

# US ARMY CORPS OF ENGINEERS PERMITTING ARTIFICIAL REEFS

Gletys Guardia-Montoya

Jacksonville District

February 17, 2015



US Army Corps of Engineers  
**BUILDING STRONG®**



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

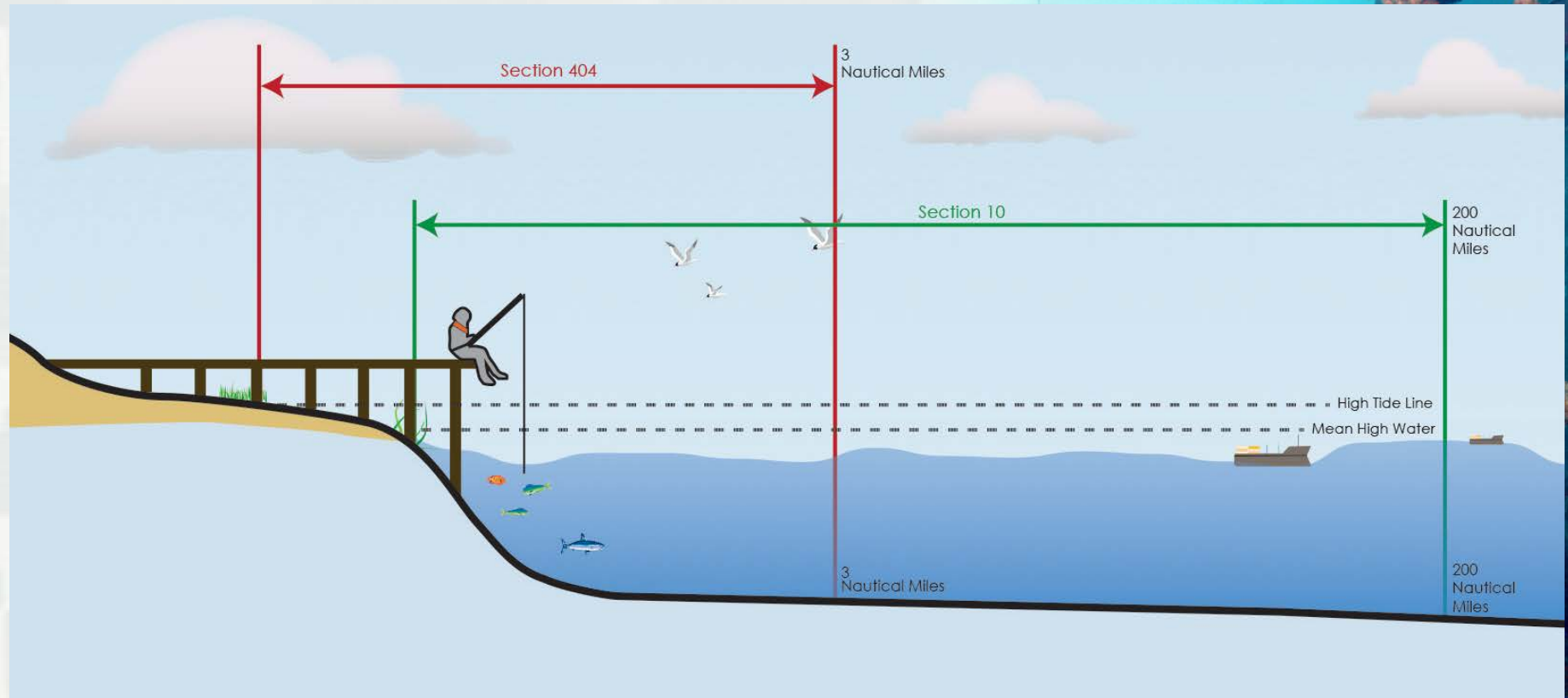
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403)
- Section 404 of the Clean Water Act of 1972 (33 U.S.C. § 1344)
- Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. § 1413)



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# 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.



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# Application Submission

New applications and modification requests must be emailed to

[SEAPPLS@usace.army.mil](mailto: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](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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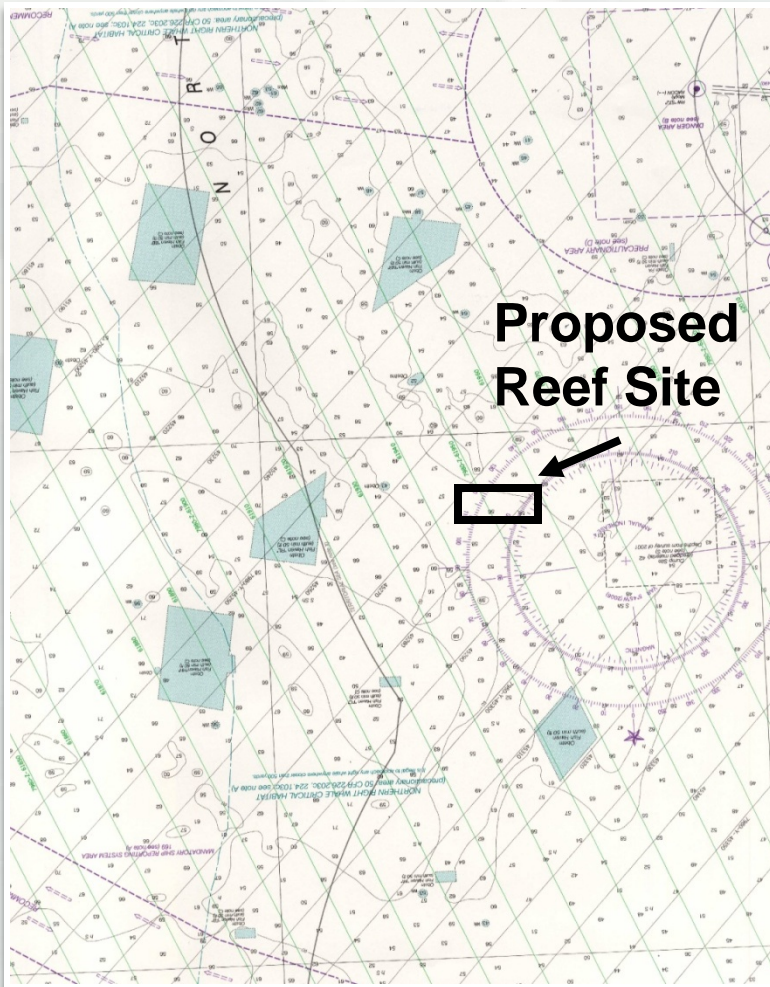
# PROJECT REVIEW PROCESS

- 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.

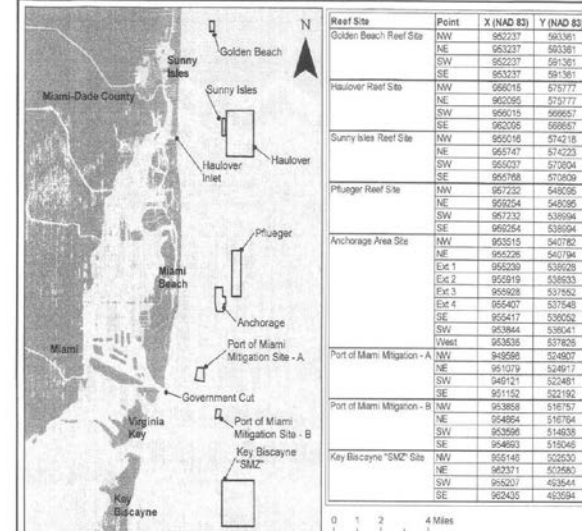




# PROPOSED SITE EXAMPLE



Attachment 2-1

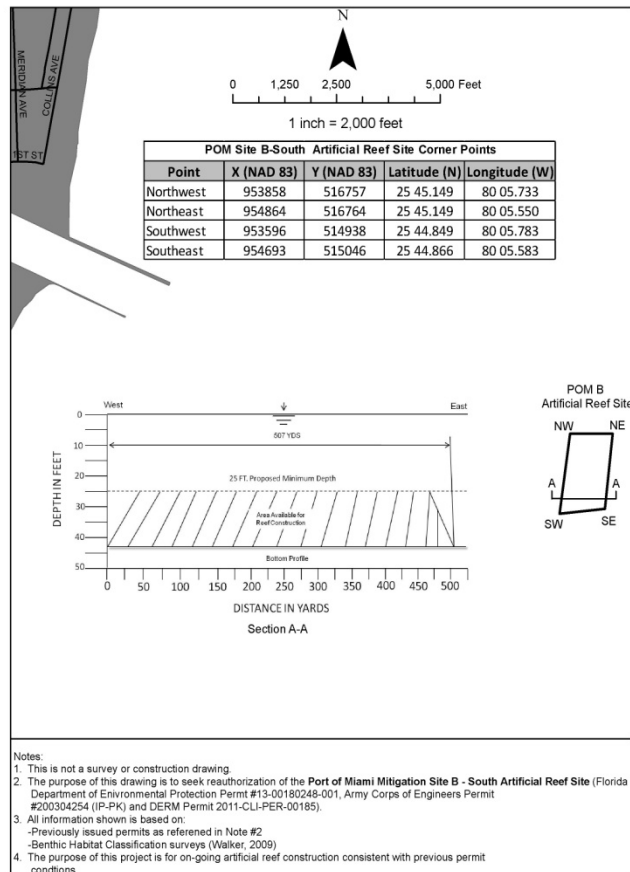
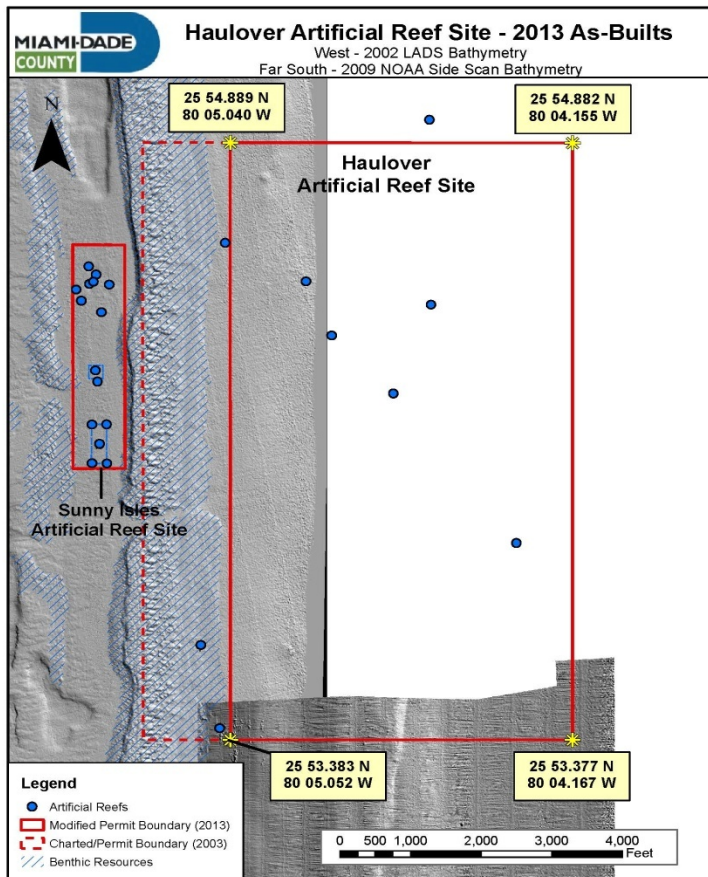


## GENERAL NOTES

- The purpose of this site plan submittal is solely to seek reauthorization of all pertinent local, state and federal environmental permits currently on file for the Miami-Dade Offshore Artificial Reef Sites. The Professional Engineer, Mr. Juan A. Curjel, P.E., signing and sealing this site plan is doing so for the purpose of re-authorizing and extending the life of the permit. All other responsibilities in the design, construction, and certification conditions remain as authorized prior to this permit revision and are solely the responsibility of the Permittee.
- It shall be the sole responsibility of the Permittee to adhere to all permit conditions. A clear distinction shall be made between the Professional Engineer who is signing and sealing this document and the Permittee.
- All information depicted on these sheets was provided by the staff of Miami-Dade Department of Environmental Resources Management Restoration and Enhancement Section of the Natural Resource Regulation and Restoration Division.
- Previous permit submittals were prepared by Coastal Systems International, Inc., signed and sealed by Mr. Harvey Sasso, P.E., on August 28<sup>th</sup>, 2000 and March 23<sup>rd</sup>, 2001. All conditions and any survey information, including but not limited to depth profiles of each site, but both in prior drawings by Mr. Harvey Sasso, P.E., shall remain as originally presented.
- It is the contractor's responsibility to verify all information depicted on this sheet and on previously approved drawings prior to beginning any construction. Failure to inform the Permittee of any discrepancies will be seen as an act of willful negligence by the contractor.

	<b>MIAMI-DADE COUNTY DERM</b> <b>WATER MANAGEMENT DIVISION</b> 725 NW 186 Court, 3rd Floor, Suite 300, Miami, FL 33136	<b>OFFSHORE ARTIFICIAL REEF SITES</b> <b>MIAMI-DADE COUNTY</b> SITE PLAN	
	JUAN A. CURJEL State of Florida Professional Engineer License No. 63800	DATE: 04/25/11 REVIEWED BY: J.C. No. 01-2011-000, 01-2011-001, 01-2011-002, 01-2011-003, 01-2011-004, 01-2011-005, 01-2011-006, 01-2011-007, 01-2011-008, 01-2011-009, 01-2011-010, 01-2011-011, 01-2011-012, 01-2011-013, 01-2011-014, 01-2011-015, 01-2011-016, 01-2011-017, 01-2011-018, 01-2011-019, 01-2011-020, 01-2011-021, 01-2011-022, 01-2011-023, 01-2011-024, 01-2011-025, 01-2011-026, 01-2011-027, 01-2011-028, 01-2011-029, 01-2011-030, 01-2011-031, 01-2011-032, 01-2011-033, 01-2011-034, 01-2011-035, 01-2011-036, 01-2011-037, 01-2011-038, 01-2011-039, 01-2011-040, 01-2011-041, 01-2011-042, 01-2011-043, 01-2011-044, 01-2011-045, 01-2011-046, 01-2011-047, 01-2011-048, 01-2011-049, 01-2011-050, 01-2011-051, 01-2011-052, 01-2011-053, 01-2011-054, 01-2011-055, 01-2011-056, 01-2011-057, 01-2011-058, 01-2011-059, 01-2011-060, 01-2011-061, 01-2011-062, 01-2011-063, 01-2011-064, 01-2011-065, 01-2011-066, 01-2011-067, 01-2011-068, 01-2011-069, 01-2011-070, 01-2011-071, 01-2011-072, 01-2011-073, 01-2011-074, 01-2011-075, 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01-2011-769, 01-2011-770, 01-2011-771, 01-2011	





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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](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.



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# ACCEPTABLE MATERIAL REQUIREMENTS

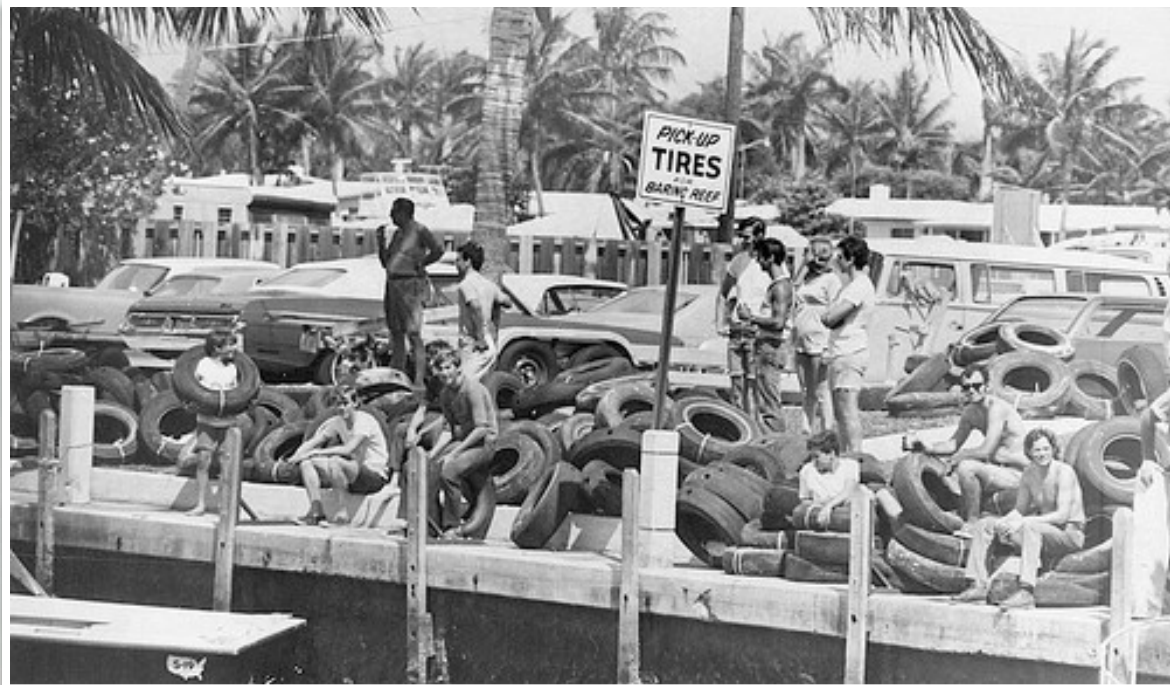
- Weigh at least 500 pounds
- Clean – no asphalt, creosote, or other toxic residues
- No free floating material or other deleterious substances
- Designed, selected and deployed to avoid entrapping marine life
- Heavy gauge ferrous & vessels that equal or exceed 60 ft. hull length, shall be prepared 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.



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# UNACCEPTABLE MATERIAL EXAMPLES



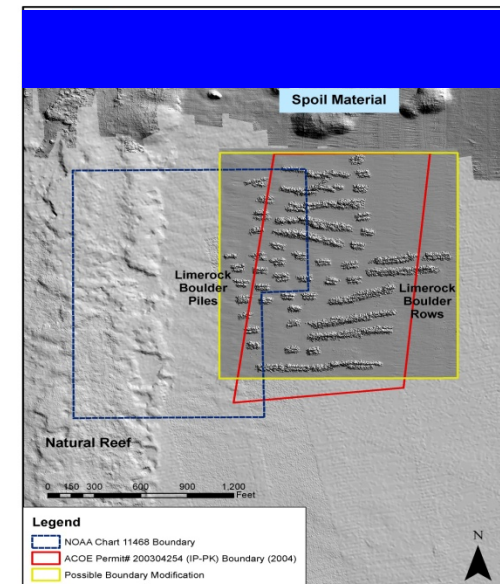
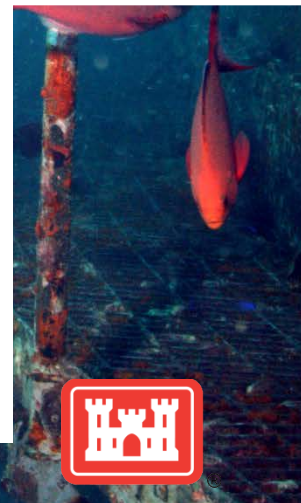
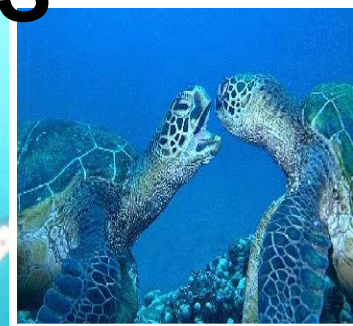
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# PROJECT REVIEW PROCESS

## During public notice period:

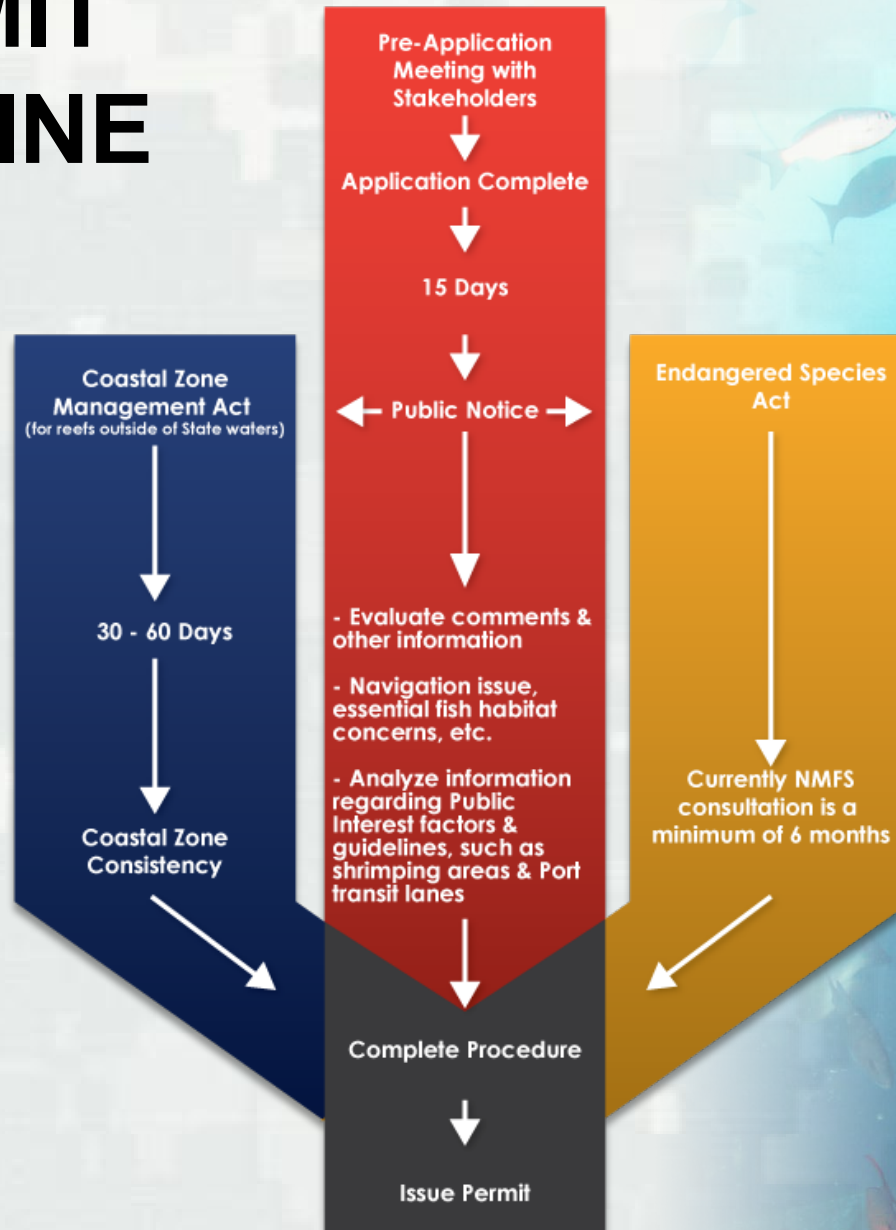
- Proposal reviewed by Corps, local, state and federal agencies, stakeholders and general public.
- Corps, FKNMS, National Marine Fisheries Service (NMFS), and Fish & Wildlife Service (FWS) ensure endangered or threatened species not affected by project (***Sec 7-Endangered Species Act***).
- NOAA-Charting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



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# 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.



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# 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](mailto:CESAJ-ComplyDocs@usace.army.mil) (not to exceed 10 MB).
- Robert Kirby, Miami Office, [Robert.J.Kirby@usace.army.mil](mailto:Robert.J.Kirby@usace.army.mil)



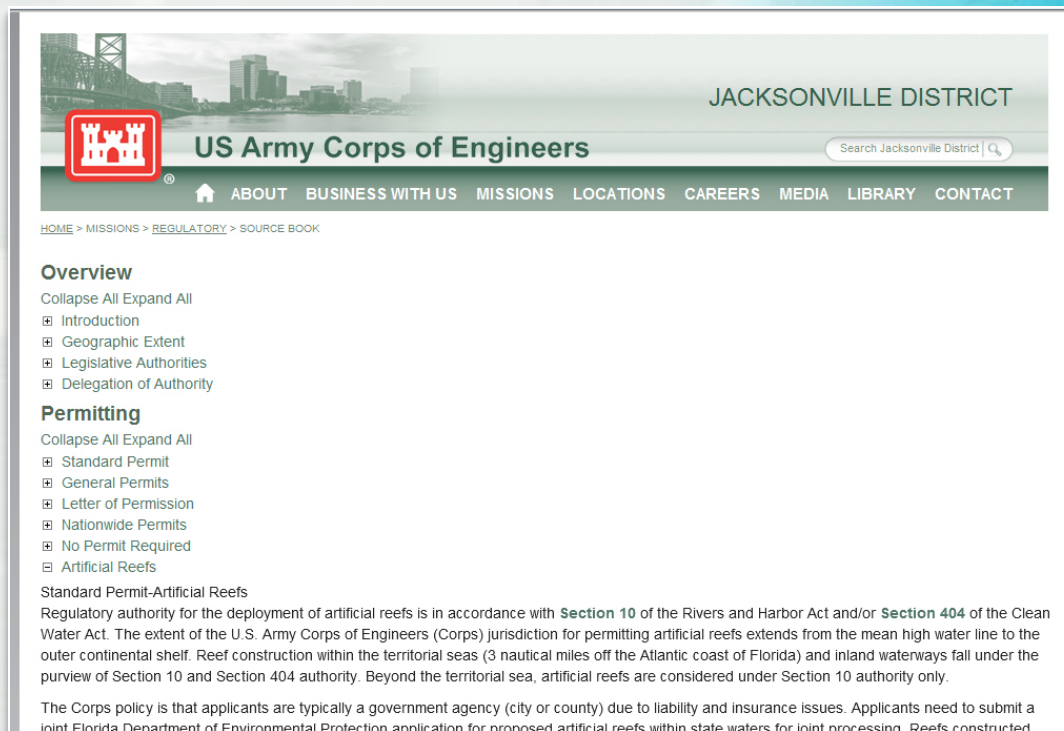
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# CORPS WEBSITE

- 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 US Army Corps of Engineers website. The header includes the Corps logo, the text "JACKSONVILLE DISTRICT", and "US Army Corps of Engineers". A search bar is present. 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. The main content area is titled "Overview" and "Permitting". Under "Overview", there are links to "Introduction", "Geographic Extent", "Legislative Authorities", and "Delegation of Authority". Under "Permitting", there are links to "Standard Permit", "General Permits", "Letter of Permission", "Nationwide Permits", "No Permit Required", and "Artificial Reefs". The "Standard Permit-Artificial Reefs" section contains text about regulatory authority and the permitting process.

**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



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# QUESTIONS?

Gletys Guardia-Montoya  
Project Manager  
U.S. Army Corps of Engineers  
9900 S.W. 107th Avenue, Suite 203  
Miami, FL 33176  
Tel: (305) 526-2515  
[gletys.guardia-montoya@usace.army.mil](mailto:gletys.guardia-montoya@usace.army.mil)

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