



REPLY TO
ATTENTION OF

Regulatory Division

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

DEC 20 2010

DEPARTMENT OF THE ARMY PERMIT
GENERAL PERMIT SAJ-71

LIVE ROCK AQUACULTURE – OFF THE COASTS 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 to NOAA's National Marine Fisheries Service (NMFS), Southeast Regional Office, Constituency Services Branch, 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:

COORDINATION AGREEMENT: An agreement has been signed by the Corps and the NMFS, Southeast Regional Office. The agreement outlines the steps each agency will take during the processing of an application under the SAJ-71, and includes reporting requirements.

SPECIAL CONDITIONS:

1. The work authorized herein includes the deposition of materials in the EEZ for the purpose of cultivating live rock.
2. 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."
3. To be authorized under this general permit for activities within the EEZ, parties shall be required to obtain a permit from the NMFS to harvest and possess aquaculture live rock in the EEZ. Permit applications and other required forms can be obtained by contacting the NMFS, Southeast Regional Office, Constituency Services Branch, 263 13th Avenue South, St. Petersburg, Florida

33701 (telephone 727-824-5326) or at
<http://sero.nmfs.noaa.gov/permits/permits.htm>.

4. 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.

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

6. Prior to the deposition of any materials, a site evaluation report must be submitted by the applicant to the NMFS at the address listed in Special Condition 3. 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 hindrance 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.

7. 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.

8. 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.

9. 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.

10. This general permit does not authorize the placement of materials for the construction and/or renourishment of artificial reefs, the construction of impoundments and/or semi-impoundments of waters of the U.S., or structures such as but not limited to aquaculture docks, circulating systems including inflow and outfall structures, platforms, etc. Furthermore, this permit does not authorize the deployment of offshore and/or nearshore cages for the culture or holding of motile species or the placement of materials for lobster harvesting (such as lobster casitas).

11. 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 at the address given in Special Condition 3. 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.

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

13. Each rock must be visually inspected for the presence of *Acropora palmata* (elkhorn coral) and *A. cervicornis* (staghorn coral) prior to harvesting. Harvest of any rock with these *Acropora* spp. attached is prohibited.

14. The permittee shall be required to submit annual reports to the NMFS (at the address listed in Special Condition 3) which document the source, type, and weight of rocks deposited on the aquaculture site.

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

a. For aquacultured live rock landed within the State of Florida, the permittee shall be required to report to the Fisheries Dependent Monitoring Section of the Fish and Wildlife Research Institute, Florida Fish and Wildlife Conservation Commission (FWC), 100 Eighth Avenue SE., St. Petersburg, Florida 33701-5095. The reports shall be made on standard form #33-610 (Marine Fisheries Trip Ticket) or other alternate forms approved by FWC.

b. For aquacultured live rock landed outside the State of Florida, the permittee shall be required to report to the NMFS at the address given in Special Condition 3. The reports shall be made on logbook forms, which will be provided to the permittee by the NMFS.

16. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the permittee or other party on the permittee's behalf, shall conduct a search of the National Register Information System (NRIS). Information on properties eligible for inclusion in the National Register, or recorded and not evaluated can be identified by contacting the Florida Master Site File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the State Historic Preservation Office (SHPO), Compliance and Review Section at 850-245-6333 immediately, as well as the appropriate Corps office. After such notifications, project activities should not resume without verbal and/or written authorization from the Corps and SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*. After such notifications, project activities on non-Federal or Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction, and from the appropriate Corps office.

17. SAJ-71 is not authorized for use within State of Florida waters (i.e., within the three- or nine-mile limit as described above).

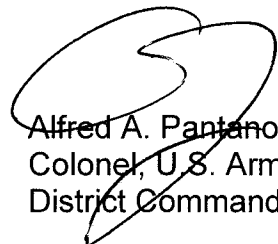
18. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this general permit.

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

20. 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, 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.

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

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

 12/24/14
Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Commander