

DEPARTMENT OF THE ARMY PERMIT

Permittee: ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
MARINE RESOURCES DIVISION (ADCNR-MRD)

Permit No.: SAM-2009-01459-HEH

Issuing Office: MOBILE DISTRICT

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

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

Project Description: The permittee is authorized to renovate an existing boat basin on State property on the north bank of the Intracoastal Waterway. The work includes excavation/enlargement of the current basin, mechanical dredging, bulkhead installation, construction of a boat ramp with floating dock, and installation of four boat/lifts with finger piers. The basin will be constructed in the upland location that has been previously excavated. The boat basin dimensions shall be approximately 133-feet-wide by 85-feet-long (excavated landward) with the mouth of the boat basin excavation measuring approximately 95 feet-wide by 24 feet-long. (1) Bulkhead: A total of approximately 905 linear feet of metal sheet piling (varying in heights of plus 0.0 feet, through 6.0 feet, 8.0 feet, and 13.0 feet above sea level) will be installed for the boat basin construction. During the Phase I sheet pile installation, approximately 262 linear feet of sheet pile will be installed at the floating dock and boat ramp at the west side of the boat basin and approximately 139 feet at the south side fronting the Intracoastal Waterway. In the Phase II construction, approximately 234 linear feet of sheet pile bulkhead will line the interior boat basin at the boat ramp, north and east sides of the boat basin. The remaining bulkhead construction will be for the upland terrace and would be approximately 249 linear feet. (2) Boat Basin: The total quantity to be mechanically excavated (cut landward) above Mean High Tide (MHT) elevation at plus 2.2 feet is approximately 2,409 cubic yards and the total quantity dredged mechanically below MHT is 5,301 cubic yards. The total amount of fill material above the MHT elevation is 218 cubic yards and the total quantity of fill material below MHT is 110 cubic yards. Fill shall be obtained from both upland and water bottom locations. Floating turbidity curtains shall be installed during Phase I and II construction as shown in the drawings. Basin dredge material will be placed in the upland disposal area shown in the plan view drawing for dewatering. Navigation depth for the basin shall be dredged up to minus 8 feet Mean Low Water (MLW) except where the boat ramp will be placed. (3) Boat Ramp with Floating Dock: The work includes the installation of a concrete, pile supported, boat ramp. The first section of the boat ramp will be 6-inches-thick by 26-feet-wide by 42-feet-long. The ramp then narrows to 20-feet-wide by 84.75-feet-long (as depicted on the drawings). This narrowing of the ramp allows installation of a 6-foot-wide by 72-foot-long floating dock parallel to the boat launch. The boat ramp will require approximately 30 cubic yards of concrete fill below MHT at elevation plus 2.2 feet. (4) Boat/Lifts with Finger Piers: The project will involve the construction of a four slip, permanent pier. The dimensions of the pier are as follows: 352 linear feet of a 6-foot-wide permanent pier upon 10-foot-long pilings driven into the existing ground at a depth deemed necessary by the contractor. The pier's four identical slips shall have the following dimensions: 14 feet-wide by 40 feet long, each separated with a 6-foot-wide walk way (included in the 352 linear feet measurement).

Project Location: **The ADCNR/MRD, Claude Peteet Mariculture Center, 21055 Waterway East Boulevard, on the Baldwin County section of the Intracoastal Waterway (near Latitude 30° 16.814' North and Longitude -87° 39.987' West in Section 10, Township 9 South, Range 4 East) Gulf Shores, Alabama.**

Attachments:

- 1. Vicinity Map and Site Plans dated June 9, 2010, (10 pages)**
- 2. 401 Water Quality Certification and Coastal Zone Management Certification (2 pages)**

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **June 8, 2015**. 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 1 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 of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

- a. **The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure 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 U.S. Army 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.**
- b. **The permittee shall comply with all requirements of the Alabama Department of Environmental Management's 401 water quality certification and coastal zone consistency dated June 8, 2010.**
- c. **Should cultural resources be encountered during project activities, work shall cease and the Alabama State Historical Preservation Officer and this office shall be consulted immediately. This stipulation shall be placed on the construction plans, and it is the permittee's responsibility to ensure that contractors are aware of this requirement.**

- d. The permittee shall comply with the local flood damage ordinance and the regulations of the National Flood Insurance Program. The project cannot cause ponding or flooding on adjacent properties.**
- e. All dredged material will be placed in the designated on-site upland diked disposal area. The material must be properly contained to prevent sediment from reentering the waterway. The diked disposal area must be properly maintained.**
- f. Best Management Practices shall be implemented to minimize erosion, siltation and damage to the adjacent waterway. Appropriate erosion and siltation control measures must be used and maintained in effective operating condition during construction. Should any temporary erosion control features be used they shall remain in place until permanent stabilization measures have been completed and have become fully effective.**
- g. All excavation and fill activities shall be performed in a manner that minimizes turbidity increases in "waters of the United States." Turbidity during construction and dredging activities shall be contained by floating silt curtains at the mouth of the boat basin.**
- h. Any future maintenance dredging will require a separate Department of the Army permit.**
- i. It is the permittee's responsibility to ensure that the contractors working on this project are aware of all general and special permit conditions.**
- j. Construction, staging, stockpiling and hauling activities at the site will create ambient dust which shall be controlled with dampening operations in the operational area.**
- k. Compliance with all terms and general and special conditions of this Permit is mandatory.**

Further Information:

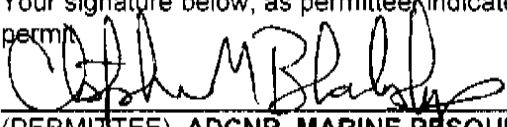
1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
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 to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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

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



 (PERMITTEE) ADCNR, MARINE RESOURCES DIV.
 POST OFFICE BOX 458
 GULF SHORES, ALABAMA 36547

6-10-10

 (DATE)

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

STEVEN J. ROEMHILDT, P.E.
COLONEL CORPS OF ENGINEERS
DISTRICT COMMANDER

BY:  6/10/2010

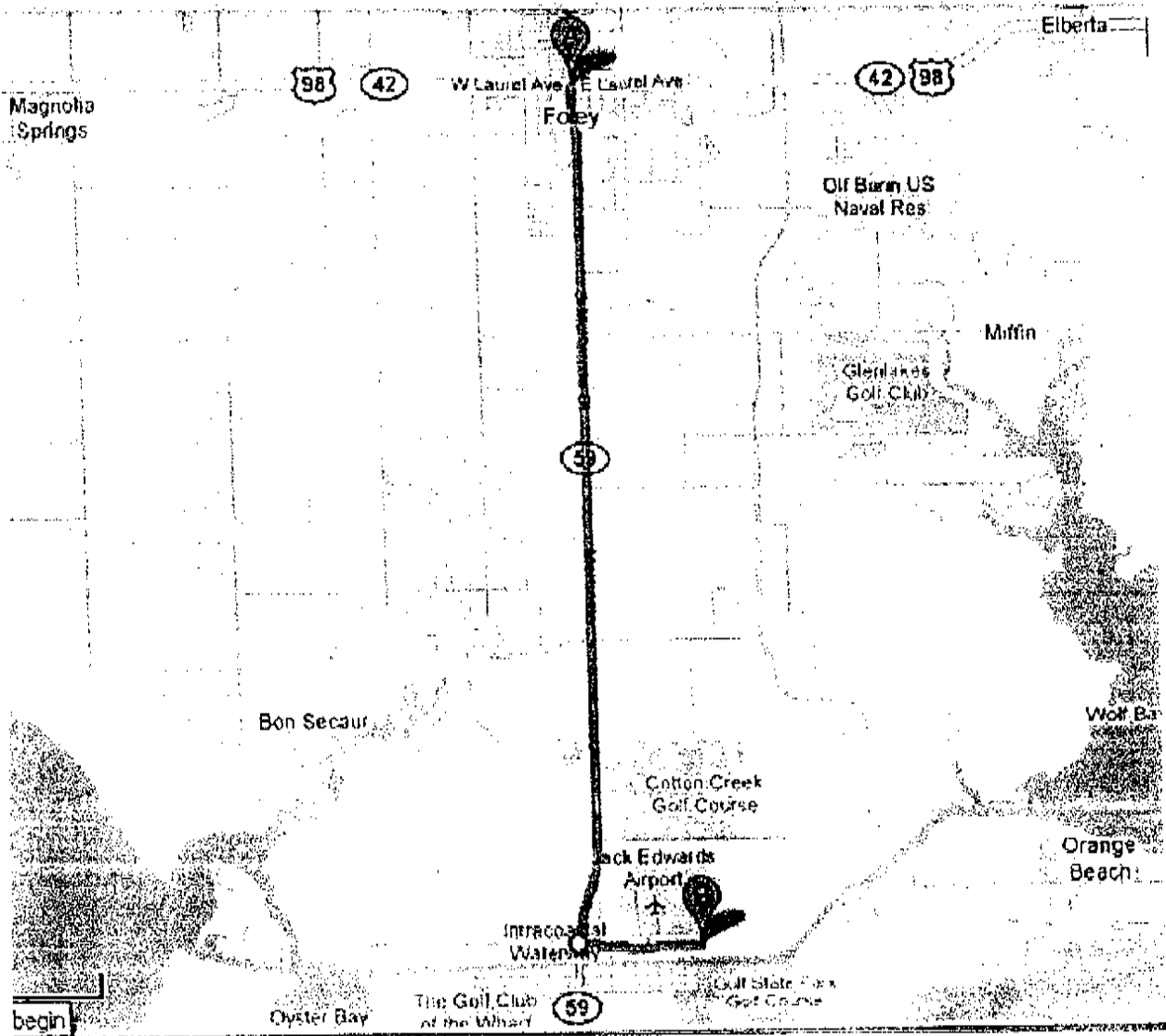
 MUNTHER N. SAHAWNEH (DATE)
 CHIEF, COASTAL BRANCH
 REGULATORY DIVISION

When the structures or work authorized by this permit(SAM-2009-01459-HEH) 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.

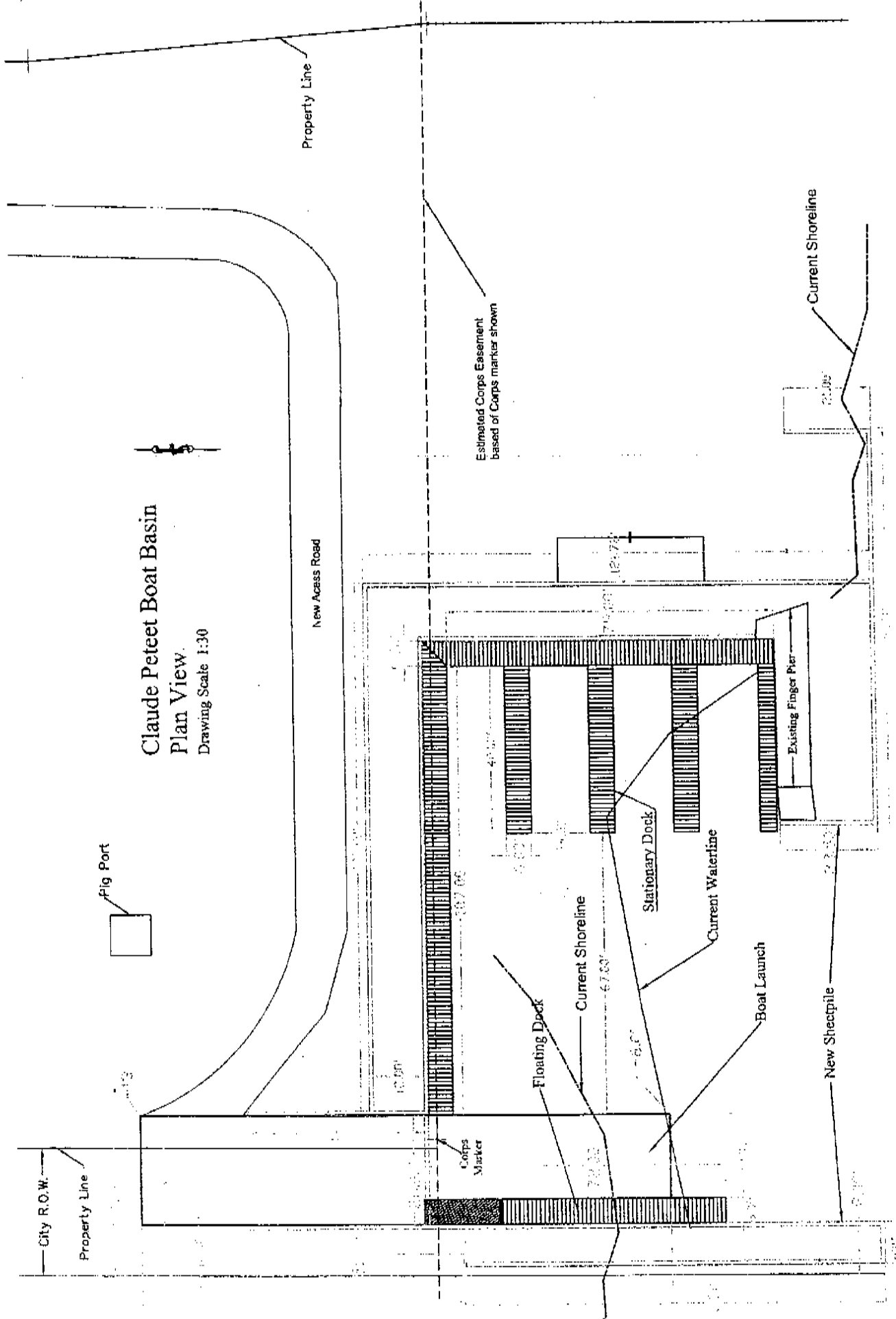
 (TRANSFEREE)

 (DATE)

Figure 1. Map and directions to Claude Peteet Mariculture Center. Please call Mon.- Fri. 8 am - 5pm to schedule an appointment.



From Highway 59 & 98 in Foley, head south on highway 59 for 8.5 miles. At the stop light before the Intracoastal Waterway bridge, turn east (left) onto East 29th street. The "Track" amusement park on the east side of this intersection. At the stop sign turn south (right) onto East Second street. Turn left onto Waterway East Boulevard and continue for 1 mile. Claude Peteet Mariculture Center is located at the end of Waterway East Boulevard.



Claude Peteet Boat Basin
Plan View
Drawing Scale 1:30

City R.O.W.
Property Line

Pig Port

New Access Road

Property Line

Estimated Corps Easement
based of Corps marker shown

Current Shoreline

Floating Dock

Current Shoreline

Stationary Dock

Current Waterline

Boat Launch

Existing Finger Pier

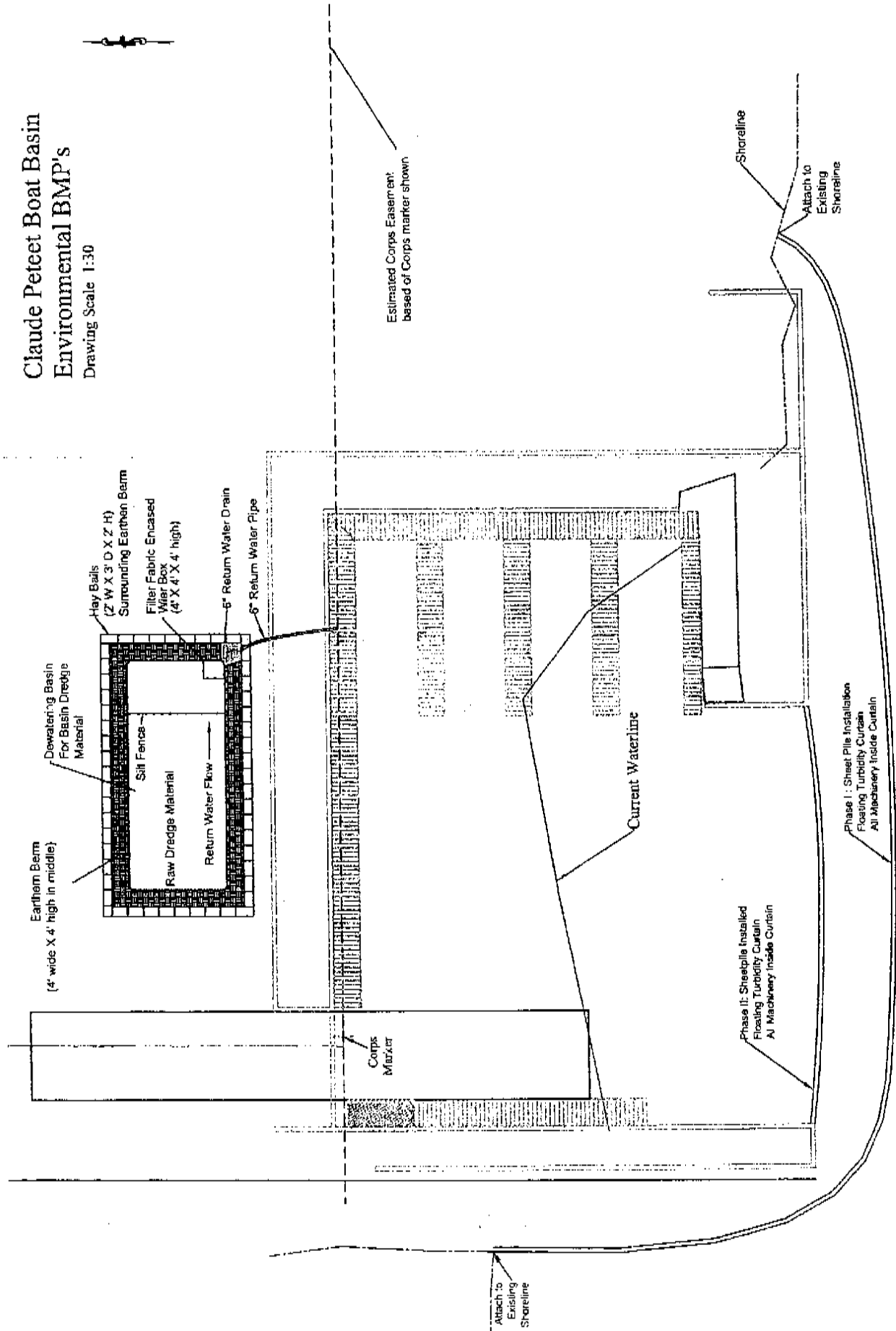
New Shectpile

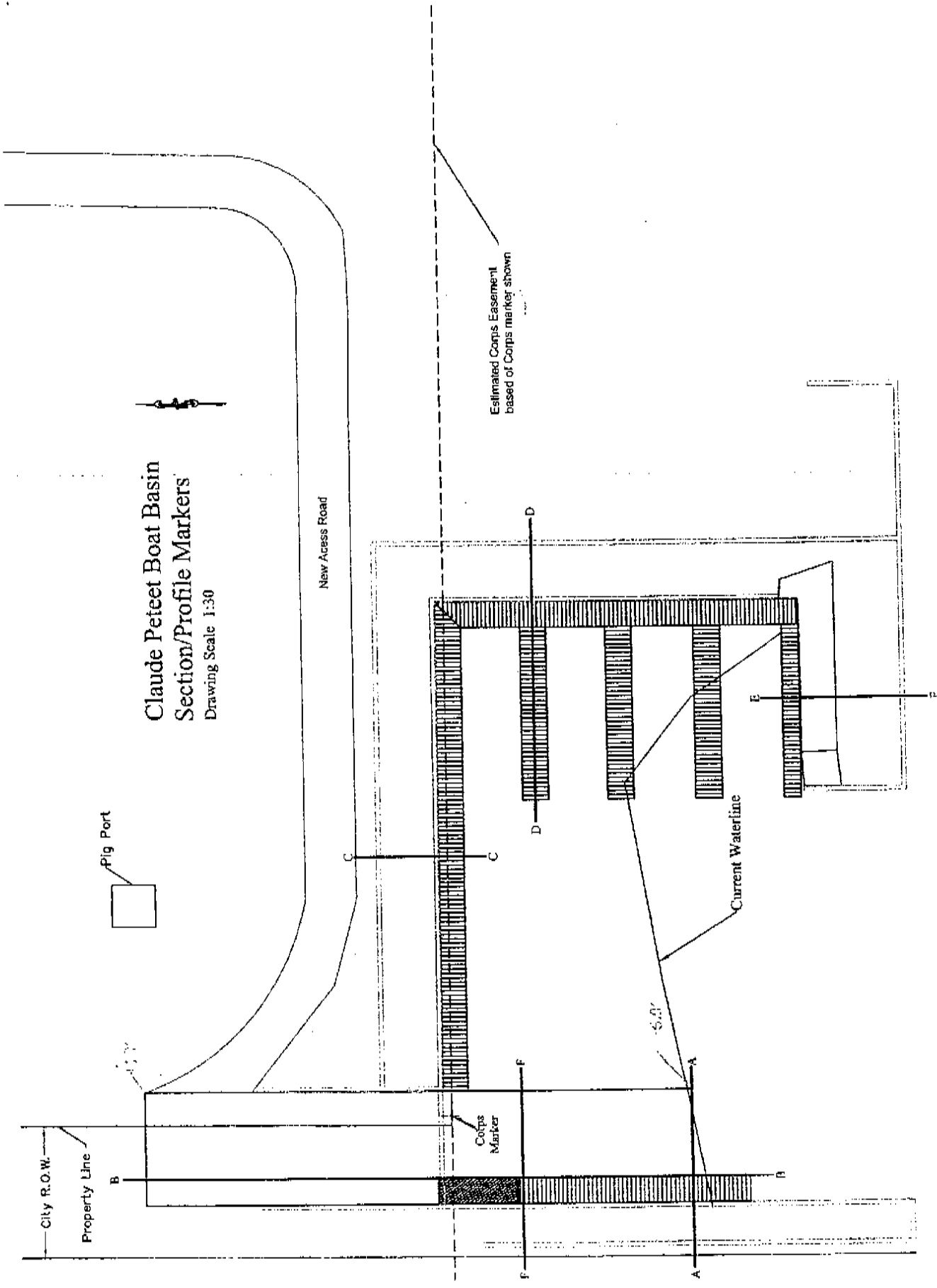
Corps
Marker

Intracoastal Waterway

Claude Petet Boat Basin Environmental BMP's

Drawing Scale 1:30





Claude Peteet Boat Basin
 Section/Profile Markers
 Drawing Scale 1:30

City R.O.W.
 Property Line

Pig Port

New Access Road

Estimated Corps Easement
 based of Corps marker shown

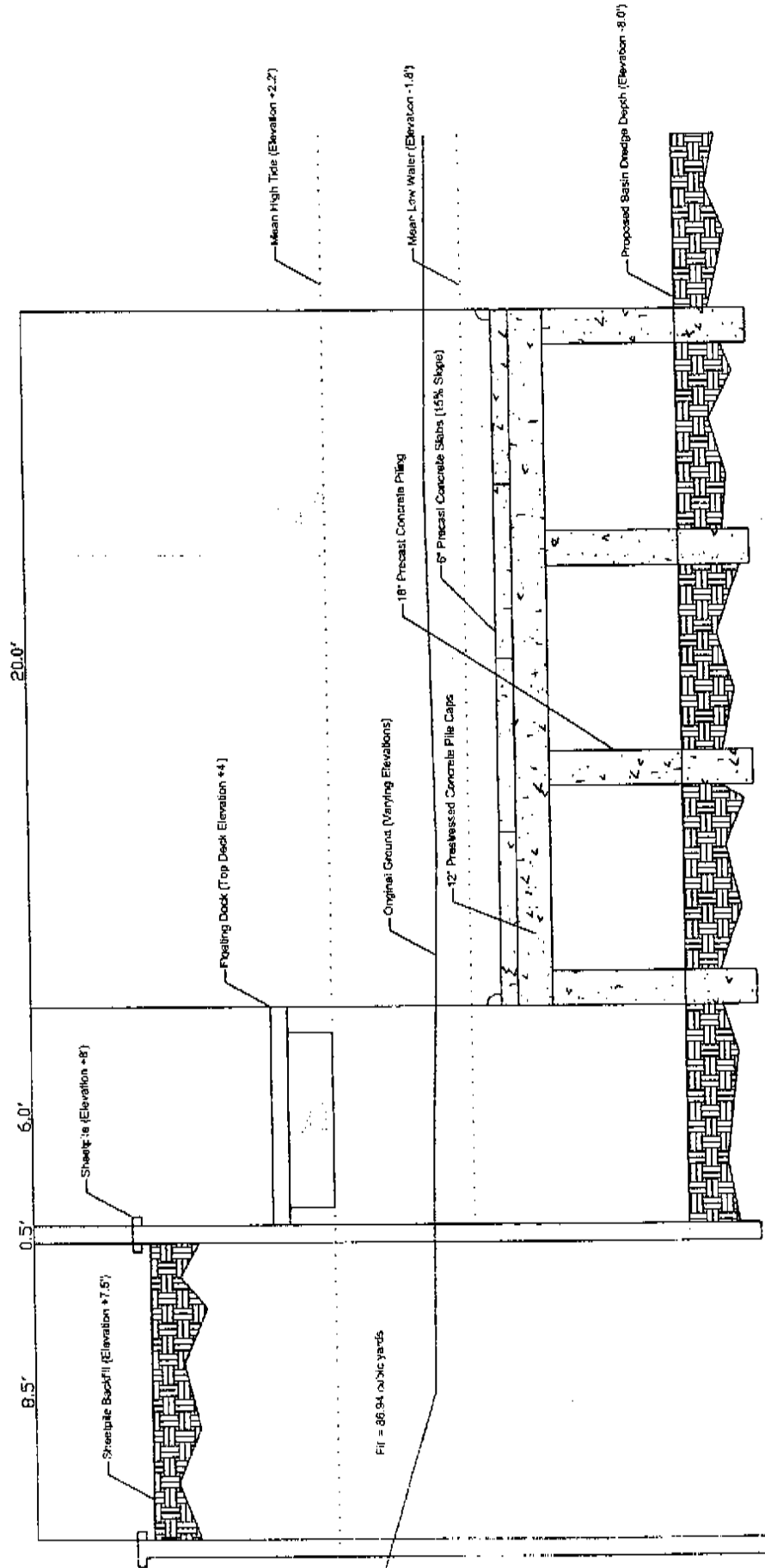
Current Waterline

Corps
 Marker

6.0%

Section A - A (Westwall)

Fill Above MHT = 120.75 cubic yards
 Fill Below MHT = 59.85 cubic yards
 Quantities Same As Section F - F

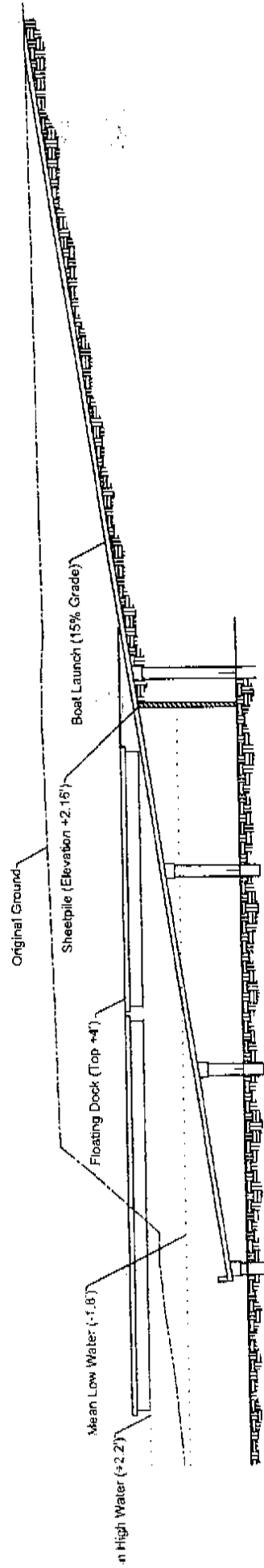


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Fig 4

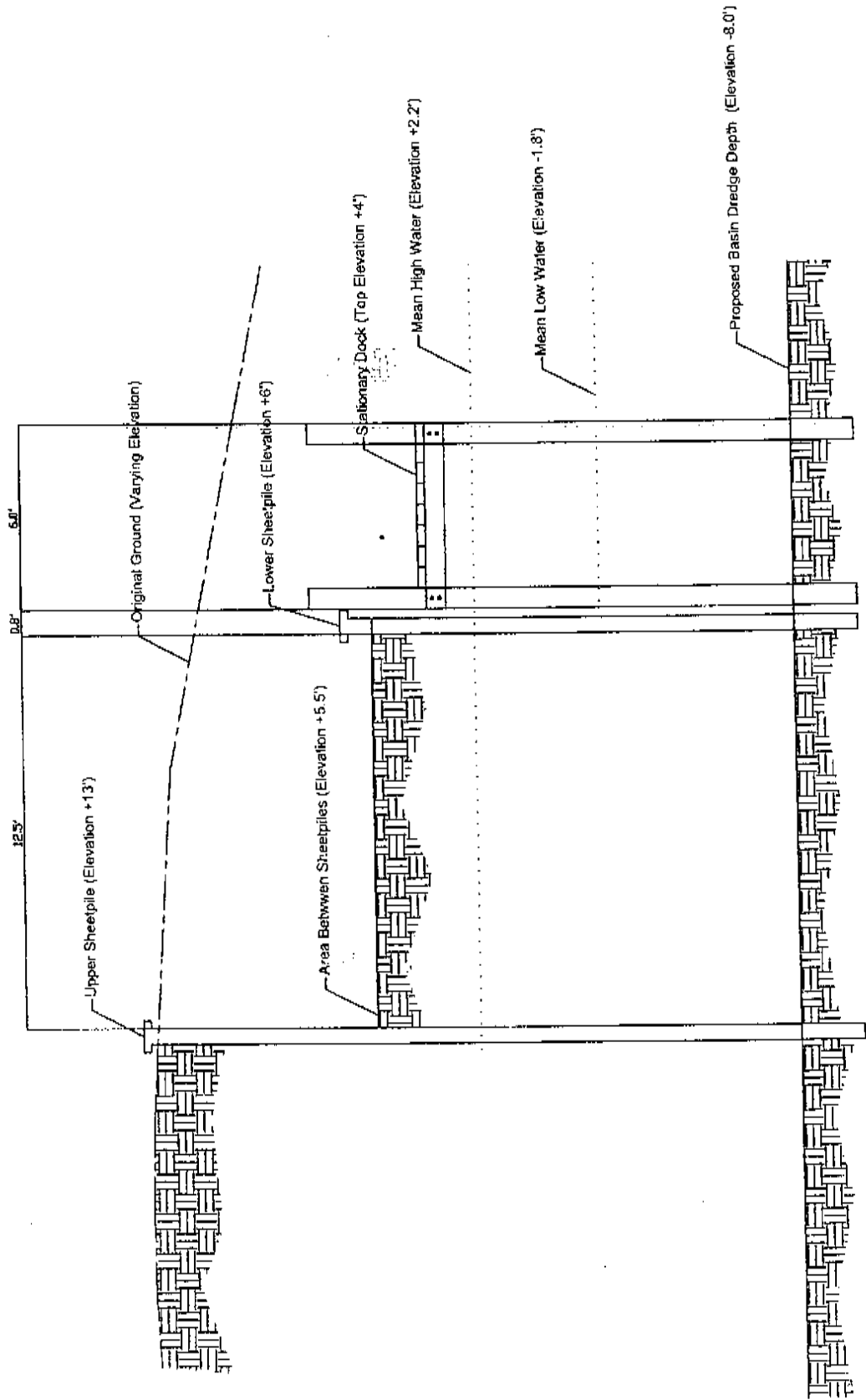
Profile B - B

Cut Above MHT = 252 cubic yards



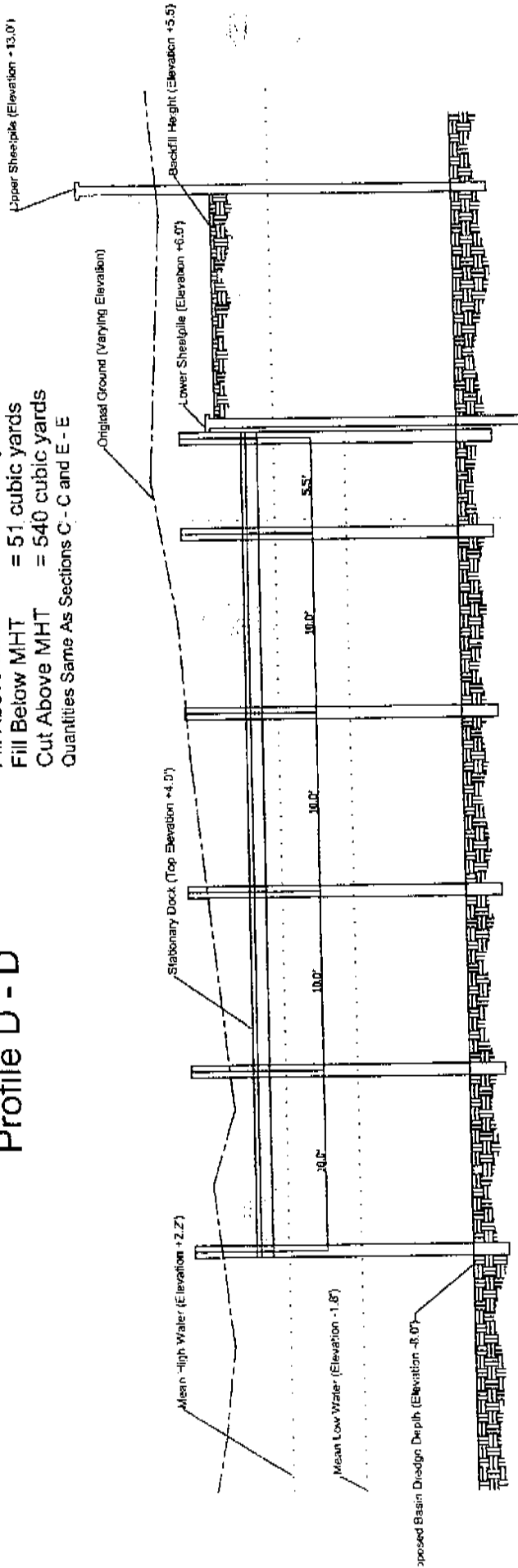
Section C - C

Fill Above MHT = 98 cubic yards
 Fill Below MHT = 51 cubic yards
 Cut Above MHT = 540 cubic yards
 Quantities Same As Profile D - D and Section E - E



Profile D - D

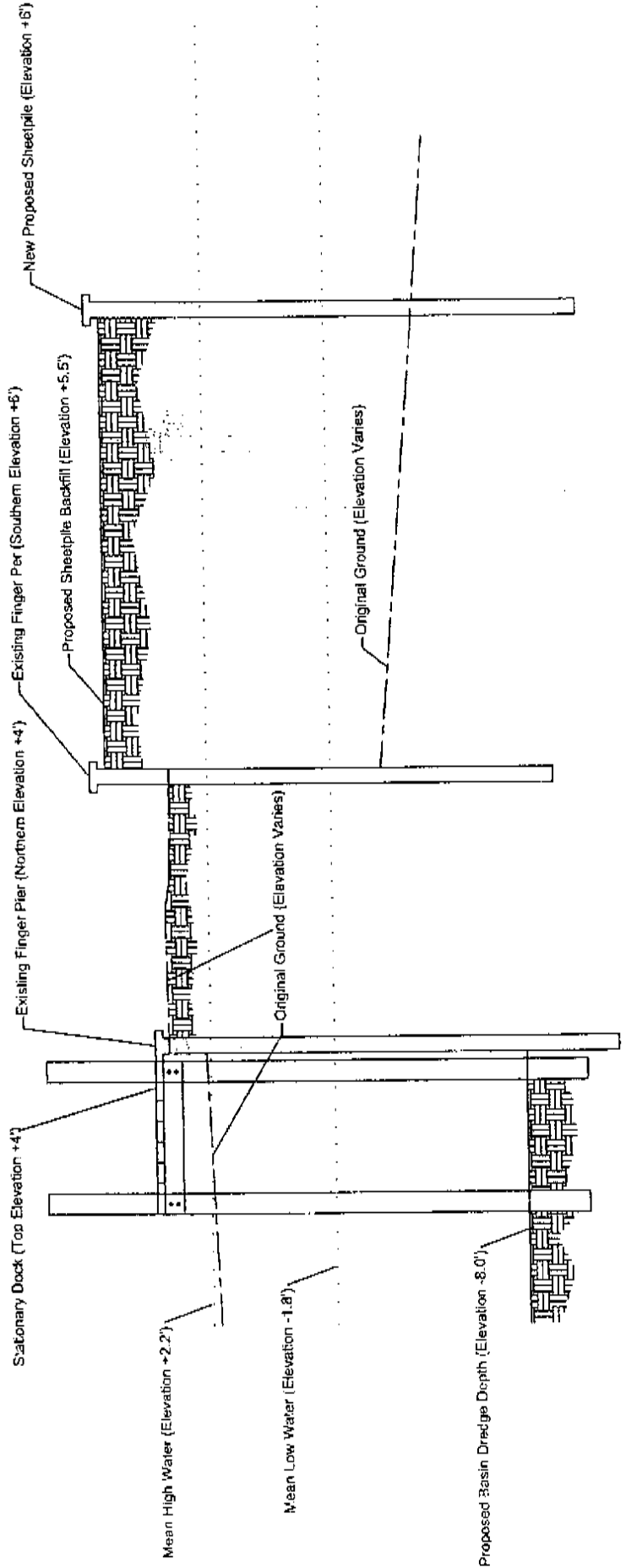
Fill Above MHT = 98 cubic yards
 Fill Below MHT = 51 cubic yards
 Cut Above MHT = 540 cubic yards
 Quantities Same As Sections C - C and E - E



JUN 09 2010
 Fig

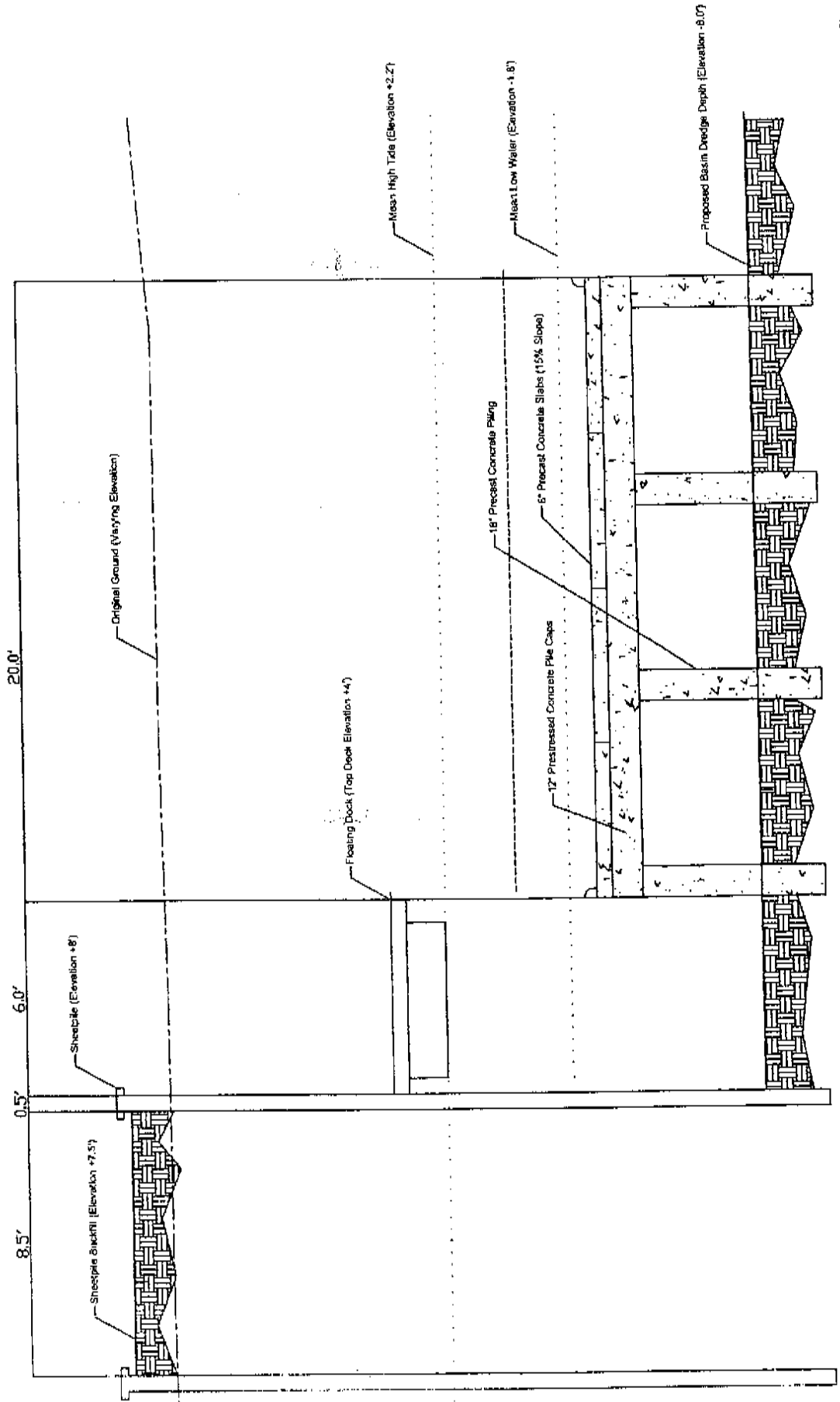
Section E - E

Fill Above MHT = 98 cubic yards
 Fill Below MHT = 51 cubic yards
 Cut Above MHT = 540 cubic yards
 Quantities Same As Section C - C and Profile D - D



Section F - F (Westwall)

Fill Above MHT = 120.75 cubic yards
 Fill Below MHT = 59.85 cubic yards
 Quantities Same As Section A - A



JUN 09 2010
 Fig 9