



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
1002 WEST 23RD STREET, SUITE 350
PANAMA CITY, FLORIDA 32405

June 6, 2011

Regulatory Division
North Permits Branch
SAJ-1997-04090 (IP-MMW)

City of Mexico Beach
ATTN: Chris Hubbard
118 North 14th Street
Mexico Beach, Florida 32410

Dear Mr. Hubbard:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Special Projects and Enforcement Branch of the Regulatory Division of the Jacksonville District at 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502. The Special Projects and Enforcement Branch is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM
THE APPROVED PLANS ENCLOSED.

Sincerely,

Lisa Ronan
for Donald W. Kinard
Chief, Regulatory Division

Enclosures

Copy Furnished:

Clayton Studstill, Garlick Environmental Associates, Inc.

DEPARTMENT OF THE ARMY PERMIT

Permittee: CITY OF MEXICO BEACH
Attn: Chris Hubbard
118 North 14th Street
Mexico Beach, Florida 32410

Permit No: SAJ-1997-04090 (IP-MMW)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Deployment of artificial reef materials within an existing previously permitted artificial reef site. Materials proposed for deployment are prefabricated materials (fabricated concrete, steel greater than $\frac{1}{4}$ " thickness, and other authorized materials lasting 50 years or more). Materials will be deployed in 'patch reefs' placed at 0.25 square nautical mile intervals throughout the permitted area. The Mexico Beach Artificial Reef Association (MBARA) will conduct pre- and post-deployment surveys on behalf of the applicant, to ensure proper deployment. In no case will the minimum clearance from the top of the material to the surface be less than 9 feet, measured at Mean Low Lower Water (MLLW). The work described above is to be completed in accordance with the 5 pages of drawings and 5 attachments affixed at the end of this permit instrument.

Project Location: The project site is approximately 2,935 acres, located in the Gulf of Mexico, southwest of Mexico Beach, Bay County, Florida. Specifically, the north corner of the 2,935 acre site is approximately 3 miles west of the entrance to the Mexico Beach canal. Coordinates are as follows:

	<u>Latitude</u>	<u>Longitude</u>
North corner:	29° 56' 48.46" North	85° 28' 49.64" West
West corner:	29° 56' 22.56" North	85° 30' 01.29" West
South corner:	29° 53' 45.82" North	85° 28' 07.60" West
East corner:	29° 55' 13.38" North	85° 26' 55.20" West

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PERMITTEE: City of Mexico Beach/ Bell Shoal Reef

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Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **June 6, 2021**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

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Special Conditions:

1. **Reporting Addresses:** The Permittee shall reference this permit number, SAJ-1997-04090 (IP-MMW), on all correspondence. Unless specifically notified to the contrary, the Permittee shall use the following addresses for transmitting correspondence to the referenced agencies:
 - a. Jacksonville District Corps of Engineers (Corps),
Regulatory Division, Enforcement Section
Pensacola Regulatory Office
41 North Jefferson Street, Suite 111
Pensacola, Florida 32501
 - b. National Oceanic and Atmospheric Administration (NOAA)
Office of Coast Survey, N/CS26, Sta. 7317
1315 East-West Highway
Silver Springs, MD, 20910-3282
 - c. Commander, U.S. Coast Guard (USCG)
Eighth Coast Guard District
Hale Boggs Federal Building
501 Magazine Street
New Orleans, Louisiana 70130-3396
 - d. Florida Fish and Wildlife Conservation Commission (FWC)
Artificial Reef Program
620 S. Meridian Street, Box 4B2
Tallahassee, FL 32399
email: Jon.Dodrill@myfwc.com, bill.horn@myfwc.com, and
keith.mille@myfwc.com
 - e. U.S. Air Force, Tyndall Air Force Base
82d Aerial Targets Squadron
Attn: Mr. Kevin Brackin, Assistant Director of Operations
(850) 283-3808, kevin.brackin@tyndall.af.mil
2. **Initial Agency Notification:** The Permittee shall provide to the Corps, NOAA and USCG written notification of the planned deployment start date at least two weeks prior to the initial deployment on the authorized artificial reef site.

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3. Authorized Reef Materials: No reef materials or module will weigh less than 500 pounds. Reef materials shall be clean and free from asphalt, petroleum, other hydrocarbons and toxic residues, loose free floating material or other deleterious substances. All artificial reef materials and/or structures will be selected, designed, constructed and deployed to create, stable and durable marine habitat. The Permittee shall deploy only the following authorized reef materials:

- a. Prefabricated artificial reef modules composed of ferrous and/or aluminum-alloy metals $\frac{1}{4}$ " or more in thickness, concrete, rock or a combination of these materials.
- b. Natural rock boulders and other pre-cast concrete material, such as, culverts, stormwater junction boxes, power poles, railroad ties, jersey barriers, or other similar concrete material.

4. Reef Parameters: The Permittee shall deploy all reef materials within the site boundaries as defined on page 1 of this permit. A minimum clearance of 9 feet from the top of the deployed material relative to Mean Lower Low Water (MLLW) shall be maintained at all times.

5. Violation of Reef Parameters: In the event reef material is deployed or discovered (i.e., after a storm event) in a location or manner that is contrary to the **Reef Parameters** Special Condition, the Permittee shall immediately notify the USCG Station Panama City at (850) 234-2475 and provide information as requested by the station. The Permittee shall notify NOAA, USCG Corps, and FWC in writing within 24 hours of the occurrence. At a minimum the written notification shall explain how the deployed material exceeds the authorized reef parameters, a description of the material, a description of the vessel traffic in the area, the deployment location in nautical miles at compass bearing from obvious landmarks, the location of the unauthorized material in latitude and longitudes coordinates (degree, minute, decimal minute format to the third decimal place) and the water depth above the material from Mean Lower Low Water. The document will list the information provided by telephone to the USCG as noted above and include the time of the call and the name of the USCG personnel receiving the information.

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6. Protection of Existing Resources: The Permittee shall not deploy artificial reef materials until an assessment of the bottom conditions has been accomplished by diver, submersible video camera, fathometer, depth/bottom sounder (e.g. "fish finder"), or side-scan sonar. The inspection of the deployment area may occur at the time of deployment but no more than one year prior to deployment. The Permittee shall maintain a deployment buffer of at least 200 feet from any submerged beds of sea grasses or macroalgae, coral reefs, live bottom, areas supporting growth of sponges, sea fans, soft corals, and other sessile macroinvertebrates generally associated with rock outcrops, oyster reefs, scallop beds, clam beds, or areas where there are unique or unusual concentrations of bottom dwelling marine organisms. If during the inspection evidence is observed of cultural/archaeological resources, such as sunken vessels, ballast, historic refuse piles, or careenage areas the Corps will be notified by the Permittee and the above referenced deployment buffer will be implemented. The Permittee shall maintain a record of the information gained during the inspection such that it can be provided upon request to the Corps.

8. Pre-Deployment Notification: No less than 14 days prior to deployment of material on an artificial reef, the Permittee shall transmit by electronic mail ("email") a complete and signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form, provided in **Attachment #1** of this permit, to the Corps and FWC to allow inspection of the proposed reef materials as deemed necessary by the agencies. Inspection is allowable at the staging area. By signing the Pre-Deployment Notification the Permittee certifies that all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall take digital photos of representative components/pieces of reef material and transmit with the above form as PDF attachments to the email addresses listed in special condition 1. The Permittee shall utilize read receipt email verification to ensure the electronic documents are received by the Corps and FWC. The form and photos should not exceed 4 megabytes. The Permittee shall not deploy material if notified by the Corps or FWC that the material is questionable or unacceptable until the material has been evaluated and released for deployment. Any material that is deemed unacceptable for reef material will be disposed in an approved upland disposal site.

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Deployment of the material shall not occur until the end of the 14 day inspection period. The Permittee shall ensure both a copy of the Corps permit and the signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification form" are maintained aboard the deployment vessel at all times during loading, transit, and deployment.

9. US Air Force Notification: At least 7 days prior to any scheduled deployment, the permittee shall contact the US Air Force, Tyndall Air Force Base, to determine if the proposed deployment schedule is compatible with drone launch/recovery operations. **No deployment activities shall take place unless the USAF is satisfied that there are no potential conflicts with drone operations.**

10. Deployment Monitoring: The Permittee or the permittee's representative shall be on site during every deployment to verify compliance with the permit and its conditions. The authorized representative shall not be the person who physically or contractually is responsible for deployment of the transported reef materials. The permittee or representative shall verify latitude and longitude coordinates using a Differential Global Positioning System (DGPS) or Wide Area Augmentation System (WAAS) enabled unit accurate to within 5 meters horizontal distance. Depth shall be verified utilizing fathometer, depth sounder, or similar device accurate to within 1 meter.

11. Ownership/Maintenance/Liability: By signing this permit, the Permittee certifies and acknowledges ownership of all artificial reef materials deployed on the reef, accepts responsibility for maintenance of the artificial reef, and possesses the ability to assume liability for all damages that may arise with respect to the artificial reef. The Permittee re-certifies these commitments upon signature and submission of the "Florida Fish and Wildlife Conservation Commission's Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form in accordance with the **Pre-Deployment Notification** Special Condition.

12. Post-Deployment Notification: No more than 30 days after each deployment of material on an artificial reef, the Permittee shall transmit by electronic mail ("email") or facsimile (fax) a

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complete and signed "Florida Artificial Reef Materials Placement Report and Post-Deployment Notification" form, provided in **Attachment #2** of this permit, to the Corps and FWC.

13. Deployment Summary/Monitoring Report: Within 30 days after each deployment day, the permittee shall transmit by electronic mail or facsimile a completed "Florida Artificial Reef Materials Placement Report and Post Deployment Notification" to the Corps and FWC. Within 12 months from the effective date of this permit and annually thereafter until expiration of the deployment authorization, the Permittee shall electronically submit to the Corps and FWC a spreadsheet listing the deployments that occurred within the previous 12 months and a written report which summarizes, analyzes, and draws conclusions regarding the activities or issues associated with the reef in the past 12 months. For each deployment, the spreadsheet will include the local tracking number, date deployed, latitude and longitude, description and quantity of the material deployed, depth of water above material, approximate area of seafloor covered. The spreadsheet will document any known changes in material condition (stability, durability, and location) as compared to those same characteristics at time of deployment. The report may include but is not limited to use trends, site management constraints and resolutions, management techniques, modifications of operational plans, lessons learned, etc. Results of any performance monitoring (description of fish and other biota observed) will be included in the report. The report shall be limited to 5 pages of written text and include a permit drawing(s) or similar visual depiction of the location of each deployment in relation to the boundary of the reef site. Immediately upon expiration of the deployment authorization or request for permit extension, a summary of reports submitted since the last permit issuance/renewal will be submitted to the Corps, NOAA and FWC. This compilation will document any known changes in material stability, durability, or location as compared to that most recently reported for a site as well as a summary/analysis of the qualitative data (trends, lessons learned, etc.) in the yearly reports.

14. Marine Life Entrapment: Neither reef structure nor material or the method of design or deployment should pose a risk of entrapping fish, marine turtles, or marine mammals. Any observation of entrapped marine turtles or marine mammals on

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this artificial reef site must be reported immediately to the Corps and FWC.

15. **Sea Turtle/Sawfish/Sturgeon Guidelines:** The Permittee shall comply with the National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions", which also applies to sturgeon, provided in Attachment #3 of this permit.

16. **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work - 2011" provided in Attachment #4 of this permit.

17. **Protected Species Guidance:** The Permittee shall comply with the "Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting" guidance for marine turtles and marine mammals, provided in Attachment #5 of this permit.

18. **Private Aids to Navigation (PATON):** The Permittee must install and maintain, at the Permittee's expense, any private aids to navigation applicable to the permitted activity, as required by the United States Coast Guard (USCG). Contact the Eighth Coast Guard district, Private Aids to Navigation Section, 500 Poydras Street, Suite 1230, New Orleans, Louisiana 70130. Phone: (504) 671-2328, email: D8OANPaton@D8.uscg.mil.

19. **Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures 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 Corps of Engineers, 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.

20. **Regulatory Agency Changes:** Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a

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modification of this permit from the Panama City Regulatory Office.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

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 projects.

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 or 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.

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c. Damages to persons, property, or 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. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

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

Such a reevaluation 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 you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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PERMITTEE: City of Mexico Beach/ Bell Shoal Reef
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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

H.C. Hubbard
(PERMITTEE)

May 26, 2011
(DATE)

H.C. Hubbard
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Kevin D. O'Kane
(DISTRICT ENGINEER)
for Alfred A. Pantano
Colonel, U.S. Army
District Commander

6 Jun 2011
(DATE)

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

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PERMITTEE: City of Mexico Beach/ Bell Shoal Reef

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**Attachments to Department of the Army
Permit Number SAJ-1997-04090 (IP-MMW)**

1. PERMIT DRAWINGS: 5 pages.
2. PRE-DEPLOYMENT NOTIFICATION: *Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification*, labeled **Attachment #1**, one page.
3. POST-DEPLOYMENT NOTIFICATION: *"Florida Artificial Reef Materials Placement Report and Post Deployment Notification"*, labeled **Attachment #2**, one page.
4. CONSTRUCTION CONDITIONS: *"Sea Turtle and Smalltooth Sawfish Construction Conditions"*, labeled **Attachment #3**, one page, and *"Standard Manatee Conditions for In-Water Work - July 2005"*, labeled **Attachment #4**, one page.
5. VESSEL STRIKE AVOIDANCE: *"Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting"*, labeled **Attachment #5**, two pages.

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



APPLICANT/CLIENT: City of Mexico Beach

JOB: 10-081

WATERBODY/CLASS: Gulf of Mexico

DEP:

PURPOSE: Artificial Reef

COE:

PROJECT LOCATION / USGS: Bay County / City of Mexico Beach

OTHER:

LATITUDE:

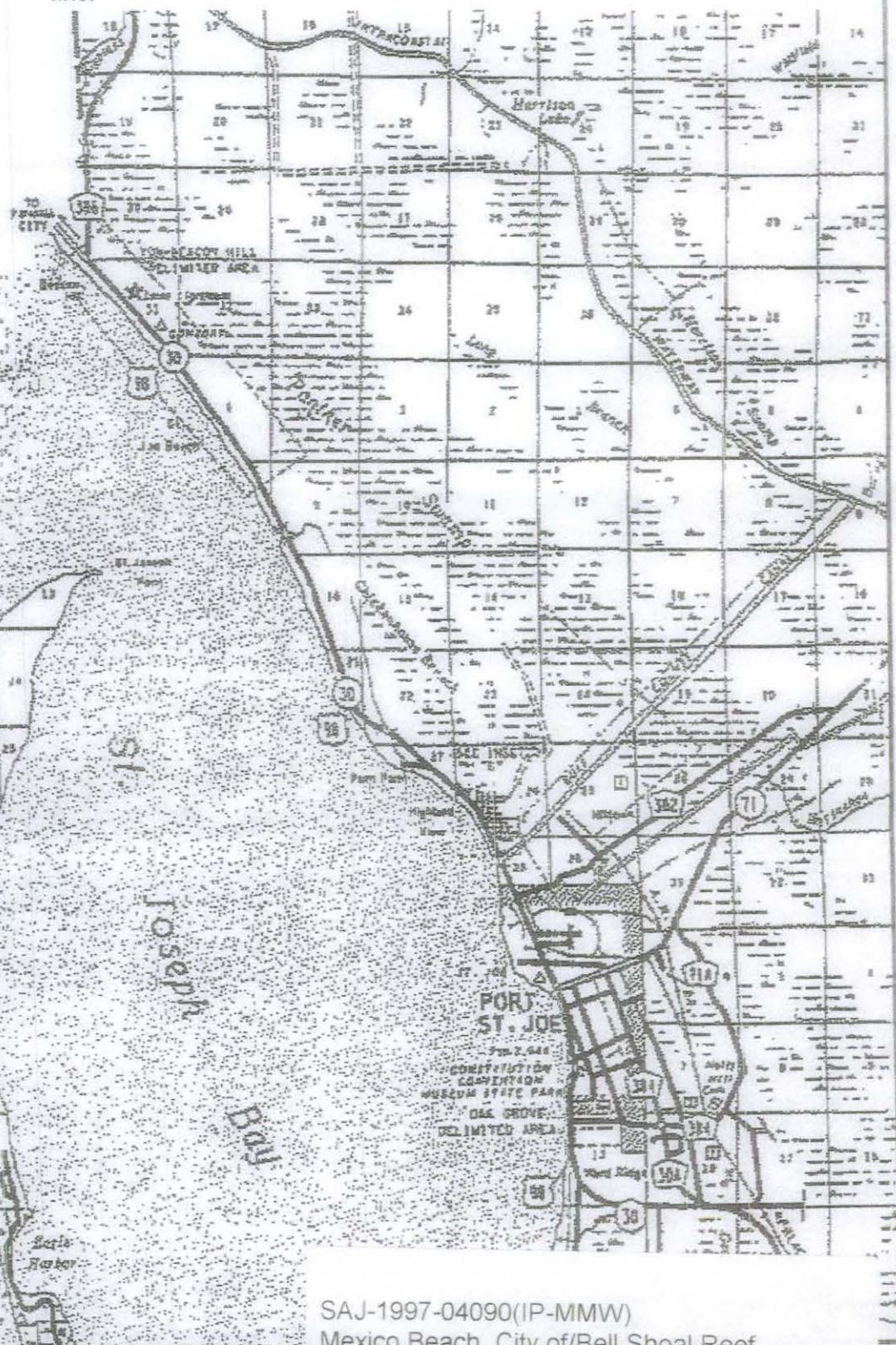
DATE: September 15, 2010

LONGITUDE:

SHEET: 1/3

SECTION: TWNSHP:

RNG:



Not for Navigation

Make Chart Transparent

Marinas

Route Maker

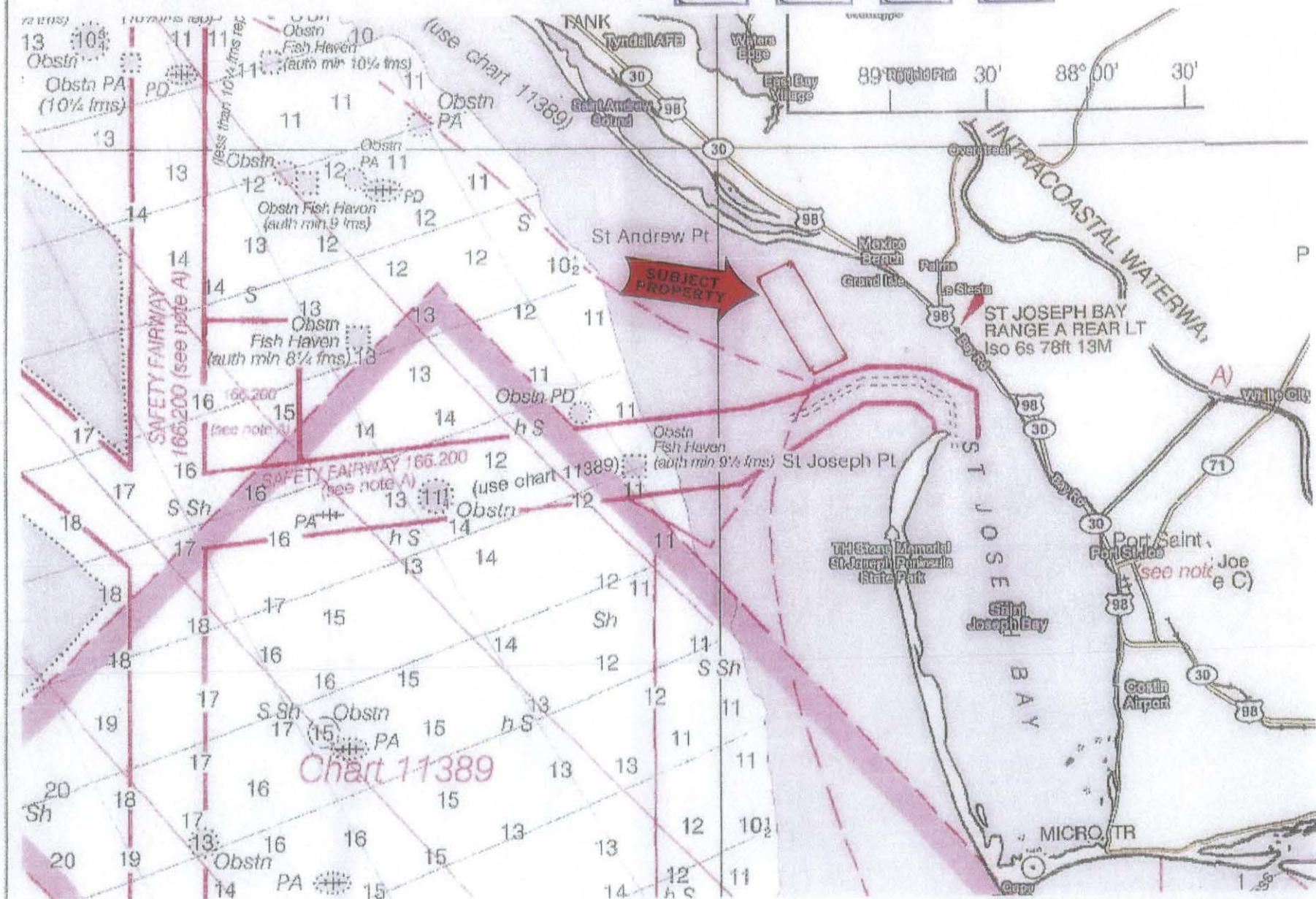
Route Make

Click to Find Nearby:

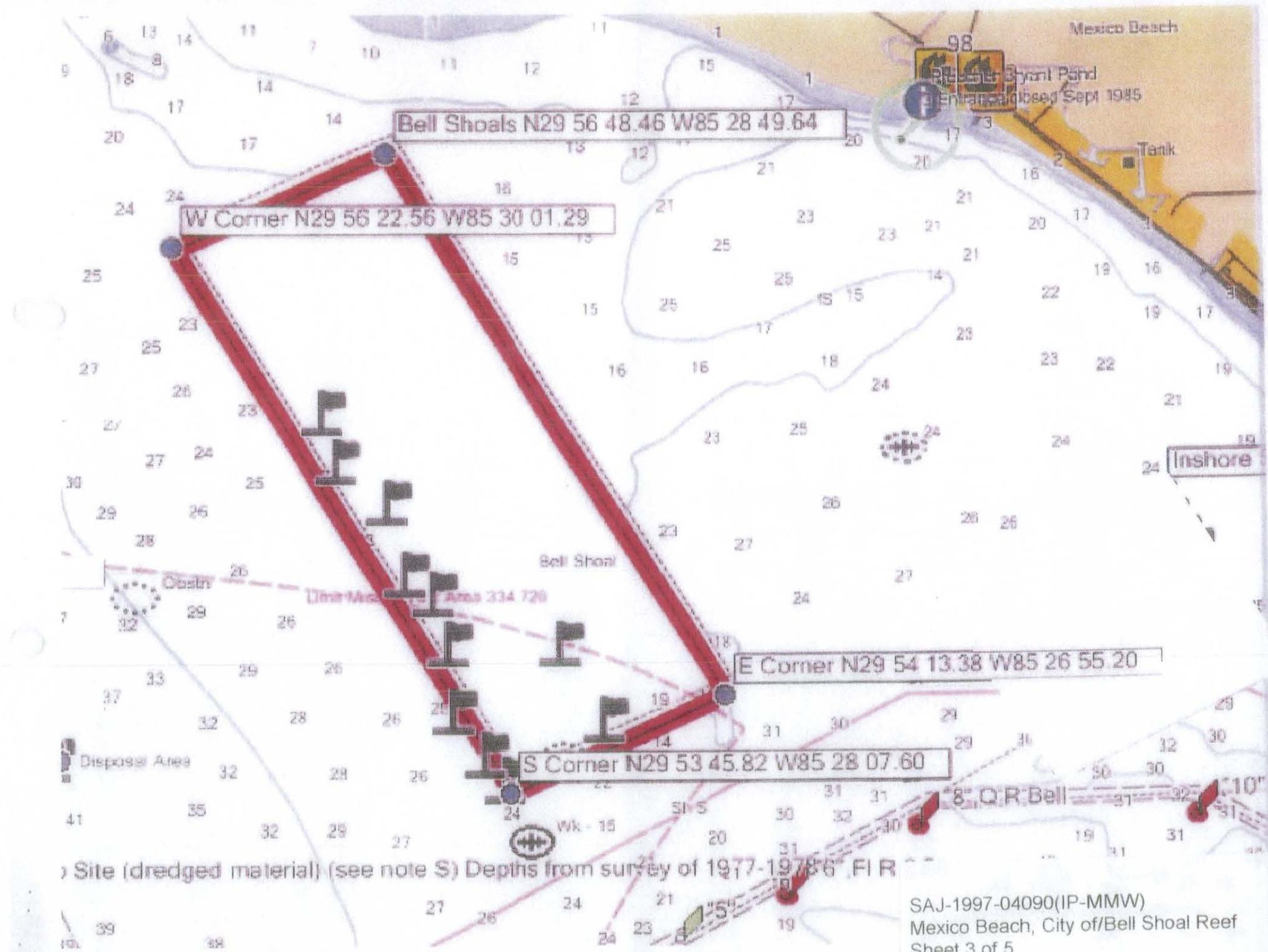


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Mexico Beach, City of/Bell Shoal Reef
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PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: City of Mexico Beach

JOB: 10-081

WATERBODY/CLASS: Gulf of Mexico

DEP:

PURPOSE: Artificial Reef

COE:

PROJECT LOCATION / USGS: Bay County / City of Mexico Beach

OTHER: Revised 12-15-10

LATITUDE:

DATE: December 15 2010

LONGITUDE:

SHEET: 2/3

SECTION: TWNSHP:

RNG:



**Bell Shoals N29° 56' 48.46"
W85° 28' 49.64"**

6,825'

**Corner N29° 56' 22.56"
W85° 30' 01.29"**

2,935± AC

18,730'

**E Corner N29° 53' 65.22"
W85° 28' 25.20"**

**S Corner N29° 53' 45.22"
W85° 28' 07.69"**

**TYPICAL 0.25 SQ MILE
W/ REEF MATERIALS**



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: CITY OF MEXICO BEACH

JOB: 10-081

WATERBODY/CLASS: GULF OF MEXICO

DEP:

PURPOSE: ARTIFICIAL REEF

COE:

PROJECT LOCATION / USGS: BAY COUNTY/CITY OF MEXICO BEACH

OTHER:

LATITUDE:

DATE: FEBRUARY 28, 2011

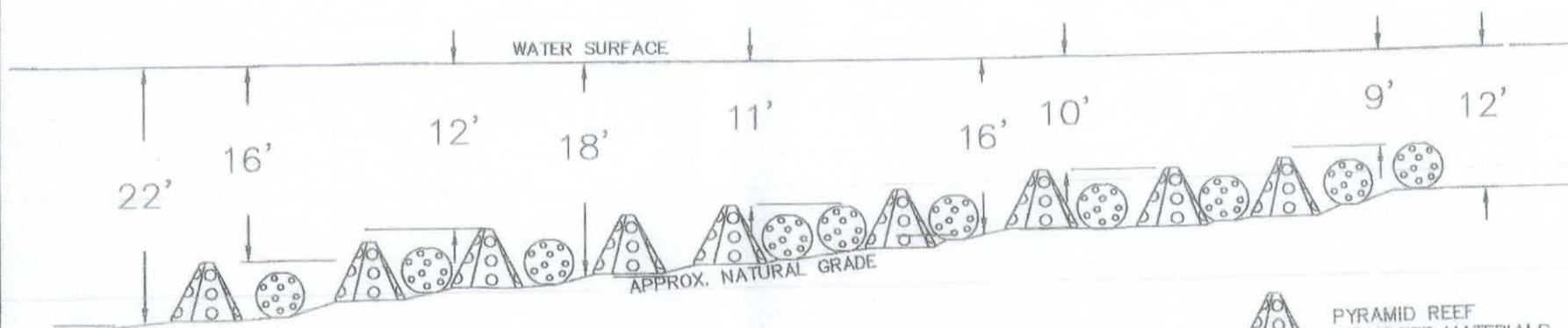
LONGITUDE:

SHEET: 3/3

SECTION: TWNSHP:

RNG:

CROSS SECTION
OF PROPOSED
REEF AREA
NOT TO SCALE



PYRAMID REEF
CONCRETE MATERIALS



BALL REEF
CONCRETE MATERIALS

The material shall be placed so that the top of the reef does not exceed 1/2 the distance from the bottom to the surface of the water, unless a greater distance is required for safe navigation. At no time shall the distance between the top of the reef and the surface of the water be less than 9 feet.





FLORIDA ARTIFICIAL REEF MATERIALS
CARGO MANIFEST AND PRE-DEPLOYMENT NOTIFICATION
(Issued pursuant to Ch. 370.25(6)(b), Florida Statutes)



I, _____, Name of individual managing reef deployment (print) _____ Signature _____ Date _____

whose address is _____, (_____) _____ - _____
Street _____ City _____ State _____ Zip Code _____ Phone _____

declare that I am staging and transporting the following artificial reef construction materials allowable pursuant to the U.S. Army Corps of Engineers Artificial Reef Permit referenced below and agree to comply with all permit conditions in the permit listed below and attached to this manifest. I understand this artificial reef site is open to public access and this authorization does not provide any rights or exclusive private use over those rights or uses to the general public.

The address of the land based reef materials staging area is: _____

Transporting Vessel Registration Number: _____

Vessel Owner: _____ Vessel Operator: _____

The following items are to be deployed as reef material (attach additional sheets when more than four locations):

MATERIAL TAG ID NUMBER(S), if applicable	Descriptions of material (number of pieces, type, dimension, weight)	GPS Coordinates degrees, minutes, decimal minutes (DD°MM.mmm')
		Lat: _____ ° _____ . _____ , Lon: _____ ° _____ . _____ ,
		Lat: _____ ° _____ . _____ , Lon: _____ ° _____ . _____ ,
		Lat: _____ ° _____ . _____ , Lon: _____ ° _____ . _____ ,
		Lat: _____ ° _____ . _____ , Lon: _____ ° _____ . _____ ,

A copy of the below referenced permit(s) and all associated conditions is attached to this manifest and shall be carried on board the vessel during loading, storing, or transporting artificial reef material.

-- OFFICIAL USE ONLY --

(TO BE COMPLETED BY PERMIT HOLDER, OR AUTHORIZED ARTIFICIAL REEF INSPECTOR)

Permit Holder: _____ Name of U.S. Department of the Army, Corps of Engineers (ACOE) Permit Holder _____

ACOE permit number _____, permitted site name _____

issued on _____ and has an expiration date of _____

Local tracking number (if applicable): _____

(Name of FWC authorized Artificial Reef Inspector, printed)

(Signature)

(Date)

EXPLANATION SHEET FOR THE ARTIFICIAL REEF MATERIALS CARGO MANIFEST FORM

The attached artificial reef cargo manifest has been developed in compliance with subsection 370.25 (6)(b), Florida Statutes, which states that:

"It is unlawful for any person to: store, possess or transport on or across state waters any materials reasonably suited for artificial reef construction and stored in such a manner providing ready access for use and placement as an artificial reef, unless a valid cargo manifest issued by the commission or a commission-certified inspector is onboard the transporting vessel. The manifest will serve as authorization to use a valid permitted site or land-based staging area, which will validate that the type of artificial reef construction material being transported is permissible for use at the permitted site, and will describe and quantify the artificial reef material being transported. The manifest will also include the latitude and longitude coordinates of the proposed deployment location, the valid permit number, and the copy off the permit conditions for the permitted site. The manifest must be available for inspection by any authorized law enforcement officer or commission employee."

This requirement for a cargo manifest became part of the statutory revision of the artificial reef program statute Section 370.25 Florida Statutes (F.S.), modified during the 2000 State of Florida Legislature. The statutory language allows a "commission certified inspector" to complete and approve the artificial reef materials cargo manifest. Therefore, we are providing the attached cargo manifest form to all local coastal government artificial reef coordinators and eligible non-profit corporations who may physically construct artificial reefs with the approval of the permit holders.

INSTRUCTIONS

A separate cargo manifest form is to be completed for each load to be transported offshore (i.e., one manifest per voyage). The manifest is to list all, and only, the reef materials onboard.

The top of the form is to be filled out by the reef builder with his/her contact information and the information about the proposed reef materials to be deployed written into the boxes. If several materials are identical but have different tag numbers, please write "SAME" in the box for the other materials. Also put "SAME" under additional coordinates if all materials are going to the same deployment site.

The shaded portion of the form at the bottom is to be filled out by the materials inspector. The cargo manifest must be completed by an entity representing the holder of the applicable artificial reef permit to assure that all materials meet the requirements of the permit.

Completion of the artificial reef materials cargo manifest is required for all construction activities.

The requirement to complete this document is not intended to be an undue burden on entities wishing to legally construct artificial reefs within permitted sites, but is a tool to assist law enforcement personnel in preventing the illegal construction of artificial reefs without the knowledge of the permit holder or in areas outside of legally permitted sites. It is intended to allow law enforcement staff to determine whether or not a load of materials is legal under the permit conditions. Without a properly completed Cargo Manifest Form on board, reef builders will be returned to port pursuant to Chapter 370.25 (6) (b). It is not necessary to send a copy of the Cargo Manifest Form to the FWC artificial reef section in Tallahassee. Documentation of the reef building activity should be maintained by the entity issuing the manifest in the event of any FWC inquiries.

Reminder: the placement of all public artificial reefs in state or adjacent federal waters requires the submittal of a Materials Placement Report to the FWC artificial reef program within 30 days of public reef deployment in accordance with s. 370.25 F.S.



FLORIDA ARTIFICIAL REEF MATERIALS PLACEMENT REPORT AND POST-DEPLOYMENT NOTIFICATION



To Be Completed For Each Deployment Location or Date of Deployment

County or
Municipality: _____

Date of Placement: _____

Grant No. FWC - _____
(if applicable)

U.S. Army Corps
Permit No.: _____

Total project cost: \$ _____

Funding Source(s) and Amount(s): FWC \$ _____ Local \$ _____ Other \$ _____

Name of Permitted
Reef Site: _____

Location Name
for This Deployment: _____

Latitude: _____ ° _____ ' North
(degrees, minutes, decimal minutes (DD°MM.mmm'))

Longitude: _____ ° _____ ' West
(degrees, minutes, decimal minutes (DD°MM.mmm'))

GPS Brand and Model Number: _____

Geographical Location: _____ at _____ degrees from _____
(nautical miles) (bearing) (reference inlet)

Water Depth: _____ feet - Maximum Material Height: _____ feet = Minimum Vertical Clearance: _____ feet

TYPE AND AMOUNT OF MATERIAL DEPLOYED AT THE LOCATION DESCRIBED ABOVE:
(ATTACH A PHOTOGRAPH OF THE MATERIAL ON THE BARGE IMMEDIATELY PRIOR TO DEPLOYMENT)

Primary Type of Material: _____ Number of Pieces: _____

Dimensions: _____

Secondary Type of Material: _____ Number of Pieces: _____

Dimensions: _____

TOTAL TONNAGE FOR THIS DEPLOYMENT: _____

I DO HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

Observer's Name: _____
(PLEASE PRINT)

Title: _____
(PLEASE PRINT)

Observer's Signature: _____

Date: _____

Observer's Remarks: _____

I DO HEREBY CERTIFY THAT THE ABOVE INFORMATION COMPLIES WITH THE ABOVE REFERENCED PERMIT CONDITIONS

Permittee's Staff Name: _____
(PLEASE PRINT)

Title: _____
(PLEASE PRINT)

Permittee's Staff Signature: _____ Date: _____

Local Tracking number _____ FWC Tracking number _____ Entered by _____ on _____
Rev. 4/23/2007 FWC initials _____ date _____

Second page to contain instructions....

FOR GRANT-FUNDED REEFS, the following data will be recorded at the staging area prior to and after the deployment. This formula represents an average, single rake barge and may not represent the exact tonnage of materials placed.

USING THIS FORMULA FOR PAYMENT OF TRANSPORTATION COSTS SHOULD BE AGREED UPON IN ADVANCE WITH A CONTRACTOR.

Barge Length: _____ feet Barge Width: _____ feet Loaded Draft: _____ feet Unloaded Draft: _____ feet

(Length X Width X Loaded Draft X 0.93 X 65) = 2,000 = _____ (Loaded barge weight in tons)
SUBTRACT

(Length X Width X Unloaded Draft X 0.93 X 65) = 2,000 = _____ (Unloaded barge weight in tons)

TOTAL TONNAGE FOR THIS DEPLOYMENT = _____



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

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

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STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has 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. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8½ " by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.



Vessel Strike Avoidance Measures and Reporting for Mariners

NOAA Fisheries Service, Southeast Region

Background

The National Marine Fisheries Service (NMFS) has determined that collisions with vessels can injure or kill protected species (e.g., endangered and threatened species, and marine mammals). The following standard measures should be implemented to reduce the risk associated with vessel strikes or disturbance of these protected species to discountable levels. NMFS should be contacted to identify any additional conservation and recovery issues of concern, and to assist in the development of measures that may be necessary.

Protected Species Identification Training

Vessel crews should use an Atlantic and Gulf of Mexico reference guide that helps identify protected species that might be encountered in U.S. waters of the Atlantic Ocean, including the Caribbean Sea, and Gulf of Mexico. Additional training should be provided regarding information and resources available regarding federal laws and regulations for protected species, ship strike information, critical habitat, migratory routes and seasonal abundance, and recent sightings of protected species.

Vessel Strike Avoidance

In order to avoid causing injury or death to marine mammals and sea turtles the following measures should be taken when consistent with safe navigation:

1. Vessel operators and crews should maintain a vigilant watch for marine mammals and sea turtles to avoid striking sighted protected species.
2. When whales are sighted, maintain a distance of 100 yards or greater between the whale and the vessel.
3. When sea turtles or small cetaceans are sighted, attempt to maintain a distance of 50 yards or greater between the animal and the vessel whenever possible.
4. When small cetaceans are sighted while a vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until the cetacean has left the area.
5. Reduce vessel speed to 10 knots or less when mother/calf pairs, groups, or large assemblages of cetaceans are observed near an underway vessel, when safety permits. A single cetacean at the surface may indicate the presence of submerged animals in the vicinity; therefore, prudent precautionary measures should always be exercised. The vessel should attempt to route around the animals, maintaining a minimum distance of 100 yards whenever possible.

6. Whales may surface in unpredictable locations or approach slowly moving vessels. When an animal is sighted in the vessel's path or in close proximity to a moving vessel and when safety permits, reduce speed and shift the engine to neutral. Do not engage the engines until the animals are clear of the area.

Additional Requirements for the North Atlantic Right Whale

1. If a sighted whale is believed to be a North Atlantic right whale, federal regulation requires a minimum distance of 500 yards be maintained from the animal (50 CFR 224.103 (c)).
2. Vessels entering North Atlantic right whale critical habitat are required to report into the Mandatory Ship Reporting System.
3. Mariners should check with various communication media for general information regarding avoiding ship strikes and specific information regarding North Atlantic right whale sighting locations. These include NOAA weather radio, U.S. Coast Guard NAVTEX broadcasts, and Notices to Mariners. Commercial mariners calling on United States ports should view the most recent version of the NOAA/USCG produced training CD entitled "A Prudent Mariner's Guide to Right Whale Protection" (contact the NMFS Southeast Region, Protected Resources Division for more information regarding the CD).
4. Injured, dead, or entangled right whales should be immediately reported to the U.S. Coast Guard via VHF Channel 16.

Injured or Dead Protected Species Reporting

Vessel crews should report sightings of any injured or dead protected species immediately, regardless of whether the injury or death is caused by your vessel.

Report marine mammals to the Southeast U.S. Stranding Hotline: 877-433-8299
Report sea turtles to the NMFS Southeast Regional Office: 727-824-5312

If the injury or death of a marine mammal was caused by a collision with your vessel, responsible parties should remain available to assist the respective salvage and stranding network as needed. NMFS' Southeast Regional Office should be immediately notified of the strike by email (takereport.nmfsser@noaa.gov) using the attached vessel strike reporting form.

For additional information, please contact the Protected Resources Division at:

NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701
Tel: (727) 824-5312
Visit us on the web at <http://sero.nmfs.noaa.gov>