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



* FDACS has received written requests to modify leases

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 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 provides the chief of angineers and occreatly or was analyzed to analyze the oral 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 322 prescribes the policies, practices, and procedures the ACOE follows when reviewing permits to authorize certain structures or construction affecting U.S. navigable waters.

Clean Water Act

The Clean Water Act (CWA) is intended to maintain and restore waters of the United The Crean water Act (CWA) is mentated to mannant and resone water of the States. The CWA authorizes water quality and pollution research, provides grants for wage treatment facilities, sets pollution discharge and water quality standards, addresses oil and hazardous substances liability, and establishes permit programs for water quality, point source pollutant discharges, ocean pollution discharges, and dredging or filling of wetlands 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 323 prescribes the policies, practices, and procedures the ACOE follows when reviewing permits to authorize the discharge of dredged or fill receiption of the CWA Section 404 program and its 404(b)(1) guidelines is to 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 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 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.







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 <u>www.uscg.mil/d8/waterways/PATRON.Home.asp</u>



<u>Contact</u>: 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
- Water column lease
 - \$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

