

Attachment A: Definitions and Acronyms

Definitions

“As Is” Option - The boat facility siting approach as described in B. 4. H., for determining the allocation of future wet/dry slips or boat ramp trailer parking spaces. Riparian rights for single family residential uses would be maintained.

Aquatic Preserve – State-owned submerged lands in areas which have exceptional biological, aesthetic, and scientific value, that have been set aside forever for the benefit of future generations, as defined in the Florida Statutes. These areas include the water column over such lands, which have been set aside to be maintained in an essentially natural or existing condition of indigenous flora and fauna and their supporting habitat and the natural scenic qualities and amenities thereof.

Boat - A vehicle designed for operation as a watercraft propelled by oars, sails or one or more internal combustion engine(s). A boat shall not be considered as a recreational vehicle even though it has facilities for temporary living quarters.

Boat Facility - A public or private structure or operation where boats are moored and/or launched, including commercial, recreational, industrial and residential marinas, dry storage, boat ramps and private docks. For the purposes of this plan, boat facility shall be synonymous with “marine facility”; however, single family docks with two (2) or fewer wet and/or dry slips are not considered boat facilities.

Boat Ramp - A structural, natural or man-made feature that facilitates the launching and landing of boats into a waterbody. For the purposes of this plan, a trailer parking space is considered equivalent to a “slip.” A boat ramp may also be referred to as a boat facility.

“Case-by-Case” Review – In the St. Johns River portion, a coordinated, project-specific review of the manatee death data, manatee telemetry data, boating traffic patterns, primary boater destinations in the vicinity of the project, and potential impacts to manatee habitat or other environmentally sensitive lands, based on the data available at the time of the review. This review will involve Volusia County, the FWC, and the USFWS (See B. 4.H.2 Section C.).

Channel - Means a marked navigation channel, unless otherwise described or designated, and is not intended to mean an access or side channel unless otherwise designated for the purpose of regulation.

Channel of the Intracoastal Waterway - All waters within the navigable channel of the Atlantic Intracoastal Waterway within Volusia County, Florida, and which navigable channel is located by buoys or other markers placed by the U.S. Coast Guard (USCG) or Florida Inland Navigation District (FIND) together with the area extending a distance of one hundred (100) feet from each side of said channel in

a direction away from the center of such channel and the sides of which channel being as determined and marked by the buoys and markers placed by USCG or FIND.

Class A - 1 boat – Boats less than 12 feet in length, and all canoes to which propulsion motors have been attached, regardless of length.

Class A - 2 boat – Boats 12 feet or more and less than 16 feet in length.

Class 1 boat – Boats 16 feet or more and less than 26 feet in length.

Class 2 boat – Boats 26 feet or more and less than 40 feet in length.

Class 3 boat – Boats 40 feet or more and less than 65 feet in length.

Class 4 boat – Boats 65 feet or more and less than 110 feet in length.

Class 5 boat – Boats 110 feet or more in length.

Class I Waters – Potable Water Supplies. Fourteen general areas throughout the state including: impoundments and associated tributaries, certain lakes, rivers, or portions of rivers, used as a drinking water supply.

Class II Waters – Shellfish Propagation or Harvesting. Generally coastal waters where shellfish harvesting occurs.

Class III Waters – The surface waters of the State of Florida are classified as Class III – Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife, except for certain waters, which are described in subsection 62-302.400(12), F.A.F. A water body may be designated as an Outstanding Florida Water or an Outstanding National Resource Water in addition to being classified as Class I, Class II, or Class III.

Class IV Waters – Agricultural Water Supplies. Generally located in agriculture areas around Lake Okeechobee.

Class V Waters – Navigation, Utility and Industrial Use. Currently, there are not any designated Class V bodies of water. The Fenholloway River was reclassified as a Class III in 1998.

Conservation Measures - An action or series of actions that may help reduce direct and indirect human impacts to manatees.

“Criteria-based” Evaluation – In the Halifax River/Indian River (Coastal) portion, the slip density outcome is determined by a scoring system. The total score is determined by adding the Limiting Features, then subtracting the Offsetting Features (see B. 4. H. 1, Section 3).

Dredging - Mechanical or other methods used to remove submerged land.

Dry Slip - A space designed for the storage of single watercraft in an upland location.

Dry Storage Facility - An upland structure used for storing watercraft. A dry storage facility may be either a water-dependent or a water related use.

Existing Boat Facilities - For the purpose of the Manatee Protection Plan for Volusia County, existing boat facilities shall be defined as those facilities which have received all active and required permits and/or authorized, constructed and in operation as of the effective date of this plan. All legal and properly permitted existing boat facilities shall be allowed to continue with the existing use, and may renovate according to permitting guidelines, provided there is no change in facility size, including no increase in the number of wet or dry slips, unless the facility meets the expansion criteria as provided in the this Manatee Protection Plan. The effective date of this plan will be the date of State approval.

Existing linear shoreline: For the purposes of the Manatee Protection Plan for Volusia County, linear shoreline is determined by the mean high water line in tidally-influenced areas and the ordinary high water line along waterways that are not tidally influenced. This definition shall not apply to shoreline artificially created through dredge or fill activities (such as boat basins or canals) after January 01, 1996. Such artificially created shoreline created after January 01, 1996 shall not be considered in the calculation of linear shoreline. Artificially created shoreline that was created prior to January 01, 1996 must have received the proper permitting authorization required at the time of construction. Man-made drainage ditches (such as mosquito control, flood control ditches or any non-navigable waterway) shall not qualify as linear shoreline, regardless of their date of construction. Linear shoreline shall be calculated using survey quality aerial photographs or by accurate field survey. The calculation of linear shoreline is based upon contiguous shoreline that is owned or legally controlled by the applicant. Exception to include non-contiguous shoreline within the sphere of influence of the proposed project will be considered if the federal, state, and local permitting agencies agree that inclusion of that shoreline will not result in significant adverse impacts to manatees or manatee habitat.

High Manatee Use Area: In the Halifax River/Indian River (Coastal) portion, an area of high manatee use is defined as greater than five (5) manatees seen per aerial survey flight within a five mile radius of the project site. Five is the countywide average number of manatees in a 5-mile radius. This is calculated using the aerial survey data collected from July 2002-June 2004 during 45 complete overflights. The total number of manatees located in a 5-mile radius of the project site is divided by the total number of flights (45) and then compared to the countywide average (5) for these surveys.

High Watercraft-related Manatee Mortality Area: In the Halifax River/Indian River (Coastal) portion, areas of high watercraft-related manatee mortality are defined (using data and data subsets from January 1976-December 2004 to be updated when next full year is available from FWRI) as follows:

1st level: # of watercraft deaths within a 5 mile radius/total number of watercraft deaths in Coastal Volusia County (≥ 0.125 is significant) (1 point)

2nd level: # of watercraft-related deaths within a 5 mile radius in the last 10 full years/total number of watercraft-related deaths in Coastal Volusia County in the last 10 full years (≥ 0.125 is significant) (1 point)

Idle Speed - The minimum speed that will maintain the steerageway (a rate of motion sufficient to make a ship or boat respond to movements of the rudder) of a motorboat.

Idle Speed Zone - An area where vessels may not be operated at greater than Idle Speed, as defined in 68C-22.002(2), F.A.C.

Lane - A part of a boat ramp that allows for the launching and landing of one boat at a time. A boat ramp can have more than one lane.

Letter of Compliance - A letter drafted by Volusia County Environmental Management to the applicant, stating that they are in compliance with the Manatee Protection Plan for Volusia County. (See B. 4. A. and Attachment R)

Main Access Dock - A walkway that connects a riparian owner's (a person who owns land on the bank of a natural watercourse or body of water) property to a terminal platform.

Maintenance Dredging - Mechanical or other methods used to remove submerged land that has previously been legally dredged.

Manatee Conservation Fund - A mitigation fee for each facility that will contribute to increased law enforcement presence and manatee conservation, for each new or expanded: boat slip, ramp parking space, and/or dry storage space on premises. All marine facilities (with the exception of docks for single family residences) will pay a one-time mitigation fee of \$1000 per wet slip, ramp parking space, or dry storage space. Single family boat docks (see definition) will pay a one-time mitigation fee of \$250.

Manatee Mortality (specific types):

Cold Stress - Manatees which die as a result of exposure to prolonged cold weather. Animals are usually emaciated and in a general state of malnutrition (sometimes combined with "Other Natural" in some documents).

Crushed/Drowned in Flood Gate or Canal Lock - Manatees killed by crushing or asphyxiation in flood gates and canal locks.

Other Human-Related - Manatee deaths caused by vandalism, poaching, entrapment in pipes and culverts, complications due to entanglement in ropes, lines, and nets, or ingestion of fishing gear or debris.

Other Natural - Manatee deaths resulting from infectious and noninfectious diseases, birth complications, natural accidents, and natural catastrophes (such as red tide poisoning).

Perinatal – A Manatee less than 150 cm (5 ft.) in total length which was not determined to have died due to human-related causes.

Undetermined - Manatee deaths in which the cause of death could not be determined.

Verified/Not Recovered - Manatee deaths that were reported and verified, but the carcass was not available. (Combined with "Undetermined" in some documents.)

Watercraft - Manatees hit by boats, barges or any type of watercraft. Death may result from propeller wounds, impact, crushing, or any combination of the three.

Marina (general) - A marina is a facility or structure that provides mooring, docking, anchorage, dry storage, fueling, repairs, launching or other related services for watercraft. Private boat docks associated with single family dwellings are not considered marinas nor are boat ramps.

Marina (specific types):

Commercial/Recreational Marina - A watercraft complex on and/or adjacent to a waterway that provides services available to the general public, provides docking for vessels of private, non-residential usage, and that are not associated with a subdivision, condominium, duplex, or other multi-family development. Permitted uses may include: rental of wetslips or dry storage space and associated utilities, boat lifting and/or launching, boat rentals, sale of marine fuel and lubricants, wastewater pump-out facilities, sale of fishing bait and equipment, charter boat operations, and/or providing for minor repair services for watercraft, not involving removal of watercraft from the water or removal of inboard or outboard engines from the watercraft. Accessory service uses may include on-shore restaurants, bars, hotels, or motels, charter fishing, eco-tours and offshore casino tours.

Industrial Marina - Facilities serving largely commercial interests, including commercial boat building, ship repairs or construction, and

commercial seafood harvesting and processing. Permitted uses may include fueling facilities, repairs and construction, boat production, ship repairs up to 100' or 100 tons, wastewater pump-out facilities, utilities, and commercial sales of fish and farmed/harvested seafood.

Residential Marina - Community docks of three or more boat slips serving subdivisions, condominiums, duplexes, or other multi-family developments. No fueling or repair facilities shall be associated with these marinas. A private residential marina contains wet slips and/or dry slips used only as accessory to a principal multi-family development use. A public/private residential marina has a portion of its wet slips and/or dry slips designated for rental by the general public, with the remaining wet slips and/or dry slips used accessory to a principal multi-family development use.

Mean High Waterline - The intersection of the tidal plane or mean high water with the shore. Mean high water is the average height of high waters over a nineteen (19) year period.

Memorandum of Understanding - Those cities and municipalities that decide to adopt the Volusia County Plan will, upon state and federal approval, be requested to sign a memorandum of understanding. This agreement will outline the City's and County's duties and responsibilities. (See B.3.A, Jurisdiction.)

Mitigation - An action, series of actions, or activity that will offset adverse impacts to manatees.

New or Expanding Boat Facility - A marine facility that is proposed to be built, restored, revitalized, renovated, or otherwise increased in size or scope.

Percent Seagrass Coverage - Seagrass coverage shall be determined on a project site during the months of May through October. The percent coverage of seagrass is determined by counting short shoots in a one square meter (1m²) plot frame that has been evenly subdivided into one hundred square cells. The plot is placed every five meters (5m) along a minimum of three (3) transect lines perpendicular to the shoreline, extending to the end of the project site, and including ingress and egress pathways. The transect lines are to be evenly spaced along the project site shoreline with one transect located at the middle of the site, one at each end of the project site and a minimum of three transects along ingress and egress pathways extending lengthwise from the shoreline to an authorized marked navigational channel. Transects shall be no greater than fifty meters (50m) apart. If the project site is greater than one hundred meters (100m) in width, additional transects shall be added at a rate of one for every fifty meters (50m) of shoreline. If ten of the sample plot frames contain ten percent (10%) or more seagrass, then the final coverage for the site is greater than or equal to ten percent (10%). The project site is defined as all docks, access walkways, finger piers, mooring areas, turning basins, and ingress and

egress pathways. If the project site and the shoreline are not contiguous then the first plot frame shall be placed at the intersection of the project site and the transect line.

Pier - A structure in, on, or over submerged lands, which is used by the public primarily for fishing or swimming. A pier shall not include the mooring of boats.

Powerboat - Any vessel that is primarily propelled or powered by an internal combustion engine and that is used or is capable of being used as a means of navigation or transportation on water. Sailboats with auxiliary engines are not considered powerboats for the purpose of this plan.

Private Boat Docks – See Single-Family Docks below.

SAV - Submerged aquatic vegetation. Rooted, submerged aquatic plants that grow entirely underwater, often in large beds or meadows. Also called seagrasses and submerged macrophytes. These include but are not limited to: shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), star grass (*Halophila engelmanni*), sago pondweed (*Potamogeton pectinatus*), clasping leaved pondweed (*Potamogeton perfoliatus*), widgeon grass (*Ruppia maritima*), manatee grass (*Syringodium filiforme*), turtle grass (*Thalassia testinudum*), tapegrass (*Vallisneria americana*) and horned pondweed (*Zannichellia palustris*).

Seagrass - A rooted, flowering plant that is aquatic, water pollinated and colonizes marine habitats.

Section 1 – Protected Areas in the Halifax/Indian River (coastal) portion of Volusia County. These areas are generally prohibited for boat facility development that includes powerboats, but allows for canoe/kayak launches and facilities catering to non-motorized vessels. Exceptions may be considered on a case-by-case basis, however, these exceptions shall not allow powerboat-to-shoreline densities exceeding 1 powerboat (or boat trailer parking space) per 100 feet of shoreline. See Section B. 4. H.

Section 2 – Areas in the Halifax/Indian River (coastal) portion of Volusia County where a maximum of one powerboat slip per 100 feet of shoreline is allowed. See Section B. 4. H.

Section 3 - Areas in the Halifax/Indian River (coastal) portion of Volusia County where the allowable density of powerboats are determined by a criteria-based evaluation. The number of powerboats allowed at a specific location will range between one per 100 feet of shoreline and five per 100 feet of shoreline, depending upon the final score. See Section B. 4. H.

Section 4 – Areas in the Halifax/Indian River (coastal) portion of Volusia County where there is no slip to shoreline density required for powerboats. See Section B. 4. H.

Section A - Protected Areas in the St. Johns River portion of Volusia County where boat facility development that includes powerboats is generally prohibited, but allows for canoe/kayak launches and facilities catering to non-motorized vessels. Exceptions may be considered on a case-by-case basis, however, these exceptions shall not allow powerboat-to-shoreline densities exceeding 1 powerboat (or boat trailer parking space) per 100 feet of shoreline. See Section B. 4. H.

Section B - Areas in the St. Johns River portion of Volusia County where boat facility development that includes powerboats on publicly owned lands would be allowed at a density of 1 powerboat or trailer parking space per 100 feet of shoreline. For any privately-owned parcels located in this designation, powerboat-to-shoreline or trailer parking space to shoreline densities shall not exceed three powerboats per 100 feet of shoreline. See Section B. 4. H.

Section C - Areas in the St. Johns River portion of Volusia County where boat facility development that includes powerboats is reviewed on a case-by-case basis. This review will involve Volusia County, the FWC, and the USFWS, and will include the most recent information on manatee death data, manatee telemetry data, boating traffic patterns, primary boater destinations in the vicinity of the project, and potential impacts to manatee habitat or other environmentally sensitive lands. See Section B. 4. H.

Section D - Areas in the St. Johns River portion of Volusia County where a maximum of five powerboats per 100 feet of shoreline is allowed. See Section B. 4. H.

Single-Family Docks - A fixed or floating structure, including moorings, used for mooring, docking, anchorage and launching watercraft. Single-family boat docks located at private residences may have two or fewer wet and/or dry slips. A single-family residence may include a fishing/observation pier.

Slip - A space designed for the mooring or storage of a single watercraft, which include wet or dry slips, anchorage, beached or blocked, hoist, parked on trailers, open or covered racks, seawall, or the number of parking spaces for boat ramps. Piers authorized only for fishing or observation are not considered wet slips.

“Slip Aggregation” Option – A further refinement of the boat facility siting approach as described in B. 4. H., for determining the allocation of future wet/dry slips or boat ramp trailer parking spaces. This option is available to local governments in the coastal portion of Volusia County, and creates a “slip pool” to allow for powerboat slips to be aggregated at specific parcels within a local government’s jurisdiction rather than evenly distributed. Riparian rights for single family residential uses would be maintained.

“Slip Pool” - The allowance for powerboat slips to be aggregated at specific parcels within a local government’s jurisdiction rather than evenly distributed. Based on the siting approach in the plan, the total number of allowable slips within a local government’s jurisdiction is calculated. This total number is then subtracted by the number of existing slips (and existing single-family lots) to calculate the remaining number of available slips for powerboats that can be aggregated, or clustered at specific parcels. The use of the powerboat slips from the slip pool requires a letter of concurrence from the local government.

Slow Speed - The speed at which a vessel proceeds when it is fully off plane and completely settled into the water. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, there is no specific numerical speed assigned to Slow Speed.

A vessel is not proceeding at Slow Speed if it is:

1. On a plane
2. In the process of coming off plane and settling into the water or coming up onto plane
3. Creating an excessive wake or other hazardous condition which unreasonably or unnecessarily endangers other vessels.

A vessel is proceeding at Slow Speed if it is fully off plane and completely settled into the water and not creating an excessive wake or other hazardous condition which unreasonably or unnecessarily endangers other vessels.

Slow Speed Zone - An area where vessels may not be operated at greater than Slow Speed, as defined above and in 68C-22.002(7), F.A.C.

Sovereignty Lands - Those lands including, but not limited to: tidal lands, islands, sandbars, shallow banks, and lands waterward of the ordinary or mean high water line, to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and of which it has not since divested its title interest.

Special Waters OFW – “Special Waters” shall mean water bodies designated in accordance with Rule 62-302.700, F.A.C., by the Environmental Regulation Commission for inclusion in the Special Water Category of Outstanding Florida Waters, as contained in Rule 62-302.700, F.A.C. A Special Water may include all or part of any water body. The Commission may designate a water of the State as a Special Water after making a finding that the waters are of exceptional recreational or ecological significance and a finding that the environmental, social, and economic benefits of the designation outweigh the environmental, social, and economic costs.

Terminal Platform - That part of a dock or pier, including finger piers, that is connected to the access walkway, is located at the end point of the facility, and is

designed, to secure and load or unload a vessel or conduct other water dependent activities.

Transitory Boat Slip - One that is used by a vessel for a very brief period of time (generally not overnight) and/or is used by various vessels. Examples would include water dependent public transportation dockage and courtesy slips at a fuel dock or restaurant.

Turning Basin - The area of submerged land that is required to maneuver a vessel into or out of a facility.

Wake - All change in the vertical height of the water's surface caused by the passage of a vessel including, but not limited to, a vessel's bow wave, stern wave, and propeller wash.

Water Dependent Uses - Water dependent uses shall include those uses whose primary function is derived by direct water access such as, but not limited to commercial marinas, commercial charter fishing, touring and diving boat piers, water-skiing, sailing and similar instructional operations, dredging, hauling, marine repair and other related uses.

Wet Slip - A space designed for the mooring of a single watercraft in water. Such spaces may extend from a dock or shoreline but shall not be allowed to project from a pier.

Acronyms

USACE (COE) – United States Army Corps of Engineers

FDEP – Florida Department of Environmental Protection

FIND – Florida Inland Navigation District

FWC – Florida Fish and Wildlife Conservation Commission

H/IR – Halifax River/Indian River (Coastal) portion of Volusia County

ICW – Intracoastal Waterway

NSAV – Native submerged aquatic vegetation

SJR – St. Johns River portion of Volusia County

SJRWMD – St. Johns River Water Management District

USCG – United States Coast Guard

USFWS (FWS) – United States Fish and Wildlife Service

VCEM – Volusia County Environmental Management

VCCP – Volusia County Comprehensive Plan

Attachment B: Existing State and Federal Regulatory Requirements

DEPARTMENT OF ENVIRONMENTAL PROTECTION
REGULATORY REQUIREMENTS FOR MARINAS

Petroleum

Petroleum Spill and Recovery Plan

1. Develop a petroleum spill and recovery plan and train personnel in its use. (Chapter 62-16 Florida Administrative Code.) The plan should be short, with clear directions that can be understood by each employee.

Petroleum Control and Containment

1. The Pollutant Discharge Act addresses in Section 376.07, transfers of pollutants; Section 376.09 removal of prohibited discharges; and Section 376.12 liabilities and defenses of responsible parties; liabilities of third parties; financial security requirements for vessels; notification requirements. (Florida Statutes.)
2. Facility owner/operators or designees must be present during fueling and must have direct access to emergency shut off devices. (Chapter 62N-16 Florida Administrative Code.)
3. Above ground and underground storage tanks (AST/UST) are regulated by State Statute Chapters 62-761 and are overseen by local county ordinances.

Fuel Waste and Used Oil Management

1. The Marina must provide labeled containers for the storage of used oil and used oil filters (Title 40 Code of Federal Regulations 279.)
2. Used oil and used oil filters are prohibited from disposal at Florida landfills; they must be recycled (Chapter 62N-710.850 Florida Administrative Code.)
3. Used oil and used oil filters must be managed in such a way as to avoid discharges to water or soil. (Chapter 62N-710.400 Florida Administrative Code.)

Bilge Water

1. Pollution discharge restrictions - 33 Code of Federal Regulations 151 prohibits the discharge of any water, substances, or bilge water which produces a sheen or contains 15 parts per million (or greater) within 12 nautical miles of Florida's coastline or inland navigable waters.
2. Section 376.041, Florida Statutes prohibits the discharge of pollutants into or upon any coastal waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast of the State.
3. Section 403.161 (1), Florida Statutes prohibits the causing of pollution in Florida waters.

Boat Cleaning

Boat Cleaning- Exotic Plants/Sea life

1. Importation, transportation or release of exotic plants and animals are prohibited or regulated by section 369.25 (aquatic plants), Section 370.081 (saltwater animals) and section 372.26 (imported fish.)

Habitat-Species

Boating Sensitive Habitats and Endangered Species

1. The manatee is protected under federal law by the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973.
2. To catch, molest, injure, kill or annoy or otherwise interfere with the normal activity and well being of manatee, mammalian dolphins or marine turtles are prohibited by section 370.12, Florida Statute.
3. Dredging, including inadvertent prop dredging, is regulated under part IV of Chapter 373 of the Florida Statutes.

Solid Waste

Solid Waste Management

1. On-site solid waste disposal is prohibited unless the facility is a permitted landfill (Section 403.708, Florida Statutes.)
2. Open burning of solid waste is prohibited. (Chapter 62.701.300 (3) Florida Administrative Code.)

Liquid Waste

Liquid Waste Storage Management

1. Hazardous waste must be managed and disposed of in accordance with Title 40 Code of Federal Regulation, Parts 260-268 (See Hazardous Waste Management.)
2. Used oil and used oil filters must be managed and disposed of in accordance with Chapter 62-710 Florida Administrative Code (See Petroleum Control.)

Hazardous

Hazardous Waste Management

1. Hazardous waste must be managed and disposed of in accordance with Title 40 Code of Federal Regulation 260-268 (See Hazardous Waste Management.)
2. Used oil and used oil filters must be managed and disposed of in accordance with

Chapter 62-710, Florida Administrative Code (See Petroleum Code.)

3. Compliance monitoring at facilities under the Resource Conservation and Recovery Act with Chapter 62-730, Florida Administrative Code.

Household Hazardous Waste Management

1. Section 403.161, Florida Statutes prohibits discharges that cause pollution to waters of the State.

Hull and Topside Maintenance Painting

1. All hazardous waste generated at the facility must be managed and disposed of in accordance with Chapter 62-730 Florida Administrative Code (See Hazardous Waste Management MEM.)
2. Marine facilities that engage in spray painting may be required to obtain an air operating permit from the DEP or their Local Air Pollution office. The rules pertinent to these regulations are covered in Chapter 62-296, Florida Administrative Code, and/or by local regulations or ordinances.
3. The federal Clean Water Act and the Oil Pollution Act of 1990 prohibit the discharge of paint into waters subject to the Coast Guard's or the Environmental Protection Agency's jurisdiction.
4. Paint chips and sanding dust must be collected for disposal at a permitted landfill. On-site solid waste disposal of paint chips and sanding dust must be collected for disposal at a permitted landfill. On-site solid waste disposal of paint chips and sanding dust on land or water is prohibited, (Section 403.708, Florida Statutes.)
5. NPDES industrial storm water permits are required for marinas and boatyards that conduct boatyard activities over land that ultimately discharge to surface waters. These permits must be obtained from the U. S. Environmental Protection Agency. These permits require that the facility use BMP's and prepare a pollution prevention plan. (Title 40 Code of Federal Regulations, Part 122.26.)

Engine Repair and Maintenance

1. Used oil must be managed in such a way as to avoid discharges to water and soil. See Used Oil Management MEM. (Chapter 62.710 Florida Administrative Code.)
2. Oil changes and hydraulic repairs must be performed in a manner that prevents discharges. (Section 403.751 Florida Statutes.)
3. Hazardous wastes must be managed and disposed of properly. See Hazardous Waste Management MEM. (Chapter 62-730 Florida Administrative Code, and Title 40 Code of Federal Regulations, Parts 260-268.)
4. Properly labeled separate or individual containers must be provided for used oil, used oil filters, and hazardous waste. (Chapter 62-710 Florida Administrative Code, and Title 40

Code of Federal Regulations Part 262.)

5. It is prohibited to pour liquid waste down floor drains, sinks, or outdoor storm drain inlets. (Section 403.727 Florida Statutes.)

Distressed Signal Flare Management

1. Hazardous waste generated by commercial boaters must be managed and disposed of in accordance with the hazardous waste regulations in Title 40 Code of Federal Regulations 260-268.
2. An "Emergency Thermal Treatment" permit from DEP is required for sheriff or fire department personnel who dispose of waste safety flares (Chapter 62-730.320, Florida Administrative Code.) Only a local law enforcement bomb squad experienced in the handling and disposal of explosives may conduct the thermal treatment.

Battery Management

1. It is unlawful for anyone to dispose of lead acid, either wet cell or small sealed cell and nickel-cadmium rechargeable batteries in the solid waste stream either sanitary land-filling or municipal waste incineration (Section 403.708(14) and 403.7129, Florida Statutes), or in the waters of the State (Section 403.161, Florida Statutes.) Used lead acid batteries are regulated as hazardous waste if these are not carefully managed and recycled.

Mercury Containing Lamps

1. It is unlawful to incinerate mercury-containing lamps in any quantity (excluding those from households.) In addition, businesses which discard more than 10 such lamps per month must either recycle the lamps or send them to a hazardous waste landfill for disposal (Section 403.161, Florida Statutes.)
2. Recycle all discarded fluorescent and HID lamps used in marina business applications following Chapter 62-737, Florida Administrative Code. Major requirements are listed below:
 - a. Do not place used lamps used in marina business applications in the regular trash.
 - b. Store lamps in an area and in a manner that will prevent them from breaking.
 - c. Do not over fill the shipping container.
 - d. Do not tape lamps together for storage or shipment.
 - e. Label the lamp storage area and each container as "Spent Mercury-Containing Lamps for Recycling."
 - f. Do not intentionally break or crush lamps because mercury may be released.
 - g. If lamps are accidentally broken, immediately store them in a tightly sealed container. It is recommended that you mark the container as "Spent Broken Mercury-Containing Lamps for Recycling."
 - h. Clearly and visibly label each container and the storage area with the starting date of accumulation when the lamps were first placed in the container and storage area.
 - i. If on-site storage is not feasible, lamps may be transported to a central accumulation point at one of your own facilities, to a registered or permitted storage facility, or

- directly to a recycling facility. Your own business may transport its own lamps or hire a transporter complying with the Department's regulations.
- j. Keep copies of any shipping papers for at least 3 years.

Used Antifreeze Management

1. Antifreeze may become contaminated with heavy metals (such as lead) and organics (such as benzene, trichloroethelene or tetrachloroethelene) at levels that would render the used antifreeze a hazardous waste. If the antifreeze is not recycled, a hazardous waste determination must be made by the generator; the marina or boatyard operator. (Title 40 Code of Federal Regulations Section 262.11 and Chapter 62-730, F.A.C.) If the waste antifreeze is determined to be hazardous waste, it must be managed and disposed of in accordance with Title 40 Code of Federal Regulations 260-268.
2. If used antifreeze is recycled on site by the marina or boatyard, a hazardous waste determination must be made on the waste antifreeze filters generated from the recycling process equipment. (Title 40 Code of Federal Regulations, Section 262.11.) If the lead concentration is 5mg/liter or more it is hazardous waste (See MEM.)

Fish Waste

Fish Waste Management

1. Section 403.161, Florida Statute prohibits discharges that cause pollution to waters of the State.

Storm Water

Storm Water Management

1. An environmental resource permit (or storm water discharge permit in the northwest district) may be required from your DEP district, local agency, or water management district as applicable if a new storm water system is to be constructed or if an existing system will be modified. A permit may also be required if new site work is proposed at the facility. (Part IV, Chapter 373, Florida Statutes.)

Sewage-Gray

Sewage Pump Outs and Waste Dump Receptacles

1. Florida statues prohibits the discharge or raw sewage from any vessel. (Section 327.53 - 4 (a), Florida Statutes.)
2. All vessel owners, operators and occupants shall comply with the United States Coast Guard regulations pertaining to marine sanitation devices and with United States Environmental Protection Agency regulations in areas concerning the discharge of sewage, treated and untreated. (Section 327.53 - 5, Florida Statutes)

STANDARD MANATEE CONSTRUCTION CONDITIONS

June 2001

The permittee shall comply with the following manatee protection construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
- c. Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water 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.
- e. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
- f. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) in south Florida.
- g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads *Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-561-562-3909) for south Florida.*

CAUTION
MANATEE HABITAT
IDLE SPEED is required if operating a
vessel in the construction area.
All Equipment must be SHUT DOWN if a
manatee comes within 50 feet of operation.
Any collision with and/or injury to a manatee shall be
reported immediately
to the **FWC** at:
1-888-404-FWCC
(1-888-404-3922)

Information on the Review of Department of the Army Permit Applications Related to the Manatee

The Save the Manatee Club, other environmental groups and several individuals filed suit in the District of Columbia against the U.S. Army Corps of Engineers ("Corps") and the U.S. Fish and Wildlife Service ("Service"). Plaintiffs alleged violations of the Endangered Species Act ("ESA"), the National Environmental Policy Act ("NEPA"), the Marine Mammal Protection Act ("MMPA"), and the Administrative Procedure Act ("APA"), with regard to the Florida manatee, and alleged that the Corps' Clean Water Act Section 404 permitting of Florida boating facilities was responsible for vessel-related manatee mortality in Florida's coastal counties. A settlement was entered on January 5, 2001.

Under the settlement, the Corps agreed to participate in the rulemaking process to be conducted by FWS for incidental take of the Manatee under the MMPA. The Corps is participating and providing information FWS requested relevant to the rulemaking.

Pending MMPA rulemaking, the parties will operate under the following interim measures. The Corps is using a revised version of the 1997 "manatee key", to determine which proposed activities may affect the manatee thus triggering consultation under Section 7 of the ESA. The new key has resulted in more consultations on proposed Corps-permitted projects than in the past. The Corps developed, published, and has been using various form letters and other documents to administratively expedite this process. The Service developed guidance for permit applicants who wish to implement measures (as part of any proposed activity that would increase watercraft access to manatee waters) that would offset project impacts so that the project would not result in the take of manatees. Application of the version of the proposed Guidance that was part of the settlement would have required project proponents to make donations to law enforcement for purposes of maintaining the current ratio of on-the-water-law enforcement hours to numbers of registered boats. The Service has published its final guidance, which, in light of state efforts to increase speed zone enforcement, does not include provisions for law enforcement contributions.

Finally, the settlement required FWS to designate refuges and sanctuaries throughout peninsular Florida by September 21, 2001. FWS proposed 16 new protection areas on August 10, 2001, and designated two on January 7, 2002.

Plaintiffs are challenging the final guidance and FWS' failure to meet deadlines associated with the designation of sanctuaries and refuges as violating the terms of the settlement. With regard to the FWS' designation of refuges and sanctuaries, the court agreed with the Plaintiffs and, at a hearing on July 31, 2002, ordered FWS to complete rulemaking on additional sanctuaries and refuges by November 1, 2002. The judge also issued an order requiring the federal Defendants to show cause why they should not be held in contempt for violating his original settlement order. It is important to point out that the plaintiffs have not alleged, nor has the judge found, that the Corps of Engineers failed to carry out any of its responsibilities in compliance with the terms of the manatee settlement of January 2001.

What does "consultation under Section 7" mean? The ESA requires the Corps to determine for each application whether the proposed project (a dock or other activity) will affect the manatee or its habitat. If the Corps determines the project will not affect the manatee, then the Corps proceeds with the review of the project for other issues, such as navigation and public interest, and renders a decision. If the determination is that the project may affect the manatee but is not likely to adversely affect the manatee, then the Corps asks FWS for their concurrence. If the Corps determines that the project may affect the manatee (without concluding it is not likely to adversely affect) the Corps and FWS engage in formal consultation which normally concludes with a Biological Opinion.

What is the "Manatee Key"? This is a document that provides a list of questions that guides the Corps employee reviewing an application through the determination of whether the proposed project may affect the manatee. The Corps had been using a Key dated from 1997 but as part of the Settlement Agreement agreed to use a revised Key. That Key has been used since January, 2001.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Office of the State Supervisor - Ecological Services
1339 20th Street
Vero Beach, Florida 32960-3559
(561) 562-3909

January 2, 2001

Colonel James G. May
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel *May*

On October 27, 2000, the Regulatory Division, Jacksonville District, Corps of Engineers (Corps) sent the Fish and Wildlife Service (Service) a letter regarding the State Programmatic General Permit (SPGP) and the revision and reissuance of the following Regional General Permits:

- SAJ- 5 - Maintenance Dredging of Residential Canals,
- SAJ-12 - Boat Ramps,
- SAJ-13 - Aerial Transmission Lines,
- SAJ-14 - Subaqueous Transmission Lines,
- SAJ-17 - Minor Structures,
- SAJ-18 - Boat Slips in Upland Cuts,
- SAJ-20 - Private Piers,
- SAJ-33 - Private Multi-Family Piers,
- SAJ-34 - Commercial Piers,
- SAJ-42 - Minor Activities-Miami Dade, and
- SAJ-46 - Bulkheads & Backfill in Residential Canals.

At the Service's request, issuance of these revised permits had been held in abeyance by your Regulatory Division because of unresolved issues surrounding the endangered West Indian manatee.

Enclosed with the October 27, 2000, letter was a copy of a newly revised "Manatee Key." The "Manatee Key" is a tool that has been used by the Regulatory Division for the past several years to assist them in making their effects determination, as required by 50 CFR Section 402.14(a).

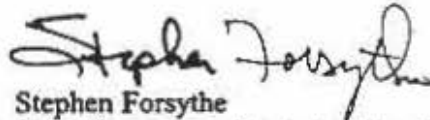
Based on the application of the newly refined "Manatee Key," the Regulatory Division revised their earlier "no effect" determinations to the SPGP and the above-listed Regional General Permits and concluded that the SPGP and the above-listed Regional General Permits "may affect,

but are not likely to adversely affect" the manatee. Additionally, the Regulatory Division, in the October 27, 2000, letter, requested that the Service complete the consultation on the above-listed general permits and the SPGP.

The Service concurs with the Corps' "may affect, not likely to adversely affect" determination for the above-listed Regional General Permits and the SPGP. Additionally, the Service has closely examined the "Manatee Key" and, at this time, is in agreement with its structure and content. Therefore, for all future applications analyzed with the "Manatee Key" in which the Corps reaches a "may affect, not likely to adversely affect" determination with respect to the manatee, the Service as prescribed under 50 CFR Section 402.14(b)(1), hereby concurs with those determinations. Furthermore, for all future applications analyzed with the "Manatee Key" in which the Corps reaches a "may affect, not likely to adversely affect" determination, no authorization is needed for incidental take under the Marine Mammal Protection Act.

Thank you for your cooperation in this matter. Should you have any questions regarding this letter, please contact Jacksonville Field Office Supervisor Dave Hankla at (904) 232-2580, extension 108.

Sincerely yours,



Stephen Forsythe
State Supervisor-Ecological Services

cc:

Assistant Regional Director, Ecological Services, Service, Atlanta, Georgia
Field Supervisor, South Florida Field Office, Service, Vero Beach, Florida
Field Supervisor, Jacksonville Field Office, Service, Jacksonville, Florida

GLOSSARY

Critical habitat - for listed species consists of: (1) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the ESA, on which are found those physical or biological features (constituent elements) (a) essential to the conservation of the species and (b) which may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the ESA, upon a determination by the Secretary that such areas are essential for the conservation of the species. Designated critical habitats are described in 50 CFR 17 and 50 CFR 226.

Direct effects - Direct effects include effects from projects in waters accessible to manatees.

Indirect effects - those effects that are caused by or will result from the proposed action and are later in time, but are still reasonably certain to occur. Examples of indirect effects include, but are not limited to, changes in water flow, water temperature, water quality (e.g., salinity, pH, turbidity, nutrients, chemistry), prop dredging of seagrasses, and manatee watercraft injury and mortality. Indirect effects also include watercraft access developments in waters not currently accessible to manatees, but watercraft access can, is, or may be planned to waters accessible to manatees by the addition a boat lift, or the removal of a dike or plug.

In-Water-Construction – Any type of activity used to construct/repair/replace any type of in-water structure; the act of dredging .

In-water-construction window – The period of time in certain manatee areas of heightened scrutiny to which in-water construction is restricted (April 1 through November 14) Conversely, in-water construction outside of this window is prohibited.

In-water structures - watercraft access structures – docks or piers, marinas, boat ramps, boat slips, boat lifts, floats, pilings, boat davits, dry storage, etc.

In-water structures - other than watercraft access structures - bulkheads, seawalls, riprap, groins, boardwalks, pilings.

Is not likely to adversely affect - the appropriate conclusion when effects on listed species are expected to be discountable, insignificant, or completely beneficial. **Discountable effects** are those extremely unlikely to occur. Based on best judgment, a person would not (1) be able to meaningfully measure, detect, or evaluate insignificant effects or (2) expect discountable effects to occur. **Insignificant effects** relate to the size of the impact and should never reach the scale where take occurs. **Beneficial effects** are contemporaneous positive effects without any adverse effects to the species.

Manatee areas of heightened scrutiny - designated critical habitat, manatee concentrations, manatee attractants (warm water refugia, freshwater sources), migratory corridors, calving areas, cavorting areas, feeding areas, resting areas, documented mortality, posted speed zones.

May affect - the appropriate conclusion when a proposed action may pose any effects on listed species or designated critical habitat. When the Federal agency proposing the action determines that a “may affect” situation exists, then they must initiate consultation.

No effect - the appropriate conclusion when the action agency determines its proposed action will not affect a listed species or designated critical habitat.

Public access - Any boat dock, boat ramp, or related facility available to the public that is consistent with applicable state and local trespass laws.

Submerged aquatic vegetation (SAV) - Rooted, submerged, aquatic plants such as, but not limited to, shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), star grass (*Halophila engelmanni*), Johnson’s seagrass (*Halophila johnsonii*), sago pondweed (*Potamogeton pectinatus*), clasping-leaved pondweed (*Potamogeton perfoliatus*), widgeon grass (*Ruppia maritima*), manatee grass (*Syringodium filiforme*), turtle grass (*Thalassia testudinum*), tapegrass (*Vallisneria americana*), horned pondweed (*Zannichellia palustris*), and eel grass (*Zostera marina*).

Watercraft access structures – docks or piers, marinas, boat ramps, boat slips, boat lifts, floats, pilings, boat davits, dry storage, etc.

Waters accessible to manatees - Although all waters of the State of Florida are designated as a manatee sanctuary, there are some areas that are not accessible to manatees such as landlocked lakes. There are also some weirs, salinity control structures and locks that may preclude manatees from accessing water bodies. If there is any question to accessibility, contact the U.S. Fish and Wildlife Service or the Florida Fish and Wildlife Conservation Commission.

MANATEE KEY

- A. Project is **not** located in waters accessible to manatees and does **not** have indirect effects.....*No effect*
- Project is located in waters accessible to manatees or directly or indirectly affects (see Glossary) manatees..... **B**
- B. Project will have beneficial, insignificant, discountable, (see Glossary, “is not likely to adversely affect”) or no affect to submerged aquatic vegetation and/or mangrove vegetation and **does** provide watercraft access (*e.g.*, docks or piers, marinas, boat ramps, boat lifts, pilings, floats, boat slips, dry storage, or other watercraft access structures)..... **C**
- Project will have beneficial, insignificant, discountable, (see Glossary) or no affects to submerged aquatic vegetation and/or mangrove vegetation and does **not** provide additional watercraft access (*e.g.*, bulkheads, seawalls, riprap, groins, boardwalks and/or the repair or reconstruction of existing docks or piers as long as the total amount of docking space is not increased)
- Project will adversely affect submerged aquatic vegetation and/or mangrove vegetation.
.....*May affect*
- C. Project is located in a manatee area of heightened scrutiny (see Glossary and Attached Maps) in one of the following counties:
- | | | | |
|------------|--------------|---------------------|---------------------|
| Brevard | Broward | Charlotte | Citrus ¹ |
| Clay | Collier | DeSoto | Dixie |
| Duval | Flagler | Glades | Hendry |
| Hernando | Hillsborough | Indian River | Lake |
| Lee | Levy | Manatee | Marion |
| Martin | Miami-Dade | Monroe ² | Nassau ³ |
| Okeechobee | Palm Beach | Pasco | Pinellas |
| Putnam | St. Johns | St. Lucie | Sarasota |
| Seminole | Taylor | Volusia | Wakulla |
- May affect*
- Project is located in one of the counties above, but **not** in a manatee area of heightened scrutiny (see Glossary and Map)..... **D**
- Project is **not** located in the above counties **E**

D. Project involves construction of a new watercraft access facility (including single family docks, single-family boat ramps, and multi-family docks with 3 or fewer slips) or expansion of an existing facility⁴ by 3 or fewer slips (including dry storage) E

Project involves construction of a new watercraft access facility (including public access boat ramps, multi-family boat ramps, and commercial boat ramps) or expansion of an existing facility by **more than 3 slips** (including dry storage)
.....*May affect*

E. Applicant agrees to follow standard manatee construction precautions and any Special Conditions including any “no in-water construction” windows identified on the maps
.....*May affect, not likely to adversely affect*

Applicant does **not** agree to follow standard manatee construction precautions and any Special Conditions included in the permit..... *May affect*

¹ Refer to the Citrus County Manatee Key to make effect determinations.

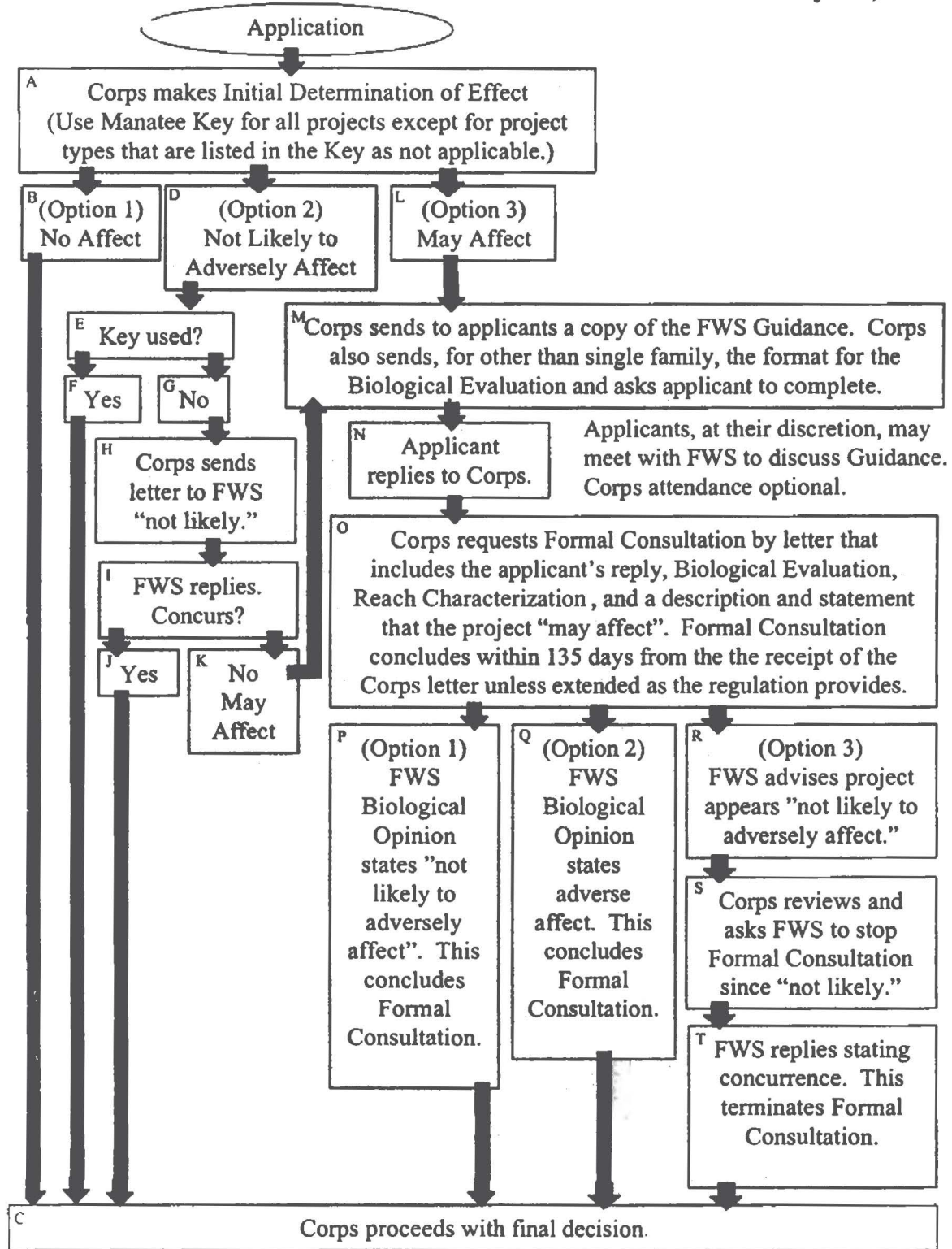
² The area in lower Monroe County to the south and west of the Seven Mile Bridge is not considered a manatee area of heightened scrutiny; thus it is not depicted on the Monroe County map.

³ On the St. Mary’s River, this key is only applicable to those areas that are within the geographical limits of the State of Florida.

⁴ Take into consideration the effects of multiple independent permit applications, *i.e.*, how many docks have been requested or permitted in nearby waters.

Review Process for the Manatee

January 10, 2001



Notes

January 10, 2001

Block A: Use Manatee Key dated January 2, 2001

Block C: Decision also includes an independent review of information related to the Manatee including, information and, if applicable, the Biological Opinion received from the FWS.

Block M: Guidance is the document referenced by the Settlement Agreement between Save the Manatee Club, et al vs Ballard et al filed with the U.S. District Court for the District of Columbia on January, 2001.

Block M: The format for the Biological Evaluation is the document prepared by the Corps, dated January 10, 2001.

Block O: The Reach Characterizations are the set of analysis of Florida waterways (which are subdivided into 81 individual reaches) related to Manatee/watercraft interactions. These were prepared by the Corps and provided as a GIS dataset on a CD to the FWS. The summaries of the characterizations are also found on individual pages for each reach.

Block O: The length and conduct of the formal consultation is described by the FWS Regulations at 50 CFR 402.14

Blocks P, Q, T, and U: Ensure letter from FWS has provided a statement regarding project under the Marine Mammal Protection Act.

MANATEE BIOLOGICAL EVALUATION

The Corps has determined that the project may affect the endangered West Indian manatee. Therefore, pursuant to Section 7 of the Endangered Species Act of 1973, as amended, the Corps is required to seek formal consultation from the U.S. Fish and Wildlife Service (Service) for the proposed project. Pursuant to 50 CFR Part 402.14(c), we are required to provide the following information to the Service. We need your assistance in providing information for items 4-6 below:

Description of the action considered: The proposed project consists of_

2. Description of the specific areas that may be affected by the action (scope of analysis):

a. The proposed "action area" is determined to be all or a portion of reach(es) based on the overall project purpose which is _____.

b. The project site is located within which sub-population range of the West Indian manatee? (circle response)

(1) Atlantic (Georgia to Key West, including the lower St. Johns River)

(2) Upper St. Johns River (Rice Creek, Putnam County south to State Road 528, Orange and Brevard Counties)

(3) Southwest Florida (Pasco County south through Cape Sable, Monroe County)

(4) Northwest Florida (Hernando County north and west to the Perdido River, Escambia County)

3. Description of any listed species or critical habitat that may be affected by the action: The action may affect the endangered West Indian manatee but not adversely modify its critical habitat

4. Description of the manner in which the action may affect any listed species or critical habitat and an analysis of any cumulative impacts:

a. Habitat. Check those that would apply to within 1-mile of the project site and a brief description.

(1) Source of warm water input to the area?

(2) Source of fresh water input to the area?

(3) Do sea grasses or algae occur in the area (within 1-mile radius)? (If yes, where and how extensive? _____)

(4) Are existing depths suitable (greater than -3 feet msl) for manatee use?

b. Proposed Facility (If existing, show proposed change)

- (1) Number of slips for power boats < 26 feet _____
- (2) Number of slips for power boats > 26 feet _____
- (3) Number of slips for sailboats _____
- (4) Launching facilities: ramp _____, travelift _____, other _____

(5) Number of parking spaces for launching facility.

(6) Number of dry storage spaces.

(7) Number of estimated launches per day.

c. Project Influence on Vessel Use Patterns. The project's facilities may affect vessel use patterns in the area by attracting transient traffic or causing modification of existing vessel navigation patterns.

(1) Will this facility substitute for the use of another facility? If yes, please describe.

(2) Are vessels that are expected to use this facility, presently docking at a nearby facility within this area of action area? If yes provide estimate and explain.

(3) The proposed facility will provide the following services:

(a) Permanent moorings/slips (leased on an annual or monthly basis) for:

_____ commercial use (including fishing vessels, charter boats, rental boats, etc.).

Number

_____ non-commercial use (including privately-owned recreational boats).

Number

(b) Transient moorings/slips (leased or used on a daily basis) for:

_____ Temporary berths. Number

_____ Fuel. Number

_____ Pump-out. Number

_____ Supplies. Number

_____ Entertainment. Number

Mechanical Number

 Other Number

(4) What is the estimated number of slips used for the following?

- (a) Used primarily for day trips
- (b) Used primarily for longer trips
- (c) Used primarily for dockside entertainment
- (d) Used by charter vessels

(5) For (4)(a) and (4)(b), define vessel traffic and patterns within the defined action area.

d. Enforcement Activities. It is important to consider the presence and effectiveness of on-going enforcement activities within the action area.

(1) Describe existing enforcement activities regulating speed zones within the action area

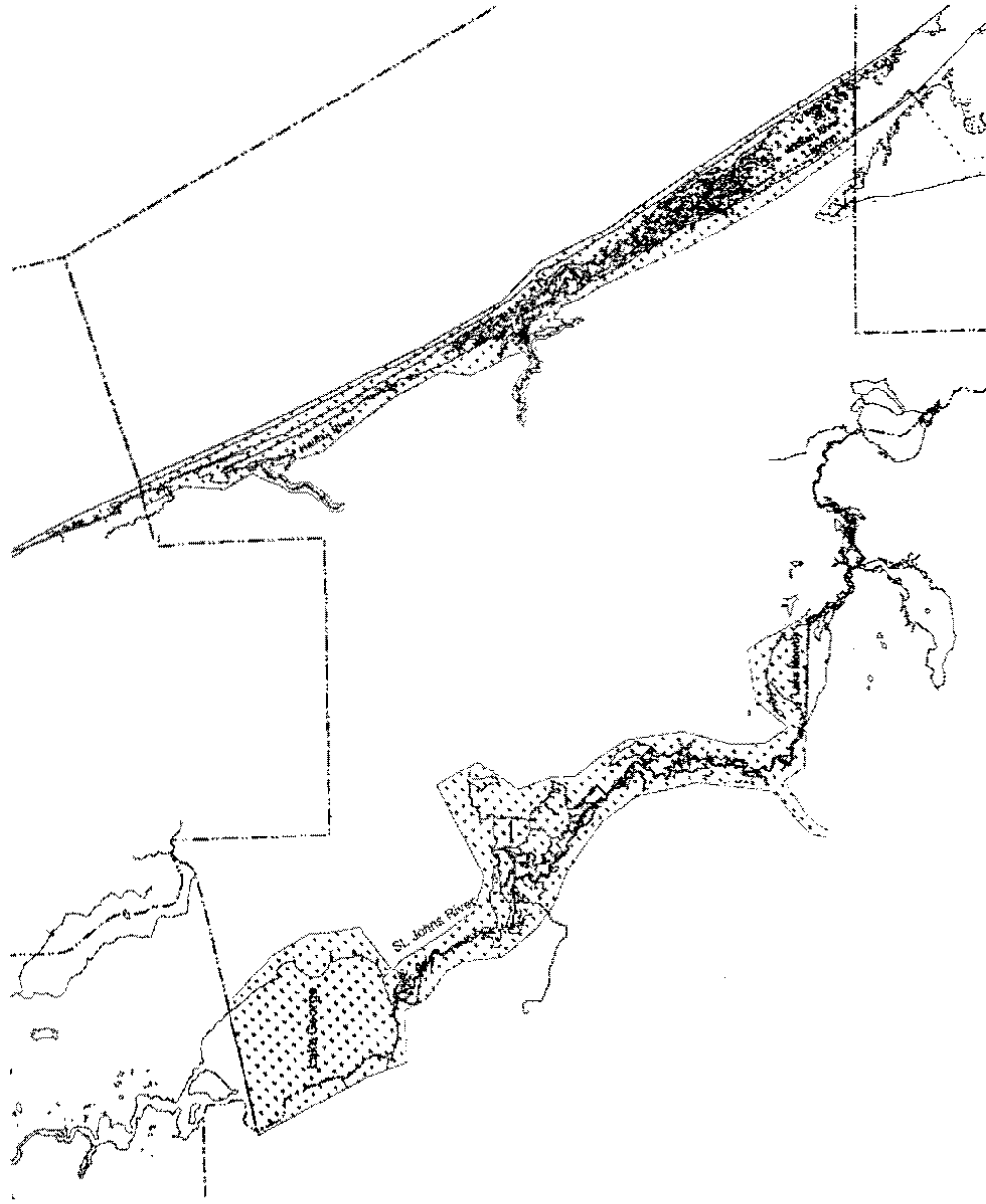
(2) Is the project in a State-established manatee speed zone? (If not, how close is the nearest speed zone? miles)

(3) If possible, provide an estimate of patrol days/week performed and by whom.

5. Relevant reports, including any environmental impact statement, environmental assessment, or biological assessment prepared. Provide any relevant report prepared for this project.

6. Any other relevant available information on the action, the affected listed species, or critical habitat. Provide any other information available that would assist in our review of the effects your proposal would have on the species or its habitat.

Volusia County



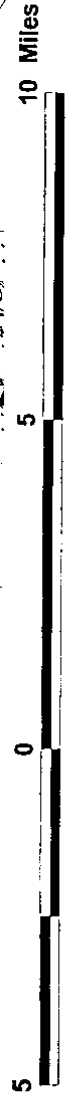
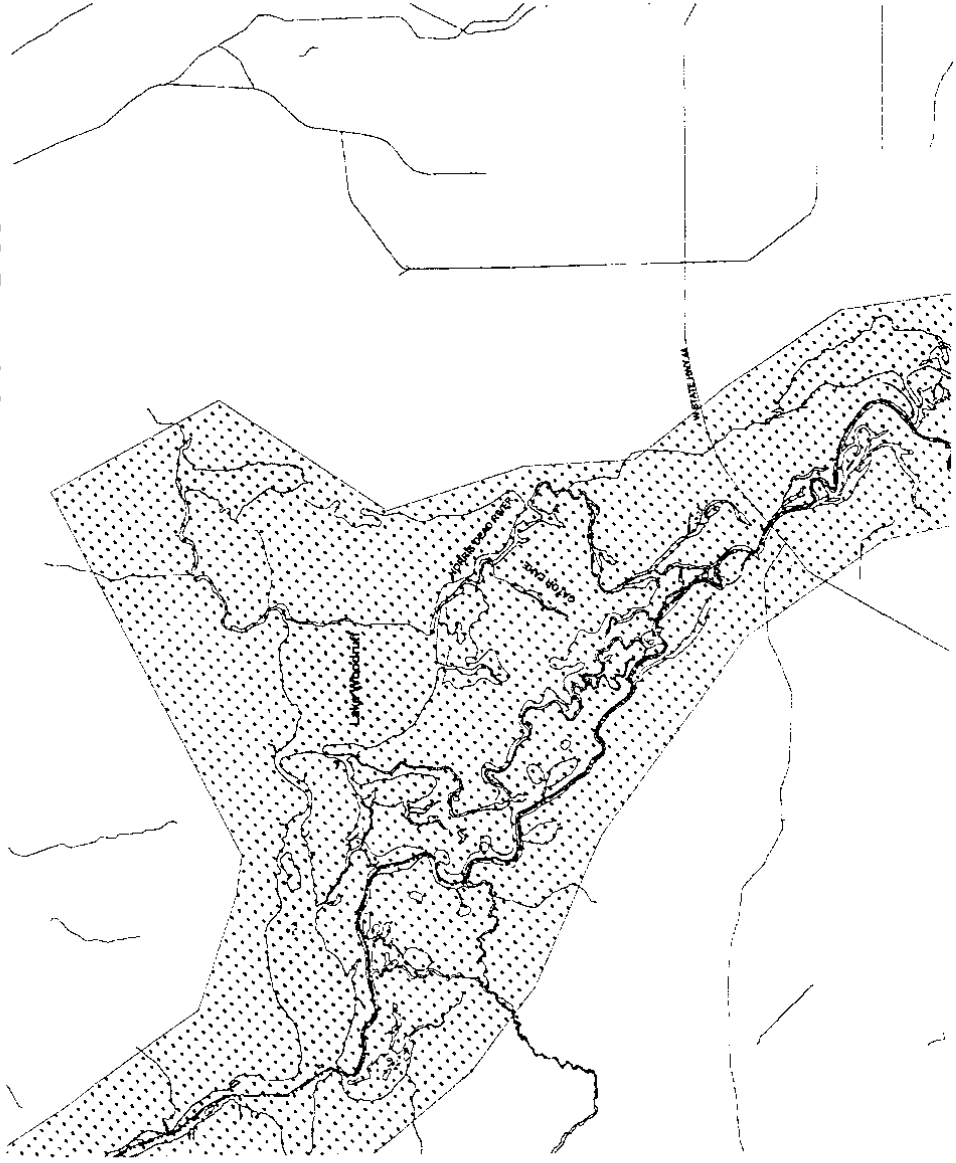
Legend:

- Highlighted area of highlighted scrubby
- Primary road with limited access
- Primary road
- Secondary and connecting road
- County boundary

11 December 2000

20 0 20 40 Miles

Volusia County Northwest Detail



Manatee area of heightened scrutiny
Primary road with limited access
Primary road
Secondary and connecting road
County boundary

11 December 2000

DOCK CONSTRUCTION GUIDELINES

U.S. Army Corps of Engineers - Jacksonville District

Adverse impacts to aquatic vegetation from dock construction may be ameliorated by strict adherence to the attached joint U.S. Army Corps of Engineers/National Marine Fisheries Service's "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001." Additionally, because of concerns about adverse impacts to Johnson's seagrass (*Halophila johnsonii*), dock construction anywhere in the estuarine lagoon systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with the construction guidelines titled "Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002." Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of any permit application.

1. Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001 (updated October 2002)

2. Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002 (Johnson's seagrass only occurs in the estuarine lagoonal systems on Florida's east coast from Sebastian Inlet (Brevard County) south to the middle of Biscayne Bay (Rickenbacker Causeway-Miami-Dade County)) (updated October 2002)

Point of contact for comments and questions of a general nature on the Dock Construction Guidelines is Stuart L. Santos at 904-232-2018 or by email at Stuart.L.Santos@saj02.usace.army.mil. For questions on specific projects involving the use of the Dock Construction Guidelines in specific geographic areas, please contact the Project Manager, if known, or the appropriate field office. (See "Geographic Alignments" above to determine which field office services the location in question.)

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

Submerged Aquatic Vegetation:

1. Avoidance. The pier shall be aligned so as to minimize the size of the footprint over SAV beds.
 2. The height of pier shall be a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.
 3. The width of the pier is limited to a maximum of 4 feet. A turnaround area is allowed for piers greater than 200 feet in length. The turnaround is limited to a section of the pier no more than 10 feet in length and no more than 6 feet in width. The turnaround shall be located at the midpoint of the pier.
 4. Over-SAV bed portions of the pier shall be oriented in a north-south orientation to the maximum extent that is practicable.
 5. a. If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.
b. If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall be limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.
c. If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3 feet above MHW section is constructed with grating material, it may be 3 feet wide.
 6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).
 7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits("donuts" or "halos") around the newly installed pilings. Pile driving is the preferred method of installation, but jetting with a low pressure pump may be used.
 8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.
 9. The gaps between deckboards shall be a minimum of ½ inch.
- Grid Specifications and Suppliers Section modified in October 2002 to add an additional vendor of materials.

Marsh:

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

Mangroves.

1. The width of the dock is limited to a maximum of 4 feet.

2. Mangrove clearing is restricted to the width of the pier.

3. The location and alignment of the pier should be through the narrowest area of the mangrove fringe.

Grid Specifications and Suppliers

The following information does not constitute a U.S. Army Corps of Engineers endorsement or advertisement for any particular provider and is provided only as an example for those interested in obtaining these materials for dock construction. A type of fiberglass grate panel is manufactured by SeaSafe (Lafayette, LA; phone: 1-800-326-8842). Similar panels are also manufactured by ChemGrate (1-800-527-4043). Plastic grate panels are also available from Southern Pine Lumber Company (Stuart, FL; phone: 772-692-2300). Panels are available in a variety of sizes and thicknesses. For safety, the grate should contain an anti-slip texture which is integrally molded into the top surface. The manufacturer or local distributor should be consulted to ensure that the load-bearing capacity of the selected product is sufficient to support the intended purpose. Contact the manufacturer(s) for product specifications and a list of regional distributors.

Grid Specifications and Suppliers Section modified in October 2002 to add an additional vendor of materials.

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

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

This key was modified in October 2002 to change the percent light transmittance requirement of the grids from 46 to 43 as stipulated in Note #3.

1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.

6a. The construction is in an area designated by NMFS-PRD as critical habitat for Johnson's seagrass. Use "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat" - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001, **except that a minimum 1-inch spacing shall be maintained between all wooden deckboards used waterward of the MLW line.**

6b. The construction is not in an area designated by NMFS as critical habitat for Johnson's seagrass. Go to 7

7a. SAV other than Johnson's seagrass is present at the site. Use "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat" - U.S. Army Corps of Engineers/National Marine Fisheries Service, August 2001.

7b. No SAV present. No construction conditions for SAV are necessary.

Notes:

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

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

3. Light-transmitting materials are made of various materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. **All light-transmitting materials used for dock construction in the known range of Johnson's seagrass shall have a minimum of forty-three (43) percent open space.**

This key was modified in October 2002 to change the percent light transmittance requirement of the grids from 46 to 43 as stipulated in Note #3.

Attachment C: Data Used for Boat Facility Siting Requirements

Attachment C: Data Used For Boat Facility Siting Criteria

Various information sources were evaluated to develop the boat facility siting criteria for Volusia County's Manatee Protection Plan. The following data sources were utilized:

-Manatee Data

Abundance and distribution data

Mortality data

Manatee movement and use patterns

Ecology and historical information

Local knowledge

Manatee Relative Abundance Composite Index Map

-Environmental Factors

Water depths

Shoreline conditions

Benthic community resources

Warm water refuges

Freshwater sources

-Boating Data

Volusia County Boating Activity Study-boating patterns, concentrations, seasonality

Speed zones

Marked channels

Local knowledge concerning boating patterns and needs

-Land Use Data

Current county and municipality development regulations

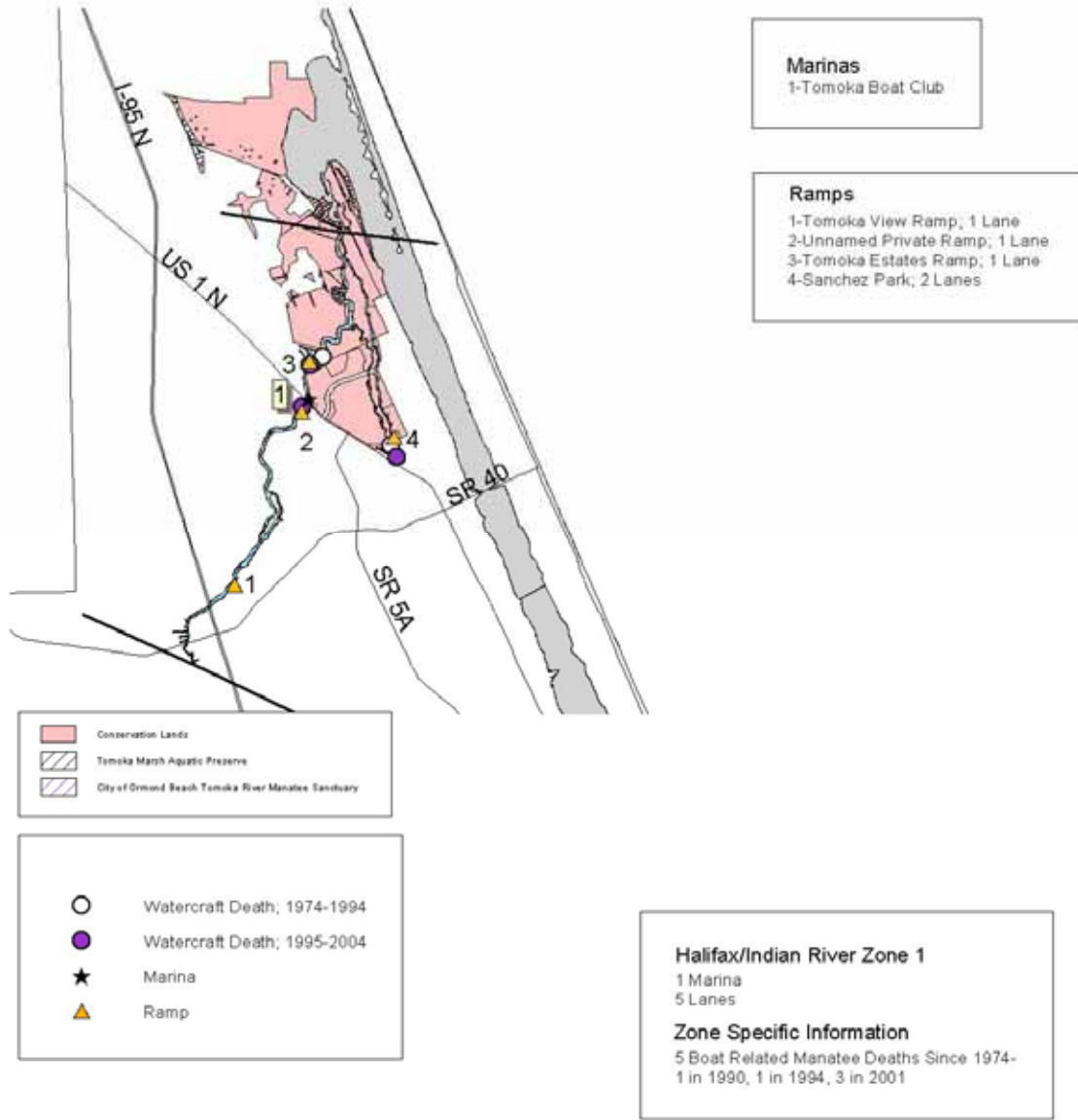
Land available for development

Public Lands Inventory

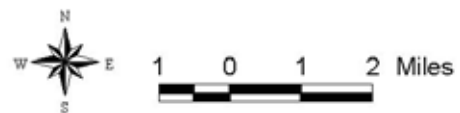
Attachment D: Halifax/Indian River (H/IR) Planning Zone Maps

Attachment D: Halifax/Indian River (H/IR) Planning Zone Maps

Halifax/Indian River Zone 1



Zone 1: Tomoka River and Tributaries
 Map is for illustrative purposes only.
 May 25, 2005



Halifax/Indian River Zone 2



Zone 2: Halifax River and Tomoka Basin from the Volusia/Flagler County Line to Red ICW Marker 22 (just North of the Holly Hill/Daytona Beach City Limits)

Map is for illustrative purposes only.

May 25, 2005



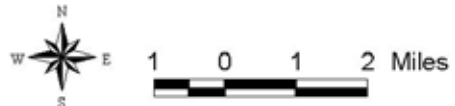
Halifax/Indian River Zone 3



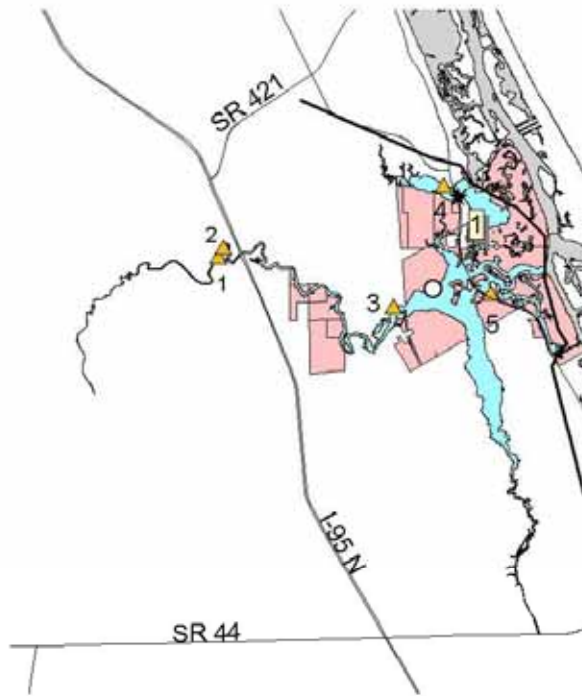
Zone 3: Red ICW Marker 22 (just North of the Holly Hill/Daytona Beach City Limits) to Red ICW Marker 2 (Town of Ponce Inlet)

Map is for illustrative purposes only.

May 25, 2005



Halifax/Indian River Zone 4



Marinas
1-Brigadoon Fish Camp; Closed

Ramps
1-Airport Road Ramp; 1 Lane (Closed)
2-Sawgrass Subdivision; 1 Lane
3-Riverwood Plantation; 1 Lane
4-Unnamed Dirt Ramp; 1 Lane
5-Unnamed Dirt Ramp; 1 Lane

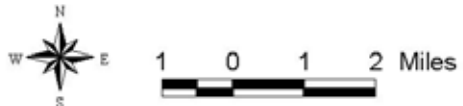
 Conservation Lands

 Watercraft Death, 1974-1994
 Watercraft Death, 1995-2004
 Marina
 Ramp

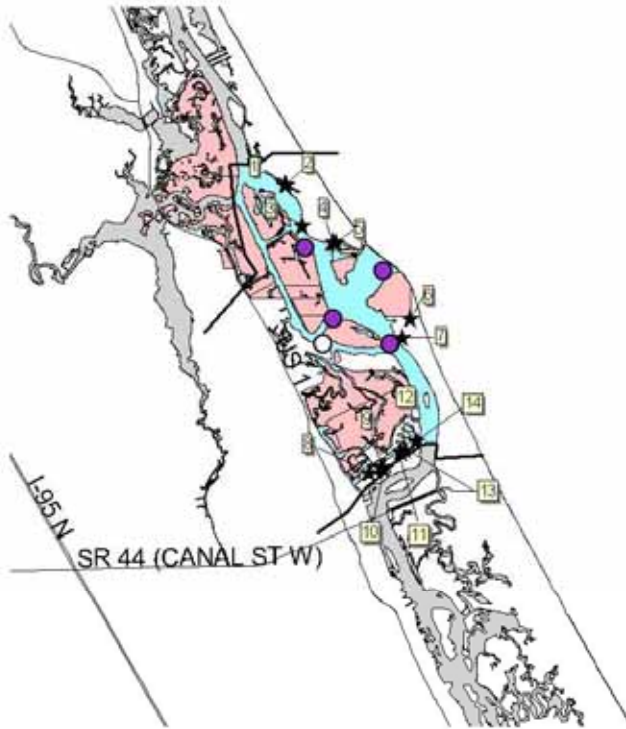
Halifax/Indian River Zone 4
1 Marina
4 Open Lanes
Zone Specific Information
1 Boat Related Manatee Death Since 1974- Occurred in 1986

Zone 4: West Side of the ICW (West of Ponce Cut) through Strickland Creek, Rose Bay, and Turnbull Bay; Spruce Creek

Map is for illustrative purposes only.
 May 25, 2005






Halifax/Indian River Zone 5



- Marinas**
- 1-Inlet Harbor Marina; 1 Lane
 - 2-Inlet Cove Marina
 - 3-Sea Love Marina; Closed (Currently operates charter boats only)
 - 4-Critter Fleet
 - 5-Lighthouse Boat Yard
 - 6-Inlet Marina Condo
 - 7-Ocean Inlet Yacht Club
 - 8-Venetian Villas United Homeowners Association
 - 9-38 Live Bait
 - 10-Gerry's Marina
 - 11-Waterway West
 - 12-Waterway East
 - 13-The Venetian Condo
 - 14-Diamond Head Point Condo

- Ramps**
- 1-Lighthouse Park; 1 Lane

 Conservation Lands

-  Watercraft Death; 1974-1994
-  Watercraft Death; 1995-2004
-  Marina
-  Ramp

Halifax/Indian River Zone 5
 14 Marinas
 2 Lanes

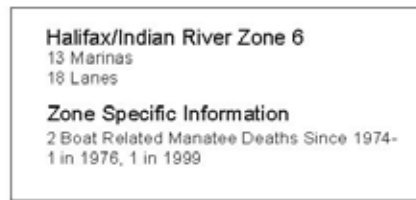
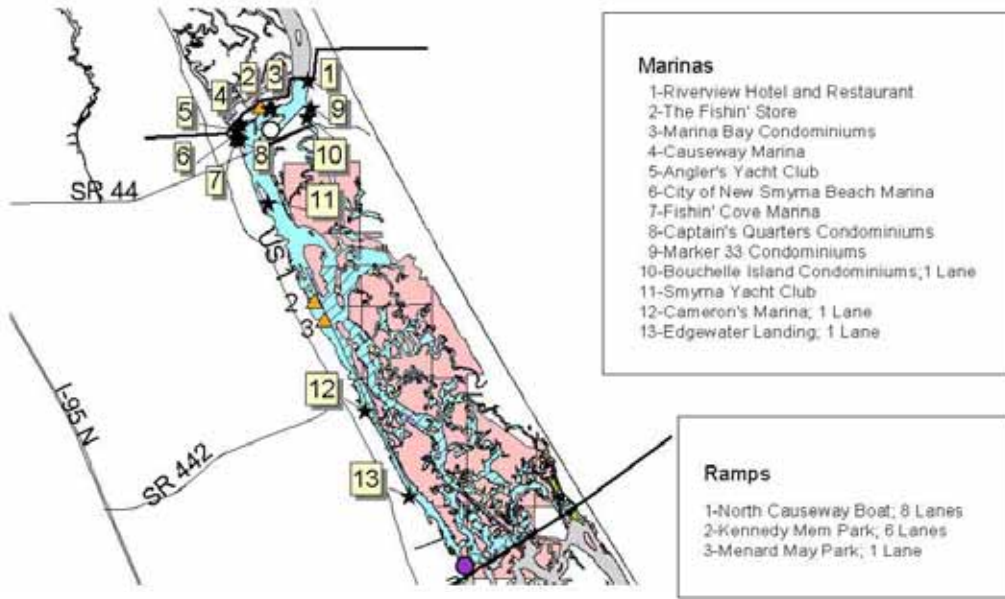
Zone Specific Information
 5 Boat Related Manatee Deaths Since 1974-
 1 in 1986, 1 in 1996, 1 in 1998, 2 in 1999

Zone 5: Red ICW Marker 2 (Town of Ponce Inlet) to the North Causeway in New Smyrna Beach, Including Ponce DeLeon Cut, Cook Creek, Hunter Creek, Inlet Creek, and Smyrna Creek

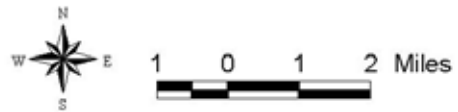
Map is for illustrative purposes only.
 May 25, 2005



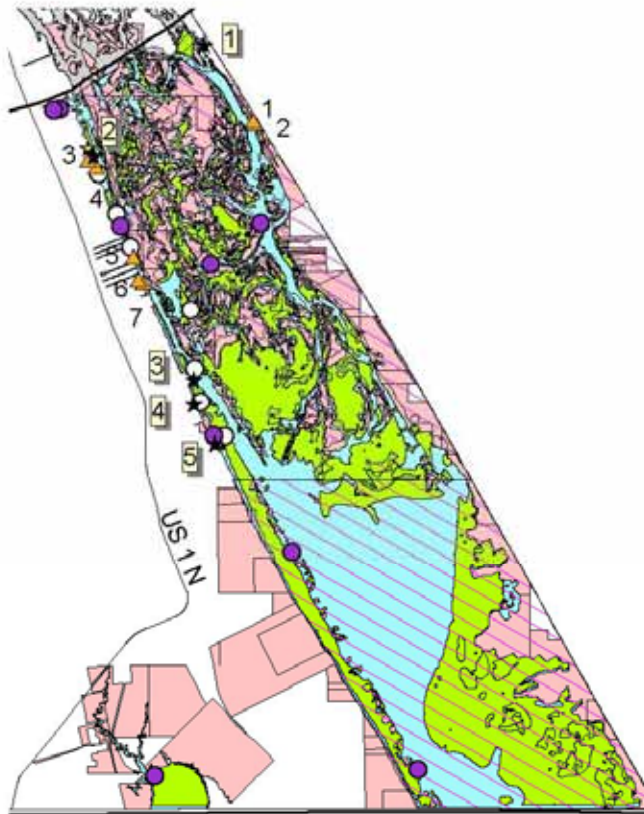
Halifax/Indian River Zone 6



Zone 6: The North Causeway in New Smyrna Beach to Marker 65, Including the Backwaters of Mosquito Lagoon
 Map is for illustrative purposes only.
 May 25, 2005



Halifax/Indian River Zone 7



- Marinas**
- 1-JB's Fish Camp, 1 Lane (Closed)
 - 2-Boston Whaler Plant, Boat Works
 - 3-Lopez Fish Camp, 1 Lane
 - 4-Goodrich Seafood, 1 Lane (Closed)
 - 5-LeFils Fish Camp, 1 Lane

- Ramps**
- 1-Canaveral National Seashore Ramp, 2 Lanes
 - 2-Turtle Mound Ramp, 2 Lanes (Closed)
 - 3-Tierra Mar Ramp, 1 Lane
 - 4-Hacienda Del Rio, 1 Lane
 - 5-Bissitt Bay Fish Camp, 1 Lane
 - 6-Indian Mound Fish Camp, 2 Lanes
 - 7-Riverbreeze Park, 4 Lanes

- Watercraft Death, 1974-1994
- Watercraft Death, 1995-2004
- ★ Marina
- ▲ Ramp

★ Marine Commerce Park

- Conservation Lands
- Seagrass
- Canaveral National Seashore
- Mosquito Lagoon Aquatic Preserve

Halifax/Indian River Zone 7
 5 Marinas
 1 Potential Marina
 13 Open Lanes

Zone Specific Information
 16 Boat Related Manatee Deaths Since 1974:
 1 in 1978, 1 in 1982, 2 in 1987, 1 in 1989,
 1 in 1990, 1 in 1992, 1 in 1996, 2 in 2000,
 3 in 2001, 2 in 2002, 1 in 2004
 Abundance of Seagrass Beds

Zone 7: Marker 65, Mosquito Lagoon (includes CNS, Oak Hill, Mosquito Lagoon Aquatic Preserve) to the Volusia/Brevard County Line
 Map is for illustrative purposes only.
 May 25, 2005

