



**US Army Corps
of Engineers®**
Jacksonville District

LAKE OKEECHOBEE AND OKEECHOBEE WATERWAY SHORELINE MANAGEMENT PLAN



**Okeechobee Waterway
Central and Southern Florida Project**

December 2019

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1. Purpose

To provide guidance and information to the public, specific to the effective management of the Lake Okeechobee and Okeechobee Waterway shoreline, the U.S. Army Corps of Engineers (Corps) has developed the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan (SMP). Within the plan, the types of private use and activities that may be permitted on the shoreline are described. Additionally, the plan addresses shoreline allocations, rules, regulations, and other information relevant to Lake Okeechobee and the Okeechobee Waterway. This plan complements the Master Plan for Lake Okeechobee and Okeechobee Waterway.

2. Objective

Management of public lands and waters is necessary to provide opportunities for the optimum recreational experience for the maximum number of people. There must be compatibility among general public use and permitted private use while assuring long term resource protection for the enjoyment of project benefits by all.

It is the Corps policy to manage and protect the Lake Okeechobee and Okeechobee Waterway Shoreline in a manner that promotes the safe and healthful use of the shoreline by the public while maintaining environmental safeguards to ensure a quality resource for future generations. Regulatory guidance requires that the Corps seek reasonable measures to minimize private exclusive use of public property and to maximize general public use.

3. Authority

This plan was developed and prepared in accordance with the requirements directed in *Engineering Regulation (ER) 1130-2-406*, dated 31 October 1990, titled "*Project Operation- Shoreline Management at Civil Works Projects*," as per Change 1 dated September 14, 1992, and Change 2 dated May 28, 1999; and 36 CFR Chapter 111 Part 327

4. Jurisdiction

The term "project" refers to the land and water areas of any resources development project administered by the Chief of Engineers, without regard to ownership of underlying land; all lands owned in fee by the Federal Government and to all facilities therein or thereon of any such water resources development project.

This plan is applicable to all project lands owned in fee and easement by the Corps at Lake Okeechobee and the Okeechobee Waterway including:

- The St. Lucie Canal Pool and shoreline from the St. Lucie Lock and Dam west to Lake Okeechobee (Port Mayaca Lock and Dam)
- Lake Okeechobee and Herbert Hoover Dike right-of-way
- The Caloosahatchee River shoreline and the W.P. Franklin and Ortona Pools, including oxbows, from the W.P. Franklin Lock and Dam east to Lake Okeechobee (Moore Haven Lock and Dam).

The Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan is not applicable to:

- Tidal influenced waters east of St. Lucie Lock.
- Tidal influenced waters west of W.P. Franklin Lock.
- Existing privately excavated canals.

5. Project Description and History

Lake Okeechobee and the Okeechobee Waterway are part of two projects: 1) Central and Southern Florida Project and 2) Okeechobee Waterway. The Corps, Jacksonville District is responsible for managing and maintaining a balance between the competing demands on the resources of each project.

Lake Okeechobee covers 730 square miles, with an average depth of 10 feet. It is part of the Central and Southern Florida Project. Authorizations include navigation, irrigation, water supply, fish and wildlife enhancement, drainage and water control, preservation of Everglades National Park, water supply for Everglades National Park, recreation, water quality, saltwater intrusion, groundwater intrusion, and flood damage reduction.

The Okeechobee Waterway stretches 152 miles from the Gulf of Mexico to the Atlantic Ocean. Project authorizations include recreation, fish and wildlife enhancement, navigation, water quality, and flood damage reduction.

Lake Okeechobee's Herbert Hoover Dike and the Okeechobee Waterway consist of approximately 700 acres of Federal fee-owned land and 23,000 acres of right-of-way and dredged material disposal easement lands deeded to the Federal Government.

6. Public Involvement

In October 2018, the Jacksonville District began the initial stages of updating the 2004 Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan.

During this process, the draft was posted at the St. Lucie Visitor Center, Stuart, Florida; South Florida Operations Office, Hendry County, Florida; and W.P. Franklin Visitor Center, Alva, Florida; and posted on various online platforms. Following these postings, written comments were accepted for a period of 30 days. Results from this comment period are include in Appendix D.

The Department of the Army Programmatic General Permit SAJ-67 (SAJ-2006-05506(DEB)) was granted to the Operations Division of the Jacksonville District (SAJ) in order to administer the Shoreline Management Program. The SAJ-67 was coordinated with the regulated public, resource Agencies, and Tribes via a public notice and in accordance with requirements under our regulations and related Federal law (i.e., Clean Water Act, National Environmental Policy Act (NEPA), National Historic Preservation Act, etc.). In addition to a public notice, SAJ-67 was coordinated with the State of Florida for Water Quality Certification in accordance with Section 401, Clean Water Act. The public and Agency coordination served to meet responsibilities under our regulations for promulgation of a Programmatic General Permit, as well as comply with NEPA. Additionally, coordination with the resource Agencies served to address responsibilities under other related Federal laws, such as the Endangered Species Act, and the Fish and Wildlife Coordination Act. Comments received during coordination with the public and Agencies were considered in the development of specific conditions, made part of SAJ-67.

7. Private Boat Dock Carrying Capacity

Carrying capacity data is not available at this time. Permit applications are accepted as first come, first served.

8. Shoreline Allocations

Continued growth and economic development around Lake Okeechobee and along the Okeechobee Waterway has resulted in an increased use of land and development of adjacent private property. In order to accomplish the objectives of this plan, the Corps has allocated the entire project shoreline of Lake Okeechobee and the Okeechobee Waterway into four use categories.

- Public Recreation Areas (in red)
- Protected Shoreline Areas (in yellow)
- Prohibited Access Areas (in green)
- Limited Development Areas (in orange)

Maps showing the areas within these categories are kept at project offices and are available for public inspection and review. Colors for each area are denoted above.

The following criteria were used to evaluate the shoreline use allocations at Lake Okeechobee and Okeechobee Waterway. In all shoreline use allocations, consideration was given to the limited land base, right-of-way estates, the continued increase in public use, the existing and expected operations and maintenance requirements, and the projected adjacent private development along the waterway. The criteria were established with the intent of managing private exclusive use in order to protect the project purposes and the general public's use of the waterway and to enhance the natural resources of the project.

A. Public Recreation Areas – 27.6 Miles.

Private moorage facilities or other private structures are not permitted within areas designated as Public Recreation, nor in project waters adjacent to developed or designated public recreation areas. Commercial concessions and marinas are permitted in public recreation areas, provided they are identified in an approved site plan contained in the project Master Plan. Modification of the land by private individuals is not permitted in these areas. Sites in this classification include Corps, city, county, state, and privately operated public recreational areas. These areas were allocated utilizing the following criteria:

1. Public recreation areas identified in the project Master Plan. The shoreline adjacent to these areas was classified in this allocation to be compatible with the recreation areas in the Master Plan.
2. Public recreation area allocations were also made at the request of state, county, city, or other public agencies that informed the Corps of their planned recreation development along the waterway.
3. As recreational sites are planned in the future, the shoreline use allocation may be changed to accommodate public recreation.

B. Protected Shoreline Areas – 159.7 miles.

Private moorage facilities or other private structures are not permitted within areas designated as Protected Shoreline, or in project waters adjacent to Protected Shoreline areas. Protected Shoreline areas are designated primarily to protect project purposes and fish and wildlife values. Most of the Herbert Hoover Dike and portions of the St. Lucie Canal and Caloosahatchee River shorelines are included in this category. Private facilities are not permitted because of physical characteristics that would lead to interference with navigation, flood control, and fish and wildlife values. Land modifications may be approved on a case-by-case basis when the proposed activity does not adversely impact the above values. However, no land modification will be authorized on the Herbert Hoover Dike. These areas include:

1. Areas Necessary for Project Operations.

- a. Right-of-way necessary for routine snagging and other maintenance storage areas.
- b. Work site areas necessary for spillway, drainage and/or other structure maintenance. These areas differ in size, depending on the size of the structures.
- c. Areas necessary to ensure the protection of the Herbert Hoover Dike.
- d. Access roads and/or access right-of-way to project lands and/or structures.

2. Areas Established for Fish and Wildlife Habitat

These areas include portions of the Caloosahatchee River and Lake Hicpochee, which were identified as prime manatee and/or wading bird habitat areas.

3. Areas Established for Public Safety.

- a. Areas located immediately upstream and downstream of spillways and/or navigational lock structures - these areas also include vessel staging areas. These areas differ in size depending on the design features of the structures.
- b. Areas located immediately adjacent to or within public highway right-of-way.
- c. Areas located on either side of or adjacent to oxbows, outlets to natural and/or manmade canals, etc. These areas encompass a minimum distance of fifty (50) linear feet along the project boundary in both directions from the shoreline/boundary line interface. Note: Distance may be greater to ensure docks and/or other private facilities are not protruding into the entrance of said areas.

C. Prohibited Access Areas – 1.8 miles.

These areas are established for the safety of the general public. Visitor access and all private structures are prohibited in these areas. The following areas are within this classification:

1. The concrete structures and pump houses on the C-43 and C-44 Canals (Caloosahatchee River and St. Lucie Canal), including the areas immediately upstream and downstream.
2. The Herbert Hoover Dike culverts.
3. The restricted areas of the locks' spillways.
4. The service base area, including the warehouse storage areas.
5. Corps structures in the waterway.

D. Limited Development Areas – 101.2 miles.

Limited Development Areas are areas where private moorage facilities and land use activities may be permitted. Generally, these are areas where private uses do not interfere with authorized project purposes, fish and wildlife values and/or public use. Applications for private moorage facilities and land use activities will be accepted in these areas, if such placement is consistent with the conditions set forth in the Project Land Management and Private Moorage Facilities and Other Minor Structures sections. These areas were evaluated and established based on two categories of project land management:

1. Right-of-Way Management (Land Modification, Excavation and Alteration.)
 - a. Herbert Hoover Dike- any excavation, alteration, and modification of the Herbert Hoover Dike right-of-way is prohibited. Waivers may be sent to the Jacksonville District and reviewed individually on a case-by-case basis. The District Commander may approve exceptions.
 - b. St. Lucie Canal and Caloosahatchee River- See ***Jurisdiction*** for limits of this shoreline management plan. Excavation or removal of right-of-way that results in a loss of project uplands will not be authorized under the permit procedures of this plan. The applicant must meet the requirements of the Right-of-Way Excavation section.

2. Land Use Permits

Upon submission and approval of a Shoreline Use application, individuals may obtain a permit/license/consent to easement to modify landforms on right-of-way uplands located along the St. Lucie Canal and Caloosahatchee River. Land uses that may be approved include sloping of steep, erodible and vertical canal banks; removing exotic shrubs and trees; clearing of underbrush and/or mowing; planting native shrubs and trees; sodding and or grassing exposed soils; and erosion control measures, such as riprap. Each application is reviewed on a case-by-case basis.

9. Permits

A. Department of the Army Permits

1. Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and /or Section 404 of the Clean Water Act, General Permit SAJ-67 (Appendix D), has been issued for certain activities specified within the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan.

- a. Work permitted on the Okeechobee Waterway that is covered under the Shoreline Management Plan also requires a state Environmental Resource Permit (ERP) from the Florida Department of Environmental Protection (FDEP). Local (county or city) permits may also be required and it is the applicant's responsibility to obtain any necessary local permits or authorizations.
 - b. All activities that fall outside the scope of the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan and General Permit SAJ-67 (such as extensive dredging/riprapping, construction of outfall lines and the discharge of dredged or fill materials in navigable waters) are administered under conditions specified for individual permits processed under authority of Section 10, Rivers and Harbors Act of 3 March 1899 (33 USC 403) and/or Section 404 of the Clean Water Act. Lake Okeechobee and Okeechobee Waterway shoreline use permits are not issued for these activities. These activities may be permitted through the Corps Regulatory office. A shoreline use permit will be issued for all activities located within the Project boundaries.
 - c. The Shoreline Management Plan will be reviewed at least once every five years subject to the availability of funding and revised, as necessary, by the District Commander to determine the need for update. If warranted, consideration will be given to a process of re-evaluation of this plan including the shoreline allocations, review of the National Historic Preservation Act of 1966, The National Environmental Policy Act of 1969 and The Preservation of Historical and Archaeological Data Act of 1974, where Congress gave the Corps the authority to protect historic sites and recover historical and archeological data.
2. Compliance with the National Environmental Policy Act (NEPA) and Other Pertinent Environmental Requirements.
 - a. The requirements of NEPA and other pertinent environmental laws and regulations were addressed during the permit process. No activity shall be authorized under the SAJ-67, which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Additional NEPA documentation addressing Corps activities around Lake Okeechobee may be found in the 1999 Central and Southern Project Restudy and the 2008 Lake Okeechobee Water Regulation Schedule.
 - b. Individual Department of the Army permit actions normally require the preparation of an Environmental Assessment. A separate permit application must be applied for through the Corps of Engineers Regulatory Office. However, if the Corps determines that granting the permit would constitute a major federal action and that the proposed activity would have a significant effect on the human environment, an Environmental Impact Statement (EIS) will be prepared prior to final action on the permit application as required by Section 102(2)(c) of the National Environmental Policy Act of 1969. The applicant would be required to provide information and other support should an EIS be required.

B. Shoreline Use Permits

1. The following may be authorized under the Shoreline Management Plan and General Permit SAJ-67:
 - a. Shoreline Stabilization up to 150 linear feet
 - b. Dredging not to exceed 500 cubic yards
 - c. Single/Multi-Family Moorage not to exceed 999 square feet
 - d. Private boat ramps
 - e. Aerial or Subaqueous Transmission Lines (installation or maintenance)
 - f. Removal of Exotic Vegetation
 - g. Planting Native Vegetation
 - h. Underbrushing/Mowing
2. There are three types of shoreline use instruments:
 - a. General permits are issued to applicants whose activities are in project waters only. These permits are issued by the South Florida Operations office.
 - b. Consent to Easement permits are issued to applicants who request activities on lands and waters in which the Corps has easement rights. These permits are granted in conjunction with the Jacksonville Real Estate Section.
 - c. Licenses are issued to applicants who request permission to conduct activities on project owned Fee lands. These permits are granted in conjunction with the Jacksonville Real Estate Section.
 - d. A current fee schedule for Shoreline Use Permits is located in Appendix E.
3. For information regarding a shoreline use permit on the Okeechobee Waterway:
 - a. Shoreline use permits on the Caloosahatchee River, contact the W.P. Franklin Visitor Center at (239) 694-2582.
 - b. Shoreline use permits for the St. Lucie Canal, contact the St. Lucie Visitor Center at (772) 219-4575.
 - c. For all other areas or general information, you may also contact the South Florida Operations Office at (863) 983-8101.
4. A complete listing of details and requirements are outlined in the Lake Okeechobee and Okeechobee Waterway Application for Shoreline Use package. Packages are available at the South Florida Operations Office, the W.P. Franklin Visitor Center, and St. Lucie Visitor Center.
5. The following documents are needed to apply for a permit:

- Two copies of CESAJ 1196, Application and Permit for Shoreline Use with original signature
 - Location map
 - Land modification drawings
 - Construction standards for moorage facilities
 - Moorage facility drawings
 - Dredge plan drawings
 - Electric Certification (if applicable)
6. Applications should be submitted to one of the following locations based on the site location of the requested activity:
 - a. South Florida Operations Office
525 Ridgelawn Road
Clewiston, Florida 33440
(863) 983-8101
 - b. W.P. Franklin Visitor Center
1660 S. Franklin Lock Rd.
Alva, Florida 33920
(239) 694-2582
 - c. St. Lucie Visitor Center
2170 SW Canal Street
Stuart, Florida 34997
(772) 219-4575
 7. Modification to any part of a permit requires prior approval. A site review is generally required. Contact the South Florida Operations Office for additional information.
 8. Regulations governing the use of Lake Okeechobee and the Okeechobee Waterway are established in the Code of Federal Regulations, Title 36, Chapter III, Part 327. Copies are available upon request.
 9. It will take approximately 30 business days to evaluate and process land use applications once received. Applications for boat mooring facilities and boat ramps may take as long 120 days due to required coordination with the U.S. Fish and Wildlife Service for impacts to manatees. Length of time depends on accuracy and completeness of the application. All information required as part of the application must be submitted at the same time. Partial or incomplete packages will NOT be accepted. No work may begin prior to permit issuance.

10. Private Docks

All plans for new docks and modifications to existing docks must meet the following minimum design standards to ensure a quality, safe design upon construction. The plans must include a statement that the structure can normally be expected to remain in a safe condition when exposed to wind, wave action, wake action, and other outdoor conditions that occur on the Okeechobee Waterway.

Permits for new facilities, either individual or community-owned, are allowed in Limited Development areas under the conditions set forth and when the granting of such permits does not create navigational hazards or adversely impact project purposes or public use and enjoyment of the waterway.

If new applicants do not want to use a dock builder or engineer, they may submit their own plan. The following minimum design standards should be used as a guide in developing dock construction plans.

A. Eligibility Requirements:

1. The applicant must own the property in fee title. If the applicant owns the property in fee title adjacent to public lands, the applicant must have the underlying fee-owners written consent or approval to access and/or perform the requested modification to Government owned easement lands.
2. The applicant must submit an application and land use plan that specifies all land characteristics to be modified.
3. The applicant must have written authorization from the Corps before work can begin.

B. Access Requirements

1. Individuals who own property in fee title adjacent to public waters and share a common boundary line with the Corps may apply for a Shoreline Use Permit/License. The type of items that may be permitted is based on the zoning of the shoreline adjacent to the shared common boundary line. First-time applicants for new facilities must meet on-site with a Corps representative.
2. Individuals who have the consent and approval of the underlying fee owned State of Florida or South Florida Water Management District (SFWMD) lands that the Government owns an easement may also apply.

C. Location

1. Moorage facilities shall be located 100 feet or further from the near bottom edge of the authorized navigation channel.
2. In narrow reaches of the waterway, a 5-foot-wide marginal (parallel to the shoreline) moorage facility may be authorized. The proposed facility must not interfere with navigation or public use of the waterway. A narrow reach is defined as an area where there is less than 100 feet from the shoreline to the near bottom edge of the channel.
3. In oxbows, moorage facilities shall not exceed 1/4 the width of the oxbow at normal pool elevation. (Limiting the width prevents restriction of navigation and provides sufficient open water area for safe maneuvering of watercraft.)
4. No structure, including mooring piles, shall be located within the established "arrival points" or operational staging areas of all Lake Okeechobee and Okeechobee Waterway locks and dams.

D. Spacing

1. Single-family moorage facilities and other private structures shall be spaced no closer than 50 feet from structure to structure.
2. Finger piers will be spaced no less than 6 feet apart per mooring structure.

E. Water Depth

1. Moorage facilities must be a minimum of 18 inches above mean high water.
2. Issuance of a dock permit does not guarantee continual usability of the structure, i.e. drought, high water conditions, siltation, etc.

F. Standards for Docks

1. Construction Material
 - a. Metal used in moorage facilities will be in accordance with the American Institute of Steel Construction specifications or applicable specifications of the American Society of Civil Engineers Proceedings, depending on the type of metal used. Welded or bolted connections are optional. All metal materials including nails, nuts, bolts, straps or structural members used in the construction of the facility will be galvanized, patented enamel, anodized aluminum finish or a combination thereof.

- b. Wood used in moorage facilities will be treated with an approved wood preservative, AWPB LP-2 minimum standard. All chromated copper arsenate (CCA) treated timbers will be wrapped.
- c. Concrete and/or other construction material may be approved on a case-by-case basis upon plan review.

2. Design standards

a. Framing

- i. Wood floor joists shall not be less than 2" X 6" standard lumber. Framing for wood construction shall not be less than 2" X 6" standard lumber. Studs shall not exceed 24" center to center.
- ii. 2. Metal floor joists and frames shall not be less than 2 inches inside diameter (ID) standard pipe. The Corps may approve other standard structural steel materials and structural aluminum tubing on a case-by-case basis.
- iii. 3. Framing for pipe type construction shall not be less than 2 inches ID standard pipe or structural aluminum tubing. Studs shall not exceed 48 inches center to center. The Corps may approve other standard structural steel materials and structural aluminum tubing on a case-by-case basis.

b. Pilings and Footings

- i. Pilings shall have a minimum butt diameter of 6 inches.
- ii. Pilings must be set into the foundation material to a depth of at least 5 feet or 40% of the length of the piling, whichever is greater.
- iii. Pilings shall be treated with an approved wood preservative (0.80 ACA or CCA) and wrapped.

c. Decking

- i. Decks will have a minimum surface area of 15 square feet.
- ii. Decks must be a minimum of 18 inches above mean high water.
- iii. Flooring and decking shall not be less than 2" X 4" normal rough S4S material and spaced no greater than .25" to allow for expansion. No plywood may be used.
- iv. Metal, concrete, or similar types of flooring and decking may be approved on a case-by-case basis.

d. Walkways

- i. Walkways will have a minimum width of 3 feet and a maximum width of 6 feet.
- ii. Walkways must be structurally sound and adhere to the same standards as the decking and framing.

e. Handrails

If constructed, will be a 34- 42 inches high solid rail with an intermediate rail securely installed.

3. Electrical Standards

- a. Electric may be supplied to docks with approval.
- b. All Electrical connections must be inspected and certified by a licensed electrician once every 5 years.
- c. Additional standards are found in section 14.A

G. Floating Facilities

Floating docks may be approved on a case-by-case basis, provided that the floating portion of the dock is permanently anchored to fixed pilings with ring collars or similar hardware and flotation material.

H. Flotation

Floats and flotation material for all docks shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of eight (8) years against sinking, becoming waterlogged, and cracking, peeling, fragmenting or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. The use of new recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited.

I. Size Limitations

The surface area of the structure, including decks, walkways, and areas covered by roofs and boat lifts must not exceed 1,000 square feet or the minimum size required to meet the structure's intended purpose, whichever is less.

J. Dock Roofs

1. Roofs must be securely fastened to the superstructure to resist a net wind uplift of 25 psf.
2. Wooden roofs must adhere to the same construction standards as the superstructure (decking and framing).
3. Metal roof joists or rafters shall not be less than 1.25 inches ID standard pipe or structural aluminum tubing, and spaced not more than 2 feet center to center. Purlins shall not be more than 2 feet center to center.
4. Steel roofs must be a minimum gauge of 28; aluminum roofs must be a minimum thickness of .032".
5. Other construction material such as canvas may be approved on a case-by-case basis upon plan review.

K. Dock Walls and/or Sides

Construction of enclosed moorage facilities, sleeping accommodations, cooking facilities, heating facilities, toilet and shower facilities, and other items conducive to human habitation are prohibited. Screening may be approved on a case by case basis.

L. Storage Compartments

Storage compartments will be limited to a maximum height of 48 inches on an uncovered dock and to the roof line for covered docks. Storage compartments where flammable liquids are stored will be ventilated to prevent the accumulation of fumes. Storage boxes may not be used to enclose any portion of a dock. Appliances, including, but not limited to sinks, showers, refrigerators, freezers, stoves, satellite dishes, hot tubs, etc. are not permitted on docks or public lands. Fish cleaning stations are not authorized.

M. Hardware

All hardware materials, to include decking, nails, bolts, nuts, washers, etc will be designed for outdoor use. CCA wood must be wrapped. Creosote or penta treated wood is not permissible.

11. Community Docks

Community moorage facilities are encouraged where practical in an effort to reduce the proliferation of individual facilities, impacts to public land, and to increase recreational opportunities. Community docks will be considered for standard residential subdivision developments and multi-residential develops such as condominiums, town homes, or other type developments where property adjoining public land is commonly owned by all unit owners.

A. Eligibility Requirements

1. Applications for community facilities will be reviewed on a case-by-case basis to ensure conflicts between various uses are minimized.
2. Community dock permits will be issued to associations, signed by a designated point of contact, and approved based on development plans submitted by the association and accepted by the Operations Project Manager. At a minimum, a standard association agreement will be completed and signed by association representatives and will be included as additional permit condition.

- B. Use fees for community docks are prohibited. Mooring facilities will be open to all community members as first come first served. The renting of mooring facilities to non-community members is also prohibited.
- C. Community moorage facilities are required to meet the same size and design standards as single private docks.

12. Mooring Buoys

- A. Buoys permitted under SAJ-67 are limited to four (4) single pilings or one (1) small mooring dolphin (limited to one (1) cluster of four (4) or fewer pilings).
- B. Requests for buoys excluded from SAJ-67 may be authorized with an individual permit issued by USACE Regulatory office.

13. Vegetative Modifications

A. Types of Vegetative modifications

1. Underbrushing is defined as the selective cutting and continuing control of woodland understory vegetation (weeds, vines, briars, etc.) and the thinning of tree seedlings, as approved by the Operations Project Manager.
2. Selective Planting includes the establishment of grass lawns, flowerbeds, other landscaping activities, or the placement of personal items (such as swings, chairs, invisible dog fences, etc.) that create the appearance of private ownership and control of public land are not allowed.

B. Approved Methods of Vegetation Removal.

1. Underbrushing will be accomplished by using hand tools that allow the operator to selectively remove vegetation approved by the permit. Acceptable tools include, but are not limited to, chain saws and weed trimmers. Herbicide cannot be used to establish/maintain standard underbrush areas.
2. Burning on Public Land is not authorized. Any burning must be coordinated with the local fire agency and be in accordance with applicable state and local laws.

C. Planting on Public Land.

Modification of public land and rights of way by additional plantings must be in accordance with an approved, detailed planting plan. Planting plans must use only those plants included on the approved planting list (See Table 1, Approved Native Plant List) and be approved by the Operations Project Manager prior to planting.

14. Landbased Facility/Activity Requirements

Upon submission and approval of a Shoreline Use application, individuals may obtain a consent to easement to modify landforms on right-of-way uplands located along the St. Lucie Canal and Caloosahatchee River. Land uses that may be approved include sloping of steep, erodible and vertical canal banks, removing exotic shrubs and trees, clearing of underbrush and/or mowing, planting native shrubs and trees, sodding and/or grassing exposed soils, and erosion control measures such as riprap. Each application is reviewed on a case-by-case basis. Permit approval is required prior to the start of any work. In order to obtain a land use consent to easement, the applicant must meet the following conditions:

A. Electrical

1. Electrical service and equipment leading to or on private mooring facilities or other structures must not pose a safety hazard or conflict with other recreational use.
2. All electrical installations must conform to the National Electric Code (NEC) and all state and local codes and regulations.
3. All electrical service must be waterproof and include the installation of a ground fault circuit interrupter (GFCI).
4. The facility must be equipped with quick-disconnect fittings mounted landward of the right-of-way boundary line. The quick-disconnect must be accessible at all times to Corps personnel, regardless of the owner's presence.
5. Details of all electrical service hardware and locations must be illustrated on a diagram and provided with the application.
6. All electrical installations must be certified in writing by a licensed, registered, or otherwise certified electrician. A copy of the electrical certification (license) must be provided to the Operations Project Manager (OPM) or his representative before a Shoreline Use Permit can be issued or renewed. Renewal permits will not be issued until a licensed electrician has performed an electrical inspection and documentation has been provided with the application for renewal.
7. All new electrical lines must be installed underground. Existing overhead lines will be allowed, provided they meet all applicable electrical codes, regulations and the above guidelines, including safety and compatibility with fluctuating water levels.
8. The OPM will require immediate removal or disconnection of any electrical service or equipment that is not certified (if appropriate), does not meet code, or is not safely maintained.

B. Waterlines and Pumps

1. Non-potable intakes may be authorized with no lines installed underground below the normal pool elevation. If a dock is in place, the waterline and intake will be attached to the dock with only a plastic pipe extending into the water for intake. At

locations where a dock is not authorized, permanent pumps will not be authorized. Submersible pumps are not authorized.

2. Other Utilities-Septic fields, leach fields, may be accepted on a case by case basis.

C. Improved Access

1. Improved walkways must be constructed of removable and natural materials such as natural stone, wood chips, crushed stone, stepping stones or treated wood.
2. Walkways will not be constructed of asphalt, concrete, or mortared brick or rock.
3. All walkways must conform to the existing topography and be installed on grade. Cutting and filling is prohibited.
4. Walkways are authorized to allow for safe access to the dock, not as patios or decks. The construction of stand-alone walkway sections, turn-outs or cart parking areas is prohibited.
5. Walkways that do not access the dock or shoreline directly, or are T-shaped or Y-shaped, or consist of more than one walkway are not permitted.
6. Footbridges with handrails, constructed within the maximum 6-foot width, may be authorized for access across larger drainage ditches. All materials must be made for ground contact.
7. Handrails may be approved along pathways or improved walkways for handicap access and must provide adequate support. Handrails which are strictly decorative are not allowed. All approved handrails must include 3-foot breaks at various points to provide for lateral pedestrian access. Handrails will be constructed out of wood or metal and must be sleeved for removal.

D. Bank Stabilization

1. Types of stabilization to be considered:
 - a. Stone riprap is natural rock placed on a shoreline bank to prevent erosion.
 - b. A riprap blanket is relatively flexible and can conform to minor changes in bank shape due to settlement or scour. Construction of a riprap blanket is not complicated and adding more stone can repair minor damages. In conjunction with the riprap blanket, the toe of the slope and the terminal ends of the blanket should be stabilized with a key trench and end trenches filled with riprap. These trenches prevent the riprap from sloughing down the slope and protect the terminal ends from wake and wave scour.
 - c. Block-type riprap is preferred over elongated stone for construction because the stones interlock more effectively. Large protruding stones should be removed or broken up to prevent accelerated water flow from scouring around the large stone and displacing small stones adjacent to it.

- d. The most effective technique involves the combination of a riprap blanket laid over the bank slope to prevent erosion and riprap placed along the toe of a bank to minimize scour.
2. Shoreline stabilization is required in accordance with SAJ-67 for all disturbed banks and will be accomplished by placing riprap as detailed below, or in some cases by other means approved by the Corps. All plans for shoreline stabilization must meet the minimum design standards in this plan to ensure a quality, safe design to effectively control erosion. Plans must show that the method of shoreline stabilization will be expected to remain in place and should effectively control erosion when exposed to wind, wave action, wake action, and other outdoor conditions that occur on the Okeechobee Waterway. If new applicants do not wish to use a licensed contractor, they may submit their own plan.
 - a. Design Standards for Riprap
 - i. A well-distributed mix of stones weighing from 20 to 200 pounds is suitable for applications where the maximum stream velocity is less than 10 feet per second. With this range of weights, the openings formed by the larger stones will be filled with the smaller stones in an interlocking fashion.
 - ii. The stones should be hard and dense and free from cracks and other defects that would tend to increase deterioration due to weathering. Professional guidance should be sought if there is any question about the quality or size of the stone.
 - iii. For banks where the primary soils are silt and fine sand, filter cloth will be placed between the riprap and the bank to prevent the soil from moving through the revetment. The filter cloth will also prevent the revetment from sinking into the soil, permit natural seepage from the bank and prevent build-up of excessive ground water pressure. Technical assistance should be obtained to ensure that the filter cloth would be properly matched with the riprap revetment.
 - iv. The thickness of a riprap revetment should be at least 1 to 1.5 times the maximum diameter of the largest stones used or twice the average diameter of the stones used. For most applications, a 12 to 18 inch thick blanket is acceptable. The thickness of the blanket should be increased by 50% for underwater portions of the revetment.
 - v. The recommended maximum slope ratio for placement of stone is 1 foot vertical for 3 feet horizontal.
 - vi. The revetment should be stabilized at its base with a key trench to prevent the stone from sliding down the bank.
 - vii. The upstream and downstream terminal ends of the revetment should be tied into the bank with end trenches filled with riprap to prevent erosion and destruction of the revetment. The depth of a trench should be twice the

revetment thickness and the bottom width of the trench should be three times the revetment thickness.

- viii. A certified engineer shall technically review final plans for construction of riprap blankets and bank toe protection before submitting for Corps approval.
- b. A concerted attempt should be made to avoid disturbance of native vegetation encountered in the sloping and underbrush/mowing process. Replacement of native trees destroyed or damaged during sloping may be required to restore native vegetation to assist in erosion control.
- c. The entire disturbed slope is required to be revegetated within 15 days of completion. The first four feet landward of the riprap is to be sodded to prevent siltation of water run-off and the remainder of the slope is to be sodded, seeded, or replanted with native species to control erosion.
- d. As practical, care should be taken to avoid disturbing native shoreline aquatic vegetation.
- e. Shoreline stabilization is required to restore all areas disturbed during the construction of boat basins, sea walls, and other uses that may require upland right-of-way excavation.

E. Sloping- Canal Bank

Sloping applications are reviewed on a case-by-case basis, but generally are authorized for final graded slopes that are no steeper than 3:1 or no less than 10:1. The Corps will approve the final grade slope.

15. Existing Facilities

Existing permits for private facilities will remain in effect and will continue to be subject to the terms and conditions of the existing permit. All structures are to be maintained as stated in permit terms and conditions. Violation of permit conditions may result in the dock being removed from the project.

A. Grandfather Clause

Existing moorage facilities permitted prior to the original approved Shoreline Management Plan (April 1991) and are located in other allocated areas (Protected Shoreline, Public Recreation and Prohibited Areas) will be permitted. These facilities are to remain as specified by their existing permit in their present locations until transfer of ownership of the property, need of replacement or death of the grantee and his widow or widower, as applicable. Upon the transfer of ownership of the property, the need of replacement of the permitted facility or the death of the grantee and his widow or widower, the permit expires and the facilities must be removed.

B. Public Law 99-662

Protects previously authorized docks that were in place on or before 17 November 1986 from forced removal for an indefinite period of time. Structures protected by this Public Law must be maintained in a usable and safe condition, must not occasion a threat to life or property, and be in compliance with the conditions of the permit. Upon expiration of Public Law 99-662, the structures authorized by the provisions of that law will be considered “Grandfathered” structures and will then fall under the provision of the grandfather clause. Development of this plan has included full consideration for existing permitted private facilities and the Government's easement estate in the project right-of-way.

C. Existing Permitted Facilities

Facilities and activities with an existing permit issued after 1 October 2017 will not be required to renew their applications. All conditions from the issued permit are to remain in effect. Inspections will be based on permit conditions at the time the permit was issued. Modifications to the footprint, major repairs, or additional requests will void the permit and the permittee shall apply for a new permit.

16. Facility Maintenance

Permitted/licensed facilities must be operated, used, and maintained by the permittee in a safe, healthful condition. If determined unsafe, such facilities will be corrected within 30 days after notification of unsafe condition or removed, at the owner's expense. After 30 days of non-compliance, the permit/license/consent to easement will be revoked. A new permit/license/ consent to easement will be considered when the items have been corrected and a new application completed. The permit holder is required to certify in writing that all permitted/licensed facilities are, and will be maintained, in accordance with the permit/licensed/consent to easement as outlined in Exhibit A, Shoreline Use Permits, EXHIBIT A License Conditions, or EXHIBIT B Conditions for Consent to Easement. Inspections will be conducted by USACE personnel to verify compliance and to promote public safety. By making such inspections, the USACE assumes no liability or responsibility for any accident associated with the facility. Violations of the terms and conditions of the permit/license/consent to easement and/or actions inconsistent with Title 36, Code of Federal Regulations, may result in the issuance of a Violation Notice requiring the payment of a fine or an appearance before the U.S. Magistrate, restitutes, and or revocation of all or part of the permitted activity. The USACE assumes no liability or responsibility for the safety of individuals using any facility authorized by a permit/license/consent to easement or engaged in any activity authorized by a permit/license/consent to easement on public land. The permittee assumes full liability and responsibility for the safety of the facility and must certify the safety of the structure(s) and any associated electrical wiring.

A. Minor Repairs:

Are repairs of less than 50% of the total structure.

B. Major Repairs:

Are repairs of greater than 50% of the total structure. A modification request is required for any major repairs.

17. Specified Acts Permits

A. Dredging

Dredging authorized by SAJ-67 is limited to 500 cubic yards of material. Dredging activities that exceed 500 yards are required to apply for an individual permit through the Corps regulatory process.

1. The removal of plugs or the connection of any canal to navigable waters of the United States or to any other waters is not authorized under General Permit SAJ-67.
2. Dredging activities; including maintenance dredging of a previously dredged area, except for the Federal channel, shall not exceed the previously permitted depth.
3. Turbidity control measures will be used to control water quality and the work must be in accordance with State Water Quality Standards in Chapter 62-302, and sections 62-4.242 and 62-4.244 in the Florida Administrative Code. Turbidity control measures may include but are not limited to, turbidity control curtains, the exclusive use of suction dredging or closed "clam shell" dredging, or any other technique necessary to reduce turbidity to no more than background turbidity. The Florida Department of Environmental Protection (DEP) may require the applicant to submit a daily turbidity report which may be verified by state or local government inspectors.
4. Excavated dredged material shall be deposited at self-contained upland areas that will prevent spoil material and/or return water from re-entering any water of the United States or interfering with natural drainage.
5. Excavation of wetlands contiguous or adjacent to navigable waters, and/or areas containing submerged aquatic vegetation is not authorized under General Permit SAJ-67.

B. Boat Ramps

All plans for boat ramps and modifications to existing boat ramps must meet the minimum design standards to ensure a quality, safe design upon construction. The

plans must include a statement that the structure can normally be expected to remain in a safe condition when exposed to wind, wave and wake action and other outdoor conditions that occur on the Okeechobee Waterway. If new applicants do not want to use a contractor or engineer, they may submit their own plan. The following minimum design standards should be used as a guide in developing boat ramp construction plans.

1. Length and Width

- a. The optimum length and width of a boat ramp will vary depending upon the physical conditions of a given site. Widths may vary as follows:

Boat Ramp Length	Boat Ramp Lane Width
Under 50 feet	12 feet
50 – 75 feet	14 feet
Over 75 feet	16 feet

- b. Lengths will vary depending upon pool elevations and ramp grade.

2. Grade

- c. Boat ramps will have a minimum grade of 12% and a maximum grade of 16%.
- d. A straight- line grade is not necessary when changes in grade will better fit the terrain.

3. Shoulders

- a. Boat ramp shoulders should be stabilized with quarry run rock or graded riprap to prevent erosion.
- b. Rock should be sized for the anticipated wave action or current.

4. Surface and Bedding

- a. Boat ramps will be surfaced with reinforced or pre-stressed concrete with a minimum thickness of 6 inches.
- b. A 6-inch bedding course compacted to 100% density and sub-grade compacted to 95% density is required.

5. Upper and Lower Limits

- a. Upper limit elevation will be a minimum of three (3) feet above the normal operating pool.
- b. Lower limit elevation will be a minimum of four (4) feet below the normal operating pool.

C. Erosion Control

- 1. To provide shoreline protection, native aquatic and native transitional vegetation may be planted within their respective zones. Native vegetation improves conditions for fish and wildlife, is less expensive than most structural methods and can do the following for aiding in erosion control:

- a. Root systems help hold the soil together and increase overall bank stability.
 - b. Exposed vegetation (stalks, stems, branches, and foliage) increases the resistance to flow and reduces local flow and wake velocities.
 - c. Vegetation acts as a buffer against the abrasive effect of transported materials.
 - d. Close-growing vegetation can induce sediment deposition causing zones of low velocity at the bank where shear stresses may become small enough to allow coarse sediments to settle out of the flow.
2. Combinations of riprap may be interspersed with shoreline vegetation and/or combinations of aquatic/transitional vegetation in conjunction with synthetic and slowly degradable erosion mats. These mats include jute netting, straw erosion mats and coconut/straw erosion mats.
 3. Refer to Tables 1, 2, and 3 on the next page for a selection guide to native plant materials and appropriate planting zones. Additional native plant materials may be substituted and submitted for consideration as part of the application review process.

Table 1- Native Aquatic Plant Selection List

Common Name	Genus/species	Planting Density (Stems/sq. meter)
Fragrant water lily	<i>Nymphaea odorata</i>	1
Umbrella-grass	<i>Fuirena scruarrosa</i>	7
Sawgrass	<i>Caladium iamaicense</i>	4
Tapegrass	<i>Vallisneria americana</i>	10
Giant bulrush	<i>Scirpus californicus</i>	7
Soft-stem bulrush	<i>Scirpus validus</i>	7
Pickerelweed	<i>Pontederia cordata</i>	5
Duck-potato	<i>Sagittaria lancifolia</i>	5
Slender spikerush	<i>Eleocharis baldwinii</i>	7
Golden canna	<i>Canna flaccida</i>	4

Table 2 - Native Transitional Plant Selection List

Common Name	Genus/species	Planting Location*
Beaked rush	<i>Rhynchospora microcarpa</i>	Zone 1
Switch grass	<i>Panicum virgatum</i>	Zone 2
Chain fern	<i>Woodwardia virginica</i>	Zone 2
Swamp fern	<i>Blechnum serrulatum</i>	Zone 2
Flat-sedge	<i>Cyperus odoratus</i>	Zone 2
Bald cypress	<i>Taxodium distichum</i>	Zone 3
Water hyssop	<i>Bacopa mannieri</i>	Zone 3
Wax myrtle	<i>Myrica cerifera</i>	Zone 4
Virginia willow	<i>Itea virginica</i>	Zone 4

Sand cordgrass	<i>Spartina bakeri</i>	Zone 4
Sabal Palm	<i>Sabal palmetto</i>	Zone 4
Live Oak	<i>Quercus virginiana</i>	Zone 4
Sand Live Oak	<i>Quercus geminate</i>	Zone 4
Longleaf Pine	<i>Pinus palustris</i>	Zone 4
Saw Palmetto	<i>Serenoa repens</i>	Zone 4

*See Table 4 - Key to Planting Zones - Okeechobee Waterway

Table 3 - Key to Planting Zones – Okeechobee Waterway

The following table indicates appropriate planting zones (elevations) for recommended transitional vegetation. Zone elevations are measured in feet from mean sea level (MSL).

Location	Zone 1	Zone 2	Zone 3	Zone 4
St. Lucie Canal *St. Lucie Lock to Port Mayaca Lock	13.5 – 15.5	14.5 - 17.5	14.5 - 15.5	15.5 - 17.5
Caloosahatchee River *Moore Haven Lock to Ortona Lock	10.0 – 12.0	11.0 – 14.0	11.0 – 12.0	12.0 – 14.0
Caloosahatchee River *Ortona Lock to W.P. Franklin Lock	2.0 – 4.0	3.0 – 6.0	3.0 – 4.0	1.0– 6.0

D. Right of Way Excavation

1. Requests to excavate project right-of-way uplands for boat basins or construction of sea walls cannot be approved using the SAJ-67 General Permit. A separate Department of the Army permit is required.
2. The applicant must own the right-of-way property in fee title. Excavation of Government fee owned lands will not be authorized. The District Engineer may approve exceptions.
3. The right-of-way property must be allocated as “limited development.”
4. The applicant must submit an Environmental Resource Permit Application to the Florida DEP and the Corps. The applicant must provide a detailed land use plan that includes engineering details, plans and specifications of the proposed project, and the proposed impact on the Okeechobee Waterway.
5. The applicant, at his or her expense and prior to project construction, will be required to provide the Government any of the following that apply:
 - a. A properly surveyed, monumented, titled, and recorded access easement around the landward perimeter of the proposed project.
 - b. A properly surveyed, monumented, titled, and recorded spoil disposal easement at least equal in size to the project right-of-way that would be removed.

- c. Other easement estates that may be required by the Corps.
 - d. Provide a title insurance policy on all easements conveyed to the Government. The Corps will make the final determination as to the type of easement and the dimensions of the easement upon project review.
6. The applicant must obtain all necessary local and state approval for project construction and must submit proof of such authorization to the U.S. Army Corps of Engineers.
 7. Launching ramps and/or associated structures shall be located no closer than 100 feet from the near edge of the authorized navigation channel.

E. Boat Slips

1. Dimensions of the boat slip shall not exceed 50 linear feet and the depth of the boat slip shall not exceed the outlying control contours of the water body or in no case be greater than -5 feet ordinary low water.
2. Turbidity control measures will be used to control water quality and the work must be in accordance with State Water Quality Standards in Chapter 62-302, and sections 62-4.242 and 62-4.244 in the Florida Administrative Code. Turbidity control measures may include but are not limited to, turbidity control curtains, the exclusive use of suction dredging or closed "clam shell" dredging, or any other technique necessary to reduce turbidity to no more than background turbidity. The Florida DEP may require the applicant to submit a daily turbidity report which may be verified by state or local government inspectors.
3. New construction of canals and access channels are specifically excluded from General Permit SAJ-67.

F. Special Use Permits

Three types of special use permits are issued for events, activities and rental of recreational facilities on public lands. Specific information on issuance and requirements for special use permits on public lands can be found in EC 1130-2-550, Recreation Operations Maintenance Guidance and Procedures.

1. Special Event Permits are defined as the organized use of project resources for a specific purpose and limited duration, beyond that normally engaged in by individuals or groups on a day-to-day basis. A special event may impact and/or restrict the intended use of the project by the general public and require USACE activities that convey special benefits to an identifiable recipient or recipients beyond those afforded to the general public.
2. Special Activity Permits are permits that may be issued for the specific use of project resources benefiting an individual or small group that may be recurring in nature or may occur frequently.

3. Special Facility permits are those issued for the specialized use of a recreation facility such as group picnic shelters, etc.

G. Aquatic Plant Control

Aquatic Plant Control is prohibited in federally maintained navigational channels.

18. Shoreline Tie-Ups/Temporary Mooring

Temporary shoreline tie-up is defined as the moorage of vessels along the shoreline (excluding Prohibited Access Areas) for the period of time that the vessel is actively being used during day outings, overnight camping, or developed campground camping. Temporary mooring for longer than 24 hours is prohibited. Vessels cannot be moored to natural features of the shoreline such as rocks, trees, or shrubs. Permanent mooring devices are prohibited unless previously permitted as described in Mooring Buoys in section 12.

19. Easements

The intent of the project's perpetual easement estate is to ensure that the Federal Government has and retains the necessary real estate interest and land base to construct, maintain and protect the authorized project purposes. The Federal Government's easement estates are considered the dominant estate. While the Federal Government does have this dominant estate, it is not absolute. The fee owners of the lands underlying the easement estates retain certain ownership rights. These rights however cannot interfere with or abridge the easement estate created. The objective of the Shoreline Management Plan is not to negate or supersede the fee owner's rights. Applicants who wish to apply for a consent to easement are required to adhere to the conditions in EXHIBIT B.

The Herbert Hoover Dike easement deeds, in general, grant unto the United States, its officers, agents, and servants the right, privilege, power, and authority to:

- Enter upon, occupy, and use any or all of said lands for right-of-way purposes.
- To deposit material excavated in the construction, improvement, and maintenance of the waterway hereinafter named or any enlargement thereof.

The Okeechobee Waterway right-of-way easement deeds, in general, grant the Federal Government the perpetual right, power, and privilege to:

- Enter upon, excavate, cut away, and remove any or all of the land hereinafter described as may be required for the improvement and maintenance of the waterway, or any enlargement of the waterway.
- Maintain the channel and the portion so excavated as a part of the navigable waters of the United States.
- Enter upon, occupy, and use any portion of said land not so cut away and converted into public navigable waters, for the deposit of dredged material, the construction and maintenance of levees, and for other purposes that may be needed for the preservation and maintenance of the waterway.

20. Boundary Management and Encroachment/Trespass Resolution

H. Boundary Delineation

The Corps right-of-way boundary line is identified with monumentation along the St. Lucie Canal and the Caloosahatchee River. Survey monuments and witnesses are located approximately every 600 feet along the right-of-way to delineate the location of the Corps right-of-way to adjacent landowners.

Corps survey markers and boundary signs are not to be disturbed. Any disturbance to these will require replacement by the applicant at their own expense. Disturbed survey markers will be required to be reset or replaced by a State of Florida registered land surveyor.

Applicants who wish to modify land characteristics on project lands will be required to delineate the project boundary line. Normally, one or a combination of the following methods can satisfactorily accomplish delineation:

- Trees planted and maintained near the private property line corners and on 40 feet centers along the project boundary line.
- Shrubs similarly planted and maintained on 15-foot centers along the project boundary line.
- A hedge planted and maintained along the project boundary line.
- A fence or wall installed along the project boundary line.
- Corps of Engineers boundary signs may be attached to trees in heavily wooded areas where delineation by vegetation is impractical.

I. Encroachments

An encroachment pertains to a structure or improvement built, installed, or established which interferes or potentially interferes with real estate interests of the United States without prior written permission from the District Engineer. Examples of encroachments

include, but are not limited to, buildings of any type, roads, septic tanks, fences, boat ramps or other structures that extends over, across, in or upon public lands and waters. When determining encroachments, the destruction, injury, defacement, removal or any alteration of public property including natural formations, historical and archaeological features and vegetative growth is also considered.

All permanent structures, including but not limited to houses, patios, fences, septic tanks, outbuildings, septic tank field lines, sheds, gazebos, light poles, swimming pools etc., are prohibited on project lands and rights of way easements. Permanent storage of private property, including but not limited to vehicles, boats, trash cans, refuse piles, etc., is prohibited on project lands.

1. Minor Encroachments include placement of unauthorized personal property that can easily be removed within 24 hours. These may include dog pens, spoil debris, fill dirt, tree cuttings, swing sets, etc.
2. Major Encroachments are those that impede the use of the public land or easement. These may include roof overhangs, houses, sheds, fences, utilities, pools, septic tanks, patios etc.

21. Special Considerations

Special deviations from the design requirements may be permitted to accommodate disabled members of the adjacent landowner's household. To qualify for special consideration, the individual must be eligible for and receiving federal or state assistance or have other justifying documentation. Every effort will be made to grant permits to those who meet the eligibility requirements. However, site conditions and other circumstances will limit the U.S. Army Corps of Engineers ability to accommodate every applicant.

The use of motorized vehicles on public land is prohibited unless in compliance with specified act permits or other site specific special use permits. Unauthorized use of equipment resulting in damage to public land may result in fines, permit cancellations, non-issuance of permits, restitution, moratoriums, or any combination thereof. Permittees and contractors will be held responsible for damage to public land resulting from unauthorized equipment use.

22. Shoreline Management Violations

Rules and regulations governing the shoreline management program are enforced through Title 36 CFR Part 327.30. Violations require corrective action and may constitute revocation or modification of the permit privileges, payment of collateral forfeiture, mandatory appearance before a U.S. magistrate or stronger enforcement

action. Generally violations are noted and addressed when facilities/activities are inspected prior to either renewing the permit or reassigning the permit to a new owner. However, violations may be noted during routine inspections of the shoreline and addressed at any time.

23. Administrative Review and Appeal

The District Engineer may revoke a permit whenever it is determined that the public interest necessitates such revocation or when determined that the permittee has failed to comply with the conditions of the permit. The permittee will be notified by certified mail. The revocation notice shall specify the reason for such action. If the permittee makes a written request for a hearing within 30 days of delivery of the notice, the District Engineer shall grant such a hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request.

24. Natural Resources Management

The goal of the natural resources management program is to provide outdoor recreation opportunities consistent with project purposes while sustaining natural and cultural resources. The Resources Management Staff will implement programs to support this goal while emphasizing the unique qualities and characteristics of the project. Authorized activities may be limited, or in some instances denied, if impacts to threatened/endangered species or sensitive areas cannot be eliminated or mitigated. Specific management relating to endangered species, aquatic vegetation, forest management, wildlife management, fisheries, water quality and wetlands is addressed in the specific permitting requirements for the area and the Master Plan for recreational areas.

25. Cultural/Historical/Archeological Resources

The National Historic Preservation Act, Archeological Resources Protection Act and other historic and cultural resource protection laws were provided by Congress to protect historic and cultural sites and recover data. If it is determined that a previously issued permit infringes upon or impacts a historic or cultural site, the permit will be rescinded or modified. Permits will not be issued that involve general or specific use or alteration of historic sites unless culturally cleared by appropriate agencies. The use of metal detectors or other land-based electronic or non-electronic detection devices are prohibited except by written permission from the project's District Engineer.

No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the permittee or other party on the permittee's behalf, shall conduct a search of known historical properties by contacting a professional archeologist or

contacting the Florida Master File Office. The permittee can also research sites in the National Register Information System.

If during initial ground disturbing activities and construction work there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the State Archaeologist and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based upon 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. In the unlikely event that human remains are identified, they will be treated in accordance with Florida State Regulation 872.05; all work in the vicinity shall immediately cease and the State Archaeologist, Corps Regulatory Project Manager, and local authorities shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

26. Conclusion

The Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan was developed to provide long-term protection of the authorized project purposes as well as provide recreational and natural resource benefits to the public. In order to meet this objective, the Operations Project Manager will continually monitor and recommend revisions that will minimize conflicts between the various project uses.

When determined significant changes are needed, the plan will be formally updated through the public participation process. The District Engineer may make minor revisions to the plan when the revisions are consistent with Corps policy and funds for a complete plan update are not available. The amount and type of public involvement needed for such revision is at the discretion of the District Engineer.

Questions concerning the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan may be directed to the South Florida Operations Office by mail at 525 Ridgelawn Road, Clewiston, Florida 33440 or by telephone at (863) 983-8101.

27. References

A. Federal Register

1994 *Code of Federal Regulations*, Title 33, "Navigation and Navigable Waters," Chapter II, "Corps of Engineers, Department of the Army," Part 330,

“Nationwide Permit Program.”

2000 *Code of Federal Regulations*, Title 36, “Parks, Forests, and Public Property,” Chapter III, “Corps of Engineers, Department of the Army,” Part 327 “Rules and Regulations Governing Public Use of Water Resources Projects Administered by the Chief of Engineers.”

B. National Fire Protection Association

1995 National Electric Code 1996. NFPA, Quincy, MA.

C. Public Laws

1899 *Rivers and Harbors Act of 1899*, Section 10. (33 USC 403).

1944 P.L. 78-534, *Flood Control Act of 1944*, Section 4.

1946 P.L. 79-525, *Rivers and Harbors Act of 1946*.

1960 P.L. 86-717, *Forest Conservation Act*.

1966 P.L. 89-655, *National Historic Preservation Act*. (16 USC 470 et seq.).

1973 P.L. 93-205, *Endangered Species Act*.

1974 P.L. 93-291, *Archeological and Historic Preservation Act*. (16 USC 469-469-4690).

1977 P.L. 95-217, *Clean Water Act*, Section 404. (33 USC 1344).

1979 P.L. 96-95, *Archeological Resources Protection Act*. (16 USC 470aa-490mm).

1986 P.L. 99-662, *Water Resources Development Act of 1986*, Section 1134 (d).

1990 P.L. 101-601, *Native American Graves Protection and Repatriation Act*. (25 USC 3001-3013).

The National Environmental Policy Act of 1969, (42 U.S.C 4321 et seq.).

Section 6, Public Law 970140, December 29, 1981, 95 Stat. 1718.

Section 4, *Flood Control Act of 1944*, Public Law 78-534, as amended by Public Law 87-874.

D. U.S. Army Corps of Engineers

1988 ER 200-2-2, *Environmental Quality, Procedures for Implementing NEPA*

1996 EP 1130-2-540, *Project Operations, Environmental Stewardship Operations and Maintenance Guidance and Procedures*.

ER 1130-2-540, *Project Operations, Environmental Stewardship Operations and Maintenance Policies*.

EP 1130-2-550, *Project Operations, Recreation Operations and Maintenance Guidance and Procedures*.

1996 ER 1130-2-550, *Project Operations, Recreation Operations and Maintenance Policies*.

- 1990 ER 1130-2-406, *Project Operations – Shoreline Management at Civil Works Project* (as per Change 1, dated 14 Sep 92; and Change 2, dated 28 May 99).
- 1985 ER 405-1-12, Real Estate Handbook.
- 2002 CESAJR 1130-2-406, *Project Operations, Use of Project Shoreline and Water Areas for Minor Private Purposes*

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APPENDIX A CONDITONS OF SHORELINE PERMIT

Permits may be revoked by the District Commander when it is determined that the public interest requires such revocation or when the permittee fails to comply with terms and conditions of the permit, the Shoreline Management Plan, or this regulation. (Appendix A to§ 327.30, paragraph 3. Permit Revocation)

1. This permit is granted solely to the applicant for the purpose described on the attached permit.
2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities.
3. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude.
4. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity or if in the opinion of the district commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the district commander to remove, alter, or relocate the permitted facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to a permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage. This includes any damage that may occur to private property if a facility is removed for noncompliance with the conditions of the permit.
7. Ownership, construction, operation, use and maintenance of a permitted facility and/or activity are subject to all applicable Federal, state and local laws and regulations.

Failure to abide by these applicable laws and regulations may be cause for revocation of the permit.

8. This permit does not convey any property rights either in real estate or material; and does not authorize any injury to private property or invasion of private rights or any infringement of Federal, state or local laws or regulations, nor does it obviate the necessity of obtaining state or local assent required by law for the construction, operation, use or maintenance of a permitted facility and/or activity.

9. The permittee agrees to construct the facility within the time limit agreed to on the permit issuance date. The permit shall become null and void if construction is not completed within that period. Further, the permittee agrees to operate and maintain any permitted facility and/or activity in a manner so as to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources values and in a manner so as to minimize the degradation of water quality.

10. The permittee shall remove a permitted facility within 30 days, at his/her expense, and restore the waterway and lands to a condition accepted by the resource manager upon termination or revocation of this permit or if the permittee ceases to use, operate or maintain a permitted facility and/or activity. If the permittee fails to comply to the satisfaction of the resource manager, the District commander may remove the facility by contract or otherwise and the permittee agrees to pay all costs incurred thereof.

11. The use of a permitted boat dock facility shall be limited to the mooring of the permittee's vessel or watercraft and the storage, in enclosed locker facilities, of his/her gear essential to the operation of such vessel or watercraft.

12. Neither a permitted facility nor any houseboat, cabin cruiser, or other vessel moored thereto shall be used as a place of habitation or as a full or part-time residence or in any manner which gives the appearance of converting the public property, on which the facility is located, to private use.

13. Facilities granted under this permit will not be leased, rented, sub-let or provided to others by any means of engaging in commercial activity(s) by the permittee or his/her agent for monetary gain. This does not preclude the permittee from selling total ownership to the facility.

14. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire

resistant. Any float which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted.

15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The resource manager will notify the permittee of any deficiencies and together establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the resource manager.

16. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of moorings which do not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited.

17. The permit display tag shall be posted on the permitted facility and/or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions provided by the resource manager.

18. No vegetation other than that prescribed in the permit will be damaged, destroyed or removed. No vegetation of any kind will be planted, other than that specifically prescribed in the permit.

19. No change in land form such as grading, excavation or filling is authorized by this permit.

20. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee and his/her legal spouse, this permit is null and void.

21. By 30 days written notice, mailed to the permittee by certified letter, the district commander may revoke this permit whenever the public interest necessitates such revocation or when the permittee fails to comply with any permit condition or term. The revocation notice shall specify the reasons for such action. If the permittee requests a hearing in writing to the district commander through the resource manager within the 30-day period, the district commander shall grant such hearing at the earliest opportunity. In no event shall the hearing date be more than 60 days from the date of

the hearing request. Following the hearing, a written decision will be rendered and a copy mailed to the permittee by certified letter.

22. Notwithstanding the conditions cited in condition 21 above, if in the opinion of the district commander, emergency circumstances dictate otherwise, the district commander may summarily revoke the permit.

23. When vegetation modification on these lands is accomplished by chemical means, the program will be in accordance with appropriate Federal, state and local laws, rules and regulations.

24. The resource manager or his/her authorized representative shall be allowed to cross the permittee's property, as necessary to inspect facilities and/or activities under permit.

25. When vegetation modification is allowed, the permittee will delineate the government property line in a clear, but unobtrusive manner approved by the resource manager and in accordance with the project Shoreline Management Plan.

26. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Resource Manager of the action prior to finalization. The new owner must apply for a Shoreline use permit within 14 days or remove the facility and restore the use area within 30 days from the date of ownership transfer.

27. If permitted facilities are removed for storage or extensive maintenance, the resource manager may require all portions of the facility be removed from public property.

B. In accordance with Appendix A to § 327.30-Guidelines for Granting Shoreline use permits, 2. *Applications for Shoreline use permits*, paragraph c.(9), the District has placed the following Special Conditions on this permit:

28. The permittee agrees to complete the construction and installation of the facility within 1 year of the permit issue date, or by the deadline stated in the Additional Special Conditions of the permit which shall take precedence. The permittee of a community dock agrees to construct/install the facility (facilities) within the time limit agreed to on the permit issue date, as stated in the Additional Special Conditions.

29. The effective date stated in Condition 14 shall be July 1, 1998.

30. Permitted facilities are directly linked to a specific tract/parcel of adjacent private property (or a private existing permitted facility in a leased area) which met the requisites under the Shoreline Management Plan. Permitted facilities cannot be

relocated from these authorized (linked) locations to different locations on the subject lake without prior approval of the Operations Project Manager.

31. Failure of the original owner and/or new owner to notify the Project Office when the ownership of permitted facilities/activities is sold or transferred does not negate the responsibility for payment of applicable fees during the period the facilities/activities should have been covered by a permit. When permits are not issued in a timely manner following a change of ownership, the start date for the permit will be backdated to the effective date of the sale or other transfer of ownership and all applicable fees will be collected for the period.

32. Diving boards, platforms, or similar structures are prohibited. Suspended boat hoists are prohibited without the expressed written authorization of the Operations Project Manager.

33. All activities/facilities must conform to authorization shown in attached Exhibits and the policies of the project Shoreline Management Plan. A copy of the Shoreline Management Plan is available at the Operations Project Manager's Office.

34. Activities and facilities not expressly authorized by any attached Exhibits, Specified Act Permits, or by CFR Title 36 part 327 are prohibited.

35. "Additional Special Conditions" specific to this permit may also apply.

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**EXHIBIT A
CONDITONS FOR LICENSE**

DEPARTMENT OF THE ARMY LICENSE

INTRACOASTAL WATERWAY-TRIBUTARY CHANNEL
OKEECHOBEE WATERWAY
PROJECT / INSTALLATION

<COUNTY NAME> County, Florida
COUNTY, STATE

THE SECRETARY OF THE ARMY (hereinafter the “Secretary”) under authority of the general administrative authority of the Secretary, hereby grants to <GRANTEE NAME>, at <ADDRESS> (hereinafter the Grantee), a license for Shoreline Use over, across, in and upon lands of the United States, as identified on EXHIBIT “D”, attached hereto and made a part hereof (herein the “Premises”).

THIS LICENSE is granted subject to the following conditions.

1. TERM

This license is granted for a term of five (5) years beginning <BEGINNING DATE> and ending <ENDING DATE>, but revocable at will by the Secretary.

2. CONSIDERATION

a. The GRANTEE shall pay in advance to the United States the amount of zero and NO/100 Dollars (\$0.00), in full for the term hereof, payable to the order of the Finance and Accounting Officer, USAED Jacksonville District, and delivered to Jacksonville District, Attention: Real Estate Division, Management and Disposal Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019.

3. ADMINISTRATIVE FEE

The GRANTEE shall pay in advance to the United States an administrative fee in the amount of Zero and NO/100 Dollars in full for the term hereof, payable to the order of the Finance and Accounting Officer, Jacksonville District, and delivered to Chief, Real Estate Division, 701 San Marco Boulevard, Jacksonville, Florida 32207-8915.

4. NOTICES

All notices and correspondence to be given pursuant to this license shall be addressed, if to the grantee, to <GRANTEE NAME>, <GRANTEE ADDRESS>; and if to the United States, to the District Engineer, Attention: Real Estate Contracting Officer, 701 San Marco Boulevard, Jacksonville, Florida 32207-8915; or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope addressed as aforesaid, and received at this address via hand-delivery or with postage prepaid and received via mail, including by the United States Postal Service or a commercial carrier.

5. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary", "District Engineer" or "said officer" shall include their duly authorized representatives. Any reference to "Grantee" shall include any duly authorized representatives. Any reference to "Operations Manager" shall be interpreted to be the Corps of Engineers Operations Manager, Intracoastal Waterway-Tributary Channel, Okeechobee Waterway Project, Florida, and include his/her duly authorized representatives.

6. SUPERVISION BY THE REAL ESTATE CONTRACTING OFFICER

The use and occupation of the premises shall be subject to the general supervision and approval of the Real Estate Contracting Officer (hereinafter "said officer"), and subject to such rules and regulations as may be prescribed from time to time by said officer.

7. APPLICABLE LAWS AND REGULATIONS

The GRANTEE shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

8. AUTHORIZED USES

Specific construction guidelines are identified in the <Intracoastal Waterway-Tributary Channel, Okeechobee Waterway Project, Shoreline Management Plan dated 2004> and will be followed without deviation. Receipt of a hard copy of this Shoreline Management Plan or electronic copy that the licensee agrees to obtain via the provided internet address is acknowledged. This license authorizes the following activities and/or placement of the following improvements on public land;

<List Activities/Improvements Here>

9. CONDITIONAL USE BY GRANTEE

This license does not convey any property rights and does not negate the need to comply with any applicable legal requirement to obtain any state or local approvals (e.g., permits) for the construction, operation, use and/or maintenance of the authorized activities and/or improvements set forth in Condition 8. The exercise of the privileges herein granted shall be:

- a. without cost or expense to the United States;
- b. subject to the right of the United States to improve, use or maintain the premises;
- c. subject to other outgrants of the United States on the premises;
- d. personal to the GRANTEE, and this license, or any interest therein, may not be transferred or assigned.

10. CONDITION OF PREMISES

The GRANTEE acknowledges that it has inspected the premises, knows its condition, and understands that the same is granted without any representations or warranties whatsoever and without any obligation on the part of the United States.

11. PROTECTION OF PROPERTY

The GRANTEE shall keep the premises in good order and in a clean, safe condition by and at the expense of the GRANTEE. The GRANTEE shall be responsible for any damage that may be caused to property of the United States by the activities of the GRANTEE under this license, and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the GRANTEE incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the GRANTEE to a condition satisfactory to said officer, or at the election of said officer, reimbursement made therefor by the Grantee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

12. INDEMNITY

The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property of the GRANTEE, or for damages to the property or injuries to the person of the GRANTEE'S officers, agents, or employees or others who may be on the premises at their invitation or the invitation of any one of them, and the GRANTEE shall hold the United States harmless from any and all such

claims not including damages due to the fault or negligence of the United States or its contractors.

13. RESTORATION

On or before the expiration of this license or its termination by the GRANTEE, the GRANTEE shall vacate the premises, remove the property of the GRANTEE, and restore the premises to a condition satisfactory to said officer. If, however, this license is revoked or terminated by the Secretary, the GRANTEE shall vacate the premises, remove said property and restore the premises to the aforesaid condition with such time as the said officer may designate. In either event, if the GRANTEE shall fail or neglect to remove said property and restore the premises, then, at the option of said officer, the property shall either become the property of the United States without compensation therefor, or said officer may cause the property to be removed and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work. The GRANTEE shall also pay the United States on demand any sum, which may be expended by the United States after the expiration, revocation, or termination of this license in restoring the premises.

14. NON-DISCRIMINATION

The GRANTEE shall not discriminate against any person or persons or exclude them from participation in the GRANTEE's operations, programs or activities because of race, color, religion, sex, age, handicap or national origin in the conduct of operations on the premises. The GRANTEE will comply with the Americans with Disabilities Act and attendant Americans with Disabilities Act Accessibility Guidelines (ADAAG) published by the Architectural and Transportation Barriers Compliance Board.

15. PROHIBITION ON INHIBITING ACCESS

The GRANTEE shall not take any action that inhibits any member of the public from full and free use of all navigable waters and/or public lands that are at or adjacent to the authorized activity(ies) and/or improvement(s) which are specified in Condition 8.

16. TERMINATION

a. The GRANTEE may terminate this license at any time by giving the District Engineer at least ten (10) days written notice, provided that no refund by the United States of any consideration and/or administrative fee previously paid shall be made.

b. The Secretary may revoke this license for cause or terminate this license at will.

17. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties to this license shall protect the premises against pollution of its air, ground and water. The GRANTEE shall comply with any laws, regulations, conditions, or instructions affecting the activity(ies) and/or improvements hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the premises is specifically prohibited. Such regulations, conditions, or instructions in effect or prescribed by said Environmental Protection Agency, or any Federal, state, interstate or local governmental agency are hereby made a condition of this license. The GRANTEE shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The GRANTEE will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs from the GRANTEE's activities, the GRANTEE shall be liable to restore the damaged resources.

c. The GRANTEE must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

18. HISTORIC PRESERVATION

The GRANTEE shall not remove or disturb, or cause or allow to be removed or disturbed, any historical, archeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the premises, the GRANTEE shall immediately notify said officer and protect the site and the material from further disturbance until said officer gives clearance to proceed.

19. DISCLAIMER

This license is effective only insofar as the rights of the United States in the premises are concerned; and the GRANTEE shall obtain any permit or license which may be required by Federal, state, or local statute in connection with the use of the premises. It is understood that the granting of this license does not preclude the necessity of obtaining a Department of the Army permit for activities which involve the discharge of dredge or fill material or the placement of fixed structures in the waters of the United States, pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. §403), and Section 404 of the Clean Waters Act (33 U.S.C. §1344).

20. APPLICABILITY OF EXECUTIVE ORDER 13658

This license is issued to a private party to authorize the activities and/or placement of the facilities on public land as specified in Condition 8 and is not subject to Executive Order 13658, "Establishing a Minimum Wage for Contractors," or the implementing regulations issued by the Secretary of Labor in 29 C.F.R. Part 10. If a duly authorized representative of the United States determines, whether before or subsequent to the granting of this license, that Executive Order 13658 is applicable to this license, the Grantee agrees, to the extent permitted by law, to indemnify and hold harmless the United States, its officers, agents, and employees, for and from any and all liabilities, losses, claims, expenses, suits, fines, penalties, judgments, demands or actions, costs, fees, and damages directly or indirectly arising out of, caused by, related to resulting from, or in any way predicated upon, in whole or in part, the erroneous Executive Order 13658 determination.

21. FEDERAL FUNDS

This license does not obligate the Secretary to expend any appropriated funds. Nothing in this license is intended or should be interpreted to require any obligation or expenditure of funds in violation of the Anti-Deficiency Act (31 U.S.C. §1341).

THIS LICENSE is not subject to 10 U.S.C. §2662, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army, this _____ day of _____, 2019.

UNITED STATES OF AMERICA

BY: _____

Timothy H. McQuillen
Chief, Real Estate Division
Real Estate Contracting Officer
Jacksonville District

THIS LICENSE is executed by the GRANTEE this _____ day of _____, 2019.

Note: GRANTEE must sign first prior to RECO signature.

SIGNATURE

GRANTEE PRINTED NAME

DRAFT

CORPORATE CERTIFICATE

[Applicable only to Corporations/Companies]

I, _____, certify that I am an
(other than license signatory)

officer of the corporation named as GRANTEE in the foregoing License; that

_____ who signed
(license signatory)

said License on behalf of the GRANTEE was the _____ of said
corporation; and that said License was duly signed for and on behalf of said corporation
by authority of its governing body, and is within the scope of its corporate powers.

(Corporate Seal)

(Signature)

(Date)

EXHIBIT B

CONDITIONS OF CONSENT TO EASEMENT FOR SHORELINE USE

1. THIS CONSENT TO EASEMENT AGREEMENT, made by and between the UNITED STATES OF AMERICA, DEPARTMENT OF THE ARMY, hereinafter referred to as the "Government", acting by and through the Real Estate Contracting Officer, Chief, Real Estate Division, Program Directorate, South Atlantic Division, hereinafter referred to as "said officer," and [REDACTED], hereinafter referred to as the "Grantee":
2. The Government has acquired a right-of-way easement over the above-numbered tract of land, which easement, by its terms, reserves to the Government, in perpetuity, the right to use said easement for the construction, improvement, and maintenance of the Okeechobee Waterway Project, [REDACTED] County, Florida; and
3. That it is understood that this consent is effective only insofar as the property rights of the Government in the land to be occupied are concerned, and that it does not relieve the Grantee from the necessity of obtaining grants from the owners of the fee and/or other interests, therein, nor does it obviate the requirement that the Grantee obtain State or local assent required by law for the activity authorized herein.
4. That any proposed improvements or use authorized herein shall not be commenced until appropriate rights shall have been obtained by the Grantee from the record owners and encumbrancers of the fee title to the lands involved, or until the Grantee has obtained all Federal, State, or local permits required by law.
5. That the proposed improvements or use authorized herein shall be consistent with the terms and conditions of this consent; and that any improvements or use not specifically identified and authorized shall constitute a violation of the terms and conditions of this consent which may result in a revocation of this consent and in the institution of such legal proceedings as the Government may consider appropriate, whether or not this consent has been revoked or modified.
6. That the exercise of the privileges hereby consented to shall be without cost or expense to the Government and under the supervision of and subject to the approval of the said officer having immediate jurisdiction over the property and subject to such regulations as he may from time to time prescribe, including, but not limited to, the specific conditions, requirements, and specifications set forth in paragraph 16 below.

7. That the Grantee shall supervise and maintain the said improvements and cause it to be inspected at reasonable intervals, and shall immediately repair any damage found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said improvements or the making of any repairs thereto, the premises shall be restored immediately by the Grantee, at the Grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of said officer.

8. That any property of the Government damaged or destroyed by the Grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the Grantee to the satisfaction of the said officer, or in lieu of such repair or replacement, the Grantee shall, if so required by said officer and at his option, pay to the Government an amount sufficient to compensate for the loss sustained by the Government by reason of damage to or destruction of Government property.

9. That the Government shall not be responsible for damages to the property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property of the Grantee, or for damages to the property or injuries to the person of the Grantee, or the persons of Grantee's officers, agents, servants, or employees, or others who may be on said premises at the invitation of the Grantee or the invitation of one of them, arising from Governmental activities on or in the vicinity of the said premises, and the Grantee shall hold the Government harmless from any and all claims.

10. That the Government shall in no case be liable for any damage, either hidden or known, to any improvements herein authorized which may be caused by any action of the Government, under the rights obtained in its easements, or that may result from the future operations undertaken by the Government, and no claim or right to compensation shall accrue from such damage, and if further operations of the Government require the alteration or removal of any improvements herein authorized, the Grantee shall, upon due notice, from said officer, alter or remove said improvements without expense to the Government and subject to the supervision and approval of the said officer and no claim for damages shall be made against the Government on account of such alterations or removal.

11. That construction and/or operation, maintenance, and use of any improvements incident to the exercise of the privileges herein granted shall be in such a manner as not to conflict with the rights of the Government, nor to interfere with the operations by the Government under such rights nor to endanger lives and safety of the public.

12. That this consent may be terminated by the Government or said officer upon reasonable notice to the Grantee if the Government or said officer shall determine that any improvements or use to which consent is herein granted interferes with the use of

said land or any part thereof by the Government, and this consent may be annulled and forfeited by the declaration of the Government or said officer for failure to comply with any or all of the provisions and conditions of this consent, or for nonuse for a period of two (2) years, or for abandonment.

13. That upon relinquishment, termination, revocation, forfeiture, or annulment of this consent, the Grantee shall vacate the premises, remove all property of the Grantee therefrom, and restore the premises to a condition satisfactory to the said officer. If the Grantee shall fail or neglect to remove the said property and so restore the premises, then at the option of the Government or said officer, the said property shall either become the property of the Government without compensation therefor, or the Government or said officer, may cause it to be removed, and the premises to be so restored at the expense of the Grantee, and no claim for damages against the Government, or its officer or agents, shall be created by or made on account of such removal and restoration.

14. That the Grantee within the limits of his respective legal powers shall comply with all Federal, interstate, State, and/or local governmental regulations, conditions, or instructions for the protection of the environment and all other matters as they relate to real property interests granted herein.

15. That the Grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archeological, architectural, or other cultural artifacts, relics, vestiges, remains, or objects of antiquity. In the event such items are discovered on the premises, the Grantee shall immediately notify the District Engineer, Jacksonville District, Post Office Box 4970, Jacksonville, Florida 32232-0019, and the site and the material shall be protected by the Grantee from further disturbance until a professional examination of them can be made or until a clearance to proceed is authorized by the District Engineer.

16. That construction shall be in accordance with the drawings attached hereto and made a part hereof as Exhibit "B" and to Department of the Army Permit Programmatic General Permit SAJ-67 (SAJ-2006-05506 DEB), incorporated herein by reference. That no additional structures shall be constructed waterward of the Government's right-of-way line and that any structures currently within the right-of-way must be removed by the Grantee, at Grantee's expense, if future needs of the Government so require.

17. That this consent may not be transferred to a third party without the prior written notice to the Chief, Real Estate Division, U.S. Army Corps of Engineers, Jacksonville District, Post Office Box 4970, Jacksonville, Florida 32232-0019, and by the transferee's written agreement to comply with and be bound by all the terms and conditions of this consent. In addition, if the Grantee transfers the improvements authorized herein by conveyance of realty, the deed shall reference this consent and

the terms and conditions herein and the consent shall be recorded along with the deed in the Registrar of Deeds or with other appropriate official.

This consent is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF, I have hereunto set my hand, by authority of the Secretary of the Army, this _____ day of _____ 2019.

UNITED STATES OF AMERICA

BY: _____
Timothy H. McQuillen
Chief, Real Estate Division
Real Estate Contracting Officer
Jacksonville District

AGREED AND ACCEPTED

WITNESS

BY: _____
GRANTEE'S NAME

WITNESS

BY: _____
GRANTEE'S NAME

EXHIBIT C

Programmatic General Permit SAJ-67

Insert EXHIBIT C here

DRAFT

Exhibit D
Public Comment Results

DRAFT

Exhibit E

South Atlantic Division (SAD) Fee Schedule for Shoreline Instruments

**South Atlantic Division Fee Schedule
FOR CONSOLIDATED PERMITS
COVERING SHORELINE FACILITIES/ACTIVITIES**
Effective 1 January 2020

ADMINISTRATIVE FEES for docks & other facilities/activities (5-Year Term)

New License (or new owner of existing facility)	TBD
License Modification ¹ (additions/changes to existing facility)	TBD

¹ Modifications may not be for a five year term.