



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

REPLY TO
ATTENTION OF

Regulatory Division
Regional General Permit SAJ-34

MAR 01 2001

DEPARTMENT OF THE ARMY PERMIT

GENERAL PERMIT SAJ-34

COMMERCIAL PIERS - STATE OF FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. 403), general authority is hereby given to construct commercial piers 1,000 square feet or less in surface area in navigable waters of the United States within the State of Florida subject to the following conditions:

SPECIAL CONDITIONS:

1. Structures authorized under this general permit are private commercial piers 1,000 square feet or less in surface area and accommodating 5 or fewer slips (including dry storage), unless a Florida Department of Environmental Protection-approved Manatee Protection Plan is more restrictive. This would include normal appurtenances such as boat hoists, boat shelters with open sides, stairways, walkways, mooring pilings, and maintenance of same. Associated mooring pilings are not included in this surface area. Note: Expansion of existing marinas or other commercial facilities is not authorized under this general permit.

2. No work shall be performed until the applicant submits satisfactory plans for the proposed structure and receives written authorization from the District Engineer.

3. No structures shall be authorized by SAJ-34 in the following areas:

- a. Federal manatee sanctuaries, refuges, motorboat prohibited zones or no entry zones.
- b. Crystal, Salt, Homosassa and Withlacoochee Rivers, Citrus County.

- c. Lake Okeechobee and the Okeechobee Waterway between the St. Lucie Lock in Martin County and the W.P. Franklin Lock in Lee County.
 - d. American Crocodile critical habitat, Biscayne Bay National Park Protection Zone (Dade County), the St. Lucie Impoundment (Palm Beach County), and areas identified in the Wild and Scenic Rivers Act (16 U.S.C. 1317, et seq.): the St. Mary's River, from its headwaters to its confluence with the Bells River, the entire Wekiva River, including Wekiwa Springs Run, Rock Springs Run, the entire Seminole Creek, and Black Water Creek from its outfall at Lake Norris to its confluence with the Wekiva River, the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park.
 - e. The following state parks: John Pennekamp Coral Reef State Park, Lignum Vitae Key State Botanical Site and Aquatic Preserve, Long Key State Park, Curry Hammock State Park, and Bahia Honda State Park.
4. No structures shall be authorized by SAJ-34 in the following areas until the U.S. Fish and Wildlife Service has been consulted on the effects of the proposed project on the manatee:
- a. Doctors Lake and that portion of the St. Johns River from Green Cove Springs up to the Buckman Bridge (Clay County); Tomoka River (Volusia County); Caloosahatchee River in all areas adjacent to Cape Coral (Lee County); Charlotte Harbor (Charlotte County); North Fork of the St. Lucie River (Martin County); Barnes Sound Waterway (Dade County).
 - b. Faka Union Canal in Collier County.
 - c. All waters of Brevard County except land-locked lakes.
 - d. Within 2 miles of the following manatee aggregation sites: FPC Bartow Power Plant (Pinellas County), TECO Big Bend Power Plant (Hillsborough County), TECO Port Sutton (Pinellas County), FPL Fort Myers Plan (Lee County), Blue Springs (Volusia County), Jefferson Smurfit Corporation (Duval County), Container Corporation of America Paper Mill (Nassau County), OUC Indian River and FPL Canaveral Power Plants and Sykes Creek (Brevard County), Vero Beach Power Plant (Indian River County), Henry D. King Municipal Electric Station (Fort Pierce, St. Lucie County), FPI Riviera Beach Power Plant (Palm Beach County), FPL Port Everglades Power Plant (Broward County), and FPL Lauderdale Power Plant (Broward County).

5. No structures shall be authorized by SAJ-34 in the following area until the National Park Service has been contacted and offered the opportunity to submit comments to the Corps on the effects of the proposed project on the preserve:

- a. The Timucuan Ecological and Historical Preserve (Duval County).

6. No activity shall be authorized under this general permit which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Adverse impacts to submerged aquatic vegetation from dock construction may be ameliorated by strict adherence to the attached joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's **"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001."** Dock construction everywhere in the State of Florida must comply with the above, and additionally, because of concerns about adverse impacts to Johnson's seagrass (*Halophila johnsonii*), dock construction in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with the construction guidelines titled **"Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002."**

Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.

7. Prior to issuance of authorization the dichotomous key entitled "Guidance to the Corps of Engineers, Jacksonville District, and the Department of Environmental Protection regarding 'may affect' determinations for the manatee in Florida", will be used to determine potential manatee impacts. Projects judged as a "may affect" to the manatee will be coordinated with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

8. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the

need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

9. 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 of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.

10. Siltation barriers shall be installed, shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be monitored regularly to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from essential habitat.

11. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four feet clearance from the bottom and that vessels shall follow routes of deep water whenever possible.

12. If a manatee is sighted within 100 yards of the project area, all appropriate precautions shall be implemented by the permittee/contractor to ensure protection of the manatee. These precautions shall include operating all equipment in such a manner that moving equipment does not come within 50 feet to any manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

13. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" at 1-888-404-FWCC (1-888-404-3922). **Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) in south Florida.**

14. Temporary signs concerning manatees shall be posted prior to and during construction/dredging activities. All temporary signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 feet by 4 feet which reads *Caution: Manatee Area* will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with

the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2 inches by 11 inches which reads:

Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-888-404-FWCC (1-888-404-3922) and the U.S. Fish and Wildlife Service at (1-904-232-2580) for north Florida or (1-561-562-3909) for south Florida.

15. One permanent manatee awareness sign (s) shall be installed and maintained at the docking facility. The sign shall be three feet by four feet, 125 gauge 61TS aluminum, covered with white, engineer grade, reflective sheeting; black, painted lettering; black screened design; and orange, engineer grade, reflective tape border. The 3 feet wide by 4 feet long sign shall conform to the Florida Uniform Waterway Marking System in accordance with F.S. 327.40-1. The installation of the sign shall be made in accordance with DEP specification for such signs.

16. Verification (photos) that signs have been installed at designated locations shall be provided to the U.S. Fish and Wildlife Service and the Corps before the docking facility begins operations. Signs and pilings remain the responsibility of the owner(s) and are to be maintained for the life of the docking facility in a manner acceptable to the Corps of Engineers.

17. Where multiple slip facilities are authorized, the dock must be grouped to minimize shoreline disruption.

18. For projects proposed adjacent to Federally maintained channels, no structure, including mooring piles, authorized under this general permit shall be within the established setback (Normally 100' in the various ICWs but may vary in a few specific reaches as well as in other Federal channels. Exact locations of the proposed structures relative to the channel will be verified by use of the Florida State Plane (x, y) Coordinate System.), calculated from the near-bottom edge of the Federal channel, unless it is a 5-foot marginal pier. Any activity within Federal rights-of-way will require the permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity.

19. No living, fueling, or storage facilities over navigable waters of the United States are authorized under this general permit.

20. The structure shall not adversely affect or disturb properties listed or eligible for inclusion in the National Register of Historic Places. Prior to the start of work, the permittee must contact the State Historic Preservation Officer in Tallahassee and receive confirmation that no impacts to cultural resources will occur.

21. Applicable permits under part IV of chapter 373 of the Florida Statutes, and applicable state lands authorizations under chapter 253 of the Florida Statutes must be obtained from the State of Florida, Department of Environmental Protection (DEP), or Water Management District (WMD), or their authorized representatives, as appropriate.

22. A structure authorized by this general permit must not interfere with general navigation. Structures constructed on canals or adjacent to channels must not extend more than 25% of waterway width.

23. No work shall be performed until after the permittee provides notification to the owner(s) or operator(s) of any marked utilities in the area of the structure.

24. This general permit will be valid until suspended or revoked by issuance of a public notice by the District Engineer. Reviews will be conducted to determine if continuance of the permit is not contrary to the public interest.

25. Conformance with the description contained herein does not necessarily guarantee authorization under this general permit.

26. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as a standard permit.

27. This general permit shall be valid for a period of five (5) years from the date issued. Authorization of activities that have commenced or are under contract to commence in reliance on SAJ-34 will remain in effect provided the activity is completed within twelve months of the date SAJ-34 expired or was revoked.

28. No activity shall be authorized under this general permit which is likely to adversely affect a Federally listed threatened or endangered species or a species proposed for such

designation, or destroy or adversely modify its designated critical habitat.

29. The General Conditions attached hereto are made a part of this permit

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


James G. May
Colonel, U.S. Army
District Engineer

GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY PERMITS

General Conditions

1. The time limit for completing the work authorized ends on _____.
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 mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the 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.

Further Information:

1. 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.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

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

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

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

**Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed
in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat
U.S. Army Corps of Engineers/National Marine Fisheries Service
August 2001**

Submerged Aquatic Vegetation:

1. Avoidance. The pier shall be aligned so as to minimize the size of the footprint over SAV beds.
2. The height of pier shall be a minimum of 5' above MHW/OHW as measured from the top surface of the decking.
3. The width of the pier is limited to a maximum of 4'. A turnaround area is allowed for piers greater than 200' in length. The turnaround is limited to a section of the pier no more than 10' in length and no more than 6' in width. The turnaround shall be located at the midpoint of the pier.
4. Over-SAV bed portions of the pier shall be oriented in a north-south orientation to the maximum extent that is practicable.
 - a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.
 - b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 sq. ft. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8' by 20'. A minimum of 5' by 20' shall conform to the 5' height requirement; a 3' by 20' section may be placed 3' above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.
 - c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 sq. ft. The configuration of the platform shall be a maximum of 6' by 20' of which a minimum 4' wide by 20' long section shall conform to the 5' height requirement. A section may be placed 3' above MHW to facilitate boat access. The 3' above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3' above MHW section is constructed with grating material, it may be 3' wide.
6. One uncovered boat lift area is allowed. A narrow catwalk (2' wide if planks are used, 3' wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4' wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5' above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10' apart).
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
8. The spacing of pilings through SAV beds shall be a minimum of 10'.
9. The gaps between deckboards shall be a minimum of ½" ..

Marsh:

1. The structure shall be aligned so as to have the smallest over-marsh footprint as practicable.
2. The over-marsh portion of the dock shall be elevated to at least 4' above the marsh floor.
3. The width of the dock is limited to a maximum of 4'. Any exceptions to the width must be accompanied by an equal increase in height requirement.

Mangroves.

1. The width of the dock is limited to a maximum of 4'.
2. Mangrove clearing is restricted to the width of the pier.
3. The location and alignment of the pier should be through the narrowest area of the mangrove fringe.

Grid Specifications and Suppliers

The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for dock construction. A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842). Similar panels are also manufactured by ChemGrate (1-800-527-4043). Panels are available in a variety of sizes and thicknesses. For safety, the grate should contain an anti-slip texture which is integrally molded into the top surface. The manufacturer or local distributor should be consulted to ensure that the load-bearing capacity of the selected product is sufficient to support the intended purpose. Contact the manufacturer(s) for product specifications and a list of regional distributors.

Key¹ for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*)
National Marine Fisheries Service/U.S. Army Corps of Engineers
February 2002

- 1a. The construction site is within the known range of Johnson's seagrass occurrence (Sebastian Inlet to central Biscayne Bay in the lagoonal systems on the east coast of Florida). *Go to 2.*
- 1b. The construction site is not within the known range of Johnson's seagrass occurrence but submerged aquatic vegetation (SAV) is present at the site. Use "*Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat*" - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001.
- 1c. The construction site is not within the range of Johnson's seagrass and SAV is not present at the site: *No construction conditions for SAV are necessary.*
- 2a. Seagrass survey for Johnson's seagrass is performed at the proposed site during the April 1 – August 31 growing season. *Go to 3.*
- 2b. No survey for Johnson's seagrass is performed at the proposed site during the growing season, or a survey is performed at the proposed site but is outside of the growing season. *Go to 4.*
- 3a. Johnson's seagrass is present at the proposed construction site. *Go to 5.*
- 3b. Johnson's seagrass is not present at the proposed construction site. *Go to 6.*
- 4a. The construction is in an area designated by the National Marine Fisheries Service - Protected Resources Division (NMFS-PRD) as **critical habitat²** for Johnson's seagrass. Use "*Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat*" - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that light-transmitting materials² (LTMs) shall comprise 100% of all pedestrian surfaces waterward of the mean low water (MLW) line.**
- 4b. The construction is not in an area designated by NMFS-PRD as critical habitat for Johnson's seagrass. Use "*Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat*" - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that LTMs shall comprise at least 75% of all pedestrian surfaces waterward of the MLW line and a minimum 1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.**

- 5a. The construction is in an area designated by NMFS-PRD as critical habitat for Johnson's seagrass. Use *"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat"* - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that LTMs shall comprise at least 75% of all pedestrian surfaces waterward of the MLW line and a minimum 1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.**
- 5b. The construction is not in an area designated by NMFS-PRD as critical habitat for Johnson's seagrass. Use *"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat"* - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that all pedestrian surfaces directly over Johnson's seagrass areas shall be constructed of LTMs and a minimum 1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.**
- 6a. The construction is in an area designated by NMFS-PRD as critical habitat for Johnson's seagrass. Use *"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat"* - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that a minimum 1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.**
- 6b. The construction is not in an area designated by NMFS as critical habitat for Johnson's seagrass. Use *"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat"* - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001.

Notes:

¹. This key is meant to complement but not supercede the *"Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat"* - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001. **Docks incorporating Light-transmitting materials shall not exceed the dimensions recommended in the Guidelines.**

². Federal Register 65 FR 17786, April 5, 2000, Designation of critical habitat for Johnson's seagrass.

³. Light-transmitting materials are made of various materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. **All light transmitting materials used for dock construction in the known range of Johnson's seagrass shall have a minimum of forty-six (46) percent open space.**