



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8175

April 12, 2022

Regulatory Division
West Branch
Fort Myers Section
SAJ-2021-03696(NW-SJF)

City of Naples
C/o Travis Delashmet
735 8th Street S
Naples, FL 34102
Sent via email: tdelashmet@naplesgov.com

Dear Mr. Delashmet:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit received on 9 November 2021. Your application was assigned file number SAJ-2021-03696. A review of the information and drawings provided indicates that the proposed work would result in the maintenance dredge of a barge landing to -5.0 mean low water (MLW). Approximately 242 cubic yards of material would be dredged from approximately 4,254 square feet (SF) of non-vegetated tidal bottoms and temporarily stored in uplands to be transported to an authorized upland disposal site (25501 Bonita Grande Drive, Bonita Springs). Mechanical dredging is proposed via backhoe from a barge. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at 1101 9th Street S, in Section 9, Township 50 South, Range 25 East, Naples, Collier County, Florida. The affected waterway is a man-made canal adjacent to Naples Bay. (Latitude: 26.13534°; Longitude: -81.79289°).

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) 35 (Maintenance Dredging of Existing Basins). **This verification is valid until March 14, 2026.** Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP. In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the NWP General Conditions and the Jacksonville District Regional Conditions, and the General and Project-Specific Special Conditions listed below. Alternatively, you can access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Source Book web page for links to view NWP information at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>. Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there select "Source Book" and then select "Nationwide Permits." These files contain the description of the NWP authorization, the NWP general conditions, and the regional conditions, which apply specifically to this NWP verification.

You must comply with all of the special and general conditions for NWP-35, including any project-specific conditions included in this letter and all conditions incorporated by reference as described above.

General Conditions (33 CFR PART 320-330):

1. The time limit for completing the work authorized ends on **March 14, 2026**.
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 of the new owner on the transfer form attached to this letter and forward a copy to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Project Specific Special Conditions:

The following project specific special conditions are included with this verification:

1. Reporting Address: The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

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

The Permittee shall reference this permit number, SAJ-2021-03696(NW-SJF), on all submittals.

2. Self-Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of

Compliance” form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the “Self-Certification Statement of Compliance” form. The description of any deviations on the “Self-Certification Statement of Compliance” form does not constitute approval of any deviations by the Corps.

3. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit, the Permittee shall submit a completed “Commencement Notification” form (attached).

4. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

5. Manatee Conditions: The Permittee shall abide by the enclosed standard construction conditions designed to protect the endangered West Indian manatee, 2011 (Attached). The most recent version of the Manatee Conditions must be utilized.

6. Jacksonville District Programmatic Biological Opinion (JAXBO): Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs (Attached) contained in the JAXBO, based on the permitted activity. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at: <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of these JAXBO must be utilized during the design and construction of the permitted work.

7. Turbidity controls: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend within 1-foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

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

9. Daylight Hours: All activities must be completed during daylight hours.

10. Dredged Material Disposal: The Permittee shall place all dredged material in a self-contained, upland disposal site as detailed in attached, Drawing 5 of 5. The Permittee shall maintain the upland disposal site to prevent the discharge of dredged material and associated effluent into waters of the United States.

11. Agency Changes/Approvals: Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Fort Myers Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

12. Species reporting: Any collision(s) with and/or injuries to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division at 727-824-5312 or by email to takereport.nmfs@noaa.gov and SAJ-RD-Enforcement@usace.army.mil. Sea turtle and marine mammal stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.

*Failure to report take of a federally listed threatened or endangered species may lead to suspension, revocation, or modification of this authorization. (From Section 3(18) of the Federal Endangered Species Act: The term 'take' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.).

13. Marine Life Entrapment: Neither structure nor material or the method of construction shall pose more than minimal risk of entrapping fish, marine turtles, or marine mammals. In-water lines must be industrial grade metal or heavy cables that do not readily loop and tangle. All in-water lines (rope and cable) must be rigid and cannot have excess line in the water. Lines may be enclosed in a plastic or rubber sleeve/tube to add rigidity.

14. 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 and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

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.

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

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This letter of authorization does not preclude the necessity to obtain any other Federal, State, or local permits, which may be required.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Should you have any questions related to this NWP verification or have issues accessing the documents reference in this letter, please contact Stephen Fleming at the

letterhead address above, via telephone at 239-334-1975, or via e-mail at Stephen.j.fleming@usace.army.mil.

Sincerely,

FLEMING.STEPH
EN.J.138319397
0

Digitally signed by
FLEMING.STEPHEN.J.13831
93970
Date: 2022.04.12 23:21:55
-04'00'

Stephen Fleming
Project Manager

Enclosures

Department of the Army Permit Transfer Request
Commencement Notification Form
Self-Certification Statement of Compliance
Standard Manatee Conditions for In-Water Work
National Marine Fisheries Service's "PDCs for In-Water Activities"
National Marine Fisheries Service "PDCs for Maintenance, Minor, and Muck Dredging"
Permit Drawings

Cc:

Arielle Poulos – Turrell, Hall and Associates, Inc.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

DA PERMIT NUMBER: SAJ-2021-03696(NW-SJF)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or submit via electronic mail to: SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT) (BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form to via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-2021-03696 (NW-SJF)

2. **Permittee Information:**

Name: _____

Email: _____

Address: _____

Phone: _____

3. **Construction Start Date:** _____

4. **Contact to Schedule Inspection:**

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Within sixty (0) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred) or by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

1. **Department of the Army Permit Number:** SAJ-2021-03696 (NW-SJF)

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

Email: _____

Address: _____

Phone: _____

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

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

Email: _____

Phone: _____

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

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

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

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

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

Signature of Permittee

Printed Name of Permittee

Date

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC

U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion (JaxBO) Project Design Criteria (PDCs) for In-Water Activities

November 20, 2017

- 1) **(AP.7.) Education and Observation:** The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:
http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html
- 2) **(AP.8.) Reporting** of interactions with protected species:
 - a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to takereport.nmfsser@noaa.gov and SAJ-RD-Enforcement@usace.army.mil.
 - b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email Sawfish@MyFWC.com
 - c) Sturgeon: Report dead sturgeon to 1-844-STURG 911 (1-844-788-7491) or email nmfs.ser.sturgeonnetwork@noaa.gov
 - d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
 - e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.
- 3) **(AP.9.) Vessel Traffic and Construction Equipment:** All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:
 - a) *Construction Equipment:*
 - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
 - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
 - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of

- construction equipment and shall not resume until the species has departed the area of its own volition.
- iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.
- b) *All Vessels:*
- i) Sea turtles: Maintain a minimum distance of 150 ft.
 - ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
 - iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
 - iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
 - v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
 - vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
 - vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.
- 4) **(AP.10.) Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:
- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
 - b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
 - c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
 - d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
 - e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm

Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):

- i) Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
 - ii) The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cableline). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.
- 5) **(AP.11.) Entanglement:** All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.
- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
 - b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

spud an appropriate distance, then the starboard spud is dropped and the port spud is raised. The dredge is then swung an equal distance to the starboard, the port spud is dropped, and the starboard spud is raised.

Cutterhead pipeline dredges work best in large areas with deep shoals, where the cutterhead is buried in the bottom. A cutterhead removes dredged material through an intake pipe and then pushes it out the discharge pipeline directly to the placement/disposal site. Most, but not all, pipeline dredging operations involve upland placement/disposal of the dredged material. Therefore, the discharge end of the pipeline is connected to a shore pipe. When effective pumping distances to the placement/disposal site become too long, a booster pump is added to the pipeline to increase the efficiency of the dredging operation.

Transportation Methodology

Dredged material is typically transported by barge and then transferred to a land-based dump truck for disposal in upland locations. In some instances, the material is barged to an approved water location or beneficial use site. Methods of transporting dredged material to disposal sites include self-propelled transport via barges or towing of loaded barges to disposal sites via tugboats. Tugboats may be used to move immobile equipment into place as well as tow loaded barges to the disposal sites. Dredged material may also be transported by pipeline as described above under hydraulic dredging.

Disposal Locations

Dredged material can be disposed of in a USACE verified upland disposal sites, USACE-permitted beneficial reuse sites, existing/authorized Dredged Material Management Areas, or U.S. Environmental Protection Agency (EPA)-designated ocean dredged material disposal sites. Beneficial reuse sites are often areas of eroding shorelines and marshes or seagrass restoration areas where dredged material is used to return the area to a water depth that supports seagrasses. The disposal location is dependent of the type of material dredged, the proximity to the dredging locations, and permitting requirements. Beneficial reuse sites and ocean disposal sites used for projects covered under this Opinion must have undergone Section 7 consultation (either individual or programmatic) to evaluate the potential effects of disposal on ESA-listed species and critical habitat. Some beneficial reuse sites, such as living shorelines, are covered under Activity 7 of this Opinion. Beach renourishment placement is also considered a beneficial use of dredged material.

Project Design Criteria

PDCs specific to Activity 3 (maintenance, minor, and muck dredging):

A3.1. Activities covered by this Opinion include:

- A3.1.1. Maintenance dredging of existing areas such as canals, channels, basins, berths, marinas, boat slips, and areas around intake and discharge structures. Maintenance dredging will be limited to the depth and width previously authorized by the USACE or other regulatory authority such as FDEP or water management districts. There is no size limit for maintenance dredging so long as it meets the previously authorized depth and width. If the previous authorized depth is unknown, dredging is limited to -7.0 ft MLW including any advanced maintenance or overdredge.

- A3.1.2. Minor dredging (non-maintenance) dredging as follows:
 - A3.1.2.1. For dredging to accommodate vessel mooring at boat slips around docks and marinas, the size is limited to the minimum necessary to accommodate vessel mooring, not to exceed 5,000 ft². The maximum allowed dredging depth (including overdredge) cannot exceed the depth of the adjacent navigational channel (i.e., controlling depth) or a maximum depth of -7 ft MLW. For projects located adjacent to federal channels (not within the dredged navigational channel), the dredging depth can exceed -7 ft MLW so long as it does not exceed the controlling depth of the federal channel.
 - A3.1.2.2. For treasure hunting and salvage operations that use blowers, propeller deflectors, and suctioning devices, the size is limited to a total of 5,000 ft² and is limited to sandy areas only.
 - A3.1.2.3. Minor dredging does not include dredging to create new navigational channels.
 - A3.1.2.4. Minor dredging includes dredging to accommodate the placement of shoreline stabilization, outfall structures; boat ramps; upland cut boat ramps and basins; temporary platforms, fill, and cofferdams; and placement of erosion and scour control-measures. This type of dredging is usually required to embed materials and/or to allow smooth transition of the work to the natural surrounding elevation.
- A3.1.3. Muck Dredging, or removing accumulated organic to restore natural habitats and for water quality enhancement, as follows:
 - A3.1.3.1. Muck dredging cannot be used to increase water depths to support navigation, access, or vessel mooring.
 - A3.1.3.2. Dredging depths are limited to only that necessary to remove the muck layer down to natural sediments.

The following PDCs apply to all the activities described in PDC A3.1 above:

- A3.2. This Opinion does not cover hopper dredging.
- A3.3. With respect to the dredged material, all dredged material must be placed in an USACE-verified upland disposal site, EPA or USACE-designated open water disposal site, USACE Dredged Material Management Area, or USACE-approved beneficial use sites for mitigation or restoration, as long as it meets PDC A3.3.1-A3.3.3 below.
 - A3.3.1. The disposal sites shall employ erosion control measures such as upland erosion control, such as filtration or berms, or in-water turbidity curtains.
 - A3.3.2. Handling and storage of dredged material must be completed in a manner that prevents sedimentation, erosion, and turbidity during dewatering, overflow, transferring, and storage of the dredged material. For example, the overwater transfer of dredge material should either contain the dredged material and any water to prevent sedimentation or employ other methods, such as turbidity curtains in the marine environment, to ensure that any turbidity generated as the water is returned to the marine environment is contained. If the applicant conducts sediment testing voluntarily or in

compliance with other law, and such testing indicates high levels of contaminants in the sediments to be dredged, water from dewatering should not be released back into the marine environment.

A3.3.3. This Opinion does not cover the use of in-water disposal sites (e.g., beneficial use sites or ocean disposal sites) unless the use of the in-water disposal sites has previously undergone ESA-Section 7 consultation with NMFS for disposal of material at these locations. If the applicant is seeking disposal in an in-water disposal location not previously consulted on by NMFS, then the entire project (both dredging and disposal) must be consulted on separately and is not covered under this Opinion.

A3.3.4. This Opinion applies to upland disposal of beach quality sand on beaches if placed above the existing MHW, if the grain size analysis indicates that the dredged sand is compatible with the existing beach sand, and if the sand placement does not change the existing waterward extension of the beach. Placement of beach sand on nesting beaches above MHW that may affect ESA-listed species is under the jurisdiction of the USFWS.

A3.4. This Opinion does not cover dredging within the mapped and authorized federal navigational channels (e.g., ICW, AIWW, GIWW, or harbors [e.g., Port Canaveral]). Dredging outside of the mapped channel in the surrounding waters is covered.

Additional PDCs for Activity 3 applicable in critical habitat:

In addition to the PDCs above, the project must be designed to meet the following PDCs if the project occurs in the critical habitat as described below.

A3.5. Smalltooth sawfish critical habitat:

A3.5.1. Maintenance dredging of canals in smalltooth sawfish critical habitat is covered under this Opinion as long as it is within the previously authorized dredge footprint and to the previously USACE authorized depth.

A3.5.2. For minor dredging: If only the shallow euryhaline (MHWL to -3 ft MLLW) water essential feature is present (i.e., no red mangroves), dredged depths are limited to a maximum depth of -3 ft MLLW. If red mangroves are present, dredging, excavation, or disposal is not allowed within 5 ft of all red mangrove prop roots.

A3.5.3. Muck dredging, as defined in PDC A3.1.3, is not allowed in shallow, euryhaline habitat (MHWL to -3 ft MLLW)

A3.5.4. Dredging and disposal activities are not allowed in areas identified as smalltooth sawfish limited exclusion zones, defined in Section 2.1.1.1.

A3.6. Gulf sturgeon critical habitat: No treasure hunting or muck dredging is allowed in Gulf sturgeon critical habitat at any time of year. No maintenance or minor dredging is allowed in Gulf sturgeon critical habitat between September and March, when sturgeon are likely to be present in these areas. When allowed, maintenance and minor dredging activities shall be conducted according to the PDCs above for all dredging activities.

- A3.7. *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover dredging (maintenance, minor, or muck) and disposal in *Acropora* critical habitat where the essential features are present or within the U.S. Caribbean. This Opinion does not cover projects requiring penetrating or removing underlying hard substrate (e.g., bedrock, hardbottom) using any methods including blasting or fracturing. Treasure hunting is not allowed in *Acropora* critical habitat or the U.S. Caribbean.
- A3.8. Johnson's seagrass critical habitat: Treasure hunting is not allowed in waters less than 12 ft (4 m) deep. Muck dredging is not allowed if the essential features are present. All other dredging is covered if conducted according to the PDCs above for all dredging activities.
- A3.9. U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat) and loggerhead sea turtle critical habitat: Dredging consistent with the PDCs above can occur in these critical habitat areas.

Assumptions

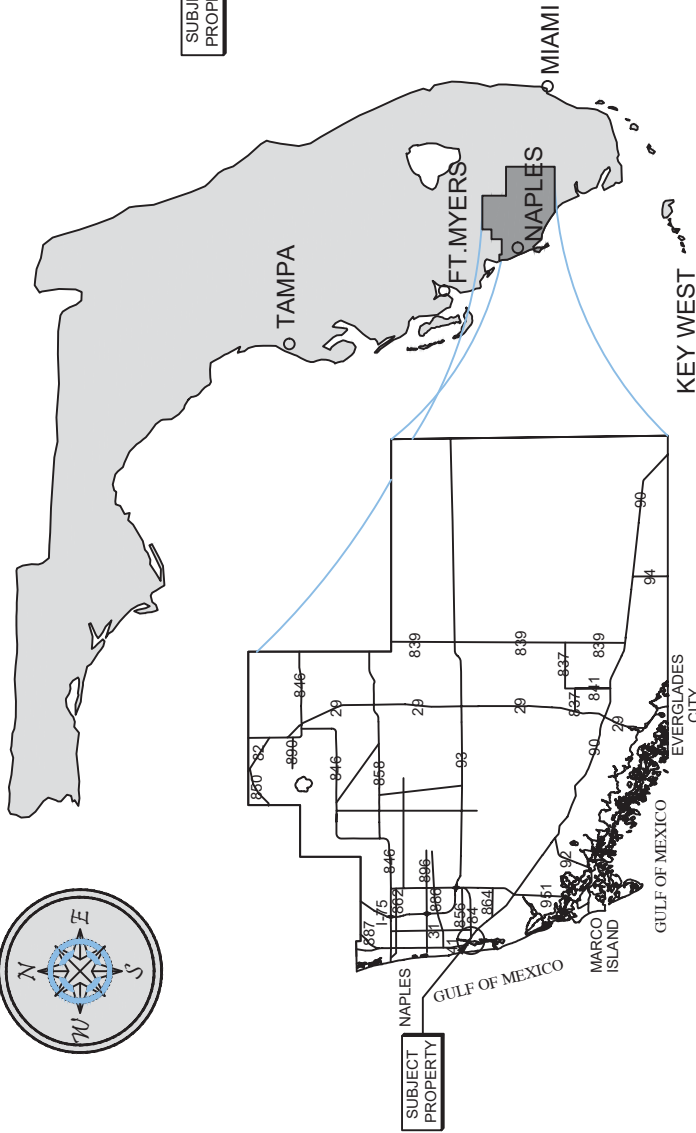
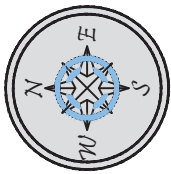
Maintenance dredging: Estimating the areal extent of areas affected by maintenance dredging is difficult because the USACE tracks dredging and disposal by volume, in cubic yards. Currently the USACE only has limited data on the area of impact. The USACE estimates that the average maintenance dredging is 5 ac per project. However, this could vary widely since maintenance dredging is not limited by area (meaning we have not set a limit on the amount of dredging in a particular location), but instead is limited to the previously authorized footprint and depth.

Maintenance dredging in smalltooth sawfish critical habitat: Maintenance dredging of navigational canals within smalltooth sawfish critical habitat is performed by the West Coast Inland Navigational District (WCIND) as the local sponsor used by the USACE to perform and manage dredging in this area. WCIND provided NMFS with GIS data regarding all of the maintenance dredging of navigational canals within the smalltooth sawfish critical habitat for the CHEU. This data was based on studies under the Florida Sea Grant (Antonini et al. 2000; Fann et al. 2002; Swett et al. 2012; Swett et al. 2000a; Swett et al. 2000b; Swett et al. 2002; Swett et al. 2000c). According to the WCIND studies, if they deepened all of the canals that have areas that are currently less than -3 ft MLLW, this would result in the potential loss of 12,742,560 ft² (292.53 ac) of the shallow, euryhaline essential feature. Though it is unlikely that all of the canals in smalltooth sawfish critical habitat will be maintenance dredged per 5-year period, we consider what the cumulative effect would be from removing the essential feature in these areas.

Maintenance dredging in Johnson's seagrass critical habitat: According to the USACE, these projects can range from larger projects that maintenance dredge long stretches of navigational channels, which may affect up to 12,000 ft², to smaller projects that maintenance dredge around a boat slips and smaller structures, which may affect only a couple hundred square feet. Based on their records, the USACE estimates that the average maintenance dredging project is approximately 1,200 ft².

Maintenance dredging and Johnson's seagrass: The USACE has very few records of maintenance dredging projects that resulted in the loss of Johnson's seagrass. However, based

STATE OF FLORIDA



COLLIER COUNTY

SITE ADDRESS:
 <> 1101 9TH ST S
 NAPLES, FL 34102

NOTES:
 <> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY
 AND ARE NOT INTENDED FOR CONSTRUCTION USE.

<> LATITUDE: N 26.135341
 <> LONGITUDE: W -81.792891

SUBJECT PROPERTY

VICINITY MAP

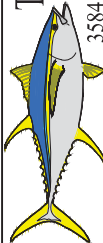


SUBJECT PROPERTY



SUBJECT PROPERTY

COUNTY AERIAL



Turrell, Hall & Associates, Inc.
 Marine & Environmental Consulting
 3584 Exchange Ave. Naples, FL 34104-3732
 Email: tuna@thamaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

NAPLES LANDINGS

LOCATION MAP

DESIGNED BY:	AP	REVISION	DATE	BY	CHANGED
DRAWN BY:	RMJ	1.	04-12-22	AP	SHEETS 03.05
CREATED:	10-25-21	2.	-	-	-
JOB NO.:	21177	3.	-	-	-
SHEET NO.:	01 OF 05	4.	-	-	-
		5.	-	-	-

SECTION-9 TOWNSHIP- 50 S RANGE- 25E

RY NO. 5975

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.



SITE ADDRESS:
 1101 9TH ST S
 NAPLES, FL 34102

NOTES:
 • THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
 • ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW SURVEY COURTESY OF: "AGNOLI, BARBER & BRUNDAGE, INC."
 • SURVEY DATED: 10-5-2021
 • APPLICANT OWNED SHORELINE (APPX LF): N/A
 • EXISTING OVERWATER STRUCTURE (APPX SF): N/A
 • WIDTH OF WATERWAY, MHW TO MHW (APPX): 83' & 1439'
 • TIDAL DATUM:
 • MHW (NAVD)= +0.44'
 • MLW (NAVD)= -1.54'

DESIGNED BY:	AP	REVISED	DATE	CHK BY:	CHANGED:
DRAWN BY:	RWJ	1	-	-	-
CREATED:	10-25-21	2	-	-	-
JOB NO.:	21177	3	-	-	-
SHEET NO.:	02 OF 05	4	-	-	-
		5	-	-	-

NAPLES LANDINGS
 EXISTING CONDITIONS

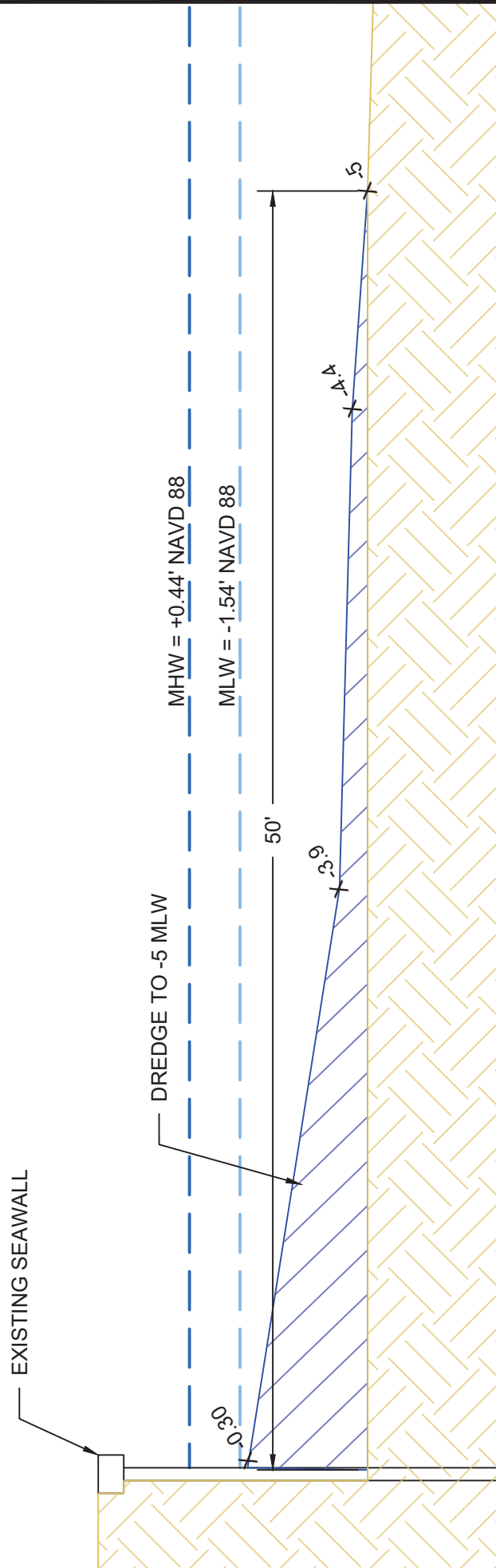
Turrell, Hall & Associates, Inc.
 Marine & Environmental Consulting
 3584 Exchange Ave. Naples, FL 34104-3732
 Phone: (239) 643-0166 Fax: (239) 643-6632
 Email: tuna@thnaples.com

RY NO. 8875

SECTION-9

TOWNSHIP- 50S

RANGE- 25E



NAPLES LANDINGS

CROSS SECTION AA

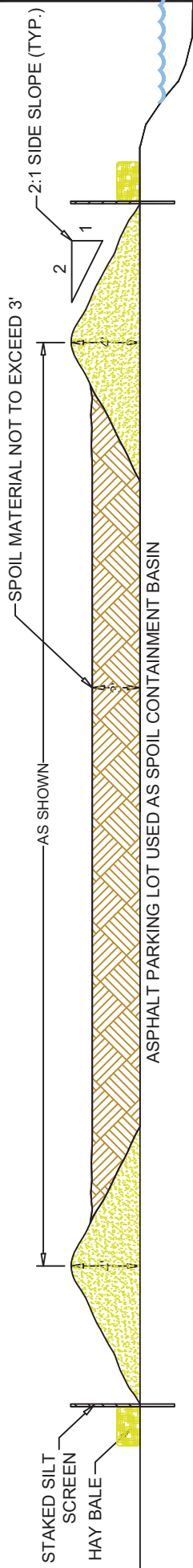
Turrell, Hall & Associates, Inc.
 Marine & Environmental Consulting
 3584 Exchange Ave. Naples, FL 34104-3732
 Phone: (239) 643-0166 Fax: (239) 643-6632
 Email: tuna@thnaples.com

DESIGNED:	AP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RNJ	1.	-	-	-	-
CREATED:	10-25-21	2.	-	-	-	-
JOB NO.:	21177	3.	-	-	-	-
SHEET NO.:	04 OF 06	4.	-	-	-	-
		5.	-	-	-	-

SECTION-9 TOWNSHIP- 50 S RANGE- 25E

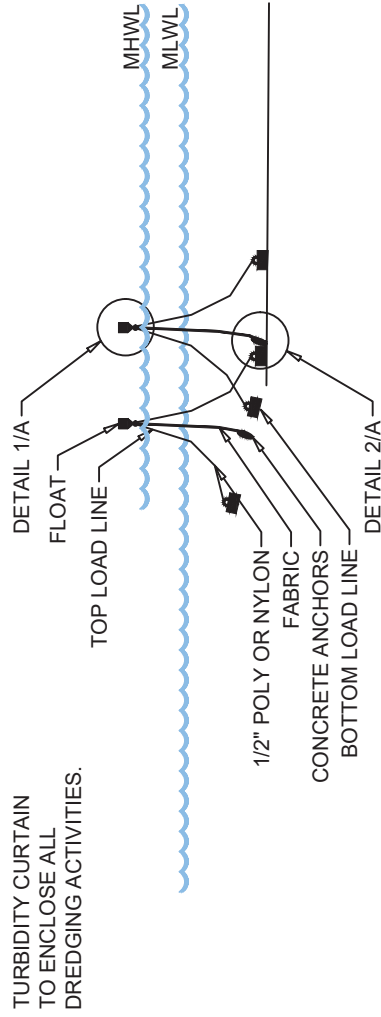
CROSS SECTION A-A'

N.T.S.



N.T.S.

TYPICAL TURBIDITY CURTAIN DETAIL



NOTES:
 NO SPOIL RUNOFF INTO STATE WATERS

BOTH ENDS OF THE TURBIDITY CURTAIN SHOULD EXTEND FROM THE SHORELINE TO COLUMN. PLACE THE APPROPRIATE # OF ANCHORS TO HOLD THE CURTAIN IN PLACE BASED ON THE VELOCITY OF THE WATERBODY AT THE TIME OF CONSTRUCTION AND ALLOW ENOUGH SLACK FOR BOTH FLOOD AND EBB CONDITIONS.

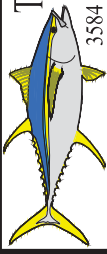
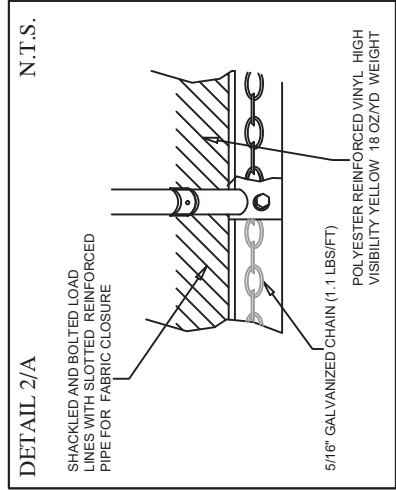
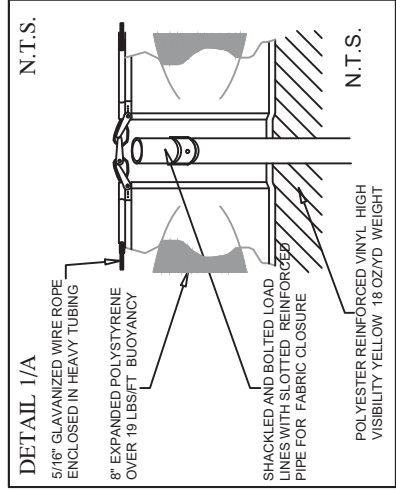
THE BARGE WILL BE WITHIN THE CONSTRUCTION AREA SURROUNDED BY THE TURBIDITY CURTAIN. TURBIDITY (NTU) WILL BE MONITORED TWICE DAILY. AT LEAST 4 HRS APART DURING ANY IN WATER WORK AT THE SITE. TURBIDITY STATIONS WILL BE LOCATED AT THE WATER'S SURFACE AND 1' ABOVE THE BOTTOM WITHIN THE CONSTRUCTION AREA, WITHIN ANY VISIBLE TURBIDITY PLUMES AND AT LEAST 150' DOWN CURRENT FROM THE WORK AREA. A BACKGROUND STATION WILL BE LOCATED AT LEAST 100 YARDS UP-CURRENT OR AGAINST THE TIDE FROM THE SAMPLES WITHIN THE CONSTRUCTION AREA AT THE WATER'S SURFACE AND 1' FROM THE BOTTOM.

ALL TURBIDITY DATA SHALL BE DOCUMENTED AND SUBMITTED TO DEP.

IF TURBIDITY LEVELS IN THE CONSTRUCTION AREA ARE 29 NTU'S GREATER THAN THOSE OF THE BACKGROUND STATION, ALL WORK MUST BE STOPPED AND DEP NOTIFIED.

DEP STAFF WILL NOTIFY WHEN WORK MAY CONTINUE.

CURTAIN WILL REMAIN IN PLACE UNTIL TURBIDITY LEVELS ARE NORMAL. SPOIL TO BE OFFLOADED FROM BARGE TO TEMPORARY HOLDING AREA VIA BARGE MOUNTED BACKHOE. SPOIL WILL BE MOVED TO PERMANENT SPOIL FIELD VIA UT TO THE WORK AREA FROM THE TOP TO THE BOTTOM OF THE WATERFRONT END LOADER.



Turrell, Hall & Associates, Inc.
 Marine & Environmental Consulting
 3584 Exchange Ave. Naples, FL 34104-3732
 Email: tuna@thamnaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

NAPLES LANDINGS
SPOIL CONTAINMENT

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	AP	DATE:	05/05/05	CHANGED:
DRAWN BY:	RMJ	DATE:	04-12-22	
CREATED:		DATE:	21177	
JOB NO.:		DATE:		
SHEET NO.:	05 OF 05	DATE:		

SECTION- 9 TOWNSHIP- 25S RANGE- 50E