

DEPARTMENT OF THE ARMY PERMIT

Permittee: MR. CHRIS HUBBARD
CITY OF MEXICO BEACH
201 PARADISE PATH
MEXICO BEACH, FLORIDA 32456

Permit No: SAJ-1995-07320

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: Restore and expand an existing previously authorized artificial reef known as Sandy Reef. Ninety percent of the proposed reef will occur within the previously authorized boundary, excluding the southeast corner which had no materials deployed. The new reef boundary will be a rectangle measuring 0.73 nautical miles (nm) on the east-west axis by 1.34 nm on the north-south axis, encompassing 821 acres of seafloor. The expanded reef site will encompass the remains of a sunken shrimp boat in the northwest corner of the site, which is currently charted on National Oceanic and Atmospheric Administration (NOAA) chart 11389. A 300 foot minimum clearance from the site boundaries will be maintained during material deployment. All reef materials will be consistent with the Guidelines for Marine Artificial Reef Materials, 2nd Edition, weighing 500 pounds or more and having at least a 20 year life span. Materials will be deployed in 44 patch reefs placed at 0.2 square nm intervals throughout the permit area. Multiple deployments of approved materials will be conducted over the life of the permit. The Mexico Beach Artificial Reef Association (MBARA) will survey the site prior to and after each deployment to ensure proper deployment. The new reef site will be submitted to NOAA for charting. The work described above is to be completed in accordance with the 6 pages of drawings and 6 attachments affixed at the end of this permit instrument.

Project Location: The artificial reef site is located in the Gulf of Mexico, southwest of Mexico Beach, Bay County, Florida. Specifically, the northeast corner of the site is approximately 20.9 nm southwest of the entrance to the Mexico Beach canal.

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 2 of 14

Approximate Central Coordinates:

	Point	Latitude	Longitude
1	Centroid	29.665388°	-85.687556°
2	Northeast Corner	29.676389°	-85.680556°
3	Northwest Corner	29.676389°	-85.694444°
4	Southwest Corner	29.654167°	-85.694444°
5	Southeast Corner	29.654167°	-85.680556°

	Point	Latitude (DDM)	Longitude (DDM)
1	Centroid	29° 39.923'	-85° 41.253'
2	Northeast Corner	29° 40.583'	-85° 40.833'
3	Northwest Corner	29° 40.583'	-85° 41.667'
4	Southwest Corner	29° 39.250'	-85° 41.667'
5	Southeast Corner	29° 39.250'	-85° 40.833'

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on 12/1/2033. 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

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 3 of 14

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.

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.

Special Conditions:

1. Reporting Addresses: The Permittee shall reference this permit number, SAJ-1995-07320(SP-KAB), on all correspondence. Unless specifically notified to the contrary, the Permittee shall use the following addresses for transmitting correspondence to the referenced agencies:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

For standard mail: U.S. Army Corps of Engineers, Regulatory Division,
Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019

b. Department of Commerce
National Oceanic and Atmospheric Administration (NOAA)
Nautical Data Branch, N/CS26
1315 East-West Highway
Silver Springs, MD 20910-3282

or email (preferred): ocs.ndb@noaa.gov

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

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 4 of 14

- d. Florida Fish and Wildlife Conservation Commission
Artificial Reef Program
1875 Orange Avenue East
Tallahassee, Florida 32311

Or email: artificialreefdeployments@MyFWC.com

2. Initial Agency Notification: The Permittee shall provide to the Corps, NOAA, and USCG written notification of the planned deployment start date at least 2 weeks prior to each deployment on the authorized artificial reef site to the addresses listed in **Reporting Addresses Special Condition.**

3. Permit Availability: The Permittee shall provide all contractors associated with construction of the authorized activities a copy of the permit, drawings, and attachments. A copy of the permit shall be available on the work vessels and at the construction site at all times.

4. 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, 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.

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 5 of 14

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.

5. 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 FWC at the addresses listed in the **Reporting Addresses Special Condition** 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.

6. Post-Deployment Placement Report/As-Built Drawing: Within 30 days after deployment of materials, 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) at the addresses listed in the **Reporting Addresses Special Condition**. Please note, the Corps requires the latitude and longitude to be accurate within 5 meters horizontal distance on the post-deployment report. The report shall include an as-built drawing by the deployment supervisor, that certifies the project is constructed as authorized; and must include an accurate

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 6 of 14

depiction of the location and configuration of the completed activity, and the height of material after placement in relation to the mean low water of the navigable water. The 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.

7. Reef Parameters: The Permittee shall deploy all reef materials within the site boundaries as defined on permit drawings, pages 1 through 6. A minimum clearance of -40 feet from the top of the deployed material relative to MLLW shall be maintained.

8. Emergency 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. The written notification shall include but is not limited to a timeline of events leading to the unanticipated deployment, 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.

9. 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 prior to the 14 day Pre-Deployment Notification 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 seagrasses, 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 any of these resources.

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 7 of 14

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.

10. 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.

11. 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.

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 850-763-0717, extension 1, and the National Marine Fisheries Service by telephone at 727-824-5301.

13. Manatee Conditions: The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment C). The most recent version of the Manatee Conditions must be utilized.

14. 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 D).

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

16. Biological Opinion: This permit does not authorize the Permittee to take an endangered species, in particular the smalltooth sawfish, giant manta ray, Gulf

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 8 of 14

Sturgeon, hawksbill sea turtle, loggerhead sea turtle, leatherback sea turtle, Kemp's ridley sea turtle, or green sea turtle. In order to legally take a listed species, the Permittee must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion (BO) (Attachment F) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the incidental take statement set forth in the BO. Authorization under this permit is conditional upon compliance with all of the mandatory terms and conditions and reasonable and prudent measures associated with the incidental take statement in the enclosed BO, which are incorporated by reference in this permit. Failure to comply with the terms and conditions and reasonable and prudent measures associated with the incidental take statement set forth in the BO, would constitute noncompliance with this permit. In addition, failure to comply with the terms and conditions and reasonable and prudent measures associated with the incidental take statement set forth in of the BO, where a take of the listed species occurs, would constitute an unauthorized take. The National Marine Fisheries Service is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

17. Cultural Resources/Historic Properties:

- a. 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.

- b. If, during permitted activities, items that may have historic or archaeological origin are observed, the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 9 of 14

c. 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.

d. 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.

e. If prehistoric or historic artifacts such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

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)

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 10 of 14

() 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)

() Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

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.

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.

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 11 of 14

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.

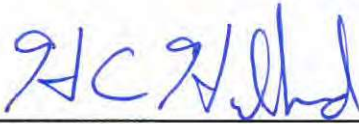
6. **Extensions:** General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give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

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 12 of 14

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



(PERMITTEE)

11/29/23

(DATE)

H. Chris Hubbard

(PERMITTEE NAME-PRINTED)

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



Digitally signed by
LOWORN.LISA.SMITH.1260961310
Date: 2023.11.30 15:54:46 -06'00'

For JAMES L. BOOTH
Colonel, U.S. Army
District Commander

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 13 of 14

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)

PERMIT NUMBER: SAJ-1995-07320

PERMITTEE: Mr. Douglas Baber, City of Mexico Beach

PAGE 14 of 14

***Attachments to Department of the Army
Permit Number SAJ-1997-04090***

1. Permit Drawings: 6 pages, dated 24 March 2023
2. Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification form (Attachment A): 2 pages
3. Florida Artificial Reef Materials Placement Report and Post-Deployment Notification form (Attachment B): 2 pages
4. Standard Manatee Conditions for In-Water Work – 2011 (Attachment C): 2 pages
5. Sea Turtle and Smalltooth Sawfish Construction Conditions, revised March 23, 2006 (Attachment D): 1 page
6. Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting (Attachment E): 2 pages
7. National Marine Fisheries Service Biological Opinion (Attachment F), 106 pages