

**EXHIBIT A**  
**Scope of Work**  
**Dredging of Lafitte Cove Canal**  
**Pensacola Beach, FL**

**1. Purpose**

Escambia County is seeking the services of a licensed marine contractor with dredging experience to dredge the entryway of Lafitte Cove Canal.

**2. Description of Work Activities**

The Contractor shall perform the following activities:

**Permitting:** The Contractor shall work with the County to ensure that all required permits are active. Should permits require updating prior to bid submission or during the contract period, it is the responsibility of the Contractor to ensure that no permits are allowed to lapse. All permits shall be valid throughout the contract period. See required permits as noted within.

**Dredging:** The Contractor shall mechanically dredge up to 1,200 cubic yards of material, but no more than absolutely necessary for vessels to adequately navigate the canal entryway, within the permitted 50' x 95' area to -5.0 Mean Low Water at the entrance of Lafitte Cove Canal (see attached ACOE permit for exact dredge area).

With County approval, the Contractor is to dredge the canal entryway within the permitted area a minimum of three (3) times per year in intervals not to exceed more than four (4) months. **The Contractor is to contact the County's Project Manager no less than ten (10) business days prior to beginning any work. No work shall begin without formal, written approval from the PM.**

The periods in which the Contractor is to dredge will be determined at the time of Award; however, the anticipated service months are February, June, and October of each year, within the contractual length of service. Escambia County reserves the right to make the final determination of specific dredging periods during this contract.

**Transport and Discharge:** The Contractor is to transport and discharge the dredged materials to the pre-determined upland discharge site, which is a vacant parcel south of the existing Pensacola Beach Water Towers located to the east of the Little Sabine Inlet (see attached Dredge Site and Dredge Transport Site Maps). The estimated amount per dredge is approximately 500 cubic yards, however, the amount to be dredged for each occurrence shall be determined by PM.

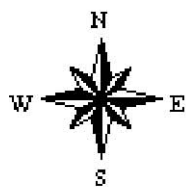
**Invoicing:** To obtain written approval from the PM to beginning work, the Contractor shall list the day(s) that the dredging will occur. Upon receipt of written approval, the Contractor shall perform the work. Upon completion of the work, the Contractor shall submit an accurate invoice to the PM for payment.

**3. Project Initiation**

The Contractor shall begin performing the service described herein within seven (7) calendar days of the issuance of a Notice to Proceed by the PM.

**4. Experience**

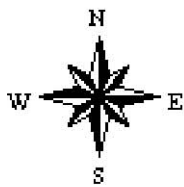
The Contractor shall provide three (3) references of work of similar size and scope.



## Lafitte Cove Canal Dredge Site



Printed: Feb 09, 2015



# Dredge Material Transport Site



Printed: Feb 09, 2015



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
**PENSACOLA REGULATORY OFFICE**  
**41 NORTH JEFFERSON STREET, SUITE 301**  
**PENSACOLA, FLORIDA 32502**

July 19, 2018

Regulatory Division  
North Permits Branch  
Pensacola Permits Section  
SAJ-2015-00600 (NW-HMM)

Escambia County Public Works Department  
c/o David Forte  
3363 West Park Place  
Pensacola, FL 32505

Dear Mr. Forte:

Your application for a Department of the Army permit has been assigned number SAJ-2015-00600 (NW-HMM). A review of the information and drawings provided shows the proposed work is to maintenance dredge approximately 1200 cubic yards of material from a 50' x 90' area to -5 mean low water at the entrance of Lafitte Cove Canal. The dredged material will be placed a self-contained upland dredged material disposal cell with no return water to waters of the United States. The project is located at the Lafitte Cove Canal entrance (adjacent to 230 Le Starboard Drive) on Pensacola Beach, in Santa Rosa Sound, Latitude 30.328938° North, Longitude 87.166650° West, in Section 00, Township 03 South, Range 29 West, in Escambia County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 35. In addition, project specific conditions have been enclosed. This verification is valid until **March 18, 2022**. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Internet page to access Internet links to view the Final Nationwide Permits, Federal Register Vol. 82, dated January 6, 2017, specifically pages 1983 to 2008, and the table of Regional Conditions. The Internet page address is:

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

Please be aware this internet address is case sensitive and should be entered as it appears above. Once there you will need to click on "Source Book"; and, then click on "Nationwide Permits." These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for this NWP. Enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not

completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:
  - a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 41 North Jefferson St., Suite 301, Pensacola, FL 32502.
  - b. For electronic mail: [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil) (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-00600 (NW-HMM), on all submittals.
2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
4. **Assurance of Navigation and Maintenance:** 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.
5. **Dredge Area:** The area to be dredged shall not exceed the dimensions and depths indicated on the permit drawings.
6. **Dredge Method:** This verification applies only to mechanical and hydraulic dredging activities, it does not authorize hopper dredging.
7. **Dredged Material Disposal:** The material shall be mechanically dredged and placed in a self-contained, upland disposal site located adjacent to the entrance to Little Sabine on Pensacola Beach, as detailed on the attached drawings. The Permittee shall install erosion control measures along the perimeter of the upland disposal site and maintain the upland disposal site to prevent the discharge of dredged material and associated effluent into waters of the United States.

8. **Dredged Material Disposal:** All dredged material must be placed in an Corps-verified upland disposal site, EPA or Corps designated open water disposal site, Corps Dredged Material Management Area, or Corps-approved beneficial use sites for mitigation or restoration, as long as it meets the following:
  - a. The disposal sites shall employ erosion control measures such as upland erosion control, such as filtration or berms, or in-water turbidity curtains.
  - b. Handling and storage of dredged material must be completed in a manner that prevents sedimentation, erosion, and turbidity during dewatering, overflow, transferring, and storage of the dredged material. For example, the overwater transfer of dredge material should either contain the dredged material and any water to prevent sedimentation or employ other methods, such as turbidity curtains in the marine environment, to ensure that any turbidity generated as the water is returned to the marine environment is contained. If the applicant conducts sediment testing voluntarily or in compliance with other law, and such testing indicates high levels of contaminants in the sediments to be dredged, water from dewatering should not be released back into the marine environment.
9. **Daylight Hours:** All activities must be completed during daylight hours.
10. **Project Design Criteria (PDCs) for In-Water Activities:** The Permittee shall comply with National Marine Fisheries Service's "PDCs for In-Water Activities" dated November 20, 2017 (Attached).
11. **Manatee Conditions:** The Permittee shall comply with the attached "Standard Manatee Conditions for In-Water Work – 2011".
12. **Sea Turtle and Smalltooth Sawfish Conditions:** The Permittee shall comply with the attached National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006.
13. **Eastern Indigo Snake Protection Measures and Inspection:** Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013, which can be found at [https://www.fws.gov/northflorida/IndigoSnakes/20130812\\_Eastern\\_indigo\\_snake\\_Standard\\_Protection\\_Measures.htm](https://www.fws.gov/northflorida/IndigoSnakes/20130812_Eastern_indigo_snake_Standard_Protection_Measures.htm). All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.
14. No building or fill materials, tools or other equipment shall be stockpiled within the waters of the United States.

15. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during construction.

16. **Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Pensacola Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

17. **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.

This letter of 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, or expiration date for the above referenced NWP, please contact me by the letterhead address, by email at [Holly.M.Millsap@usace.army.mil](mailto:Holly.M.Millsap@usace.army.mil) or by telephone at 850-470-9823.

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 automated Customer Service Survey at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,



Holly Millsap  
Project Manager

Enclosures:

- Permit Drawings
- General Conditions
- Sea Turtle/Smalltooth Sawfish Conditions
- Manatee Conditions
- PDC's for In-Water Activities
- Self-Certification Statement of Compliance
- Department of the Army Permit Transfer Request

Copy/ies Furnished:

- Biome Consulting Group, Agent
- CESAJ-RD-SE



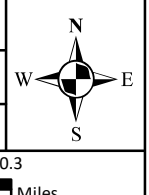


**EXHIBIT 1**  
**SITE LOCATION MAP**  
**PENSACOLA BEACH**  
**LAFITTE COVE**  
**ESCAMBIA COUNTY**

- LEGEND**
- CANAL
  - SPOIL

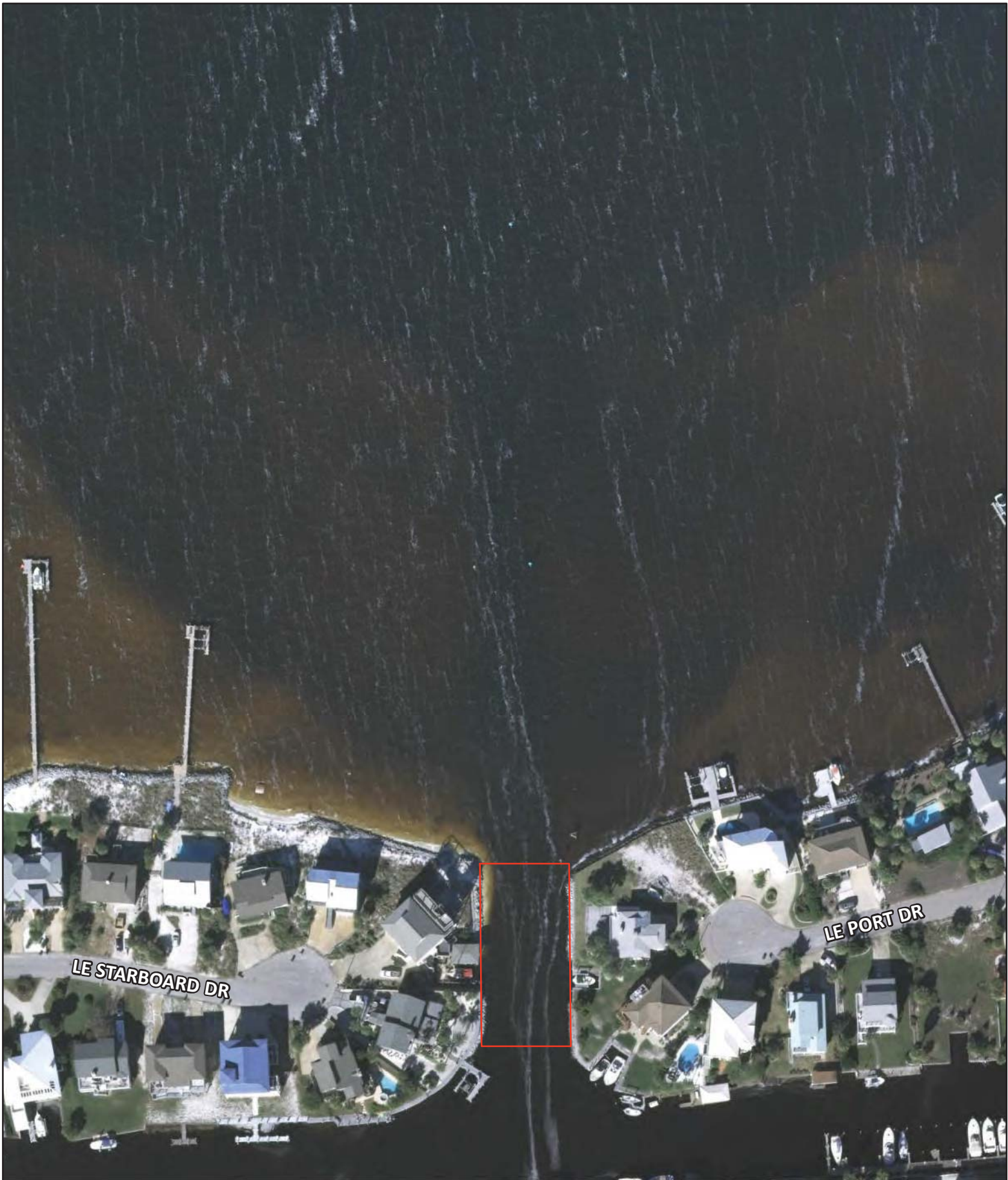
7/19/2018  
 AUTHOR: SFH  
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**biome**  
 Consulting Group

1300 West Government St. Pensacola, FL 32502  
 850.435.9367 www.biome.co



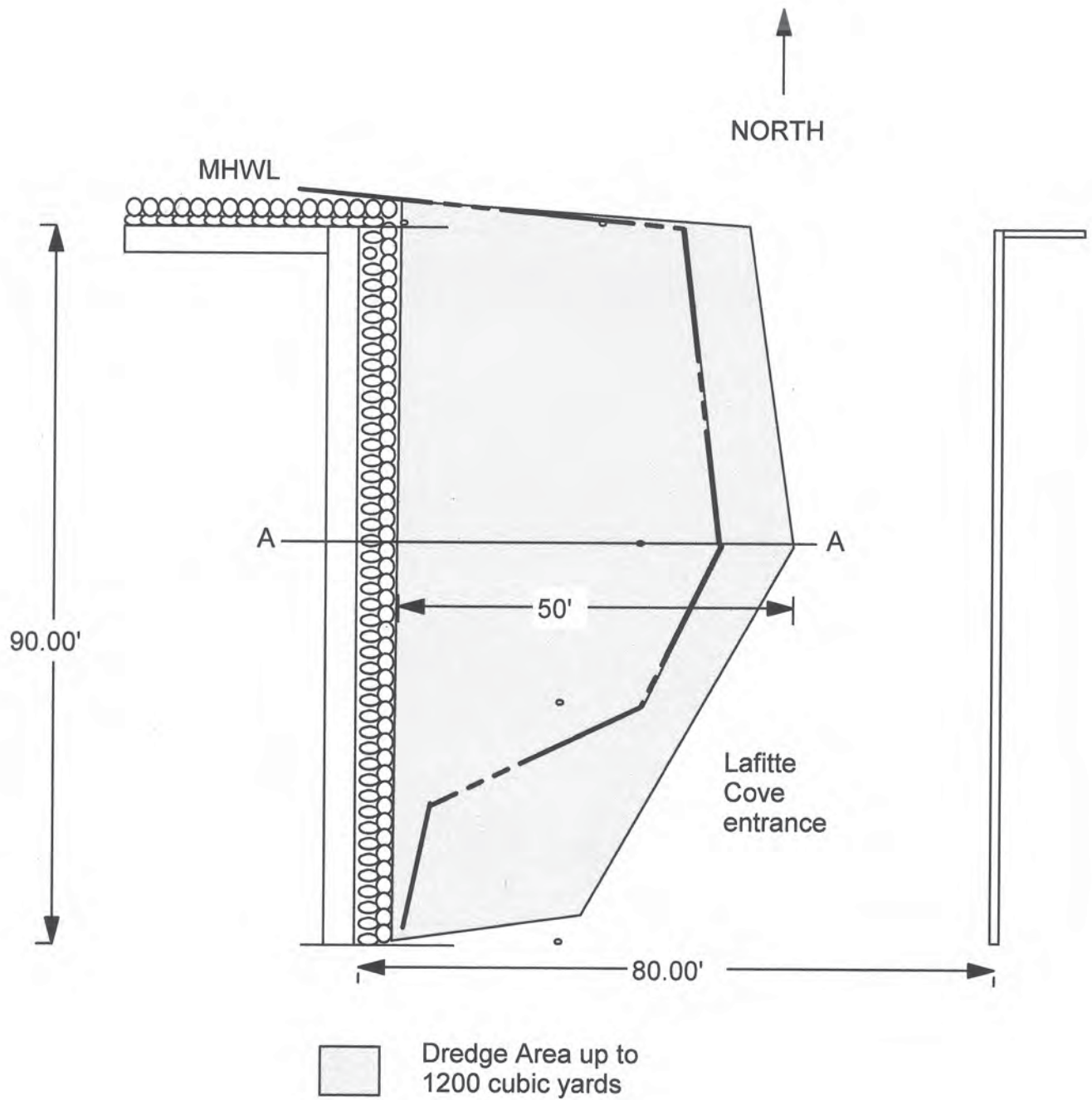
**EXHIBIT 3**  
**2016 AERIAL IMAGERY**  
**PENSACOLA BEACH**  
**LAFITTE COVE**  
**ESCAMBIA COUNTY**

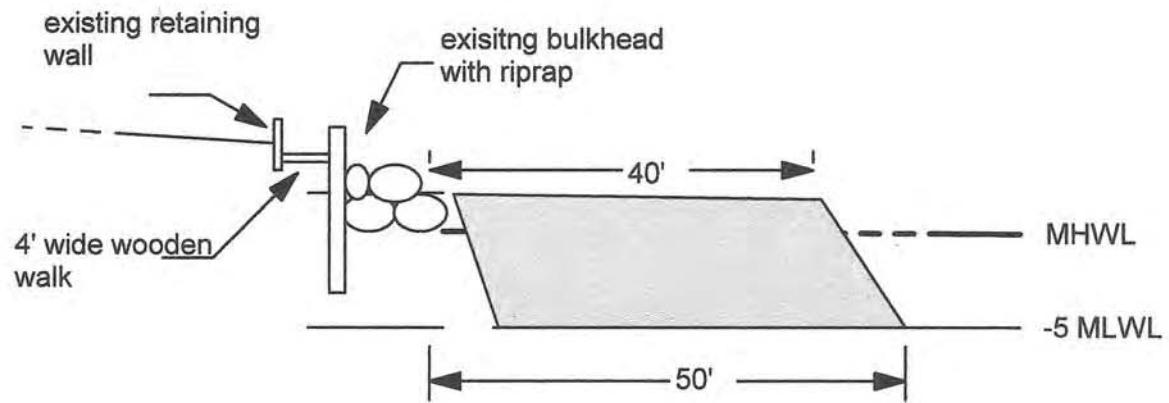
**LEGEND**  
 CANAL


4/16/2018  
 AUTHOR: JLH  
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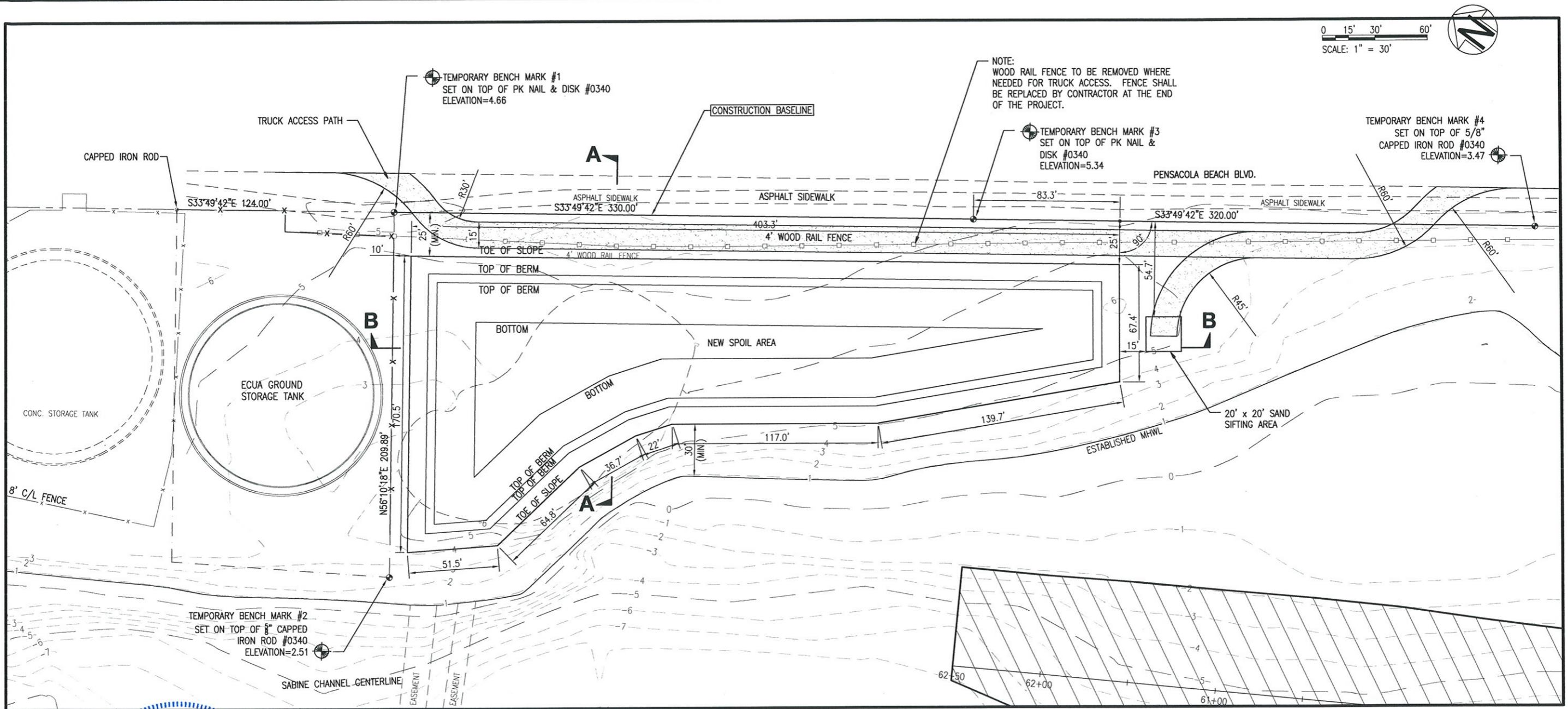
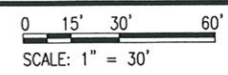
**biome**  
 Consulting Group  
 1300 West Government St. Pensacola, FL 32502  
 850.435.9367 www.biome.co





 Dredge area up to 1200 cubic yards

Vertical 1" = 10'  
Horizontal 1" = 20'



NOTE:  
WOOD RAIL FENCE TO BE REMOVED WHERE NEEDED FOR TRUCK ACCESS. FENCE SHALL BE REPLACED BY CONTRACTOR AT THE END OF THE PROJECT.

**BASKERVILLE-DONOVAN, INC.**  
Innovative Infrastructure Solutions  
448 W. MAIN ST., PENSACOLA, FL 32502 (850)438-5661  
ENGINEERING BUSINESS: EB-0000340  
Pensacola - Panama City Beach - Tallahassee - Mobile  
This drawing is the property of BASKERVILLE-DONOVAN, INC. and is not to be reproduced in whole or in part. It is not to be used on any other project and is to be returned upon request.

W. JEFF HUGGINS, P.E.  
FL Reg. Engineer #80324

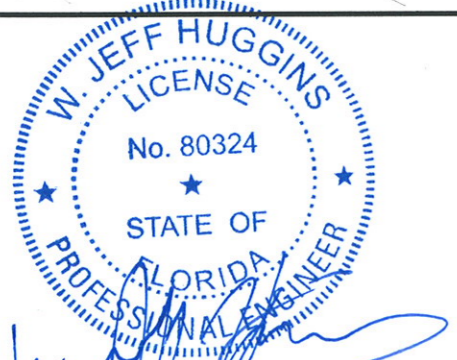
**LITTLE SABINE BAY  
CHANNEL EXPANSION**

NO.	DATE	APPR.	REVISION/ACTION	TAKEN

PROJECT NO: 21202.28  
DESIGNED BY: WHH  
DRAWN BY: RGG  
CHK'D BY: WHH  
PROJ. MGR: MDL  
DATE: NOV 2016

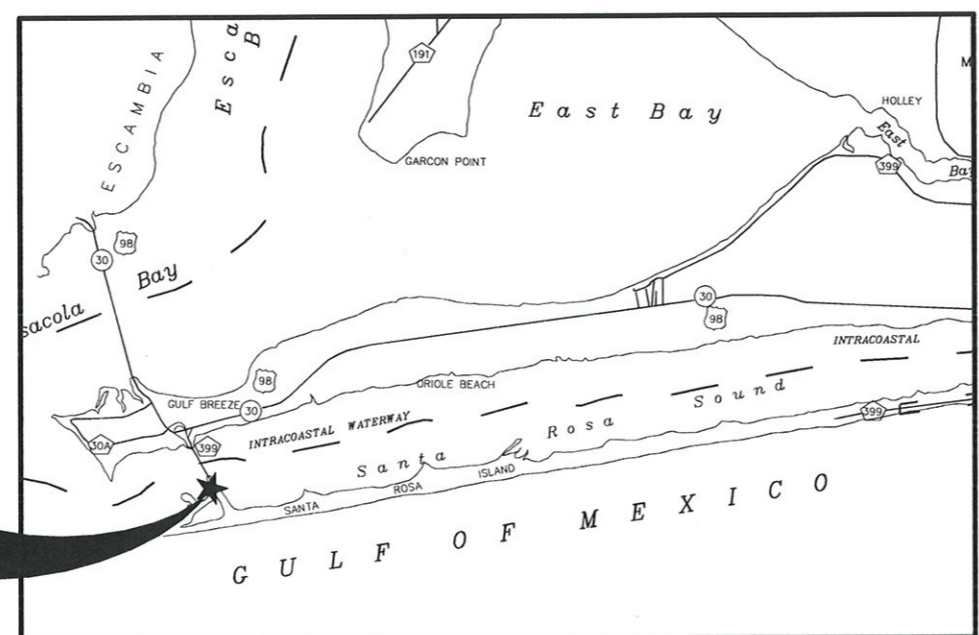
**SPOIL AREA PLAN  
AND LOCATION MAP**

- NOTES:
- CONSTRUCTION BASELINE IS ALONG RIGHT-OF-WAY LINE OF PENSACOLA BEACH BLVD.
  - SPOIL AREA MAY BE RECONFIGURED PROVIDED THAT MINIMUM DISTANCES ON THIS PLAN ARE MAINTAINED.
  - DREDGING OPERATIONS SHALL STOP WHEN WATER LEVEL IN SPOIL CELL RISES TO 18" FROM THE TOP OF THE BERM.
  - NO DIRECT RETURN DISCHARGE FROM SPOIL CELL TO SABINE CHANNEL IS ALLOWED.
  - DREDGING OPERATIONS MAY PROCEED ONLY AFTER ADEQUATE VOLUME WITHIN THE SPOIL CELL IS AVAILABLE.
  - REMOVAL OF DREDGED MATERIAL FROM THE SPOIL CELL WILL BE NECESSARY AND NEEDED TO PROVIDE ADEQUATE VOLUME THROUGHOUT THE MAINTENANCE DREDGING PERIOD.
  - THE DREDGED MATERIAL SHALL REMAIN THE PROPERTY OF SANTA ROSA ISLAND AUTHORITY (SRIA) AND SHALL NOT BE REMOVED FROM THE SITE UNLESS DETERMINED AS UNSUITABLE BY SRIA.

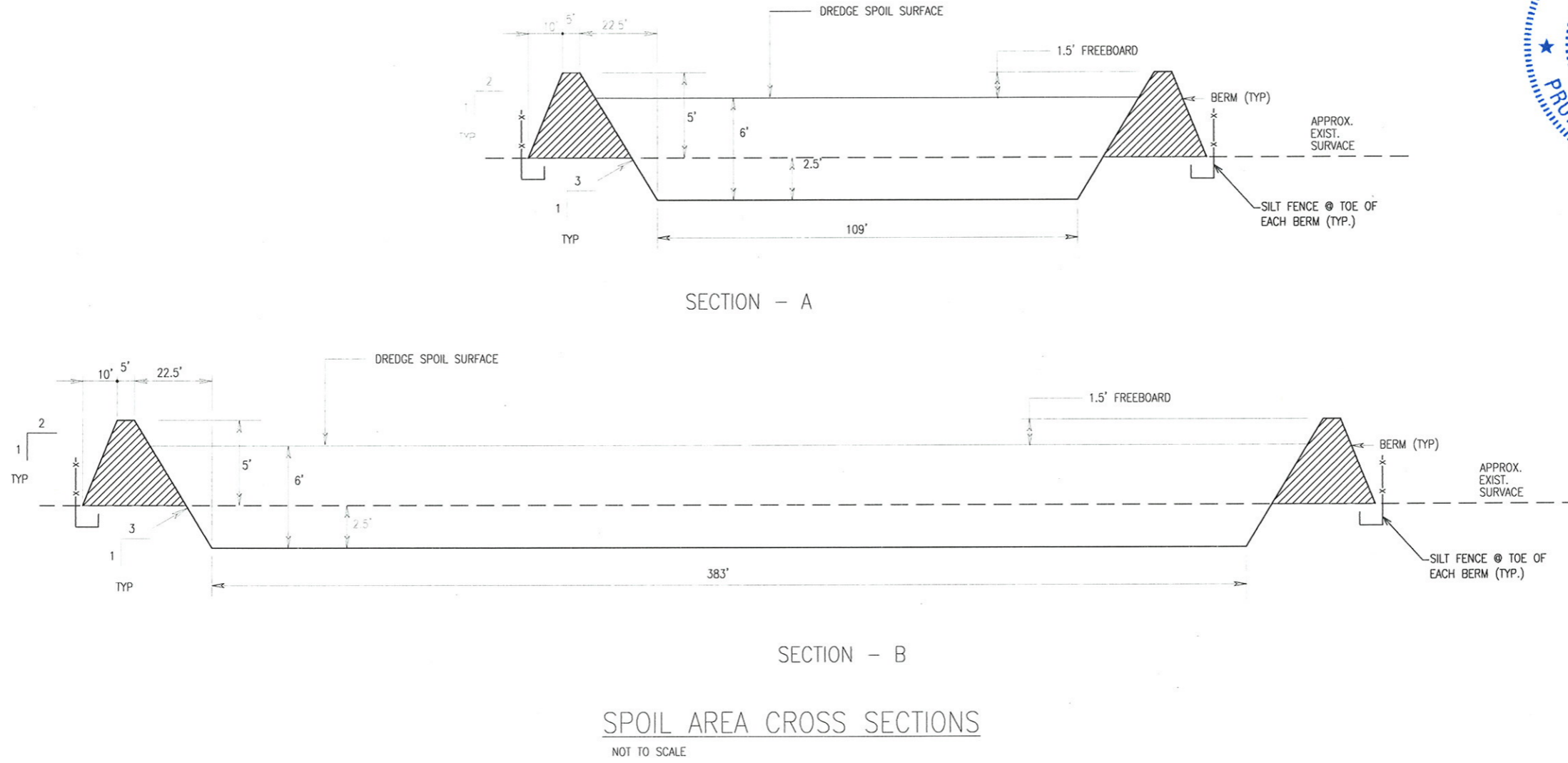


*W. Jeff Huggins*  
7/19/18

**SPOIL CELL  
LOCATION**



K:\212 SRIA\21202.28\DWG\C100-C106.dwg, Jul 19, 2018 - 4:13:49PM, jhuggins



<b>SPOIL AREA SECTIONS</b> <b>C-106</b>		PROJECT NO. 21202.28	NO.  	DATE  	APPR.  	REVISION/ACTION TAKEN  
		DESIGNED BY: MDL DRAWN BY: RGG CHK'D BY: WJH PROJ. MGR: MDL DATE: NOV 2016	NOT RELEASED FOR CONSTRUCTION BY  	DATE  		
<b>LITTLE SABINE BAY CHANNEL EXPANSION</b>		BASKERVILLE-DONOVAN, INC. Innovative Infrastructure Solutions 448 W. MAIN ST., PENSACOLA, FL 32502 (850)438-9981 ENGINEERING BUSINESS: EB-0000540 Panama City Beach - Tallahassee - Mobile				
This drawing is the property of BASKERVILLE-DONOVAN, INC. and is not to be reproduced, in whole or in part, without the written consent of the project engineer.		W. JEFF HUGGINS, P.E. FL. Reg. Engineer #80324				

GENERAL CONDITIONS  
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on **March 18, 2022.**
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.

**THESE CONDITIONS APPLY TO GULF AND SHORTNOSE STURGEON**



## 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. [Omitted]
- 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 shutdown 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 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).
- f. [Omitted]

[Conditions "c" and "f" have been omitted as they are not applicable in Escambia County.]

**U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion (JaxBO) Project Design Criteria (PDCs) for In-Water Activities**

**November 20, 2017**

- 1) **(AP.7.) Education and Observation:** The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:  
[http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/threatened\\_endangered/index.html](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html)
- 2) **(AP.8.) Reporting** of interactions with protected species:
  - a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to [takereport.nmfs@noaa.gov](mailto:takereport.nmfs@noaa.gov) and [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil).
  - b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email [Sawfish@MyFWC.com](mailto:Sawfish@MyFWC.com)
  - c) Sturgeon: Report dead sturgeon to 1-844-STURG 911 (1-844-788-7491) or email [nmfs.ser.sturgeonnetwork@noaa.gov](mailto:nmfs.ser.sturgeonnetwork@noaa.gov)
  - d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
  - e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.
- 3) **(AP.9.) Vessel Traffic and Construction Equipment:** All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:
  - a) *Construction Equipment:*
    - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
    - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
    - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of

construction equipment and shall not resume until the species has departed the area of its own volition.

- iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

b) *All Vessels:*

- i) Sea turtles: Maintain a minimum distance of 150 ft.
- ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
- iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
- iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
- v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
- vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
- vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

- 4) **(AP.10.) Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:

- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
- b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
- c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
- d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
- e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm

Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):

- i) Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
  - ii) The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cableline). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.
- 5) **(AP.11.) Entanglement:** All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.
- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
  - b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

**SELF-CERTIFICATION STATEMENT OF COMPLIANCE**

**Permit Number: SAJ-2015-00600 (NW-HMM)**

Permittee's Name & Address (please print or type): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Location of the Work: \_\_\_\_\_

\_\_\_\_\_

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

**PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES \_\_\_\_\_ NO \_\_\_\_\_**

**TO SCHEDULE AN INSPECTION PLEASE CONTACT \_\_\_\_\_**

**AT \_\_\_\_\_**

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Acreage or Square Feet of Impacts to Waters of the United States: \_\_\_\_\_

Describe Mitigation completed (if applicable): \_\_\_\_\_

\_\_\_\_\_

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST**

**Permit Number: SAJ-2015-00600 (NW-HMM)**

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, Post Office Box 4970, Jacksonville, FL 32232-0019.

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

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

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

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

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

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

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

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

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

**PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM  
(RGL 16-01 Appendix 2)**

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PJD:** 19 July 2018

**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**  
Escambia County Public Works Department, c/o David Forte  
3363 West Park Place, Pensacola, FL 32505

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** RD-NL, SAJ-2015-00600

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**

**(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES  
AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)**

State: Florida County/parish/borough: Escambia City: Pensacola  
Center coordinates of site (lat/long in degree decimal format):  
Latitude 30.328938° North, Longitude 87.166650° West  
Universal Transverse Mercator: Zone 16  
Name of nearest waterbody: Santa Rosa Sound

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date:  
 Field Determination. Date(s):

**TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT  
TO REGULATORY JURISDICTION.**

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e. wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e. Section 404 or Section 10/404)
1	30.328938	-87.166650	0.5 acres	Non-wetland	10/404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring “pre-construction notification” (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) that the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant’s acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as is practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there “*may be*” waters of the U.S. and/or that there “*may be*” navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters’ study:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:



- Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):Google Earth Pro.  
or  Other (Name & Date):Site photos.
- Previous determination(s). File no. and date of response letter:. SAJ-2010-00357 (2010 and 2012), SAJ-2015-00600 (2015).
- Other information (please specify):

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**



19 July 2018

Signature and date of  
Regulatory staff member  
completing PJD

\_\_\_\_\_  
Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining  
the signature is impracticable)<sup>1</sup>

<sup>1</sup>Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

April 23, 2018

Escambia County Public Works Dept  
c/o David Forte  
3363 West Park Place  
Pensacola, Florida 32505  
[dvforte@co.escambia.fl.us](mailto:dvforte@co.escambia.fl.us)

File No.: 0145644-008-EE/17, Escambia County

Dear Mr. Forte:

On April 19, 2018, we received your request for verification of exemption to perform the following activities:

To maintenance dredge to -5 feet within Lafitte Cove, Class III Outstanding Florida Waters, Prohibited Shellfish Harvesting Area. The project is located within Lafitte Cove, a manmade canal connected to Pensacola Bay on Pensacola Beach, Florida, Section 28, Township 02 South, Range 26 West in Escambia County; 30°19'42.14" North Latitude, 87°09'59.63" West Longitude.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the federal review portion of this verification request.

**Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

### **1. Regulatory Review – Verified**

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Rule 62-330.051(7)(a), Florida Administrative Code (F.A.C.) from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

### **2. Proprietary Review – Not Required**

The activity does not appear to be located on sovereign submerged lands, and does not require further authorization under Chapters 253 or 258, F.S. or Chapters 18-20 or 18-21, F.A.C.

### **3. Federal Review – SPGP Not Approved**

Your proposed activity as outlined on your application and attached drawings **does not qualify** for federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the U.S. Army Corps of Engineers (Corps). You must apply separately to the Corps using the federal application form (ENG 4345). More information about Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review – an agreement with the Corps entitled “Coordination Agreement Between the U.S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit,” Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

### **Additional Information**

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S. and Chapter 18-14, F.A.C.

### **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S. before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

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

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

### Extension of Time

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

### Mediation

Mediation is not available in this proceeding.

### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Wade Dandridge at the letterhead address, at (850)595-0655, or at [Wade.Dandridge@dep.state.fl.us](mailto:Wade.Dandridge@dep.state.fl.us)

**EXECUTION AND CLERKING**

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



---

Wade Dandridge  
Environmental Specialist  
Submerged Lands and Environmental Resources Program

**Attachments:**

Project Drawings, 7 pages

Rule 62-330.051(7)(a), F.A.C. and Section 403.813(1)(f), F.S., 1 page

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

U.S. Army Corps of Engineers, [terry.s.hayes@usace.army.mil](mailto:terry.s.hayes@usace.army.mil)

Chris Bosso, Agent, [chris@biome.co](mailto:chris@biome.co)

Escambia County, [jtkirsche@myescambia.com](mailto:jtkirsche@myescambia.com), [BDBANE@myescambia.com](mailto:BDBANE@myescambia.com),

[bdschneider@myescambia.com](mailto:bdschneider@myescambia.com), [TRDAY@myescambia.com](mailto:TRDAY@myescambia.com)

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



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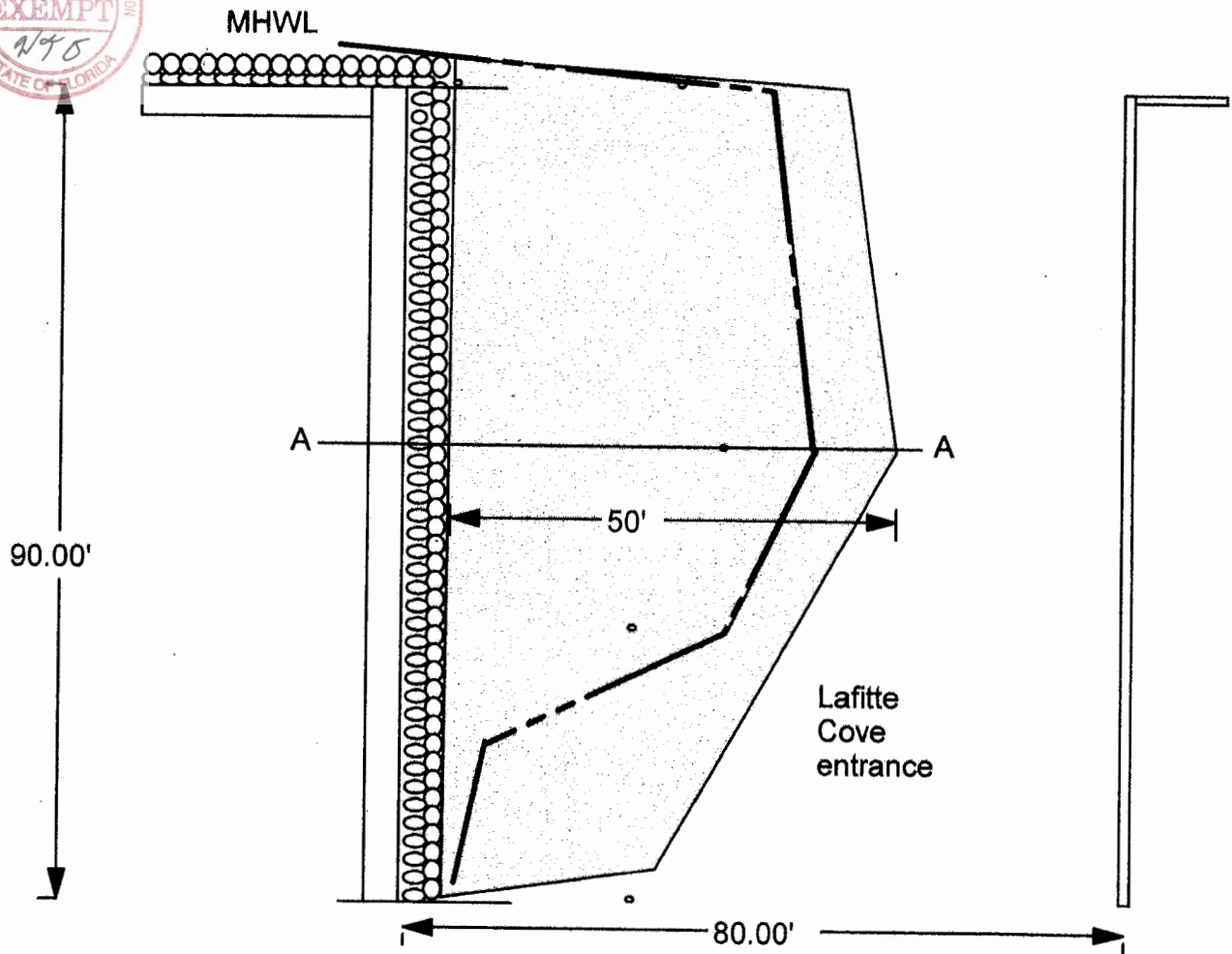
**Clerk**


April 23, 2018

**Date**



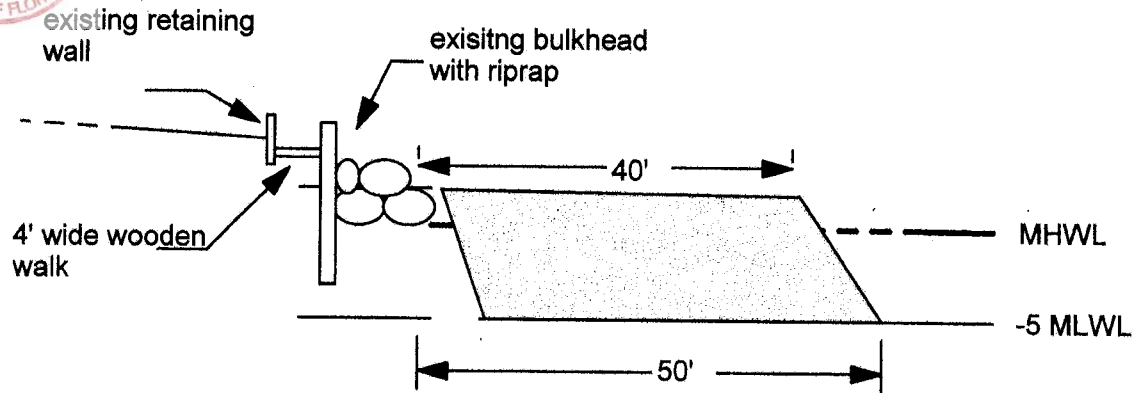
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


 Dredge Area up to 1200 cubic yards

Lafitte Cove  
Escambia County  
Manmade Canal  
4/17/2018

Plan View  
Maintenance dredge  
Scale: 1" = 20'  
Sheet 1



 Dredge area up to 1200 cubic yards

Vertical 1" = 10'  
Horizontal 1" = 20'

Coastal Land Company  
Walton County  
Unnamed wetlands  
11/11/2015

Section View  
Lot Fill  
Scale: H:1"=20' V:1"=2'  
Sheet 2

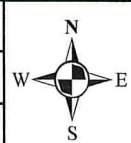




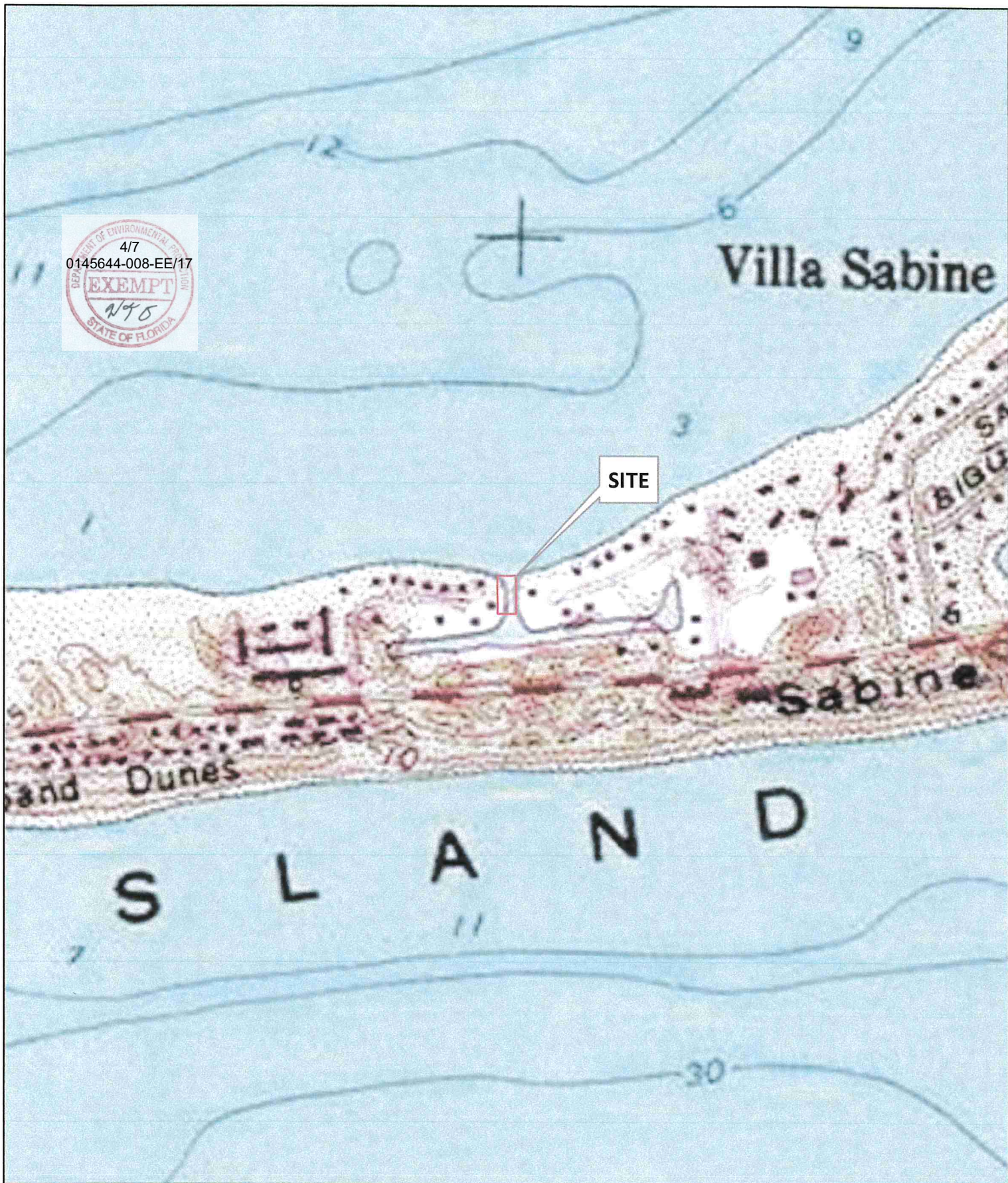
**EXHIBIT 1**  
**SITE LOCATION MAP**  
**PENSACOLA BEACH**  
**LAFITTE COVE**  
**ESCAMBIA COUNTY**

**LEGEND**  
 CANAL

4/16/2018  
 AUTHOR: JLH  
 THIS IS NOT A SURVEY  
 0 0.15 0.3  
 Miles



**biome**  
 Consulting Group  
 1300 West Government St. Pensacola, Fl. 32502  
 850.435.9367 www.biome.co



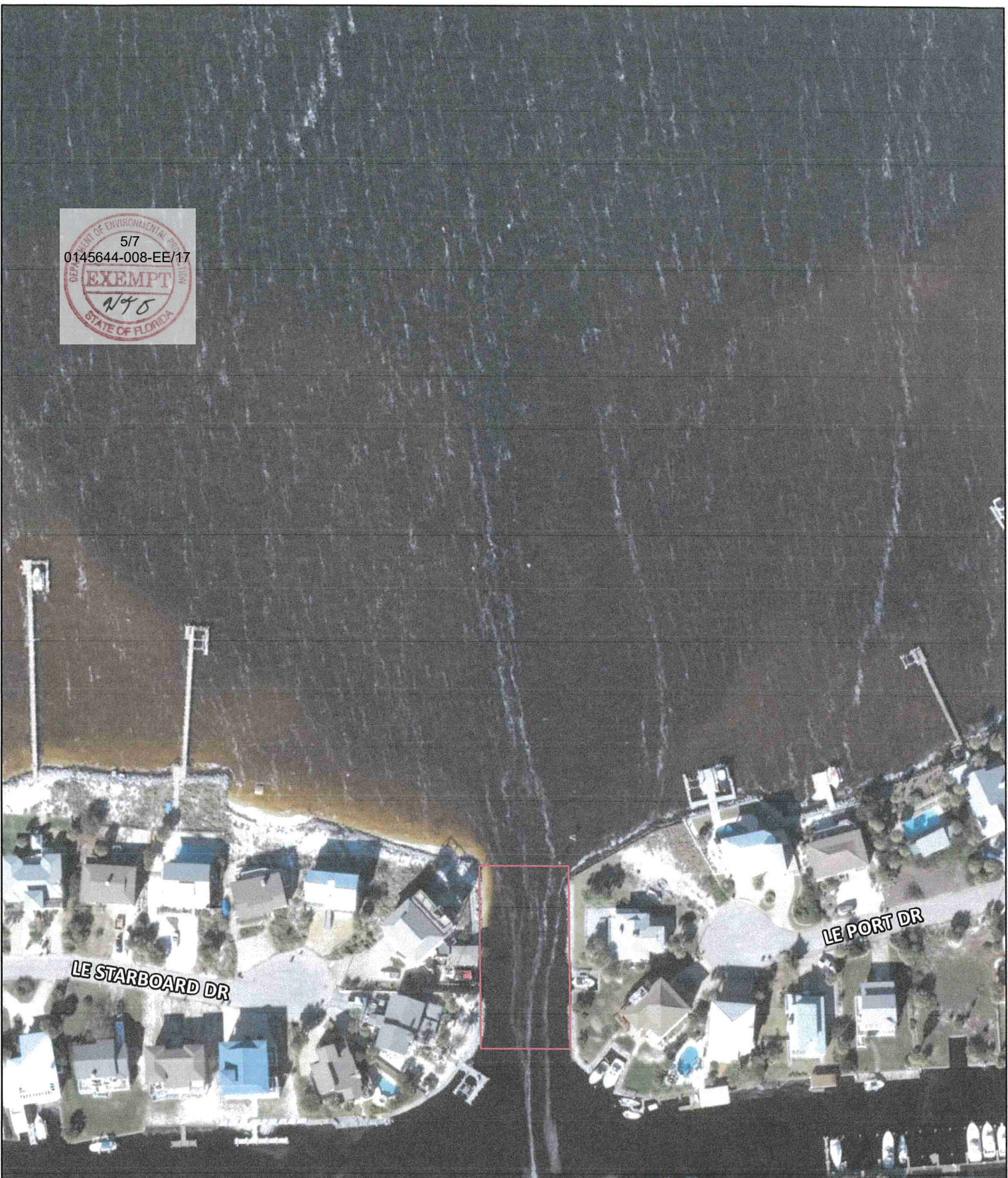
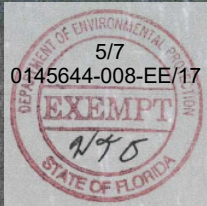
**EXHIBIT 2**  
**USGS TOPOGRAPHIC MAP**  
**PENSACOLA BEACH**  
**LAFITTE COVE**  
**ESCAMBIA COUNTY**

**LEGEND**  
 CANAL

4/16/2018  
 AUTHOR: JLH  
 THIS IS NOT A SURVEY  
 0 0.05 0.1  
 Miles



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 850.435.9367 www.biome.co



**EXHIBIT 3**  
**2016 AERIAL IMAGERY**  
**PENSACOLA BEACH**  
**LAFITTE COVE**  
**ESCAMBIA COUNTY**

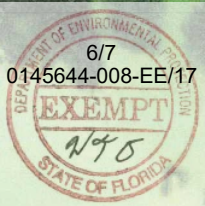
**LEGEND**  
 CANAL

4/16/2018  
 AUTHOR: JLH  
 THIS IS NOT A SURVEY



0 62.5 125  
 Feet

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 Consulting Group  
 1300 West Government St. Pensacola, FL 32502  
 850.435.9367 www.biome.co



**EXHIBIT 4**  
**2007 AERIAL IMAGERY**  
**PENSACOLA BEACH**  
**LAFITTE COVE**  
**ESCAMBIA COUNTY**

**LEGEND**  
 CANAL

4/16/2018	
AUTHOR: JLH	
THIS IS NOT A SURVEY	

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DEPT. OF ENVIRONMENTAL PROTECTION  
 717  
 0145644-008-EE/17  
**EXEMPT**  
 195  
 STATE OF FLORIDA

Sabine Inlet

PENSACOLA BEACH BLVD  
 PENSACOLA BEACH BLVD

**EXHIBIT 5**  
**SPOIL AREA**  
**PENSACOLA BEACH**  
**LAFITTE COVE**  
**ESCAMBIA COUNTY**

**LEGEND**  
 SPOIL AREA

4/17/2018  
 AUTHOR: JLH  
 THIS IS NOT A SURVEY  
 0 37.5 75  
 Feet



**biome**  
 Consulting Group  
 1300 West Government St. Pensacola, FL 32502  
 850.435.9367 www.biome.co

### **62-330.051 Exempt Activities.**

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

(7) Maintenance and Restoration –

(a) Maintenance dredging under Section 403.813(1)(f), F.S.

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(f) The performance of maintenance dredging of existing manmade canals, channels, intake and discharge structures, and previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the public records of the county, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures, and previously dredged portions of natural water bodies, to original design specifications or configurations, provided that the work is conducted in compliance with s. 379.2431(2)(d), provided that no significant impacts occur to previously undisturbed natural areas, and provided that control devices for return flow and best management practices for erosion and sediment control are utilized to prevent bank erosion and scouring and to prevent turbidity, dredged material, and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. Further, for maintenance dredging of previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements, an entity that seeks an exemption must notify the department or water management district, as applicable, at least 30 days prior to dredging and provide documentation of original design specifications or configurations where such exist. This exemption applies to all canals and previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements constructed prior to April 3, 1970, and to those canals and previously dredged portions of natural water bodies constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption does not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent waters. When no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water. The Board of Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging. However, no charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material; however, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.