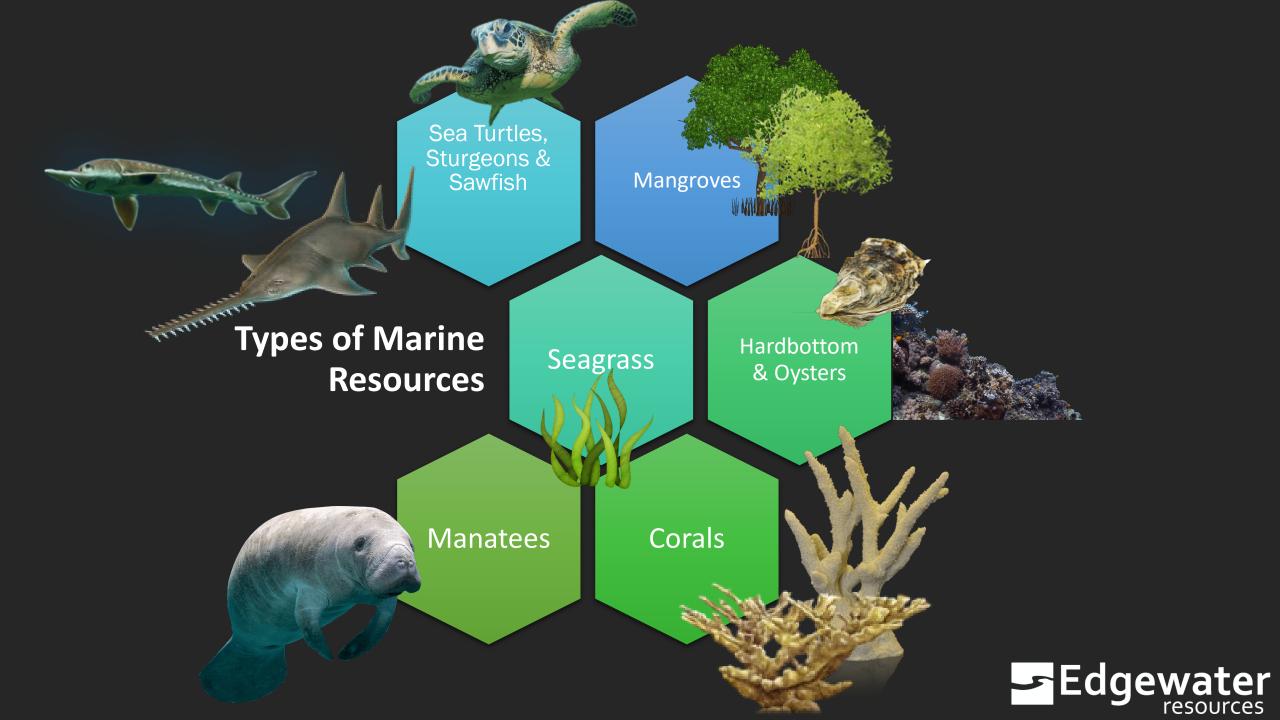


Navigating the Marina Permitting Process in Environmentally Sensitive

Coastal Areas

Penny Cutt, Director of Environmental Services
December 2019











Sea Turtles, Sawfish & Sturgeon

- 7 Species of Sea Turtles Worldwide 6 of which are in USA & Caribbean
- 5 Species Sawfish worldwide All are Endangered or Critically Endangered Only 1 species in USA (FL) = smalltooth / 2 species (small and largetooth)
 found in Caribbean
- Gulf Sturgeon found in coastal waters and rivers between FL & TX









Olive Ridley Sea Turtle (E)









Sea Turtles, Sturgeon & Sawfish

- Protected by ESA & Critical Habitat
- Florida Marine Turtle Protection Act & ESA
- Sea Turtle & Smalltooth Sawfish Construction Conditions 2006
- SPAW Protocol (Sawfish protections in Caribbean)





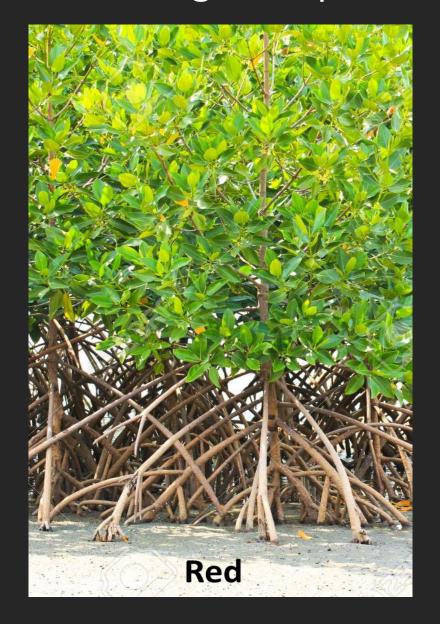


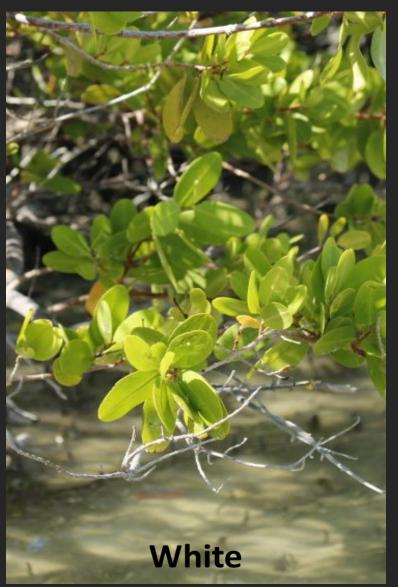






54 Mangrove Species Worldwide - 3 Mangroves in US & Caribbean



















Corals



Protected by ESA (22 Threatened & 3 Endangered)

 EFH - Habitat Area of Particular Concern – All Corals & Hardbottom are designated EFH-HAPC in SE Florida

• Critical Habitat for *Acropora* spp.

Recommended Survey Protocol for Acropora spp. (2007)

Lobed Star Coral (T)





Boulder Star Coral (T)







Federal Program Authorities

- Section 10, Rivers and Harbors Act of 1899
 - All Structures, Construction and Dredging
 - Public Interest Review, Balancing Process
 - Other Federal Laws, Particularly ESA, NEPA
- Section 404, Clean Water Act
 - Discharge of Dredged or Fill Material in US Waters
 - Open Water Dredged Material Sites, Bulkhead Backfill, Rip-Rap
- Section 103, Marine Protection Research & Sanctuaries Act
 - Ocean Dredged Material Disposal Site (ODMDS)



National Environmental Policy Act (NEPA)



Federal Program



Endangered Species Act (ESA)



Magnuson-Stevens Act – Essential Fish Habitat (EFH)





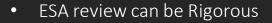
National Environmental Policy Act

- NEPA Applies to All Federal Decisions
- Environmental Assessment (EA)
- Finding of no Significant Impact (FONSI)
 - To Qualify for EA/FONSI
 - Avoid Impacts
 - Mitigate Unavoidable Impacts
- Environmental Impact Statement (EIS)
 - EIS only requires identification of impacts



Endangered Species Act (ESA)

Endangered Species Act



- Species are Listed through Notice and Comment
- Critical Habitat may also be Listed
- If a Listed Species or Critical Habitat Affected:
 - Consult with either FWS or NMFS
 - Section 7 of ESA, 135 Days From Complete
 - FWS or NMFS issues Biological Opinion
 - Corps Normally Conditions Permit Based on BO









Magnuson-Stevens Act – Essential Fish Habitat (EFH)

Essential Fish Habitat

- Waters & Substrate necessary for commercial & recreational fish to feed, grow, spawn and breed
- All Coastal/Estuarine Waters Listed as EFH
 - Specific Species Assemblages are listed
 - Must Protect Habitat for these Assemblages: seagrasses, oyster beds, algal communities, & even unconsolidated sand
- Consultation With NMFS HCD
- NMFS may "Elevate" the Decision (not done to date)
 - Must Demonstrate Avoidance and Minimization prior to consideration of Compensatory Mitigation





State Authority

- Most State Programs Tier Off or Duplicate Federal
- Many are Based on Section 401 of CWA
- Many Incorporate 401 WQ and CZMA
- Usually Require Avoidance and Minimization
- Usually Include Water Quality Evaluation
- •Some States Delegate Part/All of Their Program to Local
- •Corps can Delegate certain Permitting to the State





State Authority - Florida

- Florida Has a Well Established State Program
- Florida Department of Environmental Protection (FDEP) or the Water Management Districts (WMD)
- Avoid, Minimize and Compensate for Impacts UMAM
- Water Quality Certification Provided With Permit
- CZMA Concurrence Provided With Permit
- FDEP if Marina or only In-Water Work (typically)
- WMD if Associated Upland Development (typically)





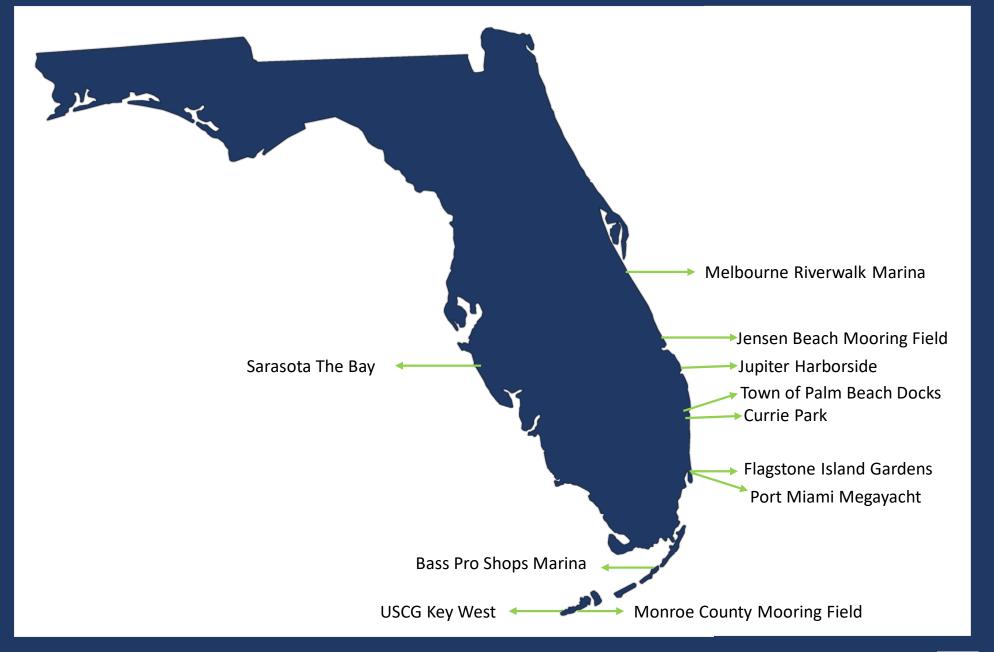




Florida Counties

- Similar to Federal and State Programs
- Coordinate Closely with State and Federal Programs
- Avoidance, Minimization and Compensatory Mitigation
- Protection of Surface & Ground Water, Seagrass, Coral Resources, Manatees, Hardbottom
- •13 Counties required to have Manatee Protection Plans with Boat Facility Siting Plans
- Delegated authorities from State and/or Federal Programs for minor projects





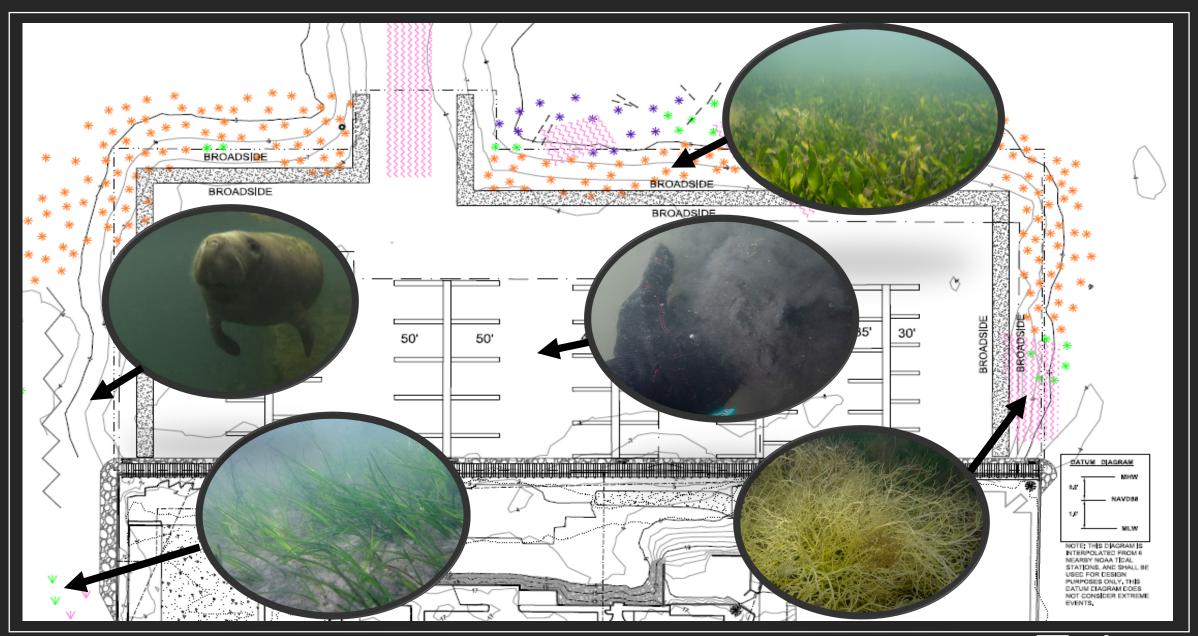
















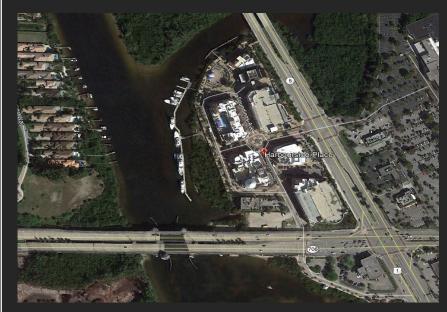














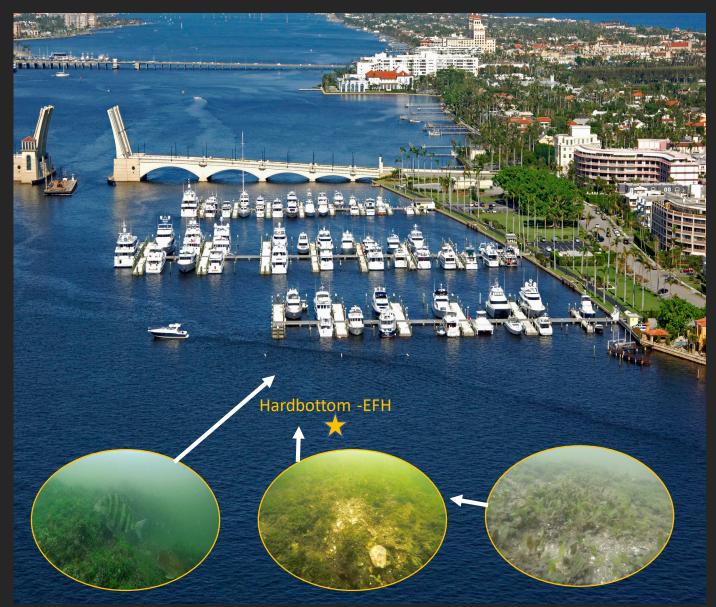










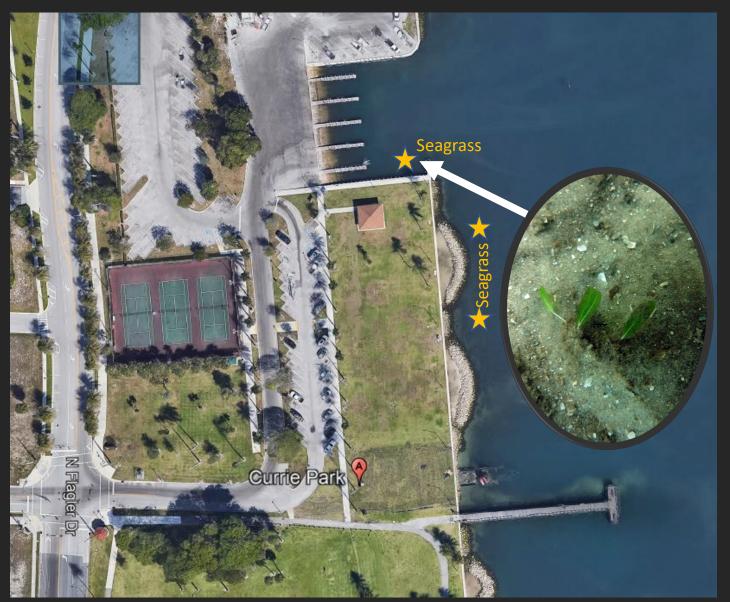








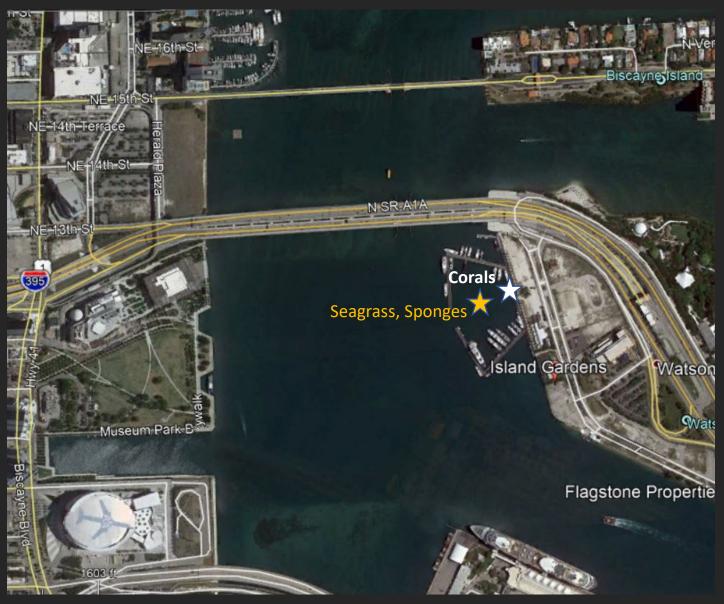




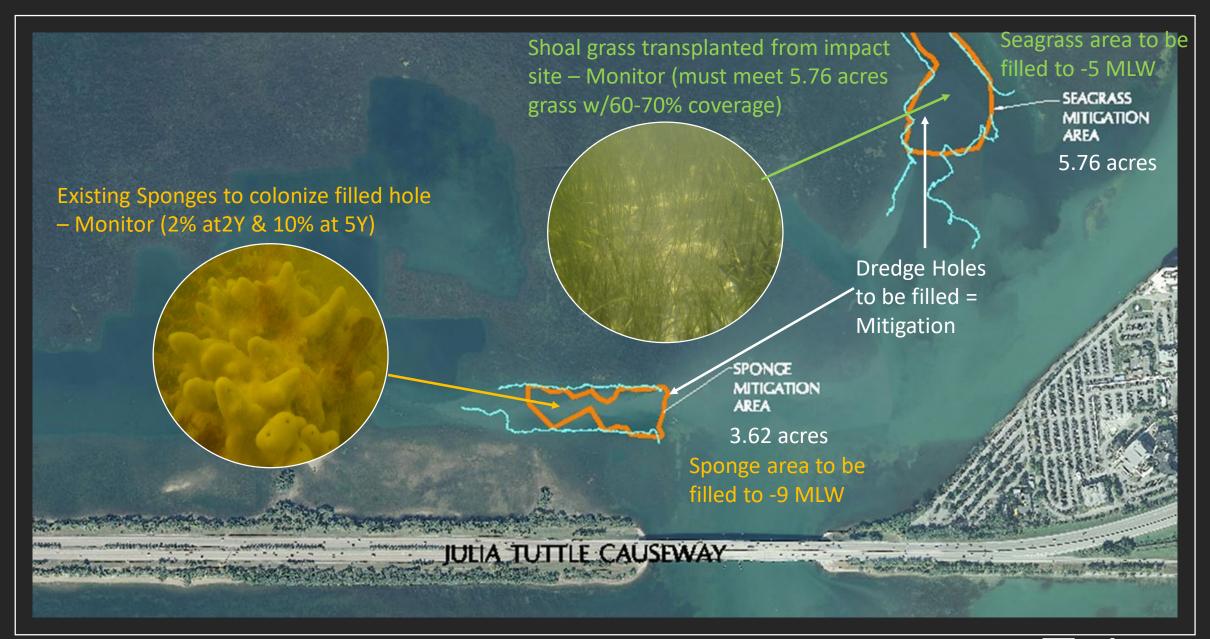




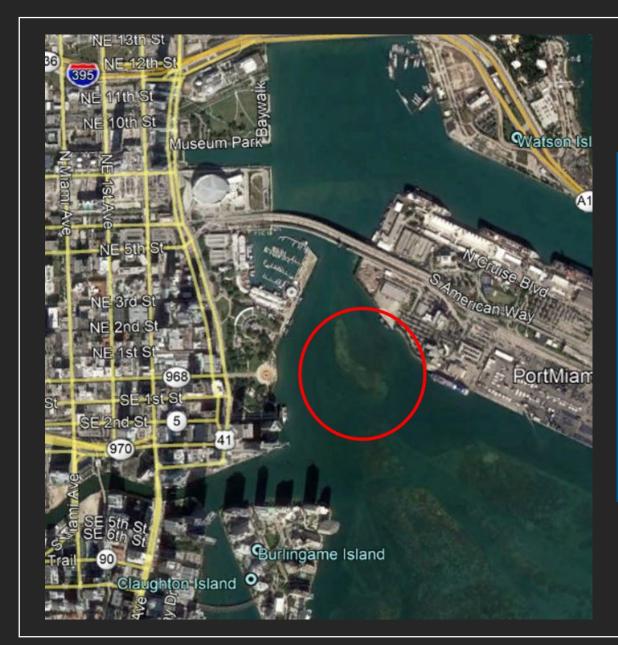












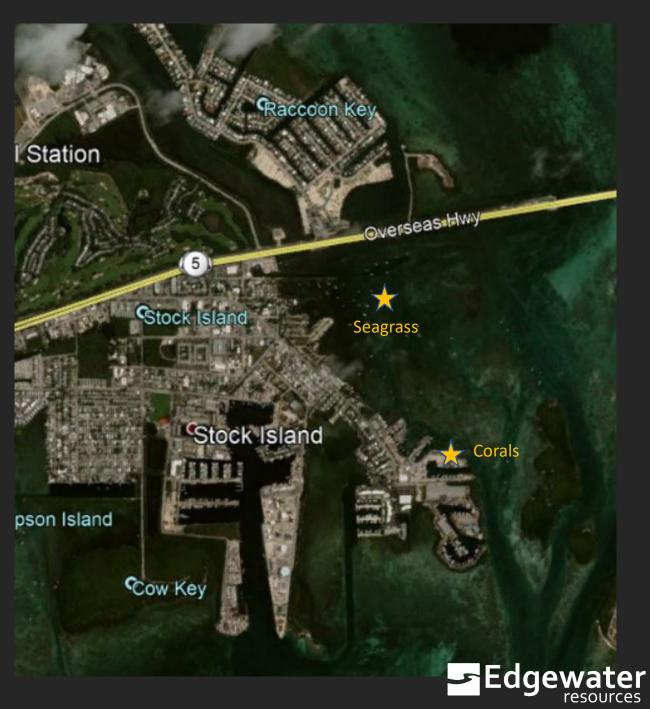




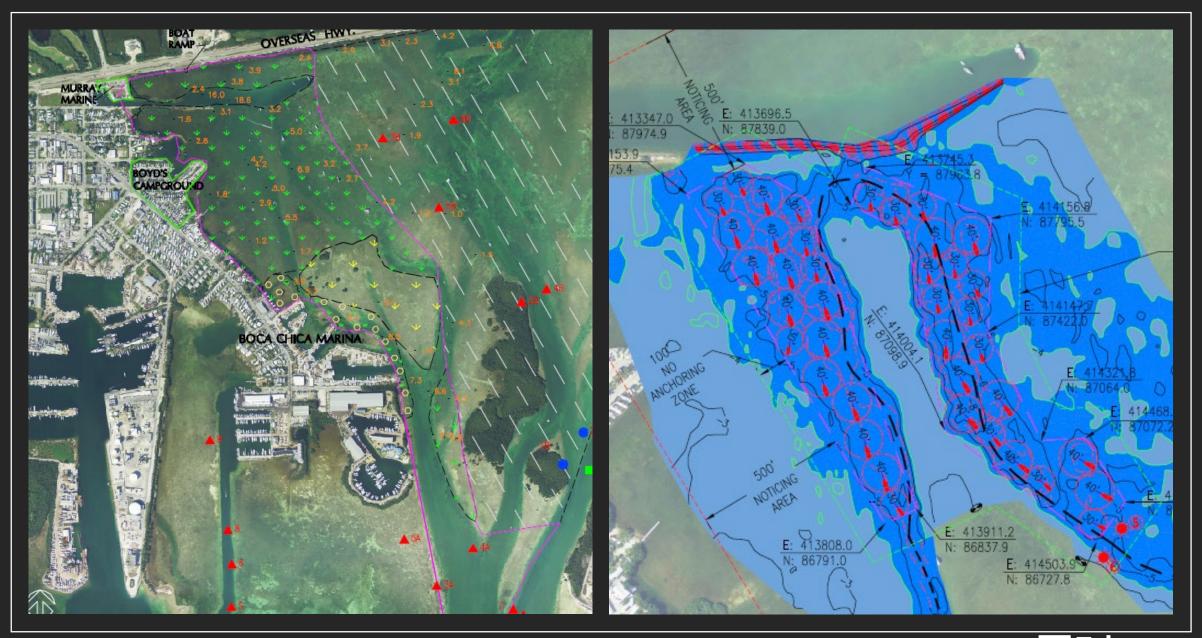




















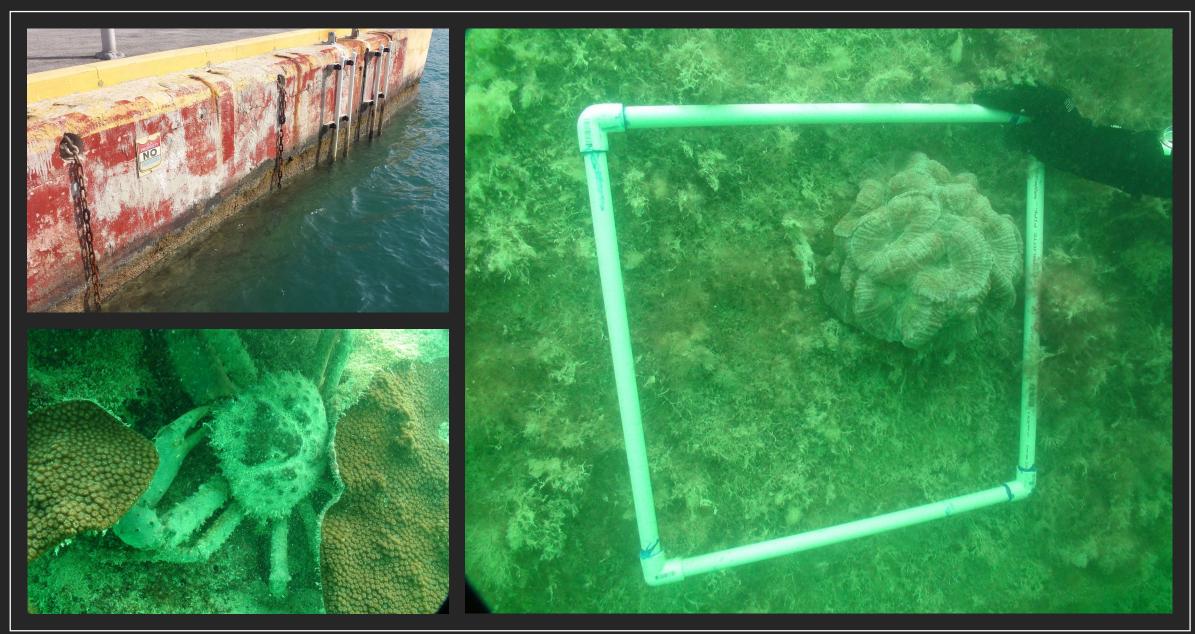


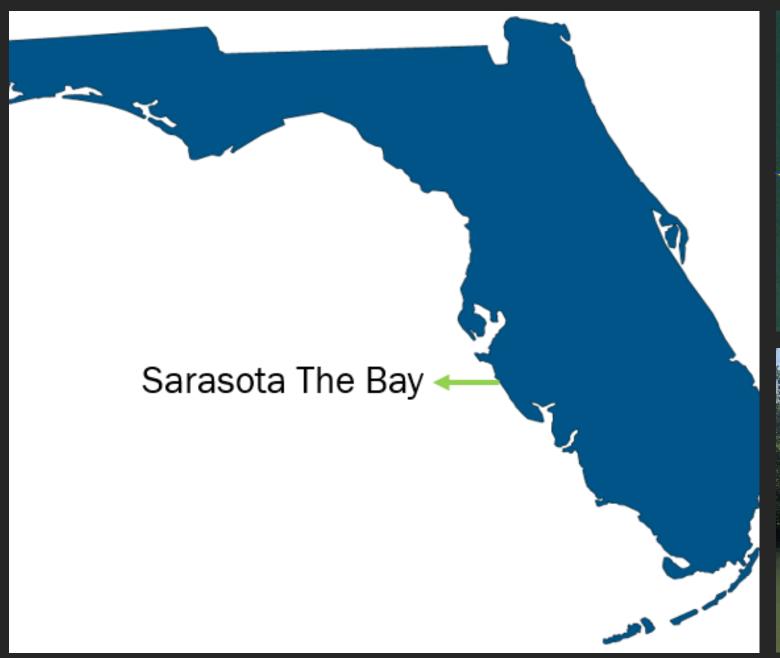






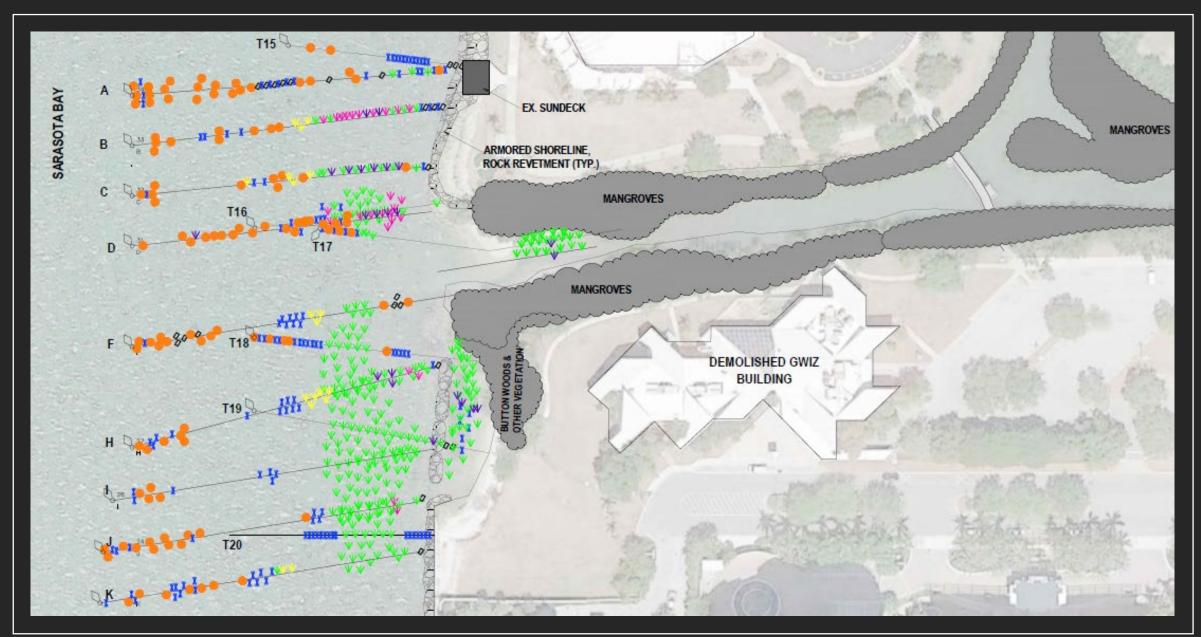




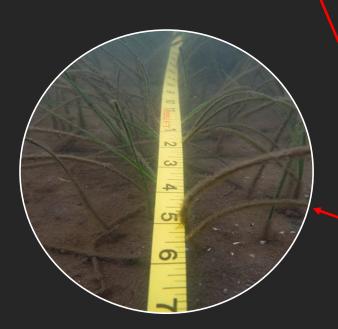






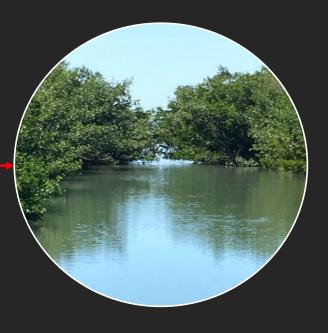






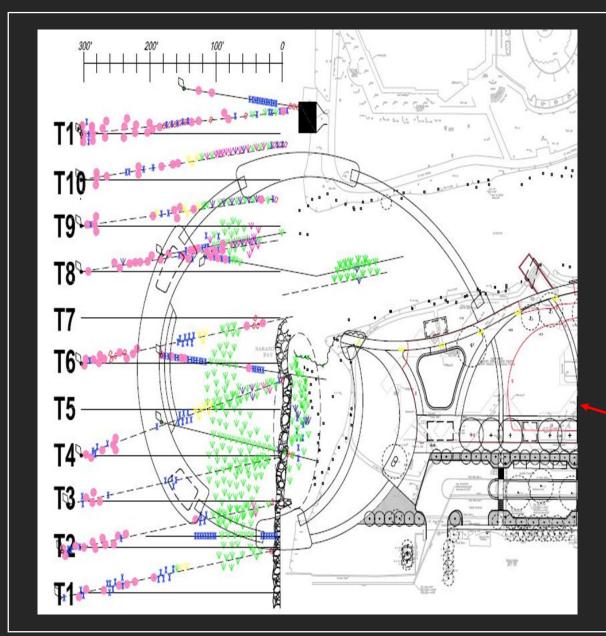


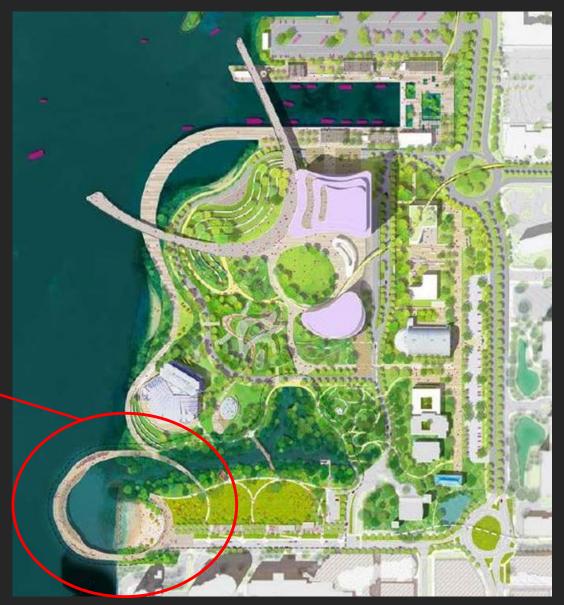


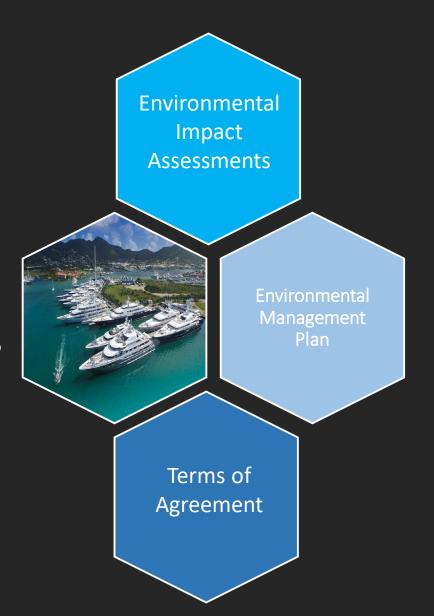














Caribbean Projects





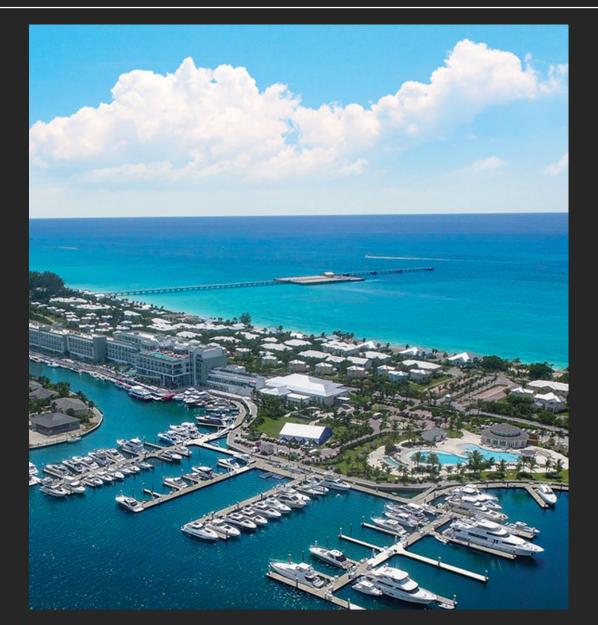


















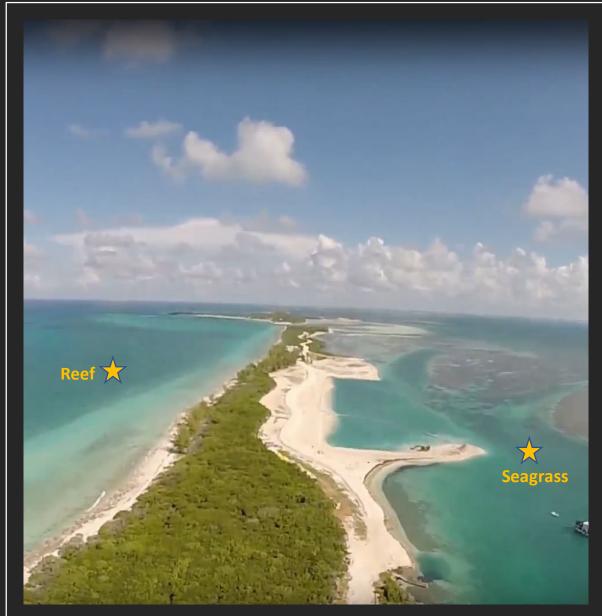


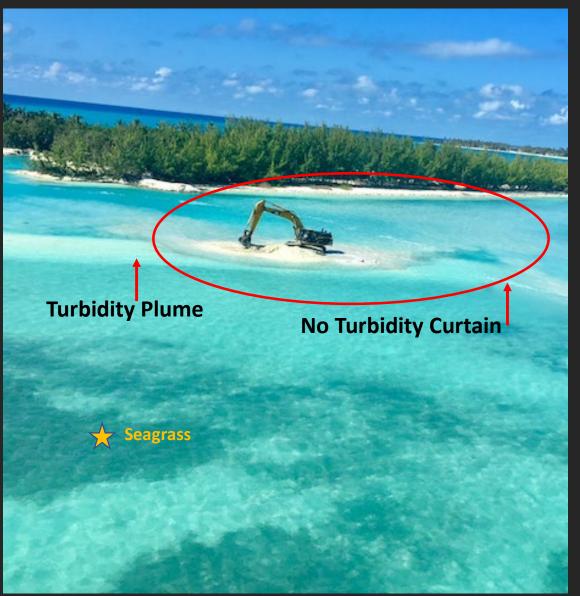




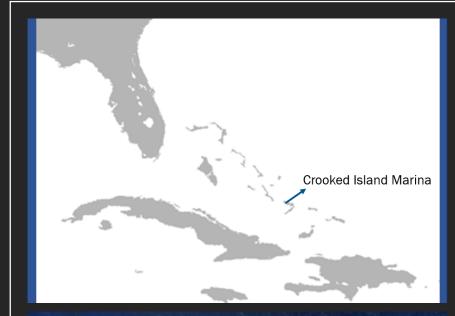










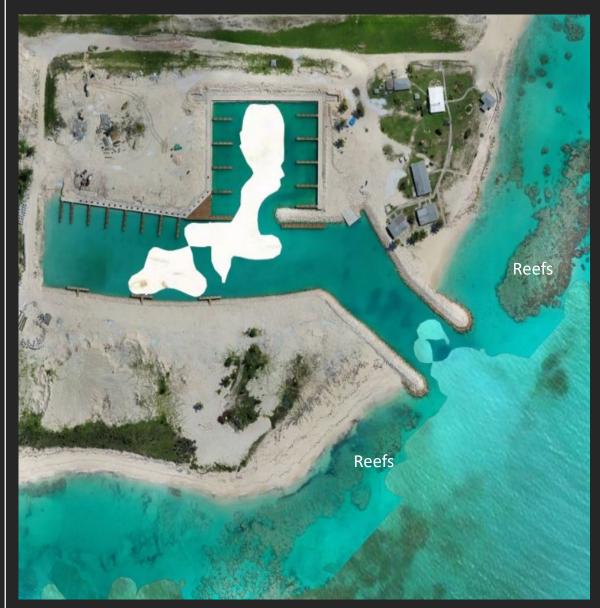


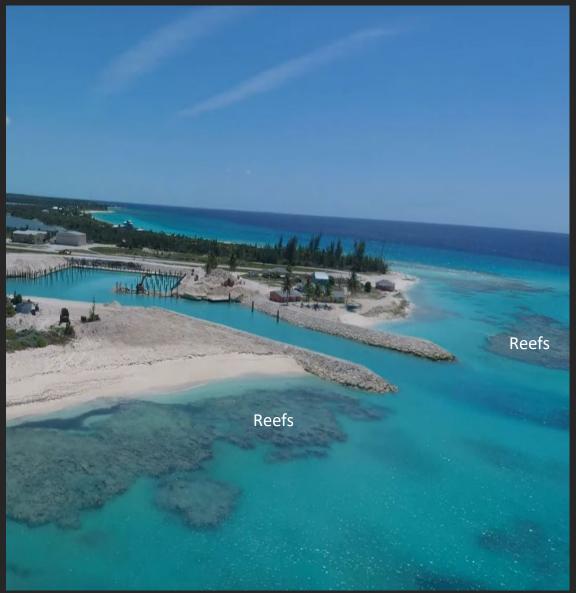












Anguilla Megayacht Marina





