas in which there has been no previous aquaculture activity and/or areas that periodically are allowed to lie fallow as part of normal operations. Relocation of existing operations into portions of the project area not previously used for aquaculture activities may be authorized by this NWP but will require a pre-construction notification. Cultivation in areas that were previously used but allowed to lie fallow does not require a pre-construction notification. Operators should maintain appropriate documentation showing which areas were previously cultivated.

4. Size of Project Area for existing commercial shellfish aquaculture activity: in acres.

5. Description of the culture method and harvesting method: Enter the types of cultivation methods (e.g., long lines, bottom culture, rack and bags), and the harvesting method (e.g., hand pick, dredge, long line harvest).

6. Names of cultivated species: Enter the common or scientific name of the species being cultivated (e.g. geoduck or *Panopea abrupta*).

7. Canopy Predator Nets: Are canopy predator nets currently being used, or will they be used in the continued operation of the existing commercial shellfish aquaculture activity?

8. Compliance with General Conditions: Compliance with all General Conditions will ensure that activities authorized by the Nationwide Permits will cause only minimal adverse environmental effects when performed separately, and cause only minimal cumulative adverse effect on the aquatic environment.

PCN 1: Project area is defined above in the “location” section.

PCN 2: NWP 48 authorizes reconfigurations of existing aquaculture activities, such as relocating existing operations into portions of the project area not previously used for aquaculture activities. Such a change requires pre-construction notification. See the definition of *project area*, above, for further discussion.

PCN 3: This NWP does not authorize aquaculture activities for any species that were not previously cultivated in the waterbody. However, under this NWP, an individual operator can change the species grown under this NWP within the project area, provided the change is limited to species that have been previously cultivated in the water body. Such a change would require pre-construction notification. The commercial production of a shellfish species that has not been previously commercially produced in the waterbody, including new exotic (non-native) species, may only be authorized by an individual permit. NWP 48 does not authorize experimental cultivation of new species. NWP 48 only authorizes on-going commercial shellfish aquaculture activities, provided those activities satisfy the terms and conditions of NWP 48.

PCN 4: When an existing operation decides to change culture methods, for example to go from bottom-culture to long-line or from long-line to bottom culture, pre-construction notification is required. These existing operations may be authorized by this NWP, after the district engineer has reviewed the pre-construction notification and determined that the new activity complies with the terms and conditions of the NWP and will have minimal adverse effects.

PCN 5: Submerged aquatic vegetation (SAV) is any rooted aquatic vegetation; in marine and estuarine systems SAV includes seagrasses. Areas that contain SAV are vegetated shallows. Vegetated shallows are classified as special aquatic sites under the 404(b)(1) guidelines. Macroalgae are not included in our definition of SAV, nor is it our intent to provide protection for noxious or invasive species such as *Zostera japonica*. However, to minimize adverse effects to valuable aquatic habitat, such as shallows vegetated by species such as *Zostera marina*, we are requiring preconstruction notification for dredge harvesting, tilling, or harrowing in areas inhabited by SAV.



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Nationwide Permit 48 Report Form



1. Name of Company		Address	
Point of Contact			
Phone Number		Email Address	
2. <input type="checkbox"/> Attach a copy of permit, license or lease from a state or local agency specifically authorizing commercial aquaculture activities at the Project Area(s) described below (must be obtained prior to March 12, 2007). Note: If there are multiple project areas, you must include the location, size, description of culture and harvesting method, name of cultivated species, for <u>each</u> project area. Attach separate forms as appropriate.			
3. Project Location: : <input type="checkbox"/> Attach map(s) showing the vicinity of the project and the boundaries of the project area.			
Latitude		Project Street Address (if applicable)	
Longitude			
4. Size of Project Area		5. Description of Culture and Harvesting Method	
6. Name of the Cultivated Species		7. Are canopy predator nets being used? <input type="checkbox"/> Yes <input type="checkbox"/> No	
8. <input type="checkbox"/> Yes <input type="checkbox"/> No We comply/will comply with all Nationwide Permit general and regional conditions.			

Please indicate if the aquaculture activity includes and of the following:

Pre-construction Notification (PCN) Activity		Yes	No
1.	The Project Area is greater than 100 acres.		
2.	There is any reconfiguration of the aquaculture activity, such as relocating existing operations into portions of the project area not previously used for aquaculture activities.		
3.	There is a change in species being cultivated.		
4.	There is a change in culture methods (e.g., from bottom culture to off-bottom culture).		
5.	Dredge harvesting, tilling, or harrowing is conducted in areas inhabited by submerged aquatic vegetation.		
Has PCN been Triggered?			
YES	<p>If yes for any of the above, then pre-construction notification has been triggered.</p> <ul style="list-style-type: none"> • Submit the NWP 48 Reporting Form • Submit the PCN Form section of this form below. 		
NO	For all projects that do not trigger the pre-construction notification requirements of NWP 48, submission of a brief report is required. The form above will satisfy this requirement.		
Report Form Completed By:			
_____	_____	_____	
Name (Print)	Signature	Date	

Following submission of this one-time report, no further reporting is necessary. However, if there are any changes to the operation that require Department of the Army authorization, then pre-construction notification is required if the proposed changes meet any of the pre-construction notification triggers. Yearly pre-construction notification will not be required for continued operation of existing shellfish aquaculture operations that trigger only pre-construction notification activities 1 and 5.



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Nationwide Permit 48

Pre-construction Notification Form



Pre-construction Notification Required Information*	
<p>1. Project Description: <i>The project description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal.</i></p>	
<p>2. Project Purpose: <i>Describe the project purpose.</i></p>	
<p>3. Potential direct and indirect environmental effects the project could cause: <i>Effects could include, but are not limited to: Smothering vegetation and benthic organisms, creating unsuitable conditions for the continued vigor of vegetation and benthic organisms by: changing water circulation patterns; releasing nutrients that increase undesirable algal populations; releasing chemicals that adversely affect plants and animals; increasing turbidity levels, thereby reducing light penetration and hence photosynthesis; changing the capacity of a vegetated shallow to stabilize bottom materials and decrease channel shoaling; or creating other unsuitable conditions, reducing the value of vegetated shallows as nesting, spawning, nursery, cover, and forage areas, as well as their value in protecting shorelines from erosion and wave actions, encouraging the growth of nuisance vegetation.</i></p> <p> <input type="checkbox"/> Unsure of environmental effects the project would cause <input type="checkbox"/> None Anticipated </p> <p> <input type="checkbox"/> Yes: <i>list (attach separate sheets if needed)</i> _____ </p>	
<p>4. List any other NWP(s), regional general permits(s), or individual permit(s), used or intended to be used to authorize any part of the proposed project or any related activity:</p>	
<p>5. Endangered Species Act (ESA) Listed Species and Designated Critical Habitat: <i>If known, list endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. A list of species in your area can be found at the websites below. The websites have different species lists; therefore, checking both is advisable.</i></p> <p>http://www.fws.gov/westwafwo/se/SE_List/endangered_Species.asp</p> <p>http://www.nwr.noaa.gov/Species-Lists.cfm</p>	<p> <input type="checkbox"/> Unknown. <input type="checkbox"/> No ESA species or designated critical habitat in the project area. <input type="checkbox"/> ESA listed species and/or critical habitat present: (list below) </p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>6. Special Aquatic Sites: <i>For all PCN projects: You must submit a delineation and/or drawing of the project site which identifies special aquatic sites in the project area. Special aquatic sites are defined at 40 CFR 230.3(q-1) and can include sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes (40 CFR Part 230 subpart E). You may use a copy of your vicinity/boundary map to draw in the location of any special aquatic sites in the project area (see Report Form #3).</i></p> <p><input type="checkbox"/> Yes, a drawing is attached.</p>	
<p>Pre-construction Notification Form Completed By:</p>	
<p>_____</p>	<p>_____</p>
<p>Name (Print)</p>	<p>Signature</p>
<p>_____</p>	
<p>Date</p>	

*Detailed studies or analyses are **not** required for pre-construction notifications.