



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
MIAMI REGULATORY OFFICE
11420 NORTH KENDALL DRIVE, SUITE 104
MIAMI, FLORIDA 33176

Regulatory Division
South Permits Branch
Miami Regulatory Office
200300203(IP-PK)

JUL 22 2003

Commanding Officer
U. S. Department of the Navy
Naval Air Facility Key West
P.O. Box 9001
Key West, Florida 33040-9001

Dear Applicant:

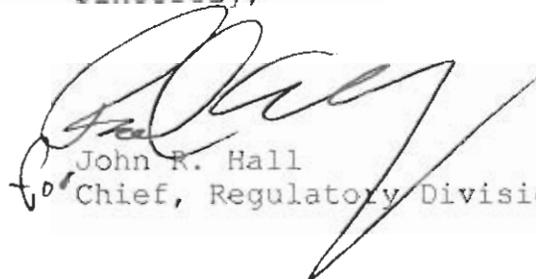
We are pleased to enclose the Department of the Army permit and a Notice of Authorization which should be displayed at the construction site. Work may begin immediately but the South Permits Branch Chief, as representative of the District Engineer, must be notified of:

- 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.

The Branch Chief is responsible for inspections to determine that permit conditions are strictly adhered to. A copy of the permit and drawings must be available at the site of work.

IT IS NOT LAWFUL TO DEVIATE FROM
THE APPROVED PLANS ENCLOSED.

Sincerely,


John R. Hall
Chief, Regulatory Division

STANDARD MANATEE CONSTRUCTION CONDITIONS

June 2001

The permittee shall comply with the following manatee protection construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
- b. 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 of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
- c. Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.
- 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 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.
- e. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
- f. Any collision with and/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) in south Florida.
- g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads *Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-561-562-3909) for south Florida.*

CAUTION

MANATEE HABITAT

IDLE SPEED is required if operating a vessel
in the construction area.

All Equipment must be SHUT DOWN if a manatee
comes within 50 feet of operation.

Any collision with and/or injury to a manatee shall be reported immediately
to the **FWC** at:

1-888-404-FWCC

(1-888-404-3922)



Permanent Manatee Sign Information

(Revised June 2001)

There are two types of approved permanent manatee signs that may be required by permit or lease: educational signs and awareness signs (see page 2 for detailed descriptions). These educational signs are non-regulatory in nature.

The permit/lease holder should forward a project site plan to the Bureau of Protected Species Management (620 South Meridian Street, OES-BPS, Tallahassee, FL 32399-1600) with the type, number, and location of signs indicated on the site plan. The applicant should also include a location map of the facility in relation to waterways, a county location map, and the permit and/or lease number associated with the project. BPSM will review the sign placement proposed for the project and notify the applicant within 30 days of receiving the plan if the signs and locations are unacceptable. Correspondence may be sent to offer suggestions on the type, number, and location of the signs. If the applicant has not received a response within 30 days, the proposed signs and their locations should be considered approved. Letters indicating approval of a sign site plan are available upon request.

The educational signs must be placed in a prominent location for maximum visibility, such as near walkways, dockmaster offices, restrooms, or foot traffic access points to piers/docks. The awareness signs should be placed facing land on walkways or docks. Permanent manatee signs should not be installed on pilings in the water nor be attached to navigational markers. If a facility has multiple docks with separate walkways, signs should be installed near each walkway or dock. These signs should be oriented so that boaters using the facility will be reminded of the presence of manatees. The signs are not required to be in view of the general boating public. If approved signs and their locations are found to be out of accordance with these guidelines, the permit/lease holder will have to relocate or install additional signs.

The following specifications should only be considered guidelines for typical projects. Project locations near manatee important habitat, or involving other special circumstances may warrant additional signs.

Facility (wet, dry, temporary, or permanent)	Recommended Signs
Residential with less than 10 slips	<ul style="list-style-type: none"> • Site by site determination required
Boat ramps, charters or cruises, boat rental or restaurant facilities	<ul style="list-style-type: none"> • Educational Signs • Awareness Signs (may require multiple signs - site by site determination for quantity)
Facilities with greater than 10 slips	<ul style="list-style-type: none"> • Educational Signs (may require multiple signs - site by site determination for quantity) • Awareness Signs (may require multiple signs - site by site determination for quantity)

Manatee Awareness Sign

CAUTION



**MANATEE
AREA**

The "Caution: Manatee Area" sign is 3' by 4' and is available from all of the companies listed on the sign supplier list. These caution signs are intended to remind boaters using the facility of the presence of manatees while on the water. This sign will meet the manatee awareness display condition required by lease/permit.

Manatee Educational Signs

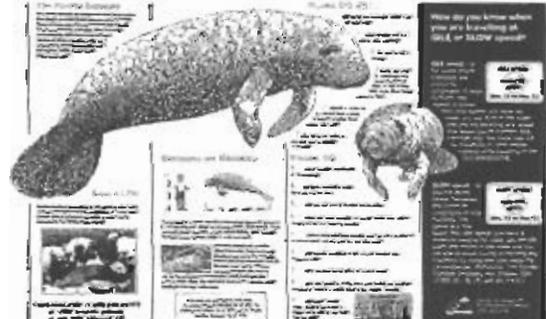


These signs are 2' by 3' and are available only through Wilderness Graphics. "Protecting the Gentle Giant" lists the potential threats to manatees and what the public can do to help protect them. "The Florida Manatee" provides a general description of manatees and their behavior. These two signs must be displayed as a pair to meet the manatee educational display condition required by lease/permit.



The "Manatee Basics for Boaters" sign is 3' by 4' and is available from all of the companies listed on the sign supplier list. This educational sign provides information on the characteristics of manatees and the potential threat to this endangered species from boat operation. This sign will meet the manatee educational display required by lease/permit.

Manatee Basics for Boaters



An 8 1/2x11 copy of each of the signs is available upon request

Approved Sign Suppliers for Manatee Signs

Revised June 2001

Permanent manatee educational and awareness signs are available through the companies listed below or from other local suppliers throughout the state. Permit/lease holders, marinas, and boat docking/launching facilities should contact the sign companies directly to arrange for shipping and billing of the signs.

- **ASAP Signs & Designs**
624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573
- **Cape Coral Signs & Designs**
1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (941) 772-9992
Fax: (941) 772-3848
- **Wilderness Graphics, Inc.**
P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com
- **United Rentals Highway Technologies**
309 Angle Road
Ft. Pierce, FL 34947
Phone: (561) 489-8772
or (800) 489-8758 (FL only)
Fax: (561) 489-8757
- **Municipal Supply & Sign Co.**
1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(941) 262-4639
Fax: (941) 262-4645
www.municipalsigns.com
- **New City Signs**
1829 28th Street North
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897
- **Universal Signs & Accessories**
2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(561) 461-0665
Fax: (561) 461-0669

DEPARTMENT OF THE ARMY PERMIT

Permittee: United States Department of the Navy

Permit No. 200300203(IP-PK)

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 permittee will conduct a maintenance dredge of circa 1 million cubic yards, from 465.4 acres of submerged bottom in an existing federal channel, harbor and turning basins. The dredging depth is 34 feet at Mean Low Water plus 2 of advanced maintenance, plus 1 foot over dredge for the entire project, except for Truman Harbor, which is to be dredged to 34 feet at Mean Low Water plus 1 foot advance maintenance plus 1 foot over dredge. Dredging is proposed for the removal of rock, gravel, silt and sand. That portion of the dredged material not approved for ocean disposal, which is a quantity of approximately 400 thousand cubic yards, will be transported to the designated upland placement site of 37 acres on Fleming Key. A quantity not to exceed 850,000 cubic yards will be transported to the one-time Open Ocean Disposal Site. All rock, and sand from the channel, will be considered for ocean disposal (only rock and sand that is exempt from testing will be placed in the ocean site). All loose material in Truman Harbor and any other material unsuitable for ocean placement will go to Fleming Key. The permittee will transport approximately 800,000 cubic yards of dredge material to the Key West ODMDS for disposal.

The project is as shown and described on attached plans numbered 200300203 (IP-PK) in 12 sheets, dated July 21, 2003.

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Location: The project is located in the Key West Harbor entrance channel, the Truman Annex harbor and the adjacent turning basin, in Section 1, Township 68 South, Range 24 East, City of Key West, Monroe County, Florida.

LATITUDE & LONGITUDE:

North Dredge Boundary

Latitude 24°33'36.52" North
Longitude 81°48'33.65" West

South Dredge Boundary

Latitude 24°27'59.77" North
Longitude 81°48'04.36" West

The offshore Key West disposal site (ODMDS) is located approximately 14 nautical miles (nm) from shore. The ODMDS is approximately a 2-square-nautical-mile area. The corners of the offshore site have been identified as:

Latitude 24°20'55"N Longitude 81°49'00"W
Latitude 24°20'55"N Longitude 81°46'49"W
Latitude 24°19'01"N Longitude 81°49'00"W
Latitude 24°19'01"N Longitude 81°46'49"W

Within the 2nm square site a smaller area .5nm on a side has been selected for the actual placement of material. The center of the smaller site is located at 24°19'58"N 81°47'54"W.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **July 21, 2006**. 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

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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 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 certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

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

Special Conditions:

(1) The permittee shall conduct pre- and post-construction assessments to document primary and secondary impacts of the dredging project. The assessment shall include: (a) quantitative descriptions of benthic communities in and adjacent to the dredge footprint, throughout the disposal pipeline route, and within the dredge material disposal sites; (b) descriptions of turbidity levels and sediment characteristics in the dredge footprint, disposal pipeline corridor, areas within the downstream turbidity plume, and in the area adjacent to the dredge material disposal sites; (c) quantify in an estimate (in acres or square feet), (prior to construction), potential direct and indirect impacts to

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Essential Fish Habitat by habitat type. This shall be done within and adjacent to the main ship channel, dredge disposal pipeline route and disposal site, and areas adjacent to the disposal site; (d) the mitigation plan shall include success criteria for evaluating the effectiveness of the proposed mitigation; (e) the monitoring plan will include both biological and physical monitoring, and specifically address coral impacts. The mitigation plan will include actions to offset the effects of sedimentation /turbidity and specifically detail how the response to events will be conducted including responsibilities. Sedimentation is considered a great hazard to resources. Sedimentation monitoring will include not less than weekly monitoring of sedimentation traps at prearranged stations. More frequent monitoring may be required and thresholds to protect fragile resources will be established. All plans shall be submitted to and approved by the NOAA prior to the commencement of work.

(2) Prior to construction the permittee shall provide the environmental baseline condition through quantitative descriptions of benthic communities in and immediately adjacent to the dredge footprint and along the route of the pipeline prior to construction to the FKNMS. This includes the upper ledges of the channel, Cut B, Cut C and the turning basins. The permittee shall provide this characterization based on a review of videos and information gathered using diver tows. A benthic characterization of habitat within the off-shore disposal area shall be provided to NOAA prior to the start of work.

(3) The spoil pipelines will be laid to minimize impacts. A plan shall be provided to the FKNMS detailing the placement of the pipe. Placement may include floating, supporting or bottom placement. This plan shall be submitted to and approved by the FKNMS prior to the commencement of work.

(4) Pre-project monitoring shall establish background baselines of turbidity levels and sedimentation in and adjacent to the dredging footprint and at the monitoring stations. The permittee shall establish a protocol to monitor the pipeline as part of a turbidity monitoring plan. The areas to be monitored include Cut C, Cut B, and the way points designated by the FKNMS.

(5) The permittee shall not violate turbidity requirements imposed by the Florida Department of Environmental Protection in its permit, dated June 17, 2003, number 0207625-001-EI. In the event FDEP water quality standards are exceeded work shall stop

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until the cause is corrected. Turbidity sampling will be conducted by the permittee every two hours during dredge excavation operation 24 hours per day for the life of the project. This sampling may be done by a government entity or an entity independent of the dredging contractor. Sampling will be done at the edge of the mixing zone, and at a background location. Where no critical resources are found down-current from the dredge within 1,500 meters, the mixing zone will be 1500 meters down-current. The mixing zone will be reduced to the distance to the edge of any identified critical resource area down-current, that is contacted by any part of the turbidity plume. In areas where the mixing zone is 1,500 meters, or at the edge of the nearest identified resource area, whichever is the nearest distance, turbidity will be monitored every two hours, 24 hours each day, when the dredge is operating. If turbidity readings of 1 or more NTU above up-current background, but less than 15 NTU above up-current background are measured, then samples will be collected every 15 minutes to determine a pattern/cause. Should the three follow-on measurements be between 1 - 15 NTU above background, operations at that dredging location will cease until the turbidity measurements return to background levels down-current of the dredge operation. If any turbidity measurement, at the edge of a resource area, or 1,500 meters, whichever is closer to the dredge, is 15 NTU or more over background, operations cease immediately at that dredging location, until turbidity levels return to background.

(6) The permittee will provide for pre-dredging, during dredging and post-dredging water quality monitoring focused on turbidity and sedimentation from Key West Harbor and approaches from the outer coral reef tract.

(7) The permittee shall develop an operational contingency plan that describes their response in the event of storms (e.g., hurricanes, spring storms) and operational failures (e.g., breaks in the dredge pipes, movement of dredge pipes). This plan shall be submitted to and approved by the FKNMS prior to construction.

(8) The permittee shall place the dredge material disposal pipeline in a corridor jointly agreed upon by the FKNMS and the permittee or their designee.

(9) The permittee shall, to the greatest extent practicable, place or position the dredge material disposal and upland disposal pipelines on the bottom in the ship channel, Key West Harbor and Fleming Cut in a manner that causes the least

amount of benthic impact to seagrass, coral and hardbottom communities. The dredge disposal pipeline shall be placed along the West side of the dredged channel, in the footprint of the dredged channel and no less than 30 feet away from the base of the cut ledge walls where coral resources have been identified. In the event it is deemed not practicable to float or raise the pipeline in areas of seagrass beds, the permittee will consult with FKNMS to determine the alternative means to minimize impact to the seagrass communities within Man o War Harbor and/or Fleming Cut. In all project areas, the permittee will consult with FKNMS to determine alternative means to minimize impact to marine resources.

(10) The permittee shall conduct a stability analysis for the dredged material pipeline for its entire length. The permittee shall anchor or otherwise stabilize the dredge material pipeline consistent with this analysis and in such a manner as to ensure that the pipeline will remain stable in a 50-year storm event. A copy of the analysis shall be provided to the FKNMS. Particular attention will be given to avoid impact by tanker traffic. The permittee will keep the pipe west of the marked channel (west of channel markers) and once north of D-3 pier, with the pipe north of the north face of pier D-3. Close coordination with the NAS Key West Engineering Department and Harbor pilots will be conducted to insure proper placement to avoid collisions.

(11) The permittee shall use the appropriate type of anchoring methods on the dredge material pipeline to avoid impacts to sensitive resources during storm events. The permittee or their designee must consult with FKNMS regarding the anchoring methods prior to the pipeline being installed.

(12) The permittee or their designee shall advise others involved in the project that FKNMS is available to assist in the placement of anchors to avoid or minimize damage and injury to FKNMS resources.

(13) The permittee shall ensure that the dredge disposal management areas on Fleming Key, shall prevent runoff into the marine environment and comply with Florida Department of Environmental Protection requirements. The permittee agrees and understands that additional safeguards may be required and any impact to resources from dredge disposal management areas will require in-kind restoration.

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(14) The permittee's turbidity controls at the Fleming Key disposal site shall include but are not limited to: an earthen berm to reduce sediment impact on adjacent marine communities (e.g. sponges, macro-algae, seagrass and hardbottom communities).

(15) The permittee shall submit drawings to demonstrate the location and size of turbidity control devices and any other construction projects proposed at the dredge material disposal site to the FKNMS prior to their installation. The FKNMS must review and approve these drawings prior to initiation of activities at the disposal site to minimize construction operations from impacting seagrass and mangrove communities.

(16) The permittee shall notify the FKNMS a minimum of two weeks prior to the start date of disposal site fill activities.

(17) The permittee shall comply with the no impact avoidance areas (no anchor zones) identified during pre-construction assessments and identified in the attachments to the permit on pages 2 thru 5 of 12. The permittee understands and agrees that an anchoring plan is required to be submitted to and approved by the FKNMS prior to the start of work. The FKNMS may add to the list of no anchoring/avoidance areas prior to the commencement of construction.

(18) The permittee shall notify others involved in the project that the FKNMS is available to provide information regarding alternative anchoring practices, such as use of tug power or mooring pins and, how to avoid anchoring impacts. The permittee shall record, via 8-digit GPS coordinate, the location of each anchor placement and provide this data to the FKNMS for their inspection. If FKNMS staff are not available to ground-truth proposed anchor placements outside the dredged footprint; when practicable the permittee shall provide divers to place anchors prior to their installation.

(19) The permittee shall prevent scouring of benthic resources. Any tow vessels, such as barges, scows and the like, will be either lashed directly to the tow vessel, with no cable in the water, or connected to the tow vessel by floating line. All other operations will be conducted in a manner that eliminates the possibility of dragging cable or other equipment along the bottom and damaging aquatic resources. All dredge operations will occur in the channel, except for placement of any anchors as described in conditions 17 and 18 above.

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(20) The permittee shall avoid damage to benthic resources located in the Key West Harbor and Turning Basin as delineated by the FKNMS and as found in the mitigation for this permit. The North and Northwest portions of the Key West Harbor Turning Basin shall be avoided during dredging operations. A 30-foot buffer area shall remain unimpacted to protect corals and benthic resources identified along the ledges of the original dredge footprint in this area. The permittee or their designee shall make others aware that the FKNMS is available to assist in the placement of a 30-foot buffer demarcation along these ledges.

(21) The permittee agrees and understands that in the area of the South and Southeast walls of Truman Harbor, where living coral and seagrass communities are found, the permittee shall avoid this area during dredging operations.

(22) The permittee shall at a minimum conduct: a pre-construction meeting with maritime interests; monthly news releases in the local press, United States Coast Guard - *Notice to Mariners* and other media to advise public of the dredge progress; and consult with the boat rental industry, local governments and tourist industry representatives via the Large Ship Working Group, the Propeller Club, and City of Key West Chamber of Commerce.

(23) The permittee shall immediately alert the FKNMS staff of any impacts or accidents that may occur. The permittee shall initiate within 24 hours of any incident, the recovery and restoration of any damage to living coral in the event of unforeseen accidents, such as anchor damage, anchor cable scouring, or disposal pipeline failure. The FKNMS may participate and assist in this effort.

(24) In coordination with the FKNMS, the permittee shall complete at least 24 hours prior to work obviously impacting coral resources, all activities necessary to temporarily or permanently relocate these resources so that dredging activities may proceed.

(25) The permittee agrees and understands that the Contracting Officer's Representative (COR), Contracting Officer Representative's Inspector (CORI) or permittee's designated point of contact (POC) shall be available at all times, as an onsite point of contact for the FKNMS. These individual's shall

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consider FKNMS comments on dredge operations, on other aspects of the work provided during the course of the project, and communicate these concerns to the COR and contracting officer.

(26) The permittee agrees to act as a point of contact to coordinate with the contracting officer and arrange, upon request, for NOAA observer(s) to be aboard the permittee's vessel(s) during any activities authorized by this permit.

(27) The permittee shall avoid injury to all federally protected species and marine communities such as corals, patch reefs, sea grasses and hard bottom habitat. Unavoidable impact shall require in-kind restoration and mitigation. Mitigation ratios shall be determined based on a Habitat Equivalency Analysis.

(28) The permittee agrees and understands that all vessels or equipment associated with dredging activities shall operate in a manner consistent with the FKNMS regulations. Additionally, the permittee shall obtain and provide to vessels masters, (and other responsible personnel), a current copy of 15 CFR §922 subpart "P". The permittee shall conduct training for all vessel operators on the provisions regarding, 15 CFR Section 922.163 including the safe *Operation of Vessels* and 922.164 (a) *Areas To Be Avoided*, prior to the start of any work. This training shall include the requirement to identify and avoid the especially shallow areas in or adjacent to Hawk Channel, Fleming Key and the main ship channel. Vessel drafts, which may impact submerged resources in shallow areas, during any phase of dredging related activities in all FKNMS waters, shall not be employed.

(29) The permittee shall comply with the attached standard manatee construction measures.

OCEAN DISPOSAL SPECIAL CONDITIONS:

(30) The permittee shall send to the U.S. Army Corps of Engineers (Corps), Regulatory Division, Enforcement Branch, P.O. Box 4970, Jacksonville, Florida 32232-0019 and EPA Region 4's Wetlands, Coastal and Water Quality Branch, 61 Forsyth Street, Atlanta, GA 30303 a notification of commencement of work at least fifteen (15) days before initiation of any dredging operations authorized by this permit. This notification and all subsequent submittals shall be sent to the Corps and EPA and shall reference permit number 200300203(IP-PK).

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(31) The permittee acknowledges that the permit is not valid unless there is an existing concurrency from the U.S. Environmental Protection Agency stating that the material meets the ocean disposal criteria.

(32) The permittee shall ensure that they are in compliance with the monitoring and reporting requirements as stated in the Corps permit for the disposal site.

DISPOSAL OPERATIONS

(33) For this permit, the term disposal operations shall mean, navigation of any vessel used in disposal operations, transportation of dredged material from the dredging site to the Key West ocean disposal site, proper disposal of dredged material at the disposal area within the Key West ocean disposal site, and transportation of the hopper dredge or disposal barge or scow back to the dredging site. The location of the Key West ocean disposal site is listed on the first page of the permit.

(34) No more than 800,000 cubic yards of dredged material excavated from the Key West project, defined in the dredge location listed on the first page of the permit are authorized for disposal at the Key West ocean disposal site.

(35) The permittee shall use an electronic positioning system to navigate to and from the Key West ocean disposal site. For this section of the permit, the electronic positioning system is defined as: a differential global positioning system or a microwave line of site system. Use of LORAN-C alone is not an acceptable electronic positioning system for disposal operations at the Key West ocean disposal site. If the electronic positioning system fails or navigation problems are detected, all disposal operations shall cease until the failure or navigation problems are corrected.

(36) The permittee shall certify the accuracy of the electronic positioning system proposed for use during disposal operations at the Key West ocean disposal site. The certification shall be accomplished by direct comparison of the electronic positioning system's accuracy with a known fixed point.

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(37) The permittee shall not allow any water or dredged material placed in a hopper dredge or disposal barge or scow to flow over the sides or leak from such vessels during transportation to the Key West ocean disposal site.

(38) A disposal operations inspector and/or the captain of any tug boat, hopper dredge or other vessel used to transport dredged material to the Key West ocean disposal site shall ensure compliance with disposal operation conditions defined in this permit.

(39) If the disposal operations inspector or the captain detects a violation, he shall report the violation to the permittee immediately.

(40) A disposal operations inspector and/or captain of any tug boat, hopper dredge or other vessel used to transport dredged material to the Key West, Florida ODMDS shall insure compliance with disposal operation conditions defined in this permit.

(a) If the disposal operations inspector or the captain detects a violation, he shall report the violation to the Permittee immediately.

(b) The Permittee shall contact the U.S. Army Corps of Engineers (Corps), Jacksonville District, Regulatory Division, Enforcement Branch at 904-232-3697 and the Environmental Protection Agency (EPA), Region 4, at 404-562-9391 to report the violation within 24 hours after the violation occurs. A complete written explanation of any permit violation shall be included in the post-dredging report.

(41) When dredged material is disposed, no portion of the hopper dredge or disposal barge or scow shall be farther than 500 feet of the center of the Key West ocean disposal site.

(42) The permittee shall use an automated disposal verification system that will continuously track (1 to 5 minute intervals) the horizontal location and draft condition of the disposal vessel (hopper dredge or disposal barge or scow) to and from the Key West ocean disposal site. This information shall be available and provided in electronic format to the Jacksonville District Corps of Engineers, NOAA and EPA Region 4 upon request.

(43) The required digitally recorded data mentioned in special condition 42 above are: date, time, vessel name, dump

PERMIT NUMBER: 200300203(IP-PK)
PERMITTEE: United States Navy
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number, beginning and ending coordinates of the dredging area for each load, location at points of initiation and completion of disposal, description of material disposed (rock rubble, sand, clay or silt), volume of load, and disposal technique. This information will be provided to the Jacksonville District Corps of Engineers COR on a daily basis.

(44) The permittee shall use Florida State Plane or latitude and longitude coordinates (North American Datum 1983). State Plane coordinates shall be reported to the nearest 0.10-foot and latitude and longitude coordinates shall be reported as degrees and decimal minutes to the nearest 0.01 minutes.

(45) The permittee shall conduct a bathymetric survey of the Key West ocean disposal site: within 60 days prior to project disposal operations; each 120 days during the life of the project, and: within 30 days following project completion.

(46) The number and length of the survey transects shall be sufficient to encompass the Key West ocean disposal site and a 0.25 nautical mile wide area around the site. The transects shall be spaced at 500-foot intervals or less.

(47) Vertical accuracy of the survey shall be ± 0.5 feet. Horizontal location of the survey lines and depth sounding points will be determined by an automated positioning system utilizing either microwave line of site system or differential global positioning system. The vertical datum shall be Mean Lower Low Water (MLLW) and the horizontal datum shall use Florida State Plane or latitude and longitude coordinates (North American Datum 1983). State Plane coordinates shall be reported to the nearest 0.10-foot and latitude and longitude coordinates shall be reported as degrees and decimal minutes to the nearest 0.01 minutes.

(48) Barges must be either lashed to dredges or cables must be floated to avoid impact to submerged resources. All vessels must operate only in the Federal channel during dredging and disposal operations.

REPORTING REQUIREMENTS

(49) The permittee shall send to the U.S. Army Corps of Engineers (Corps), Regulatory Division, Enforcement Branch, Attention Ivette Mc Graw, P.O. Box 4970, Jacksonville, Florida

PERMIT NUMBER: 200300203(IP-PK)
PERMITTEE: United States Navy
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32232-0019 and EPA Region 4's Wetlands, Coastal and Water Quality Branch, 61 Forsyth Street, Atlanta, GA 30303 a notification of commencement of work at least fifteen (15) days before initiation of any dredging operations authorized by this permit. This notification shall reference permit number 200300203(IP-PK). The disposal summary report shall include the following information:

(a) The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail.

(b) The disposal summary report shall include the following information: Corps' permit number, actual start date and completion date of dredging and disposal operations, total cubic yards disposed at the Miami, Florida ODMDS, locations of disposal events, and pre- and post-disposal bathymetric survey results (in hard and electronic formats).

(c) The report shall include information on the real-time monitoring requirements including number of times disposal was delayed due to restricted current conditions; the date, time and duration of each delay; any operational or logistical inconsistencies or complications in conducting the monitoring program.

(50) The permittee shall submit to the U.S. Army Corps of Engineers weekly disposal monitoring reports. These reports shall contain the information described in Special Condition 43 above.

(51) The permittee shall send one (1) copy of the disposal summary report to the Jacksonville District's Regulatory Enforcement Branch and one (1) copy of the disposal summary report to EPA Region 4 documenting compliance with all general and special conditions defined in this permit. The disposal summary report shall be sent within 45 days after completion of the disposal operations authorized by this permit. The disposal summary report shall include the following information: Corps permit number, actual start date and completion date of dredging and disposal operations, total cubic yards disposed at the Key West ocean disposal site, locations of disposal events, and pre and post disposal bathymetric survey results (in hard and electronic formats). Also, the report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail.

PERMIT NUMBER: 200300203(IP-PK)
PERMITTEE: United States Navy
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PERMIT LIABILITY

(52) The permittee shall be responsible for ensuring compliance with all conditions of this permit.

ENDANGERED SPECIES

Special conditions will be added to the permit for the protection of manatee, sea turtles and right whales.

(53) The permittee shall ensure that there are NMFS approved endangered species observer coverage aboard the hopper dredge, to watch for whales and sea turtles.

(54) 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 of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The Permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.

(55) All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four feet clearance from the bottom and that vessels shall follow routes of deep water whenever possible.

(56) If a manatee is sighted within 100 yards of the project area/vessel, all appropriate precautions shall be implemented by the permittee/contractor to ensure protection of the manatee.

(57) The permittee shall ensure that all other terms and conditions, including incidental take limits, established in the 1997 Regional Biological Opinion are implemented. (Turtles)

PERMIT NUMBER: 200300203(IP-PK)
PERMITTEE: United States Navy
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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).

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

2. **Limits of this authorization.**

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

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

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

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

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

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

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

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

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

10/18

PERMIT NUMBER: 200300203(IP-PK)
PERMITTEE: United States Navy
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e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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

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

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

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

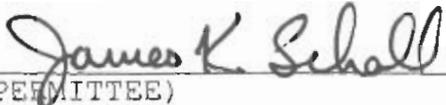
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

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

PERMIT NUMBER: 200300203(IP-PK)
PERMITTEE: United States Navy
PAGE 17 of 19

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

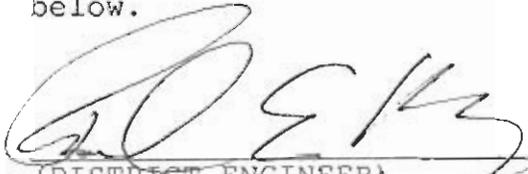


(PERMITTEE)
JAMES K. SCHOLL
Captain, U.S. Navy

22 July 03

(DATE)

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

for 

(DISTRICT ENGINEER)
JAMES G. MAY
Colonel, U.S. Army

22 July 03

(DATE)

PERMIT NUMBER: 200300203(IP-PK)
PERMITTEE: United States Navy
PAGE 18 of 19

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: 200300203(IP-PK)
PERMITTEE: United States Navy
PAGE 19 of 19

DEPARTMENT OF THE ARMY PERMIT

**Attachments to Department of the Army
Permit Number 200300203(IP-PK)**

1. PERMIT DRAWINGS: 12 pages, dated July 21, 2003
2. STANDARD MANATEE CONDITIONS
3. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S
PERMIT NUMBER 0207625-001-EI, PAGES 1-11 AND ADDITIONAL PROVISION
ATTACHMENT OF SIX PAGES.

US ARMY CORPS OF ENGINEERS

JUL 21 2003

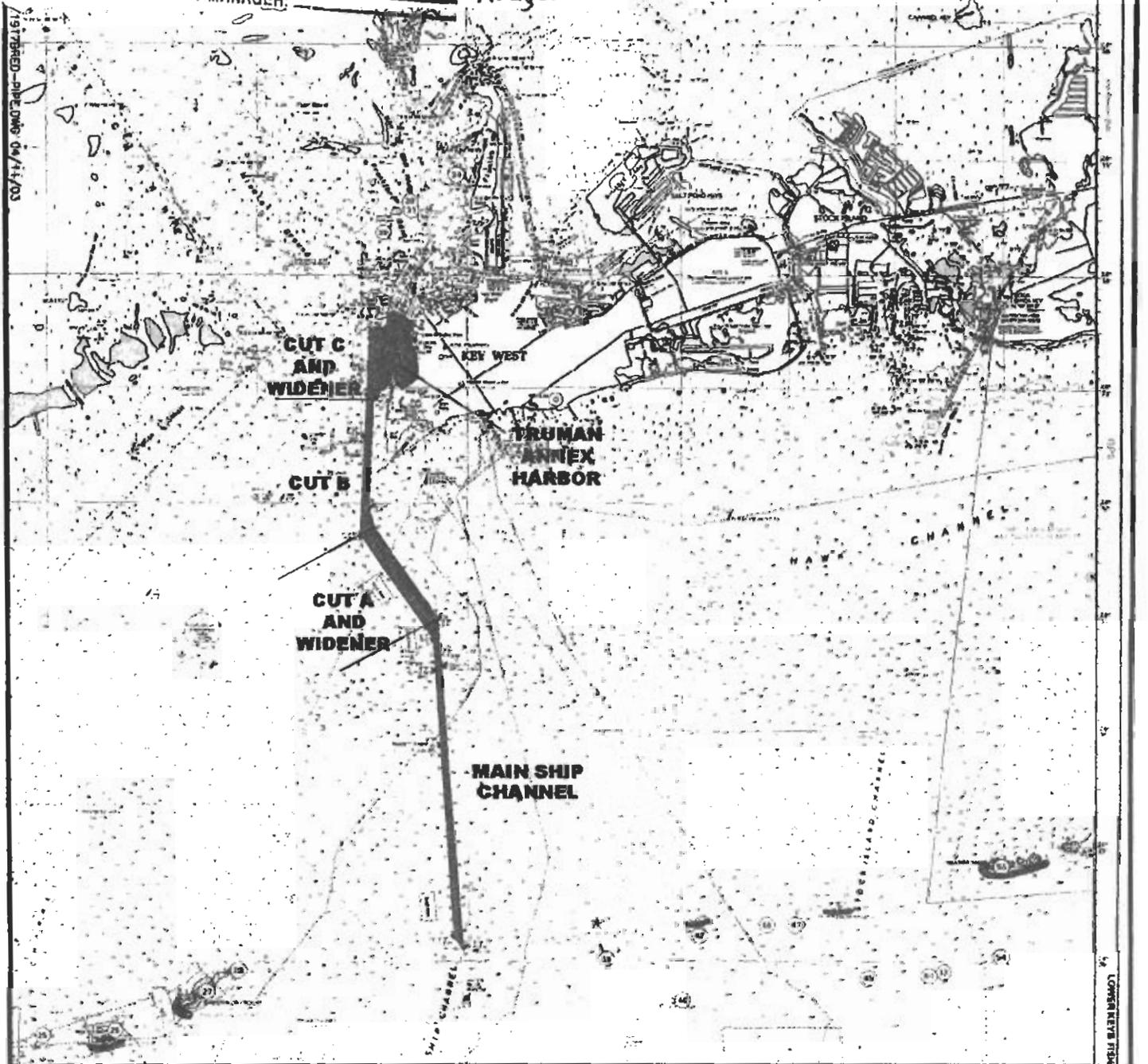
1 of 12

MIAMI REGULATORY OFFICE

COE #: 200300203

PROJECT MANAGER:

Kruger



MAGNETIC NORTH

0 8000 16000

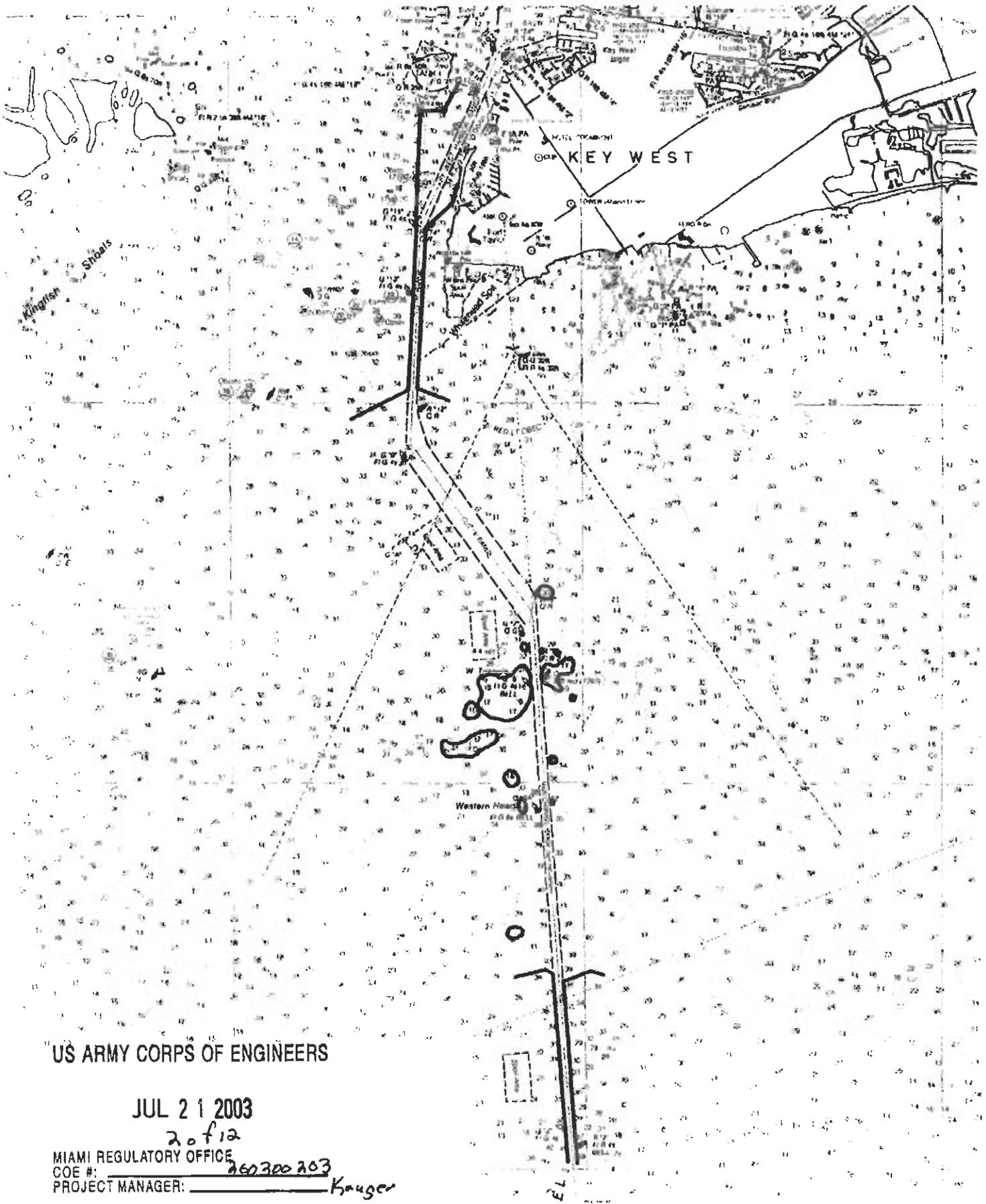


SCALE IN FEET

FIGURE 3

KEY WEST CHANNEL, TURNING BASIN,
AND HARBOR EXCAVATION SITE

ENVIRONMENTAL ASSESSMENT FOR
FLEET SUPPORT AND INFRASTRUCTURE IMPROVEMENTS
NAS KEY WEST



US ARMY CORPS OF ENGINEERS

JUL 21 2003

2012

MIAMI REGULATORY OFFICE

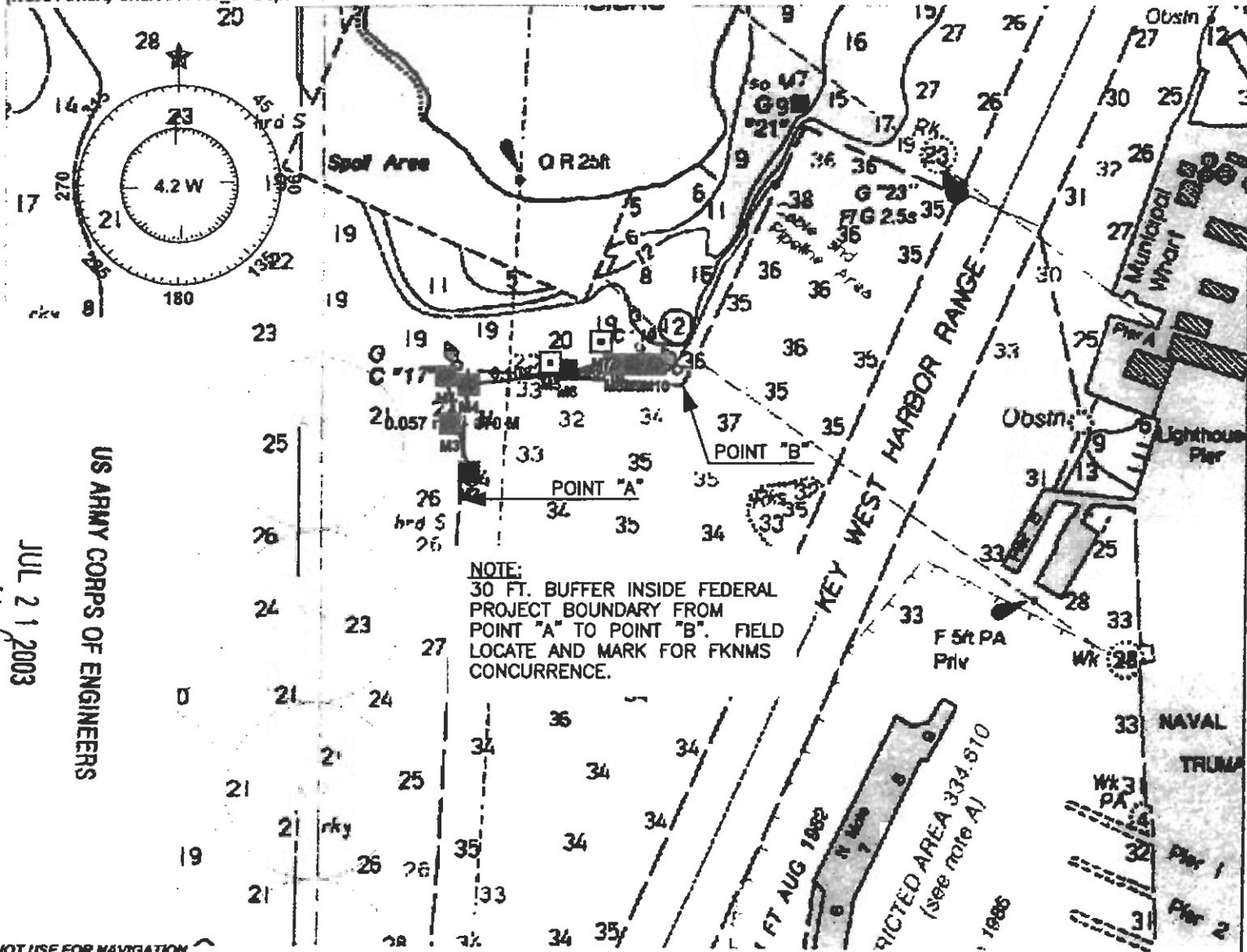
COE #:

260300203

PROJECT MANAGER:

Kauger

KEY WEST HARBOR AND APPROACHES - 1 : 16,448
 (NOAA Chart) Chart #11441_1 - Depth Units: FEET



NOTE:
 30 FT. BUFFER INSIDE FEDERAL PROJECT BOUNDARY FROM POINT "A" TO POINT "B". FIELD LOCATE AND MARK FOR FKNMS CONCURRENCE.

US ARMY CORPS OF ENGINEERS

JUL 21 2003

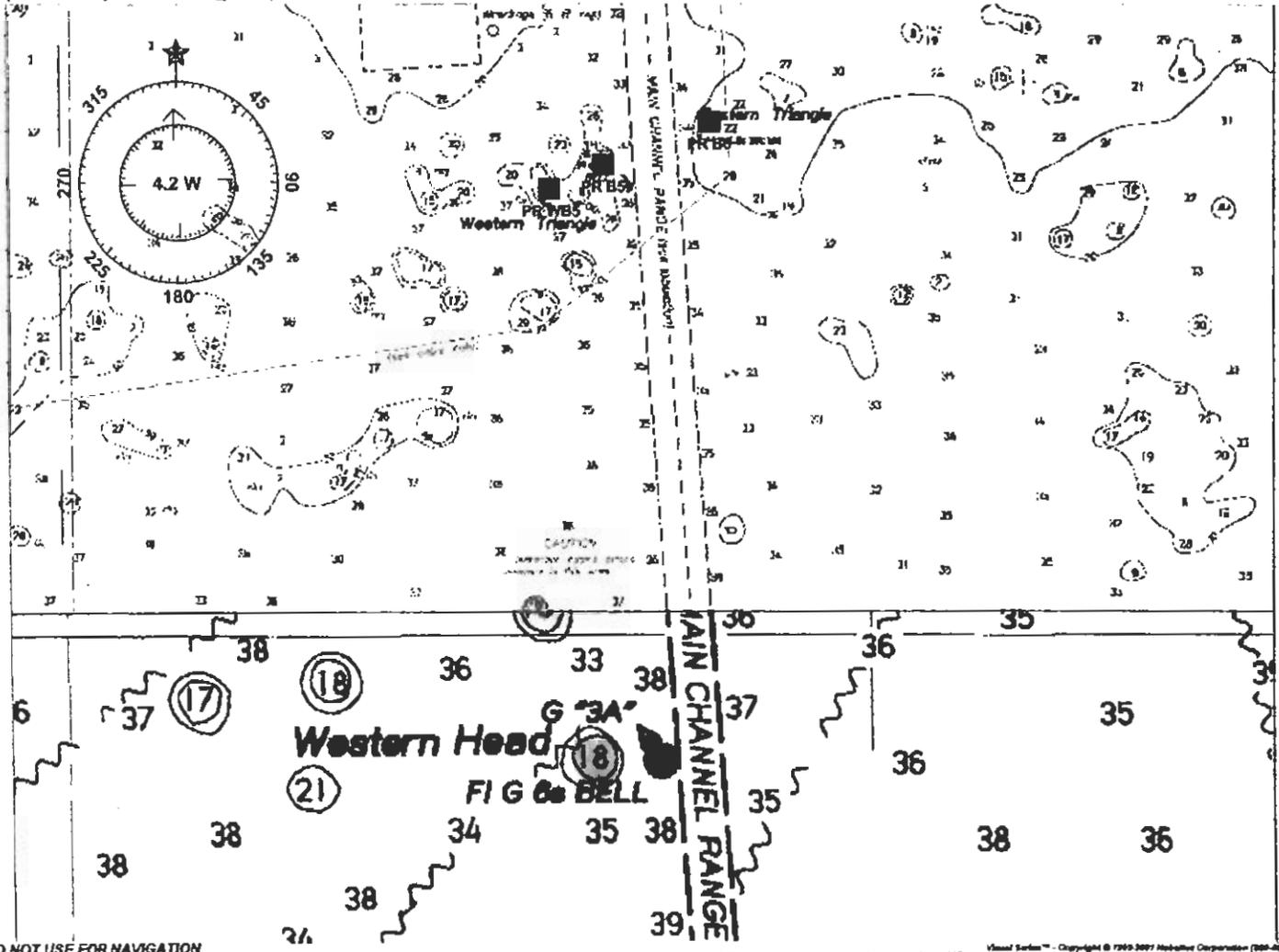
MIAMI REGULATORY OFFICE
 COE #: 200300203

PROJECT MANAGER: *K. Wagner*

DO NOT USE FOR NAVIGATION

FILE 1917/KEYWEST-ORNDORF/81708D-NOAACHART.DWG DATE: 02/09/03

SUGARLOAF KEY TO KEY WEST - 1 : 32,896
 (NOAA Chart) Chart #11445_2 - Depth Units: FEET



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US ARMY CORPS OF ENGINEERS

JUL 21 2003

5 of 12

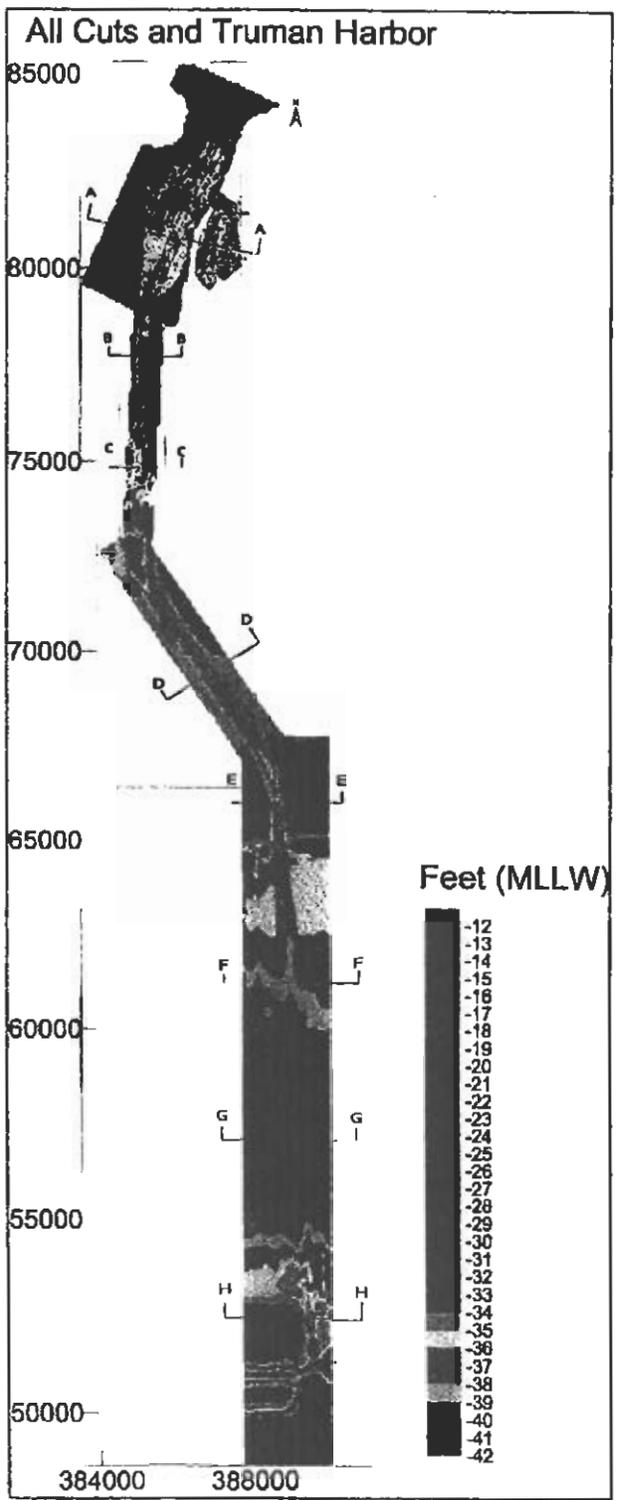
MIAMI REGULATORY OFFICE

COE #:

PROJECT MANAGER: 200300203

Krauger

FILE: 1917/KENWEST-DREDGING/RIUSE/PLAN2.DWG 05/6/03



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 WETLAND RESOURCES

US ARMY CORPS OF ENGINEERS

JUL 21 2003
 6 of 12
 MIAMI REGULATORY OFFICE
 COE #: 200300203
 PROJECT MANAGER: Kruger



MAGNETIC NORTH

NTS

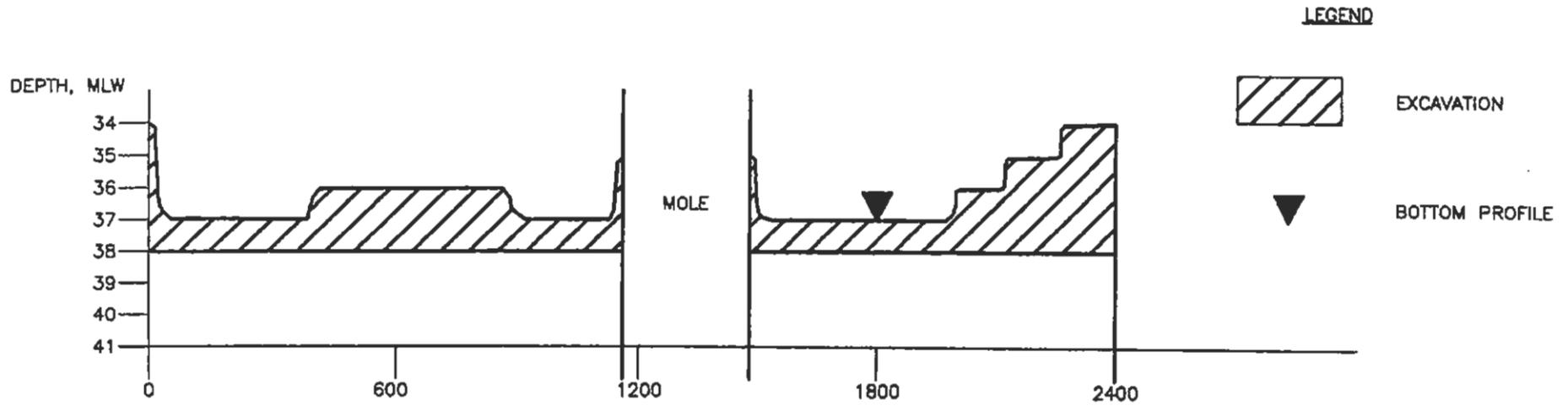
FIGURE 6 **CZR**
INCORPORATED

John T. Smith
 FL P.E. 38799
 5-12-03

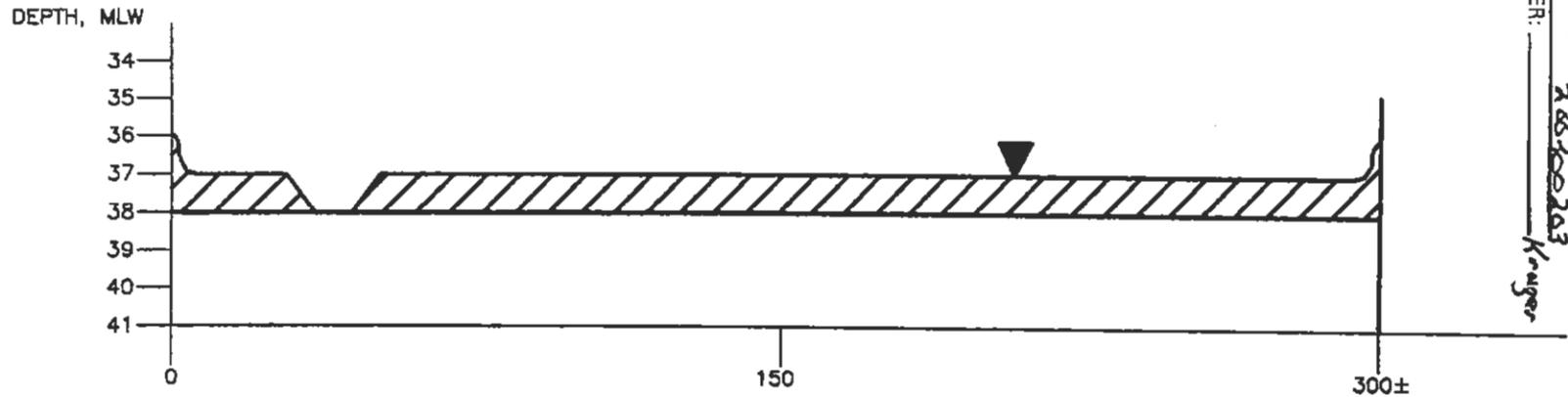
WORKING SITE PLAN
**ENVIRONMENTAL ASSESSMENT FOR
 FLEET SUPPORT AND INFRASTRUCTURE IMPROVEMENTS
 NAS KEY WEST**

SOURCE: BASE MAP PREPARED BY: CONTINENTAL SHELF ASSOCIATES, INC.,
 759 PARKWAY STREET, JUPITER, FLORIDA 33477, (561)748-7946,
 FROM DATA PROVIDED BY: FORESIGHT SURVEYORS, INC. FROM
 SURVEY FOR DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT,
 CORPS OF ENGINEERS, DATED: SEPTEMBER 2001.

FILE: 1017/KEYWEST-BRECHING/91/30800-EXCAVATION-A-05/CS/03



SECTION A-A'
NTS
(FROM FIGURE 6)



SECTION B-B'
NTS
(FROM FIGURE 6)

US ARMY CORPS OF ENGINEERS

JUL 21 2003

MIAMI REGULATORY OFFICE
COE # 05300203
PROJECT MANAGER: *Kemper*

John P. Smith
FL P.E. 38799
5-12-03

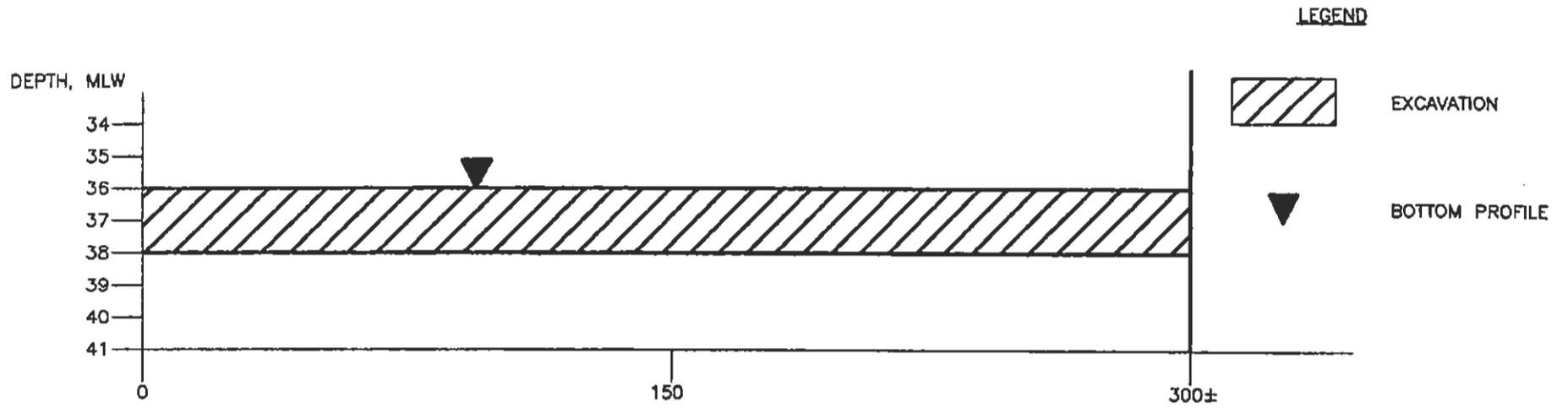
FIGURE 8-A



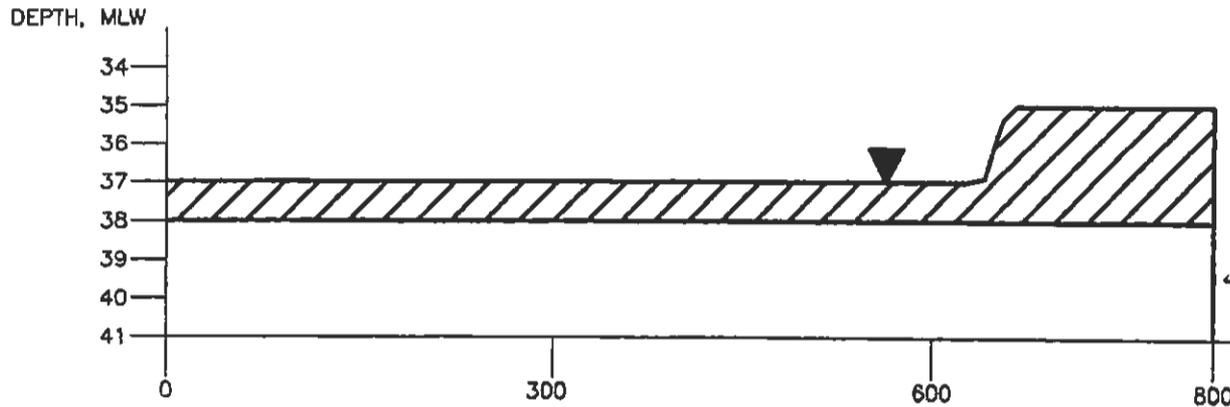
TYPICAL CROSS SECTIONS

ENVIRONMENTAL ASSESSMENT FOR
FLEET SUPPORT AND INFRASTRUCTURE IMPROVEMNTS
NAS KEY WEST

P.L.E. 1917/KEYWEST-DREDGING/1917/ZONE D-EXCAVATION-3 05/08/03



SECTION C-C'
NTS
(FROM FIGURE 6)



SECTION D-D'
NTS
(FROM FIGURE 6)

US ARMY CORPS OF ENGINEERS
JUL 21 2003
MIAMI REGULATORY OFFICE
COE #: 8 of 12
PROJECT MANAGER: 800300283
Kangon

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FIGURE 8-B

CZR
INCORPORATED

TYPICAL CROSS SECTIONS

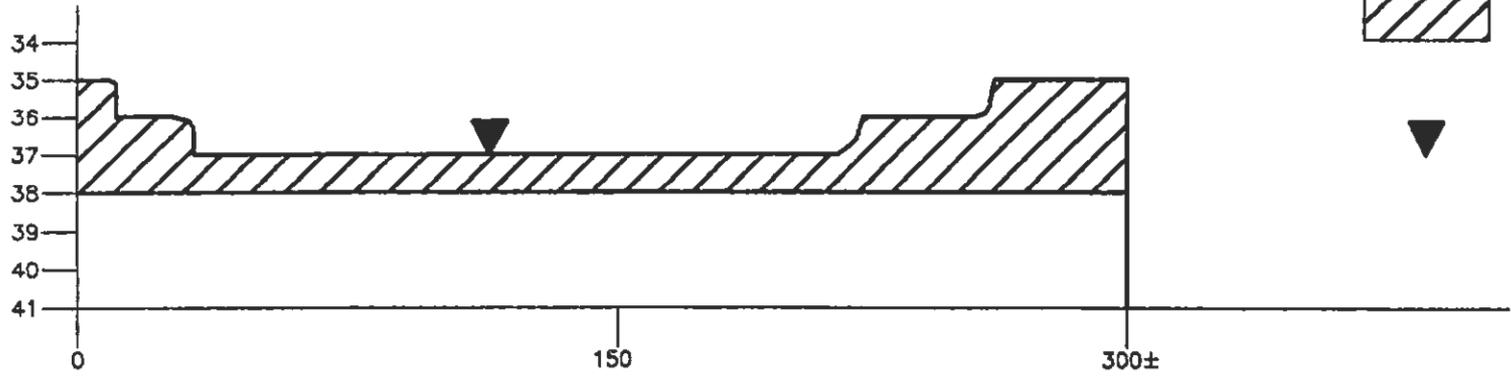
**ENVIRONMENTAL ASSESSMENT FOR
FLEET SUPPORT AND INFRASTRUCTURE IMPROVEMNTS
NAS KEY WEST**

John P. Brutto
FL P.E. 38799
5-12-03

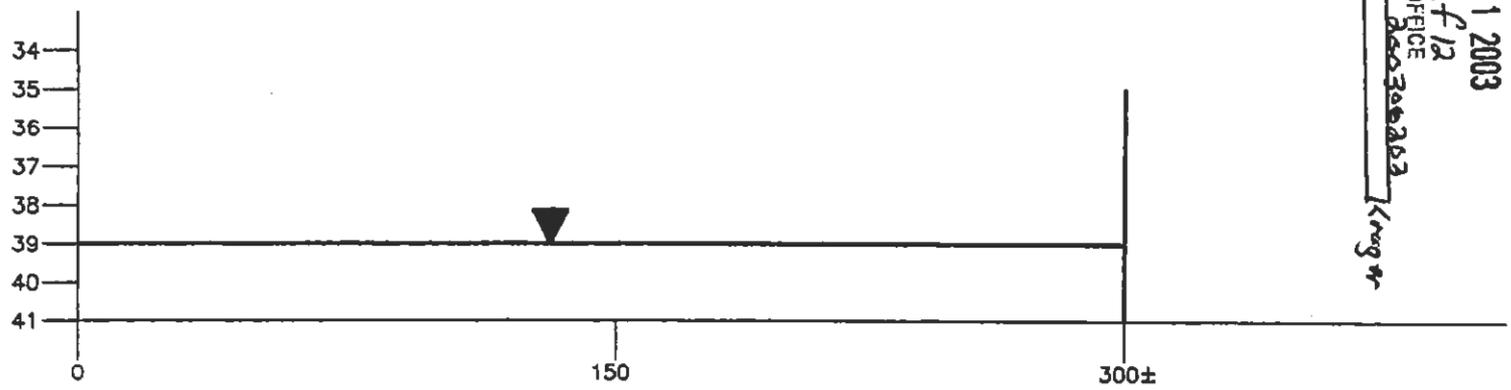
FILE: 1917/KEYWEST-ORREING/19170RED-EXCAVIG8-C 05/06/03

LEGEND

-  EXCAVATION
-  BOTTOM PROFILE



SECTION E-E'
NTS
(FROM FIGURE 6)



SECTION F-F'
NTS
(FROM FIGURE 6)

US ARMY CORPS OF ENGINEERS

JUL 21 2003
 9.6.12
 MIAMI REGULATORY OFFICE
 COE #: 2500300263
 PROJECT MANAGER: *King*

John A. Brulter
 FL PE 38999
 5-12-03

FIGURE 8-C 

TYPICAL CROSS SECTIONS
 ENVIRONMENTAL ASSESSMENT FOR
 FLEET SUPPORT AND INFRASTRUCTURE IMPROVEMNTS
 NAS KEY WEST

FILE: 1917/KEYWEST-OPERATING/19170RED-EXCAVATION-09/06/03

LEGEND



EXCAVATION



BOTTOM PROFILE

DEPTH, MLW

36
37
38
39
40
41
42
43

0

150

300±

SECTION G-G'

NTS

(FROM FIGURE 6)

DEPTH, MLW

34
35
36
37
38
39
40
41

0

150

300±

SECTION H-H'

NTS

(FROM FIGURE 6)

US ARMY CORPS OF ENGINEERS
JUL 21 2003
100 ft
MIAMI REGULATORY OFFICE
COE # 2003-300-203
PROJECT MANAGER: *[Signature]*

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MAY 13 2003
BUREAU OF BEACHES &
WETLAND RESOURCES

[Signature]
FL PE 38799
5-12-03

FIGURE 8-D

CZR
INCORPORATED

TYPICAL CROSS SECTIONS

ENVIRONMENTAL ASSESSMENT FOR
FLEET SUPPORT AND INFRASTRUCTURE IMPROVEMNTS
NAS KEY WEST

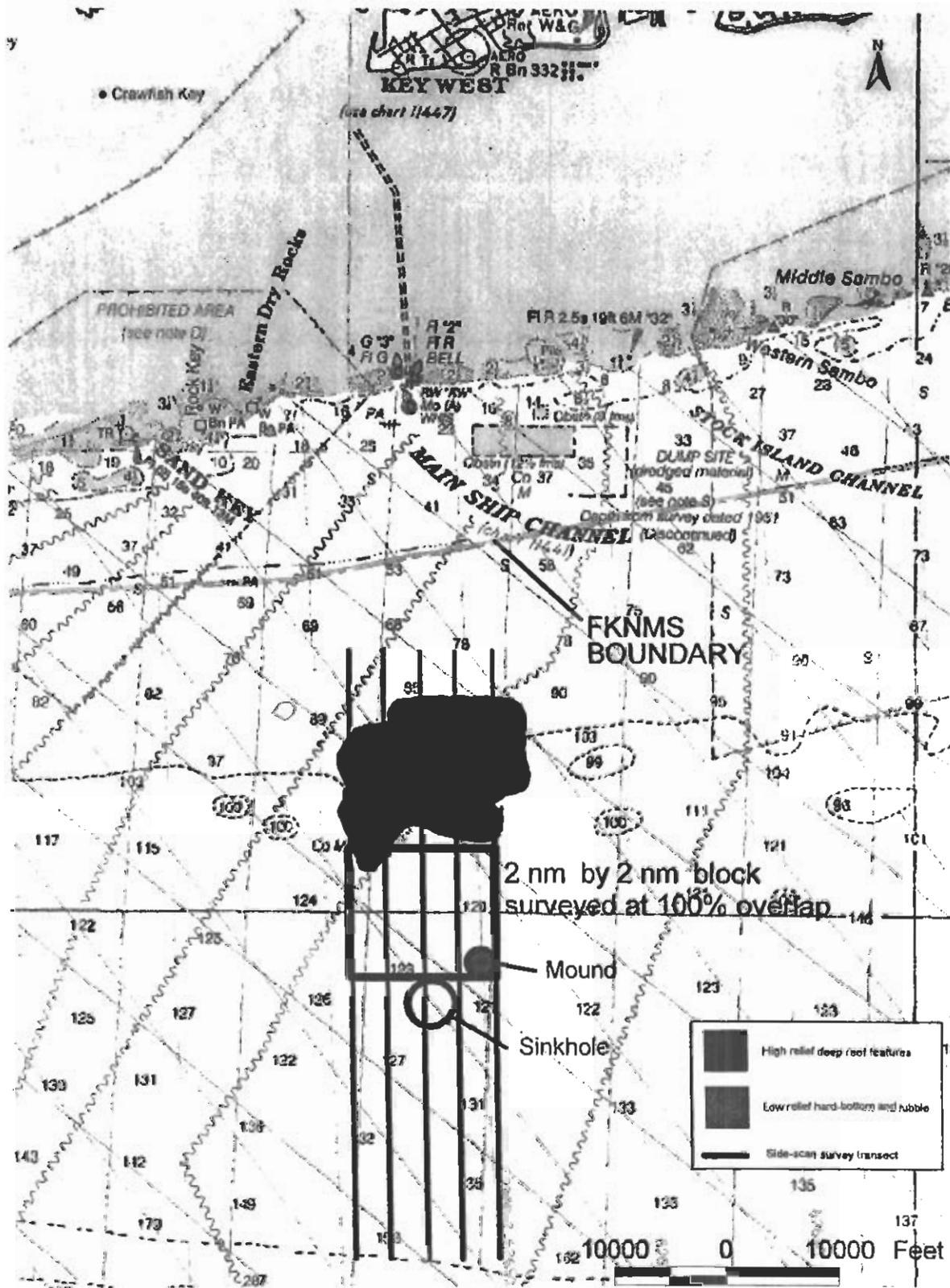


FIGURE 3-3

US ARMY CORPS OF ENGINEERS

SIDE SCAN SONAR SUMMARY RESULTS

ENVIRONMENTAL ASSESSMENT SUPPLEMENT FOR FLEET SUPPORT AND INFRASTRUCTURE IMPROVEMENTS NAS KEY WEST

JUL 21 2003

126P12

MIAMI REGULATORY OFFICE 260309203

PROJECT MANAGER: Kruger



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Captain Lawrence S. Cotton
P.O. Box 9001
U.S. Dept. of the Navy, Commanding
Officer, Naval Air Facility
Key West, FL 33040-9001

AGENT:

C/O James M. Hudgens
CZR Incorporated, President
1061 East Indiantown Road, Suite 100
Jupiter, FL 33477-5143

Permit/Authorization Number:

0207625-001-EI

Date of Issue: June 17, 2003

Expiration Date of Construction Phase:

June 17, 2013

County: Monroe

Project: Key West Maintenance Dredging
Project

This permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an environmental resource permit for those requirements to which the United States has waived its sovereign immunity. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

This permit constitutes certification of compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1344. This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this

Permittee: U.S. Department of the Navy
Permit No: 0207625-001-EI
Page 2

proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21 and 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described below, and has determined that the activity qualifies for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, Florida Statutes to perform the activity on the specified sovereign submerged lands.

A copy of this authorization also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit is subject to the limits, conditions, and locations of work shown in the attachments, and is also subject to the attached General Conditions and Specific Conditions, which are a binding part of this permit and authorization. The attached additional provisions contain conditions that will be incorporated in either the Project Plans and Specifications or the U.S. Army Corps of Engineers Section 404 permit. 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 may constitute grounds for revocation of the permit and appropriate enforcement action.

ACTIVITY DESCRIPTION:

The project entails maintenance dredging of the federal navigation channel at Key West using a hydraulic (cutter head) dredge. The dredge areas include the main ship channel from its southern terminus, extending north and including cuts A, B, and C, the channel widener at cut C known as the turning basin, and Truman Harbor. The maintenance dredging is to a depth of -34 MLW plus 3 feet advance maintenance plus 1 foot allowable overdepth. The resulting dredged material volume will be approximately 1,500,000 cubic yards. The dredged material will be pumped via pipeline (approximately ten miles) to disposal sites on Rockland Key. Some of the material will be placed in the western deep rock pit to depths ranging between -2 and -6 feet MLW in order to restore optimal

Permittee: U.S. Department of the Navy

Permit No: 0207625-001-EI

Page 3

water depths for seagrass habitat. The rest of the material will be placed in a contained disposal site, which will be constructed on uplands and wetlands adjacent to the pit.

ACTIVITY LOCATION:

The activities are located at Key West and Rockland Key in Monroe County. Activities within the Truman Annex Harbor are located in Section 1, Range 24E, Township 68S and Section 6, Range 2E, Township 68S. Activities at Rockland Key are located at Section 21, Range 26E, Township 67S. All activities are located along the Straits of Florida, within the Florida Keys National Marine Sanctuary, Class III Waters, Outstanding Florida Waters.

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 that 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. 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.
8. 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.
9. 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), F.S., provides otherwise.

10. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
11. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
12. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS:

- 1 No work shall be conducted under this permit for the initial or subsequent dredging events until the permittee has received a written **Notice to Proceed** from the Department. At least forty-five (45) days prior to issuance of the notice to proceed, the permittee shall submit the following items to be approved by the Department prior to commencement of construction:
 - a) A biological monitoring plan developed to document direct and secondary impacts of the maintenance dredging project. The monitoring plan shall include pre-, during- and post-construction assessments that contain the following elements:
 - Quantitative and qualitative descriptions of the benthic communities in and adjacent to the dredge footprint of the channel, turning basin and the pipeline corridor.
 - ii. Quantitative and qualitative descriptions of the benthic communities in the western Rockland Key pit disposal site and the adjacent open waters that may be subject to direct or secondary impacts of this project.
 - iii. Quantitative and qualitative descriptions of the wetlands at and adjacent to the proposed upland containment site. This shall also include information about the wetland hydroperiod and flow patterns.
 - iv. Transplantation and relocation protocols for any corals located within the dredge footprint greater than or equal to 25 cm in dimension.

- v. Background sedimentation characteristics in the dredged footprint and pipeline corridor.
 - vi. Monitoring for sedimentation on nearby seagrass and coral communities.
 - vii. Monitoring stations and location map.
 - viii. Pre-, during-, and post construction monitoring reports.
 - ix. Annual reporting for a period of two years after project completion.
- b) A restoration plan developed to address the direct and secondary impacts to the benthic communities in the Rockland Key pit. This plan shall include:
- i) A planting plan (species, densities, and methods) to expedite seagrass recruitment.
 - ii) Source of plant material.
 - iii) Success criteria and success monitoring
- c) A mitigation plan developed to address the direct and secondary impacts to the wetlands at and adjacent to the proposed upland containment site. The mitigation shall offset the impacts at a restoration or creation ratio of between 2:1 and 5:1, depending on the functions provided by the impact site, the lift provided by the mitigation, and the length of time required to off-set the impacts. This plan shall include:
- i) A planting plan (species, densities, and methods).
 - ii) Site construction plan including soils, hydroperiod and flow patterns.
 - iii) Success criteria and success monitoring.
- d) An operational contingency plan that describes the contractor's response in the event of storms and operational failures (e.g. breaks in dredge pipes, movement of dredge pipes).
- e) Two complete sets of construction plans and specification for the proposed activity. The plans shall include the following:

- i) Plan views of the proposed activity depicting the mean high-water line any easement boundary, or the erosion control line, within the area of influence of the proposed activity. Identify the boundaries of significant geographical features (e.g., channels, shoals) and natural communities (e.g., submerged grass beds, hardbottom, or mangroves) within the area of influence of the activity.
 - ii) A sufficient number of elevation views of the proposed activity depicting the mean high-water line, any easement boundary, and the erosion control line, within the area of influence of the proposed activity. Identify the boundaries of significant geographical features and natural communities in the area of influence of the proposed activity.
 - iii) Details of construction, including materials and general construction procedures and equipment to be used (e.g., construction access, dredging method, dredged material containment, pipeline location).
 - iv) The Project Plans and Specifications will include applicable conditions contained in Attachment I. Added
- f) Plans for dredging and stockpiling sand dredged from the south end of the channel separately from the rest of the dredged material.
- g) Design details, locations, and drawings of the structures proposed to contain turbidity within the western Rockland Key pit.
- 2) The permittee shall hold and save the Department harmless as authorized by law 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.
- 3) If historical or archaeological artifacts, such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time within the project site, the permittee shall immediately stop all activities which disturb the soil and contact the Department and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.
- 4) The permittee shall conduct a pre-construction conference with all contractors, the engineer of record, the FKNMS, and a representative of the Department's Bureau of Beaches & Wetland Resources to establish an understanding among the parties as to the items specified in the specific and general conditions of the permit. The pre-construction conference will be

held at least 20 days prior to construction activities. The permittee shall provide a minimum of 10 days advance written notification to the following offices advising of the date, time and location of the pre-construction conference:

DEP, Beaches and Wetland Resources,
3900 Commonwealth Boulevard, MS 300
Tallahassee, Florida 32399-3000
phone: (850) 487-4471
fax: (850) 488-5257

DEP, South District Office
2295 Victoria Ave, #364
Ft. Myers, Florida 33901-3881
(239) 332-6975

Florida Keys National Marine Sanctuary
216 Ann Street
Key West, FL 33040-6603
(305) 292-0311

Florida Keys National Marine Sanctuary
P.O. Box 1083
Key Largo, FL 33037
(305) 852-7717 x 27

- 5) Beach compatible sand shall be stored separately from the rest of the dredged material on the Rockland Key upland containment site. All of this sand shall be reserved for State use in beach nourishment projects for up to two (2) years at no cost to the State.
- 6) Sediment and turbidity shall be controlled during all construction and dredged material disposal activities to contain suspended sediment within the approved work areas. The permittee shall control sediment runoff from the upland containment site and rock pit disposal sites into the marine and wetland environment and comply with the States water quality standard for turbidity in Outstanding Florida Waters. Flocculants are not authorized and may not be used without a minor modification to this permit.

MONITORING REQUIRED:

Water Quality - Turbidity - Nephelometric Turbidity Units (NTUs)

Frequency: Twice daily at least 4 hours apart during all dredging and disposal operations. However, when the mixing zone is reduced to less than 150 meters due to the proximity of resources identified by the FKNMS, turbidity readings should be taken every two hours until the resource area is no longer within the 150 meter of the construction site.

Dredge Site:

Location: Background: At mid-depth, at least 300 meters upcurrent from the dredge or discharge point and clearly outside the influence of any turbidity generated by the project.

Compliance: At mid-depth, no more than 150 meters downcurrent from the dredge or discharge point or at the edge of any seagrass beds or coral communities (whichever is closer) within the densest portion of any visible turbidity plume.

Disposal Site:

Location: Background: At mid-depth, at an overall depth similar to the compliance site, at least 300 meters upcurrent from the discharge point and clearly outside the influence of any turbidity generated by the project.

Compliance: At mid-depth, no more than 150 meters downcurrent from the discharge point or at the edge of any seagrass beds or coral communities (whichever is closer) within the densest portion of any visible turbidity plume.

Construction Sites – Rockland Key:

Frequency: Twice daily at least 4 hours apart during all construction activities involving earth-work operations. However, when the mixing zone is reduced to less than 150 meters due to the proximity of resources identified by the FKNMS, turbidity readings should be taken every two hours until the resource area is no longer within the 150 meter of the construction site. When the earth-work activities are completed but the disturbed soils have not yet stabilized, turbidity monitoring shall be conducted within a half hour following rain showers.

Location: Background: At mid-depth, at an overall depth similar to the compliance site, at least 300 meters upcurrent from the in-water construction site or the point where runoff from an upland construction site enters the waterbody, clearly outside the influence of any turbidity generated by the project.

Compliance: At mid-depth, no more than 150 meters downcurrent from the in-water construction site or the point where runoff from an upland construction site enters the waterbody or at the edge of any seagrass beds or coral communities (whichever is closer) within the densest portion of any visible turbidity plume.

All monitoring data shall be submitted within one week of analysis with documents containing the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations; (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) depth of water body;
- (c) depth of sample;
- (d) antecedent weather conditions;
- (e) tidal stage and direction of flow; and
- (f) wind direction and velocity.

The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals turbidity levels at the compliance site in excess of the turbidity level at the corresponding background site, **construction activities shall cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the DEP South District office in Key West.

Monitoring reports shall be submitted to the Bureau of Beaches and Wetland Resource in Tallahassee and to the DEP South District office. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the DEP, please clearly include, at the top of each page or as a cover page to the submittal: **"This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0207625-001-EI, Key West Maintenance Dredging Project."**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

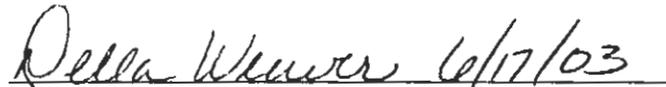


Michael W. Sole
Bureau of Beaches and Wetland Resources

Permittee: U.S. Department of the Navy
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FILING AND ACKNOWLEDGMENT

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


Deputy Clerk Date

Attachments:

- Permit Drawings (14 pages)
- Additional Provisions (6 pages)
- Standard Manatee Protection Conditions (2 pages)

Copies furnished to:

- Captain Cotton, Department of the Navy, Key West
- Will Sloger, Department of the Navy
- Fritz Wettstein, DEP South District, Key West
- Tania McMillan, DEP South District, Marathon
- Billy Causey, NOAA FKNMS, Marathon
- Lauri MacLaughlin, NOAA FKNMS, Key Largo
- Mark Latch, DEP Rec & Parks, Tallahassee
- Marshall Flake, DEP Rec & Parks, Tallahassee
- Mark Knapke, DEP Rec & Parks, Ft. Zachary Taylor
- David Boyd, DEP Rec & Parks, South District, Largo
- Mark Miller DEP, Office of General Counsel
- Dianne Griffin, USACE, Jacksonville
- John Studt, USACOE, South District
- Paden Woodruff, DEP BBWR
- Ralph Clark, DEP BBWR
- Vladimir Kosmynin, DEP BBWR
- Melisa Reiter, PBS&J
- Jennifer Brown, DEP BBWR
- Department of Community Affairs
- File

ADDITINOAL PROVISIONS
0207625-001-EI
KEY WEST CHANNEL MAINTENANCE DREDGING

1. The permittee shall conduct pre- and post-construction assessments to document primary and secondary impacts of the dredging project. The assessment shall include: (1) quantitative descriptions of benthic communities in and adjacent to the dredge footprint, throughout the disposal pipeline route, and within the dredge material disposal sites; (2) descriptions of turbidity levels and sediment characteristics in the dredge footprint, disposal pipeline corridor, areas within the downstream turbidity plume, and in the backcountry area adjacent to the dredge material disposal sites; (3) quantify in an estimate (in acres or square feet), (prior to construction), potential direct and indirect impacts to Essential Fish Habitat by habitat type. This shall be done within and adjacent to the main ship channel, dredge disposal pipeline route and disposal site, and areas adjacent to the disposal site; (4) the mitigation plan shall include success criteria for evaluating the effectiveness of the proposed mitigation; (5) a monitoring plan, (6) specifically address coral impacts; and (7) actions to offset the effects of sedimentation and turbidity. All plans shall be submitted to and approved by the FKNMS and FDEP prior to the commencement of work.

2. Prior to construction the permittee shall provide quantitative descriptions of benthic communities in and immediately adjacent to the dredge footprint and along the route of the pipeline prior to construction to the FKNMS and FDEP. This includes the upper ledges of the channel, Cut B, Cut C and the turning basin. The permittee shall provide this characterization based on a review of videos and information gathered using diver tows.

3. The spoil pipe will be laid to minimize impacts. A plan shall be provided to the FKNMS and FDEP detailing the placement of the pipe. Placement may include floating, supporting or bottom placement. This plan shall be submitted to and approved by the FKNMS prior to the commencement of work.

4. Pre-project monitoring shall establish background turbidity levels and sediment characteristics in the dredging footprint. The permittee shall establish a protocol to monitor the pipeline as part of a turbidity monitoring plan. The areas to be monitored include Cut C, Cut B, and the way points designated by the FKNMS.

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5. The permittee shall not violate turbidity requirements imposed by the FDEP in its permit for the dredging project. In the event water quality standards are exceeded work shall stop until the cause is corrected.
6. The permittee will contract for pre-dredging, during dredging and post-dredging water quality monitoring focused on turbidity and sedimentation from Key West Harbor and approaches from the outer coral reef tract.
7. The permittee shall develop an operational contingency plan that describes their response in the event of storms (e.g., hurricanes, spring storms) and operational failures (e.g., breaks in the dredge pipes, movement of dredge pipes). This plan shall be submitted to and approved by the FKNMS and FDEP prior to construction.
8. The permittee shall place the dredge material disposal pipeline in the corridor jointly agreed upon by the FKNMS and the permittee or their designee. The permittee shall utilize field side scan survey results, which identify a route in Hawks Channel south of Key West for the placement of the disposal pipeline, except for the corridor south of Stock Island.
9. The permittee shall, to the greatest extent practicable, place the pipeline on the bottom in Hawk Channel and in Boca Chica Channel in a manner that causes the least amount of benthic impact to seagrass, coral, hardbottom communities and in the vicinity of the Muir wreck. The permittee shall position the pipeline in a manner that causes the least benthic impact. In the event it is deemed not practicable to float or raise the pipeline in Hawk Channel, the permittee will consult with FKNMS to determine alternative means to minimize impacts to the seagrass community south of Stock Island. In all project areas, the permittee shall consult with FKNMS to determine alternative means to minimize impacts to sensitive marine communities.
10. The permittee shall conduct a stability analysis for the dredged material pipeline for its entire length. The permittee shall anchor or otherwise stabilize the dredge material pipeline consistent with this analysis and in such a manner as to ensure

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that the pipeline will remain stable in a 50-year storm event. A copy of the analysis shall be provided to the FKNMS and FDEP.

11. The permittee shall use the appropriate type of anchoring methods on the dredge material pipeline to avoid impacts to sensitive resources during storm events. The permittee or their designee must consult with FKNMS regarding the anchoring methods prior to the pipeline being installed.

12. The permittee or their designee shall advise contractors and others involved in the project that FKNMS is available to assist in the placement of anchors for the dredge material disposal pipeline in order to avoid or minimize damage and injury to Sanctuary resources.

13. The permittee shall ensure that the dredge disposal management areas on East Rockland Key, (upland and rock pit disposal sites, etc.), shall prevent runoff into the marine environment and comply with FDEP requirements. The permittee agrees and understands that additional safeguards may be required and any impact to resources from dredge disposal management areas will require restoration.

14. The permittee's turbidity controls at the East Rockland Key disposal site shall include but are not limited to: a berm at the mouth of the pit and double turbidity screening to reduce sediment impact on adjacent marine communities (e.g. sponges, macro-algae, seagrass and hardbottom communities).

15. The permittee shall submit drawings to demonstrate the location and size of turbidity control devices and any other construction projects proposed at the dredge material disposal site to the FKNMS and FDEP prior to their installation. The FKNMS must review and approve these drawings prior to initiation of activities at the disposal site to minimize construction operations from impacting seagrass and mangrove communities bordering the quarry disposal site.

16. The permittee agrees and understands that the FKNMS or their designated representatives shall be given the opportunity to remove benthic marine resources found in the East Rockland Key disposal site(s) prior to dredge material placement. The

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Key West Channel Maintenance Dredging

permittee shall notify the FKNMS a minimum of two weeks prior to the start date of disposal site fill activities.

17. The permittee shall comply with the no impact avoidance areas (no anchor zones) identified during pre-construction assessments and identified by FKNMS staff. The permittee understands and agrees that an anchoring plan is required to be submitted to and approved by the FKNMS and FDEP prior to the start of work. The FKNMS may add to the list of no anchoring/avoidance areas prior to the commencement of construction.

18. The permittee shall notify its contractors and others involved in the project that the FKNMS is available to provide information regarding alternative anchoring practices, such as use of tug power or mooring pins, and how to avoid anchoring impacts. The permittee shall record, via 8-digit GPS coordinate, the location of each anchor placement and provide this data to the FKNMS and FDEP for their inspection. If FKNMS staff are not available to ground-truth proposed anchor placements outside the dredged footprint; when practicable the permittee shall provide divers to place anchors prior to their installation.

19. The permittee shall prevent cables from scouring benthic resources.

20. The permittee shall avoid damage to benthic resources located in the Key West Harbor and Turning Basin. The North and Northwest portions of the Key West Harbor Turning Basin shall be avoided during dredging operations. A 30-foot buffer area shall remain unimpacted to protect corals and benthic resources identified along the ledges of the original dredge footprint in this area. The permittee or their designee shall make others aware that the FKNMS is available to assist in the placement of a 30-foot buffer demarcation along these ledges.

21. The permittee agrees and understands that in the area of the South and Southeast walls of Truman Harbor, where living coral and seagrass communities are found, the permittee shall avoid this area during dredging operations.

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22. The permittee shall at a minimum conduct: a pre-construction meeting with maritime interests; monthly new releases in the local press, United States Coast Guard - Notice to Mariners and other media to advise public of the dredge progress; and consult with the boat rental industry, local governments and tourist industry representatives via the Large Ship Working Group, the Propeller Club, and City of Key West Chamber of Commerce.

23. The permittee shall alert the FKNMS and FDEP staff of any impacts or accidents that may occur. The permittee shall initiate within 24 hours of any incident, the recovery and restoration of any damage to living coral in the event of unforeseen accidents, such as anchor damage, anchor cable scouring, or disposal pipeline failure. The FKNMS may participate and assist in this effort.

24. The permittee shall complete at least 24 hours prior to work obviously impacting coral resources, all activities necessary to temporarily or permanently relocate these resources so that dredging activities may proceed.

25. The permittee agrees and understands that the Contracting Officer's Representative (COR), Contracting Officer Representative's Inspector (CORI) or permittee's designated point of contact (POC) shall be available at all times, as an onsite point of contact for the FKNMS. These individual's shall consider FKNMS comments on dredge operations, on other aspects of the work provided during the course of the project, and communicate these concerns to the COR and contracting officer.

26. The permittee agrees to act as a point of contact to coordinate with the contracting officer and arrange for NOAA observer(s) to be aboard the permittee's vessel(s) during all activities authorized by this permit.

27. The permittee shall avoid injury to all federally protected species and marine communities such as corals, patch reefs, sea grasses and hard bottom habitat. Unavoidable impact shall require restoration and mitigation.

28. The permittee agrees and understands that all vessels or equipment associated with proposed dredging activities shall operate in a manner consistent with the FKNMS regulations

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Key West Channel Maintenance Dredging

designed to protect sensitive resources including 15 CFR §922.163 (a)(5) *Operation of Vessels* and 15 CFR §922.164 (a) *Areas To Be Avoided*. Vessel drafts must be taken into careful consideration during all phases of dredging related activities in all FKNMS waters (especially shallow areas in or adjacent to Hawk Channel, Boca Chica Channel and the main ship channel). See regulations for prohibitions on operations of vessels within the FKNMS at <http://floridakeys.noaa.gov/>.

29. The permittee shall comply with the attached standard manatee construction measures.