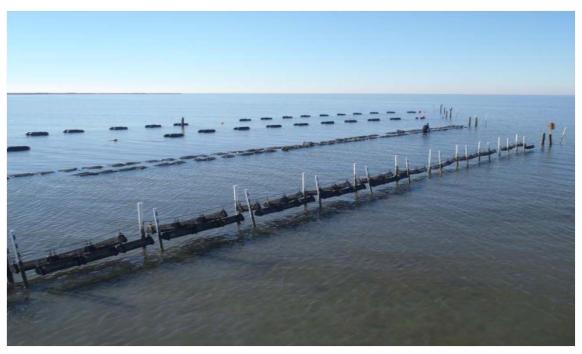
Sovereignty Submerged Lands Aquaculture Lease Water Column Modifications



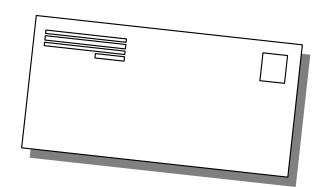
Auburn University Oyster Research and Demonstration Farm



Information provided in this presentation may be subject to change. For current information, contact the DACS Division of Aquaculture.

How Do I Apply?

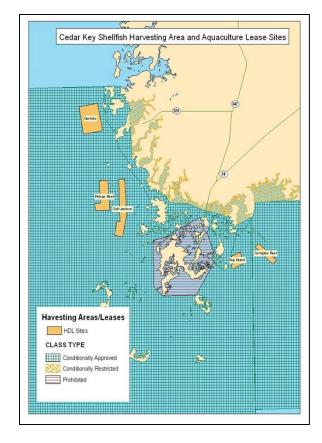
- Send a written request to FDACS-Division of Aquaculture and provide the following:
 - Lease number
 - Proposed activity
 - Proposed species



 Mail to Portia Sapp, FDACS Division of Aquaculture, 600 South Calhoun Street, Suite 217, Tallahassee, FL 32399-1300



Status of Lease Areas in Levy and Dixie Counties



- FDACS has delegated authority for water column modifications for following lease areas:
 - Horseshoe Beach
 - Long Bar
 - Pelican Reef
 - Dog Island
- The following lease areas must be approved by **Board of Trustees** (Governor and Cabinet):
 - Shired Reef
 - Pine Island
 - Derricks
 - Gulf Jackson*
 - Dog Island North* and East
 - Corrigan's Reef and Corrigan's North





Approval of Lease Modifications in Levy and Dixie Counties

Delegated Authority

- Handled administratively by FDACS
- Requires written request
- Preparation, signature, and execution of water column lease agreement

Board of Trustees

- Requires written request
- Requires Public Notice
- Agency Review
- Approval by Board of Trustees
- Preparation, signature, and execution of water column lease agreement



Federal Permitting – U.S. Army Corps of Engineers (ACOE)

- Requires a no fee permit from ACOE
- Apply individually, batch to submit
- FDACS has a template to follow
- No fee
 - Submit to Gainesville Office 2833 NW 41st Street, Unit 130 Gainesville, FL 32606

Phone: (352) 264-7672

Fax: (352) 264-773

Federal Permitting for Marine Aquaculture U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (ACOE) derives its authority for issuing a permit for marine aquaculture activities in State of Florida waters from two federal Acts.

Rivers and Harbors Act of 1899

Section 10 of the Rivers and Harbors Act prohibits the creation of structures not Section 10 of the Rivers and Harbors Act prohibits the creation of structures not authorized by Congress that obstruct navigable waters of the United States. The Act provides the Chief of Engineers and Secretary of War authority to authorize the building of structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established. The U.S. Code of Federal Regulations, Title 33, Section 32 prescribes the noticies, trustions and procedures the ACOE follows when reviewing restmits to policies, practices, and procedures the ACOE follows when reviewing permits to authorize certain structures or construction affecting U.S. navigable waters.

Clean Water Act

Clean Water Act
The Clean Water Act (CWA) is intended to maintain and restore waters of the United
States. The CWA authorizes water quality and pollution research, provides grants for
sexwage treatment facilities, sets pollution discharge and water quality standards,
addresses oil and hazardous substances liability, and establishes permit programs for
water quality resist source pollutant discharges, occan prollution discharges, and dender acureses on ann nazaroous substances naturny, and estatusines permit programs for water quality, point source pollutant discharges, ocean pollution discharges, and dredging or filling of wedlands or U.S. waters. The ACOE and the Environmental Protection Agency have permitting authority under the CWA.

Pursuant to Section 404 of the CWA, the ACOE has authority to issue permits regulating the discharge of dredged or fill material into U.S. waters. The U.S. Code of Federal Regulations, Title 33, Section 322 prescribes the policies, practices, and procedures the ACOE follows reviewing permits to authorize the discharge of dredged of fill material. The intent of the CWA Section 404 program and its 404(b)(1) guidelines is to consider the program of the proper discharge of decided of the program and the section will not individually or materia. The inferit of the CWA Section 404 program and its 40-4(0X1) gluocimes is prevent destruction of aquatic ecosystems unless the action will not individually or cumulatively adversely affect the ecosystem.

National Environmental Policy Act

Under the authority granted by the National Environmental Policy Act, when a federal agency is reviewing a permit application that may have environmental consequences, that agency in request a permit application that may have environmental consequences, that agency must request a permit review from the Environmental Protection Agency, U.S. Fish and Wildlife Service and National Marine Fisheries Service.

The National Marine Fisheries Services has reviewed and commented on ACOE permit applications involving marine aquaculture activities in Florida waters. Those comments apprendicts involving manne aquacumae acustues in Francia wants. These commands have focused on potential impacts to (1) species listed under the authority granted by the Endangered Species Act and (2) essential fish habitat under the authority granted by the Magnuson-Stevens Fishery Conservation and Management Act.



Florida Department of Agriculture and Consumer Services Adam H. Putnam, Commissioner



Federal Permitting – ESA Section 7 Consultation

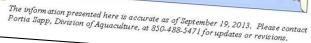
The National Marine Fisheries Service, Protected Resources is reviewing every marine aquaculture permit under the authority granted by the Endangered Species Act. Department of Army Permit Programmatic General Permit SAJ-99 SAJ-2007-03138 Live Rock and Marine Bivalve Aquaculture – State of Florida

The Florida Department of Agriculture and Consumer Services possesses an ACOE permit for all marine bivalve and live rock aquaculture in State of Florida waters with one exception. The permit does not cover marine aquaculture lease applications submitted to the Florida Department of Agriculture and Consumer Services after November 9, 2012 for five years.

If a Floridian is interested in leasing sovereign submerged state lands from the State of Florida for marine aquaculture purposes, they must apply to the Florida Department of Agriculture and Consumer Services. If the location of that lease occurs within Endangered Species Act listed habitat, the department will assist the applicant in

For the Panhandle and Big Bend region, the Endangered Species Act listed Gulf of Mexico sturgeon critical habitat is outlined in blue below.









Navigational Marking – U.S. Coast Guard (USCG)

- Requires a no fee permit from USCG
- Private Aids to Navigation application form (CG-2554)
- Information required includes contact info, ACOE Permit, location (lat/long), and depth of each proposed marker
- USCG will provide specifications for special mark and installation
- Form and additional information at www.uscg.mil/d8/waterways/PATRON.Home.asp
 - Contact: Andrew Engle, Seventh USCG District
 Aids to Navigation and Waterways Management Branch
 909 SE 1st Ave, Suite 406, Miami, FL 33131
 Phone: (305) 415-6755

Marking Leases

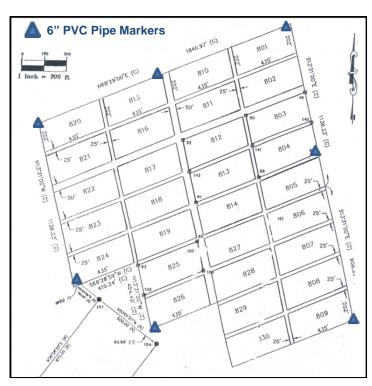
- Can use 6"-D PVC pipes
- Requires new signage
 - 36"x36" diamond, 2" pris yellow, border
 of pl yellow, 12" black letter, square corners
 - Approx. \$160 each
- Navigation lights mounted to 6" PVC cap attached to pipe
 - Solar flat mount, 9SOL, 7"wx7"h
 - Approx. \$186 each, includes shipping
- List of vendors can be provided by UF IFAS Shellfish Extension





Example of Marking Lease Areas

- Dog Island HDLA 30, 2-acre lease parcels
 - Seven 6"-D PVC pipe corner and perimeter markers
 - Costs for new signage (\$1,120),
 navigation lights (\$1,300), and
 installation (~\$350)
 - Total: about \$2,880
- If 10 leases are modified, marking costs can be divided by 10 leaseholders, or \$288 each



Dog Island HDLA, Cedar Key



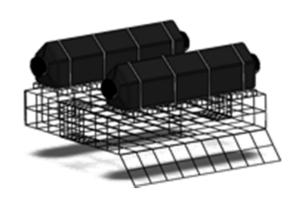
Annual Lease Rental Fees

- Bottom lease
 - \$16.73 rental fee per acre
 - \$10.00 surcharge per acre
 - \$53.46 total per 2-acre parcel



- \$33.46 rental fee per acre
- \$10.00 surcharge per acre
- \$86.92 total per 2-acre parcel







Water Column Lease Agreement

- This lease authorizes use of the entire water column, from surface to bottom for the purpose of culturing shellfish in off-bottom or floating structures.
- The leaseholder's identification information shall be attached to all culturing structures. In the event that culturing structures become dislodged from the lease site, it is the leaseholder's responsibility to retrieve the structures with minimal damage to the resources affected. The structures shall be removed and properly disposed of or returned to the lease site.



Overall Timeline

- Written request to modify lease
- DACS or Board of Trustees approval
- Apply to U.S. Army Corp for federal permit
- Apply to U.S. Coast Guard for Private Aids to Navigation
- Install new signs and marine lights
- Execute modified lease agreement



For more information contact:

Portia Sapp
Division of Aquaculture
(850) 617-7622
Portia.Sapp@FreshfromFlorida.com

