

DEPARTMENT OF THE ARMY

JACKSONVILLE DISTRICT CORPS OF ENGINEERS 1002 WEST 23RD STREET, SUITE 350 PAMAMA CITY, FLORIDA 32405

June 15, 2011

REPLY TO

North Permits Branch Panama City Regulatory SAJ-2010-02882 (IP-DNA)

City of Mexico Beach Attn: Mr. Chris Hubbard 118 North 14th Street Mexico Beach, Florida 32410

Dear Mr. Hubbard:

The U.S. Army Corps of Engineers (Corps) has completed the review and evaluation of your Department of the Army permit application, number SAJ-2010-02882. Our regulations require that you have an opportunity to review the terms and conditions prior to final signature by the Department of the Army. Enclosed is an unsigned Department of the Army permit instrument (permit).

Please read carefully the Special Conditions beginning on page 3 of the permit. These were developed to apply specifically to your project. Water Quality Certification is also required prior to issuance of a permit. The Corps has received a copy of the State of Florida certification for your project. In accordance with General Condition 5 of the permit, any special conditions of the Water Quality Certification have been attached to the Department of the Army permit.

Instructions for Objecting to Permit Terms and Conditions: This letter contains an initial proffered permit for your proposed project. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria under 33 CFR Part 331.5, and that it has been received by the District office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the letterhead address by August 14, 2011.

Instructions for Accepting Terms and Conditions and Finalizing Your Permit: It is not necessary to submit an RFA form to the District office, if you do not object to the decision in this letter. In this case, the permit must be signed by the applicant in the space provided on the signature page of the permit. In the case of corporations, acceptance must be by an officer of that corporation authorized to sign on behalf of the corporation. The party responsible for assuring the work is done in accordance with the permit terms and conditions must sign the permit. Please type or print the name and title of the person signing below the signature and the date signed.

SIGN AND RETURN THE PERMIT, IN ITS ENTIRETY, TO THE LETTERHEAD ADDRESS, ALONG WITH A CHECK OR MONEY ORDER FOR \$100 MADE PAYABLE TO THE FINANCE AND ACCOUNTING OFFICER, JACKSONVILLE DISTRICT.

The permit will be signed by the District Engineer and returned to you. It is important to note that the permit is not valid until the District Engineer signs it.

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 take a few minutes to visit http://per2.nwp.usace.army.mil/survey.html and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

If you have any questions concerning this application, you may contact Derek Adkins in writing at the letterhead address, by electronic mail at derek.n.adkins@usace.army.mil, or by telephone at 850-763-0717, extension 26.

Sincerely,

Donald W. Kinard

ton Chief, Regulatory Division

Enclosures

Copy Furnished: Preble-Rish: Cliff Wilson 203 Aberdeen Parkway Panama City, Florida 32405

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applica	ınt:	File Number: SAJ-	w	Date:
Attache				See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter	of permission)		Α
	PROFFERED PERMIT (Standard Permit or Letter of permis	sion)		В
	PERMIT DENIAL			С
	APPROVED JURISDICTIONAL DETERMINATION			D
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SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.armv.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.
- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

REASONS FOR APPEAL OR OPIECTIONS: (Describe	AN INITIAL PROFFERED PERI	MIT
REASONS FOR APPEAL OR OBJECTIONS: (Describe your reproffered permit in clear concise statements. You may attach addressed in the statements.)	easons for appealing the decision	or your objections to an initial
objections are addressed in the administrative record.)	mondi miorination to tills form to	clarify where your reasons or
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claimy the administrative record. Neither the appellant nor the Col	ns may add new information or a	nalyses to the record. However
you may provide additional information to clarify the location of it	ntormation that is already in the a	dministrative record.
POINT OF CONTACT FOR QUESTIONS OR INFORMATION:		
If you have questions regarding this decision and/or the appeal	If you only have questions regar	rding the appeal process you may
process you may contact:	also contact:	· · · · ·
Project Manager as noted in letter	for process: Stuart Santos 904-232-2018	
•	57441 Cantos 704-232-2016	
PIGUT OF ENTRY, Vanction 1		
RIGHT OF ENTRY: Your signature below grants the right of entr	y to Corps of Engineers personne	l, and any government
consultants, to conduct investigations of the project site during the notice of any site investigation, and will have the opportunity to pa	course of the appeal process. Yo	u will be provided a 15 day
, and make the opportunity to pa	Date:	Telephone number:
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Signature of appellant or agent.		

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.

<u>Project Description</u>: 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.

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

PAGE 2 of 9

<u>Directions to site</u>: 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 ______. 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

PAGE 4 of 9

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:
- (x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (x) 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 requiring you comply with the terms and

PAGE 6 of 9

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.

PERMITTEE: City of Mexico Beach PAGE 7 of 9
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.
(PERMITTEE) (DATE)
(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) (DATE) Alfred A. Pantano, Jr. Colonel, U.S. Army

PERMIT NUMBER:SAJ-2010-02882

District Commander

PAGE 8 of 9

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.

(DATE)	

	_
	(DATE)

PAGE 9 of 9

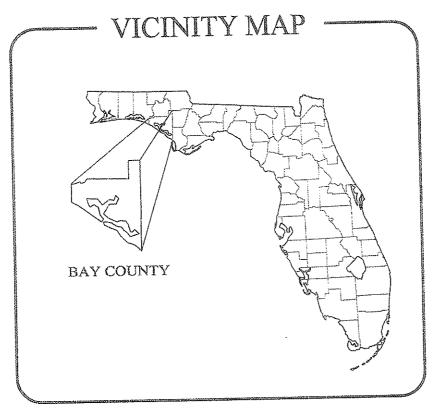
Attachments to Department of the Army Permit Number SAJ-2010-02882

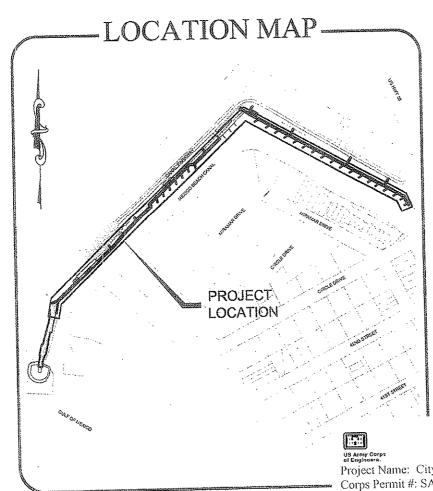
- 1. PERMIT DRAWINGS: 25 pages, dated June 15, 2011
- 2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. 3 pages.
- 3. Additional Documents:

Attachment A: Standard Manatee Conditions for IN-Water Work. 1 Page

Attachment B. Sea Turtle and Smalltooth Sawfish Construction Conditions. 1 Page

Attachment C. As Built Certification. 2 Pages





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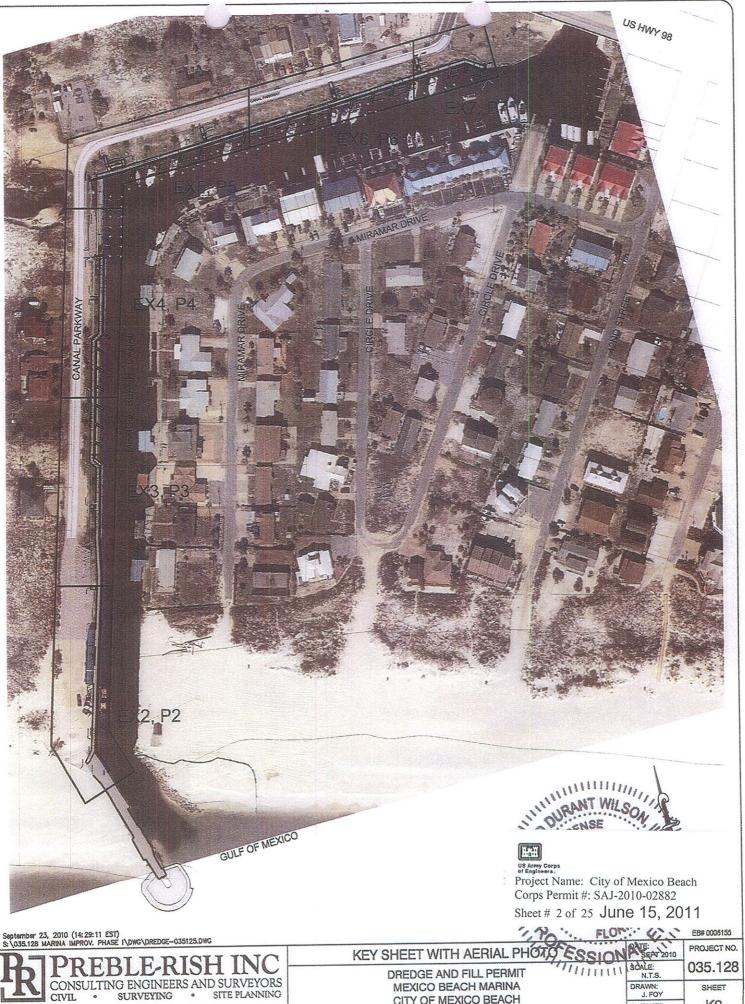
Project Name: City of Mexico Beach Corps Permit #: SAJ-2010-02882

Sheet # 1 of 25 June 15, 2011

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	CONSULTING ENGINEERS AND SURVETORS
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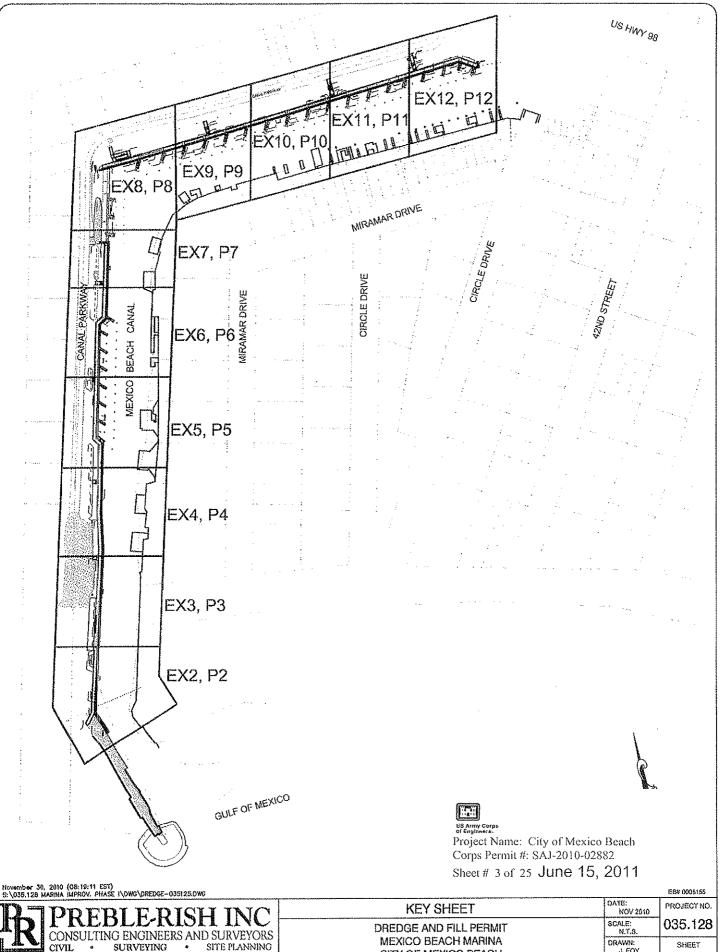
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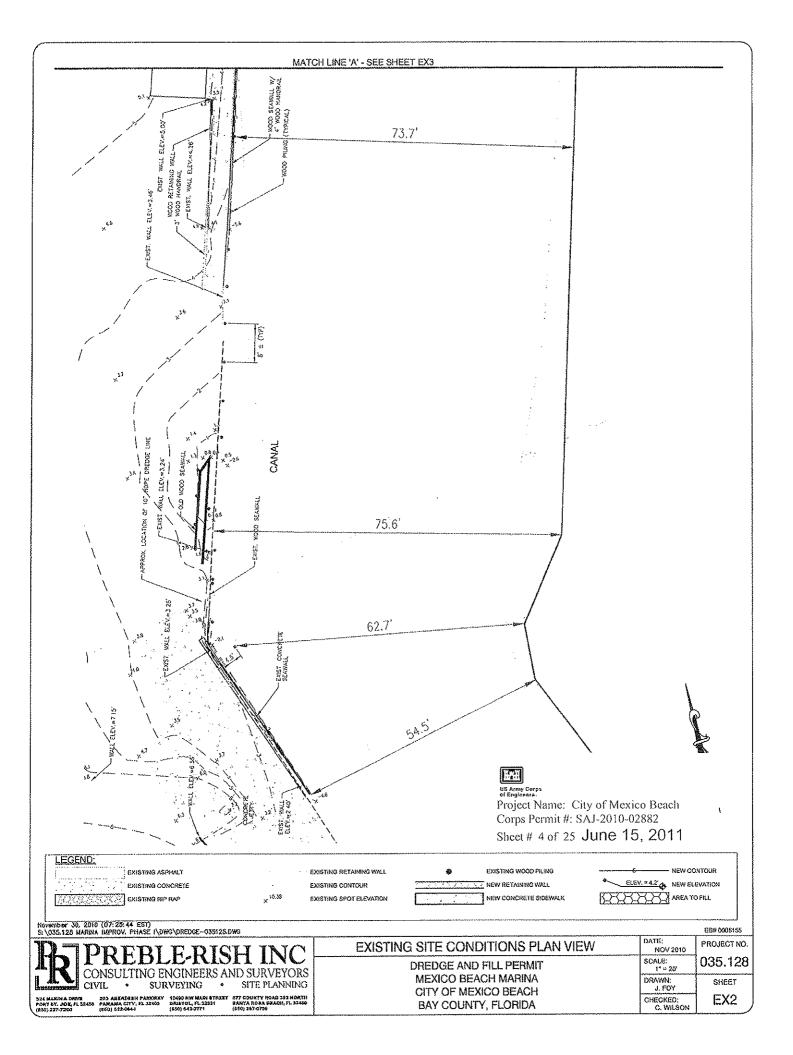
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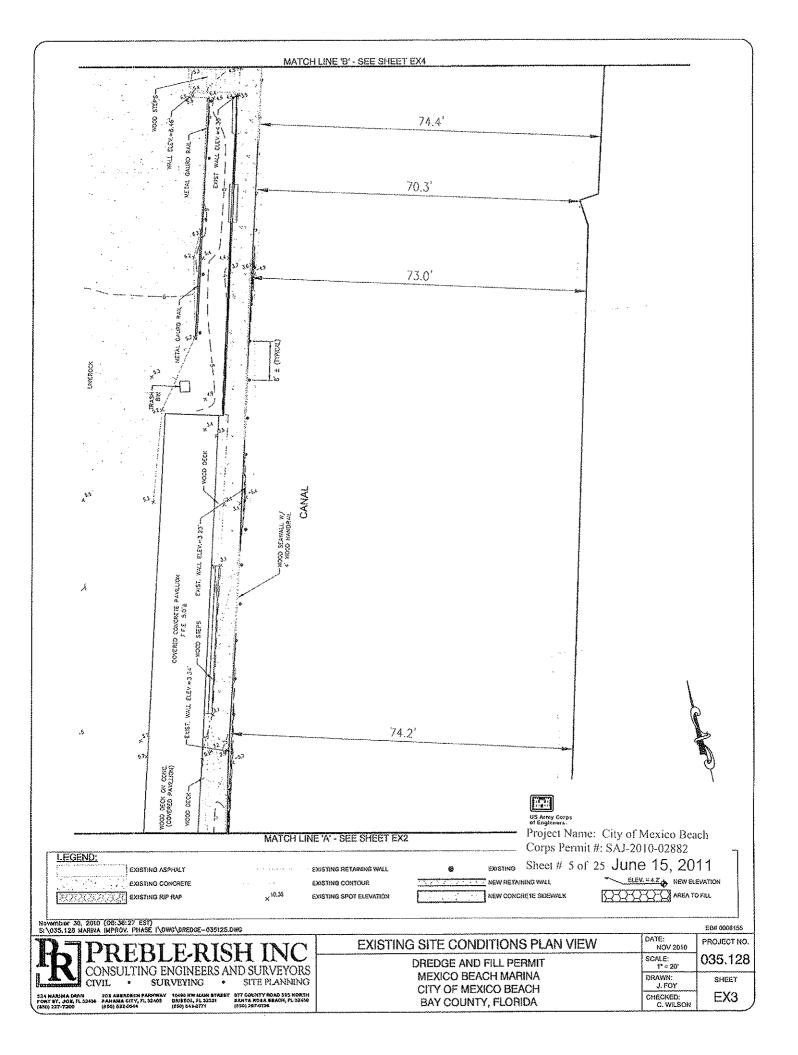
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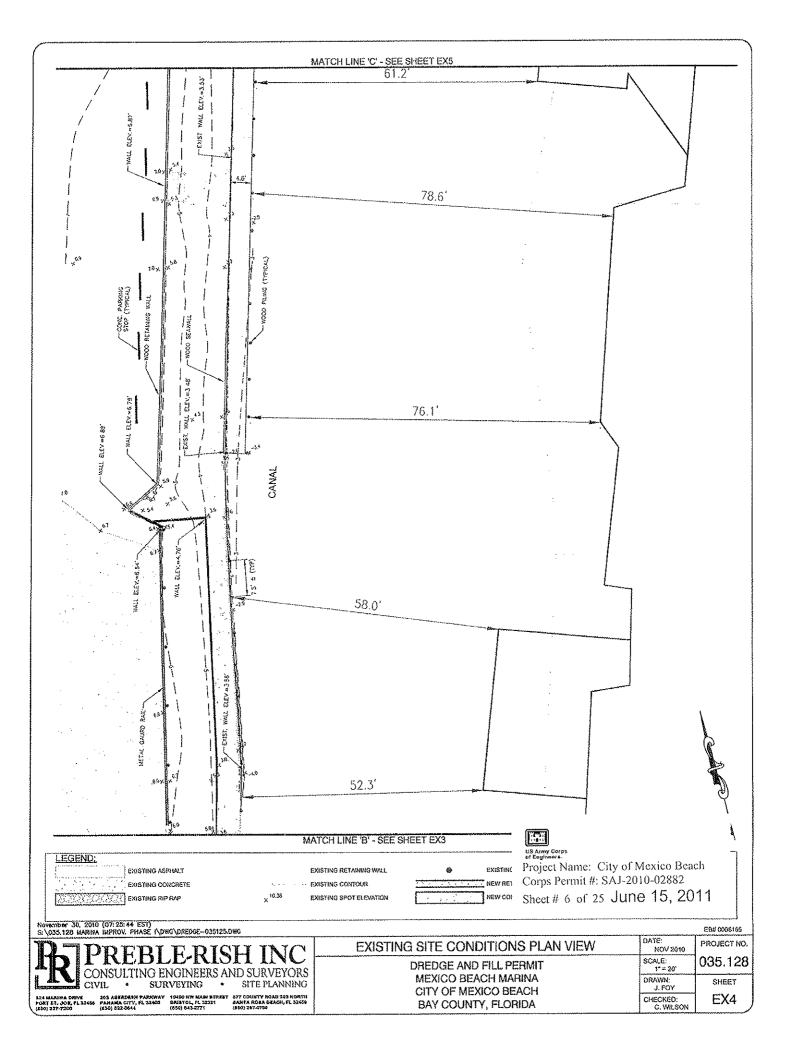
SHEET J. FOY K2 CHECKED: C. WILSON

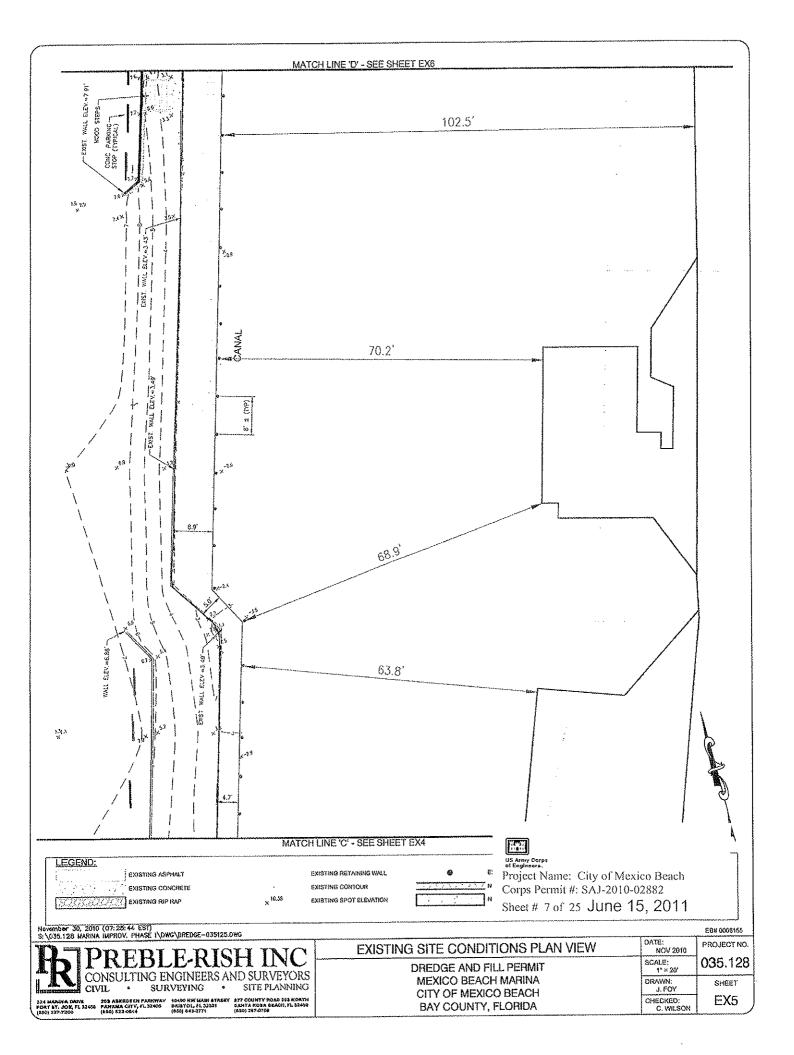


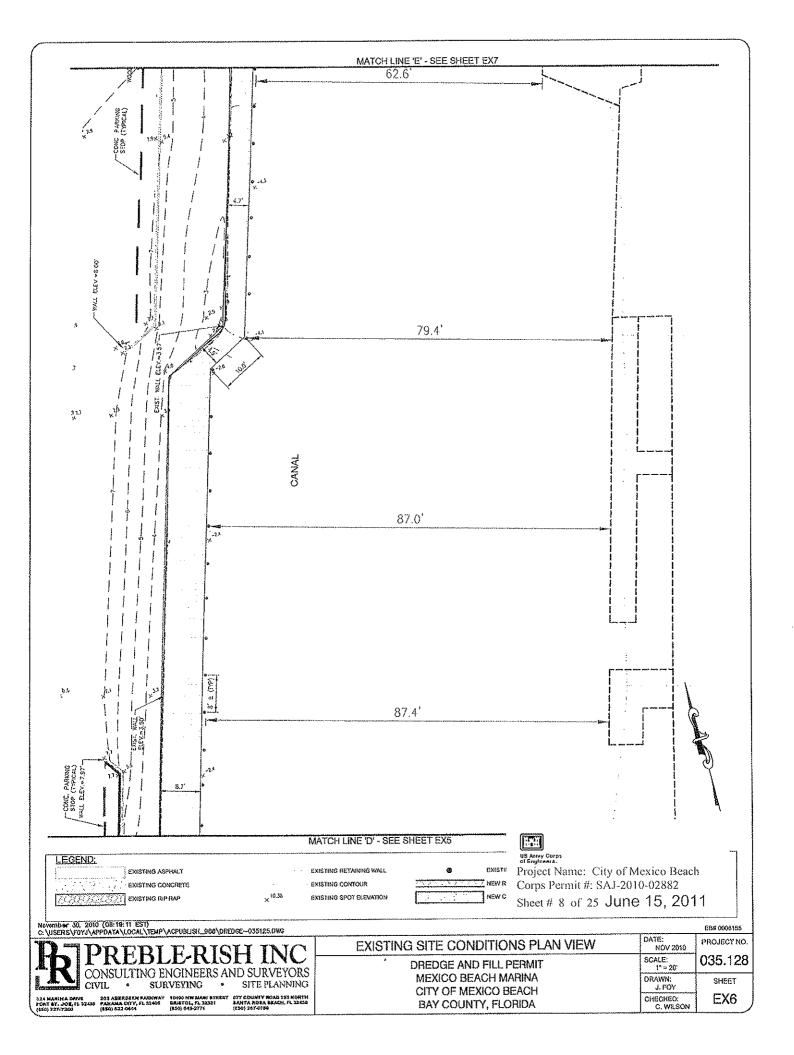
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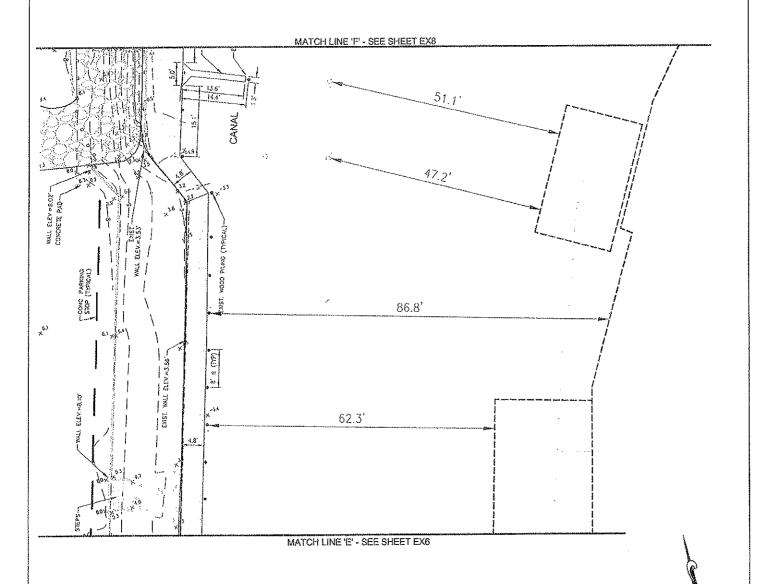












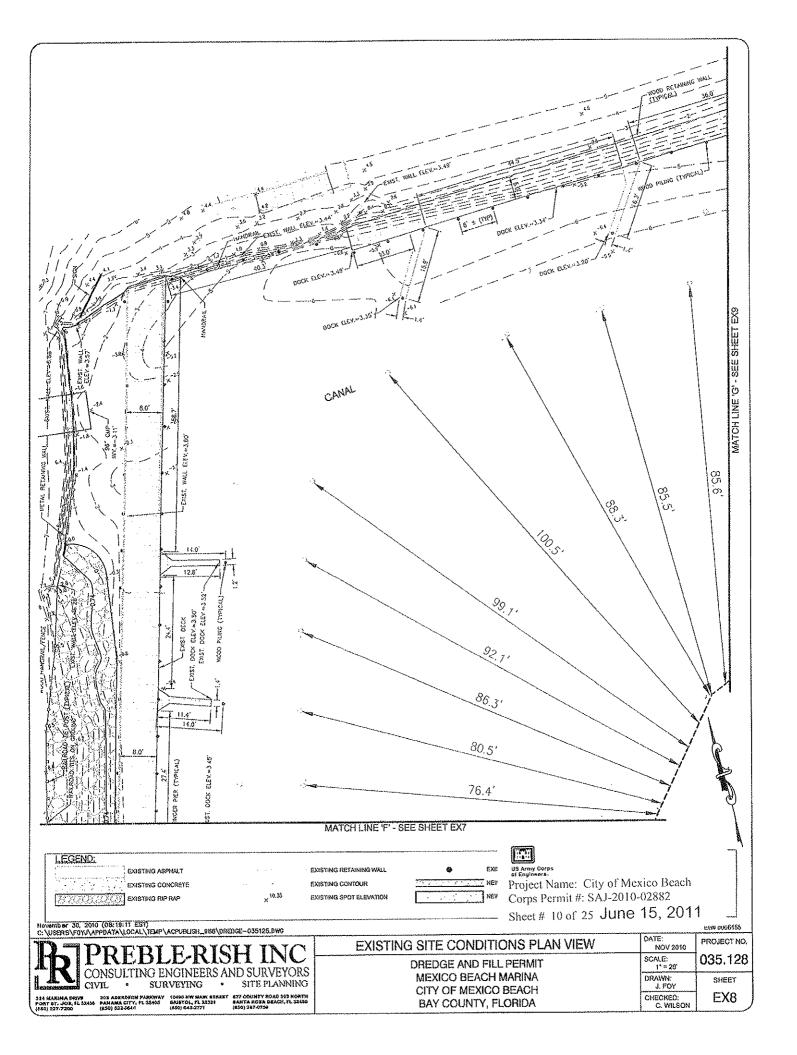
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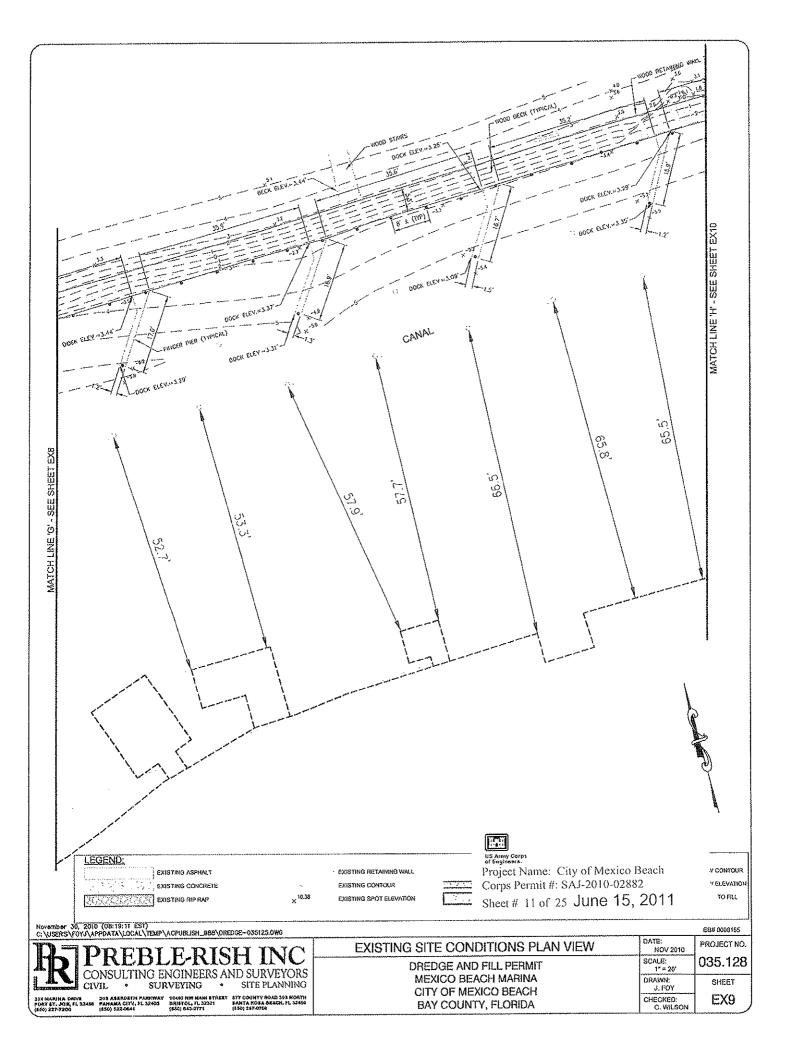
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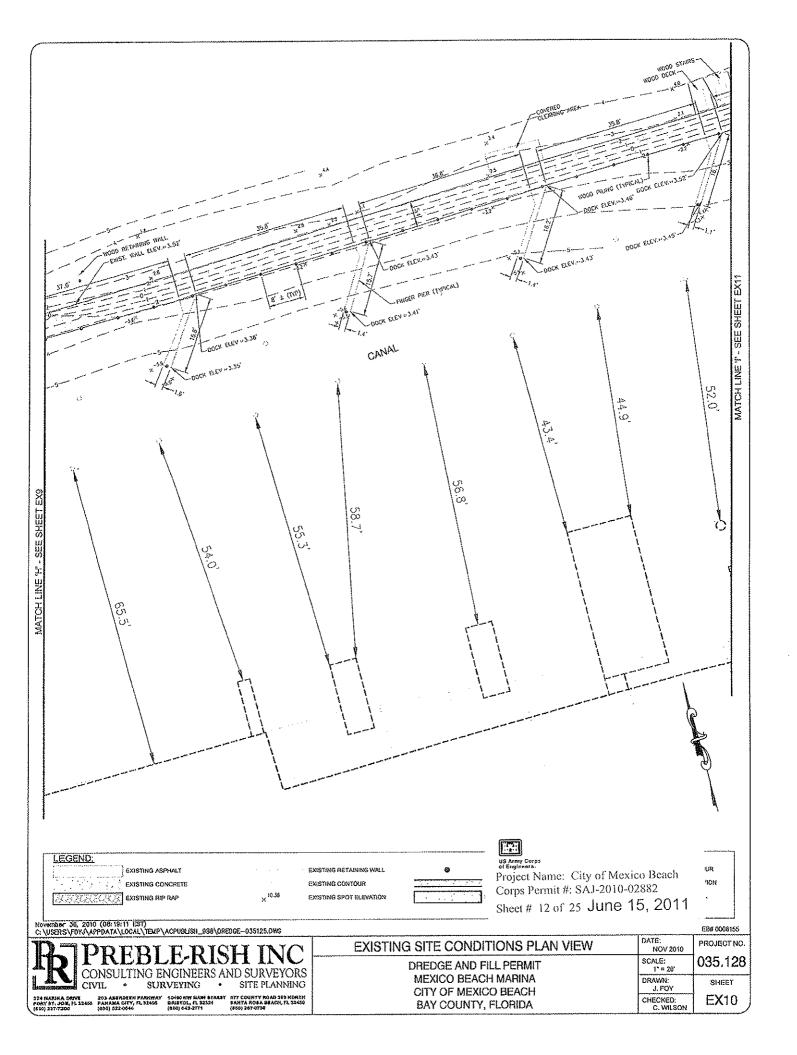
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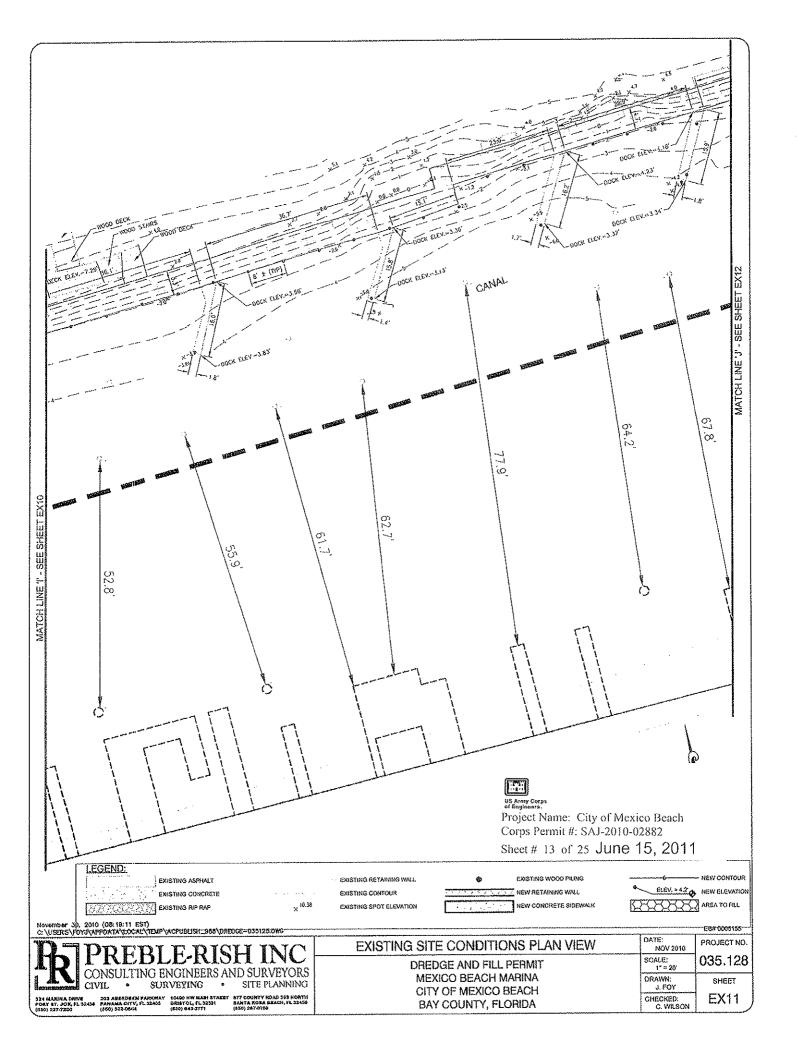
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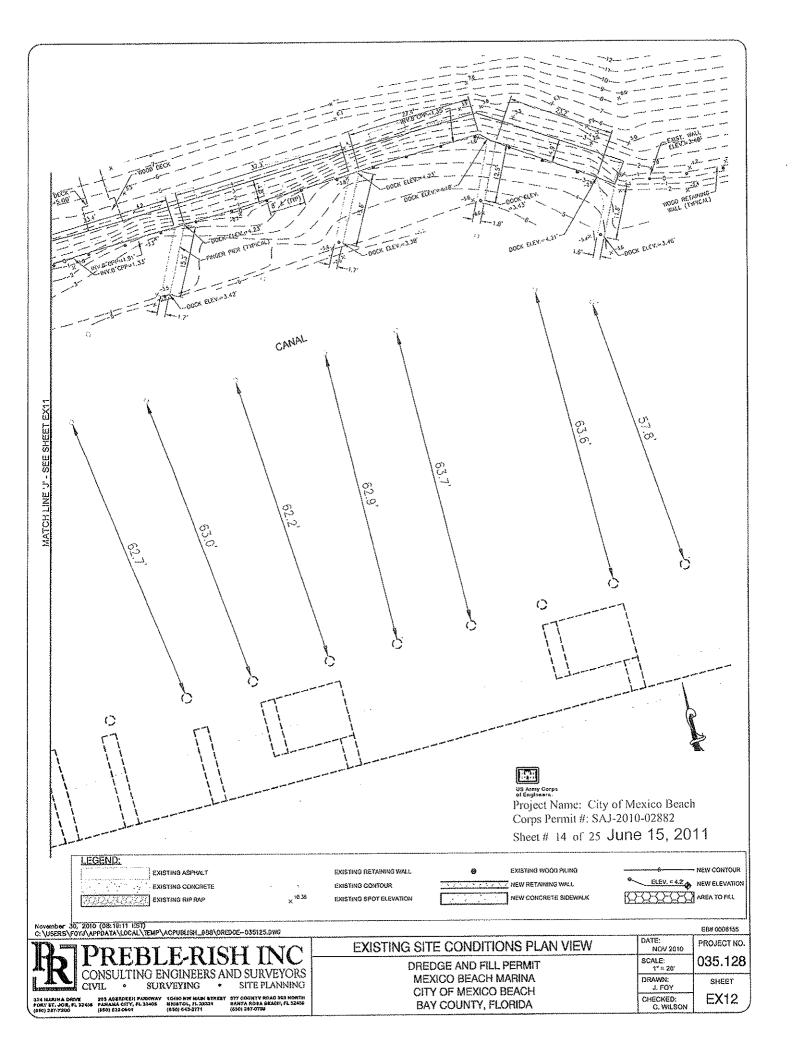
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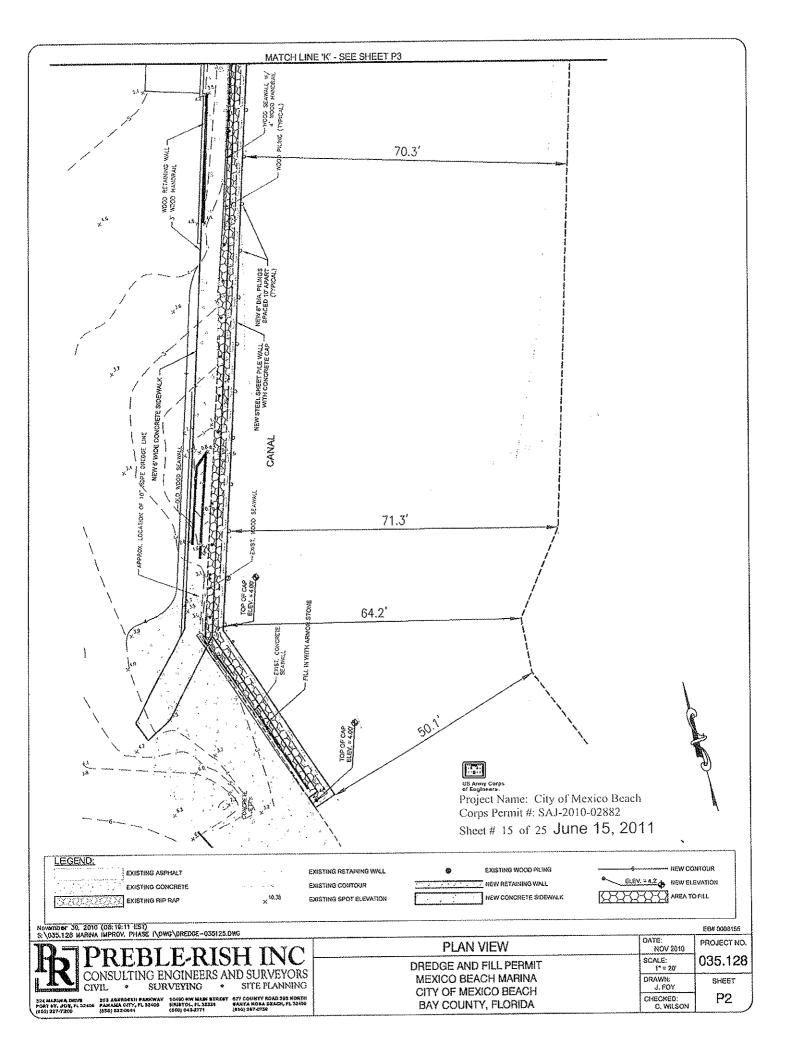


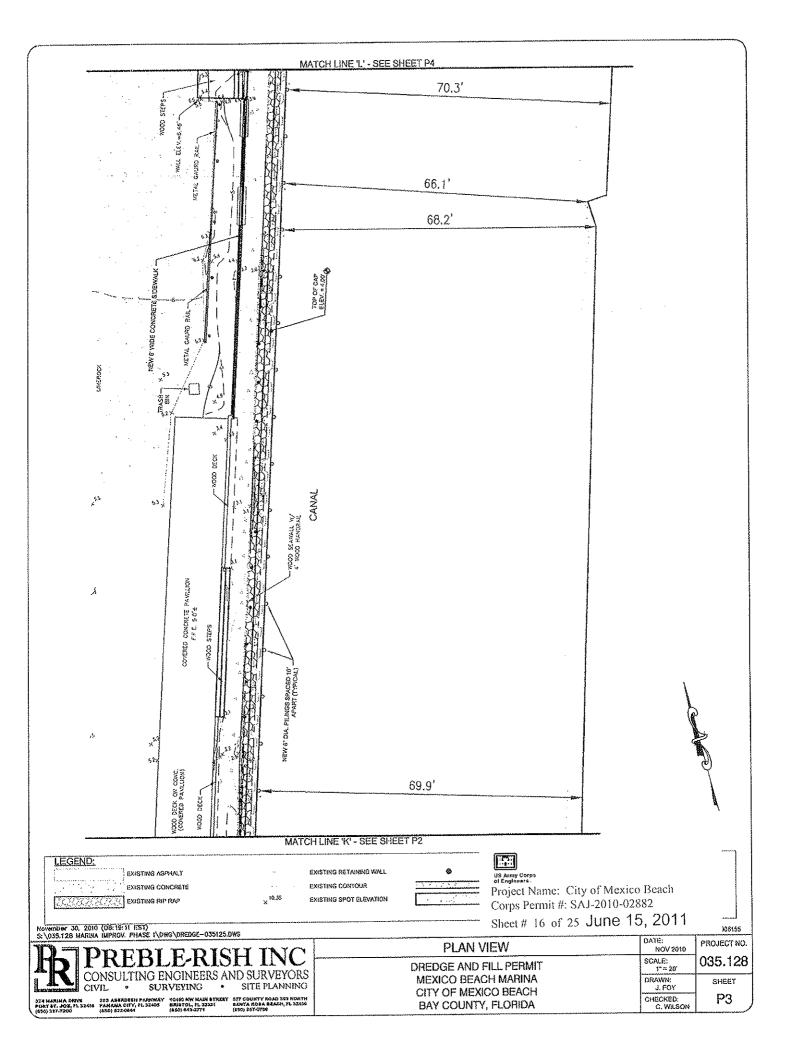


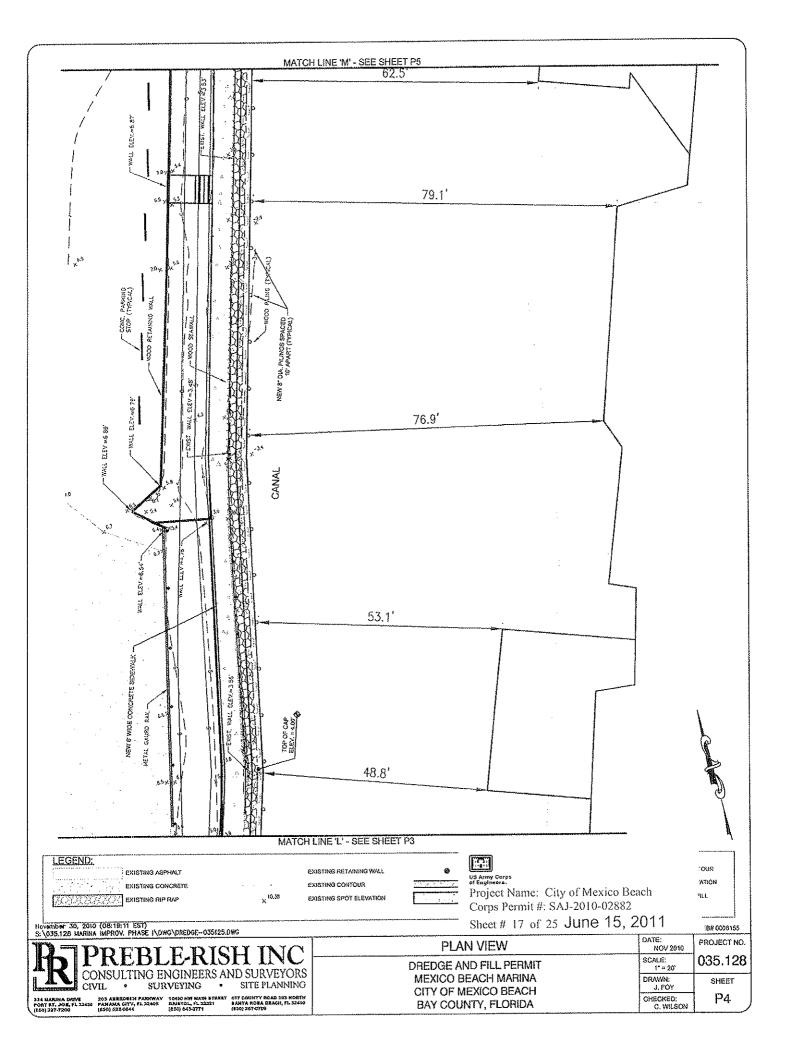


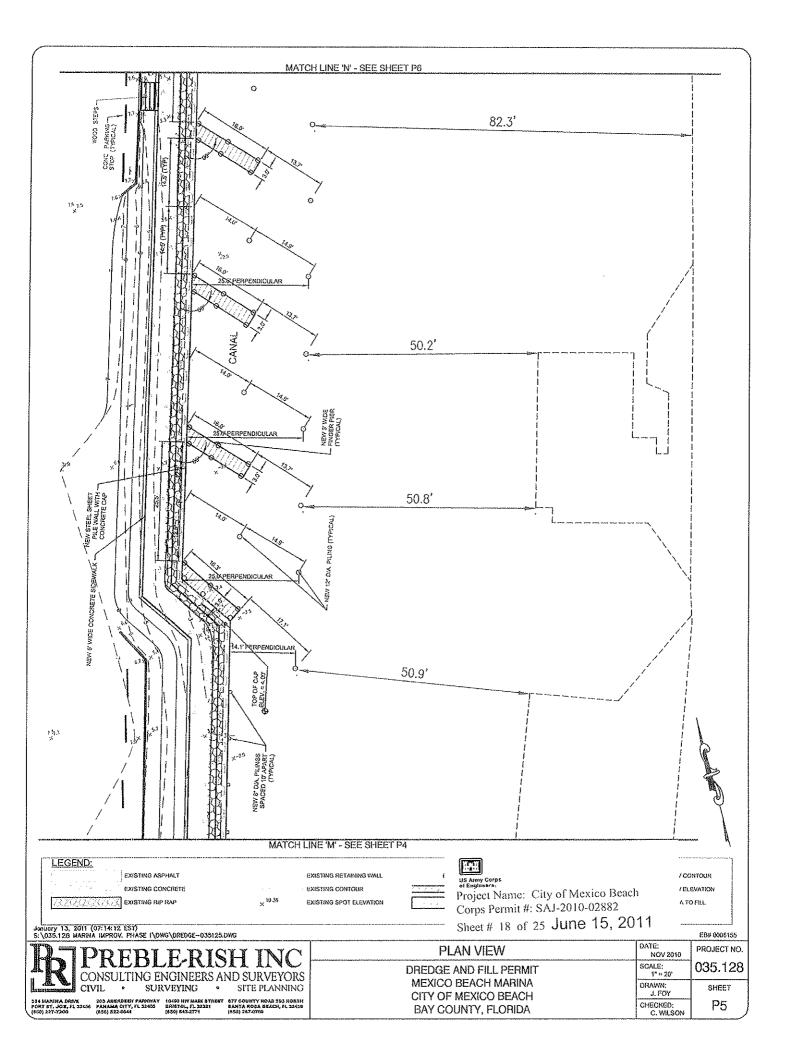


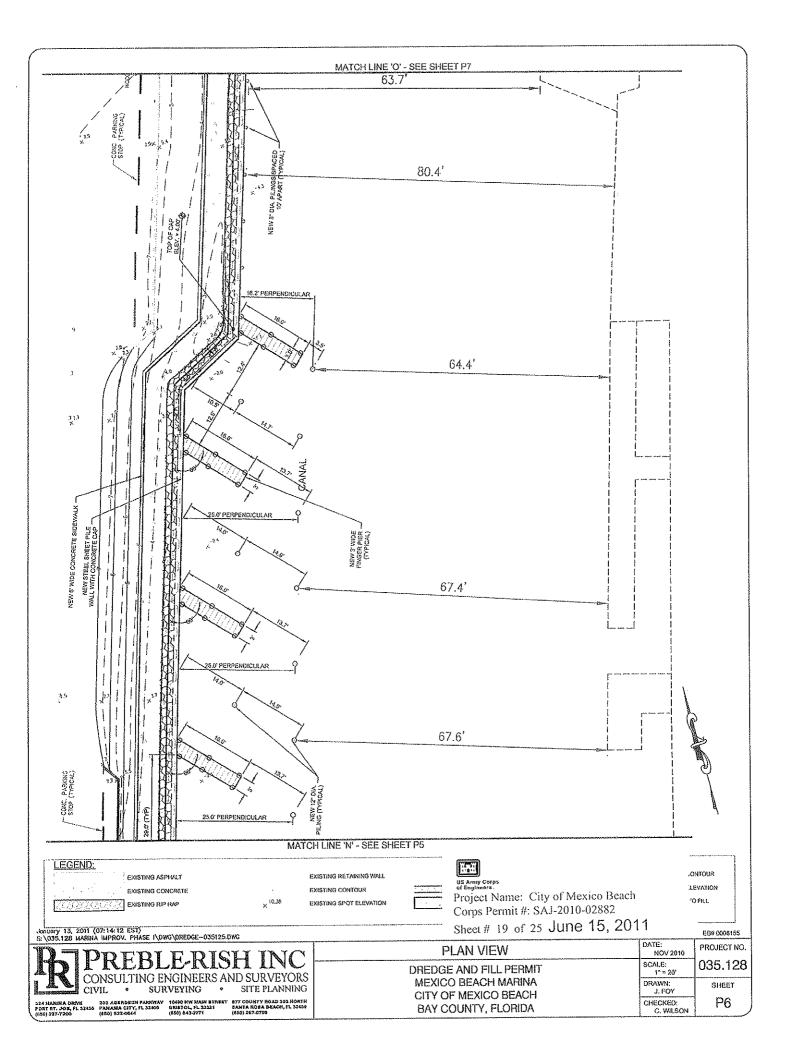


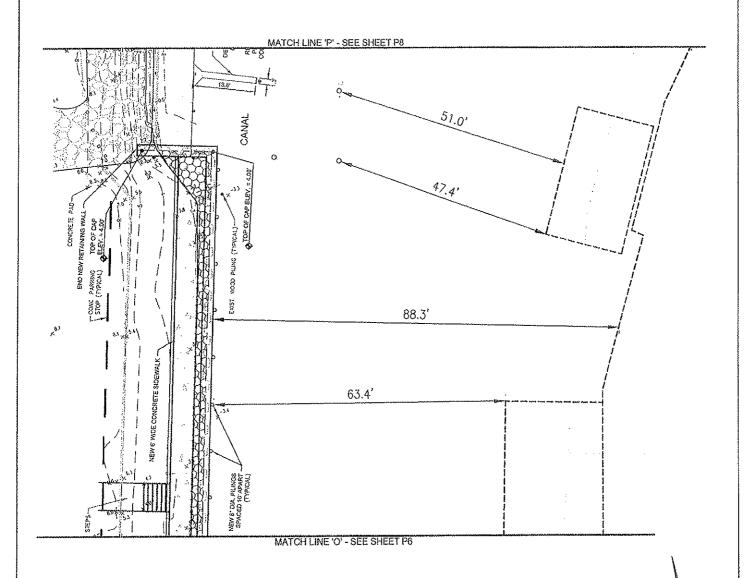










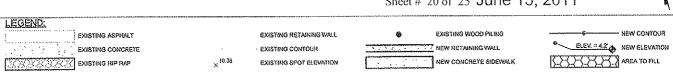




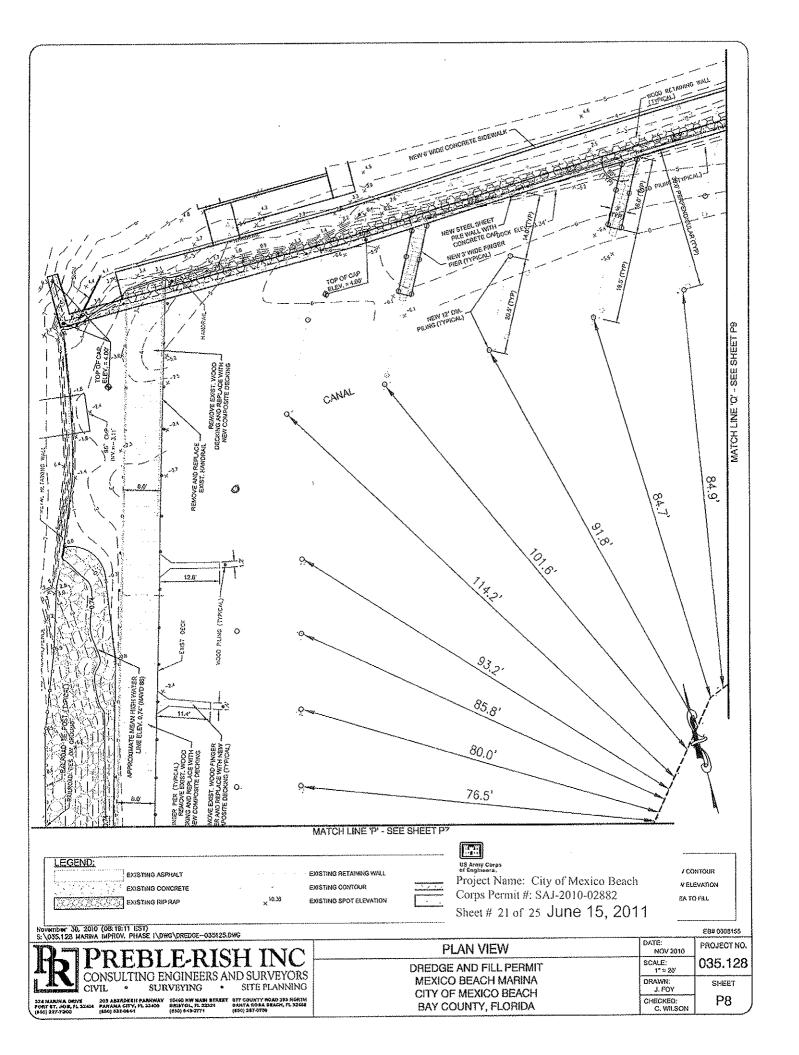
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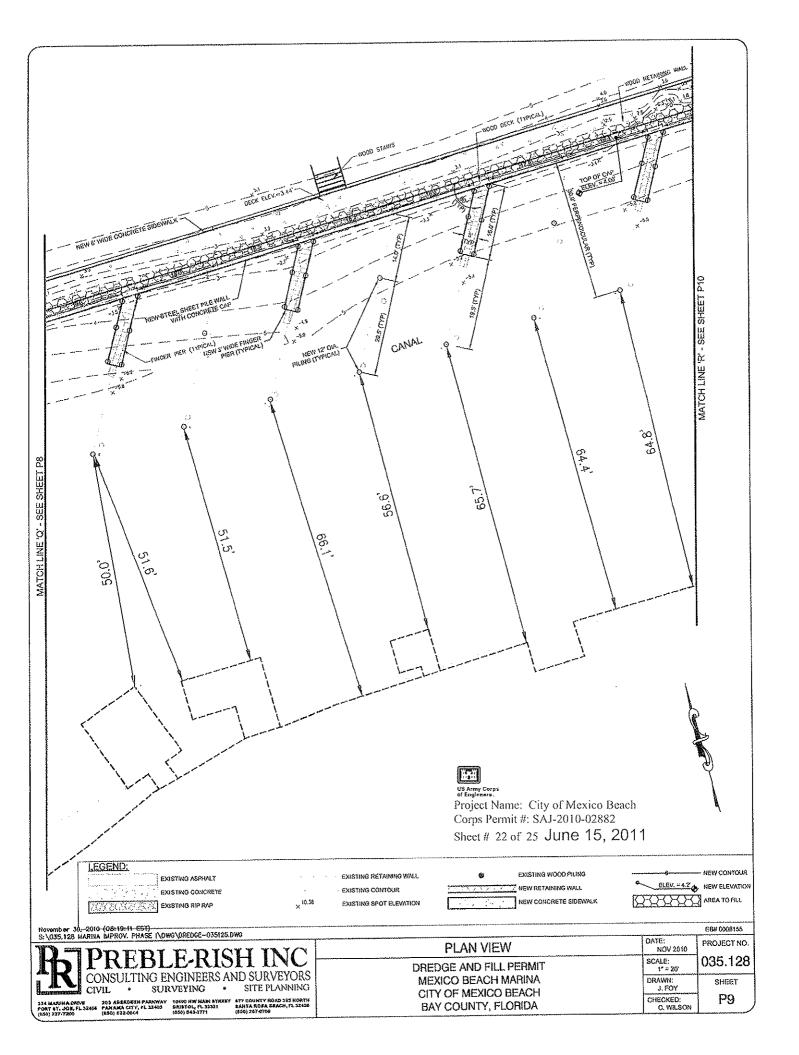
Project Name: City of Mexico Beach Corps Permit #: SAJ-2010-02882

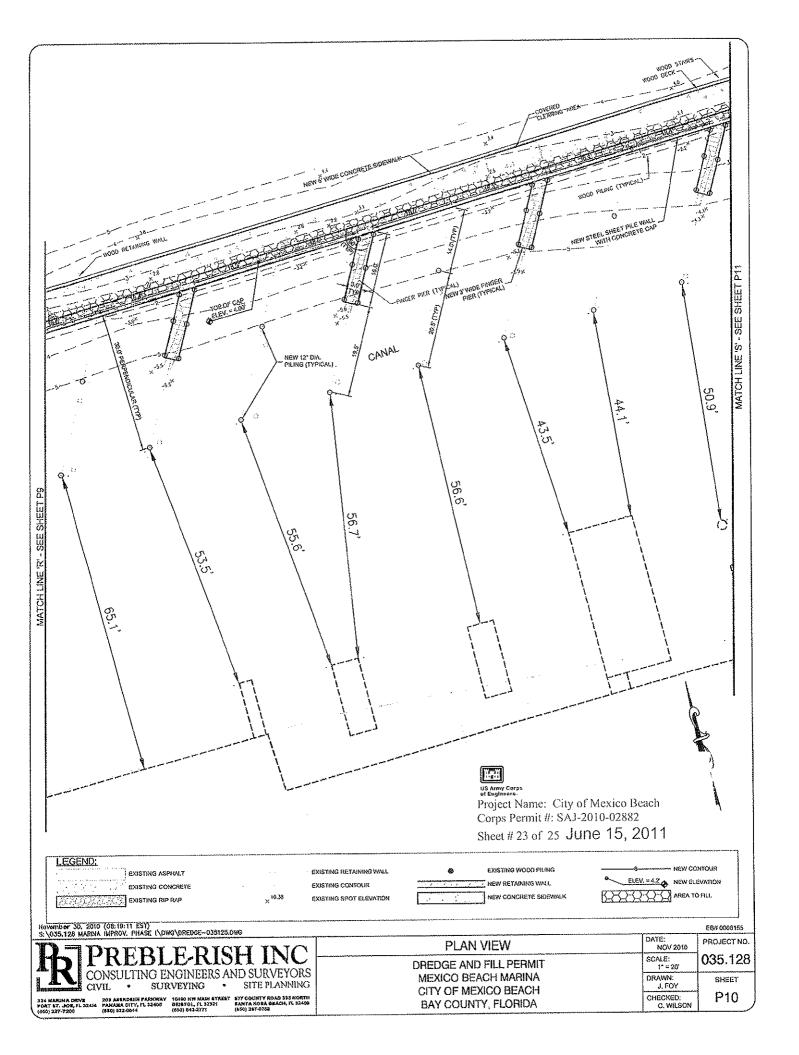
Sheet # 20 of 25 June 15, 2011

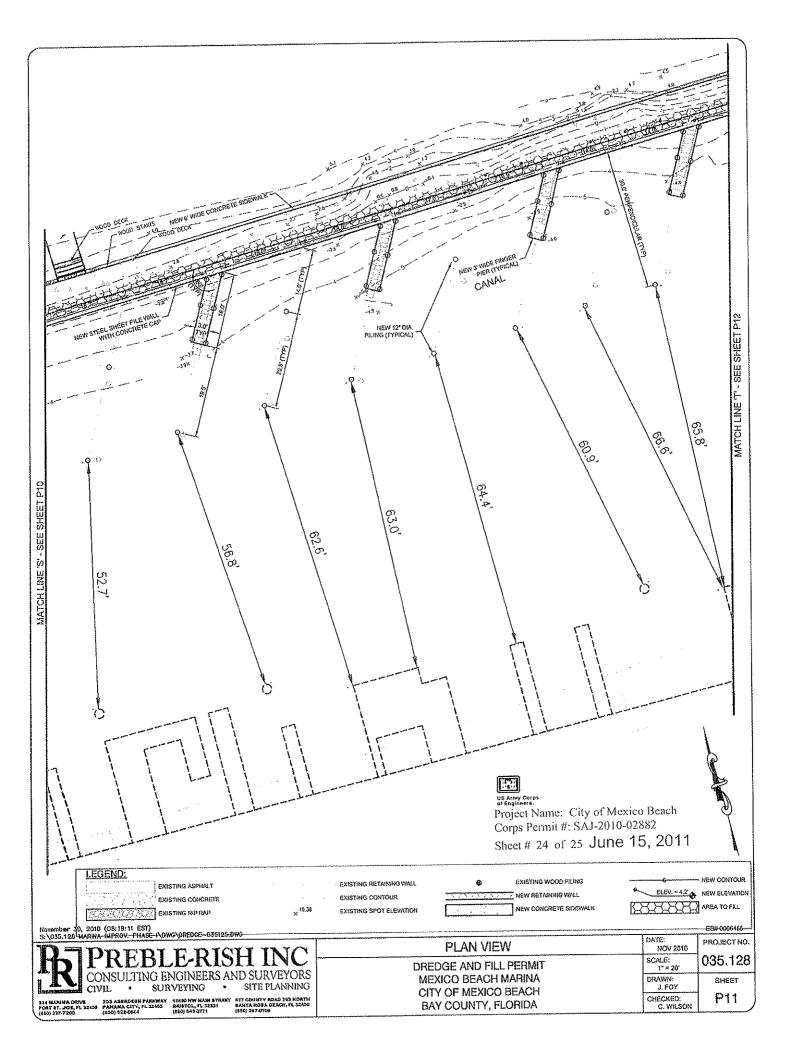


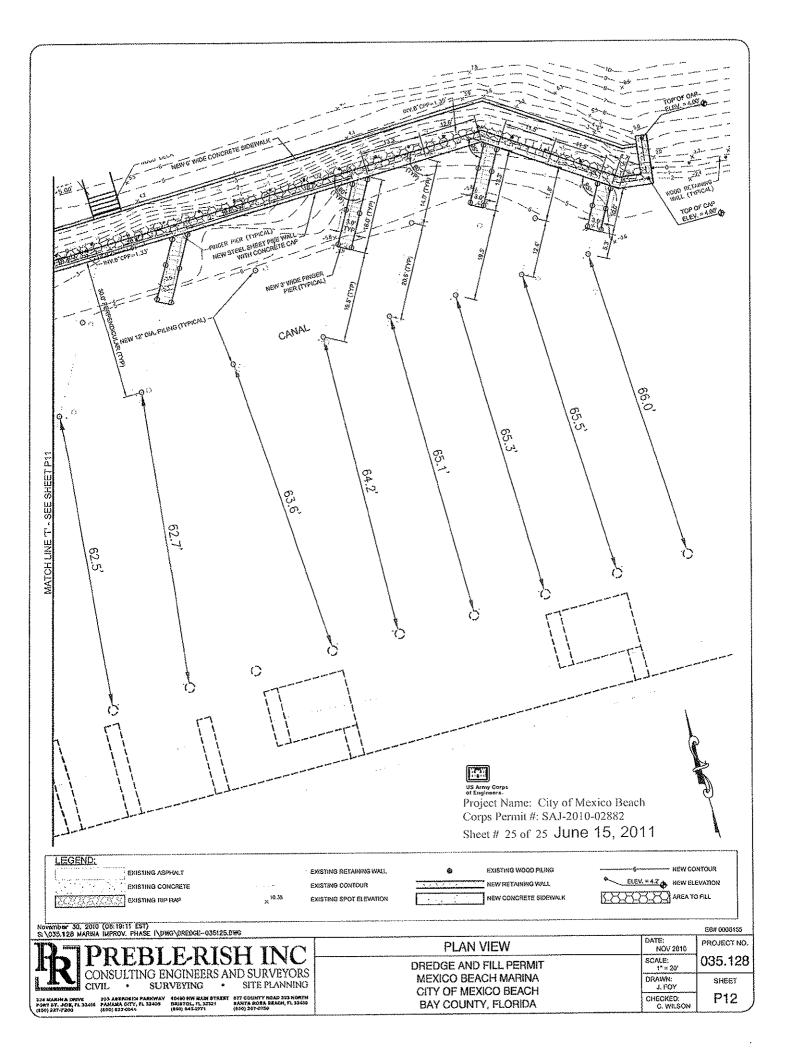
November 30, 2010 (08:16:11 EST) \$\035.120 MARIN IMPROV. PHASE I\DWG\0REGGE-035125.DWG			EB# 0006155
D TDDERIEDICH INC	PLAN VIEW	DATE: NOV 2010	PROJECT NO.
R CONSULTING ENGINEERS AND SURVEYORS	DREDGE AND FILL PERMIT	SCALE: 1' = 20'	035,128
CIVIL • SURVEYING • SITE PLANNING	MEXICO BEACH MARINA CITY OF MEXICO BEACH	DRAWN: J. FOY	SHEET
203 ABERDARI MARAMA PARA 203 ABERDARI MANCANA 1000 MINENA MARAMA 1000 MINENA AND AND AND AND AND AND AND AND AND A	BAY COUNTY, FLORIDA	CHECKED: C. WILSON	P7











This permit constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

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

In addition, you are advited that your project may require additional authorizations or permits from the municipality/county in which the project is located. Please be sure to contact the local county building and environmental department to obtain these required authorizations.

PERMIT CONDITIONS

The activities described herein must be anducted in accordance with:

- The Specific Conditions
- The General Conditions
- 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 commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these conditions and drawings prior to commencing the authorized activities. Failure to comply with these conditions, including any mitigation requirements, shall constitute grounds for revocation of the Permit and appropriate enforcement action by the Department.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit/certification/authorization, as specifically described above.

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

- 1. At least 48 hours prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction. All documents relating to the permit shall be sent to: Department of Environmental Protection, 2353 Jenks Avenue, Panama City, Florida 32405.
- 2. This permit does not constitute any approval of a stormwater or surface water management system which must be obtained separately from the appropriate agency.

SPECIFIC CONDITIONS - CONSTRUCTION ACTIVITIES

Permittee: City of Mexico Beach Permit No: 03-0303077-001-DF

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- 3. The structure/work authorized by this permit shall not be placed/conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.
- 4. There shall be no storage or stockpiling of tools, materials (i.e., lumber, pilings, debris) within wetlands, along the shoreline within the littoral zone or elsewhere within waters of the state unless specifically approved in the permit. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.
- 5. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.
- 6. Best management practices for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.

The permittee shall be responsible for ensuring that erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

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

- a. Immediately cease all work contributing to the water quality violation.
- b. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation and install more turbidity containment devices and repair any non-functioning turbidity containment devices.
- c. Notify the DEP Northwest District Office, Panama City Branch within 24 hours of the time the violation is first detected.
- 7. There shall be no fish cleaning stations, boat repair facilities and fueling facilities on any structure that is over the water.
- 8. No overboard discharges of trash, human or animal waste, or fuel shall occur at the dock.

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- 9. The dock walkway may be reduced in width and/or the terminal structures reconfigured or reduced in size in order to comply with the requirements of the U.S. Army Corps of Engineers or other regulatory agency, however, the overall square footage of the structure shall not exceed that authorized by this permit, and the overall length of the structure shall not be altered. Revised drawings shall be submitted to the DEP Northwest District Office, Panama City Branch indicating any changes requested by the above agencies, within 7 days after receiving approval from the requesting agency.
- 10. Boat maintenance or repair activities requiring removal of a vessel from the water, or removal of any major portions of the vessel, including the engine, for purposes of routine repair or maintenance on site, shall be prohibited for the life of the facility, except where removal is necessitated by emergency conditions which have resulted in or can result in the sinking of a vessel. Specifically prohibited shall be hull cleaning, hull painting, and any discharges or release of oils or greases associated with engine and hydraulic repairs, and related metal based bottom paints associated with hull scraping, cleaning, and painting. Minor repairs and boat maintenance that will not cause or contribute to the release of water pollutants, and which are performed by owners or qualified marine mechanics, shall be allowed.
- 11. All storage or stockpiling of tools or materials (i.e., lumber, pilings, etc.) shall be limited to uplands or within the impact areas authorized by this project.
- 12. Any fill material used behind the seawall/revetment/bulkhead shall be clean fill and free of vegetative matter, trash, garbage, toxic or hazardous waste or any other unsuitable materials.

GENERAL CONDITIONS

- 13. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- 14. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhabits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- 15. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver

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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 in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8½ " by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down 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 http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

Attachment A



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

NORA

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Special Projects and Enforcement Branch, 41 North Jefferson Street, Suite 301, Panama City, Florida 32502. If you have questions regarding this requirement, please contact the Special Projects and Enforcement Branch at 904-232-3131.

 Department of the Army Perm 	nit Number: SAJ-20)10-02882(IP-	-DNA)
2. Permittee Information:			
Name			
Address			
3. Project Site Identification	ı:		
Physical location/address			
4. As-Built Certification:			
I hereby certify that the aurequired by Special Conditions accordance with the Department noted below. This determina scheduled and conducted by medirect supervision. I have adrawings.	s to the permit, h t of the Army per tion is based upo or by a project	as been accom mit with any on on-site ob representativ	plished in deviations oservation, a under my
Signature of Engineer	Name	(Please type)	
(FL, PR or VI) Reg. Number	Company Name		
		Address	
	City	State	ZIP
(Affix Seal)			
Date	Telephone	Number	

Attachment C
Page 1 of 2

Deviation (attach a				and	special	conditions:
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Attachment C
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