

DEPARTMENT OF THE ARMY PERMIT

Permittee: Okaloosa County Board of Commissioners

Permit No: 199603565(IP-DH)

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 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 construct artificial fishing reefs within two large area sites to enhance the local offshore reef fishery.

Project Location: The project sites are located in the Gulf of Mexico offshore of Okaloosa County, Florida, as shown on the attached drawings.

General Conditions:

1. The time limit for completing the work authorized ends on ~~MM~~ 232002. 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 mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

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

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

Special Conditions:

1. The material to be used on the artificial fishing reefs shall consist of cleaned non-productive oil platforms, cleaned concrete products and rocks, clean and structurally stabilized steel boxes (1/4" or thicker), cleaned heavy gauge structural aluminum, cleaned heavy gauge surplus military equipment, clean heavy gauge steel (1/4" or thicker), and cleaned steel hull vessels. NO OTHER MATERIAL IS AUTHORIZED BY THIS PERMIT.

2. The permittee shall use the attached form (sheets 7,8 and 9 of 9) to implement and monitor the permitted placement of reef materials, and to notify agencies as required below. This form will be referred to as the "Okaloosa County Form".

3. The permittee will notify the U.S. Army Corps of Engineers, Panama City Field Office (CE), U.S. Coast Guard Station at Destin, Florida (USCG), and the Florida Marine Patrol at Destin, Florida (FMP), no later than 5 working days prior to departure of the vessel to allow inspection of the reef material. The notification will consist of completed pages 1 and 2 of the Okaloosa County Form. The notification shall be faxed to the CE, USCG and FMP.

4. Each time an artificial fishing reef is nourished, the permittee will provide copies of the completed Okaloosa County Form (pages 1, 2 and 3) within 21 days after reef material deployment to the CE, U.S. Fish and Wildlife Service (1612 June Avenue, Panama City, Florida 32405), Minerals Management Service (Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New

Orleans, Louisiana 70123-2394), and Florida Department of Environmental Protection (Office of Fisheries Management and Assistance Services, Mail Station 240, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000).

5. The permittee, or designated agent, will have aboard the vessel transporting reef material and present to Federal or State officials upon request, the original Okaloosa County Form, which shall serve as a manifest that includes an itemized list of all materials on board that are to be used as artificial reef material.

6. Any vessel used as artificial reef material shall have all flotation materials removed from the vessel and shall have "reef material" painted on the bottom of the vessel.

7. The permittee shall notify the USCG and the FMP of the departure time of the vessel transporting the material, providing them with the approximate coordinates of the proposed reef site, the Department of the Army permit number, and the estimated time of arrival at the reef site.

8. All loading of artificial reef material, departure of the vessel for deployment, and placement of artificial reef material shall be accomplished during daylight hours, Monday through Friday only, unless prior approval is granted by the CE and USCG.

9. No authorization is granted by this permit for the construction of artificial fishing reefs on submerged beds of sea grasses, macroalgae, coral reefs, live bottom (areas supporting dense growth of sponges, sea fans, soft corals, and other sessile macroinvertebrates generally associated with rock outcrops), or hard (rock) bottoms, ledges, or outcroppings.

10. National Ocean Service (NOS) has been notified of this authorization. You must notify NOS in writing, at least two weeks before you begin work and upon completion of the activity authorized by this permit. Your notification of completion must include a drawing which certifies the location and configuration of the completed activity (a certified permit drawing may be used). Notifications to NOS will be sent to the following address: The Director, National Ocean Service(N/CG222), Rockville, Maryland 20852.

Permittee: Okaloosa County Board of Commissioners

Permit Number: 199603565(IP-DH)

Page 4

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.

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.

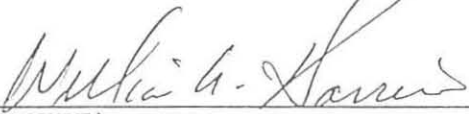
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

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.

Permittee: Okaloosa County Board of Commissioners
Permit Number: 199603565 (IP-DH)
Page 6


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



(PERMITTEE) William A. Harrison
Chairman

7-8-97
(DATE)

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



(DISTRICT ENGINEER)
Terry L. Rice
Colonel, U.S. Army

9 July 1997
(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)