

## SHORELINE USE PERMIT CONDITIONS

THESE CONDITIONS ARE FOR SHORELINE USE PERMIT # DE IN \_\_\_\_\_ COVE

1. THIS PERMIT IS GRANTED SOLELY TO THE APPLICANT FOR THE PURPOSE DESCRIBED ON THE ATTACHED PERMIT.
2. THE PERMITTEE AGREES TO AND DOES HEREBY RELEASE FOR THE PURPOSE TO SAVE AND HOLD THE GOVERNMENT HARMLESS FROM ANY AND ALL CAUSES OF ACTION, SUITS AT LAW OR EQUITY OR CLAIMS OR DEMANDS OR FROM ANY LIABILITY OF ANY NATURE WHATSOEVER FOR OR ON ACCOUNT OF ANY DAMAGES TO PERSONS OR PROPERTY, INCLUDING A PERMITTED FACILITY, GROWING OUT OF OWNERSHIP, CONSTRUCTION, OPERATION, OR MAINTENANCE BY THE PERMITTEE OF THE PERMITTED FACILITY AND/OR ACTIVITIES.
3. OWNERSHIP, CONSTRUCTION, OPERATION, AND USE OF A PERMITTED FACILITY ARE SUBJECT TO THE GOVERNMENT'S NAVIGATION SERVITUDE.
4. NO ATTEMPT SHALL BE MADE BY THE PERMITTEE TO FORBID THE FULL AND FREE USE BY THE PUBLIC OF ALL PUBLIC WATERS AND/OR LANDS AT OR ADJACENT TO THE PERMITTED FACILITY OR TO UNREASONABLY INTERFERE WITH ANY AUTHORIZED PROJECT PURPOSES, INCLUDING NAVIGATION IN CONNECTION THE OWNERSHIP, CONSTRUCTION OPERATION OR MAINTENANCE OF A PERMITTED FACILITY AND/OR ACTIVITY.
5. THE PERMITTEE AGREES THAT IF SUBSEQUENT OPERATIONS BY THE GOVERNMENT REQUIRE AN ALTERATION TO THE LOCATION OF A PERMITTED FACILITY AND/OR ACTIVITY OR IF IN THE OPINION OF THE DISTRICT COMMANDER A PERMITTED FACILITY AND/OR ACTIVITY SHALL CAUSE UNREASONABLE OBSTRUCTION TO NAVIGATION OR THAT THE PUBLIC INTEREST SO REQUIRES, THE PERMITTEE SHALL BE REQUIRED UPON WRITTEN NOTICE FROM THE DISTRICT COMMANDER TO REMOVE, ALTER, OR RELOCATE THE PERMITTED FACILITY, WITHOUT EXPENSE TO THE GOVERNMENT.
6. THE GOVERNMENT SHALL IN NO CASE BE LIABLE FOR ANY DAMAGE OR INJURY TO A PERMITTED FACILITY WHICH MAY BE CAUSED BY OR RESULT FROM SUBSEQUENT OPERATIONS UNDERTAKEN BY THE GOVERNMENT FOR THE IMPROVEMENT OF NAVIGATION OR FOR OTHER LAWFUL PURPOSES AND NO CLAIMS OR RIGHT TO COMPENSATE SHALL ACCRUE FROM ANY SUCH DAMAGE. THIS INCLUDES ANY DAMAGE THAT MAY OCCUR TO PRIVATE PROPERTY IF A FACILITY IS REMOVED FOR NONCOMPLIANCE WITH THE CONDITIONS OF THE PERMIT.
7. OWNERSHIP, CONSTRUCTION, OPERATION, USE AND MAINTENANCE OF A PERMITTED FACILITY AND/OR ACTIVITY ARE SUBJECT TO ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS. FAILURE TO ABIDE BY THESE APPLICABLE LAWS AND REGULATIONS MAY BE CAUSE FOR REVOCATION OF THE PERMIT.
8. THIS PERMIT DOES NOT CONVEY ANY PROPERTY RIGHTS EITHER IN REAL ESTATE OR MATERIAL AND DOES NOT AUTHORIZE ANY INJURY TO PRIVATE PROPERTY OR INVASION OF PRIVATE RIGHTS OR ANY INFRINGEMENT OF FEDERAL, STATE, OR LOCAL LAWS OR REGULATIONS, NOR DOES IT OBIVIATE THE NECESSITY OF OBTAINING STATE OR LOCAL ASSENT REQUIRED BY LAW FOR THE CONSTRUCTION, OPERATION, USE OR MAINTENANCE OF A PERMITTED FACILITY AND/OR ACTIVITY.
9. THE PERMITTEE AGREES TO CONSTRUCT THE FACILITY WITHIN THE TIME LIMIT AGREED TO ON THE PERMIT ISSUANCE DATE. THE PERMIT SHALL BECOME NULL AND VOID IF CONSTRUCTION IS NOT COMPLETED WITHIN THAT PERIOD. FURTHER, THE PERMITTEE AGREES TO OPERATE AND MAINTAIN ANY PERMITTED FACILITY AND/OR ACTIVITY IN A MANNER SO AS TO PROVIDE SAFETY, MINIMIZE ANY ADVERSE IMPACT ON FISH AND WILDLIFE HABITAT, NATURAL, ENVIRONMENTAL, OR CULTURAL RESOURCES VALUES AND IN A MANNER SO AS TO MINIMIZE DEGRADATION OF WATER QUALITY.

10. THE PERMITTEE SHALL REMOVE PERMITTED FACILITY WITHIN 30 DAYS AT HIS/HER EXPENSE AND RESTORE THE WATERWAY AND LANDS TO A CONDITION ACCEPTED BY THE RESOURCE MANAGER, THE DISTRICT COMMANDER MAY REMOVE UPON TERMINATION OR REVOCATION OF THIS PERMIT OR IF THE PERMITTEE CEASES TO USE, OPERATE, OR MAINTAIN A PERMITTED FACILITY AND/OR ACTIVITY. IF THE PERMITTEE FAILS TO COMPLY TO THE SATISFACTION OF THE RESOURCE MANAGER, THE DISTRICT COMMANDER MAY REMOVE THE FACILITY BY CONTRACT OR OTHERWISE AND THE PERMITTEE AGREES TO PAY ALL COSTS INCURRED THEREOF.

11. THE USE OF A PERMITTED BOAT DOCK FACILITY SHALL BE LIMITED TO THE MOORING OF THE PERMITTEE'S VESSEL OR WATERCRAFT AND THE STORAGE, IN ENCLOSED LOCKER FACILITIES OF HIS/HER GEAR ESSENTIAL TO THE OPERATION OF SUCH VESSEL OR WATERCRAFT.

12. NEITHER A PERMITTED FACILITY NOR ANY HOUSEBOAT, CABIN CRUISER, OR OTHER VESSEL MOORED THERETO SHALL BE USED AS A PLACE OF HABITATION OR AS A FULL OR PART-TIME RESIDENCE OR IN ANY MANNER WHICH GIVES THE APPEARANCE OF CONVERTING THE PUBLIC PROPERTY, ON WHICH THE FACILITY IS LOCATED, TO PRIVATE USE.

13. FACILITIES GRANTED UNDER THIS PERMIT WILL NOT BE LEASED, RENTED, SUB-LET OR PROVIDED TO OTHERS BY ANY MEANS OF ENGAGING IN COMMERCIAL ACTIVITY(S) BY THE PERMITTEE OR HIS/HER AGENT FOR MONETARY GAIN. THIS DOES NOT PRECLUDE THE PERMITTEE FROM SELLING TOTAL OWNERSHIP TO THE FACILITY.

14. ON ALL NEW DOCKS AND BOAT MOORING BUOYS, FLOATATION SHALL BE OF MATERIALS WHICH WILL NOT BECOME WATERLOGGED (NOT OVER 1 1/2 PERCENT BY VOLUME ASTM), IS RESISTANT TO DAMAGE BY ANIMALS, AND WILL NOT SINK OR CONTAMINATE THE WATER IF PUNCTURED. NO METAL COVERED OR INJECTED DRUM FLOATATION WILL BE ALLOWED. FOAM BASED FLOATATION THAT IS NOT SUBJECT TO DETERIORATION THROUGH LOSS OF BEADS, MEETS THE ABOVE CRITERIA, AND HAS A MINIMUM DENSITY OF 1.2 LB/CU FT. IS AUTHORIZED. FOAM BASED FLOATATION WITH A DENSITY OF 1.0 LB/CU FT. BUT DOES NOT OTHERWISE MEET THE ABOVE CRITERIA IS AUTHORIZED PROVIDED IT IS ENCASED IN AN APPROVED PROTECTIVE COATING WHICH ENABLES IT TO MEET THE SPECIFICATIONS ABOVE. AN APPROVED COATING IS DEFINED AS WARRANTED BY THE MANUFACTURER FOR A PERIOD OF AT LEAST EIGHT YEARS AGAINST CRACKING, PEELING, SLOUGHING AND DETERIORATION FROM ULTRA VIOLET RAYS WHILE RETAINING THE RESILIENCY AGAINST TOE AND BUMPS BY WATER CRAFT. EXISTING FLOATATION WILL BE AUTHORIZED UNTIL IT HAS SEVERELY DETERIORATED AND IS NO LONGER SERVICEABLE OR CAPABLE OF SUPPORTING THE STRUCTURE AT WHICH TIME IT SHOULD BE REPLACED WITH APPROVED FLOATATION.

15. PERMITTED FACILITIES AND ACTIVITIES ARE SUBJECT TO PERIODIC INSPECTION BY AUTHORIZED CORPS REPRESENTATIVES. THE RESOURCE MANAGER WILL NOTIFY THE PERMITTEE OF ANY DEFICIENCIES AND TOGETHER ESTABLISH A SCHEDULE FOR THEIR CORRECTION. NO DEVIATION OR CHANGES FROM APPROVED PLANS WILL BE ALLOWED WITHOUT PRIOR WRITTEN APPROVAL OF THE RESOURCE MANAGER.

16. FLOATING FACILITIES SHALL BE SECURELY ATTACHED TO THE SHORE IN ACCORDANCE WITH THE APPROVED PLANS BY MEANS OR MOORINGS WHICH DO NOT OBSTRUCT GENERAL PUBLIC USE OF THE SHORELINE OR ADVERSELY AFFECT THE NATURAL TERRAIN OR VEGETATION. ANCHORING TO VEGETATION IS PROHIBITED.

17. THE PERMIT DISPLAY TAG SHALL BE POSTED SO THE PERMITTED FACILITY AND/OR ON THE LAND AREAS COVERED BY THE PERMIT SO THAT IT CAN BE VISUALLY CHECKED WITH EASE IN ACCORDANCE WITH INSTRUCTIONS PROVIDED BY THE RESOURCE MANAGER.

18. NO VEGETATION OTHER THAN THAT PROSCRIBED IN THE PERMIT WILL BE DAMAGED, DESTROYED, OR REMOVED. NO VEGETATION OF ANY KIND WILL BE PLANTED OTHER THAN THAT SPECIFICALLY PRESCRIBED IN THE PERMIT.

19. NO CHANGE IN LAND FORM SUCH AS GRADING, EXCAVATION, OR FILLING IS AUTHORIZED BY THIS PERMIT.

20. THIS PERMIT IS NON-TRANSFERABLE. UPON SALE OR OTHER TRANSFER OF THE PERMITTED STRUCTURE OR DEATH OF THE PERMITTEE AND HIS /HER LEGAL SPOUSE, THIS PERMIT IS NULL AND VOID.

21. BY 30 DAYS WRITTEN NOTICE MAILED TO THE PERMITTEE BY CERTIFIED LETTER, THE DISTRICT ENGINEER MAY REVOKE ANY PERMIT WHENEVER THE PUBLIC INTEREST NECESSITATES SUCH REVOCATION OR WHEN THE PERMITTEE FAILS TO COMPLY WITH ANY PERMIT CONDITION OR TERM. THE REVOCATION NOTICE SHALL SPECIFY THE REASON FOR SUCH ACTION. IF THE PERMITTEE REQUESTS A HEARING IN WRITING TO THE DISTRICT COMMANDER THROUGH THE RESOURCE MANAGER WITHIN THE 30-DAY PERIOD, THE DISTRICT COMMANDER SHALL GRANT SUCH HEARING AT THE EARLIEST POSSIBLE OPPORTUNITY. FOLLOWING THE HEARING, A WRITTEN DECISION WILL BE RENDERED AND A COPY MAILED TO THE PERMITTEE BY CERTIFIED LETTER.

22. NOTWITHSTANDING THE CONDITIONS CITED IN CONDITION 21 ABOVE, IF IN THE OPINION OF THE DISTRICT COMMANDER EMERGENCY CIRCUMSTANCES DICTATE OTHERWISE, THE DISTRICT COMMANDER MAY SUMMARILY REVOKE THE PERMIT.

23. WHEN VEGETATION MODIFICATION ON THESE LANDS IS ACCOMPLISHED BY CHEMICAL MEANS, THE PROGRAM WILL BE IN ACCORDANCE WITH APPROPRIATE FEDERAL, STATE AND LOCAL LAWS, RULES AND REGULATIONS.

24. THE RESOURCE MANAGER OR HIS/HER AUTHORIZED REPRESENTATIVE SHALL BE ALLOWED TO CROSS THE PERMITTEE'S PROPERTY AS NECESSARY TO INSPECT THE FACILITIES AND/OR ACTIVITIES UNDER THE PERMIT.

25. WHEN VEGETATION MODIFICATION IS ALLOWED THE PERMITTEE WILL DELINEATE THE GOVERNMENT PROPERTY LINE IN A CLEAR BUT UNOBTRUSIVE MANNER APPROVED BY THE RESOURCE MANAGER AND IN ACCORDANCE WITH PROJECT SHORELINE MANAGEMENT PLAN.

26. IF THE OWNERSHIP OF A PERMITTED FACILITY IS SOLD OR TRANSFERRED, THE PERMITTEE OR NEW OWNER WILL NOTIFY THE RESOURCE MANAGER OF THE ACTION PRIOR TO FINALIZATION. THE NEW OWNER MUST APPLY FOR A SHORELINE USE PERMIT WITHIN 14 DAYS OR REMOVE THE FACILITY AND RESTORE THE USE AREA WITHIN 30 DAYS FROM THE DATE OF OWNERSHIP TRANSFER.

27. IF PERMITTED FACILITIES ARE REMOVED FOR STORAGE OR EXTENSIVE MAINTENANCE, THE RESOURCE MANAGER MAY REQUIRE ALL PORTIONS OF THE FACILITY REMOVED FROM PUBLIC PROPERTY.

I, \_\_\_\_\_ HAVE READ AND UNDERSTOOD THE PERMIT CONDITIONS.

(PRINT NAME)

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(DATE)