

**DEPARTMENT OF THE ARMY PERMIT
STATE PROGRAMMATIC GENERAL PERMIT (VII)**

for

MINOR IN-WATER ACTIVITIES THROUGHOUT FLORIDA

SAJ-2015-02575 (PGP-DEB)

I. PURPOSE

The Jacksonville District, U.S. Army Corps of Engineers (Corps) authorizes the seventh iteration of the State Programmatic General Permit (SPGP) version VII for minor structures and related work in waters of the U.S. (waters) located throughout State of Florida (State). The SPGP serves to reduce duplicative effort where both the State and Corps have regulatory authority over the construction of routine, minor in-water activities. Any member of the regulated public may request verification from a delegated authority (i.e., Designee), that work proposed in waters qualifies for statutory Exemption or General Permit pursuant to Florida Statutes (Attachment 1). Applicants must follow all applicable procedures, as well any additional procedures required by the Designee when applying for verification. Eligible projects must have independent utility from other projects. For example, the SPGP may not be used to permit smaller components of larger projects. The following activities are authorized by the SPGP: 1) docks, piers, associated facilities, and other minor piling-supported structures, 2) shoreline stabilization, 3) boat ramps, 4) derelict vessel removal, 5) aids to navigation, 6) scientific survey devices, 7) structures for public mooring fields, and 8) seagrass restoration projects (not associated with another permit, mitigation bank, or in-lieu-fee arrangement). More detailed descriptions of each activity, as well as exclusions, and specific terms and conditions are provided, below.

II. DESIGNEES

Each Designee has entered into an operating agreement (OA) with the Corps, which outlines the procedures required to administer this permit. The following five (5) Designees have been approved to administer the SPGP: 1) Florida Department of Environmental Protection (FDEP), 2) Southwest Florida Water Management District (SWFWMD), 3) St. Johns River Water Management District (SJRWMD), 4) the Environmental Protection Commission of Hillsborough County (EPCHC), and 5) Broward County. The following table contains Designee contact information for assistance with the SPGP.

Broward County	awrlicense@broward.org	(954) 519-1483
FDEP	slerc@dep.state.fl.us	(850) 245-8336
EPCHC	wetlandspermits@epchc.org	(813) 627-2600
SJRWMD	permitting@sjrwmd.com	(386) 329-4570
SWFWMD	erpagencycoordination@swfwmd.state.fl.us	(352)796-7211

III. AUTHORITIES

All SPGP activities are authorized by the following Federal and State authorities: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), Section 404 of the CWA (33 U.S.C. §1344); and the Environmental Resource Permit program (ERP, 62-330, F.A.C.) A detailed list of State General Permits and Exemptions for the activities authorized by the SPGP is found in Attachment 1.

IV. PERMIT DURATION

This SPGP will be valid for a period of five (5) years from the effective date specified below, unless suspended or revoked by the District Engineer prior to that date. If the SPGP expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on SPGP will remain in effect provided the activity is completed within 12 months of the date the SPGP expires or is revoked. The SPGP authorization is subject to the following dates:

Effective Date: 27 July 2026
Expiration Date: 27 July 2031

V. KEY TERMS

Key terms used in this permit instrument are defined as follows:

<p><i>Acroporid corals</i>” refers to the elkhorn (<i>Acropora palmata</i>) and staghorn (<i>A. cervicornis</i>) coral species protected under the Endangered Species Act</p>
<p>“<i>Applicant</i>” means a person or authorized agent who submits a permit application for work in waters to a delegated authority.</p>
<p>“<i>Caribbean corals</i>” refers to five (5) species of coral protected under the Endangered Species Act (i.e., <i>Orbicella annularis</i>, <i>O. faveolata</i>, <i>O. franksi</i>, <i>Dendrogyra cylindrus</i>, and <i>Mycetophyllia ferox</i>).</p>
<p>“<i>Coral reef habitat</i>” is consolidated hard bottom which contains the essential habitat features necessary to support Endangered Species Act (ESA) listed coral. This is substrate of suitable quality and availability to support larval settlement and recruitment, and reattachment and recruitment of asexual fragments. The features of this habitat are: natural consolidated hard substrate or dead coral skeleton; that is free from fleshy or turf macroalgae cover; and provides cryptic habitat where an animal can hide, has the presence of microbial biofilms, or the presence of crustose coralline algae; and is clear, marine water with sufficient water quality to support corals.</p>
<p>“<i>Designee</i>” means a State or local government Agency that has received delegated authority by the District Commander to administer the SPGP on behalf of the Corps.</p>
<p>“ <i>Hard Bottom Habitat</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</p>

sediment cover. 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.
" <i>MHWL</i> " is the acronym for the Mean High Water Line.
" <i>MLLW</i> " is the acronym for the Mean Lower Low Water .
" <i>OHWM</i> " is the acronym for the Ordinary High Water Mark.
" <i>Open water span</i> " is the exact distance between two opposing shorelines (measured at MLLW or OHWM), excluding shoreline vegetation such as mangrove.
" <i>Permittee</i> " refers to the person or entity who receives the SPGP verification letter and who is identified as the 'applicant' in the permit application.
" <i>Structure</i> " refers to any fixed in-water feature (e.g., dock, boatlift, dolphin pile, ramp, etc.) for the purpose of accessing, or aiding access to, navigable waters, or providing shoreline stabilization (e.g., seawall or bulkhead).
" <i>SAV</i> " is an acronym used for submerged aquatic vegetation.
" <i>This office</i> " refers to the appropriate Corps permitting office responsible for regulated activities acting under the authority of the District Commander.
" <i>SPGP Verification</i> " means a written notification from a Designee that the requested work is authorized by the SPGP, contingent upon meeting all applicable terms and conditions.
" <i>Waters</i> " means navigable waters and waters subject to the ebb and flow of the tide and often used as an abbreviation of "waters of the United States" (33 CFR 328.3(a)). For the purpose of implementing this SPGP in Broward County, the term 'Natural Waterbody' may be used, but such waters must meet the definition of 'Waters' defined in 33 CFR 328.3(a).
" <i>You</i> " and its derivatives means the permittee or transferee. Upon transfer, transferees assume responsibility for complying with the terms and conditions of the SPGP

VI. APPLICANT PROCEDURES

1. Application: After determining an activity may be eligible for the SPGP, you must submit a permit application to the appropriate Designee, based on the project's location. Please refer to the following table when submitting your application:

Broward County	https://www.broward.org/epermits/pages/default.aspx
FDEP	Application Portal: https://www.fldepportal.com/DepPortal/go/apply-build Offices Map: https://FloridaDEP.gov/comm/comm/content/districts
Hillsborough County	https://www.epchc.org/i-want-to/view-applications-and-forms
SJRWMD	https://www.sjrwmd.com/permitting/
SWFWMD	https://www.swfwmd.state.fl.us/business/epermitting/environmental-resource-permit

Please note that you do not need to submit a duplicate application to the Corps. However, if a Designee determines that your project is ineligible for the SPGP, you will

be directed to submit a separate application to the Corps.

2. Endangered Species/JAXBO: The effects of SPGP activities on aquatic resources protected by the Endangered Species Act (ESA), under the responsibility of the NMFS, are addressed by the Jacksonville District Programmatic Biological Opinion (JAXBO). All authorized activities must adhere to the applicable Project Design Criteria (PDC), which will be made conditions of the SPGP verification letter. The following table lists the activities in the latest version of JaxBO that address the effects of SPGP authorized activities on aquatic resources:

PDC No.	Project Design Criteria (PDC) Name
AP	All Projects
Activity 1	Shoreline Stabilization
Activity 2	Pile Supported Structures and Anchored Buoys
Activity 5	Scientific Survey Devices
Activity 6	Boat Ramps
Activity 7	Aquatic Habitat Enhancement, Establishment, Water Quality Improvements, and Restoration Activities
Activity 9	Marine Debris Removal

Information on JAXBO, PDCs, and PDC checklists may be obtained using the following links:

JAXBO	http://cdm16021.contentdm.oclc.org/utills/getfile/collection/p16021coll3/id/577
PDCs	https://usace.contentdm.oclc.org/utills/getfile/collection/p16021coll3/id/925
PDC Checklists	https://www.saj.usace.army.mil/spgp/

This SPGP includes terms and conditions designed to meet responsibilities under the ESA. Additional information on endangered and threatened species can be found using the following links:

USFWS IPAC	https://ipac.ecosphere.fws.gov
NMFS Section 7 Mapper	https://www.fisheries.noaa.gov/resource/map/greater-atlantic-region-esa-section-7-mapper

3. Submerged Aquatic Vegetation Survey: Applicants must determine the presence of submerged aquatic vegetation (SAV) or emergent aquatic vegetation (e.g., saltmarsh cordgrass, black needle rush, etc.) within the project site. SAV typically occurs in estuarine and marine waters throughout Florida within all coastal counties (except Nassau, Duval, St. Johns, Flagler and Volusia County north of Ponce Inlet) and all freshwater tidal waters. An SAV survey or aerial photograph image is required to confirm the presence or absence of SAV or emergent aquatic vegetation.

a. **SAV Survey Requirements:** An SAV survey or aerial photograph is deemed valid only if completed in accordance with the following criteria:

(1) Completed in accordance with the Submerged Aquatic Vegetation Survey Guidelines, May 2018 (Attachment 2);

(2) Completed during conditions when water visibility is normal or optimal. Surveys should not be conducted during or immediately after storms, dredging and disposal activities, or heavy runoff; and

(3) Not older than one (1) year from the end of the previous year's growing season.

b. **SAV Survey Waiver:** The requirement for SAV survey and compliance with the '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' (herein referred to as the 'Dock Construction Guidelines') is waived in areas limited to poorly flushed residential canals where, under normal conditions, evidence (e.g., field surveys, geographic information system, agency data, or other documentation) exists to confirm the following criteria are satisfied:

(1) The canal width is insufficient for the construction of T- or L-shape docks rendering a marginal dock as the only practical option. The canal experiences poor water quality such that SAV occurrence and survival would be extremely unlikely. Factors influencing water quality may include poor flushing; heavy point and/or non-point source runoff; high turbidity; heavy siltation; contaminated substrate (e.g., oils, sludge, toxins), or other conditions, and

(2) The future occurrence of seagrass in the canal is unlikely.

c. **Dock Construction Guidelines Flexibility:** In the event that only a portion of a dock or pier is located over SAV, following effort to avoid and minimize impact to aquatic resources, only that part of the structure over SAV must meet requirements of the Dock Construction Guidelines. For example, if a proposed dock consisting of an access walkway and a terminus platform is found to have SAV located in the project footprint, and the terminus will be constructed beyond the limit of SAV, then only that portion (e.g., walkway) would need to meet requirements of the Dock Construction Guidelines.

4. **Acroporid and Caribbean Coral Survey:** For activities within the range and/or designated critical habitat of federally listed corals, applicants must conduct and submit a survey in accordance with the 'ESA-Listed Coral Colony and Acropora Critical Habitat Survey Protocol' July 2019 (https://media.fisheries.noaa.gov/dam-migration/coral_survey_protocols_june_2019.pdf) to identify presence or absence of the species and critical habitat essential features.

5. **Compliance:** Following receipt of verification from the Designee that the activity is authorized by the SPGP, the Permittee will provide the following documents to the Corps, via the compliance and enforcement mailbox at:

saj-rd-enforcement@usdace.army.mil.

a. Commencement Notification form (Attachment 8) within 10 days from the date of initiating the authorized work.

b. ENG Form 6285, "Certification of Compliance with Department of Army Permit" form (Attachment 9) within 60 days of completion of the work. The ENG Form 6285 can be obtained at:

https://www.publications.usace.army.mil/Portals/76/Eng_Form_6285_2024%20Dec%20FINAL.pdf

c.

d. Permit Transfer form (Attachment 10) signed by the new owner (if transferred to a new owner) within 30 days from transfer of property ownership.

VII. DESIGNEE PROCEDURES

The Designee will review each application for completeness and determine whether the proposed work qualifies for the SPGP following the procedures outlined in the signed and executed Operating Agreement with the Corps. For qualified projects, the Designee will send the applicant a letter of SPGP verification, which confirms the applicable State General Permit or Exemption, and confirmation that the activity qualifies for the SPGP. In cases where an activity does not meet all terms and conditions of the SPGP, the Designee will immediately direct applicants to the Corps to request a Department of Army (DA) permit.

VIII. AUTHORIZED ACTIVITIES

1. **Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures:** Authorized activities include pile-supported and anchored structures such as docks and piers; boatlifts; mooring piles and dolphin piles associated with docks/piers; aids to navigation (ATONs) and private aids to navigation; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (must be designed and clearly marked to prohibit fishing and vessel mooring); and other minor pile-supported structures that meet the following criteria:

a. New pile-supported docks/piers for a single-family residential will not exceed four (4) slips for motorized vessels. This four (4)-slip limit is cumulative (i.e., the total number applies to all existing and proposed (wet and dry) motorized vessel slips). A wet slip is defined as a space designated for storing or keeping a motorized vessel

in or over the water. A dry slip is defined as a space designated for a motorized vessel on land. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total number of slips (Reference: JAXBO PDC A2).

b. Pile-supported structures for marinas and multi-family docking facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures) are limited to a maximum of fifty (50) total slips (i.e., combination of wet and dry, and existing and proposed slips). This fifty (50)-slip limit is cumulative, and includes the sum of existing wet and dry slips and proposed/new wet and dry slips (Reference: JAXBO PDC A2).

c. Temporarily placed anchored buoys and pile-supported structures associated with marine events (e.g., boat shows, boat races, etc.) must be removed upon completion of the event. To the maximum extent practical, the site must be restored to preconstruction elevations. Water depths (in the event area) must allow at least five (5) feet (measured at MLWL) between the sea bottom and keel of a vessel, or between the highest point of ESA listed coral colonies and keel of a vessel when transiting to the mooring areas (Reference: JAXBO PDC A2).

d. Maintenance of any pile-supported structures, that are legally in existence or previously authorized, within the existing footprint of the original structure is authorized, unless otherwise excluded by this SPGP.

e. Criteria for Pile-supported structures in Monroe County:

(1) Pile-supported structures are limited to boatlifts and appurtenant features, such as catwalks around boatlifts, boarding platforms, davits, fenders, fender piles, dolphin piles, and mooring pilings.

(2) Boarding platforms must be cantilevered and are limited to two (2) feet by three (3) feet.

(3) If seagrass is present, an uncovered boat lift may have a narrow catwalk (i.e., two (2) feet wide if planks are used, or three (3) feet wide if grating is used) to facilitate boat maintenance along the outboard side of the boat lift.

2. **Shoreline Stabilization**: Authorized activities include new construction, repair, and replacement of vertical seawall structures, associated footers, living shoreline panels, and riprap for the purpose of shoreline stabilization that meet the following criteria:

a. New vertical seawalls, footers, and living shoreline panels will not extend more than 1.5 feet (18 inches) waterward from the MHWL or OHWL, unless necessary to align with existing adjacent seawalls, and not to exceed one hundred fifty (150) feet in length (Reference: JAXBO PDC A1.1.1).

b. The repair and replacement of seawalls and footers cannot extend any further than 1.5 feet (18 in) waterward of the existing, authorized location, as measured from the waterward face (wet face) of the existing, authorized seawall to the waterward face of the replacement seawall, measured wet face to wet face at MHWL or OHWL (Reference: JAXBO PDC A1.1.2.). An SAV survey is not required for repair or replacement that does not exceed the 1.5 feet (18 inches) threshold.

c. New riprap and associated materials (e.g., articulating blocks or mats, sand cement, geotextile/filter fabric and mattresses) will not be placed more than ten (10) feet waterward of the MHWL or OHWL, including the toe of slope (Reference: JAXBO PDC A1.1.3).

d. Riprap repair and replacement will not extend more than 1.5 feet (18 inches) waterward of its original authorized, most waterward location (as measured consistently using MHWL or OHWL from the waterward slope of the existing riprap to the waterward slope of the replacement material, measured at toe of slope) (Reference: JAXBO PDC A1.1.3). An SAV survey is not required for repair or replacement that does not exceed the 1.5 feet (18 inches) threshold.

e. The combined result of all repair and replacement efforts shall not exceed the 1.5 feet (18 inches) limit described in 2a, above, to ensure safe navigation and avoid aquatic resource impacts, except for the use of temporary structures required for authorized repair and replacement.

f. Living shoreline locations will not exceed one thousand (5,000) feet, and must include ten (10) feet gaps at least every one hundred (100) feet. Suitable sites will be limited to unvegetated and vegetated (only when dominated by invasive or exotic species, excluding occasional presence of native, non-invasive plant species), nearshore waters in order to establish or restore tidal marsh or mangrove habitat for the purpose of shoreline erosion control or aquatic habitat enhancement. Only native, site suitable, plants can be placed along the shoreline or between the shoreline and the living shoreline structure (Reference: JAXBO PDC A7.3).

3. **Boat Ramps:** Authorized activities include private, single-family boat ramps that meet the following criteria:

a. Fill for new boat ramps will be limited to twenty five (25) cubic yards.

b. New ramps for motorized and non-motorized vessels will not exceed thirty(30) feet in width and fifty (50) trailered vehicle parking spaces (Reference: JAXBO PDC A6.1.2).

c. New ramps, repair, and/or expansion of existing ramps will not exceed one (1) boat lanes (Reference: JAXBO PDC A6.1.4 but reduced).

d. Repair and replacement must occur within the same footprint of the existing ramp (Reference: JAXBO PDC A6).

4. **Derelict Vessels**: Authorized activities include in-water work limited to the removal of derelict vessels, which present concerns with navigation or a threat to human health and safety, and/or aquatic natural resources (flora, fauna, and their habitats). Vessel removal must meet the following criteria (Reference: JAXBO PDC A.9):

- a. Avoid damage to aquatic resources, including coral.
- b. Monofilament lines shall be cut loose from coral.
- c. Debris and/or vessels in SAV must be lifted up (e.g., using lift bags), not dragged, in order to minimize impacts.
- d. Fuel, oil, or other free floating pollutants shall be contained using absorbing blankets or booms.

5. **Scientific Devices**: Authorized activities include the installation, repair, maintenance, and removal of scientific survey devices, including any related equipment and anchors, for up to twenty four (24) months if those devices are intended to measure and/or record scientific data in tidal waters, such as staff gages, weirs, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, vibracore samplings, and similar structures. Authorized work must meet the following criteria (Reference: JAXBO PDC A5):

- a. Devices and equipment shall not block species movement or migration routes (e.g., shall not prevent movement in or out of a river or channel).
- b. Devices and equipment shall be inspected and maintained at least twice a year, and following storm events that may have moved or dislodged the structure to ensure that equipment and anchors have not moved to areas containing ESA-listed corals.
- c. Upon completion of the project for which the scientific survey device is being used, the measuring device and any other structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to preconstruction conditions.

6. **Structures for Public Mooring Fields**: Authorized activities include the construction, operation, and maintenance of structures required to operate a public mooring field for motorized and non-motorized vessels, including signage, markers, a dinghy dock and sewage pumpout dock directly supporting the mooring field. Authorized activities must meet the following criteria (Reference JAXBO PDC: A2.6):

- a. Pile supported structures required for public mooring fields must comply with the conditions included under Section VIII.1, above.
- b. Aids to Navigation (ATONs) and Private Aids to Navigation (PATONs) must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).
- c. mooring fields are limited to a maximum of fifty (50) motorized vessels

(there is no limit on the number of non-motorized vessels).

d. For buoys or anchored devices, in-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) shall be stiff, taut, and non-looping (e.g., heavy metal chains or heavy cables that do not readily loop and tangle) (Reference JAXBO A2.6).

e. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, shall 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 shall be allowed in the water. Additionally, in-water lines will include floatation to ensure there is not contact between the anchor chain or line and the marine bottom. All anchoring shall be in areas free from live hardbottom and seagrass (Reference JAXBO A2.6).

7. **Seagrass Restoration**: Authorized activities include the planting, restoration, and enhancement of native Florida seagrass within estuaries, lagoons, or other tidal waters, not for the purpose of providing compensatory mitigation to offset impacts to aquatic resources. Authorized work includes the placement of contained fill to meet adjacent grade to restore propeller scars and other depressions, as well as placement of bird stakes to enhance colonization of planted seagrass. Authorized activities must comply with the following criteria (Reference JaxBO PDC: A7.5):

a. The placement of loose or bagged sediment suitable for the project site in blowholes/dredge holes or in prop scars, and berm redistribution or sod replacement in excavations, must be to an elevation level with or otherwise consistent with the adjacent areas that support SAV (Reference JAXBO PDC: A7.5.1) .

b. Leveling submerged spoil piles or berms is authorized only if necessary to level the restoration area to match the elevation of adjacent seagrass beds (Reference JAXBO PDC: A7.5.2)

c. If exclusion cages are used around seagrass restoration areas, they must be temporary, not to exceed 12 months. Each exclusion cage must be securely fastened to the substrate so that it does not become detached. All cages must be constructed of firm, taut materials and cannot include any loose mesh, thin twistable wire, or rope that could twist or become entangled or present an entanglement risk to species (Reference JAXBO PDC: A7.5.3).

d. Seagrass transplantation and harvesting must meet the following criteria Reference JAXBO PDC: A7.5.4):

1) Seagrass transplantation and harvesting from the donor site may occur only by hand.

2) Donor sites could include (i) upland seagrass farms, (ii) areas with seagrasses that would be impacted by another project, or (iii) existing seagrass beds, with preference for (i) and (ii). Seagrass sourced from (iii) existing seagrass beds that will not be impacted by another project require additional approval from NMFS via supersede to ensure that the site is appropriate to be used as a donor site, preferred donor sites are not available, and the seagrass is removed in a manner that is not detrimental to the existing seagrass bed.

3) Transplantation methods may include, but are not limited to, plugging devices, manual transplant, peat pellets, peat pots, and coconut fiber mats. No in-water

machinery (e.g., marsh buggies, track hoe) may be used in harvesting or transplanting the seagrasses.

4) Repeated harvest from donor sites within a single calendar year is prohibited.

5) Harvest from areas with fast currents is prohibited. Harvesting in such areas can initiate an erosion scarp that could spread and damage the donor bed.

6) To the maximum extent possible, the environment at the donor site shall match the conditions at the restored site for: salinity, sediment types (percent silt and clay, percent organic material, surface sediment particle size for the upper 3 centimeters), tidal current speeds, wave exposure, and temperature.

7) Harvest of donor seagrass shall be spaced at no more than 3-foot radius intervals from the outer edge of any core taken.

8) The maximum core size diameter shall not exceed twenty (20) centimeters.

9) Any project with donor material must demonstrate authorization with state and local permit programs.

10) Stakes to attract birds is allowed, if necessary or appropriate for the project. Bird stakes shall not be used in areas where additional nutrients may be detrimental to the seagrass or water quality. The applicant should demonstrate that phosphorus is a limiting nutrient at the

11) site. If bird stakes are used, they must be placed no closer than six feet apart, be made of untreated wood, and be removed within 18 months of placement.

12) This Opinion covers installation of signage (supported on piles or anchored) if the signs are necessary to prevent motorized boats from entering the

13) area and anchoring. Signs must be sized and placed in a manner that prevents the loss of native seagrasses from sign shading.

14) Only native plant species can be planted.

IX. GENERAL EXCLUSIONS

An activity is excluded (not authorized) by the SPGP if any of the following apply:

1. A State Individual Permit is required.
2. Is authorized under, or associated with, a Designee's enforcement or compliance resolution procedures.
3. Is authorized under a Designee's emergency permitting procedures, when such procedures do not meet all conditions of the SPGP and/or follow the process required in the Operating Agreement.
4. Is authorized by a Designee "after-the-fact."
5. Is located in a Federal right-of-way or easement.
6. The most waterward point of the structure is less than three hundred (300) feet

from the near edge of a federally authorized navigation channel (Attachment 12), including but not limited to the Intracoastal Waterways, channels and turning basins of a port or inlet, and wideners (where the width of the channel is widened, for example, when the channel changes direction). Federal channel point and areal location data is available on Project Notebook using the following link:

<https://www.arcgis.com/apps/mapviewer/index.html?layers=9227967a2748410983352b501c0c7b39>

7. Is located within one thousand (1,000) feet of a deep draft harbor (e.g., Jacksonville Harbor).

8. Is located within (e.g., aerial or subterranean crossing) a flood control channel/canal or the levees, dikes, dams, or other water retaining structures of a federally authorized project (either federally or locally maintained) or within those channels.

9. Is located in a shipping safety fairway and anchorage area (reference 33 CFR § 166.20 (Attachment 13)).

10. Less than 50% of the open-water span of the waterbody would be available for public use and any structure constructed on a canal or channel extends more than 25% of the width of the waterbody. The “open-water span” does not include areas of dense shoreline vegetation such as mangroves and their root systems.

X. GEOGRAPHIC EXCLUSIONS

An activity is not authorized if located within the geographic boundaries of the following waters:

1. Timucuan Ecological and Historical Preserve (Duval County);
2. Wekiva River (from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, and Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River);
3. In canals at Garfield Point including Queens Cove (St. Lucie County) where mangroves would be removed or impacted
4. Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park;
5. All areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County);

6. Biscayne Bay National Park (Miami-Dade County);
7. Harbor Isles (Pinellas County);
8. Faka Union Canal (Collier County);
9. Tampa Bypass Canal (Hillsborough County);
10. Canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County);
11. Lake Miccosukee (Jefferson County).
12. Marvin D. Adams Waterway (Monroe County).
13. Monroe County when any of the following apply:
 - a. Is for a structure other than a boatlift, catwalk around a boatlift, davit, fender, fender pile, boarding platform, dolphin pile, or mooring piling. All minor structures must be associated with an existing boat slip);
 - b. When the existing open water span is thirty-five (35) feet or less;
 - c. A common riparian area is shared by two (2) or more property owners (e.g., at the end of a residential canal); or
 - d. Listed coral (*Acropora* spp. and Caribbean corals) are present in the work area. Surveys for coral must follow the FKNMS protocol.
14. St. Andrews, Anastasia Island, Southeastern, Perdido Key, or Choctawhatchee beach mouse (Attachment 14).
15. Located in critical habitat designated for any of the following threatened or endangered species protected by the Endangered Species Act:
 - a. Freshwater mussels, to include the main channels or tributaries of the following rivers: Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe River, New River (Bradford-Union County Line), Escambia River, Yellow River, or the Choctawhatchee River, where the essential physical and biological features (formerly primary constituent elements (PCEs)) are present (Attachment 15), unless it is determined to 'Not Likely Adversely Affect' freshwater mussel species based on the Special Local Operating Procedures for Endangered Species effect determination key.
 - b. American crocodile critical habitat (Attachment 16), where the essential physical and biological features (formerly primary PCEs) are present.

c. Piping plover (Attachment 17), where the essential physical and biological features (formerly PCEs) are present.

d. Corals (Attachment 18) or hard bottom when any of the following apply:

(1) the essential physical and biological features (formerly PCEs) (Attachment 19) for coral are present, except for maintenance (repair/replacement) within the existing footprint is authorized.

(2) In coral (all federally and non-federally-listed species), or hard bottom habitat that meets the following criteria:

(a) The design and construction requirements do not comply with JAXBO PDCs AP.3 and AP.14.

(b) The activity may affect (directly or indirectly) species of coral listed under the Endangered Species Act found from St. Lucie Inlet, Martin County south to the Dry Tortugas.

(c) The activity does not comply with any measures developed by National Oceanic and Atmospheric Administration (NOAA) FKNMS to avoid, minimize, and/or mitigate the effects of an activity on non-listed corals (applicable only for activities located in the FKNMS).

(d) Corals are found within the footprint of a project located outside the boundaries of the FKNMS.

(e) Hard bottom habitat (see definition in Section V. Key Terms, above) is found within the project footprint.

e. Smalltooth Sawfish Critical Habitat and Limited Exclusion Zone. Any project within the areas on the Caloosahatchee River (Lee County) shown in JAXBO (Attachment 4) (Reference: JAXBO PDCs AP4, A1, A2).

f. Gulf Sturgeon Critical Habitat Migratory Restriction Zone. Any project at the mouths of Gulf sturgeon spawning rivers (Escambia River, Blackwater/Yellow Rivers, Choctawhatchee River, Apalachicola River, and Suwannee River) and narrow inlets (Indian Pass and Government Cut in Apalachicola Bay and Destin Pass in Choctawhatchee Bay) as shown in JAXBO (Attachment 5) (Reference: JAXBO PDCs AP4, A.1, A2).

g. Atlantic Sturgeon Critical Habitat Exclusion Zone. The main stem St. Marys River from the confluence of Middle Prong St. Marys and the St. Marys Rivers downstream to its mouth (river kilometer zero) shown in Attachment 5 (the page from the Federal Register) (Reference: JAXBO PDC AP4).

h. Nassau grouper critical habitat (Attachment 27) where the essential physical and biological features (formerly PCEs) are present, except for maintenance (repair/replacement) within the existing footprint.

i. Areas contiguous to, sea turtle nesting beaches on the Atlantic Ocean, Gulf of America, or in the Florida Keys.

16. Where Essential Fish Habitat (EFH) may be adversely affected by the activity: Estuarine emergent vegetated wetlands (flooded saltmarshes, brackish marsh and tidal creeks), Estuarine scrub/shrub (mangrove fringe), Submerged rooted vascular plants (seagrasses), Oyster Reefs and Shell Banks, Tidal freshwater (palustrine) wetlands, Tidal palustrine forested, Tidal freshwater SAV, Coral, and Live/Hard Bottom Habitats. Hard bottom must meet either of the following criteria:

a. natural consolidated hard substrate that is suitable to support corals, coral larval settlement, re-attachment 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, or

b. nearshore and surf-zone, low-profile hard bottom outcroppings.

17. Coral reef habitat, if impacted by the activity.

18. For activities other than pile-supported structures, if seagrass is located within the project footprint, the Project is not authorized (Reference: JAXBO PDC AP.13). The presence or absence of seagrass will be determined in accordance with Section VI.3, above.

XI. TERMS AND CONDITIONS FOR ALL ACTIVITIES

1. General Requirement: Authorization, design and construction must adhere to the terms of the SPGP instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, and the Procedure and Authorized Activities Sections.

2. JaxBO PDCs: Design and construction must adhere to the PDCs for 'All Projects' (Reference: JAXBO PDC AP.1-11).

3. Construction Hours: All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6).

4. In-Water Noise: All projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams must comply with the following criteria (Reference: JAXBO PDC A2.3 for Noise and Noise Attenuation):

- a. Construction methods are limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer. If the project uses impact hammer, no more than five (5) piles, sheet piles, concrete slab walls or boatlift I-beams shall be installed per day (Reference: JaxBO PDC A2.3).
- b. Material is limited to wood piles with a fourteen (14) inch diameter or less, concrete piles with a twenty (24) inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles (Reference: JaxBO PDC A2.3).
- c. Installation for activities categorized as 'B' in Tables 56 and 57 is limited to ten (10) piles per day (Reference: JaxBO PDC A2.3.2).
- d. Installation for activities categorized as 'C' in Tables 56 and 57 is limited to 5 piles per day (Reference: JaxBO A2.3.3).
- e. Installation for activities categorized as 'D' in Tables 56 and 57 must follow one of the following noise abatement procedures (Reference: JaxBO A2.3.4):
 - 1) Bubble curtain,
 - 2) Temporary Noise Attenuation Pile (TNAP) (also referred to as a pile-isolation casing), or
 - 3) Other method approved by NMFS and the Corps.
- f. The installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: JaxBO PDC A2.3.6).

5. Manatee Protection Conditions: The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work, 2011" (Attachment 24).

6. Queen Conch Survey: Following receipt of verification that the project meets conditions of the SPGP, and if the activity is located within the range of the Queen Conch according to the Section 7 Mapper, the applicant must follow the criteria outlined in JAXBO Appendix M (Reference: JAXBO Appendix M). The Section 7 Mapper can be accessed using the following link:
<https://www.fisheries.noaa.gov/resource/map/southeast-region-esa-section-7-mapper>

- a. A pre-construction survey for Queen conch must be completed, unless site conditions and proposed work meet one or more of the criteria listed in the beginning of Appendix M.
- b. If found, Queen conch may be temporarily relocated in appropriate buffer areas without holding pens for projects of short duration. Relocated Queen conch must be monitored daily.
- c. If found, Queen conch may be permanently relocated when project construction occurs over longer durations, or when benthic habitat is altered, to locations that provide suitable habitat.

d. Queen conch relocated to the buffer area must be monitored in accordance with Section III of Appendix M.

7. Coral Habitat: Applicants must identify any federally protected coral species' habitat and/or critical habitat that may be present in the project areas, by following the 'ESA Listed Coral Colony and Acropora Critical Habitat Survey Protocol' July 2019 https://media.fisheries.noaa.gov/dam-migration/coral_survey_protocols_june_2019.pdf

8. Historic and Cultural Resources: No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contacting the Florida Master Site File at (850) 245-6440 or sitefile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System at the following link:

<https://www.nps.gov/subjects/nationalregister/database-research.htm>

a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at (850) 245- 6333 and the Corps Regulatory Archeologist at (904) 232-3270 to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR § 325.7.

b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist at (850) 245-6444 and the Corps Regulatory Archeologist at (904) 232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

9. Mangroves: To protect mangroves, the design and construction of a project must comply with the following:

a. All projects must be sited and designed to avoid or minimize impacts to mangroves.

b. All structures must be designed and constructed to comply with the most recent version of the *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 (Reference: JaxBO PDC A2.10.1.1).

c. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to a 4 feet wide walkway for a dock (Reference: JaxBO PDC A2.13.5), and

d. Mangrove clearing (i.e., removal) associated with repair and/or replacement of existing structures is restricted to the existing footprint previously authorized by a regulatory agency (Reference: JaxBO PDC A1.6.1).

e. Removal of red mangroves in smalltooth sawfish limited exclusion zones is not authorized (Reference: JaxBO PDC A1.8.4).

f. 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.

(1) Projects with associated mangrove trimming waterward of the MHWL are authorized if the trimming: (1) occurs within the area where the authorized structures are placed or will be placed (i.e., removal of branches that overhang a dock or lift), (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

(2) Projects proposing to remove red mangrove prop roots waterward of the MHWL are not authorized, except for removal to install the dock walkways as described above.

10. Assurance of Navigation and Maintenance: For projects located in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the U.S. 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 U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

11. Compliance: The permittee shall notify the Corps following receipt of verification, including self-certification, that the requested work is authorized by the SPGP, by providing the following documents and meeting the following conditions:

a. Commencement Notification. Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" form (Attachment 8).

b. Certification of Compliance with Department of Army Permit (ENG Form 6285) (Attachment 9). Within 60 days of completion of the work authorized by this permit, the Permittee shall submit a completed ENG Form 6285. The ENG Form 6285 can be obtained at:

https://www.publications.usace.army.mil/Portals/76/Eng_Form_6285_2024%20Dec%20_FINAL.pdf

c. 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 ENG Form 6285. The description of any deviations does not constitute approval of any deviations by the Corps.

d. Permit Transfer. 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 the enclosed Permit Transfer form (Attachment 10).

e. Failure to comply with all applicable conditions of the SPGP may constitute a violation of the Federal authorization.

f. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

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

(2) For electronic mail: File size cannot exceed 10 MB. The Permittee shall reference this permit number, SAJ-2015-02575 in the subject window and send documentation to the following mailbox: saj-rd-enforcement@usdace.army.mil

12. Discretionary Authority: The District Engineer reserves the right to require that any request for authorization under this SPGP be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP does not automatically guarantee Federal authorization.

13. Additional Conditions: On a case-by-case basis, the Corps may impose additional Special Conditions that are deemed necessary to minimize adverse environmental impacts.

14. Periodic Review: The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the SPGP is not contrary to

the public interest. The SPGP will not be extended beyond the expiration date but may be replaced by a new SPGP. If the SPGP is revoked, all future applications for activities covered by the SPGP will be evaluated by the Corps.

XII. TERMS AND CONDITIONS FOR SPECIFIC ACTIVITIES

1. Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures

a. Chickees must be less than 500 feet² and support no more than two (2) vessel slips (Reference: JAXBO PDC A2.1).

b. The design and construction of a project over marsh (emergent vegetation) must comply with the following:

(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 structure (decking) shall be elevated to at least four (4) feet above the marsh floor.

(3) The width of the piling-supported structure is limited to a maximum of four (4) feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

c. Mangroves: For piling-supported structures, the following additional requirements for mangroves found in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service, 2017 (Attachment 11) shall apply:

(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.

d. SAV: An SAV survey is required for all piling-supported structures, including marginal docks, where seagrass occurrence is probable (reference Section VI.3). In the absence of a SAV survey, SAV is presumed to be present. The design and construction of a piling-supported structure that is located on a natural waterbody (i.e.

outside an artificial waterway that was excavated for boating access and is bordered by residential properties) including a natural waterbody that has been modified to allow navigation; and within the range of seagrass (i.e., estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet) will be constructed to the following standards:

If a SAV survey is performed in accordance with Section VI.3 and SAV occurs, or is presumed to occur (in the absence of a survey), within the project area, the project's design and construction must comply with, or provide a higher level of protection than, the criteria required by the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). The following conditions apply:

- (1) Two (2) uncovered boatlifts are allowed.
- (2) If the piling-supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a SAV survey.
- (3) Boatlifts and minor structures in Monroe County may be installed within existing boat slips without completion of a SAV survey.
- (4) A marginal dock may be constructed to a maximum of five (5) feet over water, as measured from the waterward face (wet face) of the seawall.
- (5) If a SAV survey, performed in accordance with Section VI.3, reveals that SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation) in the project area, then the "Construction Guidelines" are not required and boatlifts may include a cover.

e. North Atlantic Right Whale: The attached North Atlantic Right Whale Information Form (Attachment 29) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. The FDEP or Designee will attach the North Atlantic Right Whale Information Form to their authorizations for any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles (nm) of an inlet that leads to areas within the known range of North Atlantic right whale. These zones, with an 11 nm radius, are described by the North Atlantic Right Whale Educational Sign Zones, Attachment 7 (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive). (Reference JAXBO PDC A2).

f. Educational Signs: For commercial, multi-family, or public facilities, and marine events, the most current signs must be posted in visible locations, which best alert users to the presence of protected species, and the potential for vessel strikes and hook and line entanglement, as described, below (reference: JAXBO PDC A2 for Pile

Supported Structures and Anchored Buoys):

(1) All projects require posting the 'Save Sea Turtles, Sawfish, and Dolphins' sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

(2) Projects within the North Atlantic right whale educational sign zone shall post the 'Help Protect North Atlantic Right Whales' sign.

(3) On the east coast of Florida, projects located within the St. Johns 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.

(4) The above referenced educational signs may be obtained from the following website:

<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>

g. **Monofilament Recycling Bins**: Monofilament recycling bins must be provided at all commercial, multi-family, and public docking facilities to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris(Reference: JAXBO PDC A2.3). Monofilament recycling bins must be constructed, maintained (i.e., in working order and emptied frequently to prevent overflow), and labeled according to the instructions provided by the State of Florida at: <http://mrrp.myfwc.com>.

h. **Beach Lighting**: Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. 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/>(Reference: JAXBO PDC A2).

i. **Construction Location**: Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2).

Activities Not Authorized

An activity is not authorized if any of the following apply:

j. Is located in designated or proposed critical habitat where the essential physical and biological features (or the terms essential features/PCEs) for older designations) are present for:

(1) American crocodile (Attachment 16)

- (2) Piping plover (Attachment 17)
- (3) North Atlantic right whale (Attachment 22)
- (4) Green sea turtle (Attachment 26)

k. Is for construction of a municipal or commercial fishing piers (Reference: JAXBO PDC A2).

l. Is within Acroporid and Caribbean corals critical habitat, essential features are present (table in Attachments 18 and 25), and any of the following apply:

(1) Involves new work or the expansion of piling-supported structures (Reference: JAXBO PDC A2), except for repair/replacement within the existing footprint; and

(2) The distance from ATONs to ESA listed corals and Acropora critical habitat shall ensure there are no impacts to 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.

2. Shoreline Stabilization

a. Shoreline stabilization structures other than vertical seawalls shall be no steeper than a two (2) horizontal: one (1) vertical slope (Reference JAXBO PDC A1).

b. Placement of backfill is limited to those situations where it is necessary to level the land behind seawalls or riprap.

c. Living shoreline structures and permanent wave attenuation structures can only be constructed out of the following materials: oyster breakwaters, clean limestone boulders or stone (sometimes contained in metal baskets or cages to contain the material), small mangrove islands, biologs, coir, rock sills, and pre-fabricated structures made of concrete and re bar that are designed in a manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7).

(1) Reef balls or similar structures are authorized if they are not open on the bottom, are open-bottom structures with a top opening of at least 4 feet, or are pre-fabricated structures, such as reef discs stacked on a pile, and are designed in a manner that would not entrap sea turtles.

(2) Oyster reef materials shall be placed and constructed in a manner that ensures that materials will remain stable and that prevents movement of materials to

surrounding areas (e.g., oysters will be contained in bags or attached to mats and loose cultch must be surrounded by contained or bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7).

(3) Oyster reef materials shall be placed in designated locations only (i.e., the materials shall not be indiscriminately dumped or allowed to spread outside of the reef structure) (Reference: JAXBO PDC A7).

(4) Wave attenuation structures must have five (5) foot gaps at least every seventy five (75) feet in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7).

(5) Other materials are not authorized by this SPGP VII (Reference: JAXBO PDC A7).

Activities Not Authorized

An activity is not authorized if any of the following apply:

d. Is for the construction and/or repairs to groins, jetties, breakwaters and beach nourishment/renourishment (Reference: JAXBO PDC A1).

e. Is for the installation of a seawall or riprap to remove/fill an upland cut area (e.g., boat slip, boat ramp, boat basins).

f. Is for a living shoreline (Rule 62-330.051(12)(e), F.A.C.), when the work extends waterward of adjacent shorelines (this provision is to preclude changes in down drift currents), except for the use of natural logs or coir fibers, in low wave environments, to establish plantings is authorized.

g. Is located in the main channels or tributaries of the following rivers (because of various mussel species): the main channels or tributaries of the Chipola River; Apalachicola River; Ochlockonee River; Econfina Creek; Suwannee River; Santa Fe River; New River (Bradford-Union County Line); Escambia River, Yellow River; or the Choctawhatchee River.

h. Is located in designated critical habitat where the essential physical and biological features (or the terms essential features/PCEs for older designations) are present for:

(1) Freshwater mussels (Attachment 15)

(2) American crocodile (Attachment 16)

(3) Piping plover (Attachment 17)

(4) Caribbean coral (Attachment 25), except for the repair or replacement of existing shoreline protection including an eighteen (18) inch extension.

(5) Green sea turtle critical habitat (Attachment 26)

(6) Nassau grouper (Attachment 27)

i. Is located in Smalltooth sawfish habitat (Attachment 23), and meets any of the following criteria:

(1) Living shorelines placed in waters containing the shallow, euryhaline essential feature (between MHWL and negative three (-3) ft mean lower low water (MLLW)) (Reference: JAXBO PDC A7).

(2) All other shoreline stabilization materials (i.e., riprap, articulated concrete mats) in depths between the MHWL and negative three (-3) feet MLLW (JaxBO PDC A1).

(a) Repair and replacement of shoreline stabilization materials (i.e., riprap, articulated concrete mats) is allowed within the same footprint of existing materials in depths between the MHWL and negative three (-3) feet MLLW (this means that these materials cannot result in the waterward extension or lateral expansion of materials beyond the previous footprint).

(b) Installation of a new, or the repair/replacement of an existing, seawall which extends beyond 1.5 feet (18 inches) waterward of the existing seawall or MHWL.

j. Gulf sturgeon critical habitat and involves new shoreline stabilization materials (e.g., riprap, articulating concrete mats) and living shorelines placed deeper than negative six (-6) feet MHW, (i.e., new shoreline stabilization materials and living shorelines can only be placed between the shoreline and where the water reaches a depth of negative six (-6) feet MHW) (Reference: JAXBO PDC A1).

k. Acroporid and Caribbean coral critical habitat (Attachments 18 and 25), if the essential physical and biological features are present (Attachment 19) that meets the following criteria:

(1) Is for a living shoreline (Reference: JAXBO PDC A7).

(2) Is for other type of shoreline stabilization involving new installation or the repair/replacement of an existing structure, unless the repair/replacement does not extend outside the existing footprint (Reference: JAXBO PDC A1).

m. Is located in loggerhead sea turtle critical habitat. (Reference: JAXBO PDC A7, (Attachment 21).

n. Is located in North Atlantic right whale critical habitat (Reference: JAXBO PDC A7, (Attachment 22).

o. Involves mangrove removal or trimming except as provided by Condition XI.12, above (e.g., replacement of a seawall within 18 in not authorized if involves removal of prop roots that extend into the water below MHWL).

3. Boat Ramps

a. Restrictions on Dredged Material and Disposal: Excavation is limited to the area necessary for site preparation. All excavated material shall be removed to a self-contained upland disposal site (Reference: JAXBO PDC A6).

b. Turbidity: The length of new boat ramps and repair and replacement of existing boat ramps to make them longer should ensure a water depth at the end of the ramp is deep enough to minimize sediment resuspension associated with launching vessels in shallow water (Reference: JAXBO PDC A6).

Activities Not Authorized

An activity is not authorized if any of the following apply:

c. Is for other than a private single-family boat ramp.

d. Is located in the main channels or tributaries of the following rivers (because of various mussel species): the main channels or tributaries of the Chipola River; Apalachicola River; Ochlockonee River; Econfina Creek; Suwannee River; Santa Fe River; New River (Bradford-Union County Line); Escambia River; Yellow River; or the Choctawhatchee River.

e. Is located within smalltooth sawfish designated critical habitat (Attachment 4) where the essential physical and biological features (Attachment 23) are present (Reference: JAXBO PDC A6) and any of the following apply:

(1) New or expanded ramps cannot result in the loss of an essential feature of that critical habitat (e.g., red mangroves or shallow [MHWL to -3 feet MLLW], euryhaline water).

(2) Construction is limited to waters between MHWL and -3 feet MLLW (shallow, euryhaline habitat essential feature), provided that the water depth is not increased to deeper than -3 feet MLLW.

(3) Repair or replacement would exceed the existing footprint.

f. New construction, or construction that exceeds the original footprint, located

within Acropora critical habitat (Attachment 18), where the essential physical and biological features (Attachment 19) are present. Repair/replacement within the existing footprint is authorized (Reference: JAXBO PDC A6).

g. Within Loggerhead sea turtle critical habitat (Attachment 21) (Reference: JAXBO PDC A7).

4. Derelict Vessel Removal

a. Visual confirmation (e.g., divers, swimmers, and camera) will be completed prior to removal to ensure that the item can be removed without causing further damage to aquatic natural resources.

b. Coral. If an item cannot be removed without causing harm to surrounding coral (ESA listed or non-listed), the item will be disassembled as much as practicable so that it no longer can accidentally harm or trap species.

c. Monofilament debris will be carefully cut loose from coral (ESA listed or non-listed) so as not to cause further harm. Under no circumstance will line be pulled through coral since this could cause breakage of coral.

d. Marine debris removal methods. Marine debris shall be lifted straight up and not be dragged through seagrass beds, coral reefs, coral, or hard bottom habitats. Trawling also cannot be used as a means of marine debris removal. Debris shall be properly disposed of in appropriate facilities in accordance with applicable federal and state requirements.

e. An absorbent blanket or boom shall be immediately deployed on the surface of the water around any derelict vessel to be removed if fuel, oil, or other free-floating pollutants are observed during the work.

Activities Not Authorized

An activity is not authorized if any of the following apply:

f. When the derelict vessel does not pose a threat to human health and safety and/or aquatic natural resources (flora, fauna, and their habitats) (Reference: JAXBO PDC A9).

g. Is located in designated critical habitat where the essential physical and biological features (or the terms essential features/PCEs) for older designations) are present for:

(1) All listed corals (Acroporid and Caribbean) critical habitat (Attachments 18 and 25) does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation, artificial reefs,

boat ramps, docks, pilings, maintained channels, or marinas), or

(2) American crocodile (Attachment 16), or

(3) Piping plover (Attachment 17), or

(4) North Atlantic right whale (Attachment 22)

5. Aids to Navigation

a. ATONs must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2).

b. ATONs in Acropora critical habitat. The distance from ATONs to ESA-listed corals and Acropora critical habitat (Attachment 20) 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 the 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 (Reference: JAXBO PDC A2).

c. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2), ATONs, restricted to piling-supported and anchored buoys, are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of loggerhead sea turtle critical habitat. No other piling-supported structures are allowed in nearshore reproductive habitat.

Activities Not Authorized

d. Except for ATONs, no other piling-supported structures are allowed in nearshore reproductive habitat.

6. Scientific Survey Devices

a. Is for the installation, repair, and removal of scientific survey devices, including any related equipment and anchors, for up to 24 months if those devices are intended to measure and/or record scientific data in tidal waters, such as staff gages, weirs, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, vibracore samplings, and similar structures (Reference: JAXBO PDC A5).

b. Aquatic Life Passage. The scientific survey device, including any related equipment and anchors, shall not block access of species to an area. For example, the

structures shall not prevent movement in or out of a river or channel.

c. Restoring Affected Area. No later than 24 months after initial installation or upon completion of data acquisition, whichever comes first, the measuring device and any other structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to pre-construction conditions.

d. Preventing Device Relocation. The scientific survey device, including any related equipment and anchors, shall be inspected and any required maintenance performed at least twice a year and following storm events that may have moved or dislodged the structure to ensure that equipment and anchors are still in place and have not moved to areas containing ESA listed corals.

Activities Not Authorized

e. An activity is not authorized if any of the following apply:

f. Is located in designated critical habitat where the essential physical and biological features (or the terms essential features/PCEs for older designations) are present for:

g. Acroporid corals critical habitat (does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation, artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas), or

(1) American crocodile (Attachment 16), or

(2) Piping plover (Attachment 17), or

(3) North Atlantic right whale (Attachment 22).

7. Structures for Public Mooring Fields

a. The placement of structures and operation of vessels associated with public mooring fields shall comply with the applicable PDCs (JAXBO PDC A.2.1).

b. The placement of structures and operation of vessels shall comply with the Manatee Conditions for In-Water Work, 2021 (Attachment 24).

c. Mooring fields shall be limited to one hundred (100) vessels (excluding any dinghies that may be attached to parent vessels).

d. No structure shall be placed in such a manner as to impede or obstruct navigation.

e. No structure shall be located within one hundred (100) ft. from the near edge of a Federal channel.

f. No structure shall be located within three hundred (300) ft. from the near edge of a deep draft harbor.

g. No structure shall be placed within a Corps easement without receipt of a consent to easement from the Corps Real Estate Division.

8. Seagrass Restoration Projects Not Associated With Another Permit or a Compensatory Mitigation Project

a. All work shall comply with the applicable PDCs (JAXBO PDCs AP.7 and A.7).

Activities Not Authorized

An activity is not authorized if any of the following apply:

b. The work is associated with compensatory mitigation effort required as a condition of another DA permit (reference 33 C.F.R. 332).

c. The work is associated with any form of mitigation, including permittee-responsible, mitigation bank, or in-lieu-fee arrangement subject to the requirements of 33 C.F.R. 332.

XIII. GENERAL CONDITIONS

a. The time limit for completing the work authorized ends on July 27, 2031.

b. 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 d 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.

c. 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.

d. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed Permit Transfer form (Attachment 10) and forward a copy of the permit to this office to validate the transfer of this authorization.

e. 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.

f. You must allow the Designee and 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.

XIV. FURTHER INFORMATION

a. Limits of this authorization.

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

(2) This permit does not grant any property rights or exclusive privileges.

(3) This permit does not authorize any injury to the property or rights of others.

(4) This permit does not authorize interference with any existing or proposed Federal projects.

b. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or Construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

c. 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.

d. **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:

(1) You fail to comply with the terms and conditions of this permit.

(2) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 8.c, above).

(3) Significant new information surfaces which this office did not consider in reaching the original public interest decision.

e. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 C.F.R. 325.7 or enforcement procedures such as those contained in 33 C.F.R. 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 C.F.R. 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

f. 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 the enclosed form.

g. The Permittee understands and agrees that, if future operations by the U.S. 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 U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal, relocation or alteration.

This SPGP becomes effective upon signature by the following official, designated to act for the Secretary of the Army:

Shawn H. Zinszer
Chief, Regulatory Division

Date

For
Brandon L. Bowman

Colonel, U.S. Army
District Commander