



**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.	Date
CENAP-OP-R-Delaware Inland Bays Aquaculture	JAN 21 2015
Application No.	File No.
In Reply Refer to: REGULATORY BRANCH	

BACKGROUND INFORMATION

Reference is made to Department of the Army nationwide permit 48 (NWP 48) which authorizes commercial shellfish aquaculture activities in waters of the United States. This NWP was published in the Federal Register on February 21, 2012 and became effective on March 19, 2012.

Specifically, NWP 48 authorizes discharges of dredged or fill material in waters of the United States or structures or work in navigable waters of the United States necessary for commercial shellfish aquaculture operations in authorized project areas. For the purposes of this NWP, the project area is the area in which the operator is currently 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 other easement, lease, deed, or contract which establishes an enforceable property interest for the operator. This NWP authorizes the installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the United States. This NWP also authorizes discharges of dredged or fill material into waters of the United States necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities. Rafts and other floating structures must be securely anchored and clearly marked. This NWP does not authorize:

- (a) The cultivation of a non-indigenous species unless that species has been previously cultivated in the waterbody;
- (b) The cultivation of an aquatic nuisance species as defined in the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990; or,
- (c) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste.

This NWP also authorizes commercial shellfish aquaculture activities in new project areas, provided the project proponent has obtained a valid authorization, such as a lease or permit issued by an appropriate state or local government agency, and those activities do not directly affect more than 1/2-acre of submerged aquatic vegetation beds.

Under the terms of this NWP the permittee must submit a pre-construction notification (PCN) to the district engineer if: (1) dredge harvesting, tilling, or harrowing is conducted in areas inhabited by submerged aquatic vegetation; (2) the activity will include a species not previously cultivated in the waterbody; (3) the activity involves a change from bottom culture to floating or suspended culture; or (4) the activity occurs in a new project area.

The PCN must also include the following information: (1) a map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the cultivated species; and (3) whether canopy predator nets are being used.

The publication for this NWP authorization also includes the following notes.

Note 1: The permittee should notify the applicable U.S. Coast Guard office regarding the project.

Note 2: 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.

Note 3: The Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 defines "aquatic nuisance species" as "a non-indigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquaculture, or recreational activities dependent on such waters."

In accordance with Department of the Army regulations at found 33 CFR 330.5, a Division Engineer may authorize regional conditions for the NWPs for a specific geographic area, class of activities, or class of waters within his division, including on a statewide basis. Regional conditions provide additional protection for the aquatic environment, by ensuring that the NWPs authorize only those activities with minimal adverse effects on the aquatic environment. Regional conditions also help ensure protection of high value waters. Following the publication of the NWPs in the Federal Register on February 21, 2012, the Philadelphia District issued a public notice on March 16, 2012 listing the regional conditions that had been developed for all NWP activities in the State of Delaware that also became effective on March 19, 2012. The enclosed list of regional conditions (Enclosure 1) is an excerpt of the NWP regional conditions that would be applicable to NWP 48 activities in the State of Delaware.

These regional conditions, along with the general and regional conditions for all NWP activities, can also be found on the Philadelphia District Internet home page. The URL address for these regional conditions is:

<http://www.nap.usace.army.mil/Missions/Regulatory/Permits/NWP.aspx>

DE FISH AND WILDLIFE SHELLFISH AQUACULTURE DEVELOPMENT PROGRAM

The Delaware Division of Fish and Wildlife has developed a shellfish aquaculture program for eight specific shellfish aquaculture development areas (SADA) in the Delaware Inland Bays. These areas include Rehoboth Bay, Indian River Bay, Little Assawoman Bay and Delaware's portion of Big Assawoman Bay.

Each of these eight SADA locations is divided into distinct one-acre plots with the number of plots within each SADA location varying depending on its overall size. Each one-acre plot would be leased by the State to individual shellfish growers. Further, each one-acre plot would be separated from adjoining plot areas by a 20-foot wide non-leased corridor area serving as a

navigation corridor. These 20-foot wide corridors would provide unrestricted access corridors for each leased plot area as well access for the general public through the overall SADA location.

Rehoboth Bay would generate a total of 209 leasable acres for shellfish development at three separate locations identified as RB-A, RB-B, and RB-C. RB-A would have 120 leasable acres. RB-B would have 18 leasable acres. RB-C would have 71 leasable acres. Sites RB-A and RB-C are located along the eastern side of Rehoboth Bay with site RB-B located along the western side of Rehoboth Bay in an area known as "Sally's Cove". The locations of these sites are shown on the attached plans.

Indian River Bay would generate a total of 115 leasable acres for shellfish development at two separate locations identified as IR-A and IR-B. IR-A is located on the western side of Indian River Bay near an area known as "Rock Point" and would have 91 leasable acres for shellfish development. IR-B is located on the eastern side of Indian River Bay in an area known as Beach Cove east of "Cedar Neck" and would have 24 leasable acres for shellfish development. The locations of these sites are shown on the attached plans.

Little Assawoman Bay would have a total of 118 leasable acres at three separate locations identified as LA-B, LA-C and LA-D. LA-B is located on the eastern side of Little Assawoman Bay south and west of an area known as "The Narrows" and would have 73 leasable acres for shellfish development. LA-C is located on the eastern side of Little Assawoman Bay to the south of LA-B and would have 20 leasable acres for shellfish development. LA-D is located in the southeastern portion of Little Assawoman Bay and would have 25 leasable acres for shellfish development. The locations of these sites are shown on the attached plans.

Pursuant to State regulations commercial shellfish aquaculture within the Delaware Inland Bays is limited to two species. They include the American oyster (*Crassostrea virginica*) and the hard clam (*Mercenaria mercenaria*). Hard clam aquaculture would only be allowed in Little Assawoman Bay while American oyster aquaculture would be allowed in all areas.

Water depths in the SADA locations are generally shallow. The SADA locations on the east side of Rehoboth Bay (RB-A, RB-C) range from 1.5 feet to 3.5 feet at mean low water (MLW) with a small area up to 9 feet deep. The Rehoboth Bay area labeled as RB-B ranges from 3.5 feet to 6 feet at MLW. The Indian River site labeled as IR-A is 3.5 feet deep in the portion nearest the shoreline and 4 to 6.5 feet deep throughout the majority of the site. The Indian River site labeled as IR-B ranges from 2.5 feet to 3.5 feet deep at MLW. The Little Assawoman Bay sites, (LA-B, LA-C, and LA-D), range from 1.5 feet to 5.5 feet deep at MLW. All of the designate SADA sites are at least 50 feet from the nearest shoreline areas.

The corner of each leased one-acre plot would be marked with a PVC pole or PVC pole buoy that would be at least 6 inches in diameter and that would extend at least 5 feet above the water surface at mean high water. The corner poles must also have an orange reflective diamond placard that would measure a minimum of 12 inches by 12 inches with reflective tape visible from all sides. The Delaware regulation would allow the use of a variety of aquaculture gear and containers ranging from floating including stacked cages and/or floating bags but all oysters must be grown in containers with no single container exceeding 70 cubic feet in volume. All materials used in the aquaculture program must be non-polluting materials. Some examples of potential gear types are

attached to this public notice. Any gear that is not actively holding/growing shellfish must be removed from the waterway. All oyster containers whether floating or stacked must hold the oysters at least 4 inches above the substrate. All containers or stack of containers, if stacked vertically in the water column, must be marked with a single buoy measuring at least 3 inches by 3 inches, by 3 inches. The placement of any fill within the SADA areas as part of the aquaculture program is prohibited. In the event that a lease expires, is surrendered, or terminated all structures within the leased area shall be removed by the lease holder. This would include all cultured shellfish, structures, rafts, floats, markers, buoys, lines, cages, anchors, netting, stakes, or any other equipment brought to the site.

As a part of the development of the Delaware aquaculture program and the related State regulations, the Delaware Division of Fish and Wildlife has undertaken a screening process to address the suitability of these various locations. The issues addressed during the screening process include such issues as navigation, water quality, wetlands, submerged aquatic vegetation (SAV), and existing shellfish resources. The goal of the screening process was to avoid and minimize any conflicts between these resource areas and the aquaculture development locations. As a mechanism to reduce the potential conflict with any existing hard clam resources in the Indian River and Rehoboth Bay sites, each on-acre plot that is considered for lease within those bays must be individually surveyed for natural hard clam density to assure that no areas have a hard clam density of 2 or more hard clams per square yard. Any potential lease areas that exceed these hard clam densities would not be leased for commercial aquaculture activities. There are no natural oyster beds in Delaware's Inland Bays that would be affected by the proposed aquaculture program. It should be noted that these resource concerns are normally considered during the review of each pre-construction notification (PCN) this office receives under the terms and conditions of NWP 48. **In an effort to improve the efficiency of our PCN process and to expedite the review and approval of individual PCNs to this office, the Philadelphia District of the U.S. Army Corps of Engineers is proposing to develop a regional condition for NWP 48 activities in the State of Delaware.**

The shellfish aquaculture development areas described above would potentially offer a total of 442 individual one-acre plots that could be leased for shellfish aquaculture development throughout the Delaware Inland Bays. An individual grower/applicant could lease up to a total of 5 one-acre plots in Rehoboth Bay and Indian River Bay combined with a potential of up to another 5 one-acre plots in Little Assawoman Bay in addition to any areas leased by the grower/applicant in Rehoboth Bay and Indian River Bay. Under the terms and conditions of NWP 48 a PCN would be required for each grower/applicant. Each PCN for any NWP 48 in the State of Delaware would be required to comply with the terms of the NWP, the general NWP conditions and the regional conditions applicable to this NWP. The existing regional conditions applicable to NWP 48 activities in the State of Delaware are listed below.

The Delaware Division of Fish and Wildlife has submitted their proposal for eight (8) Shellfish Aquaculture Development Areas (SADA) to this office. This submittal is not an application since it does not identify any specific applicant or location. Rather, their submittal is being reviewed by this office to determine whether it would be appropriate to develop a specific regional condition(s) for these NWP 48 activities in the State of Delaware which would serve to streamline and expedite the review of each PCN submitted to this office for these eight (8) SADA locations.

PHILADELPHIA DISTRICT PROPOSAL FOR MODIFICATION OF NWP 48

The purpose of this notice is to solicit comments and recommendations from the public concerning the modification of the existing regional conditions for certain NWP 48 activities in the State of Delaware. These modifications would be applicable to any shellfish aquaculture activities within the Shellfish Aquaculture Development Areas (SADA) located in the Delaware Inland Bays. These locations are shown on the location maps attached to this public notice. The proposed regional conditions for these 8 locations would read as follows.

Proposed Regional Conditions for NWP 48 Commercial Shellfish Aquaculture Activities:

Condition (f): Any proposed shellfish aquaculture activity within any portion of the 8 separate SADA locations in the Delaware Inland Bays would not be subject to the terms of Regional General Conditions G-1 or G-2 and would not be subject to the terms of Regional condition (b) for NWP 48 activities in the State of Delaware.

Condition (g): Any PCN to the District Engineer for any shellfish aquaculture activities within the 8 separate SADA locations in the Delaware Inland Bays must provide the following information: (1) name and address of the applicant, (2) a copy of any lease agreement between the applicant and the State of Delaware for the proposed aquaculture activity, (3) a description of the proposed equipment to be used at each location, (4) the location of the proposed activity including latitude and longitude coordinates along with any other lease area identification numbers further identifying the leased area(s).

As noted above this proposed regional condition would be applicable to the shellfish aquaculture activities within the Delaware Shellfish Aquaculture Development Areas (SADA) of the Delaware Inland Bays described above. Shortnose sturgeon is not known to occur within the Delaware Inland Bays. There are five Distinct Population Segments (DPS) of the Atlantic sturgeon listed under the Endangered Species Act. The Gulf of Maine DPS is listed as threatened. The New York Bight, Chesapeake Bay, Carolina and South Atlantic DPSs are listed as endangered. Atlantic sturgeon originating from any of these five DPSs may be present in the Delaware River and Bay. There is little available information on this species for other areas, but it is reported that they may also occur in the coastal bays of the Atlantic Ocean which could encompass the Delaware Inland Bays. However, there is no reported occurrence of this species by the Delaware Division of Fish and Wildlife within the Delaware Inland Bays. Various species of threatened and endangered marine mammals and sea turtles may also be found along the coastal waters of Delaware. However, due to their shallow water environments and remoteness to ocean inlets none of the listed marine mammals are unlikely to occur within the project areas described above. Sea turtles such as loggerhead turtles may be found within the project areas when water temperatures rise during the summer months. The shellfish aquaculture activities described above would not include aerial predatory netting or any pipelines or substantial cables. Any anchor lines for buoys and/or floating cages would be relatively short due to the shallow nature of the inland bays. As such, there is no likely risk for entanglement for any of these species. The PVC poles required for the corners of each one-acre plot would involve only minor disturbance while they are installed. This installation would not generate any significant noise or disturbance to the existing substrate. Due to the extremely shallow nature of the Inland Bays,

work vessels and equipment would be limited to small shallow draft vessels. As such, there would be no threat for large vessel strikes or other vessel activities that would disrupt any migration or movement of any transient threatened or endangered species. None of the eight SADA locations involve leased areas in intertidal habitats. Available information indicates that all of the sites have a minimum of 1.5 feet of water depth at mean low water. As such, there is no impact on any spawning and/or foraging activities within any intertidal zones. Based upon a review of the potential species that may be found at these sites and the activities that would be authorized by NWP 48 at the SADA locations, we believe that this action would not affect any listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to modify NWP 48 with the proposed regional conditions will be based on an evaluation of the probable impact including its cumulative impacts on the public interest and to assure that the activities authorized by NWP 48 remain minimal. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from this action must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to this action will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed regional condition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, or withdraw this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed regional condition.

Comments on the proposed regional condition should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). We have conducted an assessment of the species listed in the "Guide to Essential Fish Habitat

Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999. A list of species that may be found within the 8 separate Shellfish Aquaculture Development Areas (SADA) can be found on pages 81, 89, 90 and 97 of this document. Based upon the habitat requirements for the species described on this document, it is concluded that these 8 locations may provide habitat for various life stages of the following species: winter flounder, windowpane flounder, summer flounder, bluefish, black sea bass, red hake, clearnose skate, and sandbar sharks. The Delaware Inland Bays are not listed as supporting any spawning migrations of shad or herring.

Analysis of the Effects: The proposed shellfish aquaculture development areas that would be leased under the State program would not involve any discharges of dredged or fill materials. All shellfish trays/cages would be stacked or floating providing a minimum of 4 inches of clearance above the existing substrate. The only sediment disturbance would be the installation of PVC corner markers for each one-acre plot. All materials associated with the proposed work would consist of non-polluting materials. These activities are not expected to (1) modify or alter any substrate functions and values, (2) disrupt the movement of any of the species listed above, (3) create any measureable increases in turbidity within the 8 sites or surrounding water bodies, (4) introduce any toxic substances, or (5) introduce any non-indigenous species. Minor local disturbance of the substrate would occur during installation and removal of any structures and during any maintenance activities. Based upon this evaluation, the Corps of Engineers has determined that the proposed project would have only minor direct, indirect, site-specific, or habitat-wide impact on EFH resources of the managed species and their life stages listed in the above referenced EFH guide, either individually, cumulatively or synergistically. Other than minor temporary local disturbances the proposed activities described above would not measurably eliminate, diminish, nor disrupt the functions of any EFH resources.

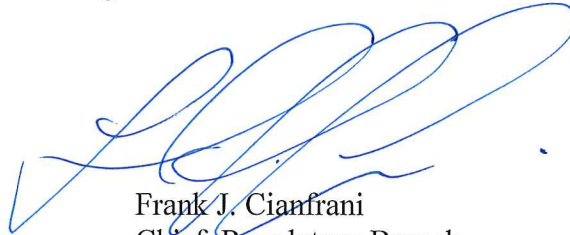
In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, all Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must comply with the State's Coastal Zone Management Program. The State of Delaware has issued the necessary CZM consistency for this NWP under the existing terms and conditions, including the attached regional conditions. We believe that the modification of NWP 48 to include this proposed regional condition would remain consistent with the approved Delaware Coastal Zone Management (CZM) Program. No final decision will be issued until the State has concurred with this determination. Comments concerning the impact of this proposed regional condition on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate (WQC) is required from the Delaware Department of Natural Resources and Environmental Control for any discharges of dredged or fill material into waters of the United States. Under the terms of NWP 48 activities authorized by this NWP may include a discharge of dredged or fill material. It is noted that the shellfish aquaculture activities that would occur within the eight (8) SADA locations in the Delaware Inland Bays would not allow any discharges of dredged or fill materials associated with the SADA. As such, the specific shellfish aquaculture activities included in this public notice would not require any WQC approvals. The State of Delaware has issued a blanket WQC for this NWP under the existing terms and conditions, including the attached regional conditions. We believe that the modification of NWP 48 to include the

proposed regional condition described above would remain consistent with the approved WQC. No final decision will be issued until the State has concurred with this determination. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this proposal to modify NWP 48 for certain activities in the State of Delaware may be obtained by calling Edward Bonner at 215-656-5932, via email at edward.e.bonner@usace.army.mil, or writing this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch

EXISTING REGIONAL CONDITIONS APPLICABLE TO NWP 48 IN DELAWARE

REGIONAL GENERAL CONDITION - 1(G-1).

This regional condition is applicable to all nationwide permits (NWPs) where a preconstruction notification (PCN) must be submitted to the District Engineer. This includes the following: (a) those NWPs requiring notification to the District Engineer pursuant to the language of the specific nationwide permit; (b) those NWPs requiring notification to the District Engineer pursuant to nationwide permit general conditions (conditions 20, 21, 22 and 31); and (c) those NWPs requiring notification to the District Engineer pursuant to a regional condition (Required PCN). The NWPs that require a PCN include NWPs *3, 7, 8, *10, *11, 12, *13, 14, *15, 17, *18, 19, 21, *22, 23, *25, *27, 28, 29, *30, 31, 33, 34, 35, *36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51 and 52. ***These NWP activities require notification under certain circumstances. Review the terms of the individual NWP authorization, general condition 22, or the regional conditions to identify these circumstances.**

Condition G-1: All required preconstruction notifications (PCNs) to the District Engineer shall describe all activities that the applicant plans to undertake that are reasonably related to the same project. All required PCNs to the District Engineer shall include the following information, where applicable, in addition to any other information specified in the nationwide permit itself or general conditions:

Plan(s) of the proposed work on 8-1/2 by 11 inch paper and full-sized scaled engineering drawings, if available; a location map; longitude and latitude; formal property identification such as lot and block or tax parcel number, representative photographs of the project site; a delineation of areas within Federal jurisdiction, including wetlands, for the entire project area; existing water depths; depth of any cables or pipelines below mean low water; height of any cables, pipelines or other structures above mean high water; the maximum distance that any structure(s) would extend channelward of the mean high water line or ordinary high water in non-tidal areas; the maximum distance that any fill would extend channelward of the high tide line or ordinary high water in non-tidal areas; the width of the waterway at the project site; the location of any mapped floodplain areas; the location of any dredged material disposal area; the distance from the edge of any navigation channel; the location of any temporary work, structures, vessels, or fills required for the construction; a copy of any previous Federal or State approvals; and, the location and nature of any submerged aquatic vegetation (e.g., eel grass *Zostera marina*) or shellfish beds. All work in areas of Federal jurisdiction shall be identified on a scaled plan of the project site. Further, at the discretion of the District Engineer, the Corps may consider a PCN incomplete if it is determined that field verification of any wetland delineation is required.

The required PCN shall also include the following information:

(1) Documentation that the applicant has already contacted and received a response from the U.S. Fish and Wildlife Service (USFWS) concerning any federally listed Threatened and Endangered Species that may be affected by the proposed activity. The information provided to USFWS should include the information described above in this condition and any other information specifically requested by the federal agencies to conduct their evaluation for threatened and endangered species and essential fish habitat. The addresses for these agencies are provided below. (See **Special Note 2 below**)

(2) Documentation from the State agency(s) indicating whether the proposed project is located within a State Natural Heritage site, or National Estuarine Research Reserve. This documentation shall also indicate whether the project is located on a property listed or eligible for listing on the National Register of Historic Places. The appropriate addresses for these programs are also provided below (See **Special Note 2 below**). (For further information see NWP general conditions 20, 22 and 31)

(3) A written statement that clearly describes the following: (1) what measures have been taken to avoid impacts on aquatic resources, (2) what measures have been taken to avoid and/or minimize any discharges into wetlands or waters of the United States, and (3) what measures have been developed to compensate for any impacts to wetlands or waters of the United States.

REGIONAL GENERAL CONDITION - 2(G-2).

This regional condition is applicable to those nationwide permit activities that require coordination by the District Engineer with the Federal and State resource agencies. This would include any NWP activities where the loss of wetlands or waters of the United States would exceed 0.5 acres. Some NWPs have been regionally conditioned to provide for coordination with the National Marine Fisheries Service (NMFS) only.

Condition G-2: As a part of the required PCN to the District Engineer, the applicant shall provide evidence that a duplicate copy of the PCN has been submitted to and received by the other concerned Federal and State resource agencies (e.g., copy of certified/registered mail receipt). The addresses for these agencies are provided below. (See **Addresses in Special Note 3 below**.)

REGIONAL CONDITIONS FOR NWP (48) COMMERCIAL SHELLFISH AQUACULTURE ACTIVITIES.

Condition (a): A PCN must be submitted to the Corps of Engineers for all activities in waters of the United States under this NWP.

Condition (b): A complete copy of any PCN to the Corps of Engineers shall be forwarded directly to the National Marine Fisheries Service Habitat Conservation Division 177 Admiral Cochrane Drive, Annapolis, Maryland 21401. The applicant must provide evidence that this has been accomplished. The Corps of Engineers will coordinate review of the PCN with the National Marine Fisheries Service pursuant to Magnuson Stevens Fishery Conservation and Management Act.

Condition (c): This NWP does not authorize activities in any areas mapped as SAV.

Condition (d): Any introduced shellfish must be certified under Delaware standards as being disease and parasite free.

Condition (e): All structures associated with the aquaculture activity must be removed from waters of the United States when/if the activity is abandoned.

SPECIAL NOTES:

(2) The following addresses shall be used for contacting the appropriate Federal and State agencies to obtain information relating to threatened and endangered species, state natural heritage sites, or historic resources that are described above by **Regional General Conditions G-1**.

Field Supervisor
U.S. Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

For Delaware Natural Heritage Sites:
Environmental Review Coordinator
Wildlife Species Conservation and Research Program
Delaware Division of Fish and Wildlife
4876 Hay Point Landing Road
Smyrna, Delaware 19977

Delaware Division of Historic and Cultural Affairs
21, The Green
Dover, DE 19901
ATTN: Mr. Craig Lukezic

(3) The following addresses shall be used for notification to those Federal and State agencies, where the review of the PCN must be coordinated by the District Engineer. These addresses are required for **Regional General Conditions G-2**. The US Fish and Wildlife Service address listed below should also be used for any notification required by **Regional General Condition G-4**, if condition G-4 is applicable.

Field Supervisor
U.S. Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

Delaware Department of Natural Resources and Environmental Control
Division of Water
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901
(302) 739-9943

U.S. Environmental Protection Agency, Region III
Wetlands and Marine Policy Section, 3ES30
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

National Marine Fisheries Service
Habitat Conservation Division

177 Admiral Cochrane Drive
Annapolis, Maryland 21401

Delaware Division of Historic and Cultural Affairs
21, The Green
Dover, Delaware 19901
ATTN: Mr. Craig Lukezic

Delaware Department of Natural Resources and Environmental Control
Office of the Secretary
Delaware Coastal Management Program
5 East Reed Street, Suite 201
Dover, Delaware 19901
(302) 739-9283