



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

SOUTHWEST DISTRICT OFFICE  
13051 NORTH TELECOM PARKWAY  
TEMPLE TERRACE, FLORIDA 33637-0926

RICK SCOTT  
GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

May 7, 2013

Manatee County  
c/o Sia Mollanazar, PE  
1022 26<sup>th</sup> Avenue East  
Bradenton, FL 34208  
[sia.mollanazar@mymanatee.org](mailto:sia.mollanazar@mymanatee.org)

File No.: 41-0318006-001; Manatee County

Dear Mrs. Mollanazar:

Thank you for your request to the Department for an exemption determination regarding the proposed installation of an 816-linear-foot 8-inch water main via horizontal directional drilling (HDD) under Key Royale Pass, part of the Sarasota Bay Estuarine System, a Class II Special Outstanding Florida Waterbody. In the event of a frac-out, the attached Frac-Out Contingency Plan will be implemented. The project site is located along South Bay Boulevard on Anna Maria and connects with Key Royale Drive in Holmes Beach, Section 17, Township 34 South, Range 16 East, in Manatee County.

This type of activity requires a regulatory authorization for construction and operation of the project pursuant to Part IV, Chapter 373, Florida Statute (F.S.), unless otherwise exempt by statute or rule, proprietary authorization to use state-owned submerged lands Chapters 253 and 258 F.S., and federal authorization for works in waters of the United States through the State Programmatic General Permit (SPGP) program. Your request has been reviewed for all three authorizations. The authorizations you have been granted are listed below. Please read each section carefully. Your project may not have qualified for all three authorizations. If your project did not qualify for one or more of the authorizations, that specific section will advise you how to obtain it. You may NOT commence your project without all three authorizations. If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

**REGULATORY REVIEW – APPROVED**

Pursuant to Section 373.406(6), F.S., and based upon the forms, drawings, and documents submitted on April 9, 2013, the proposed project appears to have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the State. Therefore, the proposed project appears to qualify as an activity that is exempt from regulation pursuant to Chapter 373.406(6), F.S. A copy of Chapter 373.406(6), F.S. is attached. This determination is based solely on the information provided to the Department and the statutes and rules in effect when the exemption determination request was submitted, and is effective only for the specific activity proposed. This determination shall automatically expire if site conditions materially change or the governing statutes or rules are amended. In addition, any

substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year.

This determination that your activity qualifies for an exemption does not relieve you from the need to comply with all applicable water quality standards during the construction and operation of the facility. Activities conducted under this exemption must be constructed and operated using appropriate best management practices and in a manner that does not cause water quality violations, pursuant to Rule 62-302, Florida Administrative Code (F. A. C.).

The determination that your project qualifies as an exempt activity pursuant Chapter 373.406(6), F.S. may be revoked if the installation is substantially modified, if the basis for the exemption is determined to be materially incorrect, or if the installation results in water quality violations. Any changes made in the construction plans or location of the project may necessitate a permit or certification from the Department. Therefore, you are advised to contact the Department before beginning the project and before beginning any work in waters or wetlands not specifically described in your submittal.

Authority for review- Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance to operating agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C.

PROPRIETARY REVIEW –APPROVED

**Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, Florida Statutes and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.**

In addition, your project occurs on state-owned, sovereign, submerged lands and will require authorization from the Board of Trustees of the Internal Improvement Trust Fund to use public property. As staff to the Board of Trustees, we have reviewed your project, and as long as the work is performed as described in the attached project drawings, is wholly located within the boundaries of the existing easement (BOT # 410230003) and is consistent with the terms and conditions therein, we have no objection to the project. Therefore, consider this letter to also constitute the authority sought under Section 253.77, F.S. to pursue this project.

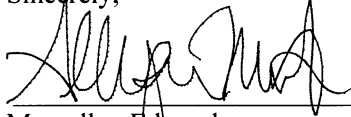
Authority for review - Chapter 253, F. S., Chapter 18-21, F.A.C, and Section 62-343.075, F.A.C. as required.

SPGP REVIEW – NOT APPROVED

A copy of your application also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. For further information, you should contact the USACOE Tampa Regulatory Field Office at (813) 769-7060.

Thank you for your assistance in protecting the natural resources of the State of Florida. If you have any questions, please contact Victoria Sowell at 813-632-7600, extension 387. When referring to this project, please use the file number listed above.

Sincerely,

  
\_\_\_\_\_  
Maryellen Edwards  
Program Administrator  
Submerged Lands and Environmental Resource Program  
Southwest District

cc: Doug Fry, Tallahassee  
Jeffrey Churchill, Principal Ecologist, George F. Young, Inc., [Churchill@eapermit.com](mailto:Churchill@eapermit.com)

Enclosures:  
Chapter 373.406(6), F.S.  
Notice of Rights of Substantially Affected Persons  
General Consent Conditions for Use of Sovereignty Submerged Lands  
Standard Manatee Construction Conditions  
Attachment "A" for Discretionary Publication

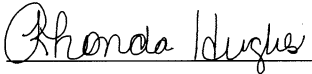
Attachments:  
Project Drawings  
Frac-Out Contingency Plan

#### CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this determination including all copies, was mailed before the close of business of May 7, 2013, to the above listed persons.

#### FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk  Date May 7, 2013

Chapter 373.406(6), F.S.

Any district or the Department may exempt from regulation under this part those activities that the district or Department determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the district. The district and the Department are authorized to determine, on a case-by-case basis, whether a specific activity comes within this exemption. Requests to qualify for this exemption shall be submitted in writing to the district or Department, and such activities shall not be commenced without a written determination from the district or Department confirming that the activity qualifies for the exemption.

## RIGHTS OF AFFECTED PARTIES

This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the F.S. as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. The procedures for petitioning for a hearing are set forth in the attached notice.

This determination is based on the information you provided the Department and the statutes and rules in effect when the application was submitted and is effective only for the specific activity proposed. This determination shall automatically expire if site conditions materially change or the governing statutes or rules are amended. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required. In any event, this determination shall expire after one year.

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this exemption. Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a final determination that the proposed activity is not authorized under the exemption established under Chapter 373.406(6), F.S.

The Department will not publish notice of this determination. Publication of this notice by you is optional and is not required for you to proceed. However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permit.

If you wish to limit the time within which all substantially affected persons may request an administrative hearing, you may elect to publish, at your own expense, the enclosed notice (Attachment A) in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. A single publication will suffice.

If you wish to limit the time within which any specific person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this determination, including Attachment A. For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of sections 50.011 and 50.031 of the F.S.. In the event you do publish this notice, within seven days of publication, you must provide to the following address proof of publication issued by the newspaper as provided in section 50.051 of the F.S. If you provide direct written notice to any person as noted above, you must provide to the following address a copy of the direct written notice.

SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES PROGRAM  
GENERAL CONSENT CONDITIONS FOR USE OF SOVEREIGNTY SUBMERGED LANDS

Chapter 18-21.004(7), F.A.C., provides that all authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for aquaculture activities and geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or Chapter 258, Part II, F.S.

Chapter 18-21.004(7), F.A.C., General Conditions for Authorizations:

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

[NOTE: These conditions were adopted in rule March 8, 2004, and replace the previous General Consent Conditions.]

(3/08/2004)

## 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 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](mailto: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 Florida Fish and Wildlife Conservation Commission (FWC) must be used (see [MyFWC.com/manatee](http://MyFWC.com/manatee)). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" 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. 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



ATTACHMENT "A" FOR DISCRETIONARY PUBLICATION OF NOTICE OF DETERMINATION  
OF QUALIFICATION FOR AN EXEMPTION

In the Matter of an Application  
for a Determination of Qualification  
for an Exemption by:

Manatee County  
c/o Sia Mollanazar, PE  
1022 26<sup>th</sup> Avenue East  
Bradenton, FL 34208  
[sia.mollanazar@mymanatee.org](mailto:sia.mollanazar@mymanatee.org)

DEP File No.: 41-0318006-001; County: Manatee

The Department of Environmental Protection gives notice that it has received a request for authorization to install 816 linear feet of 8-inch water main via horizontal directional drilling (HDD) under Key Royale Pass, part of the Sarasota Bay Estuarine System, a Class II Special Outstanding Florida Waterbody. In the event of a frac-out, the attached Frac-Out Contingency Plan will be implemented. The project site is located along South Bay Boulevard on Anna Maria and connects with Key Royale Drive in Holmes Beach, Section 17, Township 34 South, Range 16 East, in Manatee County. This activity appears to have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the State, and has therefore determined the activity to be exempt from regulation under Chapter 373.406(6), F.S.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the F.A.C..

In accordance with rule 62-110.106(3), F.A.C., petitions for an administrative hearing must be filed within 21 days of publication of the notice or receipt of written notice, whichever occurs first. Under rule 62-110.106(4) of the F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 prior to the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of

time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the F.S., a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Department's Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926.



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
10117 PRINCESS PALM AVENUE, SUITE 120  
TAMPA, FLORIDA 33610-8302

May 14, 2013

REPLY TO  
ATTENTION OF

Regulatory Division  
South Permits Branch  
SAJ-2013-01020 (NW-CSH)

Manatee County  
c/o Sia Mollanazar, PE  
Engineering Services, Public Works  
1022 26<sup>th</sup> Avenue East  
Bradenton, Florida 34208

Dear Mrs. Mollanazar:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on April 9, 2013, the file number SAJ-2013-01020. A review of the information and drawings provided indicates that the proposed work is to install an 8-inch water main from near the end of South Bay Blvd. on Anna Maria, across Key Royale Pass to Key Royale Drive in Holmes Beach. The installation is approximately 816 linear feet in length and creates a loop that will allow for improved and more reliable water service to the residents of Anna Maria and Holmes Beach. The majority of the installation will be subaqueous beneath the waters of Key Royale Pass. The water line will be installed using directional bore. Entry and exit pits will be excavated on either end of the bore. On the northwest end, the pit will be located approximately 40 feet back from the seawall. On the southeast end the pit will be located approximately 120 feet back from the seawall. Drilling mud will be contained within the pit area with trenches, silt screen, and a vacuum truck when the project is under construction. Once the pipe has been pulled into place it will be connected to the existing water mains on either side near the pits. The pits will be back filled, stabilized, and revegetated. The project is located between Key Royale Drive and South Bay Boulevard, in Section 17, Township 34 South, Range 16 East, Holmes Beach, Manatee County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 12. In addition, project specific conditions have been enclosed. This verification is valid until **March 18, 2017**. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Internet page to access Internet links to view the Final Nationwide Permits, Federal Register Vol. 77, dated February 21, 2012, specifically pages 10270 – 10290, the Corrections to the Final Nationwide Permits, Federal Register 77, March 19, 2012, and the List of Regional Conditions. The Internet page address is:

RECEIVED

MAY 22 2013

PUBLIC WORKS  
ENGINEERING DIVISION

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to click on "Source Book"; and, then click on "Nationwide Permits." These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 12. Enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

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, 10117 Princess Palm Ave, Suite 120, Tampa, FL 33610-8302. The Permittee shall reference this permit number, SAJ-2013-01020 (NW-CSH), 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. **Self-Certification:** Within 60 days of completion of the work authorized or at the expiration of the construction authorization of this permit, whichever occurs first, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit to the Corps. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form does not constitute approval of any deviations by the Corps.
4. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

5. **Eastern Indigo Snake Protection Measures:** The Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated February 12, 2004 and provided as an attachment to this permit.
6. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
7. **Frac-Out:** In the event of a frac-out, the permittee shall notify the Corps within 48 hours of the incident. Notification shall include the time/location of the frac-out, an estimate of the area/volume of the discharge, and a description of impacts to aquatic resources, e.g. seagrass, mangrove, hard bottom. Additionally, the notification shall include measures being taken to contain the discharge and protect aquatic resources. Drilling mud (fluid) discharged as a result of the frac-out shall be removed from Corps jurisdictional waters and wetlands, and the area restored to pre-impact conditions to the extent determined to be practicable by the Corps.
8. **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 the initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Tampa Regulatory Office.
9. **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 U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
10. **Cultural Resources/Historic Properties:** No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within

the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

11. This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this Nationwide permit must qualify for an exemption under section 403.813(1), Florida Statutes or 373.406, Florida Statutes, or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, Florida Statutes, by the Department of Environmental Protection, a water management district under section 373.069, Florida Statutes, or a local government with delegated authority under section 373.441, Florida Statutes, and receive Water Quality Certification and applicable Coastal Zone Consistency Concurrence or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, Florida Statutes, and, as applicable, Chapter 258, Florida Statutes. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

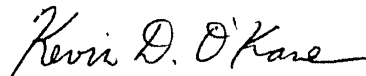
This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that

issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact me by telephone at 813-769-7074.

Thank you for your cooperation with our permit program. 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 visit <http://per2.nwp.usace.army.mil/survey.html> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Again, please be aware this Internet address is case sensitive and should be entered as it appears above.

Sincerely,



Kevin D. O'Kane  
Chief, Tampa Section

Enclosures

Copy/ies Furnished:

State of Florida  
Board of Trustees  
3900 Commonwealth Blvd., MS 100  
Tallahassee, Florida 32399

G. Jeffery Churchill  
George F. Young, Inc.  
299 Martin Luther King Jr. Blvd.  
St. Petersburg, Florida 33701

bcc:  
CESAJ-RD-PE



GENERAL CONDITIONS

33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **March 18, 2017**. 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 of if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST**

**PERMIT NUMBER: SAJ-2013-01020 (NW-CSH)**

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. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

\_\_\_\_\_  
**(TRANSFEREE-SIGNATURE)**

\_\_\_\_\_  
**(SUBDIVISION)**

\_\_\_\_\_  
**(DATE)**

\_\_\_\_\_  
**(LOT)**

\_\_\_\_\_  
**(BLOCK)**

\_\_\_\_\_  
**(NAME-PRINTED)**

\_\_\_\_\_  
**(STREET ADDRESS)**

\_\_\_\_\_  
**(MAILING ADDRESS)**

\_\_\_\_\_  
**(CITY, STATE, ZIP CODE)**

**SELF-CERTIFICATION STATEMENT OF COMPLIANCE**

**Permit Number: SAJ-2013-01020 (NW-CSH)**

Permittee's Name & Address (please print or type): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Location of the Work: \_\_\_\_\_

\_\_\_\_\_

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Acreage or Square Feet of Impacts to Waters of the United States: \_\_\_\_\_

Describe Mitigation completed (if applicable): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Describe any Deviations from the Permit (attach drawing(s) depicting the deviations):

\_\_\_\_\_  
\_\_\_\_\_

I certify that all work, and mitigation (if applicable), was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

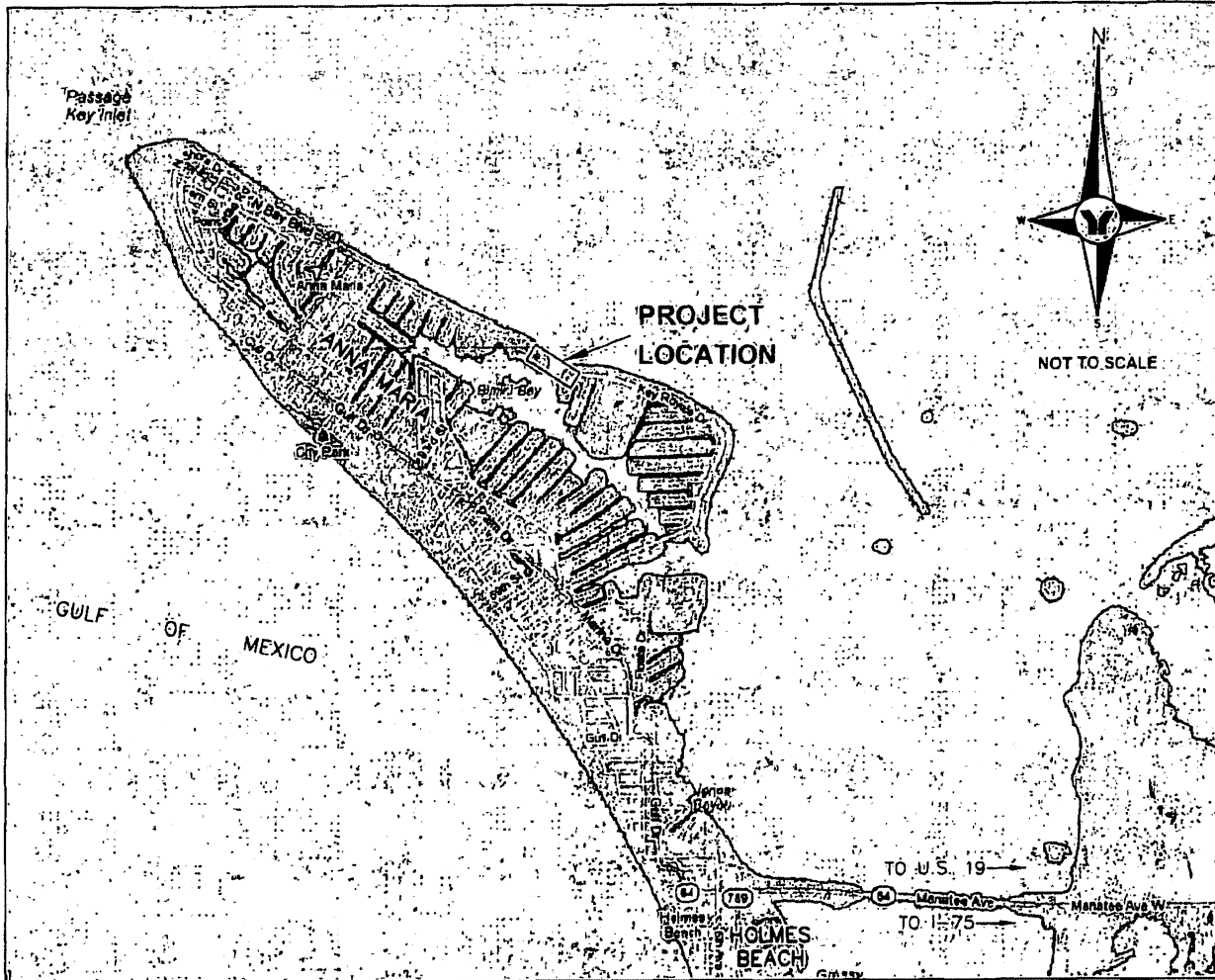
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Signature of Permittee

\_\_\_\_\_  
Date

## STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
  - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
  - b. instructions not to injure, harm, harass or kill this species;
  - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
  - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
  - a. any sightings of eastern indigo snakes and
  - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004



**SURVEY NOTES:**

1. All elevations are (+) positive unless otherwise noted.
2. Elevations are in U.S. Survey Feet and are referenced NAVD 88 (North American Vertical Datum of 1988).
3. Horizontal coordinates are Florida State Plane, West Zone, NAD 83 (2007), U.S. Survey Feet.
4. Vertical control is based on NGS published benchmark "S 254". Elevation= +11.09 feet NAVD 88.
5. Offshore positioning was maintained using a Trimble Differential GPS receiving corrections from the U.S. Coast Guard beacon at MacDill Air Force Base.
6. An Odom Hydrotrac echo sounder with a 200 kHz transducer was used to obtain the offshore elevations shown hereon.
7. The information shown represents a survey performed on 8/17/12 and can only indicate the general conditions existing on said date.


**TABLE OF CONTENTS:**

- Sheet 1: GENERAL LOCATION MAP
- Sheet 2: VICINITY MAP
- Sheet 3: PLAN AND PROFILE VIEW
- Sheet 4: PLAN AND PROFILE VIEW
- Sheet 5: WEST PIT DETAIL
- Sheet 6: EAST PIT DETAIL

**NOTE:**

1. THIS IS NOT A SURVEY OR A CONSTRUCTION PLAN. THESE PLANS REFLECT A COMPILATION OF UTILITY INFORMATION AND FIELD OBSERVATIONS TO BE UTILIZED FOR PERMITTING PURPOSES ONLY.

**GENERAL LOCATION MAP**

PREPARED FOR: <b>Manatee County Public Works</b> 1022 26th Ave. East Bradenton, Florida 34208		<b>ANNA MARIA WATER LINES          KEY ROYALE INTERCONNECT</b> SECTION 17, TOWNSHIP 34 S., RANGE 16 E.		REVISIONS BY DATE DESCRIPTION
CREW CHIEF DRAWN CHECKED FIELD BOOK FIELD DATE	INITIALS DATE	<b>George F. Young, Inc.</b> 299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701 PHONE (727) 822-4317 FAX (727) 822-2919 BUSINESS ENTITY LB21 ARCHITECTURE-ENGINEERING-ENVIRONMENTAL-LANDSCAPE-PLANNING-SURVEYING-UTILITIES GAINESVILLE-LAKEWOOD RANCH-ORLANDO-PALM BEACH GARDENS-ST. PETERSBURG-TAMPA-VENICE		JOB NO. <b>0973000526</b> SHEET NO. <b>1 of 6</b>
SAJ-2013-01020(NW-CSH) MANATEE COUNTY MAY 14, 2013 SHEET 2 OF 7				

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VICINITY MAP

PREPARED FOR:  
 Manatee County Public Works  
 1022 26th Ave. East  
 Bradenton, Florida 34208

**ANNA MARIA WATER LINES  
 KEY ROYALE INTERCONNECT**  
 SECTION 17, TOWNSHIP 34 S., RANGE 16 E.

REVISED	BY	DATE	DESCRIPTION

	INITIALS	DATE
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CHECKED		
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FIELD DATE		

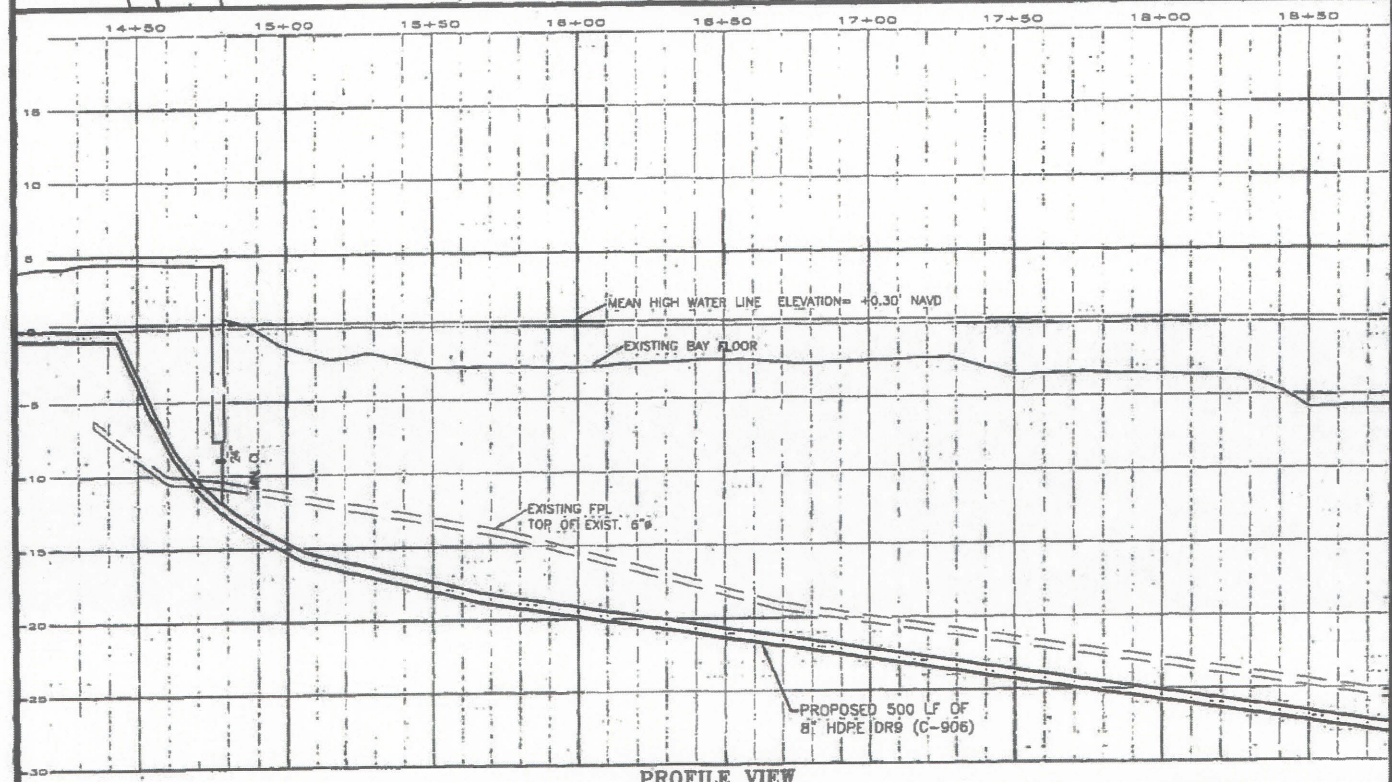
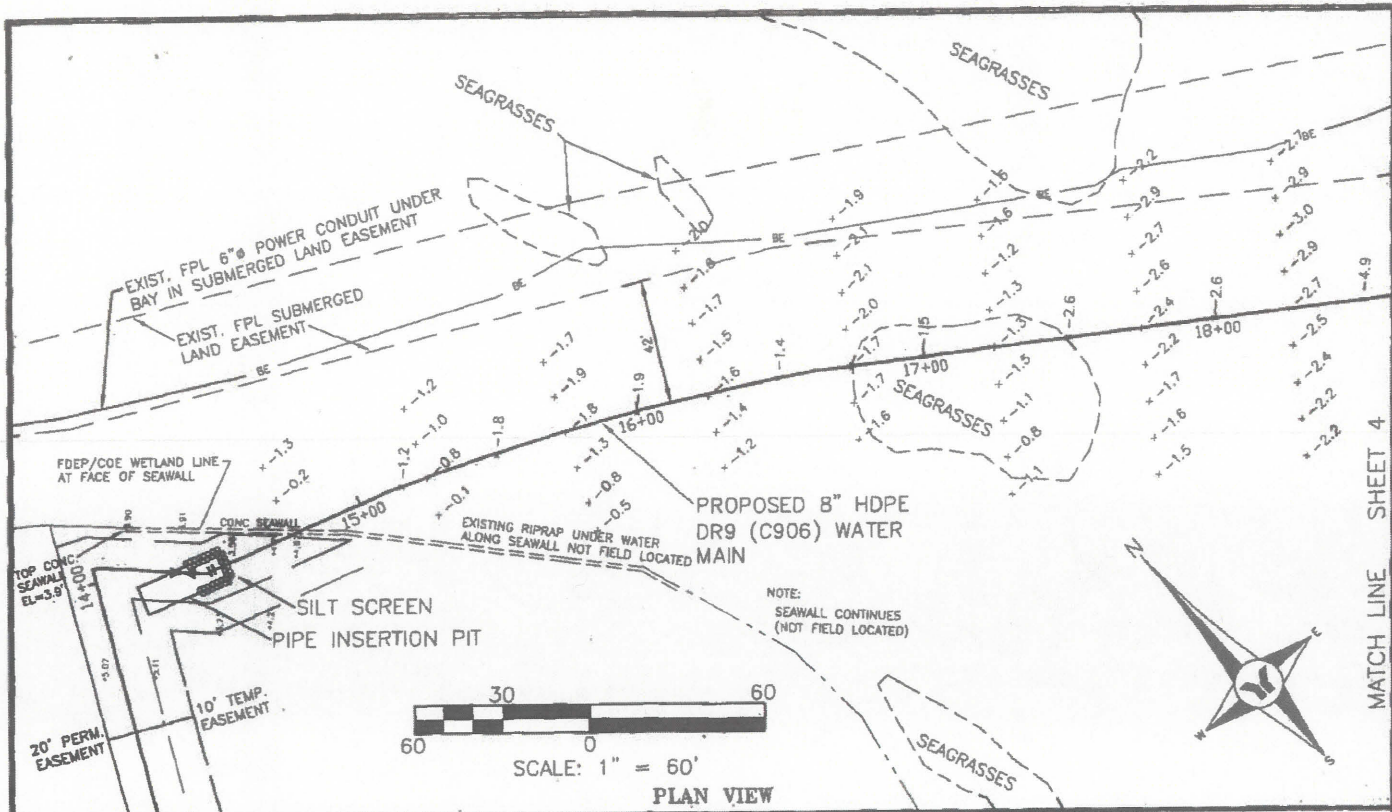
SAJ-2013-01020(NW-CSH)  
 MANATEE COUNTY  
 MAY 14, 2013  
 SHEET 3 OF 7



**George F. Young, Inc.**

200 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701  
 PHONE (727) 822-4317 FAX (727) 822-2810  
 BUSINESS ENTITY 1821  
 ARCHITECTURE-ENGINEERING-ENVIRONMENTAL-LANDSCAPE-PLANNING-SURVEYING-UTILITIES  
 GAINESVILLE-LAKEWOOD RANCH-ORLANDO-PALM BEACH GARDENS-ST. PETERSBURG-TAMPA-VENICE

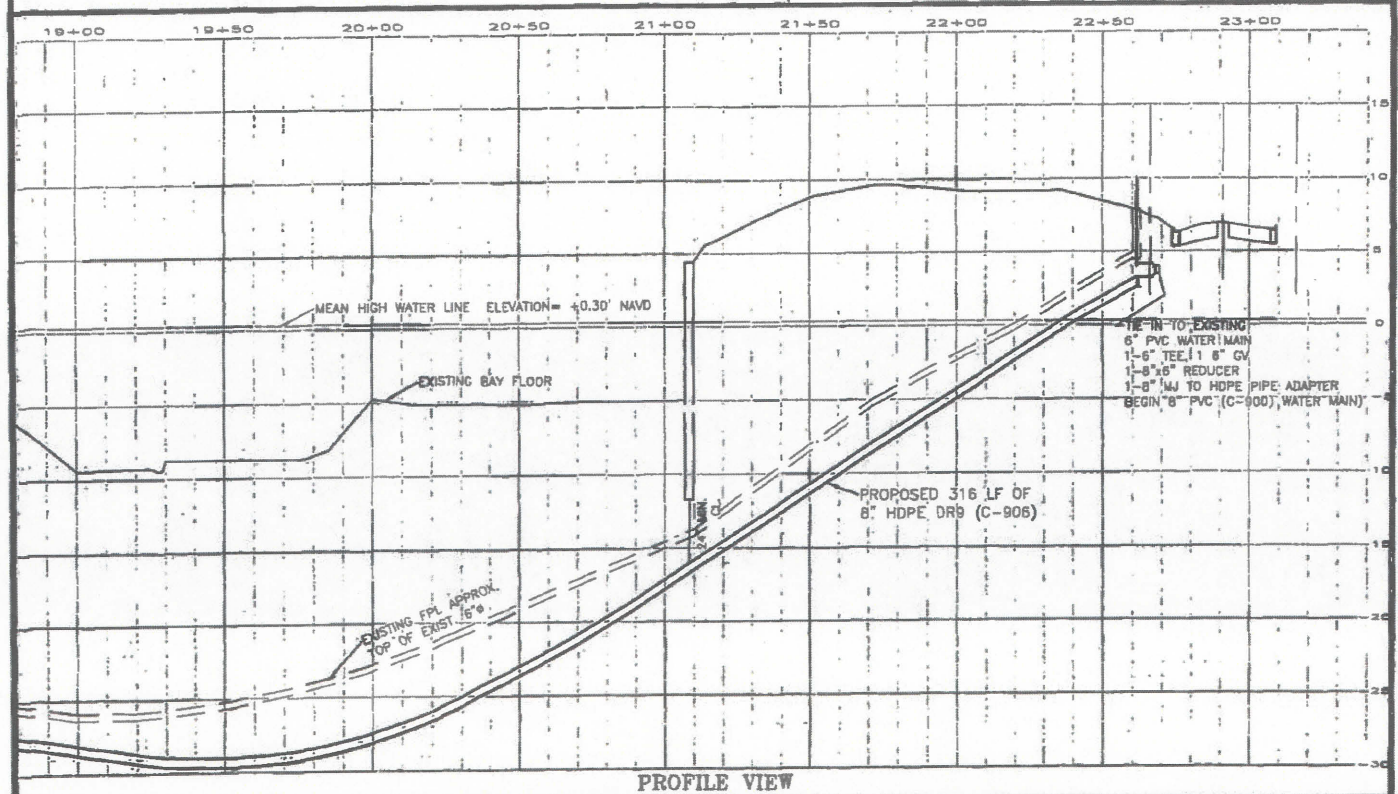
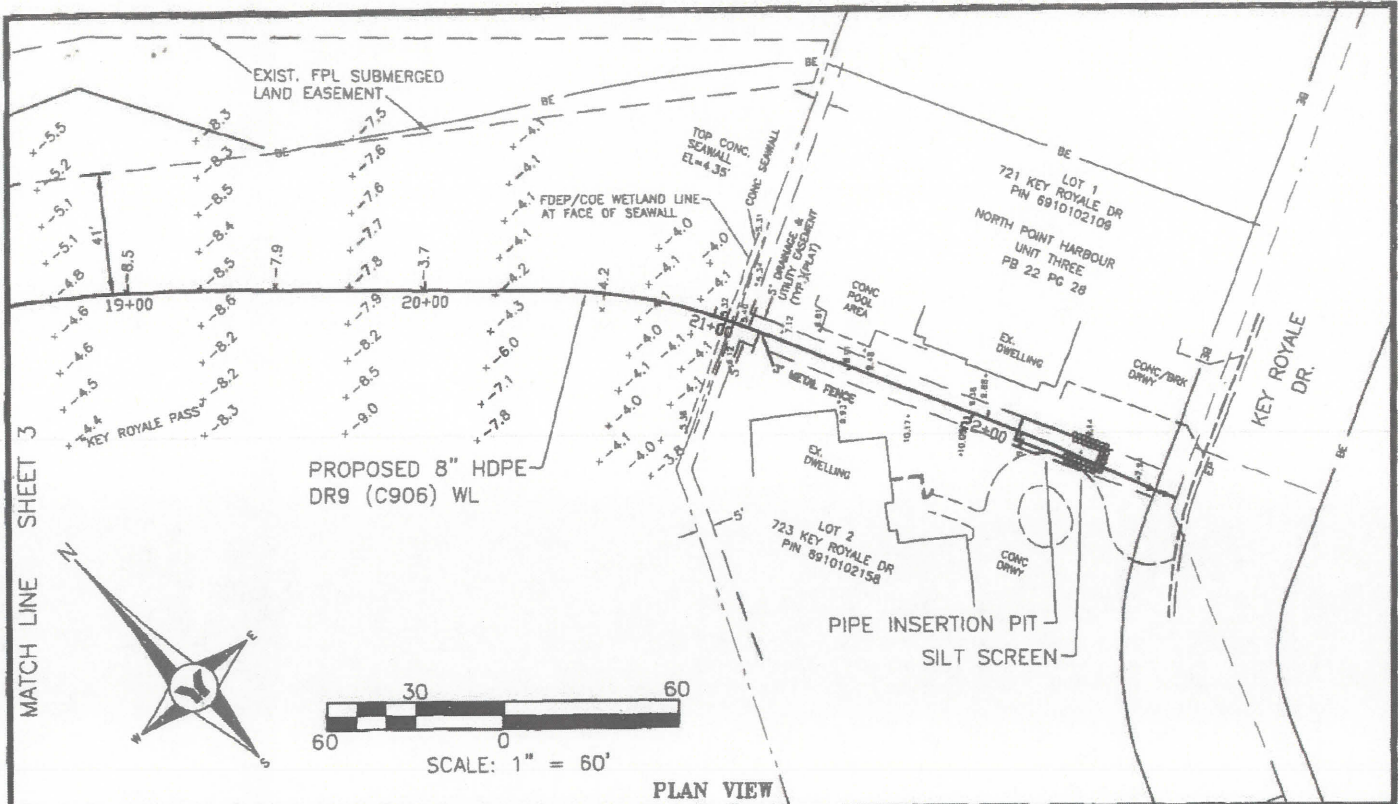
JOB NO.  
 0973000526  
 SHEET NO.  
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PREPARED FOR: Manatee County Public Works 1022 26th Ave. East Bradenton, Florida 34208		<b>ANNA MARIA WATER LINES          KEY ROYALE INTERCONNECT</b> SECTION 17, TOWNSHIP 34 S., RANGE 16 E.		REVISIONS BY DATE DESCRIPTION	
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MATCH LINE SHEET 4

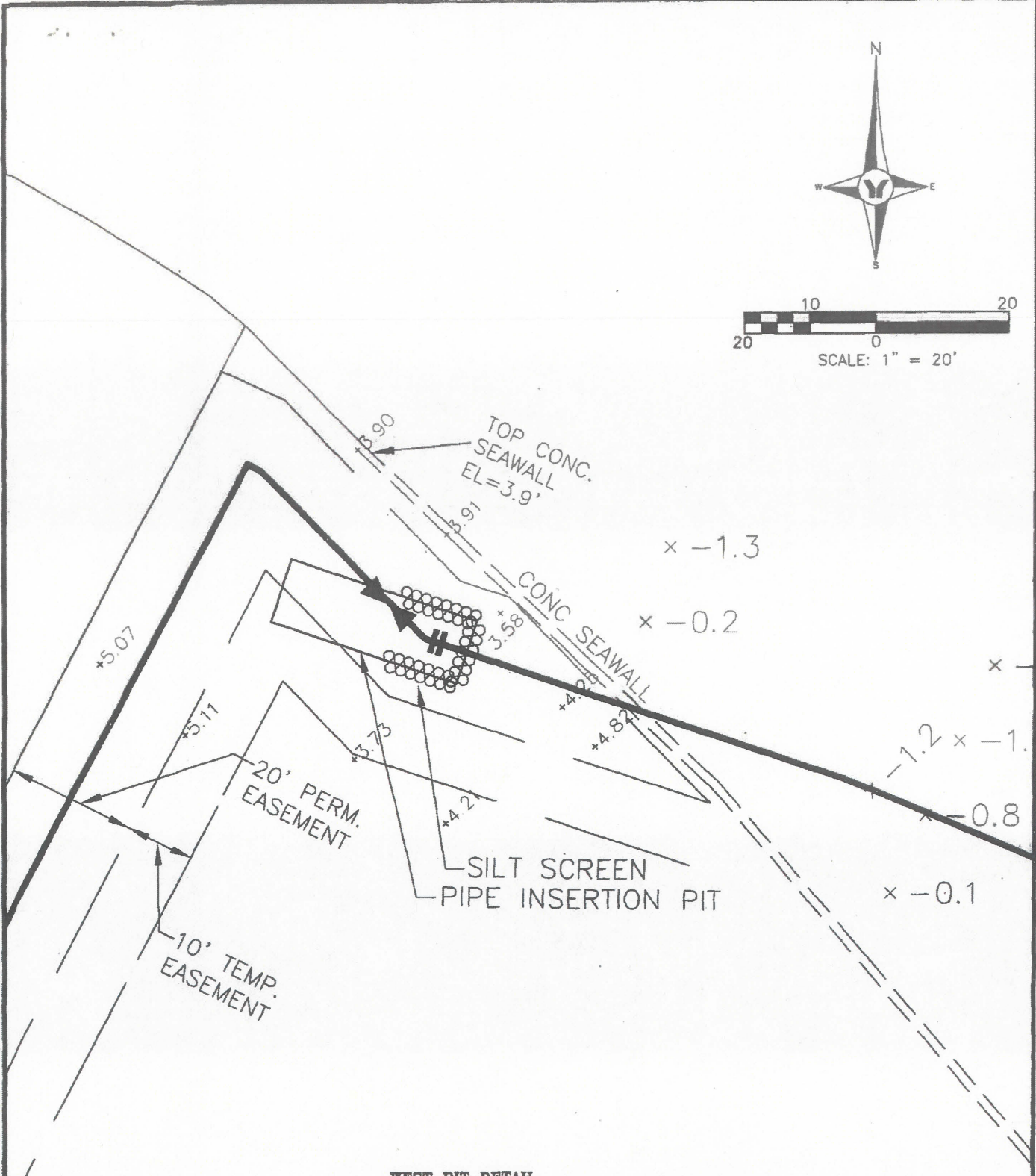
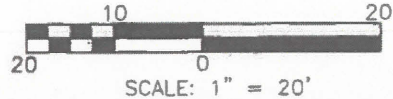
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PREPARED FOR: <b>Manatee County Public Works</b> 1022 26th Ave. East Bradenton, Florida 34208		<b>ANNA MARIA WATER LINES</b> <b>KEY ROYALE INTERCONNECT</b> SECTION 17, TOWNSHIP 34 S., RANGE 16 E.		REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 15%;">BY</th> <th style="width: 15%;">DATE</th> <th style="width: 65%;">DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	BY	DATE	DESCRIPTION													
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CREW CHIEF	INITIALS	DATE																			

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**WEST PIT DETAIL**

PREPARED FOR:  
 Manatee County Public Works  
 1022 26th Ave. East  
 Bradenton, Florida 34208

**ANNA MARIA WATER LINES  
 KEY ROYALE INTERCONNECT**

SECTION 17, TOWNSHIP 34 S., RANGE 16 E.

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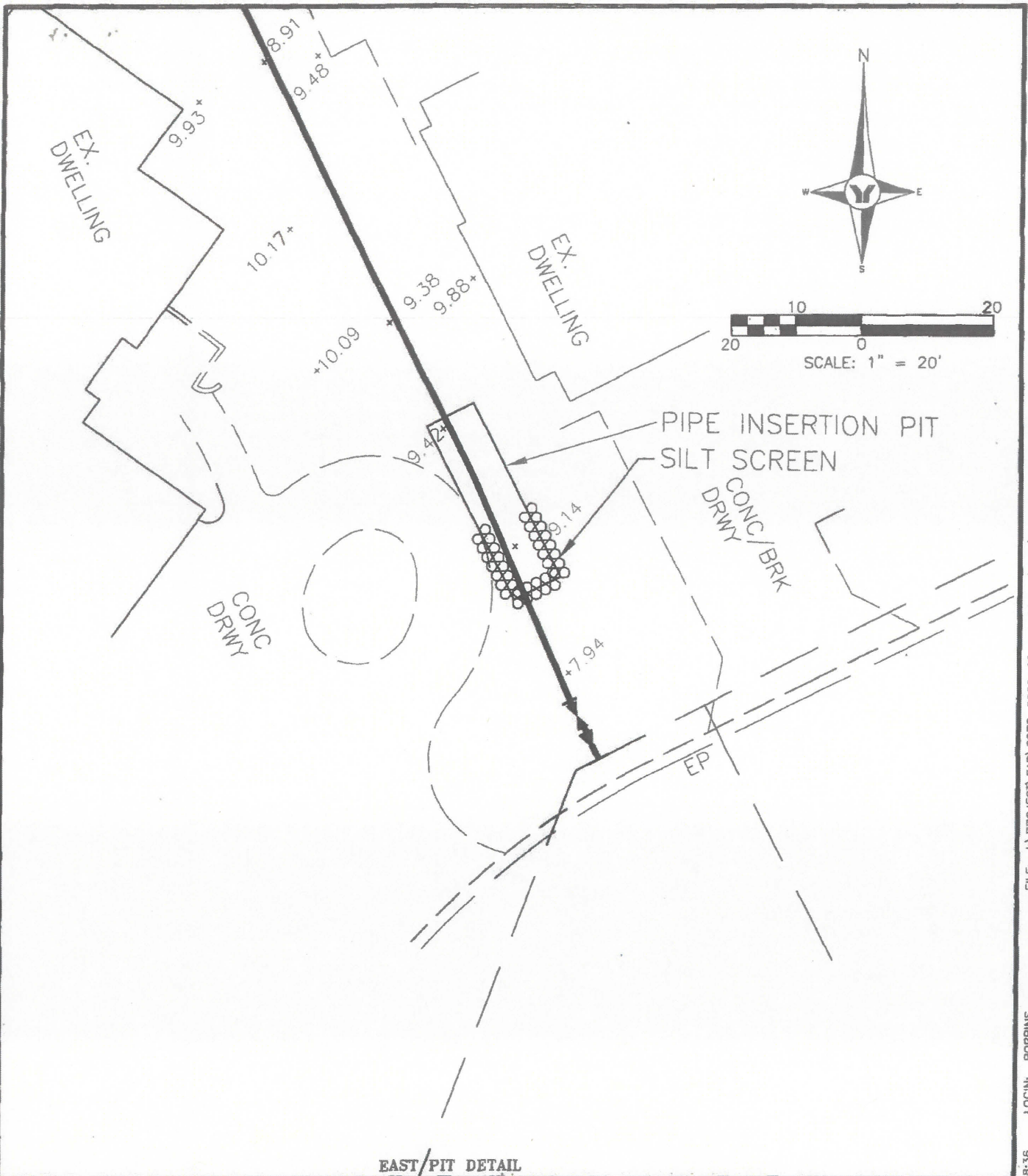
SAJ-2013-01020(NW-CSH)  
 MANATEE COUNTY  
 MAY 14, 2013  
 SHEET 6 OF 7



**George F. Young, Inc.**  
 299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701  
 PHONE (727) 822-4317 FAX (727) 822-2819  
 BUSINESS ENTITY LB21  
 ARCHITECTURE-ENGINEERING-ENVIRONMENTAL-LANDSCAPE-PLANNING-SURVEYING-UTILITIES  
 GAINESVILLE-LAKEWOOD RANCH-ORLANDO-PALM BEACH GARDENS-ST. PETERSBURG-TAMPA-VENICE

JOB NO.  
 0973000526  
 SHEET NO.  
 5 of 6

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EAST/PIT DETAIL

PREPARED FOR:  
 Manatee County Public Works  
 1022 26th Ave. East  
 Bradenton, Florida 34208

**ANNA MARIA WATER LINES  
 KEY ROYALE INTERCONNECT**

SECTION 17, TOWNSHIP 34 S., RANGE 16 E.

REVISED	BY	DATE	DESCRIPTION

	INITIALS	DATE
CREW CHIEF		
DRAWN		
CHECKED		
FIELD BOOK		
FIELD DATE		

SAJ-2013-01020(NW-CSH)  
 MANATEE COUNTY  
 MAY 14, 2013  
 SHEET 7 OF 7



**George F. Young, Inc.**

209 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701  
 PHONE (727) 822-4317 FAX (727) 822-2919

BUSINESS ENTITY L821  
 ARCHITECTURE-ENGINEERING-ENVIRONMENTAL-LANDSCAPE-PLANNING-SURVEYING-UTILITIES  
 GAINESVILLE-LAKEWOOD RANCH-ORLANDO-PALM BEACH GARDENS-ST. PETERSBURG-TAMPA-VENICE

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 6 OF 6

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