



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

April 8, 2019

File No. 0129291-020-BE

U.S. Army Corp of Engineers
Attn: Michael Hollingsworth
701 San Marco Boulevard
Jacksonville, FL, 32207

Re: Deepwater Port Maintenance Dredging - Manatee Harbor

Dear Mr. Hollingsworth:

We are in receipt of your verification of exemption request sent on March 8, 2019, to use the Deepwater Port Maintenance Dredging Exemption in Section 403.813(3), Florida Statutes. The Department of Environmental Protection acknowledges your intention to use the exemption and wishes to advise you of the following:

In order to be exempt, the project must not cause significant impacts to previously undisturbed resources (pursuant to 403.813(3) F.S.). The shallow shoals immediately adjacent to the areas to be dredged (channels and turning basin) are submerged aquatic vegetation (SAV) habitat. Therefore, to be exempt, the project must be executed in a manner that ensures that these SAV habitats are not impacted. As specified in the Environmental Protection document submitted with the exemption verification:

- The contractor shall notify personnel that SAV habitats shall be avoided, and no work shall occur in, on, or over SAV habitats, including no anchoring, staging of equipment, or pipeline placement.
- If construction activities cause any impacts to SAV resources, then work shall cease, and impacts shall be immediately reported to the Department.
- The Contractor shall conduct operations in a manner that minimizes turbidity, specifically over SAV resources.
- Prior to construction, a turbidity monitoring plan shall be provided by the contractor.

It is recommended that a copy of the turbidity monitoring plan also be sent to the Department. The Department will provide written confirmation that the information provided is consistent with best management practices for controlling turbidity and that the monitoring equipment and protocols are sufficient to conduct monitoring at any location, and under any condition.

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Additionally, please be advised, that the mixing zone shall end at the edge of the nearest SAV habitat pursuant to 403.813(3)(b) F.S. Since a recent SAV survey is not available, the boundaries for SAV habitat should be defined as the edge of the authorized dredging areas, including the channels and turning basin.

REGULATORY REVIEW – EXEMPTION VERIFIED

The Department has determined that the proposed maintenance dredging of the Manatee Harbor Entrance Channel and Turning Basin, Southern Access Channel, and the Local Sponsor Berthing Areas meet the requirements of Section 403.813(3), F.S. (attached for reference) and would be exempt from the need for an Environmental Resource Permit.

Therefore, the Department hereby acknowledges your intention to use the exemption and your certification that you meet the requirements of the statute.

Working under an exemption does not relieve you from the need to comply with all applicable water quality standards during construction and operation. Activities conducted under the above exemption must be constructed and operated using appropriate best management practices and in a manner that does not cause water quality violations, pursuant to Rule 62 302, F.A.C. This letter does not relieve you from the responsibility of obtaining other permits (Federal, State, or local) that may be required for the project.

The determination that your project qualifies for an exemption is based upon forms, drawings and documents provided to the Department as of March 8, 2019, and the statutes and rules that were in effect at that time. This determination is effective only for the specific activity proposed and may be invalid if site conditions materially change or if the governing statutes or rules are amended. In addition, any substantial alterations to the construction plans or location of the project should be submitted to the Department for review prior to commencement of work, as changes may result in the need for a permit

This exemption determination shall not be valid if the project results in water quality violations, significant impacts to submerged aquatic vegetation or if the basis for the exemption is found to be materially incorrect.

Sincerely,



Sean Green
Environmental Specialist III
Beaches, Inlets & Ports Program
Division of Water Resource Management.

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Attachments:

Exception Citation – Section 403.813(3), Florida Statutes

cc: Greg Garis, FDEP, DWRM
Ivana Kenny Carmola, FDEP, DWRM
Jennifer Peterson FDEP, DWRM
Roxane Dow, FDEP, DWRM
Carla Burrmann, FDEP, Southwest District
Jason Spinning, USACE, Jacksonville
Angie Dunn, USACE, Jacksonville
Paul Karch, USACE, Jacksonville
JCP Compliance Officer, FDEP, DWRM
BIPP Permit File
ConservationPlanningServices@myfwc.com
MarineTurtle@myfwc.com