



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

July 24, 2018

Regulatory Division

Regional General Permit (RGP) SAJ-33
SAJ-2006-06019 (RGP-BJC)

Private Multi-Family Piers, Government Piers, or Commercial Piers in Florida

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

SPECIAL CONDITIONS:

1. Description of Authorized Work: Structures authorized under this general permit are private multi-family docks/piers, government docks/piers, or commercial docks/piers less than 1,000 square feet in surface area which are designed to accommodate not more than five vessels, including dry storage, unless a Florida Fish and Wildlife Conservation Commission approved Manatee Protection Plan is more restrictive. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number. This general permit includes normal appurtenances such as boat hoists, boat shelters with open sides, stairways, walkways (as long as they are designed and clearly marked to prohibit fishing and vessel mooring), mooring pilings, and maintenance of same. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.

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

3. Excluded Areas and Activities: The following areas and activities are specifically excluded from authorization under this RGP:

- a. Installation of metal piles or metal sheet piles by impact hammer.
- b. Construction during non-daylight hours.
- c. Municipal or commercial fishing piers.
- d. Living, fueling or storage facilities over navigable waters of the United States
- e. Motorboat prohibited zones, no entry zones, and Federal Manatee Sanctuaries.
- f. All area regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock in Martin County and W. P. Franklin Lock in Lee County.

g. The following geographic areas:

- (1) American Crocodile Designated Critical Habitat
- (2) Smalltooth Sawfish Critical Habitat Limited Exclusion Zones (Attachment 1)
- (3) Loggerhead Sea Turtle Nearshore Reproductive Designated Critical Habitat
- (4) *Acropora* (Elkhorn and staghorn corals) Designated Critical Habitat
- (5) Atlantic sturgeon Critical Habitat Exclusion Zone (Attachment 2)

(6) Johnson's Seagrass Designated Critical Habitat: New marinas and multi-family piers are excluded. Repair, replacement, and reconfiguration of existing marinas and multi-family facilities may be authorized 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.

h. Biscayne Bay National Park

i. St. Lucie Impoundment (Martin County)

j. Wild and Scenic Rivers Act (16 U.S.C. 1317, et seq.): The entire Wekiva River, including Wekiwa Springs Run, Rock Springs Run, the entire Seminole Creek, and Black Water Creek from its outfall at Lake Norris to its confluence with the Wekiva River, the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park.

k. State Parks: John Pennekamp Coral Reef State Park, Lignum Vitae Key State Botanical Site and Aquatic Preserve, Long Key State Park, Curry Hammock State Park, and Bahia Honda State Park.

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

m. Lake Miccosukee, located on the common boundary between Leon and Jefferson Counties.

n. Coastal Lakes: Within, their outfalls, and/or the shore areas between the lakes and the Gulf of Mexico as depicted on the attached map (Attachment 3).

o. Areas on or contiguous to ocean beaches.

4. **Areas Requiring Additional Consultation:** This RGP is excluded in the following areas until consultation with appropriate Federal Agency has occurred:

a. Freshwater Mussels: In accordance with Section 7 of the Endangered Species Act, projects proposed within habitat for federally-listed freshwater mussels and freshwater mussels proposed for listing cannot be authorized until Section 7 consultation on the project has been concluded with the U.S. Fish and Wildlife Service. These drainages are as follows: Escambia River, Yellow River, Choctawhatchee River, Chipola River, Apalachicola River, Ochlockonee

River, Suwannee River, Santa Fe and New Rivers, and Econfina Creek (Florida panhandle) and their creeks and tributaries. No activity shall be authorized under this general permit, which is likely to adversely affect a federally listed threatened or endangered species, or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

b. Timucuan Ecological and Historical Preserve: No structures shall be authorized by SAJ-33 within the boundaries of the Timucuan Ecological and Historical Preserve (Duval County) until the National Park Service has been contacted and offered the opportunity to submit comments to the U.S Army Corps of Engineers (Corps) on the effects of the proposed project on the preserve.

c. Florida Keys National Marine Sanctuary: No structures shall be authorized by SAJ-33 within the boundaries of the Florida Keys National Marine Sanctuary until the National Oceanic and Atmospheric Administration has been contacted and offered the opportunity to submit comments to the Corps on the effects of the proposed project on the marine sanctuary.

5. This permit does not authorize excavation, dredging or removal of red mangrove (*Rhizophora mangle*), unless otherwise authorized by the conditions of this RGP.

6. Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) Conditions:
The following special conditions are made part of this RGP:

a. 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

b. Reporting of interactions with protected species:

(1) 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 and SAJ-RD-Enforcement@usace.army.mil.

(2) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email Sawfish@MyFWC.com

(3) Sturgeon: Report dead sturgeon to 1-844-STURG 911 (1-844-788-7491) or email nmfs.ser.sturgeonnetwork@noaa.gov

(4) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).

(5) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

c. 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:

- i) *Construction Equipment*: 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.

(2) *All Vessels*:

- i) Sea turtles: Maintain a minimum distance of 150 feet.
- ii) North Atlantic right whale: Maintain a minimum 1,500-foot distance (500 yards).
- iii) Vessels 65 feet 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 feet. 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. Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

d. Turbidity Control Measures during Construction: Turbidity must be monitored and controlled. Prior to initiating any of the authorized work, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the Corps 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:

- (1) Install floating turbidity curtains with weighted skirts that extend to within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters.
- (2) Use turbidity curtains throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.

- (3) Position turbidity curtains in a way that does not block species' entry to or exit from designated critical habitat.
- (4) Monitor and maintain turbidity curtains in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
 - (5) 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): 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. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pilot hole for pile placement, 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 the *U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion (JAXBO)*.

e. Entanglement/Entrapment: 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.

- (1) 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.
- (2) 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.

7. Additional Threatened and Endangered Species Conditions: The project must be designed to meet the following conditions if the project occurs in the critical habitat as described below:

a. **Johnson's Seagrass:** Structures must comply with *Project Design Criteria (PDC) for Docks or Other Minor Structures* (Attachment 4): These PDCs address the anticipated dock construction scenarios expected within Florida and provide National Marine Fisheries Service (NMFS) Protected Resources Division (PRD) construction guidelines for projects occurring (1) within Johnson's seagrass critical habitat; (2) within the range of Johnson's seagrass, 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 within one year prior to submittal of the application to the Corps 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 (HCD) recommended sampling window for non-listed species is June 1 to September 30.

b. **Gulf sturgeon:** Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon *Critical Habitat Migratory Restriction Zones* (Attachment 5). The allowable pile and sheet pile driving activities vary depending on the project area (Attachment 6).

c. **Northern Right Whale:** 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, (Attachment 7) and *North Atlantic Right Whale Federal Regulations Information Handout* (Attachment 8) the property owner will be provided a handout with their Corps permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales.

8. **West Indian Manatee Key and Conditions:** For project in waters accessible to manatees, the permittee shall adhere to the following conditions:

a. Prior to verification of authorization, the dichotomous key titled, *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013* (Attachment 9), shall be used to determine potential manatee impacts. Those determined to be a "may affect" to the manatee will not be authorized unless consistent with the 2013 Manatee Programmatic Consultation or individual consultation on the project is required and has been reinitiated and concluded with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. Additionally, depending on the location of the project, some projects determined to be "may affect, not likely to adversely affect" will not be authorized until consultation on the project has been concluded. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

b. The permittee will utilize the *Standard Manatee Conditions for In-Water Work, 2011* (Attachment 10) and/or requirements, as appropriate for the proposed activity. *Note: The manatee conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

c. 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.

d. Projects within the North Atlantic right whale educational sign zone (Attachment 7) shall post the *Help Protect North Atlantic Right Whales* sign.

e. On the east coast of Florida projects 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

9. **Sea Turtle and Smalltooth Sawfish Construction Conditions:** For project in waters accessible to sea turtles and smalltooth sawfish, the permittee will utilize the Sea Turtle and Smalltooth Sawfish Construction Conditions (Attachment 11) and/or requirements, as appropriate for the proposed activity. *Note: The sea turtle and smalltooth sawfish conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

10. **Essential Fish Habitat:** The permittee will use *The U.S. Army Corps of Engineers and National Marine Fisheries Service Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or*

Mangrove Habitat, August 2001 (Attachment 11). All projects must be sited and designed to avoid or minimize impacts to essential fish habitat such as but not limited to hard or soft corals, including listed corals, mangroves, estuarine emergent vegetation, marine emergent vegetation, and/or the following species of submerged aquatic vegetation: shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), star grass (*Halophila engelmannii*), sago pondweed (*Potamogeton pectinatus*), clasping-leaved pondweed (*Potamogeton perfoliatus*), widgeon grass (*Ruppia maritima*), Johnson's seagrass (*Halophila johnsonii*), manatee grass (*Syringodium filiforme*), turtle grass (*Thalassia testudinum*), tapegrass (*Vallisneria americana*), homed pondweed (*Zannichellia palustris*), and eel grass (*Zostera marina*).

11. **Protected Species Educational Awareness 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).

12. **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:

a. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.

b. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

13. **Upland or Barge Construction Platform:** Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

14. **Piling Installation:** The following special conditions shall be made part of this RGP:

a. Projects proposing installation of any type of piling greater than 24-inches in diameter, or installation of any size of metal piling or sheet piling by impact hammer cannot be authorized under SAJ-33 until project-specific consultation has been reinitiated and concluded with the National Marine Fisheries Service, as appropriate.

b. All projects involving the installation of piles or sheet piles shall follow PDC's for *In-Water Noise from Pile and Sheet Pile Installation* (Attachment 12).

15. **Cultural Resources:** The following special conditions shall be made part of this RGP:

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

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Corps within two calendar days. The Corps shall then notify the Florida State Historic Preservation Officer

(SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions. A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO and the Corps.

c. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist, SHPO and the Corps.

d. In the unlikely event that human remains are encountered on federal or tribal lands, or in situations where Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work in the vicinity shall immediately cease and the Permittee immediately notify the Corps. The Corps shall then notify the appropriate THPO(s) and SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate THPO(s), SHPO, and federal manager. After such notification, project activities on tribal lands shall not resume without written authorization from the appropriate THPO(s) and the Corps.

16. Turbidity Control Best Management Practices: Where ESA listed species are not present, turbidity curtains measures may be required, and the work must be conducted to prevent violations of State Water Quality Standards as established in sections 62-4.242 and 62-4.244 of the Florida Administrative Code and Chapters 62-302, 62-520, 62-522 and 62.550 of the Florida Administrative Code.

17. Navigation: The following special conditions shall be made part of this RGP:

a. A structure authorized under this general permit must not interfere with general navigation. Structures constructed within canals or channels must not extend more than 25% of the waterway width.

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

c. For projects authorized under the SAJ-33 in navigable waters of the United States, the permittee understands and agrees that, if future operations by the United States require the removal, relocation or other alteration of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States.

No claim shall be made against the United States on account of any such removal or alteration.

d. For projects proposed adjacent to Federally-maintained channels, no structure, including mooring piles, authorized under this regional general permit shall be within the established setback, calculated from the near design edge of the channel, until coordination and concurrence by the Navigation business line is complete. The setback may vary between different Federal channels and between specific reaches of the same Federal channel. Exact locations of the proposed structures relative to the channel may need to be verified by use of the Florida State Plane (XY) Coordinate System. Any activity within Federal rights-of-way may require the Permittee to enter into a consent-to easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity.

e. Any proposed regulatory action that modifies, alters, or is built upon or adjacent to an existing federal project or is constructed within a federal project right-of-way may require permission under Section 408 of the Rivers and Harbors Act.. Any structure within 62.5 feet of a federal navigation project (with the exception of single-family docking structures) shall require coordination under Section 408. Any degradation, relocation, penetration, or work under a Corps levee, dike, dam, or water retaining structure and any proposed work within 15 feet of the toe of a Corps levee, 15 feet of a federal canal top of bank, or within 50 feet of a Corps dam requires coordination under Section 408. All structures within the design edges of a federal project, all structures that do not meet the requirements of the Setback Guidance, and all structures within 15 feet of a federal canal top of bank (such as the Okeechobee Waterway or the Central and South Florida Flood Control Canals) require a project-specific Section 408 approval. Although generally structures along those Federal channels identified in the Setback Guidance will not require project-specific approval under Section 408 provided the structures complies with the Setback Guidance, all structures within 62.5 feet of a federal navigation project with the exception of single-family docking structures require coordination with EN under Section 408. All structures closer than two feet from the top edge slope of a federal navigation channel will require coordination with the Engineering Division (EN).

18. Restrictions on Use of Toxins and Treated Wood: The materials used for construction must consist of suitable material and all materials containing chemical wood preservatives must comply with federal (i.e., Insecticide, Fungicide, and Rodenticide Act) and State regulations.

19. Other Agency Approvals: Prior to the initiation of any construction, projects qualifying for this regional general permit must qualify for an exemption under Section 403.813(2)(b), F.S., or be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under Section 373.069, F.S., or a local government with delegated authority under Section 373.441 F.S., and receive a Coastal Zone Consistency Concurrence (CZCC) or waiver, as well as any authorizations required for the use of sovereignty submerged lands that must be obtained as part of the associated CZCC. WQC is waived for activities authorized under this RGP that qualify for an exemption under s. 403.813(1)(i) or 373.406, F.S., or the rules of Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this RGP before the applicable SSL authorization is granted.

20. **No Listed Species Take is Authorized:** This authorization does not include conditions that would prevent the 'take' of a state- listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

21. **Notification if Marked Utilities Occur in Project Area:** No work shall be performed until after the Permittee provides notification to the owner(s) or operator(s) of any marked utilities in the area of the structure.

22. **Discretionary Authority:** Conformance with the descriptions and criteria contained herein does not necessarily guarantee authorization under this RGP. The District Engineer reserves the right to require that any request for authorization under this RGP be processed as a standard permit.

23. **Expiration Date:** This RGP will be valid for a period of five years from the date of issuance noted above unless suspended or revoked by the District Engineer prior to that date. If SAJ-33 expires or is revoked prior to completion of the authorized work, authorization of activities, which have commenced or are under contract to commence in reliance upon the SAJ-33 will remain in effect provided the activity is completed within 12 months of the date the SAJ-33 expired or was revoked.

24. The Permittee shall perform all work in accordance with the attached (Attachment 13) general conditions, which are made part of this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Shawn Zinszer

Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

Enclosures:

Attachment 1 - Smalltooth Sawfish Critical Habitat Limited Exclusion Zones
Attachment 2 - Atlantic sturgeon Critical Habitat Exclusion Zone
Attachment 3 - Florida Panhandle Coastal Dune Lakes
Attachment 4 – PDCs for Docks or Other Minor Structures
Attachment 5 - Gulf sturgeon critical habitat migratory restriction zones
Attachment 6 - PDCs Specific to the Gulf Sturgeon Critical Habitat Migratory Restriction Zones
Attachment 7 - North Atlantic right whale critical habitat
Attachment 8 - North Atlantic Right Whale Federal Regulations Information Handout

Attachment 9 - *The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013*
Attachment 10 - Standard Manatee Conditions for In-Water Work, 2011
Attachment 11 – Sea Turtle and Smalltooth Sawfish Construction Conditions, 2006
Attachment 12 - *The U.S. Army Corps of Engineers and National Marine Fisheries Service Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat, August 2001*
Attachment 13 – PDCs for In-Water Noise from Pile and Sheet Pile Installation
Attachment 14 – General Conditions
Attachment 15 - Effect determinations for Federally-listed species in Florida

Attachment 1

Table 1. Limited Exclusion Zones in Smalltooth Sawfish Critical Habitat

Name	Latitude	Longitude
U.S. 41 Bridges (the area between the following coordinates)		
U.S. 41 (northwest corner)	26.660413°N	81.885243°W
U.S. 41 (northeast corner)	26.666827°N	81.872966°W
U.S. 41 (southwest corner)	26.642991°N	81.873880°W
U.S. 41 (southeast corner)	26.649405°N	81.861605°W
Iona Cove (the area between the following coordinates)		
Iona Cove (northwest corner)	26.521437°N	81.991586°W
Iona Cove (northeast corner)	26.521212°N	81.976191°W
Iona Cove (southwest corner)	26.511762°N	81.991762°W
Iona Cove (southeast corner)	26.511537°N	81.976368°W
Glover Bight (the area between the following coordinates)		
Glover Bight (northwest corner)	26.542971°N	81.997791°W
Glover Bight (northeast corner)	26.542678°N	81.977745°W
Glover Bight (southwest corner)	26.529478°N	81.998035°W
Glover Bight (southeast corner)	26.529185°N	81.977992°W
Cape Coral (the area between the following coordinates)		
Cape Coral (point 1)	26.551662°N	81.947412°W
Cape Coral (point 2)	26.551561°N	81.940683°W
Cape Coral (point 3)	26.539075°N	81.940916°W
Cape Coral (point 4)	26.539205°N	81.951049°W
Cape Coral (point 5)	26.542181°N	81.951047°W
Cape Coral (point 6)	26.542133°N	81.947776°W



Figure 1. Smalltooth sawfish limited exclusion zones.

Attachment 2

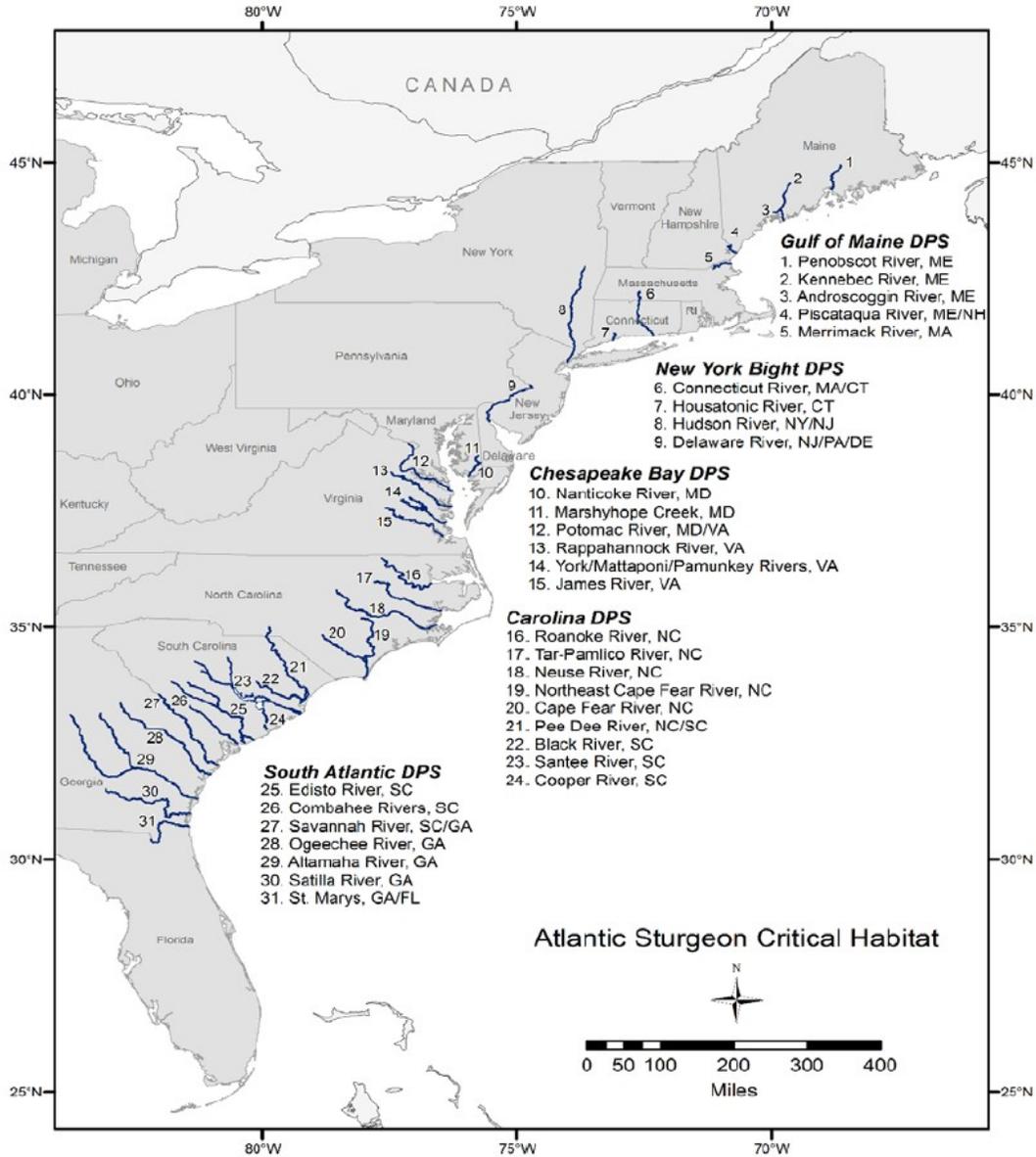


Figure 2: Atlantic sturgeon critical habitat (Images provided on the NMFS website at http://sero.nmfs.gov/protected_resources/sturgeon/documents/critical_habitat_maps.pdf)

Florida Panhandle Coastal Dune Lakes



Figure 3: Coastal Dune Lakes

A2.17. PDCs for Docks or Other Minor Structures

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 seagrass¹, 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)
Dock replacement in the exact footprint (i.e., same location/configuration/ size) as the previous dock with...			
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
New docks or dock expansions with...			
No native seagrasses within property limits	B	A	A
Johnson’s seagrass within property limits	B	B	N/A

¹The range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida

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 ft². 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 ft². 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

Attachment 5

Table 2: Gulf sturgeon critical habitat migratory restriction zones.

Water Body	Delineation Type	Point A	Point B	Point C	Point D
Escambia River		30.5146361°N 87.16093°W	30.5323916°N 7.13192°W		
Blackwater/ Yellow Rivers	Line	30.5047°N 87.0475°W	30.5047°N 87.0196583°W		
Choctawhatchee Bay	Line	30.385183°N 86.515394°W	30.3814861°N 86.50684°W		
Choctawhatchee River	Line	30.429794°N 86.147725°W	30.37842°N 86.1252°W		
Apalachicola Bay	Polygon	29.675561°N 85.240283°W	29.6751°N 85.2160583°W	29.681216°N 85.2160583°W	29.684875°N 85.221502°W
Apalachicola Bay	Polygon	29.6308694°N 85.1060027°W	29.6223194°N 85.097038°W	29.6267861°N 85.093172°W	29.63268°N 85.09687°W
Apalachicola Bay	Polygon	29.611361°N 84.958483°W	29.611872°N 84.957338°W	29.61736°N 84.95926°W	29.6161583°N 84.9626638°W
Apalachicola Bay	Polygon	29.765272°N 84.6916361°W	29.77816°N 84.6669027°W	29.78695°N 84.674269°W	29.7721°N 84.695294°W
Apalachicola River	Polygon	29.7131027°N 84.99772°W	29.7120916°N 84.9744472°W	29.734772°N 84.9701027°W	29.731505°N 84.9846027°W
Suwanee River	Line	29.328483°N 83.167525°W	29.291116°N 83.1669694°W		
Suwanee River	Line	29.291116°N, 83.1669694°W	29.2670194°N 83.0946805°W		
<p>Lines (Points A and B) create a line marking the approximate mouth of the river. Projects on the marine side of the mouth of these rivers (i.e., areas under NMFS jurisdiction) must follow the migratory restrictions defined in this section.</p> <p>Polygons (Points A-D) create an area between the points marking restricted sections of a bay or pass. Projects in these defined areas must follow the migratory restriction requirements defined in this section.</p>					

Attachment 6

PDCs Specific to the Gulf Sturgeon Critical Habitat Migratory Restriction Zones

- This Opinion does not apply to the placement of living shoreline, oyster reef, and artificial reef materials (Activity 7, PDC A7.26) and temporary platform, fill, and cofferdams (Activity 10, PDC A10.11) in Gulf sturgeon critical habitat migratory restriction zones.
- This Opinion does not apply to new transmission and utility line installation in the Gulf sturgeon critical habitat migratory restriction zones between September and March, when sturgeon are likely to be present in these areas. Emergency repair/replacement of transmission and utility lines may occur in these areas during this time frame if the work is conducted without the use of heavy in-water equipment (e.g., dredging equipment) (Activity 8, PDC A8.10).
- This Opinion does not apply to the installation of metal piles and metal sheet piles by impact hammer in the areas identified as Gulf sturgeon critical habitat migratory restriction zones.
- The allowable pile and sheet pile driving activities vary depending on the width of the project action area, as described below.
- Areas that are 0-500 ft wide: In areas up to 500 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 1. Creating a pilot hole for any type of pile using an auger or drop punch
 2. Trenching a shoreline with mechanical equipment to create a space to install any type of sheet pile and backfilling behind it
 3. Installing any type of piles and sheet piles by jetting.
- Areas that are 501-1,400 ft wide: In areas over 500 ft wide, but less than 1,400 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

The activities described in 1-3 above, and

 4. Installing any type of piles and sheet piles by vibratory hammer.
- Areas over 1,401 ft wide: In areas 1,401 ft wide or wider, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:

The activities described in 1-4 above, and

 5. Installing wood, vinyl, and concrete piles and sheet piles by impact hammer.

Attachment 7

Table 3. North Atlantic Right Whale Educational Sign Zone

Name	Latitude	Longitude
Cumberland Sound	30.719564°N	81.449467°W
Nassau Sound	30.516611°N	81.444278°W
St. John's River	30.408053°N	81.399467°W
St Augustine Inlet	29.918411°N	81.288117°W
Matanzas Inlet	29.713831°N	81.227000°W
Ponce Inlet	29.083056°N	80.916494°W
Port Canaveral	28.409306°N	80.586689°W
Sebastian Inlet	27.860833°N	80.446725°W
Fort Pierce Inlet	27.471711°N	80.290378°W
St. Lucie Inlet	27.165567°N	80.157236°W
Jupiter Inlet	26.943950°N	80.070908°W
Riviera Beach	26.772353°N	80.034508°W

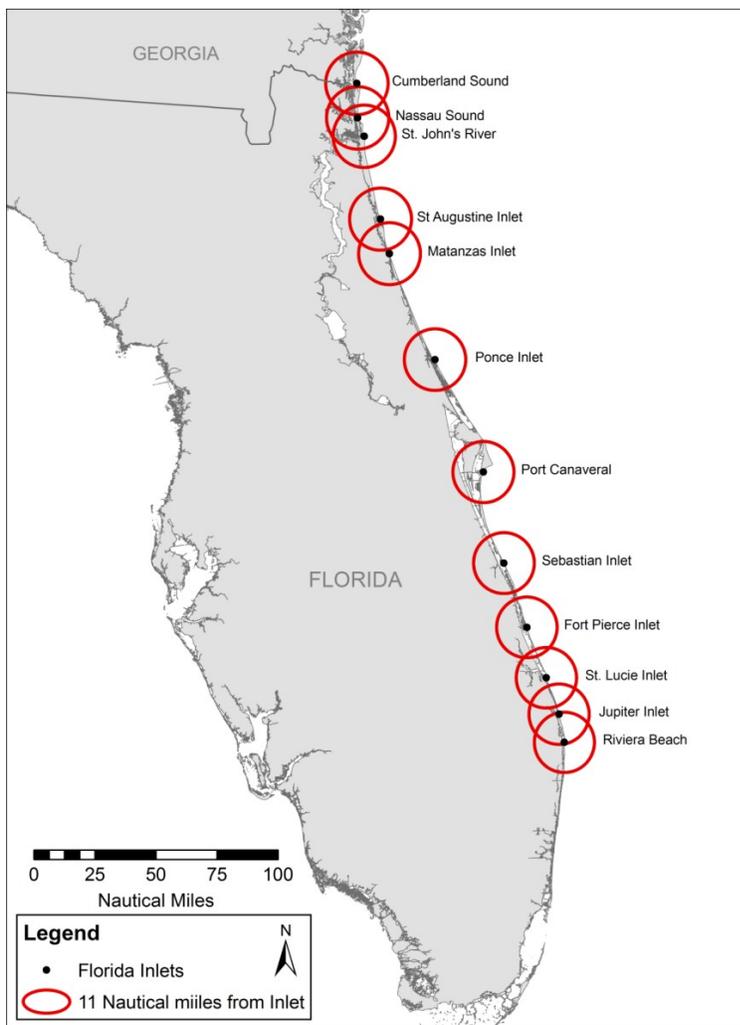


Figure 5. North Atlantic right whale educational sign zones.

Attachment 8

North Atlantic Right Whale Federal Regulations Information Handout

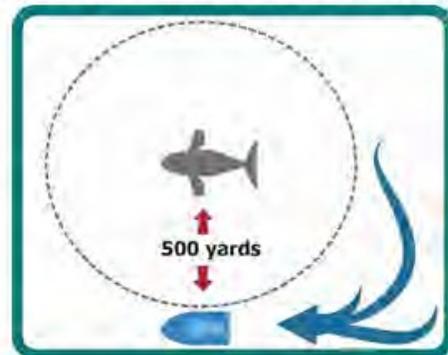
Federal Regulations Governing the Approach to North Atlantic Right Whales



1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.

Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

- (i) *Approach (including by interception) within 500 yards (460 m) of a right whale by vessel*
- (ii) *Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.*



2. Updates can be downloaded from:
 - a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
 - b. www.ecfr.gov

Attachment 9

THE CORPS OF ENGINEERS, JACKSONVILLE DISTRICT, AND THE STATE OF FLORIDA EFFECT DETERMINATION KEY FOR THE MANATEE IN FLORIDA April 2013

Purpose and background of the key

The purpose of this document is to provide guidance to improve the review of permit applications by U.S. Army Corps of Engineers' (Corps) Project Managers in the Regulatory Division regarding the potential effects of proposed projects on the endangered West Indian manatee (*Trichechus manatus*) in Florida, and by the Florida Department of Environmental Protection or its authorized designee or Water Management District, for evaluating projects under the State Programmatic General Permit (SPGP) or any other Programmatic General Permits that the Corps may issue for administration by the above agencies. Such guidance is contained in the following dichotomous key. The key applies to permit applications for in-water activities such as, but not limited to: (1) dredging [new or maintenance dredging of not more than 50,000 cubic yards], placement of fill material for shoreline stabilization, and construction/placement of other in-water structures as well as (2) construction of docks, marinas, boat ramps and associated trailer parking spaces, boat slips, dry storage or any other watercraft access structures or facilities.

At a certain step in the key, the user is referred to graphics depicting important manatee areas or areas with inadequate protection. The maps can be downloaded from the Corps' web page at <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>. We intend to utilize the most recent depiction of these areas, so should these areas be modified by statute, rule, ordinance and/or other legal mandate or authorization, we will modify the graphical depictions accordingly. These areas may be shaded or otherwise differentiated for identification on the maps.

Explanatory footnotes are provided in the key and must be closely followed whenever encountered.

Scope of the key

This key should only be used in the review of permit applications for effect determinations on manatees and should not be used for other listed species or for other aquatic resources such as Essential Fish Habitat (EFH). Corps Project Managers should ensure that consideration of the project's effects on any other listed species and/or on EFH is performed independently. This key may be used to evaluate applications for all types of State of Florida (State Programmatic General Permits, noticed general permits, standard general permits, submerged lands leases, conceptual and individual permits) and Department of the Army (standard permits, letters of permission, nationwide permits, and regional general permits) permits and authorizations. The final effect determination will be based on the project location and description; the potential effects to manatees, manatee habitat, and/or manatee critical habitat; and any measures (such as project components, standard construction precautions, or special conditions included in the authorization) to avoid or minimize effects to manatees or manatee critical habitat. Projects that key to a "may affect" determination equate to "likely to adversely affect" situations, and those projects should not be processed under the SPGP or any other programmatic general permit. For

all “may affect” determinations, Corps Project Managers shall refer to the Manatee Programmatic Biological Opinion, dated March 21, 2011, for guidance on eliminating or minimizing potential adverse effects resulting from the proposed project. If unable to resolve the adverse effects, the Corps may refer the applicant to the U.S. Fish and Wildlife Service (Service) for further assistance in attempting to revise the proposed project to a “may affect, not likely to adversely affect” level. The Service will coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) and the counties, as appropriate. Projects that provide new access for watercraft and key to “may affect, not likely to adversely affect” may or may not need to be reviewed individually by the Service.

MANATEE KEY
Florida¹
April 2013

The key is not designed to be used by the Corps' Regulatory Division for making their effect determinations for dredging projects greater than 50,000 cubic yards, the Corps' Planning Division in making their effect determinations for civil works projects or by the Corps' Regulatory Division for making their effect determinations for projects of the same relative scope as civil works projects. These types of activities must be evaluated by the Corps independently of the key.

- A. Project is not located in waters accessible to manatees and does not directly or indirectly affect manatees (see Glossary).....*No effect*
- Project is located in waters accessible to manatees **or** directly or indirectly affects manatees B
- B. Project consists of one or more of the following activities, all of which are *May affect*:
1. blasting or other detonation activity for channel deepening and/or widening, geotechnical surveys or exploration, bridge removal, movies, military shows, special events, etc.;
 2. installation of structures which could restrict or act as a barrier to manatees;
 3. new or changes to existing warm or fresh water discharges from industrial sites, power plants, or natural springs or artesian wells (but only if the new or proposed change in discharge requires a Corps permit to accomplish the work);
 4. installation of new culverts and/or maintenance or modification of existing culverts (where the culverts are 8 inches to 8 feet in diameter, ungrated and in waters accessible, or potentially accessible, to manatees)²;
 5. mechanical dredging from a floating platform, barge or structure³ that restricts manatee access to less than half the width of the waterway;
 6. creation of new slips or change in use of existing slips, even those located in a county with a State-approved Manatee Protection Plan (MPP) in place and the number of slips is less than the MPP threshold, to accommodate docking for repeat use vessels, (*e.g.*, water taxis, tour boats, gambling boats, etc; or slips or structures that are not civil works projects, but are frequently used to moor large vessels (>100') for shipping and/or freight purposes; does not include slips used for docking at boat sales or repair facilities or loading/unloading at dry stack storage facilities and boat ramps); [Note: For projects within Bay, Dixie, Escambia, Franklin, Gilchrist, Gulf, Hernando, Jefferson, Lafayette, Monroe (south of Craig Key), Nassau, Okaloosa, Okeechobee, Santa Rosa, Suwannee, Taylor, Wakulla or Walton County, the reviewer should proceed to Couplet C.]
 7. any type of in-water activity in a Warm Water Aggregation Area (WWAA) or No Entry Area (see Glossary and accompanying Maps⁴); [Note: For residential docking facilities in a Warm Water Aggregation Area that is not a Federal manatee sanctuary or No Entry Area, the reviewer should proceed to couplet C.]
 8. creation or expansion of canals, basins or other artificial shoreline and/or the connection of such features to navigable waters of the U.S.; [Note: For projects proposing a single residential dock, the reviewer should proceed to couplet C; otherwise, project is a *May Affect*.]

9. installation of temporary structures (docks, buoys, etc.) utilized for special events such as boat races, boat shows, military shows, etc., but only when consultation with the U.S. Coast Guard and FWS has not occurred; [Note: See programmatic consultation with the U.S. Coast Guard on manatees dated May 10, 2010].

	Project is other than the activities listed above.....	C
C.	Project is located in an Important Manatee Area (IMA) (see Glossary and accompanying Maps ⁴)	D
	Project is not located in an Important Manatee Area (IMA) (see Glossary and accompanying Maps ⁴)	G
D.	Project includes dredging of less than 50,000 cubic yards	E
	Project does not include dredging	G
E.	Project is for dredging a residential dock facility or is a land-based dredging operation	N
	Project not as above.....	F
F.	Project proponent does not elect to follow all dredging protocols described on the maps for the respective IMA in which the project is proposed	<i>May affect</i>
	Project proponent elects to follow all dredging protocols described on the maps for the respective IMA in which the project is proposed	G
G.	Project provides new ⁵ access for watercraft, <i>e.g.</i> , docks or piers, marinas, boat ramps and associated trailer parking spaces, new dredging, boat lifts, pilings, floats, floating docks, floating vessel platforms, boat slips, dry storage, mooring buoys, or other watercraft access (residential boat lifts, pilings, floating docks, and floating vessel platforms installed in existing slips are not considered new access) or improvements allowing increased watercraft usage.....	H
	Project does not provide new ⁵ access for watercraft, <i>e.g.</i> , bulkheads, seawalls, riprap, maintenance dredging, boardwalks and/or the maintenance (repair or rehabilitation) of currently serviceable watercraft access structures provided all of the following are met: (1) the number of slips is not increased; (2) the number of existing slips is not in question; and (3) the improvements do not allow increased watercraft usage.....	N
H.	Project is located in the Braden River Area of Inadequate Protection (Manatee County) (see Glossary and accompanying AIP Map ⁴)	<i>May affect</i>
	Project is not located in the Braden River Area of Inadequate Protection (Manatee County) (see Glossary and accompanying AIP Map ⁴)	I
I.	Project is for a multi-slip facility (see Glossary)	J
	Project is for a residential dock facility or is for dredging (see Glossary).....	N
J.	Project is located in a county that currently has a State-approved MPP in place (BREVARD, BROWARD, CITRUS, CLAY, COLLIER, DUVAL, INDIAN RIVER, LEE, MARTIN, MIAMI-DADE, PALM BEACH, ST. LUCIE, SARASOTA, VOLUSIA) or shares contiguous waters with a county having a State-approved MPP in place (LAKE, MARION, SEMINOLE) ⁶	K
	Project is located in a county not required to have a State-approved MPP	L

K. Project has been developed or modified to be consistent with the county’s State-approved MPP **and** has been verified by a FWC review (or FWS review if project is exempt from State permitting) **or** the number of slips is below the MPP threshold N

Project has not been reviewed by the FWC or FWS **or** has been reviewed by the FWC or FWS **and** determined that the project is not consistent with the county’s State-approved MPP *May affect*

L. Project is located in one of the following counties: CHARLOTTE, DESOTO⁷, FLAGLER, GLADES, HENDRY, HILLSBOROUGH, LEVY, MANATEE, MONROE , PASCO , PINELLAS M

Project is located in one of the following counties: BAY, DIXIE, ESCAMBIA, FRANKLIN, GILCHRIST, GULF, HERNANDO, JEFFERSON, LAFAYETTE, MONROE (south of Craig Key), NASSAU, OKALOOSA, OKEECHOBEE, PUTNAM, SANTA ROSA, ST. JOHNS, SUWANNEE, TAYLOR, WAKULLA, WALTON N

M. The number of slips does not exceed the residential dock density threshold (see Glossary) N

The number of slips exceeds the residential dock density threshold (see Glossary) *May affect*

N. Project impacts to submerged aquatic vegetation⁸, emergent vegetation or mangrove will have beneficial, insignificant, discountable⁹ or no effects on the manatee¹⁰ O

Project impacts to submerged aquatic vegetation⁸, emergent vegetation or mangrove may adversely affect the manatee¹⁰ *May affect*

O. Project proponent **elects** to follow standard manatee conditions for in-water work¹¹ and requirements, as appropriate for the proposed activity, prescribed on the maps⁴ P

Project proponent **does not elect** to follow standard manatee conditions for in-water work¹¹ and appropriate requirements prescribed on the maps⁴ *May affect*

P. If project is for a new or expanding⁵ multi-slip facility and is located in a county with a State-approved MPP in place **or** in Bay, Dixie, Escambia, Franklin, Gilchrist, Gulf, Hernando, Jefferson, Lafayette, Monroe (south of Craig Key), Nassau, Okaloosa, Okeechobee, Putnam, St. Johns, Santa Rosa, Suwannee, Taylor, Wakulla or Walton County, the determination of “*May affect, not likely to adversely affect*” is appropriate¹² and no further consultation with the Service is necessary.

If project is for a new or expanding⁵ multi-slip facility and is located in Charlotte, Desoto, Flagler, Glades, Hendry, Hillsborough, Levy, Manatee, Monroe (north of Craig Key), Pasco, or Pinellas County, further consultation with the Service is necessary for “*May affect, not likely to adversely affect*” determinations.

If project is for repair or rehabilitation of a multi-slip facility and is located in an Important Manatee Area, further consultation with the Service is necessary for “*May affect, not likely to adversely affect*” determinations. If project is for repair or rehabilitation of a multi-slip facility and: (1) is not located in an Important Manatee Area; (2) the number of slips is not increased; (3) the number of existing slips is not in question; and (4) the improvements to the existing watercraft access structures do not allow increased watercraft usage, the determination of “*May affect, not likely to adversely affect*” is appropriate¹² and no further consultation with the Service is necessary.

If project is a residential dock facility, shoreline stabilization, or dredging, the determination of “*May affect, not likely to adversely affect*” is appropriate¹² and no further consultation with the Service is necessary. Note: For residential dock facilities located in a Warm Water Aggregation Area or in a No Entry area, seasonal restrictions may apply. See footnote 4 below for maps showing restrictions.

If project is other than repair or rehabilitation of a multi-slip facility, a new⁵ multi-slip facility, residential dock facility, shoreline stabilization, or dredging, and does not provide new⁵ access for watercraft or

improve an existing access to allow increased watercraft usage, the determination of “*May affect, not likely to adversely affect*” is appropriate¹² and no further consultation with the Service is necessary.

¹ On the St. Mary’s River, this key is only applicable to those areas that are within the geographical limits of the State of Florida.

² All culverts 8 inches to 8 feet in diameter must be grated to prevent manatee entrapment. To effectively prevent manatee access, grates must be permanently fixed, spaced a maximum of 8 inches apart (may be less for culverts smaller than 16 inches in diameter) and may be installed diagonally, horizontally or vertically. For new culverts, grates must be attached prior to installation of the culverts. Culverts less than 8 inches or greater than 8 feet in diameter are exempt from this requirement. If new culverts and/or the maintenance or modification of existing culverts are grated as described above, the determination of “*May affect, not likely to adversely affect*” is appropriate¹¹ and no further consultation with the Service is necessary.

³ If the project proponent agrees to follow the standard manatee conditions for in-water work as well as any special conditions appropriate for the proposed activity, further consultation with the Service is necessary for “*May affect, not likely to adversely affect*” determinations. These special conditions may include, but are not limited to, the use of dedicated observers (see Glossary for definition of dedicated observers), dredging during specific months (warm weather months vs cold weather months), dredging during daylight hours only, adjusting the number of dredging days, does not preclude or discourage manatee egress/ingress with turbidity curtains or other barriers that span the width of the waterway, etc.

⁴ Areas of Inadequate Protection (AIPs), Important Manatee Areas (IMAs), Warm Water Aggregation Areas (WWAAs) and No Entry Areas are identified on these maps and defined in the Glossary for the purposes of this key. These maps can be viewed on the [Corps’ web page](#). If projects are located in a No Entry Area, special permits may be required from FWC in order to access these areas (please refer to Chapter 68C-22 F.A.C. for boundaries; maps are also available at [FWC’s web page](#)).

⁵ New access for watercraft is the addition or improvement of structures such as, but not limited to, docks or piers, marinas, boat ramps and associated trailer parking spaces, boat lifts, pilings, floats, floating docks, floating vessel platforms, (maintenance dredging, residential boat lifts, pilings, floating docks, and floating vessel platforms installed in existing slips are not considered new access), boat slips, dry storage, mooring buoys, new dredging, etc., that facilitates the addition of watercraft to, and/or increases watercraft usage in, waters accessible to manatees. The repair or rehabilitation of any type of currently serviceable watercraft access structure is not considered new access provided all of the following are met: (1) the number of slips is not increased; (2) the number of existing slips is not in question; and (3) the improvements to the existing watercraft access structures do not result in increased watercraft usage.

⁶ Projects proposed within the St. Johns River portion of Lake, Marion, and Seminole counties and contiguous with Volusia County shall be evaluated using the Volusia County MPP.

⁷ For projects proposed within the following areas: the Peace River in DeSoto County; all areas north of Craig Key in Monroe County, and the Anclote and Pithlachascotee Rivers in Pasco County, proceed to Couplet M. For all other locations in DeSoto, Monroe (south of Craig Key) and Pasco Counties, proceed to couplet N.

⁸ Where the presence of the referenced vegetation is confirmed within the area affected by docks and other piling-supported minor structures and the reviewer has concluded that the impacts to SAV, marsh or mangroves would not adversely affect the manatee or its critical habitat, proceed to couplet O.

Where the presence of the referenced vegetation is confirmed within the area affected by docks and other piling-supported minor structures and the reviewer has concluded that the impacts to SAV, marsh or mangroves would adversely affect the manatee or its critical habitat, the applicant can elect to avoid/minimize impacts to that vegetation. In that instance, where impacts are unavoidable and the applicant elects to abide by or employ construction techniques that exceed the criteria in the following documents, the reviewer should conclude that the impacts to SAV, marsh or mangroves would not adversely affect the manatee or its critical habitat and proceed to couplet O.

- “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat,” prepared jointly by the U.S. Army Corps of Engineers and the National Marine Fisheries Service (August 2001) [refer to the [Corps’ web page](#)], and
- “Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson’s seagrass (*Halophila johnsonii*),” prepared jointly by the National Marine Fisheries Service and U.S. Army Corps of Engineers (October 2002), for those projects within the known range of Johnson’s seagrass occurrence (Sebastian Inlet to central Biscayne Bay in the lagoon systems on the east coast of Florida) [refer to the [Corps’ web page](#)],

Where the presence of the referenced vegetation is confirmed within the area affected by docks and other piling-supported minor structures and the reviewer has concluded that the impacts to SAV, marsh or mangroves would adversely affect the manatee or its critical habitat, and the applicant does not elect to follow the above Guidelines, the Corps will need to request formal consultation on the manatee with the Service as *May affect*.

For activities other than docks and other piling-supported minor structures proposed in SAV, marsh, or mangroves (*e.g.*, new dredging, placement of riprap, bulkheads, etc.), if the reviewer determines the impacts to the SAV, marsh or mangroves will not adversely affect the manatee or its critical habitat, proceed to couplet O, otherwise the Corps will need to request formal consultation on the manatee with the Service as *May affect*.

⁹ See Glossary, under “is not likely to adversely affect.”

¹⁰ Federal reviewers, when making your effects determination, consider effects to manatee designated critical habitat pursuant to section 7(a)(2) of the Endangered Species Act. State reviewers, when making your effects determination, consider effects to manatee habitat within the entire State of Florida, pursuant to Chapter 370.12(2)(b) Florida Statutes.

¹¹ See the [Corps' web page](#) for manatee construction conditions. At this time, manatee construction precautions c and f are not required in the following Florida counties: Bay, Escambia, Franklin, Gilchrist, Gulf, Jefferson, Lafayette, Okaloosa, Santa Rosa, Suwannee, and Walton.

¹² By letter dated April 25, 2013, the Corps received the Service’s concurrence with “*May affect, not likely to adversely affect*” determinations made pursuant to this key for the following activities: (1) selected non-watercraft access projects; (2) watercraft-access projects that are residential dock facilities, excluding those located in the Braden River AIP; (3) launching facilities solely for kayaks and canoes, and (4) new or expanding multi-slip facilities located in Bay, Dixie, Escambia, Franklin, Gilchrist, Gulf, Hernando, Jefferson, Lafayette, Monroe (south of Craig Key), Nassau, Okaloosa, Okeechobee, Santa Rosa, Suwannee, Taylor, Wakulla or Walton County.

Additionally, in the same letter dated April 25, 2013, the Corps received the Service’s concurrence for “*May affect, not likely to adversely affect*” determinations specifically made pursuant to Couplet G of the key for the repair or rehabilitation of currently serviceable multi-slip watercraft access structures provided all of the following are met: (1) the project is not located in an IMA, (2) the number of slips is not increased; (3) the number of existing slips is not in question; and (4) the improvements to the existing watercraft access structures do not allow increased watercraft usage. Upon receipt of such a programmatic concurrence, no further consultation with the Service for these projects is required.

GLOSSARY

Areas of inadequate protection (AIP) – Areas within counties as shown on the maps where the Service has determined that measures intended to protect manatees from the reasonable certainty of watercraft-related take are inadequate. Inadequate protection may be the result of the absence of manatee or other watercraft speed zones, insufficiency of existing speed zones, deficient speed zone signage, or the absence or insufficiency of speed zone enforcement.

Boat slip – A space on land or in or over the water, other than on residential land, that is intended and/or actively used to hold a stationary watercraft or its trailer, and for which intention and/or use is confirmed by legal authorization or other documentary evidence. Examples of boat slips include, but are not limited to, docks or piers, marinas, boat ramps and associated trailer parking spaces, boat lifts, floats, floating docks, pilings, boat davits, dry storage, etc.

Critical habitat – For listed species, this consists of: (1) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act (ESA), on which are found those physical or biological features (constituent elements) (a) essential to the conservation of the species and (b) which may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the ESA, upon a determination by the Secretary that such areas are essential for the conservation of the species. Designated critical habitats are described in 50 CFR 17 and 50 CFR 226.

Currently serviceable – Currently, serviceable means usable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects – The direct or immediate effects of the project on the species or its habitat.

Dredging – For the purposes of this key, the term dredging refers to all in-water work associated with dredging operations, including mobilization and demobilization activities that occur in water or require vessels.

Emergent vegetation – Rooted emergent vascular macrophytes such as, but not limited to, cordgrass (*Spartina alterniflora* and *S. patens*), needle rush (*Juncus roemerianus*), swamp sawgrass (*Cladium mariscoides*), saltwort (*Batis maritima*), saltgrass (*Distichlis spicata*), and glasswort (*Salicornia virginica*) found in coastal salt marsh-related habitats (tidal marsh, salt marsh, brackish marsh, coastal marsh, coastal wetlands, tidal wetlands).

Formal consultation – A process between the Services and a Federal agency or applicant that: (1) determines whether a proposed Federal action is likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat; (2) begins with a Federal agency's written request and submittal of a complete initiation package; and (3) concludes with the issuance of a biological opinion and incidental take statement by either of the Services. If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required (except when the Services concur, in writing, that a proposed

action “is not likely to adversely affect” listed species or designated critical habitat). [50 CFR 402.02, 50 CFR 402.14]

Important manatee areas (IMA) – Areas within certain counties where increased densities of manatees occur due to the proximity of warm water discharges, freshwater discharges, natural springs and other habitat features that are attractive to manatees. These areas are heavily utilized for feeding, transiting, mating, calving, nursing or resting as indicated by aerial survey data, mortality data and telemetry data. Some of these areas may be federally-designated sanctuaries or state-designated “seasonal no entry” zones. Maps depicting important manatee areas and any accompanying text may contain a reference to these areas and their special requirements. Projects proposed within these areas must address their special requirements.

Indirect effects – Those effects that are caused by or will result from the proposed action and are later in time, but are still reasonably certain to occur. Examples of indirect effects include, but are not limited to, changes in water flow, water temperature, water quality (*e.g.*, salinity, pH, turbidity, nutrients, chemistry), prop dredging of seagrasses, and manatee watercraft injury and mortality. Indirect effects also include watercraft access developments in waters not currently accessible to manatees, but watercraft access can, is, or may be planned to waters accessible to manatees by the addition of a boat lift or the removal of a dike or plug.

Informal consultation – A process that includes all discussions and correspondence between the Services and a Federal agency or designated non-Federal representative, prior to formal consultation, to determine whether a proposed Federal action may affect listed species or critical habitat. This process allows the Federal agency to utilize the Services’ expertise to evaluate the agency’s assessment of potential effects or to suggest possible modifications to the proposed action which could avoid potentially adverse effects. If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required (except when the Services concur, in writing, that a proposed action “is not likely to adversely affect” listed species or designated critical habitat). [50 CFR 402.02, 50 CFR 402.13]

In-water activity – Any type of activity used to construct/repair/replace any type of in-water structure or fill; the act of dredging.

In-water structures – watercraft access structures – Docks or piers, marinas, boat ramps, boat slips, boat lifts, floats, floating docks, pilings (depending on use), boat davits, etc.

In-water structures – other than watercraft access structures – Bulkheads, seawalls, riprap, groins, boardwalks, pilings (depending on use), etc.

Is likely to adversely affect – The appropriate finding in a biological assessment (or conclusion during informal consultation) if any adverse effect to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions and the effect is not: discountable, insignificant, or beneficial (see definition of “is not likely to adversely affect”). An “is likely to adversely affect” determination requires the initiation of formal consultation under section 7 of the ESA.

Is not likely to adversely affect – The appropriate conclusion when effects on listed species are expected to be discountable, insignificant, or completely beneficial. **Discountable effects** are those extremely unlikely to occur. **Insignificant effects** relate to the size of the impact and should never reach the scale where take occurs. **Beneficial effects** are contemporaneous positive effects without any adverse effects to the species. Based on best judgment, a person would not (1) be able to meaningfully measure, detect, or evaluate insignificant effects or (2) expect discountable effects to occur.

Manatee Protection Plan (MPP) – A manatee protection plan (MPP) is a comprehensive planning document that addresses the long-term protection of the Florida manatee through law enforcement, education, boat facility siting, and habitat protection initiatives. Although MPPs are primarily developed by the counties, the plans are the product of extensive coordination and cooperation between the local governments, the FWC, the Service, and other interested parties.

Manatee Protection Plan thresholds – The smallest size of a multi-slip facility addressed under the purview of a Manatee Protection Plan (MPP). For most MPPs, this threshold is five slips or more. For Brevard, Clay, Citrus, and Volusia County MPPs, this threshold is three slips or more.

Mangroves – Rooted emergent trees along a shoreline that, for the purposes of this key, include red mangrove (*Rhizophora mangle*), black mangrove (*Avicennia germinans*) and white mangrove (*Laguncularia racemosa*).

May affect – The appropriate conclusion when a proposed action may pose any effects on listed species or designated critical habitat. When the Federal agency proposing the action determines that a “may affect” situation exists, then they must either request the Services to initiate formal consultation or seek written concurrence from the Services that the action “is not likely to adversely affect” listed species. For the purpose of this key, all “may affect” determinations equate to “likely to adversely affect” and Corps Project Managers should request the Service to initiate formal consultation on the manatee or designated critical habitat. **No effect** – the appropriate conclusion when the action agency determines its proposed action will not affect a listed species or designated critical habitat.

Multi-slip facility – Multi-slip facilities include commercial marinas, private multi-family docks, boat ramps and associated trailer parking spaces, dry storage facilities and any other similar structures or activities that provide access to the water for multiple (five slips or more, except in Brevard, Clay, Citrus, and Volusia counties where it is three slips or more) watercraft. In some instances, the Corps and the Service may elect to review multiple residential dock facilities as a multi-slip facility.

New access for watercraft – New dredging and the addition, expansion or improvement of structures such as, but not limited to, docks or piers, marinas, boat ramps and associated trailer parking spaces, boat lifts, pilings, floats, floating docks, floating vessel platforms, (residential boat lifts, pilings, floats, and floating vessel platforms installed in existing slips are not considered new access), boat slips, dry storage, mooring buoys, etc., that facilitates the addition of watercraft to, and/or increases watercraft usage in, waters accessible to manatees.

Observers – During dredging and other in-water operations within manatee accessible waters, the standard manatee construction conditions require all on-site project personnel to watch for manatees to ensure that those standard manatee construction conditions are met. Within important manatee areas (IMA) and under special circumstances, heightened observation is needed. **Dedicated Observers** are those having some prior experience in manatee observation, are dedicated only for this task, and must be someone other than the dredge and equipment operators/mechanics. **Approved Observers** are dedicated observers who also must be approved by the Service (if Federal permits are involved) and the FWC (if state permits are involved), prior to work commencement. Approved observers typically have significant and often project-specific observational experience. Documentation on prior experience must be submitted to these agencies for approval and must be submitted a minimum of 30 days prior to work commencement. When dedicated or approved observers are required, observers must be on site during all in-water activities, and be equipped with polarized sunglasses to aid in manatee observation. For prolonged in-water operations, multiple observers may be needed to perform observation in shifts to reduce fatigue (recommended shift length is no longer than six hours). Additional information concerning observer approval can be found at [FWC's web page](#).

Residential boat lift – A boat lift installed on a residential dock facility.

Residential dock density ratio threshold – The residential dock density ratio threshold is used in the evaluation of multi-slip projects in some counties without a State-approved Manatee Protection Plan and is consistent with 1 boat slip per 100 linear feet of shoreline (1:100) owned by the applicant.

Residential dock facility – A residential dock facility means a private residential dock which is used for private, recreational or leisure purposes for single-family or multi-family residences designed to moor no more than four vessels (except in Brevard, Clay, Citrus, and Volusia counties which allow only two vessels). This also includes normal appurtenances such as residential boat lifts, boat shelters with open sides, stairways, walkways, mooring pilings, dolphins, etc. In some instances, the Corps and the Service may elect to review multiple residential dock facilities as a multi-slip facility.

Submerged aquatic vegetation (SAV) – Rooted, submerged, aquatic plants such as, but not limited to, shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), star grass (*Halophila engelmannii*), Johnson's seagrass (*Halophila johnsonii*), sago pondweed (*Potamogeton pectinatus*), clasping-leaved pondweed (*Potamogeton perfoliatus*), widgeon grass (*Ruppia maritima*), manatee grass (*Syringodium filiforme*), turtle grass (*Thalassia testudinum*), tapegrass (*Vallisneria americana*), and horned pondweed (*Zannichellia palustris*).

Warm Water Aggregation Areas (WWAAs) and No Entry Areas – Areas within certain counties where increased densities of manatees occur due to the proximity of artificial or natural warm water discharges or springs and are considered necessary for survival. Some of these areas may be federally-designated manatee sanctuaries or state-designated seasonal “no entry” manatee protection zones. Projects proposed within these areas may require consultation in order to offset expected adverse impacts. In addition, special permits may be required from the FWC in order to access these areas.

Watercraft access structures – Docks or piers, marinas, boat ramps and associated trailer parking spaces, boat slips, boat lifts, floats, floating docks, pilings, boat davits, dry storage, etc.

Waters accessible to manatees – Although most waters of the State of Florida are accessible to the manatee, there are some areas such as landlocked lakes that are not. There are also some weirs, salinity control structures and locks that may preclude manatees from accessing water bodies. If there is any question about accessibility, contact the Service or the FWC.

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 in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8½ " 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 http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

CAUTION: MANATEE HABITAT

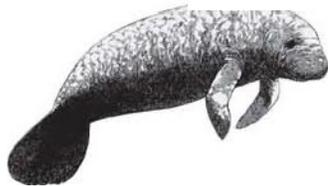
All project vessels

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:

1888-404-FWCC (3922)

cell * FWC or #FWC



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

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

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

Revised: March 23, 2006

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



Attachment 12

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

Submerged Aquatic Vegetation:

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

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

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

Marsh:

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

Mangroves.

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

Grid Specifications and Suppliers

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

PDCs for In-Water Noise from Pile and Sheet Pile Installation

Page 86

Open Water

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

	Trench and fill	Pilot hole (auger or drop punch)	Jetting	Vibratory	Impact hammer
Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less in open water	A	A	A	A	B
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Concrete slab wall- any size	A	A	A	A	B
Vinyl sheet pile- any size	A	A	A	A	B
Metal sheet pile- any size	A	A	A	A	E

Confined Space

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

	Trench and fill	Pilot hole (auger or drop punch)	Jetting	Vibratory	Impact hammer
Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less (5 piles or less installed/day)	A	A	A	A	C
Concrete pile 24-in diameter/width or less (6-10 piles installed/day)	A	A	A	A	D
Metal pipe pile 36-in diameter or less	A	A	A	A	E

2 metal boatlift I-beams	A	A	A	A	B
Vinyl sheet pile – any size	A	A	A	A	B
Concrete slab wall- any size (5 slabs or less installed/day)	A	A	A	A	C
Concrete slab wall- any size (6-10 slabs installed/day)	A	A	A	A	D
Metal sheet pile- any size	A	A	A	A	E

A. The Projects identified as A above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:

1. All work must occur during daylight hours only (PDC AP.6).
2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).

B. The projects identified as B above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 10 piles per day.

C. The projects identified as C above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 5 piles per day.

D. The projects identified as D above must follow all of the conditions under A and B, above, AND also must abide by one of the noise abatement measures below, as chosen by the applicant:

1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.
2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.
3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.

E. The projects identified as E are not covered under this Opinion.

Attachment 14

GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS:

1. The time limit for completing the work authorized ends on **July 9, 2023**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

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

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order

requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

Attachment 15

Federally Listed Species in Florida

Consultation for RGP SAJ-33 Private Mult-Family, Government or Commercial Piers in Florida

Finding	Agency	Status	Mammals	Scientific Name
NE	FWS	E	Bat, Florida Bonneted	<i>Eumops floridanus</i>
NE	FWS	E	Bat, Grey	<i>Myotis grisescens</i>
NE	FWS	E	Bat, Indiana	<i>Myotis sodalis</i>
NE	FWS	E	Deer, Key	<i>Odocoileus Virginianus clavium</i>
MANLAA	FWS*	E	Manatee, West Indian	<i>Trichechus manatus</i>
NE	FWS	T	Mouse, Anastasia Island	<i>Peromyscus polionotus phasma</i>
NE	FWS	E	Mouse, Choctwhatchee Beach	<i>Peromyscus polionotus allophrys</i>
NE	FWS*	E	Mouse, Eastern Largo Cotton	<i>Peromyscus gossypinus allapaticola</i>
NE	FWS*	E	Mouse, Perdido Key Beach	<i>Peromyscus polionotus trissyllepsis</i>
NE	FWS*	E	Mouse, Southeastern Beach	<i>Peromyscus polionotus niveiventris</i>
NE	FWS	T	Mouse, St. Andrew Beach	<i>Peromyscus polionotus peninsularis</i>
NE	FWS	E	Panther, Florida	<i>Puma concolor coryi</i>
NE	FWS	E	Rabbit, Lower Keys Marsh	<i>Sylvilagus palustris hefneri</i>
NE	FWS*	E	Rat, Rice	<i>Oryzomys palustris natator</i>
NE	FWS	E	Vole, Florida Salt Marsh	<i>Microtus pennsylvanicus dukecampbelli</i>
NE	NMFS	E	Whale, Blue	<i>Balaenoptera musculus</i>
NE	NMFS	E	Whale, Fin	<i>Balaenoptera physalus</i>
NE	NMFS*	E	Whale, North Atlantic Right	<i>Eubalaena glacialis</i>
NE	NMFS	E	Whale, Sei	<i>Balaenoptera borealis</i>
NE	NMFS	E	Whale, Sperm	<i>Physeter macrocephalus</i>
NE	FWS	E	Wolf, Red	<i>Canis rufus</i>
NE	FWS	E	Woodrat, Key Largo	<i>Neotoma Floridaana smalli</i>

Finding	Agency	Status	Birds	Scientific Name
NE	FWS	T	Caracara, Audubon's Crested	<i>Polyborus plancus</i>
MANLAA	FWS	T	Crane, Whooping	<i>Grus americana</i>
NE	FWS	T	Jay, Florida Scrub	<i>Aphelocoma coerulescens</i>
NE	FWS*	E	Kite, Everglade Snail	<i>Rostrhamus sociabilis plumbeus</i>
NE	FWS	T	Knot, Red	<i>Calidris canutus rufa</i>
NE	FWS*	T	Plover, Piping	<i>Charadrius melodus</i>
NE	FWS*	E	Sparrow, Cape Sable Seaside	<i>Ammodramus maritimus mirabilis</i>
NE	FWS	E	Sparrow, Florida Grasshopper	<i>Ammodramus savannarum floridanus</i>
MANLAA	FWS	T	Stork, Wood	<i>Mycteria americana</i>
NE	FWS	T	Tern, Roseate	<i>Sterna dougallii</i>
NE	FWS	E	Warbler, Bachman's	<i>Vermivora bachmanii</i>
NE	FWS	E	Warbler, Kirtland's	<i>Dendroica kirtlandii</i>
NE	FWS	E	Woodpecker, Ivory-billed	<i>Campephilus principalis</i>
NE	FWS	E	Woodpecker, Red-cockaded	<i>Picoides borealis</i>

Finding	Agency	Status	Reptiles & Amphibians	Scientific Name
NE	FWS*	E	Crocodile, American	<i>Crocodylus acutus</i>
NE	FWS*	T	Salamander, Frosted Flatwoods	<i>Ambystoma cingulatum</i>
NE	FWS*	E	Salamander, Reticulated Flatwoods	<i>Ambystoma bishopi</i>
NE	FWS	T	Skink, Blue-tailed Mole	<i>Eumeces egregius lividus</i>
NE	FWS	T	Skink, Sand	<i>Neoseps reynoldsi</i>
NE	FWS	T	Snake, Atlantic Salt Marsh	<i>Nerodia clarkii taeniata</i>
MANLAA	FWS/NMFS	E	Snake, Eastern Indigo	<i>Drymarchon corais couperi</i>
MANLAA	FWS/NMFS	E	Turtle, Green Sea	<i>Chelonia mydas</i>
MANLAA	FWS/NMFS	E	Turtle, Hawksbill Sea	<i>Eretmochelys imbricata</i>
MANLAA	FWS/NMFS	E	Turtle, Kemp's Ridley Sea	<i>Lepidochelys kempii</i>
MANLAA	FWS/NMFS*	T	Turtle, Leatherback Sea	<i>Dermochelys coriacea</i>
NE	FWS	T	Turtle, Loggerhead Sea	<i>Caretta</i>

Finding	Agency	Status	Invertebrates	Scientific Name
MANLA	FWS*	T	Bankclimber, Purple	<i>Elliptoideus sloatianus</i>
MANLA	FWS	E	Bean, Choctaw	<i>Villosa choctawensis</i>
NE	FWS	E	Butterfly, Bartram's Scrub-	<i>Strymon acis bartrami</i>
NE	FWS	E	Butterfly, Florida Leafwing	<i>Anaea troglodyta floralis</i>
NE	FWS	E	Butterfly, Miami Blue	<i>Cyclargus thomasi bethunebakeri</i>
NE	FWS	E	Butterfly, Schaus Swallowtail	<i>Heraclides sp.</i>
NE	NMFS	T	Coral, Boulder Star	<i>Orbicella franksi</i>
NE	NMFS*	T	Coral, Elkhorn	<i>Acropora palmata</i>
NE	NMFS	T	Coral, Lobed Star	<i>Orbicella annularis</i>
NE	NMFS	T	Coral, Mountainous Star	<i>Orbicella faveolata</i>
NE	NMFS	T	Coral, Pillar	<i>Dendrogyra cylindrus</i>
NE	NMFS	T	Coral, Rough Cactus	<i>Mycetophyllia ferox</i>
NE	NMFS*	T	Coral, Staghorn	<i>Acropora cervicornis</i>
MANLA	FWS*	E	Ebonyshell, Round	<i>Fusconaia rotulata</i>
MANLA	FWS	E	Kidneyshell, Southern	<i>Ptychobranthus jonesi</i>
MANLA	FWS	E	Moccasinshell, Gulf	<i>Medionidus penicillatus</i>
MANLA	FWS	E	Moccasinshell, Ochlockonee	<i>Medionidus simpsonianus</i>
MANLAA	FWS	T	Moccasinshell, Suwannee	<i>Medionidus walkeri</i>
MANLL	FWS	T	Pigtoe, Fuzzy	<i>Pleurobema strodeanum</i>
MANLA	FWS	T	Pigtoe, Narrow	<i>Fusconaia escambia</i>
MANLA	FWS*	E	Pigtoe, Oval	<i>Pleurobema pyriforme</i>
MANLA	FWS	T	Pigtoe, Tapered	<i>Fusconaia burkei</i>
MANLA	FWS*	T	Sandshell, Southern	<i>Hamiota australis</i>
MANLA	FWS	E	Shinyrayed pocketbook	<i>Hamiota subangulata</i>
MANLA	FWS/NMFS	T	Shrimp, Squirrel Chimney Cave	<i>Palaemonetes cummingi</i>
MANLA	FWS*	T	Slabshell, Chipola	<i>Elliptio chipolaensis</i>
NE	FWS	T	Snail, Stock Island Tree	<i>Orthalicus reses</i>
MANLA	FWS	E	Treeridge, Fat	<i>Amblema neislerii</i>

Finding	Agency	Status	Fish	Scientific Name
MANLAA	FWS/NMFS	E	Darter, Okaloosa	<i>Etheostoma okaloosae</i>
MANLAA	NMFS	T	Grouper, Nassau	<i>Epinephelus striatus</i>
MANLAA	NMFS*	E	Sawfish, Smalltooth	<i>Prisits pectinata</i>
MANLAA	FWS/NMFS*	E	Sturgeon, Atlantic	<i>Acipenser oxyrinchus</i>
MANLAA	FWS/NMFS*	E	Sturgeon, Gulf	<i>Acipenser oxyrinchus desotoi</i>
MANLAA	FWS/NMFS	E	Sturgeon, Shortnose	<i>Acipenser brevirostrum</i>

Findin	Agency	Status	Plants	Scientific Name
MANLA	NMFS*	T	Aster, Florida Golden	<i>Chrysopsis floridana</i>
NE	FWS*	E	Beargrass, Brittan's	<i>Nolina brittoniana</i>
NE	FWS	T	Beautv, Harper's	<i>Harperocallis flava</i>
NE	FWS	E	Bellflower, Brooksville	<i>Campanula robinsiae</i>
NE	FWS	E	Birds-in-a-nest, White	<i>Macbridea alba</i>
NE	FWS	E	Blazingstar, Scrub	<i>Liatris ohfinaerae</i>
NE	FWS	E	Bonamia, Florida	<i>Bonamia arandiflora</i>
NE	FWS	E	Buckwheat, Scrub	<i>Eriogonum longifolium gnaphalifolium</i>
NE	FWS	T	Butterwort, Godfrev's	<i>Pinguicula ionantha</i>
NE	FWS	E	Butterwort, Godfrey's (violet)	<i>Pinguicula ionantha</i>
NE	FWS	T	Cactus, Key tree	<i>Pilosocereus robinii</i>
NE	FWS	T	Campion, Fringed	<i>Silene polypetala</i>
NE	FWS	T	Chaffseed, American	<i>Schwalbea americana</i>
NE	FWS	E	Cladonia, Florida Perforate	<i>Cladonia perforata</i>
NE	FWS	E	Fringe-tree, Pvamv	<i>Chionanthus ovamaeus</i>
NE	FWS	E	Gooseberry, Miccosukee	<i>Ribes echinellum</i>
NE	FWS	E	Gourd, Okeechobee	<i>Cucurbita okeechobeensis</i>
NE	FWS	E	Harebells, Avon Park	<i>Crotalaria avonensis</i>
NE	FWS	T	Hypericum, Hiahlands Scrub	<i>Hypericum cumulicola</i>
NE	FWS	E	Jacquemontia, Beach	<i>Jacquemontia reclinata</i>
NE	FWS	E	Lead-plant, Crenulate	<i>Amorpha crenulata</i>
NE	FWS	E	Lupine, Scrub	<i>Lupinus aridorum</i>
NE	FWS	E	Meadowrue, Cooley's	<i>Thalictrum cooleyi</i>
NE	FWS	E	Milkpea, Small's	<i>Galactia smallii</i>
NE	FWS	E	Mint, Garrett's	<i>Dicerandra christmanii</i>
NE	FWS	E	Mint, Lakela's	<i>Dicerandra immaculata</i>
NE	FWS	E	Mint, Longspurred	<i>Dicerandra comutissima</i>
NE	FWS	E	Mint, Scrub	<i>Dicerandra frutescens</i>
NE	FWS	E	Mustard, Carter's	<i>Warea carteri</i>
NE	FWS	E	Pawpaw, Beautiful	<i>Deeringothamnus pulchellus</i>
NE	FWS	E	Pawpaw, Four-petal	<i>Asimina tetramera</i>
NE	FWS	E	Pawpaw, Ruol's	<i>Deeringothamnus rugelii</i>
NE	FWS	E	Pigeon Winos	<i>Cfitoria fragrans</i>
NE	FWS	E	Pinkroot, Gentian	<i>Spigelia gentianoides</i>
NE	FWS	E	Plum, Scrub	<i>Prunus geniculata</i>
NE	FWS	T	Plum, Scrub	<i>Prunus geniculata</i>
NE	FWS	E	Polygala, Lewton's	<i>Polygala /ewtonii</i>

Finding	Agency	Status	Plants	Scientific Name
NE	FWS	E	Polygala, Tiny	<i>Polygala smal/ii</i>
NE	FWS	E	Prickly-apple, fraarant	<i>Cereus eriophorus fragrans</i>
NE	FWS	E	Rhododendron, Chapman	<i>Rhododendron chapmanii</i>
NE	FWS	E	Rosemary, Apalachicola	<i>Conradina glabra</i>
NE	FWS	E	Rosemary, Etonia	<i>Conradina etonia</i>
NE	FWS	E	Rosemary, Short-leaved	<i>Conradina brevifolia</i>
NE	FWS	E	Sandlace	<i>Polygonella myriophylla</i>
NE	FWS	E	Seagrass, Johnson's	<i>Halophila johnsonii</i>
NE	FWS	E	Skullcap, Florida	<i>Scutellaria floridana</i>
NE	FWS	T	Snakeroot	<i>Ervngium cuneifolium</i>
NE	FWS	E	Spurge, Deltoid	<i>Chamaesyce deltoidea</i>
NE	FWS	E	Spurge, Garber's	<i>Chamaesyce garberi</i>
NE	FWS	T	Spurge, Telephus	<i>Euphorbia telephioides</i>
NE	FWS	T	Thoroughwort, Cape Sable	<i>Eupatorium frustratum</i>
NE	FWS	E	Torrerya, Florida	<i>Torreya taxifolia goveniana</i>
NE	FWS	E	Warea, Wide-leaf	<i>Warea amplexifolia</i>
NE	FWS	E	Water-willow, Cooley's	<i>Justicia cooleyi</i>
NE	FWS	T	Whitlow-wort, Papery	<i>Paronychia chartacea</i>
NE	FWS	E	Wireweed	<i>Polygonella basiramia</i>
NE	FWS	E	Ziziphus, Florida	<i>Ziziphus celata</i>

Notes: * Denotes Designated Critical Habitat