



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Sam Guttoso
1715 Fleet – Queens Jewels, LLC

Published: March 24, 2022
Expires: April 23, 2025

Jacksonville District
Permit Application No. SAJ-1994-01915 (SP-JMB)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at john.m.baehre@usace.army.mil.

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WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with the Atlantic Ocean. The salvage sites are located in the Atlantic Ocean Indian River and St. Lucie Counties along Florida's east coast from the northernmost site at Sebastian Inlet to the southernmost site located ± 13.36 miles south of the Ft. Pierce Inlet. Refer to the coordinates table below for specific site centroids. The centroid coordinates represent the center point of a 3000-yard salvage site radius limited to sovereign submerged lands seaward of the coastline, below the mean low water line, excluding all land west of the mean low water line.

With the growing need to provide improved permit tracking and coordination with regulatory agencies, the SAJ-1994-01915 permit will be split into ten (10) separate Department of the Army (DA) numbers as reflected in the location table below.

Wreck ID and Salvage Contract Number	DA Number	Latitude	Longitude
Cabin Wreck S27	SAJ-2024-02351	27.83000	-80.42583
Anchor Wreck S23	SAJ-2024-02353	27.80333	-80.41167
Spring of Whitby Wreck S23	SAJ-2024-02354	27.76667	-80.39383
Corrigans Wreck S25	SAJ-2024-02355	27.73000	-80.38000
RioMar Wreck S23	SAJ-2024-02356	27.63833	-80.34833
Sandy Point Wreck S23	SAJ-2024-02357	27.59333	-80.32750
Holden 1810 Wreck S36C	SAJ-2024-02359	27.46334	-80.27336
Douglas Beach Wreck S26	SAJ-2024-02360	27.42167	-80.27500
Power Plant Wreck S25	SAJ-2024-02361	27.35333	-80.22750
Unknown Wreck S23	SAJ-2024-02362	27.31667	-80.20500

EXISTING CONDITIONS: Permit No. SAJ-1994-01915 (IP-TSD), issued in 1995, authorized the salvage of artifacts from ten (10) wreckage sites of the 1715 Spanish fleet.

Natural communities within the salvage limits include routinely salvaged nearshore subtidal marine habitat of the Atlantic Ocean that consist mostly of barren, sandy benthic habitat. Hardbottom habitat is located throughout many of the project areas. Abutting beach habitat is subject to regular renourishment.

PROJECT PURPOSE:

Basic: Artifact recovery from seafloor

Overall: Artifact recovery from ten (10) ships of the 1715 Spanish fleet wreckage currently under salvage contract located along the east coast of Florida.

PROPOSED WORK: The applicant requests a 20-year re-authorization to conduct salvage recovery work from the seabed. Sandy unconsolidated bottom will be temporarily suspended/side-cast through the use of propeller deflectors and blowers in order to retrieve artifacts and backfilling side-casted material.

Work activities are limited to small scale and temporary sediment displacement on the seafloor. Sediments are displaced directly adjacent to excavations and are not removed from the site nor is any fill discharged into WoUS. Approximately 8,320 cubic yards of sandy ocean bottom shall be temporarily displaced although work will be conducted and impacts will occur over small areas at any given time.

The historic shipwreck salvage and artifact recovery shall utilize underwater metal-detection followed by a combination of 1) minor hand-fanning of sand, 2) low intensity sand suction, and/or 3) vessel-based prop-wash deflection techniques (mailboxes, blowers, etc) to temporarily displace sediment around individual excavations. Side-casted sediment remains adjacent to the excavation site during artifact recovery. Sand

naturally and rapidly refills excavation holes as “incidental fallback”, generally within two tide cycles.

Work will be performed by dive crews supported by a small number of vessels generally under 50’.

Salvage activity will generally take place between the months of May and October depending on sea conditions. Salvage work is generally limited to 40-60 days per year due to sea conditions such as poor visibility and rough seas.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The Applicant agrees to:

- adhere to appropriate JAXBO project design criteria.
- adhere to Vessel Strike Avoidance Measures and Reporting for Mariners”, revised May 2021, for marine turtles and marine mammals.
- adhere to National Marine Fisheries Service’s “Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office,” dated May 2021.
- adhere to Standard Manatee Protection Construction Conditions.
- adhere to US Fish and Wildlife requirements regarding endangered or threatened species.
- adhere to NMFS requirements regarding endangered or threatened species.
- adhere to previous relevant “Special Conditions” of the SAJ-1994-01915 permit which includes monitoring to assess the potential environmental impacts associated with the operations. To date, the temporary displacement of sediment bedload in the benthic environment associated with these permitted operations has not resulted in an acute or long-term impact to either: 1) water quality, 2) benthic habitat, or 3) protected species. We agree to operate under permit “special conditions” outlined and agreed upon with the USACOE, USFWS, NOAA-NMFS and any other agency to continue to these activities with the goal of continuing to operate without impact to the environment, and the aforementioned natural resources, under the guidance of continued and agreed upon monitoring and assessment “special condition” protocols.
- adhere to water quality standards. In the event WQ standards are exceeded, operation procedures of vessel-based prop-wash deflection excavations would be adjusted. Such adjustments may include a reduction in vessel RPM’s of prop-wash deflection to reduce benthic sediment displacement and production of water column turbidity.
- adhere to FDEP turbidity monitoring requirements which maintain USEPA/FDEP water quality standards with respect to turbidity.
- implement precautionary measures for work within 100’ of protected benthic resources including hardbottom habitat. Extra precautionary measures shall include but not be limited to a reduction in the RPM to the vessels, reduction in vessel draft

by utilizing shallower draft vessels to ensure a minimum of a 12-inch clearance between resources and the subject prop.

- provide designated observers on vessels for megafauna such as manatee, sea turtle, giant manta ray, right whale, etc.
- avoid vessels operation near protected megafauna such as manatee, sea turtle, giant manta ray, right whale, etc.
- avoid disturbing potential sea turtle habitat on adjacent beaches where, in rare occurrences, vessel anchors may be temporarily placed within the intertidal zone during daytime to stabilize vessels operating close to the beach.
- limit exploration or artifact recovery to official daylight hours.
- avoid harm, adverse and/or detrimental impact is authorized to any of the marine resources within the Atlantic Ocean, including but not limited to algae meadows, reefs, manatee, seagrass areas, and sea turtles or their nesting areas. We have complied with “special conditions” of all previous USACOE permits to monitor our permitted historic shipwreck salvage excavation activities with respect to adjacent nearshore reef habitats. This monitoring has resulted in a finding of no impact to nearshore reef habitats and associated marine organisms; and study results have been provided in annual permit site study reports to the Corps and associated agencies, the USFWS, and NOAA-NMFS.
- assess any potential environmental impact that the permitted historic shipwreck exploration/artifact recovery has had, if any, on the adjacent emerged hard bottom habitat, worm rock, submerged vegetation, such as algae, and protected marine organisms as part of the monitoring program.
- collect environmental and benthic data to assess the benthic habitat at permitted sites through controlled experimental analysis designed to determine potential long-term impacts resulting from salvage operations. Specifically, data shall be collected from 1) areas that have been previously excavated and 2) adjacent control sites of similar environment and habitat where no excavations have occurred.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required:

“The proposed work will not result in the permanent loss of waters of the U.S. or aquatic resources; therefore, no mitigation is proposed.”

CULTURAL RESOURCES:

The Corps has evaluated the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act and has followed the guidelines of 33 CFR Part 325, Appendix C. The nature and scope of the work proposed (sand displacement for artifact recovery) provides for little likelihood of impinging upon a historic property, even if such properties were to be present within the affected area.

The applicant has agreed to implement Special Conditions related to inadvertent/unexpected discoveries. Additionally, the applicant shall adhere to all current DRH salvage contract requirements, including the specific Archaeological Guidelines previously established, and currently in effect.

In consideration of this information, and considering the project purpose is to salvage and preserve historic artifacts, the operation is conducted in the presence of an archaeologist, and considering the care necessary to uncover and retrieve artifacts, combined with the previous 40 years of salvage efforts within the same work limits, the Corps has determined that the project would have No Potential to Cause Effects to Historic Properties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the West Indian manatee (*Trichechus manatus*); Smalltooth Sawfish (*Pristis pectinata*); North Atlantic Right whale (*Eubalaena glacialis*); and the Giant Manta Ray (*Mobula birostris*) and/or their designated critical habitat; swimming sea turtles including Hawksbill Sea Turtle (*Eretmochelys imbricata*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Loggerhead Sea Turtle (*Caretta caretta*), Leatherback Sea Turtle (*Dermochelys coriacea*), Green Sea Turtle (*Chelonia mydas*), proposed critical habitat (NA01: Sargassum and FL01: Florida), and critical habitat (LOGG-N-18 Constricted Migratory Habitat and LOGG-N-18 Nearshore Reproductive Habitat). Please refer to NMFS Reference Number I/SER/2005/01231 and Service Log Number 4-1-03-PL-136 for project history.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by Corps.

This notice serves as request to the National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that with the implementation of the proposed Avoidance and Minimization Measures previously noted, the proposed action would not adversely affect EFH and/or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Implementation of the proposed project would directly impact approximately 40,000 acres of sandy unconsolidated bottom and hardbottom. The effects of the project are determined to be minimal and temporary. These habitat(s) are utilized by the following species and their various life stages:

<i>NOAA Essential Fish Habitat</i>	
Species	Life Stage
Atlantic Sharpnose Shark (Atlantic Stock)	Neonate, Juvenile, Adult
Blacknose Shark (Atlantic Stock)	Juvenile/Adult
Blacktip Shark (Atlantic Stock)	Juvenile/Adult
Bluefish	Eggs, Larvae, Juvenile, Adult
Bonnethead Shark (Atlantic Stock)	Juvenile/Adult
Bull Shark	Juvenile/Adult
Caribbean Reef Shark	ALL
Coastal Migratory Pelegics	ALL
Corals	ALL
Great Hammerhead Shark	ALL
Lemon Shark	Adult, Juvenile
Nurse Shark	Juvenile, Adult
Sailfish	Juvenile, Adult
Sandbar Shark	Adult
Scalloped Hammerhead Shark	Juvenile, Adult
Shrimp	ALL
Skipjack Tuna	Adult
Snapper Grouper	ALL
Spinner Shark	Neonate, Juvenile, Adult
Spiny Lobster	ALL
Summer Flounder	Larvae, Juvenile, Adult
Tiger Shark	Neonate, Juvenile, Adult

Yellowfin Tuna	Juvenile
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<i>Habitat Areas of Particular Concern</i>		
Species	Habitat	HPAC Sitename
	Coral, Coral Reefs, and Live/Hard Bottom Habitat	SEAMAP Offshore Hard Bottom
	Coral, Coral Reefs, and Live/Hard Bottom Habitat	SEAMAP Nearshore Hard Bottom
	Coral, Coral Reefs, and Live/Hard Bottom Habitat	Phragmatopoma (worm reefs)
Snapper-Grouper		SEAMAP Hard Bottom
Lemon Shark		Lemon Shark
Summer Flounder	Submerged Aquatic Vegetation	Summer Flounder SAV

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: With exception to SAJ-1994-01915 - Holden Wreck, the proposed activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant may require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) as the activity proposed in SAJ-1994-01915 - Holden Wreck, in part, occupies a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification is required from the Florida Department of Environmental Protection (FDEP).

COASTAL ZONE MANAGEMENT CONSISTENCY: Coastal Zone Consistency Concurrence is required from FDEP. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs,

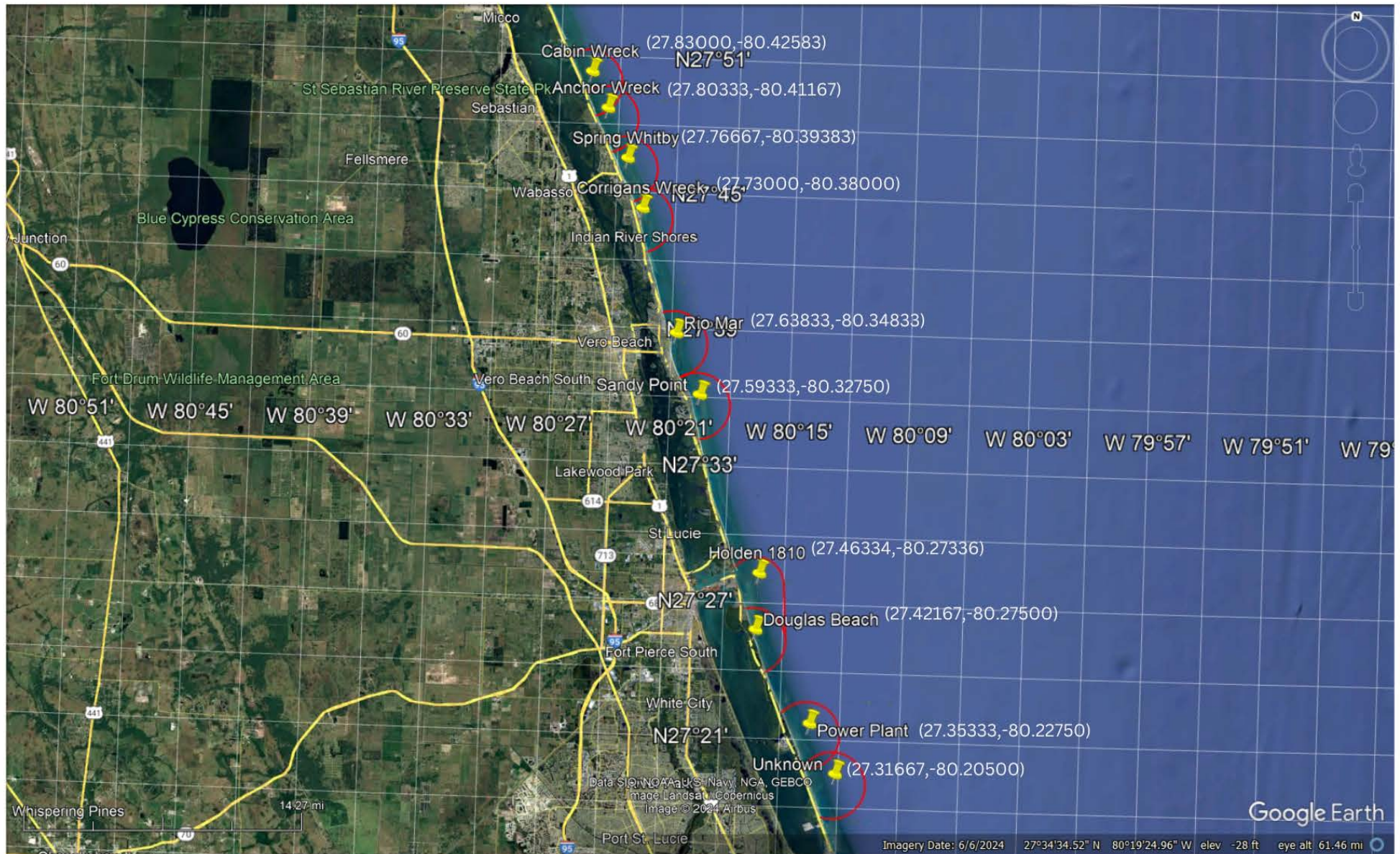
safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

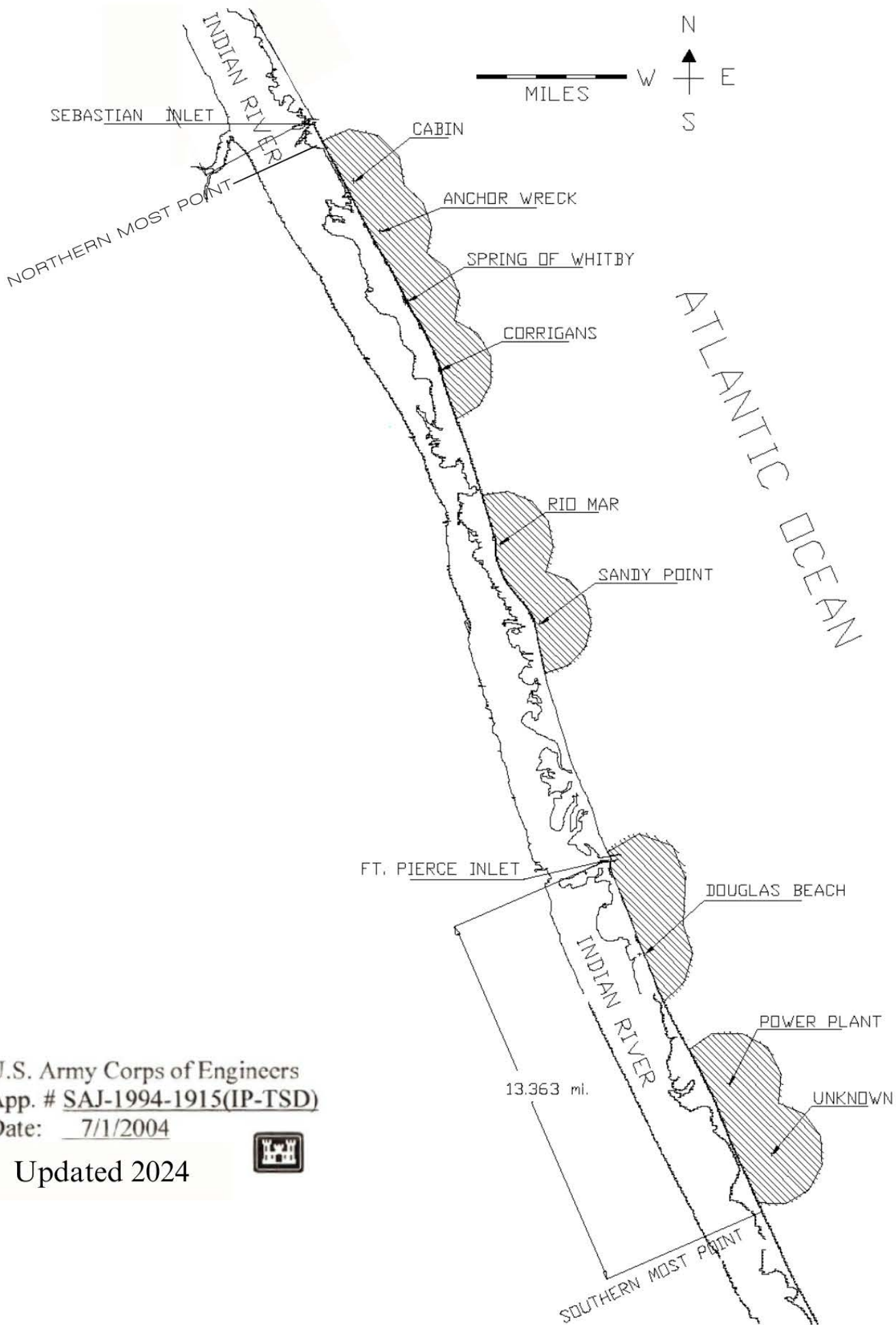
The Jacksonville District will receive written comments on the proposed work, as outlined above, until April 23, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs>, or to John Baehre at john.m.baehre@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: John Baehre, Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, FL 32926. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

1715 Fleet - Queens Jewels, LLC Salvage Contracts



Indian River and St. Lucie Counties, Florida



U.S. Army Corps of Engineers
App. # SAJ-1994-1915(IP-TSD)
Date: 7/1/2004

Updated 2024



TYPICAL CROSS SECTION AND SAMPLE CALCULATION TO DETERMINE AMOUNT OF BOTTOM MATERIAL TO BE DREDGED:

EACH DREDGED HOLE AVERAGES 12.88 CUBIC YARD - SEE DRAWING BELOW

$12.88 \times 650 = 8,372$ CUBIC YARDS

WITHIN A MAXIMUM TIME LIMIT OF TWENTY MINUTES AFTER DREDGING TO HARD BOTTOM, WE HAVE RECOVERED THE ITEM(S) RESTING ON THE HARD BOTTOM AND WE MOVED SEAWARD FILLING AT LEAST 40% OF THE HOLE WITH THE IDENTICAL MATERIAL JUST REMOVED. THE REMAINDER OF THE HOLE IS THEN FILLED BY THE SLIDING AND SHIFTING SANDS FROM THE SPOIL MOUND SURROUNDING THE HOLE. WITHIN TWO TIDE CHANGES THE ORIGINAL BOTTOM MATERIAL HAS REFILLED THE HOLE TO APPROXIMATELY 90%. THE REMAINING DIP IN THE BOTTOM IS NORMALLY UNDETECTABLE AFTER TWO DAYS OF OCEAN CURRENTS AND EDDIES MOVING THE SAND.

