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*****DRAFT *** LETTER OF AUTHORIZATION**

Issued to: Levy County
310 School Street
Suite 112
Bronson, FL 32621

Expiration Date: 11/30/2028

The purpose of this Letter of Authorization (LOA) is to outline the scope of the activities that may be conducted by Levy County (County) for the purposes of implementing the project known as "12-2: Suwannee Sound / Cedar Key Oyster Restoration" in Waccasassa Bay, Florida, funded with RESTORE Bucket 3 funds. These Gulf Coast Ecosystem Restoration Council-administered funds are being provided as a grant to the Gulf Consortium and then sub-awarded to the County to implement the project. As a designee of the United States Army Corps of Engineers (USACE) Programmatic General Permit SAJ-99 (SAJ-2007-03138; Attachment 1) issued to the Florida Department of Agriculture and Consumer Services (FDACS), the Florida Fish and Wildlife Conservation Commission (FWC) supports the County conducting activities for the purpose of the oyster restoration project referenced herein.

This project will implement oyster reef restoration and monitoring initiatives in Waccasassa Bay, Florida, pursuant to the USACE Programmatic General Permit SAJ-2007-03138 issued to FDACS for restoration of shellfish in non-lease areas. This LOA is based upon evaluation of project descriptions provided in the Florida Department of Environmental Protection (FDEP) Form 62-330.060(1) (Application for Individual and Conceptual Approval Environmental Resource Permit, State 404 Program Permit, and Authorization to Use State-Owned Submerged Lands) dated February 17, 2026 (Attachment 2). This LOA does not supersede the need for any required permit(s) by the FDEP or other agencies.

1. Responsibilities of the County

- a. The County is responsible for the execution of the project and ensuring that all activities associated with the project, including work performed by contractors, adhere to the requirements, conditions, authorized activities, and best management practices set forth in this LOA and its attachments, including the SAJ-99 permit (SAJ-2007-03138).
- b. The County shall obtain any local, state, or federal authorizations necessary to complete this project and all authorized personnel shall be trained and licensed as required by law, rule, or regulation, to perform under this LOA.
- c. The County shall coordinate with the designated FWC Point of Contact under Section 14 of this LOA, who will facilitate communication between the County and FDACS regarding project plans and updates, compliance verification, and reporting requirements.

- d. The County is responsible for coordinating project efforts with FDEP.
- e. Prior to any work commencing, the County must provide FWC with all information required for FDACS to prepare and submit the reports and certification required in Attachment 1, Section VIII.1-2, to the USACE and the National Marine Fisheries Service Protected Resources Division, Southeast Regional Office, for verification prior to any restoration activities.
- f. The County is responsible for purchasing all materials necessary for the restoration project.
- g. The County shall ensure any personnel involved in project activities adhere to all specifications under this LOA, including but not limited to restoration deployment specifications identified in Attachment 1 and Attachment 2.
- h. The County shall provide FWC with routine updates regarding project progress through quarterly reports at regular intervals, as detailed below in Section 7, Reporting Requirements.
- i. The County is responsible for notifying FWC of any changes to the project descriptions provided in Attachment 2 in advance of their implementation, or immediately following if prior notification is not possible. Failure by the County to notify FWC of any changes shall void this LOA.
- j. The County is responsible for providing all remedies upon failure to satisfy any requirements of this LOA or accompanying attachments (see Section 11, Consequences and Remedies).

2. Authorizations

a. Authorized Activities

- i. This LOA shall not be construed or interpreted to authorize any activities not expressly identified in Attachment 1 or Attachment 2. All activities pursuant to this LOA shall be in accordance with the terms, conditions, and guidelines set forth herein and within any attachment or incorporated document.
- ii. Deposit of cultch material for shellfish restoration on existing shell substrata only.
- iii. Manual/hand dispersal or deposit of cultch material.
- iv. Addition of up to 3,000 cubic yards of locally sourced cultch material, with a vertical relief of approximately 1.28 feet, to existing shell substrata in estuarine tidal waters of the 2.67-acre historical Corrigan's Reef oyster site complex as identified in Attachment 2, Figure 1.
- v. Use of tools and materials extrinsic to the restoration project, including turbidity barriers, that are specifically utilized to minimize the harmful effects of the construction process (e.g., turbidity) while conducting restoration activities.

- vi. Deployment and maintenance of ancillary structures, including lines, anchors, and marking buoys associated with the project, in accordance with Attachment 1.
- vii. Monitoring activities to assess the impact of construction to ensure minimal turbidity effects before, during, and after reef restoration.
- viii. Monitoring to ensure compliance with all applicable construction specifications.

b. Authorized Locations: Florida Waters in Waccasassa Bay, Levy County, Florida, as described and identified in Attachment 2.

c. Excluded Areas

- i. Federal channels. No structure of work authorized under this LOA shall be closer than 100 feet from the near design edge of the federal channel.
- ii. State parks, unless a state park permit has also been obtained from the FDEP, Division of Recreation and Parks.
- iii. Federal parks, unless a federal park permit has also been obtained from the National Park Service.
- iv. Aquatic Preserves, unless a permit has also been obtained by the FDEP, Office of Resilience and Coastal Protection.

d. Authorized Personnel

- i. Levy County: Mary-Ellen Harper, Jason Rivera, and Kari Barstow.
- ii. SWCA Environmental Consultants: Christina Pilla, Bill Pine, Caroline Cope, and Dave Kelly.
- iii. Cedar Key Oysterman's Association (CKOA): Jerald Beckham and Wayland Beckham.
- iv. Any personnel not specifically identified herein but who are operating under the direct supervision of the named authorized personnel.

e. Authorized Gear

- i. Boat-mounted hydraulic winch
- ii. Small flat-bottom boats, or similar shallow draft boats, and airboats
- iii. Floating turbidity screens
- iv. Site Identification/Navigation poles or stakes to demarcate work area
- v. Secchi Disk
- vi. Locally-sourced dolomite limestone
- vii. Recreational grade GPS

- viii. Survey string
- ix. Laser level
- x. All gear shall conform to any requirements or specifications in Attachment 2.

3. General Conditions

- a. The County and any authorized personnel conducting activities pursuant to this LOA must adhere to the applicable general and special conditions listed in Attachment 1, Section IX and Section X.
- b. Any authorized personnel must have a copy of this signed LOA, with all attachments, in their possession while conducting any activities pursuant to the LOA.
- c. The LOA may be suspended or revoked if any authorized personnel:
 - i. Violate or fail to follow the terms, conditions, or guidelines of the LOA or its attachments.
 - ii. Submit false or inaccurate information to FWC.
 - iii. Falsified or misrepresented information on the County's FDEP Form 62-330.030(1) application dated February 17, 2026 (Attachment 2).
- d. This LOA is non-transferable. Any attempted transfer shall be null and void.
- e. This LOA is valid from the date of execution by FWC as written below and expires on November 30, 2028.

4. Pre-Restoration Requirements

- a. The County shall provide FWC with all information required for FDACS to prepare and submit the reports and certification required in Attachment 1, Section VIII.1-2, to the USACE and the National Marine Fisheries Service Protected Resources Division, Southeast Regional Office, for verification prior to any restoration activities. This includes:
 - i. Manatee impact assessment results derived from the dichotomous key titled, "*The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida, April 2013*," (see [https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/endangered species/Manatee/2013 FINAL ManateeKey.pdf](https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/endangered%20species/Manatee/2013_FINAL_ManateeKey.pdf)).
 - ii. All information required under Section VIII.2. for permit compliance verification and resource reports.

5. Mitigation Measures

- a. **Marine Turtles and Manatees** – Authorized personnel engaged in activities pursuant to this LOA must comply with the following best

management practices to ensure protection of marine turtles and manatees:

- i. Inform vessel operators and crew that protected marine species, including manatees and marine turtles, may be found in the area.
- ii. Instruct vessel operators and crew to implement precautions to avoid harming marine species protected under the Federal Marine Mammal Protection Act, the Endangered Species Act, and other Federal and State laws and regulations. This includes following the:
 1. “*Standard Manatee Conditions for In-Water Work – 2011*” (Attachment 3). Note: These conditions may be subject to revision at any time. The most recent version must be utilized.
 2. “*Vessel Strike Avoidance Measures*,” May 2021 (Attachment 4). Note: These measures may be subject to revision at any time. The most recent version must be utilized.
 3. “*Protected Species Construction Conditions*”, May 2021 (Attachment 7). Note: These conditions may be subject to revision at any time. The most recent version must be utilized.
- iii. Vessel operators and crew shall avoid the accidental vessel strike or capture of protected marine species in nets and associated gear to the extent practicable. This includes:
 1. Restricting activities affiliated with this LOA to between one-half hour after sunrise and one-half hour before sunset.
 2. Assigning at least one (1) experienced, dedicated observer to watch for protected marine species during any operations. The dedicated observer must have no tasks other than conducting observational effort and instructing relevant personnel on the presence of protected species and mitigation requirements. Observers are encouraged to use sunglasses with polarized lenses to improve the likelihood of seeing animals on and below the water’s surface.
 3. Notifying the dedicated observer of any observations of marine species by vessel operators or crew.
 4. Allowing any marine species observed within 50 feet of the vessel to leave or pass through the area safely before deploying any equipment. Animals must not be herded away or harassed into leaving.
 5. Monitoring nets and float lines frequently for entangled or captured protected marine species.

- iv. In the event of an accidental entanglement, capture, or vessel strike of a protected marine species, all operations must stop, and the incident must be reported immediately to FWC and the U.S. Fish and Wildlife Service by calling Wildlife Alert Hotline at 888-404-FWCC (3922) and emailing ImperiledSpecies@MyFWC.com and FW4FLESRegs@fws.gov. In addition to notifying these entities, the following actions must be taken:
 - 1. Immediately discontinue operations and turn off or idle boat motors.
 - 2. Maintain visual contact of the animal and verify that the animal has been struck or is entangled in gear.
 - 3. Keep any entangling gear loose enough to allow animals to surface and breathe.
- v. For questions relating to this section, contact the FWC Imperiled Species Management Section at 850-922-4330 or ImperiledSpecies@MyFWC.com.

b. Submerged aquatic vegetation, natural hardbottom substrate, nesting bird colonies, and navigation channels – Authorized personnel engaged in activities pursuant to this LOA must comply with the project information and best management practices as prescribed in Attachment 2, Sections C and D, to ensure protection of submerged aquatic vegetation, natural hardbottom substrate, federally listed nesting bird colonies, and navigation channels. This applies to construction areas and during navigation to project areas.

c. State-listed threatened and endangered bird species – Authorized personnel engaged in activities pursuant to this LOA must comply with the following best management practices, in conjunction with Attachment 5 and Attachment 6, to ensure protection of state-listed threatened and endangered bird species. Species of particular note include the American oystercatcher and least tern.

- i. Inform vessel operators and crew that American oystercatchers, least terns, and other state-listed species may be found in the area.
- ii. Instruct vessel operators and crew to implement precautions to avoid harming bird species protected under State laws and regulations.
- iii. Vessel operators and crew shall avoid flushing, herding, or harassing birds from their current position. This includes the following measures:
 - 1. Familiarizing all personnel with nesting and roosting habits of these species (see Attachment 6). These birds

- nest from February – August, and are roosting between September – March, and April – August.
2. If one or two American oystercatchers are observed lingering close to a specific area, this likely indicates a territory that may include a nest or chicks. Avoid the area and avoid disturbing the birds.
 3. If a state-threatened species is observed with an active nest at the site, avoid the site. Do not approach the site and do not flush, herd, or harass birds from the site.
 4. If any indicators of nest presence are observed (e.g., lingering at a specific site, calling, flying over you, pretending to be injured), avoid the area and immediately notify FWC by emailing Janell.Brush@MyFWC.com with the location to allow monitoring teams to confirm nesting.
 5. Do not deposit project materials in any area with confirmed or suspected nesting.
- iv. During high tide, take particular care to avoid flushing nesting or roosting birds, as there is limited refuge for them to seek in high tide conditions.
 - v. Assign at least one (1) experienced, dedicated observer to watch for protected species during any operations. The dedicated observer must have no tasks other than conducting observational effort and instructing relevant personnel on the presence of bird species and mitigation requirements. Observers are encouraged to use sunglasses with polarized lenses to improve the likelihood of seeing animals on the water's surface.
 - vi. Notify the dedicated observer of any observations of bird species by vessel operators or crew.

6. Transferability of Marine Organisms

- a. Authorized personnel may transfer marine organisms within the Project Area (as defined in Attachment 2) without obtaining a Marine Special Activity License if:
 - i. The marine organisms are invertebrates;
 - ii. The marine organisms have settled or fouled on the cultch material authorized for implementation by this LOA;
 - iii. The cultch material is being relocated to an alternate location within the same Project Area to better serve the project's restoration objective (as outlined in Attachment 2); and
 - iv. Project staff document the transfer of the material (including the amount of material, as well as the species and estimated abundance of the relocated invertebrates). For the eastern oyster (*Crassostrea virginica*), project staff shall also document the life stage of the organisms at the time of transfer.

7. Reporting Requirements

- a.** Once activities begin, the County shall provide regular progress reports to FWC. The County must submit a quarterly progress report for every 120 days after the project commences that includes updates on the project and activities. All reports must be received by FWC within 30 days after the conclusion of each 120-day reporting period.
- b.** Within 60 days of completing the project, the County will provide FWC with a copy of any publications or technical, monitoring, or final reports that were generated as a result of work conducted pursuant to the LOA and USACE Programmatic General Permit SAJ-2007-03138. All publications and reports must include a notation that research was conducted pursuant to this LOA.

8. Law Enforcement Notification

Authorized personnel must notify the FWC Law Enforcement by emailing MarineLaw@MyFWC.com at least 24 hours prior to conducting any LOA-authorized activities. All notifications must include an advanced float plan detailing locations, dates, and times of activities. FWC Law Enforcement must be notified in advance of any deviation from a float plan.

9. Public Records

All records in conjunction with this LOA may be public records in accordance with Chapter 119, Florida Statutes, and shall be maintained and retained as required by the laws applicable to the County and to FWC.

FWC may unilaterally terminate or revoke this LOA for refusal by the County to allow public access to records made or received by the County in conjunction with this LOA and subject to Chapter 119, F.S.

10. Liability

The County and FWC hereto agree that each shall be solely responsible for the negligent or wrongful acts of their employees and agents. However, nothing herein shall constitute a waiver by either party of sovereign immunity or statutory limitations on liability, including but not limited to, sovereign immunity of the State of Florida beyond the waiver provided for in section 768.28, F.S., as amended.

11. Consequences and Remedies

If the County fails to comply with the requirements for this project as set forth within this LOA or any of its Attachments, the County is responsible for addressing any deficiencies or remedying any faults. The County shall correct any deficiency or fault within 30 days of a non-compliance determination. FWC may extend the time, in writing, for the County to cure any deficiencies

or faults. The County shall be solely responsible for costs, remedies, or consequences related to correcting or adjusting project activities.

12. Term

This LOA shall be effective on the date of execution by FWC and shall remain in effect until the anticipated completion date of the project, November 30, 2028, unless otherwise terminated, suspended, or modified in writing by an appropriate amendment executed by FWC and approved by FDACS.

13. Termination

FWC may unilaterally terminate this LOA by providing the County with thirty (30) days of written notice of its intent to terminate. The County may request termination of the LOA for convenience.

If the County fails to abide by the terms, conditions, or guidelines prescribed herein (including attachments and incorporated documents), FWC may suspend or revoke this LOA without providing advanced notice to the County.

This LOA shall terminate immediately in the event of any default, breach, fraud, willful misconduct, or failure to abide by any applicable laws by the County. FWC shall notify the County of the termination.

Upon suspension, termination or receipt of notice of intent to suspend or terminate, the County shall immediately discontinue any and all activities authorized hereunder unless otherwise directed by FWC.

14. Notices

Except as otherwise provided herein, all notices and communications given or made pursuant to this LOA shall be delivered to the persons identified below unless a notice of change of address or addressee has been provided.

A notice or communication shall be deemed received by the addressee on the next business day after having been placed in overnight mail with the U.S. Postal Service, or other overnight express service such as FedEx, UPS, or similar service. Notices sent by means other than overnight delivery shall be deemed received when actually received by the addressee.

FWC Point of Contact: Grace Loonam
11533 W. Emerald Oaks Dr.
Crystal River, FL 34428
Cell: 850-755-7142
Email: Grace.Loonam@MyFWC.com

County Point of Contact: Mary-Ellen Harper
310 School Street, Suite 112
Bronson, FL 32621

Office: 352-486-5218 ext. 101
Email: harper-mary-ellen@levycounty.org

15. Entire Authorization; Amendment

This LOA, which includes any attachments and incorporated documents, represents the entire authorization provided to the County for the project known as “12-2: Suwannee Sound / Cedar Key Oyster Restoration” in Waccasassa Bay, Florida. FWC reserves the right to modify or amend this LOA at any time throughout the Term of Authorization. No modifications or amendments shall be valid or enforceable unless agreed to by FWC and signed in writing.

16. Acknowledgement

The County hereby acknowledges receipt and understanding of this Letter of Authorization. By signing this document through its authorized agent below, the County agrees to abide by the terms, conditions, and guidelines set forth in this LOA and attachments in their entirety.

Signature: _____ Date: _____
Printed Name: _____
Title: _____

17. Effective Date

This LOA becomes effective when the FWC official, designated to act for the Executive Director, has signed below.

Signature: _____ Date: _____
Printed Name: _____
Title: _____

For: Roger Young, Executive Director, Florida Fish and Wildlife Conservation Commission

Attachments

- Attachment 1 – U.S. Army Corps of Engineers, Programmatic General Permit SAJ-99. Permit Number SAJ-2007-03138.
- Attachment 2 – Florida Department of Environmental Protection Form 62-330.060(1) (Application for Individual and Conceptual Approval Environmental Resource Permit, State 404 Program Permit, and Authorization to Use State-Owned Submerged Lands) dated February 17, 2026.
- Attachment 3 – “*Standard Manatee Conditions for In-water Work,*” 2011.

- Attachment 4 – “*Vessel Strike Avoidance Measures*,” May 2021.
- Attachment 5 – Florida’s Endangered and Threatened Species, 2022.
- Attachment 6 – Additional Guidance on nesting or roosting American oystercatchers in Cedar Key.
- Attachment 7 – “*Protected Species Construction Conditions*”, May 2021.
- Attachment 8 – NOAA National Marine Fisheries Service Project Design Criteria (PDC) for SAJ-99, December 2022.

DRAFT