



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

SOUTHEAST DISTRICT BRANCH OFFICE
337 N US HIGHWAY 1, SUITE 307
FORT PIERCE, FL 34950-4255
(772) 467-5500

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

January 23, 2014

U.S. Army Corp of Engineers
c/o Eric P. Summa
P.O. Box 4970
Jacksonville, FL 32232-0018
Sent via e-mail: eric.p.summa@usace.army.mil

Re: File No.: 31-0273920-007
File Name: ACOE FIND IR2 DMMA

Dear Mr. Summa:

On November 26, 2013, we received your application, and on January 8, 2014, the application was complete for an exemption to conduct a maintenance dredge of approximately 200,000 cu. yds. of spoil material (125 ft. wide by 42,715 ln. ft.) within the Intracoastal Waterway (ICWW), specifically within the "Indian River Reach 1" (extending from Sebastian Inlet south to Wabasso) to a maximum depth of minus 12 ft. mean low water plus 2 ft. of allowable over-depth. The dredge material shall be transported via a temporary 18 inch diameter pipeline between the channel and final placement of the material at the upland Dredge Material Management Area IR2 DMMA, including mixing zones and return water for water quality. The pipeline shall be routed from the ICWW via a previously identified corridor measuring 2,230 ft. x 50 ft. plus a 50 ft. buffer over submerged lands and 10 ft. x 50 ft. corridor over wetlands to the DMMA. The pipeline shall float on the surface or lay on the bottom and shall not require dredging or filling within the pipeline route. The project is located in the Indian River, Indian River-Malabar to Vero Beach Aquatic Preserve, Outstanding Florida Water, Class III Waters, adjacent to 10470 U.S. Highway 1 (Section 17/31, Township 31/39 South, Range 39/17 East), in Indian River County and a portion in Brevard County (27° 47' 01.60"/27° 46' 46.66" North Latitude; 80° 26' 51.00"/80° 26' 51.18" West Longitude).

Your request has been reviewed to determine whether it meets the requirements for any of three kinds of authorization that may be necessary for work in wetlands or waters of the United States. The kinds of authorization are (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully. Your project **may not** have qualified for all three forms of authorization. If your project did not qualify for one or more of the authorizations, refer to the specific section dealing with that authorization for advice on how to obtain it.

1. Regulatory Review. – VERIFIED

Based on the information submitted, the Department has verified that the maintenance dredge activity as proposed is exempt under Chapter 62-330.051(7)(a), Florida Administrative Code, from the need to obtain a regulatory permit under part IV of Chapter 373 of the Florida Statutes.

Based on the information submitted, the Department has determined that the temporary placement of an 18 inch diameter dredge material transport pipeline through the channel, submerged lands and wetlands into the upland Dredge Material Management Area IR2 DMMA is exempt, under section 373.406(6) of the Florida Statutes, from the need to obtain a regulatory permit under part IV of chapter 373 of the Florida Statutes. This determination is made because the activity, in consideration of its type, size, nature, location, use, and operation, is expected to have only minimal or insignificant individual or cumulative adverse impacts on the water resources.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification will expire after one year, and will not be valid at any other time if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. However, the activity may still be conducted without further notification to or verification from the Department after the one-year expiration of this verification, provided: 1) the project design does not change; 2) site conditions do not materially change; and 3) there are no changes to the statutes or rules governing the exempt activity. In the event you need to re-verify the exempt status for the activity after the one-year expiration of this verification, a new application and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required. Conditions of compliance with the regulatory exemption are contained in Attachment A.

2. Proprietary Review. – GRANTED

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under chapters 253 and 258 of the Florida Statutes, and chapters 18-20 and 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent of use by rule under rule 18-21.005(1)(b) and section 253.77 of the Florida Statutes to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent of use. **Pursuant to Section 18-21.011(3)(c), F.A.C., severance fees have not been collected, as the material is being placed on public property and used for public purposes.**

General Conditions for State-Owned Submerged Land Authorizations:

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

3. SPGP Review – APPROVED

Your proposed activity as outlined on your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit IV-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 25, 2016. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project." A copy of the SPGP IV-R1 with all terms and conditions and the General Conditions may be found at <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.

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

Additional Information

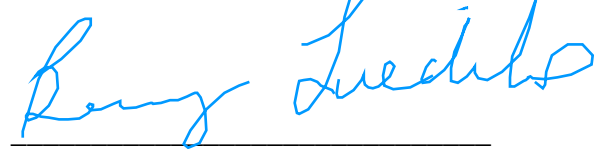
This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

Please retain this letter. The activities may be inspected by authorized state personnel in the future to insure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

If you have any questions, please contact Cindy Lott at (772) 467-5560 or by email at cynthia.lott@dep.state.fl.us. When referring to your project, please use the FDEP file name and number listed above.

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Benny Luedike
Environmental Manager
Submerged Lands and Environmental
Resource Program

Enclosures:

Notice of Rights
Attachment A- Specific Exemption Rule
Attachment B- Newspaper Publication
Special Conditions for use of the SPGP Conditions
Project Drawings

Copies furnished to:

USACOE- Jacksonville, Geoffrey.M.Klug@usace.army.mil

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department
Clerk, receipt of which is hereby acknowledged.

A handwritten signature in blue ink, appearing to be 'RB' followed by a horizontal line.

1-23-14

Clerk

Date

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the

appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

Judicial Review

Any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Attachment A

Chapter 62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

(7) Maintenance and Restoration —

(a) Maintenance dredging under Section 403.813(1)(f), F.S.

And

Chapter 373.406 Exemptions.—The following exemptions shall apply:

(6) Any district or the department may exempt from regulation under this part those activities that the district or department determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the district. The district and the department are authorized to determine, on a case-by-case basis, whether a specific activity comes within this exemption. Requests to qualify for this exemption shall be submitted in writing to the district or department, and such activities shall not be commenced without a written determination from the district or department confirming that the activity qualifies for the exemption.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF DETERMINATION OF EXEMPTION

The Department of Environmental Protection gives notice that the project to conduct a maintenance dredge of approximately 200,000 cu. yds. of spoil material (125 ft. wide by 42,715 ln. ft.) within the Intracoastal Waterway (ICWW), specifically within the "Indian River Reach 1" (extending from Sebastian Inlet south to Wabasso) to a maximum depth of minus 12 ft. mean low water plus 2 ft. of allowable over-depth. The dredge material shall be transported via a temporary 18 inch diameter pipeline between the channel and final placement of the material at the upland Dredge Material Management Area IR2 DMMA, including mixing zones and return water for water quality. The pipeline shall be routed from the ICWW via a previously identified corridor measuring 2,230 ft. x 50 ft. plus a 50 ft. buffer over submerged lands and 10 ft. x 50 ft. corridor over wetlands to the DMMA. The pipeline shall float on the surface or lay on the bottom and shall not require dredging or filling within the pipeline route. The project is located in the Indian River, Indian River-Malabar to Vero Beach Aquatic Preserve, Outstanding Florida Water, Class III Waters, adjacent to 10470 U.S. Highway 1 (Section 17/31, Township 31/39 South, Range 39/17 East), in Indian River County and a portion in Brevard County (27° 47' 01.60"/27° 46' 46.66" North Latitude, 80° 26' 51.00"/80° 26' 51.18" West Longitude).

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rule 62-110.106(3), F.A.C., petitions for an administrative hearing must be filed within 21 days of publication of the notice or receipt of written notice, whichever occurs first. Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 prior to the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Southeast District office, 400 North Congress Avenue, 3rd Floor, West Palm Beach, Florida 33401.

SPECIAL CONDITIONS FOR USE OF THE SPGP IV-RI

1. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP IV-RI does not automatically guarantee authorization.
2. No activity is authorized under the SPGP IV-RI which may impact a federally listed threatened or endangered species or a species proposed for such designation, or its designated critical habitat.
3. On a case-by-case basis the Corps may impose additional special conditions which are deemed necessary to minimize adverse environmental impacts.
4. Failure to comply with all conditions of the Federal authorizations under the SPGP IV-RI would constitute a violation of the Federal authorization.
5. The SPGP IV-RI is not applicable in the geographical boundaries of: Monroe County; the Timucuan Ecological and Historical Preserve (Duval County); the St. Mary's River, from its headwaters to its confluence with the Bells River; the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; the St. Lucie Impoundment (Martin County); all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); American Crocodile designated critical habitat (Miami-Dade and Monroe Counties); Johnson's seagrass designated critical habitat (southeast Florida); piping plover designated critical habitat (throughout Florida); acroporid coral designated critical habitat (southeast Florida); Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat (Florida east coast and panhandle coasts); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Florida panther consultation area (Southwest Florida), the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).
6. 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 Applicant/Permittee or other party on the Applicant's/Permittee's behalf shall conduct a search of known historical properties by contracting a professional archaeologist, contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research/>.

If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.


In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, [Florida Statutes](#); all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be

notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

7. No work shall be authorized under the SPGP IV-RI which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement.
8. No activity shall be authorized under the SPGP IV-RI which by its size or location may adversely impact water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Where aquatic vegetation is present adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported 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." (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP IV-RI must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*), piling-supported structures 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, or provide a higher level of protection than, the criteria contained in 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." (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) *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 each Department of the Army permit application.*
9. Prior to issuance of authorization, the dichotomous key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida," dated March 2011, will be used to determine potential manatee impacts. All projects determined to be "may affect" and certain multi-slip facilities determined to be "may affect, not likely to adversely affect" will be sent to the Corps for consultation 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 each Department of the Army permit application. The current version can be found on the Jacksonville District Regulatory Home Page at: <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>*
10. For projects in waters accessible to sea turtles, Small tooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee will utilize the "Sea Turtle and Small tooth Sawfish Construction Conditions" (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) and any added requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*
11. With respect to bald eagles, the permittee should refer to the U.S. Fish and Wildlife Service's "National Bald Eagle Management Guidelines," dated May 2007 (see <http://www.fws.gov/northflorida/BaldEagles/bald-eagles.htm>) for guidance and clearance. *Note: The preceding should be considered an interim condition, after which, new rules may be promulgated. It is the Corps' intention that the most recently approved version of these conditions or ensuing rules will be utilized during the evaluation of permit applications under this general permit.*

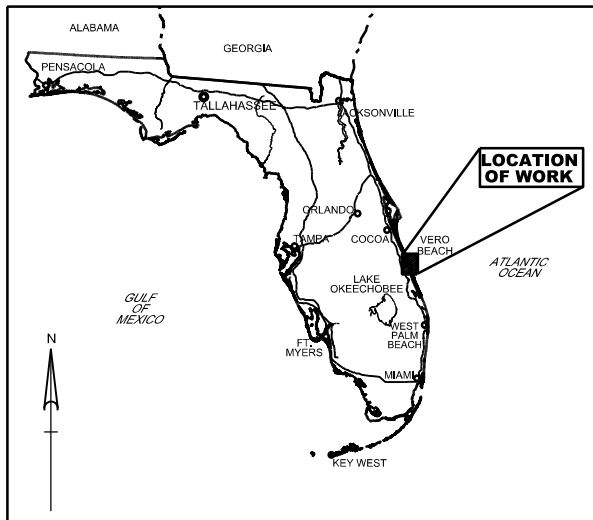
12. For projects authorized under this SPGP IV-R1 in navigable waters of the U.S., the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary 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.
13. The SPGP IV-R1 will be valid for five years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP IV-R1 will be evaluated by the Corps.
14. If the SPGP IV-R1 expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP IV-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP IV-R1 expired or was revoked.
15. The General conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


for Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Engineer

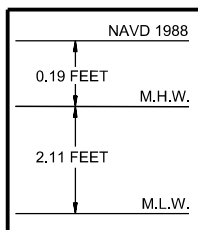
MAINTENANCE DREDGING - INTRACOASTAL WATERWAY JACKSONVILLE TO MIAMI, VICINITY OF INDIAN RIVER, FLORIDA

INDEX TO DRAWINGS	
PLATE	TITLE
PL-01	GENERAL NOTES, INDEX TO DRAWINGS, LEGEND AND LOCATION MAP
PL-02	PROJECT VICINITY MAP
PL-03	DREDGE MATERIAL MANAGEMENT AREA OVERALL PLAN
PL-04	PIPELINE CORRIDOR PLAN



PROJECT LOCATION
N.T.S.

LEGEND	
UPLAND BORROW AREA LIMITS	
PIPELINE ROUTE	
PIPELINE ROUTE	
CHANNEL AND DREDGE AREA	
RANGE LINE MONUMENT	
EXISTING CONTOUR LINE WITH NOTATION	



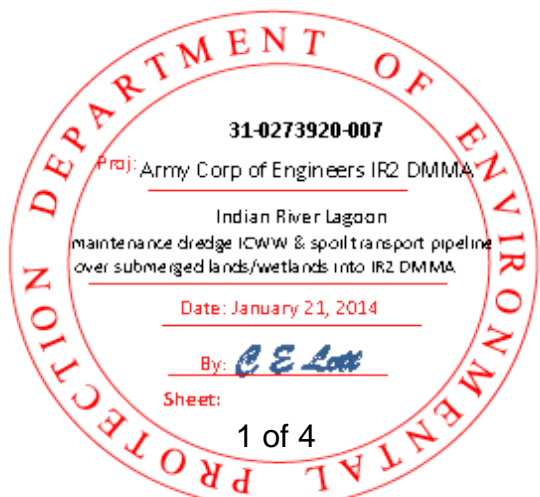
RELATIONSHIP BETWEEN NAVD 1988, NOAA MEAN HIGH WATER AND NOAA MEAN LOW WATER (1983-2001 TIDAL EPOCH) AS PUBLISHED AT NOAA TIDE GAUGE "SEBASTIAN INLET, FL" (8722004)

ABBREVIATIONS:

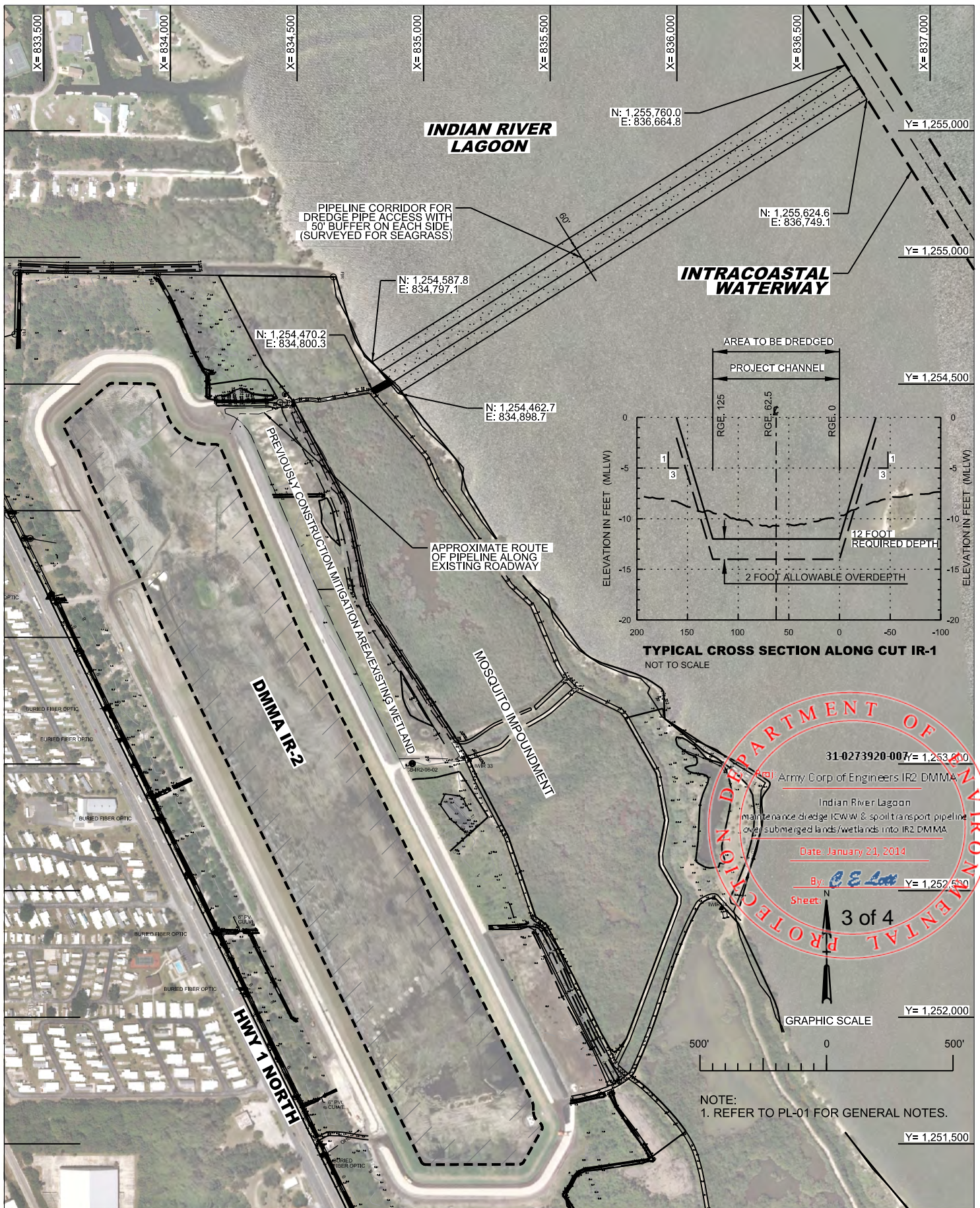
- DMMA. = DREDGE MATERIAL MANAGEMENT AREA
- DWG. = DRAWING
- EL. = ELEVATION
- FT. = FOOT/FEET
- HWY. = HIGHWAY
- MHW. = MEAN HIGH WATER
- MLW. = MEAN LOW WATER
- MLLW. = MEAN LOWER LOW WATER
- NAVD88. = NORTH AMERICAN VERTICAL DATUM OF 1988
- NTS. = NOT TO SCALE
- TYP. = TYPICAL

GENERAL NOTES:

- THIS PROJECT WAS DESIGNED BY THE JACKSONVILLE DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS. THE INITIALS OR SIGNATURES AND REGISTRATION DESIGNATIONS OF INDIVIDUALS APPEAR ON THESE PROJECT DOCUMENTS WITHIN THE SCOPE OF THEIR EMPLOYMENT AS REQUIRED BY ER 1110-1-8152.
- ALL PLANIMETRIC LAND FEATURES DEPICTED ON THESE PLATES ARE FOR INFORMATION ONLY AND WERE NOT PHYSICALLY LOCATED BY SURVEY UNLESS OTHERWISE INDICATED. NOT ALL EXISTING STRUCTURES ARE INDICATED ON THE DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL SUCH FEATURES THAT HE/SHE DETERMINES ARE NECESSARY FOR OR AFFECT THE PERFORMANCE OF CONSTRUCTION OF THIS PROJECT.
- THE AERIAL PHOTOGRAPHY SHOWN ON THESE PLATES IS FOR GENERAL INFORMATION ONLY AND NOT TO BE USED FOR MEASUREMENTS.
- INDIAN RIVER - MALABAR TO VERO AQUATIC PRESERVE ENCOMPASSES ENTIRE PROJECT AREA. LIMITS NOT SHOWN ON PLATES.
- NO CONSTRUCTION EQUIPMENT IS ALLOWED TO DISTURB PREVIOUSLY CONSTRUCTION MITIGATION AREA ADJACENT TO DMMA IR-2



	WQC PERMIT PLATE (NOT FOR CONSTRUCTION)	FILE NAME: IWWINRV14-PL-01.dgn	DWN BY: J.D.B.	MAINTENANCE DREDGING - INTRACOASTAL WATERWAY JACKSONVILLE TO MIAMI, VICINITY OF INDIAN RIVER, FLORIDA WATER QUALITY CERTIFICATION PERMIT PLATES	PLATE: PL-01
	DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT, CORPS OF ENGINEERS JACKSONVILLE, FLORIDA	DATED: APRIL 2013	DSN BY: J.D.B.		



N: 1,255,760.0
E: 836,664.8

N: 1,255,624.6
E: 836,749.1

N: 1,254,587.8
E: 834,797.1

N: 1,254,470.2
E: 834,800.3

N: 1,254,462.7
E: 834,898.7

31-0273920-007= 1,253,200

Army Corp of Engineers IR2 DMMA
Indian River Lagoon
maintenance dredge ICWW & spoil transport pipeline
over submerged lands/wetlands into IR2 DMMA

Date: January 21, 2014

By: *C.E. Lee* N: 1,252,500

Sheet:

3 of 4

Y= 1,252,000

Y= 1,251,500



WQC PERMIT PLATE
(NOT FOR CONSTRUCTION)

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS
JACKSONVILLE, FLORIDA

FILE NAME:
IWWINRV14-PL-03.dgn

DATED:
APRIL 2013

SCALE:
AS SHOWN

DWN BY:
J.D.B.

DSN BY:
J.D.B.

CKD BY:
S.R.C.

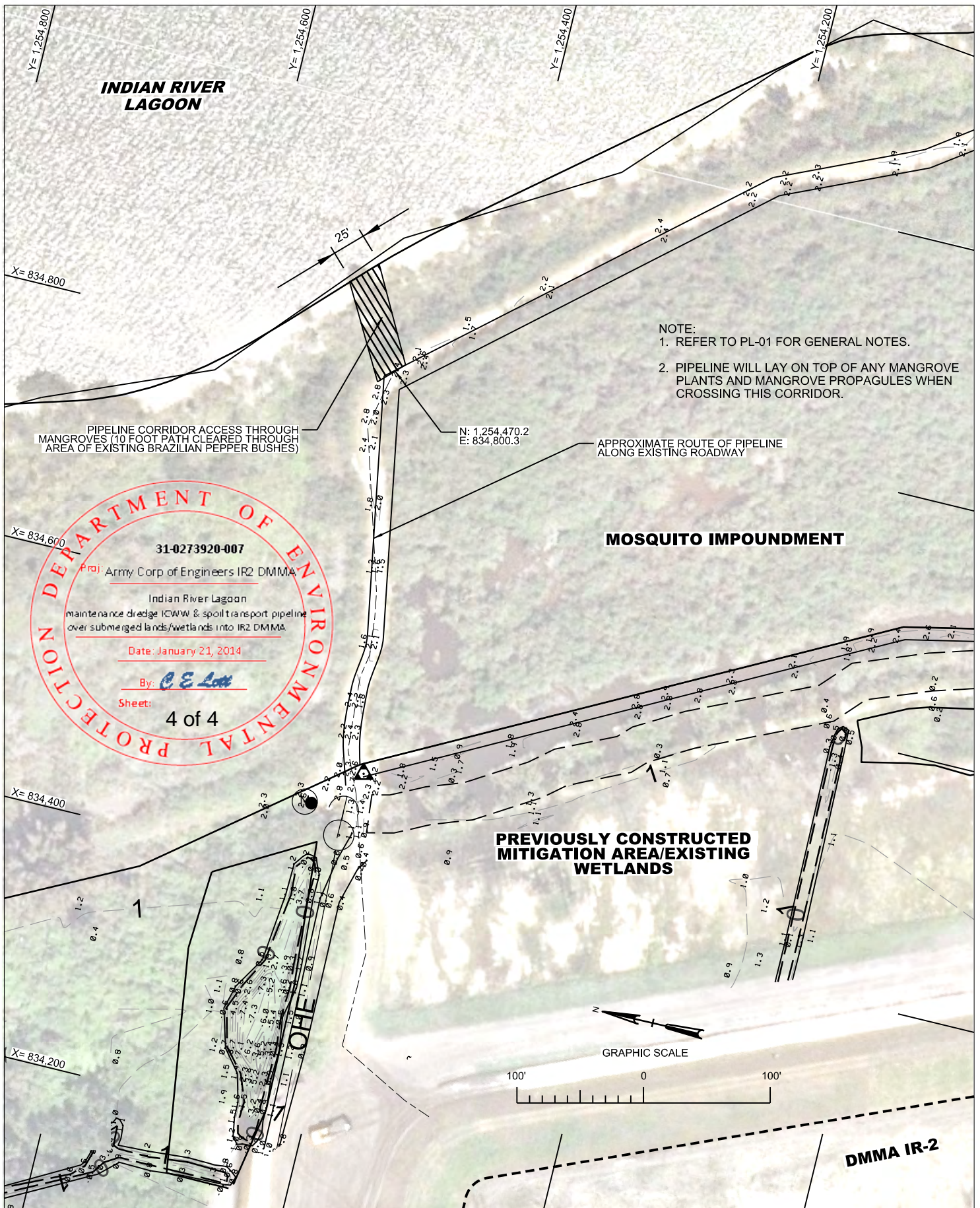
MAINTENANCE DREDGING - INTRACOASTAL WATERWAY
JACKSONVILLE TO MIAMI, VICINITY OF INDIAN RIVER, FLORIDA

WATER QUALITY CERTIFICATION
PERMIT PLATES

DREDGE MATERIAL MANAGEMENT AREA
OVERALL PLAN

PLATE:
PL-03

OF 4



 US Army Corps of Engineers Jacksonville District	WQC PERMIT PLATE (NOT FOR CONSTRUCTION)	FILE NAME: IWWINRV14-PL-04.dgn	DWN BY: J.D.B.	MAINTENANCE DREDGING - INTRACOASTAL WATERWAY JACKSONVILLE TO MIAMI, VICINITY OF INDIAN RIVER, FLORIDA WATER QUALITY CERTIFICATION PERMIT PLATES PIPELINE CORRIDOR PLAN	PLATE: PL-04
	DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT, CORPS OF ENGINEERS JACKSONVILLE, FLORIDA	DATED: APRIL 2013	DSN BY: J.D.B.		
		SCALE: AS SHOWN	OF 4		