



US Army Corps  
of Engineers®

# DEPARTMENT OF THE ARMY PERMIT REGIONAL GENERAL PERMIT SAJ-112

**Effective Date:** April 6, 2020

**Expiration Date:** April 6, 2025

**Issuing Office:** U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the Permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

After you receive written verification for your project under this Regional General Permit (RGP) from the Corps, you are authorized to perform work in accordance with the terms and conditions specified below.

**Work Authorized:** The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403).

The work authorized includes:

The placement of subsurface structures for the sole purpose of propagating corals, including federally listed threatened and endangered coral species, in navigable waters of the United States in the State of Florida, the Commonwealth of Puerto Rico, and the Territory of the U.S. Virgin Islands. This RGP also requires the permittee to maintain and remove such structures, including the replacement of those that have been dislodged or moved by natural events such as hurricanes or other large storms. Placement of precast/prefabricated material or natural rock in such a manner that it would also be considered fill, irrespective of the project purpose, is not authorized under this permit. This general permit does not authorize the placement of materials for the construction or renourishment of artificial reefs, live rock aquaculture, the construction of impoundments and/or semi- impoundments of waters of the U.S., or the construction of other structures such as, but not limited to, docks, circulating systems (including inflow and outfall structures), platforms, *etc.*

**Special Conditions:**

1. This general permit will be valid for five years from the above date unless suspended or revoked by issuance of a public notice by the District Engineer. Periodic review will be conducted to determine if continuation of the permit remains "not contrary to the public interest."

2. Activities qualifying for this regional general permit (RGP), shall be required to provide evidence to the Corps as part of the application submittal that the specific activities are covered under the Endangered Species Act and the EFH provisions of the Magnuson-Stevens Act. Evidence can be in the form of a NMFS Biological Opinion, a written statement of how the activities are allowable under a special 4(d) rule, or letter(s) or email(s) from the NMFS Southeast Regional Office, Protected Resources and Habitat Conservation Divisions. For activities occurring in the Exclusive Economic Zone (EEZ) adjacent to State, Commonwealth, or Territorial waters, prospective permittees may be required to obtain an Exempted Fishing Permit from the NMFS to authorize coral broodstock harvest, fragmentation, and/or relocation, or provide evidence that the specific such activities are covered under the Endangered Species Act through a Biological Opinion or special rule. NMFS Exempted Fishing Permit information can be obtained by contacting the NMFS, Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, Florida 33701-5505 (telephone 727-824-5312).

3. Activities qualifying for this regional general permit (RGP) in Florida must be authorized by an applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable Chapter 258 F.S. Such permits issued by the Department of Environmental Protection (DEP), a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S. or an applicable exemption, will provide Coastal Zone Consistency Concurrence (CZCC). The Corps or any designated Federal, State or local agency administering general permits on behalf of the Corps shall not be precluded from acting on a request to use this PGP before the applicable SSL authorization is granted. The Corps under C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this RGP before the applicable SSL authorization is granted. Activities qualifying for this regional general permit (RGP) in Florida must also be authorized by Florida Fish and Wildlife Conservation Commission, as applicable, for coral harvest and transplanting activities (*e.g.*, Special Activity License).

4. Activities qualifying for this regional general permit (RGP) in Puerto Rico must be authorized by an applicable permit issued by the Puerto Rico Department of Natural and Environmental Resources (DNER). The issuance of a permit by the DNER also serves to convey CZCC.

5. Activities qualifying for this regional general permit (RGP) in U.S. Virgin Islands must be authorized by an applicable permit issued by the U.S. Virgin Islands Department of Planning and Natural Resources (DPNP). The issuance of a permit by the DPNP also serves to convey CZCC.

**6. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:  
[SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil).

7. As part of the permit application submittal, a site evaluation report must be submitted by the applicant to the Corps of Engineers, Jacksonville District, at the address specified in Special Condition 6, and to NMFS, at the address specified in Special Condition 2. The report shall include, at a minimum:

- Benthic habitat survey(s)
- Proposed site map(s) and structure locations
- Anchoring methods
- Actions that will be taken to ensure the structures remain stable and intact while deployed
- Actions that will be taken to remove and dispose of loose structures or other debris
- Supporting video documentation

The site evaluation report shall demonstrate that the proposed site for the placement of the structures:

(a) is not a hazard to safe navigation or a hindrance to vessel traffic and provides minimum depth clearance between the uppermost part of the structure and the water surface at mean low lower water [Note that the minimum depth clearance will vary from site to site and will be evaluated by the Corps at the time the request for verification is received]; and

(b) avoids traditional fishing areas, or other public access; and

(c) avoids impacts to naturally occurring live and hard bottom habitat and submerged aquatic vegetation; and

(d) avoids river mouths, ocean passes/cuts, and navigation channels.  
Attached please find a copy of the checklist.

8. A site in which the area of individual structures occupies more than one acre of sea floor or water column, or multiple adjacent or geographically proximate sites, which in aggregate have structures occupying more than one acre of sea floor or water column,

will not be authorized under this RGP. Those projects will need to seek separate authorization from the Corps of Engineers, Jacksonville District.

9. The applicant shall identify the sites on a nautical chart in sufficient detail to allow for site inspection, and shall provide accurate latitude and longitude coordinates of each intersection or boundary vector so that the site can be located by Differential Global Positioning System (DGPS) equipment. At least 2 weeks prior to the start of the authorized work, the permittee must notify the National Oceanic and Atmospheric Administration (NOAA) and the Corps in writing that the work is commencing; and, again, upon completion of the work. The permittee shall provide bounding coordinates (NAD83), and clearances (MLLW or MLW) for these coral propagation deployment areas. The permittee shall notify the District Engineer at the email address given in Special Condition #6 above, and, the NOAA, Nautical Data Branch, either in mailed correspondence to Nautical Data Branch Office of Coast Survey N/CS26, 1315 East-West Highway, Silver Spring, MD 20910-3282 or by electronic mail correspondence, with scans of the requisite documents attached, to [osc.ndb@noaa.gov](mailto:osc.ndb@noaa.gov).

10. All materials used in the propagation operations must be non-toxic and free of contaminants and non-indigenous flora and/or fauna.

11. Structures authorized by this permit, which have fallen into disrepair or are no longer in use, shall be removed within 30 days. Structures dislodged or displaced by natural events such as storms may be relocated to the original location; however, the position of the displaced structures and any environmental damage must be reported to Corps of Engineers, Jacksonville District at the address specified in Special Condition 6, with the following minimum information:

- Coordinates (DGPS) of location to which structures were displaced
- Status and integrity of all displaced structures
- Impacts (observed or estimated) to sensitive resources (*e.g.*, seagrasses, hardbottom, or coral reef) resulting from structure displacement

The permittee is responsible for removing any displaced structures and other debris resulting from activities conducted under this permit and disposing of them in accordance with all applicable laws and regulations. In addition, the permittee must survey and/or remove displaced structures at any time as directed by the Corps and must perform and report on such survey/removal operations in a manner and on a schedule directed by the Corps.

12. For projects in waters accessible to manatees, the permittee shall comply with the "Standard Manatee Conditions for In-Water Work, 2011" (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) and/or project specific requirements, as appropriate for the proposed activity. *Note: The manatee conditions may be subject to revision at any time. The most recent version of these conditions will be utilized during the evaluation of the permit application.*

13. For projects in waters accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall comply with the "Sea Turtle and Smalltooth Sawfish Construction Conditions" March 23, 2006 (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) and/or requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. The most recent version of these conditions will be utilized during the evaluation of the permit application.*

14. For projects proposed within the boundaries of the following managed areas, SAJ-112 will not be authorized until the Corps has been provided a copy of the written approval (license, permit, letter, or email) issued by the entities responsible for the management of those areas:

- (a) Florida State Parks: All Florida State parks.
- (b) National Park Service: All National Parks in Florida, Puerto Rico and the U.S.V.I.
- (c) Aquatic Preserves: All State of Florida Aquatic Preserves
- (d) National Marine Sanctuaries: All National Marine Sanctuaries
- (e) National Estuarine Research Reserves: All National Estuarine Research Reserves
- (f) Marine Protected Areas: All Marine Protected Areas in Puerto Rico and the U.S.V.I.

15. The permittee shall be required to submit annual reports to the Corps and NMFS (at the addresses listed in Special Conditions 2 and 6) which document the number and type of structures utilized (see attached checklist).

16. Historic and Cultural Resources

- (a) No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

(b) If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: shipwrecks, pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the Corps within two calendar days. The Corps shall then notify the appropriate State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

(c) A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on nonfederal lands without written authorization from the SHPO and the Corps.

(d) In the unlikely event that unmarked human remains are identified on non-federal lands, as appropriate, they will be treated in accordance with Section 872.05 Florida Statutes, 29 Virgin Islands Code Section 960, or for Puerto Rico, the Advisory Council On Historic Preservation's Policy Statement Regarding Treatment Of Burial Sites, Human Remains And Funerary Objects. All work in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the authorization in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist, SHPO and the Corps.

17. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this general permit.

18. For projects proposed adjacent to federally-maintained navigation channels, no structure, or work authorized under this regional general permit shall be within the established federal channel setback. The setback is 100' in the various federally-maintained navigation channels but variances may be allowed in a few specific reaches or channels.

19. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as an individual permit.

20. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

21. This regional general permit will be valid for a period of five years from the date specified above unless suspended or revoked by the District Engineer prior to that date. If SAJ-112 expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on SAJ-112 will remain in effect provided the activity is completed within 12 months of the date SAJ-112 expired or was revoked.

22. The General conditions attached hereto are made a part of this permit.

**General Conditions:**

1. The time limit for completing the work authorized ends on **April 6, 2025**.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

Section 404 of the Clean Water Act (33 U.S.C. 1344)

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or Construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

6. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

*Shawn H. Zinszer*

\_\_\_\_\_  
(DISTRICT ENGINEER)

For: ANDREW D. KELLY, JR.  
Colonel, U.S. Army  
District Commander

04/07/2020

\_\_\_\_\_  
(DATE)

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE) (DATE)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(ADDRESS)

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***Attachments to Department of the Army  
Regional General Permit SAJ-112***

1. NMFS HCD Site Evaluation Report Checklist for SAJ-112: 1 page
2. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011*
3. SEA TURTLE – SAWFISH CONDITIONS: 1 page, *Sea Turtle and Smalltooth Sawfish Construction Conditions, revised March 23, 2006*