



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
9900 SOUTHWEST 107TH AVENUE, SUITE 203
MIAMI, FLORIDA 33176

February 12th, 2025

Regulatory Division
South Branch
Keys Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2024-04973-(SP-GGM)

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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Sustainable Ocean and Reefs
c/o Jim Brittsan
335 Orange Avenue
Marathon, Florida 33050

WATERWAY AND LOCATION: The proposed project site is located in open federal waters of the Atlantic Ocean, approximately 3 nautical miles (NM) off Marathon, East of Sombbrero Reef, in Monroe County, Florida. (see enclosed location map).

Directions to the site are as follows: From Marathon, navigate approximately 3.5-mile to the site. The proposed nursery site is located on the east of Sombbrero Reef.

APPROXIMATE CENTRAL COORDINATES: Latitude 24.646431° North
Longitude -81.045868° West

FOUR BOUNDING CORNER GEOGRAPHIC COORDINATES:

	Latitude	Longitude
Corner 1-NE:	24.648682°	-81.043859
Corner 2-NW:	24.647116°	-81.049355°
Corner 3-SE:	24.645122°	-81.042161°
Corner 4-SW:	24.643339°	-81.047879°

PROJECT PURPOSE:

Basic: Install an open water coral and grazer nursery.

Overall: The overall purpose of the project is to install an open water coral and grazer nursery to aid on the efforts of coral reef restoration, rehabilitation, and research in waters of the Florida Keys National Marine Sanctuary (FKNMS), Monroe County, Florida.

EXISTING CONDITIONS: The project site is located within federal open waters of the Atlantic Ocean. The proposed project site is an offshore nursery site referred to as the Sustainable Ocean and Reefs (SOAR) Marathon South Nursery. The footprint of the proposed project area is 200' by 200', 40,000-square feet. The average water depth at the site is 28'-35'. The project site is just over 3 miles from the nearest shore. No corals, Queen Conch, or seagrass were identified within the surveyed project area or a 50' buffer zone. No historic properties were identified within the project footprint or buffer. The project site is within the Florida Keys National Marine Sanctuary (FKNMS) boundaries and the FKNMS has reviewed the proposed work under #FKNMS- 024-043-A2.

PROPOSED WORK: The applicant seeks authorization for a 10-year Corps permit to install, operate and maintain an offshore open water coral and grazer nursery. The applicant proposes to install a maximum of 276 structures including 8 mooring buoys within an area of 200' by 200', 40,000-square feet, occupying approximately 10% of the total surface area of the proposed site at any one time. The proposed coral nursery structures are made of PVC pipe with fiberglass rods and polypropylene rope, and rebar. Invertebrate nursery research structures consist of a mesh frame in sizes of 1/8"-1" openings mesh cage that is fixed to a bottom-mounted rebar frame. These mesh systems are in dimensions of 2'x8'x2', 2'x2'x2', or 2'x4'x2'. These manufactured mesh cages are then secured to the rebar frame. In addition to bottom mounted cages, mid-water grow-outs cage systems. will be 1'x1'x1' and 2'x2'x2', 3'x3'x3' in dimension. Mid water 5-gallon buckets will also be used as a cage system to rear these invertebrates. These buckets have port holes cut into the lid and bottom of the bucket and replaced with a vinyl mesh to allow for water flow. Subsurface buoys will hold the nursery structures at mid water, with a minimum of 10' of vertical clearance above all structures. All structures will sit at mid-water, tethered to the bottom with "duckbill" sand anchors or stainless-steel eye bolts. All structures will be spaced at least 10' apart from each other. The proposed eight (8) subsurface vessel moorings with attached surface floats for vessel moorings are needed in order to support vessels carrying divers to conduct work in the nursery without risking the potential for anchor impact to the coral or structures. Each mooring will be comprised of a 1-1/4" x 66" galvanized auger anchor. The anchors will be turned into the sand by divers using a bar placed through the eye until the entire rod is embedded in the sand. The resulting subsurface float, located approximately 8 feet below the surface, will provide the attachment point for vessels to attach a bow line

to the subsurface mooring. (see enclosed plans and supplemental information for more details). Approximately 40% of the structures will be used for *scleractinian* coral species and 60% of the structures will be used for *echinoderms* and *mithrax* reef grazing species. This is a funded research, restoration, and rehabilitation project. The proposed project is in waters of the United States.

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

Due to the nature of the work, the applicant could not avoid conducting the proposed work within waters of the United States. The deployment of the proposed structures is proposed on areas of sandy bottom only, areas that do not support hard bottom, corals or seagrass. The installation and maintenance work will be conducted during daylight hours only. Hand tools will be utilized to install all structures. All structure will maintain a minimum vertical clearance of 10' from the top of the structure to the mean low water line (MLWL). The project has been designed in a manner not to result on the aggregation of material or discharge of any fill material that would alter the sea-bottom. No materials will be dredged or discharged as a result of the proposed work. Installations will avoid submerged resources in the project footprint and a buffer by 50'. All structures will be removed at the end of the project and the site will be restore to pre-construction conditions.

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

The applicant is not proposing mitigation because they are not proposing any impacts to submerged aquatic resources. The applicant is not proposing any dredge or fill of surface waters and all water impacts are minor and temporary; furthermore, waters will be restored to pre-disturbance following completion of the activity. Additionally, the proposed activities should result in net increases in aquatic resource functions and services.

CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

ENDANGERED SPECIES:

The U.S. Army Corps of Engineers (Corps) has determined the project may affect but is not likely to adversely affect ("MANLAA") the West Indian manatee (*Trichechus manatus*) and would not adversely modify its designated critical habitat. Since the proposal by the applicant is for in-water construction, potential impacts to the endangered West Indian manatee were evaluated using Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013 (Key). Use of the Key resulted in the sequence A-B-C-G -N-O-P (5) "*may affect, not likely to adversely affect*", where no further consultation with the Service is necessary. This determination is based on the applicant following the standard Manatee construction conditions for the proposed activity. The U.S. Fish and Wildlife Service (FWS) has given concurrence with this determination pursuant to Section 7 of the Endangered Species Act. No further coordination with the FWS is required.

The Corps has determined the proposed project *may affect but is not likely to adversely affect* ("MANLAA") the Swimming green sea turtles (*Chelonia mydas*), loggerhead sea turtles (*Caretta caretta*) and their designated critical habitat, hawksbill sea turtles (*Eretmochelys imbricata*), kemp's ridley sea turtles (*Lepidochelys kempii*), leatherback sea turtles (*Dermochelys coriacea*), Nassau grouper (*Epinephelus striatus*), Giant Manta ray (*Manta birostris*), smalltooth sawfish (*Pristis pectinata*), Queen Conch (*Aliger gigas*), Oceanic Whitetip shark (*Carcharhinus longimanus*), *Acorpora sp. and its* designated critical habitat, and corals species; (*Dendrogyra cylindrus*, *Orbicella annularis*, *Orbicella faveolata*, *Orbicella franksi*, *Mycetophyllia ferox*) species. A *no effect* determination was reached on smalltooth sawfish critical habitat. The Corps will request National Marine Fisheries Service concurrence with these determinations pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. [INCLUDE IF APPROPRIATE] The proposal would impact approximately 4,000-square feet of submerged sea bottom utilized by various life stages of marine species. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Florida Keys. 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: The proposed structures are not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole would not alter, occupy, or use a Corps Civil Works project.

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 jurisdictional line has not been verified by Corps personnel.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Keys Permits Section, 9900 Southwest 107th Avenue, Suite 203, Miami, Florida, 33176, within 21 days from the date of this notice (on or before March 5th, 2025).

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Gletys Guardia-Montoya at the letterhead address, by electronic mail at Gletys.Guardia-Montoya@usace.army.mil or by telephone at 305-526-2515.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

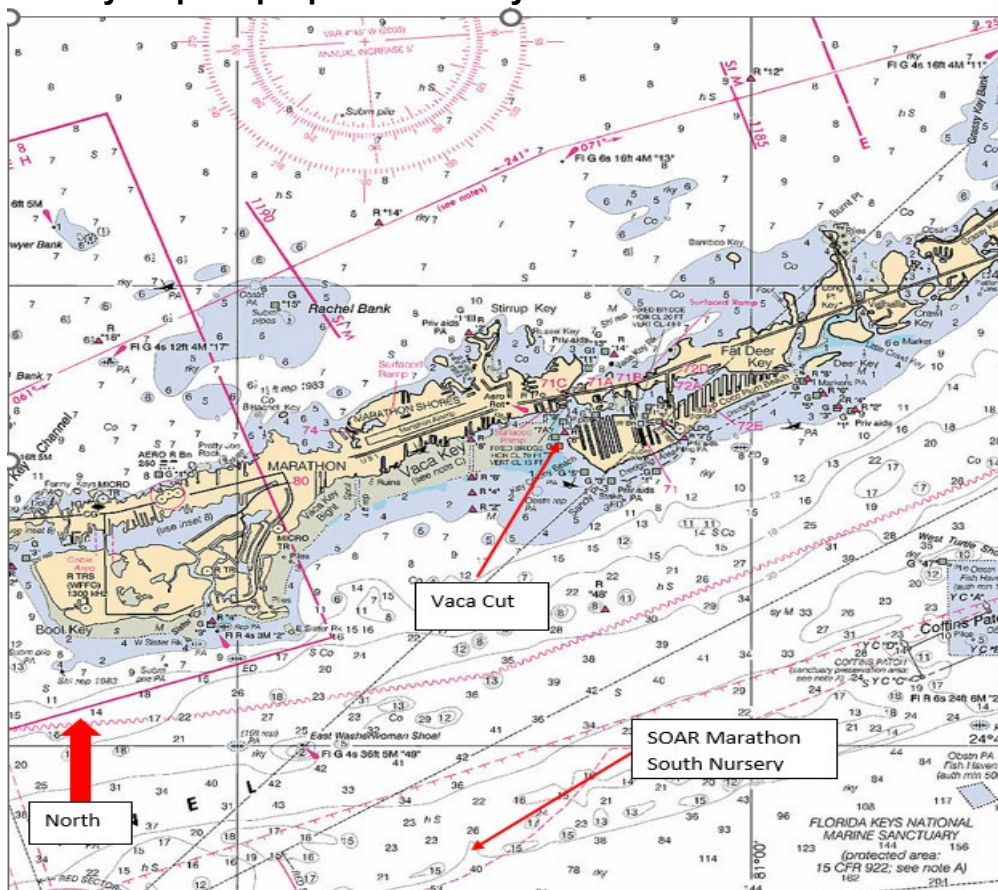
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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.

The US Army Corps of Engineers (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 also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

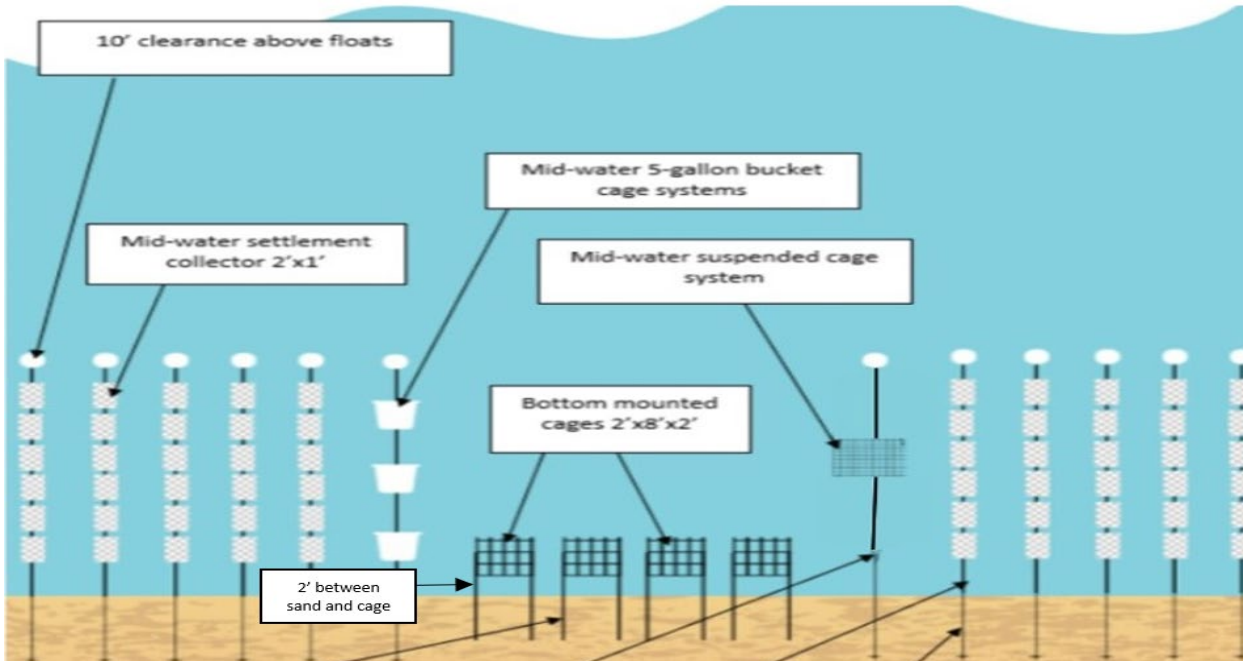
1. Vicinity map for proposed nursery site.



2. Proposed nursery perimeter. Structures will be deployed in sandy sea-bottom within this polygon. A survey was conducted on 2024.09.12



3. Cross sectional view of nursery



4. Top down view of potential nursery layout.

Outer Dimensions: 200' x 200'

Total Acreage: .92 Acres (40,000 Sq. ft)

Area covered by structures: 2956 Sq. ft

Water Depth: 30'

Total # of structures: 276

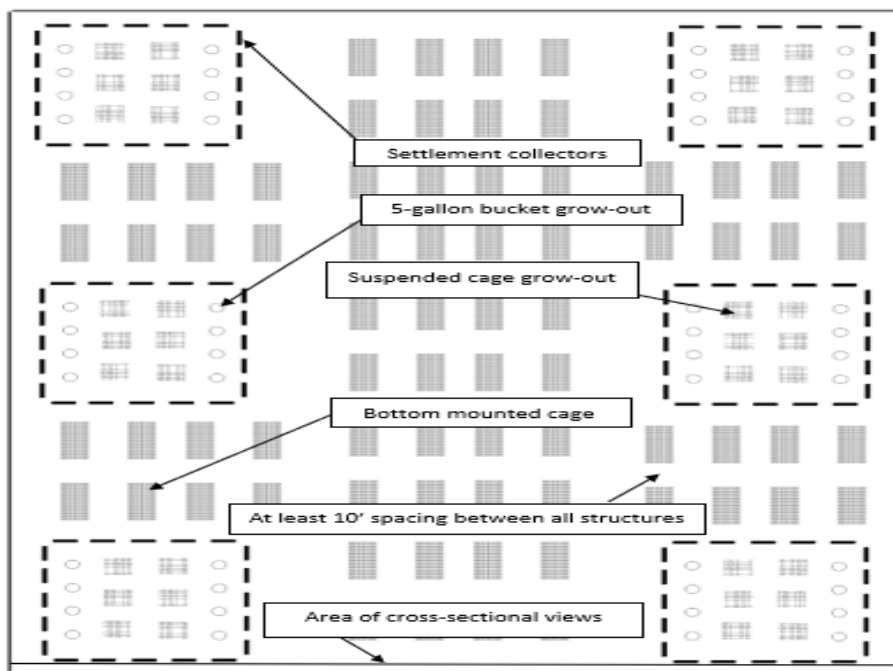
Dimensions of bottom mounted cages: 2'x 8'x 2'

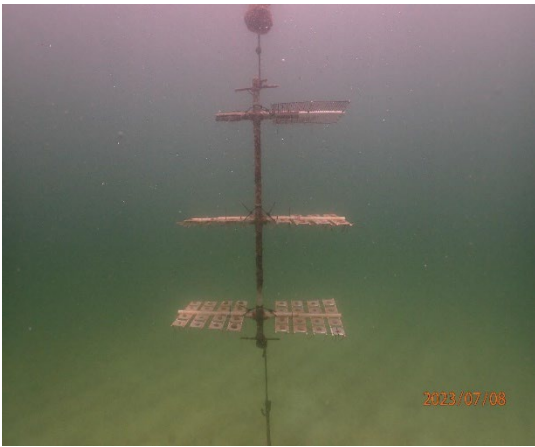
Dimensions of suspended cages: 2' x 2' x 1'

Dimensions of settlement collectors: 2' x 1' (6-8)

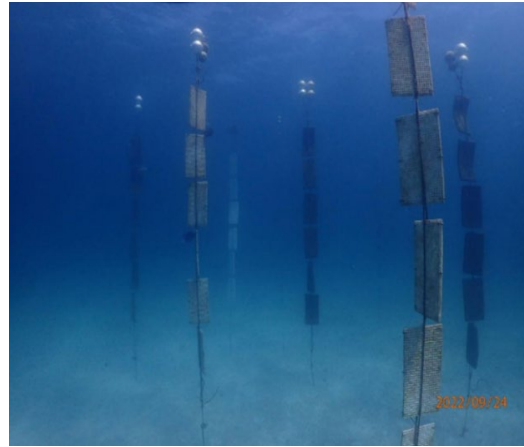
Clearance above structures at MLT: 10'

Space between structures: 10'

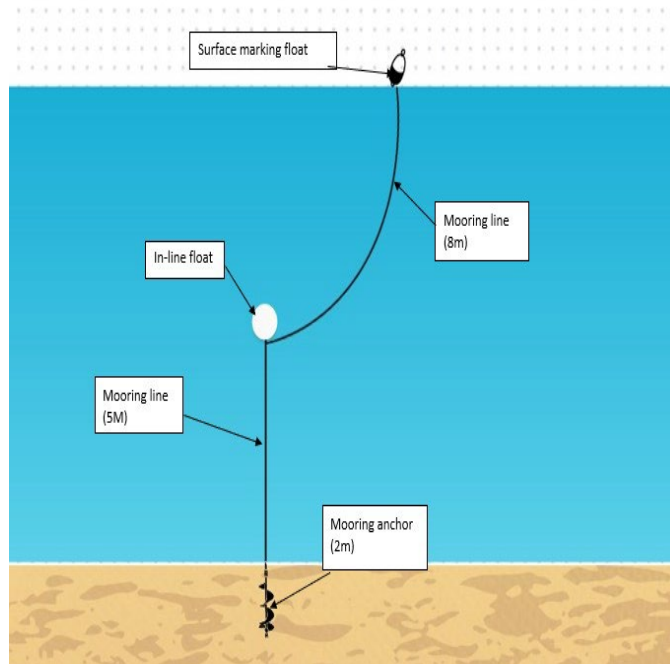
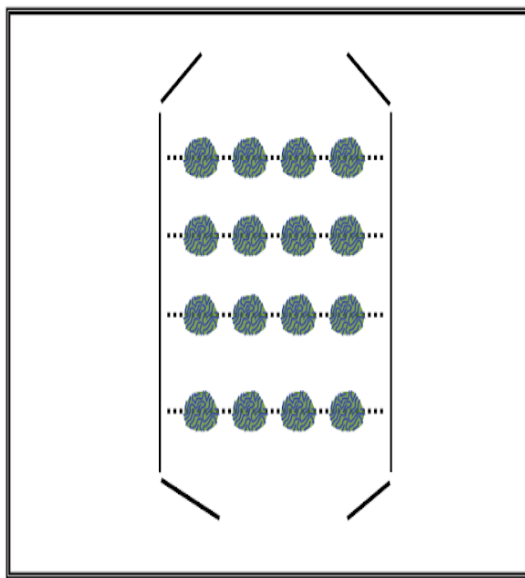




5. Typical coral structure.

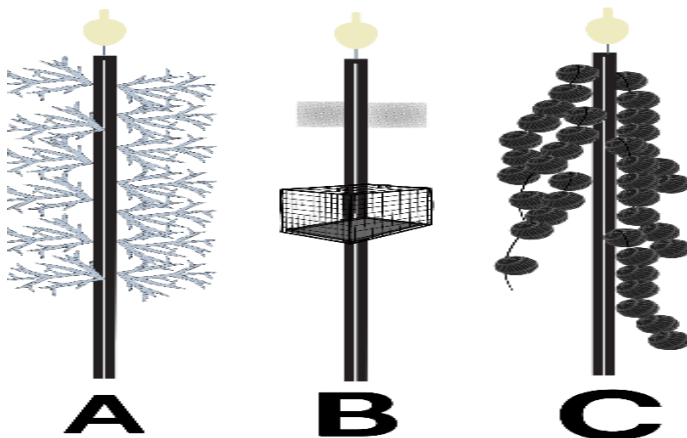


6. Typical layout of settlement collectors



7. Top view of a bottom-mounted cage with rebar frames anchored into the sand with ropes attached to each frame with coral fragments wedged between ropes. 8. Typical mooring used within the nursery.

9.



A-Dead coral rubble suspended on a polypropylene rope as a feeding mechanism.
B-Floating cage with two mesh screens fixed to the same line the floating cage is attached to acting as another feeding mechanism.
C-Single floating polypropylene rope with multiple strands of bioballs attached to it acting as a settlement collection line