



STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

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 Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- 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. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

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 with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



**Florida Fish
and Wildlife
Conservation
Commission**

*Managing fish and wildlife
resources for their long-term
well-being and the benefit
of people.*

620 South Meridian Street
Tallahassee, Florida
32399-1600

MyFWC.com

Manatee Educational Signs
Required by Permit or Submerged Lands Lease
March 2011



In order to obtain FWC approval for the manatee educational signs required by state permit or submerged lands lease, requests should be sent to:

ImperiledSpecies@myfwc.com

or:

Florida Fish and Wildlife Conservation Commission
Imperiled Species Management Section 6-A
620 South Meridian Street Tallahassee, FL 32399-1600.

The FWC requests that the permittee propose and submit a plan for installing signs based on the guidelines discussed below. FWC will review the sign placement proposal and notify the permittee within 60 days of receiving the plan if the signs and locations are unacceptable. Modifications to the type, location and number of proposed signs may be required. All sign proposals should follow the general guidelines in this document. The following information should be included in this plan and forwarded to FWC for review:

- A detailed upland project site plan with proposed sign locations, types, and proposed numbers of manatee signs. Include which way the signs are proposed to face.
- The project address or a location map of the facility in relation to waterways.
- The project permit or submerged lands lease number.
- Your name, email address, mailing address and a phone number.

Guidelines for the installation of signs

- Signs must be placed in a prominent location for maximum visibility. Areas that are recommended include: dock walkways, dock master offices, near restrooms or other high patron foot traffic areas.
- Signs must be replaced when faded, damaged or outdated.
- If the facility is large or has multiple docks with separate walkways that are a considerable distance apart, multiple signs should be installed.
- These signs must not face the water, must never be attached to pilings or navigational markers in the water. One exception to signs facing the water exists for the temporary sign, "Caution Boaters" during in-water work.

FWC Approved Signs and Sign Specifications


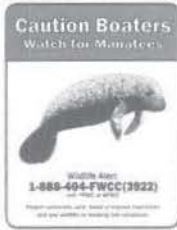


The FWC designs manatee educational signs, which can be produced by most sign companies. Signs other than depicted may be considered, but must be pre-approved by FWC's Imperiled Species Management Section. There is a list of known sign vendors who produce FWC signs on our [Manatee Sign Vendor webpage](#) as well as downloadable files for sign companies not on this list who may want to produce these signs.

Manatee Educational Signs

February 2011

For durability, all signs should be fiberglass or metal with rounded corners (hand-sanded to remove all sharp edges and burrs), constructed of 0.08 Gauge 5052-H38 Aluminum with an Alodine 1200 conversion coating and Engineer Grade Type I reflective sheeting. Signs constructed to other specifications may not provide durability acceptable to the consumer.

The approved signs must meet the following specifications:

Florida Friendly Boating (2009)	Caution: Boaters (2009)	Entanglement (2010)	Caution: Shut Down (2009)
Minimum size should be 30" tall x 36" wide with rounded corners	Minimum size should be 30" tall x 24" wide with rounded corners	Minimum size should be 15" tall X 12" wide with rounded corners	Minimum size should be 8½" tall by 11" wide metal with rounded corners
			
This sign is considered the manatee educational sign. In 2009, it replaced the older manatee educational sign called "Manatee Basics for Boaters".	This sign is sometimes referred to as an awareness sign. In 2009, it replaced the "Caution: Manatee Area" sign. These signs are also frequently used as temporary signs for construction purposes.	This entanglement sign is typically placed near recycling bins or trash containers.	This temporary sign is required as part of the standard manatee construction conditions and is intended to be placed near dredge, tugboat and work boat operators.

The size and type of signs required by permit or lease may vary from those depicted in this guide. If you have any questions, please contact FWC's Imperiled Species Management Section.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960



December 17, 2015



Donnie Kinard
U.S. Army Corps of Engineers
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, Florida 33410

Service CPA Code: 2014-CPA-0306
Service Consultation Code: 2015-I-0056
Corps Application No.: SAJ-2014-01034
Date Received: April 17, 2015
Applicant: National Marine Manufacturer's
Association, Inc.
County: Miami-Dade

Dear Mr. Kinard:

The U.S. Fish and Wildlife Service (Service) has reviewed the U.S. Army Corps of Engineers (Corps) request to initiate consultation dated April 17, 2015, for the annual National Marine Manufacturer's Miami International Boat Show (Event). The Corps determined the proposed Event may affect but is not likely to adversely affect the federally endangered American crocodile (*Crocodylus acutus*) and the West Indian manatee (*Trichechus manatus*; manatee). This letter is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*), the Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 *et seq.*), and the provisions of the Fish and Wildlife Coordination Act of 1958, as amended (48 Stat. 401; 16 U.S.C. 661 *et seq.*).

PROJECT DESCRIPTION

The National Marine Manufacturer's Association Inc. (applicant) proposes to install 268,400 square feet of temporary floating docks and access walkways for the Event within the waters adjacent to the Miami Marine Stadium. The proposed Event is planned to occur annually, in February, for 10 years at the same location with the first show scheduled for February 11-15, 2016. The Event will include temporary moorings for a maximum of 830 power and sail boats of various sizes. For 2016, boat move-in days are scheduled for February 5-10 and move-out days are February 16-18. No mooring for the general boating public is proposed for this event.

The propose Event is anticipated to be organized with the same configuration annually, this will include the temporary installation of 546 dock piles and 497 mooring piles as well as 63 temporary helical anchor systems in the temporary mooring field. The Event will have 6 access walkways located along the shoreline that will start on the uplands and will connect to the floating docks.

Access walkways will be elevated over the denser seagrass areas near shore. Temporary fencing and signage will be used to direct pedestrian traffic to the designated access paths and away from sensitive areas. Canopies will be installed over portions of the floating docks. The temporary structures will be installed by equipment on shallow draft barges and remain in place for a maximum of 90 days including the show dates and the time to install and remove the temporary structures. Pile driving will be performed with a diver present to ensure that no resources or marine life is harmed. Test rides (sea trials) from a limited number of temporary slips will take place during the show. Routes for water taxis and sea trials will be established as part of this Event.

To provide transportation to and from the Event, the applicant is proposing a water taxi service that will shuttle attendees between the Marine Stadium Basin and seven (7) water taxi stops. Water taxis will bring Event attendees to the existing docks at the City of Miami Marine Stadium Marina for pick up and drop off. Six of the sites proposed for water taxi service are consistent with the recommendations of the Miami-Dade County Manatee Protection Plan (MPP). The seventh proposed site is the Florida East Coast Railway basin (FEC) slip located north of the American Airlines Arena, which is not recommended for transitory use, such as a water taxi service. The FEC slip is located in an area recommended for "Freight Terminals and Large Vessels (greater than 100 feet)". The higher frequency of boat trips associated with a water taxi service could increase overlap between vessels and manatee travel patterns at this location. However, the applicant has stated the water taxi service to and from the FEC slip is an important component of the boat show's overall transportation plan due to the vehicle parking available at the American Airlines Arena.

To minimize potential impacts to manatees associated with water taxis for this Event, the applicant has agreed to the following conditions:

- a) The Event will follow the Florida Fish and Wildlife Conservation Commission's (FWC) *Standard Manatee Construction Conditions for In-water Work* (FWC 2011);
- b) Dedicated observers will be present during all in-water work, and a Miami-Dade County Division of Environmental Resources Management-approved manatee observer plan will be implemented during all phases of construction, operation, and removal of the boat show;
- c) The use of the FEC slip for a water taxi stop shall be limited to not more than 5 days each year and shall be associated exclusively with the boat show transportation plan;
- d) Manatee observers shall be required onboard all water taxi vessels that access the FEC slip;
- e) If any impacts to manatees are determined to be a result of using the FEC slip as a water taxi stop, water taxi service to and from the FEC slip shall cease for the remainder of the Event and will not be authorized for subsequent shows;
- f) Seagrasses along the southern shore of the marine stadium will be marked and avoided;
- g) Pre-Event and post-Event seagrass surveys will be conducted each year of the Event;

- h) Florida marine patrol officers will be scheduled during move-in, move-out, and show days to enforce restricted vessel and speed zones;
- i) Maps will be provided to all show participants, exhibitors, and water taxi pilots that identify proper channels, manatee zones, and appropriate routes of access to the Marine Stadium Basin prior to arrival at the boat show; and
- j) Maps will also indicate the locations of environmentally sensitive areas that are required to be avoided.

The Event is located adjacent to the Miami Marine Stadium, at 3501 Rickenbacker Causeway, Miami, in Section 17, Township 54 South, Range 40 East, Key Biscayne, Miami-Dade County, Florida.

THREATENED AND ENDANGERED SPECIES

The proposed Event has been evaluated for consistency with the MPP. The Marine Stadium Basin is not located within an area designated as essential habitat for the manatee and the MPP does not include specific limitations for new or expanded marine facilities, other than compliance with existing zoning or environmental regulations, at this site. The area immediately outside of the Marine Stadium Basin is designated as essential manatee habitat and is also dominated by shallow water areas containing dense seagrass beds. However, the Intracoastal Waterway provides marked deep water access to the Marine Stadium Basin from both the north and the south, which will provide access for boats to safely enter and exit the Event. As previously stated, the MPP does not recommend using the FEC slip for transitory boat operations. However, the additional boat traffic will be minimal because the boat show will only last 5 days each year. Finally, the area of Biscayne Bay adjacent to the FEC slip is designated as vessel "Slow Speed All Year" by the FWC; the marine patrol will present to monitoring boater behavior and speed zones and ensure that this designation is respected during the Event.

During consultation with the Service, an American crocodile nest was discovered on the north part of Virginia Key adjacent to the Bill Sadowski Critical Wildlife Area (CWA). The CWA and surrounding area is designated as a "No Entry Zone" and identified on the Events maps. Therefore, disturbance to any nesting American crocodiles from Event attendees and boat traffic related to the Event is not expected to occur. In addition, the minimization measures outlined for the manatee will also serve to minimize any effects to American crocodiles swimming within the Event area.

Based on our review of the information provided and the minimization measures that will be implemented, the Service concurs with the Corps' determination that the Event, as proposed, may affect, but is not likely to adversely affect the manatee and American crocodile.

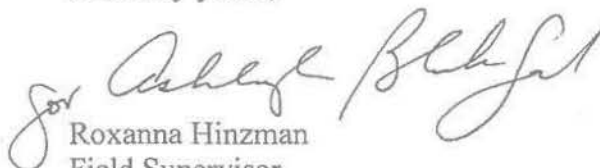
This letter fulfills the requirements of section 7 of the Act and no further action is required. If modifications are made to the Event, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

FISH AND WILDLIFE RESOURCES

Environmental assessments have confirmed the presence of five species of seagrasses within the Event area. Seagrasses are essential for a variety of fish and wildlife including manatees and other endangered and threatened species. Best management practices will be implemented during all activities, including construction work, associated with the Event. All shallow seagrass areas and the entry channel into Marine Stadium Basin will remain marked throughout the duration of the boat show activities. In order to mitigate for temporary water-quality impacts associated with the construction, deconstruction and use of the facility, the applicant has agreed to provide annual contributions to the Biscayne Bay Environmental Enhancement Trust Fund based on the total number of slips each year. Pre-and post-Event benthic surveys will be conducted to verify whether any unanticipated impacts occur as a result of the Event. Based on the information provided, the Service finds the proposed activity will not significantly impact fish and wildlife resources.

Thank you for your cooperation in the effort to conserve fish and wildlife resources. If you have any questions regarding this project, please contact Shawn Christopherson at 772-469-4336.

Sincerely yours,



Roxanna Hinzman
Field Supervisor
South Florida Ecological Services Office

Enclosure

cc: electronic only
Corps, Miami, Florida (Albert Gonzalez)
DEP, Fort Pierce, Florida (Brian Sharpe)
FWC, Tallahassee, Florida (FWC-CPS)
Service, Vero Beach, Florida (Tori Foster)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
365 13th Avenue South
St. Petersburg, FL 33701



SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

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

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

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc





Florida Department of Environmental Protection

SOUTHEAST DISTRICT OFFICE
3301 GUN CLUB ROAD, MSC 7210-1
WEST PALM BEACH, FL 33406
561-681-6600

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary



Permittee:

National Marine Manufacturers Association (NMMA)
&
City of Miami

Project Name:

City of Miami- NMMA Boat Show at Miami Marine Stadium

Authorized Agent:

Dock & Marine Construction
c/o Glen Larson
Phone: (305) 310-5288; Email: glarson@dockandmarine.net

Compliance Project Manager:

Greg Vazquez, Environmental Specialist II
Phone: 561-681-6620; Email: Gregory.Vazquez@dep.state.fl.us

Environmental Resource Permit - Granted

State-owned Submerged Lands Authorization –Not Applicable

U.S. Army Corps of Engineers Authorization –Separate Corps Authorization Required

Permit No.: 13-0306513-006

Permit Issuance Date: 12/11/15

Permit Construction Phase Expiration Date: 12/11/20

Environmental Resource Permit

Permittee: National Marine Manufacturers Assoc. & City of Miami

Permit No: 13-0306513-006

PROJECT LOCATION

The activities authorized by this Permit are located within Biscayne Bay, within the Biscayne Bay Aquatic Preserve, Outstanding Florida Waters, Class III Waters, adjacent to the Miami Marine Stadium at 3501 Rickenbacker Causeway, Miami (Section 17, Township 54 South, Range 42 East), in Miami-Dade County (Latitude N 25° 44' 32.3807", Longitude W 80° 10' 8.3280").

PROJECT DESCRIPTION

The permittee is authorized to (1) install 326 10-ft. by 40 ft. (130,400 sq. ft. total) temporary floating docks; (2) install 277 10-ft. by 40 ft. (110, 800 sq. ft. total) temporary floating docks with tents; (3) install 111 10-ft. by 20-ft. (22, 200 sq. ft. total) temporary floating docks with tents; (4) install 50 5-ft. by 20-ft. (5, 000 sq. ft. total) floating finger piers; (5) install 546 dock piles; (6) install 497 mooring piles; and (7) install approximately 830 temporary water slips ranging from 3-ft. to 12-ft. drafts. Authorized activities are depicted on the attached exhibits.

The submerged bottom at the project site consists of sand, rock, and submerged grassbeds. This permit does not anticipate any permanent impacts to the existing submerged grassbeds or any impacts to mangroves, wetland vegetation, or other submerged resources located within the project boundaries; therefore, this permit does not authorize permanent impacts to these resources.

AUTHORIZATIONS

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is located with Board of Trustees Deed No. 18030 and not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

Federal Authorization

Your proposed activity, as outlined on your notice and attached drawings, **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at the Miami Regulatory Field Office at (305) 526-7181 for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Permittee: NMMA & City of Miami

Permit No.: 13-0306513-006

Page 2 of 12

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.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit, as described.

SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS

(1) The attached 1-page permit checklist; the attached project drawings (sheets 1 through 8); the attached 1-page "Standard Manatee Conditions for In-Water Work, 2011" (Exhibit A); and DEP forms 62-330.310(3), 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this

permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

(2) If the attached permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

(3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact this project's Compliance Project Manager, Greg Vazquez, by email at Gregory.Vazquez@dep.state.fl.us, or by phone (561) 681-6620, to schedule the pre-construction conference. **If the assigned Compliance Project Manager cannot be reached, the permittee shall contact the ERP Program Compliance/Enforcement section by phone (561) 681-6600, to schedule the pre-construction conference.**

(4) The permittee shall ensure that the permit conditions are explained to all construction personnel working on the project and for providing each contractor and subcontractor with a copy of this permit before the authorized work begins.

(5) The permittee shall distribute educational materials to construction staff, boat show event officials, participants/exhibitors, water taxis and sea trial pilots to include, but not be limited to: maps that depict manatee protection zones, established routes for travel during the show, and areas to avoid. The educational material shall also remind boat operators to travel at slow speeds whenever possible to avoid collision with or harassment to any manatees, sea turtles, or dolphins travelling through the waterway. A copy of the educational material developed shall be sent to the FWC at ImperiledSpecies@myfwc.com prior to the event.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

(6) The permittee shall remove all debris, detritus, and oil residue from the water body before, during, and after the boat show in accordance with all applicable federal, state, and local regulations.

(7) There shall be a minimum 12-inch clearance between the deepest draft of all vessels (with the motor in the down position) and the top of any submerged resources at mean low water.

(8) All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring, prop dredging, or damage to seagrasses or other submerged resources.

(9) Temporary pilings shall not be treated with any chemical compounds.

(10) Temporary structures shall be installed for a duration of up to 12 weeks (setup to breakdown).

SPECIFIC CONDITIONS – RESOURCE MONITORING/REPORTING REQUIREMENTS

(11) The permittee shall conduct pre-event and post-event submerged resource surveys within 30 days prior to the event and 30 days following the event, respectively. The pre and post resource surveys shall be submitted to the Department within 45 days after the breakdown of the show. In addition, the permittee shall conduct a third resource survey in the middle of the seagrass growing season (April 1 through August 31) to provide an accurate representation of the seagrass habitat at the boat show site, and submit to the Department within 30 days of the date of the survey. If the submitted surveys indicate that adverse impacts to submerged resources have occurred as a result of boat show activities (e.g. prop dredging, annual pile installation and removal), mitigation may be required. If mitigation is required, this permit shall be modified to offset the adverse impacts to submerged resources.

(12) The permittee shall provide the following information to assess the seagrass resources at the project site and what resources may be impacted directly or indirectly by the project:

- a. A map showing seagrass distributions by species within the project boundaries.
- b. A site map showing the footprint of the construction project in relation to all seagrass resources.
- c. A map indicating the location of the seagrass transects or sampling locations.
- d. The percent coverage of seagrass or seagrass shoot density for each species present.
- e. Total amount (acres or square feet) of seagrass habitat impacted as a result of the construction.

SPECIFIC CONDITIONS – TURBIDITY MONITORING/REPORTING REQUIREMENTS

(13) Turbidity levels outside the construction area shall not exceed 0 (zero) NTU's above ambient levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed ambient turbidity levels of the surrounding Outstanding Florida Waters:

- a. Notify the Department at (561) 681-6600 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. As required, perform turbidity monitoring per Specific Conditions below.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below background levels.

(14) Turbidity Monitoring. Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken every four hours until turbidity subsides at one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

- a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)

- b. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

(15) Turbidity Monitoring Reports. During dock construction activities, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by Specific Condition 14:

- a. Date and time of sampling event
- b. Turbidity sampling results (background NTUs, compliance NTUs, and the difference between them)
- c. Description of data collection methods
- d. An aerial map indicating the sampling locations
- e. Depth of sample(s)
- f. Weather conditions at times of sampling
- g. Tidal stage and direction of flow

Data shall be collected in a turbidity log and shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data. The turbidity log shall be scanned and sent on a weekly basis to the Department's Compliance Project Manager, Gregory Vazquez, by email at Gregory.Vazquez@dep.state.fl.us. The subject line of the email shall include the project name, permit number, and the title "Turbidity Monitoring Reports."

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

(16) Access to the show area by the construction staff, boat show event officials, participants/exhibitors, water taxis and sea trial shall only be through a marked channel. Sea trials and water taxis shall operate along the vessel routes shown on the attached Sheet 8 of 8.

(17) In association with this permit, transient use of the FEC (Florida East Coast Railway) basin slip by water taxi shall not be authorized for more than five consecutive days a year.

(18) No fueling facilities shall be installed or operated on the temporary docks.

(19) The following activities are prohibited at the event:

- a. Boat maintenance or repair activities requiring removal of a vessel from the water or removal of any major portions of the vessel, including the engine, for purposes of routine maintenance on site.
- b. Hull cleaning involving the scraping or jet washing of fouling organisms.
- c. Hull painting.
- d. Any discharges or release of oils or greases associated with engine and hydraulic repairs.
- e. Any discharge or release of metal based bottom paints associated with hull scraping, cleaning, and painting.

(20) A request for permit extension or for a new individual permit shall be submitted to the Southeast District office, Permitting Section, at least 90 days prior to the permit expiration date, regardless of whether or not any changes to temporary structures or designs have been made.

SPECIFIC CONDITIONS – MANATEE CONDITIONS

(21) During all in-water work, the permittee shall comply with the standard manatee protection construction conditions listed in the attached 1-page “Standard Manatee Conditions for In-Water Work, 2011”.

(22) The permittee shall install at least two temporary manatee educational signs, such as the “Florida Friendly Boating” sign, to inform the boating public of the habitat and behavior of manatees and of the dangers boats can pose to them. The signs shall be installed prior to the beginning of the show and remain in place until after the show has finished. One of the signs shall be installed near the docks where the water taxis are moored and one of the signs shall be installed near an area of high foot traffic going out to the temporary mooring areas. Additional information about signs and where they can be obtained can be found at: <http://www.myfwc.com/wildlifehabitats/managed/manatee/signs>.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

(1) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector’s Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(4) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), “Construction Commencement Notice,”

[October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

(5) Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

(6) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
- b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(7) If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(8) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(9) This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(10) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the

permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(11) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

(12) The permittee shall notify the Agency in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(13) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(14) If any prehistoric or historic artifacts, such as pottery or 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 are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(15) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(16) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

(17) This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

(18) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S. and Chapter 258, F.S.

(1) Sovereignty submerged lands may be used 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 will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

(2) Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

(3) Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

(4) Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

(5) Construction, use, or operation of the structure or activity will 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.

(6) Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.

(7) Structures or activities will not create a navigational hazard.

(8) Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.

(9) Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.

(10) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all

liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

(11) Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

(12) Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

(13) All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

(14) This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jason Andreotta
Permitting Program Administrator
Southeast District

Attachments:

Permit checklist, 1 pages

Project Drawings and Design Specs., 8 pages

Exhibit A, Standard Manatee Conditions for In-Water Work, 2011, 1 page

As-built Certification and Request for Conversion to Operational Phase Form 62-330.310(1)*

Request for Transfer to the Perpetual Operation Entity Form 62-330.310(2)*

Request to Transfer Permit Form 62-330.340(1)*

Commencement Notice Form 62-330.350(1)*

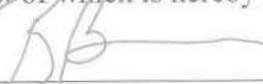
*Can be downloaded at: <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>

Copies furnished to:

Lucy Flores, FDEP/SED/ERP/Permitting, Lucy.Flores@dep.state.fl.us
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Glen Larson, Designated Agent, glarson@dockandmarine.net

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk 12/11/15
Date

OCULUS: ERP/Permitting Authorization/ERP_306513/Permit Final/ERP Individual No Conceptual-EI/006

(F)

Event Plan for Environmental Protection (General Marine Events)

Specific Event Details:

Event Plan Date: Set up dates 12/15/15-March **Dates of Event:** 2/11/15- 2/15/15

Name of Event: Progressive Insurance Miami International Boat Show

Location:

Miami Marine Stadium

Name and Contact Information of Sponsor(s):

NMMA Cathy Rick-Joule 954-441-3231, crick-joule@nmma.org

Names and Contact Information of Marine Observers (if any):

A brief description of the experience and qualifications for each observer will be provided no later than 2 weeks prior to the event

Glen Larson, Edward Riviera, Gary Clanton, Ferney Bonilla, John Korvick, Frank Mack, Os

Attachments:

Map of race course, including lat/longs for where buoys are located
Spectator Vessel Anchoring plan [if needed]

This Event will draw spectators: Yes (*attach anchoring plan*) or No

If yes, a spectator vessel anchoring plan that ensures avoidance of anchor damage to seagrass, coral, and hardbottom habitat is included with this Event Plan. This spectator vessel anchoring description includes maps delineating where spectator vessels are allowed to anchor, lat/longs for where buoys are located, how many spectator vessels are expected, and details of how protection of habitat resources outside of the allowed area will be enforced.

Specific Event Conservation Measures:

The Event Sponsor will assure that potential adverse impacts to protected species as a result of this event will be avoided and minimized by following the conservation measures outlined in this plan. Protected marine species and habitats include, but are not limited to: sea turtles, marine mammals (such as manatees, dolphins, whales), protected fish (such as the smalltooth sawfish), hardbottom, coral reef, seagrass, etc. This plan includes three parts: 1) Education, 2) Habitat Protection and 3) Protected Species Conservation Measures. Avoidance and minimization will be accomplished by adhering to the conservation measures in this document.

Education

1. Event sponsor will hold a protected species awareness training meeting and require all event officials and participants to attend prior to the event. The purpose of the meeting will be to inform all parties of the potential presence of all relevant protected species (such as manatee, sea turtle, *Acropora* corals species, Johnson's sea grass, etc.) that may be in the location of the event, and to inform them of the civil and criminal penalties that could result from the harassment, injury, or death of these species. The event sponsor will distribute protected species educational packages to each event official and participant.

2. The educational packages will include information about the following requirements: The Endangered Species Act of 1973, Federal Marine Mammal Protection Act of 1972, 16 U.S.C. § 1401 et seq., 16 U.S.C. § 1531 et seq., and the Florida Manatee Sanctuary Act of 1978 (codified, as amended, at Section 379.2431, F.S. (2010)), and the Florida Coral Reef Protection Act Section 403.93345, F.S. Migratory bird species are protected by the Federal Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 et seq.), and some are further protected by the Endangered Species Act of 1973. The educational materials will make it clear that: "It is unlawful for any person, at any time, by any means or in any manner, intentionally or negligently, to annoy, molest, harass, or disturb any protected species (such as manatee, sea turtle, smalltooth sawfish, etc.)".

Habitat Protection

1. Event sponsor will ensure there is no anchoring or spudding of event or spectator vessels on seagrass, coral reefs, or hard bottom resources.
2. Event sponsor will ensure there are no temporary anchors for markers, or other objects associated with a marine event, placed on seagrasses, coral reefs, or hardbottom resources.
3. Event and safety vessels will use floating cables and be maneuvered and positioned so that anchoring and towing cables and lines are not permitted to lay-on or sweep-over seagrasses, coral reefs, or hard bottom resources. Vessels that are not anchoring should be held stationary over sandy bottom to avoid any potential

habitat damage from slack cables or lines.

4. All temporary anchors will be hand placed and retrieved by divers who are professional biologists familiar with these habitats. Anchoring devices placed on the seafloor should be placed a minimum of 100 feet from submerged resources, so that if they are drug by a vessel or moved by wind or wave action, they will not cause damage to these marine resources.
5. Temporary buoys or markers must be anchored or held in place by piles driven into the seabed, and the area of the seabed disturbed must be confirmed of being devoid of coral, coral reef, hardbottom, and seagrass habitat prior to placement.
6. Event Sponsor will comply with Section 253.04(3), Florida's seagrass protection law, stating that destruction of seagrass in aquatic preserves is a violation of the law and carries penalties. Vessels will anchor in sandy bottoms only. If a vessel runs aground, FWC law enforcement (*FWC) will be called immediately and the engine will be powered down. Vessel operator will not attempt to power off as this may cause additional impacts. Event Sponsor will also comply with applicable laws and guidance protecting coastal habitats including but not limited to salt marsh, oyster reefs, and mangroves.
7. Any marine debris generated by the event will be removed from the water immediately.
8. All participating vessels will adhere to designated speed zones.
9. Event boundaries will be at least 500 feet away from sea turtle or bird nesting beaches, and at least 500 feet away from mangrove islands or similar vegetation where migratory bird nesting colonies are present. Event sponsor will ensure wakes from vessels do not overwash beach areas where marked turtle nests or migratory bird nests are present.

Protected Species Conservation Measures

It is unlawful for any person, at any time, by any means or in any manner, intentionally or negligently, to annoy, molest, harass, or disturb any protected species (such as manatee, dolphins, sea turtle, smalltooth sawfish, etc.). In order to minimize potential adverse impacts to protected species the following, at a minimum, should be included in the event plan:

- 1) Should protected marine species (such as manatees, dolphins, or sea turtles) be present in the event area, the event will be delayed or stopped until the animals are clear of the area. Boat traffic will be halted or directed away from the location of any of these species. The event shall not resume until the animal has moved away from the area under its own volition. No attempts will be made to herd, chase or "escort"

these animals from the area.

- 2) If an animal is observed in the event area activities must cease. If the observer loses sight of an animal observed in or near the event area, the event will not resume for at least 30 minutes following the last sighting, provided that the animal is not observed again.
- 3) The event sponsor will report any protected species injuries or deaths immediately to:
 - a) FWC Wildlife Alert Hotline 888-404- FWCC (3922). Cellular phone users, call *FWC or #FWC, and follow-up with an email within 24 hours to ImperiledSpecies@myfwc.com.
 - b) National Marine Fisheries Service's Protected Resources Division at: takereport.nmfsser@noaa.gov. The e-mail must be sent within 24 hours of the event and must include (1) the type of species captured (i.e., sea turtle or smalltooth sawfish); (2) date and time of capture; (3) the location and activity resulting in capture (i.e., fishing tournament); (4) condition of the species caught (i.e., alive, dead, sent to rehabilitation); (5) size of the individual, behavior, and identifying features (i.e., presence of tags, scars, or distinguishing marks); (6) and any photos that may have been taken. Smalltooth sawfish captures should also be reported to the online encounter database at http://www.flmnh.ufl.edu/fish/sharks/sawfish/form.html.



National Marine Fisheries Service, Southeast Region
Habitat Conservation Division's Best Management Practices
For Surveying Seagrass for Coastal Construction Planning in Florida
(March 11, 2010 version)

Time of Year

- Seagrass surveys in Florida should be conducted during June 1 through September 30

Acceptable Methodologies

- In-situ observations are the most accurate way to determine distribution and abundance of seagrass at the scale of most coastal construction project sites and permit applications (Kenworthy 2000; Short et al., 2001).
- Aerial surveys can be of value for coastal construction planning especially when more than one acquisition in that area is available. Aerial surveys can be used as preliminary data especially in cases when the surveys clearly show seagrass is present. In cases where larger species occur in shallow water, they can be particularly useful, however in cases where there are smaller species in deeper water they may have limited utility unless conducted with extreme attention to detail.
- Towed video surveys have limited value for coastal construction planning.
- Destructive sampling such as Petit ponar grabs should only be used in extreme circumstances and may necessitate consultation with NMFS and require a dredge and fill permit.
- The Recommendations for Sampling *Halophila johnsonii* at a Project Site, as provided in the Recovery Plan for Johnson's Seagrass (NMFS, 2002) presents an acceptable seagrass survey methodology, with exception that the survey window should be June 1 through September 30. This methodology is particularly useful because of the consideration of project scale (small = < 0.25 acres; intermediate = 0.25 to 2.5 acres ; large = > 2.5 acres)
- If an alternate methodology for surveying seagrass is considered, the methodology should reflect a statistically appropriate amount of sampling for the scale of the project area.
- Review of available seagrass survey data sets at the project location or at nearby sites (with similar depth and sediment type) should be used to compliment a site-specific survey, but it is important to keep in mind the project scale and the scale of the available data.
- The survey area should a 500-foot area around a project area. In addition, the area should consider setting aside appropriate project buffer (e.g., for dredging activities NMFS may recommend a minimum 100 foot buffer between dredging and seagrass habitats) areas that may be required and other direct and indirect impact areas from side slope equilibration, sedimentation, vessel shading, or reduced water quality from turbidity. Also keep in mind that the regulatory agencies may require a review of alternatives which could trigger a need to survey a larger area, adjacent areas, or additional areas.

Important Considerations

- Note that Johnson's seagrass is essential fish habitat in addition to a federally listed species under the Endangered Species Act. Any adverse effect to this species or modification or destruction of its critical habitat must be coordinated with two NMFS offices: Habitat Conservation Division and Protected Resource Division. Consultation with one office will not meet the requirements of the other office.
- For projects that involve permanent disturbance of the estuarine bottom, e.g., dredge and fill activities, more than one survey during different growing seasons is beneficial.

- Hurricanes can have effects on water quality and hydrology. Depending on the scale of the disturbance, post-hurricane surveys (1 to 2 years after hurricane) can reflect interannual shifts in species composition and declines in density (Steward et al., 2006). Survey information provided immediately post-hurricane or in the next growing season could understate the amount of seagrass habitat at the site.
- Most estuaries have fluctuating water clarity based on tidal stage and seasonal rainfall events. The estuarine bottom may be barely visible during an outgoing tide or after rainfall; however water clarity can greatly improve during an incoming tide or drought periods. Surveys should be planned accordingly to maximize the ability to detect seagrass.
- It is important to recognize seagrass habitats as including not only continuous vegetated beds, but also patchy environments with unvegetated areas between the patches as part of the contiguous habitat (SAFMC, 2009)

Reporting Requirements

- Seagrass Survey Minimum Reporting Requirements include:
 - Survey date(s)
 - Location (latitude and longitude)
 - Name of person who conducted the survey and other representatives present
 - Water body
 - Time of survey
 - Weather conditions
 - Visibility
 - Tidal Stage and tendency (i.e., flood or ebb)
 - Tidal range of site
 - Elevation of seagrass (deepest, shallowest) in reference to the tidal datum or relative to elevation of nearby similar habitats
 - Results of preliminary visual reconnaissance
 - Area (acres or square meters) of proposed impact (total area, including any gaps among existing seagrass cover)
 - Estimate of percent cover and species present/absent
 - Site map that delineates area surveyed and seagrass patches or beds
 - Shoot density estimate
 - Other useful information can include: fishery resource observations, sediment type, and information requested in Unified Mitigation Assessment Method Part I and Part II worksheets (geographic relationship to uplands or other water bodies, significant nearby features, anticipated wildlife utilization, uniqueness, etc.)

NMFS Points of Contact

- NMFS Habitat Conservation Division biologists are available to review seagrass survey methodologies prior to conducting the survey. For Florida, contact:
 - George.Getsinger@noaa.gov (St. Johns through Indian River Counties)
 - Jocelyn.Karazsia@noaa.gov (St. Lucie through Monroe Counties)
 - Brandon.Howard@noaa.gov (Atlantic Florida Department of Transportation)
 - Mark.Thompson@noaa.gov (Florida panhandle)
 - Mark.Sramek@noaa.gov (Dixie through Collier Counties)
 - David.Rydene@noaa.gov (Gulf of Mexico Florida Department of Transportation)

- If the project is within the range of Johnson's Seagrass, NMFS Protected Resource Division biologists are available to provide technical assistance as well.
Shelley.Norton@noaa.gov (Johnson's Seagrass Coordinator)
Kay.Davy@noaa.gov
Audra.Livergood@noaa.gov
Kel.Logan@noaa.gov

Literature Cited:

- Fonseca, M.S., Kenworthy, W.J., and Thayer, G.W. 1998. Guidelines for the mitigation and restoration of seagrass in the United States and adjacent waters. NOAA COP/Decision Analysis Series. 222p.
- Kenworthy, J.W. 2000. The role of sexual reproduction in maintaining populations of *Halophila decipiens*: implications for the biodiversity and conservation of tropical seagrass ecosystems. *Pacific Conservation Biology* 5: 260-268.
- National Marine Fisheries Service. 2002. Recovery Plan for Johnson's Seagrass (*Halophila johnsonii*). Prepared by the Johnson's Seagrass Recovery Team for the National Marine Fisheries Service, Silver Spring, Maryland. 134 pages.
- Short, F.T., Coles, R.G., Short, C.A. 2001. *Global Seagrass Research Methods*. Elsevier, Amsterdam.
- South Atlantic Fishery Management Council (SAFMC). 2009. Fishery Ecosystem Plan of the South Atlantic Region.
www.safmc.net/ecosystem/Home/EcosystemHome/tabid/435/Default.aspx
- Steward, J.S., Virnstein, R.W., Lasi, M.A., Morris, L.J., Miller, J.D., Hall, L.M., and Tweedale, W.A. 2006. *Estuaries and Coast* 29(6A): 954-965.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE



Permit Number: SAJ-2014-01034(SP-AG)

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

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES ___ NO ___
PLEASE CONTACT _____ AT _____
TO SCHEDULE AN INSPECTION

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



**RIVERS AND HARBORS ACT SECTION 10 DETERMINATION OF
JURISDICTION**

Project Name: NMMA Miami International Boatshow

Action ID: SAJ-2014-01034

Applicant: NMMA, c/o Nelson Wold

There are "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

Waterbody: Biscayne Bay

Waters have been determined to be navigable because:

- Navigation Study
- Judicial interpretation in a Federal court of law
- Waters subject to the ebb and flow of the tide
- Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. **Explain:** The basin is located on Biscayne Bay which is a Traditionally Navigable Water.

Project Manager: Albert Gonzalez

Date: 12/23/2015