



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION**
123 West Indiana Avenue, DeLand, Florida 32720
(386) 736-5959

TO: Planning and Land Development Regulation Commission

DATE: January 16, 2020

SUBJECT: Dock Regulations

I. INTRODUCTION

On November 21, 2019, the Planning and Land Development Regulation Commission (PLDRC) requested staff to research the history of dock regulations enacted by the county. In addition, staff researched dock regulations within surrounding jurisdictions and the exemption criteria for the Florida Department of Environmental Protection and the US Army Corps of Engineers general permit criteria.

II. HISTORY/BACKGROUND

On December 16, 2010, the county council adopted Ordinance 2010-19 regarding residential docks and requested an update in 12 months. The 2010 amendment maintained the maximum area of a dock at 500 square feet, included a 15-foot side yard setback, and added the ability to construct stand-alone docks without a principal structure to multiple zoning classifications, among other requirements.

On May 17, 2012, the county council adopted Ordinance 2012-11. The only change within this 2012 amendment increased the maximum area of a dock to 750 square feet, as it is today.

Volusia County Dock Permits and Variances

- 2019
 - Dock Permits (New/Expansion/Replacement): 13
 - Variances to maximum dock size: 2
- 2018
 - Dock Permits (New/Expansion/Replacement): 14
 - Variances to maximum dock size: 0
- 2017
 - Dock Permits (New/Expansion/Replacement): 15
 - Variances to maximum dock size: 0

- 2016
 - Dock Permits (New/Expansion/Replacement): 11
 - Variances to maximum dock size: 0
- 2015
 - Dock Permits (New/Expansion/Replacement): 12
 - Variances to maximum dock size: 0

Surrounding Jurisdiction Regulations

- Jurisdictions with a maximum dock area of 400 square feet:
 - Daytona Beach Shores
 - Deltona
- Jurisdictions with a maximum dock area of 500 square feet:
 - Daytona Beach
 - DeBary
- Jurisdictions with a maximum dock area of 800 square feet:
 - Holly Hill
 - Oak Hill
- Other
 - DeLand & Orange City
 - Defer to state and federal regulations
 - Ormond Beach
 - Tomoka Marsh Aquatic Preserve: 660 square feet
 - All other waterways/aquatic preserves: 680 square feet
 - Ponce Inlet
 - Maximum collective dock area (boathouses, docks, marginal docks, slips, piers, etc.) : 1,000 square feet
 - An additional 10 square feet above the maximum 1,000 may be added for each additional 10 linear feet greater than 100 linear feet of waterfront frontage.
 - Port Orange
 - Terminal platform and boathouse: 560 square feet

State and Federal Regulations

Maximum permitted dock size for the Florida Department of Environmental Protection (FDEP) and US Army Corps of Engineers (Corps) varies depending on the type of habitat and the location of the site.

Docks within an Outstanding Florida Water (OFW) have stricter protections in order to protect existing good water quality. Most OFWs are within areas managed by the state or federal government as parks, including wildlife refuges, preserves, marine sanctuaries, estuarine research reserves, certain waters within state or national forests, scenic and wild rivers, or aquatic preserves. Spruce Creek and the Tomoka River are OFWs within Volusia County.

In addition, docks within an aquatic preserve also have stricter protections due to their exceptional biological, aesthetic, and scientific value. Volusia County is home to the Tomoka Marsh Aquatic Preserve and the Mosquito Lagoon Aquatic Preserve.

- FDEP Dock Exemption Requirements – *Not within an Aquatic Preserve*
 - Not in Outstanding Florida Waters
 - Maximum 1,000 square feet of over-water surface area
 - In Outstanding Florida Waters
 - Maximum 500 square feet of over-water surface area
 - Artificially created waterways
 - Maximum 1,000 square feet of over-water surface area
- FDEP Dock Exemption Requirements – *Within an Aquatic Preserve*
 - Maximum 500 square feet of over-water surface area
- Corps Dock General Permit
 - Maintain no less than 50 percent of the open-water portion of a waterbody available for public use.
 - Structures constructed on canals or channels must not extend more than 25 percent of the canal/channel width, excluding dense areas of shoreline vegetation such as mangroves, as measured from the project location to the opposite shoreline.

III. STAFF RECOMMENDATION

Staff recommends no change to the current dock regulations, as they do not conflict with FDEP or Corp regulations and there have been minimal variances to the maximum dock area within the last five years.

IV. ATTACHMENTS

- Ordinance 2010-19
- Ordinance 2012-11
- FDEP Dock Requirements – Not within an aquatic preserve
- FDEP Dock Requirements – Within an aquatic preserve
- Corps Dock General Permit

ORDINANCE NO. 2010-19

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, CHAPTER 72 LAND PLANNING, ARTICLE II ZONING, DIVISION 2 DEFINITIONS AND INTERPRETATION, SECTION 72-67 DEFINITIONS, BY ADDING DEFINITION FOR DOCK, BY AMENDING DEFINITION FOR BOATHOUSE; BY AMENDING DIVISION 7 ESTABLISHMENT OF CLASSIFICATIONS, SECTION 72-241 CLASSIFICATIONS; BY AMENDING DIVISION 8 SUPPLEMENTARY REGULATIONS, SECTION 72-277(1) EXCEPTIONS TO MINIMUM YARD OR LOT COVERAGE REQUIREMENTS, BY ALLOWING DOCKS TO BE CONSTRUCTED WITHOUT A PRINCIPAL STRUCTURE; BY AMENDING DIVISION 8 SUPPLEMENTARY REGULATIONS, SECTION 72-278 BOAT DOCKS AND BOATHOUSES, BY PROVIDING FOR SPECIFICATIONS FOR DOCKS AND BOATHOUSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in ~~strike-through~~ type are deletions; words in underscore type are additions.)

SECTION I: Chapter 72, article II, division 2, section 72-67, of the Code of Ordinances, County of Volusia is amended to read as follows:

Sec. 72-67. Definitions.

...

Boathouse: An ~~accessory~~ roofed structure extending over water from a seawall or the shore designed solely for the protection or storage of watercraft.

...

Dock: A pier, platform, walkway or boathouse extending over water from a seawall or the shore, which is used to secure or provide access to boats.

...

SECTION II: Chapter 72, article II, division 7, section 72-241, of the Code of Ordinances, County of Volusia is amended to read as follows:

Sec. 72-241. Classifications.

...

**FR FORESTRY RESOURCE
CLASSIFICATION***

Permitted principal uses and structures: In the FR Forestry Resource Classification, no premises shall be used except for the following uses and their customary accessory uses and structures:

...

~~Boat docks not exceeding 500 square feet.~~ Docks in accordance with section 72-278.

...

**RC RESOURCE CORRIDOR
CLASSIFICATION***

Permitted principal uses and structures: In the RC Resource Corridor Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

...

~~Boat docks not exceeding 500 square feet.~~ Docks in accordance with section 72-278.

...

**A-1 PRIME AGRICULTURE
CLASSIFICATION**

1
2 *Permitted principal uses and structures:* In the A-1 Prime Agriculture Classification, no
3 premises shall be used except for the following uses and their customary accessory
4 uses and structures:

5 ...

6 ~~Boat docks not exceeding 500 square feet.~~ Docks in accordance with section 72-278.

7 ...

8 A-2 RURAL AGRICULTURE
9 CLASSIFICATION*

10
11 *Permitted principal uses and structures:* In the A-2 Rural Agriculture Classification, no
12 premises shall be used except for the following uses and their customary accessory
13 uses or structures:

14 ...

15 ~~Boat docks not exceeding 500 square feet.~~ Docks in accordance with section 72-278.

16 ...

17 MH-3 RURAL MOBILE HOME
18 CLASSIFICATION*

19
20 *Permitted principal uses and structures:* In the MH-3 Rural Mobile Home Classification,
21 no premises shall be used except for the following uses and their customary accessory
22 uses or structures:

23 ...

24 ~~Boat docks not exceeding 500 square feet.~~ Docks in accordance with section 72-278.

25 ...

1 **SECTION III:** Chapter 72, article II, division 8, section 72-277, of the Code of
2 Ordinances, County of Volusia is amended to read as follows:

3 **Sec. 72-277. Exceptions to minimum yard or lot coverage requirements.**

4 Every part of every yard shall be open and unobstructed from the ground up,
5 except as follows:

6 (1) In the RR, RE, R-1 through R-6, R-9, MH-5, MH-6, and RPUD
7 classifications, except for the provisions of subsection 72-282(2),
8 accessory structures shall not be located in front yards. However,
9 accessory structures may be located in rear or side yards not less than
10 five feet from the lot lines except for atypical lots. However, garage
11 apartments shall not be located in any required yard. On atypical lots,
12 accessory structures may be located not less than five feet from the side
13 lot line provided such structures, except for swimming pools, are not
14 located in the side yard area between the rear lot line and the rearmost
15 point of the principal structure. Accessory structures, except for seawalls
16 and docks in accordance with 72-278, shall be located at least five feet
17 from any side or rear lot line, but not in platted easements.

18 ...

19 c. Except for seawalls on an oceanfront lot in which a gap
20 exists as defined by the Florida Department of Environmental
21 Protection and docks in accordance with 72-278, No accessory
22 building or structure shall be constructed on any lot until a principal
23 structure is either constructed, or permitted for construction, on the

1 same lot. ~~This subsection shall not apply to the construction of a~~
 2 ~~seawall on an oceanfront lot in which a gap exists as defined by the~~
 3 ~~Florida Department of Environmental Protection.~~

4 d. The cumulative area of all accessory buildings or structures,
 5 excluding docks, seawalls, swimming pools and pool enclosures,
 6 shall not exceed 50 percent of the square foot area of the principal
 7 structure. This subsection shall not apply to lots of one acre or
 8 greater in size.

9 e. The maximum height of an accessory structure, except for
 10 docks in accordance with 72-278, shall not exceed 15 feet.
 11 Structures exceeding 500 square feet in area or guesthouses shall
 12 meet the same yard requirements as the principal building. Only
 13 one structure over 500 square feet in area shall be allowed in an
 14 urban residential classification.

15 **SECTION IV:** Chapter 72, article II, division 8, section 72-278, of the Code of
 16 Ordinances, County of Volusia is amended to read as follows:

17 **Sec. 72-278. ~~Boat docks~~ Docks and boathouses.**

18 The following regulations shall apply in all ~~residential zoning classifications~~
 19 zoning classifications that allow residential dwellings:

- 20 (1) The dock area shall not exceed 500 square feet, including any
 21 boathouse, but excluding walkway extensions into the water. The area of
 22 a boathouse is the square footage under roof. Walkways shall not exceed
 23 eight (8) feet in width. ~~No boathouse extending into any waterway shall~~

have more than 500 square feet area. The highest point of such structure shall not exceed 15 feet above the mean high water mark in tidal areas or the ordinary high water mark in nontidal areas.

(2) Docks shall only be constructed on waterfront lots which comply with or are exempt from article III, division 2 and are sufficient in size to meet the minimum area and width requirements for their classifications.

~~No more than~~ Only one boat dock or boathouse may be erected on an individual a single waterfront lot.

(3) Docks ~~Boathouses~~ shall not be used for dwelling purposes or contain any sleeping or living quarters.

(4) ~~[Repealed by HN LIV.]~~ The highest point of any dock shall not exceed 15 feet above the mean high water mark in tidal areas or the ordinary high water mark in nontidal areas.

(5) No dock shall be permitted within 15 feet of any side lot line, or its extension into the water.

SECTION V: AUTHORIZING INCLUSION IN CODE - The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia, as additions or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

SECTION VI: SEVERABILITY - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held

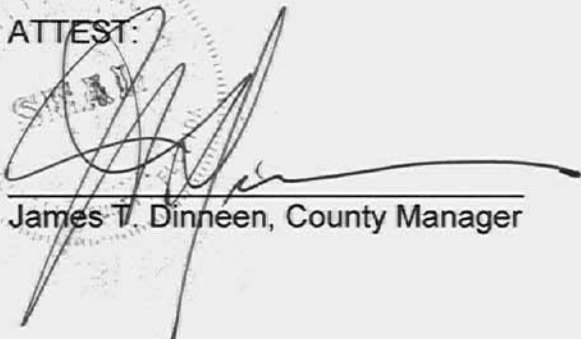
1 shall be severed from this ordinance and all other words, phrases, sentences,
2 subsections, or sections shall remain in full force and effect.

3 **SECTION VII: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in
4 conflict herewith are, to the extent of such conflict, repealed.

5 **SECTION VIII: EFFECTIVE DATE** - A certified copy of this Ordinance shall be
6 filed with the Department of State by the County Manager within ten (10) days after
7 enactment by the County Council and this Ordinance shall take effect upon filing with
8 the Department of State.

9 **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN**
10 **OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT**
11 **THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA**
12 **AVENUE, DELAND, FLORIDA, THIS 16TH DAY OF DECEMBER A.D., 2010.**

13
14
15 ATTEST:

16
17
18
19
20 
21 James T. Dinneen, County Manager

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA


Frank T. Bruno, Jr., County Chair

ORDINANCE 2012-11

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, CHAPTER 72 LAND PLANNING, ARTICLE II ZONING, DIVISION 8 SUPPLEMENTARY REGULATIONS, SECTION 72-278 DOCKS AND BOATHOUSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in strike through type are deletions; words in underscore type are additions.)

SECTION I: Chapter 72, article II, division 8, section 72-278, of the Code of Ordinances, County of Volusia is amended to read as follows:

Sec. 72-278. Docks and boathouses.

The following regulations shall apply in all zoning classifications that allow residential dwellings:

- (1) The dock area shall not exceed ~~500~~ 750 square feet, including any boathouse, but excluding walkway extensions into the water. The area of a boathouse is the square footage under roof. Walkways shall not exceed eight feet in width.
- (2) Docks shall only be constructed on waterfront lots which comply with or are exempt from article III, division 2 and are sufficient in size to meet the minimum area and width requirements for their

1 classifications. Only one dock may be erected on a single
2 waterfront lot.

3 (3) Docks shall not be used for dwelling purposes or contain any
4 sleeping or living quarters.

5 (4) The highest point of any dock shall not exceed 15 feet above the
6 mean high-water mark in tidal areas or the ordinary high-water
7 mark in nontidal areas.

8 (5) No dock shall be permitted within 15 feet of any side lot line, or its
9 extension into the water.

10 **SECTION II: AUTHORIZING INCLUSION IN CODE** - The provisions of this
11 ordinance shall be included and incorporated into the Code of Ordinances of the County
12 of Volusia, as additions or amendments thereto, and shall be appropriately renumbered
13 to conform to the uniform numbering system of the code.

14 **SECTION III: SEVERABILITY** - Should any word, phrase, sentence, subsection
15 or section be held by a court of competent jurisdiction to be illegal, void, unenforceable,
16 or unconstitutional, then that word, phrase, sentence, subsection or section so held
17 shall be severed from this ordinance and all other words, phrases, sentences,
18 subsections, or sections shall remain in full force and effect.

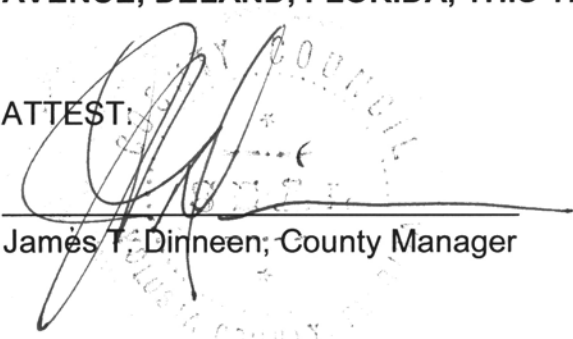
19 **SECTION IV: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in
20 conflict herewith are, to the extent of such conflict, repealed.

21 **SECTION V: EFFECTIVE DATE** - A certified copy of this Ordinance shall be filed
22 with the Department of State by the County Manager within ten (10) days after

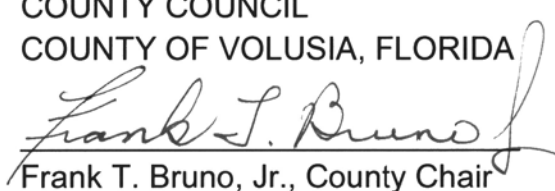
1 enactment by the County Council and this Ordinance shall take effect upon filing with
2 the Department of State.

3 **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN**
4 **OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT**
5 **THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA**
6 **AVENUE, DELAND, FLORIDA, THIS 17TH DAY OF MAY A.D., 2012.**

7
8
9 ATTEST:

10
11
12 
James T. Dirneen, County Manager

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA


Frank T. Bruno, Jr., County Chair

Not in an Aquatic Preserve



Single-Family Dock or Pier (0,1 or 2 Slips)

Quick Reference - Example of the *easiest, fastest dock configuration* requiring no or minimal authorization:

1. In an Outstanding Florida Water (OFW) [Example](#)
2. Not in an OFW [Example](#)

Size and Location

- The type of *state-owned submerged lands authorization* and *regulatory authorization* that you will need is based on the size of the dock and *preempted area* . ([How to Calculate Preempted Area for Different Dock Types](#))

If located in the Florida Keys or Monroe County:

- The access walkway must be no more than 4 feet wide
- Terminal platform must be no more than 160 square feet, and no more than 8 feet wide.

Length of Dock/Waterbody Width

- No maximum pre-set length, but must not cause a navigational hazard.

Setback Requirements

Setbacks are not required for exempt docks. However, you must not interfere with navigation or the riparian rights of your neighbors. For exempt docks, the Department recommends using the setbacks below where possible, or centering the dock between property lines and riparian rights lines.

- Structures with an access walkway including any activities, such as mooring, must be set back at least 25 feet inside the applicant's *riparian rights lines* . Marginal docks must be set back 10 feet. ([Estimating Riparian Rights Lines for Docks](#))
- An exception to the setback requirement may be made if:
 - The parcel *shoreline* is less than 65 feet;
 - Wherever the distance between riparian rights lines is less than 65 feet;
 - If the structure is a *shared dock* ;
 - If the structure was previously authorized by the *Board of Trustees* ;
 - If the structure was built before the setback requirement (Before 3/27/1982);
 - If a [letter of concurrence](#) was signed by the adjacent property owner; or

- If the Board of Trustees determines that locating in the setback area is necessary to avoid or minimize adverse impacts to natural resources.

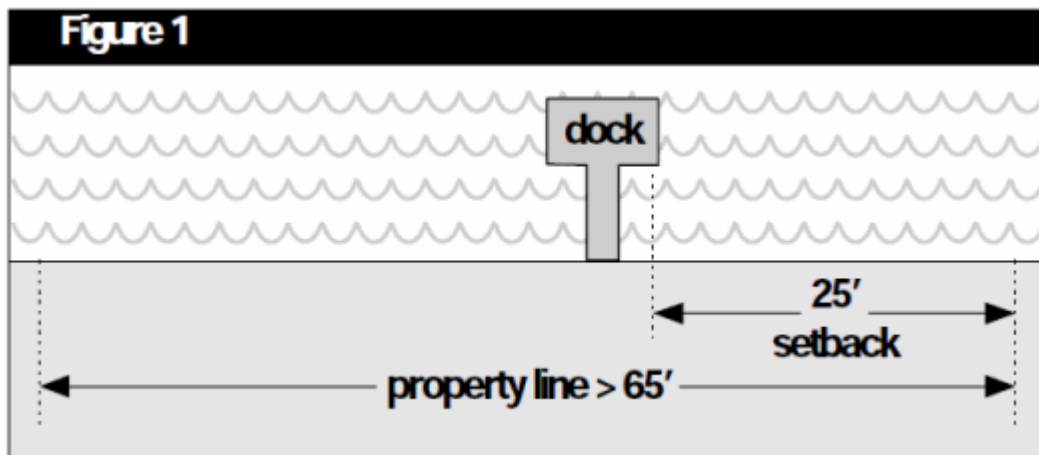


Figure 1 - Dock Setback with Access Walkway

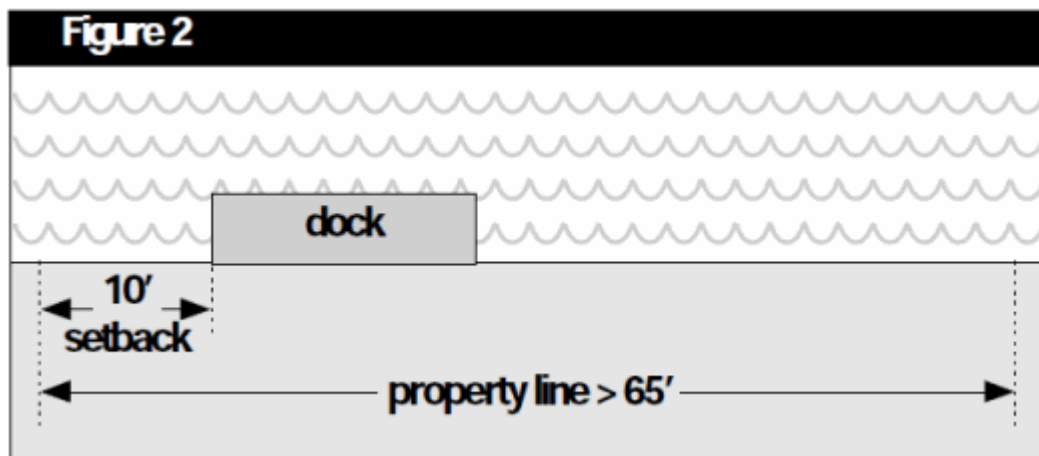


Figure 2 - Marginal Dock Setback

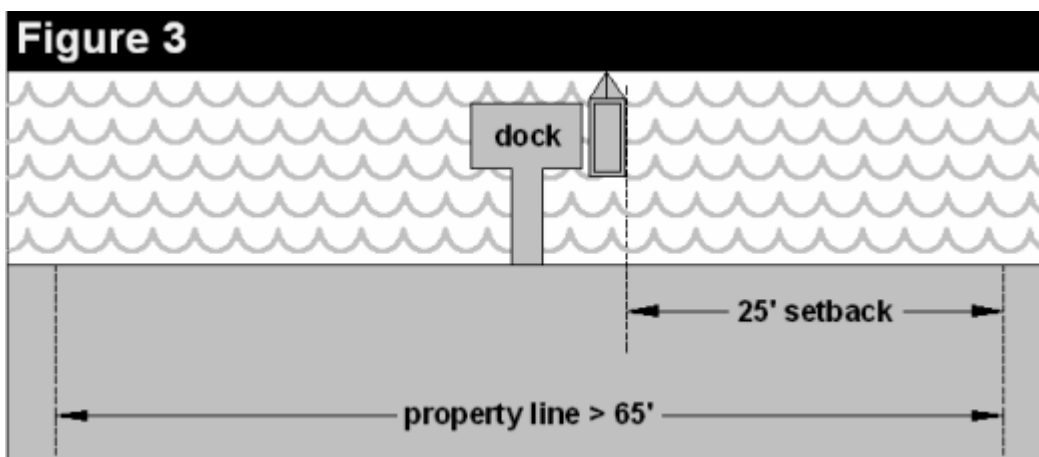


Figure 3 - Dock Setback with Access Walkway and Mooring Area

Available Forms of ***State-owned Submerged Lands Authorization***
(Proprietary)

Proprietary authorization is not required if the structure is not proposed on state-owned submerged lands.

- **Consent by Rule** : Generally, construction or repair and use of a dock or pier is eligible for Consent by Rule (meaning that no further documentation or permitting from DEP is required) if the project is exempt from regulatory permitting, is the only dock or pier on the *parcel*, and is not located in a [manatee 'No Entry Zone' or 'Motorboat Prohibited Zone'](#). You can use DEP's online self-certification through Enterprise Self-Service Authorizations (ESSA) at [DEP's Business Portal](#) to determine if your project is eligible for consent by rule, or letter of consent, below. (Consent by Rule is not available if the dock is used for commercial purposes.) Construction or repair of docks or piers that do not meet all the above criteria will require a letter of consent or a lease.
- **Letter of Consent** : if the structure is a *minimum size dock* or pier or if it preempts no more than 10 square feet for every 1 foot of shoreline owned by the applicant (10:1 *preemption ratio*), or if the structure is exempt from regulatory permitting according to Section 403.813, F.S., but is located in an Aquatic Preserve, Monroe County, a manatee 'No Entry Zone' or 'Motorboat Prohibited Zone'. If your project requires a letter of consent, you must send a completed *Joint Application* to DEP, or if the dock qualifies for an exemption (see "Forms of Regulatory Authority", below) you can apply using DEP's online self-certification through Enterprise Self-Service Authorizations (ESSA) at [DEP's Business Portal](#).
- **Lease** : if the structure is larger than a minimum size dock or pier or larger than the 10:1 preemption ratio, or any size dock that is used for commercial purposes.

Forms of *Regulatory Authorization* (Permit Types)

- **Exemption** :
 1. Maximum 1000 square feet of over-water surface area NOT in Outstanding Florida Waters ([Section 403.813\(1\)\(b\), F.S.](#))
 2. Maximum 500 square feet of over-water surface area IN Outstanding Florida Waters ([Section 403.813\(1\)\(b\), F.S.](#))
 3. Repair or replacement of existing docks and mooring pilings in the same location and configuration ([Section 403.813\(1\)\(d\), F.S.](#))
 4. Private docks of 1000 square feet or less of over-water surface area in artificially created waterways where construction will not violate water quality standards, impede navigation, or adversely affect flood control ([Section 403.813\(1\)\(i\), F.S.](#))
 5. Construction, installation, operation or maintenance of floating vessel platforms ([Section 403.813\(1\)\(s\), F.S.](#))
 - 500 square feet or less if NOT in Outstanding Florida Waters, or
 - 200 square feet or less if IN Outstanding Florida Waters.
- **Noticed General Permit** :
 1. General Permit for installation, alteration or maintenance of boat ramps and associated accessory docks ([Section 62-330.417, F.A.C.](#))
 2. General Permit for certain piers and associated structures ([Section 62-330.427, F.A.C.](#))

3. General Permit for floating vessel platforms and floating boat lifts ([Section 62-330.428, F.A.C.](#))

- **Standard General, General or Standard Permit :**
 1. If the project does not qualify for an exemption or a general permit, and
 2. If the following applies to the entire project, including uplands:
 - **System** must not be capable of impounding a volume of water more than 120 acre-feet, and
 - Construction or alteration involves less than 1 acre of wetlands, and
 - Total project size is less than 100 acres, and
 - The number of boat slips is less than 10.
- **Individual or Conceptual Environmental Resource Permit :**
 - Any project that does not meet criteria for an exemption, noticed general, standard general, general or standard permit.

Permits from Other Agencies

In addition to a DEP permit or exemption, the US Army Corps of Engineers (Corps) or local government may require a permit. It is the responsibility of the applicant to obtain any necessary permits from other agencies before beginning any work.

If you send a permit application to the DEP or the Water Management District, a copy will be automatically sent to the Corps, if necessary. Do not submit a separate application to the Corps unless you are specifically asked to do so by them.

In All Other Aquatic Preserves



Single-Family Dock or Pier (0,1 or 2 Slips)

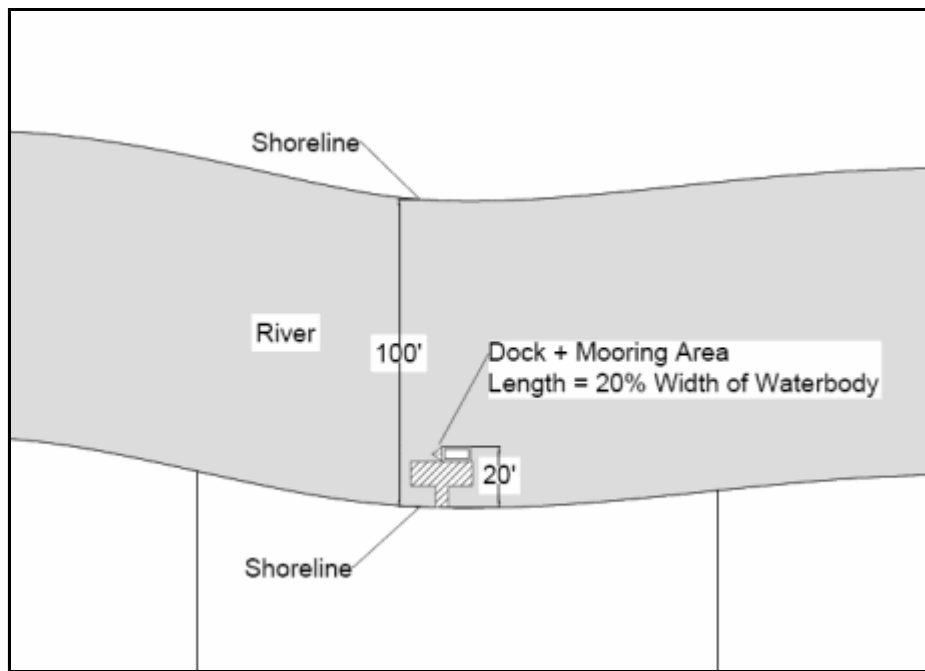
Quick Reference - [Example](#) of the *easiest, fastest dock configuration* requiring minimal authorization and permitting time.

Size and Location

- Access walkway must be 4 feet wide or less.
- **Terminal platform** must be 160 square feet or less.
- A terminal platform over a **Resource Protection Area 1** or **Resource Protection Area 2** must be elevated 5 feet above **mean high water** (MHW) or **ordinary high water** (OHW). A maximum of 25% of the terminal platform area may be lower than 5 feet for water or boat access.
- In a Resource Protection Area (RPA) 1 or 2, there must be adequate water depth at **mean low water** (MLW) or **ordinary low water** (OLW) for vessel mooring, **turning basin**, and **access channel** so there is a minimum of 1 foot between the **deepest draft** of the vessel and the top of any submerged resources, such as seagrass beds. In other words, there must be at least 1 foot clearance between the bottom of your boat and the submerged vegetation or other resource at all times.
- **Wave break** devices, if authorized, must allow maximum water circulation and be constructed as part of the dock.
- If the dock is a shared single family dock:
 - Must be located on the property line between two single-family residences.
 - Must not exceed any of the single-family dock criteria, except that a maximum of 4 boats are allowed instead of 2.

Length of Dock/Waterbody Width

- Maximum length of 20% of the width of the waterbody or 500 feet from the **mean high water line** (MHWL) or **ordinary high water line** (OHWL), whichever is less. Maximum length includes the measurement of the structure and any associated activities such as mooring.



Example: Dock no more than 20% of the width of the waterbody.

- Length is also limited by water depth. Dock cannot extend to an area deeper than -4 feet at mean low water or ordinary low water.
- If the beginning point of a dock has a water depth of -4 feet or more at mean or ordinary low water, then the maximum dock length is 25 feet. Additional length may be allowed if there is dense shoreline vegetation overhang.

Setback Requirements

- Structures with an access walkway including any activities, such as mooring, must be set back at least 25 feet inside the applicant's *riparian rights lines*. Marginal docks must be set back 10 feet. ([Estimating Riparian Rights Lines for Docks](#))
- An exception to the setback requirement may be made if:
 - The parcel shoreline is less than 65 feet;
 - Wherever the distance between riparian rights lines is less than 65 feet;
 - If the structure is a shared dock;
 - If the structure was previously authorized by the *Board of Trustees* ;
 - If the structure was built before the setback requirement;
 - If a [letter of concurrence](#) was signed by the adjacent property owner; or
 - If the Board of Trustees determines that locating in the setback area is necessary to avoid or minimize adverse impacts to natural resources.

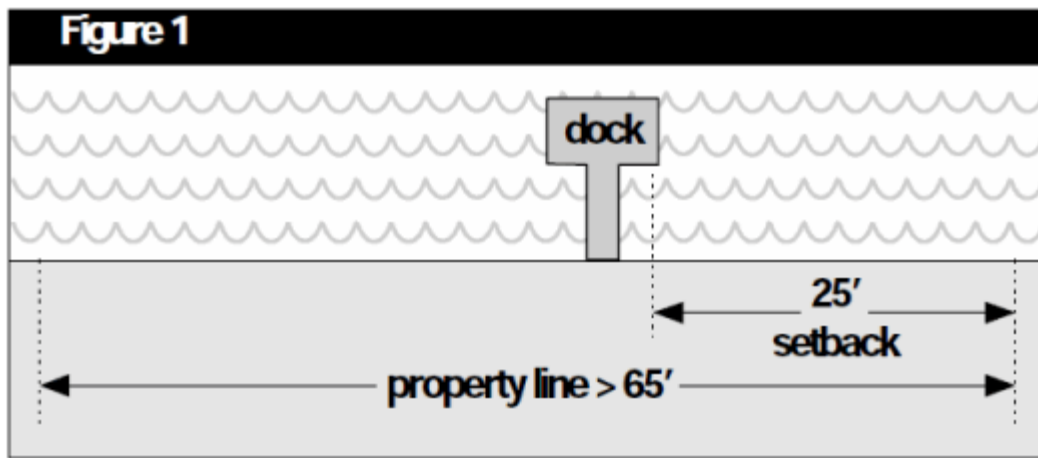


Figure 1 - Dock Setback with Access Walkway

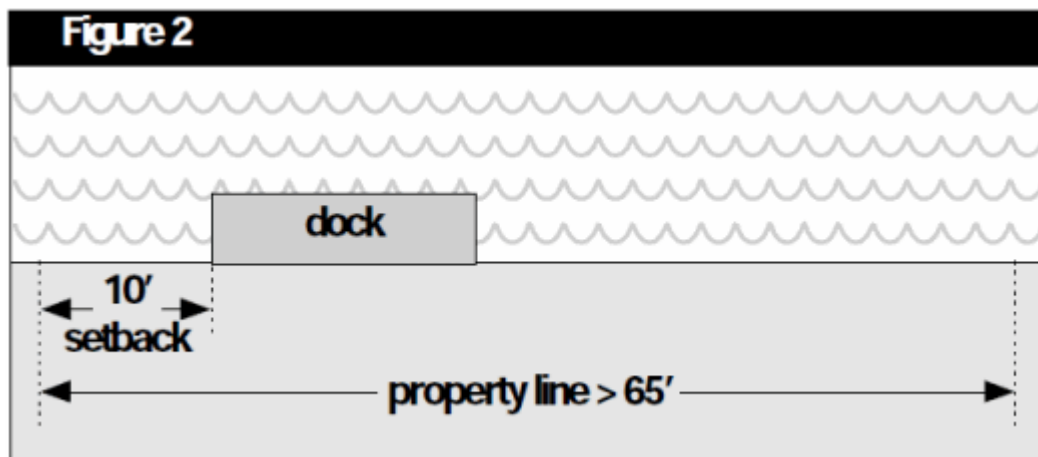


Figure 2 - Marginal Dock Setback

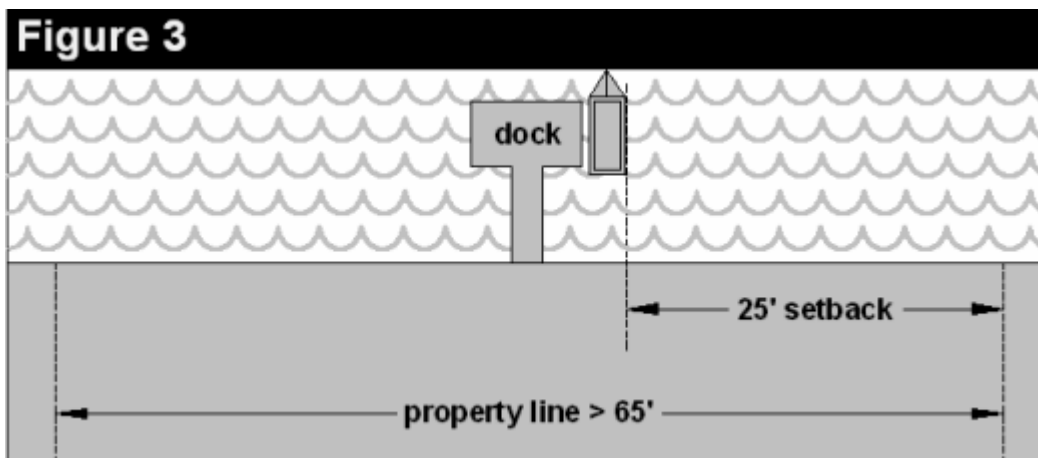


Figure 3 - Dock Setback with Access Walkway and Mooring Area

Available Forms of **State-owned Submerged Lands Authorization** (Proprietary)

- **Letter of Consent** (single family): structure must meet construction criteria to qualify. If your project requires a letter of consent, you must send a completed **Joint Application** to DEP, or if the dock qualifies for an exemption (see "Forms of Regulatory Authority",

below) you can apply using DEP's online self-certification through Enterprise Self-Service Authorizations (ESSA) at [DEP's Business Portal](#).

- **Letter of Consent** (shared between two single family residences): for a *shared dock* that meets criteria, but has a maximum of 4 vessels.

Forms of *Regulatory Authorization* (Permit)

- **Exemption** :
 - Maximum 500 square feet of over-water surface area ([Section 403.813\(1\)\(b\), F.S.](#))
 - Repair or replacement of existing docks and mooring pilings in the same location and configuration ([Section 403.813\(1\)\(d\), F.S.](#))
 - Construction, installation, operation or maintenance of floating vessel platforms ([Section 403.813\(1\)\(s\), F.S.](#))
 - 200 square feet or less
- **Noticed General Permit** :
 1. General Permit for installation, alteration or maintenance of boat ramps and associated accessory docks ([Section 62-330.417, F.A.C.](#))
 2. General Permit for certain piers and associated structures ([Section 62-330.427, F.A.C.](#))
 3. General Permit for floating vessel platforms and floating boat lifts ([Section 62-330.428, F.A.C.](#))
- **Standard General, General or Standard Permit** (*A type of individually processed permit under Part IV of Chapter 373, F.S., that falls below certain size thresholds, depending on the water management district in which the work is occurring.*):
 1. If the project does not qualify for an exemption or a general permit, and
 2. If the following applies to the entire project, including uplands:
 - *System* must not be capable of impounding a volume of water more than 120 acre-feet, and
 - Construction or alteration involves less than 1 acre of wetlands, and
 - Total project size is less than 100 acres, and
 - The number of boat slips is less than 10.
- **Individual or Conceptual Environmental Resource Permit** :
 - Any project that does not meet criteria for an exemption, noticed general, standard general, general or standard permit.

Permits from Other Agencies

In addition to a DEP permit or exemption, the US Army Corps of Engineers (Corps) or local government may require a permit. It is the responsibility of the applicant to obtain any necessary permits from other agencies before beginning any work.

If you send a permit application to the DEP or the Water Management District, a copy will be automatically sent to the Corps, if necessary. Do not submit a separate application to the Corps unless you are specifically asked to do so by them.



REPLY TO
ATTENTION OF

Regulatory Division

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

March 27, 2018

DEPARTMENT OF THE ARMY PERMIT
GENERAL PERMIT SAJ-20
SAJ-2006-00617 (TLW)
PRIVATE RESIDENTIAL DOCKS/PIER FACILITIES AND MINOR
STRUCTURES IN FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), general authority is hereby given to construct private residential dock facilities and install minor structures in navigable waters of the United States within the State of Florida subject to the following conditions:

SPECIAL CONDITIONS:

1. Private residential docks/pier facilities shall be designed to accommodate not more than four (4) motorized vessels, including those that may be dry stored such as but not limited to personal watercraft, unless a Florida Fish and Wildlife Conservation Commission approved Manatee Protection Plan is more restrictive (approved MPPs are available at <http://myfwc.com/wildlifehabitats/managed/manatee/protection-plans/>). This includes normal appurtenances such as boat hoists, boat shelters with open sides, stairways, walkways, mooring pilings, dolphins, and maintenance of same.
2. Other minor structures authorized under this general permit include:
 - a. single mooring pilings;
 - b. small mooring dolphins (not to exceed a cluster of four);
 - c. non-commercial information signage;
 - d. boat lifts, hoists, davits. Etc.
 - e. other minor structures that would have less environmental impact than a small dock.
3. No work shall be performed until the applicant submits satisfactory plans for the proposed structure and receives written authorization from the District Engineer.
4. The following areas are specifically excluded from authorization under SAJ-20:

General Permit SAJ-20

- a. Motorboat prohibited zones, no entry zones, and Federal Manatee Sanctuaries.
 - b. All areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock in Martin County and W.P. Franklin Lock in Lee County.
 - c. Biscayne Bay National Park Protection Zone (Dade County), and areas identified in the Wild and Scenic Rivers Act (16 U.S.C. 1317, et seq.): the St. Mary's River, from its headwaters to its confluence with the Bells River; the entire Wekiva River, including Wekiwa Springs Run, Rock Springs Run, the entire Seminole Creek, and Black Water Creek from its outfall at Lake Norris to its confluence with the Wekiva River; and the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park.
 - d. The following state parks: John Pennekamp Coral Reef State Park, Lignum Vitae Key State Botanical Site and Aquatic Preserve, Long Key State Park, Curry Hammock State Park, and Bahia Honda State Park.
 - e. Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County) and canals connected to these waterways.
 - f. Lake Miccosukee (located on the common boundary of Leon and Jefferson Counties).
 - g. Within the coastal lakes, their outfalls and/or the shore areas between the lakes and the Gulf of Mexico as depicted on the attached map (Attachment 1).
 - h. New and expanded pile supported structures in Elkhorn coral (*Acropora palmata*) and Staghorn coral (*Acropora cervicornis*) designated critical habitat (Attachment 2) where essential features are present.
 - i. Areas on or contiguous to ocean beaches.
 - j. Smalltooth sawfish limited exclusion zones (Attachment 3).
5. No structures shall be authorized by SAJ-20 within the boundaries of the Timucuan Ecological and Historical Preserve (Duval County) until the National Park Service has been contacted and offered the opportunity to submit comments to the Corps on the effects of the proposed project on the preserve.
6. SAJ-20 has undergone consultation with U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) in accordance with Section 7, Endangered Species Act, on Federally listed species and designated critical habitat within their purview (Attachment 4). If the proposed activity requires additional consultation under the

General Permit SAJ-20

Endangered Species Act with the FWS and/or NMFS on: 1) these or any other federally listed threatened or endangered species or species proposed for Federal listing; or 2) designated critical habitat or proposed designated critical habitat for these or any other federally listed threatened or endangered species, or proposed species, then, until consultation is reinitiated and concluded, and the agency determines that the activity will not jeopardize the continued existence or adversely modify critical habitat, the proposed activity cannot be authorized under SAJ-20.

7. Prior to verification of authorization, the dichotomous key titled, *"The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013,"* (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) will be used to determine potential manatee impacts. Those determined to be a "may affect" to the manatee will not be authorized unless consistent with the 2011 Manatee Programmatic Consultation or individual consultation on the project is required and has been reinitiated and concluded with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. Additionally, depending on the location of the project, some projects determined to be "may affect, not likely to adversely affect" will not be authorized until consultation on the project has been concluded. Consultation or concurrence from the Service is required for any project located within a Warm Water Aggregation Area (WWAA). *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

8. For projects in waters accessible to manatees, the Permittee will utilize the *"Standard Manatee Conditions for In-Water Work, 2011"* (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>) and/or requirements as appropriate for the proposed activity. *Note: The manatee conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*

9. Structures authorized under this general permit must satisfy the Project Design Criteria (PDCs) provided for all activities and pile-supported structures as stated in the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion, November 2017 (JAXBO). In accordance with the Endangered Species Act, the Corps will seek individual consultation with the National Marine Fisheries Service (NMFS) for all projects that do not comply with the PDCs of JAXBO prior to verification. Please note that failure to comply with the attached PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this general permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:

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

Note: JAXBO may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.

General Permit SAJ-20

10. The Permittee shall adhere to the NOAA Fisheries Service Vessel Strike Avoidance Measures and Reporting /or Mariners (Attachment 8) (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>).
11. In accordance with Section 7 of the Endangered Species Act, projects proposed within the following areas cannot be authorized until consultation on the projects have been concluded with the U.S. Fish and Wildlife Service (USFWS): Within Gulf sturgeon designated critical habitat under the jurisdictional responsibility of the USFWS; within areas with federally listed freshwater mussels, mussel critical habitat, or freshwater mussels proposed for federal listing. These areas include the range of the Suwannee moccasinshell The Suwannee Moccasinshell's current range in Florida includes: the Suwannee River mainstem from the confluence of Hart Springs (–82.954, 29.676) in Dixie–Gilchrist Counties, upstream 137 km (85 mi) to the confluence of the Withlacoochee River (–83.171, 30.385) in Madison–Suwannee Counties; and the Santa Fe River from its confluence with the Suwannee River in Suwannee–Gilchrist Counties (–82.879, 29.886), upstream 50 km (31 mi) to the river's rise (the Santa Fe River runs underground for more than three miles, emerging at River Rise Preserve State Park) in Alachua County (–82.591, 29.873).
12. Projects proposing installation of any size of metal piling or metal sheet piling by impact hammer cannot be authorized under SAJ-20 until individual consultation has been initiated and concluded with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, as appropriate
13. No work shall be authorized by SAJ-20 which may have direct or indirect adverse impacts to hard or soft corals, including listed corals, mangroves, estuarine emergent vegetation, marine emergent vegetation, and/or the following species of submerged aquatic vegetation: shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), star grass (*Halophila engelmanni*), Johnson's seagrass (*Halophila johnsonii*), widgeon grass (*Ruppia maritima*), manatee grass (*Syringodium filiforme*), and turtle grass (*Thalassia testudinum*). Indirect effects include secondary and cumulative effects.
14. Adverse impacts to aquatic vegetation from dock construction shall be avoided by adherence to the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's *"Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001"* (see <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>). *Note: The Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of the technical tool will be utilized during the evaluation of the permit application.*
15. This permit does not authorize dredging or the removal of red mangrove (*Rhizophora mangle*).
16. For projects proposed adjacent to Federally-maintained channels, no structure,

General Permit SAJ-20

including mooring piles, authorized under this regional general permit shall be within the established setback, calculated from the near design edge of the channel, until coordination and concurrence by the Navigation business line is complete. The setback may vary between different Federal channels and between specific reaches of the same Federal channel. Exact locations of the proposed work may be verified by use of the Florida State Plane Coordinate System (XY coordinates). Any activity within Federal project lands including rights-of-way, may require the permittee to enter into a consent-to-easement or other real estate instrument with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity.

17. For projects authorized under the SAJ-20 in navigable waters of the United States, the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. A structure authorized under this regional general permit must not interfere with general navigation.

18. No activity may cause more than a minimal adverse effect on navigation. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the Permittee's expense on authorized facilities in navigable waters of the United States.

19. To maintain no less than 50% of the open-water portion of the waterbody available for public use, structures constructed on canals or channels must not extend more than 25% of the canal/channel width, excluding dense areas of shoreline vegetation such as mangroves, as measured from the project location to the opposite shoreline.

20. Any proposed regulatory action that modifies, alters, or is built upon or adjacent to an existing federal project, does not meet the required Setback Guidance or is constructed within a federal project right-of-way may require permission under Section 14 of the RHA 33 USC 408 (Section 408) and may require coordination with the Engineering Division. Any structure within 62.5 feet of a federal navigation structure (with the exception of single-family docking structures) shall require coordination under Section 408. Any degradation, relocation, penetration, or work under a Corps levee, dike, dam, or water retaining structure and any proposed work within 15 feet of a federal canal top of bank (such as the Okeechobee Waterway or the Central and South Florida Flood Control Canals), within two feet of the top edge of slope of a federal navigation channel or within 50 feet of a Corps dam requires coordination under Section 408.

General Permit SAJ-20

21. 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 the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Corps within two calendar days. The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

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, THPO(s), 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.

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

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

23. Turbidity control measures may be required, and the work must be conducted so as to prevent violations of State Water Quality Standards as established in sections 62-4.242 and 62-4.244 of the Florida Administrative Code and Chapters 62-302, 62-520, 62-522, and 62-550 of the Florida Administrative Code.

24. Water Quality Certification (WQC) or waiver thereto, and Coastal Zone

General Permit SAJ-20

Consistency (CZCC): Activities qualifying for this regional general permit (RGP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable Chapter 258 F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable WQC or waiver thereto, and CZCC. WQC is waived for activities authorized under this RGP that qualify for an exemption under s. 403.813(1)(i) or 373.406, F.S., or the rules of Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this RGP before the applicable SSL authorization is granted.

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

26. Conformance with the descriptions and criteria contained herein does not necessarily guarantee authorization under this regional general permit. The District Engineer reserves the right to require that any request for authorization under this regional general permit be processed as a standard permit.

27. This regional general permit will be valid for a period of five years from the date specified above unless suspended or revoked by the District Engineer prior to that date. If SAJ- 20 expires or is revoked prior to completion of the authorized work, authorization of activities that have commenced or are under contract to commence in reliance on SAJ-20 will remain in effect provided the activity is completed within 12 months of the date SAJ-20 expired or was revoked.

28. The Permittee shall perform all work in accordance with the general conditions for permits. The general conditions attached hereto are made a part of this permit (Attachment 5).

General Permit SAJ-20

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in black ink that reads "Jori K. White". The signature is written in a cursive, flowing style.

For Timika M. Wilson
Lieutenant Colonel, U.S. Army
District Commander

Enclosures:

Attachment 1 Coastal Lakes

Attachment 2 Elkhorn and Staghorn coral critical habitat maps

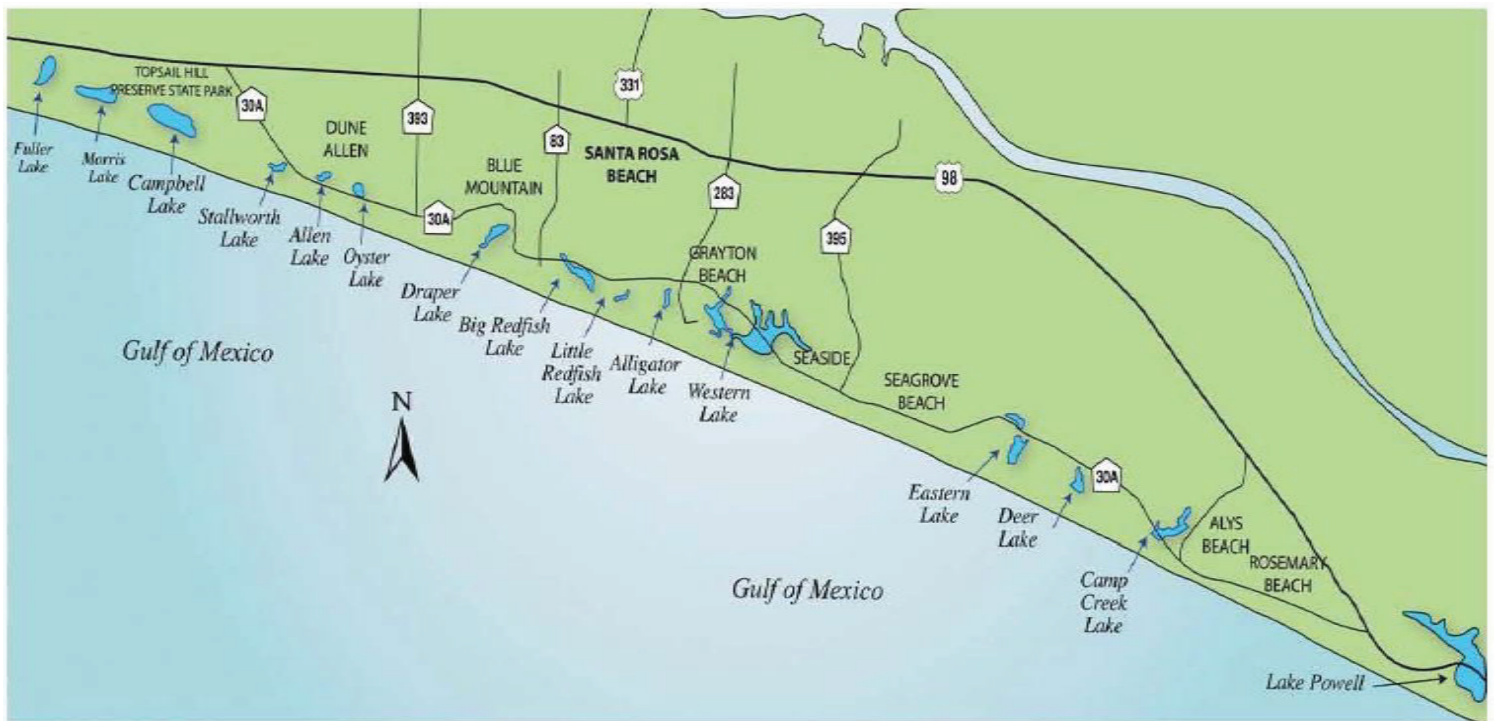
Attachment 3 Smalltooth Sawfish Exclusion Zones

Attachment 4 Effect determinations for Federally listed species in Florida

Attachment 5 General Conditions

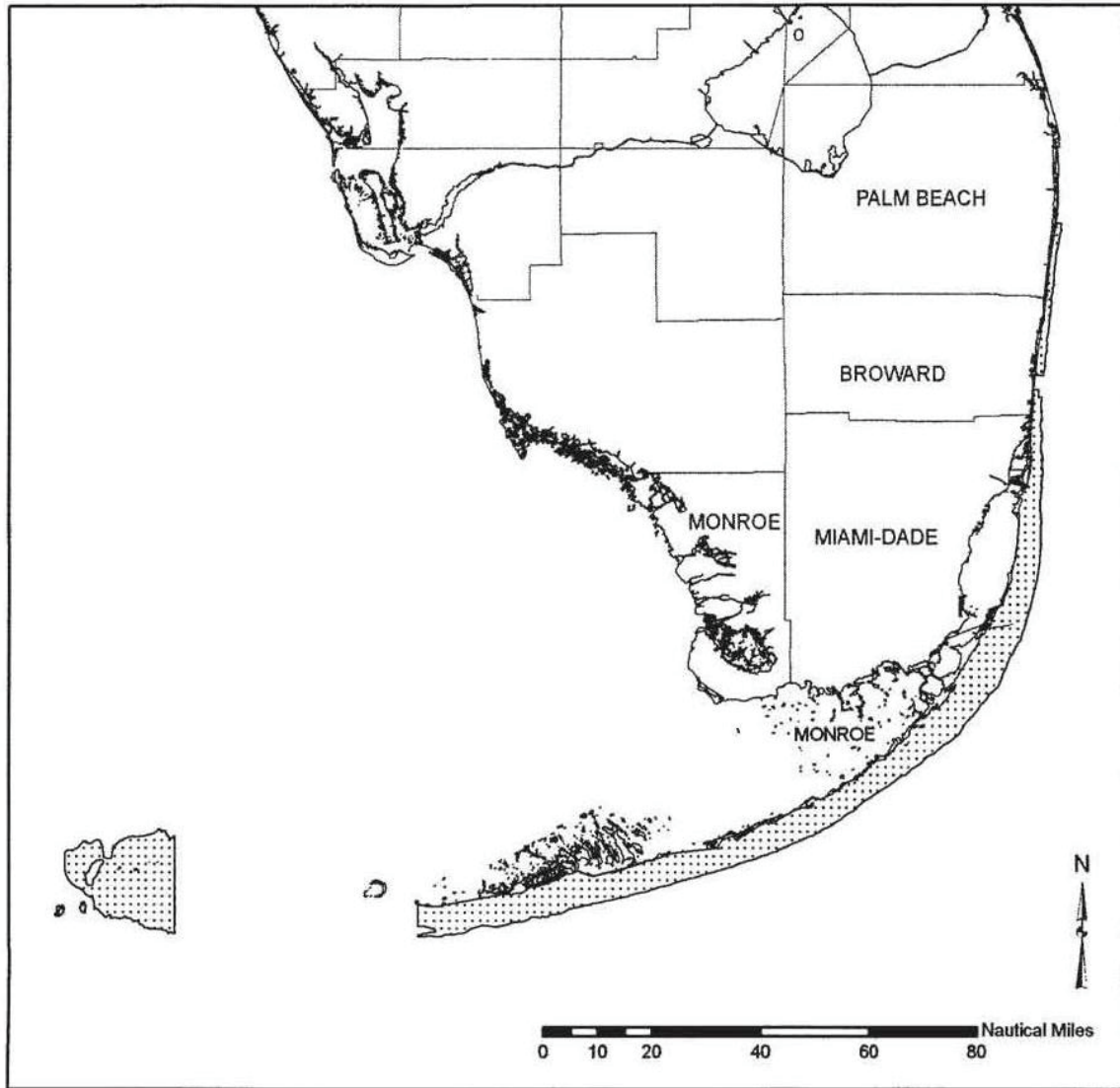
Regional General Permit SAJ-20
Attachment 1.

Florida Panhandle Coastal Dune Lakes



Regional General Permit SAJ-20 Attachment 2.

Critical Habitat for Elkhorn and Staghorn Corals Area 1: Florida

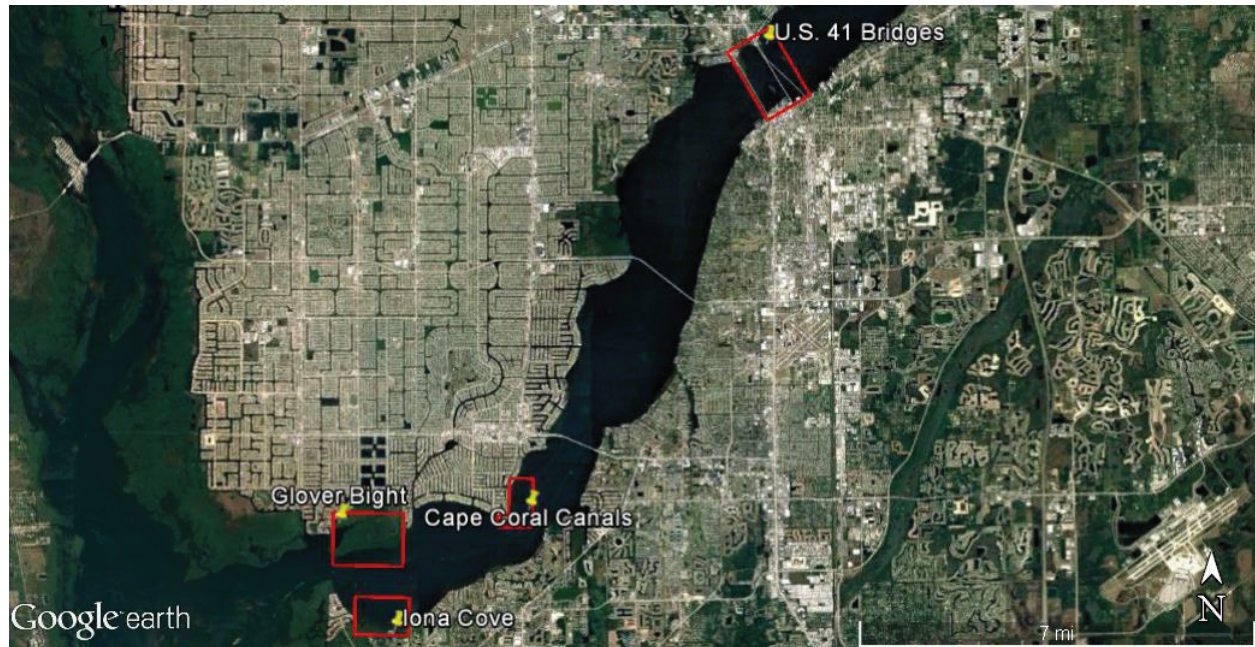


Legend

- County Line
- ▨ Critical Habitat



Attachment 3. Smalltooth sawfish limited exclusion zones



The locations of very small juveniles shown as red dots (©2012 Google; red dots based on the National Sawfish Encounter Database, May 2011).

Name	Latitude	Longitude
U.S. 41 Bridges (the area between the following coordinates)		
U.S. 41 NW	26.660413°N	81.885243°W
U.S. 41 NE	26.666827°N	81.872966°W
U.S. 41 SW	26.642991°N	81.873880°W
U.S. 41 SE	26.649405°N	81.861605°W
Iona Cove (the area between the following coordinates)		
IC NW	26.521437°N	81.991586°W
IC NE	26.521212°N	81.976191°W
IC SW	26.511762°N	81.991762°W
IC SE	26.511537°N	81.976368°W
Glover Bight (the area between the following coordinates)		
GB NW	26.542971°N	81.997791°W
GB NE	26.542678°N	81.977745°W
GB SW	26.529478°N	81.998035°W
GB SE	26.529185°N	81.977992°W
Cape Coral (the area between the following coordinates)		
CC 1	26.551662°N	81.947412°W
CC 2	26.551561°N	81.940683°W
CC 3	26.539075°N	81.940916°W
CC 4	26.539205°N	81.951049°W
CC 5	26.542181°N	81.951047°W
CC 6	26.542133°N	81.947776°W

Attachment 4			
Federally Listed Species in Florida			
Consultation for Regional General Permit SAJ-20 Private Single-family Docks/Piers and Minor Structures in Florida			
Finding	Agency	Status	Species Listing
			MAMMALS
NE	FWS	E	Bat, Grey (<i>Myotis grisescens</i>)
NE	FWS	E	Bat, Florida Bonneted (<i>Eumops floridanus</i>)
NE	FWS	E	Deer, Key (<i>Odocoileus virginianus clavium</i>)
MANLAA	FWS*	E	Manatee, West Indian (<i>Trichechus manatus</i>)
NE	FWS	E	Mouse, Anastasia Island Beach (<i>Peromyscus polionotus phasma</i>)
NE	FWS*	E	Mouse, Choctawhatchee Beach (<i>Peromyscus polionotus al/ophrys</i>)
NE	FWS	E	Mouse, Key Largo Cotton (<i>Peromyscus gossypinus al/apaticola</i>)
NE	FWS*	E	Mouse, Perdido Key Beach (<i>Peromyscus polionotus trissyllepsis</i>)
NE	FWS	T	Mouse, Southeastern Beach (<i>Peromyscus po/ionotus niveiventris</i>)
NE	FWS*	E	Mouse, St. Andrew Beach (<i>Peromyscus po/ionotus peninsularis</i>)
NE	FWS	E	Panther, Florida (<i>Puma concolor coryi</i>)
NE	FWS	E	Rabbit, Lower Keys Marsh (<i>Sylvilagus palustris hefneri</i>)
NE	FWS*	E	Rice Rat (Lower FL Keys) (<i>Oryzomys palustris natator</i>)
NE	FWS	E	Vole, Florida Salt Marsh (<i>Microtus pennsylvanicus dukecampbelli</i>)
NE	NMFS	E	Whale, Blue (<i>Balaenoptera musculus</i>)
NE	NMFS	E	Whale, Finback (<i>Balaenoptera physalus</i>)
NE	NMFS	E	Whale, Humpback (<i>Megaptera novaeangliae</i>)
NE	NMFS*	E	Whale, Right (<i>Eubalaena g/acialis</i>)
NE	NMFS	E	Whale, Sei (<i>Balaenoptera borealis</i>)
NE	NMFS	E	Whale, Sperm (<i>Physeter macrocephalus</i>)
NE	FWS	E	Wolf, Red (<i>Canis rufus</i>)
NE	FWS	E	Woodrat, Key Largo (<i>Neotoma f/oridana smalli</i>)
Finding	Agency	Status	BIRDS
NE	FWS	T	Caracara, Audubon's Crested (<i>Polyborus plancus audubonii</i>)
NE	FWS	T	Jay, Florida Scrub (<i>Aphe/ocoma coerulescens</i>)
NE	FWS*	E	Kite, Everglade Snail (<i>Rostrhamus sociabilis plumbeus</i>)
NE	FWS*	T	Plover, Piping (<i>Charadrius me/odus</i>)
NE	FWS	T	Rufus red knot (<i>Calidris canutus rufa</i>)
NE	FWS	E	Sparrow, Cape Sable Seaside (<i>Ammodramus(=Ammospiza) maritimus mirabilis</i>)
NE	FWS	E	Sparrow, Florida Grasshopper (<i>Ammodramus savannarum floridanus</i>)
NE	FWS	E	Stork, Wood (<i>Mycteria americana</i>)
NE	FWS	T	Tern, Roseate (<i>Sterna dougallii dougallii</i>)
NE	FWS	E	Warbler, Bachman's (<i>Vermivora bachmanii</i>)
NE	FWS	E	Warbler, Kirtland's (<i>Dendroica kirt/andii</i>)
NE	FWS	E	Woodpecker, Red-cockaded (<i>Picoides borealis</i>)
Finding	Agency	Status	REPTILES & AMPHIBIANS
NE	FWS*	T	Crocodile, American (<i>Crocodylus acutus</i>)
NE	FWS*	T	Salamander, Frosted Flatwoods (<i>Ambystoma cingulatum</i>)

			REPTILES & AMPHIBIANS continued
Finding	Agency	Status	Species Listing
NE	FWS*	E	Salamander, Reticulated Flatwoods (<i>Ambystoma bishopi</i>)
MANLAA	NMFS/FWS	E	Sea Turtle, Green (<i>Chelonia mydas</i>)
MANLAA	NMFS/FWS	E	Sea Turtle, Hawksbill (<i>Eretmochelys imbricata</i>)
MANLAA	NMFS/FWS	E	Sea Turtle, Kemp's ridley (<i>Lepidochelys kempii</i>)
MANLAA	NMFS/FWS	E	Sea turtle, Leatherback (<i>Dermochelys coriacea</i>)
MANLAA	NMFS/FWS	E	Sea Turtle, Loggerhead (<i>Caretta caretta</i>)
NE	FWS	T	Skink, Bluetail Mole (<i>Eumeces egregius lividus</i>)
NE	FWS	T	Skink, Sand (<i>Neoseps reynoldsi</i>)
NE	FWS	T	Snake, Atlantic Salt Marsh (<i>Nerodia clarkii taeniata</i>)
NE	FWS	T	Snake, Eastern Indigo (<i>Drymarchon corais couperi</i>)
			FISH
Finding	Agency	Status	Species Listing
NE	FWS	T	Darter, Okaloosa (<i>Etheostoma okaloosae</i>)
MANLAA	NMFS	E	Sawfish, Smalltooth (<i>Pristis pectinata</i>)
MANLAA	NMFS/FWS*	T	Sturgeon, Gulf (<i>Acipenser oxyrinchus desotoi</i>)
MANLAA	NMFS	E	Sturgeon, Shortnose (<i>Acipenser brevirostrum</i>)
MANLAA	NMFS	E	Sturgeon, Atlantic (<i>Acipenser oxyrinchus oxyrinchus</i>)
			INVERTEBRATES
Finding	Agency	Status	Species Listing
MANLAA	FWS*	T	Bankclimber, Purple (<i>Elliptioideus sloatianus</i>)
MANLAA	FWS*	E	Bean, Choctaw (<i>Villosa choctawensis</i>)
NE	FWS	E	Butterfly, Schaus Swallowtail (<i>Heraclides aristodemus ponceanus</i>)
NE	NMFS*	T	Coral, Elkhorn (<i>Acropora palmata</i>)
NE	NMFS*	T	Coral, Staghorn (<i>Acropora cervicornis</i>)
MANLAA	FWS*	E	Ebonysnail, Round (<i>Fosconaia rotulata</i>)
MANLAA	FWS*	E	Kidneysnail, Southern (<i>Pfychobranthus jonest</i>)
MANLAA	FWS*	E	Moccasinsnail, Gulf (<i>Medionidus penicillatus</i>)
MANLAA	FWS	E	Moccasinsnail, Suwanee (<i>Medionidus walkeri</i>)
MANLAA	FWS*	E	Moccasinsnail, Ochlockonee (<i>Medionidus simpsonianus</i>)
MANLAA	FWS*	T	Pigtoe, Tapered (<i>Fusconaia burket</i>)
MANLAA	FWS*	T	Pigtoe, Narrow (<i>Fusconaia Escambia</i>)
MANLAA	FWS*	E	Pigtoe, Oval (<i>Pleurobema pyriforme</i>)
MANLAA	FWS*	T	Pigtoe, Fuzzy (<i>Pleurobema strodeanum</i>)
MANLAA	FWS*	E	Pocketbook, Shinyrayed (<i>Lampsilis subanguata</i>)
MANLAA	FWS*	T	Sandshell, Southern (<i>Hamiota australis</i>)
NE	FWS	T	Shrimp, Squirrel Chimney Cave (<i>Palaemonetes cummingi</i>)
MANLAA	FWS*	T	Slabshell, Chipola (<i>Elliptio chipoaensis</i>)
NE	FWS	T	Snail, Stock Island Tree (<i>Orthalicus reses</i>)
MANLAA	FWS*	E	Three-ridge, Fat (<i>Amblema neislerii</i>)
			PLANTS
Finding	Agency	Status	Species Listing
NE	FWS	E	Beargrass, Britten's (<i>Nolina brittoniana</i>)
NE	FWS	E	Beauty, Harper's (<i>Harperocalis flava</i>)
NE	FWS	E	Bellflower, Brooksville (<i>Campanula robbinsiae</i>)
NE	FWS	T	Birds-in-a-nest, White (<i>Macbridea alba</i>)

			PLANTS continued
<i>Finding</i>	<i>Agency</i>	<i>Status</i>	<i>Species Listing</i>
NE	FWS	E	Blazingstar, Scrub (<i>Liatris ohlingerae</i>)
NE	FWS	T	Bonamia, Florida (<i>Bonamia grandiflora</i>)
NE	FWS	T	Buckwheat, Scrub (<i>Eriogonum longifolium gnaphalifolium</i>)
NE	FWS	T	Butterwort, Godfrey's (<i>Pinguicula ionantha</i>)
NE	FWS	E	Cactus, Key tree (<i>Pilosocereus robinii</i>)
NE	FWS	E	Campion, Fringed (<i>Silene polypetala</i>)
NE	FWS	E	Chaffseed, American (<i>Schwalbea americana</i>)
NE	FWS	E	Cladonia, Florida Perforate (<i>Cladonia perforata</i>)
NE	FWS	E	Fringe-tree, Pygmy (<i>Chionanthus pygmaeus</i>)
NE	FWS	T	Gooseberry, Miccosukee (<i>Ribes echinellum</i>)
NE	FWS	E	Gourd, Okeechobee (<i>Cucurbita okeechobeensis okeechobeensis</i>)
NE	FWS	E	Harebells, Avon Park (<i>Crotalaria avonensis</i>)
NE	FWS	E	Hypericum, Highlands Scrub (<i>Hypericum cumulicola</i>)
NE	FWS	E	Jacquemontia, Beach (<i>Jacquemontia reclinata</i>)
NE	FWS	E	Lead-plant, Crenulate (<i>Amorpha crenulata</i>)
NE	FWS	E	Lupine, Scrub (<i>Lupinus aridorum</i>)
NE	FWS	E	Meadowrue, Cooley's (<i>Thalictrum cooleyi</i>)
NE	FWS	E	Milkpea, Small's (<i>Galectia smallii</i>)
NE	FWS	E	Mint, Garrett's (<i>Dicerandra christmanii</i>)
NE	FWS	E	Mint, Lakela's (<i>Dicerandra immaculata</i>)
NE	FWS	E	Mint, Longspurred (<i>Dicerandra comutissima</i>)
NE	FWS	E	Mint, Scrub (<i>Dicerandra frutescens</i>)
NE	FWS	E	Mustard, Carter's (<i>Warea carteri</i>)
NE	FWS	E	Pawpaw, Beautiful (<i>Deeringothamnus pulchellus</i>)
NE	FWS	E	Pawpaw, Four-petal (<i>Asimina tetramera</i>)
NE	FWS	E	Pawpaw, Rugel's (<i>Deeringothamnus rugelii</i>)
NE	FWS	T	Pigeon Wings (<i>Clitoria fragrans</i>)
NE	FWS	E	Pinkroot, Gentian (<i>Spigelia gentianoides</i>)
NE	FWS	E	Plum, Scrub (<i>Prunus geniculata</i>)
NE	FWS	E	Polygala, Lewton's (<i>Polygala lewtonii</i>)
NE	FWS	E	Polygala, Tiny (<i>Polygala smallii</i>)
NE	FWS	E	Prickly-apple, fragrant (<i>Cereus eriophorus fragrans</i>)
NE	FWS	E	Rhododendron, Chapman (<i>Rhododendron chapmanii</i>)
NE	FWS	E	Rosemary, Apalachicola (<i>Conradina glabra</i>)
NE	FWS	E	Rosemary, Etonia (<i>Conradina etonia</i>)
NE	FWS	E	Rosemary, Short-leaved (<i>Conradina brevifolia</i>)
NE	FWS	E	Sandlace (<i>Polygona myriophylla</i>)
MANLAA	NMFS ²	T	Seagrass, Johnson's (<i>Halophila johnsonii</i>)
NE	FWS	T	Skullcap, Florida (<i>Scutellaria floridana</i>)
NE	FWS	E	Snakeroot (<i>Eryngium cuneifolium</i>)
NE	FWS	E	Spurge, Deltoid (<i>Chamaesyce deltoidea deltoidea</i>)
NE	FWS	T	Spurge, Garber's (<i>Chamaesyce garberi</i>)
NE	FWS	T	Spurge, Telephus (<i>Euphorbia telephioides</i>)

			PLANTS continued
<i>Finding</i>	<i>Agency</i>	<i>Status</i>	<i>Species Listing</i>
NE	FWS	E	Torrey, Florida (<i>Torrey taxifolia goveniana</i>)
NE	FWS	E	Warea, Wide-leaf (<i>Warea amplexifolia</i>)
NE	FWS	E	Water-willow, Cooley's (<i>Justicia cooleyi</i>)
NE	FWS	T	Whitlow-wort, Papery (<i>Paronychia chartacea</i>)
NE	FWS	E	Wireweed (<i>Polygonella basiramia</i>)
NE	FWS	E	Ziziphus, Florida (<i>Ziziphus celata</i>)
Endangered (E), Threatened (T), Candidate Species (C), U.S. Fish & Wildlife Service (FWS), National Marine Fisheries Service (NMFS), No Effect (NE), May Affect Not Likely to Adversely Affect (MANLAA), Likely to Adversely Affect (LAA)			
*Finding also applies to Designated Critical Habitat			
1 - LAA for Smalltooth sawfish Designated Critical Habitat			
2 - LAA for Johnson's seagrass Designated Critical Habitat			

Attachment 5

GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS:

1. The time limit for completing the work authorized ends on **March 27, 2023**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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

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

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 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.

5. 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)