



# **FLORIDA DEPARTMENT OF Environmental Protection**

South District  
PO Box 2549  
Fort Myers FL 33902-2549  
[SouthDistrict@FloridaDEP.gov](mailto:SouthDistrict@FloridaDEP.gov)

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Interim Secretary

## **Permittee/Authorized Entity:**

City of Key West - Karen Olson  
201 William Street  
Key West, FL 33040  
[kolson@cityofkeywest-fl.gov](mailto:kolson@cityofkeywest-fl.gov)

H-2 Dock Extension

## **Environmental Resource Permit**

**State-owned Submerged Lands Authorization – Granted**

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

Permit No.: 0137939-025 EI

**Permit Issuance Date: June 29, 2021**

**Permit Construction Phase Expiration Date: June 29, 2026**

# **Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization**

**Permittee:** CoKW Key West Bight  
**Permit No:** 0137939-025 EI

## **PROJECT LOCATION**

The activities authorized by this permit are located at 201 William St, Parcel ID 3167 25 00072082003803, Key West, Florida 33040, in Section 31, Township 67, Range 25, in Monroe County.

## **PROJECT DESCRIPTION**

The permittee is authorized to modify the docking facility previously authorized by Department Permit 0137939-005. The dock known as H-2 was never extended as authorized in the previous permit and current sovereign submerged lands lease. The permittee is authorized to modify Dock H-2 as follows: the addition of one 20-foot-long by 8-foot-wide portion of wooden dock. No additional slips are proposed. All activities are located within the existing sovereign submerged land lease boundary.

## **AUTHORIZATIONS**

H-2 Dock Extension

### 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

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

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that as long as the work is performed as described in the attached project drawings, is wholly located within the boundaries of the existing **Sovereign Submerged Land Lease 440027185**, is consistent with the terms and conditions therein, and provided an updated survey of the structures within the lease boundary are provided at the time of lease renewal, we have no objection to the project. Therefore, consider this letter to also constitute the authority sought under Section 253.77 of the Florida Statutes to pursue this project.

### Federal Authorization

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

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 SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

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 – ADMINISTRATIVE**

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 or via e-mail to [FTMERP\\_Compliance@dep.state.fl.us](mailto:FTMERP_Compliance@dep.state.fl.us). All submittals shall include the project name and indicated permit number when referring to this project.

*Note: In the event of an emergency, the Permittee should contact the Department by calling (800)320-0519. During normal business hours, the permittee should call (239)344-5600.*

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

2. Best management practices for erosion control shall be implemented and maintained at all times during construction of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Rule 62-302, F.A.C. The Permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
3. The project shall comply with applicable State Water Quality Standards, namely:  
62-302.500 - Minimum Criteria for All Waters at All Times and All Places  
62-302.530 – Surface Water Quality Criteria  
62-4.242 - Antidegradation Permitting Requirements; Outstanding Florida Waters;  
Outstanding National Resource Waters; Equitable Abatement.
4. The Permittee shall ensure that any construction vessel brought to the site has a minimum of 1 foot clearance between its deepest draft and the top of submerged resources. Care shall be taken at all times during construction to avoid impacts to submerged resources within and adjacent to the dock alignment.
5. Both sides of the access walk shall be marked with reflective navigation indicators every 50 linear feet for the life of the structure in order to prevent any navigational hazard.
6. Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris,) within wetlands, along the shoreline, within the littoral zone, or elsewhere within wetlands or other surface



waters is prohibited. This includes floating of pilings in surface waters. All vegetative material and debris shall be removed to a self-contained upland disposal area with no stockpiling of debris within wetland areas.

#### **SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

7. The Key West Bight Marina shall continue to be operated and maintained under the current Marina Management Plan and Permit number 137939-005, and any subsequent modifications thereof.

#### **SPECIFIC CONDITIONS LISTED SPECIES**

8. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).

#### **SPECIFIC MANATEE PROTECTION CONDITIONS**

9. 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.
10. 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 shall follow routes of deep water whenever possible.
11. 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 shall not impede manatee movement.
12. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All in-water operations, including vessels, shall be shutdown if a manatee comes within 50 feet of the operation. Activities shall not resume until every manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes has elapsed wherein a manatee has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.

13. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
14. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Please see the Florida Fish and Wildlife Conservation Commission website for information on how to obtain appropriate signs:  
[http://www.myfwc.com/docs/WildlifeHabitats/Manatee\\_EducationalSign.pdf](http://www.myfwc.com/docs/WildlifeHabitats/Manatee_EducationalSign.pdf)

#### **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.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### Petition for Administrative Hearing

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

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

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

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

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

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

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

### Judicial Review

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

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Jon M. Iglehart  
District Director  
South District Office

### **Attachments:**

8 project drawing(s)  
Key West Bight Marina Management Plan

### **CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Miami Office, SEAppls@usace.army.mil  
Monroe County Property Appraiser, rshaw@mcpafl.org

### **FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.



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**Clerk**

June 29, 2021  
**Date**





KEY WEST CITY COMMISSION

TERI JOHNSON, MAYOR  
CLAYTON LOPEZ, VICE-MAYOR  
JIMMY WEEKLEY, COMMISSIONER  
GREGORY DAVILA, COMMISSIONER  
SAMUEL KAUFMAN, COMMISSIONER  
MARY LOU HOOVER, COMMISSIONER  
BILLY WARDLOW, COMMISSIONER

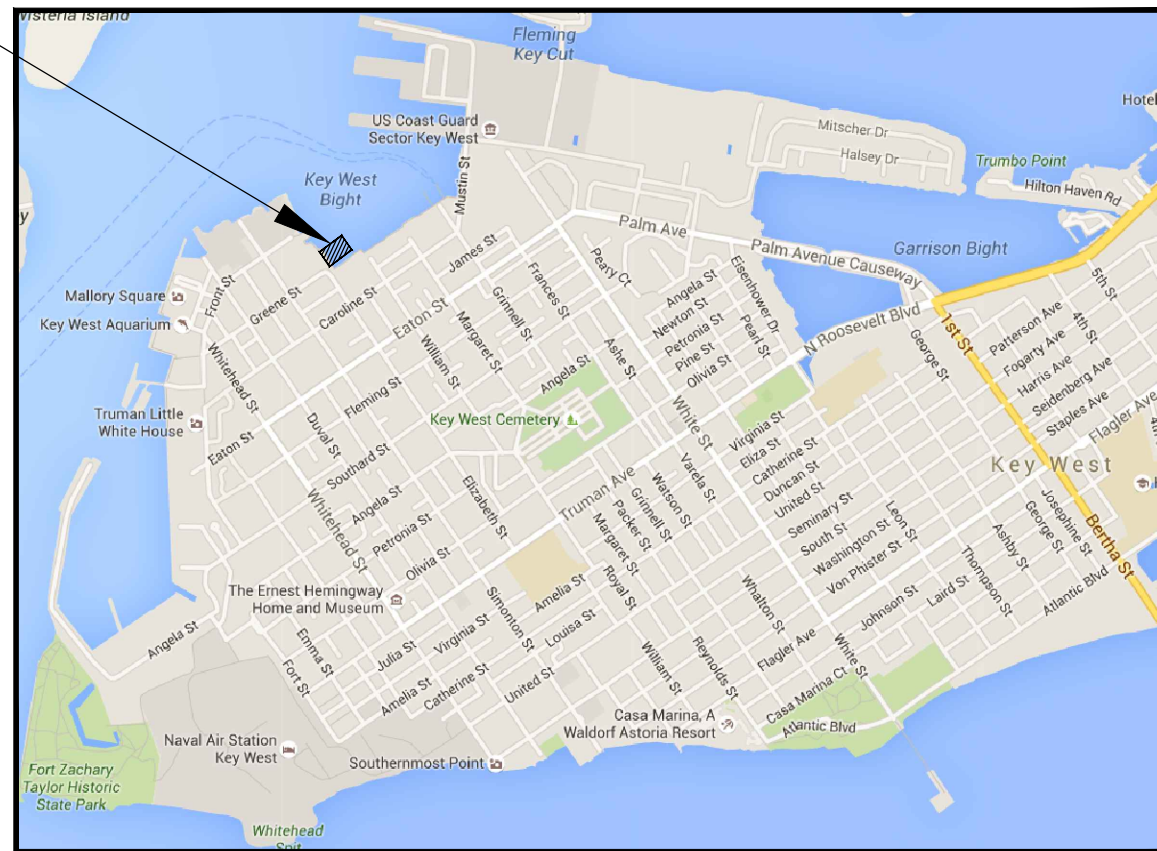


PERMITS:

FDEP: \_\_\_\_\_, MONROE COUNTY  
USACE: \_\_\_\_\_, MONROE COUNTY  
FKNMS-NOAA: \_\_\_\_\_

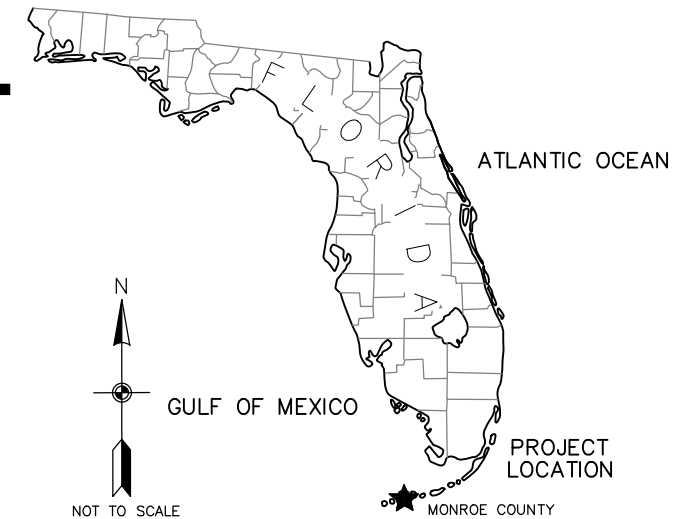
# KEY WEST HISTORIC SEAPORT H-2 DOCK EXTENSION PERMIT / DESIGN DRAWINGS

PROJECT  
LOCATION



## VICINITY MAP KEY WEST BIGHT, KEY WEST, FLORIDA

PROJECT #: \_\_\_\_\_ ITB #: \_\_\_\_\_



### INDEX OF SHEETS

SHEET #	TITLE	LATEST UPDATE	REV.
G-001	COVER SHEET AND VICINITY MAP	4/2/2021	0
G-002	KEY WEST BIGHT LOCATION AND ACCESS	4/2/2021	0
G-003	GENERAL NOTES	4/2/2021	0
G-004	LOCATION PLAN	4/2/2021	0
C-101	EXISTING SITE PLAN	4/2/2021	0
C-102	PROPOSED SITE PLAN	4/2/2021	0
C-103	DOCK CROSS-SECTIONS	4/2/2021	0
C-104	STORMWATER POLLUTION PREVENTION PLAN (SWPPP) DETAILS	4/2/2021	0

FOR PERMITTING  
NOT FOR CONSTRUCTION



DAVID W. FRODSHAM, STATE OF FLORIDA,  
PROFESSIONAL ENGINEER, LICENSE NO. 76507  
THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY  
DAVID W. FRODSHAM, PE USING A DIGITAL SIGNATURE.  
ON THE DATE ADJACENT TO THE DIGITAL SIGNATURE.  
PRINTED COPIES OF THIS DOCUMENT ARE NOT  
CONSIDERED SIGNED AND SEALED AND THE SHA  
AUTHENTICATOR CODE MUST BE VERIFIED ON ANY  
ELECTRONIC COPIES.

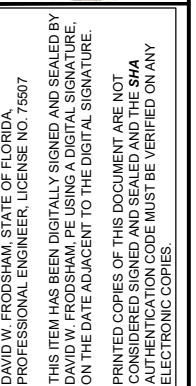
Designated By:	Drawn By:	Checked By:	Date:	Design File No:	Scale:	Mark	Description	Date	Appr.
DF	DP	DF	4/2/2021	WBE H-2 DOCK EXTENSIONS-03JMG	AS SHOWN				

TETRA TECH INC.  
750 SOUTH FEDERAL HWY  
SUITE 314  
STUART, FL 34994-2936  
TEL: (772) 781-3400  
FAX: (772) 781-3411  
CERTIFICATE OF AUTHORIZATION  
NO. 2429

KEY WEST HISTORIC SEAPORT  
H-2 DOCK EXTENSIONS  
COVER SHEET AND VICINITY MAP  
KEY WEST, MONROE COUNTY, FLORIDA

Sheet Reference:  
**G-001**  
Sheet 1 of 8



[illegible]

**TETRA TECH INC.**  
759 SOUTH FEDERAL HWY  
SUITE 314  
STUART, FL 34994-2936  
TEL: (772) 781-3400  
FAX: (772) 781-3411

CERTIFICATE OF AUTHORIZATION  
NO. 2429

**KEY WEST HISTORIC SEAPORT  
H-2 DOCK EXTENSIONS**

**KEY WEST BIGHT LOCATION AND ACCESS**

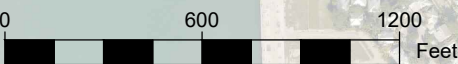
**KEY WEST, MONROE COUNTY, FLORIDA**

Sheet Reference:  
**G-002**  
Sheet 2 of 8

P:\CITY OF KEY WEST\TASK 47. KEY WEST BIGHT H DOCK EXTENSIONS\CAD\KWB H1-H2 DOCK EXTENSIONS-V3.DWG

Received  
Electronically  
April 30, 2021  
South District

A circular red stamp from the Florida Department of Environmental Protection. The text "Florida Department of Environmental Protection" is written around the top and sides of the circle. In the center, it says "Permit Number" followed by "0137939-025 EI" on a line, and "South District Fort Myers" below that. The background of the stamp shows an aerial view of a coastal area with a bridge and buildings.





THIS DOCUMENT IDENTIFIES THE OWNER AS THE "CAROLINE STREET CORRIDOR AND BAHAMA VILLAGE COMMUNITY REDEVELOPMENT AGENCY," HEREINAFTER REFERRED TO AS "CRA."

THE CONTRACTOR SHALL FIELD VERIFY EXISTING CONDITIONS PRIOR TO PERFORMING ANY WORK UNDER THIS CONTRACT AND NOTIFY THE "CRA"/ENGINEER IN WRITING OF ANY DIFFERENCES BEFORE COMMENCING WITH CONSTRUCTION.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FAMILIARIZE HIMSELF/HERSELF WITH THE SITE, ACCESS CONSTRAINTS, LOCAL BOATING SCHEDULES, AND OTHER UNIQUE CONSIDERATIONS AS IDENTIFIED IN THE CONTRACT DOCUMENTS.

THE CONTRACTOR SHALL REVIEW THE CONTRACT DOCUMENTS AND, IN CASE OF ANY CONFLICT BETWEEN ANY PORTION OF THE CONTRACT DOCUMENTS, THE CONTRACTOR SHALL REQUEST CLARIFICATION IN WRITING PRIOR TO BIDDING OR BASE HIS/HER BID ON THE MORE STRINGENT REQUIREMENTS.

THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF ALL MATERIALS USED TO THE "CRA"/ENGINEER FOR APPROVAL PRIOR TO ORDER, SHIPMENT, OR INSTALLATION.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL REQUIRED LOCAL PERMITS ARE OBTAINED AND IN HAND BEFORE BEGINNING ANY CONSTRUCTION. NO CONSTRUCTION OR FABRICATION OF ANY ITEM SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED ALL PERMITS AND ANY OTHER DOCUMENTATION FROM ALL OF THE PERMITTING AND ANY OTHER REGULATORY AUTHORITIES. ANY PENALTIES, STOP WORK ORDERS OR ADDITIONAL WORK RESULTING FROM THE CONTRACTOR BEING IN VIOLATION OF THE REQUIREMENTS ABOVE SHALL BE FULLY BORNE BY THE CONTRACTOR. THE CONTRACTOR SHALL COMPLY WITH ALL CONDITIONS OF THE PERMITS, INCLUDING ALL APPLICABLE STANDARD CONDITIONS FOR IN-WATER WORK.

THE CONTRACTOR SHALL MAINTAIN A CURRENT SET OF CONSTRUCTION PLANS AND PERMITS ON THE JOB DURING ALL PHASES OF CONSTRUCTION.

ALL FIELD LAYOUT, SURVEYING, AND MATERIALS TESTING FOR CONSTRUCTION OF THE PROJECT SHALL BE PROVIDED BY THE CONTRACTOR AT HIS/HER EXPENSE.

AFTER CONSTRUCTION IS COMPLETE, THE CONTRACTOR SHALL PROVIDE:  
TWO (2) SETS OF SIGNED & SEALED 'AS-BUILT' RECORD DRAWINGS TO THE CRA; AND  
TWO (2) SETS OF SIGNED & SEALED 'AS-BUILT' RECORD DRAWINGS TO THE ENGINEER-OF-RECORD;  
OF HIS/HER WORK FOR FINAL REVIEW AND ACCEPTANCE.

CONTRACTOR SHALL PROVIDE THE NAME AND PHONE NUMBER OF A RESPONSIBLE PERSON WHO WILL BE SUBJECT TO EMERGENCY CALLS 24 HOURS PER DAY, 7 DAYS PER WEEK.

THE CONTRACTOR SHALL NOT BRING ANY HAZARDOUS MATERIALS ON TO THE PROJECT. SHOULD CONTRACTOR REQUIRE SUCH FOR PERFORMING THE CONTRACTED WORK, THE CONTRACTOR SHALL REQUEST, IN WRITING, WRITTEN PERMISSION FROM THE PROJECT ENGINEER. THE CONTRACTOR SHALL PROVIDE THE PROJECT ENGINEER WITH A COPY OF THE MATERIAL SAFETY DATA SHEET (MSDS) FOR EACH HAZARDOUS MATERIAL PROPOSED FOR USE, AND PROVIDE A DESCRIPTION OF THE SPECIFIC MANNER IN WHICH THE MATERIAL WILL BE USED. THE PROJECT ENGINEER SHALL COORDINATE WITH THE OWNER PRIOR TO ISSUING WRITTEN APPROVAL TO THE CONTRACTOR. BECAUSE STATE LAW DOES NOT TREAT PETROLEUM PRODUCTS THAT ARE PROPERLY CONTAINERIZED AS HAZARDOUS MATERIALS, SUCH PRODUCTS DO NOT REQUIRE AN MSDS SUBMITTAL. ALL BULK PETROLEUM PRODUCTS STORED ON SITE SHALL REQUIRE PROPER STORAGE WHICH INCLUDES SECONDARY CONTAINMENT.

CONTRACTOR IS RESPONSIBLE FOR VISITING SITE PRIOR TO CONSTRUCTION TO VERIFY PATH OF ACCESS FOR EQUIPMENT TO BASIN. AFTER CONSTRUCTION, CONTRACTOR IS TO RESTORE ANY DISTURBED LANDSCAPING, VEGETATION, OR OTHER SITE FEATURES TO EXISTING CONDITIONS OR BETTER.

THE CONTRACTOR SHALL COORDINATE SELECTION AND REVIEW OF ANY PROPOSED STAGING AREAS WITH THE PROJECT ENGINEER AND OWNER/REPRESENTATIVE. STAGING AREAS AND STOCKPILES FOR MATERIAL AND EQUIPMENT SHALL NOT BE PLACED IN PROXIMITY TO SURFACE WATERS.

IF SUSPECT CONTAMINATED OR HAZARDOUS MATERIAL IS FOUND ON THE PROJECT, OR ENCOUNTERED DURING CONSTRUCTION, CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER.

ALL WORK TO BE PERFORMED UNDER THIS CONTRACT SHALL COMPLY WITH THE FLORIDA BUILDING CODE (LATEST EDITION), CITY LABOR LAWS, CITY ORDINANCES, CITY/COUNTY ZONING CODES, RULES AND REGULATIONS, AND ANY APPLICABLE CODES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS TO CARRY OUT THE WORK DESCRIBED IN THE CONSTRUCTION DOCUMENTS.

THE CONTRACTOR GUARANTEES AND WARRANTS THAT ALL WORK PERFORMED SHALL BE FREE FROM DEFECTS IN MATERIALS AND WORKMANSHIP AS INDICATED ON THE CONTRACT'S GENERAL CONDITIONS. ANY DEFECTS OR DAMAGE DISCOVERED DURING SAID PERIOD SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AS DIRECTED IN WRITING BY THE ENGINEER WITH NO COST TO THE OWNER OR ENGINEER.

NO WORK SHALL BE PERFORMED OUTSIDE PROJECT LIMITS WITHOUT PRIOR WRITTEN APPROVAL FROM THE PROPERTY OWNER OR ENGINEER.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE WORK OF ALL TRADES AS REQUIRED FOR COMPLETION OF WORK.

UPON COMPLETION OF PROJECT, CONTRACTOR SHALL PROVIDE TWO (2) SETS OF AS-BUILT DRAWINGS TO THE ENGINEER FOR FINAL REVIEW AND ACCEPTANCE.

MATERIALS SHALL BE NEW, OF QUALITY SPECIFIED, AND DELIVERED IN A TIMELY FASHION AND OF AMPLE QUANTITY TO PREVENT DELAY OF WORK.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO SECURE THE PREMISES THROUGHOUT THE DURATION OF THE PROJECT. THE CONTRACTOR SHALL TAKE THE APPROPRIATE AND NECESSARY MEASURES TO PREVENT THE GENERAL PUBLIC FROM ACCESSING THE SITE AT ANY TIME.

THERE ARE NO SUBSTITUTIONS ALLOWED UNLESS APPROVED BY THE ENGINEER. THE CONTRACTOR SHALL SUBMIT IN WRITING ALL REQUESTS FOR SUBSTITUTIONS.

THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS, PRODUCT DATA, AND SAMPLES TO ENGINEER FOR APPROVAL PRIOR TO FABRICATION OR PROCUREMENT. SUBCONTRACTORS SHALL VISIT THE PROJECT SITE TO VERIFY CONDITIONS, DIMENSIONS, ETC. THE CONTRACTOR SHALL ALLOW A MAXIMUM OF 14 DAYS TURN AROUND TIME FOR THE ENGINEER TO PROCESS SHOP DRAWINGS AND SUBMITTALS.

THE CONTRACTOR SHALL INSTALL ALL MATERIALS ACCORDING TO MANUFACTURER'S RECOMMENDED SPECIFICATIONS. THE CONTRACTOR SHALL SUBMIT IN WRITING TO THE ENGINEER, PRIOR TO INSTALLATION, IF THERE EXISTS ANY UNFORESEEN CONDITION AFFECTING INSTALLATION ACCORDING TO SPECIFICATIONS.

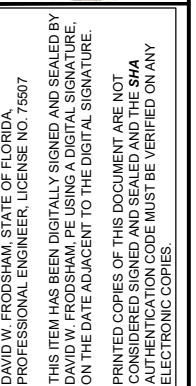
ALL PLAN DETAILS ARE ASSUMED TO BE TYPICAL CONDITIONS UNLESS DETAILED OR NOTED OTHERWISE.

CONTRACTOR SHALL BE RESPONSIBLE FOR UPDATING HIS CONSTRUCTION DOCUMENTS WITH THE REVISED DRAWINGS AND SPECIFICATIONS, FIELD ORDERS, CHANGE ORDERS, AND CLARIFICATION SKETCHES ISSUED DURING

Sheet 3 of 8

**Sunshine 811**  
Know what's below.  
Call before you dig.



[illegible]

DF	Drawn By:	AS SHOWN
DP	Checked By:	AS SHOWN
DF	Date:	4/2/2021
DF	Design file no:	KWB H1-H2 DOCK EXTENSIONS-V3.DWG

**TETRA TECH INC.**  
759 SOUTH FEDERAL HWY  
SUITE 314  
STUART, FL 34994-2936  
TEL: (772) 781-3400  
FAX: (772) 781-3411  
CERTIFICATE OF AUTHORIZATION  
NO. 2429



KEY WEST HISTORIC SEAPORT  
H-2 DOCK EXTENSIONS

LOCATION PLAN

KEY WEST, MONROE COUNTY, FLORIDA

Sheet Reference:  
**G-004**  
Sheet 4 of 8

## DOCK H2



CONCH  
REPUBLIC  
RESTAURANT



SCHOONER  
WHARF  
RESTAURANT

WILLIAM ST.

**FOR PERMITTING  
NOT FOR CONSTRUCTION**

**Sunshine 811**  
Know what's below.  
Call before you dig.

Received  
Electronically  
April 30, 2021  
South District

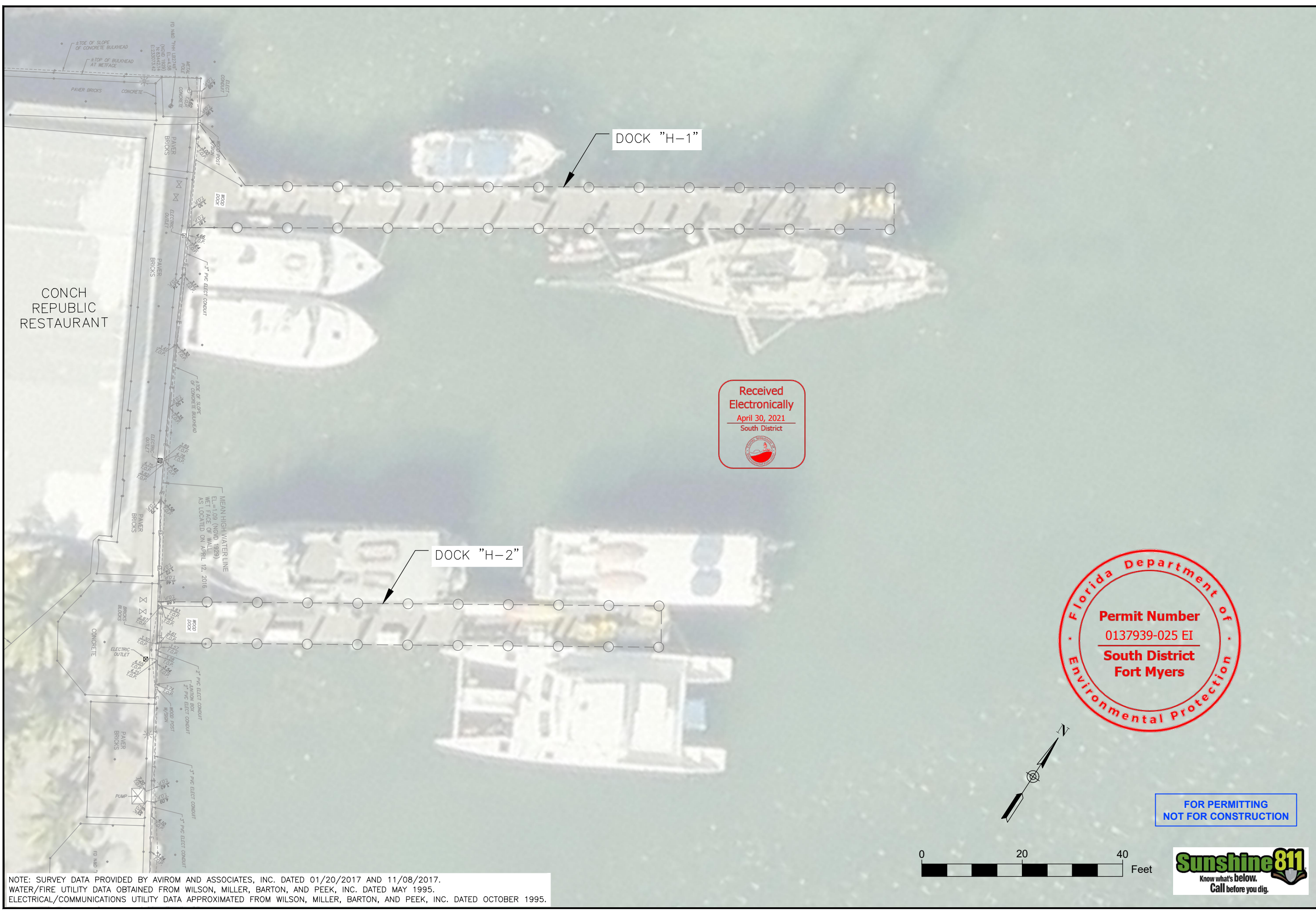
The seal of the South District of the United Methodist Church is located at the bottom of the page. It is a circular emblem with a red border. Inside the border, the words "SOUTH DISTRICT" are written at the top and "UNITED METHODIST CHURCH" at the bottom. The center of the seal features a stylized landscape with a red sun or star rising over a body of water, with a small building or structure on the shore.A circular red stamp from the Florida Department of Environmental Protection. The text inside the stamp reads: "Permit Number 0137939-025 EI" followed by a horizontal line, and then "South District Fort Myers". The background of the stamp shows a faint image of a building and trees.

FRONT ST.

GREENE ST.

ELIZABETH ST.





NOTE: SURVEY DATA PROVIDED BY AVIROM AND ASSOCIATES, INC. DATED 01/20/2017 AND 11/08/2017.  
WATER/FIRE UTILITY DATA OBTAINED FROM WILSON, MILLER, BARTON, AND PEEK, INC. DATED MAY 1995.  
ELECTRICAL/COMMUNICATIONS UTILITY DATA APPROXIMATED FROM WILSON, MILLER, BARTON, AND PEEK, INC. DATED OCTOBER 1995.

Received  
Electronically  
April 30, 2021  
South District

Florida Department of  
Environmental Protection  
Permit Number  
0137939-025 EI  
South District  
Fort Myers



DAVID W. FRODISHAM, STATE OF FLORIDA,  
PROFESSIONAL ENGINEER, LICENSE NO. 76507  
THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY  
DAVID W. FRODISHAM, PE USING A DIGITAL SIGNATURE,  
ON THE DATE ADJACENT TO THE DIGITAL SIGNATURE.  
PRINTED COPIES OF THIS DOCUMENT ARE NOT  
CONSIDERED SIGNED AND SEALED AND THE SHA  
AUTHENTICITY OR CODE MUST BE VERIFIED ON ANY  
ELECTRONIC COPIES.

Designed By:	Drawn By:	Checked By:	Date:	Design File No:	Scale:	Mark	Description	Date	Appr.
DF	DP	DF		WBS HI-H2 DOCK EXTENSIONS-43.DWG	AS SHOWN				

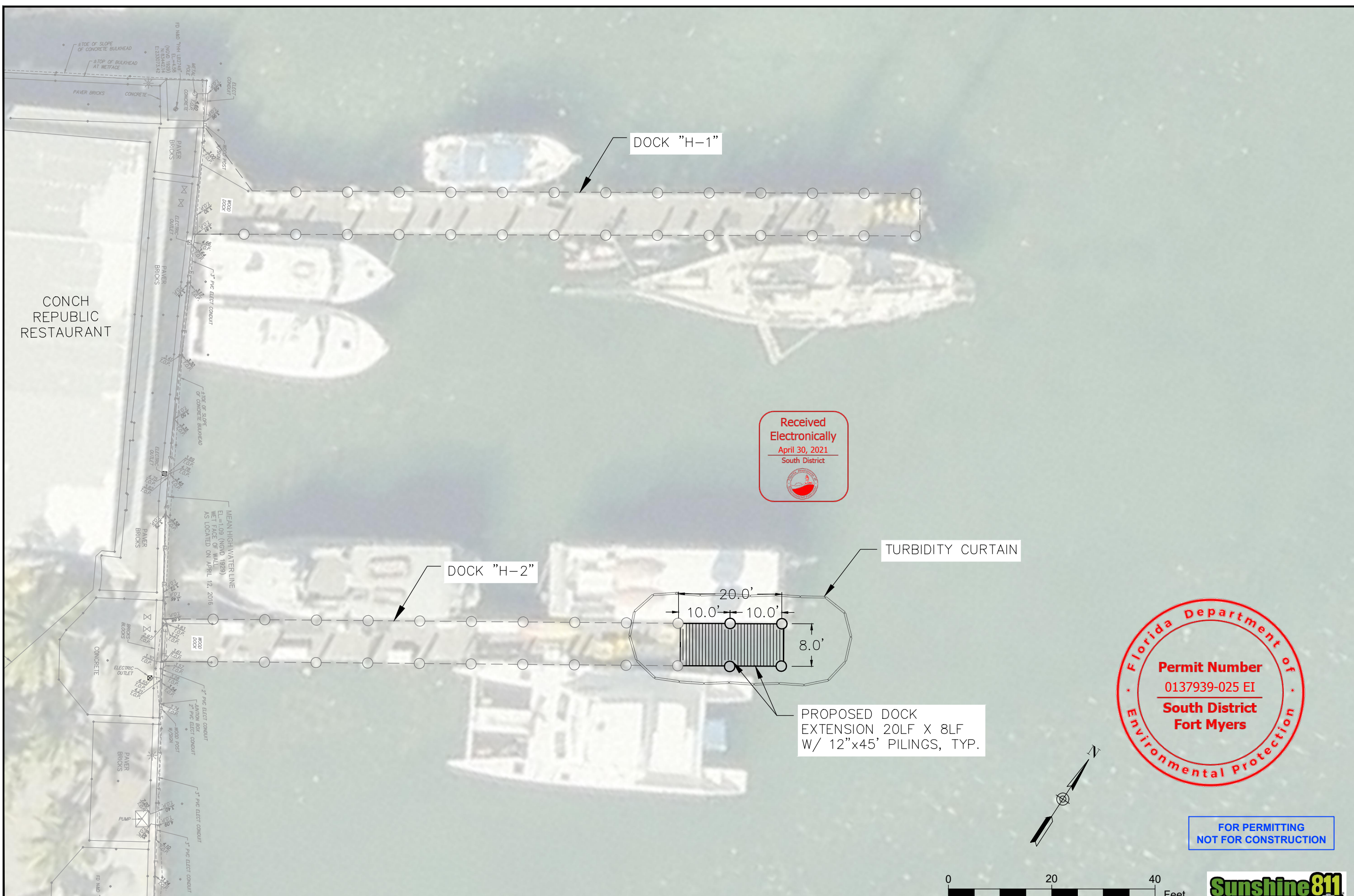
TETRA TECH INC.  
769 SOUTH FEDERAL HWY  
SUITE 314  
STUART, FL 34994-2936  
TEL: (772) 781-3400  
FAX: (772) 781-3411  
CERTIFICATE OF AUTHORIZATION  
NO. 2429

KEY WEST HISTORIC SEAPORT  
H-2 DOCK EXTENSIONS  
EXISTING SITE PLAN  
KEY WEST, MONROE COUNTY, FLORIDA

Sheet Reference:  
C-101  
Sheet 5 of 8

P:\CITY OF KEY WEST\TASK 42 KEY WEST BRIGHT DOCK EXTENSIONS\CD\WBS HI-H2 DOCK EXTENSIONS-43.DWG





NOTE: SURVEY DATA PROVIDED BY AVIROM AND ASSOCIATES, INC. DATED 01/20/2017 AND 11/08/2017.  
WATER/FIRE UTILITY DATA OBTAINED FROM WILSON, MILLER, BARTON, AND PEEK, INC. DATED MAY 1995.  
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Received  
Electronically  
April 30, 2021  
South District

Florida Department of  
Environmental Protection  
Permit Number  
0137939-025 EI  
South District  
Fort Myers

FOR PERMITTING  
NOT FOR CONSTRUCTION



DAVID W. FRODSHAM, STATE OF FLORIDA,  
PROFESSIONAL ENGINEER, LICENSE NO. 76507  
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Designed By:	Drawn By:	Checked By:	Date:	Design File no:	Scale:	Mark	Description	Date	Appr.
DF	DP	DF	4/2/2021	WHS H-1-H2 DOCK EXTENSIONS-43.DWG	AS SHOWN				

TETRA TECH INC.  
769 SOUTH FEDERAL HWY  
SUITE 314  
STUART, FL 34994-2936  
TEL: (772) 781-3400  
FAX: (772) 781-3411  
CERTIFICATE OF AUTHORIZATION  
NO. 2429

KEY WEST HISTORIC SEAPORT  
H-2 DOCK EXTENSIONS  
PROPOSED SITE PLAN  
KEY WEST, MONROE COUNTY, FLORIDA

Sheet Reference:  
C-102  
Sheet 6 of 8

P:\CITY OF KEY WEST\TASK 42 KEY WEST BRIGHT L DOCK EXTENSIONS\CD\WHS H-1-H2 DOCK EXTENSIONS-43.DWG







# FLOATING TURBIDITY BARRIERS



Sheet Reference:  
**C-104**  
Sheet 8 of 8

# **City of Key West, Florida- Port Operations**

## **Key West Bight Marina Operations and Management Plan**

---

### ***Introduction***

It is the intent of the City of Key West, Florida- Key West Bight Marina Operations and Management Plan (hereinafter called "Plan" to provide the management procedures, responsibilities and guidelines for operating and managing the Marina. The goal of Plan is to achieve conditions that will provide Marina facilities and shore side amenities to accommodate the needs of as many responsible, considerate boaters as possible, while protecting environmental resources, navigational access, the property, health, and safety of Marina users, improve compliance with the Clean Vessel Act thereby improving water quality, and provide boating safety and environmental awareness of residents, employees, and visitors.

This Plan may be modified as needed to address unanticipated issues and needs pursuant to future authorizations with the State of Florida Department of Environmental Protection (DEP), U.S. Army Corps of Engineers (USACE), and as deemed necessary by the City. However, before any such modification(s) to the Plan become effective, they must be approved by the DEP, USACE and the City.

The guidelines and procedures outlined in this Plan shall apply to any vessel, its owner (s), operator, crew, and guests entering the Marina.

### ***Project Description***

This Marina Operations and Management Plan has been prepared to address the requirements of the Florida Department of Environmental Protection. The Plan addresses environmental best management practices issues including, but not limited to, the following:

- Education plan for all employees as it relates to fueling and sewage pump-out operations.
- Spill response plan, for both gas and diesel fuel.
- Locations of sewage discharge areas, i.e. lift stations or hard pipe connections to the municipal sanitary sewer system including provision of documentation of approval from the receiving authority.
- Maintenance of the gray water return system.
- Maintenance of the fish cleaning system
- All utility services for the docks.



## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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#### ***Overview of Key West Bight Marina***

The Key West Bight is a prime destination for boaters and visitors throughout the world. It is crucial for the City of Key West, in order to achieve its goal of operating a profitable and environmentally compliant business that Key West Bight, provide services to the public that are equivalent or superior in nature than competing businesses. Key West Bight is in the forefront of the marine industry in providing cruise ship docking facilities, ferry terminal, mega yacht, and marine waterfront facilities. (See Figure 1 Site Plan).

Key West Bight Marina is nestled in the middle of the City of Key West's Historic Seaport properties located in the historic district. The Key West Bight is a twenty acre facility that has become a major destination for those wishing to experience the ways of the old waterfront of Key West. A visitor to the "Bight" can enjoy a blend of the old with the new. Activities may include sailing on a historic schooner one day; diving, fishing, para-sailing or taking a catamaran trip to the Reef, the next.

Key West Bight Marina has become the most sought after marina facility in the City of Key West. Live-aboard tenants, enjoy it's affordable rates and nearby location to Old Town. This also is a great benefit to our marina's commercial tenants. The Harborwalk is lined with fine restaurants and other food orientated businesses which attract tourists and locals to the Bight area where it is easy to browse near the commercial, water oriented activities that are available here.

After the Ferry Terminal slips are added, the Marina will have up to 143 slips (*depending on boat length and docking arrangement*), including thirty-three (33) deep- water (to 12' draft) transient and live-aboard slips available that can accommodate vessels up to 140 feet, year round. The majority of the transient dockage is repeat business. When asked why they keep coming back the uniform response is, the Marina's pleasing atmosphere, friendly staff, and affordable rates. Showers, laundry, fueling, and pump-out facilities are on the premises.

The Key West Bight Ferry Terminal began operation January 1st, 2002 with daily service to Ft Meyers and Naples. New ferry connections are planned for Miami and other Caribbean destinations.

# **City of Key West, Florida- Port Operations**

## **Key West Bight Marina Operations and Management Plan**

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### ***Marina Information***

ALL VESSELS MUST PUMP-OUT AND VALVES MUST BE SECURED IN PUMP-OUT POSITION.

#### **CHECK OUT TIME IS 11:00 AM**

##### **Amenities**

- 24 Hour security
- Power (30, 50, & 100 amp)
- Cable TV
- Phone
- Water
- Pump-out
- Bath/shower/laundry facilities
- Trash removal
- Ice
- Fueling Dock

##### **Vessel Requirements**

- Maximum length 140 feet
- Maximum draft 12 feet
- Holding tank (pump-out compatible)
- Single-phase power requirements (for marina power)
- Dockage is payable in advance

##### **Additional Shoreside Facilities**

- Public Transportation
- Restaurants and Stores

### ***Project Location***

#### **Directions to marina by road:**

Key West Bight Marina is located on the northwest end of the Island where it is only a short walk from the marina to Duval St., the famous Sloppy Joes, Mallory Square, and all the other fine establishments that make up "Old Town". When approaching Key West on US 1, stay to the right; turn on to South Roosevelt Boulevard. This route will take you along the very edge of the island and offers a breathtaking view of the Back Country with its extensive flats and mangrove islands. Turn right at Palm Avenue, the third light on South Roosevelt Boulevard. Drive over the scenic Palm Ave. Bridge, which turns into Eaton St. and turn right on Margaret St. Once you arrive at the base of Margaret St. you have your choice of parking at the Park & Ride or the Caroline St. parking lot.

#### **Directions by water – Gulf of Mexico:**

Enter Key West waters at Buoy #1 North West Passage. At Buoy #19 North West Passage, turn eastward to the Key West Main Ship Channel, follow the marker system to red marker #4 turn to starboard and pull up to our Chevron fuel dock.

#### **Directions by water – Atlantic:**

Proceed westward down Hawk Channel to Key West Main Ship Channel Buoy #12 then northward to red marker #4 turn to starboard and pull up to our Chevron fuel dock.



**City of Key West, Florida- Port Operations**  
**Key West Bight Marina Operations and Management Plan**

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**COMMUNICATIONS**

**A. Communication Procedures with Harbor/Marina Patrons**

1. The Harbormaster/Marina Manager/Dockmaster continuously monitors VHF Channel 16 during operating hours. The caller will be directed to the Marina standby station Channel 9 for further communication.
2. The Harbormaster/Marina Manager/Dockmaster will be available via telephone during normal business hours.
3. An answering machine will pick up telephone calls during non-operating hours. The Harbormaster/Marina Manager/Dockmaster will respond to those calls at their earliest opportunity.

**B. Communication with Other Jurisdictional Authorities**

1. The Harbormaster/Marina Manager/Dockmaster will continuously monitor VHF Channel 16 during normal business hours and will report emergency or other law enforcement issues in the Harbor to the appropriate authority.
2. The Harbormaster/Marina Manager will meet regularly with the local Florida Fish and Wildlife Conservation Commission, U.S. Coast Guard, County, and City emergency and law enforcement staff to participate in emergency and law enforcement issues involving the Harbor and Key West Bight Marina (fuel spill, medivac, disabled vessel, etc.).

**C. VHF Radio Procedures**

1. All personnel operating radios at the Marina shall be properly licensed and instructed in their use.
2. The marine radio is on a port operations frequency and can be heard for some distance. The Marina is authorized to transmit on VHF Channels 16 and 17 ONLY.
3. Channel 16 is a calling and distress frequency only.
4. When receiving or calling a boat, communications should first be established on Channel 16 and then shift to Channel 9 for conversation.
5. All conversations should be kept to a minimum, brief and to the point.
6. It is illegal to advertise on VHF channels.

**City of Key West, Florida- Port Operations**  
**Key West Bight Marina Operations and Management Plan**

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**D. Calls To Harbormaster/Marina Manager/Dockmaster**

1. Any incoming calls for Marina customers and guests, unless the caller states that an emergency exists, will be noted by the receptionist, and this message will be posted on the Harbormaster's/Marina Manager's/Dockmaster's bulletin board.
2. Emergency calls will be given immediate attention. The emergency should be clearly described (e.g., fire, heart attack, fall, fuel spill, sinking boat, etc.).
3. Use of Harbormaster/Marina Manager/Dockmaster telephones by Marina customers for personal calls is prohibited.

**E. Communication**

Harbormaster/Marina Manager/Dockmaster or assignee will check the Marina daily for inspections of slip conditions, tie connections, Renter's registrations, etc... Harbormaster/Marina Manager/Dockmaster or assignee may approach Renter and vessels in Anchorage to conduct inspections.

**F. Notices to Renter**

Notices to Renter may be given to Renter aboard Renter's vessel. Prior to boarding the vessel, to give or leave a Notice, the Harbormaster or assignee will knock three times and will voice call Renter. Notice will be hand delivered if Renter responds. If Renter does not respond or is not present, Notice will be taped to the cabin door.

**CONTACTS:**

**A. Emergency Telephone Numbers**

*When calling an Emergency, clearly state nature and location of the emergency.*

**All Spill, Safety & Security Emergencies**

**911**

Harbormaster/Port Director- Raymond Archer	305-293-6481
Marina Manager- Mark Tait	305-293-8370
Dockmaster/Incident Commander- Terri Gibson-Otto	305-296-3838
TowBoat US –Captain Reef Perkins	305-296-7075
	305-797-3469
Ferry Terminal Manager - Jay Murphy	305-293-8309
US Coast Guard (Marathon)- Scott Higman	305-289-1601

**For Reporting Pollutant Discharges**

US Coast Guard National Response Center/	800-424-8802
Local US Coast Guard	305-296-8856
State Warning Point (24 HRS)	800-320-0519
Florida Marine Patrol (24 HRS)	800- 342-5367



# **City of Key West, Florida- Port Operations**

## **Key West Bight Marina Operations and Management Plan**

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*PURSUANT TO SECTION 376.12 FLORIDA STATUTES, THE PILOT AND MASTER OF ANY VESSEL OR PERSON IN CHARGE OF ANY TERMINAL FACILITY MUST GIVE IMMEDIATE NOTIFICATION OF A POLLUTANT DISCHARGE TO THE FLORIDA MARINE PATROL OR THE US COAST GUARD:*

### **62N-16.022 Notification of Pollutant Discharge.**

(1) The "person-in-charge" or master of any vessel or the "person-in-charge" of any terminal facility that suffers a pollutant discharge which enters or threatens to enter waters of the state within the jurisdiction of the department shall, within one hour of discovery of the discharge, notify the Florida Marine Patrol or the United States Coast Guard at the National Response Center.

(2) The person making notification to the Florida Marine Patrol shall provide at least the following information regarding the spill.

- (a) Name, occupation, title and telephone number of person making notification.
- (b) Type of pollutant spilled.
- (c) Location of spill (nearest city, river, bay, miles, etc.).
- (d) Type of installation or carrier involved in the spill.
- (e) Estimated amount of pollutant spilled.
- (f) Date and time (local) of spill.
- (g) Persons and agencies already contacted.
- (h) Size and characteristics of area already affected by the spill.
- (i) Containment and cleanup efforts to date.
- (j) Cause of spill if known.
- (k) Person or firm in charge of source.

Specific Authority 370.021 FS. Law Implemented 376.12 FS. History--New 11-5-80, Formerly 16N-16.22, Amended 6-17-92, Formerly 16N-16.022.

### **For Reporting Pertinent Information**

Federal Bureau of Investigation (FBI)	202-324-3000
US Customs Service (Jacksonville)	904-680-6700
US Marshals Service (Tallahassee)	800-320-0519

**City of Key West, Florida- Port Operations**  
**Key West Bight Marina Operations and Management Plan**

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## **ENVIRONMENT**

### **A. Statement of Purpose**

The Marina has committed to providing high quality facilities, customer satisfaction, and productive use of their resources. The creation and maintenance of a clean and safe work environment must be regarded as an essential part of the Marina's business practices.

Clean water and a clean environment are essential to good boating and good boating experiences are essential to the Plan's success. To protect local waters, marine life, fish, and waterfowl from possible boat and marina pollutants is a major goal of Key West Bight Marina. Every Renter and Marina employee must work together to keep the Marina and boating environment clean.

Since many boats congregate in the Marina, it is the policy of the Marina to do everything possible to discourage anyone from polluting, while encouraging and helping customers do the right thing. All Marina employees are part of the team dedicated to cleaning up, eliminating contaminants before they contaminate, and cleaning up anything which can wash into the water, to spoil the environment.

### **B. Environmental Warning**

**Any Employee, Renter, Customer, or Outside Contractor violating City of Key West Ordinances or the Marine Sanitation and Pollution Rules, outlined below, will be expected to pay for cleanup, and/or have slip use privileges terminated.**

### **C. Marine Sanitation**

Pursuant to the Clean Vessel Act of 1994, boaters are prohibited from discharging raw sewage into fresh water or within coastal salt water limits. Coastal limits are nine nautical miles on the Gulf of Mexico and three nautical miles on the Atlantic Ocean.

The Florida Fish and Wildlife Conservation Commission (FWC) enforces the Clean Vessel Act and has the authority to board vessels to check for compliance with this Act, including inspecting for marine sanitation devices and holding tanks. The U.S. Coast Guard also regulates the installation and use of marine sanitation devices.

Florida Statute 327.53 includes the requirements for marine sanitation devices (MSDs) and discharge of sewage. No waste may be discharged from MSD Types I, II, or III into Florida waters. All such waste must be discharged into an approved sewage pump-out facility. To provide incentives for boaters to comply with Clean Vessel requirements, sewage pump-out service is free for first time users and \$5 per pump out thereafter.



## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

The use of shoreside shower and laundry facilities is encouraged to reduce the impacts associated with gray water discharges from vessels (increased phosphates, reduced dissolved oxygen, and other water quality problems). To this end, shower and bathroom facilities are included in the Rental fee. Coin operated laundry facilities are available at the Marina.

#### Rules Are:

1. All vessels docking in the Marina shall contain a U.S. Coast Guard approved marine sanitation device as required, complying with the requirements of the Coast Guard governing the installation and use of such devices upon the particular vessel involved.
2. Said sanitation devices shall be properly functioning and used at all times while the vessel is in the Marina and are subject to inspection by the Harbormaster /Marina Manager/Dockmaster.
3. Y -valves shall be locked and sealed in the non-overboard position.
4. All vessels, upon entering into a Dockage/Lease Agreement at the Marina, shall pump out their sewage holding tanks into the authorized sewage pump out facilities, or into an authorized mobile pump out unit (if available) within 24 hours of docking.
5. Absolutely no pumping of sewage in any area within the Marina shall be allowed except at approved hydrants, pump out stations, dump stations or mobile pump out units.
6. All vessels with liveaboard occupants shall be required to have their tanks pumped at the approved pump out stations or mobile pump out units not less than every three (3) days without fail, unless an alternative pump out schedule for the vessel is approved by the Harbormaster/Marina Manager/Dockmaster. This alternative pump out schedule shall be accepted at the discretion of the Harbor/Master/Marina Manager/Dockmaster, shall be come a part of the Dockage/Lease Agreement, and shall be based on holding tank capacity and vessel usage.
7. Overboard discharge of human or pet sewage waste is strictly prohibited in the Marina.
8. Violations of these conditions will be reason for withholding of the security deposit and will be prosecuted to the fullest extent of the law.

## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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#### D. Marine Pollution

Dumping plastic and trash in state and federal waters is against the laws enforced by the U.S. Coast Guard and the FMP. This type of debris is especially harmful to water fowl, sea turtles, fish, and other wildlife, and has been known to cause entanglement, strangulation, choking, and mortality in these species.

The U.S Coast Guard requires every boat greater than 26' in length operating in U.S. waters to have a sign or placard clearly visible that states:

*"It is illegal for any vessel to dump plastic trash anywhere in the ocean or navigable waters of the United States. Annex V of the MARPOL (Marine Pollution) TREATY is an International Law for a cleaner, safer marine environment. Violation of these requirements may result in civil penalty up to \$25,000, fine and imprisonment".*

Biodegradable litter may also be problematic in the Marina. Overboard dumping of food items, fish cleaning wastes, etc. increase bacteria, nutrient loading, odors, and biochemical oxygen demand and lower dissolved oxygen in the Marina waters.

The use of shoreside trash and recycling facilities are encouraged to reduce the impacts associated with litter from vessels. To this end, free use of these facilities, located at the Marina, will be given to Renter's for their length of stay.

Marine Pollution Rules Are:

1. No person shall litter into the water or discharge or throw overboard any oils, spirits, flammable liquids or oily bilge into Harbor waters. Overboard dumping of any trash is illegal and will not be tolerated within the City's jurisdiction.
2. Hazardous materials, including sealed paint cans, waste oil, or solvents shall not be deposited in trash receptacles. For disposal of these materials, please contact the Harbormaster/Marina Manager/Dockmaster .
3. If the Renter or their guests cause pollution, the Harbormaster/Marina Manager/Dockmaster will clean up the boater's refuse and unsightly material at the Renter's expense.
4. All boats with in-board or in-board/outboard engines shall be equipped with a sorbent sock, properly installed in the engine compartment bilge. Sorbent socks are available at ship's stores in the vicinity of the Marina. The socks shall be renewed annually or when contaminated.
5. Bilge cleaners and liquid detergents shall not be used in boat bilges, as they will destroy the effectiveness of the sorbent socks.



# **City of Key West, Florida- Port Operations**

## **Key West Bight Marina Operations and Management Plan**

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### **E. Fuel & Oil Spills**

The Key West Bight Marina, Spill Response Contractor(s) Key West Harbor Services-TowBoat US, the U.S. Coast Guard, FMP, and the emergency response staff of the DEP regulatory office deal with oil spill containment and clean-up. The Spill Response Procedures are described in the Oil Spill Contingency Plan. Key West Harbor Services assists these agencies in the event of an oil spill in the Harbor or surrounding waterways. The Harbormaster/Marina Manager/Dockmaster/Incident Commander will contact appropriate authorities at DEP, FMP, and/or U.S. Coast Guard, and the oil spill reporting hot line (1-800-424-8802) immediately, in the event of a spill '

U.S. Law requires that every vessel greater than 26' in length and powered with an in-board engine have a sign by the bilge that states:

*"Discharge of Oil Is Prohibited! The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters and contiguous zone of the United States if such discharge causes a film or sheen upon, or discoloration of the surface of the water, or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of \$5,000."*

The Harbormaster/Marina Manager/Dockmaster will require all boaters using the Marina to use bilge pillows and/or other absorbent material in the bilges, and the use of the waste oil disposal facilities located at the Market Parking Lot Facility.

Fuel & Oil Spill Control Rules Are:

1. The Harbormaster/Marina Manager/Dockmaster/Incident Commander(305-293-6481) and the oil spill reporting hot line (1-800-424-8802) shall be contacted immediately when a spill is discovered. WARNING: There is a large fine if even minor spills are not reported.
2. Oil absorbent pads and pillows should be used to contain and remove a spill. Detergents should never be used to contain oil spills!
3. The cause of the spill should be identified and measures taken to secure against spreading.

### **F. Manatees and other Protected Species**

Key West Bight Harbor, and surrounding waters are known to be home to the endangered West Indian Manatee. Manatees are protected under the Federal Endangered Species Act and Marine Mammal Protection Act. Speed zones to protect manatees from boat strikes are enforced primarily by the FWC. Other protected species that use or frequent the Marina and surrounding waterways include bottlenose dolphin, loggerhead,

## **City of Key West, Florida- Port Operations**

### **Key West Bight Marina Operations and Management Plan**

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Kemp's Ridley, and green sea turtles, and several species of migratory and resident shore and wading birds.

The Harbormaster/Marina Manager shall make available relevant literature, such as publications and warnings/post signs regarding safe operation in waters frequented by manatees, to all Renters, and explain the rules, regulations, and safety precautions that apply to manatee protection in the Harbor and surrounding waters.

#### **Marina Protected Species Rules Are:**

1. Renters shall acquaint themselves with the publications and warnings available from the Harbormaster regarding safe operation in waters frequented by manatees and to abide by all laws, ordinances, rules and regulations governing the operation of watercraft in the presence of manatees.
2. Harassment of protected wildlife is illegal.
3. Any incident relating to injured marine wildlife shall be reported immediately to the FWC, "1-888-404-3922".

#### **G. Seagrass Protection Area**

There are Seagrass Protection Areas, and shall be delineated by "CAUTION: SHALLOW SHOAL" warning signs. No overnight mooring is allowed within these Areas. Transient mooring for shallow draft vessels and recreational purposes shall be allowed provided these vessels do not damage the seagrass beds through improper anchoring or prop-dredging.



## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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#### ***Fueling Procedures and Containment Plan***

Key West Bight Marina (KWBM) Port Operations Personnel are aware of the possible introduction of petroleum products into the environment. The Key West Bight Marina has a Plan in place that consists of procedures and training to eliminate or reduce the amount of fuel and oil entering marina and surface waters from boat bilges, fuel tank air vents, and spills.

Key West Bight is currently in compliance with regulations regarding the following:

Above Ground and Underground Storage Tanks

Petroleum delivery systems

Inspected by Monroe County Health Department

#### Fuel Spill Procedure

In the event of a fuel spill over water, the Port Operations Spill Prevention Control Countermeasure (SPCC) Plan will be implemented. A copy of the plan is located at the Marina Fuel Dock Dockmasters/Incident Commander's office and at the Ferry Terminal Manager's office (See Attachments.) In case of a spill, appropriate agencies and personnel will be notified immediately in accordance SPCC Plan procedures.

#### Marina Fueling and Containment Plan

The following controls are currently in place or will be implemented:

- Proper signage is in place at the Marina Fuel Dock- (See example signs)

"Prevent Water Pollution by Keeping your Bilges Clean"

When Fueling .... Remember your ABC's"

Stash your Trash

No Smoking Signs

Posted Emergency Contact Numbers (Coast Guard, Fire, Port Operations) at the fueling dock

- Use of automatic/back pressure/shut-off nozzles.
- Actively promote the use of fuel/air separators on air vent/overflow systems installed by boat manufacturers.
- Promote the use of oil absorbing materials (3M Products).
- Placement of Oil Absorbent Materials (3M) in locker by the fuel dispensing areas.

## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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- Fueling systems at the Marina Fuel Dock have with containment receptacles located beneath the pumps.
- Trays are available to catch spills when filling gas cans.

Daily Action Items for- Fuel Dock Employees

Task performed every morning and evening.

Record Pump Gallon meters on daily log sheet. (See example Log Sheet)

Open breaker for fuel system operation.  
Print off daily fuel inventory printouts

Inspect the following visually for petroleum leakage:

- Above-ground tanks
- Dispensing Pumps
- Petroleum lines to Fuel dispensers
- Sump spill alarm conditions

Visually inspect the stocking and availability of the following petroleum delivery supply systems:

- Oil Absorbent Material (3M) at gas fueling areas
- Funnels- gas and oil
- Dedicated used oil container receptacle
- Rags with dedicated receptacle
- Emergency fuel shut off switch locations
- Fire Extinguishers (2)
- Signage will be in place.
- Water hoses and Fire Extinguishers are in place and available
- Return daily petroleum log to marina management for monitoring and inventory purposes.

- Task performed weekly

Inspect aboveground and/ or underground tanks, dispensing units, and related petroleum delivery systems for water or fuel leaks.

- Underground tank overflow area

- Remove cover and inspect, top of tank for water. If water is there remove. If not, close.

- Dispensing Units

- Visually check collection tank beneath pumps on fuel dock for water.



## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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Visually check hoses, reels, and nozzles for water.

#### Underground Tank Test

Place water identifying substance on dip stick

Place dip stick in tank.

Look at end of dip stick and if substance has gone from yellow to red, you have water. If not, no water

- Fueling dock attendant duties (daily). Primary personnel are David Hawthorn and Dedrick Bethesda.

Gas pumps and submerged tank are to remain locked.

Unlocked only by gas attendant at time of dispensing and testing.

#### Customer Fueling Procedure (Gas fueling area)

Securely tie vessel up

No smoking

Inform customer to turn off engine

Encourage off loading of all passengers

Unlock fuel dispensing pump

Give nozzle to customer, nozzle up, and have customer fill boat tank to 90% of recommended capacity

Begin fueling process

Two Stroke Outboard

Recommend correct oil ratio

Completion of fueling

Nozzle handed back to attendant (nozzle up to prevent spills)

Wipe with rag, not water, any fuel spill on boat

Lock nozzle back into dispensing unit.

Record the following in the receipt book:

Name of Customer

Date

Gallons pumped w/description (tenths)

Amount of oil dispensed w/description

Dispensing tank # Diesel or Gas

Amount of sale

Record the following in the daily fuel log sheet:

Gallons dispensed w/description (tenths)

Dispensing tank (# 1 or # 2)

Amount of sale

Used oil containers are placed in designated recepta-

## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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cles for proper recycling.

Located on fuel dock for removal to larger container at the end of the day

Customer proceeds to Dockmasters Office for payment (boat is left securely moored).

Customer returns and boards boat.

Inboard Engine (s)

Mandatory- turn on blower for 5 minutes.

Open all hatches, ports, and doors

Smell bilge for gas fumes

Outboards

"Be smart Before you Start"

Customer starts Engine(s)

Untie from Fueling Dock

Provide recognition and/or incentives to boaters who perform the above actions correctly and safely.

- Evening Action Items

Confirm all fuel dispensers and storage tanks are locked and secured.

Carry and place all used oil containers into used oil receptacle located at Key West Bight Waste Management Area.

Remove all oil absorbent material to used oil absorbent container located at Key West Bight Waste Management Area.

Place soiled grease rags in correct dispenser for pick up by vendor for recycling and cleaning,

Visually inspect entire gas delivery system prior to closing.

Return receipt book(s), keys, and Daily Gas Log to Marina Management for leak monitoring and fuel inventory purposes.

- Employee Education Plan

Who does the Training?

Dockmaster/Marina Manager

How often are the employees trained?

Within a week of hiring and annually thereafter

What is the duration of the employee training?

One day

How will the training be done?

One- on –one on the job demonstrations with handouts, actual demonstration, and lecture.



# City of Key West, Florida- Port Operations

## Key West Bight Marina Operations and Management Plan

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### **Solid Waste Management**

Key West Bight Marina is a full service marina that does not cater to vessels over 140 feet in a normal day of operation and does not perform major boat maintenance nor allow hull cleaning/bottom painting. Therefore, the Marina does not generate great amounts of various solid wastes that can be a nuisance or become an eyesore if not properly containerized. It is understood that improper disposal of solid waste; no matter what amount; can also cause pollution and can lead to fines and cleanup costs.

Key West Bight Marina has a goal to manage and dispose of all solid waste properly. Solid waste regulations and the local authorities specify what materials are allowed in dumpsters. (See attached Solid Waste Management Site Plan). A Conceptual Plan for future improvements is also attached.

### Solid Waste Management Plan

- Installation of adequate signs identifying waste disposal practices.(See example signs)  
Utilize the following to inform customers and employees:
  - Monthly billing newsletter
  - Cans and receptacles are labeled for trash only; aluminum cans only and located in the following areas:
    - Each and every dock
    - Fueling Dock
    - Solid Waste Management Area
    - Mustering area
  - Signs in restrooms for correct disposal of paper waste; encourage use of hand dryers in restrooms to reduce paper usage.

*Note: Hull cleaning is not allowed in Key West Bight Marina.*

- Provided are three (3) "wind/wildlife-proof" trash cans with appropriate covers.
- Large dumpsters and trash cans placed throughout the Marina for the proper disposal of all trash and sweepings. Provided by Waste Management.
- Personnel do a daily walkthrough of the marina property for the following items:
  - Litter on land
  - Litter after tides and winds in water
    - Nets for water litter pickup are located at Dockmasters Office and at Liveboard areas.
    - Recognize customers (monthly newsletter)
    - Who have taken the "extra step" in taking the

## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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effort to collect litter on their own and recycle. Employees are recognized if noticed picking up and disposing of collected solid waste that has been thrown onto the marina property.

- Key West Bight Marine promotes recycling the following:
  - Aluminum
  - Batteries
  - Oil and Gasoline
  - Newspapers
  - Plastic
  - Glass
- The following items are removed by EMC Oil Reclamation and Waste Management for recycling:
  - Plastic 3 times per week (A Parking Lot Dumpster area)
  - Aluminum 3 times per week (A Parking Lot Dumpster area)
  - Oil Marina calls for quarterly pick by a registered used oil transporter
  - Gasoline Marina calls for quarterly pickup by a registered used oil transporter
  - Newspapers 3 times per week (A Parking Lot Dumpster area)
  - Batteries Weekly - *Interstate Battery*
  - Glass 3 times per week (A Parking Lot Dumpster area)
  - Trash 3 times per week (A Parking Lot Dumpster area)
- Employee Education Plan
  - Who does the Training?
    - Dockmaster/Marina Manager, EMC and Waste Management
  - How often are the employees trained?
    - Within a week of hiring and quarterly meetings thereafter, solid waste disposal will be addressed and reinforced.
    - Yearly for confirmation of all correct operational procedures for solid waste disposal.
  - What is the duration of the employee training?
    - One day
  - How will the training be done?
    - One- on –one on the job demonstrations with handouts, actual demonstration and verbal lecture.
    - Quarterly employees meetings
    - Handouts from Florida Department of Environmental Protection Agency Clean Marina Website.
    - Utilize Clean Marina Best Management Practices (BMP) Guidelines.



**City of Key West, Florida- Port Operations**  
**Key West Bight Marina Operations and Management Plan**

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***Liquid Waste Management***

Key West Bight Marina has special wastes such as bilge water, used oil used oil filters, contaminated spill control material, old (used) gasoline, spent batteries and hazardous wastes such as waste paint, cans, including acetone and lacquer thinner. Mismanaged wastes can lead to spills, mixing of incompatible wastes, dangerous chemical reactions, releases to the environment and violations of hazardous waste and used oil regulations. Key West Bight Marina also understands that releases of waste can degrade water quality and threaten aquatic plant life, sea life, human health and safety.

Key West Bight Marina has designated a waste storage facility that contains spills, keeps rainwater off of tanks and containers and provide adequate space for container inspections. The Key West Bight Marina Manager, manages the facility. If an accidental spill does occur, the Marina is aware that appropriate measures must be taken to contain and clean up these spills. In order to accomplish this task, each waste has an associated spill control, material as listed below. All containers collecting or storing liquids or hazardous waste will be maintained, labeled, and closed at all times in accordance with the latest USEPA RCRA Regulations and Florida Statutes.

ALL HAZARDOUS WASTE TO BE DISPOSED OF BY A LICENSED HAZARDOUS WASTE DISPOSAL COMPANY OR IF KEY WEST BIGHT MARINA MEETS THE CRITERIA OF A CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR (CESQG), THEN THE MARINA MAY DISPOSE OF AT A MONROE COUNTY CESQG COLLECTION EVENT.

Disposal documentation for each waste type as described; below will be maintained for a minimum of three years.

All waste shall be disposed of in accordance with current Department of Environmental Protection (Department) Rules and Regulations. This Marina Operations and Management Plan will be updated on a yearly basis to reflect any changes in Department Rules Regulations, waste streams, procedures or personnel at the Marina. The Department will be provided a copy of the updated Plan with updated information highlighted for approval and implementation.

**Liquid Waste Management Plan**

**Bilge Water**

Located

Boat owner is directed to call EMC for large boats

Small quantities of bilge water, 55 gallon drum

Signage

Labeled clearly "Bilge Water" & instruc-

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### Key West Bight Marina Operations and Management Plan

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Size	tions to call EMC at Dockmasters Office One 55 gallon drum (2 bung, closed top drum ) 5 gallon cans with snap on lids located in service area. (clearly labeled) to, be used for transport to the main containment area
Emptied	Quarterly with a registered used oil hauler
Containment	Concrete lined and covered designated area at the Market-Turtle Kraals parking area.
Notices of availability	Monthly newsletters, Marina Website, pamphlets, and Agreements to customers
Equipment provided	-Snap top funnels and 5 gallon cans with snap on lids
Spill Control Material	Oil Absorbent material (3M) (all located adjacent to Used Oil Tank) Clean rags Empty containers Oil Absorbent pellets

#### Used Oil

Located	Concrete lined and covered designated area at the Market-Turtle Kraals parking area
Signage	Labeled clearly "Used Oil"
Size	600 gallon above ground storage tank on carriage 5 gallon cans with snap on lids located in service area. (clearly labeled) to, be used for transport to the main containment area
Emptied	Quarterly with a registered used oil hauler
Containment	Concrete lined and covered designated area at the Market-Turtle Kraals parking area.
Notices of availability	Monthly newsletters, Marina Website, pamphlets, and Agreements to customers



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### Key West Bight Marina Operations and Management Plan

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Equipment provided -Snap top funnels and 5 gallon cans with snap on lids

Spill Control Material-Oil Absorbent material (3M) (all located adjacent to Used Oil Tank), Clean rags, Empty containers & Oil Absorbent pellets

#### Used Oil Filters

Located Concrete lined and covered designated area at the Market-Turtle Kraals parking area.

Signage Labeled clearly "Used Oil Filters"  
Size One 55 gallon drum (2 bung, closed top drum )  
5 gallon cans with snap on lids located in service area. (clearly labeled) to, be used for transport to the main containment area

Emptied Quarterly with a registered used oil hauler

Containment Concrete lined and covered designated area at the Market-Turtle Kraals parking area.

Notices of availability Monthly newsletters, Marina Website, pamphlets, and Agreements to customers

Equipment provided -Snap top funnels and 5 gallon cans with snap on lids

Spill Control Material-Oil Absorbent material (3M) (all located adjacent to Used Oil Tank), Clean rags, Empty containers, & Oil Absorbent pellets

Oil Filter Procedure Holes are punched in filters, oil is drained into the used oil receptacle and the remaining filter is placed in the "used oil filter can".

#### Contaminated Spill Control Material for Upland Used Oil, Fuel, Waste Paint and Chemical Spills

Located Concrete lined and covered designated

## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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	area at the Market-Turtle Kraals parking area.
Signage	Labeled clearly "Used Oil/Fuel Contaminated Spill Control Material"
Size	Two 55 gallon drums (Ring top or other lid locking device ) 5 gallon cans with snap on lids located in service area (clearly labeled) to be used for transport to the main containment area
Emptied	Oil/Fuel Spills- Quarterly with a registered used oil hauler. Paint/Solvents- Quarterly with a licensed hazardous waste disposal company or if quantity meets the criteria of a conditionally exempt small quantity generator (CESQG), then may dispose of at a Monroe County CESQG collection event.
Containment Structure	Concrete lined and covered designated area at the Market-Turtle Kraals parking area.
Notices of availability	Monthly newsletters, Marina Website, pamphlets, and Agreements to customers
Equipment provided	-Snap top funnels and 5 gallon cans with snap on lids
Spill Control Material	Oil Absorbent material (3M) (all located adjacent to "Contaminated Spill Control Material"), Clean rags that can handle aggressive liquids, Empty containers, Oil Absorbent pellets

#### Used Gasoline

Located	Concrete lined and covered designated area at the Market-Turtle Kraals parking area.
Signage	Labeled clearly "Used Gasoline"
Size	One 55 gallon drum (2 bung, closed top

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## Key West Bight Marina Operations and Management Plan

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	drum )
	5 gallon cans with snap on lids located in service area. (clearly labeled) to, be used for transport to the main containment area
Emptied	Quarterly with a registered used oil hauler
Containment	Concrete lined and covered designated area at the
Structure	Market-Turtle Kraals parking area.
Notices of availability	Monthly newsletters, Marina Website, pamphlets, and Agreements to customers
Equipment provided	-Snap top funnels and 5 gallon cans with snap on lids
Spill Control Material-	Clean rags minor spills, Empty containers
	Oil Absorbent pellets
	Other- notify Key West Fire Department

### Spent Batteries

Located	Concrete lined and covered designated area at the Market-Turtle Kraals parking area.
Signage	Labeled clearly "Used Batteries"
Size	Two large wooden pallets
Emptied	Weekly with <i>Interstate Battery</i>
Containment	Cement blocks lined with Plastic sheeting
Structure	or impervious sealant and covered from rain or indoors
Notices of availability	Monthly newsletters, Marina Website, pamphlets, and Agreements to customers
Equipment provided	-Battery carrying lanyards
Spill Control Material-	Sodium Bicarbonate as a neutralizing agent

- Employee Education Plan  
Who does the Training?



## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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Dockmaster/Marina Manager

How often are the employees trained?

Within a week of hiring and quarterly meetings thereafter.

Yearly for confirmation of all correct operational procedures for waste disposal.

What is the duration of the employee training?

4 hours maximum

Utilizing videos and manuals supplied by vendors

How will the training be done?

One- on –one on the job demonstrations and lectures with handouts, and videos supplied by vendors (*Interstate Battery*, EMC, *Safety Kleen*, registered used oil hauler and licensed hazardous waste disposal vendor. Quarterly employee meetings

Handouts from Florida Department of Environmental Protection Agency Clean Marina Website. Utilize Clean Marina Best Management Practices (BMP) Guidelines.

## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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#### ***Sewage Pumpouts and Waste Dump Receptacles***

**Sewage Pump-out Facilities:** A description of the Marina Sewage Pump-out facilities is presented in Permit No. 63207-019-DWC (See Attachments) and in the up-to-date as-built site plan drawing.

The permitted system (except for the Ferry Terminal area pump-out) Permit No. 63207-019-DWC, which expired July 7, 2004, was installed, started up, and tested in the Fall of 2000.

- The revised site plan drawing attached, shows the existing pump-out system.
- A separate pump-out system discharging to a sanitary sewer manhole along Trumbo Road is being designed to serve the proposed "T-2" floating docks.
- The locations of emergency shut offs are shown in the Facility diagram and a maintenance plan is presented in the "Key West Bight Marina Sewage Pump Out System Assessment Report".
- Sewage pump-out operations are conducted by a combination of trained employees under the auspices of the DockMaster/Marina Manager, as well as by transient/liveaboard boaters using the self-service stations.
- For the self service operation, there will be signs posted and brochures for instruction to the patrons, including what to do in the event of a spill. The text of the signs adhere closely to following:

*"Key West Port Operations Pump-Out Station*

*305-293-6439*

*PUMP OUT*

#### *OPERATING INSTRUCTIONS*

- 1. Close Nozzle Valve at End of Hose.*
- 2. Remove Hose From Storage & Place Nozzle into Deck Fitting*
- 3. Open Nozzle Valve, Hold Nozzle Firmly Against Deck Fitting*
- 4. Activate Switch to Activate Pump.*
- 5. When Tank is Empty And Pumps Begins Too Draw Air, De-Activate Switch and Close Nozzle Valve.*
- 6. Return Hose to Storage Rack.*

**WARNING: IT IS ILLEGAL TO PUMP ANYTHING BUT SEWAGE HOLDING TANK WASTE WITH THIS EQUIPMENT. IN CASE OF A SPILL CONTACT:**

**PORT OPERATIONS SPILL RESPONSE AT:**

**305-797-3469**

**A Note to Captains with vessels not utilizing holding tanks:**



## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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*There is a dump station for portable systems, such as chemical toilets, solar hot box, or composting toilets located at the Ferry Terminal North Side Trumbo Road. See Dockmaster or Ferry Terminal Master-In-Charge at the Ferry Terminal Ticket Counter for directions.*

**WARNING: THIS IS AREA HAS BEEN DESIGNATED "A FLORIDA KEYS NO DISCHARGE ZONE" (NDZ); 40 CFR 140 Federal Register 67 FR 35735 May 21, 2002.**

**VIOLATORS ARE SUBJECT TO SUBSTANTIAL CIVIL PENALTIES AND/OR CRIMINAL SANCTIONS INCLUDING FINES AND IMPRISONMENT.**

**REPORT MARINE POLLUTION INCIDENTS TO THE NATIONAL RESPONSE CENTER AT 1-800-424-8802 OR TO YOUR LOCAL COAST GUARD AT 305-292-8727 OR BY VHF RADIO CHANNEL 16.**

**KEEP OUR NATIONS WATERWAYS CLEAN-IT'S THE LAW**

- There will be signage informing the patrons of the services available. See example signs.

#### Sewage Pump-out and Waste Dump Receptacles

Overboard discharges of domestic sewage from marine heads or holding tanks contribute significantly to water degradation, nutrients that accelerate nuisance algae growth, reef coral diseases, and introduce dangerous pathogens into the water. Poorly maintained pump-outs and waste dump receptacles limit their use and discourage the proper disposal of sanitary wastes.

Key West Bight Marina has a Goal is to encourage the use of pump-out facilities and waste dump receptacles by boaters, particularly for live-aboards and overnights and to ensure that sewage pump-out facilities and waste dump receptacles are maintained in good operational and sanitary condition to encourage their use.

#### Sewage Pump-out and Collection Plan

Key West Bight Marina utilizes a SaniSailor EMP Industries St. Petersburg FL Pump Out systems. Vendor information is located in the Attachments. The Pump out System Site Plan shows the locations of the Pump-out Hydrants and Pump-out Pump stations throughout the Marina. There are six (6) 30 GPM Sani-Sailor/EMP systems conveniently located throughout the Marina. Clear instructions are provided for operating the

## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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Sani-Sailor EMP pump-out systems. The Marina has live-aboards. Letters have been sent to every customer and signs posted about the penalties involved with dumping overboard, and Marina staff teach customers in the usage of the Sani-Sailor EMP pumpout systems.

Key West Bight Marina has the ability to address dumping for small boats with port-a-potties. There is dump receptacle located near the Dockmasters Office on Pier C for small boat sewage dumps as indicated of the Site Map. The instructions for the disposal of the porta-pottie sewage is clearly noted at the dump receptacle station.

Key West Bight Marina, through the use of its monthly billing and bulletin board located at the Dockmaster's Office at the Marina Fuel Dock encourages boats with Marine Sanitation Devices (MSD's) to use shore side facilities.

Key West Bight Marina has signs posted showing where the SaniSailor EMP Pump-outs are located. The fact that pump-out facilities are available in Key West Bight Marina will be displayed on the City's Marina Website and in Key West Bight literature and in advertisements for the Marina. (such as in BOAT US, *Yacht Cruising*, and in ads for Tourist Development).

Key West Bight Marina has established regular inspection schedules of both the SaniSailor EMP systems and the waste dump receptacles. The City is able to contact OMI, Sanisailor EMP or other outside contractors for breakdown maintenance, for preventative maintenance, or for other remedial measures. Back up components are kept in stock at the Dockmasters office, in case they are needed. The sewage system is inspected and cleaned by OMI Key West. This includes both the waste dump receptacle, grease traps, the sewage lines to the main, and the lift stations located on Marina property.

Key West Bight Marina has personnel on hand to assist in the pump-out process if any is needed or requested.

Key West Bight Marina does not charge for the "first time" pump-out service to promote pump-out system use, but charges \$5 for each additional pump-out by repeat customers. Language will be added to the agreements promoting the use of the pump-out facilities as contracts are renewed.

Key West Bight has posted signs and has sent letters to all customers in regards to the proper disposal of animal waste. Each customer is given a brochure explaining the pump-out requirements. See example.

Key West Bight Marina has a pump-out log that is maintained in the Dockmasters office. See example.



## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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Key West Bight Marina has budgeted funds for both of the following:

- Pump-out Maintenance Contracts
- Sewage line clog prevention

#### Key West Bight Marina Typical Sewage Pump-out Request Operation Procedure

Pump-out customer comes to Dockmaster's Office ,  
Requests that their vessel be pumped out.

Decision is made as to their ability to do the pumpout by themselves  
(prior experience with the SaniSailor EMP systems) or whether they will  
need Marina employee assistance.

Marina Employee takes the customer to their vessel and performs  
the pump-out procedure according to manufacturer's specifications.  
Marina Employee or customer may dump porta-pottie wastes in the  
clearly identified waste dump receptacle located near the Dockmas-  
ters Office on Pier C.

Marina Employee returns to Dockmaster's office and logs in the  
waste dumping action and quantity. See example form.

Marina employee retrieves the key for the respective customer.  
Customer takes the key to their vessel and performs the pump-out  
procedure, unsupervised, according to the signage posted and  
manufacturer's specifications. Customer dumps waste in the clearly  
identifiable "Waste dump receptacle"

Customer returns the key and logs in the waste dumping action and  
quantity on the Form at the Dockmasters office.

#### Gray Water

Key West Bight defines gray water as wastewater from sinks and showers. Direct  
discharges of gray water increase Biological Oxygen Demand (BOD) and nutrients in  
the water, lowers dissolved oxygen and may lead to undesirable algal blooms.

Key West Bight marina encourages the reduction of the volume of gray water discharg-  
es and the concentrations pollutants contained in gray water discharges at the Marina.  
The Marina has no graywater beneficial use facilities, but allows gray water to be dis-  
posed of in the Pump-out facilities.

Key West Bight Marina promotes the following ways and means to reduce Gray Water  
discharges:

The Marina encourages the use of its land-side property facilities as opposed to cus-  
tomer using boat gray-water generating fixtures such on-board washing machines or  
showers.

# City of Key West, Florida- Port Operations

## Key West Bight Marina Operations and Management Plan

### MARINA UPLAND RESTROOM & LAUNDRY SUMMARY

#### 1) Public Restrooms Next to Market – Tenants

<u>MENS (FU)</u>	<u>WOMENS (FU)</u>	<u>TENANTS (FU)</u>
2 Urinals (4)	4 Water Closets(12)	5 Dryers
1 Water Closet (3)	2 Sinks (4)	5 Washing Machines (20)
1 ADA W.C.(3)	1 ADA W.C.(3)	3 Women's Showers (6)
1 Sink (2)		3 Women's Water Closets (9)
		3 Men's Showers (6)
		1 Men's Water Closet (3)
		2 Urinals (4)
		4 Sinks (8)

#### 2) Margaret Street Restrooms

##### Public Restrooms

<u>MENS (FU)</u>	<u>WOMENS (FU)</u>	<u>TENANTS (FU)</u>
2 Urinals (4)	3 Water Closets(9)	1 Women's Shower (2)
2 Water Closets(6)	1 ADA W.C.(3)	1 Men's Shower (2)
1 ADA W.C. (3)	2 Sinks (4)	1 Men's Water Closet (3)
3 Showers (6)	3 Showers (6)	1 Women's Water Closet (3)
2 Sinks (4)		2 Sinks (4)

#### 3) Ferry Terminal Restrooms

##### Public and Tenants

##### MENS (FU)

2 Urinals (4)  
1 Water Closet (3)  
1 ADA W.C (3)  
1 Sink (2)

##### Ferry Terminal

##### WOMENS (FU) Future Restrooms

2 Water Closet (6)  
1 ADA W.C. (3)  
1 Sink (2)

Mens (FU)  
2 Urinals(4)  
2 W.C (6)  
1 ADA W.C.(3)  
1 Sink (2)

Womens (FU)  
2 Water Closets (6)  
1 ADA W.C. (3)  
1 Sink (2)

Based on Uniform Plumbing Code (UPC) Sewer Design Procedure Table 7-5.

(FU) Fixture Units; UPC Table 7-4: Flow Range 0-7.5 gpm per Fixture Unit

Total Fixture Units for restroom and laundry facilities on uplands for use by patrons of the marina = 146  
Fixture Units @ 7.5 gpm per FU= 1095 GPM of upland restroom and laundry facility wastewater and graywater flow capacity for Key West Bight Marina. (Sewage Pump-out capacity is not included.)

The ratio of upland restroom and laundry facilities for use by patrons of the Marina to the number of wetslips available at the Marina.

There are 146 Fixture Units available to serve 143 Marina wetslips.

**This is a Ratio of 146 FU/ 143 = 1.02.**

Using the UPC Procedure, this is equivalent to 146 FU x 7.5 gpm/FU = 1095 gpm or

1095 gpm/ 143 wetslips= 7.6 gpm capacity of wastewater/graywater upland facilities for each wetslip.  
Therefore, when patrons of the Marina utilize upland facilities, a potential water pollution load of up to



## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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1095 gpm of wastewater/graywater during one minute of the day can be prevented from entering Outstanding Florida Waters as opposed to customers using boat sewage or gray water generating fixtures. (This calculation does not include Sewage Pumpout System capacity.)

- Employee Education Plan

Who does the Training?

Dockmaster/Marina Manager

How often are the employees trained?

Upon hiring and quarterly meetings thereafter.

When new features are added to the sewage pump-out system or when problems arise.

What is the duration of the employee training?

2 to 4 hours

How will the training be done?

One- on –one on the job demonstrations with handouts, actual demonstration and verbal lecture.

SaniSailor EMP, manuals, and videos.

Handouts from Florida Department of Environmental Protection Agency Clean Marina Website.

Utilize Clean Marina Best Management Practices (BMP) Guidelines.

## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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#### ***Storm Water Management***

Key West Bight Marina is aware of the potential release of pollutants into the Keys Outstanding Florida Waters of the Gulf of Mexico as a result of stormwater runoff. These pollutants can contribute to unacceptable levels of turbidity, silt, heavy metals, biochemical oxygen demand (BOD), nutrients, fecal coliform, and toxins. The Marina's goal is to reduce the chance of these pollutants introduction into the Gulf waters through drainage methods and awareness of how these pollutants enter the Waters.

Locations of the storm sewers and sediment/debris traps are shown in the Stormwater System Site Plan(s). Key West Bight Marina utilizes the Florida's *Example Stormwater Pollution Prevention Plan for Marinas and Boatyards* in determining and implementing Best Management Practices.

Maintenance of the Stormwater system is performed by OMI.

#### Stormwater Management Plan

Create and maintain landscaping retention areas.

Retention areas, such as at the Ferry Terminal, are existing and other areas that exist will be identified or proposed.

Management and staff will keep these areas clear of trash and debris.

The retention areas will be monitored to insure the quality of the ground cover to help infiltration.

#### Pollutant sources:

Visually inspect land-side areas such as parking lots for fluid spills or drips such as oil which may need to be cleaned.

Maintain good housekeeping habits.

Check debris dumpsters/containers at restaurants for spillage and exposure to stormwater that allows polluted runoff.

Use care when transferring potential pollutants from one location to another.

Inspect areas, especially around solid waste dumpster areas, storm drain inlets for any debris that, could contribute to stormwater pollution.

Minimize the amount of impervious areas.

Pave only those areas that are absolutely necessary.

Use gravel, seashells, or other pervious materials when possible.

Building downspouts located around the Marina should be directed to perme-

## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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able areas instead of to impervious surfaces or drains when possible.  
Inspect the stormwater system

Check with the stormsewer/sanitary sewer contractor OMI and make sure the stormwater and sewer systems are not cross connected.

During dry weather, if water is draining from the stormwater system, a sewer or other pipe may be draining into the stormwater system.

After storm events, check the intake and discharge structures for debris and other materials and remove and dispose of properly.

Check the outflow from the system during storm events for visual pollutants.

Keep a log of the inspections by OMI.

- Employee Education Plan

Who does the Training?

Dockmaster/Marina Manager

How often are the employees trained?

Upon hiring and quarterly meetings thereafter.

When new features are added to the sewage pump-out system or when problems arise.

What is the duration of the employee training?

2 to 4 hours

How will the training be done?

One- on –one on the job demonstrations with handouts, actual demonstration and verbal lecture.

SaniSailor manuals and videos.

Handouts from Florida Department of Environmental Protection  
Agency Clean Marina Website.

Utilize Clean Marina Best Management Practices (BMP) Guidelines



## **City of Key West, Florida- Port Operations**

### **Key West Bight Marina Operations and Management Plan**

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#### ***Fish Cleaning***

There is a fish cleaning station located on Pier C near the Turtle Kraal Museum. A sign encourages boaters cleaning fish to place fish wastes into the portable dumpster for disposal at the Marina Solid Waste Management Area.

## **City of Key West, Florida- Port Operations**

### **Key West Bight Marina Operations and Management Plan**

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#### ***Submerged Land Lease***

The Marina docks are within a Sovereign Submerged Land Lease with the State of Florida. This lease has specific boundaries within which all boats at the Marina must be docked within. In addition, this lease has conditions with which the Marina must comply.

Authorization is required for any construction on or use of submerged lands owned by the State. This includes activities such as dredging and filling or constructing new docks or structures without DEP & USACE Permits. Typical construction projects on sovereign submerged lands include docks, piers, seawalls and dredging of access channels. The Board of Trustees of the Internal Improvement Trust Fund serves as the proprietor of these State-owned lands and determines how the public's interests may best be served. The largest projects are reviewed by the Board, while staff of the Department and the water management districts have been delegated the authority to take action on most authorizations.

Where these activities or uses are proposed as part of an Environmental Resource Permit, the authorization to use these sovereign submerged lands is reviewed at the same time as the regulatory permit through a process referred to as [linkage](#).

It is the goal of Key West Bight Marina to operate within the limits and conditions of the lease and to educate the employees as well as the customers about these limits and conditions.

#### **Submerged Land Lease Management Limits and Conditions**

When boats are docked the entire boat must be within the lease boundary (see Wetslip Layout Diagram). The wet slip layout drawing indicates the lease boundary.

Significant lease conditions.

The Marina is for mooring/docking of commercial and noncommercial recreational vessels.

If a vessel is moored or docked overnight, sewage pump-out facilities must be available.

A minimum of 90 percent of the slips shall be made available to the public maintained on a "first-come, first-served basis. Maintain signs at the waterward entrance to the Marina and at the upland entrance to the Marina that are clearly visible to passing boaters and the general public. The signs shall contain language clearly indicating that no less than 90 per-



## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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cent of the slips within this docking facility are available for rental by the general public. Any dockage rate sheet publications and dockage advertising for the marina shall clearly state that the wet slips are open to the public on a "first-come, first-served" basis.

Maintain displays at vital locations throughout the Marina and Harbor that provide information for boat operators/visitors on the characteristics of manatees and the potential threat to this endangered species from boat operations.

Maintain reflective markers and dock lights (lighted aids to navigation as per US Coast Guard/USACE/USN Regulations) at the waterward end of each main pier/dock near the Federally Maintained Shipping/Navigation Channel shown on the survey of the Docking Facility in sovereignty submerged lands lease No. 44027185 and shall operate said lights at night or in conditions of reduced visibility.

The City of Key West shall provide to the Department an acceptable up-to-date survey and legal description showing all existing structures at the Key West Bight docking facility. The survey shall be in compliance with the Department's requirements for surveys.

Prior installation and utilization of floating dock structures and associated mooring and fixed dock structures identified in Exhibit A. The proprietary authorization for the above-described temporary activities shall be given through a lease modification. Any additional structures or modifications will require prior regulatory and proprietary authorization from the Department.

The City of Key West shall install handrails along portions of Harborwalk as required in DEP Permit 442678425 and shown on Exhibit B. The City is relieved from the requirement to place "No Mooring" signs facing waterward on the handrails in this area of the Harborwalk. *The City requests that just the "No Mooring" signs be installed. Installing just the handrails, alone, will not deter any watercraft from attempting to moor in this location.*

The City of Key West shall ensure that the operation of the facility complies with applicable State Water Quality Standards at all times, namely:

62-302.500 – Minimum Criteria for All Waters at All Times and All Places

62-302.530 – Surface Water Quality Criteria

62-302.700 – Special Protection Outstanding Florida Waters



## City of Key West, Florida- Port Operations

### Key West Bight Marina Operations and Management Plan

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62-4.242 – Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resources Waters; Equitable Abatement

Inspections shall be made on at least monthly to assure compliance with the lease conditions.

Submit Self-Certification Program written notification Forms to the FDEP bi-annually, stating whether the City of Key West- Key West Bight has been in compliance with all terms and conditions of sovereignty submerged lands lease No. 44027185 and Permit Nos. 442678425, 4427809145, and 44-0137939-001 issued by the Florida Department of Environmental Protection (FDEP).

- Employee Education Plan

Who does the Training?

Dockmaster/Marina Manager

How often are the employees trained?

Upon hiring and quarterly meetings thereafter.

Yearly follow-ups or upon changes in the lease.

What is the duration of the employee training?

2 to 4 hours

How will the training be done?

One- on –one lecture with handouts, walking around the Marina.

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**Key West Bight Marina Operations and Management Plan**

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***Boat Slip Rental Agreements***

This Marina Operations and Management Plan includes a Dockage/Lease Rental Agreement (see attached). The Renters at the Mariner are required to agree with basic rules as follows:

**A. Authority of the Harbormaster/Marina Manager**

1. The Harbormaster/Marina Manager/Dockmaster has the right to assign dock slips. Boat owners desiring to dock at said Marina shall register contact with the Harbormaster/Marina Manager/Dockmaster via radio or telephone prior to docking, to make arrangements for registration and docking assignment. A vessel entering the Marina during regular business hours, for the purpose of docking, must immediately register with the Harbormaster/Marina Manager/Dockmaster. Vessels arriving after hours shall register at the start of business on the following day.
2. The Harbormaster/Marina Manager/Dockmaster is responsible for the enforcement of the Rules and Regulations for the Marina including the Plan and all DEP and COE Authorizations, Sovereign Submerged Lands Lease/ Permits (hereinafter called "Permits"), and may terminate the Docking Rental Agreement and order any boat or vessel to vacate the space occupied by said boat or vessel for violation of any rule or regulation relating to said Marina.
3. In the event it becomes necessary to move a boat or vessel, for safety purposes, and the boat owner is not immediately available, the Harbormaster/Marina Manager/Dockmaster is authorized to effect the necessary move through towing, at the boat owner's expense. This authority will only be used as a last resort when there is no other practical alternative. .

**B. Rules and Regulations Governing the Dockage/Lease Agreement:**

1. The Harbormaster/Marina Manager/Dockmaster operates and maintains docking facilities at the Marina for the use of yacht/or boat owners (Renter). The Renter will provide pertinent ownership and vessel information to the Harbormaster/Marina Manager/Dockmaster in the Dockage/Lease Agreement.
2. The Renter agrees to pay to Harbormaster/Marina Manager/Dockmaster the rental rate as outlined in the Dockage/Lease Agreement General Conditions and as described in the fee schedule as found in Attachment A, including subsequent amendments, and as provided by this Plan.
3. Said Dockage/Lease Agreements shall begin on the date of vessel docking at the Marina by the Renter. Monthly and annual Dockage/Lease Agreements



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**Key West Bight Marina Operations and Management Plan**

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shall continue from month to month thereafter until terminated by either party, unless sooner terminated in accordance with one of the following:

- a) By destruction of the facilities by fire, storm, or otherwise.
- b) By default in the payment of the rent hereunder prescribed.
- c) At the discretion of the Harbormaster subject to appeal.

NOTE: Written notice is required by Renter to Harbormaster/Marina Manager/Dockmaster to terminate the Dockage/Lease Agreement as follows:

- 24 hour notice for transient rentals
- 72 hour notice for weekly and monthly rentals.
- 30 day notice for annual rentals

4. Further, Renter shall agree to comply with all rules and regulations relating to the Marina including the Plan and Permits; and all State, Federal, and local laws pertaining to marinas and boating, and acknowledges the fact that a breach of any provision hereof or of any of said rules and regulations may result in the immediate termination of the Dockage/Lease Agreement. Upon observation of any non-compliance with the provisions of the Plan or Permits, the Harbormaster/Marina Manager/Dockmaster shall serve a written/verbal "Caution" statement to the Renter, informing them of the infraction. A second infraction shall result in a written "Warning" notice, informing the Renter of a second infraction. A third infraction will result in the immediate termination of the Dockage/Lease Agreement, and the Renter will be given twenty-four (24) hours to remove the vessel from the Marina.

5. Renter may not assign the Dockage/Lease Agreement or sublet the Dockage/Lease Agreement hereunder. No vessel other than the vessel described in the Dockage/Lease Agreement may be docked at said dock without prior coordination with the Harbormaster/Marina Manager/Dockmaster. In the event the above described vessel is sold, or otherwise permanently removed, the Renter shall immediately notify the Harbormaster/Marina Manager/Dockmaster and provide intentions as to the future use of the dockage.

6. The Harbormaster/Marina Manager shall be able to place a lien against the above-described vessel, or any vessel hereafter, docked by Renter at said dockage, including the appurtenances and contents thereof, in the event of any unpaid sums due for use of dockage facilities, other services, materials and supplies charged to their account, or for damages or injuries including but not limited to fines, penalties, environmental restoration, and fuel spill clean-up, caused or contributed to by the above described vessel or any vessel owned by the Renter, the Renter, or their representatives or agents, to any property of the Harbormaster and Marina or any other person, property, or vessel at the Marina. THE REMEDIES PROVIDED IN SS328.17, FLORIDA STATUTES, FOR THE NON-JUDICIAL SALE OF A VESSEL FOR NON-PAYMENT OF DOCKAGE ARE SPECIFICALLY INCLUDED AND INCORPORATED IN TIDS AGREEMENT AS AN



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ADDITIONAL REMEDY AVAILABLE FOR THE HARBORMASTER, AND THE RENTER AGREES TO BE NOTIFIED AT THE ABOVE ADDRESS SPECIFIED FOR RENTER IN CONNECTION WITH THE NOTICE REQUIRED UNDER SAID SS328.17. F .S.

7. The Dockage/Lease Agreement is for docking space only. Such space is to be used at the sole risk of the Renter, and the Harbormaster shall not be liable for the care, protection or security of the vessel, her appurtenances or contents, or for any loss or damage of any kind or nature to the vessel, her appurtenances or contents, due to fire, theft, vandalism, collision, equipment failure, windstorm, hurricane, rains, or other casualties. There is no warranty of any kind as to the condition of the piers, walks, gangways, ramps, mooring gear, or electrical and water service and the Harbormaster shall not be responsible for any injuries to persons or property occurring upon the Anchorage property for any reason.

8. The Renter agrees to hold the Harbormaster and the City harmless and to indemnify the Harbormaster and the City from any loss, damage, or liability imposed by reason of any acts or omissions on the part of the Renter, his agents, employees, or guests in the use of the facilities. The indemnification provided herein shall include, but not be limited to, all costs, expenses and reasonable attorney's fees incurred by the Harbormaster and the City in any action based on the foregoing, including, but not limited to, any action brought by the Renter, his family, invitee, guests, heirs, assigns or subrogee.

9. In the event of a tropical storm or hurricane watch or warning, all vessels at the Marina should be properly secured for foul weather by the Renter. It shall be the Renter's responsibility to be aware of such warnings and to make arrangements for the proper securing of the vessel or removal of the vessel to another location. It is agreed that the Harbormaster and City will and shall not be held liable for any consequences in its attempt to protect life and property in the event of a tropical storm or hurricane. In the event it becomes necessary to move Renter's vessel, for safety purposes or otherwise, and the vessel is unattended, the Harbormaster is authorized to effect the necessary move at Renter's expense, which costs shall become a part of the rent for docking of Renter's vessel.

10. In the event Renter fails to vacate the docking space within seven (7) days after receipt of Notice of Termination by Harbormaster, Renter hereby grants Harbormaster permission to board the vessel and move it under its own power or place it in tow and remove the vessel from its docking space to a location to be chosen by the Harbormaster at its sole discretion, at Renter's expense, and to take possession of the dockage space.

11. Renter shall be responsible for and shall pay any and all reasonable attorney's fees, together with any costs and/or other charges incurred by the Harbormaster and City in the enforcement of any provision of the Dockage/Lease Agreement..



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**Key West Bight Marina Operations and Management Plan**

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12. The dockage of the boats and vessels at the said Marina is hereby declared to be a privilege and not a right, and all Dockage/Lease Agreements shall be terminable upon one week's notice at the discretion of the Harbormaster, subject to appeal.

13. Should a dispute arise regarding these Rules and Regulations or the provisions of the Dockage/Lease Agreement, the Renter may bring the issue(s) before the City.

14. Renter shall acknowledge by signature of the Dockage/Lease Agreement that they received a copy of the Dockage/Lease Agreement and the Rules and Regulations.

**C. Rules and Regulations Governing Docking and Other Activities at the Marina:**

1. Docking Assignments: Boat owners desiring to dock in or at the Marina shall register with the Harbormaster/Marina Manager/Dockmaster prior to docking. Dock slips will be assigned by the Harbormaster/Marina Manager/Dockmaster. The transfer of boats or vessels from one dock to another will not be allowed except upon written approval of the Harbormaster/Marina Manager/Dockmaster.

2. Applicable Rules: The Dockage/Lease Agreement, Plan, Permits, and the City of Key West Ordinances shall apply to persons using the Marina insofar as the same may be applicable. Violations of these rules shall be reported by the Harbormaster to the appropriate law enforcement or agency.

3. Operational Condition: Only vessels that are deemed to be in compliance with the United States Coast Guard regulations and safety standards and Chapter 327, Florida Statutes shall be allowed to dock within the Marina. Only vessels in good operational condition, capable of maneuvering under their own power and with current registration and acceptable documentation shall be allowed to dock within the Marina. The decision of whether a vessel is considered to be in good operational condition, capable of maneuvering under its own power shall be the sole discretion of the Harbormaster. In the event of an emergency, such as, but not limited to, breakdown of bilge pump, leaks or bad lines, the Harbormaster is authorized to have the necessary repairs made, as economically as possible, and to charge the Renter therefor.

4. Vessel Relocation: In the event it becomes necessary to move a boat or vessel, for safety purposes, and the Renter is not immediately available, the Harbormaster is authorized to effect the necessary move through towing at the Renter's expense. This authority will only be used as a last resort when there is no other practicable alternative available.

5. Vessel Operation within the Marina: The Rules of the Road relating to boats and vessels shall apply in and around the Marina. All vessels shall observe the "idle speed/no wake" zone in and around the Marina.



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6. Temporary Leave of Dockage: Renter's leaving the Marina for more than three (3) days shall notify the Harbormaster/Marina Manager of the departure and return dates. The Harbormaster/Marina Manager reserves the right to rent vacant moorings on a temporary basis for transient boats or vessels. Such boats or vessels shall be required to vacate the mooring within 24 hours in the event the dockage Renter returns prior to the scheduled return date. All proceeds from said rental shall be retained by the Harbormaster/Marina Manager/Dockmaster.

7. Vessel Inspections: In order to insure compliance with State and Federal safety and marine sanitation regulations, the Harbormaster/Marina Manager/Dockmaster may need to do periodic inspections of the vessel. The initial inspection may be conducted prior to entering into the Dockage/Lease Agreement with the Renter. Thereafter, the Harbormaster/Marina Manager/Dockmaster will contact the Renter and request permission to conduct an inspection. No vessel inspections will be conducted by the Harbormaster/Marina Manager/Dockmaster without prior approval by the Renter. Denial of an inspection is ground for termination of the Dockage/Lease Agreement.

8. Peaceful Usage: All residents and guests of the Marina shall agree to peacefully use the Marina facilities and dock space assigned. All residents and guests shall not cause, suffer, or allow, whether individually or as part of an organization of persons, any act which may have the effect of disturbing the peace, disturbing, inconveniencing or subjecting to physical jeopardy the Marina waters, facilities, employees, vessels docked at the Marina, or do any act which may impede, disrupt, or injure the orderly operation of the Marina or any portion thereof.

9. Marine Sanitation: All vessels docking in the Marina shall contain a U.S. Coast Guard approved marine sanitation device as required, complying with the requirements of the U.S. Coast Guard governing the installation and use of such devices upon the particular vessel involved. Said sanitation devices shall be properly functioning and used at all times while the vessel is in the Marina and are subject to inspection by the Harbormaster/Marina Manager/Dockmaster. Y-valves shall be locked and sealed in the non-overboard position. All vessels, upon entering into a Dockage/Lease Agreement at the Marina, shall pump out their sewage holding tanks into the authorized sewage pump out facilities prior to or subsequent to docking, or into an authorized mobile pump out unit (if available) within 24 hours of docking. Absolutely no pumping of sewage in any area within the Marina shall be allowed except at approved pump out stations or mobile pump out units. All vessels with liveaboard occupants shall be required to have their tanks pumped at the approved pump out stations or mobile pump out units not less than every three (3) days without fail, unless an alternative pump out schedule for the vessel is approved by the Harbormaster/Marina Manager/Dockmaster. This alternative pump out schedule shall be accepted at the discretion of the Harbormaster, shall become a part of the Dockage/Lease Agreement as a written addendum with copies to the Renter and Harbormaster/Marina Manager/Dockmaster, and shall be based on holding tank capacity and vessel usage. Violation of these conditions will be reason for withholding of



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the security deposit and will be prosecuted to the fullest extent of the law. Overboard discharge of human or pet sewage waste is strictly prohibited in the Marina.

10. Marine Pollution: No person shall litter into the water or discharge or throw overboard any oils, spirits, flammable liquids or oily bilge into Key West Bight Waters. Overboard dumping of any trash is illegal and will not be tolerated within the City's jurisdiction. Hazardous materials, including sealed paint cans, waste oil, cathodic protection hardware (zinc) or solvents shall not be deposited in trash receptacles. For disposal of these materials, please contact the Harbormaster/Marina Manager/Dockmaster. Clean up of boater's refuse and unsightly material will be billed to the Renter's account at applicable Marina rates. All boats with in-board or in-board/outboard engines shall be equipped with a sorbent sock, properly installed in the engine compartment bilge. Sorbent socks are available at ship's stores in the vicinity of the Marina. The socks shall be renewed annually or when contaminated. Bilge cleaners and liquid detergents shall not be used in boat bilges, as they will destroy the effectiveness of the sorbent socks.

11. Oil Spills: The Harbormaster/Marina Manager/Dockmaster (305-293-6481) and the oil spill reporting hot line (1-800-424-8802) shall be contacted immediately when a spill is discovered. WARNING: There is a large fine if even minor spills are not reported. Oil absorbent pads and pillows should be used to contain and remove a spill. Detergents should never be used to contain oil spills! The cause of the spill should be identified and measures taken to secure against spreading.

12. Noise: The City's Noise Ordinance is in effect in the Marina. Noise shall be kept to a minimum so as not to create a nuisance or disturbance to other residents and guests in the Marina. Patrons shall use discretion in operating engines, generators, radios, TV s, etc. Sailboat halyards and other lines shall be tied off to prevent slapping against masts or other structures.

13. Protected Species: Renters and guests shall acquaint themselves with the publications and warnings available from the Harbormaster/Marina Manager/Dockmaster regarding safe operation in waters frequented by manatees and to abide by all laws, ordinances, rules and regulations governing the operation of watercraft in the presence of manatees. Harassment of protected wildlife is illegal and will not be tolerated in the Marina. Any incident relating to injured marine wildlife shall be reported immediately to the Florida Fish and Wildlife Conservation Commission at 1-888-404-3922.

14. No person shall solicit at or loiter within the Marina.

#### D. Enforcement

1. It will be the responsibility of the Harbormaster/Marina Manager for compliance with the Plan and Permits.



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### Key West Bight Marina Operations and Management Plan

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2. It shall be the Harbormaster/Marina Manager/Dockmaster's responsibility to monitor all boaters using the Marina on a regular basis. Upon observation of any non-compliance with the provisions of the Dockage/Lease Agreement, Plan or Permits, the Harbormaster/Marina Manager shall serve a written/verbal "Caution" statement to the Renter, informing them of the infraction. A second infraction shall result in a written "Warning" notice, informing the Renter of a second infraction. A third infraction will result in the immediate termination of the Dockage/Lease Agreement, and the Renter will be given twenty-four (24) hours to remove the vessel from the Marina. Infractions do not have to be identical, and separate notices of violations are cumulative. All Caution, Warning and Termination Notices shall be documented by the Harbormaster/Marina Manager/Dockmaster in the Daily Log, including the reason for the infraction. Copies of all Notices shall be maintained by the Harbormaster/Marina Manager/Dockmaster and made available to the City and FDEP upon request. Copies of Termination Notices resulting from violations of the Dockage/Lease, Plan and Permits shall be forwarded to the FDEP, Marathon and Fort Myers offices.

3. Notices to Renter: Notices to Renter may be given to Renter aboard Renter's vessel. Prior to boarding the vessel, to give or leave a Notice, the Harbormaster or assignee will knock three times and will voice call Renter. Notice will be hand delivered if Renter responds. If Renter does not respond or is not present, Notice will be taped to the cabin door.

4. The City and Harbormaster reserve the right to identify any offender causing a violation within the Marina, and to name said offender in any enforcement action taken by the FDEP. The City and Harbormaster acknowledge that they have the duty to monitor the patrons to ensure their compliance with the Plan and Permits. Should the City and Harbormaster fail to enforce or improperly monitor the Plan and Permits with respect to activities of their patrons, the City and Harbormaster acknowledge their responsibility and liability for violations of the Permits. Nothing herein shall be construed to waive any defenses provided to the City and Harbormaster in Chapters 403 and 376, Florida Statutes, in any enforcement action brought by the DEP.



## Permit Conditions

PERMIT NUMBER: SAJ-2021-00839-(SP-GGM)  
PERMITTEE: City of Key West/ c/o Karen Olson

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**General Conditions:**

1. The time limit for completing the work authorized ends on August 25th, 2026. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow 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.

**Special Conditions:**



PERMIT NUMBER: SAJ-2021-00839-(SP-GGM)  
PERMITTEE: City of Key West/ c/o Karen Olson

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1. **REPORTING ADDRESS:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the conditions of this permit shall be submitted to the following address:

- a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Branch, 9900 Southwest 107th Avenue, Suite 203, Miami, Florida 33176.

- b. For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB).

The Permittee shall reference this permit number, SAJ-2021-00839-(SP-GGM) on all submittals.

2. **SELF-CERTIFICATION:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attached) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
3. **COMMENCEMENT NOTICE:** Within ten (10) days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
4. **NOTICE PERMIT:** The Permittee shall complete and record the Notice of Department of the Army Permit (Attached) with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. Within 90 days from the effective date of this permit the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded and the date of recording.
5. **ASSURANCE OF NAVIGATION AND MAINTENANCE:** 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

PERMIT NUMBER: SAJ-2021-00839-(SP-GGM)  
PERMITTEE: City of Key West/ c/o Karen Olson

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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.

6. **MANATEE CONDITIONS:** The Permittee shall abide by the enclosed standard construction conditions designed to protect the endangered West Indian manatee, 2011.
7. **POSTING OF PERMIT:** The Permittee shall ensure that all contractors, sub-contractors, and entities associated with the implementation of the project review, understand, and comply with the approved plans and special conditions made part of this permit. The Permittee shall inform all parties associated with the activity of the construction area boundaries. Complete copies of the permit and approved plans shall be available at the construction site at all times. Failure to comply with the approved plans and permit special conditions may subject the Permittee to enforcement action.
8. **AGENCY CHANGES/APPROVALS:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Miami Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.
9. **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 and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida



PERMIT NUMBER: SAJ-2021-00839-(SP-GGM)  
PERMITTEE: City of Key West/ c/o Karen Olson

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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. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and 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 for finds under his or her jurisdiction, and from 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 and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). 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 and from the Corps.

**10. BEST MANAGEMENT PRACTICE (BMP):** Environmental controls and BMP must be implemented to properly contain construction materials and prevent fugitive particulates from entering surrounding waters during construction.

**11. TURBIDITY BARRIERS:** Prior to the initiation of any of the work authorized by this permit the Permittee shall install floating turbidity barriers with weighted skirts that extend to within one foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

**12. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs):** Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO.

PERMIT NUMBER: SAJ-2021-00839-(SP-GGM)  
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Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile-supported Structures and Anchored Buoys: (AP.1-14; A2.1-16; S.1; S.2; S.4).

**13. WATER QUALITY CERTIFICATION:** The Permittee shall comply with the specific conditions specified in the Environmental Resource Permit No.: 0137939-025 EI, dated June 29<sup>th</sup>, 2021 issued by the Florida Department of Environmental Protection.

**14. PROJECT DRAWINGS:** The project must be completed in accordance with the enclosed construction drawings (8 pages), date-stamped by the U.S. Army Corps of Engineers (Corps) on July 17<sup>th</sup>, 2021 and the general and special conditions which are incorporated in, and made a part of, the permit.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899  
(33 U.S.C. 403).

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.



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PERMITTEE: City of Key West/ c/o Karen Olson

PAGE 7 of 31.

- 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.
3. 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.
4. 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.
5. 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 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

PERMIT NUMBER: SAJ-2021-00839-(SP-GGM)  
PERMITTEE: City of Key West/ c/o Karen Olson

PAGE 8 of 31.

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. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

GUARDIA-  
MONTTOYA.GLETYS.1228208422

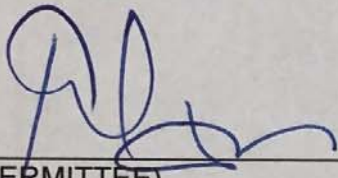
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PERMIT NUMBER: SAJ-2021-00839-(SP-GGM)  
PERMITTEE: City of Key West/ c/o Karen Olson

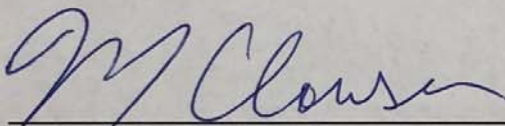
PAGE 9 of 31.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
\_\_\_\_\_, Deputy Director 8-6-21  
(PERMITTEE) (DATE)

KAREN OLSON  
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
\_\_\_\_\_  
(DISTRICT ENGINEER)

August 25, 2021  
(DATE)

For  
Andrew D. Kelly Jr.,  
Colonel, U.S. Army  
District Commander

PERMIT NUMBER: SAJ-2021-00839-(SP-GGM)  
PERMITTEE: City of Key West/ c/o Karen Olson

PAGE 10 of 31.

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)

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



PERMIT NUMBER: SAJ-2021-00839-(SP-GGM)  
PERMITTEE: City of Key West/ c/o Karen Olson

PAGE 11 of 31.

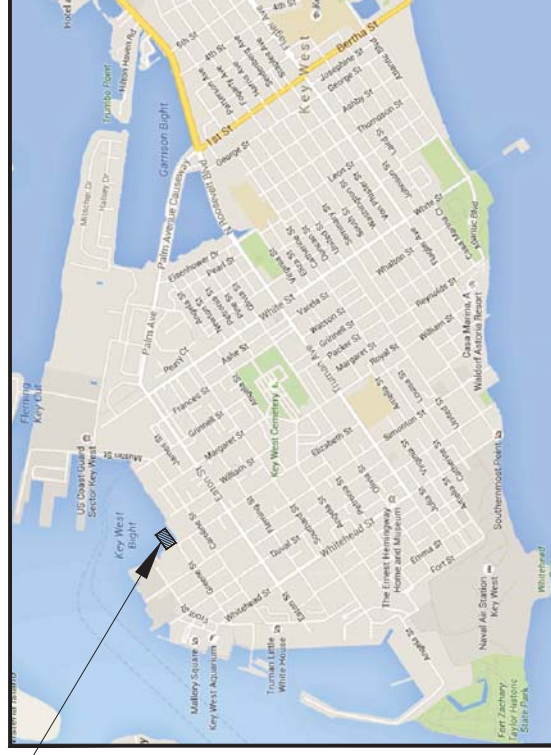
***Attachments to Department of the Army  
Permit Number SAJ-2019-03069-(SP-GGM)***

1. PERMIT DRAWINGS: 8 pages, dated July 17<sup>th</sup>, 2021.
2. Commencement Notification
3. General Conditions.
4. Self-Certification Statement of Compliance Form (1 page).
5. Notice of Permit.
6. DA Permit Transfer Request Form.
7. Sea Turtle and Smalltooth Sawfish Construction Conditions
8. Manatee standard construction conditions
9. NMFS-PRD PDCs
10. FDEP Permit Dated June 29<sup>th</sup>, 2021
11. ADDITIONAL DOCUMENTS: As required.



# KEY WEST HISTORIC SEAPORT H-2 DOCK EXTENSION PERMIT / DESIGN DRAWINGS

PROJECT  
LOCATION



## KEY WEST CITY COMMISSION

TERI JOHNSON, MAYOR  
CLAYTON LOPEZ, VICE-MAYOR  
JIMMY WEEKLEY, COMMISSIONER  
GREGORY DAVILA, COMMISSIONER  
SAMUEL KAUFMAN, COMMISSIONER  
MARY LOU HOOVER, COMMISSIONER  
BILLY WARDLOW, COMMISSIONER

## PERMITS:

FDEP:

USACE:

FKNMS-NOAA:

-----, MONROE COUNTY  
-----, MONROE COUNTY  
-----  
-----  
-----

## VICINITY MAP KEY WEST BIGHT, KEY WEST, FLORIDA

PROJECT #: ----- ITB #: -----

FOR PERMITTING  
NOT FOR CONSTRUCTION

USACE SAJ-2021-00839-(SP-GGM).  
Page 1 of 8. July 17th, 2021.



KEY WEST HISTORIC SEAPORT H-2 DOCK EXTENSIONS COVER SHEET AND VICINITY MAP		KEY WEST, MONROE COUNTY, FLORIDA	
DESIGNED BY: [Signature] CHECKED BY: [Signature] DATE: 5/12/2021		TETRA TECH INC. 299 SOUTH FEDERAL HWY SUITE 314 STUART, FL 34994-2936 TEL: (772) 781-3411 FAX: (772) 781-3411 NO. 2429 CERTIFICATE OF AUTHORIZATION	
Scale: AS SHOWN Design File NO: 000 (00000000-WM)		THIS DRAWING IS THE PROPERTY OF TETRA TECH INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF TETRA TECH INC.	
THIS DRAWING IS THE PROPERTY OF TETRA TECH INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF TETRA TECH INC.		DAVID W. FRODSHAM, STATE OF FLORIDA PROFESSIONAL ENGINEER, LICENSE NO. 75507	





THIS PLAN HAS BEEN DIGITALLY SIGNED AND SEALED BY  
DAVID W. FRODSHAM, P.E. USING A DIGITAL SIGNATURE.  
ON THE DATE ADJACENT TO THE DIGITAL SIGNATURE.  
PRINTED COPIES OF THIS DOCUMENT ARE NOT  
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ELECTRONIC COPIES MUST BE VERIFIED ON ANY  
DATE

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1	AS SHOWN	5/12/2021	
2	DESIGN	5/12/2021	
3	CHECKED	5/12/2021	
4	DESIGNED	5/12/2021	
5	AS SHOWN	5/12/2021	

DESIGNED BY: [Signature]  
CHECKED BY: [Signature]  
DATE: 5/12/2021  
SCALE: AS SHOWN

TETRA TECH INC.  
259 SOUTH FEDERAL HWY  
SUITE 314  
STUART, FL 34994-2936  
TEL: (772) 781-3400  
FAX: (772) 781-3411  
CERTIFICATE OF AUTHORIZATION  
NO. 2429

KEY WEST HISTORIC SEAPORT  
H-2 DOCK EXTENSIONS  
KEY WEST, MONROE COUNTY, FLORIDA  
Sheet Reference:  
G-002  
Sheet 2 of 8



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NOT FOR CONSTRUCTION



USACE SAJ-2021-00839-(SP-GGM).  
Page 2 of 8. July 17th, 2021.







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PROFESSIONAL ENGINEER, LICENSE NO. 75077

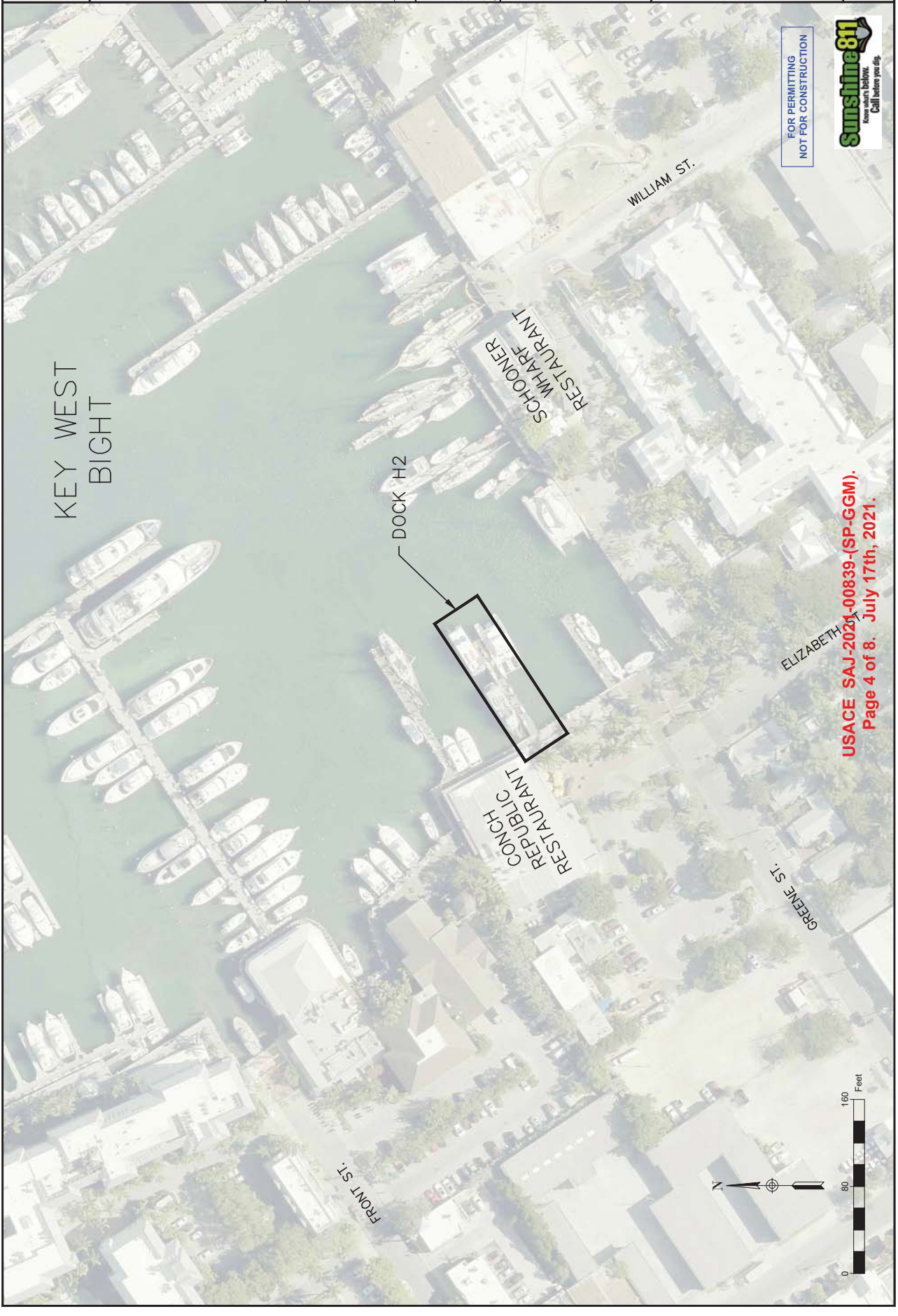
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Checked By:  
Design By:

TETRA TECH INC.  
259 SOUTH FEDERAL HWY  
SUITE 314  
STUART, FL 34994-2936  
TEL: (772) 781-3400  
FAX: (772) 781-3411  
NO. 2429  
CERTIFICATE OF AUTHORIZATION

KEY WEST HISTORIC SEAPORT  
H-2 DOCK EXTENSIONS  
LOCATION PLAN  
KEY WEST, MONROE COUNTY, FLORIDA

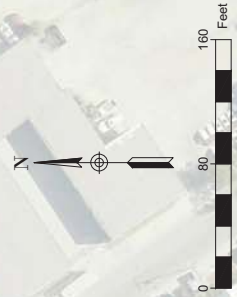
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G-004  
Sheet 4 of 6



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USACE SAJ-2021-00839-(SP-GGM).  
Page 4 of 8. July 17th, 2021.





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05/12/2021	APPROVED BY: [Signature]

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5/12/2021  
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Designed By:

NO. 2429  
CERTIFICATE OF AUTHORIZATION  
STUART, FL 34994-2936  
259 SOUTH FEDERAL HWY  
SUITE 314  
TEL (772) 781-3405  
FAX (772) 781-3411  
TETRA TECH INC.

KEY WEST HISTORIC SEAPORT  
H-2 DOCK EXTENSIONS  
EXISTING SITE PLAN  
KEY WEST, MONROE COUNTY, FLORIDA

Sheet Reference:  
C-101  
Sheet 5 of 8



USACE SAJ-2021-00839-(SP-GGM).  
Page 5 of 8. July 17th, 2021.

NOTE: SURVEY DATA PROVIDED BY AVROM AND ASSOCIATES, INC. DATED 01/20/2017 AND 11/08/2017.  
WATER/FIRE UTILITY DATA OBTAINED FROM WILSON, MILLER, BARTON, AND PECK, INC. DATED MAY 1995.  
ELECTRICAL/COMMUNICATIONS UTILITY DATA APPROXIMATED FROM WILSON, MILLER, BARTON, AND PECK, INC. DATED OCTOBER 1995.

FOR PERMITTING  
NOT FOR CONSTRUCTION







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DAVID W. FRODSHAM, P.E. LICENSE NO. 75507  
PROFESSIONAL ENGINEER, LICENSE NO. 75507

Date	Description
5/12/2021	DESIGN
5/12/2021	CHECKED BY
5/12/2021	APPROVED BY
5/12/2021	DESIGNED BY

Scale:  
AS SHOWN

Design No. 2429  
Certificate of Authorization  
STUART, FL 34994-2936  
SUITE 314  
259 SOUTH FEDERAL HWY  
TETRA TECH INC.

Checked By:  
Down By:  
Designed By:

KEY WEST HISTORIC SEAPORT  
H-2 DOCK EXTENSIONS  
PROPOSED SITE PLAN  
KEY WEST, MONROE COUNTY, FLORIDA

Sheet Reference:  
C-102  
Sheet 6 of 8



FOR PERMITTING  
NOT FOR CONSTRUCTION



USACE SAJ-2021-00839-(SP-GGM).  
Page 6 of 8. July 17th, 2021.

NOTE: SURVEY DATA PROVIDED BY AVIROM AND ASSOCIATES, INC. DATED 01/20/2017 AND 11/08/2017.  
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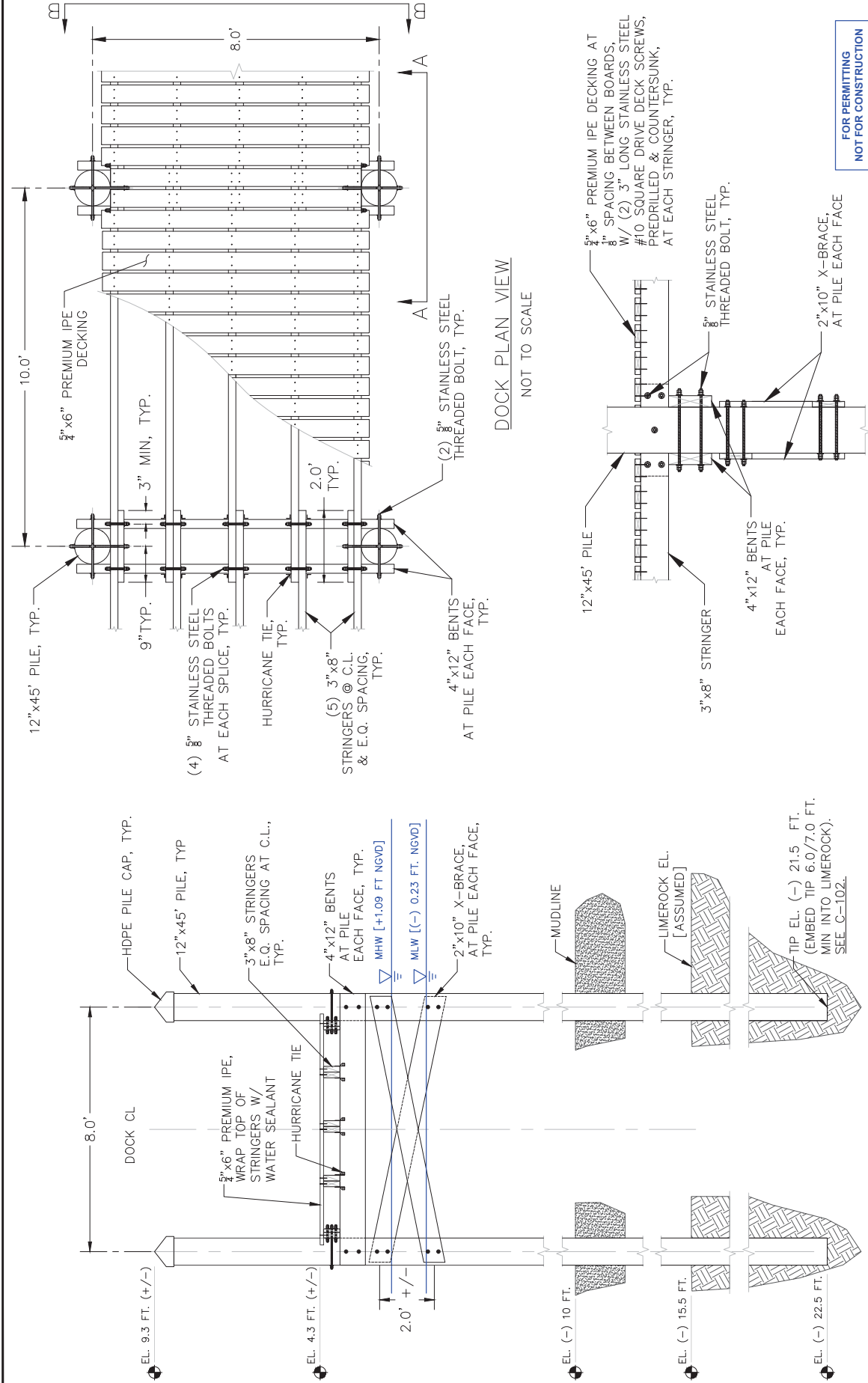
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DAVID W. FRODSHAM, STATE OF FLORIDA  
PROFESSIONAL ENGINEER, LICENSE NO. 75507

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4	DESIGNED	5/12/2021	

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5/12/2021  
Drawn By:  
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Designed By:

TETRA TECH INC.  
299 SOUTH FEDERAL HWY  
SUITE 314  
STUART, FL 34994-2936  
TEL: (772) 781-1405  
FAX: (772) 781-1411  
NO. 2429  
CERTIFICATE OF AUTHORIZATION

KEY WEST HISTORIC SEAPORT  
H-2 DOCK EXTENSIONS  
DOCK CROSS-SECTIONS  
KEY WEST, MONROE COUNTY, FLORIDA  
Sheet Reference:  
C-103  
Sheet 7 of 8



USACE SAJ-2021-00839-(SP-ECM).  
Page 7 of 8. July 17th, 2021.

DOCK CROSS-SECTION (B-B)  
NOT TO SCALE

CONNECTION DETAIL (A-A)  
NOT TO SCALE





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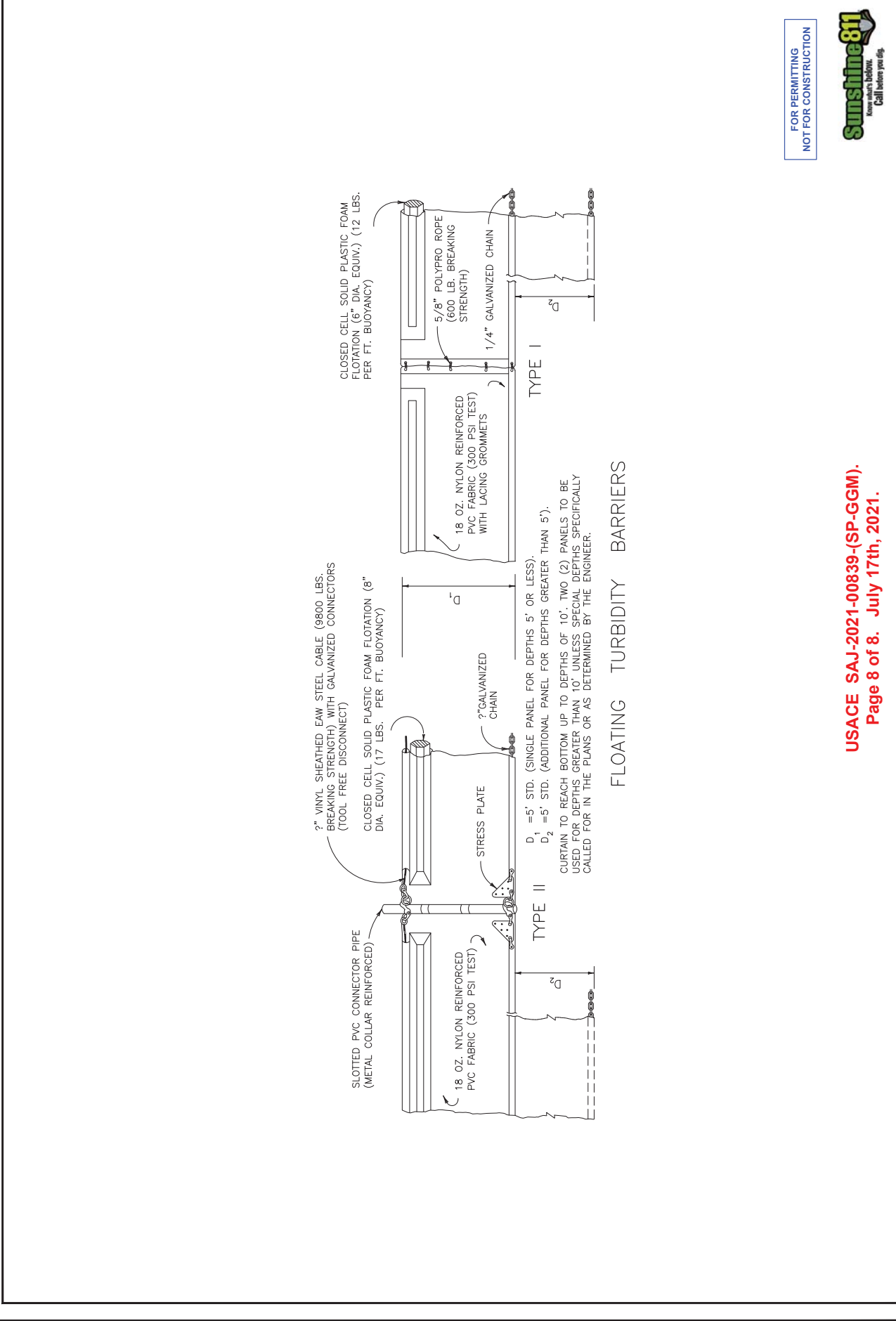
DAVID W. FRODSHAM, P.E.  
PROFESSIONAL ENGINEER, LICENSE NO. 75507

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DESIGNED BY: [Signature]  
CHECKED BY: [Signature]  
DATE: 5/12/2021  
SCALE: 1/8" = 1'-0"  
PROJECT: H-2 DOCK EXTENSIONS  
SHEET: 8 OF 8

KEY WEST HISTORIC SEAPORT  
H-2 DOCK EXTENSIONS  
SWPPP DETAILS  
KEY WEST, MONROE COUNTY, FLORIDA

Sheet Reference:  
C-104  
Sheet 8 of 8



FOR PERMITTING  
NOT FOR CONSTRUCTION

## **COMMENCEMENT NOTIFICATION**

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

**1. Department of the Army Permit Number:** SAJ-       -       (       -       )

**2. Permittee Information:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

**3. Construction Start Date:** \_\_\_\_\_

**4. Contact to Schedule Inspection:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Printed Name of Permittee

\_\_\_\_\_  
Date



## **SELF-CERTIFICATION STATEMENT OF COMPLIANCE**

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-       -       (       -       )
2. **Permittee Information:** Name: \_\_\_\_\_  
Email: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_
3. **Date Authorized Work Started:** \_\_\_\_\_ **Completed:** \_\_\_\_\_
4. **Contact to Schedule Inspection:** Name: \_\_\_\_\_  
Email: \_\_\_\_\_  
Phone: \_\_\_\_\_
5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. **Acreage or Square Feet of Impacts to Waters of the United States:** \_\_\_\_\_
7. **Describe Mitigation completed (if applicable):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. **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

\_\_\_\_\_  
Printed Name of Permittee

\_\_\_\_\_  
Date

Dated 9/18/2019

**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](mailto: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](http://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



## **Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys**

**A2.1.** Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

- A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.
- A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.
- A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).
- A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.
- A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).
- A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion* (see below).

**The following PDCs apply to all the activities described in PDC A2.1 above:**

**A2.2.** For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

([http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/protected\\_species\\_educational\\_signs/index.html](http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html)). The signs required to be posted by area are stated below:

- A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

- mammal stranding networks and smalltooth sawfish encounter database.
- A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.
- A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
- A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.

**A2.3.** For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

- A2.3.1. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
- A2.3.2. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

**A2.4.** For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).

**A2.5.** ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).

**A2.6.** Chickees must be less than 500 ft<sup>2</sup> and support no more than 2 slips.

**A2.7.** No activities associated with municipal or commercial fishing piers are covered under this Opinion.

**A2.8.** Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website:  
<http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/>

**A2.9.** Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.



### **Additional PDCs for Activity 2 applicable in Critical Habitat**

- A2.10.** *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.
- A2.11.** Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.
- A2.12.** Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.
- A2.13.** North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.
- A2.14.** Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).
- A2.15.** NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.
- A2.16.** U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

## Project Design Criteria (PDCs) Applicable to All Projects

**NOTE** - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

**AP.1.** The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

**AP.2.** All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

**AP.3.** All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

**AP.4.** For every project, the USACE must determine if the project is located within:

- a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
- b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
- c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
- d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
- e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
- f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

**AP.5.** This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

**AP.6.** All activities must be completed during daylight hours.

## Project Design Criteria (PDCs) for In-Water Activities

**AP.7. Education and Observation:** The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:

[http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/threatened\\_endangered/index.html](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html)

**AP.8. Reporting Interactions with Protected Species:**

- a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: [takereport.nmfs@noaa.gov](mailto:takereport.nmfs@noaa.gov) and [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil).
- b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: [Sawfish@MyFWC.com](mailto:Sawfish@MyFWC.com)
- c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: [nmfs.ser.sturgeonnetwork@noaa.gov](mailto:nmfs.ser.sturgeonnetwork@noaa.gov)
- d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
- e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

**AP.9. Vessel Traffic and Construction Equipment:** All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

- a) *Construction Equipment*:
  - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
  - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
  - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.
  - iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.



- b) *All Vessels:*
  - i) Sea turtles: Maintain a minimum distance of 150 ft.
  - ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
  - iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
  - iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
  - v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
  - vi) When these animals are sighted while the 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 they have left the area.
  - vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

- AP.10. Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:
- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
  - b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
  - c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
  - d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
  - e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
    - i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
    - ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

**AP.11. Entanglement:** All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
- b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.