




MEMORANDUM

TO: Marine Contractors

FROM: Ernest N. Brown, Director 

DATE: January 10, 2008

RE: Repair/Construction of Docks, Seawalls, and Revetments on Natural Water Bodies

This memorandum serves to clarify and provide guidance on the Brevard County Surface Water Protection Ordinance (Chapter 62, Article X, Division 3) as it relates to the repair/construction of docks, seawalls, and revetments on natural bodies of water (e.g., Indian River Lagoon, Banana River, Sykes Creek, etc.) in unincorporated areas of Brevard County. This does not address work on residential canals. Section 62-3661 defines bulkheads, seawalls, and riprap/revetments as follows:

Bulkhead and seawall mean a manmade shoreline wall, breakwater or encroachment, excluding riprap, designed or positioned to break the force of waves or to hold back or protect the shoreline from erosion. Headwalls and other similar minor structures necessary for the implementation of permitted stormwater management systems shall not be considered bulkheads.

Riprap means any shoreline hardening, revetment or structural alteration utilizing rock, concrete or other similar material, which alters the naturally occurring shoreline for the purpose of stabilization or erosion protection. Riprap shall not include bulkheads, seawalls or approved reinforced rock revetment habitats.

Work Within the Buffer: General

Policies 3.3 and 3.4 of the Brevard County Comprehensive Plan (Comp Plan) Conservation Element establish shoreline protection buffers for properties located on the Indian River Lagoon and tributaries designated as Class II waters, Class III waters, Aquatic Preserves, and Outstanding Florida Waters. Work within the shoreline protection buffer of these waters requires review and, in most cases, permitting by the Natural Resources Management Office (NRMO). Consequently, although a building permit is currently not required for structures within waters of the State, a **Surface Water Permit is required for any associated work in the shoreline protection buffer.** This includes, but is not limited to:

- Tie-backs/dead men,
- Addition of fill or other regrading, and
- Impacts to vegetation.

Seawall/Revetment Repair

A Surface Water permit is not required if you are making repairs **within the existing footprint of a legally existing** seawall or revetment. Any expansion of the structure (including fill) or shoreline impacts require a Surface Water permit. A structure is legal if:

- The structure was constructed prior to September 8, 1988, or
- All applicable permits (including Brevard County) were previously obtained for the structure.

Dock Construction

Current NRMO policy is that dock construction on waters of the State does not require a NRMO Surface Water permit. However, please be advised that work other than the incidental interface of the dock and shoreline does require a Surface Water permit and/or County Building permit. Incidental interface is the minimum length of ingress or egress ramp or boardwalk over land required to access the dock:

- In a safe, dry manner;
- To meet State regulations regarding docks elevation above mean high water; and
- To avoid impacts to the natural resources at the shoreline wetlands or buffer zone.

Clearing of vegetation for the construction of a dock requires a County Small Scale Land Clearing permit unless the vegetation is Non-Native Invasive or Undesirable Plants (NNIUPs) specified in Chapter 62, Article XIII, Division 2, Section 62-4332. NNIUPs may be removed from the buffer without a permit if completed in accordance with Section 62-4334(4). Any vegetation planted in the buffer should be native and suitable for the coastal environment. Please contact this office if you would like further guidance.

In accordance with existing Land Development Regulations and specifically Section 62-101, other permits may be required for work within or upon the subject property. Additionally, a County Surface Water permit and/or State Environmental Resource permit is required for any work in jurisdictional wetlands.

Permit Application

The surface water permit application can be found at http://www.brevardcounty.us/environmental_permitting/ep_application_forms.cfm. Please contact this office for a Small Scale Land Clearing permit application. Please submit the applicable permit fee of \$750 and \$200, respectively, with your application. Checks should be payable to the Brevard County Board of County Commissioners (please do not submit cash).

Surface Water Protection Ordinance Evaluation

In the near future, NRMO will begin evaluating the Surface Water Protection ordinance for potential revisions and necessary technical improvements. This evaluation process can only be successful with the participation of local professionals and we would greatly appreciate your involvement in this process. If you are interested in participating, please contact Darcie McGee at (321) 633-2016 or darcie.mcgee@brevardcounty.us so that we can notify you when we begin the process.

Thank you for your continued professionalism and service to the citizens of Brevard County.

cc: Ed Lyon, Director, Permitting & Enforcement Department
Mike McCaughin, Building Official