



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

April 4, 2019

REPLY TO  
ATTENTION OF

Tampa Permits Section  
Regulatory Division

## PUBLIC NOTICE

### PROGRAMMATIC GENERAL PERMIT SAJ-96

PRIVATE SINGLE-FAMILY PIERS AND APPURTENANCES; SHORELINE STABILIZATION; MINOR STRUCTURES; AND MAINTENANCE DREDGING AT SINGLE-FAMILY DOCKS IN WATERS OF THE UNITED STATES LOCATED IN PINELLAS COUNTY, FLORIDA.

**PROPOSAL:** To expedite the processing of Department of the Army permit applications, the Jacksonville District, U.S. Army Corps of Engineers (Corps) is proposing to re-issue this programmatic general permit (PGP) for private single-family piers and appurtenances, shoreline stabilization, minor structures, and maintenance dredging at single-family docks within Pinellas County, Florida.

**BACKGROUND:** From the late 1980s until 2001, the Corps had a general permit in effect which gave authority to Pinellas County to administer permits for the construction of single-family docks in navigable waters. In 2001, Pinellas County's (and any other county which also had this authorization) ability to administer the permit was revoked because of state-wide issues concerning endangered species. In an effort to simplify and speed up the processing of permits, the Corps issued a programmatic general permit (SAJ-96) on July 13, 2007. This permit was renewed on July 17, 2014, and is due to expire on July 17, 2019. This PGP is used for private single-family piers and appurtenances, shoreline stabilization, minor structures, and maintenance dredging at single-family docks within Pinellas County, Florida. Authority to administer these permits was given to Pinellas County. During the time period between January 2015 and January 2019, Pinellas County has verified the SAJ-96 3,077 times.

**AGENCY COORDINATION:** The proposed reissuance of this permit is being coordinated via separate letters with the U.S. Fish and Wildlife Service and National Marine Fisheries Service-Protected Resource Division as required under Section 7 of the Endangered Species Act, and with the National Marine Fisheries Service-Habitat Conservation Division for Essential Fish Habitat as required under the Magnusson-Stevens Fishery Conservation and Management Act.

**RESPONSE:** Comments regarding the proposed reissuance of this Programmatic General Permit SAJ-96 should be submitted in writing to the District Engineer at the letterhead address within 30 days from the date of this notice. The permit will be reissued without further notice if no adverse comments are received. If you have any questions concerning this proposal, you may contact Ms. Candice Wheelahan 10117 Princess Palm Avenue, Suite 120 Tampa, Florida 33610 or by electronic mail at [Candice.M.Wheelahan@usace.army.mil](mailto:Candice.M.Wheelahan@usace.army.mil).

A draft of the proposed programmatic general permit follows:



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

REPLY TO  
ATTENTION OF

Regulatory Division

DEPARTMENT OF THE ARMY  
PROGRAMMATIC GENERAL PERMIT SAJ-96  
SAJ-2006-07246(CMW)

**PRIVATE SINGLE-FAMILY PIERS AND APPURTENANCES; SHORELINE  
STABILIZATION; MINOR STRUCTURES; AND MAINTENANCE DREDGING AT  
SINGLE-FAMILY DOCKS IN WATERS OF THE U.S. LOCATED WITHIN PINELLAS  
COUNTY, 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) and Section 404 of the Clean Water Act (33 U.S.C. 134), general authority is given to Pinellas County to administer this permit for private single-family piers and appurtenances, minor structures at existing, single-family shoreline stabilization, and maintenance dredging at single-family docks within Pinellas County, Florida.

**COORDINATION AGREEMENT:** An agreement has been signed by the Corps and Pinellas County. The agreement outlines the steps each agency will take during the processing of an application under the SAJ-96, and includes reporting requirements.

This programmatic general permit is subject to the following conditions:

**A. SPECIAL CONDITIONS FOR PRIVATE, SINGLE-FAMILY PIERS AND  
APPURTENANT STRUCTURES:**

1. The work herein authorized includes private single-family piers not to exceed 4 slips, provided any slips in excess of 2 are limited to personal watercraft (which includes any seawall mounted personal watercraft lifts and davits) unless a Florida Fish and Wildlife Conservation Commission approved Manatee Protection Plan is more restrictive. This would include normal appurtenances such as boat hoists, boat shelters with open sides, stairways, walkways, lower landings, mooring pilings, dolphins, and maintenance of same, including pier reconfiguration.
2. No activity may cause more than a minimal adverse effect on navigation. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

## **B. SPECIAL CONDITIONS FOR MINOR STRUCTURES AT EXISTING FACILITIES:**

1. The work herein authorized includes reconfigurations of existing, previously authorized multi-slip and commercial docking structures provided the work does not provide new access for watercraft, improve an existing access to allow increased watercraft usage, or allow violation of any governmental law, regulation, guideline, or criteria to continue to exist. This would include normal appurtenances such as boat hoists, boat shelters with open sides, stairways, walkways, lower landings, mooring pilings, dolphins, and maintenance of same.
2. No new access for watercraft is allowed, including high and dry storage.
3. No increase in number of slips is allowed (existing number of slips is not in question).
4. No improvements are allowed that would increase usage.
5. Size of vessels must not be increased.
6. Structures are not allowed to be used for repeat use vessels or special events.
7. No activity shall cause more than minimal adverse effect on navigation. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

## **C. SPECIAL CONDITIONS FOR SHORELINE STABILIZATION:**

1. The work herein authorized includes construction and repair of bulkheads and backfill and riprap revetments for single-family properties in Pinellas County.
2. New vertical walls cannot extend further waterward than 1.5 feet (18-inches) from Mean High Water (MHW), unless necessary to align with existing, adjacent walls and less than 100 feet.
3. Replacement seawalls or riprap are allowed within 1.5 feet (18-inches) of existing structure.
4. New riprap is allowed, but cannot be placed more than 10 feet waterward of the MHWL.

5. Riprap cannot be steeper than a 2:1 slope.
6. The backfill must be from upland sources and consist of suitable material, free from toxic pollutants in other than trace quantities.

**D. SPECIAL CONDITIONS FOR MAINTENANCE DREDGING AT SINGLE-FAMILY DOCKS:**

1. The work herein authorized includes maintenance dredging, using non-hopper dredges, around single-family docks.
2. Dredging must not exceed previously authorized depth.
3. If previously authorized depth is unknown, dredging is not allowed to be more than -7 feet deep at Mean Low Water.
4. Dredging must not exceed surrounding controlling depths.
5. The dredged material is limited to 5,000 cubic yards.
6. Dredged material will be deposited in self-contained upland areas that will prevent the dredged material and return water from reentering any water of the United States or interfering with natural drainage.

**E. SPECIAL CONDITIONS FOR ALL WORKS:**

1. No work shall be performed until the applicant submits satisfactory plans for the proposed activity and receives written authorization from Pinellas County.
2. No activity shall be authorized under this general permit which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. No mangroves or submerged aquatic vegetation will be impacted.
3. No work shall be authorized on beach areas used by swimming sea turtles.
4. No activity shall be authorized by SAJ-96 which is likely to adversely affect any Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.
5. Prior to issuance of authorization, the dichotomous key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida - March 2011" will be used to determine potential

manatee impacts. All projects determined to require coordination with the U.S. Fish and Wildlife Service are not authorized by this permit and will be sent to the Corps for processing and coordination with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *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. A copy of the most current Key is attached (Attachment A) and can also be found at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/> under the "Endangered Species" heading.*

- a. No work shall be authorized in the Spring Bayou/Tarpon Springs or Bartow Power Plant Important Manatee Areas (IMAs). Maps of these areas can be found by visiting <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/> clicking on the link for "Endangered Species", under the Manatee heading select the "Additional Manatee Information" link, then under the County Maps heading select "Pinellas and Pasco". (Attachment A)
  - b. No work shall be authorized in the Harbor Isle, Harbor Isle Unit 1, and Harbor Isle Unit 2 developments, St. Petersburg, Pinellas County, Florida. (Attachment A)
6. For projects in waters accessible to Manatee's, the permittee must comply with the "Standard Manatee Conditions for In-water Work", March 2011 (Attachment B). Also available at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>
7. Compliance with the Jacksonville District's Programmatic Biological Opinion: Structures authorized under this general permit must satisfy the Project Design Criteria (PDCs) provided for all activities and pile-supported structures as stated in the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion, November 2017 (JAXBO). In accordance with the Endangered Species Act, the Corps will seek individual consultation with the National Marine Fisheries Service (NMFS) for all projects that do not comply with the PDCs of JAXBO prior to verification. Please note that failure to comply with the attached PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this general permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:  
<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>
  - a. For work in waters accessible to sea turtles and smalltooth sawfish, the permittee must comply with the JAXBO PDC Conditions (Attachment C). Also

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

- b. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference the JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, attachment D.):
  - (1) Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
  - (2) Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles (however, not authorized is installation of metal pipe or metal sheet pile by impact hammer).
8. No work shall be authorized by SAJ-96 which may have direct or indirect adverse impacts to essential fish habitat such as but not limited to hard or soft corals, including listed corals, mangroves, estuarine emergent vegetation, marine emergent vegetation, and/or the following species of submerged aquatic vegetation: shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), star grass (*Halophila engelmanni*), Johnson's seagrass (*Halophila johnsonii*), sago pondweed (*Potamogeton pectinatus*), clasping-leaved pondweed (*Potamogeton perfoliatus*), widgeon grass (*Ruppia maritima*), manatee grass (*Syringodium filiforme*), turtle grass (*Thalassia testudinum*), tapegrass (*Vallisneria americana*), horned pondweed (*Zannichellia palustris*), and eel grass (*Zostera marina*). Indirect effects include secondary and cumulative effects. In addition, the project cannot have adverse effects on any other essential fish habitat.
9. Projects involving pilings where mangrove, emergent or submerged vegetation resources are present must comply with the "Construction Guidelines in Florida for Minor Piling Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh, or Mangrove Habitat, Army Corps of Engineers/National Marine Fisheries Service – November 2017" (Attachment E). Also available at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/> under the "Other Permitting Factors" heading.
10. The Permittee shall use turbidity barriers for all in-water work.
11. No structure or work that is in Federal manatee sanctuaries, motorboat prohibited zones, or "no entry zones" shall be authorized. Applications for work in these areas will require review under standard permit criteria.

12. No work shall be authorized by this permit within the boundaries of any state park.
13. Prior to the initiation of any construction, projects qualifying for this programmatic general permit must be authorized by an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands under Chapter 253, F.S. and, as applicable, Chapter 258, F.S. Such permit will provide the applicable Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) or waiver thereto.
14. For dock and pier projects proposed 150' from the near edge of Federally maintained channels, the application will be coded Yellow and will be sent to the Corps for review to ensure no structure, including mooring piles, authorized under this general permit shall be within 100' of the top of slope of the near edge of the Federal channel of the various ICWs. The Corps will make the determination if the structure is within 100' of the of the Federal Channel and will either process as an individual permit or send the permit application back to Pinellas County where the applicant will enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville District prior to the commencement of any construction activity.
15. No work shall be performed until after the permittee provides notification to the owner(s) or operator(s) of any marked utilities in the work area.
16. Any structure authorized under this general permit must not interfere with general navigation. For projects authorized under the SAJ-96 in navigable waters, 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.
17. No residential, fueling, or storage facilities over navigable waters are authorized under this general permit.
18. Cultural Resources/Historic Properties:
  - a. No structure or work shall adversely affect, impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

- b. If, during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Corps within two calendar days. The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
- c. A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO and the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05; Florida Statutes. All work in the vicinity shall immediately cease and the permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist, SHPO and the Corps.
- e. In the unlikely event that human remains are encountered on federal or tribal lands, or in situations where Archaeological Resources Protection Act of 1979, or Native American Graves Protection Repatriation Act of 1990 applies, all work in the vicinity shall immediately cease and the Permittee immediately notify the Corps. The Corps shall then notify the appropriate THPO(s) and SHPO. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps, and/or appropriate THPO(s), SHPO, and federal manager. After such



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

19. The permittee shall perform all work in accordance with the general conditions, which can be found at <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>  
Under the "Permitting" heading, select the "General Permits" link.
20. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under SAJ-96. The District Engineer reserves the right to require that any request for authorization under this regional general permit be evaluated as a standard permit.
21. SAJ-96 shall be valid for a period of five (5) years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps will conduct periodic reviews to determine if continuation of the permit is not contrary to the public interest.
22. If SAJ-96 expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on SAJ-96 will remain in effect provided the activity is completed within 12 months of the date SAJ-96 expired or was revoked.
23. "A Summary of Pinellas County Dock Construction Guidelines for Minimizing Impacts to Seagrasses, Mangroves and Other Beneficial Shoreline Vegetation", shall be used in conjunction with the aforementioned SAV Guidelines. Pinellas County developed attachment F to integrate County practices with the SAV Guidelines. Pinellas County practices shall not supersede any of the aforementioned Special Conditions.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Andrew D. Kelly  
Colonel, U.S. Army Corps of Engineers  
District Engineer

## **GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends on \_\_\_\_\_
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 of if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to the Fort Myers Regulatory Office at 1520 Royal Palm Square Boulevard, Suite 310, Fort Myers, Florida 33919 to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from the Corps or its delegated authority 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. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

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

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

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

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

5. Reevaluation of Permit Verification Decision: This office may reevaluate its decision on this permit verification 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.

**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**  
**Florida<sup>1</sup>**  
**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)<sup>2</sup>;
  5. mechanical dredging from a floating platform, barge or structure<sup>3</sup> 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 Maps<sup>4</sup>); [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<sup>4</sup>) ..... D
- Project is not located in an Important Manatee Area (IMA) (see Glossary and accompanying Maps<sup>4</sup>) ..... 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 ..... *May affect*
- 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<sup>5</sup> access for watercraft, *e.g.*, 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<sup>5</sup> access for watercraft, *e.g.*, 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<sup>4</sup>) ..... *May affect*
- Project is not located in the Braden River Area of Inadequate Protection (Manatee County) (see Glossary and accompanying AIP Map<sup>4</sup>)..... 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)<sup>6</sup> ..... 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, DESOTO<sup>7</sup>, FLAGLER, GLADES, HENDRY, HILLSBOROUGH, LEVY, MANATEE, MONROE<sup>7</sup>, PASCO<sup>7</sup>, 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 vegetation<sup>8</sup>, emergent vegetation or mangrove will have beneficial, insignificant, discountable<sup>9</sup> or no effects on the manatee<sup>10</sup> ..... O
- Project impacts to submerged aquatic vegetation<sup>8</sup>, emergent vegetation or mangrove may adversely affect the manatee<sup>10</sup> ..... *May affect*
- O. Project proponent **elects** to follow standard manatee conditions for in-water work<sup>11</sup> and requirements, as appropriate for the proposed activity, prescribed on the maps<sup>4</sup> ..... P
- Project proponent **does not elect** to follow standard manatee conditions for in-water work<sup>11</sup> and appropriate requirements prescribed on the maps<sup>4</sup> ..... *May affect*
- P. If project is for a new or expanding<sup>5</sup> 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 appropriate<sup>12</sup> and no further consultation with the Service is necessary.
- If project is for a new or expanding<sup>5</sup> 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 appropriate<sup>12</sup> 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 appropriate<sup>12</sup> 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 new<sup>5</sup> multi-slip facility, residential dock facility, shoreline stabilization, or dredging, and does not provide new<sup>5</sup> access for watercraft or

improve an existing access to allow increased watercraft usage, the determination of “*May affect, not likely to adversely affect*” is appropriate<sup>12</sup> and no further consultation with the Service is necessary.

<sup>1</sup> 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.

<sup>2</sup> 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 appropriate<sup>11</sup> and no further consultation with the Service is necessary.

<sup>3</sup> 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.

<sup>4</sup> 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](#)).

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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*.

<sup>9</sup> See Glossary, under “is not likely to adversely affect.”

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> 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 engelmanni*), Johnson's seagrass (*Halophila johnsonii*), sago pondweed (*Potamogeton pectinatus*), clasping-leaved pondweed (*Potamogeton perfoliatus*), widgeon grass (*Ruppia maritima*), manatee grass (*Syringodium filiforme*), turtle grass (*Thalassia testudinum*), tapegrass (*Vallisneria americana*), and horned pondweed (*Zannichellia palustris*).

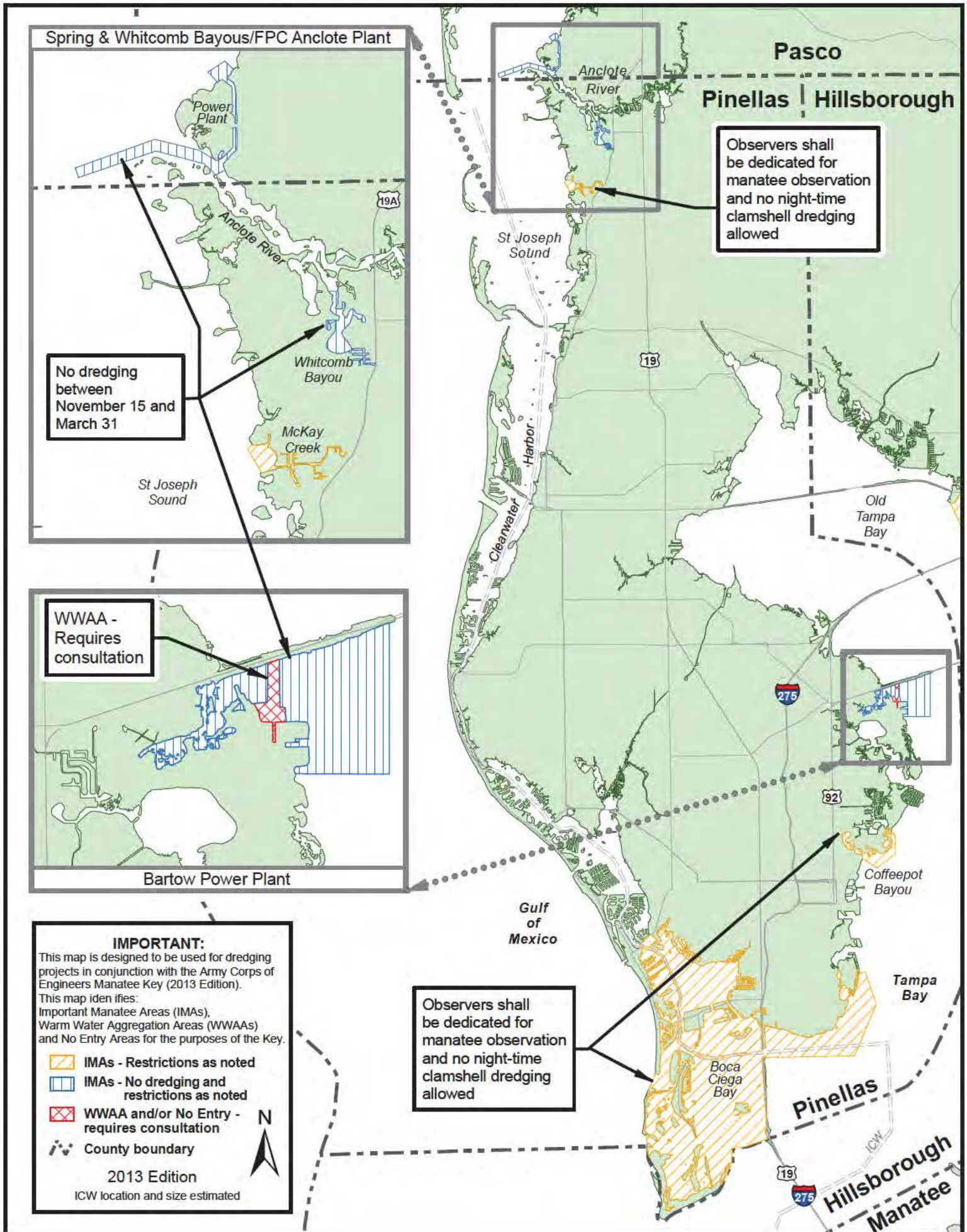
**Warm Water Aggregation Areas (WWAAs) and No Entry Areas** – Areas within certain counties where increased densities of manatees occur due to the proximity of artificial or natural warm water discharges or springs and are considered necessary for survival. Some of these areas may be federally-designated 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.

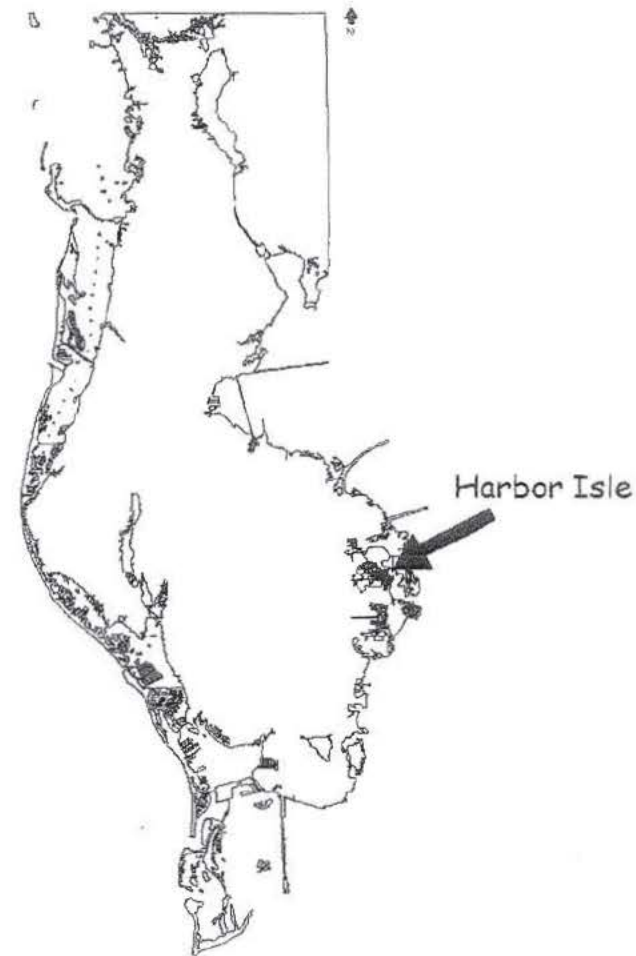
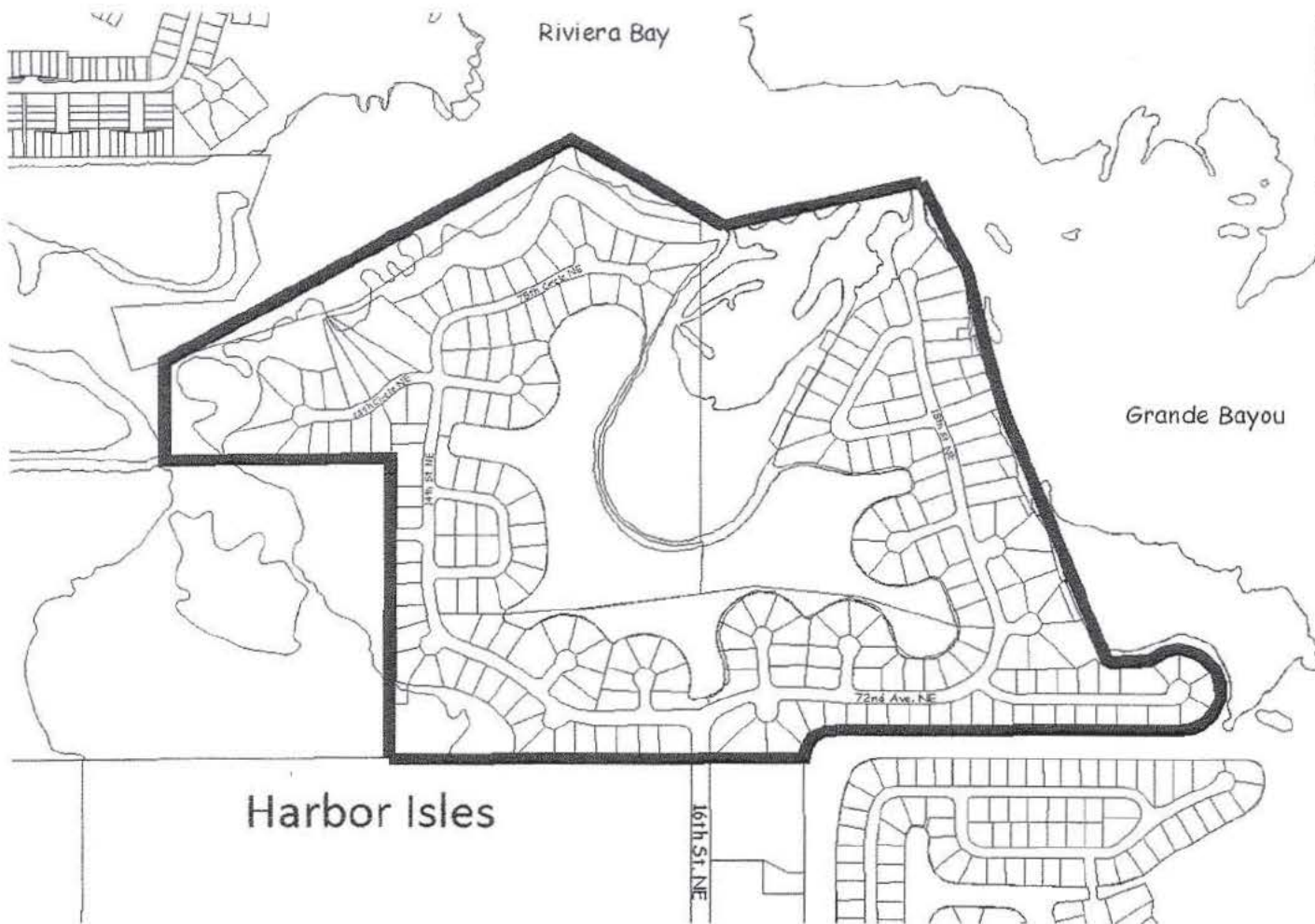
**Watercraft access structures** – Docks or piers, marinas, boat ramps and associated trailer parking spaces, boat slips, boat lifts, floats, floating docks, pilings, boat davits, dry storage, etc.

**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.



# Pinellas and Pasco Counties







**STANDARD MANATEE CONDITIONS FOR IN-WATER WORK**  
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

# CAUTION: MANATEE HABITAT

**All project vessels**

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC

## JAXBO Conditions

### PDCs for All Activities:

**1. Project Design Criteria (PDCs) for In-Water Activities:** The Permittee shall comply with National Marine Fisheries Service's "PDCs for In-Water Activities" dated November 20, 2017 (Page 3).

**2. Daylight Hours:** All activities must be completed during daylight hours.

**3. PDCs for In-Water Noise from Pile and Sheet Pile Installation:** The Permittee shall comply with the in-water noise and sheet pile installation table (Page 6).

### PDCs for Specific Activities:

#### Activity 1: Shoreline Stabilization

**4.** Shoreline stabilization materials must be placed by hand around red mangrove prop roots.

#### Activity 2: Pile-Supported Structures

**5. Educational Signs (only for commercial, multi-slip, public facilities):** 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\\_education\\_al\\_signs/index.html](http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_education_al_signs/index.html)). The signs required to be posted by area are stated below:

- 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.

**6. Monofilament Recycling Bins (only for commercial, multi-slip, public facilities):** monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

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

### **Activity 3: Maintenance Dredging**

**7. Dredge Method:** This verification applies only to mechanical and hydraulic dredging activities, it does not authorize hopper dredging.

**8. Dredged Material Disposal:** All dredged material must be placed in an Corps-verified upland disposal site, EPA or Corps designated open water disposal site, Corps Dredged Material Management Area, or Corps-approved beneficial use sites for mitigation or restoration, as long as it meets the following:

- The disposal sites shall employ erosion control measures such as upland erosion control, such as filtration or berms, or in-water turbidity curtains.
- Handling and storage of dredged material must be completed in a manner that prevents sedimentation, erosion, and turbidity during dewatering, overflow, transferring, and storage of the dredged material. For example, the overwater transfer of dredge material should either contain the dredged material and any water to prevent sedimentation or employ other methods, such as turbidity curtains in the marine environment, to ensure that any turbidity generated as the water is returned to the marine environment is contained. If the applicant conducts sediment testing voluntarily or in compliance with other law, and such testing indicates high levels of contaminants in the sediments to be dredged, water from dewatering should not be released back into the marine environment.

**U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological  
Opinion (JaxBO) Project Design Criteria (PDCs) for In-Water Activities**

**November 20, 2017**

- 1) **(AP.7.) Education and Observation:** The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:  
[http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/threatened\\_endangered/index.html](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html)
- 2) **(AP.8.) Reporting** of interactions with protected species:
  - a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to [takereport.nmfs@noaa.gov](mailto:takereport.nmfs@noaa.gov) and [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil).
  - b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email [Sawfish@MyFWC.com](mailto:Sawfish@MyFWC.com)
  - c) Sturgeon: Report dead sturgeon to 1-844-STURG 911 (1-844-788-7491) or email [nmfs.ser.sturgeonnetwork@noaa.gov](mailto:nmfs.ser.sturgeonnetwork@noaa.gov)
  - d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
  - e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.
- 3) **(AP.9.) Vessel Traffic and Construction Equipment:** All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:
  - a) *Construction Equipment:*
    - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
    - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
    - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of

construction equipment and shall not resume until the species has departed the area of its own volition.

- iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

b) *All Vessels:*

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

- 4) **(AP.10.) Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:

- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
- b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
- c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
- d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
- e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm



Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):

- i) Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
  - ii) The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cableline). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.
- 5) **(AP.11.) Entanglement:** All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.
- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
  - b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

## 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.**



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

**Submerged Aquatic Vegetation:**

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

**Marsh:**

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

February 2003 – Manufacturer name changed from ChemGrate to FiberGrate

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

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

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

#### **Mangroves.**

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

### **Grid Specifications and Suppliers**

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

A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842) and FiberGrate (1-800-527-4043). A type of plastic grating is manufactured by ThruFlow Interlocking Panels (1-888-478-3569). Plastic grate panels are also distributed by Southern Pine Lumber Company (Stuart, FL; 772-692-2300). 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.

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

February 2003 – Manufacturer name changed from ChemGrate to FiberGrate

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

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

## **ATTACHMENT F**

### **A Summary of Pinellas County Dock Construction Guidelines for Minimizing Impacts to Seagrasses, Mangroves and Other Beneficial Shoreline Vegetation**

Applications for single-family docks are reviewed for impacts to submerged or emergent vegetation using a combination of aerial photography, institutional knowledge, and/or field verification by staff biologists. Where these types of resources are expected to be adversely impacted by the proposed dock, staff evaluate the site conditions, noting the locations, conditions and density of the marine vegetative communities, and mapping them if necessary. In most cases, the site is snorkeled or waded to fully and accurately evaluate the total seagrass coverage on site. The project is then reviewed for anticipated impacts to these marine resources along with any impacts expected from vessels accessing open waters from the site. The following policies guide staff in determining whether the project should be approved, modified or denied:

(1) Does the dock structure, boat slip and access to open water avoid impacts to emergent and submerged vegetation altogether? If not, then the applicant is required to redesign the project to completely avoid impacts to beneficial resources if at all possible.

(2) If natural resources cannot be completely avoided at a given site, then the applicant is required to redesign the project to minimize impacts. Ultimately, these revisions are specific to the site, project, and natural resources present but they include the following:

- (a) Placing the structure in the location on the site with the least amount of resource impacts (e.g. where the seagrass bed or mangrove fringe is the narrowest or most sparse).
- (b) Limiting the dock walkout to a maximum width of 4 ft. in areas with mangroves, marsh or seagrasses.
- (c) Extending the dock walkout so that the terminal platform and boat slips are located waterward of seagrasses, mangroves or marsh. If site conditions do not allow for the platform and boat slips to be located waterward of seagrasses (such as where navigational concerns prevent the lengthening of structures or where seagrass beds extend too far to reasonably extend the dock), then the application is revised to:
  - (i) Place the boat slips in the best possible depth
  - (ii) Limit the terminal platform to a maximum of 100 square feet in size, including any lower landings. (Slightly larger platforms may be allowed if the

applicant uses a translucent grated material to allow for sunlight penetration).

(3) If site conditions are such that there are no options available to construct a dock on a given site with minimal impacts to seagrasses, then the application would be denied or modified into an observation pier where boats are prohibited. Examples of this are in areas where seagrasses are continuous for hundreds of feet and where depths do not meet the minimum criteria of 1.5 ft. (MLW) or just barely meet the minimum depth but do not increase appreciably within a reasonable distance. Observation piers are designed so that they are long enough to traverse emergent vegetation to obtain a view but terminate landward of seagrass beds so that they do not cause shading impacts. They are subject to the following conditions to ensure compliance with the intent of avoiding dock and boating impacts to seagrasses:

- (a) The pier is not to have any lower landings at any time.
- (b) The entire terminal head of the pier is to be railed. The rail must be of standard height for a handrail and have a midrail halfway between the top rail and deck surface.
- (c) The pier surface is to be elevated to a height of 5 ft. above Mean High Water.
- (d) The use of the structure to accommodate the loading or off loading or the mooring of vessels with motors is strictly prohibited.
- (e) The pier is subject to periodic compliance inspections by the County.

As each situation is somewhat unique, the County Code allows staff to prescribe any reasonable conditions or modifications to ensure compliance with the intent of eliminating or minimizing impacts to natural resources. Some examples of this include the use of grated decking, requiring bow-in mooring of vessels to avoid prop scouring of nearby grass beds, requiring mitigation for impacts, or enhancing existing conditions (such as through the removal of exotic vegetation or the placement of artificial reef materials). In the vast majority of permits issued, seagrasses are avoided (except for the 4 ft. wide walkway). It is only in a relatively small number of cases where a reduced size platform is allowed to terminate in seagrasses.

Multi-use and commercial docks follow the same guidelines. In general, they are not allowed to terminate over submerged or emergent vegetation. In cases where the site conditions do not allow for the facility to be placed waterward of these resources, they are redesigned to minimize impacts, usually by limiting the impact to that of a single-family dock (i.e. one structure with two slips).