



# Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13<sup>th</sup> Avenue South, St. Petersburg, Florida 33701-5505

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## Modifications to Programmatic General Permit SAJ-71 for Holders of the Federal Permit for Aquacultured Live Rock in the Exclusive Economic Zone

NOAA Fisheries Service is issuing a notice to current holders of the Federal Permit for Aquacultured Live Rock in the Exclusive Economic Zone (EEZ) regarding changes to the Programmatic General Permit SAJ-71 (PGP SAJ-71). The PGP SAJ-71 was created by the U.S. Army Corps of Engineers and is intended to simplify and speed processing of permits for live rock aquaculture in Federal waters offshore of the State of Florida. The PGP SAJ-71 was reissued in 2010 and contains two new special conditions that impact current and future holders of the Federal Permit for Aquacultured Live Rock in the EEZ.

### Background

On February 6, 1995, the Jacksonville District, U.S. Army Corps of Engineers issued the PGP SAJ-71 permit for live rock aquaculture in Federal waters offshore of the State of Florida. PGP SAJ-71 was issued pursuant to Section 10 of the Rivers and Harbors Act of 1899, and gave general authority to NOAA Fisheries Service, Southeast Regional Office, for its administration for the deposition of materials for the purpose of live rock aquaculture in the EEZ off the coasts of Florida. It was reissued in 2000 and 2005. Currently, there are 23 active SAJ-71 permits.

Live rock consists of certain living marine organisms or an assemblage thereof attached to a hard substratum (including dead coral or rock). During the past several decades, a large demand for live rock has occurred, due to a large increase in the number of public and private marine aquaria. In meeting this large demand for live rock, commercial harvesters have adversely impacted areas of naturally occurring reefs and hard bottom areas. In response, in 1989, the State of Florida prohibited the taking of live rock. This, in turn, caused the harvesters to shift their efforts out of State waters and into the EEZ [The EEZ surrounding the state of Florida encompasses the area between approximately 9 nautical miles offshore and 200 nautical miles offshore on the Gulf coast, and the area between approximately 3 nautical miles offshore

and 200 nautical miles offshore on the Atlantic coast.] Because of fishing pressure in the EEZ, the Gulf of Mexico and the South Atlantic Fishery Management Councils, established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and NOAA Fisheries Service have prohibited live rock harvesting in the EEZ from North Carolina through Texas. An exception is made for aquaculture operations.

After the PGP SAJ-71 was reissued in 2005, two coral species, *Acropora palmata* (elkhorn coral) and *A. cervicornis* (staghorn coral), were listed as threatened under the Endangered Species Act (ESA) (71 FR 26852). In 2008, NOAA Fisheries Service issued a final rule applying all of the prohibitions enumerated in section 9(a)(1) of the ESA to these two coral species, with limited exceptions for two specified classes of activities that contribute to the conservation of the listed corals (73 FR 64264). New Condition 13 in the PGP SAJ-71 addresses these new ESA section 9(a)(1) prohibitions.

The two new special conditions in the PGP SAJ-71 are:

- Condition 10: This general permit does not authorize the placement of materials for the construction and/or renourishment of artificial reefs, the construction of impoundments and/or semi-impoundments of waters of the U.S., or structures such as but not limited to aquaculture docks, circulating systems including inflow and outfall structures, platforms, etc. Furthermore, this permit does not authorize the deployment of offshore and/or nearshore cages for the culture or holding of motile species or the placement of materials for lobster harvesting (such as lobster casitas).
- Condition 13: Each rock must be visually inspected for the presence of *Acropora palmata* (elkhorn coral) and *A. cervicornis* (staghorn coral) prior to harvesting. Harvest of any rock with these *Acropora* spp. attached is prohibited.

For more information on Acropora spp. visit:  
<http://sero.nmfs.noaa.gov/pr/esa/acropora.htm>.

#### **Contact Information**

For more information on the PGP SAJ-71 permit, contact:

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