



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502

REPLY TO
ATTENTION OF

Pensacola Permits Section
SAJ-2012-01546 (SP-SWA)

January 9, 2013

National Oceanic and Atmospheric Administration
Restoration Center
263 13th Avenue South
St. Petersburg, Florida 33598

Dear Applicants:

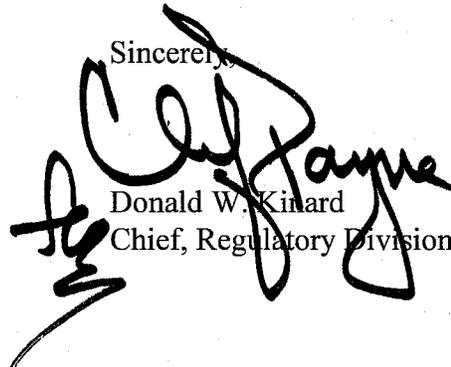
The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Special Projects and Enforcement Branch of the Regulatory Division of the Jacksonville District at 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502. The Special Projects and Enforcement Branch is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

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

Sincerely,



Donald W. Kinard
Chief, Regulatory Division

Enclosures:
Proffered Permit

DEPARTMENT OF THE ARMY PERMIT

Permittee: National Oceanic and Atmospheric Administration
Restoration Center
263 13th Avenue South
St. Petersburg, Florida 33598

Permit No: SAJ-2012-01546 (IP-SWA)

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

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

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

Project Description: The applicant proposes to conduct emergency restoration of SAV's that were injured during the response to the Deepwater Horizon (DWH) Oil Spill. The restoration sites consist of propeller scars and blowholes from response vessels, and scouring from boom curtains and anchor tethers. The restoration activities would include seagrass plantings via transplants, bird stakes, sediment fill, sediment tubes or a combination of each. Seagrass transplants would be selectively removed from healthy seagrass beds located near the injury site. Sediment fill would be used for blowholes, wide propeller scars or any excavation area with an escarpment greater than 15 cm depth at the perimeter, to return the seafloor to its original elevation and grade. Fill would be placed up to 10 cm above level grade and allowed to settle for at least 60 days before any other restoration action (staking, planting) would be taken. If determined that the fill settled below grade, additional fill would be added. The sediment would consist of native fill of the same grain size and composition as that of the injury site. The sediment materials would be transported to the site in a manner that would not damage SAV's adjacent to the restoration sites. The sediment tubes would consist of biodegradable sediment-filled fabric mesh tubes, approximately 1 meter in length and 15 – 20 cm in diameter, weighing approximately 30 – 40 pounds. The tubes would be hand-placed at sites that require a protective barrier to reduce erosional forces. Bird stakes would be used to provide nutrients that encourage the re-growth of seagrasses in disturbed sediments, and/or caused faster growth of seagrass transplants. The stakes would be placed in areas with water depths of 1.5 meters or less at high tide. They would consist of PVC pipes with wooden perches approximately 0.5 meter above mean high water and would be placed every two meters within a scar. The stakes would be removed as soon as recovery is documented as being well underway.

Project Location: The proposed restoration sites are located within the coastal waters of the Florida Panhandle and include Perdido Bay, Big Lagoon, Santa Rosa Sound, Choctawhatchee Bay, St. Andrews Bay, Apalachee Bay and St. George Sound.

PERMIT NUMBER: SAJ-2012-01546 (SP-SWA)

PERMITTEE: National Oceanic and Atmospheric Administration - Restoration Center

PAGE 2 of 8

Latitude & Longitude:

See Attached Table.

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **December 20, 2017**. 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.

PERMIT NUMBER: SAJ-2012-01546 (SP-SWA)

PERMITTEE: National Oceanic and Atmospheric Administration - Restoration Center

PAGE 3 of 8

Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502. The Permittee shall reference this permit number, SAJ-2012-01546 (SP-SWA), on all submittals.
2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
3. **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.
4. **Sea Turtle/Sawfish/Sturgeon Guidelines:** The Permittee shall comply with the attached National Marine Fisheries Service's "*Sea turtle and Smalltooth Sawfish Construction Conditions*", which also applies to sturgeon.
5. **Manatee Conditions:** The Permittee shall comply with the attached "*Standard Manatee Conditions for In-Water Work – 2011*".
6. **Self-Certification:** Within 60 days of completion of the authorized work or at the expiration of the construction authorization of this permit, whichever occurs first, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit to the Corps. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form does not constitute approval of any deviations by the Corps.
7. **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 Pensacola Regulatory Office.

PERMIT NUMBER: SAJ-2012-01546 (SP-SWA)

PERMITTEE: National Oceanic and Atmospheric Administration - Restoration Center

PAGE 4 of 8

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

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.

PERMIT NUMBER: SAJ-2012-01546 (SP-SWA)

PERMITTEE: National Oceanic and Atmospheric Administration - Restoration Center

PAGE 5 of 8

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

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

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

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

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

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

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

PERMIT NUMBER: SAJ-2012-01546 (SP-SWA)

PERMITTEE: National Oceanic and Atmospheric Administration - Restoration Center

PAGE 6 of 8

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

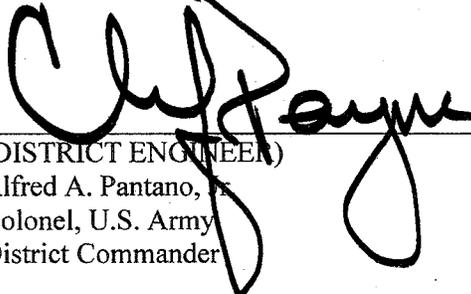


(PERMITTEE)

12/20/2012
(DATE)

Sean Meehan
(PERMITTEE NAME-PRINTED)

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



(DISTRICT ENGINEER)
Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Commander

9 JAN 2013
(DATE)

PERMIT NUMBER: SAJ-2012-01546 (SP-SWA)

PERMITTEE: National Oceanic and Atmospheric Administration - Restoration Center

PAGE 7 of 8

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.

(TRANSFEEE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2012-01546 (SP-SWA)

PERMITTEE: National Oceanic and Atmospheric Administration - Restoration Center

PAGE 8 of 8

*Attachments to Department of the Army
Permit Number SAJ-2012-01546*

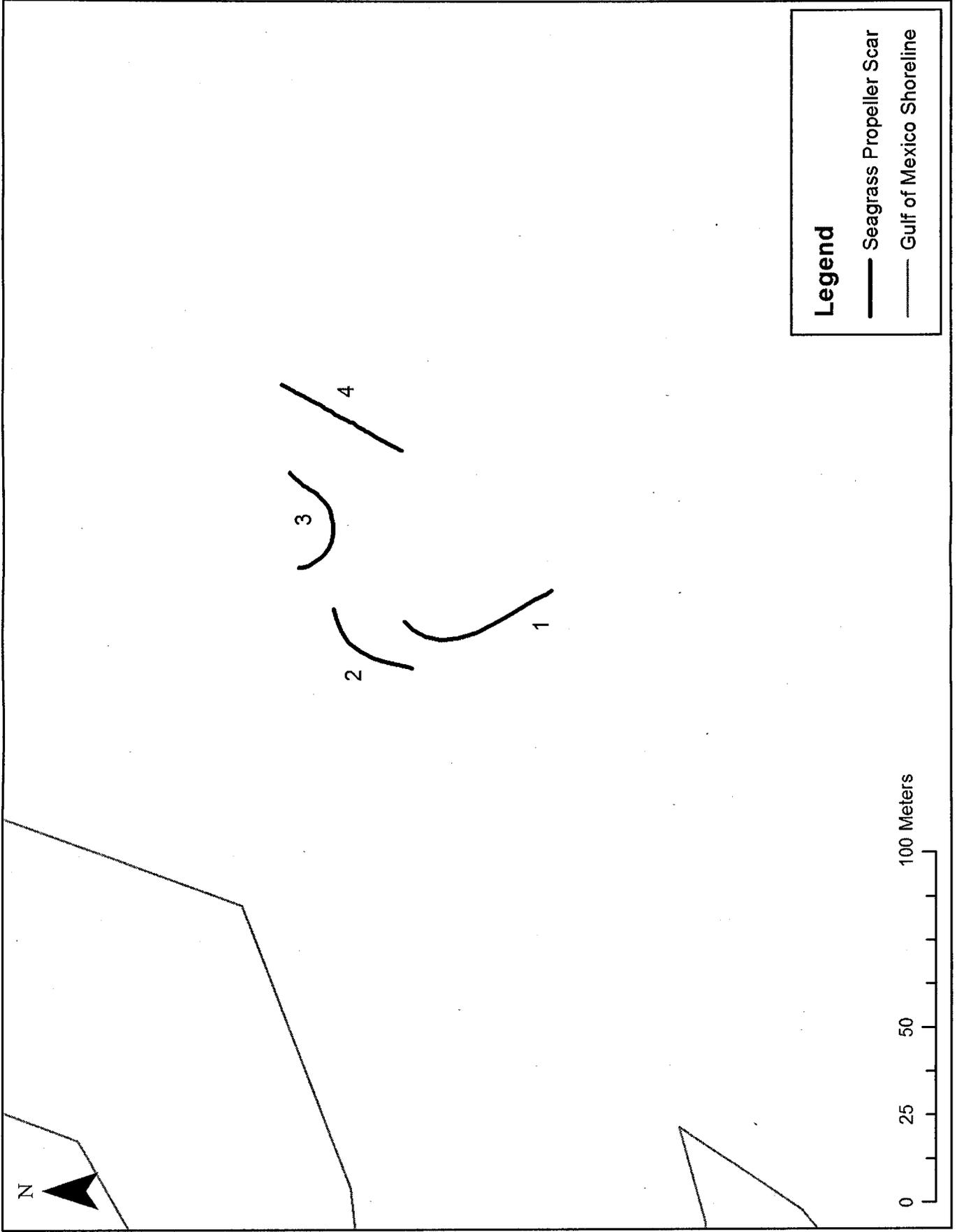
1. PERMIT DRAWINGS: 18 pages.
2. ADDITIONAL DOCUMENTS: as required.

Site	Length	Bay System	Restoration	Latitude	Longitude
BIGLAGOON_C_SCAR1	46.9841063	Big Lagoon	Fill	30.30841	-87.39981
BIGLAGOON_C_SCAR2	30.36516008	Big Lagoon	Fill	30.30871	-87.39987
BIGLAGOON_C_SCAR4	38.94056639	Big Lagoon	Fill and Plant	30.30877	-87.39918
CHOCTAW_F_SCAR1	11.30179858	Choctawhatchee	Fill, Plant, and Stake	30.39443	-86.5233
PERDIDO_D_SCAR1	9.918813776	Perdido	Fill and Stake	30.3119	-87.47208
SANTAROSA_H_SCAR2	593.7416616	Santa Rosa	Plant	30.35784	-87.03872
STANDREW_E_SCAR1	72.84238655	St. Andrew	Fill	30.1346	-85.72459
STANDREWS_F_SCAR1	51.92495743	St. Andrew	Stakes and Signage	30.11799	-85.7093
STANDREWS_F_SCAR10	15.09559542	St. Andrew	Stakes and Signage	30.11792	-85.70899
STANDREWS_F_SCAR11	5.825235817	St. Andrew	Stakes and Signage	30.11787	-85.70898
STANDREWS_F_SCAR12	4.459399526	St. Andrew	Stakes and Signage	30.11788	-85.70899
STANDREWS_F_SCAR13	10.02454022	St. Andrew	Stakes and Signage	30.11784	-85.70897
STANDREWS_F_SCAR14	4.343414053	St. Andrew	Stakes and Signage	30.11787	-85.70922
STANDREWS_F_SCAR15	25.42321151	St. Andrew	Stakes and Signage	30.11799	-85.70942
STANDREWS_F_SCAR16	4.465004472	St. Andrew	Stakes and Signage	30.11816	-85.70941
STANDREWS_F_SCAR18	21.47275454	St. Andrew	Stakes and Signage	30.11754	-85.70833
STANDREWS_F_SCAR2	47.2017122	St. Andrew	Stakes and Signage	30.11833	-85.70945
STANDREWS_F_SCAR3	84.29374603	St. Andrew	Stakes and Signage	30.11821	-85.70925
STANDREWS_F_SCAR4	49.65056557	St. Andrew	Stakes and Signage	30.11804	-85.70886
STANDREWS_F_SCAR5	136.0599648	St. Andrew	Stakes and Signage	30.11823	-85.70927
STANDREWS_F_SCAR6	21.00503068	St. Andrew	Stakes and Signage	30.11791	-85.70886
STANDREWS_F_SCAR7	58.32525218	St. Andrew	Stakes and Signage	30.11801	-85.70933
STANDREWS_F_SCAR8	40.8471346	St. Andrew	Stakes and Signage	30.11783	-85.70893
STANDREWS_F_SCAR9	22.62948453	St. Andrew	Stakes and Signage	30.11784	-85.70893
STGEORGE_M_SCAR1	16.78373071	St. George	Fill	29.82028	-84.59237

APPENDIX 3. List of restoration sites and proposed restoration techniques

Bay	Scar Length (m)	Scar Avg. Width (cm)	Blowhole area (m2)	Scar Avg. Depth (cm)	Area of damage (length x width) - m2	Volume of damage (area x depth) - m3	Sediment type (S- Sand; MS - Muddy Sand; SM - Sandy Mud)	Restoration Alternative
Big Lagoon	47	31	-	8.6	14.57	1.25302	S	Fill
Big Lagoon	30.4	28	-	7.2	8.512	0.612864	S	Fill
Big Lagoon	N/A		62.1	45	62.1	27.945	S	Fill and Plant
Big Lagoon	38.9	33		9.6	12.837	1.23	S	Fill and Plant
Santa Rosa Sound	593.7	52.8	n/a	6.1	313.47	19.12	S	Plant
Choctawhatchee Bay	-	n/a	1.4	19.3	-	0.2702	S	Fill
Choctawhatchee Bay	11.3	93.3	-	12.6	10.5429	1.3284054	S	Fill, Plant and Stake
St. Andrews Bay	-	n/a	2.2	41.7	-	0.9174	S	Fill
St. Andrews Bay	72.8	35.4	-	12.5	25.7712	3.2214	S	Fill
St. Andrews Bay	N/A	N/A	4	12	4	0.48	S	Fill and Plant
St. Andrews Bay	-	n/a	7.5	11	-	0.825	S	Fill and Plant
St. Andrews Bay	n/a	n/a	500	5.4	500	27.05	S	Stake only
Apalachee	-	n/a	24.2	110	-	26.62	MS	Fill
St. George Sound	16.8	75	-	13.8	12.6	1.7388	S	Fill
St. George Sound	-	-	5.4	15	-	0.81	S	Fill
Perdido	10	83	-	12.6	8.3	1.0458	S	Fill and Stake
Perdido	-	n/a	11.8	26.7	-	3.1506	S	Fill and Stake

Big Lagoon C Scars 1-4



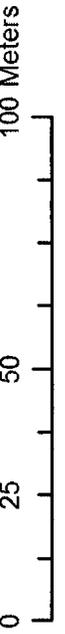
Big Lagoon | Scars 1-2



21
1

Legend

- Seagrass Propeller Scar
- Gulf of Mexico Shoreline
- Blowhole



Perdido D Scar 1



20 Meters

10

5

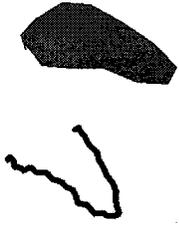
0

Legend

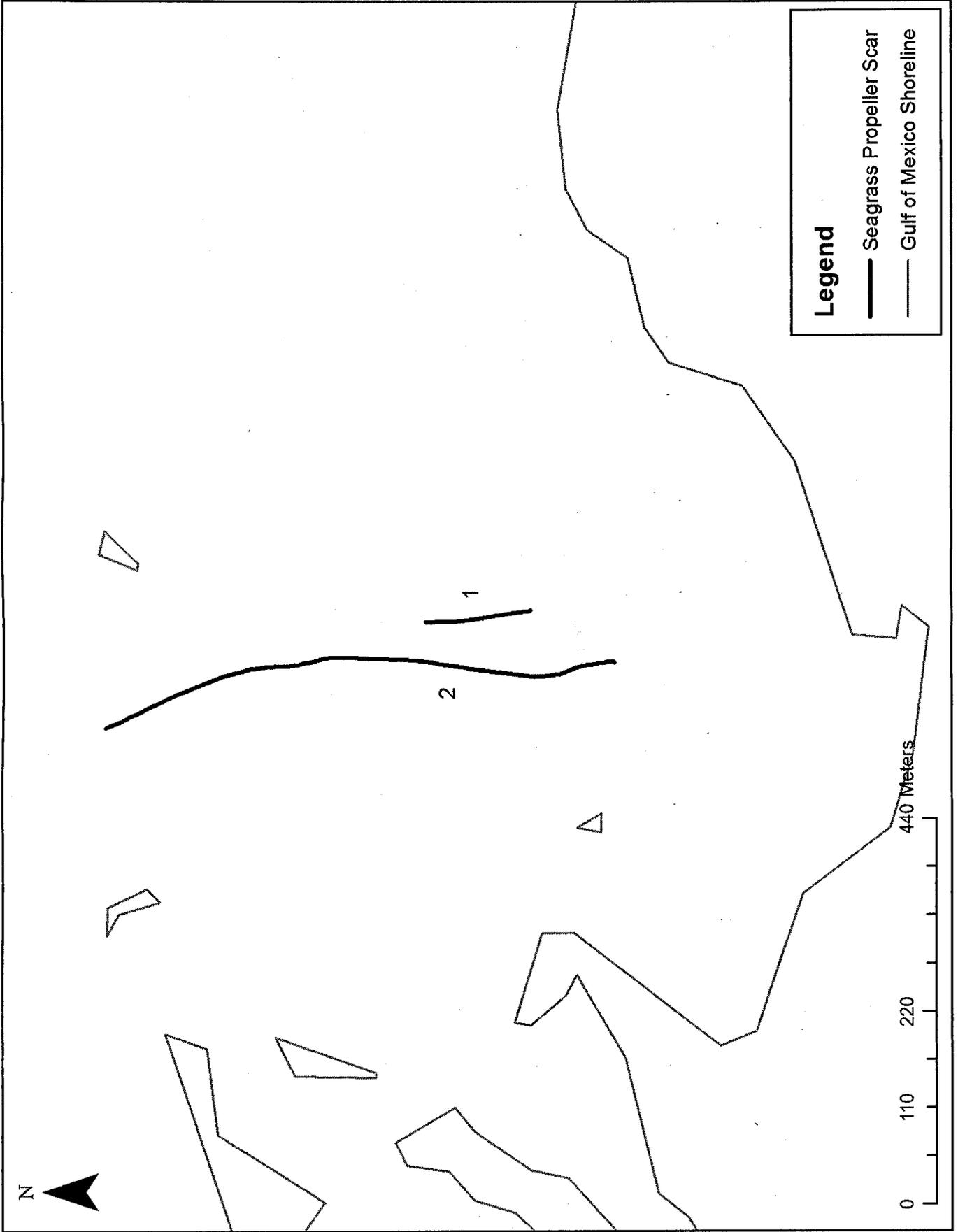
— Seagrass Propeller Scar

— Gulf of Mexico Shoreline

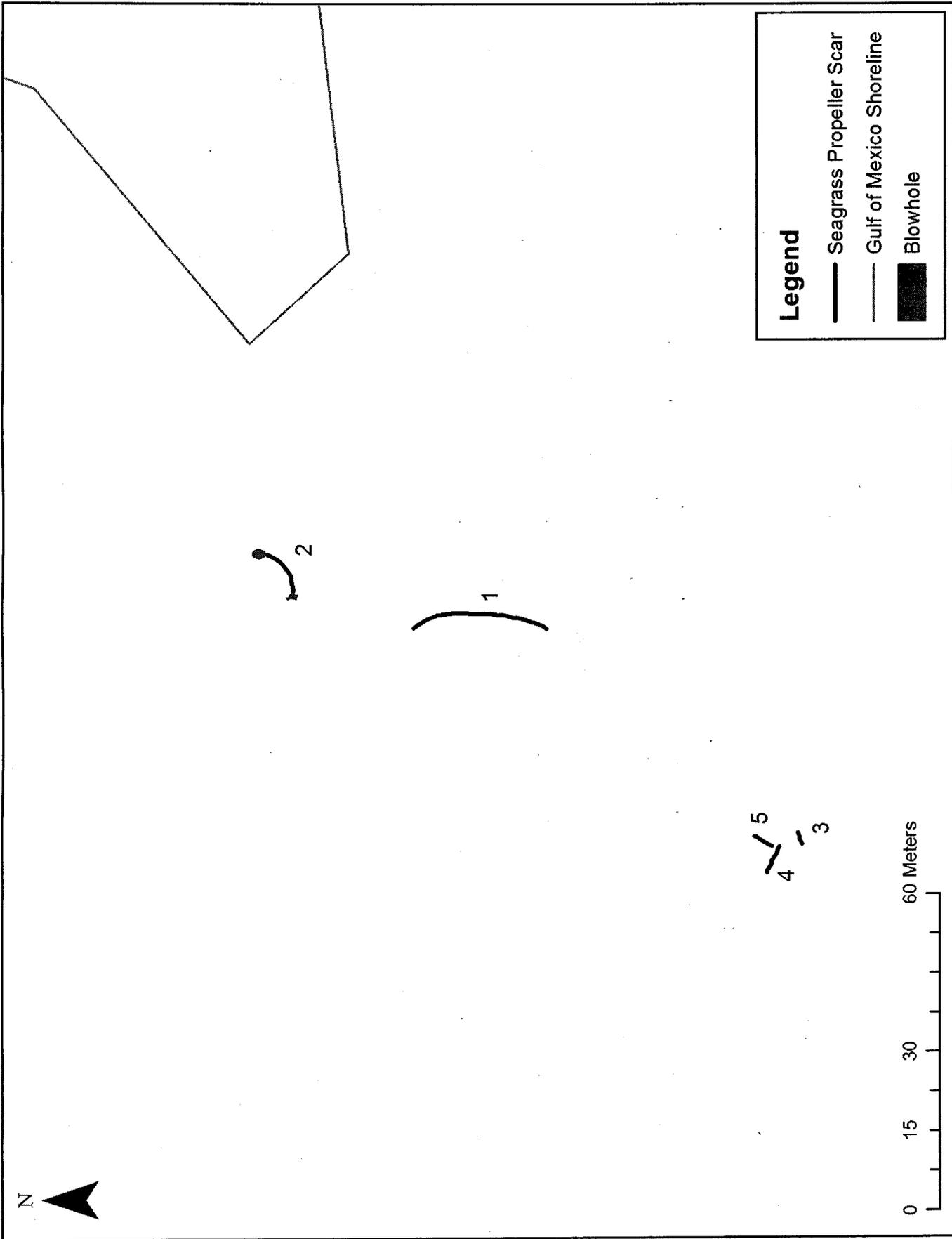
■ Blowhole



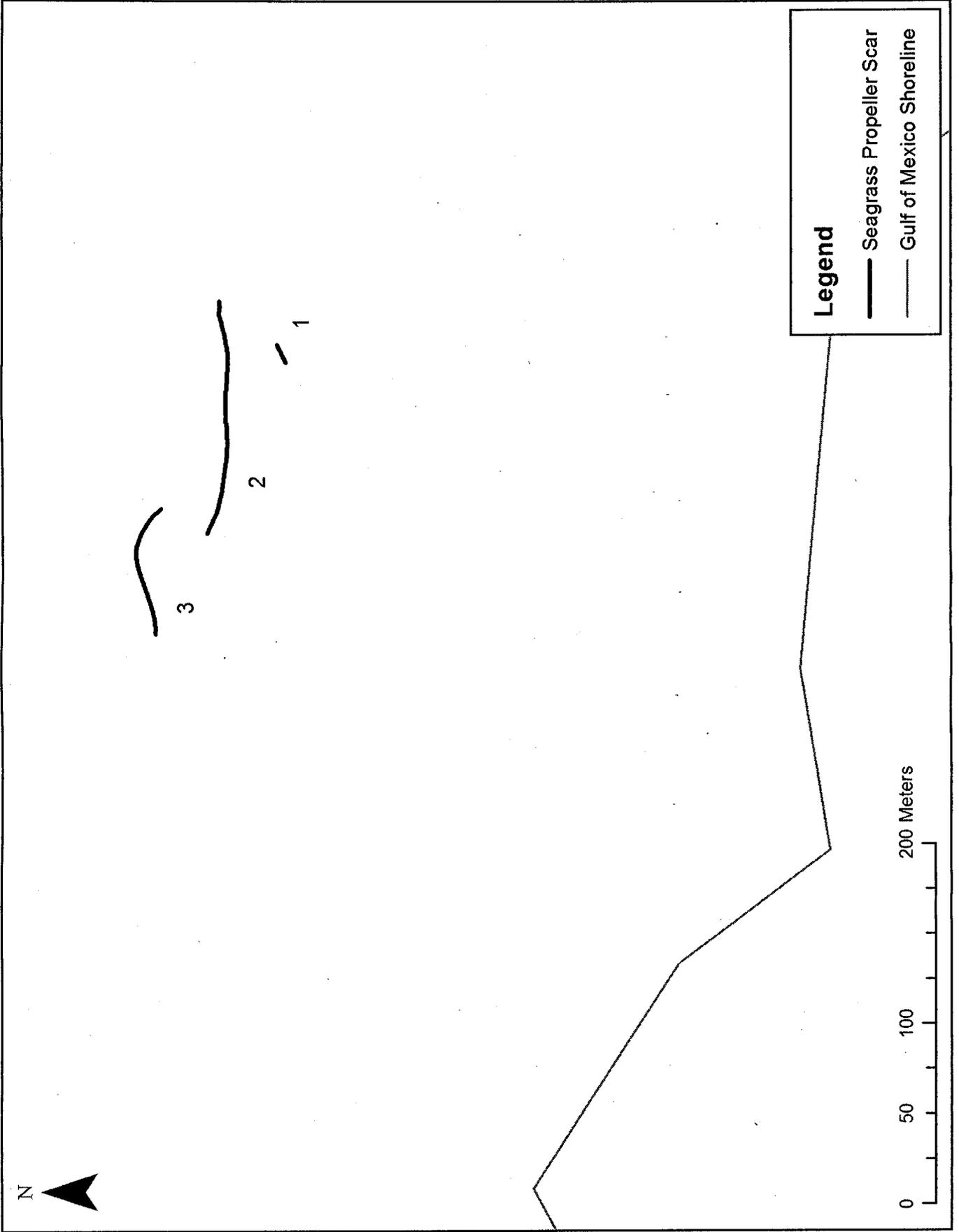
Santa Rosa H Scars 1-2



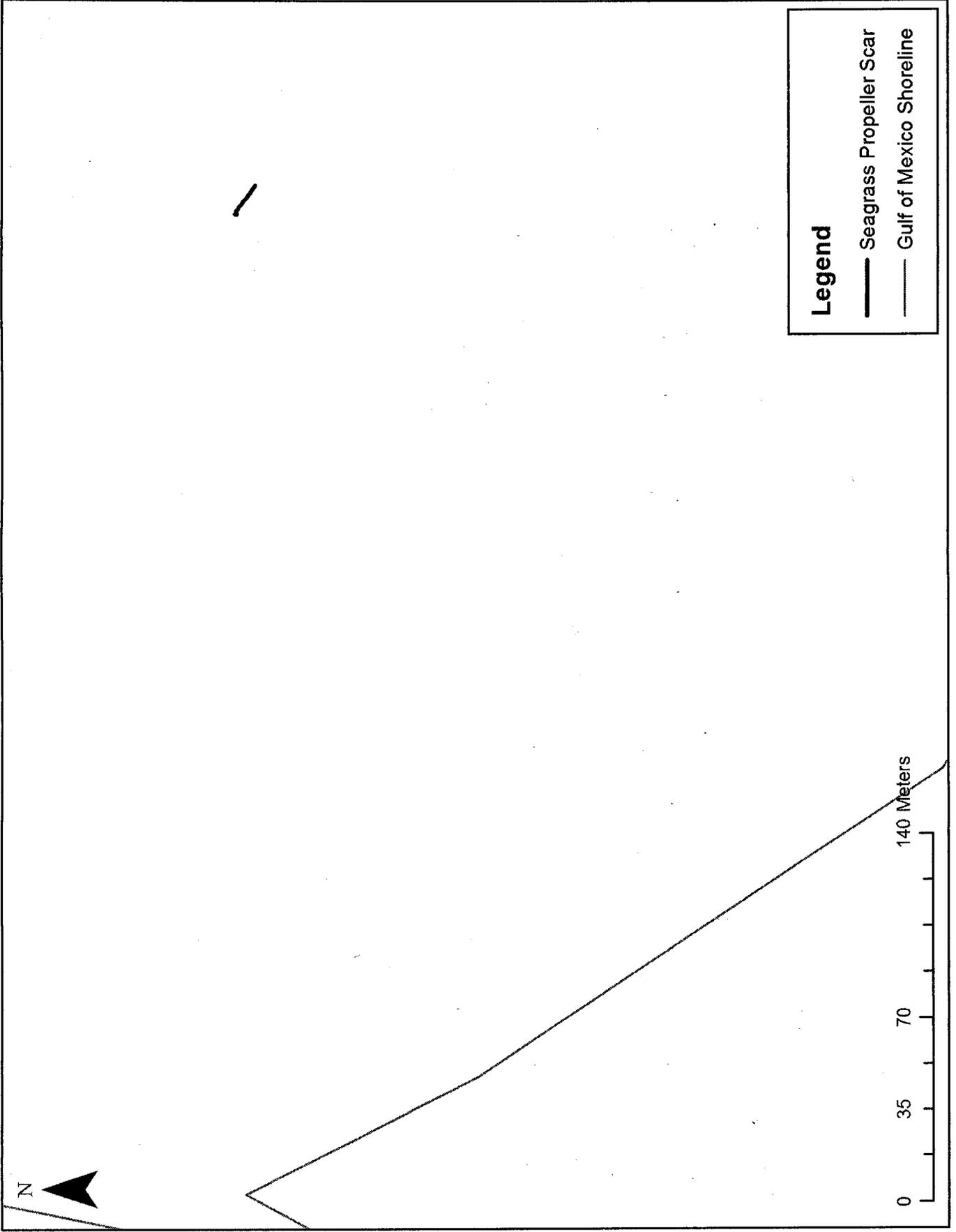
Choctaw A Scars 1-5



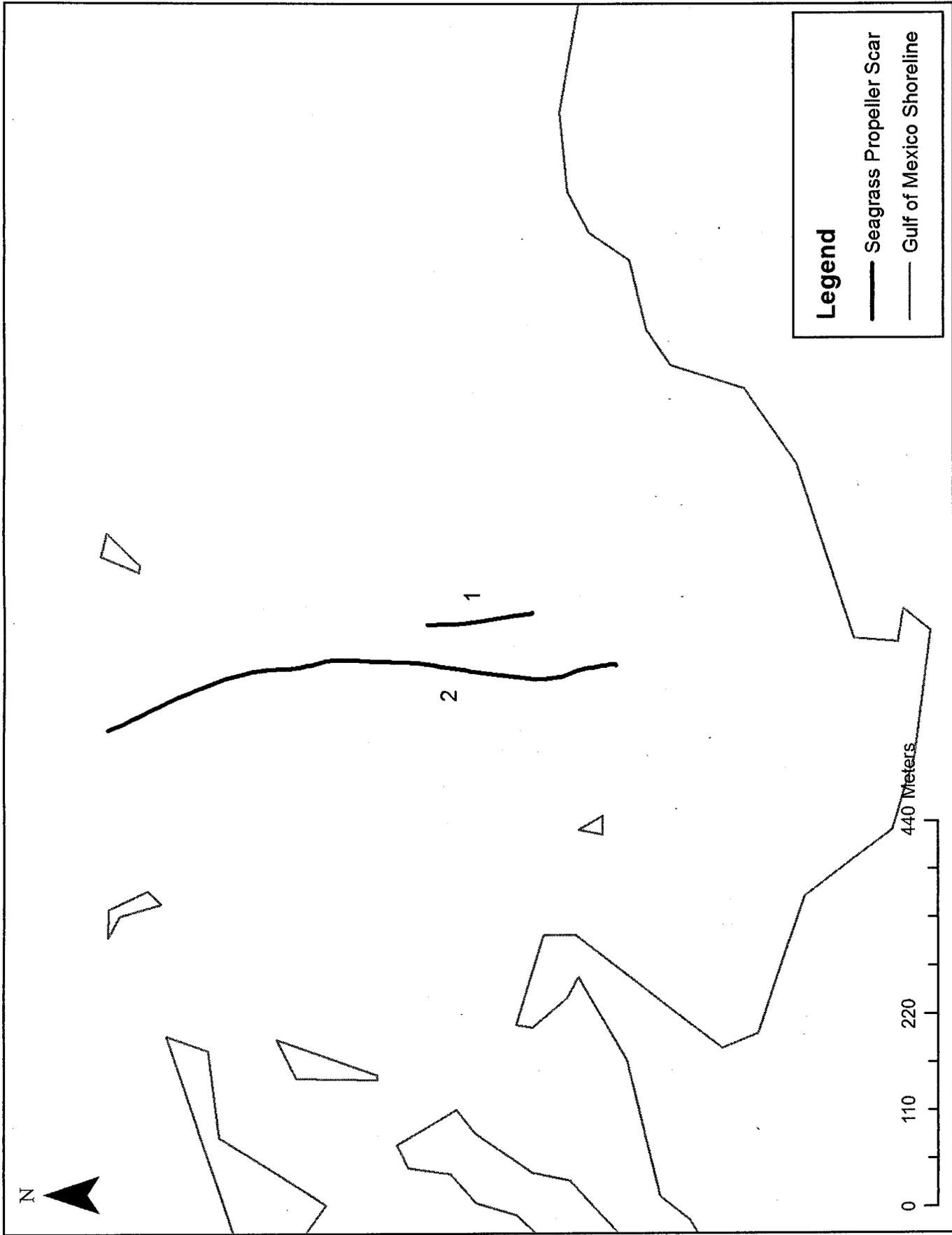
Choctaw F Scars 1-3



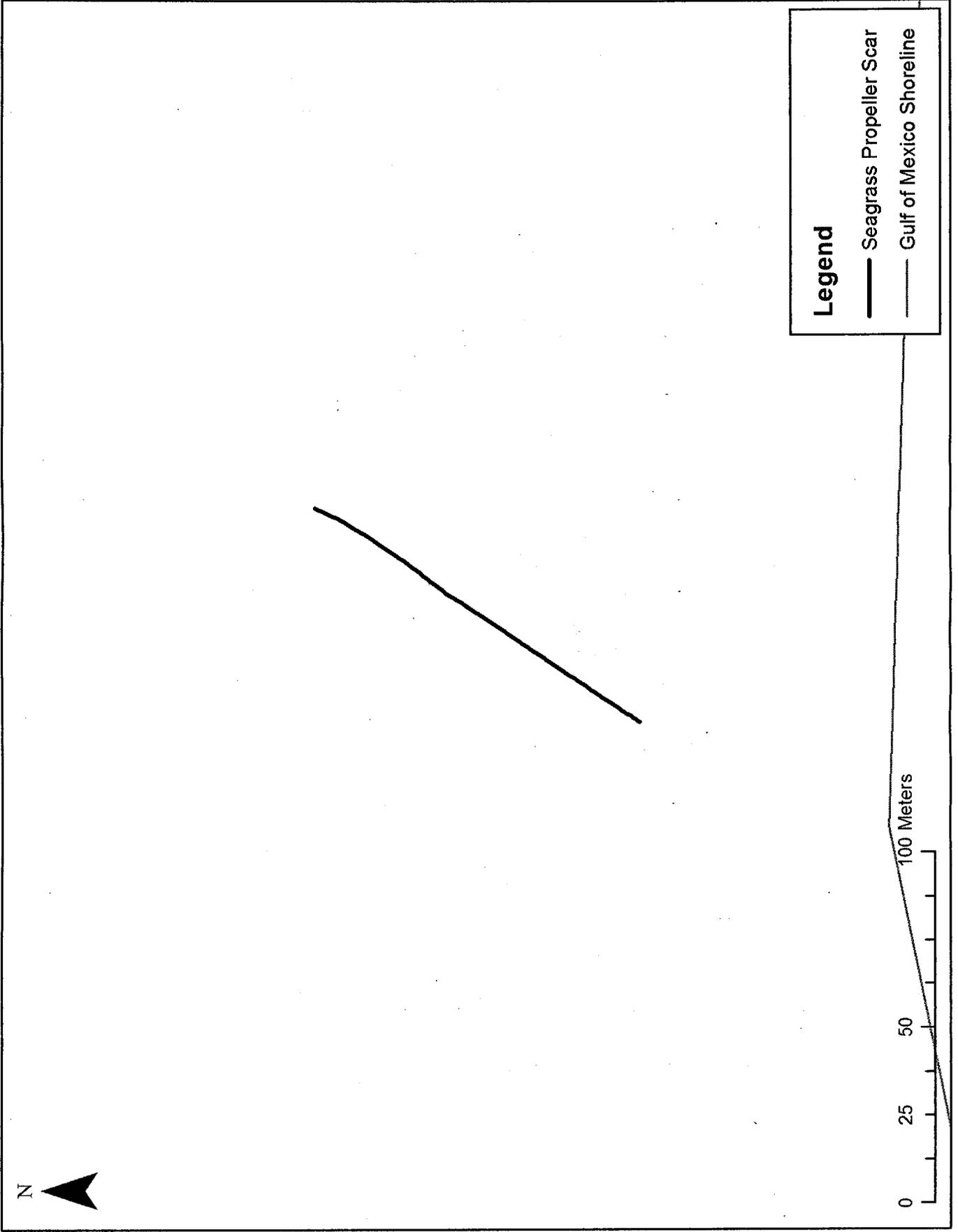
Grand Bay K Scar 1



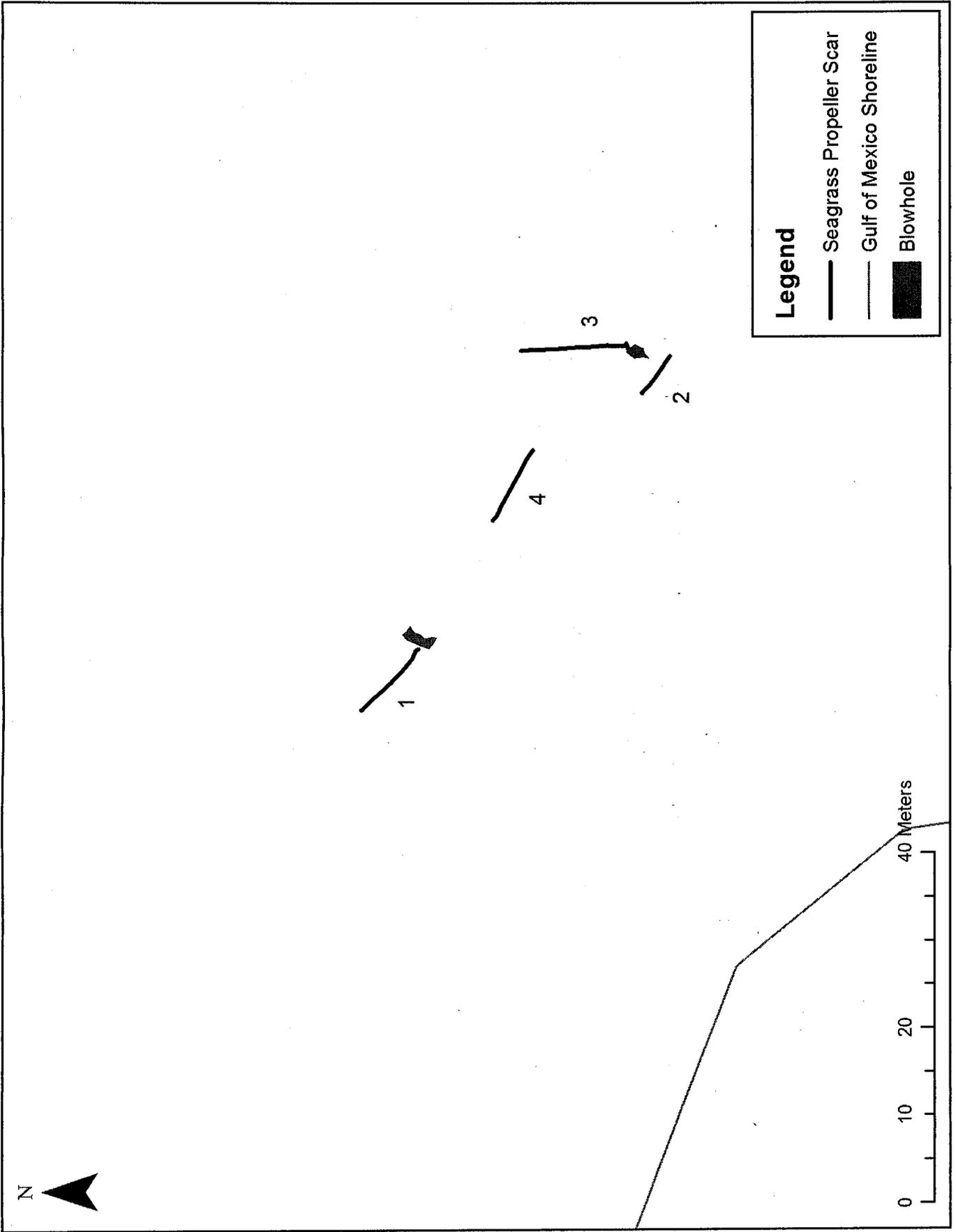
Santa Rosa H Scars 1-2



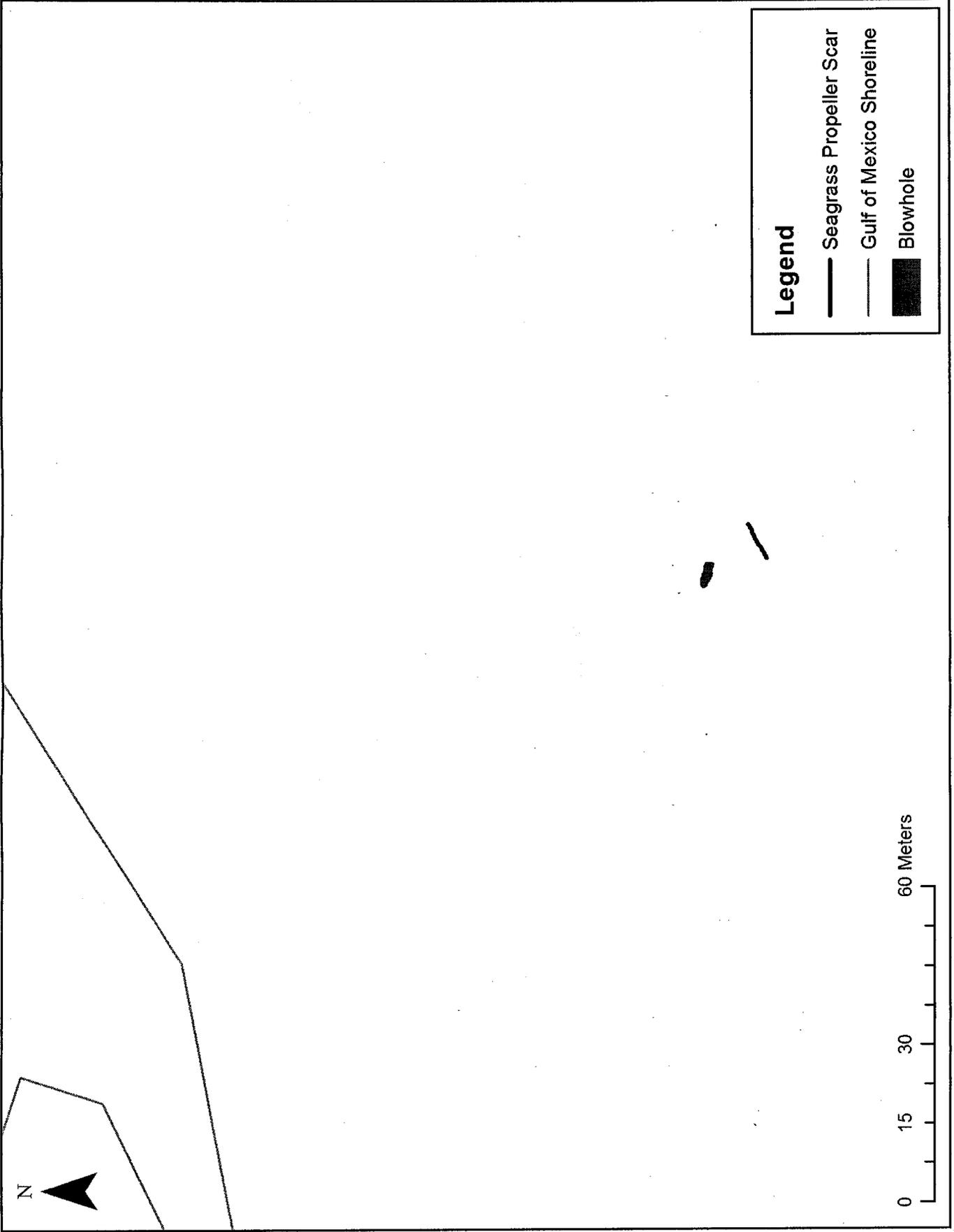
Santa Rosa Scar 1



St. Andrew C Scars 1-4



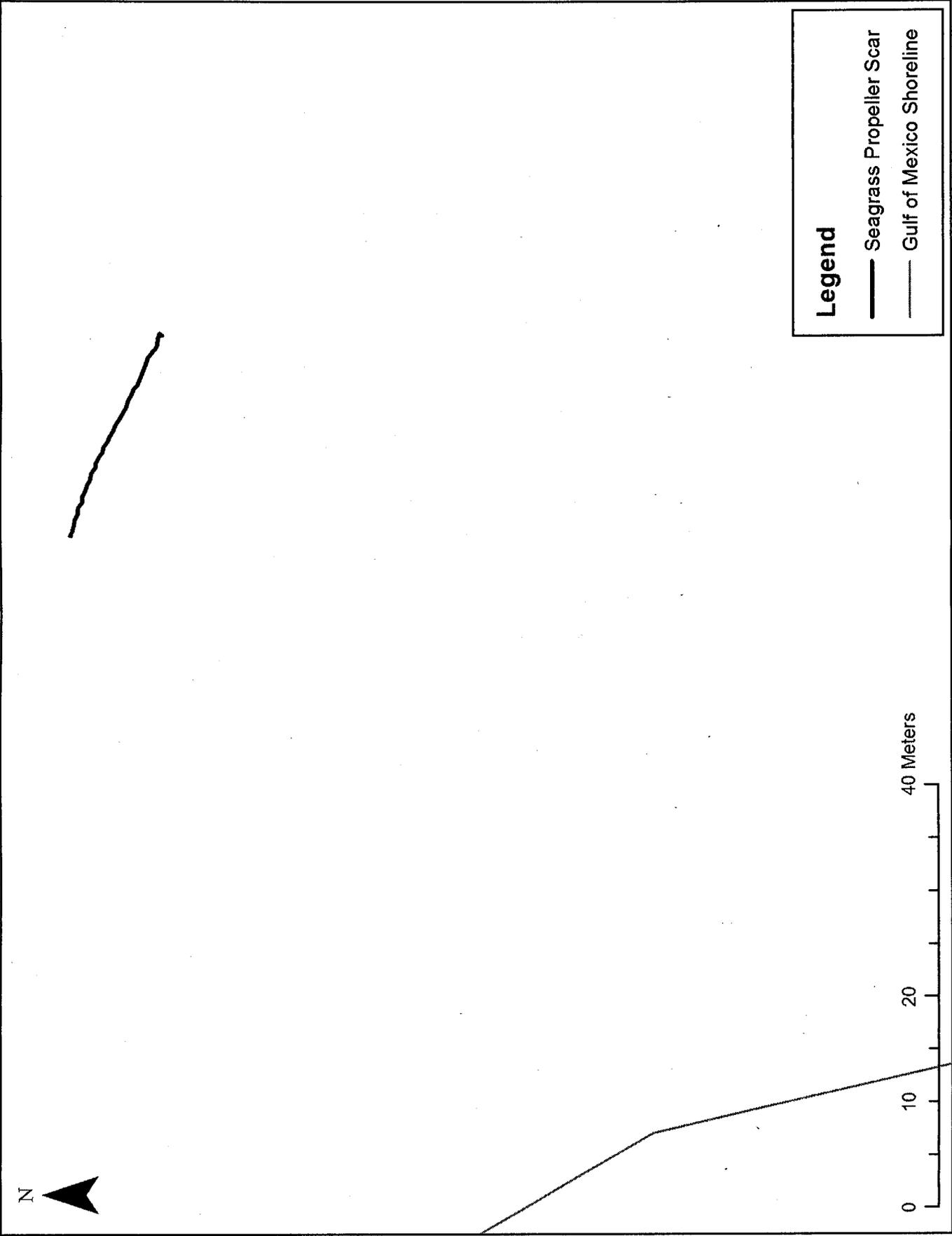
St. Andrew D Scar 1



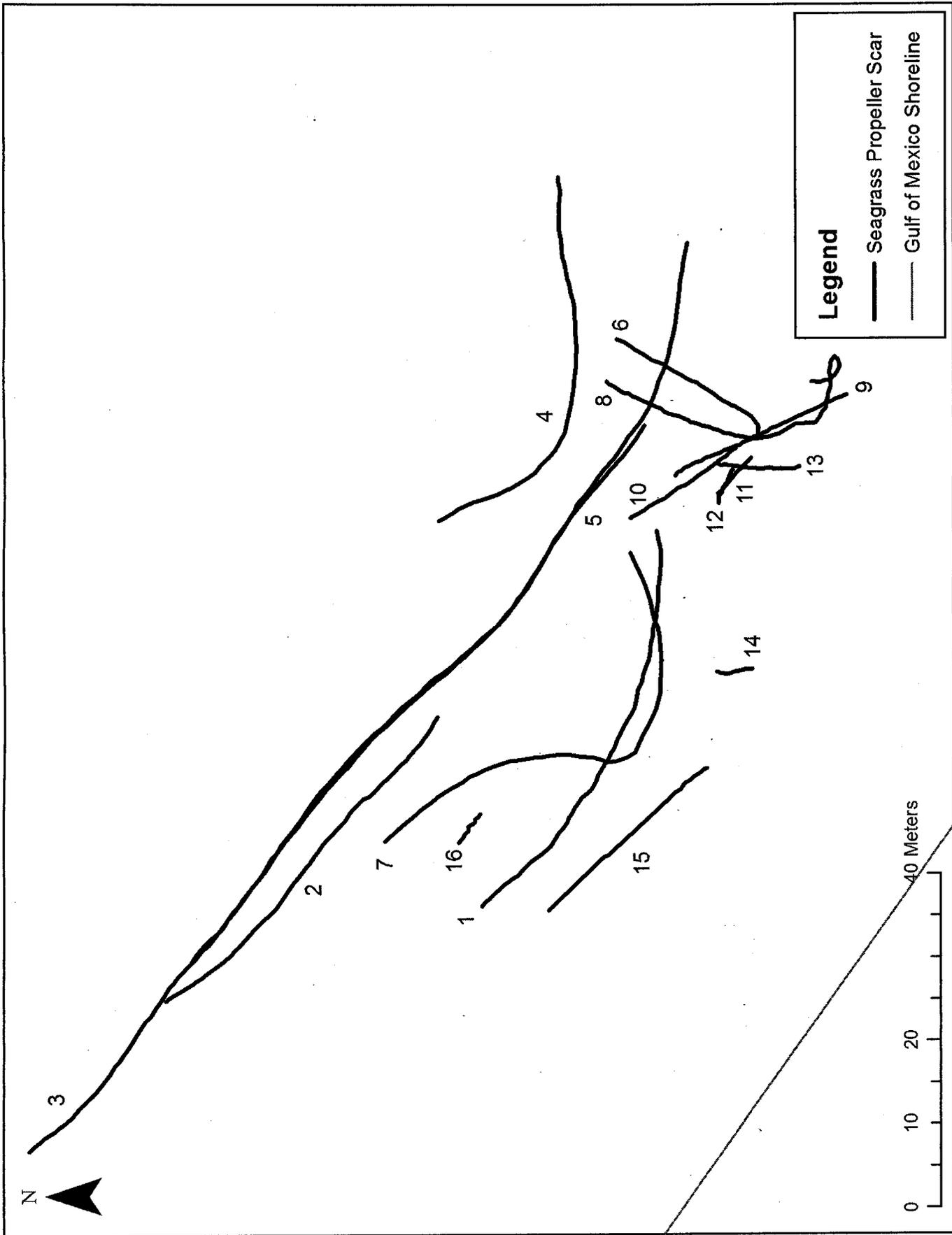
Legend

- Seagrass Propeller Scar
- Gulf of Mexico Shoreline
- Blowhole

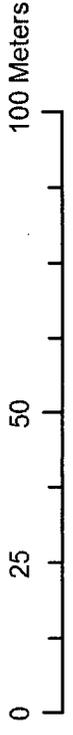
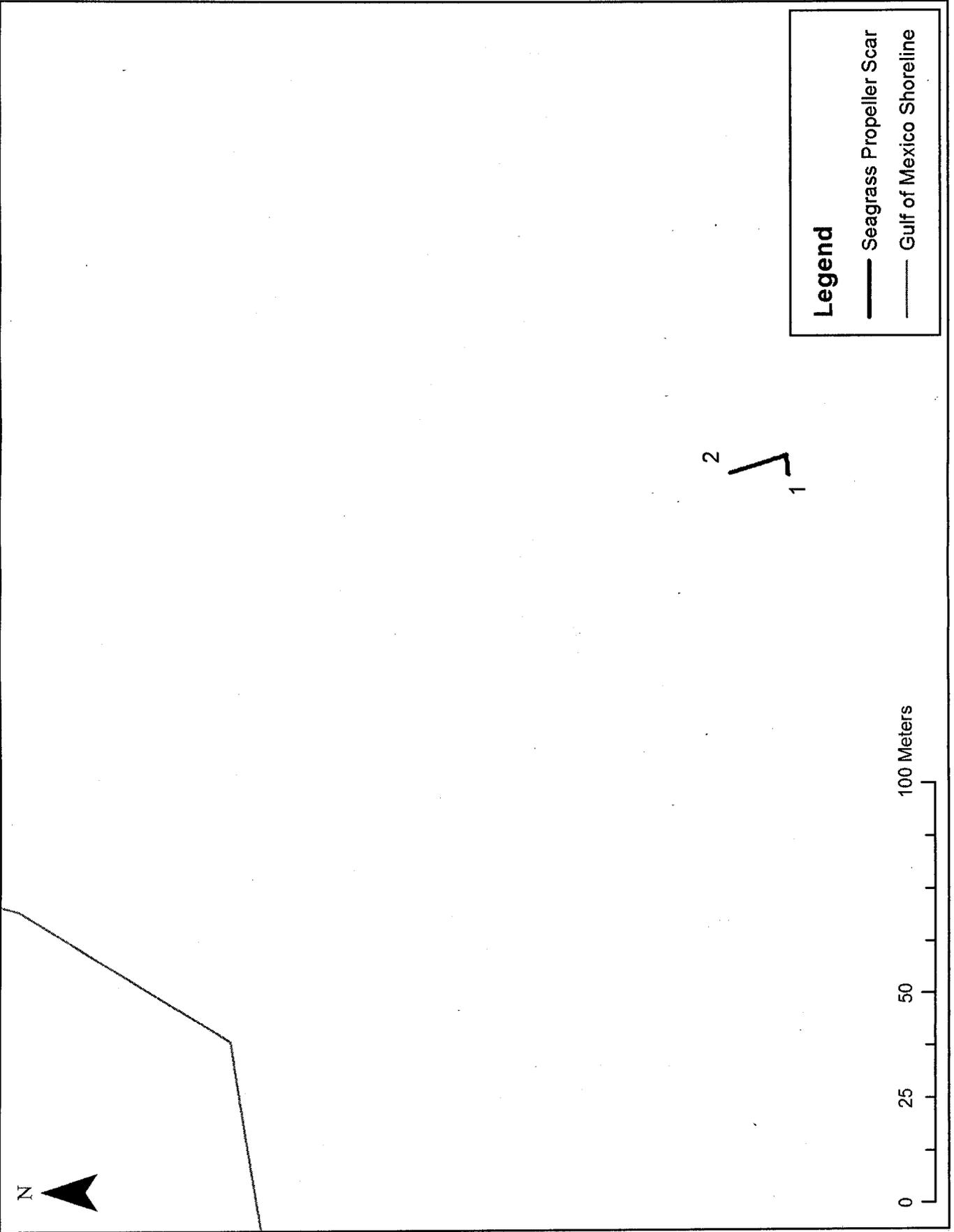
St. Andrew F Scar 18



St. Andrew F Scars 1-16



St. George B Scars 1-2



Legend

- Seagrass Propeller Scar
- - - Gulf of Mexico Shoreline



St. George M Scar



Legend

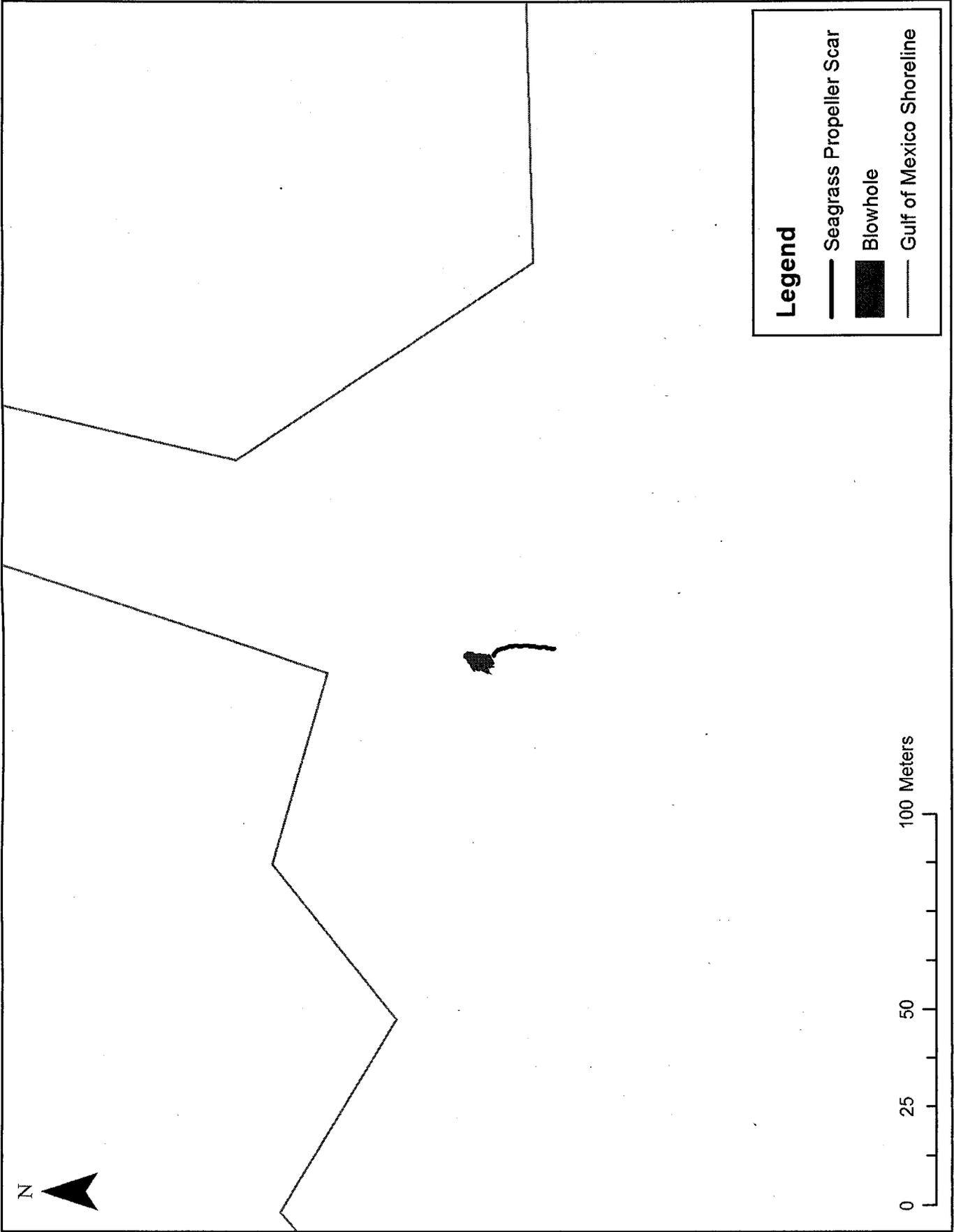
— Seagrass Propeller Scar

— Gulf of Mexico Shoreline

■ Blowhole



Apalachee E1 Scar 1



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



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

