

DEPARTMENT OF THE ARMY PERMIT

Permittee:

**City of Punta Gorda
c/o Mark W. Gering, P.E., City Engineer
326 West Marion Avenue
Punta Gorda, Florida 33950**

Co-Permittee:

**Mr. Robert N. McQueen, Trustee
Post Office Box 511249
Punta Gorda, Florida 33951**

Permit No: SAJ-2016-02715 (SP-KRD)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

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

Project Description:

The City of Punta Gorda proposed to create a secondary navigation channel access to the south and southeast areas of Punta Gorda Isles. The proposed project is to construct an approximate 60-foot-wide by 1500-foot-long navigation channel, to be known as Bird Passage Navigation Channel, linking the interior waterway (River Bay Canal) of Punta Gorda Isles (PGI) with an unnamed canal north of Sea Edge Drive, connecting to the dredged channel in Alligator Creek, and eventually Charlotte Harbor. The work described above and below is to be completed in accordance with the enclosed project plans (Enclosure 1). Specifically, the project will involve the following activities:

1. Dredging and Excavation

The total dredging/excavation area within jurisdictional waters of the U.S. is approximately 112,250 square feet (SF) (2.57 acres [ac]; 17,500 cubic yards [CY]) to be dredged to a maximum of -6.0 feet (ft) at mean low water (MLW), including over-dredge depths. The dredge work will include the following:

- All dredging and excavation will be conducted by mechanical means using a clamshell or track hoe and a self-contained spoil storage bin.
- All dredged material will be offloaded and transported through one of the closest upland access points available to the City of Punta Gorda at the time work commences. These material handling and access points could include the McQueen property at 5552 Sea Edge Drive or other vacant lots in close proximity to the project site available for use via City Ordinance. The dredged material will be placed into a self-contained truck to be transported to an approved upland spoil site and/or a landfill. The preferred final disposition of the dredged/excavated material will be at the Colony Point Dredged Spoil Location located on Colony Drive, approximately 6 miles from the project site, which the City of Punta Gorda has maintained as an operations center for their ongoing seawall and canal maintenance program with a second option at a landfill.
- Dredging and/or excavation of 28,000 SF (0.64-ac/8,600 CY) of mangrove wetlands located between the 2 canals and along the west side of the unnamed canal, including the removal approximately 18,570 SF (0.42-ac) of mangrove wetlands to create Bird Passage Navigation Channel and 560 linear feet (LF) (0.22-ac) of mangrove wetlands along Sea Edge canal to provide the required channel width for navigation.
- Dredging of 31,400 SF (0.72-ac/2,200 CY) of non-vegetated subaqueous canal bottom within Punta Gorda Isles and Sea Edge Drive Canal.
- Dredging of 29,900 SF (0.69-ac/2,400 CY) of non-vegetated subaqueous creek bottom, including a 350-foot-long by 50-foot-wide settling basin, at the junction of the Sea Edge Drive Canal and Alligator Creek
- Dredging and excavation of 5,450 SF (0.12-ac/1,890 CY) of upland area located on private property and dominated by exotic plants for the creation of the proposed channel cut.
- Excavation of 17,500 SF (0.40-ac/2,410 CY) of upland area located on private property and dominated by exotic plants for the creation of the mangrove recruitment/planting areas, riprap revetment, and Smalltooth sawfish habitat.

2. Installation of Cantilevered Seawall

A 1,051 LF cantilevered seawall will be installed in order to achieve a navigable channel width while reducing impacts to the existing mangrove wetlands by avoiding the need for traditional earth anchor systems and dredge channel side slopes. The cantilever design eliminates tiebacks that extend into the mangrove wetlands while still allowing tidal exchange to occur behind the seawall. The installation will involve the following:

- Installation of 620 LF of cantilever seawall in Bird Passage.

- Installation of 431 LF of cantilever seawall along Sea Edge canal.
- Installation of sixty-eight (68) 8-inch diameter PVC-wrapped wood piles which will be initially jetted into place for proper alignment and stability then driven via impact hammer for the last few feet to gain proper bearing.
- The top of the seawall panels will terminate below the MLW line to support the root base for the adjacent established mangrove wetlands and provide for tidal flushing.

3. Installation of Riprap Revetment

The dredged upland areas will be stabilized with 295 LF of riprap revetment to support established mangrove wetlands and the proposed aquatic enhancement. The riprap will be 3-ft diameter toe boulders with the remainder being a mixture of 12 to 24 inch (in) diameter boulders placed on filter fabric. The riprap will be locally sourced limestone. Approximately 2/3 of the width of the riprap revetment will be between mean high water (MHW) and -3.0-ft at mean lower low water (MLLW).

- Installation of a 145-ft-long by 21-ft-wide riprap revetment on the east side of the proposed channel cut at depths between +1.0-ft MHW and -5.0-ft MLW. Approximately 2,030 SF (145 LF × 21-ft wide × 2/3) is between MHW and -3.0-ft at MLLW.
- Installation of 150 LF of riprap revetment with variable widths up to 21-ft-wide on the west side of the proposed channel cut. Approximately 1,540 SF (110 LF × 21-ft wide × 2/3) is between MHW and -3.0-ft MLLW. Approximately 320 SF (40-foot-long × 8-foot-wide) is between MHW and -3.0-ft MLLW.
 - 110 LF will extend from approximately +1.0-ft MHW to -5.0-ft MLW
 - 40 LF will remain from -1.0-ft below MLW to -5.0-ft MLW to allow for sawfish access to the interior tidal area.

4. Installation of Bird Passage Markers and Signs

Markers and signs are proposed at the toe of the riprap on both sides of Bird Passage Navigation Channel as depicted on the project plans. All signs and markers will be maintained in perpetuity by the City. Markers and/or signs will include:

- Installation of eleven (11) 8-inch diameter PVC-wrapped wood piles for six (6) warning signs for submerged rock and five (5) navigation markers via jetting then driven the last few feet with an impact hammer.
- National Marine Fisheries Service (NMFS) educational “Save the Sea Turtle, Sawfish, and Dolphins” signs will be posted at both ends of the new channel (as download from: http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html).

5. Construction of an Aquatic Enhancement Area

As a function of creating the channel, upland areas that have been taken over by exotics (e.g., Brazilian Pepper) will be enhanced by the creation of approximately 15,025 SF (0.34-ac) of shallow water habitat and living shoreline using red mangrove (*Rhizophora mangle*) saplings and green buttonwoods (*Conocarpus erectus*). The proposed aquatic enhancement will occur between MHW and 3-ft at MLLW. These areas will be maintained in perpetuity by the City. This portion of the project will involve the following:

- Excavation of approximately 5,590 SF (0.13-ac) of the uplands on the east side of the proposed channel cut to an elevation that will sustain planted mangrove wetlands and green buttonwood.
- Excavation of approximately 1,270 SF (0.03-acre) of the uplands on the west side of the proposed channel to an elevation that will support planted mangrove wetlands above and within the riprap.
- Excavation of approximately 8,661 SF (0.20-ac) of the uplands west of the riprap revetment to an elevation of -1.0-ft MLW to create of shallow water habitat and enhance flushing of perimeter mangrove wetlands.

6. Installation of Smuggler's Cut Markers and Signs

The Smuggler's Cut channel is currently used as access to Alligator Creek from River Bay Canal in PGI and is subject to navigation by a variety of motor vessels under differing tidal conditions. The waterway is shallow, with an average depth of less than -2.5-ft MLW. In order to manage vessel traffic due to the creation of Bird Passage Navigation Channel, to minimize impacts to resources, and to improve navigation safety, Punta Gorda City Ordinance #1149-96 has established Smuggler's Cut as a "Slow Speed Zone." The City anticipates that upon completion of the proposed action, motorized vessels will be educated about the shallow waters and slow speed use of Smuggler's Cut through posting of education signage at each end of the waterway. All piles and signs will be maintained in perpetuity by the City. The installation of signs will include:

- Installation of four (4) "Slow Speed Zone" signs will be posted at each end of Smuggler's Cut (2 signs at each end). Each piles will be an 8-inch diameter PVC-wrapped wood pile installed via jetting then driven the last few feet with an impact hammer.
- NMFS educational "Save the Sea Turtle, Sawfish, and Dolphins" signs will be posted at each end of Smugglers Cut.

Best Management Practices:

The City proposes to implement the following best management practices (BMPs):

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- Adherence to NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions, including the use of turbidity curtains.
- The proposed dredging will take place initially with land-based front-end loaders, excavators, and trucks working from the interior of River Bay Canal toward Sea Edge Canal and ultimately into Alligator Creek. This will include the excavation work for the aquatic enhancement areas also. The excavated material will be transported to the material handling site on Sea Edge Drive via barge or alternatively to upland lots located in the interior waterways within Punta Gorda Isles.
- The perimeter of the upland areas to be excavated will be staked with silt screens.
- Work in the submerged portions of the proposed channel cut will take place using a barge-mounted excavator and containment bin on the barge. Dredged material will be ultimately disposed of either in a landfill or placed on an upland location.
- Work vessels will travel at “no wake/idle” speeds at all times (< 5 knots) and in sufficient water depths to prevent contact with the bottom.
- To offset unavoidable impacts that will occur from the proposed activities, the permittee shall purchase 0.50 estuarine (forested saltwater coastal fringe) federal credits from Little Pine Island Mitigation Bank (SAJ-1994-00037).

Compensatory Mitigation:

Mitigation Bank Credit Purchase: To offset the unavoidable permanent conversion of 0.64-acre of mangrove wetlands to open water that will occur from these authorized activities, the permittee shall purchase 0.50 estuarine (forested saltwater coastal fringe) federal mitigation credits from Little Pine Island Mitigation Bank (SAJ-1994-00037).

Project Location: The proposed project would affect waters of the United States associated with River Bay Canal, an unnamed residential canal, Alligator Creek, and mangrove wetlands located within the Charlotte Harbor watershed. The proposed project site is located at an interior waterway in southwest Punta Gorda Isles connecting River Bay Canal with an unnamed residential canal north of Sea Edge Drive and a dredged channel in Alligator Creek (ultimately Alligator Creek outflows into Charlotte Harbor). The project is located adjacent and southwest of 5555 and 5566 River Bay Drive and 5552 Sea Edge Drive in the wetlands and within an unnamed manmade canal, a portion of Alligator Creek, and portions of Gasparilla Sound-Charlotte Harbor Aquatic Preserve, in Section 25, Township 41 South, Range 22 East, Punta Gorda, Charlotte County, Florida.

Directions to site: From US-41 (Tamiami Trail), take Rio Villa Drive, take a left on Almar Drive; take a left at the fork in the road on to River Bay Drive; take a left on Sea Edge Drive and the site will be located channelward of the westernmost vacant parcel at the end of the street just past 5552 Sea Edge Drive, Punta Gorda, Florida.

Approximate Central Coordinates: Latitude: 26.885198 and Longitude: -82.059261

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **AUGUST 16, 2023**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Enclosure 2).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. **Reporting Addresses:** The Permittee shall reference this permit number, SAJ-2016-02715 (SP-KRD), on all correspondence. Unless specifically notified to the contrary, the Permittee shall use the following addresses for transmitting correspondence to the referenced agencies:
 - a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Special Projects & Enforcement Branch, Fort Myers Office, 1520 Royal Palm Square Boulevard, Suite 310, Fort Myers, Florida 33919-1036.
 - b. For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). Files over 10MB can be uploaded to our web application at <https://safe.amrdec.army.mil/safe>. The Permittee shall reference this permit number, SAJ-2016-02715 (SP-KRD), on all submittals.
2. **Commencement Notification:** Within ten (10) days from the date of initiating the work authorized by this permit, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps to the address identified in Reporting Address Special Condition #1.
3. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.
4. **Regulatory 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.
5. **As-Built Certification:** Within sixty (60) days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification by Professional Engineer" form (Enclosure 3) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:

- a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with transparent overlay of the work as constructed in the same scale as the permit drawings on 8½-inch by 11-inch sheets. The plan view drawing should show all "earth disturbance," including wetland impacts and shoreline stabilization structures.
- b. A post-dredge hydrographic survey, prepared by a state-certified engineer or surveyor, must be provided to the Corps. The hydrographic survey should reference a local tidal or geodetic datum. Contact the Corps if more time is required.
- c. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification By Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification By Professional Engineer" form does not constitute approval of any deviations by the Corps.
- d. Include the Department of the Army permit number on all sheets submitted.

6. Dredging Conditions:

- a. Dredging Method: The Permittee shall conduct all dredging via mechanical dredging methods only (clamshell or track hoe). The use of a hydraulic and/or hopper dredge method is not authorized.
- b. Dredged Material Disposal: A final dredge material management plan must be provided to and approved by the Corps prior to the commencement of work. The plan should include the proposed access/offloading locations, transportation routes, and final disposal location, as well, as any required sediment and erosion containment measures required to prevent the discharge of dredged material and associated effluent into waters of the United States.

The Permittee shall place all dredged material in a self-contained spoil storage bin with final disposal at an approved upland disposal site, as detailed in the project plans on Page 10 and Pages 20-21 (Enclosure 1). All dredged material will be offloaded and transported through one of the closest upland access points available to the City of Punta Gorda at the time work commences. These material handling and access points could include the McQueen property at 5552 Sea Edge Drive or other vacant lots in close proximity to the project site available for

use via City Ordinance. The dredged material will be placed into a self-contained truck to be transported to an approved upland spoil site and/or a landfill. The preferred final disposition of the dredged/excavated material will be at the Colony Point Dredged Spoil Location located on Colony Drive, approximately 6 miles from the project site, which the City of Punta Gorda has maintained as an operations center for their ongoing seawall and canal maintenance program with a second option at a landfill.

The Permittee shall maintain the upland disposal site to prevent the discharge of dredged material and associated effluent into waters of the United States.

- c. Pre-Construction Meeting: The Permittee will schedule a pre-construction meeting with the Enforcement Section representative no later than prior to the start of work to review the limitations and special conditions of the permit. During this meeting participants will be required to sign a form acknowledging knowledge and comprehension of what has been authorized and associated requirements. The Permittee should not start work prior to the pre-construction meeting without written approval by the Corps.
- d. Points of Contact: The Permittee shall provide a list of all points of contact associated with the project within ten (10) days from initiation of work to the address identified in Reporting Address Special Condition #1. The list should include area of responsibility and contact information for each point of contact.
- e. Authorized Dredge Depths: The enclosed drawings indicate a project depth of a maximum -6.0 feet MLW within the proposed channel. You are authorized to dredge to a permitted depth of -6.0 feet MLW, per the enclosed drawings, which includes any advance maintenance, allowable over-depth, and/or margin of error. This authorized depth must not be exceeded in order to be in compliance with this permit. Exceeding the project depths shown on the drawings will be considered a violation of the terms and conditions of the permit. In order to ensure permit compliance, if you contract for this work, the terms of the agreement should not require dredging depths that exceed the permitted depths.
- f. Post-Dredge Hydrographic Survey: Within sixty (60) days of completion of the dredging, a post-dredge hydrographic survey, prepared by a state-certified engineer or surveyor, must be provided to the Corps. The hydrographic survey should reference a local tidal or geodetic datum. Contact the Corps if more time is required.
- g. This permit does not authorize any double handling of dredged material in waters and/or wetlands.

- h. Barges and scows used to transport dredged material may be filled only to a point where no overflow occurs. No overflow pipes are allowed.
7. **Minimization/Aquatic Enhancement Creation Area:** In order to minimize impacts to mangrove wetlands and shallow water habitat, the permittee shall abide by the Wetland Restoration, Maintenance and Monitoring Plan (Enclosure 4) which details the excavation of 0.16-acre of uplands to an elevation that will sustain mangrove wetlands and Green Buttonwood and excavation of 0.20-acre of uplands to -1.0 MLW to create shallow water habitat that will support Smalltooth sawfish habitat.
8. **Compensatory Mitigation / Mitigation Bank Credit Purchase:** Within thirty (30) days from the date of initiating the work authorized by this permit, the Permittee shall provide verification to the Corps that 0.50 estuarine (forested saltwater coastal fringe) federal mitigation bank credits have been purchased from the Little Pine Island Mitigation Bank (SAJ-1994-00037). The required verification shall reference this project's permit number (SAJ-2016-02715).
9. **Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within define distance desired or use 1-foot or eliminate distance from bottom 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 until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.
10. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
11. **Section 7 of the Endangered Species Act (ESA) Compliance:**
 - a. National Marine Fisheries Service (NMFS) Biological Opinion: This permit does not authorize the Permittee to take an endangered species, in particular the Smalltooth sawfish (*Pristis pectinata*). In order to legally take a listed species, the Permittee must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed NMFS Biological Opinion (BO) (Enclosure 5) contains mandatory terms and conditions

to implement the reasonable and prudent measures that are associated with “incidental take” that is also specified in the BO. Authorization under this permit is conditional upon compliance with all of the mandatory terms and conditions associated with incidental take of the enclosed BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

- i. **Sea Turtle and Smalltooth Sawfish Conditions:** The Permittee shall comply with National Marine Fisheries Service's “Sea Turtle and Smalltooth Sawfish Construction Conditions” dated March 23, 2006 (Enclosure 6).

- b. **U.S. Fish and Wildlife Service (FWS) Consultation:** Based on the FWS consultation concurrence letter dated 04 May 2018 (Enclosure 7), the permittee shall abide by the following conditions to ensure the authorized project is not likely to adversely affect the endangered Florida bonneted bat (*Eumops floridanus*; FBB) and the threatened West Indian manatee (*Trichechus manatus*; manatee) and Eastern Indigo snake (*Drymarchon corais couperi*):
 - i. Florida bonneted bat – A survey for potential roosting sites (e.g. large cavity trees, snags, or trees with hollows) will be necessary prior to the commencement of any construction activities. If roosting sites are documented, the Permittee will contact FWS for additional guideline before commencing construction at the South Florida Ecological Services Office in Vero Beach, Florida at 772-469-4283.

 - ii. West Indian manatee – The permittee must implement the following conditions and protection measures:
 - 1) The Standard Manatee Construction Conditions for In- Water Work (FWC, 2011) (Enclosure 8). In the event of a Project-related injury or death of a manatee, all in-water work shall cease immediately, and shall resume only upon Corps’ approval following an incident review by the Corps, FWS, and the Florida Fish and Wildlife Conservation Commission (FWC).
 - 2) The use of a clamshell dredge is prohibited.
 - 3) All mechanical dredging operations will take place only during daylight hours.
 - 4) To reduce the risk of a vessel crushing a manatee, the permittee shall install fenders or buoys that provide a minimum standoff distance of at

least 4-feet under maximum compression, and shall be utilized between moored vessels, or two vessels that are moored together.

- 5) Any bilge or other water discharge unit that may attract manatees shall be prohibited.
 - 6) Any objects (e.g. pipe, rope, cords, etc.) placed in the water shall be properly secured and regularly monitored to prohibit manatee entanglement or entrapment.
 - 7) If conditions (e.g. weather, heavy currents, etc.) are such that manatees cannot be observed within 50-100 feet, in-water activities shall not be conducted.
 - 8) Any take of or sighting of an injured or incapacitated federally listed species shall be reported immediately to the Corps and FWS.
- iii. Eastern Indigo Snake Standard Protection Measures - The permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013 and provided as an attachment to this permit (Enclosure 9).

12. **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 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.

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

- a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.
- b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work 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.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

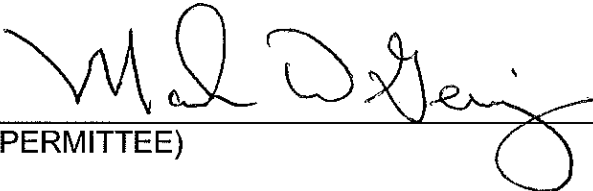
- b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or

enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

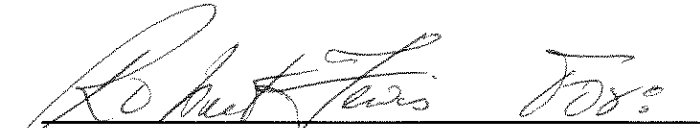


(PERMITTEE)

8-13-2018
(DATE)

MARK W. GERING, PE City of Punta Gorda
(PERMITTEE NAME-PRINTED)

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



(DISTRICT ENGINEER)
Jason A. Kirk, P.E.
Colonel, U.S. Army
District Commander

16 August 2018
(DATE)

PERMIT NUMBER: SAJ-2016-02715 (SP-KRD)
PERMITTEE: City of Punta Gorda c/o Mark W. Gering, P.E., City Engineer
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PERMIT TRANSFER:

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

***Enclosures to Department of the Army
Permit Number SAJ-2016-02715 (SP-KRD)***

1. PERMIT DRAWINGS: 20 pages, dated 02 April 2018 (received by Corps 03 April 2018).
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification, dated 05 May 2017, in accordance with General Condition number 5 on page 6 of this DA permit. 40 pages.
3. AS-BUILT CERTIFICATION FORM: 2 pages.
4. AQUATIC ENHANCEMENT AND MONITORING PLAN: 4 pages, dated 26 October 2016/Revised 13 June 2018.
5. NMFS ENDANGERED SPECIES CONDITIONS: NMFS Biological Opinion, 48 pages, dated 15 March 2018.
6. SEA TURTLE AND SMALLTOOTH SAWFISH CONDITIONS: 1 page, *Sea Turtle and Smalltooth Sawfish Construction Conditions, March 23, 2006.*
7. FWS ENDANGERED SPECIES CONDITIONS: FWS Concurrence Letter, 5 pages, dated 04 May 2018.
8. MANATEE CONDITIONS: 2 pages, *Standard Manatee Conditions for In-Water Work – 2011.*
9. EASTERN INDIGO SNAKE CONDITIONS: 6 pages; *STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE, U.S. Fish and Wildlife Service, August 12, 2013.*