



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

REPLY TO  
ATTENTION OF

August 11, 2021

Regulatory Division

**DEPARTMENT OF THE ARMY PERMIT  
STATE PROGRAMMATIC GENERAL PERMIT VI  
Modification #1  
(SPGP VI-R1)  
STATE OF FLORIDA**

The U.S. Army Corps of Engineers (Corps) hereby modifies the Department of the Army Permit titled *State Programmatic General Permit (SPGP VI) State of Florida* issued July 27, 2021. This modification corrects three errors noted after permit issuance. The additions are included in the permit instrument below using underline. Specifically, Section I. paragraph 6.a.(1), Section II. paragraph 1.b.(6), and Section IV paragraph 24. This modified permit supersedes the permit issued on July 27, 2021. Authorization of activities that have commenced or are under contract to commence in reliance on SPGP VI prior to the date of this letter will remain in effect provided the activity is completed by July 27, 2026.

**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 VI-R1:** August 11, 2021.

**Expiration Date:** July 27, 2026.

**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).

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After you receive written verification for your project under this State Programmatic General Permit (SPGP VI-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 VI-R1. For the prior State Programmatic General Permit (SPGP V-R1), agreements were in place with the following agencies: FDEP, the St. Johns River Water Management District, Hillsborough County Environment Protection Commission (EPC), and the Southwest Florida Water Management District. These agencies, and others, may implement SPGP VI-R1 upon execution of updated agreements.

### **I. Procedures:**

1. Applicants requesting verification of activities covered under SPGP VI-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 applicable Jacksonville District's Programmatic Biological Opinion (JAXBO) checklists. Every project will submit the summary checklist and all the checklists applicable to the activities included in the Project. For example, a project proposing the installation of a dock and a seawall will submit the summary checklist, activity 1 checklist, and activity 2 checklist. The checklists are titled:
  - a. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Summary Checklist",
  - b. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 1: Shoreline Stabilization",
  - c. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 2: Pile Supported",
  - d. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 5: Scientific Survey",
  - e. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 6: Boat Ramps", and
  - f. "Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion Activity 9: Marine Debris Removal".

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The JAXBO Checklists must be filled out electronically using the form fields and then submitted in their original electronic format. For example, a printed and/or scanned version of the checklist is not to be submitted. If the checklists are not filled out electronically, the Project does not qualify for SPGP VI-R1. 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 VI-R1 even though not specifically enumerated on the JAXBO Checklists. The relevant Project Design Criteria (PDCs) in the National Marine Fisheries Service's (NMFS) JAXBO dated November 20, 2017 have been transcribed into the SPGP VI-R1 instrument checklists.

3. Applicants must comply with the following procedures when a condition in this permit requires determination of the presence of submerged aquatic vegetation (SAV) or emergent (e.g., marsh habitats) aquatic vegetation:
  - a. 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 (Attachment 1)), the presence of SAV will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 2). If no survey is performed, SAV, including Johnson's seagrass, will be presumed to be present for purposes of this qualification.
  - b. Outside the range of Johnson's seagrass (Attachment 1) 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 SAV will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" (Attachment 2) 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. Growing season is defined as June 1 and September 30 of each year.
4. The FDEP or Designee will review the application and the JAXBO Checklists to determine whether the Project qualifies for SPGP VI-R1. Projects that qualify for SPGP VI-R1 will be processed by the FDEP or Designee. Verification of the State Exemption or General Permit will include language confirming Federal Authorization under SPGP VI-R1. A Project qualifies for SPGP VI-R1 when all the following apply:
  - a. it is one of the activities described in the Work Authorized section;

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- b. the FDEP or Designee has reviewed and confirmed the proposed Project meets the conditions outlined in the Work Authorized section as well as the applicable Special Conditions;
  - c. 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 VI-R1 as special conditions) (Reference: JAXBO Section 2.3, page 236);
  - d. JAXBO Checklists are complete, accurate, and submitted electronically (using the fillable form fields); and
  - e. the FDEP or Designee submits the JAXBO Checklists to NMFS at the following address: nmfs.ser.statewideprogrammatic@noaa.gov , with a copy of the email furnished to spgp@usace.army.mil not later than the date the FDEP or Designee verifies authorization under SPGP VI-R1 (Reference: JAXBO Section 2.3, page 237).
5. The FDEP or Designee will review the application and complete the “The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida” to determine the effects of the Project on the West Indian manatee. When using the “The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida” April 2013 and 2019 addendum (Manatee Key, Attachment 3), SPGP VI-R1 can only be verified when FDEP or Designee walks the project through the Manatee Key and it results in “May affect, not likely to adversely affect” and no further consultation is required.
6. Self-Certification. The FDEP may authorize certain single-family docks and boatlifts under this SPGP VI-R1 through their online, electronic self-certification process, if all the following requirements are implemented:
- a. Limitations:
    - (1) Construction of new docks, boatlifts, and repair or replacement of an existing single-family dock with no changes from the previous configuration with 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) Project meets all the terms and conditions of this SPGP VI-R1.
    - (3) Projects are excluded, if meeting any of the following (Reference: JAXBO Section 2.3, page 238):

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- (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 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 (Attachment 4); Gulf Sturgeon Critical Habitat Migratory Restriction Zones (Attachment 5); Atlantic Sturgeon Critical Habitat Exclusion Zone (Attachment 6); and North Atlantic Right Whales Educational Sign Zones (Attachment 7); and
- (ix) Located in an area with non-ESA listed seagrasses and will result in any impacts or shading to these seagrasses.

b. FDEP cannot verify requests through the Self-Certification process unless they maintain 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

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(2) The automated process will include addition of the PDCs attachment, as a separate document, to the email FDEP uses to transmit its authorization to the Applicant. The automated process will concurrently send a copy of FDEP's transmittal 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, as 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 webpage programming changes to implement those solutions, recognizing that immediate termination would also shut down other (non-SPGP) self-certifications.

7. For all authorizations under this SPGP VI-R1, including Self-Certifications, the Permittee will provide the following notifications to the Corps, as described in Special Condition 10 or the General Conditions.

a. *Commencement Notification* form (Attachment 8). Within 10 days from the date of initiating the authorized work.

b. *Corps Self-Certification Statement of Compliance* form (Attachment 9) within 60 days of completion of the work.

c. *Permit Transfer* form. Signed by the new owner if transferred to a new owner (Attachment 10).

**II. Work Authorized:** The Projects authorized by this SPGP VI-R1 are those activities that qualify for and are 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.) **and** meet the activity description provided below.

1. **Shoreline Stabilization** (Authorities: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344)).

a. Activity description:

(1) New vertical seawalls and footers will not be placed further waterward than 1.5 feet (18 inches) MHWL or Ordinary High Water Line (OHWL), unless necessary to align with existing adjacent seawalls, and not to exceed 150ft in length (Reference: JAXBO PDC A1.1.1.). If aligning with adjacent seawalls, this activity is limited to 5 feet as measured from the High Tide Line to the waterward extent of the seawall.

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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.). A SAV survey is not required for repair or replacement within 18 inches of the existing structure.

(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.). A SAV survey is not required for repair or replacement within 18 inches of the existing structure.

(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) 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. Only native plants can be placed along the shoreline or between the shoreline and the living shoreline structure (Reference: JAXBO PDC A7.4.).

b. Specific State of Florida Exemptions and General Permits:

(1) 62-330.051(12)(a), F.A.C. Synopsis: Seawalls or riprap in artificially created waterways, including backfilling.

(2) 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.

(3) 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 of no more than 150 feet.

(4) 62-330.051(12)(d), F.A.C. Synopsis: Installation of seawall cap, batter piles, or king piles used exclusively to stabilize and repair seawalls and that do not impede navigation.

(5) 62-330.051(12)(e), F.A.C. Synopsis: Living Shorelines (restoration of an eroding shoreline with native wetland vegetative enhancement plantings) no more

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than 500 linear feet and plantings no more than 10 feet waterward of approx. MHWL or OHWL.

(6) 62-330.431(b), F.A.C. Synopsis: Installation of no more than 100 linear feet of riprap. The riprap shall be no steeper than two horizontal to one vertical and no more than 10 feet waterward of existing mean high water line (MHWL) or ordinary high water line (OHWL).

2. **Boat Ramps** (Authorities: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344)):

a. Activity description:

(1) Private, single-family boat ramp or structure requiring 25 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.).

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

b. Specific State of Florida Exemptions and General Permits:

(1) 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. Boat ramps less than 30 ft wide and will involve the removal of less than 25 cubic yards of material. The material to be removed shall be placed on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state.

3. **Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures** (Authority: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403)).

a. Activity description:



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(1) Pile supported structures:

(a) This SPGP VI-R1 authorizes only the following pile-supported and anchored structures: docks and piers; boatlifts; mooring piles and dolphin piles associated with docks/piers; Aids to Navigation (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.).

(b) 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.). A wet slip is defined as a space designated for storing or keeping a boat in or over the water. A dry slip is defined as a space designated for storing or keeping a boat on land.

(c) 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.).

(d) 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.).

(2) Additional conditions for pile supported structures in Monroe County:

(a) The only minor structures authorized in Monroe County are boatlifts, catwalks around boatlifts, davits, fenders, fender piles, and dolphin piles, and mooring pilings. All minor structures must be associated with an existing boat slip.

(b) If seagrass is present within the footprint of the boatlift, the uncovered boat lift may have a narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the

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boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard pilings (spaced no closer than 10 feet apart). If grated decking is used for the catwalk, the decking must meet the specifications outlined 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 11).

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

(d) 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 20 of the Work Authorized section of this permit (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 then review the project to determine whether can be authorized by the Corps.

b. Specific State of Florida Exemptions and General Permits:

(1) 62-330.051(5)(a), F.A.C. Synopsis: Installation or repair of pilings and dolphins associated with private docking facilities or piers.

(2) 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 500/1000 square feet.

(3) 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.

(4) 62-330.051(5)(d), F.A.C. Synopsis: Replacement or repair of existing docks and piers, including mooring piles, with no more than minor deviations and no larger in size than the existing dock or pier.

(5) 62-330.051(5)(f), F.A.C. Synopsis: Floating vessel platforms and floating boat lifts.

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(6) 62-330.051(5)(h), F.A.C. Synopsis: installation of a boat lift in an existing facility.

(7) 62-330.051(8), F.A.C. Synopsis: Installation of aids to navigation and buoys associated with such aids.

(8) 62-330.427, F.A.C. Synopsis: Construction, extension, and removal of certain piers up to 2,000 square feet for a private residential single-family dock and associated structures, excluding fishing piers. Fishing piers are not authorized by SPGP VI-R1.

(9) 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.

4. **Derelict vessels** (Authorities: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403)):

a. Activity description: In-water activities are limited to the removal of derelict vessels that poses a threat to human health and safety and/or aquatic natural resources (flora, fauna, and their habitats).

b. Specific State of Florida Exemptions and General Permits:

(1) 62-330.051(5)(g), F.A.C. Synopsis: The removal of derelict vessels by federal, state, and local agencies.

5. **Scientific Devices** (Authorities: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403)):

a. Activity description: Work authorized only covers the 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.

b. Specific State of Florida Exemptions and General Permits: 62-330.051(11)(b), F.A.C. Synopsis: Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices.

**III. Work NOT Authorized.** The following Projects are not authorized by this SPGP VI-R1:

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1. A Project that requires a state individual permit.
2. A Project authorized under FDEP or Designee enforcement or compliance resolution actions.
3. A Project authorized under FDEP or Designee emergency permitting.
4. A Project authorized by FDEP or Designee “after-the-fact”.
5. A Project that is:
  - a. Located in Federal rights-of-way or easements.
  - b. Located between the shoreline and federally authorized navigation channels (Attachment 12) or within 300 feet of the design edge, whichever is less, or within 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)
  - c. 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.
6. A Project located within the following geographic boundaries: Monroe County (except boat lifts and some minor structures to support mooring in boat slips may be authorized under SPGP VI-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).
7. A Project is located in Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mouse habitat (Attachment 13).

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8. A Project is located on or contiguous to sea turtle nesting beaches on the Atlantic Ocean, Gulf of Mexico, or in the Florida Keys.
9. A Project is within 2,500 feet of an active wood stork nesting colony (Attachment 14).
10. Project adversely impacts any other federally listed threatened or endangered species, or a species proposed for such designation, or its designated critical habitat under the purview of National marine Fisheries Service Protected Resource Division unless covered under the Jacksonville District Programmatic Biological Opinion (JAXBO).
11. 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 (seagrasses), Oyster Reefs and Shell Banks, Tidal freshwater (palustrine) wetlands, Tidal palustrine forested, Tidal freshwater SAV, Coral and Live/Hard Bottom Habitats.
12. 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).
13. 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 4) (Reference: JAXBO PDCs AP.4, A1.8.5, A2.12.).
14. 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 5) (Reference: JAXBO PDCs AP.4, A.1.9, A2.11).
15. 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 5 (the page from the Federal Register) (Reference: JAXBO PDC AP4.).
16. Projects within shipping safety fairways and anchorage areas defined by 33 C.F.R. § 166.200 (Attachment 15).
17. 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

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to maintain no less than 50% of the open-water portion of the waterbody for public use).

18. 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). The presence or absence of seagrass will be determined in accordance with the *I. Procedure* section, paragraph 3.

19. Project located in the Florida panther focus area (Attachment 16).

20. 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.):

a. 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.

b. 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.

c. Projects outside the boundaries of the FKNMS are not authorized if corals are found within the project footprint.

d. Projects are not authorized if hard bottom habitat is found within the project footprint. Hard bottom is defined in the following ways:

(1) 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.

(2) 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 hardbottom 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.

21. The following shoreline stabilization projects are not authorized by this SPGP VI-R1:

a. Construction and/or repairs to groins, jetties, breakwaters and beach nourishment/renourishment (Reference: JAXBO PDC A1.5.).

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- b. Installation of a seawall or riprap to remove/fill an upland cut area (e.g., boat slip, boat ramp, boat basins).
- 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 (Attachment 17), or
  - (2) Piping plover (Attachment 18), or
  - (3) Freshwater mussels (Attachment 19)
- f. 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.)
    - (a) 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).
    - (b) However, installation of new or repair/replacement seawalls within 1.5 ft waterward of existing seawall or MHW is allowed.

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g. 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.).

h. Within *Acropora* critical habitat (Attachment 20), if essential features are present (table in Attachment 21):

(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.).

i. Within Johnson's seagrass critical habitat (Attachment 22):

(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 (table in Attachment 23). 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.).

j. A Project within Loggerhead sea turtle critical habitat. (Reference: JAXBO PDC A7.30., (Attachment 24)).

k. A Project within North Atlantic right whale critical habitat (Reference: JAXBO PDC A7.27., (Attachment 25)).

l. Mangrove removal or trimming except as provided by Section IV paragraph 23 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.

22. The following boat ramp projects are not authorized by this SPGP VI-R1:

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



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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) 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

(2) American crocodile (Attachment 17), or

(3) piping plover (Attachment 18), or

(4) freshwater mussels (Attachment 19), or

(5) North Atlantic right whale (Attachment 25).

d. For Projects located within smalltooth sawfish critical habitat (Attachment 26) (Reference: JAXBO PDC A6.7.):

(1) New or expanded ramps cannot result in the loss of an essential feature (table in Attachment 27) 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.

e. Within *Acropora* critical habitat (Attachment 20), if essential features present (table in Attachment 21), new or expanded boat ramps are not allowed. However, repair/replacement within existing footprint is authorized (Reference: JAXBO PDC A6.8.).

f. Within Johnson's seagrass critical habitat (Attachment 22), if essential features present (table in Attachment 23), new or expanded boat ramps are not allowed.

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However, repair and replacement is allowed within the existing footprint (Reference: JAXBO PDC A6.9.).

g. A Project located within Loggerhead sea turtle critical habitat (Attachment 24) (Reference: JAXBO PDC A7.30.).

23. The following pile-supported projects are not authorized by this SPGP VI-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 21), 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.

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 multifamily facilities may be covered if it:

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- (a) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations),
- (b) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and
- (c) does not affect Johnson's seagrass.

24. The following derelict vessel removal projects are not authorized by this SPGP VI-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 (Attachment 20) 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 (Attachment 17), or
  - (3) Piping plover (Attachment 28), or
  - (4) North Atlantic right whale (Attachment 25).

25. The following scientific survey device projects are not authorized by this SPGP VI-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:

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- (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 (Attachment 17), or
- (3) Piping plover (Attachment 18), or
- (4) North Atlantic right whale (Attachment 25).

### **IV. Special Conditions for all Projects:**

1. Authorization, design and construction must adhere to the terms of the SPGP VI-R1 instrument including the General Conditions for All Projects, Special Conditions for All Projects, Applicable activity-specific special conditions, Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities (Attachment 28, from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities must be performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. 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):
  - a. 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).
  - b. 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.
  - c. 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.).

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- d. 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).
5. The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 29).
6. 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 Archeologist at 904-232-3270 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.
  - 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 Archeologist at 904-232-3270 shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
7. 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.
8. Mangroves. The design and construction of a Project must comply with the following (Reference: JAXBO PDCs AP.3 and AP.12.):

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- a. All projects must be sited and designed to avoid or minimize impacts to mangroves.
  - b. Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
    - (1) Removal to install up to a 4-ft-wide walkway for a dock.
    - (2) 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.
      - (a) 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.
      - (b) 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.
9. For Projects authorized under this SPGP VI-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.
10. Notifications to the Corps. For all authorizations under this SPGP VI-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
- a. Commencement Notification. Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" form (Attachment 8).

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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 9) 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 10).

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-2015-2575 on all submittals.

11. The District Engineer reserves the right to require that any request for authorization under this SPGP VI-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP VI-R1 does not automatically guarantee Federal authorization.
12. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
13. Failure to comply with all conditions of the SPGP VI-R1 constitutes a violation of the Federal authorization.
14. The SPGP VI-R1 will be valid through the expiration date 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 expiration date, is not contrary to the public interest. The SPGP VI-R1 will not be extended beyond the

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expiration date but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP VI-R1 will be evaluated by the Corps.

15. If the SPGP VI-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 VI-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP VI-R1 expired or was revoked.

**Special Conditions for Shoreline Stabilization activities.**

16. Shoreline stabilization structures other than vertical seawalls shall be no steeper than a 2 horizontal:1 vertical slope (Reference: JAXBO PDC A1.1.4.).
17. Placement of backfill is limited to those situations where it is necessary to level the land behind seawalls or riprap.
18. 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 manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7.5.).
  - a. Reef balls or similar structures are authorized if they are not open on the bottom, are open-bottom structures with a top opening of at least 4 ft, or are pre-fabricated structures, such as reef discs stacked on a pile, and are designed in a manner that would not entrap sea turtles.
  - b. 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 or bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7.2.).
  - c. 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.).
  - d. 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.).



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

**Special Conditions for Boat Ramp activities.**

- 19. 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.).
- 20. Turbidity: The length of new boat ramps and repair and replacement of 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.).

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

- 21. Chickees must be less than 500 ft<sup>2</sup> and support no more than 2 slips (Reference: JAXBO PDC A2.1.6.).
- 22. The design and construction of a Project over marsh (emergent vegetation) must comply with the following:
  - a. The piling-supported structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
  - b. The over-marsh portion of the piling-supported structure (decking) shall be elevated to at least 4 feet above the marsh floor.
  - c. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.
- 23. Mangroves. 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" U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11) shall apply:
  - a. The width of the piling-supported structure is limited to a maximum of 4 feet.
  - b. Mangrove clearing is restricted to the width of the piling-supported structure.

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

24. Regarding SAV, the design and construction of a Project must comply with the following:

a. A pile supported structure

~~(1) 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~~

(1) 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), but outside of 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) will be constructed to the following standards:

(a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then SAV is presumed present and the pile-supported structure 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 11). For the purposes of SPGP, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts and minor structures in Monroe County may be installed within existing boat slips without completion of a SAV survey. Boatlift accessory structures, like catwalks, shall adhere to *"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 11) if a SAV survey has not been completed.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

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(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then the pile-supported structure 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 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(i) If the pile supported structure is currently serviceable, repair and replacement may occur in the same footprint without completion of a benthic survey.

(ii) Boatlifts may be installed within existing boat slips without completion of a SAV survey.

(iii) A marginal dock may be constructed a maximum of 5 feet overwater, as measured from the waterward face (wet face) of the seawall).

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), then no design restrictions are required and boatlifts may include a cover.

b. A pile supported structure

~~(1) 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~~

(1) that is 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) but not within Johnson's seagrass critical habitat will be constructed to the following standards:

(a) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure 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

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11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(b) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), THEN pile-supported structure 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 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(c) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent (including seagrass, tidal freshwater SAV and emergent vegetation), THEN no design restrictions are required and boatlifts may include a cover.

c. A pile supported structure located within Johnson's seagrass critical habitat will be constructed to the following standards:

(1) If no survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, then seagrass is presumed present and the pile-supported structure 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 11) with the sole exception of the number of allowable boat lifts. For the purposes of this permit, two uncovered boatlifts are allowed.

(2) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is absent and the project is

(a) A dock replacement in the same footprint, no design restrictions are required.

(b) A new dock or dock expansion THEN pile-supported structure 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

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Habitat” U.S. Army Corps of Engineers/National Marine Fisheries Service updated November 2017 (Attachment 11). For the purposes of this permit, two uncovered boatlifts are allowed.

(3) If a survey is performed in accordance with the methods described in the Procedure section of this document, section I.3, and SAV is present (including seagrass, tidal freshwater SAV and emergent vegetation), then pile-supported structure 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 11). For the purposes of this permit, two uncovered boatlifts are allowed.

25. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form (Attachment 30) 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 the North Atlantic Right Whale Information Form to their authorizations for any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of an inlet that leads to areas within the known range of North Atlantic right whale. These zones, with an 11 nm radius, are described by the North Atlantic Right Whale Educational Sign Zones, Attachment 7 (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive). (Reference JAXBO PDC A2.4).
26. 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.):
- a. 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: (<https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>). The signs required to be posted by area are stated below: <https://www.fisheries.noaa.gov/southeast/consultations/protected-species-educational-signs>

(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.

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(2) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

(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.

27. 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.):

a. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

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

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

28. 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.).

29. 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.).

30. Aids to Navigation (ATONs). ATONs 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.).

31. Aids to Navigation (ATONs) in Acropora critical habitat. The distance from ATONs to ESA-listed corals and Acropora critical habitat (Attachment 20) 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,

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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.).

32. 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.

### **Special Conditions for Derelict vessels**

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

### **Special Conditions for Scientific Devices**

38. 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.

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39. 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.
40. 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.

### **General Conditions for All Projects:**

1. The time limit for completing the work authorized ends on July 27, 2026.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form (Attachment 10) and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### **Further Information:**

1. Limits of this authorization.



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- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or Construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

1. Johnson's Seagrass Range Map
2. Submerged Aquatic Vegetation Survey Guidelines
3. The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida
4. Smalltooth Sawfish Critical Habitat Limited Exclusion Zones
5. Gulf Sturgeon Critical Habitat Maps
6. Atlantic Sturgeon Critical Habitat Exclusion Zone
7. North Atlantic Right Whales Educational Sign Zones
8. Commencement Notification Form
9. Self-Certification Statement of Compliance
10. Department of the Army Permit Transfer Form
11. Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
12. Federal Navigation Channels
13. Beach Mice Habitat
14. Wood Stork Active Nesting Colony Map
15. Shipping Fairways
16. Florida Panther Focus Area
17. American Crocodile Critical Habitat Map
18. Piping Plover Critical Habitat Maps
19. Freshwater Mussels Critical Habitat Maps
20. *Acropora* spp. Critical Habitat Maps
21. *Acropora* critical habitat essential features table
22. Johnson's Seagrass Critical Habitat Maps
23. Johnson's Seagrass Critical Habitat Maps essential features table
24. Loggerhead Turtle Nearshore Reproductive Critical Habitat
25. North Atlantic Right Whale Critical Habitat
26. Smalltooth Sawfish Critical Habitat Maps
27. Smalltooth Sawfish Critical Habitat Maps essential features table
28. PDCs for In-Water Activities
29. Standard Manatee Conditions for In-Water Work (Manatee Construction Conditions)
30. North Atlantic Right Whale Information Form

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5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
6. 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.
7. 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 U.S. Army 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, relocation or alteration.

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

for Shawn H. Zinszer  
(DISTRICT ENGINEER)  
Andrew D. Kelly, P.E.  
Colonel, U.S. Army  
District Commander

8/11/21  
(DATE)