**62-330.604 General Permit for the Installation, Construction, and Maintenance of Living Shorelines**

(1) Living shorelines are defined as a shoreline management practice that protects, restores, and enhances natural shoreline habitat; provides erosion control benefits; and maintains riverine or coastal processes through the strategic placement of native plants, and, if necessary, native rock, prefabricated concrete modules, untreated native wood, or other structural organic materials.

(2) A general permit is hereby provided for the construction, installation, and maintenance, including repair and removal, of a living shoreline project, subject to the following:

(a) The project shall be solely for shoreline restoration or stabilization purposes and shall not be considered as mitigation for any other project or be associated with mitigation banking or water quality enhancement areas;

(b) Plantings shall consist of native emergent plants or wetland vegetation obtained from commercially or nursery grown stock;

(c) Plantings shall not consist of submerged aquatic vegetation;

(d) If permanent wave attenuation is required to support shoreline vegetation, a wave attenuating structure in the form of a marsh sill is authorized to be constructed with the plantings, provided that:

1. The marsh sill shall be composed predominantly of natural oyster shell cultch, clean concrete or limestone rock, prefabricated modules that are a mixture of clean concrete, rock, fossilized or cured shells, untreated native wood, or biodegradable fiber logs or mats. Prefabricated modules may include rebar as structural support if completely encased in concrete;

2. The material used to construct the marsh sill must be of appropriate size for the location’s wave energy and shall be firmly affixed to the substrate, or otherwise contained in such a way as to prevent movement away from the authorized footprint;

3. The marsh sill shall not contain soils, oils and greases, steel, exposed rebar, debris, litter, plastic, asphalt materials, tires, fiberglass, putrescible substances, or other pollutants; and,

4. The marsh sill shall be placed in units so that there is at least one opening measuring at least 5 feet in width every 75 linear feet along the structure, with a minimum of one opening, to allow the flow of water and the passage of fishes and aquatic wildlife.

(e) Regrading or recontouring of the submerged bottom with the addition of outside fill is not authorized under this general permit.

(3) The notice required in Rule 62-330.402, F.A.C., shall include documentation, statements, or demonstrations that the above limitations will be met, together with the following:

(a) Color photographs that provide an accurate representation of the project sites;

(b) A narrative description regarding the current condition of the shoreline; and,

(c) Scaled or dimensioned project plans, including construction methodology, showing the entire project area and all proposed activities within said area.

(d) An explanation of the overall purpose and any expected ecological benefits to be achieved by the project;

(e) Written authorization from the owner(s) of the submerged lands, if other than the State of Florida, for the permittee to conduct the proposed activities; and,

(f) An environmental resource survey of the shoreline and bottom of the waterbody throughout the project area, including an additional 50-foot-wide perimeter surrounding the project area demonstrating:

1. The existence of any emergent or submerged natural resources or exotic vegetation along the shoreline or within the proposed footprint of the living shoreline; and,

2. The methods of planting and marsh sill installation so as not to adversely affect existing emergent or submerged natural resources.

(4) All work under this general permit shall be conducted in conformance with the following specific conditions:

(a) Any invasive and exotic vegetative species existing along the shoreline shall be removed to the extent practicable;

(b) All equipment used during construction shall be staged and stored appropriately, so as not to adversely affect the ecology of existing emergent or submerged natural resources;

(c) The project shall not adversely affect an archaeological, cultural, or historical resource area regulated under Chapter 267, F.S.;

(d) The length of the project shall not exceed 2000 linear feet;

(e) The most waterward feature shall not extend more than 30 feet waterward of the mean high water line (MHWL) or ordinary high water line (OHWL);

(f) The marsh sill shall be constructed parallel to the plantings on the waterward side;

(g) The marsh sill shall not impede navigation or create a navigational hazard;

(h) The marsh sill shall not be placed within 3 feet of an area greater than 1% coverage by existing emergent or submerged natural resources.

(i) The Permittee shall be responsible for the maintenance of the living shoreline including the retrieval, removal and proper disposal of any adrift, derelict, or dilapidated materials or structures.

*Rulemaking Authority 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History–New.*