

A Guide to the Application Process for Offshore Aquaculture in U.S. Federal Waters of the Gulf of Mexico



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Federal Permits and Authorizations

This *Guide* provides information on the federal permitting and authorization requirements to establish an offshore aquaculture operation in U.S. federal waters of the Gulf of Mexico (Gulf).¹ The operator of an offshore aquaculture facility must obtain all required federal permits and authorizations prior to beginning operations, *e.g.*, placing any structures or animals in federal waters of the Gulf. All applicants are strongly encouraged to request and actively participate in a Pre-Application Meeting prior to beginning the permit application process.

The information in this *Guide* outlines permitting processes that are specific to U.S. federal waters of the Gulf. Those who wish to establish an aquaculture facility in U.S. federal waters elsewhere should contact the appropriate federal staff in that region.

Permits

The National Oceanic and Atmospheric Administration (NOAA), the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) all have permitting responsibilities for offshore aquaculture operations. **Table 1** summarizes the permits that are needed to conduct aquaculture in federal waters of the Gulf.

Each federal permit will specify a suite of requirements that must be incorporated into the construction or deployment phase of an offshore aquaculture project, and day-to-day operation and maintenance activities. Some permit requirements will apply to all aquaculture operations authorized to operate in the Gulf, while others may be specifically tailored to an individual operation. **Note** that each federal agency that issues a permit is required to consult with other regulatory agencies and may solicit public input regarding the potential impacts of each proposed project. These inputs may be reflected in the permit requirements.

¹ In the Gulf of Mexico, federal waters begin at 3 nautical miles from shore in Louisiana, Mississippi and Alabama and 9 nautical miles from shore in Texas and Florida, and extend to approximately 200 nautical miles from the coast.

Table 1. Federal permits required for offshore aquaculture operations in federal waters of the Gulf.

Agency	Statutes/ Authorities	Purpose	Application Form(s) ²	Who initiates this action and how?	Permit
U.S. Army Corps of Engineers (USACE)	Section 10 of the Rivers and Harbors Act	Required in navigable waters of the U.S. to protect navigation for commerce	ENG Form 4345	Prospective applicant contacts the NOAA Regional Aquaculture Coordinator to schedule a Pre-Application Meeting. Following the meeting the operator will reach out to each permitting agency individually before deciding whether to continue with submitting federal permit applications.	Section 10 Permit
National Oceanic and Atmospheric Administration (NOAA)	Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act)	Required for operating offshore aquaculture facility in Federal waters of the Gulf	Federal Permit Application for Offshore Aquaculture in the Gulf of Mexico, including the Baseline Environmental Survey ³		Gulf Aquaculture Permit (GAP)
U.S. Environmental Protection Agency (EPA)	Sections 402 and 403 of the Clean Water Act	Required for the discharge of pollutants into waters of the U.S.	National Pollutant Discharge Elimination System (NPDES) Permit Application Form 1 and Form 2B, and the Baseline Environmental Survey ³		NPDES Permit

² Links to all forms can be found in the *Helpful Links* section of this guide.

³ NOAA and EPA have combined elements of their respective field survey requirements into one set of provisions for a single Baseline Environmental Survey (BES). The BES is a detailed survey of the proposed location for the aquaculture operation which fulfills certain requirements for the GAP and NPDES permitting processes. Applicants are strongly encouraged to contact NOAA Fisheries and EPA prior to beginning work on a BES for a proposed aquaculture site. The BES should be submitted to both NOAA and EPA along with the relevant permit application. Guidance on the content and methods for the BES can be found at: http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/aquaculture/. **Note** that the BES is for siting and site suitability purposes and does not fulfill any outstanding NEPA requirements.

Authorizations

The Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) must review and provide certain approvals for the activities permitted by NOAA, EPA, and USACE. These approvals will be incorporated into the federal permitting processes, i.e., no separate authorizations will be issued. Once all federal permits have been obtained, applicants must apply to the U.S. Coast Guard (USCG) to receive an authorization to deploy Private Aids to Navigation (PATON), e.g., markers, buoys, at their approved aquaculture operation site.

Table 2. Federal authorizations required for offshore aquaculture operations in federal waters of the Gulf.

Agency	Statutes/ Authorities	Purpose	Application Form(s)/Process ⁴	Who initiates this action and how?	Form of authorization
Authorizations					
U.S. Coast Guard (USCG)	33 U.S.C. 1221 <i>et seq</i> 33 CFR §66	Ensure safe navigation Authorize Private Aids To Navigation	Private Aids to Navigation Application Form (CG-2554)	Applicant seeking to establish a private aid to navigation	Formal authorization from appropriate USCG District
Authorizations for Aquaculture Operations Co-Located with OCS Oil and Gas Facilities					
Bureau of Ocean Energy Management (BOEM)	Outer Continental Shelf Lands Act; Energy Policy Act of 2005; 30 CFR §500-599	Required for any offshore aquaculture operations that utilize or tether to existing oil and gas facilities	Right of Use and Easement (RUE) for Energy and Marine-Related Activities Using Existing OCS Facilities	Operator of the OCS aquaculture facility proposing to initiate offshore aquaculture activities submits request for an Alternate Use RUE after contacting and receiving approval from the OCS Oil and Gas Facility Owner	A formal RUE is established using the facility for the purpose of aquaculture
Bureau of Safety and Environmental Enforcement (BSEE)	Outer Continental Shelf Lands Act			Permitting agencies request BSEE consultation on proposed aquaculture activities	

⁴ Links to all forms can be found in the *Helpful Links* section of this guide.

Federal Consultation and Review Requirements

Table 3. Agencies with permitting decisions for aquaculture facilities that are the subject of this guide, including NOAA, EPA and USACE, will apply the relevant and applicable provisions of the laws identified below to their federal actions. Many of these consultations and reviews may occur in tandem with the permit application review process. It is important that applicants submit all necessary information to address relevant concerns and in a timely manner as this will help expedite the consultation and review process.

Table 3. Required federal consultations and reviews

Consultation or Review	Description of the Requirement
Endangered Species Act	Section 7 of the Endangered Species Act (ESA) requires any federal agency that issues a permit to consult with NOAA’s National Marine Fisheries Service (NMFS) and/or the U.S. Fish and Wildlife Service (USFWS), <i>if</i> issuance of the permit may adversely affect ESA-listed species and/or the designated critical habitat for ESA-listed species. The Section 7 consultation process requires an analysis of the effects of the proposed action on ESA-listed species and designated critical habitat based on the best available science. The analysis must determine if the proposed action is likely adversely affect an ESA-listed species and/or designated critical habitat. If the analysis determines the issuance of a proposed permit will adversely affect an ESA-listed species, but will not jeopardize its continued existence, then reasonable and prudent measures and implementing terms and conditions that minimize the adverse impacts must be developed.
Essential Fish Habitat	The Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Act requires federal agencies to consult with NMFS when activities they undertake or permit have the potential to adversely affect EFH.
National Historic Preservation Act	Section 106 of the National Historic Preservation Act (36 CFR Part 800) requires any federal agency issuing a permit to account for potential effects of the proposed aquaculture activity on historic properties, <i>e.g.</i> , shipwrecks, prehistoric sites, cultural resources. If a proposed aquaculture activity has the potential to affect historic properties these details must be provided by the applicant as part of the application packages.
Fish and Wildlife Coordination Act	The Fish and Wildlife Coordination Act requires any federal agency issuing permits to consult with USFWS and NMFS if the proposed aquaculture activities could potentially harm fish and/or wildlife resources. These consultations may result in project modification and/or the incorporation of measures to reduce these effects.
National Marine Sanctuary Resources Act	Section 304(d) of the National Marine Sanctuaries Act (NMSA) requires that any federal agency issuing permits to consult with NOAA’s National Marine Sanctuary Program (NMSP) if the proposed aquaculture activity is likely to destroy or injure sanctuary resources. As part of the consultation process, the NMSP can recommend reasonable and prudent alternatives. While such recommendations may be voluntary, if they are not followed and sanctuary resources are destroyed or injured in the course of the action, the NMSA requires the federal action agency(ies) issuing the permit(s) to restore or replace the damaged resources.

Marine Mammal Protection Act	The Marine Mammal Protection Act (MMPA) prohibits the harassment, hunting, capturing or killing of marine mammals without a permit from either the Secretary of the Interior or the Secretary of Commerce. Section 118 of the MMPA addresses the incidental capture of marine mammals during commercial fishing operations. Section 118 also establishes the Marine Mammal Authorization Program (MMAP), which provides a mechanism for commercial fishermen to receive an exemption to the prohibitions against capturing marine mammals. To be eligible for the exemption, any commercial vessel or non-vessel gear (e.g., aquaculture facilities) engaging in a Category I or II fishery must obtain a MMAP certificate from NMFS or a designated agent. Fishery categories are published in the annually reviewed and revised NMFS, which is available on the NMFS website and in the <i>Federal Register</i> . ⁵
National Environmental Policy Act	The National Environmental Policy Act (NEPA) requires federal agencies to prepare either an Environmental Impact Statement (EIS) or Environmental Assessment (EA) for any federal action affecting the quality of the human environment; unless it is determined the activity is categorically excluded from NEPA. NOAA has completed a Programmatic EIS (PEIS), which broadly considers a range of similar aquaculture projects in the Gulf. Federal agencies, in particular EPA and USACE, will ensure that any additional site specific assessments deemed necessary are conducted. Permit applicants may be required to provide support for the project-specific evaluation of alternatives and their environmental effects, such as providing estimates of nutrient loadings, an assessment of the potential for benthic impacts, or effects on native species.
Coastal Zone Management Act	The Coastal Zone Management Act of 1972 (CZMA) encourages coastal states to develop and implement coastal zone management plans as a basis for protecting, restoring, and establishing a responsibility in preserving and developing the nation’s coastal communities and resources. Coastal states with an approved coastal zone management program are authorized to review certain federal actions affecting the land or water uses or natural resources of its coastal zone for consistency with its program. Under the CZMA, a state may review: activities conducted by, or on behalf of, a federal government agency within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone; an application for a federal license or permit; and any plan for the exploration or development or, or production from, any area that has been leased under the Outer Continental Shelf Lands Act for offshore minerals exploration or development. The CZMA requires federal agency activities to be consistent to the maximum extent practicable with the enforceable policies of a state’s approved coastal zone management program.

⁵ <http://www.nmfs.noaa.gov/pr/interactions/fisheries/lof.html> **Note** that the West Indian manatee, which is under the management jurisdiction of the Department of the Interior, occurs in the Gulf. However, it is a nearshore species and unlikely to be found more than 3 nautical miles offshore, except in areas where seagrass is prevalent. In the event manatees are expected in offshore areas identified for aquaculture activities in the Gulf, incidental take would be addressed under Sections 118 and 101(a)(5)(E) of the MMPA, as appropriate.

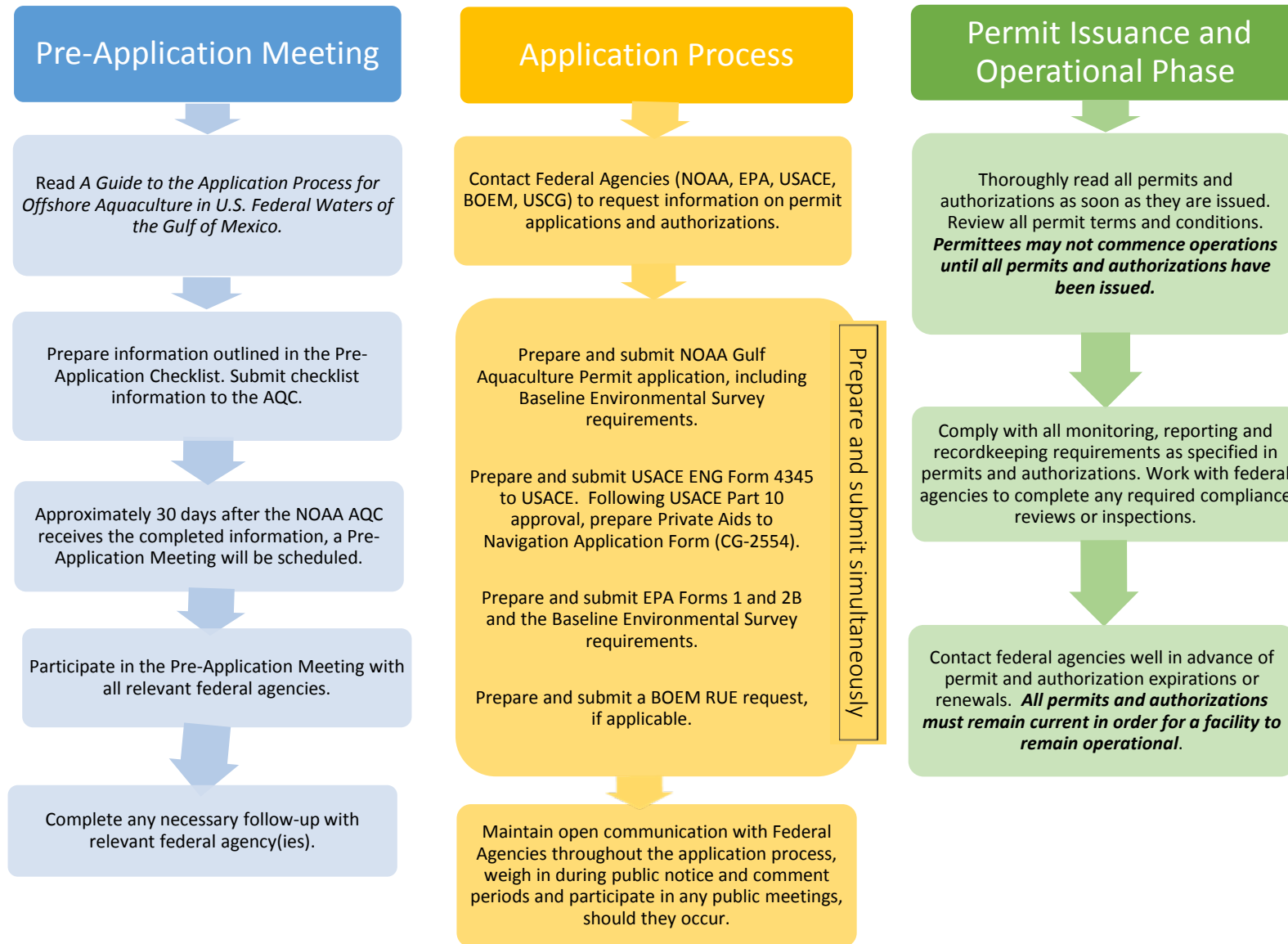
Overview of the Permitting and Authorization Process

Figure 1 provides an overview of the process for obtaining permits and authorizations in order to establish an offshore aquaculture operation in federal waters of the Gulf.

The process consists of three phases:

1. ***Pre-Application Meeting.*** Prospective applicants will provide information outlined in the Pre-Application Checklist to the NOAA Regional Aquaculture Coordinator (NOAA AQC). The NOAA AQC will forward this information to federal permitting and authorizing agencies for review. The NOAA AQC will also schedule a Pre-application Meeting with the prospective applicant and the federal agencies, during which time agencies will present any concerns on the proposed project and provide guidance regarding application processes. More information on the Pre-Application Meeting can be found at: http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/aquaculture/.
2. ***Application Process.*** Prospective applicants will submit completed applications to the appropriate federal permitting and authorizing agencies. This *Guide* outlines Federal agency requirements and provides links to agency contacts as well as to application and authorization forms.
3. ***Permit Issuance and Operational Phase.*** Once all permits and authorizations have been issued, permittees must comply with all permit and authorization terms and conditions, including all monitoring, reporting and recordkeeping requirements. All required permits must be issued before operations may commence, *i.e.*, before structures or animals may be placed in the water.

Figure 1. Overview of the federal permitting and authorization process for offshore aquaculture operations in the Gulf.



Pre-Application Meeting

Prospective applicants are *strongly encouraged* to participate in the Pre-Application Meeting process prior to beginning the application process. Though not mandatory, the Pre-Application Meeting provides an opportunity for prospective applicants to engage in preliminary discussions with the relevant federal permitting agencies including NOAA, EPA, USACE and other agencies with specific expertise in federal waters (e.g., BOEM, BSEE and USCG). This meeting will focus on the location of the proposed site as well as the general characteristics of each operation in order to identify potential issues *prior* to beginning federal permit application processes.

Prospective applicants should refer to the [Pre-Application Checklist](#) for the information necessary to submit in advance of the Pre-Application Meeting.

Application Process

Though all federal agencies with a role in permitting and authorizing aquaculture operations will collaborate on conducting their respective evaluations, NOAA, EPA, and USACE must make permitting decisions independently per their separate regulatory authorities. Applicants must complete and submit separate application forms to NOAA, EPA, and USACE to acquire GAP, NPDES, and Section 10 permits, respectively. *Applicants are encouraged to submit all applications at or around the same time to allow for concurrent review.*

While preparing permit application(s), each applicant is encouraged to maintain open communication with the relevant point of contact at each federal agency. Federal agencies may also contact applicants if/when additional information is needed to assist in the review process. When this happens, it is important that applicants provide the necessary information in a timely fashion.

The following section provides specific details regarding federal authorities and permitting processes for the USACE, NOAA and EPA and authorization processes for BOEM, BSEE and USCG.

Federal Agency Authorities and Processes⁶

National Oceanic and Atmospheric Administration



Type of Authorization: Gulf Aquaculture Permit (GAP)

Fee: \$10,000

Point(s) of Contact: Jessica Beck-Stimpert, Regional Aquaculture Coordinator for the NMFS Southeast Region

Summary of Authority:

The Magnuson-Stevens Act provides Regional Fishery Management Councils the authority to regulate aquaculture in federal waters. Currently, only the Gulf of Mexico Fishery Management Council (Council) has developed a permitting process for commercial aquaculture in federal waters. That process creates a Gulf Aquaculture Permit (GAP)⁷ to allow for commercial aquaculture in U.S. federal waters of the Gulf of Mexico.

Standard Process:

A GAP application form and all associated requirements must be completed and submitted to the Regional Administrator (RA) for the Southeast Region of NMFS at least 180 days prior to when the applicant desires the permit to become effective.

The RA will review each GAP application and make a preliminary determination whether the application contains all of the required information and warrants further consideration. If the RA determines that an application is complete and warrants further consideration, notification of receipt of the application will be published in the *Federal Register* with a brief description of the application. The public will be given up to 45 days to comment and the RA will consult with the Council concerning the application. Applicants would be notified by the RA in advance of any Council meeting at which the application will be considered, and offer the applicant the opportunity to appear in support of the application. As soon as practicable after the opportunity for public comment ends, the RA will make a decision whether or not to issue the GAP. If the RA decides not to issue the GAP, the applicant will be notified of the reasons for the denial. The RA may also consider revisions to the application made by the applicant in response to public comment before making a decision. Once the decision to issue the GAP is made, the RA will publish a notice in the *Federal Register* announcing the decision. **Note** that NMFS will not issue a GAP until the Agency confirms that all other necessary permits and authorizations have been issued.

⁶ See *Federal Agency Contacts* section for contact information.

⁷ Eligibility for NMFS aquaculture permits in federal waters of the Gulf is limited to U.S. citizens or permanent resident aliens. This eligibility criterion applies only to NOAA's GAP, not permits and authorizations issued by other federal agencies.

U.S. Army Corps of Engineers

Type of Authorization: Section 10 Permit

Fee: \$100

Timeline from Submittal of a Complete Application: Approximately 120 days

Point(s) of Contact: Appropriate USACE District Office



**US Army Corps
of Engineers.**

Summary of Authority:

Proposed finfish facilities outside the limits of the territorial seas (or the zone that is three nautical miles from the baseline) are subject to the USACE Section 10 Rivers and Harbors Act authority as extended through the Outer Continental Shelf Lands Act, if they are anchored to the seabed. (Reference 33 CFR 320.2(b), which describes that the authority of the Secretary of the Army to prevent obstructions to navigation in navigable waters of the United States was extended to artificial islands, installations, and other devices located on the seabed, to the seaward limit of the outer continental shelf, by section 4(f) of the Outer Continental Shelf Lands Act of 1953 as amended (43 U.S.C. 1333(e)).

Standard Process:

The USACE standard application form is ENG Form 4345. This must be completed and submitted for the USACE to begin processing a standard permit application, unless local variations of the application form have been developed to facilitate coordination with other federal, state and/or local agencies. If complete, the proposal is advertised on public notice within 15 days; if incomplete, information needed to complete the application is requested within 30 days. The USACE complete application and public notice requirements are found at 33 CFR 325.1(c), 325.1(d) and 325.3(a).

Please note information needed to complete this form and advertise the project on public notice may not be sufficient to complete the evaluation and make a permit decision. For example, consistent with the application form requirements, a complete description of the proposed activity including drawings; the location, purpose and need for the proposed activity; scheduling of the activity; a list of authorizations required by other agencies, including all approvals received or denials already made; and the applicant's signature on the application must be provided. Following the close of the public notice period, the USACE may ask for additional information from the applicant, including information to make a public interest determination, environmental data or information on other alternative sites. If consultations or studies are required for NEPA, Section 7 of the ESA, Section 106 of the NHPA and/or EFH provisions of the Magnuson-Stevens Act, these must be completed before a decision is made.

U.S. Environmental Protection Agency



Type of Authorization: National Pollutant Discharge Elimination System (NPDES) Permit

Fee: None

Timeline from Submittal of a Complete Application: Approximately 180 days

Point(s) of Contact: EPA Region 4 (offshore from Florida, Alabama or Mississippi). EPA Region 6 (offshore from Louisiana or Texas)

Summary of Authority:

For purposes of the Clean Water Act (CWA), off-shore federal waters begin 3 miles from shore for *all* states.⁸ Section 301(a) of the CWA prohibits the “discharge of pollutants” except in compliance with prescribed provisions of the CWA, including section 402. Section 402 of the CWA establishes the National Pollutant Discharge Elimination System (NPDES) and authorizes EPA (or states authorized by EPA) to issue permits for point source discharges of pollutants into waters of the U.S., including the territorial seas. Only EPA issues NPDES for discharges into the contiguous zone and the ocean. The implementing regulations are at 40 CFR §122 through 129. In addition, Section 403 of the CWA, Ocean Discharge Criteria, provides that no NPDES permit may be issued for discharges into the territorial sea, the waters of the contiguous zone, or the oceans except in compliance with guidelines for the determination of degradation of those waters, per 40 CFR §125 Subpart M. The NPDES permit regulations also include specific provisions that apply to offshore aquaculture as that term is used in this document. EPA regulations use the term “concentrated aquatic production facility” to describe offshore aquaculture.

Concentrated Aquatic Animal Production Facilities (CAAP) - CAAP means a "hatchery, fish farm, or other facility" which is designated by EPA per 40 CFR §122.24, or which meets the criteria, found in 40 CFR §122 Appendix C.

CAAP Effluent Guidelines and Standards – Guidelines for effluent limitations and new source performance standards have been developed for CAAP facilities producing 100,000 pounds or more of aquatic animals per year in net pens or submerged cage systems, per 40 CFR §451. The effluent limitations and standards for these facilities are a series of management practices designed to control the discharge of pollutants from these types of operations.

NPDES permits may be individual (specifically tailored to a single facility) or general (tailored to cover multiple operations with similar types of discharges, often within a specified geographic area). For individual permits EPA Form 1 must be submitted by all NPDES applicants; concentrated aquatic animal production (CAAP) operations must also submit Form 2B. Where general permits exist applicants will usually

⁸ The term “territorial seas” means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles. CWA Section 502(8).

request coverage using a specified Notice of Intent. However, at the current time there is not a general permit for off-shore CAAP operations in federal waters of the Gulf of Mexico, so an individual permit application is required.

Standard Process:

EPA Regions 4 (Atlanta) and 6 (Dallas) issue permits for federal waters of the Gulf. See information in Federal Agency Contacts section of this guide to determine the appropriate office. Once a complete application has been received and EPA tentatively decides to issue a draft permit, the Agency will develop a permit with discharge limits, monitoring requirements and special conditions, as applicable.

The CWA Ocean Discharge Criteria guidelines are used to determine the degree of degradation of ocean water quality. NOAA and EPA have developed joint guidance for the Baseline Environmental Survey (BES)⁹ specifically for offshore operations in the Gulf. A BES that adequately addresses all elements outlined in the joint guidance should satisfy the minimum information requirements of both agencies, including application information that EPA requires to make a determination consistent with the Ocean Discharge Criteria.

EPA publishes notice of the draft permit for public comment, typically for 30 to 60 days depending on the level of public interest. Following the close of the public comment period, EPA will consider all comments received and, as appropriate, finalize the permit. Depending upon the nature of the proposed discharge and the complexity of the public comments the permitting process could exceed 180 days from the day the application is received. A clear and complete application package will expedite the issuance process.

NPDES permits are issued for a period not to exceed five years. Monitoring results must be regularly reported to EPA (the frequency will be identified in the permit), and annual reports may also be required. EPA may also perform compliance inspections at the facility. Permits must be reapplied for every 5 years for as long as the facility continues to discharge.

⁹ Guidance on the BES can be found at: http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/aquaculture/

Bureau of Ocean Energy Management



Type of Authorization: Right of Use and Easement (RUE) Permit for alternate use of Outer Continental Shelf (OCS) facilities for energy or marine-related purposes

Fee: Based on usage acreage for the RUE (an annual rent is calculated)

Timeline from Submittal of Complete Information: 45 days

Point(s) of Contact: Michelle Uli, Plans Section Chief, Office of Leasing and Plans

Summary of Authority:

The Summary of Authority is found in the Outer Continental Shelf Lands Act, as well as BOEM's regulations for the lease or establishment of Right of Use and Easements in 30 CFR §585.

Standard Process:

The application should be sent to BOEM's Plans section within the Office of Leasing and Plans. Applicants must contact the oil and gas lessee and owner of the existing OCS oil and gas facility and reach a preliminary agreement as to the proposed activity for use of the existing facility. BOEM will review for completeness and either deem the application complete or send a request for information (RFI). BOEM will review the area and determine if there are biological or cultural resources in the proposed area and if there are resources exclusions zones. If so, buffers would be applied around the identified resources. BOEM will review and issue a permit within 45 days after the application has been deemed complete, contingent on the acceptable reviews by the Office of Environment and BSEE, and on a decommissioning assessment of the operation, for which the company must then secure financial assurance in the amount determined by BOEM and retain such financial assurance until all obligations have been fulfilled, as determined by BOEM. BOEM will send their response/review to the permitting agencies.

Bureau of Safety and Environmental Enforcement

Type of Authorization: Review/Approval

Fee: None

Timeline from Submittal of Complete Information: 45 days

Point(s) of Contact: Doug Peter, Gulf of Mexico Region



Summary of Authority:

Under the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. §§ 1331 *et seq.*, and further defined under 30 CFR §200-299 the Bureau of Safety and Environmental Enforcement has regulatory responsibility for oil, gas, and sulphur exploration, development, and production operations on the Federal Outer Continental Shelf (OCS). BSEE is responsible for minimizing or eliminating conflicts between exploration, development, and production of OCS mineral resources and the recovery of other resources on the OCS.

Standard Process:

Consultation with BSEE will be necessary for aquaculture sites proposed on the federal OCS by the permitting agencies. BSEE will review aquaculture applications and provide comments to the appropriate permitting agencies with regards to the potential conflict, interaction, or effects on mineral exploration, development, and production operations on the Federal Outer Continental Shelf (OCS). Transfer or use of any offshore oil and gas facility for aquaculture or related activities will require BSEE approval.

U.S. Coast Guard



Type of Authorization: Private Aid to Navigation (PATON) Permit

Fee: None

Timeline from Submittal of Complete Information: 30 days, following USACE Section 10 permit approval

Point(s) of Contact: Coast Guard District Seven (CGD7)

Coast Guard District Eight (CGD8)

Mail: D8 (dpw) Private Aids to Navigation Section, 500 Poydras Street, Suite 1230, New Orleans, LA 70130

Email: D8oanPATON@uscg.mil Telephone: 504.671.2328

Summary of Authority:

The Coast Guard has authority to control private aids to navigation in waters subject to the jurisdiction of the United States and on the outer continental shelf, and on the high seas when the owner is subject to the jurisdiction of the United States. This includes regulating the establishment, maintenance and discontinuance of private aids to navigation. (14 USC 83).

The District Commander authorizes private aids to navigation. Where required, inspection of private aids are accomplished by the Coast Guard for Class I aids. Class I, Class II, and Class III private aids are inspected/verified by the Coast Guard, Coast Guard Auxiliary or the owner. Private aids may, in some instances, comprise an entire aid system. A more common use of private aids, however, is as an extension to the Federal aid system. Private aids are used to extend a particular Federal aid system to mark obstructions, pierheads, and channels that may be of use to a single owner or a small user group. The characteristics of a private aid to navigation shall conform to the U.S. Aids to Navigation System (33 CFR 66.01-10).

Standard Process:

When the applicant receives the USACE permit approval for the aquaculture project it is recommended the applicant contact the USCG Private Aids to Navigation Section via email or telephone to discuss and evaluate the requirement for Private Aids to Navigation for the aquaculture project prior to submission of the application for private aids (CG-2554). Applicant shall be required to forward a signed and completed CG-2554 - Private Aids to Navigation application along with copy of the USACE permit approval for the aquaculture project to the appropriate USCG distinct Private Aids to Navigation Section via email or USPS mail. CG-2554 Application is required a minimum of 30 days prior to installation of required/proposed Private Aids to Navigation.

Permit Issuance and Operational Phase

Permittees may not commence operations until all permits and authorizations have been issued. Permits contain a variety of terms and conditions with which the operator must comply, so the operator should read the permit and develop the necessary systems and schedules to ensure that all operational, monitoring, recordkeeping and reporting requirements are met.

One or more of the agencies may conduct periodic compliance reviews or inspections. In doing so, agency(ies) may request records for a more thorough review and may also conduct an on-site inspection of the operation. The regulatory authorities for these reviews and inspections are clearly established, and applicants are encouraged to cooperate fully. Each agency has policies to protect Confidential Business Information (CBI); if an applicant believes that certain information required by an agency falls into this category, they should inform the relevant agency(s).

Permits must be in effect for the aquaculture operation to remain authorized. The permittee should be aware of expiration dates for all permits, and the deadlines for submitting applications for renewal, which are often well in advance of the expiration dates.

Permittees are encouraged to contact the permitting or authorizing agency with questions or concerns at any time, preferably as soon as they arise. The agencies generally provide guidance or technical assistance to support compliance with the relevant requirements, and are invested in ensuring the success of permittees in meeting those requirements.

Federal Agency Contacts

Bureau of Ocean Energy Management

Office of Leasing & Plans: Michelle Uli, michelle.uli@boem.gov 504.736.2747

Bureau of Safety and Environmental Enforcement

Gulf of Mexico Region: Doug Peter, douglas.peter@bsee.gov 504.736.7514

National Oceanic and Atmospheric Administration Fisheries

NOAA Fisheries (NMFS) Southeast Regional Office: http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/aquaculture/

Southeast Regional Aquaculture Coordinator: Jess Beck-Stimpert, jess.beck@noaa.gov 727.824.5301

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers District Offices - <http://www.usace.army.mil/Locations.aspx>

Galveston District (Texas): 409-766-3931, ceswg-pe-r@usace.army.mil

Mobile District (Alabama): Craig Litteken, 251-690-2658, craig.j.litteken@usace.army.mil

Jacksonville District (Florida): John Fellows, 813-769-7070, john.p.fellows@usace.army.mil

New Orleans District (Louisiana): Martin Mayer, 504-862-2255, martin.s.mayer@usace.army.mil

U.S. Coast Guard

District 7, Miami (covers Florida): Andrew Engle, andrew.m.engle@uscg.mil 305.415.6755

District 8, New Orleans (covers Alabama, Mississippi, Louisiana, Texas): Rusty Wright, rusty.h.wright@uscg.mil 504.671.2138

U.S. Environmental Protection Agency

U.S. EPA Regional Aquaculture Coordinators - <http://www.epa.gov/npdes/contact-us-aquaculture#regional>

Region 4, Atlanta, Georgia (covers Mississippi, Alabama, Florida): Kip Tyler, tyler.kip@epa.gov 404.562.9294

Region 6, Dallas, Texas (covers Texas, Louisiana): Jim Afghani, afghani.jim@epa.gov 214.665.6615

Helpful Links

U.S. Army Corps of Engineers Permits

Permit Application (Form ENG 4345) -

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>

NOAA Fisheries Permits

Marine Mammal Permits and Authorizations - http://www.nmfs.noaa.gov/pr/permits/mmpa_permits.html

Annual List of Fisheries (interactions with marine mammals) - <http://www.nmfs.noaa.gov/pr/interactions/fisheries/lof.html>

U.S. Environmental Protection Agency Permits

Permit Application Form 1 - http://www.epa.gov/sites/production/files/2015-09/documents/form_1.pdf

Permit Application Form 2B - http://www.epa.gov/sites/production/files/2015-09/documents/cafo_fedregstr_form2b.pdf

Compliance Guide for the Concentrated Aquatic Animal Production Point Source Category -

http://water.epa.gov/scitech/wastetech/guide/aquaculture/upload/2006_05_03_guide_aquaculture_guidance_full-final.pdf

U.S. Coast Guard Permits

Private Aids to Navigation Application Form 2554 - https://www.uscg.mil/forms/cg/CG_2554.pdf

Tools and Information

NOAA Fisheries

Critical Habitat - <http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>

Essential Fish Habitat - <http://www.habitat.noaa.gov/protection/efh/habitatmapper.html>

Fish and Wildlife Service Trust Resources - <http://www.fws.gov/ipac/>

National Park Service National Register of Historic Places - <http://www.nps.gov/nr/index.htm>

National Marine Sanctuaries - <http://sanctuaries.noaa.gov/about/welcome.html>

Gulf of Mexico State Artificial Reef Programs

Texas Parks and Wildlife Department - http://www.tpwd.state.tx.us/landwater/water/habitats/artificial_reef/

Louisiana Department of Wildlife and Fisheries - <http://www.wlf.louisiana.gov/fishing/artificial-reef-program>

Mississippi Department of Marine Resources - <http://www.dmr.ms.gov/marine-fisheries/artificial-reef>

Alabama Marine Resources Division - <http://www.outdooralabama.com/artificial-reefs>

Florida Department of Environmental Protection - <http://myfwc.com/conservation/saltwater/artificial-reefs/>

Fact Sheets

Federal Agency Regulatory Fact Sheets - http://www.nmfs.noaa.gov/aquaculture/policy/24_regulating_aquaculture.html