

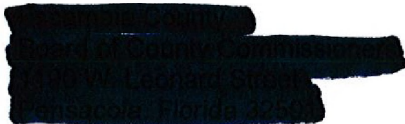


REPLY TO  
ATTENTION OF

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

Regulatory Division  
North Permits Branch  
SAJ-2010-01028 (IP-HMM)

November 8, 2010



Dear Sir or Madam:

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

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

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

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

Sincerely,

  
Donald W. Khan  
Chief, Regulatory Division

Enclosures  
Preferred Permit (w/ attachments)

Copy Furnished:  
Wetland Sciences, 1829 Bainbridge Avenue, Pensacola, FL 32570  
CESAJ-RD-PE

DWH-AR0223619

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: [REDACTED]	File Number: SAJ-2010-01028	Date: 8 November 2010
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
X	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/connections/cw/bccwo/reg> or Corps regulations at 33 CFR Part 331.

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

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

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

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

**Holly Millsap**  
Project Manager

If you only have questions regarding the appeal process you may also contact:

**Jason Steele**  
404-562-5137

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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# DEPARTMENT OF THE ARMY PERMIT

Permittee:



Permit No: SAJ-2010-01028 (IP-HMM)

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

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

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

**Project Description:** The applicant proposes to construct a 53' wide 3-lane boat ramp extending approximately 40' waterward of the mean high water line (MHWL). Excavation of approximately 18 cubic yards of sediments within wetlands and discharge of approximately 110 cubic yards of fill (14 cubic yards within wetlands) would be required for construction of the boat ramp, resulting in approximately 0.02 acres of wetland impact. Associated with construction of the boat ramp is the dredging of approximately 469 cubic yards of sediment to improve access and the construction of three accessory docks adjacent to the boat ramp. The northern dock is comprised of a 70' x 6' access pier, 8' x 10' platform, and 140' x 5' terminal pier. The middle dock is comprised of a 3' x 60' access pier. The southern dock is comprised of a 70' x 6' access pier, 8' x 10' platform, and 25' x 9' terminal platform. The work described above is to be completed in accordance with the ten (10) pages of drawings (Attachment 1) and the general and special conditions which are incorporated in, and made a part of this permit.

**Project Location:** The project is located in Bayou Chico at the 1200 block of Mahogany Mill Road, Pensacola, Section 59, Township 2 South, Range 30 West, Escambia County, Florida.

**Directions to site:** From downtown Pensacola, go west on West Garden Street/US-98, then veer southwest onto Barrancas Ave. Turn southeast on Weis Lane, then east on Barrancas Ave. Turn north on Mahogany Mill Road. Immediately after Mahogany Mill Road curves northwest, the project site is located at the vacant lot on the northeast side of the road.

**Latitude & Longitude:**

Latitude: 30° 23' 59.2" North  
Longitude: 87° 14' 49" West

PERMIT NUMBER: SAJ-2010-01028 (IP-HMM)  
PERMITTEE: Escambia County Board of County Commissioners  
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## PERMIT CONDITIONS

### General Conditions:

1. The time limit for completing the work authorized ends on **November 8, 2015**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner (in the space provided on page 7) and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is provided in Attachment 2.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### Special Conditions:

1. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Enforcement Section, 41 North Jefferson Street, Suite 301, Pensacola, Florida, 32502. The Permittee shall reference the permit number, SAJ-2010-01028 (IP-HMM), on all submittals.

2. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall complete the enclosed "Self-Certification Statement of Compliance" form (Attachment 3) and submit to the

PERMIT NUMBER: SAJ-2010-01028 (IP-HMM)

PERMITTEE: Escambia County Board of County Commissioners

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Corps. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form does not constitute Corps' approval of any such deviations.

4. Prior to the initiation of any of the work authorized by this permit the Permittee shall install floating turbidity barriers with weighted skirts that extend to within one foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized.

5. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

6. 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.

7. The Permittee shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006 and provided in Attachment 4 of this permit. The Permittee shall also apply these conditions to the threatened Gulf sturgeon (*Acipenser oxyrinchus desotoi*).

8. The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2009" provided in Attachment 5 of this permit

9. 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 Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; <http://www.cr.nps.gov/nr/research/nris.htm> . Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at [fmsfile@dos.state.fl.us](mailto:fmsfile@dos.state.fl.us) or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO

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immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

10. No building or fill materials, tools or other equipment shall be stockpiled in waters of the United States.

11. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during construction.

12. The area to be dredged shall not exceed the dimensions and depths indicated on Sheets 4-5 and 8 of 10 of the permit drawings.

13. The dredged material shall be removed by mechanical methods within the near shore areas (approximately 2,000 square feet) and by hydraulic methods within the remaining areas (approximately 12,290 square feet). The dredged material will be placed in /pumped to a self-contained upland dredge material disposal cell located on the adjacent uplands with no return water to waters of the United States, as indicated on Sheets 4-5, 7-8 and 10 of 10 of the permit drawings. The self-contained upland dredged material disposal cell will be stabilized utilizing appropriate BMPs to contain and prevent the re-introduction of dredged material and associated effluent into waters of the United States.

**Further Information:**

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

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

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

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

2. Limits of this authorization.

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

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

PERMIT NUMBER: SAJ-2010-01028 (IP-HMM)  
PERMITTEE: Escambia County Board of County Commissioners  
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- c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.



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

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

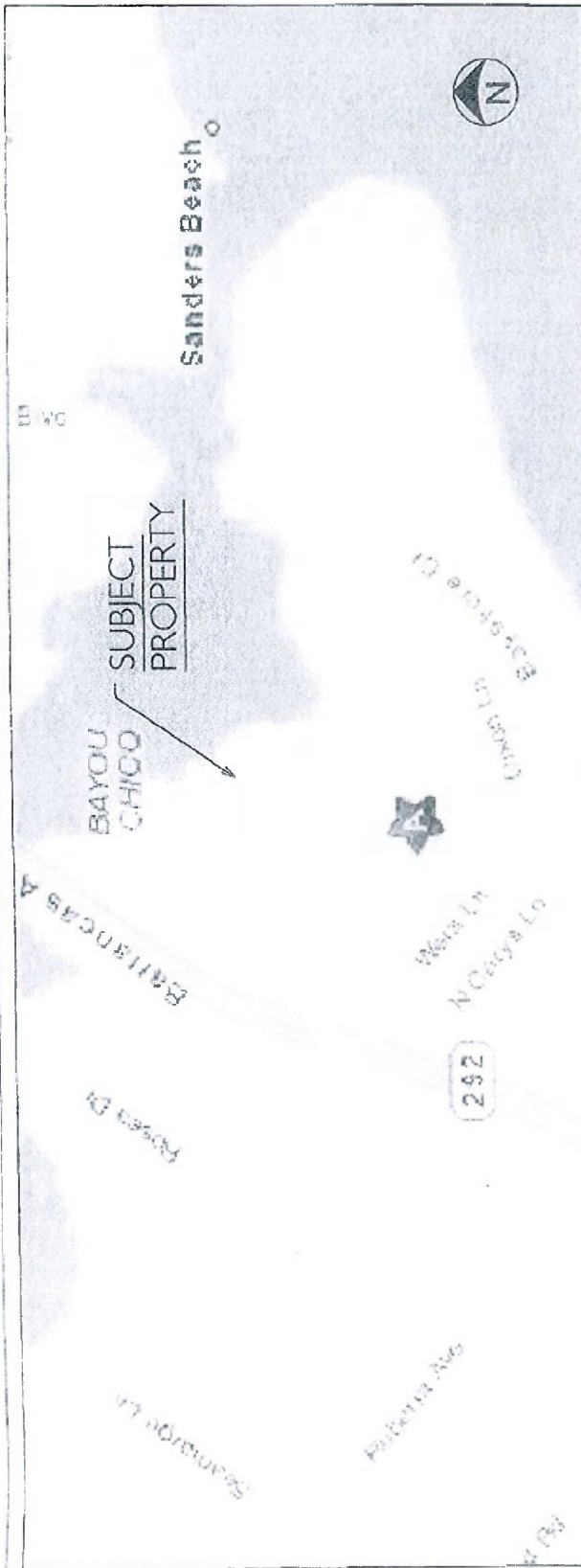
K. Smith                      11-3-10  
(PERMITTEE)                      (DATE)

[REDACTED]  
(PERMITTEE NAME-PRINTED)

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

Alfred A. Pantano, Jr.                      11/8/2010  
(DISTRICT ENGINEER)                      (DATE)

*fy*  
Alfred A. Pantano, Jr.  
Colonel, U.S. Army  
District Commander



DIRECTIONS TO THE SITE FROM DOWNTOWN PENSACOLA: START OUT GOING WEST ON W GOVERNMENT STREET TOWARD S SPRING ST. TURN RIGHT ONTO S SPRING ST. TURN LEFT ON W GARDEN ST/US 90 BR W. TURN SLIGHT LEFT ONTO BARRANCA AVE. TURN LEFT ONTO WES LANE. TURN LEFT ONTO BARRANCA AVE. TURN LEFT ONTO PALMOCANY MILL ROAD. PROJECT SITE IS ON THE LEFT HAND SIDE OF THE ROAD JUST NORTH OF PALM HARBOR. PLEASE CALL 850-453-4700 WITH ANY QUESTIONS.

APPLICANT NAME AND ADDRESS

ESCAMBIA COUNTY  
 MARINE RECREATION & COMMUNITY SERVICES BUREAU  
 MARINE RESOURCES DIVISION  
 1190 W HENRI ST  
 PENSACOLA, FLORIDA 32501

PROJECT LOCATION

PALMOCANY MILL PUBLIC BOAT RAMP  
 ESC. CO. PARCEL ID: 659-25-95-2007-000-000  
 1280 PALMOCANY MILL ROAD  
 PENSACOLA, FLORIDA

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	SITE LOCATION MAP AND INDEX OF SHEETS
2	EXISTING SITE CONDITIONS
3	EXISTING SITE CONDITIONS 2007 COLOR AERIAL PHOTOGRAPH
4	OVERALL PLAN VIEW OF PROPOSED ACTIVITY
5	CLOSE UP PLAN VIEW OF RAMP AND ASSOCIATED DOCK STRUCTURES
6	PROPOSED DIMENSIONING PLAN RAMP & ASSOCIATED DOCKS
7	CLOSE UP PLAN VIEW OF DREDGE SPILL DISPOSAL CELL
8	CROSS SECTION A-A
9	CROSS SECTION B-B
10	CROSS SECTION C-C

LOCATION MAP AND INDEX OF SHEETS



PROJECT #2005-334  
 DRAWN BY: KDJ

DATE: JUNE 20, 2010  
 SCALE: NTS

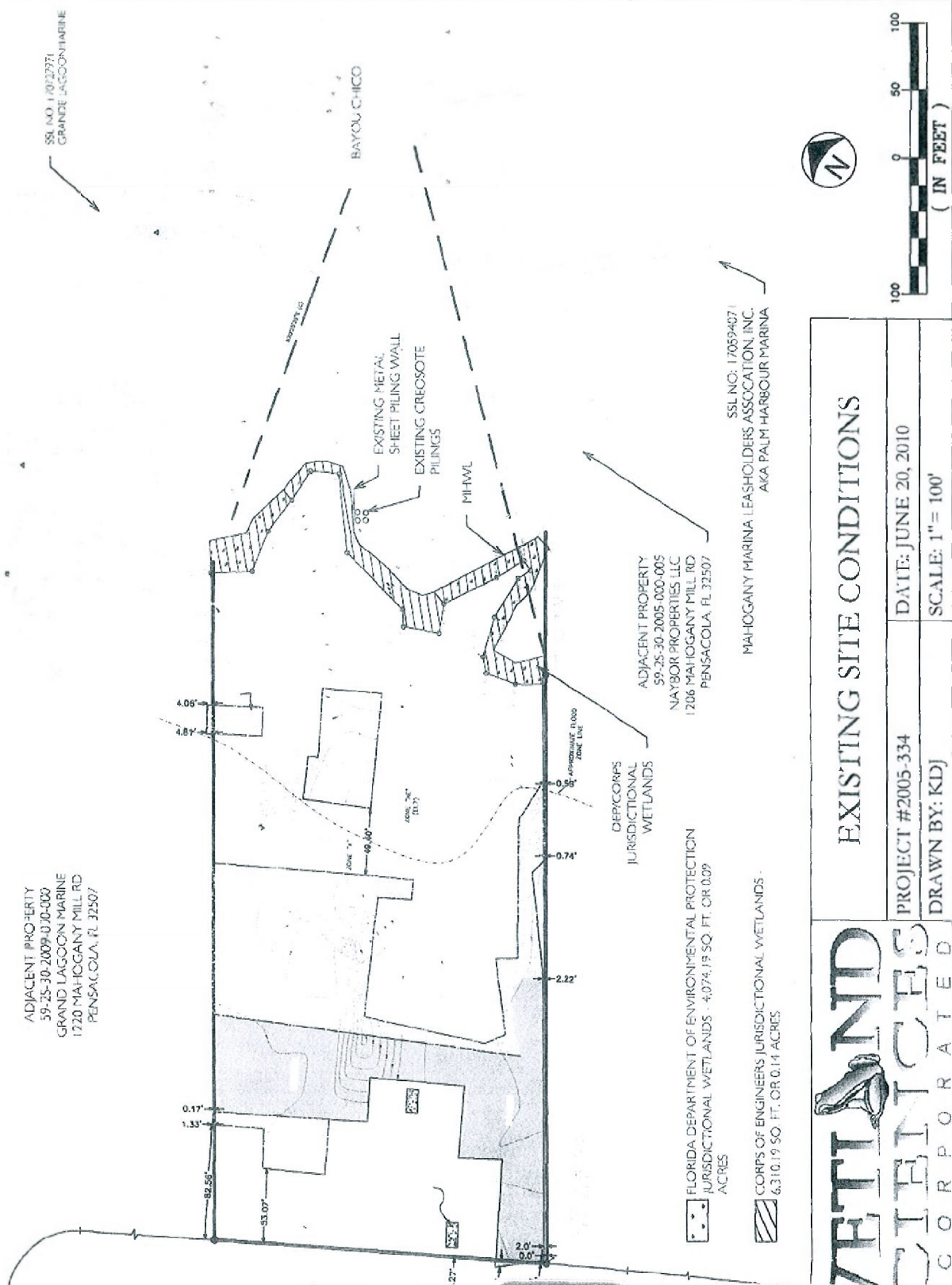
APPLICANT: ESCAMBIA COUNTY  
 PAGE 1 OF 0



Applicant: Escambia Co BOCC  
 File: SAJ-2010-01028 (IP-HMM)  
 Date: 8 November 2010  
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SSL NO. 17052771  
 GRANDE LAGOON MARINE

BAYOU CHICO



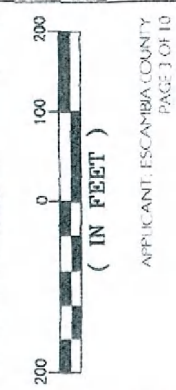
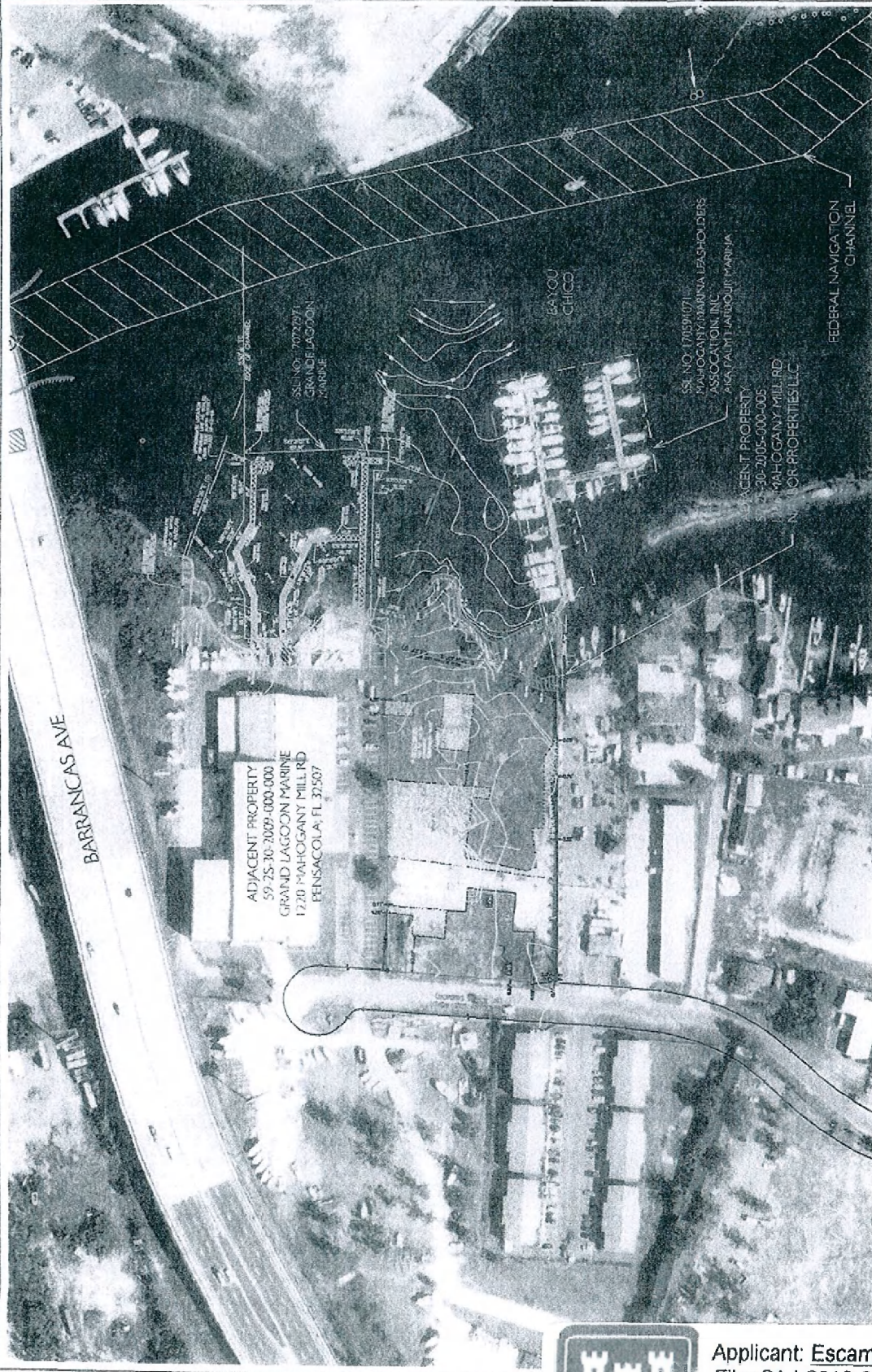
<b>EXISTING SITE CONDITIONS</b>	
PROJECT #2005-334	DATE: JUNE 20, 2010
DRAWN BY: KDJ	SCALE: 1" = 100'

**WETLAND**  
**TECHNICALS**  
**CORPORATED**



Applicant: **Escambia Co BOCC**  
 File: **SAJ-2010-01028 (IP-HMM)**  
 Date: **8 November 2010**  
 Page: **2** of **10**

THESE DRAWINGS ARE FOR PERMIT REVIEW ONLY AND NOT BE USED FOR CONSTRUCTION

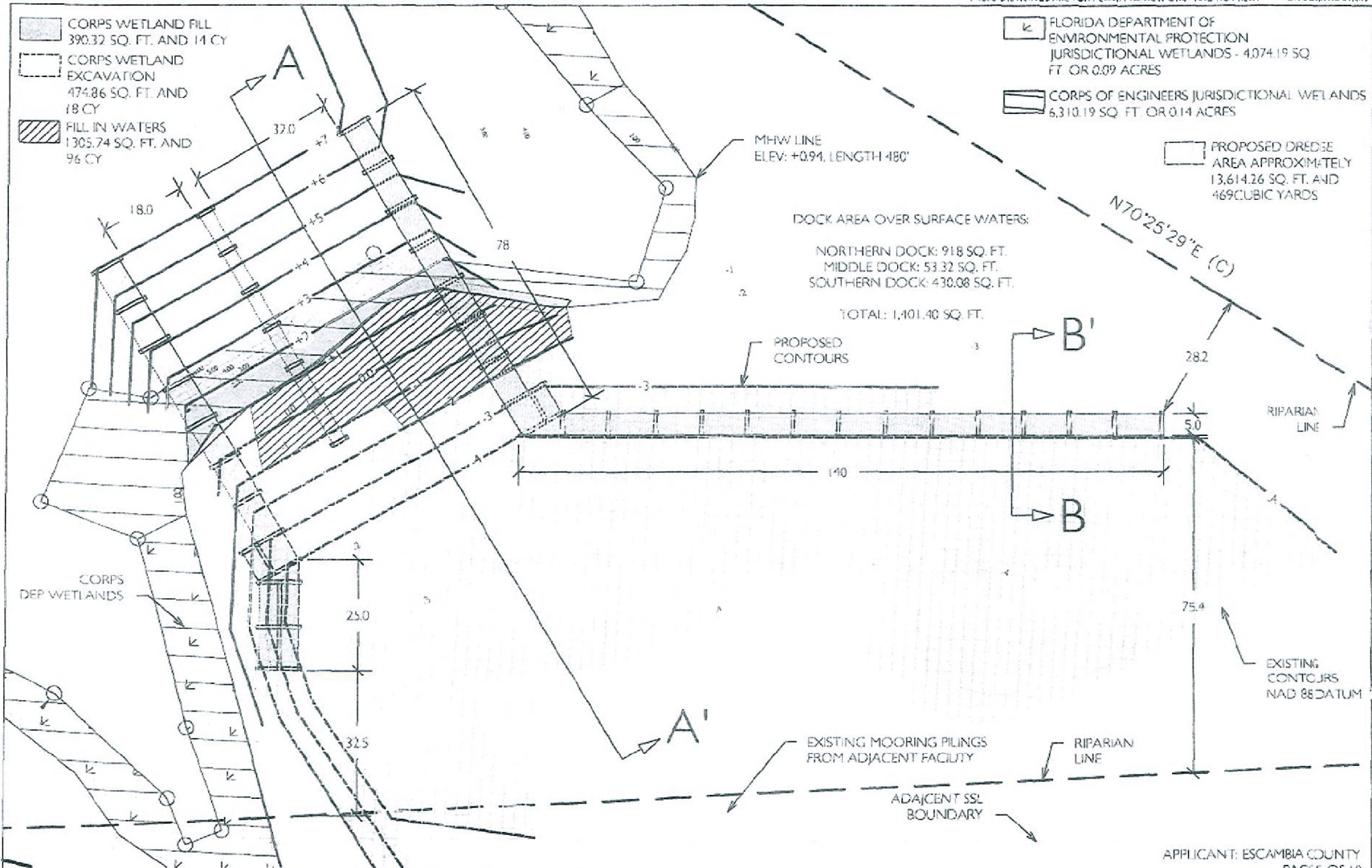


<b>EXISTING SITE CONDITIONS</b>	
<b>2007 COLOR AERIAL PHOTOGRAPH</b>	
PROJECT #2005 334	DATE: JUNE 20, 2010
DRAWN BY: KDJ	SCALE: 1" = 200'

**VETT AND**  
**SCIENTIFICES**  
 CORPORATION

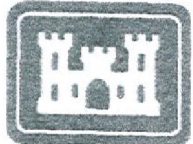


Applicant: Escambia Co BOCC  
 File: SAJ-2010-01028 (IP-HMM)  
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# WETLAND

## CLOSE UP PLAN VIEW OF RAMP AND ASSOCIATED DOCK STRUCTURES



Applicant: Escambia Co BOCC  
 File: SAJ-2010-01028 (IP-HMM)  
 Date: 8 November 2010  
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JECT #2005-334	DATE: JUNE 20, 2010
WN BY: KDJ	SCALE: 1" = 30'

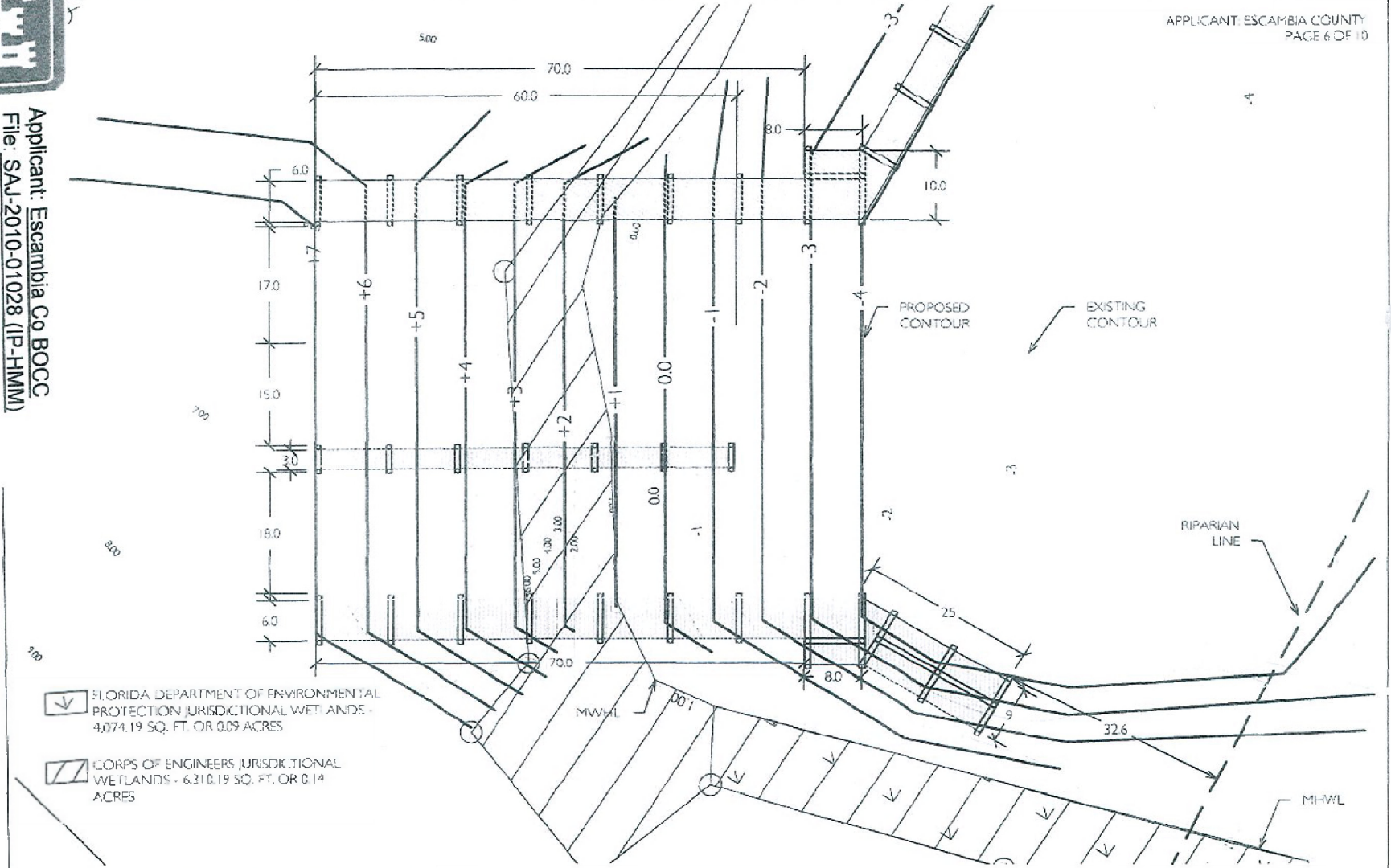
APPLICANT: ESCAMBIA COUNTY  
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( IN FEET )

DWH-AR0223631



Applicant: Escambia Co BOCC  
 File: SAJ-2010-01028 (IP-HMM)  
 Date: 8 November 2010  
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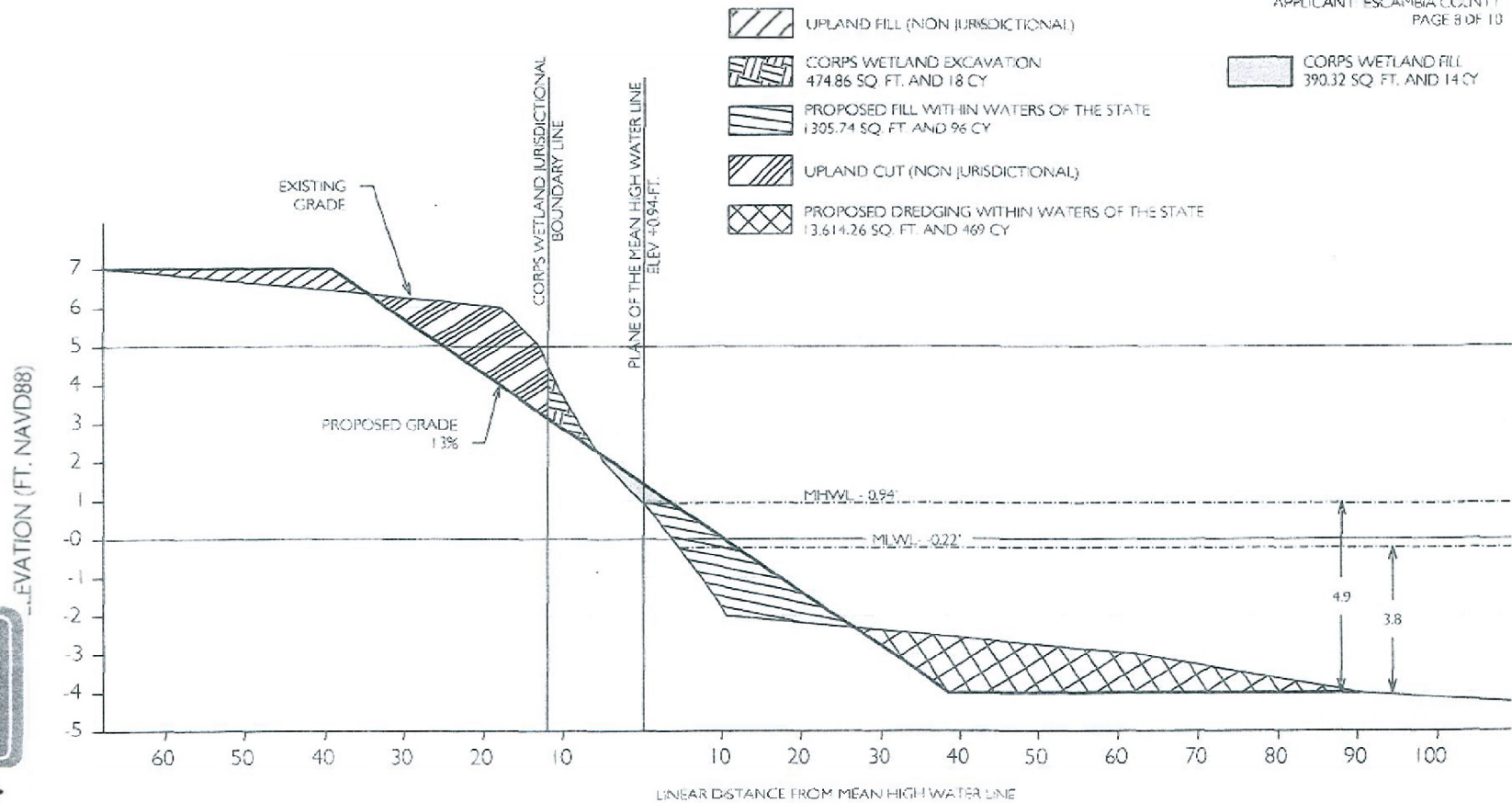


PROPOSED DIMENSIONING PLAN  
 RAMP & ASSOCIATED DOCKS

PROJECT #2005-334	DATE: JUNE 20, 2010
DRAWN BY: KDJ	SCALE: 1" = 20'



APPLICANT: ESCAMBIA COUNTY  
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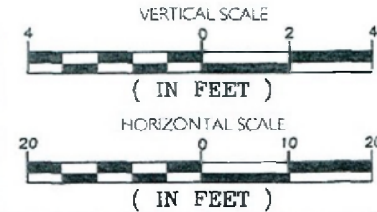
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File: SAJ-2010-01028 (P-HMM)  
Date: 8 November 2010  
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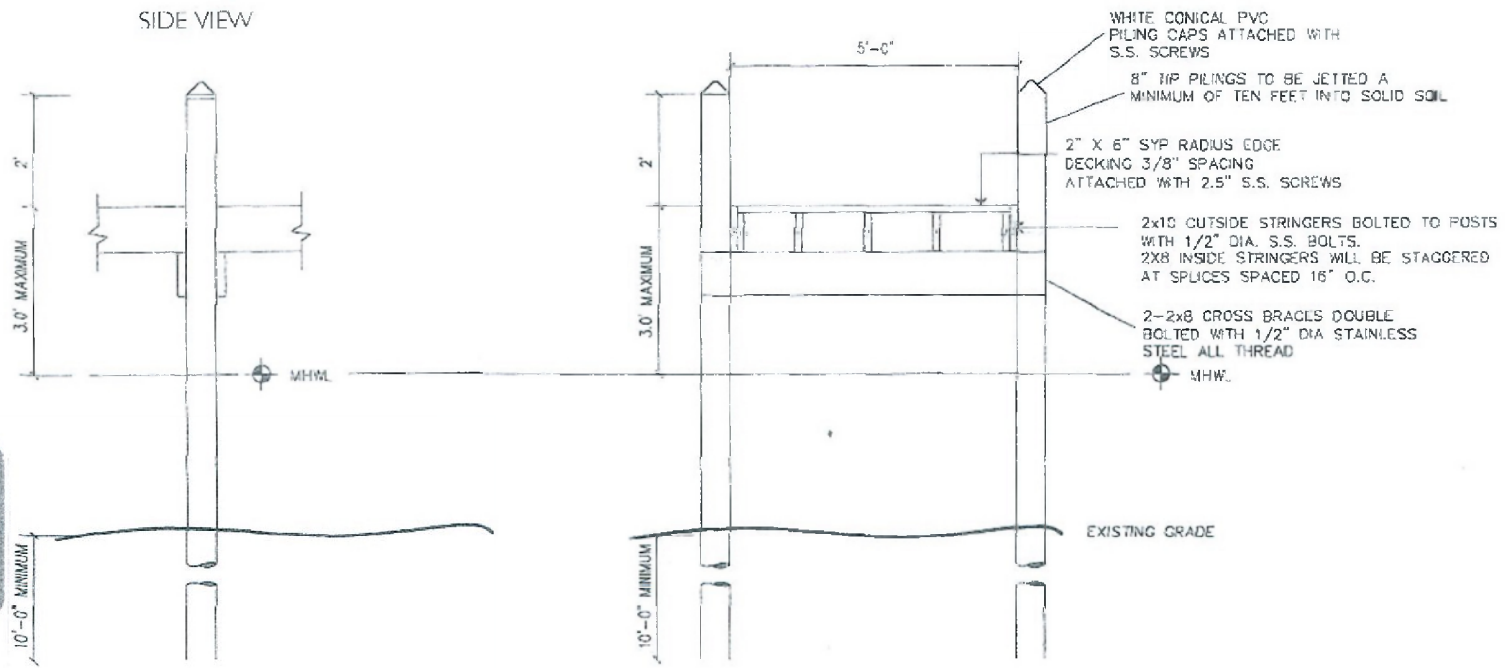


CROSS-SECTION A-A'

PROJECT #2005-334  
DRAWN BY: KDJ

DATE: JUNE 20, 2010  
SCALE: VARIES





Applicant: Escambia Co BOCC  
 File: SAJ-2010-01028 (IP-HMM)  
 Date: 8 November 2010  
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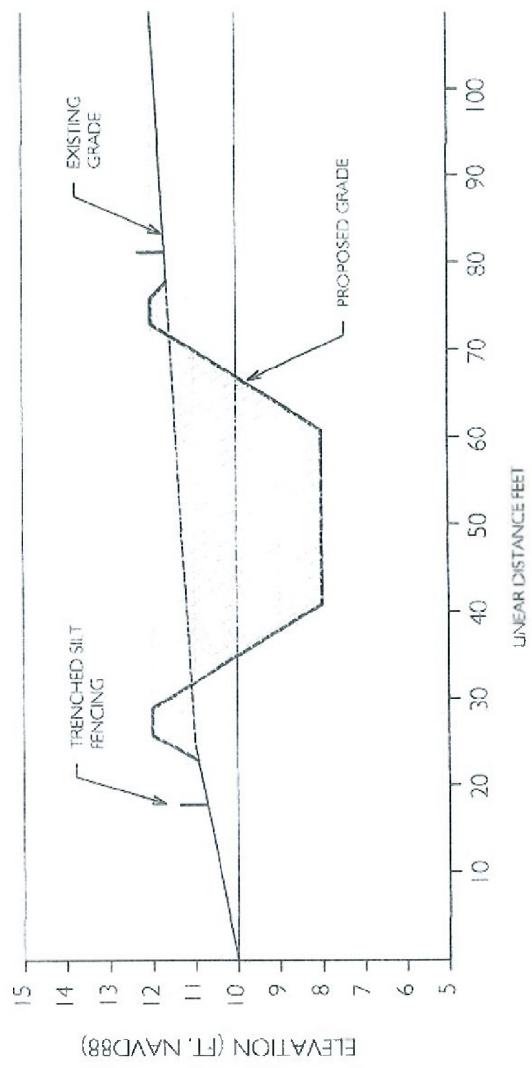


CROSS-SECTION B-B'

PROJECT #2005-334	DATE: MARCH 25, 2010
DRAWN BY: KDJ	SCALE: 1" = 3'

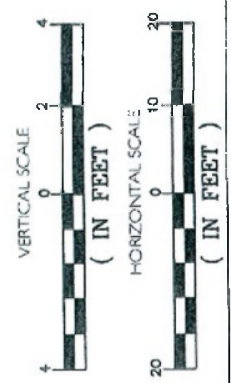






NON-JURISDICTIONAL UPLAND FILL  
 1,148 SQ. FT. OR 0.03 ACRES AND 945.1 CY

NON-JURISDICTIONAL EXCAVATION  
 5,691 SQ. FT. OR 0.13 ACRES AND 380 CY



	<b>CROSS-SECTION C-C'</b>	
	PROJECT #2005-334	DATE: JUNE 20, 2010
	DRAWN BY: KDJ	SCALE: VARIES



Applicant: Escambia Co BOCC  
 File: SAJ-2010-01028 (IP-HMM)  
 Date: 8 November 2010  
 Page: 10 of 10

## REGULATORY GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, that are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:



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- a. Have access to and copy any records that must be kept under conditions of the permit;
- b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. A description of and cause of noncompliance; and
- b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

11. This permit is transferable only upon Department approval in accordance with rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.


12. This permit or a copy thereof shall be kept at the work site of the permitted activity.


13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

14. The permittee shall comply with the following:

- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- c. Records of monitoring information shall include:
  1. the date, exact place, and time of sampling or measurements;
  2. the person responsible for performing the sampling or measurements;
  3. the dates analyses were performed;
  4. the person responsible for performing the analyses;
  5. the analytical techniques or methods used; and
  6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

  
\_\_\_\_\_  
Permittee (date)

 7/12/10  
\_\_\_\_\_  
Environmental Specialist (date)  
Submerged Lands and Environmental  
Resources Program

#### **SPECIFIC CONDITIONS:**

1. This permit shall be readily available at the project site to any duly authorized representative of the Department, the U.S. Army Corps of Engineers, or any empowered law enforcement officer. A copy of this permit and associated drawings shall be clearly posted and remain on site at all times during the activities. In addition to having the permit on site, the permittee is required to have a weather resistant sign, no smaller than 8 ½ inches by 11 inches, which states DEP Permit No. 17-0300357-001-DF. This sign must be posted in such a location that it can be clearly seen from the road. This sign shall be posted on site for the duration of the construction authorized by this permit.

2. At least 48 hours prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Suite 202, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501-5794, in writing. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 595-8300 during normal working hours.

#### Turbidity and Erosion Controls

3. Best management practices for erosion control shall be implemented and maintained at all times during construction and dredging to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.

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

The following measures shall be taken by the permittee whenever turbidity levels, within waters of the State, exceed 29 nephelometric turbidity units (NTUs) above background level:

- a. Immediately cease all work contributing to the water quality violation.
- b. Stabilize all exposed soils contributing to the water quality violation, modify the work procedures that were responsible for the violation, install more turbidity containment devices and repair any non-functioning turbidity containment devices.
- c. Notify the Department of Environmental Protection (DEP), Northwest District, within 24 hours of the time the violation is first detected.

### Dredging

5. All excavated material shall be placed in a self-contained, upland disposal site. The slopes of the spoil material disposal cell shall be stabilized utilizing staked hay bales and entrenched silt fence and/or geotextile fabric in order to prevent the escape of spoil material and associated effluent into surface waters. At no time shall spoil material or water discharge into waters of the State.

6. Best management practices shall be used at all times during construction to minimize turbidity at both the dredge and spoil disposal sites. The disposal sites shall be constructed and maintained in a manner that minimizes the discharge of turbid waters into waters of the State. Turbidity shall be monitored at both the dredge and spoil disposal sites as specified in the monitoring required section of this permit.

7. If at any time the disposal area dikes are not stable (i.e. develop a break or leak), corrective actions shall be taken immediately. The dike slopes shall then be sodded or otherwise stabilized within 30 days of detection of the instability and prior to any future disposal event.

8. If dredged material escapes from the disposal site and encroaches into wetland/ waters of the state, the impacted areas shall be restored to their original contours and elevations. If the dredged areas were vegetated, they shall be replanted, after recontouring, with vegetation of the size, densities and species as is present in the adjacent areas. The restoration shall be completed within 30 days of completion of the dredging operation and the Department shall be so notified within the same 30-day period. Appropriate turbidity control measures shall be followed during the restoration work. Dredging is not permitted within areas where seagrasses are present.

9. All spoil material shall be disposed of at a solid waste management facility.

### Pier and Boatramp Construction

10. This permit is issued with drawings that are stamped "For Permit Review Only." The permittee is advised that the final construction plans for the authorized project shall not substantively deviate from the design configurations, dimensions, and locations authorized in this permit.

11. The structures/work authorized by this permit shall not be placed/conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.

12. The permittee shall be responsible for obtaining all necessary property access needed prior to commencement of construction activity.

22. No rutting or damage that would otherwise affect hydrology within the impact site is authorized.

23. At no time during construction shall waterway diversions sever jurisdictional wetland connections.

24. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of construction debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

Pier and Boatramp Use

25. The construction or use of the boat ramp shall not significantly impede navigability in the water body.


26. The above-water portion of the ramp shall be landward of the mean high water line (for tidal waters) or the ordinary high water line (for non-tidal waters).


27. There shall be no boat repair facilities or fueling facilities on any structure that is over the water.

28. Boat maintenance or repair activities requiring removal of a vessel from the water, or removal of any major portions of the vessel, including the engine, for purposes of routine repair or maintenance on site, shall be prohibited for the life of the facility, except where removal is necessitated by emergency conditions which have resulted in or can result in the sinking of a vessel. Specifically prohibited shall be hull cleaning, hull painting, and any discharges or release of oils or greases associated with engine and hydraulic repairs, and related metal-based bottom paints associated with hull scraping, cleaning, and painting.

29. No overboard discharges of trash, human or animal waste, including fish carcasses, shall occur at the piers.

30. There shall be no enclosed sides constructed on the piers.

  
\_\_\_\_\_  
Permittee (date)

  
\_\_\_\_\_  
Environmental Specialist (date)  
Submerged Lands and Environmental  
Resources Program

**SELF-CERTIFICATION STATEMENT OF COMPLIANCE**

**Permit Number: SAJ-2010-01028 (IP-HMM)**

Permittee's Name & Address (please print or type): \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of the Work: \_\_\_\_\_

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): \_\_\_\_\_

Acreage or Square Feet of Impacts to Waters of the United States: \_\_\_\_\_

Describe Mitigation completed (if applicable): \_\_\_\_\_

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): \_\_\_\_\_

\*\*\*\*\*

I certify that all work and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit with the exception of the deviations described above. Any deviations are depicted on the attached drawing(s).

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date



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Attachment 3  
(1 page)





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

#### SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

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

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

Revised: March 23, 2006

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Attachment 4  
(1 page)