

ADDENDUM 2

RFB TDD 15-17

ARTIFICIAL REEF CONSTRUCTION PROJECT

This addendum is to add the following documents to the RFB listed above:

FDEP-Fish Haven # 15 Correspondence

FDEP-Fish Haven # 16 Correspondence



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
160 W GOVERNMENT STREET, SUITE 308
PENSACOLA, FLORIDA 32502-5794

RICK SCOTT
GOVERNOR

JENNIFER CARROLL
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

January 25, 2013

Okaloosa County Board of County Commissioners
1804 Lewis Turner Blvd, Suite 100
Fort Walton Beach, FL 32547

Okaloosa County Fish Haven 15
File Number: 46-0315101-001-EG, Okaloosa County

Dear Okaloosa County Board of County Commissioners:

This is to acknowledge receipt of your Notice, (File No. 46-0315101-001-EG), received on November 13, 2012, of Intent to use the Noticed General Permit for the construction of an artificial reef, pursuant to Rule 62-346, and 62-330.600, Florida Administrative Code (F.A.C.). The project is located approximately 1.8 nautical miles south of Okaloosa Island, Latitude 30.3649° N/Longitude 86.7062° W, in the Gulf of Mexico south of Okaloosa County. Based on the forms, drawings, and documents submitted with your application and attached to this letter, it appears that the project meets the requirements for the general permit listed above.

Any activities performed under a Noticed General Permit are subject to general conditions required in Rule 62-330.405, F.A.C. (enclosed), and the specific conditions of Rule 62-330.600(enclosed). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the Noticed General Permit must be completed within five years from the date the Notice to use the Noticed General Permit was received by the Department. Also note that **the construction phase cannot be extended**, per section 6.1.2.1, Volume I of the Applicant's Handbooks.

Please note: This letter confirms that your proposed project qualifies for the Noticed General Permit identified herein, but does not constitute the Department's determination of the wetland boundary depicted in the attached drawings of the property.

Authorization to use sovereignty submerged lands – Required

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under chapters 253 and 258 of the Florida Statutes, and Chapter 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a Letter of Consent under rule 18-21.005(1)(c)(9), F.A.C. and section 253.77 of the Florida Statutes to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this.

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of approval of the Noticed General Permit have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this general permit. If an administrative hearing is timely requested by a substantially affected person, the finding that the proposed activity qualifies for this general permit must be reconsidered, and it is possible that the hearing could result in a determination that the proposed activity does not qualify for the general permit. Under Rule 28-106.111 of the Florida Administrative Code, a request for such an administrative hearing must be filed with the Department's Clerk in the Office of General Counsel within 14 days of publication of notice in a newspaper of general circulation in the county where the activity is to take place.

The Department will not publish notice of this determination. *Publication of this notice by you is optional and not required for you to proceed.* However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permits.

If you wish to limit the time within which all substantially affected persons may request an administrative hearing, you may elect to publish the notice of rights of substantially affected persons, at your own expense one time only in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. If you wish to limit the time within which any specific person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this determination.

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of Sections 50.011 and 50.031 of the Florida Statutes. In the event you do publish this notice, within seven days of publication, you must provide to the following address a certification or affidavit of publication issued by the newspaper. If you provide direct written notice to any person as noted above, you must provide to the following address a copy of the direct written notice: Department of Environmental Protection, at 160 W. Government Street, Pensacola, Florida 32501-5740.

NOTICE OF RIGHTS OF SUBSTANTIALLY AFFECTED PERSONS

Use of the Noticed General Permit authorized by Rule 62-330.600, F.A.C. is hereby granted. This determination is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this determination.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Subsection 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any

persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

Judicial Review

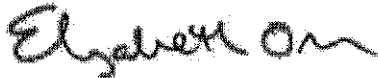
Any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

A copy of your notice also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency.

If you have any questions, please contact Heather Mason at the letterhead address above, by phone at (850) 595-0608, or by e-mail at Heather.Mason@dep.state.fl.us. When referring to this project, please use the file number listed above.

Executed in Escambia County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Elizabeth Mullins Orr
Program Administrator
Submerged Lands & Environmental
Resource Program

Enclosures: Drawings (7 pages)
Rule 62-330.405, F.A.C., General Conditions (2 pages)
Rule 62-330.600, F.A.C., NGP for the Construction of Artificial Reefs (1 page)

c: U.S. Army Corps of Engineers
Scott Henson, Agent
Jon Dodrill, FWC

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit, including all copies,

was mailed or emailed before the close of business on

January 25, 2013 to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

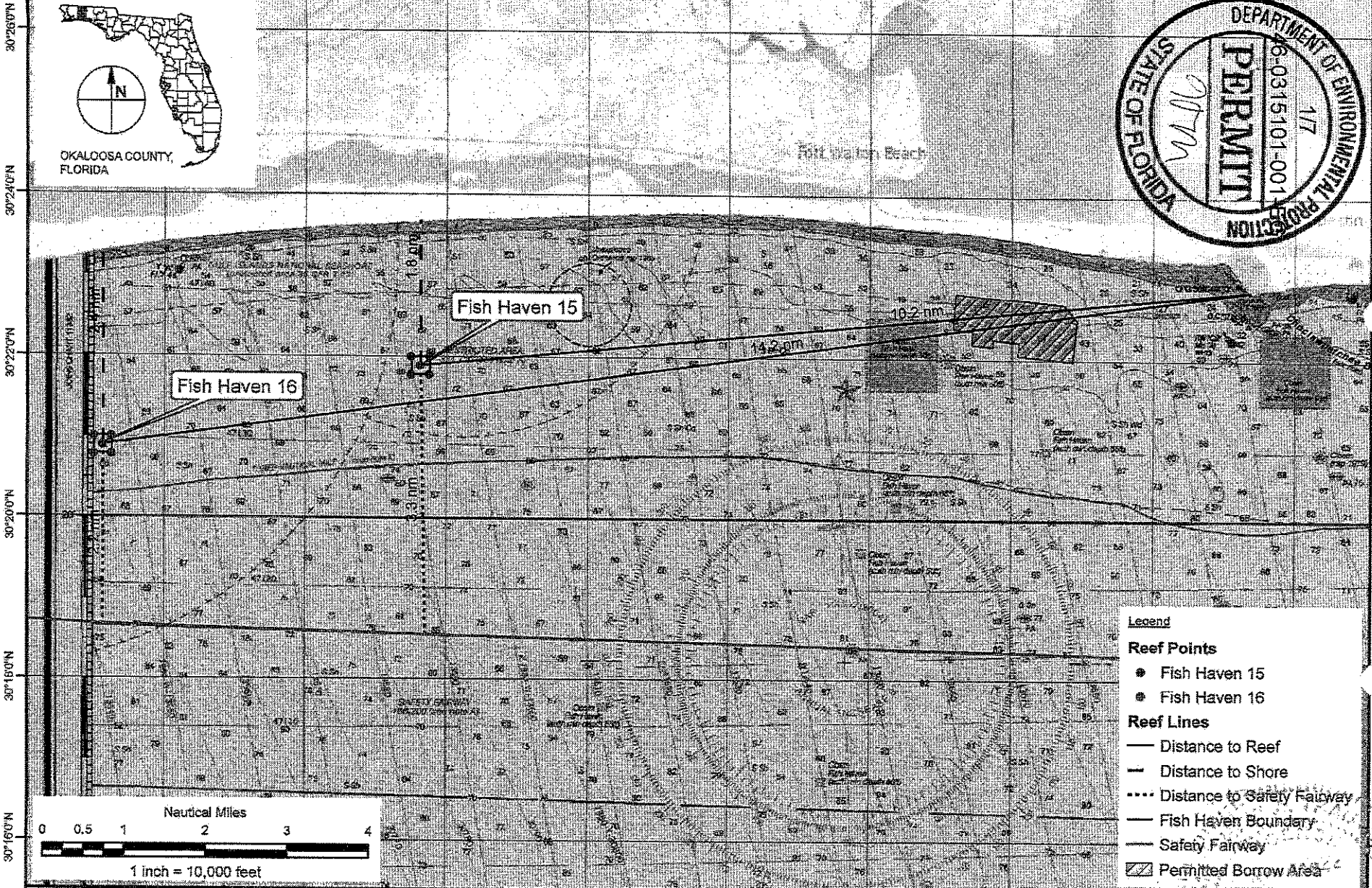
Clerk

Date

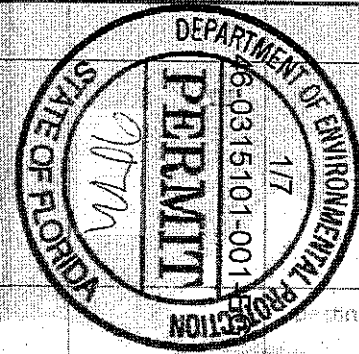
Branch Bass

1/25/2013

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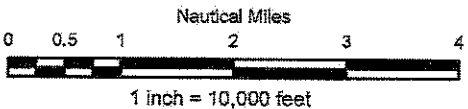
OKALOOSA COUNTY, FLORIDA



Fish Haven 16

Fish Haven 15


- Legend**
- Reef Points**
 - Fish Haven 15
 - Fish Haven 16
 - Reef Lines**
 - Distance to Reef
 - Distance to Shore
 - - - Distance to Safety Fairway
 - Fish Haven Boundary
 - Safety Fairway
 - ▨ Permitted Borrow Area

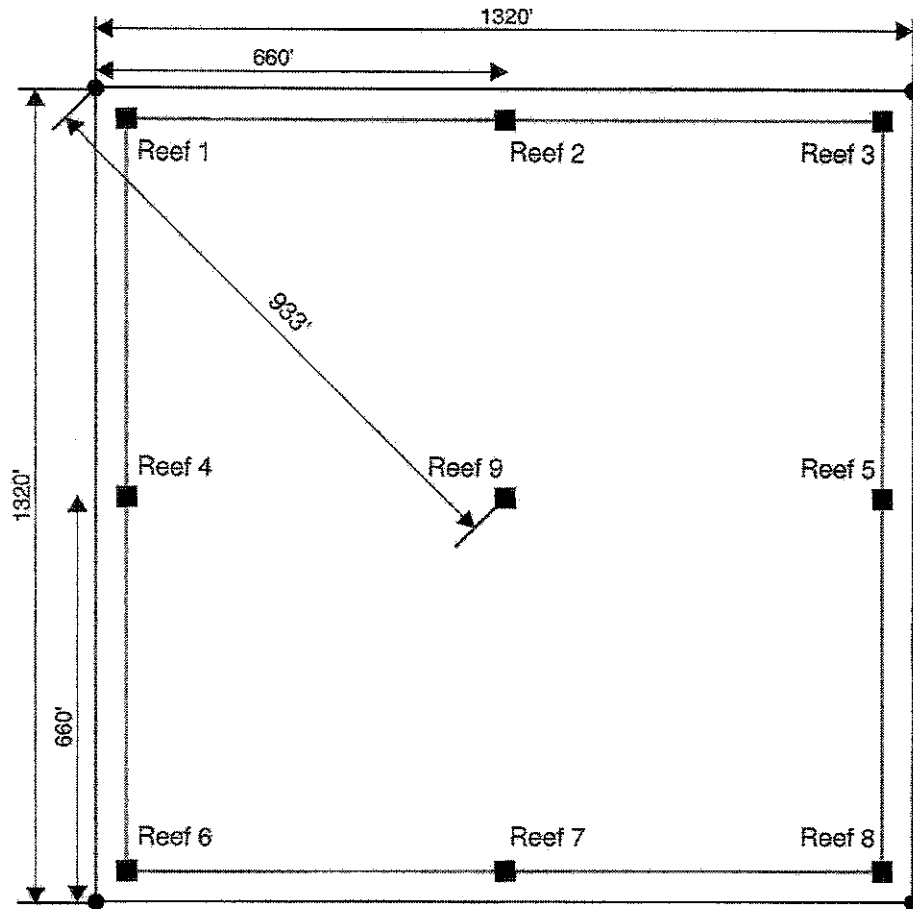
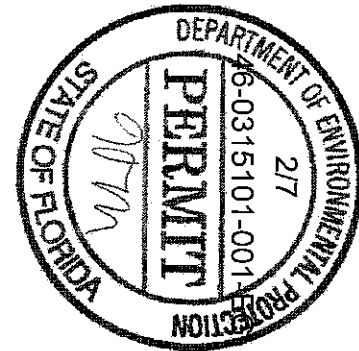


 **Taylor Engineering Inc.**
 10151 Deerwood Park Blvd.
 Bldg. 300, Suite 300
 Jacksonville, FL 32256
 CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 1
FISH HAVEN 15 & 16
 OKALOOSA COUNTY ARTIFICIAL REEFS
 OKALOOSA COUNTY, FLORIDA

PROJECT	C2012-052
DRAWN BY	PL
SHEET	1 of 3
DATE	OCT 2012

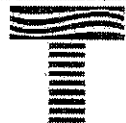
SEAL

 MATTHEW S. TRAHAN, P.E. # 60244
 DATE



Legend

- Corner Points
- Reef Locations
- 50' Offset
- Fish Haven Boundary

Fish Haven 15					
Name	Location	Longitude	Latitude	Longitude	Latitude
Fish Haven 15	Centroid	86° 42.374' W	30° 21.891' N	86.7062° W	30.3649° N
Fish Haven 15	Northwest Corner	86° 42.500' W	30° 22.000' N	86.7083° W	30.3667° N
Fish Haven 15	Northeast Corner	86° 42.249' W	30° 22.000' N	86.7041° W	30.3667° N
Fish Haven 15	Southeast Corner	86° 42.249' W	30° 21.783' N	86.7041° W	30.3630° N
Fish Haven 15	Southwest Corner	86° 42.500' W	30° 21.782' N	86.7083° W	30.3630° N
Fish Haven 15	Reef 1	86° 42.490' W	30° 21.992' N	86.7082° W	30.3665° N
Fish Haven 15	Reef 2	86° 42.374' W	30° 21.992' N	86.7062° W	30.3665° N
Fish Haven 15	Reef 3	86° 42.258' W	30° 21.992' N	86.7043° W	30.3665° N
Fish Haven 15	Reef 4	86° 42.490' W	30° 21.891' N	86.7082° W	30.3649° N
Fish Haven 15	Reef 5	86° 42.258' W	30° 21.891' N	86.7043° W	30.3649° N
Fish Haven 15	Reef 6	86° 42.490' W	30° 21.791' N	86.7082° W	30.3632° N
Fish Haven 15	Reef 7	86° 42.374' W	30° 21.791' N	86.7062° W	30.3632° N
Fish Haven 15	Reef 8	86° 42.258' W	30° 21.791' N	86.7043° W	30.3632° N
Fish Haven 15	Reef 9	86° 42.374' W	30° 21.891' N	86.7062° W	30.3649° N



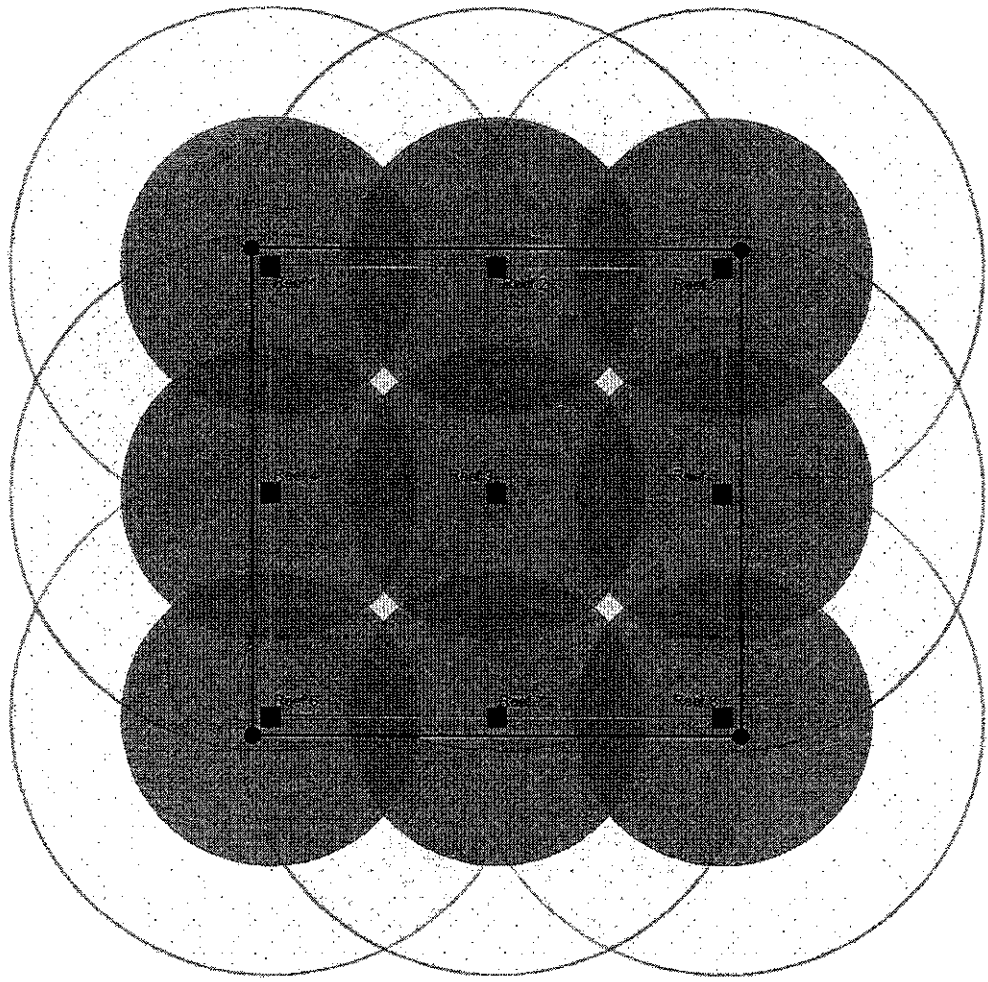
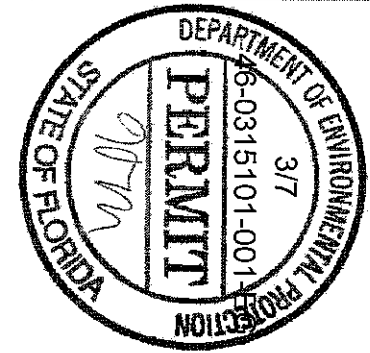
Taylor Engineering Inc.

10151 Deerwood Park Blvd.
 Bldg. 300, Suite 300
 Jacksonville, FL 32256
 CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 2
 FISH HAVEN 15
 OKALOOSA COUNTY ARTIFICIAL REEFS
 OKALOOSA COUNTY, FLORIDA

PROJECT C2012-052
 DRAWN BY PL
 SHEET 2 of 3
 DATE NOV 2012

DATE 11/12
 MATTHEW E. THAMMEL, P.E. # 89244



- Legend
- Corner Points
 - Reef Locations
 - 50' Offset
 - - - Fish Haven Boundary

Foraging pressure is greater in the darker shaded areas. Foraging characteristics on the perimeter represent an infinite foraging prospect. The two circles around each reef location represent a 400' and 700' foraging radius, characteristic of target species such as red snapper and gag grouper.



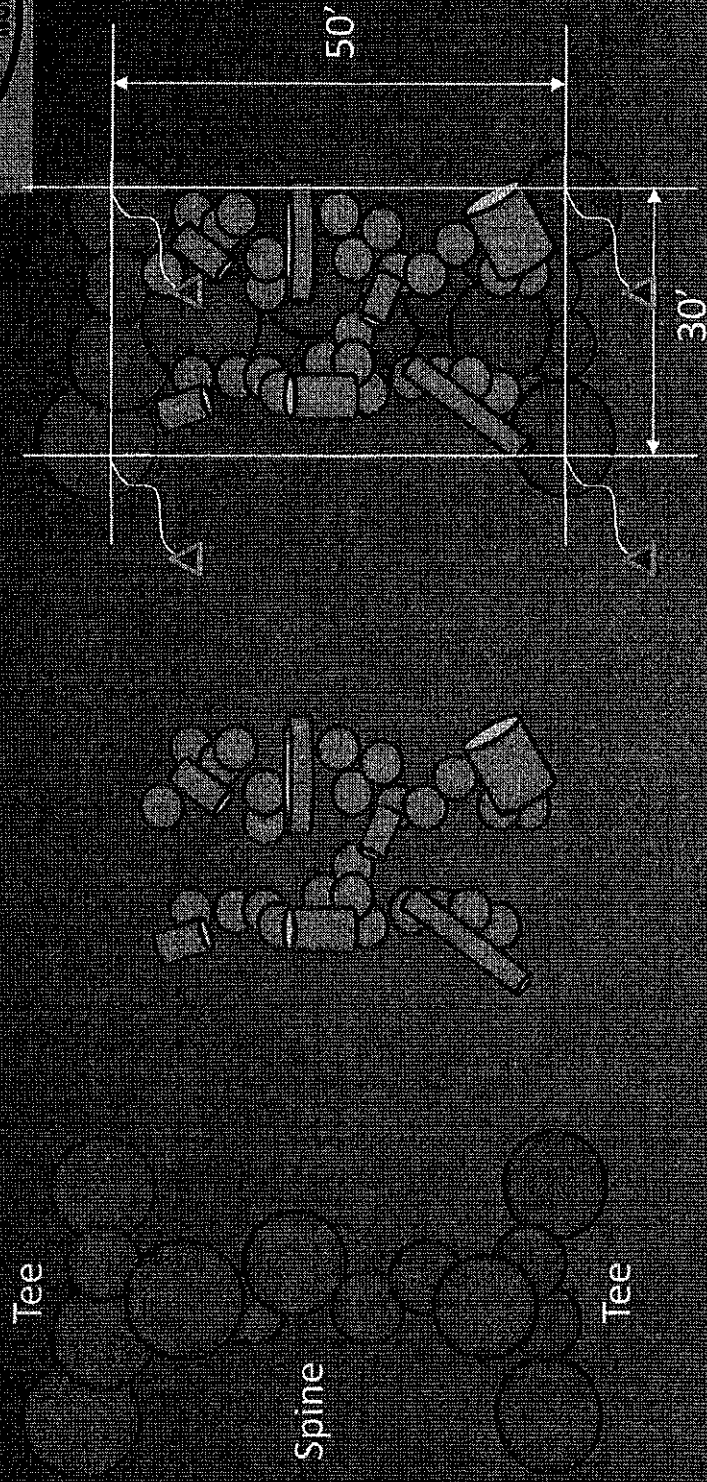
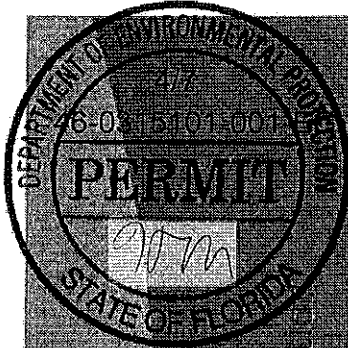
Taylor Engineering Inc.
 10151 Deerwood Park Blvd.
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FIGURE 3
 TYPICAL FORAGING PRESSURE
 OKALOOSA COUNTY ARTIFICIAL REEFS
 OKALOOSA COUNTY, FLORIDA

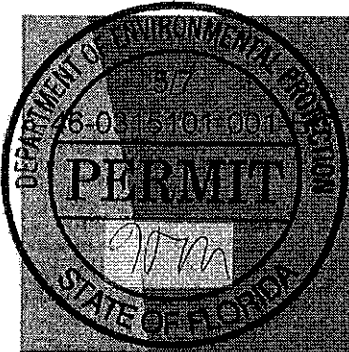
PROJECT	C2012-052
DRAWN BY	PL
SHEET	3 of 3
DATE	NOV 2012

DATE: *11/2/12*
 MATTHEWS, TRISWELL, P.E. # 6204

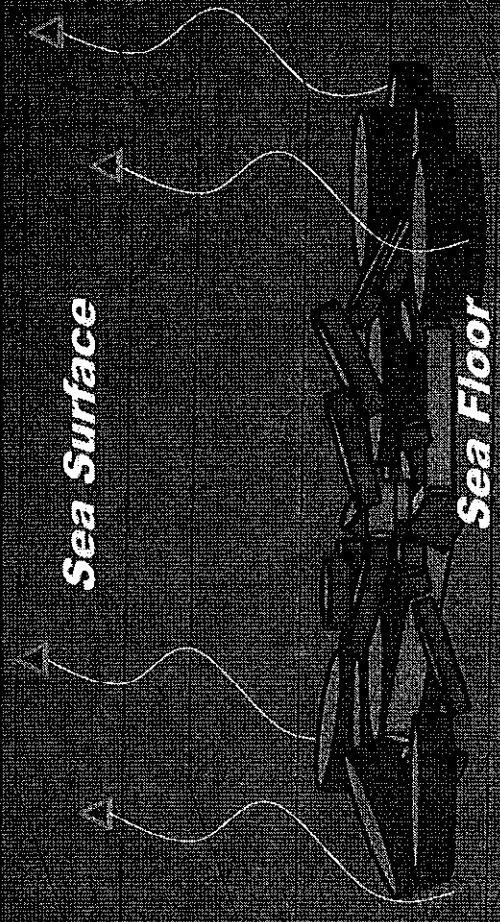
Attachment A – Typical Reef Structure Fish Haven 15 & 16 – Plan View
 Okaloosa County, Florida



The Base Layer will be placed first. A quality control of area will be performed prior to placement of the cover. Once completed, an estimate of the number of pieces for the secondary layer materials will be calculated and ordered to reach the maximum relief. Dimensions are approximate.



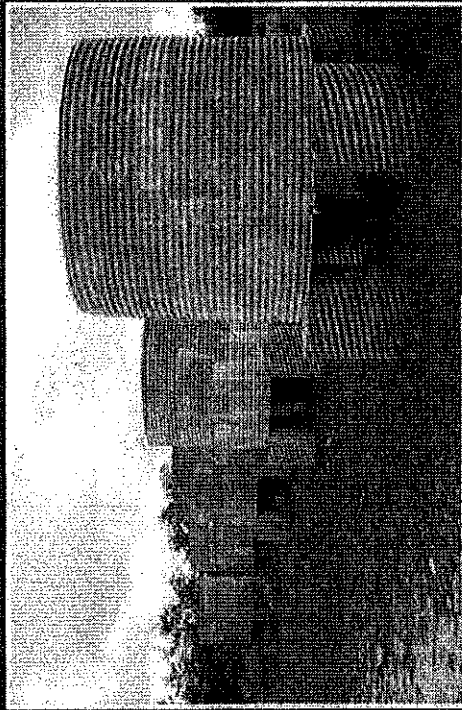
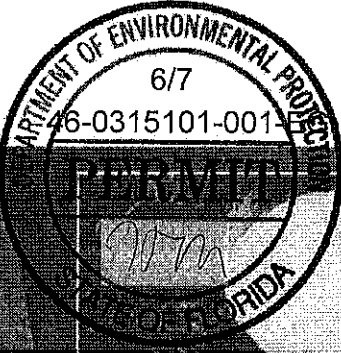
Attachment A – Typical Reef Structure Fish Haven 15 & 16 - Oblique View
Okaloosa County, Florida



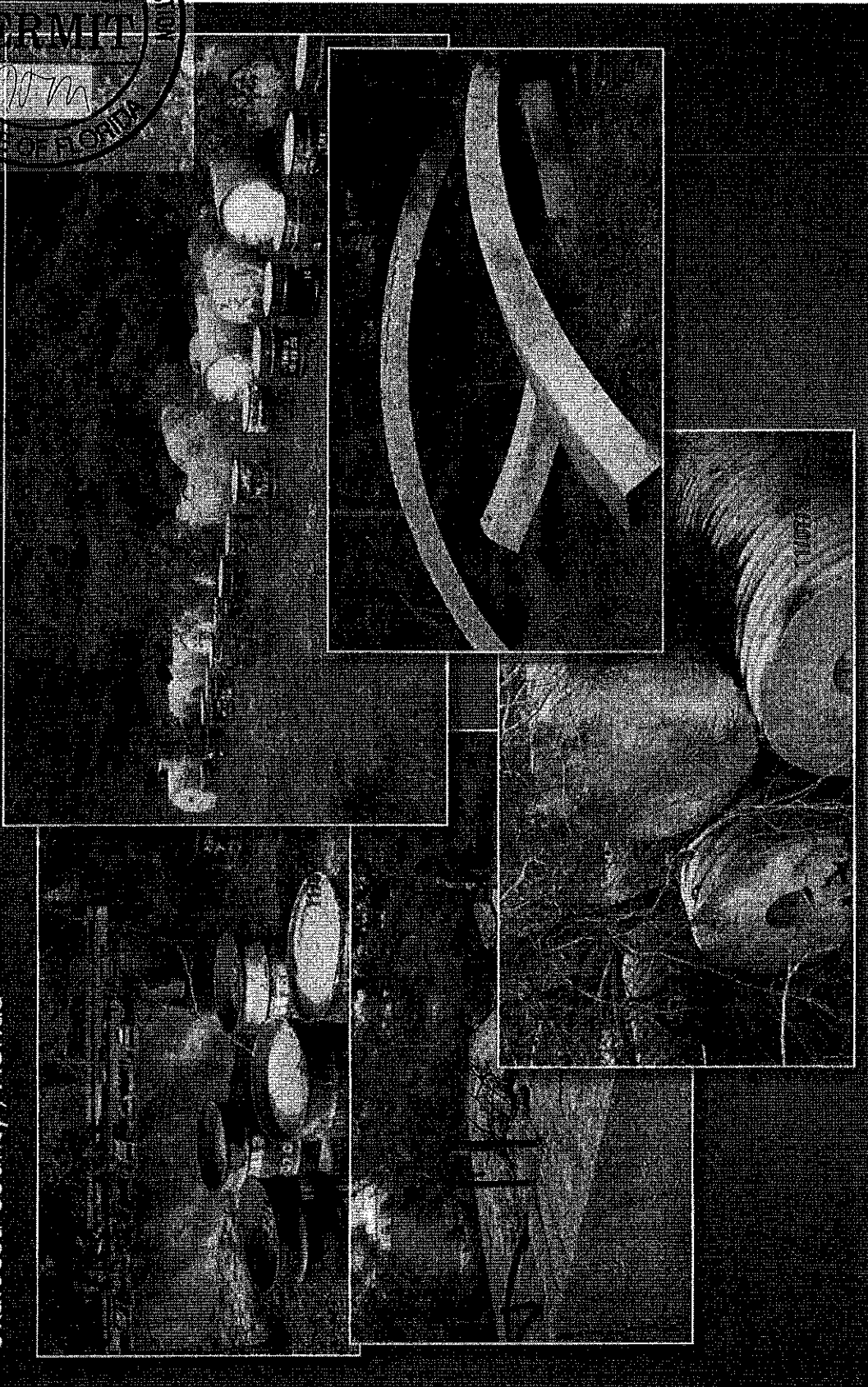
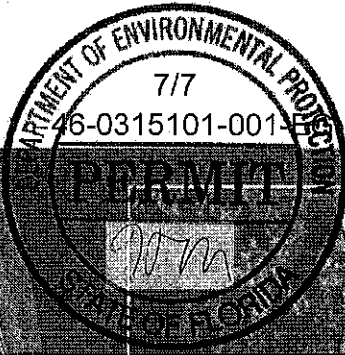
Maximum reef height equals half the distance from the sea floor to sea surface or as required by USACE.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
6-015101-001

Attachment B – Typical AFRL Materials for Construction of Fish Haven 15 and 16
Okaloosa County, Florida



Attachment B – Typical AFRL Materials for Construction of
Fish Haven 15 and 16
Okaloosa County, Florida



62-330.405 General Conditions for All Noticed General Permits.

(1) The terms, conditions, requirements, limitations, and restrictions set forth in this section are general permit conditions and are binding upon the permittee for all noticed general permits in this chapter. These conditions are enforceable under Part IV of Chapter 373, F.S.

(2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. A violation of the permit is a violation of Part IV of Chapter 373, F.S., and may result in suspension or revocation of the permittee's right to conduct such activity under the general permit. The Department also may begin legal proceedings seeking penalties or other remedies as provided by law for any violation of these conditions.

(3) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.

(4) This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(5) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution in contravention of Florida Statutes and Department rules.

(6) The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

(7) The authorization to conduct activities pursuant to a general permit may be modified, suspended or revoked in accordance with Chapter 120 and Section 373.429, F.S.

(8) This permit shall not be transferred to a third party except pursuant to Rule 62-343.130, F.A.C., or, for activities within the geographical area of the Northwest Florida Water Management District, Rule 62-346.130, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located.

(9) Upon reasonable notice to the permittee, Department staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to insure conformity with the plans and specifications approved by the permit.

(10) The permittee shall maintain any permitted system in accordance with the plans submitted to

the Department and authorized in this general permit.

(11) A permittee's right to conduct a specific noticed activity under this noticed general permit is authorized for a duration of five years.

(12) Construction, alteration, operation, maintenance, removal and abandonment approved by this general permit shall be conducted in a manner which does not cause violations of state water quality standards, including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3) and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters. The permittee shall implement best management practices for erosion, turbidity, and other pollution control to prevent violation of state water quality standards. Temporary erosion control measures such as sodding, mulching, and seeding shall be implemented and shall be maintained on all erodible ground areas prior to and during construction. Permanent erosion control measures such as sodding and planting of wetland species shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and other surface waters exists due to the permitted activity. Turbidity barriers shall remain in place and shall be maintained in a functional condition at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

(13) The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the general permit.

(14) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.406(5), 373.118(1), 373.129, 373.136, 373.413, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429 FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215.

62-330.600 General Permit for the Construction of Artificial Reefs.

(1) A general permit is hereby provided for the construction of an artificial reef by any person, provided:

(a) The material to be used shall be clean concrete or rock, clean steel boat hulls, other clean, heavy gauge steel products with a thickness of 1/4 inch or greater, and prefabricated structures that are a mixture of clean concrete and heavy gauge steel;

(b) The material shall be free of soils, oils and greases, debris, litter, putrescible substances or other pollutants;

(c) The material shall be firmly anchored to the bottom and shall not be indiscriminately dumped; and

(d) The material shall be placed so that the top of the reef does not exceed 1/2 the distance from the bottom to the surface of the water unless a greater distance from the surface is required for safe navigation. At no time shall the distance between the top of the reef and the surface of the water be less than 6 feet.

(2) This general permit shall be subject to the following specific conditions:

(a) The permittee shall conduct a survey of the bottom of the waterbody on which the reef is to be built and shall submit the survey to the Department with the notice required in subsection 62-343.090(1), F.A.C., demonstrating that the bottom does not have submerged grassbed communities, shellfish or other hardbottom communities, or corals;

(b) There shall be no reefs constructed in bays, lagoons, or estuaries that are less than 12 feet deep;

(c) There shall be no "white goods" (inoperative and discarded refrigerators, freezers, ranges, water heaters, washers, and other similar domestic and commercial appliances), asphalt material, tires, other polluting materials used in construction of the reef;

(d) The site shall be marked with perimeter buoys during construction to ensure that no material is deposited outside of the site;

(e) The size of the boundaries within which the artificial reef is to be deposited shall not exceed 1/4 mile on any side;

(f) The artificial reef site shall not be established within any shipping lanes; and

(g) The permittee shall notify the National Ocean Service, National Oceanographic and Atmospheric Association, U.S. Department of Commerce, Rockville, Maryland, and the Florida Fish and Wildlife Conservation Commission, Division of Marine Fisheries Management, via e-mail at artificialreefdeployments@myfwc.com of the precise location of the reef within 30 days of placement of the reef material.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.600.



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
160 W GOVERNMENT STREET, SUITE 308
PENSACOLA, FLORIDA 32502-5794

RICK SCOTT
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JENNIFER CARROLL
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HERSCHEL T. VINYARD JR.
SECRETARY

January 25, 2013

Okaloosa County Board of County Commissioners
1804 Lewis Turner Blvd, Suite 100
Fort Walton Beach, FL 32547

Okaloosa County Fish Haven 16
File Number: 46-0315102-001-EG, Okaloosa County

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Please note: This letter confirms that your proposed project qualifies for the Noticed General Permit identified herein, but does not constitute the Department's determination of the wetland boundary depicted in the attached drawings of the property.

Authorization to use sovereignty submerged lands – Required

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under chapters 253 and 258 of the Florida Statutes, and Chapter 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a Letter of Consent under rule 18-21.005(1)(c)(9), F.A.C. and section 253.77 of the Florida Statutes to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this.

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of approval of the Noticed General Permit have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this general permit. If an administrative hearing is timely requested by a substantially affected person, the finding that the proposed activity qualifies for this general permit must be reconsidered, and it is possible that the hearing could result in a determination that the proposed activity does not qualify for the general permit. Under Rule 28-106.111 of the Florida Administrative Code, a request for such an administrative hearing must be filed with the Department's Clerk in the Office of General Counsel within 14 days of publication of notice in a newspaper of general circulation in the county where the activity is to take place.

The Department will not publish notice of this determination. *Publication of this notice by you is optional and not required for you to proceed.* However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permits.

If you wish to limit the time within which all substantially affected persons may request an administrative hearing, you may elect to publish the notice of rights of substantially affected persons, at your own expense one time only in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. If you wish to limit the time within which any specific person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this determination.

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of Sections 50.011 and 50.031 of the Florida Statutes. In the event you do publish this notice, within seven days of publication, you must provide to the following address a certification or affidavit of publication issued by the newspaper. If you provide direct written notice to any person as noted above, you must provide to the following address a copy of the direct written notice: Department of Environmental Protection, at 160 W. Government Street, Pensacola, Florida 32501-5740.

NOTICE OF RIGHTS OF SUBSTANTIALLY AFFECTED PERSONS

Use of the Noticed General Permit authorized by Rule 62-330.600, F.A.C. is hereby granted. This determination is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this determination.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Subsection 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any

persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

Judicial Review

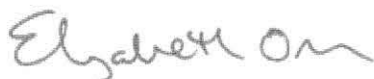
Any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

A copy of your notice also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency.

If you have any questions, please contact Heather Mason at the letterhead address above, by phone at (850) 595-0608, or by e-mail at Heather.Mason@dep.state.fl.us. When referring to this project, please use the file number listed above.

Executed in Escambia County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Elizabeth Mullins Orr
Program Administrator
Submerged Lands & Environmental
Resource Program

Enclosures: Drawings (7 pages)
) Rule 62-330.405, F.A.C., General Conditions (2 pages)
) Rule 62-330.600, F.A.C., NGP for the Construction of Artificial Reefs (1 page)

c: U.S. Army Corps of Engineers
 Scott Henson, Agent
 Jon Dodrill, FWC

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit, including all copies,
was mailed or emailed before the close of business on
January 25, 2013 _____ to the above listed persons.

FILING AND ACKNOWLEDGMENT

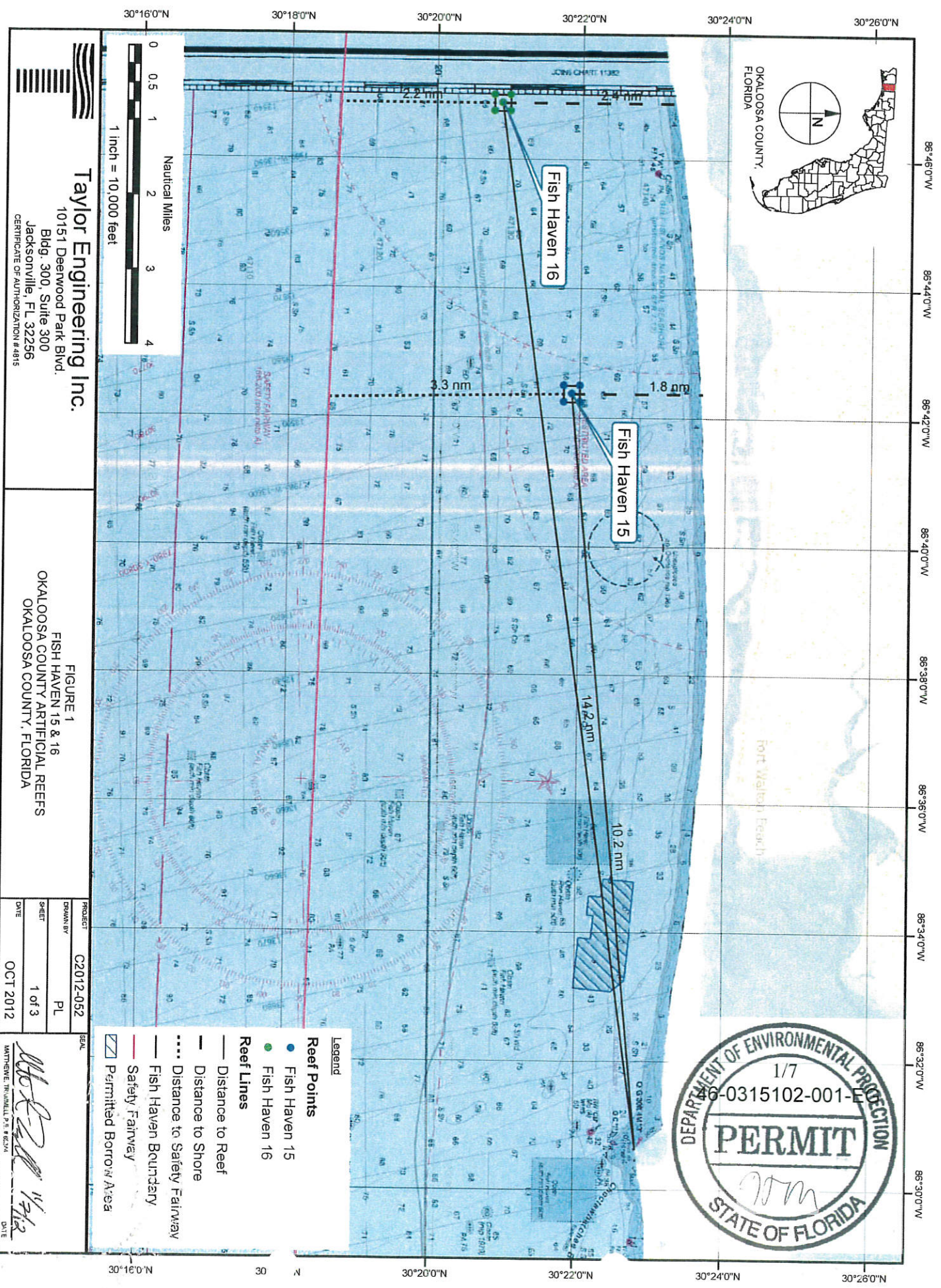
FILED, on this date, pursuant to Section 120.52(7),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Clerk

Date

Brandy Bass

1/25/2013



Taylor Engineering Inc.
 10151 Deerwood Park Blvd.
 Bldg. 300, Suite 300
 Jacksonville, FL 32256
 CERTIFICATE OF AUTHORIZATION #4915

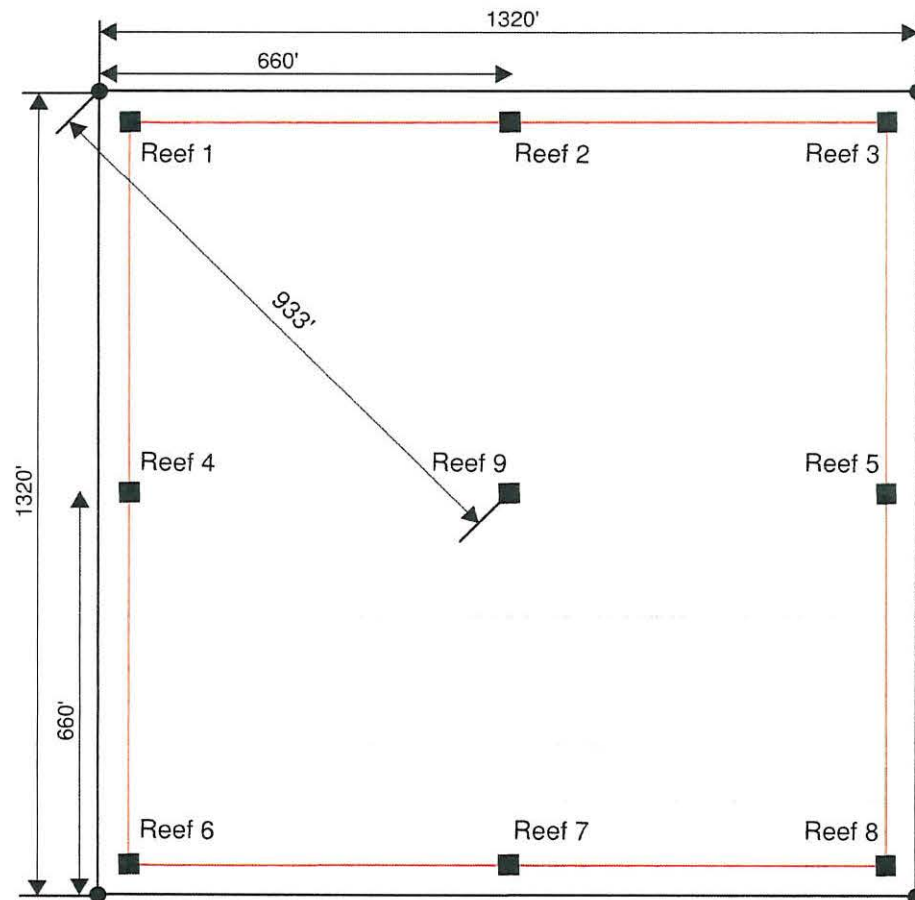
FIGURE 1
 FISH HAVEN 15 & 16
 OKALOOSA COUNTY ARTIFICIAL REEFS
 OKALOOSA COUNTY, FLORIDA

PROJECT: C2012-052
 DRAWN BY: PL
 SHEET: 1 of 3
 DATE: OCT 2012

SEAL: *[Signature]*
 DATE: 10/12

- Legend**
- Reef Points
 - Fish Haven 15
 - Fish Haven 16
 - Reef Lines
 - Distance to Reef
 - Distance to Shore
 - Distance to Safety Fairway
 - Fish Haven Boundary
 - Safety Fairway
 - ▨ Permitted Borrow Area

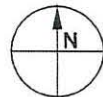




Legend

- Corner Points
- Reef Locations
- 50' Offset
- Fish Haven Boundary

Fish Haven 16					
Name	Location	Longitude	Latitude	Longitude	Latitude
Fish Haven 16	Centroid	86° 46.874' W	30° 20.891' N	86.7812° W	30.3482° N
Fish Haven 16	Northwest Corner	86° 47.000' W	30° 21.000' N	86.7833° W	30.3500° N
Fish Haven 16	Northeast Corner	86° 46.749' W	30° 21.000' N	86.7791° W	30.3500° N
Fish Haven 16	Southeast Corner	86° 46.749' W	30° 20.783' N	86.7791° W	30.3464° N
Fish Haven 16	Southwest Corner	86° 47.000' W	30° 20.782' N	86.7833° W	30.3464° N
Fish Haven 16	Reef 1	86° 46.990' W	30° 20.992' N	86.7832° W	30.3499° N
Fish Haven 16	Reef 2	86° 46.874' W	30° 20.992' N	86.7812° W	30.3499° N
Fish Haven 16	Reef 3	86° 46.759' W	30° 20.992' N	86.7793° W	30.3499° N
Fish Haven 16	Reef 4	86° 46.990' W	30° 20.891' N	86.7832° W	30.3482° N
Fish Haven 16	Reef 5	86° 46.758' W	30° 20.892' N	86.7793° W	30.3482° N
Fish Haven 16	Reef 6	86° 46.990' W	30° 20.791' N	86.7832° W	30.3465° N
Fish Haven 16	Reef 7	86° 46.874' W	30° 20.791' N	86.7812° W	30.3465° N
Fish Haven 16	Reef 8	86° 46.758' W	30° 20.791' N	86.7793° W	30.3465° N
Fish Haven 16	Reef 9	86° 46.874' W	30° 20.891' N	86.7812° W	30.3482° N



0 150 300 600 900 1,200 Feet
1 inch = 300 feet

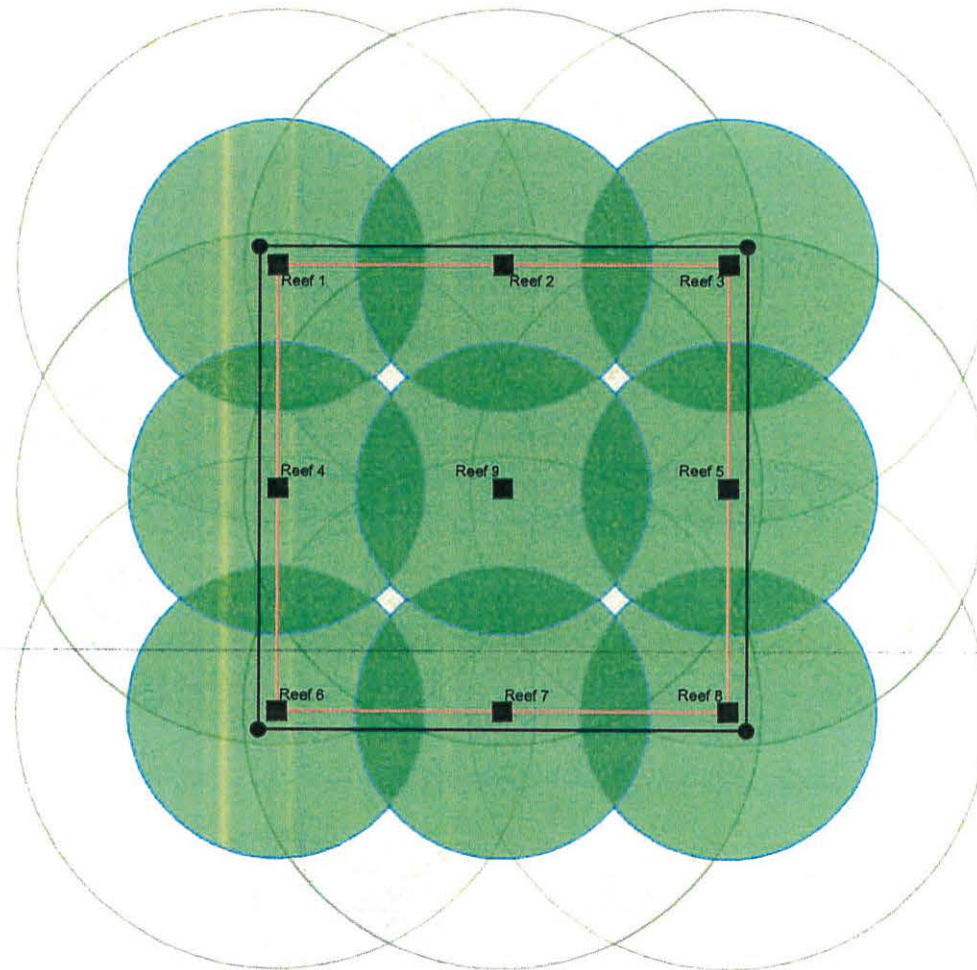


Taylor Engineering Inc.
10151 Deerwood Park Blvd.
Bldg. 300, Suite 300
Jacksonville, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 2
FISH HAVEN 16
OKALOOSA COUNTY ARTIFICIAL REEFS
OKALOOSA COUNTY, FLORIDA

PROJECT C2012-052
DRAWN BY PL
SHEET 2 of 3
DATE NOV 2012

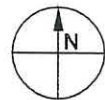
SEAL
Matthew E. Thaw 11/7/12
MATTHEW E. THAW/HELL, P.E. # 03244 DATE



Legend

- Corner Points
- Reef Locations
- 50' Offset
- Fish Haven Boundary


Foraging pressure is greater in the darker shaded areas. Foraging characteristics on the perimeter represent an infinite foraging prospect. The two circles around each reef location represent a 400' and 700' foraging radius, characteristic of target species such as red snapper and gag grouper.



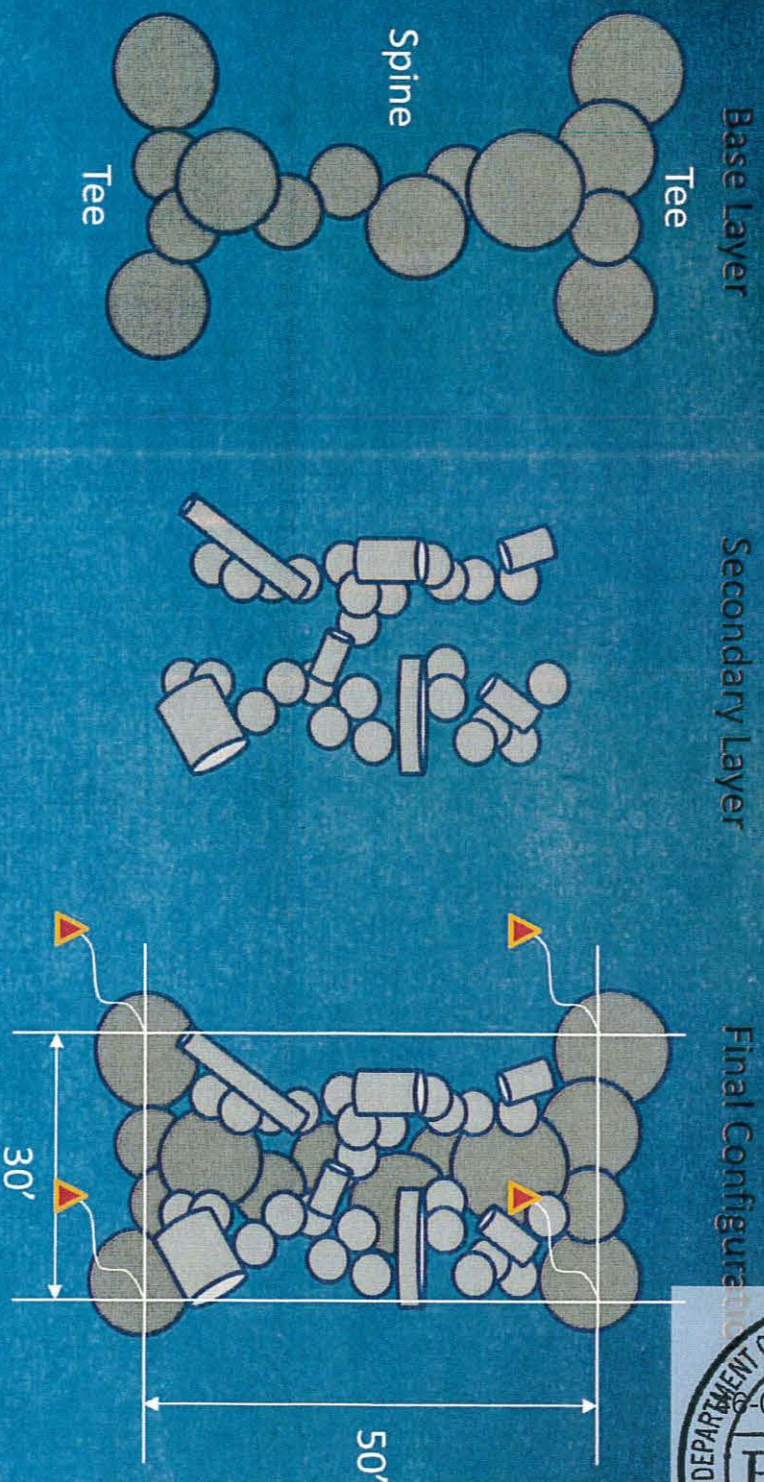
Taylor Engineering Inc.
 10151 Deerwood Park Blvd.
 Bldg. 300, Suite 300
 Jacksonville, FL 32256
 CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 3
 TYPICAL FORAGING PRESSURE
 OKALOOSA COUNTY ARTIFICIAL REEFS
 OKALOOSA COUNTY, FLORIDA

PROJECT	C2012-052
DRAWN BY	PL
SHEET	3 of 3
DATE	NOV 2012

SEAL

 MATTHEW E. FRAMM, P.E. # 592-4 DATE

Attachment A – Typical Reef Structure Fish Haven 15 & 16 – Plan View
Okaloosa County, Florida



The Base Layer will be placed first. A quality control dive will be performed prior to approval of the base. Once complete, an estimate of the number of pieces for the secondary layer materials will be calculated and placed to reach the maximum relief. Dimensions are approximate

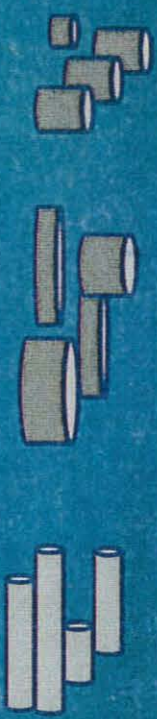


Attachment A – Typical Reef Structure Fish Haven 15 & 16 - Oblique View Okaloosa County, Florida

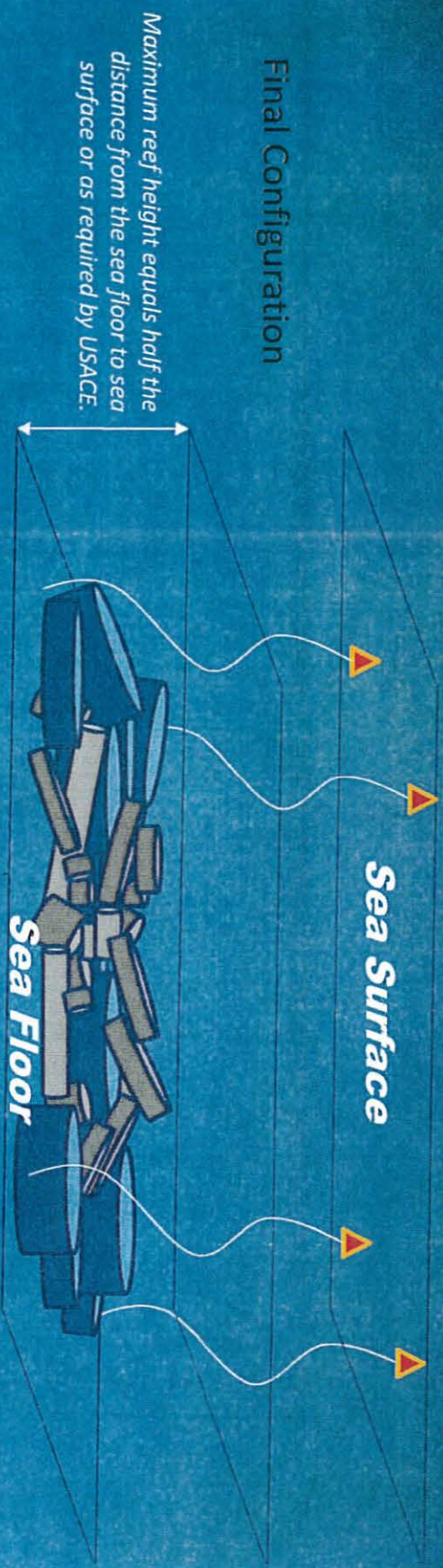
Base Anchor Layer



Secondary Anchor Layer
Materials



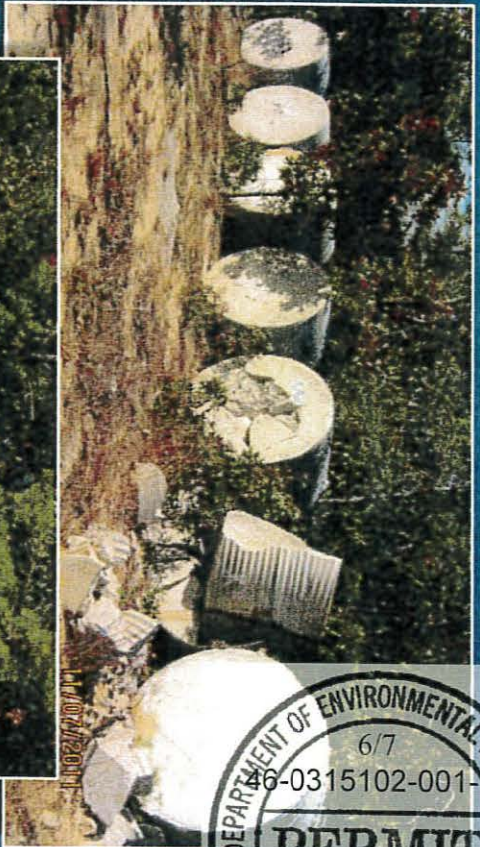
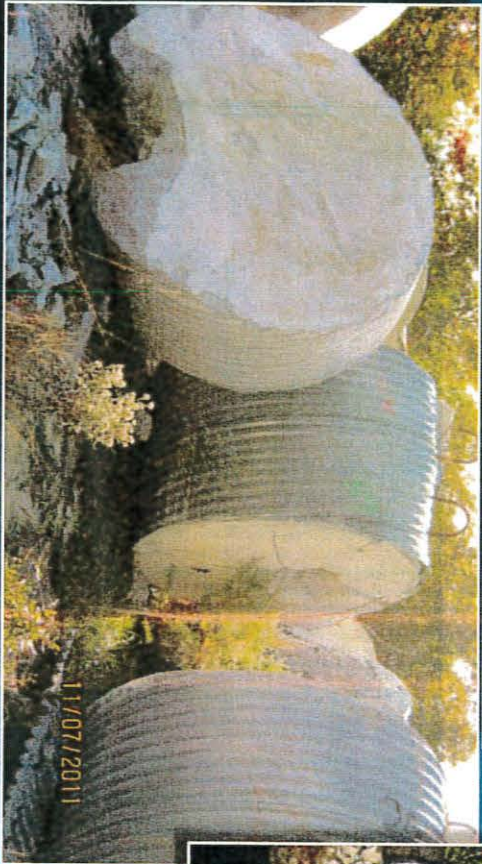
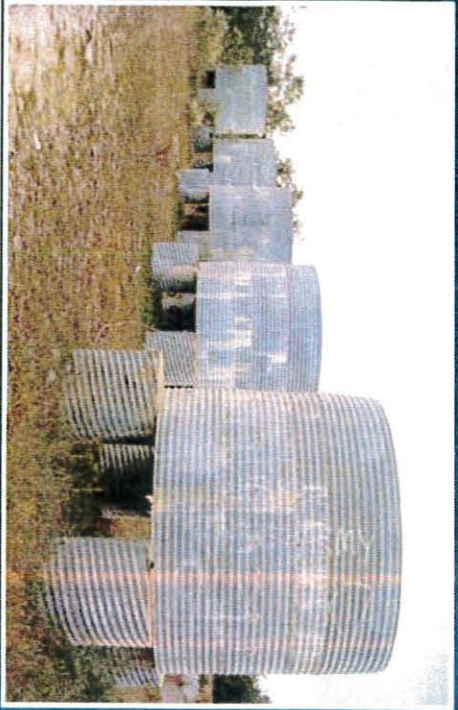
Final Configuration



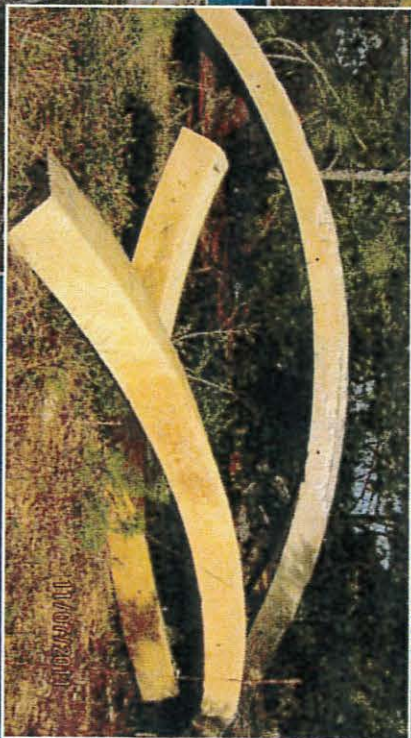
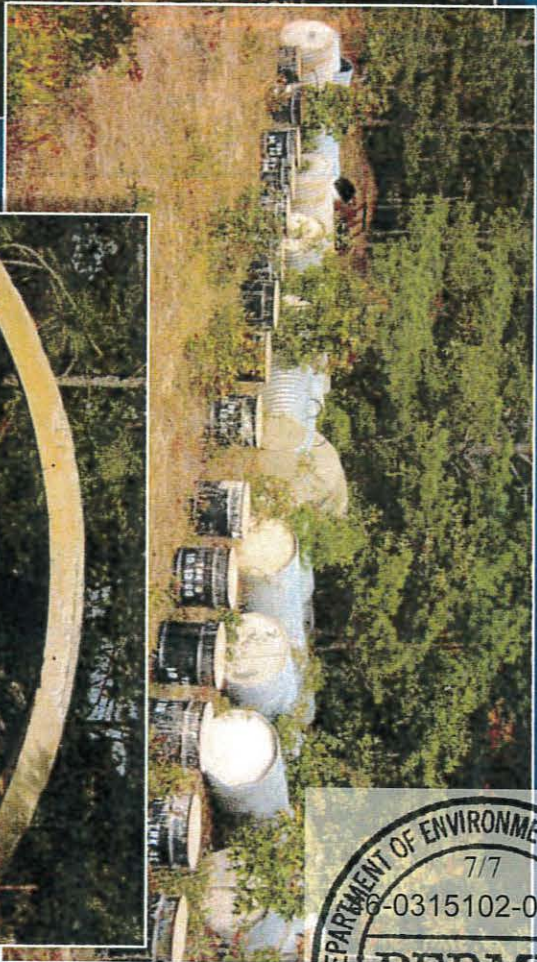
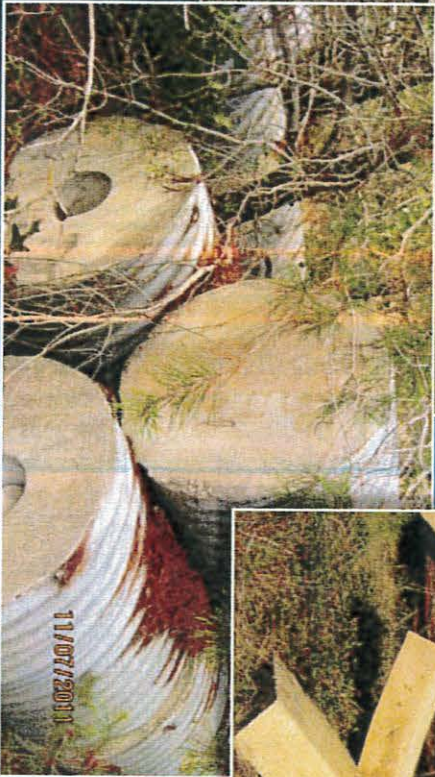
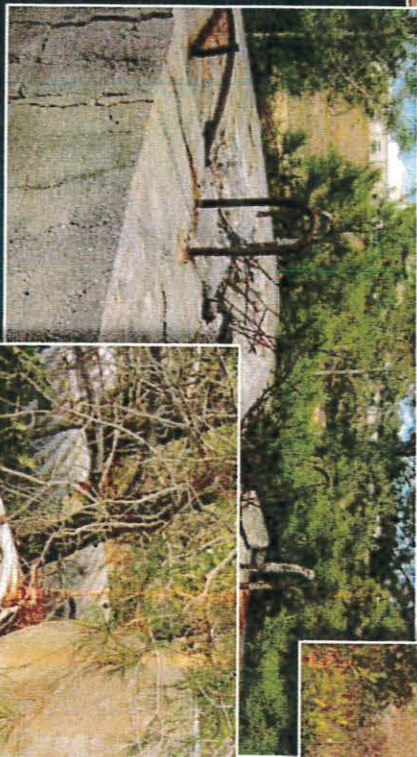
The Base Layer will contain larger anchor material. The Secondary Layer will contain smaller anchor material and larger targets that have lost structural integrity. The layers will be built up until the desired relief is achieved. Marker buoys will be secured prior to material placement to define drop area and serve as a material placement aide.



Attachment B – Typical AFRL Materials for Construction of Fish Haven 15 and 16
Okaloosa County, Florida



Attachment B – Typical AERL Materials for Construction of
Fish Haven 15 and 16
Okaloosa County, Florida



62-330.405 General Conditions for All Noticed General Permits.

(1) The terms, conditions, requirements, limitations, and restrictions set forth in this section are general permit conditions and are binding upon the permittee for all noticed general permits in this chapter. These conditions are enforceable under Part IV of Chapter 373, F.S.

(2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. A violation of the permit is a violation of Part IV of Chapter 373, F.S., and may result in suspension or revocation of the permittee's right to conduct such activity under the general permit. The Department also may begin legal proceedings seeking penalties or other remedies as provided by law for any violation of these conditions.

(3) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.

(4) This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(5) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution in contravention of Florida Statutes and Department rules.

(6) The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

(7) The authorization to conduct activities pursuant to a general permit may be modified, suspended or revoked in accordance with Chapter 120 and Section 373.429, F.S.

(8) This permit shall not be transferred to a third party except pursuant to Rule 62-343.130, F.A.C., or, for activities within the geographical area of the Northwest Florida Water Management District, Rule 62-346.130, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located.

(9) Upon reasonable notice to the permittee, Department staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to insure conformity with the plans and specifications approved by the permit.

(10) The permittee shall maintain any permitted system in accordance with the plans submitted to

the Department and authorized in this general permit.

(11) A permittee's right to conduct a specific noticed activity under this noticed general permit is authorized for a duration of five years.

(12) Construction, alteration, operation, maintenance, removal and abandonment approved by this general permit shall be conducted in a manner which does not cause violations of state water quality standards, including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3) and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters. The permittee shall implement best management practices for erosion, turbidity, and other pollution control to prevent violation of state water quality standards. Temporary erosion control measures such as sodding, mulching, and seeding shall be implemented and shall be maintained on all erodible ground areas prior to and during construction. Permanent erosion control measures such as sodding and planting of wetland species shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and other surface waters exists due to the permitted activity. Turbidity barriers shall remain in place and shall be maintained in a functional condition at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

(13) The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the general permit.

(14) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.406(5), 373.118(1), 373.129, 373.136, 373.413, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429 FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215.

62-330.600 General Permit for the Construction of Artificial Reefs.

(1) A general permit is hereby provided for the construction of an artificial reef by any person, provided:

(a) The material to be used shall be clean concrete or rock, clean steel boat hulls, other clean, heavy gauge steel products with a thickness of 1/4 inch or greater, and prefabricated structures that are a mixture of clean concrete and heavy gauge steel;

(b) The material shall be free of soils, oils and greases, debris, litter, putrescible substances or other pollutants;

(c) The material shall be firmly anchored to the bottom and shall not be indiscriminately dumped; and

(d) The material shall be placed so that the top of the reef does not exceed 1/2 the distance from the bottom to the surface of the water unless a greater distance from the surface is required for safe navigation. At no time shall the distance between the top of the reef and the surface of the water be less than 6 feet.

(2) This general permit shall be subject to the following specific conditions:

(a) The permittee shall conduct a survey of the bottom of the waterbody on which the reef is to be built and shall submit the survey to the Department with the notice required in subsection 62-343.090(1), F.A.C., demonstrating that the bottom does not have submerged grassbed communities, shellfish or other hardbottom communities, or corals;

(b) There shall be no reefs constructed in bays, lagoons, or estuaries that are less than 12 feet deep;

(c) There shall be no "white goods" (inoperative and discarded refrigerators, freezers, ranges, water heaters, washers, and other similar domestic and commercial appliances), asphalt material, tires, other polluting materials used in construction of the reef;

(d) The site shall be marked with perimeter buoys during construction to ensure that no material is deposited outside of the site;

(e) The size of the boundaries within which the artificial reef is to be deposited shall not exceed 1/4 mile on any side;

(f) The artificial reef site shall not be established within any shipping lanes; and

(g) The permittee shall notify the National Ocean Service, National Oceanographic and Atmospheric Association, U.S. Department of Commerce, Rockville, Maryland, and the Florida Fish and Wildlife Conservation Commission, Division of Marine Fisheries Management, via e-mail at artificialreefdeployments@myfwc.com of the precise location of the reef within 30 days of placement of the reef material.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.600.