U.S. Army Corps of Engineers (Corps)

REGULATORY AUTHORITY

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403)
CORPS REGULATORY JURISDICTION FOR ARTIFICIAL REEFS
Section 322.5(b) Artificial Reefs… the district engineer reviews provisions for siting, construction, operating, maintaining…

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:

- The district engineer reviews provisions for siting, construction, operating, maintaining…
CORPS PERMITTING PROCESS

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

Source Book Link:
APPLICANTS

- Usually Government, City or County Entity; however anyone can apply.

- Permitted entities are usually limited due to financial assurance and liability issues.
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.
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/ocgb/artificialreefs_index.cfm

- Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification.
  - 14 days prior to deployment.

  - 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
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

Coastal Zone Management Act (for reefs outside of State waters)
- 30 - 60 Days
- Coastal Zone Consistency

Pre-Application Meeting with Stakeholders
- Application Complete
- 15 Days
- Public Notice
- Evaluate comments & other information
- Navigation issue, essential fish habitat concerns, etc.
- Analyze information regarding Public Interest factors & guidelines, such as shrimping areas & Port transit lanes

Endangered Species Act
- Currently NMFS consultation is a minimum of 6 months

Complete Procedure
- Issue Permit
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
Additional information on the artificial reef permitting process is located at:

QUESTIONS?

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PHOTOS / GRAPHICS COURTESY OF:
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Fish & Wildlife Conservation Commission