



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

REPLY TO  
ATTENTION OF

Regulatory Division  
North Permits Branch  
Pensacola Permits Section  
SAJ-2018-02093 (SP-SWA)

November 21, 2018

City of Pensacola  
c/o: Keith Wilkins, Assistant City Administrator  
222 West Main Street  
Pensacola, Florida 32502

Dear Mr. Wilkins:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Special Projects and Enforcement Branch of the Regulatory Division of the Jacksonville District at 41 North Jefferson Street, Suite 301, Pensacola, Florida 32502. The Special Projects and Enforcement Branch is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM  
THE APPROVED PLANS ENCLOSED.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn H. Zinszer".

For Shawn H. Zinszer  
Chief, Regulatory Division

Enclosures

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** City of Pensacola  
c/o: Keith Wilkins, Assistant City Administrator  
222 West Main Street  
Pensacola, Florida 32502

**Permit No:** SAJ-2018-02093 (SP-SWA)

**Issuing Office: U.S. Army Engineer District, Jacksonville**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** The project is to create a living shoreline consisting of 9.2 acres of salt marsh habitat and 3.5 acres of breakwaters. The salt marsh creation will consist of three marsh parcels: Marsh Parcel 1 (2.23 acres); Marsh Parcel 2 (3.79 acres) and Marsh Parcel 3 (3.17 acres). The marsh parcels will be filled with approximately 103,000 cubic yards of sand to establish appropriate elevations for marsh vegetation. The sandy fill material will be sourced from a submerged borrow area (Borrow Area 1) adjacent to the project site and an upland borrow area (Borrow Area 2) adjacent to Bayou Texar. Approximately 80,000 cubic yards of sand will be hydraulically dredged from Borrow Area 1 to a depth of -12 feet NAVD88. The material will be pumped to the marsh parcels and placed using a spreader device at the end of the pipeline. Approximately 23,000 cubic yards of material will be excavated from Borrow Area 2. The material will be placed on barges and transported to the project site for placement. Once appropriate marsh elevations are achieved, the marsh parcels will be planted with saltmarsh cordgrass (*Spartina alterniflora*) and black needle rush (*Juncus roemerianus*). Six breakwaters will be constructed using approximately 20,000 cubic yards of graded riprap to reduce incoming wave energy at the marsh parcels and provide benthic habitat. Two breakwaters (D and F, as shown on Exhibit Number 04) will be constructed on existing submerged breakwaters in order to raise the grade of the breakwater to an elevation suitable for reducing incoming wave energy. The graded riprap will be transported to the project site by barge and placed by a barge-mounted excavator.

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PERMITTEE: City of Pensacola  
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**Project Location:** The project would affect waters of the United States associated with Pensacola Bay. The project site is located in Pensacola Bay south of Bayfront Parkway.

**Directions to site:** From Interstate 110 south, take exit 1B. Turn south on 9th Avenue and travel 0.3 mile to Bayfront Parkway. The project site is located in Pensacola Bay adjacent to Bayfront Parkway.

**Approximate Central Coordinates:** Latitude: 30.411638°  
Longitude: -87.201491°

### **Permit Conditions**

#### **General Conditions:**

1. The time limit for completing the work authorized ends on **November 20, 2023**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and the mailing address 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

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permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives 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.

**Special Conditions:**

**1. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 41 North Jefferson Suite, Suite 301, Pensacola, Florida 32502.

b. For electronic mail SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2018-02093 (SP-SWA), on all submittals.

**2. Commencement Notification:** 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 by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

**4. Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to

the United States. No claim shall be made against the United States on account of any such removal or alteration.

**5. Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

**6. Manatee Conditions:** The Permittee shall comply with the attached “Standard Manatee Conditions for In-Water Work – 2011”.

**7. Sea Turtle and Smalltooth Sawfish Conditions:** The Permittee shall comply with the attached National Marine Fisheries Service's “Sea Turtle and Smalltooth Sawfish Construction Conditions” dated March 23, 2006.

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

**9. 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.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

Section 404 of the Clean Water Act (33 U.S.C. 1344)

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order

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PERMITTEE: City of Pensacola  
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requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



\_\_\_\_\_  
(PERMITTEE)

11-20-18  
(DATE)

Keith Wilkins

(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



\_\_\_\_\_  
(DISTRICT ENGINEER)

21 November 2018  
(DATE)

for

Andrew D. Kelly, Jr.  
Colonel, U.S. Army  
District Commander



PERMIT NUMBER: SAJ-2018-02093  
PERMITTEE: City of Pensacola  
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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. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

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

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

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

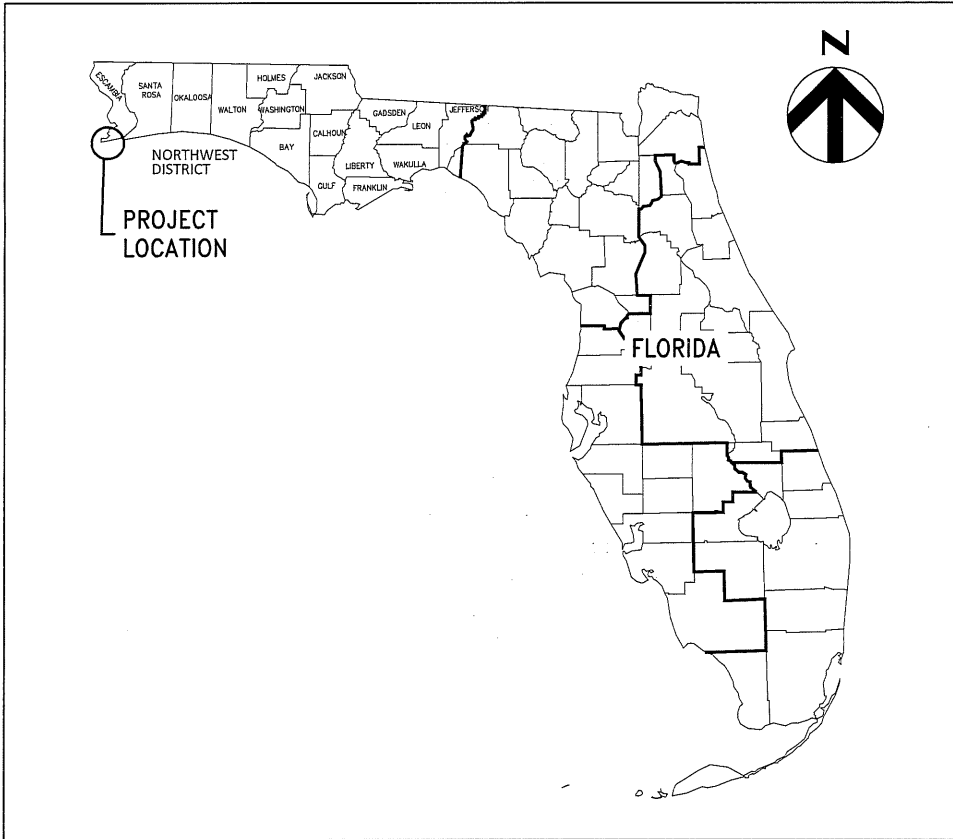
\_\_\_\_\_  
(ADDRESS)

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

PERMIT NUMBER: SAJ-2018-02093  
PERMITTEE: City of Pensacola  
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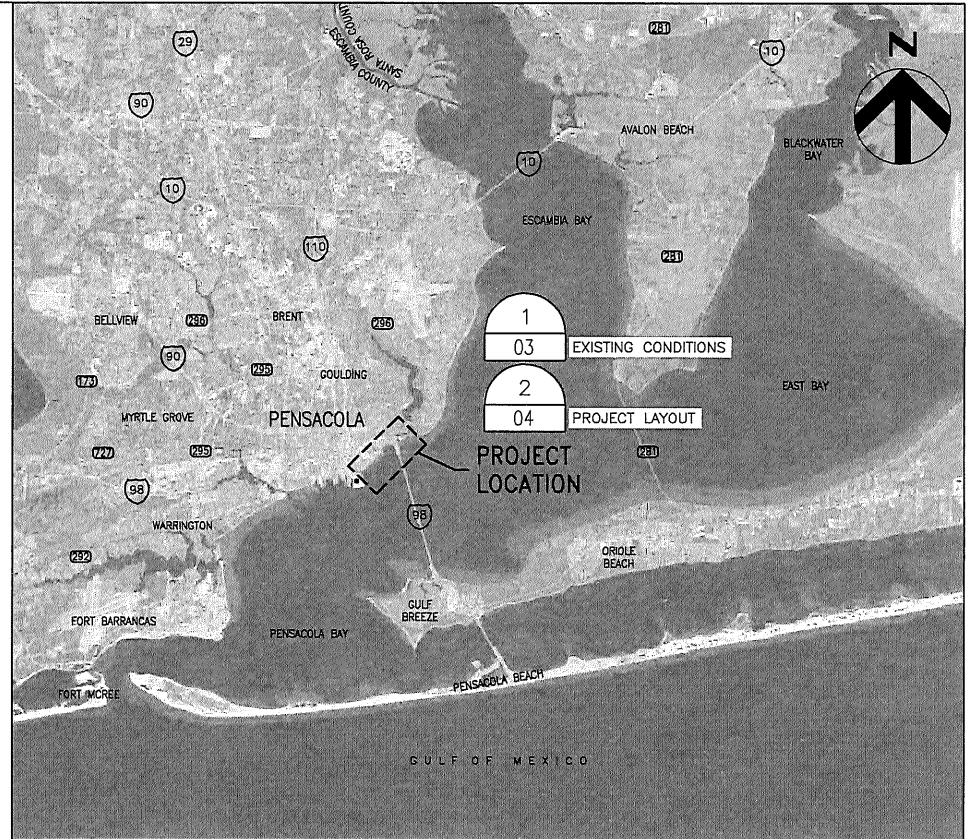
***Attachments to Department of the Army  
Permit Number SAJ-2018-02093***

1. PERMIT DRAWINGS: Twelve (12) pages.
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. Eleven (11) pages.
3. PRELIMINARY JURISDICTION FORM: Three (3) pages.
4. SELF-CERTIFICATION FORM: One (1) page.
5. MANATEE CONDITIONS: One (1) page.
6. SEA TURTLE AND SMALLTOOTH SAWFISH CONDITIONS: One (1) page.



VICINITY MAP

SCALE: N.T.S.



LOCATION MAP

SCALE: N.T.S.

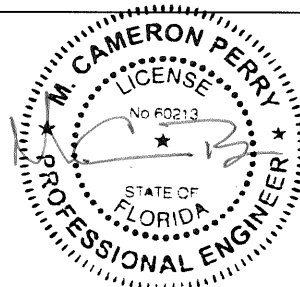
NOTE:

1. THIS DOCUMENT SHALL NOT BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.



PENSACOLA BAY LIVING SHORELINE  
PROJECT - GREENSHORES II SITE

SHEET TITLE  
LOCATION MAPS



PROJECT NUMBER  
10023870  
PROJECT MANAGER  
MICK GARRETT  
DATE  
07-05-2018

REFERENCE SHEET  
REFERENCE DOCUMENT  
EXHIBIT NUMBER  
01





OVERALL BREAKWATER/MARSH PROJECT FOOTPRINT

PENSACOLA BAY

**NOTE:**

1. AREAS BETWEEN PARCELS ARE PLATTED AS STREETS AND ARE ALSO CITY OF PENSACOLA PROPERTY.

**LEGEND:**

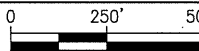
-  CITY OF PENSACOLA OWNED PARCELS
-  NON-CITY OF PENSACOLA OWNED PARCEL

**NOTES:**

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2. AERIAL PHOTOGRAPH SHOWN WAS OBTAINED FROM STATE OF FLORIDA ORTHOS, ESCAMBIA COUNTY 2016, VIA ESRI'S ARGIS ONLINE DATED APRIL 2016.

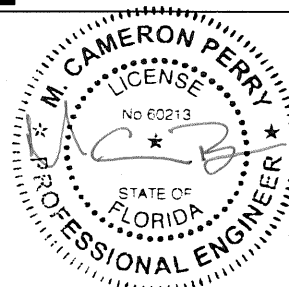
**PARCEL OWNERSHIP MAP**

SCALE: 0 250' 500'



SHEET TITLE  
**PARCEL OWNERSHIP MAP**

**PENSACOLA BAY LIVING SHORELINE  
PROJECT - GREENSHORES II SITE**



PROJECT NUMBER  
10023870  
PROJECT MANAGER  
MICK GARRETT  
DATE  
07-05-2018

REFERENCE SHEET  
REFERENCE DOCUMENT  
EXHIBIT NUMBER  
02

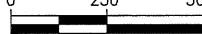


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**EXISTING CONDITIONS**

SCALE: 0 250' 500'



1  
01

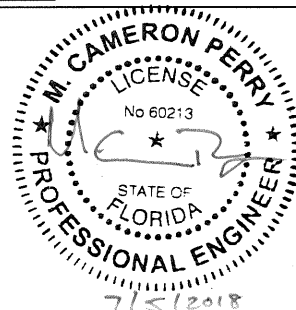
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- 5 MAJOR CONTOUR
- MINOR CONTOUR



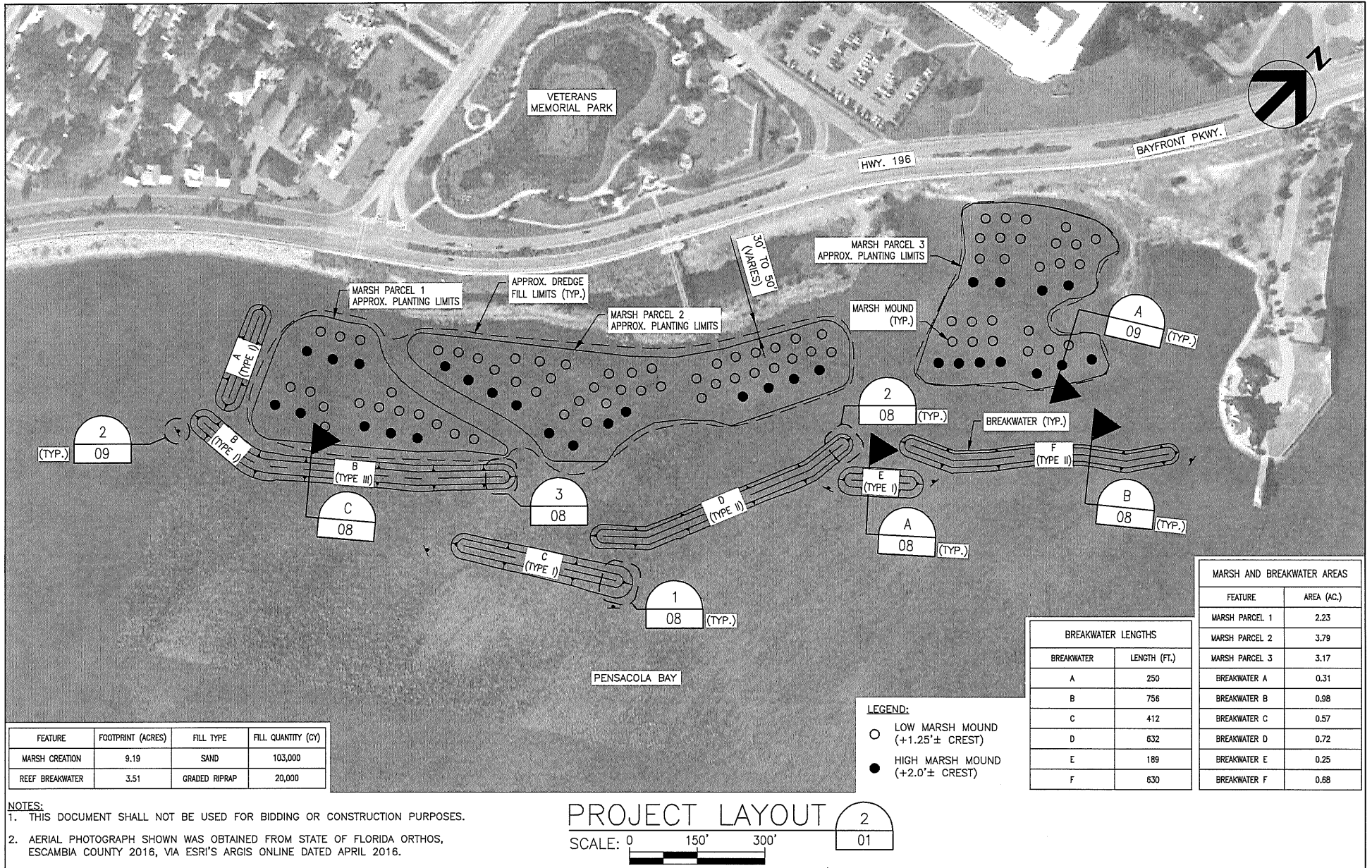
**PENSACOLA BAY LIVING SHORELINE  
PROJECT - GREENSHORES II SITE**

SHEET TITLE  
**EXISTING CONDITIONS**



PROJECT NUMBER  
10023870  
PROJECT MANAGER  
MICK GARRETT  
DATE  
07-05-2018

REFERENCE SHEET  
  
REFERENCE DOCUMENT  
  
EXHIBIT NUMBER  
03



FEATURE	FOOTPRINT (ACRES)	FILL TYPE	FILL QUANTITY (CY)
MARSH CREATION	9.19	SAND	103,000
REEF BREAKWATER	3.51	GRADED RIPRAP	20,000

- NOTES:**
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**PROJECT LAYOUT** 01

SCALE: 0 150' 300'

- LEGEND:**
- LOW MARSH MOUND (+1.25'± CREST)
  - HIGH MARSH MOUND (+2.0'± CREST)

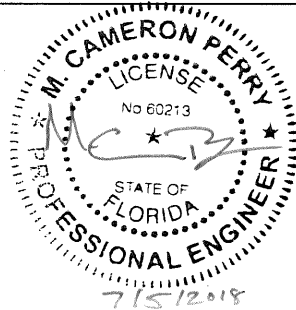
BREAKWATER LENGTHS	
BREAKWATER	LENGTH (FT.)
A	250
B	756
C	412
D	632
E	189
F	630

MARSH AND BREAKWATER AREAS	
FEATURE	AREA (AC.)
MARSH PARCEL 1	2.23
MARSH PARCEL 2	3.79
MARSH PARCEL 3	3.17
BREAKWATER A	0.31
BREAKWATER B	0.98
BREAKWATER C	0.57
BREAKWATER D	0.72
BREAKWATER E	0.25
BREAKWATER F	0.68



**PENSACOLA BAY LIVING SHORELINE PROJECT - GREENSHORES II SITE**

SHEET TITLE  
**PROJECT LAYOUT**



PROJECT NUMBER  
**10023870**

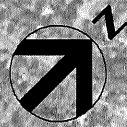
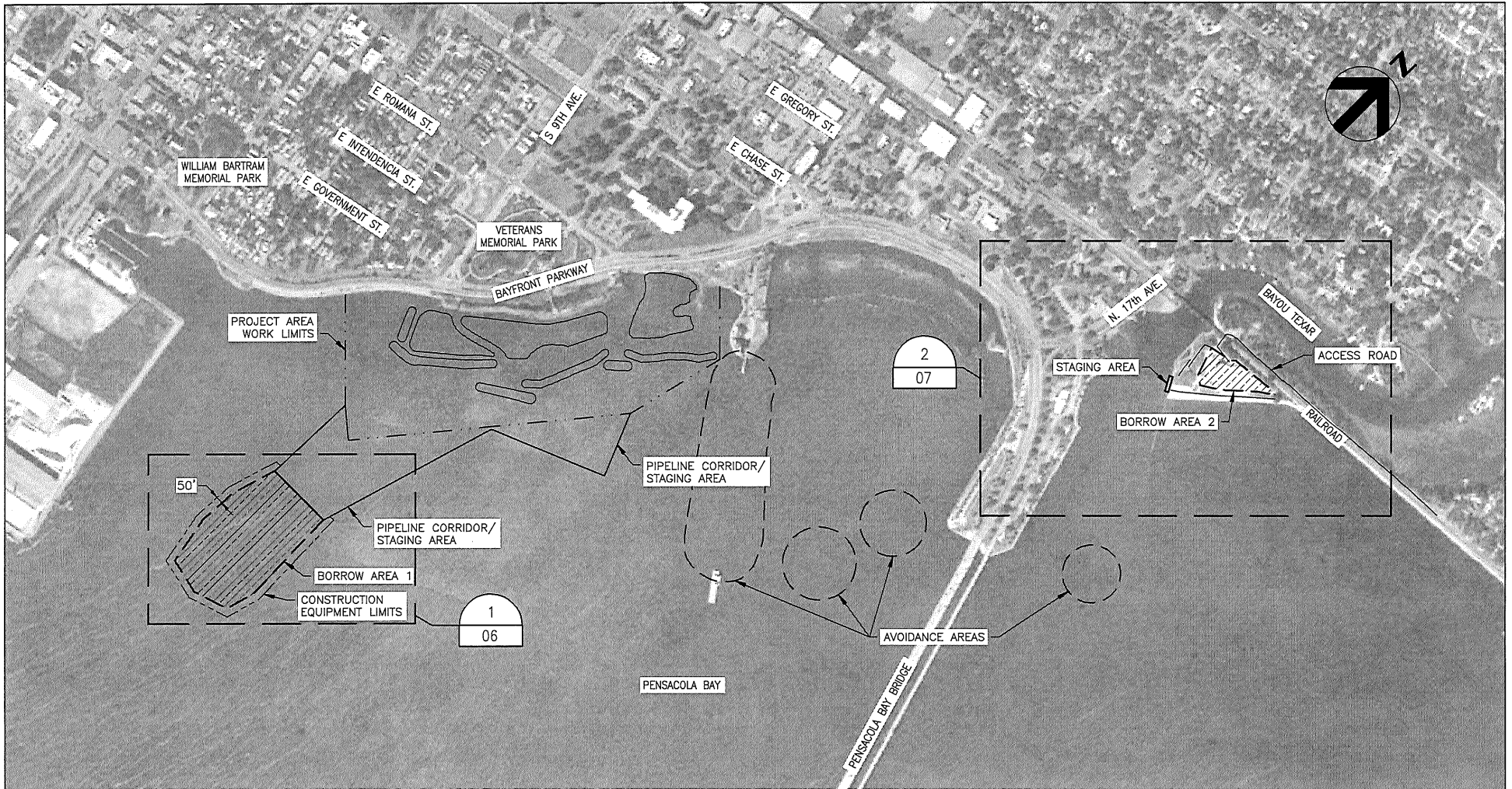
PROJECT MANAGER  
**MICK GARRETT**

DATE  
**07-05-2018**

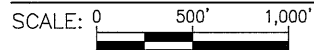
REFERENCE SHEET

REFERENCE DOCUMENT

EXHIBIT NUMBER  
**04**



**BORROW AREAS AND ACCESS ROUTES**



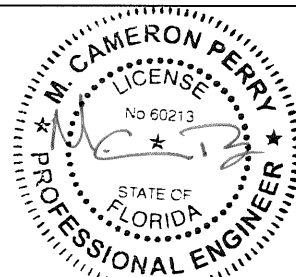
**NOTES:**

1. THIS DOCUMENT SHALL NOT BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.
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PENSACOLA BAY LIVING SHORELINE  
PROJECT - GREENSHORES II SITE

SHEET TITLE  
**BORROW AREAS AND ACCESS ROUTES**



7/5/2018

PROJECT NUMBER  
10023870

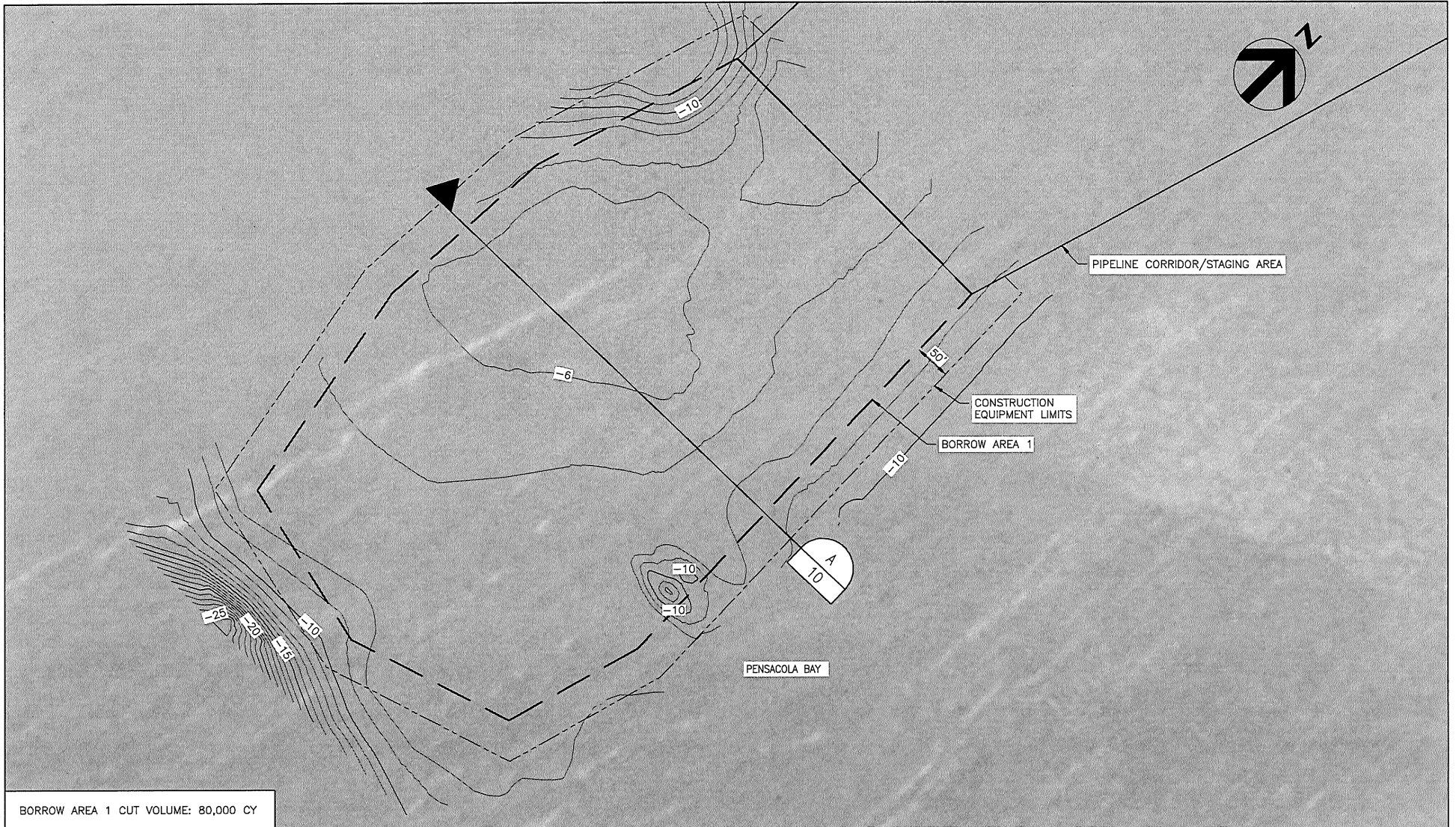
PROJECT MANAGER  
**MICK GARRETT**

DATE  
07-05-2018

REFERENCE SHEET

REFERENCE DOCUMENT

EXHIBIT NUMBER  
05



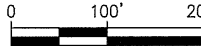
BORROW AREA 1 CUT VOLUME: 80,000 CY

**NOTES:**

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**ENLARGED BORROW AREA 1**

SCALE: 0 100' 200'



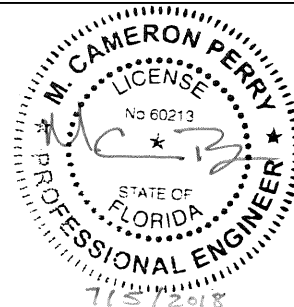
**LEGEND:**

- 10 MAJOR CONTOUR
- MINOR CONTOUR



**PENSACOLA BAY LIVING SHORELINE PROJECT - GREENSHORES II SITE**

SHEET TITLE  
**ENLARGED BORROW AREA 1**



PROJECT NUMBER  
10023870  
PROJECT MANAGER  
MICK GARRETT  
DATE  
07-05-2018

REFERENCE SHEET  
REFERENCE DOCUMENT  
EXHIBIT NUMBER  
06

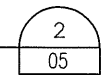
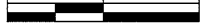




- NOTES:**
1. THIS DOCUMENT SHALL NOT BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.
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## ENLARGED BORROW AREA 2

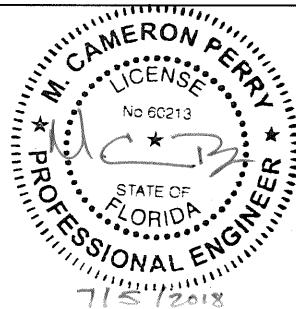
SCALE: 0 50' 100'



**LEGEND:**  
 -5- MAJOR CONTOUR  
 MINOR CONTOUR

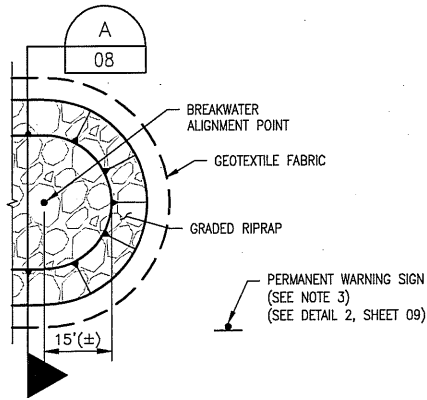


PENSACOLA BAY LIVING SHORELINE  
 PROJECT - GREENSHORES II SITE  
 SHEET TITLE  
**ENLARGED BORROW AREA 2**



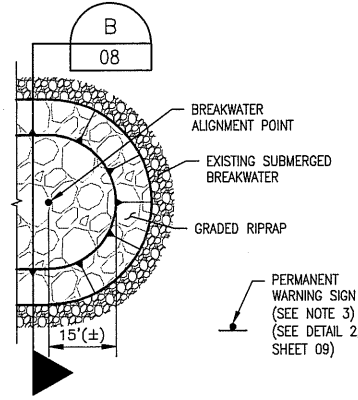
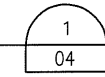
PROJECT NUMBER  
 10023870  
 PROJECT MANAGER  
 MICK GARRETT  
 DATE  
 07-05-2018

REFERENCE SHEET  
 REFERENCE DOCUMENT  
 EXHIBIT NUMBER  
 07



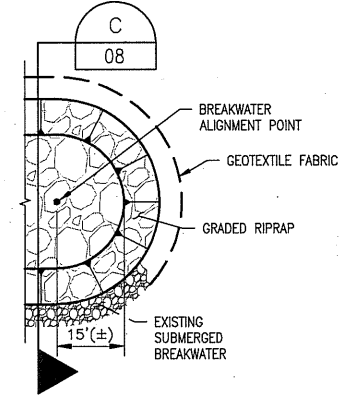
TYPICAL PLAN - BREAKWATER  
TYPE I - END

SCALE: NOT TO SCALE



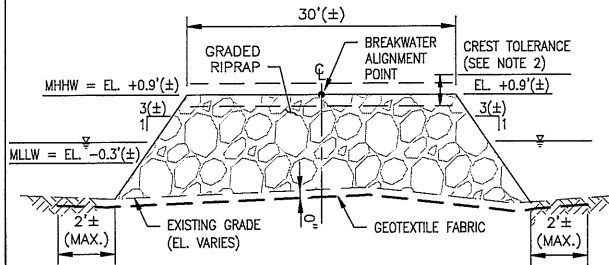
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TYPE II - END

SCALE: NOT TO SCALE



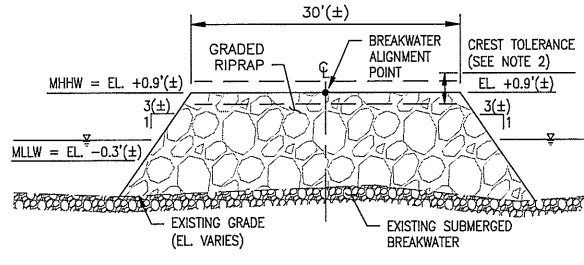
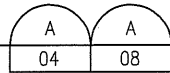
TYPICAL PLAN - BREAKWATER  
TYPE III - NORTH END

SCALE: NOT TO SCALE



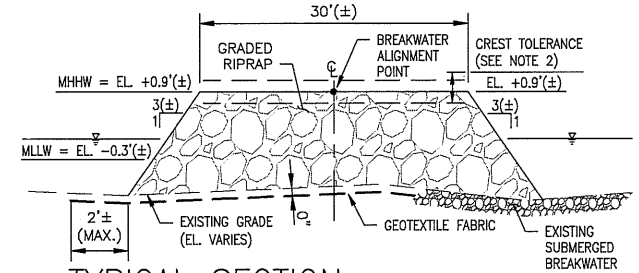
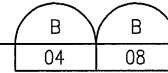
TYPICAL SECTION -  
BREAKWATER TYPE I

SCALE: NOT TO SCALE



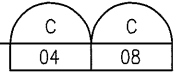
TYPICAL SECTION -  
BREAKWATER TYPE II

SCALE: NOT TO SCALE



TYPICAL SECTION -  
BREAKWATER TYPE III

SCALE: NOT TO SCALE



GRR GRADATION - ASTM 6092 R-700 (MODIFIED)	
STONE SIZE (LBS)	% OF STONE SMALLER
1500	100
700	50 - 100
300	15 - 50
60	5 - 15

BREAKWATER CLASSIFICATIONS	
BREAKWATER	TYPE
A	I
B	I/II
C	I
D	II
E	I
F	II

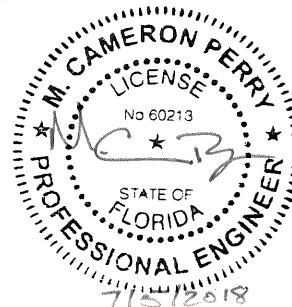
**NOTES:**

- THIS DOCUMENT SHALL NOT BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.
- ALL SURVEYED CREST ELEVATION POINTS SHALL BE BETWEEN +0.4 FT(±) AND +1.4 FT(±). THE AVERAGE ELEVATION FOR ANY GIVEN 100 FT SEGMENT OF THE BREAKWATER SHALL BE BETWEEN +0.6 FT(±) AND 1.2 FT(±).
- LOCATION OF PERMANENT WARNING SIGNS SHOWN HEREIN ARE FOR ILLUSTRATION ONLY. SIGNS SHALL BE LOCATED AS SHOWN ON EXHIBIT SHEET 04 AND WILL BE APPROXIMATELY 30 FT. FROM TOE OF PROPOSED BREAKWATER.



PENSACOLA BAY LIVING SHORELINE  
PROJECT - GREENSHORES II SITE

SHEET TITLE  
TYPICAL SECTIONS AND DETAILS 1



PROJECT NUMBER

10023870

PROJECT MANAGER

MICK GARRETT

DATE

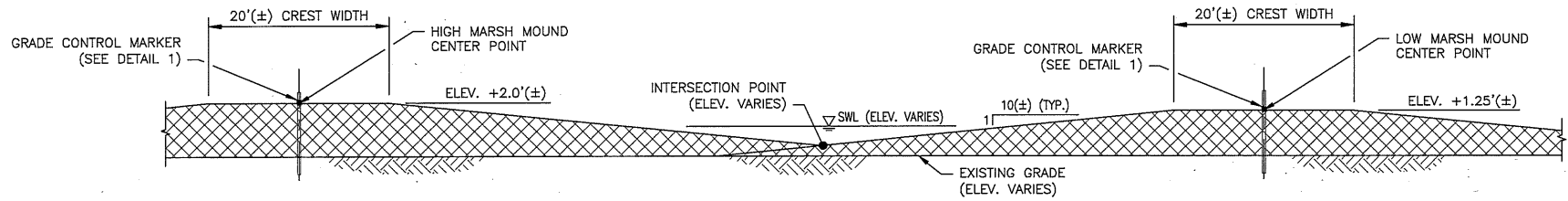
07-05-2018

REFERENCE SHEET

REFERENCE DOCUMENT

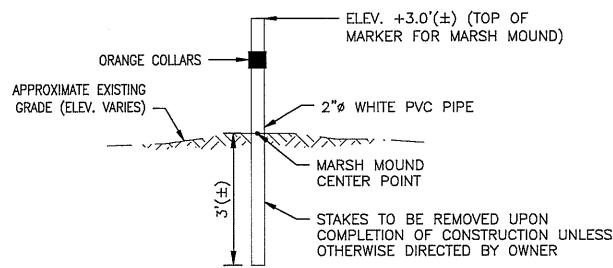
EXHIBIT NUMBER

08



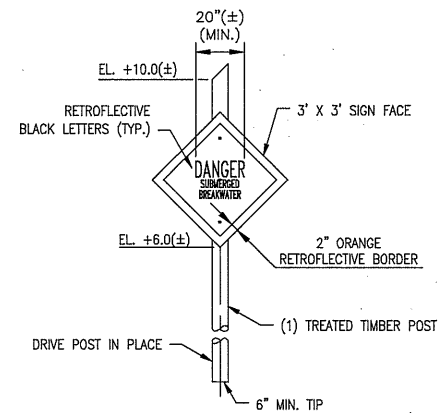
TYPICAL SECTION - MARSH MOUNDS

SCALE: NOT TO SCALE



TYPICAL DETAIL -  
GRADE CONTROL MARKER

SCALE: NOT TO SCALE



TYPICAL DETAIL - PERMANENT WARNING SIGN

SCALE: NOT TO SCALE



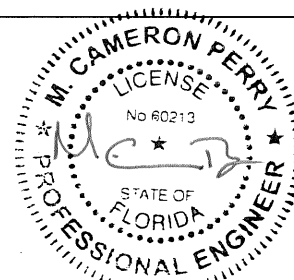
**NOTE:**

1. THIS DOCUMENT SHALL NOT BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.



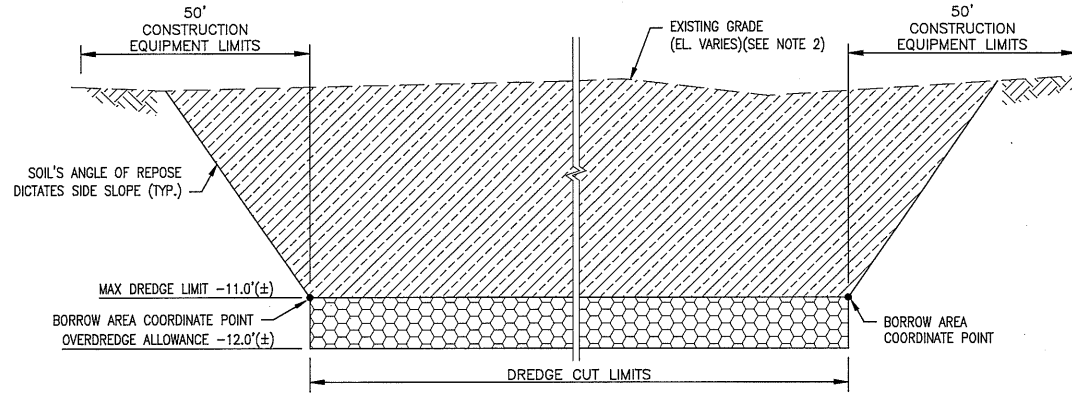
PENSACOLA BAY LIVING SHORELINE  
PROJECT - GREENSHORES II SITE

SHEET TITLE  
TYPICAL SECTIONS AND DETAILS 2



PROJECT NUMBER  
10023870  
PROJECT MANAGER  
MICK GARRETT  
DATE  
07-05-2018

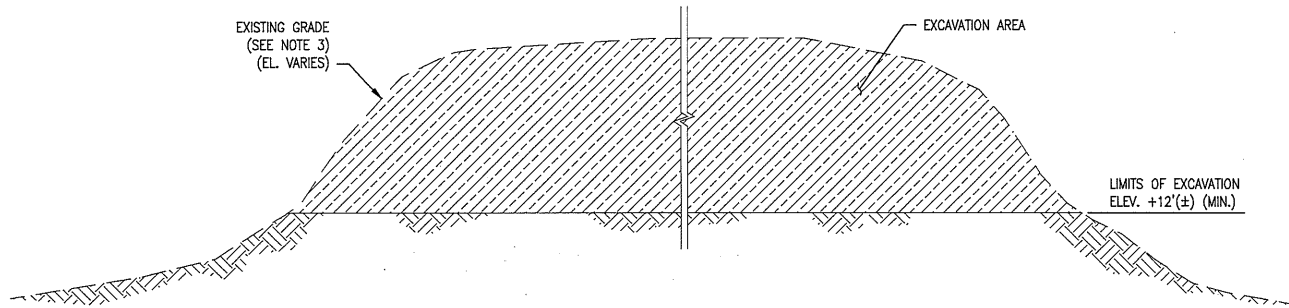
REFERENCE SHEET  
  
REFERENCE DOCUMENT  
  
EXHIBIT NUMBER  
09



TYPICAL CROSS SECTION – BORROW AREA 1

SCALE: NOT TO SCALE

A  
06



TYPICAL CROSS SECTION – BORROW AREA 2

SCALE: NOT TO SCALE

B  
07

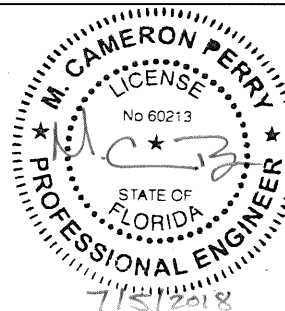
**NOTES:**

1. THIS DOCUMENT SHALL NOT BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.
2. REFER TO EXHIBIT SHEET 06 FOR BORROW AREA 1 ELEVATION CONTOURS.
3. REFER TO SHEET 07 FOR BORROW AREA 2 ELEVATION CONTOURS.



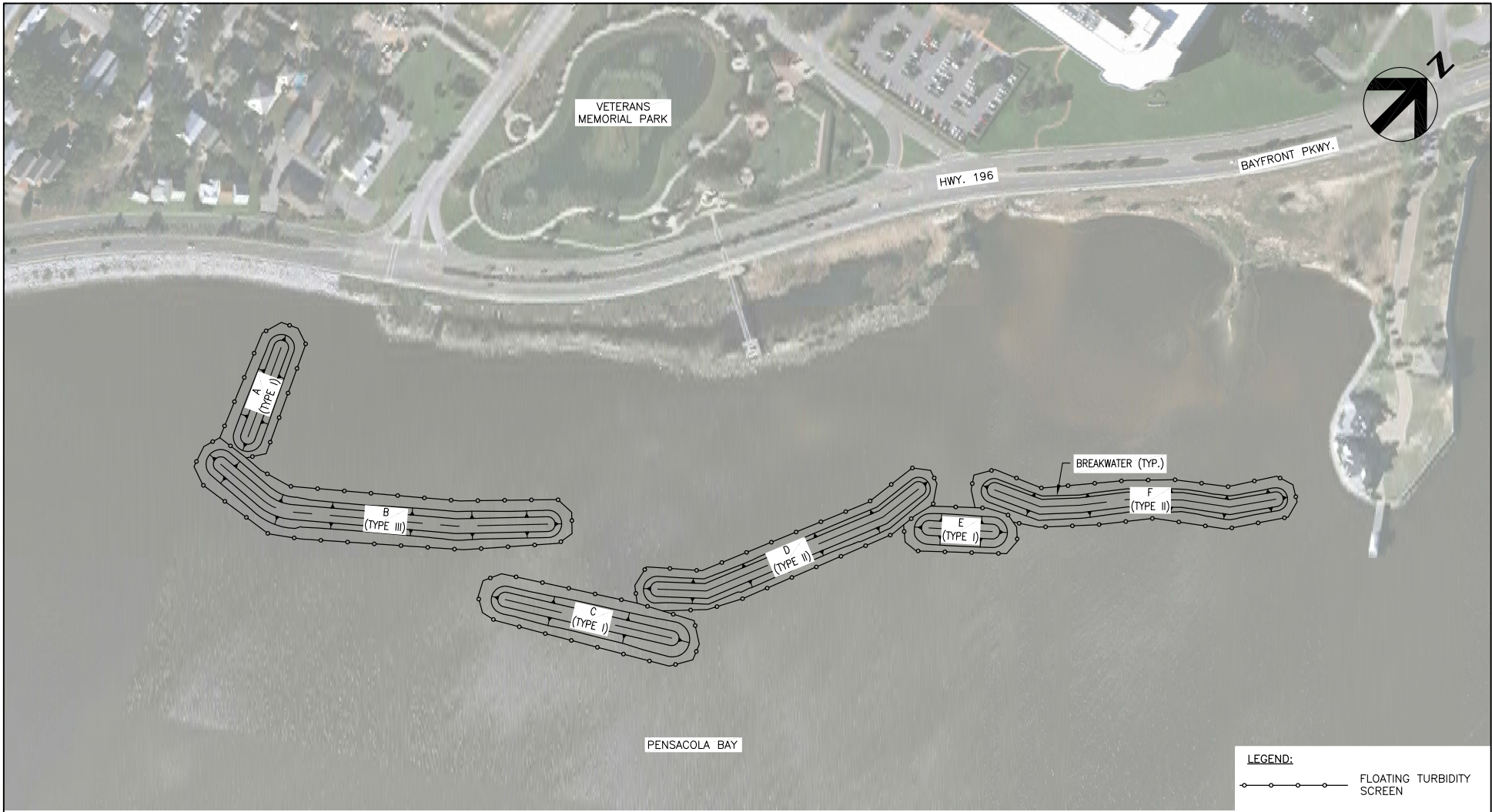
PENSACOLA BAY LIVING SHORELINE  
PROJECT - GREENSHORES II SITE

SHEET TITLE  
TYPICAL SECTIONS AND DETAILS 3



PROJECT NUMBER  
10023870  
PROJECT MANAGER  
MICK GARRETT  
DATE  
07-05-2018

REFERENCE SHEET  
  
REFERENCE DOCUMENT  
  
EXHIBIT NUMBER  
10



- NOTES:**
1. THIS DOCUMENT SHALL NOT BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.
  2. AERIAL PHOTOGRAPH SHOWN WAS OBTAINED FROM STATE OF FLORIDA ORTHOS, ESCAMBIA COUNTY 2016, VIA ESRI'S ARGIS ONLINE DATED APRIL 2016.
  3. FLOATING TURBIDITY SCREENS WILL BE INSTALLED PRIOR TO CONSTRUCTION OF EACH BREAKWATER SECTION. UPON COMPLETION OF EACH BREAKWATER SECTION, TURBIDITY SCREENS WILL BE MOVED WHEN WATER QUALITY WITHIN SCREENED AREA IS LESS THAN 29 NTUS ABOVE BACKGROUND. TURBIDITY SCREENS WILL THEN BE PLACED FOR NEW SECTION OF BREAKWATER.

## TURBIDITY CONTROL – BREAKWATER CONSTRUCTION



**LEGEND:**  

 FLOATING TURBIDITY SCREEN



**PENSACOLA BAY LIVING SHORELINE  
PROJECT - GREENSHORES II SITE**

SHEET TITLE  
**TURBIDITY CONTROL - BREAKWATER CONSTRUCTION**

PROJECT NUMBER  
**10023870**

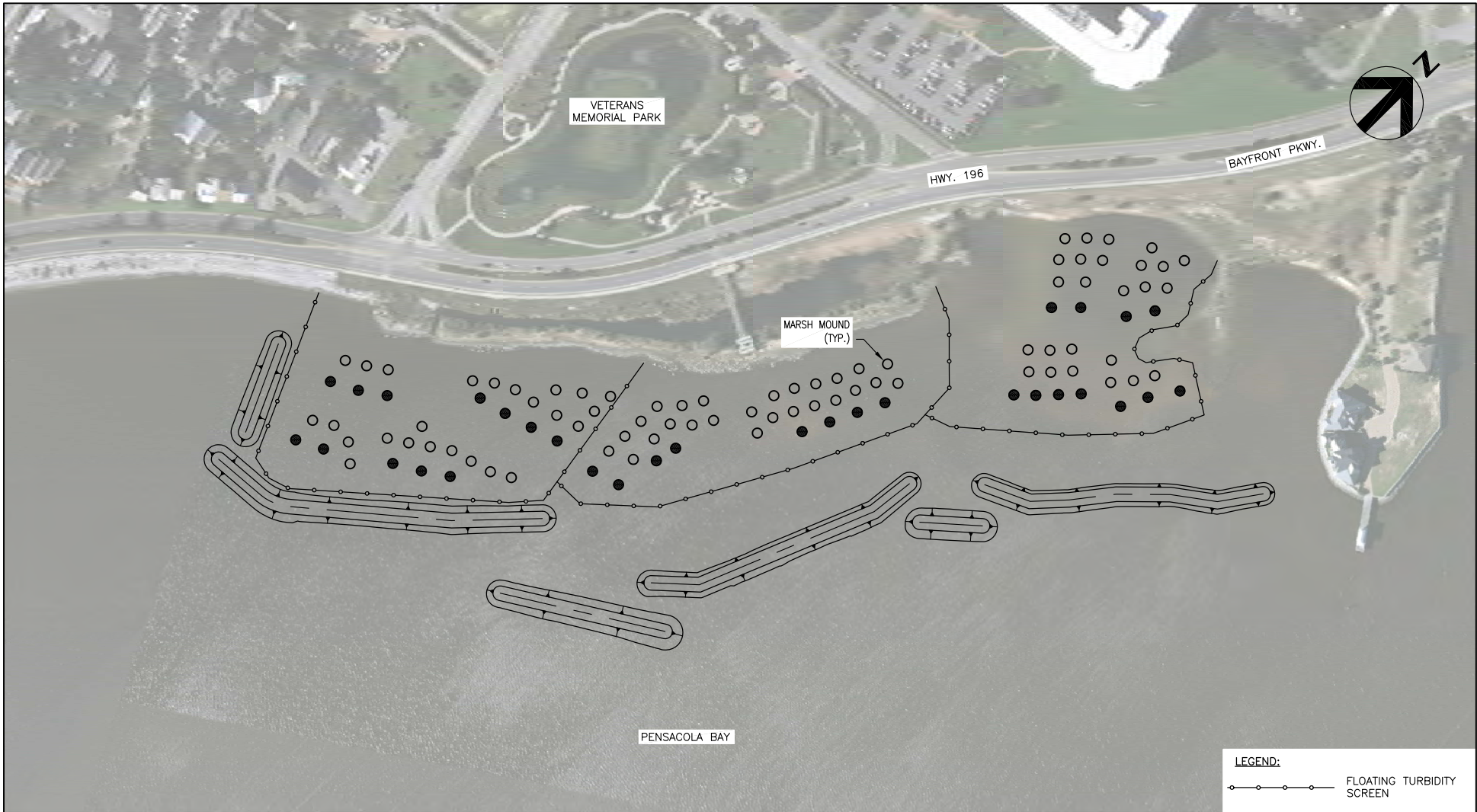
PROJECT MANAGER  
**MICK GARRETT**

DATE  
**09-24-2018**

REFERENCE SHEET

REFERENCE DOCUMENT

EXHIBIT NUMBER  
**11**



**LEGEND:**

—○—○—○— FLOATING TURBIDITY SCREEN

- NOTES:**
1. THIS DOCUMENT SHALL NOT BE USED FOR BIDDING OR CONSTRUCTION PURPOSES.
  2. AERIAL PHOTOGRAPH SHOWN WAS OBTAINED FROM STATE OF FLORIDA ORTHOS, ESCAMBIA COUNTY 2016, VIA ESRI'S ARGIS ONLINE DATED APRIL 2016.
  3. FLOATING TURBIDITY SCREENS WILL BE INSTALLED PRIOR TO CONSTRUCTION OF SECTIONS OF MARSH. UPON COMPLETION OF MARSH SECTIONS, TURBIDITY SCREENS WILL BE MOVED WHEN WATER QUALITY WITHIN SCREENED AREA IS LESS THAN 29 NTUS ABOVE BACKGROUND. TURBIDITY SCREENS WILL THEN BE PLACED FOR NEW SECTION OF MARSH.

## TURBIDITY CONTROL – MARSH CONSTRUCTION

SCALE: 0 150' 300'



**PENSACOLA BAY LIVING SHORELINE PROJECT - GREENSHORES II SITE**

SHEET TITLE  
**TURBIDITY CONTROL - MARSH CONSTRUCTION**

PROJECT NUMBER  
**10023870**

PROJECT MANAGER  
**MICK GARRETT**

DATE  
**09-24-2018**

REFERENCE SHEET

REFERENCE DOCUMENT

EXHIBIT NUMBER  
**12**

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

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PJD:** 20 August 2018

**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**

City of Pensacola  
c/o: Keith Wilkins, Assistant City Administrator  
222 West Main Street  
Pensacola, Florida 32502

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Jacksonville District;  
City of Pensacola – NRDA Greenshores II; SAJ-2018-02093

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

State: Florida County: Escambia City: Pensacola  
Center coordinates of site (lat/long in degree decimal format):  
Latitude: 30.411638° Longitude: -87.201491°  
Name of nearest waterbody: Pensacola Bay

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

- Office (Desk) Determination. Date: 20 August 2018  
 Field Determination. Date(s): N/A

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

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e. wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource “may be” subject (i.e. Section 404 or Section 10/404)
1	30.411638	-87.201491	12.7ac	Non-wetland Waters	10/404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD)

for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

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

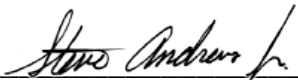
**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**



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

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:  
Map: \_\_\_\_\_
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: \_\_\_\_\_
- Corps navigable waters' study: \_\_\_\_\_
- U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: \_\_\_\_\_
- Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_
- National wetlands inventory map(s). Cite name: \_\_\_\_\_
- State/Local wetland inventory map(s): \_\_\_\_\_
- FEMA/FIRM maps: \_\_\_\_\_
- 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth.  
or  Other (Name & Date): \_\_\_\_\_
- Previous determination(s). File no. and date of response letter: \_\_\_\_\_
- Other information (please specify): \_\_\_\_\_

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

 20 August 2018  
Signature and date of  
Regulatory Project Manager

\_\_\_\_\_  
Signature and date of  
person requesting preliminary JD

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

**SELF-CERTIFICATION STATEMENT OF COMPLIANCE**

**Application Number: SAJ-2018-02093**

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

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

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

## **SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS**

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

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

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc





# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, Florida 32502

Rick Scott  
Governor  
Carlos Lopez-Cantera  
Lt. Governor  
Noah Valenstein  
Secretary

## **Permittee/Authorized Entity:**

City of Pensacola  
c/o Keith Wilkins  
222 W Main Street  
Pensacola, Florida 32502  
[kwilkins@cityofpensacola.com](mailto:kwilkins@cityofpensacola.com)

## **Pensacola Bay Living Shoreline – Greenshore II Site**

## **Authorized Agent:**

Mick Garrett  
HDR, Inc.  
25 West Cedar Street, Suite 200  
Pensacola, Florida 32502  
[Mick.Garrett@hdrinc.com](mailto:Mick.Garrett@hdrinc.com)

## **Environmental Resource Permit State-owned Submerged Lands Authorization – Granted**

## **U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required**

Escambia County  
Permit No.: 0366603-001-EI/17

**Permit Issuance Date: November 14, 2018**  
**Permit Construction Phase Expiration Date: November 14, 2023**

# **Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization**

**Permittee/Grantee:** City of Pensacola

**Permit No:** 0366603-001-EI/17

## **PROJECT LOCATION**

The activities authorized by this permit and sovereignty submerged lands authorization are located in Pensacola Bay, along Bayfront Parkway from approximately S 9<sup>th</sup> Ave to Muscogee Wharf in Pensacola, Florida 32502, in Section 46, Township 02 South, Range 30 West in Escambia County, at Latitude 30°24'41.45" North / Longitude 87°12'11.13" West.

## **PROJECT DESCRIPTION**

The permittee is authorized to create approximately 3.5-acres of oyster reef habitat and 9.2-acres of saltmarsh habitat for the establishment of a habitat-rich shoreline restoration and enhancement project within Pensacola Bay, a Class III Florida Waterbody, Prohibited for Shellfish Harvesting Area. Those activities include the placement of approximately 103,000 cubic yards of sand in the saltmarsh restoration area, below the MHWL, to support native vegetative plantings and the construction of breakwaters waterward of the marsh and tidal channels to attenuate wave energy. There will be 6 oyster reefs/breakwaters spanning approximately 2,870 linear feet. Sediments will be sourced from one upland and one submerged borrow area. Sediments from the submerged borrow area shall be hydraulically dredged and shall be limited to the area and depths detailed in the attached exhibits. Authorized activities are depicted on the attached exhibits.

## **AUTHORIZATIONS**

### **Pensacola Bay Living Shoreline – Greenshores II Site**

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

#### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. 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.

### Federal Authorization

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

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

### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida’s Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

### Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

## **PERMIT / SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The Special Consent Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the

Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

#### **SPECIFIC CONDITIONS – ADMINISTRATIVE/EMERGENCIES**

1. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.
2. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is (800) 320-0519 (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.
3. The mailing address for submittal of forms for the “Construction Commencement Notice” or other correspondence is FDEP, SLERP, 160 W. Government Street, Pensacola, Florida, 32502-5740.

#### **SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION**

4. Prior to construction, floating turbidity screens shall be placed around an individual breakwater section as shown on sheet 11 of the attached drawings. The turbidity curtain shall be moved to the next breakwater section and the process repeated once water quality within the screened area is within 29 NTUs of background.
5. Prior to marsh construction, a floating turbidity screen will be deployed around a marsh section as shown on sheet 12 of the attached drawings. The turbidity curtain shall be moved to the next marsh section and the process repeated once water quality within the screened area is within 29 NTUs of background.

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

6. If the approved permit drawings and/or narrative conflict with the Specific Conditions, then the Specific Conditions shall prevail.
7. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.
8. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at (850)595-8300 and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30-day period.
9. All wetland areas or water bodies which are adjacent to the specific limits of construction authorized by this permit shall be protected from erosion, sedimentation, siltation, scouring, excess turbidity or dewatering.
10. The contractor shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality



standards outside of the construction area. The contractor will perform water quality monitoring outside of the turbidity screens during the duration of construction. Monitoring within the screened area will only occur prior to removal of turbidity curtains.

11. The following measures shall be taken immediately by the permittee when turbidity levels within waters of the State surrounding the project site, exceed 29 NTUs above background:

- a. Immediately cease work contributing to the water quality violation.
- b. Modify the work procedures responsible for the violation, install additional turbidity containment devices and repair non-functioning turbidity containment devices.
- c. Notify the Department within 24 hours of the time the violation is first detected.

12. All watercraft associated with construction shall operate only within waters of sufficient depth so as to preclude bottom scouring and/or prop dredging.

13. Restoration/shoreline activities shall only occur at the locations identified on the attached drawings.

14. The breakwaters shall be constructed in accordance with the dimensions shown on the enclosed permit drawings.

15. The breakwaters shall not be placed where or in a manner in which they present a hazard to navigation or public safety.

16. "Riprap" used for the construction of breakwaters shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions. The riprap shall be free of sediment, debris and toxins or otherwise deleterious substances.

17. The two borrow areas depicted in the attached drawings shall provide the material necessary to raise the elevation in the saltmarsh creation area. No other sources of sediment materials are authorized.

18. Dredging of Borrow Area 1 shall be limited to the dimensions shown on the attached drawings.

19. Planting of saltmarsh species shall occur after the breakwaters have been established and the sand has been graded to the appropriate elevations.

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

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 Agency 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 Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
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 Operational 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 12.3.3 of Volume I) as filed with the 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 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 Agency in writing of changes required by any other regulatory agency 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 Agency 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 Agency 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, Agency 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 any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work 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 notification shall be provided in accordance with Section 872.05, F.S.

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 Agency 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 subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

#### **SPECIAL CONSENT CONDITIONS**

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

**GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS  
AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions, which are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used 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 will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

5. Construction, use, or operation of the structure or activity will 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 will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.

7. Structures or activities will not create a navigational hazard.

8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.

9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.

10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

## **NOTICE OF RIGHTS**

### FLAWAC Review

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

### Judicial Review

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

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Ryan Godwin at the letterhead address, at (850)595-0559, or at [Ryan.Godwin@FloridaDEP.gov](mailto:Ryan.Godwin@FloridaDEP.gov)

**EXECUTION AND CLERKING**

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



For Kimberly R. Allen  
Permitting Program Administrator

KRA:rg

**Attachment:**

Exhibit 1, Project Drawings and Design Specs., 12 pages

Copies of 62-330 forms may be obtained at:

<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

**CERTIFICATE OF SERVICE**

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

Kimberly R. Allen, DEP, [Kim.Allen@FloridaDEP.gov](mailto:Kim.Allen@FloridaDEP.gov)  
DEP, Office of General Counsel, [agency\\_clerk@FloridaDEP.gov](mailto:agency_clerk@FloridaDEP.gov)  
Pearce Barrett, DEP, [Pearce.Barrett@dep.state.fl.us](mailto:Pearce.Barrett@dep.state.fl.us)  
U.S. Army Corps of Engineers, [Terry.S.Hayes@usace.army.mil](mailto:Terry.S.Hayes@usace.army.mil),  
[Stephen.W.Andrews@usace.army.mil](mailto:Stephen.W.Andrews@usace.army.mil)  
Escambia County, [jtkirsche@myescambia.com](mailto:jtkirsche@myescambia.com), [bdbane@myescambia.com](mailto:bdbane@myescambia.com)

**FILING AND ACKNOWLEDGMENT**

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



Syed Shabbir Azher Rizvi  
Clerk

November 14, 2018  
Date