



REPLY TO  
ATTENTION OF

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

(Update December 17, 2018)

# DEPARTMENT OF THE ARMY PERMIT

## STATE PROGRAMMATIC GENERAL PERMIT

### (SPGP V-R1)

## STATE OF FLORIDA

**Permittee:** Recipient of a verification of a State of Florida Exemption or General permit from the Florida Department of Environmental Protection (FDEP), a water management district (Designee), or a local government with delegated authority under section 373.441, F.S. (Designee).

**Effective Date of SPGP-V-R1:** December 31, 2018.

**Expiration Date:** July 26, 2021.

**Issuing Office:** U.S. Army Corps of Engineers District, Jacksonville.

NOTE: The term "you" and its derivatives, as used in this permit, means the Permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

NOTE: The term "Applicant", as used in this permit, means a person or authorized agent submitting an application for verification of a State of Florida Exemption or General Permit from the FDEP, a water management district (Designee), or a local government with delegated authority under section 373.441, F.S. (Designee).

After you receive written verification for your project under this State Programmatic General Permit (SPGP V-R1), you are authorized to perform work in accordance with the terms and conditions specified below.

Coordination Agreements between the Corps and the FDEP and Designees outline the steps each agency will take during the processing of an application under the SPGP V-R1. For the prior State Programmatic General Permit (SPGP V), agreements were in place with the following agencies: FDEP, the St. Johns River Water Management District, Hillsborough County, and the Southwest Florida Water Management District.

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These agencies, and possibly additional agencies, will implement SPGP V-R1 upon execution of updated agreements.

**Procedure:**

1. Applications for proposed Projects of the type covered under SPGP V-R1 will submit their application to the appropriate FDEP or Designee office and not submit a separate application to the Corps.
2. Applicants will also fill in and concurrently submit the "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Summary Checklist" and one or more of the individual activity sheets, i.e., "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 1: Shoreline Stabilization", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 2: Pile Supported", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 5: Scientific Survey", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 6: Boat Ramps", "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 7: Aquatic Habitat Enhancement, Establishment, and Restoration", and "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 9: Marine Debris Removal" (JAXBO Checklists). Through submission of the "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Summary Checklist" and one or more of the individual activity sheets, the applicant assures the Project complies with the qualifying criteria within the text of this SPGP V-R1 even though not specifically enumerated on the JAXBO Checklists. The relevant Project Design Criteria (PDCs) in the National Marine Fisheries Service's (NMFS) Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017 have been transcribed into the SPGP V-R1 instrument checklists.
3. The FDEP or Designee will review the application and the JAXBO Checklists to determine whether the Project is "Red" or "Green" as described by the following paragraphs.
  - a. Red. A Project that does not qualify as "Green", and therefore cannot be authorized under SPGP V-R1. The FDEP or Designee will notify the Applicant that the Project is not authorized under the SPGP V-R1. The Applicant must then apply directly to the Corps.
  - b. Green: A Project that qualifies as "Green" will be processed by the FDEP or Designee. Verification of the State Exemption or General Permit will

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include language confirming Federal Authorization under the SPGP V-R1. A Project qualifies as “Green” when all the following apply:

- (1) It is one of the activities described in the Work Authorized paragraph A below;
- (2) Is not a “Red” as described in the Work Authorized paragraphs B.1, C.1., D.1., E.1., F.1., and G.1. below;
- (3) Is a “Green” as described in the Work Authorized paragraphs B.2, C.2., D.2., E.2., F.2., and G.2. below;
- (4) The FDEP or Designee has reviewed and confirmed the proposed Project meets all the relevant PDCs in the JAXBO) dated November 20, 2017 (these have been transcribed into this SPGP V-R1) (Reference: JAXBO Section 2.3, page 236.);
- (5) JAXBO Checklists are complete and accurate; and
- (6) The FDEP or Designee submits the JAXBO Checklists to NMFS at the following address: [nmfs.ser.statewideprogrammatic@noaa.gov](mailto:nmfs.ser.statewideprogrammatic@noaa.gov), with a copy of the email furnished to [spgp@usace.army.mil](mailto:spgp@usace.army.mil) not later than the date the FDEP or Designee verifies authorization under SPGP V-R1 (Reference: JAXBO Section 2.3, page 237.).

4. Self-Certification. The FDEP may authorize certain single-family docks and boatlifts under this SPGP V-R1 through their online, electronic self-certification process, if all of the following requirements are implemented:

a. Limitations:

- (1) Construction of new single-family docks and boatlifts at a single-family residential lot, or repair or replacement of an existing single-family dock with no changes from the previous configuration, or modification of an existing single-family dock and/or adding a boatlift, with no more than 2 slips, new and/or existing, and a maximum cumulative size of 1,000 square feet, except in an Aquatic Preserve or Outstanding Florida Water where the maximum cumulative size is no more than 500 square feet.
- (2) A pile supported structure (i) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns and Flagler), must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” U.S.

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Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 5).

(3) Pile-supported structures (other than those in paragraph (2) above), IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 5). The presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the attached "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.

(4) Project meets all the terms and conditions of this SPGP V-R1.

(5) Project cannot be the following (Reference: JAXBO Section 2.3, page 238.):

- (i) On an unbridged, undeveloped coastal island or undeveloped coastal island segment or undeveloped coastal barrier island;
- (ii) On sandy beaches fronting the Gulf of Mexico or Atlantic coast shoreline, exclusive of bays, inlets, rivers, bayous, creeks, passes, and the like;
- (iii) Within 50 feet of the Mean High Water Line (MHWL) at any riparian coastal location fronting the Gulf of Mexico or Atlantic Coast shoreline;
- (iv) Located in the coastal counties of Wakulla, Taylor, Dixie, Levy, Pasco, and Monroe;
- (v) Located in Biscayne Bay Aquatic Preserve;
- (vi) Located in the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida);
- (vii) In Federal Special Waters (Biscayne Bay National Park, Blackwater Creek, Faka Union Canal, Garfield Point, Loxahatchee

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River, Okeechobee Waterway, Rock Springs Run, St. Marys River, Tampa Bypass Canal, Timucuan Preserve, Wekiva River);

(viii) Located in any of the following restriction or exclusion zones (described by Section 2.1.1 of JAXBO): Smalltooth Sawfish Critical Habitat Limited Exclusion Zone (see Work Authorized paragraph B.1.m below and Attachment 23); Gulf Sturgeon Critical Habitat Migratory Restriction Zones (see Work Authorized paragraph B.1.n below and Attachment 28); and Atlantic Sturgeon Critical Habitat Exclusion Zone (see Work Authorized paragraph B.1.o below and Attachment 30); and North Atlantic Right Whales Educational Sign Zones (see Work Authorized paragraph E.2.c. and Attachment 29); and

(ix) Located in an area with non-ESA listed seagrasses and will result in any impacts or shading to these seagrasses, except for projects that comply with Work Authorized paragraph B.2.d / Special Condition paragraph 8.h.

b. FDEP cannot provide the federal authorization through the Self-Certification process until FDEP incorporates/implements the following revisions to their web pages and/or automated process (Reference: JAXBO Section 2.3, page 239.):

(1) The on-line process includes a screen and button by which the Permittee certifies that the Project authorized via the self-certification meets the relevant Project Design Criteria (PDCs) in the National Marine Fisheries Service's (NMFS) Jacksonville District's Programmatic Biological Opinion (JAXBO) dated November 20, 2017 (these will be an attachment on the web page that will then be an attachment to the authorization issued by the Self-Certification process); and

(2) The automated process will include the attachment as a separate document attached to the email to the Applicant that also transmits FDEP's authorization and send a copy of that email to the Corps at [spgp@usace.army.mil](mailto:spgp@usace.army.mil).

c. The Corps may, upon written notice to FDEP, terminate or require modification of the restrictions in the self-certification process applicable to the federal authorization. The event triggering such a notice is expected to either be a problem identified during the monthly, quarterly, and annual reviews between the Corps and NMFS required by JAXBO (Reference: JAXBO Section 2.4, page 240) or Corps review of FDEP and/or Corps compliance reports. Upon identification of a problem, the Corps and FDEP will identify potential solutions and timing of programming changes to implement those solutions recognizing that immediate termination would also shut down other (non-SPGP) self-certifications.

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5. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee will provide the following notifications to the Corps, as described in Special Condition 11 or the attached General Conditions (Attachment 1)
  - a. Commencement Notification. Within 10 days after the date of initiating the work.
  - b. Corps *Self-Certification Statement of Compliance* form (Attachment 32) within 60 days of completion of the work.
  - c. Permit Transfer. Signed by the new owner if transferred to a new owner.

**Work Authorized:**

A. *Activities.* The Projects authorized by this SPGP V-R1 are those activities that qualify for and authorized by the specific State of Florida Exemptions and General Permits cited below as adopted by reference in Chapter 62-330, Florida Administrative Code (F.A.C.).

1. Shoreline Stabilization.
  - a. 62-330.051(12)(a), F.A.C. Synopsis: Seawalls or riprap in artificially created waterways, including backfilling.
  - b. 62-330.051(12)(b), F.A.C. Synopsis: Restoration of seawall or riprap at its previous location or upland of, or within 18 inches waterward of, its previous location.
  - c. 62-330.051(12)(c), F.A.C. Synopsis: Construction of private vertical seawalls or riprap between and adjoining existing seawalls or riprap at both ends.
  - d. 62-330.431, F.A.C. Synopsis: Installation of riprap.
  - e. 62-330.051(12)(d), F.A.C. Synopsis: Installation of batter or king piles used exclusively to stabilize and repair seawalls and that do not impede navigation.
  - f. 62-330.051(12)(e), F.A.C. Synopsis: Living Shorelines (restoration of an eroding shoreline with native wetland vegetative enhancement plantings).
2. Boat Ramps: 62-330.051(5)(e), F.A.C. Synopsis: Installation and maintenance to design specifications of boat ramps on artificial bodies of water or public boat ramps on any waters.
3. Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures.
  - a. 62-330.051(5)(a), F.A.C. Synopsis: Installation or repair of pilings and dolphins associated with private docking facilities or piers.

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- b. 62-330.051(5)(b), F.A.C. Synopsis: Installation of private and government docks where the cumulative square footage of all structures does not exceed 500/1,000 square feet.
  - c. 62-330.051(5)(c), F.A.C. Synopsis: Construction of private docks of 1,000 square feet or less in artificial waters and residential canal systems.
  - d. 62-330.051(5)(d), F.A.C. Synopsis: Replacement or repair of existing docks and piers, including mooring piles.
  - e. 62-330.051(8), F.A.C. Synopsis: Installation of aids to navigation and buoys associated with such aids.
  - f. 62-330.427, F.A.C. Synopsis: Construction, extension, and removal of certain piers and associated structures.
  - g. 62-330.474(1)(a), F.A.C. Synopsis: Piling supported structures, other than docks and piers, provided that the structure is not used for mooring, cumulative total size less than 1,000 square feet outside of Outstanding Florida Waters, or less than 500 square feet in Outstanding Florida Waters.
  - h. 62-330.051(5)(f), F.A.C. Synopsis: Floating vessel platforms and floating boat lifts.
  - i. 62-330.051(5)(h), F.A.C. Synopsis: installation of a boat lift in at an existing facility.
4. Derelict vessels: 62-330.051(5)(g), F.A.C. Synopsis: The removal of derelict vessels.
5. Scientific Devices: 62-330.051(11)(b), F.A.C. Synopsis: Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices.

*B. Red and Green for all types of Projects.*

1. Red: The following Projects are not authorized by this SPGP V-R1:
- a. JAXBO Checklists not submitted or are inaccurate or incomplete.
  - b. A Project authorized under FDEP or Designee enforcement or compliance resolution actions.
  - c. A Project authorized under FDEP or Designee emergency permitting.
  - d. A Project that is:
    - (1) Located in Federal right-of-ways or easements.
    - (2) Located between the shoreline and federally authorized navigation channels or within 300 feet of the design edge, whichever is less, or within

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such channels, including but not limited to: the Intracoastal Waterways, channels and turning basins of a port or inlet, and wideners (where the width of the channel is widened, for example, when the channel changes direction).

(3) Located within or crossing a flood control channel/canal or the levees, dikes, dams, or other water retaining structures of a federally authorized project (either federally or locally maintained) or within those channels.

e. A Project located within the following geographic boundaries: Monroe County (except boat lifts may be authorized under SPGP V-R1 in Monroe County); the Timucuan Ecological and Historical Preserve (Duval County); the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; projects that impact mangroves in canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).

f. When using the “*The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida*” April 2013 (Manatee Key):

(1) a Project that keys out to “may affect”.

(2) a Project that keys out to “further consultation with the Service is necessary for “*May affect, not likely to adversely affect*” determinations.

(3) a Project that (i) is something other than a residential facility, AND (ii) does provide “new” access for watercraft AND keys out to a “may affect, not likely to adversely affect”.

g. A Project is located in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat.

h. A Project is located on or contiguous to beaches on the Atlantic Ocean, Gulf of Mexico, or in the Florida Keys.

i. A Project is within 2,500 feet of an active wood stork nesting colony.

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- j. Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat unless covered under the Jacksonville District Programmatic Biological Opinion (JAXBO).
- k. A Project which will adversely impact the following Essential Fish Habitats: Estuarine emergent vegetated wetlands (flooded saltmarshes, brackish marsh and tidal creeks), Estuarine scrub/shrub (mangrove fringe), Submerged rooted vascular plants (sea grasses), Oyster Reefs and Shell Banks, Tidal freshwater (palustrine) wetlands, Tidal palustrine forested, Tidal freshwater submerged aquatic vegetation, Coral and Live/Hard Bottom Habitats. However, projects that comply with Work Authorized paragraph B.2.d / Special Condition paragraph 8.h. are authorized by this SPGP V-R1.
- l. A Project located in a real estate parcel that is substantially submerged and largely covered by seagrass (unless owned by the U.S. Government or State of Florida).
- m. Smalltooth Sawfish Critical Habitat Limited Exclusion Zone. Any project within the areas on the Caloosahatchee River (Lee County) shown on page 25 of JAXBO (Attachment 23) (Reference: JAXBO PDCs AP.4, A1.8.5, A2.12.).
- n. Gulf Sturgeon Critical Habitat Migratory Restriction Zone. Any project at the mouths of Gulf sturgeon spawning rivers (Escambia River, Blackwater/Yellow Rivers, Choctawhatchee River, Apalachicola River, and Suwannee River) and narrow inlets (Indian Pass and Government Cut in Apalachicola Bay and Destin Pass in Choctawhatchee Bay) shown on the page 28 of JAXBO (Attachment 28) (Reference: JAXBO PDCs AP.4, A.1.9, A2.11.).
- o. Atlantic Sturgeon Critical Habitat Exclusion Zone. The main stem St. Marys River from the confluence of Middle Prong St. Marys and the St. Marys Rivers downstream to its mouth (river kilometer zero) shown in Attachment 30 (the page from the Federal Register) (Reference: JAXBO PDC AP4.).
- p. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference: Categories D and E of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.):
- (1) Any installation of metal pipe or metal sheet pile by impact hammer.
  - (2) Any installation by impact hammer greater than 5 piles/slabs/beams installed per day.

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- q. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary will require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6.).
  - r. Projects within shipping safety fairways and anchorage areas defined by 33 C.F.R. § 166.200 (Attachment 31).
  - s. A Project authorized by FDEP or Designee “after-the-fact”.
  - t. A Project on canals or channels where the structures extend to more than 25% of the canal/channel width, excluding dense areas of shoreline vegetation such as mangrove, as measured from the Project location to the opposite shoreline (in order to maintain no less than 50% of the open-water portion of the waterbody for public use).
2. Green: In addition to the other requirements of this SPGP V-R1, a project to be authorized under this SPGP V-R1 must meet the following to be “Green”:
- a. A Project that is not “Red”.
  - b. When using the “*The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida*” April 2013 (Manatee Key):
    - (1) a Project that keys out to “no effect” or
    - (2) a Project for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures or Boat Ramps that: (i) Is either a residential facility or is other than a residential facility that does not provide “new” access for watercraft, and (ii) Keys out to a “may affect not likely to adversely affect”.
    - (3) a Project for Shoreline Stabilization, Removal of Derelict vessels and for Scientific Devices that keys out to a “may affect not likely to adversely affect”.
  - c. For all projects involving the installation of piles, sheet piles, concrete slab walls or boatlift I-beams (Reference Categories A, B and C of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.):
    - (1) Construction methods limited to trench and fill, pilot hole (auger or drop punch), jetting, vibratory, and impact hammer (however, impact hammer limited to installing no more than 5 per day).
    - (2) Material limited to wood piles with a 14-inch diameter or less, concrete piles with a 24-inch diameter/width or less, metal pipe piles with a 36-inch diameter or less, metal boatlift I-beams, concrete slab walls, vinyl sheet piles, and metal sheet piles (however, not authorized is installation of metal pipe or metal sheet pile by impact hammer).

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d. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:

(1) A pile supported structure (i) that is located on a natural waterbody (i.e. outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:

(a) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*" updated November 2017 (Attachment 5).

(b) In addition to (a) above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within Special Condition 8.h.(3) (Reference: JAXBO PDC A2.17.).

(2) For all other Projects (other than (1) above),

(i) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7). If no survey is performed, submerged aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this qualification.

(ii) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within freshwater tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.

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(iii) For activities other than pile-supported structures, if seagrass is found within the project footprint, the Project is not authorized (Reference: JAXBO PDC AP.13.).

(iv) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*" updated November 2017 (Attachment 5).

(v) In addition to the above, IF the proposed dock or proposed structure is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within Special Condition 8.h.(3) (Reference: The following replicates "Scenario B" as defined within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):

(a) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:

(-1-) within Johnson's seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson's seagrass under the dock; or, Native seagrass, other than Johnson's seagrass, under the dock; or,

(-2-) within the Range of Johnson's seagrass (outside of critical habitat) with no current seagrass survey or, Johnson's seagrass under the dock,

(b) New docks or dock expansions and:

(-1-) within Johnson's seagrass critical habitat; or,

(-2-) within the Range of Johnson's seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson's seagrass within property limit.

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e. Regarding mangroves, the design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):

(1) All projects must be sited and designed to avoid or minimize impacts to mangroves.

(2) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:

(i) Removal to install up to a 4-ft-wide walkway for a dock.

(ii) Removal of mangroves above the mean high water line (MHWL) provided that the tree does not have any prop roots that extend into the water below the MHWL.

(3) Mangrove trimming. Mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree.

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

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

(4) For pile-supported structures, the following additional requirements for mangroves found in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*" updated November 2017 (Attachment 5) shall apply:

(i) The width of the piling-supported structure is limited to a maximum of 4 feet.

(ii) Mangrove clearing is restricted to the width of the piling-supported structure.

(iii) The location and alignment of the piling-supported structure should be through the narrowest area of the mangrove fringe.

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f. Regarding coral and hard bottom habitat, the design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.14.):

- (1) Projects are not authorized that may affect, directly or indirectly, species of coral listed under the Endangered Species Act found from St. Lucie Inlet, Martin County south to the Dry Tortugas.
- (2) Projects occurring within the Florida Keys National Marine Sanctuary (FKNMS) shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals.
- (3) Projects are not authorized if non-listed corals are found within the project footprint.
- (4) Projects are not authorized if hard bottom habitat is found within the project footprint. Hard bottom is defined in the following ways:
  - (i) Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.
  - (ii) Nearshore and surf-zone, low-profile hard bottom outcroppings. (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

g. A project must also meet the activity-specific “Red” and “Green” requirements.

*C. Red and Green for Shoreline Stabilization activities.* These are in addition to those in paragraph B above.

1. Red: The following projects are not authorized by this SPGP V-R1:
  - a. Construction and/or repairs to groins, jetties, breakwaters and beach nourishment/renourishment (Reference: JAXBO PDC A1.5.).
  - b. Installation of a seawall or riprap to remove/fill an upland cut area (e.g., boat slip, boat ramp, boat basins).

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- c. Living Shorelines (62-330.051(12)(e), F.A.C.), if the work extends water ward past the adjacent shorelines (this provision is to preclude changes in down drift currents).
- d. A Project located in the main channels or tributaries of the following rivers (because of various mussel species): Chipola River, Apalachicola River, Ochlockonee River, Econfina Creek, Suwannee River, Santa Fe River, New River (Bradford-Union County Line), Escambia River, Yellow River, or the Choctawhatchee River.
- e. A Project located in designated critical habitat, where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:
  - (1) American crocodile, or
  - (2) Piping plover, or
  - (3) Freshwater mussels.
- f. A Project located in the Florida panther focus area.
- g. Within Smalltooth sawfish critical habitat:
  - (1) Living Shorelines placed in waters containing the shallow, euryhaline essential feature (between MHWL and -3 ft mean lower low water (MLLW)) (Reference: JAXBO PDC A7.25.).
  - (2) For all other shoreline stabilization activities, placement of new shoreline stabilization materials (i.e., riprap, articulated concrete mats) in waters between MHWL and -3 ft MLLW (Reference: JAXBO PDC A1.8.).
    - (i) However, repair and replacement of shoreline stabilization materials (i.e., riprap, articulated concrete mats) is allowed within the same footprint of existing materials in depths between the MHWL and -3 ft MLLW (this means that these materials cannot result in the waterward extension or lateral expansion of materials beyond the previous footprint).
    - (ii) However, installation of new or repair/replacement seawalls within 1.5 ft waterward of existing seawall or MHW is allowed.
- h. Within Gulf sturgeon critical habitat all new shoreline stabilization materials (e.g., riprap, articulating concrete mats) and living shorelines placed deeper than -6 ft MHW, (i.e., new shoreline stabilization materials and living shorelines can only be placed between the shoreline and where the water reaches a depth of -6 ft MHW) (Reference: JAXBO PDC A1.9.).

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- i. Within *Acropora* critical habitat, if essential features are present (table in Attachment 9):
    - (1) Living Shoreline activities are not allowed (Reference: JAXBO PDC A7.28.).
    - (2) For all other shoreline stabilization activities, new or repair/replacement of shoreline protection cannot occur. However, repair/replacement of shoreline protection within existing footprint is authorized (Reference: JAXBO PDC A1.10.).
  - j. Within Johnson's seagrass critical habitat:
    - (1) Living Shorelines placed in waters shallower than -13 ft MHW (Reference: JAXBO PDC A7.29.).
    - (2) For all other shoreline stabilization activities, installation of shoreline stabilization material (e.g., riprap and scour control materials, not vertical seawalls and footers) cannot occur if essential features are present. Repair and replacement of these materials (riprap and scour) is covered within the existing footprint. Vertical seawalls and footers can be installed, repaired, and replaced in Johnson's seagrass critical habitat even if the essential features are present (Reference: JAXBO PDC A1.11.).
  - k. A Project within Loggerhead sea turtle critical habitat. (Reference: JAXBO PDC A7.30.).
  - l. A Project within North Atlantic right whale critical habitat (Reference: JAXBO PDC A7.27.).
  - m. Mangrove removal or trimming except as provided by paragraph B.2.e. above, e.g., replacement of a seawall within 18 inches not authorized if involves removal of prop roots that extend into the water below MHWL.
2. Green: In addition to the other requirements of this SPGP V-R1, a project must meet the following in order to be "Green":
- a. A Project to (1) prevent erosion or (2) to stabilize a shoreline where erosion has taken place.
  - b. Placement of backfill is limited to those situations where it is necessary to level the land behind seawalls or riprap.
  - c. A Project designed and constructed within the following limits:
    - (1) New vertical seawalls or other stabilization measures will not be placed waterward of the MHWL or Ordinary High Water Line (OHWL), unless necessary to align with existing adjacent seawalls, and not to exceed 150' in length (Reference: JAXBO PDC A1.1.1.).

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(2) The repair and replacement of seawalls and footers cannot extend any further than 1.5 ft (18 in) waterward of its previous location, as measured from the waterward face (wet face) of the existing seawall to the waterward face of the replacement seawall, measured wet face to wet face at MHWL or OHWL (Reference: JAXBO PDC A1.1.1.).

(3) Riprap repair and replacement cannot extend any further than 1.5 ft (18 in) waterward of its previous location, as measured from the waterward slope of the existing riprap to the waterward slope of the replacement, measured at toe of slope (Reference: JAXBO PDC A1.1.1.).

(4) New riprap (or other materials including articulating blocks or mats, sand cement, geotextile/filter fabric and mattresses) will not be placed more than 10 feet waterward of the MHWL or OHWL, including the toe of slope (Reference: JAXBO PDC A1.1.2.).

(5) Shoreline stabilization structures other than vertical seawalls shall be no steeper than a 2H:1V slope (Reference: JAXBO PDC A1.1.4.).

d. Living shorelines can only be constructed in unvegetated, nearshore waters along shorelines to create tidal marshes or mangrove habitat for the purpose of shoreline erosion control or aquatic habitat enhancement. Native plants can be placed along the shoreline or between the shoreline and the living shoreline structure (Reference: JAXBO PDC A7.4.).

e. Living shoreline structures and permanent wave attenuation structures can only be constructed out of the following materials: oyster breakwaters, clean limestone boulders or stone (sometimes contained in metal baskets or cages), small mangrove islands, biologs, coir, rock sills, and pre-fabricated structures made of concrete and rebar that are designed in a manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7.5.).

(1) Reef balls or similar structures are authorized if they are (a) not open on the bottom, (b) open on the bottom and have a top opening of at least 4 ft, or (c) pre-fabricated reef discs stacked on a pile.

(2) Oyster reef materials shall be placed and constructed in a manner that ensures that materials will remain stable and that prevents movement of materials to surrounding areas (e.g., oysters will be contained in bags or attached to mats and loose cultch must be surrounded by contained bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7.2.).

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

(4) Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).

(5) Other materials are not authorized by this SPGP V-R1 (Reference: JAXBO PDC A7.5.).

f. For living shorelines, only native plant species can be planted (Reference: JAXBO PDC A7.1.).

*D. Red and Green for Boat Ramp activities.* These requirements herein are in addition to those requirements in paragraph B above.

1. Red: The following projects are not authorized by this SPGP V-R1:

a. A Project other than a private single-family boat ramp.

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

c. A Project located in designated critical habitat where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:

(1) Smalltooth sawfish (Smalltooth sawfish critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as channels or canals maintained at depths greater than 3 ft. at MLLW, boat ramps, docks, and marinas deeper than 3 ft. at MLLW) (note that PCEs are usually present at/near the shoreline); or

(2) Gulf sturgeon (Gulf sturgeon critical habitat does not include existing developed sites such as dams, piers, marinas, bridges, boat ramps, exposed oil and gas pipelines, oil rigs, and similar structures or designated public swimming areas); or

(3) American crocodile; or

(4) Piping plover; or

(5) freshwater mussels; or

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- (6) North Atlantic right whale.
  - d. A Project located in the Florida panther focus area.
  - e. For Projects located within Smalltooth sawfish critical habitat (Reference: JAXBO PDC A6.7.):
    - (1) New or expanded ramps cannot result in the loss of an essential feature (table in Attachment 9) of that critical habitat (red mangroves or shallow [MHWL to -3 ft MLLW], euryhaline water).
    - (2) Boat ramps can be constructed in waters between MHWL and -3 ft MLLW (shallow, euryhaline habitat essential feature), provided that the water depth is not increased to deeper than -3 ft MLLW.
    - (3) However, a boat ramp in smalltooth sawfish critical habitat is authorized to be repaired and replaced if within the existing footprint.
  - f. Within *Acropora* critical habitat, if essential features present (table in Attachment 9), new or expanded boat ramps are not allowed. However, repair/replacement within existing footprint is authorized (Reference: JAXBO PDC A6.8.).
  - g. Within Johnson's seagrass critical habitat, if essential features present (table in Attachment 9), new or expanded boat ramps are not allowed. However, repair and replacement is allowed within the existing footprint (Reference: JAXBO PDC A6.9.).
  - k. A Project located within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A7.30.).
2. Green: A Project must meet the following in order to be "Green" in addition to the other requirements of this SPGP V-R1:
- a. A Project shall be designed and constructed within these limits:
    - (1) Private, single-family boat ramp or structure requiring 50 cubic yards of fill material or less.
    - (2) Ramp width does not exceed 30 feet (Reference: JAXBO PDC A6.1.2 and 3 but reduced.).
    - (3) Maximum of 1 boat lane for either construction of new boat ramps and the repair and/or expansion of existing boat ramps (Reference: JAXBO PDC A6.1.2 but reduced.).
    - (4) No more than 2 trailered vehicle parking spaces associated with the boat ramp (Reference: JAXBO PDC A6.1.2 but reduced.).

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(5) Repair and replacement of existing boat ramps occurs within the same footprint of the existing ramp (Reference: JAXBO PDC A6.1.4.).

b. Restrictions on Dredged Material and Disposal: Excavation is limited to the area necessary for site preparation. All excavated material shall be removed to an area that is not waters of the United States, as that term is defined and interpreted under the Clean Water Act, including wetlands (Reference: JAXBO PDC A6.2.).

c. Turbidity: The length of new boat ramps and changes to existing boat ramps to make them longer should ensure a water depth at the end of the ramp is deep enough to minimize sediment resuspension associated with launching vessels in shallow water (Reference: JAXBO PDC A6.5.).

*E. Red and Green for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures.* The conditions herein are in addition to those in paragraph B above.

1. Red: The following projects are not authorized by this SPGP V-R1:

a. A Project located in designated critical habitat where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:

- (1) American crocodile; or
- (2) Piping plover; or
- (3) North Atlantic right whale.

b. A Project located in the Florida panther focus area.

c. Municipal or commercial fishing piers (Reference: JAXBO PDC A2.17.).

d. Within *Acropora* critical habitat, if essential features present (table in Attachment 9), new or expanded pile supported structures not allowed (Reference: JAXBO PDC A2.10.).

(1) However, repair/replacement within existing footprint is authorized.

(2) The distance from Aids to Navigation (ATONs) to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.

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e. Within Johnson's seagrass critical habitat (Reference: JAXBO PDC A2.14.):

- (1) New marinas or multifamily facilities are not authorized.
- (2) Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it:
  - (i) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations);
  - (ii) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility; and
  - (iii) does not affect Johnson's seagrass.

f. Within Loggerhead sea turtle critical habitat (Reference: JAXBO PDC A2.15.):

- (1) ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the Northwest Atlantic Distinct Population Segment (NWA DPS) of loggerhead sea turtle critical habitat.
- (2) No other pile-supported structures are allowed in nearshore reproductive habitat.

2. Green: In addition to the other requirements of this SPGP V-R1, a project must meet the following Special Conditions in order to be "Green":

a. A Project shall be designed and constructed within the following limits:

(1) This SPGP V-R1 authorizes only the following pile-supported and anchored structures: docks and piers; boatlifts; mooring piles and dolphin piles associated with docks/piers; ATONs and Private Aids to Navigation (PATONs); floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); and other minor pile-supported structures. This does not include structures, such as ferry terminals and large ports, which support large commercial vessels including ferries, tankers, and cargo ships (Reference: JAXBO PDC A2.1.1.).

(2) Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. This limit is cumulative: existing and proposed/new; wet and dry slips. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number (Reference: JAXBO PDC A2.1.2.).

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(3) Pile-supported structures for marinas and multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures) are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips). This numeric limit is the cumulative sum of existing wet and dry slips and proposed/new wet and dry slips (Reference: JAXBO PDC A2.1.3.).

(4) Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to preconstruction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth (MLLW) under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).

b. Chickees must be less than 500 ft<sup>2</sup> and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).

c. North Atlantic Right Whale. For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by Attachment 29, the *North Atlantic Right Whale Educational Sign Zones* (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive), the FDEP or Designee will attach to their authorization the *North Atlantic Right Whale Information Form, Attachment 27* (from Appendix C of JAXBO, page 332) (Reference: JAXBO PDC A2.4.).

d. For boatlifts in Monroe County:

(1) The FDEP or Designee will forward a copy of the application to the Corps Miami Office at SEAPPLS@usace.army.mil.

(2) The Corps Miami Office will reply within 5 working days either:

(i) The FDEP or Designee can authorize the project under the SPGP and, when applicable, the Corps will provide conditions to be included in the authorization measures the Florida Keys National Marine Sanctuary (FKNMS) has developed to avoid, minimize, and/or mitigate any effects on non-listed corals to implement paragraph B.2.f. above (JAXBO PDC AP.14); or

(ii) The FDEP or Designee cannot authorize the project under the SPGP because of navigation, coral, or other concerns. The Corps will

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then review the project to determine whether can be authorized by the Corps.

*F. Red and Green for Derelict vessels.* The conditions herein are in addition to the ones in paragraph B above.

1. Red: The following projects are not authorized by this SPGP V-R1:
  - a. A Project for a derelict vessel where that vessel does not pose a threat to human health and safety and/or aquatic natural resources (flora, fauna, and their habitats) (Reference: JAXBO PDC A9.1.).
  - b. A Project located in designated critical habitat where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:
    - (1) Acroporid corals (*Acropora* spp. critical habitat does not include areas containing existing (already constructed) federally authorized or permitted man-made structures such as aids-to-navigation, artificial reefs, boat ramps, docks, pilings, maintained channels, or marinas); or
    - (2) American crocodile; or
    - (3) Piping plover; or
    - (4) North Atlantic right whale.
  - c. A Project located in the Florida panther focus area.
2. Green: In addition to the other requirements of this SPGP V-R1, a Project shall be designed and constructed within these design limits in order to be "Green" (Reference: JAXBO PDCs A9.2 to 9.6 inclusive.):
  - a. Visual confirmation (e.g., divers, swimmers, and camera) will be completed prior to removal to ensure that the item can be removed without causing further damage to aquatic natural resources.
  - b. If an item cannot be removed without causing harm to surrounding coral (ESA listed or non-listed), the item will be disassembled as much as practicable so that it no longer can accidentally harm or trap species.
  - c. Monofilament debris will be carefully cut loose from coral (ESA listed or non-listed) so as not to cause further harm. Under no circumstance will line be pulled through coral since this could cause breakage of coral.
  - d. Marine debris shall be lifted straight up and not dragged through seagrass beds, coral reefs, coral, or hard bottom habitats. Trawling cannot be used as a means of marine debris removal. Debris shall be properly disposed of in

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appropriate facilities in accordance with applicable federal and state requirements.

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

*G. Red and Green for Scientific Devices.* The conditions herein are in addition to the conditions in paragraph B above.

1. Red: The following projects are not authorized by this SPGP V-R1:

a. A Project other than for the following: installation, repair, and removal of scientific survey devices, including any related equipment and anchors, for up to 24 months if those devices are intended to measure and/or record scientific data in tidal waters, such as staff gages, weirs, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, vibracore samplings, and similar structures (Reference: JAXBO PDC A5.1.).

b. A Project located in designated critical habitat where the essential physical and biological features (or the terms essential features / primary constituent elements (PCEs) for older designations) are present for:

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

(2) American crocodile; or

(3) Piping plover; or

(4) North Atlantic right whale.

c. A Project located in the Florida panther focus area.

2. Green: In addition to the other requirements of this SPGP V-R1, a Project shall be designed within these design limits in order to be "Green" (Reference: JAXBO PDCs A5.2 to 5.4 inclusive.):

a. Species access. The scientific survey device, including any related equipment and anchors, shall not block access of species to an area. For example, the structures shall not prevent movement in or out of a river or channel.

b. No later than 24 months, after initial installation or upon completion of data acquisition, whichever comes first, the measuring device and any other

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structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to pre-construction conditions.

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

**Special Conditions:**

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the *PDCs for In-Water Activities (Attachment 6, from PDCs AP.7 through AP11, inclusive, of JAXBO)* (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO *PDCs for In-Water Noise from Pile and Sheet Pile Installation*, page 86.).
5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
6. Special Conditions for *Shoreline Stabilization* activities.
  - a. Shoreline stabilization materials must be placed by hand around red mangrove prop roots (Reference: JAXBO PDC A1.3.).
  - b. Living shorelines can only be constructed in unvegetated, nearshore water along shorelines to create tidal marshes or mangrove habitat for the purpose of shoreline erosion control or aquatic habitat enhancement. Native plants can be placed along the shoreline or between the shoreline and the living shoreline structure (Reference: JAXBO PDC A7.4.).
  - c. Living shoreline structures and permanent wave attenuation structures can only be constructed out of the following materials: oyster breakwaters, clean limestone boulders or stone (sometimes contained in metal baskets or cages to contain the material), small mangrove islands, biologs, coir, rock sills, and pre-fabricated structures made of concrete and rebar that are designed in a

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manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7.5.).

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

(2) Oyster reef materials shall be placed and constructed in a manner that ensures that materials will remain stable and that prevents movement of materials to surrounding areas (e.g., oysters will be contained in bags or attached to mats and loose cultch must be surrounded by contained bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7.2.).

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

(4) Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).

(5) Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).

(6) Other materials are not authorized by this SPGP V-R1 (Reference: JAXBO PDC A7.5.).

d. For living shorelines, only native plant species can be planted (Reference: JAXBO PDC A7.1.).

7. Special Conditions for *Boat Ramp* activities.

a. Restrictions on Dredged Material and Disposal: Excavation is limited to the area necessary for site preparation. All excavated material shall be removed to an area that is not waters of the United States, as that term is defined and interpreted under the Clean Water Act, including wetlands (Reference: JAXBO PDC A6.2.).

b. Turbidity: The length of new boat ramps and changes to existing boat ramps to make them longer should ensure a water depth at the end of the ramp is deep enough to minimize sediment resuspension associated with launching vessels in shallow water (Reference: JAXBO PDC A6.5.).

8. Special Conditions for *Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures*.

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a. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).

b. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table *PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys*, starting on page 112.):

A2.2. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

([http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/protected\\_species\\_educational\\_signs/index.html](http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html)). The signs required to be posted by area are stated below:

A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

A2.2.2. Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

A2.2.3. On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

c. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table *PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys*, the PDC itself on page 113 of the JAXBO.):

A2.3. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of

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turtle or sawfish entanglement in, or ingestion of, marine debris.  
Monofilament recycling bins must:

A2.3.1. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.

A2.3.2. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

d. North Atlantic Right Whale. The attached *North Atlantic Right Whale Information Form* (Attachment 27) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by Attachment 29, the *North Atlantic Right Whale Educational Sign Zones* (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).

e. Aids to Navigation. Aids to navigation must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).

f. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website:  
<http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).

g. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).

h. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:

(1) A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:

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(i) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* updated November 2017 (Attachment 5).

(ii) In addition to (i) the above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within Special Condition 8.h.(3) (Reference: JAXBO PDC A2.17).

(2) For all other Projects,

(i) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7). If no survey performed, aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this Special Condition.

(ii) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 7) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.

(iii) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat"* updated November 2017 (Attachment 5).

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(iv) In addition (I) to (iii) above, IF the proposed dock or proposed structure is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.h.(3) below. (Reference: The following replicates "Scenario B" as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):

(a) Dock replacement in the exact footprint(i.e., same location/configuration/size) as the previous dock and:

(-1-) within Johnson's seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson's seagrass under the dock; or, Native seagrass, other than Johnson's seagrass, under the dock; or,

(-2-) within the Range of Johnson's seagrass (outside of critical habitat) with No current seagrass survey or,Johnson's seagrass under the dock,

(b) New docks or dock expansions and:

(-1-) within Johnson's seagrass critical habitat; or,

(-2-) within the Range of Johnson's seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson's seagrass within property limit.

(3) The following additional restrictions apply when required by paragraphs 8.h.(1)(iii) or 8.h.(2)(iii) above (Reference: The following replicates the "Dock PDCs for Scenario B" within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):

1. To avoid and minimize impacts to Johnson's seagrass and native, non-listed seagrasses to the maximum extent practicable:

- The dock must be positioned to avoid and minimize effects to Johnson's seagrass.
- Over any area that contains Johnson's seagrass or native, non-listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.

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- If practicable, terminal platforms shall be placed in deep water, waterward of Johnson's seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson's seagrass or native, non-listed seagrasses.
- Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
- Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
- No covered boat lifts are allowed over any Johnson's seagrass.

2. Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:

For grated decking:

- Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
- Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft<sup>2</sup>. Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
- Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.

For plank decking:

- Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.

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- Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft<sup>2</sup>. Marginal docks are limited to a width of 5 ft.
- Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.

i. Aids to Navigation in *Acropora* critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

9. Special Conditions for *Derelict vessels* (Reference: JAXBO PDCs A9.2 to 9.6 inclusive.).

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

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

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

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

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

10. Special Conditions for *Scientific Devices* (Reference: JAXBO PDCs A5.2 to 5.4 inclusive.).

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- a. Aquatic Life Passage. The scientific survey device, including any related equipment and anchors, shall not block access of species to an area. For example, the structures shall not prevent movement in or out of a river or channel.
  - b. Restoring Affected Area. No later than 24 months after initial installation or upon completion of data acquisition, whichever comes first, the measuring device and any other structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to pre-construction conditions.
  - c. Preventing Device Relocation. The scientific survey device, including any related equipment and anchors, shall be inspected and any required maintenance performed at least twice a year and following storm events that may have moved or dislodged the structure to ensure that equipment and anchors are still in place and have not moved to areas containing ESA-listed corals.
11. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
- a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
  - b. Corps *Self-Certification Statement of Compliance* form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (Attachment 32) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
  - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form (Attachment 2).

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

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

(2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-02575 on all submittals.

12. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.

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

14. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.

15. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.

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

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- b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
16. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
17. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
18. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.
19. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.
20. The General Conditions attached hereto (Attachment 1) are made a part of this SPGP V-R1 and must be attached to all authorizations processed under this SPGP V-R1.

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**This SPGP V-R1 becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.**

*Joni K White*  
for \_\_\_\_\_ December 17, 2018  
(DISTRICT ENGINEER) (DATE)  
Andrew D. Kelly, P.E.  
Colonel, U.S. Army  
District Commander

**Attachments to  
Department of the Army State Programmatic General Permit (SPGP V-R1)**

1. General Conditions for Federal Authorization for SPGP V-R1.
2. Department of the Army Permit Transfer for SPGP V-R1.
3. The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida.
4. Standard Manatee Conditions for In-Water Work (Manatee Construction Conditions).
5. Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat.
6. PDCs for In-Water Activities.
7. Submerged Aquatic Vegetation Survey Guidelines.
8. Florida Panther Focus Area.
9. Critical Habitat Essential Features/PCEs.
10. Acropora spp. Critical Habitat Maps.
11. American Crocodile Critical Habitat Map.
12. Smalltooth Sawfish Critical Habitat Maps.
13. Piping Plover Critical Habitat Maps.
14. Freshwater Mussels Critical Habitat Maps.
15. Gulf Sturgeon Critical Habitat Maps.
16. Johnson's Seagrass Critical Habitat Maps.
17. Johnson's Seagrass Range Map.
18. Wood Stork Active Nesting Colony Map.
19. Beach Mice Habitat.
20. Scrub Jay Habitat.
21. Indigo Snake Habitat.

(continued next page)

**Attachments (continued)**

22. Federal Navigation Channels.
23. Smalltooth Sawfish Critical Habitat Limited Exclusion Zones.
24. Loggerhead Turtle Nearshore Reproductive Critical Habitat.
25. North Atlantic Right Whale Critical Habitat.
26. < no attachment >
27. North Atlantic Right Whale Information Form.
28. Gulf Sturgeon Critical Habitat Restriction Zone.
29. North American Right Whale Education Sign Zones.
30. Atlantic Sturgeon Critical Habitat Exclusion Zone.
31. Shipping Fairways.
32. Self Certification Statement of Compliance.