

# **PRELIMINARY AGENDA**

## **FLORIDA INLAND NAVIGATION DISTRICT Board of Commissioners Meeting**

**9:00 a.m., Friday, May 20, 2016**

**The Sonesta Coconut Grove Miami Hotel  
2889 McFarland Road  
Coconut Grove (Miami-Dade County), FL 33133-6008**

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### **Item 1.      Call to Order.**

Chair Blow will call the meeting to order.

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### **Item 2.      Pledge of Allegiance.**

Commissioner Crowley will lead the Pledge of Allegiance to the United States of America.

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### **Item 3.      Roll Call.**

Secretary McCabe will call the roll.

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**Item 4.**      The consent agenda items are presented for approval. Commissioners may remove any items from this agenda that they have questions on or would like the Board to discuss in depth. Any items removed would then be included in the regular agenda in an order assigned by the Chair.

(Please see back up pages following the **COLOR** page)

RECOMMEND:      Approval of the Consent Agenda.

- a) Approval of up to \$12,000 for Installation of Storm Shutters at District Office, Palm Beach County, FL.
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### **Item 5.      Additions or Deletions.**

Any additions or deletions to the meeting agenda will be announced.

RECOMMEND:      Approval of a final agenda.

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### **Item 6.      Public Comments.**

The public is invited to provide comments on issues that are NOT on today's agenda. All comments regarding a specific agenda item will be considered following Board discussion of that agenda item. *Please note: Individuals who have comments concerning a specific agenda item should fill out a speaker card and communicate with staff prior to that agenda item.*

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**Item 7.        Board Meeting Minutes.**

The minutes of the following meetings are presented for approval.

- April 16, 2016 - Finance & Budget Committee Mtg. (Please see back up pp 6-9)
- April 16, 2016 - Board Meeting (Please see back up pages 10-30)

RECOMMEND:        Approval of the minutes as presented.

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**Item 8.        Staff Report on Miami-Dade County Area Projects.**

Staff will present a report on the District's Miami-Dade County area projects.

(Please see back up pages 31-44)

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**Item 9.        Miami Circle Status Presentation.**

Ms. Kerri L. Post, Deputy Secretary of State, Office of Cultural, Historical and Information Programs, Florida Department of State (DOS) will present an update on the Miami Circle project. In 2008, FIND and the DOS entered into an Interlocal Agreement (Project #ICW-FDS-07-04) to provide the DOS with a grant of \$548,808.86 to be used for the Miami Circle Shoreline Stabilization project. In recent years the project property has experienced issues with excessive garbage, homeless camps, illegal parking and overall upkeep of the property. In December 2015, the Board sent a letter to DOS requesting they address these issues. Ms. Post will provide an update on DOS's progress with the property and its issues.

(Please see back up pages 45-53)

RECOMMEND:        (This item presented for informational purposes and Board discussion only.)

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**Item 10.       Draft Financial Audit for FY 2014-2015.**

The District's Auditor has completed and will present a draft of the FY 2014-2015 Financial Audit for Board review and comment. The Finance and Budget Committee reviewed the draft audit this morning and will provide their comments.

*(Please see the Finance and Budget Committee Agenda Package)*

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**Item 11.       Finance and Budget Committee Report.**

The District's Finance and Budget Committee met prior to the Board meeting and will provide their recommendations concerning items on the Committee's agenda.

*(Please refer to the Finance and Budget Committee Agenda Package)*

RECOMMEND:        Approval of the recommendations of the District's Finance and Budget Committee.

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**Item 12.**      **Status Report on the U.S. Army Corps of Engineers Reauthorization of the State Programmatic General Permit.**

Ms. Tori White, Deputy Chief - Regulatory Division, U.S. Army Corps of Engineers (USACE) is scheduled to provide a brief presentation on the reauthorization of the State Programmatic General Permit (SPGP). This permits covers a variety of on in-water activities and may be particularly applicable to the District's Assistance Programs.

(Please see back up pages 54-96)

RECOMMEND:      (This item is presented for Board review and discussion only.)

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**Item 13.**      **Acceptance of the Qualified Low Bid for the Planting of a Native Vegetation Buffer at Dredged Material Management Area MSA-726 (Exchange Club Park), in the City of Pompano Beach, Broward County, FL.**

Staff requested bids to plant a native vegetation buffer at the District's Long-Range, Dredged Material Management Area (DMMA) MSA-726 (Exchange Club Park) in the City of Pompano Beach. This project is in support of the forthcoming dredging of Reach 1 of the Intracoastal Waterway in north Broward County. Bids will be received for this project 2:00 PM, May 13, 2016. Taylor Engineering will evaluate and qualify the low bidder. That information will be presented at the meeting.

(Please see back up pages 97-101, Note: Bids to be distributed by meeting date)

RECOMMEND:      Approval of the qualified low bid for planting the native vegetation buffer of MSA-726 in Broward County, FL.

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**Item 14.**      **Scope of Services and Fee Quote for Professional Construction Administration Services for the Planting of the Native Vegetation Buffer of MSA-726 (Exchange Club Park) Broward County, FL.**

In accordance with the District's replanting of the buffer for MSA-726 within the City of Pompano Beach, Taylor Engineering has submitted a proposal for construction management and oversight of this project. This proposal includes pre-construction coordination, construction administration and project closeout over the expected 60 day construction period and 90 day landscape establishment period.

Taylor Engineering has provided a scope of services and a not-to-exceed fee quote for this proposal. Of the proposed work, approximately \$17,085.00 represents work performed by the sub-contractor on this project. Staff has reviewed the submitted information and found it to be consistent and reasonable for this work.

(Please see back up pages 102-118)

RECOMMEND:      Approval of a scope of services & fee quote from Taylor Engineering in the amount of \$41,502.50 for construction administration services for the landscaping for MSA-726 (Exchange Club Park) Broward County, FL.

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**Item 15.**      **Maintenance Dredging Use Agreement – Anastasia State Park, St. Johns County, FL.**

The District, the U.S. Army Corps of Engineers (USACE) and the Division of State Lands, Florida Department of Environmental Protection (FDEP), have been negotiating a use agreement to place dredged material on the beaches at Anastasia State Park in conjunction with the dredging of the Intracoastal Waterway (IWW) in the vicinity of St. Augustine Inlet.

The District's primary mission is to provide the USACE the lands necessary to manage the IWW. The material from each dredging event (approximately every 5 years) associated with IWW at St. Augustine Inlet has been placed on the down-drift (south) beaches at the state park. The District currently holds a state permit for this activity, and the activity is a beneficial use of dredged material, consistent with the goals of the USACE's Regional Sediment Management program. The agreement is a one (1) year agreement with the Board of Trustees of the Internal Improvement Trust Fund, which will cover the duration of project construction.

(Please see back up pages 119-130)

RECOMMEND      Approval of a one (1) year use agreement with the Board of Trustees of the Internal Improvement Trust Fund beach placement of dredged material, St. Johns County FL.

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**Item 16.**      **Approval of Benthic Survey Contractors for Work at St. Lucie Reach 1, Crossroads, Jupiter Inlet and the Palm Beach County Intracoastal Waterway Deepening South Projects.**

At staff's request, Taylor Engineering prepared and issued a Request for Proposals for benthic survey work for the following projects: St. Lucie Reach 1 Intracoastal (IWW) Maintenance Dredging; Crossroads IWW Maintenance Dredging; Jupiter Inlet IWW Maintenance Dredging; and the Palm Beach IWW Deepening Project South. The following contractors are recommended for each project: Sveda Ecological Associates - \$22,680 for SLC Reach 1; CSA Ocean Sciences, Inc. - \$40,257 for Crossroads and Jupiter Inlet; and Pinnacle Ecological, Inc. - \$35,610 for PB IWW Deepening South.

The PB IWW Deepening South project is new construction and will initiate a resource survey to support investigations and initial plans and specifications to deepen the IWW from the Port of Palm Beach south past the Royal Palm Beach Bridge near downtown West Palm Beach. The Crossroads and Jupiter Inlet projects are typical, reoccurring maintenance projects associated with nearby inlets. The St. Lucie Reach 1 project is an IWW maintenance project occurring in an area that has not been dredged for many years. (Note: Total project costs summary is \$98,547.00)

(Please see back up pages 131-161)

RECOMMEND      Approval of the recommendations of Taylor Engineering for benthic survey work as follows: Sveda Ecological Associates - \$22,680 for SLC Reach 1; CSA Ocean Sciences, Inc. - \$40,257 for Crossroads and Jupiter Inlet; and Pinnacle Ecological, Inc. - \$35,610 for Palm Beach IWW Deepening South.

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**Item 17.      Nomination of Officers Committee Report.**

The Nomination of Officers Committee met earlier today and the Chair of the Committee will present their recommendations for officers for the next year. These officers will assume their positions after today's meeting.

(Please see Nomination of Officers Committee Agenda Package)

RECOMMEND      Approval of the Nomination of Officers Committee recommendations for Officers for the period of June 2016 through May of 2017.

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**Item 18.      Tallahassee Report.**

The District's state governmental relations firm has submitted a status report concerning activity on state issues that could be of interest to the District.

(Please see back up pages 162-177)

RECOMMEND:      *(This item is presented for Board review and discussion only.)*

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**Item 19.      Washington D.C. Report.**

The District's federal governmental relations firm has submitted a status report concerning activity on the District's federal issues.

(Please see back up pages 178-179)

RECOMMEND:      *(This item is presented for Board review and discussion only.)*

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**Item 20.      Additional Staff Comments and Additional Agenda Items.**

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**Item 21.      Additional Commissioners Comments.**

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**Item 22.      Adjournment.**

*If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

**MINUTES OF THE  
FLORIDA INLAND NAVIGATION DISTRICT**

**Finance and Budget Committee Meeting**

**8:45 a.m., Saturday, April 16, 2016**

**The Hilton Garden Inn**

**55 Town Center Boulevard**

**City of Pam Coast, Flagler County, Florida 32164-2387**

**ITEM 1.      Call to Order.**

Committee Chair Netts called the meeting to order at 8:45 a.m.

**ITEM 2.      Roll Call.**

Assistant Executive Director Janet Zimmerman called the roll and Committee Chair Netts, Vice-Chair Cuozzo Secretary McCabe, and Commissioner Sansom were present. Ms. Zimmerman stated that a quorum was present.

**ITEM 3.      Additions or Deletions.**

Committee Chair Netts asked if there were any additions or deletions to the meeting agenda. Mr. Crosley stated that there were no additions or deletions to the agenda.

Vice-Chair Cuozzo made a motion to approve the agenda as presented. The motion was seconded by Secretary McCabe. Committee Chair Netts asked for any further discussion, hearing none, a vote was taken and the motion passed.

**ITEM 4.      Public Comments.**

Committee Chair Netts asked if there were any public comments on issues that are not on today's agenda. There were none.

**ITEM 5. Financial Statements for February of 2016.**

Mr. Crosley presented the District's financial statements for February of 2016.

Mr. Crosley stated that the District's BB&T checking account has been closed and the small balance of approximately \$400.00 was moved to Sea Coast Bank. The \$5 million TD Bank CD was renewed at an interest rate of 0.70%. The \$15 million Bank United CD will come up for renewal on May 1<sup>st</sup> and we are expecting a renewal rate of 0.65% or higher. The First Atlantic Bank \$3 million CD was renewed at a new interest rate of 0.70%. The estimated annual Effective Yield on the District's investments is 0.58%, which is better than the Benchmark of the State Board of Business Administration's (S.B.A.) Effective Yield of 0.57%. Glenn Scrambler, the District's Finance Director called 19 banks to inquire about depositing District funds and a number of banks were not interested because the District's funds must be collateralized.

Mr. Crosley stated that the District's tax collections are in line and proceeding. He stated that in April the Certificate of Tax Sales start and the last 2015 tax revenue will be collected and disbursed by the Tax Collectors.

Mr. Crosley stated that the District has funded several Small-Scale Derelict Vessel removal projects in Palm Beach, Martin, and Indian River Counties. Commissioner Sansom has been working with the State Legislature to obtain State funding for these types of projects. In June, the Board will review a District-wide Cooperative Assistance application from the Florida Fish and Wildlife Conservation Commission (FWC) for derelict vessel removal.

Mr. Crosley stated that the IWW North Deepening Project has been completed and finished under budget. The Rybovich Channel dredging project is under way.

He asked for questions. There were none.

Secretary McCabe made a motion to approve a recommendation to the full Board of the financial statements for February of 2016. The motion was seconded by Commissioner Sansom. Committee Chair Netts asked for any additional discussion. Hearing none, a vote was taken and the motion passed.

**ITEM 6. February of 2016 Budget Summary and Project Status Expenditure Reports.**

Mr. Crosley presented the Budget Summary and Project Status Expenditure Reports for February of 2016.

Mr. Crosley noted that there is a U.S. Army Corps of Engineers (USACE) Work Order on today's agenda.

Mr. Crosley stated that the MSA-726 Part 2 landscape project is currently out for bid. He asked for questions. There were none.

**ITEM 7. Delegation of Authority Report.**

Mr. Crosley presented the Executive Director's Delegation of Authority Report and stated that ten (10) actions were taken from March 9, 2016 to April 5, 2016.

Mr. Crosley stated that ten (10) DMMA identification signs were fabricated and installed at District DMMA sites in Nassau, Duval, St. Lucie and Indian River Counties.

Mr. Crosley stated that staff had herbicide applied to exotic vegetation at DMMA SJ-14.

Mr. Crosley stated that exotic vegetation was removed from DMMA IR-2. He noted that exotic vegetation removal at District sties will be on going.

Mr. Crosley stated that a survey of monitoring well locations and outside berm locations at DMMA O-7 was performed.

Mr. Crosley stated that staff has notified the residents of the Bluffs that the District will be doing some additional exotic vegetation removal to approximately 20 acres of the East and North property boundary adjacent to some houses. This project will also remove encroachment items placed by homeowners. Staff attended a Jupiter Town Council meeting because MSA-610 (Jupiter Dog Park) was on the Town's Zoning Commission Agenda for re-zoning. Staff made it clear that MSA-610 was a Dredged Material Management (DMMA) site and that the lease to the Town of Jupiter for this site was only renewed for five-years because FIND wanted to make it clear that MSA-610 was a DMMA not a park or preserve. He asked for questions. There were none.

**ITEM 8. Additional Agenda Items or Staff Comments.**

Committee Chair Netts asked if there were any additional agenda items or staff comments. There were none.

**ITEM 9. Additional Commissioners Comments.**

Committee Chair Netts asked if there were any additional Commissioner comments. There were none.

**ITEM 10. Adjournment.**

Committee Chair Netts stated that hearing no further business the meeting was adjourned at 9:01. a.m.

**MINUTES OF THE  
FLORIDA INLAND NAVIGATION DISTRICT**

**Board of Commissioners Meeting**

**9:00 a.m., Saturday, April 16, 2016**

**The Hilton Garden Inn**

**55 Town Center Boulevard**

**City of Pam Coast, Flagler County, Florida 32164-2387**

**ITEM 1.      Call to Order.**

Chair Blow called the meeting to order at 9:04 a.m.

**ITEM 2.      Pledge of Allegiance.**

Treasurer Netts led the Pledge of Allegiance to the Flag of the United States of America.

**ITEM 3.      Roll Call.**

Secretary McCabe called the roll and Chair Blow, Vice-Chair Cuzzo, Treasurer Netts and Commissioners Chappell, Crowley, Donaldson, Dritenbas, Isiminger, O'Steen, Sansom and Williams were present. Secretary McCabe stated that a quorum was present.

**ITEM 4.      Consent Agenda.**

Chair Blow asked if there were any comments or questions regarding the Consent Agenda. There were none.

Commissioner Dritenbas made a motion to approve the Consent Agenda as presented. The motion was seconded by Treasurer Netts. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

**ITEM 5.      Additions or Deletions.**

Chair Blow asked if there were any additions or deletions to the meeting agenda.

Mr. Crosley stated that there were no additions or deletions to the meeting agenda.

Treasurer Netts made a motion to approve the final agenda as presented. The motion was seconded by Commissioner Dritenbas. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

**ITEM 6.      Public Comments.**

Chair Blow asked if there were any public comments on issues that are not on today's agenda.

Ms. Beth Lemke, with Planning Solutions, Corp., stated that she would like to provide an update to the ongoing study on commercial/industrial waterway access and staging sites. She asked for commissioners to advise her of any areas in their county that may be available for this use. She also asked commissioners to advise her of their interest in waterway staging area data.

Treasurer Netts asked if the sites need to have public ownership. Ms. Lemke stated that currently, she is identifying publically owned sites such as the Department of Transportation (DOT) bridge sites and utility company properties. Mr. Crosley stated that the District would consider willing sellers as long as the local community will partner in the site purchase. He stated that this study will identify the need for commercial/industrial waterway access and staging sites.

Mr. Crosley stated that public boat ramps would be a great place for a commercial waterway staging areas because during the week days they do not receive as much use by

the boating public. He noted that the contractors would have to minimize their use of these sites on the weekend.

Commissioner Dritenbas stated that the Vero Beach Electrical/Sewer Plant would make a good commercial waterway staging area. Ms. Lemke stated that in addition to utility sites, the criteria will look at site access and adjacent land use.

Commissioner Sansom asked if the criteria will also identify potential sites based on water-depth at each site.

Commissioner Isiminger stated that this is an important issue. If deep water is near the shore, a wharf could be constructed. He noted that last month Palm Beach County lost its last waterfront marine contractor.

**ITEM 7. Board Meeting Minutes.**

Chair Blow asked if there were any comments or questions regarding the March 18, 2016 Finance and Budget Committee Minutes and the Board Meeting Minutes.

Commissioner Williams stated that he disputes part of the presentation made by Mr. Evans, with the U.S. Army Corps of Engineers (USACE) at the March 18, 2016 meeting during the Fernandina Beach Marina discussion. He asked if he could add, "The U.S. Congress approved the requested channel movement in December, 2000" to those Minutes.

Mr. Crosley suggested Commissioner Williams' statement be added to today's Minutes.

Secretary McCabe suggested that Commissioner Williams make a formal statement under Agenda Item 17, Additional Commissioner Comments and the statement will become a part of the April 20, 2016 Minutes.



Treasurer Netts made a motion to approve the March 18, 2016 Meeting Minutes, as presented. The motion was seconded by Commissioner Williams. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

**ITEM 8.      Staff Report on Flagler County Area Projects.**

Mr. Crosley stated that Phase I of the Dredged Material Management Plan (DMMP) for the Intracoastal Waterway in Flagler County was completed in 1993. Phase II of the DMMP was completed in 1994 and all major land acquisition was completed in 1996.

Mr. Crosley stated that the 50-year dredging projection for the 20-miles of channel in Flagler County is 926,905 cubic yards and the storage projection is 1,992,846 cubic yards. The majority of this dredging is completed in the Matanzas Inlet area.

Mr. Crosley stated that Phase I construction has been completed for all three upland sites in Flagler County, DMMA FL-3, DMMA FL-8, and DMMA FL-12. He stated that all the sites have been fenced and the buffer of DMMA FL-12 was landscaped several years ago. Stabilization of the shoreline of DMMA FL-8 has been completed along with the installation of a pedestrian pathway along the shoreline that connects an existing waterfront walkway to the City of Palm Coast's Waterfront Park.

Mr. Crosley stated that plans and specifications for DMMA FL-3 were completed in 2013. Construction of this site was completed in 2015 and the site is ready to receive material from dredging Reach II scheduled for 2017.

Mr. Crosley stated that routine maintenance dredging of the Intracoastal Waterway in the vicinity of the Matanzas Inlet and in Cut F-2 was completed in September of 2011. Material was placed on the beach in Summerhaven. This project is scheduled to be constructed and completed again in 2016 by the U. S. Army Corps of Engineers (USACE).

Mr. Crosley stated that the Flagler County Waterways Economic Study was completed in 2002 and updated in 2011. The updated study found that the waterway-related businesses in the county employ 1,226 people, with salaries of \$47.8 million, and a total economic impact of \$216 million. Property values were determined to be increased by \$163 to \$185 million by the presence of the IWW channel. There are approximately 3,737 registered vessels in the county.

Mr. Crosley stated that since 1986, the District has provided \$2.5 million in Waterways Assistance Program funding to 26 projects in Flagler County having a total constructed value of \$5.2 million. Flagler County, the City of Flagler Beach, Town of Marineland and the City of Palm Coast have all participated in the program.

Mr. Crosley stated that notable projects funded include: Bing's Landing, Moody, Grand Haven South, and North Park boat ramps; Marineland Marina; and, The Flagship Harbor Preserve.

Mr. Crosley stated that the District's Cooperative Assistance Program has provided funding assistance to 23 projects with elements in Flagler County. He stated that notable projects include: Florida Marine Patrol Officer Funding; Manatee Acoustic Warning System; FWC Officer Equipment Funding; and, Environmental Education Exhibits at Gamble Rogers State Park. He stated that the District's funding assistance for the Flagler County portion of these projects was approximately \$492,100.00.

Mr. Crosley stated that the District has consistently partnered with the City of Palm Coast on waterway cleanup projects in Flagler County, in the amount of \$5,000 per year.

Mr. Crosley stated that Flagler County has previously participated in the Small-Scale Derelict Vessel Removal Program with \$6,503 contributed in FIND funding.

Commissioner Williams referred to the Waterways Economic study and stated that it was last updated in 2011. He asked when the Economic Studies will be updated. Mr. Crosley stated that the Request for Qualifications (RFQ) for the Economic Study is almost complete and should be ready for advertisement soon. He stated that he needs a Selection Committee to review and rank this RFQ. Commissioners Donaldson, Sansom, and Williams asked to be on the RFQ Waterways Economic Study Selection Committee.

**ITEM 9.      Comments from the U.S. Army Corps of Engineers.**

Ms. Shelley Trulock, the Intracoastal Waterway (IWW) Project Manager with the U.S. Army Corps of Engineers (USACE), stated that the Plans and Specifications and environmental coordination for construction of Dredged Material Management Area (DMMA) O-7) are finalized and awaiting Technical Review, which should be completed by April 15<sup>th</sup>. The project is planned for advertisement on May 9, 2016 and contract award is scheduled for July of 2016.

Ms. Trulock stated that the USACE is moving forward with permitting the IWW Broward Reach I dredging project. The team is working on the permit coordination and documentation for the National Environmental Policy Act (NEPA) with the Florida Department of Environmental Protection (FDEP) for the dredging action and nearshore placement of material. Given the small quantity of expected dredged material, the most cost-effective way to pursue the dredging may be utilization of a USACE dredge, either the Currituck or Murden. Dredging will take place in February of 2017.

Ms. Trulock stated that \$2.6 million of Work Plan funding will go towards the St. Augustine and Matanzas IWW dredging projects. Development of the Plans and Specifications for the St. Augustine and Matanzas reaches of the IWW are ongoing and

will be completed by May of 2016. She stated these projects will be moved up because Work Plan funding cannot be carried forward. She stated that currently, the projects are planned for advertisement in May of 2016, with contract award in July of 2016.

Ms. Trulock stated that the proposal for a permanent easement for sand placement at Summerhaven has been approved by St. Johns County. Mr. Crosley stated that this creates a permanent easement and material management area for the District and is a positive outcome.

Ms. Trulock stated that the USACE is coordinating the Land Use Agreement with FDEP for placement of material within Anastasia State Park. She stated that it is anticipated that the Land Use Agreement and the FDEP permit modification will be received in time for a mid-May 2016 contract advertisement.

Commissioner Isiminger stated that he spoke with a local citizen last night who felt that placing sand on the beach contributes to shoaling in the Matanzas Inlet. Chair Blow stated that beach renourishment is not the cause of shoaling in the Inlet.

Commissioner Sansom suggested engaging the Florida Shore and Beach Preservation Association (FSBPA) in this discussion. Commissioner Donaldson noted that he is on the Board of the FSBPA.

Ms. Trulock stated that the Plans and Specifications for construction of DMMA O-23 will kick off on May 16, 2016. NEPA activities were started on November 16, 2015 and are extensive. There is a federally listed plant, reindeer lichen, which grows in scrub areas and is present on the site. There are about 10 to 20 square feet of the species on the site that will have to be relocated out of the construction area. The USACE team has verified that the land adjacent to this site is compatible as a relocation area for the reindeer lichen. An

FDEP exemption will be obtained since this is upland construction. Project design concepts will be the same as DMMA O-7.

Ms. Trulock stated that FDEP in Tallahassee has permitted the modification of the existing permit held by Martin County to allow for IWW dredged material to be placed into the settling basin within the St. Lucie Inlet. Martin County would then use the material for beach placement south of the inlet. FDEP has requested some additional core borings. The USACE vessel Snell will be obtaining cores for Sawpit and Crossroads around mid-May 2016. This project will be funded with Federal funding.

**ITEM 10. Work Order with the U.S. Army Corps of Engineers for Maintenance Dredging of the Intracoastal Waterway in the Vicinity of St. Augustine Inlet and Matanzas Inlet., St. Johns, County, Florida.**

Ms. Trulock presented a Work Order to remove approximately 280,000 cubic yards of beach compatible material from the IWW channel in the vicinity of St. Augustine Inlet and be placed on the beaches at Anastasia south of the inlet. Approximately 400,000 cubic yards of beach compatible material will be removed from the IWW channel near Matanzas Inlet and placed on the beach at Summer Haven.

Treasurer Netts made a motion to approve the Work Order with the U.S. Army Corps of Engineers for Maintenance Dredging of the IWW in the Vicinity of St. Augustine Inlet and Matanzas Inlet, St. Johns County, Florida. The motion was seconded by Commissioner Chappell. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

**ITEM 11. Status Report on the U.S. Army Corps of Engineers Reauthorization of Regional General Permit (RGP) SAJ-93, and Efforts to Initiate Regional Programmatic Permitting of Intracoastal Waterway (IWW) Maintenance Projects.**

Ms. Tori White, with the U. S. Corps of Engineers (USACE) stated that the District's current Regional General Permit (RGP) was issued in 2011 and expired on February 16, 2016. The permit had little utility as it required a 100-foot buffer between seagrass beds and dredging and did not allow for any seagrass impacts within the federal channel of the IWW. This permit was expanded to provide flexibility around manatee areas and low water areas.

Ms. White stated that the USACE is proposing to re-issue a five-year RGP to provide general authority to FIND for activities required for the maintenance dredging of the federal channel located in the Atlantic Intracoastal Waterway (AIWW), the Intracoastal Waterway (IWW), and the Okeechobee Waterway (OWW) along the east coast of Florida. Authorization would be granted provided the work does not result in more than minimal impact individually and cumulatively on water quality and the environment. This RGP will be modified and will expand the scope and authorize direct impacts to seagrass within the design limits of the federal channel in areas where the federal channel had been previously dredged since 2002, or in areas where the seagrass has been previously mitigated.

Ms. White stated that the National Marine Fisheries Service (NMFS) continues to recommend that FIND provide one-time compensatory mitigation for seagrass impacts within the IWW channel affected via maintenance dredging. FIND's position is no mitigation for maintenance dredging. In March of 2016, the USACE provided scientific rationale for not initiating NMFS' Essential Fish Habitat (EFH) conservation

recommendations for one-time compensatory mitigation for impacts to seagrass within the federal channel.

The NMFS requires mitigation for seagrass impact because seagrass has been identified as essential fish habitat for a federally managed species. The NMFS provides recommendations for conservation habitat and those recommendations are not binding. It is up to the action agency to determine if those conservation recommendations are adopted. The action agency must respond to the NMFS with scientific rationale as to why the recommendations will not be adopted. The USCAE's position is there should be no mitigation required for projects that have been previously mitigated. There should be mitigation required where impacts are determined to be adverse. The USACE South Atlantic Division (SAD) position is there should be no mitigation where the channel has been maintained at or near dimensions. A case-by-case determination should be made if there are changed physical conditions, the channel has not been maintained, or there are substantial and significant ecological resources.

Mr. Crosley stated that staff is concerned that the NMFS has a loose definition of EFH and one-time mitigation, which has never been quantified. Over the years that definition increases and now includes water columns and mud bottoms, and mission creep is of great concern.

Ms. White stated that the USACE used three sources of seagrass information to compile 20-years of seagrass mapping data from Ponce Inlet south to Miami-Dade County. This seagrass mapping information includes dredging project surveys since 2002.

Ms. White provided a timeline of actions the USACE has taken since April 27, 2015 to date. She stated that a letter signed by Colonel Kirk has been sent to Dr. Crabtree,

Regional Administrator of the NMFS regarding this issue and the USACE's position. She listed the items included in the District's proposed RGP. She stated that these conclusions are correct because the science and evidence supports this RFP. She stated that USACE will issue a final decision on the RGP by April 29, 2016.

Commissioner Chappell suggested that FIND send a letter to Congresswoman Frankel thanking her for her efforts on this and advising her about Ms. White's progress.

**ITEM 12. Pipeline Easement Relocation and Reconstruction, Dredged Material Management Area SJ-14, St. Johns County, Florida.**

Ms. Zimmerman stated that Commissioner O'Steen has a Conflict of Interest for: Item 12, The Pipeline Easement Relocation and Reconstruction, Dredged Material Management Area SJ-14, St. Johns County project. She read the following into the Minutes: Commissioner O'Steen stated that he is the Director of Planning and Development for The PARC Group, Inc. The Park Group Inc., is the Master Developer for Marsh Harbor South and the company could receive a "special private gain" from this project. He completed Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, which will be attached to and become part of the official April 16, 2016 Board Meeting Minutes.

Mr. Crosley stated that the PARC Group, owners of land adjacent to the District's Dredged Material Management Area (DMMA) SJ-14, have approached the District to realign the current pipeline easement for this site. This activity will also necessitate reconstruction of portion of the existing pipeline. PARC Group will handle all costs and construction administration for this project. The District will solicit a scope of work and fee quote from Taylor Engineering, reimbursable by the PARC Group, to coordinate this activity.



Mr. Crosley stated that staff, Attorney Breton and the Parc Group are currently working on the agreement and once executed, a Work Order to Taylor Engineering will be brought to the Board for approval. The Navigation District will pay the invoices and be reimbursed by the Parc Group.

Treasurer Netts asked what assurance the District has that this work will be done according to Taylor Engineering's specifications. Mr. Crosley stated that Taylor Engineering will provide the specifications and will be overseeing the project.

Mr. Adams stated that Taylor Engineering has provided the Parc Group the specifications of the original pipeline that is currently installed at this site, with the recommendation that they follow those specifications for this project. Parc Group's engineer is England-Thims & Miller, Inc. (ETM). ETM will be developing the new pipeline specifications. Taylor Engineering will review and comment on those specifications and the field work.

Attorney Breton stated that once the project has been completed and Taylor Engineering has signed off on the work, a one-year warranty on the pipeline design, workmanship and materials will begin.

Treasurer Netts asked at the end of the project, will the District have the appropriate easement and access to this pipeline. Attorney Breton answered yes.

Commissioner Dritenbas made a motion to approve the easement relocation and pipeline reconstruction for DMMA SJ-14, St. Johns County, Florida. The motion was seconded by Treasurer Netts. Chair Blow asked for discussion.

Chair Blow stated that it appears that a portion of the easement is on the boundary of Lot's 8 and 9. Mr. Brad Weaver from ETM stated the in 2006 Marsh Harbor was being

developed by another developer and that developer shifted the easement between lots 8 and 9. Parc Group is not asking to shift that portion of the pipeline or easement.

Chair Blow stated that those lots are 100 feet-wide with a 30-foot easement on each. Mr. Weaver stated that lots 8 and 9 are substantially wider than the other waterfront lots.

Attorney Breton stated that if lots 8 and 9 have not been conveyed-out to lot purchasers, one of the District's conditions of approval could be that when sold, the deed includes specific language that boldly calls-out this pipeline easement and the easement recording documentation. This easement not only involves a buried pipeline, it also allows the dredger to lay his pipeline on the ground in the easement area.

Commissioner Sansom stated that the District should also require that during the survey process that this easement is specifically marked.

Commissioner O'Steen stated that the easement information could be included as part of the disclosure document at the time of sale. He stated that Marsh Landing will be a private community with an Architecture Review Board (ARB).

Mr. Crosley noted that in Palm Beach County, all easements are recorded and permits are not issued for construction in a recorded easement area.

Commissioner Dritenbas amended the motion to include Attorney Breton's recommendation to include a specific easement notification on the property deed and survey. The amended motion was seconded by Treasurer Netts.

Commissioner Donaldson clarified and stated that this easement relocation is adjacent to a roadway and part of the community common area. FIND is requesting additional language on lots 8 and 9, that are unaffected by this transaction, other than the property owner happens to be at this meeting.

Secretary McCabe questioned why we are discussing lots 8 and 9 when this item is for the relocation of the easement area away from those lots. Attorney Breton stated that this will be two agreements. One for the easement and pipeline relocation and one for the documentation of the easement on Lots 8 and 9 during sale and property ownership.

Secretary McCabe stated that if the deeds for Lots 8 and 9 that were issued 2009 for the easement re-alignment do not contain the language that the Board has discussed, then she understands why FIND is discussing this at this time. She commented that her understanding is that what is being said is that once Parc Group transfers the deeds the next time, then the new deed language would be included.

Commissioner O'Steen stated that the development plans are currently being changed from the original development plan. The project has not been approved or permitted by the county. Mr. Crosley asked if the impacted lots can have the newly discussed language added. Commissioner O'Steen answered yes.

Secretary McCabe asked to hear exactly what the motion will say.

Mr. Crosley stated that the motion is for approval of an easement relocation and pipeline reconstruction, with additional deed language specifically making it subject to this pipeline easement by official record book and page citation for Lots 8 and 9 for DMMA SJ-14, St. Johns County.

Chair Blow asked for discussion. Hearing none, a vote was taken and the motion and amended motion passed. Commissioner O'Steen abstained from voting.

**ITEM 13.     Scope of Professional Engineering Services for Maintenance Dredging of the Intracoastal Waterway in the Vicinity of Jupiter Inlet, Palm Beach County, Florida.**

Mr. Crosley stated that the Intracoastal Waterway (IWW) near the vicinity of the Jupiter Inlet is one of the District's most frequently maintained dredging areas. Approximately every three years this section of the IWW area requires the removal of approximately 100,000+ cubic yards of material. This beach-quality material is placed on the beaches south of the inlet as a beneficial use of dredged material.

Mr. Crosley stated that the Jupiter Inlet District (JID) maintains the Jupiter Inlet channel and subsequently dredges the inlet sand trap every year. The District plans to partner with the JID to cost-share in their next dredging event, thereby saving mobilization and demobilization costs for each party, and potentially saving on the unit costs per cubic yard by conducting an overall larger project. He noted that Taylor Engineering is the engineer of record for both the JID and the District.

Secretary McCabe made a motion to approve the scope and cost proposal in the amount of \$33,655.44 from Taylor Engineering for engineering services for the maintenance dredging of the IWW in the vicinity of Jupiter Inlet, Palm Beach County, Florida. The motion was seconded by Treasurer Netts. Chair Blow asked for discussion.

Commissioner Chappell asked if Taylor Engineering is preparing plans for submittal to the USACE. Mr. Adams stated that Taylor Engineering will coordinate and complete the bathymetric and seagrass surveys and that data will be put together and submitted with the permit application, which will be an RGP. The information will be turned over to the JID, who will prepare the plans and specifications and cost for the IWW dredging for FIND.

Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

**ITEM 14. Finance and Budget Committee Report.**

Committee Chair Netts stated that the District's Finance and Budget Committee met before today's Board meeting. He noted that the committee reviewed and recommends approval of the February of 2016 financial information.

Committee Chair Netts made a motion to approve the recommendations of the District's Finance and Budget Committee. The motion was seconded by Commissioner Sansom. Chair Blow asked for discussion. Hearing none, a vote was taken and the motion passed.

**ITEM 15. Washington D.C. Report.**

Mr. Crosley stated that a letter signed by FIND's congressional delegation and a Congressman from North Carolina has been sent to the House Energy and Water Subcommittee requesting: \$50 million for navigation; \$50 million for inland waterways; and, \$50 million for small, remote or subsistence harbors.

Mr. Crosley stated that these line item funding accounts provide the USACE with discretionary spending authority for maintenance dredging of low-commercial use waterways. Obtaining this funding in the Energy and Water Appropriations Bill is a critical first step to ultimately securing maintenance dredging funding for FIND in FY 2017. The District's efforts and work with the Atlantic Intracoastal Waterway Association (AIWA) are beginning to pay off as states work together to better the waterway system.

Mr. Crosley noted that the Senate may consider the Magnuson Stevens Act. The Water Resources Development Act (WRDA) and the Magnuson bill may be possible vehicles to obtain legislative language to address the District's compensatory mitigation issue.

**ITEM 16. Additional Staff Comments and Additional Agenda Items.**

Chair Blow asked if there were any additional staff comments or agenda items.

Mr. Crosley noted that Officer Elections will take place at the District's May 20, 2016 Nomination Committee meeting. He stated that commissioners interested in becoming an officer should contact him.

Mr. Crosley distributed a letter supporting the JID Loxahatchee Bridge project and their TIGER grant application. This letter of support was discussed and approved at the March meeting.

Commissioner Isiminger apologized for not being at the March meeting. He asked who wrote this letter. Mr. Crosley stated that he and All Aboard Florida (AAF) drafted the letter. Commissioner Isiminger stated that it is a well-written letter. He stated that he is not comfortable with the project and noted that AAF is a private company. He stated that AAF can do what they want, but it should not be government funded. He feels that FIND should stay out of the AAF project. He is not convinced that under U.S. Coast Guard regulations that AAF will not be required to do this project themselves. He believes that JID constituents are more affected by this project than are FIND's constituents.

Commissioner Dritenbas stated that he would like to see JID's project modifications made to the Loxahatchee Railroad Bridge because it will provide boater safety. He stated that the Loxahatchee Railroad Bridge is a one-lane bridge that is not safe.

He stated that even if AAF does not come through, he would like to see this project completed. Removing support for the JID to help obtain federal funding towards this project is not right and this District should support this project.

Commissioner Sansom noted that this District recently funded a boater use survey for the Loxahatchee Railroad Bridge verifying the large number of boating public that use this section of the waterway daily. There is no downside to supporting a boater safety project.

Commissioner Sansom made a motion to approve the District's letter of support for the Jupiter Inlet District's Loxahatchee Railroad Bridge project and TIGER grant application. The motion was seconded by Vice-Chair Cuozzo. Chair Blow asked for discussion.

Commissioner Sansom clarified that this motion does not imply any obligation on the part of FIND to do anything to support the AAF high speed rail project.

Chair Blow noted that if the JID applies for an assistance grant from FIND for this project, the District is under no obligation to score that grant a certain way.

Secretary McCabe referred to the letter and suggested that the sentence "The Florida Inland Navigation District Board considers this project in keeping with our mission to provide assistance to other governments to develop waterway access and improvement projects" stop at "in keeping with our mission".

Commissioner Sansom amended the motion to stop the referenced the sentence in the letter at "in keeping with our mission". The amended motion was seconded by Vice-Chair Cuozzo.

Commissioner Crowley indicated a Conflict of Interest for Item 16, All Aboard Florida – Jupiter Inlet District. His support of the JID grant request potentially could provide a benefit to All Aboard Florida (AAF). Commissioner Crowley, Attorney with Ackerman, LLC said that AAF could receive a “special private gain” from this project. He completed Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, which will be attached to and become part of the official April 16, 2016 Board Meeting Minutes.

Chair Blow asked for discussion. Hearing none, a vote was taken and the motion and amended motion passed. Commissioner Isiminger voted against the motion. Commissioner Crowley abstained from voting or commenting.

Ms. Zimmerman stated that in an effort to reduce paperwork at the District, FIND is offering commissioners the option of receiving ACH deposits for travel reimbursements. She disbursed paperwork for commissioners interested in the program.

Ms. Zimmerman distributed the FY 2016-2017 Assistance Program application list. She will be reviewing these applications for Technical Sufficiency items and sending applicants letters outlining the Technical Sufficiency items. The applicant deadline to respond and provide those Technical Sufficiency items is May 27, 2016. After that deadline, qualifying applications will be included in the June agenda for presentations.

Mr. Crosley noted that this will be Mr. John Adams’ (with Taylor Engineering) last official District meeting. He thanked Mr. Adams for his hard work and gave him a humorous parting gift from the District and commissioners. Mr. Adams thanked the District staff and Board.



Mr. Crosley stated that working with Taylor Engineering and Mr. Adams has been a privilege. He stated that Mr. Adams was a big help during his transition as Executive Director. Mr. Adams will be recognized and honored at a future District Community Outreach Event. Mr. Adams will be missed.

Mr. Adams stated that he has been working directly with the District for ten years and he has enjoyed working with the Board and FIND staff on all these projects. Anything tied to dredging is fun because the projects are all different with different challenges. He wished FIND the best. The Board unanimously thanked Mr. Adams.

Mr. Crosley stated that the Broward Deepening project will begin May 1<sup>st</sup>. A project information summary has been placed on the District's web site. Commissioners on the waterway tour will be going by the project as the vessel heads south.

**ITEM 17. Additional Commissioners Comments.**

Chair Blow asked if there were any additional commissioner comments.

Commissioner Williams requested that the following statement be included in Minutes. At the April 16th meeting, Commissioner Williams of Nassau County said that some number of Mr. Evans' assertions, at the March 18, 2016 meeting, were not accurate, driven by the fact that the U.S. Congress approved the requested channel movement in December, 2000.

Commissioner Isiminger stated that there seem to be a lot of additional agenda items and requested that be minimized. He suggested that the District develop policy for additional agenda items and find a way to notice them on the District's web site.

Commissioner Chappell thanked Treasurer Netts for last evening's Community Outreach Event.

Commissioner Crowley stated that next month's Board meeting will be held in Miami-Dade County. There will be a waterway trip to view the Marine Stadium project prior to the Community Outreach.

Treasurer Netts thanked commissioners for attending last evening's event. He stated that he gave the FIND historical speech for the elected officials attending the function. He feels that it is important that they understand FIND and what we do.

Chair Blow thanked Ms. White for her hard work on the District's RGP.

**ITEM 18.     Adjournment.**

Chair Blow stated that hearing no further business the meeting was adjourned at 12:19 a.m.



## MIAMI-DADE COUNTY PROJECT STATUS UPDATE

MAY 2016

### **Dredged Material Management Plan.**

Phase I of the Dredged Material Management Plan (DMMP) for the Intracoastal Waterway (IWW) in Miami-Dade County was completed in 2003. Phase II of the DMMP was completed in 2005 and all major land acquisition was completed by 2007. *(Please see the attached maps).*

The District routinely places beach-compatible dredged material on the beaches south of Baker's Haulover Inlet during dredging of the IWW in that vicinity. The District also owns DMMA D-45 located near the County landfill between Cutler City and Homestead. The 50-year dredging projection for the 48 miles of channel in Miami-Dade County is 574,292 cu/yds, and the storage projection is 1.2 million cu/yds, with nearly all of this material is associated dredging with the IWW in the vicinity of Baker's Haulover Inlet.

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### **Waterway Dredging**

Maintenance dredging of IWW Reach II in the vicinity of Baker's Haulover Inlet was completed in 2011, and again in April of 2014. For the most recent dredging event, approximately 50,000 cu/yds of material was dredged by the USACE utilizing super-storm Sandy funding and placed on the nearby beach. Maintenance dredging of the IWW in this vicinity occurs approximately every three (3) years. This is one of the Districts highest frequency dredging area. Note that this project is scheduled to be dredged again in late 2016 or early 2017.

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### **Waterways Economic Study**

The Miami-Dade County Waterways Economic Study was completed in 2007 and updated in 2011. The study identified approximately 901 recreational waterway-related businesses in the county (please see attached map) employing 7,094 people, with salaries of \$294.3 million, a total economic impact of \$1.2 billion, which generated \$54 million in tax revenue. Property values were determined to be increased by \$4.1 billion by the presence of the IWW channel. There are currently approximately 56,000 registered vessels in the county. The past recession was estimated to have caused a reduction of \$1 billion in marine related economy, the loss of 5,835 jobs, and a decrease of \$42.5 million in tax revenue.

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### **Waterways Assistance Program**

Since 1986, the District has provided \$53.6 million in Waterways Assistance Program funding to 195 projects in the County having a total constructed value of \$ 157 million. The County and nine cities have participated in the program. *(Please see attached map and project listing).*

Notable projects funded include: several Spoil Island Management Projects, the Marjorie Stoneman Douglas Biscayne Nature Center, Bicentennial Park Improvements, repair of County marinas following Hurricane Andrew, Haulover Marina reconstruction, and the South Pointe Pier project.

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## MIAMI-DADE COUNTY PROJECT STATUS UPDATE

MAY 2016

### **Cooperative Assistance Program**

The District's Cooperative Assistance Program has providing funding assistance for the following projects with elements in Miami-Dade County: Blue Marlin Construction at Oleta River State Park; No-Name Harbor Boater's Access; Bill Baggs Shoreline and Fishing Platform Project; Florida Marina Patrol Office Building; Florida Marine Patrol Officer Funding; Miami River Dredging; and the Manatee Acoustic Study. The District's funding assistance for the Miami-Dade County portion of these projects was approximately \$ 3.5 million.

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### **Interlocal Agreement Program**

The District's Interlocal Agreement Program (a sub-set of the WAP and CAP programs) has provided funding assistance for the following projects with elements in Miami-Dade County: Miami River Dredging; Clean Marina Program; Clean Vessel Act Program, and the Miami Circle Shoreline Rehabilitation Project. The District's funding assistance for the Miami-Dade County portion of these projects was approximately \$3.3 million.

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### **Public Information Program**

The District currently prints and distributes the following brochures with specific information about Miami-Dade County Waterways: the Economic Impact of Miami-Dade County Waterways, Miami-Dade County Boating Safety and Manatee Protection Zone Brochure, Movable Bridge Guide, and the IWW Channel Conditions Brochure.

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### **Waterway Clean Up Program**

The District has consistently partnered since 1998 with Miami-Dade County in their annual Baynaza waterway cleanup event, providing up to \$10,000 per year.

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### **Small-Scale Derelict Vessel Removal Program**

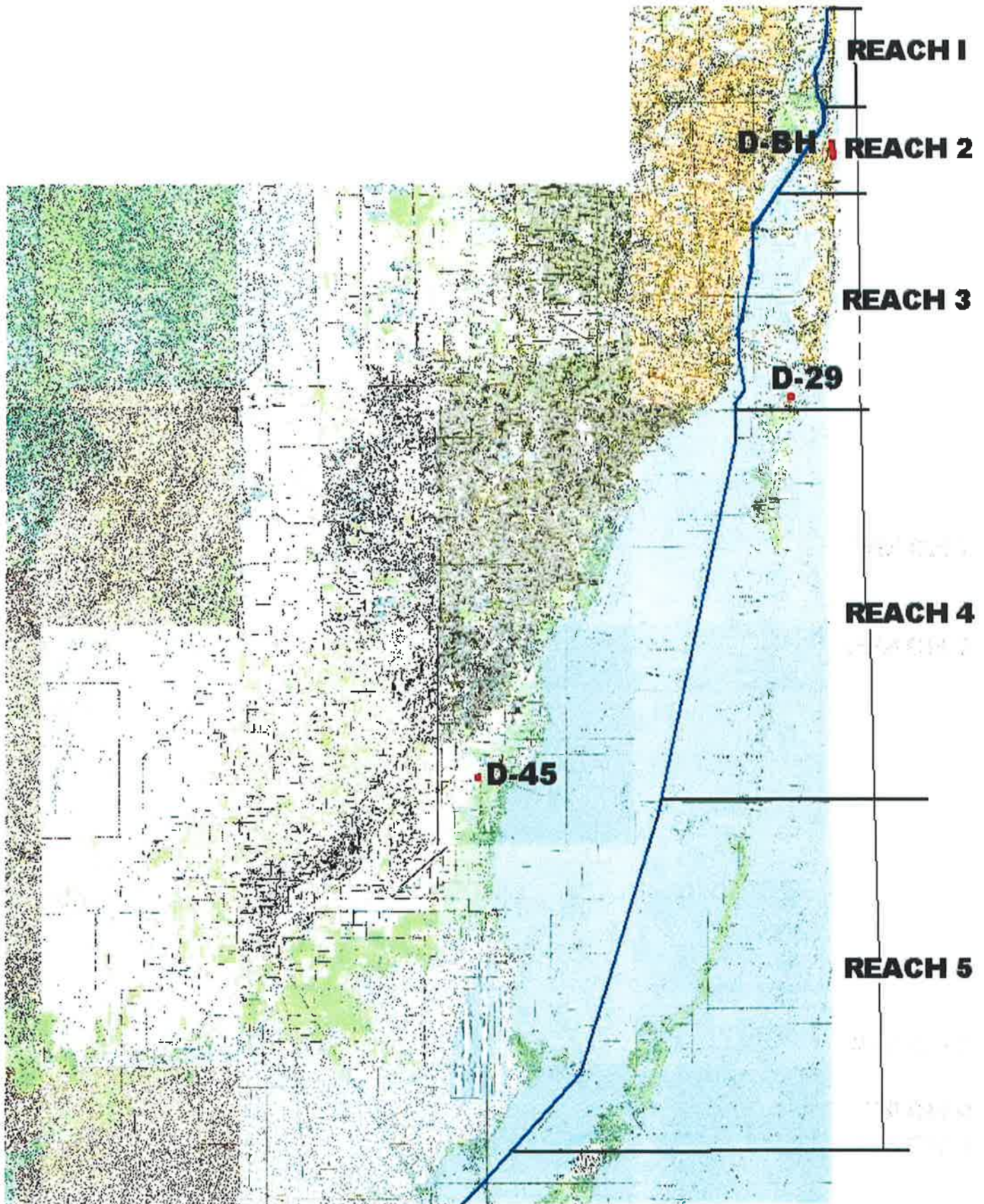
Miami-Dade County has previously participated in the Small-Scale Derelict Vessel Removal Program with \$118,250 contributed in District funding for approximately 39 vessels removed.

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### **Small-Scale Spoil Island Enhancement and Restoration Program**

To date, four (4) spoil island enhancement or restoration projects have been funded in Miami-Dade County, including: docks on Spoil Islands E & C and Pelican Island Signage.





Channel  
DMMA

Miami-Dade County  
Intracoastal Waterway  
Dredged Material Management Plan











© 2014 Google

Coastal

# ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS



## Purpose

To update economic benefits in Miami-Dade County of marine-related activities on the District Waterways, as previously estimated in *An Economic Analysis of the District's Waterways in Miami-Dade County*, April 2007, and to provide the general public and Federal, State, and local officials with a clear understanding of the importance of maintaining the waterways.

## Scenarios Evaluated

1. Current Existing Conditions
2. Cessation of Waterways Maintenance
3. Increase in Waterways Maintenance
4. Estimated impact of the 2007-2009 U.S. economic recession



## ECONOMIC IMPACTS

### Current Existing Impacts

- \$1.209 billion in business volume
- \$294.3 million in personal income
- 7,094 jobs
- \$54.0 million in tax revenue

### Impacts of Cessation of Waterways Maintenance

- Decrease of \$661.2 million in business volume
- Decrease of \$157.7 million in personal income
- Decrease of 3,818 jobs
- Decrease of \$28.2 million in tax revenue

### Impacts of an Increase in Waterways Maintenance

- Increase of \$152.8 million in business volume
- Increase of \$40.9 million in personal income
- Increase of 1,006 jobs
- Increase of \$7.1 million in tax revenue

### Impact of the 2007-2009 U.S. Economic Recession

- Decrease of \$976.2 million in business volume
- Decrease of \$242.0 million in personal income
- Decrease of 5,835 jobs
- Decrease of \$42.8 million in tax revenue

## Economic Benefits as of April 2011

MIAMI-DADE COUNTY





# ECONOMIC BENEFITS OF THE DISTRICT'S WATERWAYS

## MIAMI-DADE COUNTY

### The Intracoastal Waterway

The Atlantic Intracoastal Waterway (AICW) is a 1,391-mile channel between Trenton, New Jersey, and Miami, Florida. The Waterway along Florida's eastern seaboard is 406 miles long and follows coastal rivers and lagoons past numerous tourism-oriented communities. The channel is authorized to a depth of 12 feet from Nassau County to Fort Pierce, and a 10 foot depth south through Miami-Dade County. Boating activities on the waterways contribute to the existence of numerous marine-related businesses such as marinas and boatyards and have stimulated development of residential properties on the Waterways.

### The Navigation District

The Florida Inland Navigation District, created in 1927, is the local sponsor for the AICW in Florida. In cooperation with the Jacksonville District of the U.S. Army Corps of Engineers, the Navigation District is responsible for maintenance of the AICW in Florida. To maintain navigation, the waterways need to be periodically dredged due to shoaling from currents, upland soil erosion, and the movement of offshore sands through the ocean inlets. Maintenance dredging is projected to cost approximately \$12 to \$16 million annually during the next 50 years, of which 50 percent of the costs are expected to be borne by property owners within the Navigation District's jurisdiction.

The Navigation District also partners with other governments to provide waterway access and improvement facilities for our mutual constituents. These projects include public boat ramps, marinas, side channels, parks, fishing piers, boardwalks, navigation aids, derelict vessel removal, shoreline stabilization, and waterway cleanups.

### Source of Data Used in This Analysis

The economic benefits of the Waterways were estimated in April 2007 in *An Economic Analysis of the District's Waterways in Miami-Dade County*.

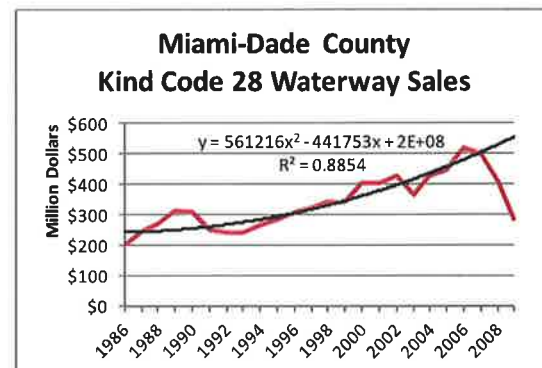
### Updating of Previously Estimated Benefits

The benefits presented in this analysis were estimated by updating the direct marine-business

impacts in the original analysis to current values using the change in gross sales reported by boat dealers to the Florida Department of Revenue (FDOR). The updated direct impacts were used in conjunction with an IMPLAN input/output model to estimate total economic benefits.

### Estimating the Impact of the Recession

The impact of the recession was estimated by determining the trend in gross sales of boat dealers over the 20-year period prior to the onset of the recession. This trend was used to estimate the theoretical gross sales if sales had continued to increase at the rates previously experienced. The red line in the figure below illustrates reported actual gross sales of boat dealers and the black line illustrates the trend of those sales. From 2007 to 2009 gross boat dealer sales in Miami-Dade County decreased by 44 percent; if the recession had not occurred, it is estimated that gross sales from 2007 to 2009 would have increased by four percent.



### Annual Boater Spending on Gas, Food, and Drinks at Non-Marine-Related Establishments

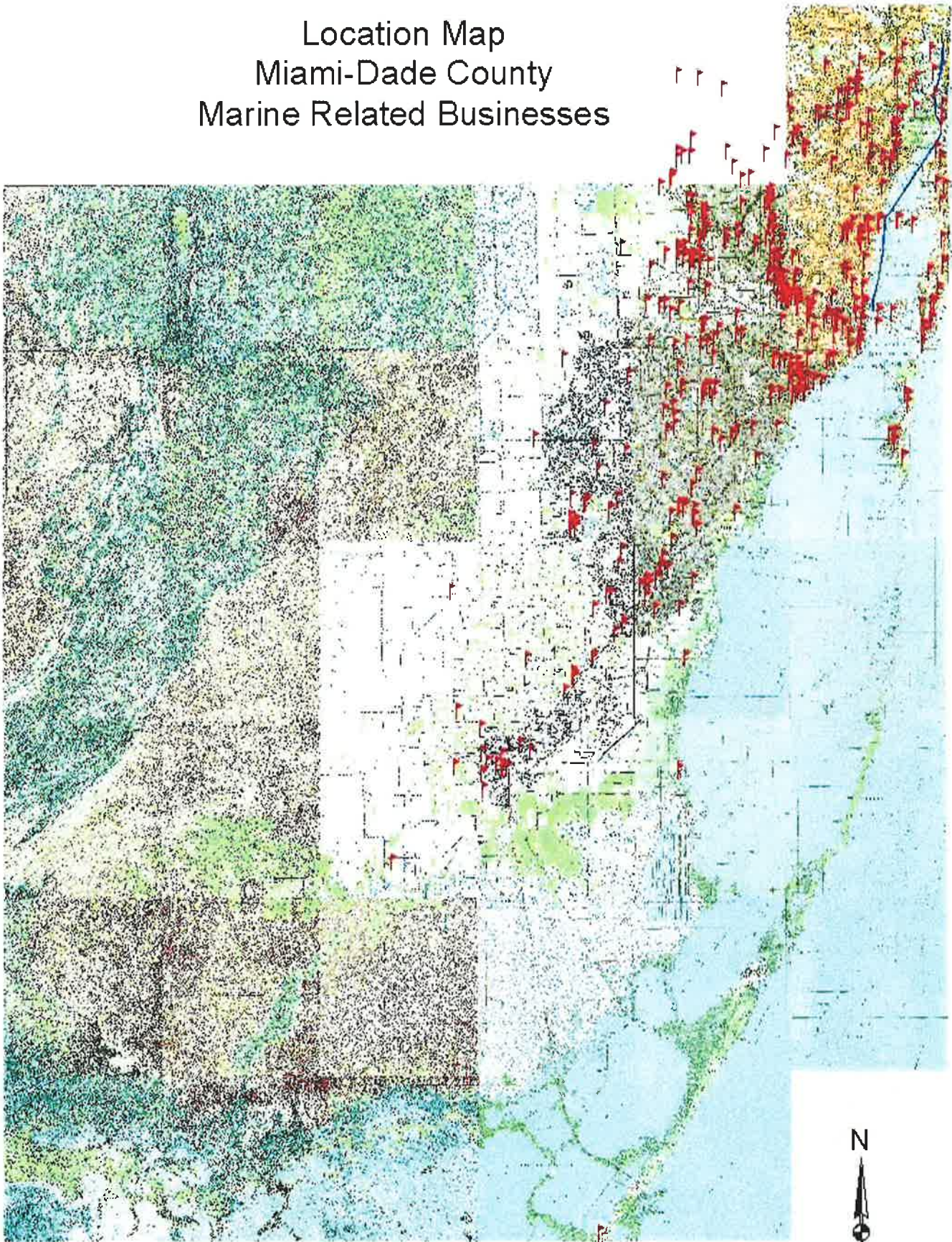
- Current existing conditions: \$55.0 million
- Cessation of maintenance: \$32.4 million
- Increased maintenance: \$55.0 million
- Assuming no recession: \$72.8 million

### Vessel Draft Restrictions Assumed for Each Scenario

- Current existing conditions: 6.5 feet MLW
- Cessation of maintenance: 3 feet MLW
- Increased maintenance: 10 feet MLW
- Assuming no recession: 6.5 feet MLW



# Location Map Miami-Dade County Marine Related Businesses



Businesses.shp  
Channel





**WATERWAYS ASSISTANCE PROGRAM PROJECTS**  
**MIAMI-DADE COUNTY**  
**1986-2015**

PROJECT NAME	PROJECT NUMBER	PROJECT SPONSOR	GRANT AMOUNT	TOTAL COST
Hurricane Preparedness Manual For Vessels	DA-91-16	Miami - Dade County	\$35,000	\$70,000
Sand Bypass At Bakers Haulover Inlet - Phase I	DA-BH-12-135	Bal Harbour Village	\$50,000	\$400,000
Jetty and Groin Repairs	DA-BH-2	Bal Harbour Village	\$200,000	\$400,000
Public Works Compound Seawall	DA-BH-88-6	Bal Harbour Village	\$29,265	\$58,530
Miami Marine Stadium Inwater Structural Assessment Ph I	DA-MI-13-150	City of Miami	\$157,900	\$315,800
Miami Woman's Club Baywalk Ph II	DA-MI-13-151	City of Miami	\$150,000	\$300,000
Seybold Canal &Wagner Creek Dredging & Environmental Cleanup F	DA-MI-13-152	City of Miami	\$1,000,000	\$2,000,000
Virginia Key Nature Center Seawall & Kayak Launch Ph I	DA-MI-13-153	City of Miami	\$37,500	\$75,000
Curtis Park Boat Ramp reconstruction	DA-MI-13-154	City of Miami	\$190,050	\$380,100
Lummus Landing Riverwalk and Dock	DA-MI-13-150	City of Miami	\$570,000	\$1,140,000
Manatee Bend Park Seawall & Floating Dock Ph II	DA-MI-13-156	City of Miami	\$325,000	\$650,000
Seybold Canal & Wagner Creek Dredging Phase D	DA-MI-14-162	City of Miami	\$1,000,000	\$2,000,000
Dinner Key Marina Dinghy Dock Ph II	DA-MI-14-163	City of Miami	\$75,000	\$150,000
Baywalk Boat Hoists & Floating Dock Regatta Park Ph I	DA-MI-14-164	City of Miami	\$20,000	\$40,000
Virginia Key Beach Park Tiki Village	DA-MI-14-165	City of Miami	\$16,930	\$33,860
Virginia Key Beach Park Education Signs	DA-MI-14-166	City of Miami	\$9,400	\$18,800
Marine Law Enforcement & Safety Project	DA-MB-93-29	City Of Miami	\$35,000	\$35,000
Watson Island Boat Ramp Replacement	DA-MI-00-59	City Of Miami	\$150,000	\$300,000
Derelict Vessel Removal	DA-MI-00-60	City Of Miami	\$34,137	\$68,275
Legion Park Waterfront Enhancement Project	DA-MI-01-65	City Of Miami	\$90,000	\$180,000
Int. Watersports Center - Public Baywalk Overlook	DA-MI-02-70	City Of Miami	\$200,371	\$486,500
Bicentennial Park Shoreline Stabilization - Stage I	DA-MI-03-78	City Of Miami	\$700,000	\$1,400,000
Dinner Key Mooring & Anchorage Field Project - Phase I	DA-MI-03-79	City Of Miami	\$32,500	\$100,000
Bicentennial Park Shoreline Stabilization - Phase II	DA-MI-04-83	City Of Miami	\$419,670	\$2,398,000
Derelict Vessel Removal	DA-MI-04-84	City Of Miami	\$50,000	\$100,000
Bicentennial Park Shoreline Stabilization - Phase III	DA-MI-05-88	City Of Miami	\$1,000,000	\$2,000,000
Dinner Key Spoil Island Enhancement	DA-MI-05-89	City Of Miami	\$425,000	\$850,000
Seminole Public Dinghy Dock Replacement	DA-MI-05-90	City Of Miami	\$28,350	\$62,700
Bicentennial Park Shoreline Stab. - Phase III - C	DA-MI-06-93	City Of Miami	\$1,000,000	\$2,000,000
Dinner Key Mooring Field Project - Phase II	DA-MI-06-94	City Of Miami	\$424,745	\$841,500
Sewell Park Kayak Launch - Phase I	DA-MI-06-95	City Of Miami	\$8,500	\$17,000
Dinner Key Mooring Field Dredging - Phase II	DA-MI-07-100	City Of Miami	\$390,000	\$800,000
Construction Of Sewell Park Kayak Launch - Phase II	DA-MI-07-101	City Of Miami	\$37,625	\$75,250
Bicentennial Park Mooring Bollards Design - Phase I	DA-MI-08-103	City Of Miami	\$42,450	\$84,900
Miamarina Seawall Replacement - Phase I	DA-MI-08-104	City Of Miami	\$40,000	\$80,000
Bicentennial Park Mooring Bollards Construction	DA-MI-09-107	City Of Miami	\$513,255	\$1,026,510
Coconut Grove Public Piers - Phase I ( Withdrawn)	DA-MI-09-108	City Of Miami	\$144,000	\$288,000
James L. Knight Center Riverwalk - Ph II ( Withdrawn)	DA-MI-09-109	City Of Miami	\$30,000	\$60,000
Kennedy Park Floating Dock - Phase I	DA-MI-09-110	City Of Miami	\$17,500	\$35,000
Kennedy Park Shoreline Stabilization - Phase I	DA-MI-09-111	City Of Miami	\$40,000	\$80,000
Marine Stadium Marina Seawall Replacement - Phase I	DA-MI-09-112	City Of Miami	\$17,500	\$35,000

**WATERWAYS ASSISTANCE PROGRAM PROJECTS**  
**MIAMI-DADE COUNTY**  
**1986-2015**

PROJECT NAME	PROJECT NUMBER	PROJECT SPONSOR	GRANT AMOUNT	TOTAL COST
Citywide Derelict Vessel Removal	DA-MI-10-117	City Of Miami	\$20,000	\$45,000
Miami Marine Stadium Restoration - Phase I	DA-MI-10-118	City Of Miami	\$175,000	\$350,000
Miami Woman's Club Baywalk - Phase I	DA-MI-10-119	City Of Miami	\$46,500	\$93,000
Spoil Island E Restoration & Floating Dock - Phase I	DA-MI-10-120	City Of Miami	\$15,000	\$30,000
Baywalk At Bicentennial Park	DA-MI-11-125	City Of Miami	\$1,143,000	\$2,286,000
Kennedy Park Floating Dock Construction & Restoration	DA-MI-11-126	City Of Miami	\$60,000	\$120,000
Kennedy Park Shoreline Stabilization & Restoration	DA-MI-11-127	City Of Miami	\$75,000	\$150,000
Little River Waterfront Park	DA-MI-11-128	City Of Miami	\$117,500	\$470,000
Marine Stadium Marina At Virginia Key - Phase I	DA-MI-11-129	City Of Miami	\$800,000	\$1,600,000
Seybold Canal & Wagner Creek Dredging & Env. Clean Up	DA-MI-11-130	City Of Miami	\$1,000,000	\$22,000,000
Little River Waterfront Acquisition - Phase B	DA-MI-12-136	City Of Miami	\$183,750	\$735,000
Manatee Bend Park Seawall Improv. & Kayak Lnch - Ph I	DA-MI-12-137	City Of Miami	\$38,500	\$77,000
Marine Stadium Marina Seawall Replacement - Phase I I	DA-MI-12-138	City Of Miami	\$785,000	\$1,570,000
Pallot Park Shoreline Stabilization - Phase I	DA-MI-12-139	City Of Miami	\$30,000	\$60,000
Seybold Canal & Wagner Creek Dredging - Phase B	DA-MI-12-140	City Of Miami	\$700,000	\$1,400,000
Spoil Island E Floating Dock Restoration - Phase I I	DA-MI-12-141	City Of Miami	\$57,500	\$115,000
Baywood Park Shoreline Enhancement Project	DA-MI-95-39	City Of Miami	\$75,590	\$199,972
Morningside Seawall Improvements	DA-MI-96-44	City Of Miami	\$34,250	\$68,500
Peacock Park Shoreline Educational Enhancement	DA-MI-97-47	City Of Miami	\$100,000	\$200,000
Watson Island Boat Ramp Repairs	DA-MI-98-51	City Of Miami	\$142,000	\$357,687
Margaret Pace Park Public Waterfront Enhancement	DA-MI-99-56	City Of Miami	\$196,085	\$392,170
Kenneth Myers Park/ Seminole Boat Ramp	DA-MI-99-57	City Of Miami	\$180,000	\$488,333
Indian Creek Park Seawall Ph I	DA-MB-13-157	City of Miami Beach	\$160,000	\$320,000
Parks Blueways Master Plan	DA-MB-13-158	City of Miami Beach	\$40,000	\$80,000
Normandy Shores Park Seawall	DA-MB-14-167	City of Miami Beach	\$225,478	\$450,956
Indian Creek Park Seawall	DA-MB-14-168	City of Miami Beach	\$692,502	\$1,385,003
Citywide Seawalls - Phase I	DA-MB-02-71	City Of Miami Beach	\$135,000	\$270,720
Shoreline Stab. Of Monument Island - Ph. I ( Withdrawn)	DA-MB-03-80	City Of Miami Beach	\$50,000	\$100,000
Citywide Seawalls Project - Phase I I	DA-MB-04-85	City Of Miami Beach	\$293,562	\$636,626
South Pointe Park Pier Renovation & Expansion - Phase I	DA-MB-08-105	City Of Miami Beach	\$323,075	\$969,230
Pine Tree Park Shoreline Improvements	DA-MB-09-113	City Of Miami Beach	\$74,766	\$248,090
Biscayne Bay 10th Street-end Park & Seawall	DA-MB-11-131	City Of Miami Beach	\$472,820	\$945,640
South Pointe Pier Construction - Phase I I	DA-MB-12-142	City Of Miami Beach	\$986,000	\$4,098,381
Miami Beach Marina Shoreline Stabilization	DA-MB-92-22	City Of Miami Beach	\$200,000	\$454,675
Marine Patrol Boat	DA-NBV-00-63	City of Miami Beach	\$50,406	\$67,208
Navigational Buoys ( Expired)	DA-NBV-01-69	City Of North Bay Village	\$6,250	\$15,000
Paul Vogel Community Park Seawall & Dock Repl. - Ph I	DA-NBV-10-123	City Of North Bay Village	\$55,000	\$110,000
Baywalk Plaza Area - Phase I	DA-NBV-12-146	City Of North Bay Village	\$50,250	\$100,500
Vogel Park Improvements	DA-NBV-12-147	City Of North Bay Village	\$110,167	\$220,335
North Bayshore William Lehman Park Fishing and Viewing Pier	DA-NM-13-148	City of North Miami	\$300,000	\$630,000
William Lehman Park Fishing & Viewing Piers - Phase I	DA-NM-98-50	City Of North Miami	\$15,734	\$31,469

**WATERWAYS ASSISTANCE PROGRAM PROJECTS**  
**MIAMI-DADE COUNTY**  
**1986-2015**

PROJECT NAME	PROJECT NUMBER	PROJECT SPONSOR	GRANT AMOUNT	TOTAL COST
William Lehman Park Fishing & Viewing Piers - Phase I I	DA-NM-99-55	City Of North Miami	\$33,475	\$66,950
Maule Lake Derelict Vessel Removal	DA-NMB-06-99	City Of North Miami Beach	\$40,000	\$85,000
Waterway Signage Video Program	DA-NMB-91-20	City of North Miami Beach	\$16,000	\$45,300
Law Enforcement/Rescue Boat & Equipment	DA-NMB-91-21	City of North Miami Beach	\$25,000	\$62,455
Marine Patrol Vessel	DA-ICV-01-64	Indian Creek Village	\$18,880	\$37,760
Flagler Memorial Island Enhancements - Phase I I	DA-00-61	Miami - Dade County	\$42,500	\$102,500
Haulover Boat Ramp Fish Cleaning Station ( Withdrawn)	DA-00-62	Miami - Dade County	\$20,000	\$40,000
Pelican Harbor Marina	DA-1	Miami - Dade County	\$400,000	\$4,075,000
Pelican Harbor Marina	DA-87-3	Miami - Dade County	\$750,000	\$3,300,000
Biscayne Bay Restoration	DA-87-4	Miami - Dade County	\$160,310	\$500,000
Spoil Island Enhancement	DA-87-5	Miami - Dade County	\$86,000	\$300,000
Biscayne Bay Restoration	DA-88-7	Miami - Dade County	\$75,000	\$222,500
Venetian Causeway Repairs	DA-88-8	Miami - Dade County	\$157,500	\$315,000
Venetian Causeway Design	DA-88-9	Miami - Dade County	\$250,000	\$500,000
Pelican Harbor Marina	DA-89-10	Miami - Dade County	\$500,000	\$4,975,000
Biscayne Bay Restoration & Enhancement Project	DA-89-11	Miami - Dade County	\$98,000	\$216,300
Spoil Island Restoration	DA-89-12	Miami - Dade County	\$96,875	\$193,750
Restoration of Dredge Areas	DA-90-13	Miami - Dade County	\$97,755	\$195,570
Spoil Island Enhancement	DA-90-14	Miami - Dade County	\$40,000	\$80,000
Pelican Harbor Spoil Island	DA-90-15	Miami - Dade County	\$320,000	\$640,000
Restoration of Dredged Areas	DA-91-17	Miami - Dade County	\$180,000	\$365,950
Haulover Inlet Spoil Island Enhancement Project	DA-91-18	Miami - Dade County	\$200,000	\$714,448
Deering Environmental Education Facilities	DA-91-19	Miami - Dade County	\$650,000	\$4,400,000
North Miami Spoil Island Enhancement Project	DA-92-23	Miami - Dade County	\$196,030	\$412,060
Pelican Harbor Marina Facilities	DA-92-24	Miami - Dade County	\$500,000	\$740,000
Marjory Stoneman Douglas Biscayne Nature Center Designs	DA-92-25	Miami - Dade County	\$187,500	\$375,000
Hurricane Andrew Marina Improvement - Phase I	DA-92-26	Miami - Dade County	\$463,670	\$463,670
Flagler Memorial Island Enhancement	DA-93-27	Miami - Dade County	\$175,000	\$300,801
Hurricane Andrew Marina Improvement - Phase I I	DA-93-28	Miami - Dade County	\$850,000	\$1,800,000
Cape Florida Shoreline Stabilization	DA-93-30	Miami - Dade County	\$340,000	\$739,701
Crandon Park Marina Renovations	DA-94-31	Miami - Dade County	\$900,000	\$1,800,000
Venetian Causeway Shoreline Stabilization Project	DA-94-32	Miami - Dade County	\$101,200	\$240,312
Haulover Park Marina Renovation Designs	DA-95-33	Miami - Dade County	\$60,000	\$120,000
Matheson Hammock Marina Boat Ramp Renovation	DA-95-34	Miami - Dade County	\$116,200	\$232,400
Crandon Marina Boat Ramp Renovation	DA-95-35	Miami - Dade County	\$174,400	\$348,800
Crandon Park Marina Renovations I I	DA-95-36	Miami - Dade County	\$300,000	\$600,000
Biscayne Bay Spoil Island #2 Enhancement Project	DA-95-37	Miami - Dade County	\$180,262	\$360,525
Derelict Vessel Removal Project	DA-95-38	Miami - Dade County	\$102,577	\$205,155
Biscayne Bay Spoil Island (#14) Enhancement Project	DA-96-40	Miami - Dade County	\$105,000	\$210,000
Homestead Bayfront Park Shoreline Stabilization	DA-96-41	Miami - Dade County	\$50,000	\$100,000
Manatee Halfway House ( Project Expired)	DA-96-42	Miami - Dade County	\$25,000	\$100,000

**WATERWAYS ASSISTANCE PROGRAM PROJECTS**  
**MIAMI-DADE COUNTY**  
**1986-2015**

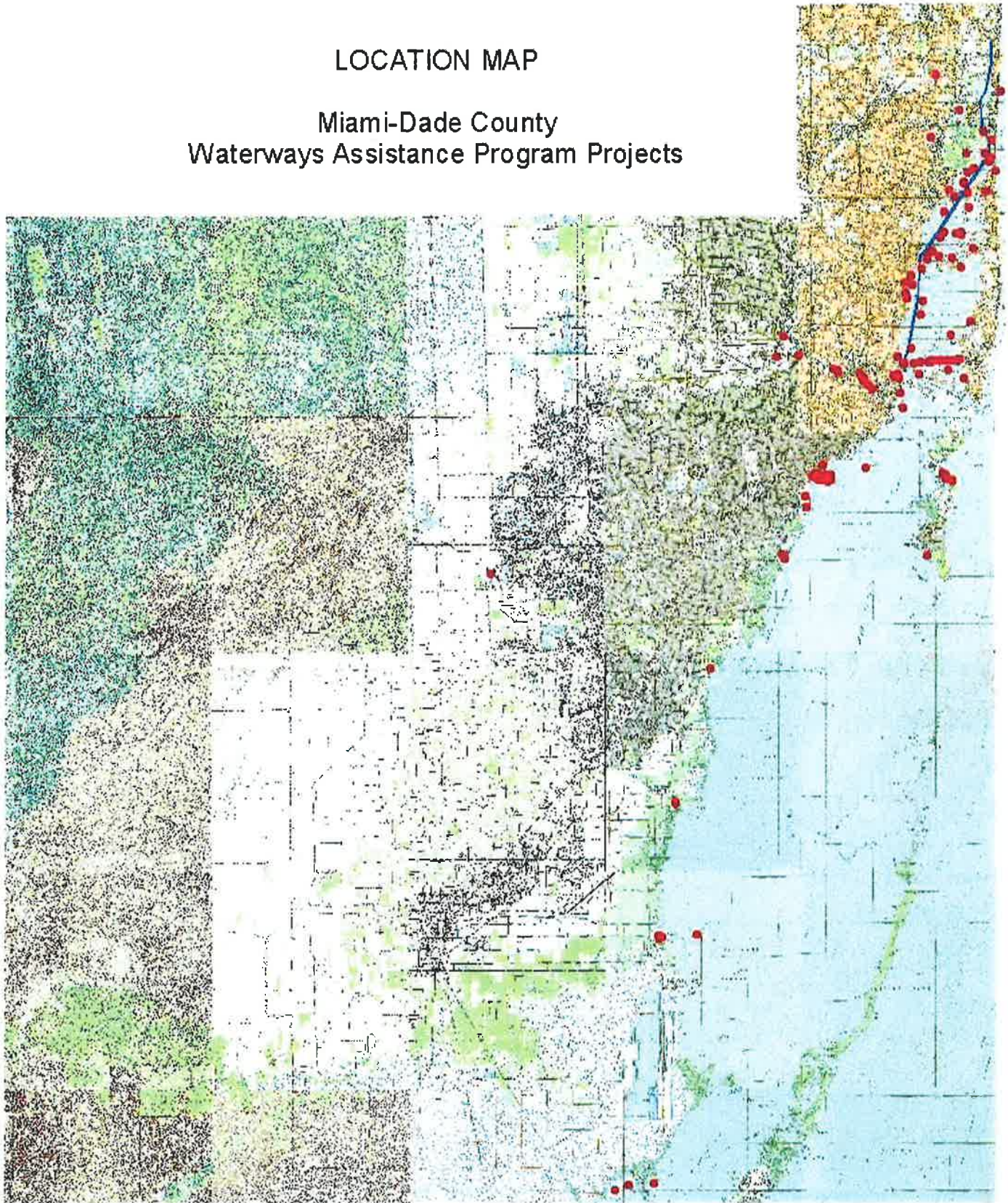
PROJECT NAME	PROJECT NUMBER	PROJECT SPONSOR	GRANT AMOUNT	TOTAL COST
M.S.D. Biscayne Nature Center	DA-96-43	Miami - Dade County	\$800,000	\$3,530,000
Crandon Park Marina Pier Renovation - Phase I I	DA-97-45	Miami - Dade County	\$920,000	\$1,840,000
Biscayne Bay Spoil Island #1 Enhancement	DA-97-46	Miami - Dade County	\$115,000	\$230,000
Haulover Park Marina Renovations ( Project Expired)	DA-98-48	Miami - Dade County	\$1,400,000	\$2,800,000
Biscayne Bay Spoil Island #6 Enhancements	DA-98-49	Miami - Dade County	\$112,500	\$225,000
Haulover Marina Expansion Designs	DA-99-52	Miami - Dade County	\$148,250	\$296,500
Haulover Marina Boat Ramp Renovations	DA-99-53	Miami - Dade County	\$183,750	\$367,500
Spoil Islands #9 & #10 Enhancements	DA-99-54	Miami - Dade County	\$135,000	\$316,265
Crandon Park Marina Pier Renovations - Phase I I	DA-01-66	Miami- Dade County	\$403,129	\$878,271
Haulover Park Marina Renovations	DA-01-67	Miami- Dade County	\$1,400,000	\$2,800,000
Spoil Island #3 Enhancement Project	DA-01-68	Miami- Dade County	\$105,000	\$210,000
Miami River Dredging Project - Stage I I	DA-02-72	Miami- Dade County	\$300,000	\$6,000,000
Black Point & Homestead Bayfront Marinas Piling Repl.	DA-02-73	Miami- Dade County	\$125,000	\$250,000
Crandon Park Marina Dockmaster's Complex - Phase I	DA-02-74	Miami- Dade County	\$75,000	\$150,000
Homestead Bayfront Marina Navigational Impr. - Phase I	DA-02-75	Miami- Dade County	\$50,000	\$100,000
Pelican Harbor Fishing Pier Repl. - P H I ( Withdrawn)	DA-02-76	Miami- Dade County	\$18,000	\$36,000
Pelican Harbor Marina Mooring Field-ph I ( Withdrawn)	DA-02-77	Miami- Dade County	\$25,000	\$50,000
Haulover Marina Dockmaster Complex- P H I ( Withdrawn)	DA-03-81	Miami- Dade County	\$87,000	\$174,000
Spring Garden Point Park Shoreline Enhancement	DA-03-82	Miami- Dade County	\$138,000	\$370,000
Haulover Marina Breakwater Completion	DA-04-86	Miami- Dade County	\$1,134,243	\$4,112,392
Haulover Marina Dredging, Seawall, Dock & Wetslips	DA-05-91	Miami- Dade County	\$1,135,000	\$4,882,000
Homestead Bayfront Channel Markers Relocation	DA-05-92	Miami- Dade County	\$56,150	\$112,300
Homestead Bayfront Marina Complex - Phase I ( Expired)	DA-06-96	Miami- Dade County	\$130,000	\$260,000
Parcel B Public Shoreline Stabilization	DA-06-97	Miami- Dade County	\$178,596	\$372,075
Pelican Harbor Marina Boaters' Complex - Phase I I	DA-06-98	Miami- Dade County	\$111,000	\$222,000
Parcel B Public Shoreline Stabilization - Stage 2	DA-07-102	Miami- Dade County	\$2,000,000	\$4,200,000
Pelican Harbor Marina Restrooms & Boater Amenities	DA-08-106	Miami- Dade County	\$493,716	\$987,433
Crandon Marina Seawall Restoration	DA-09-114	Miami- Dade County	\$597,633	\$1,195,266
Fire Rescue Floating Dock & Boat Lift	DA-09-115	Miami- Dade County	\$111,150	\$273,883
R. Hardy Matheson Preserve Shoreline Stabilization	DA-09-116	Miami- Dade County	\$550,000	\$1,100,000
Crandon Marina Seawall #2 Replacement	DA-10-121	Miami- Dade County	\$1,342,932	\$2,685,865
Pelican Harbor Marina Elec., Water & Fire Systems- Ph I	DA-10-122	Miami- Dade County	\$56,000	\$112,000
Dinner Key Spoil Islands B & C Shoreline Stabilization	DA-11-132	Miami- Dade County	\$300,000	\$600,000
Miami Marine Stadium Park Shoreline Stabilization	DA-11-133	Miami- Dade County	\$400,000	\$800,000
Vizcaya Public Shoreline Stabilization - Phase I	DA-11-134	Miami- Dade County	\$41,000	\$84,500
Miami River Greenways Riverwalk	DA-12-143	Miami- Dade County	\$500,000	\$1,134,297
Pelican Harbor Marina Improvements	DA-12-144	Miami- Dade County	\$1,200,000	\$2,400,000
Vizcaya Public Shoreline Stabilization N.E. Garden Area	DA-12-145	Miami- Dade County	\$134,000	\$268,000
Crandon Marina Boat Ramps Ph I	DA-13-159	Miami-Dade County	\$70,000	\$169,500
Matheson Hammock Marina Boat Ramps Ph I	DA-13-160	Miami-Dade County	\$74,000	\$177,000
Miami River Greenway sites 4&5	DA-13-161	Miami-Dade County	\$500,000	\$1,024,025

**WATERWAYS ASSISTANCE PROGRAM PROJECTS**  
**MIAMI-DADE COUNTY**  
**1986-2015**

PROJECT NAME	PROJECT NUMBER	PROJECT SPONSOR	GRANT AMOUNT	TOTAL COST
Black Point Marina Wet Slips Frames Replacement	DA-14-169	Miami-Dade County	\$349,170	\$698,340
Pelican Marina Wet Slips Frames Replacement	DA-14-170	Miami-Dade County	\$256,470	\$512,940
Pelican Island Day Dock Replacement Ph I	DA-14-171	Miami-Dade County	\$37,296	\$74,592
Pelican Marina Boat Ramp Renovations Ph I	DA-14-172	Miami-Dade County	\$60,000	\$167,000
Matheson Marina Floating Dock Renovations	DA-14-173	Miami-Dade County	\$239,258	\$478,516
Boating Safety & Environmental Education Program	DA-SI-99-58	Sunny Isles Beach	\$45,603	\$60,804
Waterfront Park	DA-BHI-05-87	Town Of Bay Harbor Islands	\$92,000	\$184,000
The Strand Park Boat Dock	DA-GB-11-124	Town Of Golden Beach	\$29,735	\$78,664
Surfside Seawall Replacement	DA-SU-13-149	Town of Surfside	\$494,445	\$988,890
Alice Wainwright Park Seawall & Baywalk - Phase I	DA-MI-15-186	City of Miami	\$62,500	\$125,000
Bayside Wharf at Miamarina - Phase I	DA-MI-15-187	City of Miami	\$50,000	\$100,000
Baywalk Plaza - Phase IIA	DA-NBV-15-194	North Bay Village	\$200,000	\$400,000
Baywalk Southside FEC Slip - Phase II	DA-MI-15-179	City of Miami	\$1,250,000	\$2,500,000
Baywood Park Seawall - Phase I	DA-MI-15-177	City of Miami	\$25,000	\$50,000
Crandon Floating Dock Renovations	DA-15-192	Miami-Dade County	\$389,381	\$778,763
Crandon Marina Boat Ramps	DA-15-189	Miami-Dade County	\$215,266	\$430,531
Derelict Vessel Removal - City of Miami	DA-MI-15-181	City of Miami	\$30,000	\$60,000
Dinner Key Marina Pumpout Upgrade	DA-MI-15-185	City of Miami	\$150,000	\$500,000
Homestead Bayfront Marina Wet Slip Renovations	DA-15-193	Miami-Dade County	\$205,000	\$410,000
Legion Park Seawall & Boat Ramp - Phase I	DA-MI-15-188	City of Miami	\$50,000	\$100,000
Marine Stadium Baywalk - Phase II	DA-MI-15-183	City of Miami	\$500,000	\$1,000,000
Matheson Hammock Marina Boat Ramps	DA-15-191	Miami-Dade County	\$283,059	\$566,118
Matheson Hammock Marina Wetslip Renovations	DA-15-190	Miami-Dade County	\$104,699	\$209,399
Maurice Gibb Memorial Park Dock & Launch - Phase I	DA-MB-15-195	City of Miami Beach	\$75,000	\$150,000
Miamarina Upgrade of Electrical System	DA-MI-15-182	City of Miami	\$375,000	\$750,000
Miami Marina Park Wet Slips & Mooring - Phase I	DA-MI-15-175	City of Miami	\$50,000	\$100,000
Morningside Park Seawall & Boat Launch - Phase I	DA-MI-15-184	City of Miami	\$25,000	\$50,000
Pallot Park Seawall, Baywalk & Kayak - Phase II	DA-MI-15-176	City of Miami	\$150,000	\$300,000
Seybold Canal & Wagner Creek Dredging - Phase E	DA-MI-15-178	City of Miami	\$700,000	\$1,400,000
Spring Garden Park Seawall & Kayak - Phase I	DA-MI-15-180	City of Miami	\$75,000	\$150,000
Surfside Seawall Replacement - Part 2	DA-SU-15-174	Town of Surfside	\$346,250	\$692,500
		<b>TOTALS</b>	<b>\$53,607,648</b>	<b>\$157,821,255</b>



## LOCATION MAP

Miami-Dade County  
Waterways Assistance Program Projects

Wapinfo  
Channel





## ATTACHMENT D-1

**COOPERATIVE ASSISTANCE PROGRAM  
PROJECT APPLICATION  
APPLICANT INFORMATION – PROJECT SUMMARY**

Applicant: Florida Department of StateProject Title: Miami Circle Shoreline StabilizationProject Director: Ryan J. Wheeler

Liaison Agent (if different from above) : \_\_\_\_\_

Liaison Agent Title: State Archaeologist and Chief, Bureau of Archaeological ResearchAddress: 1001 de Soto Park DriveTallahassee, FL Zip Code: 32301Telephone: 850 245 6301 FAX: 850 245 6452Email: rjwheeler@dos.state.fl.us**\*\*I hereby certify that the information provided in this application is true and accurate.\*\***

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**PROJECT SUMMARY NARRATIVE (Please summarize the project in 2 paragraphs or less.)**

This project will stabilize the shoreline at the Miami Circle, a National Register of Historic Places listed archaeological site located on the southern side of the Miami River at the juncture of the river and Biscayne Bay. The existing seawall is over 50 years old and partially collapsed in June 2007. The Miami Circle site was discovered in 1998 while the 2.2-acre parcel was being readied for construction of two hi-rise towers. Public interest in preservation of the ancient Tequesta Indian archaeological site resulted in acquisition of the property by Miami-Dade County and the State of Florida at a total cost of \$26.7 million; the property is owned by the Board of Trustees of the Internal Improvement Trust Fund (State of Florida) and managed by the Florida Department of State. Design and permitting for this project has been funded by the Florida Department of State.

The Florida Department of State has developed a partnership with the Historical Museum of Southern Florida that will culminate in public access and interpretation of the site. The Miami Circle park is situated in the heart of downtown Miami and will likely attract tens of thousands of tourists and area residents every year. The project also will protect and enhance the entrance to the Miami River, which is a major commercial and recreational waterway. The adjacent waters are within the Biscayne Bay Aquatic Preserve and are designated an Outstanding Florida Water, Class III. The project also will develop the Miami River Greenway through the Miami Circle parcel, promoting public access and visitation.

## ATTACHMENT D-5

FLORIDA INLAND NAVIGATION DISTRICT  
ASSISTANCE PROGRAM

## PROJECT COST ESTIMATE

(See Rule Section 66B-1.005 &amp; 1.008 for eligibility and funding ratios)

PROJECT TITLE: Miami Circle Shoreline StabilizationAPPLICANT: Florida Department of State

Project Elements <i>(Please list the MAJOR project elements and provide a general cost break out for each one. For Phase I Projects, please list the major elements and products expected)</i>	Quantity Estimated Cost (Number and/or Footage)	Applicant's Cost	FIND Cost
Mobilization		\$6,772.00	\$4,155.00
Site/Grading/Sodding	13,750 SF	\$13,570.00	\$8,275.00
Demolition	550 LF	\$290,997.00	\$176,462.00
Steel Sheet Piling	550 LF	\$804,504.00	\$487,706.00
Concrete Cap	135 CY/550 LF	\$90,363.00	\$54,825.00
16 ft. Concrete Walkway*	8,800 SF	\$113,637.00	--
Boardwalk Bollards	55 (ea)	\$134,154.00	--
Fill	1,230 CY	\$7,379.00	\$4,391.00
Rip Rap Mitigation Fee		<u>\$20,243.00</u>	<u>\$12,081.00</u>
Extended Construction Cost		\$1,481,619.00	\$747,895.00
Permit Fees**		<u>\$4,720.00</u>	<u>\$3,280.00</u>
TOTALS		\$1,486,339.00	\$751,175.00
<p>*The City of Miami has committed \$25,000 toward the construction of the Miami Circle segment of the Miami River Greenway path</p> <p>** Miami-Dade County has agreed to waive the \$23,000 Class I environmental permit fee</p>			

\*\* TOTALS = \$ 2,237,514.00 \$ 1,486,339.00 \$ 751,175.00





**Miami Circle**

**Legend**

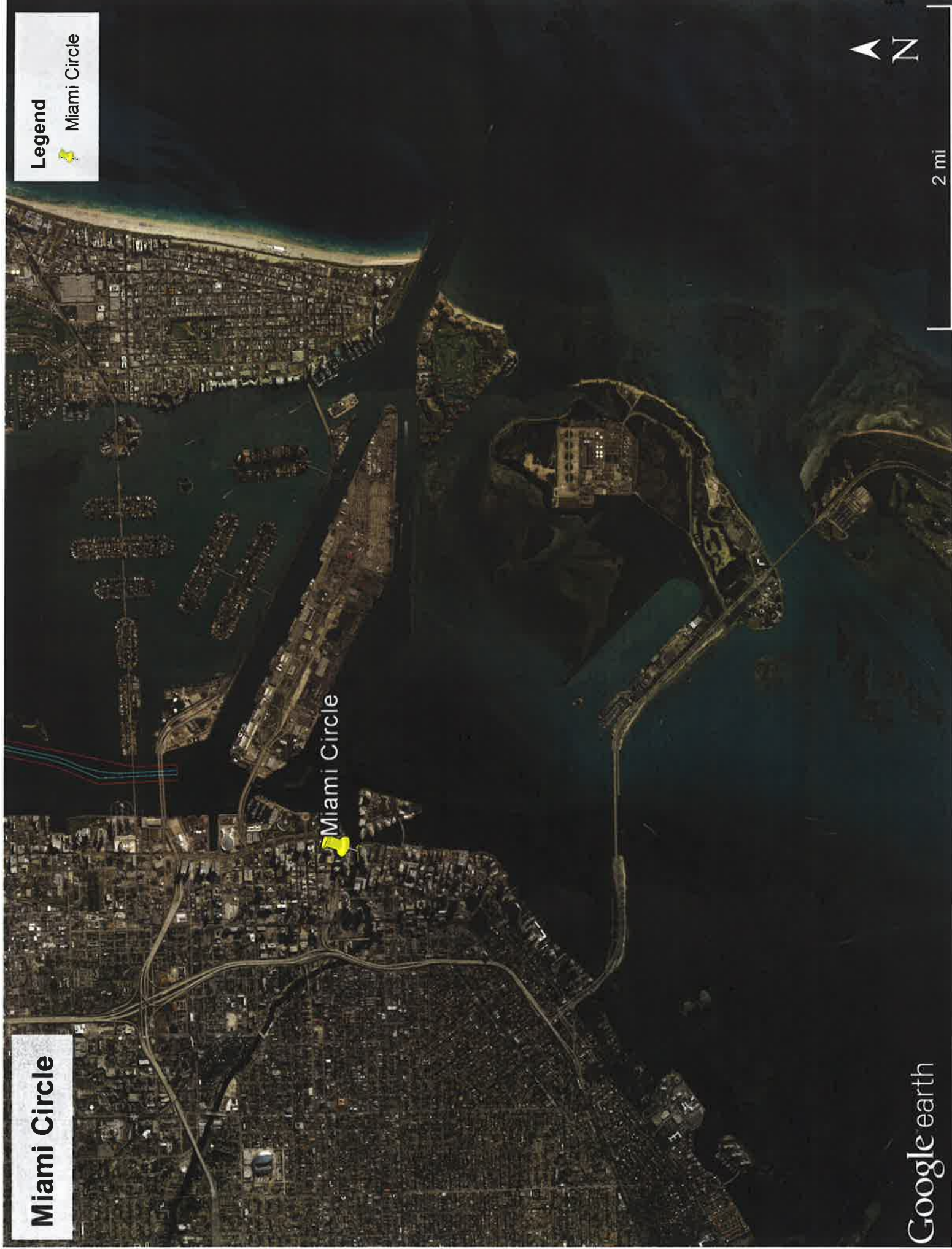
 Miami Circle

Miami Circle

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# Miami Circle

## Legend

 Miami Circle

Miami Circle



Coordinates: 25°46′10.0914″N 80°11′20.2596″W﻿ / ﻿

# Miami Circle

From Wikipedia, the free encyclopedia

The **Miami Circle**, also known as The **Miami River Circle**, **Brickell Point**, or **The Miami Circle at Brickell Point Site**, is an archaeological site in Downtown Miami, Florida. It consists of a perfect circle measuring 38 feet (11.5m) of 600 postmolds that contain 24 holes or basins cut into the limestone bedrock, on a coastal spit of land, surrounded by a large number of other 'minor' holes. It is the only known evidence of a prehistoric permanent structure cut into the bedrock in the Eastern United States, and considerably predates other known permanent settlements on the East Coast. It is believed to have been the location of a structure, built by the Tequesta (also Tekesta) Indians, in what was possibly their capital. Discovered in 1998, the site is believed to be somewhere between 1700 and 2000 years old. Some scholars have questioned both its age and its authenticity.

HistoryMiami, then known as the Historical Museum of Southern Florida, signed a 44-year lease of the site in March 2008, with plans to offer tours beginning in Spring 2009.<sup>[4]</sup>

On February 5, 2002, the site was listed on the National Register of Historic Places. It was declared a National Historic Landmark on January 16, 2009.<sup>[3]</sup>

On February 3, 2014, the Miami Herald reported additional postholes had been excavated in Downtown Miami, further indicating presence of ancient habitation.<sup>[5]</sup>

## Contents

- 1 Discovery
- 2 Controversy and resolution
- 3 Archaeology
  - 3.1 Age
  - 3.2 Origin
  - 3.3 Purpose
- 4 Septic tank controversy
- 5 Miami Circle Park
- 6 See also
- 7 References
- 8 External links

### The Miami Circle at Brickell Point Site

U.S. National Register of Historic Places

U.S. National Historic Landmark



Miami Circle Park, 7 March 2011



<b>Location</b>	Miami, Florida
<b>Coordinates</b>	<span><span><span><span><span>25°46′10.0914″N</span> <span>80°11′20.2596″W</span></span></span><span><span>﻿</span> / <span>﻿</span></span><span><span></span></span></span></span>
<b>Built</b>	500 B.C. - A.D. 900 <sup>[2]</sup>
<b>NRHP Reference #</b>	01001534
	( <a href="http://focus.nps.gov/AssetDetail/NRIS/01001534">http://focus.nps.gov/AssetDetail/NRIS/01001534</a> ) <sup>[1]</sup>
<b>Significant dates</b>	
<b>Added to NRHP</b>	February 5, 2002
<b>Designated NHL</b>	January 16, 2009 <sup>[3]</sup>



## Discovery

The site of 401 Brickell Avenue, named after William Brickell, co-founder of Miami in the 1870s, held an apartment complex until 1998. Property developer Michael Baumann purchased the site for \$8.5 million to build a luxury condominium, and in July 1998 tore down the standing apartment complex. According to City of Miami historic preservation code requirements, he was obliged to commission a routine archaeological field survey of the site prior to commencement of building, but this didn't occur until Bob Carr, then Director of the Miami-Dade County Historic Preservation Division, pressed the issue with the City and Baumann. John Ricisak of the Miami-Dade Historic Preservation Division, along with a host of volunteers and employees of the Archaeological & Historical Conservancy, conducted the salvage excavation of the site with oversight by Bob Carr.

In the course of the exploration, the team discovered a number of holes cut into the Oolitic limestone bedrock. On examining the layout of the holes, the surveyor Ted Riggs postulated that they were part of a circle 38 feet (12 m) in diameter. Having calculated the center, he projected the likely location of the remaining holes. Excavation revealed that there were 24 holes forming a perfect circle in the limestone. Examination of the earth revealed numerous archeological artifacts, ranging from shell-tools and stone axe-heads to human teeth and charcoal from fires.

## Controversy and resolution

The developer Baumann, keen to continue construction of his condominium, offered to pay to relocate the circle to another site for preservation, an idea that Mayor Joe Carollo supported. But public opposition grew, with groups ranging from archaeologists and Native Americans to New Agers and schoolchildren protesting that the removal could potentially destroy one of the most archaeologically significant finds in North America. The Elizabeth Ordway Dunn Foundation made a donation of \$25,000 to fund further exploration of the site, which continued until February 1999.

Following issuance of building permits by the City of Miami during the last week of January 1999, the Dade Heritage Trust (Miami-Dade County's largest historic preservation organization) filed a lawsuit on January 31, 1999, seeking an injunction against further construction on site. Trust *pro-bono* attorney Gary Held, who filed the suit, arranged for an emergency hearing at the home of Circuit Court Judge Thomas Wilson. The basis for the lawsuit was that the developer had not obtained required approval in the form of a certificate of appropriateness from the City of Miami's Historic and Environmental Preservation Board. At the hearing, the developer and the City were represented by counsel. Following arguments and Dade Heritage Trust's admission that it was not prepared to post a bond to support the injunction request, the Judge denied the motion for temporary injunction. But, Baumann agreed to postpone construction on the site for thirty days while the archaeologists finished their work.<sup>[6]</sup>

Meanwhile, a plan to move the Circle was proposed. Joshua Billig, stonemason of Rockers Stone and Supply, was to carry out the relocation. He quit on February 14, 1999, having become convinced the circle should not be moved. Using the 30-day delay in construction which Baumann agreed to, County Mayor for Miami-Dade Alex Penelas and others interested in saving the Circle, asked the County Commission to file a lawsuit to take ownership of the property. The Commission approved such action on 18 February, and Judge Richard Feder ordered a temporary injunction against building on the site. Baumann agreed to sell, but asked for \$50 million, a price which he eventually lowered to \$26.7 million. Baumann made a profit of 18.2 million minus the costs. In an unprecedented move, the State of Florida Preservation 2000 land

acquisition program purchased the site from Baumann for that sum in November 1999, using both state funds and donations from various foundations and private citizens.

The "Brickell Point Site" was listed on the National Register of Historic Places on February 5, 2002.

## Archaeology

Artifacts recovered from the Miami Circle site are stored and on display at HistoryMiami. It is the official repository for all archaeological materials recovered in Miami-Dade County.<sup>[7]</sup>

## Age

In order to date the site, pieces of burnt wood were sent in March 1999 for radiocarbon dating by John Ricasak, a specialist in the County Historic Preservation department. The results were a surprise, indicating that the wood was between 1800–2000 years old. Some scholars doubt that the circle is as old as the wood. Further evidence to support the theory that the holes were of that age comes from Tom Scott and Harvey Means of the Florida Geological Survey, who point to the buildup of a calcite 'duricrust' on the edge of the cut face. Though this is an extremely imprecise way to date the holes, it rules out that they were of modern origin.



The circle, April 2011

## Origin

Initial theories on the origin of the site were that it was created by the Olmec or Mayan civilizations. This theory was based on the fact there is little evidence of indigenous peoples in North America building permanent structures 2000 years ago. No evidence was found of any artifacts of Central American origin, however. Further examination of the artifacts found at the site, particularly the shell tools, shark teeth, and other items of aquatic origin, showed that they matched perfectly with artifacts known to be from a local tribe, the historic Tequesta.

The Tequesta were a tribe who were believed to be primarily nomadic, hunting fish and alligators in the Florida Everglades. They were considered aggressive as they killed many early European explorers who attempted landfall in Florida. The Tequesta, like many other Native Americans, succumbed to the new infectious diseases brought by European colonists, as well as were disrupted by warfare.

## Purpose

Randolph Widmer of the University of Houston suggested holes were postholes for some kind of structure, probably a cone-shaped building with a hole in the top. These sorts of structures were known to have existed in the Eastern United States, yet none was thought to have had such a permanent base as the Miami Circle. Critics of this theory pointed out that there was no evidence of fire on the bedrock as is usually found in the remains of this type of buildings. Widmer's response was that, given the weather common across Florida and resulting flooding, the early people may have raised the structure on stilts. This theory



also suggested that the seemingly random array of holes could have been for support posts. They appear in clusters perhaps due to the necessity to replace them as the wood rotted.

Researchers next tried to determine the purpose of the structure. Two obvious candidates are living quarters, or a ceremonial building of some sort. The lack of evidence for the former began to suggest the latter, and further evidence can be put forward to support the theory. Firstly the effort necessary to create such a structure would involve considerable teamwork, particularly given the lack of tools. This sort of teamwork is often seen in the construction of religious buildings.

Secondly, there were certain anomalies in the artifacts discovered. Many 'common' Tequesta relics were found at the site — tools and perhaps decorative items made from shells and other aquatic materials like sharks' teeth — but there were a few pieces discovered that did not fit. The main items were two basalt axe heads. These axes would have been a particularly sought after item on the southern Florida coast due to the lack of any equivalent hard stone in the area, yet these axe heads are completely untouched. Further analysis of the stone by Dr. Jacqueline Dixon, University of Miami, found that the basalt was likely from the region of Macon, Georgia, some 600 miles (970 km) away. Additional items that may have been placed in, or buried under the structure were a complete 5-foot (1.5 m) long shark skeleton, aligned east to west, a dolphin skull, and a complete carapace of a sea-turtle. Four human teeth were also found, though no other evidence pointed to its being a burial site.

## Septic tank controversy

University of Florida archaeologist Jerald Milanich was concerned that there was, from the previous apartment block, a septic tank that was aligned perfectly at the edge of the circle. He suggested that the circle could be nothing more than a sink for the sewage from the septic tank, an idea that understandably drew a certain amount of interest.<sup>[8]</sup>

In attempting to refute this claim, Ricicek pointed to two things. Firstly there was clearly a terracotta outflow from the tank that would not tie with the need for a sink, and the plans for the apartment complex clearly show a sewage outflow to the south, into the river. Secondly, returning to the analysis of the calcite buildup on the holes by the Florida Geological Survey, the bedrock that had been cut out to lay the tank had little or no duricrust, showing the considerable age difference between the septic tank construction and the Circle.

## Miami Circle Park

A waterfront park managed by HistoryMiami opened in 2011. The circle itself remains buried to protect it, while an audio tour and several panels describing it are available.<sup>[9][10]</sup>

## See also

- Pompano Beach Mound: another Tequesta archaeological site

## References



Miami Circle Park, December 2010



REPLY TO  
ATTENTION OF

Regulatory Division

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
P.O. BOX 4970  
JACKSONVILLE, FLORIDA 32232-0019

August 14, 2015

## ***PUBLIC NOTICE***

### STATE PROGRAMMATIC GENERAL PERMIT STATE OF FLORIDA (SPGP - V)

Department of the Army Number SAJ-2015-02575

**TO WHOM IT MAY CONCERN:** The Jacksonville District of the U.S. Army Corps of Engineers (Corps) proposes to modify and reauthorize the current State Programmatic General Permit (SPGP IV-R1).

**ATTACHMENT.** A draft of the proposed SPGP V showing additions to (underlined text) and deletions from (crossed-out text) the SPGP IV-R1.

**AGENCY COORDINATION.** This proposed permit will be coordinated via separate letter with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service – Protected Resources Division as required under Section 7 of the Endangered Species Act, and with the National Marine Fisheries Service – Habitat Conservation Division for Essential Fish Habitat as required under the Magnuson-Stevens Fishery Conservation and Management Act.

**COMMENTS** regarding this proposed reauthorization of the State Programmatic General Permit should be submitted in writing to the attention of Bob Barron at the letterhead address or via electronic mail [Robert.B.Barron@usace.army.mil](mailto:Robert.B.Barron@usace.army.mil) within 30 days from the date of this notice. Questions may be submitted in writing at the above addresses or by telephone at (904) 232-2203.

A handwritten signature in cursive script, reading "D. W. Kihard", is positioned above the printed name and title.

Donald W. Kihard  
Chief, Regulatory Division

Proposed SPGP V showing additions to and ~~deletions~~ from the SPGP IV-R1 text.  
August 14, 2015

- - - - - (Begin SPGP) - - - - -

TO WHOM IT MAY CONCERN: Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers, Jacksonville District (Corps), is reauthorizing, as of the above date, a revised State Programmatic General Permit (SPGP ~~IV-R1V~~), which gives general authority to the Florida Department of Environmental Protection (DEP), a water management district (Designee), or a local government with delegated authority under section 373.441, F.S. (Designee) for its administration. The SPGP ~~IV-R1V~~ is authorized for use throughout the entire State of Florida except for Monroe County (but boat lifts may be authorized under SPGP V in Monroe County) and those locations listed below in Special Condition 5. The SPGP ~~IV-R1V~~ includes ~~only~~ the following categories of work: (1) *Shoreline Stabilization*, (2) *Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas*, (3) *Docks, Piers, Associated Facilities, and Other Minor piling-Supported Structures*, (4) *Maintenance Dredging of Canals and Channels (including removal of organic detrital material from freshwater lakes and rivers)*, (5) *Transient activities (removal of derelict vessels, scientific devices, upland to upland directional drilling, and geotechnical investigations)*, and also includes those State of Florida Exemptions and ~~Noticed~~ General Permits which the Corps considers applicable to these categories of work, and those categories of work associated with these ~~five~~ four categories which are considered *de minimus* under 373.406(6) F.S., provided the provisions of those regulations and statutes are not in conflict with any of the provisions and Special Conditions of this SPGP ~~IV-R1V~~. In the event of a conflict, the provisions and Special Conditions of this SPGP ~~IV-R1V~~ will prevail.

AUTHORITY. Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

COORDINATION AGREEMENT. Agreements for SPGP IV are in place between the Corps and the DEP and similar agreements are in place with (as Designees) the St Johns River Water Management District, Hillsborough County and one is pending with Southwest Florida Water Management District. These will be updated for the SPGP V. ~~An Agreement has been signed by the Corps and the DEP, and a similar agreement will be signed by any Designee.~~ The agreement outlines the steps each agency will take during the processing of an application under the SPGP. The updated agreement, to be executed with DEP, including all references, such as but not limited to attachments, web sites, technical materials, etc. is, hereby, made a part of the SPGP ~~IV-R1V~~. Any future Coordination Agreement signed by a WMD or a delegated local government will become part of the SPGP ~~IV-R1V~~ when it is executed by the Corps, DEP, and the designee.

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REFERENCES. Documents and designations referenced herein may be accessed via the links at [http:// <under construction> .htm](http://<under construction>.htm).

TYPES OF WORK. The following types of work will be covered by the SPGP IV-R1V:

*a. Shoreline Stabilization* (Includes riprap, seawalls, and other shoreline stabilization. **Groins, jetties, breakwaters, and beach nourishment/re-nourishment are excluded**). This also includes those State of Florida Exemptions and ~~Noticed~~ General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, Florida Administrative Code (F.A.C.):

62-330.051(12)(a), F.A.C.; 403.813(1)(i), F.S.	Construction of seawalls or riprap, including only that backfilling needed to level the land behind seawalls or riprap, in artificially created waterways.
62-330.051(12)(b), F.A.C.; 403.813(1)(e), F.S.	Restoration of seawall or riprap at its previous location or upland of or within <del>one foot</del> <u>18 inches</u> waterward of its previous location.
62-330.051(12)(c), F.A.C.; 403.813(1)(o), F.S.	Construction of private vertical seawalls in wetlands or other surface waters, other than in an estuary or lagoon, and the construction of riprap revetments, and is no more than 150 feet in length.
62-330.431, F.A.C.; 62-330.051(12)(d), F.A.C.	Installation of riprap; installation of batter <u>or king</u> piles used exclusively to stabilize and repair seawalls and that do not impede navigation.
<u>62-330.051(12)(e), F.A.C.</u>	<u>Restoration of an eroding shoreline with native wetland vegetative enhancement plantings (living shorelines) with the additional provision (in addition to those in the subject F.A.C.) that the work does not extend waterward past the adjacent shorelines (this provision is to preclude changes in downdrift currents).</u>

*b. Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas.* This also includes those State of Florida Exemptions and ~~Noticed~~ General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, F.A.C.:

62-330.051(5)(e), F.A.C.; 403.813(1)(c), F. S.	Installation and maintenance to design specifications of boat ramps on artificial bodies of water or public boat ramps on any waters.
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*c. Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures.* This also includes those State of Florida Exemptions and ~~Noticed~~ General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, F.A.C. **This category does not include municipal or commercial fishing piers.**

62-330.051(5)(a), F.A.C.; 403.813(1)(b), F. S.	Installation, replacement or repair of mooring pilings and dolphins associated with private docks.
62-330.051(5)(b), F.A.C.; 403.813(1)(b), F. S.	Installation of private docks of 500/1000 square feet or less of surface area over wetlands or other surface waters.
62-330.051(5)(c), F.A.C.; 403.813(1)(i), F. S.	Construction of private docks in artificially created waterways.
62-330.051(5)(d), F.A.C.; 403.813(1)(d), F.S.	Replacement or repair of existing docks and mooring piles.
62-330.051(8), F.A.C.; 403.813(1)(k), F.S.	Installation of aids to navigation and buoys associated with such aids.
62-330.051(11)(b), F.A.C.	Installation of piling support structures associated with water testing or monitoring equipment by the Department or District.
62-330.427, F.A.C.	Construction, extension, and removal of certain piers and associated structures.
62-330.475(1)(a), F.A.C.	Piling supported structures, less than 1,000 square feet, not in Outstanding Florida Waters.
62-330.475(1)(b), F.A.C.	Piling supported structures, less than 500 square feet, in Outstanding Florida Waters.
62-330.051(5)(f), F.A.C.; 403.813(1)(s), F.S.	Construction, installation, operation or maintenance of floating vessel platforms and boat lifts.

*d. Maintenance Dredging of Canals and Channels (including removal of organic detrital material from freshwater lakes and rivers).* This also includes those State of Florida Exemptions and ~~Noticed~~ General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, F.A.C.:

62-330.051(7)(a), F.A.C.; 403.813(1)(f), F.S.	Maintenance dredging of existing manmade canals, channels, basins, berths, and intake and discharge structures.
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62-330.051(3)(b), F.A.C.; 403.813(1)(r), F.S.	Removal of aquatic plants, tussocks, and organic detrital material (Freshwater lakes only).
62-330.051(3)(b), F.A.C.; 403.813(1)(u), F.S.	Removal of organic detrital material by individual residential property owners (Freshwater rivers and lakes only).
62-330.475(1)(d), F.A.C.	Maintenance dredging 50 cubic yards or less, spoil in uplands, turbidity control.

e. Transient activities. This also includes those State of Florida Exemptions and General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, F.A.C.:

<u>62-330.051(5)(g), F.A.C.</u>	<u>The removal of derelict vessels.</u>
<u>62-330.051(11)(b), F.A.C.</u>	<u>Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices.</u>
<u>62-330.453, F.A.C.; 62-330.455, F.A.C.</u>	<u>Upland to upland directional drilling, except where crossing a federal project.</u>
<u>62-330.407, F.A.C.</u>	<u>Geotechnical investigations excluding seismic exploratory activities and any activities on tribal lands or waters.</u>

**PROCEDURE:** Permit applications for proposed projects will be submitted to the appropriate DEP or Designee office. Instead of immediately forwarding a copy of the project to the Corps, the DEP or Designee will review the project. If the type of work is covered under the SPGP IV-R1V, one of the following categories can be used as guidance on the final action for the DEP or Designee to take:

**a. Green:** Projects which are considered "green" will be processed by the DEP or Designee. A copy of the application will not be forwarded to the Corps for review. Verification of the state exemption, ~~noticed~~ general permit, or issuance of an individual state permit will include language confirming Federal authorization under the SPGP IV-R1V.

**b. Yellow:** Projects under this category require review by the Federal commenting agencies. The Corps and the appropriate Federal resource agencies will meet to discuss the project. A combined Federal position will be forwarded to the DEP or Designee. This position may include: all concerns have been addressed during the meeting and the project is now considered in the "Green" category; concerns can be addressed by the addition of special conditions which should be incorporated into the Federal authorization under the SPGP IV-R1V, in which case the project will be placed

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in the "green" category; the Corps elects to evaluate the project separately, and the project is now considered in the "Red" category.

c. **Red:** DEP or Designee and the Corps review the project separately.

#### **GUIDANCE ON "GREEN, YELLOW, AND RED" CATEGORIES FOR EACH WORK TYPE:**

a. ***Shoreline Stabilization***—~~(For quick reference refer to Categories of Work Summary Tables attached below.):~~

(1) **Green:** To prevent erosion or to stabilize a shoreline where erosion has taken place, providing:

(i) New vertical seawalls or other stabilization measures will not be placed waterward of the Mean High Water Line (MHWL) or Ordinary High Water Line (OHWL), unless necessary to align with existing adjacent seawalls, and not to exceed 150' in length. Seawall and/or riprap restoration may be permitted at its previous location, upland of, or within 18 inches~~one foot~~ waterward of its previous location. New riprap will not be placed more than 10 feet waterward of the Mean High Water Line (MHWL) or Ordinary High Water Line (OHWL).

~~(ii) Stabilization measures other than a vertical seawall shall be no steeper than a 2H:1V slope.~~

~~(iii)~~(ii) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site~~essential fish habitat~~.

~~(iv)~~(iii) The ~~March 2011~~April 2013 manatee key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida," will be used to determine potential manatee impacts. Project keys out to "no effect" or "may affect not likely to adversely affect."

~~(v)~~(iv) Project is not proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat ~~(see~~  
~~<http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~~~).~~

~~(vi)~~(v) Project is not within 2500 feet of an active wood stork nesting colony ~~(see~~  
~~<http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~~~).~~

~~(vii)~~(vi) Project is not located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfinia Creek, Suwannee

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River, Santa Fe, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (*Acropora* spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(viii)~~(vii) Project is not proposed on or contiguous to ocean beach.

~~(ix)~~(viii) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

## **(2) Yellow:**

(i) Any others not fitting the "green" criteria.

~~(ii) Projects adjacent to Federal Channels (except on the St. Johns River between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County) which are green).~~

~~(iii)~~(ii) Projects in Federal ~~channels or rights-of-ways or easements~~.

~~(iv)~~(iii) Projects authorized by DEP after-the-fact permits.

~~(v)~~(iv) Projects currently under Federal enforcement action.

(vi) Existing single family seawalls along beaches.

## **(3) Red:**

(i) Project moved to the "Red" category by the Federal agencies.



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(ii) Projects anywhere between the shoreline and federally maintained channel, turning basin, etc. of a port or inlet. Projects within 150 feet of the near design edge of a federal channel including the design edge of a widener. Projects on the Intracoastal Waterway (either the Atlantic and Gulf coasts) where the width of the shoreline would result in structures or other work being located within 100 feet of the near design edge of the channel. Projects within federal channels.

~~(ii)~~(iii) Project authorized under DEP enforcement actions~~consent orders~~.

~~(iii)~~(iv) Project authorized under DEP emergency permitting.

~~(iv)~~(v) Project located in any of the geographically excluded areas listed in Special Condition 5.

~~(v)~~(vi) Project located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(vi)~~(vii) In using the ~~March 2011~~April 2013 manatee key, project keys out to "may affect."

~~(vii)~~(viii) Project is proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(viii)~~(ix) Project is proposed on or contiguous to ocean beach except for repair of existing single family seawalls.

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~~(ix)~~(x) Project is within 2500 feet of an active wood stork nesting colony  
(see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(x)~~(xi) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Biological Opinion for SPGP V.

~~(xi)~~(xii) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~essential fish habitat~~.

***b. Boat Ramps and Boat Launch Areas and Structures Associated with such Ramps or Launch Areas***—(For quick reference refer to Categories of Work Summary Tables attached below.):

**(1) Green:** Private, single-family boat ramp or structure requiring 50 cubic yards of fill material or less, providing:

(i) The ~~March 2011~~April 2013 manatee key will be used to determine potential manatee impacts. If a residential facility, or if a multi-slip facility which does not provide “new” access for watercraft, project keys out to “no effect” or “may affect not likely to adversely affect.”

(ii) Project is not within 2500 feet of an active wood stork nesting colony. (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>)

(iii) Project is not located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson’s seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

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(iv) Project is not proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

(v) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(vi) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~essential fish habitat~~.

(vii) Project is not proposed on or contiguous to ocean beach.

**(2) Yellow:**

(i) Any others not fitting the "green" criteria;

~~(ii) Projects in waterways in which are located adjacent to Federal Channels (except on the St. Johns River between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County) which are green).~~

~~(iii)~~(ii) Project in Federal channels or rights-of-ways or easements.

~~(iv)~~(iii) Any proposed dredging of access channels.

(v) In using the ~~March 2011~~April 2013 manatee key, if other than a residential facility and project provides "new" access for watercraft, project keys out to a "may affect, not likely to adversely affect."

**(3) Red:**

(i) Project moved to the "Red" category by the Federal agencies.

(ii) Projects anywhere between the shoreline and federally maintained channel, turning basin, etc. of a port or inlet. Projects within 150 feet of the near design edge of a federal channel including the design edge of a widener. Projects on the Intracoastal Waterway (either the Atlantic and Gulf coasts) where the width of the shoreline would result in structures or other work being located within 100 feet of the near design edge of the channel. Projects within federal channels.

~~(ii)~~(iii) Project authorized under DEP enforcement actions~~consent orders~~.

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~~(iii)~~(iv) Project authorized under DEP emergency permitting.

~~(iv)~~(v) Project located in any of the geographically excluded areas listed in Special Condition 5.

~~(v)~~(vi) In using the ~~March 2011~~April 2013 manatee key, a residential project keys out to "may affect" or if other than a residential facility and project provides "new" access for watercraft, project keys out to a "may affect."

~~(vi)~~(vii) Project located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (*Acropora* spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(vii)~~(viii) Project is proposed on or contiguous to ocean beach.

~~(viii)~~(ix) Project is proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(ix)~~(x) Project is within 2500 feet of an active wood stork nesting colony (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(x)~~(xi) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Biological Opinion for SPGP V.

~~(xi)~~(xii) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~other essential fish habitat~~.

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**c. Docks, Piers, Associated Facilities, and Other Minor Piling-Supported Structures** ~~(For quick reference refer to Categories of Work Summary Tables attached below.)~~ This category does not include municipal or commercial fishing piers.

**(1) Green:**

(i) The ~~March 2011~~April 2013 manatee key will be used to determine potential manatee impacts. If a residential facility, or if a multi-slip facility which does not provide "new" access for watercraft, project keys out to "no effect" or "may affect not likely to adversely affect."

(ii) Project is not within 2500 feet of an active wood stork nesting colony (~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~).

(iii) Project is not within the range of Johnson's seagrass (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) or project is within the range but not in designated critical habitat and applicant agrees to utilize the impact avoidance/minimization measures specified in Special Condition #8 below.

(iv) Project is not proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat, or in acroporid coral, American crocodile, or piping plover critical habitats, or in the Florida panther consultation area (~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~).

(v) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(vi) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~essential fish habitat~~.

(vii) Project is not proposed on or contiguous to ocean beach.

**(2) Yellow:**

(i) Any others not fitting the "green" criteria;

~~(ii) The structure is in waterways in which are located adjacent to a Federal channel (except between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County) which is green).~~

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~~(iii)~~(ii) Projects in Federal ~~channels or rights-of-ways or easements.~~

~~(iv)~~(iii) In using the ~~March 2011~~April 2013 manatee key, if other than a residential facility and project provides "new" access for watercraft, project keys out to a "may affect, not likely to adversely affect."

**(3) Red:**

(i) Project moved to the "Red" category by the Federal agencies.

(ii) Projects anywhere between the shoreline and federally maintained channel, turning basin, etc. of a port or inlet. Projects within 150 feet of the near design edge of a federal channel including the design edge of a widener. Projects on the Intracoastal Waterway (either the Atlantic and Gulf coasts) where the width of the shoreline would result in structures or other work being located within 100 feet of the near design edge of the channel. Projects within federal channels.

~~(ii)~~(iii) Project authorized under DEP enforcement actions~~consent orders.~~

~~(iii)~~(iv) Project authorized under DEP emergency permitting.

~~(iv)~~(v) Project located in any of the geographically excluded areas listed in Special Condition 5.

~~(v)~~(vi) Project is within 2500 feet of an active wood stork nesting colony (~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~).

~~(vi)~~(vii) In using the ~~March 2011~~April 2013 manatee key, a residential project keys out to "may affect" or if other than a residential facility and project provides "new" access for watercraft, project keys out to a "may affect."

~~(vii)~~(viii) Project is proposed on or contiguous to ocean beach.

~~(viii)~~(ix) Project within designated critical habitat of Johnson's seagrass, or is not in critical habitat but within the range of Johnson's seagrass (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) and applicant does not agree to use the impact avoidance/minimization measures specified in Special Condition #8 below.

~~(ix)~~(x) Project proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat, or in acroporid coral, American



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crocodile, or piping plover critical habitats, or in the Florida panther consultation area  
(~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~).

~~(x)~~(xi) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Biological Opinion for SPGP V.

~~(xi)~~(xii) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~essential fish habitat~~.

**d. Maintenance Dredging of Canals and Channels (including removal of organic detrital material from freshwater lakes and rivers)** ~~(For quick reference refer to Categories of Work Summary Tables attached below.):~~

**(1) Green:** Maintenance dredging providing:

(i) Dredging will be limited to the previous project depth, or to -5.0 feet below Mean Low Water (MLW) or Ordinary Low Water (OLW).

(ii) Excavated spoil material shall be deposited in a suitable upland (i.e., non-wetland pursuant to current Federal criteria) disposal site which does not support, or is incapable of supporting, the Florida scrub-jay, eastern indigo snake, or beach mice.

(iii) Project is not within 2500 feet of an active wood stork nesting colony.  
(~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~)

(iv) The ~~March 2011~~April 2013 manatee key will be used to determine potential manatee impacts. Project keys out to "no effect" or "may affect not likely to adversely affect."

(v) Project, including spoil disposal area, not located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe, New River, Escambia River, Yellow River, Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (~~ATONs~~), artificial reefs, boat ramps, docks, pilings, maintained channels, or

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marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

(vi) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(vii) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~essential fish habitat~~.

(viii) No dredging will be performed by hopper dredge.

(ix) Project is not proposed on or contiguous to ocean beach.

**(2) Yellow:**

(i) Any others not fitting the "green" criteria;

(ii) Any proposed activity in ~~or adjacent to Federal channels or rights-of-ways or easements~~.

(iii) Any activity proposed by a governmental entity, such as but not limited to, a County, City, Port Authority, or Navigation District.

(iv) The dredged material and/or return water is subject to evaluation under criteria prescribed in the "Inland Testing Manual" (ITM).

**(3) Red:**

(i) Projects moved to the "Red" category by the Federal agencies.

(ii) Projects authorized under DEP enforcement action~~consent orders~~.

(iii) Projects authorized under DEP emergency permitting.

(iv) Projects located in any of the geographically excluded areas listed in Special Condition 5.

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(v) In using the ~~March 2011~~April 2013 manatee key, project keys out to "may affect."

(vi) Project or spoil disposal area located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe, New River, Escambia River, Yellow River, Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (~~ATONs~~), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~).

(vii) Project is within 2500 feet of an active wood stork nesting colony (~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~).

(viii) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Biological Opinion for SPGP V.

(ix) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~essential fish habitat~~.

(x) Excavated material is proposed to be used to create wildlife islands or is proposed for other types of in-water disposal.

(xi) Dredging will be performed by hopper dredge.

(xii) Project is proposed on or contiguous to ocean beach;

(xiii) Project or spoil disposal proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat.

(xiv) Projects anywhere between the shoreline and federally maintained channel, turning basin, etc. of a port or inlet. Projects within 150 feet of the near design

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edge of a federal channel including the design edge of a widener. Projects on the Intracoastal Waterway (either the Atlantic and Gulf coasts) where the width of the shoreline would result in structures or other work being located within 100 feet of the near design edge of the channel. Projects within federal channels.

**e. Transient activities**

**(1) Green:**

(i) The April 2013 manatee key will be used to determine potential manatee impacts.

(ii) Project is not within 2500 feet of an active wood stork nesting colony.

(iii) Project is not within the range of Johnson's seagrass (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) or project is within the range but not in designated critical habitat and applicant agrees to utilize the impact avoidance/minimization measures specified in Special Condition #8 below.

(iv) Project is not proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat, or in acroporid coral, American crocodile, or piping plover critical habitats, or in the Florida panther consultation area.

(v) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(vi) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site.

(vii) Project is not proposed on or contiguous to ocean beach.

**(2) Yellow:**

(i) Any others not fitting the "green" criteria:

(ii) Projects in Federal right-of-ways or easements.

(iii) Projects anywhere between the shoreline and federally maintained channel, turning basin, etc. of a port or inlet. Projects within 150 feet of the near design edge of a federal channel including the design edge of a widener. Projects on the

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Intracoastal Waterway (either the Atlantic and Gulf coasts) where the width of the shoreline would result in structures or other work being located within 100 feet of the near design edge of the channel. Projects within federal channels.

(iv) In using the ~~March 2011~~ April 2013 manatee key, project keys out to a "may affect, not likely to adversely affect."

**(3) Red:**

(i) Project moved to the "Red" category by the Federal agencies.

(ii) Project authorized under DEP enforcement action ~~consent orders~~.

(iii) Project authorized under DEP emergency permitting.

(iv) Project located in any of the geographically excluded areas listed in Special Condition 5.

(v) Project is within 2500 feet of an active wood stork nesting colony.

(vi) In using the ~~March 2011~~ April 2013 manatee key, project keys out to a "may affect."

(vii) Project is proposed on or contiguous to ocean beach.

(viii) Project within designated critical habitat of Johnson's seagrass, or is not in critical habitat but within the range of Johnson's seagrass (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) and applicant does not agree to use the impact avoidance/minimization measures specified in Special Condition #8 below.

(ix) Project proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat, or in acroporid coral, American crocodile, or piping plover critical habitats, or in the Florida panther consultation area.

(x) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Biological Opinion for SPGP V.

(xi) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site.



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SPECIAL CONDITIONS FOR USE OF THE SPGP ~~IV-R1V~~. In addition to the conditions specified above, the following special conditions apply to all projects reviewed under the SPGP ~~IV-R1V~~.

1. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP ~~IV-R1V~~ does not automatically guarantee authorization.

2. No activity is authorized under the SPGP ~~IV-R1V~~ which may impact a federally listed threatened or endangered species or a species proposed for such designation, or its designated critical habitat, unless covered under the Biological Opinion for SPGP V.

3. On a case-by-case basis the Corps may impose additional special conditions which are deemed necessary to minimize adverse environmental impacts.

4. Failure to comply with all conditions of the Federal authorizations under the SPGP ~~IV-R1V~~ would constitute a violation of the Federal authorization.

5. The SPGP ~~IV-R1V~~ is not applicable in the geographical boundaries of: Monroe County (but boat lifts may be authorized under SPGP V in Monroe County); the Timucuan Ecological and Historical Preserve (Duval County); the St. Mary's River, from its headwaters to its confluence with the Bells River; the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; projects that impact mangroves in canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; the St. Lucie Impoundment (Martin County); all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); American Crocodile designated critical habitat (Miami-Dade and Monroe Counties); Johnson's seagrass designated critical habitat (southeast Florida); piping plover designated critical habitat (throughout Florida); acroporid coral designated critical habitat (southeast Florida); Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat (Florida east coast and panhandle coasts); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Florida panther consultation area (Southwest Florida), the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).

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6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research/>.

If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

7. No work shall be authorized under the SPGP ~~IV-R1~~V which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement.

8. No activity shall be authorized under the SPGP ~~IV-R1~~V which by its size or location may adversely impact water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Where aquatic vegetation is present, adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers/National Marine Fisheries Service's **"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001 (updated June**

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**2008).**" (~~See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~) Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP IV-R1V must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*), piling-supported structures in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled **"Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002 (updated October 2002)."** (~~See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~) *Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application.*

9. Prior to issuance of authorization, the dichotomous key titled **"The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida,"** dated ~~March 2011~~April 2013, will be used to determine potential manatee impacts. All projects determined to be "may affect" and certain multi-slip facilities determined to be "may affect, not likely to adversely affect" will be sent to the Corps for consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application. ~~The current version can be found on the Jacksonville District Regulatory Home Page at:~~* ~~<http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~

10. For projects in waters accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee will utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~) and any added requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

11. With respect to bald eagles, the permittee should refer to the U.S. Fish and Wildlife Service's "National Bald Eagle Management Guidelines," dated May 2007 (see <http://www.fws.gov/northflorida/BaldEagles/bald-eagles.htm>) for guidance and clearance. *Note: The preceding should be considered an interim condition, after which,*

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*new rules may be promulgated. It is the Corps' intention that the most recently approved version of these conditions or ensuing rules will be utilized during the evaluation of permit applications under this general permit.*

12. For projects authorized under this SPGP ~~IV-R1~~V in navigable waters of the U.S., 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.

13. The SPGP ~~IV-R1~~V will be valid for five years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP ~~IV-R1~~V will be evaluated by the Corps.

14. If the SPGP ~~IV-R1~~V expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP ~~IV-R1~~V will remain in effect provided the activity is completed within 12 months of the date the SPGP ~~IV-R1~~V expired or was revoked.

15. The General conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

- - - - - (End SPGP) - - - - -

- - - - - (Begin SPGP) - - - - -

TO WHOM IT MAY CONCERN: Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers, Jacksonville District (Corps), is reauthorizing, as of the above date, a revised State Programmatic General Permit (SPGP IV-R1), which gives general authority to the Florida Department of Environmental Protection (DEP), a water management district (Designee), or a local government with delegated authority under section 373.441, F.S. (Designee) for its administration. The SPGP ~~IV-R1~~V is authorized for use throughout the entire State of Florida except for Monroe County (but boat lifts may be authorized under SPGP V in Monroe County) and those locations listed below in Special Condition 5. The SPGP ~~IV-R1~~V includes ~~only~~ the following categories of work: (1) *Shoreline Stabilization*, (2) *Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas*, (3) *Docks, Piers, Associated Facilities, and Other Minor piling-Supported Structures*, (4) *Maintenance Dredging of Canals and Channels (including removal of organic detrital material from freshwater lakes and rivers)*, (5) Transient activities (removal of derelict vessels, scientific devices, upland to upland directional drilling, and geotechnical investigations), and also includes those State of Florida Exemptions and ~~Noticed~~ General Permits which the Corps considers applicable to these categories of work, and those categories of work associated with these four categories which are considered *de minimus* under 373.406(6) F.S., provided the provisions of those regulations and statutes are not in conflict with any of the provisions and Special Conditions of this SPGP ~~IV-R1~~V. In the event of a conflict, the provisions and Special Conditions of this SPGP ~~IV-R1~~V will prevail.

AUTHORITY. Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

COORDINATION AGREEMENT. Agreements for SPGP IV are in place between the Corps and the DEP and similar agreements are in place with (as Designees) the St Johns River Water Management District, Hillsborough County and one is pending with Southwest Florida Water Management District. These will be updated for the SPGP V. ~~An Agreement has been signed by the Corps and the DEP, and a similar agreement will be signed by any Designee.~~ The agreement outlines the steps each agency will take during the processing of an application under the SPGP. The updated agreement, to be executed with DEP, including all references, such as but not limited to attachments, web sites, technical materials, etc. is, hereby, made a part of the SPGP ~~IV-R1~~V. Any future Coordination Agreement signed by a WMD or a delegated local government will become part of the SPGP ~~IV-R1~~V when it is executed by the Corps, DEP, and the designee.

REFERENCES. Documents and designations referenced herein may be accessed via the links at [http:// <under construction> .htm](http://<under construction>.htm).

TYPES OF WORK. The following types of work will be covered by the SPGP ~~IV-R1~~V:



a. *Shoreline Stabilization* (Includes riprap, seawalls, and other shoreline stabilization. **Groins, jetties, breakwaters, and beach nourishment/re-nourishment are excluded**). This also includes those State of Florida Exemptions and ~~Noticed~~ General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, Florida Administrative Code (F.A.C.):

62-330.051(12)(a), F.A.C.; 403.813(1)(i), F.S.	Construction of seawalls or riprap, including only that backfilling needed to level the land behind seawalls or riprap, in artificially created waterways.
62-330.051(12)(b), F.A.C.; 403.813(1)(e), F.S.	Restoration of seawall or riprap at its previous location or upland of or within <del>one foot</del> <u>18 inches</u> waterward of its previous location.
62-330.051(12)(c), F.A.C.; 403.813(1)(o), F.S.	Construction of private vertical seawalls in wetlands or other surface waters, other than in an estuary or lagoon, and the construction of riprap revetments, and is no more than 150 feet in length.
62-330.431, F.A.C.; 62-330.051(12)(d), F.A.C.	Installation of riprap; installation of batter or <u>king</u> piles used exclusively to stabilize and repair seawalls and that do not impede navigation.
<u>62-330.051(12)(e), F.A.C.</u>	<u>Restoration of an eroding shoreline with native wetland vegetative enhancement plantings (living shorelines) with the additional provision (in addition to those in the subject F.A.C.) that the work does not extend waterward past the adjacent shorelines (this provision to preclude changes in downdrift currents).</u>

b. *Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas*. This also includes those State of Florida Exemptions and ~~Noticed~~ General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, F.A.C.:

62-330.051(5)(e), F.A.C.; 403.813(1)(c), F. S.	Installation and maintenance to design specifications of boat ramps on artificial bodies of water or public boat ramps on any waters.
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c. *Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures*. This also includes those State of Florida Exemptions and ~~Noticed~~ General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, F.A.C. **This category does not include municipal or commercial fishing piers.**

62-330.051(5)(a), F.A.C.; 403.813(1)(b), F. S.	Installation, replacement or repair of mooring pilings and dolphins associated with private docks.
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62-330.051(5)(b), F.A.C.; 403.813(l)(b), F. S.	Installation of private docks of 500/1000 square feet or less of surface area over wetlands or other surface waters.
62-330.051(5)(c), F.A.C.; 403.813(l)(b), F. S.	Construction of private docks in artificially created waterways.
62-330.051(5)(d), F.A.C.; 403.813(1)(i), F.S.	Replacement or repair of existing docks and mooring piles.
62-330.051(8), F.A.C.; 403.813(1)(k), F.S.	Installation of aids to navigation and buoys associated with such aids.
62-330.051(11), F.A.C.	Installation of piling support structures associated with water testing or monitoring equipment by the Department or District.
62-330.427, F.A.C.	Construction, extension, and removal of certain piers and associated structures.
62-330.475(1)(a), F.A.C.	Piling supported structures, less than 1,000 square feet, not in Outstanding Florida Waters.
62-330.475(1)(b), F.A.C.	Piling supported structures, less than 500 square feet, in Outstanding Florida Waters.
62-330.051(5)(f), F.A.C.; 403.813(1)(s), F.S.	Construction, installation, operation or maintenance of floating vessel platforms and boat lifts.

*d. Maintenance Dredging of Canals and Channels (including removal of organic detrital material from freshwater lakes and rivers).* This also includes those State of Florida Exemptions and ~~Noticed~~ General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, F.A.C.:

62-330.051(7)(a), F.A.C.; 403.813(1)(f), F.S.	Maintenance dredging of existing manmade canals, channels, basins, berths, and intake and discharge structures.
62-330.051(3)(b), F.A.C.; 403.813(1)(r), F.S.	Removal of aquatic plants, tussocks, and organic detrital material (Freshwater lakes only).
62-330.051(3)(b), F.A.C.; 403.813(1)(u), F.S.	Removal of organic detrital material by individual residential property owners (Freshwater rivers and lakes only).
62-330.475(l)(d), F.A.C.	Maintenance dredging 50 cubic yards or less, spoil in uplands, turbidity control.

*e. Transient activities.* This also includes those State of Florida Exemptions and ~~Noticed~~ General Permits listed below, or equivalent as adopted by reference in Chapter 62-330, F.A.C.:

<u>62-330.051(5)(g), F.A.C.</u>	<u>The removal of derelict vessels.</u>
<u>62-330.051(11)(b), F.A.C.</u>	<u>Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices.</u>
<u>62-330.453, F.A.C.</u>	<u>Upland to upland directional drilling, except where crossing a federal project.</u>
<u>62-330.407, F.A.C.</u>	<u>Geotechnical investigations excluding seismic exploratory activities and any activities on tribal lands or waters.</u>

**PROCEDURE:** Permit applications for proposed projects will be submitted to the appropriate DEP or Designee office. Instead of immediately forwarding a copy of the project to the Corps, the DEP or Designee will review the project. If the type of work is covered under the SPGP ~~IV-R1V~~, one of the following categories can be used as guidance on the final action for the DEP or Designee to take:

**a. Green:** Projects which are considered "green" will be processed by the DEP or Designee. Verification of the state exemption, ~~noticed-general permit~~, or issuance of an individual state permit will include language confirming Federal authorization under the SPGP ~~IV-R1V~~.

**b. Yellow:** Projects under this category require review by the Federal commenting agencies. The Corps and the appropriate Federal resource agencies will meet to discuss the project. A combined Federal position will be forwarded to the DEP or Designee. This position may include: all concerns have been addressed during the meeting and the project is now considered in the "Green" category; concerns can be addressed by the addition of special conditions which should be incorporated into the Federal authorization under the SPGP ~~IV-R1V~~, in which case the project will be placed in the "green" category; the Corps elects to evaluate the project separately, and the project is now considered in the "Red" category.

**c. Red:** DEP or Designee and the Corps review the project separately.

#### **GUIDANCE ON "GREEN, YELLOW, AND RED" CATEGORIES FOR EACH WORK TYPE:**

**a. Shoreline Stabilization**—~~(For quick reference refer to Categories of Work Summary Tables attached below.):~~

**(1) Green:** To prevent erosion or to stabilize a shoreline where erosion has taken place, providing:

(i) New vertical seawalls will not be placed waterward of the Mean High Water Line (MHWL) or Ordinary High Water Line (OHWL), unless necessary to align with existing adjacent seawalls, and not to exceed 150' in length. Seawall and/or riprap

restoration may be permitted at its previous location, upland of, or within 18 inches~~one foot~~ waterward of its previous location. New riprap will not be placed more than 10 feet waterward of the Mean High Water Line (MHWL) or Ordinary High Water Line (OHWL).

(ii) Stabilization measures other than a vertical seawall shall be no steeper than a 2H:1V slope.

(iii) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site~~essential fish habitat~~.

(iv) The ~~March 2011~~April 2013 manatee key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida," will be used to determine potential manatee impacts. Project keys out to "no effect" or "may affect not likely to adversely affect."

(v) Project is not proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~).

(vi) Project is not within 2500 feet of an active wood stork nesting colony (~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~).

(vii) Project is not located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfinia Creek, Suwannee River, Santa Fe, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~).

(viii) Project is not proposed on or contiguous to ocean beach.

(ix) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

## **(2) Yellow:**

(i) Any others not fitting the "green" criteria.

~~(ii) Projects adjacent to Federal Channels (except on the St. Johns River between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County) which are green).~~

~~(iii)~~(ii) Projects in Federal channels or rights-of-ways or easements.

~~(iv)~~(iii) Projects authorized by DEP after-the-fact permits.

~~(v)~~(iv) Projects currently under Federal enforcement action.

(vi) Existing single family seawalls along beaches.

**(3) Red:**

(i) Project moved to the "Red" category by the Federal agencies.

(ii) Projects anywhere between the shoreline and federally maintained channel, turning basin, etc. of a port or inlet. Projects within 150 feet of the near design edge of a federal channel including the design edge of a widener. Projects on the Intracoastal Waterway (either the Atlantic and Gulf coasts) where the width of the shoreline would result in structures or other work to be located within 100 feet of the near design edge of the channel. Projects within federal channels.

~~(ii)~~(iii) Project authorized under DEP consent orders.

~~(iii)~~(iv) Project authorized under DEP emergency permitting.

~~(iv)~~(v) Project located in any of the geographically excluded areas listed in Special Condition 5.

~~(v)~~(vi) Project located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or



designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(vi)~~(vii) In using the ~~March 2011~~April 2013 manatee key, project keys out to “may affect.”

~~(vii)~~(viii) Project is proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(viii)~~(ix) Project is proposed on or contiguous to ocean beach except for repair of existing single family seawalls.

~~(ix)~~(x) Project is within 2500 feet of an active wood stork nesting colony (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(x)~~(xi) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Biological Opinion for SPGP V.

~~(xi)~~(xii) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~essential fish habitat.~~

***b. Boat Ramps and Boat Launch Areas and Structures Associated with such Ramps or Launch Areas—***(For quick reference refer to Categories of Work Summary Tables attached below.):

**(1) Green:** Private, single-family boat ramp or structure requiring 50 cubic yards of fill material or less, providing:

(i) The ~~March 2011~~April 2013 manatee key will be used to determine potential manatee impacts. If a residential facility, or if a multi-slip facility which does not provide “new” access for watercraft, project keys out to “no effect” or “may affect not likely to adversely affect.”

(ii) Project is not within 2500 feet of an active wood stork nesting colony. (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>)

(iii) Project is not located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson’s seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and

marinas deeper than 3 ft. at MLLW.), acroporid corals (*Acropora* spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

(iv) Project is not proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

(v) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(vi) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site essential fish habitat.

(vii) Project is not proposed on or contiguous to ocean beach.

## **(2) Yellow:**

(i) Any others not fitting the "green" criteria;

~~(ii) Projects in waterways in which are located adjacent to Federal Channels (except on the St. Johns River between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County) which are green).~~

~~(iii)~~(ii) Project in Federal channels or rights-of-ways or easements.

~~(iv)~~(iii) Any proposed dredging of access channels.

(v) In using the ~~March 2011~~April 2013 manatee key, if other than a residential facility and project provides "new" access for watercraft, project keys out to a "may affect, not likely to adversely affect."

## **(3) Red:**

(i) Project moved to the "Red" category by the Federal agencies.

(ii) Projects anywhere between the shoreline and federally maintained channel, turning basin, etc. of a port or inlet. Projects within 150 feet of the near design edge of a federal channel including the design edge of a widener. Projects on the

Intracoastal Waterway (either the Atlantic and Gulf coasts) where the width of the shoreline would result in structures or other work to be located within 100 feet of the near design edge of the channel. Projects within federal channels.

~~(ii)~~(iii) Project authorized under DEP consent orders.

~~(iii)~~(iv) Project authorized under DEP emergency permitting.

~~(iv)~~(v) Project located in any of the geographically excluded areas listed in Special Condition 5.

~~(v)~~(vi) In using the ~~March 2011~~April 2013 manatee key, a residential project keys out to “may affect” or if other than a residential facility and project provides “new” access for watercraft, project keys out to a “may affect.”

~~(vi)~~(vii) Project located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe, New River, Escambia River, Yellow River, or the Choctawhatchee River, or in the range of Johnson’s seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(vii)~~(viii) Project is proposed on or contiguous to ocean beach.

~~(viii)~~(ix) Project is proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(ix)~~(x) Project is within 2500 feet of an active wood stork nesting colony (~~see~~ <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

~~(x)~~(xi) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Biological Opinion for SPGP V.

~~(xi)~~(xii) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~other essential fish habitat~~.

**c. Docks, Piers, Associated Facilities, and Other Minor Piling-Supported Structures** ~~(For quick reference refer to Categories of Work Summary Tables attached below.)~~—This category does not include municipal or commercial fishing piers.

**(1) Green:**

(i) The ~~March 2011~~April 2013 manatee key will be used to determine potential manatee impacts. If a residential facility, or if a multi-slip facility which does not provide “new” access for watercraft, project keys out to “no effect” or “may affect not likely to adversely affect.”

(ii) Project is not within 2500 feet of an active wood stork nesting colony ~~(see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).~~

(iii) Project is not within the range of Johnson’s seagrass (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) or project is within the range but not in designated critical habitat and applicant agrees to utilize the impact avoidance/minimization measures specified in Special Condition #8 below.

(iv) Project is not proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat, or in acroporid coral, American crocodile, or piping plover critical habitats, or in the Florida panther consultation area ~~(see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).~~

(v) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(vi) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~essential fish habitat~~.

(vii) Project is not proposed on or contiguous to ocean beach.

**(2) Yellow:**

(i) Any others not fitting the “green” criteria;

~~(ii) The structure is in waterways in which are located adjacent to a Federal channel (except between the Fuller Warren Bridge (Duval County) and the City of Palatka (Putnam County) which is green).~~

~~(iii)~~(ii) Projects in Federal ~~channels or rights-of-ways or easements~~.

~~(iv)~~(iii) In using the ~~March 2011~~April 2013 manatee key, if other than a residential facility and project provides "new" access for watercraft, project keys out to a "may affect, not likely to adversely affect."

**(3) Red:**

(i) Project moved to the "Red" category by the Federal agencies.

(ii) Projects anywhere between the shoreline and federally maintained channel, turning basin, etc. of a port or inlet. Projects within 150 feet of the near design edge of a federal channel including the design edge of a widener. Projects on the Intracoastal Waterway (either the Atlantic and Gulf coasts) where the width of the shoreline would result in structures or other work to be located within 100 feet of the near design edge of the channel. Projects within federal channels.

~~(ii)~~(iii) Project authorized under DEP consent orders.

~~(iii)~~(iv) Project authorized under DEP emergency permitting.

~~(iv)~~(v) Project located in any of the geographically excluded areas listed in Special Condition 5.

~~(v)~~(vi) Project is within 2500 feet of an active wood stork nesting colony (~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~).

~~(vi)~~(vii) In using the ~~March 2011~~April 2013 manatee key, a residential project keys out to "may affect" or if other than a residential facility and project provides "new" access for watercraft, project keys out to a "may affect."

~~(vii)~~(viii) Project is proposed on or contiguous to ocean beach.

~~(viii)~~(ix) Project within designated critical habitat of Johnson's seagrass, or is not in critical habitat but within the range of Johnson's seagrass (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) and applicant does not agree to use the impact avoidance/minimization measures specified in Special Condition #8 below.

~~(ix)~~(x) Project proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat, or in acroporid coral, American crocodile, or piping plover critical habitats, or in the Florida panther consultation area (~~see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>~~).

~~(x)~~(xi) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Biological Opinion for SPGP V.

~~(xi)~~(xii) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~essential fish habitat~~.

**d. Maintenance Dredging of Canals and Channels (including removal of organic detrital material from freshwater lakes and rivers)** ~~(For quick reference refer to Categories of Work Summary Tables attached below.):~~

(1) **Green:** Maintenance dredging providing:

(i) Dredging will be limited to the previous project depth, or to -5.0 feet below Mean Low Water (MLW) or Ordinary Low Water (OLW).

(ii) Excavated spoil material shall be deposited in a suitable upland (i.e., non-wetland pursuant to current Federal criteria) disposal site which does not support, or is incapable of supporting, the Florida scrub-jay, eastern indigo snake, or beach mice.

(iii) Project is not within 2500 feet of an active wood stork nesting colony. ~~(see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>)~~

(iv) The ~~March 2014~~April 2013 manatee key will be used to determine potential manatee impacts. Project keys out to "no effect" or "may affect not likely to adversely affect."

(v) Project, including spoil disposal area, not located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe, New River, Escambia River, Yellow River, Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

(vi) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.



(vii) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~essential fish habitat~~.

(viii) No dredging will be performed by hopper dredge.

(ix) Project is not proposed on or contiguous to ocean beach.

**(2) Yellow:**

(i) Any others not fitting the "green" criteria;

(ii) Any proposed activity in ~~or adjacent to Federal channels or rights-of-ways or easements~~.

(iii) Any activity proposed by a governmental entity, such as but not limited to, a County, City, Port Authority, or Navigation District.

(iv) The dredged material and/or return water is subject to evaluation under criteria prescribed in the "Inland Testing Manual" (ITM).

**(3) Red:**

(i) Projects moved to the "Red" category by the Federal agencies.

(ii) Projects authorized under DEP consent orders.

(iii) Projects authorized under DEP emergency permitting.

(iv) Projects located in any of the geographically excluded areas listed in Special Condition 5.

(v) In using the ~~March 2011~~ April 2013 manatee key, project keys out to "may affect."

(vi) Project or spoil disposal area located in the main channels or tributaries of the Chipola River, Apalachicola River, Ochlockonee River, Econfinia Creek, Suwannee River, Santa Fe, New River, Escambia River, Yellow River, Choctawhatchee River, or in the range of Johnson's seagrass, or in designated critical habitat for smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW.), acroporid corals (Acropora spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation (ATONs), artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas.), Gulf

sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas.), American crocodile, piping plover, or freshwater mussels, or in the Florida panther consultation area (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

(vii) Project is within 2500 feet of an active wood stork nesting colony (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>).

(viii) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Biological Opinion for SPGP V.

(ix) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site ~~essential fish habitat~~.

(x) Excavated material is proposed to be used to create wildlife islands or is proposed for other types of in-water disposal.

(xi) Dredging will be performed by hopper dredge.

(xii) Project is proposed on or contiguous to ocean beach;

(xiii) Project or spoil disposal proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat.

(xiv) Projects anywhere between the shoreline and federally maintained channel, turning basin, etc. of a port or inlet. Projects within 150 feet of the near design edge of a federal channel including the design edge of a widener. Projects on the Intracoastal Waterway (either the Atlantic and Gulf coasts) where the width of the shoreline would result in structures or other work to be located within 100 feet of the near design edge of the channel. Projects within federal channels.

#### **e. Miscellaneous activities**

##### **(1) Green:**

(i) The April 2013 manatee key will be used to determine potential manatee impacts.

(ii) Project is not within 2500 feet of an active wood stork nesting colony.

(iii) Project is not within the range of Johnson's seagrass (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) or project is within the range but not in designated critical habitat and applicant agrees to utilize the impact avoidance/minimization measures specified in Special Condition #8 below.

(iv) Project is not proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat, or in acroporid coral, American crocodile, or piping plover critical habitats, or in the Florida panther consultation area.

(v) Project does not adversely impact any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat.

(vi) Project will not adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site.

(vii) Project is not proposed on or contiguous to ocean beach.

**(2) Yellow:**

(i) Any others not fitting the "green" criteria;

(ii) Projects in Federal right-of-ways or easements.

(iii) Projects anywhere between the shoreline and federally maintained channel, turning basin, etc. of a port or inlet. Projects within 150 feet of the near design edge of a federal channel including the design edge of a widener. Projects on the Intracoastal Waterway (either the Atlantic and Gulf coasts) where the width of the shoreline would result in structures or other work to be located within 100 feet of the near design edge of the channel. Projects within federal channels.

(iv) In using the ~~March 2011~~ April 2013 manatee key, project keys out to a "may affect, not likely to adversely affect."

**(3) Red:**

(i) Project moved to the "Red" category by the Federal agencies.

(ii) Project authorized under DEP consent orders.

(iii) Project authorized under DEP emergency permitting.

(iv) Project located in any of the geographically excluded areas listed in Special Condition 5.

(v) Project is within 2500 feet of an active wood stork nesting colony.

(vi) In using the ~~March 2011~~ April 2013 manatee key, project keys out to a "may affect."

(vii) Project is proposed on or contiguous to ocean beach.

(viii) Project within designated critical habitat of Johnson's seagrass, or is not in critical habitat but within the range of Johnson's seagrass (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) and applicant does not agree to use the impact avoidance/minimization measures specified in Special Condition #8 below.

(ix) Project proposed in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat, or in acroporid coral, American crocodile, or piping plover critical habitats, or in the Florida panther consultation area.

(x) Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Biological Opinion for SPGP V.

(xi) Project will adversely impact submerged aquatic vegetation, tidal wetlands, live bottom, or any other special aquatic site.

SPECIAL CONDITIONS FOR USE OF THE SPGP ~~IV-R1V~~. In addition to the conditions specified above, the following special conditions apply to all projects reviewed under the SPGP ~~IV-R1V~~.

1. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP ~~IV-R1V~~ does not automatically guarantee authorization.

2. No activity is authorized under the SPGP ~~IV-R1V~~ which may impact a federally listed threatened or endangered species or a species proposed for such designation, or its designated critical habitat, unless covered under the Biological Opinion for SPGP V.

3. On a case-by-case basis the Corps may impose additional special conditions which are deemed necessary to minimize adverse environmental impacts.

4. Failure to comply with all conditions of the Federal authorizations under the SPGP ~~IV-R1V~~ would constitute a violation of the Federal authorization.

5. The SPGP ~~IV-R1V~~ is not applicable in the geographical boundaries of: Monroe County (but boat lifts may be authorized under SPGP V in Monroe County); the Timucuan Ecological and Historical Preserve (Duval County); the St. Mary's River, from its headwaters to its confluence with the Bells River; the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black

Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; projects that impact mangroves in canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; the St. Lucie Impoundment (Martin County); all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); American Crocodile designated critical habitat (Miami-Dade and Monroe Counties); Johnson's seagrass designated critical habitat (southeast Florida); piping plover designated critical habitat (throughout Florida); acroporid coral designated critical habitat (southeast Florida); Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat (Florida east coast and panhandle coasts); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Florida panther consultation area (Southwest Florida), the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).

6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, contacting the Florida Master Site File at 850-245-6440 or [SiteFile@dos.state.fl.us](mailto:SiteFile@dos.state.fl.us). The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research/>.

If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

7. No work shall be authorized under the SPGP ~~IV-R1V~~ which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement.

8. No activity shall be authorized under the SPGP ~~IV-R1V~~ which by its size or location may adversely impact water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Where aquatic vegetation is present, adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's **"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001 (updated June 2008)."** (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP ~~IV-R1V~~ must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*), piling-supported structures in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled **"Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002 (updated October 2002)."** (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) *Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application.*

9. Prior to issuance of authorization, the dichotomous key titled **"The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida,"** dated ~~March 2011~~ April 2013, will be used to determine potential manatee impacts. All projects determined to be "may affect" and certain multi-slip facilities determined to be "may affect, not likely to adversely affect" will be sent to the Corps for consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application. The current version can be found on the Jacksonville District Regulatory Home Page at:* <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>

10. For projects in waters accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee will utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" ~~(see~~



<http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) and any added requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

11. With respect to bald eagles, the permittee should refer to the U.S. Fish and Wildlife Service's "National Bald Eagle Management Guidelines," dated May 2007 (see <http://www.fws.gov/northflorida/BaldEagles/bald-eagles.htm>) for guidance and clearance. *Note: The preceding should be considered an interim condition, after which, new rules may be promulgated. It is the Corps' intention that the most recently approved version of these conditions or ensuing rules will be utilized during the evaluation of permit applications under this general permit.*

12. For projects authorized under this SPGP ~~IV-R1V~~ in navigable waters of the U.S., 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.

13. The SPGP ~~IV-R1V~~ will be valid for five years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP ~~IV-R1V~~ will be evaluated by the Corps.

14. If the SPGP ~~IV-R1V~~ expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP ~~IV-R1V~~ will remain in effect provided the activity is completed within 12 months of the date the SPGP ~~IV-R1V~~ expired or was revoked.

15. The General conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

- - - - - (End SPGP) - - - - -


**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration

**NATIONAL MARINE FISHERIES SERVICE**

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>
**DEC 04 2015**
**F/SER31: NMB**
**SER-2013-12540**

Mr. Donald W. Kinard  
 Chief, Regulatory Division  
 U.S. Army Corps of Engineers  
 P.O. Box 4970  
 Jacksonville, Florida 32232-0019

Ref.: Florida Statewide Programmatic Opinion (SWPBO)

Dear Mr. Kinard:

Enclosed is the National Marine Fisheries Service's (NMFS's) Biological Opinion based on our review of the impacts associated with the U.S. Army Corps of Engineers Jacksonville District's (USACE's) authorization of minor in-water activities throughout Florida.

This Opinion analyzes the effects from 11 categories of activities on sea turtles (loggerhead, leatherback, Kemp's ridley, hawksbill, and green); smalltooth sawfish; Johnson's seagrass; sturgeon (Gulf, shortnose, and Atlantic); corals (elkhorn, staghorn, boulder star, mountainous star, lobed star, rough cactus, and pillar); North Atlantic right whales; and designated critical habitat for Johnson's seagrass, smalltooth sawfish, Gulf sturgeon, loggerhead sea turtle, North Atlantic right whale, and elkhorn and staghorn corals in accordance with Section 7 of the ESA. We based this analysis on project-specific information provided by USACE, consultants, and NMFS's review of published literature. This Opinion concludes that the suite of activities evaluated within the SWPBO is likely to adversely affect, but is not likely to jeopardize, the continued existence of Johnson's seagrass and sea turtles (loggerhead, Kemp's ridley, and green) and is likely to adversely affect, but is not likely to destroy or adversely modify, critical habitat for smalltooth sawfish and Johnson's seagrass.



We look forward to further cooperation with you on other USACE projects to ensure the conservation and recovery of our threatened and endangered marine species. If you have any questions regarding this consultation, please contact Nicole Bonine, Consultation Biologist, at (727) 824-5336, or by email at [Nicole.Bonine@noaa.gov](mailto:Nicole.Bonine@noaa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Roy E. Crabtree', with a stylized flourish at the end.

*For* Roy E. Crabtree, Ph.D.  
Regional Administrator

Enclosure  
File: 1514-22.F.4

## BID SOLICITATION

### **MSA-726 Landscaping Project**

The Florida Inland Navigation District (District) will receive sealed bids for the construction of the District's MSA-726 Landscaping Project at its offices at 1314 Marcinski Road, Jupiter, Florida 33477 until 2 PM, local time May 13, 2016. And then at said office, said date, and said time, bids will be opened at a public meeting and read aloud.

This project area is located in Broward County, Florida (Township 48S; Section 30; Range 43E) lies immediately west of the ICWW, immediately south of Northeast 24<sup>th</sup> Street, and immediately north of Northeast 23<sup>rd</sup> Place in Pompano Beach, Florida. Access to the project site by the general public will be strictly prohibited throughout the construction project.

This is the second phase of the MSA-726 Project. This phase of the project generally entails planting and establishing of new vegetation, relocation of select existing vegetation, placing mulch, incidental topsoil placement and fine grading, irrigation and landscaping establishment, and other associated work. The bidder must include a written description of his /her experience and technical capabilities with such construction. At a minimum this written description should include a description of a least 3 similar projects in the past 10 years

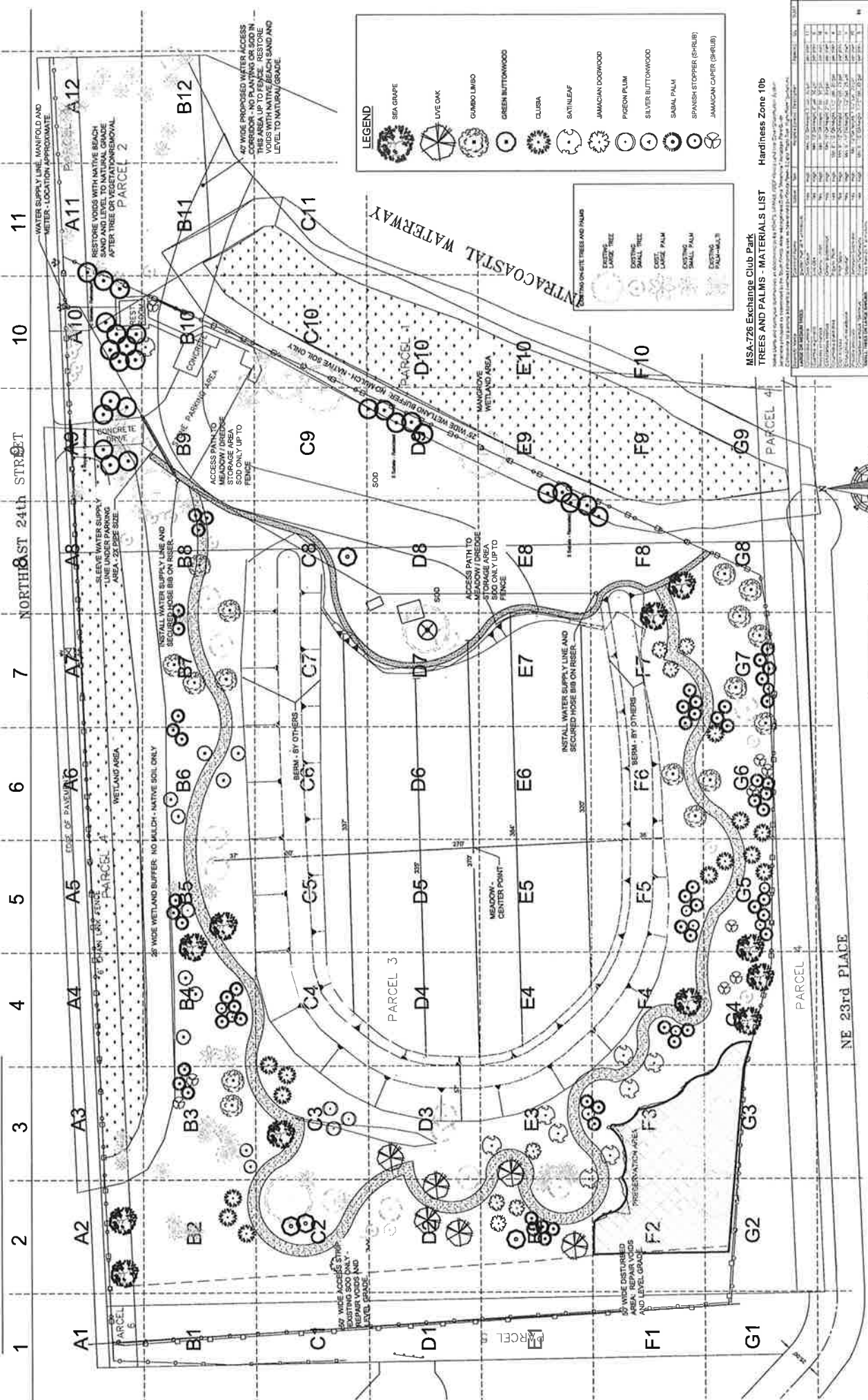
**The District will hold a mandatory pre-bid meeting at 2:30 PM on April 21, 2016 at the MSA-726 project site.** Attendees shall enter the site through the NE 24<sup>th</sup> Street entrance and shall meet at the on-site office trailer.

All bids not containing written information demonstrating the Bidder's experience and technical capabilities will be disqualified. If, in the opinion of the District and its Engineer, the Bidder's experience and technical capabilities do not indicate similar experience, the bid will be disqualified. The District will award the bid to the qualified Bidder with the lowest bid price. The successful Bidder will have **60** days from the Notice to Proceed to complete the entire project besides the landscape establishment period.

A Bid Bond will be required for bids that exceed \$200,000.00. Bids providing less than 90 days for District acceptance after the date bids are due will not be considered and will be rejected. Bidders may obtain the Contract Documents, Project Drawings, and Specifications from the office of the District or the District's website (<http://www.aicw.org>) at no charge. On the website, click on Bid Notices on the left side of the home page, then click on Bids, then open the MSA-726 Landscaping Project file. The Project Manager for this project is Mark Tamblyn, Field Project Coordinator, 1314 Marcinski Road, Jupiter, FL. 33477, 561-627-3386, Fax 561-624-6480, e-mail [mtamblyn@aicw.org](mailto:mtamblyn@aicw.org).

FOR BID PURPOSES ONLY -  
NOT FOR CONSTRUCTION

LOCATE GRID - WEST TO EAST:



**LEGEND**

	SEA GRAPE
	LIVE OAK
	CUMBO LIMBO
	GREEN BUTTONWOOD
	CLUSIA
	SATINLEAF
	JAMAICAN DOGWOOD
	PIGEON PLUM
	SILVER BUTTONWOOD
	SABAL PALM
	SPANISH STOPPER (SHRUB)
	JAMAICAN CAPER (SHRUB)

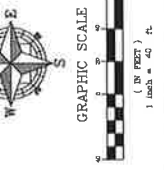
**EXISTING ON SITE TREES AND PALMS**

	EXISTING LARGE TREE
	EXISTING SMALL TREE
	EXISTING COCO PALM
	EXISTING SABAL PALM
	EXISTING PALM-HILL

**MSA-726 Exchange Club Park**  
**TREES AND PALMS - MATERIALS LIST**  
**Hardiness Zone 10b**

Planting and maintenance shall be in accordance with the City of Miami's Standard Specifications for Planting and Maintenance of Trees and Palms. All plants shall be not less than 100% of the specified size and shall be of the highest quality available. All plants shall be delivered to the site in good condition and shall be installed in accordance with the City of Miami's Standard Specifications for Planting and Maintenance of Trees and Palms.

Plant Name	Quantity	Plant Size	Plant Type	Plant Source	Plant Notes
SEA GRAPE	10	10' x 10'	Tree	Local	
LIVE OAK	10	10' x 10'	Tree	Local	
CUMBO LIMBO	10	10' x 10'	Tree	Local	
GREEN BUTTONWOOD	10	10' x 10'	Tree	Local	
CLUSIA	10	10' x 10'	Tree	Local	
SATINLEAF	10	10' x 10'	Tree	Local	
JAMAICAN DOGWOOD	10	10' x 10'	Tree	Local	
PIGEON PLUM	10	10' x 10'	Tree	Local	
SILVER BUTTONWOOD	10	10' x 10'	Tree	Local	
SABAL PALM	10	10' x 10'	Tree	Local	
SPANISH STOPPER (SHRUB)	10	10' x 10'	Shrub	Local	
JAMAICAN CAPER (SHRUB)	10	10' x 10'	Shrub	Local	



**TREE PRESERVATION LEGEND**

	TREE TO BE RELOCATED
	RELOCATED TREE
	TREE TO BE REMOVED

**48 HOURS BEFORE DITCHING**

**CALL**

811 or 1-800-432-4770

MAINE STATE ONE CALL CENTER

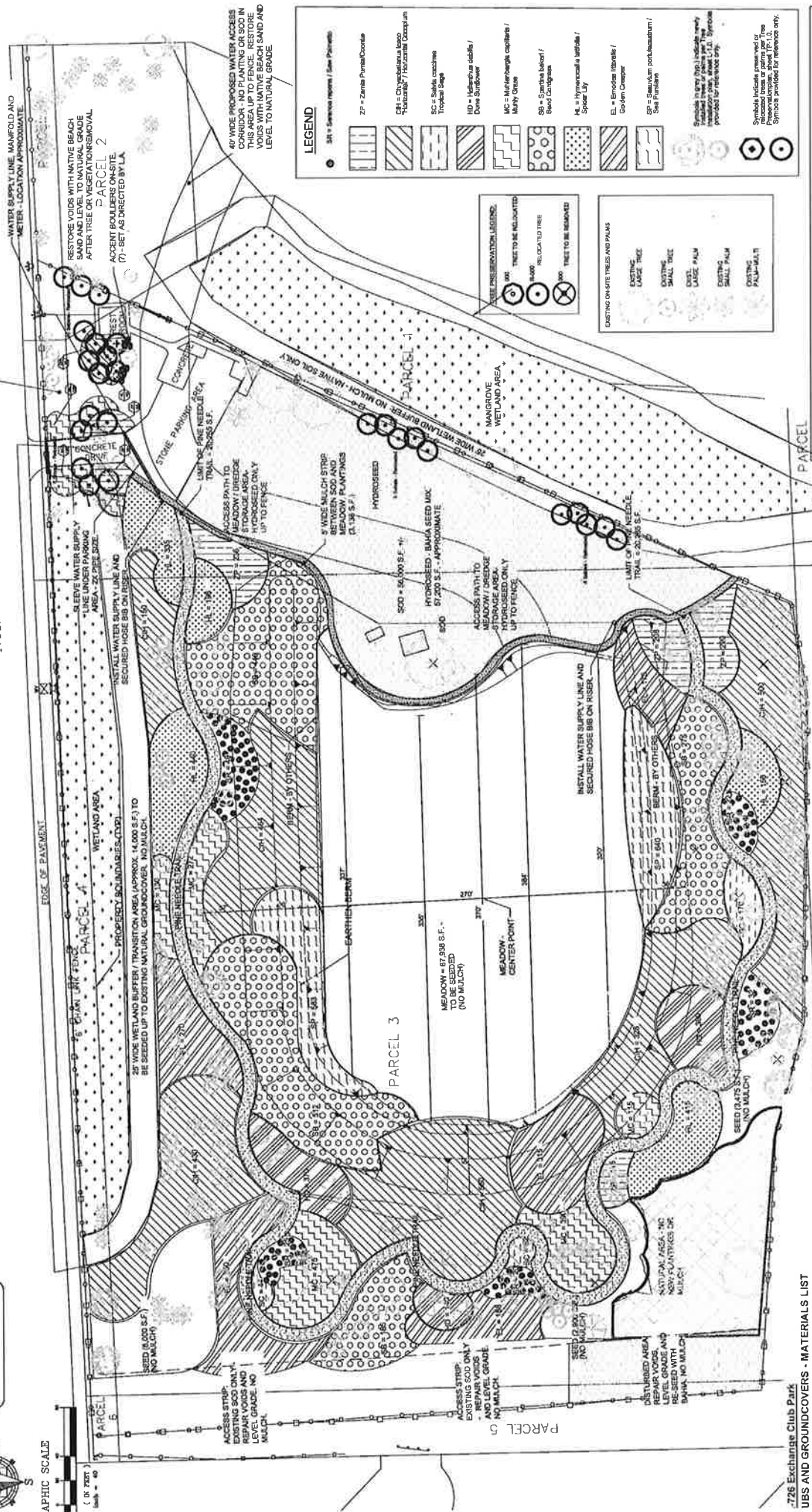
48 HOURS BEFORE DIGGING  
CALL  
TOLL FREE  
800-1-800-432-4770  
SUBMITTING STAFFS ONE CALL CENTER



GRAPHIC SCALE  
1" = 40'

NORTHEAST 24th STREET

HYDROSEED - BANIA SEED MIX RESTORE SOD  
AFTER TREE REMOVAL. RELOCATION OR NEW  
INSTALLATION AROUND RESTROOM (0.500 S.F. +/-)



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MSA 726 - Exchange Club Park

NE 24th St

NE 27th Terrace

NE 23rd Pl

NE 23rd Ct

NE 23rd St

Norfolk St

N Riverside Dr

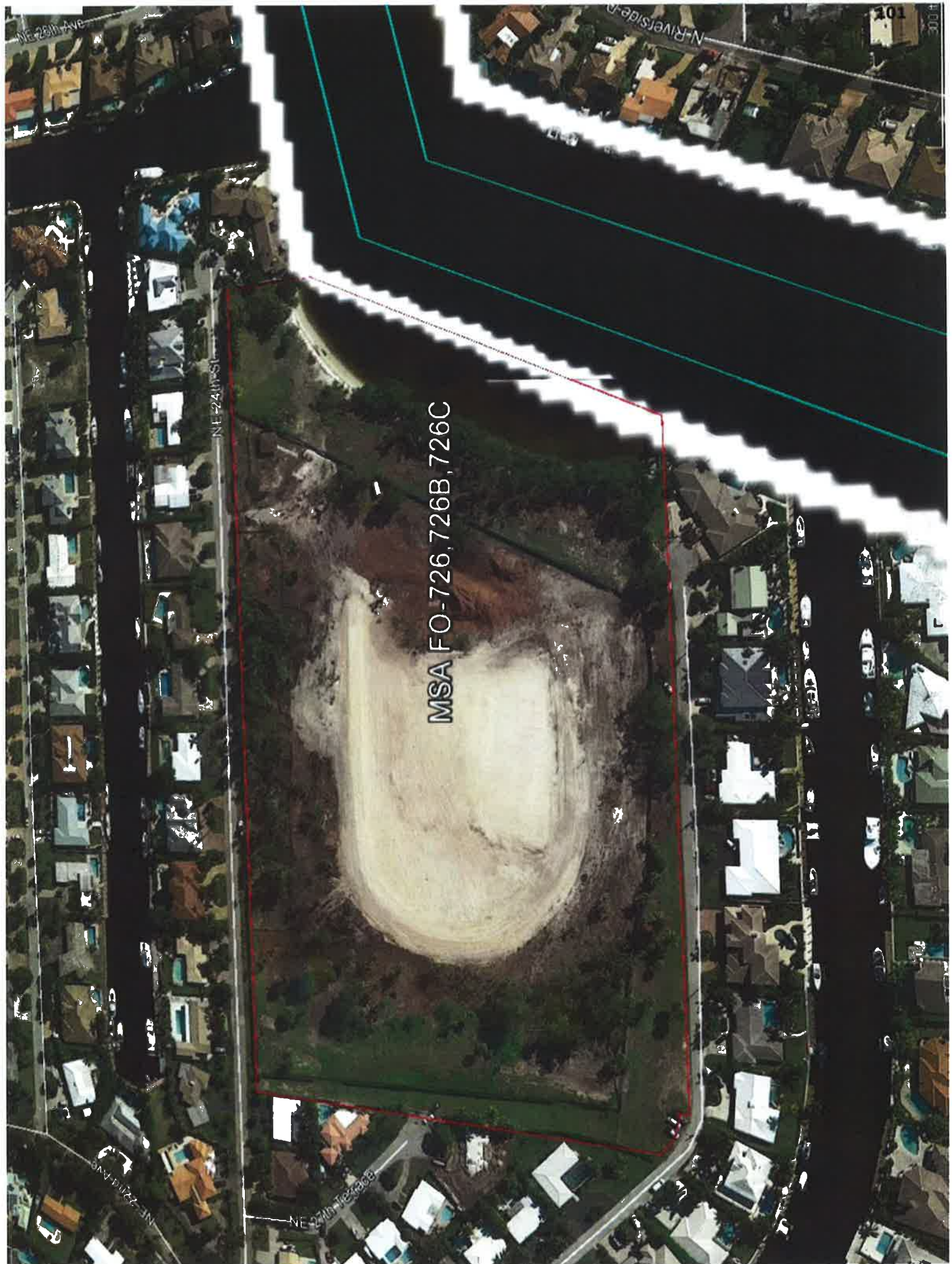
Google Earth

© 2014 Google

Imagery Date: 1/18/2014 26°15'36.60" N - 80°05'26.48" W elev 5 ft eye alt 1801 ft

1995







TAYLOR ENGINEERING, INC.

*Delivering Leading-Edge Solutions*

April 27, 2016

Mr. Mark Crosley  
Executive Director  
Florida Inland Navigation District (FIND)  
1314 Marcinski Road  
Jupiter, FL 33477

Re: MSA 726 Landscaping, Broward County, Florida  
Professional Construction Administration Services – Phase II

Mr. Crosley:

Taylor Engineering is pleased to submit the enclosed scope of work (Attachment A) and fee proposal (Attachment B) for professional construction administration services for the MSA 726 Landscaping Project (Phase II). Primary tasks for Phase II (landscaping) include pre-construction coordination, construction administration, and project closeout over the expected 60-day construction period and 90-day landscape establishment period.

Project continuity influenced our decision to secure IBI Group (Florida), Inc. (IBI) — the subconsultant for the site's landscape design — to serve as a local subconsultant and provide construction-phase observation and administration services.

Taylor Engineering will perform these services on a cost plus basis, for a total cost not to exceed \$41,502.50 (Attachment B). Of this total, \$17,085.00 represents IBI's fees.

We appreciate this opportunity to continue to serve FIND. Please contact me with any questions or comments.

Sincerely,

John Adams, P.E.  
Senior Advisor, Waterfront Engineering

Attachments (4)

**MSA 726 LANDSCAPING PROJECT  
BROWARD COUNTY, FLORIDA  
PROFESSIONAL CONSTRUCTION ADMINISTRATION SERVICES**

**ATTACHMENT A  
SCOPE OF WORK**

## ATTACHMENT A

**MSA 726 LANDSCAPING PROJECT  
PROFESSIONAL CONSTRUCTION ADMINISTRATION SERVICES**

The Florida Inland Navigation District (FIND) requested Taylor Engineering provide construction administration for Phase II (landscaping) of the MSA 726 Landscaping project. Located in Broward County, Florida, the project site lies south of Northeast 24<sup>th</sup> Street and north of Northeast 23<sup>rd</sup> Place in Pompano Beach, Florida. The completed construction project requires the following project tasks:

1. Site earthwork
2. Planting preparation
3. Landscape planting
4. Walking trail construction
5. Landscape establishment

Taylor Engineering has developed its scope of work based on the following assumptions:

1. Phase II landscaping (items 1 – 4 above) will extend from approximately July through the middle of September 2016 (75 days).
  - a. During the 75-day contract time, IBI personnel will perform field observations two days per week, for approximately one to two hours each observation day.
  - b. Also during this time, Taylor Engineering personnel will perform field observations one day every two weeks from its West Palm Beach office. The observer will remain on site approximately two to three hours each observation day. Observation hours will occur throughout the week, and will coincide with biweekly construction meetings. We anticipate that these activities will require 75-days to complete; therefore, we budgeted six observation days.
  - c. In addition to weekly observations, a project engineer will visit the site approximately one time to attend one of the bi-weekly construction meetings and to assist the staff-level engineer in performing field observations.
2. Phase II landscaping establishment (item 5 above) will extend from approximately the middle of September through the middle of November 2016 (three months).
  - a. During the three-month landscape establishment period, IBI personnel will perform field observations one day per week, for approximately one to two hours each observation day.
  - b. Also during this time, Taylor Engineering personnel will perform field observations one day each month from its West Palm Beach office. The observer will remain on site approximately two to three hours each observation day. We anticipate that these activities will require three months to complete; therefore, we budgeted three observation days.
3. Project construction will neither result in any substantial deviations from the project drawings and specifications nor violate environmental conditions.
4. Project construction will not encounter any environmental hazards or historic artifacts.
5. Project construction will not require any local, state, or federal permits, and will not encounter any delays related to such permitting.
6. Project construction will not encounter any delays caused by the general public.

If any of these assumptions prove incorrect, Taylor Engineering will work with FIND to develop appropriate modifications to this scope of work and cost.

## ATTACHMENT A

**TASK 1 PRE-CONSTRUCTION COORDINATION (PHASE II – LANDSCAPING)**

This task includes the following sub-tasks:

- Prepare for and conduct a joint pre-construction and on-site coordination meeting at IBI office in Pompano Beach
- Review and approve contractor pre-construction submittals
- Make recommendations to FIND for issuance of a Notice to Proceed

Taylor Engineering and IBI representatives will conduct a combined pre-construction meeting and coordination meeting with the landscaping contractor. We assume this meeting will take place at the IBI office in Pompano Beach. Immediately following the in-office meeting we may travel to the project site to address any issues that require a site visit. The pre-construction/coordination meeting will serve to describe the project and answer contractor's questions concerning any technical aspects of the work.

In addition, Taylor Engineering will discuss the ground rules and other issues including lines of engineer and contractor authority, general and specific contract conditions, contract administration, progress payment, correspondence procedures, project schedule, and submittal register. We will take minutes of the pre-construction meeting discussions and distribute them to FIND and the contractor. This meeting will occur after the Notice to Award and shortly before or immediately after the Notice to Proceed.

**TASK 2 CONSTRUCTION ADMINISTRATION 75-DAY CONTRACT (PHASE II – LANDSCAPING)**

We will help FIND administer the construction contract from our offices in West Palm Beach and Jacksonville, Florida, and from the project site. We will remain available through construction to provide advice and consultation to FIND through site visits and teleconferences. In this role, we will address questions pertaining to engineering, design, permitting issues, and any proposed changes to project design.

This task includes the following sub-tasks:

- Review up to 4 shop drawings and construction submittals
- Responding to up to two construction requests for information (RFIs)
- Observe construction activities (6 site visits by staff-level engineer, 1 by project level engineer)
- Prepare general site visit report following each site visit
- Coordinate site visits with IBI
- Review IBI site visit reports
- Schedule and prepare for 4 on-site progress meetings occurring every two weeks
- Schedule and prepare for up to one additional coordination meeting attended via teleconference
- Prepare up to one work change directive
- Prepare up to one change order directive
- Review and approve up to two monthly pay applications



## ATTACHMENT A

During the site preparation and landscape planting work, IBI personnel, given their close proximity to the project site, will perform field observations two days per week, for approximately one to two hours each observation day.

Taylor Engineering personnel (staff-level engineer) will perform field observations one day every two weeks. An observer from the West Palm Beach office will be located on-site approximately two to three hours each observation day. Observation hours will occur throughout the week during regular business hours. We anticipate that these activities will require two months to complete and have budgeted for 6 observation days accordingly.

Our visits will include observation of the work and monitoring of the contractor's means, methods, and sequence. However, we will not direct the contractor's means and methods of construction. Additionally, Taylor Engineering is not responsible for job site safety. As part of the observation process, each observer will complete a daily construction report which will become part of the project record.

Construction observation will evaluate the contractor's work to:

- Maintain site grading requirements
- Maintain a current construction schedule
- Provide submittals on time and in proper format
- Protect environmental resources
- Follow quality control procedures to produce an end product that meets contract requirements
- Remove waste and debris from the project site
- Protect existing site amenities (restroom and parking facilities)

To reduce travel costs, an engineer from the Jacksonville office will attend only one construction progress meeting on-site. We have budgeted for one trip from the Jacksonville office for construction meeting attendance. For the remaining construction progress meetings, an engineer from the West Palm Beach office will attend in person, and an engineer from the Jacksonville office will attend by phone. Additionally, if unexpected problems arise outside of these meetings, we will attend a maximum of up to one problem resolution meeting via teleconference.

Throughout the observation process, we will notify FIND of any work stoppages or conflicts and recommend to FIND ways to resolve these issues. Taylor Engineer's senior advisor will provide senior management review and quality control/quality assurance oversight.

### **TASK 3 LANDSCAPE ESTABLISHMENT (90-DAYS)**

During the 90-day landscape establishment period we will continue to help FIND administer the landscape work from our offices in West Palm Beach and Jacksonville, Florida, and from the project site. In this role, we will address questions pertaining to engineering, design, permitting issues, and any proposed changes to project design.

This task includes the following sub-tasks:

- Review landscape establishment watering and maintenance records
- Responding to up to one construction requests for information (RFI)
- Observe construction activities (three site visits by staff-level engineer)
- Prepare general site visit report following each site visit
- Coordinate site visits with IBI

## ATTACHMENT A

- Review IBI site visit reports
- Prepare up to one work change directive
- Prepare up to one change order directive
- Review and approve up to three monthly pay applications

During the landscape establishment period, IBI personnel will perform field observations one day per week, for approximately one to two hours each observation day.

Taylor Engineering personnel (staff-level engineer) will perform field observations one day every four weeks. An observer from the West Palm Beach office will be located on-site approximately two to three hours each observation day. Observation hours will occur throughout the week during regular business hours. We anticipate that these activities will require two months to complete and have budgeted for three observation days accordingly.

Throughout the observation process, we will notify FIND of any work stoppages or conflicts and recommend to FIND ways to resolve these issues. Taylor Engineer's senior advisor will provide senior management review and quality control/quality assurance oversight.

#### **TASK 4 PROJECT CLOSE-OUT (PHASE II – LANDSCAPING)**

This task includes the following sub-tasks:

- Develop preliminary and final punch lists
- Certify substantial completion of the project
- Review final pay application
- Review contractor release of lien
- Attend final observation meetings
- Conduct final review/acceptance of field data

Once FIND receives from the contractor a request to certify the project substantially complete, Taylor Engineering will visit the project site to determine the degree of completion. If we cannot certify substantial completion, we will develop preliminary and final punch lists of items for the contractor to complete or correct. With concurrence from FIND, we will transmit this list to the contractor. Upon completion of outlined items, we will certify the project substantially complete. We have budgeted for two on-site meetings during this stage of the project.





We will collect and review the following information from the contractor before project closeout.

- Final waiver and release of lien from contractor (does not include subcontractors, material suppliers, or equipment vendors, etc.)
- Final pay application
- Post-construction record drawings
- Post-construction/as-built survey

Taylor Engineering will prepare a DVD (or a set of DVDs, if necessary) of the construction project records for submittal to FIND at project completion.

## ATTACHMENT A

## ESTIMATED SCHEDULE

No.	Task	Months from Notice to Proceed						
		1	2	3	4	5	6	7
1	PRE-CONSTRUCTION COORDINATION (PHASE II – LANDSCAPING)							
2	CONSTRUCTION ADMINISTRATION 75-DAY CONTRACT (PHASE II – LANDSCAPING)							
3	LANDSCAPE ESTABLISHMENT (90-DAYS)							
4	PROJECT CLOSE-OUT (PHASE II – LANDSCAPING)							

**MSA 726 CLEARING & LANDSCAPING PROJECT  
BROWARD COUNTY, FLORIDA  
PROFESSIONAL CONSTRUCTION ADMINISTRATION SERVICES**

**ATTACHMENT B  
COST PROPOSAL**

**TAYLOR ENGINEERING, INC.**  
**COST SUMMARY BY TASK**  
**P2016-066: FIND: MSA-726 Phase II CA**

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**TASK 1: PRE-CONSTRUCTION COORDINATION (PHASE II – LANDSCAPING)**

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<i>Labor</i>	Hours	Cost	Task Totals
Senior Advisor	1	188	
Senior Professional	1	148	
Project Professional	13	1,417.00	
Staff Professional	10	860	
<hr/>			
Total Man-Hours	25		
Labor Cost			2,613.00
<i>Non-Labor</i>	Units	Cost	
Travel from Jax and hotel stay (1 trip)	1	300	
Travel from WPB (1 trip)	1	60	
IBI Subcontract	1	690	
<hr/>			
Non-Labor Cost		1,050.00	
Fee @ 10%		105	
<hr/>			
<i>Total Task 1</i>			3,768.00

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**TASK 2: CONSTRUCTION ADMINISTRATION 75-DAY CONTRACT (PHASE II – LANDSCAPE)**

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<i>Labor</i>	Hours	Cost	Task Totals
Senior Advisor	8	1,504.00	
Senior Professional	2	296	
Project Professional	26	2,834.00	
Staff Professional	58	4,988.00	
Technical Editor	2	204	
<hr/>			
Total Man-Hours	96		
Labor Cost			9,826.00
<i>Non-Labor</i>	Units	Cost	
Travel from WPB (4 trips)	6	360	
IBI Subcontract	1	8,740.00	
Travel from Jax and hotel stay (1 trip)	1	300	
<hr/>			
Non-Labor Cost		9,400.00	
Fee @ 10%		940	
<hr/>			
<i>Total Task 2</i>			20,166.00

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**TASK 3: LANDSCAPE ESTABLISHMENT (90-DAYS)**

<i>Labor</i>	Hours	Cost	Task Totals
Senior Advisor	3	564	
Project Professional	13	1,417.00	
Staff Professional	37	3,182.00	
Total Man-Hours	53		
Labor Cost			5,163.00
<i>Non-Labor</i>	Units	Cost	
Travel from WPB (3 trips)	3	180	
IBI Subcontract	1	6,505.00	
Non-Labor Cost		6,685.00	
Fee @ 10%		668.5	
<i>Total Task 3</i>			12,516.50

**TASK 4: PROJECT CLOSE-OUT (PHASE II – LANDSCAPING)**

<i>Labor</i>	Hours	Cost	Task Totals
Senior Advisor	1	188	
Project Professional	15	1,635.00	
Staff Professional	19	1,634.00	
Total Man-Hours	35		
Labor Cost			3,457.00
<i>Non-Labor</i>	Units	Cost	
Budget for travel from Jax and hotel stay (1 trip)	1	300	
IBI Subcontract	1	1,150.00	
Non-Labor Cost		1,450.00	
Fee @ 10%		145	
<i>Total Task 4</i>			5,052.00

**Project Total      \$41,502.50**



**MSA 726 CLEARING & LANDSCAPING PROJECT  
BROWARD COUNTY, FLORIDA  
PROFESSIONAL CONSTRUCTION ADMINISTRATION SERVICES**

**ATTACHMENT C  
IBI GROUP (FLORIDA) INC.  
SCOPE OF WORK AND COST PROPOSAL**



# Form of Change Order

ATTACHMENT C

Change Order No. CA-1

Construction Administration

Revised April 26, 2016

☒ 2200 PARK CENTRAL BLVD., N., SUITE 100  
POMPANO BEACH, FLORIDA 33064 USA  
Phone: (954) 974-2200 • Fax: (954) 973-2686

☐ 2300 MAITLAND CENTER PARKWAY, SUITE 101  
MAITLAND, FLORIDA 32751 USA  
Phone: (407) 660-2120 • Fax: (407) 875-8308

ATTN: Mr. Robert DiRienzo  
CLIENT: Taylor Engineering  
ADDRESS1: 10151 Deerwood Park. Blvd.  
ADDRESS2: Building 300, Suite 300  
CITY/ST/ZIP: Jacksonville, FL 32256  
EMAIL: [rdirienzo@taylorengeering.com](mailto:rdirienzo@taylorengeering.com)

PROJECT NUMBER: 36318  
DESCRIPTION: Construction Administration Estimate  
for MSA-726, Pompano Beach, Florida

***IBI Group and the Consultant refer to the Amendment No. 1 to Subcontract Agreement for Tree Preservation Services and Construction Administration, executed: December 21, 2015 between IBI Group (Florida) Inc and Taylor Engineering Inc (the "Agreement").***

## ***Change Order to Agreement:***

IBI and the Consultant agree to amend the Agreement through this Revised Change Order, as follows:

### ***Section 1 – Scope of Amendment:***

IBI and the Consultant agree to the following changes to the Consultant Services pursuant to this Change Order:  
**Additional services – Construction Administration**

### ***Section 2 – Payment and Reimbursement Amendment:***

The change in the Consultant's fee payment amount(s), or reimbursable amounts, as originally set out in the Work Order Agreement, is as follows:

To increase budget for additional construction administration services as follows:

	Description	Total
<b>IBI</b>		
Task 18	Pre-Construction Coordination Meeting – in office and on-site (estimate 6 hrs. @ 115.00 = 690.00)	\$690.00
Task 19	Construction Administration (75 days / 11 weeks): a. Attend 5 bi-monthly construction meetings plus 24 site inspection visits + progress reports (estimate 70 hrs. @ 115.00 = 8,050.00) b. Address change orders / work change directives / RFI's (estimate 6 hrs. @ 115.00 = 690.00)	\$8,740.00
Task 20	Landscape Establishment Period (90 days / 13 weeks): a. Perform weekly site visits / inspections plus photos and reports (estimate 33 hrs. @ 115.00 = 3,795.00)	\$3,795.00
Task 21	Project Close-out Meetings: a. Attend two project close-out meetings (estimate 6 hrs. @ 115.00 = 690.00) b. Assist in punch list preparation (estimate 4 hrs. @ 115.00 = 460.00)	\$1,150.00
Task 22	Contingency/principal review/Coordination: a. Estimate 10 hrs. @ 225.00 = 2250 b. Additional meetings, as needed (estimate 4 hrs. @ 115.00 = 460.00)	\$2,710.00
	<b>Landscape Architecture – Total:</b>	<b>\$17,085.00</b>

- **NOTE:** Additional meetings, additional site visits, inspections or other construction administration services are not included.

Original Contract	\$26,500.00
Previous Approved Change Orders	\$42,060.00
Amount of This Change Order	<u>\$17,085.00</u>
Total Adjusted Contract	\$85,645.00

### Section 3 – Schedule Amendment:

The change in the scope of the Consultant Services described above includes the corresponding change in the schedule for the provision and delivery of the Consultant Services, as set out below:

**N/A**

### Change Order:

The defined terms used in this Change Order, have the meaning ascribed to them in the Agreement.

The Consultant Services, fees and expenses and corresponding schedule are revised as stated above.

Except as specifically modified in this Change Order, the Consultant's provision of the Consultant Services under the Agreement shall be carried out and executed in accordance with, and subject to, the terms and conditions of the Agreement (Attached).

This Change Order No. CA-1 for Construction Administration Services is agreed to by each party, and is effective as of **April 26, 2016**.

**IBI Group (Florida) Inc.**

By:

Name: Patricia F. Ramudo, PE  
LEED APTitle: Manager of Engineering**IBI Group (Florida) Inc.**

By:

Name: Timothy R. Foley, CPATitle: Regional Director of USA East

By:

Name: Debra Hernandez, RLATitle: Landscape Architect**Taylor Engineering**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



## Appendix A - Schedule of Hourly Rates and Other Charges

(Rates effective for services performed between February 28, 2014 through October 31, 2016)

Professional Staff	Rate/Hour	Technical/Support Staff	Rate/Hour
Principal/Director	\$ 300.00	Senior CADD Operator	\$ 105.00
Principal	\$ 225.00	Intermediate CADD Operator	\$ 85.00
		Junior CADD Operator	\$ 75.00
Project Manager IV	\$ 175.00	GIS Technical Specialist	\$ 105.00
Project Manager III	\$ 140.00	Computer Specialist	\$ 85.00
Project Manager II	\$ 130.00	Intern II	\$ 80.00
Project Manager	\$ 120.00	Intern I	\$ 45.00
Assistant Project Manager	\$ 100.00		
Project Coordinator	\$ 90.00	Admin Assistant	\$ 65.00
Senior Engineer	\$ 130.00	Senior Contract Administrator	\$ 75.00
Intermediate Engineer	\$ 120.00	Intermediate Contract Administrator	\$ 65.00
Junior Engineer	\$ 110.00	Junior Contract Administrator	\$ 55.00
Engineering Intern II	\$ 95.00		
Engineering Intern I	\$ 85.00	<b>Reimbursable Expenses:</b>	Each
			Each
Registered Landscape Architect	\$ 115.00	Xerographic Prints (In-house)	\$ 1.75
Landscape Architect (Non-registered)	\$ 110.00	Standard Size Color Plots (24" x 36")	\$ 65.00
Senior Landscape Designers	\$ 85.00	Large Color Plots	\$ 75.00 Each
Landscape Designer	\$ 75.00	Photostats/Mylar Reproducibles	At Cost Plus 15%
Senior Planner	\$ 125.00	Xerox Copies	\$ 0.15 Each
Planner	\$ 85.00	Color Xerox Copies	Each
		8 1/2 x 11	\$ 2.00 Each
Transportation Engineer	\$ 200.00	8 1/2 x 14	\$ 2.50
Intermediate Transportation Engineer	\$ 150.00	11 x 17	\$ 3.00
Senior Transportation Engineer	\$ 135.00	Fax Transmittals	\$ 1.00
Intermediate Construction Inspector	\$ 75.00	Outside Consultant Services	At Cost Plus 15%
		Equipment	At Cost Plus 15%
Systems - Chief Architect/Engineer	\$ 250.00	Federal Express/Courier Service	At Cost Plus 15%
Sr. Systems Engineer	\$ 175.00	Commercial Air Travel	At Cost Plus 15%
Systems Architect/Engineer	\$ 125.00	Long Distance Phone	At Cost Plus 15%
Senior Systems Developer	\$ 175.00	Toll Expenses	At Cost Plus 15%
Intermediate Developer	\$ 125.00	Mileage Expenses (At Cost Plus 15%)	\$ 0.575
Developer	\$ 100.00		
IT Support Technician	\$ 85.00		
Professional Land Surveyor	\$ 130.00		
Land Surveyor	\$ 110.00		
3 Man Crew	\$ 175.00		
2 Man Crew	\$ 125.00		
GPS Crew	\$ 225.00		
Professional Representation	\$ 275.00		

Other Services Upon Request



**IBI GROUP (FLORIDA) INC. IS A DIVISION OF IBI GROUP**

ATTACHMENT C  
**APPENDIX "B"**

## **Standard Terms for Consulting and Surveying Services**

**1. STANDARD OF CARE.** In the performance of the Services, IBI Group will use that level of care and skill ordinarily exercised by reputable members of IBI Group's profession currently practicing in the same locality under similar conditions. No other representation, guarantee, or warranty, express or implied, is included or intended in this Agreement, or in any communication (written or oral), report, opinion, document, or instrument of service.

**2. PAYMENT** IBI Group's fees and expenses will be paid in accordance with this Section 3 of the Agreement.

The Client will, subject to IBI Group's performance of its duties and obligations under this Agreement, pay IBI Group for the provision of the Services, plus applicable taxes, as set out in the Agreement.

IBI Group reserves the right, without penalty, to discontinue Services and or terminate this Agreement in the event of non-payment.

If the project is abandoned or delayed for any reason beyond IBI Group's control, the Client shall pay for Services rendered to that date, plus termination expenses reasonably incurred by IBI Group in winding down the project.

IBI Group's fees and expenses are secured upon and run with title to the lands.

**3. SUSPENSION OR TERMINATION.** Either party may, by notice in writing to the other party, suspend or terminate the Services or any portion thereof at any stage of the project. Upon receipt of such written notice, IBI Group shall perform no further Services other than those reasonably necessary to close out the Services. In such an event, IBI Group shall be entitled to payment for all work completed, plus reasonable close-out costs. The limitation of liability and indemnity obligations in this Agreement shall survive any suspension or termination of this Agreement.

**4. PROBABLE COSTS.** IBI Group does not guarantee the accuracy of probable costs for providing Services hereunder. Such probable costs represent only IBI Group's judgment as a professional entity and are supplied only for the general guidance of the Client.

**5. INDEMNIFICATION:** IBI Group shall indemnify and save harmless the Client from and against all claims, actions, losses, expenses, costs or damages of every

nature and kind whatsoever which the Client, its directors, officers, employees, or agents may suffer, to the extent IBI Group is legally liable as a result of the negligent acts of IBI Group, its employees, officers or agents in the performance of this Agreement.

The Client agrees to indemnify and save harmless IBI Group from and against any and all claims, actions, losses, expenses, costs or damages arising out of or in any way connected with the presence, discharge, release or escape of contaminants of any kind, excluding only such liability as may arise out of the negligent acts of IBI Group in the performance of the Services to the Client on this project.

**7. LIMITATION OF LIABILITY.** Notwithstanding any other provision of this Agreement, the total liability of IBI Group, its directors, officers, employees and agents for liabilities, claims, judgments, demands and causes of action arising under or related to this Agreement, whether based in contract or tort, shall be limited to the total compensation actually paid to IBI Group for the Services or \$500,000, whichever is less. All claims by the Client shall be deemed relinquished unless filed within one (1) year after substantial completion of the Services. No party shall be liable for any consequential, incidental, indirect, special or punitive damages in any way related to this Agreement.

**8. INSURANCE.** IBI Group will maintain insurance for this Agreement in the following types: 1) workers' compensation insurance at statutorily required levels; 2) general and professional liability insurance; and 3) automobile liability insurance for bodily injury and property damage.

**9. RESPONSIBILITY.** IBI Group is not responsible for the completion or quality of work that is dependent upon or performed by the Client or third parties not under the direct control of IBI Group, nor is IBI Group responsible for their acts or omissions or for any damages resulting therefrom.

**10. EXCLUSIVE USE.** Services provided under this Agreement, including all reports, information or recommendations prepared or issued by IBI Group, are for the exclusive use of the Client for the purpose specified. No other use is authorized under this Agreement. The Client will not distribute or convey IBI Group's reports, designs or recommendations to any person other than those identified in the project



description without IBI Group's prior written approval. The Client releases IBI Group from liability and agrees to defend and indemnify IBI Group from any and all claims, liabilities, damages or expenses arising, in whole or in part, from such unauthorized distribution.

**10. ASSIGNMENT.** Neither party shall assign its interest in this Agreement without the prior written consent of the other.

**11. CONFIDENTIAL INFORMATION.** IBI Group shall not divulge any specific information identified as confidential, communicated to or acquired, or disclosed by the Client in the course of carrying out the Services. No such information shall be used by IBI Group on any other project without the written approval of the Client. These obligations of confidentiality shall not apply to information which is in the public domain; which is provided to IBI Group by a third party without obligation of confidentiality; which is independently developed by IBI Group without use of the Client's information; or which is required to be disclosed by law or by court order.

**12. INTELLECTUAL PROPERTY.** IBI Group retains ownership of all right, title and interest (including copyright) in and to the intellectual property it provides through this Agreement. Nothing in these Terms and Conditions constitutes a transfer or conveyance of any right, title or interest in the intellectual property, except the limited license to use it for its intended purpose, which includes the general maintenance and management of the asset or project.

**13. SUCCESSORS and ASSIGNS.** This Agreement shall be binding upon the parties, their partners, successors, assigns and legal representatives.

**14. AMENDMENT.** This Agreement may be amended or modified only by written instrument executed by authorized representatives of both the Client and IBI Group.

**15. SEVERABILITY.** If any provision of this Agreement is for any reason held invalid or unenforceable, such provision shall be deemed separate and shall not affect the validity of the remaining provisions of this Agreement.

**16. GOVERNING LAW.** This Agreement and legal actions concerning its validity, interpretation and performance shall be governed by and interpreted in accordance with the laws of the jurisdiction in which the project is located; and it is further agreed by the parties that any legal action arising under this Agreement will be brought in a court of competent jurisdiction in such jurisdiction.

**17. THIRD PARTY BENEFICIARIES.** Nothing contained in this Agreement shall create a contractual

relationship with or cause of action in favour of a third party against either the Client or IBI Group. The Services under this Agreement are being performed solely for the Client's benefit, and no other party or entity shall have any claim against IBI Group because of this Agreement or the performance or non-performance of Services hereunder. The Client and IBI Group agree to require a similar provision in all contracts with contractors, subcontractors, subconsultants, vendors and other entities involved in the project to carry out the intent of this provision.

**18. ENTIRE AGREEMENT.** This Agreement, including attachments incorporated by reference, represents the entire agreement between IBI Group and the Client and supersedes all prior negotiations, representations, or agreements, either written or oral. The Client acknowledges and agrees that its use of any purchase order or other form to procure Services is solely for administrative purposes and in no event shall IBI Group be bound to any terms and conditions on such form regardless of its signature on or reference to such form.

**19. REMITTANCE ADDRESS.**

Pompano Beach Office:

2200 Park Central Boulevard North-Suite 100  
Pompano Beach, Florida 33064 United States  
Tel 954 974 2200  
Fax 954 973 2686

This Use Agreement was prepared by:  
 Diane L. McKenzie,  
 Bureau of Public Land Administration  
 Division of State Lands  
 Department of Environmental Protection, MS 130  
 3900 Commonwealth Boulevard,  
 Tallahassee, Florida 32399-3000  
 AID: 28597  
 SAU1  
 [25.0 acres +/-]

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT  
 TRUST FUND OF THE STATE OF FLORIDA**

**MAINTENANCE DREDGING  
 USE AGREEMENT**

**Use Agreement No. U-0430**

THIS USE AGREEMENT is hereby granted this \_\_\_\_ day of \_\_\_\_\_, 2016, by the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA**, hereinafter referred to as the "GRANTOR", through its lawfully designated agent, the State of Florida Department of Environmental Protection ("DEP"), Division of State Lands ("DSL"), to the **FLORIDA INLAND NAVIGATION DISTRICT**, a government entity created by Chapter 374, Florida Statutes, hereinafter referred to as "GRANTEE".

**WHEREAS**, GRANTOR is the owner of the hereinafter described real property, which is managed by the **STATE OF FLORIDA DEPARTMENT OF ENVIRONMENT PROTECTION, DIVISION OF RECREATION AND PARKS** ("DRP") under Lease Number 3608 (also referred to as "managing agency") as a part of Anastasia State Park (the "Park"); and

**WHEREAS**, GRANTEE desires to enter and use state-owned uplands for sand placement and a maintenance dredging project; and

**WHEREAS**, the managing agency has agreed to the proposed use of the land subject to this use agreement.

**NOW, THEREFORE**, that for the faithful and timely performance of and compliance with the terms and conditions stated herein, GRANTOR does hereby grant to GRANTEE, a use agreement on the state-owned lands described below, to wit:

(See Exhibit "A" Attached)

subject to the following terms and conditions:

1. **DELEGATIONS OF AUTHORITY:** GRANTOR'S responsibilities and obligations herein shall be exercised by the Division of State Lands, State of Florida Department of Environmental Protection.

2. **COMMENCEMENT:** This use agreement and consent shall commence on July 1, 2016, the effective date of this use agreement, and shall be valid for a term of one year (1) years and shall end on June 30, 2017, unless sooner terminated by GRANTOR as provided for herein or otherwise extended in writing signed by both parties to this use agreement.

3. **EXTENT OF AGREEMENT:** This use agreement allows the use of state-owned uplands only in the upland areas particularly described in Exhibit "A" attached hereto, and only for the purpose of maintenance dredging and sand placement as particularly described in paragraph 4 below, and no other use or activity shall be allowed. All such activities shall be consistent with the Consolidated Joint Coastal Permit and Sovereign Submerged Lands Authorization No. 0251706-001-JC issued by DEP on December 8, 2010, and expires December 8, 2020, which is incorporated herein by the reference.

4. **USE OF PROPERTY AND UNDUE WASTE:** This use agreement shall be non-exclusive. GRANTOR, or its duly authorized agent, shall retain the right to enter the state land covered by this use agreement or engage in management activities not inconsistent with the use herein provided for and shall retain the right to grant compatible uses of the state land subject to this use agreement to third parties during the term of this use agreement.

GRANTEE shall not commit undue waste to the subject state-owned lands. Upon termination or expiration of this use agreement GRANTEE shall maintain or restore, as necessary, said state land to substantially the same condition as it was upon the effective date of this use agreement, any placed sand authorized by this agreement excepted. GRANTEE shall not remove water from any source on state lands including, but not limited to, a water course, reservoir, spring, or well, without the prior written approval of the GRANTOR. GRANTEE shall clear, remove and pick up all debris including, but not limited to, mud containers, oil containers, papers, discarded tools and trash foreign to the work locations and dispose of the same in a satisfactory manner as to leave the work locations clean and free of any such debris. GRANTEE shall not dispose of any contaminants including, but not limited to, hazardous or toxic substances, petroleum, fuel oil, petroleum by-products, chemicals or other agents produced or used in GRANTEE'S operations, on the state land covered by this use agreement or on any adjacent state land or in any manner not permitted by law.

Upon termination or expiration of this use agreement GRANTEE shall remove all equipment, tools, facilities and related structures erected at GRANTEE'S expense.

If the lands described in Exhibit A are under lease to another agency GRANTEE shall obtain the consent of such agency prior to engaging in any use of the real property authorized herein.

5. **RIGHT OF INSPECTION:** GRANTOR, or its duly authorized agent, shall have the right at any and all times to inspect the works and operation of GRANTEE in any matter pertaining to this use agreement.
6. **PROPERTY RIGHTS:** GRANTEE agrees and it is hereby expressly stipulated that this use agreement and consent constitutes permissive use only and the placing of facilities and related structures upon public property pursuant to this use agreement shall not operate to create or vest any property right in GRANTEE and shall not conflict with the conservation, protection and enhancement of said lands.
7. **LIABILITY:** GRANTEE shall assist in the investigation of injury or damage claims either for or against GRANTOR or the State of Florida pertaining to GRANTEE'S respective areas of responsibility under this use agreement or arising out of GRANTEE'S respective operations or activities and shall contact GRANTOR regarding the legal action deemed appropriate to remedy such damage or claims. To the extent permitted by law, GRANTEE hereby covenants and agrees to indemnify, protect, defend, save and hold harmless GRANTOR and the State of Florida, its officers, agents and employees from any and all damages, claims, costs, expense, including attorney's fees, demands, lawsuits, causes of action or liability of any kind or nature arising out of the negligent acts or omissions of GRANTEE and its officers, agents, or employees. Nothing herein shall be construed as a waiver of sovereign immunity enjoyed by any party hereto, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims. GRANTEE shall maintain liability insurance coverage in the amount of not less than \$1,000,000.00 per incident for personal injury, death, and property damage arising out of GRANTEE's actions or inactions under this use agreement, which policy shall name GRANTOR as an additional insured. In the event GRANTEE subcontracts any part or all of the work performed in the Park, the GRANTEE shall require each and every subcontractor to identify the GRANTOR as an additional insured on all insurance policies required by the GRANTEE. Any contract awarded by GRANTEE for work in the Park shall include a provision whereby the GRANTEE's subcontractor agrees to indemnify, pay on behalf, and hold the GRANTOR harmless for all injuries and damages arising in connection with the GRANTEE's subcontract.
8. **ASSIGNMENT:** This use agreement shall not be assigned in whole or in part without the prior written consent of GRANTOR. Any assignment made either in whole or in part without the prior written consent of GRANTOR shall be void and without legal effect.
9. **CUTTING OF TREES:** The cutting or removal of trees on the state land covered by this use agreement is prohibited. In the event that in the course of its operations it shall become necessary for GRANTEE to cut or remove trees, such trees shall

be cut or removed only after prior written approval has been received from GRANTOR through its representative and in accordance with the directions lawfully given by its representative, and title to all portions of trees so felled or removed shall be and remain in GRANTOR. All brush and refuse that is necessarily cut in the course of the GRANTEE'S operations shall be handled and disposed of in such a manner as to minimize the danger of fires, all in accordance with said regulations and the directions of the representative of GRANTOR. Trees subject to this provision shall be, except for cypress trees, three inches in diameter or greater in size at a height of forty-eight inches from the ground at the base of the tree. Cypress trees subject to this provision shall be any cypress tree of two inches in diameter or greater in size at a height of forty-eight inches from the ground at the base of the cypress tree. However, in no event shall the indiscriminate cutting down, running over or destruction of trees or vegetation of any size be allowed.

10. **TELEPHONE LINES, DITCHES AND FENCES:** All telephone lines, ditches, and fences located within or immediately outside the exterior boundaries of any state-owned lands shall be protected so far as possible in the conduct of GRANTEE'S operations, and, if damaged by reason of said operations, they shall be repaired immediately by and at the expense of GRANTEE. The representative of GRANTOR may, when in his or her judgment it is necessary to avoid risk of damage by said operations, require GRANTEE to move any such telephone lines or fence from one location to an adjacent location without compensation.

11. **ROADS, TRAILS, FIRE LINES:** Roads, trails, and fire lines shall at all times be kept free of brush and debris resulting from GRANTEE'S operations hereunder. Any road, trail, or firebreak used by GRANTEE in connection with the permitted operations that is damaged (beyond what would be ordinary wear and tear without such use,) shall be repaired promptly by GRANTEE at its expense to its original conditions. GRANTEE shall not build any roads or trails without prior written approval of GRANTOR. If any live trees are damaged through carelessness or by fire caused by the employees or contractors of GRANTEE, GRANTEE shall fully compensate GRANTOR for the damage caused thereby.

12. **PREVENTION OF FIRES:** GRANTEE shall use every reasonable precaution including, but not limited to, State of Florida Department of Agriculture and Consumer Services, Florida Forest Service (FFS) standards for fire safety on State Forest lands, to prevent the occurrence of forest fires on state lands and to promptly notify the nearest FFS office of any such occurrence. In the event a forest fire shall commence in the vicinity of GRANTEE'S operations during the period such operations are being conducted, or immediately thereafter, it shall be conclusively presumed that such fire occurred as a result of the operations of GRANTEE, unless the contrary is clearly demonstrated to the satisfaction of GRANTOR by GRANTEE, and GRANTEE hereby

agrees to pay GRANTOR for any and all damage caused to state lands by such fire, including but not limited to, costs to suppress such fire; costs for the damage to the timber, trees or other forest products (whether standing, cut or fallen); and costs for the damage to any improvements or personal property thereon, caused by or as a result of such fire. GRANTEE shall, at its expense, replant, restock or reforest any area affected by reason of such fire to the satisfaction of GRANTOR or its LESSEE.

13. **MINERAL RIGHTS:** This use agreement does not cover petroleum or petroleum products or minerals and does not give the right to GRANTEE to drill for or develop the same.

14. **BEST MANAGEMENT PRACTICES:** GRANTEE shall implement applicable Best Management Practices in compliance with paragraph 18-2.018(2)(h), Florida Administrative Code, for all of the activities conducted under this use agreement, which have been selected, developed, or approved by GRANTOR or other land managing agencies for the protection and enhancement of the state land covered by this use agreement.

15. **ARCHAEOLOGICAL AND HISTORIC SITES:** Execution of this use agreement in no way affects any of the parties' obligations pursuant to Chapter 267, Florida Statutes. The collection of artifacts or the disturbance of archaeological and historic sites on state-owned lands is prohibited unless prior authorization has been obtained from the State of Florida Department of State, Division of Historical Resources.

16. **PROHIBITIONS AGAINST LIENS OR OTHER ENCUMBRANCES:** Fee title to the state land included in this use agreement is held by GRANTOR. GRANTEE shall not do or permit anything to be done which purports to create a lien or encumbrance of any nature against the real property vested in GRANTOR including, but not limited to, mortgages or construction liens against the real property covered by this use agreement or against any interest of GRANTOR therein.

17. **PARTIAL INVALIDITY:** If any term, covenant, condition or provision of this use agreement shall be ruled by a court of competent jurisdiction, to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

18. **BREACH OF COVENANTS, TERMS, OR CONDITIONS:** Should GRANTEE breach any of the covenants, terms, or conditions of this use agreement, GRANTOR shall give written notice to GRANTEE to remedy such breach within thirty days of such notice. In the event GRANTEE fails to remedy the breach the satisfaction of GRANTOR within thirty days of receipt of written notice, GRANTOR may either terminate this use agreement and recover from GRANTEE all damages GRANTOR may incur by reason of the breach, including, but not limited to, the cost of recovering the state land covered by this



use agreement or maintain this use agreement in full force and effect and exercise all rights and remedies herein conferred upon GRANTOR.

19. **NO WAIVER OF BREACH:** The failure of GRANTOR to insist in any one or more instances upon strict performance of any one or more of the covenants, terms and conditions of this use agreement shall not be construed as a waiver of such covenants, terms and conditions, but the same shall continue in full force and effect, and no waiver of GRANTOR of any one of the provisions hereof shall in any event be deemed to have been made unless the waiver is set forth in writing, signed by GRANTOR.

20. **SUBMERGED LANDS:** This use agreement does not authorize any use of lands located waterward of the mean or ordinary high water line of any lake, river, stream, creek, bay, estuary, gulf, ocean, or other water body or the waters or the air space thereabove.

21. **DUPLICATE ORIGINALS:** This use agreement is executed in duplicate originals each of which shall be considered an original for all purposes.

22. **ENTIRE UNDERSTANDING:** This use agreement sets forth the entire understanding between the parties and shall only be amended with the prior written approval of GRANTOR.

23. **TIME:** Time is expressly declared to be of the essence of this use agreement.

24. **RIGHT OF AUDIT:** GRANTEE shall make available to GRANTOR all financial and other records relating to this use agreement and GRANTOR shall have the right to audit such records at any reasonable time. This right shall be continuous until this use agreement expires or is terminated. This use agreement may be terminated by GRANTOR should GRANTEE fail to allow public access to all documents, papers, letters or other materials made or received in conjunction with this use agreement, pursuant to Chapter 119, Florida Statutes.

25. **NON-DISCRIMINATION:** GRANTEE shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicaps, or marital status with respect to any activity occurring within the state lands or upon lands adjacent to and used as an adjunct of the state lands.

26. **COMPLIANCE WITH LAWS:** GRANTEE agrees that this use agreement is contingent upon and subject to GRANTEE obtaining all applicable permits and complying with all applicable permits, regulations, ordinances, rules, and laws of the State of Florida or the United States or of any political subdivision or agency of either.

27. **GOVERNING LAW:** This use agreement shall be governed by and interpreted according to the laws of the State of Florida.

28. **SECTION CAPTIONS:** Articles, subsections and other captions contained in this use agreement are for reference purposes only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this use agreement or any provisions thereof.

29. **TITLE DISCLAIMER:** GRANTOR does not warrant or guarantee any title, right or interest in or to the property described in Exhibit "A" attached hereto.

30. **SPECIAL CONDITIONS FOR GRANTEE:** The following special conditions shall apply to this use agreement. GRANTEE, GRANTEE's designee, employees, agents, contractors, and assigns shall:

A. Comply with all the terms and conditions as set forth in the use agreement and the DEP Joint Coastal Permit No. 0251706-001-JC dated December 8, 2010 (JCP), and any subsequent JCP modifications.

B. Meet within two (2) weeks after the bid for the project has been awarded, for a mandatory pre-construction conference with DRP and its Park Manager, who can be reached at (904)-461-2000, to discuss Park access, operations, animal monitoring and protection, other resource protection, turtle nest relocation, vegetation restoration after demobilization, visitor safety, and other resource management issues. GRANTEE shall also coordinate weekly meetings with the Park Manager and DRP during the sand placement and dredging to discuss these and any other issues that may arise.

C. Notify Park Manager and DEP district biologist at least four (4) weeks prior to mobilizing equipment and piping so that the protected Anastasia Island Beach Mouse trapping can be completed in the impacted areas.

D. Notify the Park Manager twenty-four (24) hours in advance before commencing pumping operations, or changing staging areas to the extent authorized by this use agreement.

E. Notify the Park Manager twenty-four (24) hours in advance before commencing any post project repairs, maintenance, revegetation, tilling and escarpment removal.

F. Damages caused by the installation or removal of the pipeline, or by breach of the pipeline during sediment pumping operations shall be restored by GRANTEE in the affected areas to pre-existing conditions following the fulfillment of the project or demobilization. This restoration may include removal of accidentally deposited materials, restoring grade, and planting native vegetation in the areas of damage. If any revegetation is required, the contractor is required to utilize native plant material and

seed stock from the northeast coast of Florida. The mixture of native species and relative abundance will be determined by Park Manager in consultation with DEP District biologists.

G. Establish a safe zone by providing signage and fencing as needed to prevent access to the staging area, the worksite and areas worked by heavy equipment.

H. Keep fuel and other poisonous, hazardous or flammable liquids and powders in a double walled container with a catch basin. Should any fuel spillage occur in the Park, GRANTEE shall notify the Park Manager and commence cleanup and remediation immediately. Additionally, cleanup and remediation of the contaminated area and all associated costs shall be the responsibility of GRANTEE.

I. In an effort to further prevent fuel, oil, lubricant spillage during refueling operations, GRANTEE shall also establish a temporary staging area for each fueling event by placing on the ground a containment or catch basin with sufficient depth and width so as to prevent fuel overflow or splash onto the Park.

J. Help to protect Park facilities, natural communities, and other natural resources by accessing the Park at the points designated by the Park Manager, driving on the approved areas of beach and only during those times of day as identified by the Park Manager.

K. Follow the Park Manager's instructions concerning special Park rules with special regards to protection of the Park's plants and animals, natural communities, vehicular traffic and Park visitors. Take all necessary safety measures as determined by Park Manager to ensure the safety of Park visitors during all dredging and fill processes.

L. During pre-construction conference at the Park, determine specific needs for the staging area(s) and agree on Park operational conditions of utilizing the staging area(s) as depicted in Exhibit "A".

M. If needed, provide and maintain crossings for vehicular and pedestrian access over sections of the pipeline not within the project work zone. The number of crossings and locations will be determined on site by GRANTEE and Park Manager.

N. All construction equipment and personnel must stay out of and 30 feet seaward of posted shorebird areas. Equipment should not be parked or maintained near these posted areas. This could cause disturbance to nesting shorebirds and potential abandonment of nests and young.

O. For all construction activity prior to August 31, GRANTEE shall provide all shorebird monitoring requirements of the JCP and notify DRP biologists of the noted locations of nests or chicks on that date. Beginning September 1, DRP will

assume any remaining responsibilities of the weekly shorebird monitoring under Shorebird Protection Conditions of Specific Condition No. 26 of the JCP within the project area located in the Park.

P. Implement appropriate protection measures as described in the JCP and as requested by the DRP biologists as long as active shorebird nests or chicks remain in the project area. To help ensure fledgling success during the project, such measures may include elevating sections of the pipeline to allow chicks access to the shoreline, and modifying travel and movement of equipment and machinery in areas of known shorebird chicks.

Q. Work cooperatively with the Park Manager and DRP biologists to resolve issues regarding safety, access, or environmental concerns resulting from this project.

R. Keep all equipment, work materials and workers no less than 15 feet seaward from the toe of the primary dune at all times.

S. Ensure that access to the Park or any portion of the Park is not disrupted while construction is underway or at any time during the term of this use agreement. In the event, due to the nature of activities related to the project, it becomes necessary to disrupt access to the Park or a portion of the Park for a limited period of time, GRANTEE, at its own sole cost and expense shall provide a reasonable alternative access to the disrupted areas.

T. Stop work in the event the Park Manager observes conditions in which the general public, or cultural and natural resources, are deemed to be in imminent danger. GRANTEE shall be instructed by Park Manager to stop work on that particular activity which is the source of danger and not the entire dredging operation itself. The Park Manager will also notify GRANTEE's contracting officer or project manager immediately if such an event should occur.

U. Ensure that all stationary and mechanized equipment to be used in the Park has been thoroughly cleaned to prevent exotic or invasive species from entering the Park. The Park Manager reserves the right to inspect equipment and deny Park access to equipment that has not been sufficiently cleaned.

**31. SPECIAL CONDITIONS FOR GRANTOR:** GRANTOR's designee, employees, agents and assigns shall:

A. Conduct special shorebird monitoring for the proposed dune restoration area called the "Shorebird Nesting Berm Construction Area", and denoted as R-131 in Exhibit "A". The monitoring shall follow the Florida Fish and Wildlife Commission's FBCI Avian Manual protocols, which can be found at <http://myfwc.com/shorebirds/BNB/pdf/Protocols.pdf>.

B. DRP shall for the term of this agreement, satisfy all requirements of Marine Turtle Protection Specific Condition No. 10 in the JCP. This includes relocating naturally deposited sea turtle nests that occur in construction areas within the Park

boundary, for a 65 day period prior to sand placement. Upon the date of execution of this agreement, the project schedule allows that the relocations are for only those sea turtle nests laid after June 25, 2016. The GRANTEE shall notify DRP biologists of any changes to the project schedule, so that the relocation period can be revised accordingly and impacts to sea turtle nests minimized.

IN WITNESS WHEREOF, the parties have caused this use agreement to be executed on the day and year first above written.

WITNESSES:

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND OF THE STATE  
OF FLORIDA**

\_\_\_\_\_  
Original Signature

(SEAL)

\_\_\_\_\_  
Print/Type Name of Witness

BY: \_\_\_\_\_

Cheryl C. McCall, Chief, Bureau of Public Land Administration,  
Division of State Lands, State of Florida Department of  
Environmental Protection, as agent for and on behalf of the  
Board of Trustees of the Internal Improvement Trust Fund of the  
State of Florida

\_\_\_\_\_  
Original Signature

\_\_\_\_\_  
Print/Type Name of Witness

"GRANTOR"

**STATE OF FLORIDA  
COUNTY OF LEON**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Cheryl C. McCall, Chief, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. She is personally known to me.

APPROVED SUBJECT TO PROPER EXECUTION:

\_\_\_\_\_  
DEP Attorney

05.09.16

Date

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
Printed, Typed or Stamped Name

My Commission Expires:

Commission/Serial No.

**FLORIDA INLAND NAVIGATION DISTRICT,  
a government entity created by Chapter 374, Florida Statutes**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print/Type Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print/Type Name

By: \_\_\_\_\_

Mark Crosley  
Executive Director

“GRANTEE”

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by Mark Crosley, Executive Director, Florida Inland Navigation District, a government entity created by Chapter 374, Florida Statutes, on behalf of the entity, who is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
Print/Type Notary Name

Commission Number:

Commission Expires:

EXHIBIT "A"







May 6, 2016

Mark Crosley  
Executive Director  
Florida Inland Navigation District  
1314 Marcinski Rd  
Jupiter, FL 33477

Re: Selection Recommendation: Benthic Resource Surveys

Mr. Crosley:

Per your direction, Taylor Engineering prepared and issued a Request for Proposal (RFP) (**Attachment A**) on April 29, 2016 to perform benthic resource surveys for four upcoming FIND projects: (1) St. Lucie Reach I; (2) Crossroads; (3) Jupiter Inlet, and (4) Palm Beach County south of Peanut Island. Five qualified, local area firms (CSA Ocean Sciences Inc. [CSA], Ecological Associates, Inc. [EAI], Dial Cordy, Inc, Pinnacle Ecological, Inc., and Scheda Ecological Associates [Scheda]) received the RFP request. The RFP indicated that FIND might combine Crossroads and Jupiter Inlet project locations into a single contract and requested separate costs for the Palm Beach County alternate channel in case FIND selected not to survey that area.

We received four responses by the required response due date of May 5. Pinnacle Ecological and Dial Cordy submitted as a team (under Pinnacle Ecological) and each of the other three firms submitted separate proposals. EAI's submitted proposal covered only one (Jupiter Inlet) of the four project locations. All other firms submitted a proposal for each project location. **Attachments B – E** provide each firm's response to the RFP. Each of the responses proposed a scope of work adequately addressing the RFP technical requirements. **Table 1** summarizes the individual and combined survey costs as appropriate. Based on the proposed costs, Taylor Engineering recommends Scheda for St. Lucie Reach I, CSA for Crossroads and Jupiter Inlet surveys, and Pinnacle for the Palm Beach County surveys.

**Table 1. Summary of Benthic Resource Survey Costs by Project<sup>1</sup>**

FIRM	ST. LUCIE REACH I	CROSSROADS + JUPITER INLET			PALM BEACH COUNTY SOUTH		
		CROSSROADS	JUPITER INLET	TOTAL	ICWW	ALT. CHANNEL	TOTAL
CSA	\$30,718	\$17,889	\$22,368	<b>\$40,257</b>	\$30,347	\$13,849	\$44,196
EAI	--	--	\$34,500	--	--	--	--
PINNACLE	\$30,290	\$32,094	\$19,630	\$51,724	\$31,740	\$3,870	<b>\$35,610</b>
SCHEDA	<b>\$22,680</b>	\$23,870	\$28,250	\$52,120	\$79,330	\$40,240	\$119,570

<sup>1</sup>Note: Bold, shaded cells indicate recommended firms for provided cost

Sincerely,

Senior Advisor, Waterfront Engineering

Attachments (5)

**Florida Inland Navigation District  
Request for Proposals  
Benthic Resources Surveys  
April 29, 2016  
Addendum May 2, 2016**

**Introduction**

Florida Inland Navigation District (FIND) is soliciting proposals for benthic resource surveys associated with four dredging projects in or associated with the Florida Intracoastal Waterway (ICW). The survey work is associated with obtaining permits or meeting permit requirements for preconstruction survey. The work at each site will include seagrass survey and hardbottom survey as noted below. One site will require initial survey work to assess the existence of hardbottom habitat which if found will require characterization.

Taylor Engineering (Taylor) is assisting FIND in identifying contractors for the natural resource surveys described in this Request for Proposals (RFP). Taylor will review and rank the proposals that meet the requirements defined below. Rankings will be provided to FIND for final decisions.

FIND may contract one or more firms for three contracts to complete the work at the four sites (see below). FIND reserves the right to reject all bids. FIND reserves the right to negotiate costs with any contractor or selected bidder based on changed site conditions, survey extents, or survey requirements.

Please send all correspondence to

David Stites  
Director, Environmental Services, Taylor Engineering, Inc.  
[dstites@taylorengeering.com](mailto:dstites@taylorengeering.com)

Proposals will be submitted electronically to Taylor at the above email address. Potential bidders may ask questions regarding the proposals by email. Questions will be received until 6:00 pm Tuesday May 3, 2016.

Proposals will be accepted until 6:00 pm, Thursday May 5, 2016, as marked by the receiving software. Any submittal may include one or more of the projects listed.

**Survey Locations**

The site work will occur at the following locations (Figures and other details provided in this RFP and through Dropbox link provided in the email to which this RFP is attached).

1. St. Lucie Inlet - ICW Crossroads area Pre-construction survey for maintenance dredging and expansion of an existing channel section to provide a sediment basin.
  - o Location: ICWW at St. Lucie Inlet Crossroads area: ICW Cut M-4 STA 20+00 through Cut M-6 STA 5+00, plus OWW Cut OW-1 STA 0+00 through Cut OW-1 STA 22+00.

- Channel width of ICW is 125' at 10' depth with 3:1 side slopes. Length of ICW channel to be surveyed is approximately 7,050'
  - OWW channel width is 80' at a depth of -8' with 3:1 side slopes. Total width of survey area, including wider areas is 350'.
  - Current project includes a widened area just west of the OWW-ICW channel confluence.
  - Other locations as described in attached survey report.
  - See attached documents for previous survey details and kmz file for location of the new sediment basin.
2. Jupiter inlet – ICW Crossroads area: Pre-construction survey for maintenance dredging. This site has been surveyed several times as a part of maintenance dredging activities. No hardbottom habitat has been identified in previous surveys.
- General Project Location: Latitude 26 56' 48.24" N / Longitude 80 4'50.52" W
  - See attached documents for project location and survey method details.
3. St. Lucie County ICW Reach 1 pre-construction survey. This site has been surveyed once as part of permit application requirements. This site includes two identified hardbottom habitat areas.
- General Project Location: Latitude 27 22'34.56 N / Longitude 80 17' 1.68" W
  - Survey about 14,000 feet of channel between Cut SL-2 STA 18+00 and Cut SL-5 STA 74+00. Approximately 14,000 ft. of channel. The channel design template has a 125 ft. bottom width and 3:1 side slopes. The design depth north of the Inlet is -12 ft. MLLW. The channel depth south of the inlet is -10 ft. MLLW, so total channel width is 200 ft. or less. Site details, methods, and information on benthic resources including two small hardbottom patches are located in the most recent (2015) survey report provided with the RFP.
  - Survey pipeline corridor to DMMA slightly north of dredging area.
  - See attached survey report for details.
4. Palm Beach County Lake Worth Lagoon ICW south of Peanut Island. This survey is required for a channel deepening permit application. Hardbottom habitat may occur within this project area. Two channels will require survey; The ICWW channel and a channel to the east shown in attached figures.
- General Project Location: Latitude 26 44'54.36N / Longitude 80 2'52.78 W
  - ICWW channel characteristics Design channel bottom width 125 ft. Top width about 200 ft. Channel length approximately 4.3 miles
  - Secondary channel characteristics: slightly narrower than the ICW, length about 1.6 miles. FIND has not decided whether to survey the ICWW Palm Beach Deepening South Alternate Channel and after selecting a contractor for the project may revise the project scope accordingly.
  - See documents for Benthic Assessment Report with survey methods and map with location of ICWW project footprint and secondary channel footprint.

#### **Bids**

FIND requests the following structure to the bids:

- FIND will likely award a single contract to complete both the St. Lucie Inlet and Jupiter Inlet Crossroads surveys. However, this RFP requests separate bids for each survey.
- Provide a separate bid for the St. Lucie County Reach 1 survey.
- Provide a separate bid with two costs for the Palm Beach County Lake Worth Lagoon survey. One cost will include survey along the ICW channel and proposed channel expansion area. The second cost will include survey of a secondary channel that connects to the ICW at the north end of the project area.
- Each project proposal will include separate task costs as shown in the table below.

Each proposer will submit to FIND an EXCEL Spreadsheet with the following structure:

Task	Costs (Nearest Dollar)				
	St. Lucie Inlet ICWW	Jupiter Inlet ICWW	St. Lucie ICWW Reach 1	ICWW Palm Beach County Lake Worth Lagoon south of Peanut Island	Palm Beach ICWW South Secondary Channel
Fieldwork					
UMAM Parts I & II (Impact)					
Draft Report					
Final Report					
<b>TOTAL</b>					

Each project proposal will require a schedule for the work, which will include the following final report deadlines:

Project	Final Report Date
ICWW Palm Beach County Lake Worth Lagoon south of Peanut Island	16 July 2016
St. Lucie Inlet - ICW Crossroads area	30 June 2016
Jupiter Inlet - ICW Crossroads area	30 July 2016
St. Lucie County Reach 1	30 August 2016

### Deliverables

Draft report products submitted to FIND will include a written report in WORD, ArcMap GIS and/or AutoCAD formats and two paper copies of the report and related figures. ArcMap GIS and/or AutoCAD files will provide the software versions of the figures depicting the locations and limits of all seagrass beds and other benthic habitat types, corals, and other pertinent features and biota. Taylor Engineering will review the draft products, provide comments and return those materials and comments to the contractor. Three bound paper copies of the final report, and two CDs containing the original software files (PDF and WORD versions of the final report, ArcMap GIS and/or AutoCAD files).

### Methods

Each survey area associated with an existing permit will proceed according to the permit requirements or agency requirements for permit application information. All sites are expected to contain seagrass. One site includes hardbottom and another may contain hardbottom. Surveys have not previously located that habitat at the other two sites.

<b>Project</b>	<b>Methods</b>	<b>Hardbottom?</b>
St. Lucie Inlet - ICW Crossroads area	Defined in Prior Survey Report	Possible
Jupiter Inlet - ICW Crossroads area	Defined in Prior Survey Report	Not previously
St. Lucie County Reach 1	Defined in prior survey Report	Yes
ICWW Palm Beach County Lake Worth Lagoon ICW south of Peanut Island	Survey for permit application – methods defined below-applicant may suggest refinements	Possible.

#### **St. Lucie Inlet Cross Roads Survey**

See attached benthic resources survey report and sediment trap coordinates

Proposal will include description of proposed survey methods and map of proposed survey area.

Include new UMAM: For each habitat identified during the fieldwork, complete Florida Unified Mitigation Assessment Methodology (UMAM) Forms Part 1 - Qualitative Description and Part 2 - Quantitative Description. If no potential impacts are identified, provide Part 2 existing environment component only.

#### **Jupiter Inlet Crossroads Survey**

See attached benthic resources survey reports and permit modification letter regarding seagrass surveys

Proposal will include description of proposed survey methods and map of proposed survey area.

The permit for Jupiter ICWW Dredging includes special conditions regarding seagrass surveys of proposed anchor and work areas that are outside the channel. It requires pre-identification of best anchor and spudding locations due to abundant seagrass in the area.

#### **St. Lucie County Reach 1**

See attached benthic resources survey report

Proposal will include description of proposed survey methods and map of proposed survey area.

#### **ICWW Palm Beach County Lake Worth Lagoon ICW south of Peanut Island**

See Benthic Assessment Report for prior survey in ICWW immediately north of the current project site. for survey methods. See map for ICWW and secondary channel survey locations.

Proposal will include description of proposed survey methods and map of proposed survey area.

The project areas have not previously been surveyed by FIND. The survey area may consist of a variety of benthic habitats including consisting of barren bottom, a variety of seagrass habitats, and a variety of hardbottom habitats with an assortment of corals and other species groups. The survey area will include the federal channel and a 100 ft. buffer from the navigation channel design template top of slope. Taylor Engineering will provide the selected contractor with the channel template in the project area. The benthic resources surveys will be conducted as described below.

#### Seagrass Quantification Methods

The seagrass survey will be conducted using the Johnson's seagrass protocols for large sites and the methods described for recent survey work conducted for ICW deepening just north of the present project site. The survey will include the entire channel and a 100 ft. buffer from the design top of channel Taylor Engineering will provide shapefiles or AutoCAD files with the channel footprint. Method details are provided in attached survey report for an ICWW project immediately north of the project site. Proposals will describe the proposed methods, including any alterations to or refinements of the methods described in the 2012 survey example.

#### Hardbottom Quantification Methods

1. Identify and quantify location of all hardbottom habitat and characterize different hardbottom habitat types as (1) emergent rock; (2) occasional rock within sand; (3) outcrop; and (4) ledge habitat and other characteristic types as necessary.
2. Perform hardbottom surveys within representative blocks of each habitat type. If water quality or other environmental conditions vary significantly along the project area characterize representative blocks by characteristic environmental condition.
3. Summarize the hardbottom habitat biological communities by hardbottom habitat type including GPS-mapped hardbottom habitat locations, species lists, percent cover, and hard-coral specific size data. Provide example photographs of each habitat types and dominant species / species groups.
4. Survey and locate any hard corals found within the with-project equilibrium slope and for a distance of 10 feet beyond that slope. The species basal size or other (species dependent) characteristic dimension and specific GPS locations of these corals shall be recorded. The contractor shall provide the data to FIND within 30 days of completion of the resource survey and within 60 days of the survey shall provide the GPS coordinates to the Department. The contractor will coordinate with FIND and regulatory agencies to identify and gain approval for a permanent relocation site or sites.
5. Proposals will describe the proposed methods, including any necessary additional details and alterations to the methods described above so that local state and federal regulatory agencies will find the data acceptable for permit application review purposes, including impact and mitigation assessments.

#### UMAM Development

Complete UMAM Forms Part 1 - Qualitative Description and Part 2 - Quantitative Description for potential impacts. If no potential impacts are identified, provide Part 2 existing environment component only.



May 5, 2016

David Stites, Ph.D.  
 Taylor Engineering  
 10151 Deerwood Park Blvd.  
 Bldg. 300, Suite 300  
 Jacksonville, FL 32256  
[dstites@taylorengeering.com](mailto:dstites@taylorengeering.com)

**Re: SCOPE OF SERVICES & ASSOCIATED FEE ESTIMATE**  
 FIND Benthic Resources Surveys  
 St. Lucie & Palm Beach Counties, Florida  
*Scheda Proposal Nos. 003569.20.P, 003570.20.P, & 003571.20.P*

Dear Dr. Stites:

**Scheda Ecological Associates, Inc. (Scheda)** is pleased to submit this scope of services and fee estimate to conduct submerged resources assessments in the Intracoastal Waterway (ICWW) for the following four (4) projects: 1) St. Lucie Inlet Crossroads Pre-Construction Survey; 2) Jupiter Inlet Crossroads Pre-Construction Survey; 3) St. Lucie County ICWW Reach 1 Pre-Construction Survey; and 4) Palm Beach County Lake Worth Lagoon ICWW South of Peanut Island Survey.

### SCOPE OF SERVICES

#### Task Description

##### **1) SEAGRASS/HARDBOTTOM HABITAT SURVEY & DELINEATION**

Scheda will conduct the benthic resources surveys using a team of scientific divers experienced in identifying seagrass species and hardbottom habitat species/types in Florida. Project specific survey methodologies are detailed for each of the four (4) projects at the end of this document. Maps depicting the limits of each survey area are also provided at the end of this document. In General, all areas within a 100-foot buffer surrounding the ICWW channel limits will be surveyed. Each survey will be conducted in accordance with the NMFS Johnson's seagrass survey protocols (specifically the "Recommendations for sampling large project sites (>1 hectare)" of the "Final Recover Plan for Johnson's Seagrass"). The seagrass habitat characterization will include size (square footage) of each identified resource area, species composition, density (approximate percent cover of Johnson's seagrass and other identified species), and relative health of seagrasses. Scheda will also record observations of all other water column and benthic species observed along each transect and the overall abundance characterized as rare, common, or abundant. Locations of any sponges, tunicates, octocorals, and/or hard corals will be located with GPS and the locations provided in tabular and map formats in the final report. Any identified hardbottom areas will be surveyed using in situ diver transects (sampling with one square meter quadrats along transects). The hardbottom will be categorized into four (4) habitat types: 1) emergent rock; 2) occasional rock within sand; 3) outcrop; and 4) ledge. Hardbottom patch boundaries will be mapped with sub-meter accuracy GPS. Any hard corals with a diameter greater than or equal to 10 cm and octocorals in excess of 15 cm in length will also be located with sub-meter accuracy GPS. The results of the survey effort will be summarized in a report, as detailed in Task 3 below.

##### **2) UMAM IMPACT ASSESSMENT**

Scheda will complete UMAM forms Part I and II for all identified seagrass beds and hardbottom habitat areas that will be directly impacted by the planned dredging activities. If available, Scheda will review previously completed seagrass UMAM impact sheets and compare the UMAM impact



David Stites, Ph.D.  
May 5, 2016  
Page 2 of 12

scores to the results of the Task 1 benthic resources assessment. If the observations from the Task 1 surveys yield results that differ greatly from the previously completed UMAM scores, Scheda will identify those differences by editing the existing UMAM sheets (via track changes) and provide written justification for any proposed score changes.

### 3) SUMMARY REPORTS

Upon completion of the field work, Scheda will provide summary reports highlighting the results of the submerged resources assessment. The reports will include a description of methods and level of survey accuracy utilized to carry out the submerged resources survey, general characterization of protected resource conditions, and summaries of survey results including a list of observed flora and fauna. The reports will include graphics that depict the locations of all diver transects, protected resource areas boundaries, seagrass density/coverage, location and limits of Johnson's seagrass beds, location of hardbottom habitat types, and locations of any identified corals that meet the relocation size criteria. The reports will compare the observed seagrass and/or hardbottom habitat areas to the project dredge impact footprint.

Draft reports will be provided to Taylor Engineering in Word format and hard copies (two) for initial review. Three (3) bound hard copies and one digital copy of all written reports will be provided within three (3) business days following receipt of comments/revisions to the draft report. Two (2) DVDs containing electronic copies of the final report and shapefiles for all graphic features will be provided in Autocad and ArcGIS formats.

### PROJECT SCHEDULE

**Table 1** on the next page provides a proposed schedule to complete all tasks and deliverables required for each project. Please note that it is assumed that pre-construction benthic resource surveys typically must begin no sooner than 30 days prior to the scheduled dredging commencement date per permit conditions. Therefore, a relatively aggressive schedule was established for the three (3) pre-construction survey projects to fulfill this 30-day permit condition.

**Table 1. Proposed Project Schedule**

Task	Proposed Schedule (Calendar Date)				
	St. Lucie Inlet ICWW	Jupiter Inlet ICWW	St. Lucie ICWW Reach 1	ICWW Palm Beach County Lake Worth Lagoon S. of Peanut Island	Palm Beach ICWW South Secondary Channel
Begin Fieldwork	June 1, 2016	July 1, 2016	Aug. 1, 2016	June 1, 2016	June 20, 2016
Complete Fieldwork	June 13, 2016	July 14, 2016	Aug. 12, 2016	June 28, 2016	June 30, 2016
Submit Draft Report to Taylor Engineering for Review	June 22, 2016	July 22, 2016	Aug. 22, 2016	July 8, 2016	July 8, 2016
Revise Report	June 28, 2016	July 28, 2016	Aug. 26, 2016	July 14, 2016	July 14, 2016
Submit Final Report including all GIS/AutoCAD files	June 30, 2016	July 30, 2016	Aug. 30, 2016	July 16, 2016	July 16, 2016
Complete UMAM Part I & II Impact Assessments	July 8, 2016	N/A	Sept. 7, 2016	July 22, 2016	July 22, 2016

David Stites, Ph.D.  
May 5, 2016  
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### FEE ESTIMATE

**Table 2** lists proposed fees for various tasks associated with each submerged resources assessment project, in a format matching what was listed in the RFP.

**Table 2. Proposed Fee Table**

TASK	Proposed Fee (Nearest Dollar)				
	St. Lucie Inlet ICWW	Jupiter Inlet ICWW	St. Lucie ICWW Reach 1	ICWW Palm Beach County Lake Worth Lagoon S. of Peanut Island	Palm Beach ICWW South Secondary Channel
Fieldwork	\$17,590.00	\$23,070.00	\$17,600.00	\$69,990.00	\$31,560.00
UMAM Parts I & II (Impact)	\$1,100.00	\$0.00	\$1,100.00	\$1,100.00	\$1,100.00
Draft Report	\$4,400.00	\$4,400.00	\$3,200.00	\$7,460.00	\$6,800.00
Final Report	\$780.00	\$780.00	\$780.00	\$780.00	\$780.00
<b>TOTAL</b>	<b>\$23,870.00</b>	<b>\$28,250.00</b>	<b>\$22,680.00</b>	<b>\$79,330.00</b>	<b>\$40,240.00</b>

Each total fee listed in Table 2 will be considered a lump sum fee estimate, which will not be exceeded without prior written authorization from the Client. The project will be billed monthly based upon the percentage completion of the fee.

Thank you for the opportunity to provide this scope and fee. Please contact me at (561) 865-7749 if you have any questions or require additional information.

Sincerely,  
**Scheda Ecological Associates, Inc.**

**Greg Juszli**  
Southeast Florida Regional Manager

**Attachments:**

- 1) St. Lucie Inlet Crossroads Survey Methods and Survey Area Map
- 2) Jupiter Inlet Crossroads Survey Methods and Survey Area Map
- 3) St. Lucie County ICWW Reach 1 Survey Methods and Survey Area Map
- 4) Palm Beach County Lake Worth Lagoon ICWW South of Peanut Island Survey Methods and Survey Area Map





David Stites, Ph.D.  
May 5, 2016  
Page 9 of 12

## **ST. LUCIE COUNTY ICWW REACH 1 PRE-CONSTRUCTION SURVEY**

### **Survey Methodology**

The survey will use the same methodology that was utilized in the November 2014 Benthic Habitat Assessment. Scheda completed this assessment, and will be able to reproduce the methods used with no issue, including using the same transect locations in the ICWW and DMMA. The hardbottom habitat survey was removed from the RFP, therefore no hardbottom habitat survey will be conducted.

### **Survey Area**

A map depicting the survey area limits is attached.



CSA Ocean Sciences Inc.

8502 SW Kansas Avenue  
Stuart, Florida 34997

[www.csaocean.com](http://www.csaocean.com)

Phone: 772-219-3000  
Fax: 772-219-3010

## MEMORANDUM

Date: 5 May 2016  
To: Mr. David Stites, Director, Environmental Services, Taylor Engineering, Inc.  
From: Keith Spring, Senior Scientist, CSA Ocean Sciences Inc.  
Frederick B. Ayer, II, CSA Ocean Sciences Inc.  
Re: Proposal to Conduct the Benthic Resources Survey at the St. Lucie ICW Crossroads Project Area

---

CSA is pleased to provide our proposal to Taylor Engineering, Inc. (Taylor) to conduct the Benthic Resources Survey at the St. Lucie ICW Crossroads Project Area (**Figure 1**) under a work order from the Florida Inland Navigation District (FIND). The proposed Scope of Services (SOS), the cost for the Benthic Resources Survey and figure depicting the SOS are provided below.

### PROPOSED SURVEY METHODOLOGY

CSA will conduct the pre-construction seagrass survey at the St. Lucie ICW Crossroads associated with obtaining permits and meeting permit requirements. The survey will be conducted in two phases: 1) seagrass habitat mapping and 2) estimation of seagrass coverage and, if found, hard bottom characterization. According to the previous survey by Dial Cordy and Associates (2013), no hard bottom was found in the area.

During Phase 1, CSA will conduct a reconnaissance survey to identify seagrass habitats in the St. Lucie ICW Crossroads project area through towed diver surveys. CSA will tow a diver parallel to the navigation channel to identify areas of seagrass which will be recorded in Hypack navigational software interfaced with a Trimble differential Global Positioning System (DGPS). Three CSA personnel (one towed diver, one standby diver, and one vessel operator) will conduct the seagrass diver tows. Observations will be conducted along transects similar to those conducted in the 2013 survey (Dial Cordy, 2013<sup>1</sup>). Following identification of seagrass beds *in situ*, geospatial technicians will import Hypack data into Esri ArcGIS to determine the area of seagrass extent within the project boundaries, which will guide transect and quadrat placement for the second phase of the survey.

Seagrass distribution, density and abundance within seagrass beds identified during Phase 1 will be assessed during the second phase of the survey. Belt transects will be conducted only in areas where seagrasses were found during the first phase.

---

<sup>1</sup> Dial Cordy and Associates Inc. 2013. Pre-construction submerged natural resource survey for the crossroads maintenance dredging project. Final Report. 21 pp. Submitted to FIND 24 July 2013.





Figure 1. Project location for the benthic resources survey at the St. Lucie ICW Crossroads Project Area.

Seagrass coverage can be spatially autocorrelated if transects are spaced less than 40 m apart (Fonseca, 1996<sup>2</sup>; Fonseca et al., 2008<sup>3</sup>); therefore, CSA will survey belt transects spaced approximately 50 m apart. Seagrass species distribution along each transect will be delineated by the divers swimming along a weighted line marked in meters. These data will be added to the ArcGIS database and compiled into seagrass habitat maps. To assess the abundance and density of seagrasses, point intercept methods will be applied along each transect for quadrat (1.0 m × 1.0 m) sampling to estimate species composition, percent cover, abundance, shoot density, and blade length data, as well as presence of flowering, using multiple 10-cm × 10-cm cells. Seagrass coverage will be classified using Braun-Blanquet (1932)<sup>4</sup> density estimations. A sufficient number of quadrats will be sampled to quantify the minimum of 1% of the area identified as containing seagrass in Phase 1 per the NMFS large area protocols for Johnson's seagrass surveys.

UMAM Forms Part 1 and, if necessary, Part 2, will accompany the draft and final report to be completed as part of this survey.

## PROJECT SCHEDULE

Table 1 presents a brief project schedule associated with survey and reporting efforts for the Benthic Resources Survey at St. Lucie County ICW Crossroads.

Table 1. Project schedule.

Tasks	Date
Earliest Survey Start	1 June 2016
Draft Report	12 June 2016
Final Report	30 June 2016

## COST SUMMARY

Table 2 provides the total lump sum cost and breakdown by task for the Benthic Resources Survey at St. Lucie County ICW Crossroads.

Table 2. Proposed cost of survey tasks.

Task	St. Lucie County ICW Crossroads Costs (Nearest Dollar)
Fieldwork	\$12,896
UMAM Parts I & II (Impact)	\$1,177
Draft Report	\$2500
Final Report	\$1,326
<b>TOTAL</b>	<b>\$17,889</b>


<sup>2</sup> Fonseca, M.S. 1996. Scale dependence in the study of seagrass systems, pp. 95-104. In: Kuo, J., R.C. Phillips, D.I. Walker, H. Kirkman (eds.), *Seagrass Biology: Proceedings of an International Workshop*. Jan. 25-29, Rottneest Island, W. Australia, Australia. Faculty of Sciences, Univ. of W. Australia, Jan. 1996. 366 pp.

<sup>3</sup> Fonseca, M.S., W.J. Kenworthy, E. Griffith, M.O. Hall, M. Finkbeiner, and S.S. Bell. 2008. Factors influencing landscape pattern of the seagrass *Halophila decipiens* in an oceanic setting. *Est. Coastal Shelf Sci.* 76:163-174.

<sup>4</sup> Braun-Blanquet, J. 1932. *Plant Sociology: The Study of Plant Communities*. G.B. Fuller and H.S. Conrad (eds.). Koeltz Scientific Books.



CSA appreciates the opportunity to provide our project scope and associated costs. If you have any questions or require additional information, please contact me (772-219-3019; [kspring@conshelf.com](mailto:kspring@conshelf.com)) at your convenience.



Keith Spring  
Senior Scientist



Frederick B. Ayer, II  
Vice President, General Manager



CSA Ocean Sciences Inc.

[www.csaocean.com](http://www.csaocean.com)8502 SW Kansas Avenue  
Stuart, Florida 34997Phone: 772-219-3000  
Fax: 772-219-3010

## MEMORANDUM

Date: 5 May 2016

To: Mr. David Stites, Director, Environmental Services, Taylor Engineering, Inc.

From: Keith Spring, Senior Scientist, CSA Ocean Sciences Inc.  
Frederick B. Ayer, II, Vice President, CSA Ocean Sciences Inc.

Re: Proposal to Conduct the Pre-Construction Seagrass Survey for the Maintenance Dredging in the Vicinity of Jupiter Inlet, Florida

---

CSA Ocean Sciences Inc. (CSA) is pleased to provide our proposal to Taylor Engineering, Inc. (Taylor) to conduct the Pre-Construction Seagrass Survey for the Maintenance Dredging in the Vicinity of Jupiter Inlet for under a work order from the Florida Inland Navigation District (FIND) (**Figure 1**). CSA will use the previously approved survey plan to document the presence of seagrass, specifically *Halophila johnsonii*, using methods approved by the National Marine Fisheries Service (NMFS) and in compliance with the Florida Department of Environmental Protection (FDEP) permit conditions. The proposed Scope of Services (SOS) and cost for the Pre-Construction Seagrass Survey are provided below.

### PROPOSED SURVEY METHODOLOGY

In order to meet the FDEP permit condition that states “prior to each subsequent dredging event, a new pre-construction seagrass survey shall be conducted between June 1 and August 31 in the areas where dredging is to occur for each particular maintenance event,” CSA proposes to conduct the survey between June 1 and August 31, 2016 using and previously approved survey methods. The benefits of having CSA perform this survey for FIND include our familiarity with the site conditions, ease of data transfer, and consistency in the quality of reporting (CSA was contracted by FIND in 2013 and 2014 to conduct similar surveys at this site).

CSA has included cost estimates for two areas in the vicinity for this survey and can conduct this survey separately or combined. Transects within Cuts P-1, P-2, P-3, and P-4 were grouped as one area and the Crossroads portion west of the US 1 bridge was costed as a separate area. CSA proposes to conduct the survey on all areas required. CSA will use the pre-plotted transect locations and a diver-operated navigation system to swim along the transects and conduct a line-intercept sampling approach. Along each transect within the Atlantic Intracoastal Waterway and anchor zones, CSA will collect data to determine seagrass percent cover, abundance, and species composition using the same quantitative sampling approach as previously approved. CSA proposes a reconnaissance diver swim to confirm the absence of seagrass within areas historically devoid of seagrass in previous surveys.

---



Figure 1. Project location for the Pre-Construction Seagrass Survey for the Maintenance Dredging in the Vicinity of Jupiter Inlet, Florida.

CSA will conduct the Pre-Construction Seagrass Survey after 1 June 2016 and prepare a report and map of the survey results (**Table 1**). The survey map will include water depths and bottom contours and indicate the locations of all seagrass within the survey area. The final deliverable will include written survey reports and accompanying maps of the surveyed areas in hard and digital formats. Digital maps will be provided in ARCHINFO GIS as well as CAD.

Table 1. Project schedule.

Tasks	Date
Earliest Survey Start	1 June 2016
Draft Report	20 July 2016
Final Report	30 July 2016

## COST SUMMARY

**Table 2** provides the total lump sum cost and breakdown by task for the Jupiter Inlet ICWW Pre-Construction Seagrass Survey.

Table 2. Proposed cost of survey tasks for Jupiter Inlet.

Task	Transects (Cut P-1, P-2, P-3, and P-4)	Crossroads (West of US 1 bridge)
Fieldwork	\$13,923	\$3,481
UMAM Parts I & II (Impact)	-	-
Draft Report	\$2,606	\$870
Final Report	\$1,117	\$371
<b>TOTAL</b>	<b>\$17,646</b>	<b>\$4,722</b>
<b>COMBINED TOTAL</b>	<b>\$22,368</b>	

CSA appreciates the opportunity to provide our project scope and associated costs to conduct the Jupiter Inlet ICWW Pre-Construction Seagrass Survey. If you have any questions or require additional information, please contact me (772-219-3019; [kspring@conshelf.com](mailto:kspring@conshelf.com)) at your convenience.



Keith Spring  
Senior Scientist



Frederick B. Ayer, II  
Vice President, General Manager



**BENTHIC ASSESSMENT AND RESOURCE SURVEYS  
ASSOCIATED WITH PROPOSED ICWW  
MAINTENANCE DREDGING ACTIVITIES**

**PROPOSAL**

5 May 2016



**Prepared for:**

David Stites  
Director, Environmental Services  
Taylor Engineering, Inc.  
10151 Deerwood Park Boulevard  
Jacksonville, Florida 32256 USA  
P: 904-731-7040

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**Prepared by:**

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## I. INTRODUCTION

Pinnacle Ecological, Inc. (Pinnacle) is pleased to submit this proposal and cost estimate to conduct benthic assessment surveys in association with proposed maintenance dredging activities in the Intracoastal Waterway (ICWW) throughout Florida's treasure coast. Project locations will include: 1 - St. Lucie Inlet ("Crossroads"); 2 - Jupiter Inlet Crossroads; 3 - St. Lucie County Reach 1; and 4 - Palm Beach County. Project proposals including technical approach, deliverables and schedules have been presented separately due to subtle differences unique to each project. A table has been presented summarizing costs as requested in the scope of work.

Pinnacle has assembled a specialized team familiar with this region of Florida's ICWW and its diverse environmental and natural resources. By assembling a team of smaller specialized firms, Florida Inland Navigation District (FIND) will receive the benefit of a coordinated team of specialists to address the project needs in their respective professional fields and within the strict schedule identified for each of the proposed projects. The composite result is a lean, competent and highly qualified team. The team consists of Pinnacle as the prime contractor with a highly respected supporting sub-contractor Dial Cordy and Associates, Inc. (Dial Cordy). Pinnacle will lead this team of qualified marine scientists to ensure scientific quality control for all field data collection and data analysis, manage scientific diver safety and to ensure deliverables are submitted within the proposed schedule. Dial Cordy will provide additional qualified scientific field scientists to ensure that field surveys meet the strict schedules identified in the scope of work.

**Pinnacle** is an environmental science consulting company specializing in the study of marine, estuarine and coastal ecology. With locations in Boynton Beach and Fort Lauderdale, Pinnacle and its team of highly qualified scientists can rapidly mobilize to access coastal survey areas typically sensitive to weather and sea conditions. Pinnacle has extensive experienced studying the coastal and estuarine natural resources throughout Florida. Pinnacle's scientists are experts at field data collection, data management and production of peer reviewable products. We are accustomed to working within strict project schedules while adhering to rigorous national security and health/safety requirements. Pinnacle focusses on environmental impact assessments, environmental due diligence, feasibility and risk assessment studies for identifying potential short and long term risks associated with port and ICWW dredging and related coastal and offshore marine development. We also investigate the potential environmental and economic impacts to important resources including coral reefs, seagrass and mangrove habitats. Pinnacle provides full service environmental permitting from project concept to completion. Pinnacle is recognized throughout the industry as experts in the field of marine environmental science and for streamlining the environmental process from concept through completion to avoid potential impacts and maintain project schedules.

**Dial Cordy** is an independently owned environmental consulting firm, specializing in providing coastal and marine resource assessments and regulatory compliance services for federal, state, and local governmental agencies. Since 1984, Dial Cordy has provided technically sound and responsive services in support of projects for navigation improvements, shore protection, dredged material management and beneficial use, and ecosystem restoration (including mitigation design and monitoring). Dial Cordy has the capabilities, resources and expertise to design and implement biological, chemical, geotechnical, and major habitat/resource characterization studies in riverine, estuarine and marine environments. Furthermore, the firm has developed an excellent reputation for technical competence and the ability to efficiently resolve sensitive environmental and regulatory challenges

## 4.0 PALM BEACH COUNTY

### INTRODUCTION

The Pinnacle Team is pleased to submit this proposal to conduct a benthic resource survey in Lake Worth Lagoon, south of Peanut Island in Palm Beach County, Florida. **Figures 4a and 4b** show the location of the two proposed survey areas. The primary survey area is a 4.3 mi (6920.2 m) stretch of the Intracoastal Waterway (ICWW) including a 100-ft buffer area to either side of the channel. The secondary survey area includes the smaller channel, with 100-ft buffer areas on either side, located east of the ICWW. The total area for both of the channel covers approximately 243 acres (983.386 m<sup>2</sup>). The benthic resource survey will be conducted in support of dredging proposed for these locations. The objective of this benthic assessment survey will be to identify benthic resources in vicinity of the proposed projects which could be impacted by dredging and dredging related activities; including dredge pipeline placement, anchor placement, vessel operations, and/or excessive turbidity. Pinnacle's team of marine scientists will conduct *in situ* identifications of marine resources, delineating, mapping and quantifying seagrasses, hardbottom, and other resources in support of planning and environmental permit requirements. A separate cost has been provided for each of the survey areas, the cost estimate can be found in Section III on page 31 of this proposal. In addition to the benthic assessment report, deliverables will include shapefiles of the mapped resources and copies of video and/or still photographic data collected during the in-water surveys.

### BACKGROUND

Seagrass communities play an important role in the marine ecosystems of Florida. The range of seagrass growth is limited by light availability, and typically occurs in water less than 10-15 m (32.8-49.2 ft) in depth (Zieman, 1982). Several species of seagrass typically occur in Lake Worth Lagoon, including shoal grass (*Halodule wrightii*), turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium filiforme*), paddle grass (*Halophila decipiens*), and Johnson's seagrass (*Halophila johnsonii*) (Yarbro and Carlson, 2011). Three of these species; (*Halodule wrightii*), paddle grass (*Halophila decipiens*), and Johnson's seagrass (*Halophila johnsonii*) were found in a previous survey located the vicinity of the proposed dredging area (Scheda and Pinnacle, 2012). Seagrasses are sensitive to environmental changes including decreases in light availability and dredging of sandy and muddy bottoms (Fourqurean et al., 2001). Seagrasses serve as essential habitat supporting diverse assemblages of recreational and commercially important fishes and invertebrates. They also provide habitat for the Florida manatee (*Trichechus manatus latirostris*), which is federally listed as an endangered species under the Endangered Species Act (ESA) and has been reported to occur in vicinity of the project area.

Hardbottom communities are made up of epibenthic fauna on exposed areas of rock or consolidated sediments. Areas of hardbottom can be found throughout coastal Florida. Communities are generally characterized by a combination of algae, sponges, octocorals, and stony corals. Hardbottom is used by a variety of fishes, sea turtles, and other species of special concern. Risks to hardbottom habitat include sediment accretion and damage from vessel groundings and anchors.

The benthic assessment survey will also identify and delineate substrate that is classified as Essential Fish Habitat (EFH). The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) defines EFH as "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." This includes substrate such as hardbottom and associated biological communities (NMFS,

PROPOSED BENTHIC ASSESSMENT SURVEYS  
FLORIDA INLAND NAVIGATION DISTRICT

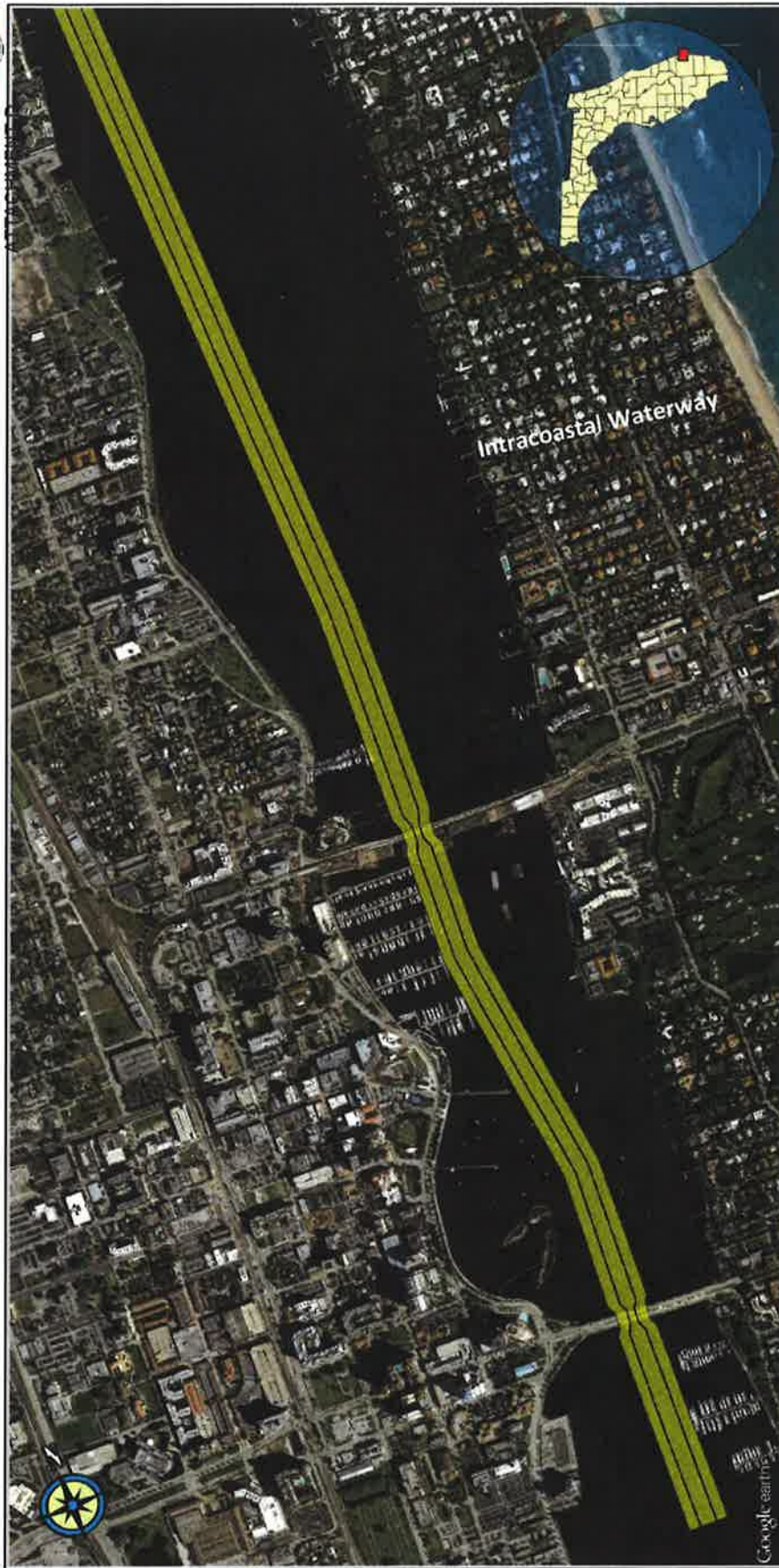
ATTACHMENT D  
PINNACLE ECOLOGICAL, INC.  
2016 

1999). Conservation of EFH is essential to support local fish populations that utilize these areas throughout their life history.



**Figure 4a** Location of the proposed survey area for the Palm Beach County benthic assessment and natural resource survey near Fort Pierce, Florida. Image credit: Google Earth, 2016





# LEGEND



— Proposed Survey Area for Palm Beach County (243 acres)



— ICWW Boundaries

## SCALE



**Figure 4b.** Location of the proposed survey area for the Palm Beach County benthic assessment and natural resource survey near Fort Pierce, Florida. Image credit: Google Earth, 2016

## TECHNICAL APPROACH

### Benthic Assessment Survey

Pinnacle's scientific team will follow the guidelines set forth by the National Marine Fisheries Service (NMFS), US Army Corps of Engineers (USACE), the Florida Department of Environmental Protection (FDEP) and the Florida Fish and Wildlife Conservation Commission (FWC) for benthic assessments and seagrass surveys (June 1<sup>st</sup> through September 30<sup>th</sup>, NMFS, 2011 and April 1<sup>st</sup> through August 31<sup>st</sup>, FWC, 2011). The benthic assessment will be conducted by a survey team consisting of scientific divers experienced in conducting resource assessments of habitats similar to those found in Lake Worth Lagoon. The survey methodology will be approached in two phases in accordance with recommendations by the NMFS (2002) recovery plan for Johnson's Seagrass. During Phase I Pinnacle team scientists will do a preliminary visual reconnaissance survey of the area to delineate existing seagrass and hardbottom habitat boundaries. Phase II involves detailed sampling of the areas of seagrass and other marine resources identified during Phase I.

#### Phase I

The first phase will be an initial reconnaissance of the survey area(s) to identify and delineate existing marine resources including seagrass beds and hardbottom habitat. The survey area(s) will include the proposed dredging area including a 100 ft buffer area(s) around each location, identified in **Figures 4a** and **4b**. This will provide adequate coverage to accommodate the proposed dredging area(s) and a buffer area for any resources that may occur adjacent to the area. The total area(s) that will be surveyed is 243 acres (983,386 m<sup>2</sup>). Reconnaissance surveys will be conducted by towing a scientific diver experienced at identifying seagrasses, particularly *Halophila* spp., under similar conditions, throughout the survey area(s). Scientific divers will wear full-faced masks equipped with wireless underwater telecommunications, which allow the diver to report real-time observations and the occurrence of marine resources to surface support personnel. The scientific divers will tow a surface buoy equipped with a Differential Global Positioning System (DGPS) navigation receiver. Divers will be followed by a surface support scientist in a support vessel. The qualified scientific diver will swim throughout the survey area and report the presence of any marine resources and seagrasses to the support scientist. The surface support scientist will document all occurrences of seagrass and record seagrass presence using navigational coordinates, depth, and abundance. In areas with extensive seagrass or other marine resources, detailed navigational coordinates will be collected using a DGPS navigational receiver. Navigational coordinates will be collected in Datum WGS-1984 with units of measure in US feet.

#### Phase II

The second phase will be used to determine densities of seagrass and other marine resources using quantitative sampling methods. Biological densities will be determined along modified belt transects evenly distributed across seagrass beds and hardbottom habitats observed during Phase I. Belt transects will be conducted *in situ* by a scientific diver equipped with a 1.0-m<sup>2</sup> (11-ft<sup>2</sup>) quadrat (1.0 m x 1.0 m [3.3 ft x 3.3 ft]). Quadrat sampling locations will be determined using a stratified random sampling design. The number of transects will vary depending on the size of the seagrass bed and/or hardbottom habitat, but sampling areas will have a total cover of at least 1.0 % of the specific habitats observed during Phase I. The number of transects and quadrats will adequately describe distribution, abundance and percent cover for seagrasses and marine resources colonizing hardbottom habitats in the survey area. Scientific divers also will collect species composition, shoot density, blade length and note the presence of flowering using multiple 10 x 10-cm cells of the 1.0 m<sup>2</sup> quadrat. Abundance will be recorded using the Braun-Blanquet scale of abundance (Braun-Blanquet, 1932).



If any hardbottom areas are located during Phase I, they will be identified using the following habitat types: emergent rock, occasional rock within sand, outcrop, ledge habitat, or any other characteristic type as needed. Representative surveys will be performed for each hardbottom habitat type identified. If water quality and/or other environmental conditions vary significantly throughout the project area, surveys will be conducted on hardbottom found in each of the distinct environments. Data collection will include species identification to the lowest practical level and percent biotic cover. Still photographs and/or video will be collected for each hardbottom habitat and dominant species observed. GPS locations and basal size (or other species dependent characteristic) will be recorded for any hard corals found within the with-project equilibrium scope and within a distance of 10 ft (3.3 m) beyond the slope. Pinnacle's team will provide any hard coral data to FIND within 30 days of survey completion and within 60 days will provide the GPS locations to FWC. Pinnacle's team will coordinate with FIND and regulatory agencies to identify and gain approval for a permanent relocation site(s) for the corals.

Other data collected will include identification of biota observed during the survey including macroalgae, sponges and fishes. Biota will be identified to lowest practical level in the field. Species of special concern will be noted if observed during the benthic assessment survey including manatee, sea turtles and smalltooth sawfish. Qualitative video and/or still photographic data will be collected for identification verification of seagrasses and other colonizing marine resources observed during the benthic assessment survey.

#### **Benthic Resource Mapping and Data Analysis**

Data collected during the benthic assessment survey will be used to produce a site map of the proposed dredging, DMMA pipeline corridor, and buffer areas, showing seagrass patch/bed and hardbottom habitat locations. The size of each seagrass patch/bed and/or hardbottom habitat will be determined, and a total area of seagrass and/or hardbottom will be calculated. The frequency of occurrence, abundance, and density for each seagrass species present in the transect quadrats will be determined. Average percent cover values will be determined for any macroalgae, sponges, or other invertebrates present in the quadrats. Hardbottom data will be summarized by habitat type in order to generate species lists, percent cover, and hard-coral size data. The data will be used to complete a UMAM Parts I & II for each of the habitats identified during the benthic assessment survey.

## REFERENCES

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- Florida Fish and Wildlife Conservation Commission (FWC). 2011. Recommended survey protocols for estuarine and marine submerged aquatic vegetation (SAV) related to permitting applications.
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- National Marine Fisheries Service. 1999. Essential Fish Habitat: New marine fish habitat conservation mandate for federal agencies. Southeast Regional Office, St. Petersburg, FL.
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- Zieman, J.C. 1982. The ecology of the seagrasses of south Florida: a community profile. U.S. Fish and Wildlife Service 82/25.

### DELIVERABLES

Deliverables include a map of all seagrass beds and hardbottom habitats located within the proposed dredging, channel expansion, and buffer areas delineated during the benthic assessment survey, the area of each seagrass bed/hardbottom habitat, as well as total area of impacts for each, UMAM Parts I & II for each habitat type observed during the survey, and draft and final reports. The draft report will be submitted to FIND and will include a written report in Word, and the shapefiles (Arc GIS or Auto Cad) delineating the benthic resources observed during the survey, and two paper copies of the report and figures. Shapefiles will depict the locations and limits of all seagrass beds and other benthic habitat types, corals, and any other pertinent information. The Final report deliverables include; three bound paper copies of the final report, and two CDs containing the original files (PDF and Word versions of the final report, and shapefiles).

### SCHEDULE

Upon notice to proceed, Pinnacle's team will implement the following schedule:

TASK						
Mobilization	Fieldwork	Draft Report	UMAM Parts I & II	Submittal of Draft Report	Address Draft Changes	Submittal of Final Report
1 day 13 June 2016	7 days 14 June 2016 to 19 June 2016	5 days 24 June 2016 to 30 June 2016	2 days 1 July 2016 to 4 July 2016	5 July 2016	4 days 12 July 2016 to 15 July 2016	16 July 2016

**Note:**

**Scientific Dive Operations Management & Safety**

Due to the proximity of the benthic assessment survey to an active marina and navigable channel in the Intracoastal Waterway, special considerations will be implemented to ensure diver safety during survey operations. Sufficient staffing with a full team of AAUS certified scientific divers, safe and stable dive vessel, surface signaling devices, dive flags and floats and other safety precautions will be employed to ensure the safety of all personnel involved in the seagrass assessment survey.



## III. COST ESTIMATE

Task	Costs (Nearest Dollar)				Palm Beach ICWW South Secondary Channel
	St. Lucie Inlet ICWW	Jupiter Inlet ICWW	St. Lucie ICWW Reach 1	ICWW Palm Beach County Lake Worth Lagoon south of Peanut Island	
Fieldwork	26,204	15,890	24,400	25,850	3,870
UMAM Parts I & II (Impact)	2,150	0	2,150	2,150	0
Draft Report	2,840	2,840	2,840	2,840	0
Final Report	900	900	900	900	0
<b>TOTAL</b>	<b>32,094</b>	<b>19,630</b>	<b>30,290</b>	<b>31,740</b>	<b>3,870</b>

☐ = Costs associated with analysis, reporting and UMAM for "Palm Beach ICWW South Secondary Channel" will be considered shared with "ICWW Palm Beach County Lake Worth Lagoon south of Peanut Island."



### **MEMORANDUM**

TO: Mark Crosley, Executive Director  
Florida Inland Navigation District

FROM: Jon C. Moyle, Jr. 

DATE: April 19, 2016

RE: Final 2016 Report on Florida Legislative Activity and Bills of Interest

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Please accept this as the final 2016 legislative report to you and the Board on the 2016 regular legislative session. This memorandum reports on the final status of a number of issues of interest to the Florida Inland Navigation District ("FIND") and provides an update on some other general issues that received considerable attention this session. I also attached a list of bills that were monitored for FIND this past session.

### **GENERAL OVERVIEW**

The 2016 session followed a predictable course. Disagreements between the House and Senate did not become personal in nature, which unfortunately was the case during the 2015 legislative session. During the session, a total of 1,814 bills were filed but only 279 bills passed both legislative bodies for the Governor's action.

### **TAX AND BUDGET INFORMATION**

The House and Senate budget conferees agreed upon a record budget of \$82 billion dollars, which the Governor signed. While many expected the Governor to aggressively use his veto pen, he did not. Specifically, he vetoed \$256.1 million in projects, with most of the stricken items being local projects of one type or another.

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There are two vetoed items that I wanted to point out as possibly being of interest. The Governor vetoed \$1.5 million dollars that was earmarked for "marine navigability improvements on the Loxahatchee River" and \$150,000 to the Miami River Commission for fixed capital outlay associated with "environmental river restoration".

The Governor was not able to secure \$250 million for business recruitment incentives, which was one of his priorities, nor did the Legislature enact \$ 1 billion in tax cuts, another priority. The Legislature did provide for approximately \$120 million dollars in tax reductions, with a sales tax exemption for manufacturers and a back to school sales tax holiday being two large items. The Governor signed this legislation last week.

#### **ISSUES AND BILLS OF INTEREST TO FIND**

As previously reported, House bill 479 (Rep. Larry Metz, R. Eustis) and Senate Bill 956 (Senator Kelli Stargel, R. Lakeland) became law and address matters found in special district legislation which previously passed the Legislature. I previously detailed the nature of the changes that are contained within these bills. The Governor acted favorably on this legislation on March 9, 2016. The effective date of this special district legislation is October 1, 2016. House Bill 745 (Rep. Nunez, R. Miami) and Senate Bill 516 (Senator Ring, D. Margate) prescribed in detail that special districts maintain and present certain budget information on each special district's website in specific ways.

This legislation did not pass. House Bill 477 (Representative Costello, R-Port Orange) and Senate Bill 614 (Senator Hutson, R. Palm Coast), which address hospital special districts and require that each hospital special district with ad valorem taxing authority be reauthorized by referendum during a general election every ten years did



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not pass. House Bill 7001 required that the Department of Economic Opportunity exclude inactive special districts from the official list of special districts that it maintains. This bill did not pass.

Legislation that would allow proceeds from a local sales tax surcharge to be used to fund restoration of natural water bodies by dredging to beneficially remove muck, House bill 995 by Representative Debbie Mayfield (R. Vero Beach) and Senate bill 346 by Senator Thad Altman (R. Cape Canaveral), did not pass.

House bill 1015 by Representative Nunez addressed ad valorem rates, the rolled back rate, and the number of votes, majority or super majority, needed to increase the ad valorem rate of a city, county or special district. A number of concerns and questions were raised about the legislation by local governments. The bill did not pass.

#### **CONFIRMATION UPDATE**

As previously reported, the four current FIND commissioners eligible for Senate confirmation, Commissioners Crowley, Donaldson, Isiminger and O'Steen, were all confirmed. All of the Governor's department appointees, with the exception of the Surgeon General, who oversees the Department of Health, were confirmed.

#### **OTHER ISSUES CONSIDERED**

Other topics received considerable attention this legislative session. I will briefly update you on how those issues have fared.

- 1. Water Policy:** A significant water policy bill which died last year when the session ended abruptly passed the Legislature and was signed into law.
- 2. Guns:** A number of bills were filed addressing firearms. The two most controversial bills, an open carry bill, which would permit properly licensed

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gun owners to carry their weapons in a concealed or open fashion and a “guns on campus” bill, which would permit those who legally possess firearms to have them on a college campus, passed the House but were not considered by the Senate.

- 3. Education:** Education is always a major legislative topic and this year was no exception. While many individual bills were filed addressing education topics, at the end of session a substantial education bill passed. The most controversial provision of the continued a program which provides a \$10,000 annual bonus to teachers who previously scored well on the ACT or SAT. Also, the kindergarten through 12<sup>th</sup> grade education budget increased approximately 1% compared to the 2015/16 figure.

**4. Seminole Gaming Compact/Gaming Issues:** Governor Scott’s agreement with the Seminole tribe to continue the gaming compact between the state and the Seminole tribe needed Legislative approval. However, other gaming interests complicated efforts to pass the gaming compact legislation and no gaming legislation passed the Legislature.

I hope that this final report updates you on issues of interest to FIND. As always, if you have any questions or need further information, please let me know.

Attachment: 2016 FIND Bill Tracking List

## FIND 2016 Bill Tracking List

### 2016 Senate Bills

#### SB 124 by Evers

**Public Procurement Practices:** Deleting provisions creating the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force; requiring a private entity that submits an unsolicited proposal to pay an initial application fee and additional amounts if the fee does not cover certain costs; deleting provisions relating to notice to affected local jurisdictions; increasing the dollar threshold for a contract amount of a project for which a person, the state, or a political subdivision is prohibited from refusing a surety bond issued by a surety company that meets certain requirements, etc.

- 03/15/16 Signed by Officers and presented to Governor on Tuesday, March 15, 2016 9:22 AM

#### SB 126 by Evers

**Public Records and Public Meetings/Public-private Partnerships:** Transferring, renumbering, and amending provisions relating to public-private partnerships for public facilities and infrastructure; providing an exemption from public records requirements for a specified period for unsolicited proposals received by a responsible public entity; providing an exemption from public records requirements for a specified period for the recording of, and any records generated during, a closed meeting; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc.

- 03/15/16 Signed by Officers and presented to Governor on Tuesday, March 15, 2016 9:22 AM

#### SB 182 by Governmental Oversight and Accountability and Commerce and Tourism and Richter

**Public Records and Meetings/Trade Secrets:** Expanding public records exemptions for certain data processing software obtained by an agency, certain information held by a county tourism promotion agency, information related to trade secrets held by specified entities, and specified data, programs, or supporting documentation held by an agency; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc.

- 02/25/16 Chapter No. 2016-6 on Thursday, February 25, 2016 11:03 AM

**SB 346 by Altman**

**Local Government Infrastructure Surtax:** Authorizing the governing authority of a county to levy a discretionary sales surtax to fund capital restoration of natural water bodies for public use; limiting expenditures of the proceeds and interest from the surtax or specified bonds that pledge the surtax to dredging operations related to ecologically beneficial muck removal, etc.

- 03/11/16 S Died in Appropriations on Friday, March 11, 2016 6:45 PM

**SB 350 by Montford (CO-SPONSORS) Hutson; Gaetz**

**Online Procurement:** Revising the powers and duties of the district school board to authorize the adoption of rules regarding procurement practices; authorizing a district school board to use online procurement for certain services and purchases; authorizing each district school board, Florida College System board of trustees, and university board of trustees to make purchases through an online procurement system, etc.

- 03/10/16 Chapter No. 2016-31 on Thursday, March 10, 2016 1:07 PM

**SB 438 by Governmental Oversight and Accountability and Bullard**

**Small Business Participation in State Contracting:** Defining the terms “contract bundling” and “small business”; directing that agencies avoid contract bundling under certain circumstances; requiring agencies to conduct market research and include written summaries and analyses of such research in solicitations for bundled contracts; requiring the rules ombudsman in the Executive Office of the Governor to establish a system for reporting small business participation in state contracting, etc.

- 03/11/16 S Died in Appropriations Subcommittee on General Government on Friday, March 11, 2016 6:45 PM

**SB 516 by Community Affairs and Ring and Gaetz**

**Special Districts:** Requiring each special district to operate an official website; requiring each special district’s official website to include specified budget information; requiring certain independent special districts to be subject to ch. 120, F.S., etc.

- 03/11/16 S Died in Appropriations Subcommittee on Transportation, Tourism, and Economic Development on Friday, March 11, 2016 6:45 PM

**SB 564 by Bean**

**Public Records and Meetings:** Creating an exemption from public records and public meetings requirements for any portion of records generated by the Cold Case Task Force which contains active criminal intelligence information or active criminal investigative information and for any portion of a meeting of the task force in which confidential or exempt information is discussed or acted upon; providing a statement of public necessity; specifying that information made confidential or exempt from public records requirements retains its status once obtained by the task force, etc.

- 03/11/16 S Died in Criminal Justice on Friday, March 11, 2016 6:45 PM

**SB 598 by Brandes**

**Public Works Projects:** Prohibiting the state and political subdivisions that contract for the construction, maintenance, repair, or improvement of public works from imposing restrictive conditions on contractors, subcontractors, or material suppliers or carriers; prohibiting the state and political subdivisions from restricting qualified bidders from submitting bids, etc.

- 01/26/16 S Unfavorable by Governmental Oversight and Accountability, laid on Table; YEAS 2 NAYS 3 -SJ 247 on Tuesday, January 26, 2016 1:32 PM

**SB 614 by Hutson**

**Hospital Districts:** Requiring decennial reauthorization of the taxing authority of certain hospital districts by general election ballot; terminating the taxing authority of a hospital district and providing for the allocation of assets and liabilities of a dissolved hospital district if the referendum reauthorizing the district's taxing authority is not approved by majority vote of the electors; prohibiting a hospital district from levying a property tax without a referendum of electors pursuant to the act, etc.

- 03/11/16 S Died in Community Affairs on Friday, March 11, 2016 6:45 PM

**SB 628 by Richter**

**Fees for Records:** Adding the Agency for Persons with Disabilities to the list of specified state entities and vendors that pay a reduced fee per record for criminal history information for each name submitted, etc.

- 03/15/16 Signed by Officers and presented to Governor on Tuesday, March 15, 2016 9:21 AM

**SB 644 by Ring**

**Boating Safety:** Revising the minimum age to operate personal watercraft; removing the exemption from the photographic identification and boating safety identification card requirement for a person accompanied in the vessel by another person who meets certain criteria, etc.

- 03/11/16 S Died in Environmental Preservation and Conservation on Friday, March 11, 2016 6:45 PM

**SB 660 by Hays**

**Local Governments:** Authorizing the use of impact fees to construct new capital facilities or to improve, alter, or expand existing capital facilities; authorizing a county or municipality to impose a surcharge on documents taxable under provisions for the purpose of funding certain capital improvements and capital facilities in lieu of imposing impact fees; restricting the amount of the surcharge; prohibiting a county or municipality that imposes a surcharge for an authorized purpose from also imposing an impact fee for the same purpose, etc.

- 03/11/16 S Died in Finance and Tax on Friday, March 11, 2016 6:45 PM

**SB 710 by Bradley**

**Ad Valorem Taxation:** Providing an exemption from ad valorem taxation for blood establishments, etc.

- 03/11/16 S Died in Community Affairs on Friday, March 11, 2016 6:45 PM

**SB 724 by Joyner**

**Public Records:** Authorizing a court to hold a custodian of a public record personally liable for the reasonable costs of enforcement, including attorney fees, in a civil action to enforce ch, 119, F.S., if certain conditions exist, etc.

- 03/11/16 S Died in Governmental Oversight and Accountability on Friday, March 11, 2016 6:45 PM



**SB 746 by Negron (CO-SPONSORS) Sachs; Latvala**

**Vessel Registrations:** Reducing vessel registration fees for recreational vessels equipped with certain position indicating and locating beacons; providing criteria for such reduction; clarifying county optional registration fees, etc.

- 03/08/16 S Laid on Table, refer to CS/CS/HB 427 -SJ 797 on Tuesday, March 08, 2016 1:33 PM

**SB 766 by Flores**

**Ad Valorem Taxation:** Requiring a property appraiser to notify the Department of Revenue if the recertified just value of an assessment roll is less than the initial just value of an assessment roll by a specified amount; establishing deadlines for value adjustment boards to hear petitions and issue the second tax roll certification; revising the entities authorized to determine under certain circumstances that a petitioner owes ad valorem taxes or is owed a refund of overpaid taxes; authorizing the school board and county commission to audit certain expenses of the value adjustment board, etc.

- 03/08/16 S Laid on Table, refer to CS/CS/HB 499 -SJ 782 on Tuesday, March 08, 2016 10:44 AM

**SB 846 by Abruzzo**

**Divers-down Warning Devices:** Revising the definitions of the terms “divers-down buoy,” “divers-down flag,” and “divers-down symbol”; expanding the types of indicators or devices allowed to be used to signal the presence of submerged divers; specifying requirements for divers-down warning devices, etc.

- 03/08/16 S Ordered enrolled -SJ 837 on Tuesday, March 08, 2016 12:33 PM

**SB 956 by Stargel**

**Special Districts:** Revising legislative intent with respect to the Uniform Special District Accountability Act to include dependent special districts; specifying the period of time for which certain budget information must remain on the special district’s website; specifying the Legislature’s authority to create dependent special districts by special act; revising the criteria that must be documented before a special district may be declared inactive, etc.

- 02/18/16 S Laid on Table, refer to CS/HB 479 -SJ 418 on Thursday, February 18, 2016 11:16 AM

**SB 1092 by Joyner**

**Boards and Commissions:** Prohibiting members of the Florida Elections Commission, citizen members of the Board of Governors of the State University System and boards of trustees of local constituent universities, and members of the Commission on Ethics, respectively, from having or holding any employment or a contractual relationship as a consultant; requiring members to make specified disclosures to the appropriate board or commission if certain conditions exist; requiring applicable boards and commissions to post such disclosures on their respective websites for a specified timeframe, etc.

- 03/11/16 S Died in Ethics and Elections on Friday, March 11, 2016 6:45 PM

**SB 1260 by Simpson**

**Recreational Boating Zones:** prohibiting overnight anchoring or mooring of vessels in specified recreational boating zones, etc.

- 03/04/16 S Laid on Table, refer to CS/CS/HB 1051 -SJ 713 on Friday, March 04, 2016 3:56 PM

**SB 1300 by Dean**

**At-risk Vessels:** Prohibiting a vessel that is at risk of becoming derelict from anchoring on, mooring on, or occupying the waters of this state; providing that a person who anchors or moors such a vessel or allows it to occupy waters of this state commits a noncriminal infraction, etc.

- 03/02/16 S Laid on Table, refer to HB 7025 -SJ 550 on Wednesday, March 02, 2016 4:17 PM

**SB 1454 by Dean**

**Vessels:** Revising provisions relating to reckless or careless operation of a vessel; deleting provisions authorizing law enforcement officers to inspect vessels; revising provisions relating to the authority of law enforcement officers to conduct certain investigations, etc.

- 03/08/16 S Laid on Table, refer to CS/HB 703 -SJ 780 on Tuesday, March 08, 2016 10:35 AM

## 2016 House Bills

### **HB 95 by Steube (CO-SPONSORS) Campbell**

**Public-Private Partnerships:** Deletes Public-Private Partnership Guidelines Task Force; revises provisions regarding responsible public entities & unsolicited proposals submitted for qualified projects; revises provisions regarding comprehensive agreements entered into between responsible public entities & private entities; deletes provisions relating to notice to affected local jurisdictions; revises provisions regarding responsible public entity compliance with specific financial obligations; provides duties of DMS.

- Companion Bill passed, refer to CS/SB 124 on Monday, March 07, 2016 2:45 PM; HB Laid on Table

### **HB 161 by Kerner**

**Driving or Boating Under the Influence:** Designates act "Naomi Pomerance Victim Safety Act"; provides that person with specified amount of delta 9-tetrahydrocannabinol per milliliter of blood commits offense of driving under influence or boating under influence.

- 1st Reading on Tuesday, January 12, 2016 8:37 PM

### **HB 181 by Local Government Affairs Subcommittee and Van Zant and Tobia (CO-SPONSORS) Smith**

**Public Works Projects:** Prohibits state & political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, or material suppliers or carriers; provides an exception; prohibits state & political subdivisions from restricting qualified bidders from submitting bids or being awarded contracts.

- Added to Second Reading Calendar on Tuesday, January 26, 2016 7:42 PM

### **HB 211 by Rogers**

**Small Business Participation in State Contracting:** Directs agencies to avoid contract bundling; requires agencies to conduct market research & include written summaries & analyses of such research in solicitations for bundled contracts; requires agencies to award percentage of contracts to small businesses; requires contractors to use small businesses as subcontractors; provides requirements for payment of prime & subcontractors; prohibits agencies & contractors from requiring certain sureties for certain contracts; requires rules ombudsman in EOG to establish system for reporting small business participation in state contracting; requires agencies to cooperate with such reporting; requires specified annual reports.

- 1st Reading on Tuesday, January 12, 2016 8:37 PM

**HB 273** by Government Operations Subcommittee and Beshears and Kerner (CO-SPONSORS)  
Van Zant; Wood

**Public Records:** Requires public agency contract for services to include statement providing contact information of public agency's custodian of public records; prescribes form of statement; revises required provisions in public agency contract for services regarding contractor's compliance with public records laws; requires public records request relating to records for public agency's contract for services to be made directly to public agency; requires contractor to provide requested records to public agency or allow inspection or copying of requested records; specifies circumstances under which court must assess & award reasonable costs of enforcement against contractor; specifies sufficient notice; provides that contractor who takes certain actions is not liable for reasonable costs of enforcement.

- Chapter No. 2016-20 on Wednesday, March 09, 2016 9:51 AM

**HB 427** by Magar (CO-SPONSORS) Moraitis

**Recreational Vessel Registration:** Provides for reduced recreational vessel registration fee when vessel is equipped with an emergency position indicating radio beacon or owner of vessel owns personal locator beacon; authorizes DHSMV to adopt rules relating to proof of qualification; provides for certain funds to supplement reduced amounts collected.

- Signed by Officers and presented to Governor on Friday, March 11, 2016 1:21 PM

**HB 477** by Costello

**Hospital Districts:** Defines "hospital district"; requires decennial reauthorization of taxing authority of certain hospital districts; prohibits hospital districts from levying property tax without consent of electors residing within hospital district; terminates taxing authority of hospital district if referenda are not approved by majority vote of electors; provides for allocation of hospital district assets & liabilities; provides requirements for creation, expansion, or combination of certain hospital districts; requires certain public hospitals to prepare economic analysis; specifies that hospital taxing district taxes be paid to district rather than community redevelopment area.

- 1st Reading on Tuesday, January 12, 2016 8:37 PM

**HB 479** by Local Government Affairs Subcommittee and Metz (CO-SPONSORS) Van Zant

**Special Districts:** Revises legislative intent with respect to Uniform Special District Accountability Act to include dependent special districts; specifies Legislature's authority to create dependent special districts by special act; provides for identification of dependent special district as dependent, & of independent special district as independent, in its charter; specifies that local general-purpose governments may review certain special districts.

- Chapter No. 2016-22 on Wednesday, March 09, 2016 9:52 AM

**HB 499** by Avila

**Ad Valorem Taxation:** Revises provisions related to value adjustment board proceedings; revises provisions related to appointments & selection of special magistrates; revises dates in computing school district required local effort; provides statement of important state interest

- Signed by Officers and presented to Governor on Friday, March 11, 2016 1:22 PM

**HB 515** by Perry (CO-SPONSORS) Van Zant

**Ad Valorem Taxation:** Provides exemption from ad valorem taxation for nonprofit blood establishments; provides legislative intent.

- 1st Reading on Tuesday, January 12, 2016 8:37 PM

**HB 649** by Local Government Affairs Subcommittee and Pigman

**Eagle Bay Sub-Drainage District, Okeechobee County:** Abolishes district; repeals special acts; transfers assets & liabilities of the district.

- Signed by Officers and presented to Governor on Thursday, March 10, 2016 10:09 AM

**HB 679** by Lee

**Public Records:** Provides exemption from public records requirements for certain official records relating to matters or cases governed by Florida Rules of Family Law & for petitions for injunction that is dismissed & petition's contents; provides for removal of petitions dismissed before effective date of act from publicly accessible records; provides for future legislative review & repeal of exemption.

- 1st Reading on Wednesday, February 03, 2016 9:41 PM

**HB 703 by Workman**

**Vessels:** Revises provisions relating to reckless or careless operation of a vessel; deletes provisions authorizing law enforcement officers to inspect vessels; revises provisions relating to the authority of law enforcement officers to conduct certain investigations.

- Signed by Officers and presented to Governor on Friday, March 11, 2016 1:23 PM

**HB 735 by Costello**

**Local Governments:** Authorizes use of impact fees to construct new capital facilities & to improve, alter, or expand existing capital facilities; authorizes county, municipality, or school district to impose surcharge on certain real property transactions in lieu of imposing impact fees; restricts amount of surcharge; specifies procedures enacting ordinance to authorize surcharge; requires county, municipality, or school district to deposit revenues into special trust fund; specifies authorized uses of surcharge revenues; prohibits county, municipality, or school district that imposes surcharge from imposing impact fee for same purpose.

- 1st Reading on Tuesday, January 12, 2016 8:37 PM

**HB 745 by Nuñez**

**Special Districts:** Requires each special district to operate an official website; requires each special district's official website to include specified budget information.

- Now in Government Operations Subcommittee on Thursday, January 14, 2016 10:20 AM

**HB 857 by Pafford**

**Public Records/Attorney Fees:** Authorizes court to hold custodian of public record personally liable in civil action under certain conditions.

- 1st Reading on Tuesday, January 12, 2016 8:37 PM

**HB 863 by Stark**

**Boating Safety:** Provides requirements for operation of recreational vessels by persons younger than specified age; revises minimum age to operate personal watercraft; removes exemption from photographic identification & boating safety identification card requirement for person accompanied in vessel by another person who meets certain criteria.



- 1st Reading on Tuesday, January 12, 2016 8:37 PM

**HB 995 by Mayfield**

**Local Government Infrastructure Surtax:** Authorizes county to levy discretionary sales surtax to fund certain capital projects to restore natural water bodies for public use under certain circumstances; authorizes proceeds & interest from surtax to be used for certain dredging operations.

- Favorable by Agriculture & Natural Resources Subcommittee on Tuesday, January 26, 2016 1:54 PM

**HB 1051 by Caldwell**

**Recreational Boating Zones:** Prohibits anchoring or mooring of vessels in specified recreational boating zones; provides penalties.

- Signed by Officers and presented to Governor on Wednesday, March 09, 2016 9:56 AM

**HB 1057 by Caldwell**

**Special Districts:** Prohibits certain special districts from levying or collecting taxes or special assessments from certain other special districts after specified date; specifies that certain notice requirements with respect to adoption or amendment of water control plans do not apply to certain water control districts.

- Withdrawn prior to introduction on Monday, January 04, 2016 12:02 PM

**HB 1091 by Cortes, B.**

**Advertisement of Vehicle and Vessel Purchasing:** Requires motor vehicle dealer or secondary metals recycler who advertises purchase of vehicles or vessels to display license or registration number on sign or advertisement; prohibits unlicensed motor vehicle dealer or unregistered secondary metals recycler from dispatching wrecker or tow truck in response to advertisement for purchase of vehicle or vessel; provides for impoundment of wrecker or tow truck; provides fines & penalties.

- Now in Justice Appropriations Subcommittee on Thursday, February 11, 2016 1:47 PM

**HB 1345 by Wood**

**Ad Valorem Assessments:** Revises Taxpayer's Bill of Rights regarding actual assessment practices, development, & review.

- Now in Finance & Tax Committee on Friday, January 15, 2016 2:43 PM

**HB 7001 by Local Government Affairs Subcommittee and Ray**

**Special District Accountability:** Requires DEO to exclude inactive special districts from official list of special districts; requires DEO to remove special districts declared inactive from official list of special districts.

- Added to Second Reading Calendar on Thursday, February 25, 2016 5:20 PM

**HB 7025 by Highway & Waterway Safety Subcommittee and Raschein**

**At-risk Vessels:** Prohibits vessels that are at risk of becoming derelict from anchoring on, mooring on, or occupying state waters; authorizes FWCC or specified law enforcement officers to determine that vessels are at risk of becoming derelict if certain conditions exist; provides that persons who anchor or moor or allow such a vessel to occupy state waters commit noncriminal violation; provides for enforcement, penalties, & applicability.

- Signed by Officers and presented to Governor on Wednesday, March 09, 2016 9:58 AM

## ALCALDE &amp; FAY

GOVERNMENT &amp; PUBLIC AFFAIRS CONSULTANTS

May 5, 2016

## MEMORANDUM

**TO:** Mark Crosley, Executive Director  
Janet Zimmerman, Assistant Executive Director

**FROM:** Jim Davenport

**SUBJECT:** Federal Legislative Report

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## FISCAL YEAR 2017 FUNDING FOR MAINTENANCE DREDGING

Recently, the Senate Appropriations Committee marked up its fiscal year (FY) 2017 Energy and Water Appropriations Bill. The bill includes \$37.5 billion in funding for Department of Energy, Army Corps of Engineers and Bureau of Reclamation programs, about \$355 million above the FY 2016 enacted level and \$261 million above the President's request.

The Army Corps of Engineers is funded at \$6 billion, a slight increase of \$11 million above the FY 2016 enacted level and \$1.378 billion above the President's request. The bill includes \$850,000 for the Intracoastal Waterway (IWW) in Florida. As it pertains to additional discretionary money for maintenance dredging of waterways, the following amounts are included:

- \$23.528 million for Navigation
- \$45 million for Inland Waterways
- \$48 million for Small, Remote or Subsistence Harbors

The bill was brought to the Senate floor the week of April 25<sup>th</sup>, but an amendment offered by Senator Tom Cotton (R-AR) to prohibit the use of federal funds in purchasing heavy water from Iran, a byproduct of nuclear fuel processing that can be used in the production of nuclear weapons, has derailed the bill for the time being because of strong opposition from Senate Democrats and the White House.

The White House said the Cotton amendment would undermine the 2015 deal that aimed to prevent Iran from developing nuclear weapons. Under that agreement, Tehran is limited to hold no more than 130 metric tons of heavy water and must sell, dilute or dispose of any additional supply beyond that. Republicans accused Democrats of

labeling the amendment a “poison pill” as a way to scuttle the process and avoid a tough vote.

When the Senate returns from recess on May 9, they will try for a third time to end debate on the Energy and Water Bill and proceed to a vote. However, there is now uncertainty surrounding the future of the bill and the regular order appropriations process. A stand-alone vote on the Cotton legislation could be a potential solution, and Senator Cotton has said he would consider it.

On the House side, the House Appropriations Committee has marked-up its FY 2017 Energy and Water Appropriations Bill, which is funded at \$37.4 billion.

The Army Corps of Engineers is funded at \$6.1 billion, an increase of \$100 million above the FY 2016 enacted level and \$1.5 billion above the President’s budget request. Similar to the Senate bill, it includes \$850,000 for the IWW in Florida. In addition, the following amounts were included for maintenance dredging of waterways:

- \$25.3 million for Navigation
- \$48 million for Inland Waterways
- \$50 million for Small, Remote or Subsistence Harbors

Democrats objected to language in the bill that would prohibit the Corps of Engineers from using funds to enforce the administration’s “Waters of the United States” rule extending federal authority over more tributaries and wetlands under the Clean Water Act. The provision targeting the joint EPA-Army Corps rule has been included in past House appropriations bills and has been frequently cited this year as a major policy goal Republicans hope to achieve through spending bills.

Because of the Waters of the U.S. and other controversial riders, the President has threatened to veto the bill. Nevertheless, we will continue working with Congress to ensure the bill is passed and that it includes funding for the IWW and accounts that would fund maintenance dredging activities.

#### **LEGISLATIVE LANGUAGE PERTAINING TO COMPENSATORY MITIGATION**

We continue to work with the House Water Resources Subcommittee, Senator Bill Nelson, and Representatives Lois Frankel, John Mica and Carlos Curbelo’s staff to obtain legislative language asserting compensatory mitigation is not required for maintenance dredging. We are suggesting this language be included in the next Water Resources Development Act. We will continue to keep you apprised of our efforts.