



April 7, 2011

Major General William T. Grisoli
Deputy Commanding General, Civil and Emergency Operations
U.S. Army Corps of Engineers
Attn: CECW-CO-R
441 G Street, NW
Washington, DC 20314-1000

Re: Proposal to Reissue and Modify Nationwide Permits

Dear Mr. Olson:

Thank you for providing the Office of Advocacy (Advocacy) with the opportunity to submit interagency comments on the U.S. Army Corps of Engineers' (Corps) 'Proposal to Reissue and Modify Nationwide Permits.'

Advocacy was established pursuant to Pub. L. 94-305 to represent the views of small entities before federal agencies and Congress. Advocacy is an independent office within the Small Business Administration (SBA), so the views expressed by Advocacy do not necessarily reflect the views of the SBA or the Administration. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), gives small entities a voice in the rulemaking process. For all rules that are expected to have a significant economic impact on a substantial number of small entities, federal agencies are required by the RFA to assess the impact of the proposed rule on small business and to consider less burdensome alternatives. Pursuant to 5 U.S.C. § 612, Advocacy is required to monitor agency compliance with the RFA.

Advocacy is pleased that the proposed nationwide permit 48 includes a request for comments on the proposal to modify the permit to include new aquaculture activities. Commercial shellfish farming is a growth area for the aquaculture industry in the U.S. The majority of commercial shellfish farms are small businesses who create jobs and provide economic growth in coastal areas. If aquaculture businesses are unable to obtain permits under a nationwide permit they will be required to apply for an individual permit. The extensive paperwork burdens associated with obtaining individual permits can be

extremely burdensome on these small businesses both in terms of human and monetary resources. Advocacy believes that including new aquaculture activities in nationwide permit 48 would alleviate this burden and promote economic growth in the aquaculture industry. Advocacy supports the authorization of new aquaculture activities in nationwide permit 48.

Advocacy has spoken to small businesses that have previously been authorized to operate under the current nationwide permit 48. These businesses are concerned that increased paperwork could be required to continue operations under the proposed nationwide permit 48. It would be a significant burden on small aquaculture businesses to have to re-submit all of the required documentation. Advocacy recommends that the Corps clarify what, if any, paperwork would be required from continuing operations. If the Corps decides to require documentation from continuing operations, businesses have suggested that continuing operations that have experienced no material changes be allowed to submit a single document affirming that no material change has occurred. This will alleviate a significant paperwork burden on small aquaculture businesses while serving the Corps' goal of environmental protection.

If we can be of any further assistance, please contact Kia Dennis, Assistant Chief Counsel at (202) 205-6936. Thank you for your attention to this matter.

Sincerely,

/s/

Winslow Sargeant, Ph.D
Chief Counsel
Office of Advocacy