



REPLY TO
ATTENTION OF

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

Regulatory Division

17 December 2015

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 elkhorn coral, staghorn coral, lobed star coral, mountainous star coral, boulder star coral, rough cactus coral, and pillar coral prior to harvesting. Harvest of any rock with these species attached is prohibited. Upon issuance of a live-rock aquaculture permit, NMFS will provide Permittees with information on identification of elkhorn coral, staghorn coral, lobed star coral, mountainous star coral, boulder star coral, rough cactus coral, and pillar coral (hereafter referred to as "listed corals").
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 each time new material is deposited.
15. The Permittee shall be required to report on the weight of aquacultured product harvested as follows: 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. 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. SAJ-71 is not authorized for use within the boundaries of the following areas:
 - a. State park: Lignum Vitae Key State Botanical Site and Aquatic Preserve
 - b. Areas of Critical State Concerns: Florida Keys and City of Key West Areas of Critical State Concerns

17. Conformance with descriptions and quantities contained with SAJ-71 does not necessarily guarantee authorization under the PGP.

18. 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.

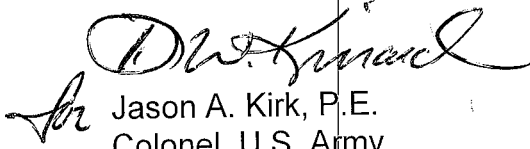
If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*. After such notifications, project activities on non-Federal or Federal lands shall not resume without verbal and/or written authorization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

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

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

21. 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.

22. The Permittee shall perform all work in accordance with the attached General Conditions attached hereto and made a part of this permit.


for Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends five years from the date on the permit.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the federal and state coordination required to determine if the remains warrant a recovery effort of if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

() Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C.1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- d. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- e. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of the Corps that issuance of this permit verification is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Verification Decision: The Corps may reevaluate its decision on this permit verification at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which the Corps did not consider in reaching the original public interest decision.

6. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.

7. While this permit authorization is still valid, or after the authorized activity has been completed, at the time of permit transfer the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

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