

Environmental Planning & Consulting

Wetland Management
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JOANNE E. SEMMER

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Southwest Florida Waterfront Institute Board of Trade

792 Oak Street Fort Myers Beach, Florida 33391 Joanne Semmer, President (239) 463-9326 fax (239) 463-0865 jj37a@yahoo.com

June 3, 2016

Mr. Peter Blackwell
Mr. Rick Burris
Lee County Department of Community Development
Planning Division
P.O. Box 398
Fort Myers, Florida 33902



RE: CPA2016-00002

After reviewing the County -Initiated Lee Comprehensive Plan Map Amendments, CPA2016-02 I have concerns regarding the proposed AIRPORTS, SEAPORTS, RAILWAYS & WATERWAYS Lee Plan Map 3E.

Staff has removed the Matanzas Pass Federal Channel as a Waterways. It is identified in the existing MAP 3E-Page 1 of 1 but NOT shown on the proposed map Lee Plan Map 3E.

This Federal Channel has been in existence since being dedicated and built in 1960. It has a maintained depth of 12 feet and services the large commercial shrimp and fishing fleet as well as the Key West Ferry, large recreational vessels, tugs, barges and more.

This dedicated shallow draft port is necessary for future service for ferry's, barges, and commercial services to Cuba.

Mr. Burris requested I provide documentation that the Matanzas Pass Federal Channel exists.

Please find attached:

Department of the Army Jacksonville District, Corps of Engineers Jacksonville, Florida 2001,
 Fort Myers Beach, Florida / Plans - For FT. MYERS BEACH HARBOR MAINTENACNE DREDGING 11
 AND 12-FOOT PROJECT. D.O. File NO. 57-37,833.

- 2. Fort Myers Beach Bulletin / Fort Myers Beach Observer March 16, 2016 Matanzas Pass to be dredged this summer. News Paper Article
- 3. Chart Cape Sable to Clearwater from Region 8 (Florida West Coast and the Keys). 1988
- 4. Florida Department of Environmental Protection / Consolidated Joint Coastal Permit and Sovereign Submerged Lands Authorization / Permittee Authorized Entity: U.S. Army Corps of Engineers / Permit / Authorization Number: 0158893-005-JC Project Name: Matanzas Pass Channel Restoration and Maintenance Dredging
- 6. RESOLUTON EXPRESSING THE WILLINGNESS AND ABILITY OF LEE COUNTY, FLORIDA, TO MEET THE REQUIRMENTS OF LOCAL COOPERATION FOR THE EXTENSION OF FORT MYERS BEACH CHANNEL. Adopted July 17th 1968. Chairman, Board of County Commissioners.
- 7. Florida Department of Community Development, Waterfront Florida Partnership Program, Community Case Studies. San Carlos Island Community Snapshot.

I have a large amount of additional information from 1950 to the present regarding the Matanzas Pass Federal Channel if needed.

Please reinstate the Matanzas Pass Federal Channel as a Lee County Waterway identified on the proposed Lee County Comprehensive Land Use Plan.

You can reach me at 239-463-9326 / jj37a@yahoo.com if you need additional information.

Thank You,

President

Southwest Florida Waterfront Institute Board of Trade

we Semmer

Southwest Florida Waterfront Institute Board of Trade

792 Oak Street Fort Myers Beach, Florida 33931 Joanne Semmer, President (239) 463-9326 fax (239) 463-9326 jj37a@yahoo.com

June 7, 2016

Lee County Commissioners P.O. Box 398 Fort Myers, Florida 33902

RE: CPA2016-00002 Lee County Comprehensive Land Use Plan Map Amendment

Lee County Commissioners: John Manning Cecil Pendergrass Larry Kiker Brian Hamman Frank Mann

This letter is in regards the Proposed Amendment to the Lee County Comprehensive Land Use Plan Map Amendment CPA2016-00002.

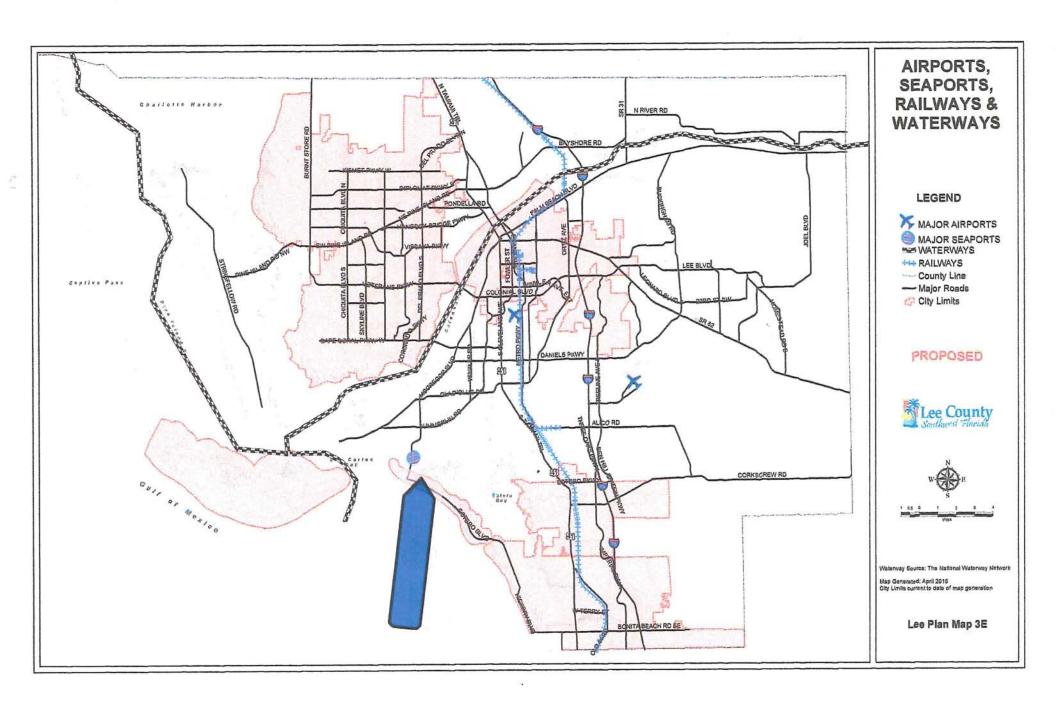
A committee from San Carlos Island reviewed the original Map proposal and it was determined that the map change eliminated the entire Matanzas Pass Federal Channel right of way as well as the entire channel along Estero Island.

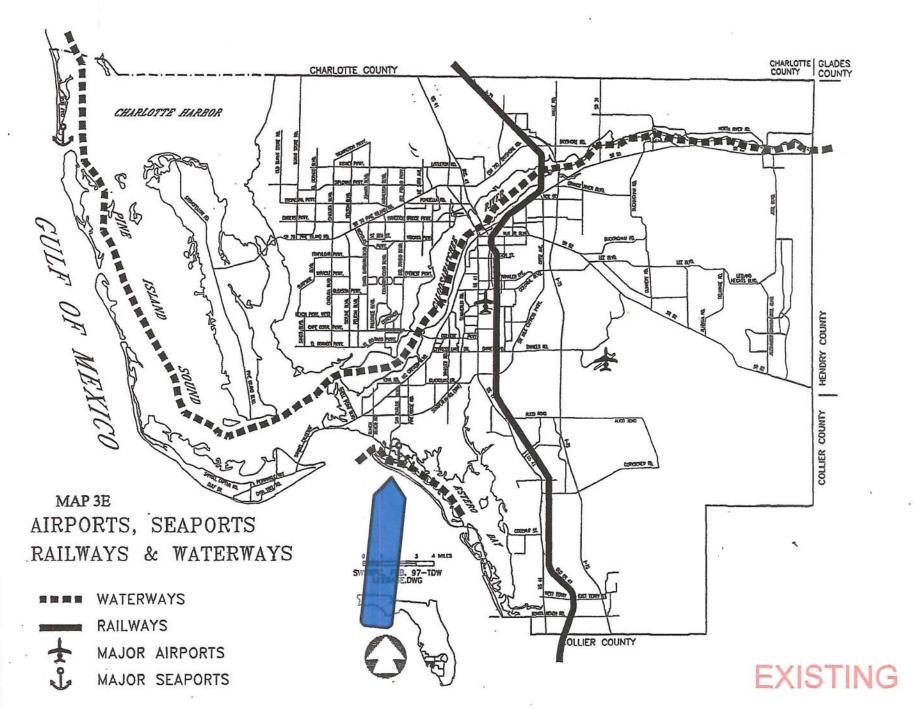
I provided staff and you a copy of the US Army Corps of Engineers survey of the Federal Channel, a copy of an official navigation chart, newspaper article about the upcoming dredging project, Fl. DEP dredging permit, Right of Way Easement No. 23172, 1959 Order from the Executive Office of the President, 1968 Lee County Resolution expressing the willingness and ability of Lee County, Florida, to meet the requirements of local cooperation for the extension of Fort Myers Beach Channel, and the Florida Department of Community Affairs Community Case Studies. that clearly shows where the Federal Channel exists.

Please provide a map in the Lee County Comprehensive Land Use Plan Amendment that clearly designates the boundaries of the Matanzas Pass Federal Channel.

Thank you for your help in this matter.

oanne Semmer, President











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Matanzas Pass to be dredged

Channel can be as low as 8 or 9 feet in depth, local shrimper says

March 16, 2016

By John Morton (jmorton@breezenewspapers.com), Fort Myers Beach Bulletin, Fort Myers Beach Observer

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For the first time since 2009, major dredging will occur this summer in Matanzas Pass, giving relief to the boats that travel along the federal channel and sometimes bottom out.

"Right now, by the point (of Estero Island's northern tip) I'd say it's about only 8 or 9 feet deep at low tide," said Dennis Henderson, coowner of Trico Shrimp Company on San Carlos Island. "We're getting stuck."

The project, to be funded and overseen by the U.S. Army Corps of Engineers, will result in the removal of approximately 130,000 cubic yards of sand, bringing the channel to a recommended depth of at least 14 feet. The cost is projected between \$1 million and \$5 million.

Article Photos



Matanzas Pass, which runs below the Sky Bridge and out...

That amount of sand, when dumped upon a football field, would fill it 60 feet high. It will be relocated to Fort Myers Beach and placed about 100 feet offshore, in between the Lani Kai and the Red Coconut RV Park, according to Town Manager Don Stilwell. When in place, it will diminish wave strength and slowly feed sand onto the beach area.

The sand, because of impurities, can't just be dumped directly on the beach, said Stephen Boutelle, an operations manager with Lee County's Natural Resources Division.

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Steven Meckstroth, M.D. Gastroenterology Specialists Naples Premier Endoscopy Center Naples



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building 3900 Commonwealth Boulevard Tallahassee, Florida 32399-3000 Charlie Crist Governor

Jeff Kottkamp Lt. Governor

Michael W. Sole Secretary

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

U.S. Army Corps of Engineers
Jacksonville District
c/o Eric P. Summa
Chief, Environmental Branch
Planning Division
701 San Marco Blvd.
Jacksonville, FL 32207

PERMIT INFORMATION:

Permit/Authorization Number: 0158893-005-JC

Issuance Date: March 09, 2009

Expiration Date of Construction Phase: March

6, 2019

Project Name: Matanzas Pass Channel Restoration and Maintenance Dredging

County: Lee

This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department of Environmental Protection (Department) and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

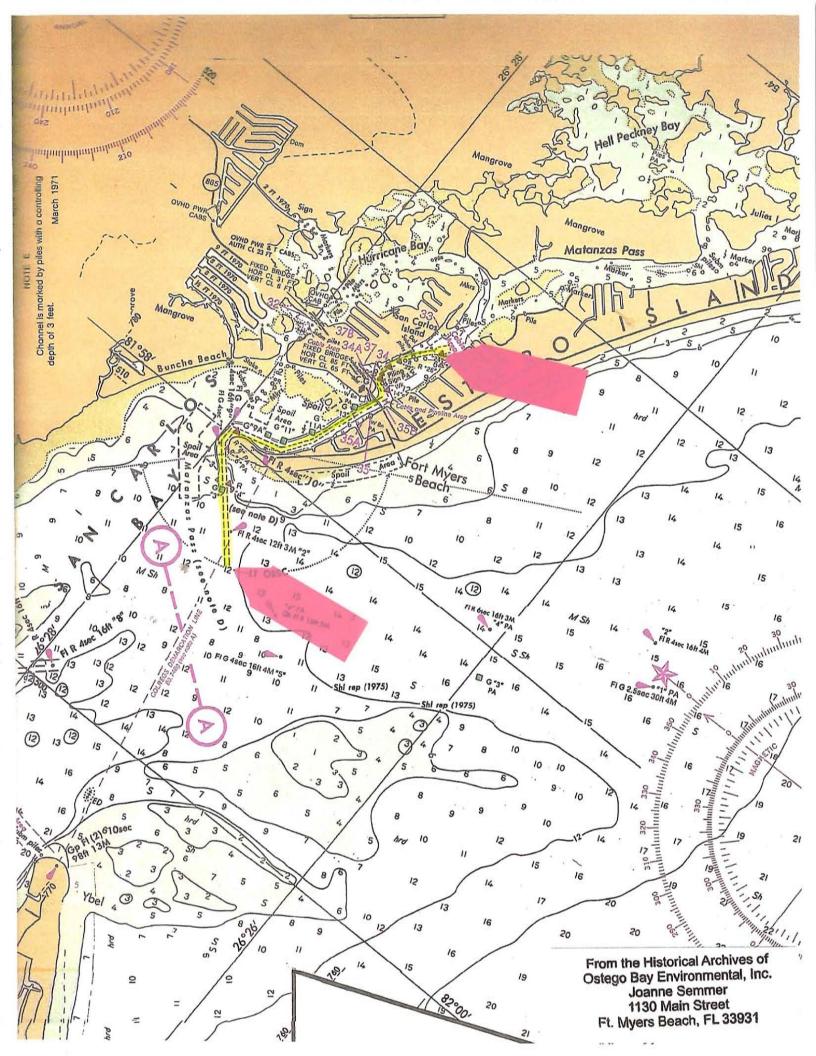
ACTIVITY DESCRIPTION:

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The project is to dredge the Matanzas Pass Federal Navigation channel in order to restore portions of the channel and maintain other portions of the channel to an authorized depth of -12 feet MLLW plus a 2-foot allowable overdepth, to a depth of -14 feet MLLW. Approximately 240,000 cubic yards of dredged material will be placed in the nearshore, seaward of the sand bar on Estero Island.

ACTIVITY LOCATION:

The dredge site is located at Matanzas Pass, Lee County, Section 24, Township 46 South, Range 23 East, and the placement site is located in the nearshore portion of Estero Island, between DEP Reference Monuments R-182 and R-187A, in the Gulf of Mexico, Class III Waters.



NO. 23172

TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA

TO

UNITED STATES OF AMERICA

THIS INDENTURE, made this 22nd day of August, A. D. 1962, between the TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA, Parties of the first part, and the UNITED STATES OF AMERICA, Party of the second part, WITNESSETH:

WHEREAS, Chapter 610, Laws of Florida, Acts of 1855, is entitled "AN ACT to Provide for and Encourage a Liberal System of Internal Improvement in This State", and the said Act makes reference to "proper objects of internal improvement in rela. In to roads, canals, navigable streams", etc., and the lands here—inafter described being necessary in connection with canals, navigable streams, the navigability of the same, the drainage and protection against flood afforded thereby; and

WHEREAS, the lands hereinafter described are of sovereign character and title thereto appears vested in the Trustees of the Internal Improvement Fund under provisions of Section 253.12, Florida Statutes:

In Section 19, Township 46 South, Range 24 East, and Section 24, Township 46 South, Range 23 East; also unsurveyed Sections 13, 14 and 23, Township 46 South, Range 23 East, Lee County, Florida.

From a concrete monument marking the intersection of a southeasterly prolongation of the southwesterly line 25 feet from the center line of First Street as described in Deed Book 191 at page 274 of the public records of Lee County, Florida and the line between Section 24, Township 46 South, Range 23 East and Section 19, Township 46 South, Range 24 East, run North 63° 56' 58" West along said southwesterly line of First Street 292.66 feet to the center line of the Fort Myers Beach Road (State Road No. 867), passing through a concrete monument at 259.66 feet marking the intersection with the southeasterly right of way line of said State Road; thence run North 26° 03' 02" East along said center line for 317.60 feet to a point 162.54 feet southwesterly of the center line of the swing bridge across Matanzas Pass and the point of beginning of the easement herein described. From said point of beginning run South 65° 14' 30" East for

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Artachment 8

The Parties of the First Par accept no responsibility or liability on account of any act performed by the Party of the Second Part affecting any other public agency, or any private person or corporation, or rights of such agency, or person, or corporation, in property in anywise connected with, affected by, or arising out of, the grant hereby made; and

When and if, in the judgment of the United States, any parcel; or any portion of any parcel, hereinabove described, shall no longer be useful to the United States, said parcel, or portion thereof, shall revert to the Parties of the First Part, and by a recordable instrument the Party of the Second Part shall reconvey, or release, to the Parties of the First Part such parcel, or portion thereof.

PROVIDED, that the right, privilege, power and authority hereinabove granted shall be in full force and effe in perpetuity from and after the date hereinabove set forth.

IN WITNESS WHEREOF, the Trustees of the Internal Improvement Fund of the State of Florida have hereunto set their hands and have caused the seal of the Trustees of the Internal Improvement Fund and the seal of the Department of Agriculture of the State of Florida to be hereunto affixed, at the Capitol, in the City of Tallahassee, the day and year first above written.

Gov

Governor

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Treasurer

i Rear (SEAL

Attorney General

Commissioner of Agriculture (SFA)

As and Constituting the Trustees of the Internal Improvement Fund of the State of Florida.

(SEAL) . DADI. of Agriculture

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Attachment 8

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From the Historical Archives of Ostego Bay Environmental, Inc. Joanne Semmer 1130 Maie Street Ft. Myers Beach, FL 33931 CHAMMEL CRIMT-OF WAY & SPOIL DISTORNEL
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Attachment 8

COMMENTS OF THE BUREAU OF THE BUDGET

EXECUTIVE OFFICE OF THE PRESIDENT BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

June 12, 1959

My dear Mr. Secretary:

Assistant Secretary Short's letter of June 1, 1959, submitted the proposed report of the Chief of Engineers on Gulf Coast Shrimp Boat Harbors, Florida, requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, and the Committee on Public Works, United States Senate, adopted June 28, 1946, and February 14, 1950, respectively. It is also submitted in response to five other Congressional authorizations listed in the report.

The Chief of Engineers finds that improvements at Venice and Lemon Bay, Florida, are not justified at this time and that improvements at Fort Meyers Beach and Naples are advisable to meet the needs of prospective navigation. He accordingly recommends:

- a. Improvement at Fort Meyers Beach, Florida, to provide for a channel 12 feet deep from San Carlos Bay into Matanzas Pass, thence 11 feet deep through Matanzas Pass to the upper shrimp terminals at an estimated cost of \$168,000 for construction and \$20,000 annually for maintenance. This work would be subject to several conditions of local cooperation including the requirement that local interests contribute in cash 1.3 percent of the cost of construction, and that such contribution, presently estimated at \$2,200, be paid in a lump sum prior to commencement of construction. The net cost to the United States for the recommended plan of improvement at Fort Meyers Beach would be \$165,800 for construction and \$20,000 annually for maintenance.
- b. Modification of the existing project for Channel from Naples to Big Marco Pass, Florida, to provide for a channel 12 feet deep from the Gulf of Mexico to Gordon Pass and Naples Bay to the bridge on United States Highway No. 41, a turning basin 10 feet deep in upper Naples Bay, and a turning basin 8 feet deep at the municipal yacht basin. The estimated cost of this work would be \$331,000 for construction and \$39,000 annually for maintenance in addition to that now required. This work would be subject to several conditions of local cooperation including the requirement that local interests

v

RESOLUTION EXPRESSING THE WILLINGNESS AND ABILITY OF LEE COUNTY, FLORIDA, TO MEET THE REQUIREMENTS OF LOCAL COOPERATION FOR THE EXTENSION OF FORT MYERS BEACH CHANNEL

WHEREAS, it has been determined by the Department of the Army, Jacksonville District, Corps of Engineers, that economic justification exists for Federal extension of the existing Federal project navigation channel at Fort Myers Beach approximately 2,000 feet easterly to and including a turning basin; and

WHEREAS, the extension of the navigation channel at Fort Myers Beach would be in the best interest of Lee County, Florida; and

WHEREAS, the Jacksonville District, Corps of Engineers, requires an expression of local cooperation before recommending the proposed Federal improvements to higher authority within the Corps of Engineers,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that:

- 1. The Department of the Army, Corps of Engineers, is hereby requested to extend the Federal project navigation channel at Fort Myers Beach as shown in the tentative plan of improvement.
- Should the improvement project be finally approved, Lee County, Florida, is willing and able to:
 - a. Contribute in cash 2.7 percent of the construction cost including engineering and design and supervision and administration of construction of all work to be provided by the Corps of Engineers, an amount now estimated at \$1,500, to be paid in a lump sum prior to start of construction in accordance with construction schedules as required by the Chief of Engineers, the final apportionment of cost to be made after actual costs have been determined;

- b. Provide without cost to the United States all lands, easements, and rights-of-way required for construction and subsequent maintenance of the project and for aids to navigation upon the request of the Chief of Engineers, including suitable areas determined by the Chief of Engineers to be required in the general public interest for initial and subsequent disposal of spoil; and necessary retaining dikes, bulkheads, and embankments therefor, or the costs of such retaining works;
- Hold and save the United States free from damages that may be attributed to construction and maintenance of the project;
- Provide and maintain at local expense adequate public terminal and transfer facilities open to all on equal terms;
- Provide and maintain without cost to the United States depths in berthing areas and local access channels serving the terminals commensurate with the depths provided in the related project areas;
- f. Accomplish without cost to the United States such alterations as required in the cable crossings as well as their maintenance; and
- g. Establish regulations prohibiting discharge of untreated sewage, garbage, and other pollutants in the water of the channel and harbors by users thereof, which regulations shall be in accordance with applicable laws or regulations of Federal, State, and local authorities responsible for pollution prevention and control.

Chairman, Board of County Commissioners

D. T. Farabee, Clerk

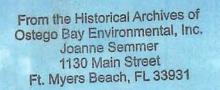
state of Florida

County of Lee

I, D. T. Forabee, Clerk of the Circuit Court in and for said County and State de he certify that the foregoing is a true photostatic copy of Resolute

Given under my hand and official seal at Fort Myters, Florida, thi

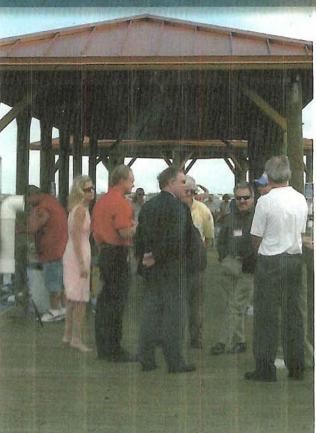


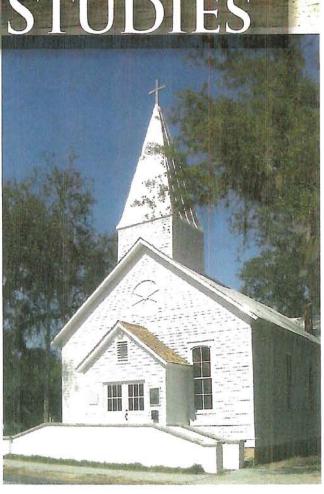


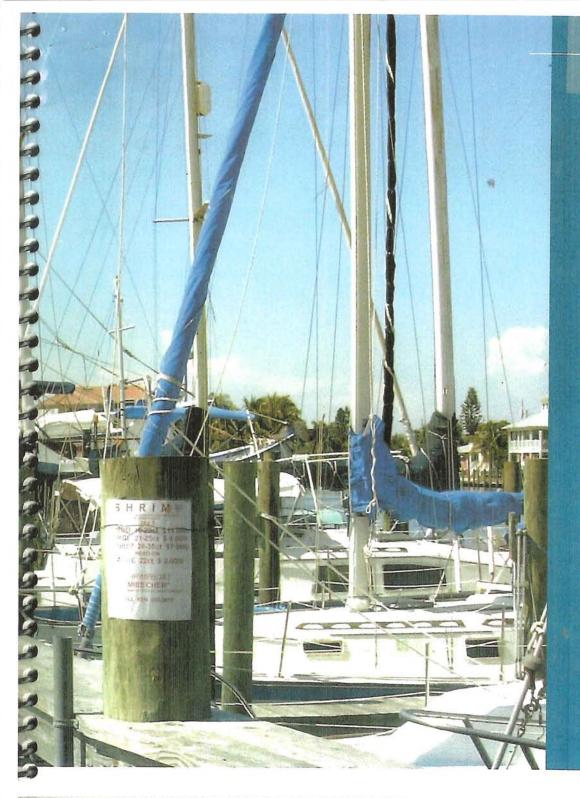
Waterfronts Florida Partnership Program

COMMUNITY CASE STUDIES









SAN CARLOS

Community Snapshot

VISION: "San Carlos Island is a people-oriented community with an important working waterfront that includes vibrant commercial seafood and other marine-based industries and recreational opportunities. These assets contribute in making San Carlos Island an attractive community for its permanent and seasonal residents as well as an interesting area for visiting tourists."

DESIGNATION: 1997

APPLICANT: Lee County Economic Development

STATUS: Active; committee meets quarterly; Partnership now established as a non-profit organization.

PARTNERS: Lee County; Ostego Bay Foundation; U.S. Coast Guard; local marinas; local fishermen; University of Florida; Florida West Coast Inland Navigation District.

KEY ACCOMPLISHMENTS: Working Waterfront Trail tour; Comprehensive Plan and Zoning Code "Water Dependent" Overlay; Ostego Bay Oil Spill Co-op.

CURRENT CHALLENGES: Incorporation as a city desired but not allowed by Florida Statutes; high property taxes in addition to submerged land leases.

FLORIDA ASSESSMENT OF COASTAL TRENDS DATA:

Number of Active Volunteers: 12

Volunteer Hours Contributed: 3,000

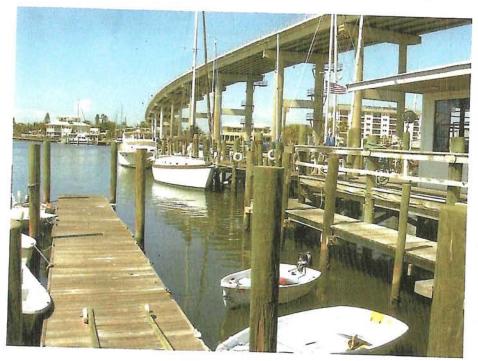
3,000

Public Dollars Contributed: \$7

\$71,642

SAN CARLOS

Ustego Bay Environmental, Inc.
Joanne Semmer
1130 Main Street
Ft. Myers Beach, FL 33931



San Carlos Island is a small working waterfront tucked under the Matanzas Pass Bridge connecting Fort Myers with Fort Myers Beach. The half-mile long barrier island is dotted with fish houses, commercial fishing docks, an openair waterfront restaurant and seafood market, a mix of single family homes and trailer parks, and various small businesses.

A HEALTHY BAY = HEALTHY SEAFOOD

In 1997, a self-created committee, with the help of the Lee County Office of Economic Development, applied for Waterfronts Florida designation to help the community deal with the capacity of shrimping and fishing boats that docked there seasonally, as well as educate residents and visitors about the Island's working waterfront.

To implement the public education portion of the committee's goal, the community developed a self-guided working waterfront tour called "A Healthy Bay = Healthy Seafood." Starting at Main Street with an informational kiosk, the tour takes participants along a short trail to a boardwalk where there is a clear

view of the shrimp and fish boats that line the waterfront. The kiosk provides information about the bay, the habitat, and fish that live in it. Although originally designed to be a self-guided tour, a volunteer is available to provide a narrated tour every Wednesday.

During its second year of designation, the Waterfront Partnership attempted to tackle the issue of crowding along the docks by commissioning a study to come up with alternatives. The resulting recommendation was to construct an enclosed basin large enough to dock 40 shrimp boats. Although well received by the public, the construction of the basin has not yet been undertaken.



The Waterfronts Committee has been spearheaded by the same volunteer program manager since its inception. Also serving as the CRA board, the Committee morphed into a non-profit Community Redevelopment Corporation that meets quarterly. The program manager is also the executive director of the Ostego Bay Foundation Marine Science Center, and the activities of the two groups gel together. The Ostego Bay Oil Spill Co-op, made up of volunteer commercial fishermen and marina employees and partnering with the Coast Guard, provides first response in the event of an oil spill. The Marine Science Center provides a marine science experience through interactive exhibits,



aquariums, hands on tank, collections and displays, and holds a children's day camp during the summer months.

In 1999, the Florida West Coast Inland Navigation District commissioned a study to determine the affects of the local fishing industry on Lee County's overall economy. The study found that although the impacts vary from year to year depending on economic conditions the shrimping industry contributes \$55 million and over 1,500 jobs to the economy. The study reported that:

"The shrimp processing/packing industry on San Carlos Island represents an important component of the Lee County economy. Activities associated with the harvesting, off-loading, processing, packing, and shipping of shrimp from San Carlos Island facilities have been shown to be intrinsically linked with several factors of the local economy. These activities create positive economic impacts to the local economy as shrimp products are sold to buyers located outside of Lee County and as shrimp is purchased locally by non-residents. The sale of shrimp to both local and non-local buyers results in the purchase of inputs from a variety of services and supply firms, and the distribution of

From the Historical Archives of Ostego Bay Environmental, Inc. Joanne Semmer 1130 Main Street Ft. Myers Beach, FL 33931 incomes to local employees. These expenditures are circulated within the Lee County economy as these dollars are spent and re-spent...'"

Recognizing the need to protect the local fishing fleet and related waterfront uses, Lee County amended its Comprehensive Plan to include the "San Carlos Island Water-Dependent Overlay Zone." This land use overlay allows for marinas, marine-related industrial and commercial uses, and marine storage areas such as dry-docks. Ancillary uses, such as restaurants, are also permitted under certain conditions. The County's Land Development Code was also modified to permit marine-related businesses.

In spite of these protections, a 40-acre parcel is slated for redevelopment into a condo/hotel and a yacht club. At one point, the committee explored the possibility of incorporation to gain autonomy over its zoning and land use issues, but Florida Statutes generally limit the creation of a new city if it is within two miles of another city. San Carlos Island's proximity to Fort Myers Beach stifles its ability to become an independent city. As of late, taxes have also been an issue for San Carlos Island—taxing on the highest and best use of the property, as well as paying the submerged land lease to the State of Florida, has been a strain on the commercial fishing industry.

Despite these pressures, San Carlos Island prides itself on its public education regarding the health of sea grass and mangrove communities and how they relate to the health of the bay and the fishing industry.

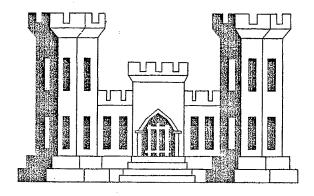
Adams, Chuck; David Mulkey, and Alan Hodges. 1999. An Assessment of the Economic Importance of the San Carlos Island Shrimp Processing Industry to the Lee County Economy, p. 9. Food and Resource Economics Department, Institute of Food and Agricultural Department (IFAS), University of Florida: Gainesville, Florida.



FT. MYERS BEACH, FLORIDA

PLANS FOR

FT. MYERS BEACH HARBOR MAINTENANCE DREDGING 11 AND 12-FOOT PROJECT



From the Historical Archives of Ostego Bay Environmental, Inc. Joanne Semmer 1130 Main Street Ft. Myers Beach, FL 33931

DEPARTMENT OF THE ARMY

JACKSONVILLE DISTRICT, CORPS OF ENGINEERS

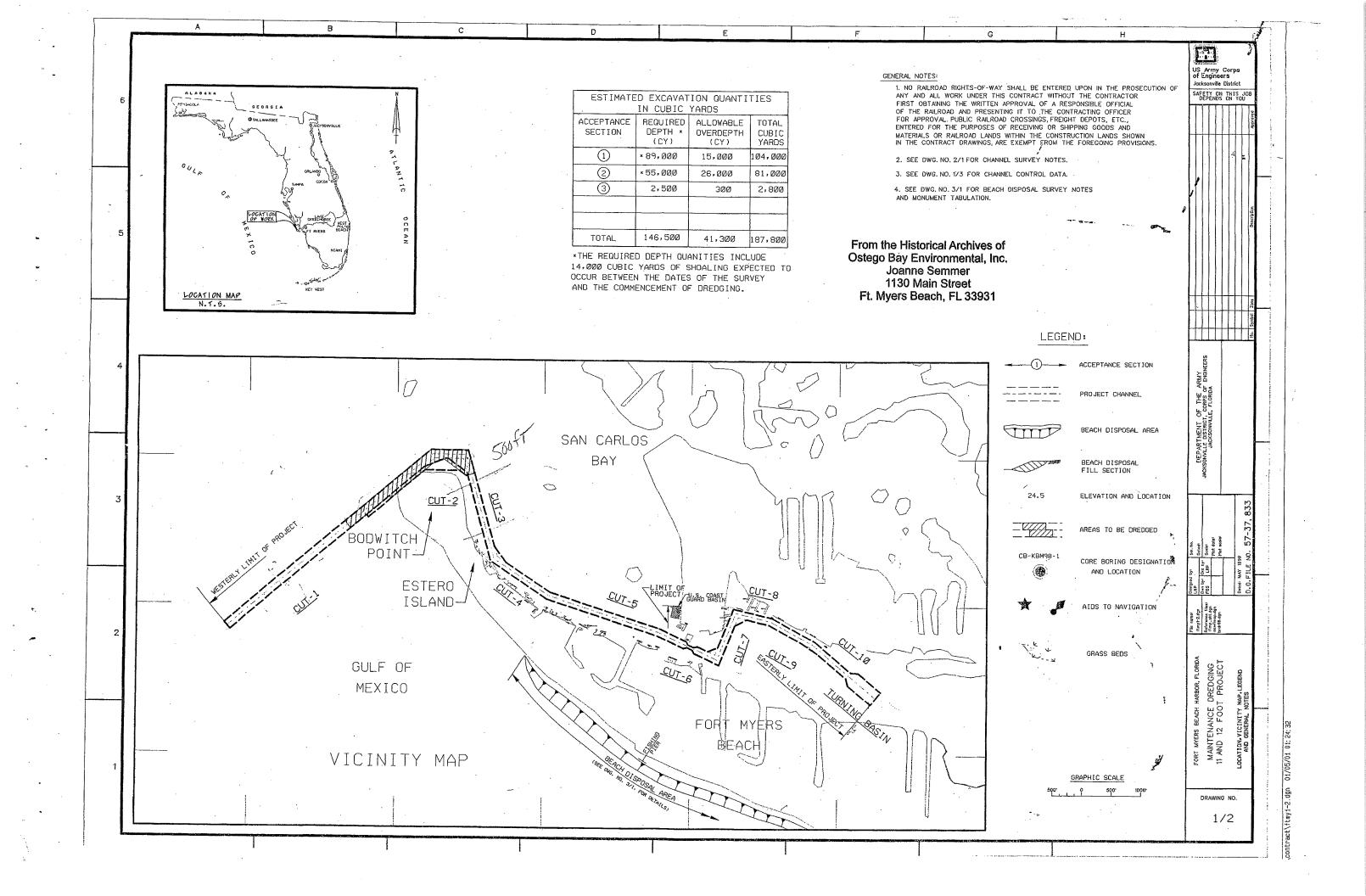
JACKSONVILLE, FLORIDA

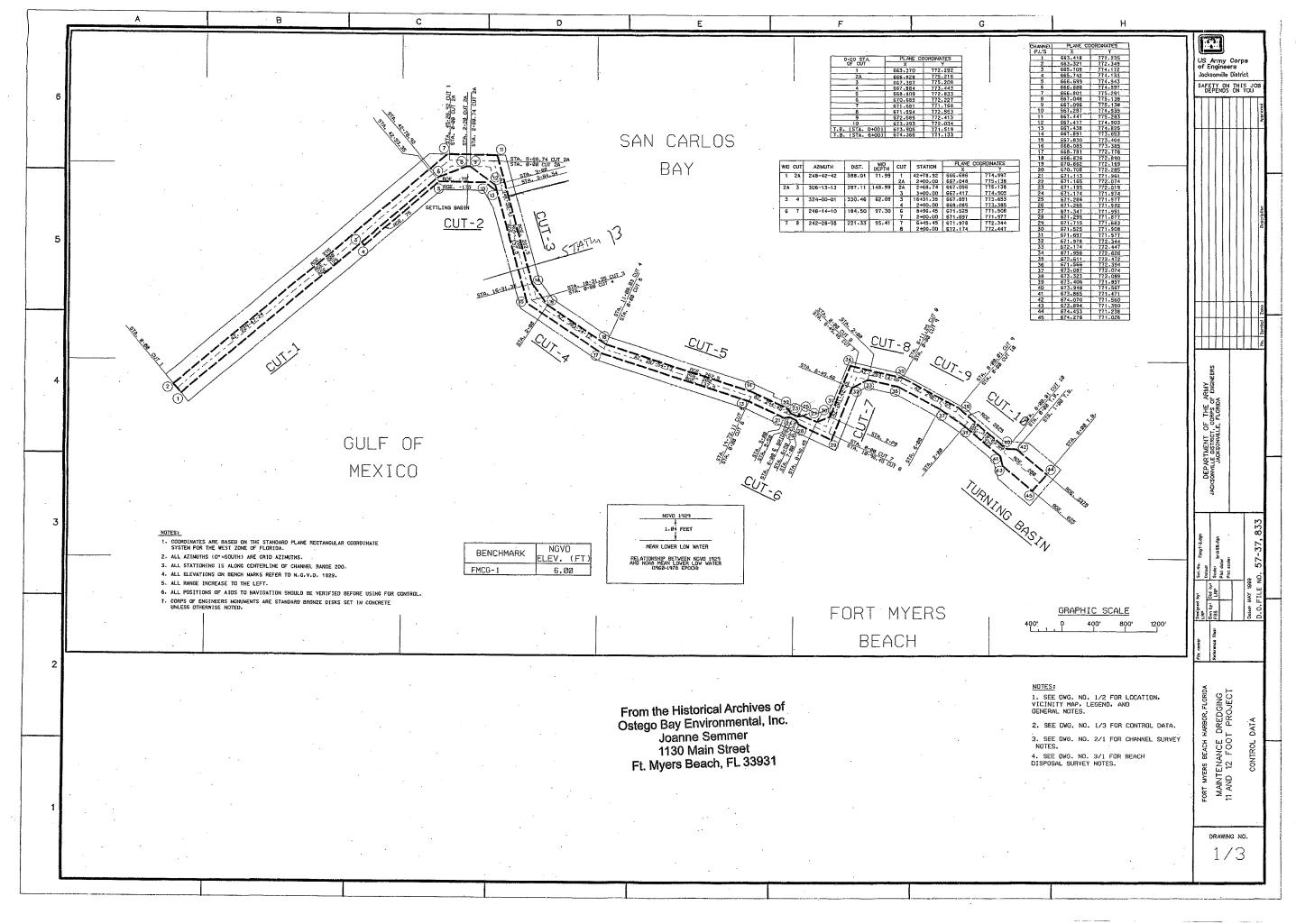
TO ACCOMPANY SOLICITATION

NO. DACWIT-01-R-0013

2001

FT. MYERS BEACH, FLORIDA US Army Corps of Engineers Jocksonville District **PLANS** SAFETY ON THIS JO DEPENOS ON YOU FOR FT. MYERS BEACH HARBOR MAINTENANCE DREDGING From the Historical Archives of Ostego Bay Environmental, Inc. Joanne Semmer 1130 Main Street 11 AND 12 - FOOT PROJECT Ft. Myers Beach, FL 33931 DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT, CORPS OF ENGINEERS JACKSONVILLE, FLORIDA 2001 INDEX TO DRAWINGS TITLE DREDGING GENERAL DISPOSAL BEACH DISPOSAL PLAN AND TYPICAL SECTION DREDGING PLAN FORT MYERS' BEACH HARBOR, FLORIDA MAINTENANCE DREDGING 11 AND 12-FOOT PROJECT NOTE: THIS PROJECT WAS DESIGNED BY THE JACKSONVILLE DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS. THE INITIALS OR SIGNATURES AND REGISTRATION DESIGNATIONS OF INDIVIDUALS APPEAR ON THESE PROJECT DOCUMENTS WITHIN THE SCOPE OF THEIR EMPLOYMENT AS REQUIRED BY ER 1110-1-8152. NOTES: 1. SEE DWG. NO. 1/2 FOR LOCATION, VICINITY MAP, LEGEND, AND GENERAL NOTES. 4. SEE DWG. NO. 3/1 FOR BEACH DRAWING NO. 1/1 SHEET 1 OF 10





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