

US ARMY CORPS OF ENGINEERS PERMITTING ARTIFICIAL REEFS

Gletys Guardia-Montoya

Jacksonville District

February 17, 2015

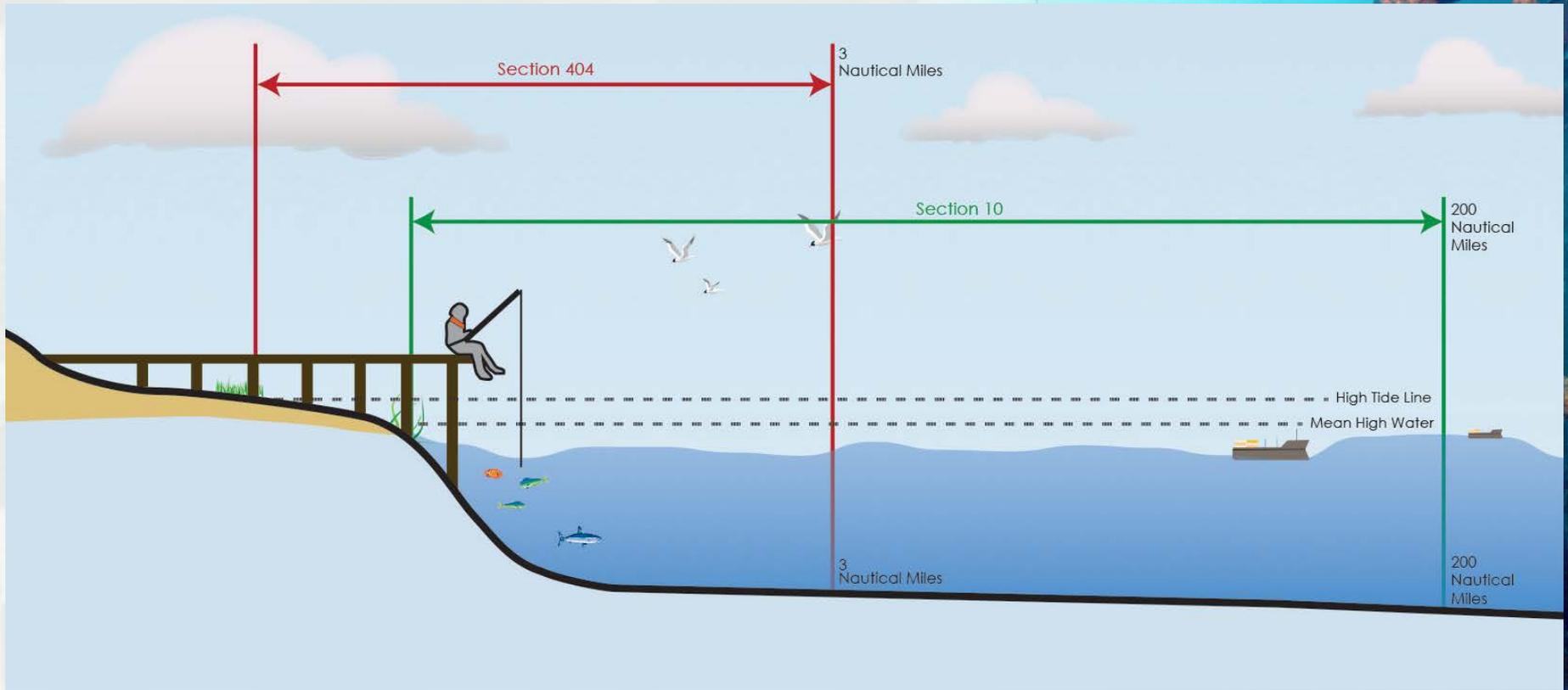


U.S. Army Corps of Engineers (Corps) REGULATORY AUTHORITY

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403)
- Section 404 of the Clean Water Act of 1972 (33 U.S.C. § 1344)
- Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. § 1413)



CORPS REGULATORY JURISDICTION FOR ARTIFICIAL REEFS



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CORPS REGULATIONS

- *Section 322.5(b)*
Artificial Reefs...
the district
engineer reviews
provisions for siting,
construction,
operating,
maintaining...

TITLE 33 - NAVIGATION AND NAVIGABLE
WATERS

CHAPTER II - CORPS OF ENGINEERS,
DEPARTMENT OF THE ARMY,
DEPARTMENT OF DEFENSE

PART 322 - PERMITS FOR
STRUCTURES OR WORK IN OR
AFFECTING NAVIGABLE WATERS OF
THE UNITED STATES

322.5 - Special policies.

The Secretary of the Army has delegated to the Chief of Engineers the authority to issue or deny section 10 permits. The following additional special policies and procedures shall also be applicable to the evaluation of permit applications under this regulation.

(a) General. DA permits are required for structures or work in or affecting navigable waters of the United States. However, certain structures or work specified in 33 CFR part 330 are permitted by that regulation. If a structure or work is not permitted by that regulation, an individual or regional section 10 permit will be required.

(b) Artificial Reefs. (1) When considering an application for an artificial reef, as defined in [33 CFR 322.2\(g\)](#), the district engineer will review the applicant's provisions for siting, constructing, monitoring, operating, maintaining, and managing the proposed artificial reef and shall determine if those provisions are consistent with the following standards:



CORPS PERMITTING PROCESS

- Pre-application Meeting
- Formal Project Review Process
- Decision Making



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PRE-APPLICATION CONSULTATION

- Meeting with Applicant, Corps, Florida Fish & Wildlife Conservation Commission (FWCC), and Stakeholders
- Location of proposed Reef Site (i.e. Lat. Long. corner points, center point).
- Inform Applicant of the Corps' Regulations.



Application Submission

New applications and modification requests must be emailed to SEAPPLS@usace.army.mil if it has not already been submitted to the State.

Corps Application Form Link:

http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/forms/Applications/Eng_Form_4345_DEC_2014.pdf

Source Book Link:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>



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APPLICANTS

- Usually Government, City or County Entity; however anyone can apply.
- Permitted entities are usually limited due to financial assurance and liability issues.



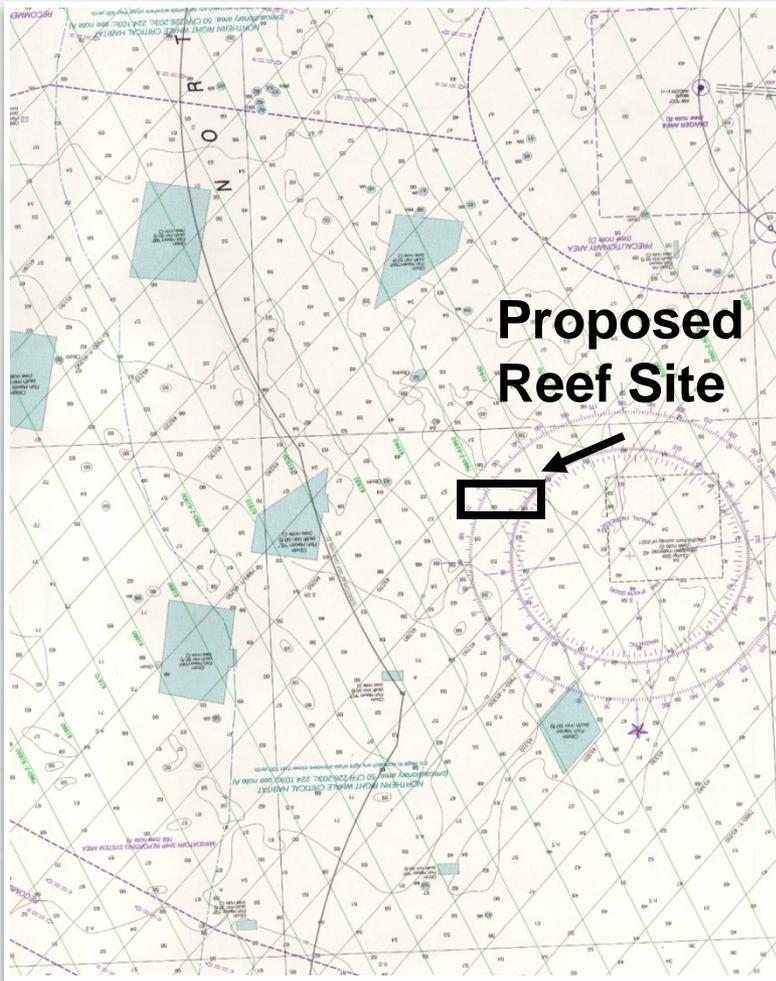
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PROJECT REVIEW PROCESS

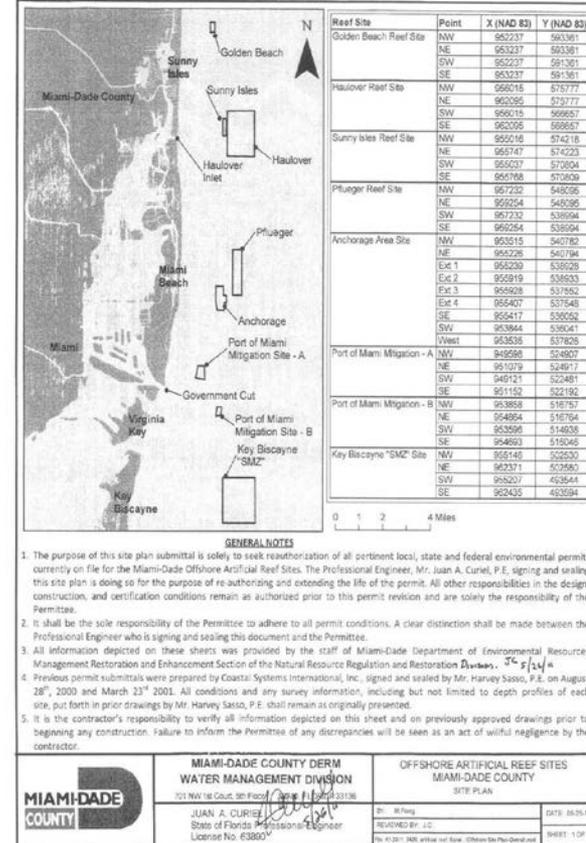
- After an application is received at Corps office:
 - ▶ Assigned ID/SAJ number and assigned to a project manager.
 - ▶ It is reviewed for completeness.
 - ▶ It may require additional information.
 - ▶ If complete, **a *public notice*** is issued with 15 to **30** day comment period. Please note a complete application means the Corps has sufficient information to public notice the project. It does NOT mean a permit decision will be given.



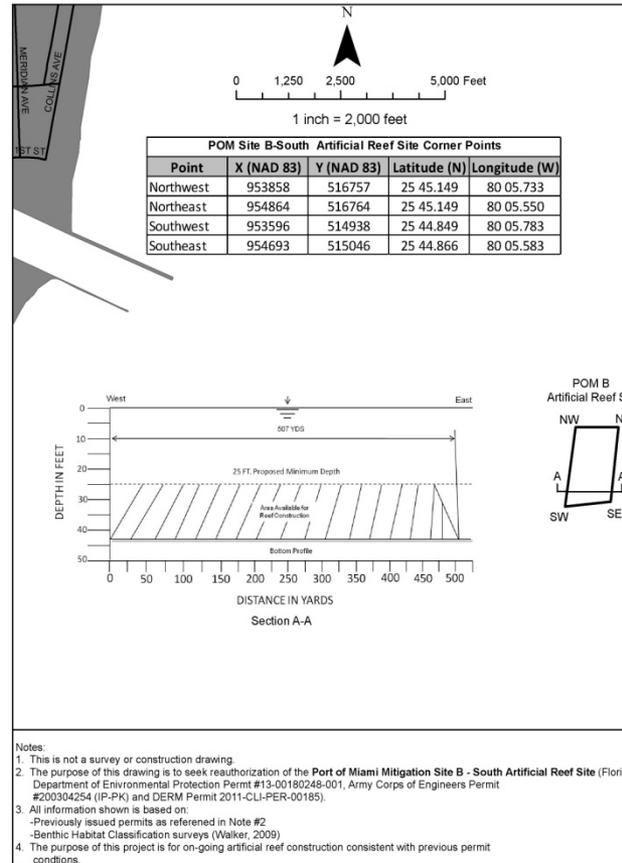
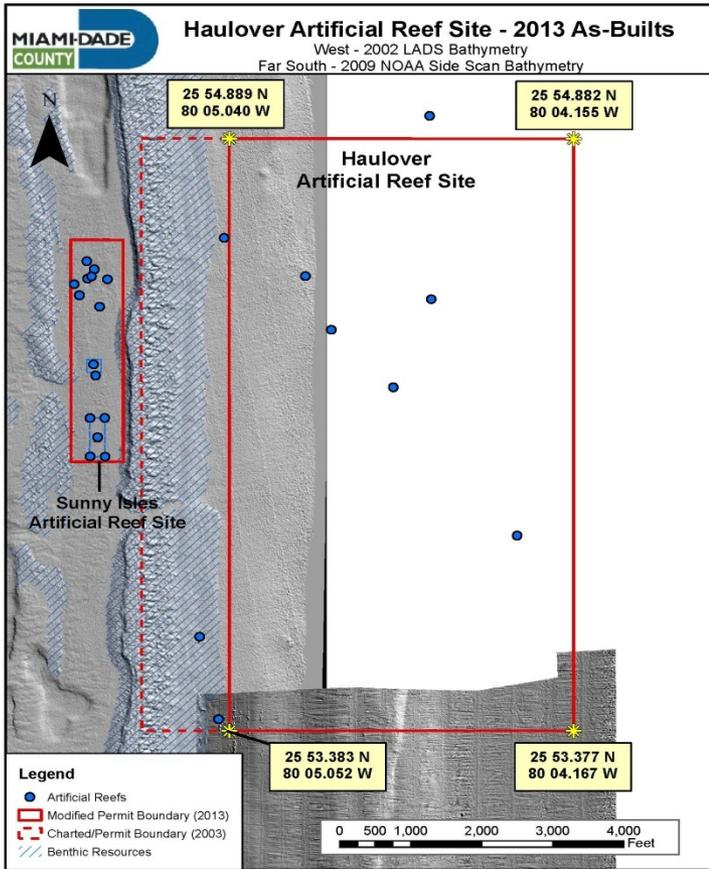
PROPOSED SITE EXAMPLE



Attachment 2-1



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REQUIREMENTS

- Best Management Practices that include but are not limited to:
- Adhering to the U.S. Maritime Administration (MARAD) and the U.S. Environmental Protection Agency (EPA) “National Guidance” This document is available at: http://water.epa.gov/type/oceb/artificialreefs_index.cfm
- Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification.
 - ▶ 14 days prior to deployment.
- Florida Artificial Reef Materials Placement Report and Post-Deployment Notification.
 - ▶ 30 Days Post Deployment.



REQUIREMENTS

- Minimum vertical clearance & buffer areas
- Deployment methodologies
- Survey areas (Pre & Post)
- Reef material must be effective for a minimum of a 25 year storm event
- Vessels equal to or larger than 60 ft. at a 50-year storm event
- Structure must be stable & not move or break up with resultant loss of habitat
- The Permittee shall be responsible for the ownership, maintenance & liability of the project site.

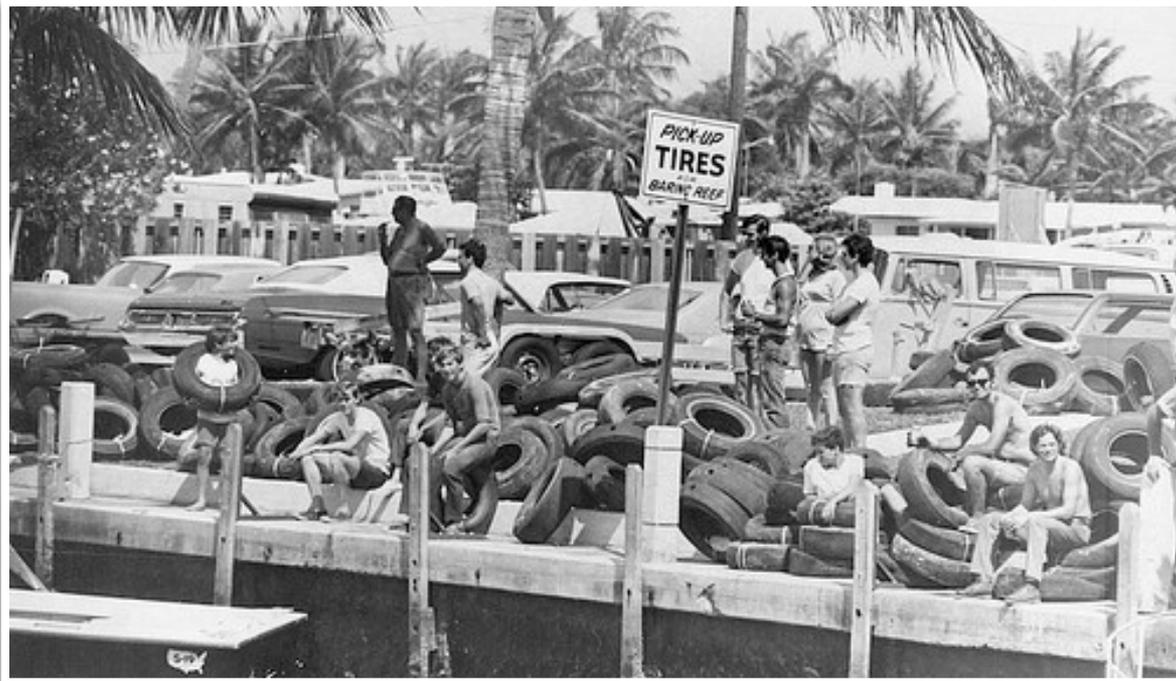


ACCEPTABLE MATERIAL REQUIREMENTS

- Weigh at least 500 pounds
- Clean – no asphalt, creosote, or other toxic residues
- No free floating material or other deleterious substances
- Designed, selected and deployed to avoid entrapping marine life
- Heavy gauge ferrous & vessels that equal or exceed 60 ft. hull length, shall be prepared and deployed in accordance with all applicable U. S. Coast Guard, EPA, MARAD, FWCC, and/or other applicable state or federal agency regulations or policies.



UNACCEPTABLE MATERIAL EXAMPLES

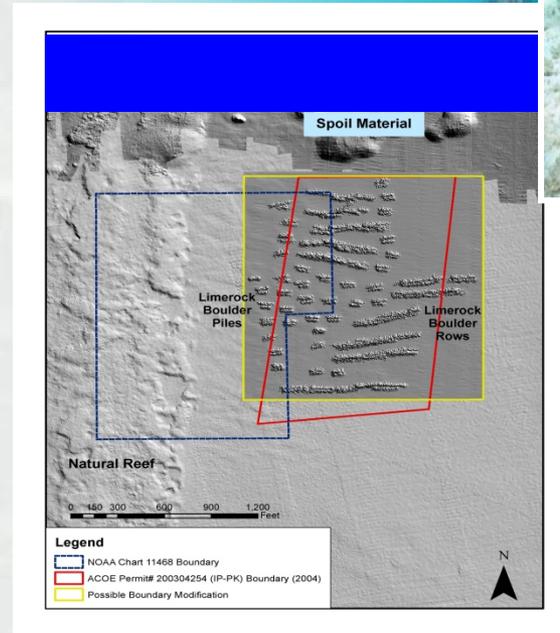
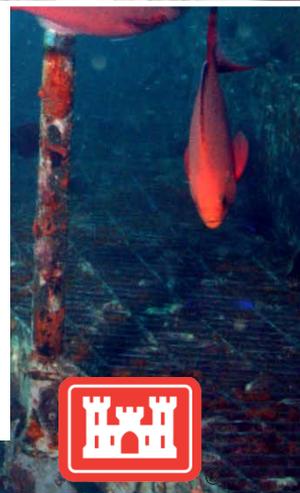
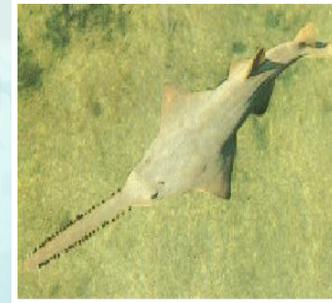


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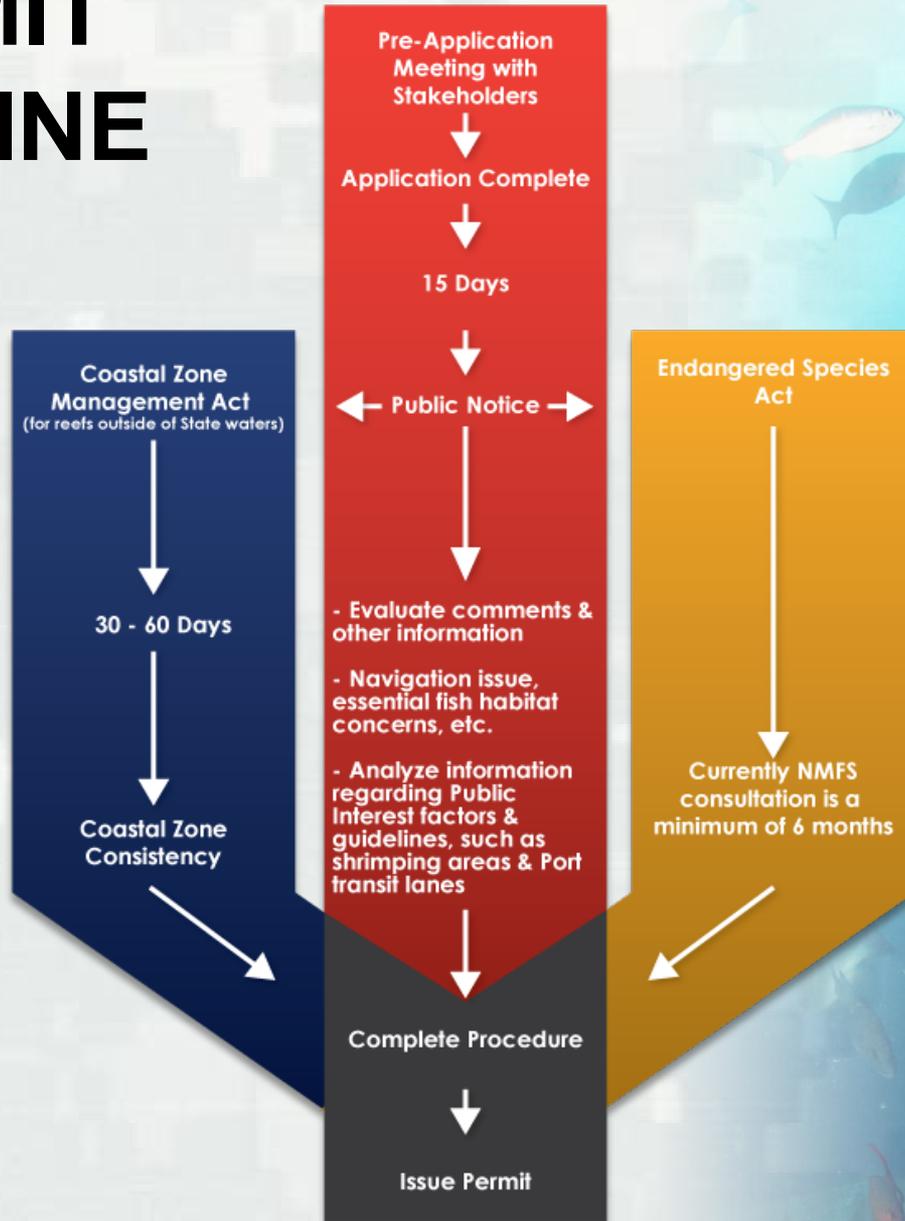
PROJECT REVIEW PROCESS

During public notice period:

- Proposal reviewed by Corps, local, state and federal agencies, stakeholders and general public.
- Corps, FKNMS, National Marine Fisheries Service (NMFS), and Fish & Wildlife Service (FWS) ensure endangered or threatened species not affected by project (**Sec 7-Endangered Species Act**).
- NOAA-Charting Department & the U.S. Coast Guard (USCG) to ensure Navigation Safety.



PERMIT TIMELINE



NMFS Area of Responsibility



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INITIATIVES TO EXPEDITE THE REVIEW PROCESS

- Statewide programmatic consultation with NMFS that **MAY** include a list of acceptable materials for artificial reefs.
- Development of regional general permits for artificial reefs.



REPORTING

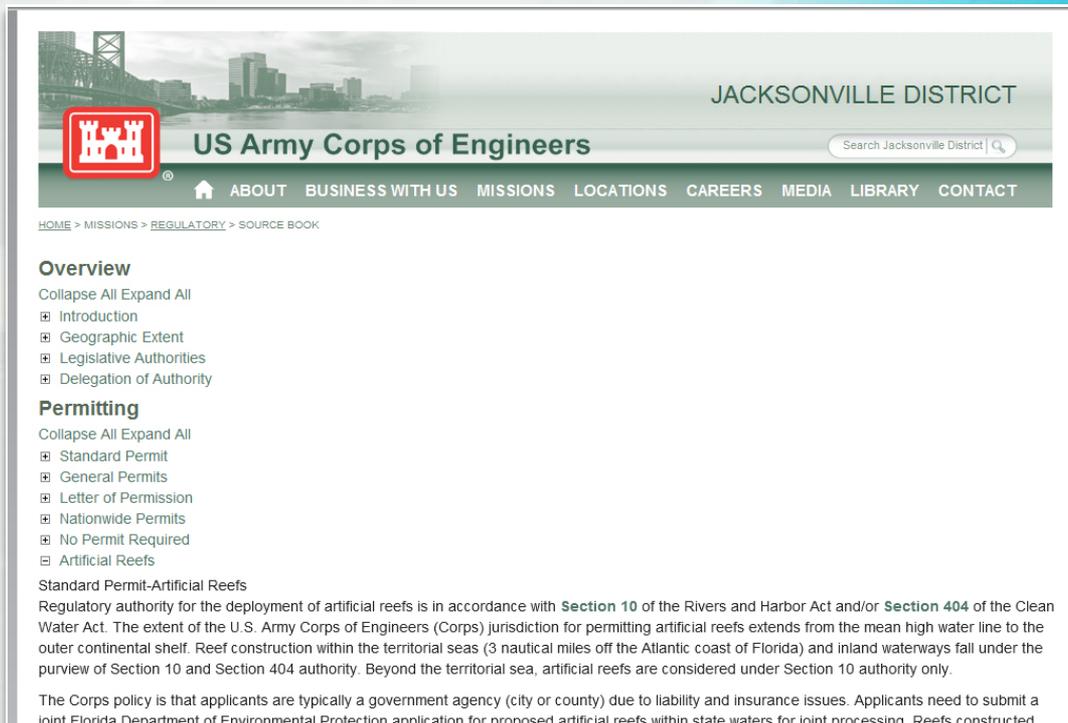
- All post permit documents, Self Certification Statements of Compliance, Commencement Notifications, and Monitoring Reports are sent to:
- For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, 9900 Southwest 107th Avenue, Suite 203, Miami, Florida 33176.
- For electronic mail CESAJ-ComplyDocs@usace.army.mil (not to exceed 10 MB).
- Robert Kirby, Miami Office, Robert.J.Kirby@usace.army.mil



CORPS WEBSITE

- Additional information on the artificial reef permitting process is located at:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>



The screenshot shows the Jacksonville District website for the US Army Corps of Engineers. The page is titled "JACKSONVILLE DISTRICT" and "US Army Corps of Engineers". The navigation menu includes "HOME", "ABOUT", "BUSINESS WITH US", "MISSIONS", "LOCATIONS", "CAREERS", "MEDIA", "LIBRARY", and "CONTACT". The breadcrumb trail is "HOME > MISSIONS > REGULATORY > SOURCE BOOK".

Overview
Collapse All Expand All
 Introduction
 Geographic Extent
 Legislative Authorities
 Delegation of Authority

Permitting
Collapse All Expand All
 Standard Permit
 General Permits
 Letter of Permission
 Nationwide Permits
 No Permit Required
 Artificial Reefs

Standard Permit-Artificial Reefs
Regulatory authority for the deployment of artificial reefs is in accordance with Section 10 of the Rivers and Harbor Act and/or Section 404 of the Clean Water Act. The extent of the U.S. Army Corps of Engineers (Corps) jurisdiction for permitting artificial reefs extends from the mean high water line to the outer continental shelf. Reef construction within the territorial seas (3 nautical miles off the Atlantic coast of Florida) and inland waterways fall under the purview of Section 10 and Section 404 authority. Beyond the territorial sea, artificial reefs are considered under Section 10 authority only.

The Corps policy is that applicants are typically a government agency (city or county) due to liability and insurance issues. Applicants need to submit a joint Florida Department of Environmental Protection application for proposed artificial reefs within state waters for joint processing. Reefs constructed



QUESTIONS?

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PHOTOS / GRAPHICS COURTESY OF:

Keith Millie

Fish & Wildlife Conservation Commission



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