



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
1520 ROYAL PALM SQUARE BOULEVARD, SUITE 310
FORT MYERS, FLORIDA 33919

November 6, 2015

REPLY TO
ATTENTION OF

Fort Myers Permits Section
SAJ-2014-02143(LP-MAO)

Charlotte County Board of County Commissioners
c/o Joanne Vernon
410 Taylor Street, Unit 104
Punta Gorda, FL 33950

Dear Ms. Vernon:

This is in reference to your request for a Department of the Army (DA) permit to perform work in or affecting waters of the United States. If you determine the permit provided is acceptable in its entirety and you have chosen to proceed with the authorized activity, then upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), you are authorized under a Letter of Permission

to maintenance dredge 9,661 cubic yards of accumulated sediment over 8.49 acres of two residential canals

at the shorelines of Alligator Bay and Charlotte Harbor in Sections 26, 27, 28 and 34, Township 40 South, Range 22 East, Port Charlotte, Charlotte County, Florida.

Geographic Position: Latitude: 26.960181°, 26.958201°
Longitude: -82.104256°, -82.087918°

The project must be completed in accordance with the 8 enclosed construction drawings, and the general and special conditions which are incorporated in, and made a part of, the permit.

Special Conditions:

1. Prior to the initiation of any of the work authorized by this permit, the permittee shall install floating turbidity barriers with weighted skirts that extend to the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.
2. The permittee shall place all dredged material in a self-contained, upland disposal site as detailed on drawing sheet 5 of 8. The permittee shall maintain the upland disposal site to prevent the discharge of dredged material and associated effluent into waters of the United States.
3. The permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment 5).

4. The permittee shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006, (Attachment 6).

If the work authorized is not completed on or before **November 6, 2020**, authorization, if not previously revoked or specifically extended, shall cease and be null and void.

Instructions for Objecting to Permit Terms and Conditions: This letter contains an initial proffered permit for your proposed project/permit application. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address.

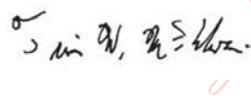
In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria under 33 CFR Part 331.5, and that it has been received by the District office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the letterhead address by January 5, 2016.

Should you have any questions regarding this letter, please contact the project manager Michael Ornella in writing the letterhead address, by telephone at 239-334-1975 x21, or by email at Michael.Ornella@usace.army.mil.

The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for



Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

Digitally signed by
MCELWAIN.TUNIS.W.1239553008
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
cn=MCELWAIN.TUNIS.W.1239553008
Date: 2015.11.06 14:51:55 -05'00'

Enclosures

Permit Drawings (8)

Department of the Army Permit Transfer Request

General Conditions

Request for Appeal Form

Standard Manatee Conditions for In-Water Work

Sea Turtle and Smalltooth Sawfish Construction Conditions

Copies Furnished:

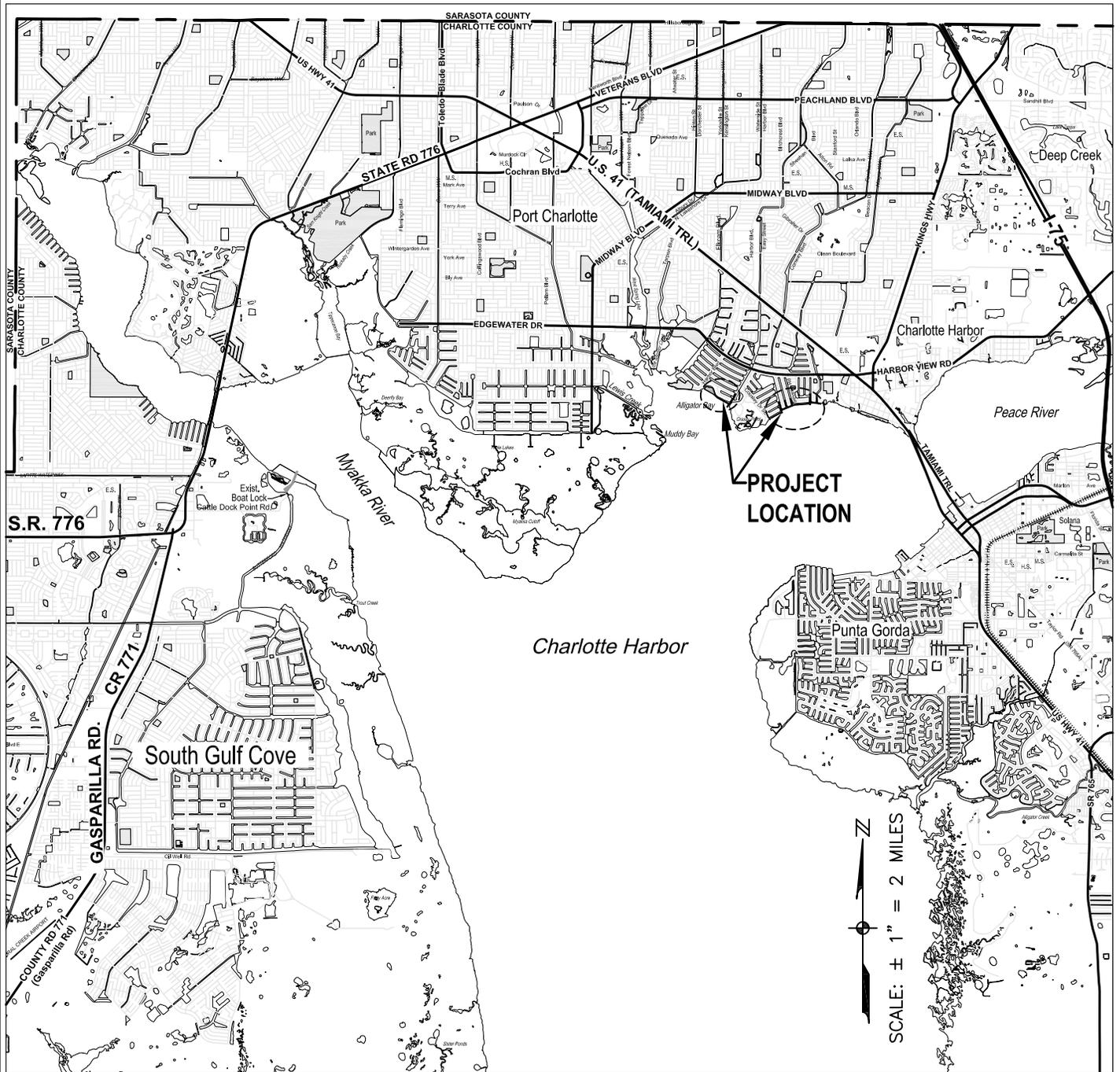
Mark Theis, Johnson Engineering, Inc., Authorized Agent

CESAJ-RD-PE (w/ enclosures)

KEY MAP
PERMIT DRAWINGS

LATITUDE: 26.9588
LONGITUDE: -82.1013

BUENA VISTA GRASSY POINT
MAINTENANCE DREDGING



TOWNSHIP 40 S. - RANGE 22 E. - SEC's. 26, 27, 34 & 35

PROJECT: BUENA VISTA GRASSY POINT MAINTENANCE DREDGING

DATUM: N.A.V.D. 1988

AT: PORT CHARLOTTE

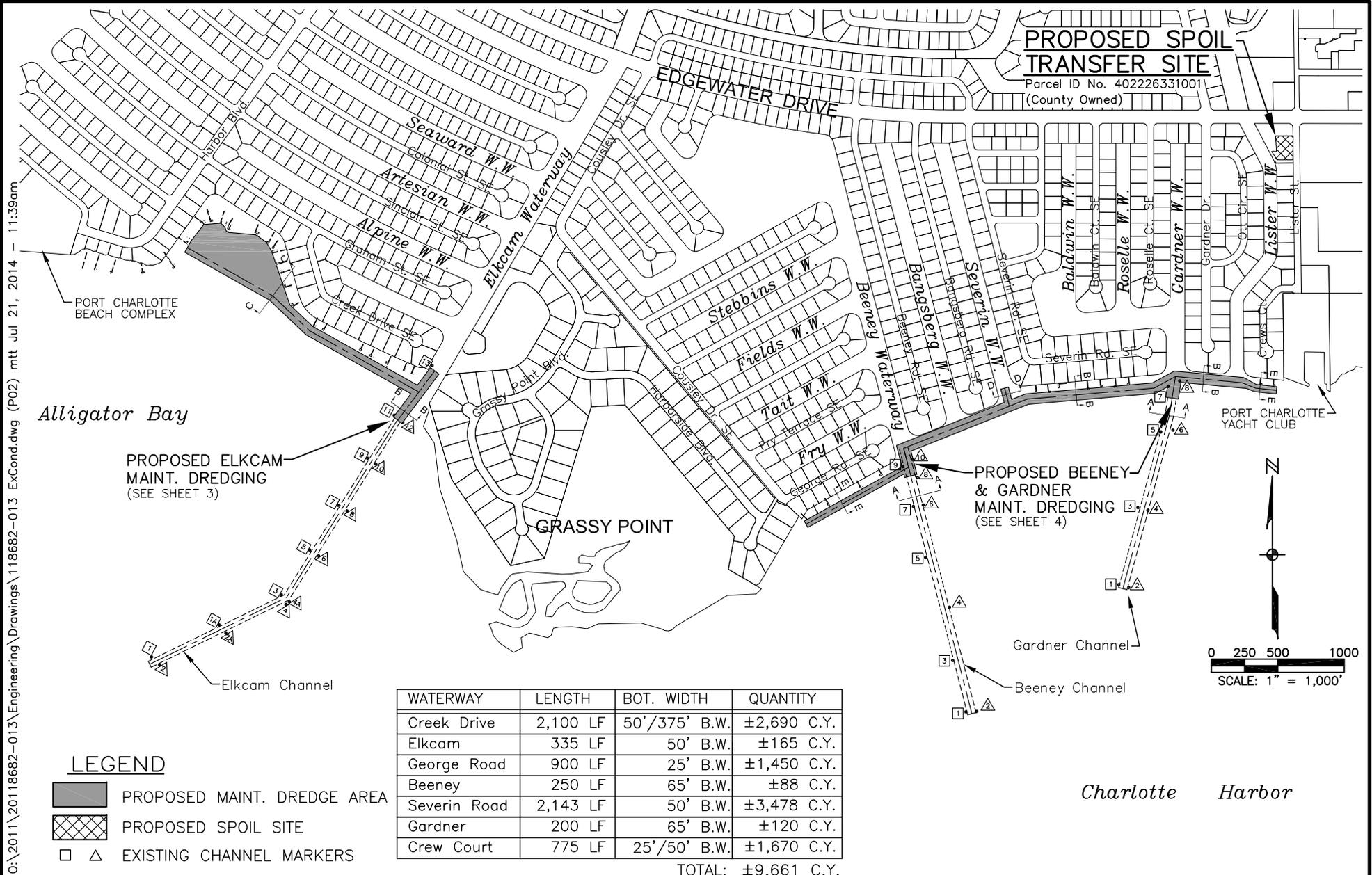
COUNTY OF CHARLOTTE
STATE OF FLORIDA

APPLICATION BY:
CHARLOTTE COUNTY

AGENT:
JOHNSON ENGINEERING, INC.
18501 MURDOCK CIRCLE
SUNTRUST CENTER, SUITE 404
PORT CHARLOTTE, FL 33948

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Buena Vista Grassy Point
Charlotte County BCC

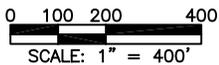
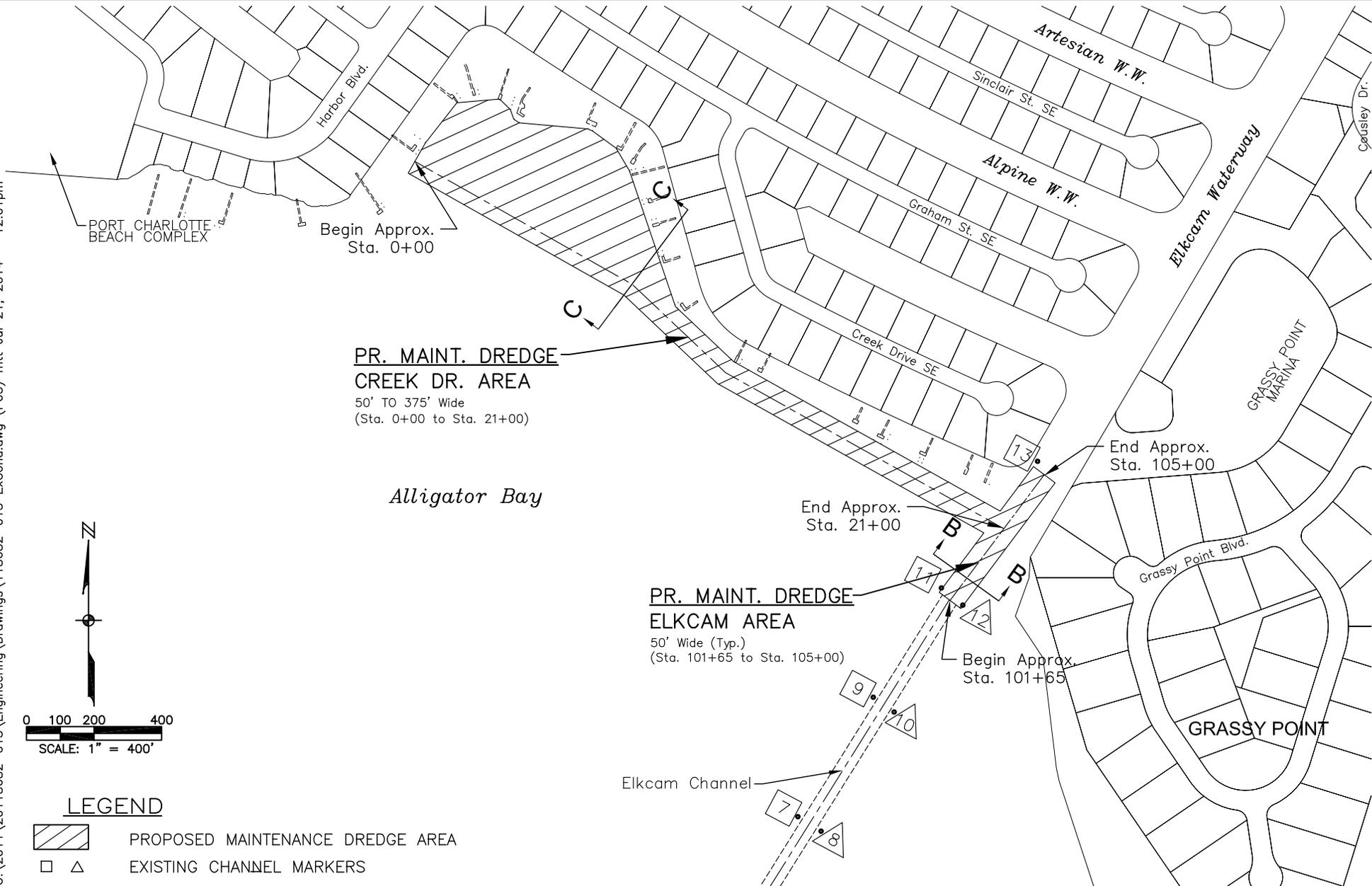


18501 MURDOCK CIRCLE
SUITE 404
PORT CHARLOTTE, FLORIDA 33948
PHONE (941) 625-9919
FAX (941) 625-3269
E.B. #642 & L.B. #642

Location Map
Maintenance Dredging

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
June, 2014	20118682-013	27-40-22	1" = 1,000'	2 of 10

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LEGEND

- PROPOSED MAINTENANCE DREDGE AREA
- EXISTING CHANNEL MARKERS

Buena Vista Grassy Point
Charlotte County BCC

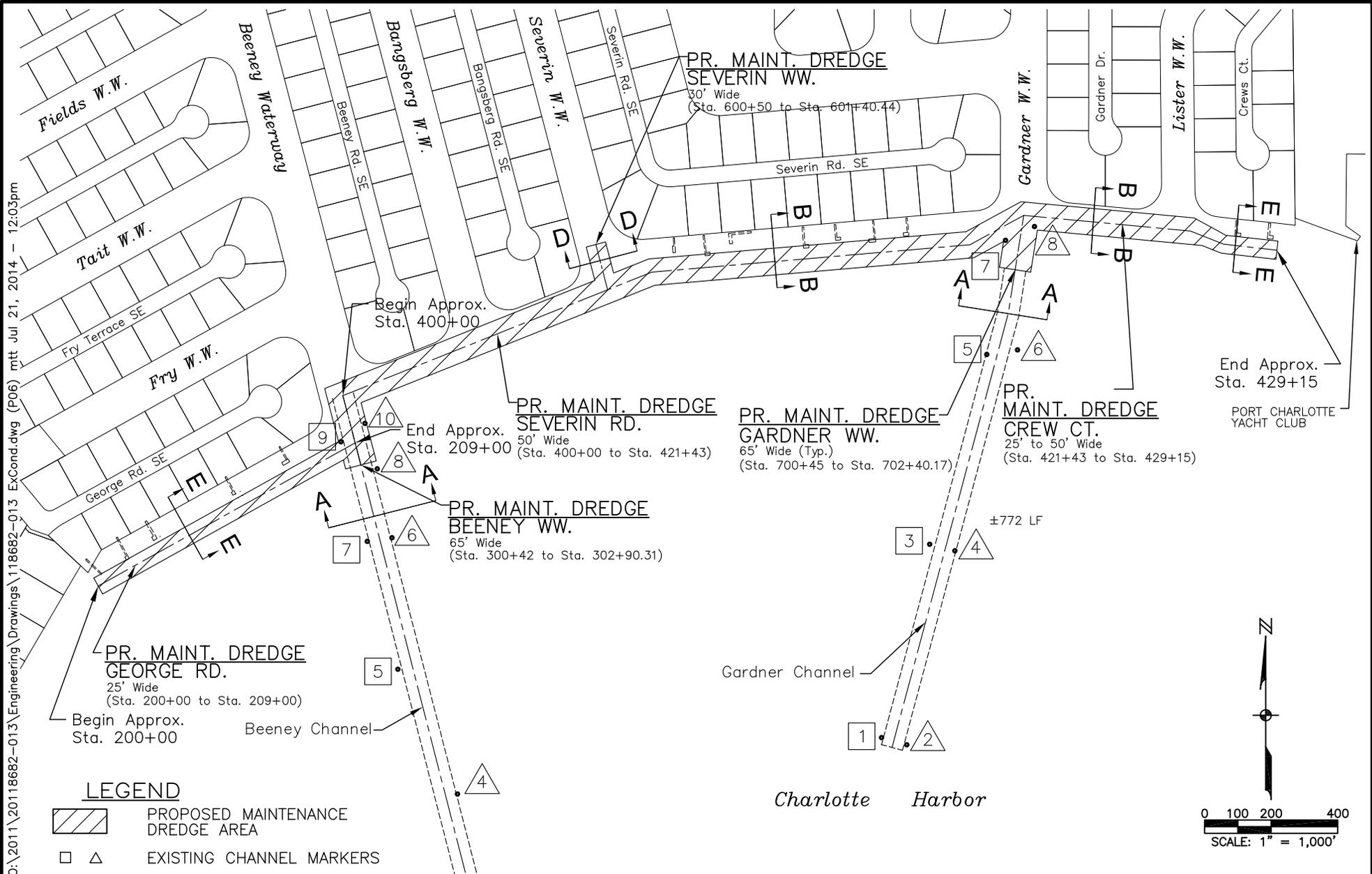


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**Dredging Plan - Elkcam Area
Maintenance Dredging**

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
June, 2014	20118682-013	27-40-22	1" = 400'	5 of 10

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Buena Vista / Grassy Point
Charlotte County BCC

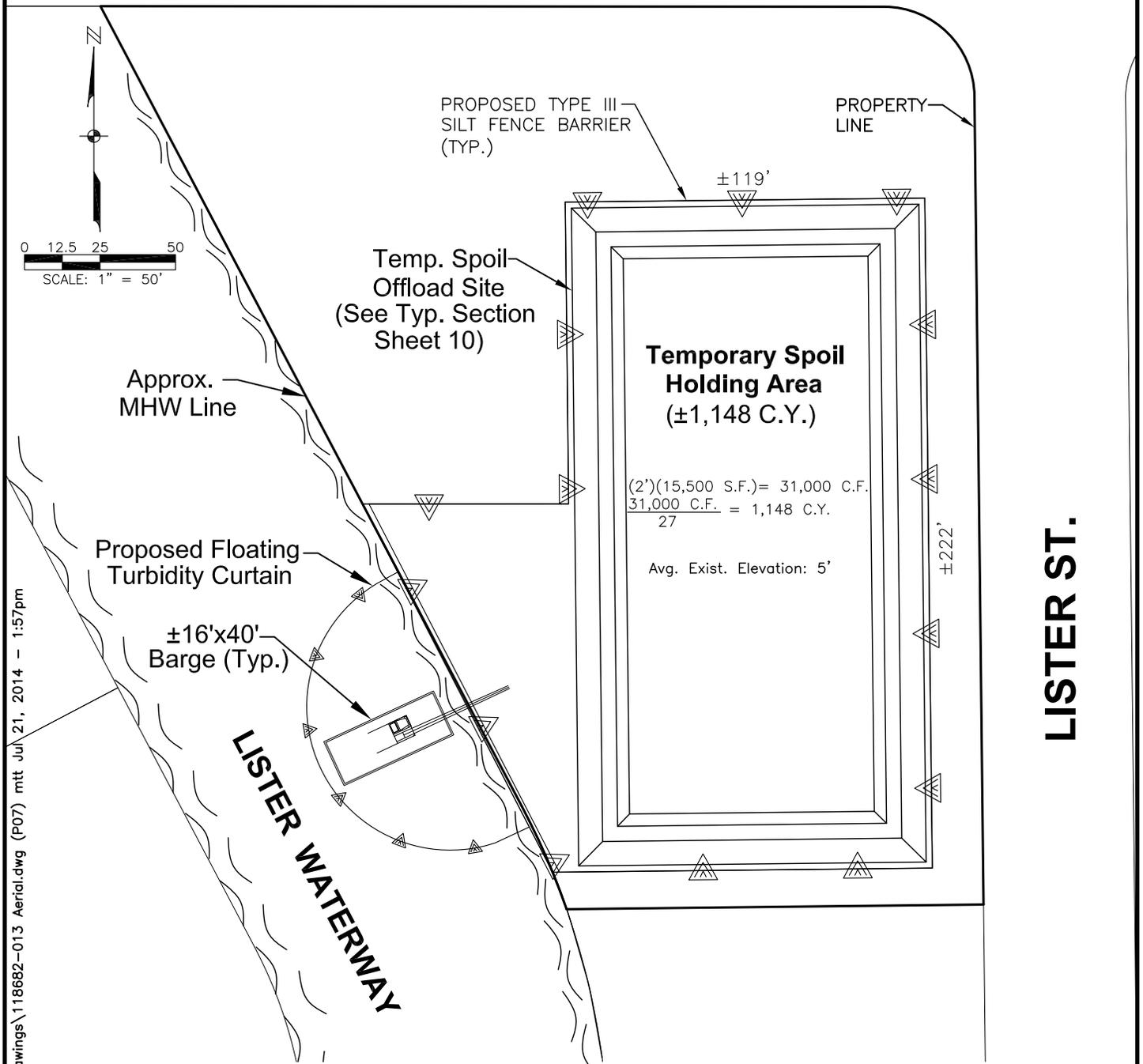


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Dredging Plan - Beenee &
Gardner Area - Maintenance Dredging

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
June, 2014	20118682-013	27-40-22	1" = 400'	6 of 10

EDGEWATER DR.



Typ. Plan View - Temporary Spoil Area

SPOIL AREA NOTES:

1. PROPOSED SPOIL AREA AT 2' DEPTH CAN CONTAIN APPROX. 1,148 C.Y. (15,500 S.F.) AT A TIME.
2. THIS SITE, OWNED BY CHARLOTTE COUNTY, HAS BEEN USED FOR SEVERAL PREVIOUS DREDGING PROJECTS. SITE IS UPLAND, HAS A SEAWALL AND IS PRIMARILY MOWED GRASS. AFTER IT DRIES, MATERIAL WILL BE HAULED TO THE ZEMEL ROAD LANDFILL. TRUCK ROUTE IS EDGEWATER DR. TO U.S. 41, SOUTH TO ZEMEL RD.
3. CONTRACTOR SHALL UTILIZE BEST MANAGEMENT PRACTICES AT ALL TIMES AT BOTH THIS TEMPORARY SPOIL SITE AND THE ZEMEL ROAD LANDFILL AND ALSO NOT ALLOW ANY WATER TO RETURN TO WATERS OF THE STATE.
4. UPON COMPLETION CONTRACTOR SHALL REMOVE BERM, REGRADE AND RE-ESTABLISH GRASS ON ALL DISTURBED AND BARREN AREAS.



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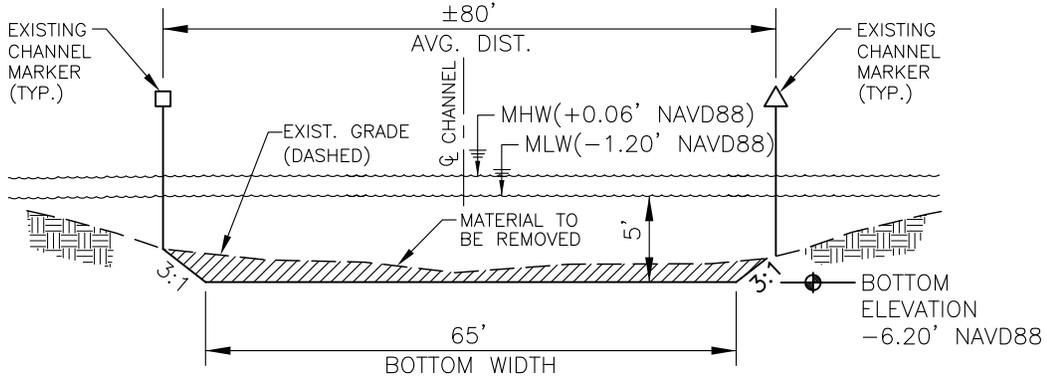
Spoil Site
Buena Vista Grassy Pt. - Maintenance Dredging

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
June, 2014	20118682-013	27-40-22	As Shown	7 OF 10

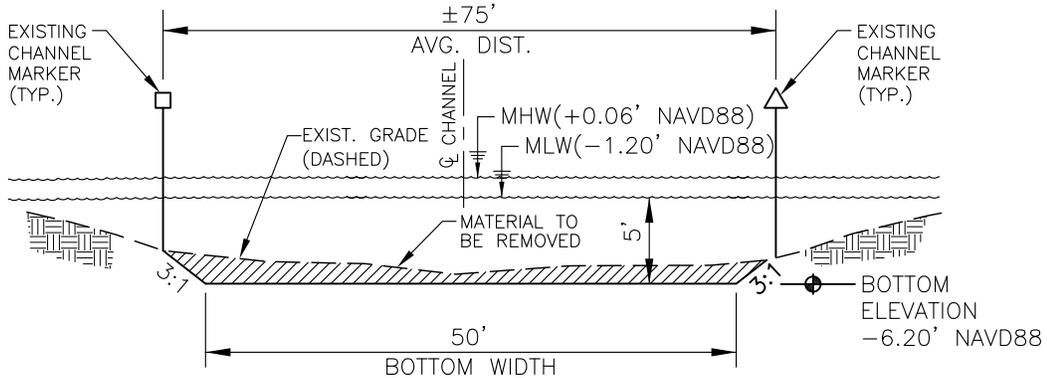
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LISTER ST.

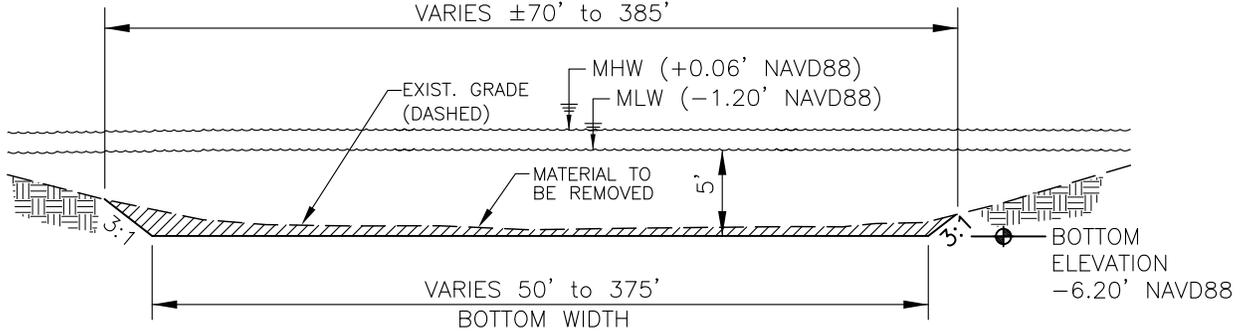
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Typ. Cross Section A-A
(Beeney & Gardner Channels)
NOT TO SCALE



Typ. Cross Section B-B
(Elkcam & Severin Rd. Channels)
NOT TO SCALE



Typ. Cross Section C-C
(Creek Drive)
NOT TO SCALE

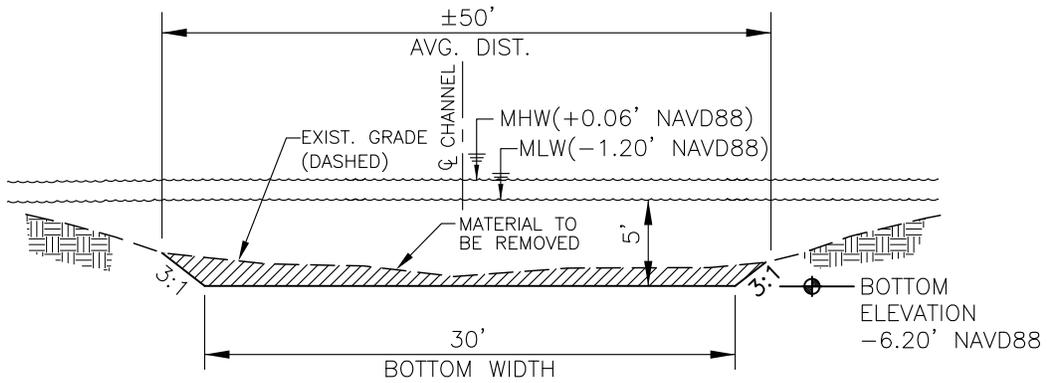


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Typical Cross Sections
Buena Vista Grassy Pt. - Maintenance Dredging

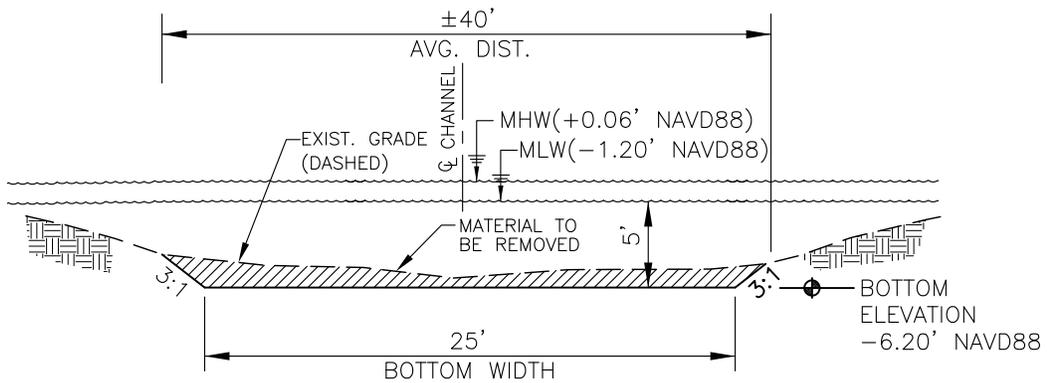
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
June, 2014	20118682-013	34-40-22	As Shown	8 of 10

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Typ. Cross Section D-D

(Severin W.W.)
NOT TO SCALE



Typ. Cross Section E-E

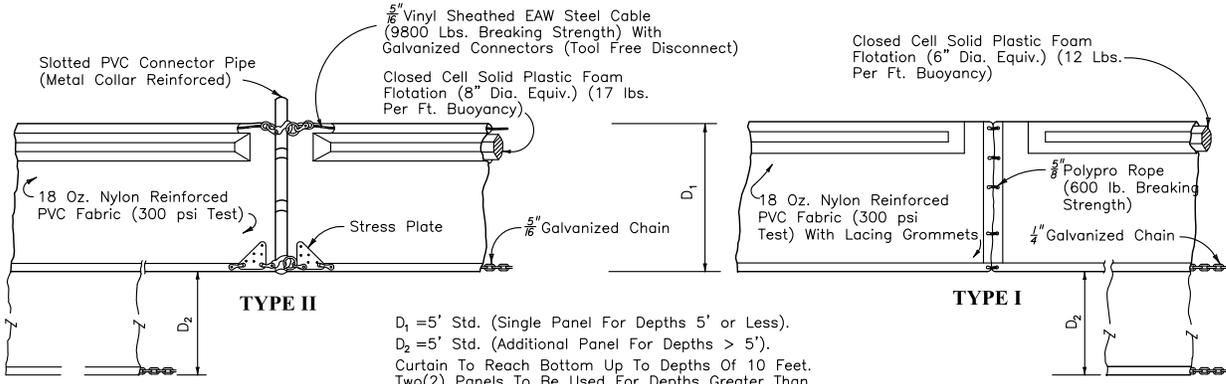
(George & Crew)
NOT TO SCALE



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Typical Cross Sections
Buena Vista Grassy Pt. - Maintenance Dredging

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
June, 2014	20118682-013	34-40-22	As Shown	9 of 10

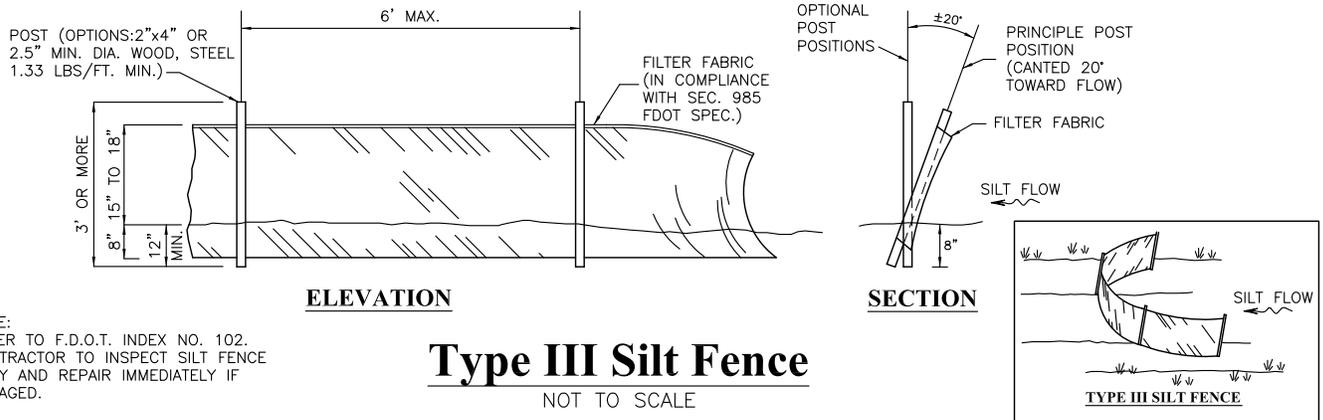


$D_1 = 5'$ Std. (Single Panel For Depths 5' or Less).
 $D_2 = 5'$ Std. (Additional Panel For Depths > 5').
 Curtain To Reach Bottom Up To Depths Of 10 Feet.
 Two(2) Panels To Be Used For Depths Greater Than
 10 Feet Unless Special Depth Curtains Specifically Called
 For In The Plans Or As Determined By The Engineer.

NOTICE: COMPONENTS OF TYPES I AND II MAY BE SIMILAR OR IDENTICAL
 TO PROPRIETARY DESIGNS. ANY INFRINGEMENT ON THE PROPRIETARY
 RIGHTS OF THE DESIGNER SHALL BE THE SOLE RESPONSIBILITY OF
 THE USER. SUBSTITUTIONS FOR TYPES I AND II SHALL BE AS
 APPROVED BY THE ENGINEER.

Floating Turbidity Barriers

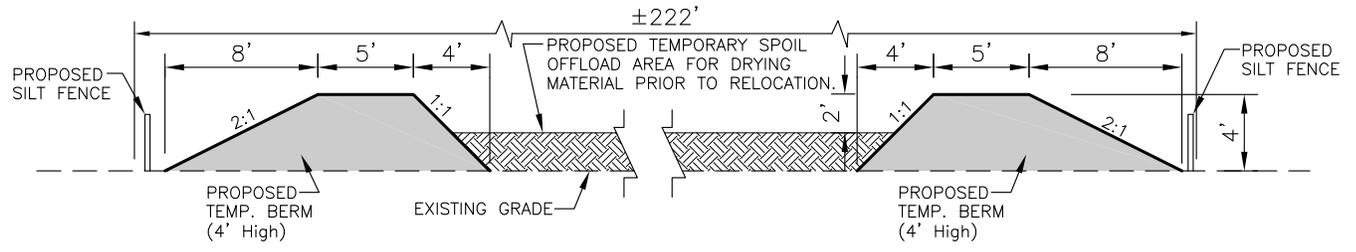
NOT TO SCALE



NOTE:
 REFER TO F.D.O.T. INDEX NO. 102.
 CONTRACTOR TO INSPECT SILT FENCE
 DAILY AND REPAIR IMMEDIATELY IF
 DAMAGED.

Type III Silt Fence

NOT TO SCALE



Typ. Cross Section - Spoil Area

SCALE: 1"=10'

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Typical Spoil Details
 Buena Vista Grassy Pt. - Maintenance Dredging

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
June, 2014	20118682-013	34-40-22	As Shown	10 of 10

REQUEST PERMIT TRANSFER: PERMIT NUMBER: SAJ-2014-02143(LP-MAO)

When the structures or work verified 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, the present permittee and the transferee should sign and date below. This document must then be provided to the U.S. Army Corps of Engineers, Regulatory Division, Post Office Box 4970, Jacksonville, Florida 32232-0019.

(TRANSFEREE SIGNATURE)

(DATE)

(Name - Printed)

Lot/Block of site

(Street Address)

(City, State, and Zip Code)

Flood Plain Information:

This Department of the Army permit does not give absolute authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions. You should contact the local office in your area that issues building permits to determine if your site is located in a flood-prone or floodway area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program. If your local office cannot provide you the necessary information, you may request a flood hazard evaluation of the site by providing this office with a letter and a small scale map showing the location of the site. The request should be addressed to the **Chief, Flood Control and Floodplain Management Branch, Jacksonville District, U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232-0019**. Phone inquiries may be made at 904-232-2515.

GENERAL CONDITIONS
33 CFR PART 320-330
PUBLISHED FR DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **the date noted in the permit letter**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
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 in the space provided 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. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative 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.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Charlotte County BOCC		File Number: SAJ-2014-02143	Date:
Attached is:		See Section below	
<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

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

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

CAUTION: MANATEE HABITAT

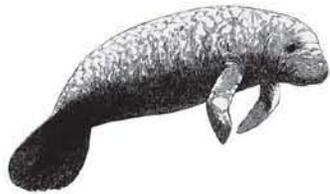
All project vessels

IDLE SPEED / NO WAKE

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

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

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