



# Florida Department of Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, Florida 32502-5794

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

## **Permittee/Authorized Entity:**

Jolene Williams  
National Parks Service  
3500 Park Rd.  
Ocean Springs, MS 39564 9709  
[Jolene\\_williams@nps.gov](mailto:Jolene_williams@nps.gov)

**NPS Gulf Island National Seashore – 57-0339369-001-EI**

## **Authorized Agent:**

Amy Mathis  
National Parks Service  
341 Greeno Rd. N, Suite A  
Fairhope, AL, 36532 2979  
[Amy\\_mathis@nps.gov](mailto:Amy_mathis@nps.gov)

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

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

Santa Rosa County  
Permit No.: 57-0339369-001-EI

**Permit Issuance Date: October 25, 2016  
Permit Construction Phase Expiration Date: October 24, 2021**

# Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee: Jolene Williams, National Parks Service  
Permit No: 57-0339369-001-EI

## PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 1801 Gulf Breeze Pkwy, Gulf Breeze, Florida 32563-5008, in Section 2, Township 3-South, Range 29 West in Santa Rosa County, at lat 30.363496 /long -87.128871.

## PROJECT DESCRIPTION

The permittee is authorized to conduct restoration of an injured seagrass bed, approximately 8-meters by 35- meters in size. The 2.987-acre seagrass donor area is limited and defined by the following latitudinal and longitudinal coordinates:

	Latitude	Longitude
Northwest Corner	30.363437	-87.130017
Northeast Corner	30.363755	-87.128360
Southeast Corner	30.363051	-87.128328
Southwest Corner	30.362781	-87.129804

Activities include harvesting and transplanting 72 6-inch seagrass donor cores and the installation of 72 bird stakes, within Santa Rosa Sound, Outstanding Florida Waters, a Class II Florida Waterbody, Prohibited Shellfish Harvesting Area. Authorized activities are depicted on the attached exhibits.

## AUTHORIZATIONS

### NPS Gulf Island National Seashore – 57-0339369-001-EI

#### Environmental Resource Permit

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

#### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

#### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the U.S. Army Corps of Engineers (Corps). A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

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

#### Coastal Zone Management

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

#### Water Quality Certification

This permit also constitutes a:

water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341

#### Other Authorizations

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

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

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

The activities described must be conducted in accordance with:

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

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

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

1. All parties involved in conducting this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain onsite at all times during the activities.
2. If the approved permit exhibits conflict with the specific conditions, then the specific conditions shall prevail.
3. This permit does not authorize the construction of any additional structures not described in the permit exhibits.

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

4. If during the progress of this project 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, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.
5. No equipment shall be stored, anchored, or laid on or over seagrass.
6. Adjacent seagrass areas shall be protected from erosion, sedimentation, siltation, scouring, or other injury during the permitted activities.

### Bird Stakes and Signage

7. Prior to the placement of bird stakes, the permittee shall install seagrass informational signs or restricted mode of access signs as approved by the Florida Fish and Wildlife Conservation Commission (FWC), around the bird stake sites. **Please note:** permits will need to be obtained for the signage and the locations of the proposed bird stakes in accordance with state uniform marking requirements from the Boating Safety and Waterway Management Section of the Florida Fish and Wildlife Conservation Commission (BSWM-FWC) at 850-410-0656, or by mail at 620 South Meridian Street, Tallahassee, Florida 32399-1600. The application may be obtained at: [http://myfwc.com/media/1288165/revised\\_waterway\\_marker\\_application.pdf](http://myfwc.com/media/1288165/revised_waterway_marker_application.pdf)

8. Bird stakes shall be monitored and removed when one of the following occurs:
- a. *H. wrightii* or other rapidly growing sea grass species has colonized the desired area; or
  - b. Attached filamentous algae has grown on or surrounding the bird stake, indicating possible localized eutrophication; or
  - c. As soon as recovery is documented as being well under way (increased percent cover and density of seagrasses in the restoration area).

9. If the loss rate of bird stakes is high due to vandalism, accidental removal, or other unknown causes, missing stakes shall only be replaced if monitoring data demonstrate a clear benefit.

### Seagrass Transplants

10. No more than 72, 6-inch cores shall be harvested from adjacent healthy seagrass beds for the initial restoration in Santa Rosa Sound. Cores shall be harvested using a 6" coring device using methods that will prevent damage to the donor bed in accordance with "Guidelines for the Conservation and Restoration of Seagrasses in the United States and Adjacent Waters" (Fonseca et al. 1998) and Specific Condition 11.

11. Donor cores and planting units shall be harvested a minimum of 1 meter apart, and no less than 1 meter from the edge of the receiving site.

12. The donor planting units and bird stakes shall be placed in two meter intervals.

### **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

13. Monitoring shall be conducted in accordance with Exhibit 2.

14. A copy of the monitoring report shall be sent to the Department at the end of each year, after monitoring has been completed for that year. A monitoring report shall be submitted to the Department no less than 3 consecutive years. Email submittals shall be sent to [Kenneth.Dickey@dep.state.fl.us](mailto:Kenneth.Dickey@dep.state.fl.us) with a subject line of "Compliance: permit number 57-0339369-001-EI", or by mail to:

Department of Environmental Protection  
Northwest District  
ATTN: Compliance Assurance (ERP)  
160 West Government Street, Suite 308  
Pensacola, Florida 32502

15. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.

16. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is **800-320-0519** (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.

17. The mailing address for submittal of forms for the “Construction Commencement Notice”, “As-Built Certification ...”, “Request for Conversion of Stormwater Management Permit Construction Phase to Operation and Maintenance Phase”, or other correspondence is FDEP, SLERP, 160 West Government Street, Pensacola, Florida, 32502.

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

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

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), “Construction Commencement Notice” (October 1, 2013), which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency,

as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
  - b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as-built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
  - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S.

Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

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

12. The permittee shall notify the Agency in writing:

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

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.



18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

### **SPECIAL CONSENT CONDITIONS**

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

### **GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

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

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend, and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits, and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty

(30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

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

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

### **NOTICE OF RIGHTS**

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 hearing process may result in a modification of the agency action or even denial of the application.

#### 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](mailto: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 14 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 14 days of publication of the notice or within 14 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 14 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) 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 this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to 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 Scott Casey at the letterhead address, at 850-595-0574, or at [scott.casey@dep.state.fl.us](mailto:scott.casey@dep.state.fl.us).

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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For Andrew Joslyn  
Permitting Program Administrator

TM:sc

**Attachments:**

Exhibit 1, Project Drawings and Design Specs., 5 pages

Exhibit 2, Monitoring Plan, 3 pages

**Copies furnished to:**

Ed Sarfert, U.S. Army Corps of Engineers, [Edward.P.Sarfert@usace.army.mil](mailto:Edward.P.Sarfert@usace.army.mil)

Santa Rosa County: [Planningnotifications@santarosa.fl.gov](mailto:Planningnotifications@santarosa.fl.gov); [maureenk@santarosa.fl.gov](mailto:maureenk@santarosa.fl.gov);

[leeannl@santarosa.fl.gov](mailto:leeannl@santarosa.fl.gov); [INFO@SRCPA.org](mailto:INFO@SRCPA.org); [BSouthers@SRCPA.org](mailto:BSouthers@SRCPA.org)

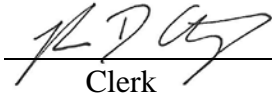
Division of Historical Resources, [compliancepermits@dos.myflorida.com](mailto:compliancepermits@dos.myflorida.com)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, was / were mailed before the close of business on October 25, 2016 to the above listed persons.

FILING AND ACKNOWLEDGMENT

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

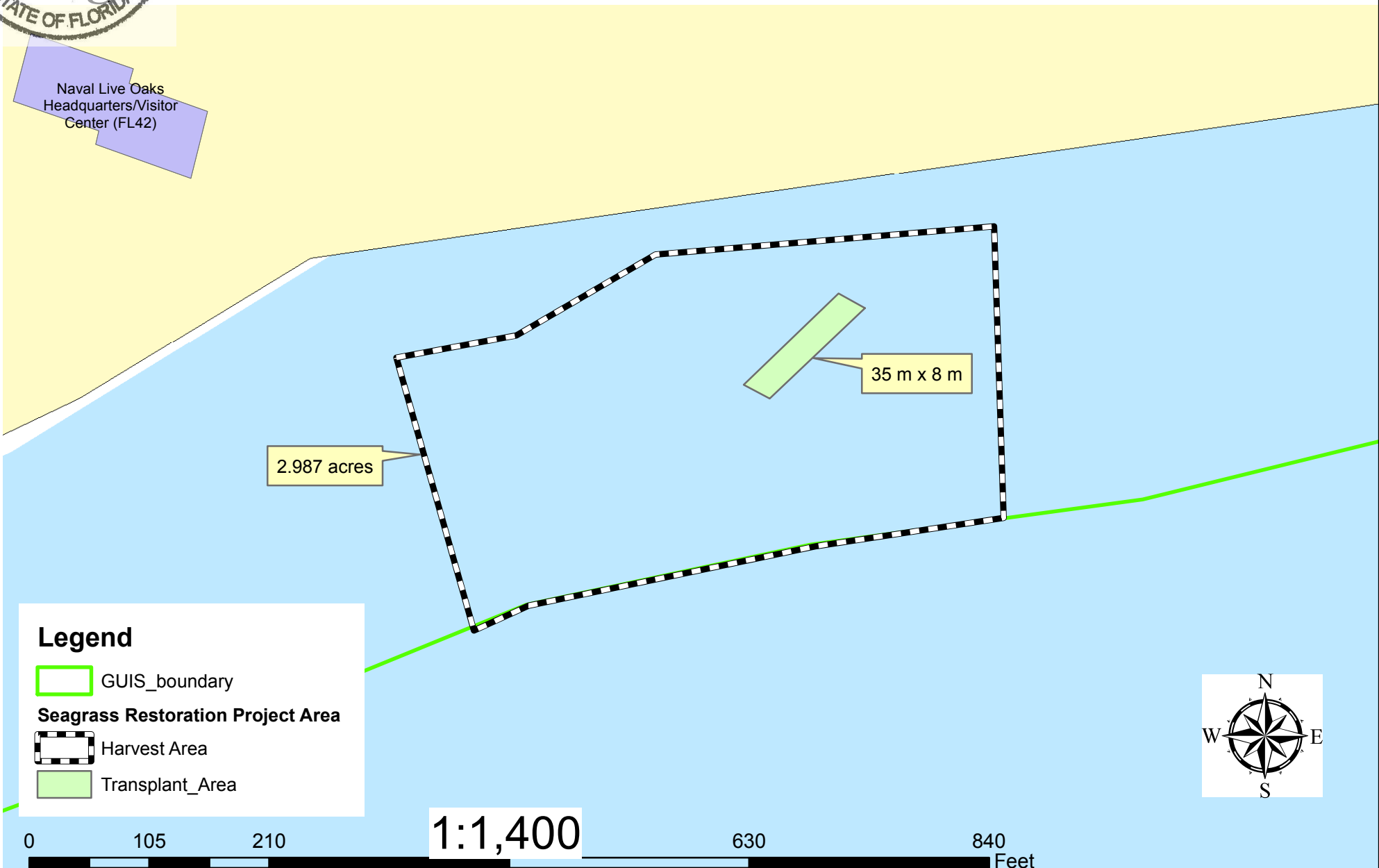
  
Clerk

October 25, 2016  
Date



# Seagrass Restoration - Naval Live Oaks

Naval Live Oaks  
Headquarters/Visitor  
Center (FL42)



### Legend

- GUIS\_boundary
- Seagrass Restoration Project Area**
- Harvest Area
- Transplant\_Area







Wayside East

30.363437° -87.130017°

Restoration Site 30.363496° -87.128871°

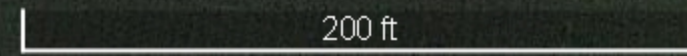
30.363755° -87.128360°

30.363051° -87.128328°

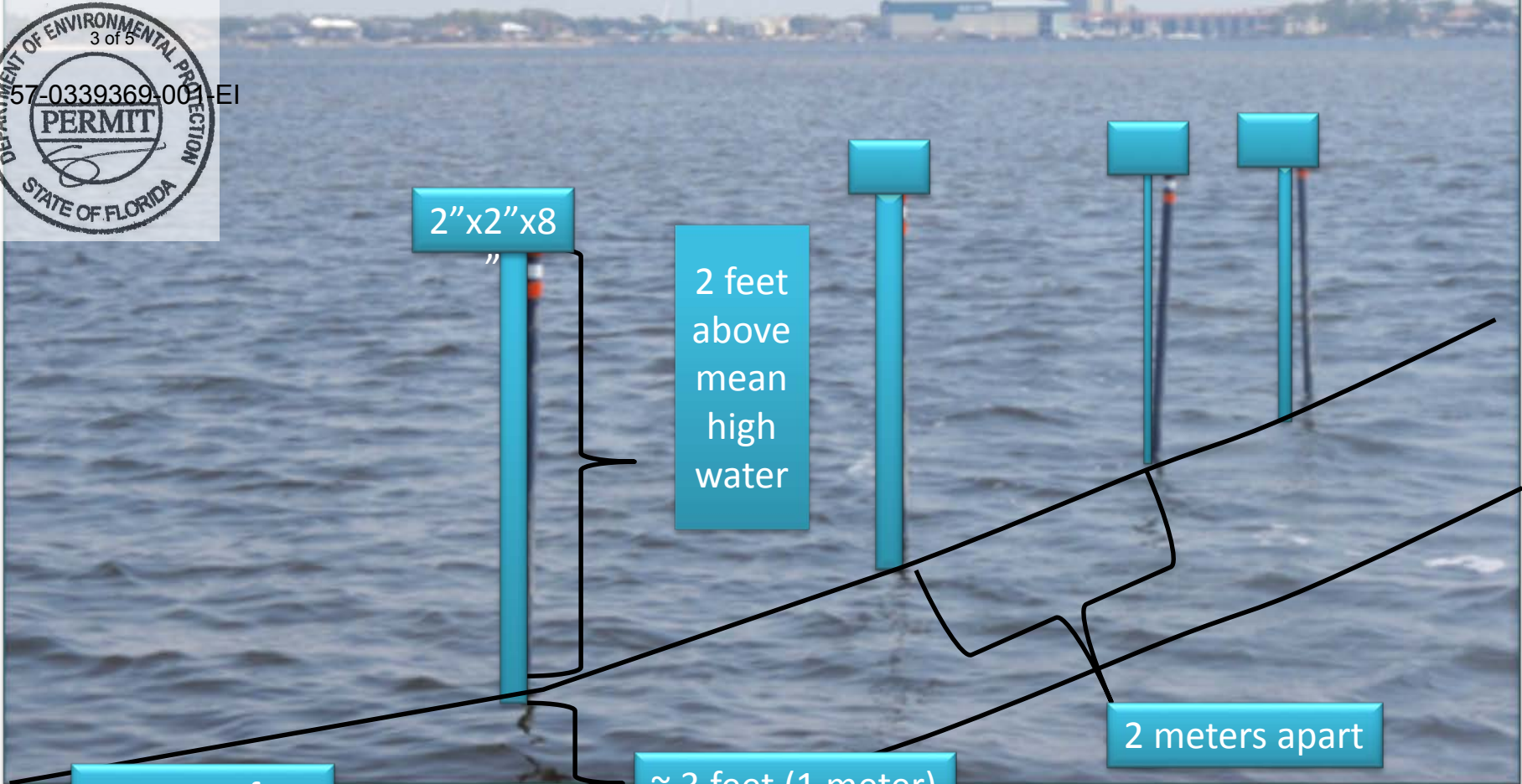
30.362781° -87.129804°

Google earth

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2"x2"x8"

2 feet above mean high water

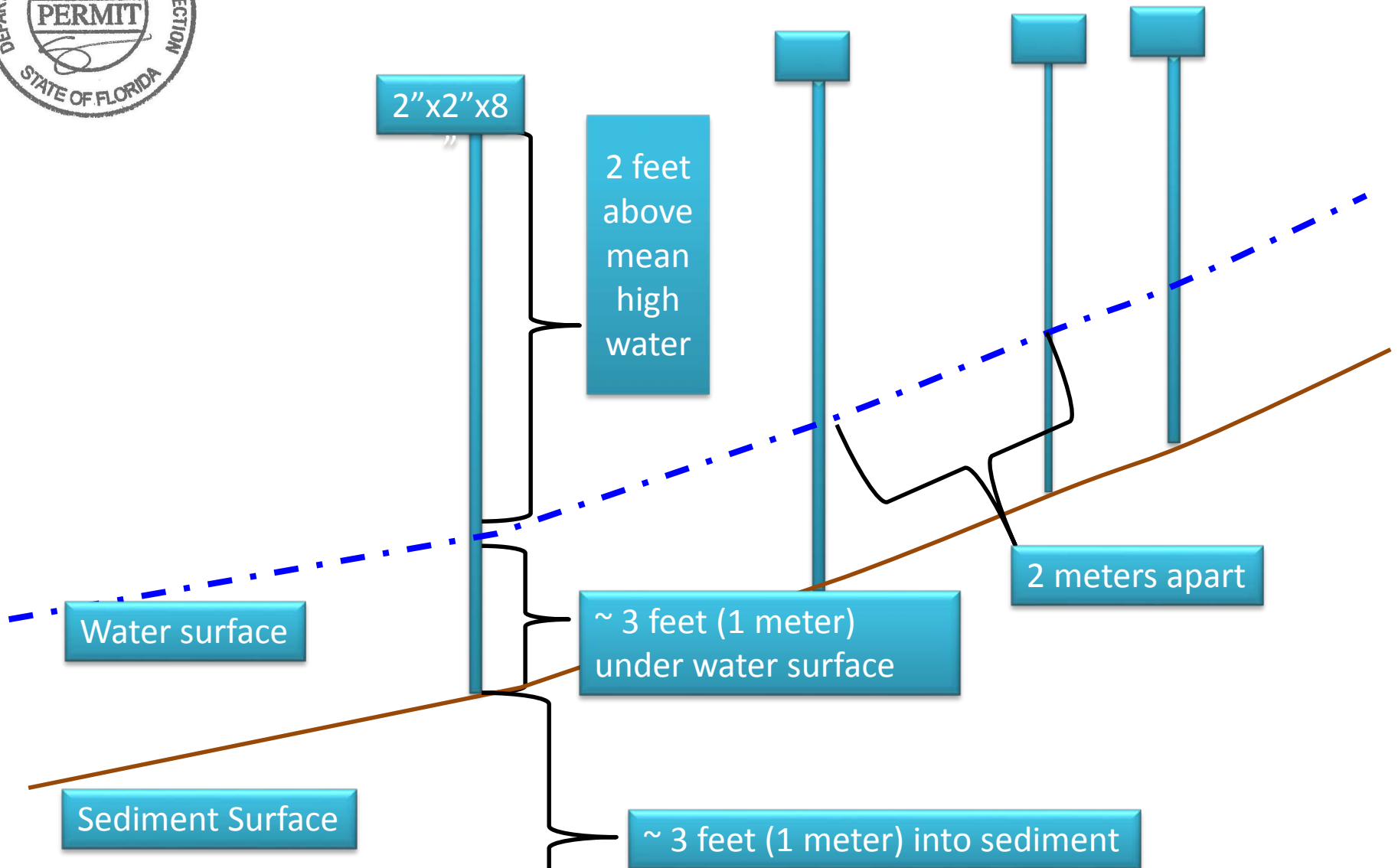
2 meters apart

Water surface

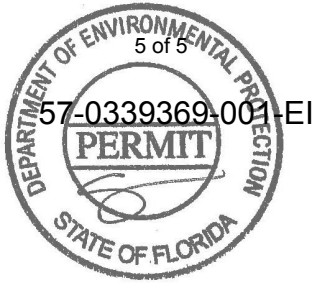
~ 3 feet (1 meter)

Sediment Surface

~ 3 feet (1 meter) into sediment



Bird stakes will be made by attaching 2 x 2 x 8 inch blocks of pressure treated wood to the top of one inch marine grade PVC (sch 80) pipes that will be marked with orange and white reflective tape. PVC stakes will be approximately 8 feet in length with 3 feet driven into the sediment to provide stability of the stake if larger birds (e.g. brown pelicans and osprey) utilize the perches. Total length of the PVC may be adjusted so that the height of the birdstake is approximately 2' above mean high water.



2 meters / 6.6 feet

Using the “Staple” method (as described in Fonseca et. al. 1998 on page 114) will include the use of a small trowel to collect planting units (which include 3-4 rhizomes and several shoots) while digging no more than 3 cm into the substrate. After shoots are collected, they will be affixed to landscape staples by twist ties. The staple will be pushed into the substrate, but no excavation will take place. The constant proximity of the rhizomes to the substrate (provided by being fixed by the staple) will allow the rhizome to take root in the substrate. Each planting unit of 3-4 rhizomes and up to 80 shoots per unit, will be spaced approximately 2 meters apart.



## Attachment E:

# Monitoring Plan: Seagrass Recovery Project at Gulf Islands National Seashore, Florida District

## Introduction

The proposed Seagrass Recovery project at Gulf Islands National Seashore's Florida District (hereafter, GUIs) will address damage to shallow seagrass beds on DOI-managed lands in the five Gulf States by restoring injury to turtle grass (*Thalassia testudinum*) in seagrass beds located on the south side of the GUIs's Naval Live Oaks Preserve in Santa Rosa Sound, in Santa Rosa County.

Although a general area for seagrass restoration has been selected, specific sites will not be determined until the completion of a site assessment. The site assessment will determine the severity and current conditions of injuries to seagrass beds. The assessment will then evaluate which injuries may recover independently and which ones need intervention to promote re-growth of seagrass. Sites to be restored will be selected based on a restoration priority determined from the site assessment and available funding. This monitoring plan would be applied to the sites restored based on these priorities.

## Project Overview

Restoration activities include transplanting seagrass and installing bird stakes and signage. Monitoring would be conducted to assess whether a site is recovering.

## Restoration Objectives and Performance Criteria

The overall goal of this restoration project is to restore seagrass habitat on DOI-managed lands in the five Gulf States by restoring injured turtle grass (*Thalassia testudinum*) habitats located in GUIs. The specific restoration objectives relevant for this monitoring plan are: (1) Stabilize substrates and (2) Promote re-growth of turtle grass.

Performance criteria will be used to determine restoration success or the need for corrective action (15 CFR 990.55(b)(1)(vii)). The specific performance criteria for this project are identified below.

- Performance Criteria #1: At Year 1, transplants have survived in restored areas;
- Performance Criteria #2: At Year 0 and 1, bird stakes and/or signs are installed as designed and maintained.

## Conceptual Model and Monitoring Questions

Table B- 1, below, outlines the conceptual model for this restoration type that forms the basis of the monitoring plan, including a summary of the project activities, the expected product or output of those activities, and the desired project outcomes.



**Table B- 1. Conceptual Model for Restoration**

Activity	Output	Short-term outcome	Long-term outcome
<ul style="list-style-type: none"> <li>• Install bird stakes</li> <li>• Install signage</li> <li>• Transplant seagrass</li> </ul>	<ul style="list-style-type: none"> <li>• 0.02 acres of seagrass beds restored</li> </ul>	<ul style="list-style-type: none"> <li>• Bird stakes are utilized as intended</li> <li>• Signs are installed</li> <li>• Promoted new seagrass growth</li> </ul>	<ul style="list-style-type: none"> <li>• Area of damaged seagrass beds is restored</li> <li>• Halted further degradation</li> </ul>

This monitoring plan is intended to address the following monitoring questions for each objective:

Objective #1: Stabilize, protect, and enhance seagrass beds through transplanting seagrass, installing bird stakes and signage.

- Was the project implemented as designed?
- Are seagrass planting units surviving?
- Are bird stakes and signage being maintained?

Objective #2: Promote re-growth of native seagrass beds

- Is the areal coverage of seagrass in damaged area increasing?

**Project Monitoring**

Once all site restoration has been completed and as-planted conditions are documented, the site will be monitored after one year. The overall goal for this project is to restore seagrass. Given this goal, restoration success for this project will be based on establishment of seagrass transplants in the restored area. Restoration success will be monitored and evaluated using two parameters: structural integrity of stakes and signs and areal coverage of seagrass. The methods are described below:

Objective #1: Stabilize, protect, and enhance seagrass beds through transplanting seagrass, installing bird stakes and signage.

- Was the project implemented as designed?
- Are seagrass planting units surviving?
- Are bird stakes and signage being maintained?

Parameter #1: **Structural Integrity**



- a.) Method: Visual observation of bird stakes and signs to ensure they are still in place and performing as designed.
- b.) Timing and Frequency: Bird stakes and signage will be inspected during the follow up monitoring event approximately one year after construction.
- c.) Sample Size: monitor all stakes and signs.
- d.) Performance Criteria: At Year 0 and 1, bird stakes and/or signs are installed as designed and maintained.
- e.) Corrective Action: Repair or replace signs and stakes.

#### Objective #2: Promote re-growth of native seagrasses

- Is the transplanted seagrass surviving?

#### Parameter #1: **Percent Cover:**

- a.) Method: At least ten percent of the restored area will be monitored through random placement of square 0.25m<sup>2</sup> quadrats. Benthic cover of seagrasses will be estimated in the quadrats using a modified Braun-Blanquet scale.
- b.) Timing and Frequency: Initially after the transplants are installed and again one year later.
- c.) Sample Size: At least ten percent of the restored area will be monitored through random placement of square quadrats. The quadrat size will be based on the dimensions of the injury and will be 0.04m<sup>2</sup> up to 0.25m<sup>2</sup> quadrats.
- d.) Performance Criteria: At Year 1, transplanted seagrass is surviving in restored areas.
- e.) Corrective Action: If transplanted seagrass has not survived based on the monitoring conducted, contractor should replant if project funding is available.

#### **Monitoring Schedule**

Once all site restoration has been completed, the site will be monitored immediately after planting and again one year later, providing the restored area time to begin recovery.

#### **Reporting and Data Requirements**

A report will be prepared after completion of site restoration and a final report will be completed after the data are collected one year after site restoration.