



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

August 17, 2020

Regulatory Division  
South Permits Branch  
Miami Permits Section  
SAJ-2020-02546 (GP-NME)

Edwin Swift III  
2861 Key Cove Drive Unit 5  
Key West, FL, 33040

Dear Edwin Swift:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on June 25, 2020, the file number SAJ-2020-02546. A review of the information and drawings provided indicates that the proposed work would result in the construction of an observation platform of no more than 412 sf, with a terminal platform no larger than 8'x20'. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at 2861 Key Cove Drive, Unit 5, in Section 33, Township 67 South, Range 25 East, Key West, Monroe County, Florida (RE #00002410-000505).

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until March 27, 2023. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is:

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

Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

**1. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2020-02546 (GP-NME), 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. 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 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.

**4. 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. 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>

**Note** - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

**Note** - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

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)

**5. Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attached).

**6. 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 1 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 suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

**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, and the location of adjacent wetland shoreline to be avoided. 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 re-verification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a re-verification of this permit from the **Miami**

Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for re-verification of this permit.

**9. 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 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. Project Drawings:** The project must be completed in accordance with the enclosed construction drawings (pages 1-7), date-stamped by the U.S. Army Corps of Engineers (Corps) on June 27, 2020, and the general and special conditions which are incorporated in, and made a part of, the permit.

**11. Dock Construction Guidelines:** The Permittee shall comply with the "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat – U.S. Army Corps of Engineers/National Marine Fisheries Service – November 2017 (Attached).

**12. No Mooring Signage:** Permanent "No mooring" signs shall on both sides of the terminal observation platform within 30 days from the date of initiating the authorized work. Signage shall measure at least 1 ft. by 1 ½ ft. with a white background and black letters with a minimum of 3" in height, which reads **No Mooring Area: Motorized Vessels Prohibited** must be posted at all times. Said signage shall be installed along the waterward edge of the access walkway visible to any watercraft activity. Signs should be constructed with reflective materials so that they are also clearly visible at night.

**13. Hand Railing:** A permanent fixed hand railing shall be installed along both sides entire waterward edge of the observation platform (i.e. access walkway and terminal platform) within 30 days from the date of initiating the authorized work.

**14. Wetland Avoidance Areas:** The Permittee shall avoid the remaining 3345.6 sf of onsite wetlands, as detailed on Drawings 3 of 5 (Attached). These wetland areas were avoided as part of this permit application review process; and, therefore, the remaining wetland areas will not be disturbed by any activities that would degrade the ecological integrity of the site including dredging, filling, land clearing, or other construction work whatsoever except as required or authorized by this permit. The Corps reserves the right to deny review of any requests for future impacts to these avoided wetland areas.

**15. 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.

This authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above RGP(s), please contact Nicole Etzel by telephone at 305-779-6052.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

ETZEL.NICOLE.  
M.1591445991

Digitally signed by  
ETZEL.NICOLE.M.1591445991  
Date: 2020.08.17 15:55:51  
-04'00'

Nicole Etzel  
Project Manager

Enclosures

Self Certification  
Statement of Compliance  
Notice of the Department  
of the Army Authorization  
Manatee Standard  
Conditions for In-Water  
Work  
Dock Construction  
Guidelines  
JaxBO Project Design  
Criteria

cc:  
[hcasas@historictours.co](mailto:hcasas@historictours.co)  
[mrmilelli@meflkeys.com](mailto:mrmilelli@meflkeys.com)

GENERAL CONDITIONS  
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the dates identified in the letter.
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 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 a representative 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.

**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST**

**PERMIT NUMBER: SAJ-2020-02546 (GP-NME)**

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. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil).

\_\_\_\_\_  
(TRANSFeree-SIGNATURE)

\_\_\_\_\_  
(SUBDIVISION)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(LOT)

\_\_\_\_\_  
(BLOCK)

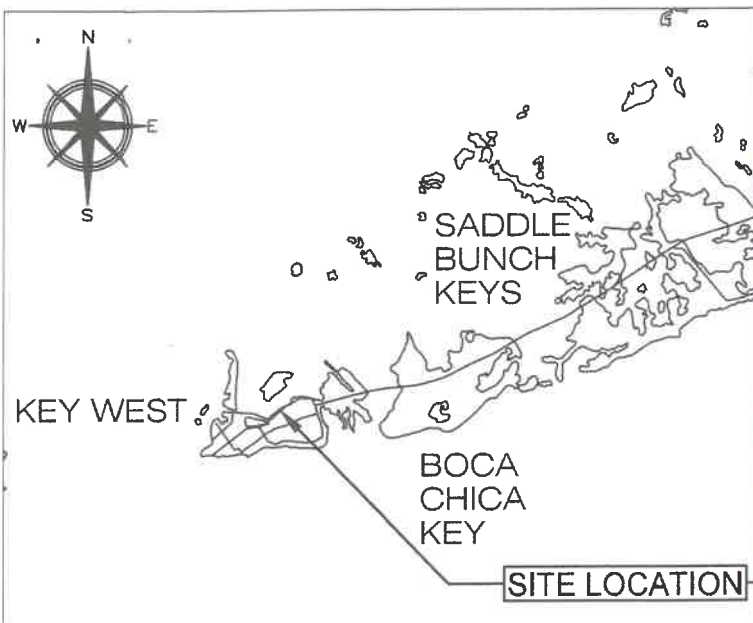
\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(STREET ADDRESS)

\_\_\_\_\_  
(MAILING ADDRESS)

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





## SITE DATA

OWNER KEY COVE LANDING LLC  
LOCATION 2861 KEY COVE DRIVE S  
RE# 00002410-000505  
SECTION/TOWNSHIP/RANGE 33 / 57 / 25  
LEGAL DESCRIPTION: UNIT 5 KEY COVE LANDINGS  
LAT 24.56788° N || LONG 81.77306° W

## DESIGN DATA

THE WORK DEPICTED HEREIN WAS DESIGNED TO MEET THE REQUIREMENTS OF THE 2017 FLORIDA BUILDING CODE AND THE LATEST EDITIONS OF THE FLORIDA MODEL ENERGY CODE, FIRE CODE, LIFE SAFETY CODE, AND THE NATIONAL ELECTRIC CODE. THE FOLLOWING LOADINGS WERE USED:  
WIND LOAD: 180 MPH; ASCE 7-10; EXPOSURE D

## INDEX OF DRAWINGS

SHEET G-1 - COVER SHEET  
SHEET C-1 - SITE PLAN  
SHEET C-2 - STRUCTURE PLAN  
SHEET C-3 - FRAMING PLAN  
SHEET C-4 - ELEVATION PLAN  
SHEET C-5 - EROSION CONTROL PLAN  
SHEET C-6 - CONSTRUCTION NOTES

## GENERAL NOTES

1. THESE PLANS ARE FOR THE CONSTRUCTION AT THE LOCATION SO DESIGNATED HEREIN.
2. THE CONTRACTOR SHALL PROVIDE ALL MATERIAL, LABOR, EQUIPMENT AND SUPERVISION NECESSARY TO PROVIDE THE WORK COMPLETE AND READY FOR USE.
3. THERE SHALL BE NO DEVIATION FROM THESE PLANS WITHOUT PRIOR APPROVAL FROM THE ENGINEER OF RECORD.
4. THE CONTRACTOR SHALL VISIT THE SITE AND BECOME FAMILIAR WITH EXISTING CONDITIONS BEFORE BID, CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS OF THE WORK SITE AND REPORT ANY DISCREPANCIES, DIFFERENCES OR CONDITIONS THAT ARE UNSATISFACTORY OR UNSAFE.
5. NOTIFY THE ENGINEER OF RECORD IMMEDIATELY OF ANY DISCREPANCIES, DIFFERENCES, UNSATISFACTORY OR UNSAFE CONDITIONS, ANY MODIFICATIONS OR CHANGES MADE WITHOUT PRIOR WRITTEN APPROVAL FROM THE OWNER AND ENGINEER OF RECORD SHALL NOT BE ALLOWED, ANY REWORK, RESTORATION OR OTHER IMPACT AS A RESULT OF NOT OBTAINING SUCH PRIOR APPROVAL WILL BE MADE BY THE CONTRACTOR WITHOUT ADDITIONAL COST OR COMPENSATION FROM THE OWNER.
6. THE CONTRACTOR SHALL PROVIDE FOR THE SAFETY, PREVENTION OF INJURY OR OTHER LOSS AT THE JOB TO ALL PERSONS EMPLOYED IN THE WORK, PERSONS VISITING THE WORK AND THE GENERAL PUBLIC. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR THE PREVENTION OF DAMAGE, DUE TO THE WORK, TO MATERIALS OR EQUIPMENT AND OTHER PROPERTY AT THE SITE OR ADJACENT THERETO.
7. NO RESEARCH AS TO THE PRESENCE OF UNDERGROUND UTILITIES HAS BEEN INCLUDED ON OR PERFORMED FOR THIS PROJECT. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING SUNSHINE UTILITY LOCATE SERVICE PRIOR TO ANY CONSTRUCTION WITHIN ANY PUBLIC RIGHT-OF-WAY OR OTHER AREAS WHERE UNDERGROUND UTILITIES MAY BE PRESENT (I.E. IN AND AROUND UTILITY EASEMENTS, ETC.)
8. THE GENERAL CONTRACTOR SHALL PROVIDE AN ON-SITE DUMPSTER IN A LOCATION COORDINATED WITH THE OWNER FOR THE DISPOSAL OF REMOVED MATERIAL AND CONSTRUCTION DEBRIS. THE DUMPSTER SHALL BE EMPTIED AT APPROPRIATE INTERVALS TO PREVENT OVERFLOW AND UNSIGHTLY CONDITIONS.
9. THE CONTRACTOR SHALL PERFORM ALL WORK IN STRICT CONFORMANCE WITH THE PLANS, 2017 FLORIDA BUILDING CODE, LOCAL CODES AND ORDINANCES, MANUFACTURER RECOMMENDATIONS AND ACCEPTABLE TRADE PRACTICES. ANY CONFLICT BETWEEN THESE REQUIREMENTS AND THE MOST STRINGENT REQUIREMENTS SHALL GOVERN THE WORK.
10. SHOP DRAWINGS OF ALL PREFABRICATED STRUCTURAL FLOOR AND ROOF SYSTEMS AND MECHANICAL SYSTEMS SHALL BEAR THE SEAL OF A FLORIDA PROFESSIONAL ENGINEER AS REQUIRED BY THE 2017 FLORIDA BUILDING CODE AND SHALL BE SUBMITTED TO THE ENGINEER OF RECORD BY THE CONTRACTOR FOR APPROVAL PRIOR TO FABRICATION AND INSTALLATION.
11. THE CONTRACTOR SHALL NOT SCALE DRAWINGS, ANY INFORMATION THAT THE CONTRACTOR CANNOT OBTAIN FROM DIMENSIONS, DETAIL OR SCHEDULE SHALL BE OBTAINED FROM THE ENGINEER OF RECORD.
12. THE CONTRACTOR SHALL COORDINATE THE WORK OF ALL TRADES TO PREVENT ANY CONFLICTS.
13. THE CONTRACTOR SHALL FURNISH ALL SUBCONTRACTORS WITH A COMPLETE SET OF PLANS. ALL CHANGES SHALL BE NOTED ON THE DRAWINGS AND (2) COMPLETE AS-BUILT SETS SHALL BE DELIVERED TO THE OWNER AFTER COMPLETION OF WORK.

## DIRECTIONS

1. TAKE U.S. HIGHWAY 1 SOUTH TOWARD KEY WEST.
2. TURN RIGHT ONTO NORTH ROOSEVELT BLVD AT THE ENTRANCE TO KEY WEST.
3. TURN INTO KEY COVE DEVELOPMENT AFTER KENNEDY BOULEVARD, BEFORE HOME DEPOT.
4. PROCEED TO THE NORTHWEST CORNER OF THE PROPERTY AND ONTO KEY COVE DRIVE.
5. THE PROPERTY IS ON THE RIGHT.

## ADJOINING PROPERTY OWNERS MAILING ADDRESS

### TO THE WEST:

KEY COVE LANDINGS LLC  
201 FRONT ST STE 224  
KEY WEST, FL 33040

### TO THE EAST:

KEY COVE LANDINGS LLC  
201 FRONT ST STE 224  
KEY WEST, FL 33040

## SCOPE OF WORK

- CONSTRUCT NEW OBSERVATION PLATFORM FOR A SINGLE FAMILY RESIDENCE

# KEY COVE LANDINGS LLC RESIDENTIAL OBSERVATION PLATFORM PLANS

2861 KEY COVE DRIVE UNIT 5, KEY WEST, FL. 33040

## COVER SHEET

G-1

Project No:

Scale:

N.T.S.

CAD File:

Key Cove Obs Platform

Date:

6/23/2020

Revisions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Meridian Engineering, LLC

201 Front Street, Suite 203

Key West, Florida 33040

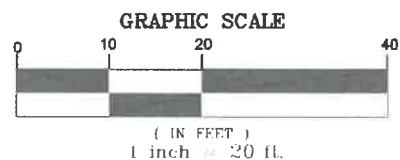
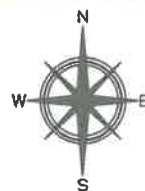
AUTHORIZATION #29401

ph:305-293-3263 fax:293-4899

NOT VALID FOR CONSTRUCTION UNLESS  
SIGNED AND SEALED IN THIS BLOCK

RICHARD J. MILELLI

PE #58315



# **KEY COVE LANDINGS LLC** **RESIDENTIAL OBSERVATION PLATFORM PLANS**

2861 KEY COVE DRIVE UNIT 5, KEY WEST, FL. 33040

## **SITE PLAN**

**C-1**

Project No:

Scale:

1"=20'-0"

CAD Files:

Key Cove-Sub Plot 6.m

Date:

6/23/2020

Revisions:


**Meridian Engineering, LLC**

201 Front Street, Suite 203

Key West, Florida 33040

AL THORNTON #29401

ph:305-293-3253 fax:293-4899

NOT VALID FOR CONSTRUCTION UNLESS  
 SIGNED AND SEALED IN THIS BLOCK

RICHARD J. MILELLI

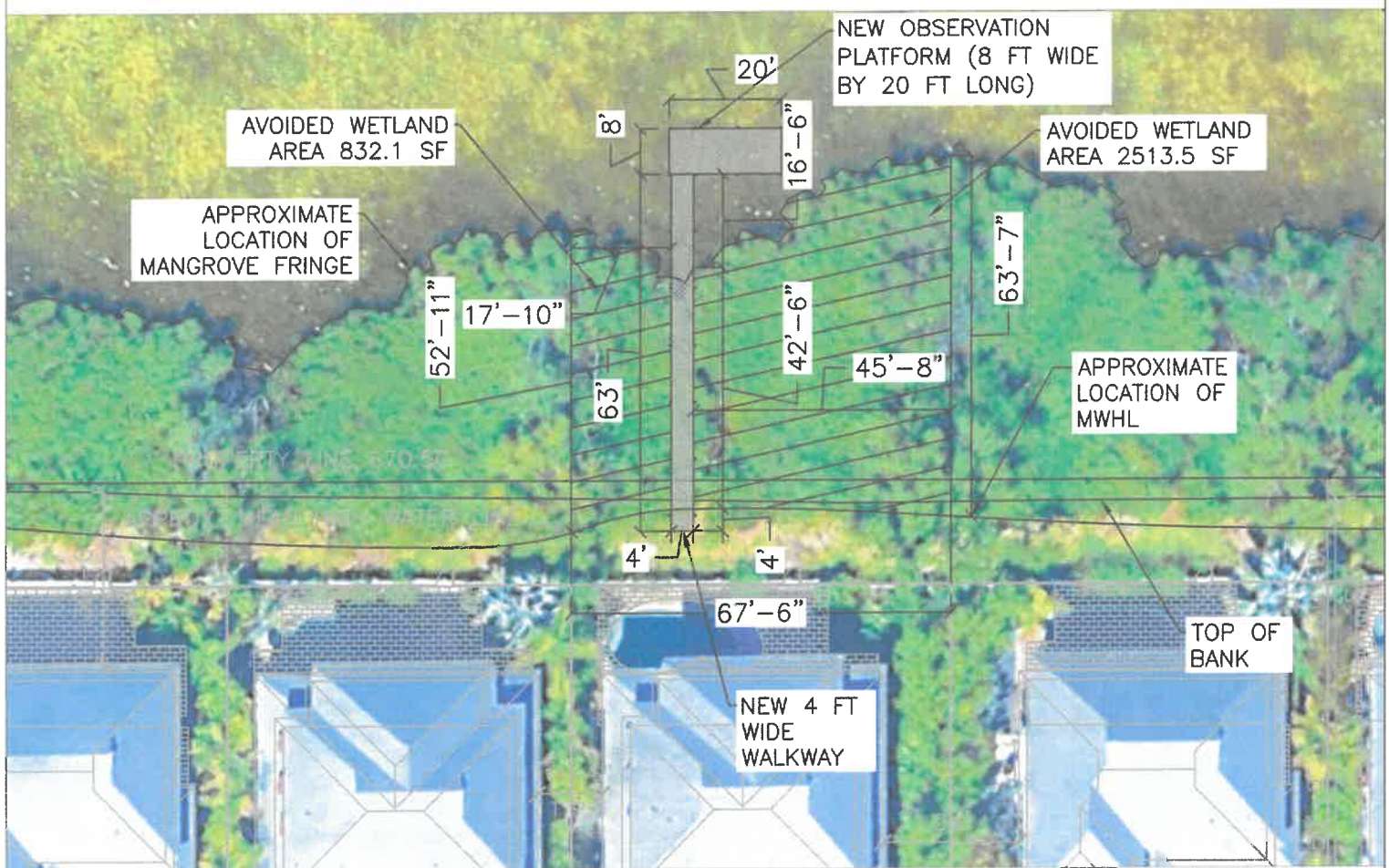
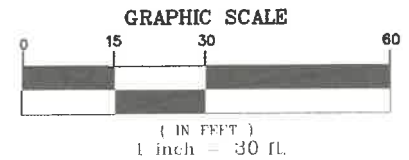
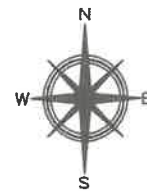
PE #58315

SAJ-2020-02545 Swift Page 2 of 7 8/11/2020



# DATA TABLE

TOTAL OBSERVATION PLATFORM AREA	412 SF
TOTAL NUMBER OF PILES	20
APPROXIMATE AREA IN MANGROVES	163.4 SF
APPROXIMATE AREA OVER SURFACE WATER	232.9 SF
APPROXIMATE AREA IN UPLANDS	15.7 SF
TOTAL WETLAND SHORELINE AREA TO BE AVOIDED AND PRESERVED	3345.6 SF
APPROX. DIMENSIONS OF WETLAND AREA TO BE AVOIDED	17.3 FT BY 48.1 FT 45.7 FT BY 55.0 FT



NOTE: SEE SHEETS C-3.0 AND C-4.0 FOR FRAMING AND CONSTRUCTION DETAILS

## KEY COVE LANDINGS LLC RESIDENTIAL OBSERVATION PLATFORM PLANS

2881 KEY COVE DRIVE UNIT 5, KEY WEST, FL. 33040

### STRUCTURE PLAN

**C-2**

Project No:

Scale:  
1"=30'

CAD File:  
Key Cove Obs Platform

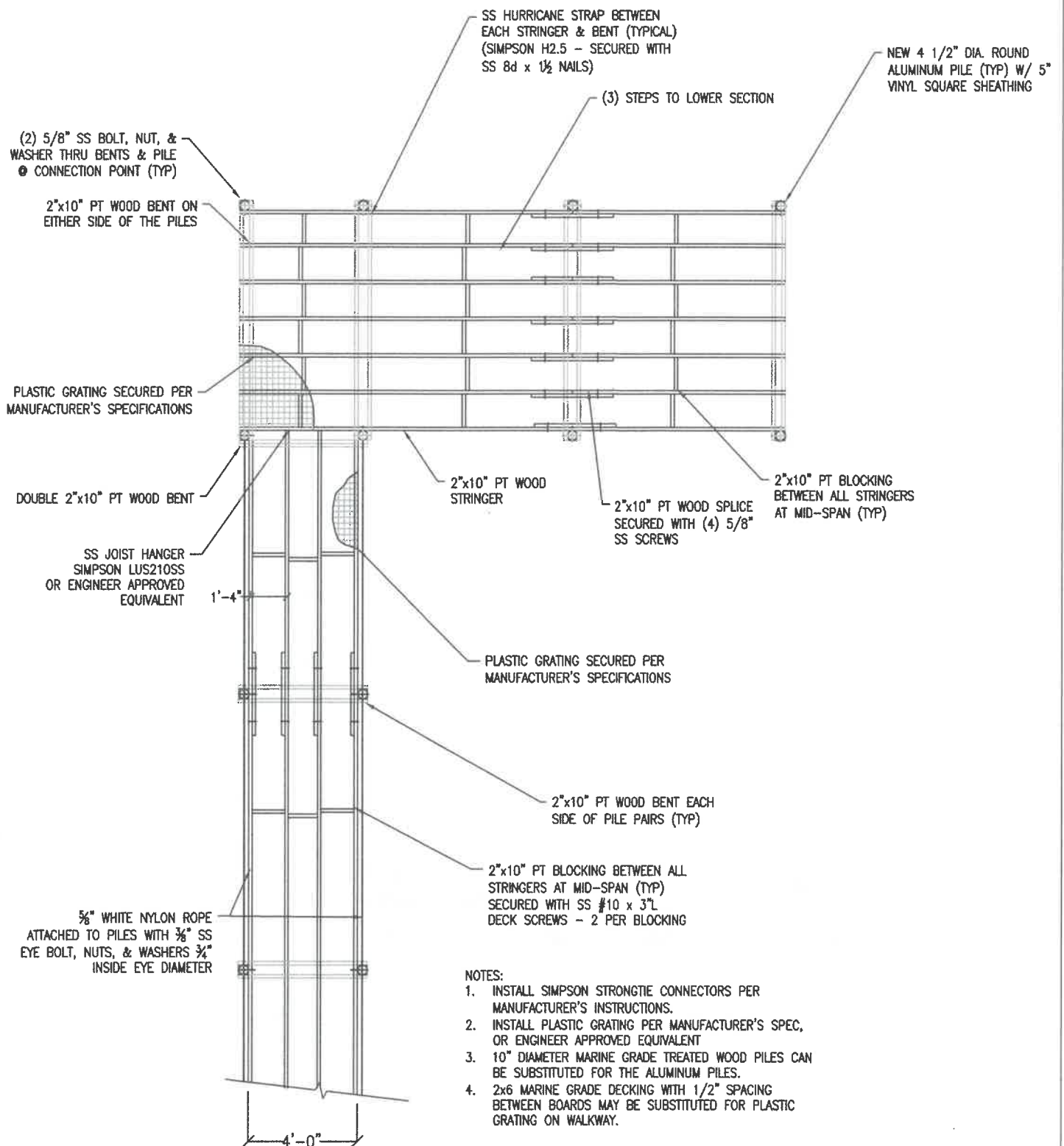
Date:  
6/23/2020

Revisions:

**Meridian Engineering, LLC**  
201 Front Street, Suite 203  
Key West, Florida 33040  
AUTHORIZATION #29401  
ph:305-293-5263 fax:293-4899

NOT VALID FOR CONSTRUCTION UNLESS  
SIGNED AND SEALED IN THIS BLOCK  
RICHARD J. MILELLI  
PE #58315

SAJ-2020-02546 Swift Page 3 of 7 8/11/2020



# KEY COVE LANDINGS LLC RESIDENTIAL OBSERVATION PLATFORM PLANS

2861 KEY COVE DRIVE UNIT 5, KEY WEST, FL. 33040

## FRAMING PLAN

C-3

Project No:

Scale:

N.T.S.

CAD File:

Key Cove Obs Platform

Date:

6/23/2020

Revisions:

Meridian Engineering, LLC

201 Front Street, Suite 203

Key West, Florida 33040

AUTHORIZATION #29401

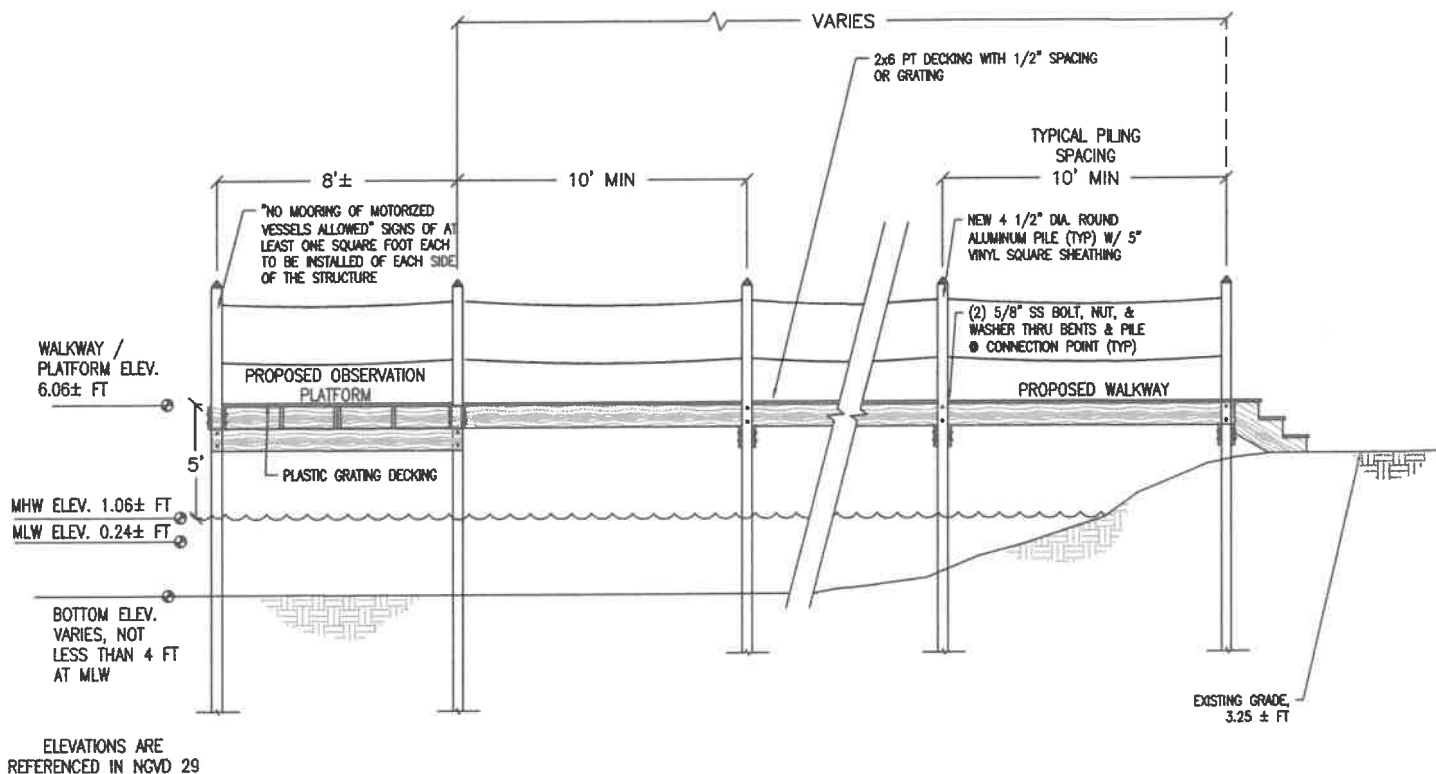
ph:305-293-3263 fax:293-4899

NOT VALID FOR CONSTRUCTION UNLESS  
SIGNED AND SEALED IN THIS BLOCK

RICHARD J. MILELLI

PE #58315

SAJ-2020-02545 Swift Page 4 of 7 8/11/2020



**NOTE:**

- ALL ELEVATIONS REFER TO NGVD 29.
- CONTRACTOR SHALL INSTALL A "NO MOORING OF MOTORIZED VESSELS ALLOWED" SIGN ON FRONT OF OBSERVATION PLATFORM

## KEY COVE LANDINGS LLC RESIDENTIAL OBSERVATION PLATFORM PLANS

2861 KEY COVE DRIVE UNIT 5, KEY WEST, FL. 33040

### ELEVATION PLAN

**C-4**

Project No:

Scale:

N.T.S.

CAD File:

Key Cove Obs Platform

Date:

6/23/2020

Revisions:

Meridian Engineering, LLC

201 Front Street, Suite 203

Key West, Florida 33040

AUTHORIZATION #29401

ph:305-293-3263 fax:293-4899

NOT VALID FOR CONSTRUCTION UNLESS  
SIGNED AND SEALED IN THIS BLOCK

RICHARD J. MILELLI

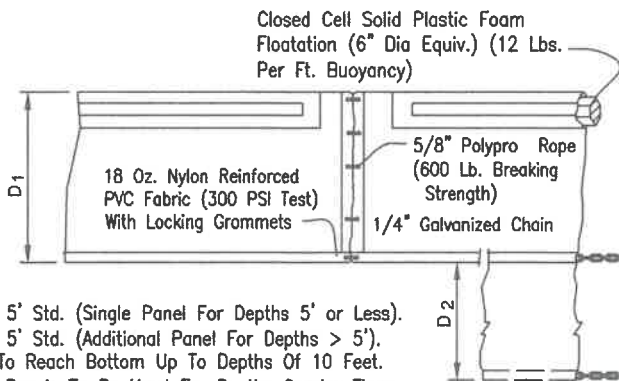
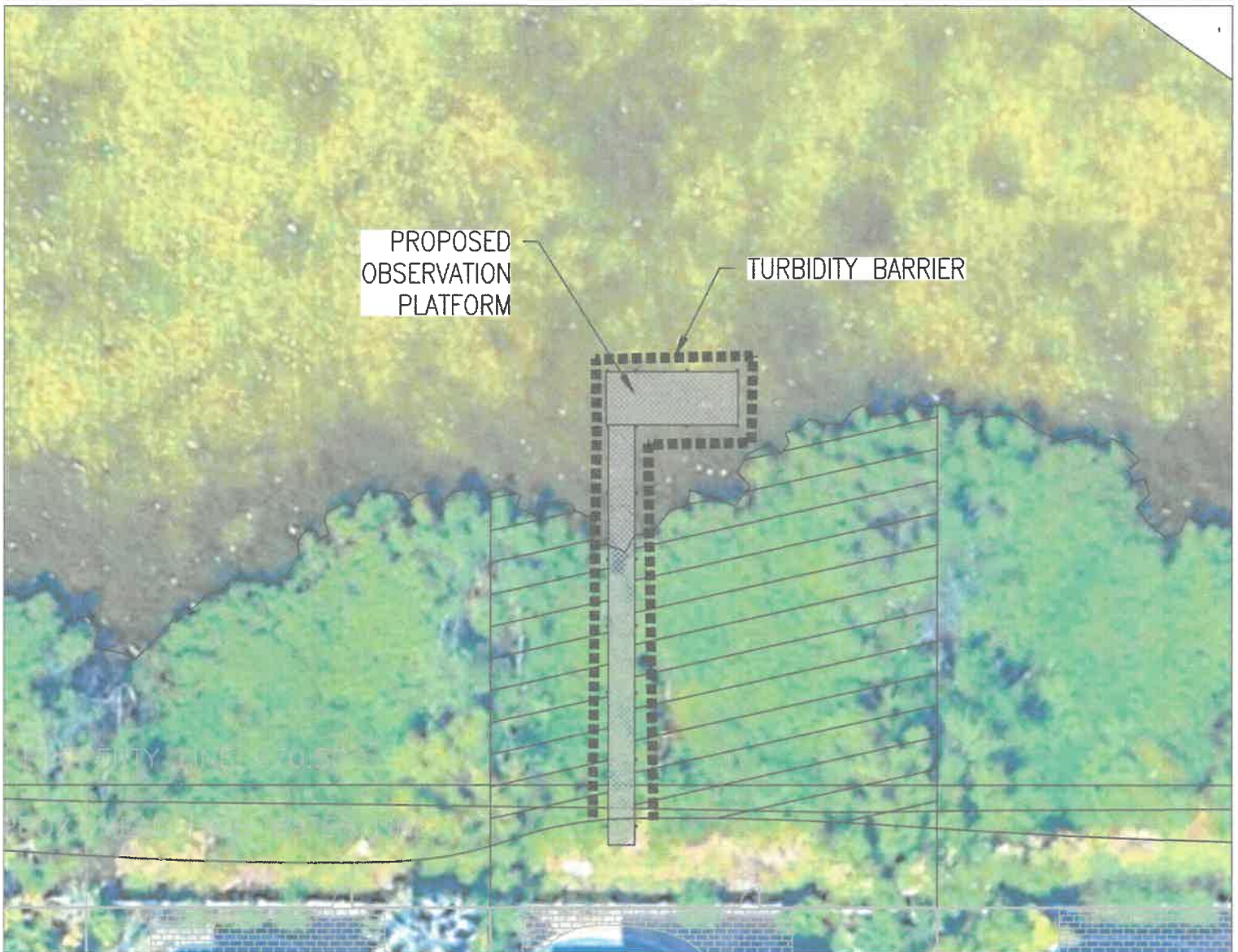
PE #58315

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PROPOSED  
OBSERVATION  
PLATFORM

TURBIDITY BARRIER



D = 5' Std. (Single Panel For Depths 5' or Less).  
D = 5' Std. (Additional Panel For Depths > 5').  
Curtain To Reach Bottom Up To Depths Of 10 Feet.  
Two (2) Panels To Be Used For Depths Greater Than  
10 Feet Unless Special Depth Curtains Specifically Called  
For In The Plans Or As Determined By The Engineer.

#### FLOATING TURBIDITY BARRIER GENERAL NOTES:

1. TURBIDITY BARRIERS ARE TO BE USED IN ALL PERMANENT BODIES OF WATER REGARDLESS OF DEPTH.
2. NUMBER AND SPACING OF ANCHORS DEPENDENT ON CURRENT VELOCITIES.
3. DEPLOYMENT OF BARRIER AROUND TREE LOCATIONS MAY VARY TO ACCOMMODATE CONSTRUCTION GUIDELINES.
4. FOR ADDITIONAL INFORMATION SEE SECTION 104 OF THE STANDARD SPECIFICATIONS.

NOTICE: COMPONENTS OF TYPE I MAY BE SIMILAR OR IDENTICAL TO PROPRIETARY DESIGNS. ANY INFRINGEMENT ON THE PROPRIETARY RIGHTS OF THE DESIGNER SHALL BE THE SOLE RESPONSIBILITY OF THE USER. SUBSTITUTIONS FOR TYPE I SHALL BE AS APPROVED BY THE ENGINEER.

#### FLOATING TURBIDITY BARRIER DETAIL

TYPE I BARRIER  
FDOT INDEX NO. 103  
Not To Scale

## KEY COVE LANDINGS LLC RESIDENTIAL OBSERVATION PLATFORM PLANS

2881 KEY COVE DRIVE UNIT 5, KEY WEST, FL. 33040

### EROSION CONTROL PLAN

C-5

Project No:

Scale:

N.T.S.

CAD File:  
Key Cove Sbs Pltform

Date:  
6/23/2020

Meridian Engineering, LLC

201 Front Street, Suite 203

Key West, Florida 33040

AUTHORIZATION #29401

ph:305-293-3263 fax:293-4899

SAJ-2020-02545 Swift Page 6 of 7 8/10/2020

NOT VALID FOR CONSTRUCTION UNLESS  
SIGNED AND SEALED IN THIS BLOCK

RICHARD J. MILELLI  
PE #58315

**GENERAL NOTES:**

1. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO COMMENCING WORK. THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ARMY CORPS OF ENGINEERS, & LOCAL REGULATIONS SHALL GOVERN ALL WORK.
2. WORK SHOWN ON DRAWINGS IS DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE (LATEST EDITION). CONTRACTOR SHALL FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION.
3. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A LIVE LOAD OF 40 PSF. WIND LOADS ARE DESIGNED PER THE 2017 FLORIDA BUILDING CODE.
4. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST EDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THE ENGINEER TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
5. BEST MANAGEMENT PRACTICES, INCLUDING THE USE OF TURBIDITY BARRIERS, ARE REQUIRED TO ISOLATE THE CONSTRUCTION AREA FROM THE ADJACENT WATERS. CONTRACTOR SHALL INSTALL TURBIDITY BARRIERS AROUND THE IMMEDIATE PROJECT AREA PRIOR TO CONSTRUCTION. THE TURBIDITY BARRIERS SHALL REMAIN IN PLACE UNTIL WATER QUALITY CONDITIONS RETURN TO PRE-CONSTRUCTION CONDITIONS. WATER QUALITY MONITORING SHALL ADHERE TO STATE REGULATIONS.
6. ELECTRIC & WATER (DESIGN PROVIDED BY OTHERS UNLESS SHOWN) SHALL BE PROVIDED. CONTRACTOR SHALL COORDINATE FINAL LOCATION OF ALL PROPOSED UTILITIES WITH OWNER PRIOR TO CONSTRUCTION.
7. CONTRACTOR SHALL FIELD VERIFY DIMENSIONS & WATER DEPTHS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK.
8. THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS OF INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK.
9. EXERCISE EXTREME CARE AND CAUTION WHEN EXCAVATING AND FILLING ADJACENT TO EXISTING STRUCTURES. UNDER NO CIRCUMSTANCES SHALL THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURES BE IMPAIRED IN ANY WAY BY CONSTRUCTION OPERATIONS AND PROCEDURES. DO NOT EXCAVATE OR DISTURB SOIL ADJACENT TO OR BENEATH EXISTING FOOTINGS.
10. CONTRACTOR SHALL COORDINATE INSTALLATION OF CLEATS, LADDERS, PILE CAPS, AND OTHER DOCK ACCESSORIES WITH OWNER PRIOR TO CONSTRUCTION. ALL DOCK ACCESSORIES SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. STAINLESS STEEL HARDWARE SHALL BE USED FOR ALL CONNECTIONS TO DOCK.

**ALUMINUM PILES:**

1. PILES SHALL BE 6061-T6 MARINE GRADE 4.5" O.D. SCHEDULE 40 ALUMINUM PIN PILE WITH 5" VINYL SLEEVE.
2. A STRAIGHT LINE DRAWN FROM THE CENTER OF THE BUTT TO THE CENTER OF THE TIP SHALL NOT, AT ANY POINT, FALL FURTHER AWAY FROM THE CENTER OF THE PILE THAN A DISTANCE EQUAL TO 1% OF THE LENGTH OF THE PILE.
3. PILES SHALL PENETRATE THROUGH FIRM ROCK A MINIMUM OF 3 FT.
4. PILES SHALL BE SPACED AT A MAXIMUM OF 10 FT O.C. UNLESS OTHERWISE SHOWN.
5. DO NOT DRIVE PILES WITHIN 20 FT OF NEW CONCRETE WITH LESS THAN SEVEN DAYS OF CURING TIME.
6. CONTRACTOR SHALL INVESTIGATE ANY SUDDEN DECREASE IN DRIVING RESISTANCE FOR POSSIBLE BREAKAGE OF THE PILE. IF SUDDEN DECREASE IN DRIVING RESISTANCE CANNOT BE CORRELATED TO BORING DATA OR SOME INCIDENT IN THE DRIVING, AND IF THE PILE CANNOT BE INSPECTED, SUCH DECREASE IN DRIVING RESISTANCE MAY BE CAUSE FOR REJECTION OF THE PILE.
7. RE-DRIVE ANY PILE WHICH IS RAISED DURING DRIVING OF ADJACENT PILES, TO THE ORIGINAL TIP ELEVATION.
8. HEIGHT OF PILES SHALL BE FIELD DETERMINED BY OWNER. CUT OFF PILES AT TOP ELEVATION AS DIRECTED BY OWNER. REPLACE OR REPAIR PILES WHICH ARE DAMAGED WHEN CUT OFF.
9. PILES SHALL DEVIATE FROM PLUMB AND ANGLE OF BATTER NO MORE THAN 1/4 INCH PER FOOT OF PILE LENGTH, BUT NOT MORE THAN 6 INCHES OVERALL. PILES SHALL NOT DEVIATE FROM LOCATION OF PILE TOP MORE THAN 6 INCHES.
10. REMOVE CUTOFF SECTIONS OF PILES FROM THE SITE AND DISPOSE OF LEGALLY ACCORDING TO LOCAL AND STATE REGULATIONS.

**TIMBER PILES:**

1. ROUND TIMBER PILES SHALL BE SOUTHERN PINE AND SHALL CONFORM TO ASTM D 25, BE UNUSED, CLEAN PEELED, UNIFORMLY TAPERED, ONE PIECE FROM BUTT TO TIP, AND HAVE A MIN. TIP DIAMETER OF 10 INCHES.
2. PRESSURE TREATMENT SHALL BE IN ACCORDANCE WITH AWWA C3 AND C18, MARINE PILES.
3. MARINE TIMBER PILES SHALL BE TREATED WITH CCA 2.5 (PRESERVATIVE ASSAY RETENTION REQUIREMENTS).
4. TREAT FIELD CUTS, HOLES, AND OTHER PILE PENETRATIONS WITH FIELD-APPLIED WOOD PRESERVATIVE, IN ACCORDANCE WITH AWWA M4.
5. CONTRACTOR SHALL PROVIDE PILES OF THE TYPE INDICATED AND OF THE LENGTH AND CONFIGURATION NECESSARY TO EXTEND INTO CAPROCK TO THE DEPTH AS SHOWN IN THE PLANS AND AS DIRECTED BY THE ENGINEER.
6. CONTRACTOR IS RESPONSIBLE FOR MEASURING INDIVIDUAL PILES TO DETERMINE APPROPRIATE CAP SIZES.
7. DEVIATION FROM PLUMB AND ANGLE OF BATTER: 1/4 INCH PER FOOT OF PILE LENGTH, BUT NOT MORE THAN 6 INCHES OVERALL. MAX DEVIATION FROM LOCATION OF PILE TOP IS 6 INCHES.
8. WHEN TIMBER PILES ARE CUT OFF, TREAT CUT SURFACES IN ACCORDANCE WITH AWWA M4. REMOVE CUTOFF SECTIONS OF PILES FROM THE SITE AND LEGALLY DISPOSE.

**LUMBER, DECKING, & FASTENERS:**

STRINGERS: 2 x 10

BENTS: 2 x 10

DECKING (WALKWAY): 2 x 6 (1/2 INCH SPACING) OR GRATED DECKING CONTRACTOR TO CONFIRM WITH OWNER.

DECKING (TERMINAL PLATFORM): GRATED DECKING.

1. ALL BENTS AND STRINGERS SHALL BE SOUTHERN PINE NO. 2 OR DOUGLAS FIR NO. 2. LUMBER SHALL BE PRESSURE TREATED PER AWWA UC4B SPECIFICATIONS. MINIMUM RETENTION OF CCA SHALL BE 0.60 POUNDS / CUBIC FOOT.
2. ALL DECKING SHALL BE SOUTHERN PINE NO. 1 OR DOUGLAS FIR NO. 1 WITH ROUNDED EDGES. LUMBER SHALL BE PRESSURE TREATED. MINIMUM RETENTION OF ACQ SHALL BE 0.40 POUNDS / CUBIC FOOT.
3. ATTACH DECKING TO EACH STRINGER WITH TWO #10 3" STAINLESS STEEL DECK SCREWS OR TWO 16d RING SHANK STAINLESS STEEL NAILS AT EACH CONNECTION POINT.
4. ATTACH BENTS TO PILING WITH TWO 5/8" STAINLESS STEEL 316 BOLTS, WASHERS, AND NUTS AT EACH CONNECTION POINT. BORE HOLES SHALL BE 1/8" GREATER IN DIAMETER THAN THE BOLT. UPON COMPLETION OF THE INSTALLATION, CHECK ALL NUTS FOR TIGHTNESS.
5. ATTACH STRINGER TO BENT WITH STAINLESS STEEL SIMPSON STRONG-TIE HURRICANE STRAP OR APPROVED EQUAL. ALL CONNECTIONS SHALL BE HEAVY DUTY TYPE FOR MARINE ENVIRONMENT APPLICATIONS.
6. LAY THE PLANKS WITH THE BEST SIDE UP AND WITH ADJACENT EDGES IN CONTACT UNLESS OTHER SPACING IS SPECIFIED.
7. PERFORM COUNTERSINKING WHEREVER THE HEADS OF SCREWS OR BOLTS WOULD OTHERWISE INTERFERE WITH THE ASSEMBLY OF THE WORK.

## KEY COVE LANDINGS LLC

## RESIDENTIAL OBSERVATION PLATFORM PLANS

2881 KEY COVE DRIVE UNIT 5, KEY WEST, FL. 33040

Revisions:


Meridian Engineering, LLC

201 Front Street, Suite 203

Key West, Florida 33040

AUTHORIZATION #29401

pr:305-295-3263 fax:293-4899

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RICHARD J. MILELLI

PE #58315

**CONSTRUCTION NOTES****C-6**

Project No:

Scale:

N.T.S.

CAP File:

Key Cove Obs Platform

Date:

6/23/2020

SAJ-2020-02546 Swift Page 7 of 7 8/11/2020

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

*Within 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-2020-02546 (GP-NME)
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



Prepared by:

Permittee: \_\_\_\_\_

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

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

### **NOTICE OF DEPARTMENT OF THE ARMY AUTHORIZATION**

**TAKE NOTICE** the United States Army Corps of Engineers (Corps) has issued a permit or verification SAJ-2020-02546 to Edwin Swift III (Permittee) on August 17, 2020, authorizing work in navigable waters of the United States in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) on a parcel of land known as Folio/Parcel ID: \_\_\_\_\_ located at 2861 Key Cove Drive, in Section 33, Township 67 South, Range 25 East, Key West, Monroe County, Florida.

Within 30 days of any transfer of interest or control of said property, the Permittee must notify the Corps in writing of the property transfer by submitting the completed permit transfer page included with the issued permit or verification. The subject permit or verification concerns only that portion of the property determined to fall within the jurisdiction of the Corps and this notice is applicable only to those portions of the subject property in, over, under, or affecting navigable waters of the United States.

**Conditions of the Permit/Verification:** The permit or verification is subject to General Conditions and Special Conditions which may affect the use of the work authorized in the approved location. Accordingly, interested parties should closely examine the entire permit or verification, all associated applications, and any subsequent modifications.

To obtain a copy of the authorization in its entirety submit a written request to:  
U.S. Army Corps of Engineers  
Regulatory Division - Special Projects & Enforcement Branch  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

Questions regarding compliance with these conditions should be directed to:  
U.S. Army Corps of Engineers  
Enforcement Section  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

### **Conflict Between Notice and Permit**

This Notice of Authorization is not a complete summary of the issued permit or verification. Provisions in this Notice of Permit shall not be used in interpreting the permit or verification provisions. In the event of conflict between this Notice of Permit and the permit or verification, the permit or verification shall control.

**This Notice is Not an Encumbrance**

This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

**Release**

This Notice may not be released or removed from the public records without the prior written consent of the Corps.

This Notice of Authorization is executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. This document is being submitted for recordation in the Public Records of Monroe County, Florida as part of the requirement imposed by the authorization SAJ-2020-02546 issued by Corps.

Permittee:

\_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

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

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

(seal)

\_\_\_\_\_  
Print

My Commission Expires \_\_\_\_\_

**Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in  
or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat  
U.S. Army Corps of Engineers/National Marine Fisheries Service  
November 2017**

**Submerged Aquatic Vegetation:**

1. Avoidance. The piling-supported structure shall be aligned so as to minimize the size of the footprint over SAV beds.
2. The height of piling-supported structure shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.
3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the piling-supported structure.
4. Over-SAV bed portions of the piling-supported structure shall be oriented in a north-south orientation to the maximum extent that is practicable.
5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.  
  
b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.  
  
c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3 feet above MHW section is constructed with grating material, it may be 3 feet wide.
6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used ) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.
9. The gaps between deckboards shall be a minimum of ½ inch.

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.

February 2003 – Manufacturer name changed from ChemGrate to FiberGrate

May 2003 - The terms dock and pier were removed and replaced by the term piling-supported structure, to clarify our intent.

March 2008 – Added requirement for 43% open space in grids; added additional manufacturer of grating.

November 2017 – Manufacturer of grated material updated to include Voyager Industries.

### **Marsh:**

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

### **Mangroves.**

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

## **Grid Specifications and Suppliers**

The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for piling-supported structure construction. Light-transmitting materials are made of various materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. **All light-transmitting materials used in construction for minor piling-supported structures shall have a minimum of forty-three (43) percent open space.**

A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842) and FiberGrate (1-800-527-4043). A type of plastic grating is manufactured by ThruFlow Interlocking Panels (1-888-478-3569). Plastic grate panels are also distributed by Southern Pine Lumber Company (Stuart, FL; 772-692-2300). Grated panels can be obtained from Titan Deck/Voyager Industries (Brandon, MN; 877-207-4136; [www.titandeck.net](http://www.titandeck.net)). Panels are available in a variety of sizes and thicknesses. For safety, the grate should contain an anti-slip texture which is integrally molded into the top surface. The manufacturer or local distributor should be consulted to ensure that the load-bearing capacity of the selected product is sufficient to support the intended purpose. Contact the manufacturer(s) for product specifications and a list of regional distributors.

October 2002 - Grid Specifications and Suppliers Section modified to add an additional vendor of materials.

February 2003 – Manufacturer name changed from ChemGrate to FiberGrate

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## **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.



## 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**





### **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) for Docks or Other Minor Structures (PDC A2.17)

These PDCs address the anticipated dock construction scenarios expected within Florida and the U.S. Caribbean and provide NMFS PRD's construction guidelines for projects occurring (1) within Johnson's seagrass critical habitat; (2) within the range of Johnson's seagrass<sup>18</sup>, but outside of Johnson's seagrass critical habitat; and (3) outside of both the range and critical habitat for Johnson's seagrass. These scenarios consider whether a seagrass survey was conducted for projects within the range of Johnson's seagrass or located in Johnson's seagrass critical habitat. Surveys must be completed no earlier than 1 year before submitting the application to the action agency for project authorization. There is no seasonal restriction for Johnson's seagrass surveys; however, Johnson's seagrass is found within the range of other seagrass species that exhibit a seasonal pattern of growth and distribution. For comparison, NMFS Habitat Conservation Division's recommended sampling window for non-listed species is June 1 to September 30.

### Dock Construction Scenarios

	Within Johnson's seagrass critical habitat	Within the Range of Johnson's seagrass (outside of critical habitat)	In the U.S. Caribbean and Florida (outside of the range and critical habitat of Johnson's seagrass)
<b>Dock replacement in the exact footprint (i.e., same location/configuration/ size) as the previous dock with...</b>			
No native seagrass under dock	A	A	A
Johnson's seagrass under dock	B	B	N/A
Native seagrass, other than Johnson's seagrass, under the dock	B	A	A
No current seagrass survey	B	B	A
<b>New docks or dock expansions with...</b>			
No native seagrasses within property limits	B	A	A
Johnson's seagrass within property limits	B	B	N/A
Native seagrass, other than Johnson's seagrass, within property limits	B	A	A
No current seagrass survey	B	B	A

A= No additional PDCs; B= Dock must meet PDCs below; N/A = not applicable; Johnson's seagrass could not occur under the dock because the dock project is outside the range of Johnson's seagrass

**Dock PDCs for Scenario B in the table above:**

1. To avoid and minimize impacts to Johnson's seagrass and native, non-listed seagrasses to the maximum extent practicable:
  - The dock must be positioned to avoid and minimize effects to Johnson's seagrass
  - Over any area that contains Johnson's seagrass or native, non-listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
  - If practicable, terminal platforms shall be placed in deep water, waterward of Johnson's seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson's seagrass or native, non-listed seagrasses.
  - Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
  - Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
  - No covered boat lifts are allowed over any Johnson's seagrass.
2. Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:

*Grated decking:*

- Height requirement: The surface of the structure, including the dock walkway (the over-water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
- Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft<sup>2</sup>. Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
- Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.

*Plank decking:*

- Height requirement: The surface of the structure, including the dock walkway (the over-water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
- Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft<sup>2</sup>. Marginal docks are limited to a width of 5 ft.
- Material description: Deck boards may be constructed of any material. Deck boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.



## **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.



## Project Design Criteria (PDCs) for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: For projects authorized in reliance on this Opinion only, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass (Halophila johnsonii)*, dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

### AP.12. Mangroves:

- a) To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.
- b) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
  - i. Removal to install up to a 4-ft-wide walkway for a dock.
  - ii. Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
  - iii. Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
  - iv. Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.
- c) Mangrove Trimming. Mangrove trimming is regulated by FDEP, Puerto Rico Department of Natural and Environmental Resources, and U.S. Virgin Islands Department of Planning and Natural Resources. Consistent with those authorities, when used in this Opinion, mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree. This Opinion does not limit or supersede any restrictions on mangrove removal required under any federal, state, or local law.
  - i. This Opinion only covers projects with associated mangrove trimming occurring waterward of MHW if such trimming (1) occurs within the area where the authorized structures are placed or will be placed (e.g., removal of branches that overhang a dock),
  - ii. (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

- iii. The Opinion does not apply to projects proposing to remove red mangrove props roots waterward of MHW, except for removal to install the dock walkways, as described above (up to a 4-ft walkway and up to a 8-ft ADA compliant walkway) and to install culverts necessary to improve water quality or restore hydrology between 2 water bodies.

**AP.13. Seagrass:**

- a) Pile-supported structures must follow the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2)

**Johnson's seagrass:**

- b) This Opinion does not apply to projects where Johnson's seagrass is found within the project footprint except for:
  - i. Installation of pile-supported structures that meet the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2).
  - ii. Maintenance dredging of previously authorized areas. This is limited to the removal of no more than 0.1 acre (ac) (4,356 ft<sup>2</sup>) of Johnson's seagrass per year (Activity 3; see Section 2.2.3).
  - iii. Transmission/utility line repairs within the same footprint of the lines being repaired (Activity 8; see Section 2.2.8).

**Non-listed seagrasses:**

- a) All impacts to non-ESA listed native, non-invasive seagrasses should be avoided and minimized to the extent practicable.
- b) This Opinion does not apply to projects located within the geographic boundary of U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat identified in Section 2.1.1.5) if non-ESA listed, native, non-invasive seagrasses are found within the project footprint.
- c) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- d) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

**AP.14. Coral and Hard Bottom Habitat:**

- a) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- b) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.
- c) This Opinion does not apply to projects where hard bottom habitat is found within the project footprint, except for the temporary placement (up to 24 months) of scientific survey devices (Activity 5) that have a footprint of less than 1 square foot (ft<sup>2</sup>) per device and are installed in a manner that does not permanently alter the hardbottom (e.g., the devices are not installed by drilling). For this Opinion, we define hard bottom in 2 ways:
  - i. Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.
  - ii. Nearshore and surf-zone, low-profile hard bottom outcroppings (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.



- 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.