

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
LOCALLY FUNDED AGREEMENT

THIS Locally Funded Agreement ("Agreement"), entered into this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, by and between the State of Florida Department of Transportation hereinafter called the DEPARTMENT, and Indian River County (IRC) located at 1801 27<sup>th</sup> Street, Vero Beach, FL 32960 hereinafter called the PARTICIPANT.

**WITNESSETH**

WHEREAS, the DEPARTMENT and the PARTICIPANT are desirous of having the PARTICIPANT provide financial assistance to the DEPARTMENT for work relating to the disposal cost associated with the use of old bridge material for artificial reef purposes. The project also enhances drainage systems and increases vertical clearance to improve resiliency, while adding shoulders and shared use paths to boost safety FM Number 445618-1-52-01, Funded in Fiscal Year 2026. The full scope of the improvements are outlined in Exhibit A "Scope of Services", which is hereby attached and incorporated into this Agreement and hereinafter referred to the "Project"; and

WHEREAS, the PARTICIPANT has agreed to provide the DEPARTMENT with a Lump Sum financial contribution toward the Project; and

WHEREAS, the Project is serves the interest of both parties and the parties agree that and it would be more practical, expeditious, and economical for the DEPARTMENT to perform such activities; and

WHEREAS, the PARTICIPANT by Resolution Item No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, a copy of which is attached hereto and made a part hereof as **Exhibit B**, authorizes the Director, or designee to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual benefits to be derived from the Project, the parties agree to the following:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. The DEPARTMENT shall be responsible for assuring that the Project complies with all applicable Federal, State, Participant direction and Local laws, rules, regulations, guidelines and standards. In accordance with the USACE permits (SAJ-2016-02916, and SAJ-2004-04393 and updates as applicable) for the artificial reefing locations attached hereto and incorporated into this Agreement as **Exhibit C**, of this Agreement, the DEPARTMENT will ensure that all work on the Project complies with applicable Federal and State laws.

3. The DEPARTMENT shall afford the PARTICIPANT and their Federal Partner the opportunity to participate in pre-construction and progress Meetings and to observe and/or inspect the work being funded under this Agreement. The Department shall also timely provide copies of all requested Contract Documents including but not limited to: Executed Contracts, Submittals, Requests for Information (RFIs), Value Engineering (VE) Proposals, Substitution Requests, Change Requests, Inspection Reports, Quality Assurance Reports, and Quality Control Reports. Additionally, the DEPARTMENT shall afford the PARTICIPANT the opportunity to review solicitations prior to posting by the DEPARTMENT for the purpose of ensuring that the Department's procurement documents comply with the applicable Federal labor standards including but not limited to 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying, and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 USC 276 (a) et seq.), the Contract Work Hours and Safety Standards Act (formerly 40 USC 327 et seq.), and the Copeland Anti-Kickback Act (formerly 40 USC 276(c)). The DEPARTMENT shall afford the PARTICIPANT the opportunity to audit the payroll records received by DEPARTMENT to ensure that the payroll records are compliant. The Department shall provide copies of certified payroll records.
4. The PARTICIPANT agrees to make all previous studies, maps, drawings, surveys and other data and information pertaining to the use of bridge demolition material being used for the County's Artificial Reef program available to the DEPARTMENT at no extra cost.
5. The DEPARTMENT shall have the sole responsibility for resolving claims and requests for additional work for the Project. The DEPARTMENT will make reasonable efforts to obtain the PARTICIPANT input in its decisions.
6. The total estimated cost of the Project is ONE HUNDRED-EIGHTEEN MILLION SIXTY-SEVEN THOUSAND SIX HUNDRED TWENTY-EIGHT DOLLARS AND NO CENTS (\$118,067,628.00). The PARTICIPANT'S Lump Sum contribution of TWO HUNDRED NINETEEN THOUSAND AND NO CENTS (\$219,000.00) shall be paid to the DEPARTMENT. In the event the Project is removed from the DEPARTMENT'S 5-Year Work Program, prior to the start of construction activities and provided that no costs have been incurred by the DEPARTMENT in connection with the Project, the DEPARTMENT shall refund to the PARTICIPANT the full amount of the advance deposit made pursuant to this Agreement.
  - (A) The PARTICIPANT agrees that it will furnish the DEPARTMENT with a wire transfer in the amount of TWO HUNDRED NINETEEN THOUSAND AND NO CENTS (\$219,000.00) on or before July 25,2025 for the Project.

Remittance shall be made payable to the Department of Transportation. Payment shall be clearly marked to indicate that it is to be applied to FM Number 44561815201. The DEPARTMENT shall utilize this amount towards costs of Project No. 445618-1-52-01

Wire transfer/Payments are to be made to:

Wells Fargo Bank, N.A.

Account # 48347\_3\_000

ABA # 121000248

Chief Financial Officer of Florida

Re: DOT – K 11-78, Financial project # 445618-1-52-01

In order for the DEPARTMENT to receive credit for the funds due to the DEPARTMENT, the reference line must contain "FDOT" and an abbreviated purpose, financial project number or LFA account number.

Once the wire transfer is complete, please contact Morgan Harris at 850-414-4861. In addition to calling Ms. Harris, the PARTICIPANT shall send an email notification to [D4-lfa@dot.state.fl.us](mailto:D4-lfa@dot.state.fl.us) stating the day and time the wire transfer was sent.

(B) The DEPARTMENT intends to have its final and complete accounting of all costs incurred in connection with the work performed here under within three hundred sixty (360) days of final payment to the Contractor(s). The DEPARTMENT considers the Project complete when the final payment has been made to the Contractor(s), not when the construction work is complete. The County's total lump sum contribution shall not exceed TWO HUNDRED NINETEEN THOUSAND AND NO CENTS (\$219,000.00). All Project cost records and accounts shall be subject to audit by a representative of the PARTICIPANT for a period of three (3) years after final close out of the Project. The PARTICIPANT will be notified of the final cost.

7. In the event it becomes necessary for either party to institute suit for the enforcement of the provisions of this Agreement, each party shall be responsible to pay their own attorney fees and court costs. Venue with respect to any such litigation shall be in Broward County.
8. This Agreement and any interest herein shall not be assigned, transferred, or otherwise encumbered by the PARTICIPANT under any circumstances without the prior written consent of the DEPARTMENT. However, this Agreement shall run to the DEPARTMENT and its successors.
9. Except as otherwise set forth herein, this Agreement shall continue in effect and be binding to both the PARTICIPANT and the DEPARTMENT until the Project (FM# 4456181-52-01) is completed as evidenced by the written acceptance of the DEPARTMENT.

10. The PARTICIPANT warrants that it has not employed or obtained any company or person, other than bona fide employees of the PARTICIPANT, to solicit or secure this Agreement, and it has not paid or agreed to pay any company, corporation, individual or firm, other than a bona fide employee employed by the PARTICIPANT. For breach or violation of this provision, the DEPARTMENT shall have the right to terminate the Agreement without liability.
11. The PARTICIPANT / Vendor/ Contractor:
  - (A) shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the PARTICIPANT / Vendor/ Contractor during the term of the contract; and
  - (B) shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.
12. This Agreement is governed by and construed in accordance with the laws of the State of Florida.
13. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representation or agreements whether oral or written. It is further agreed that no modification, amendment, or alteration in the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.
14. Any or all notices (except invoices) given or required under this Agreement shall be in writing and either personally delivered with receipt acknowledged or sent by certified mail, return receipt requested. All notices delivered shall be sent to the following addresses:

**The remainder of this page left intentionally blank.**

If to the DEPARTMENT:

Florida Department of Transportation - District Four  
3400 West Commercial Blvd.  
Fort Lauderdale, Florida 33309-3421  
Attn: Loren Hughes, Local Program Coordinator  
With a copy to: Binod Basnet, FDOT Project Manager  
A second copy to: Office of the General Counsel

If to the PARTICIPANT:

Indian River County  
1801 27<sup>th</sup> Street  
Vero Beach, FL 32960  
Attn: Eric Charest  
With a copy to: Attorney

**The remainder of this page left intentionally blank.**

IN WITNESS WHEREOF, this Agreement is to be executed by the parties below for the purposes specified herein. Authorization has been given to enter into and execute this Agreement by Resolution No. \_\_\_\_\_, hereto attached.

BOARD OF COUNTY COMMISSIONERS OF

BOARD OF COUNTY COMMISSIONERS OF  
INDIAN RIVER COUNTY

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
JOSEPH FLESCHER  
CHAIR

BY: \_\_\_\_\_  
JOHN P. KRANE, P.E.  
DIRECTOR OF TRANSPORTATION

ATTEST:

LEGAL REVIEW:

\_\_\_\_\_  
RYAN BUTLER, CLERK OF COURT(SEAL)

BY: \_\_\_\_\_  
FRANCINE STEELMAN  
OFFICE OF THE GENERAL COUNSEL

APPROVED:

APPROVED:

BY: \_\_\_\_\_  
JENNIFER SCHULER, COUNTY ATTORNEY

BY: \_\_\_\_\_  
DISTRICT PROGRAM MGMT. ADMINISTRATOR

**Exhibit A**  
**Scope of Services**  
**FM No.: 445618-1-52-01**

The purpose of this Project is to reconstruct SR A1A and replace the Sebastian Inlet Bridge to address the structural and functional deficiencies of the existing bridge and address the gap in system linkage for bicyclists and pedestrians. The Project also improves drainage systems; raise the bridge's vertical clearance to address resiliency; add shoulders and shared use paths to enhance safety; and use a portion of the qualifying bridge demolition debris to create artificial reefs.

**Proposed Improvements:**

The new bridge alignment will be shifted to the east of the existing bridge with:

- Two 12-foot travel lanes, two 8-foot shoulders, and two 12-foot shared use paths.
- Two fishing pier/observation walks, one under the bridge from the south shore and one under the bridge from the north shore.
- The vertical clearance of the new bridge will be raised from existing 39 feet to 51 feet.

**Artificial Reefing: [Funded and to be Maintained by Indian River County]**

The artificial reefing will consist of 3,500 tons of demolished material from the existing SR-A1A over Sebastian Inlet Bridge. Below is the scope specific to the artificial reefing of demolished material.

1. The project replaces the existing concrete fixed bridge with a new concrete fixed bridge.
2. Approximately 7,000 tons of demolished materials will be available from the demolition of the existing concrete fixed bridge.
3. The County has active USACE permits (SAJ-2016-02916, and SAJ-2004-04393 and updates as applicable) for the artificial reefing locations.
4. The Department will place approximately 3,500 tons of demolished materials in the nearby artificial reefing sites. The Department will comply with the USACE permits requirements for artificial reefing activities.
5. The Indian River County will manage the artificial reef along with additional reefing sites already managed by the County in the Atlantic Ocean.
6. The County will in good faith request any extensions necessary to keep the existing permits valid through the timeframe of proposed deployment.
7. The County will conduct the pre and post-reefing inspection of the Project's artificial reef sites.
8. The County will enter into a lump sum locally funded agreement with the Department in the amount of \$219,000.00 for the artificial reefing activities of this Project.

## **EXHIBIT B**

### **INDIAN RIVER COUNTY RESOLUTION**



# **EXHIBIT C**

## **USACE PERMITS**

**(SAJ-2016-02916 AND SAJ-2004-04393)**

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** INDIAN RIVER BOARD OF COUNTY COMMISSIONERS  
ATTN: JAMES GRAY, COUNTY COASTAL ENGINEER  
1801 27TH STREET  
VERO BEACH, FLORIDA 32960

**Permit No:** SAJ-2016-02916(SP-AWP)

**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 U.S. Army Corps of Engineers (Corps) 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:** Construction of a 40 acre artificial reef zone in order to construct approximately 5 patch reefs within the reef zone over the next decade. Reefs will be spaced a minimum of 500 feet between each section and will be deployed in water depths ranging 50-60 feet relative to Mean Low Low Water (MLLW) line.

Reef materials will consist of various approved, high quality, durable materials. These include, large secondary concrete structures (i.e. light poles, culverts, railroad ties, etc.), approved artificial reef modules, and/or limestone boulders. At no time will the proposed reef materials contain asphalt, creosote, petroleum, loose free-floating material, or other hydrocarbons or deleterious substances.

Although construction of each individual reef will vary depending on deployment location and depths, reef sites will have elevations between 10-15 feet in order to maintain a minimum clearance of 40 feet between the top of the reef and MLLW. Each reef will have a maximum constructed footprint of 33,000 feet<sup>2</sup> or 0.75 acres and will contain up to 1,000 tons of material. Spacing between reefs will also be considered in order to maintain recreational and natural biological functions.

The work described above is to be completed in accordance with the 2 pages of drawings and 4 attachments affixed at the end of this permit instrument.

**Project Location:** The project would affect waters of the United States associated with the Atlantic Ocean. The project site is located approximately 5-8 miles south of

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Sebastian Inlet approximately 3-4 miles offshore in Federal waters of the Atlantic Ocean.

**APPROXIMATE COORDINATES:**

Location	Latitude	Longitude
NW Corner	27.8374	-80.3636
NE Corner	27.8389	-80.3598
SW Corner	27.8340	-80.3619
SE Corner	27.8355	-80.3582

**Permit Conditions**

**General Conditions:**

1. The time limit for completing the work authorized ends on **June 12, 2027**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this

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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. Cultural Resources/Historic Properties:** No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

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

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

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human

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remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

**2. 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.

**3. Reporting Addresses:** The Permittee shall reference this permit number, SAJ-2016-02916(SP-AWP), on all correspondence. Unless specifically notified to the contrary, the Permittee shall use the following addresses for transmitting correspondence to the referenced agencies:

- a. U.S. Army Corps of Engineers  
Enforcement Division  
P.O. Box 4970  
Jacksonville, Florida 32232

or by email at CESAJ-ComplyDocs@usace.army.mil

- b. National Oceanic and Atmospheric Administration  
Marine Chart Division  
Office of Coast Survey, N/CS26, Sta. 7317  
1315 East-West Highway  
Silver Springs, MD 20910-3282

or email at ocs.ndb@noaa.gov

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c. Rear Admiral S.A. Buschman, Commander  
U.S. Coast Guard, Seventh District  
Brickell Plaza Federal Building  
909 SE 1st Avenue  
Miami, Florida 33131-3050

d. Florida Fish and Wildlife Conservation Commission  
Artificial Reef Program  
620 S. Meridian Street, Box 4B2  
Tallahassee, Florida 32399

Or email at [artificialreefdeployments@MyFWC.com](mailto:artificialreefdeployments@MyFWC.com)

**4. Initial Agency Notification:** The Permittee shall provide to the U.S. Army Corps of Engineers (Corps), National Oceanic and Atmospheric Administration (NOAA), and U.S. Coast Guard (USCG) written notification of the planned deployment start date at least 2 weeks prior to the initial deployment on the authorized artificial reef site.

**5. Authorized Reef Materials:** No reef materials or module will weigh less than 500 pounds. Reef materials shall be clean and free from asphalt, petroleum, other hydrocarbons and toxic residues, loose free floating material or other deleterious substances. All artificial reef materials and/or structures will be selected, designed, constructed, and deployed to create stable and durable marine habitat. The Permittee shall deploy only the following authorized reef materials:

a. Prefabricated artificial reef modules composed of ferrous and/or aluminum-alloy metals, ¼ inch or more in thickness, concrete, rock, or a combination of these materials.

b. Natural rock boulders and other pre-cast concrete material such as culverts, stormwater junction boxes, power poles, railroad ties, jersey barriers, or other similar concrete material.

c. Clean steel and concrete bridge or large building demolition materials such as slabs or pilings with all steel reinforcement rods severed as close to the concrete surface as possible but not to extend more than 6 inches to ensure the rod will not create a fishing tackle or diver ensnaring hazard.

d. Heavy gauge ferrous & aluminum alloy metal material components or structures, ¼ inch or more in thickness, such as utility poles and antenna towers.

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e. Heavy gauge ferrous and aluminum alloy metal hulled vessels which equal or exceed 60 feet hull length prepared and deployed in accordance with all applicable U.S. Coast Guard, U.S. Environmental Protection Agency, Florida Fish and Wildlife Conservation Commission, or other applicable state or federal agency regulations or policies. The vessel shall not be deployed until all necessary inspections and clearances have been obtained or waived and a stability analysis has been completed demonstrating the vessel will be stable during a 50-year storm event based on vessel and deployment site characteristics. The Permittee shall follow the National guidance regarding preparation of vessels for deployment as artificial reefs which are available at <http://www.epa.gov/owow/oceans/habitat/artificialreefs/index.html>. The Permittee shall provide a record of all inspections, clearances or waivers to the Corps along with the pre-deployment notification.

f. Reef structures, materials, and installation methods shall be designed and deployed to prevent entanglement and entrapment of listed species. The use of open-bottom structures is not authorized unless the structure has at least a 3-ft opening at the top of the structure for turtles to escape.

## REEF PARAMETERS

**6. Reef Parameters:** The Permittee shall deploy all reef materials within the site boundaries as defined on permit drawing page 2 of 2. A minimum clearance of 40 feet from the top of the deployed material relative to mean low water (MLW) shall be maintained.

**7. Violation of Reef Parameters Notification:** In the event reef material is deployed in a location or manner contrary to the Reef Parameters Special Condition, the Permittee shall immediately notify the USCG Station and provide information as requested by the station. The Permittee shall notify NOAA, USCG 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 longitude coordinates (degree, minute, decimal minute format to the third decimal place), and the water depth above the material from MLW. 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.

**8. Protection of Existing Resources:** The Permittee shall not deploy artificial reef materials until an assessment of the bottom conditions have been accomplished by

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diver, submersible video camera, fathometer, depth/bottom sounder (e.g. "fish finder"), or side-scan sonar. The inspection of the deployment area may occur at the time of deployment, but no more than one (1) year prior to deployment. The Permittee shall maintain a deployment buffer of at least 500 feet from any submerged beds of sea grasses, macroalgae, hard or soft coral, live bottom, areas supporting growth of sponges, sea fans, 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. Should the assessment find any evidence of cultural/archaeological resources such as sunken vessels, ballast, historic refuse piles, or careenage areas, the Permittee shall also maintain a deployment buffer of at least 500 feet from these resources.

9. The Permittee shall provide of the information obtained from the assessment to the Corps no less than 14 days prior to deployment of material on an artificial reef in conjunction with the pre-deployment notification.

#### DEPLOYMENT

**10. 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 (Attachment 2), to the Corps and Florida Fish and Wildlife Conservation Commission (FWC) to allow inspection of the proposed reef materials as deemed necessary by the agencies. Inspection is allowable at the staging area. By signing the Pre-Deployment Notification the Permittee certifies all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall not deploy material if notified by the Corps or FWC that the material is questionable. The material needs to be evaluated before it is released for deployment. Any material deemed unacceptable for reef material will be disposed in an approved upland disposal site.

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

**12. Post-Deployment Placement Report/As-Built Drawing:** Within no more than 30 days after deployment at the reef site, the Permittee shall transmit by email to the Corps, FWC, and NOAA a complete and signed "Florida Artificial Reef Materials Placement Report and Post-Deployment Notification" form (Attachment 3). Please note,



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the Corps requires the latitude and longitude to be accurate within five (5) meters horizontal distance on the post-deployment report. Attach to the report an as-built drawing containing the approximate deployment configurations and the height of the material after placement. Depth shall be verified utilizing fathometer, depth sounder, or similar device accurate to within one (1) meter. Also, include information on the condition of the material at the time of deployment. The report and drawing shall be limited to a few pages per deployment. Representative photographs and/or video, if available, should be submitted.

**13. 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.

**14. 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, 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.

#### ENDANGERED SPECIES

**15. Sea Turtle/Sawfish/Sturgeon Guidelines:** The Permittee shall comply with the National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions", which also applies to sturgeon (Attachment 4).

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

**17. Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment 5).

**18. 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

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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 Enforcement Section by telephone at 904-232-1177 and the National Marine Fisheries Service by telephone at 727-824-5301.

**19. Species reporting:** Any collision(s) with and/or injuries to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312) or by email to [takereport.nmfs@noaa.gov](mailto:takereport.nmfs@noaa.gov) and [CESAJ-ComplyDocs@usace.army.mil](mailto:CESAJ-ComplyDocs@usace.army.mil). Sea turtle and marine mammal stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>. Sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.

\*Failure to report take of a federally listed threatened or endangered species may lead to suspension, revocation, or modification of this authorization. (From Section 3(18) of the Federal Endangered Species Act: The term 'take' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.)

**20. Right Whale Protection:** Artificial reef material shall not be transported or deployed between November 15 and April 15 for the conservation of the endangered Northern Right Whale within the boundaries of the National Marine Fisheries Service designated Northern Right Whale Southeastern United States critical habitat area. It is illegal to approach within 500 yards of a right whale by vessel, aircraft, or any other means (50 CFR 224.103 (c)). Any vessel finding itself within 500 yards of a right whale must depart immediately at a slow speed.

**21.** The permittee agrees to comply with all of the activity specific Project Design Criteria (PDCs) listed in the National Marine Fisheries Service's (NMFS) Statewide Programmatic Biological Opinion (SWPBO), dated December 4, 2015. Failure to comply with these conditions could result in enforcement action by the Corps and/or NMFS.

**22. Marine Life Entrapment:** Neither structure nor material or the method of construction shall pose more than minimal risk of entrapping fish, marine turtles, or marine mammals. In-water lines must be industrial grade metal or heavy cables that do not readily loop and tangle. All in-water lines (rope and cable) must be rigid and cannot have excess line in the water. Lines may be enclosed in a plastic or rubber sleeve/tube to add rigidity.

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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)

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

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

2. Limits of this authorization.

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

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

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

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

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

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

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

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

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

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

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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.

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

James Gray Jr  
(PERMITTEE)

6/12/17  
(DATE)

JAMES GRAY JR  
(PERMITTEE NAME-PRINTED)

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

Jason A. Kirk  
(DISTRICT ENGINEER)  
for Jason A. Kirk, P.E.  
Colonel, U.S. Army  
District Commander

13 June 2017  
(DATE)

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

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)

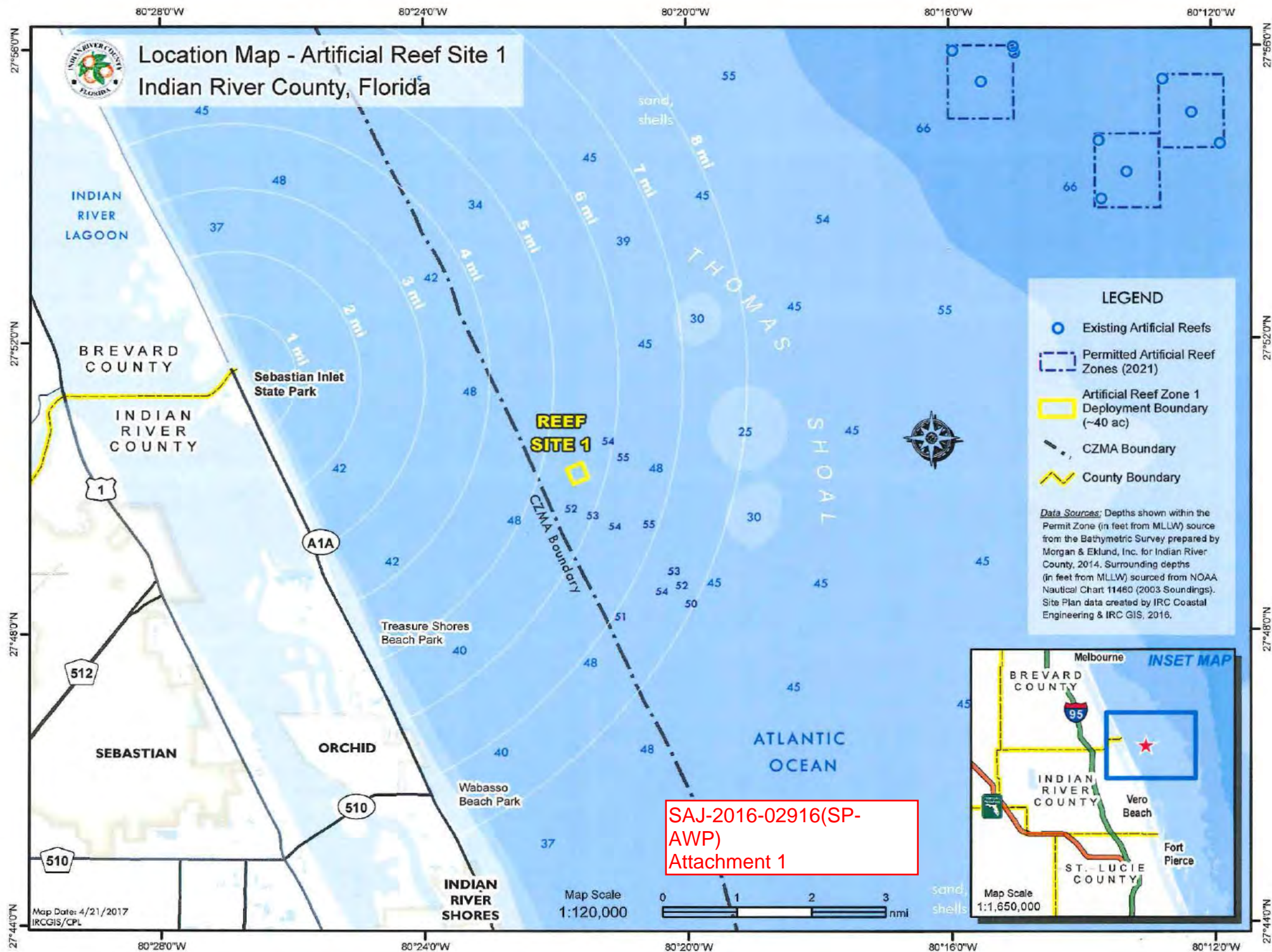
PERMIT NUMBER: SAJ-2016-02916  
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***Attachments to Department of the Army  
Permit Number SAJ-2016-02916(SP-AWP)***

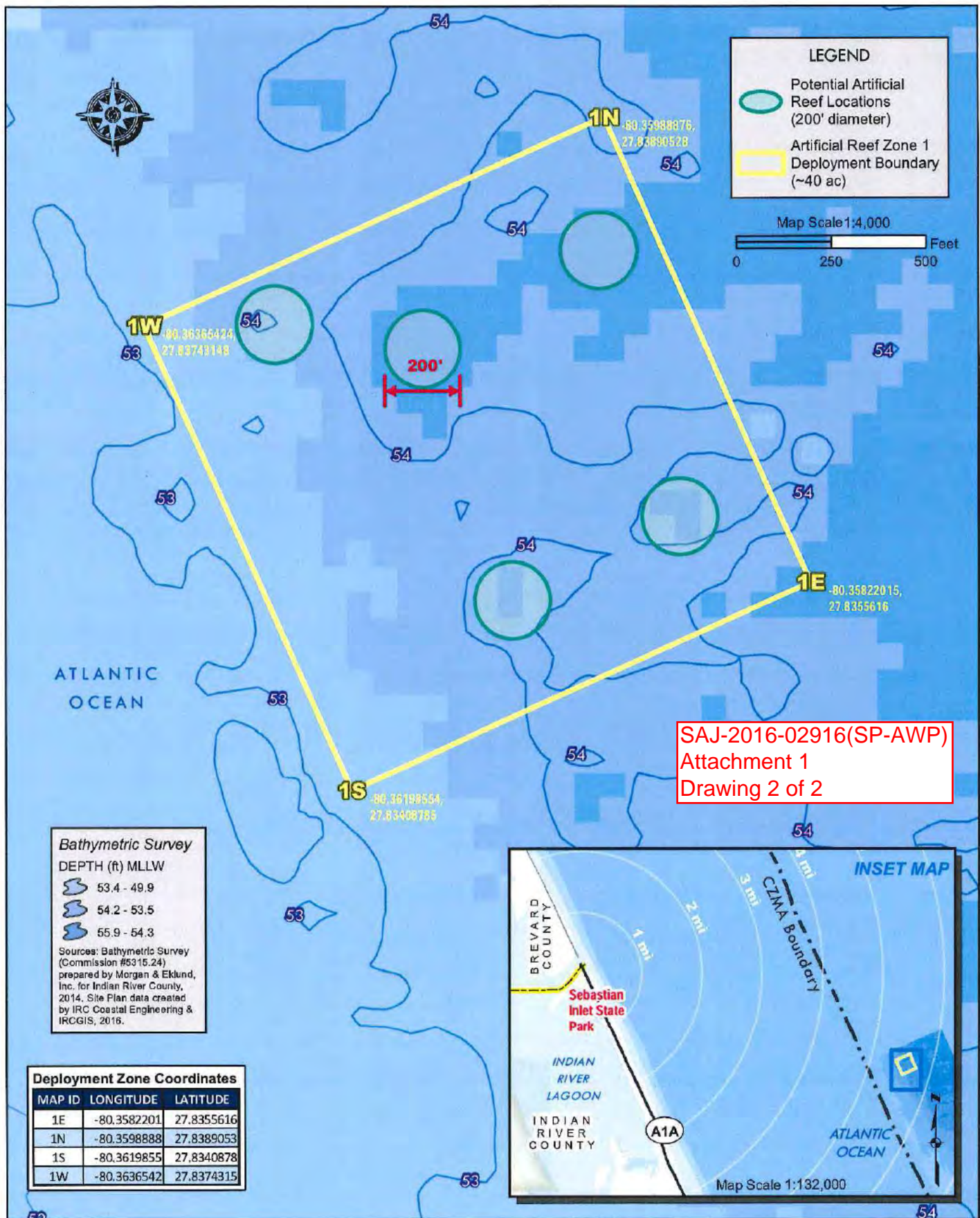
1. PERMIT DRAWINGS: 2 pages
2. PRE-DEPLOYMENT NOTIFICATION FORM: 2 pages, *Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification*
3. POST-DEPLOYMENT PLACEMENT REPORT/AS-BUILT DRAWING FORM: 2 pages, *Florida Artificial Reef Materials Placement Report and Post-Deployment Notification*
4. SEA TURTLE – SAWFISH CONDITIONS: 1 page, *Sea Turtle and Smalltooth Sawfish Construction Conditions, revised March 23, 2006*
5. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011*

THIS IS AN EXHIBIT ONLY... NOT FOR EXECUTION!









SAJ-2016-02916(SP-AWP)  
 Attachment 1  
 Drawing 2 of 2



## Artificial Reef Zone 1 Permit Boundaries and Site Plan







**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 <small>degrees, minutes, decimal minutes (DD°MM.mmm')</small>
		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)

**SAJ-2016-02916(SP-AWP)  
Attachment 2**

# 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  
(degrees, minutes, decimal minutes (DD°MM.mmm'))

Longitude: \_\_\_\_\_ ° \_\_\_\_\_ ' West  
(degrees, minutes, decimal minutes (DD°MM.mmm'))

GPS Brand and Model Number: \_\_\_\_\_

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

Water Depth: \_\_\_\_\_ feet - Maximum Material Height: \_\_\_\_\_ feet = Minimum 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: \_\_\_\_\_

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: \_\_\_\_\_

SAJ-2016-02916(SP-AWP)  
Attachment 3

**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 \_\_\_\_\_  
Rev. 4/23/2007 FWC initials date

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 = \_\_\_\_\_

THIS IS AN EXHIBIT ONLY .. NOT FOR EXECUTION.



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

SAJ-2016-02916(SP-AWP)  
Attachment 4



## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

SAJ-2016-02916(SP-AWP)  
Attachment 5

# CAUTION: MANATEE HABITAT

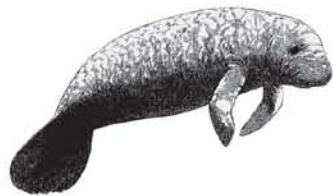
**All project vessels**

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

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

cell \*FWC or #FWC

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** INDIAN RIVER BOARD OF COUNTY COMMISSIONERS  
ATTN: JAMES GRAY, COUNTY COASTAL ENGINEER  
1801 27TH STREET  
VERO BEACH, FLORIDA 32960

**Permit No:** SAJ-2016-02916(SP-AWP)

**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 U.S. Army Corps of Engineers (Corps) 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:** Establish eleven separate, 40-acre artificial reef zones and construct approximately five patch reefs within each reef zone over the next decade. Reefs will be spaced a minimum of 500 feet between each section and will be deployed in water depths ranging from -50 to -60 feet relative to Mean Low Low Water (MLLW) line. Reef sites shall maintain a minimum clearance of 40 feet between the top of the reef and MLLW. Each reef will have a maximum constructed footprint of 33,000 feet<sup>2</sup> or 0.75 acres and will contain up to 1,000 tons of material.

Reef materials will consist of various approved, high quality, durable materials. These include, large secondary concrete structures (i.e. light poles, culverts, railroad ties, etc.), approved artificial reef modules, and/or limestone boulders. At no time will the proposed reef materials contain asphalt, creosote, petroleum, loose free-floating material, or other hydrocarbons or deleterious substances.

The work described above is to be completed in accordance with the two pages of drawings and four attachments affixed at the end of this permit instrument.

**Project Location:** The project would affect waters of the United States associated with the Atlantic Ocean. The project site is located approximately 5-8 miles south of Sebastian Inlet and approximately 3-4 miles offshore in Federal waters of the Atlantic Ocean.



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**APPROXIMATE COORDINATES:**

Location	Latitude	Longitude
NW Corner	27.83784136	-80.36902585
CENTRAL S	27.83576726	-80.3562724
CENTRAL N	27.84169676	-80.3592824
NE Corner	27.84478552	-80.35147459
SW Corner	27.79945808	-80.34981046
SE Corner	27.80639993	-80.33226425
NE Corner	27.84478552	-80.35147459

**Permit Conditions**

**General Conditions:**

1. The time limit for completing the work authorized ends on **January 9, 2028**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this

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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 Authorized Minimum Clearance for this Artificial Reef is 40 feet relative to MLLW.**

**2. Cultural Resources/Historic Properties:** No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

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

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

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

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d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

**3. Reporting Addresses:** The Permittee shall reference this permit number SAJ-2016-02916(SP-AWP), on all correspondence. Unless specifically notified to the contrary, the Permittee shall use the following addresses for transmitting correspondence to the referenced agencies:

- a. U.S. Army Corps of Engineers  
Enforcement Division  
PO Box 4970  
Jacksonville, Florida 32232

or by email at SAJ-PD-Enforcement@usace.army.mil

- b. National Oceanic and Atmospheric Administration  
Marine Chart Division  
Office of Coast Survey, N/CS26, Sta. 7317  
1315 East-West Highway  
Silver Springs, MD 20910-3282

or email at ocs.ndb@noaa.gov

- c. Rear Admiral S.A. Buschman, Commander  
U.S. Coast Guard, Seventh District  
Brickell Plaza Federal Building  
909 SE 1st Avenue  
Miami, Florida 33131-3050

- d. Florida Fish and Wildlife Conservation Commission  
Artificial Reef Program  
620 S. Meridian Street, Box 4B2  
Tallahassee, Florida 32399

Or email at [artificialreefdeployments@MyFWC.com](mailto:artificialreefdeployments@MyFWC.com)

**4. Initial Agency Notification:** The Permittee shall provide to the U.S. Army Corps of Engineers (Corps), National Oceanic and Atmospheric Administration (NOAA), and U.S. Coast Guard (USCG) written notification of the planned deployment start date at least 2 weeks prior to the initial deployment on the authorized artificial reef site.

**5. Authorized Reef Materials:** No reef materials or module shall 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 stable and durable marine habitat. The Permittee shall deploy only the following authorized reef materials:

a. Prefabricated artificial reef modules composed of ferrous and/or aluminum-alloy metals, ¼ inch or more in thickness, concrete, rock, or a combination of these materials.

b. Natural rock boulders and other pre-cast concrete material such as culverts, stormwater junction boxes, power poles, railroad ties, jersey barriers, or other similar concrete material.

c. Clean steel and concrete bridge or large building demolition materials such as slabs or pilings with all steel reinforcement rods severed as close to the concrete surface as possible but not to extend more than six inches to ensure the rod will not create a fishing tackle or diver ensnaring hazard.

d. Heavy gauge ferrous & aluminum alloy metal material components or structures, ¼ inch or more in thickness, such as utility poles and antenna towers.

e. Reef structures, materials, and installation methods shall be designed and deployed to prevent entanglement and entrapment of listed species. The use of open-bottom structures is not authorized unless the structure has at least a 3-ft opening at the top of the structure for turtles to escape.

**6. No vessels are authorized to be deployed within the coordinates authorized by this Department of the Army permit.**

## REEF PARAMETERS

**7. Reef Parameters:** The Permittee shall deploy all reef materials within the site boundaries as defined on permit drawing page 2 of 2. A minimum clearance of 40-feet from the top of the deployed material relative to MLLW shall be maintained.

**8. Violation of Reef Parameters Notification:** In the event reef material is deployed in a location or manner contrary to the Reef Parameters Special Condition, the Permittee shall immediately notify the USCG Station and provide information as requested by the station. The Permittee shall notify NOAA, USCG 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 longitude coordinates (degree, minute, decimal minute format to the third decimal place), and the water depth above the material from MLLW. 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.

**9. Protection of Existing Resources:** The Permittee shall not deploy artificial reef materials until an assessment of the bottom conditions have been accomplished by diver, submersible video camera, fathometer, depth/bottom sounder (e.g. "fish finder"), or side-scan sonar. The inspection of the deployment area may occur at the time of deployment, but no more than one (1) year prior to deployment. The Permittee shall maintain a deployment buffer of at least 500 feet from any submerged beds of sea grasses, macroalgae, hard or soft coral, live bottom, areas supporting growth of sponges, sea fans, 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. Should the assessment find any evidence of cultural/archaeological resources such as sunken vessels, ballast, historic refuse piles, or careenage areas, the Permittee shall also maintain a deployment buffer of at least 500 feet from these resources.

## DEPLOYMENT

**10. Pre-Deployment Notification:** The material must be evaluated before it is released for deployment. 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 (Attachment 2), to the Corps and Florida Fish and Wildlife

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Conservation Commission (FWC) to allow inspection of the proposed reef materials as deemed necessary by the agencies. Inspection is allowable at the staging area. By signing the Pre-Deployment Notification, the Permittee certifies all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall not deploy material if notified by the Corps or FWC that the material is questionable. Any material deemed unacceptable for reef material will be disposed in an approved upland disposal site.

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

**12. Post-Deployment Placement Report/As-Built Drawing:** Within no more than 30 days after deployment at the reef site, the Permittee shall transmit by email to the Corps, FWC, and NOAA a complete and signed "Florida Artificial Reef Materials Placement Report and Post-Deployment Notification" form (Attachment 3). Please note, the Corps requires the latitude and longitude to be accurate within five (5) meters horizontal distance on the post-deployment report. Attach to the report an as-built drawing containing the approximate deployment configurations and the height of the material after placement. Depth shall be verified utilizing fathometer, depth sounder, or similar device accurate to within one (1) meter. Also, include information on the condition of the material at the time of deployment. The report and drawing shall be limited to a few pages per deployment. Representative photographs and/or video, if available, should be submitted.

**13. 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.

**14. 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, 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.

## ENDANGERED SPECIES

**15. Sea Turtle/Sawfish/Sturgeon Guidelines:** The Permittee shall comply with the National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions", which also applies to sturgeon (Attachment 4).

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

**17. Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment 5).

**18. 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 Enforcement Section by telephone at 904-232-1177 and the NMFS by telephone at 727-824-5301.

**19. Species reporting:** Any collision(s) with and/or injuries to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division at (727-824-5312) or by email to: [takereport.nmfs@noaa.gov](mailto:takereport.nmfs@noaa.gov) and [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil). Sea turtle and marine mammal stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.

\*Failure to report take of a federally listed threatened or endangered species may lead to suspension, revocation, or modification of this authorization. (From Section 3(18) of the Federal Endangered Species Act: The term 'take' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.)

**20. Right Whale Protection:** Artificial reef material shall not be transported or deployed between November 15 and April 15 for the conservation of the endangered Northern Right Whale within the boundaries of the NMFS designated Northern Right Whale Southeastern United States critical habitat area. It is illegal to approach within

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500 yards of a right whale by vessel, aircraft, or any other means (50 CFR 224.103 (c). Any vessel finding itself within 500 yards of a right whale must depart immediately at a slow speed.

**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)

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

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

2. Limits of this authorization.

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

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

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

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

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

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

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

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

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



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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.

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

  
(PERMITTEE)

1/8/18  
(DATE)

JAMES GRAY JR - IRC NATURAL RESOURCES MANAGER  
(PERMITTEE NAME-PRINTED)

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

for   
(DISTRICT ENGINEER)  
Jason A. Kirk, P.E.  
Colonel, U.S. Army  
District Commander

12 Jan 2018  
(DATE)

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

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(ADDRESS)

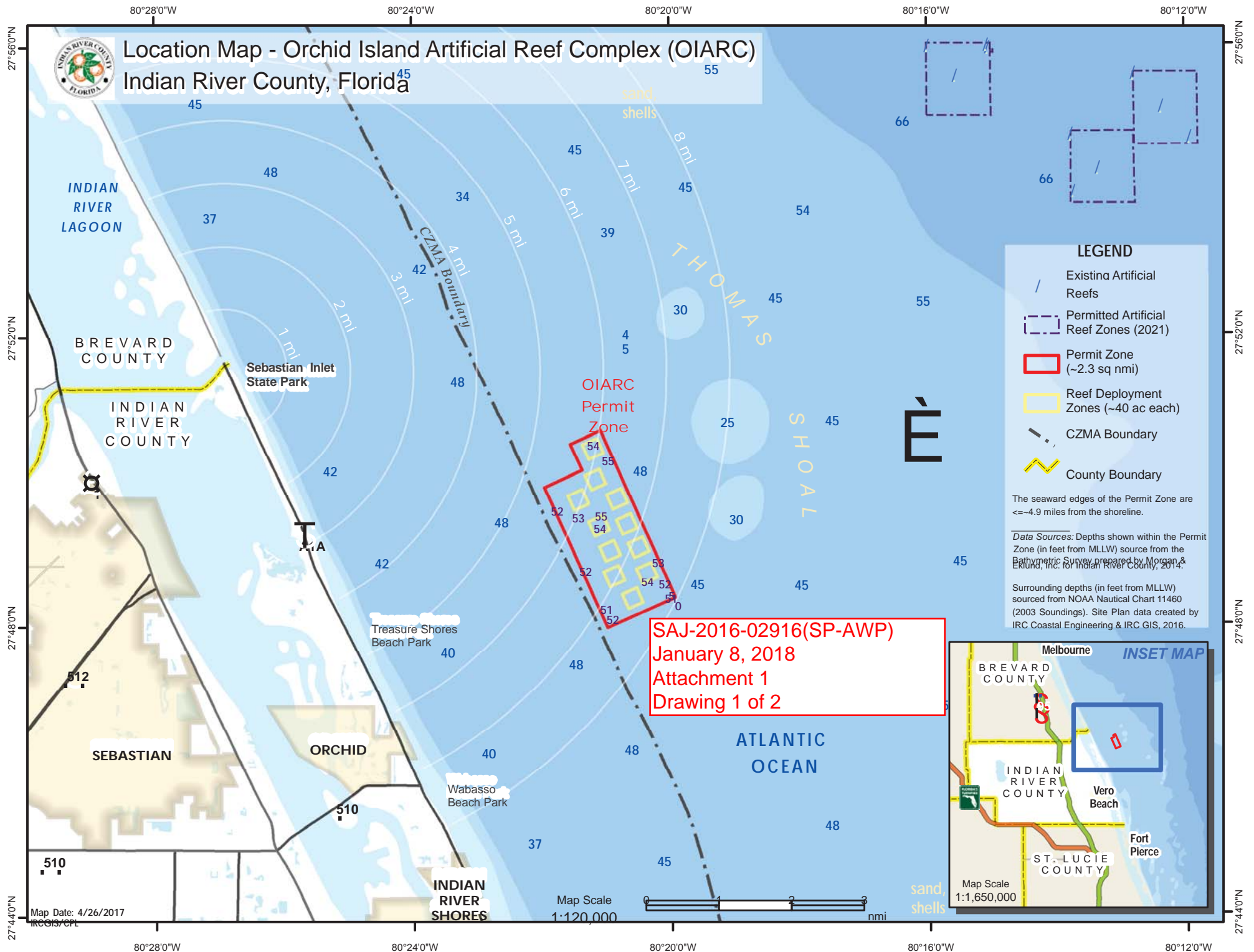
\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)

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***Attachments to Department of the Army  
Permit Number SAJ-2016-02916(SP-AWP)***

1. PERMIT DRAWINGS: 2 pages
2. PRE-DEPLOYMENT NOTIFICATION FORM: 2 pages, *Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification*
3. POST-DEPLOYMENT PLACEMENT REPORT/AS-BUILT DRAWING FORM: 2 pages, *Florida Artificial Reef Materials Placement Report and Post-Deployment Notification*
4. SEA TURTLE – SAWFISH CONDITIONS: 1 page, *Sea Turtle and Smalltooth Sawfish Construction Conditions, revised March 23, 2006*
5. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011*

THIS IS AN EXHIBIT ONLY... NOT FOR EXECUTION!



# Orchid Island Artificial Reef Complex

**LEGEND**

--- CZMA Boundary

Deployment Zones (~40 acres each)

Permit Zone (~2.3 sq nmi)

150' Permit Buffer

**Bathymetric Survey**

DEPTH (ft) MLLW

- 51.7 - 49.9
- 52.6 - 51.8
- 53.4 - 52.7
- 54.2 - 53.5
- 55.9 - 54.3

Sources: Bathymetric Survey (Commission # 5315.24) prepared by Morgan & Eklund, Inc.

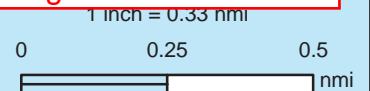
for Indian River County, 2014. Site Plan data created by IRC Coastal Engineering & IRCGIS.

Map Scale 1:24,000

MAP ID	LONGITUDE	LATITUDE
2E	-80.3507437	27.8397016
2N	-80.3524122	27.8430454
2S	-80.3545094	27.8382228
2W	-80.3561779	27.8415718
3E	-80.3501437	27.8326501
3N	-80.351812	27.8359939
3S	-80.3539091	27.8311766
3W	-80.3555775	27.8345203
4E	-80.3545705	27.827974
4N	-80.3562389	27.8313177
4S	-80.3583356	27.8265003
4W	-80.3600041	27.829844
5E	-80.3445506	27.8282051
5N	-80.3462187	27.831549
5S	-80.3483159	27.8267317
5W	-80.3499841	27.8300755
6E	-80.3492212	27.8219926
6N	-80.3508893	27.8253364
6S	-80.3529862	27.8205191
6W	-80.3546545	27.8238628
7E	-80.342081	27.8224041
7N	-80.3437489	27.825748
7S	-80.3458461	27.8209308
7W	-80.3475141	27.8242746
8E	-80.3464384	27.8161902
8N	-80.3481064	27.819534
8S	-80.3502033	27.8147167
8W	-80.3518713	27.8180605
9E	-80.3390457	27.81699
9N	-80.3407135	27.8203339
9S	-80.3428107	27.8155168
9W	-80.3444786	27.8188606
10E	-80.3453462	27.8103957
10N	-80.347014	27.8137396
10S	-80.3491109	27.8089223
10W	-80.3507788	27.8122661
11E	-80.3369297	27.8110591
11N	-80.3385973	27.8144031
11S	-80.3406946	27.8095859
11W	-80.3423622	27.8129298
12E	-80.3406189	27.8053076
12N	-80.3422865	27.8086515
12S	-80.3443835	27.8038343
12W	-80.3460512	27.8071782

Permit Zone Coordinates		
ORIENTATION	LONGITUDE	LATITUDE
NW	-80.3660168	27.8318327
Central S	-80.3562724	27.83576726
Central N	-80.3592824	27.84169676
NE	-80.3514746	27.84478552
SW	-80.3322643	27.80639993
SE	-80.3498105	27.79945808

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January 8, 2018  
Attachment 1  
Drawing 2 of 2



## Detail Site Plan (Revised) Orchid Island Artificial Reef Complex & Deployment Zones







**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 <small>degrees, minutes, decimal minutes (DD°MM.mmm')</small>
		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)

**SAJ-2016-02916(SP-AWP)**  
**January 8, 2018**  
**Attachment 2**

# 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  
(if applicable) Permit No.: \_\_\_\_\_

Total project cost: \$ \_\_\_\_\_

Funding Source(s) and Amount(s): FWC \$ \_\_\_\_\_ Local \$ \_\_\_\_\_ Other \$ \_\_\_\_\_

Name of Permitted Reef Site: \_\_\_\_\_ Location Name for This Deployment: \_\_\_\_\_

Latitude: \_\_\_\_\_ ° \_\_\_\_\_ ' North  
(degrees, minutes, decimal minutes (DD°MM.mmm'))

Longitude: \_\_\_\_\_ ° \_\_\_\_\_ ' West  
(degrees, minutes, decimal minutes (DD°MM.mmm'))

GPS Brand and Model Number: \_\_\_\_\_

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

Water Depth: \_\_\_\_\_ feet - Maximum Material Height: \_\_\_\_\_ feet = Minimum 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: \_\_\_\_\_

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: \_\_\_\_\_

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January 8, 2018  
Attachment 3

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 \_\_\_\_\_



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 = \_\_\_\_\_

THIS IS AN EXHIBIT ONLY .. NOT FOR EXECUTION.



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

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January 8, 2018  
Attachment 4



## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

SAJ-2016-02916(SP-AWP)  
January 8, 2018  
Attachment 5

# CAUTION: MANATEE HABITAT

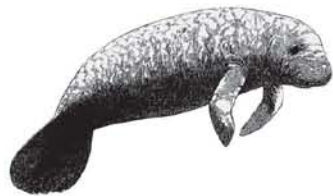
**All project vessels**

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

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

cell \*FWC or #FWC

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** INDIAN RIVER COUNTY  
1801 27TH STREET  
VERO BEACH, FL 32960

**Permit No:** SAJ-2004-04393 (SP-JDP)  
Modification - #3

**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 U.S. Army Corps of Engineers (Corps) 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:** This permit modification authorizes the continued use of the Indian River County artificial reef sites identified as Site 2, Site 3, and Site 4 for deployment of authorized material within the reef sites for an additional ten (10) years. Material authorized for use by this permit are prefabricated artificial modules, concrete and steel culverts, steel boulders or ferro cement vessels (without engines), concrete blocks, slabs, natural limestone boulder size rocks, concrete bridge material and construction grade aluminum alloys and ferrous metals such as bridges. All materials shall be clean and free from asphalt, creosote, petroleum, other hydrocarbons, toxic residues, loose free floating material, and/or other deleterious substances. Divers will examine the ocean floor prior to each deployment to ensure that there is no live bottom. The reef sites consist of the following areas: Site 2 - 745.7 acres; Site 3 - 745.9 acres; Site 4 - 746.4 acres. The permittee will maintain a minimum clearance of 40 feet from the top of each reef profile relative to MLLW. Materials will be placed in unused reef site quadrates (NW, NE, SW; SE and Center) as reflected in the attached exhibits. The work described above is to be completed in accordance with the 4 pages of drawings and 4 attachments affixed at the end of this permit instrument.

**Project Location:** The project would affect waters of the United States (WOTUS) associated with the Indian River County artificial reef sites identified as Site 2, Site 3, and Site 4, located within the Atlantic Ocean. The three (3) reef sites are located in the Atlantic Ocean, 11 to 13 miles offshore of Sebastian Inlet, east of Indian River County, Florida. The three (3) reef sites are located on a flat sand plain in water depths that range from 68 to 74 feet deep.

PERMIT NUMBER: SAJ-2004-04393 (SP-JDP) MODIFICATION - #3  
PERMITTEE: INDIAN RIVER COUNTY  
PAGE 2 of 13

**Directions to site:** From Jacksonville, take 1-95 South; exit onto US 192 head east; turn south onto A-I-A, proceed to Sebastian Inlet; proceed by vessel 11 to 13 miles east of Sebastian Inlet in the Atlantic Ocean, seaward of Indian River County, Florida.

**Approximate Central Coordinates:**

Site 2	Latitude	Longitude
NW Corner	27° 56.018' N (27.933633)	80° 16.007' W (-80.266783)
NE Corner	27° 56.018' N (27.933633)	80° 15.009' W (-80.250150)
SW Corner	27° 55.020' N (27.917000)	80° 16.007' W (-80.266783)
SE Corner	27° 55.020' N (27.917000)	80° 15.009' W (-80.250150)

Site 3	Latitude	Longitude
NW Corner	27° 54.807' N (27.913450)	80° 13.772' W (-80.229533)
NE Corner	27° 54.807' N (27.913450)	80° 12.774' W (-80.212900)
SW Corner	27° 53.809' N (27.896816)	80° 13.772' W (-80.229533)
SE Corner	27° 53.809' N (27.896816)	80° 12.774' W (-80.212900)

Site 4	Latitude	Longitude
NW Corner	27° 55.612' N (27.926866)	80° 12.796' W (-80.213266)
NE Corner	27° 55.612' N (27.926866)	80° 11.797' W (-80.196616)
SW Corner	27° 54.614' N (27.910233)	80° 12.796' W (-80.213266)
SE Corner	27° 54.614' N (27.910233)	80° 11.797' W (-80.196616)

**Permit Conditions**

**General Conditions:**

1. The time limit for completing the work authorized ends on **November 10, 2031**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

PERMIT NUMBER: SAJ-2004-04393 (SP-JDP) MODIFICATION - #3  
PERMITTEE: INDIAN RIVER COUNTY  
PAGE 3 of 13

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

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

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. **Reporting Addresses:** The Permittee shall reference this permit number, SAJ-2004-04393 (SP-JDP) Modification #3, on all correspondence. Unless specifically notified to the contrary, the Permittee shall use the following addresses for transmitting correspondence to the referenced agencies:

- a. For electronic mail (preferred): [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil) (not to exceed 15 MB).

For standard mail: U.S. Army Corps of Engineers, Regulatory Division,  
Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

- b. National Oceanic and Atmospheric Administration  
Marine Chart Division  
Office of Coast Survey, N/CS26, Sta. 7317  
1315 East-West Highway  
Silver Springs, MD 20910-3282

or email (preferred) at [ocs.ndb@noaa.gov](mailto:ocs.ndb@noaa.gov)

- c. Commander, U.S. Coast Guard (USCG)  
Sector Miami  
100 McArthur Causeway  
Miami Beach, Florida 32139
- d. Florida Fish and Wildlife Conservation Commission  
Artificial Reef Program  
620 S. Meridian Street, Box 4B2  
Tallahassee, Florida 32399

or email at [artificialreefdeployments@MyFWC.com](mailto:artificialreefdeployments@MyFWC.com)

2. **Initial Agency Notification:** The Permittee shall provide to the U.S. Army Corps of Engineers (Corps), National Oceanic and Atmospheric Administration (NOAA), and U.S. Coast Guard (USCG) written notification of the planned deployment start date at least 2 weeks prior to the initial deployment on the authorized artificial reef site.

3. **Permit Availability:** The Permittee shall provide all contractors associated with construction of the authorized activities a copy of the permit, drawings, and attachments. A copy of the permit shall be available on the work vessels and at the construction site at all times.

4. **Authorized Reef Materials:** No reef materials or module will weigh less than 500 pounds. Reef materials shall be clean and free from asphalt, petroleum, other hydrocarbons and toxic residues, loose free-floating material or other deleterious substances. All artificial reef materials and/or structures will be selected, designed, constructed, and deployed to create stable and durable marine habitat. The Permittee shall deploy only the following authorized reef materials:

- a. Prefabricated artificial reef modules composed of ferrous and/or aluminum-alloy metals, ¼ inch or more in thickness, concrete, rock, or a combination of these materials.
- b. Natural rock boulders and other pre-cast concrete material such as culverts, stormwater junction boxes, power poles, railroad ties, jersey barriers, or other similar concrete material.
- c. Clean steel and concrete bridge or large building demolition materials such as slabs or pilings with all steel reinforcement rods severed as close to the concrete surface as possible but not to extend more than 6 inches to ensure the rod will not create a fishing tackle or diver ensnaring hazard.



- d. Heavy gauge ferrous & aluminum alloy metal material components or structures, ¼ inch or more in thickness, such as utility poles and antenna towers.
- e. Heavy gauge ferrous and aluminum alloy metal hulled vessels which equal or exceed 60 feet hull length prepared and deployed in accordance with all applicable U.S. Coast Guard, U.S. Environmental Protection Agency, Florida Fish and Wildlife Conservation Commission, or other applicable state or federal agency regulations or policies. The vessel shall not be deployed until all necessary inspections and clearances have been obtained or waived and a stability analysis has been completed demonstrating the vessel will be stable during a 50-year storm event based on vessel and deployment site characteristics. The Permittee shall follow the national guidance regarding preparation of vessels for deployment as artificial reefs which are available at <http://www.epa.gov/owow/oceans/habitat/artificialreefs/index.html>. The Permittee shall provide a record of all inspections, clearances or waivers to the Corps along with the pre-deployment notification.

5. **Reef Parameters:** The Permittee shall deploy all reef materials within the site boundaries as defined in **Attachment 1**. A minimum clearance of 40 feet from the top of the deployed material relative to mean lower low water (MLLW) shall be maintained.

6. **Emergency Reef Parameters Notification:** In the event reef material is deployed in a location or manner contrary to the **Reef Parameters Special Condition**, the Permittee shall immediately notify the USCG Station and provide information as requested by the station. The Permittee shall notify NOAA, USCG and Corps in writing within 24 hours of the occurrence. The written notification shall include but is not limited to a timeline of events leading to the unanticipated deployment, a description of the material, a description of the vessel traffic in the area, the deployment location in nautical miles at compass bearing from obvious landmarks, the location of the unauthorized material in latitude and longitude coordinates (degree, minute, decimal minute format to the third decimal place), and the water depth above the material from MLW. 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.

7. **Protection of Existing Resources:** The Permittee shall not deploy artificial reef materials until an assessment of the bottom conditions have been accomplished by diver, submersible video camera, fathometer, depth/bottom sounder (e.g., "fish finder"), or side-scan sonar. The inspection of the deployment area may occur at the time of deployment, but no more than 1 year prior to deployment. The Permittee shall maintain

a deployment buffer of at least 200 feet from any submerged beds of seagrasses, 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. Should the assessment find any evidence of cultural/archaeological resources such as sunken vessels, ballast, historic refuse piles, or careenage areas, the Permittee shall also maintain a deployment buffer of at least 200 feet from any of these resources.

The Permittee shall provide of the information obtained from the assessment to the Corps no less than 14 days prior to deployment of material on an artificial reef in conjunction with the pre-deployment notification.

**8. 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 (**Attachment 2**), to the Corps and Florida Fish and Wildlife Conservation Commission (FWC) to allow inspection of the proposed reef materials as deemed necessary by the agencies. Inspection is allowable at the staging area. By signing the Pre-Deployment Notification, the Permittee certifies all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall not deploy material if notified by the Corps or FWC that the material is questionable. The material needs to be evaluated before it is released for deployment. Any material deemed unacceptable for reef material will be disposed in an approved upland disposal site.

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

**9. Post-Deployment Placement Report/As-Built Drawing:** Within 30 days after deployment of materials, the Permittee shall transmit by email to the Corps, FWC, and NOAA a complete and signed "Florida Artificial Reef Materials Placement Report and Post-Deployment Notification" form (**Attachment 3**). Please note, the Corps requires the latitude and longitude to be accurate within 5 meters horizontal distance on the post-deployment report. The report shall include an as-built drawing containing the approximate deployment configurations and the height of the material after placement. Depth shall be verified utilizing fathometer, depth sounder, or similar device accurate to within 1 meter. Also, include information on the condition of the material at the time of

deployment. The report and drawing shall be limited to a few pages per deployment. Representative photographs and/or video, if available, should be submitted.

**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 financial ability to assume liability for all damages that may arise with respect to the artificial reef.

**11. Manatee Construction Conservation Measures:**

- a. The Standard Manatee Construction Conditions for In-water Work (2011) must be followed for all in-water activity (**Attachment 4**).
- b. Boats, Tugs, and Accessory Vessels: In any instance where there are two or more vessels operating in the same location or accessory vessels (tugs, barges, boats, etc.) mooring adjacent to one another the vessels shall be outfitted with mooring fenders that provide a minimum of a four foot stand-off distance under maximum compression between the two vessels.

**12. Jacksonville District Programmatic Biological Opinion (JAXBO):** Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of these JAXBO must be utilized during the design and construction of the permitted work.

**13. Right Whale Protection:** Artificial reef material shall not be transported or deployed between November 15 and April 15 for the conservation of the endangered Northern Right Whale within the boundaries of the National Marine Fisheries Service designated Northern Right Whale Southeastern United States critical habitat area.

**14. Florida Department of State, Division of Historical Resources:** If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be

associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850) 245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

**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)

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

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

( ) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

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.

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

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decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

THIS IS AN EXHIBIT ONLY .. NOT FOR EXECUTION!

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

\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(PERMITTEE NAME-PRINTED)

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

\_\_\_\_\_  
**FOR**  
JAMES L. BOOTH  
Colonel, EN  
Commanding

Date: \_\_\_\_\_

THIS IS AN EXHIBIT ONLY .. NOT FOR EXECUTION!

PERMIT NUMBER: SAJ-2004-04393 (SP-JDP) MODIFICATION - #3  
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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)

THIS IS AN EXHIBIT ONLY... NOT FOR EXECUTION!



PERMIT NUMBER: SAJ-2004-04393 (SP-JDP) MODIFICATION - #3  
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***Attachments to Department of the Army  
Permit Number SAJ-2004-04393(SP-JDP)***

1. PERMIT DRAWINGS: 4 pages
2. PRE-DEPLOYMENT NOTIFICATION: 2 pages, *Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification form*
3. POST-DEPOLYMENT PLACEMENT REPORT:  
Post-Deployment Placement Report/As-Built Drawing: 1 page, *Florida Artificial Reef Materials Placement Report and Post-Deployment Notification form*
4. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011*

THIS IS AN EXHIBIT ONLY .. NOT FOR EXECUTION!

**ATTACHMENT 1**

**PERMIT DRAWINGS: 4 pages**

THIS IS AN EXHIBIT ONLY .. NOT FOR EXECUTION!

## ADDITIONAL INFORMATION

### PERMITTING OF INDIAN RIVER COUNTY OFFSHORE ARTIFICIAL REEF SITES 2, 3, AND 4

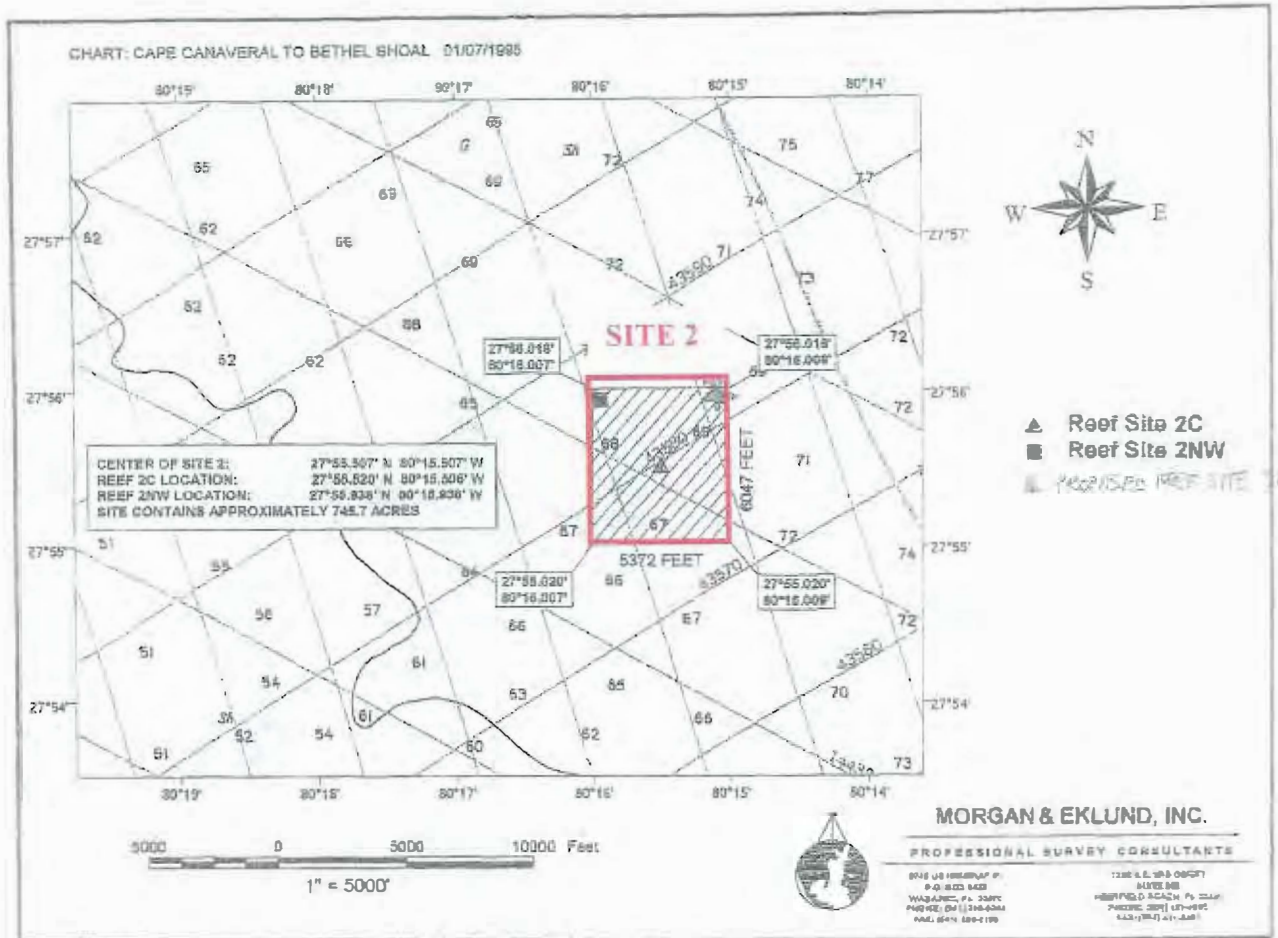


INDIAN RIVER COUNTY  
COASTAL ENGINEERING DIVISION

November 2011



## ARTIFICIAL REEF SITE 2



### REEF SITE 2

#### NW Corner

Latitude.....27°56.018' North

Longitude.....80°16.007' West

#### NE Corner

Latitude.....27°56.018' North

Longitude.....80°15.009' West

#### SE Corner

Latitude.....27°55.020' North

Longitude.....80°15.009' West

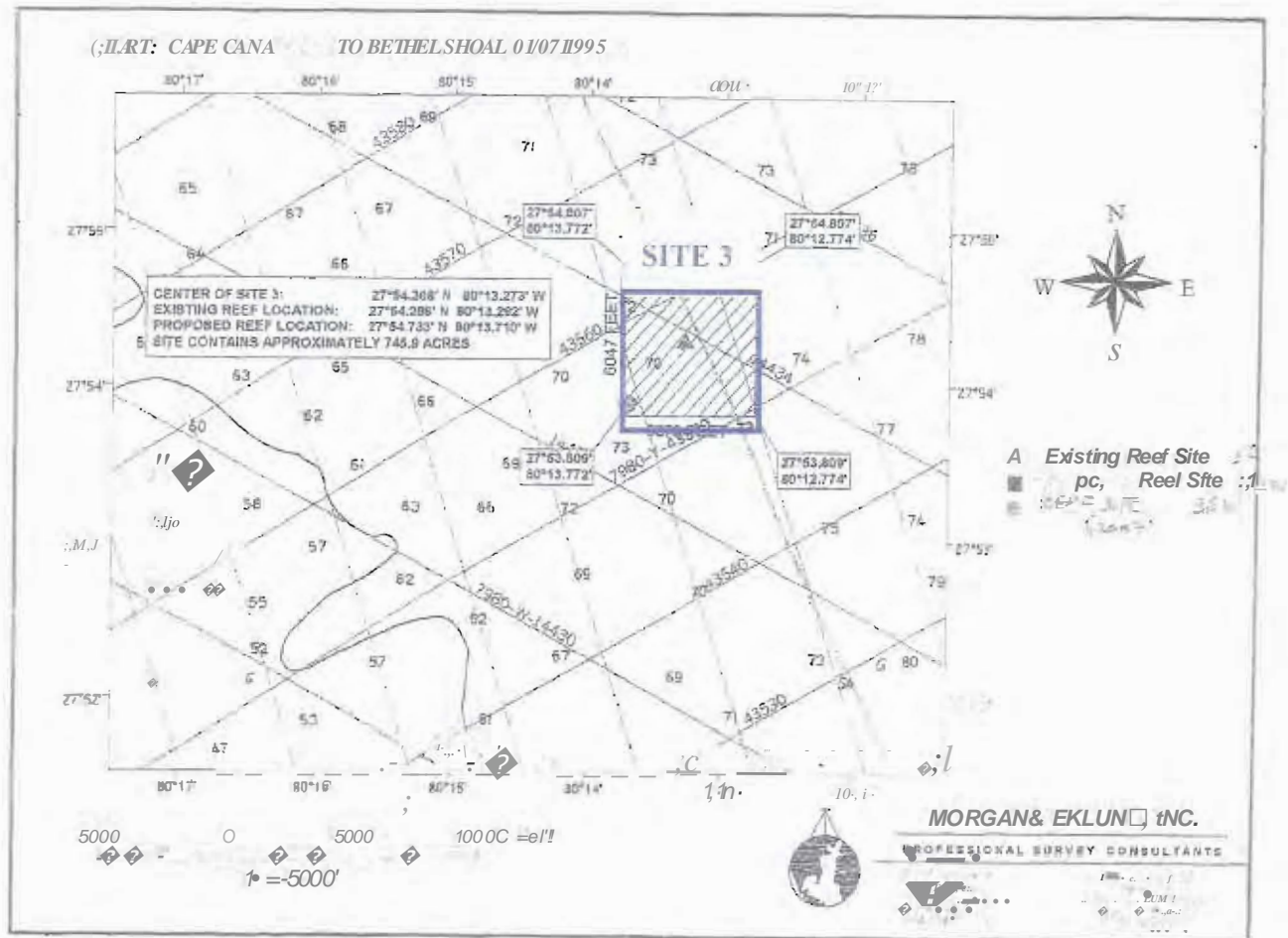
#### SW Corner

Latitude.....27°55.020' North

Longitude.....80°16.007' West

Figure 2: Reef Site 2

## ARTIFICIAL REEF SITE 3



### REF SITE J

#### NE Corner

Latitude.....27°51.107' North  
 Longitude.....80°13.772' West

#### SE Corner

Latitude.....28°31' North  
 Longitude.....80°13' West

#### SW Corner

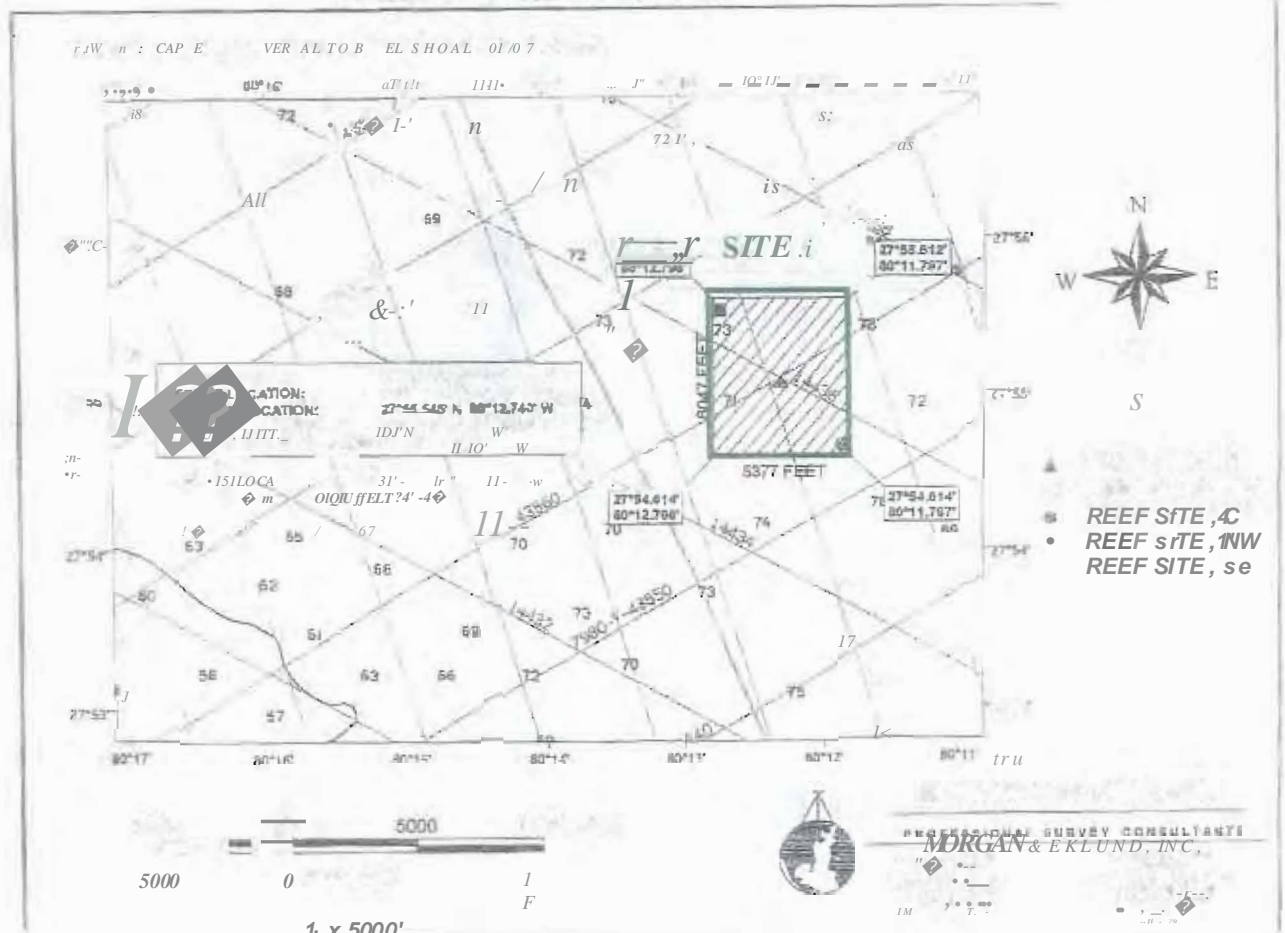
Latitude.....27°53.809' North  
 Longitude.....80°13.772' West

#### EW Corner

Latitude.....27°53.809' North  
 Longitude.....80°13.772' West

Figure 3: Reef Site J

## ARTIFICIAL REEF SITE 4



### REEFS il E 4

1<sup>st</sup> CC, NEI-

Latitude.....27°55.612' North  
 Longitude.....80°11.796' West

NE Corner

Latitude.....27°55.612' North  
 Longitude.....80°11.797' West

SE Corner

Latitude.....17°56.14' North  
 Longitude.....80°11.797' West

SW Corner

Latitude.....27°54.614' North  
 Longitude.....80°12.796' West

Figure 4: ReSire

THIS IS AN EXHIBIT ONLY.. NOT FOR EXECUTION!





**FLORIDA ARTIFICIAL REEF MATERIALS  
CARGO MANIFEST AND PRE-DEPLOYMENT NOTIFICATION**  
(Issued pursuant to Ch. 379.249(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 that the materials do not provide for exclusive private use of the site for the purpose of the general public.

**ATTACHMENT 2  
PRE-DEPLOYMENT NOTIFICATION: 2 pages, Florida Artificial Reef  
Materials Cargo Manifest and Pre-Deployment Notification form**

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 379.249(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 379.249 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 379.249 (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. 379.249 F.S.

THIS IS AN EXHIBIT ONLY .. NOT FOR EXECUTION!





# 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: ( ) Federal ( ) FWC \$ \_\_\_\_\_ Local \$ \_\_\_\_\_ Other \$ \_\_\_\_\_)

## ATTACHMENT 3

Name of Permitted Reef Site: \_\_\_\_\_ POST-DEPOLYMENT PLACEMENT REPORT: \_\_\_\_\_  
for This Deployment: \_\_\_\_\_

**Post-Deployment Placement Report/As-Built Drawing; 1 page, Florida**

Latitude: \_\_\_\_\_ ' North Longitude: \_\_\_\_\_ ' West  
Artificial Reef Materials Placement Report and Post-Deployment Notification form

GPS Brand: \_\_\_\_\_ GPS Model: \_\_\_\_\_  
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  
TOTAL TONNAGE FOR THIS DEPLOYMENT: \_\_\_\_\_ ☐ Trucking receipts

**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  
Rev. 4/23/2007 FWC initials

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## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- ATTACHMENT A**  
**MANATEE CONDITIONS: 2 pages, Standard Manatee Conditions for In-Water Work - 2011**
- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
  - b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area of the project where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
  - c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
  - d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
  - e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
  - f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.



# CAUTION: MANATEE HABITAT

All project vessels

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee

Wildlife Alert:

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

cell \*FWC or #FWC



