**NWP-48**

**CHECKLIST FOR NEW SHELLFISH AQUACULTURE PROJECTS and MODIFICATIONS TO EXISTING PROJECTS**

**Applicant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Representative: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**NJDEP Shellfish Lease Area(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

\*\*The Current NWPs expire on March 4, 2026. If you have an expired permit, you are required to contact the Army Corps of Engineers Philadelphia District for permit reauthorization.

\_\_\_\_1. Applicant signature attesting to the accuracy of the application form (ENG FORM 6082). The name, address, and telephone number(s) of the applicant. If the responsible party is an agency, company, corporation, or other organization, indicate the responsible office and his/her title.

\_\_ \_\_2. The location of the proposed project (e.g., waterway, county, city, state). Must provide a location map and the GPS coordinates of all lease corners, in decimal format, of each lease. (Ex: 39.456, -74.384)

\_\_\_\_3. A written description of the proposed project (i.e., size or project area(s) in acre(s); description of culture and harvesting methods, including anticipated start date; description of maintenance activities, including when/if gear will be removed from the water; common and scientific names of cultivated species; type of shellfish seed to be used [e.g., spat-on-shell, shellfish shells or shell fragments, alternative substrate materials, etc.]; amount of fill (i.e., shellfish seed) in cubic yards; use of bags, structures, or equipment; use of predator exclusion devices; use of up-wellers or down-wellers). Include a description of these activities and provide information about their location and show on project plans.

\_\_\_\_4. A statement by the applicant stating whether the proposed project will use predator exclusion devices (e.g., in-water nets or canopy nets).

\_\_\_\_5. Source of shellfish. All shellfish grown and/or introduced must comply with all State requirements.

*Note:* *The cultivation of a nonindigenous species is not permitted unless that species has been previously cultivated in the waterbody; if proposed, provide a statement for when and where the specie(s) was cultivated and provide a list of approvals/certifications received.*

*Note 2: The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 cannot be authorized under this nationwide. To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.*

\_\_\_\_6. Describe the purpose and need for the proposed project. Also include a description of any related activities such as attendant features (e.g., off-loading/storage/staging areas, piers, etc.) to be developed as a result of the proposed project.

\_\_\_\_7. Indicate if any portion of the work is already complete and describe the completed work.

\_\_\_\_8. Indicate if the project will involve a change from bottom culture to floating or suspended culture as part of the operational methods for the proposed aquaculture activities. If a change from bottom culture to floating and/or suspended culture or from floating and/or suspended to bottom culture is being proposed as part of the normal operational methods (e.g., seasonal, grow-out stage, etc.), provide a detailed written description on how these activities will be completed.

\_\_\_\_9. Names and addresses of any adjoining waterfront property owners in the vicinity of the project area(s) to include fish and wildlife refuges. If a fish and wildlife refuge is in the vicinity what is the approximate distance to the shellfish lease area.

\_\_\_\_10. List of other certifications or approvals/denials received from other Federal,

State, or Local agencies for work described in the application. Must provide signed copies of the State permits.

***Note: At this time, the States of New Jersey and Delaware have issued general* *CZM and WQC clearance for all activities covered under NWP-48. This does not eliminate your need to acquire any additional permits or authorizations for your proposed activities. You are advised to contact the NJ Department of Environmental Protection Division of Land Use Regulation and/or Delawares DNREC to determine if additional authorizations will be required for your proposal.***

\_\_\_\_11. A description of the substrate composition (e.g., sand, silt, shell, mud, etc.) at the project site/lease area.

\_\_\_\_12. Average seasonal water temperatures and approximate salinity range within the shellfish lease area.

\_\_\_\_13. Describe any recreational and/or commercial uses of the proposed project area(s), duration of activity (e.g., seasonal, year-round), and direction of traffic of activity in the immediate project area(s). Include location to the nearest navigation channel and distance.

\_\_\_\_14. Describe criteria used in selection of project area(s). Include information on water quality (e.g., restricted, conditional, or approved waters), proximity to shoreline resources, and access to/from site. Prospective aquaculturists should select project area(s) with minimum environmental, social, or use conflicts (e.g., essential fish habitat, submerged aquatic vegetation, navigation, recreational boating uses, safe ingress and egress for riparian owners, fish and wildlife refuges, etc.).

\_\_\_\_15. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. Provide a statement describing how impacts relating to breeding areas have been avoided and minimized to the maximum extent practicable.

\_\_\_\_16. A statement describing how impacts to waters of the United States and aquatic resources are to be avoided and minimized. The application must also include either a statement describing how impacts are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.

\_\_\_\_17. Submit color photographs of the site and equipment type (e.g., cage design, rack design, anchor type(s), etc.) with explanations of the views shown (prints only). Photographs help us to better understand your project. The more photographs you provide, the easier it is to understand and process your application.

\_\_\_\_18. Must specify the maximum number of vertical and horizontal lines at full build-out. Must provide information on the diameter of the rope/wire, the use of weak links, and how the project has been designed to minimize risk to ESA listed species.

\_\_\_\_19. Provide a copy of the NJDEP/DNREC Leased Growing Area Map.

\_\_\_\_20. Project plans. A project vicinity map, a project site plan, and elevation/cross-section view drawing are required. Plans must be of good reproducible quality, be provided on 8.5” by 11” white paper, with black ink (not color shaded or on aerial photos). Each plan must have a legend with the applicant name, county and state, waterway name, date, and page number. All plans must clearly show the following:

\_\_\_\_\_a. Project Vicinity Map

\_\_\_\_\_ North arrow;

\_\_\_\_\_ Draw and label lease perimeter(s). Show latitude/longitude coordinates and lease area size (square feet/acres);

\_\_\_\_\_ Identify approximate water depths referenced to mean low water within and adjacent to the proposed aquaculture project area(s);

\_\_\_\_\_The approximate width of the waterway at the project area(s);

\_\_\_\_\_ Location and distance from the project site/area to any Federal, state, local, or private navigation channels, where applicable;

\_\_\_\_\_ Location and distance of the proposed aquaculture operation/activity off shore (i.e., how far channelward of the mean high water shoreline is the project site located? How far channelward of the mean high water shoreline, is the closest point of the project site located?)

\_\_\_\_\_b. Project Site Plan (Bird’s Eye View)

\_\_\_\_\_ North arrow;

\_\_\_\_\_ Draw and label the perimeter of the lease perimeter(s). Show latitude/longitude coordinates and lease area size (square feet/acres);

\_\_\_\_\_ Label locations of proposed marker buoys;

\_\_\_\_\_ Identify the dimensions of the project site/area (length and width);

\_\_\_\_\_ Identify the water depths referenced to mean low water within and adjacent to the proposed aquaculture project area(s). Show waters depths for the project site(s)/area(s) adjusted to represent water depths at elevation mean low water; water depth at high tide.

\_\_\_\_\_ Mark location and distance from project area(s) to the following (as applicable):

* \_\_\_\_\_\_ Existing shoreline
* \_\_\_\_\_\_ Submerged aquatic vegetation
* \_\_\_\_\_\_ Tidal wetlands
* \_\_\_\_\_\_ Intertidal flat
* \_\_\_\_\_\_ Sandbars/shoals, reefs, and known channels (federal, state, local, private)
* \_\_\_\_\_\_ In-water structures (e.g., boat ramp, marina, piers, breakwaters, groins, etc.)
* \_\_\_\_\_\_ Identify if the project site/area is located within or near any existing mooring fields and/or anchorages
* \_\_\_\_\_\_ The approx. width of the waterway at the project area(s)
* \_\_\_\_\_\_ Location and distance from the project site/area to any Federal, state, local, or private navigation channels, where applicable.
* \_\_\_\_\_ Identify if the project site/area is located within or near any existing submarine cables
* \_\_\_\_\_ Identify if the project site/area is located within or near any existing Federal, State and local designated sanctuaries and/or refuges

\_\_\_\_\_ Mean high and mean low water lines. Maximum distance the project area(s) extend from the mean high water line into tidal waters;

\_\_\_\_\_ Show adjacent and other nearby waterfront properties and the location of these property lines projected channelward into the waterway relative to the project area(s). Also, include mailing addresses and names for each property shown;

\_\_\_\_\_ Location and distance of the proposed aquaculture operation/activity off shore (How far channelward of the mean high water shoreline is the project site located?) How far channelward of the mean high water shoreline, is the closest point of the project site located?;

\_\_\_\_\_Show the location of all project elements that will be used to support the proposed aquaculture operation/activity, such as, for loading and offloading, storage, staging areas, access facilities, such as piers and boat ramps, and any other work, such as up-wellers, down-wellers or other equipment, etc. to be used and needed in the support of the proposed aquaculture operation/activity.

\_\_\_\_\_c. Cross-Sectional View Plan

\_\_\_\_\_ Draw and label the location of the proposed structures, bags, nets and

other predator exclusion devices in the water column relative to mean high water and mean low water lines;

\_\_\_\_\_ Indicate the proposed size of any structures including cages, anchors, nets, etc. and show distance that they extend above the bottom or location/depth at the surface if floats are being used;

\_\_\_\_\_ Indicate the proposed length, diameter and type (e.g., monofilament, nylon, vinyl coated wire, etc.) of any lines;

\_\_\_\_\_ Indicate the proposed minimum depth, at mean low water, over the top of any proposed structures;

\_\_\_\_\_ Draw and label the dimensions of any predatory exclusion devices and anchoring systems;

\_\_\_\_\_ Draw and label the dimensions of the marker buoy configuration.

\_\_\_\_\_d. Equipment (e.g., cage design, bag design, racks etc.) Typical View Plan

\_\_\_\_\_ Draw and label cross-section of equipment type;

\_\_\_\_\_ Draw and label overhead view of equipment type;

\_\_\_\_\_ Indicate the proposed mesh size(s) for bags and cages;

\_\_\_\_\_ Indicate material construction type.

\_\_\_\_22. Must include a written statement that each individual cage and/or bag shall be directly tagged to display the owners name, address, lease location, the State CID and/or the USACE permit number. If it is not feasible to include all of this information on the tags, then at minimum you must tag the equipment with the State CID number.

**USACE Contact Information:**

* **New Jersey**
  + **Nikolas Tranchik** [**Nikolas.p.tranchik@usace.army.mil**](mailto:Nikolas.p.tranchik@usace.army.mil)
  + **Alexandra Kuklentz** [**Alexandra.j.kuklentz@usace.army.mil**](mailto:Alexandra.j.kuklentz@usace.army.mil)
* **Delaware**
  + **Michael Yost,** [**michael.d.yost@usace.army.mil**](mailto:michael.d.yost@usace.army.mil)

**Links**

**USACE Webpage:**

[**https://www.nap.usace.army.mil/Missions/Regulatory/**](https://www.nap.usace.army.mil/Missions/Regulatory/)

**NJDEP Webpage:**

[**https://dep.nj.gov/aquaculture/**](https://dep.nj.gov/aquaculture/)

**DNREC Webpage:**

[**https://dnrec.alpha.delaware.gov/fish-wildlife/fishing/shellfish-aquaculture/**](https://dnrec.alpha.delaware.gov/fish-wildlife/fishing/shellfish-aquaculture/)

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* **The permittee should notify the applicable** **U.S. Coast Guard to ensure that the proposed project is marked in accordance with U.S. Coast Guard regulations for aids to navigation. If additional buoys, beacons and dayboards are deemed necessary, the applicant will be required to receive federal authorization prior to installing the structures into Waters of the United States.**

* **Entanglement in Aquaculture Gear – entanglement remains a concern for projects involving slack lines installed within the water column. Best management practices for past projects have included gear configurations/or modifications to ensure the gear and lines remain taunt. Some applicant proposed conservation measures may include the use of sheathing made of PVC to ensure the lines remain taunt; the use of buoys with sheathing installed directly below the buoy to allow the line to remain rigid during fluctuations in tidal cycles; or selection of material type(s) and diameters of lines which prevent slack lines; and utilizing weak links and/or weak rope. Please provide a description of any measures you are proposing, if any, that would allow the lines to remain taunt and under constant tension. The fewer lines the better.**
* **Please provide the estimated number of trips per week to the site during the active and non-active growing seasons. These may differ. Please describe your proposed boat route. Where will you be leaving from and where will you be going afterwards? Include the size, type and number of work vessels that you will require to work your lease(s).**

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