DEPARTMENT OF THE ARMY PERMIT

Permittee: National Marine Manufacture's Association, c/o Nelson Wold

Permit No: SAJ-2014-01034 (SP-AG)

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: For each annual event, the applicant proposes to construct and subsequently remove floating docks, awnings, dock ramps, and pilings for the Miami International Boat Show for the years 2016 through 2020 show dates. The following structures are proposed to be placed in waters of the U.S. for the duration of the show on an annual basis:

(1) install 326 10-ft. by 40 ft. (130,400 sq. ft. total) temporary floating docks;

(2) install 277 10-ft. by 40 ft. (110, 800 sq. ft. total) temporary floating docks with tents;

- (3) install 111 10-ft. by 20-ft. (22, 200 sq. ft. total) temporary floating docks with tents;
- (4) install 50 5-ft. by 20-ft. (5, 000 sq. ft. total) floating finger piers;
- (5) install 546 dock piles;
- (6) install 497 mooring piles;
- (7) install a maximum of 830 temporary slips for vessels with 12" to 5'11" draft ranges;
- (8) install 10 helical anchors with marker buoys to mark the ingress/egress channel;
- (9) install 9 helical anchors and buoys to mark shallow areas with dense seagrass.

Authorized activities are depicted on the attached drawings date-stamped by the Corps of Engineers on 17 November 2015

Project Location: The project would affect waters of the United States associated with Biscayne Bay. The project site is the Miami Marine Stadium located at 3501 Rickenbacker Causeway, in Section 17, Township 54 South, Range 42 East, Miami, Miami-Dade County, Florida 33149 (Folio# 01-4217-000-0110).

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<u>Directions to site</u>: From US-1 heading North, turn right onto FL-913/Rickenbacker Causeway. End at 3501 Rickenbacker Causeway

Approximate Central Coordinates: Latitude: 25.742673° Longitude: -80.169407°

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on DEC 2 8 2020 . 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.

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

Special Conditions:

The following specials conditions will be included in the permit:

1. REPORTING ADDRESS: The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, 9900 SW 107th Ave., Suite 203, Miami, FL 33176-2785.

b. For electronic mail CESAJ-ComplyDocs@usace.army.mil (not to exceed 10 MB).

The Permittee shall reference this permit number, SAJ-2014-01034(SP-AG), on all submittals.

 COMMENCEMENT NOTIFICATION: Within 10 days from the date of initiating the work authorized by this permit. The Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.

3. SELF-CERTIFICATION: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

4. POSTING OF PERMIT: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

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

6. MANATEE CONDITIONS:

a.)The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011," (attachment A).

b.) **Manatee Educational Signs:** The Permittee shall comply with "A Guide to Manatee Educational Signs, revised June 2009" (Attachment B).

c.) Manatee observers: At least one person shall be designated as a manatee observer when in-water work is being performed. That person shall have experience in manatee observation, and be equipped with polarized sunglasses to aid in observation. The manatee observer must 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, other associated vessels or any in-water work shall not be performed after sunset or before sunrise, when the possibility of spotting manatees is negligible. Additionally as an extra precaution the permittee has agree to place additional manatee observers on the water taxis that will be used during the event for the FEC slip location.

d) In addition to parts a-c above the applicant shall also follow protection measures a-j outlined in the 17 December FWS concurrence letter (attachment C)

7. SEA TURTLE AND SMALLTOOTH SAWFISH CONDITIONS: The Permittee agrees to abide by the enclosed standard construction conditions designed to protect the Smalltooth sawfish and sea turtles (National Marine Fisheries, 2006)(attachment D)

8. TURBIDITY BARRIERS: Prior to the initiation of any of the work authorized by this permit the Permittee shall install floating turbidity barriers with weighted skirts that extend to within one foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized.

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9. 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.

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

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

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in

accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the

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circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

11. WATER QUALITY CERTIFICATION: The permittee shall comply with the specific conditions included in the Florida Department of Environmental Protection Environmental Resource Permit Number 13-0306513-006 (attachment E)

12. ENDANGERED SPECIES: The permittee is required to comply with all the conservation measures outlined in the FWS Event Plan for Environmental Protection (Attachment F).

13. MONITORING/ SURVEYS: The permittee is required to conduct one annual project-wide survey in 2016, 2017, 2018 and 2019 that adheres to the *Recommendations for Sampling Johnson's Seagrass at a Project Site* (attachment G). This survey should be conducted between June 1 to September 30. The annual project-wide surveys should quantitatively compare seagrass cover over time. The survey shall also include quantification of corals.

14. MONITORING/ SURVEYS The permittee shall also conduct pre-and post-show seagrass surveys for the years of 2016-2020 and record any physical disturbance and the spatial extent and location of any pile installation impacts and propeller dredging/ scarring caused by vessels installing pilings, or boats on display at the boat show. The post show survey shall be conducted within a maximum of 30 days after the event has concluded.

15. MONITORING/ SURVEYS The permittee shall submit all seagrass survey reports to NMFS at: nmfs.ser.monitoringreportshc@noaa.gov

16. AVOIDANCE AND MINIMIZATION: Environmental controls and best management practices must be implemented to prevent any materials related to construction activities from entering the surrounding water. Any material removed as well as material applied to accomplish the project must be contained so as to prevent fugitive particulates and/or discharge to surface waters. Best management practices to minimize seagrass impacts and water quality degradation should be incorporated into the project design during dock construction and pile installation. These best management practices shall include pile driving (as opposed to pile jetting) to install all piles. The permittee has agreed to implement the following specific best management practices:

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a. Mooring larger vessels further away from the seagrass areas in deeper water;
 b. Scheduling the movement in and out of the slips for deep draft vessels during high tide;

c. Use of only encapsulated floating docks that do not have any exposed Styrofoam floats;

d. Pile driving barges shall operate in deep water during pile installation;

e. If necessary, smaller push boats will be used to maneuver large vessels into slips in order to avoid prop wash

f. Diver assisted pile driving to avoid direct impacts to benthic resources to the maximum extent practicable.

g. At the entry way of each floating dock will be signage that will include a manatee fact sheet sign and other information on the area.

h. The boats attending the show will be given a packet specifying the routes to and from the show, the location of areas to avoid, and in addition will have a manatee placard (as required by DEP) affixed at the helm.

i. The applicant will mark all shallow dense seagrass area with visual marker buoys;

j. The access platforms of the dense seagrass areas near shore will be ramped and will be the last to be installed to minimize shading time;

k. At no point shall there be less than one (1) foot between the deepest draft of any vessel and the top of any submerged aquatic resources.

17. SETUP/BREAKDOWN TIMEFRAME: The setup and break down of all structures related to the show shall occur during a maximum timeframe of 90 days. Upon completion of break-down and clean-up, the applicant shall provide written verification of this removal, along with photographic evidence to the Corps.

18. MITIGATION: If any direct impacts(prop dredging, scaring, spudding impacts, etc.) associated with any activities related to the event, set-up and/or break-down are identified in the pre/post show surveys, the permittee is required to submit an appropriate mitigation plan to address those impacts within 30 days of the discovery of the impacts. Information obtained from the project wide survey conducted during the summer as required in the previous condition #13 and spatial extent of the direct impact observed in the post show survey will be used to quantify the functional loss and determine the amount of mitigation necessary to offset that functional loss. The Corps must review and approve the final mitigation which must comply with the 12 components of the Federal Mitigation Rule. The applicant can also explore the use of mitigation bank credits to off-set the impacts if those are available.

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19. MARINE PATROL: The permittee shall employ a marine patrol officer to provide oversight and to ensure that all vessels associated with the event are traveling along the approved transportation routes identified on page 8 of the approved plans and are avoiding all environmentally sensitive areas.

Further Information:

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

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

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

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

2. Limits of this authorization

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

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

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

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

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

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

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

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

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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. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit. Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

PERMITTEE: NMMA- Miami International Boat Show PAGE 10 of 9

(DATE) Nou (PERMITTEE)

NELSON B. WOLP (PERMITTEE NAME-PRINTED) This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

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Recember 28 2015 (DATE)

(DISTRICT ENGINEER) Jason A. Kirk, P.E. Colonel, U.S. Army District Commander When the structures or w

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

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

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Attachments to Department of the Army Permit Number SAJ-2014-01034 (SP-AG)

A. STANDARD MANATEE CONSTRUCTION CONDITIONS

B. MANATEE EDUCATIONAL SIGNS SPECIFICATIONS

C.U.S. FWS CONCURRANCE LETTER WITH PROTECTION MEASURES (December 17, 2015)

D. SEATURTLE and SAWFISH CONSTRUCTION CONDITONS PROJECT

E. 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. (12 pages issued on December 12, 2015).

F. FWS EVENT PLAN FOR ENVIRONMETAL PROTECTION

G. NMF- HCD BMP'S FOR SEAGRASS SURVEYS/SAMPLEING PROTOCAL

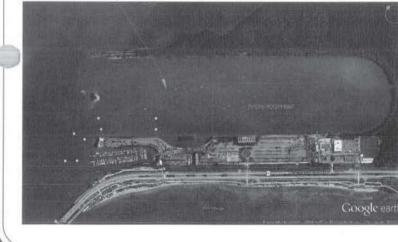
H. SELF CERTIFICATION STATEMENT OF COMPLIANCE FORM

I. PRELIMINARY JURISDICTIONAL FORM: December 23, 2015

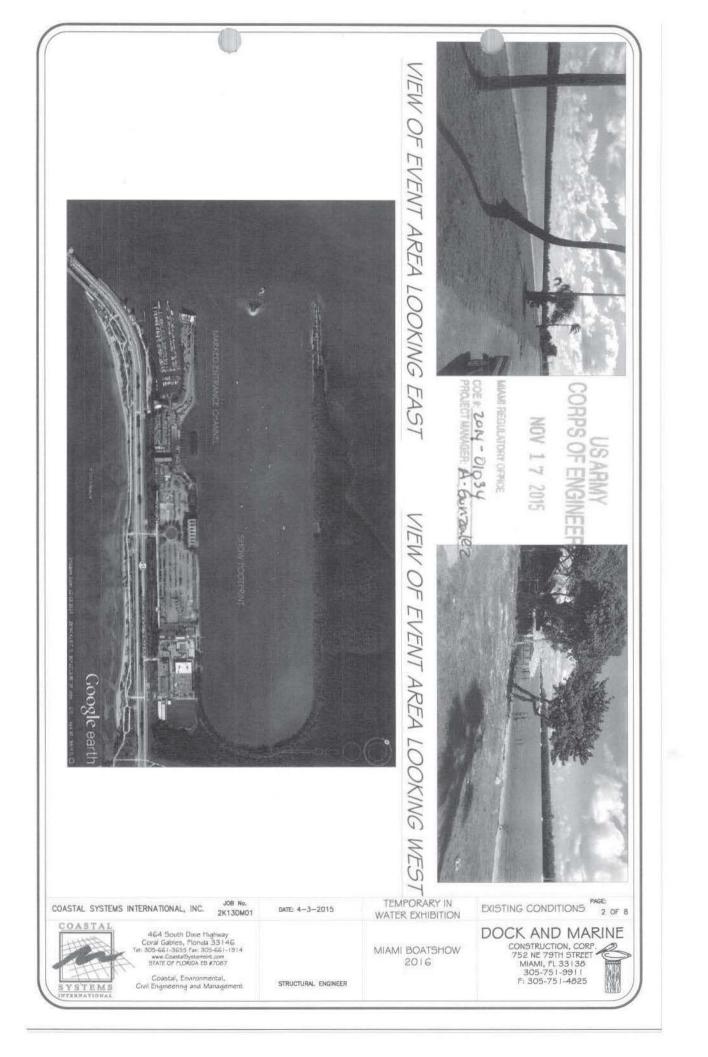
J. DRAWINGS: 12 Pages, date stamped by the Corps of Engineers on 17 November 2015

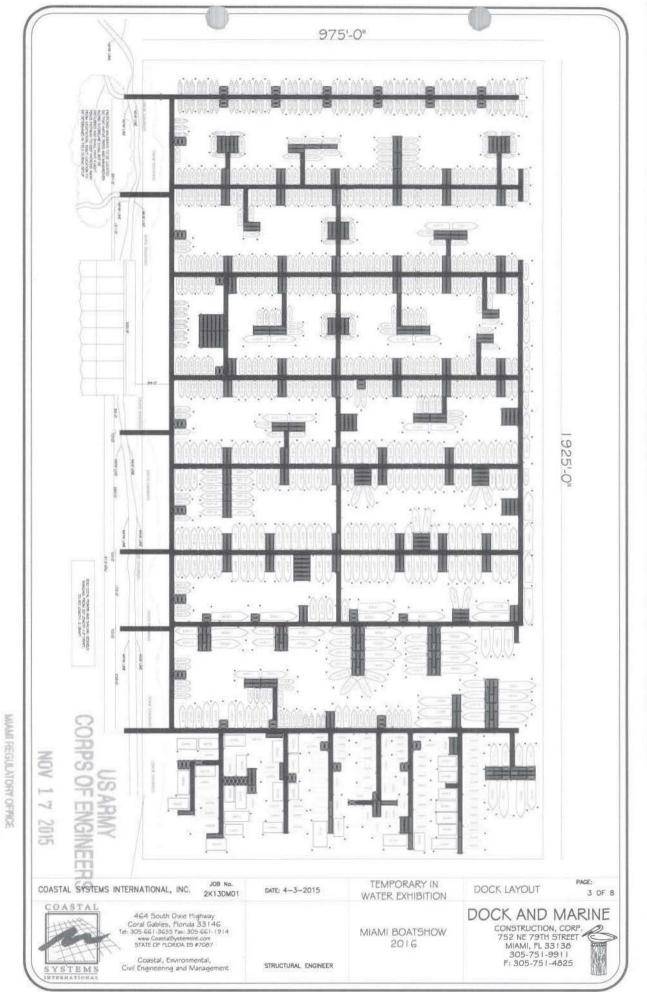


JOB LOCATION

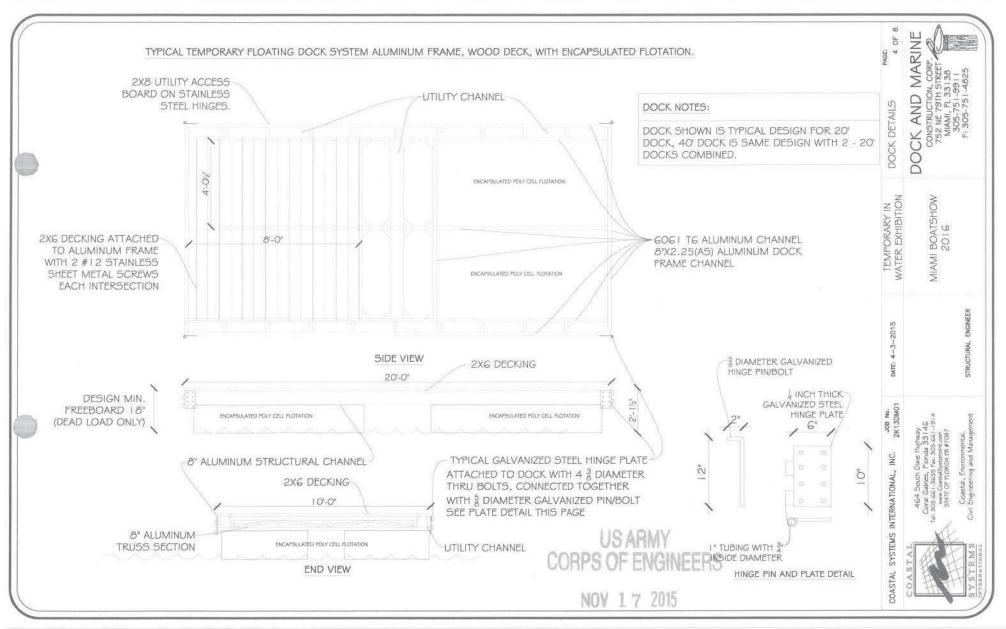


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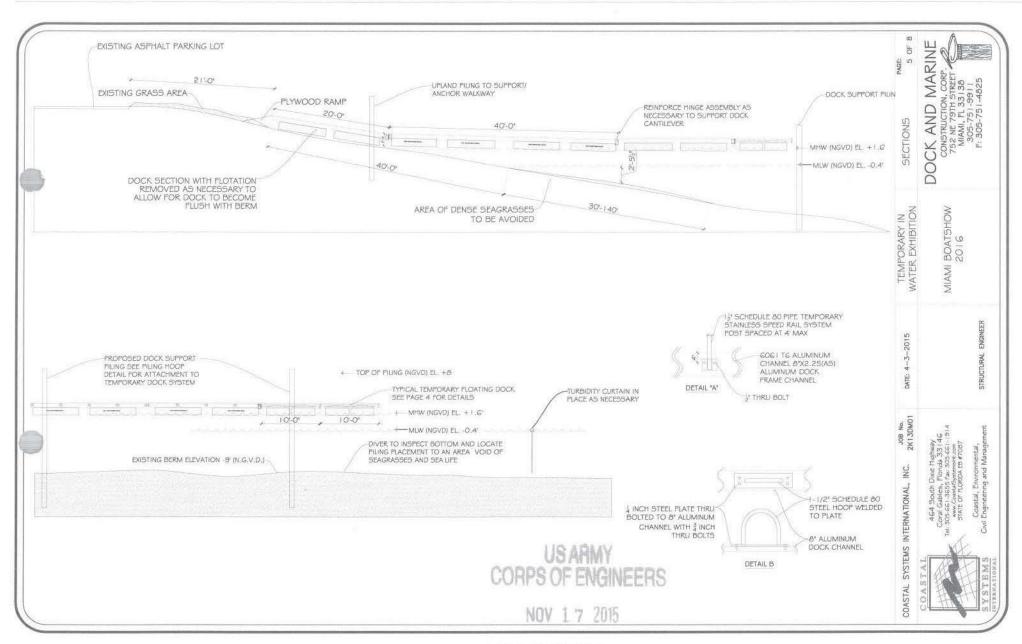


COE # 2014-01034 PROJECT MANAGER A. GUNZALEZ



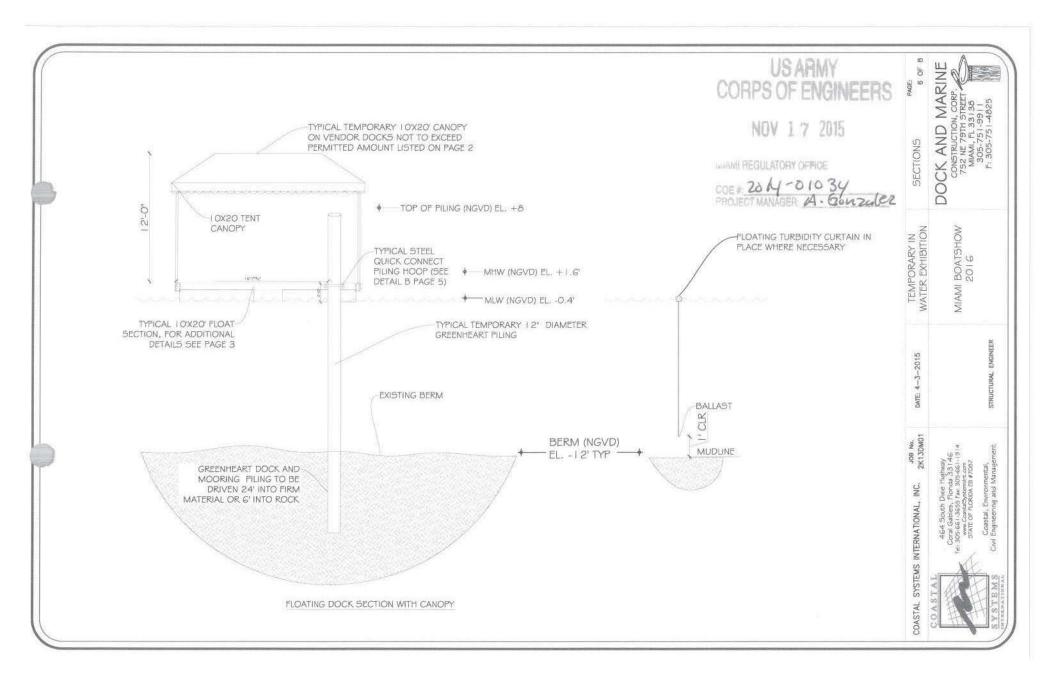
MIAMI REGULATORY OFFICE

COE & ZOIY-01034 PROJECT MANAGER: A. CONDUCZ



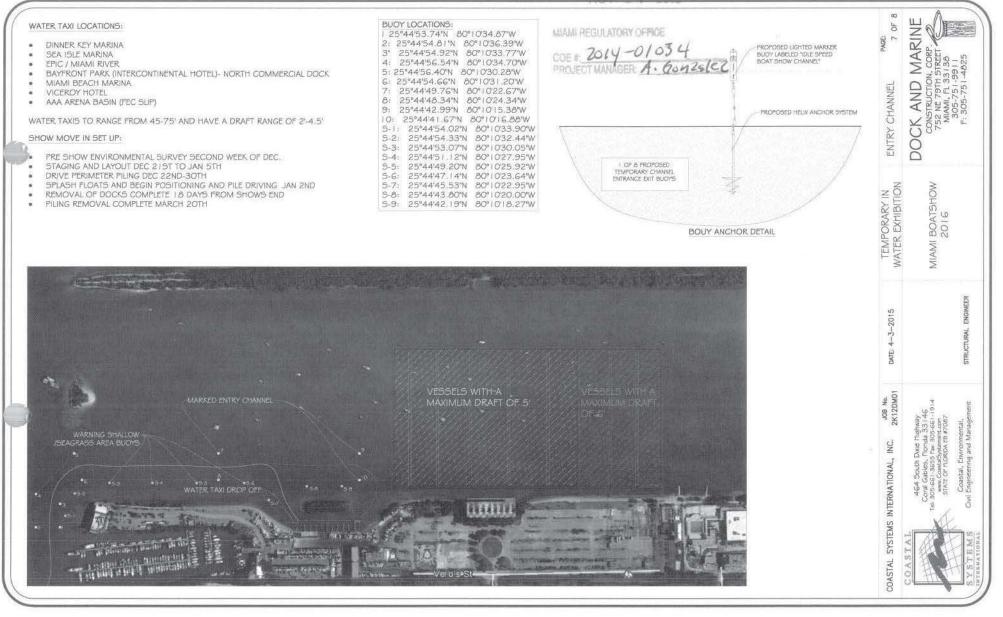
MIAMI REGULATORY OFFICE

COE # 2014-01034 PROJECT MANAGER: A . 60 n 20/02



US ARMY CORPS OF ENGINEERS





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