

October 12, 2005

DEPARTMENT OF THE ARMY PERMIT

GENERAL PERMIT SAJ-71

LIVE ROCK AQUACULTURE - STATE OF FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (U.S.C. 403), general authority is hereby given the Southeast Regional Office of the National Marine Fisheries Service, to administer the Department of the Army permit numbered above to deposit materials, for the purposes of live rock aquaculture, into the Exclusive Economic Zone (EEZ) [The EEZ surrounding the state of Florida encompasses the area between approximately 9 nautical miles offshore and 200 nautical miles offshore on the Gulf coast, and the area between approximately 3 nautical miles offshore and 200 nautical miles offshore on the Atlantic coast.] of the navigable waters of the United States in Florida subject to the following conditions:

SPECIAL CONDITIONS:

1. The work authorized herein includes the deposition of materials in the EEZ for the purpose of cultivating live rock.
2. A site evaluation report must be submitted by the applicant to the NMFS, Permit Division, Southeast Regional Office, 263 13<sup>th</sup> Avenue South, St. Petersburg, Florida 33701. The report, which may include videotapes of underwater surveys, shall be prepared by a source acceptable to NMFS and shall demonstrate that the proposed site:
  - a is not a hazard to safe navigation or a hinderance to vessel traffic; and
  - b) avoids traditional fishing operations, or other public access; and

- c avoids impacts to naturally occurring hard bottom habitat and submerged aquatic vegetation; and
- d) contains natural underlying substrata that is primarily hard packed sand, hard shell hash, or less than 6-12 inches of sand over rock.

3. The applicant shall identify the site on a nautical chart in sufficient detail to allow for site inspection, and shall provide accurate latitude and longitude coordinates so that the site can be located by Differential Global Positioning System (GPS) equipment. Site inspection may be required on a case by case basis.

4. Sites which individually or cumulatively total more than one acre will not be authorized under this general permit.

5. Rocks deposited on the aquaculture site must be geologically or otherwise distinguishable from the naturally occurring substrata or they must be indelibly marked or tagged

6. All rocks must be placed on the site by hand, or lowered completely to the bottom by crane. Deposited materials shall not be allowed to "free fall" to the bottom, and all deposition shall occur while the vessel is "at anchor." Rocks may not be placed over naturally occurring reef outcrops, limestone ledges, coral reefs, or vegetated areas. A minimum setback of 50 feet must be maintained from naturally vegetated or hard bottom habitats. The permittee shall be required to submit "as-built" (post-activity) reports to the NMFS. The reports, which may include videotapes, shall be prepared by a source acceptable to NMFS and shall depict the project site subsequent to each deposition activity. The actual configurations and locations of the deposited materials and the distance from existing naturally occurring hard bottom habitat and submerged aquatic vegetation shall be clearly depicted.

7. All materials used in aquaculture operations must be nontoxic and all deposited rocks must be free of contaminants and non-indigenous flora and/or fauna.

8. Harvest of aquacultured live rock shall be by hand only; no mechanical dredging, drilling, blasting, etc. is authorized under this general permit.

9. The permittee shall be required to submit annual reports to the National Marine Fisheries Service which document the source, type, and weight of rocks deposited on the aquaculture site. Reports shall be sent to: Permit Division, Southeast

Regional Office, National Marine Fisheries Service, 263 13<sup>th</sup>  
Avenue South, St. Petersburg, Florida 33701.

10. The permittee shall be required to report on the weight of aquacultured product harvested as follows:

a) For aquacultured live rock landed in the State of Florida, the permittee shall be required to report to the Fisheries Statistics Section of the Florida Bureau of Marine Research ((Florida Fish and Wildlife Conservation Commission)(FWCC)), 100 Eighth Avenue SE., St. Petersburg, Florida 33701-5095. The reports shall be made on Form #33-610 (Florida Trip Ticket) or any other forms as deemed appropriate by FWCC.

b) For aquacultured live rock landed outside of Florida, the permittee shall be required to report to the Permit Division, Southeast Regional Office, National Marine Fisheries Service, 263 13<sup>th</sup> Avenue South, St. Petersburg, Florida 33701. The reports shall be made on logbook forms, which will be provided to the permittee by the NMFS.

11. To be authorized under this general permit for activities within the EEZ, parties shall be required to obtain a permit from the National Marine Fisheries Service to harvest and possess aquaculture live rock in the EEZ. Permits can be obtained from the Permit Division, Southeast Regional Office, National Marine Fisheries Service, 263 13<sup>th</sup> Avenue South, St. Petersburg, Florida 33701 (telephone 813 570-5763).

12. Additional permits may be required for aquaculture operations in areas in the EEZ which are under the jurisdiction of other federal authorities, such as a National Marine Sanctuary.

13. No registered property or properties listed as eligible for inclusion in the National Register for Historic Places may be affected. Prior to the start of work, the permittee must contact the State Historic Preservation Officer in Tallahassee, Florida, and receive confirmation that no impacts to cultural resources will occur.

14. SAJ-71 is not authorized for use within the boundaries of the following areas:

a) State parks: John Pennekamp Coral Reef State Park, Lignum Vitae Key State Botanical Site and Aquatic Preserve, Long Key State Park, Curry Hammock State Park, and Bahia Honda State Park.

b) Areas of Critical State Concerns: Florida Keys and  
City of Key West Areas of Critical State Concerns

15. This general permit will be valid for five years from the above date or until suspended or revoked by issuance of a public notice by the District Engineer. Periodic review will be conducted to determine if continuation of the permit remains "not contrary to the public interest."

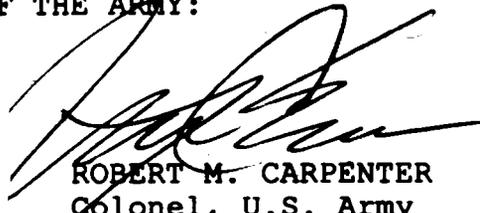
16. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this general permit.

17. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as an individual permit.

18. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

19. The General conditions attached hereto are made a part of this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



ROBERT M. CARPENTER  
Colonel, U.S. Army  
District Engineer