



**INTRACOASTAL WATERWAY  
MAINTENANCE DREDGING  
ST. LUCIE COUNTY REACH I, FLORIDA**

**APPENDIX C**

USACE Permit No. SAJ-2014-03657 (GP-SAW)



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
4400 PGA Boulevard, Suite 500  
Palm Beach Gardens, Florida 33410

October 27, 2016

REPLY TO  
ATTENTION OF

Regulatory Division  
Palm Beach Gardens Section  
SAJ-2014-03657(GP-SAW)

Florida Inland Navigation District  
c/o Mark Crosley  
1314 Marcinski Road  
Jupiter, Florida 33477

Dear Mr. Crosley:

Your application for a Department of the Army permit received on September 30, 2016 was assigned number SAJ-2014-03657(GP-SAW). A review of the information and drawings provided shows Florida Inland Navigation District (FIND) proposes to Dredge 99,100 cubic yards of material from 32.18 acres within the Intracoastal Waterway (ICW) between Cut SL-2 through SL-6. The ICW would be dredged to -12 feet MLLW north of the Fort Pierce inlet and to -10 feet MLLW south of the Ft. Pierce inlet with a 2 foot over dredge. Because the bathymetric survey did not contain sufficient information to compute the anticipated side slope volume, the maintenance dredging project includes a 10% estimated volume for the side slopes. The areas are as follows:

Cut	Stationing	PROJECT SHOAL VOLUME (cubic yards)
SL-2	20+00 thru 53+00	23,000
SL-3N	8+50 thru 23,000	3,400
SL-5	0+00 thru 72+00	37,518
	Bottom Channel Dredging Volume	90,500
	Estimated Side Slope Volume (+10%)	9,050
	Total Dredging Volume	99,100

The material would be hydraulically dredged and pumped to an upland 13-acre DMMA located west of the ICW and east of the Florida East Coast Railroad. FIND would monitor the waters during dredging activities to ensure the turbidity does not exceed applicable water quality standards. The project is located in the ICW within Cut SL-2 through Cut SL-5 north and south of the Fort Pierce inlet. The SL-2 Dredged Material Management Area (DMMA) is located west of the ICW on Old Dixie Hwy. (Rt. 605) in Section 5, Township 34 South, Range 40 east, Fort Pierce, St. Lucie County, Florida.

Your project, as depicted on the enclosed drawings (Attachment A), is authorized by Regional General Permit (RGP) SAJ-93. This authorization is valid until April 26, 2021.

Please access the U.S. Army Corps of Engineers (Corps) Jacksonville District Regulatory Division internet page to view the special and general conditions for SAJ-93 that apply specifically to this authorization. The internet URL address is:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this internet address is case sensitive, you will need to enter it exactly as it appears above. Once there, you will need to click on "Source Book" and then "General Permits". Then you will need to click on the specific SAJ permit noted above. You must comply with all of the general conditions (Attachment B) of the permit and any project-specific conditions noted below or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

1. As-Built Certification with X-Y-Z Coordinates: Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification By Professional Engineer" form to the Corps. The drawings shall be signed and sealed by a surveyor licensed under Fla. Sta. § 472 and include the following:
  - a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) on 8½-inch by 11-inch paper. This as-built survey shall reflect the horizontal and vertical location (X-Y-Z coordinates in NAD 83 and NAVD 88, as applicable) of the channel bottom, side slopes, and other project areas (all dredged areas).
  - b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification By Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification By Professional Engineer" form does not constitute approval of any deviations by the Corps.
  - c. Include the Department of the Army permit number on all sheets submitted.
2. Assurances of Navigation: 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 U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
3. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.
  - b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures 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 and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
  - c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). 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. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
  - d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). 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. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.
4. Turbidity Monitoring: Prior to the initiation of any of the work authorized by this permit, the Permittee shall monitor turbidity levels at background and compliance locations to ensure water quality exceedances have not occurred. Monitoring shall be conducted as follows:
    - a. Frequency: Approximately every 6 hours during dredging beginning approximately 15 minutes after the commencement of dredging, and at any other time when an excessive turbidity plume is observed.
    - b. Location: Background – At least 300 meters up-current of the dredge head, outside the influence of any visible turbidity plume, at med-depth. Compliance –

Not more than 150 meters down-current from the dredge and DMMA outfall location in the direction of flow, where the densest portion of the turbidity plume crosses the edge of the mixing zone, at mid-depth.

- c. Standards: Determined by comparing the turbidity level of the compliance sample (collected at the edge of the mixing zone) to the turbidity level of the corresponding background sample. Based on standard dredging operations within the area, the turbidity standard is 29 Nephelometric Turbidity Units (NTUs) above background.
  - d. If turbidity levels exceed the standard levels, dredging operations SHALL immediately halt until turbidity decreases to meet the approved levels.
- 5. Dredged Material Disposal: The Permittee shall place all dredged material in a self-contained, upland disposal site, SL-2 DMMA. The Permittee shall maintain the upland disposal site to prevent the discharge of dredged material and associated effluent into waters of the United States.
  - 6. Dredge Vessels: The Permittee agrees to utilize a shallow draft barge with a fully loaded draft of no more than 8 feet. All vessels shall operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel to the top of submerged resources or submerged bottom, whichever is less) in a manner to preclude bottom scarring, prop dredging, or damage to the submerged resource or bottom.
  - 7. Sea Turtle and Smalltooth Sawfish Conditions: The Permittee shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006.
  - 8. Manatee Conditions: The Permittee shall comply with the enclosed "Standard Manatee Conditions for In-Water Work – 2011." Additionally, the Permittee shall not perform dredging activities within 500 feet (south of Hwy A1A bridge and north of the SL17 spoil island) of the Taylor Creek Important Manatee Area (IMA) between November 15 and March 31.
  - 9. Post-Project Seagrass Survey: To ensure that no unauthorized impacts have occurred to the adjacent seagrass beds, the Permittee shall conduct a post-project seagrass survey of the location of where work vessels were moored and where in-water work occurred. The survey shall be conducted between June 1 and September 30 in the year of the work or the next consecutive year of the work, whichever occurs first. Such survey shall be submitted to: U.S. Army Corps of Engineers, Jacksonville District Regulatory Division Enforcement Branch, PO Box 4970, Jacksonville, Florida 32232-0019 or via email at cesaj-complydocs@usace.army.mil

This authorization does not obviate the necessity to obtain any other federal, state, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for SAJ-93 must qualify for an exemption under Fla. Stat. § 403.813(1) or Fla. Stat. § 373.406, or otherwise be authorized by the applicable permit required under Part IV of Fla. Stat. § 373, by the Florida Department of Environmental Protection (DEP), a

water management district under Fla. Stat. § 373.069, or a local government with delegated authority under Fla. Stat. § 373.441, and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Fla. Stat. § 253, and, as applicable, Fla. Stat. § 258. You should check state-permitting requirements with the DEP or the appropriate water management district.

This authorization does not include conditions that would prevent the “take” of a state-listed fish or wildlife species. These species are protected under Fla. Stat. § 379.411 and listed under Fla. Admin. Code 68A-27. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org>) also maintains updated lists, by county, of documented occurrences of those species.

This authorization does not give absolute federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations for the above referenced RGP please contact Sarah Wilkinson, Project Manager, at the letterhead address, by email [sarah.a.wilkinson@usace.army.mil](mailto:sarah.a.wilkinson@usace.army.mil) or by phone at 561-472-3516.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our online Customer Service Survey ([http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)). Your input is appreciated.

Sincerely,



Alisa Zarbo  
Chief, Palm Beach Gardens Section

Enclosures:

Attachment A: Project Location and Plans

Attachment B: General Conditions

Attachment C: As-Built Certification Form

Attachment D: Permit Transfer Request Form

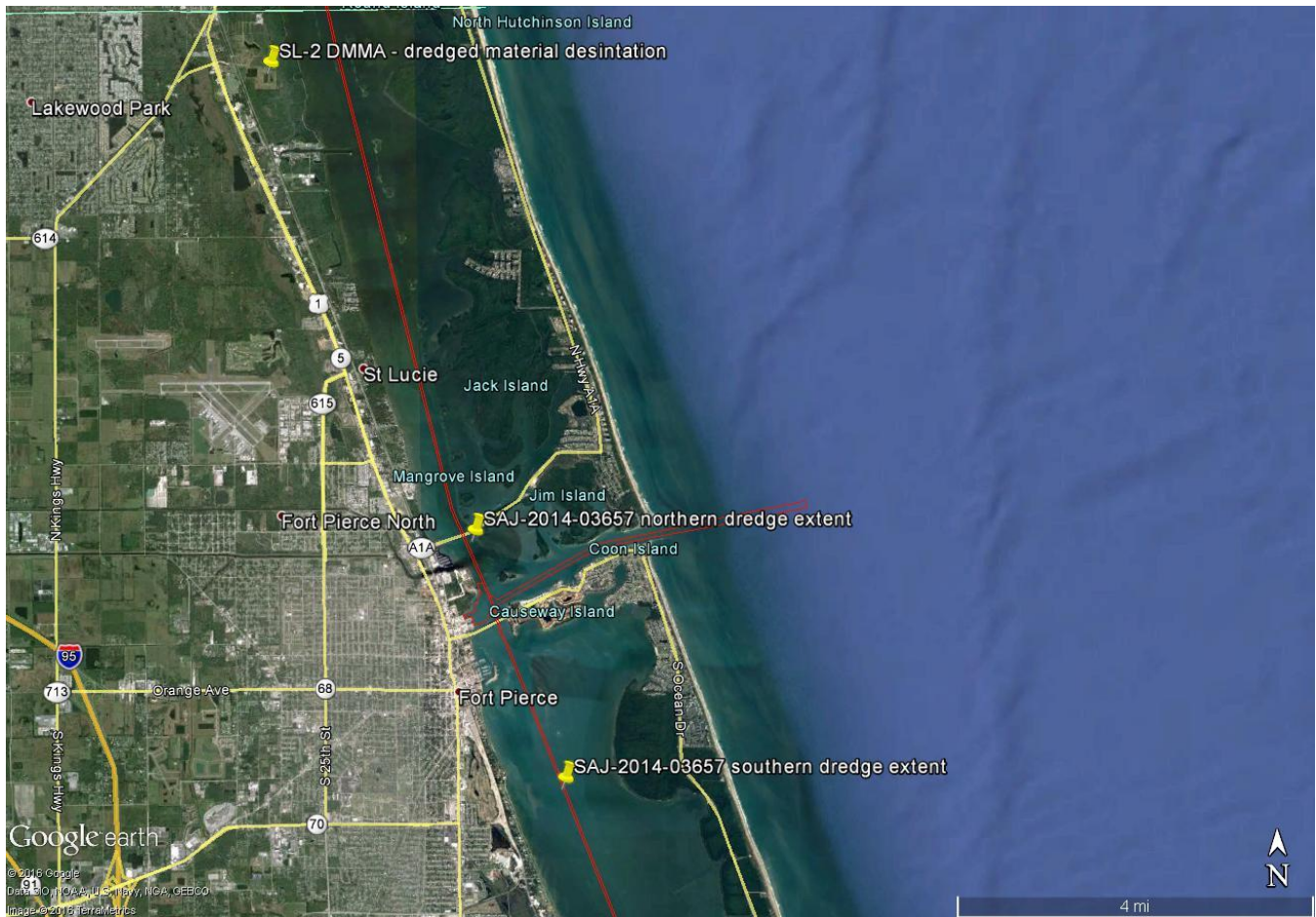
Attachment E: Sea Turtle and Smalltooth Sawfish Construction Conditions

Attachment F: Standard Manatee Conditions for In-Water Work with Poster

Copy Furnished:

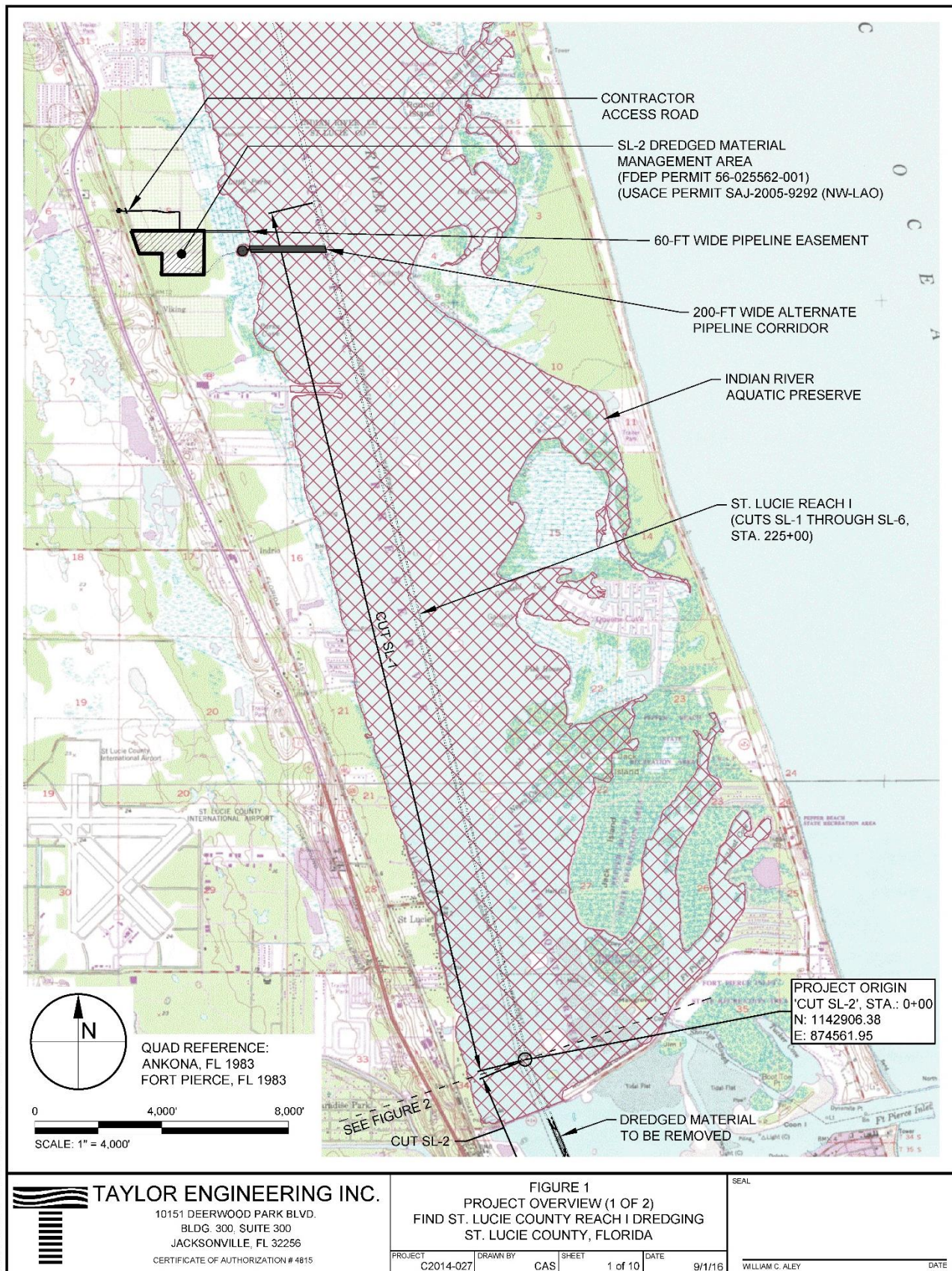
1. Mark Crosley, [mcrosley@aicw.org](mailto:mcrosley@aicw.org)
2. Bill Aley, [baley@taylorengineering.com](mailto:baley@taylorengineering.com)

## Attachment A: Project Location and Plans





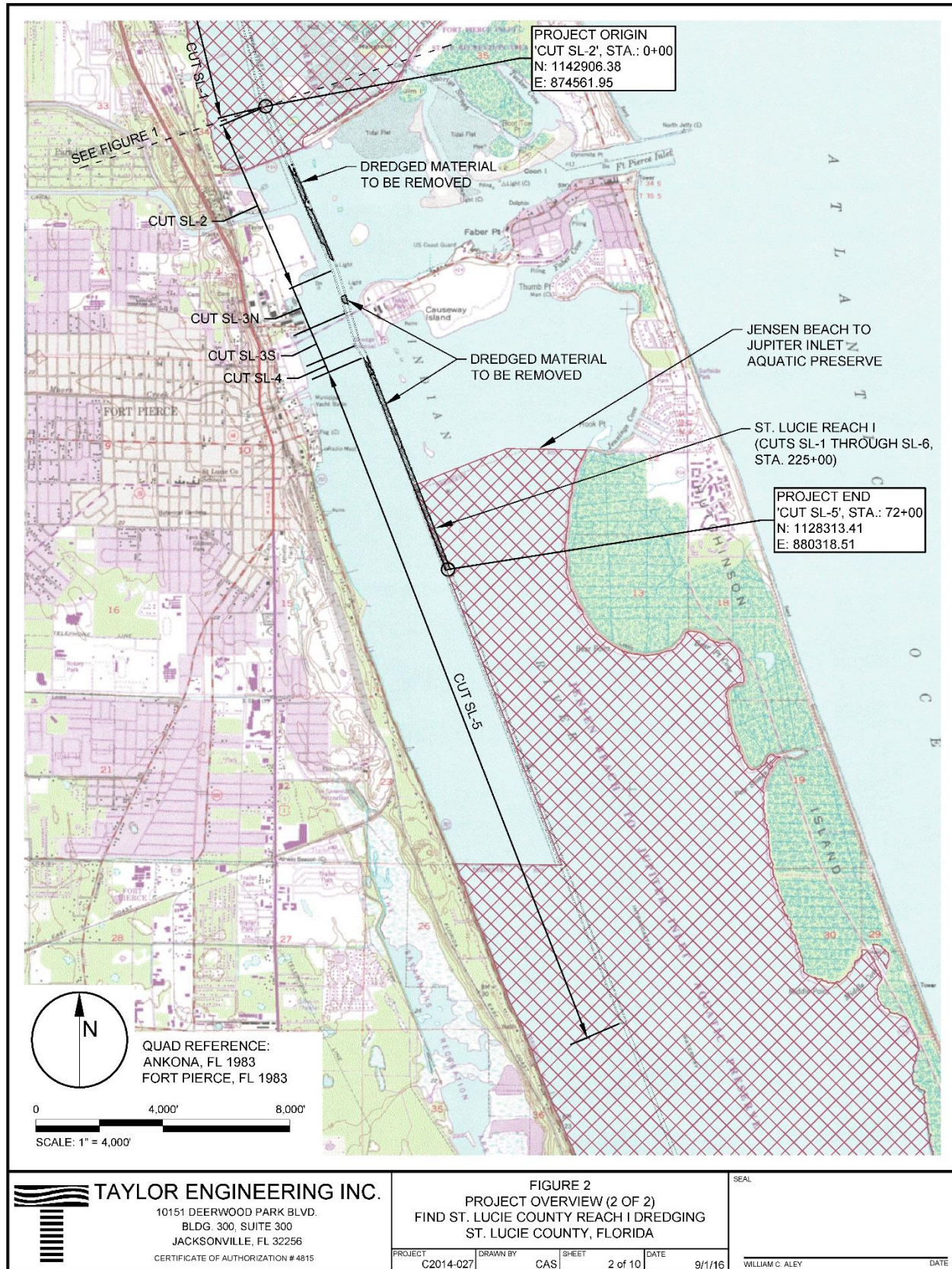
# Attachment A: Project Location and Plans



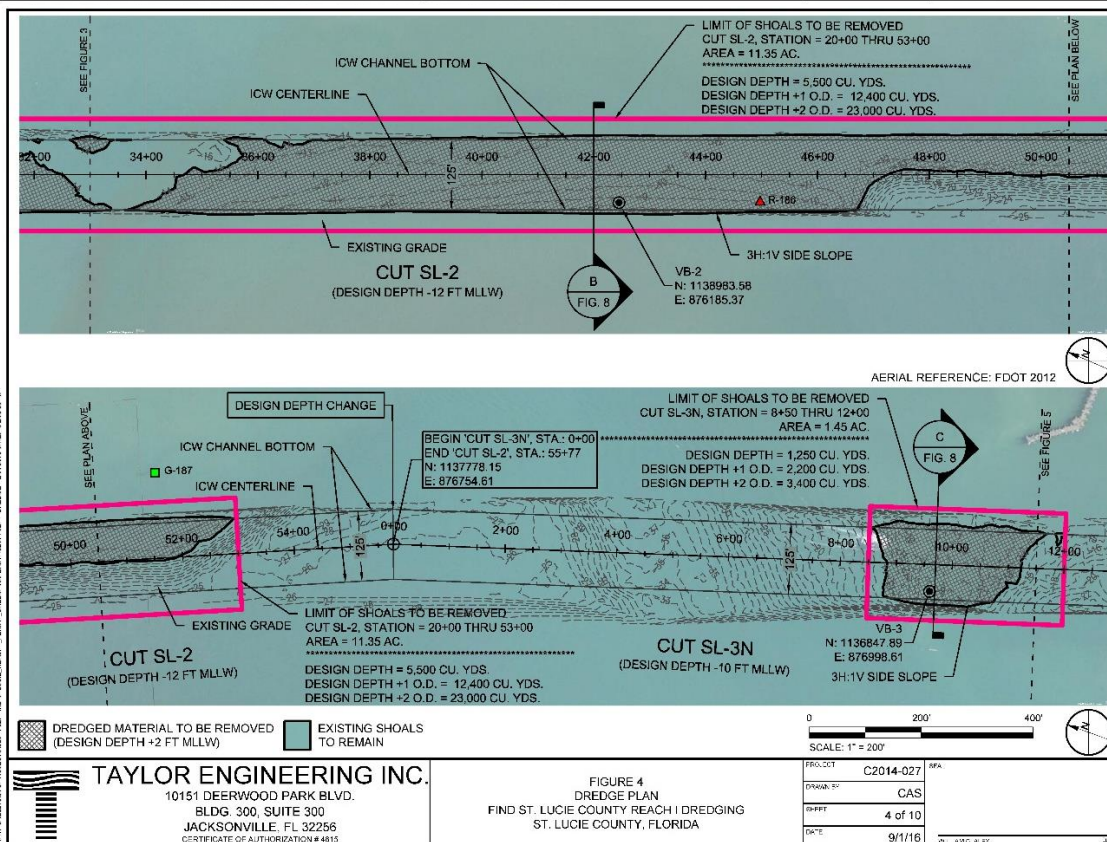
PRELIMINARY DRAWINGS. THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.



# Attachment A: Project Location and Plans



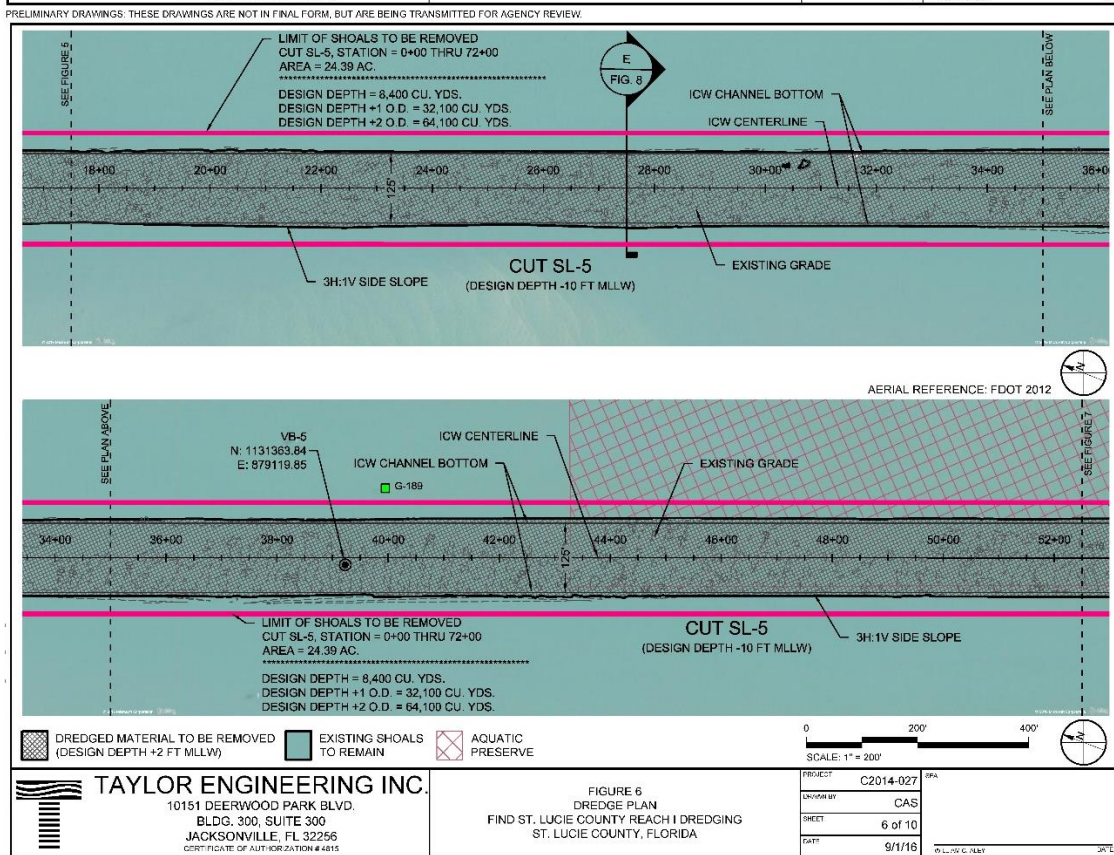
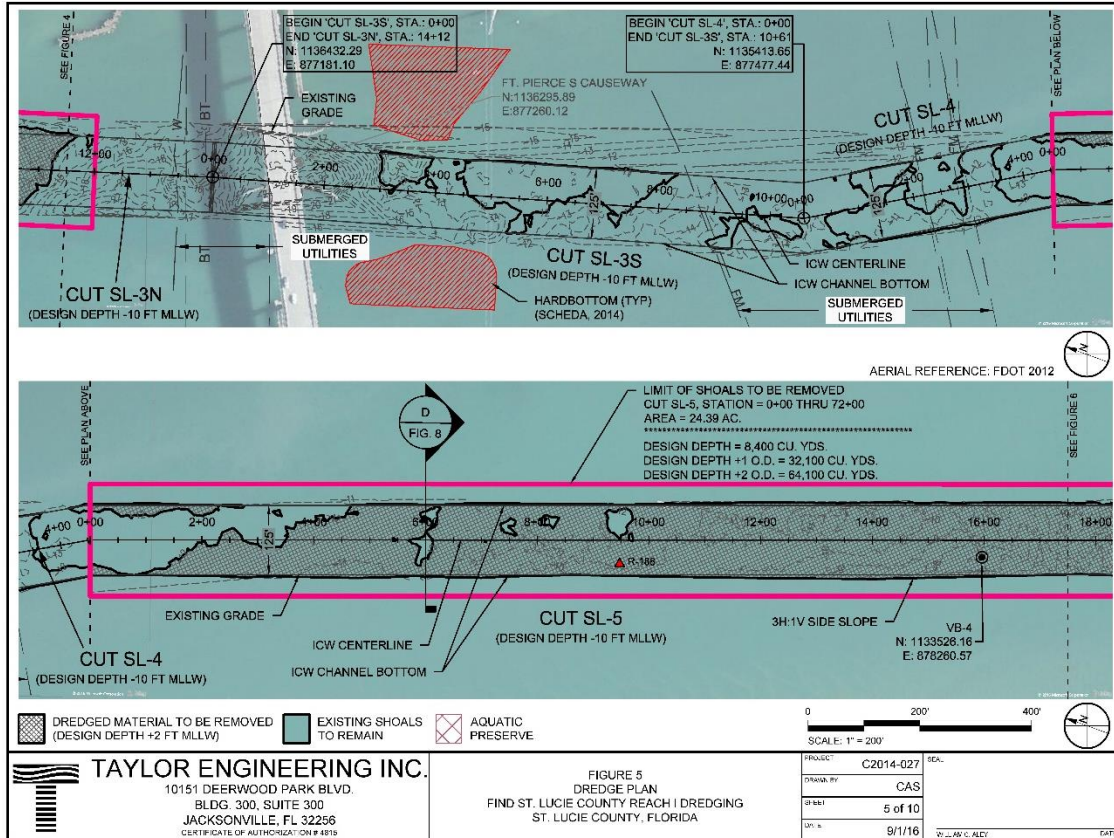




PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW

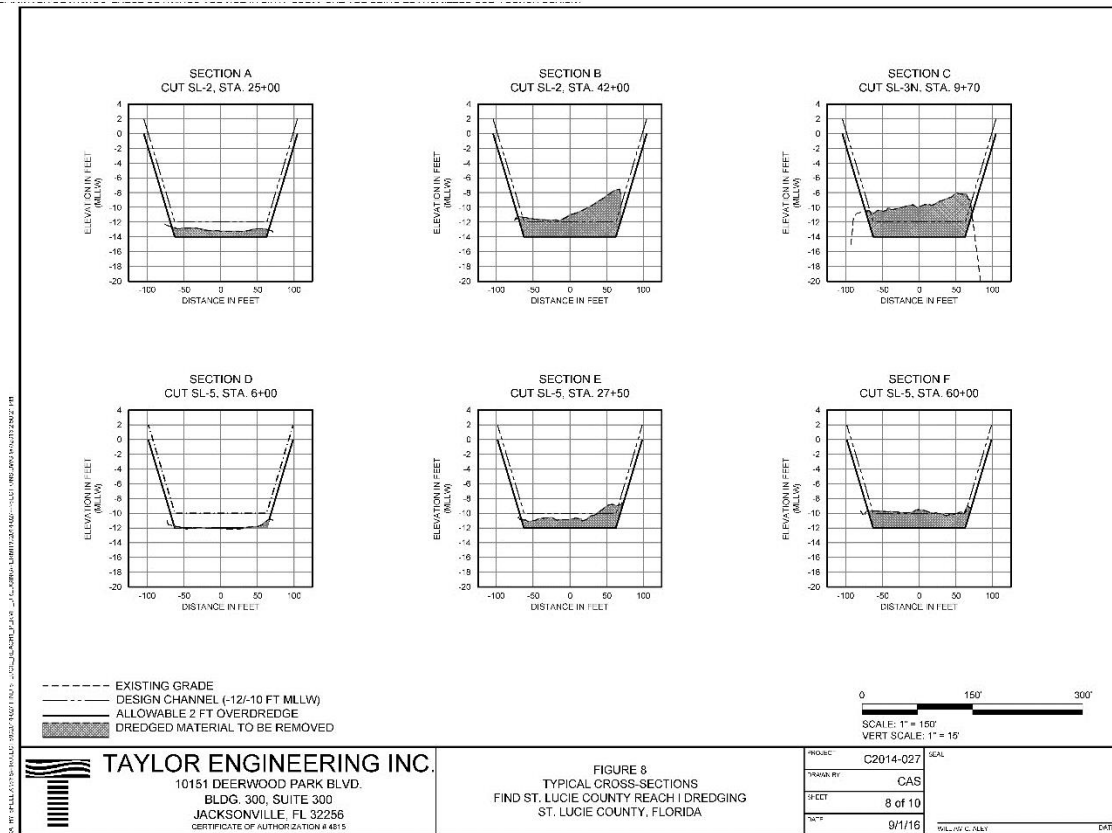
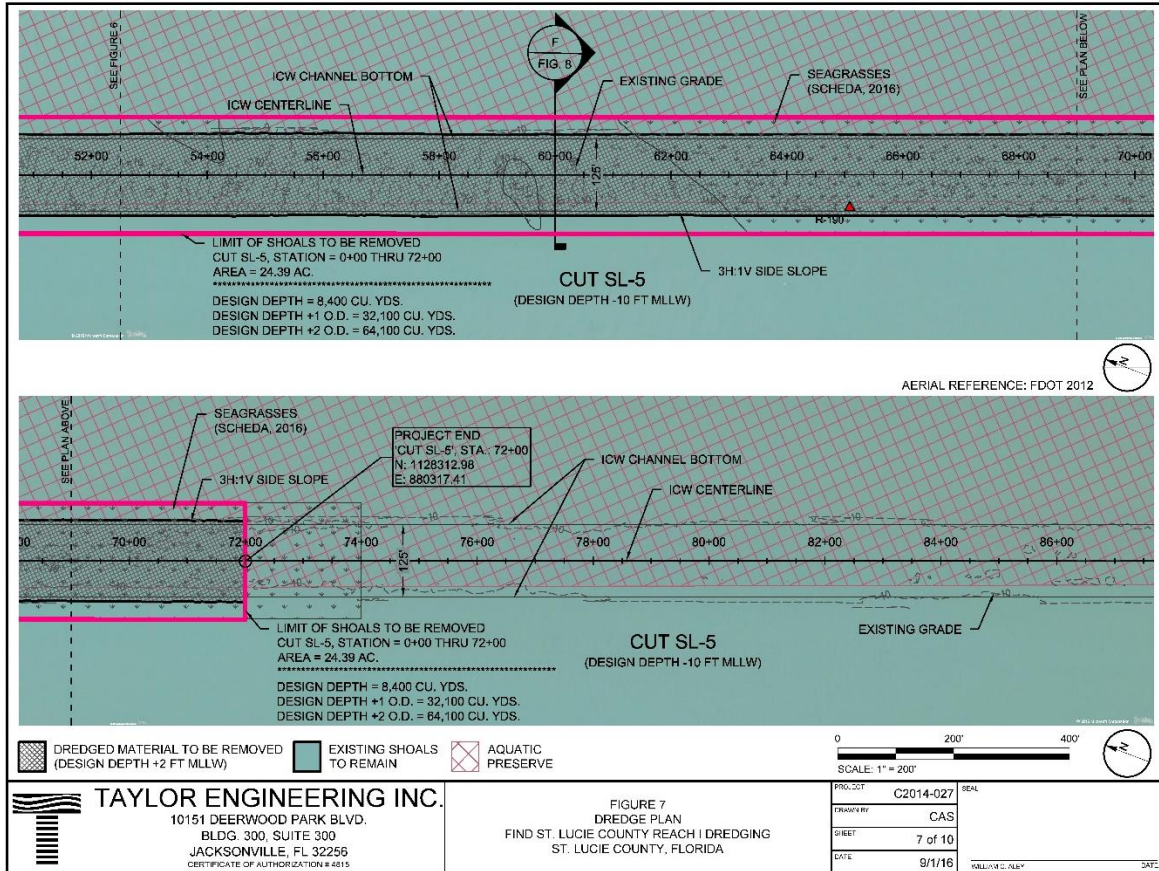


# Attachment A: Project Location and Plans



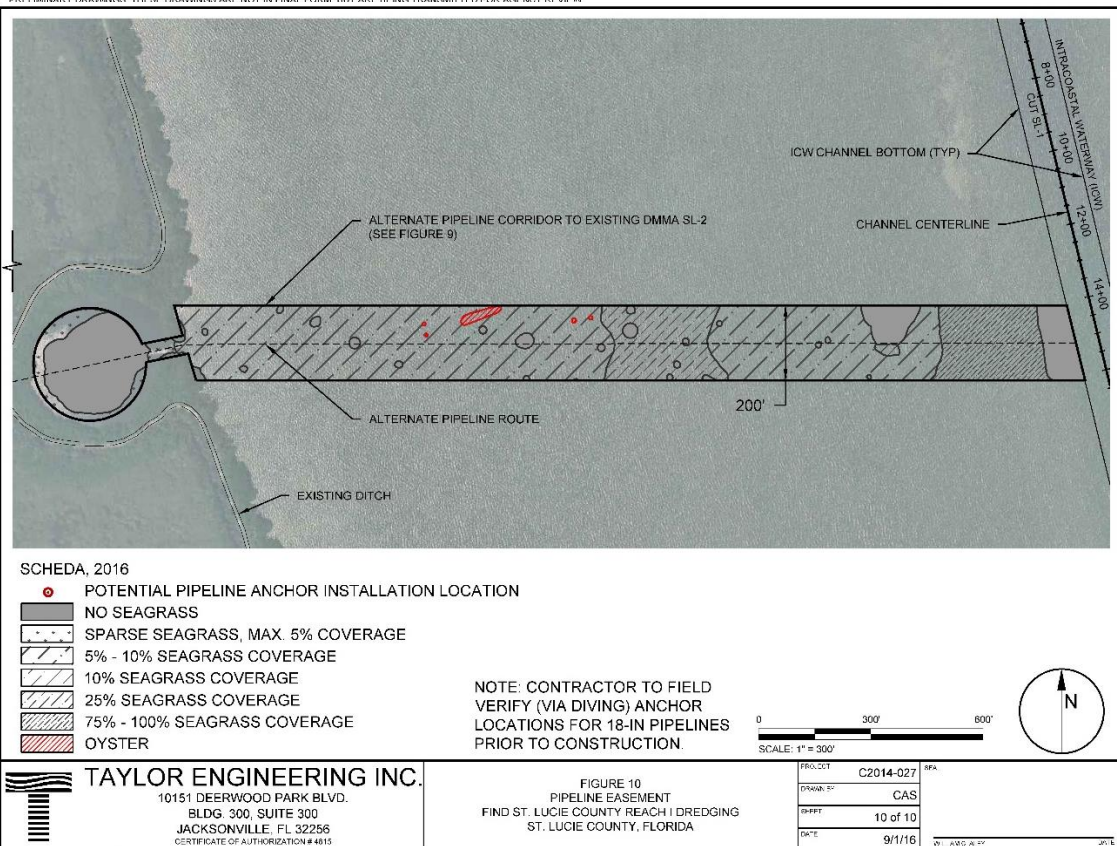
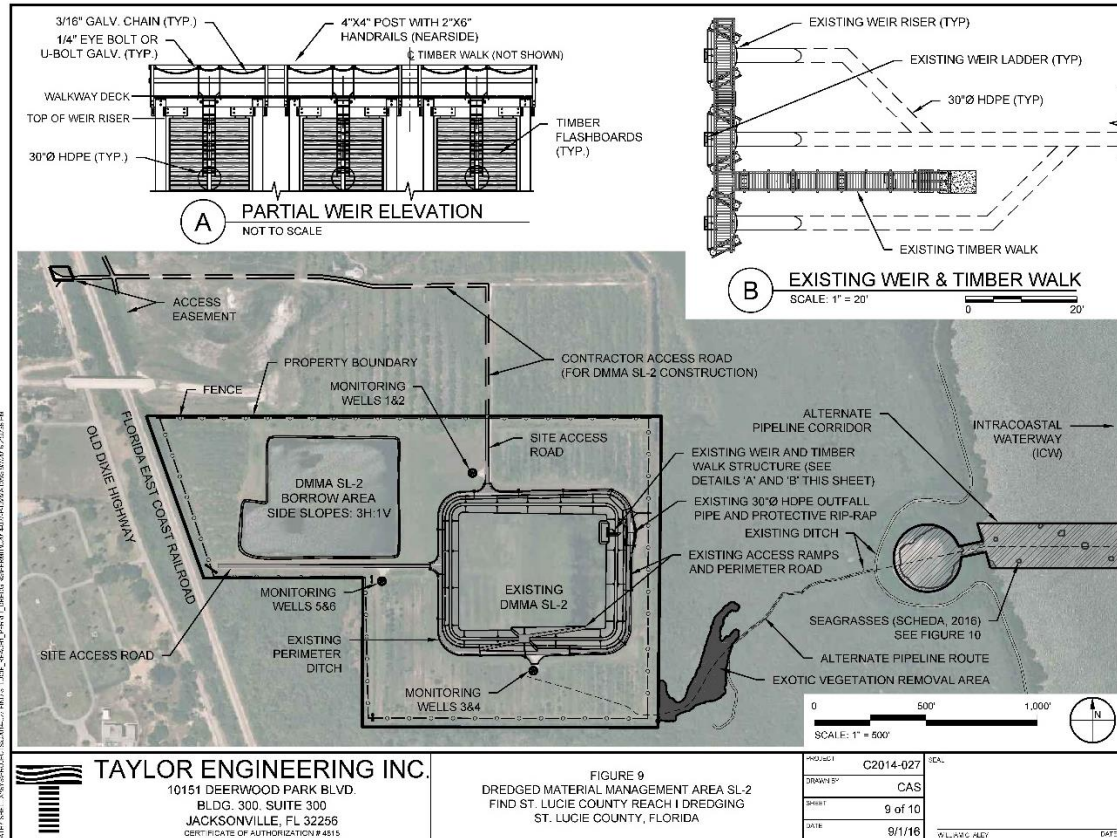
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# Attachment A: Project Location and Plans





# Attachment A: Project Location and Plans



GENERAL CONDITIONS

33 C.F.R § 320-330

PUBLISHED FEDERAL REGISTER DATED NOVEMBER 13, 1986

1. The time limit for completing the work authorized ends on the **dates identified in the letter**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

## Attachment C: As-Built Certification Form

### **AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER**

Submit a completed copy of this form and a set of as-built engineering drawings to: U.S. Army Corps of Engineers, Jacksonville District Regulatory Division Enforcement Branch, PO Box 4970, Jacksonville, Florida 32232-0019 or via email at [cesaj-complydocs@usace.army.mil](mailto:cesaj-complydocs@usace.army.mil)

1. Department of the Army Permit Number: SAJ-2014-03657(GP-SAW)

2. Permittee Information:

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

Address: \_\_\_\_\_

\_\_\_\_\_

3. Project Site Identification (physical location/address):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled, and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (*Please type*)

\_\_\_\_\_  
(FL, PR, or VI) Reg. Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP

(Affix Seal)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number



## Attachment C: As-Built Certification Form

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):

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**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST**

**APPLICATION AND PERMIT NUMBERS: SAJ-2014-03657, SAJ-14**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(SUBDIVISION)

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

\_\_\_\_\_  
(LOT)

\_\_\_\_\_  
(BLOCK)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(STREET ADDRESS)

\_\_\_\_\_  
(MAILING ADDRESS)

\_\_\_\_\_  
(CITY, STATE, ZIP CODE)

**SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS**

March 23, 2006

The Permittee shall comply with the following protected species construction conditions:

- a. The Permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The Permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-foot radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

**STANDARD MANATEE CONDITIONS FOR IN-WATER WORK**  
2011

The Permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The Permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut down if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (904-731-3336) for north Florida or Vero Beach (772-562-3909) for south Florida, and to FWC via email at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the Permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed online at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

# CAUTION: MANATEE HABITAT

**All project vessels**

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:

**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC

