



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
100 WEST OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3604

June 17, 2023

Regulatory Division
SAS-2005-001190

PUBLIC NOTICE
Savannah District
Programmatic Regional Permit 36 (PGP 36)
Offshore Artificial Reef Construction in the Atlantic Ocean

The Savannah District, U.S. Army Corps of Engineers, by means of this notice authorizes the issuance, until March 30, 2027, Programmatic General Permit No. 36 (Offshore Artificial Reef Construction in the Atlantic Ocean) for the addition of materials within the boundaries of Georgia Department of Natural Resources (Georgia DNR) Artificial Reefs A, ALT, CAT, CCA-JL, CDH, DUA, DRH, DW, F, HLHA, JY, KBY, KC, KTK, L, M1R1, M2R6, MRY, R2, R3, R4, R5, R7, R8, SAV, SFC, TW, and WW, located off the coast of Georgia in the Atlantic Ocean.

Authority: The Savannah District issues this PGP pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) which was extended to the outer continental shelf by Section 4(±) of the Outer Continental Shelf Lands Act of 1935 as amended (43 U.S.C. 1333(e)).

Scope: The scope of the PGP includes only those activities which are considered to be in accordance with the guidelines and limitations set forth in the conditions of the PGP.

Exclusions: This PGP does not change existing exclusions listed as follows:

- a. Any applications for "new" reefs.
- b. Any "private" reefs.
- c. Placement of material at Gray's Reef National Marine Sanctuary.

Individual Permits: Activities which are not specified in the PGP, or which exceed the limitations of the PGP require individual Department of the Army Authorization from the U.S. Army Corps of Engineers, Savannah District before work is started.

The District Engineer may require individual authorization on a case-by-case basis if they determine authorization under this PGP for a specific project is not in the public interest.

Reporting and Acknowledgement Procedures: Anyone other than the Georgia DNR

intending to use this PGP must notify, in writing, the Georgia DNR, Coastal Resources Division, Reef Permit Operations, One Conservation Way, Brunswick, Georgia 31520-8686 at least 30 days prior to the earliest anticipated work date. The Georgia DNR will notify the District Engineer of the intended use of this PGP. The notification must include the location of work, vicinity and location map, plan and elevation views, a detailed description of the proposed type and placement of material to be used, and the written intention to comply with all terms and conditions of the PGP.

The Georgia DNR will review proposed activities submitted to their office to determine whether or not it falls within the scope of the PGP. If the work would require a Department of the Army Individual Permit, the Georgia DNR will instruct the applicant on the procedure to follow. If the Georgia DNR determines that the proposed work can be authorized under the PGP, the Georgia DNR would notify the applicant that the work may proceed. No work can proceed until the applicant receives written notification from the Georgia DNR that the work is within the scope of the PGP as modified.

Modification, Suspension, or Revocation: The District Engineer may, by following the procedures outlined in the Corps of Engineers' Regulatory Program (33 CFR 324.7), modify, suspend, or revoke this PGP for individual activities, categories of activities, or geographic areas if he feels it will be in the public interest. The general public will be notified of such action by a public notice. If the PGP is revoked, any permittee may apply for an Individual Permit.

If the Secretary of the Army, or his authorized representative, determines that there has been a violation of the terms and conditions of the PGP, he may suspend or revoke the authorization for an individual project under the PGP. In addition, failure to comply with the terms and conditions of the PGP may also result in removal of the structures, restoration of the waterway, and/or imposition of penalties as provided by law.

Any inquiries concerning this PGP should be made to the Commander, US Army Corps of Engineers, Savannah District, Attention: Mrs. Skye Stockel, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401 or skye.h.stockel@usace.army.mil. You may also contact Mrs. Stockel at 912-652-5690.

Enclosures

Programmatic General Permit 36
SAS-2005-01190

Issued: June 17, 2023
Expiration: March 30, 2027

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
PROGRAMMATIC GENERAL PERMIT 36
FOR PLACEMENT OF MATERIALS AT 28 APPROVED OFFSHORE ARTIFICIAL
REEF SITES IN THE ATLANTIC OCEAN

DESCRIPTION OF PGP 36: Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) which was extended to the outer continental shelf by Section 4(f) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1333(e)), authorization is hereby issued by the U.S. Army Corps of Engineers, Savannah District (Corps) to the Georgia Department of Natural Resources (Georgia DNR), to conduct the below described work under PGP36. The Corps also hereby delegates authority to the Georgia DNR to verify that work proposed under PGP 36 qualifies for authorization under PGP 36. The following work is authorized under PGP 36: the addition of materials within the boundaries of 28 Georgia DNR Artificial Reefs A, ALT, CAT, CCA-JL, CDH, DUA, DRH, DW, F, HLHA, JY, KBY, KC, KTK, L, M1R1, M2R6, MRV, R2, R3, R4, R5, R7, R8, SAV, SFC, TW, and WW located off the coast of Georgia in the Atlantic Ocean.

LOCATION OF ARTIFICIAL REEF SITES: Materials shall be placed within the designated boundaries of the below described reef sites, which are also depicted in attached site maps and drawings. Coordinates are based on North American Datum of 1983, water depths are provided in feet at Mean Low Water (MLW), and approximate distances are provided in nautical miles (nm).

(1) Artificial Reef A: Located approximately 7.0 nm east of Little Cumberland Island, Georgia. Corner coordinates: 30.95667, -81.27167; 30.95667, -81.23167; 30.92333, -81.27167 & 30.92333, -81.23167. Minimum authorized clearance -22' MLW.

(2) Artificial Reef ALT: Located approximately 6.0 nm east of Little St. Simons Island, Georgia. Corner coordinates: 31.31000, -81.15667; 31.31000, -81.11667; 31.27667, -81.15667 & 31.27667, -81.11667. Minimum authorized clearance -22' MLW.

(3) Artificial Reef CAT: Located approximately 7.0 nm east of St. Catherines Island, Georgia. Corner coordinates: 31.67000, -80.97667; 31.67000, -80.93667; 31.63667, -80.97667; & 31.63667, -80.93667. Minimum authorized clearance -22' MLW.

- (4) Artificial Reef CCA-JL: Located approximately 22.0 nm east of Ossabaw Island, Georgia. Corner coordinates: 31.72833, -80.70500; 31.72833, -80.66667; 31.69500, -80.70500; & 31.69500, -80.66667. Minimum authorized clearance -28' MLW.
- (5) Artificial Reef CHD: Located approximately 14 nm east of Cumberland Island, Georgia. Corner coordinates: 30.86667, -81.18167; 30.86667, -81.14167; 30.83333, -81.18167; & 30.83333, -81.14167. Minimum authorized clearance -28' MLW.
- (6) Artificial Reef DUA: Located approximately 7 nm east of Ossabaw Island, Georgia. Corner coordinates: 31.79667, -80.90833; 31.79667, -80.86833; 31.76333, -80.90833; & 31.76333, -80.86833. Minimum authorized clearance -22' MLW.
- (7) Artificial Reef DRH: Located approximately 15.0 nm east of Little St. Simons Island, Georgia. Corner coordinates: 31.30000, -80.98333; 31.30000, -80.94333; 31.26667, -80.98333; & 31.26667, -80.94333. Minimum authorized clearance -28' MLW.
- (8) Artificial Reef DW: Located approximately 70.0 nm east of Sapelo Island, Georgia. Corner coordinates: 31.38000, -79.85167; 31.38000, -79.83000; 31.33000, -79.85167; & 31.33000, -79.83000. Minimum authorized clearance -60' MLW.
- (9) Artificial Reef F: Located approximately 9.0 nm east of Jekyll Island, Georgia. Corner coordinates: 31.11333, -81.22333; 31.11333, -81.17500; 31.08000, -81.22333; & 31.08000, -81.17500. Minimum authorized clearance -28' MLW.
- (10) Artificial Reef HLHA: Located approximately 23.0 nm east of Little Cumberland Island, Georgia. Corner coordinates: 31.00000, -80.98667; 31.00000, -80.94667; 30.96667, -80.98667; & 30.96667, -80.94667. Minimum authorized clearance -35' MLW.
- (11) Artificial Reef JY: Located approximately 17.0 nm east of St. Catherine's Island, Georgia. Corner coordinates: 31.61167, -80.83333; 31.61167, -80.78833; 31.57833, -80.83333; & 31.57833, -80.78833. Minimum authorized clearance -28' MLW.
- (12) Artificial Reef KBY: Located approximately 8.0 nm east of Cumberland Island, Georgia. Corner coordinates: 30.81000, -81.29000; 30.81000, -81.25000; 30.77667, -81.29000; & 30.77667, -81.25000. Minimum authorized clearance -22' MLW.
- (13) Artificial Reef KC: Located approximately 9.0 nm southeast of Tybee Island, Georgia. Corner coordinates: 31.85333, -80.79500; 31.85333, -80.75500; 31.82000, -80.79500; & 31.82000, -80.75500. Minimum authorized clearance -22' MLW.
- (14) Artificial Reef KTK: Located approximately 7.0 nm east of Blackbeard Island, Georgia. Corner coordinates: 31.52167, -81.02500; 31.52167, -80.98500; 31.48833, -81.02500; & 31.48833, -80.98500. Minimum authorized clearance -22' MLW.

(15) Artificial Reef L: Located approximately 23.0 nm east of Ossabaw Island, Georgia. Corner coordinates: 31.76667, -80.61833; 31.76667, -80.57833; 31.73333, -80.61833; & 31.73333, -80.57833. Minimum authorized clearance -35' MLW.

(16) Artificial Reef M1R1: Located approximately 50.0 nm east of Jekyll Island, Georgia. Corner coordinates: 31.05892, -80.46008; 31.05892, -80.44067; 31.04217, -80.46008; & 31.04217, -80.44067. Minimum authorized clearance: -60' MLW.

(17) Artificial Reef M2R6: Located approximately 49.0 nm east of Blackbeard Island, Georgia. Corner coordinates: 31.54333, -80.24292; 31.54333, -80.22358; 31.52683, -80.24292; & 31.52683, -80.22358. Minimum authorized clearance -60' MLW.

(18) Artificial Reef MRY: Located approximately 18.0 nm east of Cumberland Island, Georgia. Corner coordinates: 30.79167, -81.13000; 30.79167, -81.09167; 30.75833, -81.13000; & 30.75833, -81.09167. Minimum authorized clearance -46' MLW.

(19) Artificial Reef R2: Located approximately 38.0 nm east of Sapelo Island, Georgia. Corner coordinates: 31.38292, -80.57833; 31.38292, -80.55850; 31.36625, -80.57833; & 31.36625, -80.55850. Minimum authorized clearance -35' MLW.

(20) Artificial Reef R3: Located approximately 62.0 nm east of St. Simons Island, Georgia. Corner coordinates: 31.22567, -80.12692; 31.22567, -80.10750; 31.20950, -80.12692; & 31.20950, -80.10750. Minimum authorized clearance -60' MLW.

(21) Artificial Reef R4: Located approximately 59.0 nm east of Cumberland Island, Georgia. Corner coordinates: 30.81042, -80.32525; 30.81042, -80.30583; 30.79383, -80.32525; & 30.79383, -80.30583. Minimum authorized clearance -60' MLW.

(22) Artificial Reef R5: Located approximately 34.0 nm east of Cumberland Island, Georgia. Corner coordinates: 30.94717, -80.76058; 30.94717, -80.74117; 30.93050, -80.76058; 30.93050, -80.74117. Minimum authorized clearance -38' MLW.

(23) Artificial Reef R7: Located approximately 40.0 nm east of Ossabaw Island, Georgia. Corner coordinates: 31.82292, -80.28267; 31.82292, -80.26325; 31.80650, -80.28267; & 31.80650, -80.26325. Minimum authorized clearance -40' MLW.

(24) Artificial Reef R8: Located approximately 64.0 nm east of St. Catherine's Island, Georgia. Corner coordinates: 31.64175, -79.93433; 31.64175, -79.91492; 31.62525, -79.93433; & 31.62525, -79.91492. Minimum authorized clearance -60' MLW.

(25) Artificial Reef SAV: Located approximately 6 nm southeast of Tybee Island, Georgia. Corner coordinates: 31.92333, -80.79333; 31.92333, -80.75333; 31.89000, -80.79333; & 31.89000, -80.75333. Minimum authorized clearance -22' MLW.

(26) Artificial Reef SFC: Located approximately 18.0 nm east of Little Cumberland Island, Georgia. Corner coordinates: 31.01333, -81.05667; 31.01333, -81.02333; 30.98833, -81.05667; & 30.98833, -81.02333. Minimum authorized water depth clearance: -28' MLW.

(27) Artificial Reef TW: Located approximately 63.0 nm east of Jekyll Island, Georgia. Corner coordinates: 31.08000, -80.16667; 31.08000, -80.12333; 31.06333, -80.16667; & 31.06333, -80.12333. Minimum authorized clearance -60' MLW.

(28) Artificial Reef WW: Located approximately 50.0 nm east of Wassaw Sound, Georgia. Corner coordinates: 31.72500, -79.98833; 31.72500, -79.92833; 31.70333, -79.98833; & 31.70333, -79.92833. Minimum authorized clearance -60' MLW.

GENERAL CONDITIONS:

1. All activities identified and authorized herein shall be consistent with the terms and conditions of this PGP; and any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this PGP, which may result in the modification, suspension, or revocation of this PGP, in whole or in part, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this Permit has been previously modified, suspended, or revoked in whole or in part.

2. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure 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 USACE, 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.

3. All activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States, be at all times consistent with applicable water quality standards, effluent limitations, and standards of performance, prohibitions, pre-treatment standards, and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research, and Sanctuaries Act of 1972 (P.L. 92-532: 86 Stat 1052), and pursuant to applicable state and local law.

4. When an activity authorized herein involves a discharge during its construction or operation of any pollutant (including dredged or fill material) into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this PGP, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any

revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

5. The work will not jeopardize the continued existence of a threatened or endangered species, or a species proposed for such designation or destroy or adversely modify the critical habitat of such species. The permittee or the Georgia DNR shall notify the District Engineer if any listed species or critical habitat might be affected, and no work shall begin until the requirements of the Endangered Species Act have been satisfied.

6. Every reasonable effort shall be made to accomplish work authorized herein in a manner so as to minimize adverse impacts of the work on fish, wildlife and natural environmental values, and to minimize degradation of water quality.

7. Activities that may be hazardous to navigation or that may produce adverse effects on the chemical, physical, or biological integrity of the water body are not authorized under this PGP.

8. The District Engineer or their authorized representative(s) or designee(s) shall be allowed to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this PGP is in accordance with the terms and conditions prescribed herein.

9. This PGP does not authorize or approve the construction of particular structures which may require authorization by the Congress or other agencies of the Federal government.

10. There shall be no unreasonable interference with navigation or public use by the existence or use of the activity authorized herein.

11. If during accomplishment of the work authorized herein, a previously unidentified archaeological or cultural resource is encountered, which is potentially eligible for inclusion in the National Register of Historic Places, the District Engineer shall be immediately notified.

12. The Permittee shall notify the Georgia DNR at least 10 working days in advance of an approved placement of materials at a reef site, unless the Permittee has received prior approval of an alternative materials placement notification schedule from Georgia DNR.

SPECIAL CONDITIONS:

1. The Applicant, for the purpose of this PGP, is any agent, firm, or individual who submits a written request for use of this PGP to the Georgia DNR at least 30 days prior to the planned date for placement of materials at an approved artificial reef site.
2. The Permittee, for the purpose of this PGP is the Georgia DNR, or any Applicant who receives written verification from the Georgia DNR and/or the USACE to add to an artificial reef site, as may be authorized under this PGP.
3. Applicants intending to perform work under this PGP must submit written plans and drawings to Georgia Department of Natural Resources, Coastal Resources Division, Attention: Georgia Artificial Reef Development Program, One Conservation Way, Suite 300, Brunswick, Georgia 31520-8686. These plans and drawings must include: the location of the work; the quantity and type of material to be deposited; the projected vertical relief of the material and mean low water (MLW) clearances; and the written intention to comply with all terms and conditions of the PGP. All proposals must be in accordance with the guidelines and limitations set forth in the conditions of the PGP and approved by the Georgia DNR. The Georgia DNR will review the plans and assess the work site to determine if proposed plans are within the scope of applicable permit conditions.
4. Within 10 days of placement of materials at an artificial reef site, the Permittee shall submit post-placement information to Georgia DNR. Required post-placement information shall include GPS or DGPS coordinates, bearings, and any other information required by Georgia DNR.
5. Conformance with description and quantities contained herein does not necessarily guarantee consideration and/or subsequent authorization under the PGP.
6. This PGP is valid until March 30, 2027, or until suspended or revoked, in whole or in part, if it is determined that the cumulative effects of any activities adversely affect water quality, navigation, or other public interest factors. Such suspension shall be effective upon issuance of a public notice, which shall indicate the date and reason for the suspension.
7. Authorization will not be issued under this PGP for any deployment of artificial reef materials which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data.
8. No attempt shall be made by the Permittee to prevent the full and free use of the public of all navigable waters at or adjacent to the activity authorized by this permit.

9. As included in the attached letter dated March 30, 2017, to ensure the future protection of threatened and endangered species under the purview of National Marine Fisheries Service, Protected Resources Division, you shall comply with the following:

i. "Any deployment of reef materials during North Atlantic right whale calving season (November 15 through April 15 of any year) must comply with:

(a) Maximum speed for all vessels involved in placing the reef materials is 10 knots.

(b) Deployment must be conducted during daylight hours, when lighting, weather, and sea conditions allow for visual monitoring of the project area.

(c) Deployment activities will not commence until GADNR Staff species observer(s) report that no marine mammals or sea turtles have been sighted for at least 60 minutes.

ii. Deployment activities will cease immediately if sea turtles or marine mammals are sighted within the protected area and will not recommence until the GADNR Staff Species Observer reports that no mammals or sea turtles have been sighted for at least 60 minutes.

iii. If a listed species is seen within 100 yards of the active daily construction operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a listed species. Operation of any mechanical construction equipment shall cease immediately if a listed species is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.

iv. Reef structures shall be sited and installed according to site clearances as was historically permitted by the USACE, listed in Table 1, relative to the MLW.

v. Reef structures shall not be placed on hard-bottom habitat.

vi. Materials should be of sufficient weight to not move from the reef site post-deployment and must be free from asphalt, creosote, petroleum, other hydrocarbons and toxic residues, loose free-floating material or other deleterious substances.

vii. The use of explosives to deploy materials is not authorized.

viii. Reef materials shall be selected to ensure that ESA-listed species do not become entrapped in reef structures or entangled in debris (e.g., abandoned fishing tackle, nets, and lines) that may accumulate on artificial reefs.

(a) Materials used for artificial reef building shall conform to the recommendations in the National Artificial Reef Plan (as Amended): Guidelines for Marine Artificial reef Materials, Second Edition (Atlantic and Gulf States Marine Fisheries Commissions 2004). Except that derelict automobiles shall not be used and derelict vessels, other vehicles (i.e. subway cars), and military surplus (i.e.: decommissioned M-60 battle tanks, landing craft, and Navy TACTS Towers) shall have openings on all exposed sides adequate to prevent entrapment of ESA-listed species.

(b) Openings will be sufficient in size to allow for ambient light conditions throughout the structure and ensure several points of egress for sea turtle species that may enter the structure.

(c) Additionally, military surplus and vessel structures such as ladders, rails, booms, antennas, etc. will be removed to reduce the potential accumulation of abandoned fishing tackle and lines.

(d) Clean steel, concrete bridge or large building demolition materials such as slabs or pilings may be used provided that all steel reinforcement rods are cut at the base of the concrete so that no rebar or metal is protruding.

(e) Any open-bottomed structure must have at least a 3-ft opening at the top of the structure to allow species to escape.

ix. Underwater reef cleanup will be performed by GADNR divers during annual reef site monitoring events. Cleaning reefs in low visibility/high current dive conditions may present diver safety issues with the potential of divers being entangled or snagged. Staff will make every reasonable attempt to clean reef materials or debris during regularly scheduled assessments while not compromising the safety of the crew and divers. The applicant will send confirmation of the cleanup to NMFS's Southeast Regional Office (takereport.nmfsse@noaa.gov), including dates of cleanup efforts and results of the clean-up, making sure to reference NMFS tracking number SER-2016-18256."

10. To ensure the protection of the West Indian manatee that have the potential to be in the vicinity of the project, the permittee shall comply with special conditions a through k of the Manatee Programmatic Agreement.

a) The permittee shall ensure that all personnel associated with construction of the authorized dock facility are informed of the civil and criminal penalties for harming, harassing or killing manatees, which are protected under the Endangered Species

Act of 1973 (ESA) and the Marine Mammal Protection Act of 1972. The permittee and the permittee's contractor(s) (contractor) will be held responsible for any manatee harmed, harassed or killed as a result of construction activities.

b) The use of siltation barriers in waters of the United States, below the high tide line, is not allowed in association with the construction of the authorized dock facility.

c) All vessels associated with project construction shall operate at "no wake/idle" speeds at all times while in the project area. All vessels will follow routes of deep water when entering or exiting the project area, and while operating in the project area, whenever possible. For the purposes of compliance with manatee conditions, the project area is defined as all areas of shoreline, marsh and open waters within 100 feet of the outermost perimeter of the authorized dock facility.

d) All contractors and other on-site personnel are responsible the presence of manatees in or near the project area. All in-water construction activities shall cease upon sighting of a manatee within 50 feet of any ongoing work in the marsh or open waters. Activities will not resume until the manatee(s) have moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e) Extreme care will be taken when lowering equipment and materials below the water surface and/or to the water bottom. Equipment and materials include, but are not limited to: piles; sheet piles; casings for drilled shaft construction; spuds; pile templates; and anchors. All such equipment/material shall be lowered as slow as possible, to avoid injury to any manatee that may have entered the project area undetected.

f) In the event of injury to or mortality of a manatee in the project area, the permittee or contractor shall immediately notify the Georgia Department of Natural Resources (Georgia DNR) at 912-264-7218 or 1-800-272-8363 on weekdays between 8:00 a.m. to 4:30 p.m., or 1-800-241-4113 on nights and weekends. Within one hour of a manatee injury or mortality the permittee or contractor shall notify the Corps at 1-800- 448-2402 and the US Fish and Wildlife Service, Georgia Ecological Services Field Office at 912-832-8739. Any dead manatee found in the project area shall be secured to a stable object to prevent the carcass from moving with the current. In the event of a manatee injury or mortality, all open water construction activity shall cease pending completion of consultation between the Corps and the USFWS, pursuant to Section 7 of the ESA.

g) The permittee shall ensure that the contractor keeps a log of sightings, collisions or injury to manatees that occur during construction of the dock facility.

h) Within 30 days of project completion, the permittee shall submit a report summarizing manatee sightings or incidents that occurred during project construction, to the FWS, Ecological Services Field Office, Coastal Georgia Sub-Office, 4980 Wildlife Drive NE, Townsend, Georgia 31331. Submission of a negative report is not required.

i) All temporary or unused construction materials shall be removed from the project area upon completion of the work, and any impacted area of salt marsh shall be restored. No construction debris or trash is to be discarded in project area.

j) The permittee shall regularly inspect and maintain all hoses, faucets, and other potential sources of freshwater, to ensure that any freshwater leak is stopped and immediately repaired. Manatees are attracted to freshwater leaking from dock facilities, where boats are concentrated and there is an increased risk for manatee collisions.

k) Prior to initiating authorized construction activities, the permittee shall contact Georgia DNR at 912-264-7218 for assistance with development of temporary manatee awareness sign plan for the project area. The plan will include the types and number of signs; and locations where signs will be installed to be prominently visible to contractors entering the project area from uplands and from the water. The permittee shall install temporary manatee awareness signs in accordance with the Georgia DNR approved plan. See attached Appendix A for information about the size and appearance of temporary manatee awareness signs. Within 30 days of project completion, the permittee shall remove all temporary manatee signs.

11. The permittee agrees that the contractor shall keep a log detailing sightings, collisions, or injury to marine mammals which have occurred during the deployment period.

12. Positioning and placement of the reef material will be accomplished in a manner which will assure accurate positioning at the location(s) authorized.

13. The Georgia DNR shall notify the following agencies prior to placement of materials at an approved reef site, under this PGP:

Director, National Imagery Mapping Agency
Headquarters Bethesda
4600 Sangamore Road
Bethesda, Maryland 20816-5003

Director, National Ocean Survey
NOAA, US Department of Commerce
ATTN: Nautical Data Branch

N/CS26, Station 7317
1315 East-West Highway
Silver Spring, Maryland 20910-3282

Commander
SUBASE Kings Bay
ATTN: Port Services/Engineering
1063 USS Tennessee Avenue
Kings Bay, Georgia 31547-2606

Commander, Submarine Group 10
ATTN: Operations Officer
1050 USS Georgia Avenue
SUBASE Kings Bay
Kings Bay, Georgia 31547-2609

The Minerals Management Service
US Department of Interior
281 Elden Street
Herndon, Virginia 20170

Commander (OAN)
Seventh Coast Guard District
Brickell Plaza Federal Building
909 SE First Avenue
Miami, Florida 33131-3050

US Department of the Interior
Fish & Wildlife Service
4980 Wildlife Drive Northeast
Townsend, Georgia 31331

US Environmental Protection Agency
Wetlands Protection Section, Region IV
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

US Army Corps of Engineers, Savannah District
CESAS-RD-C@usace.army.mil
subject line: "PCN for PGP 36, SAS-2005-01190"

14. Special Conditions applicable to placement of materials at Artificial Reef Site
MRY:

i. Prior to placement of materials at Artificial Reef MRY, the Georgia DNR or Applicant shall provide written notification to the below listed agencies. Written notification shall include the name and address of the Applicant, the specific location within the reef site proposed for material placement, a brief description of the proposed project, the anticipated amount of material to be deployed, a description of the material(s) proposed for placement, and the projected post material placement elevation.

Commander
Submarine Group 10
ATTN: Operations Officer
1050 USS Georgia Avenue
SUBASE Kings Bay
Kings Bay, Georgia 31547-2609

Commander
SUBASE Kings Bay
ATTN: Port Services / Engineering
1063 USS Tennessee Avenue
Kings Bay, Georgia 31547-2606

US Army Corps of Engineers, Savannah District
CESAS-RD-C@usace.army.mil
subject line: "PCN for PGP 36, SAS-2005-01190"

ii. Within 30 days of receipt of written notification for the proposed placement of materials at Artificial Reef MRY, Submarine Group 10 and SUBASE Kings Bay may submit a written statement of approval, conditional approval or disapproval to the Georgia DNR, based on location, placement, elevation, stability and/or durability/longevity of materials.

iii. The Applicant shall not proceed with proposed material placement at Artificial Reef MRY should Submarine Group 10 and SUBASE Kings Bay submit a disapproval of use of the site in its written response to the Georgia DNR. Disapprovals and conditional approvals will be fully explained and detailed.

iv. The Permittee may proceed with placement of materials at Artificial Reef MRY upon approval or if no written response is received from Submarine Group 10 or SUBASE Kings Bay within the 30-day comment period. Material placement may also be initiated if the terms of a conditional approval are satisfied.

v. Following placement of materials at Artificial Reef MRY, the Permittee or Georgia DNR will provide post placement GPS location information to Submarine Group 10 and SUBASE Kings Bay.

15. Proposed activities determined not to qualify for authorization under PGP 36 by Georgia DNR and/or the USACE would require prior Department of the Army authorization from the USACE in the form of an Individual Permit, Nationwide Permit or other authorization. On a case-by-case basis, the USACE has the discretionary authority to require submission of an Individual Permit application for work proposed under the PGP.

16. The Georgia DNR shall submit an annual report of all offshore reef activities to the Corps by September 1st of each year. The report shall include the following information: a summary overview of activities completed during the preceding year; site selection and evaluation criteria used; dates of deployments; staff training and on-site deployment activities; contractors used for transportation and deployment; types of materials deployed per site and any specific requirements of materials; and site photographs/videos

FURTHER INFORMATION:

1. Congressional Authorities: Authorization to undertake the activities described above are issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorization.

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 project.

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, 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, 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. Re-evaluation of Permit Decision. The Corps may re-evaluate its decision on an activity authorized by a Programmatic General Permit at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

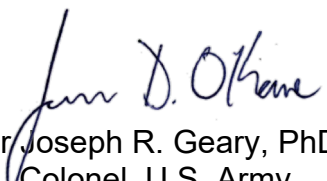
a. The permittee's failure to comply with the terms and conditions of the permit.

b. The information provided by the permittee in support of his permit application proves to have been false, incomplete, or inaccurate.

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

5. Such a re-evaluation 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 the permittee to comply with the terms and conditions of his permit authorization and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by the Corps, and if the permittee fails to comply with such directive, the Corps may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill the permittee for the cost.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


for Joseph R. Geary, PhD, PE
Colonel, U.S. Army
Commanding

June 17, 2023

DATE

Enclosures

Table 1: Georgia Offshore Artificial Reef permitted boundary coordinates by distance from shore and from north to south.

Reef	Description	Latitude	Longitude
Nearshore Reefs 6-9 NM From Shore	SAV	NW Corner of Permitted Reef Area	31.92333
		NE Corner of Permitted Reef Area	-80.79333
		SW Corner of Permitted Reef Area	31.92333
		SE Corner of Permitted Reef Area	-80.75333
	KC	NW Corner of Permitted Reef Area	31.89000
		NE Corner of Permitted Reef Area	-80.79333
		SW Corner of Permitted Reef Area	31.85333
		SE Corner of Permitted Reef Area	-80.75500
	DUA	NW Corner of Permitted Reef Area	31.82000
		NE Corner of Permitted Reef Area	-80.79500
		SW Corner of Permitted Reef Area	31.79667
		SE Corner of Permitted Reef Area	-80.86833
	CAT	NW Corner of Permitted Reef Area	31.76333
		NE Corner of Permitted Reef Area	-80.90833
		SW Corner of Permitted Reef Area	31.67000
		SE Corner of Permitted Reef Area	-80.93667
	KTK	NW Corner of Permitted Reef Area	31.63667
		NE Corner of Permitted Reef Area	-80.97667
		SW Corner of Permitted Reef Area	31.52167
		SE Corner of Permitted Reef Area	-81.02500
	ALT	NW Corner of Permitted Reef Area	31.48833
		NE Corner of Permitted Reef Area	-80.98500
		SW Corner of Permitted Reef Area	31.31000
		SE Corner of Permitted Reef Area	-81.15667
	F	NW Corner of Permitted Reef Area	31.31000
		NE Corner of Permitted Reef Area	-81.11667
		SW Corner of Permitted Reef Area	31.27667
		SE Corner of Permitted Reef Area	-81.15667
	A	NW Corner of Permitted Reef Area	31.27667
		NE Corner of Permitted Reef Area	-81.11667
		SW Corner of Permitted Reef Area	31.11333
		SE Corner of Permitted Reef Area	-81.22333
	KBY	NW Corner of Permitted Reef Area	31.08000
		NE Corner of Permitted Reef Area	-81.17500
		SW Corner of Permitted Reef Area	30.95667
		SE Corner of Permitted Reef Area	-81.23167

Table 1 (Continued): Georgia Offshore Artificial Reef permitted boundary coordinates by distance from shore and from north to south.

Offshore Reefs 13-23 NM From Shore	L	NW Corner of Permitted Reef Area	31.76667	-80.61833
		NE Corner of Permitted Reef Area	31.76667	-80.57833
		SW Corner of Permitted Reef Area	31.73333	-80.61833
		SE Corner of Permitted Reef Area	31.73333	-80.57833
	CCA-JL	NW Corner of Permitted Reef Area	31.72833	-80.70500
		NE Corner of Permitted Reef Area	31.72833	-80.66667
		SW Corner of Permitted Reef Area	31.69500	-80.70500
		SE Corner of Permitted Reef Area	31.69500	-80.66667
	JY	NW Corner of Permitted Reef Area	31.61167	-80.83333
		NE Corner of Permitted Reef Area	31.61167	-80.78833
		SW Corner of Permitted Reef Area	31.57833	-80.83333
		SE Corner of Permitted Reef Area	31.57833	-80.78833
	DRH	NW Corner of Permitted Reef Area	31.30000	-80.98333
		NE Corner of Permitted Reef Area	31.30000	-80.94333
		SW Corner of Permitted Reef Area	31.26667	-80.98333
		SE Corner of Permitted Reef Area	31.26667	-80.94333
	SFC	NW Corner of Permitted Reef Area	31.01333	-81.05667
		NE Corner of Permitted Reef Area	31.01333	-81.02333
		SW Corner of Permitted Reef Area	30.98833	-81.05667
		SE Corner of Permitted Reef Area	30.98833	-81.02333
	HLHA	NW Corner of Permitted Reef Area	31.00000	-80.98667
		NE Corner of Permitted Reef Area	31.00000	-80.94667
		SW Corner of Permitted Reef Area	30.96667	-80.98667
		SE Corner of Permitted Reef Area	30.96667	-80.94667
	CDH	NW Corner of Permitted Reef Area	30.86667	-81.18167
		NE Corner of Permitted Reef Area	30.86667	-81.14167
		SW Corner of Permitted Reef Area	30.83333	-81.18167
		SE Corner of Permitted Reef Area	30.83333	-81.14167
	MRY	NW Corner of Permitted Reef Area	30.79167	-81.13000
		NE Corner of Permitted Reef Area	30.79167	-81.09167
		SW Corner of Permitted Reef Area	30.75833	-81.13000
		SE Corner of Permitted Reef Area	30.75833	-81.09167

Table 1 (Continued): Georgia Offshore Artificial Reef permitted boundary coordinates by distance from shore and from north to south.

Navy Towers 34 64 NM From Shore	R7	NW Corner of Permitted Reef Area	31.82292	-80.28267
		NE Corner of Permitted Reef Area	31.82292	-80.26325
		SW Corner of Permitted Reef Area	31.80650	-80.28267
		SE Corner of Permitted Reef Area	31.80650	-80.26325
	R8	NW Corner of Permitted Reef Area	31.64175	-79.93433
		NE Corner of Permitted Reef Area	31.64175	-79.91492
		SW Corner of Permitted Reef Area	31.62525	-79.93433
		SE Corner of Permitted Reef Area	31.62525	-79.91492
	M2R6	NW Corner of Permitted Reef Area	31.54333	-80.24292
		NE Corner of Permitted Reef Area	31.54333	-80.22358
		SW Corner of Permitted Reef Area	31.52683	-80.24292
		SE Corner of Permitted Reef Area	31.52683	-80.22358
	R2	NW Corner of Permitted Reef Area	31.38292	-80.57833
		NE Corner of Permitted Reef Area	31.38292	-80.55850
		SW Corner of Permitted Reef Area	31.36625	-80.57833
		SE Corner of Permitted Reef Area	31.36625	-80.55850
	R3	NW Corner of Permitted Reef Area	31.22567	-80.12692
		NE Corner of Permitted Reef Area	31.22567	-80.10750
		SW Corner of Permitted Reef Area	31.20950	-80.12692
		SE Corner of Permitted Reef Area	31.20950	-80.10750
	M1R1	NW Corner of Permitted Reef Area	31.05892	-80.46008
		NE Corner of Permitted Reef Area	31.05892	-80.44067
		SW Corner of Permitted Reef Area	31.04217	-80.46008
		SE Corner of Permitted Reef Area	31.04217	-80.44067
	R5	NW Corner of Permitted Reef Area	30.94717	-80.76058
		NE Corner of Permitted Reef Area	30.94717	-80.74117
		SW Corner of Permitted Reef Area	30.93050	-80.76058
		SE Corner of Permitted Reef Area	30.93050	-80.74117
	R4	NW Corner of Permitted Reef Area	30.81042	-80.32525
		NE Corner of Permitted Reef Area	30.81042	-80.30583
		SW Corner of Permitted Reef Area	30.79383	-80.32525
		SE Corner of Permitted Reef Area	30.79383	-80.30583
Deepwater Reefs 50 70 NM From Shore	DW	NW Corner of Permitted Reef Area	31.38000	-79.85167
		NE Corner of Permitted Reef Area	31.38000	-79.83000
		SW Corner of Permitted Reef Area	31.33000	-79.85167
		SE Corner of Permitted Reef Area	31.33000	-79.83000
	WW	NW Corner of Permitted Reef Area	31.72500	-79.98833
		NE Corner of Permitted Reef Area	31.72500	-79.92833
		SW Corner of Permitted Reef Area	31.70333	-79.98833
		SE Corner of Permitted Reef Area	31.70333	-79.92833
	TW	NW Corner of Permitted Reef Area	31.08000	-80.16667
		NE Corner of Permitted Reef Area	31.08000	-80.12333
		SW Corner of Permitted Reef Area	31.06333	-80.16667
		SE Corner of Permitted Reef Area	31.06333	-80.12333

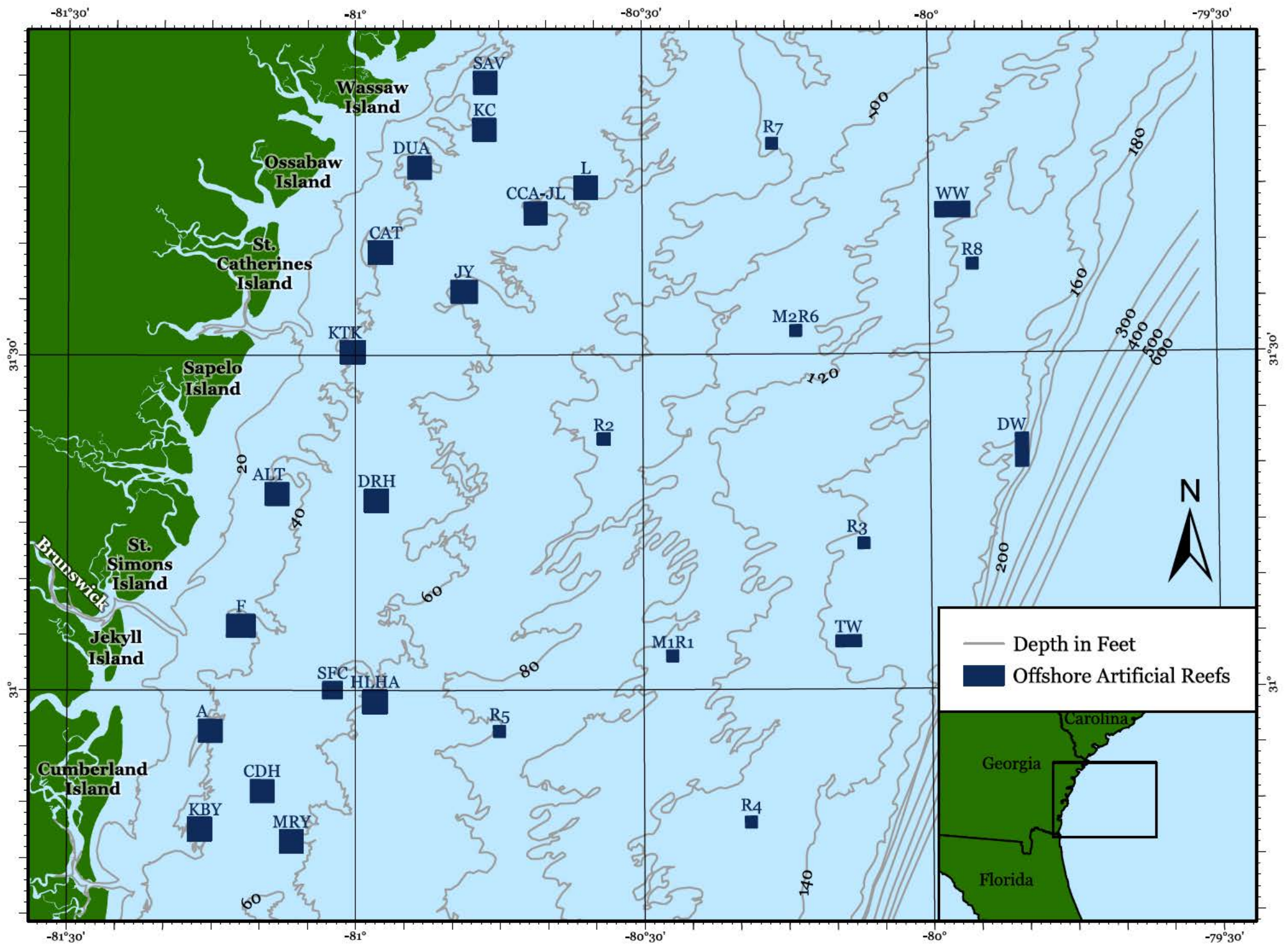


Figure 1: Georgia's 28 Offshore Artificial Reefs.

**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

F/SER31: JAD

Chief, Permits Section, Coastal Branch
Savannah District Corps of Engineers
Department of the Army
100 W. Oglethorpe Avenue
Savannah, Georgia 31401

MAR 30 2017

Dear Sir or Madam:

This letter responds to your request for consultation with us, the National Marine Fisheries Service (NMFS), pursuant to Section 7 of the Endangered Species Act (ESA) for the following action.

Permit Number	Applicants	SER Number	Project Type
SAS-2005-01190	Georgia Department of Natural Resources	SER-2016-18256	Offshore Artificial reef

Consultation History

We received your letter requesting consultation on October 3, 2016. We requested additional information multiple times between November 9, 2016, and March 9, 2017. We received a final response on March 14, 2017, and initiated consultation that day.

Existing Site Conditions

The applicant proposes to place artificial reef materials at 31 sites in the Atlantic Ocean off the coast of Georgia. The Georgia Department of Natural Resources (GADNR) began creating artificial reefs at 30 sites in 1971 (Figure 1). These existing reef sites contain a variety of materials ranging from concrete rubble to battle tanks and subway cars. The applicant also proposes to establish an additional site approximately 4.2 nautical miles from the shoreline (Figure 2).

The 31 reef development sites are located in water depths ranging 12 - 172 feet (ft) mean low water (MLW). The location of the sites varies from 2.5 nautical miles (nm) off the coast of Georgia to 70 nm from the coast. The total area of the delineated sites would be 74,240 acres. Substrate at the sites is a soft-sand bottom. Sites are devoid of submerged aquatic vegetation and are not located in or near hard bottom habitat.



Table 1: Location, initial deployment date, and minimum vertical clearance over reef materials for the 30 existing sites (North American Datum 1983)

Site	Deploy Date	Latitude (°N)	Longitude (°W)	Minimum clearance from top of reef to MLW (ft)
A	Oct. 1976	30 57.400	81 16.300	-22
ALT	Feb. 1990	31 18.600	81 09.400	-22
CAT	Feb. 1990	31 40.200	80 58.600	-22
CCA-JL	May 1991	31 43.700	80 42.300	-28
CDH	Apr. 1969	30 52.000	81 10.900	-28
DRH	Jun. 1997	31 18.000	80 59.000	-28
DUA	Feb. 1990	31 47.800	80 54.500	-22
DW	Dec. 1998	31 22.800	79 51.100	-60
F	Jun. 1971	31 06.800	81 13.400	-28
HLHA	Jun. 1971	31 00.000	80 59.200	-35
JY	Jun. 1971	31 36.700	80 50.000	-28
KBY	May 1991	30 48.600	81 17.400	-22
KC	Jun. 1972	31 51.200	80 47.700	-22
KTK	May 1990	31 31.300	81 01.500	-22
L	Sep. 1976	31 46.000	80 37.100	-35
M1R1	Jul. 2011	31 03.535	80 27.605	-60
M2R6	Jul. 2011	31 32.600	80 14.575	-60
MRV	May 1997	30 47.500	81 07.800	-46
R2	Jul. 2011	31 22.975	80 34.700	-35
R3	Jul. 2011	31 13.540	80 07.615	-60
R4	Jul. 2011	30 48.625	80 19.515	-60
R5	Jul. 2011	30 56.830	80 45.635	-38
R7	Jul. 2011	31 49.375	80 16.960	-40
R8	Jul. 2011	31 38.505	79 56.060	-60
SAV	Feb. 1990	31 55.400	80 47.600	-22
SFC	Apr. 1993	31 00.800	81 03.400	-28
TW	Nov. 2005	31 04.800	80 10.000	-60
WW	Dec. 1998	31 43.500	79 59.300	-60
BH	May 2001	31 30.400	81 06.285	-12
BL	May 2001	31 38.521	81 04.793	-10

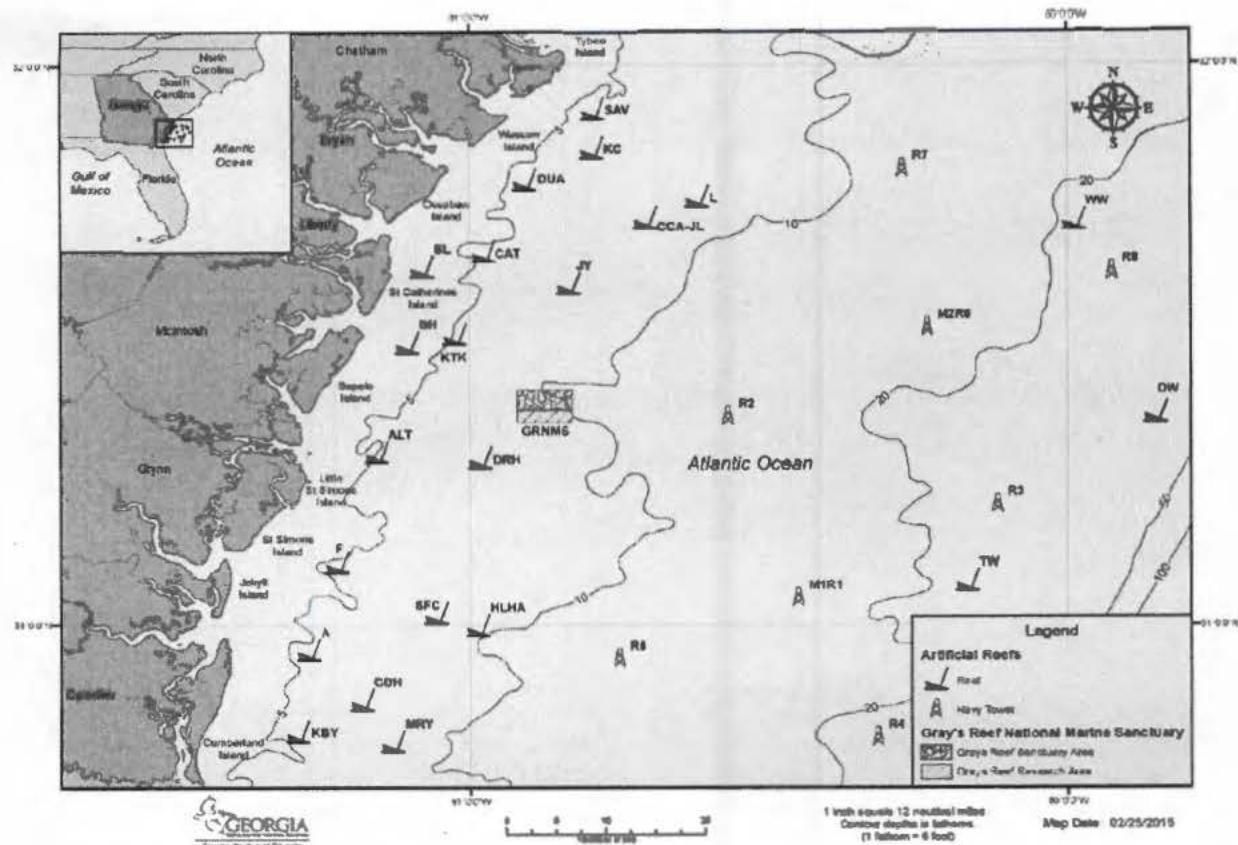


Figure 1. Image depicting locations of the 30 existing USACE permitted GADNR artificial reefs off the coast of Georgia in the Atlantic Ocean. (Image provided by Georgia Department of Natural Resources, February, 25, 2015)

Table 2. Location, initial deployment date, and minimum vertical clearance over reef materials for the 30 existing sites (North American Datum 1983)

Address	Deploy Date	Latitude (°N)	Longitude (°W)	Minimum clearance from top of reef to MLW (ft)
BSF	TBD	31 54.089	80 50.073	-29

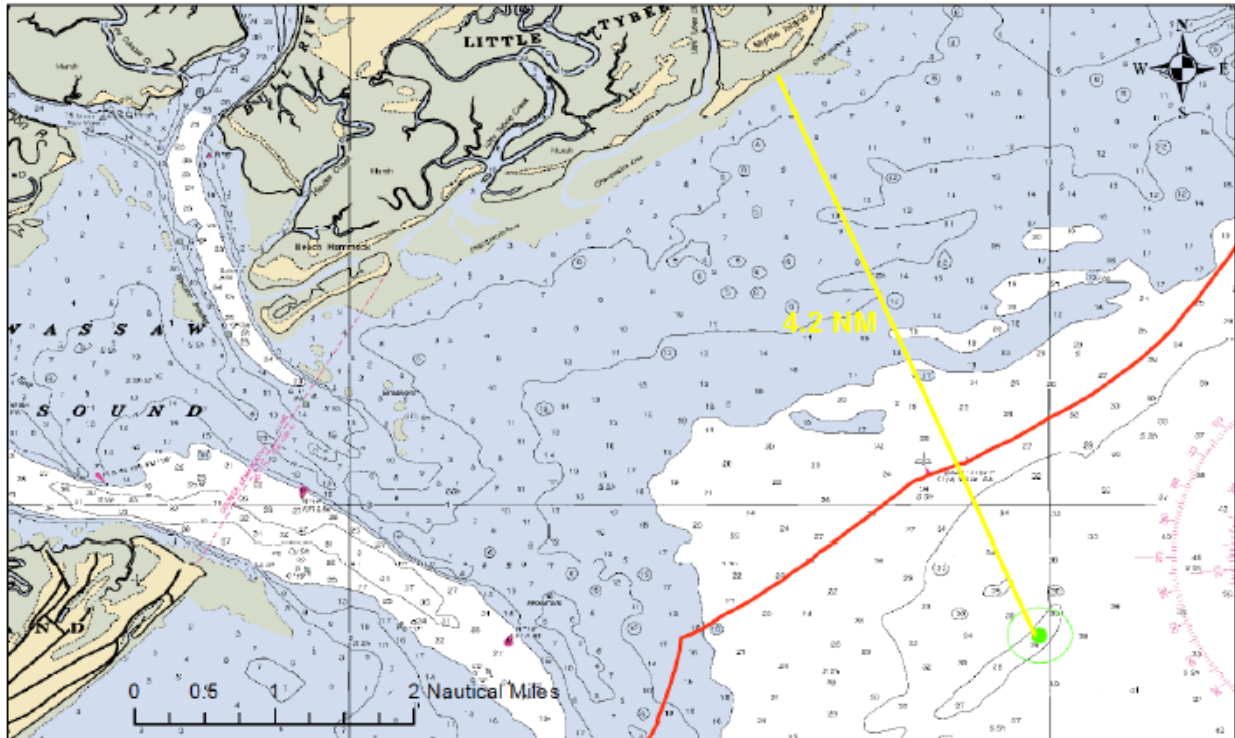


Figure 2. Image depicting location of the additional proposed GADNR artificial reef site off the coast of Georgia in the Atlantic Ocean. (Image provided by Georgia Department of Natural Resources, February, 25, 2015)

Project Description

The U.S. Army Corps of Engineers proposes to authorize placement of additional materials within the boundaries and/or the expansion of thirty existing artificial reef locations. Designation of a new site and placement of materials at that site are also proposed.

Materials to be placed for reef development will consist of man-made manufactured/designed reef structures, surplus concrete and metal materials, and natural materials such as large rocks. Concrete materials may include but are not limited to rubble, bridge supports, transmission line poles, pallet balls, culverts, and concrete boxes. Metal materials may include but are not limited to barges, tug boats, subway cars, poultry transport cages, bridge supports, debarking drums, and surplus military equipment. All materials will be free of exposed rebar and other protruding steel components. All loose debris, wood, lines, and floating refuse will be removed from materials prior to deployment.

Materials will be transported to the reef sites by barge. A barge-mounted backhoe or small bulldozer will push materials off the barge while the tow vessel operator maintains the position above the seafloor at a specified location. Average sinking time for materials is 30 minutes. Staff from GADNR will remain on site until the materials are resting on the seafloor and a latitude/longitude location is recorded. All deployments will be conducted during daylight hours. Materials will be two to four times a year over a span of ten years, with a majority of deployments occurring outside of the North Atlantic right whale calving season.

Construction Conditions

All work will conform with the following conditions:

1. Any deployment of reef materials during North Atlantic right whale calving season (November 15 through April 15 of any year) must comply with:
 - a. Maximum speed for all vessels involved in placing the reef materials is 10 knots.
 - b. Deployment must be conducted during daylight hours, when lighting, weather, and sea conditions allow for visual monitoring of the project area.
 - c. Deployment activities will not commence until GADNR Staff species observer(s) report that no marine mammals or sea turtles have been sighted for at least 60 minutes.
2. Deployment activities will cease immediately if sea turtles or marine mammals are sighted within the protected area and will not recommence until the GADNR Staff Species Observer reports that no mammals or sea turtles have been sighted for at least 60 minutes.
3. If a listed species is seen within 100 yards of the active daily construction operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a listed species. Operation of any mechanical construction equipment shall cease immediately if a listed species is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
4. Reef structures shall be sited and installed according to site clearances as was historically permitted by the USACE, listed in Table 1, relative to the MLW.
5. Reef structures shall not be placed on hard-bottom habitat.
6. Materials should be of sufficient weight to not move from the reef site post-deployment and must be free from asphalt, creosote, petroleum, other hydrocarbons and toxic residues, loose free floating material or other deleterious substances.
7. The use of explosives to deploy materials is not authorized.
8. Reef materials shall be selected to ensure that ESA-listed species do not become entrapped in reef structures or entangled in debris (e.g., abandoned fishing tackle, nets, and lines) that may accumulate on artificial reefs.
 - a. Materials used for artificial reef building shall conform to the recommendations in the *National Artificial Reef Plan* (as Amended): Guidelines for Marine Artificial reef Materials, Second Edition (Atlantic and Gulf States Marine Fisheries Commissions 2004). Except that derelict automobiles shall not be used and derelict vessels, other vehicles (i.e. subway cars), and military surplus (ie: decommissioned M-60 battle tanks, landing craft, and Navy TACTS Towers)

- shall have openings on all exposed sides adequate to prevent entrapment of ESA-listed species.
- b. Openings will be sufficient in size to allow for ambient light conditions throughout the structure and insure several points of egress for sea turtle species that may enter the structure.
 - c. Additionally, military surplus and vessel structures such as ladders, rails, booms, antennas, etc. will be removed to reduce the potential accumulation of abandoned fishing tackle and lines.
 - d. Clean steel, concrete bridge or large building demolition materials such as slabs or pilings may be used provided that all steel reinforcement rods are cut at the base of the concrete so that no rebar or metal is protruding.
 - e. Any open-bottomed structure must have at least a 3-ft opening at the top of the structure to allow species to escape.
9. Underwater reef cleanup will be performed by GADNR divers during annual reef site monitoring events. Cleaning reefs in low visibility/high current dive conditions may present diver safety issues with the potential of divers being entangled or snagged. Staff will make every reasonable attempt to clean reef materials or debris during regularly scheduled assessments while not compromising the safety of the crew and divers. The applicant will send confirmation of the cleanup to NMFS's Southeast Regional Office (takereport.nmfs@noaa.gov), including dates of cleanup efforts and results of the clean-up, making sure to reference NMFS tracking number SER-2016-18256.

Effects Determinations for Species the Action Agency or NMFS Believes May Be Affected by the Proposed Action

Species	ESA Listing Status	Action Agency Effect Determination	NMFS Effect Determination
Sea Turtles			
Green (North and South Atlantic distinct population segment [DPS])	T	NLAA	NLAA
Kemp's ridley	E	NLAA	NLAA
Loggerhead (Northwest Atlantic Ocean DPS)	T	NLAA	NLAA
Marine Mammals			
North Atlantic right whale	E	NLAA	NLAA
E = endangered; T = threatened; NLAA = may affect, not likely to adversely affect			

Critical Habitat

The entirety of the proposed project will occur within Unit 2 of designated critical habitat for North Atlantic right whales. The features essential to the conservation of the North Atlantic right whales are:

- Sea surface conditions associated with Force 4 or less on the Beaufort Scale.
- Sea surface temperatures of 7°C to 17°C.

- Water depths of 6 to 28 meters, where these features simultaneously co-occur over contiguous areas of at least 231 nmi² of ocean waters during the months of November through April.

Analysis of Potential Routes of Effects to Species

Sea turtles could be physically injured through interactions with construction vessels or if struck by artificial reef materials during placement. We believe it is highly unlikely that a sea turtle would be physically injured through interactions with construction vessels or during deployment of reef materials; therefore, this effect will be discountable. Due to their mobility, we believe that sea turtles will avoid interaction with this type of equipment and reef materials during active deployment. Because construction barges move at slow speeds, sea turtles would be able to avoid interactions with construction vessels. Additionally, the applicant will observe the deployment area and work will not be conducted if any listed species are observed in the vicinity.

North Atlantic right whales may be present seasonally in the vicinity of the proposed action and could be injured by large vessels operating at high speeds. We believe it is highly unlikely that North Atlantic right whales could be injured or otherwise affected by interactions with construction vessels or during deployment of reef materials, therefore we believe this effect will be discountable. Due to their mobility, we believe that North Atlantic right whales will avoid interaction with this type of equipment and placement. Because construction barges move at slow speeds, North Atlantic right whales would be able avoid interactions with construction vessels. As described in the construction conditions, maximum speed for all vessels involved in placing the reef materials November 15 through April 15 will be 10 knots; deployments will be conducted during daylight hours, when lighting, weather, and sea conditions allow for visual monitoring of the project area; deployment activities will not commence until GADNR Staff species observer(s) report that no marine mammals have been sighted for at least 60 minutes; and deployment activities will cease and will not recommence until the GADNR species observer reports that ESA-listed species have been sighted for at least 60 minutes.

The placement of materials could cause temporary and highly localized sediment disturbance that could affect habitat use by sea turtles. We believe any effects to habitat use by sea turtles would be so small that the effects to sea turtles could not be measured or detected; therefore, this effect will be insignificant. The reef materials will be placed on soft, sandy bottom which generally provide minimal sea turtle forage and refuge habitat. None of the reef sites are located on or near hard bottoms, so forage resources associated with hard bottom habitats would not be impacted. The reef development areas may still have fish, jellyfish, crustaceans, and mollusks that serve as prey for sea turtles; however, any impacts to these foraging resources will be minimal and temporary. Additionally, there is ample habitat available in the vicinity of the proposed action.

Sea turtles could be affected by becoming trapped in reef structures. It is possible for a sea turtle to position itself under the edge of open-bottom reef structures and then become wedged or trapped. A sea turtle could also become disoriented inside a structure such as a vessel and have difficulty escaping. We believe this effect will be discountable. The construction conditions

above require that reef structures and materials are selected and designed to prevent entrapment of listed species. The construction conditions require that any vessels or vehicles used as reef structures shall have openings on all exposed sides adequate to prevent entrapment of ESA-listed species and that the openings will be sufficient in size to allow for ambient light conditions throughout the structure to assist in orientation. The use of open-bottom structures is also prohibited unless a structure has at least a 3-ft opening at the top of the structure for turtles to escape.

Sea turtles can become entangled in fishing gear debris that may accumulate on artificial reefs. We believe this effect will be discountable. Vehicle and vessel structures such as ladders, rails, booms, antennas, etc. will be removed to reduce the potential accumulation of abandoned fishing tackle and lines. Clean steel, concrete bridge, or large building demolition materials such as slabs or pilings may be used provided that all steel reinforcement rods are cut at the base of the concrete so that no rebar or metal is protruding. Additionally, the construction conditions require that underwater reef cleanup will be performed by GADNR divers during annual reef site monitoring events.

Analysis of Potential Routes of Effect to Critical Habitat

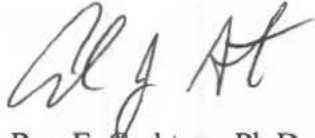
The proposed action will not affect the water temperature or sea state essential features of North Atlantic right whale critical habitat. Twenty-nine of the artificial reef sites will maintain over-structure water clearances greater than 6 meters (19.7 ft) and will not affect the water depth essential feature. Two of the sites, BH and BL, are proposed with over-structure clearances less than 6 meters. Use of these sites for placement of reef materials to the maximum allowable elevation would affect North Atlantic right whale critical habitat, however, we believe this effect will be insignificant. Site BH is 1.9 acres in size, and the minimum proposed over-structure clearance -12 ft MLG. Site BL is 6.68 acres and the minimum proposed over-water clearance for site is -10 ft MLW. While placement at these sites would reduce water depths in these areas to less than 6 meters, the affected area is very small relative to the total area of Unit 2.

Conclusion

Because all potential project effects to listed species and critical habitat were found to be discountable, insignificant, or beneficial, we conclude that the proposed action is not likely to adversely affect listed species and critical habitat under NMFS's purview. This concludes your consultation responsibilities under the ESA for species under NMFS's purview. Consultation must be reinitiated if a take occurs or new information reveals effects of the action not previously considered, or if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action. NMFS's findings on the project's potential effects are based on the project description in this response. Any changes to the proposed action may negate the findings of this consultation and may require reinitiation of consultation with NMFS.

We have enclosed additional relevant information for your review. We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions on this consultation, please contact Jacquelyn DeAngelo, Consultation Biologist, at (727) 209-5977, or by email at Jacquelyn.DeAngelo@noaa.gov.

Sincerely,



for Roy E. Crabtree, Ph.D.
Regional Administrator

- Enc.: 1. *Sea Turtle and Smalltooth Sawfish Construction Conditions* (Revised March 23, 2006)
2. *PCTS Access and Additional Considerations for ESA Section 7 Consultations*
(Revised March 10, 2015)

File: 1514-22.F.4

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

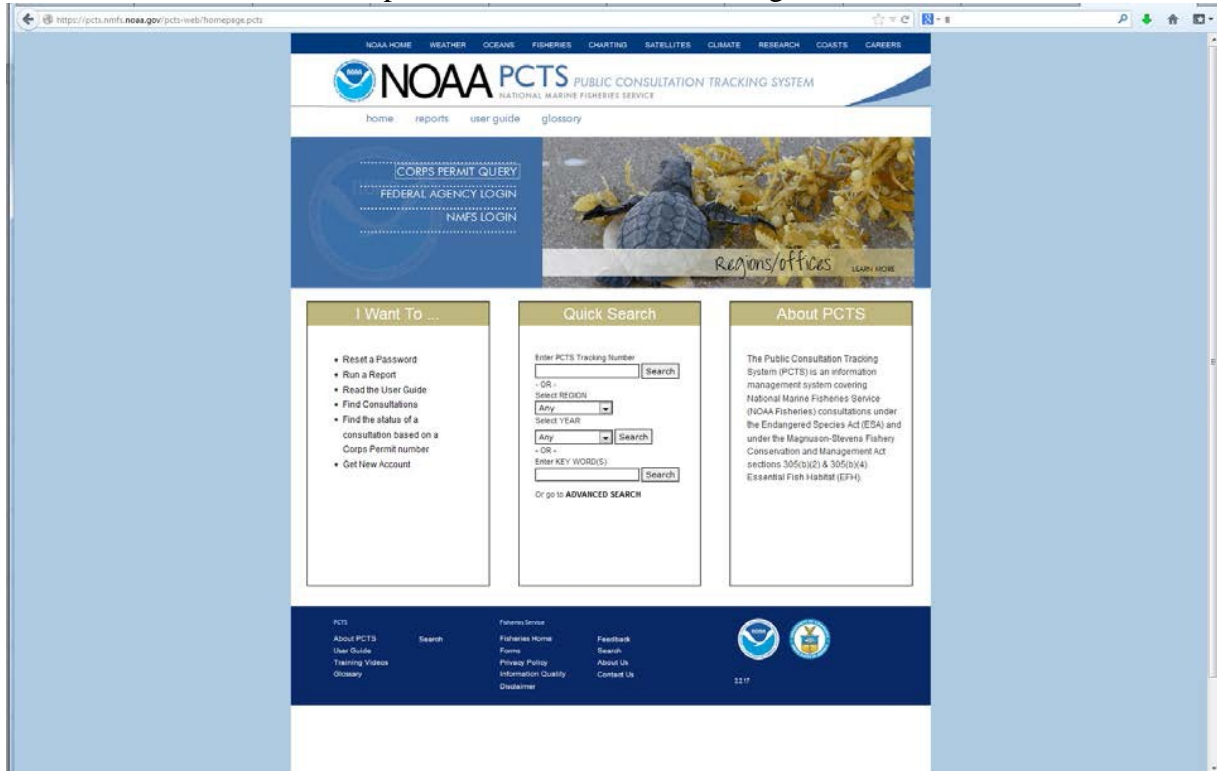
- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

PCTS Access and Additional Considerations for ESA Section 7 Consultations (Revised 03-10-2015)

Public Consultation Tracking System (PCTS) Guidance: PCTS is a Web-based query system at <https://pcts.nmfs.noaa.gov/> that allows all federal agencies (e.g., U.S. Army Corps of Engineers - USACE), project managers, permit applicants, consultants, and the general public to find the current status of NMFS's Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultations which are being conducted (or have been completed) pursuant to ESA Section 7 and the Magnuson-Stevens Fishery Conservation and Management Act's (MSA) Sections 305(b)2 and 305(b)(4). Basic information including access to documents is available to all.

The PCTS Home Page is shown below. For USACE-permitted projects, the easiest and quickest way to look up a project's status, or review completed ESA/EFH consultations, is to click on either the "Corps Permit Query" link (top left); or, below it, click the "Find the status of a consultation based on the Corps Permit number" link in the golden "I Want To..." window.

The screenshot shows the NOAA PCTS homepage. At the top is a navigation bar with links: NOAA HOME, WEATHER, OCEANS, FISHERIES, CHARTING, SATELLITES, CLIMATE, RESEARCH, COASTS, CAREERS. Below this is the NOAA logo and the text "NOAA PCTS PUBLIC CONSULTATION TRACKING SYSTEM" and "NATIONAL MARINE FISHERIES SERVICE". A secondary navigation bar includes: home, reports, user guide, glossary. The main content area features a large banner with a turtle and the text "Regions/offices" and "LEARN MORE". Below the banner are three columns: "I Want To ..." with links like "Reset a Password", "Run a Report", "Read the User Guide", "Find Consultations", "Find the status of a consultation based on a Corps Permit number", and "Get New Account"; "Quick Search" with fields for "Enter PCTS Tracking Number", "OR -", "Select REGION", "Any", "Select YEAR", "Any", "OR -", "Enter KEY WORD(S)", and "Or go to ADVANCED SEARCH"; and "About PCTS" with a description of the system. The footer contains links for PCTS, About PCTS, Search, Fisheries Service, Fisheries Home, Forms, Privacy Policy, Information Quality, Disclaimer, Feedback, Sign-up, About Us, and Contact Us, along with NOAA and USACE logos and the date 11/17.

Then, from the "Corps District Office" list pick the appropriate USACE district. In the "Corps Permit #" box, type in the 9-digit USACE permit number identifier, with no hyphens or letters. Simply enter the year and the permit number, joined together, using preceding zeros if necessary after the year to obtain the necessary 9-digit (no more, no less) number. For example, the USACE Jacksonville District's issued permit number SAJ-2013-0235 (LP-CMW) must be typed in as 201300235 for PCTS to run a proper search and provide complete and accurate results. For querying permit applications submitted for ESA/EFH consultation by other USACE districts, the procedure is the same. For example, an inquiry on Mobile District's permit MVN201301412 is entered as 201301412 after selecting the Mobile District from the "Corps District Office" list. PCTS questions should be directed to Kelly Shotts at Kelly.Shotts@noaa.gov or (727) 551-5603.

EFH Recommendations: In addition to its protected species/critical habitat consultation requirements with NMFS' Protected Resources Division pursuant to Section 7 of the ESA, prior to proceeding with the proposed action the action agency must also consult with NMFS' Habitat Conservation Division (HCD) pursuant to the MSA requirements for EFH consultation (16 U.S.C. 1855 (b)(2) and 50 CFR 600.905-.930, subpart K). The action agency should also ensure that the applicant understands the ESA and EFH processes; that ESA and EFH consultations are separate, distinct, and guided by different statutes, goals, and time lines for responding to the action agency; and that the action agency will (and the applicant may) receive separate consultation correspondence on NMFS letterhead from HCD regarding their concerns and/or finalizing EFH consultation.

Marine Mammal Protection Act (MMPA) Recommendations: The ESA Section 7 process does not authorize incidental takes of listed or non-listed marine mammals. If such takes may occur an incidental take authorization under MMPA Section 101 (a)(5) is necessary. Please contact NMFS' Permits, Conservation, and Education Division at (301) 713-2322 for more information regarding MMPA permitting procedures.