



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
415 RICHARD JACKSON BOULEVARD, SUITE 411  
PANAMA CITY BEACH, FLORIDA 32407

September 1, 2020

REPLY TO  
ATTENTION OF

North Permits Branch  
Panama City Permits Section  
SAJ-2015-01293(SP-LSL)

Bay County Board of County Commissioners  
c/o Mr. Ian Crelling, Artificial Reef Coordinator  
840 West 11<sup>th</sup> St Room 2350  
Panama City, Florida 32401

Dear Mr. Crelling:

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 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida 32407. 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,

KIZLAUSKAS.ANDREW.A.1  
368129140  
2020.09.01 16:09:53  
-05'00'

for Shawn Zinzser  
Chief, Regulatory Division

Enclosures

Copies Furnished:  
Mr. Bob Cox, MRBA  
Mr. Scott Jackson  
CESAJ-RD-PE

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** BAY COUNTY BOARD OF COUNTY COMMISSIONERS  
c/o Mr. Ian Crelling  
840 West 11<sup>th</sup> Street, Room 2350  
Panama City, Florida 32401

**Permit No:** SAJ-2015-01293

**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 U.S. Army Corps of Engineers (Corps) 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:** The permittee is authorized for a 10 year period to place environmentally compatible material to construct 72 patch reefs in permitted reef site location known as SAARS F. Material may include concrete, limestone, submerged steel-hulled vessels and other approved substrate. Material placement will occur in areas devoid of any hardbottom resources. Each of the eight permitted reef sites would be ¼ x ¼ nm. Additionally, each reef site would have a 20-foot buffer on each side. An authorized minimum depth of 50 feet at mean low water (MLW) is requested by the applicant. The work described above is to be completed in accordance with the 7 pages of drawings and 5 attachments affixed at the end of this permit instrument.

**Project Location:** The project includes an offshore artificial reef area in the Gulf of Mexico offshore of Bay County. The proposed reef permit area is located within Florida's state waters approximately 11 – 16 nm southwest of St Andrew Bay Pass. Water depth in this area average 80 – 90'.

**Approximate Central Coordinates:**

Point	Latitude DD.DDDD	Longitude DD.DDDD
Centroid	N30.08410	W-85.90315
Northeast Corner	N30.08592	W-85.90107
Southeast Corner	N30.08228	W-85.90107
Southwest Corner	N30.08220	W-85.90523
Northwest Corner	N30.08592	W-85.90523

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Point	Latitude DDMM.MMM	Longitude DDMM.MMM
Centroid	N30 05.046	W85 54.189
Northeast Corner	N30 05.155	W85 54.064
Southeast Corner	N30 04.937	W85 54.064
Southwest Corner	N30 04.937	W85 54.314
Northwest Corner	N30 05.155	W85 54.314

### **Permit Conditions**

#### **General Conditions:**

1. The time limit for completing the work authorized ends on **September 1, 2030**. 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-2015-01293, on all correspondence. Unless specifically notified to the contrary, the Permittee shall use the following addresses for transmitting correspondence to the referenced agencies:

- a. U.S. Army Corps of Engineers  
P.O. Box 4970, Jacksonville, Florida 32232-0019

or by email at: SAJ-RD-Enforcement@usace.army.mil

- b. National Oceanic and Atmospheric Administration  
Marine Chart Division  
Office of Coast Survey, N/CS26, Sta. 7317  
1315 East-West Highway  
Silver Springs, MD 20910-3282

or email at: ocs.ndb@noaa.gov

- c. Commander, U.S. Coast Guard (USCG)  
Hale Boggs Federal Building  
500 Poydras Street  
New Orleans, Louisiana 70130

- d. Florida Fish and Wildlife Conservation Commission  
Artificial Reef Program  
620 S. Meridian Street, Box 4B2  
Tallahassee, Florida 32399

Or email at: artificialreefdeployments@MyFWC.com

**2. Initial Agency Notification:** The Permittee shall provide to the U.S. Army Corps of Engineers (Corps), National Oceanic and Atmospheric Administration (NOAA), and U.S. Coast Guard (USCG) written notification of the planned deployment start date at least 2 weeks prior to the initial deployment on the authorized artificial reef site.

**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:

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a. Prefabricated artificial reef modules composed of ferrous and/or aluminum-alloy metals, ¼ inch 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.

c. Clean steel and concrete bridge or large building demolition materials such as slabs or pilings with all steel reinforcement rods severed as close to the concrete surface as possible but not to extend more than 6 inches to ensure the rod will not create a fishing tackle or diver ensnaring hazard.

d. Heavy gauge ferrous & aluminum alloy metal material components or structures, ¼ inch or more in thickness, such as utility poles and antenna towers.

e. Heavy gauge ferrous and aluminum alloy metal hulled vessels which equal or exceed 60 feet hull length prepared and deployed in accordance with all applicable U.S. Coast Guard, U.S. Environmental Protection Agency, Florida Fish and Wildlife Conservation Commission, or other applicable state or federal agency regulations or policies. The vessel shall not be deployed until all necessary inspections and clearances have been obtained or waived and a stability analysis has been completed demonstrating the vessel will be stable during a 50-year storm event based on vessel and deployment site characteristics. The Permittee shall follow the National guidance regarding preparation of vessels for deployment as artificial reefs which are available at <http://www.epa.gov/owow/oceans/habitat/artificialreefs/index.html>. The Permittee shall provide a record of all inspections, clearances or waivers to the Corps along with the pre-deployment notification. The Permittee must first submit a project-specific deployment plan to the USACE and FWC to request such authorization to deploy vessels, and the plan must include the following information:

- 1) Detailed description of the proposed deployment including vessel material type, deployment depth, intended orientation of the vessel (e.g., upright, on its side, upside down), navigational clearance with the material in all orientations, and the weight and dimensions of the selected vessel;
- 2) Stability analysis of the proposed vessel at the depth and location proposed for deployment;
- 3) A pre-deployment preparation plan describing how compliance with the EPA and MARAD "National Guidance: Best Management Practices for Preparing Vessels

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Intended to Create Artificial Reefs” has been followed. This document is available at: <https://www.epa.gov/sites/production/files/2015-09/documents/artificialreefguidance.pdf>;

- 4) Tow and anchoring plan describing how the vessel will be towed to and anchored at the deployment site;
- 5) Sink Plan describing the methods used to deploy the vessel. If the use of explosives is requested, a detailed explosive and detonation plan including justification documenting the need for the use of explosives as the only deployment alternative, and a marine mammal monitoring and vessel security plan must be provided;
- 6) A monitoring plan describing on-water and pre-deployment monitoring, immediate post-deployment monitoring, and annual monitoring activities to document that the vessel is deployed/located within the permitted area including coordinates, orientation of vessel (e.g., upright, side, upside down), structural integrity status (i.e., is the vessel in one piece, are pieces being disassociated from the structure), and documentation that the vessel meets USCG navigational requirements.
- 7) A copy of the proposed project budget, and documentation that the permittee has approved funding adequate to procure, clean, deploy, and conduct monitoring of the selected vessel once it has been deployed.

**4. Reef Parameters:** The Permittee shall deploy all reef materials within the site boundaries as defined on permit drawing pages 1, 3-5 of 7. A minimum clearance of 50 feet from the top of the deployed material relative to mean low water (MLW) shall be maintained.

**5. Violation of Reef Parameters Notification:** In the event reef material is deployed in a location or manner contrary to the Reef Parameters Special Condition, the Permittee shall immediately notify the USCG Station and provide information as requested by the station. The Permittee shall notify NOAA, USCG and Corps 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 longitude coordinates (degree, minute, decimal minute format to the third decimal place), and the water depth above the material from MLW. 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 have 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 1 year prior to deployment. The Permittee shall maintain a deployment buffer of at least 200 feet from any submerged beds of sea grasses, 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. Should the assessment find any evidence of cultural/archaeological resources such as sunken vessels, ballast, historic refuse piles, or careenage areas, the Permittee shall also maintain a deployment buffer of at least 200 feet from these resources.

The Permittee shall provide of the information obtained from the assessment to the Corps no less than 14 days prior to deployment of material on an artificial reef in conjunction with the pre-deployment notification.

**7. 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 (Attachment A), to the Corps and Florida Fish and Wildlife Conservation Commission (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 all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall not deploy material if notified by the Corps or FWC that the material is questionable. The material needs to be evaluated before it is released for deployment. Any material deemed unacceptable for reef material will be disposed in an approved upland disposal site.

Deployment of the material shall not occur until after the end of the 14-day inspection period. The Permittee shall ensure both a copy of this 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.

**8. Post-Deployment Placement Report/As-Built Drawing:** No less than 30 days after deployment at the reef site, the Permittee shall transmit by email to the Corps, FWC, and NOAA a complete and signed "Florida Artificial Reef Materials Placement Report and Post-Deployment Notification" form (Attachment B). Please note, the Corps requires the latitude and longitude to be accurate within 5 meters horizontal distance on the post-deployment report. Attach to the report an as-built drawing containing the

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approximate deployment configurations and the height of the material after placement. Depth shall be verified utilizing fathometer, depth sounder, or similar device accurate to within 1 meter. Also, include information on the condition of the material at the time of deployment. The report and drawing shall be limited to a few pages per deployment. Representative photographs and/or video, if available, should be submitted.

**9. 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.

**10. 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, 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.

**11. Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment C).

**12. Marine Life Entrapment:** Neither reef structure nor material or the method of design or deployment should pose more than minimal risk of entrapping fish, marine turtles, or marine mammals. The Permittee shall take all necessary action to minimize this risk. Any observation of entrapped marine turtles or marine mammals on this artificial reef site should be reported immediately to the Enforcement Section by telephone at 850-433-8860 and the National Marine Fisheries Service by telephone at 727-824-5301.

**13. Protected Species Guidance:** The Permittee shall comply with the "Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting" (Attachment D), for marine turtles and marine mammals.

**14. Cultural Resources/Historic Properties:**

a. Prior to deploying the reef materials, SHPO recommends that divers visually inspect the deployment locations to determine whether or not there is any evidence of exposed cultural resources.



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b. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

c. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

d. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

e. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

**15. Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Panama City Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

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**16. 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 (Attachment E).

**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)

( ) 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.

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.

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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.

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.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

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Ian Crelling  
(PERMITTEE)

8-31-20  
(DATE)

Ian Crelling  
(PERMITTEE NAME-PRINTED)

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

Andrew D. Kelly, Jr.

KIZLAUSKAS.ANDREW.A.1368129140  
2020.09.01 16:18:34 -05'00'

(DISTRICT ENGINEER)

(DATE)

For Andrew D. Kelly, Jr.  
Colonel, U.S. Army  
District Commander

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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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***Attachments to Department of the Army  
Permit Number SAJ-2015-01293***

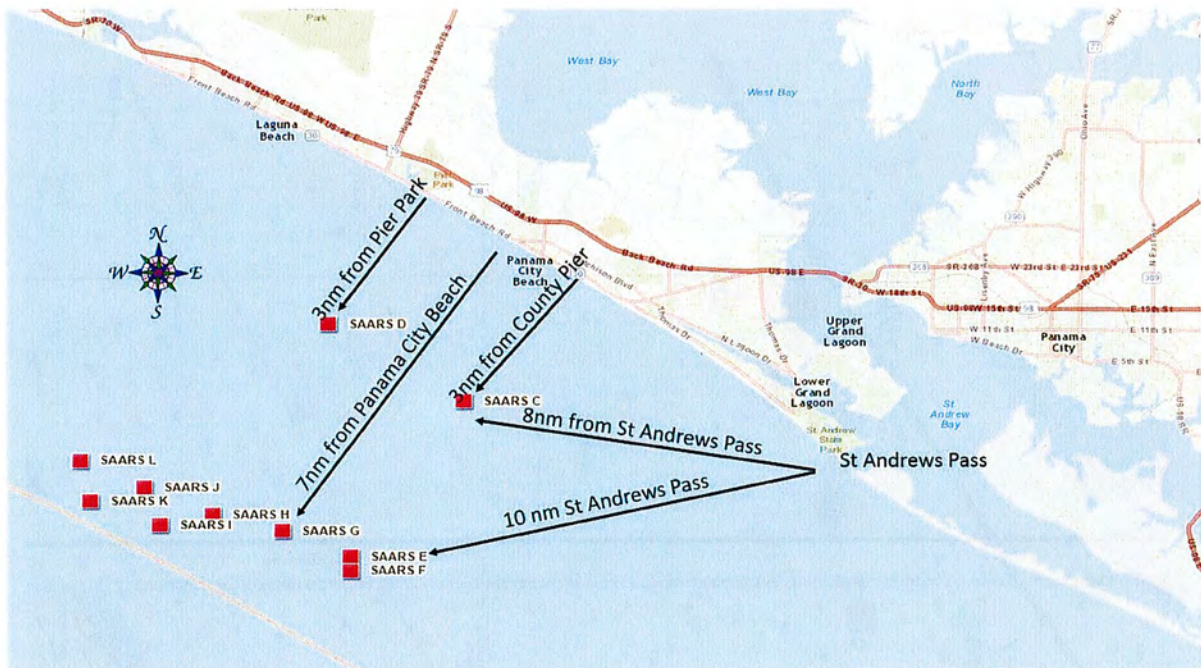
1. PERMIT DRAWINGS: 7 pages.
2. WATER QUALITY CERTIFICATION: 22 pages.
3. PRE-DEPLOYMENT NOTIFICATION: 2 pages, *Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification*.
4. POST-DEPLOYMENT PLACEMENT REPORT: 2 pages, *Florida Artificial Reef Materials Placement Report and Post-Deployment Notification*.
5. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011*.
6. PROTECTED SPECIES GUIDANCE: 2 pages, *Vessel Strike Avoidance Measures and Reporting for Mariners*.
7. SEA TURTLE – SAWFISH CONDITIONS: 1 page, *Sea Turtle and Smalltooth Sawfish Construction Conditions, revised March 23, 2006*.

**Proposed SAARS E – L (NRDA PROJECT)**

Permit Area	Point	LAT(DDMM.MMMM)	LAT(DD.DDDD)	LON(DDMM.MMMM)	LON(DD.DDDD)	PASS BEARING	PASS DIST
SAARS E	NW	N3005.4480	N30.09080	W-8554.3040	W-85.90507	260.1	10.60
SAARS E	NE	N3005.4480	N30.09080	W-8554.0540	W-85.90090	259.9	10.36
SAARS E	SE	N3005.2300	N30.08717	W-8554.0540	W-85.90090	258.7	10.40
SAARS E	SW	N3005.2300	N30.08717	W-8554.3040	W-85.90507	259.0	10.64
SAARS E	CENTER	N3005.3390	N30.08898	W-8554.1790	W-85.90298	259.4	10.50
Permit Area	Point	LAT(DDMM.MMMM)	LAT(DD.DDDD)	LON(DDMM.MMMM)	LON(DD.DDDD)	PASS BEARING	PASS DIST
SAARS F	NW	N3005.1550	N30.08592	W-8554.3140	W-85.90523	258.6	10.67
SAARS F	NE	N3005.1550	N30.08592	W-8554.0640	W-85.90107	258.3	10.42
SAARS F	SE	N3004.9370	N30.08228	W-8554.0640	W-85.90107	257.1	10.47
SAARS F	SW	N3004.9370	N30.08228	W-8554.3140	W-85.90523	257.4	10.71
SAARS F	CENTER	N3005.0460	N30.08410	W-8554.1890	W-85.90315	257.9	10.57
Permit Area	Point	LAT(DDMM.MMMM)	LAT(DD.DDDD)	LON(DDMM.MMMM)	LON(DD.DDDD)	PASS BEARING	PASS DIST
SAARS G	NW	N3005.9910	N30.09985	W-8555.7360	W-85.92893	263.9	11.95
SAARS G	NE	N3005.9910	N30.09985	W-8555.4860	W-85.92477	263.7	11.70
SAARS G	SE	N3005.7730	N30.09622	W-8555.4860	W-85.92477	262.7	11.72
SAARS G	SW	N3005.7730	N30.09622	W-8555.7360	W-85.92893	262.8	11.97
SAARS G	CENTER	N3005.8820	N30.09803	W-8555.6110	W-85.92685	263.3	11.83
Permit Area	Point	LAT(DDMM.MMMM)	LAT(DD.DDDD)	LON(DDMM.MMMM)	LON(DD.DDDD)	PASS BEARING	PASS DIST
SAARS H	NW	N3006.3300	N30.10550	W-8557.1930	W-85.95322	266.0	13.37
SAARS H	NE	N3006.3300	N30.10550	W-8556.9430	W-85.94905	265.9	13.12
SAARS H	SE	N3006.1120	N30.10187	W-8556.9430	W-85.94905	265.0	13.14
SAARS H	SW	N3006.1120	N30.10187	W-8557.1930	W-85.95322	265.0	13.38
SAARS H	CENTER	N3006.2210	N30.10368	W-8557.0680	W-85.95113	265.5	13.25
Permit Area	Point	LAT(DDMM.MMMM)	LAT(DD.DDDD)	LON(DDMM.MMMM)	LON(DD.DDDD)	PASS BEARING	PASS DIST
SAARS I	NW	N3006.1090	N30.10182	W-8558.2960	W-85.97160	265.4	14.48
SAARS I	NE	N3006.1090	N30.10182	W-8558.0460	W-85.96743	265.3	14.23
SAARS I	SE	N3005.8910	N30.09818	W-8558.0460	W-85.96743	264.5	14.25
SAARS I	SW	N3005.8910	N30.09818	W-8558.2960	W-85.97160	264.6	14.50
SAARS I	CENTER	N3006.0000	N30.10000	W-8558.1710	W-85.96952	264.9	14.37
Permit Area	Point	LAT(DDMM.MMMM)	LAT(DD.DDDD)	LON(DDMM.MMMM)	LON(DD.DDDD)	PASS BEARING	PASS DIST
SAARS J	NW	N3006.8970	N30.11495	W-8558.6200	W-85.97700	268.6	14.77
SAARS J	NE	N3006.8970	N30.11495	W-8558.3700	W-85.97283	268.5	14.52
SAARS J	SE	N3006.6790	N30.11132	W-8558.3700	W-85.97283	267.7	14.52
SAARS J	SW	N3006.6790	N30.11132	W-8558.6200	W-85.97700	267.7	14.77
SAARS J	CENTER	N3006.7880	N30.11313	W-8558.4950	W-85.97492	268.1	14.64
Permit Area	Point	LAT(DDMM.MMMM)	LAT(DD.DDDD)	LON(DDMM.MMMM)	LON(DD.DDDD)	PASS BEARING	PASS DIST
SAARS K	NW	N3006.6080	N30.11013	W-8559.7270	W-85.99545	267.6	15.88
SAARS K	NE	N3006.6080	N30.11013	W-8559.4770	W-85.99128	267.6	15.63
SAARS K	SE	N3006.3900	N30.10650	W-8559.4770	W-85.99128	266.8	15.64
SAARS K	SW	N3006.3900	N30.10650	W-8559.7270	W-85.99545	266.8	15.89
SAARS K	CENTER	N3006.4990	N30.10832	W-8559.6020	W-85.99337	267.2	15.76
Permit Area	Point	LAT(DDMM.MMMM)	LAT(DD.DDDD)	LON(DDMM.MMMM)	LON(DD.DDDD)	PASS BEARING	PASS DIST
SAARS L	NW	N3007.4590	N30.12432	W-8559.9320	W-85.99887	270.7	16.07
SAARS L	NE	N3007.4590	N30.12432	W-8559.6820	W-85.99470	270.7	15.82
SAARS L	SE	N3007.2410	N30.12068	W-8559.6820	W-85.99470	269.9	15.82
SAARS L	SW	N3007.2410	N30.12068	W-8559.9320	W-85.99887	269.9	16.07
SAARS L	CENTER	N3007.3500	N30.12250	W-8559.8070	W-85.99678	270.3	15.95

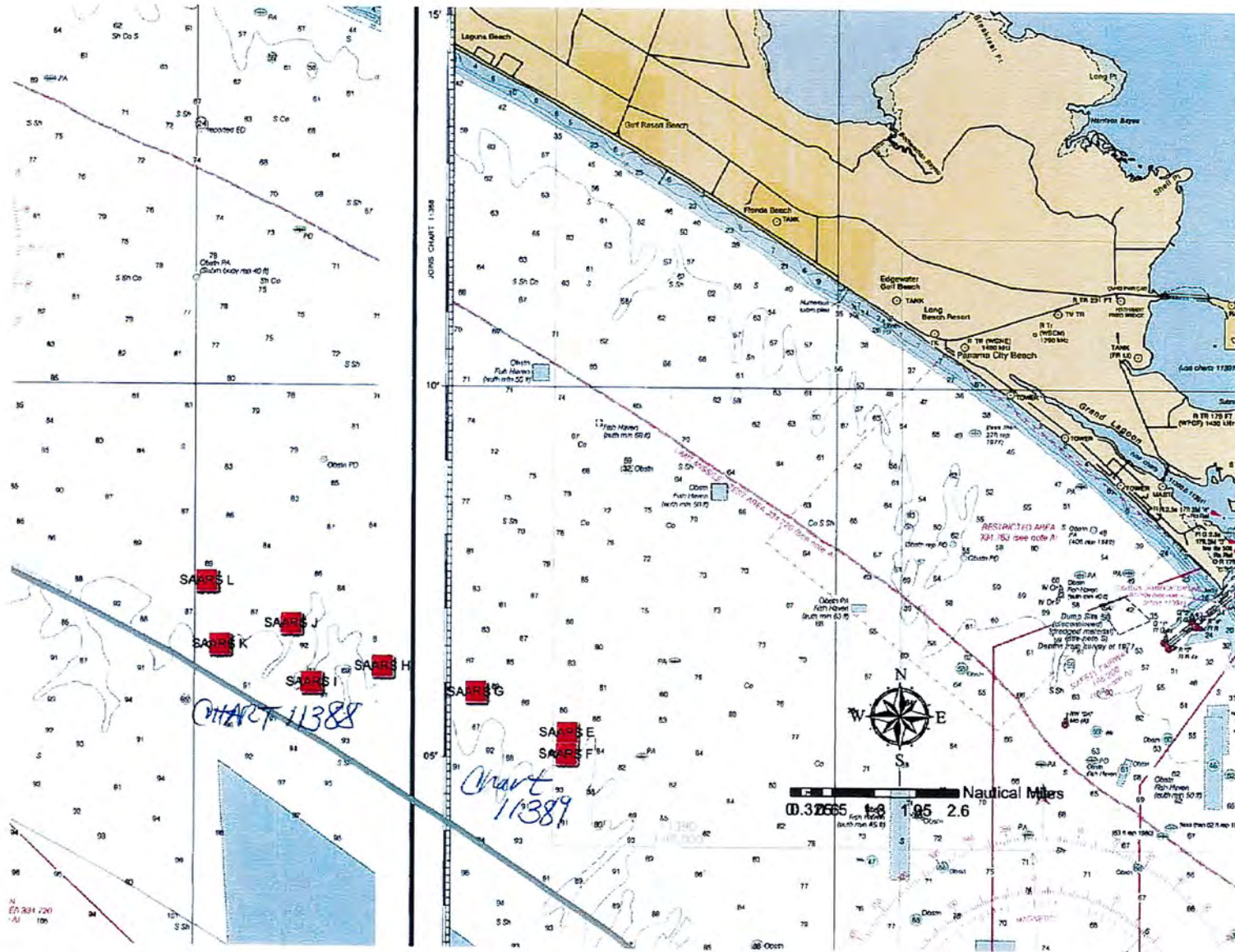
Proximity Map for Proposed Reef Permit Sites (SAARS Permit Sites C & D shown are currently active)

Note: Drawings are not to scale.



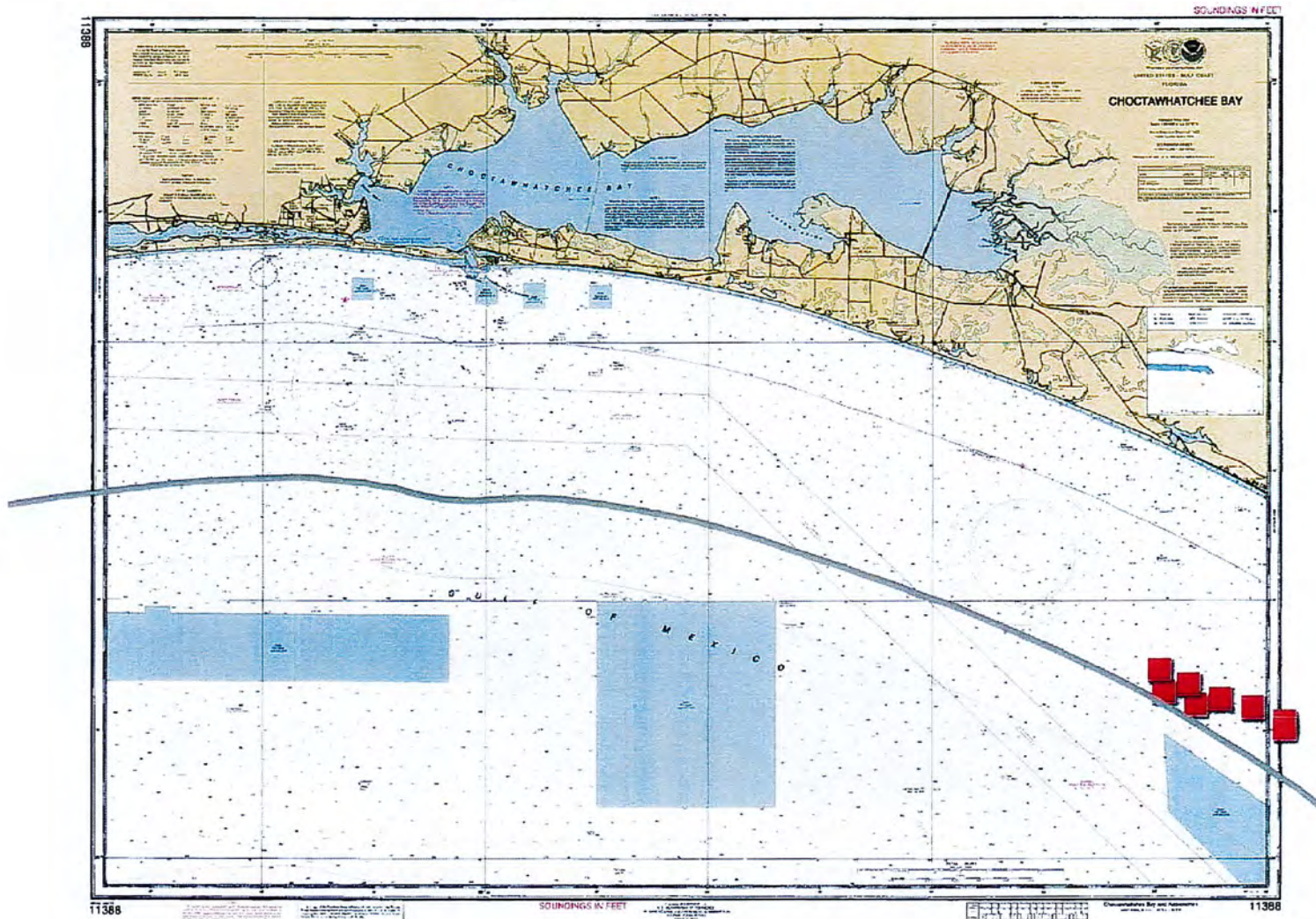
Note: Drawings are not to scale.





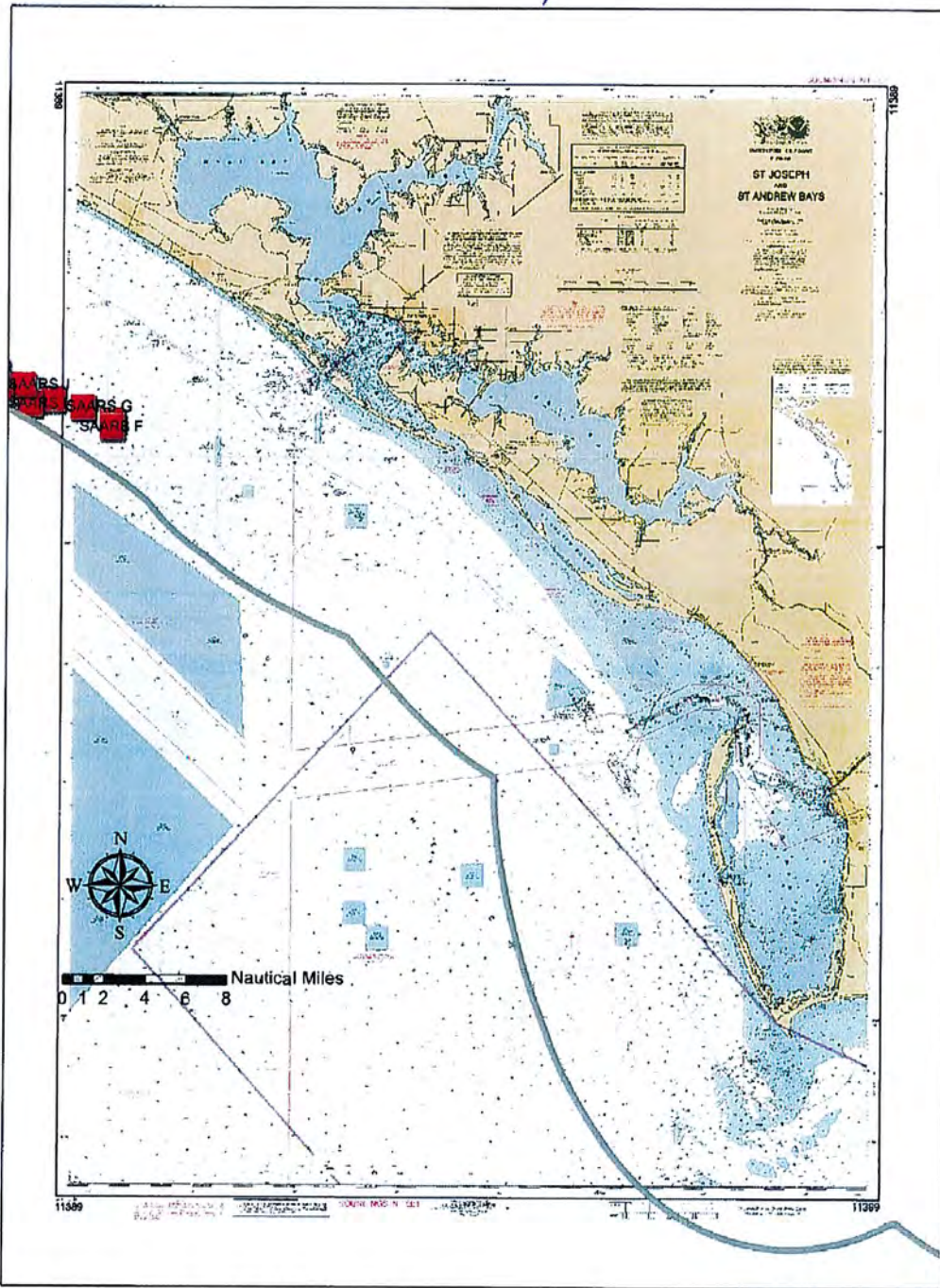
Note: Drawings are not to scale.

CHART 11388



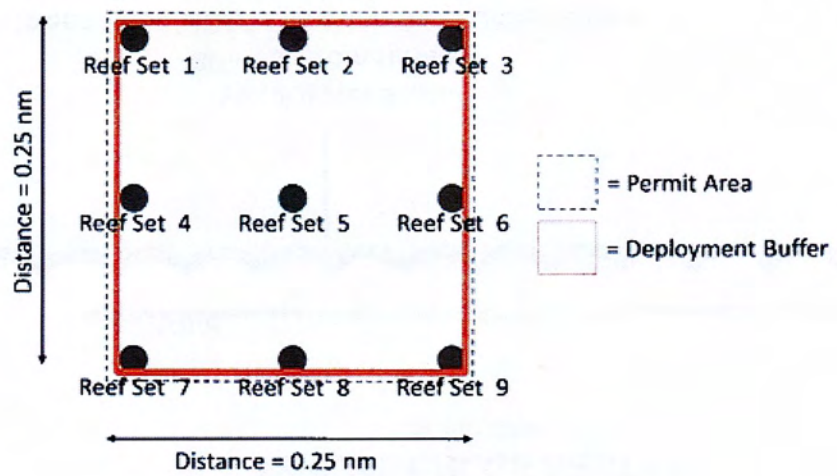
Note: Drawings are not to scale.

CHART 11389



Note: Drawings are not to scale.

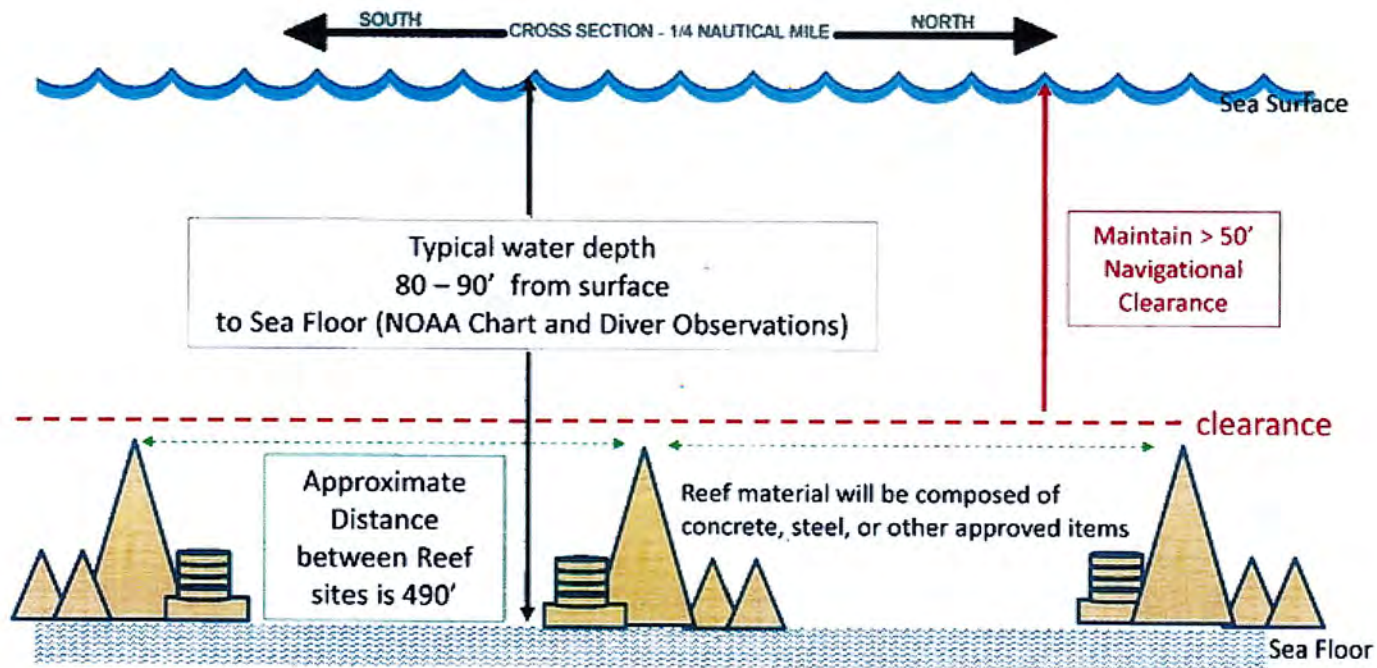
### Representative SAARS Reef Deployment Locations



Note: Drawings are not to scale.

# Plain View

## TYPICAL CROSS SECTION NOT TO SCALE



Note: Drawings are not to scale.

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**In re:**

**EMERGENCY ORDER DUE TO  
THE EFFECTS OF COVID-19**

**OGC NO. 20-0239**

**THIRD AMENDED AND RESTATED EMERGENCY FINAL ORDER**

The State of Florida Department of Environmental Protection (Department) enters this Third Amended and Restated Emergency Final Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent and immediate danger to the public health, safety, and welfare of the citizens of the State of Florida caused by the Novel Coronavirus Disease 2019 (hereinafter "COVID-19"). This Third Amended and Restated Emergency Final Order restates, amends and extends the provisions of the Emergency Final Order due to the effects of COVID-19 issued on April 1, 2020, May 8, 2020, and May 29, 2020.

**FINDINGS OF FACT**

1. Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.

2. In late 2019, a new and significant outbreak of COVID-19 emerged in China. Since the initial outbreak, COVID-19 has now been detected in more than 100 locations internationally, including the United States. As a result, the World Health Organization has declared COVID-19 a pandemic.

3. Positive cases of COVID-19 have been detected in the state of Florida. On March 1, 2020, pursuant to the Governor's Executive Order number 20-51 the State of

Florida's Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19. The Governor also directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 1 to provide a coordinated response to the COVID-19 emergency.

4. By State of Florida Executive Order Nos. 20-52, 20-114, and 20-166 the Governor declared that a state of emergency exists throughout the state of Florida (Emergency Area).

5. The Department finds that the effects of COVID-19 create a state of emergency posing an imminent danger to the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action is necessary.

6. In accordance with recommendations from the Centers for Disease Control and Prevention (CDC) and other health organizations, many employees of companies and government entities, are working remotely to minimize the risk of spreading COVID-19. On March 16, 2020, President Trump and the CDC issued the 15 days to Slow the Spread guidance advising individuals to adopt far reaching social distancing measures such as working from home and avoiding gatherings of more than 10 people.

7. COVID-19 may cause disruption in supply chains and the labor force, thereby impacting the ability of many regulated entities to meet certain regulatory deadlines. Therefore, the Department finds that it is appropriate to extend certain regulatory deadlines by 30 days to accommodate disruptions. This Order does not provide relief from any other regulatory requirements including those of other federal,

state, or local agencies. This Order likewise does not provide relief from the Department's compliance and enforcement activities. The Department will continue to carry out all inspections, testing, data and file reviews and other compliance verification activities to ensure full compliance with regulatory and pollution prevention requirements, including the pollution notification requirement under Section 403.077, Florida Statutes. In the event of noncompliance with any such requirements, the Department will continue to fully execute its compliance and enforcement duties.

8. The Department finds that in-person public meetings and hearings pose a potential risk and should not be held during the term of this Order. Instead, public meetings and hearings held by electronic means is a safe method to encourage public engagement while protecting public health.

9. The Department finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action in coping with the emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.

### **CONCLUSIONS OF LAW**

1. Based on the findings recited above, it is hereby concluded that the emergency caused by COVID-19 poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the Department.

2. Under State of Florida Executive Order Nos. 20-52, 20-114, and 20-166 and Sections 120.569(2)(n), 252.36, and 252.46, Florida Statutes, the Secretary or designee of the Department is authorized to issue this Order.



3. Suspension of statutes, rules, agreements or Department orders as noted within this Order is required so as not to prevent, hinder, or delay necessary action in coping with the emergency. However, this Order is limited to the items specified below and does not provide relief from the Department's compliance and enforcement activities. The Department will continue to carry out all inspections, testing, data and file reviews and other compliance verification activities to ensure full compliance with regulatory and pollution prevention requirements, including the pollution notification requirement under Section 403.077, Florida Statutes. In the event of noncompliance with any such requirements, the Department will continue to fully execute its compliance and enforcement duties.

***THEREFORE, IT IS ORDERED:***

Within the Emergency Area, the requirements and effects of statutes, rules agreements, or Department orders which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order.

**Extension of Time to Comply with Specified Deadlines**

For facilities and activities regulated by the Department in the Emergency Area, this Order extends by 30 days the time to comply with the following specified deadlines that occur between the date of issuance of this Order and the expiration of this Order (a.- f. below). However, as specified above, this Order does not provide relief from any other regulatory requirements including those of other federal, state, or local agencies. This Order likewise does not provide relief from the Department's compliance and enforcement activities. The Department will continue to carry out all inspections, testing, data and file reviews and other compliance verification activities to ensure full compliance with

regulatory and pollution prevention requirements, including the pollution notification requirement under Section 403.077, Florida Statutes. In the event of noncompliance with any such requirements, the Department will continue to fully execute its compliance and enforcement duties.

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, or 403, Florida Statutes, and rules adopted thereunder, except for public notices of pollution under Section 403.077, Florida Statutes, and monitoring and reporting required under federally-mandated air permit conditions pursuant to 40 C.F.R. Parts 60, 61, 63, and 75.

b. The time deadlines to respond to and complete the cleanup of mineral oil dielectric fluid (MODEF) discharges from electric power generation, transmission, and distribution facilities within the Emergency Area.

c. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act.

d. The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376, 377, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act.

e. The expiration date for an existing permit, lease, consent of use, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act.

f. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, Florida Statutes and rules adopted thereunder.

### **Public Meetings and Hearings**

The Department shall conduct all public meetings or hearings during the term of this Order only by electronic means, including, but not limited to, the use of webinar or telephone to encourage public engagement while protecting public health. The Department shall not hold any in-person public meetings or hearings during the term of this Order.

### **Applicability to Delegated Programs**

The provisions of this Order apply in those cases where a water management district, local government or other entity is acting for the Department in accordance with a delegation agreement, operating agreement or contract. Such water management district, local government or other entity shall comply with the terms of this Order to the extent that it is acting as an agent of the Department. This Order does not apply in those cases where a water management district, local government or other entity is acting under its own independent authority.

**Expiration Date**

This Order shall take effect immediately upon execution by the Secretary of the Department, or designee, and shall expire on September 5, 2020, unless modified or extended by further order.

**NOTICE OF RIGHTS**

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review of it under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel by mail at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

**DONE AND ORDERED** on this 7<sup>th</sup> day of July 2020, in Tallahassee, Florida.

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



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Noah Valenstein, Secretary  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

*Lea Crandall*  
\_\_\_\_\_  
CLERK

July 7, 2020  
\_\_\_\_\_  
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 NOTIFI**



**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: \_\_\_\_\_ Title: \_\_\_\_\_  
(PLEASE PRINT) (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: \_\_\_\_\_ Title: \_\_\_\_\_  
(PLEASE PRINT) (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 = \_\_\_\_\_**

## 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](mailto: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](http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm). Questions concerning these signs can be forwarded to the email address listed above.

# CAUTION: MANATEE HABITAT

All project vessels

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC



## **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.nmfs@noaa.gov](mailto:takereport.nmfs@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 13<sup>th</sup> Avenue South  
St. Petersburg, FL 33701  
Tel: (727) 824-5312  
Visit us on the web at <http://sero.nmfs.noaa.gov>



**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

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc

