

**U.S. Army Corps of Engineers - Charleston District  
Checklist for 2017 Nationwide Permit Review  
Nationwide Permit 48**

**Commercial Shellfish Aquaculture Activities  
(10/404)**

SAC#: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Waterway/Location: \_\_\_\_\_

Project Name: \_\_\_\_\_

**The purpose of this Nationwide Permit (NWP) checklist is to assist with determining if a proposed activity qualifies for use of this NWP. The checklist will also assist with determining when a Pre-Construction Notification (PCN) is be required, if a PCN is incomplete, and other actions that may be required during a PCN review.**

**Complete Sections I and II.**

**I. Regional Conditions:**

1. Will the proposed activity alter or temporarily occupy or use a USACE federally authorized Civil Works project (a "USACE" project") regulated by 33 U.S.C. 408?

**Yes\* (PCN required)**       No

2. If the proposed activity requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use USACE federally authorized "USACE" project, has the Charleston District issued the section 408 permission to alter, occupy, or use the USACE project?

N/A       Yes       No (Activity cannot be authorized by a NWP until 408 permission is issued)

3. If the proposed activity is located in or adjacent to an authorized Federal Navigation project, as listed in Regional Condition #18, does the PCN include project drawings that have the following information: a) location of the edges of the Federal channel; b) setback distances from the edge of the channel; c) the distance from watermost edge of the proposed structure or fill to the nearest edge of the channel and the Mean High and Mean Low water lines; and d) coordinates of both ends of the watermost edge of the proposed structure or fill (NAD 83 State Plane Coordinates in decimal degrees).

N/A       Yes       No (Incomplete PCN)

5. Is the proposed activity located in waters that are designated critical habitat under section 7 of the Endangered Species Act or waters that are proposed critical habitat? (Refer to the following National Oceanic and Atmospheric Administration (NOAA) Fisheries website for the most up-to-date information regarding Critical Habitat designations under the jurisdiction of the National Marine Fisheries Service (NMFS): [http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/threatened\\_endangered/](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/))

**Yes\* (PCN required  
–Corps PM to  
determine if  
coordination with  
NMFS PRD is  
necessary)**       No

6. Is the proposed project located within a designated floodway within the FEMA Special Flood Hazard Area (SFHA)?

Yes (The permittee must comply with with Regional Condition #14. )       No

7. Is the proposed project located within a designated FEMA Special Flood Hazard Area (SFHA)?

Yes (The permittee must comply with with Regional Condition #15. )       No

8. Does the proposed activity involve a change from bottom culture to floating or suspended culture OR does the proposed activity involve new aquaculture activities involving suspended or floating culture?

Yes\* (PCN required)       No

9. Is the proposed activity new AND will the activity occur adjacent to property that is not owned by the prospective permittee?

N/A       Yes\* (PCN required)       No

10. If the proposed activity is new and will occur adjacent to a property that is not owned by the prospective permittee, does the PCN include a map or depiction that shows the adjacent property(ies) with the adjacent property owners' contact information AND a signed letter(s) of "no objection" with the name, mailing address, property Tax Map Parcel (TMS) number, and signature of the property owner?

N/A       Yes       No (Incomplete PCN)

## **II. Nationwide Permit 48**

1. Does the proposed activity involve the discharge of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States necessary for new and continuing commercial shellfish aquaculture operations in authorized project areas?

Yes       No (Proposed activity does not qualify for use of NWP 48)

2. Will the proposed activity occur in a project area in which the operator is authorized to conduct commercial shellfish aquaculture activities, as identified through a lease or permit issued by an appropriate state or local government agency, a treaty, or any easement, lease, deed, contract, or other legally binding agreement that establishes an enforceable property interest for the operator?

Yes       No (Proposed activity does not qualify for use of NWP 48)

3. Will the proposed activity occur in a project area where commercial shellfish aquaculture activities have not been conducted during the past 100 years?

**Yes\* (The operation is considered a “new commercial shellfish aquaculture operation” and a PCN is required)**       **No**

4. Does the proposed activity involve the installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the United States?

Yes       No

5. Does the proposed activity involve the discharge of dredged or fill material into waters of the United States necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities?

Yes       No

6. If the proposed activity involves rafts and other floating structures, are they securely anchored and clearly marked?

N/A       Yes       No (Proposed activity does not qualify for use of NWP 48)

7. Does the proposed activity involve the cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody, the cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, the deposition of shell material back into waters of the United States as waste, AND/OR activities that directly affect more than ½-acre of submerged aquatic vegetation beds in project areas that have not been used for commercial shellfish aquaculture activities during the past 100 years?

N/A       Yes (Proposed activity does not qualify for use of NWP 48)       No

8. Does the proposed activity include a species that has never been cultivated in the waterbody?

**Yes\* (PCN required)**       **No**

9. If a PCN is required, does the PCN include the following information: a) a map showing the boundaries of the project area(s) with the latitude and longitude coordinates for each corner of each project area; b) the name(s) of the species that will be cultivated during the period this NWP will be in effect; c) whether canopy predator nets will be used; d) whether suspended cultivation techniques will be used; AND e) general water depths in the project area(s)?

N/A       Yes       No (Incomplete PCN)

10. If a PCN is required, does the PCN describe all species and culture activities the operator expects to undertake in the project areas during the effective period of this NWP?

N/A       Yes       No (Incomplete PCN)

11. If an operator intends to undertake unanticipated changes to the commercial shellfish aquaculture operation during the effective period of this NWP, and those changes require Department of the Army authorization, has the operator contacted the District Engineer to request a modification of the NWP verification?

N/A       Yes       No (The changes are not authorized. The operator needs to contact the District Engineer but does not need to submit a new PCN)

13. Will the U.S. Coast Guard be notified regarding the project?

N/A (Question not applicable to the Corps)       Yes/No (The permittee should notify the U.S. Coast Guard)

14. For projects that reuse material that has been taken from a different waterbody, will the material be treated in accordance with the applicable regional aquatic nuisance species management plan?

N/A       Yes       No (Proposed activity does not qualify for use of NWP 48)

Checklist Completed By: \_\_\_\_\_

Date: \_\_\_\_\_ -