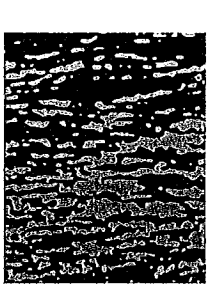


olsen
associates, inc.
Coastal Engineering

11 January 2011

Ms. Diana Athnos, Supervisor
Submerged Lands & Environmental Resources Program
Florida Department of Environmental Protection
Northwest District
160 Governmental Center
Pensacola, FL 32501-5794

Re: Environmental Resource Permit Application
Marina docks and breakwater installation
Community Maritime Park – Pensacola, FL

Dear Ms. Athnos,

On behalf of Community Maritime Park Associates, Inc., I am transmitting this application for an Environmental Resource Permit to construct a day-use marina facility with a protective breakwater on City/private-owned submerged lands in Pensacola Bay along the western limits of the Community Maritime Park site on W. Main St. in Pensacola, FL. The facility includes slip spaces for forty-eight (48) 30-ft vessels, plus an additional 72 ft of alongside dock space. Protection for the marina facility will be provided by the construction of a 415-ft (approx.) freestanding dual-sheetpile wall.

We look forward to the Department's favorable review of this response package. Please do not hesitate to contact us if you have any questions regarding the application.

Sincerely,

Albert E. Browder, Ph.D., P.E.
Senior Engineer, Vice-President

Cc: USACE – Pensacola (attn. E. Sarfert)
D. Owens, P.E. – City of Pensacola, FL
E. Todd – Community Maritime Park Associates, Inc.
M. White – MAGI Construction, LLC
D. Hemphill – Baskerville-Donovan, Inc.

Attachment: ERP Application and Supporting Information

RECEIVED
JAN 1 2 REC'D
BY:

olsen associates, inc. | 2618 Herschel Street | Jacksonville, FL 32204 | 904.387.6114 | FAX 904.384.7368
www.olsen-associates.com

US Army Corps of Engineers

NOTE: The information requested in Sections A through F of this application package is not intended to be all-inclusive. Additional information may be requested by the reviewing agency in order to complete your application.

FOR AGENCY USE ONLY

DEP/WMD Application #	Fee Required
Date Application Received	Fee Received $
Proposed Project Lat.	Fee Receipt #
Proposed Project Long.	

SECTION A — GENERAL INFORMATION

PART 1: GENERAL INFORMATION

A. **Type of permit** (check one). See Attachment 3 for thresholds and descriptions.

- ☒ Individual — Construction and Operation (see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I)
- ☐ Individual — Conceptual Approval (see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I)

NOTE: Do not use this form if you are submitting a notice to use a Notice General Permit under Chapter 62-341, F.A.C. Use Form 62-346.900(2) (see Rule 62-346.050, F.A.C., and section 3 of Applicant's Handbook Volume I).

B. **Type of activity** for which you are applying (check at least one; if a prior permit #, please circle either "Department" or "NWFWMD" as the prior issuing entity for the appropriate activity type, below):

- ☒ Construction and operation of a new system
- ☐ Operation of an existing system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Alteration of an existing system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Maintenance or repair of a system previously permitted by Department or the NWFWMD. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Abandonment of a system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Construction of additional phases of a system. Please provide the existing Department or NWFWMD permit #, if known:
- ☐ Removal of a system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Retrofit of a system. Please provide existing Department or NWFWMD permit #, if known:
- ☐ Modification of a permit. Please provide existing Department or NWFWMD permit #, if known:
  - ☐ Major — see subsection 62-346.095(5) and paragraph 62-346.100(1)(a), F.A.C.
  - ☐ Minor — see subsection 62-346.100(1)(d), F.A.C.
  - ☐ Extension of permit duration — see subsection 62-346.100(1)(d) and Rule 62-346.110, F.A.C.
  - ☐ Transfer — see subsection 62-346.100(1)(d) and Rule 62-346.130, F.A.C.
- ☐ Deadhead Logging.

C. **Does the activity involve any work in wetlands or other surface waters?** (see Chapter 62-340, F.A.C.)

☒ Yes ☐ No If "yes," please provide, as applicable:

Total area of dredging, filling, construction, alteration, or removal in, on, or over wetlands or other surface waters?
15,657 sq. ft.; 0.359 ac.

Total volume of material to be dredged: zero cubic yards

Number of new boat slips proposed: 48 wet slips; (also, if applicable: 0 new dry slips in uplands)

Number of existing boat slips to be altered: zero wet slips

US Army Corps of Engineers

PART 2: APPLICANT AND ASSOCIATED PARTIES INFORMATION

A. APPLICANT (ENTITY TO RECEIVE PERMIT)

Name:	Mr. Eddie Todd		
Title and Company:	Chairman, Community Maritime Park Associates, Inc. (City of Pensacola, FL)		
Address:	222 W. Main St. (City Hall)		
City, State, Zip:	Pensacola, FL 32502		
Home Telephone:	850-436-5651	Work Telephone:	850-436-5651
Cell Phone:		Fax:	850-595-1143
E-mail Address:			

B. CO-APPLICANT

Name:	none		
Title and Company:			
Address:			
City, State, Zip:			
Home Telephone:		Work Telephone:	
Cell Phone:		Fax:	
E-mail Address:			

C. OPERATION AND MAINTENANCE ENTITY

Name:	applicant		
Title and Company:			
Address:			
City, State, Zip:			
Home Telephone:		Work Telephone:	
Cell Phone:		Fax:	
E-mail Address:			

D. LAND OWNER(S) ☒ CHECK HERE IF LAND OWNER IS ALSO A CO-APPLICANT

Name:	applicant		
Title and Company:			
Address:			
City, State, Zip:			
Home Telephone:		Work Telephone:	
Cell Phone:		Fax:	
E-mail Address:			

E. CONSULTANT (IF DIFFERENT FROM AGENT)

Name:	agent		
Title and Company:			
Address:			
City, State, Zip:			
Home Telephone:		Work Telephone:	
Cell Phone:		Fax:	
E-mail Address:			

US Army Corps of Engineers

F. AGENT AUTHORIZED TO SECURE PERMIT

Name:	Albert E. Browder, Ph.D., P.E.		
Title and Company:	Senior Engineer / Vice-President – Olsen Associates, Inc.		
Address:	2618 Herschel St.		
City, State, Zip:	Jacksonville, FL 32204		
Home Telephone:	904-387-6114	Work Telephone:	904-387-6114
Cell Phone:		Fax:	904-384-7368
E-mail Address:	*abrowder@olsen-associates.com*		

PART 3: PROJECT SPECIFIC INFORMATION

A. Name of project, including phase if applicable: Community Maritime Park Marina

B. Is this application for part of a multi-phase project? ☐ Yes ☒ No

Note: If you answered "yes" to question B, please provide permit numbers for other authorized phases below:

Agency	Date	No.\Application Type

C. Total area owned or controlled by the applicant contiguous to the project: 40.9 ac.

D. Project area or phase: 2.1 ac. (preempted area)

E. Impervious area excluding wetlands and other surface waters: n/a ac.

F. Volume of water the system is capable of impounding: n/a ac. ft.

PART 4: PROJECT LOCATION

Street Address Road or other location: 301 W. Main St. [Note: If utilities or road or ditch maintenance projects, provide a starting and ending point using street names and nearest house numbers or provide length of project in miles along named streets or highways.]
City, Zip Code, if applicable: Pensacola, FL 32502

Tax Parcel Identification Number: 00-0S-00-9100-002-028 [If project is on one parcel of land. Number may be obtained from property tax bill or from the county property appraiser's office; if on multiple parcels, provide multiple Tax Parcel Identification Numbers]
County(ies) Escambia _____ _____ Section 44 Township 2 S Range 30 W
Latitude (DDD.dddd) 030.4028 N Longitude (DDD.dddd) 087.2203 W
Explain source for obtaining latitude and longitude: USGS Quad Sheet – 'Pensacola' (i.e. U.S.G.S. Quadrangle Map)

Horizontal Datum (NAD 1927 or 1983) (Taken from Central Location)

PART 5: PROJECT DESCRIPTION

*Note: In this section, please describe in **general** terms the project and activity. Use additional pages if necessary.*

General explanation of work:
SEE SUPPORTING INFORMATION (ATTACHMENT A) & PERMIT DRAWINGS (ATTACHMENT B):

A) Applicant proposes to construct three (3) dock trees containing a total of 48 slips (44 berths, 4 alongside T-head dock spaces) plus 72 ft of additional alongside dockage, along the western side of the Community Maritime Park site to create a day-use marina facility for the upland property.

3) Applicant proposes to construct a 415-ft long dual steel-sheetpile crib wall with a concrete cap as wave/surge protection for the docks. One of the three docks will be integrated into the protective wall.

Treatment type proposed:

Not Applicable

Current site conditions and land uses:

Site currently consists of unconsolidated sandy submerged lands in Pensacola Bay, owned by the City of Pensacola, FL. Presently undeveloped/unused.

Proposed Land Use:

Day-use marina to support Community Maritime Park.

Description of sediment and erosion Best Management Practices (BMPs) to be used:

Where necessary, in-water turbidity curtains will be used during construction to limit turbidity to State-required levels.

Names and classifications of all receiving waters (if available):

Pensacola Bay (Class III waters)

PART 6: SITE PERMIT HISTORY

A. If there have been any pre-application meetings, including on-site meetings, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives as well a brief summary of any meetings:

Name	Agency	Date	Location	Summary
none				

B. Please identify by number any MSSW/Wetland Resource/62-25 F.A.C./USACE permits pending, issued or denied for projects at the location, and any related enforcement actions:

Agency	Date	No.\Application Type	Action Taken
FDEP	28 Jan '09	WRP 17-281401-001-DF	permit issued
USACE	20 Feb '09	SAJ-2007-04728-IP-EPS	permit issued

C. **Please attach a copy of each permit issued for this project or explain why copies are not available.**

SEE ATTACHMENT C

PART 7: APPLICANT AUTHORIZATIONS

A. By signing this application form, I am applying, or I am applying on behalf of the applicant, for authorization to conduct the activity identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the in ntained in this ap r uch information is true, complete and accurate. I understand this is an a not a permit, an i is a violation. I understand that this application and any permit issued p o, does not reliev b btaining any other required federal, state, wate district or local permit prior to commencement of construction. I agree, or I agree on behalf nt, to operate an permitted system unless the permitting agency authorizes transfer of the permit to a dif on and maintena . I understand that knowingly making any false statement or representation in this application is a violation of .430, F.S. and 18 U.S.C. Section 1001.

Albert E. Browder, Ph.D., P.E.
Typed/Printed Name of Applicant (If no Agent is used) or Agent (If one is so authorized below)

Signature of Applicant/Agent — Date: 11 Jan '11

Senior Engineer / Vice-President – Olsen Associates, Inc.
(Corporate Title if applicable)

AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:

B. I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I auth v -listed agent to bind me, or my corporation, to perform any which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making an ent or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Mr. Eddie Todd — Typed/Printed Name of Applicant
Signature of Applicant — Date: 1/7/11

Chairman, Community Maritime Park Associates, Inc.
(Corporate Title if applicable)

Please note: The applicant's original signature (not a copy) is required above.

PERSON WITH AUTHORITY TO AUTHORIZE ACCESS TO THE PROPERTY MUST ALSO COMPLETE THE FOLLOWING:

C. I certify that I [check one of the following]:

☒ Possess sufficient real property interest in or control over the land upon which the activities described in this application are proposed.
Note:

Interest in real property is typically evidenced by an instrument such as: a warranty deed; lease (subject to the limitations below); easement; judgment of the court; certificate of title issued by a clerk of the court; OR condominium, homeowners, or similar association documents, which demonstrate that the person or entity has sufficient interest in or control over the property to authorize the proposed activities to be permitted. An entity's contract for sale and purchase shall not be considered to have sufficient real property interest or control over the land that is subject to the applicatio , but such entity shall be allowed to submit an application under this chapter (see next check box). Entities with the power of eminent domain and condemnation authority are considered capable of demonstrating that they will ha eal property interest or control prior to constru . **Note—the above documents do NOT have to be submitte** , but must be made available if requested by the Department. Persons requesting activities on state-owned submerged land must also submit s dence of sufficient upland interest in accordance with paragraph 18-21.004(3)(b), F.A.C. (April 14, 2008).

When the real property interest is a lease, the application must either:

a. Include the fee simple owner as a co-applicant;

b. Pr ntation that a governmental entity agrees to accept the transfer of the permit, including completing construction in accordance with the permit if needed, and to operate and maintain the system upon its completion;

c. Provide documentation that the lease over the land and system extends for the expected life of the system; or

d. Provide documentation that the operation and maintenance of the system is will be turned over to a new lessee or the landowner upon revocation, termination, or expiration of the lease.

e. If the lease does not specifically designate an entity to complete construction of the system in accordance with the permit in the event the construction is not so completed by the lessee, or does not specify operation and maintenance requirements for the system, inc tion of a specific operation and maintenance entity, a separate binding document also will be required e at the landowner is liable for co truction or alteration of the system and for operating and maintaining the system in accordance with the p .

☐ Do NOT have sufficient real property interest, as described above (including such things as a contract for sale and purchase or an option agreement) in the land upon which the activities described in this application are proposed. Attached is:

1. A certification from the owner, lessee, or easement holder of such lands, acknowledging that they have knowledge of this application and voluntarily grant the permission, below, for staff of the Department of Environmental Protection, the Northwest Florida Water Management District, and the U.S. Army Corps of Engin and conduct necessary site visits for the review, inspection, and sampling of the lands and waters on the propert ubject of the application and, as a condition of any permit issued, that they agree to provide entry to such lands for staf nd inspect permitted work; and

2. Documentation from the fe e , easement holder, governmental entity, or other entity as provided for in section 12.3 of Applicant's Handbook Volume I, that they are liable for accepting responsibility for operation and maintenance of the system after completion n, and for and performing other terms and conditions as required by the perm .

Note: Neither 1. nor 2., directly above, must be submitted when the n entity with the power of eminent domain and condemnation autho entity shall make appropriate arrangements to enable the above staff to access and inspect the property as n ss and conduct necessary site visits for the review, inspection, and sampling of the lands and waters on the property that are the subject of the application. Such entity also agrees, as a condition of any permit issued, to provide entry to these lands for the above staff to monitor and inspect permitted work.

Mr. Eddie Todd
Typed/Printed Name of Applicant

Signature of Applicant

1/7/11
Date

Chairman, Community Maritime Park Associates, Inc.
(Corporate Title if applicable)

US Army Corps of Engineers

AUTHORIZATION BY OWNER, LESSEE, OR EASEMENT TITLE HOLDER TO ENTER AND INSPECT PROPERTY

I, as owner or easement holder of the land that is the subject of the application submitted by:

Community Maritime Park Associates, Inc. (Mr. Eddie Todd, Chairman)
Name of Applicant

hereby acknowledge that I am aware of the application for an environmental resource permit/federal dredge and fill permit being submitted by the above named applicant, and authorize staff from the Department, NWFWMD, and U.S. Army Corps of Engineers, to access and conduct any site visit on the property necessary for the review, inspection, and sampling of the lands and waters that are the subject of the this applic . Further, I agree, as a condition of any permit issued, to provide entry to such lands for such staff to monitor and inspect permitted work.

Mr. Eddie Todd		1/7/11
Typed/Printed Name of Authorizing Entity	Signature of Authorizing Entity	Date

Chairman, Community Maritime Park Associates, Inc.
(Corporate Title if applicable)

(I may be contacted at 850-436-5651 to arrange access and inspection of the property)

PART 7: APPLICANT AUTHORIZATIONS

A. By signing this application form, I am applying, or I am applying on behalf of the applicant, for authorization to conduct the activity identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a different operation and maintenance entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Albert E. Browder, Ph.D., P.E.
Typed/Printed Name of Applicant (If no Agent is used) or Agent (If one is so authorized below)

Signature of Applicant/Agent — Date

Senior Engineer / Vice-President – Olsen Associates, Inc.
(Corporate Title if applicable)

AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:

B. I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Mr. Eddie Todd — Signature of Applicant — Date
Typed/Printed Name of Applicant

Chairman, Community Maritime Park Associates, Inc.
(Corporate Title if applicable)

Please note: The applicant's original signature (not a copy) is required above.

PERSON WITH AUTHORITY TO AUTHORIZE ACCESS TO THE PROPERTY MUST ALSO COMPLETE THE FOLLOWING:

C. I certify that I [check one of the following]:

☒ Possess sufficient real property interest in or control over the land upon which the activities described in this application are proposed.
Note:

Interest in real property is typically evidenced by an instrument such as: a warranty deed; lease (subject to the limitations below); easement; judgment of the court; certificate of title issued by a clerk of the court; OR condominium, homeowners, or similar association documents, which demonstrate that the person or entity has sufficient interest in or control over the property to authorize the proposed activities to be permitted. An entity's contract for sale and purchase shall not be considered to have sufficient real property interest or control over the land that is subject to the application, but such entity shall be allowed to submit an application under this chapter (see next check box). Entities with the power of eminent domain and condemnation authority are considered capable of demonstrating that they will have sufficient real property interest or control prior to construction. **Note—the above documents do NOT have to be submitted at this time**, but must be made available if requested by the Department. Persons requesting activities on state-owned submerged land must also submit satisfactory evidence of sufficient upland interest in accordance with paragraph 18-21.004(3)(b), F.A.C. (April 14, 2008).

When the real property interest is a lease, the application must either:

a. Include the fee simple owner as a co-applicant;

b. Provide documentation that a governmental entity agrees to accept the transfer of the permit, including completing construction in accordance with the permit if needed, and to operate and maintain the system upon its completion;

c. Provide documentation that the lease over the land and system extends for the expected life of the system; or

d. Provide documentation that the operation and maintenance of the system is will be turned over to a new lessee or the landowner upon revocation, termination, or expiration of the lease.

e. If the lease does not specifically designate an entity to complete construction of the system in accordance with the permit in the event the construction is not so completed by the lessee, or does not specify operation and maintenance requirements for the system, including designation of a specific operation and maintenance entity, a separate binding document also will be required establishing that the landowner is liable for completing construction or alteration of the system and for operating and maintaining the system in accordance with the permit.

☐ Do NOT have sufficient real property interest, as described above (including such things as a contract for sale and purchase or an option agreement) in the land upon which the activities described in this application are proposed. Attached is:

1. A certification from the owner, lessee, or easement holder of such lands, acknowledging that they have knowledge of this application and voluntarily grant the permission, below, for staff of the Department of Environmental Protection, the Northwest Florida Water Management District, and the U.S. Army Corps of Engineers to access and conduct necessary site visits for the review, inspection, and sampling of the lands and waters on the property that are the subject of the application and, as a condition of any permit issued, that they agree to provide entry to such lands for staff to monitor and inspect permitted work; and

2. Documentation from the fee simple owner, easement holder, governmental entity, or other entity as provided for in section 12.3 of Applicant's Handbook Volume I, that they are liable for accepting responsibility for operation and maintenance of the system after completion of construction, and for and performing other terms and conditions as required by the permit.

Note: Neither 1. nor 2., directly above, must be submitted when the applicant is an entity with the power of eminent domain and condemnation authority, but such entity shall make appropriate arrangements to enable the above staff to access and inspect the property as needed to access and conduct necessary site visits for the review, inspection, and sampling of the lands and waters on the property that are the subject of the application. Such entity also agrees, as a condition of any permit issued, to provide entry to these lands for the above staff to monitor and inspect permitted work.

Mr. Eddie Todd
Typed/Printed Name of Applicant

Signature of Applicant

Date

Chairman, Community Maritime Park Associates, Inc.
(Corporate Title if applicable)

US Army Corps of Engineers

AUTHORIZATION BY OWNER, LESSEE, OR EASEMENT TITLE HOLDER TO ENTER AND INSPECT PROPERTY

I, as owner or easement holder of the land that is the subject of the application submitted by:

Community Maritime Park Associates, Inc. (Mr. Eddie Todd, Chairman)
Name of Applicant

hereby acknowledge that I am aware of the application for an environmental resource permit/federal dredge and fill permit being submitted by the above named applicant, and authorize staff from the Department, NWFWMD, and U.S. Army Corps of Engineers, to access and conduct any site visit on the property necessary for the review, inspection, and sampling of the lands and waters that are the subject of the this application. Further, I agree, as a condition of any permit issued, to provide entry to such lands for such staff to monitor and inspect permitted work.

Mr. Eddie Todd		
Typed/Printed Name of Authorizing Entity	Signature of Authorizing Entity	Date

Chairman, Community Maritime Park Associates, Inc.
(Corporate Title if applicable)

(I may be contacted at 850-436-5651 to arrange access and inspection of the property)

US Army Corps of Engineers

SECTION B

Environmental Resource Permit Notice of Receipt of Application

Note: This form does not need to be submitted for noticed general permits.

This information is required in addition to that required in other sections of the application. Please submit five copies of this notice of receipt of application and all attachments with the other required information. Please submit all information on 8 1/2" x 11" paper.

Project Name	**Community Maritime Park Marina**
County	**Escambia**
Owner	**Community Maritime Park Associates, Inc. (City of Pensacola, FL)**
Applicant:	**Community Maritime Park Associates, Inc. (City of Pensacola, FL)**
Applicant's Address:	**222 W. Main St., Pensacola, FL 32502**

1. Indicate the project boundaries on a USGS quadrangle map. Attach a location map showing the boundary of the proposed activity. The map should also contain a north arrow and a graphic scale; show Section(s), Township(s), and Range(s); and must be of sufficient detail to allow a person unfamiliar with the site to find it.
   ATTACHMENT B

2. Provide the names of all wetlands, or other surface waters that would be dredged, filled, impounded, diverted, drained, or would receive discharge (either directly or indirectly), or would otherwise be impacted by the proposed activity, and specify if they are in an Outstanding Florida Water or Aquatic Preserve:
   Waters of Pensacola Bay - not OFW or Aquatic Preserve

3. Attach a depiction (plan and section views), which clearly shows the works or other facilities proposed to be constructed. Use multiple sheets, if necessary. Use a scale sufficient to show the location and type of works.
   ATTACHMENT B

4. Briefly describe the proposed project (such as "construct dock with boat shelter", "replace two existing culverts", "construct surface water management system to serve 150 acre residential development"):
   Construct three (3) dock trees containing 48 slips (44 berths, 4 alongside T-head dock spaces) plus 72 ft of additional alongside dockage. Construct 415-ft long dual steel-sheetpile crib wall with a concrete cap as wave/surge protection for the docks.

5. Specify the acreage of wetlands or other surface waters, if any, that are proposed to be filled, excavated, or otherwise disturbed or impacted by the proposed activity:

   Filled _____ acres; Excavated _____ acres; Other impacts **2.1** acres (preempted area)
   2.10 acres preempted, 0.359 acres of structure footprint

6. Provide a brief statement describing any proposed mitigation for impacts to wetlands and other surface waters (attach additional sheets if necessary): **no mitigation proposed**

FOR AGENCY USE ONLY

Application Name:
Application Number:
Office where the application can be inspected:

Note to Notice recipient: The information in this notice has been submitted by the applicant, and has not been verified by the agency. It may be incorrect, incomplete or may be subject to change.

US Army Corps of Engineers

SECTION D

PROJECT SPECIFIC INFORMATION FOR INDIVIDUAL PERMIT APPLICATIONS *NOT* RELATED TO AN INDIVIDUAL SINGLE-FAMILY DWELLING UNIT

Please provide the information requested below if the proposed project requires an individual permit under Section 373.4145(1)(a), F.S., and Chapter 62-346, F.A.C. The information requested in Sections I and II below represents the level of information that is usually required to evaluate an application. However, because the level of information required for a specific project will vary depending on the nature of the proposed work and the characteristics and location of the site, the information requested herein is not necessarily all-inclusive. Additional information may be requested by the reviewing agency in order to complete your application. The burden of demonstrating compliance with the criteria for issuance of permit rests with the applicant. Therefore, providing a greater level of detail than requested may reduce the need to submit additional information at a later date. If an item does not apply to your project, indicate "Not Applicable" or "N/A," and proceed to the next item.

Please provide, describe, or identify the following:

I. Site Information

A. A vicinity map including all relevant road names.

See Attachment B – Permit Drawings

B. Recent aerials, legible for photo interpretation with a scale of 1 inch = 400 feet, or more detailed, with project boundaries delineated on the aerial.

See Attachment B – Permit Drawings

C. A map or maps of the project area and vicinity delineating USDA/NRCS soil types.

Not Applicable

D. The seasonal high water or mean high tide elevation and normal pool or mean low tide elevation for each on site wetland or surface water, including receiving waters into which runoff will be discharged. Include dates, datum, and methods used to determine these elevations.

See Attachment B – Permit Drawings. MHW elevation determined by published NOAA tide station #8729840 located at the end of S. Commendencia St.

E. The seasonal high ground water tables at the locations representative of the project area. Include dates, datum, and methods used to determine these elevations.

Not Applicable

F. A copy of the County plat map showing all land and acreage owned or controlled by the applicant contiguous to the project.

See Attachment B – Permit Drawings and Attachment D – Plat Map Drawings CA098 from Escambia County Property Appraisers Office

II. Environmental Considerations

A. A description of all proposed activities involving dredging, filling, or construction in, on, or over wetlands or other surface waters (see Chapter 62-340, F.A.C.) within the project boundary.

i) Applicant proposes to construct three (3) dock trees containing a total of 48 slips (44 berths, 4 alongside T-head dock spaces) plus an additional 72 feet of alongside dockage along the western side of the Community Maritime Park to create a day-use marina facility for the upland property.
ii) Applicant proposes to construct a 415-ft long dual steel-sheetpile crib wall with a concrete cap as wave/surge protection for the docks. One of the three dock trees will be integrated into the protective wall

B. Impact Summary Tables:

1. For all projects, complete Tables 1, 2, and 3, as applicable.
2. For docking facilities or other structures constructed over wetlands or other surface waters, provide the information requested in Table 4.
3. For shoreline stabilization projects, provide the information requested in Table 5.

See Attachment E – Impact Summary tables #1 and #4

C. A description of how water quantity, quality, hydroperiod, and habitat will be maintained in any wetlands or other surface waters within and immediately adjacent to the project area.

No effect on water quantity or hydroperiod is expected.
See Attachment F - Water Quality Measurements
See Attachment G – Sediment Testing Measurements
See Attachment H – SAV assessment

D. A discussion of how the boundaries of any wetlands or other surface waters of the state within the project area were determined, including: documentation of any jurisdictional declaratory statement, formal wetland determination, formal determination, validated informal determination, or revalidated jurisdictional determination that may have been performed. Please provide the identifying agency file numbers.

No wetlands involved. Property boundaries determined from deed and County plat maps. See Attachment B

E. A brief narrative identifying all receiving waters, and their classification (i.e. Class I, II, or III, if known), including Outstanding Florida Waters {(OFW) —(see Chapter 62-302, F.A.C., for waterbody classifications and OFW designations)} and Aquatic Preserve (see Chapter 18-20, F.A.C., May 27, 1999), and whether the waterbody is on the Department's approved verified list under Section 403.067(4), F.S. (See: lists of verified impaired waters at: http://www.dep.state.fl.us/water/tmdl/amended_gp1.htm, http://www.dep.state.fl.us/water/tmdl/adopted_gp2.htm, http://www.dep.state.fl.us/water/tmdl/adopted_gp3.htm, http://www.dep.state.fl.us/water/tmdl/adopted_gp4.htm, http://www.dep.state.fl.us/water/tmdl/verified_gp5.htm).

Project lies in Pensacola Bay (Class III waters). Not in OFW or Aquatic Preserve, not on verified list.

F. Results of any wildlife surveys that have been conducted on the site, and provide any comments pertaining to the project from the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service.

None available at this time

G. A narrative description of any proposed mitigation plans, including purpose, maintenance, monitoring, and construction sequence and techniques, and estimated costs.

No mitigation is proposed with this project.

Clear, detailed plans for the system including specifications, plan (overhead) views, cross sections (with the locations of the cross sections shown on the corresponding plan view), and profile (longitudinal) views of the proposed project. The plans must be signed and sealed by a registered professional, as defined in subsection 62-346.030, F.A.C. Plans must include a scale and a North arrow. These plans should show the following:

A. Project area boundary and total land area, including distances and orientation from roads and other land marks.
See Attachment B

B. Existing land use and land cover (acreage and percentages), and on-site natural communities, including wetlands and other surface waters, aquatic communities, and uplands. Use the Florida Land Use Cover & Classification System (FLUCCS)(Level 3). Identify each community with a unique identification number which must be consistent in all exhibits.
100% of site is FLUCCS Designation 541 (Bay opening directly to Gulf of Mexico)

C. The existing topography extending at least 100 feet off the project area, and including adjacent wetlands and other surface waters. All topography shall include the location and a description of known benchmarks, referenced to NGVD or NAVD.
See Attachment B and Attachment I (hydrographic survey)

D. If the project is in the known flood plain of a stream or other water course, identify the 10-year flood and 100-year flood elevations and floodplain boundaries.
See Attachment B: Site lies in Pensacola Bay in an area with 100-yr base flood elevation of +11 ft to +10ft NAVD88. 10-yr flood elevations are not provided by local flood insurance study but are estimated to be approximately +3.5 ft NAVD88.

E. The boundaries of wetlands and other surface waters within the project area. Distinguish those wetlands and other surface waters that have been delineated by any binding jurisdictional determination.
See Attachment B

F. Proposed land use, land cover and natural communities (acreage and percentages), including wetlands and other surface waters, undisturbed uplands, aquatic communities, impervious surfaces, and water management areas.
See Attachments B, H. Site land use code is FLUCCS 541 (bay open to Gulf of Mexico)

G. Proposed impacts to wetlands and other surface waters, and any proposed connections/outfalls to other wetlands and other surface
Not Applicable

H. Proposed buffer zones and their intended uses.
Not Applicable

I. Pre- and post-development drainage patterns and basin boundaries, including original and final contours, showing the direction of flows, including any off-site runoff being routed through or around the system; and connections between wetlands and other surface waters.
Not Applicable

J. Location of all water management areas with details of size, side slopes, and designed water depths.
Not Applicable

K. Location and details of all water control structures, control elevations, any seasonal water level regulation schedules; and the location and description of benchmarks (minimum of one benchmark per structure).
Not Applicable

L. Location, dimensions and elevations of all proposed and existing structures, including utility lines, roads, building (including finished floor elevations), docks, seawalls, and roads.
See Attachment B and Attachment E (Impact Summary Table #4)

M. Location and size of the internal water management facilities including planting plan for littoral zones (if applicable).
Not Applicable

N. Rights-of-way and easements for the system, including all on-site and off-site areas to be reserved for water management purposes, and rights-of-way and easements for the existing drainage system, if any.
Not Applicable

O. Receiving waters or surface water management systems into which runoff from the developed site will be discharged.
Not Applicable

P. Location and details of the erosion, sediment and turbidity control measures to be implemented during each phase of construction and all permanent control measures to be implemented in post-development conditions. (Note: A copy of the Stormwater Pollution Prevention Plan (SWPPP) required under the National Pollutant Discharge Elimination System [NPDES] program is acceptable, but is not required for this item—see Chapter 11 of Applicant's Handbook Volume I).
Not Applicable

Q. Location, grading, design water levels, and planting details of all mitigation areas;
Not Applicable

R. Site grading details, including perimeter site grading.
Not Applicable

S. Disposal site for any excavated material, including temporary and permanent disposal sites.
Not Applicable

T. Dewatering plan details.
Not Applicable

U. Location and description of any nearby existing offsite features which might be affected by the proposed construction or development or may affect the proposed construction or development such as wells (including private, public, irrigation, and agricultural), stormwater management ponds, buildings or other structures, spray fields, land fills, and wetlands or other surface waters.
Not Applicable

V. For phased projects, provide a master development plan.
Not Applicable

W. For marina facilities, locations of any sewage pumpout facilities, fueling facilities, boat repair and maintenance facilities, and fish cleaning stations.
No such facilities to be provided.

Be advised that an additional permit for the facility's construction and operation may be required from the NWFWMD under Chapter 40A-4, F.A.C. (March 2, 2000), if the project utilizes a dam or barrier that is over 10 ft. tall or the facility is capable of impounding 50-ac. ft. or more.

IV. Construction Schedule and Techniques

Construction schedule and description of construction techniques, sequencing and equipment. This information should specifically include the following:

A. Schedule of implementation of temporary and permanent erosion, sediment, and turbidity control measures.
As depicted in Attachment B, floating turbidity screens will be used as needed to control turbidity to State requirements during the installation of pilings, mooring piles, sheetpile walls, etc. No other erosion/sediment control measures are anticipated (no other measures needed). Contractor shall relocate screens as needed to provide necessary turbidity control around individual elements of the work.

B. Construction sequencing, including the utilization of best management practices.
Construction will commence on protective breakwater (est. 6-12 months construction), to be built from falsework to be temporarily installed immediately interior to footprint of structure (within pre-empted area described herein). Work to be followed by dock installation (6-12 months construction). If appropriate (and space permits), work on the two elements may occur simultaneously.

C. Erosion Control and Stabilization Plan, or a Stormwater Pollution Prevention Plan (if applicable).
Not Applicable

D. For projects that involve dredging or excavation in wetlands or other surface waters, describe the method of excavation, and the type of material to be excavated.
Not Applicable

E. For projects that involve fill in wetlands or other surface waters, describe the source and type of fill material to be used. For shoreline stabilization projects that involve the installation of riprap, state how these materials are to be placed, (i.e., individually or with heavy equipment) and whether the rocks will be underlain with filter cloth.
Fill for the sheetpile crib wall will be obtained from clean sand/earth obtained from an offsite source (est. vol. 3,500 to 4,000 cy). The sheetpile cell shall be lined with geotextile filter fabric to prevent weepage of any of the fill into the water.

F. Method for installing any pilings or seawall slabs.
Pilings shall be jetted into place and finally seated by driving. Sheetpile walls for protective breakwater shall by vibrated and/or driven into place.

G. Methods for transporting equipment and materials to and from the work site. If barges are required for access, provide the low water depths and draft of the fully loaded barge.
Equipment shall be delivered to the site via the upland road system and shall access the work from the upland and the temporary falsework (see Item B). Materials shall be accessed by crane from land to the greatest extent possible. Materials for the seaward extent of the work may be accessed via barges, drawing an estimated four to five feet loaded. Low-water depths at the seaward end of the proposed dual sheetpile-wall breakwater are at least 8.7 ft, and depths at the seaward ends of the T-head docks are at least 7.7 ft (following dredging by others under separate permit).

H. If dewatering is required, detail the dewatering proposal including the methods that are proposed to contain the discharge, methods of isolating dewatering areas, and indicate the period dewatering structures will be in place (Note: a consumptive use or water use permit may be ~~by~~ required from the NWFWMD as well as an industrial waste permit from the Department).
Not Applicable

I. Plans for avoiding wetlands and other surface waters when transporting equipment and materials to and from the work site prior to, during, and after construction.
Access roads and corridors have been previously established in the upland (upland site construction is underway on other projects). Contractor and delivery personnel will be limited to those roads/corridors to avoid impacts to any wetlands.

J. A demolition plan for any existing structures to be removed (Note: an asbestos removal permit may be required by the Department).
Not Applicable

K. The schedule and party responsible for monitoring, submitting notice of construction commencement, and submitting as-built certifications for the project when completed.
Schedule: **Work to commence upon receipt of permits, to be completed within 24 months (approx.) of construction start.**
Party for Notices: Baskerville-Donovan, Inc. – 449 W. Main St., Pensacola, FL 32502 (850) 438-9661

V. Drainage Information

Section V Not Applicable to Project

A. Pre-development and post-development drainage calculations, signed and sealed by an registered professional, including the following:

1. Runoff characteristics, including area, runoff curve number or runoff coefficient, NRCS hydrologic soils group, and time of concentration for each drainage basin.

2. Water table elevations (normal and seasonal high) including aerial extent and magnitude of any proposed water table draw down.

3. Receiving water elevations (normal, wet season, design storm including any backwater effects).

4. Design storms used including rainfall depth, duration, frequency, and distribution.

5. Runoff hydrograph(s) for each drainage basin, for all required design storm event(s).

6. Stage-storage computations for any area such as a reservoir, closed basin, detention area, or channel, used in storage routing.

7. Stage-discharge computations for any storage areas at a selected control point, such as control structure or natural restriction.

8. Flood routings through on-site conveyance and storage areas.

9. Water surface profiles in the primary drainage system for each required design storm event.

10. Runoff peak rates and volumes discharged from the system for each required design storm event.

11. Tail water history and justification (time and elevation).

12. Pump specifications and operating curves for range of possible operating conditions (if used in system) as well as redundancy systems and emergency power loss contingency plans.

B. The results of any percolation tests, where appropriate, and soil borings that are representative of the actual site conditions and the specific techniques used.

C. The acreage and percentages of the total project area, of the following:

1. Impervious surfaces, excluding wetlands and other surface water.

2. Pervious surfaces (natural and vegetated areas, not including wetlands).

3. Lakes, canals, retention areas, other open water areas — identify all of these, and also indicate those that are isolated (not connected to other wetlands or other surface waters).

4. Wetlands — identify all of these, and also indicate those that are isolated (not connected to other wetlands or other surface waters).

D. An engineering analysis of floodplain storage and conveyance (if applicable), including:

1. Location and volume of encroachment within regulated floodplains.

2. Plan for compensating floodplain storage, if necessary, and calculations required for determining minimum building and road flood elevations.

E. An analysis of the water quality treatment system, including:

1. A description of the proposed stormwater treatment methodology that addresses the type of treatment, pollution abatement volumes, and recovery analysis.

2. Construction plans and calculations that address stage-storage and design elevations, which demonstrate compliance with the appropriate water quality treatment criteria.

F. Volumetric and mounding analysis for the proposed systems.

G. A description of the methodology, assumptions and references for the parameters listed above, and a copy of all such computations, engineering plans, and specifications used to analyze the system. If a computer program is used for the analysis, provide the name of the program, a description of the program, input and output data, a portable media or electronic copy, if available, and justification for model selection.

Section V Not Applicable to Project

VI. Operation and Maintenance and Legal Documentation

A. Describe the overall maintenance and operation schedule for the proposed system.
Facilities will be maintained by personnel of Community Maritime Park Associates, Inc., which is a non-profit entity of the City of Pensacola, FL designated for the development and operation of the Community Maritime Park. The marina facility shall be completely open to the public and operated on a day-use basis only.

B. Identify the entity that will be responsible for operating and maintaining the system in perpetuity if different than the permittee, a draft document enumerating the enforceable affirmative obligations on the entity to properly operate and maintain the system in perpetuity, and documentation of the entity's financial responsibility for long-term maintenance. If the proposed operation and maintenance entity is not a property owner's association, provide proof of the existence of an entity, or the future acceptance of the system by an entity that will operate and maintain the system. If a property owner's association is the proposed operation and maintenance entity, provide copies of the articles of incorporation for the association and copies of the declaration, restrictive covenants, deed restrictions, or other operational documents that assign responsibility for the operation and maintenance of the system. Provide information ensuring the continued adequate access to the system for maintenance purposes. Before transfer of the system to the operating entity will be approved, the permittee must document that the transferee will be bound by all terms and conditions of the permit.
SAME AS PERMITTEE

C. Copies of all proposed conservation easements, storm water management system easements, property owner's association documents, and plats for the property containing the proposed system.
NOT APPLICABLE

VII. Water Use

Section VII Not Applicable to Project

If the stormwater management system will be used for water supply, including landscape irrigation, provide the reuse plans as set forth in Section 12 of Applicant's Handbook Volume II.

Be advised that if you are proposing any consumptive uses of water, you may need applicable permits under Chapter 40A-2, F.A.C. (March 27, 2006), from the NWFWMD. If required, the following information will need to be provided to the NWFWMD:

A. If a Consumptive Use or Water Use permit has been issued for the project, provide the permit number.

B. If no Consumptive Use or Water Use permit has been issued for the project, indicate if such a permit will be required and when the application for a permit will be submitted.

C. Indicate how any existing wells located within the project site will be utilized or abandoned and the number proposed.

D. Provide stormwater reuse plans if appropriate.

Section VII Not Applicable to Project

SUPPORTING INFORMATION

Pensacola Community Maritime Park
Marina Facility and Protective Seawall

Figure 1 provides a recent oblique view of the project site, located in the waters of Pensacola Bay immediately west of the Community Maritime Park site on W. Main St. in Pensacola, FL. The submerged lands associated with the CMP marina site occupy almost 4.6 acres of the seabed in Pensacola Bay, extending westward from the site shoreline by a distance of just over 260 ft. Typical of many bay parcels along W. Main St., the seabed at the site is deeded to the upland property owner, the City of Pensacola, FL. Community Maritime Park Associates, Inc., is the organization formed by the City to develop the Park. The permit drawings in **Attachment B** provide more specific location information for the site. As depicted in the permit drawings, a portion of the steel-sheetpile protective wall extends westward beyond the City property boundary, onto submerged lands owned by Pensacola Mainstreet, LLC. An agreement must be negotiated between the two parties for this use (in process).

Marina Construction The docks, slips, and access headway and ramps proposed for construction at the site will be constructed of concrete pilings and concrete beams, with timber deck structural elements (stringers, walers, etc.). The walking surfaces will be constructed of timber deck boards and fiberglass open-molded grating for wave/surge-uplift relief (there are no seagrass beds within the site limits). The breakwater shall be constructed of concrete capped-dual steel sheetpile walls, lined with geotextile fabric and filled with clean earth/sand.

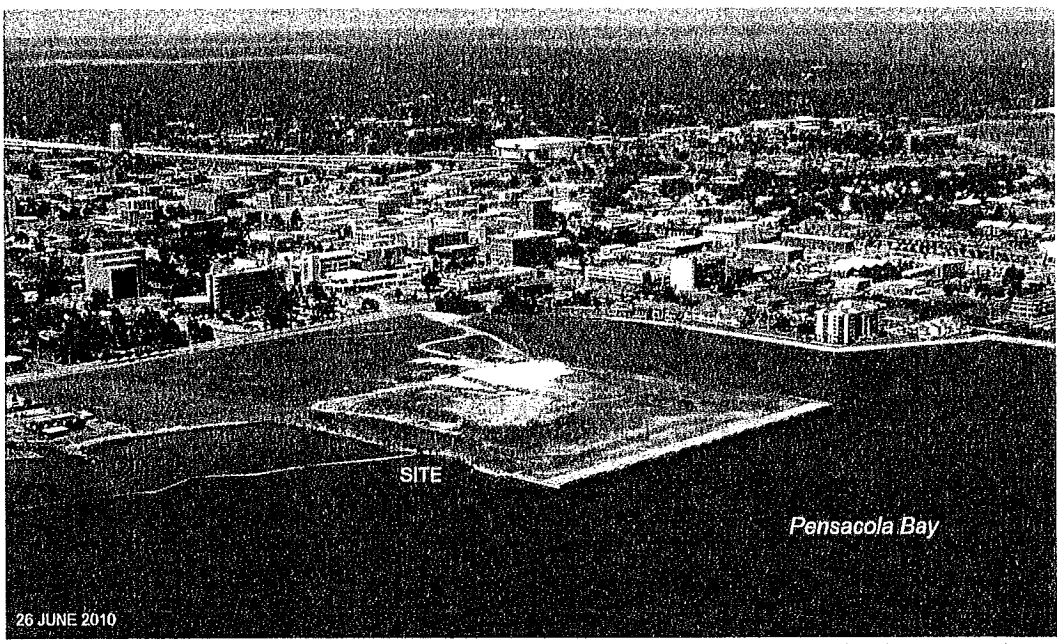


Figure 1 Aerial view of the Pensacola Community Maritime Park site, looking northeast. The proposed marina and breakwater are to be constructed along the west side of the site.

Attachment E provides the required Impact Summary Tables lists the over-water square footage of the proposed structures. The proposed installation pre-empts an area of approximately 2.1 acres (assuming a 15-ft offset from all structures). In total, the square footage of the docks over the seabed is estimated to be approximately 9,432 ft^2. The docks themselves will be constructed to a deck elevation of +3.1 ft MHW (+4.0 ft NAVD88). The headways and ramps shall transition from +3.1 MHW up to the wall crest elevation of +7.1 MHW (+8.0ft NAVD88).

The steel-sheetpile protective wall will occupy approximately 6,225 ft^2 of the seabed. The seawall dock will be constructed by the same method as the two conventional dock trees.

Attachment B contains permit drawings describing the proposed docks, access headway and ramps from the docks to the upland area, and the protective steel-sheetpile wall. **Attachment I** contains a copy of the most recent hydrographic survey of the project area, collected in July 2010 by Baskerville-Donovan, Inc. A survey to assess the presence of submerged aquatic vegetation was conducted by Biological Research Associates, Inc. (**Attachment H**). That survey found no evidence of SAVs within the proposed project footprint. Water quality and sediments testing were likewise performed by Biological Research Associates, Inc., and Larry M. Jacobs and Associates, Inc. Results of those studies are included herein as **Attachments F and G.**

Steel-sheetpile Wall for Marina Protection

The applicant proposes to construct a free-standing double-steel sheetpile wall (crib wall) with a concrete cap to protect the dock facilities from wave action. As depicted in the attached permit drawings (**Attachment B**), the structure is approximately 415 ft in length (at centerline). The elevation of the crest of the structure shall be between +7.1 to +8.4 ft MHW (+8 to +9.5 ft NAVD88), and the concrete cap shall be thirteen to seventeen ft wide (approx.).

The structure shall be constructed of coated steel sheetpile filled with earth/sand, and capped with a concrete pad with handrails to allow pedestrian access on the wall. The dock walkway shall be constructed as an independent pile-supported structure, similar to the adjacent N and S docks.

Permit Fee

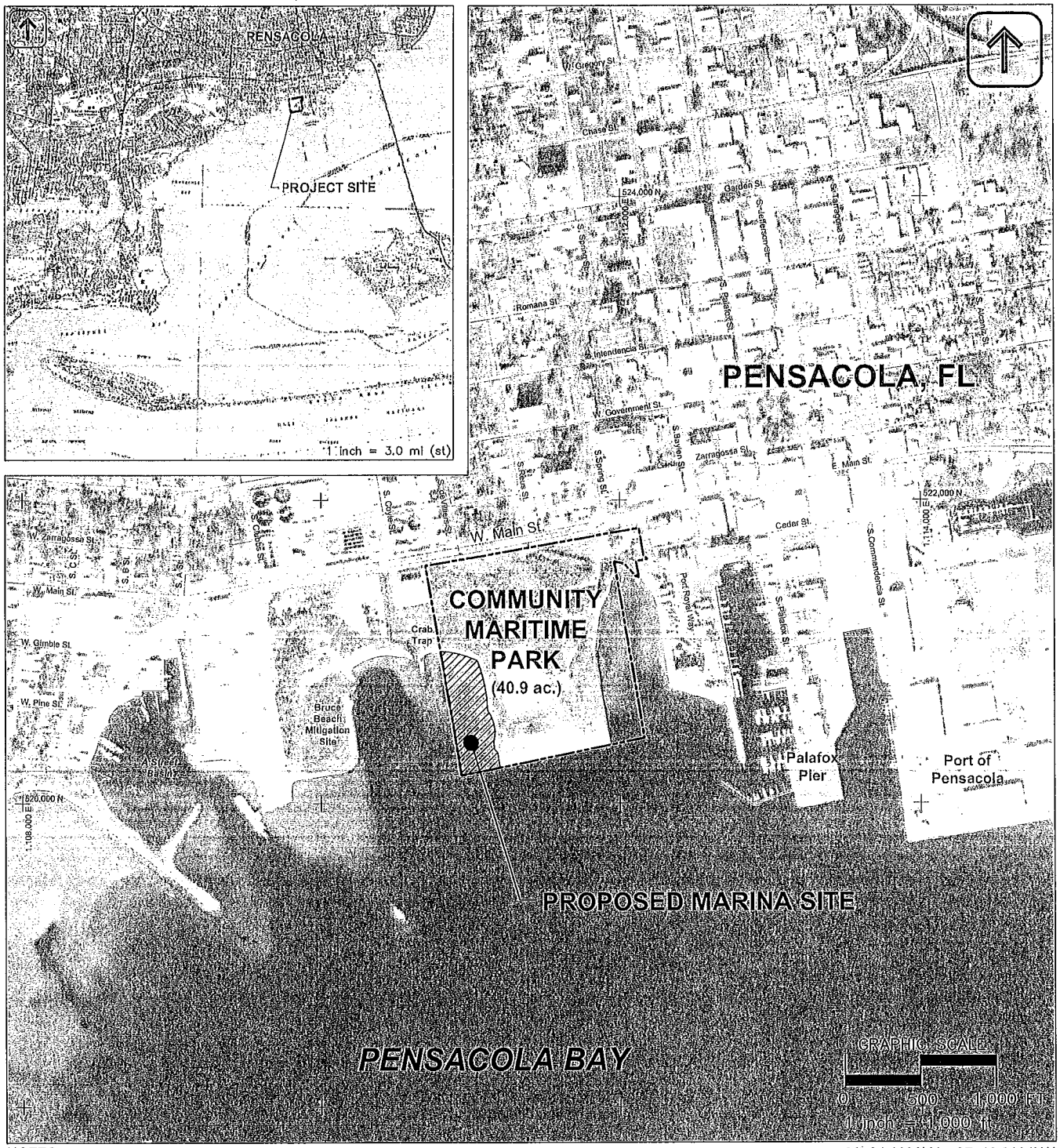
Applicant or applicant's agent shall transmit the required permit fee upon notification from the Department of the precise amount of the fee.

ATTACHMENT B

PERMIT DRAWINGS

Pensacola Community Maritime Park
Marina Facility and Protective Seawall

ESCAMBIA COUNTY, FL



NOTES:

1) DATUMS: NAD83 SPC, FL NORTH (FT, HORIZ.); NAVD88 (FT, VERT.).
2) PHOTO DATE: JAN 2007
3) INSET: PROJECT SITE CAN BE FOUND ON USGS QUAD SHEET 'PENSACOLA'

30° 24.1693' N 87° 13.2164' W
T 2S R 30W S 44

11 Jan '11

Albert E. Browder - FL P.E. #57403

FOR PURPOSES OF PERMIT ONLY
NOT FOR CONSTRUCTION

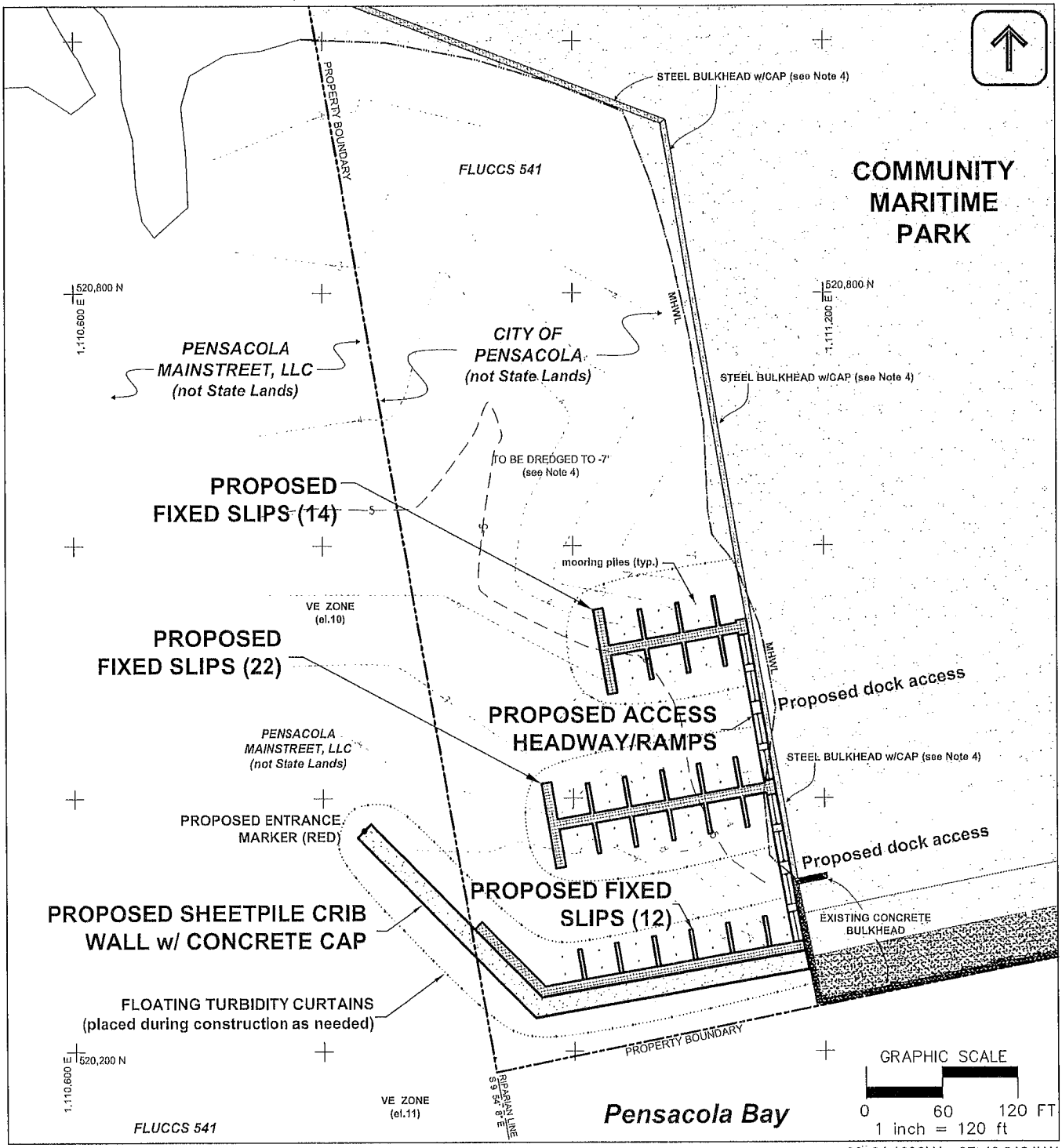
olsen associates, inc.
2618 Herschel St.
Jacksonville, FL 32204
(904) 387-6114
(FAX) 384-7368
COA 00003491

PENSACOLA, FL
COMMUNITY MARITIME PARK
MARINA FACILITY

LOCATION

DATE:	APPR	REVISION	DATE: 01/11/2011
			DRAWN BY: ML
			SHEET 1 of 6

ESCAMBIA COUNTY, FL



NOTES:
1) DATUMS: NAD83 SPC, FL NORTH (FT, HORIZ.); NAVD88 (FT, VERT.).
2) SURVEY DATE: JULY 2010 (BASKERVILLE-DONOVAN, INC.)
3) SLIPS SIZED FOR APPROX. 30-FT VESSELS (48 SLIPS), TYP.
4) DREDGING & UPLAND STEEL BULKHEAD w/CAP PERMITTED PREVIOUSLY.

30° 24.1693' N 87° 13.2164' W
T 2S R 30W S 44

AEB 11 Jan '11

Albert E. Browder - FL P.E. #57403

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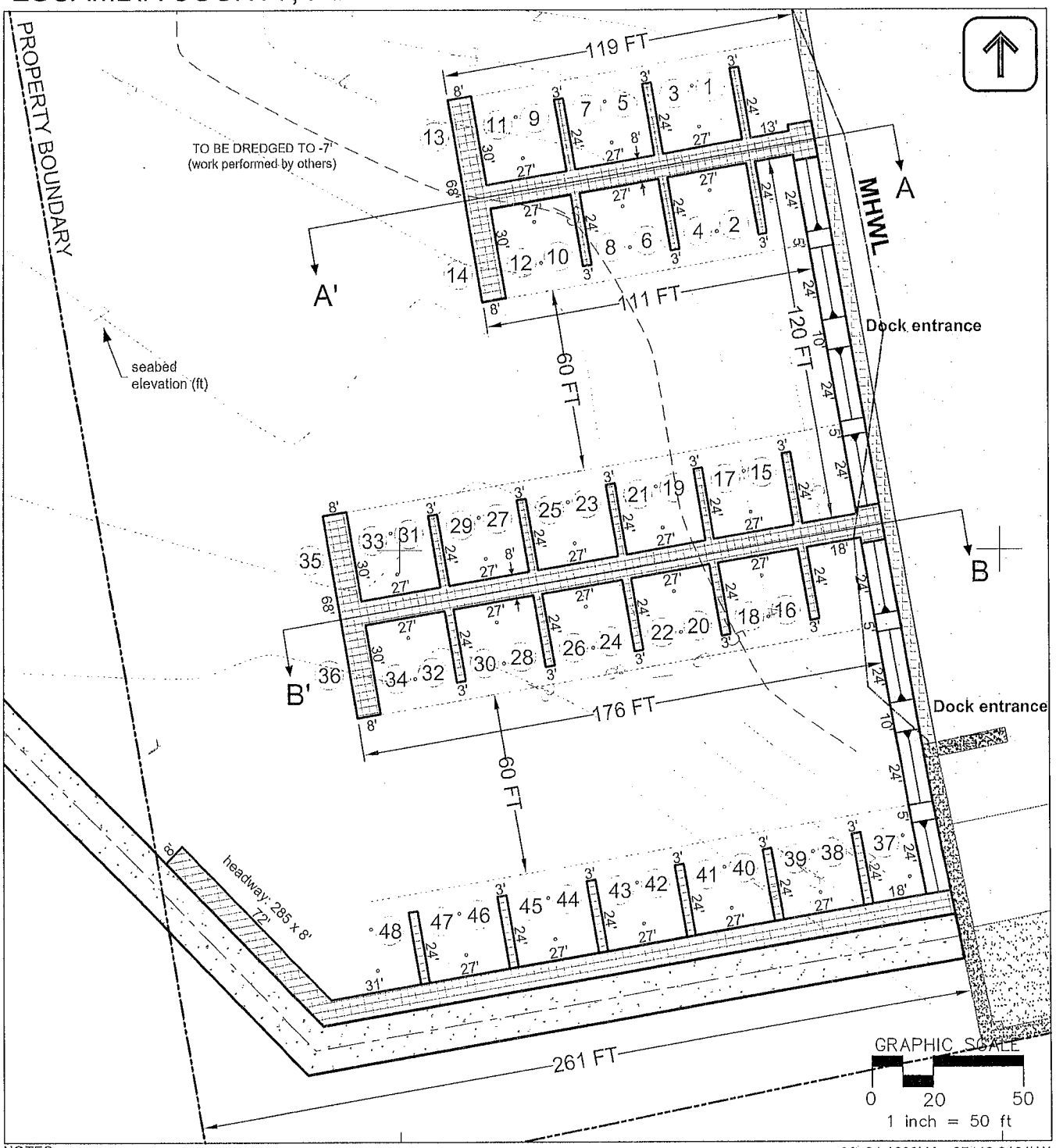
PENSACOLA, FL
COMMUNITY MARITIME PARK
MARINA FACILITY

PROPOSED IMPROVEMENTS

DATE:	APPR	REVISION	DATE: 01/11/2011
			DRAWN BY: ML
			SHEET 2 of 6

ESCAMBIA COUNTY, FL



NOTES:

1) DATUMS: NAD83 SPC, FL NORTH (FT, HORIZ.); NAVD88 (FT, VERT.).
2) SURVEY DATE: JULY 2010 (BASKERVILLE-DONOVAN, INC.)
3) SLIPS SIZED FOR 30-FT VESSELS (48 SLIPS)
4) DOCK & HEADWAY PLAN PROVIDED BY BASKERVILLE-DONOVAN, INC.

30 24.1693' N 87 13.2164' W
T 2S R 30W S 44

11 Jan '11

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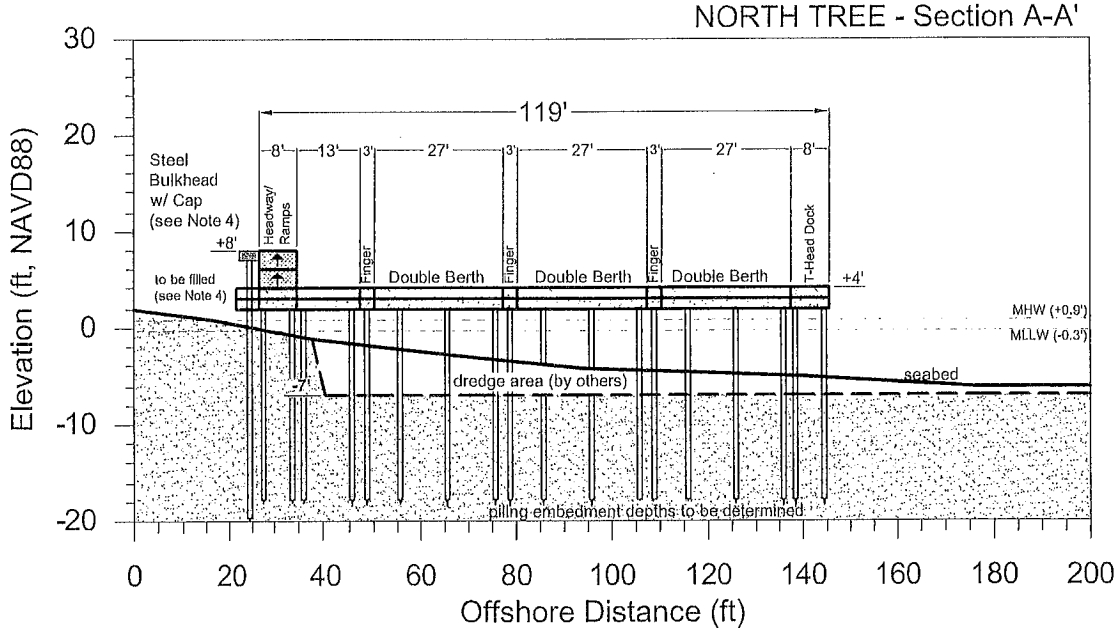
PENSACOLA, FL
COMMUNITY MARITIME PARK
MARINA FACILITY

DOCK DETAILS & DIMENSIONS

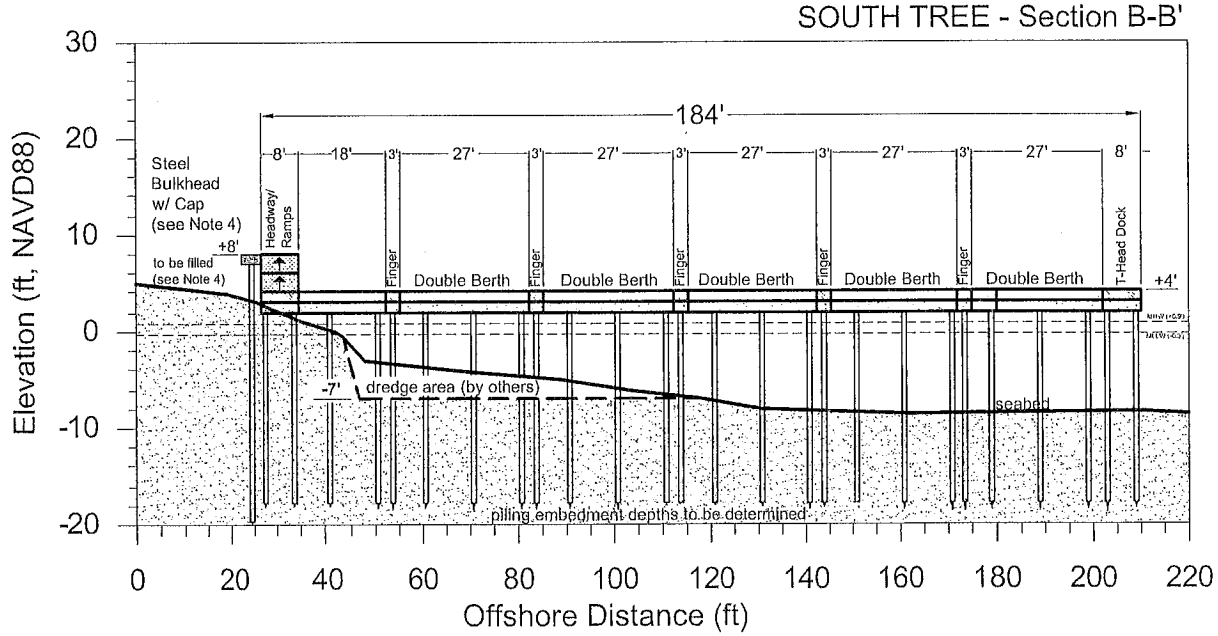
DATE:	APPR	REVISION	DATE: 01/11/2011
			DRAWN BY: ML
			SHEET 3 of 6

ESCAMBIA COUNTY, FL

NORTH TREE - Section A-A'



SOUTH TREE - Section B-B'



NOTES:

1) DISTORTED SCALE 1v:2h
2) PILINGS TO BE CONCRETE (12" SQUARE), TIMBER MOORING PILES NOT SHOWN
3) DECKING TO BE TIMBER & FIBERGLASS GRATING ATOP CONCRETE BEAMS
4) DREDGING, UPLAND FILL, & STEEL BULKHEAD W/CAP PERMITTED PREVIOUSLY

30 24.1693' N 87 13.2164' W
T 2S R 30W S 44

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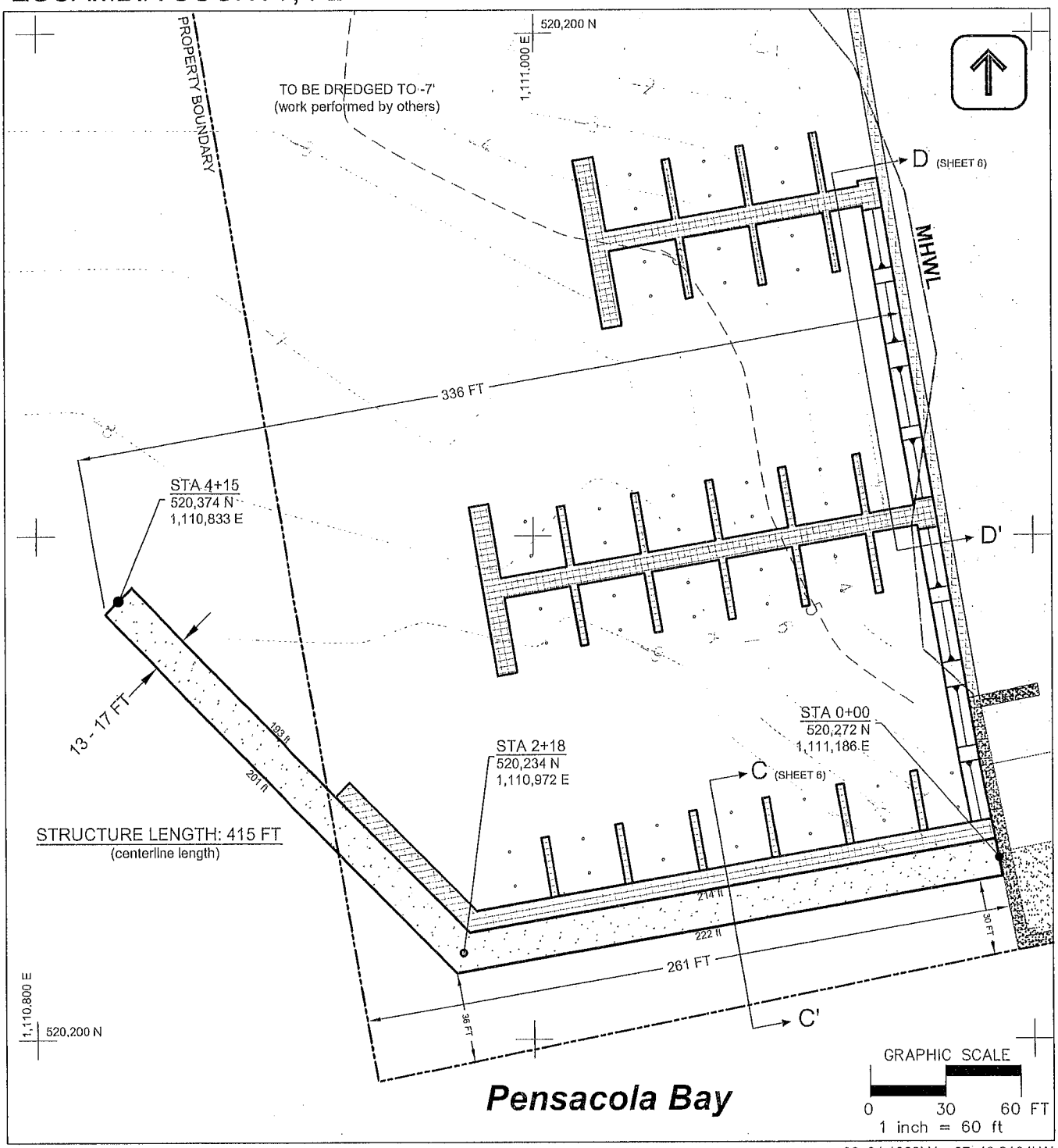
PENSACOLA, FL
COMMUNITY MARITIME PARK
MARINA FACILITY

DOCK SECTIONS

DATE:	APPR	REVISION	DATE: 01/11/2011
			DRAWN BY: ML
			SHEET 4 of 6

ESCAMBIA COUNTY, FL



NOTES:
1) DATUMS: NAD83 SPC, FL NORTH (FT, HORIZ.); NAVD88 (FT, VERT.).
2) SURVEY DATE: JULY 2010 (BASKERVILLE-DONOVAN, INC.)

30 24.1693' N 87 13.2164' W
T 2S R 30W S 44

Albert E. Browder - FL P.E. #57403

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(FAX) 384-7368
COA 00003491

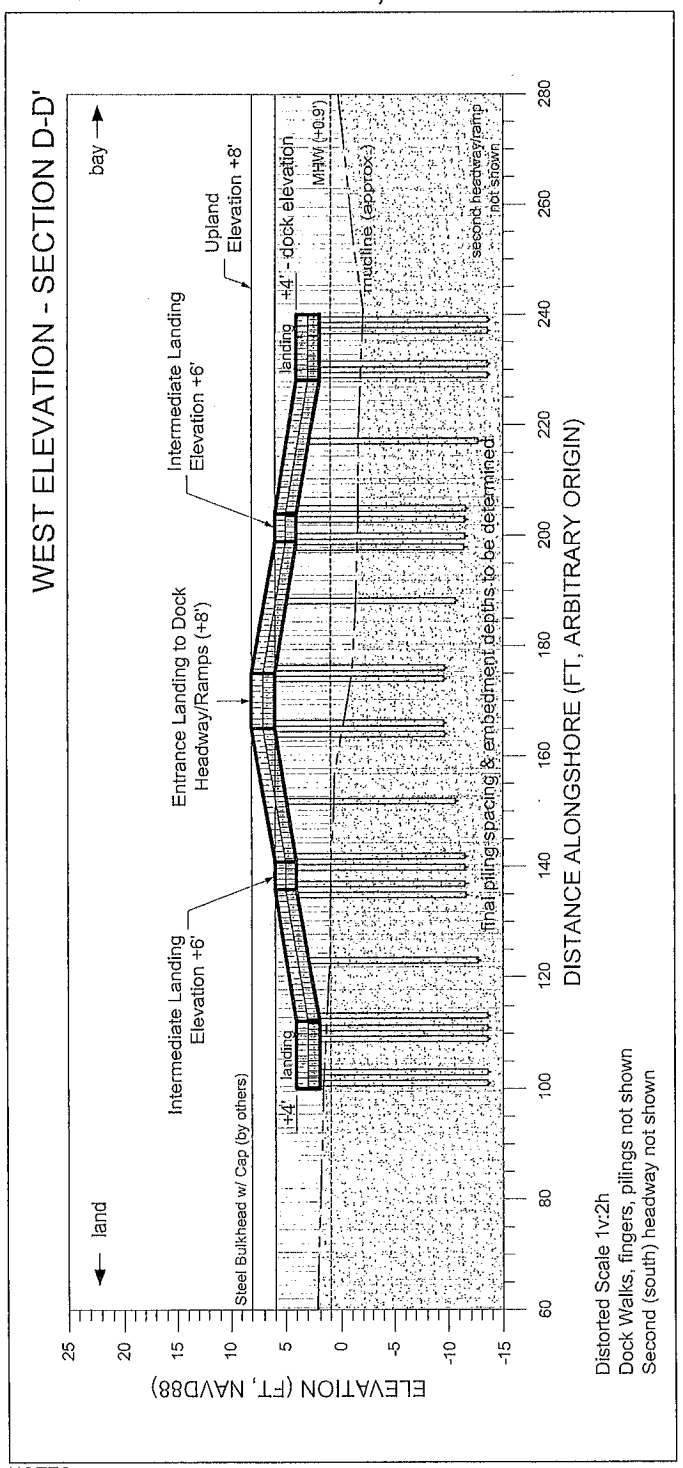
PENSACOLA, FL
COMMUNITY MARITIME PARK
MARINA FACILITY

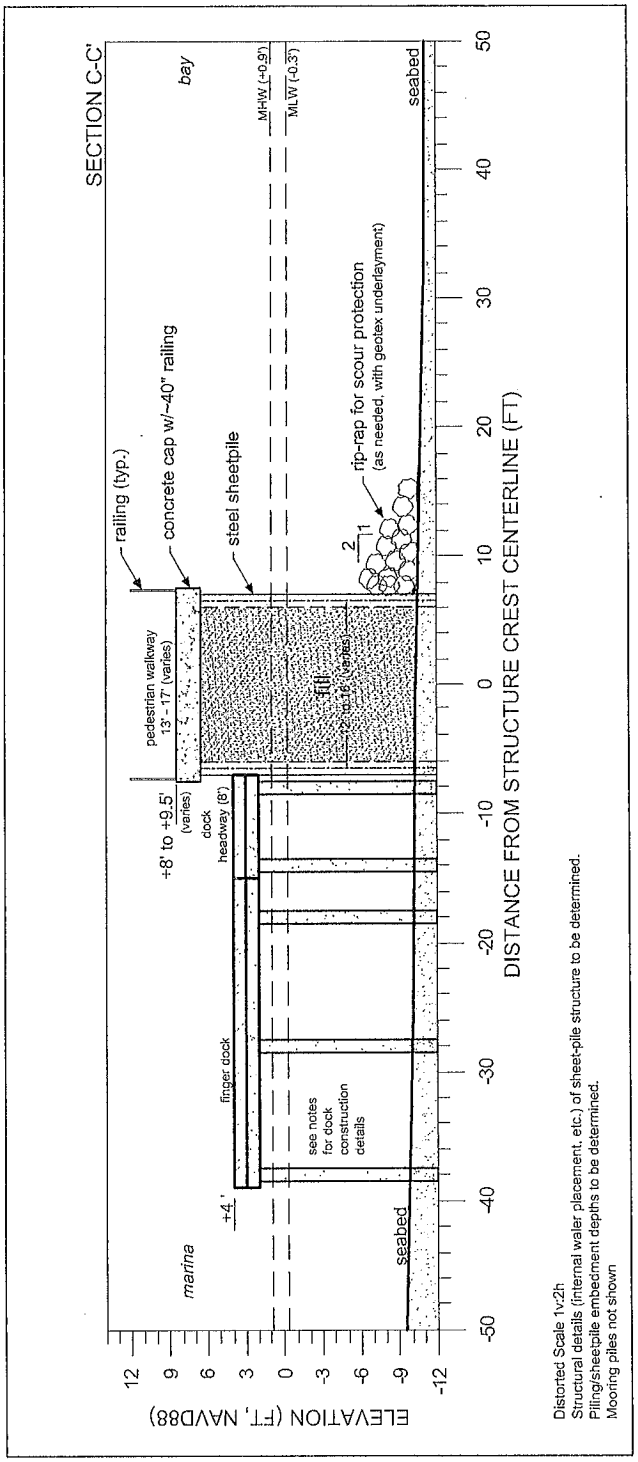
CRIB WALL POSITION & DIMENSIONS

DATE:	APPR	REVISION

DATE: 01/11/2011
DRAWN BY: ML
SHEET 5 of 6

ESCAMBIA COUNTY, FL





NOTES:

1) DATUMS: NAD83 SPC, FL NORTH (FT, HORIZ.); NAVD88 (FT, VERT.).
2) DOCK PILINGS TO BE CONCRETE (12' SQUARE)
3) DOCK DECKING TO BE TIMBER & FIBERGLASS GRATING ATOP CONCRETE BEAMS
4) DOCK & HEADWAY PLAN PROVIDED BY BASKERVILLE-DONOVAN, INC.

30 24.1693' N 87 13.2164' W
T 2S R 30W S 44

11 Jan '11

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PENSACOLA, FL
COMMUNITY MARITIME PARK
MARINA FACILITY

HEADWAY ELEVATION VIEW & CRIB WALL SECTION (TYP.)

DATE:	APPR	REVISION	DATE: 01/11/2011
			DRAWN BY: ML
			SHEET 6 of 6

OTHER PERMITS

Pensacola Community Maritime Park
Marina Facility and Protective Seawall

Enclosed are copies of the following permits relevant to the project site:

FDEP	WRP 17-281401-001-DF
USACE	SAJ-2007-04728-IP-EPS

Florida Department of Environmental Protection

Northwest District Office
160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

January 28, 2009

Community Maritime Park Association
C/o Lacey A. Collier
190 Governmental Center
Pensacola, Fl. 32501

Dear Mr. Collier:

Enclosed is a Wetland Resource Permit, Permit/Authorization No. 17-281401-001-DF, issued pursuant to Part IV of Chapter 373, Florida Statutes.

Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. If you have any questions about this document, please contact me at 850-595-8300x1129.

Sincerely,

Larry O'Donnell
Environmental Manager
Submerged Lands and
Environmental Resources Program

BFR:lo

cc: Biological Resource Associates, Debbie Miloński
U. S. Army Corps of Engineers, Ed Sarfert
Mr. William Hinson, Port Royal HOA

Florida Department of
Environmental Protection

Northwest District Office
160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

WETLAND RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY

APPLICANT:

Community Maritime Park Association
C/o Lacey A. Collier
190 Governmental Center
Pensacola, Fl. 32501

Permit/Authorization Number: 17-281401-001-DF
Date of Issue: January 28, 2009
Expiration Date/ January 28, 2014
Construction Phase: Five years
County: Escambia
Project: Dredge and fill to expand area for maritime park

This permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain a Wetland Resource Permit. The Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

A copy of this authorization also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the enclosed 15 General Conditions and 23 Specific Conditions, which are a binding part of this permit.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities.

Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

ACTIVITY DESCRIPTION:

To dredge approximately 4.0 acres, fill approximately 2.0 acres and install approximately 2200 linear feet of bulkhead and 985 linear feet of riprap on submerged bottom in order to accommodate a proposed maritime park located adjacent to Pensacola Bay just south of the intersection of South Reus Street and Main Street, Pensacola, Florida. Mitigation to offset wetland resource impacts includes the creation of a new salt marsh area and enhancement of an existing salt marsh.

ACTIVITY LOCATION:

The proposed project activity is located just south of the intersection of South Reus Street and Main Street in Pensacola, Sections 44 and 46, Township 2 South and Range 30 West, Latitude 30°24′ 14.6″ and Longitude 87°13′ 07.71″ in Pensacola, Class III Waters, Prohibited Shellfish Harvesting Area.

The proposed mitigation site is located approximately 1,500 feet west of the project site and adjacent to the Bruce Beach mitigation site.

GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

a. Have access to and copy any records that must be kept under conditions of the permit;

b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

a. A description of and cause of noncompliance; and

b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The

permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

11. This permit is transferable only upon Department approval in accordance with rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

14. The permittee shall comply with the following:

a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

c. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;

2. the person responsible for performing the sampling or measurements;

3. the dates analyses were performed;

4. the person responsible for performing the analyses;

5. the analytical techniques or methods used; and

6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

1. If during the progress of this project prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section Chapter 872.05, Florida Statutes.

2. At least 48 hours prior to commencement of work authorized by this permit, the permittee shall notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Suite 202, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501-5794, in writing. The Department telephone number for reporting problems, malfunctions or exceedances under this permit is (850) 595-8300 during normal working hours.

3. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

4. All wetland areas or water bodies which are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring and/or dewatering. Turbidity/erosion controls (turbidity screens, siltation fences, hay bales etc.) shall be installed prior to any clearing, excavation or placement of fill material and shall be maintained in an effective condition at all locations until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than 29 NTU's above background. **The permittee shall be responsible for ensuring that erosion control devices/procedures are inspected/maintained daily during all phases of construction authorized by this permit.** Once these conditions are met, the turbidity and erosion control devices shall be removed within 14 days after construction has been completed. Staked filter cloth shall be positioned at the edge of any fill slopes where they are adjacent to wetlands and **buried at least four inches** in order to prevent turbid run-off and erosion over or under the cloths.

5. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the dredge site as well as the area where sheet pile bulkheads will be installed. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels do not exceed 29 NTU's above background levels . The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards . **Turbidity shall be monitored as described in the monitoring portion of this permit.**

The following measures shall be taken by the permittee whenever turbidity levels within waters of the State, exceed 29 NTUs above background:

a. Immediately cease all work contributing to the water quality violation.

b. Modify the work procedures that were responsible for the violation, and/or install more turbidity containment devices and repair any non-functioning turbidity containment devices.

c. Notify the Department within 24 hours of the time the violation is first detected.

MONITORING REQUIRED DURING CONSTRUCTION

Water Quality - Immediately after bulkhead installation and dredging commences, water quality sampling shall be implemented and a baseline report (taken immediately prior to commencement of dredging) shall be submitted to the Department within 30

days. The following water quality parameters shall be monitored. Permittee shall use a NELAP certified lab to provide analysis.

Dissolved Oxygen (DO) (mg/L) taken 1 ft. below surface, mid-depth, and 1 ft. above bottom
Temperature (T) - take at all 3 levels as above for DO
Turbidity -taken 1 foot below the surface

The monitoring reports shall be submitted to the Department and shall include the following information for each sample that is taken:

a. time of day samples were taken; and
b. depth of water body; and
c. depth of samples; and
d. antecedent weather conditions; and
e. tidal stage and direction of flow; and
f. wind direction and velocity; and
g. if waves were present, wave direction and approximate height.

The following locations shall be monitored for all water quality parameters listed above: **Exact locations shall be determined at a preconstruction meeting with contractor, applicant and applicant's agent. At a minimum, however, a background, upstream, and downstream sample will be required.**

Frequency of water quality monitoring shall be as follows:

DO, temperature and turbidity shall be monitored twice daily at least four hours apart while dredging is being conducted. The samples shall be analyzed within two hours of collection.

6. The dredged material shall be placed in a self-contained, upland disposal site (shown on drawing sheet 1 of 16) which will prevent the escape of dredged material and associated effluent into wetlands and surface waters.

7. There shall be no storage or stockpiling of tools, materials (i.e., lumber, pilings, debris) within wetlands, along the shoreline within the littoral zone or elsewhere within waters of the state unless specifically approved in the permit as an impact area. All cleared vegetation, trash or garbage within the project area or conservation easement area on shall be removed within 14 days of completion of the work authorized in this permit.

8. **It is important to delineate the area of impact from the adjacent wetland areas.** Turbidity and erosion controls required by **condition 4** shall be placed on the construction side of this boundary in the beginning phase of construction and should remain until the on site

construction has finished. No work is authorized in the adjacent wetland areas. All construction personnel shall be shown the locations of all wetland areas outside of the construction area to prevent encroachment from heavy equipment into these areas.

9. The turbidity and erosion controls shall be constructed and in place prior to the placement of any backfill material.

10. All material used as fill for construction shall be clean sand/shell material and shall not be contaminated with vegetation, garbage, trash, tires, or other materials that are not suitable for construction within or adjacent to waters of the State as so determined by the Department.

11. **Care shall be taken so that the placement of dredged materials on the upland site are put on areas of similar or greater contamination and not on previously uncontaminated areas.** At least two feet of clean fill material shall be placed over the contaminated areas. An impervious surface such as asphalt or concrete may be used instead of clean fill. Parking lots and building foundations may be used to cap the contaminated material. An Engineering Controls Report shall be submitted within 60 days of completion of the cap(s). A Restrictive Covenant shall be submitted to the Department along with supporting data listed in the Department's Institutional Controls Procedures Guidance for review and approval.

12. Stormwater outfalls shall not result in scouring or other impacts to the adjacent waters or wetland areas. If scouring or other impacts occur as a result of the outfall structures, the applicant shall notify the Department so a site inspection can be conducted. The applicant may be responsible for restoring the wetland area as coordinated and determined by the Department.

MITIGATION CONDITIONS:

13. The conservation easement forms are attached to this permit. If the project for which this permit was obtained cannot be accomplished for some reason, then pursuant to the provisions of Section 704.06(4), F.S., the conservation easements shall be released by the grantee. In order to receive the release the permittee acknowledges that this permit is no longer required and must formally request to surrender the permit. The release will be affected as a part of the surrender

14. The purpose of this permit is to authorize the permittee to dredge and fill certain described lands within the jurisdiction of the Department. In exchange for this authorization, the permittee is obligated to perform certain acts which are described herein. A material part of the reasonable assurances the Department is relying upon in issuing this permit is that the permittee will timely and completely implement all of the conditions in this permit. The permittee understands that its failure to completely and timely comply with all of the conditions of this permit may result in a revocation or suspension of the permit and the requirement that all work performed be restored. The mitigation requirements that follow reference the parcel where functional mitigation is being performed in addition to conservation.

15. The mitigation to be implemented as part of the reasonable assurances for this project consists of a plan that will enhance a previous mitigation site as well as create a new mitigation site adjacent to the previously authorized site. The "Wetland Compensation Plan" (four pages) and eight drawings labeled Community Maritime Park (job No. 07-310) are included as part of this permit.

16. In order to ensure that the mitigation site is enhanced in accordance with the requirements of this permit, the permittee shall retain a qualified mitigation supervisor to oversee all aspects of the mitigation site implementation, management, monitoring and corrective actions required in this permit.

a. The mitigation supervisor shall be on site during mitigation implementation activities and has the responsibility to ensure that the mitigation is conducted in accordance with the permit.

b. The permittee has the responsibility to ensure that the mitigation supervisor has the requisite experience to oversee the mitigation.

c. The mitigation supervisor must have documented experience in successful mitigation of the type required in this permit. In some cases a mitigation supervisor may be approved if they have less than the specified experience if it can be demonstrated that they have sufficient other professional experience which demonstrates that they should be able to successfully oversee the implementation of the mitigation.

17. It is recommended that the permittee have the mitigation supervisor review the conditions of this permit that pertain to the mitigation. The purpose of this review is to ascertain whether any criteria need to be modified or removed to ensure mitigation success. If the Department concurs that any proposed modifications would improve the likelihood of mitigation success, these changes shall be incorporated into this permit as a minor modification.

18. The Permittee shall commence construction of the mitigation site no later than the commencement of work authorized in this permit at the locations shown and in accordance with the details shown in the permit drawings and stated in the mitigation plan **referenced in Specific Condition 15.**

19. Creation and enhancement of herbaceous mitigation areas shall be deemed successful when the following criteria have been continuously met for a period of at least one growing season, without intervention in the form of irrigation, dewatering, removal of undesirable vegetation, or replanting of desirable vegetation.

a. Not less than 7.31 acres (sum of numbers shown on Proposed Planting Plan Sheet #3) of the mitigation areas are determined by the Department to be jurisdictional pursuant to Section 373.421, F.S.;

b. All wetland species are reproducing naturally, via seedling establishment, growth and survival, for each wetland species;

c. Exotic species are limited to 1% or less of the total cover;

d. Fire adapted, obligate or facultative wet, non-nuisance and non-invasive plant species that you would expect to find in the target system comprise 80% cover of the site.

e. The number of exotic species seedlings that sprout each year must have stabilized so that further treatment is not necessary to maintain success.

f. Herbaceous wetland plants shall be planted on a minimum of 3' centers. The plants shall be container grown and have originated from within the same growing region as the mitigation site.

g. Herbaceous groundcover and emergent species have a total cover of 80% or greater (except in open water area) and consist of the species shown on Sheet #3 of the Proposed Planting Plan.

20. The mitigation shall be determined to be successful when the requirements of Specific Condition No. (s) 13-19 of this permit have been met. The procedures for requesting a success determination and guidelines for the Department's response are provided herein.

a. The permittee may notify the Department whenever they believe the mitigation is successful, but in no event earlier than two years after the mitigation is implemented. This notice shall be sent by certified mail addressed to: Administrator, Submerged Lands and Environmental Resources, 160 Governmental Center, Suite 201, Pensacola, Florida, 32502.

b. The notice shall include a copy of the most recent Annual Progress and Mitigation Success Report and a narrative describing how the reported data support the contention that each of the mitigation criteria has been met. The permittee shall afford Department personnel the opportunity to schedule and conduct enough on-site inspection of the mitigation site(s) to determine whether the criteria are met.

c. Within one hundred twenty (120) days of receipt of this notice, the Department shall notify the permittee by certified mail that the Department determined one of the following:

i. That the mitigation has been successfully completed; or

ii. That the mitigation is not successful, identifying specifically those elements of the mitigation that do not meet the success criteria; or

iii. That the mitigation cannot be determined to be successful at this time, identifying specifically those elements of the mitigation that prevent it from determining whether the mitigation is successful.

iv. When the Department notifies the Permittee that the mitigation is successful, or, if the Department fails to notify the Permittee within the time period prescribed by this condition, then the Permit tee's mitigation obligation under the terms of the permit shall be deemed satisfied for that particular permit area.

21. In the event that the permittee becomes aware that the mitigation is not meeting the success criteria and probably will not meet them (based on site observation or review of

monitoring reports), then the permittee, no later than six months before the permit expiration date, shall:

a. submit an alternative mitigation plan to the Department for review and approval;
   i. Contents of the alternative mitigation plan - The plan shall analyze why a particular mitigation site is not clearly trending towards success and propose actions which will ensure success. The Permittee is on notice that the failure to meet a single success criterion will prevent the mitigation site from meeting the success criteria of this permit.
   ii. Implementation schedule - as part of the alternative mitigation plan, the permittee shall propose a schedule for implementation and completion of all of the provisions of the alternative mitigation plan. Upon approval, the permittee shall implement the contingency plan pursuant to the approved schedule.

b. submit a $500 mitigation fee, pursuant to FAC Rule 62-312.320 (3) or comparable ERP rule should ERP be implemented.

The permittee shall implement the approved plan within 60 days of Department approval of the alternative mitigation plan. The approved plan shall be made a part of this permit.

22. Monitoring shall take place on an annual basis. The purpose of the monitoring is to determine the mitigation site's progress toward achieving the success criteria.

a. Monitoring shall occur from established monitoring plots and shall include vegetative and hydrologic conditions (as appropriate),

b. The permittee shall monitor and take photographs annually until the mitigation sites are successful at the locations indicated,

c. At the end of the first three years of monitoring, the permittee may request in writing that the Department review the efficacy of the monitoring to determine whether or not the frequency or parameters of the monitoring program should be changed.

23. The purpose of the Annual Progress and Mitigation Success Reports is to provide a qualitative and quantitative depiction of the site that is representative of the conditions at the entire site.

a. Reports shall be submitted annually within 60 days of data acquisition until a determination of success has been made by the Department.

b. Data for each report shall be collected at the annual monitoring events described above.

c. The **Progress** Report shall include:
   i. permit number and permittee;
   ii. date permitted activity was begun or is anticipated to begin;
   iii. brief description and extent of work completed since the previous report or since permit was issued;

iv. permittee shall also indicate on copies of the permit drawings those areas where work has been completed;
v. problems encountered and solutions undertaken;
vi. brief description of the work the permittee anticipates commencing, continuing or completing in the next six months. The permittee shall indicate on copies of the permit drawings those areas where it is anticipated that work will be done.
vii. mitigation site management undertaken, including type of management and dates each type was undertaken.

d. The Mitigation Success Report shall include:
i. methods used to collect the information and data;
ii. dates that the on-site monitoring occurred;
iii. results
a. jurisdictional acreage
b. vegetation
c. hydrologic
d. soils
e. supplemental
iv. photographs of the mitigation sites taken from the same permanent stations;
v. discussion of results, work proposed for the next year and recommendations

24. **It is the intent of this permit that, prior to construction, the applicant and their contractors/consultants meet with Department representatives to review the permit conditions and finalize exact locations for water quality sampling**

MITIGATION MONITORING

Monitoring will be utilized in order to evaluate the success of the creation and enhancement methods utilized in the mitigation area. To track changes in community structure, species composition, and species diversity, specific quantitative and qualitative methods were designed. Generally, 50 meter transects will be established in each habitat type, and standardized data will be collected at intervals along each transect. At 10-meter intervals, quadrant plots will be sampled for groundcover and shrubs. All vegetative sampling will be conducted during the growing season (March-November). Baseline monitoring will be performed prior to commencing restoration activities. Monitoring reports will also be submitted annually.

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Barbara F. Ruth
Program Administrator
Submerged Lands & Environmental
Resources Program

Enclosure: permit drawings

cc: Biological Resource Associates, Debbie Milonski
U. S. Army Corps of Engineers, Ed Sarfert
Mr. William Hinson, Port Royal HOA

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies were mailed before the close of business on January 28, 2009 to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk	Date
Cheryl D Cullison	January 28, 2009

Prepared By: Larry O'Donnell

54 pages enclosed

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 111
PENSACOLA, FLORIDA 32502

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
SAJ-2007-04728-IP-EPS

February 20, 2009

Community Maritime Park Associates
c/o Lacey A. Collier
190 Governmental Center
Pensacola, FL 32502

Dear Mr. Collier:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

a. The date of commencement of the work,

b. The dates of work suspensions and resumptions of work, if suspended over a week, and

c. The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at 41 N. Jefferson Street, Suite 111, Pensacola FL 32502. The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM
THE APPROVED PLANS ENCLOSED.

Sincerely,

for David S. Hobbie
Chief, Regulatory Division

Enclosures

Copies Furnished:

NMFS HCD, Mark Thompson, Panama City
NMFS PRD, St. Petersburg
FDEP, Larry O'Donnell, Pensacola
BRA, Debbie Milonski, Destin
Fabre Engineering, William Phillips, Pensacola

CESAJ-RD-PE

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Community Maritime Park Associates	File Number: SAJ-2007-04728-IP-EPS	Date: 02/20/09
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
X	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I: The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II: REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT
REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)
ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION	
If you have questions regarding this decision and/or the appeal process you may contact: **Ed Sarfert,** **Pensacola Regulatory Office**	If you only have questions regarding the appeal process you may also contact: **for process:** **Stuart Santos 904-232-2018** **for JD:** **Michael F. Bell 404-562-5137**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.		
_____ Signature of appellant or agent.	Date:	Telephone number:

DEPARTMENT OF THE ARMY PERMIT

Permittee: Community Maritime Park Associates
c/o Lacey A. Collier
190 Governmental Center
Pensacola, FL 32502

Permit No: SAJ-2007-04728-IP-EPS

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 Corps of Engineers 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: To construct 2200 feet of bulkhead and riprap, to fill the entire 2.87 acres of onsite wetlands and tidal ditch, fill approximately 1.84 acres of immediately adjacent Pensacola Bay bottom for development, to create approximately 4.45 acres of marsh habitat, 2.86 acres of tidal creeks and 0.86 acres of rubble-mound breakwaters for oyster reef for mitigation through filling approximately 4.0 acres of Pensacola Bay bottom and regrading approximately 3.65 acres of littoral zone and adjacent uplands, and dredging approximately 30,152 cubic yards of bay bottom sediment from approximately 4.0 acres of Pensacola Bay. The project known as the Community Maritime Park would include extensive open space for the public, a 3500-seat multi-use facility for baseball, other athletic events, festivals or other activities, a maritime museum and research facility, a 45,000 square foot conference center, University of West Florida classrooms and other educational facilities, amphitheater, parking, and office, retail, entertainment, restaurant, and residential components. The proposed dredged area along the western side of the site is to allow navigable access for 32 to 60-foot long university research vessels and ferry deliveries to the Maritime Museum and Research Facility.

Project Location: The project site is located in waters of, and wetlands adjacent to, Pensacola Bay, at the site known locally as the Trillium Property. The site is on the south side of Main Street between Devilliers Street and Spring Street, Pensacola, in Sections 44 and 46, Township 2 South, and Range 30 East, Escambia County, Florida

Latitude & Longitude: Latitude 30°24'14.6" North
Longitude 87°13'07.71" West

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **17 February 2014**. 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.

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) **Compensatory Mitigation:** Beginning concurrently with initiation of the authorized work and by 12 months from the effective date of this permit, the Permittee shall ***complete*** the following mitigation objectives in accordance with the approved compensatory mitigation plan (Attachment 6: Mitigation Plan) and as detailed on Permit Drawings:

a. Onsite Mitigation

(1) Wetland Creation: Create 4.45 acres of vegetated marsh habitat, 2.86 acres of open water tidal creeks and 0.86 acres of rubble-mound breakwaters that would serve as oyster habitat, in accordance with the attached Mitigation Plan.

(2) Wetland Preservation: Preserve the 4.45 acres of vegetated marsh habitat, 2.86 acres of open water tidal creeks and 0.86 acres of rubble-mound breakwaters. These areas must also be managed in accordance with the attached Mitigation Plan.

This compensatory mitigation area shall be preserved in perpetuity in accordance with the **Perpetual Conservation** Special Condition of this permit.

(2) **Perpetual Conservation**: The Permittee shall maintain the areas referenced in the **Compensatory Mitigation** Special Condition in their created and naturalized state in perpetuity. The Permittee agrees that the only future utilization of these areas will be as a purely natural area in accordance with the attached FDEP Water Quality Certification and Conservation Easement (Attachment 1) with the exception of management, repair or reconstruction as required by this Department of the Army permit.

(3) **Performance Standards:** To meet the objectives of the approved compensatory mitigation plan, the Permittee shall achieve the following performance standards:

a. At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter).

b. Less than 5 percent cover of Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at http://www.fleppc.org.

c. Less than 20 percent mortality of planted wetland species.

d. The Permittee shall achieve the above performance standards by the end of the 5-year monitoring period, with no maintenance during the 5th year of monitoring. In the event that the above performance standards have not been achieved, the Permittee shall undertake a remediation program approved by the Corps in accordance with the **Remediation** Special Condition of this permit.

(4) **Monitoring and Reporting Timeframes:** To show compliance with the performance standards the Permittee shall complete the following:

a. Perform a time-zero monitoring event of the wetland mitigation area(s) within 60 days of completion of the compensatory mitigation objectives identified in the **Compensatory Mitigation** Special Condition of this permit.

b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least one paragraph depicting baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives and a detailed plan view drawing of all created, enhanced and/or restored mitigation areas.

c. Subsequent to completion of the compensatory mitigation objectives, perform semi-annual monitoring of the wetland mitigation areas for the first 3 years and annual monitoring thereafter for a total of no less than 5 years of monitoring.

d. Submit annual monitoring reports to the Corps within 60 days of completion of the monitoring event. Semi-annual monitoring will be combined into one annual monitoring report.

e. Monitor the mitigation area(s) and submit annual monitoring reports to the Corps until released in accordance with the **Mitigation Release** Special Condition of this permit.

(5) **Reporting Format:** Annual monitoring reports shall follow a 10-page maximum report format for assessing compensatory mitigation sites. The Permittee shall submit all documentation to the Corps on 8½-inch by 11-inch paper, and include the following:

a. Project Overview (1 Page):

(1) Department of the Army Permit Number
(2) Name and contact information of Permittee and consultant
(3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted.
(4) A brief paragraph describing the purpose of the approved project, acreage and type of aquatic resources impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts.
(5) Written description of the location, any identifiable landmarks of the compensatory mitigation project including information to locate the site perimeter(s), and coordinates of the mitigation site (expressed as latitude, longitudes, UTMs, state plane coordinate system, etc.).
(6) Dates compensatory mitigation commenced and/or was completed

(7) Short statement on whether the performance standards are being met
(8) Dates of any recent corrective or maintenance activities conducted since the previous report submission
(9) Specific recommendations for any additional corrective or remedial actions.

b. Requirements (1 page): List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of this permit, and evaluate whether the compensatory mitigation project site is successfully achieving the approved performance standards or trending towards success. A table is a recommended option for comparing the performance standards to the conditions and status of the developing mitigation site.

c. Summary Data (maximum of 4 pages): Summary data should be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Photo documentation may be provided to support the findings and recommendations referenced in the monitoring report and to assist the PM in assessing whether the compensatory mitigation project is meeting applicable performance standards for that monitoring period. Submitted photos should be formatted to print on a standard 8 ½" x 11" piece of paper, dated, and clearly labeled with the direction from which the photo was taken. The photo location points should also be identified on the appropriate maps.

d. Maps and Plans (maximum of 3 pages): Maps shall be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan. In addition, the submitted maps and plans should clearly delineate the mitigation site perimeter(s). Each map or diagram should be formatted to print on a standard 8 ½" x 11" piece of paper and include a legend and the location of any photos submitted for review. As-built plans may be included.

e. Conclusions (1 page): A general statement shall be included that describes the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the Permittee or sponsor, including a timetable, shall be provided. The District Commander will ultimately determine if the mitigation site is successful for a given monitoring period.

(6) **Remediation:** If the compensatory mitigation fails to meet the performance standards 5 years after completion of the compensatory mitigation objectives, the compensatory mitigation will be deemed unsuccessful. Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under the permit. The alternate compensatory mitigation proposal may be required to

include additional mitigation to compensate for the temporal loss of wetland function associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.

(7) **Mitigation Release:** The Permittee's responsibility to complete the required compensatory mitigation, as set forth in the **Compensatory Mitigation** Special Condition of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset the authorized impacts in accordance with General Condition 2 of this permit.

(8) **Mitigation Repair or Reconstruction:** The Permittee recognizes the potential vulnerability of this mitigation area to tropical disturbances. As part of this authorization, the Permittee agrees to reconstruct all components of this mitigation site to the original design specifications should the mitigation site be damaged or destroyed after mitigation release. This repair or reconstruction must occur within 18 months from the date of the damaging event. This repair or reconstruction includes the entire 4.45 acres of vegetated marsh habitat, 2.86 acres of open water tidal creeks and 0.86 acres of rubble-mound breakwaters. Modifications to the original design to potentially allow for greater protection from future tropical disturbances may be submitted, but must be approved by the Corps prior to construction. The Corps reserves the right to fully evaluate, amend, and approve or reject alternate design proposals.

(9) **Biological Opinion:** This Corps permit does not authorize the Permittee to take an endangered species, in particular the Gulf sturgeon (*Acipenser oxyrinchus desotoi*). 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 the Permittee must comply). The enclosed National Marine Fisheries (NMFS) Biological Opinion (BO) (Attachment 9) contains information on "incidental take". Authorization under this Corps permit is conditional upon compliance with conditions associated with incidental take of the attached BO, which is incorporated by reference in this permit. Failure to comply with 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 non-compliance with this Corps permit. NMFS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

(10) **Manatee Conditions:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – July 2005" provided in Attachment 8 of this permit.

(11) **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 and provided in Attachment 7 of this permit.

(12) **Dredging and Dewatering:** Dredging and dewatering must occur in accordance with the methods proposed in the permit application, and accepted by the Corps. Dredging of the bay bottom must be accomplished mechanically through use of an "environmental" clam shell bucket that minimizes water entrainment and re-suspension of sediment. The target dredged depth is -10 feet NAVD88, with an overdredge limit of 1 foot. The dredged material must be dewatered solely through evaporation in a self-contained spoil site located near the center of the project site, then used as fill entirely within the project site. There will be no return water discharge to Waters of the United States.

(13) **Turbidity Curtains:** 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 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 until the authorized work has been completed and all erodible materials have been stabilized.

(14) **Erosion Control**: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to surface waters or wetlands shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

(15) **Regulatory Agency Changes**: Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes.

(16) **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.

(17) All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A complete copy shall remain on site at all times during the permitted activities.

(18) If any conflict is found between these Special Conditions and the Permit Drawings and Attachments, or the Mitigation Plan, the Special Conditions shall prevail and supersede the other.

(19) **Reporting Address:** All reports, documentation and correspondence including photographs and reports required in the Conditions of this permit shall be submitted to the following addresses: U.S. Army Corps of Engineers, Enforcement Section, Pensacola Regulatory Office, 41 N. Jefferson, Suite 111, Pensacola, FL 32502. The Permittee shall reference this permit number, **SAJ-2007-04728-IP-EPS**, on all submittals.

(20) **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

(21) **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (attached) to the Corps. The 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 an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List 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 As-Built Certification 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 Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

Further Information:

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

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

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.

A total of **20 PERMIT DRAWINGS + 76** pages are affixed behind this signature page.

(PERMITTEE) CHAIRMAN CMPA — 17 Feb 09 (DATE)

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

(DISTRICT ENGINEER) — 2/20/09 (DATE)
Paul L. Grosskruger
Colonel, U.S. Army
District Commander

ATTACHMENT D

PLAT MAP

Pensacola Community Maritime Park
Marina Facility and Protective Seawall

History Line
Waterway Line
Govt. Section Line
Govt. Lot Line
Right of Way Line
Map/Grid
Easement
Property Line
City Limits Boundary
Subdivision Boundary
SHEET 1 OF 1
OFFICE OF COUNTY APPRAISER
ESCAMBIA COUNTY, FLORIDA
CITY ATLAS
(CA-098)
BARCELONA ST
BARCELONA STREET
BARCELONA STR
REUS STREET
DE VILLIERS STREET
COYLE STREET
DONELSON STREET
CLUBBS STREET
ZARRAGOSSA STREET
MAIN STREET
CEDAR STREET
GIMBLE STREET
PINE STREET
CYPRESS STREET
HICKORY STREET
JUNIPER ST
PENSACOLA BAY
ELECTRIC EASEMENT (WIDTH VARIES)
INGRESS/EGRESS EASEMENT
SUBMERGED
50 R/W
80 R/W
100 R/W

ATTACHMENT E

IMPACT SUMMARY TABLES

Pensacola Community Maritime Park
Marina Facility and Protective Seawall

Enclosed are Impact Summary Tables #1 and #4 for the proposed project

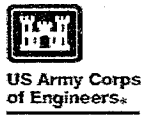

TABLE 1
Project Impact Summary

WL & SW ID	WL & SW TYPE	WL & SW SIZE (ac.) ON SITE	WL & SW ACRES NOT IMPACTED	PERMANENT IMPACTS TO WL & SW		TEMPORARY IMPACTS TO WL & SW		MITIGATION ID
				IMPACT SIZE (acres)	IMPACT CODE	IMPACT SIZE (acres)	IMPACT CODE	
1	541 (FLUCCS)	2.102 acres (pre-empted area around dock structures w/ 15' offset)	1.743	0.359	F (filled or shaded)	--	--	--

WL = Wetland; **SW** = Surface water; **ID** = Identification number, letter, etc.
Wetland Type: Use an established wetland classification system and, in the comments section below, indicate which classification system is being used.
Impact Code (Type): D = dredge; F = fill; H = change hydrology; S = shading; C = clearing; O = other. Indicate the final impact if more than one impact type is proposed in a given area. For example, show F only for an area that will first be demucked and then backfilled.

Note: Multiple entries per cell are not allowed, except in the "Mitigation ID" column. Any given acreage of wetland should be listed in one row only, such that the total of all rows equals the project total for a given category (column). For example, if Wetland No. 1 includes multiple wetland types and multiple impact codes are proposed in each type, then each proposed impact in each wetland type should be shown on a separate row, while the size of each wetland type found in Wetland No. 1 should be listed in only one row.

Comments: **Classification according to FDOT Florida Land Use, Cover and Forms Classification System (Jan 1999)**

US Army Corps of Engineers

TABLE 4
DOCKING FACILITY SUMMARY

Type of Structure*	Type of Work**	Number of Identical Docks	Length (feet)	Width (feet)	Height (feet) (NAVD88)	Total square feet over water	Number of slips
N & S Headway/ramps	New	2	120	8	+8.0 to +4.0 ft	1,920	-
N dock walkway	New	1	111	8	+4.0 ft	920 (incl. landing)	-
S dock walkway	New	1	176	8	+4.0 ft	1,440 (incl. landing	-
N & S T-Head Docks	New	2	68	8	+4.0 ft	1,088	4
finger docks	New	22	24	3	+4.0 ft	1,584	44
Seawall dock walkway	New	1	285	8	+4.0 ft	2,480	2
Steel sheetpile crib wall	New	1	415	15 (approx.)	+8.0 to +9.5 (approx.)	6,225	-

	TOTALS:	Existing	Proposed
*Dock, Pier, Finger Pier, or other structure (please specify what type)	Number of Slips	0	50
**New, Replaced, Existing (unaltered), Removed, or Altered/Modified	Square Feet over the water	0	15,657

Use of Structure:
day-use marina facility with protective sheetpile wall breakwater

Will the docking facility provide:_____

Live-aboard Slips? If yes, Number: none
Fueling Facilities: If yes, Number: none
Sewage Pump-out Facilities? If yes, Number: none
Other Supplies or Services Required for Boating (excluding refreshments, bait and tackle)
☒ Yes ☐ No **electric/water service**

Type of Materials for Decking and Pilings (i.e., CCA, pressure treated wood, plastic, or concrete)

Pilings concrete (mooring piles to be CCA timber pilings)
Decking concrete beams, treated timber deckboards with open-grate fiberglass panels for wave/surge relief
Proposed Dock-Plank Spacing (if applicable) n/a

Proposed Size (length and draft), Type, and Number of Boats Expected to Use or Proposed to be Mooring at the facility
Slips are sized for 30-ft vessels. Alongside and t-head areas may accommodate slightly larger craft.

WATER QUALITY ASSESSMENT (Excerpt)

Pensacola Community Maritime Park
Marina Facility and Protective Seawall

In associated with WRP# 17-281401-001-DF for the dredging of the marina basin at the site, water quality measurements were conducted by Biological Research Associates, Inc. The summary report of that work is included herein. No violations of water quality standards were detected.

WATER QUALITY RESULTS

As agreed upon during our October 4, 2007 meeting, water quality data was acquired from a total of seven (7) stations within and near the project area, as referenced on the attached sampling map (Figure 1). All data was acquired according to FDEP Standard Operating Procedures (SOPs) for field sampling.

Station 1 was located west of the proposed dredge area at the 10' contour line to serve as a reference station for Station 2, which was located at the approximate center of the area proposed for dredge to a depth of 10' below sea level. Station 3 was located within the proposed fill area on the east side of the project. Stations 4 and 5 were located immediately east of the proposed fill limit on the east side of the project. Stations 6 and 7 were located within the Port of Pensacola to serve as a dissolved oxygen (D.O.) reference. The geographical coordinates for each station are provided in Table 1, below.

Table 1. Water quality sampling station locations.

Station ID	Coordinates (latitude/longitude DMS)
1	30°24'10.80"N
	87°13'18.14"W
2	30°24'11.92"N
	87°13'13.06"W
3	30°24'14.36"N
	87°13'01.61"W
4	30°24'14.95"N
	87°12'59.01"W
5	30°24'17.90"N
	87°13'00.70"W
6	30°24'14.54"N
	87°12'42.83"W
7	30°24'09.05"N
	87°12'42.18"W

Data acquired among sampling stations differed based on the monitoring plan agreed to during our meeting. Grab samples were only acquired at Stations 1, 2, 3, 4, and 5 on 10 October 2007. Although the protocol outlined in the September 14th FDEP Request for Additional Information (RAI) required that samples for total arsenic, total chromium, and copper be taken at 1 ft. above bottom, these samples were acquired at mid-depth per Mr. Larry O'Donnell's request. Both oil and grease and fecal and total coliform were collected at the surface. Triplicate samples were taken in the field for oil and grease, total arsenic, total chromium, and copper. Each replicate was analyzed individually. The analytical report provided by TestAmerica is attached. Dissolved oxygen readings were taken at 1 ft. below surface, mid-depth, and 1 ft. above bottom at 6-hour intervals (as approved by Mr. O'Donnell) at Stations 1, 2, 3, and 4 over a 24-hour period on 10-11 October 2007. Instantaneous D.O. values were acquired at Stations 5 and 6 at 1 ft. below surface, mid-depth, and 1 ft. above bottom. Per Mr. O'Donnell's request, D.O. samples at Station 7 were

acquired at 1 ft. below surface, 7.5 ft. below surface, and at 15 ft. below surface. The Hydrolab Quanta calibration log for D.O. is attached.

Weather during and immediately prior (48 hours) to the sampling events was generally warm with highs in the mid to upper 80s (°F), lows in the low 70s (°F), partly cloudy skies, and northerly winds at 6 to 10 miles per hour (mph). The National Oceanic and Atmospheric Administration's (NOAA) harmonic station #4539 reported a high tide of 1.3 feet at 2258 hours and low tide of 0.7 feet at 0729 hours on 10 October 07.

Table 2, below, summarizes the results of parameters measured at each location, the appropriate Rule 62-302, F.A.C., standard for the parameter being measured, and the detection limit for the parameter being measured. Triplicate values are reported for oil and grease, total arsenic, total chromium, and copper for Stations 1, 2, 3, 4, and 5. Oil and grease and total and fecal coliform samples were not required at Station 5. Results were compared to State of Florida Class III marine water quality criteria. The portion of Pensacola Bay west of a line connecting Emanuel Point on the north to the south end of the Pensacola Bay Bridge (U.S. Hwy. 98) is considered Class III waters. State water quality criteria for marine waters, as reported in 62-302.530, F.A.C., were not exceeded for any parameter measured.

Table 2. Water sampling results.

Station ID [total depth (ft.)]	Time	Depth of Sample	Water Temp. (°C)	Dissolved Oxygen (mg/l)	Salinity (ppt)	Oil and Grease (mg/l)	Fecal (F) and Total (T) Coliform (CFU/100 ml)	Total As (µg/l)	Total Cr (µg/l)	Cu (µg
State water quality standard (Class III waters)				See note [1]	No standard	≤ 5.0	See note [2]	≤ 50	≤ 50 [3]	≤ 3.7
Detection limit						5.0 mg/l	1.0 CFU/100 ml	10 µg/l	20 µg/l	1.0 µg/l
WQ1 (-10.5')	1208	-1	28.33	6.46	17					
WQ1 (-10.5')	1208	-9.5	27.72	5.58	17					
WQ1 (-10.5')	1208	-5.25	28.05	6.37	17	U [4]		2.7	U	0.49
WQ1 (-10.5')	1825	-1	27.96	6.42	17					
WQ1 (-10.5')	1825	-9.5	28.02	6.27	17					
WQ1 (-10.5')	1825	-5.25	28.71	6.56	17					
WQ1 (-10.5')	2402	-1	27.67	5.72	17					
WQ1 (-10.5')	2402	-9.5	27.97	5.44	17	1.9	69 (T)	2.8	U	0.54
WQ1 (-10.5')	2402	-5.25	28.02	5.74	17					
WQ1 (-10.5')	640	-1	26.17	5.88	17					
WQ1 (-10.5')	640	-9.5	27.59	5.48	17					
WQ1 (-10.5')	640	-5.25	27.08	5.63	17					
WQ1 (-10.5')	1154	-1	26.51	6.31	17	2.1		3.4	U	0.63
WQ1 (-10.5')	1154	-9.5	26.67	6.17	17					
WQ1 (-10.5')	1154	-5.25	26.56	6.21	17					

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Table 2. Water sampling results, cont'd.

Station ID [total depth (ft)]	Time	Depth of Sample	Water Temp. (°C)	Dissolved Oxygen (mg/l)	Salinity (ppt)	Oil and Grease (mg/l)	Fecal (F) and Total (T) Coliform (CFU/100 ml)	Total As (µg/l)	Total Cr (µg/l)	Cu (µg/l)
State water quality standard (Class III waters)				See note [1]	No standard	≤5.0	See note [2]	≤50	≤50 [3]	≤3.7
Detection limit						5.0 mg/l	1.0 CFU/100 ml	10 µg/l	20 µg/l	1.0 µg/l
WQ2 (-3.3')	1316	-1	28.42	6.66	17					
WQ2 (-3.3')	1316	-1.6	28.45	6.68	17					
WQ2 (-3.3')	1316	-2.3	28.43	6.55	17	U	60 (T)	2.5	U	0.94
WQ2 (-3.3')	1837	-1	27.84	6.34	17					
WQ2 (-3.3')	1837	-1.6	27.86	6.41	17					
WQ2 (-3.3')	1837	-2.3	27.86	6.2	17					
WQ2 (-3.3')	2418	-1	27.15	5.63	17	U		3.5	U	U
WQ2 (-3.3')	2418	-1.6	27.24	5.55	17					
WQ2 (-3.3')	2418	-2.3	27.93	5.51	17					
WQ2 (-3.3')	657	-1.6	26.48	5.25	17					
WQ2 (-3.3')	657	-1	26.43	5.4	17					
WQ2 (-3.3')	657	-2.3	26.29	5.07	17					
WQ2 (-3.3')	1203	-1.6	26.7	6.55	17	U		2.4	U	U
WQ2 (-3.3')	1203	-1	26.62	6.48	17					
WQ2 (-3.3')	1203	-2.3	26.71	6.56	17					
WQ3 (-5.3')	1424	-1	28.5	6.39	17					
WQ3 (-5.3')	1424	-2.8	28	6.48	17					
WQ3 (-5.3')	1424	-4.3	27.95	6.36	17	U		2.9	U	0.35
WQ3 (-5.3')	1847	-1	27.98	6.42	17					
WQ3 (-5.3')	1847	-2.8	28.1	6.45	17					
WQ3 (-5.3')	1847	-4.3	28.14	6.52	17					
WQ3 (-5.3')	2429	-1	27.21	5.72	17					
WQ3 (-5.3')	2429	-2.8	27.83	5.22	17	U	80 (T)	3.4	U	0.28
WQ3 (-5.3')	2429	-4.3	27.9	5.34	17					
WQ3 (-5.3')	725	-1	26.55	5.73	17					
WQ3 (-5.3')	725	-2.8	26.63	5.66	17					
WQ3 (-5.3')	725	-4.3	26.65	5.57	17					
WQ3 (-5.3')	1225	-4.3	26.8	6.69	17	U		3.5	U	0.33
WQ3 (-5.3')	1225	-2.8	27.65	6.59	17					
WQ3 (-5.3')	1225	-1	26.74	6.52	17					
WQ4 (-7.75')	1436	-1	28.4	6.36	17					
WQ4 (-7.75')	1436	-3.8	27.95	6.33	17					
WQ4 (-7.75')	1436	-6.75	27.89	5.87	17	U		3.1	U	0.34
WQ4 (-7.75')	1854	-1	27.99	6.21	17					
WQ4 (-7.75')	1854	-3.8	28.01	6.22	17					
WQ4 (-7.75')	1854	-6.75	28.03	5.93	17		69 (T), 10 (F)			
WQ4 (-7.75')	2436	-1	27.25	5.63	17					
WQ4 (-7.75')	2436	-3.8	27.97	5.38	17	U		3.4	U	0.39
WQ4 (-7.75')	2436	-6.75	27.83	5.32	17					
WQ4 (-7.75')	732	-6.75	26.8	5.26	17					

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Table 2. Water sampling results, cont'd.

Station ID (total depth (ft.))	Time	Depth of Sample	Water Temp. (°C)	Dissolved Oxygen (mg/l)	Salinity (ppt)	Oil and Grease (mg/l)	Fecal (F) and Total (T) Coliform (CFU/100 ml)	Total As (µg/l)	Total Cr (µg/l)	Cu (µg/l)
State water quality standard (Class III waters)				See note [1]	No standard	≤ 5.0	See note [2]	≤ 50	≤ 50 [3]	≤ 3.7
Detection limit						5.0 mg/l	1.0 CFU/100 ml	10 µg/l	20 µg/l	1.0 µg/l
WQ4 (-7.75')	732	-3.8	26.61	5.45	17	U		3.4	U	0.43
WQ4 (-7.75')	732	-1	26.55	5.49	17					
WQ4 (-7.75')	1231	-6.75	26.87	6.58	17					
WQ4 (-7.75')	1231	-3.8	26.87	6.6	17					
WQ4 (-7.75')	1231	-1	26.85	6.56	17					
WQ5 (-5.20')	1408	-1	28.6	6.49	17	N/A	N/A	3.4	U	0.40
WQ5 (-5.20')	1408	-2.5	28.04	6.4	17			2.8	3.2	0.60
WQ5 (-5.20')	1408	-4.2	27.98	6.58	17			3.7	U	0.44
WQ6 (-5.00')	1316	-1	26.77	6.34	17	N/A	N/A	N/A	N/A	N/A
WQ6 (-5.00')	1316	-4	26.74	6.43	17	N/A	N/A	N/A	N/A	N/A
WQ6 (-5.00')	1316	-2.5	26.76	6.4	17	N/A	N/A	N/A	N/A	N/A
WQ7 (>-15', total depth unknown)	1328	-15	26.84	6.19		N/A	N/A	N/A	N/A	N/A
WQ7 (>-15', total depth unknown)	1328	-7.5	26.67	6.25		N/A	N/A	N/A	N/A	N/
WQ7 (>-15', total depth unknown)	1328	-1	26.77	6.45		N/A	N/A	N/A	N/A	N/A

[1] Class III marine D.O. criteria state that " (Dissolved Oxygen) shall not average less than 5.0 in a 24-hr. period and shall never be less than 4.0. Normal daily and seasonal fluctuations above these levels shall be maintained".

[2] Class III marine bacteriological quality (fecal coliform bacteria) criteria state "MPN or MF counts shall not exceed a monthly average of 200, nor exceed 400 in 10% of the samples, nor exceed 800 on any one day. Monthly averages shall be expressed as geometric means based on a minimum of ten samples taken over a 30-day period".

[3] Reported values are measures of total chromium, including both hexavalent (+6) and trivalent (+3) forms. Class III marine criteria are listed for Cr^{+6} only.

[4] Undetected by laboratory analysis.

The soils encountered were predominantly sand and slightly silty sand soils that did not contain significant amounts of silt/clay. The percentages of silt/clay are the %finer than 0.075 mm represented by the rightmost point on the curves. On average, the samples contained 3% clay/silt by weight. The two samples with the most silt/clay were TH-2, Sample 3 with 6.4% silt/clay and TH-3, Sample 3 with 12.9% silt/clay.

SEDIMENTS ASSESSMENT (Excerpt)

Pensacola Community Maritime Park
Marina Facility and Protective Seawall

In associated with WRP # 17-281401-001-DF for the dredging of the marina basin at the site, sediment testing for contaminants was conducted by Larry M. Jacobs and Associates, Inc., for Biological Research Associates, Inc. The summary report of that work is included herein. No violations of State standards were detected.

the sample was spiked relative to digestion; 2) absorbencies or responses for calibration curves, analytical samples, and quality control samples; and, 3) quality control samples should include preparation blanks, calibration blanks, field blanks, and independent reference samples. Having this information readily available may eliminate the need for additional sampling.

Sediment Results

Results of sediment sampling conducted by Larry M. Jacobs & Associates Inc., on 25 and 26 October 2007 are presented in "Report of Sediment Sampling and Testing Results for the Proposed Maritime Park Dredge, Escambia County, Florida" ("the report") and is attached. The report details sampling efforts including locations, depths, parameters, and analytical results. Sampling was conducted according to recommendations by the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (ACOE). Included below is a brief analysis and summary of the results.

Results & Discussion

The distribution of grain size fractions can be a primary determinant of the occurrence of heavy metals in sediments. Sediments comprised mainly of sand grain-size or larger particles are less likely to accumulate heavy metals than are sediments with a substantial fraction (i.e., more than 10 percent) of fines (silt and clay components). Figure 3, pages one through seven of the report indicates only one sample (Test Hole #3, sample 3) had a significant fraction of fines (above 10 percent), and the vast majority of all samples consisted of sand. Results indicate a relatively low likelihood of accumulation of heavy metals in the sediments.

Table 1 provides a summary of the heavy metal analysis on the sediment samples, and shows the maximum concentration observed for each test hole. There are no sediment standards for metals in Florida waters, and sediment data interpretation is hampered by a variety of factors, including mineralogy, grain size, organic content, spatial heterogeneity, and anthropogenic factors. The development, use, and accuracy of sediment quality guidelines (SQG) to assist in determining the ecological affect of heavy metals in sediments has been well documented (Long and Morgan 1990, MacDonald 1994, Long et al. 1998, Buchman 1999, Wenning and Ingersoll 2002, Hinkey and Zaidi 2007). SQGs from MacDonald (1994) relating metals concentrations to known toxicological levels of metals through the use of several threshold levels are listed below the sampling data in Table 1 to allow for comparisons between measured metals levels and the levels where ecological effects may be expected. The Threshold Effects Level (TEL) is the concentration of a metal below which adverse biological effects are never observed (MacDonald 1994). The Predicted Effects Level (PEL) is the concentration above which adverse biological effects are likely (MacDonald 1994). It is important to understand that the TEL and PEL numerical values are based simply upon a statistical evaluation of an array of toxicological studies conducted under a variety of laboratory and field conditions. While these values are useful in providing a general comparison to ecotoxicological findings, they do not represent regulatory criteria or clean-up levels.

In addition to the SQGs, the commercial and industrial soil cleanup target level (SCTL) is listed below the data in Table 1. These are included in this assessment because dredge material is proposed for use as fill onsite, and are thus subject to FDEP approved soil cleanup target levels.

Table 1. Heavy Metals Analysis, Maritime Park, Escambia County, Florida, 25 and 26 October 2007.

	Maximum Concentration Observed									
Station	Aluminum (mg/Kg)	Arsenic (mg/Kg)	Barium (mg/Kg)	Cadmium (mg/Kg)	Chromium (mg/Kg)	Copper (mg/Kg)	Lead (mg/Kg)	Selenium (mg/Kg)	Silver (mg/Kg)	Zinc (mg/Kg)
Test Hole #1	1200	1.2	2.1	U	3.8	3.7	16	U	U	17
Test Hole #2	4200	4.1	6.8	0.27	8.2	7.9	18	1.3	U	61
Test Hole #3	3700	2.1	14	0.15	7	14	29	U	U	48
Test Hole #4	1400	1.1	1.6	U	2.7	2.3	4.9	U	U	9.9
TEL[1]	---	7.24	N/A	0.68	52.3	18.7	30.2	N/A	0.73	124
PEL[2]	---	41.6	N/A	4.2	160	108	112	N/A	1.77	271
SCTL[3]	---	12	130000	1700	470	89000	1400	11000	8200	630000

U - Undetected

[1] Threshold Effects Level (MacDonald 1994)

[2] Predicted Effects Level (MacDonald 1994)

[3] Commercial Soil Cleanup Target Level (FAC 62-777)

As the table indicates, the maximum concentration of all metals at each test hole was below the TEL and PEL sediment quality guidelines. Additionally, the maximum concentrations at each test hole were well below the commercial SCTLs. Analysis indicates observed heavy metals concentrations pose no ecological or human health risk, and thus raise no concern with respect to the proposed Maritime Park dredge project.

Table 2 presents the results of the volatile organic compound (VOC), polycyclic aromatic hydrocarbon (PAH), and total recoverable petroleum hydrocarbons (TRPH) analysis, and shows the maximum concentration for each test hole. The SQG (TEL and PEL) and SCTL for each parameter are also listed, where applicable. Only detections are listed for the PAHs; any PAH undetected at all sampling stations is not listed.

Sediment quality guidelines for VOCs have not been developed; however, all maximum concentrations observed were well below all SCTLs. All of the PAHs listed have at least one maximum concentration above the TEL guideline. All of the PAH concentrations at each test hole are well below both the PEL and SCTL for each parameter. Maximum TRPH concentrations ranged from 31 to 150 mg/Kg across all test holes and sampling stations and were well below the SCTL of 2700 mg/Kg. Observed concentrations of VOCs, PAHs and TRPH were well below toxicological thresholds where biological effects are likely to occur, as well as, cleanup target levels at all sampling stations. The petroleum constituents analyzed in this assessment do not raise any concern with respect to the proposed Maritime Park dredge project.

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Table 2. VOC, PAH, TRPH sampling results, Maritime Park, Escambia County, Florida, 25 and 26 October 2007.

Parameter	Maximum Concentration Observed				TEL[1]	PEL[2]	SCTL[3]
	Test Hole #1	Test Hole #2	Test Hole #3	Test Hole #4			
Volatile Organic Compounds							
Benzene (µg/Kg)	U	U	0.67	0.53	N/A	N/A	1700
1,2-Dichloroethane (µg/Kg)	U	U	U	U	N/A	N/A	700
Ethylbenzene (µg/Kg)	U	U	4.8	4.3	N/A	N/A	9200000
Ethylene Dibromide (µg/Kg)	U	U	U	U	N/A	N/A	N/A
Methyl tert-butyl ether (µg/Kg)	U	1.9	2.3	1.9	N/A	N/A	24000000
Toluene (µg/Kg)	U	1.1	1.7	2.8	N/A	N/A	60000000
Xylenes, Total (µg/Kg)	U	U	6.1	8.5	N/A	N/A	700000
Polycyclic Aromatic Hydrocarbons							
Anthracene (µg/Kg)	U	95	U	U	46.9	245	300000000
Benzo(a)anthracene* (µg/Kg)	76 (7.6)	78 (7.8)	340 (34.0)	44 (4.4)	74.8	693	700
Benzo(a)pyrene (µg/Kg)	100	160	450	61	88.8	763	700
Benzo(b)fluoranthene* (µg/Kg)	140 (14.0)	240 (24.0)	510 (51.0)	90 (9.0)	N/A	N/A	700
Benzo(g,h,i)perylene (µg/Kg)	68	94	230	U	N/A	N/A	N/A
Benzo(k)fluoranthene* (µg/Kg)	57 (0.57)	110 (1.1)	210 (2.1)	U	N/A	N/A	700
Chrysene* (µg/Kg)	100 (0.1)	110 (0.1)	390 (0.39)	53 (0.053)	108	846	700
Dibenz(a,h)anthracene* (µg/Kg)	U	U	94 (94)	U	6.22	135	700
Fluoranthene (µg/Kg)	190	110	470	64	113	1494	59000000
Indenol(1,2,3-cd)pyrene* (µg/Kg)	61 (6.1)	83 (8.3)	190 (19.0)	U	N/A	N/A	700
Phenanthrene (µg/Kg)	62	U	200	U	86.7	544	36000000
Pyrene (µg/Kg)	180	270	520	81	153	1398	45000000
Petroleum Range Organics							
TRPH (mg/Kg)	60	52	150	31	N/A	N/A	2700

* These parameters require conversion using a Toxic Equivalency Factor before comparison to SCTL. Value in parentheses is converted

U - Undetected

[1] Threshold Effects Level (MacDonald 1994)

[2] Predicted Effects Level (MacDonald 1994)

[3] Commercial Soil Cleanup Target Level (FAC 62-777)

As expected, concentrations of heavy metals, VOCs, PAHs, and TRPH are generally higher in the shallow sediments and decrease with depth (Figures 1 through 4). When considered over all test holes, concentrations of selected parameters significantly decreased as the depth of the test hole increased (Spearman's rank correlation, $p < 0.05$): TRPH ($r_s = -0.70$), Arsenic ($r_s = -0.55$), and benzo(a)pyrene ($r_s = -0.50$). Toluene may also decrease as the depth of test hole increases, but many samples had undetected amounts of toluene at all depths (Figure 4), which prevented correlation analysis for this parameter.

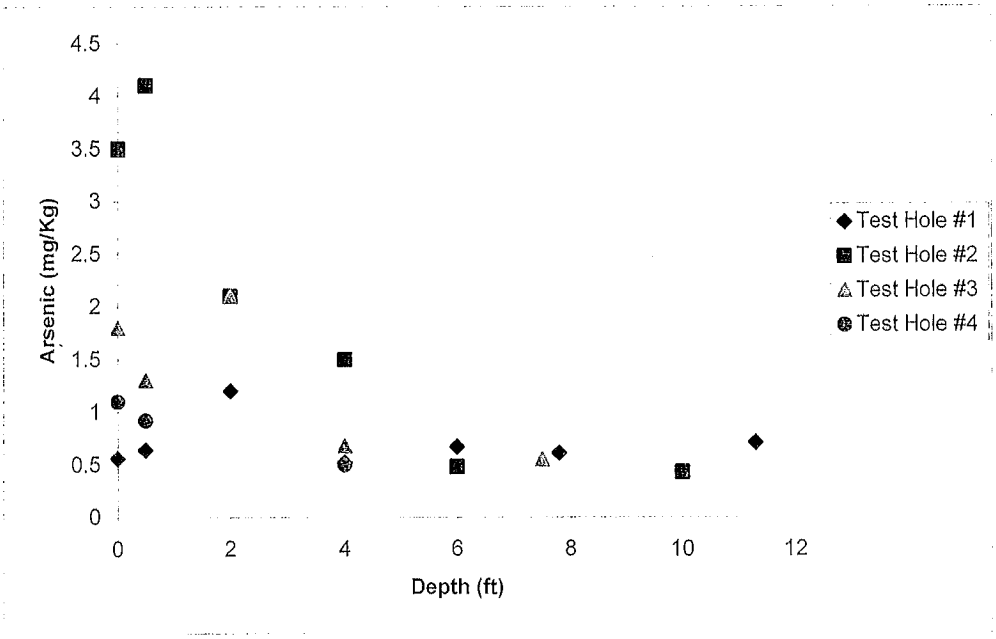

Figure 1. **Arsenic concentrations in relation to depth of sediment, proposed Maritime Park dredge, Escambia County, Florida, 25 and 26 October 2007.**

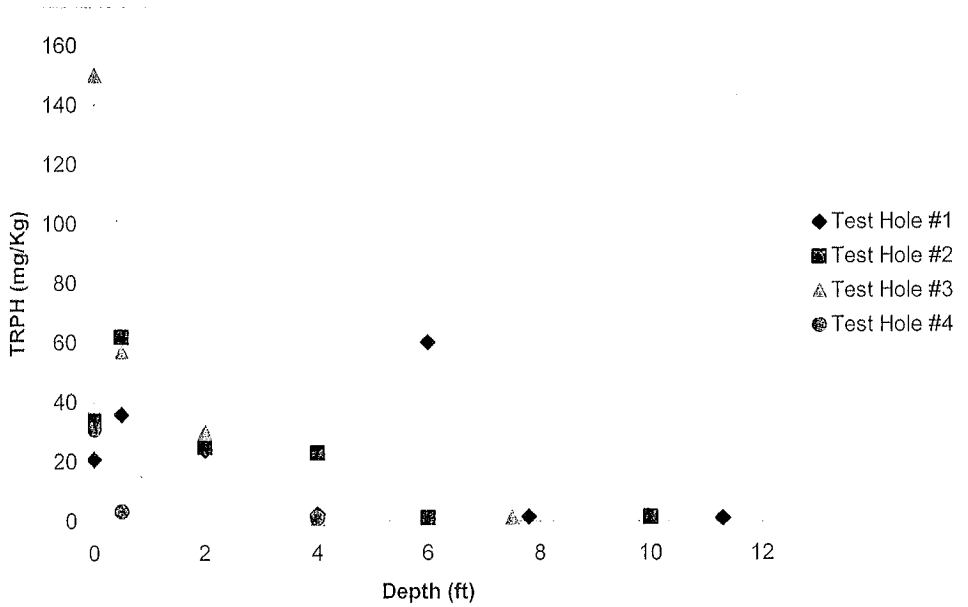

Figure 2. **TRPH concentrations in relation to depth of sediment, proposed Maritime Park dredge, Escambia County, Florida, 25 and 26 October 2007.**

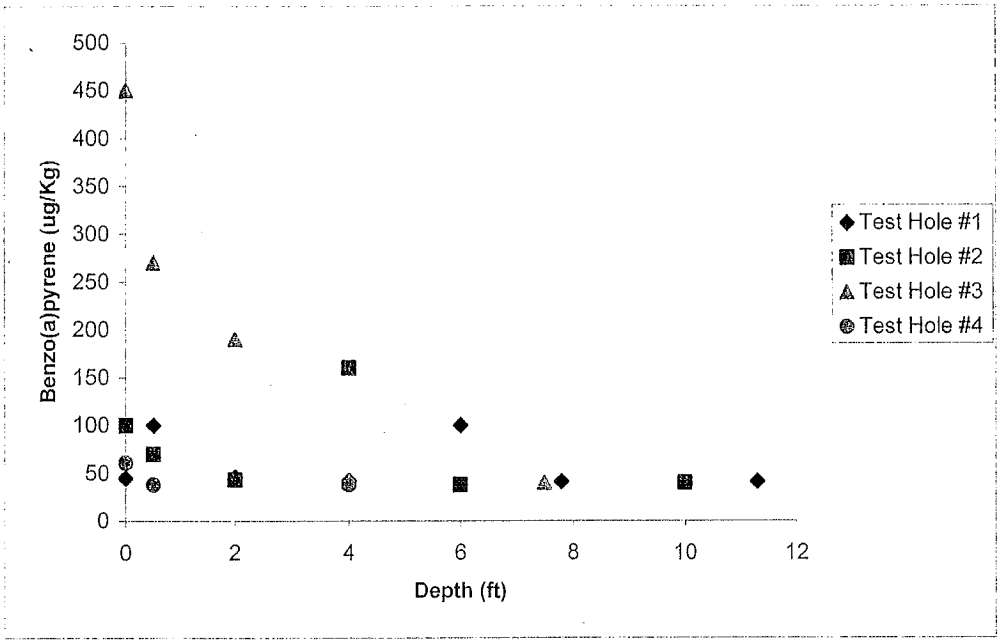

Figure 3. **Benzo(a)pyrene concentrations in relation to depth of sediment, proposed Maritime Park dredge, Escambia County, Florida, 25 and 26 October 2007.**

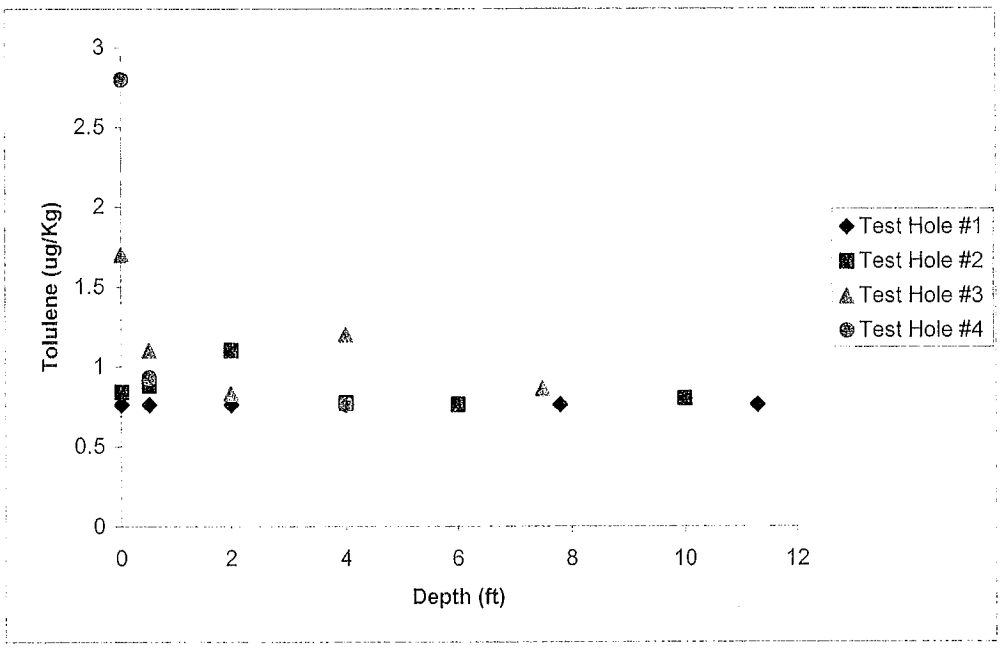

Figure 4. **Toluene concentrations in relation to depth of sediment, proposed Maritime Park dredge, Escambia County, Florida, 25 and 26 October 2007.**

As indicated above, concentrations of potential pollutants are higher in the shallow sediments and decrease with depth. Although concentrations of pollutants in this assessment do not raise concern, mixing of the dredge material before application onsite would help to decrease overall concentrations of subject parameters.

In addition to the parameters previously discussed in this section, chloride, sulfate, and total organic carbon (TOC) were also analyzed. Sulfate ranged from 460 to 1300 mg/Kg across all samples and chloride ranged from 960 to 3100 mg/Kg. TOC ranged from undetected to 0.37 percent in all samples. These measurements are within expected ranges given the sand content of the sediments and raise no concern with respect to the proposed project.

CONCLUSIONS AND RECOMMENDATIONS

Larry M. Jacobs & Associates Inc. conducted a comprehensive sediment assessment in an approximate four acre area proposed for dredging in association with the Maritime Park development project in Escambia County, Florida. Sampling was conducted in response to concerns by FDEP and the US Army Corps of Engineers about the quality of sediment proposed for dredge and potential for exposing additional contamination to the water column through dredging of the upper sediments and future propwash. Results of the assessment by Larry M. Jacobs & Associates Inc. indicate generally acceptable sediment quality with no exceedances of toxicological thresholds where biological effects are likely to occur and no exceedances of FDEP approved Soil Cleanup Target Levels.

Sediment grain size analysis shows the sediment in the area proposed for dredging consists mainly of sand with very little silt and clay components, indicating a low likelihood for accumulation of heavy metals (Figure 3 of the attached report). The heavy metals analysis supports this conclusion with all concentrations below all toxicological thresholds and cleanup target levels. All of the VOCs analyzed in this assessment were either undetected or at concentrations far below the cleanup target levels. Some PAH concentrations were detected above the TEL (the most conservative of the thresholds), but all concentrations remained well below the toxicological threshold where biological effects are likely to occur. All concentrations were also well below all cleanup target levels. In addition, TRPH concentrations were also below cleanup target levels in all samples.

Observed concentrations of parameters analyzed in this assessment do not raise any concern over the proposed dredging project or the use of dredge material as fill onsite. Although it is not necessary, the use of an environmental clam shell, if possible, will reduce resuspension of dredge material and decrease the potential for exposing additional contamination to the water column. In BRA's professional opinion, the observed concentrations in the shallow sediments do not warrant the need for Elutriate testing. In order to further reduce concentrations, BRA recommends mixing of the dredge material prior to placement as fill onsite. Although sediment analysis indicates these practices are not necessary, environmental clam shell dredging and mixing of dredge material are proven, sound practices that will improve water and sediment quality in the project area and surrounding waters.

In conclusion, this assessment indicates no significantly prohibitive conditions related to sediment quality with respect to the proposed Maritime Park project. The use of modern dredge and fill technology will ensure the development project will not have adverse effects on water or sediment quality in or around the project area.

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SAV SURVEY (Excerpt)

Pensacola Community Maritime Park
Marina Facility and Protective Seawall

In associated with WRP # 17-281401-001-DF for the dredging of the marina basin at the site, a survey for submerged aquatic vegetation was conducted by Biological Research Associates, Inc. That survey, a portion of which is included herein, found no evidence of SAVs at the proposed marina site.

Environmental Support Documentation
Community Maritime Park

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Senior Ecologist

Open Waters

Biological Research Associates, LLC reviewed the benthic habitat within the portion of Pensacola Bay that lies within the project area. In-water transects were arranged perpendicular from the shoreline to the eastern and western project boundaries and spaced 100' apart to survey for the presence of submerged aquatic vegetation (SAV), oyster reefs, and other natural resources that may be impacted by the proposed project. No SAV, oyster reefs, or other significant natural resources were observed within the survey area. One (1) benthic substrate sample was also acquired on June 06, 2007 to ascertain the infauna inhabiting the bay bottom within the project area. A taxonomic report prepared by Barry A. Vittor & Associates, Inc. is attached Appendix A. The report identified a total of 58 individual organisms representing 15 taxa in 4 Phyla that include Annelida (segmented worms), Arthropoda (crustaceans), Mollusca (mostly shellfish), and Rhynchocoela (ribbon worms). The dominance of Tubificids (67% of sample organisms) is a strong indicator of degraded benthic habitat (Engle et al 1994).[1]

The majority of the bay bottom may be described as unconsolidated substrate consisting of sands, silts, fine organic material, and shell hash. Significant amounts of submerged encrusted rubble comprised of concrete, bricks, asphalt, and other materials occur along the eastern and western shorelines as seen on the attached Benthic Survey Map (Figure 3). Oysters, algae, barnacles, and other macroinvertebrates were observed on this submerged rubble. Pinfish (*Lagodon rhomboids*) and mullet (*Mugil cephalus*), and other bait-sized fish were also observed in association with the rubble. The majority of the rubble generally occurs nearshore, with some areas being more densely colonized than others. It can be reasonably assumed that the structural and foraging habitat provided by this submerged rubble will be replaced with the new riprap to be placed at the toe of the proposed bulkheads along the eastern and western shorelines.

No wading birds were observed utilizing the shoreline adjacent to these open waters and within the project area.

Depths generally increase with increasing distance from the shoreline and range from 0' to 11' deep within the western project area and from 0' to 12' deep within the eastern project area.

The specific location and total acreage of each wetland area is found on the permit drawings.

[1] Engle et al, A Benthic Index of Environmental Condition of Gulf of Mexico Estuaries, Estuaries (Vol. 17, No.2, p. 372-384, 1994)

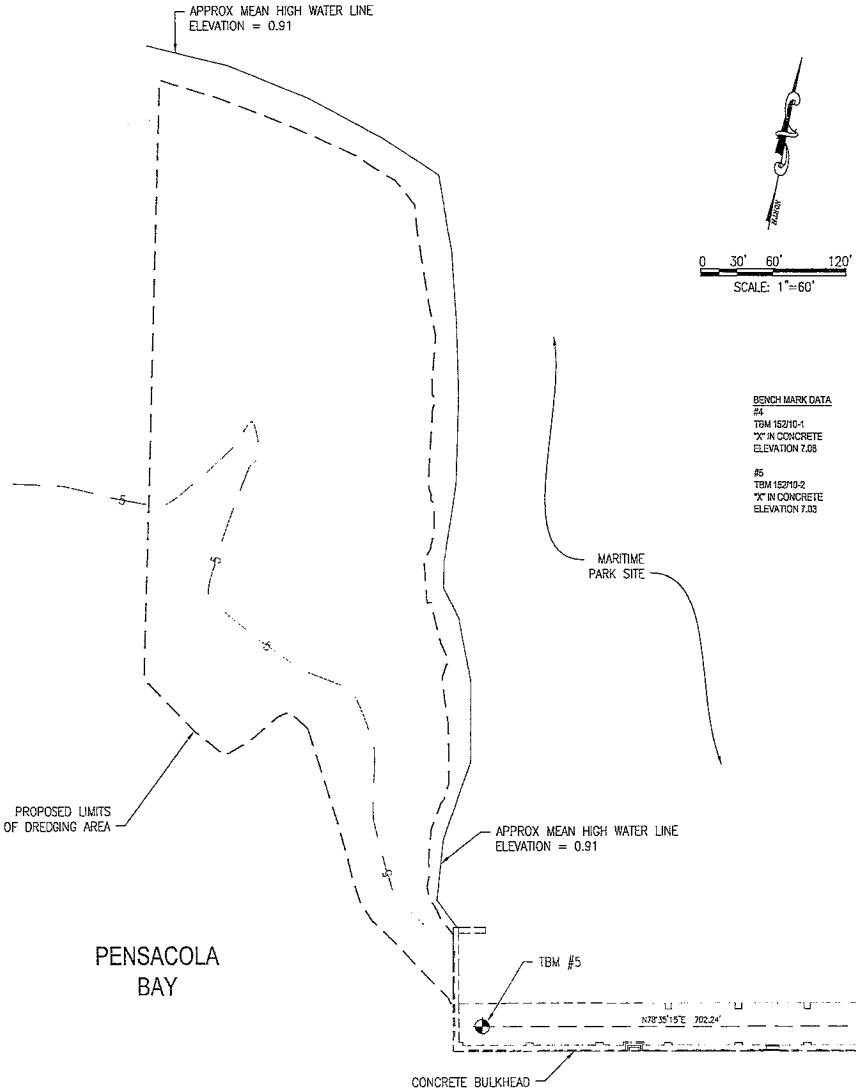
RECENT HYDROGRAPHIC SURVEY

Pensacola Community Maritime Park
Marina Facility and Protective Seawall

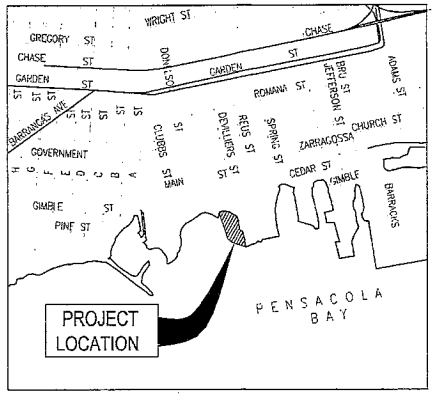
Enclosed is a copy of the most recent hydrographic survey of the project area, conducted by Baskerville-Donovan, Inc., of Pensacola, FL.

HYDROGRAPHIC SURVEY

A PORTION OF THE WATERFRONT GRANT
CITY OF PENSACOLA, FLORIDA



0 30' 60' 120'
SCALE: 1"=60'



LOCATION MAP
NOT TO SCALE

N

BENCH MARK DATA

#4
TBM 152/10-1
"X" IN CONCRETE
ELEVATION 7.08

#5
TBM 152/10-2
"X" IN CONCRETE
ELEVATION 7.03

LEGEND

- BENCH MARK

TBM - TEMPORARY BENCH MARK

GENERAL NOTES:

1. NORTH AND THE SURVEY DATUM SHOWN HEREON IS BASED ON PREVIOUS SURVEYS, THE MAP OF THE WATERFRONT GRANT AND TO EXISTING FIELD MONUMENTATION.
2. THE FIELD SURVEY WAS PERFORMED ON JULY 9, 2010 AND RECORDED IN FIELD BOOK 10-5, PAGE 13.
3. ELEVATIONS SHOWN HEREON ARE REFERENCED TO NATIONAL GEODETIC SURVEY (NGS) DATUM OF NAVD 88 BASED ON COS BENCHMARK 872 9940 TIDAL 8 AND HAVING A PUBLISHED ELEVATION OF 12.57 FEET.

SURVEYOR'S CERTIFICATE

THE SURVEY SHOWN HEREON WAS PREPARED IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES TO THE BEST OF MY KNOWLEDGE AND BELIEF.

FOR: BASKERVILLE-DONOVAN INC.
CORPORATE NUMBER 0340

BY: _____ _____
ROBERT SCOTT MILLS DATE
FLORIDA REGISTRATION NO. 5509

BASKERVILLE-DONOVAN, INC.
INNOVATIVE INFRASTRUCTURE SOLUTIONS
PENSACOLA ■ PANAMA CITY ■ TALLAHASSEE
MOBILE ■ BIRMINGHAM ■ TAMPA
416 EAST MAIN STREET
PENSACOLA, FLORIDA 32502-5604
(850) 438-9661 FAX (850) 438-9668
AUTHORIZED CERTIFICATE OF AUTHORIZATION #0000340

A PORTION OF THE WATERFRONT GRANT CITY OF PENSACOLA, FLORIDA

NO.	DATE	APPR.	REVISION/ACTION TAKEN

NOT RELEASED FOR CONSTRUCTION
BY DATE

PROJECT NO: 29001.03
SCALE: 1"=60'
DRAWN BY: PJG
CHK'D BY: RSM
PROJ. MGR: RSM
DATE: 07/16/10

HYDROGRAPHIC SURVEY
PREPARED FOR & CERTIFIED TO:
MAG CONSTRUCTION, LLC
MARITIME PARK, PENSACOLA, FLORIDA

1 OF 1

x:\SURVEY\290 Maritime Park\29001.03\dwg\hydro.dwg, Jul 19, 2010 - 9:25:05AM, kgraham