**62-330.637 General Permit for Seagrass Restoration**

 (1) A general permit is hereby provided for the planting, restoration, and enhancement of native Floridian seagrass within estuaries, lagoons, or other tidal waters, subject to the following:

 (a) The project shall be solely for restoration purposes and not be considered as mitigation to offset impacts for any other project or be associated with mitigation banking;

 (b) The work shall be conducted or directly supervised by persons having expertise designing and implementing marine seagrass restoration activities;

 (c) Restoration sites should have historic evidence of seagrass coverage or evidence of suitable site conditions to allow seagrasses to grow;

 (d) Plantings shall consist of the following native marine seagrass species: *Halophila engelmannii*, *Halophila decipiens*, *Halodule wrightii*, *Syringodium filiforme*, *Thalassia testudinum*, or *Ruppia maritima;*

 (e) Plants shall be acquired from a certified aquaculture facility that holds a valid aquaculture certificate of registration issued pursuant to Section 597.004, F.S. and Chapter 5L-3, F.A.C.;

 (f) Regrading or recontouring of the seafloor prior to planting is not authorized under this general permit, except for the use of sand filled bags to assist with the restoration of prop scars and blow holes;

 (g) The usage of herbivory exclusion devices, such as fencing, to prevent marine animals from accessing the newly planted seagrass is not authorized under this general permit;

 (h) Use of bird stakes may be temporarily placed within the restoration area to promote seagrass growth in settings where, based on best available scientific information, the Agency determines that phosphorus is a limiting nutrient for seagrass growth. Bird stakes, if used, shall be installed no closer than six feet apart and shall be removed within 18 months of initial placement; and

 (i) If temporary wave attenuation is needed to protect and ensure survivability of the plantings, turbidity curtains shall be installed and maintained immediately waterward of, and parallel to, the planting area, but must be removed within three months after completion of planting.

 (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) Documentation that the person using this general permit has authorization from the owner(s) of the submerged lands, if other than the State of Florida, to conduct the proposed activities;

 (b) Planting methodology;

 (c) Location map of the proposed restoration site;

 (d) Diagram of the size and dimensions of the restoration site;

 (e) A list of the species of seagrass proposed to be planted;

 (f) Location of any existing benthic communities located on the site or within 50 feet;

 (g) Location of bird stakes (if proposed);

 (h) Location and type of temporary wave attenuation (if proposed);

 (i) Bathymetry of area to be planted; and

 (j) Monitoring and reporting plan.

 (3) All work under this general permit shall be conducted in conformance with the following specific conditions:

 (a) Must be conducted in a manner that will not adversely affect the value of functions provided to fish and wildlife by seagrass;

 (b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species. These devices must be removed within three months after completion of the planting;

 (c) Restoration will not be constructed within:

 1. 100 feet from the outside edge of any designated channel marked in accordance with Section 327.40, F.S. or any federally maintained channel without written approval from the entity responsible for channel maintenance;

 2. Any channel traditionally used for navigation;

 3. 100 feet of any dock or overwater structure without notice to the current property owner; or

 4. Any previously permitted mitigation or restoration areas;

 (d) All information pertinent to the restoration project allocated by this general permit shall be maintained for the duration of the project and made available to the Department for recordkeeping purposes, including but not limited to:

 1. The methodology used, including but not limited to, planting method and plant care; and

 2. Initial Monitoring shall be conducted within 30 days of completion of planting at the site and shall include the following:

 a. Date the planting was completed;

 b. As-built maps documenting the exact location of each seagrass planting area;

 c. Total number of seagrass units planted; and

 d. Color photographs that provide an accurate representation of the planted sites. The photographs shall be numbered and correspond to their respective locations, shown on an associated map.

 3. The Initial Monitoring Report shall be submitted to the Department within 60 days of the planting.

 (e) Subsequent Monitoring shall be conducted 90 days after planting and then annually thereafter for three years, beginning one year from the date of the initial planting, and shall include the following:

 1. Date the assessment was conducted;

 2. Quantitative documentation of percentage of seagrass coverage;

 3. Documentation shall include both the calculations and the calculation technique used to measure percent seagrass coverage and density;

 4. These reports will be submitted to the Department within 60 days of the assessment.

*RULEMAKING AUTHORITY: 373.026(7), 373.043, 373.044, 373.118, 373.4131, 373.4145, 373.418, 403.805(1), 403.814, F.S. LAW IMPLEMENTED: 373.026, 373.118(1), 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.418, 403.814(1), F.S. History–New \_\_\_\_\_\_\_\_\_.*