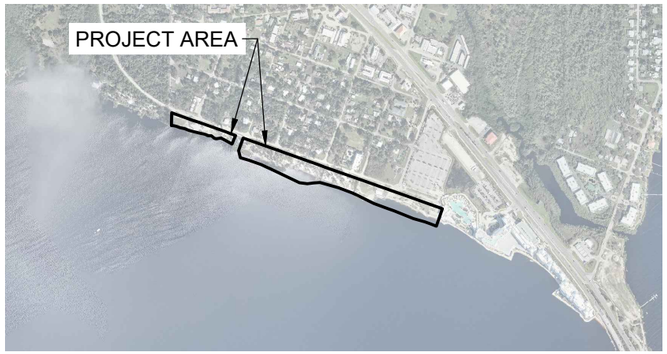
BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
CONSTRUCTION PLANS

PREPARED FOR:

CHARLOTTE COUNTY



LOCATION MAP
N.T.S.

INDEX

1. COVER SHEET
2. PLAN VIEW
3. TYPICAL CROSS SECTIONS
4. TYPICAL CROSS SECTIONS

NOTES

1. TOPOGRAPHIC SURVEY CONDUCTED BY COASTAL ENGINEERING CONSULTANTS, INC., JUNE 18, 2024.
2. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83).
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N

NO.	DATE	BY	REVISION DESCRIPTION

DATE: 6/11/2025 SCALE: AS NOTED
DRAWN: SDB F.B.
CHECKED: GVT PG.
SEC. TWP. RNG.
ACAD NO. 24360 BLO-C.dwg
REF. NO. 24.360

CLIENT: CHARLOTTE COUNTY

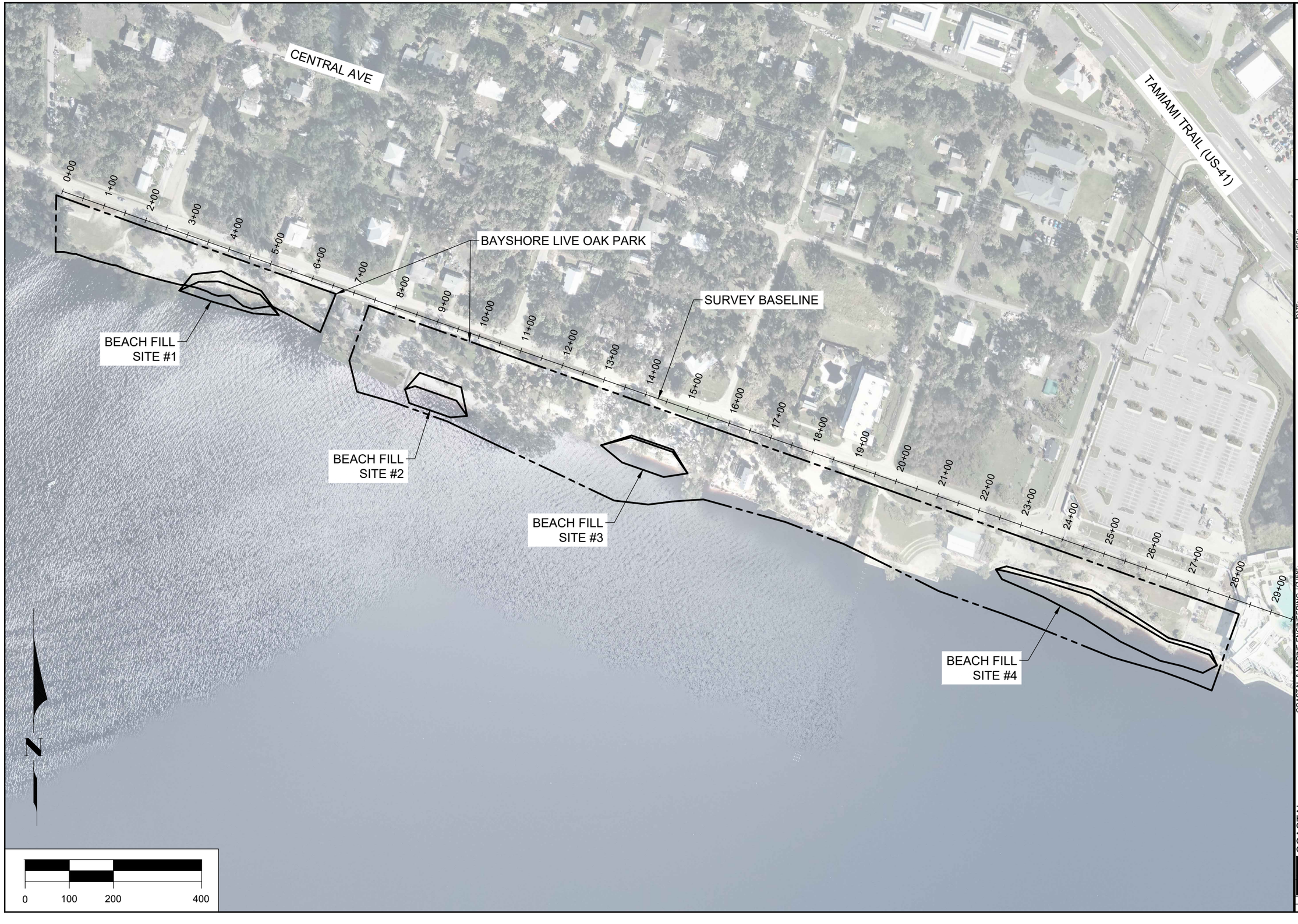
TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
COVER SHEET

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

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FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

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BONITA SPRINGS, FLORIDA 34135

SHEET 1
FILE NO.: 24360-C-1



CHARLOTTE COUNTY

BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
PLAN VIEW

DATE:	6/11/2025	SCALE:	AS NOTED
DRAWN:	SDB	F.B.	
CHECKED:	GVT	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	24360 BLO-C.dwg		
REF. NO.	24.360		

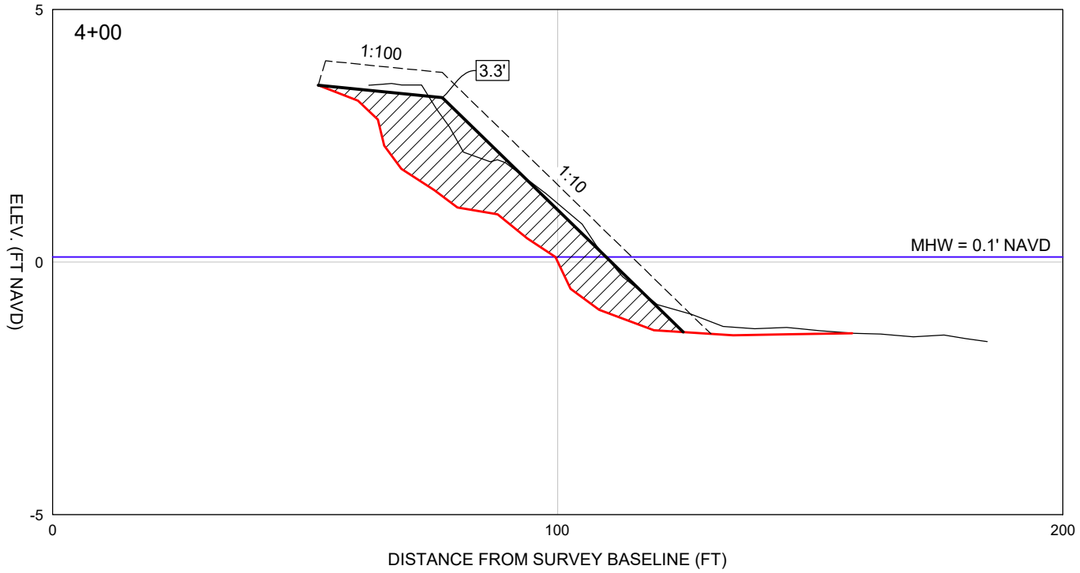
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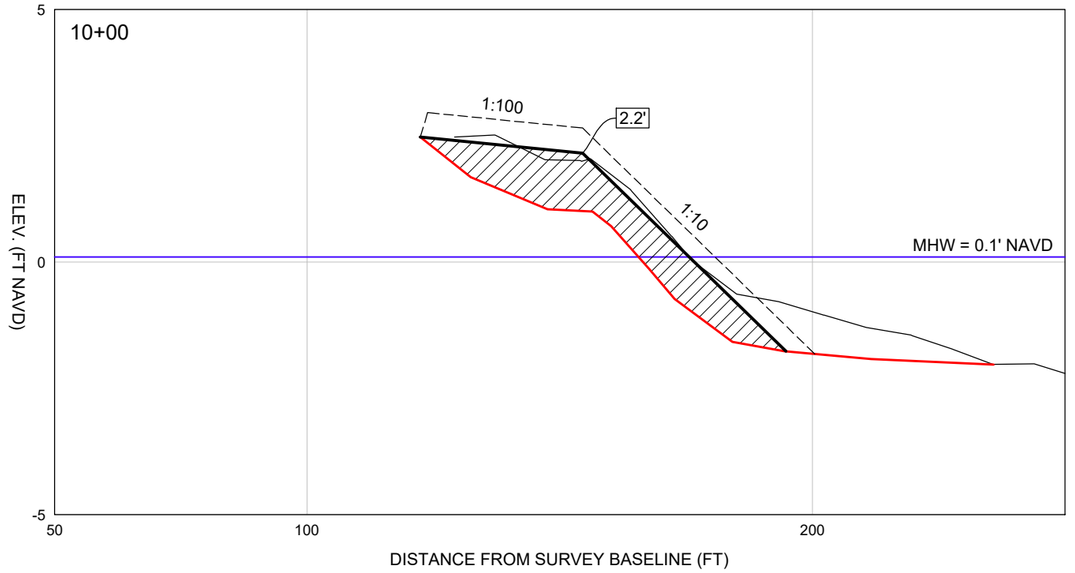
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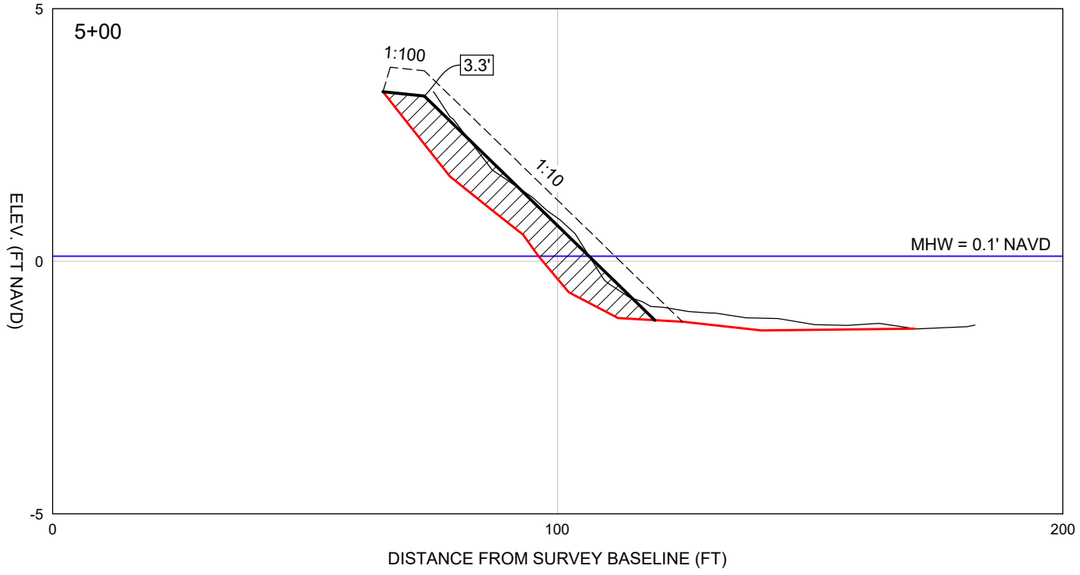
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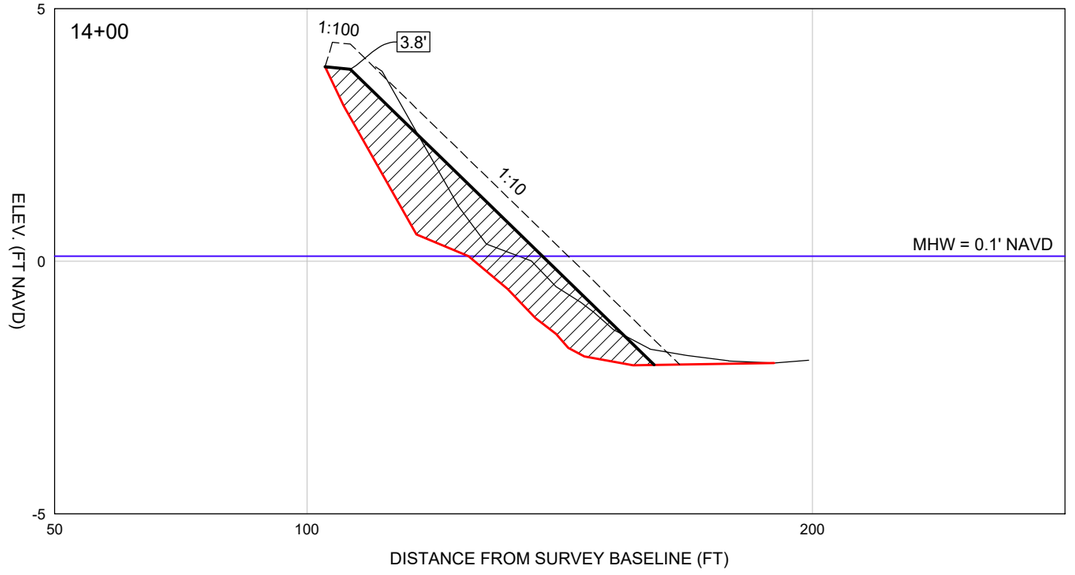
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SHEET 2
FILE NO.: 24360-C-2









LEGEND

——— = PRE-STORM GRADE (6/18/2024)

——— = POST-STORM GRADE (APPROXIMATE)

▨ = FILL AREA

– — – = 0.5' TOLERANCE

SCALE

H: 1" = 30'
V: 1" = 3'

NO.	DATE	BY	REVISION DESCRIPTION
24.360			

DATE: 6/11/2025
SCALE: AS NOTED
DRAWN: SDB
F.B.
CHECKED: GVT
P.G.
SEC.
TWP.
RNG.
ACAD NO. 24360 BLO-C.dwg
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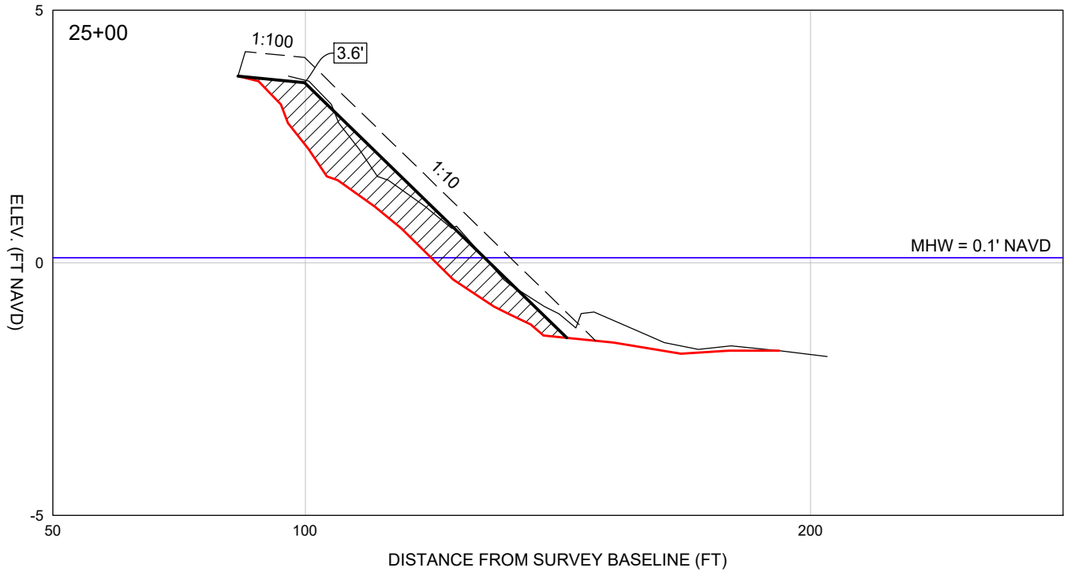
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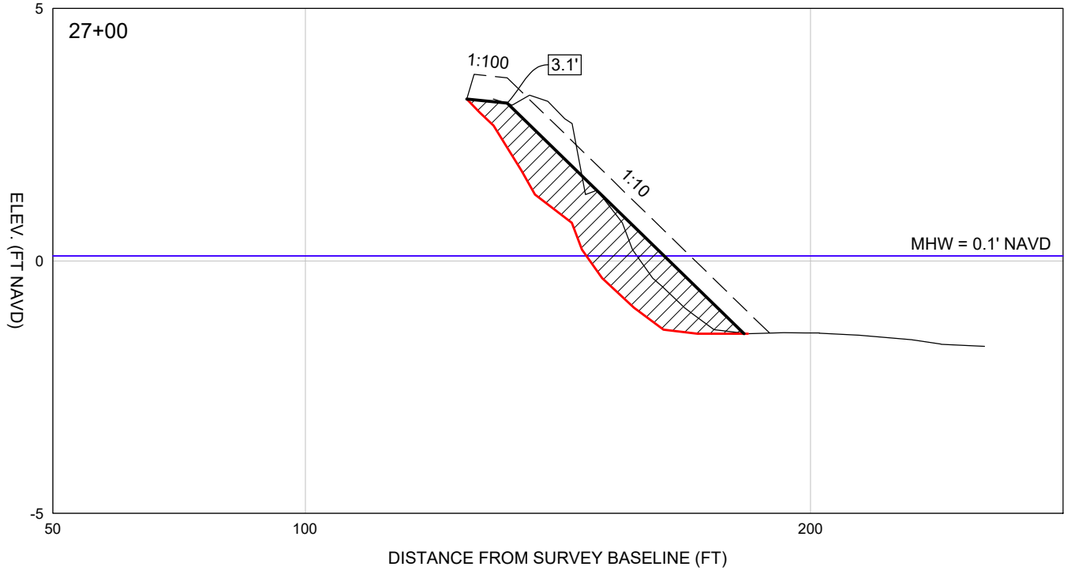
TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
TYPICAL CROSS SECTIONS

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SHEET 3
FILE NO.: 24360-C-3





LEGEND

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——— = POST-STORM GRADE (APPROXIMATE)

▨ = FILL AREA

– — – = 0.5' TOLERANCE

SCALE

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NO.	DATE	BY	REVISION DESCRIPTION

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TWP.
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REF. NO. 24.360

CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
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SHEET 4
FILE NO.: 24360-C-4

CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
CONSTRUCTION PLANS

PREPARED FOR:

CHARLOTTE COUNTY



INDEX

1. COVER SHEET
2. PLAN VIEW AND CROSS SECTIONS

NOTES

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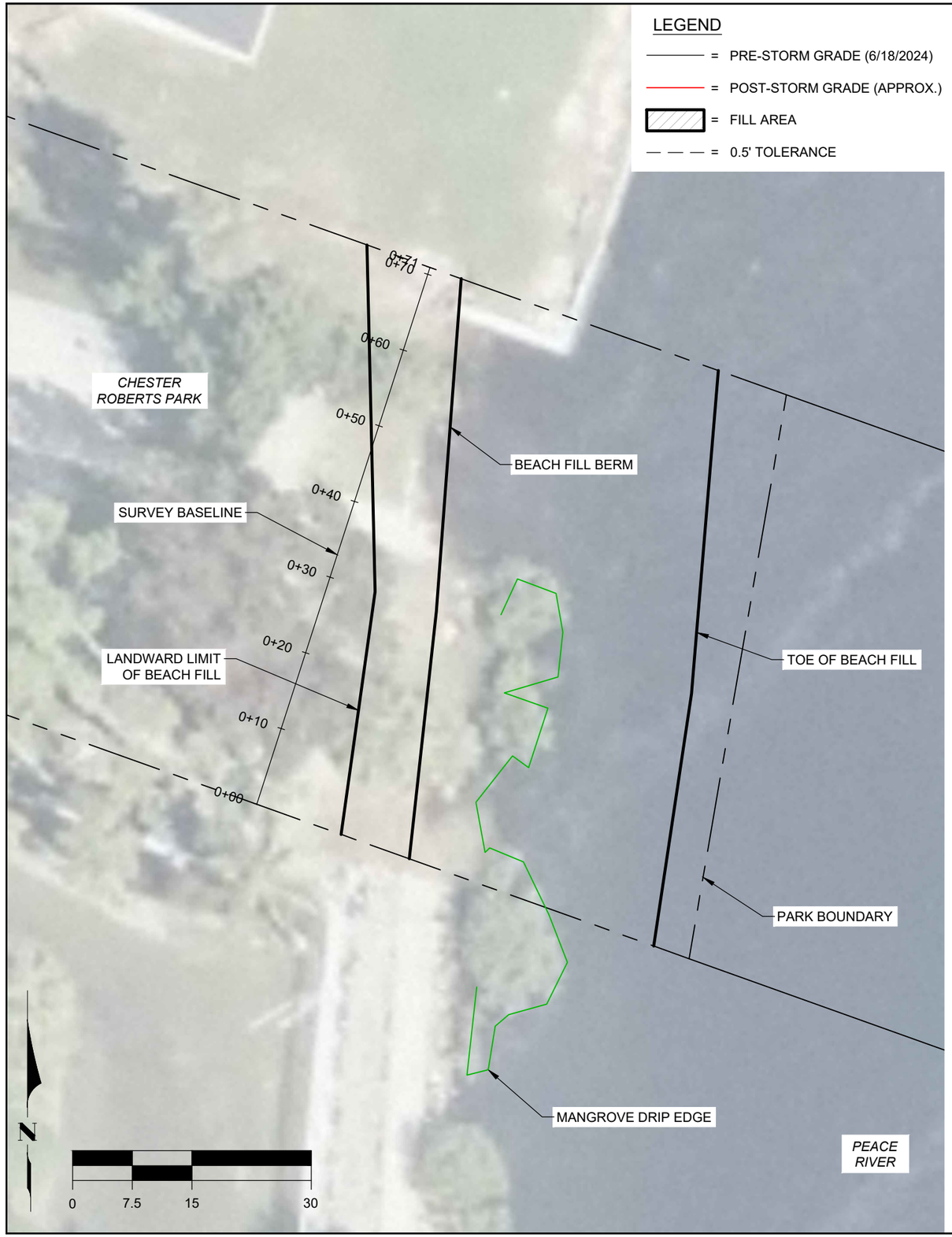
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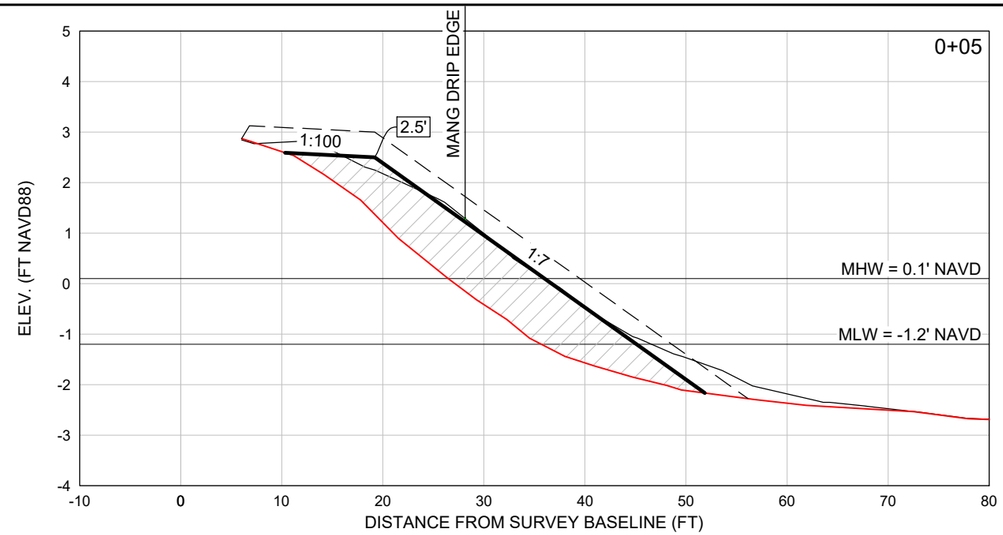
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EMERGENCY SHORELINE NOURISHMENT
COVER SHEET

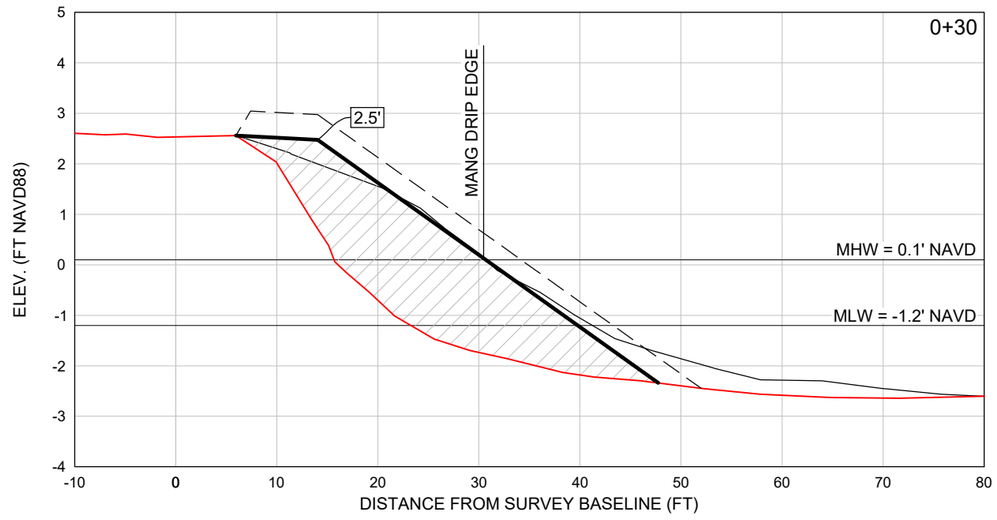
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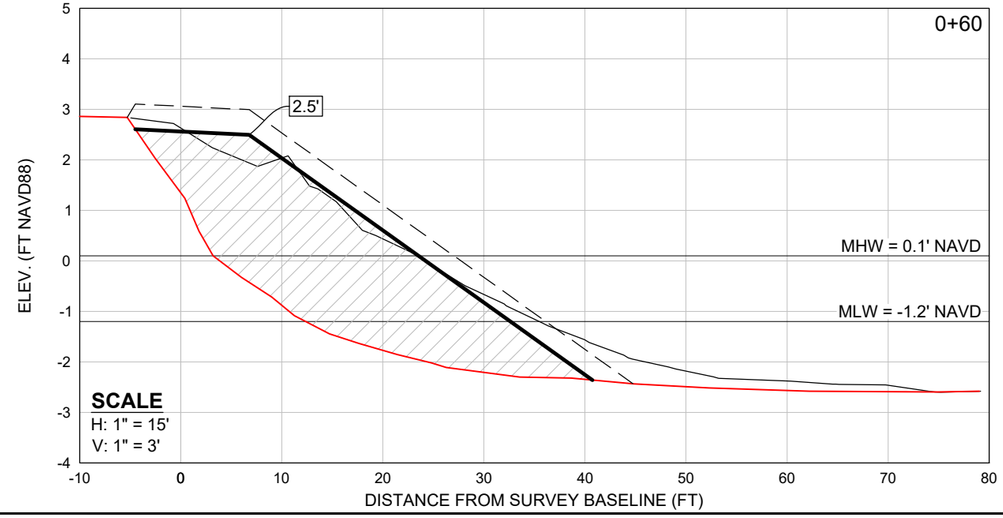
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SHEET 1
FILE NO.: 24360-C-1









REV. NO.	DATE	BY	REVISION DESCRIPTION
24.360			

DATE: 5/22/2025
DRAWN: SDB
CHECKED: GVT
SEC: TWP: RNG:
ACAD NO. 24360 CR-C.dwg
REF. NO.
SCALE: AS NOTED
F.B.
P.G.

CLIENT: CHARLOTTE COUNTY

TITLE: CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
PLAN VIEW AND CROSS SECTIONS

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SHEET 2
FILE NO.: 24360-C-2

DEPARTMENT OF THE ARMY PERMIT

Permittee: **CHARLOTTE COUNTY**
1120 Centennial Blvd
Port Charlotte, FL 33953

Permit No: SAJ-2024-02810

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 U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

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

Project Description: The applicant seeks authorization to place 5,000 cubic yards, along 0.4 miles of shoreline at Bayshore Live Oak Park to offset the impacts of Hurricanes Debby and Helene. The work described above is to be completed in accordance with the 6 pages of drawings [and 4 attachments] affixed at the end of this permit instrument.

Project Location: The project would affect aquatic resources associated with Charlotte Harbor. The project site is located at 213157 Bayshore Rd, Charlotte County, Punta Gorda, Florida.

Directions to site: From US-41.Tamiami Trail, turn south on Main St, left onto Bayshore Rd, the park is 0.4 on the right.

Approximate Central Coordinates: Latitude: 29.9656692 North
Longitude: -82.071658 West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **October 22, 2025**. 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. 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:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

   a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
   b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2024-02810 (SP –CNF), on all submittals.

2. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the ENG Form 6285, “Certification of

Compliance with Department of Army Permit" (located at https://www.publications.usace.army.mil/Portals/76/Eng_Form_6285_2024%20Dec%20FINAL.pdf) and submit it to the Corps.

4. **Cultural Resources/Historic Properties:**

a. 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.
b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.
c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). 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 on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

5. **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attached). The most recent version of the Manatee Conditions must be utilized.

6. **Protected Species Construction Conditions:** The Permittee shall comply with National Marine Fisheries Service's "Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office" dated May 2021 (Attached).

7. **Turbidity Barriers:** 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 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 daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

8. **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.

9. **Take Reporting:** All lethal and nonlethal take associated with the project will be reported to Fish and Wildlife Service (FWS) by phone or email (FLESRegs, FW4 FW4FLESRegs@fws.gov) immediately upon completion of authorized work.

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)

(X) 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)

( ) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

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.

Jamie Scudera _____ 04/25/2025
(PERMITTEE) (DATE)

Jamie Scudera
(PERMITTEE NAME-PRINTED)

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

_____ Date: 25 April 2025
For BRANDON L. BOWMAN
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-2024-02810

1. PERMIT DRAWINGS: 6 pages, dated 14 April 2025.

2. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011*

3. Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office

4. SELF-CERTIFICATION FORM: 1 page

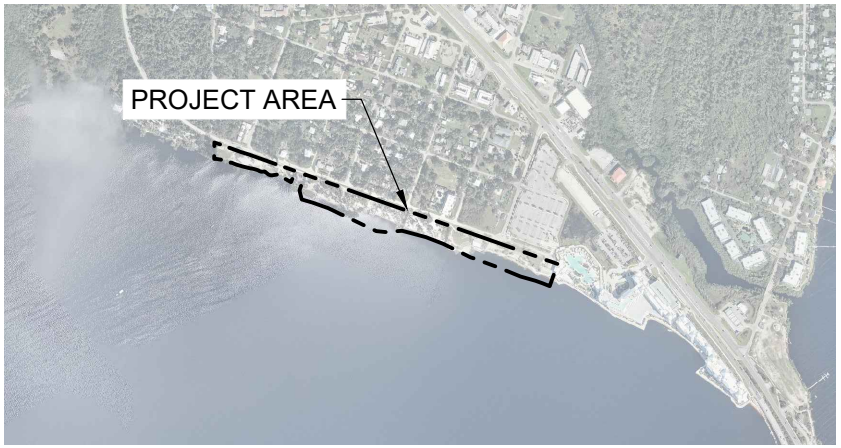
BAYSHORE LIVE OAK PARK EMERGENCY SHORELINE NOURISHMENT

U.S. Army Corps of Engineers
SAJ-2024-02810
4/14/2025
Project Manager: C Frey

PERMIT DRAWINGS

PREPARED FOR:

CHARLOTTE COUNTY



INDEX

1. COVER SHEET
2. LOCATION MAP
3. DETAILED PLAN VIEW 1
4. DETAILED PLAN VIEW 2
5. DETAILED PROFILE VIEW 1
6. DETAILED PROFILE VIEW 2

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NOTES

1. TOPOGRAPHIC SURVEY CONDUCTED BY COASTAL ENGINEERING CONSULTANTS, INC., JUNE 18, 2024.
2. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83).
3. ELEVATIONS HEREON ARE IN FEET AND TENTHS AND REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
4. INFORMATION SHOWN HEREON REFLECTS CONDITIONS AS THEY EXISTED AT THE TIME OF THE SURVEY AND CAN ONLY BE CONSIDERED INDICATIVE OF CONDITIONS AT THAT TIME.
5. AERIAL PHOTOGRAPHY OBTAINED FROM NOAA, DATED 2024.

SHEET 1
FILE NO.:24360-Bayshore-1

COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

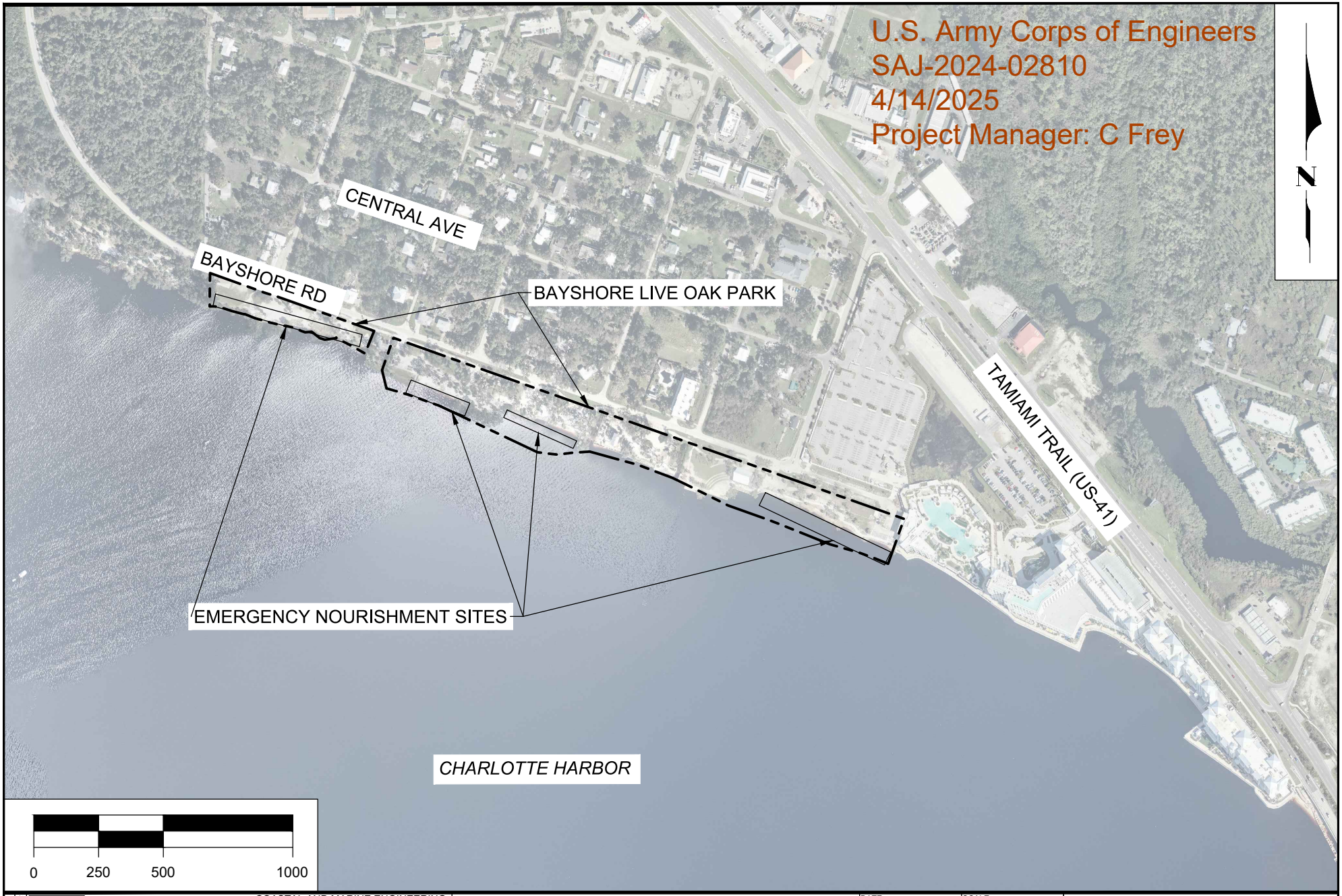
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK EMERGENCY SHORELINE NOURISHMENT COVER SHEET

DATE:	1/29/2025	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	24360 BLO Emergency Permit.dwg		
REF. NO.	24.360		

NO.	DATE	BY	REVISION DESCRIPTION



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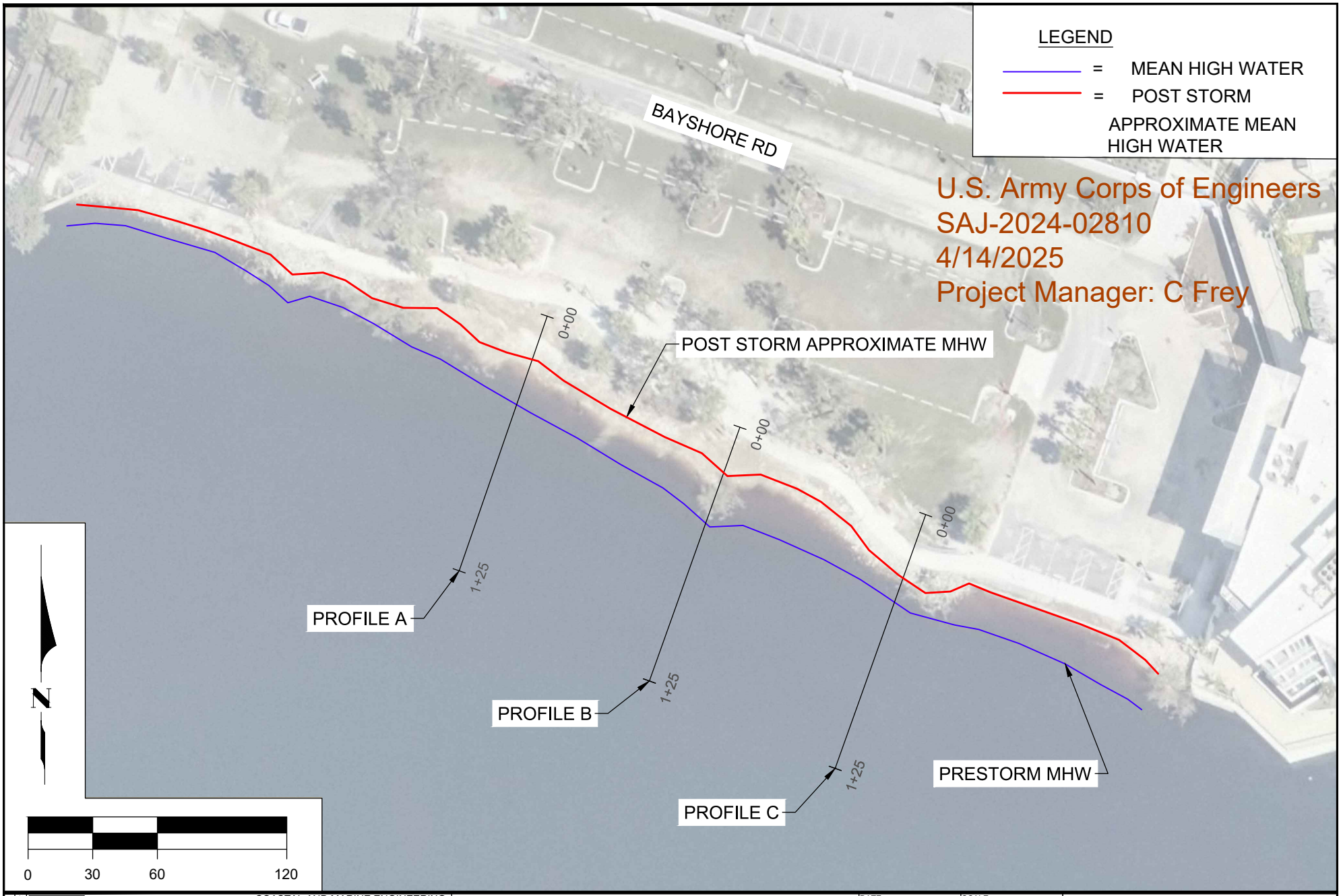
SHEET 2
FILE NO.:24360-Bayshore-2

CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
LOCATION MAP

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 BLO Emergency Permit.dwg			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 3
FILE NO.:24360-Bayshore-3

COASTAL ENGINEERING CONSULTANTS INC.
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BONITA SPRINGS, FLORIDA 34135

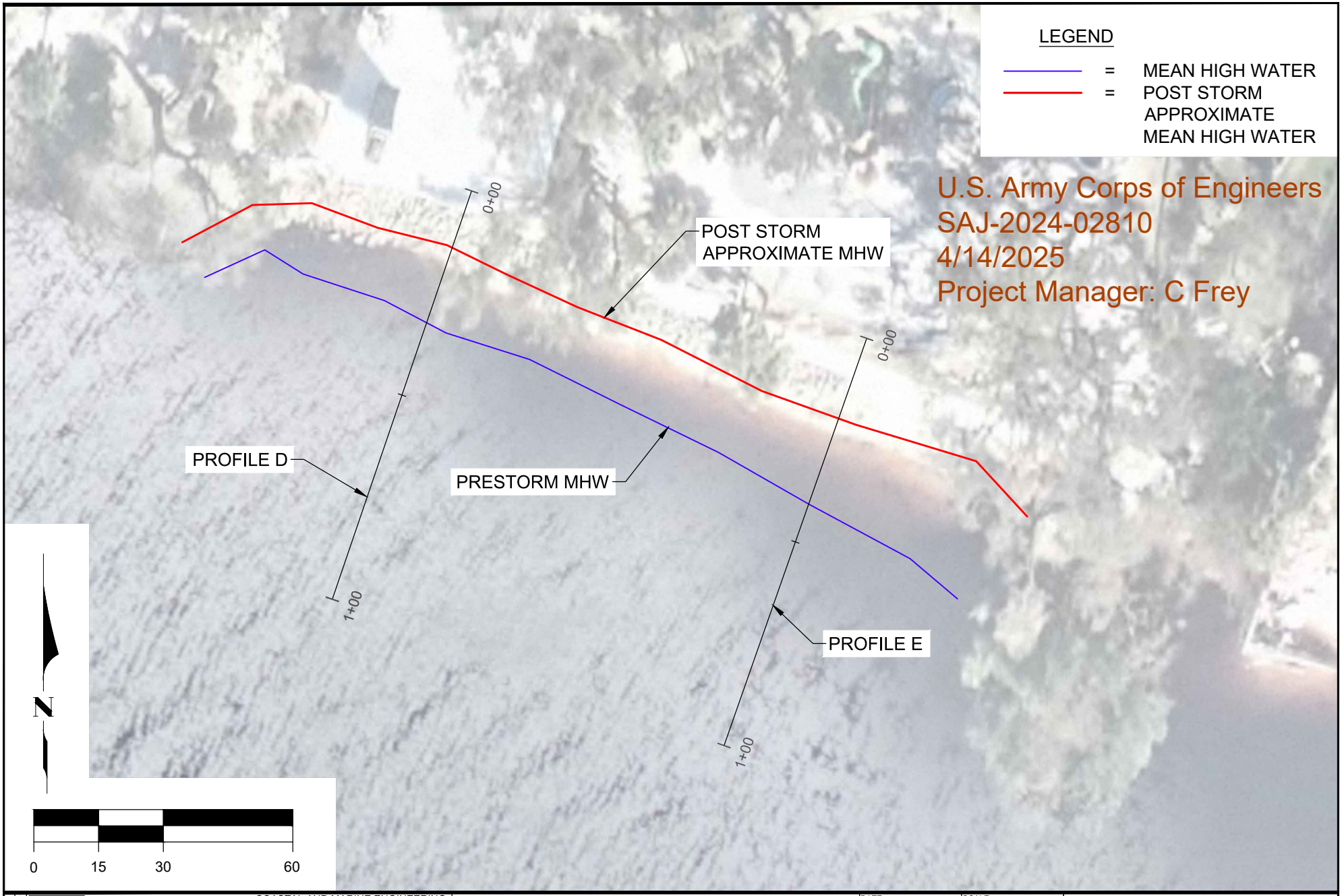
COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PLAN VIEW 1

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 BLO Emergency Permit.dwg			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 4
FILE NO.:24360-Bayshore-4

COASTAL ENGINEERING CONSULTANTS INC.
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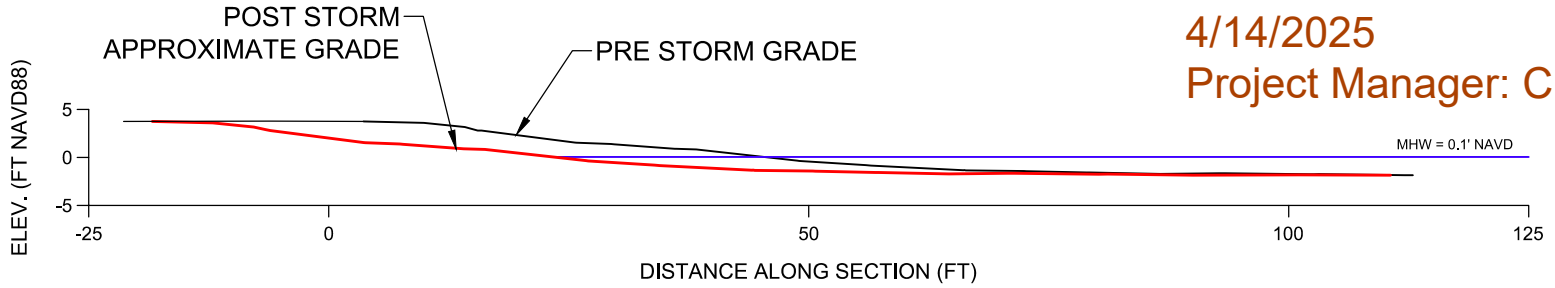
CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PLAN VIEW 2

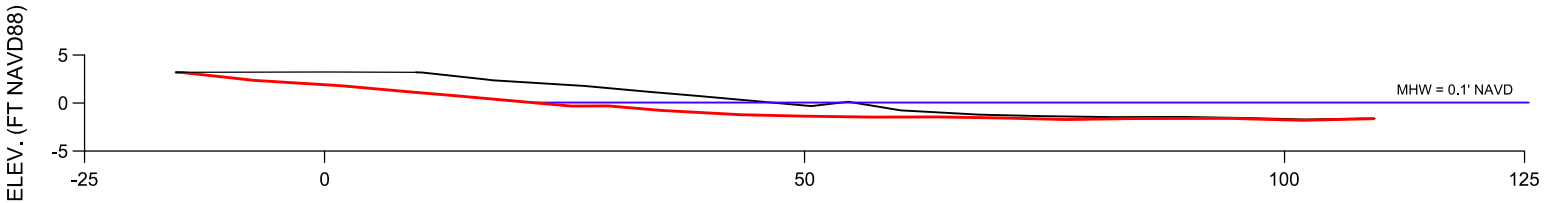
DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 BLO Emergency Permit.dwg			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION

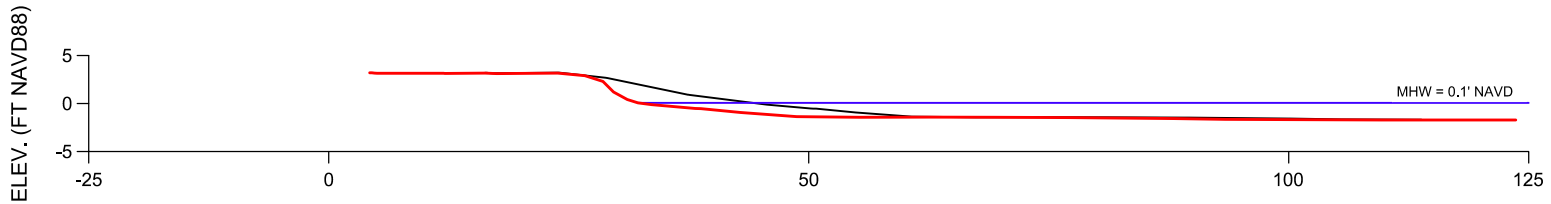
U.S. Army Corps of Engineers
SAJ-2024-02810
4/14/2025
Project Manager: C Frey



PROFILE VIEW A



PROFILE VIEW B



PROFILE VIEW C

SHEET 5
FILE NO.:24360-Bayshore-5

COASTAL ENGINEERING CONSULTANTS INC.
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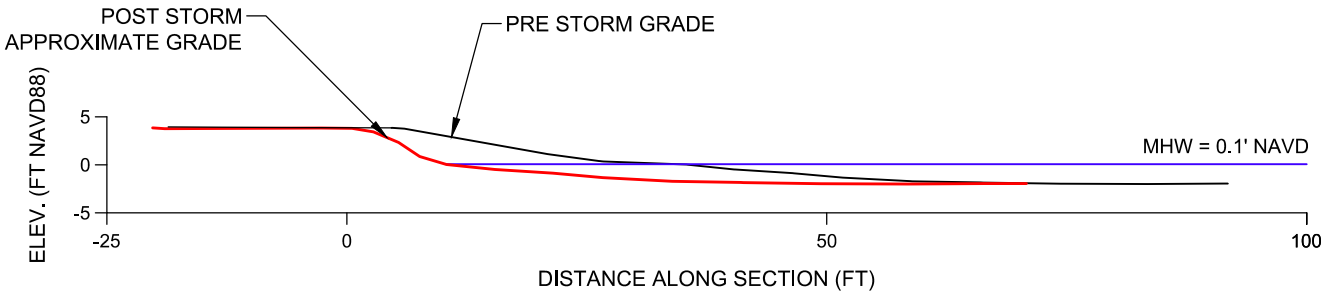
CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PROFILE VIEW 1

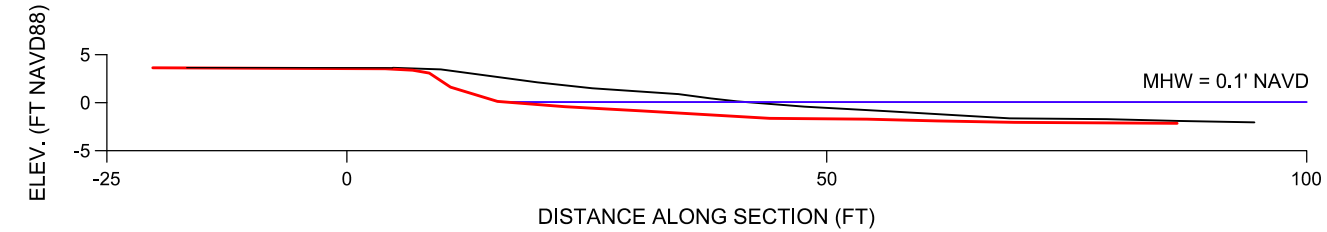
DATE: 01/29/2025	SCALE: 1" = 20'		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 BLO Emergency Permit.dwg			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION

U.S. Army Corps of Engineers
SAJ-2024-02810
4/14/2025
Project Manager: C Frey



PROFILE VIEW D



PROFILE VIEW E

COASTAL ENGINEERING CONSULTANTS INC.
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28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
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E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PROFILE VIEW 2

DATE:	01/29/2025
SCALE:	1" = 20'
DRAWN:	KMG
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TWP.	
RNG.	
ACAD NO.	24360 BLO Emergency Permit.dwg
REF. NO.	24.360

NO.	DATE	BY	REVISION DESCRIPTION

SHEET 6
FILE NO.:24039-Bayshore-6

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

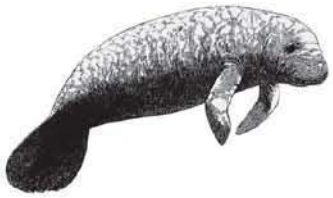
All project vessels

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

PROTECTED SPECIES CONSTRUCTION CONDITIONS, NOAA FISHERIES SOUTHEAST REGIONAL OFFICE

The action agency and any permittee shall comply with the following construction conditions for protected species under the jurisdiction of NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD):[1]

Protected Species Sightings–The action agency and any permittee shall ensure that all personnel associated with the project are instructed about the potential presence of species protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing listed species and all marine mammals. To determine which protected species and critical habitat may be found in the transit area, please review the relevant marine mammal and ESA-listed species at Find A Species (https://www.fisheries.noaa.gov/find-species) and the consultation documents that have been completed for the project.

1. **Equipment**–Turbidity curtains, if used, shall be made of material in which protected species cannot become entangled and be regularly monitored to avoid protected species entrapment. All turbidity curtains and other in-water equipment shall be properly secured with materials that reduce the risk of protected species entanglement and entrapment.

    a. In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) shall be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, shall be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line shall be allowed in the water. All anchoring shall be in areas free from hardbottom and seagrass.

    b. Turbidity curtains and other in-water equipment shall be placed in a manner that does not entrap protected species within the project area and minimizes the extent and duration of their exclusion from the project area.

    c. Turbidity barriers shall be positioned in a way that minimizes the extent and duration of protected species exclusion from important habitat (e.g. critical habitat, hardbottom, seagrass) in the project area.

2. **Operations**–For construction work that is generally stationary (e.g., barge-mounted equipment dredging a berth or section of river, or shore-based equipment extending into the water):

    a. Operations of moving equipment shall cease if a protected species is observed within 150 feet of operations.

[1] Manatees are managed under the jurisdiction of the U.S. Fish and Wildlife Service.

b. Activities shall not resume until the protected species has departed the project area of its own volition (e.g., species was observed departing or 20 minutes have passed since the animal was last seen in the area).

3. **Vessels**–For projects requiring vessels, the action agency, and any permittee shall ensure conditions in the Vessel Strike Avoidance Measures are implemented as part of the project/permit issuance (https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance).

4. **Consultation Reporting Requirements–**Any interaction with a protected species shall be reported immediately to NOAA Fisheries SERO PRD and the local authorized stranding/rescue organization.

   To report to NOAA Fisheries SERO PRD, send an email to takereport.nmfsser@noaa.gov. Please include the species involved, the circumstances of the interaction, the fate and disposition of the species involved, photos (if available), and contact information for the person who can provide additional details if requested. Please include the project's Environmental Consultation Organizer (ECO) number and project title in the subject line of email reports.

   To report the interaction to the local stranding/rescue organization, please see the following website for the most up to date information for reporting sick, injured, or dead protected species:

   Reporting Violations–To report an ESA or MMPA violation, call the NOAA Fisheries Enforcement Hotline. This hotline is available 24 hours a day, 7 days week for anyone in the United States.

   NOAA Fisheries Enforcement Hotline (800) 853-1964

5. **Additional Conditions–**Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the project consultation and must also be complied with.

For additional information, please contact NOAA Fisheries SERO PRD at:
NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
Tel: (727) 824-5312
Visit us on the web at Protected Marine Life in the Southeast
(https://www.fisheries.noaa.gov/region/southeast#protected-marine-life)

Revised: May 2021

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ- - (-)

2. **Permittee Information**: Name: _____

Email: _____

Address: _____

_____

Phone: _____

3. **Date Authorized Work Started**: _____ **Completed**: _____

4. **Contact to Schedule Inspection**: Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

_____

_____

6. **Acreage or Square Feet of Impacts to Waters of the United States**: _____

7. **Describe Mitigation completed (if applicable)**: _____

_____

_____

8. **Describe any Deviations from 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).

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

Dated 9/18/2019

DEPARTMENT OF THE ARMY PERMIT

Permittee: **CHARLOTTE COUNTY**
1120 Centennial Blvd
Port Charlotte, FL 33953

Permit No: SAJ-2024-02809

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 U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

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

Project Description: The applicant seeks authorization to place 1,000 cubic yards, along 1875 Square feet of shoreline at Chester Roberts Park Beach to offset the impacts of Hurricanes Debby and Helene. The work described above is to be completed in accordance with the 4 pages of drawings [and 4 attachments] affixed at the end of this permit instrument.

Project Location: The project would affect aquatic resources associated with Charlotte Harbor. The project site is located within Peace River at 5084 Melbourne St, Charlotte County, Punta Gorda, Florida.

Directions to site: From US-41.Tamiami Trail, onto Melbourne St, the park is 0.2 miles on the right.

Approximate Central Coordinates: Latitude: 29.956231 North
Longitude: -82.068050 West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **October 22, 2025**. 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. 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:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

   a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
   b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2024-02809 (SP –CNF), on all submittals.

2. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the ENG Form 6285, “Certification of

Compliance with Department of Army Permit" (located at https://www.publications.usace.army.mil/Portals/76/Eng_Form_6285_2024%20Dec%20FINAL.pdf) and submit it to the Corps.

4. **Cultural Resources/Historic Properties:**

a. 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.
b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.
c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). 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 on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

5. **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attached). The most recent version of the Manatee Conditions must be utilized.

6. **Protected Species Construction Conditions:** The Permittee shall comply with National Marine Fisheries Service's "Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office" dated May 2021 (Attach).

7. **Turbidity Barriers:** 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 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 daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

8. **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.

9. **Take Reporting:** All lethal and nonlethal take associated with the project will be reported to Fish and Wildlife Service (FWS) by phone or email (FLESRegs, FW4 FW4FLESRegs@fws.gov) immediately upon completion of authorized work.

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)

(X) 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)

( ) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

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.

Jamie Scudera _____ 04/25/2025
(PERMITTEE) (DATE)

Jamie Scudera
(PERMITTEE NAME-PRINTED)

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

Steve Andrews Jr. _____ Date: 25 April 2025
For BRANDON L. BOWMAN
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-2007-02883

1. PERMIT DRAWINGS: 4 pages, dated 14 April 2025.

2. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011*

3. Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office

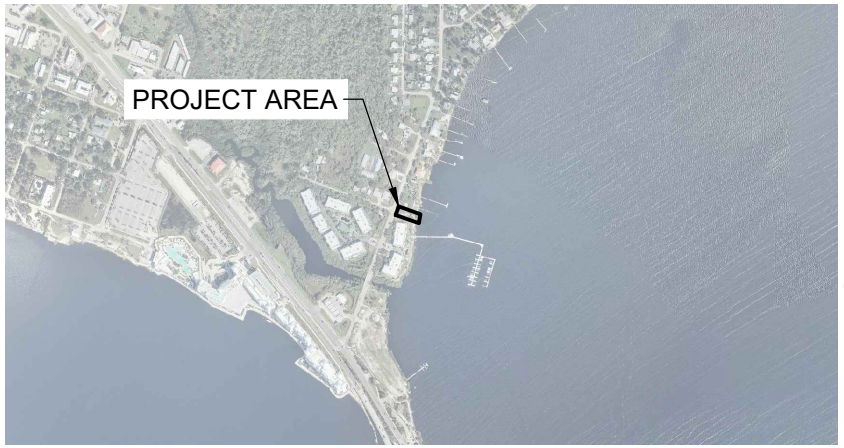
4. SELF-CERTIFICATION FORM: 1 page

CHESTER ROBERTS EMERGENCY SHORELINE NOURISHMENT

PERMIT DRAWINGS

PREPARED FOR:

CHARLOTTE COUNTY



U.S. Army Corps of Engineers
SAJ-2024-02809
4/14/2025
Project Manager: C Frey

PUBLISHED TIDAL INFORMATION

TIDAL DATUM FROM PUNTA GORDA, CHARLOTTE COUNTY, FLORIDA ARE BASED ON FLORIDA 872 5744
TIDAL STATION, PUBLISHED 10-18-2010

LENGTH OF SERIES	=	8 MONTHS
TIDAL PERIOD	=	JULY 1977 - FEBRUARY 1978
TIDAL EPOCH	=	1983 - 2001
CONTROL TIDAL STATION	=	NAPLES, GULF OF MEXICO (872 5110)

ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN NAVD 1988

MEAN HIGH WATER (MHW)	=	+0.1' NAVD
MEAN LOW WATER (MLW)	=	-1.2' NAVD
MEAN LOWER LOW WATER (MLLW)	=	-1.7' NAVD

NOTES

1. TOPOGRAPHIC SURVEY CONDUCTED BY COASTAL ENGINEERING CONSULTANTS, INC., JUNE 18, 2024.
2. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83).
3. ELEVATIONS HEREON ARE IN FEET AND TENTHS AND REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
4. INFORMATION SHOWN HEREON REFLECTS CONDITIONS AS THEY EXISTED AT THE TIME OF THE SURVEY AND CAN ONLY BE CONSIDERED INDICATIVE OF CONDITIONS AT THAT TIME.
5. AERIAL PHOTOGRAPHY OBTAINED FROM NOAA, DATED 2024.

INDEX

1. COVER SHEET
2. LOCATION MAP
3. DETAILED PLAN VIEW
4. DETAILED PROFILE VIEW

SHEET 1
FILE NO.:24360-CHESTER-1

COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
COVER SHEET

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 CR Emergency Permit			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 2
FILE NO.:24360-CHESTER-2

COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

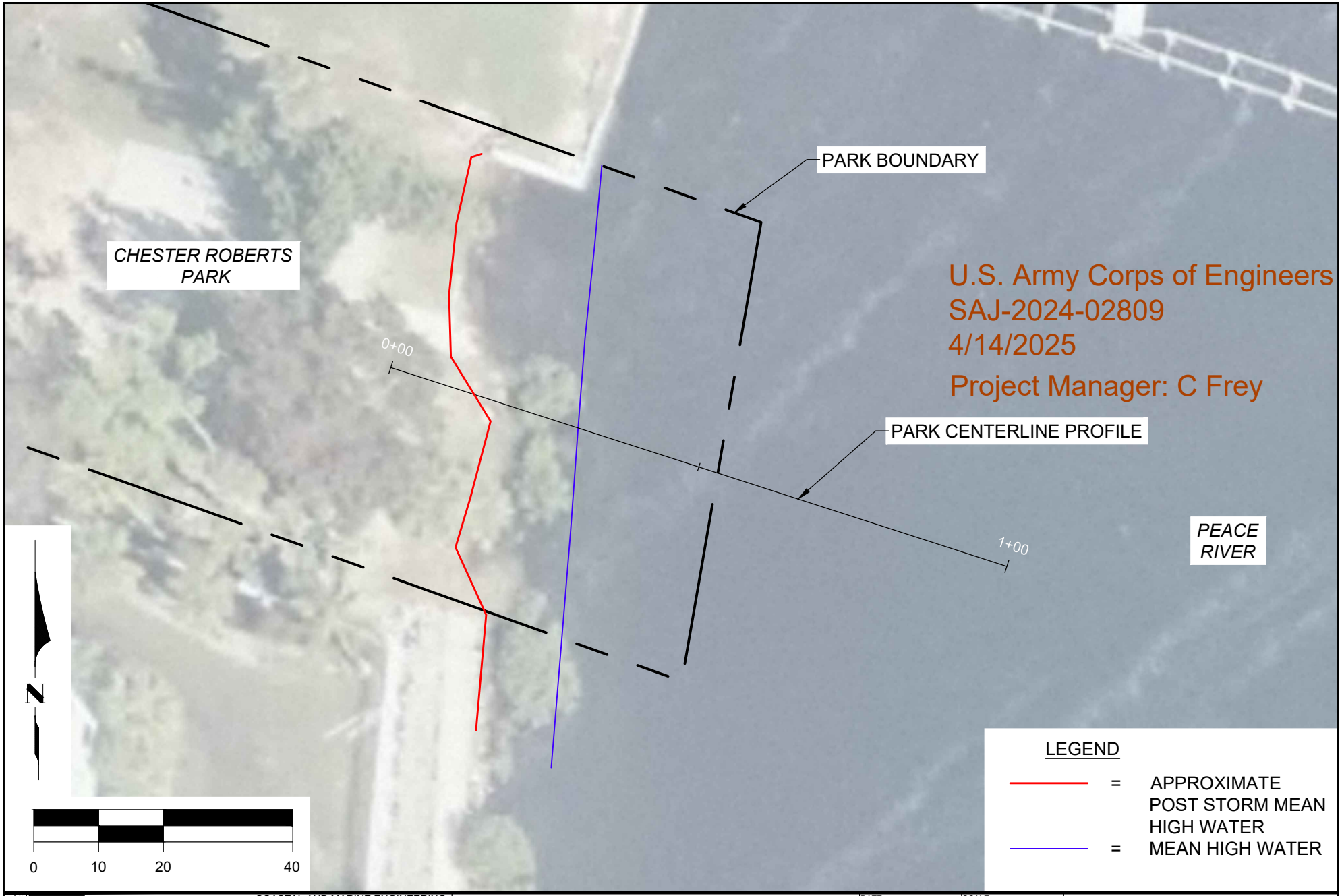
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE:
CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
LOCATION MAP

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 CR Emergency Permit			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 3
FILE NO.:24360-CHESTER-3

COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

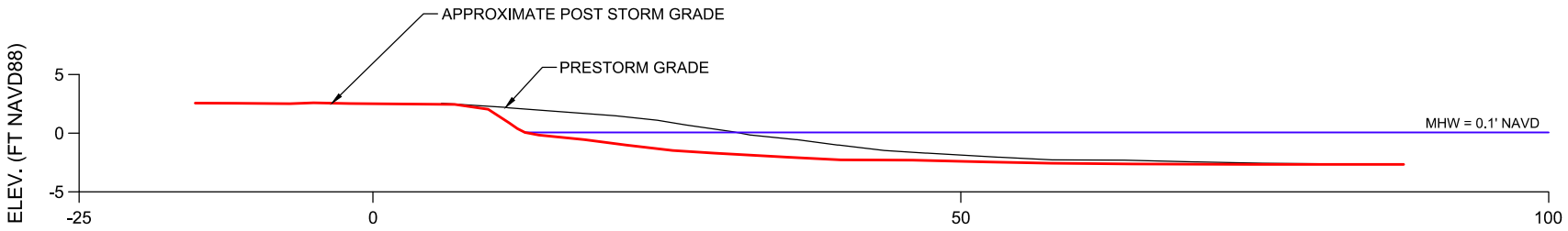
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE:
CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PLAN VIEW

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 CR Emergency Permit			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



CHESTER ROBERTS PROFILE VIEW

U.S. Army Corps of Engineers
SAJ-2024-02809
4/14/2025
Project Manager: C Frey

SHEET 4
FILE NO.:24360-CHESTER-4

COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PROFILE VIEW

DATE:	1/29/2025
SCALE:	1" = 15'
DRAWN:	KMG
F.B.	
CHECKED:	MTP
PG.	
SEC.	
TWP.	
RNG.	
ACAD NO.	24360 CR Emergency Permit
REF. NO.	24.360

NO.	DATE	BY	REVISION DESCRIPTION

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

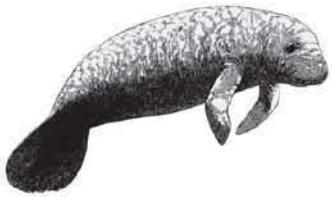
All project vessels

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

PROTECTED SPECIES CONSTRUCTION CONDITIONS, NOAA FISHERIES SOUTHEAST REGIONAL OFFICE

The action agency and any permittee shall comply with the following construction conditions for protected species under the jurisdiction of NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD):[1]

Protected Species Sightings–The action agency and any permittee shall ensure that all personnel associated with the project are instructed about the potential presence of species protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing listed species and all marine mammals. To determine which protected species and critical habitat may be found in the transit area, please review the relevant marine mammal and ESA-listed species at Find A Species (https://www.fisheries.noaa.gov/find-species) and the consultation documents that have been completed for the project.

1. **Equipment**–Turbidity curtains, if used, shall be made of material in which protected species cannot become entangled and be regularly monitored to avoid protected species entrapment. All turbidity curtains and other in-water equipment shall be properly secured with materials that reduce the risk of protected species entanglement and entrapment.

    a. In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) shall be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, shall be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line shall be allowed in the water. All anchoring shall be in areas free from hardbottom and seagrass.

    b. Turbidity curtains and other in-water equipment shall be placed in a manner that does not entrap protected species within the project area and minimizes the extent and duration of their exclusion from the project area.

    c. Turbidity barriers shall be positioned in a way that minimizes the extent and duration of protected species exclusion from important habitat (e.g. critical habitat, hardbottom, seagrass) in the project area.

2. **Operations**–For construction work that is generally stationary (e.g., barge-mounted equipment dredging a berth or section of river, or shore-based equipment extending into the water):

    a. Operations of moving equipment shall cease if a protected species is observed within 150 feet of operations.

[1] Manatees are managed under the jurisdiction of the U.S. Fish and Wildlife Service.

b. Activities shall not resume until the protected species has departed the project area of its own volition (e.g., species was observed departing or 20 minutes have passed since the animal was last seen in the area).

3. **Vessels**–For projects requiring vessels, the action agency, and any permittee shall ensure conditions in the Vessel Strike Avoidance Measures are implemented as part of the project/permit issuance (https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance).

4. **Consultation Reporting Requirements–**Any interaction with a protected species shall be reported immediately to NOAA Fisheries SERO PRD and the local authorized stranding/rescue organization.

   To report to NOAA Fisheries SERO PRD, send an email to takereport.nmfsser@noaa.gov. Please include the species involved, the circumstances of the interaction, the fate and disposition of the species involved, photos (if available), and contact information for the person who can provide additional details if requested. Please include the project's Environmental Consultation Organizer (ECO) number and project title in the subject line of email reports.

   To report the interaction to the local stranding/rescue organization, please see the following website for the most up to date information for reporting sick, injured, or dead protected species:

   Reporting Violations–To report an ESA or MMPA violation, call the NOAA Fisheries Enforcement Hotline. This hotline is available 24 hours a day, 7 days week for anyone in the United States.

   NOAA Fisheries Enforcement Hotline (800) 853-1964

5. **Additional Conditions–**Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the project consultation and must also be complied with.

For additional information, please contact NOAA Fisheries SERO PRD at:
NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
Tel: (727) 824-5312
Visit us on the web at Protected Marine Life in the Southeast
(https://www.fisheries.noaa.gov/region/southeast#protected-marine-life)

Revised: May 2021

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ- - (-)

2. **Permittee Information**: Name: _____

Email: _____

Address: _____

_____

Phone: _____

3. **Date Authorized Work Started**: _____ **Completed**: _____

4. **Contact to Schedule Inspection**: Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

_____

_____

6. **Acreage or Square Feet of Impacts to Waters of the United States**: _____

7. **Describe Mitigation completed (if applicable)**: _____

_____

_____

8. **Describe any Deviations from 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).

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

Dated 9/18/2019

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:

EMERGENCY AUTHORIZATION FOR REPAIRS, REPLACEMENT, RESTORATION, AND CERTAIN OTHER MEASURES MADE NECESSARY BY TROPICAL STORM HELENE

OGC NO. 24-2534

EMERGENCY FINAL ORDER

The State of Florida Department of Environmental Protection (Department) enters this Emergency Final Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent and immediate danger to the public health, safety, and welfare of the citizens of the State of Florida posed by Tropical Storm Helene (hereinafter "the Storm").

FINDINGS OF FACT

1. On September 24, 2024, a tropical storm developed over the northwestern Caribbean Sea. The Storm is expected to become a hurricane over the eastern Gulf of Mexico where environmental conductions are conducive for strengthening and further development. Meteorological reports indicate there is a significant threat of heavy rainfall over much of the Florida Gulf Coast, which may result in flash flooding, river flooding, coastal flooding, erosion, and gusty winds, especially over areas still impacted from Hurricane Debby. As forecasted, the Storm could strengthen into a major hurricane before it approaches the northeastern Gulf Coast and cause extensive damage to critical state infrastructure, including major interstates and roadways, power grids, airports, schools, and hospitals. Accordingly, this Order shall apply to an area hereafter referred

to as the "Emergency Area," which consists of the following counties: Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Holmes, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.

2. By State of Florida Executive Order No. 24-208, as amended by 24-209, the Governor declared a state of emergency throughout the Emergency Area based upon the serious threat to the public health, safety, and welfare posed by the Storm.

3. The Department finds that the effects of the Storm will create a state of emergency posing an imminent danger to the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action by Florida's citizens and government may be necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and other systems damaged by the Storm.

4. The Department finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

5. The Department finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay

necessary action to cope with the emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

1. Based on the findings recited above, it is hereby concluded that the emergency caused by the Storm poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the Department.

2. Under State of Florida Executive Order No. 24-208, as amended by 24-209, and Sections 120.569(2)(n), 252.36, and 252.46, Florida Statutes, the Secretary or designee of the Department is authorized to issue this Order.

3. Suspending statutes and rules, as noted within this Order, is required so as not to prevent, hinder, or delay action necessary to cope with the emergency.

THEREFORE, IT IS ORDERED*:*

A. WASTE MANAGEMENT

Within the Emergency Area, the Department waives Rules 62-761.405 and .700, and 62-762.411 and .701, Florida Administrative Code. to the extent necessary for:

1. <u>Storage Tank Systems</u>

a. Owners and operators of storage tank systems, regulated under Chapters 62-761 and 62-762, Florida Administrative Code, and their State of Florida licensed engineers and contractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures, equipment, and appurtenances of the systems to their pre-Storm permitted or registered condition without prior notice to the Department. Within 30 days of commencing the work of such repair or

replacement, the owner or operator shall notify the Department in writing, describing the nature of the work, giving its Department Facility Identification Number for the location, and providing the name, address, and telephone number of the representative of the owner or operator to contact concerning the work.

b. Petroleum Contact Water: Owners and operators of underground petroleum storage tank systems impacted by the Storm are authorized to discharge petroleum contact water, as defined in Rule 62-740.030, Florida Administrative Code, to impervious surfaces under the following conditions for only the first 30 days from the initial issuance date of this Order:

(1) The total discharge shall not exceed 25 gallons in volume per facility;

(2) There shall be no visible sheen, sludge or emulsion in the petroleum contact water; and

(3) The discharge shall not reach a surface water of the state or stormwater management system.

The removal of petroleum contact water not meeting the above criteria shall be removed by vacuum truck for proper disposal pursuant to Chapter 62-740, Florida Administrative Code, or by separate authorization by contacting the Department's Division of Waste Management by mail at 2600 Blair Stone Road, Mail Station 4525, Tallahassee, Florida 32399-2400 or telephone at 850/245-8842.

2. Solid Waste Management

a. Pursuant to Section 403.7071, F.S., storm generated debris shall be managed at authorized staging areas or Disaster Debris Management Sites (DDMS) in

accordance with the Division of Waste Management's Guidance for the Establishment, Operation, and Closure of Disaster Debris Management Sites.

b. The Department waives Rule 62-701.320(4), F.A.C., to the extent that permitted landfills, waste-to-energy facilities, and transfer stations which accept Storm-generated debris in accordance with the terms of this Order may accept Storm-generated debris for disposal or storage without the need to first modify existing solid waste permits or certifications. Operators of landfills shall seek modifications of their existing permits to address any long-term impacts of accepting Storm-generated debris on operations and closure that are not addressed in existing permits. Long-term impacts are those which will extend past the expiration date of this Order. The requests for modification shall be submitted as soon as possible, but no later than the expiration date of this Order. No permit fee will be required for any modifications necessitated solely by the Storm cleanup activities. This paragraph does not authorize the permanent lateral or vertical expansion of any facility beyond its permitted limits. Domestic wastewater biosolids may be disposed of in Class I landfills even if such biosolids meet the definition of a liquid waste found in Rule 62-701.200(72), Florida Administrative Code, provided that such disposal is approved in advance by the Department and that the material is managed to the extent practicable so as to minimize liquid content, odors, and runoff.

c. Pursuant to Section 403.7071, Florida Statutes, open burning of Storm-generated debris is allowed provided it meets the following requirements and does not create a public nuisance. Please refer to the Division of Air Resource Management's Guidance on Site Selection Criteria for Open Burning Activities for additional information.

(1) An air curtain incinerator may be used at any staging area, permitted landfill, waste-to-energy facility, registered yard trash processing facility, or transfer station so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's Air Curtain Incinerator Worksheet and does not create a public nuisance.

(2) Open pile burning may be conducted at any staging area other than staging areas located at permitted landfills or permitted disposal facilities so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's Open Pile Burning Worksheet and does not create a public nuisance.

3. Hazardous Waste Management

A blanket approval of time extensions under Rule 62-730.160, Florida Administrative Code, is necessary within the Emergency Area for hazardous waste generators for the storage of their hazardous wastes on-site, pending the cleanup of any Storm damage and restoration of essential services. The rules authorize a 30-day extension because of unforeseen and uncontrollable circumstances such as the Storm. Therefore, to avoid having to issue a potentially large number of individual approvals on a case-by-case basis and waste limited agency resources during the time of emergency, the Department authorizes a general extension of time of 30 days from the expiration of this Order for all such hazardous waste generators within the Emergency Area for the storage of their hazardous wastes on-site.

4. Mineral Oil Dielectric Fluid Discharges

A blanket approval of time extensions under Rule 62-780.550, Florida Administrative Code, is necessary within the Emergency Area for responding to and

completing the cleanup of mineral oil dielectric fluid (MODEF) discharges from electric power generation, transmission, and distribution facilities damaged by the Storm within the Emergency Area. The Department authorizes a general extension of time of 30 days from the date of discovery of a nonpetroleum de minimis discharge (for a total of 60 days from the discovery of the discharge) for responding to and completing cleanup of MODEF discharges from electric power generation, transmission, and distribution facilities damaged by the Storm within the Emergency Area in accordance with the applicable provisions of Chapter 62-780, Florida Administrative Code. However, all other provisions of Rule 62-780.550, Florida Administrative Code, such as the record-keeping requirements, shall apply.

B. AIR RESOURCE MANAGEMENT

Within the Emergency Area:

1. <u>Open Burning Operations</u>

a. Pursuant to Section 403.7071, Florida Statutes, open burning of storm-generated yard trash, other storm-generated vegetative debris, or untreated wood from construction and demolition debris is allowed provided it meets the following requirements and does not create a public nuisance. Please refer to the Division of Air Resource Management's Guidance on Site Selection Criteria for Open Burning Activities for additional information in preventing public nuisances.

(1) Air curtain incinerators may be used in the Emergency Area for a period of up to eight (8) weeks without a Department-issued air permit to combust storm-generated yard trash, other storm-generated vegetative debris, or untreated wood from construction and demolition debris so long as the operator meets the operating requirements detailed

in the Division of Air Resource Management's Air Curtain Incinerator Worksheet and do not create a public nuisance.

(2) Local governments or their agents may conduct the open pile burning of Storm-generated yard trash, other Storm-generated vegetative debris, and untreated wood from construction and demolition debris at Department-authorized staging areas (other than staging areas located at permitted landfills or permitted disposal facilities), so long as they meet the operating requirements detailed in the Division of Air Resource Management's Open Pile Burning Worksheet.

2. Asbestos

40 CFR Part 61, Subpart M does not apply to the renovations or demolitions of residential buildings with four or fewer dwelling units. Owners of these types of residential buildings may commence a renovation or demolition without notice to the Department. For more information on asbestos regulation, please review the Division of Air Resource Management's factsheets on Asbestos Emergency Cleanups and Asbestos Building Debris Cleanup.

3. Emergency Engines Exempt from Air Permitting Requirements

Reciprocating internal combustion engines in the Emergency Area may exceed the annual fuel consumption limitations in Rule 62-210.300(3)(a)35., Florida Administrative Code, without triggering the need to receive a Department-issued air permit if the engine is being used for disaster-related purposes. The owner or operator of such an engine shall exclude fuel consumed during the period covered by this Order from annual fuel consumption calculations.

C. WATER RESOURCE MANAGEMENT, RESILIENCY, AND COASTAL PROTECTION

Within the Emergency Area:

1. Environmental Resource, Dredge and Fill, and Surface Water Management Activities

a. No Notice Required

The Department waives Rule 62-330.020, F.A.C., to the extent that the following activities are authorized to be conducted under this Order without notification to the Department or water management district.

(1) Temporary and permanent repair or restoration of structures and drainage systems that are not completely destroyed to the conditions, dimensions, and configurations that were authorized or otherwise legally existing immediately prior to the Storm, provided the repair and restoration activities do not result in any expansion, addition, or relocation of the existing structure or systems, and provided any such structures or drainage systems in, on, or over state-owned submerged lands are water dependent. This may include the use of different construction materials or minor deviations to allow upgrades to current structural and design standards, or to replace a seawall with a rip rap revetment.

(2) The restoration (regrading, dredging, or filling) by local, regional, state, and federal governments of upland surfaces, wetlands, and submerged land contours to the conditions and configurations that were authorized or otherwise legally existing immediately prior to the Storm, provided the restoration does not result in any expansion or addition of land or deepening of waters beyond that which existed immediately prior to the Storm, subject to the following limits:

(a) The removal or deepening of plugs formerly separating canals from other waters is specifically not authorized by this Order;

(b) In the case of dredging, all excavated material shall either be deposited on uplands that are diked or otherwise sloped or designed to prevent any discharge into wetlands or other surface waters, or shall be used to restore bottom contours and shorelines to the conditions existing immediately prior to the Storm, subject to subparagraph C.2.a.(3) of this Order;

(c) In the case where upland or dredged material is placed in water to restore pre-existing conditions, only clean material (free from debris and pollutants) from the uplands that existed prior to the Storm may be used in the restoration, and no change (from the conditions that legally existed immediately prior to the Storm) in the slope of the land or the type, nature or configuration of any pre-existing shoreline stabilization materials is authorized (e.g., sloping revetments cannot be replaced with vertical seawalls, and rock riprap cannot be replaced with interlocking blocks);

(d) Best management practices and devices shall be used to prevent violations of state water quality standards for turbidity during the performance of restoration activities, in accordance with the guidelines and specifications in The Florida Stormwater, Erosion, and Sedimentation Control Inspectors Manual (Florida Department of Environmental Protection October 2018) https://floridadep.gov/dear/florida-stormwater-erosion, and the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Transportation and Florida Department of Environmental Protection July 2013) https://www.flrules.org/Gateway/reference.asp?No=Ref-04227. Best management practices also shall be used to prevent erosion and retain sediment of

all newly established or restored exposed shorelines during and after the restoration activities, which may include methods such as planting of temporary and permanent vegetation and placing of clean natural rock or concrete rubble riprap;

(e) Any fill that is deposited to restore a former shoreline, and any riprap that is used to stabilize a shoreline, must not be placed any farther waterward than the toe of slope of the shoreline that legally existed immediately prior to the Storm. If the pre-Storm shoreline was stabilized with a functioning seawall or riprap, the seawall or riprap may be restored at its former location or within 18 inches waterward of the location where the seawall or riprap legally existed immediately prior to the Storm, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap; and

(f) This section (C.1.a.(2)) shall not constitute authorization to fill submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, except as provided herein.

(3) Removal of debris, including sunken or grounded vessels, vegetation, and structural remains that have been deposited into waters, wetlands, or uplands by the Storm, where such removal **does not result** in filling of wetlands or other surface waters, or dredging that creates or expands surface waters. All removed materials must be deposited on self-contained uplands and must be managed in accordance with Department rules or provisions of this Order.

b. Field and Individual Authorization Required

(1) Field authorizations may be issued following a site inspection by Department or water management district personnel to restore structures and property to

authorized or otherwise legally existing conditions that existed immediately prior to the Storm, to recover property, protect property from further damage, maintain navigation or protect public health, safety, and welfare, when such activities are not otherwise authorized by statutory or rule exemptions or under paragraph C.1.a. of this Order. Specifically, field authorizations may be issued for:

(a) Activities including the replacement of structures that are completely destroyed;

(b) Structures and activities on state-owned submerged lands that are non-water dependent structures and are authorized in a current sovereign submerged lands lease with the Department may not be repaired, restored, or replaced when more than 50 percent of the structure or activity is lost (based on the cost to repair, restore, or replace the structure or activity);

(c) Restoration (regrading, dredging, or filling) of the contours of uplands, wetlands, and submerged bottoms by parties other than local, regional, state, or federal governments;

(d) Trimming or alteration of mangroves that threaten public health, safety, welfare or property, or that currently interfere with navigation;

(e) Removal of debris, including sunken or grounded vessels, vegetation, and structural remains, that has been deposited into waters, wetlands, or uplands by the Storm, the removal of which **requires** filling of wetlands or other surface waters, or dredging that creates or expands wetlands or other surface waters. Any wetlands or other surface waters that are dredged or filled to affect such removal must be restored to the contours and conditions that existed before the Storm; and

(f) Other activities determined by Department or water management district personnel as having the potential to result in only minimal adverse individual or cumulative impact on water resources and water quality.

(2) Field authorizations to replace structures shall not preclude the use of different construction materials or minor deviations to allow upgrades to current structural and design standards, including building codes, or to a more environmentally compatible design, as determined by the Department or water management district, than existed immediately prior to the Storm.

(3) Field authorizations may be requested by providing a notice to the local office of the Department or water management district containing a description of the work requested, the location of the work, and the name, address, and telephone number of the owner or representative of the owner who may be contacted concerning the work. Field authorizations also may be issued by Department or water management district personnel without prior notice. Field authorizations may not be issued unless requested on or before the expiration date of this Order, unless that date is modified or extended by further order. Written records of all field authorizations shall be created and maintained by Department and water management district personnel. Field authorizations may include specific conditions for the construction, operation, and maintenance of the authorized activities. Field authorizations issued prior to the effective date of this Order remain in effect for the duration specified in the field authorization but may be extended through written modification by the Department or water management district in accordance with the provisions of paragraph C.6.h. of this Order. Failure to comply with the conditions of

the field authorization may result in enforcement actions by the Department or water management district.

2. Coastal Construction Control Line ("CCCL") Activities

This section applies to activities conducted within the Emergency Area seaward of the CCCL as established by Chapter 62B-26, Florida Administrative Code. Emergency Permits may be issued by the Division of Resilience and Coastal Protection pursuant to Rule 62B-33.014, Florida Administrative Code. A list of activities seaward of the CCCL that are exempt from CCCL permitting requirements is contained in Rule 62B-33.004, Florida Administrative Code, and Section 161.053(11), Florida Statutes. The Division of Resilience and Coastal Protection has developed a Public Information Handout to provide property owners with a concise explanation of activities that are authorized seaward of the CCCL in this Order. To obtain a copy, please visit the Coastal Construction Control Line Emergency Permits website at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. You may also contact the Office of Resilience and Coastal Protection directly by email at CCCL@FloridaDEP.gov, by mail at 2600 Blair Stone Road, Mail Station 3522, Tallahassee, Florida 32399-3000, or by phone at 850/245-2094.

This Order constitutes the declaration of a shoreline emergency and activates emergency protection and permitting procedures established in s. 161.085 (3), Florida Statutes, and in Rules 62B-33.0051(5) and 62B-33.014, Florida Administrative Code.

In addition, to emergency protective measures that can be conducted under the above referenced statute and rules, this Order authorizes both the protection, repair or replacement of public infrastructure and a local government's ability to issue certain

coastal construction permits in lieu of Department CCCL permits, subject to the conditions and limitations of this Order. Activities that extend onto state owned lands of Florida seaward of the mean high water line or an Erosion Control Line that would typically require a permit pursuant to Sections 161.041 and/or 161.055, Florida Statutes, i.e., regulated under the Joint Coastal Permit program (JCP), are not authorized under this subsection. JCP activities are addressed separately in subsection C.3. of this Order.

a. Activities Undertaken by Local Governments, the Department of Environmental Protection, Florida Department of Transportation and Utility Companies

The Department waives Rules 62B-33.005 and .0051, F.A.C., to the extent that the following activities may be undertaken by local governments, agencies of the State of Florida, and utility companies to protect, repair, or replace structures and property without notice to the Department or water management district, subject to the limitations below. Work performed under paragraph C.2.a. of this Order must be complete within one year of the issuance of this Order.

(1) Removal of Storm-generated debris. Prior to removing the debris and to the greatest extent possible, beach compatible sand should be separated from the debris and kept on-site. To prevent debris from becoming buried, all Storm-generated debris shall be removed to an appropriate upland disposal site landward of the CCCL prior to conducting any fill activities.

(2) The repair or replacement of the following public facilities: utilities, roads, beach access ramps, and dune walkover structures (see guidelines for construction of

dune walkovers at https://floridadep.gov/rcp/coastal-construction-control-line/documents/beach-and-dune-walkover-guidelines).

(3) Return of sand to the beach and dune system that has been deposited upland by the Storm, and restoration of a dune system using beach compatible sand from an upland source. The material shall not cover any Storm-generated debris or construction debris. All fill material shall be sand that is similar to the pre-Storm beach sand in both coloration and grain size and be free of debris, rocks, clay, or other foreign matter and shall meet the specifications set forth by the Department for the location that the fill is being placed. Such specifications are available at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. No sand may be obtained from the beach, near shore, or below the mean high water line seaward of the CCCL without specific written authorization from the Department.

b. Activities Requiring Local Authorization

Local governments are authorized to issue permits in lieu of Department permits to private and public property owners for the activities listed below in addition to the temporary protective measures described in section 161.085 (3), Florida Statutes, and Rule 62B-33.0051, Florida Administrative Code. Local governments shall notify the Department in writing within three (3) working days of permits issued under this section. The notification must be submitted to the Department by email to CCCL@FloridaDEP.gov. Work authorized by the local government must be complete

within 90 days of issuance of the local government permit or within 90 days of the expiration date of this Order, whichever deadline occurs first.

(1) Repair or replacement of minor ancillary structures (such as stairs, landings, and HVAC platforms) and service utilities that are associated with the existing habitable structure. The repair of minor ancillary structures or service utilities shall not exceed the size of the original structure or service utility damaged or destroyed by the Storm. Repair of surviving beach/dune walkovers is authorized provided the structure is substantially intact and the repair adjusts the seaward terminus of the walkover to a more landward location to accommodate changes in the shoreline topography and native salt-resistant vegetation patterns. Viewing platforms as part of the walkovers may not be constructed on or seaward of the surviving or post-Storm rebuilt dune system or sandy beach.

(2) Permanent repair of foundations for buildings that have not been substantially damaged.

(3) The replacement or repair of caps and anchoring systems (or tiebacks) for seawalls or bulkheads.

(4) Restoration of a dune system damaged by the Storm using beach compatible sand from an upland source.

All fill material shall be sand that is similar to the pre-Storm beach sand in both coloration and grain size and be free of debris, rocks, clay, organic matter, or other foreign matter and shall meet the specifications set forth by the Department for the location that the fill is being placed. Such specifications are available at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. No sand may be obtained from the beach, near shore,

or below mean high water seaward of the CCCL without specific written authorization from the Department.

(5) Return of sand to the beach dune system which has been deposited upland by the Storm.

The recovered sand shall be free of debris and other foreign matter and shall not cover any Storm-generated debris or construction debris.

c. Other Activities

Actions taken by local governments, the Department's Division of Recreation and Parks, Florida Department of Transportation, and utility companies under paragraph C.2.a. of this Order, and actions taken by local governments under paragraph C.2.b. of this Order, do not require additional permits from the Department.

3. <u>Joint Coastal Permit Activities</u>

This subsection applies to certain activities along the natural sandy beaches of the Atlantic Ocean, Gulf of Mexico or Straits of Florida that extend onto sovereignty lands of Florida, seaward of the mean high water line and are likely to have a material physical effect on the coastal system or natural beach and inlet processes, i.e., activities that are regulated under the JCP program, pursuant to Sections 161.041 and/or 161.055, Florida Statutes. The Department waives Rules 62B-41.005 and .0055, F.A.C., to the extent necessary so that:

a. In lieu of a normal JCP for activities summarized above, federal, state, or local governments may apply to the Office of Resilience and Coastal Protection, Beaches, Inlets and Ports Program for emergency authorizations to alleviate hazardous conditions resulting from the Storm that pose an immediate danger to life or limb, including sudden

and unpredictable hazards to navigation. Applications for emergency authorizations shall meet the following criteria:

(1) The application must be received by the Department during the duration of this Order;

(2) The hazardous conditions are a result of the Storm identified in this Order and did not exist prior to the Storm;

(3) The proposed measures are limited to the minimum amount necessary to alleviate the hazardous conditions by temporarily stabilizing the structure or clearing the channel, until a JCP can be processed to address the long-term repair;

(4) Fill material shall not extend seaward of the mean high water line that existed immediately before the Storm;

(5) Navigational dredging shall not exceed channel depths, widths or alignment that existed immediately before the Storm;

(6) Reconstruction of non-water-dependent structures on sovereign submerged lands unless authorized in a current sovereign submerged lands lease issued by the Department is prohibited;

(7) Fill may only be placed seaward of the mean high water line to temporarily stabilize an upland structure if that structure is in danger of imminent collapse and was located behind the primary dune line prior to the Storm. The amount of fill allowed is the minimum necessary for the stabilization of the structure;

(8) The placement of fill may only extend the mean high water line seaward of the current (post-Storm) location if the applicant provides proof that the riparian owner(s) has obtained a disclaimer under Rule 18-21.019, Florida Administrative Code, (from the

Department's Division of State Lands) for the proposed project site, a memorandum from the Department's Division of State Lands acknowledging the Storm-related occurrence of avulsion for the proposed project site, or documentation from the Department that a valid erosion control line has been established at the fill site;

(9) Any fill material placed on the beach shall meet the criteria for beach-quality sand in Rule 62B-41.007(2)(j), Florida Administrative Code;

(10) The proposed measures shall not cause water quality violations outside of the mixing zone, established pursuant to Rule 62-4.244, Florida Administrative Code; and

(11) The proposed measures shall not adversely affect hardbottom or coral reef communities, seagrass communities or functional marine turtle nesting habitat that existed before the Storm and shall not contribute to erosion of adjacent properties.

b. Emergency authorizations shall expire 90 days after issuance unless a written request for an extension of the expiration date is received and granted by the Department before this Order's expiration date. Any request for extension of an emergency authorization issued under this subsection must contain a reasonable schedule for when repair, restoration, or reconstruction will commence and ultimately conclude.

c. Application fees and noticing requirements shall be waived for projects that are eligible for this emergency authorization.

4. National Pollutant Discharge Elimination System Stormwater Construction Generic Permit

This subsection applies to any construction activity authorized by this Order that would require coverage under the Generic Permit for the Discharge of Stormwater

Associated with Large and Small Construction Activities pursuant to Rule 62-621.300(4), F.A.C. The Department waives to Rule 62-621.300(4), F.A.C., to the extent that for these construction projects, operators of the sites, and their licensed engineers and subcontractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures to their pre-Storm permitted or registered condition without prior notice to the Department. All best management practices must be in accordance with the guidelines and specifications of the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection July 2013) https://www.flrules.org/Gateway/reference.asp?No=Ref-04227. Within 30 days of commencing the work of such repair or replacement, however, the owner or operator shall submit to the Department a completed Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities [Form Number 62-621.300(4)(b)], which can be found at https://floridadep.gov/water/stormwater/content/construction-activity-cgp.

5. Onsite Sewage Treatment and Disposal System Activities

This section applies to regulatory requirements within the Emergency Area for onsite sewage treatment and disposal systems (OSTDS), commonly referred to as septic systems. Under the direction of the Department, certain regulatory services, such as permitting and inspections, are implemented by the Florida Department of Health's local county health departments (DOH-CHDs) by virtue of the Interagency Agreement, effective July 1, 2021. This Order grants relief for the following activities and standards

governed under Sections 381.0065 – 381.0067, Florida Statutes, and Chapter 62-6, Florida Administrative Code:

a. Portable Restrooms, Mobile Restrooms, Mobile Shower Trailers, and Portable Holding Tanks: The Department waives during the effective period of this Order, the prohibitions of Rule 62-6.0101(7)(a), Florida Administrative Code, which forbids the use of portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks for use with permanent structures. During this emergency period, such use is allowed in the Emergency Area as follows:

(1) In situations where the existing OSTDS is damaged or not operational due to the Storm.

(2) The use of the portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks must not extend beyond 120 days after the end of this Order, except in the event a system construction permit has been issued to repair the damaged system within this 120-day period, the use of the portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks must not extend beyond the expiration date of the issued system construction permit.

(3) The use of portable holding tanks must be in accordance with the tank capacity and service requirements described in Rule 62-6.0101, Florida Administrative Code.

b. Temporary Covering of Installations: When a contractor has installed a system, which has not yet been inspected and approved for covering per Rules 62-6.003(2) and (3), Florida Administrative Code, the following criteria apply. During the effective period of this Order, a contractor may cover a system with earth prior to approval

for the purposes of protecting the system from the Storm provided the system is completely uncovered for the required inspection(s) after the Storm. The contractor must, within 36 hours of covering a system, notify the DOH-CHDs in writing that the system has been covered for purposes of protecting the system from the Storm. The notification must provide the permit number, that the system will be uncovered for inspection(s), and that the system will not be placed into use until the Department grants Final Installation Approval per Rules 62-6.003(2) and (3), Florida Administrative Code.

6. **General Conditions**

a. All activities conducted under subsections C.1., C.2., C.3., C.4., and C.5. of this Order shall be performed using appropriate best management practices. For activities conducted in, or discharging to, wetlands or other surface waters, best management practices include properly installed and maintained erosion and turbidity control devices to prevent erosion and shoaling, control turbidity, and prevent violations of state water quality standards and protect the functions provided by wetlands and other surface waters to fish, wildlife, and listed species.

b. The authorizations in subsections C.1., C.2., C.3., C.4., and C.5. of this Order shall not apply to structures and associated activities that were not legally existing or otherwise properly authorized by all applicable agencies before the passage of the Storm.

c. Applicable environmental resource, surface water management, dredge and fill, JCP, or CCCL permits shall be required following provisions of statute and rule for other activities not authorized in this Order that do not otherwise qualify as an exempt activity under statute or rule.

d. The nature, timing, and sequence of construction authorized under this Order shall be conducted in such a manner as to provide protection to, and so as to not disturb, dune features, native salt-resistant vegetation, and listed species and their habitat, including threatened or endangered sea turtles, endangered manatees, endangered beach mice, endangered plant communities, and migratory shorebirds. If activities conducted under subsection C.2. and C.3. of this Order occur during the marine turtle nesting season (March 1 through October 31 in Brevard, Indian River, St. Lucie, Martin, and Broward counties, May 1 through October 31 in all other coastal counties within the state), such activities must be coordinated with the Florida Fish and Wildlife Conservation Commission's Imperiled Species Management Section to ensure that all activities comply with state and federal requirements for the protection of sea turtles, their nests, hatchlings, and nesting habitat.

e. Nothing in this Order authorizes the taking, attempted taking, pursuing, harassing, capturing or killing of any species (or the nests or eggs of any species) listed under Chapter 68A-27, Florida Administrative Code, or the federal Endangered Species Act.

f. Persons are advised that all structures that are rebuilt under subsection C.2. of this Order should be rebuilt in accordance with all applicable local, state, and federal building standards and requirements of the Federal Emergency Management Agency.

g. It is recommended that, where possible, owners of property should maintain documentation (such as photos) of the condition of the structures or lands as they existed prior to initiating any activities authorized under this Order and should provide such documentation to the Department if requested to do so.

h. Activities authorized under subsection C.1. of this Order must be completed as follows:

(1) Within one year from issuance of this Order, for activities that qualify under the No Notice provisions of paragraph C.1.a. of this Order;

(2) By the date specified in the field authorization for activities that qualify under the provisions of subparagraph C.1.b.(1) of this Order. However, the deadline for completing such activities may be extended if a written request with accompanying documentation as described below is submitted by the person(s) authorized in the field authorization and received by the District Office of the Department that issued the field authorization at least 30 days prior to expiration of the field authorization. Such request must be accompanied by a statement that contractors or supplies are not available to complete the work, or that additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers. Such permittee should maintain a list of contractors that have been contacted and a record of supplies that are on backorder as needed to demonstrate compliance with this provision.

7. <u>Authorization to Use State-Owned Submerged Lands</u>

The Department has been delegated by the Board of Trustees of the Internal Improvement Trust Fund the authority to grant the following authorizations to use state-owned submerged lands, that is, lands lying waterward of the line of mean high water, erosion control line or ordinary high water line, in association with the structure or activity subject to repair, restoration, removal, or replacement authorized in this section. The Department waives Rule 18-21.005, F.A.C., to the extent that:

a. Except as provided in paragraphs C.7.b., C.7.c., and C.7.d. of this Order, and subsection D.1. of this Order, activities authorized under this Order involving the repair, replacement, or restoration of the activities and structures, and the removal of debris located on submerged lands owned by the state that do not qualify for consent by Rule 18-21.005(1)(b), Florida Administrative Code, are hereby granted a Letter of Consent under Rule 18-21.005(1)(c), Florida Administrative Code, provided:

(1) Such repair, restoration, replacement, or removal is conducted in accordance with the terms, conditions, and limitations of this Order;

(2) The structure or activity subject to repair, restoration, or replacement was authorized by the Board of Trustees of the Internal Improvement Trust Fund prior to the Storm, or was otherwise legally existing immediately prior to the Storm;

(3) The activities are conducted solely to repair, restore, or replace structures or land that was damaged by the Storm, or to remove debris resulting solely from the Storm;

(4) The structures and activities are repaired, restored, or replaced in the same location and configuration as was authorized by the Board of Trustees of the Internal Improvement Trust Fund or which otherwise legally existed immediately prior to the Storm; and

(5) All the terms and conditions of Rule 18-21.005(1)(b) or 18-21.005(1)(c), Florida Administrative Code, as applicable, are met (including certain restrictions for activities performed within aquatic preserves and Monroe County), and provided that activities that require an easement under Rule 18-21.005(1)(f), Florida Administrative Code, must obtain the applicable state-owned submerged lands easement under Chapter

18-21, Florida Administrative Code, within one year of expiration of this Order. This Order does not limit the provisions of those statutory and rule provisions.

b. Non-water dependent structures that are authorized in a current sovereign submerged lands lease with the Department are not authorized to be repaired, restored, or replaced when more than 50 percent of the structure or activity is lost (based on the cost to repair, restore, or replace the structure or activity).

c. Water-dependent structures that were legally existing immediately before the Storm but not in conformance with the current criteria of Chapters 18-18, 18-20, or 18-21, Florida Administrative Code, as applicable, may be repaired, restored, or replaced to the footprint that existed immediately before the Storm, but shall, to the greatest extent practicable, be repaired, restored, or replaced to meet the current criteria of Chapters 18-18, 18-20, and 18-21, Florida Administrative Code, as applicable, with respect to design features such as the elevation of decking surfaces and the spacing of deck planking.

d. This Order does not authorize the reconstruction or repair of unauthorized structures.

8. <u>Water and Wastewater Plants and Collection and Distribution Systems</u>

The Department waives Rule 62-620.301, F.A.C., so that:

a. Owners and operators of water and wastewater plants and collection and distribution systems, and their licensed engineers and contractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures, equipment, and appurtenances of the plants and systems to their pre-Storm permitted or registered condition without prior notice to the Department. Within 30 days of commencing the work of such repair or replacement,

however, the owner or operator shall notify the Department in writing, describing the nature of the work, giving its location, Department Facility Identification Number, and providing the name, address, and telephone number of the representative of the owner or operator to contact concerning the work.

b. Owners and operators of underground injection control Class V Group 6 lake level control wells in existence and functioning immediately before the Storm are authorized, without prior permission by the Department, to lower the intake structure to allow a greater volume of lake water to flow down the wells when not to do so would result in immediate flooding of structures not usually inundated by such lake waters. Within 72 hours of lowering said structures, written notice shall be provided to the District Office of the Department in which the structure is located.

c. Owners and operators of drinking water plants and their licensed engineers and contractors are authorized to utilize a U.S. Environmental Protection Agency “mobile laboratory” not previously certified in drinking water or non-potable water by the Department of Health under Rule 62-160.300, F.A.C., to perform such drinking water analyses as required in Rule 62-550.550(2), F.A.C., for purposes of determining compliance with acute public health threats like E. coli or total coliform. At a minimum, the mobile laboratory must meet requirements of the DEP Quality Assurance rules for sample collection (Rule 62-160.210, F.A.C.), sample preservation and holding times (Rule 62-160.400, F.A.C.), use of approved analytical methods (Rule 62-160.320, F.A.C.), and laboratory documentation and reporting (Rule 62-160.340, F.A.C.).

9. <u>Suspension of Fees</u>

For those activities noted above, subject to the limitations, duration, and other provisions of this Order, the following application fee, base fee, and minimal annual lease fee requirements of Sections 161.041, 161.053, 161.0535, 161.055, 373.109, 253.01, 253.03. 403.518, 373.026, 373.043, 373.109, 373.4131, 373.414, 373.418, 373.421, 381.0065, 381.0066, 403.061, 403.087, 403.704(30), 403.805, Florida Statutes, and Chapters 18-18, 18-20, 18-21, 62-4, 62B-33, and 62B-41, Florida Administrative Code, shall be suspended as follows:

a. For structures and activities authorized under paragraphs C.1.a. or C.1.b. of this Order, the lessee may submit a written request to the Division of State Lands, by mail at 3900 Commonwealth Boulevard, Mail Station 130, Tallahassee, Florida 32399-3000, to waive applicable lease fees. In such cases, the owner must identify and document (such as with currently dated photographs) the area (in square feet) of the structure or facility that is no longer useable. When such documentation is received, and deemed sufficient, lease fees will be waived, but only for that portion of the structure that is no longer useable.

b. When the restoration or replacement of individual structures (such as a dock or pier) or entire facilities (such as marinas) on state-owned submerged lands that are completely destroyed is authorized by a field authorization under paragraph C.1.b. of this Order, applicable lease fees will be waived for the duration described in paragraph C.9.c. of this Order.

c. Lease fees that are waived under paragraphs C.9.a. or C.9.b. of this Order will be waived only for the duration of this Order (including subsequent extensions thereto) unless otherwise provided in a field authorization issued under paragraph C.1.b. of this

Order, or until the repairs, restoration or replacement commences, whichever is earlier. The duration of the waiver of suspension of lease fees may be extended beyond the duration of this Order (including subsequent extensions thereto) or beyond the date specified in a field authorization issued under paragraph C.1.b. of this Order, upon a written request by the lessee to extend the waiver of the lease fees. Such request must be received by the Division of State Lands before the expiration of this Order (or extensions thereto) or before the date specified in the field authorization (whichever date is later), and must be accompanied by a signed statement that construction has not yet commenced because contractors or supplies are not available to commence the necessary repairs, restoration or replacement, or because additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers or local government. Such request for extension of the waiver of lease fees must also contain a reasonable schedule for when repair, restoration, or replacement will commence.

d. In all cases where lease fees are waived under paragraph a. above, the lessee must notify the Division of State Lands, at the address stated in paragraph C.9.a. of this Order, of the time repair, restoration, or replacement construction commenced.

D. GENERAL PROVISIONS

1. General Limitations

The Department issues this Order solely to address the emergency created by the Storm. This Order shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable

or otherwise. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

2. Suspension of Statutes and Rules

Within the Emergency Area, the requirements and effects of statutes and rules which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order.

To the extent that any requirement to obtain a permit, lease, consent of use, or other authorization is waived by this Order, it should also be construed that the procedural requirements for obtaining such permit, lease, consent of use or other authorization, including requirements for fees and publication of notices, are suspended for the duration of this Order, except as provided in subsection C.8. of this Order

3. Review of Requests for Field Authorizations

It is the intent of the Department to act on requests for field authorizations in a timely and expeditious manner. The Department may require the submission of additional information as is necessary.

4. Other Authorizations Required

This Order only provides relief from the specific regulatory and proprietary requirements addressed herein for the duration of the Order and does not provide relief from the requirements of other federal, state, water management district or local agencies. This Order therefore does not negate the need for the property owner to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of those agencies. This Order does not provide relief from any of the requirements of Chapter 471, Florida Statutes, regarding professional engineering.

Activities subject to federal consistency review that are emergency actions necessary for the repair of immediate, demonstrable threats to public health or safety are consistent with the Florida Coastal Management Program if conducted in strict conformance with this Order.

5. Extension of time to comply with specified deadlines

For facilities and activities regulated by the Department in the Emergency Area, this Order extends by 30 days the time to comply with the following specified deadlines that occur between the date of issuance of this Order and the expiration of this Order:

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, 381, or 403, Florida Statutes, and rules adopted thereunder, except for monitoring required under federally-mandated air permit conditions pursuant to 40 CFR Parts 60, 61, 63, and 75;

b. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, license, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act;

c. The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act;

d. The expiration date for an existing permit, lease, consent of use, license, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act; and

e. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, Florida Statutes, or Sections 403.91 – 403.929, Florida Statutes, and rules adopted thereunder.

6. Permit Extensions During States of Emergency

The public is advised that Section 252.363, Florida Statutes, provides for tolling and extending the expiration dates of certain permits and other authorizations following the declaration of a state of emergency. Affected permits include authorizations granted by the Department, water management district or delegated local government, pursuant to part IV of Chapter 373, Florida Statutes, except for authorizations granted under the State 404 Program, Chapter 62-331, Florida Administrative Code.

The extension provisions of Section 252.363, Florida Statutes, do not apply to:

a. Permits that:

(1) Authorize activities that occur outside the geographic area affected by the declaration of a state of emergency;

(2) Include authorization under a programmatic or regional general permit issued by the U.S. Army Corps of Engineers;

(3) Are held by a permittee in significant non-compliance; or

(4) Are subject to a court order specifying an expiration date or buildout date that would conflict with the extensions granted in this section.

b. State-owned submerged lands authorizations under Chapters 253 or 258, Florida Statutes.

c. Formal determinations of the landward extent of wetlands and other surface waters.

d. Exemptions and verifications of exemptions from permitting criteria.

e. Permits and other authorizations issued under Chapter 161 (including JCP permits), Chapter 373 (except for permits issued under Part IV described above), Chapter 376, and Chapter 403, Florida Statutes.

To receive an extension under Section 252.363, Florida Statutes, the holder of a valid, qualifying permit must notify the authorizing agency in writing within 90 days of the expiration of a declaration of emergency, as established via a State of Florida Executive Order. The duration of the tolled period remaining to exercise the rights under a permit shall be equal to six (6) months in addition to the duration of the declaration of emergency.

7. <u>Deadlines for Agency Actions</u>

For each of the following offices, any deadlines specified in statutes, rules, agreements, or Department orders, under which the Department is required by law to take action within a specified time period, and under which failure by the Department to timely take such action could result in any type of default binding on the Department (including the time to request additional information on permit applications), are hereby

suspended and tolled for a period of 30 days, provided such deadline had not expired as of the effective date this Order:

a. Each Department office and delegated local program that sustains within its geographic boundaries any significant physical damage occurring as a direct result of the Storm. This includes Department offices located outside the impacted area that perform any of their duties in the impacted area; and

b. Any office of the Department not directly impacted by the Storm if that office has deployed staff to any District Office of the Department or delegated local program specified above, or to any water management district office in an impacted area, to assist in Storm relief efforts or to supplement the normal personnel in those impacted offices.

8. Expiration Date

This Order shall take effect immediately upon execution shall expire upon expiration or rescission of EO 24-208, as amended by 24-209, as modified or extended.

9. Violation of Conditions of Emergency Final Order

Failure to comply with any condition set forth in this Order shall constitute a violation of a Department Final Order under Chapters 161, 253, 258, 373, 376, 377, 378, 381, and 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

10. Applicability to Delegated Programs

The provisions of this Order apply in those cases where a water management district, local government, or other entity is acting for the Department in accordance with a delegation agreement, operating agreement, or contract. Such water management district, local government, or other entity shall comply with the terms of this Order to the

extent that it is acting as an agent of the Department. This Order does not apply in those cases where a water management district, local government, or other entity is acting under its own independent authority.

NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review of it under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel by mail at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

DONE AND ORDERED on this 24th day of September 2024, in Tallahassee, Florida.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Digitally signed by Shawn Hamilton
Date: 2024.09.24 14:07:37 -04'00'

Shawn Hamilton, Secretary
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Michelle M. Knight
Digitally signed by Michelle M. Knight
Date: 2024.09.24 14:29:38 -04'00'

CLERK

9/24/24

DATE

STATE OF FLORIDA

OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 25-102

(Emergency Management – Extension of Executive Order 24-208 – Hurricane Helene)

WHEREAS, on September 23, 2024, I issued Executive Order 24-208, declaring a state of emergency for forty-one counties across the State of Florida due to coastal flooding, erosion, heavy rainfall, flash flooding, strong winds, and severe storm surge caused by Potential Tropical Cyclone Nine; and

WHEREAS, on September 24, 2024, I issued Executive Order 24-209, extending the state of emergency to sixty-one counties across the State of Florida due to the dangers presented by Potential Tropical Cyclone Nine; and

WHEREAS, on October 3, 2024, I issued Executive Order 24-213, which amended Executive Order 24-208, to address disruptions in commerce caused by the International Longshoremen's Association strike and to reclassify Potential Tropical Cyclone Nine as Hurricane Helene; and

WHEREAS, presently there are no disruptions in state commerce and the International Longshoremen's Association strike has since ceased; and

WHEREAS, the affected areas are still recovering from the damage caused by Hurricane Helene; and

WHEREAS, Executive Order 24-208, as amended, expires on May 16, 2025, unless extended; and

WHEREAS, an extension of Executive Order 24-208 is necessary because recovery efforts and those affected by this disaster require the continued support of the State of Florida.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. The state of emergency and all provisions of Executive Order 24-208, as amended, are renewed for sixty (60) days following the date of this Executive Order.

Section 2. This Executive Order will not extend the amendments and accommodations made by Executive Order 24-213, which are now moot.

Section 3. Except as amended herein, Executive Orders 24-208 and 24-209 are ratified and reaffirmed.

Section 4. This Executive Order is effective immediately.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 14th day of May, 2025.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2025 MAY 14 PM 3:15
DEPARTMENT OF STATE
TALLAHASSEE, FL

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:

EMERGENCY AUTHORIZATION FOR REPAIRS, REPLACEMENT, RESTORATION, AND CERTAIN OTHER MEASURES MADE NECESSARY BY HURRICANE MILTON

OGC NO. 24-2580

_____/

EMERGENCY FINAL ORDER

The State of Florida Department of Environmental Protection (Department) enters this Emergency Final Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent and immediate danger to the public health, safety, and welfare of the citizens of the State of Florida posed by Hurricane Milton (hereinafter "the Storm").

FINDINGS OF FACT

1. On October 5, 2024, showers and thunderstorms associated with an area of low pressure located over the southwestern Gulf of Mexico organized into a tropical storm. The Storm has strengthened into a hurricane due to atmospheric and oceanic conditions in the Gulf of Mexico where further strengthening and development is anticipated. The Storm is forecasted to become a major hurricane near or at landfall along the West Florida Coast. Meteorological reports indicate there is a significant threat of life-threatening storm surge and wind impacts for portions of the western Florida Peninsula within the next few days. Heavy rainfall will impact portions of Florida well ahead of the Storm, impacting Florida Gulf Coast communities still recovering from Hurricane Helene. The Storm's heavy rainfall which may result in flash flooding, river

flooding, coastal flooding, erosion, and gusty winds. The Storm could cause extensive damage to critical state infrastructure, including major interstates and roadways, power grids, airports, schools, and hospitals. Accordingly, this Order shall apply to an area hereafter referred to as the "Emergency Area," which consists of the following counties: Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, Suwanee, Taylor, Union, and Volusia.

2. By State of Florida Executive Order No. 24-214, as amended by 24-215, the Governor declared a state of emergency throughout the Emergency Area based upon the serious threat to the public health, safety, and welfare posed by the Storm.

3. The Department finds that the effects of the Storm will create a state of emergency posing an imminent danger to the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action by Florida's citizens and government may be necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and other systems damaged by the Storm.

4. The Department finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

5. The Department finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action to cope with the emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

1. Based on the findings recited above, it is hereby concluded that the emergency caused by the Storm poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the Department.

2. Under State of Florida Executive Order No. 24-214, as amended by 24-215, and Sections 120.569(2)(n), 252.36, and 252.46, Florida Statutes, the Secretary or designee of the Department is authorized to issue this Order.

3. Suspending statutes and rules, as noted within this Order, is required so as not to prevent, hinder, or delay action necessary to cope with the emergency.

THEREFORE, IT IS ORDERED*:*

A. WASTE MANAGEMENT

Within the Emergency Area, the Department waives Rules 62-761.405 and .700, and 62-762.411 and .701, Florida Administrative Code. to the extent necessary for:

1. <u>Storage Tank Systems</u>

a. Owners and operators of storage tank systems, regulated under Chapters 62-761 and 62-762, Florida Administrative Code, and their State of Florida licensed engineers and contractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures, equipment, and

appurtenances of the systems to their pre-Storm permitted or registered condition without prior notice to the Department. Within 30 days of commencing the work of such repair or replacement, the owner or operator shall notify the Department in writing, describing the nature of the work, giving its Department Facility Identification Number for the location, and providing the name, address, and telephone number of the representative of the owner or operator to contact concerning the work.

b. Petroleum Contact Water: Owners and operators of underground petroleum storage tank systems impacted by the Storm are authorized to discharge petroleum contact water, as defined in Rule 62-740.030, Florida Administrative Code, to impervious surfaces under the following conditions for only the first 30 days from the initial issuance date of this Order:

(1) The total discharge shall not exceed 25 gallons in volume per facility;

(2) There shall be no visible sheen, sludge or emulsion in the petroleum contact water; and

(3) The discharge shall not reach a surface water of the state or stormwater management system.

The removal of petroleum contact water not meeting the above criteria shall be removed by vacuum truck for proper disposal pursuant to Chapter 62-740, Florida Administrative Code, or by separate authorization by contacting the Department's Division of Waste Management by mail at 2600 Blair Stone Road, Mail Station 4525, Tallahassee, Florida 32399-2400 or telephone at 850/245-8842.

2. Solid Waste Management

a. Pursuant to Section 403.7071, F.S., storm generated debris shall be managed at authorized staging areas or Disaster Debris Management Sites (DDMS) in accordance with the Division of Waste Management's Guidance for the Establishment, Operation, and Closure of Disaster Debris Management Sites, which is incorporated into this Order.

b. The Department waives Rule 62-701.320(4), F.A.C., to the extent that permitted landfills, waste-to-energy facilities, and transfer stations which accept Storm-generated debris in accordance with the terms of this Order may accept Storm-generated debris for disposal or storage without the need to first modify existing solid waste permits or certifications. Operators of landfills shall seek modifications of their existing permits to address any long-term impacts of accepting Storm-generated debris on operations and closure that are not addressed in existing permits. Long-term impacts are those which will extend past the expiration date of this Order. The requests for modification shall be submitted as soon as possible, but no later than the expiration date of this Order. No permit fee will be required for any modifications necessitated solely by the Storm cleanup activities. This paragraph does not authorize the permanent lateral or vertical expansion of any facility beyond its permitted limits. Domestic wastewater biosolids may be disposed of in Class I landfills even if such biosolids meet the definition of a liquid waste found in Rule 62-701.200(72), Florida Administrative Code, provided that such disposal is approved in advance by the Department and that the material is managed to the extent practicable so as to minimize liquid content, odors, and runoff.

c. Pursuant to Section 403.7071, Florida Statutes, open burning of Storm-generated debris is allowed provided it meets the following requirements and does not

create a public nuisance. Please refer to the Division of Air Resource Management's Guidance on Site Selection Criteria for Open Burning Activities for additional information.

(1) An air curtain incinerator may be used at any staging area, permitted landfill, waste-to-energy facility, registered yard trash processing facility, or transfer station so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's Air Curtain Incinerator Worksheet and does not create a public nuisance.

(2) Open pile burning may be conducted at any staging area other than staging areas located at permitted landfills or permitted disposal facilities so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's Open Pile Burning Worksheet and does not create a public nuisance.

3. Hazardous Waste Management

A blanket approval of time extensions under Rule 62-730.160, Florida Administrative Code, is necessary within the Emergency Area for hazardous waste generators for the storage of their hazardous wastes on-site, pending the cleanup of any Storm damage and restoration of essential services. The rules authorize a 30-day extension because of unforeseen and uncontrollable circumstances such as the Storm. Therefore, to avoid having to issue a potentially large number of individual approvals on a case-by-case basis and waste limited agency resources during the time of emergency, the Department authorizes a general extension of time of 30 days from the expiration of this Order for all such hazardous waste generators within the Emergency Area for the storage of their hazardous wastes on-site.

4. Mineral Oil Dielectric Fluid Discharges

A blanket approval of time extensions under Rule 62-780.550, Florida Administrative Code, is necessary within the Emergency Area for responding to and completing the cleanup of mineral oil dielectric fluid (MODEF) discharges from electric power generation, transmission, and distribution facilities damaged by the Storm within the Emergency Area. The Department authorizes a general extension of time of 30 days from the date of discovery of a nonpetroleum de minimis discharge (for a total of 60 days from the discovery of the discharge) for responding to and completing cleanup of MODEF discharges from electric power generation, transmission, and distribution facilities damaged by the Storm within the Emergency Area in accordance with the applicable provisions of Chapter 62-780, Florida Administrative Code. However, all other provisions of Rule 62-780.550, Florida Administrative Code, such as the record-keeping requirements, shall apply.

B. AIR RESOURCE MANAGEMENT

Within the Emergency Area:

1. <u>Open Burning Operations</u>

a. Pursuant to Section 403.7071, Florida Statutes, open burning of storm-generated yard trash, other storm-generated vegetative debris, or untreated wood from construction and demolition debris is allowed provided it meets the following requirements and does not create a public nuisance. Please refer to the Division of Air Resource Management's Guidance on Site Selection Criteria for Open Burning Activities for additional information in preventing public nuisances.

(1) Air curtain incinerators may be used in the Emergency Area for a period of up to eight (8) weeks without a Department-issued air permit to combust storm-generated

yard trash, other storm-generated vegetative debris, or untreated wood from construction and demolition debris so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's Air Curtain Incinerator Worksheet and do not create a public nuisance.

(2) Local governments or their agents may conduct the open pile burning of Storm-generated yard trash, other Storm-generated vegetative debris, and untreated wood from construction and demolition debris at Department-authorized staging areas (other than staging areas located at permitted landfills or permitted disposal facilities), so long as they meet the operating requirements detailed in the Division of Air Resource Management's Open Pile Burning Worksheet.

2. Asbestos

40 CFR Part 61, Subpart M does not apply to the renovations or demolitions of residential buildings with four or fewer dwelling units. Owners of these types of residential buildings may commence a renovation or demolition without notice to the Department. For more information on asbestos regulation, please review the Division of Air Resource Management's factsheets on Asbestos Emergency Cleanups and Asbestos Building Debris Cleanup.

3. Emergency Engines Exempt from Air Permitting Requirements

Reciprocating internal combustion engines in the Emergency Area may exceed the annual fuel consumption limitations in Rule 62-210.300(3)(a)35., Florida Administrative Code, without triggering the need to receive a Department-issued air permit if the engine is being used for disaster-related purposes. The owner or operator of

such an engine shall exclude fuel consumed during the period covered by this Order from annual fuel consumption calculations.

C. WATER RESOURCE MANAGEMENT, RESILIENCY, AND COASTAL PROTECTION

Within the Emergency Area:

1. Environmental Resource, Dredge and Fill, and Surface Water Management Activities

a. No Notice Required

The Department waives Rule 62-330.020, F.A.C., to the extent that the following activities are authorized to be conducted under this Order without notification to the Department or water management district.

(1) Temporary and permanent repair or restoration of structures and drainage systems that are not completely destroyed to the conditions, dimensions, and configurations that were authorized or otherwise legally existing immediately prior to the Storm, provided the repair and restoration activities do not result in any expansion, addition, or relocation of the existing structure or systems, and provided any such structures or drainage systems in, on, or over state-owned submerged lands are water dependent. This may include the use of different construction materials or minor deviations to allow upgrades to current structural and design standards, or to replace a seawall with a rip rap revetment.

(2) The restoration (regrading, dredging, or filling) by local, regional, state, and federal governments of upland surfaces, wetlands, and submerged land contours to the conditions and configurations that were authorized or otherwise legally existing immediately prior to the Storm, provided the restoration does not result in any expansion

or addition of land or deepening of waters beyond that which existed immediately prior to the Storm, subject to the following limits:

(a) The removal or deepening of plugs formerly separating canals from other waters is specifically not authorized by this Order;

(b) In the case of dredging, all excavated material shall either be deposited on uplands that are diked or otherwise sloped or designed to prevent any discharge into wetlands or other surface waters, or shall be used to restore bottom contours and shorelines to the conditions existing immediately prior to the Storm, subject to subparagraph C.2.a.(3) of this Order;

(c) In the case where upland or dredged material is placed in water to restore pre-existing conditions, only clean material (free from debris and pollutants) from the uplands that existed prior to the Storm may be used in the restoration, and no change (from the conditions that legally existed immediately prior to the Storm) in the slope of the land or the type, nature or configuration of any pre-existing shoreline stabilization materials is authorized (e.g., sloping revetments cannot be replaced with vertical seawalls, and rock riprap cannot be replaced with interlocking blocks);

(d) Best management practices and devices shall be used to prevent violations of state water quality standards for turbidity during the performance of restoration activities, in accordance with the guidelines and specifications in The Florida Stormwater, Erosion, and Sedimentation Control Inspectors Manual (Florida Department of Environmental Protection October 2018) https://floridadep.gov/dear/florida-stormwater-erosion, and the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Transportation and Florida Department of Environmental

Protection July 2013) https://www.flrules.org/Gateway/reference.asp?No=Ref-04227. Best management practices also shall be used to prevent erosion and retain sediment of all newly established or restored exposed shorelines during and after the restoration activities, which may include methods such as planting of temporary and permanent vegetation and placing of clean natural rock or concrete rubble riprap;

(e) Any fill that is deposited to restore a former shoreline, and any riprap that is used to stabilize a shoreline, must not be placed any farther waterward than the toe of slope of the shoreline that legally existed immediately prior to the Storm. If the pre-Storm shoreline was stabilized with a functioning seawall or riprap, the seawall or riprap may be restored at its former location or within 18 inches waterward of the location where the seawall or riprap legally existed immediately prior to the Storm, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap; and

(f) This section (C.1.a.(2)) shall not constitute authorization to fill submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, except as provided herein.

(3) Removal of debris, including sunken or grounded vessels, vegetation, and structural remains that have been deposited into waters, wetlands, or uplands by the Storm, where such removal **does not result** in filling of wetlands or other surface waters, or dredging that creates or expands surface waters. All removed materials must be deposited on self-contained uplands and must be managed in accordance with Department rules or provisions of this Order.

b. Field and Individual Authorization Required

(1) Field authorizations may be issued following a site inspection by Department or water management district personnel to restore structures and property to authorized or otherwise legally existing conditions that existed immediately prior to the Storm, to recover property, protect property from further damage, maintain navigation or protect public health, safety, and welfare, when such activities are not otherwise authorized by statutory or rule exemptions or under paragraph C.1.a. of this Order. Specifically, field authorizations may be issued for:

(a) Activities including the replacement of structures that are completely destroyed;

(b) Structures and activities on state-owned submerged lands that are non-water dependent structures and are authorized in a current sovereign submerged lands lease with the Department may not be repaired, restored, or replaced when more than 50 percent of the structure or activity is lost (based on the cost to repair, restore, or replace the structure or activity);

(c) Restoration (regrading, dredging, or filling) of the contours of uplands, wetlands, and submerged bottoms by parties other than local, regional, state, or federal governments;

(d) Trimming or alteration of mangroves that threaten public health, safety, welfare or property, or that currently interfere with navigation;

(e) Removal of debris, including sunken or grounded vessels, vegetation, and structural remains, that has been deposited into waters, wetlands, or uplands by the Storm, the removal of which **requires** filling of wetlands or other surface waters, or dredging that creates or expands wetlands or other surface waters. Any wetlands or other

surface waters that are dredged or filled to affect such removal must be restored to the contours and conditions that existed before the Storm; and

(f) Other activities determined by Department or water management district personnel as having the potential to result in only minimal adverse individual or cumulative impact on water resources and water quality.

(2) Field authorizations to replace structures shall not preclude the use of different construction materials or minor deviations to allow upgrades to current structural and design standards, including building codes, or to a more environmentally compatible design, as determined by the Department or water management district, than existed immediately prior to the Storm.

(3) Field authorizations may be requested by providing a notice to the local office of the Department or water management district containing a description of the work requested, the location of the work, and the name, address, and telephone number of the owner or representative of the owner who may be contacted concerning the work. Field authorizations also may be issued by Department or water management district personnel without prior notice. Field authorizations may not be issued unless requested on or before the expiration date of this Order, unless that date is modified or extended by further order. Written records of all field authorizations shall be created and maintained by Department and water management district personnel. Field authorizations may include specific conditions for the construction, operation, and maintenance of the authorized activities. Field authorizations issued prior to the effective date of this Order remain in effect for the duration specified in the field authorization but may be extended through written modification by the Department or water management district in accordance with

the provisions of paragraph C.6.h. of this Order. Failure to comply with the conditions of the field authorization may result in enforcement actions by the Department or water management district.

2. Coastal Construction Control Line ("CCCL") Activities

This section applies to activities conducted within the Emergency Area seaward of the CCCL as established by Chapter 62B-26, Florida Administrative Code. Emergency Permits may be issued by the Division of Resilience and Coastal Protection pursuant to Rule 62B-33.014, Florida Administrative Code. A list of activities seaward of the CCCL that are exempt from CCCL permitting requirements is contained in Rule 62B-33.004, Florida Administrative Code, and Section 161.053(11), Florida Statutes. The Division of Resilience and Coastal Protection has developed a Public Information Handout to provide property owners with a concise explanation of activities that are authorized seaward of the CCCL in this Order. To obtain a copy, please visit the Coastal Construction Control Line Emergency Permits website at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. You may also contact the Office of Resilience and Coastal Protection directly by email at CCCL@FloridaDEP.gov, by mail at 2600 Blair Stone Road, Mail Station 3522, Tallahassee, Florida 32399-3000, or by phone at 850/245-2094.

This Order constitutes the declaration of a shoreline emergency and activates emergency protection and permitting procedures established in s. 161.085 (3), Florida Statutes, and in Rules 62B-33.0051(5) and 62B-33.014, Florida Administrative Code.

In addition, to emergency protective measures that can be conducted under the above referenced statute and rules, this Order authorizes both the protection, repair or

replacement of public infrastructure and a local government's ability to issue certain coastal construction permits in lieu of Department CCCL permits, subject to the conditions and limitations of this Order. Activities that extend onto state owned lands of Florida seaward of the mean high water line or an Erosion Control Line that would typically require a permit pursuant to Sections 161.041 and/or 161.055, Florida Statutes, i.e., regulated under the Joint Coastal Permit program (JCP), are not authorized under this subsection. JCP activities are addressed separately in subsection C.3. of this Order.

a. Activities Undertaken by Local Governments, the Department of Environmental Protection, Florida Department of Transportation and Utility Companies

The Department waives Rules 62B-33.005 and .0051, F.A.C., to the extent that the following activities may be undertaken by local governments, agencies of the State of Florida, and utility companies to protect, repair, or replace structures and property without notice to the Department or water management district, subject to the limitations below. Work performed under paragraph C.2.a. of this Order must be complete within one year of the issuance of this Order.

(1) Removal of Storm-generated debris. Prior to removing the debris and to the greatest extent possible, beach compatible sand should be separated from the debris and kept on-site. To prevent debris from becoming buried, all Storm-generated debris shall be removed to an appropriate upland disposal site landward of the CCCL prior to conducting any fill activities.

(2) The repair or replacement of the following public facilities: utilities, roads, beach access ramps, and dune walkover structures (see guidelines for construction of

dune walkovers at https://floridadep.gov/rcp/coastal-construction-control-line/documents/beach-and-dune-walkover-guidelines).

(3) Return of sand to the beach and dune system that has been deposited upland by the Storm, and restoration of a dune system using beach compatible sand from an upland source. The material shall not cover any Storm-generated debris or construction debris. All fill material shall be sand that is similar to the pre-Storm beach sand in both coloration and grain size and be free of debris, rocks, clay, or other foreign matter and shall meet the specifications set forth by the Department for the location that the fill is being placed. Such specifications are available at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. No sand may be obtained from the beach, near shore, or below the mean high water line seaward of the CCCL without specific written authorization from the Department.

b. Activities Requiring Local Authorization

Local governments are authorized to issue permits in lieu of Department permits to private and public property owners for the activities listed below in addition to the temporary protective measures described in section 161.085 (3), Florida Statutes, and Rule 62B-33.0051, Florida Administrative Code. Local governments shall notify the Department in writing within three (3) working days of permits issued under this section. The notification must be submitted to the Department by email to CCCL@FloridaDEP.gov. Work authorized by the local government must be complete

within 90 days of issuance of the local government permit or within 90 days of the expiration date of this Order, whichever deadline occurs first.

(1) Repair or replacement of minor ancillary structures (such as stairs, landings, and HVAC platforms) and service utilities that are associated with the existing habitable structure. The repair of minor ancillary structures or service utilities shall not exceed the size of the original structure or service utility damaged or destroyed by the Storm. Repair of surviving beach/dune walkovers is authorized provided the structure is substantially intact and the repair adjusts the seaward terminus of the walkover to a more landward location to accommodate changes in the shoreline topography and native salt-resistant vegetation patterns. Viewing platforms as part of the walkovers may not be constructed on or seaward of the surviving or post-Storm rebuilt dune system or sandy beach.

(2) Permanent repair of foundations for buildings that have not been substantially damaged.

(3) The replacement or repair of caps and anchoring systems (or tiebacks) for seawalls or bulkheads.

(4) Restoration of a dune system damaged by the Storm using beach compatible sand from an upland source.

All fill material shall be sand that is similar to the pre-Storm beach sand in both coloration and grain size and be free of debris, rocks, clay, organic matter, or other foreign matter and shall meet the specifications set forth by the Department for the location that the fill is being placed. Such specifications are available at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. No sand may be obtained from the beach, near shore,

or below mean high water seaward of the CCCL without specific written authorization from the Department.

c. Return of sand to the beach dune system which has been deposited upland by the Storm

No state or local government permit or other authorization shall be required for a public or private property owner to return clean sand back onto the beach that has been deposited on the property owner's property by the Storm. "Clean sand" is defined as sand that does not have stains or odors and that is similar to the pre-hurricane beach sand in both coloration and grain size. It must be free of debris, rocks, clay or other foreign matter. This clean sand can be collected and placed above the high tide line (or mean high water line) on the beach and dune system. Sand may not be placed over any existing native vegetation or storm generated debris on the beach. Any sand that does not meet the definition of clean sand may be taken to a Department authorized Disaster Debris Management Site that has been designated by the local government to accept the sand. The Department, or a local government on behalf of the Department, may bring an enforcement action against any public or private property owner that violates the requirements of this paragraph.

d. Other Activities

Actions taken by local governments, the Department's Division of Recreation and Parks, Florida Department of Transportation, and utility companies under paragraph C.2.a. of this Order, and actions taken by local governments under paragraph C.2.b. of this Order, do not require additional permits from the Department.

3. <u>Joint Coastal Permit Activities</u>

This subsection applies to certain activities along the natural sandy beaches of the Atlantic Ocean, Gulf of Mexico or Straits of Florida that extend onto sovereignty lands of Florida, seaward of the mean high water line and are likely to have a material physical effect on the coastal system or natural beach and inlet processes, i.e., activities that are regulated under the JCP program, pursuant to Sections 161.041 and/or 161.055, Florida Statutes. The Department waives Rules 62B-41.005 and .0055, F.A.C., to the extent necessary so that:

a. In lieu of a normal JCP for activities summarized above, federal, state, or local governments may apply to the Office of Resilience and Coastal Protection, Beaches, Inlets and Ports Program for emergency authorizations to alleviate hazardous conditions resulting from the Storm that pose an immediate danger to life or limb, including sudden and unpredictable hazards to navigation. Applications for emergency authorizations shall meet the following criteria:

(1) The application must be received by the Department during the duration of this Order;

(2) The hazardous conditions are a result of the Storm identified in this Order and did not exist prior to the Storm;

(3) The proposed measures are limited to the minimum amount necessary to alleviate the hazardous conditions by temporarily stabilizing the structure or clearing the channel, until a JCP can be processed to address the long-term repair;

(4) Fill material shall not extend seaward of the mean high water line that existed immediately before the Storm;

(5) Navigational dredging shall not exceed channel depths, widths or alignment that existed immediately before the Storm;

(6) Reconstruction of non-water-dependent structures on sovereign submerged lands unless authorized in a current sovereign submerged lands lease issued by the Department is prohibited;

(7) Fill may only be placed seaward of the mean high water line to temporarily stabilize an upland structure if that structure is in danger of imminent collapse and was located behind the primary dune line prior to the Storm. The amount of fill allowed is the minimum necessary for the stabilization of the structure;

(8) The placement of fill may only extend the mean high water line seaward of the current (post-Storm) location if the applicant provides proof that the riparian owner(s) has obtained a disclaimer under Rule 18-21.019, Florida Administrative Code, (from the Department's Division of State Lands) for the proposed project site, a memorandum from the Department's Division of State Lands acknowledging the Storm-related occurrence of avulsion for the proposed project site, or documentation from the Department that a valid erosion control line has been established at the fill site;

(9) Any fill material placed on the beach shall meet the criteria for beach-quality sand in Rule 62B-41.007(2)(j), Florida Administrative Code;

(10) The proposed measures shall not cause water quality violations outside of the mixing zone, established pursuant to Rule 62-4.244, Florida Administrative Code; and

(11) The proposed measures shall not adversely affect hardbottom or coral reef communities, seagrass communities or functional marine turtle nesting habitat that existed before the Storm and shall not contribute to erosion of adjacent properties.

b. Emergency authorizations shall expire 90 days after issuance unless a written request for an extension of the expiration date is received and granted by the Department before this Order's expiration date. Any request for extension of an emergency authorization issued under this subsection must contain a reasonable schedule for when repair, restoration, or reconstruction will commence and ultimately conclude.

c. Application fees and noticing requirements shall be waived for projects that are eligible for this emergency authorization.

4. National Pollutant Discharge Elimination System Stormwater Construction Generic Permit

This subsection applies to any construction activity authorized by this Order that would require coverage under the Generic Permit for the Discharge of Stormwater Associated with Large and Small Construction Activities pursuant to Rule 62-621.300(4), F.A.C. The Department waives to Rule 62-621.300(4), F.A.C., to the extent that for these construction projects, operators of the sites, and their licensed engineers and subcontractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures to their pre-Storm permitted or registered condition without prior notice to the Department. All best management practices must be in accordance with the guidelines and specifications of the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection July 2013) https://www.flrules.org/Gateway/reference.asp?No=Ref-04227. Within 30 days of commencing the work of such repair or replacement, however, the owner or operator shall

submit to the Department a completed Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities [Form Number 62-621.300(4)(b)], which can be found at https://floridadep.gov/water/stormwater/content/construction-activity-cgp.

5. Onsite Sewage Treatment and Disposal System Activities

This section applies to regulatory requirements within the Emergency Area for onsite sewage treatment and disposal systems (OSTDS), commonly referred to as septic systems. Under the direction of the Department, certain regulatory services, such as permitting and inspections, are implemented by the Florida Department of Health's local county health departments (DOH-CHDs) by virtue of the Interagency Agreement, effective July 1, 2021. This Order grants relief for the following activities and standards governed under Sections 381.0065 – 381.0067, Florida Statutes, and Chapter 62-6, Florida Administrative Code:

a. Portable Restrooms, Mobile Restrooms, Mobile Shower Trailers, and Portable Holding Tanks: The Department waives during the effective period of this Order, the prohibitions of Rule 62-6.0101(7)(a), Florida Administrative Code, which forbids the use of portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks for use with permanent structures. During this emergency period, such use is allowed in the Emergency Area as follows:

(1) In situations where the existing OSTDS is damaged or not operational due to the Storm.

(2) The use of the portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks must not extend beyond 120 days after the end of this

Order, except in the event a system construction permit has been issued to repair the damaged system within this 120-day period, the use of the portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks must not extend beyond the expiration date of the issued system construction permit.

(3) The use of portable holding tanks must be in accordance with the tank capacity and service requirements described in Rule 62-6.0101, Florida Administrative Code.

b. Temporary Covering of Installations: When a contractor has installed a system, which has not yet been inspected and approved for covering per Rules 62-6.003(2) and (3), Florida Administrative Code, the following criteria apply. During the effective period of this Order, a contractor may cover a system with earth prior to approval for the purposes of protecting the system from the Storm provided the system is completely uncovered for the required inspection(s) after the Storm. The contractor must, within 36 hours of covering a system, notify the DOH-CHDs in writing that the system has been covered for purposes of protecting the system from the Storm. The notification must provide the permit number, that the system will be uncovered for inspection(s), and that the system will not be placed into use until the Department grants Final Installation Approval per Rules 62-6.003(2) and (3), Florida Administrative Code.

6. **General Conditions**

a. All activities conducted under subsections C.1., C.2., C.3., C.4., and C.5. of this Order shall be performed using appropriate best management practices. For activities conducted in, or discharging to, wetlands or other surface waters, best management practices include properly installed and maintained erosion and turbidity control devices

to prevent erosion and shoaling, control turbidity, and prevent violations of state water quality standards and protect the functions provided by wetlands and other surface waters to fish, wildlife, and listed species.

b. The authorizations in subsections C.1., C.2., C.3., C.4., and C.5. of this Order shall not apply to structures and associated activities that were not legally existing or otherwise properly authorized by all applicable agencies before the passage of the Storm.

c. Applicable environmental resource, surface water management, dredge and fill, JCP, or CCCL permits shall be required following provisions of statute and rule for other activities not authorized in this Order that do not otherwise qualify as an exempt activity under statute or rule.

d. The nature, timing, and sequence of construction authorized under this Order shall be conducted in such a manner as to provide protection to, and so as to not disturb, dune features, native salt-resistant vegetation, and listed species and their habitat, including threatened or endangered sea turtles, endangered manatees, endangered beach mice, endangered plant communities, and migratory shorebirds. If activities conducted under subsection C.2. and C.3. of this Order occur during the marine turtle nesting season (March 1 through October 31 in Brevard, Indian River, St. Lucie, Martin, and Broward counties, May 1 through October 31 in all other coastal counties within the state), such activities must be coordinated with the Florida Fish and Wildlife Conservation Commission’s Imperiled Species Management Section to ensure that all activities comply with state and federal requirements for the protection of sea turtles, their nests, hatchlings, and nesting habitat.

e. Nothing in this Order authorizes the taking, attempted taking, pursuing, harassing, capturing or killing of any species (or the nests or eggs of any species) listed under Chapter 68A-27, Florida Administrative Code, or the federal Endangered Species Act.

f. Persons are advised that all structures that are rebuilt under subsection C.2. of this Order should be rebuilt in accordance with all applicable local, state, and federal building standards and requirements of the Federal Emergency Management Agency.

g. It is recommended that, where possible, owners of property should maintain documentation (such as photos) of the condition of the structures or lands as they existed prior to initiating any activities authorized under this Order and should provide such documentation to the Department if requested to do so.

h. Activities authorized under subsection C.1. of this Order must be completed as follows:

(1) Within one year from issuance of this Order, for activities that qualify under the No Notice provisions of paragraph C.1.a. of this Order;

(2) By the date specified in the field authorization for activities that qualify under the provisions of subparagraph C.1.b.(1) of this Order. However, the deadline for completing such activities may be extended if a written request with accompanying documentation as described below is submitted by the person(s) authorized in the field authorization and received by the District Office of the Department that issued the field authorization at least 30 days prior to expiration of the field authorization. Such request must be accompanied by a statement that contractors or supplies are not available to complete the work, or that additional time is needed to obtain any required authorization

from the U.S. Army Corps of Engineers. Such permittee should maintain a list of contractors that have been contacted and a record of supplies that are on backorder as needed to demonstrate compliance with this provision.

7. <u>Authorization to Use State-Owned Submerged Lands</u>

The Department has been delegated by the Board of Trustees of the Internal Improvement Trust Fund the authority to grant the following authorizations to use state-owned submerged lands, that is, lands lying waterward of the line of mean high water, erosion control line or ordinary high water line, in association with the structure or activity subject to repair, restoration, removal, or replacement authorized in this section. The Department waives Rule 18-21.005, F.A.C., to the extent that:

a. Except as provided in paragraphs C.7.b., C.7.c., and C.7.d. of this Order, and subsection D.1. of this Order, activities authorized under this Order involving the repair, replacement, or restoration of the activities and structures, and the removal of debris located on submerged lands owned by the state that do not qualify for consent by Rule 18-21.005(1)(b), Florida Administrative Code, are hereby granted a Letter of Consent under Rule 18-21.005(1)(c), Florida Administrative Code, provided:

(1) Such repair, restoration, replacement, or removal is conducted in accordance with the terms, conditions, and limitations of this Order;

(2) The structure or activity subject to repair, restoration, or replacement was authorized by the Board of Trustees of the Internal Improvement Trust Fund prior to the Storm, or was otherwise legally existing immediately prior to the Storm;

(3) The activities are conducted solely to repair, restore, or replace structures or land that was damaged by the Storm, or to remove debris resulting solely from the Storm;

(4) The structures and activities are repaired, restored, or replaced in the same location and configuration as was authorized by the Board of Trustees of the Internal Improvement Trust Fund or which otherwise legally existed immediately prior to the Storm; and

(5) All the terms and conditions of Rule 18-21.005(1)(b) or 18-21.005(1)(c), Florida Administrative Code, as applicable, are met (including certain restrictions for activities performed within aquatic preserves and Monroe County), and provided that activities that require an easement under Rule 18-21.005(1)(f), Florida Administrative Code, must obtain the applicable state-owned submerged lands easement under Chapter 18-21, Florida Administrative Code, within one year of expiration of this Order. This Order does not limit the provisions of those statutory and rule provisions.

b. Non-water dependent structures that are authorized in a current sovereign submerged lands lease with the Department are not authorized to be repaired, restored, or replaced when more than 50 percent of the structure or activity is lost (based on the cost to repair, restore, or replace the structure or activity).

c. Water-dependent structures that were legally existing immediately before the Storm but not in conformance with the current criteria of Chapters 18-18, 18-20, or 18-21, Florida Administrative Code, as applicable, may be repaired, restored, or replaced to the footprint that existed immediately before the Storm, but shall, to the greatest extent practicable, be repaired, restored, or replaced to meet the current criteria of Chapters 18-

18, 18-20, and 18-21, Florida Administrative Code, as applicable, with respect to design features such as the elevation of decking surfaces and the spacing of deck planking.

d. This Order does not authorize the reconstruction or repair of unauthorized structures.

8. <u>Water and Wastewater Plants and Collection and Distribution Systems</u>

The Department waives Rule 62-620.301, F.A.C., so that:

a. Owners and operators of water and wastewater plants and collection and distribution systems, and their licensed engineers and contractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures, equipment, and appurtenances of the plants and systems to their pre-Storm permitted or registered condition without prior notice to the Department. Within 30 days of commencing the work of such repair or replacement, however, the owner or operator shall notify the Department in writing, describing the nature of the work, giving its location, Department Facility Identification Number, and providing the name, address, and telephone number of the representative of the owner or operator to contact concerning the work.

b. Owners and operators of underground injection control Class V Group 6 lake level control wells in existence and functioning immediately before the Storm are authorized, without prior permission by the Department, to lower the intake structure to allow a greater volume of lake water to flow down the wells when not to do so would result in immediate flooding of structures not usually inundated by such lake waters. Within 72 hours of lowering said structures, written notice shall be provided to the District Office of the Department in which the structure is located.

c. Owners and operators of drinking water plants and their licensed engineers and contractors are authorized to utilize a U.S. Environmental Protection Agency “mobile laboratory” not previously certified in drinking water or non-potable water by the Department of Health under Rule 62-160.300, F.A.C., to perform such drinking water analyses as required in Rule 62-550.550(2), F.A.C., for purposes of determining compliance with acute public health threats like E. coli or total coliform. At a minimum, the mobile laboratory must meet requirements of the DEP Quality Assurance rules for sample collection (Rule 62-160.210, F.A.C.), sample preservation and holding times (Rule 62-160.400, F.A.C.), use of approved analytical methods (Rule 62-160.320, F.A.C.), and laboratory documentation and reporting (Rule 62-160.340, F.A.C.).

9. <u>Suspension of Fees</u>

For those activities noted above, subject to the limitations, duration, and other provisions of this Order, the following application fee, base fee, and minimal annual lease fee requirements of Sections 161.041, 161.053, 161.0535, 161.055, 373.109, 253.01, 253.03. 403.518, 373.026, 373.043, 373.109, 373.4131, 373.414, 373.418, 373.421, 381.0065, 381.0066, 403.061, 403.087, 403.704(30), 403.805, Florida Statutes, and Chapters 18-18, 18-20, 18-21, 62-4, 62B-33, and 62B-41, Florida Administrative Code, shall be suspended as follows:

a. For structures and activities authorized under paragraphs C.1.a. or C.1.b. of this Order, the lessee may submit a written request to the Division of State Lands, by mail at 3900 Commonwealth Boulevard, Mail Station 130, Tallahassee, Florida 32399-3000, to waive applicable lease fees. In such cases, the owner must identify and document (such as with currently dated photographs) the area (in square feet) of the

structure or facility that is no longer useable. When such documentation is received, and deemed sufficient, lease fees will be waived, but only for that portion of the structure that is no longer useable.

b. When the restoration or replacement of individual structures (such as a dock or pier) or entire facilities (such as marinas) on state-owned submerged lands that are completely destroyed is authorized by a field authorization under paragraph C.1.b. of this Order, applicable lease fees will be waived for the duration described in paragraph C.9.c. of this Order.

c. Lease fees that are waived under paragraphs C.9.a. or C.9.b. of this Order will be waived only for the duration of this Order (including subsequent extensions thereto) unless otherwise provided in a field authorization issued under paragraph C.1.b. of this Order, or until the repairs, restoration or replacement commences, whichever is earlier. The duration of the waiver of suspension of lease fees may be extended beyond the duration of this Order (including subsequent extensions thereto) or beyond the date specified in a field authorization issued under paragraph C.1.b. of this Order, upon a written request by the lessee to extend the waiver of the lease fees. Such request must be received by the Division of State Lands before the expiration of this Order (or extensions thereto) or before the date specified in the field authorization (whichever date is later), and must be accompanied by a signed statement that construction has not yet commenced because contractors or supplies are not available to commence the necessary repairs, restoration or replacement, or because additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers or local

government. Such request for extension of the waiver of lease fees must also contain a reasonable schedule for when repair, restoration, or replacement will commence.

d. In all cases where lease fees are waived under paragraph a. above, the lessee must notify the Division of State Lands, at the address stated in paragraph C.9.a. of this Order, of the time repair, restoration, or replacement construction commenced.

D. GENERAL PROVISIONS

1. General Limitations

The Department issues this Order solely to address the emergency created by the Storm. This Order shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

2. Suspension of Statutes and Rules

Within the Emergency Area, the requirements and effects of statutes and rules which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order.

To the extent that any requirement to obtain a permit, lease, consent of use, or other authorization is waived by this Order, it should also be construed that the procedural requirements for obtaining such permit, lease, consent of use or other authorization, including requirements for fees and publication of notices, are suspended for the duration of this Order, except as provided in subsection C.8. of this Order

3. Review of Requests for Field Authorizations

It is the intent of the Department to act on requests for field authorizations in a timely and expeditious manner. The Department may require the submission of additional information as is necessary.

4. Other Authorizations Required

This Order only provides relief from the specific regulatory and proprietary requirements addressed herein for the duration of the Order and does not provide relief from the requirements of other federal, state, water management district or local agencies. This Order therefore does not negate the need for the property owner to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of those agencies. This Order does not provide relief from any of the requirements of Chapter 471, Florida Statutes, regarding professional engineering.

Activities subject to federal consistency review that are emergency actions necessary for the repair of immediate, demonstrable threats to public health or safety are consistent with the Florida Coastal Management Program if conducted in strict conformance with this Order.

5. Extension of time to comply with specified deadlines

For facilities and activities regulated by the Department in the Emergency Area, this Order extends by 30 days the time to comply with the following specified deadlines that occur between the date of issuance of this Order and the expiration of this Order:

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization

under Chapters 161, 253, 258, 373, 376, 377, 378, 381, or 403, Florida Statutes, and rules adopted thereunder, except for monitoring required under federally-mandated air permit conditions pursuant to 40 CFR Parts 60, 61, 63, and 75;

b. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, license, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act;

c. The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act;

d. The expiration date for an existing permit, lease, consent of use, license, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act; and

e. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, Florida Statutes, or Sections 403.91 – 403.929, Florida Statutes, and rules adopted thereunder.

6. <u>Permit Extensions During States of Emergency</u>

The public is advised that Section 252.363, Florida Statutes, provides for tolling and extending the expiration dates of certain permits and other authorizations following the declaration of a state of emergency. Affected permits include authorizations granted

by the Department, water management district or delegated local government, pursuant to part IV of Chapter 373, Florida Statutes, except for authorizations granted under the State 404 Program, Chapter 62-331, Florida Administrative Code.

The extension provisions of Section 252.363, Florida Statutes, do not apply to:

a. Permits that:

(1) Authorize activities that occur outside the geographic area affected by the declaration of a state of emergency;

(2) Include authorization under a programmatic or regional general permit issued by the U.S. Army Corps of Engineers;

(3) Are held by a permittee in significant non-compliance; or

(4) Are subject to a court order specifying an expiration date or buildout date that would conflict with the extensions granted in this section.

b. State-owned submerged lands authorizations under Chapters 253 or 258, Florida Statutes.

c. Formal determinations of the landward extent of wetlands and other surface waters.

d. Exemptions and verifications of exemptions from permitting criteria.

e. Permits and other authorizations issued under Chapter 161 (including JCP permits), Chapter 373 (except for permits issued under Part IV described above), Chapter 376, and Chapter 403, Florida Statutes.

To receive an extension under Section 252.363, Florida Statutes, the holder of a valid, qualifying permit must notify the authorizing agency in writing within 90 days of the expiration of a declaration of emergency, as established via a State of Florida Executive

Order. The duration of the tolled period remaining to exercise the rights under a permit shall be equal to six (6) months in addition to the duration of the declaration of emergency.

7. Deadlines for Agency Actions

For each of the following offices, any deadlines specified in statutes, rules, agreements, or Department orders, under which the Department is required by law to take action within a specified time period, and under which failure by the Department to timely take such action could result in any type of default binding on the Department (including the time to request additional information on permit applications), are hereby suspended and tolled for a period of 30 days, provided such deadline had not expired as of the effective date this Order:

a. Each Department office and delegated local program that sustains within its geographic boundaries any significant physical damage occurring as a direct result of the Storm. This includes Department offices located outside the impacted area that perform any of their duties in the impacted area; and

b. Any office of the Department not directly impacted by the Storm if that office has deployed staff to any District Office of the Department or delegated local program specified above, or to any water management district office in an impacted area, to assist in Storm relief efforts or to supplement the normal personnel in those impacted offices.

8. Expiration Date

This Order shall take effect immediately upon execution shall expire upon expiration or rescission of EO 24-214, as amended by 24-215, as modified or extended.

9. Violation of Conditions of Emergency Final Order

Failure to comply with any condition set forth in this Order shall constitute a violation of a Department Final Order under Chapters 161, 253, 258, 373, 376, 377, 378, 381, and 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

10. Applicability to Delegated Programs

The provisions of this Order apply in those cases where a water management district, local government, or other entity is acting for the Department in accordance with a delegation agreement, operating agreement, or contract. Such water management district, local government, or other entity shall comply with the terms of this Order to the extent that it is acting as an agent of the Department. This Order does not apply in those cases where a water management district, local government, or other entity is acting under its own independent authority.

NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review of it under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel by mail at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the

appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

DONE AND ORDERED on this 6th day of October 2024, in Tallahassee, Florida.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Digitally signed by Shawn Hamilton
Date: 2024.10.06 18:39:29 -04'00'

Shawn Hamilton, Secretary
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Lea Crandall Digitally signed by Lea Crandall
Date: 2024.10.06 18:49:08 -04'00'

CLERK

October 6, 2024
DATE

STATE OF FLORIDA

OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 25-68

(Emergency Management – Extension of Executive Order 24-214 – Hurricane Milton)

WHEREAS, on October 5, 2024, I issued Executive Order 24-214, declaring a state of emergency for thirty-five counties due to the severe weather, heavy rainfall, flash flooding, river flooding, and gusty winds caused by Tropical Storm Milton; and

WHEREAS, on October 6, 2024, I issued Executive Order 24-215, which amended Executive Order 24-214, and extended the state of emergency to fifty-one counties; and

WHEREAS, the tropical system surged from a tropical storm to a category 5 hurricane in less than twenty four hours on its trajectory in the Gulf of America; and

WHEREAS, on October 9, 2024, Hurricane Milton made landfall as a dangerous category 3 hurricane along Florida's Gulf Coast near Siesta Key, about five miles west of Sarasota; and

WHEREAS, the affected areas are still recovering from the damage caused by Hurricane Milton; and

WHEREAS, Executive Order 24-214, as amended by Executive Order 24-215, and subsequently extended, expires on April 1, 2025, unless extended; and

WHEREAS, an extension of Executive Order 24-214 is necessary because recovery efforts and those affected by this disaster require the continued support of the State of Florida.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. The state of emergency and all provisions of Executive Order 24-214 are renewed for sixty (60) days following the date of this Executive Order.

Section 2. Except as amended herein, Executive Order 24-214, as amended by Executive Order 24-215, is ratified and reaffirmed.

Section 3. This Executive Order is effective immediately.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 31st day of March, 2025.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2025 MAR 31 AM 9:39
DEPARTMENT OF STATE
TALLAHASSEE, FL

SUNRISE WATERWAY MAINTENANCE DREDGING
CONSTRUCTION PLAN SET

PREPARED FOR:

CHARLOTTE COUNTY



LOCATION MAP
SCALE: 1" = 800'

SHEET INDEX

1. COVER SHEET
2. SUNRISE WATERWAY DREDGING AND DISPOSAL SITE FILL PLAN VIEW
3. SUNRISE DREDGE CROSS SECTIONS: -2+00 TO 14+00
4. SUNRISE DREDGE CROSS SECTIONS: 14+50 TO 16+50
5. SUNRISE DISPOSAL SITE PROFILES: 2+75 TO 7+00
6. SUNRISE DISPOSAL SITE PROFILES: 7+50 TO 9+00 AND 11+00 TO 13+00
7. SUNRISE DISPOSAL SITE PROFILES: 13+50 TO 18+00

NOTES

1. BATHYMETRIC SURVEY OF SUNRISE WATERWAY COMPLETED BY COASTAL ENGINEERING CONSULTANTS, INC. (CEC), ON 3/6/2025.
2. TOPOGRAPHIC SURVEY OF PORT CHARLOTTE BEACH COMPLETED BY CEC ON 3/6/2025.
3. CHANNEL MARKERS AND SIGNS WERE LOCATED BY CEC ON 3/6/2025.
4. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83).
5. ELEVATIONS SHOWN HEREON ARE IN FEET AND TENTHS AND REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). REFERENCE BENCHMARK: U 797, ELEV. = +4.25' NAVD88.
6. TIDAL REDUCTIONS WERE OBTAINED UTILIZING REAL-TIME KINEMATIC GPS AND REFERENCED TO NAVD88.
7. SURVEY ACCURACY STANDARDS, QUALITY CONTROL, AND QUALITY ASSURANCE REQUIREMENTS WERE FOLLOWED DURING THIS SURVEY IN ACCORDANCE WITH USACE EM 1110-2-1003, HYDROGRAPHIC SURVEYING MANUAL, 11/30/2013.
8. INFORMATION SHOWN HEREON REFLECTS CONDITIONS AS THEY EXISTED ON THE SURVEY DATE SHOWN AND CAN ONLY BE CONSIDERED INDICATIVE OF CONDITIONS AT THAT TIME.
9. POST-MILTON AERIAL PHOTOGRAPHY OBTAINED FROM NOAA, DATED OCTOBER 2024.
10. ANY PUBLIC LAND PROPERTY CORNER WITHIN THE LIMITS OF CONSTRUCTION IS TO BE PROTECTED BY THE CONTRACTOR. IF A CORNER MONUMENT IS IN DANGER OF BEING DESTROYED AND HAS NOT BEEN PROPERLY REFERENCED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER. ANY SURVEY MONUMENT DESTROYED BY CONSTRUCTION ACTIVITIES SHALL BE REPLACED BY A REGISTERED SURVEYOR & MAPPER AT THE CONTRACTOR'S EXPENSE.
11. CONTRACTOR SHALL NOT DISTURB AREAS BEYOND DESIGNATED WORK AREA.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PREVENTION AND CONTROL OF ANY EROSION, SEDIMENTATION OR SURFACE WATER TURBIDITY CAUSED BY HIS ACTIVITY.
13. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION, ANY DEVIATION IN PLAN INFORMATION SHALL BE REPORTED TO THE ENGINEER AND OWNER'S REPRESENTATIVE IMMEDIATELY.
14. CONTRACTOR IS REQUIRED TO OBTAIN FROM THE ENGINEER AND OWNER WRITTEN APPROVAL FOR ANY DEVIATION IN PLANS AND/OR SPECIFICATIONS.

PUBLISHED TIDAL INFORMATION

TIDAL DATUMS AT PUNTA GORDA, CHARLOTTE COUNTY
ARE BASED ON FLORIDA 872 5744 TIDE STATION,
PUBLISHED 10-18-2010.

LENGTH OF SERIES	= 8 MONTHS
TIME PERIOD	= 7/1977 - 2/1978
TIDAL EPOCH	= 1983 - 2001
CONTROL TIDE STATION	= 872 5110 NAPLES, GULF OF MEXICO

ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN NAVD88.

MEAN HIGH WATER (MHW)	= +0.06 FT NAVD88
MEAN TIDE LEVEL (MTL)	= -0.57 FT NAVD88
MEAN LOW WATER (MLW)	= -1.20 FT NAVD88
MEAN LOWER LOW WATER (MLLW)	= -1.65 FT NAVD88

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NO.	DATE	BY	REVISION DESCRIPTION
1	6/27/2025	GVT	UPDATE ROCK STOCKPILE LOCATION

DATE: 5/20/2025 SCALE: AS NOTED
DRAWN: SDB F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

CLIENT: CHARLOTTE COUNTY

TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
COVER SHEET

COASTAL ENGINEERING CONSULTANTS INC.
COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURFICIAL AQUIFER MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135
PHONE: (239)843-2324
FAX: (239)843-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

SHEET 1

FILE NO.: 25120-BV-C-1

SUNRISE WATERWAY SURVEY BASELINE

SUNRISE WATERWAY

50' WIDE PERMITTED DREDGE CUT

PORT CHARLOTTE BEACH SURVEY BASELINE

DANGER SHOAL

SSMW/RNSO

SSMW/SSMW

G"5"

R"4"

G"3"

G"B"

G"1"

R"2"

RG"A"

G"7"

R"8"

-2+00

-1+00

0+00

1+00

2+00

3+00

4+00

5+00

6+00

7+00

8+00

9+00

10+00

11+00

12+00

13+00

14+00

15+00

16+00

17+00

18+00

19+00

20+00

16+73

50'

OFFLOAD SITE AND TEMPORARY STOCKPILE AREA (4,100 SF) MAX. STOCKPILE HEIGHT 6 FT

INSTALL SILT FENCE AROUND PERIMETER OF STOCKPILE AREA

REMOVE EXPOSED ROCK (425 SF)

REMOVE EXPOSED ROCK AND CONCRETE RUBBLE WITHIN BOARDWALK FOOTPRINT (6,300 SF)

MHW (LOCATED 3/6/2025)

PORT CHARLOTTE BEACH PARK

EXISTING COUNTY CONSTRUCTION FENCE

DISPOSAL AREA

BOARDWALK TO BE REMOVED BY OTHERS

EXISTING RIPRAP

REMOVE EXPOSED ROCK AND CONCRETE RUBBLE WITHIN BOARDWALK FOOTPRINT (1,950 SF)

ROCK STOCKPILE AREA (4,900 SF)

APPROXIMATE PROPERTY LINE

EXISTING SEAWALL

COLLEEN ST

HARBOR BLVD

CHARLOTTE HARBOR (ALLIGATOR BAY)

NOTE: BOARDWALKS TO BE REMOVED BY OTHERS.

LEGEND

□ △ = CHANNEL MARKERS
○ = NAVIGATIONAL SIGN
0+00 = CHANNEL STATION

N

0 50 100 200

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CHECKED: MTP
PG.
SEC.
TWP.
RNG.
ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

CLIENT: CHARLOTTE COUNTY

TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
PLAN VIEW

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www.coastalengineering.com
E-Mail: info@cecifl.com

SHEET 2

FILE NO.: 25120-SUN-C-2

LEGEND

= DREDGE AREA

= 3/6/2025 SURVEY

SCALE

H: 1" = 40'
V: 1" = 4'

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CHECKED: MTP
PG.
SEC.
TWP.
RNG.
ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

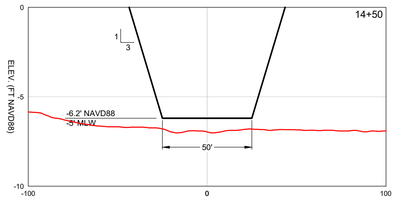
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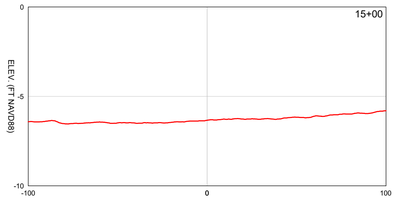
TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
DREDGE CROSS SECTIONS:
-2+00 TO 14+00

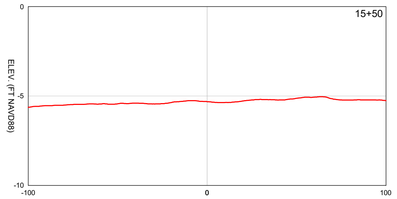
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ENGINEERING: CA 2464
SURVEYING: LB 2464

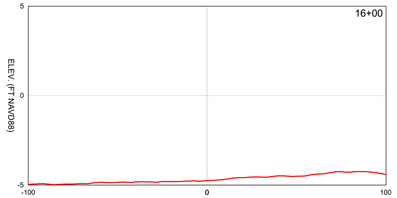
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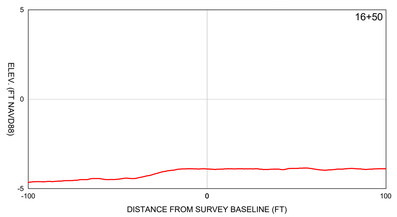
FILE NO.: 25120-SUN-C-3











LEGEND

= DREDGE AREA

= 3/6/2025 SURVEY

SCALE

H: 1" = 40'
V: 1" = 4'

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DRAWN: SDB
F.B.
CHECKED: MTP
PG.
SEC.
TWP.
RNG.
ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

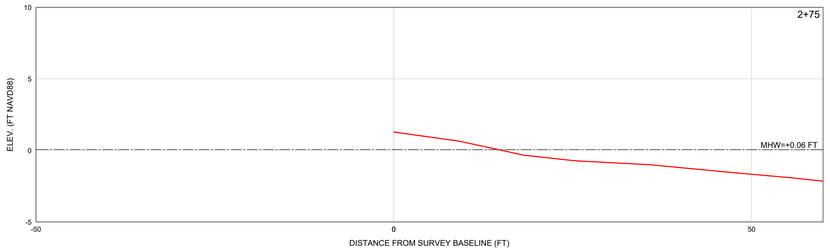
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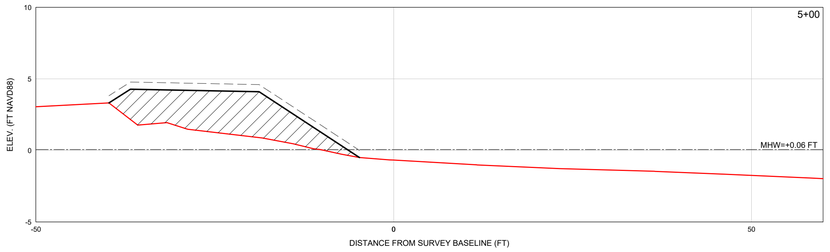
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DREDGE CROSS SECTIONS:
14+50 TO 16+50

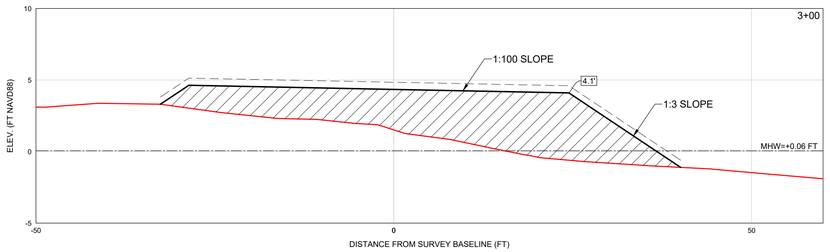
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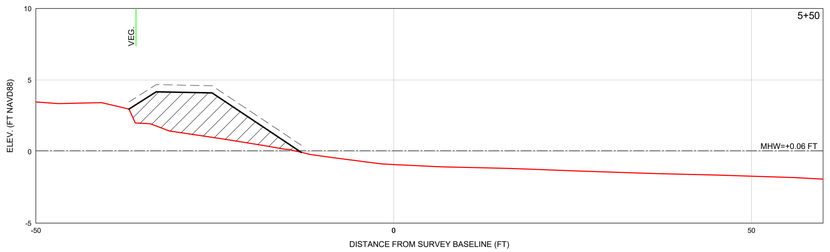
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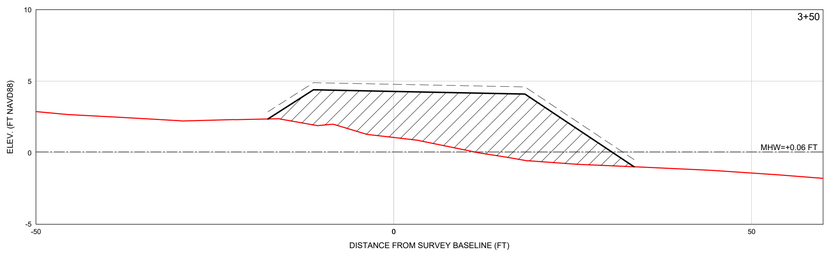
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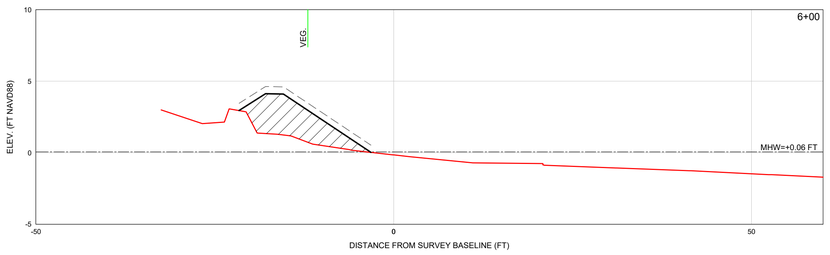


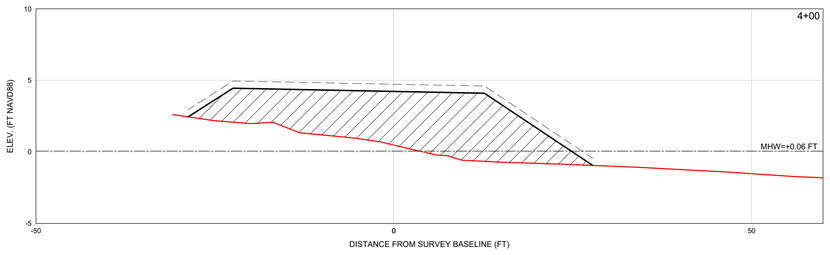


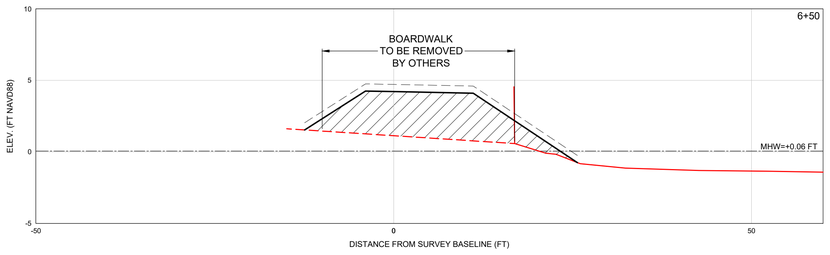


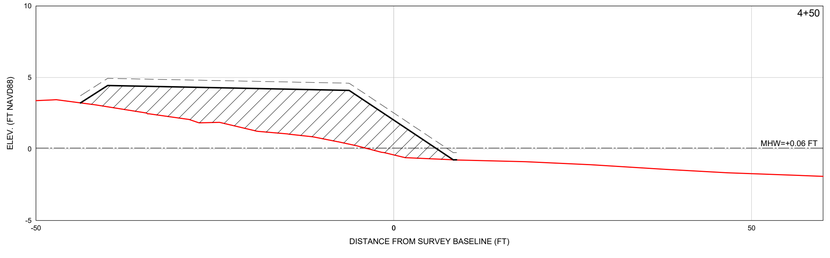


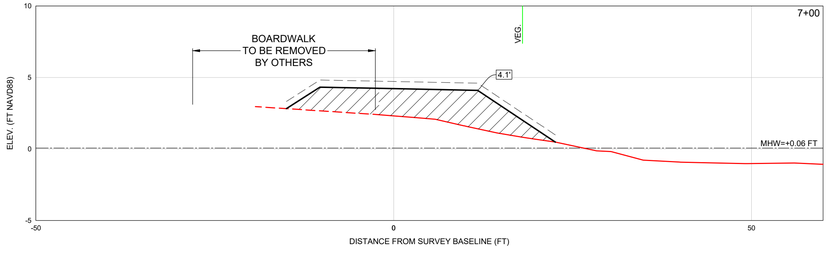












LEGEND

- = BEACH FILL AREA
- = 0.5' BEACH FILL TOLERANCE
- = 3/6/2025 SURVEY
- = VEGETATION LIMITS (3/6/2025)
- 3.0' = PROPOSED ELEVATION (FT NAVD88)

SCALE

H: 1" = 10'
V: 1" = 5'

NOTE

1. CONTRACTOR SHALL HAND PLACE MATERIAL AROUND EXISTING VEGETATION WITHIN FILL AREA.
2. VEGETATION LIMITS NOTED ARE APPROXIMATE.

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ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

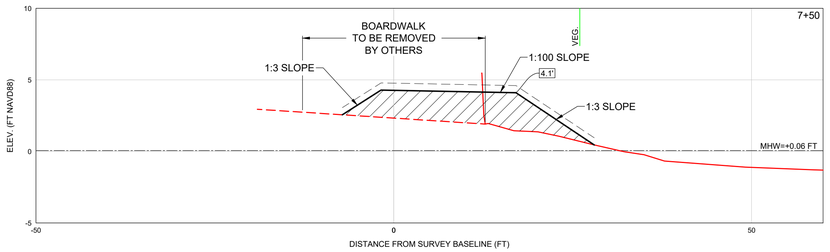
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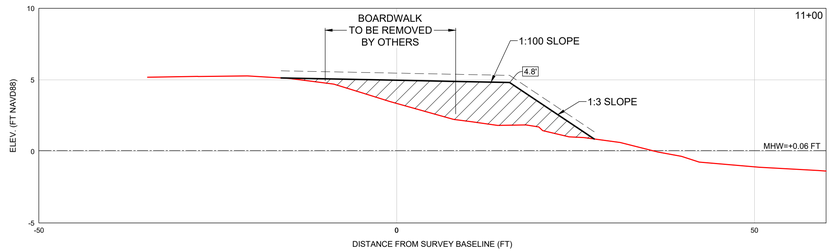
TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
DISPOSAL AREA PROFILES:
2+75 TO 7+00

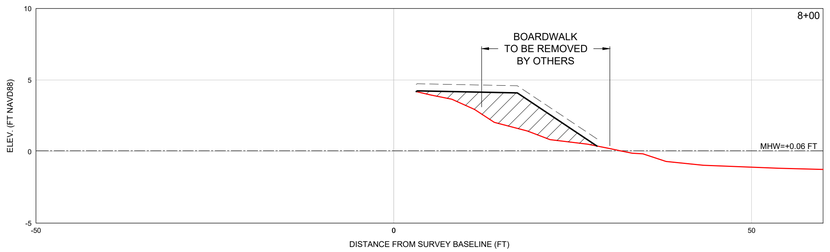
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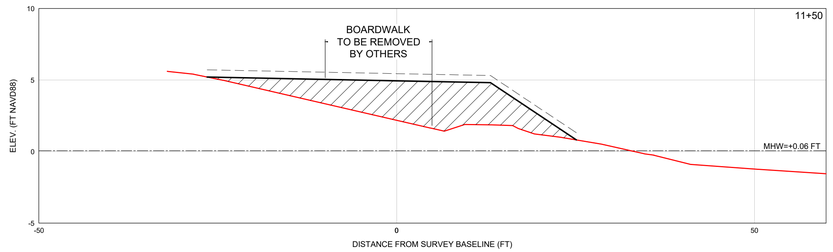
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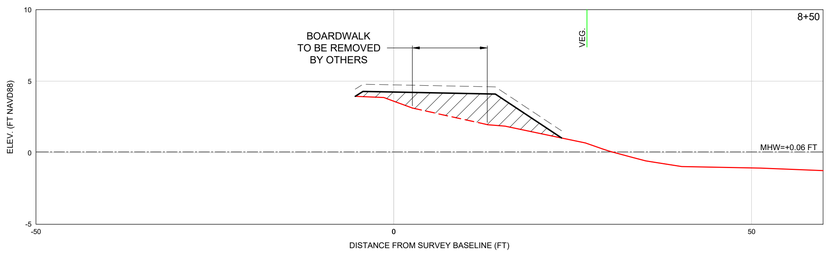
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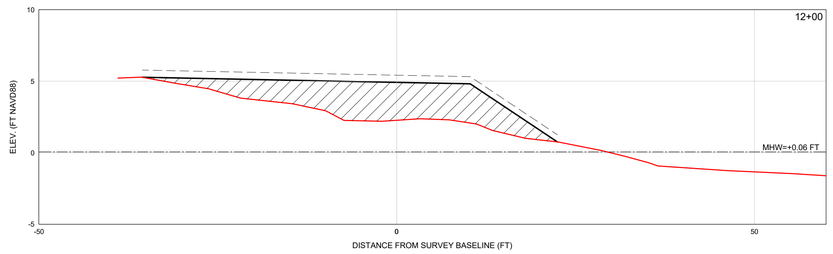


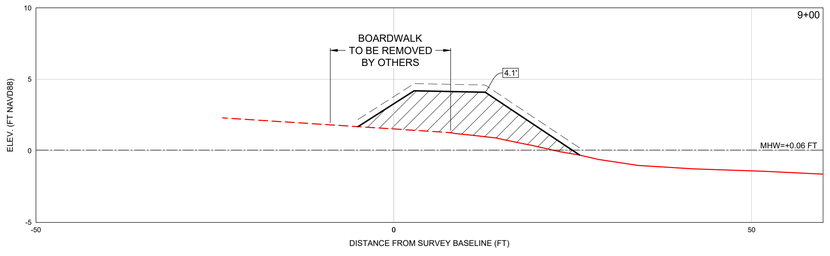


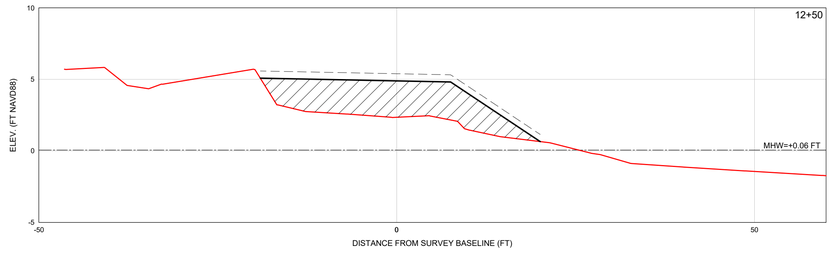


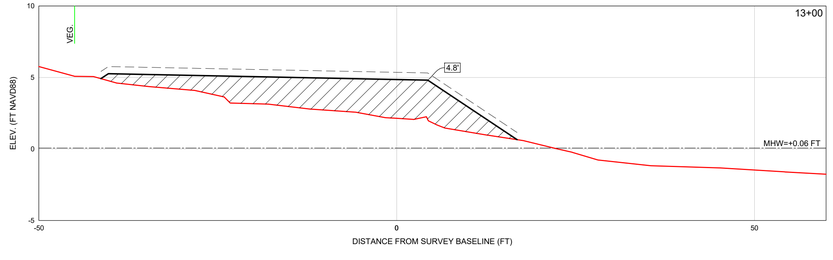












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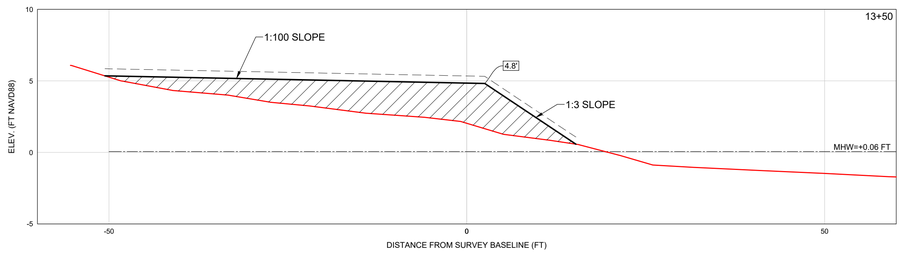
CLIENT: CHARLOTTE COUNTY

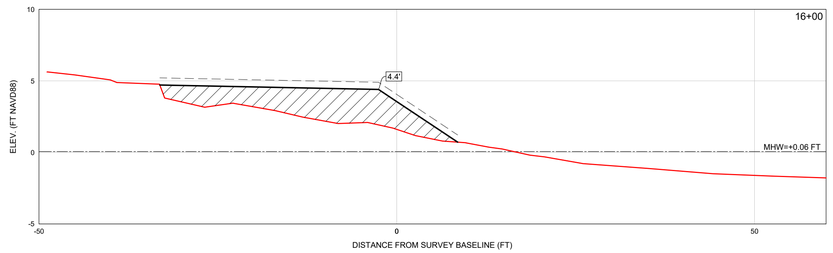
TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
DISPOSAL AREA PROFILES:
7+50 TO 9+00 AND 11+00 TO 13+00

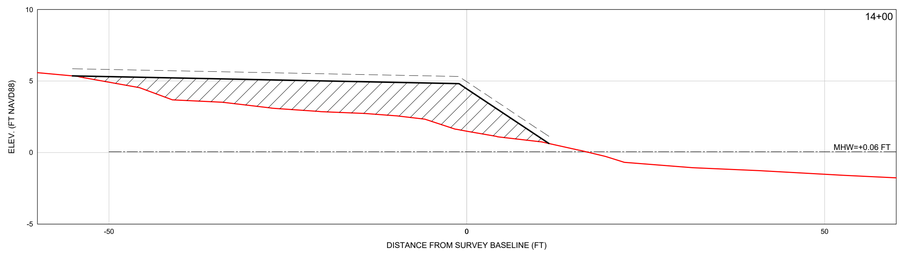
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ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEYING AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

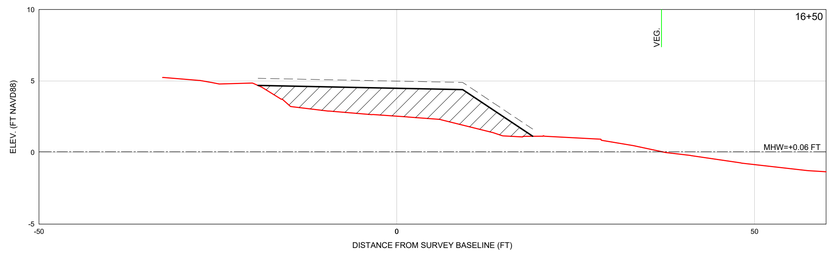
SHEET 6

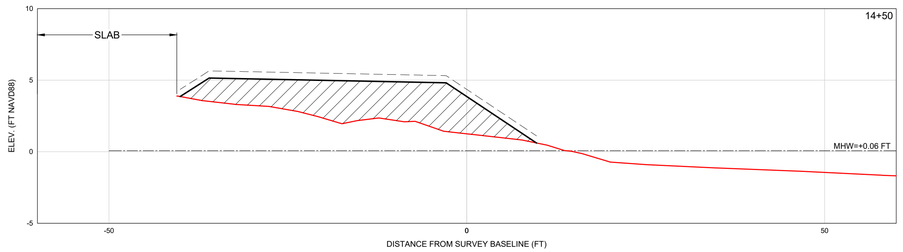
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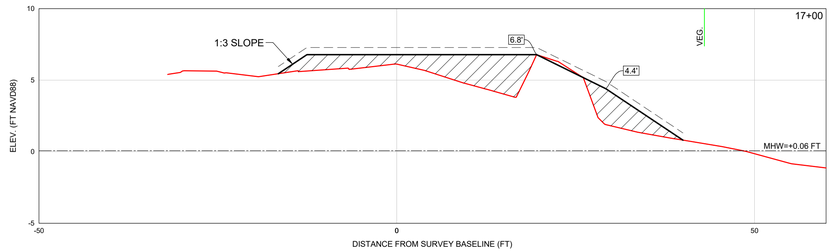


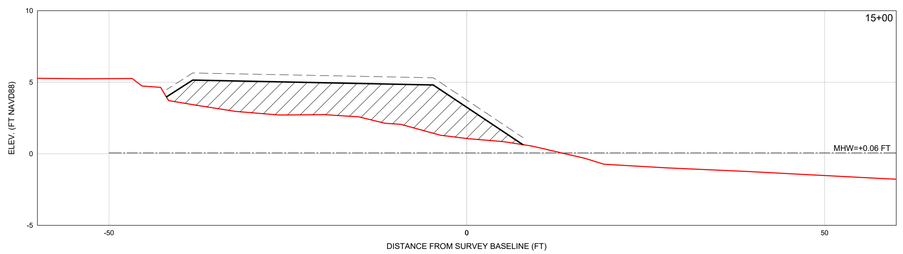


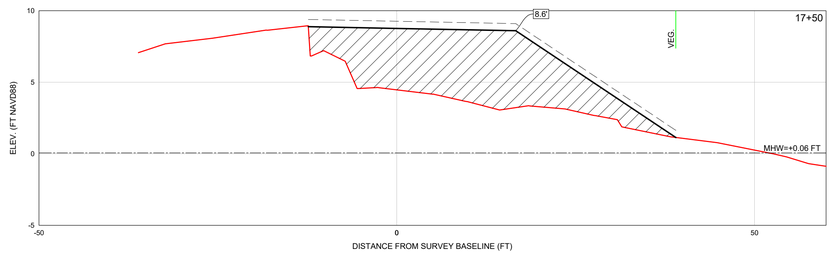


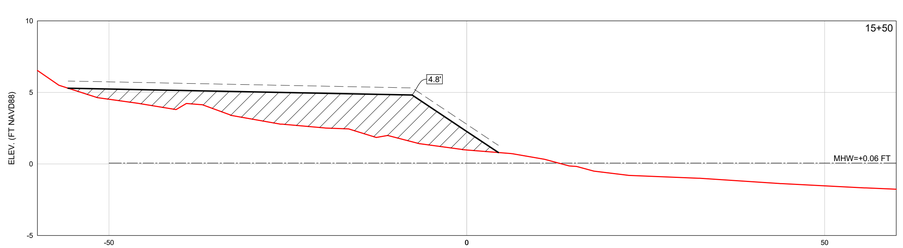


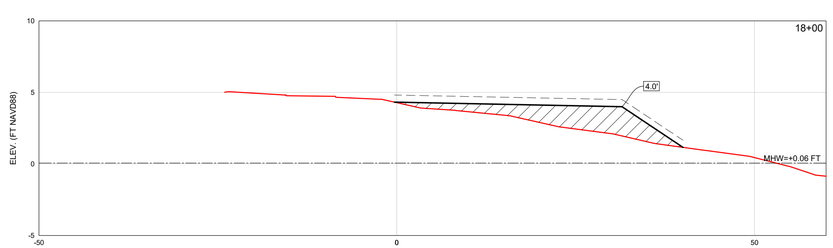












LEGEND

- = BEACH FILL AREA
- = 0.5' BEACH FILL TOLERANCE
- = 3/6/2025 SURVEY
- = VEGETATION (3/6/2025)
- 3.0' = PROPOSED ELEVATION (FT NAVD88)

SCALE

H: 1" = 10'
V: 1" = 5'

NOTE

1. CONTRACTOR SHALL HAND PLACE MATERIAL AROUND EXISTING VEGETATION WITHIN FILL AREA
2. VEGETATION LIMITS NOTED ARE APPROXIMATE.

THIS DOCUMENT, AND THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY COASTAL ENGINEERING CONSULTANTS, INC. (CECI) FOR ITS SUBSIDIARIES SHALL BE WITHOUT LIABILITY TO CECI OR ITS SUBSIDIARIES

NO.	DATE	BY	REVISION DESCRIPTION
1	6/27/2025	GVT	UPDATE ROCK STOCKPILE LOCATION

DATE: 5/20/2025
SCALE: AS NOTED
DRAWN: SDB
F.B.
CHECKED: MTP
PG.
SEC.
TWP.
RNG.
ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

CLIENT: CHARLOTTE COUNTY

TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
DISPOSAL AREA PROFILES:
13+50 TO 18+00

COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
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E-Mail: info@cecifl.com

SHEET 7

FILE NO.: 25120-SUN-C-7

DEPARTMENT OF THE ARMY PERMIT

Permittee: **CHARLOTTE COUNTY**
1120 Centennial Blvd
Port Charlotte, FL 33953

Permit No: SAJ-2007-02883

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 U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

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

Project Description: The applicant seeks authorization to place 6,000 cubic yards, along 1.1 miles of shoreline at Port Charlotte Beach Park to offset the impacts of Hurricanes Debby and Helene. The work described above is to be completed in accordance with the 4 pages of drawings [and 4 attachments] affixed at the end of this permit instrument.

Project Location: The project would affect aquatic resources associated with Charlotte Harbor. The project site is located within Alligator Bay at 4500 Harbor Blvd, Charlotte County, Port Charlotte, Florida.

Directions to site: From US-41.Tamiami Trail, turn left onto Edgewater Dr, then turn left onto Harbor Blvd the road curves to the right and the park will be on the left.

Approximate Central Coordinates: Latitude: 29.961738 North
Longitude: -82.112409 West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **October 22, 2025**. 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. 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:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

   a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
   b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2007-02883 (SP –CNF), on all submittals.

2. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the ENG Form 6285, “Certification of

Compliance with Department of Army Permit" (located at https://www.publications.usace.army.mil/Portals/76/Eng_Form_6285_2024%20Dec%20FINAL.pdf) and submit it to the Corps.

4. **Cultural Resources/Historic Properties:**

a. 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.
b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.
c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). 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 on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

5. **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attached). The most recent version of the Manatee Conditions must be utilized.

6. **Protected Species Construction Conditions:** The Permittee shall comply with National Marine Fisheries Service's "Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office" dated May 2021 (Attached).

7. **Turbidity Barriers:** 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 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 daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

8. **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.

9. **Take Reporting:** All lethal and nonlethal take associated with the project will be reported to Fish and Wildlife Service (FWS) by phone or email (FLESRegs, FW4 FW4FLESRegs@fws.gov) immediately upon completion of authorized work.

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)

(X) 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)

( ) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

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.

Jamie Scudera _____ 04/25/2025
(PERMITTEE) (DATE)

Jamie Scudera
(PERMITTEE NAME-PRINTED)

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

_____ Date: 25 April 2025
For BRANDON L. BOWMAN
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-2007-02883

1. PERMIT DRAWINGS: 4 pages, dated 14 April 2025.

2. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011*

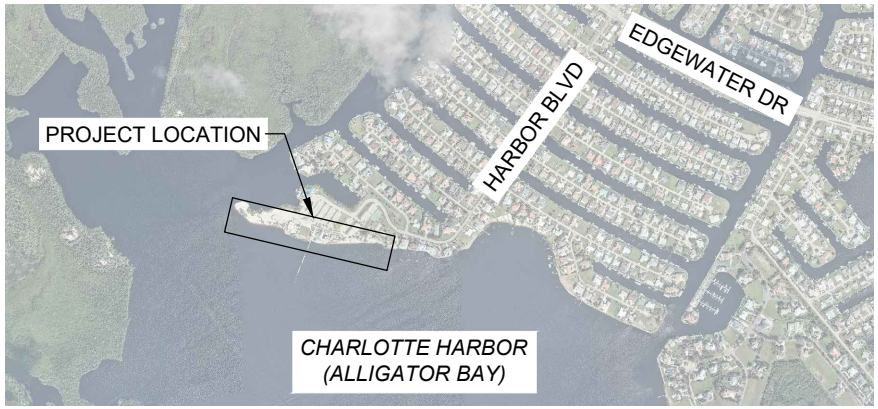
3. Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office: 1 page

4. SELF-CERTIFICATION FORM: 1 page

PORT CHARLOTTE BEACH PARK EMERGENCY SHORELINE NOURISHMENT

PREPARED FOR:

CHARLOTTE COUNTY



LOCATION MAP
N.T.S.

NOTES

1. TOPOGRAPHIC SURVEY COMPLETED BY COASTAL ENGINEERING CONSULTANTS, INC., ON AUGUST 23, 2024.
2. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83).
3. ELEVATIONS SHOWN HEREON ARE IN FEET AND TENTHS AND REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988). REFERENCE BENCHMARK: U 797, ELEV. = +4.25' NAVD88.
4. TIDAL REDUCTIONS WERE OBTAINED UTILIZING REAL-TIME KINEMATIC GPS AND REFERENCED TO NAVD88.
5. SURVEY ACCURACY STANDARDS, QUALITY CONTROL, AND QUALITY ASSURANCE REQUIREMENTS WERE FOLLOWED DURING THIS SURVEY IN ACCORDANCE WITH USACE EM 1110-2-1003, HYDROGRAPHIC SURVEYING MANUAL, 11/30/2013.
6. INFORMATION SHOWN HEREON REFLECTS CONDITIONS AS THEY EXISTED ON THE SURVEY DATE SHOWN AND CAN ONLY BE CONSIDERED INDICATIVE OF CONDITIONS AT THAT TIME.
7. AERIAL PHOTOGRAPHY OBTAINED FROM NOAA, DATED 2024.

PUBLISHED TIDAL INFORMATION

TIDAL DATUMS AT PUNTA GORDA, CHARLOTTE COUNTY ARE BASED ON FLORIDA 872 5744 TIDE STATION, PUBLISHED 10-18-2010

LENGTH OF SERIES	= 8 MONTHS
TIME PERIOD	= 7/1977 - 2/1978
TIDAL EPOCH	= 1983 - 2001
CONTROL TIDE STATION	= 872 5110 NAPLES, GULF OF MEXICO

ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN NAVD 1988.

MEAN HIGH WATER (MHW)	= +0.06 FT NAVD
MEAN TIDE LEVEL (MTL)	= -0.57 FT NAVD
MEAN LOW WATER (MLW)	= -1.20 FT NAVD
MEAN LOWER LOW WATER (MLLW)	= -1.65 FT NAVD

INDEX

1. COVER SHEET
2. LOCATION MAP
3. DETAILED PLAN VIEW
4. DETAILED PROFILE VIEW

U.S. Army Corps of Engineers
SAJ-2007-02883
04/14/2025
Project Manager: C Frey

FOR PERMITTING PURPOSES ONLY.
NOT TO BE USED FOR CONSTRUCTION.

SHEET 1
FILE NO.: 24360 PCBP-1
COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135
COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: PORT CHARLOTTE BEACH PARK EMERGENCY SHORELINE NOURISHMENT COVER SHEET

DATE:	1/29/2025	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	24360 PCBP Emergency Shoreline.dwg		
REF. NO.	24.360		

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 2
FILE NO.: 24360 PCBP-2

COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

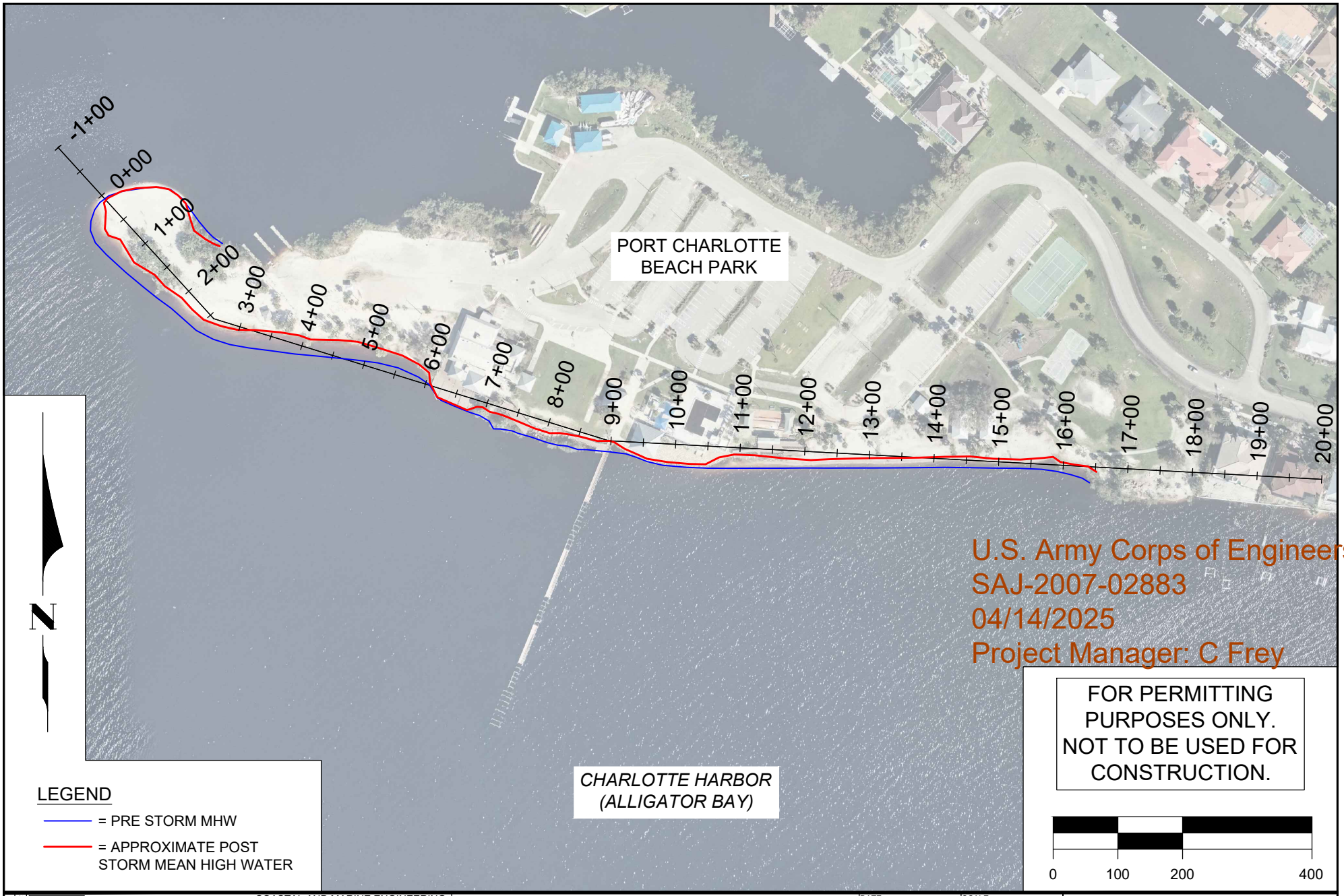
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: PORT CHARLOTTE BEACH PARK
EMERGENCY SHORELINE NOURISHMENT
LOCATION MAP

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 PCBP Emergency Shoreline.dwg			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 3
FILE NO.: 24360 PCBP-3

COASTAL ENGINEERING CONSULTANTS INC.
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COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

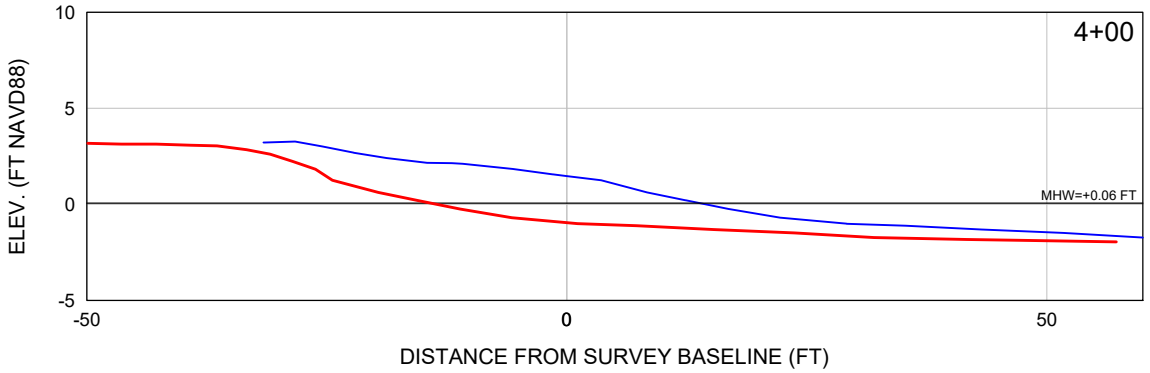
PHONE: (239)643-2324
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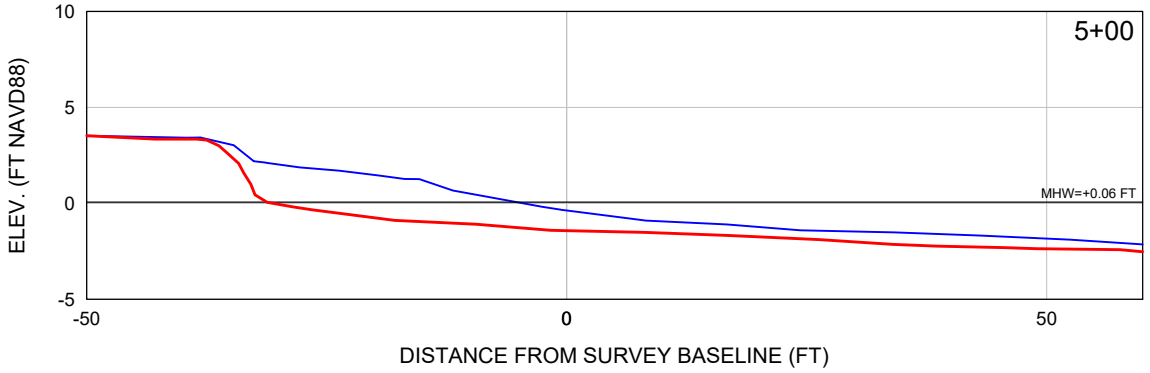
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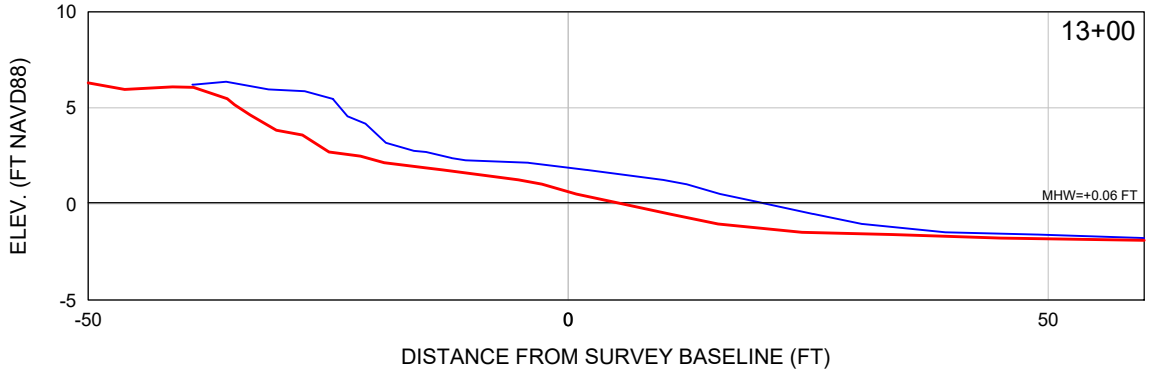
TITLE:
PORT CHARLOTTE BEACH PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PLAN VIEW

DATE:	1/29/2025	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	24360 PCBP Emergency Shoreline.dwg		
REF. NO.	24.360		

NO.	DATE	BY	REVISION DESCRIPTION







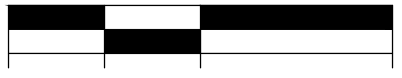
LEGEND

= 8/23/2024 SURVEY

= APPROXIMATE POST STORM GRADE

U.S. Army Corps of Engineers
SAJ-2007-02883
04/14/2025
Project Manager: C Frey

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SHEET 4
FILE NO.: 24360 PCBP-4

COASTAL ENGINEERING CONSULTANTS INC.
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BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
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PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: PORT CHARLOTTE BEACH PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PROFILE VIEW

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 PCBP Emergency Shoreline.dwg			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION

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

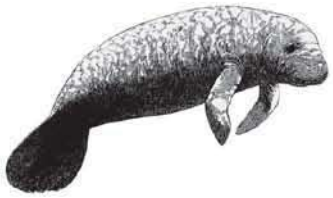
All project vessels

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

PROTECTED SPECIES CONSTRUCTION CONDITIONS, NOAA FISHERIES SOUTHEAST REGIONAL OFFICE

The action agency and any permittee shall comply with the following construction conditions for protected species under the jurisdiction of NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD):[1]

Protected Species Sightings–The action agency and any permittee shall ensure that all personnel associated with the project are instructed about the potential presence of species protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing listed species and all marine mammals. To determine which protected species and critical habitat may be found in the transit area, please review the relevant marine mammal and ESA-listed species at Find A Species (https://www.fisheries.noaa.gov/find-species) and the consultation documents that have been completed for the project.

1. **Equipment**–Turbidity curtains, if used, shall be made of material in which protected species cannot become entangled and be regularly monitored to avoid protected species entrapment. All turbidity curtains and other in-water equipment shall be properly secured with materials that reduce the risk of protected species entanglement and entrapment.

    a. In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) shall be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, shall be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line shall be allowed in the water. All anchoring shall be in areas free from hardbottom and seagrass.

    b. Turbidity curtains and other in-water equipment shall be placed in a manner that does not entrap protected species within the project area and minimizes the extent and duration of their exclusion from the project area.

    c. Turbidity barriers shall be positioned in a way that minimizes the extent and duration of protected species exclusion from important habitat (e.g. critical habitat, hardbottom, seagrass) in the project area.

2. **Operations**–For construction work that is generally stationary (e.g., barge-mounted equipment dredging a berth or section of river, or shore-based equipment extending into the water):

    a. Operations of moving equipment shall cease if a protected species is observed within 150 feet of operations.

[1] Manatees are managed under the jurisdiction of the U.S. Fish and Wildlife Service.

b. Activities shall not resume until the protected species has departed the project area of its own volition (e.g., species was observed departing or 20 minutes have passed since the animal was last seen in the area).

3. **Vessels**–For projects requiring vessels, the action agency, and any permittee shall ensure conditions in the Vessel Strike Avoidance Measures are implemented as part of the project/permit issuance (https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance).

4. **Consultation Reporting Requirements–**Any interaction with a protected species shall be reported immediately to NOAA Fisheries SERO PRD and the local authorized stranding/rescue organization.

   To report to NOAA Fisheries SERO PRD, send an email to takereport.nmfsser@noaa.gov. Please include the species involved, the circumstances of the interaction, the fate and disposition of the species involved, photos (if available), and contact information for the person who can provide additional details if requested. Please include the project's Environmental Consultation Organizer (ECO) number and project title in the subject line of email reports.

   To report the interaction to the local stranding/rescue organization, please see the following website for the most up to date information for reporting sick, injured, or dead protected species:

   Reporting Violations–To report an ESA or MMPA violation, call the NOAA Fisheries Enforcement Hotline. This hotline is available 24 hours a day, 7 days week for anyone in the United States.

   NOAA Fisheries Enforcement Hotline (800) 853-1964

5. **Additional Conditions–**Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the project consultation and must also be complied with.

For additional information, please contact NOAA Fisheries SERO PRD at:
NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
Tel: (727) 824-5312
Visit us on the web at Protected Marine Life in the Southeast
(https://www.fisheries.noaa.gov/region/southeast#protected-marine-life)

Revised: May 2021

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ- - (-)

2. **Permittee Information**: Name: _____

Email: _____

Address: _____

_____

Phone: _____

3. **Date Authorized Work Started**: _____ **Completed**: _____

4. **Contact to Schedule Inspection**: Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

_____

_____

6. **Acreage or Square Feet of Impacts to Waters of the United States**: _____

7. **Describe Mitigation completed (if applicable)**: _____

_____

_____

8. **Describe any Deviations from 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).

_____
Signature of Permittee

_____
Printed Name of Permittee

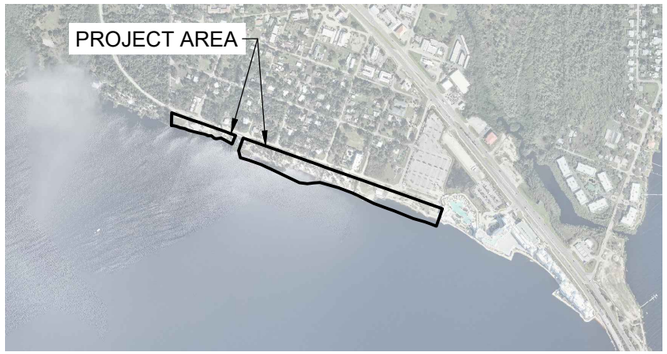
_____
Date

Dated 9/18/2019

BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
CONSTRUCTION PLANS

PREPARED FOR:

CHARLOTTE COUNTY



LOCATION MAP
N.T.S.

INDEX

1. COVER SHEET
2. PLAN VIEW
3. TYPICAL CROSS SECTIONS
4. TYPICAL CROSS SECTIONS

NOTES

1. TOPOGRAPHIC SURVEY CONDUCTED BY COASTAL ENGINEERING CONSULTANTS, INC., JUNE 18, 2024.
2. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83).
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TIDAL STATION, PUBLISHED 10-18-2010

LENGTH OF SERIES	=	8 MONTHS
TIDAL PERIOD	=	JULY 1977 - FEBRUARY 1978
TIDAL EPOCH	=	1983 - 2001
CONTROL TIDAL STATION	=	NAPLES, GULF OF MEXICO (872 5110)

ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN NAVD 1988

MEAN HIGH WATER (MHW)	=	+0.1' NAVD
MEAN LOW WATER (MLW)	=	-1.2' NAVD
MEAN LOWER LOW WATER (MLLW)	=	-1.7' NAVD

N

NO.	DATE	BY	REVISION DESCRIPTION

DATE: 6/11/2025 SCALE: AS NOTED
DRAWN: SDB F.B.
CHECKED: GVT PG.
SEC. TWP. RNG.
ACAD NO. 24360 BLO-C.dwg
REF. NO. 24.360

CLIENT: CHARLOTTE COUNTY

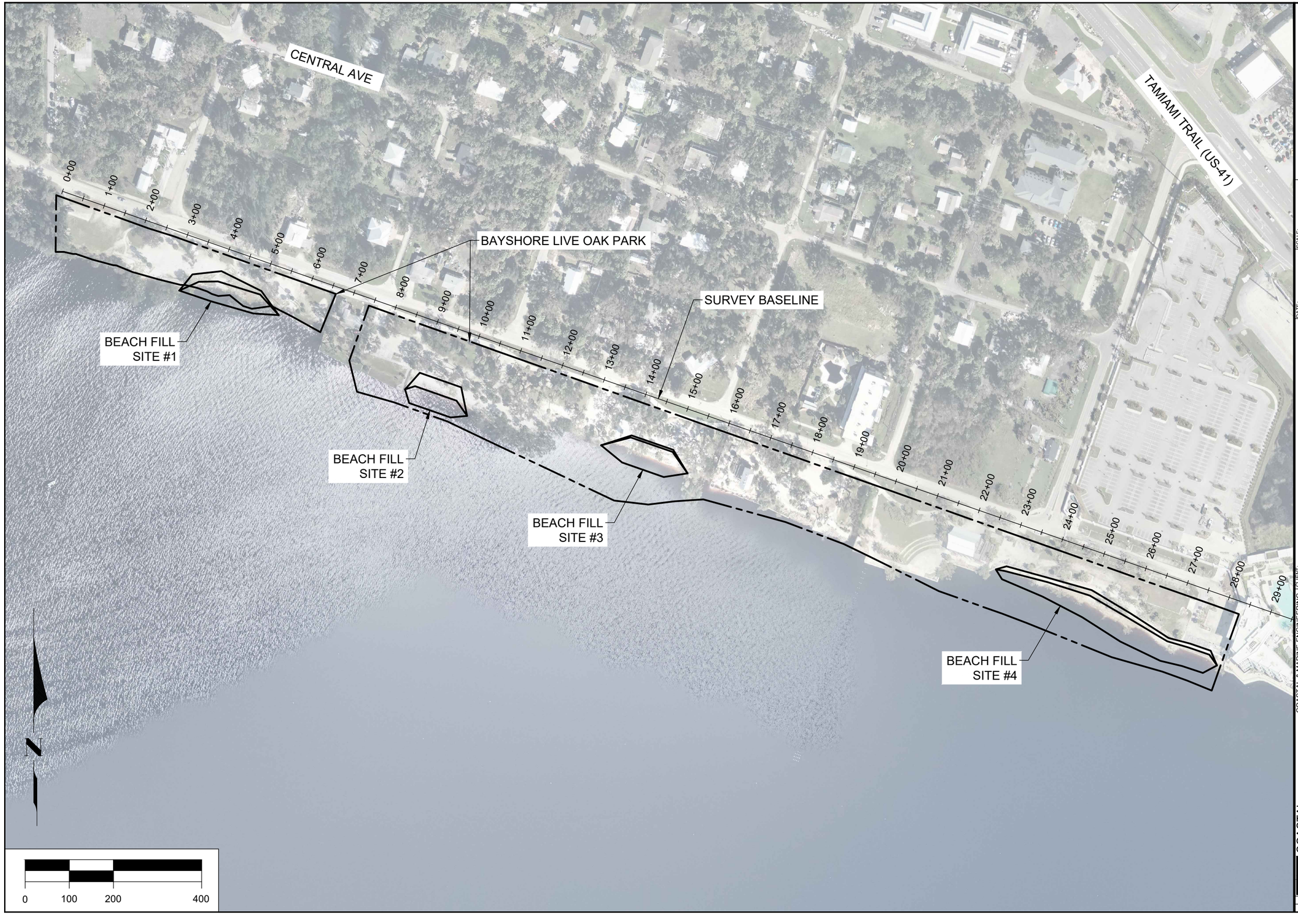
TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
COVER SHEET

COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEY AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

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28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

SHEET 1
FILE NO.: 24360-C-1



CHARLOTTE COUNTY

BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
PLAN VIEW

DATE:	6/11/2025	SCALE:	AS NOTED
DRAWN:	SDB	F.B.	
CHECKED:	GVT	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	24360 BLO-C.dwg		
REF. NO.	24.360		

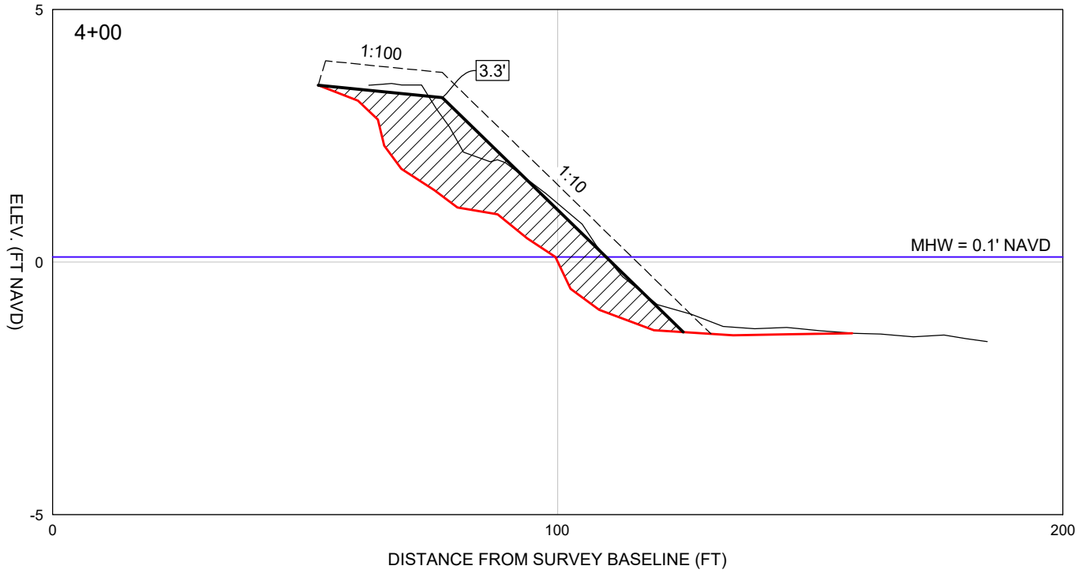
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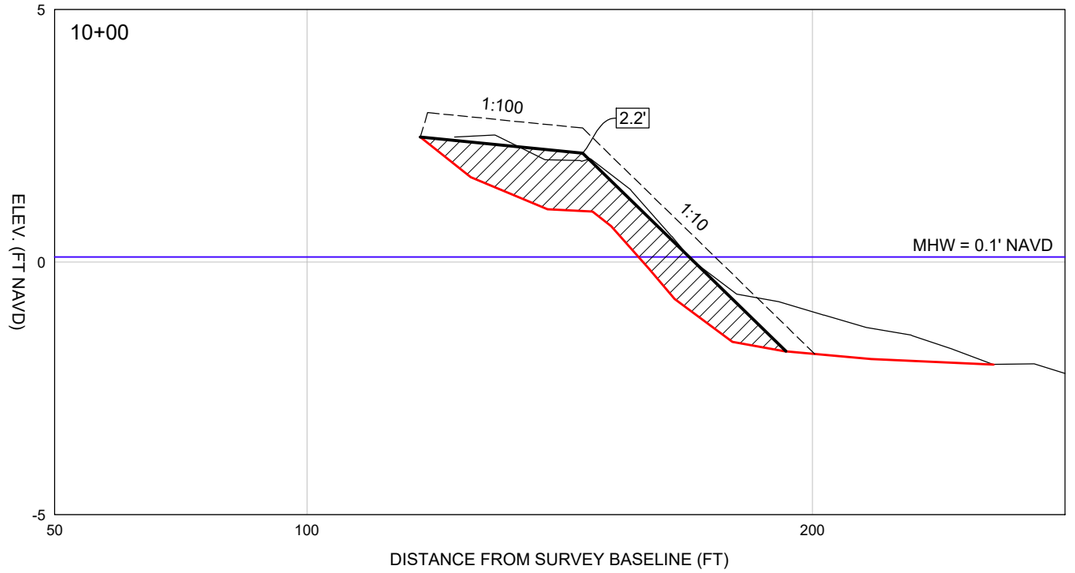
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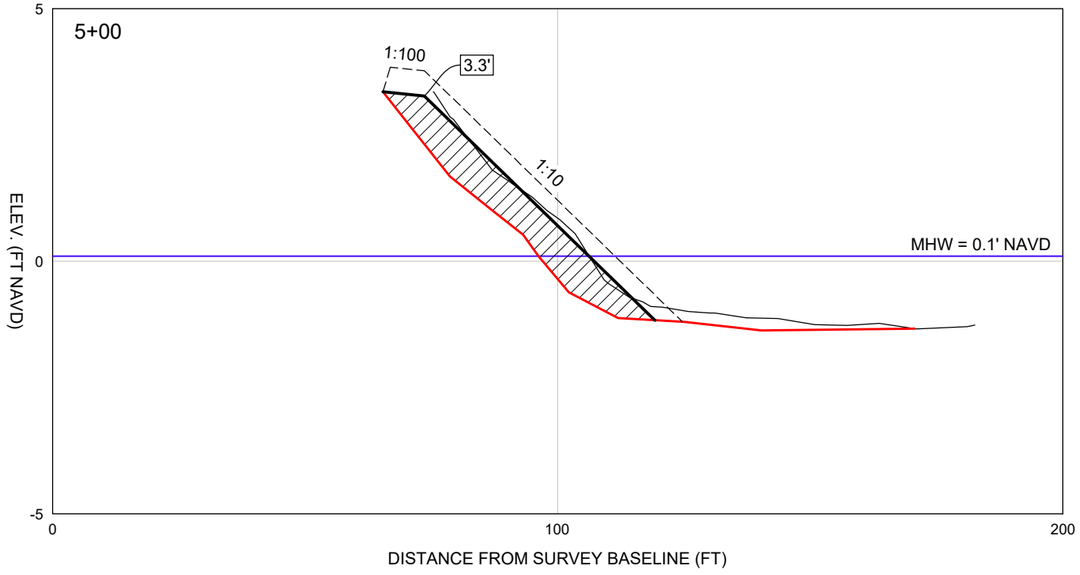
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ENVIRONMENTAL & GEOLOGICAL SERVICES
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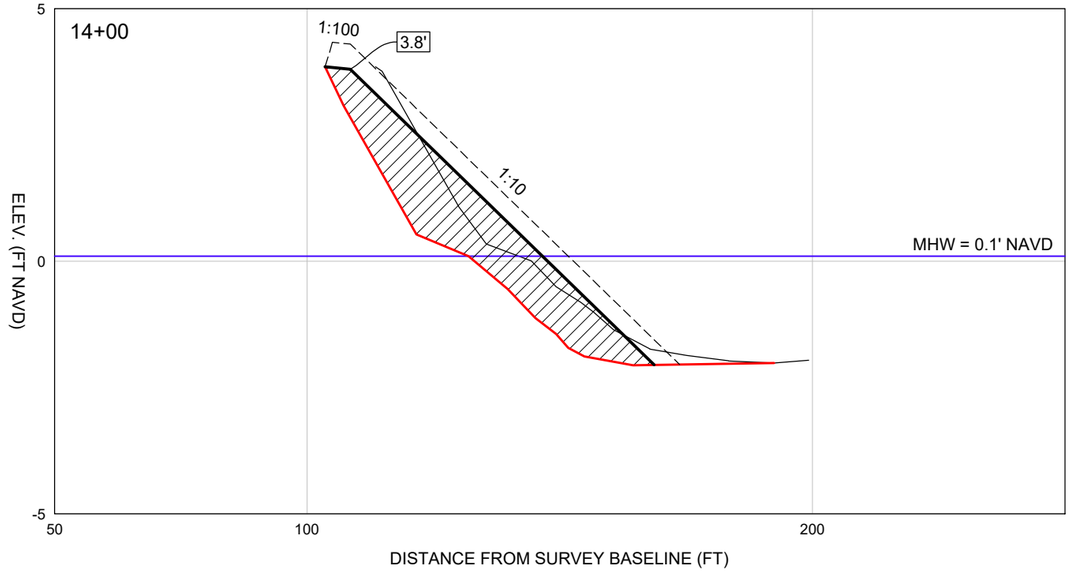
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SHEET 2
FILE NO.: 24360-C-2









LEGEND

——— = PRE-STORM GRADE (6/18/2024)

——— = POST-STORM GRADE (APPROXIMATE)

▨ = FILL AREA

– — – = 0.5' TOLERANCE

SCALE

H: 1" = 30'
V: 1" = 3'

NO.	DATE	BY	REVISION DESCRIPTION
24.360			

DATE: 6/11/2025
SCALE: AS NOTED
DRAWN: SDB
F.B.
CHECKED: GVT
P.G.
SEC.
TWP.
RNG.
ACAD NO. 24360 BLO-C.dwg
REF. NO.

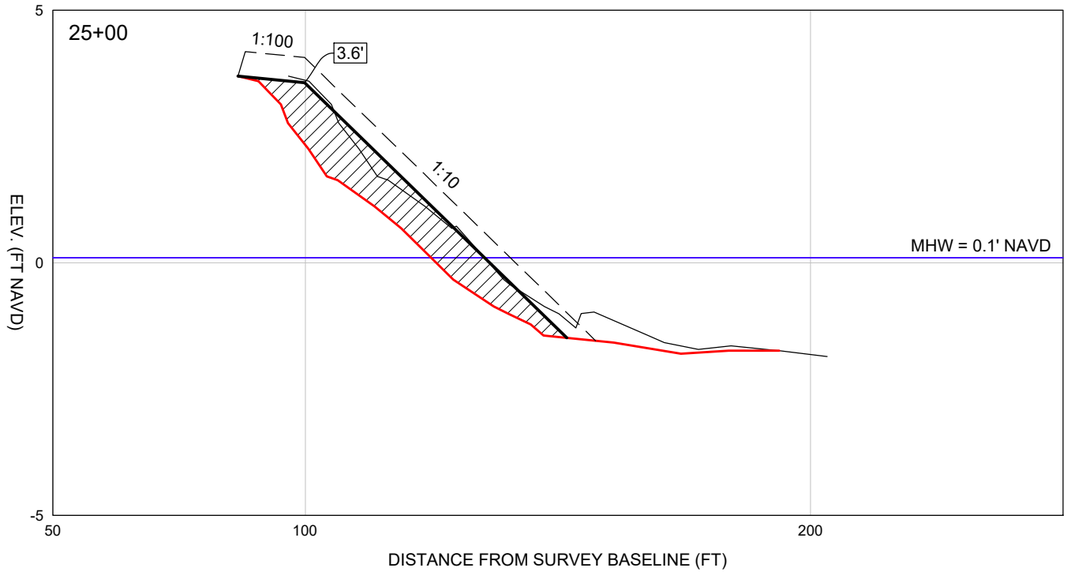
CLIENT: CHARLOTTE COUNTY

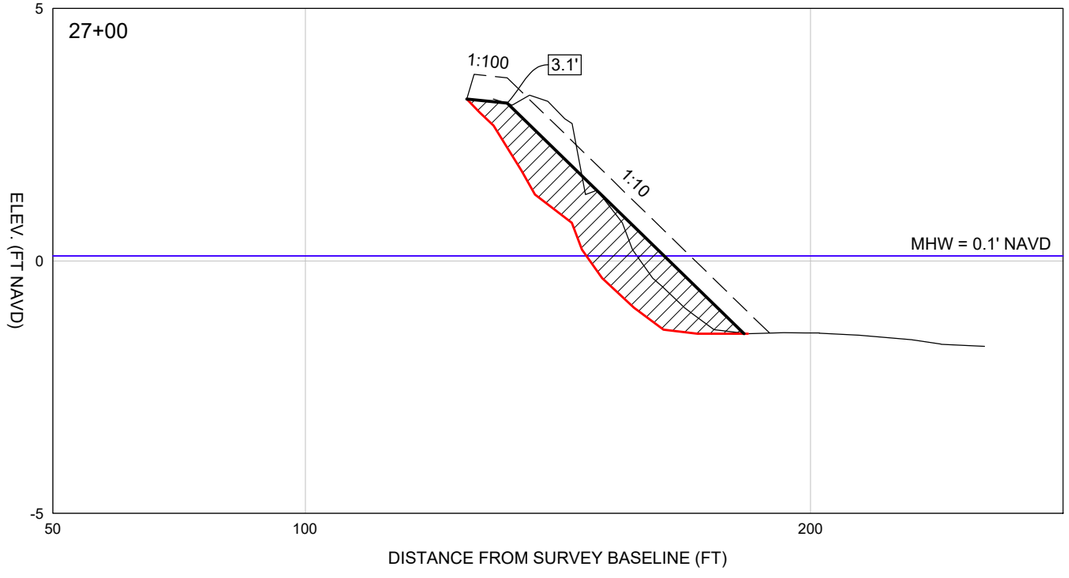
TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
TYPICAL CROSS SECTIONS

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BONITA SPRINGS, FLORIDA 34135

SHEET 3
FILE NO.: 24360-C-3





LEGEND

——— = PRE-STORM GRADE (6/18/2024)

——— = POST-STORM GRADE (APPROXIMATE)

▨ = FILL AREA

– — – = 0.5' TOLERANCE

SCALE

H: 1" = 30'
V: 1" = 3'

NO.	DATE	BY	REVISION DESCRIPTION

DATE: 6/11/2025
SCALE: AS NOTED
DRAWN: SDB
F.B.
CHECKED: GVT
PG.
SEC.
TWP.
RNG.
ACAD NO. 24360 BLO-C.dwg
REF. NO. 24.360

CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
TYPICAL CROSS SECTIONS

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E-Mail: info@cecifl.com

SHEET 4
FILE NO.: 24360-C-4

CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
CONSTRUCTION PLANS

PREPARED FOR:

CHARLOTTE COUNTY



INDEX

1. COVER SHEET
2. PLAN VIEW AND CROSS SECTIONS

NOTES

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NO.	DATE	BY	REVISION DESCRIPTION

DATE: 5/22/2025 SCALE: AS NOTED
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SEC. TWP. RNG.
ACAD NO. 24360 CR-C.dwg
REF. NO. 24.360

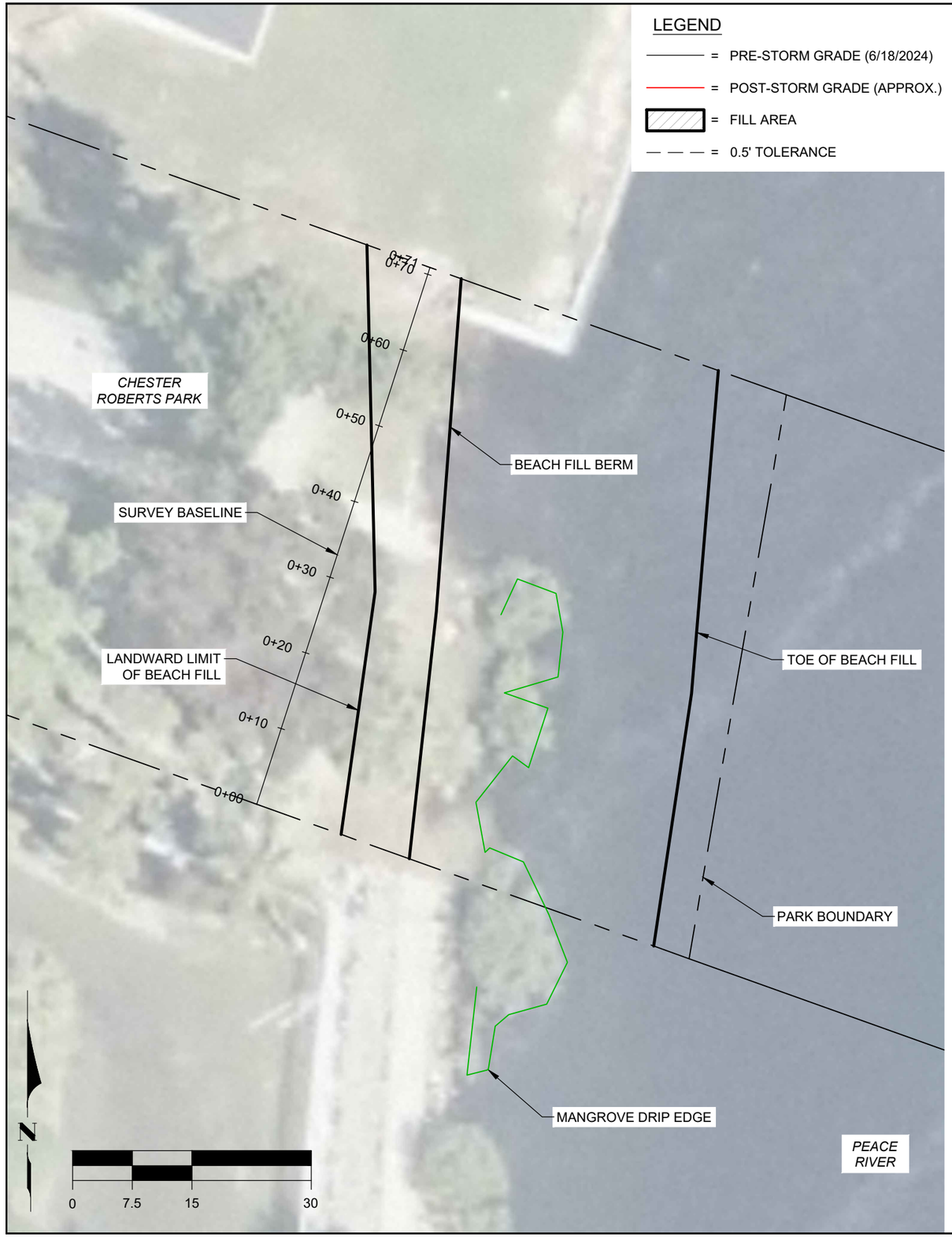
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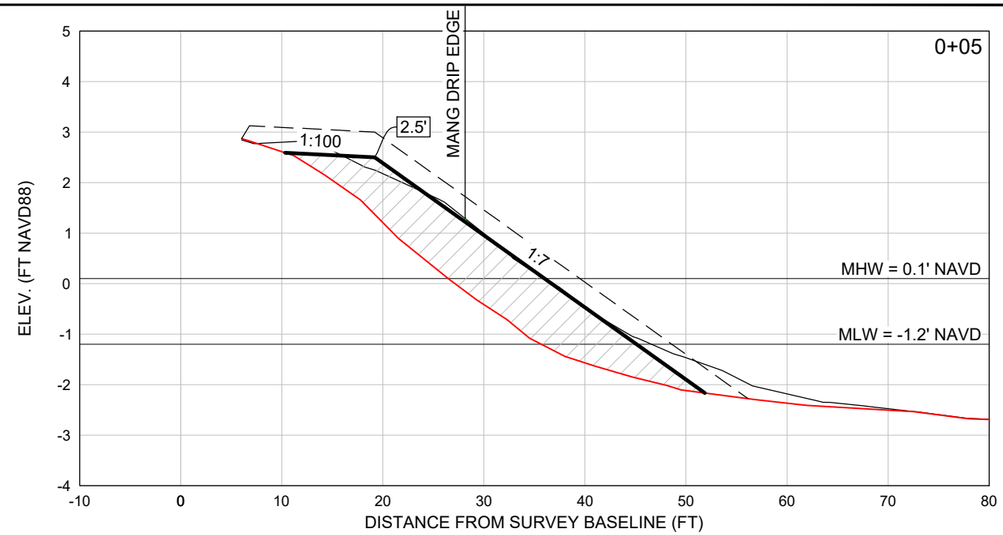
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EMERGENCY SHORELINE NOURISHMENT
COVER SHEET

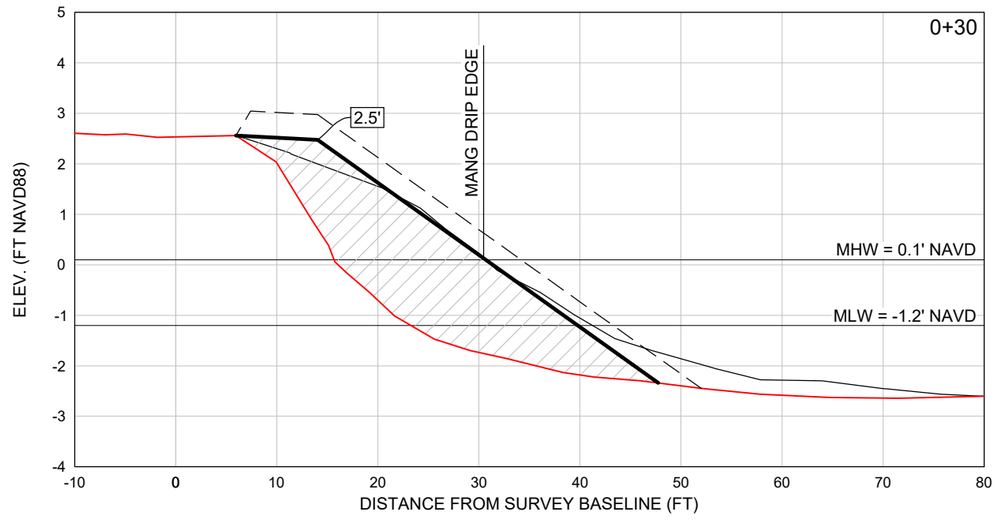
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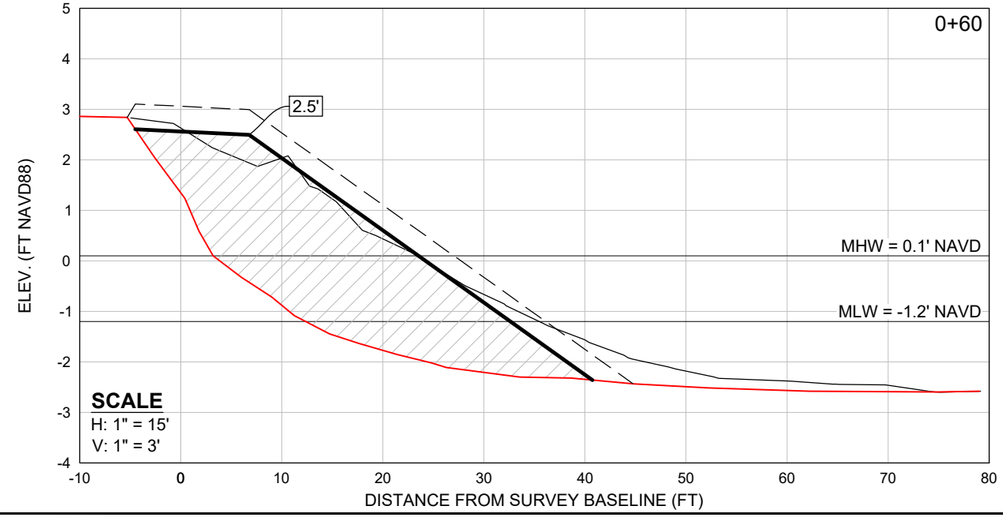
COASTAL ENGINEERING CONSULTANTS INC.
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SHEET 1
FILE NO.: 24360-C-1









REV. NO.	DATE	BY	REVISION DESCRIPTION
24.360			

DATE: 5/22/2025
DRAWN: SDB
CHECKED: GVT
SEC: TWP: RNG:
ACAD NO. 24360 CR-C.dwg
REF. NO.
SCALE: AS NOTED
F.B.
P.G.

CLIENT: CHARLOTTE COUNTY

TITLE: CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
PLAN VIEW AND CROSS SECTIONS

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ENVIRONMENTAL & GEOLOGICAL SERVICES
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SHEET 2
FILE NO.: 24360-C-2

DEPARTMENT OF THE ARMY PERMIT

Permittee: **CHARLOTTE COUNTY**
1120 Centennial Blvd
Port Charlotte, FL 33953

Permit No: SAJ-2024-02810

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 U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

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

Project Description: The applicant seeks authorization to place 5,000 cubic yards, along 0.4 miles of shoreline at Bayshore Live Oak Park to offset the impacts of Hurricanes Debby and Helene. The work described above is to be completed in accordance with the 6 pages of drawings [and 4 attachments] affixed at the end of this permit instrument.

Project Location: The project would affect aquatic resources associated with Charlotte Harbor. The project site is located at 213157 Bayshore Rd, Charlotte County, Punta Gorda, Florida.

Directions to site: From US-41.Tamiami Trail, turn south on Main St, left onto Bayshore Rd, the park is 0.4 on the right.

Approximate Central Coordinates: Latitude: 29.9656692 North
Longitude: -82.071658 West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **October 22, 2025**. 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. 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:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

   a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
   b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2024-02810 (SP –CNF), on all submittals.

2. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the ENG Form 6285, “Certification of

Compliance with Department of Army Permit" (located at https://www.publications.usace.army.mil/Portals/76/Eng_Form_6285_2024%20Dec%20FINAL.pdf) and submit it to the Corps.

4. **Cultural Resources/Historic Properties:**

a. 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.
b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.
c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). 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 on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

5. **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attached). The most recent version of the Manatee Conditions must be utilized.

6. **Protected Species Construction Conditions:** The Permittee shall comply with National Marine Fisheries Service's "Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office" dated May 2021 (Attached).

7. **Turbidity Barriers:** 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 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 daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

8. **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.

9. **Take Reporting:** All lethal and nonlethal take associated with the project will be reported to Fish and Wildlife Service (FWS) by phone or email (FLESRegs, FW4 FW4FLESRegs@fws.gov) immediately upon completion of authorized work.

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)

(X) 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)

( ) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

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.

Jamie Scudera _____ 04/25/2025
(PERMITTEE) (DATE)

Jamie Scudera
(PERMITTEE NAME-PRINTED)

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

_____ Date: 25 April 2025
For BRANDON L. BOWMAN
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-2024-02810

1. PERMIT DRAWINGS: 6 pages, dated 14 April 2025.

2. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011*

3. Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office

4. SELF-CERTIFICATION FORM: 1 page

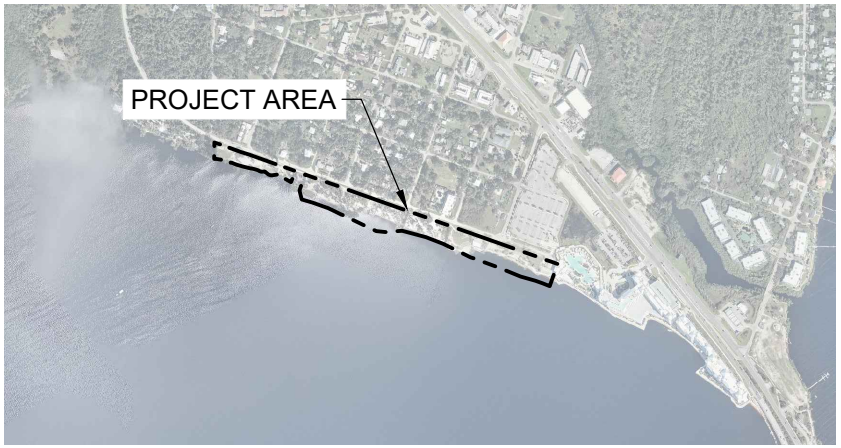
BAYSHORE LIVE OAK PARK EMERGENCY SHORELINE NOURISHMENT

U.S. Army Corps of Engineers
SAJ-2024-02810
4/14/2025
Project Manager: C Frey

PERMIT DRAWINGS

PREPARED FOR:

CHARLOTTE COUNTY



INDEX

1. COVER SHEET
2. LOCATION MAP
3. DETAILED PLAN VIEW 1
4. DETAILED PLAN VIEW 2
5. DETAILED PROFILE VIEW 1
6. DETAILED PROFILE VIEW 2

PUBLISHED TIDAL INFORMATION

TIDAL DATUM FROM PUNTA GORDA, CHARLOTTE COUNTY, FLORIDA ARE BASED ON FLORIDA 872 5744
TIDAL STATION, PUBLISHED 10-18-2010

LENGTH OF SERIES	=	8 MONTHS
TIDAL PERIOD	=	JULY 1977 - FEBRUARY 1978
TIDAL EPOCH	=	1983 - 2001
CONTROL TIDAL STATION	=	NAPLES, GULF OF MEXICO (872 5110)

ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN NAVD 1988

MEAN HIGH WATER (MHW)	=	+0.1' NAVD
MEAN LOW WATER (MLW)	=	-1.2' NAVD
MEAN LOWER LOW WATER (MLLW)	=	-1.7' NAVD

NOTES

1. TOPOGRAPHIC SURVEY CONDUCTED BY COASTAL ENGINEERING CONSULTANTS, INC., JUNE 18, 2024.
2. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83).
3. ELEVATIONS HEREON ARE IN FEET AND TENTHS AND REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
4. INFORMATION SHOWN HEREON REFLECTS CONDITIONS AS THEY EXISTED AT THE TIME OF THE SURVEY AND CAN ONLY BE CONSIDERED INDICATIVE OF CONDITIONS AT THAT TIME.
5. AERIAL PHOTOGRAPHY OBTAINED FROM NOAA, DATED 2024.

SHEET 1
FILE NO.:24360-Bayshore-1

COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

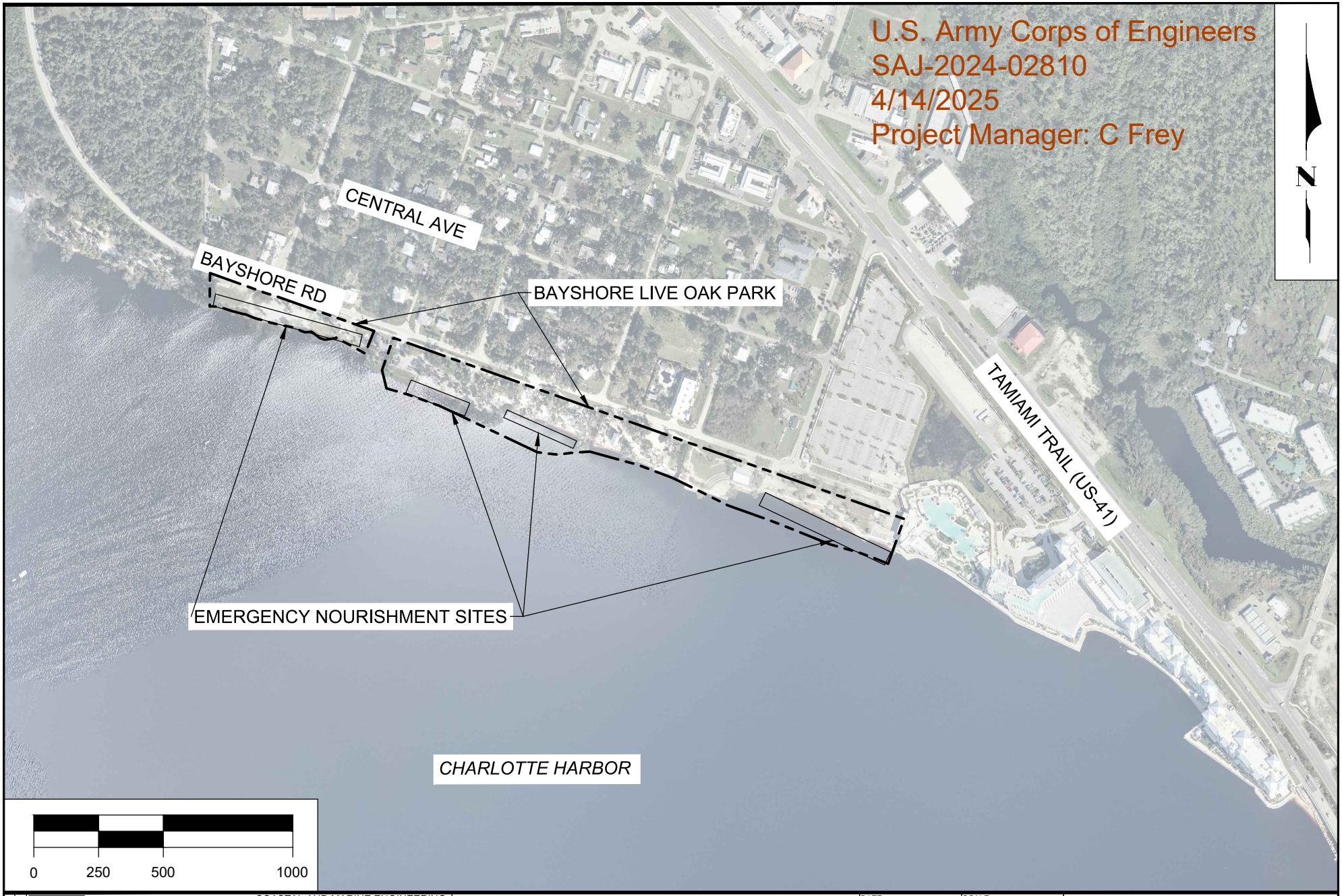
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK EMERGENCY SHORELINE NOURISHMENT COVER SHEET

DATE:	1/29/2025	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	24360 BLO Emergency Permit.dwg		
REF. NO.	24.360		

NO.	DATE	BY	REVISION DESCRIPTION



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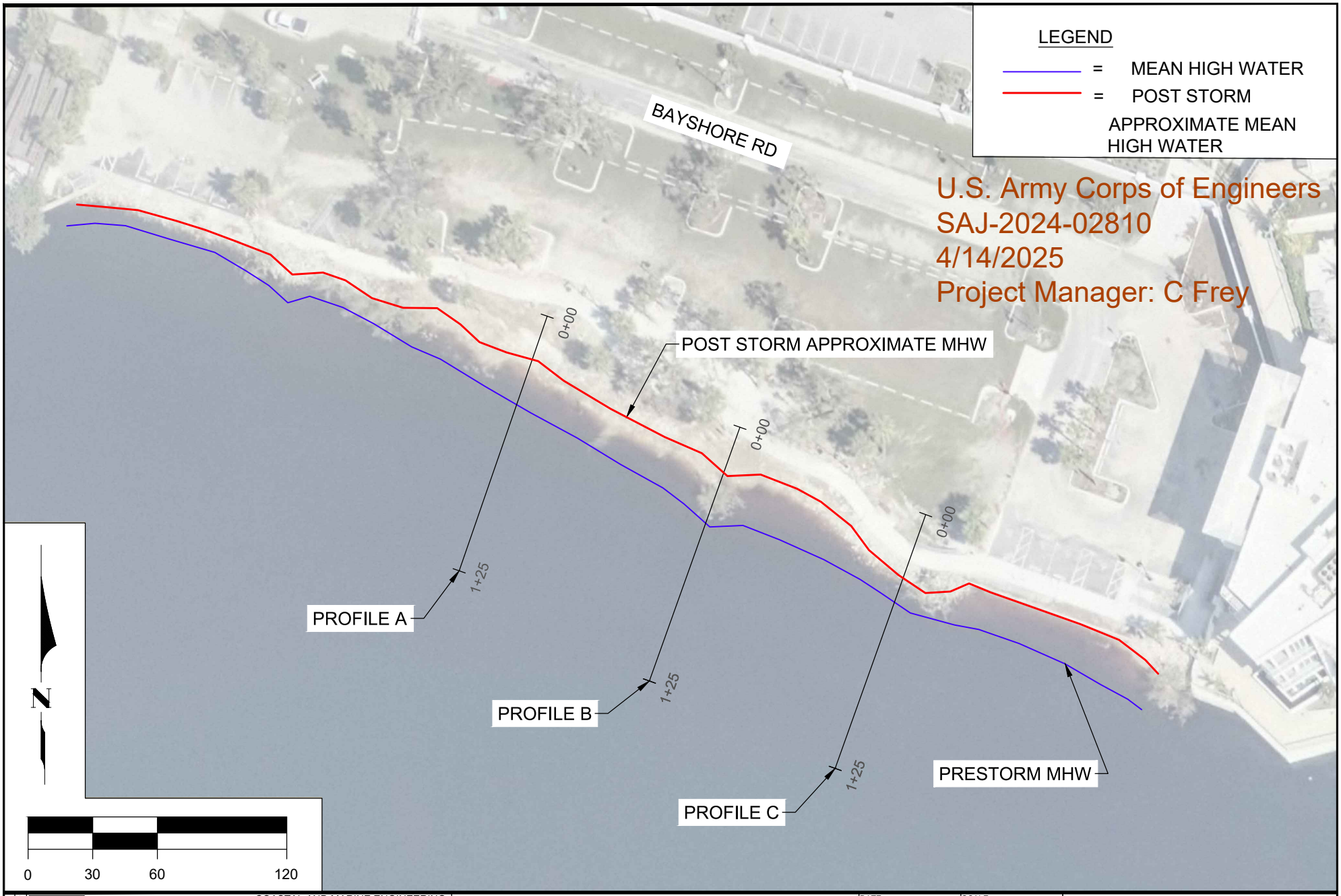
SHEET 2
FILE NO.:24360-Bayshore-2

CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
LOCATION MAP

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 BLO Emergency Permit.dwg			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 3
FILE NO.:24360-Bayshore-3

COASTAL ENGINEERING CONSULTANTS INC.
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BONITA SPRINGS, FLORIDA 34135

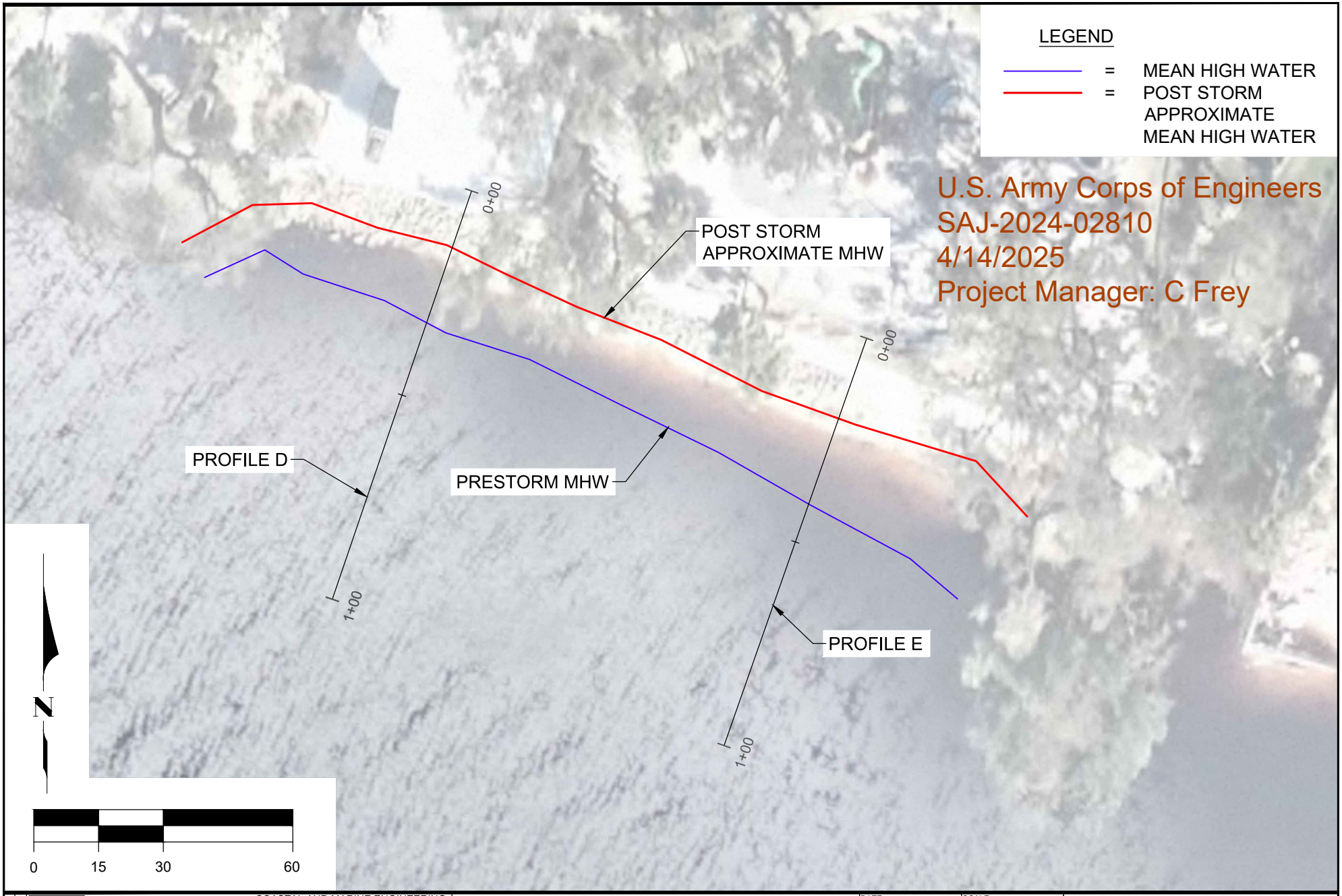
COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PLAN VIEW 1

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 BLO Emergency Permit.dwg			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 4
FILE NO.:24360-Bayshore-4

COASTAL ENGINEERING CONSULTANTS INC.
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PHONE: (239)643-2324
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www.coastalengineering.com
E-Mail: info@cecifl.com

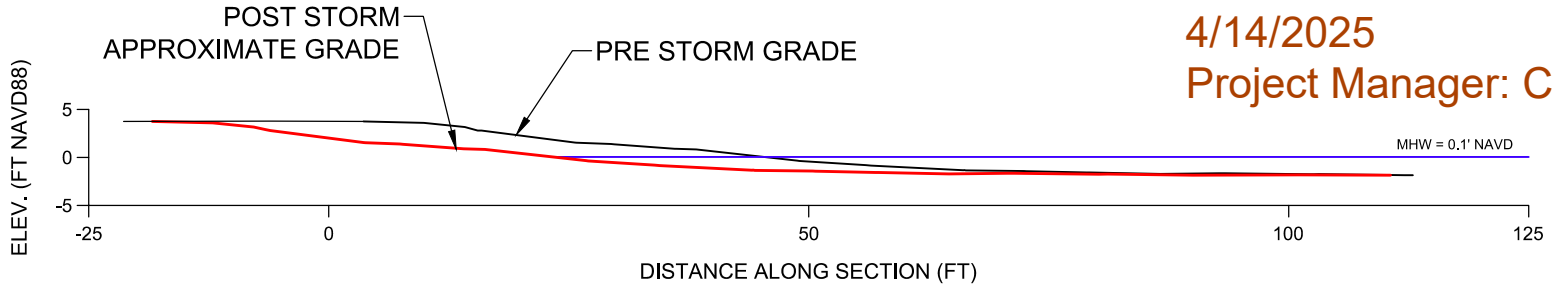
CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PLAN VIEW 2

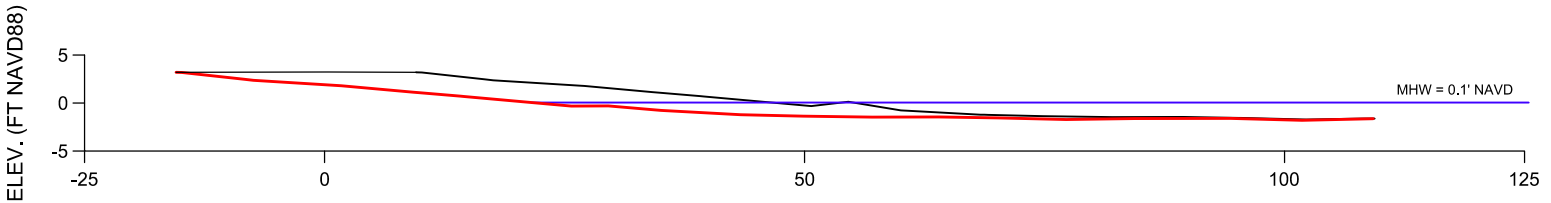
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SEC.	TWP.	RNG.	
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REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION

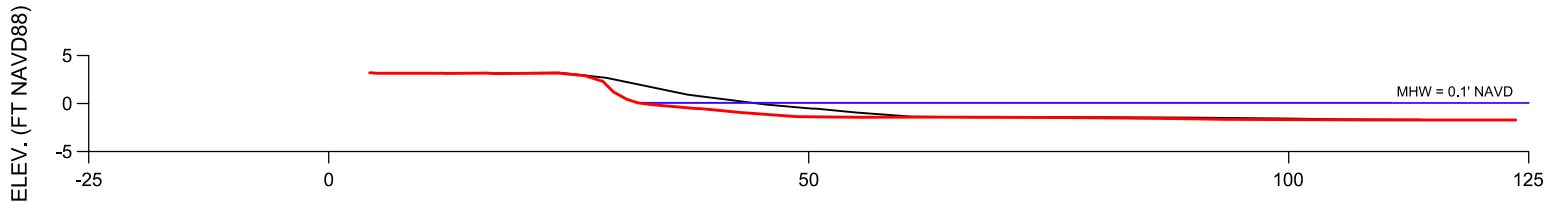
U.S. Army Corps of Engineers
SAJ-2024-02810
4/14/2025
Project Manager: C Frey



PROFILE VIEW A



PROFILE VIEW B



PROFILE VIEW C

SHEET 5
FILE NO.:24360-Bayshore-5

COASTAL ENGINEERING CONSULTANTS INC.
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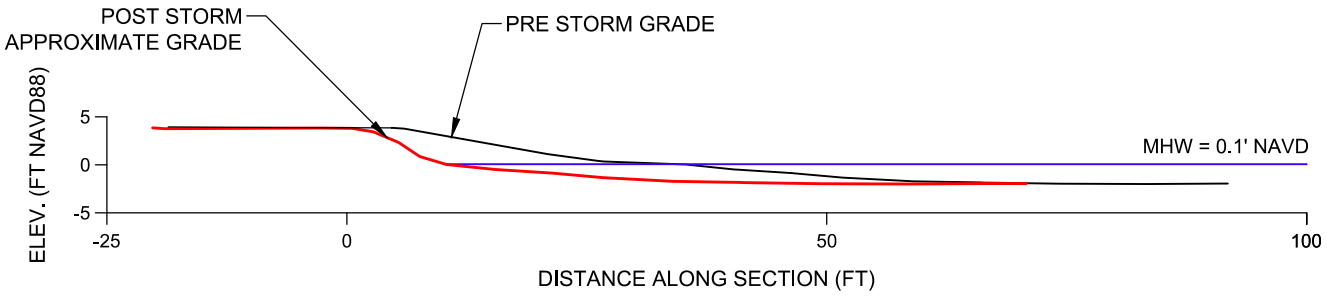
CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PROFILE VIEW 1

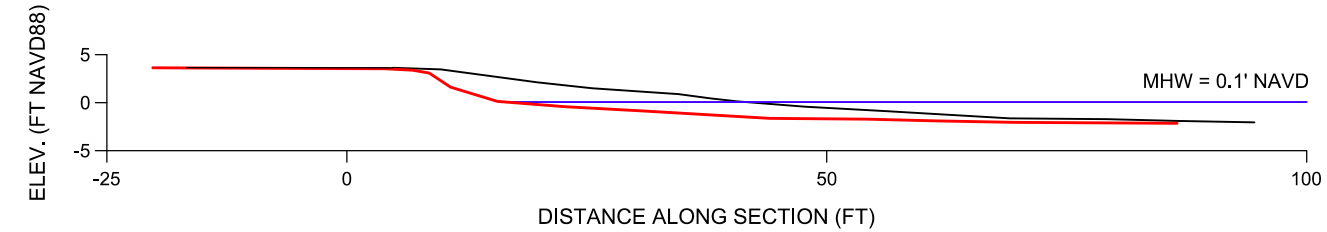
DATE: 01/29/2025	SCALE: 1" = 20'		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 BLO Emergency Permit.dwg			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION

U.S. Army Corps of Engineers
SAJ-2024-02810
4/14/2025
Project Manager: C Frey



PROFILE VIEW D



PROFILE VIEW E

COASTAL ENGINEERING CONSULTANTS INC.
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BONITA SPRINGS, FLORIDA 34135

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ENVIRONMENTAL SERVICES
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E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: BAYSHORE LIVE OAK PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PROFILE VIEW 2

DATE:	01/29/2025
SCALE:	1" = 20'
DRAWN:	KMG
F.B.	
CHECKED:	MTP
PG.	
SEC.	
TWP.	
RNG.	
ACAD NO.	24360 BLO Emergency Permit.dwg
REF. NO.	24.360

NO.	DATE	BY	REVISION DESCRIPTION

SHEET 6
FILE NO.:24039-Bayshore-6

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

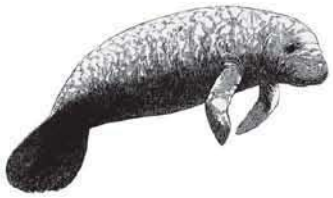
All project vessels

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

PROTECTED SPECIES CONSTRUCTION CONDITIONS, NOAA FISHERIES SOUTHEAST REGIONAL OFFICE

The action agency and any permittee shall comply with the following construction conditions for protected species under the jurisdiction of NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD):[1]

Protected Species Sightings–The action agency and any permittee shall ensure that all personnel associated with the project are instructed about the potential presence of species protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing listed species and all marine mammals. To determine which protected species and critical habitat may be found in the transit area, please review the relevant marine mammal and ESA-listed species at Find A Species (https://www.fisheries.noaa.gov/find-species) and the consultation documents that have been completed for the project.

1. **Equipment**–Turbidity curtains, if used, shall be made of material in which protected species cannot become entangled and be regularly monitored to avoid protected species entrapment. All turbidity curtains and other in-water equipment shall be properly secured with materials that reduce the risk of protected species entanglement and entrapment.

    a. In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) shall be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, shall be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line shall be allowed in the water. All anchoring shall be in areas free from hardbottom and seagrass.

    b. Turbidity curtains and other in-water equipment shall be placed in a manner that does not entrap protected species within the project area and minimizes the extent and duration of their exclusion from the project area.

    c. Turbidity barriers shall be positioned in a way that minimizes the extent and duration of protected species exclusion from important habitat (e.g. critical habitat, hardbottom, seagrass) in the project area.

2. **Operations**–For construction work that is generally stationary (e.g., barge-mounted equipment dredging a berth or section of river, or shore-based equipment extending into the water):

    a. Operations of moving equipment shall cease if a protected species is observed within 150 feet of operations.

[1] Manatees are managed under the jurisdiction of the U.S. Fish and Wildlife Service.

b. Activities shall not resume until the protected species has departed the project area of its own volition (e.g., species was observed departing or 20 minutes have passed since the animal was last seen in the area).

3. **Vessels**–For projects requiring vessels, the action agency, and any permittee shall ensure conditions in the Vessel Strike Avoidance Measures are implemented as part of the project/permit issuance (https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance).

4. **Consultation Reporting Requirements–**Any interaction with a protected species shall be reported immediately to NOAA Fisheries SERO PRD and the local authorized stranding/rescue organization.

   To report to NOAA Fisheries SERO PRD, send an email to takereport.nmfsser@noaa.gov. Please include the species involved, the circumstances of the interaction, the fate and disposition of the species involved, photos (if available), and contact information for the person who can provide additional details if requested. Please include the project's Environmental Consultation Organizer (ECO) number and project title in the subject line of email reports.

   To report the interaction to the local stranding/rescue organization, please see the following website for the most up to date information for reporting sick, injured, or dead protected species:

   Reporting Violations–To report an ESA or MMPA violation, call the NOAA Fisheries Enforcement Hotline. This hotline is available 24 hours a day, 7 days week for anyone in the United States.

   NOAA Fisheries Enforcement Hotline (800) 853-1964

5. **Additional Conditions–**Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the project consultation and must also be complied with.

For additional information, please contact NOAA Fisheries SERO PRD at:
NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
Tel: (727) 824-5312
Visit us on the web at Protected Marine Life in the Southeast
(https://www.fisheries.noaa.gov/region/southeast#protected-marine-life)

Revised: May 2021

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ- - (-)

2. **Permittee Information**: Name: _____

Email: _____

Address: _____

_____

Phone: _____

3. **Date Authorized Work Started**: _____ **Completed**: _____

4. **Contact to Schedule Inspection**: Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

_____

_____

6. **Acreage or Square Feet of Impacts to Waters of the United States**: _____

7. **Describe Mitigation completed (if applicable)**: _____

_____

_____

8. **Describe any Deviations from 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).

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

Dated 9/18/2019

DEPARTMENT OF THE ARMY PERMIT

Permittee: **CHARLOTTE COUNTY**
1120 Centennial Blvd
Port Charlotte, FL 33953

Permit No: SAJ-2024-02809

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 U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

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

Project Description: The applicant seeks authorization to place 1,000 cubic yards, along 1875 Square feet of shoreline at Chester Roberts Park Beach to offset the impacts of Hurricanes Debby and Helene. The work described above is to be completed in accordance with the 4 pages of drawings [and 4 attachments] affixed at the end of this permit instrument.

Project Location: The project would affect aquatic resources associated with Charlotte Harbor. The project site is located within Peace River at 5084 Melbourne St, Charlotte County, Punta Gorda, Florida.

Directions to site: From US-41.Tamiami Trail, onto Melbourne St, the park is 0.2 miles on the right.

Approximate Central Coordinates: Latitude: 29.956231 North
Longitude: -82.068050 West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **October 22, 2025**. 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. 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:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

   a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
   b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2024-02809 (SP –CNF), on all submittals.

2. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the ENG Form 6285, “Certification of

Compliance with Department of Army Permit" (located at https://www.publications.usace.army.mil/Portals/76/Eng_Form_6285_2024%20Dec%20FINAL.pdf) and submit it to the Corps.

4. **Cultural Resources/Historic Properties:**

a. 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.
b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.
c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). 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 on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

5. **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attached). The most recent version of the Manatee Conditions must be utilized.

6. **Protected Species Construction Conditions:** The Permittee shall comply with National Marine Fisheries Service's "Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office" dated May 2021 (Attach).

7. **Turbidity Barriers:** 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 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 daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

8. **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.

9. **Take Reporting:** All lethal and nonlethal take associated with the project will be reported to Fish and Wildlife Service (FWS) by phone or email (FLESRegs, FW4 FW4FLESRegs@fws.gov) immediately upon completion of authorized work.

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)

(X) 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)

( ) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

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.

Jamie Scudera _____ 04/25/2025
(PERMITTEE) (DATE)

Jamie Scudera
(PERMITTEE NAME-PRINTED)

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

Steve Andrews Jr. _____ Date: 25 April 2025
For BRANDON L. BOWMAN
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-2007-02883

1. PERMIT DRAWINGS: 4 pages, dated 14 April 2025.

2. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011*

3. Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office

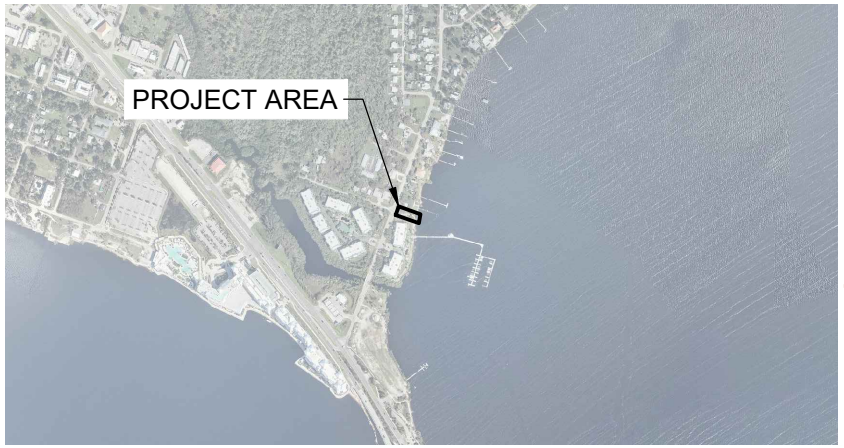
4. SELF-CERTIFICATION FORM: 1 page

CHESTER ROBERTS EMERGENCY SHORELINE NOURISHMENT

PERMIT DRAWINGS

PREPARED FOR:

CHARLOTTE COUNTY



U.S. Army Corps of Engineers
SAJ-2024-02809
4/14/2025
Project Manager: C Frey

PUBLISHED TIDAL INFORMATION

TIDAL DATUM FROM PUNTA GORDA, CHARLOTTE COUNTY, FLORIDA ARE BASED ON FLORIDA 872 5744
TIDAL STATION, PUBLISHED 10-18-2010

LENGTH OF SERIES	=	8 MONTHS
TIDAL PERIOD	=	JULY 1977 - FEBRUARY 1978
TIDAL EPOCH	=	1983 - 2001
CONTROL TIDAL STATION	=	NAPLES, GULF OF MEXICO (872 5110)

ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN NAVD 1988

MEAN HIGH WATER (MHW)	=	+0.1' NAVD
MEAN LOW WATER (MLW)	=	-1.2' NAVD
MEAN LOWER LOW WATER (MLLW)	=	-1.7' NAVD

NOTES

1. TOPOGRAPHIC SURVEY CONDUCTED BY COASTAL ENGINEERING CONSULTANTS, INC., JUNE 18, 2024.
2. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83).
3. ELEVATIONS HEREON ARE IN FEET AND TENTHS AND REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
4. INFORMATION SHOWN HEREON REFLECTS CONDITIONS AS THEY EXISTED AT THE TIME OF THE SURVEY AND CAN ONLY BE CONSIDERED INDICATIVE OF CONDITIONS AT THAT TIME.
5. AERIAL PHOTOGRAPHY OBTAINED FROM NOAA, DATED 2024.

INDEX

1. COVER SHEET
2. LOCATION MAP
3. DETAILED PLAN VIEW
4. DETAILED PROFILE VIEW

SHEET 1
FILE NO.:24360-CHESTER-1

COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
COVER SHEET

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 CR Emergency Permit			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 2
FILE NO.:24360-CHESTER-2

COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

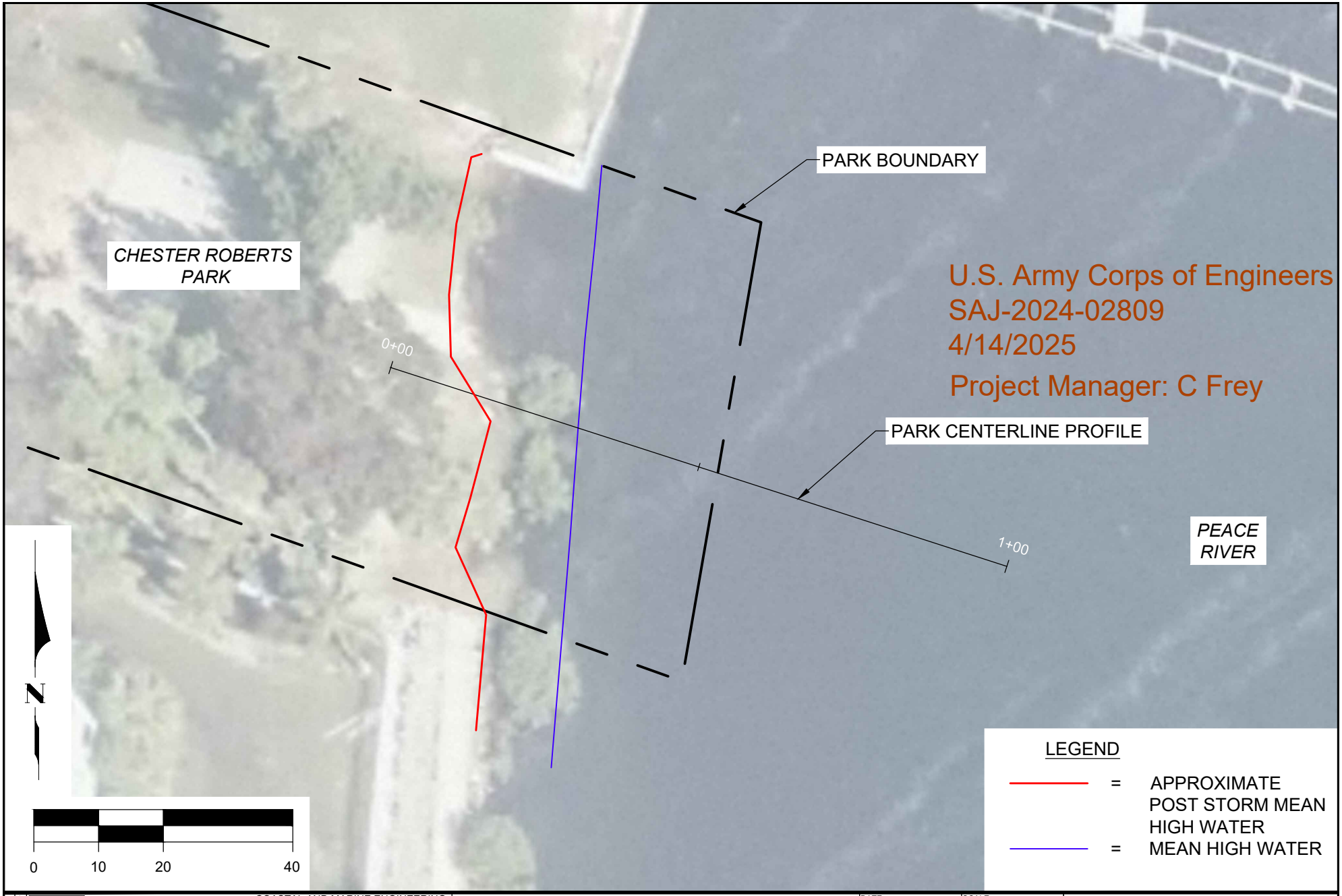
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE:
CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
LOCATION MAP

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 CR Emergency Permit			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 3
FILE NO.:24360-CHESTER-3

COASTAL ENGINEERING CONSULTANTS INC.
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28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

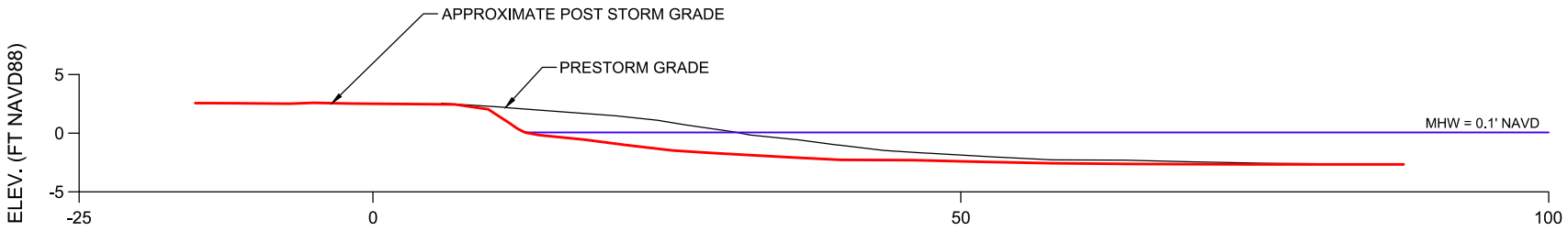
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE:
CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PLAN VIEW

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 CR Emergency Permit			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



CHESTER ROBERTS PROFILE VIEW

U.S. Army Corps of Engineers
SAJ-2024-02809
4/14/2025
Project Manager: C Frey

SHEET 4
FILE NO.:24360-CHESTER-4

COASTAL ENGINEERING CONSULTANTS INC.
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28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: CHESTER ROBERTS PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PROFILE VIEW

DATE:	1/29/2025
SCALE:	1" = 15'
DRAWN:	KMG
F.B.	
CHECKED:	MTP
PG.	
SEC.	
TWP.	
RNG.	
ACAD NO.	24360 CR Emergency Permit
REF. NO.	24.360

NO.	DATE	BY	REVISION DESCRIPTION

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

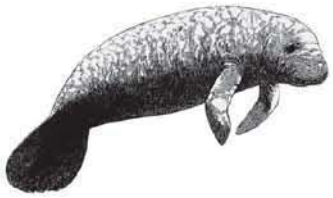
All project vessels

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

PROTECTED SPECIES CONSTRUCTION CONDITIONS, NOAA FISHERIES SOUTHEAST REGIONAL OFFICE

The action agency and any permittee shall comply with the following construction conditions for protected species under the jurisdiction of NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD):[1]

Protected Species Sightings–The action agency and any permittee shall ensure that all personnel associated with the project are instructed about the potential presence of species protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing listed species and all marine mammals. To determine which protected species and critical habitat may be found in the transit area, please review the relevant marine mammal and ESA-listed species at Find A Species (https://www.fisheries.noaa.gov/find-species) and the consultation documents that have been completed for the project.

1. **Equipment**–Turbidity curtains, if used, shall be made of material in which protected species cannot become entangled and be regularly monitored to avoid protected species entrapment. All turbidity curtains and other in-water equipment shall be properly secured with materials that reduce the risk of protected species entanglement and entrapment.

    a. In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) shall be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, shall be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line shall be allowed in the water. All anchoring shall be in areas free from hardbottom and seagrass.

    b. Turbidity curtains and other in-water equipment shall be placed in a manner that does not entrap protected species within the project area and minimizes the extent and duration of their exclusion from the project area.

    c. Turbidity barriers shall be positioned in a way that minimizes the extent and duration of protected species exclusion from important habitat (e.g. critical habitat, hardbottom, seagrass) in the project area.

2. **Operations**–For construction work that is generally stationary (e.g., barge-mounted equipment dredging a berth or section of river, or shore-based equipment extending into the water):

    a. Operations of moving equipment shall cease if a protected species is observed within 150 feet of operations.

[1] Manatees are managed under the jurisdiction of the U.S. Fish and Wildlife Service.

b. Activities shall not resume until the protected species has departed the project area of its own volition (e.g., species was observed departing or 20 minutes have passed since the animal was last seen in the area).

3. **Vessels**–For projects requiring vessels, the action agency, and any permittee shall ensure conditions in the Vessel Strike Avoidance Measures are implemented as part of the project/permit issuance (https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance).

4. **Consultation Reporting Requirements–**Any interaction with a protected species shall be reported immediately to NOAA Fisheries SERO PRD and the local authorized stranding/rescue organization.

   To report to NOAA Fisheries SERO PRD, send an email to takereport.nmfsser@noaa.gov. Please include the species involved, the circumstances of the interaction, the fate and disposition of the species involved, photos (if available), and contact information for the person who can provide additional details if requested. Please include the project's Environmental Consultation Organizer (ECO) number and project title in the subject line of email reports.

   To report the interaction to the local stranding/rescue organization, please see the following website for the most up to date information for reporting sick, injured, or dead protected species:

   Reporting Violations–To report an ESA or MMPA violation, call the NOAA Fisheries Enforcement Hotline. This hotline is available 24 hours a day, 7 days week for anyone in the United States.

   NOAA Fisheries Enforcement Hotline (800) 853-1964

5. **Additional Conditions–**Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the project consultation and must also be complied with.

For additional information, please contact NOAA Fisheries SERO PRD at:
NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
Tel: (727) 824-5312
Visit us on the web at Protected Marine Life in the Southeast
(https://www.fisheries.noaa.gov/region/southeast#protected-marine-life)

Revised: May 2021

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ- - (-)

2. **Permittee Information**: Name: _____

Email: _____

Address: _____

_____

Phone: _____

3. **Date Authorized Work Started**: _____ **Completed**: _____

4. **Contact to Schedule Inspection**: Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

_____

_____

6. **Acreage or Square Feet of Impacts to Waters of the United States**: _____

7. **Describe Mitigation completed (if applicable)**: _____

_____

_____

8. **Describe any Deviations from 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).

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

Dated 9/18/2019

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:

EMERGENCY AUTHORIZATION FOR REPAIRS, REPLACEMENT, RESTORATION, AND CERTAIN OTHER MEASURES MADE NECESSARY BY TROPICAL STORM HELENE

OGC NO. 24-2534

EMERGENCY FINAL ORDER

The State of Florida Department of Environmental Protection (Department) enters this Emergency Final Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent and immediate danger to the public health, safety, and welfare of the citizens of the State of Florida posed by Tropical Storm Helene (hereinafter "the Storm").

FINDINGS OF FACT

1. On September 24, 2024, a tropical storm developed over the northwestern Caribbean Sea. The Storm is expected to become a hurricane over the eastern Gulf of Mexico where environmental conductions are conducive for strengthening and further development. Meteorological reports indicate there is a significant threat of heavy rainfall over much of the Florida Gulf Coast, which may result in flash flooding, river flooding, coastal flooding, erosion, and gusty winds, especially over areas still impacted from Hurricane Debby. As forecasted, the Storm could strengthen into a major hurricane before it approaches the northeastern Gulf Coast and cause extensive damage to critical state infrastructure, including major interstates and roadways, power grids, airports, schools, and hospitals. Accordingly, this Order shall apply to an area hereafter referred

to as the "Emergency Area," which consists of the following counties: Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Holmes, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.

2. By State of Florida Executive Order No. 24-208, as amended by 24-209, the Governor declared a state of emergency throughout the Emergency Area based upon the serious threat to the public health, safety, and welfare posed by the Storm.

3. The Department finds that the effects of the Storm will create a state of emergency posing an imminent danger to the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action by Florida's citizens and government may be necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and other systems damaged by the Storm.

4. The Department finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

5. The Department finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay

necessary action to cope with the emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

1. Based on the findings recited above, it is hereby concluded that the emergency caused by the Storm poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the Department.

2. Under State of Florida Executive Order No. 24-208, as amended by 24-209, and Sections 120.569(2)(n), 252.36, and 252.46, Florida Statutes, the Secretary or designee of the Department is authorized to issue this Order.

3. Suspending statutes and rules, as noted within this Order, is required so as not to prevent, hinder, or delay action necessary to cope with the emergency.

THEREFORE, IT IS ORDERED*:*

A. WASTE MANAGEMENT

Within the Emergency Area, the Department waives Rules 62-761.405 and .700, and 62-762.411 and .701, Florida Administrative Code. to the extent necessary for:

1. <u>Storage Tank Systems</u>

a. Owners and operators of storage tank systems, regulated under Chapters 62-761 and 62-762, Florida Administrative Code, and their State of Florida licensed engineers and contractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures, equipment, and appurtenances of the systems to their pre-Storm permitted or registered condition without prior notice to the Department. Within 30 days of commencing the work of such repair or

replacement, the owner or operator shall notify the Department in writing, describing the nature of the work, giving its Department Facility Identification Number for the location, and providing the name, address, and telephone number of the representative of the owner or operator to contact concerning the work.

b. Petroleum Contact Water: Owners and operators of underground petroleum storage tank systems impacted by the Storm are authorized to discharge petroleum contact water, as defined in Rule 62-740.030, Florida Administrative Code, to impervious surfaces under the following conditions for only the first 30 days from the initial issuance date of this Order:

(1) The total discharge shall not exceed 25 gallons in volume per facility;

(2) There shall be no visible sheen, sludge or emulsion in the petroleum contact water; and

(3) The discharge shall not reach a surface water of the state or stormwater management system.

The removal of petroleum contact water not meeting the above criteria shall be removed by vacuum truck for proper disposal pursuant to Chapter 62-740, Florida Administrative Code, or by separate authorization by contacting the Department's Division of Waste Management by mail at 2600 Blair Stone Road, Mail Station 4525, Tallahassee, Florida 32399-2400 or telephone at 850/245-8842.

2. Solid Waste Management

a. Pursuant to Section 403.7071, F.S., storm generated debris shall be managed at authorized staging areas or Disaster Debris Management Sites (DDMS) in

accordance with the Division of Waste Management's Guidance for the Establishment, Operation, and Closure of Disaster Debris Management Sites.

b. The Department waives Rule 62-701.320(4), F.A.C., to the extent that permitted landfills, waste-to-energy facilities, and transfer stations which accept Storm-generated debris in accordance with the terms of this Order may accept Storm-generated debris for disposal or storage without the need to first modify existing solid waste permits or certifications. Operators of landfills shall seek modifications of their existing permits to address any long-term impacts of accepting Storm-generated debris on operations and closure that are not addressed in existing permits. Long-term impacts are those which will extend past the expiration date of this Order. The requests for modification shall be submitted as soon as possible, but no later than the expiration date of this Order. No permit fee will be required for any modifications necessitated solely by the Storm cleanup activities. This paragraph does not authorize the permanent lateral or vertical expansion of any facility beyond its permitted limits. Domestic wastewater biosolids may be disposed of in Class I landfills even if such biosolids meet the definition of a liquid waste found in Rule 62-701.200(72), Florida Administrative Code, provided that such disposal is approved in advance by the Department and that the material is managed to the extent practicable so as to minimize liquid content, odors, and runoff.

c. Pursuant to Section 403.7071, Florida Statutes, open burning of Storm-generated debris is allowed provided it meets the following requirements and does not create a public nuisance. Please refer to the Division of Air Resource Management's Guidance on Site Selection Criteria for Open Burning Activities for additional information.

(1) An air curtain incinerator may be used at any staging area, permitted landfill, waste-to-energy facility, registered yard trash processing facility, or transfer station so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's Air Curtain Incinerator Worksheet and does not create a public nuisance.

(2) Open pile burning may be conducted at any staging area other than staging areas located at permitted landfills or permitted disposal facilities so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's Open Pile Burning Worksheet and does not create a public nuisance.

3. Hazardous Waste Management

A blanket approval of time extensions under Rule 62-730.160, Florida Administrative Code, is necessary within the Emergency Area for hazardous waste generators for the storage of their hazardous wastes on-site, pending the cleanup of any Storm damage and restoration of essential services. The rules authorize a 30-day extension because of unforeseen and uncontrollable circumstances such as the Storm. Therefore, to avoid having to issue a potentially large number of individual approvals on a case-by-case basis and waste limited agency resources during the time of emergency, the Department authorizes a general extension of time of 30 days from the expiration of this Order for all such hazardous waste generators within the Emergency Area for the storage of their hazardous wastes on-site.

4. Mineral Oil Dielectric Fluid Discharges

A blanket approval of time extensions under Rule 62-780.550, Florida Administrative Code, is necessary within the Emergency Area for responding to and

completing the cleanup of mineral oil dielectric fluid (MODEF) discharges from electric power generation, transmission, and distribution facilities damaged by the Storm within the Emergency Area. The Department authorizes a general extension of time of 30 days from the date of discovery of a nonpetroleum de minimis discharge (for a total of 60 days from the discovery of the discharge) for responding to and completing cleanup of MODEF discharges from electric power generation, transmission, and distribution facilities damaged by the Storm within the Emergency Area in accordance with the applicable provisions of Chapter 62-780, Florida Administrative Code. However, all other provisions of Rule 62-780.550, Florida Administrative Code, such as the record-keeping requirements, shall apply.

B. AIR RESOURCE MANAGEMENT

Within the Emergency Area:

1. <u>Open Burning Operations</u>

a. Pursuant to Section 403.7071, Florida Statutes, open burning of storm-generated yard trash, other storm-generated vegetative debris, or untreated wood from construction and demolition debris is allowed provided it meets the following requirements and does not create a public nuisance. Please refer to the Division of Air Resource Management's Guidance on Site Selection Criteria for Open Burning Activities for additional information in preventing public nuisances.

(1) Air curtain incinerators may be used in the Emergency Area for a period of up to eight (8) weeks without a Department-issued air permit to combust storm-generated yard trash, other storm-generated vegetative debris, or untreated wood from construction and demolition debris so long as the operator meets the operating requirements detailed

in the Division of Air Resource Management's Air Curtain Incinerator Worksheet and do not create a public nuisance.

(2) Local governments or their agents may conduct the open pile burning of Storm-generated yard trash, other Storm-generated vegetative debris, and untreated wood from construction and demolition debris at Department-authorized staging areas (other than staging areas located at permitted landfills or permitted disposal facilities), so long as they meet the operating requirements detailed in the Division of Air Resource Management's Open Pile Burning Worksheet.

2. Asbestos

40 CFR Part 61, Subpart M does not apply to the renovations or demolitions of residential buildings with four or fewer dwelling units. Owners of these types of residential buildings may commence a renovation or demolition without notice to the Department. For more information on asbestos regulation, please review the Division of Air Resource Management's factsheets on Asbestos Emergency Cleanups and Asbestos Building Debris Cleanup.

3. Emergency Engines Exempt from Air Permitting Requirements

Reciprocating internal combustion engines in the Emergency Area may exceed the annual fuel consumption limitations in Rule 62-210.300(3)(a)35., Florida Administrative Code, without triggering the need to receive a Department-issued air permit if the engine is being used for disaster-related purposes. The owner or operator of such an engine shall exclude fuel consumed during the period covered by this Order from annual fuel consumption calculations.

C. WATER RESOURCE MANAGEMENT, RESILIENCY, AND COASTAL PROTECTION

Within the Emergency Area:

1. Environmental Resource, Dredge and Fill, and Surface Water Management Activities

a. No Notice Required

The Department waives Rule 62-330.020, F.A.C., to the extent that the following activities are authorized to be conducted under this Order without notification to the Department or water management district.

(1) Temporary and permanent repair or restoration of structures and drainage systems that are not completely destroyed to the conditions, dimensions, and configurations that were authorized or otherwise legally existing immediately prior to the Storm, provided the repair and restoration activities do not result in any expansion, addition, or relocation of the existing structure or systems, and provided any such structures or drainage systems in, on, or over state-owned submerged lands are water dependent. This may include the use of different construction materials or minor deviations to allow upgrades to current structural and design standards, or to replace a seawall with a rip rap revetment.

(2) The restoration (regrading, dredging, or filling) by local, regional, state, and federal governments of upland surfaces, wetlands, and submerged land contours to the conditions and configurations that were authorized or otherwise legally existing immediately prior to the Storm, provided the restoration does not result in any expansion or addition of land or deepening of waters beyond that which existed immediately prior to the Storm, subject to the following limits:

(a) The removal or deepening of plugs formerly separating canals from other waters is specifically not authorized by this Order;

(b) In the case of dredging, all excavated material shall either be deposited on uplands that are diked or otherwise sloped or designed to prevent any discharge into wetlands or other surface waters, or shall be used to restore bottom contours and shorelines to the conditions existing immediately prior to the Storm, subject to subparagraph C.2.a.(3) of this Order;

(c) In the case where upland or dredged material is placed in water to restore pre-existing conditions, only clean material (free from debris and pollutants) from the uplands that existed prior to the Storm may be used in the restoration, and no change (from the conditions that legally existed immediately prior to the Storm) in the slope of the land or the type, nature or configuration of any pre-existing shoreline stabilization materials is authorized (e.g., sloping revetments cannot be replaced with vertical seawalls, and rock riprap cannot be replaced with interlocking blocks);

(d) Best management practices and devices shall be used to prevent violations of state water quality standards for turbidity during the performance of restoration activities, in accordance with the guidelines and specifications in The Florida Stormwater, Erosion, and Sedimentation Control Inspectors Manual (Florida Department of Environmental Protection October 2018) https://floridadep.gov/dear/florida-stormwater-erosion, and the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Transportation and Florida Department of Environmental Protection July 2013) https://www.flrules.org/Gateway/reference.asp?No=Ref-04227. Best management practices also shall be used to prevent erosion and retain sediment of

all newly established or restored exposed shorelines during and after the restoration activities, which may include methods such as planting of temporary and permanent vegetation and placing of clean natural rock or concrete rubble riprap;

(e) Any fill that is deposited to restore a former shoreline, and any riprap that is used to stabilize a shoreline, must not be placed any farther waterward than the toe of slope of the shoreline that legally existed immediately prior to the Storm. If the pre-Storm shoreline was stabilized with a functioning seawall or riprap, the seawall or riprap may be restored at its former location or within 18 inches waterward of the location where the seawall or riprap legally existed immediately prior to the Storm, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap; and

(f) This section (C.1.a.(2)) shall not constitute authorization to fill submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, except as provided herein.

(3) Removal of debris, including sunken or grounded vessels, vegetation, and structural remains that have been deposited into waters, wetlands, or uplands by the Storm, where such removal **does not result** in filling of wetlands or other surface waters, or dredging that creates or expands surface waters. All removed materials must be deposited on self-contained uplands and must be managed in accordance with Department rules or provisions of this Order.

b. Field and Individual Authorization Required

(1) Field authorizations may be issued following a site inspection by Department or water management district personnel to restore structures and property to

authorized or otherwise legally existing conditions that existed immediately prior to the Storm, to recover property, protect property from further damage, maintain navigation or protect public health, safety, and welfare, when such activities are not otherwise authorized by statutory or rule exemptions or under paragraph C.1.a. of this Order. Specifically, field authorizations may be issued for:

(a) Activities including the replacement of structures that are completely destroyed;

(b) Structures and activities on state-owned submerged lands that are non-water dependent structures and are authorized in a current sovereign submerged lands lease with the Department may not be repaired, restored, or replaced when more than 50 percent of the structure or activity is lost (based on the cost to repair, restore, or replace the structure or activity);

(c) Restoration (regrading, dredging, or filling) of the contours of uplands, wetlands, and submerged bottoms by parties other than local, regional, state, or federal governments;

(d) Trimming or alteration of mangroves that threaten public health, safety, welfare or property, or that currently interfere with navigation;

(e) Removal of debris, including sunken or grounded vessels, vegetation, and structural remains, that has been deposited into waters, wetlands, or uplands by the Storm, the removal of which **requires** filling of wetlands or other surface waters, or dredging that creates or expands wetlands or other surface waters. Any wetlands or other surface waters that are dredged or filled to affect such removal must be restored to the contours and conditions that existed before the Storm; and

(f) Other activities determined by Department or water management district personnel as having the potential to result in only minimal adverse individual or cumulative impact on water resources and water quality.

(2) Field authorizations to replace structures shall not preclude the use of different construction materials or minor deviations to allow upgrades to current structural and design standards, including building codes, or to a more environmentally compatible design, as determined by the Department or water management district, than existed immediately prior to the Storm.

(3) Field authorizations may be requested by providing a notice to the local office of the Department or water management district containing a description of the work requested, the location of the work, and the name, address, and telephone number of the owner or representative of the owner who may be contacted concerning the work. Field authorizations also may be issued by Department or water management district personnel without prior notice. Field authorizations may not be issued unless requested on or before the expiration date of this Order, unless that date is modified or extended by further order. Written records of all field authorizations shall be created and maintained by Department and water management district personnel. Field authorizations may include specific conditions for the construction, operation, and maintenance of the authorized activities. Field authorizations issued prior to the effective date of this Order remain in effect for the duration specified in the field authorization but may be extended through written modification by the Department or water management district in accordance with the provisions of paragraph C.6.h. of this Order. Failure to comply with the conditions of

the field authorization may result in enforcement actions by the Department or water management district.

2. Coastal Construction Control Line ("CCCL") Activities

This section applies to activities conducted within the Emergency Area seaward of the CCCL as established by Chapter 62B-26, Florida Administrative Code. Emergency Permits may be issued by the Division of Resilience and Coastal Protection pursuant to Rule 62B-33.014, Florida Administrative Code. A list of activities seaward of the CCCL that are exempt from CCCL permitting requirements is contained in Rule 62B-33.004, Florida Administrative Code, and Section 161.053(11), Florida Statutes. The Division of Resilience and Coastal Protection has developed a Public Information Handout to provide property owners with a concise explanation of activities that are authorized seaward of the CCCL in this Order. To obtain a copy, please visit the Coastal Construction Control Line Emergency Permits website at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. You may also contact the Office of Resilience and Coastal Protection directly by email at CCCL@FloridaDEP.gov, by mail at 2600 Blair Stone Road, Mail Station 3522, Tallahassee, Florida 32399-3000, or by phone at 850/245-2094.

This Order constitutes the declaration of a shoreline emergency and activates emergency protection and permitting procedures established in s. 161.085 (3), Florida Statutes, and in Rules 62B-33.0051(5) and 62B-33.014, Florida Administrative Code.

In addition, to emergency protective measures that can be conducted under the above referenced statute and rules, this Order authorizes both the protection, repair or replacement of public infrastructure and a local government's ability to issue certain

coastal construction permits in lieu of Department CCCL permits, subject to the conditions and limitations of this Order. Activities that extend onto state owned lands of Florida seaward of the mean high water line or an Erosion Control Line that would typically require a permit pursuant to Sections 161.041 and/or 161.055, Florida Statutes, i.e., regulated under the Joint Coastal Permit program (JCP), are not authorized under this subsection. JCP activities are addressed separately in subsection C.3. of this Order.

a. Activities Undertaken by Local Governments, the Department of Environmental Protection, Florida Department of Transportation and Utility Companies

The Department waives Rules 62B-33.005 and .0051, F.A.C., to the extent that the following activities may be undertaken by local governments, agencies of the State of Florida, and utility companies to protect, repair, or replace structures and property without notice to the Department or water management district, subject to the limitations below. Work performed under paragraph C.2.a. of this Order must be complete within one year of the issuance of this Order.

(1) Removal of Storm-generated debris. Prior to removing the debris and to the greatest extent possible, beach compatible sand should be separated from the debris and kept on-site. To prevent debris from becoming buried, all Storm-generated debris shall be removed to an appropriate upland disposal site landward of the CCCL prior to conducting any fill activities.

(2) The repair or replacement of the following public facilities: utilities, roads, beach access ramps, and dune walkover structures (see guidelines for construction of

dune walkovers at https://floridadep.gov/rcp/coastal-construction-control-line/documents/beach-and-dune-walkover-guidelines).

(3) Return of sand to the beach and dune system that has been deposited upland by the Storm, and restoration of a dune system using beach compatible sand from an upland source. The material shall not cover any Storm-generated debris or construction debris. All fill material shall be sand that is similar to the pre-Storm beach sand in both coloration and grain size and be free of debris, rocks, clay, or other foreign matter and shall meet the specifications set forth by the Department for the location that the fill is being placed. Such specifications are available at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. No sand may be obtained from the beach, near shore, or below the mean high water line seaward of the CCCL without specific written authorization from the Department.

b. Activities Requiring Local Authorization

Local governments are authorized to issue permits in lieu of Department permits to private and public property owners for the activities listed below in addition to the temporary protective measures described in section 161.085 (3), Florida Statutes, and Rule 62B-33.0051, Florida Administrative Code. Local governments shall notify the Department in writing within three (3) working days of permits issued under this section. The notification must be submitted to the Department by email to CCCL@FloridaDEP.gov. Work authorized by the local government must be complete

within 90 days of issuance of the local government permit or within 90 days of the expiration date of this Order, whichever deadline occurs first.

(1) Repair or replacement of minor ancillary structures (such as stairs, landings, and HVAC platforms) and service utilities that are associated with the existing habitable structure. The repair of minor ancillary structures or service utilities shall not exceed the size of the original structure or service utility damaged or destroyed by the Storm. Repair of surviving beach/dune walkovers is authorized provided the structure is substantially intact and the repair adjusts the seaward terminus of the walkover to a more landward location to accommodate changes in the shoreline topography and native salt-resistant vegetation patterns. Viewing platforms as part of the walkovers may not be constructed on or seaward of the surviving or post-Storm rebuilt dune system or sandy beach.

(2) Permanent repair of foundations for buildings that have not been substantially damaged.

(3) The replacement or repair of caps and anchoring systems (or tiebacks) for seawalls or bulkheads.

(4) Restoration of a dune system damaged by the Storm using beach compatible sand from an upland source.

All fill material shall be sand that is similar to the pre-Storm beach sand in both coloration and grain size and be free of debris, rocks, clay, organic matter, or other foreign matter and shall meet the specifications set forth by the Department for the location that the fill is being placed. Such specifications are available at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. No sand may be obtained from the beach, near shore,

or below mean high water seaward of the CCCL without specific written authorization from the Department.

(5) Return of sand to the beach dune system which has been deposited upland by the Storm.

The recovered sand shall be free of debris and other foreign matter and shall not cover any Storm-generated debris or construction debris.

c. Other Activities

Actions taken by local governments, the Department's Division of Recreation and Parks, Florida Department of Transportation, and utility companies under paragraph C.2.a. of this Order, and actions taken by local governments under paragraph C.2.b. of this Order, do not require additional permits from the Department.

3. <u>Joint Coastal Permit Activities</u>

This subsection applies to certain activities along the natural sandy beaches of the Atlantic Ocean, Gulf of Mexico or Straits of Florida that extend onto sovereignty lands of Florida, seaward of the mean high water line and are likely to have a material physical effect on the coastal system or natural beach and inlet processes, i.e., activities that are regulated under the JCP program, pursuant to Sections 161.041 and/or 161.055, Florida Statutes. The Department waives Rules 62B-41.005 and .0055, F.A.C., to the extent necessary so that:

a. In lieu of a normal JCP for activities summarized above, federal, state, or local governments may apply to the Office of Resilience and Coastal Protection, Beaches, Inlets and Ports Program for emergency authorizations to alleviate hazardous conditions resulting from the Storm that pose an immediate danger to life or limb, including sudden

and unpredictable hazards to navigation. Applications for emergency authorizations shall meet the following criteria:

(1) The application must be received by the Department during the duration of this Order;

(2) The hazardous conditions are a result of the Storm identified in this Order and did not exist prior to the Storm;

(3) The proposed measures are limited to the minimum amount necessary to alleviate the hazardous conditions by temporarily stabilizing the structure or clearing the channel, until a JCP can be processed to address the long-term repair;

(4) Fill material shall not extend seaward of the mean high water line that existed immediately before the Storm;

(5) Navigational dredging shall not exceed channel depths, widths or alignment that existed immediately before the Storm;

(6) Reconstruction of non-water-dependent structures on sovereign submerged lands unless authorized in a current sovereign submerged lands lease issued by the Department is prohibited;

(7) Fill may only be placed seaward of the mean high water line to temporarily stabilize an upland structure if that structure is in danger of imminent collapse and was located behind the primary dune line prior to the Storm. The amount of fill allowed is the minimum necessary for the stabilization of the structure;

(8) The placement of fill may only extend the mean high water line seaward of the current (post-Storm) location if the applicant provides proof that the riparian owner(s) has obtained a disclaimer under Rule 18-21.019, Florida Administrative Code, (from the

Department's Division of State Lands) for the proposed project site, a memorandum from the Department's Division of State Lands acknowledging the Storm-related occurrence of avulsion for the proposed project site, or documentation from the Department that a valid erosion control line has been established at the fill site;

(9) Any fill material placed on the beach shall meet the criteria for beach-quality sand in Rule 62B-41.007(2)(j), Florida Administrative Code;

(10) The proposed measures shall not cause water quality violations outside of the mixing zone, established pursuant to Rule 62-4.244, Florida Administrative Code; and

(11) The proposed measures shall not adversely affect hardbottom or coral reef communities, seagrass communities or functional marine turtle nesting habitat that existed before the Storm and shall not contribute to erosion of adjacent properties.

b. Emergency authorizations shall expire 90 days after issuance unless a written request for an extension of the expiration date is received and granted by the Department before this Order's expiration date. Any request for extension of an emergency authorization issued under this subsection must contain a reasonable schedule for when repair, restoration, or reconstruction will commence and ultimately conclude.

c. Application fees and noticing requirements shall be waived for projects that are eligible for this emergency authorization.

4. National Pollutant Discharge Elimination System Stormwater Construction Generic Permit

This subsection applies to any construction activity authorized by this Order that would require coverage under the Generic Permit for the Discharge of Stormwater

Associated with Large and Small Construction Activities pursuant to Rule 62-621.300(4), F.A.C. The Department waives to Rule 62-621.300(4), F.A.C., to the extent that for these construction projects, operators of the sites, and their licensed engineers and subcontractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures to their pre-Storm permitted or registered condition without prior notice to the Department. All best management practices must be in accordance with the guidelines and specifications of the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection July 2013) https://www.flrules.org/Gateway/reference.asp?No=Ref-04227. Within 30 days of commencing the work of such repair or replacement, however, the owner or operator shall submit to the Department a completed Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities [Form Number 62-621.300(4)(b)], which can be found at https://floridadep.gov/water/stormwater/content/construction-activity-cgp.

5. Onsite Sewage Treatment and Disposal System Activities

This section applies to regulatory requirements within the Emergency Area for onsite sewage treatment and disposal systems (OSTDS), commonly referred to as septic systems. Under the direction of the Department, certain regulatory services, such as permitting and inspections, are implemented by the Florida Department of Health's local county health departments (DOH-CHDs) by virtue of the Interagency Agreement, effective July 1, 2021. This Order grants relief for the following activities and standards

governed under Sections 381.0065 – 381.0067, Florida Statutes, and Chapter 62-6, Florida Administrative Code:

a. Portable Restrooms, Mobile Restrooms, Mobile Shower Trailers, and Portable Holding Tanks: The Department waives during the effective period of this Order, the prohibitions of Rule 62-6.0101(7)(a), Florida Administrative Code, which forbids the use of portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks for use with permanent structures. During this emergency period, such use is allowed in the Emergency Area as follows:

(1) In situations where the existing OSTDS is damaged or not operational due to the Storm.

(2) The use of the portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks must not extend beyond 120 days after the end of this Order, except in the event a system construction permit has been issued to repair the damaged system within this 120-day period, the use of the portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks must not extend beyond the expiration date of the issued system construction permit.

(3) The use of portable holding tanks must be in accordance with the tank capacity and service requirements described in Rule 62-6.0101, Florida Administrative Code.

b. Temporary Covering of Installations: When a contractor has installed a system, which has not yet been inspected and approved for covering per Rules 62-6.003(2) and (3), Florida Administrative Code, the following criteria apply. During the effective period of this Order, a contractor may cover a system with earth prior to approval

for the purposes of protecting the system from the Storm provided the system is completely uncovered for the required inspection(s) after the Storm. The contractor must, within 36 hours of covering a system, notify the DOH-CHDs in writing that the system has been covered for purposes of protecting the system from the Storm. The notification must provide the permit number, that the system will be uncovered for inspection(s), and that the system will not be placed into use until the Department grants Final Installation Approval per Rules 62-6.003(2) and (3), Florida Administrative Code.

6. **General Conditions**

a. All activities conducted under subsections C.1., C.2., C.3., C.4., and C.5. of this Order shall be performed using appropriate best management practices. For activities conducted in, or discharging to, wetlands or other surface waters, best management practices include properly installed and maintained erosion and turbidity control devices to prevent erosion and shoaling, control turbidity, and prevent violations of state water quality standards and protect the functions provided by wetlands and other surface waters to fish, wildlife, and listed species.

b. The authorizations in subsections C.1., C.2., C.3., C.4., and C.5. of this Order shall not apply to structures and associated activities that were not legally existing or otherwise properly authorized by all applicable agencies before the passage of the Storm.

c. Applicable environmental resource, surface water management, dredge and fill, JCP, or CCCL permits shall be required following provisions of statute and rule for other activities not authorized in this Order that do not otherwise qualify as an exempt activity under statute or rule.

d. The nature, timing, and sequence of construction authorized under this Order shall be conducted in such a manner as to provide protection to, and so as to not disturb, dune features, native salt-resistant vegetation, and listed species and their habitat, including threatened or endangered sea turtles, endangered manatees, endangered beach mice, endangered plant communities, and migratory shorebirds. If activities conducted under subsection C.2. and C.3. of this Order occur during the marine turtle nesting season (March 1 through October 31 in Brevard, Indian River, St. Lucie, Martin, and Broward counties, May 1 through October 31 in all other coastal counties within the state), such activities must be coordinated with the Florida Fish and Wildlife Conservation Commission's Imperiled Species Management Section to ensure that all activities comply with state and federal requirements for the protection of sea turtles, their nests, hatchlings, and nesting habitat.

e. Nothing in this Order authorizes the taking, attempted taking, pursuing, harassing, capturing or killing of any species (or the nests or eggs of any species) listed under Chapter 68A-27, Florida Administrative Code, or the federal Endangered Species Act.

f. Persons are advised that all structures that are rebuilt under subsection C.2. of this Order should be rebuilt in accordance with all applicable local, state, and federal building standards and requirements of the Federal Emergency Management Agency.

g. It is recommended that, where possible, owners of property should maintain documentation (such as photos) of the condition of the structures or lands as they existed prior to initiating any activities authorized under this Order and should provide such documentation to the Department if requested to do so.

h. Activities authorized under subsection C.1. of this Order must be completed as follows:

(1) Within one year from issuance of this Order, for activities that qualify under the No Notice provisions of paragraph C.1.a. of this Order;

(2) By the date specified in the field authorization for activities that qualify under the provisions of subparagraph C.1.b.(1) of this Order. However, the deadline for completing such activities may be extended if a written request with accompanying documentation as described below is submitted by the person(s) authorized in the field authorization and received by the District Office of the Department that issued the field authorization at least 30 days prior to expiration of the field authorization. Such request must be accompanied by a statement that contractors or supplies are not available to complete the work, or that additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers. Such permittee should maintain a list of contractors that have been contacted and a record of supplies that are on backorder as needed to demonstrate compliance with this provision.

7. <u>Authorization to Use State-Owned Submerged Lands</u>

The Department has been delegated by the Board of Trustees of the Internal Improvement Trust Fund the authority to grant the following authorizations to use state-owned submerged lands, that is, lands lying waterward of the line of mean high water, erosion control line or ordinary high water line, in association with the structure or activity subject to repair, restoration, removal, or replacement authorized in this section. The Department waives Rule 18-21.005, F.A.C., to the extent that:

a. Except as provided in paragraphs C.7.b., C.7.c., and C.7.d. of this Order, and subsection D.1. of this Order, activities authorized under this Order involving the repair, replacement, or restoration of the activities and structures, and the removal of debris located on submerged lands owned by the state that do not qualify for consent by Rule 18-21.005(1)(b), Florida Administrative Code, are hereby granted a Letter of Consent under Rule 18-21.005(1)(c), Florida Administrative Code, provided:

(1) Such repair, restoration, replacement, or removal is conducted in accordance with the terms, conditions, and limitations of this Order;

(2) The structure or activity subject to repair, restoration, or replacement was authorized by the Board of Trustees of the Internal Improvement Trust Fund prior to the Storm, or was otherwise legally existing immediately prior to the Storm;

(3) The activities are conducted solely to repair, restore, or replace structures or land that was damaged by the Storm, or to remove debris resulting solely from the Storm;

(4) The structures and activities are repaired, restored, or replaced in the same location and configuration as was authorized by the Board of Trustees of the Internal Improvement Trust Fund or which otherwise legally existed immediately prior to the Storm; and

(5) All the terms and conditions of Rule 18-21.005(1)(b) or 18-21.005(1)(c), Florida Administrative Code, as applicable, are met (including certain restrictions for activities performed within aquatic preserves and Monroe County), and provided that activities that require an easement under Rule 18-21.005(1)(f), Florida Administrative Code, must obtain the applicable state-owned submerged lands easement under Chapter

18-21, Florida Administrative Code, within one year of expiration of this Order. This Order does not limit the provisions of those statutory and rule provisions.

b. Non-water dependent structures that are authorized in a current sovereign submerged lands lease with the Department are not authorized to be repaired, restored, or replaced when more than 50 percent of the structure or activity is lost (based on the cost to repair, restore, or replace the structure or activity).

c. Water-dependent structures that were legally existing immediately before the Storm but not in conformance with the current criteria of Chapters 18-18, 18-20, or 18-21, Florida Administrative Code, as applicable, may be repaired, restored, or replaced to the footprint that existed immediately before the Storm, but shall, to the greatest extent practicable, be repaired, restored, or replaced to meet the current criteria of Chapters 18-18, 18-20, and 18-21, Florida Administrative Code, as applicable, with respect to design features such as the elevation of decking surfaces and the spacing of deck planking.

d. This Order does not authorize the reconstruction or repair of unauthorized structures.

8. <u>Water and Wastewater Plants and Collection and Distribution Systems</u>

The Department waives Rule 62-620.301, F.A.C., so that:

a. Owners and operators of water and wastewater plants and collection and distribution systems, and their licensed engineers and contractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures, equipment, and appurtenances of the plants and systems to their pre-Storm permitted or registered condition without prior notice to the Department. Within 30 days of commencing the work of such repair or replacement,

however, the owner or operator shall notify the Department in writing, describing the nature of the work, giving its location, Department Facility Identification Number, and providing the name, address, and telephone number of the representative of the owner or operator to contact concerning the work.

b. Owners and operators of underground injection control Class V Group 6 lake level control wells in existence and functioning immediately before the Storm are authorized, without prior permission by the Department, to lower the intake structure to allow a greater volume of lake water to flow down the wells when not to do so would result in immediate flooding of structures not usually inundated by such lake waters. Within 72 hours of lowering said structures, written notice shall be provided to the District Office of the Department in which the structure is located.

c. Owners and operators of drinking water plants and their licensed engineers and contractors are authorized to utilize a U.S. Environmental Protection Agency “mobile laboratory” not previously certified in drinking water or non-potable water by the Department of Health under Rule 62-160.300, F.A.C., to perform such drinking water analyses as required in Rule 62-550.550(2), F.A.C., for purposes of determining compliance with acute public health threats like E. coli or total coliform. At a minimum, the mobile laboratory must meet requirements of the DEP Quality Assurance rules for sample collection (Rule 62-160.210, F.A.C.), sample preservation and holding times (Rule 62-160.400, F.A.C.), use of approved analytical methods (Rule 62-160.320, F.A.C.), and laboratory documentation and reporting (Rule 62-160.340, F.A.C.).

9. <u>Suspension of Fees</u>

For those activities noted above, subject to the limitations, duration, and other provisions of this Order, the following application fee, base fee, and minimal annual lease fee requirements of Sections 161.041, 161.053, 161.0535, 161.055, 373.109, 253.01, 253.03. 403.518, 373.026, 373.043, 373.109, 373.4131, 373.414, 373.418, 373.421, 381.0065, 381.0066, 403.061, 403.087, 403.704(30), 403.805, Florida Statutes, and Chapters 18-18, 18-20, 18-21, 62-4, 62B-33, and 62B-41, Florida Administrative Code, shall be suspended as follows:

a. For structures and activities authorized under paragraphs C.1.a. or C.1.b. of this Order, the lessee may submit a written request to the Division of State Lands, by mail at 3900 Commonwealth Boulevard, Mail Station 130, Tallahassee, Florida 32399-3000, to waive applicable lease fees. In such cases, the owner must identify and document (such as with currently dated photographs) the area (in square feet) of the structure or facility that is no longer useable. When such documentation is received, and deemed sufficient, lease fees will be waived, but only for that portion of the structure that is no longer useable.

b. When the restoration or replacement of individual structures (such as a dock or pier) or entire facilities (such as marinas) on state-owned submerged lands that are completely destroyed is authorized by a field authorization under paragraph C.1.b. of this Order, applicable lease fees will be waived for the duration described in paragraph C.9.c. of this Order.

c. Lease fees that are waived under paragraphs C.9.a. or C.9.b. of this Order will be waived only for the duration of this Order (including subsequent extensions thereto) unless otherwise provided in a field authorization issued under paragraph C.1.b. of this

Order, or until the repairs, restoration or replacement commences, whichever is earlier. The duration of the waiver of suspension of lease fees may be extended beyond the duration of this Order (including subsequent extensions thereto) or beyond the date specified in a field authorization issued under paragraph C.1.b. of this Order, upon a written request by the lessee to extend the waiver of the lease fees. Such request must be received by the Division of State Lands before the expiration of this Order (or extensions thereto) or before the date specified in the field authorization (whichever date is later), and must be accompanied by a signed statement that construction has not yet commenced because contractors or supplies are not available to commence the necessary repairs, restoration or replacement, or because additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers or local government. Such request for extension of the waiver of lease fees must also contain a reasonable schedule for when repair, restoration, or replacement will commence.

d. In all cases where lease fees are waived under paragraph a. above, the lessee must notify the Division of State Lands, at the address stated in paragraph C.9.a. of this Order, of the time repair, restoration, or replacement construction commenced.

D. GENERAL PROVISIONS

1. General Limitations

The Department issues this Order solely to address the emergency created by the Storm. This Order shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable

or otherwise. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

2. Suspension of Statutes and Rules

Within the Emergency Area, the requirements and effects of statutes and rules which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order.

To the extent that any requirement to obtain a permit, lease, consent of use, or other authorization is waived by this Order, it should also be construed that the procedural requirements for obtaining such permit, lease, consent of use or other authorization, including requirements for fees and publication of notices, are suspended for the duration of this Order, except as provided in subsection C.8. of this Order

3. Review of Requests for Field Authorizations

It is the intent of the Department to act on requests for field authorizations in a timely and expeditious manner. The Department may require the submission of additional information as is necessary.

4. Other Authorizations Required

This Order only provides relief from the specific regulatory and proprietary requirements addressed herein for the duration of the Order and does not provide relief from the requirements of other federal, state, water management district or local agencies. This Order therefore does not negate the need for the property owner to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of those agencies. This Order does not provide relief from any of the requirements of Chapter 471, Florida Statutes, regarding professional engineering.

Activities subject to federal consistency review that are emergency actions necessary for the repair of immediate, demonstrable threats to public health or safety are consistent with the Florida Coastal Management Program if conducted in strict conformance with this Order.

5. Extension of time to comply with specified deadlines

For facilities and activities regulated by the Department in the Emergency Area, this Order extends by 30 days the time to comply with the following specified deadlines that occur between the date of issuance of this Order and the expiration of this Order:

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, 381, or 403, Florida Statutes, and rules adopted thereunder, except for monitoring required under federally-mandated air permit conditions pursuant to 40 CFR Parts 60, 61, 63, and 75;

b. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, license, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act;

c. The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act;

d. The expiration date for an existing permit, lease, consent of use, license, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act; and

e. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, Florida Statutes, or Sections 403.91 – 403.929, Florida Statutes, and rules adopted thereunder.

6. Permit Extensions During States of Emergency

The public is advised that Section 252.363, Florida Statutes, provides for tolling and extending the expiration dates of certain permits and other authorizations following the declaration of a state of emergency. Affected permits include authorizations granted by the Department, water management district or delegated local government, pursuant to part IV of Chapter 373, Florida Statutes, except for authorizations granted under the State 404 Program, Chapter 62-331, Florida Administrative Code.

The extension provisions of Section 252.363, Florida Statutes, do not apply to:

a. Permits that:

(1) Authorize activities that occur outside the geographic area affected by the declaration of a state of emergency;

(2) Include authorization under a programmatic or regional general permit issued by the U.S. Army Corps of Engineers;

(3) Are held by a permittee in significant non-compliance; or

(4) Are subject to a court order specifying an expiration date or buildout date that would conflict with the extensions granted in this section.

b. State-owned submerged lands authorizations under Chapters 253 or 258, Florida Statutes.

c. Formal determinations of the landward extent of wetlands and other surface waters.

d. Exemptions and verifications of exemptions from permitting criteria.

e. Permits and other authorizations issued under Chapter 161 (including JCP permits), Chapter 373 (except for permits issued under Part IV described above), Chapter 376, and Chapter 403, Florida Statutes.

To receive an extension under Section 252.363, Florida Statutes, the holder of a valid, qualifying permit must notify the authorizing agency in writing within 90 days of the expiration of a declaration of emergency, as established via a State of Florida Executive Order. The duration of the tolled period remaining to exercise the rights under a permit shall be equal to six (6) months in addition to the duration of the declaration of emergency.

7. <u>Deadlines for Agency Actions</u>

For each of the following offices, any deadlines specified in statutes, rules, agreements, or Department orders, under which the Department is required by law to take action within a specified time period, and under which failure by the Department to timely take such action could result in any type of default binding on the Department (including the time to request additional information on permit applications), are hereby

suspended and tolled for a period of 30 days, provided such deadline had not expired as of the effective date this Order:

a. Each Department office and delegated local program that sustains within its geographic boundaries any significant physical damage occurring as a direct result of the Storm. This includes Department offices located outside the impacted area that perform any of their duties in the impacted area; and

b. Any office of the Department not directly impacted by the Storm if that office has deployed staff to any District Office of the Department or delegated local program specified above, or to any water management district office in an impacted area, to assist in Storm relief efforts or to supplement the normal personnel in those impacted offices.

8. Expiration Date

This Order shall take effect immediately upon execution shall expire upon expiration or rescission of EO 24-208, as amended by 24-209, as modified or extended.

9. Violation of Conditions of Emergency Final Order

Failure to comply with any condition set forth in this Order shall constitute a violation of a Department Final Order under Chapters 161, 253, 258, 373, 376, 377, 378, 381, and 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

10. Applicability to Delegated Programs

The provisions of this Order apply in those cases where a water management district, local government, or other entity is acting for the Department in accordance with a delegation agreement, operating agreement, or contract. Such water management district, local government, or other entity shall comply with the terms of this Order to the

extent that it is acting as an agent of the Department. This Order does not apply in those cases where a water management district, local government, or other entity is acting under its own independent authority.

NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review of it under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel by mail at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

DONE AND ORDERED on this 24th day of September 2024, in Tallahassee, Florida.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Digitally signed by Shawn Hamilton
Date: 2024.09.24 14:07:37 -04'00'

Shawn Hamilton, Secretary
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Michelle M. Knight
Digitally signed by Michelle M. Knight
Date: 2024.09.24 14:29:38 -04'00'

CLERK

9/24/24

DATE

STATE OF FLORIDA

OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 25-102

(Emergency Management – Extension of Executive Order 24-208 – Hurricane Helene)

WHEREAS, on September 23, 2024, I issued Executive Order 24-208, declaring a state of emergency for forty-one counties across the State of Florida due to coastal flooding, erosion, heavy rainfall, flash flooding, strong winds, and severe storm surge caused by Potential Tropical Cyclone Nine; and

WHEREAS, on September 24, 2024, I issued Executive Order 24-209, extending the state of emergency to sixty-one counties across the State of Florida due to the dangers presented by Potential Tropical Cyclone Nine; and

WHEREAS, on October 3, 2024, I issued Executive Order 24-213, which amended Executive Order 24-208, to address disruptions in commerce caused by the International Longshoremen's Association strike and to reclassify Potential Tropical Cyclone Nine as Hurricane Helene; and

WHEREAS, presently there are no disruptions in state commerce and the International Longshoremen's Association strike has since ceased; and

WHEREAS, the affected areas are still recovering from the damage caused by Hurricane Helene; and

WHEREAS, Executive Order 24-208, as amended, expires on May 16, 2025, unless extended; and

WHEREAS, an extension of Executive Order 24-208 is necessary because recovery efforts and those affected by this disaster require the continued support of the State of Florida.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. The state of emergency and all provisions of Executive Order 24-208, as amended, are renewed for sixty (60) days following the date of this Executive Order.

Section 2. This Executive Order will not extend the amendments and accommodations made by Executive Order 24-213, which are now moot.

Section 3. Except as amended herein, Executive Orders 24-208 and 24-209 are ratified and reaffirmed.

Section 4. This Executive Order is effective immediately.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 14th day of May, 2025.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2025 MAY 14 PM 3:15
DEPARTMENT OF STATE
TALLAHASSEE, FL

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:

EMERGENCY AUTHORIZATION FOR REPAIRS, REPLACEMENT, RESTORATION, AND CERTAIN OTHER MEASURES MADE NECESSARY BY HURRICANE MILTON

OGC NO. 24-2580

_____/

EMERGENCY FINAL ORDER

The State of Florida Department of Environmental Protection (Department) enters this Emergency Final Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent and immediate danger to the public health, safety, and welfare of the citizens of the State of Florida posed by Hurricane Milton (hereinafter "the Storm").

FINDINGS OF FACT

1. On October 5, 2024, showers and thunderstorms associated with an area of low pressure located over the southwestern Gulf of Mexico organized into a tropical storm. The Storm has strengthened into a hurricane due to atmospheric and oceanic conditions in the Gulf of Mexico where further strengthening and development is anticipated. The Storm is forecasted to become a major hurricane near or at landfall along the West Florida Coast. Meteorological reports indicate there is a significant threat of life-threatening storm surge and wind impacts for portions of the western Florida Peninsula within the next few days. Heavy rainfall will impact portions of Florida well ahead of the Storm, impacting Florida Gulf Coast communities still recovering from Hurricane Helene. The Storm's heavy rainfall which may result in flash flooding, river

flooding, coastal flooding, erosion, and gusty winds. The Storm could cause extensive damage to critical state infrastructure, including major interstates and roadways, power grids, airports, schools, and hospitals. Accordingly, this Order shall apply to an area hereafter referred to as the "Emergency Area," which consists of the following counties: Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, Suwanee, Taylor, Union, and Volusia.

2. By State of Florida Executive Order No. 24-214, as amended by 24-215, the Governor declared a state of emergency throughout the Emergency Area based upon the serious threat to the public health, safety, and welfare posed by the Storm.

3. The Department finds that the effects of the Storm will create a state of emergency posing an imminent danger to the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action by Florida's citizens and government may be necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and other systems damaged by the Storm.

4. The Department finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

5. The Department finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action to cope with the emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

1. Based on the findings recited above, it is hereby concluded that the emergency caused by the Storm poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the Department.

2. Under State of Florida Executive Order No. 24-214, as amended by 24-215, and Sections 120.569(2)(n), 252.36, and 252.46, Florida Statutes, the Secretary or designee of the Department is authorized to issue this Order.

3. Suspending statutes and rules, as noted within this Order, is required so as not to prevent, hinder, or delay action necessary to cope with the emergency.

THEREFORE, IT IS ORDERED*:*

A. WASTE MANAGEMENT

Within the Emergency Area, the Department waives Rules 62-761.405 and .700, and 62-762.411 and .701, Florida Administrative Code. to the extent necessary for:

1. <u>Storage Tank Systems</u>

a. Owners and operators of storage tank systems, regulated under Chapters 62-761 and 62-762, Florida Administrative Code, and their State of Florida licensed engineers and contractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures, equipment, and

appurtenances of the systems to their pre-Storm permitted or registered condition without prior notice to the Department. Within 30 days of commencing the work of such repair or replacement, the owner or operator shall notify the Department in writing, describing the nature of the work, giving its Department Facility Identification Number for the location, and providing the name, address, and telephone number of the representative of the owner or operator to contact concerning the work.

b. Petroleum Contact Water: Owners and operators of underground petroleum storage tank systems impacted by the Storm are authorized to discharge petroleum contact water, as defined in Rule 62-740.030, Florida Administrative Code, to impervious surfaces under the following conditions for only the first 30 days from the initial issuance date of this Order:

(1) The total discharge shall not exceed 25 gallons in volume per facility;

(2) There shall be no visible sheen, sludge or emulsion in the petroleum contact water; and

(3) The discharge shall not reach a surface water of the state or stormwater management system.

The removal of petroleum contact water not meeting the above criteria shall be removed by vacuum truck for proper disposal pursuant to Chapter 62-740, Florida Administrative Code, or by separate authorization by contacting the Department's Division of Waste Management by mail at 2600 Blair Stone Road, Mail Station 4525, Tallahassee, Florida 32399-2400 or telephone at 850/245-8842.

2. Solid Waste Management

a. Pursuant to Section 403.7071, F.S., storm generated debris shall be managed at authorized staging areas or Disaster Debris Management Sites (DDMS) in accordance with the Division of Waste Management's Guidance for the Establishment, Operation, and Closure of Disaster Debris Management Sites, which is incorporated into this Order.

b. The Department waives Rule 62-701.320(4), F.A.C., to the extent that permitted landfills, waste-to-energy facilities, and transfer stations which accept Storm-generated debris in accordance with the terms of this Order may accept Storm-generated debris for disposal or storage without the need to first modify existing solid waste permits or certifications. Operators of landfills shall seek modifications of their existing permits to address any long-term impacts of accepting Storm-generated debris on operations and closure that are not addressed in existing permits. Long-term impacts are those which will extend past the expiration date of this Order. The requests for modification shall be submitted as soon as possible, but no later than the expiration date of this Order. No permit fee will be required for any modifications necessitated solely by the Storm cleanup activities. This paragraph does not authorize the permanent lateral or vertical expansion of any facility beyond its permitted limits. Domestic wastewater biosolids may be disposed of in Class I landfills even if such biosolids meet the definition of a liquid waste found in Rule 62-701.200(72), Florida Administrative Code, provided that such disposal is approved in advance by the Department and that the material is managed to the extent practicable so as to minimize liquid content, odors, and runoff.

c. Pursuant to Section 403.7071, Florida Statutes, open burning of Storm-generated debris is allowed provided it meets the following requirements and does not

create a public nuisance. Please refer to the Division of Air Resource Management's Guidance on Site Selection Criteria for Open Burning Activities for additional information.

(1) An air curtain incinerator may be used at any staging area, permitted landfill, waste-to-energy facility, registered yard trash processing facility, or transfer station so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's Air Curtain Incinerator Worksheet and does not create a public nuisance.

(2) Open pile burning may be conducted at any staging area other than staging areas located at permitted landfills or permitted disposal facilities so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's Open Pile Burning Worksheet and does not create a public nuisance.

3. Hazardous Waste Management

A blanket approval of time extensions under Rule 62-730.160, Florida Administrative Code, is necessary within the Emergency Area for hazardous waste generators for the storage of their hazardous wastes on-site, pending the cleanup of any Storm damage and restoration of essential services. The rules authorize a 30-day extension because of unforeseen and uncontrollable circumstances such as the Storm. Therefore, to avoid having to issue a potentially large number of individual approvals on a case-by-case basis and waste limited agency resources during the time of emergency, the Department authorizes a general extension of time of 30 days from the expiration of this Order for all such hazardous waste generators within the Emergency Area for the storage of their hazardous wastes on-site.

4. Mineral Oil Dielectric Fluid Discharges

A blanket approval of time extensions under Rule 62-780.550, Florida Administrative Code, is necessary within the Emergency Area for responding to and completing the cleanup of mineral oil dielectric fluid (MODEF) discharges from electric power generation, transmission, and distribution facilities damaged by the Storm within the Emergency Area. The Department authorizes a general extension of time of 30 days from the date of discovery of a nonpetroleum de minimis discharge (for a total of 60 days from the discovery of the discharge) for responding to and completing cleanup of MODEF discharges from electric power generation, transmission, and distribution facilities damaged by the Storm within the Emergency Area in accordance with the applicable provisions of Chapter 62-780, Florida Administrative Code. However, all other provisions of Rule 62-780.550, Florida Administrative Code, such as the record-keeping requirements, shall apply.

B. AIR RESOURCE MANAGEMENT

Within the Emergency Area:

1. <u>Open Burning Operations</u>

a. Pursuant to Section 403.7071, Florida Statutes, open burning of storm-generated yard trash, other storm-generated vegetative debris, or untreated wood from construction and demolition debris is allowed provided it meets the following requirements and does not create a public nuisance. Please refer to the Division of Air Resource Management's Guidance on Site Selection Criteria for Open Burning Activities for additional information in preventing public nuisances.

(1) Air curtain incinerators may be used in the Emergency Area for a period of up to eight (8) weeks without a Department-issued air permit to combust storm-generated

yard trash, other storm-generated vegetative debris, or untreated wood from construction and demolition debris so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's Air Curtain Incinerator Worksheet and do not create a public nuisance.

(2) Local governments or their agents may conduct the open pile burning of Storm-generated yard trash, other Storm-generated vegetative debris, and untreated wood from construction and demolition debris at Department-authorized staging areas (other than staging areas located at permitted landfills or permitted disposal facilities), so long as they meet the operating requirements detailed in the Division of Air Resource Management's Open Pile Burning Worksheet.

2. Asbestos

40 CFR Part 61, Subpart M does not apply to the renovations or demolitions of residential buildings with four or fewer dwelling units. Owners of these types of residential buildings may commence a renovation or demolition without notice to the Department. For more information on asbestos regulation, please review the Division of Air Resource Management's factsheets on Asbestos Emergency Cleanups and Asbestos Building Debris Cleanup.

3. Emergency Engines Exempt from Air Permitting Requirements

Reciprocating internal combustion engines in the Emergency Area may exceed the annual fuel consumption limitations in Rule 62-210.300(3)(a)35., Florida Administrative Code, without triggering the need to receive a Department-issued air permit if the engine is being used for disaster-related purposes. The owner or operator of

such an engine shall exclude fuel consumed during the period covered by this Order from annual fuel consumption calculations.

C. WATER RESOURCE MANAGEMENT, RESILIENCY, AND COASTAL PROTECTION

Within the Emergency Area:

1. Environmental Resource, Dredge and Fill, and Surface Water Management Activities

a. No Notice Required

The Department waives Rule 62-330.020, F.A.C., to the extent that the following activities are authorized to be conducted under this Order without notification to the Department or water management district.

(1) Temporary and permanent repair or restoration of structures and drainage systems that are not completely destroyed to the conditions, dimensions, and configurations that were authorized or otherwise legally existing immediately prior to the Storm, provided the repair and restoration activities do not result in any expansion, addition, or relocation of the existing structure or systems, and provided any such structures or drainage systems in, on, or over state-owned submerged lands are water dependent. This may include the use of different construction materials or minor deviations to allow upgrades to current structural and design standards, or to replace a seawall with a rip rap revetment.

(2) The restoration (regrading, dredging, or filling) by local, regional, state, and federal governments of upland surfaces, wetlands, and submerged land contours to the conditions and configurations that were authorized or otherwise legally existing immediately prior to the Storm, provided the restoration does not result in any expansion

or addition of land or deepening of waters beyond that which existed immediately prior to the Storm, subject to the following limits:

(a) The removal or deepening of plugs formerly separating canals from other waters is specifically not authorized by this Order;

(b) In the case of dredging, all excavated material shall either be deposited on uplands that are diked or otherwise sloped or designed to prevent any discharge into wetlands or other surface waters, or shall be used to restore bottom contours and shorelines to the conditions existing immediately prior to the Storm, subject to subparagraph C.2.a.(3) of this Order;

(c) In the case where upland or dredged material is placed in water to restore pre-existing conditions, only clean material (free from debris and pollutants) from the uplands that existed prior to the Storm may be used in the restoration, and no change (from the conditions that legally existed immediately prior to the Storm) in the slope of the land or the type, nature or configuration of any pre-existing shoreline stabilization materials is authorized (e.g., sloping revetments cannot be replaced with vertical seawalls, and rock riprap cannot be replaced with interlocking blocks);

(d) Best management practices and devices shall be used to prevent violations of state water quality standards for turbidity during the performance of restoration activities, in accordance with the guidelines and specifications in The Florida Stormwater, Erosion, and Sedimentation Control Inspectors Manual (Florida Department of Environmental Protection October 2018) https://floridadep.gov/dear/florida-stormwater-erosion, and the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Transportation and Florida Department of Environmental

Protection July 2013) https://www.flrules.org/Gateway/reference.asp?No=Ref-04227. Best management practices also shall be used to prevent erosion and retain sediment of all newly established or restored exposed shorelines during and after the restoration activities, which may include methods such as planting of temporary and permanent vegetation and placing of clean natural rock or concrete rubble riprap;

(e) Any fill that is deposited to restore a former shoreline, and any riprap that is used to stabilize a shoreline, must not be placed any farther waterward than the toe of slope of the shoreline that legally existed immediately prior to the Storm. If the pre-Storm shoreline was stabilized with a functioning seawall or riprap, the seawall or riprap may be restored at its former location or within 18 inches waterward of the location where the seawall or riprap legally existed immediately prior to the Storm, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap; and

(f) This section (C.1.a.(2)) shall not constitute authorization to fill submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, except as provided herein.

(3) Removal of debris, including sunken or grounded vessels, vegetation, and structural remains that have been deposited into waters, wetlands, or uplands by the Storm, where such removal **does not result** in filling of wetlands or other surface waters, or dredging that creates or expands surface waters. All removed materials must be deposited on self-contained uplands and must be managed in accordance with Department rules or provisions of this Order.

b. Field and Individual Authorization Required

(1) Field authorizations may be issued following a site inspection by Department or water management district personnel to restore structures and property to authorized or otherwise legally existing conditions that existed immediately prior to the Storm, to recover property, protect property from further damage, maintain navigation or protect public health, safety, and welfare, when such activities are not otherwise authorized by statutory or rule exemptions or under paragraph C.1.a. of this Order. Specifically, field authorizations may be issued for:

(a) Activities including the replacement of structures that are completely destroyed;

(b) Structures and activities on state-owned submerged lands that are non-water dependent structures and are authorized in a current sovereign submerged lands lease with the Department may not be repaired, restored, or replaced when more than 50 percent of the structure or activity is lost (based on the cost to repair, restore, or replace the structure or activity);

(c) Restoration (regrading, dredging, or filling) of the contours of uplands, wetlands, and submerged bottoms by parties other than local, regional, state, or federal governments;

(d) Trimming or alteration of mangroves that threaten public health, safety, welfare or property, or that currently interfere with navigation;

(e) Removal of debris, including sunken or grounded vessels, vegetation, and structural remains, that has been deposited into waters, wetlands, or uplands by the Storm, the removal of which **requires** filling of wetlands or other surface waters, or dredging that creates or expands wetlands or other surface waters. Any wetlands or other

surface waters that are dredged or filled to affect such removal must be restored to the contours and conditions that existed before the Storm; and

(f) Other activities determined by Department or water management district personnel as having the potential to result in only minimal adverse individual or cumulative impact on water resources and water quality.

(2) Field authorizations to replace structures shall not preclude the use of different construction materials or minor deviations to allow upgrades to current structural and design standards, including building codes, or to a more environmentally compatible design, as determined by the Department or water management district, than existed immediately prior to the Storm.

(3) Field authorizations may be requested by providing a notice to the local office of the Department or water management district containing a description of the work requested, the location of the work, and the name, address, and telephone number of the owner or representative of the owner who may be contacted concerning the work. Field authorizations also may be issued by Department or water management district personnel without prior notice. Field authorizations may not be issued unless requested on or before the expiration date of this Order, unless that date is modified or extended by further order. Written records of all field authorizations shall be created and maintained by Department and water management district personnel. Field authorizations may include specific conditions for the construction, operation, and maintenance of the authorized activities. Field authorizations issued prior to the effective date of this Order remain in effect for the duration specified in the field authorization but may be extended through written modification by the Department or water management district in accordance with

the provisions of paragraph C.6.h. of this Order. Failure to comply with the conditions of the field authorization may result in enforcement actions by the Department or water management district.

2. Coastal Construction Control Line ("CCCL") Activities

This section applies to activities conducted within the Emergency Area seaward of the CCCL as established by Chapter 62B-26, Florida Administrative Code. Emergency Permits may be issued by the Division of Resilience and Coastal Protection pursuant to Rule 62B-33.014, Florida Administrative Code. A list of activities seaward of the CCCL that are exempt from CCCL permitting requirements is contained in Rule 62B-33.004, Florida Administrative Code, and Section 161.053(11), Florida Statutes. The Division of Resilience and Coastal Protection has developed a Public Information Handout to provide property owners with a concise explanation of activities that are authorized seaward of the CCCL in this Order. To obtain a copy, please visit the Coastal Construction Control Line Emergency Permits website at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. You may also contact the Office of Resilience and Coastal Protection directly by email at CCCL@FloridaDEP.gov, by mail at 2600 Blair Stone Road, Mail Station 3522, Tallahassee, Florida 32399-3000, or by phone at 850/245-2094.

This Order constitutes the declaration of a shoreline emergency and activates emergency protection and permitting procedures established in s. 161.085 (3), Florida Statutes, and in Rules 62B-33.0051(5) and 62B-33.014, Florida Administrative Code.

In addition, to emergency protective measures that can be conducted under the above referenced statute and rules, this Order authorizes both the protection, repair or

replacement of public infrastructure and a local government's ability to issue certain coastal construction permits in lieu of Department CCCL permits, subject to the conditions and limitations of this Order. Activities that extend onto state owned lands of Florida seaward of the mean high water line or an Erosion Control Line that would typically require a permit pursuant to Sections 161.041 and/or 161.055, Florida Statutes, i.e., regulated under the Joint Coastal Permit program (JCP), are not authorized under this subsection. JCP activities are addressed separately in subsection C.3. of this Order.

a. Activities Undertaken by Local Governments, the Department of Environmental Protection, Florida Department of Transportation and Utility Companies

The Department waives Rules 62B-33.005 and .0051, F.A.C., to the extent that the following activities may be undertaken by local governments, agencies of the State of Florida, and utility companies to protect, repair, or replace structures and property without notice to the Department or water management district, subject to the limitations below. Work performed under paragraph C.2.a. of this Order must be complete within one year of the issuance of this Order.

(1) Removal of Storm-generated debris. Prior to removing the debris and to the greatest extent possible, beach compatible sand should be separated from the debris and kept on-site. To prevent debris from becoming buried, all Storm-generated debris shall be removed to an appropriate upland disposal site landward of the CCCL prior to conducting any fill activities.

(2) The repair or replacement of the following public facilities: utilities, roads, beach access ramps, and dune walkover structures (see guidelines for construction of

dune walkovers at https://floridadep.gov/rcp/coastal-construction-control-line/documents/beach-and-dune-walkover-guidelines).

(3) Return of sand to the beach and dune system that has been deposited upland by the Storm, and restoration of a dune system using beach compatible sand from an upland source. The material shall not cover any Storm-generated debris or construction debris. All fill material shall be sand that is similar to the pre-Storm beach sand in both coloration and grain size and be free of debris, rocks, clay, or other foreign matter and shall meet the specifications set forth by the Department for the location that the fill is being placed. Such specifications are available at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. No sand may be obtained from the beach, near shore, or below the mean high water line seaward of the CCCL without specific written authorization from the Department.

b. Activities Requiring Local Authorization

Local governments are authorized to issue permits in lieu of Department permits to private and public property owners for the activities listed below in addition to the temporary protective measures described in section 161.085 (3), Florida Statutes, and Rule 62B-33.0051, Florida Administrative Code. Local governments shall notify the Department in writing within three (3) working days of permits issued under this section. The notification must be submitted to the Department by email to CCCL@FloridaDEP.gov. Work authorized by the local government must be complete

within 90 days of issuance of the local government permit or within 90 days of the expiration date of this Order, whichever deadline occurs first.

(1) Repair or replacement of minor ancillary structures (such as stairs, landings, and HVAC platforms) and service utilities that are associated with the existing habitable structure. The repair of minor ancillary structures or service utilities shall not exceed the size of the original structure or service utility damaged or destroyed by the Storm. Repair of surviving beach/dune walkovers is authorized provided the structure is substantially intact and the repair adjusts the seaward terminus of the walkover to a more landward location to accommodate changes in the shoreline topography and native salt-resistant vegetation patterns. Viewing platforms as part of the walkovers may not be constructed on or seaward of the surviving or post-Storm rebuilt dune system or sandy beach.

(2) Permanent repair of foundations for buildings that have not been substantially damaged.

(3) The replacement or repair of caps and anchoring systems (or tiebacks) for seawalls or bulkheads.

(4) Restoration of a dune system damaged by the Storm using beach compatible sand from an upland source.

All fill material shall be sand that is similar to the pre-Storm beach sand in both coloration and grain size and be free of debris, rocks, clay, organic matter, or other foreign matter and shall meet the specifications set forth by the Department for the location that the fill is being placed. Such specifications are available at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permits. No sand may be obtained from the beach, near shore,

or below mean high water seaward of the CCCL without specific written authorization from the Department.

c. Return of sand to the beach dune system which has been deposited upland by the Storm

No state or local government permit or other authorization shall be required for a public or private property owner to return clean sand back onto the beach that has been deposited on the property owner's property by the Storm. "Clean sand" is defined as sand that does not have stains or odors and that is similar to the pre-hurricane beach sand in both coloration and grain size. It must be free of debris, rocks, clay or other foreign matter. This clean sand can be collected and placed above the high tide line (or mean high water line) on the beach and dune system. Sand may not be placed over any existing native vegetation or storm generated debris on the beach. Any sand that does not meet the definition of clean sand may be taken to a Department authorized Disaster Debris Management Site that has been designated by the local government to accept the sand. The Department, or a local government on behalf of the Department, may bring an enforcement action against any public or private property owner that violates the requirements of this paragraph.

d. Other Activities

Actions taken by local governments, the Department's Division of Recreation and Parks, Florida Department of Transportation, and utility companies under paragraph C.2.a. of this Order, and actions taken by local governments under paragraph C.2.b. of this Order, do not require additional permits from the Department.

3. <u>Joint Coastal Permit Activities</u>

This subsection applies to certain activities along the natural sandy beaches of the Atlantic Ocean, Gulf of Mexico or Straits of Florida that extend onto sovereignty lands of Florida, seaward of the mean high water line and are likely to have a material physical effect on the coastal system or natural beach and inlet processes, i.e., activities that are regulated under the JCP program, pursuant to Sections 161.041 and/or 161.055, Florida Statutes. The Department waives Rules 62B-41.005 and .0055, F.A.C., to the extent necessary so that:

a. In lieu of a normal JCP for activities summarized above, federal, state, or local governments may apply to the Office of Resilience and Coastal Protection, Beaches, Inlets and Ports Program for emergency authorizations to alleviate hazardous conditions resulting from the Storm that pose an immediate danger to life or limb, including sudden and unpredictable hazards to navigation. Applications for emergency authorizations shall meet the following criteria:

(1) The application must be received by the Department during the duration of this Order;

(2) The hazardous conditions are a result of the Storm identified in this Order and did not exist prior to the Storm;

(3) The proposed measures are limited to the minimum amount necessary to alleviate the hazardous conditions by temporarily stabilizing the structure or clearing the channel, until a JCP can be processed to address the long-term repair;

(4) Fill material shall not extend seaward of the mean high water line that existed immediately before the Storm;

(5) Navigational dredging shall not exceed channel depths, widths or alignment that existed immediately before the Storm;

(6) Reconstruction of non-water-dependent structures on sovereign submerged lands unless authorized in a current sovereign submerged lands lease issued by the Department is prohibited;

(7) Fill may only be placed seaward of the mean high water line to temporarily stabilize an upland structure if that structure is in danger of imminent collapse and was located behind the primary dune line prior to the Storm. The amount of fill allowed is the minimum necessary for the stabilization of the structure;

(8) The placement of fill may only extend the mean high water line seaward of the current (post-Storm) location if the applicant provides proof that the riparian owner(s) has obtained a disclaimer under Rule 18-21.019, Florida Administrative Code, (from the Department's Division of State Lands) for the proposed project site, a memorandum from the Department's Division of State Lands acknowledging the Storm-related occurrence of avulsion for the proposed project site, or documentation from the Department that a valid erosion control line has been established at the fill site;

(9) Any fill material placed on the beach shall meet the criteria for beach-quality sand in Rule 62B-41.007(2)(j), Florida Administrative Code;

(10) The proposed measures shall not cause water quality violations outside of the mixing zone, established pursuant to Rule 62-4.244, Florida Administrative Code; and

(11) The proposed measures shall not adversely affect hardbottom or coral reef communities, seagrass communities or functional marine turtle nesting habitat that existed before the Storm and shall not contribute to erosion of adjacent properties.

b. Emergency authorizations shall expire 90 days after issuance unless a written request for an extension of the expiration date is received and granted by the Department before this Order's expiration date. Any request for extension of an emergency authorization issued under this subsection must contain a reasonable schedule for when repair, restoration, or reconstruction will commence and ultimately conclude.

c. Application fees and noticing requirements shall be waived for projects that are eligible for this emergency authorization.

4. National Pollutant Discharge Elimination System Stormwater Construction Generic Permit

This subsection applies to any construction activity authorized by this Order that would require coverage under the Generic Permit for the Discharge of Stormwater Associated with Large and Small Construction Activities pursuant to Rule 62-621.300(4), F.A.C. The Department waives to Rule 62-621.300(4), F.A.C., to the extent that for these construction projects, operators of the sites, and their licensed engineers and subcontractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures to their pre-Storm permitted or registered condition without prior notice to the Department. All best management practices must be in accordance with the guidelines and specifications of the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection July 2013) https://www.flrules.org/Gateway/reference.asp?No=Ref-04227. Within 30 days of commencing the work of such repair or replacement, however, the owner or operator shall

submit to the Department a completed Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities [Form Number 62-621.300(4)(b)], which can be found at https://floridadep.gov/water/stormwater/content/construction-activity-cgp.

5. Onsite Sewage Treatment and Disposal System Activities

This section applies to regulatory requirements within the Emergency Area for onsite sewage treatment and disposal systems (OSTDS), commonly referred to as septic systems. Under the direction of the Department, certain regulatory services, such as permitting and inspections, are implemented by the Florida Department of Health's local county health departments (DOH-CHDs) by virtue of the Interagency Agreement, effective July 1, 2021. This Order grants relief for the following activities and standards governed under Sections 381.0065 – 381.0067, Florida Statutes, and Chapter 62-6, Florida Administrative Code:

a. Portable Restrooms, Mobile Restrooms, Mobile Shower Trailers, and Portable Holding Tanks: The Department waives during the effective period of this Order, the prohibitions of Rule 62-6.0101(7)(a), Florida Administrative Code, which forbids the use of portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks for use with permanent structures. During this emergency period, such use is allowed in the Emergency Area as follows:

(1) In situations where the existing OSTDS is damaged or not operational due to the Storm.

(2) The use of the portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks must not extend beyond 120 days after the end of this

Order, except in the event a system construction permit has been issued to repair the damaged system within this 120-day period, the use of the portable restrooms, mobile restrooms, mobile shower trailers, or portable holding tanks must not extend beyond the expiration date of the issued system construction permit.

(3) The use of portable holding tanks must be in accordance with the tank capacity and service requirements described in Rule 62-6.0101, Florida Administrative Code.

b. Temporary Covering of Installations: When a contractor has installed a system, which has not yet been inspected and approved for covering per Rules 62-6.003(2) and (3), Florida Administrative Code, the following criteria apply. During the effective period of this Order, a contractor may cover a system with earth prior to approval for the purposes of protecting the system from the Storm provided the system is completely uncovered for the required inspection(s) after the Storm. The contractor must, within 36 hours of covering a system, notify the DOH-CHDs in writing that the system has been covered for purposes of protecting the system from the Storm. The notification must provide the permit number, that the system will be uncovered for inspection(s), and that the system will not be placed into use until the Department grants Final Installation Approval per Rules 62-6.003(2) and (3), Florida Administrative Code.

6. **General Conditions**

a. All activities conducted under subsections C.1., C.2., C.3., C.4., and C.5. of this Order shall be performed using appropriate best management practices. For activities conducted in, or discharging to, wetlands or other surface waters, best management practices include properly installed and maintained erosion and turbidity control devices

to prevent erosion and shoaling, control turbidity, and prevent violations of state water quality standards and protect the functions provided by wetlands and other surface waters to fish, wildlife, and listed species.

b. The authorizations in subsections C.1., C.2., C.3., C.4., and C.5. of this Order shall not apply to structures and associated activities that were not legally existing or otherwise properly authorized by all applicable agencies before the passage of the Storm.

c. Applicable environmental resource, surface water management, dredge and fill, JCP, or CCCL permits shall be required following provisions of statute and rule for other activities not authorized in this Order that do not otherwise qualify as an exempt activity under statute or rule.

d. The nature, timing, and sequence of construction authorized under this Order shall be conducted in such a manner as to provide protection to, and so as to not disturb, dune features, native salt-resistant vegetation, and listed species and their habitat, including threatened or endangered sea turtles, endangered manatees, endangered beach mice, endangered plant communities, and migratory shorebirds. If activities conducted under subsection C.2. and C.3. of this Order occur during the marine turtle nesting season (March 1 through October 31 in Brevard, Indian River, St. Lucie, Martin, and Broward counties, May 1 through October 31 in all other coastal counties within the state), such activities must be coordinated with the Florida Fish and Wildlife Conservation Commission’s Imperiled Species Management Section to ensure that all activities comply with state and federal requirements for the protection of sea turtles, their nests, hatchlings, and nesting habitat.

e. Nothing in this Order authorizes the taking, attempted taking, pursuing, harassing, capturing or killing of any species (or the nests or eggs of any species) listed under Chapter 68A-27, Florida Administrative Code, or the federal Endangered Species Act.

f. Persons are advised that all structures that are rebuilt under subsection C.2. of this Order should be rebuilt in accordance with all applicable local, state, and federal building standards and requirements of the Federal Emergency Management Agency.

g. It is recommended that, where possible, owners of property should maintain documentation (such as photos) of the condition of the structures or lands as they existed prior to initiating any activities authorized under this Order and should provide such documentation to the Department if requested to do so.

h. Activities authorized under subsection C.1. of this Order must be completed as follows:

(1) Within one year from issuance of this Order, for activities that qualify under the No Notice provisions of paragraph C.1.a. of this Order;

(2) By the date specified in the field authorization for activities that qualify under the provisions of subparagraph C.1.b.(1) of this Order. However, the deadline for completing such activities may be extended if a written request with accompanying documentation as described below is submitted by the person(s) authorized in the field authorization and received by the District Office of the Department that issued the field authorization at least 30 days prior to expiration of the field authorization. Such request must be accompanied by a statement that contractors or supplies are not available to complete the work, or that additional time is needed to obtain any required authorization

from the U.S. Army Corps of Engineers. Such permittee should maintain a list of contractors that have been contacted and a record of supplies that are on backorder as needed to demonstrate compliance with this provision.

7. <u>Authorization to Use State-Owned Submerged Lands</u>

The Department has been delegated by the Board of Trustees of the Internal Improvement Trust Fund the authority to grant the following authorizations to use state-owned submerged lands, that is, lands lying waterward of the line of mean high water, erosion control line or ordinary high water line, in association with the structure or activity subject to repair, restoration, removal, or replacement authorized in this section. The Department waives Rule 18-21.005, F.A.C., to the extent that:

a. Except as provided in paragraphs C.7.b., C.7.c., and C.7.d. of this Order, and subsection D.1. of this Order, activities authorized under this Order involving the repair, replacement, or restoration of the activities and structures, and the removal of debris located on submerged lands owned by the state that do not qualify for consent by Rule 18-21.005(1)(b), Florida Administrative Code, are hereby granted a Letter of Consent under Rule 18-21.005(1)(c), Florida Administrative Code, provided:

(1) Such repair, restoration, replacement, or removal is conducted in accordance with the terms, conditions, and limitations of this Order;

(2) The structure or activity subject to repair, restoration, or replacement was authorized by the Board of Trustees of the Internal Improvement Trust Fund prior to the Storm, or was otherwise legally existing immediately prior to the Storm;

(3) The activities are conducted solely to repair, restore, or replace structures or land that was damaged by the Storm, or to remove debris resulting solely from the Storm;

(4) The structures and activities are repaired, restored, or replaced in the same location and configuration as was authorized by the Board of Trustees of the Internal Improvement Trust Fund or which otherwise legally existed immediately prior to the Storm; and

(5) All the terms and conditions of Rule 18-21.005(1)(b) or 18-21.005(1)(c), Florida Administrative Code, as applicable, are met (including certain restrictions for activities performed within aquatic preserves and Monroe County), and provided that activities that require an easement under Rule 18-21.005(1)(f), Florida Administrative Code, must obtain the applicable state-owned submerged lands easement under Chapter 18-21, Florida Administrative Code, within one year of expiration of this Order. This Order does not limit the provisions of those statutory and rule provisions.

b. Non-water dependent structures that are authorized in a current sovereign submerged lands lease with the Department are not authorized to be repaired, restored, or replaced when more than 50 percent of the structure or activity is lost (based on the cost to repair, restore, or replace the structure or activity).

c. Water-dependent structures that were legally existing immediately before the Storm but not in conformance with the current criteria of Chapters 18-18, 18-20, or 18-21, Florida Administrative Code, as applicable, may be repaired, restored, or replaced to the footprint that existed immediately before the Storm, but shall, to the greatest extent practicable, be repaired, restored, or replaced to meet the current criteria of Chapters 18-

18, 18-20, and 18-21, Florida Administrative Code, as applicable, with respect to design features such as the elevation of decking surfaces and the spacing of deck planking.

d. This Order does not authorize the reconstruction or repair of unauthorized structures.

8. <u>Water and Wastewater Plants and Collection and Distribution Systems</u>

The Department waives Rule 62-620.301, F.A.C., so that:

a. Owners and operators of water and wastewater plants and collection and distribution systems, and their licensed engineers and contractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures, equipment, and appurtenances of the plants and systems to their pre-Storm permitted or registered condition without prior notice to the Department. Within 30 days of commencing the work of such repair or replacement, however, the owner or operator shall notify the Department in writing, describing the nature of the work, giving its location, Department Facility Identification Number, and providing the name, address, and telephone number of the representative of the owner or operator to contact concerning the work.

b. Owners and operators of underground injection control Class V Group 6 lake level control wells in existence and functioning immediately before the Storm are authorized, without prior permission by the Department, to lower the intake structure to allow a greater volume of lake water to flow down the wells when not to do so would result in immediate flooding of structures not usually inundated by such lake waters. Within 72 hours of lowering said structures, written notice shall be provided to the District Office of the Department in which the structure is located.

c. Owners and operators of drinking water plants and their licensed engineers and contractors are authorized to utilize a U.S. Environmental Protection Agency “mobile laboratory” not previously certified in drinking water or non-potable water by the Department of Health under Rule 62-160.300, F.A.C., to perform such drinking water analyses as required in Rule 62-550.550(2), F.A.C., for purposes of determining compliance with acute public health threats like E. coli or total coliform. At a minimum, the mobile laboratory must meet requirements of the DEP Quality Assurance rules for sample collection (Rule 62-160.210, F.A.C.), sample preservation and holding times (Rule 62-160.400, F.A.C.), use of approved analytical methods (Rule 62-160.320, F.A.C.), and laboratory documentation and reporting (Rule 62-160.340, F.A.C.).

9. <u>Suspension of Fees</u>

For those activities noted above, subject to the limitations, duration, and other provisions of this Order, the following application fee, base fee, and minimal annual lease fee requirements of Sections 161.041, 161.053, 161.0535, 161.055, 373.109, 253.01, 253.03. 403.518, 373.026, 373.043, 373.109, 373.4131, 373.414, 373.418, 373.421, 381.0065, 381.0066, 403.061, 403.087, 403.704(30), 403.805, Florida Statutes, and Chapters 18-18, 18-20, 18-21, 62-4, 62B-33, and 62B-41, Florida Administrative Code, shall be suspended as follows:

a. For structures and activities authorized under paragraphs C.1.a. or C.1.b. of this Order, the lessee may submit a written request to the Division of State Lands, by mail at 3900 Commonwealth Boulevard, Mail Station 130, Tallahassee, Florida 32399-3000, to waive applicable lease fees. In such cases, the owner must identify and document (such as with currently dated photographs) the area (in square feet) of the

structure or facility that is no longer useable. When such documentation is received, and deemed sufficient, lease fees will be waived, but only for that portion of the structure that is no longer useable.

b. When the restoration or replacement of individual structures (such as a dock or pier) or entire facilities (such as marinas) on state-owned submerged lands that are completely destroyed is authorized by a field authorization under paragraph C.1.b. of this Order, applicable lease fees will be waived for the duration described in paragraph C.9.c. of this Order.

c. Lease fees that are waived under paragraphs C.9.a. or C.9.b. of this Order will be waived only for the duration of this Order (including subsequent extensions thereto) unless otherwise provided in a field authorization issued under paragraph C.1.b. of this Order, or until the repairs, restoration or replacement commences, whichever is earlier. The duration of the waiver of suspension of lease fees may be extended beyond the duration of this Order (including subsequent extensions thereto) or beyond the date specified in a field authorization issued under paragraph C.1.b. of this Order, upon a written request by the lessee to extend the waiver of the lease fees. Such request must be received by the Division of State Lands before the expiration of this Order (or extensions thereto) or before the date specified in the field authorization (whichever date is later), and must be accompanied by a signed statement that construction has not yet commenced because contractors or supplies are not available to commence the necessary repairs, restoration or replacement, or because additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers or local

government. Such request for extension of the waiver of lease fees must also contain a reasonable schedule for when repair, restoration, or replacement will commence.

d. In all cases where lease fees are waived under paragraph a. above, the lessee must notify the Division of State Lands, at the address stated in paragraph C.9.a. of this Order, of the time repair, restoration, or replacement construction commenced.

D. GENERAL PROVISIONS

1. General Limitations

The Department issues this Order solely to address the emergency created by the Storm. This Order shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

2. Suspension of Statutes and Rules

Within the Emergency Area, the requirements and effects of statutes and rules which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order.

To the extent that any requirement to obtain a permit, lease, consent of use, or other authorization is waived by this Order, it should also be construed that the procedural requirements for obtaining such permit, lease, consent of use or other authorization, including requirements for fees and publication of notices, are suspended for the duration of this Order, except as provided in subsection C.8. of this Order

3. Review of Requests for Field Authorizations

It is the intent of the Department to act on requests for field authorizations in a timely and expeditious manner. The Department may require the submission of additional information as is necessary.

4. Other Authorizations Required

This Order only provides relief from the specific regulatory and proprietary requirements addressed herein for the duration of the Order and does not provide relief from the requirements of other federal, state, water management district or local agencies. This Order therefore does not negate the need for the property owner to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of those agencies. This Order does not provide relief from any of the requirements of Chapter 471, Florida Statutes, regarding professional engineering.

Activities subject to federal consistency review that are emergency actions necessary for the repair of immediate, demonstrable threats to public health or safety are consistent with the Florida Coastal Management Program if conducted in strict conformance with this Order.

5. Extension of time to comply with specified deadlines

For facilities and activities regulated by the Department in the Emergency Area, this Order extends by 30 days the time to comply with the following specified deadlines that occur between the date of issuance of this Order and the expiration of this Order:

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization

under Chapters 161, 253, 258, 373, 376, 377, 378, 381, or 403, Florida Statutes, and rules adopted thereunder, except for monitoring required under federally-mandated air permit conditions pursuant to 40 CFR Parts 60, 61, 63, and 75;

b. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, license, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act;

c. The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act;

d. The expiration date for an existing permit, lease, consent of use, license, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 381, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act; and

e. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, Florida Statutes, or Sections 403.91 – 403.929, Florida Statutes, and rules adopted thereunder.

6. <u>Permit Extensions During States of Emergency</u>

The public is advised that Section 252.363, Florida Statutes, provides for tolling and extending the expiration dates of certain permits and other authorizations following the declaration of a state of emergency. Affected permits include authorizations granted

by the Department, water management district or delegated local government, pursuant to part IV of Chapter 373, Florida Statutes, except for authorizations granted under the State 404 Program, Chapter 62-331, Florida Administrative Code.

The extension provisions of Section 252.363, Florida Statutes, do not apply to:

a. Permits that:

(1) Authorize activities that occur outside the geographic area affected by the declaration of a state of emergency;

(2) Include authorization under a programmatic or regional general permit issued by the U.S. Army Corps of Engineers;

(3) Are held by a permittee in significant non-compliance; or

(4) Are subject to a court order specifying an expiration date or buildout date that would conflict with the extensions granted in this section.

b. State-owned submerged lands authorizations under Chapters 253 or 258, Florida Statutes.

c. Formal determinations of the landward extent of wetlands and other surface waters.

d. Exemptions and verifications of exemptions from permitting criteria.

e. Permits and other authorizations issued under Chapter 161 (including JCP permits), Chapter 373 (except for permits issued under Part IV described above), Chapter 376, and Chapter 403, Florida Statutes.

To receive an extension under Section 252.363, Florida Statutes, the holder of a valid, qualifying permit must notify the authorizing agency in writing within 90 days of the expiration of a declaration of emergency, as established via a State of Florida Executive

Order. The duration of the tolled period remaining to exercise the rights under a permit shall be equal to six (6) months in addition to the duration of the declaration of emergency.

7. Deadlines for Agency Actions

For each of the following offices, any deadlines specified in statutes, rules, agreements, or Department orders, under which the Department is required by law to take action within a specified time period, and under which failure by the Department to timely take such action could result in any type of default binding on the Department (including the time to request additional information on permit applications), are hereby suspended and tolled for a period of 30 days, provided such deadline had not expired as of the effective date this Order:

a. Each Department office and delegated local program that sustains within its geographic boundaries any significant physical damage occurring as a direct result of the Storm. This includes Department offices located outside the impacted area that perform any of their duties in the impacted area; and

b. Any office of the Department not directly impacted by the Storm if that office has deployed staff to any District Office of the Department or delegated local program specified above, or to any water management district office in an impacted area, to assist in Storm relief efforts or to supplement the normal personnel in those impacted offices.

8. Expiration Date

This Order shall take effect immediately upon execution shall expire upon expiration or rescission of EO 24-214, as amended by 24-215, as modified or extended.

9. Violation of Conditions of Emergency Final Order

Failure to comply with any condition set forth in this Order shall constitute a violation of a Department Final Order under Chapters 161, 253, 258, 373, 376, 377, 378, 381, and 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

10. Applicability to Delegated Programs

The provisions of this Order apply in those cases where a water management district, local government, or other entity is acting for the Department in accordance with a delegation agreement, operating agreement, or contract. Such water management district, local government, or other entity shall comply with the terms of this Order to the extent that it is acting as an agent of the Department. This Order does not apply in those cases where a water management district, local government, or other entity is acting under its own independent authority.

NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review of it under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel by mail at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the

appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

DONE AND ORDERED on this 6th day of October 2024, in Tallahassee, Florida.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Digitally signed by Shawn Hamilton
Date: 2024.10.06 18:39:29 -04'00'

Shawn Hamilton, Secretary
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Lea Crandall Digitally signed by Lea Crandall
Date: 2024.10.06 18:49:08 -04'00'

CLERK

October 6, 2024
DATE

STATE OF FLORIDA

OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 25-68

(Emergency Management – Extension of Executive Order 24-214 – Hurricane Milton)

WHEREAS, on October 5, 2024, I issued Executive Order 24-214, declaring a state of emergency for thirty-five counties due to the severe weather, heavy rainfall, flash flooding, river flooding, and gusty winds caused by Tropical Storm Milton; and

WHEREAS, on October 6, 2024, I issued Executive Order 24-215, which amended Executive Order 24-214, and extended the state of emergency to fifty-one counties; and

WHEREAS, the tropical system surged from a tropical storm to a category 5 hurricane in less than twenty four hours on its trajectory in the Gulf of America; and

WHEREAS, on October 9, 2024, Hurricane Milton made landfall as a dangerous category 3 hurricane along Florida's Gulf Coast near Siesta Key, about five miles west of Sarasota; and

WHEREAS, the affected areas are still recovering from the damage caused by Hurricane Milton; and

WHEREAS, Executive Order 24-214, as amended by Executive Order 24-215, and subsequently extended, expires on April 1, 2025, unless extended; and

WHEREAS, an extension of Executive Order 24-214 is necessary because recovery efforts and those affected by this disaster require the continued support of the State of Florida.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. The state of emergency and all provisions of Executive Order 24-214 are renewed for sixty (60) days following the date of this Executive Order.

Section 2. Except as amended herein, Executive Order 24-214, as amended by Executive Order 24-215, is ratified and reaffirmed.

Section 3. This Executive Order is effective immediately.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 31st day of March, 2025.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2025 MAR 31 AM 9:39
DEPARTMENT OF STATE
TALLAHASSEE, FL

REVISED BID FORM
SUNRISE WATERWAY MAINTENANCE DREDGING
BID NO. 20250511

TO: Senior Division Manager - Purchasing
Board of County Commissioners
Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, Florida 33948-1094

The undersigned, as bidder, does hereby declare that he has read the Request for Bids, Instructions to Bidders, General Provisions, Federal Provisions, Special Provisions, Technical Specifications & Conditions, Insurance, Safety & Health Requirements, Bid Form, Plans, Permit Fees, MOT Policy and any other documentation for

SUNRISE WATERWAY MAINTENANCE DREDGING

and further agrees to furnish all items listed on the attached Bid Form in accordance with the unit price(s) submitted. The above specified documents are herein incorporated into the Bid Form and shall be defined as the contract documents.

DESCRIPTION	TOTAL AMOUNT
SUNRISE WATERWAY MAINTENANCE DREDGING	$
BAYSHORE LIVE OAK PARK EMERGENCY SHORELINE NOURISHMENT	$
CHESTER ROBERTS PARK EMERGENCY SHORELINE NOURISHMENT	$
TOTAL BID PRICE	**$**

Completion Time: 60 calendar days.

Notice Needed Prior to Commencement: _____ calendar days.

Liquidated Damages $1,690.00 per calendar day.

Please indicate by (√) that you have included the following documentation with your bid:

( ) License Requirement: Certified General, Certified Marine, or Registered General

Name of Bidder: _____

(This form to be returned)

SCHEDULE OF VALUES

SUNRISE WATERWAY MAINTENANCE DREDGING

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QTY	UNIT PRICE	EXTENDED PRICE
2	Site Preparation	LS	1	$	$
3	Rock Removal	CY	640		
4	Dredging	CY	1,940		
5	On-site Trucking	CY	1,940		
6	Off-Site Trucking	CY	3,719		
7	Grading	CY	5,659		
8	Environmental Protection Measures	LS	1		
				SUBTOTAL	

Item No. 1 Mobilization: The cost for Mobilization/Demobilization shall be five percent (5%) of the subtotal projectcost:

SUBTOTAL: $_____ X 5% = $ _____

BID PRICE: $ _____

BAYSHORE LIVE OAK PARK EMERGENCY SHORELINE NOURISHMENT

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QTY	UNIT PRICE	EXTENDED PRICE
2	Site Preparation	LS	1		
3	Rock Removal	Intentionally left blank.			
4	Dredging	Intentionally left blank.			
5	On-site Trucking	Intentionally left blank.			
6	Off-Site Trucking	CY	3,635		
7	Grading	CY	3,635		
8	Environmental Protection Measures	Intentionally left blank.			
				SUB TOTAL	

Item No. 1 Mobilization: The cost for Mobilization/Demobilization shall be five percent (5%) of the subtotal projectcost:

SUBTOTAL: $_____ X 5% = $ _____

BID PRICE: $ _____

Name of Bidder:_____

(This form to be returned)

CHESTER ROBERTS PARK EMERGENCY SHORELINE NOURISHMENT

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QTY	UNIT PRICE	EXTENDED PRICE
2	Site Preparation	LS	1		
3	Rock Removal	Intentionally left blank.			
4	Dredging	Intentionally left blank.			
5	On-site Trucking	Intentionally left blank.			
6	Off-Site Trucking	CY	164		
7	Grading	CY	164		
8	Environmental Protection Measures	Intentionally left blank.			
				SUB TOTAL	

Item No. 1 Mobilization: The cost for Mobilization/Demobilization shall be five percent (5%) of the subtotal projectcost:

SUBTOTAL: $_____ X 5% = $ _____

BID PRICE: $ _____

Name of Bidder:_____

(This form to be returned)

NOTE: In accordance with Florida Statues, Section 119.071(1)(b)2: Sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation are exempt from s. 119.071(1)(b)2 and s. 24(a), Art. I of the State Constitution, except as provided by Florida Statutes 255.0518, until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier. Upon release of the intended decision, if you wish to obtain the quote results, you may do so by visiting our Website at http://purchasingbids.charlottecountyfl.gov/ under "Purchasing Bids Online", document number 255114. No information regarding the submittal will be divulged over the telephone.

OPTIONAL ELECTRONIC BID SUBMISSIONS: If your firm would like to submit your bid electronically, please visit http://bit.ly/3TYAyKa and follow given instructions.

If notified of the acceptance of this bid form, the undersigned agrees to execute a Contract for the stated compensation in the form as prescribed by the County, within the time constraints outlined in Instructions to Bidders.

The signature below is a guarantee that the Bidder will not withdraw his/her bid for a period of 60 days after the scheduled time for opening the bids.

The undersigned agrees, if awarded this bid, to furnish a Performance and Payment Bond in the amount of 100% of the total project price within 14 calendar days after notification of award to the Purchasing Division. The undersigned shall be responsible and bear all costs associated to record Performance and Payment Bond with the Charlotte County Clerk of Court Office. Receipt of said recording shall be furnished to the Purchasing Division.

In accordance with section 287.135, Florida Statutes, the undersigned certifies that the company is not on the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List and does not have business operations in Cuba or Syria (if applicable) or the Scrutinized Companies that Boycott Israel List or is not participating in a boycott of Israel.

Enclosed is a cashier's check or bid bond in the amount of $_____, which is not less than 5% of the total bid price, as guarantee that the undersigned will enter into a Contract for the work/material as required in this Bid Document. **Note: Failure to submit a 5% bid bond will be cause for rejection of bid**.

All contract documents (i.e.; performance and payment bond, cashier's check, bid bond) shall be in the name of "Charlotte County".

The undersigned acknowledges receipt of the following addenda, and the cost, if any, of such revisions has been included in the price bid.

Addendum No. _____, Dated_____; Addendum No. _____, Dated_____ ; Addendum No. _____, Dated _____
Addendum No. _____, Dated_____; Addendum No. _____, Dated_____ ; Addendum No. _____, Dated _____

HOLD HARMLESS AGREEMENT: _____(name of firm), it's officers and members shall, through the signing of this document by an authorized party or agent, indemnify and hold harmless Charlotte County, a political subdivision of the state of Florida, its officers, agents, employees, and volunteers, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of _____ and persons employed or utilized by_____in the performance of this contract_____ (name) agrees that the first ten dollars ($10.00) of compensation received under this contract represents specific consideration for this indemnification obligation.

Type of Organization (Please Check One): **Individual Ownership** _____ **Joint Venture** _____
Partnership _____ **Corporation** _____

Name of Bidding Firm _____

Mailing Address _____

Location Address _____

City & State _____ **ZIP**_____

Telephone: _____ **E-mail:** _____

Signature of person authorized to bind the Company: _____

Print Name/Title of person authorized to bind the Company: _____

Date: _____

(This form to be returned)

HUMAN TRAFFICKING AFFIDAVIT
for Nongovernmental Entities Pursuant To FS. §787.06

Charlotte County Contract #20250511

The undersigned on behalf of the entity listed below, (the "Nongovernmental Entity"), hereby attests under penalty of perjury as follows:

1. I am over the age of 18 and I have personal knowledge of the matters set forth except as otherwise set forth herein.

2. I am an officer or representative of the Nongovernmental Entity and authorized to provide this affidavit on the Company's behalf.

3. Nongovernmental Entity does not use coercion for labor or services as defined in Section 787.06, Florida Statutes.

4. This declaration is made pursuant to Section 92.525, Florida Statutes. I understand that making a false statement in this declaration may subject me to criminal penalties.

Under penalties of perjury, I declare that I have read the foregoing Human Trafficking Affidavit and that the facts stated in it are true.

Further Affiant sayeth naught.

_____
Signature

_____
Printed Name

_____
Title

_____
Nongovernmental Entity

_____
Date

Name of Bidder:_____

(This form to be returned)

BIDDERS SUBCONTRACTOR LIST
SUNRISE WATERWAY MAINTENANCE DREDGING
BID NO. 20250511

Will you be employing Subcontractors to perform parts of this project? ☐ YES ☐ NO

If "Yes", identify each firm below with all requested information. Use additional forms if necessary. The Awarded Contractor shall not change or use Subcontractors not identified on this form without prior written approval from Charlotte County. Any request for changes in Subcontractors shall be made in writing and approved by the County.

COMPANY NAME:		
COMPANY ADDRESS:		
CONTACT PERSON:		
CONTACT NUMBERS:	**OFFICE:**	**CELL:**
CONTACT EMAIL:		
WORK TO BE PROVIDED:		

COMPANY NAME:		
COMPANY ADDRESS:		
CONTACT PERSON:		
CONTACT NUMBERS:	**OFFICE:**	**CELL:**
CONTACT EMAIL:		
WORK TO BE PROVIDED:		

COMPANY NAME:		
COMPANY ADDRESS:		
CONTACT PERSON:		
CONTACT NUMBERS:	**OFFICE:**	**CELL:**
CONTACT EMAIL:		
WORK TO BE PROVIDED:		

Name of Bidder:_____

(This form to be returned)

COMPANY NAME:		
COMPANY ADDRESS:		
CONTACT PERSON:		
CONTACT NUMBERS:	**OFFICE:**	**CELL:**
CONTACT EMAIL:		
WORK TO BE PROVIDED:		

COMPANY NAME:		
COMPANY ADDRESS:		
CONTACT PERSON:		
CONTACT NUMBERS:	**OFFICE:**	**CELL:**
CONTACT EMAIL:		
WORK TO BE PROVIDED:		

COMPANY NAME:		
COMPANY ADDRESS:		
CONTACT PERSON:		
CONTACT NUMBERS:	**OFFICE:**	**CELL:**
CONTACT EMAIL:		
WORK TO BE PROVIDED:		

Name of Bidder:_____

(This form to be returned)

DRUG FREE WORKPLACE FORM
SUNRISE WATERWAY MAINTENANCE DREDGING
BID NO. 20250511

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that _____ (name of business) does:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.

2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.

3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).

4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.

5. Impose a sanction on or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.

6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Signature _____

Dated _____

Name of Bidder: _____

(This form to be returned)

BYRD ANTI-LOBBYING CERTIFICATION

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of an Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____ _____

Date Type or Print Name

_____

Signature

_____

Title

Name of Bidder: _____

(This form to be returned)

PLANT AND EQUIPMENT SCHEDULE

NOTE: Provide each type of equipment including dredging, excavating, material handling, barges, loading, grading, earthworks, trucking, etc. Specify production rate of equipment. Use separate line for each major item. Use additional pages if necessary.

Type	Capacity	Manufacturer	Age & Condition	Location

*_____

Type	Capacity	Manufacturer	Age & Condition	Location

*_____

Type	Capacity	Manufacturer	Age & Condition	Location

*_____

Name of Bidder:_____

(This page to be returned)

BIDDER'S STATEMENT OF EXPERIENCE

The Contractor shall provide the following information with their Bid Form. Only the experience that can be verified by the COUNTY will count. The Contractor must provide clear information with updated names and telephone numbers of references that can provide verification on the Reference Form. Experience that cannot be verified will not be considered in the evaluation. Attach additional pages as necessary.

COMPANY EXPERIENCE

The Contractor must have at least five (5) years of experience in navigation channel maintenance dredging and beach fill placement. The Contractor must have successfully completed a minimum of three (3) projects similar to this Project, specifically dredging within the influence of waves and tidal currents with transport and placement of varying sediment ranging from fine grain silt to coarse grain sand on the beach. For each of the three (3) projects include a statement of the actual amount of work executed by the Contractor's own employees. One of the three projects must be within a State of Florida Aquatic Preserve. Do not include work sublet to others. Include the following information in a tabulation form for each project:

a. Project name
b. Owner
c. References (ensure references are accurate, verifiable and have knowledge of the project)
d. Costs (actual amount performed by actual CONTRACTOR's employees)
e. Start date and finish of each project
f. Summary of work performed
g. Permit type required for work [Joint Coastal Permit (JCP), Environmental Resource Permit (ERP), etc.]

PROJECT MANAGER

The Contractor's construction project manager that will be working on this Project must have at least five (5) years of construction experience in navigation channel maintenance dredging in tidal environment with transport and placement of sediment ranging from fine grain silt to coarse grain sand on the beach. One of the three projects must be within a State of Florida Aquatic Preserve. List up to three (3) projects in a tabulation form with the following information:

a. Project Name
b. Owner
c. References (ensure references are accurate, verifiable and knowledge of the project)
d. Costs (actual amount performed by actual contractor's employees)
e. Start date and finish of each project
f. Summary of work performed
g. Location by State, County or City, and waterbody

SUPERINTENDENT EXPERIENCE

The CONTRACTOR's construction superintendent that will be actually working on this project must have at least five (5) years of construction experience in navigation channel maintenance dredging in tidal environment with transport and placement of sediment ranging from fine grain silt to coarse grain sand on the beach. One of the three projects must be within the State of Florida. List up to three (3) projects in a tabulation form with the following information:

a. Project name
b. Owner
c. References (please ensure references are accurate, verifiable and knowledge of the project)
d. Costs (Actual amount performed by actual contractor's employees)
e. Start date and finish of each project.
f. Summary of work performed
g. Location by State, County or City, and waterbody

STATEMENT OF LITIGATION

The CONTRACTOR shall provide the following information with their Bid Form.
Are there any judgments, claims or suits pending or outstanding by or against you or your company?

☐ Yes ☐ No

If the answer to any of these questions is yes, submit details on separate sheet. List all lawsuits that have been filed by or against your company in the last five (5) years. Attach additional pages as necessary.

Name of Bidder: _____

(This page to be returned)

COMPANY EXPERIENCE REFERENCES – SUNRISE WATERWAY MAINTENANCE DREDGING

Contractor shall submit a minimum of three (3) recent (within the past five (5) years) references of projects of similar size and scope. Each reference shall include a project description, project location, name and phone number of a contact person, total project amount, and completion date. The County reserves the right to contact references.

1. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

2. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

3. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

4. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

Name of Bidder:_____

(This page to be returned)

PROJECT MANAGER EXPERIENCE REFERENCES – SUNRISE WATERWAY MAINTENANCE DREDGING

Contractor shall submit a minimum of three (3) recent (within the past five (5) years) references of projects of similar size and scope. Each reference shall include a project description, project location, name and phone number of a contact person, total project amount, and completion date. The County reserves the right to contact references.

1. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

2. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

3. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

4. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

Name of Bidder:_____

(This page to be returned)

SUPERINTENDENT EXPERIENCE REFERENCES – SUNRISE WATERWAY MAINTENANCE DREDGING

Contractor shall submit a minimum of three (3) recent (within the past five (5) years) references of projects of similar size and scope. Each reference shall include a project description, project location, name and phone number of a contact person, total project amount, and completion date. The County reserves the right to contact references.

1. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

2. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

3. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

4. Project Owner / Company:_____

Name of Contact Person:_____ Telephone #_____

Address:_____

City & State:_____ Zip Code:_____

Project Description:_____

_____

_____

Total Project Amount: $_____ Completion Date:_____

Name of Bidder:_____

(This page to be returned)

SUNRISE WATERWAY MAINTENANCE DREDGING
CONSTRUCTION PLAN SET

PREPARED FOR:

CHARLOTTE COUNTY



LOCATION MAP
SCALE: 1" = 800'

SHEET INDEX

1. COVER SHEET
2. SUNRISE WATERWAY DREDGING AND DISPOSAL SITE FILL PLAN VIEW
3. SUNRISE DREDGE CROSS SECTIONS: -2+00 TO 14+00
4. SUNRISE DREDGE CROSS SECTIONS: 14+50 TO 16+50
5. SUNRISE DISPOSAL SITE PROFILES: 2+75 TO 7+00
6. SUNRISE DISPOSAL SITE PROFILES: 7+50 TO 9+00 AND 11+00 TO 13+00
7. SUNRISE DISPOSAL SITE PROFILES: 13+50 TO 18+00

NOTES

1. BATHYMETRIC SURVEY OF SUNRISE WATERWAY COMPLETED BY COASTAL ENGINEERING CONSULTANTS, INC. (CEC), ON 3/6/2025.
2. TOPOGRAPHIC SURVEY OF PORT CHARLOTTE BEACH COMPLETED BY CEC ON 3/6/2025.
3. CHANNEL MARKERS AND SIGNS WERE LOCATED BY CEC ON 3/6/2025.
4. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83).
5. ELEVATIONS SHOWN HEREON ARE IN FEET AND TENTHS AND REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). REFERENCE BENCHMARK: U 797, ELEV. = +4.25' NAVD88.
6. TIDAL REDUCTIONS WERE OBTAINED UTILIZING REAL-TIME KINEMATIC GPS AND REFERENCED TO NAVD88.
7. SURVEY ACCURACY STANDARDS, QUALITY CONTROL, AND QUALITY ASSURANCE REQUIREMENTS WERE FOLLOWED DURING THIS SURVEY IN ACCORDANCE WITH USACE EM 1110-2-1003, HYDROGRAPHIC SURVEYING MANUAL, 11/30/2013.
8. INFORMATION SHOWN HEREON REFLECTS CONDITIONS AS THEY EXISTED ON THE SURVEY DATE SHOWN AND CAN ONLY BE CONSIDERED INDICATIVE OF CONDITIONS AT THAT TIME.
9. POST-MILTON AERIAL PHOTOGRAPHY OBTAINED FROM NOAA, DATED OCTOBER 2024.
10. ANY PUBLIC LAND PROPERTY CORNER WITHIN THE LIMITS OF CONSTRUCTION IS TO BE PROTECTED BY THE CONTRACTOR. IF A CORNER MONUMENT IS IN DANGER OF BEING DESTROYED AND HAS NOT BEEN PROPERLY REFERENCED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER. ANY SURVEY MONUMENT DESTROYED BY CONSTRUCTION ACTIVITIES SHALL BE REPLACED BY A REGISTERED SURVEYOR & MAPPER AT THE CONTRACTOR'S EXPENSE.
11. CONTRACTOR SHALL NOT DISTURB AREAS BEYOND DESIGNATED WORK AREA.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PREVENTION AND CONTROL OF ANY EROSION, SEDIMENTATION OR SURFACE WATER TURBIDITY CAUSED BY HIS ACTIVITY.
13. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION, ANY DEVIATION IN PLAN INFORMATION SHALL BE REPORTED TO THE ENGINEER AND OWNER'S REPRESENTATIVE IMMEDIATELY.
14. CONTRACTOR IS REQUIRED TO OBTAIN FROM THE ENGINEER AND OWNER WRITTEN APPROVAL FOR ANY DEVIATION IN PLANS AND/OR SPECIFICATIONS.

PUBLISHED TIDAL INFORMATION

TIDAL DATUMS AT PUNTA GORDA, CHARLOTTE COUNTY
ARE BASED ON FLORIDA 872 5744 TIDE STATION,
PUBLISHED 10-18-2010.

LENGTH OF SERIES	= 8 MONTHS
TIME PERIOD	= 7/1977 - 2/1978
TIDAL EPOCH	= 1983 - 2001
CONTROL TIDE STATION	= 872 5110 NAPLES, GULF OF MEXICO

ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN NAVD88.

MEAN HIGH WATER (MHW)	= +0.06 FT NAVD88
MEAN TIDE LEVEL (MTL)	= -0.57 FT NAVD88
MEAN LOW WATER (MLW)	= -1.20 FT NAVD88
MEAN LOWER LOW WATER (MLLW)	= -1.65 FT NAVD88

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NO.	DATE	BY	REVISION DESCRIPTION
1	6/27/2025	GVT	UPDATE ROCK STOCKPILE LOCATION

DATE: 5/20/2025 SCALE: AS NOTED
DRAWN: SDB F.B.
CHECKED: MTP PG.
SEC. TWP. RNG.
ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

CLIENT: CHARLOTTE COUNTY

TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
COVER SHEET

COASTAL ENGINEERING CONSULTANTS INC.
COASTAL & MARINE ENGINEERING
ENVIRONMENTAL & GEOLOGICAL SERVICES
SURFICIAL AQUIFER MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135
PHONE: (239)843-2324
FAX: (239)843-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

SHEET 1

FILE NO.: 25120-BV-C-1

SUNRISE WATERWAY SURVEY BASELINE

SUNRISE WATERWAY

50' WIDE PERMITTED DREDGE CUT

PORT CHARLOTTE BEACH SURVEY BASELINE

DANGER SHOAL

SSMW/RNSO

SSMW/SSMW

G"5"

R"4"

G"3"

G"B"

G"1"

R"2"

RG"A"

G"7"

R"8"

-2+00

-1+00

0+00

1+00

2+00

3+00

4+00

5+00

6+00

7+00

8+00

9+00

10+00

11+00

12+00

13+00

14+00

15+00

16+00

17+00

18+00

19+00

20+00

16+73

50'

OFFLOAD SITE AND TEMPORARY STOCKPILE AREA (4,100 SF) MAX. STOCKPILE HEIGHT 6 FT

INSTALL SILT FENCE AROUND PERIMETER OF STOCKPILE AREA

REMOVE EXPOSED ROCK (425 SF)

REMOVE EXPOSED ROCK AND CONCRETE RUBBLE WITHIN BOARDWALK FOOTPRINT (6,300 SF)

MHW (LOCATED 3/6/2025)

PORT CHARLOTTE BEACH PARK

EXISTING COUNTY CONSTRUCTION FENCE

DISPOSAL AREA

BOARDWALK TO BE REMOVED BY OTHERS

EXISTING RIPRAP

REMOVE EXPOSED ROCK AND CONCRETE RUBBLE WITHIN BOARDWALK FOOTPRINT (1,950 SF)

ROCK STOCKPILE AREA (4,900 SF)

APPROXIMATE PROPERTY LINE

EXISTING SEAWALL

COLLEEN ST

HARBOR BLVD

CHARLOTTE HARBOR (ALLIGATOR BAY)

NOTE: BOARDWALKS TO BE REMOVED BY OTHERS.

LEGEND

□ △ = CHANNEL MARKERS
○ = NAVIGATIONAL SIGN
0+00 = CHANNEL STATION

N

0 50 100 200

THE CONCEPTS AND DESIGNS PRESENTED ON THIS DRAWING ARE THE PROPERTY OF COASTAL ENGINEERING CONSULTANTS, INC. (CECI) AND ARE INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DRAWING WITHOUT WRITTEN AUTHORIZATION BY COASTAL ENGINEERING CONSULTANTS, INC. (CECI) OR ITS SUBSIDIARIES SHALL BE WITHOUT LIABILITY TO CECI OR ITS SUBSIDIARIES

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F.B.
CHECKED: MTP
PG.
SEC.
TWP.
RNG.
ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

CLIENT: CHARLOTTE COUNTY

TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
PLAN VIEW

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Serving Coastal Communities Since 1977
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BONITA SPRINGS, FLORIDA 34135
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SURVEYING AND MAPPING
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SURVEYING: LB 2464
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FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

SHEET 2

FILE NO.: 25120-SUN-C-2

LEGEND

= DREDGE AREA

= 3/6/2025 SURVEY

SCALE

H: 1" = 40'
V: 1" = 4'

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PG.
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RNG.
ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

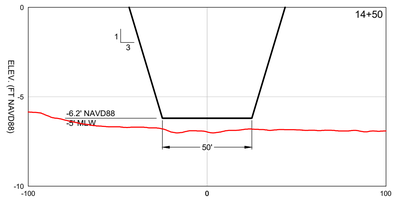
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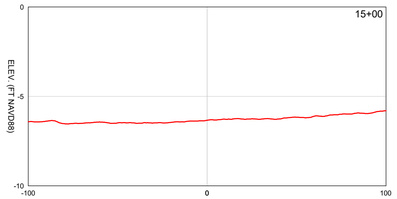
TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
DREDGE CROSS SECTIONS:
-2+00 TO 14+00

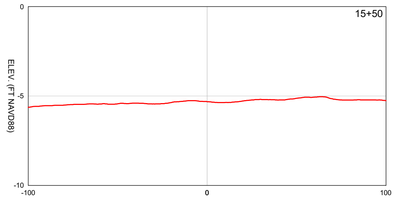
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SURFACE WATER MANAGEMENT
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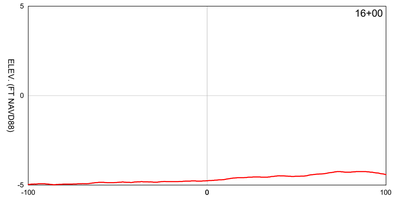
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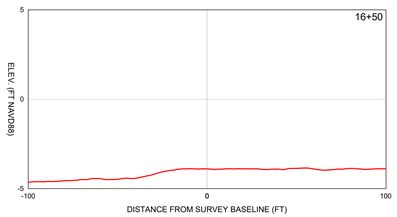
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LEGEND

= DREDGE AREA

= 3/6/2025 SURVEY

SCALE

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V: 1" = 4'

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DRAWN: SDB
F.B.
CHECKED: MTP
PG.
SEC.
TWP.
RNG.
ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

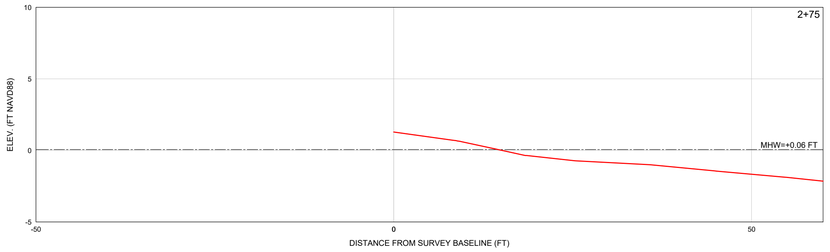
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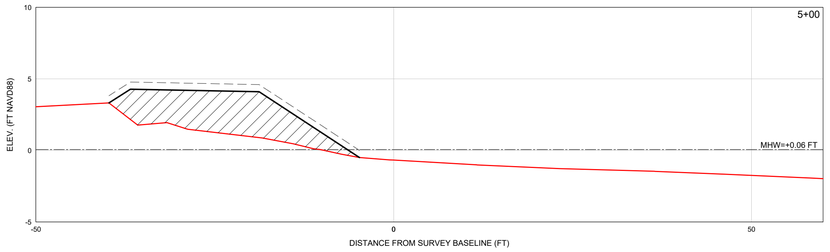
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DREDGE CROSS SECTIONS:
14+50 TO 16+50

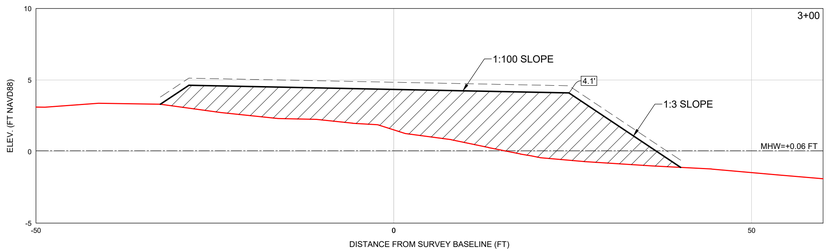
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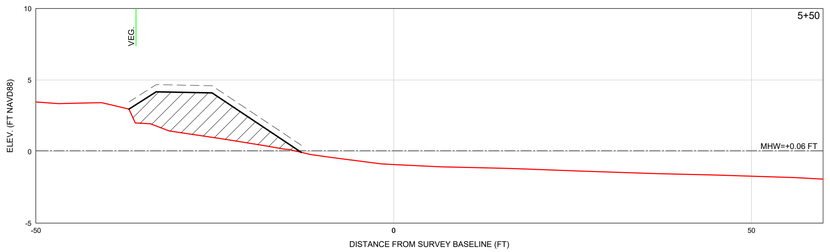
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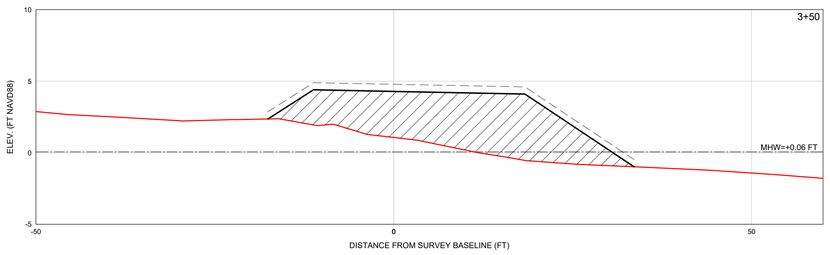
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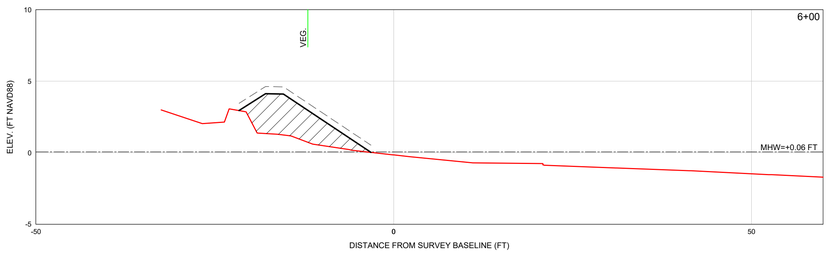


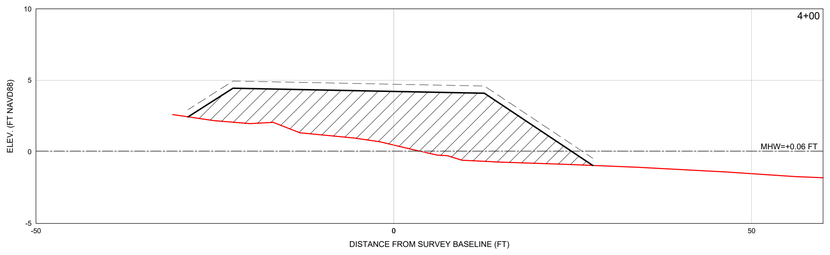


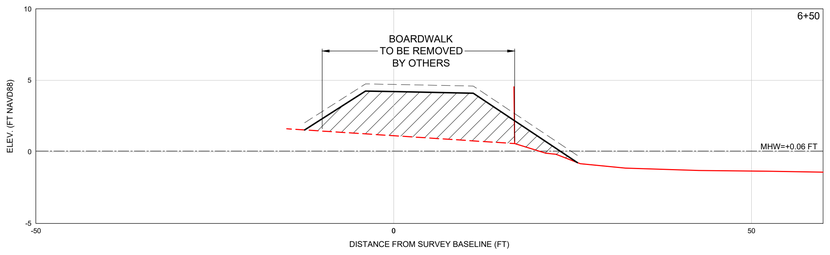


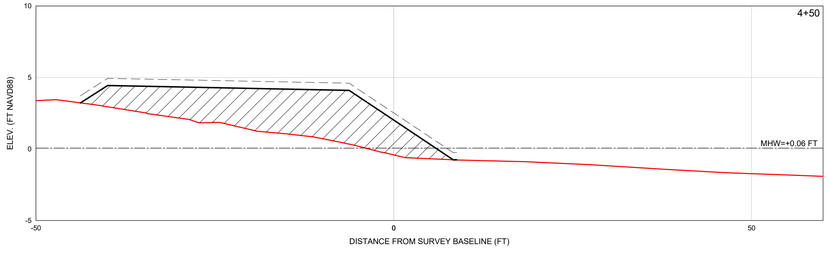


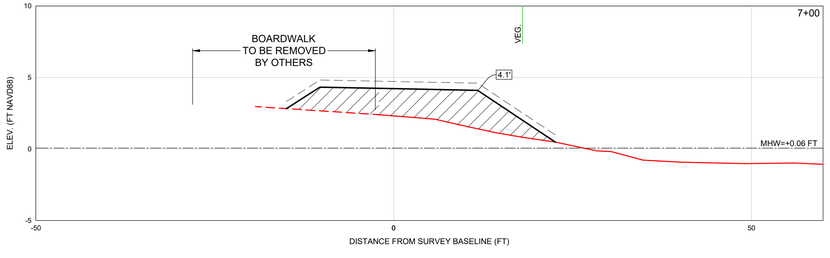












LEGEND

- = BEACH FILL AREA
- = 0.5' BEACH FILL TOLERANCE
- = 3/6/2025 SURVEY
- = VEGETATION LIMITS (3/6/2025)
- 3.0' = PROPOSED ELEVATION (FT NAVD88)

SCALE

H: 1" = 10'
V: 1" = 5'

NOTE

1. CONTRACTOR SHALL HAND PLACE MATERIAL AROUND EXISTING VEGETATION WITHIN FILL AREA.
2. VEGETATION LIMITS NOTED ARE APPROXIMATE.

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REF. NO. 25.120

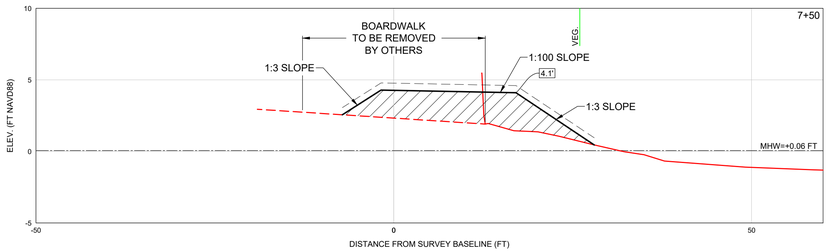
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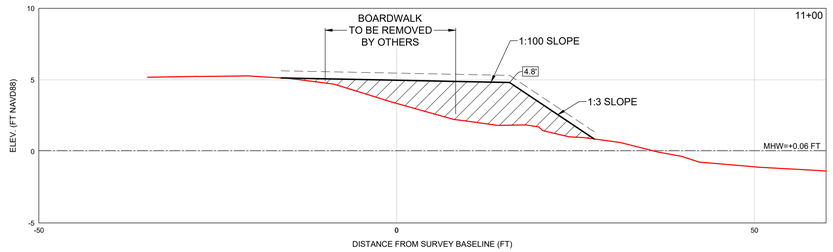
TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
DISPOSAL AREA PROFILES:
2+75 TO 7+00

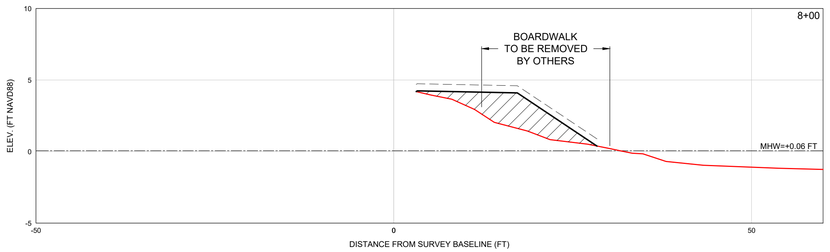
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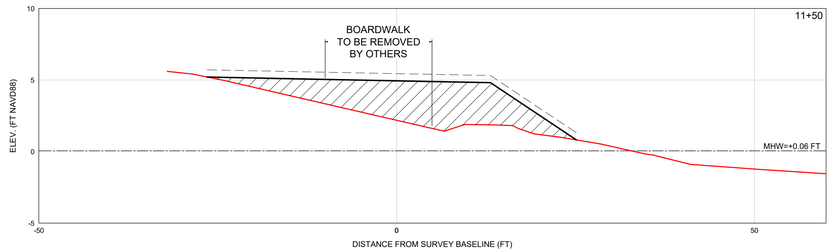
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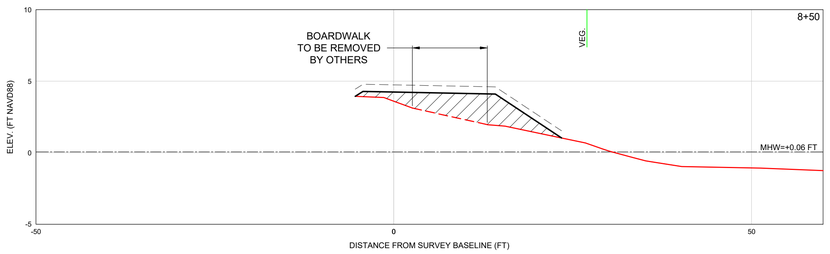
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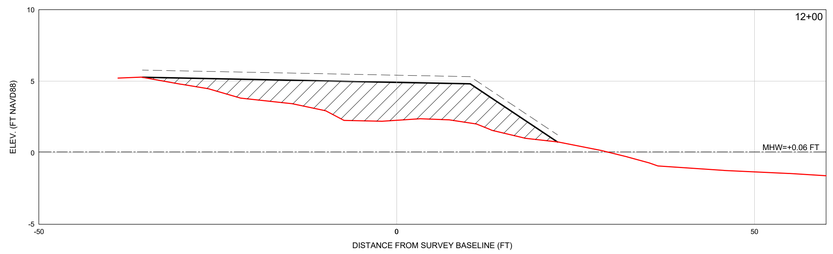


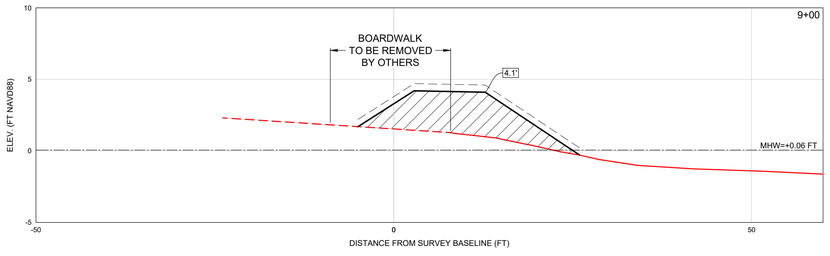


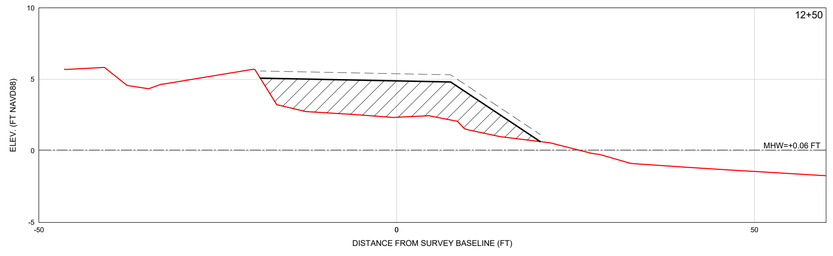


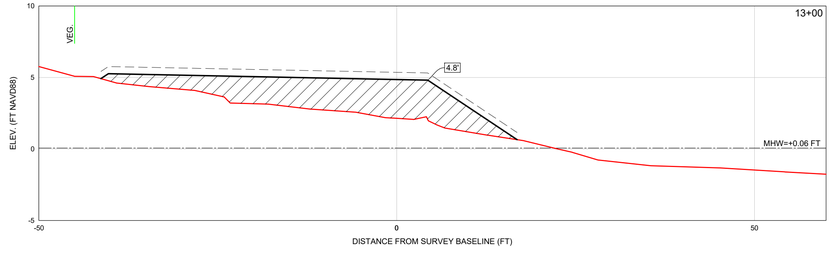












LEGEND

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ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

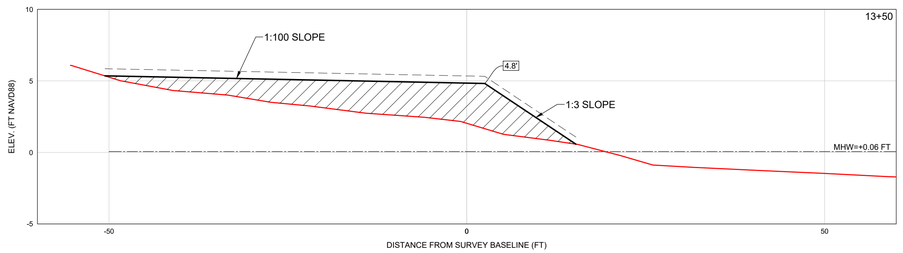
CLIENT: CHARLOTTE COUNTY

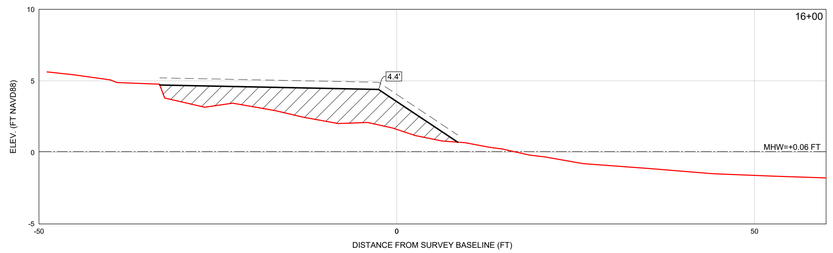
TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
DISPOSAL AREA PROFILES:
7+50 TO 9+00 AND 11+00 TO 13+00

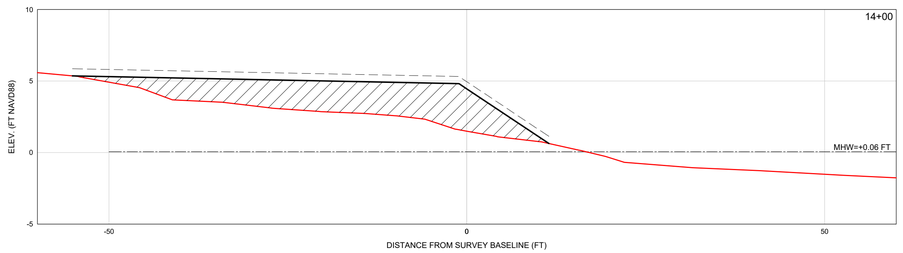
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ENVIRONMENTAL & GEOLOGICAL SERVICES
SURVEYING AND MAPPING
ENGINEERING: CA 2464
SURVEYING: LB 2464
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

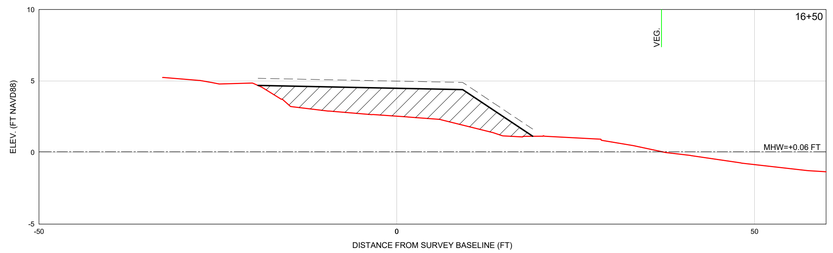
SHEET 6

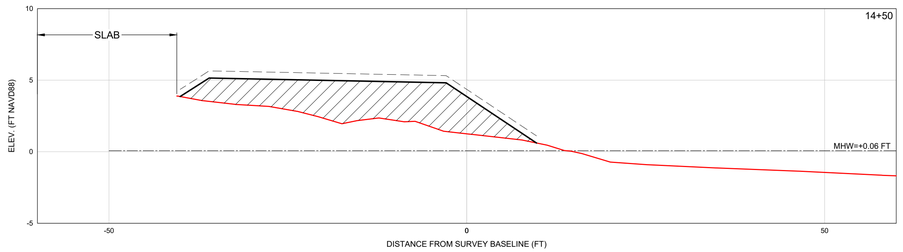
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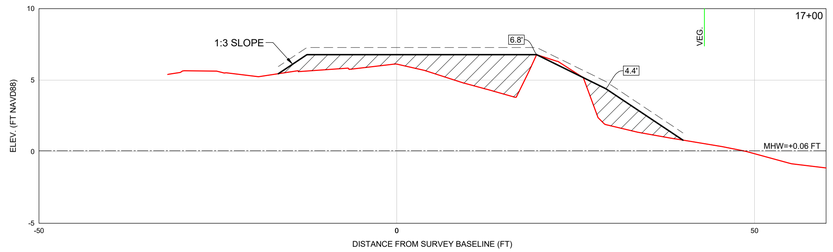


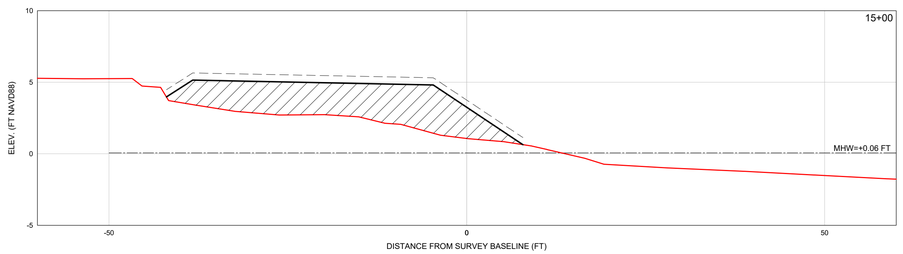


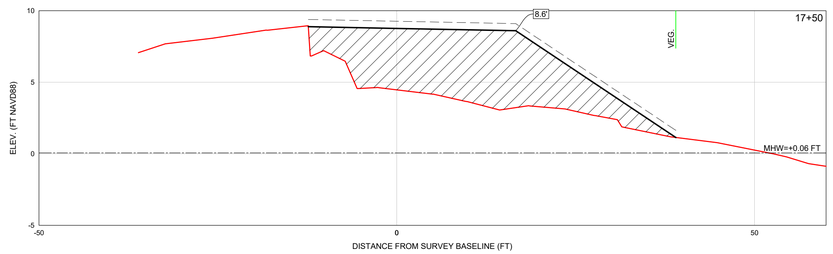


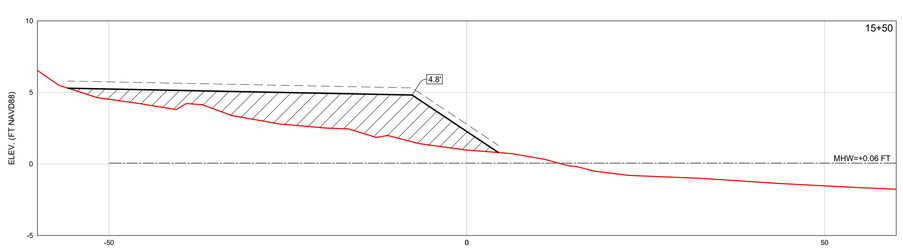


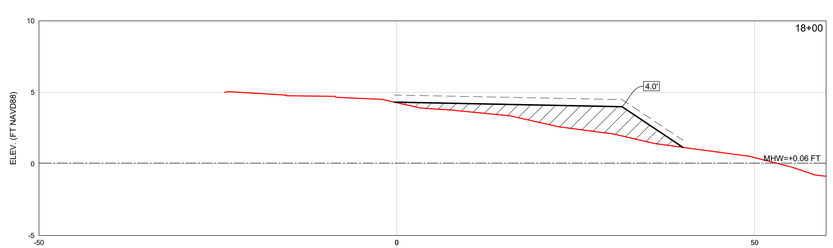












LEGEND

- = BEACH FILL AREA
- = 0.5' BEACH FILL TOLERANCE
- = 3/6/2025 SURVEY
- = VEGETATION (3/6/2025)
- 3.0' = PROPOSED ELEVATION (FT NAVD88)

SCALE

H: 1" = 10'
V: 1" = 5'

NOTE

1. CONTRACTOR SHALL HAND PLACE MATERIAL AROUND EXISTING VEGETATION WITHIN FILL AREA
2. VEGETATION LIMITS NOTED ARE APPROXIMATE.

THIS DOCUMENT, AND THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY COASTAL ENGINEERING CONSULTANTS, INC. (CECI) FOR ITS SUBSIDIARIES SHALL BE WITHOUT LIABILITY TO CECI OR ITS SUBSIDIARIES

NO.	DATE	BY	REVISION DESCRIPTION
1	6/27/2025	GVT	UPDATE ROCK STOCKPILE LOCATION

DATE: 5/20/2025
SCALE: AS NOTED
DRAWN: SDB
F.B.
CHECKED: MTP
PG.
SEC.
TWP.
RNG.
ACAD NO. 25120-Sunrise_PCBC-C.dwg
REF. NO. 25.120

CLIENT: CHARLOTTE COUNTY

TITLE: SUNRISE WATERWAY MAINTENANCE DREDGING
DISPOSAL AREA PROFILES:
13+50 TO 18+00

COASTAL ENGINEERING CONSULTANTS INC.
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E-Mail: info@cecifl.com

SHEET 7

FILE NO.: 25120-SUN-C-7

DEPARTMENT OF THE ARMY PERMIT

Permittee: **CHARLOTTE COUNTY**
1120 Centennial Blvd
Port Charlotte, FL 33953

Permit No: SAJ-2007-02883

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 U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

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

Project Description: The applicant seeks authorization to place 6,000 cubic yards, along 1.1 miles of shoreline at Port Charlotte Beach Park to offset the impacts of Hurricanes Debby and Helene. The work described above is to be completed in accordance with the 4 pages of drawings [and 4 attachments] affixed at the end of this permit instrument.

Project Location: The project would affect aquatic resources associated with Charlotte Harbor. The project site is located within Alligator Bay at 4500 Harbor Blvd, Charlotte County, Port Charlotte, Florida.

Directions to site: From US-41.Tamiami Trail, turn left onto Edgewater Dr, then turn left onto Harbor Blvd the road curves to the right and the park will be on the left.

Approximate Central Coordinates: Latitude: 29.961738 North
Longitude: -82.112409 West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **October 22, 2025**. 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. 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:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

   a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
   b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2007-02883 (SP –CNF), on all submittals.

2. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the ENG Form 6285, “Certification of

Compliance with Department of Army Permit" (located at https://www.publications.usace.army.mil/Portals/76/Eng_Form_6285_2024%20Dec%20FINAL.pdf) and submit it to the Corps.

4. **Cultural Resources/Historic Properties:**

a. 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.
b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.
c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). 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 on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

5. **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attached). The most recent version of the Manatee Conditions must be utilized.

6. **Protected Species Construction Conditions:** The Permittee shall comply with National Marine Fisheries Service's "Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office" dated May 2021 (Attached).

7. **Turbidity Barriers:** 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 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 daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

8. **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.

9. **Take Reporting:** All lethal and nonlethal take associated with the project will be reported to Fish and Wildlife Service (FWS) by phone or email (FLESRegs, FW4 FW4FLESRegs@fws.gov) immediately upon completion of authorized work.

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)

(X) 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)

( ) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)

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.

Jamie Scudera _____ 04/25/2025
(PERMITTEE) (DATE)

Jamie Scudera
(PERMITTEE NAME-PRINTED)

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

_____ Date: 25 April 2025
For BRANDON L. BOWMAN
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-2007-02883

1. PERMIT DRAWINGS: 4 pages, dated 14 April 2025.

2. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011*

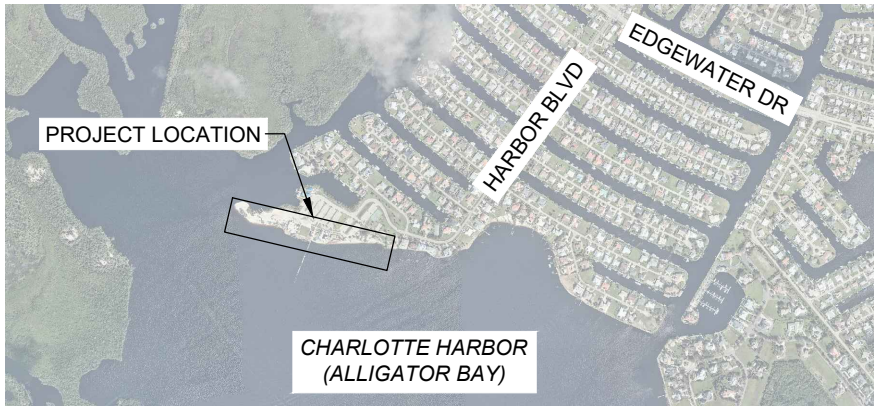
3. Protected Species Construction Conditions, NOAA Fisheries Southeast Regional Office: 1 page

4. SELF-CERTIFICATION FORM: 1 page

PORT CHARLOTTE BEACH PARK EMERGENCY SHORELINE NOURISHMENT

PREPARED FOR:

CHARLOTTE COUNTY



LOCATION MAP
N.T.S.

NOTES

1. TOPOGRAPHIC SURVEY COMPLETED BY COASTAL ENGINEERING CONSULTANTS, INC., ON AUGUST 23, 2024.
2. PLANE COORDINATES ARE BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE WEST ZONE OF FLORIDA AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83).
3. ELEVATIONS SHOWN HEREON ARE IN FEET AND TENTHS AND REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988). REFERENCE BENCHMARK: U 797, ELEV. = +4.25' NAVD88.
4. TIDAL REDUCTIONS WERE OBTAINED UTILIZING REAL-TIME KINEMATIC GPS AND REFERENCED TO NAVD88.
5. SURVEY ACCURACY STANDARDS, QUALITY CONTROL, AND QUALITY ASSURANCE REQUIREMENTS WERE FOLLOWED DURING THIS SURVEY IN ACCORDANCE WITH USACE EM 1110-2-1003, HYDROGRAPHIC SURVEYING MANUAL, 11/30/2013.
6. INFORMATION SHOWN HEREON REFLECTS CONDITIONS AS THEY EXISTED ON THE SURVEY DATE SHOWN AND CAN ONLY BE CONSIDERED INDICATIVE OF CONDITIONS AT THAT TIME.
7. AERIAL PHOTOGRAPHY OBTAINED FROM NOAA, DATED 2024.

PUBLISHED TIDAL INFORMATION

TIDAL DATUMS AT PUNTA GORDA, CHARLOTTE COUNTY ARE BASED ON FLORIDA 872 5744 TIDE STATION, PUBLISHED 10-18-2010

LENGTH OF SERIES	= 8 MONTHS
TIME PERIOD	= 7/1977 - 2/1978
TIDAL EPOCH	= 1983 - 2001
CONTROL TIDE STATION	= 872 5110 NAPLES, GULF OF MEXICO

ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN NAVD 1988.

MEAN HIGH WATER (MHW)	= +0.06 FT NAVD
MEAN TIDE LEVEL (MTL)	= -0.57 FT NAVD
MEAN LOW WATER (MLW)	= -1.20 FT NAVD
MEAN LOWER LOW WATER (MLLW)	= -1.65 FT NAVD

INDEX

1. COVER SHEET
2. LOCATION MAP
3. DETAILED PLAN VIEW
4. DETAILED PROFILE VIEW

U.S. Army Corps of Engineers
SAJ-2007-02883
04/14/2025
Project Manager: C Frey

FOR PERMITTING PURPOSES ONLY.
NOT TO BE USED FOR CONSTRUCTION.

SHEET 1
FILE NO.: 24360 PCBP-1
COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135
COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: PORT CHARLOTTE BEACH PARK EMERGENCY SHORELINE NOURISHMENT COVER SHEET

DATE:	1/29/2025	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	24360 PCBP Emergency Shoreline.dwg		
REF. NO.	24.360		

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 2
FILE NO.: 24360 PCBP-2

COASTAL ENGINEERING CONSULTANTS INC.
Serving Coastal Communities Since 1977
28421 BONITA CROSSINGS BLVD
BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

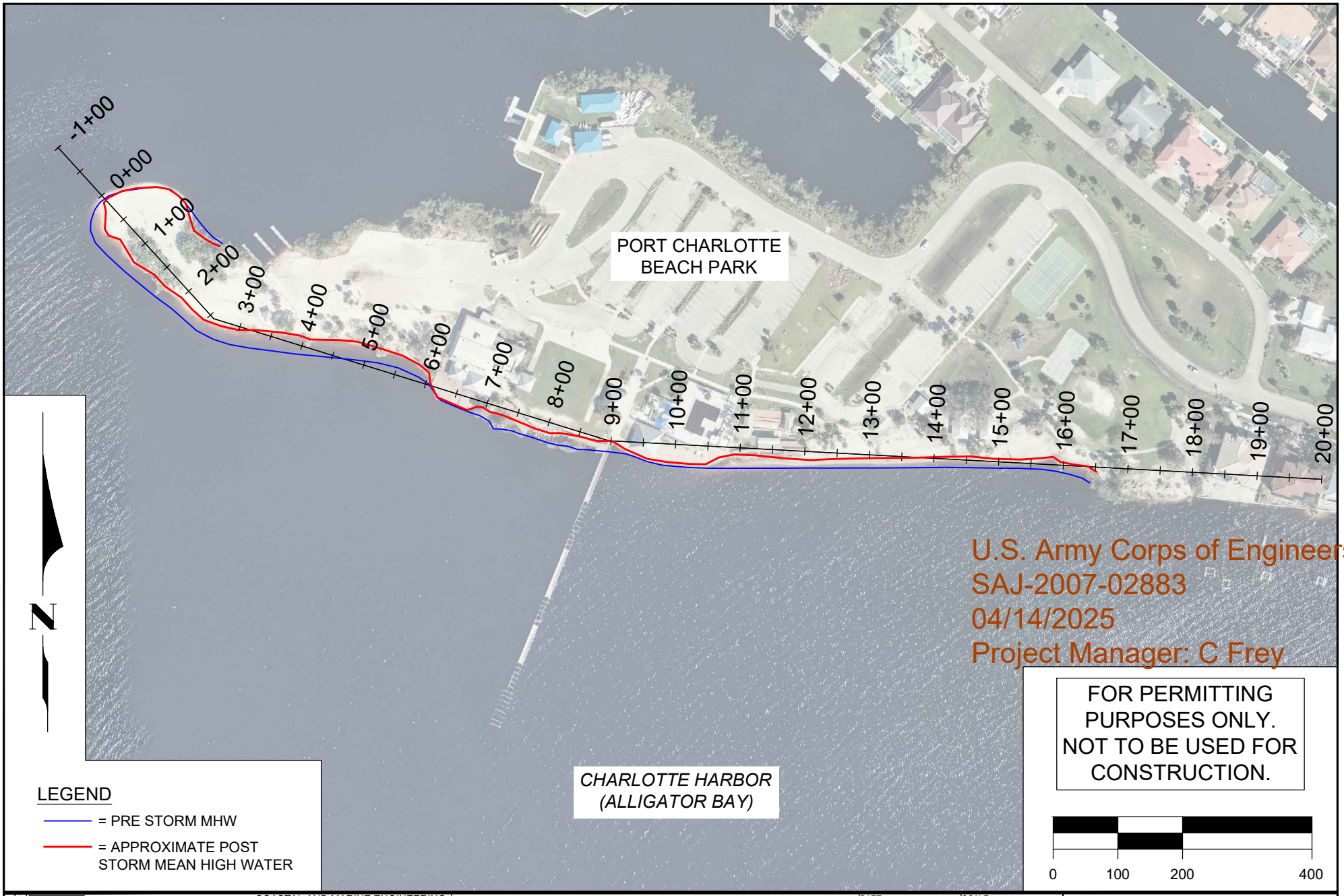
PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: PORT CHARLOTTE BEACH PARK
EMERGENCY SHORELINE NOURISHMENT
LOCATION MAP

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 PCBP Emergency Shoreline.dwg			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION



SHEET 3
FILE NO.: 24360 PCBP-3

COASTAL ENGINEERING CONSULTANTS INC.
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BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL SERVICES
GEOLOGICAL SERVICES
SURVEY AND MAPPING

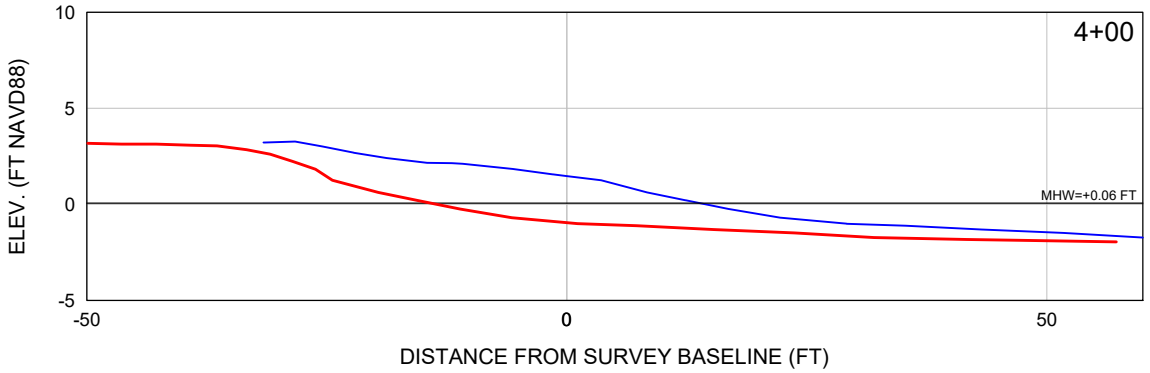
PHONE: (239)643-2324
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E-Mail: info@cecifl.com

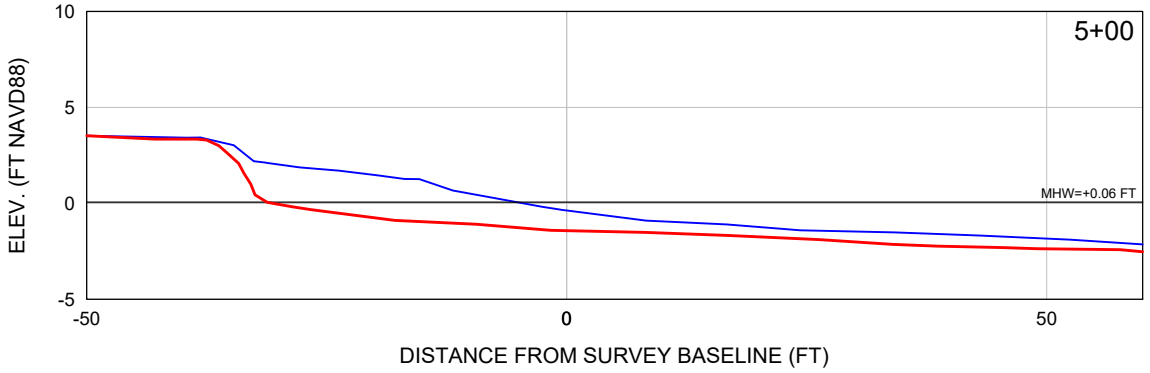
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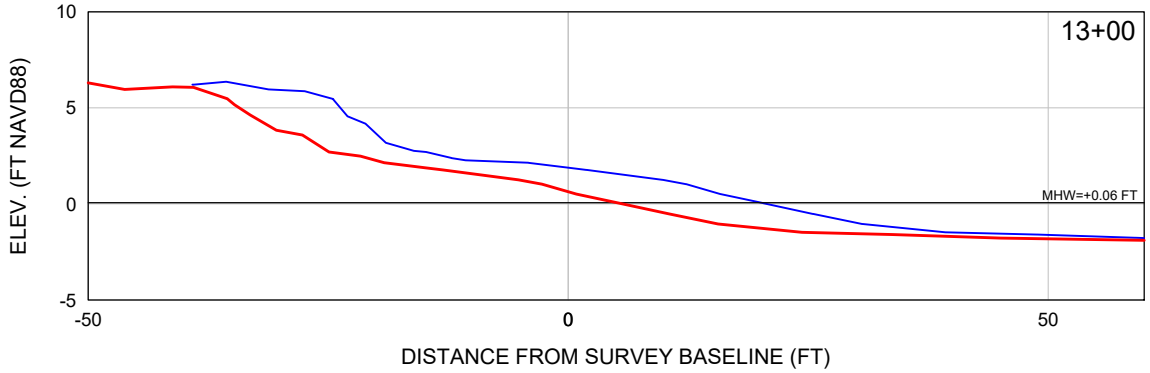
TITLE:
PORT CHARLOTTE BEACH PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PLAN VIEW

DATE:	1/29/2025	SCALE:	AS NOTED
DRAWN:	KMG	F.B.	
CHECKED:	MTP	PG.	
SEC.	TWP.	RNG.	
ACAD NO.	24360 PCBP Emergency Shoreline.dwg		
REF. NO.	24.360		

NO.	DATE	BY	REVISION DESCRIPTION







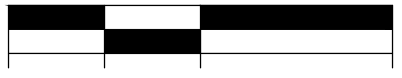
LEGEND

= 8/23/2024 SURVEY

= APPROXIMATE POST STORM GRADE

U.S. Army Corps of Engineers
SAJ-2007-02883
04/14/2025
Project Manager: C Frey

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SHEET 4
FILE NO.: 24360 PCBP-4

COASTAL ENGINEERING CONSULTANTS INC.
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PHONE: (239)643-2324
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www.coastalengineering.com
E-Mail: info@cecifl.com

CLIENT: CHARLOTTE COUNTY

TITLE: PORT CHARLOTTE BEACH PARK
EMERGENCY SHORELINE NOURISHMENT
DETAILED PROFILE VIEW

DATE: 1/29/2025	SCALE: AS NOTED		
DRAWN: KMG	F.B.		
CHECKED: MTP	PG.		
SEC.	TWP.	RNG.	
ACAD NO. 24360 PCBP Emergency Shoreline.dwg			
REF. NO. 24.360			

NO.	DATE	BY	REVISION DESCRIPTION

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

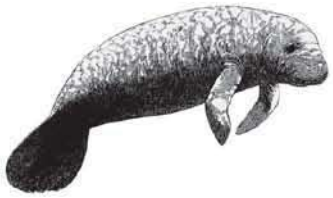
All project vessels

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

PROTECTED SPECIES CONSTRUCTION CONDITIONS, NOAA FISHERIES SOUTHEAST REGIONAL OFFICE

The action agency and any permittee shall comply with the following construction conditions for protected species under the jurisdiction of NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD):[1]

Protected Species Sightings–The action agency and any permittee shall ensure that all personnel associated with the project are instructed about the potential presence of species protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing listed species and all marine mammals. To determine which protected species and critical habitat may be found in the transit area, please review the relevant marine mammal and ESA-listed species at Find A Species (https://www.fisheries.noaa.gov/find-species) and the consultation documents that have been completed for the project.

1. **Equipment**–Turbidity curtains, if used, shall be made of material in which protected species cannot become entangled and be regularly monitored to avoid protected species entrapment. All turbidity curtains and other in-water equipment shall be properly secured with materials that reduce the risk of protected species entanglement and entrapment.

    a. In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) shall be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, shall be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line shall be allowed in the water. All anchoring shall be in areas free from hardbottom and seagrass.

    b. Turbidity curtains and other in-water equipment shall be placed in a manner that does not entrap protected species within the project area and minimizes the extent and duration of their exclusion from the project area.

    c. Turbidity barriers shall be positioned in a way that minimizes the extent and duration of protected species exclusion from important habitat (e.g. critical habitat, hardbottom, seagrass) in the project area.

2. **Operations**–For construction work that is generally stationary (e.g., barge-mounted equipment dredging a berth or section of river, or shore-based equipment extending into the water):

    a. Operations of moving equipment shall cease if a protected species is observed within 150 feet of operations.

[1] Manatees are managed under the jurisdiction of the U.S. Fish and Wildlife Service.

b. Activities shall not resume until the protected species has departed the project area of its own volition (e.g., species was observed departing or 20 minutes have passed since the animal was last seen in the area).

3. **Vessels**–For projects requiring vessels, the action agency, and any permittee shall ensure conditions in the Vessel Strike Avoidance Measures are implemented as part of the project/permit issuance (https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance).

4. **Consultation Reporting Requirements–**Any interaction with a protected species shall be reported immediately to NOAA Fisheries SERO PRD and the local authorized stranding/rescue organization.

   To report to NOAA Fisheries SERO PRD, send an email to takereport.nmfsser@noaa.gov. Please include the species involved, the circumstances of the interaction, the fate and disposition of the species involved, photos (if available), and contact information for the person who can provide additional details if requested. Please include the project's Environmental Consultation Organizer (ECO) number and project title in the subject line of email reports.

   To report the interaction to the local stranding/rescue organization, please see the following website for the most up to date information for reporting sick, injured, or dead protected species:

   Reporting Violations–To report an ESA or MMPA violation, call the NOAA Fisheries Enforcement Hotline. This hotline is available 24 hours a day, 7 days week for anyone in the United States.

   NOAA Fisheries Enforcement Hotline (800) 853-1964

5. **Additional Conditions–**Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the project consultation and must also be complied with.

For additional information, please contact NOAA Fisheries SERO PRD at:
NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
Tel: (727) 824-5312
Visit us on the web at Protected Marine Life in the Southeast
(https://www.fisheries.noaa.gov/region/southeast#protected-marine-life)

Revised: May 2021

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number**: SAJ- - (-)

2. **Permittee Information**: Name: _____

Email: _____

Address: _____

_____

Phone: _____

3. **Date Authorized Work Started**: _____ **Completed**: _____

4. **Contact to Schedule Inspection**: Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

_____

_____

6. **Acreage or Square Feet of Impacts to Waters of the United States**: _____

7. **Describe Mitigation completed (if applicable)**: _____

_____

_____

8. **Describe any Deviations from 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).

_____
Signature of Permittee

_____
Printed Name of Permittee

_____
Date

Dated 9/18/2019