DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA Blvd, Suite 500
Palm Beach Gardens, FL 33410

REPLY TO
ATTENTION OF

05 NOV 2007

Palm Beach Gardens Regulatory Office
SAJ-2006-6411(NW-AAZ)

Florida Department of Transportation, District 4
Attn: Shandra Davis
3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

Dear Ms. Davis:

Your application for a Department of the Army permit received on September 14, 2006, has been assigned number SAJ-2006-6411. A review of the information and drawings provided shows the proposed work is to fill a scour hole and install a flow velocity measuring gauge device. Approximately 2,500 cubic yards of material would be removed from a borrow area and placed in the adjacent scour hole surrounding Pier 2W of the Frank A. Wacha Bridge (South Causeway Bridge) in Fort Pierce. The project site is located underneath State Road A1A underneath the Frank A. Wacha Bridge in the Intracoastal Waterway in Section 2, Township 35 South, Range 40 East, St. Lucie County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 3 for the filling of the scour hole and NWP Number 5 for the installation of the flow velocity measuring gauge device. In addition, project specific conditions have been enclosed. This verification is valid until **March 18, 2007**. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at http://www.saj.usace.army.mil/permit/permitting/nwp.htm to access web links to view the Final Nationwide Permits, Federal Register 67, January 15, 2002, the Corrections to the Final Nationwide Permits, Federal Register 67, February 13, 2002, and the List of Regional Conditions. These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 3 and 5. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all

of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. The permittee agrees to abide by the enclosed standard construction conditions designed to protect the endangered West Indian manatee.

2. The permittee shall adhere to the attached Sea Turtle and Smalltooth Sawfish Construction Conditions dated March 23, 2006.

3. Reduction and/or elimination of turbid water conditions in adjacent water bodies and wetlands are to be achieved through the use of silt curtains or screens in the construction area during periods of fill placement.

3. This permit does not authorize any impacts to aquatic resources, i.e., submerged aquatic resources, wetlands, mangroves, special aquatic sites, as a result of construction methodologies. If any impacts to aquatic resources occur as a result of construction methodologies, the permittee shall contact the Corps of Engineers, Palm Beach Gardens Regulatory office, Attn: Alisa Zarbo at 561-472-3514 within three business days of the occurrence.

4. The permittee shall ensure that no less than two experienced observers be used to monitor the construction area from the bridge during in-water activities to observe for threatened and endangered species.

5. The permittee shall ensure that the protected species observers have the authority to halt the event should protected species be observed within the project area during any in-water activities.

6. The permittee shall ensure that animals be allowed to leave the project site under their own volition.

7. The permittee shall ensure that crew boats travel at idle speeds and water based construction activities stop if a threatened or endangered species is observed within 50 feet of an activity.

8. The permittee shall remove material in thin layers as to not create scour holes or pits within the borrow area. The permittee shall ensure that the bottom elevation after the removal of the sand shall not exceed 1-foot in depth than the surrounding natural grade elevation.

9. The permittee shall remove the sand with a diver-operated suction-type sand mover and relocate the sand from the surrounding area to the scour hole. The permittee shall maintain an adequate number of divers on the river bottom to prevent the suction and discharge lines from adversely affecting to the aquatic resources in the vicinity.

10. The permittee shall ensure that the acoustic transponders shall be mounted no farther than 3 feet from the edge of the pile and 5 feet above the local unscoured bottom. The Acoustic Doppler Current Profiler (ACDP) and pressure transducer shall be located approximately 50 feet south of the pier, about 125 feet from the edge of the Intracoastal Waterway Channel, and will extend up from the bed approximately 1.5 feet. At no time shall any equipment or domes extend less than 7 feet below mean low water.

11. The permittee shall remove all instruments and equipment within two years of the date of this permit.

12. The permittee shall ensure that all barge activities occur only in areas where a minimum of 6 foot bottom clearance is maintained at mean low water.

13. Within 180 days of permit issuance, the permittee shall submit a post-dredging monitoring report to the Corps which indicates pre- and post-conditions including the depths of water, the depths of the borrow area and the area surrounding Pier 2W, condition of the river bottom, and any unusual occurrence that may be present.

14. Within one year of permit issuance, the permittee shall submit a post-project submerged aquatic vegetation report to the Corps for review. The survey will be needed to determine if aquatic resources, including seagrasses are near or within the project site. It is recommended that the survey area cover a 50' radius around the project site. The survey must show the location, species, aerial percent cover, frequency of occurrence and/or any unusual occurrence. The survey must indicate the date of and persons performing the survey. The survey should be

conducted between **April 1 and August 31**, to accommodate periods of dormancy (or senescence) of certain seagrass species.

15. This post-monitoring report and the post-project submerged aquatic vegetation report shall be provided to:

U.S. Army Corps of Engineers
Jacksonville District
Regulatory Division, Enforcement Branch
P.O. Box 4970
Jacksonville, FL 32232-0019

A courtesy copy will also be provided to:

U.S. Army Corps of Engineers
South Permits Branch Office
4400 PGA Boulevard, Suite 500
West Palm Beach, FL 33410

16. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply

with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Alisa Zarbo by telephone at 561-472-3514, by fax at 561-626-6971 or by email at Alisa.A.Zarbo@saj02.usace.army.mil.

Thank you for your cooperation with our permit program.

Sincerely,

Paul L. Grosskruger
Colonel, U.S. Army
District Engineer

Enclosures

Copies Furnished:
CESAJ-RD-PE

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-3 and 5
Application Number: SAJ-2006-6411

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): _____

_____

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

_____
Signature of Permittee

_____
Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2006-6411

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. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

_____ _____
(TRANSFEREE-SIGNATURE) (SUBDIVISION)

_____ _____ _____
(DATE) (LOT) (BLOCK)

_____ _____
(NAME-PRINTED) (STREET ADDRESS)

_____

_____
(MAILING ADDRESS)

_____
(CITY, STATE, ZIP CODE)

GENERAL CONDITIONS
33 CFR PART 320-330
PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **date identified in the letter**. 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 of 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 in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

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

6. You must allow a 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.