



**US Army Corps
of Engineers**®

Corps of Engineers
New England District **Aquaculture Requirements for Massachusetts**

NOTE: The following requirements are excerpted from the Corps Aquaculture Letter of Permission dated September 1, 1991, with some modern clarifications.

Shellfish aquaculture facilities are used for bottom and/or suspended culturing and harvesting of bivalve mollusks in the inter-tidal and immediate sub-tidal area of navigable waters. Activities covered include: deployment and maintenance of buoys, rafts, trays, lines, and other equipment associated with the activity; discharge of minor quantities of fill material (i.e. as mineral growth medium) and work, including seed placement, transplanting, temporary wet storage, and harvesting. Activities may be authorized under the New England General Permit (NE GP). Activity 30; General Condition 3, Minimal Direct, Secondary, and Cumulative Impacts; and General Condition 10, Navigation, are particularly relevant. The NE GP requires that activities meet the following:

1. The area authorized for this activity shall not exceed 10 acres, except where the permittee is a duly authorized municipality, for which the maximum size shall be 25 acres.
2. The area and any elevated structures within it are marked in conformance with 33 CFR 64, and the permittee has contacted the U.S. Coast Guard, First District, Aids to Navigation Branch (617) 223-8347, to coordinate the proper buoy markings for the activity. Buoys shall be deployed and maintained as appropriate.
3. Rafts and other floating equipment may be allowed to the extent that they cover no more than 10% of the project area, or 20,000 square feet, whichever is greater. An area shall be considered to be covered with floating equipment if normal navigation through the area is precluded. Projects which are in-place and authorized by the municipality (and MA Division of Marine Fisheries if applicable) *by 1 September 1991* which have areas containing floating equipment exceeding the aforementioned limits may be authorized if they meet the remaining criteria. All rafts shall be securely anchored to the bottom, and all "lines" shall be attached to fixed mooring points at both ends.
4. Any fill material imported to the project from offsite (*this is limited to mineral growth medium used in culture trays*) shall be clean and of comparable grain size to the native substrate.
5. No activity shall occur within a distance of 25 feet from beds of eelgrass, widgeongrass, or saltmarsh, nor shall such vegetation be damaged or removed.
6. An activity is not authorized under the NE GP if the activity, including any vehicular access, will have more than minimal negative impacts on avian resources such as, but not limited to: shore birds, wading birds, or members of the waterfowl group. This is meant to include migratory bird nesting, feeding or resting activities (see 50 CFR 10.13).
7. An activity is not authorized under the NE GP if the activity, including any vehicular access, will have more than minimal negative impacts on existing or naturally occurring beds or population of shellfish, marine worms or other invertebrates that could be used by humans, other mammals, birds, reptiles, or predatory fish.

8. No activity, nor vehicular access to an activity, shall occur in such a way as to negatively impact coastal or freshwater wetlands, or any endangered or threatened species on either the Federal or Massachusetts species list.