



REPLY TO
ATTENTION OF

Regulatory Division

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

April 8, 2013

DEPARTMENT OF THE ARMY PERMIT

GENERAL PERMIT SAJ-34
SAJ-2006-01735 (SWA)

PRIVATE COMMERCIAL PIERS IN FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. 403), general authority is hereby given to construct commercial piers 1,000 square feet or less in surface area in navigable waters of the United States within the State of Florida subject to the following conditions:

SPECIAL CONDITIONS:

1. Structures authorized under this general permit are private commercial piers 1,000 square feet or less in surface area and accommodating 5 or fewer slips (including dry storage), unless a Florida Fish and Wildlife Conservation Commission-approved Manatee Protection Plan is more restrictive. This would include normal appurtenances such as boat hoists, boat shelters with open sides, stairways, walkways, mooring pilings, and maintenance of same. Associated mooring pilings are not included in this surface area. Note: Expansion of existing marinas or other commercial facilities is not authorized under this general permit.

2. No work shall be performed until the applicant submits satisfactory plans for the proposed structure and receives written authorization from the District Engineer.

3. The following areas are specifically excluded from authorization under SAJ-34:

- a. Motorboat prohibited zones, no entry zones, and Federal Manatee Sanctuaries.
- b. All areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock in Martin County and W.P. Franklin Lock in Lee County.
- c. Monroe County.
- d. American Crocodile designated critical habitat, Biscayne Bay National Park Protection Zone (Dade County), St. Lucie Impoundment (Martin County), and areas identified in the Wild and Scenic Rivers Act (16 U.S.C. 1317, et seq.): the St. Mary's River, from its headwaters to its confluence with the Bells River, the entire Wekiva River, including Wekiwa Springs Run, Rock Springs Run, the entire Seminole Creek, and Black Water Creek from its

outfall at Lake Norris to its confluence with the Wekiva River, the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park.

e. The following state parks: John Pennekamp Coral Reef State Park, Lignum Vitae Key State Botanical Site and Aquatic Preserve, Long Key State Park, Curry Hammock State Park, and Bahia Honda State Park.

f. Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County) and canals connected to these waterways.

g. Lake Miccosukee, located on the common border of Leon and Jefferson County, Florida.

h. Within the coastal lakes, their outfalls and/or the shore areas between the lakes and the Gulf of Mexico as depicted on the attached map (Figure 1).

i. Elkhorn coral (*Acropora palmata*) and Staghorn coral (*Acropora cervicornis*) designated critical habitat (Figure 2).

j. Areas on or contiguous to ocean beaches.

4. No structures shall be authorized by SAJ-34 within the boundaries of the Timucuan Ecological and Historical Preserve (Duval County) until the National Park Service has been contacted and offered the opportunity to submit comments to the Corps on the effects of the proposed project on the preserve.

5. Prior to verification 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, March 2011*" (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) shall be used to determine potential manatee impacts. Those determined to be a "may affect" to the manatee will not be authorized unless consistent with the 2011 Manatee Programmatic Consultation or individual consultation on the project is required and has been reinitiated and concluded with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. Additionally, depending on the location of the project, some projects determined to be "may affect, not likely to adversely affect" will not be authorized until consultation on the project has been concluded. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

6. For projects in waters accessible to manatees, the Permittee will utilize the "*Standard Manatee Conditions for In-Water Work, 2011*" (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) and/or requirements, as appropriate for the proposed activity. *Note: The manatee 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.*

7. For projects in waters accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, Atlantic sturgeon, or Shortnose sturgeon, the Permittee will utilize the “*Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006*” (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) and/or 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.*

8. In accordance with Section 7 of the Endangered Species Act, projects proposed within habitat for federally listed freshwater mussels and freshwater mussels proposed for listing cannot be authorized until consultation on the project has been concluded with the U.S. Fish and Wildlife Service. These drainages are as follows: Escambia River, Yellow River, Choctawhatchee River, Chipola River, Apalachicola River, Ochlockonee River, Santa Fe and New Rivers, and Econfina Creek (Florida panhandle) and their creeks and tributaries (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>).

9. Projects proposing installation of any type of piling greater than 24-inches in diameter, or installation of any size of metal piling or sheet piling by impact hammer cannot be authorized under SAJ-34 until project-specific consultation has been reinitiated and concluded with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, as appropriate.

10. Projects proposing installation of any type or size of piling or sheet piling by impact hammer cannot be authorized under SAJ-34 during the period March 1 through June 30 in the noise restriction areas as contained within the polygons described by the latitudinal/longitudinal coordinates listed in Appendix 1 and shown in Appendices 2-5.

11. This permit has undergone consultation with U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) on the listed species and any designated critical habitat noted on Table 1 (attached). If the proposed activity requires additional Section 7 consultation under the Endangered Species Act with the FWS and/or NMFS on: 1) these or any other federally listed threatened or endangered species or species proposed for Federal listing; or 2) designated critical habitat or proposed designated critical habitat for these or any other federally listed threatened or endangered species, or proposed species, then, until consultation is reinitiated and concluded, the proposed activity cannot be authorized under SAJ-34.

12. No work shall be authorized by SAJ-34 which may have direct or indirect adverse impacts to essential fish habitat such as but not limited to hard or soft corals, including listed corals, mangroves, estuarine emergent vegetation, marine emergent vegetation, and/or the following species of submerged aquatic vegetation: shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), star grass (*Halophila engelmanni*), Johnson’s seagrass (*Halophila johnsonii*), sago pondweed (*Potamogeton pectinatus*), clasping-leaved pondweed (*Potamogeton perfoliatus*), widgeon grass (*Ruppia maritima*), manatee grass (*Syringodium filiforme*), turtle grass (*Thalassia testudinum*), tapegrass (*Vallisneria americana*), horned pondweed (*Zannichellia palustris*), and eel grass (*Zostera marina*). Indirect effects include secondary and

cumulative effects. In addition, the project cannot have adverse effects on any other essential fish habitat.

13. Adverse impacts to aquatic vegetation from dock construction shall be avoided by adherence to the attached joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Dock 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/Missions/Regulatory/SourceBook.aspx>) Dock construction everywhere in the State of Florida must comply with the above, and additionally, because of concerns about adverse impacts to Johnson's seagrass (*Halophila johnsonii*), dock construction in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with the construction guidelines titled "*Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (Halophila johnsonii) National Marine Fisheries Service/U.S. Army Corps of Engineers - October 2002.*" (See <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) *Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

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

15. This permit does not authorize dredging or the removal of red mangrove (*Rhizophora mangle* L.)

16. For projects authorized under the SAJ-34 in navigable waters of the United States, 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. A structure authorized under this regional general permit must not interfere with general navigation.

17. No activity may cause more than a minimal adverse effect on navigation. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the Permittee's expense on authorized facilities in navigable waters of the United States.

18. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect, impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures 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 Corps within two calendar days. The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). 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. Such activity shall not resume on non-federal lands without written authorization from the SHPO and the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). 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. Such activity shall not resume without written authorization from the State Archeologist, SHPO and the Corps.

e. In the unlikely event that human remains are encountered on federal or tribal lands, or in situations where Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work in the vicinity shall immediately cease and the Permittee immediately notify the Corps. The Corps shall then notify the appropriate THPO(s) and SHPO. 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. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate

THPO(s), SHPO, and federal manager. After such notification, project activities on tribal lands shall not resume without written authorization from the appropriate THPO(s) and the Corps.

19. Turbidity control measures may be required, and the work must be conducted so as to prevent violations of State Water Quality Standards as established in sections 62-4.242 and 62-4.244 of the Florida Administrative Code and Chapters 62-302, 62-520, 62-522, and 62-550 of the Florida Administrative Code.

20. Prior to the initiation of any construction, projects qualifying for this regional general permit must qualify for an exemption under section 403.813(1)(i) Florida Statutes (F.S.) or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S.

21. To maintain no less than 50% of the open-water portion of the waterbody available for public navigation, structures constructed on canals or channels must not extend more than 25% of the canal/channel width, excluding dense areas of forested shoreline vegetation such as mangroves, as measured from the project location to the opposite shoreline.

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


23. Conformance with the descriptions and criteria contained herein does not necessarily guarantee authorization under this regional general permit. The District Engineer reserves the right to require that any request for authorization under this regional general permit be processed as a standard permit.

24. This regional general permit will be valid for a period of five years from the date specified above unless suspended or revoked by the District Engineer prior to that date. If SAJ-34 expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on SAJ-34 will remain in effect provided the activity is completed within 12 months of the date SAJ-34 expired or was revoked.

25. The Permittee shall perform all work in accordance with the general conditions for permits. The general conditions attached hereto are made a part of this permit.

26. The Permittee shall adhere to the NOAA Fisheries Service Vessel Strike Avoidance Measures and Reporting for Mariners (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>)

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


for Alan M. Dodd
Colonel, U. S. Army
District Commander

General Permit SAJ-34

Table 1			
Federally Listed Species in Florida			
Consultation for Regional General Permit SAJ-34 Private Commercial Piers Florida			
<i>Finding</i>	<i>Agency</i>	<i>Status</i>	<i>Species Listing</i>
MAMMALS			
NE	FWS	E	Bat, Grey (<i>Myotis grisescens</i>)
NE	FWS	E	Deer, Key (<i>Odocoileus virginianus clavium</i>)
MANLAA	FWS*	E	Manatee, West Indian (<i>Trichechus manatus</i>)
NE	FWS	E	Mouse, Anastasia Island Beach (<i>Peromyscus polionotus phasma</i>)
NE	FWS*	E	Mouse, Choctawhatchee Beach (<i>Peromyscus polionotus allophrys</i>)
NE	FWS	E	Mouse, Key Largo Cotton (<i>Peromyscus gossypinus allapaticola</i>)
NE	FWS*	E	Mouse, Perdido Key Beach (<i>Peromyscus polionotus trissyllepsis</i>)
NE	FWS	T	Mouse, Southeastern Beach (<i>Peromyscus polionotus niveiventris</i>)
NE	FWS*	E	Mouse, St. Andrew Beach (<i>Peromyscus polionotus peninsularis</i>)
NE	FWS	E	Panther, Florida (<i>Puma concolor coryi</i>)
NE	FWS	E	Rabbit, Lower Keys Marsh (<i>Sylvilagus palustris hefneri</i>)
NE	FWS*	E	Rice Rat (Lower FL Keys) (<i>Oryzomys palustris natator</i>)
NE	FWS	E	Vole, Florida Salt Marsh (<i>Microtus pennsylvanicus dukecampbelli</i>)
NE	NMFS	E	Whale, Blue (<i>Balaenoptera musculus</i>)
NE	NMFS	E	Whale, Finback (<i>Balaenoptera physalus</i>)
NE	NMFS	E	Whale, Humpback (<i>Megaptera novaeangliae</i>)
NE	NMFS*	E	Whale, Right (<i>Eubalaena glacialis</i>)
NE	NMFS	E	Whale, Sei (<i>Balaenoptera borealis</i>)
NE	NMFS	E	Whale, Sperm (<i>Physeter macrocephalus</i>)
NE	FWS	E	Wolf, Red (<i>Canis rufus</i>)
NE	FWS	E	Woodrat, Key Largo (<i>Neotoma floridana smalli</i>)
BIRDS			
<i>Finding</i>	<i>Agency</i>	<i>Status</i>	
NE	FWS	T	Caracara, Audubon's Crested (<i>Polyborus plancus audubonii</i>)
NE	FWS	T	Jay, Florida Scrub (<i>Aphelocoma coerulescens</i>)
NE	FWS*	E	Kite, Everglade Snail (<i>Rostrhamus sociabilis plumbeus</i>)
NE	FWS*	T	Plover, Piping (<i>Charadrius melodus</i>)
NE	FWS	E	Sparrow, Cape Sable Seaside (<i>Ammodramus(=Ammospiza) maritimus mirabilis</i>)
NE	FWS	E	Sparrow, Florida Grasshopper (<i>Ammodramus savannarum floridanus</i>)
NE	FWS	E	Stork, Wood (<i>Mycteria americana</i>)
NE	FWS	T	Tern, Roseate (<i>Sterna dougallii dougallii</i>)
NE	FWS	E	Warbler, Bachman's (<i>Vermivora bachmanii</i>)
NE	FWS	E	Warbler, Kirtland's (<i>Dendroica kirtlandii</i>)
NE	FWS	E	Woodpecker, Red-cockaded (<i>Picoides borealis</i>)
REPTILES & AMPHIBIANS			
<i>Finding</i>	<i>Agency</i>	<i>Status</i>	
NE	FWS*	T	Crocodile, American (<i>Crocodylus acutus</i>)
NE	FWS*	T	Salamander, Frosted Flatwoods (<i>Ambystoma cingulatum</i>)
NE	FWS*	E	Salamander, Reticulated Flatwoods (<i>Ambystoma bishopi</i>)
MANLAA	NMFS/FWS	E	Sea Turtle, Green (<i>Chelonia mydas</i>)

General Permit SAJ-34

Table 1 Continued			
<i>Finding</i>	<i>Agency</i>	<i>Status</i>	<i>Species Listing</i>
			REPTILES & AMPHIBIANS continued
MANLAA	NMFS/FWS	E	Sea Turtle, Hawksbill (<i>Eretmochelys imbricata</i>)
MANLAA	NMFS/FWS	E	Sea Turtle, Kemp's ridley (<i>Lepidochelys kempii</i>)
MANLAA	NMFS/FWS	E	Sea turtle, Leatherback (<i>Dermochelys coriacea</i>)
MANLAA	NMFS/FWS	T	Sea Turtle, Loggerhead (<i>Caretta caretta</i>)
NE	FWS	T	Skink, Bluetail Mole (<i>Eumeces egregius lividus</i>)
NE	FWS	T	Skink, Sand (<i>Neoseps reynoldsi</i>)
NE	FWS	T	Snake, Atlantic Salt Marsh (<i>Nerodia clarkii taeniata</i>)
NE	FWS	T	Snake, Eastern Indigo (<i>Drymarchon corais couperi</i>)
<i>Finding</i>	<i>Agency</i>	<i>Status</i>	FISH
NE	FWS	T	Darter, Okaloosa (<i>Etheostoma okaloosae</i>)
MANLAA	NMFS*	E	Sawfish, Smalltooth (<i>Pristis pectinata</i>)
MANLAA	NMFS/FWS*	T	Sturgeon, Gulf (<i>Acipenser oxyrinchus desotoi</i>)
MANLAA	NMFS	E	Sturgeon, Shortnose (<i>Acipenser brevirostrum</i>)
MANLAA	NMFS	C	Sturgeon, Atlantic (<i>Acipenser oxyrinchus oxyrinchus</i>)
<i>Finding</i>	<i>Agency</i>	<i>Status</i>	INVERTEBRATES
MANLAA	FWS*	T	Bankclimber, Purple (<i>Elliptoideus sloatianus</i>)
MANLAA	FWS*	E	Bean, Choctaw (<i>Villosa choctawensis</i>)
NE	FWS	E	Butterfly, Schaus Swallowtail (<i>Heracles aristodemus ponceanus</i>)
NE	NMFS*	T	Coral, Elkhorn (<i>Acropora palmata</i>)
NE	NMFS*	T	Coral, Staghorn (<i>Acropora cervicornis</i>)
MANLAA	FWS*	E	Ebonysnail, Round (<i>Fosconaia rotulata</i>)
MANLAA	FWS*	E	Kidneysnail, Southern (<i>Ptychobranchnus jonesi</i>)
MANLAA	FWS*	E	Moccasinsnail, Gulf (<i>Medionidus penicillatus</i>)
MANLAA	FWS*	E	Moccasinsnail, Ochlockonee (<i>Medionidus simpsonianus</i>)
MANLAA	FWS*	T	Pigtoe, Fuzzy (<i>Pleurobema strodeanum</i>)
MANLAA	FWS*	T	Pigtoe, Narrow (<i>Fusconaia Escambia</i>)
MANLAA	FWS*	E	Pigtoe, Oval (<i>Pleurobema pyriforme</i>)
MANLAA	FWS*	T	Pigtoe, Tapered (<i>Fusconaia burkei</i>)
MANLAA	FWS*	E	Pocketbook, Shinyrayed (<i>Lampsilis subangulata</i>)
MANLAA	FWS*	T	Sandshell, Southern (<i>Hamiota australis</i>)
NE	FWS	T	Shrimp, Squirrel Chimney Cave (<i>Palaemonetes cummingi</i>)
MANLAA	FWS*	T	Slabshell, Chipola (<i>Elliptio chipolaensis</i>)
NE	FWS	T	Snail, Stock Island Tree (<i>Orthalicus reses</i>)
MANLAA	FWS*	E	Three-ridge, Fat (<i>Amblema neislerii</i>)
<i>Finding</i>	<i>Agency</i>	<i>Status</i>	PLANTS
NE	FWS	E	Aster, Florida Golden (<i>Chrysopsis floridana</i>)
NE	FWS	E	Beargrass, Britton's (<i>Nolina brittoniana</i>)
NE	FWS	E	Beauty, Harper's (<i>Harperocallis flava</i>)
NE	FWS	E	Bellflower, Brooksville (<i>Campanula robsinsiae</i>)
NE	FWS	T	Birds-in-a-nest, White (<i>Macbridea alba</i>)
NE	FWS	E	Blazingstar, Scrub (<i>Liatris ohlingerae</i>)

Table 1 Continued			
Finding	Agency	Status	Species Listing
			PLANTS continued
NE	FWS	T	Bonamia, Florida (<i>Bonamia grandiflora</i>)
NE	FWS	T	Buckwheat, Scrub (<i>Eriogonum longifolium gnaphalifolium</i>)
NE	FWS	T	Butterwort, Godfrey's (<i>Pinguicula ionantha</i>)
NE	FWS	E	Cactus, Key tree (<i>Pilosocereus robinii</i>)
NE	FWS	E	Campion, Fringed (<i>Silene polypetala</i>)
NE	FWS	E	Chaffseed, American (<i>Schwalbea americana</i>)
NE	FWS	E	Cladonia, Florida Perforate (<i>Cladonia perforata</i>)
NE	FWS	E	Fringe-tree, Pygmy (<i>Chionanthus pygmaeus</i>)
NE	FWS	T	Gooseberry, Miccosukee (<i>Ribes echinellum</i>)
NE	FWS	E	Gourd, Okeechobee (<i>Cucurbita okeechobeensis okeechobeensis</i>)
NE	FWS	E	Harebells, Avon Park (<i>Crotalaria avonensis</i>)
NE	FWS	E	Hypericum, Highlands Scrub (<i>Hypericum cumulicola</i>)
NE	FWS	E	Jacquemontia, Beach (<i>Jacquemontia reclinata</i>)
NE	FWS	E	Lead-plant, Crenulate (<i>Amorpha crenulata</i>)
NE	FWS	E	Lupine, Scrub (<i>Lupinus aridorum</i>)
NE	FWS	E	Meadowrue, Cooley's (<i>Thalictrum cooleyi</i>)
NE	FWS	E	Milkpea, Small's (<i>Galactia smallii</i>)
NE	FWS	E	Mint, Garrett's (<i>Dicerandra christmanii</i>)
NE	FWS	E	Mint, Lakela's (<i>Dicerandra immaculata</i>)
NE	FWS	E	Mint, Longspurred (<i>Dicerandra comutissima</i>)
NE	FWS	E	Mint, Scrub (<i>Dicerandra frutescens</i>)
NE	FWS	E	Mustard, Carter's (<i>Warea carteri</i>)
NE	FWS	E	Pawpaw, Beautiful (<i>Deeringothamnus pulchellus</i>)
NE	FWS	E	Pawpaw, Four-petal (<i>Asimina tetramera</i>)
NE	FWS	E	Pawpaw, Rugel's (<i>Deeringothamnus rugelii</i>)
NE	FWS	T	Pigeon Wings (<i>Clitoria fragrans</i>)
NE	FWS	E	Pinkroot, Gentian (<i>Spigelia gentianoides</i>)
NE	FWS	E	Plum, Scrub (<i>Prunus geniculata</i>)
NE	FWS	E	Polygala, Lewton's (<i>Polygala lewtonii</i>)
NE	FWS	E	Polygala, Tiny (<i>Polygala smallii</i>)
NE	FWS	E	Prickly-apple, fragrant (<i>Cereus eriophorus fragrans</i>)
NE	FWS	E	Rhododendron, Chapman (<i>Rhododendron chapmanii</i>)
NE	FWS	E	Rosemary, Apalachicola (<i>Conradina glabra</i>)
NE	FWS	E	Rosemary, Etonia (<i>Conradina etonia</i>)
NE	FWS	E	Rosemary, Short-leaved (<i>Conradina brevifolia</i>)
NE	FWS	E	Sandlace (<i>Polygonella myriophylla</i>)
MANLAA	NMFS*	T	Seagrass, Johnson's (<i>Halophila johnsonii</i>)
NE	FWS	T	Skullcap, Florida (<i>Scutellaria floridana</i>)
NE	FWS	E	Snakeroot (<i>Eryngium cuneifolium</i>)
NE	FWS	E	Spurge, Deltoid (<i>Chamaesyce deltoidea deltoidea</i>)
NE	FWS	T	Spurge, Garber's (<i>Chamaesyce garberi</i>)
NE	FWS	T	Spurge, Telephus (<i>Euphorbia telephioides</i>)
NE	FWS	E	Torreya, Florida (<i>Torreya taxifolia goveniana</i>)
NE	FWS	E	Warea, Wide-leaf (<i>Warea amplexifolia</i>)

Table 1 Continued			
<i>Finding</i>	<i>Agency</i>	<i>Status</i>	<i>Species Listing</i>
			PLANTS continued
NE	FWS	E	Water-willow, Cooley's (<i>Justicia cooleyi</i>)
NE	FWS	T	Whitlow-wort, Papery (<i>Paronychia chartacea</i>)
NE	FWS	E	Wireweed (<i>Polygonella basiramia</i>)
NE	FWS	E	Ziziphus, Florida (<i>Ziziphus celata</i>)
Endangered (E), Threatened (T), Candidate Species (C), U.S. Fish & Wildlife Service (FWS), National Marine Fisheries Service (NMFS)			
*Finding also applies to Designated Critical Habitat			

GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS

General Conditions

1. The time limit for completing the work authorized ends on April 8, 2018.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
4. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

 (TRANSFEREE-SIGNATURE)

 (DATE)

 (NAME-PRINTED)

 (ADDRESS)

GENERAL PERMIT

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

Submerged Aquatic Vegetation:

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

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

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

Marsh:

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

Mangroves.

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

Grid Specifications and Suppliers

The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for dock construction. A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842) and FiberGrate (1-800-527-4043). Plastic grate panels are also available from Southern Pine Lumber Company (Stuart, FL; phone: 772-692-2300). Panels are available in a variety of sizes and thicknesses. For safety, the grate should contain an anti-slip texture which is integrally molded into the top surface. The manufacturer or local distributor should be consulted to ensure that the load-bearing capacity of the selected product is sufficient to support the intended purpose. Contact the manufacturer(s) for product specifications and a list of regional distributors.

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

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

This key was modified in October 2002 to change the percent light transmittance requirement of the grids from 46 to 43 as stipulated in Note #3 .

1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.

- 6a.** The construction is in an area designated by NMFS-PRD as critical habitat for Johnson's seagrass. Use "*Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat*" - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that a minimum 1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.**
- 6b.** The construction is not in an area designated by NMFS as critical habitat for Johnson's seagrass. Go to 7
- 7a.** SAV other than Johnson's seagrass is present at the site. Use "*Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat*" - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001.
- 7b.** No SAV present. *No construction conditions for SAV are necessary.*

Notes:

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

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

³ Light-transmitting materials are made of various materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. **All light-transmitting materials used for dock construction in the known range of Johnson's seagrass shall have a minimum of forty-three (43) percent open space.**

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

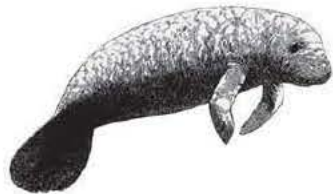
All project vessels

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



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 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

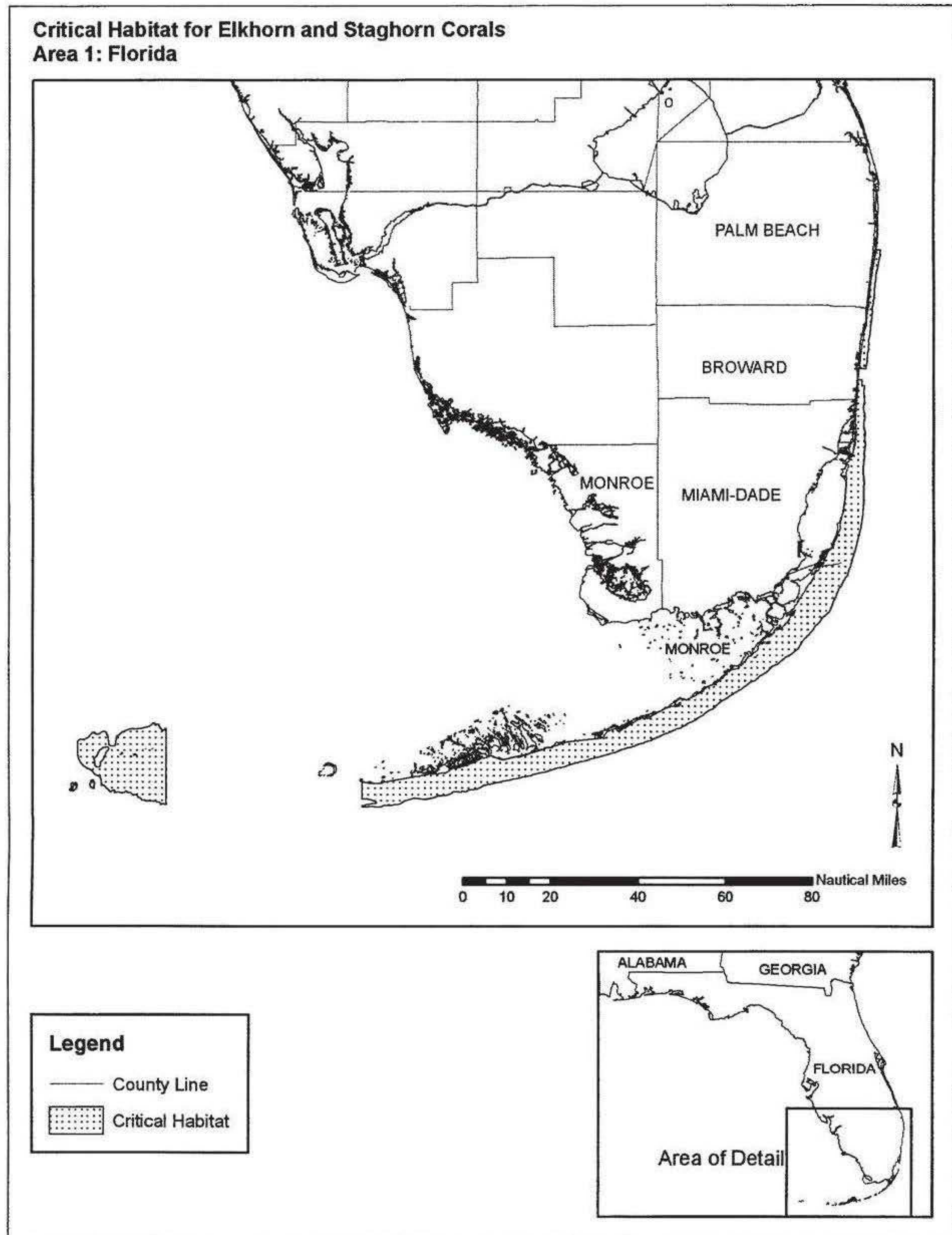


Florida Panhandle Coastal Dune Lakes



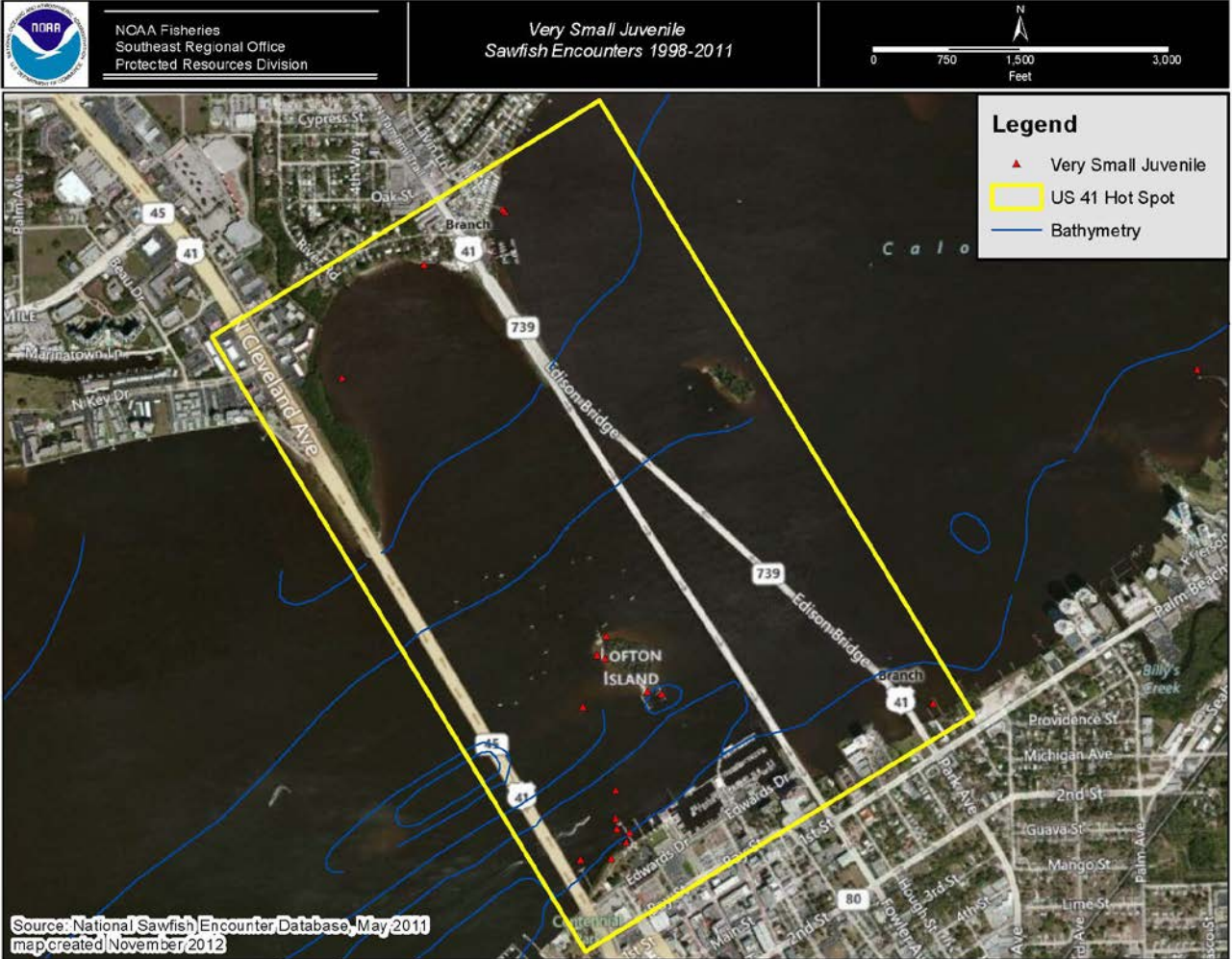
Regional General Permit SAJ-34

Figure 2.

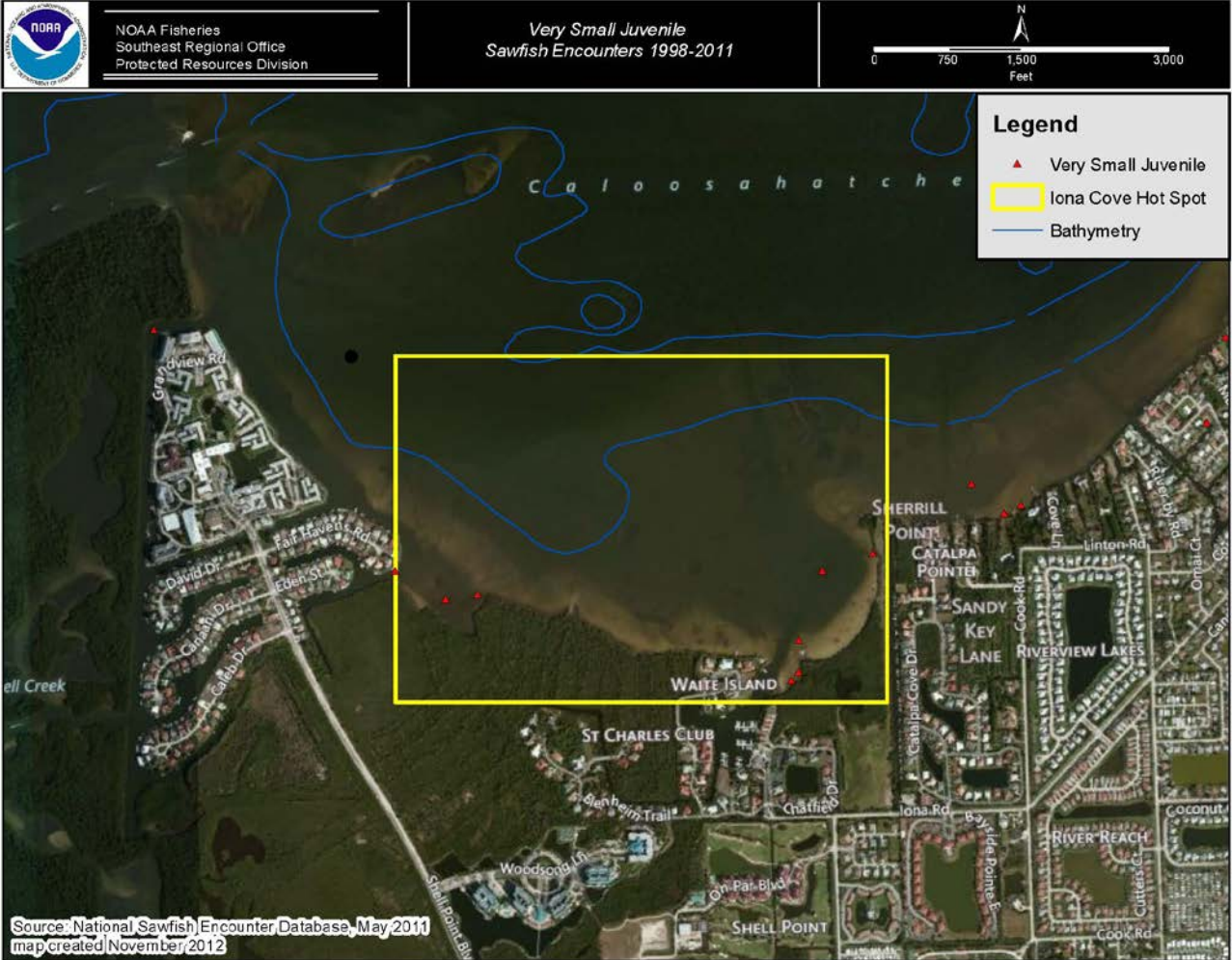


Appendix 1: Noise restriction zones in smalltooth sawfish critical habitat.

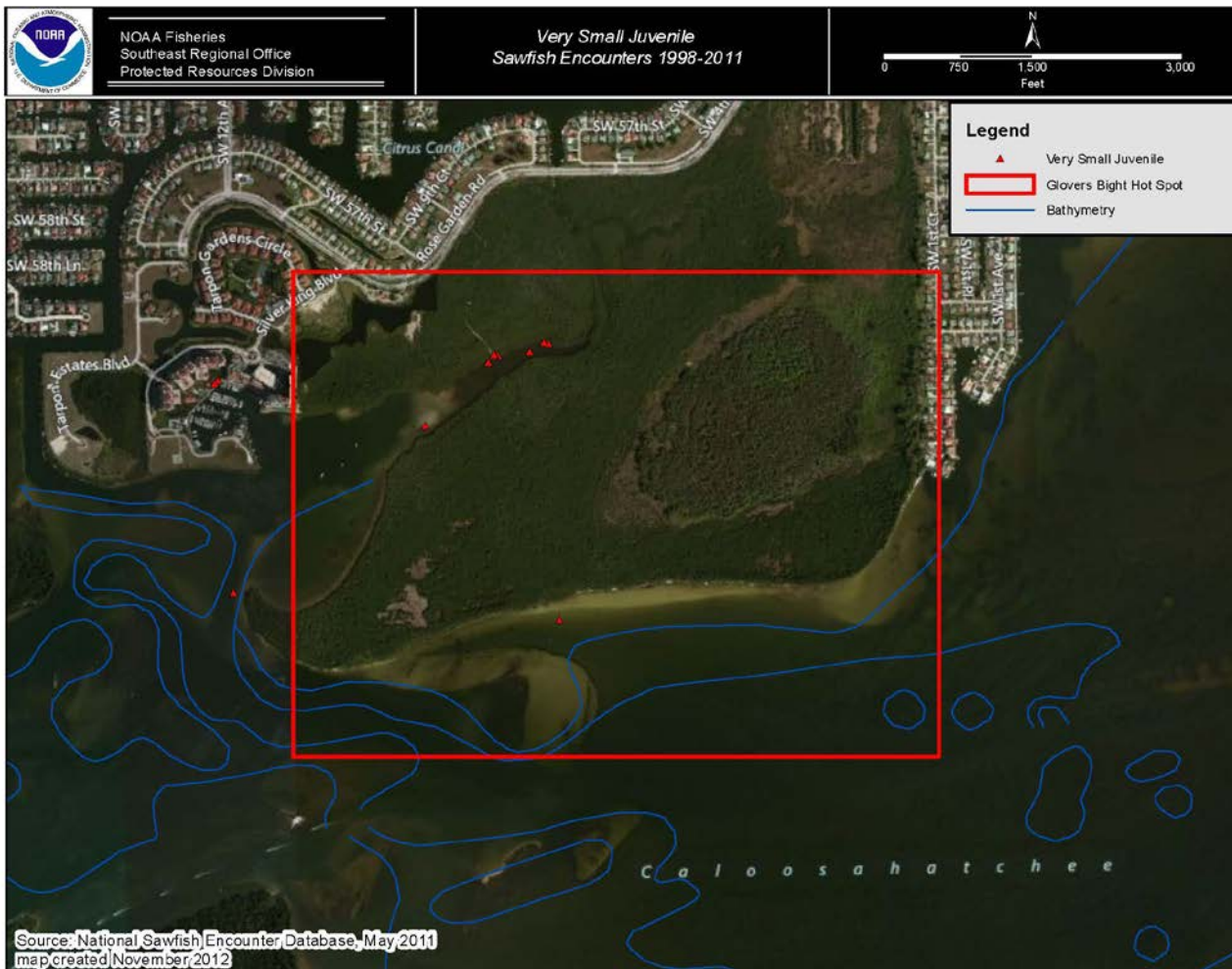
Name	Latitude	Longitude
U.S. 41 Bridges		
US 41 NW	26.660413°	-81.885243°
US 41 NE	26.666827°	-81.872966°
US 41 SW	26.642991°	-81.873880°
US 41 SE	26.649405°	-81.861605°
Iona Cove		
IC NW	26.521437°	-81.991586°
IC NE	26.521212°	-81.976191°
IC SW	26.511762°	-81.991762°
IC SE	26.511537°	-81.976368°
Glover Bight		
GB NW	26.542971°	-81.997791°
GB NE	26.542678°	-81.977745°
GB SW	26.529478°	-81.998035°
GB SE	26.529185°	-81.977992°
Cape Coral		
CC 1	26.551662°	-81.947412°
CC 2	26.551561°	-81.940683°
CC 3	26.539075°	-81.940916°
CC 4	26.539205°	-81.951049°
CC 5	26.542181°	-81.951047°
CC 6	26.542133°	-81.947776°



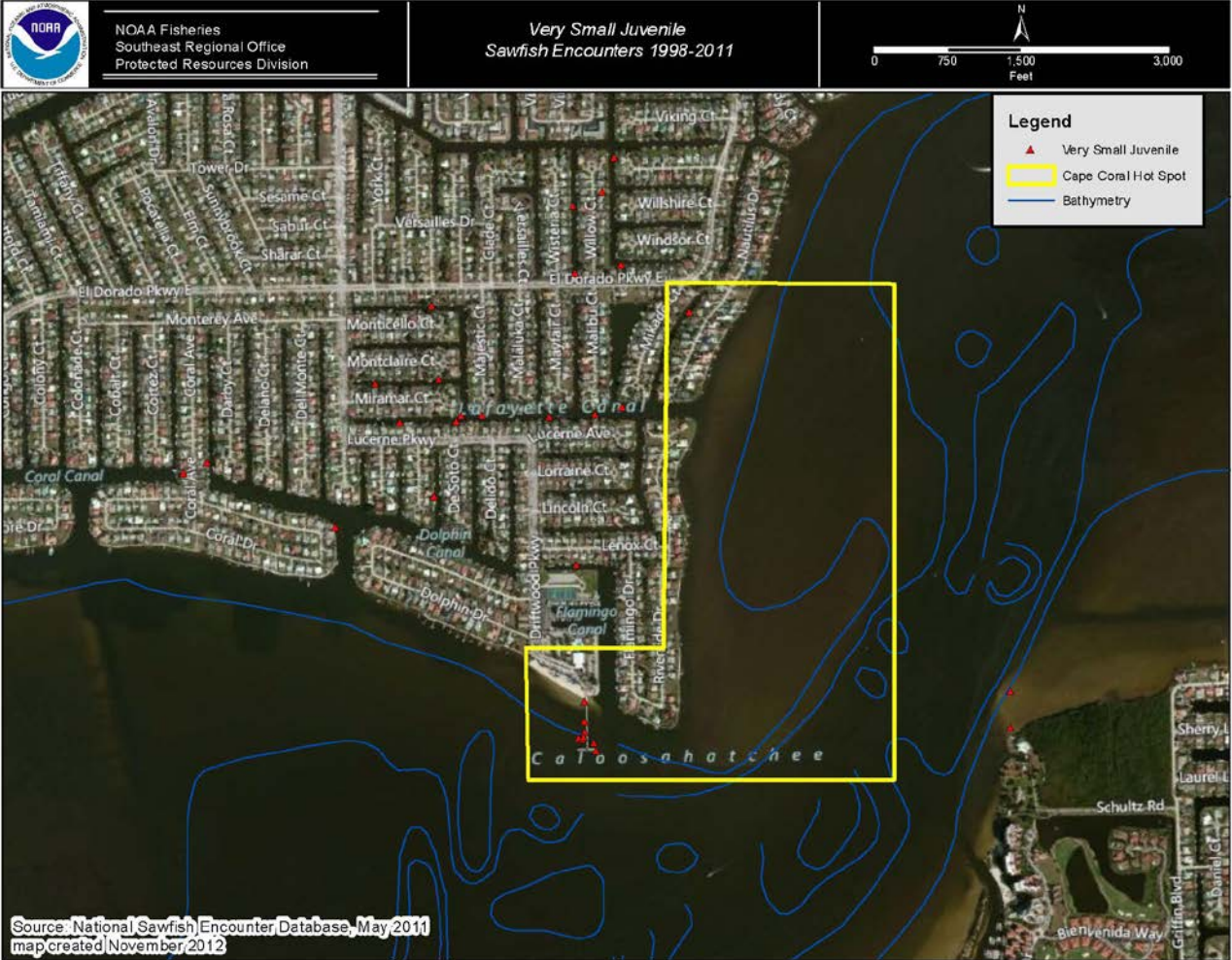
Appendix 2: U.S. 41 Bridges with very small juvenile sawfish encounters



Appendix 3: Iona Cove with very small juvenile sawfish encounters



Appendix 4: Glove Bight with very small juvenile sawfish encounters



Appendix 5: Cape Coral Canals with very small juvenile sawfish encounters



Vessel Strike Avoidance Measures and Reporting for Mariners NOAA Fisheries Service, Southeast Region

Background

The National Marine Fisheries Service (NMFS) has determined that collisions with vessels can injure or kill protected species (e.g., endangered and threatened species, and marine mammals). The following standard measures should be implemented to reduce the risk associated with vessel strikes or disturbance of these protected species to discountable levels. NMFS should be contacted to identify any additional conservation and recovery issues of concern, and to assist in the development of measures that may be necessary.

Protected Species Identification Training

Vessel crews should use an Atlantic and Gulf of Mexico reference guide that helps identify protected species that might be encountered in U.S. waters of the Atlantic Ocean, including the Caribbean Sea, and Gulf of Mexico. Additional training should be provided regarding information and resources available regarding federal laws and regulations for protected species, ship strike information, critical habitat, migratory routes and seasonal abundance, and recent sightings of protected species.

Vessel Strike Avoidance

In order to avoid causing injury or death to marine mammals and sea turtles the following measures should be taken when consistent with safe navigation:

1. Vessel operators and crews should maintain a vigilant watch for marine mammals and sea turtles to avoid striking sighted protected species.
2. When whales are sighted, maintain a distance of 100 yards or greater between the whale and the vessel.
3. When sea turtles or small cetaceans are sighted, attempt to maintain a distance of 50 yards or greater between the animal and the vessel whenever possible.
4. When small cetaceans are sighted while a vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until the cetacean has left the area.
5. Reduce vessel speed to 10 knots or less when mother/calf pairs, groups, or large assemblages of cetaceans are observed near an underway vessel, when safety permits. A single cetacean at the surface may indicate the presence of submerged animals in the vicinity; therefore, prudent precautionary measures should always be exercised. The vessel should attempt to route around the animals, maintaining a minimum distance of 100 yards whenever possible.

6. Whales may surface in unpredictable locations or approach slowly moving vessels. When an animal is sighted in the vessel's path or in close proximity to a moving vessel and when safety permits, reduce speed and shift the engine to neutral. Do not engage the engines until the animals are clear of the area.

Additional Requirements for the North Atlantic Right Whale

1. If a sighted whale is believed to be a North Atlantic right whale, federal regulation requires a minimum distance of 500 yards be maintained from the animal (50 CFR 224.103 (c)).
2. Vessels entering North Atlantic right whale critical habitat are required to report into the Mandatory Ship Reporting System.
3. Mariners should check with various communication media for general information regarding avoiding ship strikes and specific information regarding North Atlantic right whale sighting locations. These include NOAA weather radio, U.S. Coast Guard NAVTEX broadcasts, and Notices to Mariners. Commercial mariners calling on United States ports should view the most recent version of the NOAA/USCG produced training CD entitled "A Prudent Mariner's Guide to Right Whale Protection" (contact the NMFS Southeast Region, Protected Resources Division for more information regarding the CD).
4. Injured, dead, or entangled right whales should be immediately reported to the U.S. Coast Guard via VHF Channel 16.

Injured or Dead Protected Species Reporting

Vessel crews should report sightings of any injured or dead protected species immediately, regardless of whether the injury or death is caused by your vessel.

Report marine mammals to the Southeast U.S. Stranding Hotline: 877-433-8299

Report sea turtles to the NMFS Southeast Regional Office: 727-824-5312

If the injury or death of a marine mammal was caused by a collision with your vessel, responsible parties should remain available to assist the respective salvage and stranding network as needed. NMFS' Southeast Regional Office should be immediately notified of the strike by email (takereport.nmfsser@noaa.gov) using the attached vessel strike reporting form.

For additional information, please contact the Protected Resources Division at:

NOAA Fisheries Service
Southeast Regional Office

263 13th Avenue South
St. Petersburg, FL 33701

Tel: (727) 824-5312

Visit us on the web at <http://sero.nmfs.noaa.gov>