

## Florida Department of Environmental Protection

Northwest District 160 W. Government Street, Suite 308 Pensacola, Florida 32502-5740 Rick Scott Governor

Carlos Lopez-Cantera Lt. Governor

> Noah Valenstein Secretary

August 4, 2017

Wakulla County Board of County Commissioners David Edwards, County Administrator 3093 Crawfordville Highway Crawfordville, Florida 32327 dedwards@mywakulla.com

Wakulla County BOCC – Mashes Sands Park Boat Ramp Replacement File No. 0327396-003-EG Wakulla County

Dear Mr. Edwards:

On July 14, 2017, we received your notice of intent to use a General Permit (GP), pursuant to Rule 62-330.417, Florida Administrative Code (F.A.C.) to replace an existing boat ramp with a boat ramp measuring 49.6-foot by 39.8-foot (approximately 1,974 square-foot) and replacing an existing floating dock with a 3 new piles and a new floating dock measuring 60-foot by 8-foot with a 30-foot by 5-foot gangway (630 square-foot overwater) within a man-made canal, Class III Florida Waterbody. The project is located at Mashes Sands County Park, parcel ID# 09-6S-01W-000-04864-001, Mashes Sands Road, Panacea, Florida 32346, Section 9, Township 6 South, Range 1 West, Wakulla County.

Your intent to use a general permit has been reviewed by Department staff for three types of authorizations: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

Your project qualifies for all three authorizations. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

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

#### 1. Regulatory Review – Approved

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.417, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached), and the specific conditions of Rule 62-330.417, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review- Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

#### 2. Proprietary Review – Not required

The activity does not appear to be located on sovereign submerged lands, and does not require further authorization under Chapter 253 of the Florida Statutes, or Chapters 18-20 or 18-21 of the Florida Administrative Code.

#### 3. Federal Review-SPGP Approved

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition B.27 of the SPGP V permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V with all terms and conditions and the General Conditions may be found at http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm

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

#### **Additional Information**

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

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#### NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

#### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, Florida Statutes. Pursuant to rule 28-106.201, Florida Administrative Code, a petition for an administrative hearing must contain the following information:

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

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

#### Time Period for Filing a Petition

In accordance with rule 62-110.106(3), Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing)

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under sections 120.569 and 120.57, Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205, Florida Administrative Code.

#### **Extension of Time**

Under rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

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

#### Judicial Review

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 Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, 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 of Appeal 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 Jared Searcy at the letterhead address or at (850) 245-7625 or via email at Jared.Searcy@dep.state.fl.us.

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Executed in Orlando, Florida

# STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sincerely,

Jared Searcy

Environmental Specialist II

Submerged Lands and Environmental

Jul W. Jenny

Resources Program

Enclosures:

Ch. 62-330.417, F.A.C.

General Conditions for All General Permits, Ch. 62-330.405, F.A.C.

Special Conditions Related to All Review and Authorizations

General Conditions for Federal Authorization for SPGP V

Project drawings, 15 pages

Copies furnished to:

Franceella H. Martin, USACE, <u>franceella.h.b.martin@usace.army.mil</u>
Cameron Snipes, Kimley-Horn and Associates, Inc., <u>cameron.snipes@kimley-horn.com</u>
Mike Kiefer, Kimley-Horn and Associates, Inc., <u>mike.kiefer@kimley-horn.com</u>

#### CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this determination, including all copies, was mailed before the close of business on\_\_\_\_\_\_, to the above listed persons.

#### FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk \_\_\_\_\_\_ M. Lesta Date August 4, 2017

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# 62-330.417 General Permit for Construction, Alteration, Operation, and Maintenance of Boat Ramp Facilities.

- (1) A general permit is granted, except in waters that are accessible to manatees within Charlotte, Hillsborough, Levy, Manatee, and Pinellas Counties or the St. Johns River and its tributaries in Lake and Seminole Counties, for construction, alteration, maintenance, and operation of a single boat ramp for the following entities or facilities:
- (a) An individual, detached single-family dwelling unit or two adjacent detached single-family dwelling units, provided the ramp is located on the shared property line.
- (b) A multi-family dwelling unit, which, for the purpose of this rule, shall include attached multi-family dwelling units, regardless of the legal subdivision of the underlying property.
- (c) A commercial entity, provided such ramp is open to the general public for the life of the ramp, with or without a fee and without any membership or qualifying requirements.
- (d) A governmental entity, such as a federal, state, county, or municipal agency, or a water management or inland navigation district, provided the boat ramp is open to the general public for the life of the facility, with or without a fee. The following associated facilities are also authorized for governmental entities in accordance with the terms and conditions of this general permit, provided the ramp and associated facilities remain open to the general public for the life of the facility, with or without a fee: ingress and egress traffic lanes, boat trailer parking spaces, an access road, and associated accessory docks.
  - (2) The boat ramp and associated facilities must meet all of the following conditions:
- (a) The work is not part of a larger plan of development that requires a permit under Part IV of Chapter 373, F.S.
- (b) A minimum navigational access of two feet below mean low water in tidal waters or mean annual low water in non-tidal waters must already exist to the proposed ramp. Depth indicators shall be installed at the ramp to identify the controlling depths of the navigational access.
  - (c) There shall be no work in, on, or over submerged grassbeds or coral communities.
- (d) Dredging shall be limited to no more than 100 cubic yards, and in no case shall be more than is necessary to construct the boat ramp surface or restore the ramp to its original configuration and dimension.
- (e) The above-water portion of the boat ramp shall be paved or otherwise stabilized to prevent turbidity.
- (f) Work under this general permit shall not commence until the Agency has provided written confirmation that the applicant qualifies to use the general permit.
- (g) This general permit is limited to one use per parcel of property and cannot be combined with other general permits or exemptions.
  - (3) Construction of the boat ramp is limited as follows:
- (a) The boat ramp for a single-family or multi-family dwelling unit, under paragraph (1)(a) or (b), is limited to a single lane and must not exceed a width of 20 feet, including the side slopes, with the boat ramp surface not to exceed a width of 12 feet.
- (b) The boat ramp for a commercial or governmental entity under paragraph (1)(c) or (d) is limited to a maximum of two lanes and must not exceed a width of 60 feet, including the side slopes, with the ramp surface not to exceed a width of 36 feet.
- (c) Construction or expansion of a multi-family, commercial, or governmental boat ramp under paragraph (1)(b), (c), or (d) in waters that are accessible to manatees must meet the following criteria:
  - 1. The proposed boat ramp facility must be consistent with the state approved manatee

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protection plan in counties required to have a manatee protection plan adopted under Section 379.2431(2), F.S., or in counties that have voluntarily completed a state approved manatee protection plan. Documentation of plan consistency must be submitted concurrently with the notice to use the general permit in the form of a letter of consistency concurrence from the Florida Fish and Wildlife Conservation Commission.

- 2. The proposed boat ramp facility must have a kiosk or permanent information display board providing information on manatee protection and applicable manatee zones as adopted in Chapter 68C-22, F.A.C., (June 13, 2012) (<a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-03179">http://www.flrules.org/Gateway/reference.asp?No=Ref-03179</a>), which is incorporated by reference herein and available as provided in subsection 62-330.010(5), F.A.C., for that county.
- (d) A boat ramp for a multi-family residence or for commercial or governmental entities under paragraph (1)(b), (c), or (d) can have a maximum of two accessory docks, abutting either one or both sides of the boat ramp, provided that the cumulative square footage of accessory docks over wetlands or other surface waters does not exceed 500 square feet in Outstanding Florida Waters or 1,000 square feet outside Outstanding Florida Waters. In addition, the accessory docks shall not be used for overnight mooring.
- (4) The total impervious surface in uplands that is subject to vehicular traffic associated with a boat ramp for a governmental entity under paragraph (1)(d) shall not exceed 1.2 acres. Before operating any portion of such a boat ramp facility that contains 4,000 square feet or more impervious surface subject to vehicular traffic, a stormwater management system meeting all of the following requirements must be constructed and fully operational.
- (a) Each system must be designed by a registered professional in accordance with Chapter 471, 472, 481, or 492, F.S., as applicable, and must be constructed, operated, and maintained to serve the total project area of the boat ramp facility.
- (b) No system shall accept or treat runoff from offsite areas not associated with the total project area.
- (c) The system must provide treatment for a minimum stormwater retention volume of one-half inch of runoff. Recovery of the specified retention volume must occur within 72 hours by percolation through the sides and bottom of the retention basin.
- (d) Impervious traffic lanes and parking areas must be graded such that runoff is directed to the stormwater treatment system.
- (e) The system must include a continuous vegetated buffer strip adjacent to the downstream side of impervious areas subject to stormwater treatment. The buffer strip must be at least 25 feet wide and stabilized by well-established natural vegetation.
- (f) The permittee must maintain the treatment system and buffer strips at all times for the life of the system.
- (g) Upon completing construction of the stormwater management system, the system must be operated and maintained by the permittee in accordance with the terms of this general permit for the life of the system. The permittee shall perform routine inspections of the buffer to check for development of concentrated flow through it, gully erosion, or loss of vegetation, and must repair the buffer as soon as practical to restore shallow overland flow conditions and prevent further concentration of flow and damage to the buffer.
- (5) Commercial or governmental entities proposing to construct a boat ramp under paragraph (1)(c) or (d) shall execute and record in the public land records of the county in which the boat ramp is located a fully executed binding agreement. Commercial entities shall execute and record the "Agreement to Maintain Public Access," incorporated herein as Form 62-330.417(1), [October

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1, 2013] (http://www.flrules.org/Gateway/reference.asp?No=Ref-02508) ensuring the facility will remain open to the general public for the life of the facility. Governmental entities shall execute and record the "Agreement to Maintain Public Access and Operate Stormwater System," incorporated herein as Form 62-330.417(2), [October 1, 2013] (http://www.flrules.org/Gateway/reference.asp?No=Ref-02509) ensuring the facility will remain open to the general public for the life of the facility and to ensure that the stormwater management system associated with the boat ramp will be operated and maintained for the life of the system. Copies of incorporated materials may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (5), 373.406(5), 373.413, 373.4131, 373.414(1), (9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Amended 12-9-09, Formerly 62-341.417, Amended 10-1-13.

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#### 62-330.405 General Conditions for All General Permits

The following general permit conditions are binding upon the permittee and are enforceable under Chapter 373, F.S. These conditions do not apply to the general permit in Section 403.814(12), F.S.

- (1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
- (2) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.
- (3) This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.
- (4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.
- (5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.
- (6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.
- (7) This permit shall not be transferred to a third party except pursuant to Rule 62-330.340, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.
- (8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the permit.
- (9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in this general permit.
- (10) A permitee's right to conduct a specific activity under this general permit is authorized for a duration of five years.
- (11) 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 implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of*

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Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), available at www.dep.state.fl.us/water/wetlands/docs/erp/FLErosionSedimentManual\_6\_07.pdf, and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), available at www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf.

- (12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:
- (a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter 4 inches or greater at breast height;
  - (b) The maximum width of the construction access area shall be limited to 15 feet;
  - (c) All mats shall be removed within 72 hours after the work commences; and
- (d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.
- (13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.
- (14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.
  - (15) Except where specifically authorized in a general permit, activities must not:
- (a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;
- (b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or a Works of the District established pursuant to Section 373.086, F.S.; or
- (16) 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.
- (17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

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- (18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:
- (a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- (b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.
- (c) All in-water activities, including vessel operation, must be shutdown if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.
- (d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.
- (e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at imperiledspecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.
- (19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.
- (20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate. *Rulemaking Authority* 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9),

373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13.

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#### **Special Conditions Related to All Review and Authorizations**

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V.

- 1. The District Engineer reserves the right to require that any request for authorization under this SPGP V be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V does not automatically guarantee Federal authorization.
- 2. On a case-by-case basis the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
- 3. Failure to comply with all conditions of the Federal authorizations under the SPGP V would constitute a violation of the Federal authorization.
- 4. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at http://www.cr.nps.gov/nr/research.
- a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, 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), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. 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.
- b. In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
- 5. No work shall be authorized under the SPGP V which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement except as allowed in Special Condition 15 for *Living Shorelines* of the *Shoreline Stabilization category*.
- 6. The Design and construction of a Project must comply with the following.

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- a. Where aquatic vegetation is present, adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001 (updated June 2008). Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP V must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Mangrove impacts are limited to the removal of mangroves along 4 linear feet of shoreline to accommodate a 4-ft-wide access walkway associated with a dock that meets the above guidelines.
- b. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*) in the lagoon and canal systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County), the following requirements must be met:
- (1) Piling-supported structures must comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled "Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (Halophila johnsonii)" National Marine Fisheries Service/U.S. Army Corps of Engineers February 2002 (updated October 2002)."
- (2) Removal of derelict vessels must comply with the practices of Special Condition 18.
- (3) All other activities will have no effect on Johnson's seagrass, i.e., no seagrass is present.
- c. The presence of seagrass will be determined utilizing the attached "Submerged Aquatic Vegetation Survey Guidelines".
- 7. For projects in waters accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the Permittee will utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" and the following additions:
- a. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).
- b. Reports to NMFS's Protected Resources Division (PRD) may be made by email to takereport.nmfsser@noaa.gov.
- c. Sea turtle and marine mammal stranding/rescue organizations' contact information is available by region at <a href="http://www.nmfs.noaa.gov/pr/health/networks.htm">http://www.nmfs.noaa.gov/pr/health/networks.htm</a>.

- d. Smalltooth sawfish encounters shall be reported to http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html.
  - e. All work must occur during daylight hours.
- 8. The Permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.
- 9. The Permitee is responsible for compliance with 50 CFR 224.103(c) prohibiting approach within 500 yards of a right whale, with limited exceptions.
- 10. Turbidity control measures shall be used throughout construction to control erosion and siltation to ensure there are no violations of state or federal water quality standards. Turbidity control measures shall be: (1) for the smallest practicable area; (2) monitored daily to ensure listed species are not entangled or trapped in the project area; (3) shall be removed promptly upon project completion and the return of water quality conditions; (4) and shall not block entry to or exit from designated critical habitat. Siltation barriers shall be made of material in which listed species cannot become entangled (i.e., reinforced impermeable polycarbonate vinyl fabric [PVC]).
- a. Turbidity curtains are not required where not practical in dynamic systems such as surf zones and could actually do more harm than good if the curtains become detached (e.g., they could entrap pelagic organisms and become entangled around benthic organisms, such as coral).
- b. Turbidity barriers are not required if installation of single piling in deep water since is unlikely to adversely affect water quality.
- 11. In-water rope or chain must meet the following requirements: Industrial grade metal

chains or heavy cables that do not readily loop and tangle; All in-water lines (rope and cable) must be thick and taut and cannot have excess line in the water; Lines can be enclosed in a plastic or rubber sleeve/tube to add rigidity.

- 12. No work shall occur where hard bottom or any hard or coral including ESA-listed coral species are present within the footprint of the project.
- 13. No work shall occur that results in removal of mangroves (including prop roots), except:
  - a. as provided by Special Condition 6.a.; or,
- b. for removal of mangroves growing at the foot or from an existing seawall whose removal needed to repair the seawall.
- 14. No work shall occur that results in impacts to seagrass except as provided by Special Condition 6.

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- 15. (For Docks, Piers, Associated Facilities, and Other Minor Piling-Supported Structures and Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas.)
- a. Aids to Navigation and Private Aids to Navigation (e.g. attached to the structures authorized by the SPGP) must be approved by and installed in accordance with U.S. Coast Guard requirements.
- b. Temporary structures associated with marine events will be removed and the site restored upon completion of the event.
- c. (For multi-family residential docks (e.g., condos, trailer parks, apartment complexes) designated for fishing or vessel storage, for temporary marine event pile-supported structures involving high speed vessel traffic or fishing, and for commercial or public boat ramps.) Install educational signs as follows in a visible location to alert boaters of listed species in the area susceptible to vessel strikes or hook-and-line captures. NMFS website (http://sero.nmfs.noaa.gov/protected\_resources/section\_7/protected\_species\_educational\_signs/index.html) provides sign installation guidance and most current version of the signs.
- (1) All commercial and public boat ramps shall install the Save Sea Turtle, Sawfish, and Dolphin sign.
- (2) If the Project occurs within the range of Gulf, Atlantic, or Shortnose sturgeon, the Permittee will install and maintain the *Report Sturgeon* sign.
- (3) If the Project occurs within 14 miles of North Atlantic Right Whale critical habitat, the Permittee will install and maintain the *Help Protect North Atlantic Right Whales* sign.
- d. Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.
- 16. (For *Transient activities*.)
- a. Temporary structures shall not block access of species to an area such as preventing movement in or out of a river or channel.
- b. (For scientific sampling, measurement, and monitoring devices.) No later than 24 months from initial installation, or upon completion of data acquisition, whichever comes first, the measuring device and any other structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to pre-construction elevations.
- 17. (For *Living Shorelines* of the *Shoreline Stabilization category*.)
  - a. Only native plant species will be planted.

- b. Not more than 500 linear feet in length, not more than 35 ft waterward of the hightide line.(note that FAC 62-330 limits to 10 feet of the mean high water line) or result in more than 0.5 ac area between the natural shoreline and the structure.
- c. No discharge of earthen fill material, other than earthen material associated with vegetative planting, is not authorized.
- d. Construction, maintenance and removal of approved permanent, shore-parallel wave attenuation structures are authorized. Approved permanent wave attenuation materials include oyster breakwaters (described above), clean limestone boulders, and prefabricated structures made of concrete and rebar that are designed in a manner that cannot trap sea turtles, Smalltooth sawfish, or sturgeon. Reef balls that are not open on the bottom, triangle structures with a top opening of at least 3 feet between structures, and reef discs stacked on a pile may be used.
  - e. (For oyster breakwaters).
- (1) Reef materials shall be placed in a manner to ensure that materials (e.g., bagged oyster shell, oyster mats, loose cultch surrounded and contained by a stabilizing feature, reef balls, and reef cradles) will remain stable and prevent movement of materials to surrounding areas.
- (2) Materials must be placed in designated locations (i.e., shall not be indiscriminately/randomly dumped) and shall not be placed outside of the total project limits.
- 18. (For Subaqueous Utility Lines of the Transient Activities category.)
- a. A Frac-out Contingency Plan similar to the attached plan will be developed, submitted with the application and then followed.
- b. All subaqueous transmission lines crossing over, under, or in flood control channels/canals in Federal projects (either federally or locally maintained) which are installed with horizontal direction drilling (HDD) shall ensure the top of the HDD boring is a minimum of 10 feet beneath the bottom of the channel plus a minimum 25 feet outside the channel edges and the estimated total drilling fluid pressure is less than 10 psi. Projects not in compliance with these criteria shall not be eligible for authorization under SPGP V.
- c. The Permittee shall, upon completion of work, provide an as-built survey showing the horizontal and vertical location (X-Y-Z coordinates in NAD 83 and NAVD 88) of the object below the channel as it enters and exits the design edges of the authorized width of the channel, plus a minimum of 25 feet outside the channel edges.
- 19. (For Removal of Derelict Vessels of the Transient Activities category.)
- a. Removal of marine debris shall require visual confirmation (e.g., divers, swimmers, camera) that the item can be removed without causing further damage to aquatic resources.
- b. If an item cannot be removed without causing harm to surrounding coral, the item will be disassembled as much as practicable so that it no longer can accidently harm or trap species.

- c. Monofilament debris will be carefully cut loose from coral so as not to cause further harm. Under no circumstance will line be pulled through coral since this could cause breakage of coral.
- d. Marine debris shall be lifted straight up and not be dragged through seagrass beds, coral, or hard bottom habitats. Debris shall be properly disposed of in appropriate facilities in accordance with applicable federal and state requirements.
- 20. For concrete piles installed by impact hammer:
  - a. The piles will be less than or equal to than 24 inches in diameter; and
  - b. Not more than 10 piles will be installed per day if in open water; or,
- c. Not more than 5 piles will be installed per day in a *confined space*. A *confined space* is defined as any area that has a solid object (e.g., shoreline, seawall, jetty) or structure within 150 feet of the pile installation site that would effectively serve as a barrier or otherwise prevent animals from moving past it to exit the area. This does not include objects such as docks or other pile-supported structures that would not stop animal movement or significantly reflect noise.
- 21. Metal piles will NOT be installed by impact hammer.
- 22. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary.
- 23. The Permittee shall use only clean fill material. The fill material shall be upland sources and be free of items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
- 24. No blasting is authorized.
- 25. For Projects authorized under this SPGP V in navigable waters of the U.S., 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.
- 26. The SPGP V will be valid for five (5) years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP V will be evaluated by the Corps.

- 27. If the SPGP V expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V will remain in effect provided the activity is completed within twelve (12) months of the date the SPGP V expired or was revoked.
- 28. The General Conditions attached hereto are made a part of this SPGP V and must be attached to all authorizations processed under this SPGP V.

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#### **General Conditions for Federal Authorization for SPGP V**

- 1. The time limit for completing the work authorized ends on July 26, 2021.
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form 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.
- 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.

#### **Further Information:**

- 1. 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.
- 2. 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.
- 3. 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.
- 4. 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 3 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
- 5. 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 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 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
- 6. 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 the enclosed form.
- 7. 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

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shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army 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, relocation or alteration.

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Phone (850) 553-3500 www.kimley-horn.com

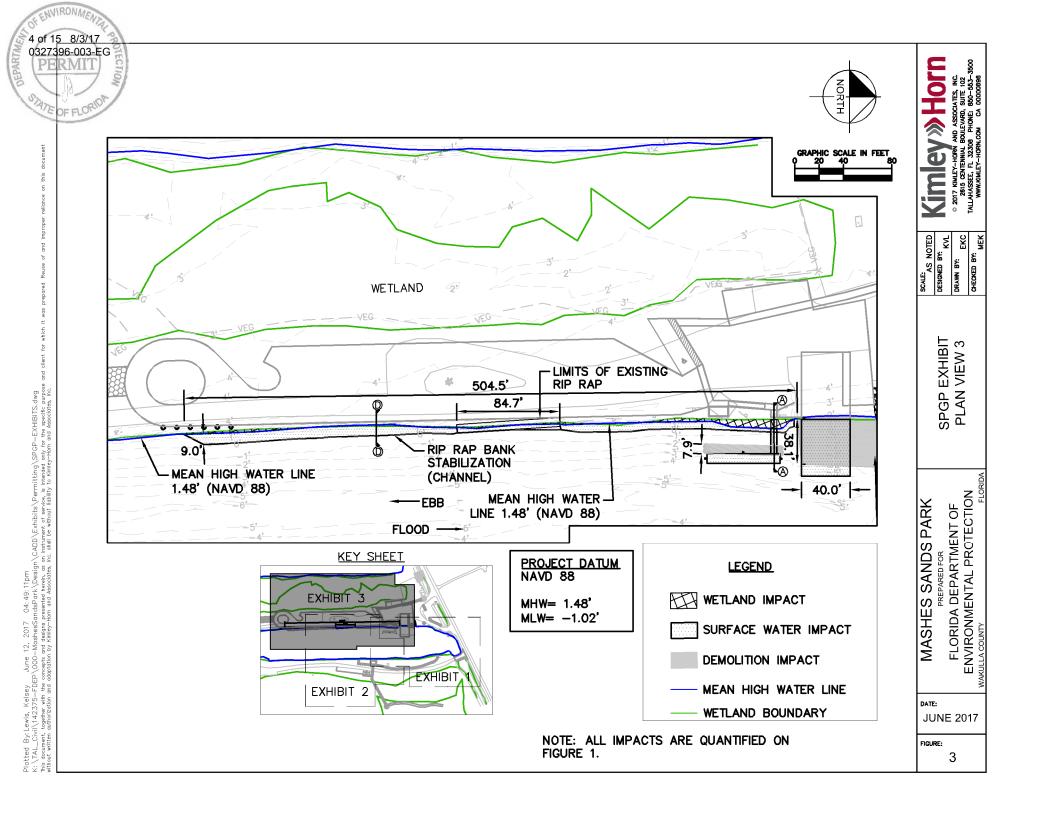
## **LOCATION MAP**

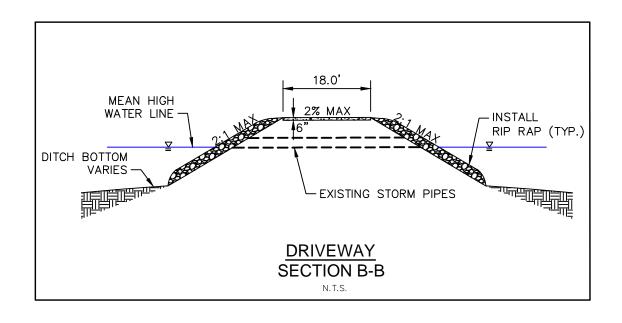
ERP EXHIBIT
MASHES SANDS PARK

SCALE: N.T.S. PROJECT NO: 142375000 DATE: MARCH 2017 FIGURE 1

DRAWN BY: EKC

**JUNE 2017** 





Kimley >> Horn © 2017 KIMEY-HORN AND ASSOCATES, INC. 2615 CENTENNAL BOLLEARD, SUITE 102 TALLAHASSEE, FI. 32308 PHONE: 860-553-3500

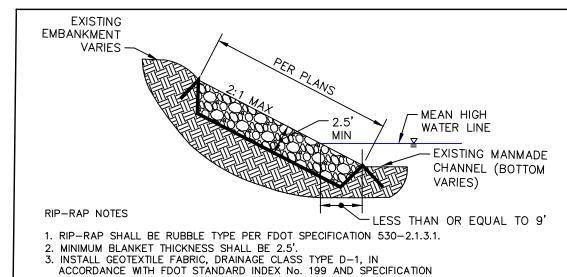
AS NOTED
DESIGNED BY:
FVL
DRAWN BY:
EKC

SPGP EXHIBIT

MASHES SANDS PARK
PREPARED FOR
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

DATE: APRIL 2017

FIGURE:



BANK STABILIZATION
SECTION D-D

N.T.S.

Imley Horn

2017 KMEY-HORN AND ASSOCIATES, INC.
2615 CENTENNAL BOLLEAMD, SUITE 102

LIAMASSEE, FI. 32308 PHONE: 890-553-3500

DESIGNED BY:

DRAWN BY:

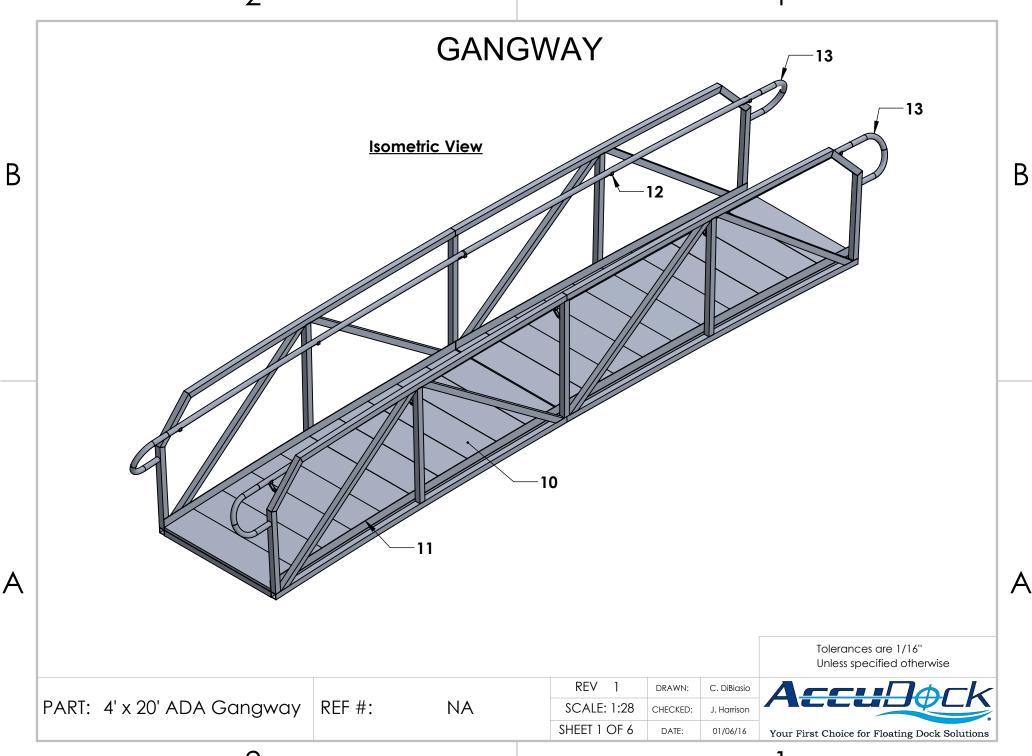
EKC

SPGP EXHIBIT

MASHES SANDS PARK
PREPARED FOR
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

APRIL 2017

FIGURE:



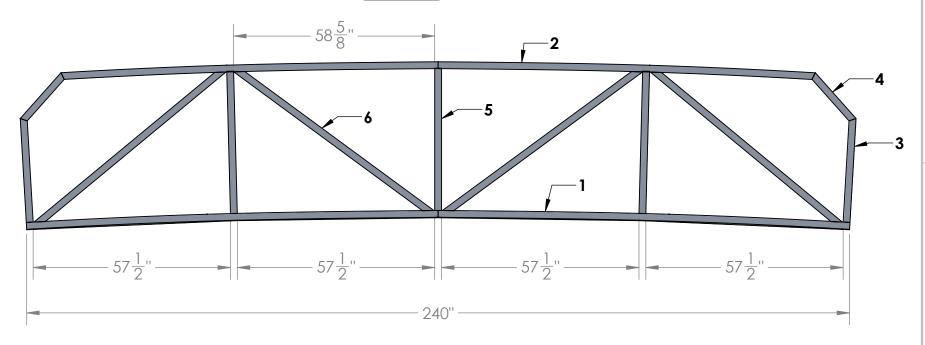
8 of 15 8/3/17 0327396-003-EG

### <u>Fabrication Notes:</u>

- Build the hinges first before spacing out the decking
- 2. Tack both side frames in the jig at the same time so they are identical
- 3. Vertical posts are 90 degrees with bottom truss
- 4. Vertical posts are 59-1/2" Center to Center

В

### **Side View** - Frame



A

PART:	4' x 20' ADA Gangway

REF #:

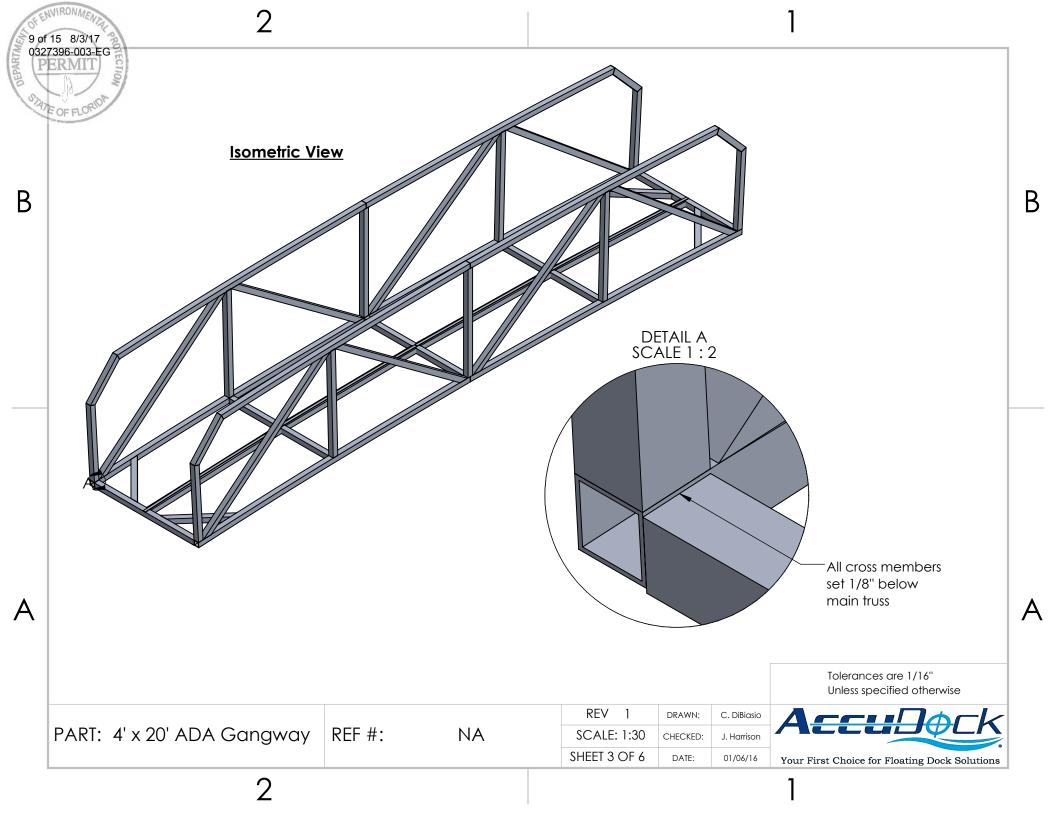
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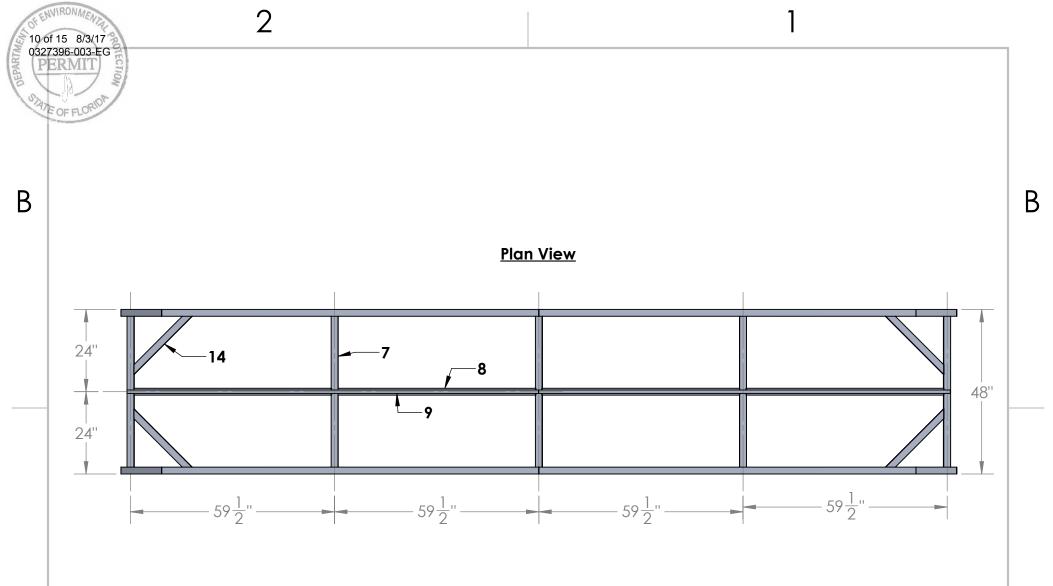
REV 1	DRAWN:	C. DiBiasio
SCALE: 1:28	CHECKED:	J. Harrison
SHEET 2 OF 6	DATE:	01/06/16

Tolerances are 1/16"
Unless specified otherwise

В







A

PART: 4' x 20' ADA Gangway REF #: NA

REV 1	DRAWN:	C. DiBiasio	
SCALE: 1:28	CHECKED:	J. Harrison	
SHEET 4 OF 6	DATE:	01/06/16	
			_



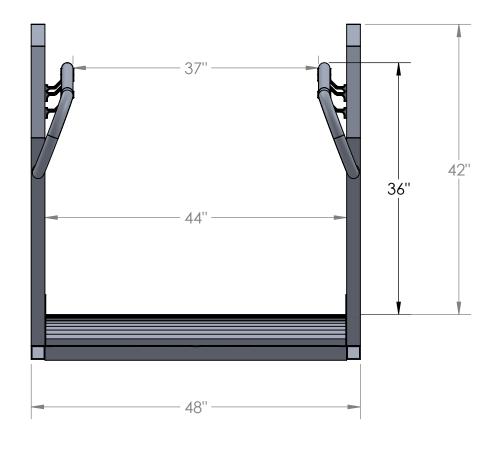
Tolerances are 1/16"

2

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## **Front View**

В



Α

PART: 4' x 20' ADA Gangway

REF #:

NA

REV 1	DRAWN:	C. DiBiasio
SCALE: 1:14	CHECKED:	J. Harrison
SHEET 5 OF 6	DATE:	01/06/16

Tolerances are 1/16"
Unless specified otherwise

В



120	of 15 8/3/17 %	2		1	
DEPARTM O35	7396-003-EG ERMIT				
STAT	Laber Description		Quantity	Project Quantity	Raw Material Lot #
***************************************	1	2" x 2" x 1/8" Ribbed Square Tube (Cut 240 - 7/16 ")	x 2		
	2	2" x 2" x 1/8" Ribbed Square Tube (Cut 216 - 11/16") with 22.5 degree cuts both sides	x 2		
В	3	2" x 2" x 1/8" Ribbed Square Tube (Cut 30 - 3/8") with 22.5 degree cut one side	x 4		
	4 2" x 2" x 1/8" Ribbed Square Tube (Cut 17 - 7/8") with 22.5 degree cuts both sides				
	5	2" x 2" x 1/8" Ribbed Square Tube (Cut 41")	x 6		
	6	2" x 2" x 1/8" Ribbed Square Tube (Cut 71") with 52 degree cuts both sides	x 8		
	7	2" x 2" x 1/8" Ribbed Square Tube (Cut 44")			
	8	2" x 2" x 1/8" Ribbed Square Tube (Cut 57 - 3/4")			
	9	1" x 1/8" Flat Bar (Cut 240 - 7/16")	x 1		
	10	12" Aluminum Decking (Cut 43 - 3/4")	x 20		
	11	4" x 2" x 1/8" Architectural Angle (Cut 240 - 7/16 ")	x 2		
	12	Railing Holder	x 10		
	13	1 - 1/4" SCH 40 Aluminum Pipe (Cut 302 - 11/16")	x 2		
	14	2" x 2" x 1/8" Ribbed Square Tube (Cut 24") with 45 degree cuts both sides			

PART: 4' x 20' ADA Gangway

REF #:

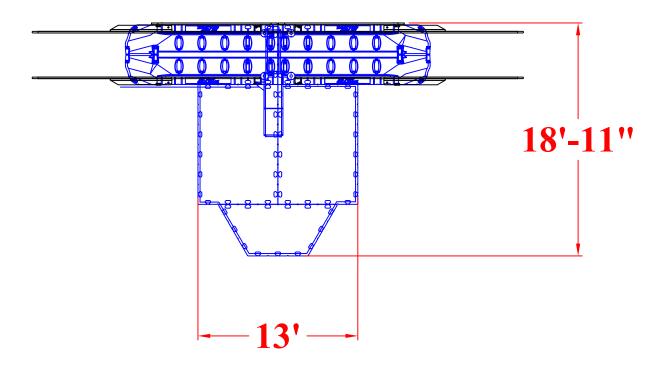
NA

REV 1	DRAWN:	C. DiBiasio
SCALE:	CHECKED:	J. Harrison
SHEET 6 OF 6	DATE:	01/06/16





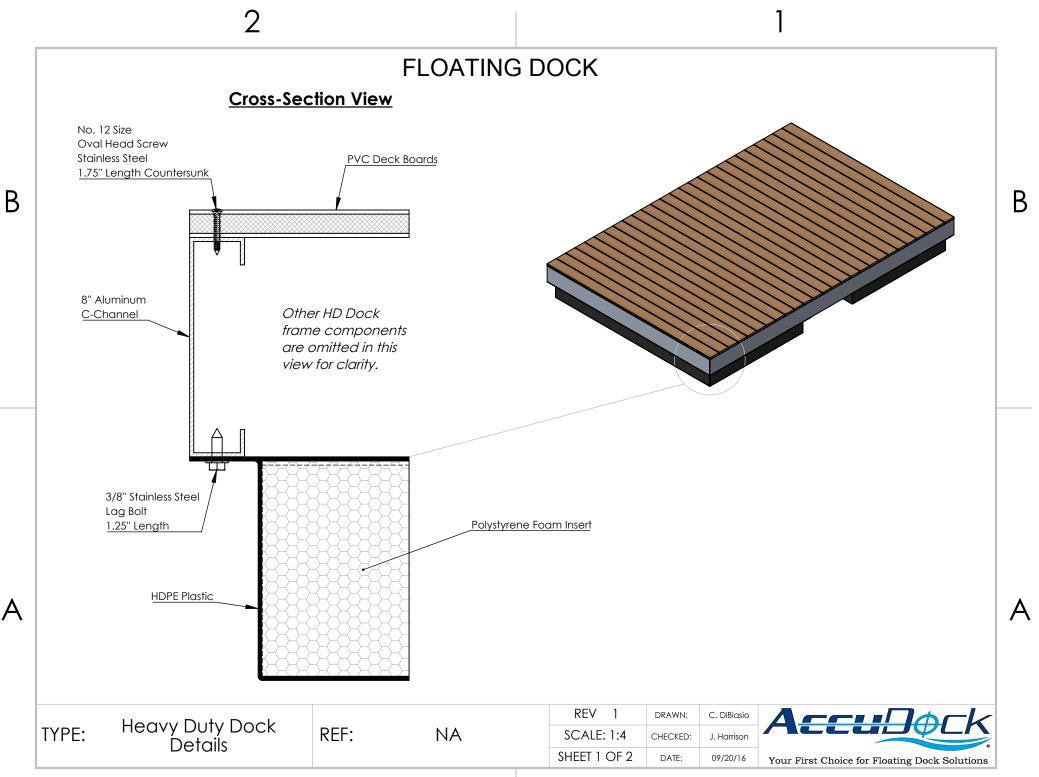
## FLOATING CANOE/KAYAK LAUNCH



Note: This drawing does not reflect anchoring. Once sufficient information concerning water and bottom conditions is received, anchoring may be added. NOTICE! Read EZ Dock Limited Warranty carefully. Among other things, EZ Dock does not warrant damages, failures or defects caused by unauthorized modification of EZ Dock Product, and/or unauthorized attachment to/of EZ Dock Product.

	500953		EZ Dock, Inc	
	PREPARED FOR		878 Highway 60 Monett, MO 65708	
•	DRAWING NUMBER		TOLL FREE NO. 1-800-654-8168 PHONE NO. (417) 235-2223	(C)
	DRAWN BY JMW	DATE 10/14/16	FAX NO. (417) 235-2223	

Qty Description Part No. Qty Description Part No.



2

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