



REPLY TO
ATTENTION OF

**DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019**

MAY 01 2002

Regulatory Division
Regional General Permit SAJ-42

DEPARTMENT OF THE ARMY PERMIT

GENERAL PERMIT SAJ-42

RIPRAP REVETMENTS; MAINTENANCE DREDGING IN UPLAND ARTIFICIAL RESIDENTIAL CANALS; BOAT RAMPS; AERIAL TRANSMISSION LINES; SUBAQUEOUS UTILITY AND TRANSMISSION LINES; BOAT SLIPS; PRIVATE SINGLE-FAMILY PIERS AND APPURTENANCES; STORMWATER OUTFALLS; BULKHEADS AND BACKFILL IN ARTIFICIAL CANALS; MINOR STRUCTURES; AND RIPRAP PLACED UNDER PIERS FOR MITIGATION AS REQUIRED BY MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM), IN WATERS OF THE U.S. LOCATED WITHIN MIAMI-DADE COUNTY, FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act, general authority is given to Miami-Dade County Department of Environmental Resource Management (DERM) to administer this permit for riprap revetments, maintenance dredging in upland artificial residential canals, boat ramps, aerial transmission lines, subaqueous utility and transmission lines, boat slips, private single-family piers and appurtenances, stormwater outfalls, bulkheads and backfill in artificial canals, minor structures, and riprap placed under piers for mitigation as required by Miami-Dade County DERM, provided it is not placed on any vegetated or reef (live) bottom in waters of the U.S. located within Miami-Dade County, Florida, subject to the following conditions:

A. SPECIAL CONDITIONS FOR RIPRAP REVETMENTS:

1. The work herein includes the installation and repair of unconsolidated riprap revetments.
2. The revetment shall not exceed 500 feet in length and not exceed one cubic yard per running foot, including any backfill below the plane of the mean or ordinary high water line.
3. If backfill is utilized, then a suitable filter material shall be installed to maintain the stability of the fill material.

4. Filling of wetland areas is not authorized by this general permit. Wetlands are those areas that are periodically inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

5. In addition to the 4 Special Conditions listed above which are only applicable to the installation and repair of unconsolidated riprap revetments, the permittee must abide by all of the Special Conditions which are listed in paragraph K. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

B. SPECIAL CONDITIONS FOR MAINTENANCE DREDGING:

1. The work authorized herein is limited to existing residential canals in Miami-Dade County, Florida. A residential canal is defined as a manmade waterway surrounded on both sides by uplands adjacent to principally residential property. Federally maintained navigation and/or flood control projects are not considered to be residential canals and SAJ-42 is not authorized for use within them.

2. This general permit only authorizes maintenance excavation of the above areas. No additional dredging/excavation is allowed under this permit other than is necessary to restore the canal to its original excavated depth; however, in no case shall the depth of canal be greater than -5 feet mean low water.

3. The material dredged/excavated under this permit shall not exceed 4,000 cubic yards per project per year.

4. Turbidity control measures will be used to control water quality and the work must be in accordance with State Water Quality Standards in Chapter 62.302, and sections 62-4.242 and 62-4.244 in the Florida Administrative Code. Turbidity control measures may include but are not limited to, turbidity control curtains, the exclusive use of suction dredging, the exclusive use of closed "clam shell" dredging, or any other technique necessary to reduce turbidity to no more than background turbidity. The Florida Department of Environmental Protection (DEP) may require the applicant to submit a daily turbidity report which may be verified by state or local government inspectors.

5. Excavated spoil material shall be deposited at self-contained upland areas that will prevent spoil material and/or

return water from reentering any water of the United States or interfering with natural drainage.

6. No discharge of dredged or fill material into navigable waters of the United States is authorized by this permit.

7. Excavation of wetlands below the mean or ordinary high waterline of navigable waters or areas containing submerged aquatic vegetation is not authorized by this general permit. Wetlands are those areas that are periodically inundated and saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

8. This permit does not authorize the removal of plugs nor the connection of any canal to navigable waters of the United States or to any other waters.

9. In addition to the 8 Special Conditions listed above which are only applicable to maintenance dredging of existing residential canals, the permittee must abide by all of the Special Conditions which are listed in paragraph K. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

C. SPECIAL CONDITIONS FOR BOAT RAMPS:

1. The work herein authorized includes the installation and maintenance of boat ramps, including appurtenant structures (bulkheads, rub-rails, tie-up piers) requiring less than 100 cubic yards of fill material.

2. Where practical, bulkheads should extend no further than 1 to 2 feet waterward of the mean high water line, but in no case shall they exceed 5 feet waterward of the mean high water line. Tie-up piers shall not exceed: (a) the length of the boat ramp; (b) a width of 6 feet; and may have a single catwalk or "L" not to exceed 20 feet in length and 4 feet in width.

3. Navigational access to navigable waters of the United States must already exist. No dredging of navigational access channels is permitted under SAJ-42.

4. In addition to the 4 Special Conditions listed above which are only applicable to the installation of boat ramps, the permittee must abide by all of the Special Conditions which are listed in paragraph K. below. These Special Conditions are

applicable to all structures and/or work authorized under this general permit.

D. SPECIAL CONDITIONS FOR AERIAL TRANSMISSION LINES:

1. The work herein authorized includes the installation of aerial transmission lines and associated structures.

2. The aerial transmission lines must meet the U.S. Army Corps of Engineers clearance criteria as described in 33 CFR, Part 322.5(i)(1), (2), (3), and (4).

3. No dredging or filling of navigable waters or waters of the United States is authorized under this portion of this general permit.

4. When the work is completed, the permittee shall notify the District Engineer at the letterhead address, attention Regulatory Division, and NOAA, National Ocean Survey, Atlantic Marine Center - Charting, 439 West York Street, Norfolk, VA 23510. This notification will certify that the clearance of the wire above mean high water is as authorized.

5. The permittee shall defend and hold the U.S. Government harmless from any and all claims by reason of the placement and installation of the transmission lines authorized by this permit.

6. In addition to the 5 Special Conditions listed above which are only applicable to the installation of aerial transmission lines, the permittee must abide by all of the Special Conditions which are listed in paragraph K. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

E. SPECIAL CONDITIONS FOR SUBAQUEOUS UTILITY AND TRANSMISSION LINES:

1. The work herein authorized includes the installation and maintenance of subaqueous utility and transmission lines laid on or embedded in the bottom of navigable waters of the United States in Miami-Dade County.

2. All utility and/or transmission lines, cables, conduits, pipes, etc., authorized by this general permit must be installed a minimum of 6 feet below the authorized depth of any Federal Channel it crosses. The 6-foot criteria applies to the entire authorized width of the channel, plus a minimum of 25 feet outside the channel edges to allow for maintenance of the side slopes.

3. No utility and/or transmission lines will be embedded in the bottom of State Class I or Class II waters, aquatic preserves, or in areas of seagrass beds and/or live corals.

4. Dredged or fill material placed as backfill or bedding for subaqueous utility and transmission lines must not change the preconstruction bottom contours. Excess material must be removed to an upland disposal area.

5. The permittee will install signs at the shoreline to notify navigational interests of the location of subaqueous utility and transmission lines.

6. When the work is completed, the permittee shall notify the District Engineer, attention Regulatory Division, at the letterhead address, and NOAA, National Ocean Survey, Atlantic Marine Center - Charting, 439 West York Street, Norfolk, VA 23510. This notification will certify that the clearance of the line below water is authorized.

7. The permittee shall defend and hold the U.S. Government harmless from any and all claims by reason of the placement and installation of the transmission lines authorized by this permit.

8. In addition to the 7 Special Conditions listed above which are only applicable to the installation and maintenance of subaqueous utility and transmission lines, the permittee must abide by all of the Special Conditions which are listed in paragraph K. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

F. SPECIAL CONDITIONS FOR BOAT SLIPS:

1. The work authorized herein includes the installation and maintenance of boat slips (berthing space created primarily through upland excavation/dredging and connection to navigable waters) and appurtenant structures such as bulkheads, catwalks, etc. The appurtenant structures shall not exceed a total of 50 linear feet in either direction of the boat slip.

2. The amount of dredged material shall not exceed 200 cubic yards for new work. Maintenance dredging of up to 50 cubic yards of material per year from existing boat slips is authorized.

3. Dimensions of the boat slip shall not exceed 50 linear feet in either direction and the depth of the boat slip shall not exceed the outlying control contours of the water body or in no case be greater than -5 feet mean low water.

4. Excavated spoil material shall be deposited at self-contained upland areas that will prevent spoil material and/or return water from reentering any water of the United States or interfering with natural drainage.

5. Dredged material shall not be placed in adjacent waters or wetlands. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

6. Boat slips that require dredging of wetlands areas will not be authorized under this general permit.

7. Construction activity which may adversely affect water quality, fish and wildlife habitat, wetlands or submerged aquatic vegetation shall not be authorized by this general permit.

8. New construction of canals or access channels are specifically excluded from this authorization.

9. In addition to the 8 Special Conditions listed above which are only applicable to the installation and maintenance of boat slips, the permittee must abide by all of the Special Conditions which are listed in paragraph K. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

G. SPECIAL CONDITIONS FOR PRIVATE PIERS AND APPURTENANT STRUCTURES:

1. Structures authorized under this general permit are private single-family piers not to exceed 2 slips unless a Florida Fish and Wildlife Conservation Commission approved Manatee Protection Plan is more restrictive. This would include normal appurtenances such as boat hoists, boat shelters with open sides, stairways, walkways, mooring pilings, dolphins, and maintenance of same.

2. No living, fueling, or storage facilities over navigable waters of the United States are authorized under this general permit

3. The structure shall be consistent with other structures in the area.

4. No activity shall be authorized under this general permit which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or

submerged aquatic vegetation. Adverse impacts to aquatic vegetation from dock construction may be ameliorated by strict adherence to the attached joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's **"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001."** Dock construction everywhere in the State of Florida must comply with the above, and additionally, because of concerns about adverse impacts to Johnson's seagrass (*Halophila johnsonii*), dock construction in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with the construction guidelines titled **"Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002."** *Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

5. Structures constructed on principally residential canals must not extend waterward more than 25% of waterway width.

6. In addition to the 5 Special Conditions listed above which are only applicable to the construction of single-family piers, the permittee must abide by all of the Special Conditions which are listed in paragraph K. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

H. SPECIAL CONDITIONS FOR STORM WATER OUTFALLS:

1. Structures authorized under this general permit are storm water outfalls and appurtenances.

2. Authorization is contingent upon issuance of lawfully required National Pollutant Discharge Elimination System permits (Section 402 of the Clean Water Act) from the U.S. Environmental Protection Agency, Florida Department of Environmental Protection, State Water Management District, or their legally authorized delegate.

3. This general permit authorizes dredging at storm water outfalls. Maintenance dredging shall be limited to a depth of no more than 5 feet below mean or ordinary high water. No additional dredging is authorized under this general permit other

than that which would be necessary to restore the discharge structure to its original permitted excavated depth.

4. Turbidity control measures will be used to control water quality and the work must be in accordance with State Water Quality Standards in Chapter 62.302, and sections 62-4.242 and 62-4.244 in the Florida Administrative Code. Turbidity control measures may include but are not limited to, turbidity control curtains, the exclusive use of suction dredging, the exclusive use of closed "clam shell" dredging, or any other technique necessary to reduce turbidity to no more than background turbidity. The Florida Department of Environmental Protection (DEP) may require the applicant to submit a daily turbidity report which may be verified by state or local government inspectors.

5. Excavated spoil material shall be deposited at self-contained upland areas that will prevent spoil material and/or return water from reentering any water of the United States or interfering with natural drainage.

6. In addition to the 5 Special Conditions listed above which are only applicable to the construction of stormwater outfalls, the permittee must abide by all of the Special Conditions which are listed in paragraph K. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

I. SPECIAL CONDITIONS - BULKHEADS AND BACKFILL IN RESIDENTIAL CANALS:

1. The work herein authorized includes bulkheads and backfill for single-family lots in principally residential canals in Miami-Dade County. A residential canal is defined as a manmade waterway surrounded on both sides by uplands. Federally maintained navigation and/or flood control projects are not considered to be residential canals and SAJ-42 is not authorized for use within them.

2. The bulkhead and backfill shall not exceed 300 feet in length, and shall not extend any farther waterward than existing bulkheads in the immediate area or more than 5 feet waterward of the Mean High Water Line or Ordinary High Water line, whichever is less. The fill will not exceed 1 cubic yard per running foot below the plane of the mean or ordinary high water line.

3. The backfill must be from upland sources and consist of suitable material, free from toxic pollutants in other than trace quantities.

4. This permit does not authorize any filling, except for backfill behind the bulkheads. At no time should this permit be construed to allow filling of wetlands for additional development.

5. The Cocoplum Development is specifically excluded from this general permit.

6. In addition to the 5 Special Conditions listed above which are only applicable to the installation of bulkheads and backfill for single-family lots in principally residential canals, the permittee must abide by all of the Special Conditions which are listed in paragraph K. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

J. SPECIAL CONDITIONS FOR MINOR STRUCTURES:

1. The work herein authorized will be for minor structures to include:

- a. Single mooring pilings.
- b. Small mooring dolphins (limited to one cluster of four or fewer pilings).
- c. Non-commercial information signage.
- d. Boat lifts, hoists, davits.
- e. Other minor structures that would have less environmental impact than a small dock.

2. No work shall be authorized by this permit within the boundaries of any state park.

3. No activity shall be authorized under this general permit which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Adverse impacts to aquatic vegetation from dock construction may be ameliorated by strict adherence to the attached joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's **"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001."** Dock construction everywhere in the State of Florida must comply with the above, and additionally, because of concerns about adverse impacts to

Johnson's seagrass (*Halophila johnsonii*), dock construction in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with the construction guidelines titled "**Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002.**"

Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.

4. In addition to the 3 Special Conditions listed above which are only applicable to the construction of minor structures, the permittee must abide by all of the Special Conditions which are listed in paragraph K. below. These Special Conditions are applicable to all structures and/or work authorized under this general permit.

K. SPECIAL CONDITIONS FOR ALL WORKS:

1. No work shall be performed until the applicant submits satisfactory plans for the proposed activity and receives written authorization from Miami-Dade County DERM.

2. No structures or work shall be authorized by this general permit in areas designated as American Crocodile critical habitat or in Biscayne Bay National Park Protection Zone, or in Federal Manatee Sanctuaries, refuges, motorboat prohibited zones, or no entry zones.

3. No activity shall be authorized under this general permit which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation.

4. No work shall be performed until after the permittee provides notification to the owner(s) or operator(s) of any marked utilities in the work area.

5. No registered properties or properties listed as eligible for inclusion in the National Register of Historic Places will be affected. Prior to the start of work, the permittee must contact the State Historic Preservation Officer in Tallahassee and receive confirmation that no impacts to cultural resources will occur.

6. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this general permit.

7. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as a Standard Permit.

8. Prior to issuance of authorization the dichotomous key entitled "Guidance to the Corps of Engineers, Jacksonville District, and the Department of Environmental Protection regarding 'may affect' determinations for the manatee in Florida", will be used to determine potential manatee impacts. Projects judged as a "may affect" to the manatee will be coordinated with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

9. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

10. 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 of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.

11. Siltation barriers shall be installed, shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be monitored regularly to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from essential habitat.

12. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four feet clearance from the bottom and that vessels shall follow routes of deep water whenever possible.

13. If a manatee is sighted within 100 yards of the project area, all appropriate precautions shall be implemented by the permittee/contractor to ensure protection of the manatee. These

precautions shall include operating all equipment in such a manner that moving equipment does not come within 50 feet to any manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

14. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" at 1-888-404-FWCC (1-888-404-3922). **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) in south Florida.**

15. Temporary signs concerning manatees shall be posted prior to and during construction/dredging activities. All temporary signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 feet by 4 feet which reads *Caution: Manatee Area* will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2 inches by 11 inches which reads:

Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-888-404-FWCC (1-888-404-3922) and the U.S. Fish and Wildlife Service at (1-904-232-2580) for north Florida or (1-561-562-3909) for south Florida.

16. No activity shall be authorized under this general permit which is likely to adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

17. No structure or work that is in Federal manatee sanctuaries, refuges, motorboat prohibited zones, or "no entry zones" shall be authorized by SAJ-42. Applications for work in these areas will require review under standard permit criteria.

18. Applicable permits under part IV of chapter 373 of the Florida Statutes, and applicable state lands authorizations under chapter 253 of the Florida Statutes must be obtained from the

State of Florida, Department of Environmental Protection (DEP), or Water Management District (WMD), or their authorized representatives, as appropriate.

19. For projects proposed adjacent to Federally maintained channels, no structure, including mooring piles, authorized under this general permit shall be within the established setback (Normally 100' in the various ICWs but may vary in a few specific reaches as well as in other Federal channels. Exact locations of the proposed structures relative to the channel will be verified by use of the Florida State Plane (x, y) Coordinate System.), calculated from the near-bottom edge of the Federal channel, unless it is a 5-foot marginal pier. Any activity within Federal rights-of-way will require the permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville District, prior to the commencement of any construction activity.

20. Any structure authorized under this general permit must not interfere with general navigation.

21. The permittee shall perform all work in accordance with the attached general conditions.

22. SAJ-42 shall be valid for a period of 5 years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps will conduct periodic reviews to determine if continuation of the permit is not contrary to the public interest.

23. If SAJ-42 expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on SAJ-42 will remain in effect provided the activity is completed within 12 months of the date SAJ-42 expired or was revoked.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


James G. May
Colonel, U.S. Army
District Engineer

GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY PERMITS

General Conditions

1. The time limit for completing the work authorized ends on _____.
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 mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work 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.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

**Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed
in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service
August 2001**

Submerged Aquatic Vegetation:

1. Avoidance. The pier shall be aligned so as to minimize the size of the footprint over SAV beds.
2. The height of pier shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.
3. The width of the pier is limited to a maximum of 4 feet. A turnaround area is allowed for piers greater than 200 feet in length. The turnaround is limited to a section of the pier no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the pier.
4. Over-SAV bed portions of the pier shall be oriented in a north-south orientation to the maximum extent that is practicable.
5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.

b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3 feet above MHW section is constructed with grating material, it may be 3 feet wide.
6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.
9. The gaps between deckboards shall be a minimum of ½ inch.

Marsh:

1. The structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
2. The over-marsh portion of the dock shall be elevated to at least 4 feet above the marsh floor.
3. The width of the dock is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

Mangroves.

1. The width of the dock is limited to a maximum of 4 feet.
2. Mangrove clearing is restricted to the width of the pier.
3. The location and alignment of the pier should be through the narrowest area of the mangrove fringe.

Grid Specifications and Suppliers

The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for dock construction. A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842). Similar panels are also manufactured by ChemGrate (1-800-527-4043). Panels are available in a variety of sizes and thicknesses. For safety, the grate should contain an anti-slip texture which is integrally molded into the top surface. The manufacturer or local distributor should be consulted to ensure that the load-bearing capacity of the selected product is sufficient to support the intended purpose. Contact the manufacturer(s) for product specifications and a list of regional distributors.

Key¹ for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*)
National Marine Fisheries Service/U.S. Army Corps of Engineers
February 2002

- 1a. The construction site is within the known range of Johnson's seagrass occurrence (Sebastian Inlet to central Biscayne Bay in the lagoonal systems on the east coast of Florida). *Go to 2.*
- 1b. The construction site is not within the known range of Johnson's seagrass occurrence but submerged aquatic vegetation (SAV) is present at the site. Use "*Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat*" - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001.
- 1c. The construction site is not within the range of Johnson's seagrass and SAV is not present at the site: *No construction conditions for SAV are necessary.*
- 2a. Seagrass survey for Johnson's seagrass is performed at the proposed site during the April 1 – August 31 growing season. *Go to 3.*
- 2b. No survey for Johnson's seagrass is performed at the proposed site during the growing season, or a survey is performed at the proposed site but is outside of the growing season. *Go to 4.*
- 3a. Johnson's seagrass is present at the proposed construction site. *Go to 5.*
- 3b. Johnson's seagrass is not present at the proposed construction site. *Go to 6.*
- 4a. The construction is in an area designated by the National Marine Fisheries Service - Protected Resources Division (NMFS-PRD) as **critical habitat²** for Johnson's seagrass. Use "*Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat*" - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that light-transmitting materials² (LTMs) shall comprise 100% of all pedestrian surfaces waterward of the mean low water (MLW) line.**
- 4b. The construction is not in an area designated by NMFS-PRD as critical habitat for Johnson's seagrass. Use "*Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat*" - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that LTMs shall comprise at least 75% of all pedestrian surfaces waterward of the MLW line and a minimum 1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.**

- 5a.** The construction is in an area designated by NMFS-PRD as critical habitat for Johnson's seagrass. Use *"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat"* - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that LTMs shall comprise at least 75% of all pedestrian surfaces waterward of the MLW line and a minimum 1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.**
- 5b.** The construction is not in an area designated by NMFS-PRD as critical habitat for Johnson's seagrass. Use *"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat"* - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that all pedestrian surfaces directly over Johnson's seagrass areas shall be constructed of LTMs and a minimum 1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.**
- 6a.** The construction is in an area designated by NMFS-PRD as critical habitat for Johnson's seagrass. Use *"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat"* - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that a minimum 1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.**
- 6b.** The construction is not in an area designated by NMFS as critical habitat for Johnson's seagrass. Use *"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat"* - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001.

Notes:

¹ This key is meant to complement but not supercede the *"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat"* - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001. **Docks incorporating Light-transmitting materials shall not exceed the dimensions recommended in the Guidelines.**

² Federal Register 65 FR 17786, April 5, 2000, Designation of critical habitat for Johnson's seagrass.

³ Light-transmitting materials are made of various materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. **All light transmitting materials used for dock construction in the known range of Johnson's seagrass shall have a minimum of forty-six (46) percent open space.**