DEPARTMENT OF THE ARMY PERMIT

Permittee: Indian River County
C/o Mr. James Gray
1801 27th Street
Vero Beach, FL 32960

Permit No: SAJ-2004-04393 (SP-TSD)

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

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

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

Project Description: To continue to use three artificial reef sites that are located in the Atlantic Ocean, 11 to 13 miles offshore of Sebastian Inlet, east of Indian River County, Florida. The artificial reef sites are identified as Site 2, Site 3, and Site 4 and are each one square nautical mile in size. Additional reef deployments in Sites 2, 3, and 4 will include clean concrete railroad ties, or other suitable materials of opportunity, or designed reef modules. 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 7 pages of drawings referenced in Attachment 1 and the five additional attachments affixed at the end of this permit instrument.

Project Location: The three projects are located in the Atlantic Ocean, 11-13 nautical miles east/northeast of Sebastian Inlet, Florida. The three reef sites are located on a flat sand plain in water depths that range from 68 to 74 feet deep.

Directions to site: From Jacksonville, take I-95 South; exit onto US 192 head east; turn south onto A-1-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.
PERMIT NUMBER: SAJ-2004-04393 (SP-TSD)
PERMITTEE: Indian River County / Artificial Reef Sites 2, 3, and 4
PAGE 2 of 11

**Latitude & Longitude:**

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<tr>
<td>SE Corner</td>
<td>27° 54.614’ N</td>
<td>80° 11.797’ W</td>
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**DEPTH, PROFILE & CLEARANCE:** The approximate water depths within Sites 2, 3, and 4 vary from -68 to -74 feet relative to mean lower low water (MLLW) depending upon location. All three sites are one square nautical mile in size; Site 2 is approximately 745.7 acres, Site 3 is 745.9 acres and Site 3 is 746.4 acres. The applicant will maintain a minimum clearance of 40 feet from the top of the reef profile relative to MLLW.

**Permit Conditions**

**General Conditions:**

1. The time limit for completing the work authorized ends on **November 10, 2021**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

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

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

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

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

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 Address:** The Permittee shall reference this permit number, SAJ-2004-04393 (SP-TSD), 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 hard copies:
   
   U.S. Army Corps of Engineers,
   
   Regulatory Division, Special Projects and Enforcement Branch,
   
   Attention: Teresa Frame,
   
   PO Box 4970
   
   Jacksonville, FL 32232.

   (b) For email to the Corps: CESAJ-ComplyDocs@usace.army.mil

   (c) National Oceanic and Atmospheric Administration (NOAA)
   
   Office of Coast Survey, N/CS26, Sta. 7317
   
   1315 East-West Highway
   
   Silver Springs, MD, 20910-3282
2. **Initial Agency Notification**: The Permittee shall provide to the Corps, NOAA and USCG written notification of the planned deployment start date at least two weeks prior to the initial deployment on the authorized artificial reef site.

3. **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 year prior to deployment. The Permittee shall maintain a deployment buffer of at least 200 feet from any submerged beds of sea grasses, coral reefs, live bottom, areas supporting growth of sponges, sea fans, soft corals, and other sessile macro-invertebrates generally associated with rock outcrops, oyster reefs, scallop beds, clam beds, or areas where there are unique or unusual concentrations of bottom-dwelling marine organisms. If, during the inspection, evidence is observed of cultural/archaeological resources, such as sunken vessels, ballast, historic refuse piles, or carncnage areas the Corps will be notified by the Permittee and the above referenced deployment buffer will be implemented. The Permittee shall maintain a record of the information gained during the inspection such that it can be provided upon request to the Corps.

4. **Pre-Deployment Notification**: At least 14 days prior to deployment of material on an artificial reef, the Permittee shall transmit by electronic mail ("email") a complete and signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form, provided in Attachment 2 of this permit, to the Corps and FWC to allow inspection of the proposed reef materials as deemed necessary by the agencies. Inspection is allowable at the staging area. By signing the Pre-Deployment Notification the Permittee certifies that all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall 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 that is 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 the Corps permit and the signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification Form" are maintained aboard the deployment vessel at all times during loading, transit, and deployment.

5. Post-Deployment Placement Report and As-Built Drawing: Within 30 days after deployment at the reef site, the Permittee shall transmit by email to the Corps and FWC a complete and signed "Florida Artificial Reef Materials Placement Report and Post-Deployment Notification" form provided in Attachment 3 of this permit. Please note, the Corps requires the latitude and longitude to be accurate within 5 meters horizontal distance on the post-deployment report. Attach to the report, an as-built drawing that contains 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, are encouraged to be submitted.

6. 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.

7. 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.

8. Sea Turtle/Sawfish/Sturgeon Guidelines: The Permittee shall comply with the National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions", which also applies to sturgeon, provided in Attachment 4 of this permit.

9. Manatee condition: The Permittee agrees to abide by the attached standard construction conditions designed to protect the endangered West Indian Manatee (Attachment 5).

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

11. **Protected Species Guidance:** The Permittee shall comply with the “Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting” guidance for marine turtles and marine mammals, provided in Attachment 6 of this permit.

12. **Right Whale Protection:** Artificial reef material shall not be transported or deployed between November 15 and April 14 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. Links to the NMFS critical habitat area maps can be found at the following web sites:


13. **Regulatory Agency Changes:** Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee’s responsibility to request a modification of this permit from the Cocoa Regulatory Office.

14. The Permittee agrees to follow State and Federal guidance on suitable artificial reef materials. Materials used for artificial reefs must be durable and stable in a 20 year return interval storm event at the requested depth. The material should not move off the proposed reef site or substantially break up with resultant loss of habitat value. The deployment of material from the following list has been proven to be durable and stable should be used:

   a. Prefabricated artificial reef modules that are 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. Large concrete building demolition materials, such as bridges, with all steel reinforcement rods severed to ensure the rods 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. The above material should weigh at least 500 pounds and be clean and free from asphalt, creosote, petroleum, other hydrocarbons and toxic residues, loose free floating material or other deleterious substances. Materials/structures will be configured and constructed to be stable in a 20 year return interval storm event at the depth of placement. Materials will be designed, selected and deployed in such a manner as to avoid entrapping marine life.
f. Heavy gauge ferrous & aluminum alloy metal hulled vessels which equal or exceed 60 ft. hull length prepared and deployed in accordance with all applicable U. S. Coast Guard, U.S. Environmental Protection Agency, Florida Fish and Wildlife Conservation Commission, or other applicable state or federal agency regulations or policies. The vessel will not be deployed until all necessary inspections and clearances have been obtained or waived and a stability analysis has been completed demonstrating that the vessel will be stable during a 50-year storm event based on vessel and deployment site characteristics. The permittee shall follow the National guidance regarding preparation of vessels for deployment as artificial reefs.

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).
   

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 decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\[\text{Signature}\]

(PERMITTEE) (CIVIL COASTAL ENGINEER) \(11/8/11\)

(PERMITTEE NAME-PRINTED)

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

\[\text{Signature}\]

(DISTRICT ENGINEER) \(10\ \text{November} 2011\)

ALFRED A. PANTANO, JR.
Colonel, Corps of Engineers
Commanding
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)

(TELEPHONE NUMBER)

(E-MAIL)
Attachments to Department of the Army
Permit Number SAJ-2004-04393-SP-TSD

1. PERMIT DRAWINGS: Seven pages, dated November 1, 2011.


ARTIFICIAL REEF SITE 2

Figure 2: Reef Site 2

U.S. Army Corps of Engineers
Permit # SAJ-2004-04393 (SP-TSD)
Date: 11/01/2011
Drawing 4 of 7
Attachment 1
Figure 3: Reef Site 3

U.S. Army Corps of Engineers
Permit # SAJ-2004-04393 (SP-TSD)
Date: 11/01/2011

DEPARTMENT OF THE ARMY
Corps of Engineers
District of Florida
Project File No. 1111-01-0220

MORGAN & EKLUND, INC.
Professional Survey Consultants

Figure 3: Reef Site 3

NW Corner
Latitude.....27°54.807' North
Longitude.....80°13.772' West

NE Corner
Latitude.....28°30' North
Longitude.....80°13' West

SE Corner
Latitude.....27°53.809' North
Longitude.....80°12.774' West

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

REEF SITE 3

Existing Reef Site
Proposed Reef Site
Figure 4: Reef Site 4

U.S. Army Corps of Engineers
Permit # SAJ-2004-04393 (SP-TSD)
Date: 11/01/2011
Drawing 6 of 7
3.0 Environmental Information on the Reef Sites

The three reef sites are located on a broad, flat sand plain in between an area of natural reefs in approximately 55 feet of water located two nautical miles to the west and an area of natural reef in approximately 95 feet located three nautical miles to the east. Water depths within the reef sites range from 68 to 74 feet. The bottom type is primarily hard coarse grey sand and shell hash. No hardbottom formations or submerged aquatic vegetation have been noted anywhere in the reef sites.

A side-scan sonar investigation of the three reef sites was conducted in June 2001 with funding from the Florida Fish and Wildlife Conservation Commission (FWCC). The survey included an overall side scan sonar survey of the overall reef sites with a minimum 50% swath overlap to generate a three dimensional representation of the reef sites. A tight-grid high-resolution side scan survey was also conducted on each of the seven reef locations within the sites, to produce a detailed three-dimensional image of each reef location.

The report of this survey effort is included as Attachment 1. No hardbottom signatures were noted anywhere within the reef sites. Some ridges of shell hash were noted by the side scan sonar, and these areas were investigated by divers to verify that they were not hardbottom. The side scan sonar survey also provides the precise locations of the reef materials within the reef sites and indicates the maximum relief of the reef materials.

4.0 Materials Deployed on the Reef Sites

There have been eight reef deployments to date at the reef sites. All deployments have consisted of 408 to 571 tons (1999-2000) and 1,004 tons (2007) of clean concrete railroad ties supplied by the Florida East Coast Railroad. Deployments occurred in the summer of 1999 (three reefs), the summer of 2000 (four reefs) and the summer of 2007 (one reef). The reef deployments were funded by grants OFMAS -122, FWCC-99087, and FWCC-06111 from FWCC. All of the reef materials deployed to date have been deployed within the boundaries of the permitted sites, and diver inspection of the reefs in connection with biological monitoring have not noted any significant deterioration, settling, or scour of the reef materials. All deployments to date have maintained a minimum 40-foot navigational clearance depth as required by the ACOE permit.

Copies of the Materials Placement Reports for all deployments are included in Attachment 2.

5.0 Plans for Future Development

The County has prepared a ten-year strategic plan for the artificial reef program, included as Attachment 3. In order to fully develop the sites, the County proposes deploying a total of 7 more reefs, such that each reef site has a reef in its center and a reef at each of the four corners. The additional reefs may include more concrete railroad ties or other suitable materials of opportunity, or designed reef modules. Any future deployment of reef materials will be in accordance with ACOE permit conditions.

U.S. Army Corps of Engineers
Permit # SAJ-2004-04393 (SP-TSD)
Date: 11/01/2011
Drawing 7 of 7
I, __________________________, Name of individual managing reef deployment (print)

__________________________, Signature

__________________________, Date

whose address is __________________________, __________________________, __________________________, __________________________, __________________________

<table>
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<tr>
<th>MATERIAL TAG ID NUMBER(S), if applicable</th>
<th>Descriptions of material (number of pieces, type, dimension, weight)</th>
<th>GPS Coordinates (DD°MM.mmm')</th>
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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 ---

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.
**FLORIDA ARTIFICIAL REEF MATERIALS**

**PLACEMENT REPORT AND POST-DEPLOYMENT NOTIFICATION**

**To Be Completed For Each Deployment Location or Date of Deployment**

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<th>County or Municipality:</th>
<th>Date of Placement:</th>
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<tr>
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<th>U.S. Army Corps Permit No.:</th>
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<th>Name of Permitted Reef Site:</th>
<th>Location Name for This Deployment:</th>
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<th>Geographical Location: [nautical miles] at [bearing] degrees from [reference inlet]</th>
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<th>Water Depth: ____ feet (minus) Max. Material Height: ____ feet (equals) Actual Vertical Clearance: ____ feet</th>
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**TYPE AND AMOUNT OF MATERIAL DEPLOYED AT THE LOCATION DESCRIBED ABOVE:**

(ATTACH A PHOTOGRAPH OF THE MATERIAL ON THE BARGE IMMEDIATELY PRIOR TO DEPLOYMENT)

<table>
<thead>
<tr>
<th>Primary Type of Material:</th>
<th>Number of Pieces:</th>
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| Dimensions: | |
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<table>
<thead>
<tr>
<th>Secondary Type of Material:</th>
<th>Number of Pieces:</th>
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<table>
<thead>
<tr>
<th>How was tonnage calculated? (Check all that apply, attach additional sheets if necessary):</th>
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<tbody>
<tr>
<td>□ Before &amp; after barge draft calculation</td>
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</table>

**TOTAL TONNAGE FOR THIS DEPLOYMENT:**

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

<table>
<thead>
<tr>
<th>Observer's Name:</th>
<th>Title:</th>
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<tr>
<th>Observer's Signature:</th>
<th>Date:</th>
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<tr>
<th>Observer's Remarks:</th>
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**I DO HEREBY CERTIFY THAT THE ABOVE INFORMATION COMPLIES WITH THE ABOVE REFERENCED PERMIT CONDITIONS**

<table>
<thead>
<tr>
<th>Permittee's Staff Name:</th>
<th>Title:</th>
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<tr>
<th>Permittee's Staff Signature:</th>
<th>Date:</th>
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**Local Tracking number: __________ FWC Tracking number: __________ Entered by: ______ on: ______**

Rev. 4/23/2007

FWC initials: ______ date: ______
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
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 in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at 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 8½" 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 http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendor.htm. Questions concerning these signs can be forwarded 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
Vessel Strike Avoidance Measures and Reporting for Mariners
NOAA Fisheries Service, Southeast Region

Background
The National Marine Fisheries Service (NMFS) has determined that collisions with vessels can injure or kill protected species (e.g., endangered and threatened species, and marine mammals). The following standard measures should be implemented to reduce the risk associated with vessel strikes or disturbance of these protected species to discountable levels. NMFS should be contacted to identify any additional conservation and recovery issues of concern, and to assist in the development of measures that may be necessary.

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

Vessel Strike Avoidance
In order to avoid causing injury or death to marine mammals and sea turtles the following measures should be taken when consistent with safe navigation:

1. Vessel operators and crews should maintain a vigilant watch for marine mammals and sea turtles to avoid striking sighted protected species.

2. When whales are sighted, maintain a distance of 100 yards or greater between the whale and the vessel.

3. When sea turtles or small cetaceans are sighted, attempt to maintain a distance of 50 yards or greater between the animal and the vessel whenever possible.

4. When small cetaceans are sighted while a vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal’s course. Avoid excessive speed or abrupt changes in direction until the cetacean has left the area.

5. Reduce vessel speed to 10 knots or less when mother/calf pairs, groups, or large assemblages of cetaceans are observed near an underway vessel, when safety permits. A single cetacean at the surface may indicate the presence of submerged animals in the vicinity; therefore, prudent precautionary measures should always be exercised. The vessel should attempt to route around the animals, maintaining a minimum distance of 100 yards whenever possible.

NMFS Southeast Region Vessel Strike Avoidance Measures and Reporting for Mariners; revised February 2008.
6. Whales may surface in unpredictable locations or approach slowly moving vessels. When an animal is sighted in the vessel's path or in close proximity to a moving vessel and when safety permits, reduce speed and shift the engine to neutral. Do not engage the engines until the animals are clear of the area.

Additional Requirements for the North Atlantic Right Whale

1. If a sighted whale is believed to be a North Atlantic right whale, federal regulation requires a minimum distance of 500 yards be maintained from the animal (50 CFR 224.103 (c)).

2. Vessels entering North Atlantic right whale critical habitat are required to report into the Mandatory Ship Reporting System.

3. Mariners should check with various communication media for general information regarding avoiding ship strikes and specific information regarding North Atlantic right whale sighting locations. These include NOAA weather radio, U.S. Coast Guard NAVTEX broadcasts, and Notices to Mariners. Commercial mariners calling on United States ports should view the most recent version of the NOAA/USCG produced training CD entitled “A Prudent Mariner’s Guide to Right Whale Protection” (contact the NMFS Southeast Region, Protected Resources Division for more information regarding the CD).

4. Injured, dead, or entangled right whales should be immediately reported to the U.S. Coast Guard via VHF Channel 16.

Injured or Dead Protected Species Reporting
Vessel crews should report sightings of any injured or dead protected species immediately, regardless of whether the injury or death is caused by your vessel.

Report marine mammals to the Southeast U.S. Stranding Hotline: 877-433-8299
Report sea turtles to the NMFS Southeast Regional Office: 727-824-5312

If the injury or death of a marine mammal was caused by a collision with your vessel, responsible parties should remain available to assist the respective salvage and stranding network as needed. NMFS’ Southeast Regional Office should be immediately notified of the strike by email (takereport.nmfsse@noaa.gov) using the attached vessel strike reporting form.

For additional information, please contact the Protected Resources Division at:
NOAA Fisheries Service
Southeast Regional Office
263 13 Avenue South
St. Petersburg, FL 33701
Tel: (727) 824-5312
Visit us on the web at http://sero.nmfs.noaa.gov

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