

**APPENDIX C**  
**SUMMARY OF JONES' PIER CONSERVATION AREA**  
**PERMITS FOR PROJECT CONSTRUCTION**

<b>Agency</b>	<b>Permit Type</b>	<b>Permit #</b>	<b>Attachment Title</b>	<b>Project Phase</b>
U. S. Army Corps of Engineers	Nationwide	SAJ-2018-02652	Phase 1 USCOE NWP	1
U.S. Army Corps of Engineers	Nationwide	SAJ-2018-02652	Phase 2 USCOE NWP	2
Indian River County Environmental Planning & Code Enforcement	Wetland Resource	94030151/84956	IRC Wetland Permit	1 & 2
Indian River County Environmental Planning & Code Enforcement	Land Clearing	94030151/82226	IRC Land Clearing	1 & 2
Indian River County Environmental Planning & Code Enforcement	Tree Removal	94030151/83861	IRC Tree Removal	1 & 2
St. John's River Water Management District	Environmental Resource Permit	153722-1	SJRWMD ERP Phase 1	1
St. John's River Water Management District	Environmental Resource Permit	153722-2	SJRWMD ERP Phase 2	2

**JONES' PIER CONSERVATION AREA PROJECT CONSTRUCTION  
PHASE 1 USCOE NWP**



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
COCOA PERMITS SECTION  
400 HIGH POINT DRIVE, SUITE 600  
COCOA, FLORIDA 32926

REPLY TO  
ATTENTION OF

September 14, 2018

Regulatory Division  
North Permits Branch  
Cocoa Permits Section  
SAJ-2018-02652 (NWP-CMM)

Indian River County; Conservation Lands Manager  
c/o Elizabeth Powell  
5500 77<sup>th</sup> Street  
Vero Beach, FL 32967

Dear Ms. Powell:

Your application for a Department of the Army permit has been assigned number SAJ-2018-02652. A review of the information and drawings provided shows the proposed work is to fill approximately 307 square feet of waters of the U.S. to facilitate the construction of concrete retaining wall. The project would affect waters of the United States associated with the Indian River located at 7770 Jungle Trail, in Section 36, Township 31 South, Range 39 East, Vero Beach, Indian River County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 18 – *Minor Discharges*. 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 NWP 18 – *Minor Discharges*. 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.

**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, Special Projects and Enforcement Branch, PO Box 4970, Jacksonville, Florida 32232.

b. For electronic mail CESAJ-ComplyDocs@usace.army.mil (not to exceed 10 MB).

The Permittee shall reference this permit number, SAJ-2018-02652 (NWP-CMM), on all submittals.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit/Within 10 days from the date of initiating the work authorized by this permit for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.

**3. Self-Certification:** Within 60 days of completion of the work authorized, the attached Self-Certification Statement of Compliance must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Special Projects and Enforcement Branch, PO Box 4970, Jacksonville, Florida 32232.

**4. 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.

**5. Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

**6. Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**7. 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, as provided in this permit. 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.

**8. 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 PICK Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

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 this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., 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 Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection 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 sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. 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, or expiration date for the above referenced NWP, please contact Corey Maier by electronic mail at [corey.m.maier@usace.army.mil](mailto:corey.m.maier@usace.army.mil) or by telephone at 321-504-3771 extension 15.

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,

A handwritten signature in black ink, appearing to read 'Corey Maier', written in a cursive style.

Corey Maier  
Project Manager

Enclosures

cc:

GENERAL CONDITIONS  
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter.**
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.



**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST**

**PERMIT NUMBER: SAJ-2018-02652 (NWP-CMM)**

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 or by electronic mail at [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil).

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

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

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

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

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

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

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

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

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

**SELF-CERTIFICATION STATEMENT OF COMPLIANCE**

**Permit Number: NWP-18**  
**Application Number: SAJ-2018-02652**

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).

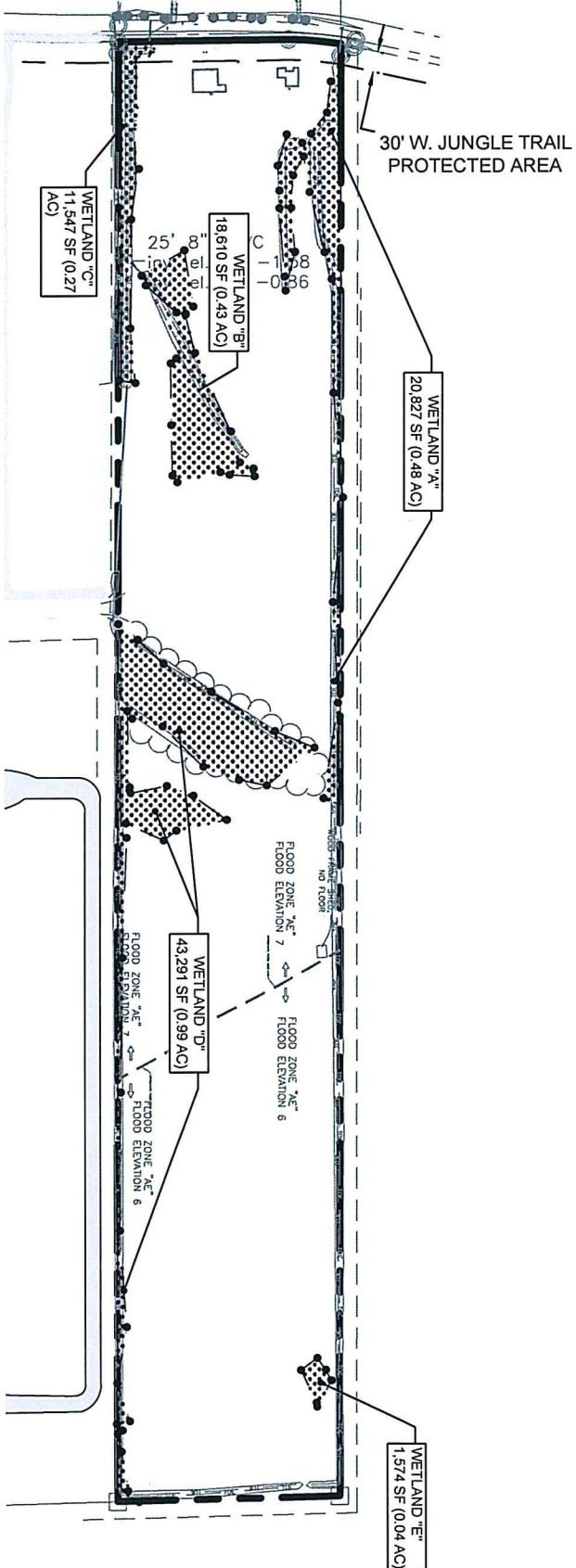
\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

# LEGEND



WETLAND TABLE		
WETLAND	AREA (AC)	AREA (SF)
A	0.48	20,827
B	0.43	18,610
C	0.27	11,547
D	0.99	43,291
E	0.04	1,574



## EXISTING CONDITIONS WETLAND EXHIBIT

SCALE: 1" = 250'



SHEET NO.	ACOE-1
	OF 4
JOB NO.	17-0133
DESIGNED AND DRAWN	KB
CHECKED TH	
DATE	07-13-2018
SCALE	AS NOTED

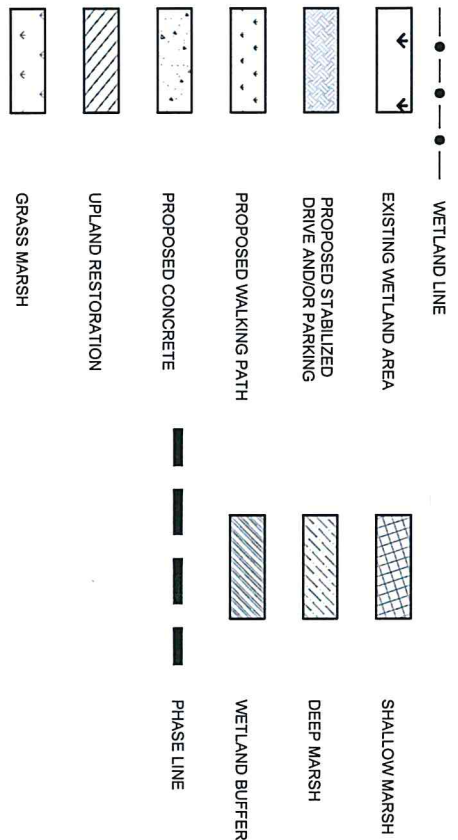
**MBV**  
**ENGINEERING, INC.**  
 MOIA BOWLES VILLAMIZAR & ASSOCIATES  
 CONSULTING ENGINEERING CA #3728

1835 - 20TH STREET  
 VERO BEACH, FL 32960  
 PH. (772) 569-0035  
 FX. (772) 778-3617

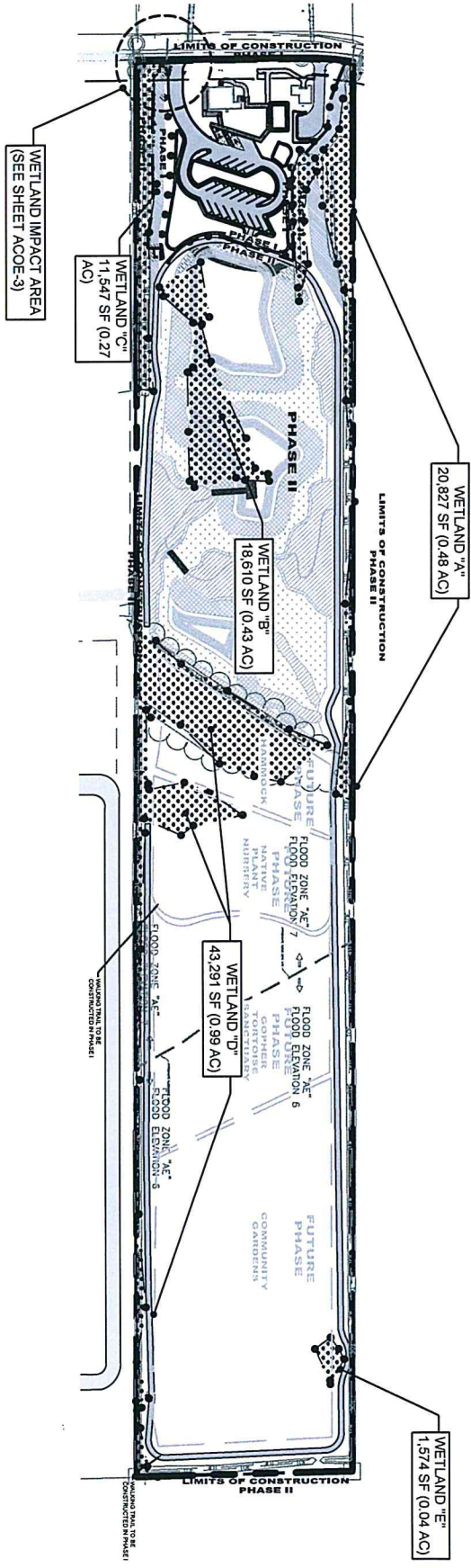
MELBOURNE, FL - PH (321) 253-1510  
 FT. PIERCE, FL - PH (772) 468-9055

JONES PIER  
 WETLAND RESTORATION  
 AND CONSERVATION IMPROVEMENTS  
 JUNGLE TRAIL  
 INDIAN RIVER COUNTY, FL

# LEGEND



WETLAND TABLE		
WETLAND	AREA (AC)	AREA (SF)
A	0.48	20,827
B	0.43	18,610
C	0.27	11,547
D	0.99	43,291
E	0.04	1,574



## PROPOSED CONDITIONS WETLAND EXHIBIT

SCALE: 1" = 250'



SHEET NO.  
**ACOE-2**  
OF 4

JOB NO.	17-0133
DESIGNED AND	
DRAWN	KB
CHECKED	TH
DATE	07-13-2018
SCALE	AS NOTED




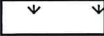



**MBV**  
ENGINEERING, INC.  
MOIA BOWLES VILLAMIZAR & ASSOCIATES  
CONSULTING ENGINEERING CA #3728

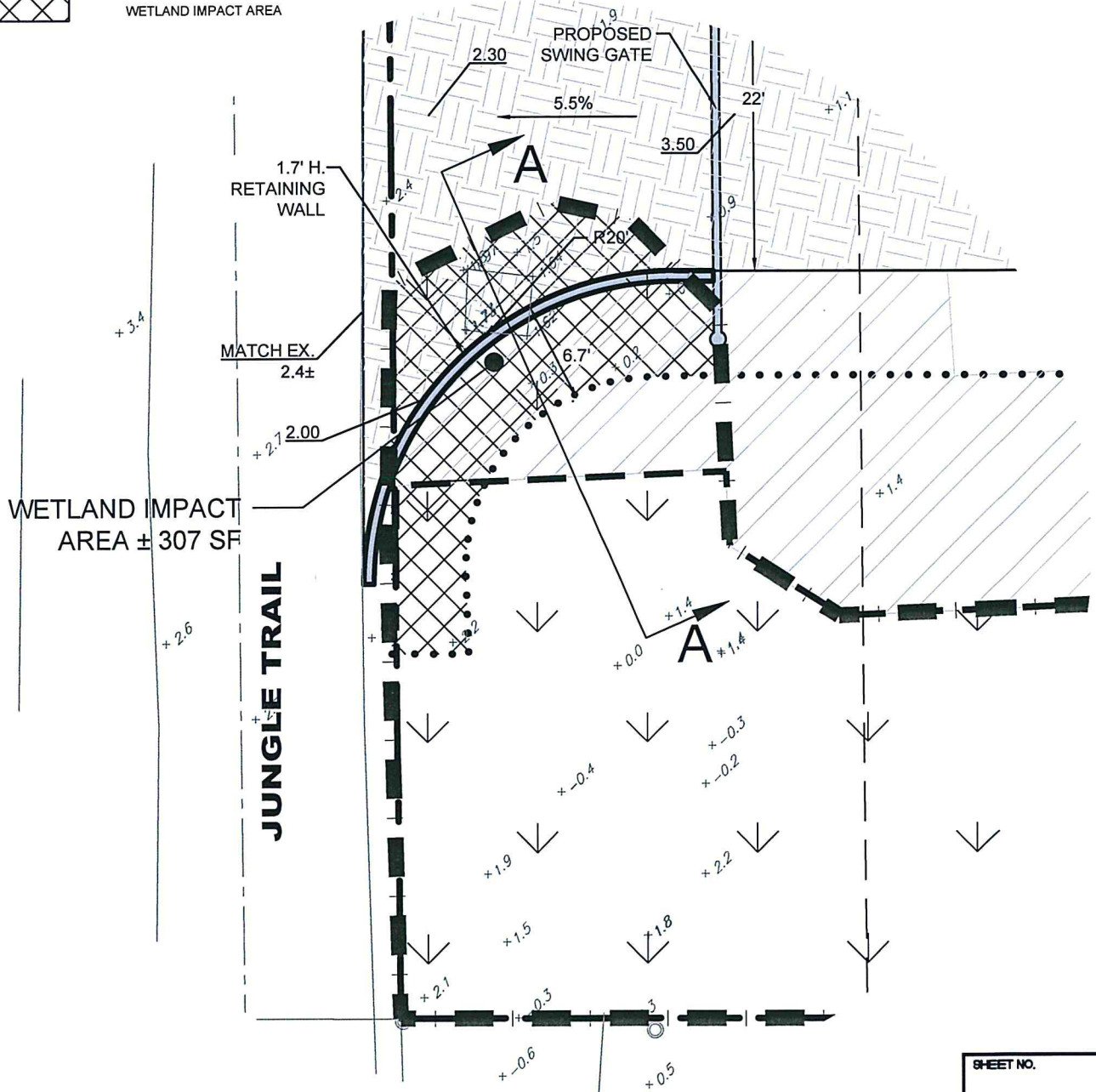
1835 - 20TH STREET  
VERO BEACH, FL 32960  
PH. (772) 569-0035  
FX. (772) 778-3617  
  
MELBOURNE, FL - PH (321) 253-1510  
FT. PIERCE, FL - PH (772) 468-9055

JONES PIER  
WETLAND RESTORATION  
AND CONSERVATION IMPROVEMENTS  
JUNGLE TRAIL  
INDIAN RIVER COUNTY, FL



# LEGEND

-  PROPOSED STABILIZED DRIVE AND/OR PARKING
-  WETLAND BUFFER
-  WETLAND LINE
-  EXISTING WETLAND AREA
-  LIMITS OF CONSTRUCTION
-  PHASE LINE
-  WETLAND IMPACT AREA



## PHASE I WETLAND IMPACT AREA

SCALE: 1" = 10'



SHEET NO.

**ACOE-3**

OF 4

**MBV**  
**ENGINEERING, INC.**  
 MOIA BOWLES VILLAMIZAR & ASSOCIATES  
 CONSULTING ENGINEERING CA #3728








1835 - 20TH STREET  
 VERO BEACH, FL 32960  
 PH. (772) 569-0035  
 FX. (772) 778-3617

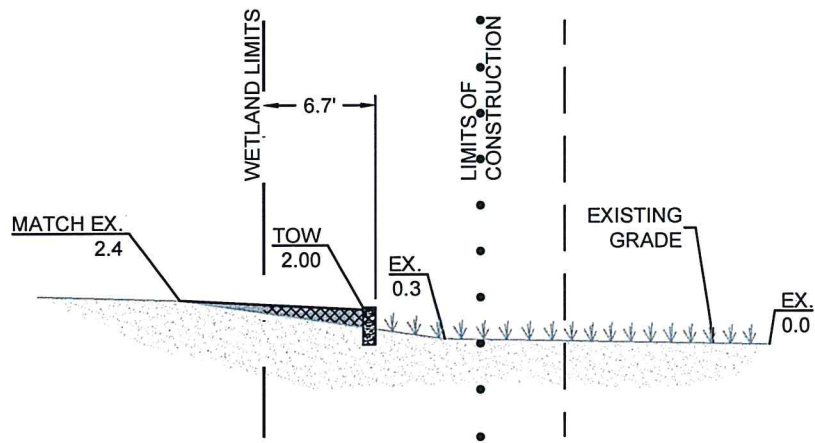
MELBOURNE, FL - PH (321) 253-1510  
 FT. PIERCE, FL - PH (772) 468-9055

**JONES PIER**  
 WETLAND RESTORATION  
 AND CONSERVATION IMPROVEMENTS  
 JUNGLE TRAIL  
 INDIAN RIVER COUNTY, FL

JOB NO. 17-0133  
 DESIGNED AND  
 DRAWN KB  
 CHECKED TH  
 DATE 07-13-2018  
 SCALE AS NOTED

# LEGEND

-  PROPOSED STABILIZED DRIVE AND/OR PARKING
-  WETLAND BUFFER
-  WETLAND LINE
-  EXISTING WETLAND AREA
-  LIMITS OF CONSTRUCTION
-  PHASE LINE
-  WETLAND IMPACT AREA



## WETLAND IMPACT AREA SECTION

SCALE: 1" = 10'

SHEET NO.  
**ACOE-4**  
OF 4

**MBV**  
**ENGINEERING, INC.**  
MOIA BOWLES VILLAMIZAR & ASSOCIATES  
CONSULTING ENGINEERING CA #3728

1835 - 20TH STREET  
VERO BEACH, FL 32960  
PH. (772) 569-0035  
FX. (772) 778-3617

MELBOURNE, FL - PH (321) 253-1510  
FT. PIERCE, FL - PH (772) 468-9055

**JONES PIER**  
WETLAND RESTORATION  
AND CONSERVATION IMPROVEMENTS  
JUNGLE TRAIL  
INDIAN RIVER COUNTY, FL

JOB NO.	17-0133
DESIGNED AND	
DRAWN	KB
CHECKED	TH
DATE	07-13-2018
SCALE	AS NOTED

**STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE**  
**U.S. Fish and Wildlife Service**  
**August 12, 2013**

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: [jaxregs@fws.gov](mailto:jaxregs@fws.gov); South Florida Field Office: [verobeach@fws.gov](mailto:verobeach@fws.gov); Panama City Field Office: [panamacity@fws.gov](mailto:panamacity@fws.gov)). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or “approval” from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

**POSTER INFORMATION**

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11” x 17” or larger paper and laminated, is attached):

**DESCRIPTION:** The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

**SIMILAR SNAKES:** The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

**LIFE HISTORY:** The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands



and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

**PROTECTION UNDER FEDERAL AND STATE LAW:** The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

**IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

**IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:**

**North Florida Field Office – (904) 731-3336**  
**Panama City Field Office – (850) 769-0552**  
**South Florida Field Office – (772) 562-3909**



## **PRE-CONSTRUCTION ACTIVITIES**

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

## **DURING CONSTRUCTION ACTIVITIES**

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

## **POST CONSTRUCTION ACTIVITIES**

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.



# **ATTENTION:**

## **THREATENED EASTERN INDIGO SNAKES MAY BE PRESENT ON THIS SITE!!!**

### **IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

### **IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

### **USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:**

**North Florida Field Office – (904) 731-3336**

**Panama City Field Office – (850) 769-0552**

**South Florida Field Office – (772) 562-3909**

### **Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.**

<b>DESCRIPTION:</b>	The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.
<b>SIMILAR SNAKES:</b>	The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.
<b>LIFE HISTORY:</b>	The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.
<b>PROTECTION:</b>	The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

**JONES' PIER CONSERVATION AREA PROJECT CONSTRUCTION  
PHASE 2 USCOE NWP**





DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
COCOA PERMITS SECTION  
400 HIGH POINT DRIVE, SUITE 600  
COCOA, FLORIDA 32926

March 28, 2019

Regulatory Division  
North Permits Branch  
Cocoa Permits Section  
SAJ-2018-02652 (NWP-CMM)

Indian River County; Conservation Lands Manager  
c/o Elizabeth Powell  
5500 77<sup>th</sup> Street  
Vero Beach, FL 32967

Dear Ms. Powell:

Your application for a Department of the Army permit has been assigned number SAJ-2018-02652. A review of the information and drawings provided shows the proposed work is to fill approximately 3,805 square feet (0.091 acres) of waters of the U.S. to facilitate the construction of a pedestrian walkway. The project would affect waters of the United States associated with the Indian River located at 7770 Jungle Trail, in Section 36, Township 31 South, Range 39 East, Vero Beach, Indian River County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 18 – *Minor Discharges*. 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 NWP 18 – *Minor Discharges*. 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.

**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, Special Projects and Enforcement Branch, PO Box 4970, Jacksonville, Florida 32232.

b. For electronic mail SAJ-RD-Enforcement@usace.army.mil @usace.army.mil (not to exceed 10 MB).

The Permittee shall reference this permit number, SAJ-2018-02652 (NWP-CMM), on all submittals.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit/Within 10 days from the date of initiating the work authorized by this permit for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.

**3. Self-Certification:** Within 60 days of completion of the work authorized, the attached Self-Certification Statement of Compliance must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Special Projects and Enforcement Branch, PO Box 4970, Jacksonville, Florida 32232.

**4. 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.

**5. Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

**6. Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**7. 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, as provided in this permit. 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.

**8. 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 PICK Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

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 this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., 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 Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection 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 sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. 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, or expiration date for the above referenced NWP, please contact Corey Maier by electronic mail at [corey.m.maier@usace.army.mil](mailto:corey.m.maier@usace.army.mil) or by telephone at 321-504-3771 extension 15.

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,

A handwritten signature in black ink, appearing to read 'Corey Maier', written in a cursive style.

Corey Maier  
Project Manager

Enclosures

cc:

GENERAL CONDITIONS  
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the dates identified in the letter.
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.

**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST**

**PERMIT NUMBER: SAJ-2018-02652 (NWP-CMM)**

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 or by electronic mail at [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil).

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

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

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

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

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

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

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

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

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



**SELF-CERTIFICATION STATEMENT OF COMPLIANCE**

Permit Number: NWP-18  
Application Number: SAJ-2018-02652

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):

\_\_\_\_\_

\_\_\_\_\_

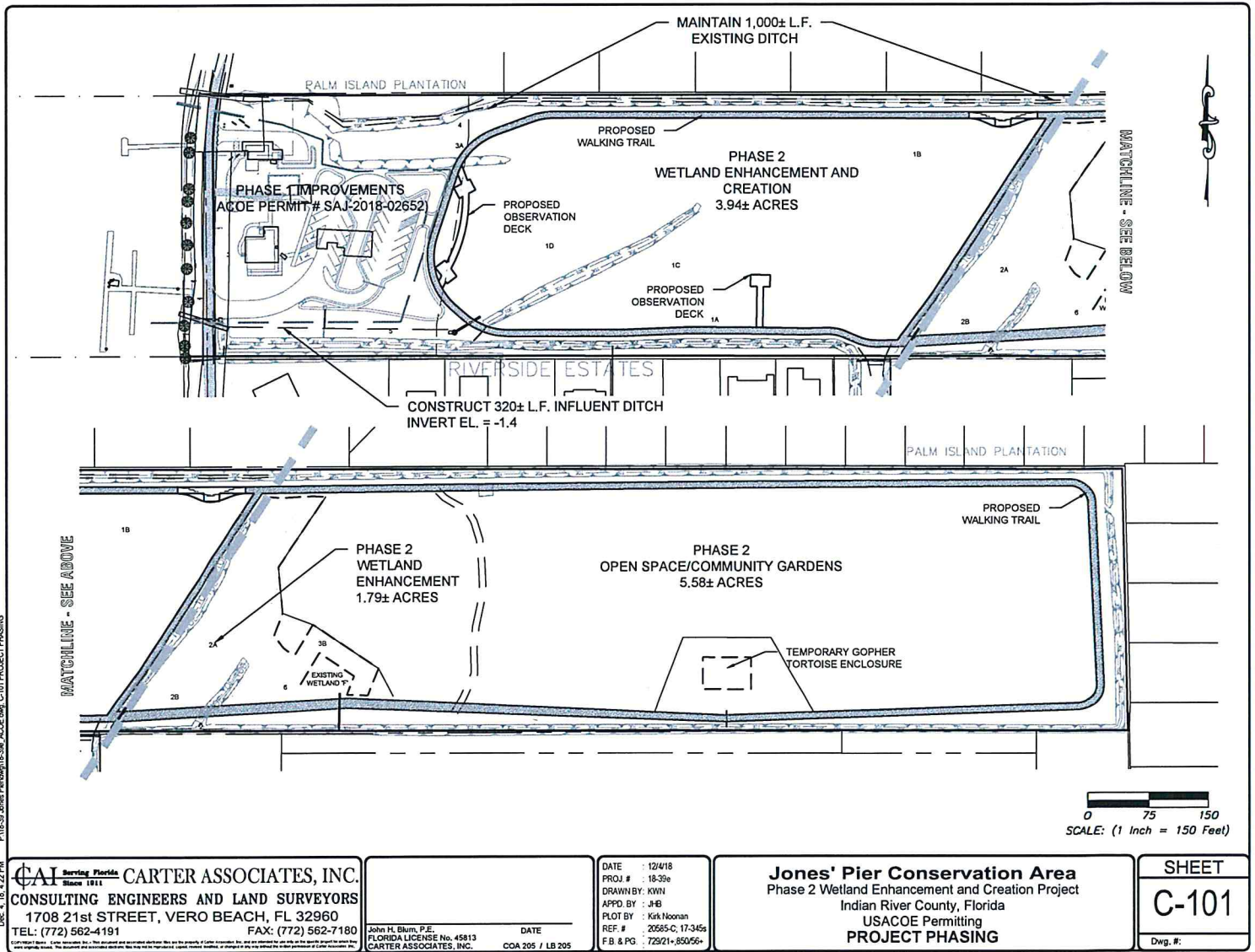
\*\*\*\*\*

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





Doc. # 18-4222M P:\18-39 Jones Park\18-39\_ACOE.dwg C-101 PROJECT PHASING

**CAI** Serving Florida Since 1911  
**CARTER ASSOCIATES, INC.**  
 CONSULTING ENGINEERS AND LAND SURVEYORS  
 1708 21st STREET, VERO BEACH, FL 32960  
 TEL: (772) 562-4191 FAX: (772) 562-7180

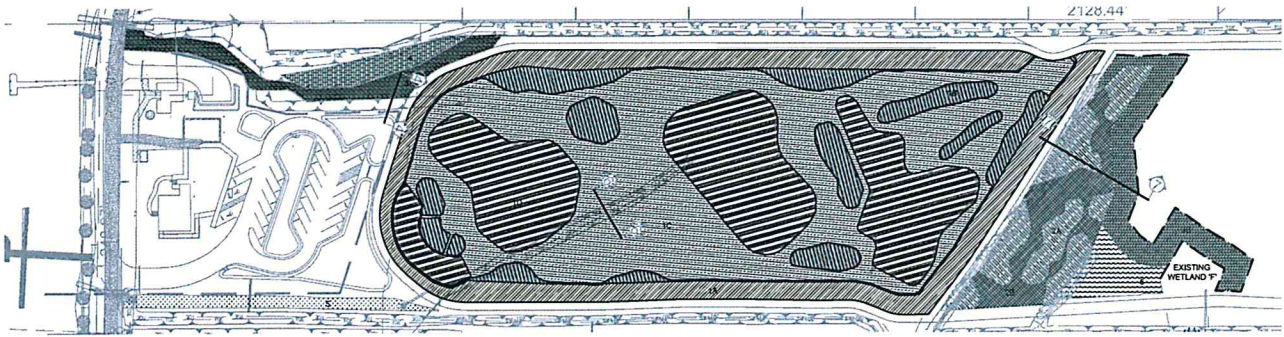
John H. Blum, P.E.  
 FLORIDA LICENSE No. 45813  
 CARTER ASSOCIATES, INC.  
 DATE  
 COA 205 / LB 205

DATE : 12/4/18  
 PROJ. # : 18-39e  
 DRAWN BY: KWN  
 APPD BY: JHB  
 PLOT BY: Kirk Noonan  
 REF. # : 20565-C-17-345g  
 F.B. & PG. : 729/21+850/56-

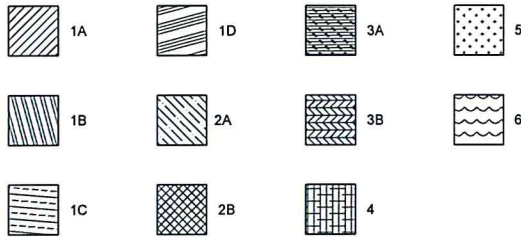
**Jones' Pier Conservation Area**  
 Phase 2 Wetland Enhancement and Creation Project  
 Indian River County, Florida  
 USACOE Permitting  
**PROJECT PHASING**

**SHEET**  
**C-101**  
 Dwg. #:

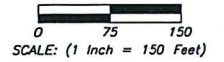




**PLANTING ZONE HATCH LEGEND**



SEE SHEETS C-108 THROUGH C-111 FOR PLANTING SCHEDULE FOR CREATED AND RESTORED VEGETATIVE COMMUNITIES.



Dwg. #: 4, 18, 4 23 PM P118.09 Jones Pier.dwg 18.30w ACDE.dwg C-102 PLANTING PLAN

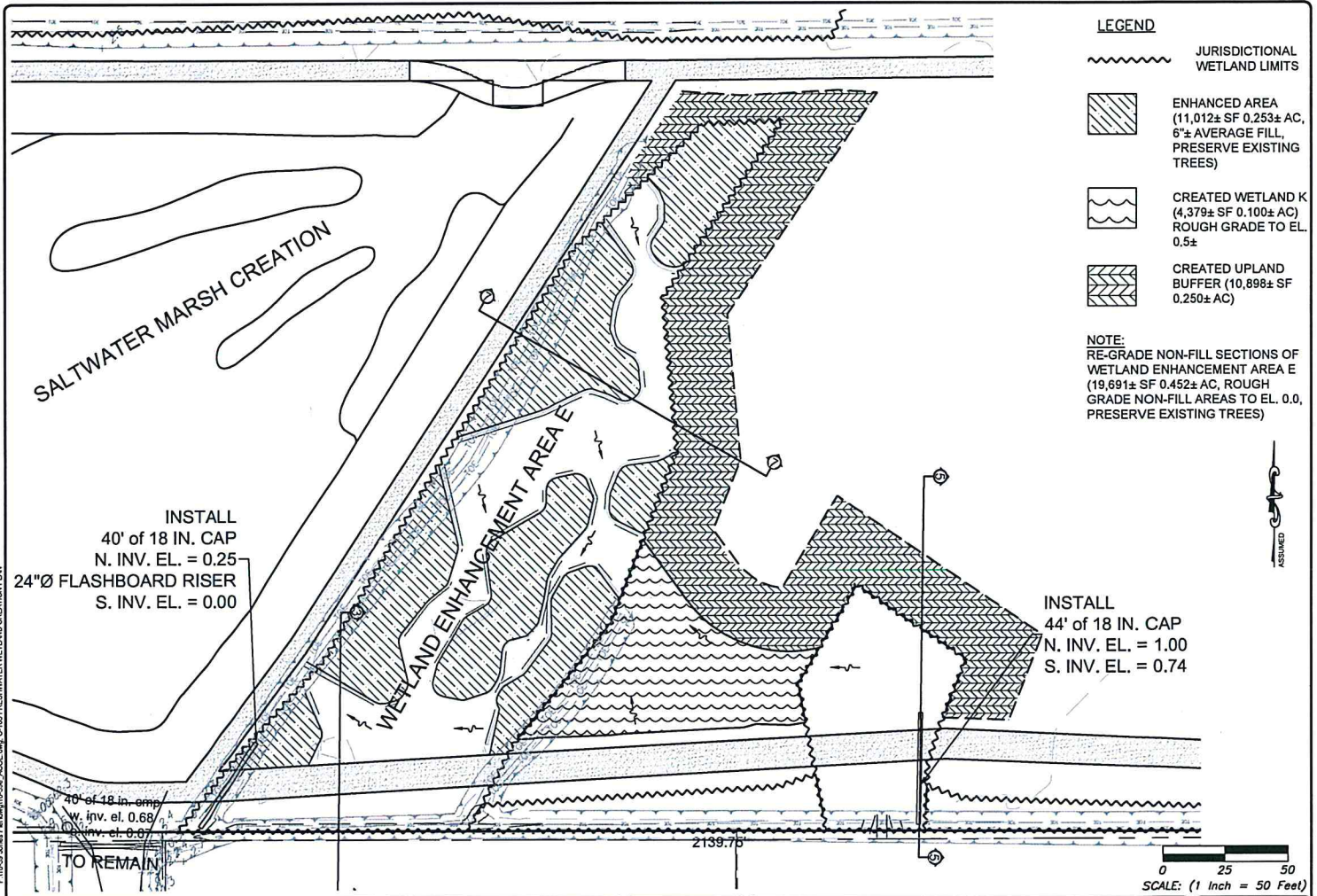
**CAI** Serving Florida Since 1911 **CARTER ASSOCIATES, INC.**  
**CONSULTING ENGINEERS AND LAND SURVEYORS**  
 1708 21st STREET, VERO BEACH, FL 32960  
 TEL: (772) 562-4191 FAX: (772) 562-7180

John H. Blum, P.E. DATE  
 FLORIDA LICENSE No. 45813  
 CARTER ASSOCIATES, INC. COA 205 / LB 205

DATE : 12/4/18  
 PROJ. # : 18-39e  
 DRAWN BY: KWN  
 APPD BY: JHB  
 PLOT BY: Kirk Noonan  
 REF. # : 20685-C, 17-3455  
 F.B. & PG. : 729/21-850/56-

**Jones' Pier Conservation Area**  
 Phase 2 Wetland Enhancement and Creation Project  
 Indian River County, Florida  
 USACOE Permitting  
**PLANTING PLAN**

**SHEET**  
**C-102**  
 Dwg. #:



Doc. 4, 18, 12:24 PM P:\18-39 Jones Pond\18-39 ACDE.dwg, C-103 FRESHWATER WETLAND CREATION PLAN

**Carter Associates, Inc.**  
CONSULTING ENGINEERS AND LAND SURVEYORS  
1708 21st STREET, VERO BEACH, FL 32960  
TEL: (772) 562-4191 FAX: (772) 562-7180

John H. Blum, P.E.  
FLORIDA LICENSE No. 45813  
DATE  
COA 205 / LB 205

DATE : 12/4/18  
PROJ # : 18-39e  
DRAWN BY: KWN  
APPD BY : JHB  
PLOT BY : Kirk Noonan  
REF # : 20565C, 17-345  
F.B. & PG : 72921+85096+

**Jones' Pier Conservation Area**  
Phase 2 Wetland Enhancement and Creation Project  
Indian River County, Florida  
USACOE Permitting  
**FRESHWATER WETLAND CREATION PLAN**

**SHEET**  
**C-103**  
Dwg. #:



**Project Wetland Summary**

Wetland ID	Existing Wetlands		Land Use Code <sup>A</sup>	Proposed Work	Wetland Fill Impact		Temporary Wetland Impact <sup>B</sup>		Wetland Restoration /Conversion <sup>C</sup>		Wetland Creation		Wetland Enhancement		Post-Development Wetlands
	ft <sup>2</sup>	Acres			ft <sup>2</sup>	Acres	ft <sup>2</sup>	Acres	ft <sup>2</sup>	Acres	ft <sup>2</sup>	Acres	ft <sup>2</sup>	Acres	Acres
A	11102	0.255	612	Enhancement	0	0	0	0	0	0	0	0	11102	0.255	0.255
A-1	8090	0.186	524/641	Enhancement	0	0	0	0	0	0	0	0	8090	0.186	0.186
A-2	0	0	612	Creation	0	0	0	0	0	0	3848	0.088	0	0	0.088
B	4042	0.093	612	Fill	0	0	0	0	3752	0.086	0	0	0	0	0
				Dredge	0	0	0	0	290	0.007	0	0	0	0	0
C-1	213	0.005	612	Clearing/Dredging	0	0	213	0.005	0	0	0	0	0	0	0.005
C-2	7403	0.17	642	Enhancement	0	0	0	0	0	0	0	0	7403	0.17	0.17
C-3	3244	0.074	524/641	Enhancement	0	0	0	0	0	0	0	0	3244	0.074	0.074
C-4	0	0	642	Creation	0	0	0	0	0	0	3833	0.088	0	0	0.088
D	18610	0.428	619/642	Enhancement	0	0	0	0	0	0	0	0	18544	0.426	0.426
			619/642	Fill	66	0.001	0	0	0	0	0	0	0	0	0
D-1	0	0	642	Creation	0	0	0	0	0	0	145490	3.34	0	0	3.34
E	22080	0.523	619/617	Enhancement	0	0	0	0	0	0	0	0	19691	0.452	0.452
			619/641	Fill	2760	0.063	0	0	0	0	0	0	0	0	0
F	4356	0.10	1203	Fill	1045	0.028	0	0	0	0	0	0	0	0	0
J	7492	0.172	510	Enhancement	0	0	0	0	0	0	0	0	7492	0.172	0.172
<b>Total</b>		<b>2.006</b>				<b>0.092</b>		<b>0.005</b>		<b>0.093</b>		<b>3.516</b>		<b>1.735</b>	<b>5.256</b>

<sup>A</sup> = Land Use Code Based on Florida Land Use Cover and Forms Classification System, FDOT

- |                        |                              |
|------------------------|------------------------------|
| 612 - Mangroves        | 640 - Vegetated Non-Forested |
| 642 - Salt Marsh       | 643 - Wet Prairie            |
| 524 - Open Water Pond  | 510 - Stormwater Ditch       |
| 619 - Brazilian Pepper |                              |

<sup>B</sup> = Temporary Wetland Impact: Wetland area to be cleared for the installation of influent ditch structure; area will recruit mangrove vegetation post-construction

<sup>C</sup> = Wetland Restoration/Conversion: Existing ditch to be moved to abut existing larger mangrove wetland

Doc: 4\_18\_125.PM P:\18-39 Jones Pier\dwg\18-39e\_ACOE.dwg, C:\05\WETLAND IMPACT TABLE

**CAI** Surveying Florida Since 1881 **CARTER ASSOCIATES, INC.**  
 CONSULTING ENGINEERS AND LAND SURVEYORS  
 1708 21st STREET, VERO BEACH, FL 32960  
 TEL: (772) 562-4191 FAX: (772) 562-7180

John H. Blum, P.E. DATE  
 FLORIDA LICENSE No. 45813  
 CARTER ASSOCIATES, INC. COA 205 / LB 205

DATE : 12/4/18  
 PROJ # : 18-39e  
 DRAWN BY: KWN  
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 PLOT BY: Kirk Noonan  
 REF. # : 20585-C; 17-345e  
 F.B. & PG. : 72921-85056+

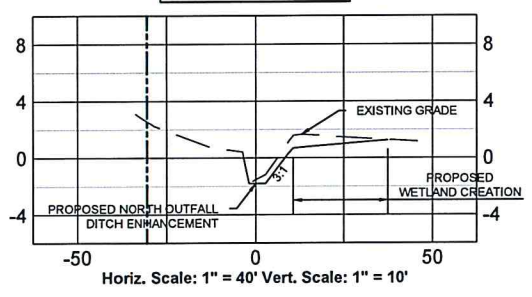
**Jones' Pier Conservation Area**  
 Phase 2 Wetland Enhancement and Creation Project  
 Indian River County, Florida  
 USACE Permitting  
**WETLAND IMPACT TABLE**

SHEET  
**C-105**

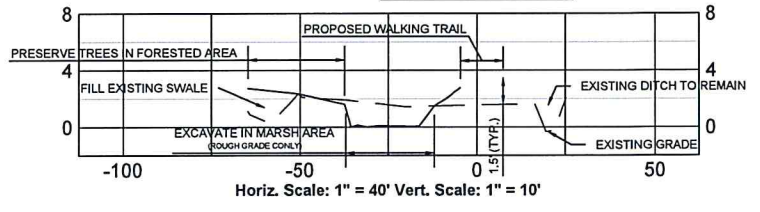
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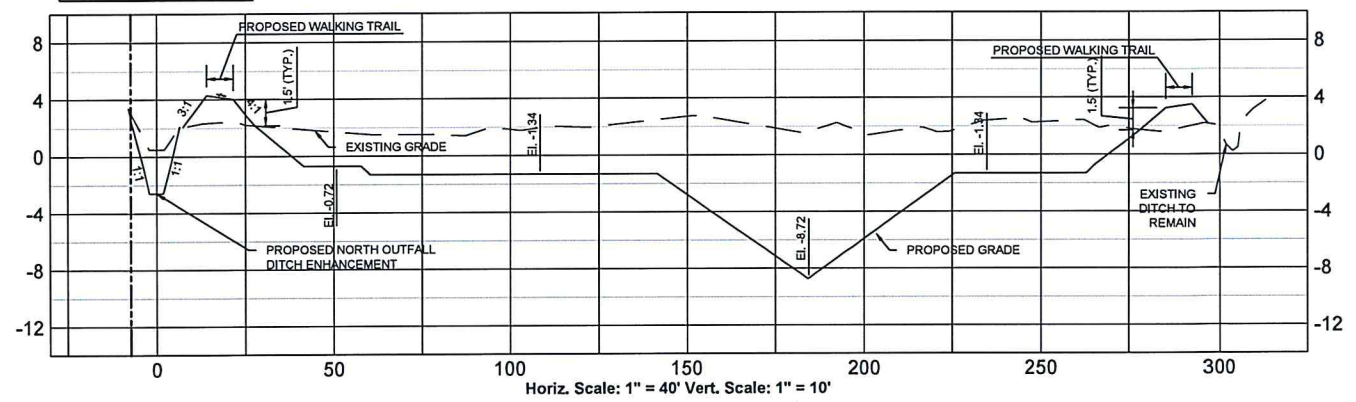
**SECTION 1 - 1**



**SECTION 3 - 3**



**SECTION 2 - 2**



Dec 4, 18, 4:28 PM P:\18-39 Jones Pier.dwg\18-39\_ACOE.dwg C:\08 CROSS SECTIONS 1

**CAI** Serving Florida Since 1911 **CARTER ASSOCIATES, INC.**  
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 1708 21st STREET, VERO BEACH, FL 32960  
 TEL: (772) 562-4191 FAX: (772) 562-7180

John H. Blum, P.E.  
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 DATE  
 COA 205 / LB 205

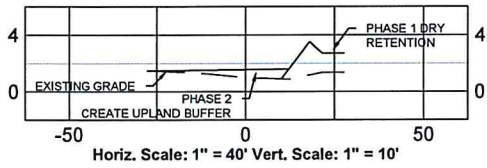
DATE : 12/4/18  
 PROJ. # : 18-39e  
 DRAWN BY: KWN  
 APPD BY: JHB  
 PLOT BY : Kirk Noonan  
 REF. # : 20585-C, 17-345e  
 F.B. & PG. : 729/21+850/66+

**Jones' Pier Conservation Area**  
 Phase 2 Wetland Enhancement and Creation Project  
 Indian River County, Florida  
 USACOE Permitting  
**CROSS SECTIONS 1**

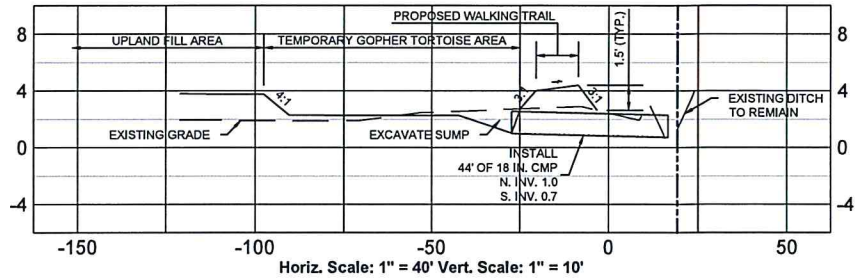
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P:\18-39 Jones Pier\Drawings\18-39\_ACOE.dwg, C-107 CROSS SECTIONS 2

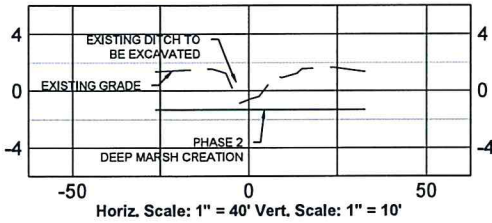
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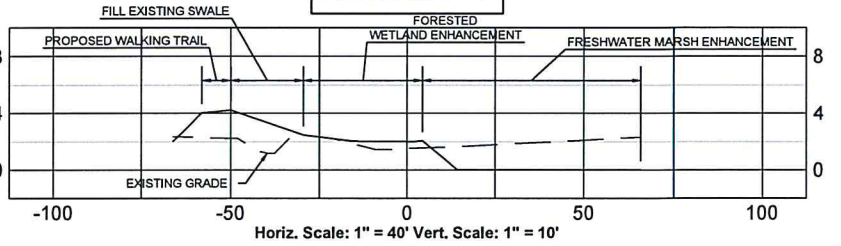
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**SECTION 6 - 6**



**SECTION 7 - 7**



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John H. Blum, P.E.  
 FLORIDA LICENSE No. 45813  
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**Jones' Pier Conservation Area**  
 Phase 2 Wetland Enhancement and Creation Project  
 Indian River County, Florida  
 USACOE Permitting  
**CROSS SECTIONS 2**

SHEET  
**C-107**

Dwg. #:

**PART 1 - GENERAL**

**1.1 PRE-CONSTRUCTION CONFERENCE**

A. SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE OWNER'S REPRESENTATIVE AT LEAST SEVEN (7) DAYS BEFORE BEGINNING WORK TO REVIEW ANY QUESTIONS THE CONTRACTOR MAY HAVE REGARDING THE WORK, ADMINISTRATIVE PROCEDURES DURING CONSTRUCTION AND PROJECT WORK SCHEDULE.

**1.2 PLANT WARRANTY**

A. PLANT WARRANTY:

1. THE CONTRACTOR AGREES TO REPLACE DEFECTIVE WORK AND DEFECTIVE PLANTS. THE OWNER'S REPRESENTATIVE SHALL MAKE THE FINAL DETERMINATION IF PLANTS MEET THESE SPECIFICATIONS OR THAT PLANTS ARE DEFECTIVE.
2. ALL PLANTS SHALL BE WARRANTED TO MEET ALL THE REQUIREMENTS FOR PLANT QUALITY AT INSTALLATION IN THIS SPECIFICATION. DEFECTIVE PLANTS SHALL BE DEFINED AS PLANTS NOT MEETING THESE REQUIREMENTS. THE OWNER'S REPRESENTATIVE SHALL MAKE THE FINAL DETERMINATION THAT PLANTS ARE DEFECTIVE.
3. PLANTS DETERMINED TO BE DEFECTIVE SHALL BE REMOVED IMMEDIATELY UPON NOTIFICATION BY THE OWNER'S REPRESENTATIVE AND REPLACED WITHOUT COST TO THE OWNER, AS SOON AS WEATHER CONDITIONS PERMIT AND WITHIN THE SPECIFIED PLANTING PERIOD.

**1.3 SELECTION AND OBSERVATION OF PLANTS**

A. THE OWNER'S REPRESENTATIVE MAY REVIEW ALL PLANTS SUBJECT TO APPROVAL OF SIZE, HEALTH, QUALITY, CHARACTER, ETC.

B. PLANT SELECTION: THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO SELECT AND OBSERVE ALL PLANTS AT THE NURSERY PRIOR TO DELIVERY AND TO REJECT PLANTS THAT DO NOT MEET SPECIFICATIONS AS SET FORTH IN THIS SPECIFICATION.

**1.4 PLANT SUBSTITUTIONS FOR PLANTS NOT AVAILABLE**

A. SUBMIT ALL WRITTEN REQUESTS OR SUBSTITUTIONS OF PLANT SPECIES, OR SIZE TO THE OWNER'S REPRESENTATIVE, FOR APPROVAL, PRIOR TO PURCHASING THE PROPOSED SUBSTITUTION.

**1.5 PLANTING AROUND UTILITIES**

A. CONTRACTOR SHALL CAREFULLY EXAMINE THE CIVIL, RECORD, AND SURVEY DRAWINGS TO BECOME FAMILIAR WITH THE EXISTING UNDERGROUND CONDITIONS BEFORE DIGGING.

B. DETERMINE LOCATION OF UNDERGROUND UTILITIES AND PERFORM WORK IN A MANNER THAT WILL AVOID POSSIBLE DAMAGE. HAND EXCAVATE, AS REQUIRED, MAINTAIN GRADE STAKES SET BY OTHERS UNTIL PARTIES CONCERNED MUTUALLY AGREE UPON REMOVAL.

**PART 2 - PRODUCTS**

**2.1 PLANTS - GENERAL**

A. STANDARDS AND MEASUREMENT: PROVIDE PLANTS OF QUANTITY, SIZE, GENUS, SPECIES, AND VARIETY OR CULTIVARS AS SHOWN AND SCHEDULED IN CONTRACT DOCUMENTS.

1. ALL PLANTS INCLUDING THE ROOT BALL DIMENSIONS OR CONTAINER SIZE TO TRUNK CALIPER RATIO SHALL CONFORM TO ANSI Z60.1 "AMERICAN STANDARD FOR NURSERY STOCK" LATEST EDITION, UNLESS MODIFIED BY THE APPROVED DRAWINGS.
2. PLANTS LARGER THAN SPECIFIED MAY BE USED IF ACCEPTABLE TO THE OWNER'S REPRESENTATIVE. USE OF SUCH PLANTS SHALL NOT INCREASE THE CONTRACT PRICE.
3. PROPER IDENTIFICATION: ALL TREES SHALL BE TRUE TO NAME AS ORDERED OR SHOWN ON PLANTING PLANS AND SHALL BE LABELED INDIVIDUALLY OR IN GROUPS BY GENUS, SPECIES, VARIETY AND CULTIVAR.
4. COMPLIANCE: ALL TREES SHALL COMPLY WITH FEDERAL AND STATE LAWS AND REGULATIONS REQUIRING OBSERVATION FOR PLANT DISEASE, PESTS, AND WEEDS.

D. PLANT QUALITY:

1. GENERAL: PROVIDE HEALTHY STOCK, GROWN IN A NURSERY AND REASONABLY FREE OF DIE-BACK, DISEASE, INSECTS, EGGS, BORES, AND LARVAE. AT THE TIME OF PLANTING ALL PLANTS SHALL HAVE A ROOT SYSTEM, STEM, AND BRANCH FORM THAT WILL NOT RESTRICT NORMAL GROWTH, STABILITY AND HEALTH OF THE PLANT.
2. PLANT QUALITY ABOVE THE SOIL LINE:
  - a. PLANTS SHALL BE HEALTHY WITH THE COLOR, SHAPE, SIZE AND DISTRIBUTION OF TRUNK, STEMS, BRANCHES, BUDS AND LEAVES NORMAL TO THE PLANT TYPE SPECIFIED. TREE QUALITY ABOVE THE SOIL LINE SHALL COMPLY WITH THE FLORIDA GRADES AND STANDARDS, TREE GRADE FLORIDA FANCY OR FLORIDA #1) AND THE FOLLOWING:
    - 1.) CROWN: THE FORM AND DENSITY OF THE CROWN SHALL BE TYPICAL FOR A YOUNG SPECIMEN OF THE SPECIES OR CULTIVAR PRUNED TO A CENTRAL AND DOMINANT LEADER.
    - 2.) LEAVES: THE SIZE, COLOR, AND APPEARANCE OF LEAVES SHALL BE TYPICAL FOR THE TIME OF YEAR AND STAGE OF GROWTH OF THE SPECIES OR CULTIVAR. TREES SHALL NOT SHOW SIGNS OF PROLONGED MOISTURE STRESS OR OVER WATERING AS INDICATED BY WILTED, SHRIVELED, OR DEAD LEAVES.
    - 3.) BRANCHES: SHOOT GROWTH (LENGTH AND DIAMETER) THROUGHOUT THE CROWN SHOULD BE APPROPRIATE FOR THE AGE AND SIZE OF THE SPECIES OR CULTIVAR. TREES SHALL NOT HAVE DEAD, DISEASED, BROKEN, DISTORTED, OR OTHERWISE INJURED BRANCHES.
    - 4.) TRUNK: THE TREE TRUNK SHALL BE RELATIVELY STRAIGHT, VERTICAL, AND FREE OF WOUNDS THAT PENETRATE TO THE WOOD (PROPERLY MADE PRUNING CUTS, CLOSED OR NOT, ARE ACCEPTABLE AND ARE NOT CONSIDERED WOUNDS), SUNBURNED AREAS, CONKS (FUNGAL FRUITING BODIES), WOOD CRACKS, SAP LEAKAGE, SIGNS OF BORING INSECTS, GALLS, CANKERS, GIRDLING TIES, OR LESIONS (MECHANICAL INJURY).
    - 5.) TEMPORARY BRANCHES, UNLESS OTHERWISE SPECIFIED, CAN BE PRESENT ALONG THE LOWER TRUNK BELOW THE LOWEST MAIN (SCAFFOLD) BRANCH, PARTICULARLY FOR TREES LESS THAN 1 INCH IN CALIPER. THESE BRANCHES SHOULD BE NO GREATER THAN 3/8-INCH DIAMETER.
  - b. TREES SHALL HAVE ONE CENTRAL LEADER. IF THE LEADER WAS HEADED, A NEW LEADER (WITH A LIVE TERMINAL BUD) AT LEAST ONE-HALF THE DIAMETER OF THE PRUNING CUT SHALL BE PRESENT.
3. PLANT QUALITY AT OR BELOW THE SOIL LINE:
  - a. PLANT ROOTS SHALL BE NORMAL TO THE PLANT TYPE SPECIFIED.
  - b. THE ROOTS SHALL BE REASONABLY FREE OF SCRAPES, BROKEN OR SPLIT WOOD.
  - c. THE ROOT SYSTEM SHALL BE REASONABLE FREE OF INJURY FROM INSECTS, PATHOGENS, HERBICIDE, AND WOUNDS FROM PRUNING.
4. CONTAINER GROWN PLANTS
  - a.) CONTAINER PLANTS MAY BE PERMITTED ONLY WHEN INDICATED ON THE DRAWING.
  - b.) PROVIDE PLANTS SHALL BE ESTABLISHED AND WELL ROOTED IN REMOVABLE CONTAINERS.
  - c.) CONTAINER CLASS SIZE SHALL CONFORM TO ANSI Z60.1 FOR EACH SIZE AND TYPE OF PLANT.
5. BARE ROOT PLANTS
  - a.) HARVEST BARE ROOT PLANTS WHILE THE PLANT IS DORMANT AND A MINIMUM OF 4 WEEKS PRIOR TO LEAF OUT (BUD BREAK).

B.) THE ROOT SPREAD DIMENSIONS OF THE HARVESTED PLANTS SHALL CONFORM TO ANSI Z60.1 FOR NURSERY GROWN BARE ROOT PLANTS FOR EACH SIZE AND TYPE OF PLANT.

**6. PALMS**

- 1.) IN PREPARING PALM TREES FOR RELOCATION, ALL DEAD FRONDS SHALL BE REMOVED.
- 2.) ALL REMAINING FRONDS ABOVE HORIZONTAL SHALL BE LIFTED UP AND TIED TOGETHER AROUND THE CROWN IN AN UPRIGHT POSITION, UP TO 2/3 OF THE OLDEST LIVE FRONDS CAN BE REMOVED. ALL FRONDS CAN BE REMOVED ON SABAL PALMS.
- 3.) WHEN DIGGING OUT THE ROOT BALL, NO EVACUATION SHALL BE DONE CLOSER THAN 24 INCHES TO THE TRUNK AT GROUND LEVEL AND THE EXCAVATION SHALL EXTEND BELOW THE MAJOR ROOT SYSTEM TO A MINIMUM DEPTH OF 3.5 FEET.
- 4.) THE BOTTOM OF THE ROOT BALL SHALL BE CUT OFF SQUARE AND PERPENDICULAR TO THE TRUNK BELOW THE MAJOR ROOT SYSTEM.
- 5.) THE CONTRACTOR SHALL NOT FREE-FALL, DRAG, ROLL OR ABUSE THE TREE OR PUT A STRAIN ON THE CROWN (BUD AREA) AT ANY TIME. A PROTECTIVE DEVICE SHALL BE USED AROUND THE TRUNK OF THE TREE WHILE LIFTING AND RELOCATING SO AS NOT TO INJURE THE BUD, OR SCAR OR SKIN THE TRUNK IN ANY WAY.

**PART 3 - EXECUTION**

**3.1 DELIVERY, STORAGE AND HANDLING**

A. PROTECT MATERIALS FROM DETERIORATION DURING DELIVERY AND STORAGE. ADEQUATELY PROTECT PLANTS FROM DRYING OUT, EXPOSURE OF ROOTS TO SUN, WIND OR EXTREMES OF HEAT AND COLD TEMPERATURES.

B. DO NOT DELIVER MORE PLANTS TO THE SITE THAN THERE IS SPACE WITH ADEQUATE STORAGE CONDITIONS. PROVIDE A SUITABLE REMOTE STAGING AREA FOR PLANTS AND OTHER SUPPLIES.

**3.2 COORDINATION WITH PROJECT WORK**

A. THE CONTRACTOR SHALL COORDINATE WITH ALL OTHER WORK THAT MAY IMPACT THE COMPLETION OF THE WORK.

B. COORDINATE THE RELOCATION OF ANY IRRIGATION LINES, HEADS OR THE CONDUITS OF OTHER UTILITY LINES THAT ARE IN CONFLICT WITH TREE LOCATIONS. NOTIFY THE OWNER'S REPRESENTATIVE OF ANY CONFLICTS ENCOUNTERED.

**3.3 PLANTING**

A. FOR TREES TO BE PLANTED IN PREPARED PLANTING SOIL THAT IS DEEPER THAN THE ROOT BALL DEPTH, COMPACT THE SOIL UNDER THE ROOT BALL USING A MECHANICAL TAMPER TO ASSURE A FIRM BEDDING FOR THE ROOT BALL.

B. SET TOP OUTER EDGE OF THE ROOT BALL AT THE AVERAGE ELEVATION OF THE PROPOSED FINISH. SET THE PLANT PLUMB AND UPRIGHT IN THE CENTER OF THE PLANTING HOLE.

C. BACKFILL THE SPACE AROUND THE ROOT BALL WITH THE SAME PLANTING SOIL OR EXISTING SOIL THAT WAS EXCAVATED FOR THE PLANTING SPACE. BRACE ROOT BALL BY TAMPING PLANTING SOIL AROUND THE LOWER PORTION OF THE ROOT BALL. PLACE ADDITIONAL PLANTING SOIL AROUND BASE AND SIDES OF BALL IN SIX-INCH (6") LIFTS. LIGHTLY TAMP EACH LIFT USING FOOT PRESSURE OR HAND TOOLS TO SETTLE BACKFILL. SUPPORT THE TREE AND ELIMINATE VOIDS. DO NOT OVER COMPACT THE BACKFILL OR USE MECHANICAL OR PNEUMATIC TAMPING EQUIPMENT.

D. WHEN THE PLANTING HOLE HAS BEEN BACKFILLED TO THREE QUARTERS OF ITS DEPTH, WATER SHALL BE POURED AROUND THE ROOT BALL AND ALLOWED TO SOAK INTO THE SOIL TO SETTLE THE SOIL. DO NOT FLOOD THE PLANTING SPACE. AIR POCKETS SHALL BE ELIMINATED AND BACKFILL CONTINUED UNTIL THE PLANTING SOIL IS BROUGHT TO GRADE LEVEL.

E. WHERE INDICATED ON THE DRAWINGS, BUILD A 4-INCH HIGH LEVEL BERM OF PLANTING SOIL AROUND THE OUTSIDE OF THE ROOT BALL TO RETAIN WATER. TAMP THE BERM TO REDUCE LEAKING AND EROSION OF THE SAUCER.

F. THOROUGHLY WATER THE PLANTING SOIL AND ROOT BALL IMMEDIATELY AFTER PLANTING.

G. REMOVE ALL NURSERY PLANT IDENTIFICATION TAGS AND RIBBONS AS PER OWNER'S REPRESENTATIVE INSTRUCTIONS.

1. CONTAINER GROWN MATERIALS WILL BE: (1) REMOVED FROM THE CONTAINER (2) SUBJECT TO ROOT BALL SHAVING (3) REMOVE ALL ROOTS AND SUBSTRATE ABOVE THE ROOT COLLAR AND THE MAIN STRUCTURAL ROOTS ACCORDING TO ROOT CORRECTION DETAILS SO ROOT SYSTEM CONFORMS TO ROOT OBSERVATIONS DETAIL (4) SUBJECT TO REMOVAL OF ALL SUBSTRATE AT THE BOTTOM OF THE ROOT BALL THAT DOES NOT CONTAIN ROOTS.

2. BARE ROOT PLANTS WILL BE INSTALLED AS FOLLOWS: (1) DIG THE PLANTING HOLE TO THE DIAMETER OF THE SPREAD OF THE ROOTS TO A DEPTH IN THE CENTER THAT MAINTAINS THE ROOT COLLAR AT THE ELEVATION OF THE SURROUNDING FINISHED GRADE AND SLIGHTLY DEEPER ALONG THE EDGES OF THE HOLE (2) SPREAD ALL ROOTS OUT RADIAL IN THE PREPARED HOLE MAKING THE HOLE WIDER WHERE NEEDED TO ACCOMMODATE LONG ROOTS. ROOT TIPS SHALL BE DIRECTED AWAY FROM THE TRUNK (3) MAINTAIN THE STEM PLUMB WHILE BACKFILLING SOIL AROUND THE ROOTS (4) LIGHTLY TAMP THE SOIL AROUND THE ROOTS TO ELIMINATE VOIDS AND REDUCE SETTLEMENT.

**3.4 STRAIGHTENING PLANTS**

A. MAINTAIN ALL PLANTS IN A PLUMB POSITION THROUGHOUT THE WARRANTY PERIOD. STRAIGHTEN ALL TREES THAT MOVE OUT OF PLUMB INCLUDING THOSE NOT STAKED. PLANTS TO BE STRAIGHTENED SHALL BE EXCAVATED AND THE ROOT BALL MOVED TO A PLUMB POSITION, AND THEN RE-BACKFILLED.

**3.5 PRUNING OF TREES AND SHRUBS**

A. PRUNE PLANTS AS DIRECTED BY THE OWNER'S REPRESENTATIVE. PRUNING TREES SHALL BE LIMITED TO ADDRESSING STRUCTURAL DEFECTS AS SHOWN IN DETAILS; FOLLOW RECOMMENDATIONS IN "STRUCTURAL PRUNING: A GUIDE FOR THE GREEN INDUSTRY" PUBLISHED BY URBAN TREE FOUNDATION, VISALIA, CA.

B. ALL PRUNING SHALL BE PERFORMED BY A PERSON EXPERIENCED IN STRUCTURAL TREE PRUNING.

**3.6 WATERING**

1. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE TO ENSURE THAT ADEQUATE WATER IS PROVIDED TO ALL PLANTS FROM THE POINT OF INSTALLATION UNTIL THE DATE OF SUBSTANTIAL COMPLETION ACCEPTANCE.

**3.7 CLEANUP**

A. DURING INSTALLATION, KEEP THE SITE FREE OF TRASH. PAVEMENTS REASONABLY CLEAN AND WORK AREA IN AN ORDERLY CONDITION AT THE END OF EACH DAY. REMOVE TRASH AND DEBRIS IN CONTAINERS FROM THE SITE NO LESS THAN ONCE A WEEK.

B. ONCE INSTALLATION IS COMPLETE, WASH ALL SOIL FROM PAVEMENTS AND OTHER STRUCTURES.

C. MAKE ALL REPAIRS TO GRADES, RUTS, AND DAMAGE BY THE PLANT INSTALLER TO THE WORK OR OTHER WORK AT THE SITE.

D. REMOVE AND DISPOSE OF ALL EXCESS PLANTING SOIL, SUBSOIL, MULCH, PLANTS, PACKAGING, AND OTHER MATERIAL BROUGHT TO THE SITE BY THE CONTRACTOR.

Doc: 4, 18, 4, 27 PM P:\11039 Jones Pier\11039\_ACOE.dwg, C-112 PLANTING NOTES

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 PLOT BY: Kirk Noonan  
 REF #: 20565-C-17-345f  
 F.B. & PG.: 7/29/21-85066-

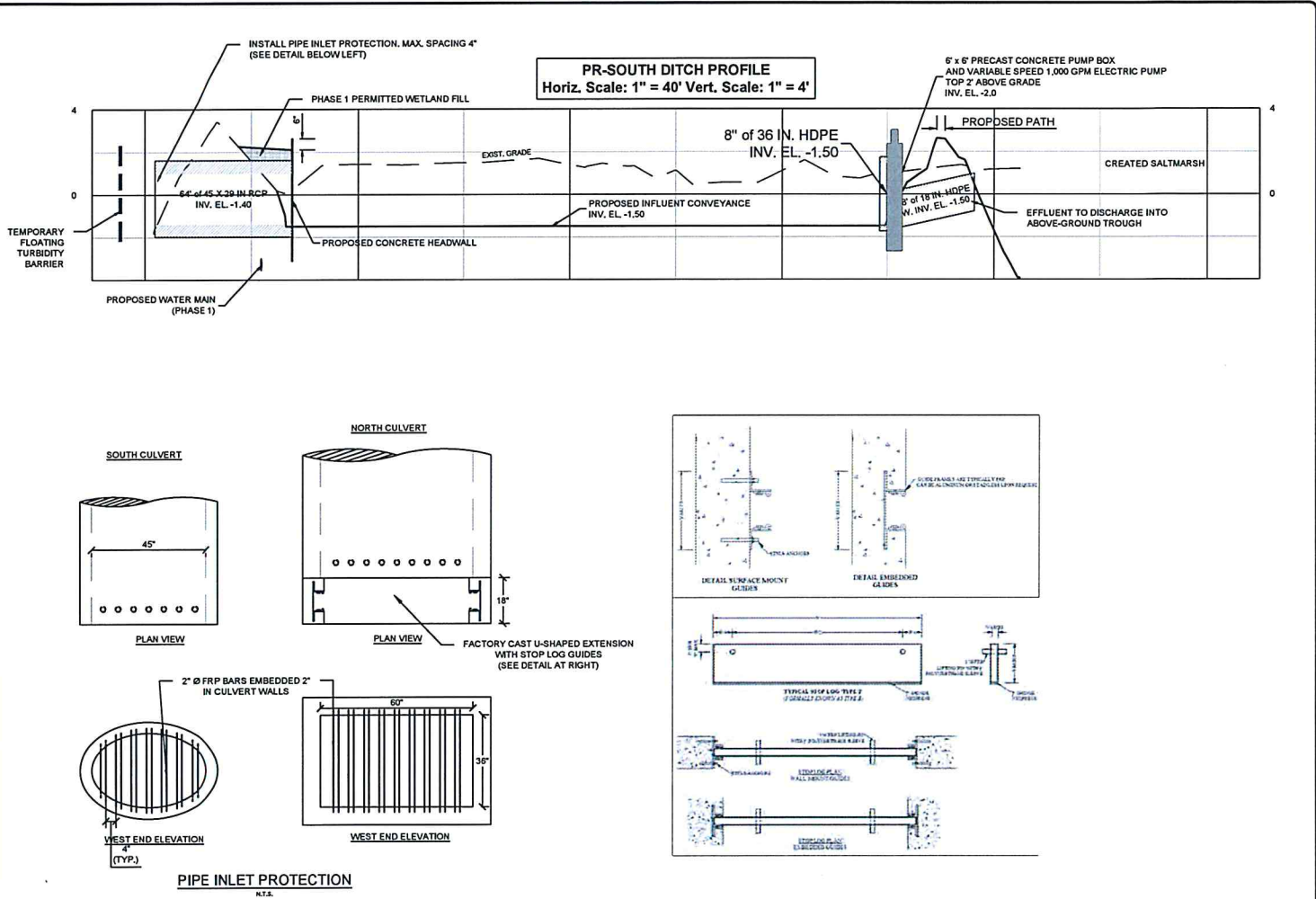
John H. Blum, P.E.  
 FLORIDA LICENSE No. 45813  
 CARTER ASSOCIATES, INC.  
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**Jones' Pier Conservation Area**  
 Phase 2 Wetland Enhancement and Creation Project  
 Indian River County, Florida  
 USACOE Permitting  
**PLANTING NOTES**

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**C-112**  
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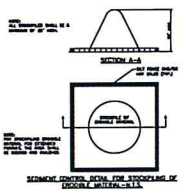
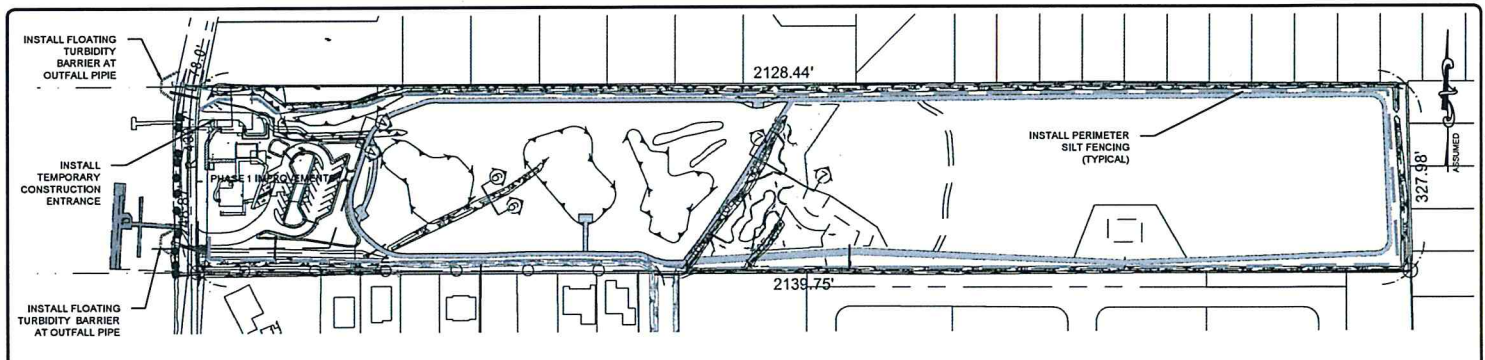
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**NOTES AND DETAILS**

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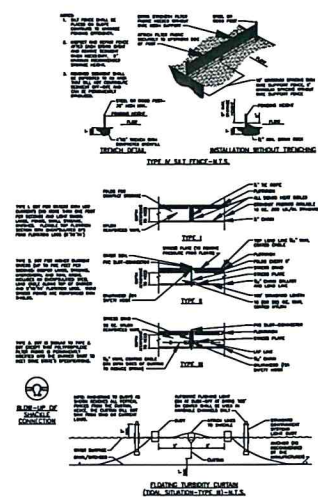
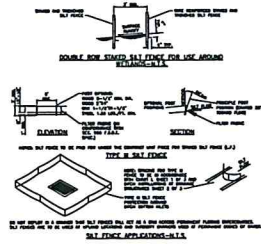
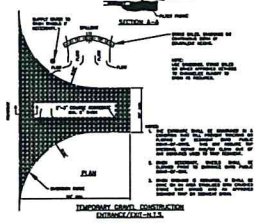
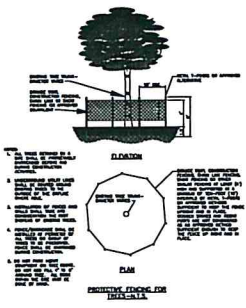
**LEGEND**

- SILT FENCING
- FLOATING TURBIDITY BARRIER

**EROSION CONTROL MATS**

1. Erosion control mats shall be installed on all areas of exposed soil within the project limits.
2. All erosion control mats shall be installed on all areas of exposed soil within the project limits.
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 P:\118-39 Jones Pier\04118-39e\_ACOE.dwg, C-114 EROSION CONTROL PLAN  
**CAI** Consulting Engineers and Land Surveyors  
 Carter Associates, Inc.  
 1708 21st STREET, VERO BEACH, FL 32960  
 TEL: (772) 562-4191 FAX: (772) 562-7180

John H. Blum, P.E.  
 Florida License No. 45813  
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**Jones' Pier Conservation Area**  
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 Indian River County, Florida  
 USACOE Permitting  
**EROSION CONTROL PLAN**

SHEET  
**C-114**  
 Dwg. #:

**STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE**  
**U.S. Fish and Wildlife Service**  
**August 12, 2013**

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: [jaxregs@fws.gov](mailto:jaxregs@fws.gov); South Florida Field Office: [verobeach@fws.gov](mailto:verobeach@fws.gov); Panama City Field Office: [panamacity@fws.gov](mailto:panamacity@fws.gov)). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or “approval” from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

**POSTER INFORMATION**

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11” x 17” or larger paper and laminated, is attached):

**DESCRIPTION:** The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

**SIMILAR SNAKES:** The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

**LIFE HISTORY:** The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands



and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

**PROTECTION UNDER FEDERAL AND STATE LAW:** The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

**IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

**IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:**

North Florida Field Office – (904) 731-3336  
Panama City Field Office – (850) 769-0552  
South Florida Field Office – (772) 562-3909

## **PRE-CONSTRUCTION ACTIVITIES**

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

## **DURING CONSTRUCTION ACTIVITIES**

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

## **POST CONSTRUCTION ACTIVITIES**

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.





# **ATTENTION:**

## **THREATENED EASTERN INDIGO SNAKES MAY BE PRESENT ON THIS SITE!!!**

### **IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

### **IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

### **USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:**

**North Florida Field Office – (904) 731-3336**

**Panama City Field Office – (850) 769-0552**

**South Florida Field Office – (772) 562-3909**

### **Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.**

**DESCRIPTION:** The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

**SIMILAR SNAKES:** The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

**LIFE HISTORY:** The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

**PROTECTION:** The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.



**JONES' PIER CONSERVATION AREA PROJECT CONSTRUCTION  
IRC WETLAND PERMIT**



**INDIAN RIVER COUNTY**  
**Environmental Planning & Code Enforcement Section**  
1801 27th Street, Vero Beach FL 32960  
772-226-1249 / 772-978-1806 fax  
*www.ircgov.com*

7/18/2019

**APPLICANT:**

ELIZABETH POWELL  
5500 77TH ST  
VERO BEACH, FL 32967

**INDIAN RIVER COUNTY WETLAND RESOURCE PERMIT**

PROJECT / APPLICATION NO. **94030151 / 84956**  
PROJECT NAME: **JONES PIER CONSERVATION AREA**  
PROJECT DESCRIPTION: **WETLAND RESOURCE PERMIT FOR CONSERVATION AREA**  
PROPERTY OWNER'S NAME: **INDIAN RIVER COUNTY**  
LOCATION OF ACTIVITY: **7770 JUNGLE TRAIL**  
PARCEL NUMBER: **31-39-36-00000-0080-00004.0**

**This WETLAND RESOURCE PERMIT** is hereby issued for the above referenced project in accordance with Chapter 928 of the Indian River County Land Development Code. The above named applicant is authorized to perform the herein described activity in accordance with the specifications stated herein and in accordance with the approved submitted alteration plan. This permit does not absolve the applicant and/or property owner from the responsibility to satisfy state or federal regulations that may apply to the activity.

**GENERAL SPECIFICATIONS:**

1. The applicant shall conduct the activity in strict accordance with the criteria set forth in Section 928.06 of the Indian River County Land Development Code.
2. The applicant and/or the person to perform the wetland alteration shall arrange a field meeting with county environmental planning staff to review the proposed activity prior to alteration commencement.
3. The applicant shall notify county environmental planning staff upon completion of the activity, who shall inspect the property to confirm compliance with applicable county regulations.

**SPECIFIC CONDITIONS (AS APPLICABLE):**

1. This permit authorizes the alteration of wetlands or deepwater habitats for construction of the Jones Pier Conservation Area project at 7770 Jungle Trail, in accordance with conditions and specifications of the approved Administrative Approval and wetland mitigation plan (AA-19-05-73 / 94030151-84956).
2. Be advised that all enhancement activities and creation area work, including planting, must commence concurrently with wetland impacts, and must be completed prior to the use of the infrastructure.
3. The Indian River Mosquito Control District (IRMCD) will be consulted whenever wetlands are being created or restored to ensure that mosquito producing habitat is not created and source reduction mosquito control is effected.

**DATE OF PERMIT ISSUANCE:** 7/18/2019

**DATE OF PERMIT EXPIRATION:** Expiration concurrent with the approved site plan/L.D.P, as applicable.

SIGNATURE OF AUTHORIZATION:



Steven S. Hitt, M.S.  
Senior Environmental Planner  
Indian River County

wefl.letter  
Proj./Appl. # 94030151/84956



**JONES' PIER CONSERVATION AREA PROJECT CONSTRUCTION  
IRC LAND CLEARING PERMIT**



**INDIAN RIVER COUNTY**  
**Environmental Planning & Code Enforcement Section**  
1801 27th Street, Vero Beach FL 32960  
772-226-1249 / 772-978-1806 fax  
[www.ircgov.com](http://www.ircgov.com)

6/24/2019

APPLICANT:

TODD HOWDER  
MBV ENGINEERING, INC.  
1835 20TH STREET  
VERO BEACH, FL 32960

**INDIAN RIVER COUNTY LAND CLEARING PERMIT**

PROJECT NO./PERMIT NO.        **94030151 / 82226**  
PROJECT NAME:                    **JONES PIER CONSERVATION AREA**  
PROJECT DESCRIPTION:        **LAND CLEARING PERMIT**  
PROPERTY OWNER'S NAME:    **BETH POWELL**  
LOCATION OF ACTIVITY:         **7770 JUNGLE TRAIL**  
PARCEL NUMBER:                **31-39-36-00000-0080-00004.0**

**THIS LAND CLEARING PERMIT** is issued in accordance with Chapter 927 of the Indian River County Land Development Code. The above named applicant is hereby authorized to perform the herein described activity in accordance with the specifications stated herein and provided for in Chapter 927. *This permit does not absolve the applicant and/or property owner from the responsibility to satisfy state or federal regulations that may apply to the activity.*

**1. LAND CLEARING IS NOT ALLOWED TO COMMENCE UNTIL APPROVAL (OR EXEMPTION VERIFICATION) IS OBTAINED FROM THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) OR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), AS APPLICABLE.** If you are not sure as to the status of SJRWMD or FDEP approval or exemption, contact the Palm Bay office of the SJRWMD at phone number (321) 984-4940 or the Southeast District office of the FDEP at (561) 681-6600.

**2. LAND CLEARING ASSOCIATED WITH SITE PLAN DEVELOPMENT (per County Code Chapter 914) OR SUBDIVISION PLATTING (per County Code Chapter 913) IS NOT ALLOWED TO COMMENCE UNTIL THE SITE PLAN OR PRELIMINARY PLAT IS FORMALLY APPROVED AND, IF A LAND DEVELOPMENT PERMIT IS REQUIRED, UNTIL A LAND DEVELOPMENT PERMIT IS ISSUED BY THE COUNTY ENGINEERING DIVISION, UNLESS OTHERWISE AUTHORIZED HEREIN.**

3. A copy of the permit shall be kept on-site during the land clearing activity.

4. The applicant shall notify county environmental planning staff upon completion of the activity, who shall inspect the property to confirm compliance with applicable county regulations.

5. Debris resulting from the land clearing activity shall be disposed of at an approved disposal facility within 60 days of clearing completion, or burned with an air curtain incinerator burn permit from the County Fire Division (or Florida Forest Service, as applicable), in accordance with County Code Chapter 925. Mulched land clearing material may be integrated with clean fill to augment berms and stormwater retention areas. Mulched material is not acceptable under roadways and at building site locations. Any mulched material deposited or buried must have at least 5 foot vertical separation from the natural groundwater table. If the applicant proposes to integrate mulched material with clean fill on-site, the applicant is advised to contact the County Environmental Health Department at (772) 794-7440 to ensure compliance with state and local requirements.

6. This land clearing permit requires that the subject property's pre-development stormwater run-off discharge rate not be exceeded after the clearing operation is completed. This may require construction of temporary detention ponds or berms, and installation of erosion control devices, such as silt screens, in order to maintain pre-development drainage flow characteristics and to protect against sedimentation and turbidity in discharge waters. All drainage and erosion control measures required on the approved project site plan, as applicable, are in effect for this permit. For Best Management Practices (BMPs), refer to the Florida Stormwater Erosion and Sediment Control Manual.

7. The person or company conducting the land clearing must be a licensed contractor registered in Indian River County to perform such work. The applicant is advised to contact the County Building Division at (772) 226-1260 to ensure that the land clearer has required licensing.
8. This permit does not authorize the demolition of structures, as applicable. Demolition of structure(s) requires a separate demolition permit through the County Building Division. For more information, contact the County Building Division at (772) 226-1260.

**OTHER INFORMATION:**

1. This permit authorizes land clearing for construction of the Jones Pier Conservation Area Major Site Plan project at 7770 (south) Jungle Trail, in accordance with conditions and specifications of the approved site plan (SP-MA-18-09-29 / 94030151-82225).
2. All work is to be conducted in accordance with County Code Sections 927.07 and 929.08.
3. Best management practices must be used to eliminate or reduce soil erosion. This includes, but is not limited to, the use of silt screens, berms, and soil tracking prevention devices. These devices need to be properly installed prior to commencement of construction activities on the property, need to be maintained, and shall remain in place until the soil surface has stabilized. Refer to the Florida Stormwater Erosion and Sediment Control Manual for additional information on BMPs.
4. Prior to conducting any land clearing activities a preconstruction meeting shall be held with County Public Works Department staff. Please contact Public Works Department at 772-226-1283.
5. This permit does not authorize any soil erosion or turbidity to wetlands, surface waters, or drainage systems, either on-site or off-site. This permit does not authorize any land clearing activities within wetlands, surface waters, or drainage systems unless authorized by appropriate federal, state or county permits.
6. This permit does not authorize any earth moving, excavation or filling. Such activities may not commence until a County stormwater management permit has been issued. Failure to properly obtain the appropriate County permits prior to development/construction activities on the project site can result in enforcement action being taken.
7. The following nuisance exotic vegetation shall be removed from development project site property, as applicable: (a) Australian pine (*Casuarina spp.*); (b) Brazilian pepper (*Schinus terebinthifolius*); (c) Melaleuca (*Melaleuca quinquenervia*); (d) Ear-pod tree (*Enterolobium cyclocarpum*); (e) Chinaberry (*Melia azedarach*).
8. The area to be cleared is the minimum necessary for proposed scope of work.

**DATE OF PERMIT ISSUANCE:** 6/24/2019

**DATE OF PERMIT EXPIRATION:** Expiration concurrent with approved site plan/L.D.P., as applicable.

SIGNATURE OF AUTHORIZATION:



Steven S. Hitt, M.S.  
Senior Environmental Planner  
Indian River County

cc: County Engineer  
Current Development Staff  
(site plan/plat related permits only)

Project No./Permit No.: 94030151/82226  
lclr.letter



**JONES' PIER CONSERVATION AREA PROJECT CONSTRUCTION  
IRC TREE REMOVAL PERMIT**



**INDIAN RIVER COUNTY**  
**Environmental Planning & Code Enforcement Section**  
1801 27th Street, Vero Beach FL 32960  
772-226-1249 / 772-978-1806 fax  
[www.ircgov.com](http://www.ircgov.com)

6/24/2019

**APPLICANT:**

TODD HOWDER  
MBV ENGINEERING, INC.  
1835 20TH STREET  
VERO BEACH, FL 32960

**INDIAN RIVER COUNTY TREE REMOVAL PERMIT**

PROJECT/ APPLIC. NO.: **94030151 / 83861**  
PROJECT NAME: **JONES PIER CONSERVATION AREA**  
PROJECT DESCRIPTION: **TREE REMOVAL PERMIT**  
PROPERTY OWNER'S NAME: **BETH POWELL**  
LOCATION OF ACTIVITY: **7770 JUNGLE TRAIL**  
PARCEL NUMBER: **31-39-36-00000-0080-00004.0**

**THIS TREE REMOVAL PERMIT** is issued in accordance with Chapter 927 of the Indian River County Land Development Code. The above named applicant is hereby authorized to perform the herein described activity in accordance with the specifications stated herein and provided for in Chapter 927. This permit does not absolve the applicant and/or property owner from the responsibility to satisfy state or federal regulations that may apply to the activity.

**GENERAL SPECIFICATIONS:**

1. The applicant shall conduct the activity in strict accordance with the criteria set forth in Section 927.07 of the Indian River County Land Development Code; a copy of the permit shall be kept on-site while the activity is taking place.
2. The applicant and/or the person to perform the tree removal shall arrange a field meeting with county environmental planning staff to review the proposed activity prior to removal commencement.
3. The applicant shall notify county environmental planning staff upon completion of the activity, who shall inspect the property to confirm compliance with applicable county regulations.

**OTHER INFORMATION:**

1. This permit authorizes the removal of protected trees (diameter at breast height (DBH) of 4 inches or greater) and/or specimen trees (DBH of 12 inches or greater) for construction of the Jones Pier Conservation Area Major Site Plan project at 7770 (south) Jungle Trail, in accordance with the conditions and specifications of the approved site plan and tree protection plan (SP-MA-18-09-29 / 94030151-82225).
2. This permit does not authorize the removal of any protected or specimen tree within any wetland, surface water, or drainage system unless authorized by appropriate federal, state, and/or county permits.
3. Tree protection barriers shall be installed around trees to be preserved prior to initiation of land clearing and tree removal activities.

**DATE OF PERMIT ISSUANCE:** 6/24/2019

**DATE OF PERMIT EXPIRATION:** Expiration concurrent with the approved site plan/L.D.P., as applicable.

SIGNATURE OF AUTHORIZATION:



Steven S. Hitt, M.S.  
Senior Environmental Planner  
Indian River County

tree.letter  
Proj./Appl. # 94030151/83861



**JONES' PIER CONSERVATION AREA PROJECT CONSTRUCTION  
SJRWMD ERP PHASE 1**



# St. Johns River

## Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500  
On the internet at [www.sjrwmd.com](http://www.sjrwmd.com).

August 15, 2018

Elizabeth Powell  
Indian River County  
5500 77th St  
Vero Beach, FL 32967-5523

SUBJECT: Permit Number: 153722-1  
Project Name: Jones Pier Improvements Phase I

Dear Ms. Powell:

Enclosed is your individual permit issued by the St. Johns River Water Management District on August 15, 2018. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

### **Technical Staff Report:**

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting). Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number and then on the TSR folder.

### **Noticing Your Permit:**

For noticing instructions, please refer to the noticing materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become non-final and any activities that you choose to undertake pursuant to your permit will be at your own risk.

### **Compliance with Permit Conditions:**

To submit your required permit compliance information, go to the District's website at [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting). Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form. The forms to comply with your permit conditions are available at [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting) under the section "Handbooks, forms, fees, final orders". Click on forms to view all permit compliance forms, then scroll to the ERP application forms section and select the applicable compliance forms. Alternatively, if you have difficulty finding forms or need copies of the appropriate forms, please contact the Bureau of Regulatory Support at (386) 329-4570.

#### GOVERNING BOARD

John A. Miklos, CHAIRMAN  
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Fred N. Roberts Jr., VICE CHAIRMAN  
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FERNANDINA BEACH

Allan Roberts  
ST. AUGUSTINE

**Transferring Your Permit:**

Your permit requires you to notify the District within 30 days of any change in ownership or control of the project or activity covered by the permit, or within 30 days of any change in ownership or control of the real property on which the permitted project or activity is located or occurs. You will need to provide the District with the information specified in rule 62-330.340, Florida Administrative Code (F.A.C.). Generally, this will require you to complete and submit Form 62-330.340(1), "Request to Transfer Permit," available at <http://www.sjrwmd.com/permitting/permitforms.html>.

Please note that a permittee is liable for compliance with the permit before the permit is transferred. The District, therefore, recommends that you request a permit transfer in advance in accordance with the applicable rules. You are encouraged to contact District staff for assistance with this process.

Thank you and please let us know if you have additional questions. For general questions contact [e-permit@sjrwmd.com](mailto:e-permit@sjrwmd.com) or (386) 329-4570.

Sincerely,



Michelle Reiber, Bureau Chief  
Regulatory Services  
St. Johns River Water Management District  
525 Community College Parkway, S.E.  
Palm Bay, FL 32909  
(321) 409-2129

Enclosures: Permit

cc: District Permit File

Registered Professional Consultant: Todd Howder  
MBV Engineering, Inc.  
1835 20th St  
Vero Beach, FL 32960-3569



**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**  
**Post Office Box 1429**  
**Palatka, Florida 32178-1429**

**PERMIT NO:** 153722-1

**DATE ISSUED:** August 15, 2018

**PROJECT NAME:** Jones Pier Improvements Phase I

**A PERMIT AUTHORIZING:**

Authorization of a Stormwater Management System for Jones Pier Improvements Phase I, a 1.42 - acre project to be constructed and operated as per plans received by the District on July 12, 2018, and as amended by plan sheet C8 received by the District on August 9, 2018, and Sheet EX2 received by the District on August 13, 2018.

**LOCATION:**

Section(s): 36                      Township(s): 32S                      Range(s): 39E  
Indian River County

**Receiving Water Body:**

Name	Class
Indian River Lagoon	III Marine, OFW, IW

**ISSUED TO:**

Indian River County  
5500 77th St  
Vero Beach, FL 32967-5523

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

**PERMIT IS CONDITIONED UPON:**

See conditions on attached "Exhibit A", dated August 15, 2018

**AUTHORIZED BY:** St. Johns River Water Management District  
Division of Regulatory Services

By: 

\_\_\_\_\_  
John Julianna  
Regulatory Coordinator

**"EXHIBIT A"**  
**CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 153722-1**  
**Jones Pier Improvements Phase I**  
**DATED: August 15, 2018**

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - b. For all other activities — "As-Built Certification and Request for Conversion to

Operation Phase” [Form 62-330.310(1)].

c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:

a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:

a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;

b. Convey to the permittee or create in the permittee any interest in real property;

c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or

d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

12. The permittee shall notify the District in writing:

a. Immediately if any previously submitted information is discovered to be inaccurate; and



b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850) 245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
20. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.

21. This permit for construction will expire five years from the date of issuance.
22. The proposed project must be constructed and operated as per plans and calculations received by the District on July 12, 2018, and as amended by plan sheet C8 received by the District on August 9, 2018, and Sheet EX2 received by the District on August 13, 2018.
23. Prior to the use of the infrastructure for its intended use, the upland buffer between the northern curve of the driveway between the parking areas and the mangrove wetland must be planted with native plantings.
24. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.
25. Prior to the commencement of any construction, including clearing, the District must receive a letter from the Florida Division of Historical Resources (DHR) indicating that the activities proposed under this permit will not result in any impacts to archaeological or historical resources. If the District receives a DHR letter indicating that the proposed activities will result in impacts to archaeological or historical resources, then a permit modification must be submitted and approved by the District.

## Notice of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at [Clerk@sjrwmd.com](mailto:Clerk@sjrwmd.com), within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.



## Notice of Rights

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at [sjrwmd.com](http://sjrwmd.com). These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

**Notice of Rights**

**Certificate of Service**

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been sent to the permittee:

Elizabeth Powell  
Indian River County  
5500 77th St  
Vero Beach, FL 32967-5523

This 15th day of August 2018.



Margaret Daniels, Office Director  
Office of Business and Administrative Services  
St. Johns River Water Management District  
4049 Reid Street  
Palatka, FL 32177-2529  
(386) 329-4570

Permit Number: 153722-1

## NOTICING INFORMATION

Dear Permittee:

Please be advised that the St. Johns River Water Management District will not publish a notice in the newspaper advising the public that it has issued a permit for this project.

Newspaper publication, using the District's notice form, notifies members of the public of their right to challenge the issuance of the permit. If proper notice is given by newspaper publication, then there is a 21-day time limit for someone to file a petition for an administrative hearing to challenge the issuance of the permit.

To close the point of entry for filing a petition, you may publish (at your own expense) a one-time notice of the District's decision in a newspaper of general circulation within the affected area as defined in Section 50.011 of the Florida Statutes. If you do not publish a newspaper notice to close the point of entry, the time to challenge the issuance of your permit will not expire and someone could file a petition even after your project is constructed.

A copy of the notice form and a partial list of newspapers of general circulation are attached for your convenience. However, you are not limited to those listed newspapers. If you choose to close the point of entry and the notice is published, the newspaper will return to you an affidavit of publication. In that event, it is important that you either submit a scanned copy of the affidavit by emailing it to [compliancesupport@sjrwmd.com](mailto:compliancesupport@sjrwmd.com) (preferred method) or send a copy of the original affidavit to:

Margaret Daniels, Office Director  
Office of Business and Administrative Services  
4049 Reid Street  
Palatka, FL 32177

If you have any questions, please contact the Office of Business and Administrative Services at (386) 329-4570.

Sincerely,



Margaret Daniels, Office Director  
Office of Business and Administrative Services

NOTICE OF AGENCY ACTION TAKEN BY THE  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Notice is given that the following permit was issued on \_\_\_\_\_:

(Name and address of applicant) \_\_\_\_\_  
permit#\_\_\_\_\_. The project is located in \_\_\_\_\_ County, Section  
\_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ East. The permit authorizes a surface  
water management system on \_\_\_\_\_ acres for \_\_\_\_\_ known as  
\_\_\_\_\_. The receiving water body is \_\_\_\_\_.

A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P.O. Box 1429, Palatka FL 32178-1429 (4049 Reid St, Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax). Mediation pursuant to Section 120.573, F.S., may be available and choosing mediation does not affect your right to an administrative hearing.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8 a.m. – 5 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at [www.sjrwmd.com](http://www.sjrwmd.com). These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile (fax) is prohibited and shall not constitute filing.

The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. **Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.)**

If you wish to do so, please visit [http://www.sjrwmd.com/nor\\_dec/](http://www.sjrwmd.com/nor_dec/) to read the complete Notice of Rights to determine any legal rights you may have concerning the District's decision(s) on the permit application(s) described above. You can also request the Notice of Rights by contacting the Director of Business and Administrative Services, 4049 Reid St., Palatka, FL 32177-2529, tele. no. (386)329-4570.



## **NEWSPAPER ADVERTISING**

### **ALACHUA**

The Alachua County Record, Legal Advertising  
P. O. Box 806  
Gainesville, FL 32602  
352-377-2444/ fax 352-338-1986

### **BRAFORD**

Bradford County Telegraph, Legal Advertising  
P. O. Drawer A  
Starke, FL 32901  
904-964-6305/ fax 904-964-8628

### **CLAY**

Clay Today, Legal Advertising  
1560 Kinsley Ave., Suite 1  
Orange Park, FL 32073  
904-264-3200/ fax 904-264-3285

### **FLAGLER**

Flagler Tribune, c/o News Journal  
P. O. Box 2831  
Daytona Beach, FL 32120-2831  
386- 681-2322

### **LAKE**

Daily Commercial, Legal Advertising  
P. O. Drawer 490007  
Leesburg, FL 34749  
352-365-8235/fax 352-365-1951

### **NASSAU**

News-Leader, Legal Advertising  
P. O. Box 766  
Fernandina Beach, FL 32035  
904-261-3696/fax 904-261-3698

### **ORANGE**

Sentinel Communications, Legal Advertising  
633 N. Orange Avenue  
Orlando, FL 32801  
407-420-5160/ fax 407-420-5011

### **PUTNAM**

Palatka Daily News, Legal Advertising  
P. O. Box 777  
Palatka, FL 32178  
386-312-5200/ fax 386-312-5209

### **SEMINOLE**

Seminole Herald, Legal Advertising  
300 North French Avenue  
Sanford, FL 32771  
407-323-9408

### **BAKER**

Baker County Press, Legal Advertising  
P. O. Box 598  
Maclenny, FL 32063  
904-259-2400/ fax 904-259-6502

### **BREVARD**

Florida Today, Legal Advertising  
P. O. Box 419000  
Melbourne, FL 32941-9000  
321-242-3832/ fax 321-242-6618

### **DUVAL**

Daily Record, Legal Advertising  
P. O. Box 1769  
Jacksonville, FL 32201  
904-356-2466 / fax 904-353-2628

### **INDIAN RIVER**

Vero Beach Press Journal, Legal Advertising  
P. O. Box 1268  
Vero Beach, FL 32961-1268  
772-221-4282/ fax 772-978-2340

### **MARION**

Ocala Star Banner, Legal Advertising  
2121 SW 19th Avenue Road  
Ocala, FL 34474  
352-867-4010/fax 352-867-4126

### **OKEECHOBEE**

Okeechobee News, Legal Advertising  
P. O. Box 639  
Okeechobee, FL 34973-0639  
863-763-3134/fax 863-763-5901

### **OSCEOLA**

Little Sentinel, Legal Advertising  
633 N. Orange Avenue  
Orlando, FL 32801  
407-420-5160/ fax 407-420-5011

### **ST. JOHNS**

St. Augustine Record, Legal Advertising  
P. O. Box 1630  
St. Augustine, FL 32085  
904-819-3436

### **VOLUSIA**

News Journal Corporation, Legal Advertising  
P. O. Box 2831  
Daytona Beach, FL 32120-2831  
(386) 681-2322

**JONES' PIER CONSERVATION AREA PROJECT CONSTRUCTION  
SJRWMD ERP PHASE 2**



# St. Johns River

## Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500  
On the internet at [www.sjrwmd.com](http://www.sjrwmd.com).

January 08, 2019

Beth Powell  
Indian River County  
5500 77th St  
Vero Beach, FL 32967-5523

SUBJECT: Permit Number: 153722-2  
Project Name: Jones' Pier Improvements Phase II

Dear Ms. Powell:

Enclosed is your consolidated Environmental Resource Permit (ERP) and written authorization to Use State Owned Sovereign Submerged Lands (SSL) issued by the St. Johns River Water Management District on January 08, 2019. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

### **Technical Staff Report:**

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting). Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number.

### **Noticing Your Permit:**

For noticing instructions, please refer to the noticing materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become nonfinal and any activities that you choose to undertake pursuant to your permit will be at your own risk.

### **Compliance with Permit Conditions:**

To submit your required permit compliance information, go to the District's website at [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting). Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form.

The forms to comply with your permit conditions are available at [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting) under the section "Handbooks, forms, fees, final orders". Click on forms to view all permit

#### GOVERNING BOARD

John A. Miklos, CHAIRMAN  
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Douglas C. Bournique  
VERO BEACH

Douglas Burnett  
ST. AUGUSTINE

Susan Dolan  
SANFORD

Janet Price  
FERNANDINA BEACH

Allan Roberts  
ST. AUGUSTINE

compliance forms, then scroll to the ERP application forms section and select the applicable compliance forms. Alternatively, if you have difficulty finding forms or need copies of the appropriate forms, please contact the Bureau of Regulatory Support at (386) 329-4570.

**Transferring Your Permit:**

As required by a condition of your permit, you must notify the District within 30 days of any sale, conveyance or other transfer of a permitted system or facility, or within 30 days of any transfer of ownership or control of the real property where the permitted system or facility is located. You will need to provide the District with the information specified in District rule 40C-1.612, Florida Administrative Code (name and address of the transferee and a copy of the instrument effectuating the transfer). Please note that a permittee remains liable for any corrective actions that may be required as a result of any permit violations that occur before the sale, conveyance, or other transfer of the system or facility, so it is recommended that you request a permit transfer in advance.

Thank you and please let us know if you have additional questions. For general questions contact [e-permit@sjrwmd.com](mailto:e-permit@sjrwmd.com) or (386) 329-4570.

Sincerely,



Michelle Reiber, Bureau Chief  
Regulatory Services  
St. Johns River Water Management District  
525 Community College Parkway, S.E.  
Palm Coast, FL 32909  
(321) 409-2129

Enclosures: Permit with EN Form(s), if applicable

cc: District Permit File

Registered Professional Consultant: John Blum  
Carter Associates, Inc.  
1708 21st St  
Vero Beach, FL 32960-3463



**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**  
**Post Office Box 1429**  
**Palatka, Florida 32178-1429**

**PERMIT NO:** 153722-2

**DATE ISSUED:** January 08, 2019

**PROJECT NAME:** Jones' Pier Improvements Phase II

**AN ENVIRONMENTAL RESOURCE PERMIT (ERP) AUTHORIZING:**

Authorization of a Stormwater Management System for Jones' Pier Improvements Phase II, a 16.2177 - acre project to be constructed and operated as per plans received by the District on December 17, 2018.

**AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS (SSL):**

Authorization to use Sovereign Submerged Lands in the form of letter of consent for installation of two culverts known as Jones' Pier Improvements Phase II in accordance with the plans received by the District on December 17, 2018.

**LOCATION:**

Section(s): 36                      Township(s): 31S                      Range(s): 39E  
Indian River County

**ISSUED TO:**

Indian River County  
5500 77th St  
Vero Beach, FL 32967-5523

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

**ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION IS CONDITIONED UPON:**

See conditions on attached "Exhibit A", dated January 08, 2019

**AUTHORIZED BY:** St. Johns River Water Management District

By: 

\_\_\_\_\_  
Marc vonCanal  
Environmental Resource Program Manager

**"EXHIBIT A"**  
**CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 153722-2**  
**Jones' Pier Improvements Phase II**  
**DATED: January 08, 2019**

**REGULATORY CONDITIONS – ENVIRONMENTAL RESOURCE PERMIT (ERP):**

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a) For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — “Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
  - b. For all other activities — “As-Built Certification and Request for Conversion to Operation Phase” [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
- a) Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b) Convey to the permittee or create in the permittee any interest in real property;
  - c) Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d) Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the District in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
  - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850) 245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to



be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.

21. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
22. The wetland mitigation areas must be planted prior to any of the following events (whichever occurs first): issuance of the first certificate of occupancy; use of the infrastructure for its intended use; or transfer of responsibility for operation and maintenance of the system to a local government or other responsible entity.
23. The permittee shall enhance the wetland mitigation areas through nuisance species eradication and planting, as per the approved mitigation plan, before any of the following events (whichever occurs first): issuance of the first certificate of occupancy; use of the infrastructure for its intended use; or transfer of responsibility for operation and maintenance of the system to a local government or other responsible entity.
24. Successful establishment of the wetland mitigation will have occurred when:
  - a) At least 90 percent of the planted individuals in each stratum have survived throughout the monitoring period and are showing signs of normal growth, based upon standard growth parameters such as height and base diameter, or canopy circumference; and,
  - b) At least 80 percent cover by appropriate wetland species has been obtained; and,
  - c) Hydrologic conditions generally conform to those specified in the mitigation plan; and,
  - d) The above criteria have been achieved by the end of a 5-year period following initial planting; and,
  - e) less than 5% areal coverage of plants on the Florida Exotic Pest Plant Council's list of Florida's most invasive species within the mitigation area.[include title/date of publication]
25. The permittee shall monitor and maintain the wetland mitigation area(s) until the criteria set forth in the Wetland Mitigation Success Criteria Conditions(s) above are met. The permittee shall perform corrective actions identified by the District if the District identifies a wetland mitigation deficiency.
26. SSL
  - a) For activities on sovereign submerged lands that require letter of consent, lease, easement, management agreement, or use agreement, construction shall not commence until the sovereign submerged lands instrument has been fully executed. Within 30 days of recording a requisite lease or easement, the permittee must provide the District with two copies of the recorded document.
27. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each

required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

28. **STANDARD MANATEE CONDITIONS FOR IN-WATER WORK**

2011

- a) The permittee shall comply with the following conditions intended to protect manatees from direct project effects:
  - b) 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.
  - c) 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.
  - d) 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.
  - e) 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.
  - f) 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 to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
  - g) 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 at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.
29. The proposed project must be constructed and operated as per plans and calculations and description received by the District on December 17, 2018.

30. A maintenance program shall be implemented in accordance with the response letter received by the District on December 17, 2018 for the created and enhanced wetland areas on a regular basis to ensure those areas meet the integrity and viability of the success criteria as permitted, including ensuring that the mitigation site is maintained in perpetuity free from invasive exotic species such that they comprise less than 5 percent areal coverage of plants on the Florida Exotic Pest Plant Council's list of Florida's most invasive species within the mitigation area. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.
31. If upon termination of the 5-year monitoring period mitigation success has not been demonstrated, within 30 days after submittal of the final monitoring report, the permittee must submit a written description of the known or suspected causes of failure and propose a corrective action plan to achieve mitigation success. Upon approval of the corrective action plan an appropriate additional monitoring period will be required to assess success of the new mitigation plan.
32. A time zero monitoring report for the created and enhanced mitigation areas shall be conducted. The report shall include a list of planted species, sizes, total number and densities of each plant species within each habitat type, panoramic photographs for each habitat type, and a plan or drawings that include the areal extent, acreage and cross-sectional elevations of the created/restored areas.
33. To reduce the risk of entrapment and drowning of manatees, manatee exclusion devices (such as grating) shall be installed and maintained over any existing or proposed pipes or culverts greater than 8 inches, but smaller than 8 feet in diameter that are submerged or partially submerged and reasonably accessible to manatees. If horizontal or vertical bars are used, no more than 8 inch gaps on center shall be allowed. Grates or valves shall be in place at the accessible end(s) during all phases of the construction process and as a final design element to restrict manatee access.

**PROPRIETARY CONDITIONS - SOVEREIGN SUBMERGED LANDS (SSL):**

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.
10. During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.



## Notice of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at [Clerk@sjrwmd.com](mailto:Clerk@sjrwmd.com), within fourteen (14) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within fourteen (14) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within fourteen (14) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at [sjrwmd.com](http://sjrwmd.com). These conditions include, but are

not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.

5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

NOR.Decision.DOC.001  
Revised 6.18.18

**Notice of Rights**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Rights has been sent to the permittee:

Beth Powell  
Indian River County  
5500 77th St  
Vero Beach, FL 32967-5523

This January 08, 2019.

*M. Daniels*

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Margaret Daniels, Office Director  
Office of Business and Administrative Services  
St. Johns River Water Management District  
4049 Reid Street  
Palatka, FL 32177  
(386) 329-4570

## NOTICING INFORMATION

Dear Permittee:

Please be advised that the St. Johns River Water Management District has not published a notice in the newspaper advising the public that it has issued a permit for this project.

Newspaper publication, using the District's form, notifies members of the public of their right to challenge the issuance of the permit. If proper notice is given by newspaper publication, then there is a 14-day time limit to file a petition challenging the issuance of the permit.

To close the point of entry for filing a petition, you may publish (at your own expense) a one-time notice of the District's decision in a newspaper of general circulation within the affected area as defined in Section 50.011 of the Florida Statutes. If you do not publish a newspaper notice, the time to challenge the issuance of your permit will not expire.

A copy of the notice and a partial list of newspapers of general circulation are attached for your convenience. However, you are not limited to those listed newspapers. If you choose to close the point of entry and the notice is published, the newspaper will return to you an affidavit as proof of publication. Please submit a scanned copy of the affidavit by emailing [compliancesupport@sjrwmd.com](mailto:compliancesupport@sjrwmd.com) (preferred method) or send the original affidavit of publication to:

Margaret Daniels, Office Director  
Office of Business and Administrative Services  
4049 Reid Street  
Palatka, FL 32177

If you have any questions, please contact the Office of Business and Administrative Services at (386) 329-4570.

Sincerely,



Margaret Daniels, Office Director  
Office of Business and Administrative Services

NOTICE OF AGENCY ACTION TAKEN BY THE  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Notice is given that the following permit was issued on \_\_\_\_\_:

(Name and address of applicant) \_\_\_\_\_  
permit#\_\_\_\_\_. The project is located in \_\_\_\_\_ County, Section  
\_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ East. The permit authorizes a surface  
water management system on \_\_\_\_\_ acres for  
\_\_\_\_\_ known as  
\_\_\_\_\_. The receiving water body is \_\_\_\_\_.

A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P.O. Box 1429, Palatka FL 32178-1429 (4049 Reid St, Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwm.com, within fourteen (14) days of the District depositing the notice of intended District decision in the mail (for those persons to whom the District mails actual notice), within fourteen (14) days of the District emailing notice of intended District decision (for those persons to whom the District emails actual notice), or within fourteen (14) days of newspaper publication of the notice of intended District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax). Mediation pursuant to Section 120.573, F.S., is not available.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8 a.m. – 5 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8 a.m. on the next regular District business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at [www.sjrwm.com](http://www.sjrwm.com). These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile (fax) is prohibited and shall not constitute filing.

The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. **Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.).**

If you wish to do so, please visit <http://www.sjrwm.com/noticeofrights/> to read the complete Notice of Rights to determine any legal rights you may have concerning the District's intended decision(s) on the permit application(s) described above. You can also request the Notice of Rights by contacting the Bureau Chief, Bureau of Regulatory Support (RS), 4049 Reid St., Palatka, FL 32177-2529, tele. no. (386)329-4570.



## **NEWSPAPER ADVERTISING**

### **ALACHUA**

The Alachua County Record, Legal Advertising  
P. O. Box 806  
Gainesville, FL 32602  
352-377-2444/ fax 352-338-1986

### **BRAFORD**

Bradford County Telegraph, Legal Advertising  
P. O. Drawer A  
Starke, FL 32901  
904-964-6305/ fax 904-964-8628

### **CLAY**

Clay Today, Legal Advertising  
1560 Kinsley Ave., Suite 1  
Orange Park, FL 32073  
904-264-3200/ fax 904-264-3285

### **FLAGLER**

Flagler Tribune, c/o News Journal  
P. O. Box 2831  
Daytona Beach, FL 32120-2831  
386- 681-2322

### **LAKE**

Daily Commercial, Legal Advertising  
P. O. Drawer 490007  
Leesburg, FL 34749  
352-365-8235/fax 352-365-1951

### **NASSAU**

News-Leader, Legal Advertising  
P. O. Box 766  
Fernandina Beach, FL 32035  
904-261-3696/fax 904-261-3698

### **ORANGE**

Sentinel Communications, Legal Advertising  
633 N. Orange Avenue  
Orlando, FL 32801  
407-420-5160/ fax 407-420-5011

### **PUTNAM**

Palatka Daily News, Legal Advertising  
P. O. Box 777  
Palatka, FL 32178  
386-312-5200/ fax 386-312-5209

### **SEMINOLE**

Seminole Herald, Legal Advertising  
300 North French Avenue  
Sanford, FL 32771  
407-323-9408

### **BAKER**

Baker County Press, Legal Advertising  
P. O. Box 598  
MacLenny, FL 32063  
904-259-2400/ fax 904-259-6502

### **BREVARD**

Florida Today, Legal Advertising  
P. O. Box 419000  
Melbourne, FL 32941-9000  
321-242-3832/ fax 321-242-6618

### **DUVAL**

Daily Record, Legal Advertising  
P. O. Box 1769  
Jacksonville, FL 32201  
904-356-2466 / fax 904-353-2628

### **INDIAN RIVER**

Vero Beach Press Journal, Legal Advertising  
P. O. Box 1268  
Vero Beach, FL 32961-1268  
772-221-4282/ fax 772-978-2340

### **MARION**

Ocala Star Banner, Legal Advertising  
2121 SW 19th Avenue Road  
Ocala, FL 34474  
352-867-4010/fax 352-867-4126

### **OKEECHOBEE**

Okeechobee News, Legal Advertising  
P. O. Box 639  
Okeechobee, FL 34973-0639  
863-763-3134/fax 863-763-5901

### **OSCEOLA**

Little Sentinel, Legal Advertising  
633 N. Orange Avenue  
Orlando, FL 32801  
407-420-5160/ fax 407-420-5011

### **ST. JOHNS**

St. Augustine Record, Legal Advertising  
P. O. Box 1630  
St. Augustine, FL 32085  
904-819-3436

### **VOLUSIA**

News Journal Corporation, Legal Advertising  
P. O. Box 2831  
Daytona Beach, FL 32120-2831  
(386) 681-2322