



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BLVD., SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

REPLY TO
ATTENTION OF

07 JUL 2008

Palm Beach Gardens Section
SAJ-2006-7012 (IP-JWH)

Palm Beach County
Department of Environmental Resources Management
c/o Richard Walesky
2300 N Jog Rd., 4th Floor
West Palm Beach, FL 33411

Dear Mr. Walesky:

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 Enforcement Section of the Regulatory Division of the Jacksonville District at Post Office Box 4970, Jacksonville, Florida 32232-0019. The Enforcement Section 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,

Osvaldo Collazo
Chief, Regulatory Division

Enclosures

Copies Furnished:

NOAA - Office of Coastal Survey, Silver Springs, MD
USCG, Miami, FL
FFWC - Artificial Reef Program, Tallahassee, FL
NMFS - HCD, West Palm Beach, FL
CESAJ-RD-PE

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Palm Beach County Dept of Env. Resources Mgmt | File Number: SAJ-2006-7012 | Date: 07 JUL 2006

Attached is:	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	See Section below
X	PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PERMIT DENIAL	B
X	APPROVED JURISDICTIONAL DETERMINATION	C
	PRELIMINARY JURISDICTIONAL DETERMINATION	D
		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/ccwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:
Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:
Michael F. Bell
404-562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 27 MAY 2008

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESAJ-RD-SP, PBC Artificial Reefs; SAJ-2006-7012(IP-JWH)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: FL County/parish/borough: Martin County City: Stuart
Center coordinates of site (lat/long in degree decimal format): Lat. 26.98444651° N, Long. 80.02368293° W
Universal Transverse Mercator:

Name of nearest waterbody: Atlantic Ocean

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Atlantic Ocean

Name of watershed or Hydrologic Unit Code (HUC):

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: May 27, 2008

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Pick List** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Pick List** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: **Established by mean (average) high waters**
Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: Atlantic Ocean.

Summarize rationale supporting determination: Waters subject to ebb and flow of tide and used to transport interstate commerce.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: Pick List

Drainage area: Pick List

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are Pick List aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

- Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet

Average depth: feet

Average side slopes: Pick List.

Primary tributary substrate composition (check all that apply):

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: | |
| <input type="checkbox"/> Other. Explain: | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Pick List

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: Pick List

Estimate average number of flow events in review area/year: Pick List

Describe flow regime:

Other information on duration and volume:

Surface flow is: Pick List. Characteristics:

Subsurface flow: Pick List. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Bed and banks | | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris | |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation | |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line | |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting | |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour | |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events | |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community | |
| <input type="checkbox"/> other (list): | | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> High Tide Line indicated by: | <input checked="" type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷ibid.

- (iv) **Biological Characteristics. Channel supports (check all that apply):**
- Riparian corridor. Characteristics (type, average width):
 - Wetland fringe. Characteristics:
 - Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: _____ acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain:

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:
 TNWs: linear feet width (ft). Or, acres.
 Wetlands adjacent to TNWs: acres.
2. RPWs that flow directly or indirectly into TNWs.
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):
 Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters:

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):
 Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters:

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

Demonstrate that impoundment was created from "waters of the U.S.," or

Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

which are or could be used by interstate or foreign travelers for recreational or other purposes.

from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

which are or could be used for industrial purposes by industries in interstate commerce.

Interstate isolated waters. Explain:

Other factors. Explain:

Identify water body and summarize rationale supporting determination:

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: linear feet width (ft).

Other non-wetland waters: acres.

Identify type(s) of waters:

Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:

Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

Lakes/ponds: acres.

Other non-wetland waters: acres. List type of aquatic resource:

Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).

Lakes/ponds: acres.

Other non-wetland waters: acres. List type of aquatic resource:

Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps:

Corps navigable waters' study:

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name:

USDA Natural Resources Conservation Service Soil Survey. Citation:

National wetlands inventory map(s). Cite name:

State/Local wetland inventory map(s):

FEMA/FIRM maps:

100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date):

or Other (Name & Date):

Previous determination(s). File no. and date of response letter:

Applicable/supporting case law:

Applicable/supporting scientific literature:

Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

DEPARTMENT OF THE ARMY PERMIT

1. **Permittee:** Palm Beach County Board of County Commissioners
Dept. of Environmental Resources Management
c/o Richard Walesky
2300 N Jog Rd., 4th Floor
West Palm Beach, FL 33411

Permit No: SAJ-2006-7012(IP-JWH)

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

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

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

Project Description: The applicant proposes to construct 13 artificial reefs at five sites off Jupiter, Juno, Palm Beach, Boynton and Boca Raton, Florida. Materials used to construct the artificial reefs shall be restricted to limestone boulders, concrete demolition material, concrete reef modules, and large decommissioned steel hulled maritime vessels.

Project Location: The project is located in the Atlantic Ocean offshore of Jupiter, Juno, Palm Beach, Boynton and Boca Raton, Florida.

1. Jupiter Mid-Depth Site A:
Section 30, Township 40 S, Range 43 E
NW Corner: Latitude 26° 59' 04" N, Longitude 80° 01' 25" W
SW Corner: Latitude 26° 57' 30" N, Longitude 80° 01' 25" W
NE Corner: Latitude 26° 59' 04" N, Longitude 80° 00' 12" W
SE Corner: Latitude 26° 57' 30" N, Longitude 80° 00' 12" W
2. Jupiter Deep Site B:
Section 30, Township 40 S, Range 43 E
NW Corner: Latitude 26° 58' 18" N, Longitude 79° 59' 42" W
SW Corner: Latitude 26° 57' 18" N, Longitude 79° 59' 42" W
NE Corner: Latitude 26° 58' 18" N, Longitude 79° 58' 42" W

PERMIT NUMBER: SAJ-2006-7012 (IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 2 of 16

SE Corner: Latitude $26^{\circ} 57' 18''$ N, Longitude $79^{\circ} 58' 42''$ W

3. Jupiter Inlet Site C:

Section 32, Township 40 S, Range 43 E

NW Corner: Latitude $26^{\circ} 58' 00''$ N, Longitude $80^{\circ} 04' 02''$ W

SW Corner: Latitude $26^{\circ} 57' 04''$ N, Longitude $80^{\circ} 04' 02''$ W

NE Corner: Latitude $26^{\circ} 58' 00''$ N, Longitude $80^{\circ} 03' 28''$ W

SE Corner: Latitude $26^{\circ} 57' 04''$ N, Longitude $80^{\circ} 03' 28''$ W

4. Juno Pier Site D:

Section 21, Township 41 S, Range 43 E

NW Corner: Latitude $26^{\circ} 53' 54''$ N, Longitude $80^{\circ} 03' 16''$ W

SW Corner: Latitude $26^{\circ} 53' 23''$ N, Longitude $80^{\circ} 03' 04''$ W

NE Corner: Latitude $26^{\circ} 54' 02''$ N, Longitude $80^{\circ} 02' 49''$ W

SE Corner: Latitude $26^{\circ} 53' 31''$ N, Longitude $80^{\circ} 02' 37''$ W

5. Juno Mid-Depth Site E:

Section 28, Township 41 S, Range 43 E

NW Corner: Latitude $26^{\circ} 53' 06''$ N, Longitude $80^{\circ} 02' 12''$ W

SW Corner: Latitude $26^{\circ} 52' 06''$ N, Longitude $80^{\circ} 02' 12''$ W

NE Corner: Latitude $26^{\circ} 53' 06''$ N, Longitude $80^{\circ} 00' 48''$ W

SE Corner: Latitude $26^{\circ} 52' 06''$ N, Longitude $80^{\circ} 00' 48''$ W

6. Juno Deep Site F:

Section 28, Township 41 S, Range 43 E

NW Corner: Latitude $26^{\circ} 53' 06''$ N, Longitude $79^{\circ} 59' 24''$ W

SW Corner: Latitude $26^{\circ} 52' 06''$ N, Longitude $79^{\circ} 59' 24''$ W

NE Corner: Latitude $26^{\circ} 53' 06''$ N, Longitude $79^{\circ} 58' 36''$ W

SE Corner: Latitude $26^{\circ} 52' 06''$ N, Longitude $79^{\circ} 58' 36''$ W

7. Palm Beach Deep Site H:

Section 27, Township 42 S, Range 43 E

NW Corner: Latitude $26^{\circ} 48' 12''$ N, Longitude $80^{\circ} 01' 12''$ W

SW Corner: Latitude $26^{\circ} 47' 00''$ N, Longitude $80^{\circ} 01' 12''$ W

NE Corner: Latitude $26^{\circ} 48' 12''$ N, Longitude $79^{\circ} 59' 00''$ W

SE Corner: Latitude $26^{\circ} 47' 00''$ N, Longitude $79^{\circ} 59' 00''$ W

8. Palm Beach Mid-Depth Site J:

Section 3, Township 43 S, Range 43 E

NW Corner: Latitude 26° 46' 06" N, Longitude 80° 01' 42" W
SW Corner: Latitude 26° 45' 06" N, Longitude 80° 01' 42" W
NE Corner: Latitude 26° 46' 06" N, Longitude 80° 00' 42" W
SE Corner: Latitude 26° 45' 06" N, Longitude 80° 00' 42" W

9. Palm Beach South Site N:

Section 3&34, Township 43&44 S, Range 43 E

NW Corner: Latitude 26° 41' 19" N, Longitude 80° 01' 51" W
SW Corner: Latitude 26° 39' 24" N, Longitude 80° 02' 01" W
NE Corner: Latitude 26° 40' 21" N, Longitude 80° 00' 40" W
SE Corner: Latitude 26° 39' 23" N, Longitude 80° 00' 41" W

10. Boynton Inlet Site O:

Section 15, Township 45 S, Range 43 E

NW Corner: Latitude 26° 33' 28" N, Longitude 80° 02' 17" W
SW Corner: Latitude 26° 32' 41" N, Longitude 80° 02' 17" W
NE Corner: Latitude 26° 33' 28" N, Longitude 80° 01' 58" W
SE Corner: Latitude 26° 32' 41" N, Longitude 80° 01' 58" W

11. Boynton Deep Site P:

Section 1, Township 46 S, Range 43 E

NW Corner: Latitude 26° 33' 28" N, Longitude 80° 02' 17" W
SW Corner: Latitude 26° 32' 41" N, Longitude 80° 02' 17" W
NE Corner: Latitude 26° 33' 28" N, Longitude 80° 01' 58" W
SE Corner: Latitude 26° 32' 41" N, Longitude 80° 01' 58" W

12. Boca Inlet Site Q:

Section 29, Township 47 S, Range 43 E

NW Corner: Latitude 26° 20' 36" N, Longitude 80° 04' 01" W
SW Corner: Latitude 26° 20' 11" N, Longitude 80° 04' 11" W
NE Corner: Latitude 26° 20' 36" N, Longitude 80° 03' 50" W
SE Corner: Latitude 26° 20' 11" N, Longitude 80° 03' 50" W

13. Boca Deep Site R:

Section 32, Township 47 S, Range 43 E

NW Corner: Latitude 26° 20' 00" N, Longitude 80° 03' 41" W
SW Corner: Latitude 26° 19' 06" N, Longitude 80° 03' 41" W
NE Corner: Latitude 26° 20' 00" N, Longitude 80° 02' 37" W
SE Corner: Latitude 26° 19' 06" N, Longitude 80° 02' 37" W

PERMIT NUMBER: SAJ-2006-7012 (IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 4 of 16

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on February 14, 2018. 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 (Attachment A).
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to

PERMIT NUMBER: SAJ-2006-7012(IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 5 of 16

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-2006-7012(IP-JWH), on all correspondence. Unless specifically notified to the contrary, the Permittee shall use the following addresses for transmitting correspondence to the referenced agencies:
 - a) Jacksonville District Corps of Engineers (Corps),
Regulatory Division, Enforcement Section,
Post Office Box 4970, Jacksonville, Florida 32232
email: CESAJ-ComplyDocs@usace.army.mil
 - b) National Ocean and Atmospheric Administration (NOAA),
Office of Coast Survey, N/CS26, Sta. 7317, 1315 East-West
Highway, Silver Springs, MD, 20910-3282
 - c) Commander, U.S. Coast Guard (USCG)
7th District (DPW)
909 Southeast 1st Street Suite 406
Miami, Florida 33131
 - d) Florida Fish and Wildlife Commission (FWC) Artificial
Reef Program, 620 S. Meridian Street, Box 4B2,
Tallahassee, FL 32399.
fax: 850-922-0463 e-mail: Jon.Dodrill@myfwc.com,
bill.horn@myfwc.com, and keith.mille@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 two 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,

PERMIT NUMBER: SAJ-2006-7012 (IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 6 of 16

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, 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, $\frac{1}{4}$ " or more in thickness, such as utility poles, antenna towers.
 - e) Heavy gauge ferrous & aluminum alloy metal hulled vessels which equal or exceed 60 ft. 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 that 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.htm>
1. The Permittee shall maintain a record of all inspections, clearances or waivers and provide to the Corps upon request.
4. **Reef Parameters:** The Permittee shall deploy all reef materials within the site boundaries as defined on the attached permit drawings of this permit. A minimum clearance of 6-foot

PERMIT NUMBER: SAJ-2006-7012(IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 7 of 16

feet from the top of the deployed material relative to Mean Lower Low Water (MLLW) shall be maintained at all times.

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

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

PERMIT NUMBER: SAJ-2006-7012(IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 8 of 16

shall transmit by electronic mail ("email") a complete and signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form, provided in Attachment B of this permit, to the Corps and FWC to allow inspection of the proposed reef materials as deemed necessary by the agencies. Inspection is allowable at the staging area. By signing the Pre-Deployment Notification the Permittee certifies that all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall take digital photos of representative components/pieces of reef material and transmit with the above form as PDF attachments to the email addresses listed in special condition 1. The Permittee shall utilize read receipt email verification to ensure the electronic documents are received by the Corps and FWC. The form and photos should not exceed 4 megabytes. The Permittee shall not deploy material if notified by the Corps or FWC that the material is questionable or unacceptable until the material has been evaluated and released for deployment. Any material that is deemed unacceptable for reef material will be disposed in an approved upland disposal site.

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

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

9. Ownership/Maintenance/Liability: By signing this permit, the Permittee certifies and acknowledges ownership of all

PERMIT NUMBER: SAJ-2006-7012 (IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 9 of 16

RECEIVED

JUN 13 2008

JACKSONVILLE DISTRICT
USACE

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. The Permittee re-certifies these commitments upon signature and submission of the "Florida Fish and Wildlife Conservation Commission's Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form in accordance with the **Pre-Deployment Notification** Special Condition.

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

PERMIT NUMBER: SAJ-2006-7012 (IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 10 of 16

11. **Marine Life Entrapment:** Neither reef structure nor material or the method of design or deployment should pose a risk of entrapping fish, marine turtles, or marine mammals. Any observation of entrapped marine turtles or marine mammals on this artificial reef site must be reported immediately to the Corps and FWC.

12. **Manatee Construction Conditions:** The permittee agrees to comply with the attached standard construction conditions designed to protect the West Indian Manatee (Attachment C).

13. **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).

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

15. **Manatee Protection:** The Permittee shall ensure that wharf fenders are installed to reduce the risk of a vessel crushing a manatee. The wharf fenders shall be installed with appropriate materials to provide sufficient standoff space of at least 3 feet under compression. Fenders or buoys providing a minimum standoff space of at least 3 feet under compression shall be utilized between two vessels that are moored together.

16. **Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Further Information:

PERMIT NUMBER: SAJ-2006-7012 (IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 11 of 16

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

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

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

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

2. Limits of this authorization.

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

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

PERMIT NUMBER: SAJ-2006-7012(IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 12 of 16

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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

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

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

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

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

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this

PERMIT NUMBER: SAJ-2006-7012(IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 13 of 16

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-2006-7012 (IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 14 of 16

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

Robert Robbins

(PERMITTEE)

5/28/08

(DATE)

Robert Robbins

(PERMITTEE NAME-PRINTED)

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

JOY WHITE

(DISTRICT ENGINEER)
Paul L. Grosskruger
Colonel, U.S. Army
District Commander

7 July 08

(DATE)

PERMIT NUMBER: SAJ-2006-7012(IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 15 of 16

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)

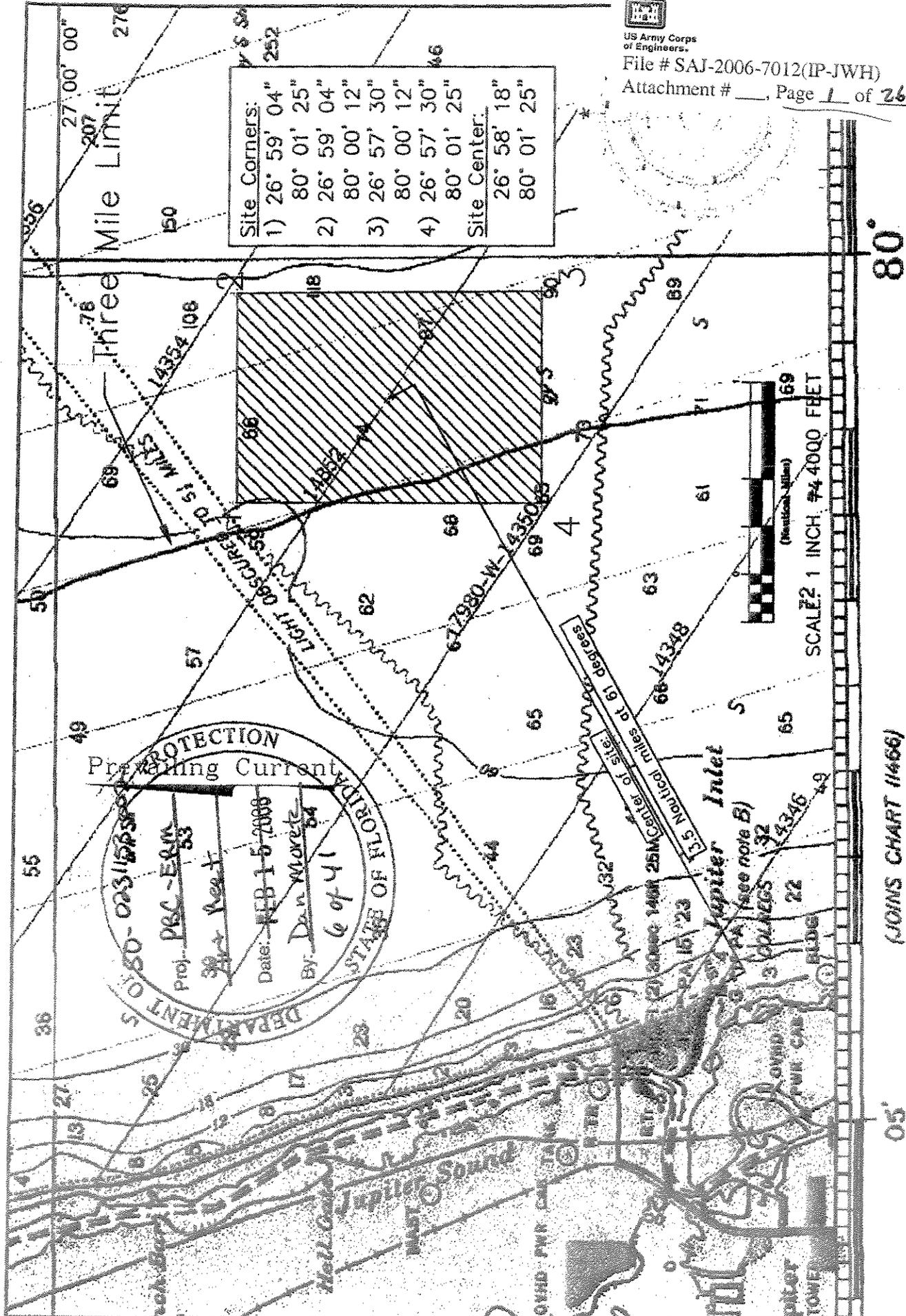
(ADDRESS)

(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2006-7012(IP-JWH)
PERMITTEE: Palm Beach County Board of County Commissioners
PAGE 16 of 16

***Attachments to Department of the Army
Permit Number SAJ-2006-7012(IP-JWH)***

1. PERMIT DRAWINGS: 26 pages, dated April 29, 2008.
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. Attachment A, 7 pages.
3. Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification (Attachment B).
4. Additional Documents: Manatee Construction Conditions (Attachment C) and Standard Construction Conditions for Sea Turtles and Small Tooth Sawfish (Attachment D).
5. "Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting" guidance for marine turtles and marine mammals. (Attachment E).



Site Dimensions: 6,652 ft X 9,512 ft (1,444 acres)
 Site Depths = 60 ft - 120 ft (MLW)
 Site Depths = 63 ft - 123 ft (MHW)

Attachment A.
 Jupiter Mid-Depth Site



(JOINS CHART 11466)



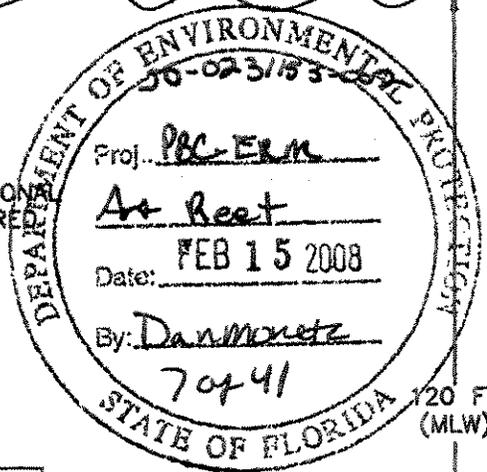
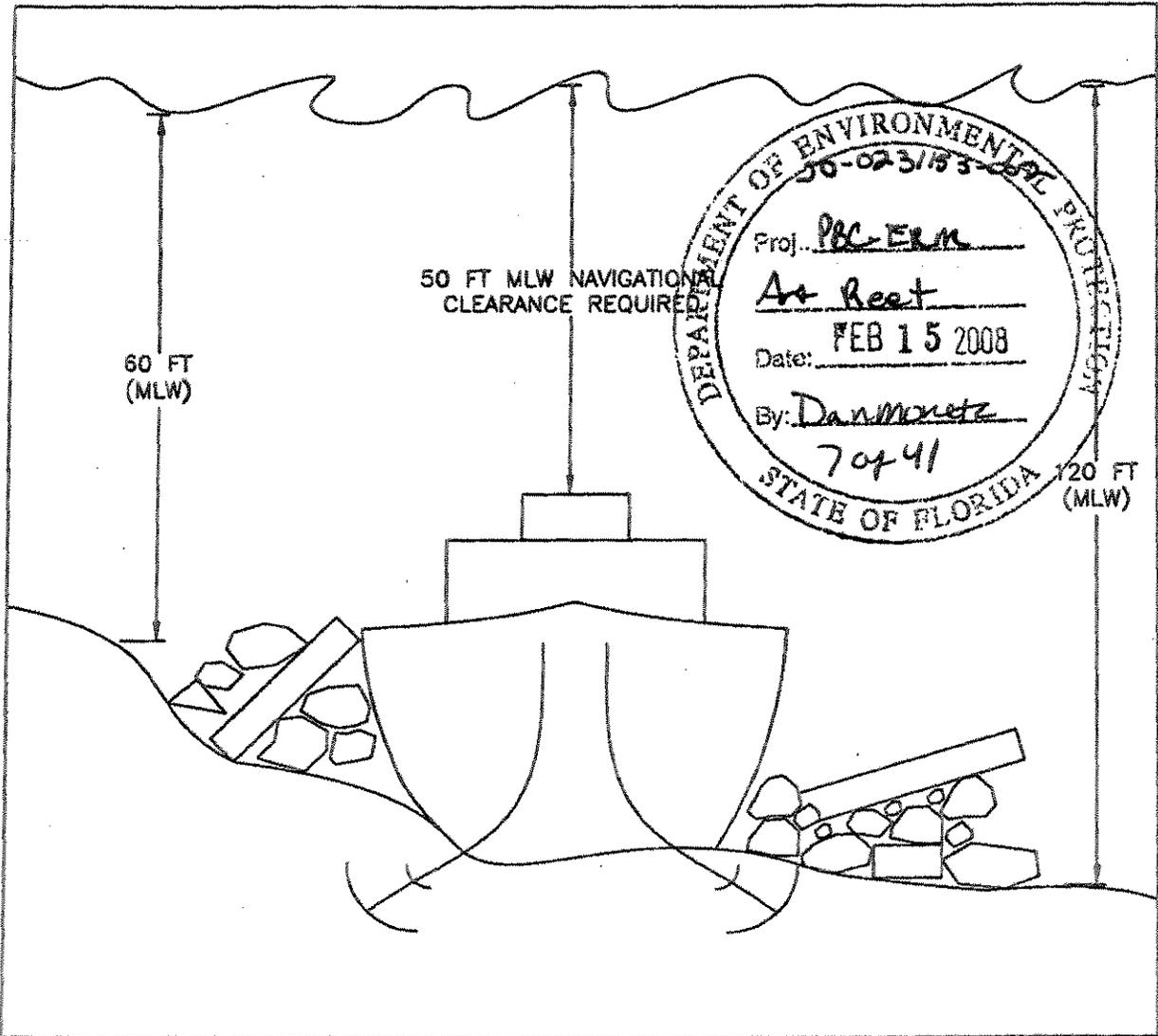
US Army Corps
of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 2 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



PREFABRICATED CONCRETE MODULAR PIECES
HEAVY GAUGE STEEL PIECES
LIMESTONE BOULDERS
MARITIME VESSELS

Clinton W. Thomas
32070
08-31-07



PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

JUPITER MID-DEPTH SITE

NTS



8/07



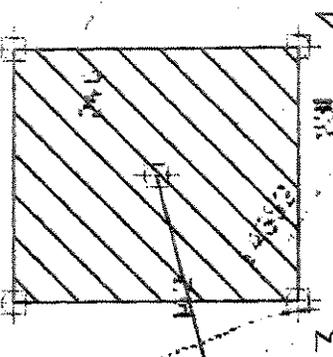
US Army Corps of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # __, Page 3 of 26

27 00' 00"

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 PROJECT NO. SAJ-0231153000
 Proj. PRC-ERM
 Act Reef
 Date: FEB 15 2008
 By: Dan M...
 80741
 STATE OF FLORIDA



Three Mile Li

Prevailing Current



Center of site:
4.7 Nautical miles at 80 degrees



SCALE: 1 INCH = 4000 FEET

Site Corners:	
1)	26° 58' 18"
2)	79° 59' 42"
3)	26° 58' 18"
4)	79° 58' 42"
5)	26° 57' 18"
6)	79° 59' 42"
7)	26° 57' 18"
8)	79° 58' 42"
Site Center:	
9)	26° 57' 48"
10)	79° 59' 12"

80°

Site Dimensions: 5429 ft X 6060 ft (755.3 acres)
 Site Depths = 140 ft - 260 ft (MLW)
 Site Depths = 142 ft - 263 ft (MHW)

Attachment B.
 Jupiter Deep Site



NOONS CHART 18450

05'



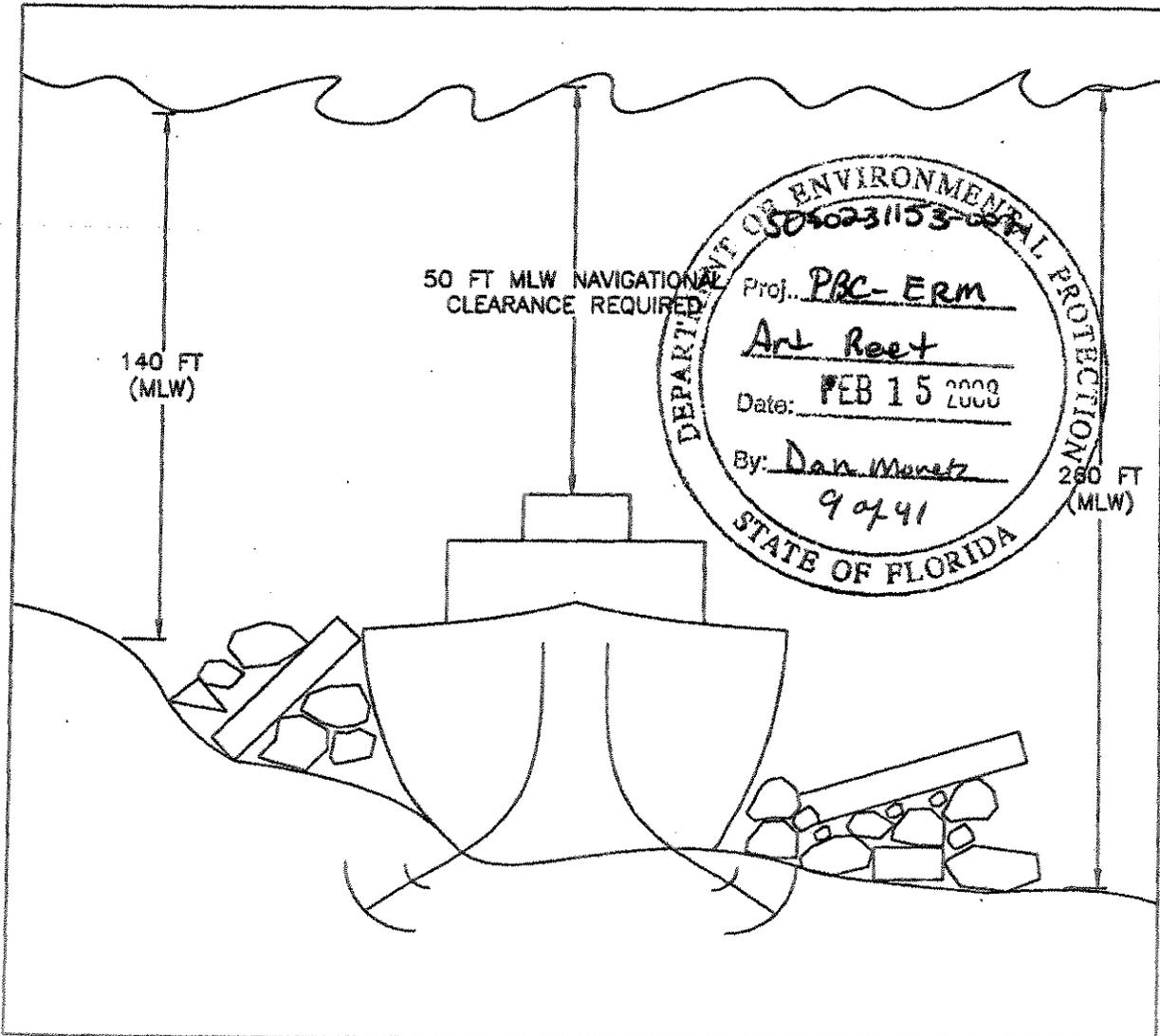
US Army Corps
of Engineers.

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 4 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



PREFABRICATED CONCRETE MODULAR PIECES
 HEAVY GAUGE STEEL PIECES
 LIMESTONE BOULDERS
 MARITIME VESSELS

Clinton L. Thomas
 #32020
 08-31-07



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

JUPITER DEEP SITE

NTS



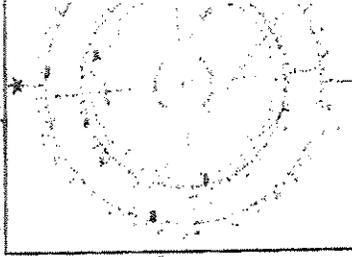
8/07



US Army Corps of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 5 of 26



Site Corners:	
1)	26° 58' 00"
	80° 04' 02"
2)	26° 58' 00"
	80° 03' 28"
3)	26° 57' 04"
	80° 03' 29"
4)	26° 57' 04"
	80° 04' 02"
Site Center:	
	26° 57' 32"
	80° 03' 45"

Mile Limit 224

Prevailing Current

DEPARTMENT OF ENVIRONMENTAL PROTECTION

30-003183-001

Prof. POC - ERM

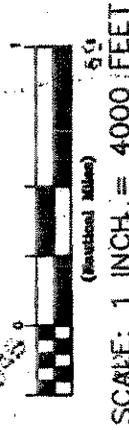
Act 8881.50

Date: FEB 15 2008

By: Dan Morantz

10 of 41

STATE OF FLORIDA



80°

JOHN'S CHAWY 84661

Site Dimensions: 3018 ft X 5704 ft (395.2 acres)
 Site Depths = 20 ft - 50 ft (MLW)
 Site Depths = 23 ft - 53 ft (MHW)

Attachment C.
 Jupiter Inlet Site





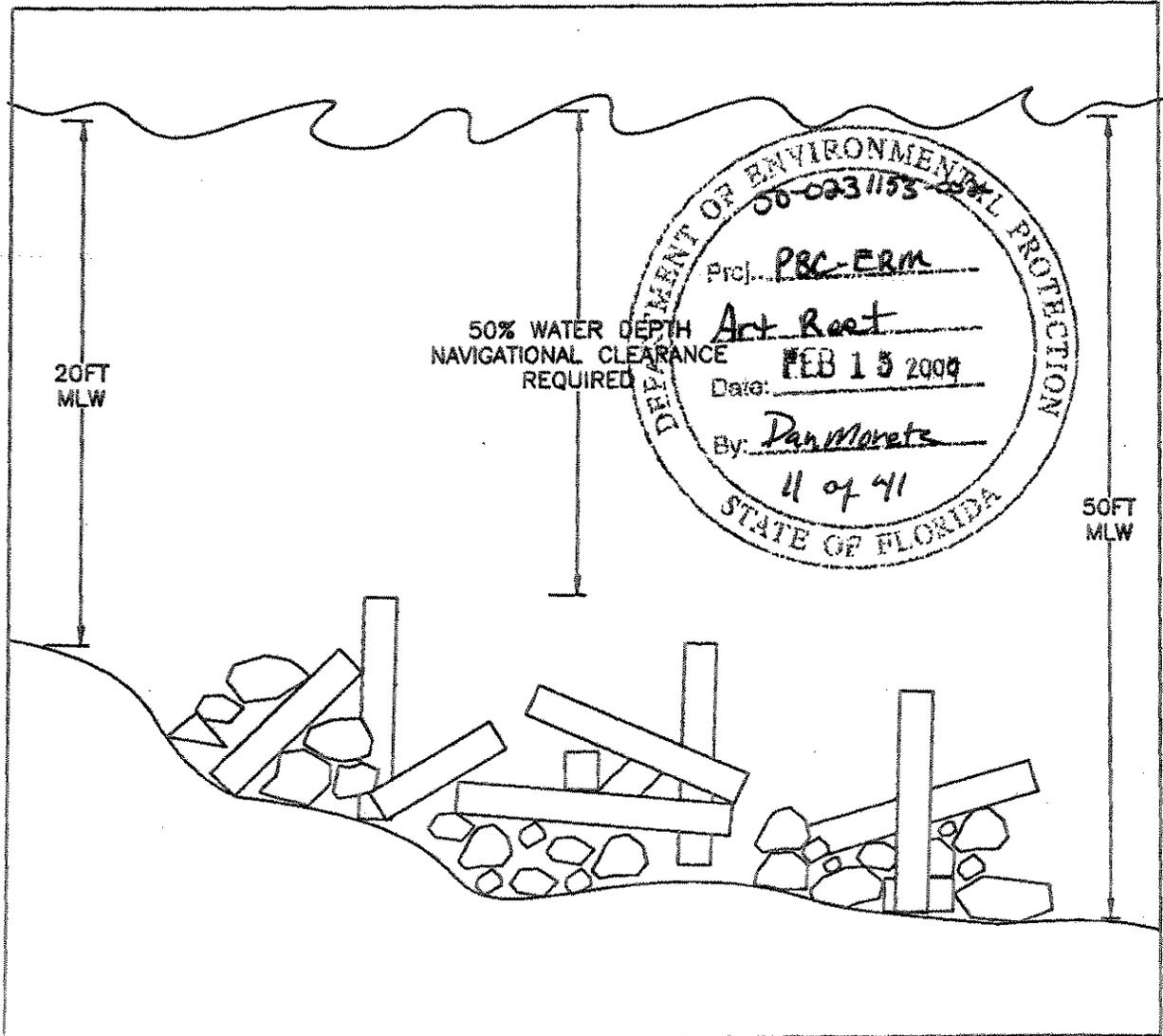
US Army Corps
of Engineers.

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 6 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



DEPARTMENT OF ENVIRONMENTAL PROTECTION
 06-0231153
 Proj. PBC-ERM
Art Reef
 Date: FEB 15 2009
 By: Dan Morate
11 of 41
 STATE OF FLORIDA

PREFABRICATED CONCRETE MODULAR PIECES
 HEAVY GAUGE STEEL PIECES
 LIMESTONE BOULDERS

Clara V. Howard
 #32070
 08-31-07



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

JUPITER INLET SITE

NTS



8/07

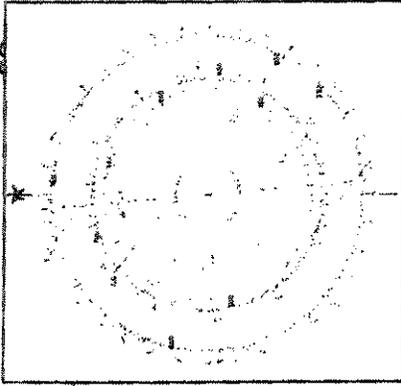


US Army Corps of Engineers.

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 7 of 26

Site Corners:	
1)	26° 53' 54"
2)	80° 03' 16"
3)	26° 54' 02"
4)	80° 02' 49"
5)	26° 53' 23"
6)	80° 03' 04"
7)	26° 53' 31"
8)	80° 02' 37"
Site Center:	
1)	26° 53' 43"
2)	80° 02' 57"



SCALE: 1 INCH = 4000 FEET

Obsir PA

Prevailing Current

Center of site:
3.2 Nautical miles at 163 degrees

JUPITER ENVIRONMENTAL PROTECTION

STATE OF FLORIDA

Proj. P8C-E-11

Art. Rec. _____

Date: FEB 15 2008

By: Dan Wang

12/24/07

NOTE B
CAUTION

Passage through inlet is not recommended without complete local knowledge of all Juno Pier hazardous conditions affecting this area.

RACING BUOYS

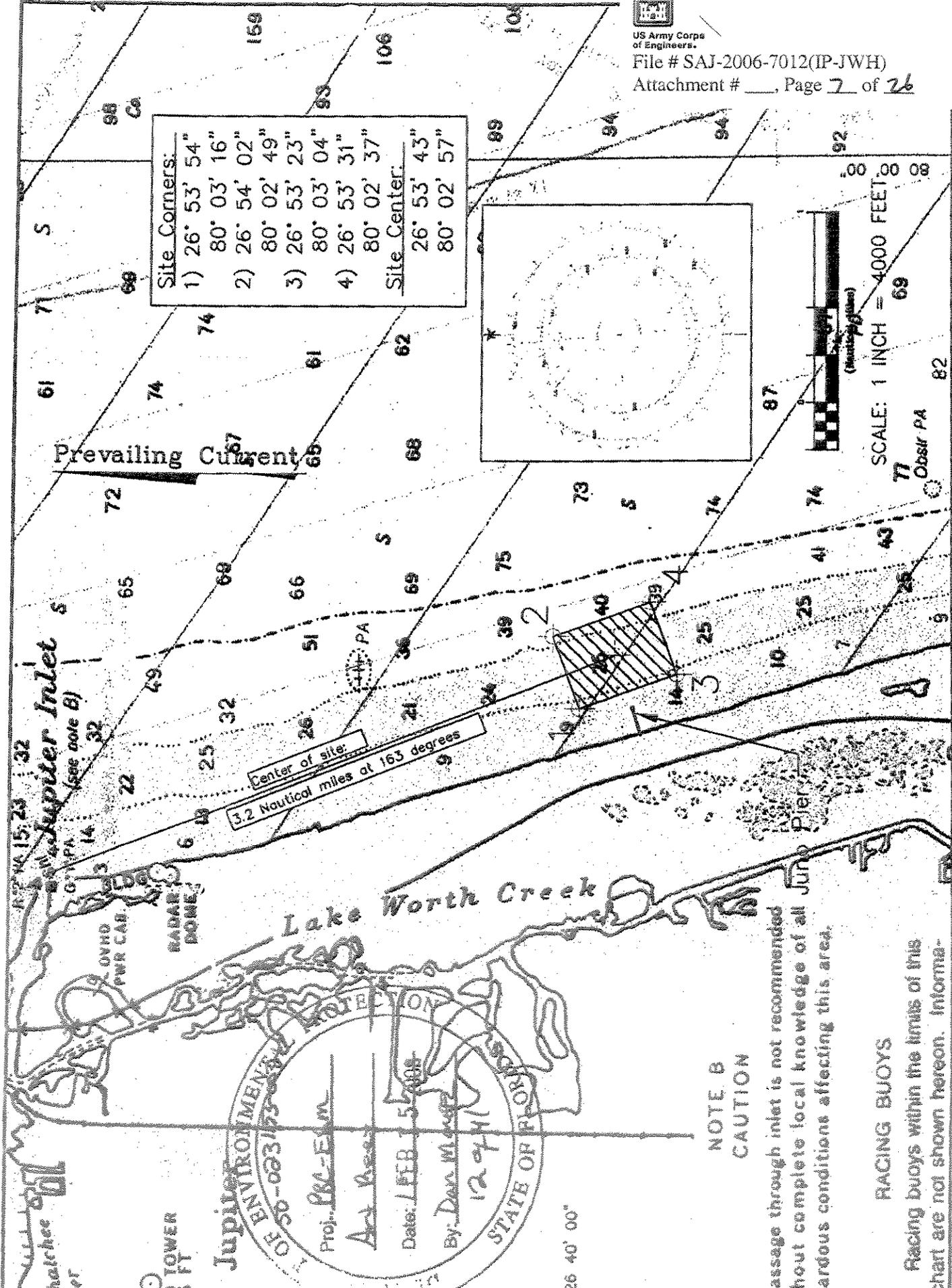
Racing buoys within the limits of this chart are not shown hereon. Informa-

PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
SERVICES
MARINE DIVISION



Attachment D.
Juno Pier Site

Site Dimensions: 2500 ft x 3300 ft (189.4 acres)
Site Depths = 15 ft - 40 ft (MLW)
Site Depths = 18 ft - 43 ft (MHW)





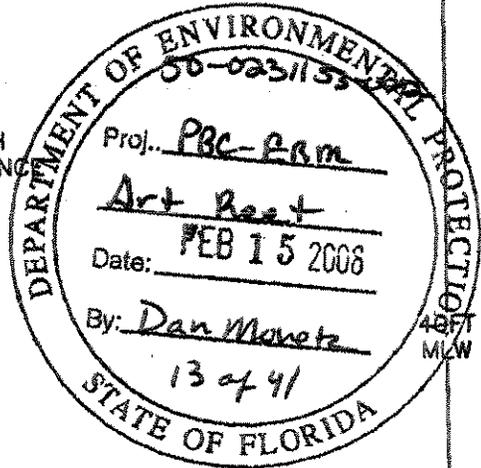
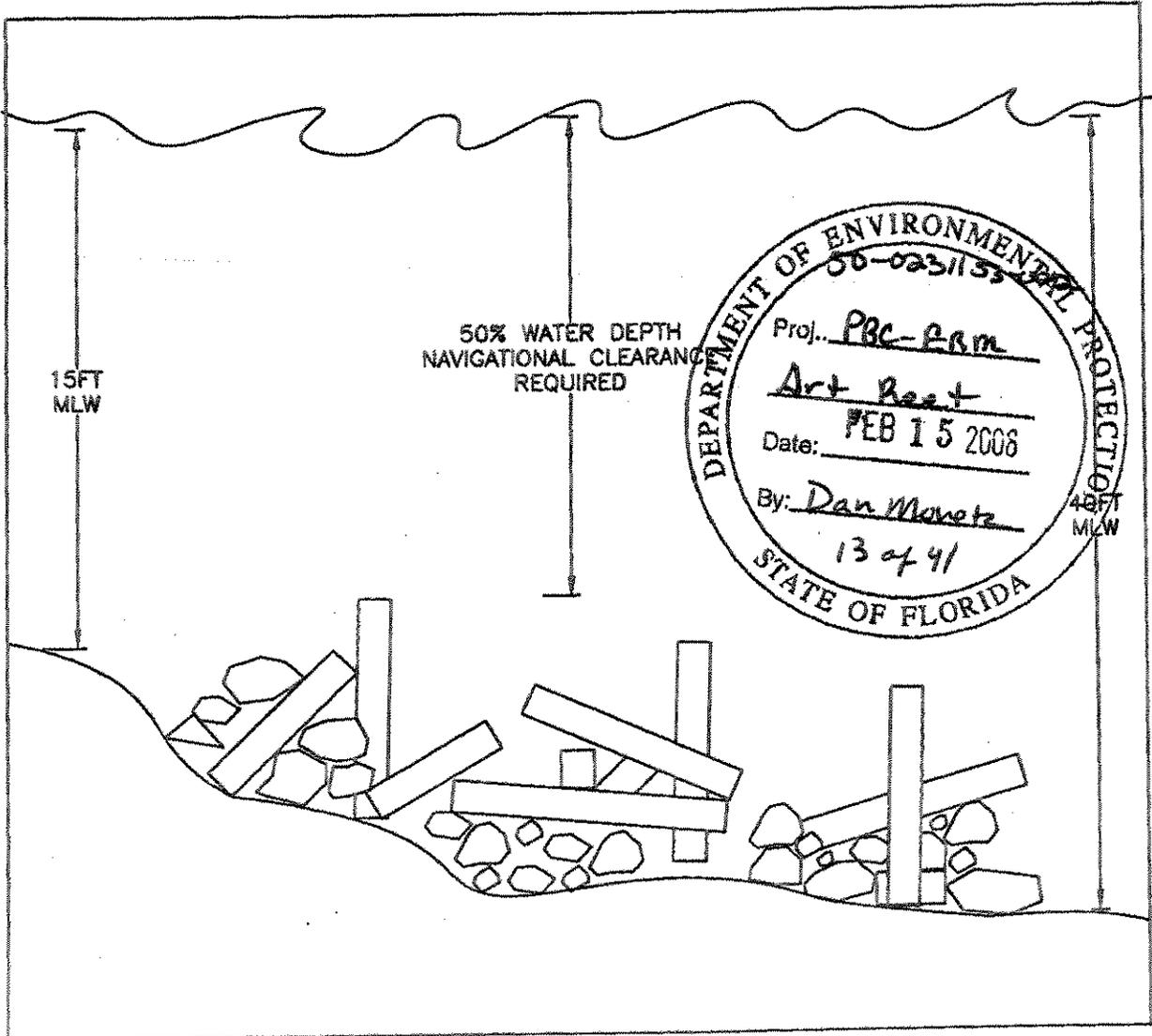
US Army Corps
of Engineers.

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 3 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



PREFABRICATED CONCRETE MODULAR PIECES
HEAVY GAUGE STEEL PIECES
LIMESTONE BOULDERS

Clinton W. Johnson
#32070
08-31-07



PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

JUNO PIER SITE

NTS



8/07



US Army Corps of Engineers.

File # SAJ-2006-7012(IP-JWH)

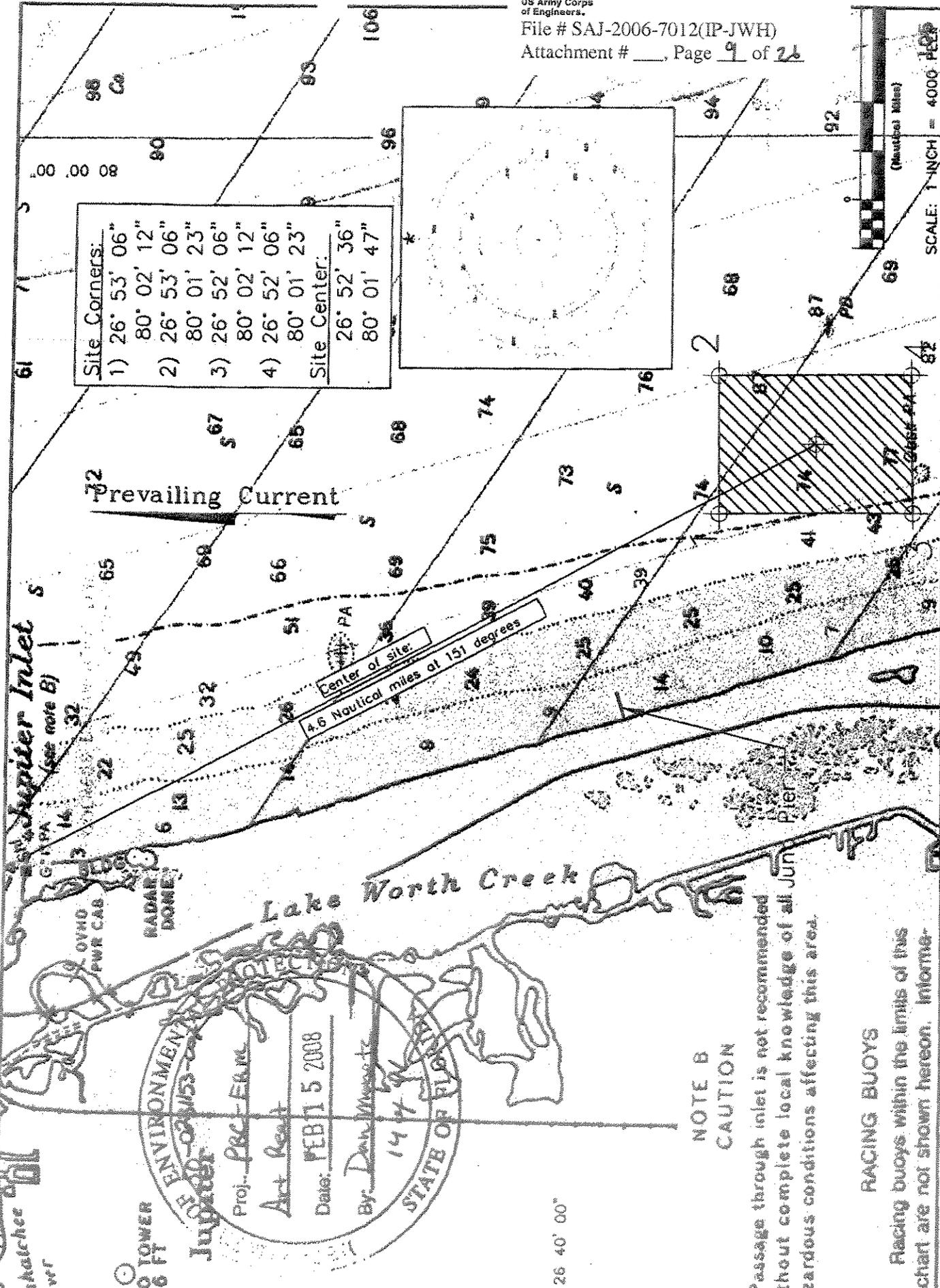
Attachment # _____, Page 9 of 26

Site Corners:	
1)	26° 53' 06"
2)	80° 02' 12"
3)	26° 53' 06"
4)	80° 01' 23"
Site Center:	
26° 52' 36"	
80° 01' 47"	



SCALE: 1 INCH = 4000 FEET

Site Dimensions: 6073 ft X 4414 ft (616.4 acres)
 Site Depths = 45 ft - 90 ft (MLW)
 Site Depths = 48 ft - 93 ft (MHW)



JOPLIN ENVIRONMENTAL SERVICES
 Proj. PRC-ELM
 Art. Reat
 Date: FEB 15 2008
 By: Dan M...
 1474 W...
 STATE OF FLORIDA

NOTE B
CAUTION

Passage through inlet is not recommended without complete local knowledge of all Juno Pier hazardous conditions affecting this area.

RACING BUOYS

Racing buoys within the limits of this chart are not shown hereon. Informa-



Attachment E.
Juno Mid-Depth Site



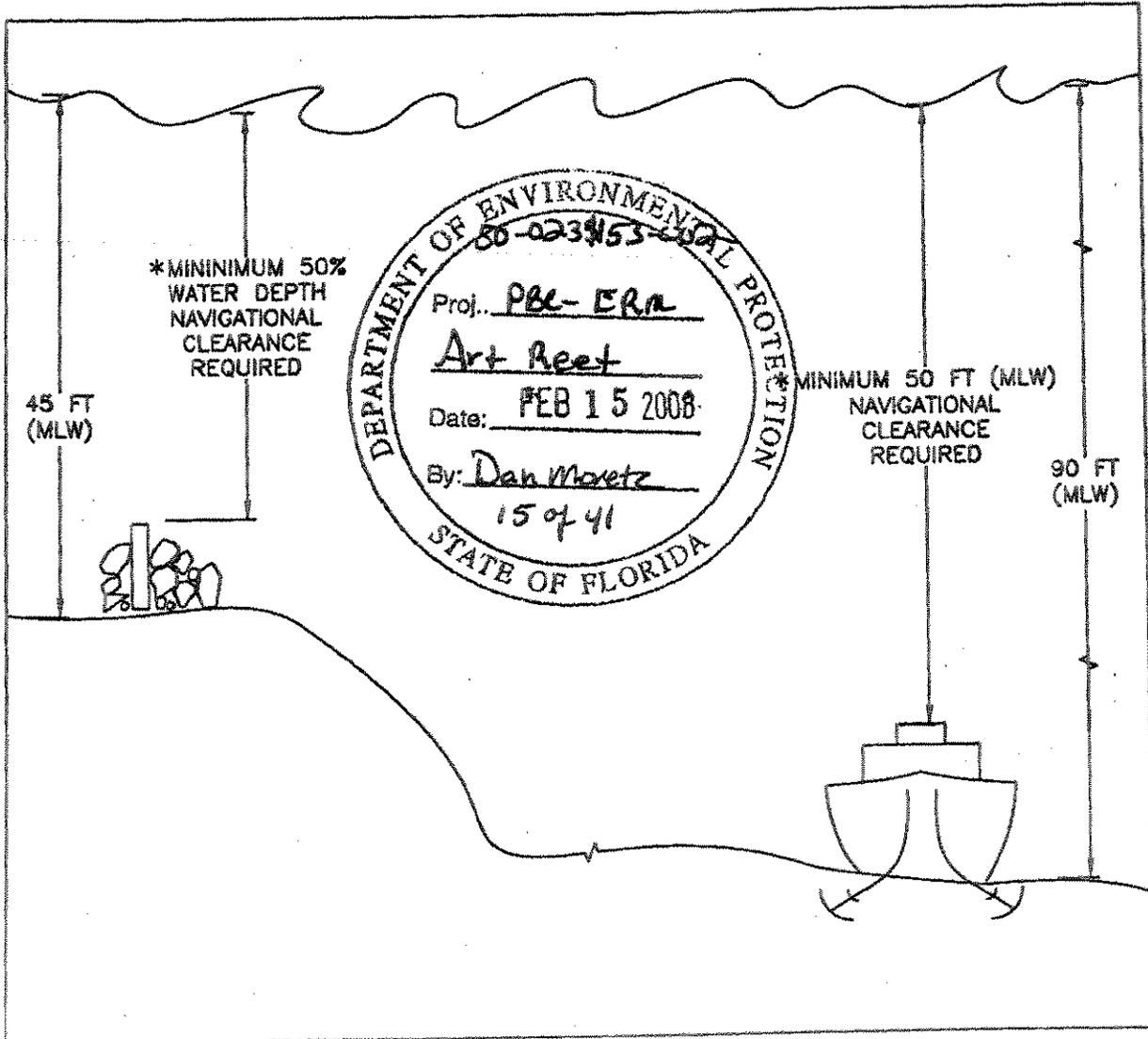
US Army Corps of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 10 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



PREFABRICATED CONCRETE MODULAR PIECES
 HEAVY GAUGE STEEL PIECES
 LIMESTONE BOULDERS
 MARITIME VESSELS

Clinton W. Thomas
 #32070
 08-31-07

* { 12-60 FT DEPTH REQUIRES 50% OF WATER DEPTH MLW CLEARANCE
 >60 FT REQUIRES 50 FT MLW CLEARANCE



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

JUNO MID-DEPTH SITE

NTS



8/07



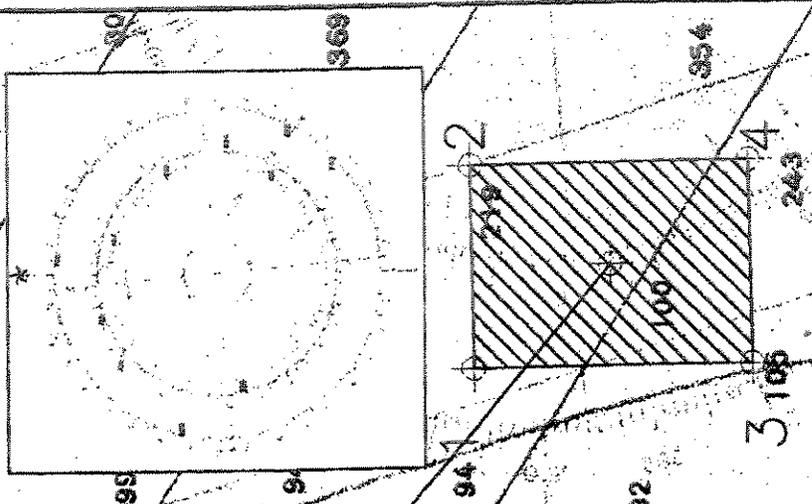
US Army Corps of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # __, Page 11 of 26

000,0008

Site Corners:	
1)	26° 53' 06"
2)	79° 59' 24"
3)	26° 53' 06"
4)	79° 58' 36"
5)	26° 52' 06"
6)	79° 59' 24"
7)	26° 52' 06"
8)	79° 58' 36"
Site Center:	
1)	26° 52' 36"
2)	79° 59' 22"



Prevailing Current

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Project: PBC- EAM
 Act No. 67
 Date: FEB 13 2008
 By: Dan West
 16 of 91
 Center of Site:
 1/2 nautical miles at 138 degrees



Jupiter Inlet
(see note B)

Lake Worth Creek

It is not recommended
that knowledge of all Juno
Pier
affecting this area.

BUOYS
within the limits of this
report. Informa-
tion received from the U.S.

Site Dimensions: 4322 ft X 6060 ft (601.3 acres)
Site Depth = 100 ft - 250 ft (MLW)
Site Depth = 103 ft - 253 ft (MHW)

Attachment F.
Juno Deep Site





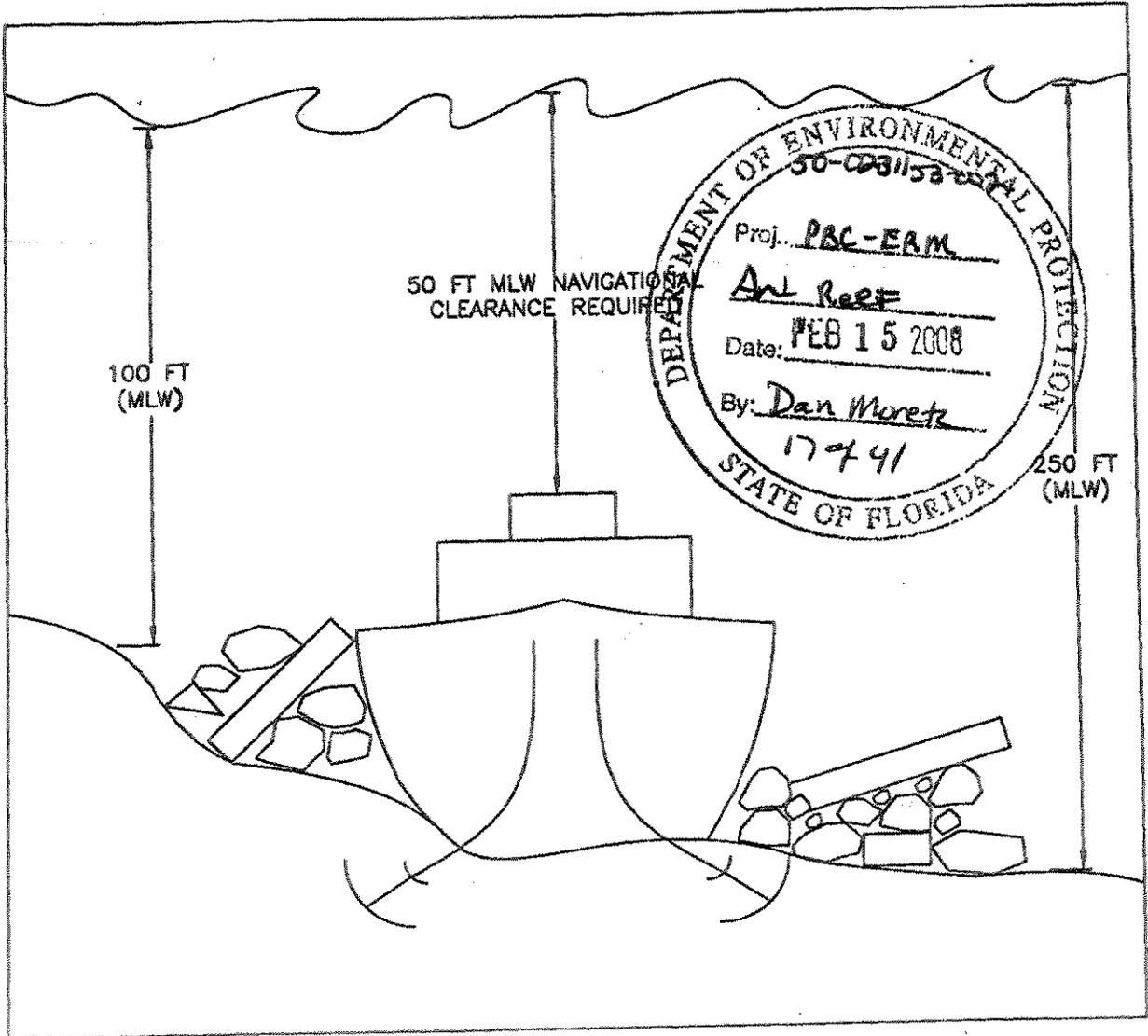
US Army Corps
of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 12 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



PREFABRICATED CONCRETE MODULAR PIECES
 HEAVY GAUGE STEEL PIECES
 LIMESTONE BOULDERS
 MARITIME VESSELS

Clinton W. Johnson
 #32070
 08-31-07



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

JUNO DEEP SITE

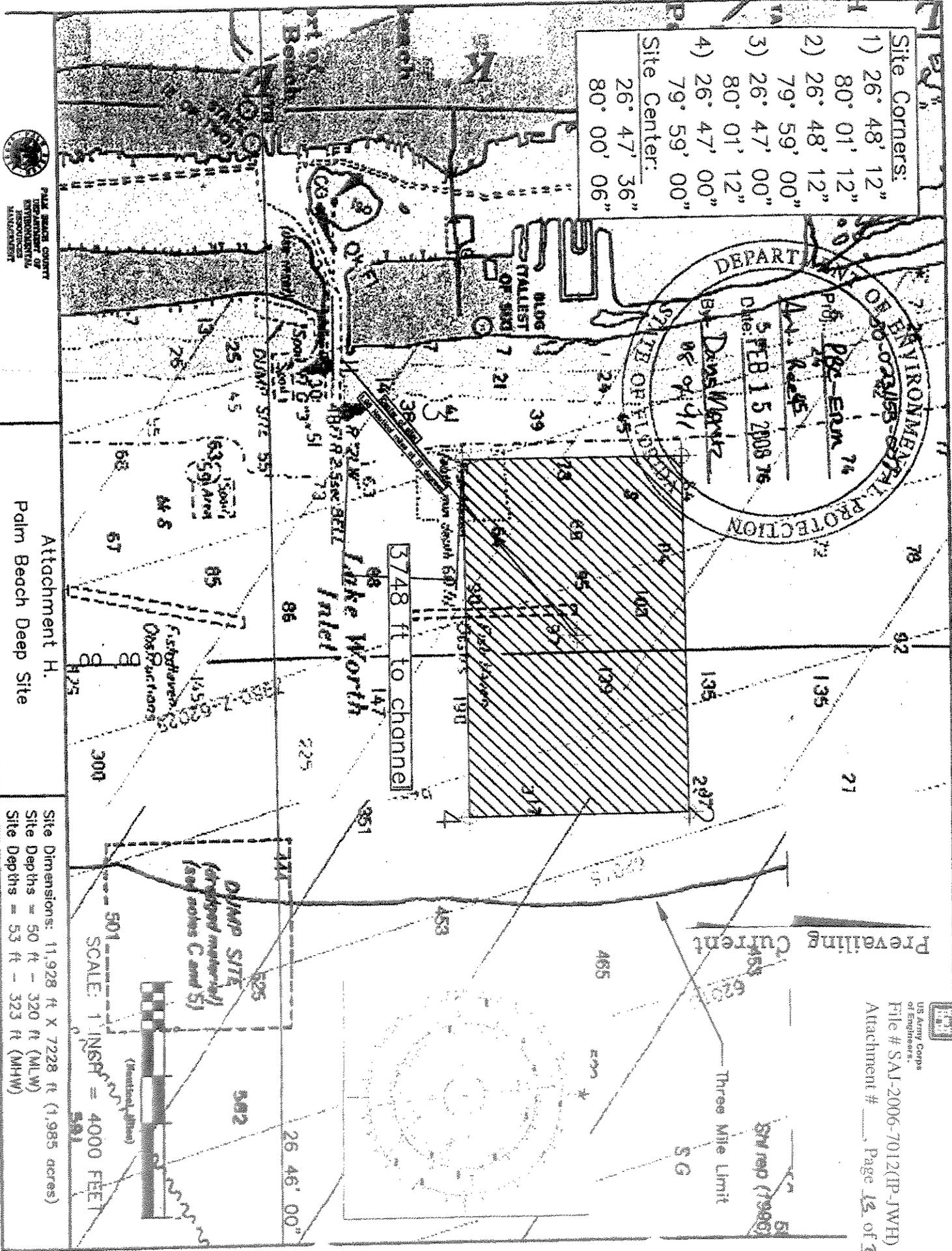
NTS



8/07

- Site Corners:
- 1) 26° 48' 12"
 - 80° 01' 12"
 - 2) 26° 48' 12"
 - 79° 59' 00"
 - 3) 26° 47' 00"
 - 80° 01' 12"
 - 4) 26° 47' 00"
 - 79° 59' 00"
- Site Center:
26° 47' 36"
80° 00' 06"

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 P.6: PDC-EQU 74
 Date: 5 FEB 15 2008 76
 By: Dana W. Wertz
 06 04 41



Attachment H.
Palm Beach Deep Site

Site Dimensions: 11,928 ft X 7228 ft (1,985 acres)
 Site Depths = 50 ft - 320 ft (MLW)
 Site Depths = 53 ft - 323 ft (MHW)



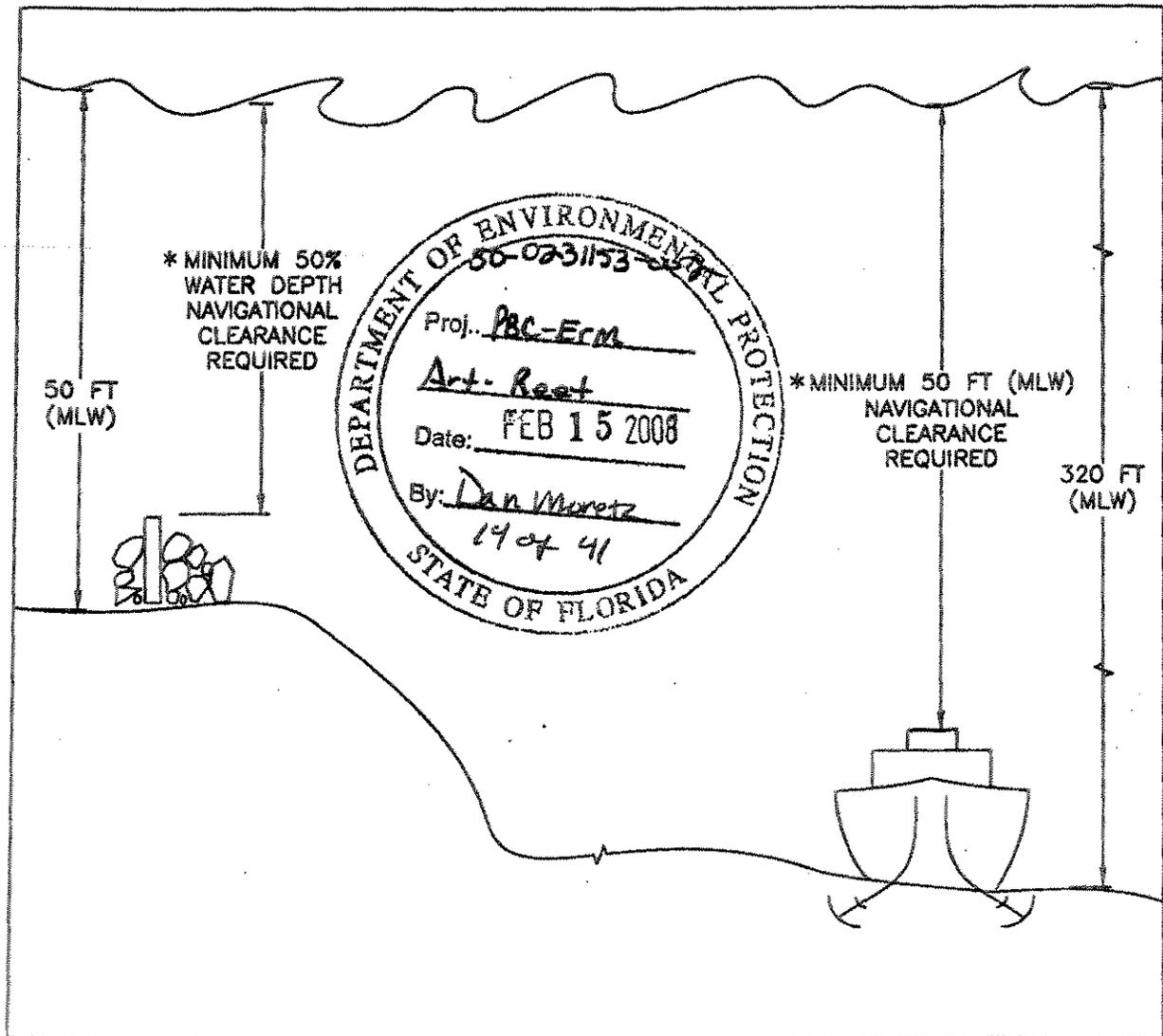
US Army Corps
of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 14 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



PREFABRICATED CONCRETE MODULAR PIECES
 HEAVY GAUGE STEEL PIECES
 LIMESTONE BOULDERS
 MARITIME VESSELS

Clinton W. Thomas

#32070

08-31-07

* { 12-60 FT DEPTH REQUIRES 50% OF WATER DEPTH MLW CLEARANCE
 { >60 FT REQUIRES 50 FT MLW CLEARANCE



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

PALM BEACH DEEP SITE

NTS



7/06



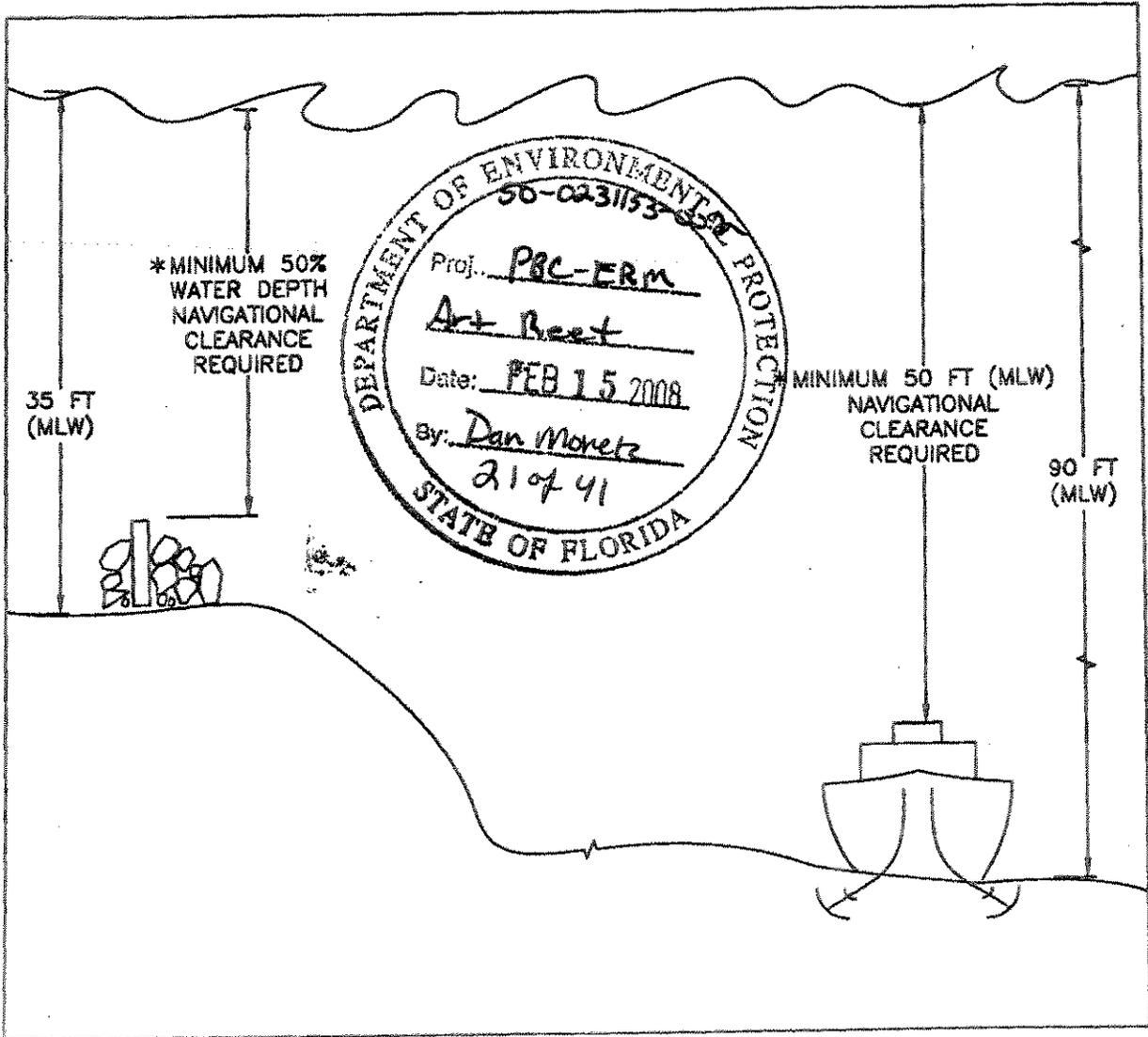
US Army Corps
of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # __, Page 16 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



PREFABRICATED CONCRETE MODULAR PIECES
 HEAVY GAUGE STEEL PIECES
 LIMESTONE BOULDERS
 MARITIME VESSELS

Clinton W. Turner
 # 320-70
 08-31-07

* { 12-60 FT DEPTH REQUIRES 50% OF WATER DEPTH MLW CLEARANCE
 * } >60 FT REQUIRES 50 FT MLW CLEARANCE



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

PALM BEACH MID-DEPTH
 SITE

NTS



8/07



US Army Corps of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 17 of 24

Site Corners:	
1)	26° 41' 19"
	80° 01' 51"
2)	26° 41' 19"
	80° 01' 38"
3)	26° 40' 48"
	80° 01' 40"
4)	26° 40' 48"
	80° 01' 13"
5)	26° 40' 21"
	80° 01' 13"
6)	26° 40' 21"
	80° 00' 40"
7)	26° 40' 23"
	80° 00' 41"
8)	26° 39' 24"
	80° 02' 01"
Site Center:	
	26° 40' 01"
	80° 01' 22"



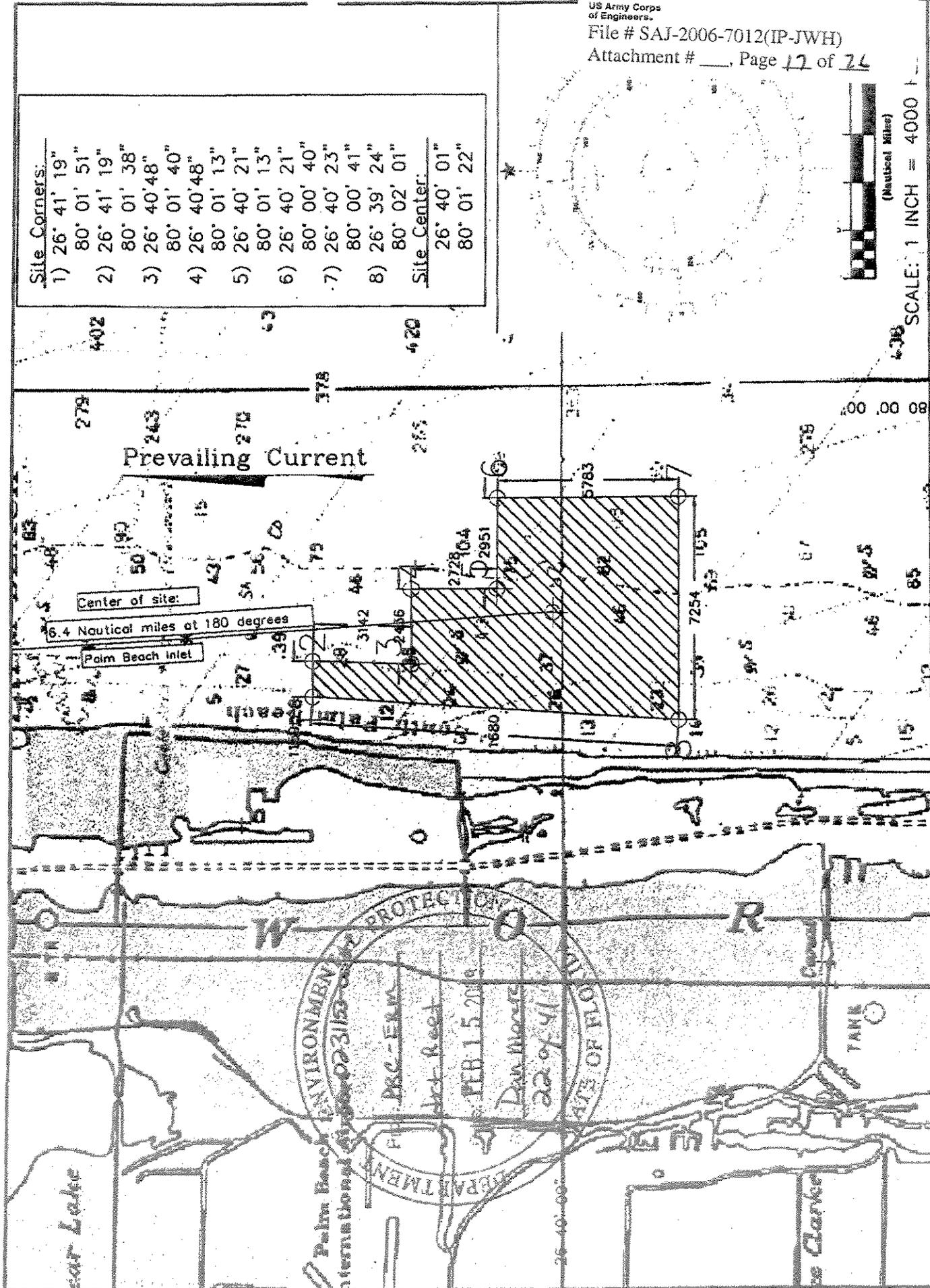
(Nautical Miles)

SCALE: 1 INCH = 4000 FT

Site Dimensions: 11,680 ft x 7,254 ft (1,262 acres)

Site Depths = 20 ft - 170 ft (MLW)

Site Depths = 23 ft - 173 ft (MHW)



Attachment N.
Palm Beach South Site

PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT





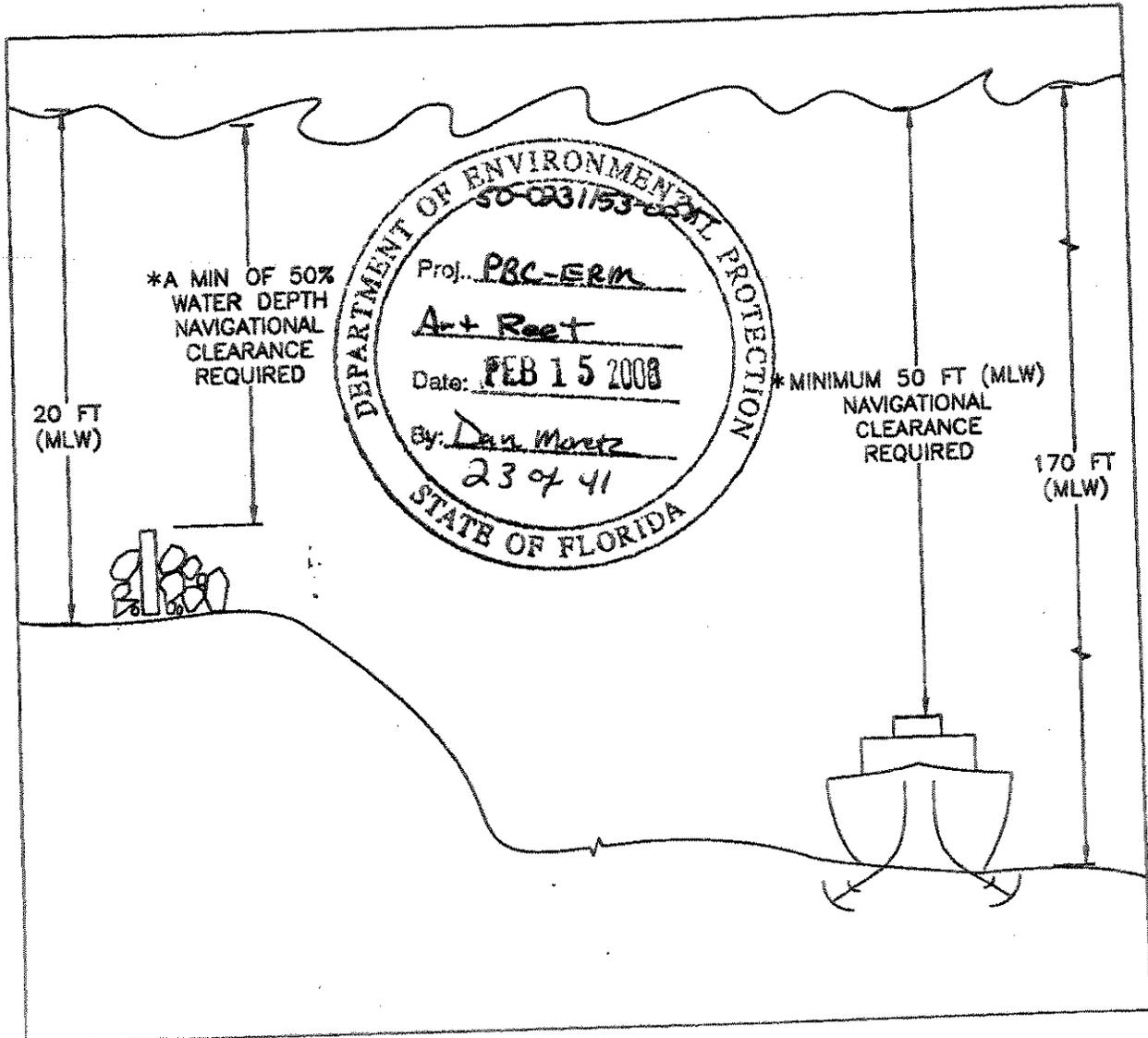
US Army Corps of Engineers

File # SAI-2006-7012(IP-JWH)

Attachment # __, Page 18 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



PREFABRICATED CONCRETE MODULAR PIECES
 HEAVY GAUGE STEEL PIECES
 LIMESTONE BOULDERS
 MARITIME VESSELS

Clinton W. Johnson
 #32070
 08-31-07

* { 12-60 FT DEPTH REQUIRES 50% OF WATER DEPTH MLW CLEARANCE
 { >60 FT REQUIRES 50 FT MLW CLEARANCE



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

PALM BEACH SOUTH SITE

NTS



8/07



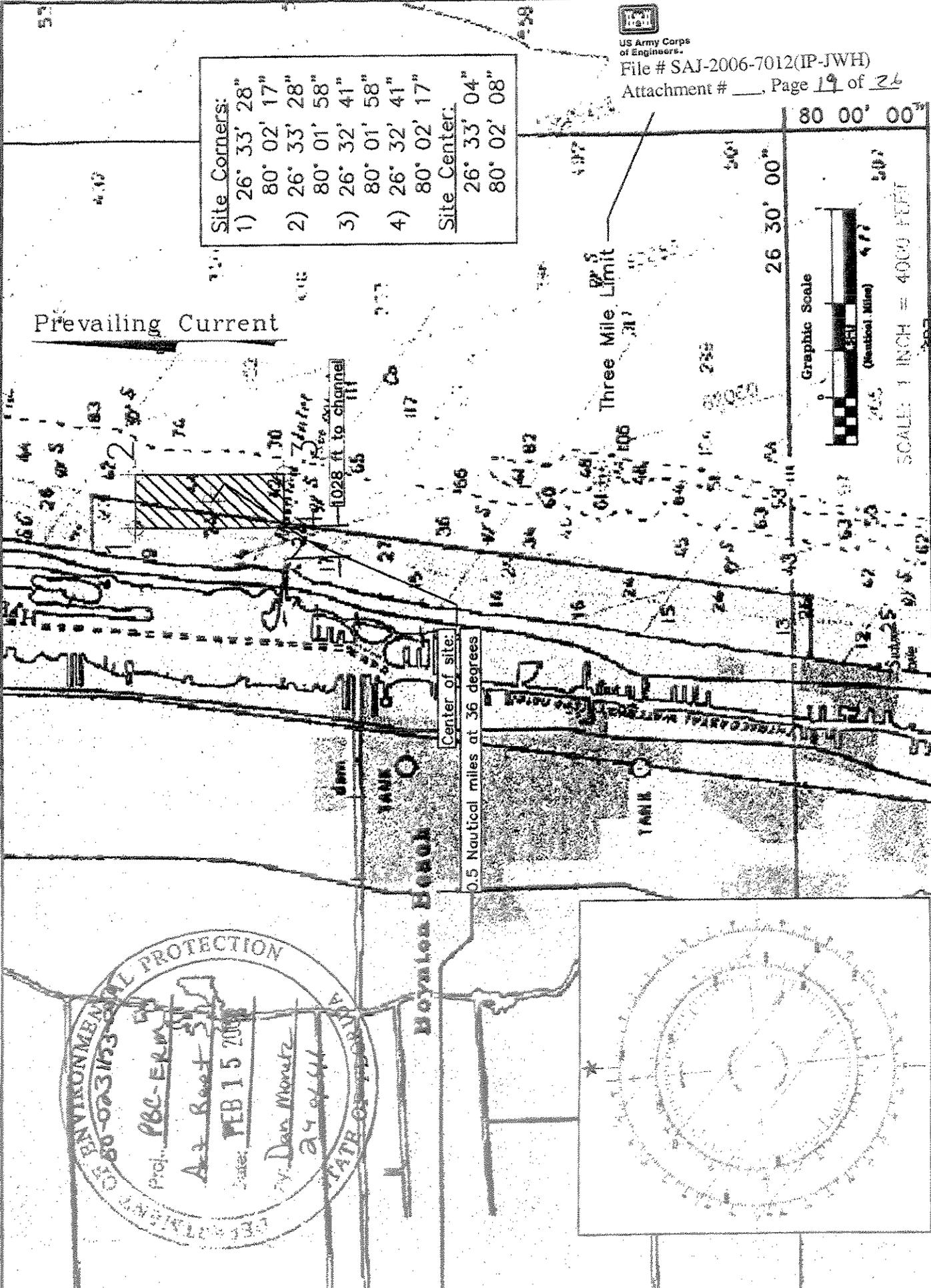
US Army Corps of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # __, Page 19 of 26

Site Corners:	
1)	26° 33' 28"
2)	80° 02' 17"
3)	26° 33' 28"
4)	80° 01' 58"
Site Center:	
26° 33' 04"	
80° 02' 08"	

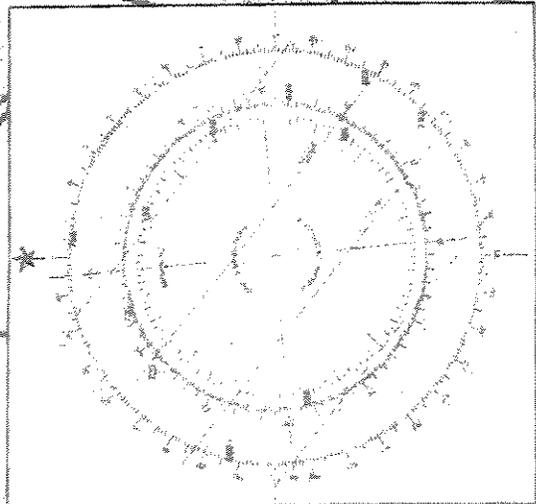
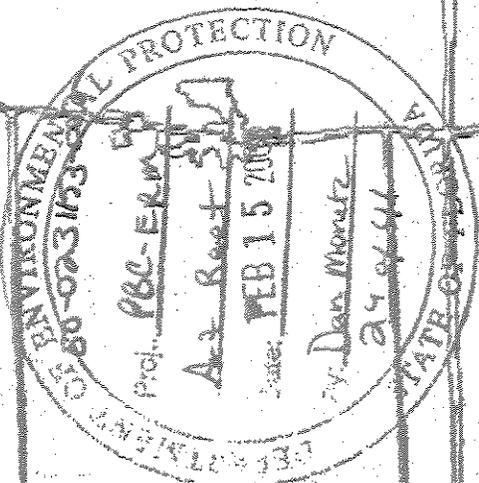
Prevailing Current



SCALE: 1 INCH = 4000 FEET

Site Dimensions: 1758 ft X 4666 ft (188.3 acres)
 Site Depths = 15 ft - 50 ft (MLW)
 Site Depths = 18 ft - 53 ft (MHW)

Attachment O.
 Boynton Inlet Site



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
 ENVIRONMENTAL RESOURCES MANAGEMENT



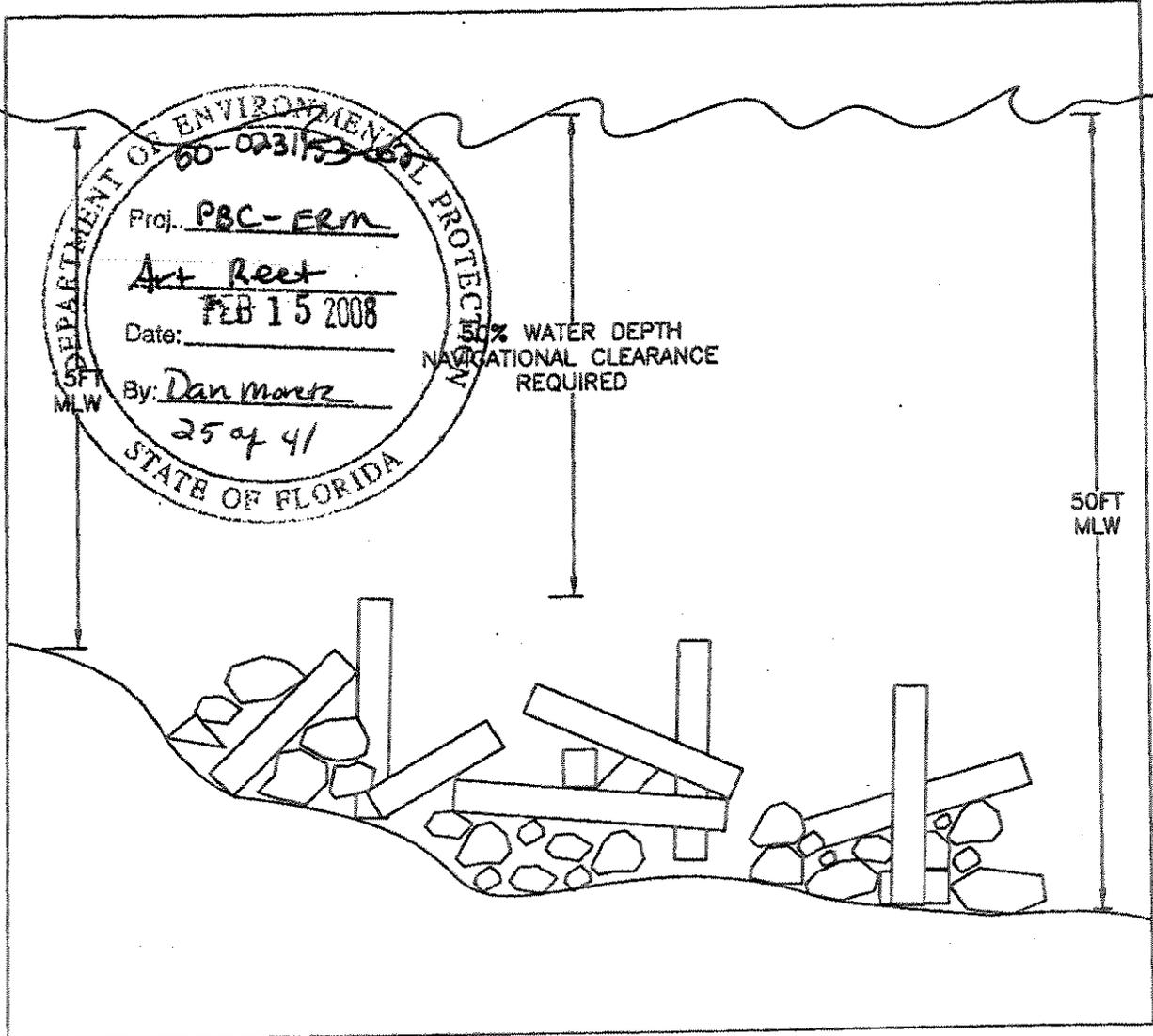
US Army Corps of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 20 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



DEPARTMENT OF ENVIRONMENTAL PROTECTION
 60-023173
 Proj. PBC-ERM
Art Reef
 Date: FEB 15 2008
 By: Dan Moritz
25 of 41
 STATE OF FLORIDA

50% WATER DEPTH NAVIGATIONAL CLEARANCE REQUIRED

50 FT MLW

PREFABRICATED CONCRETE MODULAR PIECES
 HEAVY GAUGE STEEL PIECES
 LIMESTONE BOULDERS

Clinton W. Thomas
 #32070
 08-31-07



PALM BEACH COUNTY
 DEPARTMENT OF ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

BOYNTON INLET SITE

NTS

8/07





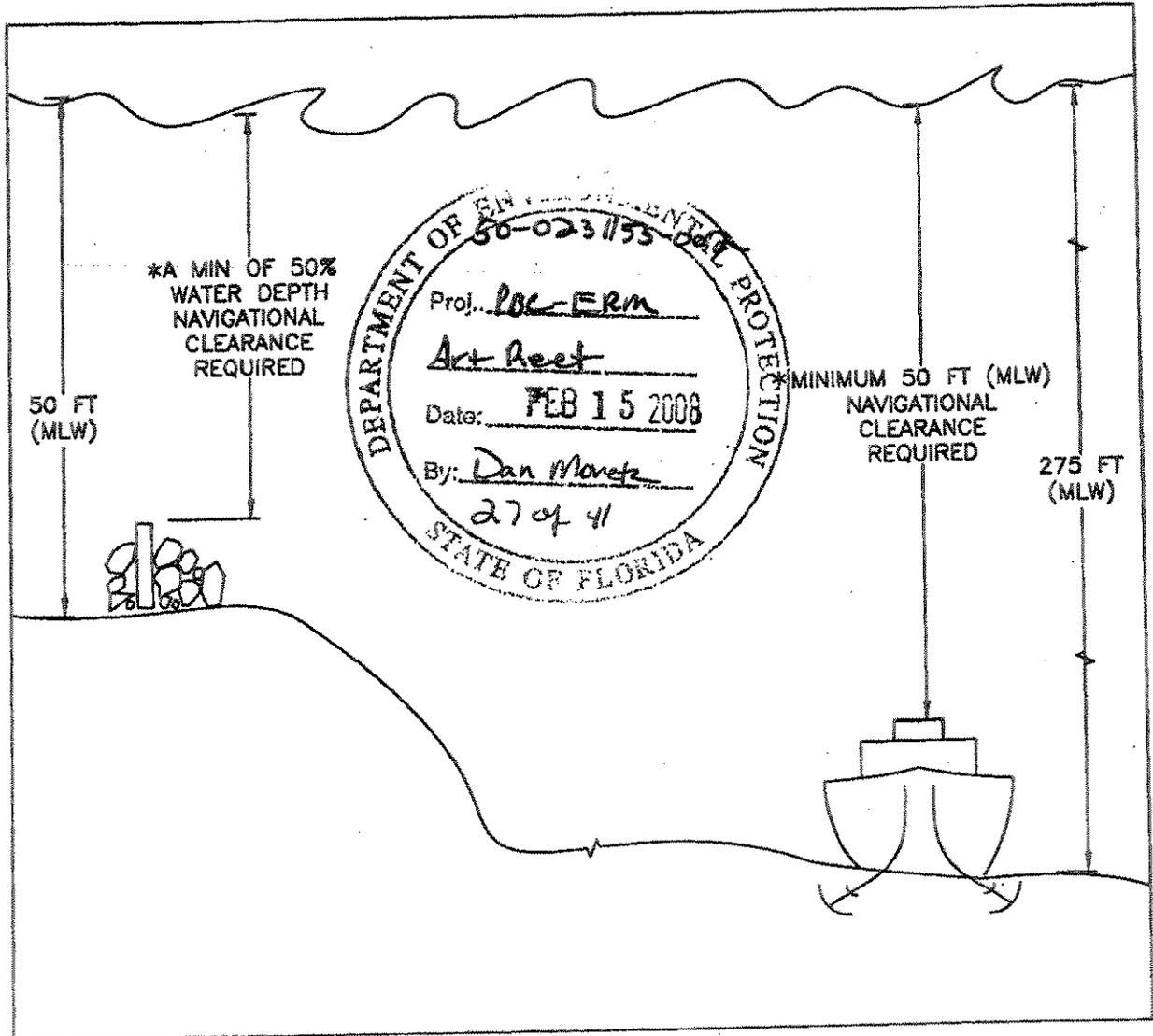
US Army Corps of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 22 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



PREFABRICATED CONCRETE MODULAR PIECES
 HEAVY GAUGE STEEL PIECES
 LIMESTONE BOULDERS
 MARITIME VESSELS

Clinton W. Thomas
 #32070
 08-31-07

* { 12-60 FT DEPTH REQUIRES 50% OF WATER DEPTH MLW CLEARANCE
 { >60 FT REQUIRES 50 FT MLW CLEARANCE



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

BOYNTON DEEP SITE

NTS



8/07



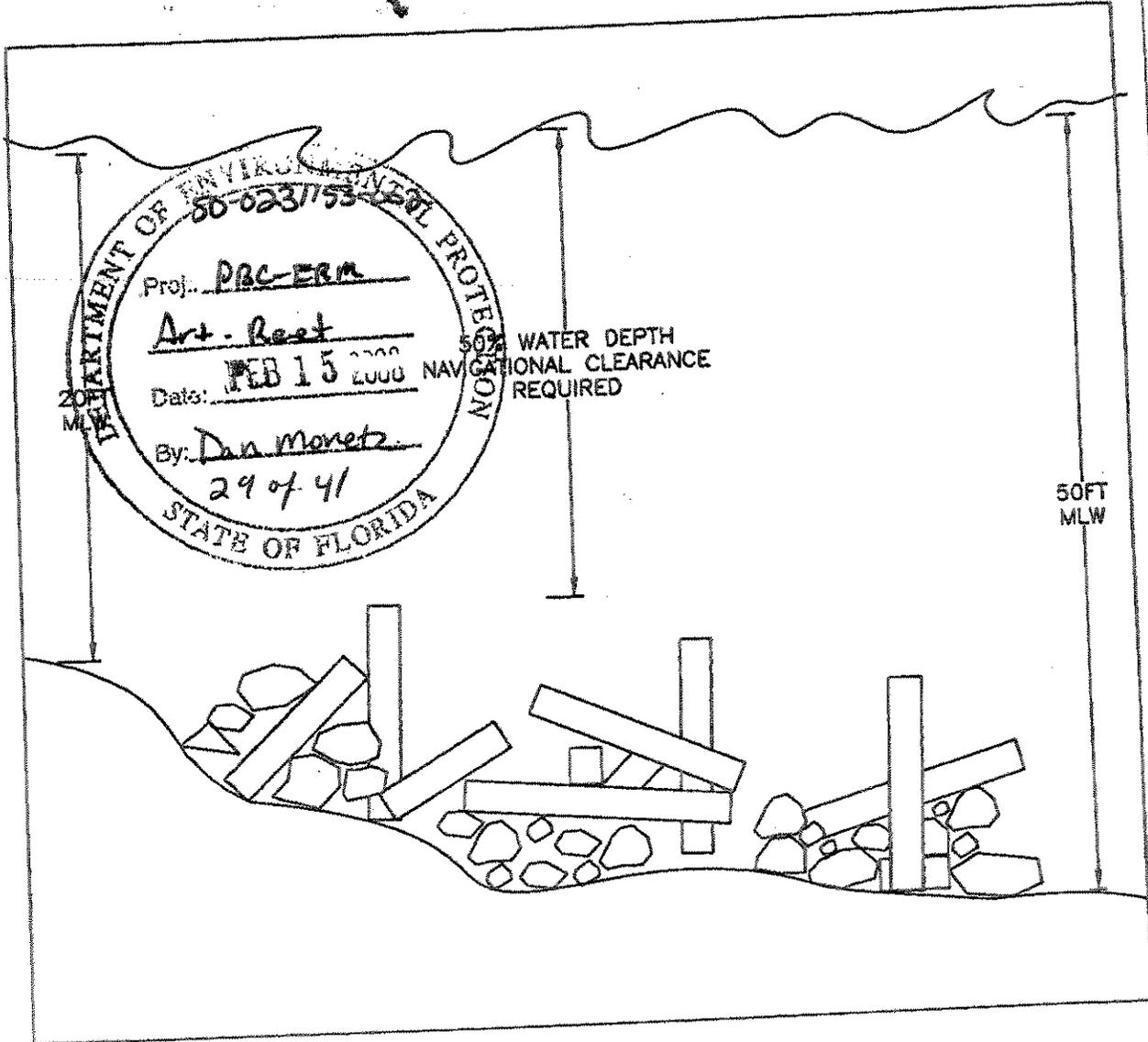
US Army Corps
of Engineers.

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 24 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



PREFABRICATED CONCRETE MODULAR PIECES
 HEAVY GAUGE STEEL PIECES
 LIMESTONE BOULDERS

Clinton L. Jensen
 #32070
 08-31-07



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

BOCA INLET SITE

NTS

8/07





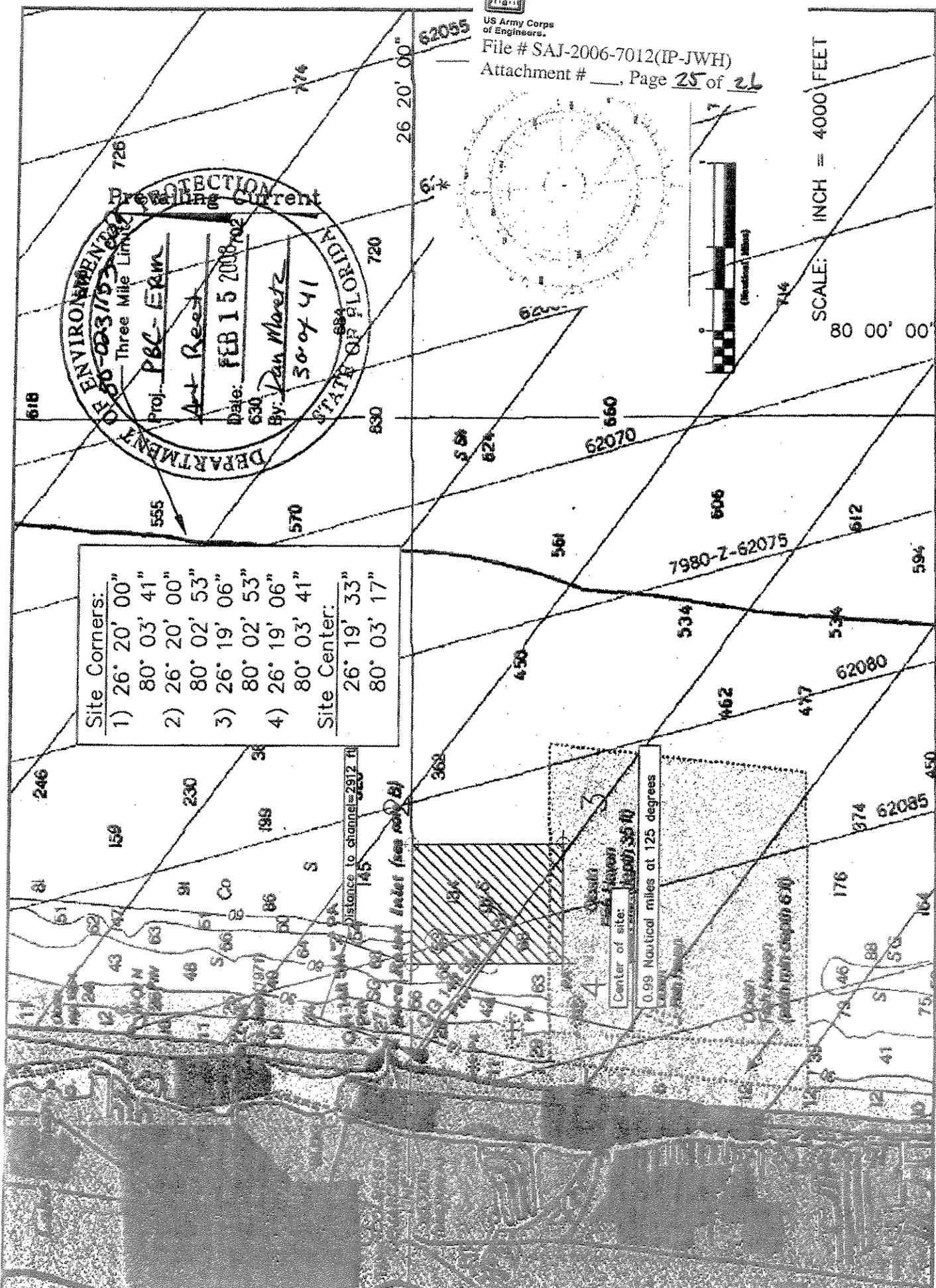
US Army Corps of Engineers

File # SAJ-2006-7012(IP-JWH)
Attachment # __, Page 25 of 26

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Three Mile Limited
Project: PBC-ERIM
Art Reest
Date: FEB 15 2008
By: Dan Moretz
30 of 41

STATE OF FLORIDA

Site Corners:	
1)	26° 20' 00"
2)	80° 03' 41"
3)	26° 20' 00"
4)	80° 02' 53"
Site Center:	
1)	26° 19' 06"
2)	80° 02' 53"
3)	26° 19' 06"
4)	80° 03' 41"
Site Center:	
1)	26° 19' 33"
2)	80° 03' 17"



Site Dimensions: 4342 ft X 5449 ft (543.2 acres)
Site Depths = 60 ft - 250 ft (MLW)
Site Depths = 63 ft - 253 ft (MHW)

Attachment R.
Boca Deep Site





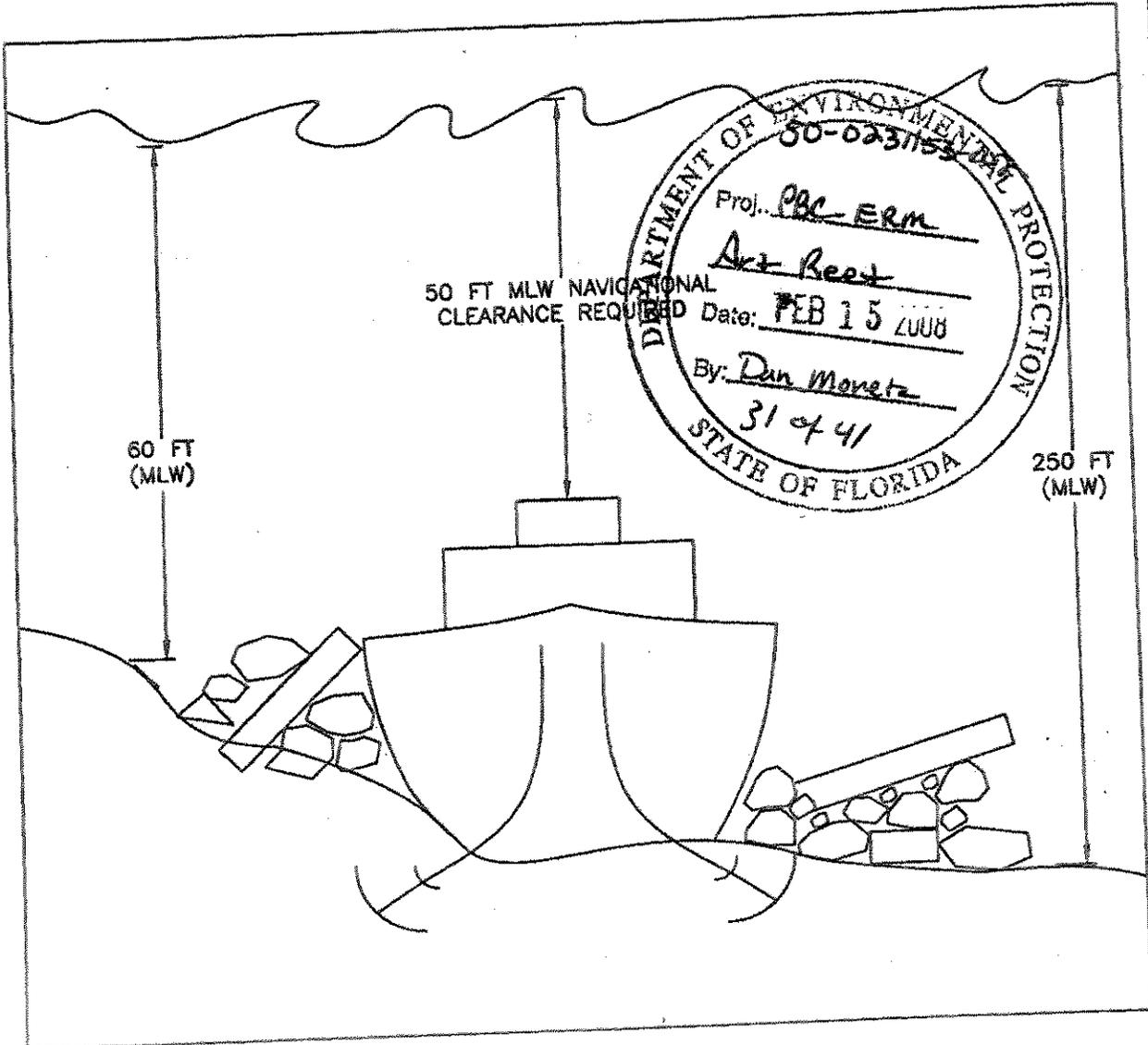
US Army Corps of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # ____, Page 26 of 26

TYPICAL REEF X-SECTION

NOT TO SCALE



PREFABRICATED CONCRETE MODULAR PIECES
 HEAVY GAUGE STEEL PIECES
 LIMESTONE BOULDERS
 MARITIME VESSELS

Clinton W. Howard
 # 32070
 08-31-07



PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

BOCA DEEP SITE

NTS



8/07

hereof. This permit and authorization to use sovereignty submerged lands are subject to the limits, conditions, and locations of work shown in the attached drawings, and are also subject to the attached 19 General Conditions, 9 General Consent Conditions, and 26 Specific Conditions, which are a binding part of this permit and authorization. You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization as specifically described below

GENERAL CONDITIONS:

(1) All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.

(2) This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

(3) Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

(4) The permittee shall notify the Department of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.

(5) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

(6) Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.). The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.



(7) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, has submitted a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form No. 62-343.900(7), F.A.C.); the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the Department in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(8) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

(9) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the Department along with any other final operation and maintenance documents required by sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(10) Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(11) This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C.

(12) The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

(13) The permittee is advised that the rules of the South Florida Water Management District require the permittee to obtain a water use permit from the South Florida Water Management District prior to construction dewatering, unless the work qualifies for a general permit pursuant to subsection 40E-20.302(4), F.A.C., also known as the "No Notice" rule.

(14) The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

(15) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2),



page Time Lines for Artificial Reef Construction; and DEP forms 62.343.900(3), (4), (5), and (7) are attached to and become part of this permit.

(2) The permittee shall be responsible for ensuring that the permit conditions are explained to all construction personnel working on the project, and for providing each contractor and subcontractor with a copy of this permit before construction begins.

(3) If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

(4) No impacts to environmental resources are authorized by this permit.

(5) The work authorized by this permit shall not be conducted on any property, other than that owned by the permittee, without prior written approval of that property owner.

(6) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. The permittee shall contact the Department in writing to schedule the conference. Department of Environmental Protection, Southeast District, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Richard Stalker, 400 N. Congress Ave., Suite 200, West Palm Beach, Florida 33401 (phone: 561/681-6643).

(7) All watercraft associated with the deployment of the artificial reef shall only operate in waters of sufficient depth so as to preclude bottom scouring, prop dredging, or damage to adjacent submerged resources.

(8) Prior to the initiation of any inshore work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the deployment area. Inshore shall be defined as any area west of the limits of the Atlantic Ocean within: a) the Intracoastal Waterway, b) any rivers or tributaries which are directly connected or empty into the Atlantic Ocean, and c) any natural or artificial bodies of water which are connected to the before mentioned hydrographic systems.

All turbidity devices shall be maintained and remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed 29 NTUs above background levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.

The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:

- a. Notify the DEP-Southeast District Office ERP Compliance/Enforcement Section at 561/681-6643 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation. Operations may not resume until the Department gives authorization to do so.
- c. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functioning turbidity containment devices. Do not continue any in or over water work until approval has been given by DEP staff.

(9) The permittee shall comply with the standard manatee protection construction conditions listed in the attachment, "Standard Manatee Conditions for In-water Work, 2005."



US Army Corps
of Engineers.

File # SAJ-2006-7012(IP-JWH)

Artificial Reef Pre-Deployment

(10) Thirty days prior to the commencement of artificial reef deployment activities, the permittee shall submit the following information to the Department of Environmental Protection, Southeast District, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Richard Stalker, 400 N. Congress Ave., Suite 200, West Palm Beach, Florida 33401 for review and approval: (1) cargo manifest and pre-deployment notification; (2) inspections from the USCG and EPA to ensure maritime vessels are clean; (3) environmental resource survey depicting the exact location of the artificial reef site, 250-foot/500-foot buffers, and location of observed resources; (4) Global Position System Coordinates (GPS); (5) stability analysis; and (6) sonar scan to determine sand overburden.

(11) Prior to any artificial reef placement or any other bottom-disturbing activities in the Atlantic Ocean, the permittee shall notify the Department of State (DOS) and submit the proposed location(s) for review of potential impacts to cultural resources. In the event that the DOS requests a professional investigation of the proposed area(s), the investigation should be completed and the resultant report reviewed by DOS prior to any reef placement or any other bottom disturbing activities. In the event that the professional investigation encounters significant cultural resources, these resources should be avoided with a buffer by all project activities. The contact information for the DOS is (850) 245-6333/ 500 S. Bronough Street, Tallahassee, FL 32399-0250.

(12) The environmental resource survey shall consist of an assessment of the bottom conditions conducted via diver, submersible video camera, fathometer, depth/bottom sounder (e.g. "fish finder"), or vessel mounted side-scan sonar. The inspection of the deployment area shall be done no less than thirty days prior but no more than one year prior to deployment. The permittee shall maintain a deployment buffer area of at least 500 feet for maritime vessels and 250 feet for all other construction materials from any submerged beds of seagrasses or macroalgae, coral reefs, live bottom, areas supporting growth of sponges, sea fans, soft corals, and other sessile macroinvertebrates generally associated with rock outcrops, oyster reefs, scallop beds, clam beds, or areas where there are unique or unusual concentrations of bottom dwelling marine organisms.

Within 30 days of completion, the permittee shall submit the results of the resource survey to the Department. The resource survey shall include the following information:

- (a) Time and date the resource survey was conducted.
- (b) Documentation of any submerged beds of seagrasses or macroalgae, coral reefs, live bottom, areas supporting growth of sponges, sea fans, soft corals, and other sessile macroinvertebrates generally associated with rock outcrops, oyster reefs, scallop beds, clam beds, or areas where there are unique or unusual concentrations of bottom dwelling marine organisms within the survey area.
- (c) Percent coverage and species of any of the above mentioned submerged resources within the survey area.
- (d) Location maps and drawings showing the survey location, the location of any submerged resources, and all required setbacks.

(13) No less than 30 days prior to deployment of material on an artificial reef, the permittee shall submit a complete and signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form, enclosed, to the Department of Environmental Protection, Southeast District, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Richard Stalker, 400 N. Congress Ave., Suite 200, West Palm Beach, Florida 33401 to allow inspection of the proposed reef materials as deemed necessary by the agencies. By signing the Pre-Deployment Notification, the permittee certifies that all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The permittee shall submit photos of representative components/pieces of reef material and transmit with the form listed:



(14) The artificial reef material shall be placed in barren sandy bottom locations void of all environmental resources including but not limited to hard bottom, corals, attached biota, or marine plant communities. Stability analysis and sand sonar scans shall be conducted prior to material deployment and shall be submitted to the Department showing that all materials shall remain stable on the bottom post deployment. Prior to deployment, the exact location shall be determined by a precision GPS and clearly marked with perimeter buoys to ensure that no material is deposited outside of the project boundaries. For maritime vessels, at least two separate anchors, of suitable size for each vessel deployed, shall be used to ensure that the vessels do not drift during deployment and that they shall remain in place once settled on the bottom.

(15) Any steel hull vessel which will be utilized as reef material shall be prepared and deployed in accordance with all applicable USCG, EPA, FFWCC regulations or policies, and any 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 based on vessel and deployment site characteristics. National guidance regarding preparation of vessels for deployment as artificial reefs may be viewed at: <http://www.epa.gov/owow/oceans/habitat/artificialreefs/index.html>. The permittee shall maintain a record of all inspections, clearances or waivers and shall be provided to the Department upon request.

Artificial Reef Construction Period

(16) The Permittee shall only deploy the following authorized reef materials:

- (a) Prefabricated artificial reef modules composed of steel, concrete, rock or a combination of these materials.
- (b) Natural rock boulders and other pre-cast material, such as, culverts (inside diameter no less than 36 inches), stormwater junction boxes, power poles.
- (c) Clean steel and concrete bridge 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 steel components or structures, 1/4" or more in thickness.

(17) All vessel movement, construction, and reef deployment activities shall take place during daylight hours only with the exception of movement of shallow-draft transport vessels. For the purposes of this permit, daylight shall be defined as occurring from 30 minutes before sunrise to 30 minutes after sunset. All transport vessels shall travel at slow speed.

(18) At least one person shall be designated as a manatee observer when deploying the reef material. That person shall have experience in manatee observation, and be equipped with polarized sunglasses to aid in observation. The manatee observer shall be an individual other than the vessel operator, shall be on site during all in-water construction activities, and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge and other associated vessels, with the exception of movement of shallow-draft transport vessels shall not be performed after sunset, when the possibility of spotting manatees is negligible.

(19) No fish attraction devices may be constructed or attached to the permitted artificial reefs or within the site boundaries once the material is deployed.



(20) 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 shall be selected, designed, constructed and deployed to create effective, stable and durable reef fish habitat.

(21) The permittee shall deploy all reef materials within the site boundaries as defined on the enclosed drawings. The material shall be placed so that the top of the reef does not exceed 1/2 the distance from the bottom to the surface of the water unless a greater distance from the surface is required for safe navigation. At no time shall the distance between the top of the reef and the surface of the water be less than 6 feet. There shall be no reefs constructed in bays, lagoons, or estuaries that are less than 12 feet deep.

(22) The permittee shall have a third party representative on site during every deployment to verify compliance with the permit and its conditions. The representative shall not be the person who physically or contractually is responsible for deployment of the transported reef materials. The representative shall verify latitude and longitude coordinates using a Differential Global Positioning System (DGPS) unit accurate to within 3 meters horizontal distance. Depth shall be verified utilizing fathometer, depth sounder, or similar device accurate to within 1 meter. The Permittee shall maintain a record of the deployment compliance information on the "Florida Artificial Reef Materials Placement Report and Post-Deployment Notification" form, enclosed, with the name of the representative and provide to the Department upon request.

Artificial Reef Post-Deployment

(23) The permittee shall notify the National Ocean Service, National Oceanographic and Atmospheric Association, U.S. Department of Commerce, Rockville, Maryland, and the Department of Environmental Protection, Division of Marine Resources, Office of Fisheries Management and Assistance Services of the precise location of the reef within 30 days of placement of the reef material.

(24) 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 DEP.

(25) In the event reef material is deployed in a location or manner that is contrary to the submitted plans, the permittee shall immediately notify the Department and provide information as stated in the Permittee's submitted contingency plan. The permittee shall notify the Department in writing within 14 days 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), a resource survey of the new locations in accordance with specific condition (12) above, and the water depth above the material from Mean Low Water. After an assessment of the new reef deployment areas, the Department's Compliance and Enforcement Staff will instruct the applicant to remove or relocate the misplaced reef material.

(26) Within 12 months from the effective date of this permit and annually thereafter until expiration of the deployment authorization, the Permittee shall submit to the Department a spreadsheet listing the deployments that occurred within the previous 12 months and a written report which summarizes, analyzes, and draws conclusions regarding the activities or issues associated with the artificial reef locations in the past 12 months. For each deployment, the spreadsheet shall include the local tracking number, date deployed, latitude and longitude, description and quantity of the material deployed, depth of water above material, approximate area of seafloor covered. The spreadsheet shall document any known changes in material condition (stability, durability, and location) as compared to those same characteristics at the time of deployment. The report may include but is not limited to use trends, site management constraints and resolutions, management techniques, modifications of operational plans, lessons learned, etc. Results of any performance monitoring (description of fish and other biota observed) shall be included in the report. The

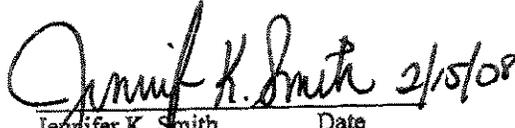


Permittee: Palm Beach County Artificial Reef Program
File No.: 50-0231153-002
Page 10

written text and include a permit drawing(s) or similar visual depiction of the location of each deployment in relation to the boundary of the reef sites. The report shall describe how the permittee managed the site in support of the 6 provisions listed in the Corps regulations at 33 CFR 322.5 (b). Immediately upon expiration of the deployment authorization or request for permit extension, a summary of reports submitted since the last permit issuance/renewal shall be submitted to the Department. This compilation shall document any known changes in material stability, durability, or location as compared to that most recently reported for a site as well as a summary/analysis of the qualitative data (trends, lessons learned, etc.) in the yearly reports.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

 2/15/08

Jennifer K. Smith Date
Acting Program Administrator
Submerged Lands & Environmental Resources Program

JS/jk/dm

FDEP Compliance & Enforcement, Richard Stalker
USACOE - Palm Beach Gardens, Linda Knoeck, Linda.C.Knoeck@usace.army.mil
FFWCC, Bureau of Imperiled Species Management, Keith Mille, Keith.Mille@myfwc.com
FDEP Coral Reef Conservation Program, Joanna Walczak, Joanna.Walczak@dep.state.fl.us.
Florida Department of State, April Westerman, amwesterman@dos.state.fl.us

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies, were mailed before the close of business on FEB 15 2008, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 FEB 15 2008
Clerk Date

Prepared by Daniel Moretz.

50 pages attached.



US Army Corps
of Engineers.

021 4 5 1 006 70100 0000



**DIVISION OF MARINE FISHERIES
ARTIFICIAL REEF PROGRAM**

Page _____ of _____

**ARTIFICIAL REEF MATERIALS CARGO MANIFEST
(Issued pursuant to Ch. 370.25(6)(b), Florida Statutes)**

Name of individual managing reef deployment (print) _____

Signature / Date _____

whose address is _____

Street _____

City _____

State _____

Zip Code _____

declare that I am staging and transporting the following artificial reef construction materials allowable pursuant to the U.S. Army Corps of Engineers Artificial Reef Permit referenced below.

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

Transporting Vessel Registration Number: _____

Vessel Owner: _____ Vessel Operator: _____

The following items are to be deployed as reef material (use additional sheets if necessary):

MATERIAL TAG ID NUMBER(S), if applicable	Descriptions of material (number of pieces, type, dimension, weight)	GPS Coordinates
		Lat: _____ Lon: _____

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

— OFFICIAL USE ONLY —
(TO BE COMPLETED BY PERMIT HOLDER, OR AUTHORIZED ARTIFICIAL REEF INSPECTOR)

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

ACOE permit number _____, permitted site name _____
issued on _____ and has an expiration date of _____

Local inspection permit number (if applicable): _____

(Name of FWC authorized Artificial Reef Inspector, printed)

(Signature)

(Date)

EXPLANATION SHEET FOR THE ARTIFICIAL REEF MATERIALS CARGO MANIFEST FORM



US Army Corps
of Engineers.

File # SAJ-2006-7012(IP-JWH)

Attachment # B, Page 2 of 2

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.

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2005

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 FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- 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. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" 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.



US Army Corps
of Engineers

File # SAJ-2006-7012(IP-JWH)

FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs
624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573

Wilderness Graphics, Inc.
P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Cape Coral Signs & Designs
1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848

Municipal Supply & Sign Co.
1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

Vital Signs
104615 Overseas Highway
Key Largo, FL 33037
Phone: (305) 451-5133
Fax: (305) 451-5163

Universal Signs & Accessories
2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

New City Signs
1829 28th Street North
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897

**United Rentals Highway
Technologies**
309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757



US Army Corps
of Engineers.

File # SAJ-2006-7012(IP-JWH)

Attachment #

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 or injury to:

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

Florida Fish and Wildlife Conservation Commission



US Army Corps
of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # C, Page 3 of 3



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



US Army Corps
of Engineers

File # SAJ-2006-7012(IP-JWH)



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.

NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners; revised February 2008.



US Army Corps
of Engineers

File # SAJ-2006-7012(IP-JWH)

Attachment # 1 Page 1 of 2

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 (takeareport.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 13th Avenue South
St. Petersburg, FL 33701

Tel: (727) 824-5312

Visit us on the web at <http://sero.nmfs.noaa.gov>

NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners; revised February 2008.



US Army Corps
of Engineers.

File # SAJ-2006-7012(IP-JWH)

Attachment # 1 Page 7 of 7