



# Permit

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

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REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
COCOA REGULATORY FIELD OFFICE  
400 HIGH POINT DRIVE, SUITE 600  
COCOA, FLORIDA 32926**

**March 28, 2008**

North Permits Branch  
SAJ-2005-2046 (NW-AWP)

FDOT  
Attn: Patrick Muench  
719 South Woodland Blvd.  
DeLand, Florida 32720

Dear Mr. Muench:

Your application for a Department of the Army permit received on January 20, 2008, has been assigned number SAJ-2005-2046 (NW-AWP). A review of the information and drawings provided shows the proposed work includes permanent impacts (0.31 acres) and temporary impacts (0.16 acres) to waters of the United States (wetlands) for the replacement of both US Highway 1 bridges which cross the St. Sebastian River. The project is located at the Brevard/Indian River County line at the intersection of US Highway 1 and the St. Sebastian River, in Sections 23 and 24, Township 30 South, Range 38 East, Brevard County, Florida.

Your project, as depicted on the received drawings, is authorized by Nationwide Permit (NWP) Number 14. In addition, project specific conditions have been enclosed. This verification is valid until March 28, 2010. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at <http://www.saj.usace.army.mil/regulatory/permitting/nwp/nwp.htm> to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, 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 14. 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. 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.

2. 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 U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. 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 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.

4. The permittee agrees to follow the Standard Manatee Conditions for In-Water Work included as attachment 1.

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 Andrew Phillips by telephone at 321-504-3771 ext 14.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey: <http://regulatory.usacesurvey.com/>. Your input is appreciated - favorable or otherwise.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew W. Phillips", with a long horizontal flourish extending to the right.

Andrew W. Phillips  
Project Manager

Enclosures

bcc:  
CESAJ-RD-PE

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 or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner 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 representative 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.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-14

Application Number: SAJ-2005-2046

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. 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: \_\_\_\_\_

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 Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(SUBDIVISION)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(LOT)      (BLOCK)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(STREET ADDRESS)

\_\_\_\_\_  
(MAILING ADDRESS)

\_\_\_\_\_  
(CITY, STATE, ZIP CODE)

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

July 2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

U.S. Army Corps of Engineers  
Permit # SAT-1005-2016  
Date: 3/28/08  
Attachment: 1



**FWC Approved Manatee Educational Sign Suppliers**

**ASAP Signs & Designs**

624-B Pinellas Street  
Clearwater, FL 33756  
Phone: (727) 443-4878  
Fax: (727) 442-7573

**Wilderness Graphics, Inc.**

P. O. Box 1635  
Tallahassee, FL 32302  
Phone: (850) 224-6414  
Fax: (850) 561-3943  
[www.wildernessgraphics.com](http://www.wildernessgraphics.com)

**Cape Coral Signs & Designs**

1311 Del Prado Boulevard  
Cape Coral, FL 33990  
Phone: (239) 772-9992  
Fax: (239) 772-3848

**Municipal Supply & Sign Co.**

1095 Fifth Avenue, North  
P. O. Box 1765  
Naples, FL 33939-1765  
Phone: (800) 329-5366 or  
(239) 262-4639  
Fax: (239) 262-4645  
[www.municipalsigns.com](http://www.municipalsigns.com)

**Vital Signs**

104615 Overseas Highway  
Key Largo, FL 33037  
Phone: (305) 451-5133  
Fax: (305) 451-5163

**Universal Signs & Accessories**

2912 Orange Avenue  
Ft. Pierce, FL 34947  
Phone: (800) 432-0331 or  
(772) 461-0665  
Fax: (772) 461-0669

**New City Signs**

1829 28<sup>th</sup> Street North  
St. Petersburg, FL 33713  
Phone: (727) 323-7897  
Fax: (727) 323-1897

**United Rentals Highway  
Technologies**

309 Angle Road  
Ft. Pierce, FL 34947  
Phone: (772) 489-8772  
or (800) 489-8758 (FL only)  
Fax: (772) 489-8757

**CAUTION: MANATEE HABITAT**

All project vessels

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision or injury to:

**1-888-404-FWCC (1-888-404-3922)**

Florida Fish and Wildlife Conservation Commission

# Statement of Findings

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



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14 March 2008

MEMORANDUM FOR RECORD

SUBJECT: Statement of Findings/Environmental Assessment/Finding of No Significant Impact/Public Interest Determination

1. For each of the reissued and new Nationwide Permits (NWP), HQUSACE issued a decision document that contains an Environmental Assessment (EA), Statement of Findings, public interest review, and as appropriate, a Section 404(b)(1) Guidelines analysis. The Office of the Chief of Engineers has determined that division and district engineers will impose, as necessary, additional conditions on the NWP authorization or exercise discretionary authority to address locally important factors relating to the public interest, including any potential adverse effects on the human environment, and to ensure that the authorized activity results in no more than minimal individual and cumulative adverse effects on the environment. Supplemental documentation was prepared for the division engineer to address the individual and cumulative effects of the NWP(s) on local resources. On 12 July 2007, the supplemental documentation was issued by the division engineer and the Jacksonville District's proposed regional conditions were approved. Where required by the terms of the permit, general conditions, and/or regional conditions, the Jacksonville District will continue to perform case-specific review to ensure that the NWP will authorize only activities with no more than minimal individual and cumulative adverse effects on the environment and those activities will not be contrary to the public interest.

2. Name and address of applicant:

FDOT  
Attn: Patrick Muench  
719 South Woodland Blvd.  
DeLand, Florida 32720

3. Project description: The applicant has requested re-authorization of Department of Army nationwide permit verification number SAJ-2005-2046(NW-AWP) issued to FDOT on 23 October 2006. The verification authorized permanent impacts (0.31 acres) and temporary impacts (0.16 acres) to waters of the United States (wetlands) for the replacement of both US Highway 1 bridges which cross the St. Sebastian River. This activity meets the terms and conditions for authorization under Nationwide Permit 14, as published in the 12 March 2007, issue of the Federal Register (72 FR 11092).

4. Project location: The project is located along the Brevard/Indian River County line at the intersection of the

CESAJ-RD-P (1145b)

SUBJECT: Statement of Findings/Environmental Assessment/Finding of No Significant Impact/Public Interest Determination

Indian River and the St. Sebastian River in Sections 23 and 24, Township 30 South, Range 38 East. 27.855/-80.491

5. Existing site conditions: The applicant has started construction on the bridge replacement. Construction is approximately 10 percent complete. The new SR 5 bridge over the St. Sebastian River is a single bridge that will replace existing twin bridges on the same alignment. The new bridge will be 107 feet wide and 979 feet long and will carry two lanes of traffic and 6 feet sidewalks in each direction. The profile will be raised to provide a vertical clearance of 17.7' from the mean high water and a horizontal clearance of 85.5 feet at the navigation channel. The limits of reconstruction extend approximately 570' south and 550' north of the bridge in order to tie into the existing roadway. The reconstruction does not include any new travel lanes or turn lanes. The total project area is 6.92 acres; the reconstruction will result in 1.16 acres of new impervious area.

There are no seagrass or mangrove impact with this project. There will be some Brazilian pepper impacts. The wetland lines for this job are based on the MHWL elevation, not a landward extent of vegetation or soils being that it's considered tidal. After the hurricanes of 2004 vegetation at the bridge abutments has been impacted and clean rubble rip-rap placed along the abutments. The rip-rap was authorized under emergency authorization. The extent of the rip-rap is such that the project may not impact open water. The following excerpts provide additional information regarding the existing conditions at the site.

**The river bottom beneath the existing or proposed bridge span contain no seagrass patches or meadows/beds and conditions are not conducive to seagrass growth. The increased depths result in a lack of light availability due to decreases in water clarity created by disturbances of the river bottom from wave action and from higher flow velocity caused by the passage of water around the ends of the causeway.**

CESAJ-RD-P (1145b)

SUBJECT: Statement of Findings/Environmental Assessment/Finding of No Significant Impact/Public Interest Determination

In the overall SR3/US1 bridge area the landscape consists of the existing bridge spans, footers and aprons, and bridge approaches. The overall bridge approach area is somewhat vegetated with a variety of grasses, sea oxeye daisy (*Borrchia frutescens*), saltgrass (*Distichlis spicata*), Brazilian pepper (*Schinus terebinthifolius*), sea purslane (*Sesuvium spp.*), white mangrove (*Laguncularia racemosa*), red mangrove (*Rhizophora mangle*), black mangrove (*Avicennia germinans*), cabbage palm (*Sabal palmetto*), seagrape (*Cocoloba uvifera*), and glasswort (*Salicornia virginica*). Landward of the wetland line, the vegetation includes railroad vine (*Ipomoea pes-caprae*), Brazilian pepper, seashore paspalum (*Paspalum distichum*), cabbage palm, seagrape, and prickly pear (*Opuntia stricta*).

Old riprap rubble are scattered throughout the area. A recently installed riprap revetment lies on both bridge aprons—four corners--extending beyond the approximate water's edge. The river bottom below water's edge is a mixture of mucky sediment overlaid on sand. Approximately 20-30 feet seaward of water's edge and river bottom, but outside of the proposed bridge footprint, are patches of seagrasses.

The existing conditions along portions of the shoreline and existing bridge span are conducive to the growth of seagrasses when there is sufficient water clarity for light penetration and a substrate which is sandy and not covered with a layer of muck (as it was noted during the 2005 field inspections). Although there are patches of Shoal grass (*Halodule wrightii*) growing in the vicinity of the bridge approach/causeway shoreline this bridge replacement project does not appear to currently impact seagrass areas (the 0.006 acres) as originally indicated in the permit application. Please note that a classification of seagrass vs. river bottom means that the seagrass distribution is equal to or exceeds 10 percent cover. The minimal seagrass growth that had been noted immediately adjacent to the existing bridge footprint in previous years has currently and significantly diminished or disappeared. This is more than likely due to changes that have occurred since the submittal of the permit application. Several hurricanes provided high rainfall totals and energy wave action, as well as rainfall occurrences during 2004 all which may have caused the decrease in distribution. In addition, the emergency placement of riprap at the four bridge apron corners—extending waterward of water's edge--subsequent to the storm events may or may not have affected their cover. In addition, at the time of the 2005 inspection (August 19, 2005) there was a considerable amount of dead or decomposing blue-green algae under the bridge span and on the shoreline.

CESAJ-RD-P (1145b)

SUBJECT: Statement of Findings/Environmental Assessment/Finding of No Significant Impact/Public Interest Determination

6. Scope of Analysis: Our scope of analysis is limited to the immediate project area.

7. Alternatives: See Decision Document for Nationwide Permit 14, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 14, which was approved by the South Atlantic Division Commander on 12 July 2007.

8. Evaluation of the potential adverse environmental effects (direct, indirect, and cumulative) of the proposed activity: See Decision Document for Nationwide Permit 14, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 14, which was approved by the South Atlantic Division Commander on 12 July 2007.

9. Mitigation required to ensure that the activity being verified by the U.S. Army Corps of Engineers (Corps) will have no more than minimal adverse effect on environment: The project is an in-kind replacement, no off-site mitigation is required for this project. The new bridge will include stormwater management features which will collect stormwater which currently enters the St. Sebastian River. No impacts to SAV are proposed.

10. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. Clean Water Act Section 401 Water Quality Certification (WQC): The WQC, number 400-061-97531-2, was issued on 18 October 2006.

b. Coastal Zone Management (CZM) consistency certification: Issuance of a SJRWMD certifies the project is consistent with CZM.

c. Endangered Species Act compliance: The Corps previously concluded ESA consultation requirements with USFWS and NMFS via letters 28 December 2005 and 28 November 2005 respectively. Project plans have not changed nor have existing site conditions; any permit issued will include standard manatee construction conditions.

d. National Historic Preservation Act (NHPA) compliance: NHPA concerns will be addressed by the placement of a special condition in the verification letter advising Permittees to contact the State Historic Preservation Office prior to initiating work and how to proceed should unexpected cultural resources be encountered. Issuance of a SJRWMD requires the

CESAJ-RD-P (1145b)

SUBJECT: Statement of Findings/Environmental Assessment/Finding of No Significant Impact/Public Interest Determination

applicant's coordination with SHPO. No historical sites are known to exist within the project area.

e. Other authorizations: The Corps contacted the National Marine Fisheries Service (NMFS) to ensure additional coordination was not required. NMFS determined consultation had been concluded on 6 January 2006, and no further coordination was required.

11. Special Conditions: Any permit authorized will include *Standard Manatee Protection Construction Conditions for Aquatic-Related Activities*.

12. Public interest review: See Decision Document for Nationwide Permit 14, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permit 14, which was approved by the South Atlantic Division Commander on 12 July 2007.

13. Finding of No Significant Impact: See Decision Document for Nationwide Permit 14, which was approved by the Director of Civil Works on 1 March 2007.

14. Public Interest Determination: This activity, if conducted in accordance with the terms and conditions of the NWP and the special conditions stated in the NWP verification letter, will not be contrary to the public interest.

PREPARED BY:

REVIEWED BY:



Andrew Phillips  
Project Manager



Jon Griffin  
Regulatory Program Manager

Date: 13 march 08

Date: \_\_\_\_\_