THE CITY OF KEY WEST
3140 Flagler St,
Key West, Florida 33040

ADDENDUM #2
Replacement of Tarpon Pier
Invitation to Bid: 12-030
6 September 2012

This Addendum is issued as supplemental information to the bid package for clarification of certain matters of both a general and a technical nature. The referenced bid package is amended in accordance with the following items:

- Optional Site Visit: See attached list of attendees
- Engineers Estimate: $1.5 million dollars
- The bid due date is NOT changed as a result of this Addendum
- ACOE/NOAA Permits: See attached permits. Contractor is required to comply with the Conditions of these permits and assist the City with the necessary documentation to close out these permits.
- Building Permits and Coral Relocation: Contractors are directed to item 17 of the General Conditions for information on these items.
- Insurance: In addition to the insurance requirements of the bid documents. Contractors shall also provide insurance which meets the following

The CONTRACTOR and his subcontractors will provide Workman's Compensation Insurance, U.S. Longshoremen and Harbor Workers Act, Jones Act, and Public Liability and Property Damage Insurance that must be approved prior to Commencement. The insurance amounts are as follows:

A. Public Liability Insurance in an amount not less than $1,000,000 for any one person and not less than $1,000,000 for any one accident.

B. Property Damage Insurance in an amount not less than $200,000.

All Bidders shall acknowledge receipt and acceptance of this Addendum No 5 by acknowledging Addendum in their proposal or by submitting the addendum with the bid package. Bids submitted without acknowledgement or without this Addendum may be considered non-responsive

_____ _____

Signature Name Of Business

Pre-bid Site Visit - Tarpon Pier

Name	Company	Phone Number
MIKE STANLEY	TECHNOMARINE	941.735.7754
BILL HABERCRAK	MARINE PRODUCTS	941-504-3107
MIKE CAMERA	M+J CONSTRUCTION	727 846 0505
John Keams	Keams Construction	305-975-8878
STEVE RYDER	BELLINGHAM MARINE	904-613-2331
JOE STANTON	Shoreline Foundation, Inc	954 985-0460
Miguel Vella	SOAMAR DIVERS, LLC	305-805-6896
ISABEL RUBIO	SOAMAR DIVERS, LLC	305-805-6896
JEFF KIRK	Nearshore Electric	305-744-3991
GARY CENTOYRE	GARY'S PLUMBING INC	305-797-1062
MIKE BULLOCK	CBITA MARINE CONTRACTORS	305 849 0235
OTIS MAY	OTAK GROUP	904-563-9001
SEAN MORLEY	KEY WEST HARBOR SERVICES	305 454-3171
STEVE EICHLERP	Key West HARBOR Services	305 900 8047
CHRISTOPHER KARCH	CHRISTOPHER KARCH & ASSOC., INC	561.686.5577

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
MIAMI REGULATORY OFFICE
9900 SOUTHWEST 107TH AVENUE, SUITE 203
MIAMI, FLORIDA 33176

REPLY TO ATTENTION OF

August 29, 2012

Regulatory Division
South Permits Branch
Miami Section
SAJ-1999-05418 (IP-IMT)

City of Key West
P.O. Box 6434
Key West, FL 33041-6434

Dear Applicant:

The U.S. Army Corps of Engineers (Corps) has completed the review and evaluation of your Department of the Army (DA) permit application, number SAJ-1999-05418. Our regulations require that you have an opportunity to review the terms and conditions prior to final signature by the DA. Enclosed is an unsigned DA permit instrument (permit).

Please read carefully the Special Conditions beginning on page 2 of the permit. These were developed to apply specifically to your project. Water Quality Certification is also required prior to issuance of a permit. The Corps has received a copy of the State of Florida certification for your project. In accordance with General Condition 5 of the permit, any special conditions of the Water Quality Certification have been attached to the DA permit.

Instructions for Objecting to Permit Terms and Conditions: This letter contains an initial proffered permit for your proposed project. 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 **October 28, 2012**.

Instructions for Accepting Terms and Conditions and Finalizing Your Permit: It is not necessary to submit an RFA form to the District office, if you do not object to the decision in this letter. In this case, the permit must be signed by the applicant in the space provided on the signature page of the permit. In the case of corporations, acceptance must be by an officer of that

signature page of the permit. In the case of corporations, acceptance must be by an officer of that corporation authorized to sign on behalf of the corporation. The party responsible for assuring the work is done in accordance with the permit terms and conditions must sign the permit. Please type or print the name and title of the person signing below the signature and the date signed.

SIGN AND RETURN THE PERMIT, IN ITS ENTIRETY, TO THE LETTERHEAD ADDRESS, ALONG WITH A CHECK OR MONEY ORDER FOR $100 MADE PAYABLE TO THE FINANCE AND ACCOUNTING OFFICER, JACKSONVILLE DISTRICT.

The permit will be signed by the District Engineer and returned to you. It is important to note that the permit is not valid until the District Engineer signs it.

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://per2.nwp.usace.army.mil/survey.html and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

If you have any questions concerning this application, you may contact Isla Turner in writing at the letterhead address, by electronic mail at Isla.M.Turner@usace.army.mil, or by telephone at 305-779-6052.

Sincerely,

for Ingrid Sotelo

Donald W. Kinard
Chief, Regulatory Division

Enclosures
Copies Furnished:
Hans@hanswilson.com
Johanna@hanswilson.com
Joanne.Delaney@noaa.gov
Celia.Hitchins@dep.state.fl.us

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: **City of Key West/Tarpon Pier replacement**	File Number: **SAJ-1999-05418**	Date: AUG 2 9 2012
Attached is:		See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
X	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:	If you only have questions regarding the appeal process you may also contact:
Project Manager as noted in letter	**for process:** **Stuart Santos 904-232-2018**

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.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

DEPARTMENT OF THE ARMY PERMIT

Permittee: City of Key West
P.O. Box 6434
Key West, FL 33041-6434

August 29, 2012

Permit No: SAJ-1999-05418 (IP-IMT)

Issuing Office: U.S. Army Engineer 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 Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The Permittee is authorized to remove a pile-supported concrete docking structure and replace with a 12' by 40' and 10' by 359' floating concrete access pier; to install twenty-two (22) 4' by 35' finger piers and 33 new anchor pilings; and to temporarily deploy turbidity curtains for the duration of all in-water activities, in/over waters of the United States.

The work described above is to be completed in accordance with the eight (8) pages of drawings date stamped by the Corps on March 30, 2012, and nine (9) attachments affixed at the end of this permit instrument.

Project Location: The project is located within Garrison Bight along an existing residential pier, locally known as Tarpon Pier, at 1801 North Roosevelt Boulevard; in Section 32, Township 67 south, Range 25 east; Key West, Monroe County, Florida (RE# 00072070-000000).

Directions to site: Take U.S. 1 Overseas Highway South to Key West. Turn right onto North Roosevelt Boulevard and follow approximately 2.3 miles. Turn right onto Palm Avenue Causeway and turn at the first right to arrive at the project location.

Latitude & Longitude: Latitude: 24.560498º North
Longitude: 81.783384º West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on _____. 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 and the mailing address 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 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.

Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 9900 SW 107 Avenue, Suite 203, Miami, FL 33176. The Permittee shall reference this permit number, SAJ-1999-05418 (IP-IMT), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. **Florida Keys National Marine Sanctuary (FKNMS):** This Corps permit does not authorize you to damage, diminish, degrade, impair, destroy, or otherwise harm any FKNMS trust resource. In order to legally conduct your work, you are provided with a copy of your certificate from the Sanctuary (Attachment #3). You must comply with the provisions of this document. The FKNMS correspondence contains mandatory terms and conditions. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with the FKNMS requirements, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions would constitute non-compliance with your Corps permit. The FKNMS is the appropriate authority to determine compliance with the terms and conditions of its requirements and with the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432). The FKNMS will enforce its conditions.

4. **Division of Historical Resources**: If prehistoric or historic artifacts, such as pottery or 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 are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The Permittee, or other designee, should contact the Seminole Tribe of Florida Tribal Historic Preservation Office (See Attachment #4) and the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from all parties.

5. **Assurance of Navigation and Maintenance:** 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.

6. **Permit On-Site:** The Permittee shall ensure that all contractors, sub-contractors, and entities associated with the implementation of the project review, understand, and comply with the approved plans and special conditions made part of this permit. The Permittee shall inform all parties associated with the activity of the construction area boundaries, and the location of

seagrass, corals, and adjacent mangrove vegetation to be avoided. Complete copies of the permit and approved plans shall be available at the construction site at all times. Failure to comply with the approved plans and permit special conditions may subject the Permittee to enforcement action.

7. **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work - 2011" (Attachment #5).

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

9. **Turbidity Curtains:** 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 within 1 foot of 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 erodible materials have been stabilized.

10. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment #7) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

11. **Notice of Permit:** The Permittee shall complete and record the Notice of DA Permit (Attachment #8) with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. Within 90 days from the effective date of this permit the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded and the date of recording.

12. **Regulatory Agency Changes:** Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Miami Regulatory Office.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(**X**) Section 10 of the Rivers and Harbors Act of 1899
(33 U.S.C. 403).

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

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.

3. 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.

4. 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.

5. 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 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

_____ _____
(PERMITTEE) (DATE)

_____
(PERMITTEE NAME-PRINTED)

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

_____ _____
(DISTRICT ENGINEER) (DATE)
Alan M. Dodd
Colonel, U.S. Army
District Commander

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 below.

_____ _____ (TRANSFEREE-SIGNATURE) (DATE)

_____
(NAME-PRINTED)

_____
(ADDRESS)

_____
(CITY, STATE, AND ZIP CODE)

Attachments to Department of the Army
Permit Number SAJ-1999-05418

1. PERMIT DRAWINGS: 8 pages, dated March 30, 2012

2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. 6 pages.

3. AUTHORIZATION #FKNMS-2012-103

4. SEMINOLE TRIBE OF FLORIDA, TRIBAL HISTORIC PRESERVATION OFFICE: Comment letter THPO# 009748 dated April 13, 2012.

5. MANATEE CONDITIONS

6. SEA TURTLE AND SMALLTOOTH SAWFISH CONDITIONS

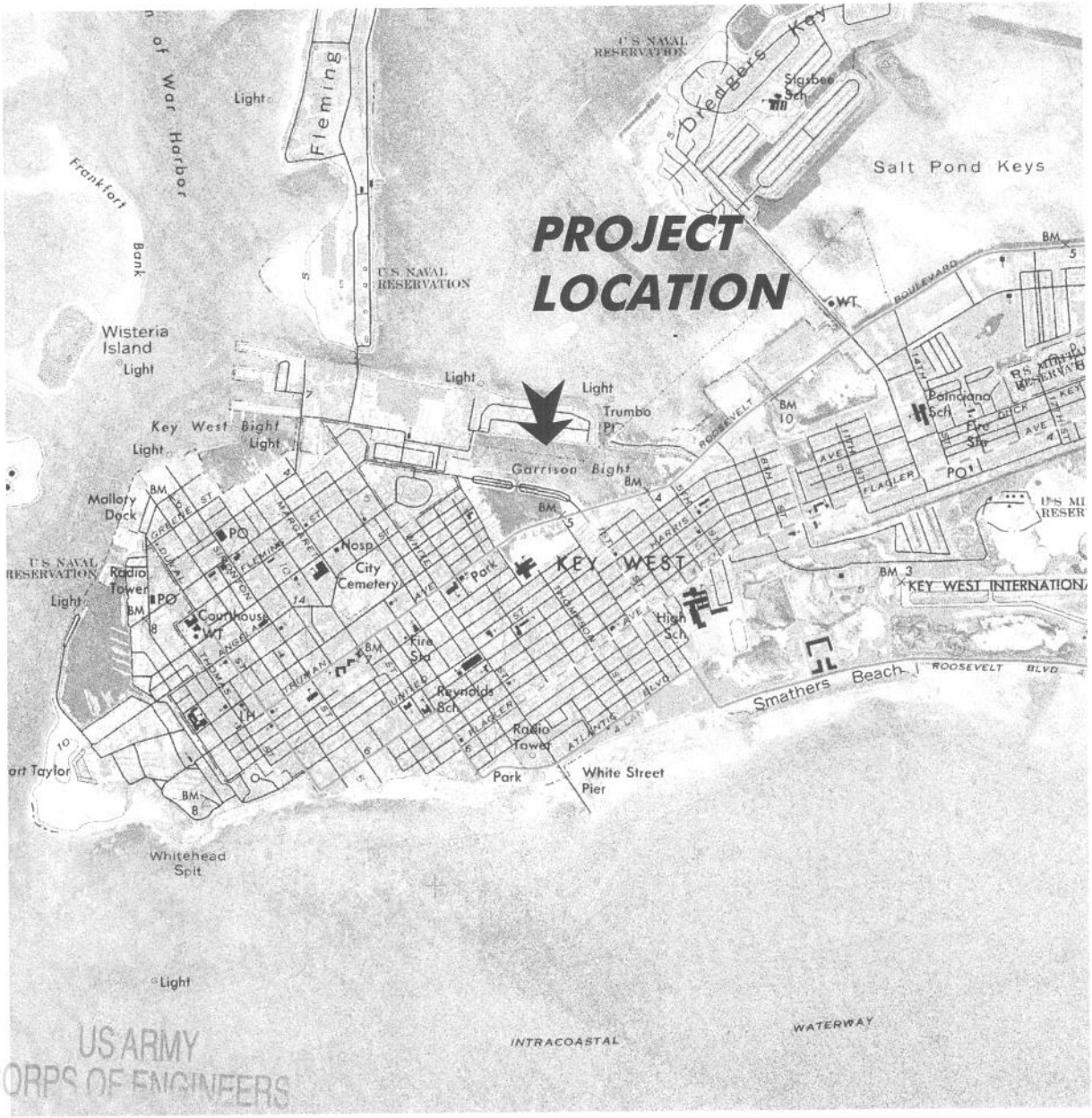
7. AS-BUILT CERTIFICATION FORM

8. NOTICE OF PERMIT

9. SECTION 10 JURISDICTIONAL DETERMINATION FORM

SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.
LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

0' 1500' 3000'
SCALE FEET



US ARMY CORPS OF ENGINEERS
MAR 30 2012
MIAMI REGULATORY OFFICE 1/8
COE #: 1999-05418
PROJECT MANAGER: IMT

U.S.G.S. Quadrangle Map

SCALE: 1" = 3,000 FT

Hans Wilson

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWEST1MASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12
JJB

City of Key West

SHEET 1/8

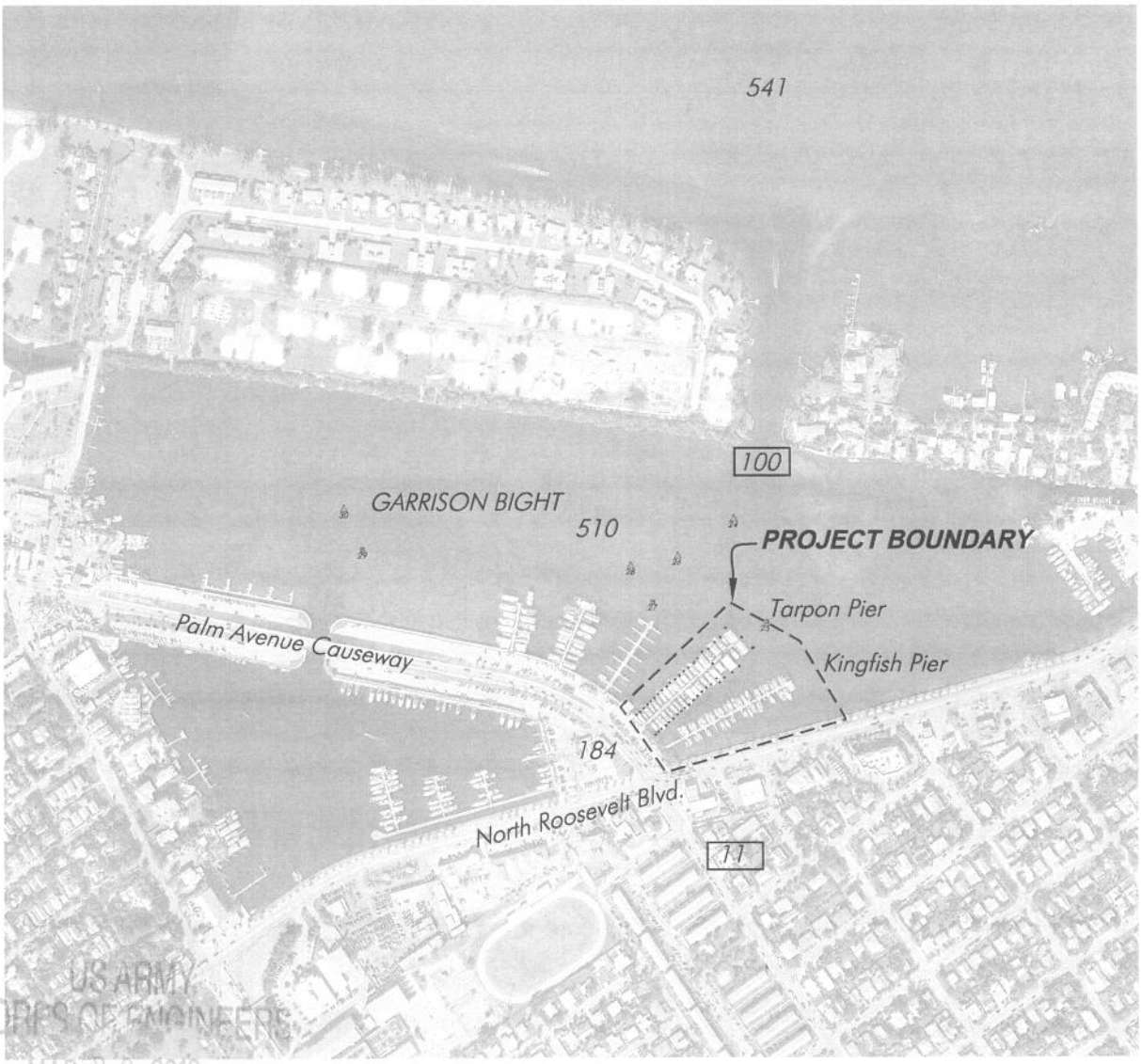
SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.
LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

FLUCFCS Codes
184 - Marinas
510 - Streams and Waterways
541 - Embayments

Soil Codes
11 - Urban Land
100 - Waters of the Atlantic Ocean

0' 300' 600'
SCALE FEET

2009 Monroe County Aerial



USARMY
CORPS OF ENGINEERS
MAR 30 2012
MIAMI REGULATORY OFFICE 2/8
COE #: 1999-05418
PROJECT MANAGER: JMT

Overall Aerial Plan

SCALE: 1" = 600'

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWEST1MASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12
hjmw

City of Key West

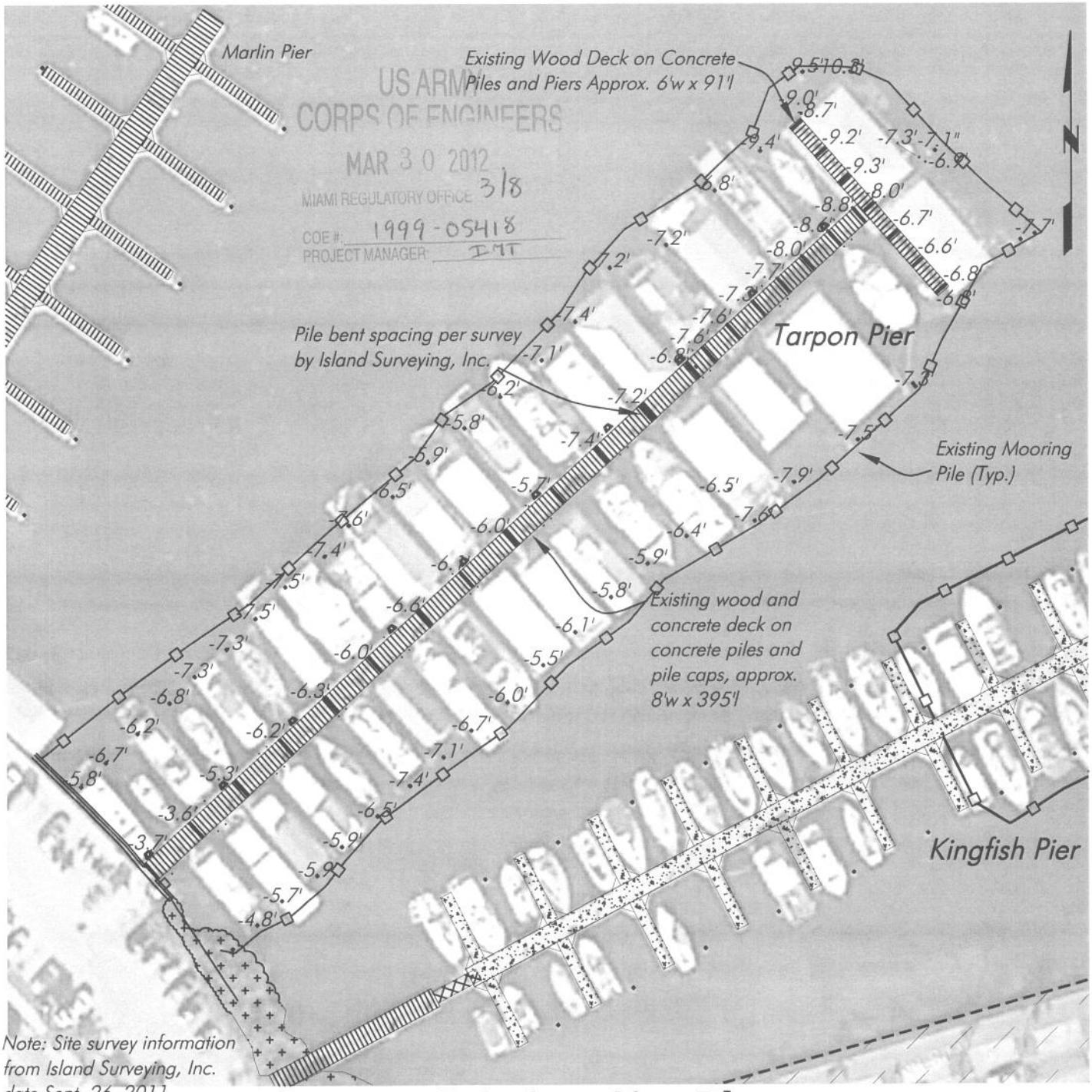
SHEET 2/8

SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

0 30 60
SCALE FEET

2009 Monroe County Aerial



Note: Site survey information from Island Surveying, Inc. date Sept, 26, 2011.

Existing Site Plan

SCALE: 1" = 60'

Note: Bathymetric Survey completed by Hans Wilson & Assoc. Inc. September 28, 2011. All depths reference Mean Low Water per DEP Tide Station 872-4542. Mean High Water el. -0.23' NAVD 88; Mean Low Water @ -1.24' NAVD 88.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWEST1MASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12
JJB

City of Key West

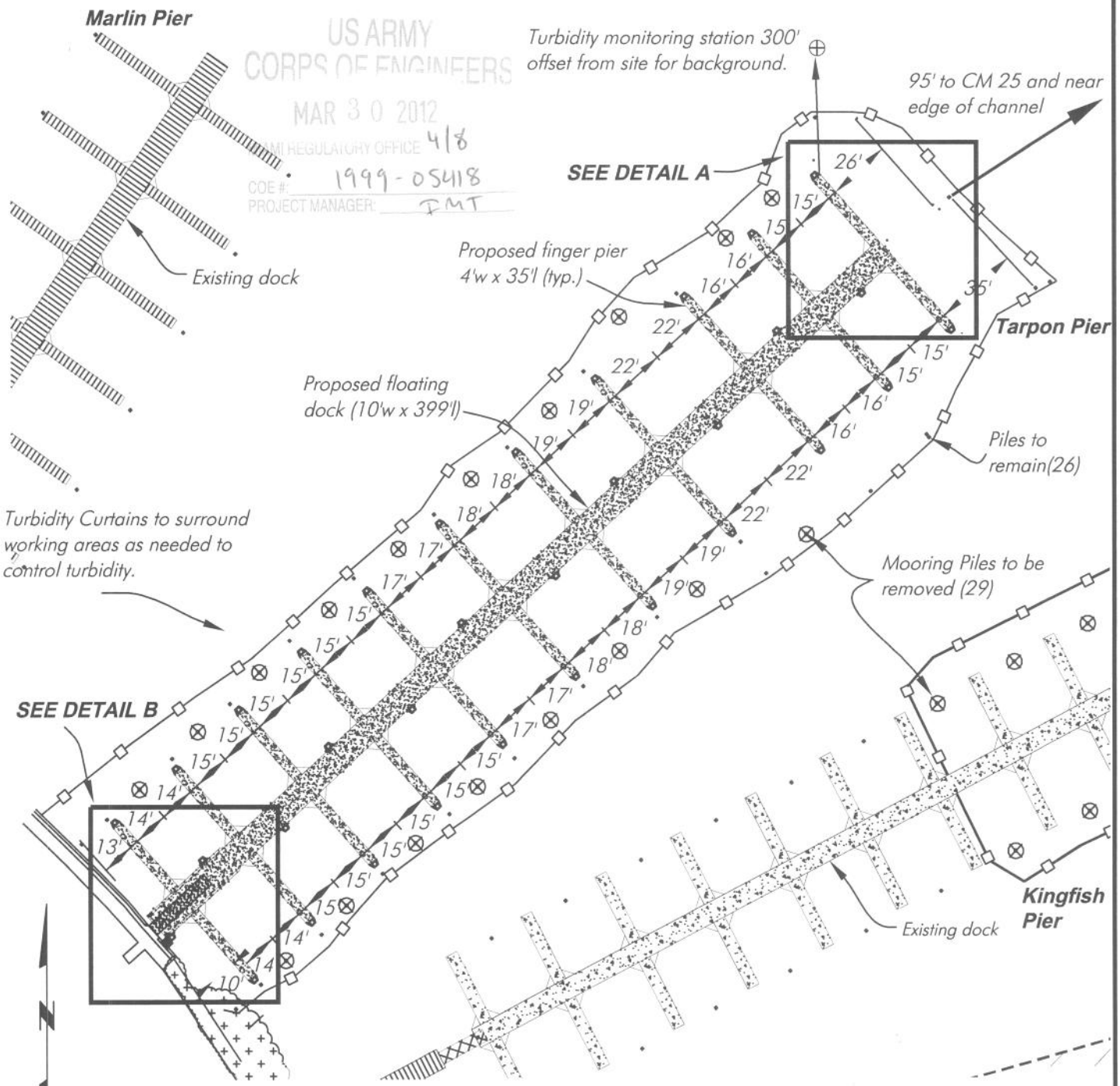
SHEET 3/8

SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

Note: Values shown in slips are clear space between finger piers, equally divided to create the slip width.

0 30 60
SCALE FEET

US ARMY
CORPS OF ENGINEERS
MAR 30 2012
MI REGULATORY OFFICE 4/8
COE #: 1999-05418
PROJECT MANAGER: JMT



Proposed Dimension Plan

SCALE: 1" = 60'

Note: Site Survey information from Island Surveying Inc., dated 9/26/11

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWEST1MASTER.DWG

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12

JJB

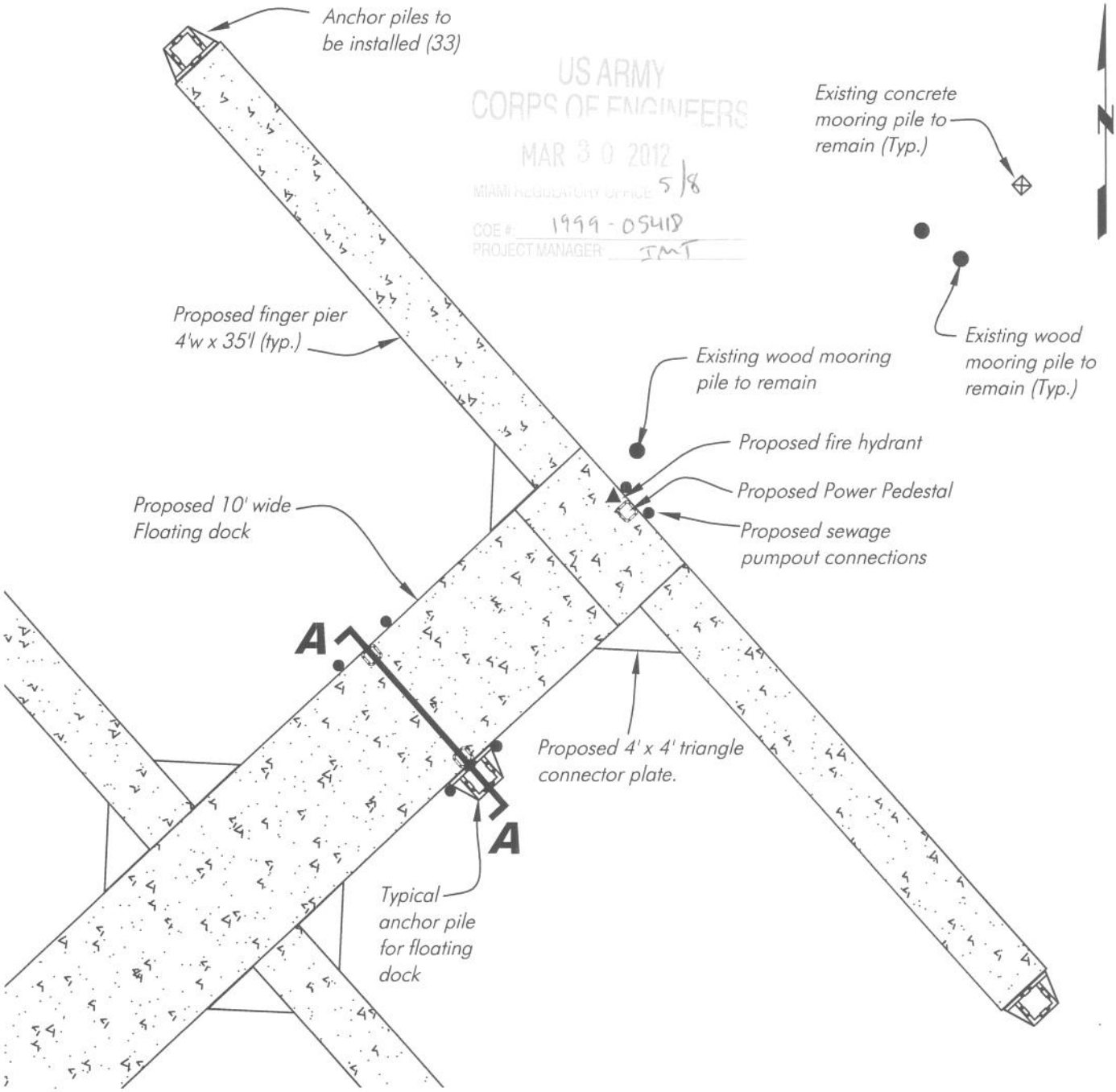
City of Key West

SHEET 4/8

SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

0' 5' 10'
SCALE FEET



US ARMY
CORPS OF ENGINEERS
MAR 30 2012
MIAMI REGULATORY OFFICE 5/8
COE #: 1999-05418
PROJECT MANAGER: IMT

Detail A - Proposed Dock

SCALE: 1" = 10'

Note: Site Survey information from Island Surveying Inc., dated 9/26/11

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Hans Wilson

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
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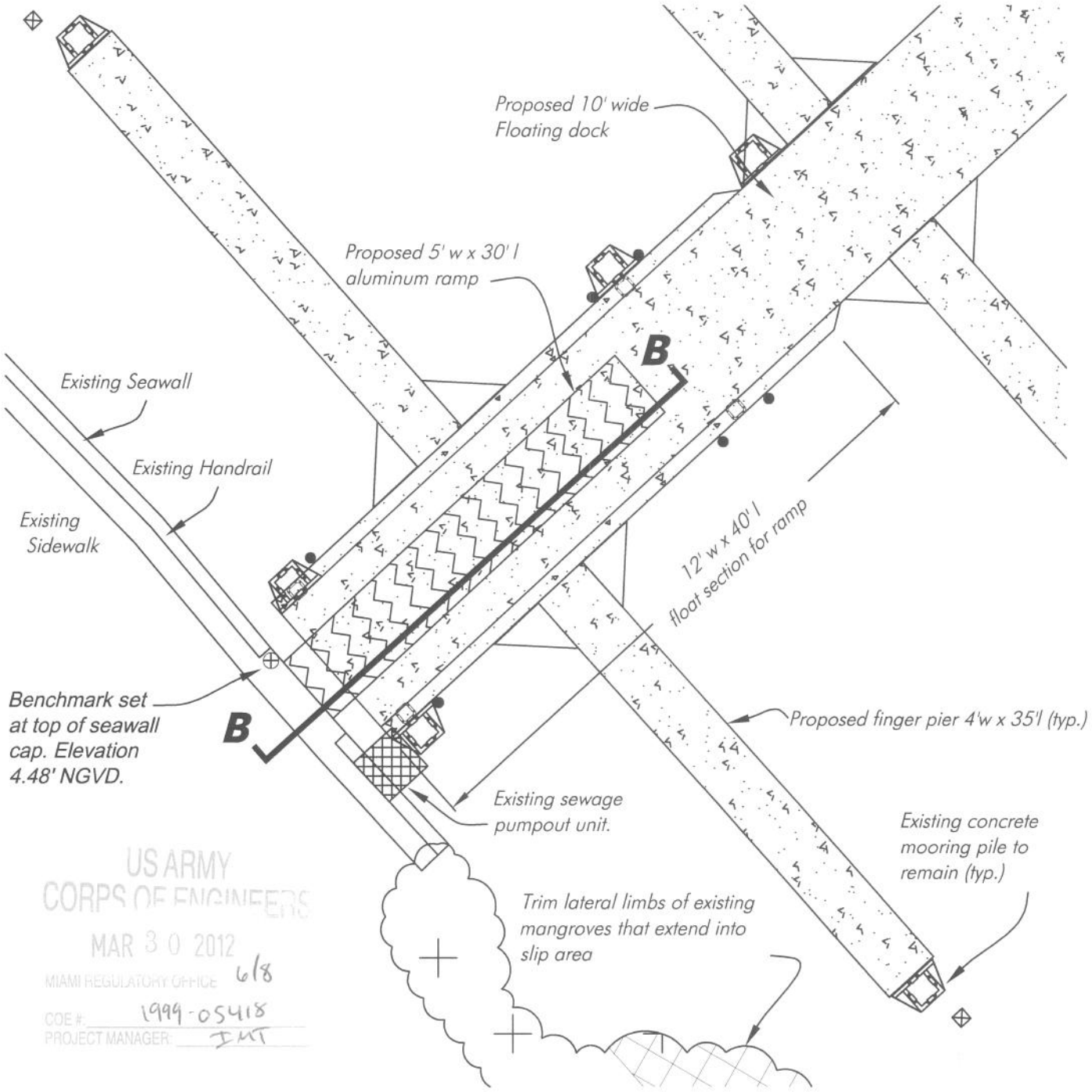
City of Key West

SHEET 5/8

SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

0' 5' 10'
SCALE FEET



US ARMY
CORPS OF ENGINEERS
MAR 30 2012
MIAMI REGULATORY OFFICE 6/8
COE #: 1999-05418
PROJECT MANAGER: IMT

Detail B - Proposed Dock

SCALE: 1" = 10'

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWEST1MASTER.DWG

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2-4-12
JJB

City of Key West

SHEET 6/8

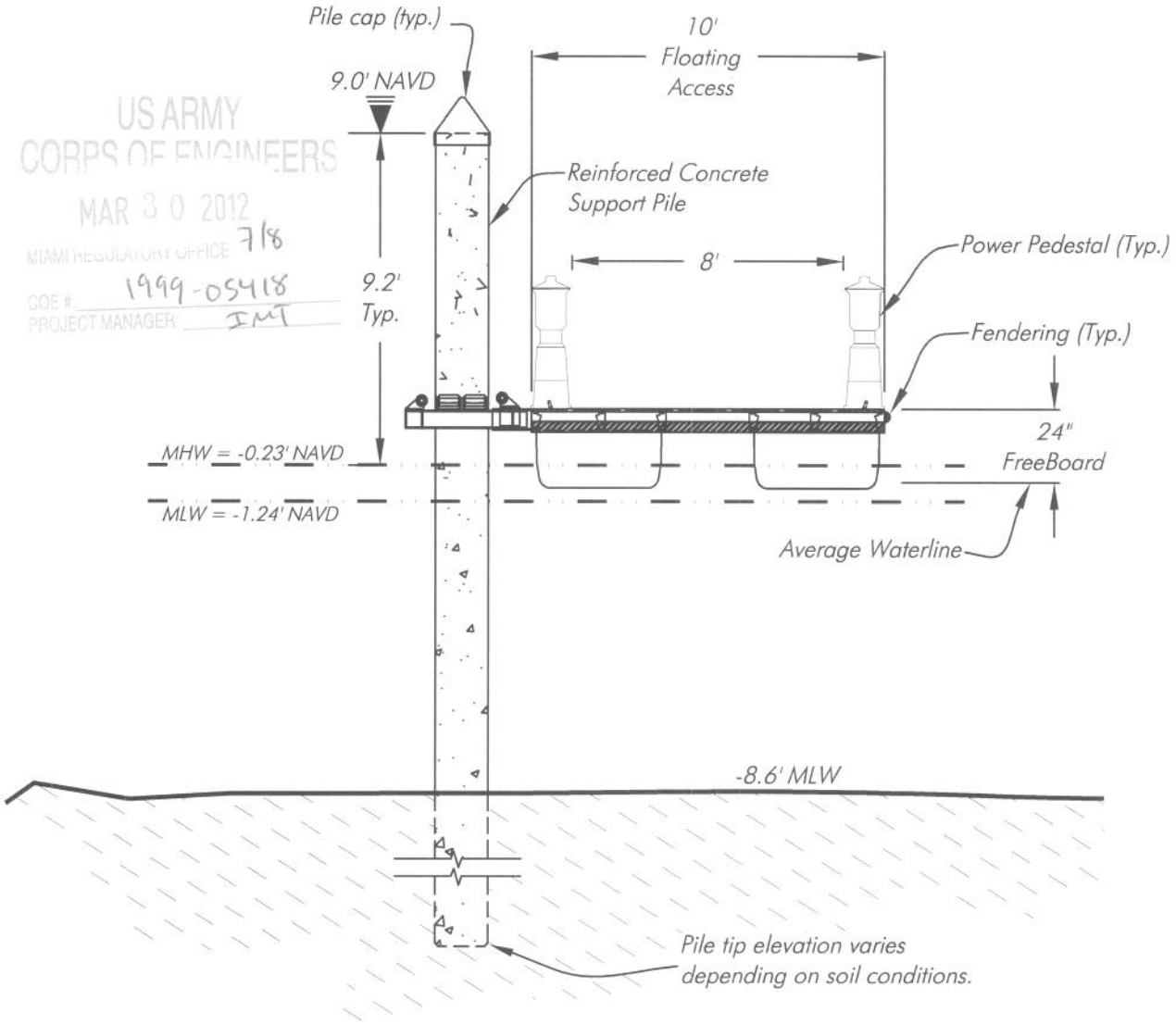
SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

0 2.5 5
SCALE FEET

Note: All depths reference Mean Low Water per DEP Tide Station 872-4542.
Mean High Water el. -0.23' NAVD 88; Mean Low Water @ -1.24' NAVD 88.

US ARMY
CORPS OF ENGINEERS
MAR 30 2012
MIAMI REGULATORY OFFICE 7/8
COE #: 1999-05418
PROJECT MANAGER: IMT



Cross Section A-A

SCALE: 1" =5'

Note: Site Survey information from Island Surveying Inc., dated 9/26/11

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWEST1MASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

HANS WILSON & ASSOC., INC.
1938 Hill Ave. Ft. Myers, Florida 33901
Tel:239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-4-12
JJB

City of Key West

SHEET 7/8

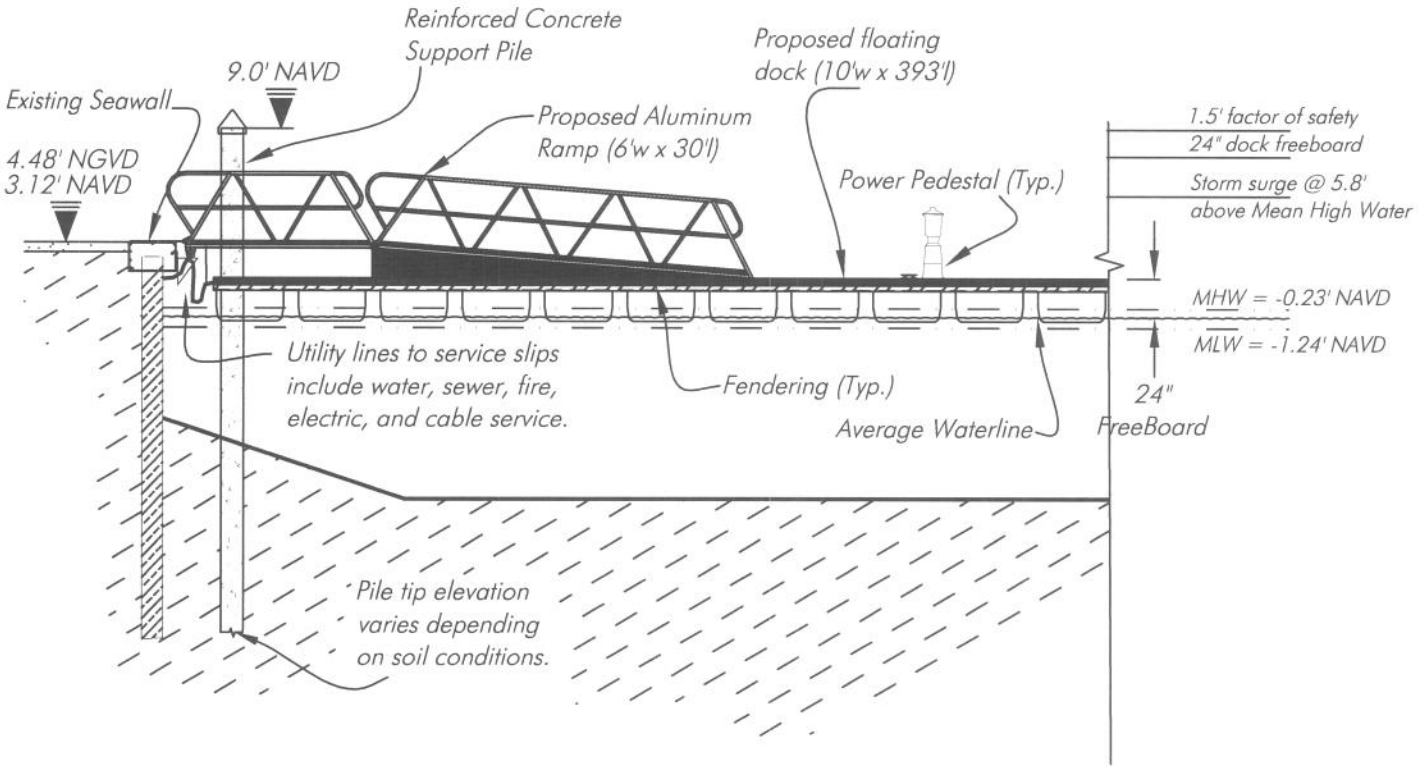
SECTION: 32
TOWNSHIP: 67 S.
RANGE: 25 E.

LATITUDE: 24° 33' 36"
LONGITUDE: 81° 47' 01"

0 5 10
SCALE FEET

US ARMY
CORPS OF ENGINEERS
MAR 30 2012
MIAMI REGULATORY OFFICE
8/8
COE #: 1999-05418
PROJECT MANAGER: IMT

Note: Ramp design conceptual only. Refer to in field construction of access ramp to Marlin Dock for concise example.



Cross Section B-B

SCALE: 1" = 10'

Note: All depths reference Mean Low Water per DEP Tide Station 872-4542.
Mean High Water el. -0.23' NAVD 88; Mean Low Water @ -1.24' NAVD 88.

Note: Site Survey information from
Island Surveying Inc., dated 9/26/11

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: February 04, 2012 3:46:34 p.m.
Drawing: KEYWEST1MASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

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1938 Hill Ave. Ft. Myers, Florida 33901
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2-4-12
JJB

City of Key West

SHEET 8/8

Florida Department of
Environmental Protection
South District Branch Office
2796 Overseas Highway, Suite 221
Marathon, FL 33050

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

VIA ELECTRONIC MAIL

Permittee/Authorized Entity:
City of Key West
P.O. Box 6434
Key West, FL 33041

Tarpon Pier replacement

Authorized Agent:
Hans Wilson & Associates, Inc.
1938 Hill Avenue
Fort Myers, FL 33901
Hans@hanswilson.com; Johanna@hanswilson.com

Environmental Resource Permit
State-owned Submerged Lands Authorization –Not Applicable

U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required

Permit No.: 44-0116528-008

Permit Issuance Date: July 31, 2012
Permit Construction Phase Expiration Date: July 31, 2017

Environmental Resource Permit

Permittee: City of Key West
Permit No: 44-0116528-008

PROJECT LOCATION

The activities authorized by this Permit are located at Garrison Bight City Marina, 1801 N. Roosevelt Boulevard, Key West, in Section 32, Township 67 South, Range 25 East, Monroe County.

AUTHORIZATIONS

Tarpon Pier replacement

Project Description

The permittee is authorized to replace a pile-supported pier with a floating dock and finger piers at Tarpon Pier, Garrison Bight, a Class III Waterbody. Authorized activities are depicted on the attached drawings.

To offset unavoidable impacts that will occur from these authorized activities, the permittee shall make a monetary contribution of $1,056.00 to the Florida Keys National Marine Sanctuary (FKNMS) Coral Nursery Program. A monetary donation to this program is used to support field-based, underwater coral nurseries within the FKNMS in Key West, Florida. Specifically, donations are utilized to directly offset costs associated with maintaining corals that have been rescued from permitted construction sites in a dockside and offshore underwater coral nursery until such time that corals can be directed to beneficial use projects, such as scientific research, education, and reef restoration at vessel grounding sites. Donations to the FKNMS Coral Nursery Program may be made to the National Marine Sanctuary Foundation, a non-profit 501(c)(3) tax-exempt organization, and earmarked for the FKNMS Coral Nursery. A skilled subcontractor, CBE Marine, LLC, manages the coral nursery facilities and is reimbursed for services by the National Marine Sanctuary Foundation's Coral Nursery Program donations. The cost associated with coral propagation and husbandry in the FKNMS Coral Nursery Program has been estimated at $10,000 per square meter of coral (or $1/sq. cm. coral) based on a review of coral nursery costs prepared by NOAA economists in 2006. In this case, the $1,056 donation would provide for the transplantation of 960 sq. cm. of coral (960 sq. cm. @ $1/sq. cm. + 10% admin. fee).

The project described above may be conducted only in accordance with the terms, conditions and attachments contained in this permit. The issuance of this permit does not infer, nor guarantee, nor imply that future permits or modifications will be granted by the Department.

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has reviewed the activity described above and has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, Florida Statutes (F.S.).

Federal Authorization

A copy of this permit has been sent to the U.S. Army Corps of Engineers (USACE). The USACE may require a separate permit. Failure to obtain any required federal permits prior to construction could subject you to enforcement action by that agency.

Coastal Zone Management

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

Water Quality Certification

This permit constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this project may be required by other federal, state or local entities including but not limited to local governments and homeowner's associations. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

In addition, you are advised that your project may require additional authorizations or permits from the municipality/county in which the project is located. Please be sure to contact the local county building and environmental department to obtain these required authorizations.

PERMIT

The activities described herein must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these conditions and drawings prior to commencing the authorized activities. Failure to comply with these

conditions, including any mitigation requirements, shall constitute grounds for revocation of the Permit and appropriate enforcement action by the Department.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit/certification/authorization, as specifically described above.

SPECIFIC CONDITIONS:

1. The notices required by this permit shall be submitted to the Department's Marathon office at 2796 Overseas Highway, Suite 221, Marathon, FL 33050.

2. **Prior to the start of construction**, the Permittee shall mitigate for unavoidable coral impacts through a monetary contribution of $1,056.00 (960 cm^2 impact @ $1/$cm^2$ + 10% admin fee) to the National Marine Sanctuary Foundation for specified use in the FKNMS Coral Nursery Program. A copy of the receipt and a letter from the Foundation shall be provided to the Department as documentation of payment.

3. All deleterious and non-deleterious material below and surrounding the existing pier that is not encrusted with coral shall be removed and properly disposed of at an approved upland disposal facility, either prior to or in conjunction with construction activities.

4. **Prior to the start of construction,** all corals identified as candidates for temporary relocation or for transfer to the FKNMS Coral Nursery shall be moved from the project site.

5. In order to ensure that the coral relocation and transfer activities are correctly implemented, a qualified biologist shall oversee all aspects of the operation. The biologist must have established experience in successful coral relocation activities.

6. **Prior to the start of construction,** all corals identified as candidates for temporary relocation shall be moved outside the footprint of the construction area to an area of similar water depth and light regime to ensure survival. Care shall be taken during relocation activities to ensure survival. The relocation area shall be void of existing benthic resources. After construction is complete and all turbidity has subsided from permitted activities, the corals shall be replaced as close as practicable to their original location and orientation.

7. The Permittee shall provide notification to the Department within 24 hours after the initial coral relocation to their temporary site and within 24 hours after replacement to their original location.

8. **Prior to construction**, all corals within the project footprint and a 20′ buffer zone beyond the footprint that cannot be temporarily relocated or transferred to the Coral Nursery shall be marked. The markers shall remain in place for the duration of construction. Marked corals shall be avoided during all construction activities, including, but not limited to, pile driving, barge spudding, and construction vessel anchoring.

9. The Permittee shall avoid temporary or permanent impacts to the surrounding seagrass bed(s) during construction.

10. **Within 60 days of construction completion**, the Permittee shall provide the Department a copy of the coral relocation and benthic survey reports required by Special Conditions #9 & 10 the FKNMS permit #2012-103.

11. The Permittee shall coordinate with the FKNMS Permit Coordinator on all aspects of the project.

12. The limited, vertical trimming of mangroves within Slip #1 is authorized by this permit to provide clearance for the navigation of watercraft. The trimming shall be limited to those portions of branches or trunks of mangroves which extend into the navigation channel beyond a vertical plane of the most waterward prop root or root system. No herbicide or other chemical shall be used for the purpose of removing leaves of a mangrove. Trimming must be conducted in stages so that no more than 25 percent of the foliage is removed annually. The trimmed material shall be disposed of at an approved upland facility. The configuration of the mangroves trimmed may be maintained under Section 403.9326(1)(d), F.S. The defoliation, removal or destruction of mangroves is strictly prohibited by this permit.

13. Best management practices (primarily turbidity screens) for erosion and turbidity control shall be implemented and maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Rule 62-302, F.A.C. The Permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

14. The project shall comply with applicable State Water Quality Standards of Chapters 62-302 and 62-4, F.A.C., namely:

62-302.500 – Minimum Criteria for All Waters at All Times and All Places
62-302.530 – Surface Water Quality Criteria

15. In the event discrepancies exist between the permit drawings and the Specific Conditions of this permit, the Specific Conditions shall prevail.

GENERAL CONDITIONS:

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and a violation of Part IV of Chapter 373, (F.S.).

2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violations of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within seven (7) days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving water-body exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter Six of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter, the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

4. The permittee shall notify the Department of the anticipated construction start date within thirty (30) days of the date that this permit is issued. **At least forty-eight (48) hours prior** to commencement of the activity authorized by this permit, the permittee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), Florida Administrative Code (F.A.C.)) indicating the actual start date and expected completion date.

5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040

July 19, 2012

Mr. Birch Ohlinger
City of Key West
P.O. Box 1409
Key West, FL 33041

Dear Mr. Ohlinger:

The National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries (ONMS) has approved the issuance of permit number FKNMS-2012-103 to conduct activities within Florida Keys National Marine Sanctuary (sanctuary). Activities are to be conducted in accordance with the permit application and all supporting materials submitted to the sanctuary, and the terms and conditions of permit number FKNMS-2012-103 (enclosed).

This permit is not valid until signed and returned to the ONMS. Retain one signed copy and carry it with you while conducting the permitted activities. Additional copies must be signed and returned, by either mail or email, to the following individuals within 30 days of issuance and before commencing any activity authorized by this permit:

ENS Linh Nguyen
NOAA Corps Officer
Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040
Linh.Nguyen@noaa.gov

National Permit Coordinator
NOAA Office of National Marine Sanctuaries
1305 East-West Highway (N/ORM6)
SSMC4, 11th Floor
Silver Spring, MD 20910
nmspermits@noaa.gov

Your permit contains specific terms, conditions and reporting requirements. Review them closely and fully comply with them while undertaking permitted activities.

If you have any questions, please contact Joanne Delaney at Joanne.Delaney@noaa.gov. Thank you for your continued cooperation with the ONMS.

Sincerely,

Sean Morton
Superintendent

Enclosure

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040

FLORIDA KEYS NATIONAL MARINE SANCTUARY
PERMIT TO OTHERWISE FURTHER SANCTUARY PURPOSES

Permittee:
Mr. Birch Ohlinger
City of Key West
P.O. Box 1409
Key West, FL 33041

Permit Number: FKNMS-2012-103
Effective Date: July 19, 2012
Expiration Date: December 31, 2013

Project Title: City of Key West Tarpon Pier Replacement

This permit is issued for activities in accordance with the National Marine Sanctuaries Act (NMSA), 16 USC §1431 *et seq.*, and regulations thereunder (15 CFR Part 922). All activities must be conducted in accordance with those regulations and law. No activity prohibited in 15 CFR Part 922 is allowed except as specified in the activity description below.

Subject to the terms and conditions of this permit, the National Oceanic and Atmospheric Administration (NOAA), Office of National Marine Sanctuaries (ONMS) hereby authorizes the permittee listed above to activities within Florida Keys National Marine Sanctuary (FKNMS or sanctuary). All activities are to be conducted in accordance with this permit and the permit application received June 19, 2012. The permit application is incorporated into this permit and made a part hereof; provided, however, that if there are any conflicts between the permit application and the terms and conditions of this permit, the terms and conditions of this permit shall be controlling.

Permitted Activity Description:
The following activities are authorized by this permit:

1. Hand chipping of stony corals attached to the sea floor, debris, and pilings slated for removal and transfer of the corals into the FKNMS Key West Coral Nursery.

2. Touching, moving, and handling stony corals of various species and sizes (and associated debris) to a nearby, temporary relocation site and then replacing corals to their original location.

3. Temporary deployment of equipment on the sea floor, including markers, weights, baskets, monitoring equipment, and other materials.

4. Temporary disturbance to the sea floor for the purposes of removing debris.

No further violation of sanctuary regulations is allowed.

Permitted Activity Location:
The permitted activity is allowed only in the following location:

Tarpon Pier, Garrison Bight, Key West, FL, within a 0.5 nm radius of the central coordinate 24.560498° N and 81.783384° W.

Special Terms and Conditions:

1. All corals identified as candidates for temporary relocation or for transfer to the FKNMS Coral Nursery shall be moved prior to commencing any construction at the site.

2. The permittee shall provide e-mail notification, including the species, sizes, and numbers of corals, to FKNMS and the Coral Nursery Contractor a minimum five (5) business days prior to placing corals in FKNMS Coral Nursery. Notification shall be made to Scott Donahue (Scott.Donahue@noaa.gov), Joanne Delaney (Joanne.Delaney@noaa.gov), and Erich Bartels (Ebartels@mote.org).

3. Corals being temporarily relocated shall be moved outside the footprint of construction but to an area of similar water depth and light regime. The temporary relocation site shall be devoid of benthic resources including seagrass, attached algae, sponges, soft corals, and other invertebrates. The debris and associated corals shall be replaced as close as practicable to their original location and orientation after pier construction is complete and turbidity has subsided to pre-construction levels.

4. The permittee shall provide e-mail notification to FKNMS within 24 hours after the initial coral relocation to the temporary site and within 24 hours after replacement of corals to their original location. Notification shall be made to Joanne Delaney at Joanne.Delaney@noaa.gov.

5. All corals within the project footprint and a 20' buffer zone beyond the footprint that cannot be moved (e.g., attached to pilings not being repaired, attached to the sea floor, or on non-relocatable debris) shall be marked prior to construction and markers must remain in place for the duration of construction. Marked corals must be avoided during all construction activities including, but not limited to, pile driving, barge spudding, and construction vessel anchoring. As needed, marking methods may be determined in consultation with Scott Donahue, FKNMS Associate Science Coordinator (Scott.Donahue@noaa.gov, 305-809-4700 x239).

6. FKNMS must be notified a minimum of twenty (20) business days prior to commencement of construction. FKNMS staff shall be allowed reasonable access to the site before, during, and after construction to inspect activities involving the protection of sanctuary resources. Contact Joanne Delaney at Joanne.Delaney@noaa.gov with construction notification.

7. The applicant or their agent shall mitigate for unavoidable coral impacts at the project site prior to the start of construction through a monetary donation of $1056.00 (960 cm^2 impacts @ $1/$cm^2$ + 10% admin fee) to the National Marine Sanctuary Foundation for specified use in the FKNMS Coral Nursery Program. The donation mailing address is attached. A copy of the check and cover letter shall be transmitted to Joanne Delaney at Joanne.Delaney@noaa.gov prior to construction.

8. All debris not encrusted with corals shall be removed from the project site and disposed of at an upland facility.

9. The permittee shall provide photo-documentation and a written report of the coral relocation process that includes quantitative and qualitative assessments of corals. The report shall include, at a minimum:
   - Total number and area (cm^2) of colonies relocated by species;
   - Coordinates (DGPS) of coral colonies at temporary relocation site;
   - Coordinates (DGPS) of coral colonies at final replacement site;
   - Issues/problems identified during relocation;
   - Reference photographs of coral colonies at all stages (prior to relocation, after relocation to temporary site, and after return to original site); and,
   - Qualitative assessment coral colony health (pigment loss, tissue loss, presence or absence of disease, observed bio-fouling, and growth of coral tissue) for each individual within 30 days after corals have been replaced to their original location.

   The report shall be submitted to FKNMS within 60 days of construction completion. The report shall be submitted to FKNMS Permit Coordinator Joanne Delaney at Joanne.Delaney@noaa.gov.

10. The permittee shall also provide a post-construction benthic survey, which has been conducted within 30 days of construction completion, to assess the status and health of corals and seagrass patches that were marked and avoided during the project. The post-construction benthic survey shall be submitted to FKNMS within 60 days of construction completion, and may be submitted in conjunction with the coral relocation report required under Special Condition #9. The report shall be submitted to FKNMS Permit Coordinator Joanne Delaney at Joanne.Delaney@noaa.gov. A mitigation donation may be required if any impacts to corals have occurred.

11. All coral chipping/removal and relocation activities must be conducted in accordance with *FKNMS Coral Rescue and Relocation Protocols* ("Protocols," attached to this permit). Contact Joanne Delaney at Joanne.Delaney@noaa.gov for any requests for deviation from the Protocols.

12. Turbidity curtains shall be placed in a manner so as to not restrict ambient water flows to marked and avoided corals, or seagrass resources at the project site. If corals that are being marked and avoided fall within the turbidity curtain placement area, then curtains must be opened to allow ambient water flows to corals at least every three days.

13. NOAA retains the right to oversee any aspects of the project before, during, or after coral relocation.

14. NOAA retains the right to require removal of contractor(s) hired on behalf of the permittee if they fail to demonstrate technical competence, take adequate precautions to ensure against unnecessary injury to sanctuary resources, and/or follow the instructions of FKNMS staff.

15. Unanticipated injury to coral or other sensitive resources that results from any of these activities must be reported to the FKNMS office immediately and construction operations in the area of observed damage must cease until guidance is provided by FKNMS. Contact Joanne Delaney at (978) 471-9653 for notification of damage. NOAA may require the development and implementation of an emergency restoration plan if the severity of injury warrants.

16. No coral transplanting activities are allowed in other areas of the Sanctuary.

17. All materials deployed temporarily on the sea floor must be removed upon completion of construction and at the end of each monitoring event.

18. No demolition or construction debris (rebar, old piles, forms, supports, or any other materials) may be deposited in waters of FKNMS at or near the project site at any time. A post-construction benthic survey to inspect compliance with this condition may be required. Should construction debris be evident in adjacent waters, the applicant or his agent will be required to clean up all items immediately and mitigate for any resource injury.

General Terms and Conditions:

1. Within 30 (thirty) days of the date of issuance, the permittee must sign and date this permit for it to be considered valid. Once signed, the permittee must send copies, via mail or email, to the following individuals:

ENS Linh Nguyen
NOAA Corps Officer
Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040
Linh.Nguyen@noaa.gov

National Permit Coordinator
NOAA Office of National Marine Sanctuaries
1305 East-West Highway (N/ORM6)
SSMC4, 11th Floor
Silver Spring, MD 20910
nmspermits@noaa.gov

2. It is a violation of this permit to conduct any activity authorized by this permit prior to the ONMS having received a copy signed by the permittee.

3. This permit may only be amended by the ONMS. The permittee may not change or amend any part of this permit at any time. The terms of the permit must be accepted in full, without revision; otherwise, the permittee must return the permit to the sanctuary office unsigned with a written explanation for its rejection. Amendments to this permit must be requested in the same manner the original request was made.

4. All persons participating in the permitted activity must be under the supervision of the permittee, and the permittee is responsible for any violation of this permit, the NMSA, and sanctuary regulations for activities conducted under, or in junction with, this permit. The permittee must assure that all persons performing activities under this permit are fully aware of the conditions herein.

5. This permit is non-transferable and must be carried by the permittee at all times while engaging in any activity authorized by this permit.

6. This permit may be suspended, revoked, or modified for violation of the terms and conditions of this permit, the regulations at 15 CFR Part 922, the NMSA, or for other good cause. Such action will be communicated in writing to the applicant or permittee, and will set forth the reason(s) for the action taken.

7. This permit may be suspended, revoked or modified if requirements from previous ONMS permits or authorizations issued to the permittee are not fulfilled by their due date.

8. Permit applications for any future activities in the sanctuary or any other sanctuary in the system by the permittee might not be considered until all requirements from this permit are fulfilled.

9. This permit does not authorize the conduct of any activity prohibited by 15 CFR § 922, other than those specifically described in the "Permitted Activity Description" section of this permit. If the permittee or any person acting under the permittee's supervision conducts, or causes to be conducted, any activity in the sanctuary not in accordance with the terms and conditions set forth in this permit, or who otherwise violates such terms and conditions, the permittee may be subject to civil penalties, forfeiture, costs, and all other remedies under the NMSA and its implementing regulations at 15 CFR Part 922.

10. Any publications and/or reports resulting from activities conducted under the authority of this permit must include the notation that the activity was conducted under National Marine Sanctuary Permit FKNMS-2012-103 and be sent to the ONMS officials listed in general condition number 1.

11. This permit does not relieve the permittee of responsibility to comply with all other federal, state and local laws and regulations, and this permit is not valid until all other necessary permits, authorizations, and approvals are obtained. Particularly, this permit does not allow disturbance of marine mammals or seabirds protected under provisions of the Endangered Species Act, Marine Mammal Protection Act, or Migratory Bird Treaty Act. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or NOAA Fisheries, depending upon the species affected.

12. The permittee shall indemnify and hold harmless the Office of National Marine Sanctuaries, NOAA, the Department of Commerce and the United States for and against any claims arising from the conduct of any permitted activities.

13. Any question of interpretation of any term or condition of this permit will be resolved by NOAA.

Your signature below, as permittee, indicates that you accept and agree to comply with all terms and conditions of this permit. This permit becomes valid when you, the permittee, countersign and date below. Please note that the expiration date on this permit is already set and will not be extended by a delay in your signing.

B. Ohl 19 July 2012

Mr. Birch Ohlinger — Date
City of Key West

July 19, 2012

Sean Morton — Date
Superintendent
Florida Keys National Marine Sanctuary

2 documents attached.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040

NOAA Florida Keys National Marine Sanctuary Coral Nursery Program

A monetary donation to the Florida Keys National Marine Sanctuary (FKNMS) Coral Nursery Program is used to support field-based, underwater coral nurseries within the FKNMS in Key West, Florida. Specifically, donations are utilized to directly offset costs associated with maintaining corals that have been rescued from permitted construction sites in a dockside and offshore underwater coral nursery until such time that corals can be directed to beneficial use projects, such as scientific research, education, and reef restoration at vessel grounding sites.

Donations to the FKNMS Coral Nursery Program may be made to the National Marine Sanctuary Foundation, a non-profit 501(c)(3) tax-exempt organization, and earmarked for the FKNMS Coral Nursery. A skilled subcontractor, CBE Marine, LLC, manages the coral nursery facilities and is reimbursed for services by the National Marine Sanctuary Foundation's Coral Nursery Program donations. The cost associated with coral propagation and husbandry in the FKNMS Coral Nursery Program has been estimated at $10,000 per square meter of coral (or $1/ cm^2 coral) based on a review of coral nursery costs prepared by NOAA economists in 2006.

Checks should be made out to: National Marine Sanctuary Foundation

Checks should be mailed to:
National Marine Sanctuary Foundation
Attn: Allison Alexander
8601 Georgia Avenue
Suite 501
Silver Spring, MD 20910

Please write the donation account name and number, "FL Keys Coral Nursery, acct. 30.4.4.4" on the check.

FKNMS CORAL RESCUE & RELOCATION PROTOCOLS

This coral rescue, relocation and transplantation response protocol is adapted from coral rescue and re-stabilization methods developed by FKNMS Reef Doctors J. Harold Hudson & Bill Goodwin.

It involves the following tasks:

A. CORAL RESCUE or Removal from Bulkheads, Seawalls, Pilings, Debris

• May involve sheet-pile or concrete seawalls, bulkheads, piles, structures, construction debris or pipes

- ⇨ Tools: putty knives, paint tools (14-in-one tool, 10-in-one tool, 5-in-one tool or paint scrapers), chipping hammer, other thin bladed, prying tools with beveled edges, baskets or buckets;
- ⇨ chisels with wide and thin blades may be tested, but chisels are generally too thick-bladed such that they cause fragmentation of the coral colony due to narrowly focused transfer of hammer strikes; examples may include flat chisels, scaling chisels, rock chisels (12in L x 3in W)

** NOTE: No power tools or heavy pry bars will be utilized. The vibration and/or transfer from these tools cause fragmentation of plating coral colonies.

- ⇨ Rubber gloves: Playtex, "Bluettes," Mr. Clean or surgical gloves (plastic coated gloves are best); wear gloves before handling corals to minimize mucous removal and abrasion, be conscious of disease transmission and minimize;
- ⇨ Choose only disease-free and orange encrusting sponge-free coral candidates (FKNMS can advise, provide details via training and demos)
- ⇨ Initiate rescue by clearing all encrusting organisms from the edges of the corals: chip sponges, tunicates, turkey wing oysters, or other crustaceans; take care to prevent damage to the thin edges of corals; once removed, this creates an access point or ledges to get started with coral rescue;
- ⇨ Efforts must be made to remove the coral colony in whole condition, so work patiently and systematically, according to the following protocols;
- ⇨ Chisel or loosen colony edges with a putty knife or other stiff, thin-bladed, beveled-edge tools, while working the entire circumference (N, E, S, W) of colony;
- ⇨ Hammer concrete or metal surfaces adjacent to colony, as shock waves can help release the coral bond from some surfaces;
- ⇨ Continue to chisel or loosen colony very carefully until it loosens and limestone dust is released from underside of colony, but stop just short of popping coral off or it will fall and get damaged;
- ⇨ Use your fingers to pull bottom of colony away from wall, just before it falls off; allow larger colonies to drift slowly to the bottom "sunny-side" up; or enlist assistance with larger corals;
- ⇨ Place corals "sunny side" up when caching in nursery baskets or during transfers; metal encrusted surfaces must not touch or rest on live coral tissue surfaces in transport or nursery baskets;
- ⇨ Cache like species only in nursery baskets or cache holding-area baskets; avoid or minimize colony tissue touching; especially important if corals are to remain in cache for a period of time

NOTE: different coral species must NOT touch in overnight holding-area baskets or nurseries, be certain to account for movement in baskets due to surge/waves over time; some species like *Mussa angulosa* must be stored separate from all other species.

B. CORAL RE-ATTACHMENT to other than original Substrate

• Coral Rescue from construction, relocation, compensatory projects

• See Recipient Site Selection Criteria & Evaluation below

• Choose appropriate orientation: if corals are from a vertical or sloped such as a seawall, or an elevated surface, then identify sloping (if not vertical) recipient locations up off the bottom, where possible, especially for plating colonies:

Site selection & evaluation criteria:

- ⇨ Take care to NOT place corals too close to other naturally occurring colonies. Do not transplant multiple colonies too close to one another allowing for colony growth, tissue re-colonization and plating. (Inspect other colonies of like species for maximum sizes to identify adequate spacing considerations).
- ⇨ Eyeball the area needed to be cleared for re-attachment or practice the "**dry fit**" method: NOTE: **DRY FIT preparation technique:** Place coral on selected site to test its fit for stability, proper sized area, not too close to other natural corals or transplants; use chipping hammer to draw an outline around the colony to use as a guide for site preparation;
- ⇨ Prep recipient surfaces with wire brush and/or chipping hammer: removing all algae (macro, fine filamentous), sediment, silt, encrusting and boring organisms (sponges, tunicates, crustaceans, etc.); take care to avoid other corals or those obscured by macro algae, (i.e., coral recruits);
- ⇨ Additionally, be sure to prep underside of coral fragment or colony, removing any algae, sediment, silt, boring organisms, (sponges, tunicates, worms, crustaceans, etc.), this is important especially if corals have been in a holding for a period of time; chip/flake off as much metal or rusting iron as practicable;
- ⇨ FKNMS staff recommend Portland Type II cement/molding plaster mix of 4:1 ratio for quick setting and easy sculpting, especially for small colonies around 15 cm diameter, (mixing technique may be demonstrated by FKNMS staff);
- ⇨ Minimize contact of concrete with live surface of coral and all coral tissue: clean gloved hands of concrete before placing coral colony on top of concrete ball; hand fan all tissue clear of any concrete that comes into contact with live coral surfaces immediately before it becomes imbedded/entrained in tissue mucous or polyp calices;
- ⇨ Place a ball of concrete on the prepared surface, place coral colony underside on cement ball and wedge coral down by gently wiggling colony, allow concrete to encompass bare, dead edges of coral colony base;
- ⇨ Cementing Technique tip: Once your coral is set in the concrete base, don't disturb it; i.e., do not attempt to wiggle or re- adjust positioning – you may you may introduce stress fractures in the cement bond or it could crumble all together.

[Adapted during lessons learned in coral rescue/relocation of US Navy South Quay Wall corals, 16-24Oct03, USCG Piers D2-D3 seawall rescue Dec06, and revised 10-25OApr07 for Pier House seawall rescue; 27May08 and 8Jun09 for Mallory Wharf rescue; peer review 1Apr09 BGoodwin; drafted by LMacLaughlin]

- ⇨ Practice sculpting concrete around base of coral and cover or fill in bare rock surfaces, shore up edges leaving no bare rock edges or ledges -> for prevention of boring organism recruitment

** NOTE FKNMS DARP recommendation: It is critical that the cement be brought as closely to the edge of the living tissue and cover all the exposed skeleton, as practicable, to reduce the opportunity for bio-eroding organisms to invade the injured coral;

- ⇨ It may be possible to attach multiple corals at once with single batch of concrete: working each coral colony consecutively, one at a time, to allow some time for the concrete matrix to start setting up, (i.e., FKNMS staff has worked 3 small colonies at once, via 3 cups cement to 3/4 cup molding plaster, separating the concrete mass in three).

C. CORAL STABILIZATION & RE-ATTACHMENT to Existing Substrate

(an excerpt from FKNMS DARP Restoration Plan for vessel groundings, J. Harold Hudson).

1. Stabilization or re-attachment recipient sites will be carefully selected using the following criteria:

- o Stable substrate located at onsite, adjacent habitats or structures is the preferred site selection alternative(s), to facilitate the preservation of the functional value of the resources.
- o Substrate at recipient site should be stable and relatively free of significant cracks or erosion, (including framework cracks, coral fragments and coral rubble).
- o Substrate at recipient site should be relatively free of attached benthic organisms such as sponges, calcareous algae, bryozoans, stony coral, octocorals, etc
- o Substrate at recipient site should provide ample water circulation, comparable water quality and ambient sunlight for transplantation, and represent similar conditions to which the donor or displaced corals are acclimated.
- o Substrate at recipient site should be elevated within the reef structure to avoid the potential for smothering through sedimentation. Preferred sites include bio-eroded or excavated dead areas of coral heads elevated within the water column.
- o Substrate at recipient location should have similar orientation to collection site. If corals are from a vertical or sloped, elevated surface, then identify sloping (if not vertical) areas up off the bottom, where possible, especially for plating colonies.
- o Substrate at recipient site must exhibit the presence of the species to be attached, as naturally occurring within the benthic community chosen, to enhance survivability.
- o Ensure adequate space is available relative to naturally occurring coral colonies such that placement will allow for colony growth, tissue re-colonization and plating. (Inspect other colonies of like species for maximum sizes to identify adequate spacing considerations).

2. Following site selection, the substrate will be cleaned of filamentous algae (and/other fouling organisms):

- ⇨ Eyeball the area needed to be cleared for re-attachment or practice the "**dry fit**" method:

NOTE: **DRY FIT preparation technique:** Place coral on selected site to test its fit for stability, proper sized area, not too close to other natural corals or transplants; use chipping hammer to draw an outline around the colony to use as a guide for site preparation;

- ⇨ Prepare re-attachment surfaces on corals or coral fragments, and the recipient substrate, by using wire brushes and/or a chipping hammer to provide a clean and rougher texture to accept the cement and facilitate bonding.
- ⇨ When appropriate, based on size of colony or fragments (greater than 15 cm), drive case hardened masonry nails (aka "cut nails," 16 penny, square-edged tapered) into the repository site and allow them to stick out of the substrate no less than 1 inch (~3 inches embedded in the substrate).
- ⇨ **Cut Nail application**: this technique may not be appropriate for substrates that crumble, or granite rocks; most useful at vessel grounding sites when re-attaching to original substrate:
- ⇨ Small corals may only require 2-3 cut nails center within recipient site;
- ⇨ Larger colonies and substrate areas may require use of more than 3 nails and will be site dependent; place cut nails in a clockwise orientation – one at 12, 3, 6, 9 with one centrally located. This will create additional bonding surfaces for attachment medium (Portland cement).

3. Portland Type II cement with molding plaster added, intended to accelerate hardening of cement and serving to keep the re-attachment matrix in tact and manageable during transplanting.

For larger colonies (> 15 cm), cement and molding plaster will be used as the adhesive to directly attach the larger coral fragments (>15 cm). In some instances, a 50/50 mixture of silica sand and cement may be used, and molding plaster minimized, especially when working with exceptionally large colonies of >40 cm in dimension. A ration of 6:1 or 8:1 ratio (Portland cement:plaster) may be advised.

- ⇨ Each of these fragments will be attached using a moderate amount of this cement mixture.
- ⇨ Placement of the cement mass will be done such that the cement covers the masonry nails and is elevated no less than 1 inch over the nails, as needed.
- ⇨ Depending on the size and orientation of the fragments, it may be necessary to trim off excess coral skeleton to maximize the preferred orientation desired. Please remove as much metal as possible from the backs of seawall rescued corals.
- ⇨ It is also critical that the cement be brought as closely to the edge of the living tissue and cover all the exposed skeleton as practicable to reduce the opportunity for bio-eroding organisms to invade the injured coral.
- ⇨ It is recognized by the FKNMS that occasionally, small areas of coral tissue may come in contact or become covered with cement to maximize the stability of the fragment as a whole, but caution should be exercised to avoid this when at all possible.
- ⇨ Smaller fragments (10-15 cm) may be aggregated and placed in a single mass of cement; this approach should decrease the amount of cement used and the labor requirements.

[Adapted during lessons learned in coral rescue/relocation of US Navy South Quay Wall corals, 16-24Oct03, USCG Piers D2-D3 seawall rescue Dec06, and revised 10-25OApr07 for Pier House seawall rescue; 27May08 and 8Jun09 for Mallory Wharf rescue; peer review 1Apr09 BGoodwin; drafted by LMacLaughlin]

- ⇨ When aggregating and stabilizing smaller fragments, caution should be made to minimize direct tissue contact as they recover from the stress and injuries caused by the vessel grounding.
- ⇨ Follow as instructed above for small coral colonies, ensuring that the cement is brought as close to the edge of the living tissue and cover all exposed skeleton, as practicable.

D. Additional Conditions and Guidelines

The following conditions must be met to ensure the success of the re-attachment and stabilization in order to minimize secondary impacts during the restoration project period.

1. Due to the shallow water depths at the grounding sites or compensatory restoration sites, work should only be performed during calm to slight chop sea conditions, (this is typically no greater than wind speeds of 10-12 knots). Tidal period and visibility should be taken into consideration when working at this site and efforts should be made to maximize work time around periods of high water and good water clarity, (dependent on oceanographic conditions). If weather conditions are too rough or surge is too great to achieve quality re-attachments, the project should be aborted and rescheduled during better weather.

2. During the coral fragment and colony stabilization phase, emphasis should be made to re-attach and stabilize larger fragments and whole colonies first, specifically those that are currently oriented tissue side down. Fragments smaller than approximately 10 cm should be addressed following all other efforts listed above.

3. At all times, extreme caution should be taken to prevent cement "fall-out" from landing on living tissue. Small lumps and cement particulate that accidentally settle out on living coral should immediately be removed via means of "hand-fanning." Be certain to inspect the adjacent area and corals nearby for "fall-out" and hand-fan accordingly upon completion of each daily project.

4. All excess cement will be collected from the transplant site and disposed of off-site (land-based). No excess cement will remain underwater and rinsing of mixing and storage materials should be minimized or contained.

5. A mapping of all corals re-attached must be developed and submitted as part of the baseline monitoring package. This map product must be geo-referenced, show locations of corals by ID code and depths, and should be created immediately upon completion of the transplanting project, while coral transplants are easily identified.

6. Corals will be identified using individually numbered identification tags with a unique ID, such as *Siderastrea siderea* #1, (Ssid 001).

7. Geo-referencing may be accomplished with reference to each transplant or via a central marker or stake GPS position, relative to which all corals are mapped.

8. Digital video or still photography should be used to document all work performed. Provide

video or photos with reports and baseline monitoring video must be provided and utilize for long-term monitoring. A reference photograph of each relocated coral will be taken with a scaled reference item in the image, and all relocated corals will be identified by species, depth and a unique ID (e.g. Ssid 001).

FKNMS = Florida Keys National Marine Sanctuary
DARP = Damage Assessment and Restoration Program
GPS = Global Positioning System

[Adapted during lessons learned in coral rescue/relocation of US Navy South Quay Wall corals, 16-24Oct03, USCG Piers D2-D3 seawall rescue Dec06, and revised 10-25OApr07 for Pier House seawall rescue; 27May08 and 8Jun09 for Mallory Wharf rescue; peer review 1Apr09 BGoodwin; drafted by LMacLaughlin]

SEMINOLE TRIBE OF FLORIDA
TRIBAL HISTORIC PRESERVATION OFFICE

TRIBAL HISTORIC
PRESERVATION OFFICE

SEMINOLE TRIBE OF FLORIDA
AH-TAH-THI-KI MUSEUM

30290 JOSIE BILLIE HWY
PMB 1004
CLEWISTON, FL 33440

PHONE: (863) 983-6549
FAX: (863) 902-1117

TRIBAL OFFICERS

CHAIRMAN
JAMES E. BILLIE

VICE CHAIRMAN
TONY SANCHEZ, JR.

SECRETARY
PRISCILLA D. SAYEN

TREASURER
MICHAEL D. TIGER

Isla Turner
Department of the Army
Jacksonville District Corps of Engineers
9900 SW 107th Avenue, Suite 203
Miami, Florida 33176

THPO#: 009748
Project#: SAJ-1999-05418

April 13, 2012

Subject: Assessment of Effects for Proposed City of Key West/Tarpon Pier Replacement, Monroe County, Florida

Dear Ms. Turner,

The Seminole Tribe of Florida's Tribal Historic Preservation Office (STOF-THPO) has received the Jacksonville Corps of Engineers correspondence regarding the above mentioned project. The STOF-THPO has no objection to your proposal at this time. However, the STOF-THPO would like to be informed if cultural resources that are potentially ancestral or historically relevant to the Seminole Tribe of Florida are inadvertently discovered during the construction process.

We thank you for the notification of this proposed project. Please reference ***THPO-009748*** in any future documentation about this project.

Sincerely,

Direct routine inquiries to:

Paul N. Backhouse, Ph.D.
Acting Tribal Historic Preservation Officer
Seminole Tribe of Florida

Anne Mullins
Compliance Review Supervisor
annemullins@semtribe.com

AES:am:pb

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

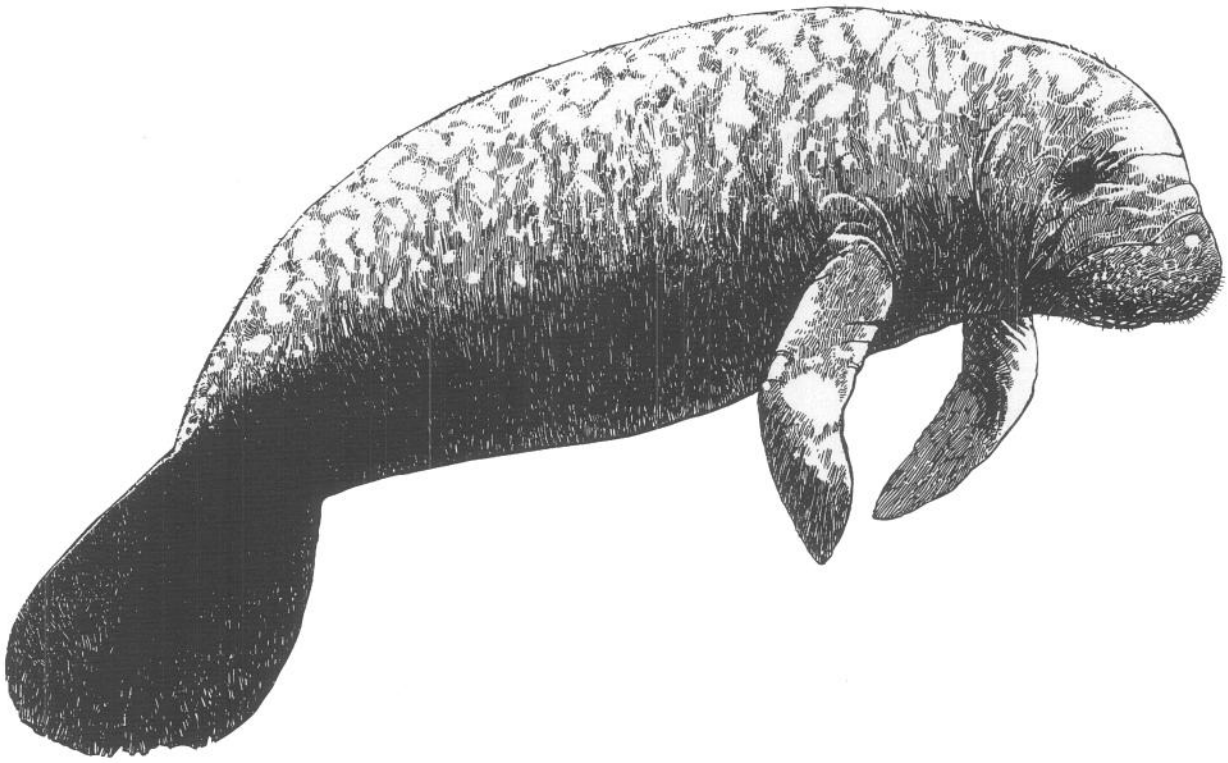
Report any collision with or injury to a manatee:

Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

Caution Boaters
Watch for Manatees



Wildlife Alert:
1-888-404-FWCC(3922)
cell *FWC or #FWC

Report collisions, sick, dead or injured manatees and any wildlife or boating law violations.

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
O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Special Projects and Enforcement Branch, 9900 SW 107th Avenue, Suite 203, Miami, Florida 33176. If you have questions regarding this requirement, please contact the Special Projects and Enforcement Branch at 904-232-3131.

1. Department of the Army Permit Number: SAJ-1999-05418 (IP-IMT)

2. Permittee Information:

Name _____

Address _____

_____

3. Project Site Identification:

Physical location/address _____

_____

4. As-Built Certification:

I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

_____ _____

Signature of Engineer **Name (Please type)**

_____ _____

(FL, PR or VI) Reg. Number **Company Name**

_____

Address

_____

City State ZIP

(Affix Seal)

_____ _____

Date **Telephone Number**

Deviations from the approved permit drawings and special conditions:
(attach additional pages if necessary)

Prepared by:
Permittee: _____
Address: _____
_____
Phone:_____

NOTICE OF DEPARTMENT OF THE ARMY PERMIT

TAKE NOTICE that the United States Army Corps of Engineers has issued Department of the Army Permit SAJ-1999-05418 (IP-IMT) to the City of Key West (Permittee) on _____, authorizing impacts to waters of the United States in accordance with Section 10 of the Rivers and Harbors Act of 1899, on a parcel of land known as Folio/Parcel ID: RE# 00072070-000000 encompassing ___ acres located within a portion of Section 32, Township 67 South, Range 25 East, Key West, Monroe County, Florida.

Within thirty (30) days of any transfer of interest or control of that portion of the premises containing the area authorized to be filled (or any portion thereof), the Permittee must notify the U.S. Army Corps of Engineers in writing of the property transfer by submitting the completed permit transfer page of the permit. Notification of the transfer does not by itself constitute a permit transfer. Therefore, purchasers of that portion of the premises containing the area authorized to be filled (or any portion thereof) are notified that it is unlawful for any person to construct, alter, operate, maintain, remove or abandon any works, including dredging or filling, without first having obtained a permit from the Corps of Engineers in the purchaser's name.

The subject Permit concerns only that portion of the property determined to fall within the jurisdiction of the U.S. Army Corps of Engineers and this notice is applicable only to those portions of the subject property containing areas authorized to be filled, wetland mitigation/conservation areas, and structures or dredging subject to the Permit, in, over or under waters of the United States.

Conditions of the Permit: The Permit is subject to General Conditions and Special Conditions which may affect the use of the subject property. Accordingly, interested parties should closely examine the entire Permit, all associated applications, and any subsequent modifications.

To obtain a copy of the permit in its entirety submit a written request to:
U.S. Army Corps of Engineers
Regulatory Division - Special Projects & Enforcement Branch
Post Office Box 4970
Jacksonville, Florida 32232-0019

Questions regarding compliance with these conditions should be directed to:
U.S. Army Corps of Engineers
Enforcement Section
Post Office Box 4970
Jacksonville, Florida 32232-0019

Conflict Between Notice and Permit
This Notice of Permit is not a complete summary of the Permit. Provisions in this Notice of Permit shall not be used in interpreting the Permit provisions. In the event of conflict between this Notice of Permit and the Permit, the Permit shall control.

This Notice is Not an Encumbrance
This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

Release
This Notice may not be released or removed from the public records without the prior written consent of the U.S. Army Corps of Engineers.

This Notice of Permit is executed on this _____ day of _____, 20____. This document is being submitted for recordation in the Public Records of _____ County, Florida as part of the requirement imposed by Department of the Army Permit No SAJ- - issued by the United States Army Corps of Engineers.

Permittee: _____

Address: _____

_____

Phone: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____day of _____, 20____, by _____, who is personally known to me or has produced _____ as identification.

_____

Notary Public

(seal)

_____

Print

My Commission Expires_____

RIVERS AND HARBORS ACT SECTION 10 DETERMINATION OF JURISDICTION

Project Name: City of Key West/Tarpon Pier replacement

Action ID: SAJ-1999-05418 (IP-IMT)

Applicant: City of Key West

There are "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

Waterbody: Garrison Bight/Gulf of Mexico

Waters have been determined to be navigable because:

- ☐ Navigation Study
- ☐ Judicial interpretation in a Federal court of law
- ☒ Waters subject to the ebb and flow of the tide
- ☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. **Explain:**

Project Manager: Isla Turner
Date: August 29, 2012