**62-330.601 General Permit for the Installation, Construction, and Maintenance of Inshore Reefs**

 (1) A general permit is hereby provided for the installation, placement, removal, restoration, and enhancement of an inshore reef within estuaries, lagoons, or other near shore tidal waters, subject to the following:

(a) The reef project shall be solely for habitat enhancement purposes and shall not be used for mitigation for any other project, or be associated with mitigation banking or water quality enhancement areas;

(b) The reef shall be constructed of the following materials:

1. Natural oyster or clam shell cultch;

2. Oyster or clam shells packaged within biodegradable bags or plastic-free mesh bags;

3. Clean concrete or native limestone rock with a thickness of 1/4 inch or greater; or

4. Prefabricated modules that are a mixture of clean concrete, rock, or fossilized or cured shells. Prefabricated modules may include rebar as structural support if completely encased in concrete.

(c) The constructed reef shall not contain soils, oils and greases, steel, exposed rebar, debris, litter, plastic, asphalt material, tires, fiberglass, putrescible substances or other pollutants;

(d) The total footprint of the reef shall not exceed 2,500 square feet;

(e) The reef shall not adversely affect existing natural resources within or adjacent to the footprint of the proposed reef; and

(f) The reef materials shall be firmly affixed to a structure or the substrate or otherwise contained in such a way as to prevent movement away from the authorized footprint.

(2) The notice required in Rule 62-330.402, F.A.C., shall include documentation, statements, or demonstrations that the above limitations will be met, together with the following:

(a) An explanation of the overall purpose and any expected ecological benefits to be achieved by the reef;

(b) Written authorization from the owner(s) of the submerged lands, if other than the State of Florida, for the permittee to conduct the proposed activities; and

(c) An environmental resource survey of the bottom of the waterbody throughout the reef area, including an additional 50-foot-wide perimeter surrounding the proposed footprint of the reef area demonstrating that:

1. There are no submerged grassbed communities, shellfish or other hardbottom communities, or corals within the footprint of the constructed reef. Co-mingling of reefs within other restored, created, or enhanced habitats can be considered;

2. The reef shall not adversely affect an archaelogical, cultural, or historical resource area regulated under Chapter 267, F.S.

(3) All work conducted under this general permit shall be subject to the following specific conditions:

(a) If shell material is to be used within the reef it shall consist of only the following:

1. Recycled shell that has been quarantined for a minimum of three months; or

2. Fossil shell that must not contain any phosphate, other nutrients, or radiation.

(b) The reef site shall not be constructed within:

1. 100 meters of actively nesting wading bird rookeries and seabird colonies or within 180 meters of actively nesting Least Tern or Black Skimmer colonies, or within 100 meters of actively nesting American Oystercatchers or Snowy Plovers, or other state listed solitary shorebirds;

2. 150 feet from the outside edge of any designated channel marked in accordance with Section 327.40, F.S.;

3. Any federally maintained channel without written approval from the entity responsible for channel maintenance; or

4. Any channel traditionally used for navigation;

5. Sandy beaches, shorelines, or coastal waters and associated inlets or passes in which activities are regulated under Chapter 161, F.S., or the open waters of the Atlantic Ocean, Gulf of America, or Straights of Florida;

6. The open waters of the Atlantic Ocean or the Gulf of America.

(c) The reef material shall be placed within the authorized footprint and not be indiscriminately dumped;

(d) Any anchoring must be designed to avoid the entanglement of marine life;

(e) The reef shall be designed to avoid harmful erosion or shoaling to adjacent submerged areas and shorelines; and,

(f) The Permittee shall be responsible for the maintenance of the reef including the retrieval, removal and proper disposal of any adrift, derelict, or dilapidated reefs or reef materials.

*Rulemaking Authority 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History–New.*