



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

FEB 01 2008

REPLY TO
ATTENTION OF

Regulatory Division
SAJ-2001-5264(IP-GAH)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Panama City - Bay County International Airport
and Industrial District
c/o Mr. Joe Tannehill, Chairman
3173 Airport Road, Box A
Panama City, Florida 32407

NOTICE OF PERMIT REINSTATEMENT

Dear Mr. Tannehill:

In accordance with the Code of Federal Regulations, 33 (CFR) 325.7(c), the district engineer **reinstates** the above referenced permit, which was suspended on December 14, 2007. The reinstatement is effective immediately.

On August 16, 2007, DA permit number SAJ-2001-5264 was issued to the Panama City - Bay County International Airport and Industrial District (Airport District) to directly impact all 595.2 acres of wetlands within a 1,381-acre portion of the 4,037-acre relocation site for the construction of Phase 1 of the Panama City - Bay County International Airport, including an access road from CR388 to the relocation site. The proposed project site is located within a 4,037-acre parcel, which includes wetlands, which are contiguous, and/or adjacent to Burnt Mill Creek and Crooked Creek both of which drain into West Bay, in Sections 1, 2, 11, 12 & 13, Township 02 South, Range 16 West; Sections 3, 4, 5, 6, 7 & 8, Township 02 South, Range 15 West; Sections 17, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34 & 35, Township 01 South, Range 15 West; and Sections 23, 24, 25, 26, 35 & 36, Township 01 South, Range 16 West; Bay County, Florida.

On November 30, 2007 the United States Court of Appeals for the Second Circuit issued an order granting an interim stay of the implementation of Federal Aviation Administration's (FAA) Record of Decision (ROD). Because the U.S. Army Corps of

Engineers (Corps) adopted the FAA's ROD as supporting documentation for the Corps' combined Record of Decision and Statement of Finding, and because the United States Court of Appeals for the Second Circuit issued an order granting an interim stay of the implementation of FAA's ROD, the Corps made the determination that it was in the public interest to suspend the DA permit for the relocation of the Panama City - Bay County International Airport, pending further action by the United States Court of Appeals for the Second Circuit regarding the implementation of FAA's ROD. On January 25, 2008 the United States Court of Appeals for the Second Circuit vacated the stay of enforcement of the FAA ROD. It is in the public interest to reinstate the DA permit, because the United States Court of Appeals for the Second Circuit vacated the stay of enforcement of the FAA's ROD, which was adopted by the Corps as supporting documentation for the Corps' RODSOF

Representatives of the Airport District are in ongoing discussions with the Corps regarding the adequacy of the financial assurances, which the Airport District committed to provide for the funding of the compensatory mitigation plan for this project. The Airport District must provide to the Corps adequate financial assurances within 60 days of the date of this Notice of Permit Reinstatement. If financial assurances, as required, are not provided to the Corps within the aforementioned 60-day timeframe, the Corps may consider re-suspension of the permit until such time the required financial assurances are provided.

Please be advised that the District Engineer may reevaluate the circumstances and conditions of any permit and initiate action to modify, suspend, or revoke a permit as may be made necessary by considerations of the public interest. 33 CFR Part 325.7 (b) states that the District Engineer may suspend a permit after finding that immediate suspension would be in the public interest. Among the factors to be considered are the extent of the permittee's compliance with the terms and conditions of the permit; whether or not circumstances relating to the authorized activity have changed since the permit was issued or extended, and the continuing adequacy of or need for the permit conditions; any significant objections to the authorized activity which were not earlier considered; revisions to applicable statutory and/or regulatory authorities; and the extent to which modification, suspension, or other action would adversely affect plans,

investments and actions the permittee has reasonably made or taken in reliance on the permit.

The point of contact for this correspondence is Mr. Don Hambrick, who can be contacted via e-mail at gordon.a.hambrick@usace.army.mil, by phone at 850-763-0717, extension 25, or by mail to the following address: Department of the Army, Jacksonville District - Corps of Engineers, Panama City Regulatory Office, 1002 West 23rd Street, Suite 350, Panama City, Florida 32405 - 3648.

Sincerely,



Paul L. Grosskruger
Colonel, U.S. Army
District Commander

