



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
1002 WEST 23RD STREET, SUITE 350
PANAMA CITY, FLORIDA 32405

June 21, 2016

Regulatory Division
North Permits Branch
Panama City Permits Section
SAJ-2010-02882(MOD-LSL)
Modification-1

Mr. Mell Smigielski
City of Mexico Beach
118 North 14th Street
Mexico Beach, Florida 32410

Dear Mr. Smigielski:

The U.S. Army Corps of Engineers (Corps) has completed the review and evaluation of your modification request, received on June 2, 2016, in which you asked to revise the plans authorized by Department of the Army permit number SAJ-2010-02882, issued to City of Mexico Beach, dated July 11, 2011. The project site is located along the north and west boundaries of the Mexico Beach canal in Mexico Beach, Ba County, Florida.

The proposed modification is to extend the expiration date to complete your proposed project. This authorization is hereby extended for 5 years from the date of this letter.

The impact of your proposal on navigation and the environment has been reviewed and found to be insignificant. The permit is hereby modified in accordance with your request. You should attach this letter to the permit. All other conditions of the permit remain in full force and effect.

If you have any questions concerning this permit modification, please contact the project manager Mrs. Lisa S. Lovvorn at the letterhead address, by telephone at 850-763-0171, extension 27, or by electronic mail at lisa.s.lovvorn@usace.army.mil.

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. 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.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



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for Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

Enclosures

Copy Furnished:
Mr. Jeffrey Brittain, Dewberry

DEPARTMENT OF THE ARMY PERMIT

Permittee: CITY OF MEXICO BEACH
Chris Hubbard, City Administrator
118 North 14th Street
Mexico Beach, Florida 32410

Permit No: SAJ-2010-02882(IP-DNA)

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 Corps of Engineers 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: To construct a 1,700 LF steel sheet pile retaining wall approximately 2 feet in front of the existing wooden retaining wall. The volume of fill between the wall and the shore will be 440.7 cubic yards. An existing catwalk located over the canal will be removed and replaced with a concrete sidewalk which will be located in uplands behind the proposed steel sheet pile retaining wall. The project also includes replacing 18 existing finger piers and creating 8 new finger piers which will be located along the western edge of the canal. The existing 18 piers that will be replaced will be 16 foot long and 3 foot wide with a terminal piling being installed 19.5 foot from the terminal pier. The boat slips will be 35.5 feet long.

Eight (8) new piers, as illustrated on Sheet 18 of 25 and Sheet 19 of 25 of the attached drawings, will be constructed on the western side of the canal. Six (6) of the piers measure 16 foot long and 3 foot wide with a terminal piling being installed 13.7 foot from the terminal pier. These boat slips will be 29.7 feet long. The northern most pier will be 16 foot long and 3.0 foot wide with a terminal platform 3.5 foot from the terminal pier. This boat slip will be 19.5 feet long. The southernmost pier will be 16.3 foot long and 3.5 foot wide with a terminal piling being installed 17.1 feet away from the terminal pier. This boat slip will be 33.4 feet long. Additionally, two (2) 12 inch diameter pilings will be installed between each pier totaling 14 pilings.

The retaining wall and finger piers will be installed by either jet pump or driven or the combination of the two. The work described above is to be completed in accordance with the 23 pages of drawings and 3 attachments affixed at the end of this permit instrument.

Project Location: The project is located along the north and west boundaries of the Mexico Beach Canal in Mexico Beach, Bay County, Florida.

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Directions to site: Following U.S. Highway 98 east from Panama City, once inside Mexico Beach city limits, turn south on Canal Parkway. The project is adjacent to Canal Parkway to the south and east.

Latitude & Longitude: Latitude: 29°57'11.60" North
Longitude: -85°25'42.86" West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **11 July 2016**. 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 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.

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Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 41 North Jefferson Street, Suite 301, Pensacola, FL 32502. The Permittee shall reference this permit number, SAJ-2010-0228(IP-DNA), on all submittals.
2. **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2009" provided in **Attachment A** of this permit.
3. **Sea Turtle and Smalltooth Sawfish Conditions:** The Permittee shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006 and provided in **Attachment B** of this permit.
4. **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. 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 has been completed and the site has been stabilized.
5. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction authorization of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (**Attachment C**) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:
 - a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.
 - b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or

description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

- c. The Department of the Army Permit number.
 - d. Include pre- and post-construction aerial photographs of the project site, if available.
6. **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 one 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 erodible materials have been stabilized.
7. **Boat Size Docking Limits:** The Permittee shall limit the size of the boats docking on the western side of the canal to a total length of **35 feet**. Signage shall be installed to inform all potential boaters of size limitations within this area.
8. **Regulatory Agency Changes:** Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that 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 Panama City Regulatory Office.

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.

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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 requiring you comply with the terms and

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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.

