

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

- a) Jacksonville District Corps of Engineers (Corps),
Regulatory Division, Enforcement Section,
Post Office Box 4970, Jacksonville, Florida 32232
email: CESAJ-ComplyDocs@usace.army.mil
- b) National Ocean and Atmospheric Administration (NOAA),
Office of Coast Survey, N/CS26, Sta. 7317, 1315 East-West
Highway, Silver Springs, MD, 20910-3282
- c) Commander, U.S. Coast Guard (USCG)
- d) Florida Fish and Wildlife Commission (FWC) Artificial Reef
Program, 620 S. Meridian Street, Box 4B2, Tallahassee, FL
32399.
fax: 850-922-0463 email: Jon.Dodrill@myfwc.com

2. **Initial Agency Notification:** The Permittee shall provide to the Corps, NOAA and USCG written notification of the planned deployment start date at least two weeks prior to the initial deployment on the authorized artificial reef site.

3. **Authorized Reef Materials:** The Permittee shall deploy only the following authorized reef materials:

- a) Prefabricated artificial reef modules composed of steel, concrete, rock or a combination of these materials.
- b) Natural rock boulders and other pre-cast material, such as, culverts (inside diameter no less than 36 inches), stormwater junction boxes, power poles.
- c) Clean steel and concrete bridge demolition materials such as slabs or pilings with all steel reinforcement rods severed as close to the concrete surface as possible but not to extend more than 6 inches to ensure the rod will not create a fishing tackle or diver ensnaring hazard.

- d) Heavy gauge steel components or structures, ½" or more in thickness.
- e) Additional authorized materials.

No reef materials or module will weigh less than 500 pounds. Reef materials shall be clean and free from asphalt, petroleum, other hydrocarbons and toxic residues, loose free floating material or other deleterious substances. All artificial reef materials and/or structures will be selected, designed, constructed and deployed to create effective, stable and durable reef fish habitat.

4. **Reef Parameters:** The Permittee shall deploy all reef materials within the site boundaries as defined on page _____ of this permit. A minimum clearance of _____ feet from the top of the deployed material relative to Mean Lower Low Water (MLLW) shall be maintained at all times.

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

6. **Protection of Existing Resources:** The Permittee shall not deploy artificial reef materials until an assessment of the bottom conditions has been accomplished by diver, submersible video camera, fathometer, depth/bottom sounder (e.g. "fish finder"), or vessel mounted side-scan sonar. The inspection of the deployment area may occur at the time of deployment but no more than one year prior to deployment. Permit shall maintain a deployment buffer of sufficient distance but not less than 200 feet so deployed material does not adversely impact existing resources. The Permittee shall maintain the deployment buffer

from any submerged beds of sea grasses or macroalgae, coral reefs, live bottom, areas supporting growth of sponges, sea fans, soft corals, and other sessile macroinvertebrates generally associated with rock outcrops, oyster reefs, scallop beds, clam beds, or areas where there are unique or unusual concentrations of bottom dwelling marine organisms. If during the inspection evidence is observed of cultural/archaeological resources, such as sunken vessels, ballast, historic refuse piles, or careenage areas the Corps will be notified by the Permittee and the above referenced deployment buffer will be implemented. The Permittee shall maintain a record of the information gained during the inspection such that it can be provided upon request to the Corps.

7. Pre-Deployment Notification: No less than 14 days prior to deployment of material on an artificial reef, the Permittee shall transmit by electronic mail ("email") a complete and signed "*Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification*" form, provided in Attachment of this permit, to the Corps and FWC to allow inspection of the proposed reef materials as deemed necessary by the agencies. By signing the Pre-Deployment Notification the Permittee certifies that all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall take digital photos of representative components/pieces of reef material and transmit with the above form as PDF attachments to the email addresses listed in special condition 1. The Permittee shall utilize read receipt email verification to ensure the electronic documents are received by the Corps and FWC. As PDF attachments, the form and photos should not exceed 4 megabytes.

Deployment of the material shall occur within 30 days of the close of the 14 day inspection period. The Permittee shall ensure both a copy of the Corps permit and the Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification form signed by FWC or their representative are maintained aboard the deployment vessel at all times during loading, transit, and deployment.

8. Deployment Monitoring: The Permittee shall have a third party representative on site during every deployment to verify compliance with the permit and its conditions. The representative shall not be the person who physically or contractually is responsible for deployment of the transported reef materials. The representative shall verify latitude and longitude coordinates using a Differential Global Positioning System (DGPS) unit accurate to within 3 meters horizontal distance. Depth shall be verified utilizing fathometer, depth

sonder, or similar device accurate to within 1 meter. The Permittee shall maintain a record of the deployment compliance information on the "Florida Artificial Reef Materials Placement Report And Post-Deployment Notification" form, provided in Attachment of this permit, with the name of the representative and provide to the Corps upon request.

9. Deployment of Steel Hull Vessels: Any steel hull vessel which will be utilized as reef material shall be prepared and deployed in accordance with all applicable U. S. Coast Guard, U.S. Environmental Protection Agency, Florida Fish and Wildlife Conservation Commission, or other applicable state or federal agency regulations or policies. The vessel shall not be deployed until all necessary inspections and clearances have been obtained or waived and a stability analysis has been completed based on vessel and deployment site characteristics. National guidance regarding preparation of vessels for deployment as artificial reefs may be viewed at:

<http://www.epa.gov/owow/oceans/habitat/artificialreefs/index.html>

The Permittee shall maintain a record of all inspections, clearances or waivers and provide to the Corps upon request.

10. Ownership/Maintenance/Liability: By signing this permit, the Permittee certifies and acknowledges ownership of all artificial reef materials deployed on the reef, accepts responsibility for maintenance of the artificial reef, and possesses the ability to assume liability for all damages that may arise with respect to the artificial reef. The Permittee re-certifies these commitments upon signature and submission of the "*Florida Fish and Wildlife Conservation Commission's Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification*" form in accordance with the **Pre-Deployment Notification** Special Condition.

11. Deployment Summary/Monitoring Report: Within 12 months from the effective date of this permit and annually thereafter until expiration of the deployment authorization, the Permittee shall electronically submit to the Corps and FWC a spreadsheet listing the deployments that occurred within the previous 12 months and a written report which summarizes, analyzes, and draws conclusions regarding the activities or issues associated with the reef in the past 12 months. For each deployment, the spreadsheet will include the local tracking number, date deployed, latitude and longitude, description and quantity of the material deployed, depth of water above material, approximate area of seafloor covered. The spreadsheet will document any known changes in material condition (stability, durability, and location) as compared to those same characteristics at time of deployment.

The report may include but is not limited to use trends, site management constraints and resolutions, management techniques, modifications of operational plans, lessons learned, etc. Results of any performance monitoring (description of fish and other biota observed) will be included in the report. The report shall be limited to 5 pages of written text and include a permit drawing(s) or similar visual depiction of the location of each deployment in relation to the boundary of the reef site. The report will describe how the Permittee managed the site in support of the 6 provisions listed in the Corps regulations at 33 CFR 322.5 (b). Immediately upon expiration of the deployment authorization or request for permit extension, a summary of reports submitted since the last permit issuance/renewal will be submitted to the Corps, NOAA and FWC. This compilation will document any known changes in material stability, durability, or location as compared to that most recently reported for a site as well as a summary/analysis of the qualitative data (trends, lessons learned, etc.) in the yearly reports.

12. **Marine Life Entrapment:** Neither reef structure nor material or the method of design or deployment should pose more than minimal risk of entrapping fish, marine turtles, or marine mammals. The Permittee shall take all necessary action to minimize this risk. Any observation of entrapped marine turtles or marine mammals on this artificial reef site should be reported immediately to the Corps and FWC.

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

14. **Sea Turtle/Sawfish/Sturgeon Guidelines:** The Permittee shall comply with the National Marine Fisheries Service's "*Sea Turtle and Smalltooth Sawfish Construction Conditions*", which also applies to sturgeon, provided in Attachment of this permit.

15. **Manatee Protection:** The Permittee shall ensure that wharf fenders are installed to reduce the risk of a vessel crushing a manatee. The wharf fenders shall be installed with appropriate materials to provide sufficient standoff space of at least 4 feet under compression. Fenders or buoys providing a minimum standoff space of at least 4 feet under compression shall be utilized between two vessels that are moored together.

16. **Right Whale Protection:** Artificial reef material shall not be deployed between November 15 and April 15 for the conservation of the endangered Northern right whale.

17. **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.



Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting NOAA Fisheries Service, Southeast Region

Background

NOAA Fisheries Service has determined that collisions with vessels can injure or kill protected species (e.g., endangered and threatened species, and marine mammals). The following standard measures are recommended to reduce the risk associated with vessel strikes or disturbance of these protected species. NOAA Fisheries Service should be contacted to identify any additional conservation and recovery issues of concern for protected species in your operating area.

Protected Species Identification Training

Vessel crews should use an Atlantic and Gulf of Mexico reference guide that helps identify the species of marine mammals and sea turtles that might be encountered in U.S. waters of the Atlantic Ocean, including the Caribbean and Gulf of Mexico. Additional training should be provided regarding information and resources available regarding federal laws and regulations for protected species, ship strike information, critical habitat, migratory routes and seasonal abundance, and recent sightings of protected species.

Vessel Strike Avoidance

The following measures must be taken in order to avoid causing injury or death to marine mammals and sea turtles:

1. Vessel operators and crews will maintain a vigilant watch for marine mammals and sea turtles to avoid striking sighted protected species.
2. When whales are sighted, maintain a distance of 100 yards or greater between the whale and the vessel.
3. When sea turtles or small cetaceans are sighted, attempt to maintain a distance of 50 yards or greater between the animal and the vessel whenever possible.
4. When small cetaceans are sighted while a vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until the cetacean has left the area.
5. Reduce vessel speed to 10 knots or less when mother/calf pairs, groups, or large assemblages of cetaceans are observed near an underway vessel, when safety permits. A single cetacean at the surface may indicate the presence of submerged animals in the vicinity; therefore, prudent precautionary measures should always be exercised. The

vessel will attempt to route around the animals, maintaining a minimum distance of 100 yards whenever possible.

6. Whales may surface in unpredictable locations or approach slowly moving vessels. When an animal is sighted in the vessel's path or in close proximity to a moving vessel, reduce speed and shift the engine to neutral. Do not engage the engines until the animals are clear of the area.

Additional Requirements for the North Atlantic Right Whale

1. If a sighted whale is believed to be a North Atlantic right whale, federal regulation requires a minimum distance of 500 yards be maintained from the animal (50 CFR 224.103 (c)).
2. Vessels entering North Atlantic right whale critical habitat are required to report into the Mandatory Ship Reporting System.
3. Mariners should check with various communication media for general information regarding avoiding ship strikes and specific information regarding North Atlantic right whale sighting locations. These include NOAA weather radio, U.S. Coast Guard NAVTEX broadcasts, and Notices to Mariners.

Injured or Dead Protected Species Reporting

Vessel crews will report sightings of any injured or dead protected species immediately, regardless of whether the injury or death is caused by your vessel.

Report marine mammals to the Southeast U.S. Stranding Hotline: 305-862-2850
Report sea turtles to the Southeast Regional Office: 727-824-5312

If your vessel is responsible for the injury or death, the responsible parties will remain available to assist the respective salvage and stranding network as needed. In addition, if the injury or death was caused by a collision with your vessel, you must notify the Southeast Regional Office immediately of the strike by telephone at (727) 824-5312, or by fax at (727) 824-5309. The report should include the following information:

- a. the time, date, and location (latitude/longitude) of the incident;
- b. the name and type of the vessel involved;
- c. the vessel's speed during the incident;
- d. a description of the incident;
- e. water depth;

- f. environmental conditions (e.g., wind speed and direction, sea state, cloud cover, and visibility);
- g. the species identification or description of the animal, if possible; and
- h. the fate of the animal.

For additional information, please contact the Protected Resources Division at:

NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

Tel: (727) 824-5312

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



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



* - Also applied for Gulf sturgeon - *



FLORIDA ARTIFICIAL REEF MATERIALS CARGO MANIFEST AND PRE-DEPLOYMENT NOTIFICATION (Issued pursuant to Ch. 370.25(6)(b), Florida Statutes)



I, _____
 Name of individual managing reef deployment (print) Signature Date

whose address is _____, (____) _____ - _____
 Street City State Zip Code Phone

declare that I am staging and transporting the following artificial reef construction materials allowable pursuant to the U.S. Army Corps of Engineers Artificial Reef Permit referenced below and agree to comply with all permit conditions in the permit listed below and attached to this manifest. I understand this artificial reef site is open to public access and this authorization does not provide any rights or exclusive private use over those rights or uses to the general public.

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

Transporting Vessel Registration Number: _____

Vessel Owner: _____ Vessel Operator: _____

The following items are to be deployed as reef material (attach additional sheets when more than four locations):

MATERIAL TAG ID NUMBER(S), if applicable	Descriptions of material (number of pieces, type, dimension, weight)	GPS Coordinates degrees, minutes, decimal minutes (DD°MM.mmm')
		Lat: _____ ° _____ ' _____ '' Lon: _____ ° _____ ' _____ ''
		Lat: _____ ° _____ ' _____ '' Lon: _____ ° _____ ' _____ ''
		Lat: _____ ° _____ ' _____ '' Lon: _____ ° _____ ' _____ ''
		Lat: _____ ° _____ ' _____ '' Lon: _____ ° _____ ' _____ ''

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

-- OFFICIAL USE ONLY --

(TO BE COMPLETED BY PERMIT HOLDER, OR AUTHORIZED ARTIFICIAL REEF INSPECTOR)

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

ACOE permit number _____, permitted site name _____

issued on _____ and has an expiration date of _____

Local tracking number (if applicable): _____

 (Name of FWC authorized Artificial Reef Inspector, printed)

 (Signature)

 (Date)

EXPLANATION SHEET FOR THE ARTIFICIAL REEF MATERIALS CARGO MANIFEST FORM

The attached artificial reef cargo manifest has been developed in compliance with subsection 370.25 (6)(b), Florida Statutes, which states that:

“It is unlawful for any person to: store, possess or transport on or across state waters any materials reasonably suited for artificial reef construction and stored in such a manner providing ready access for use and placement as an artificial reef, unless a valid cargo manifest issued by the commission or a commission-certified inspector is onboard the transporting vessel. The manifest will serve as authorization to use a valid permitted site or land-based staging area, which will validate that the type of artificial reef construction material being transported is permissible for use at the permitted site, and will describe and quantify the artificial reef material being transported. The manifest will also include the latitude and longitude coordinates of the proposed deployment location, the valid permit number, and the copy off the permit conditions for the permitted site. The manifest must be available for inspection by any authorized law enforcement officer or commission employee.”

This requirement for a cargo manifest became part of the statutory revision of the artificial reef program statute Section 370.25 Florida Statutes (F.S.), modified during the 2000 State of Florida Legislature. The statutory language allows a “commission certified inspector” to complete and approve the artificial reef materials cargo manifest. Therefore, we are providing the attached cargo manifest form to all local coastal government artificial reef coordinators and eligible non-profit corporations who may physically construct artificial reefs with the approval of the permit holders.

INSTRUCTIONS

A separate cargo manifest form is to be completed for each load to be transported offshore (i.e., one manifest per voyage). The manifest is to list all, and only, the reef materials onboard.

The top of the form is to be filled out by the reef builder with his/her contact information and the information about the proposed reef materials to be deployed written into the boxes. If several materials are identical but have different tag numbers, please write “SAME” in the box for the other materials. Also put “SAME” under additional coordinates if all materials are going to the same deployment site.

The shaded portion of the form at the bottom is to be filled out by the materials inspector. The cargo manifest must be completed by an entity representing the holder of the applicable artificial reef permit to assure that all materials meet the requirements of the permit.

Completion of the artificial reef materials cargo manifest is required for all construction activities.

The requirement to complete this document is not intended to be an undue burden on entities wishing to legally construct artificial reefs within permitted sites, but is a tool to assist law enforcement personnel in preventing the illegal construction of artificial reefs without the knowledge of the permit holder or in areas outside of legally permitted sites. It is intended to allow law enforcement staff to determine whether or not a load of materials is legal under the permit conditions. Without a properly completed Cargo Manifest Form on board, reef builders will be returned to port pursuant to Chapter 370.25 (6) (b). It is not necessary to send a copy of the Cargo Manifest Form to the FWC artificial reef section in Tallahassee. Documentation of the reef building activity should be maintained by the entity issuing the manifest in the event of any FWC inquiries.

Reminder: the placement of all public artificial reefs in state or adjacent federal waters requires the submittal of a Materials Placement Report to the FWC artificial reef program within 30 days of public reef deployment in accordance with s. 370.25 F.S.



FLORIDA ARTIFICIAL REEF MATERIALS PLACEMENT REPORT AND POST-DEPLOYMENT NOTIFICATION



To Be Completed For Each Deployment Location or Date of Deployment

County or Municipality: _____ Date of Placement: _____

Grant No. FWC - _____ U.S. Army Corps Permit No.: _____
(if applicable)

Total project cost: \$ _____ (Funding Source(s) and Amount(s): FWC \$ _____ Local \$ _____ Other \$ _____)

Name of Permitted Reef Site: _____ Location Name for This Deployment: _____

Latitude: _____ ° _____ ' North Longitude: _____ ° _____ ' West
Degrees minutes decimal minutes Degrees minutes decimal minutes

GPS Brand: _____ GPS Model number: _____

Geographical Location: _____ at _____ degrees from _____
(nautical miles) (bearing) (reference inlet)

Water Depth: _____ feet (minus) Max. Material Height: _____ feet (equals) Actual Vertical Clearance: _____ feet

TYPE AND AMOUNT OF MATERIAL DEPLOYED AT THE LOCATION DESCRIBED ABOVE:
(ATTACH A PHOTOGRAPH OF THE MATERIAL ON THE BARGE IMMEDIATELY PRIOR TO DEPLOYMENT)

Primary Type of Material: _____ Number of Pieces: _____
Dimensions: _____

Secondary Type of Material: _____ Number of Pieces: _____
Dimensions: _____

How was tonnage calculated?(Check all that apply, attach additional sheets if necessary): Before & after barge draft calculation
 Known weight of individual pieces
 Trucking receipts

TOTAL TONNAGE FOR THIS DEPLOYMENT: _____

I DO HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

Observer's Name: _____ Title: _____
(PLEASE PRINT) (PLEASE PRINT)

Observer's Signature: _____ Date: _____

Observer's Remarks: _____

I DO HEREBY CERTIFY THAT THE ABOVE INFORMATION COMPLIES WITH THE ABOVE REFERENCED PERMIT CONDITIONS

Permittee's Staff Name: _____ Title: _____
(PLEASE PRINT) (PLEASE PRINT)

Permittee's Staff Signature: _____ Date: _____

Local Tracking number _____ FWC Tracking number _____ Entered by _____ on _____ date _____
FWC initials

Second page to contain instructions....

FOR GRANT-FUNDED REEFS, the following data will be recorded at the staging area prior to and after the deployment. This formula represents an average, single rake barge and may not represent the exact tonnage of materials placed.

USING THIS FORMULA FOR PAYMENT OF TRANSPORTATION COSTS SHOULD BE AGREED UPON IN ADVANCE WITH A CONTRACTOR.

Barge Length: _____ feet Barge Width: _____ feet Loaded Draft: _____ feet Unloaded Draft: _____ feet

(Length X Width X Loaded Draft X 0.93 X 65) = 2,000 = _____ (Loaded barge weight in tons)

SUBTRACT

(Length X Width X Unloaded Draft X 0.93 X 65) = 2,000 = _____ (Unloaded barge weight in tons)

TOTAL TONNAGE FOR THIS DEPLOYMENT = _____