



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

JOINT COASTAL PERMIT

PERMITTEE/AUTHORIZED ENTITY:

U.S. Army Corps of Engineers
c/o Richard Bonner, P.E.
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232

Permit/Authorization No.: 0173188-002-JC

Date of Issue: **October 21, 2005**

Expiration Date of Construction Phase:
October 21, 2015

County: Miami-Dade

Project: Bakers Haulover Inlet and AIWW
Maintenance Dredging

This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62 and 40, 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:

The project is to maintenance dredge a portion of the Atlantic Intracoastal Waterway (AIWW) in the vicinity of Bakers Haulover Inlet (Cut DA-9, Stations 21 to 60), and place the beach-quality material south of the jetty, along Bal Harbor beach (DEP reference monuments R-28 to R-32). The estimate of material to be dredged is 50,000 cubic yards. The current application is for a once-only event. A cutterhead suction dredge is planned for use in order to clear the indicated section of Cut DA-9, but future modifications may be requested for periodic dredging of the larger channel/inlet complex, including the flood shoal. Placement of sand to the north, along Haulover Beach, may also be considered in subsequent events.

ACTIVITY LOCATION:

The project is located within Miami-Dade County, Township 52 South, Range 42 East, Sections 22, 23, 26 and 27. The maintenance dredging activity is located west of Bakers Haulover Inlet, AIWW, Class II Waters, Biscayne Bay Aquatic Preserve, Outstanding Florida Waters. The nourishment activity is located south of Bakers Haulover Inlet, Atlantic Ocean, Class III Waters, NOT OFW.

The Department acknowledges that maintenance dredging of the AIWW near Bakers Haulover Inlet falls within one of the federal powers listed in the Submerged Lands Act under 43 USC 1311(d) or 43 USC 1314, and, under those provisions, needs no authorization from the Board of Trustees to utilize sovereignty submerged lands. However, under the provisions of the Coastal Zone Management Act (16 USC 1451-1465), this activity requires Florida's concurrence with a determination of

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consistency with the sovereignty submerged lands provisions of the federally approved Florida Coastal Management Program prior to federal approval of the proposed activity. The State has determined that the maintenance dredging is consistent with the sovereignty submerged lands provisions of the Florida Coastal Management Program.

This permit constitutes a finding of consistency with the Florida Coastal Management Program, as required by Section 307 of the Coastal Zone Management Act. This permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341. In addition, the Department has determined, pursuant to Section 380.0651(3)(e), F.S., that the construction is located so that it will not adversely impact Outstanding Florida Waters or Class II waters, and will not contribute to boat traffic in a manner that will adversely impact the manatee.

The disposal of dredged material also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21 and Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the disposal of dredged material described above, and has determined that the activity qualifies for a consent to use sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted to the local sponsor, Florida Inland Navigation District (FIND), pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawings, 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 General Conditions and 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.

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GENERAL CONDITIONS:

1. This permit, including its general and specific conditions, must be construed in light of the Interagency Cooperative Agreement for Civil Works Projects (ICA) between the Department and the Corps. As recognized in the ICA, the Department has the authority to include reasonable conditions in this permit. All of the conditions in this permit, both general and specific, are enforceable to the extent sovereign immunity has been waived under 33 U.S.C. §§ 1323 and 1344(t). The ICA is incorporated herein by reference.
2. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated changes in:
 - a. operational plans;
 - b. project dimensions, size or location;
 - c. ability to adhere to permit conditions;
 - d. project description included in the permit;
 - e. monitoring plans.

If the Department determines that a modification to the permit is required then the Corps shall apply for and obtain the modification. Department approval of the modification shall be obtained prior to implementing the change, unless the change is determined by the Department to reduce the scope of work from that authorized under the original permit, and will not affect compliance with permit conditions or monitoring requirements.

3. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information:
 - a. a description of and cause of noncompliance;
 - b. the period of noncompliance, including dates and times;
 - c. impacts resulting or likely to result from the non-compliance;
 - d. steps being taken to correct the non-compliance; and
 - e. the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law with respect to any non-compliance.

4. The Corps shall obtain any applicable licenses, permits, or other authorizations that may be required by federal, state, local or special district laws and regulations. Nothing herein

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constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project.

5. Nothing herein conveys to the Corps or creates in the Corps any property right, any interest in real property, any title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of Florida's sovereign submerged lands seaward of the mean high-water line or an established erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.
6. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under section 373.421(2), F.S., provides otherwise.
7. Nothing herein authorizes any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or conveys any vested rights or any exclusive privileges.
8. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site of the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.
9. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards, access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.
10. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.
11. If historic or archaeological artifacts such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time on the project site, the Corps shall immediately stop all activities which disturb the soil and notify the Department and the State Historic Preservation Officer.

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12. Within a reasonable time after completion of construction activities authorized by this permit, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the Corps.

SPECIFIC CONDITIONS:

1. All reports or notices relating to this permit shall be sent to the DEP, Bureau of Beaches and Coastal Systems, JCP Compliance Officer, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000 and the DEP Southeast District Office, 400 N. Congress Avenue, Suite 200, West Palm Beach, FL, 33401. When submitting any information to the Bureau, please include a transmittal cover letter clearly labeled with the following at the top of each page: "This information is submitted in accordance with Item No. [XX] of Permit No. 0173188-002-JC, Bakers Haulover Inlet and AIWW Maintenance Dredging."
2. The permittee and the Department, within their respective authorities and funding, shall ensure that beach compatible dredged material is placed on Florida's beaches to the extent economically feasible, consistent with Florida's beach management plan adopted pursuant to Chapter 161, F.S. and other beneficial uses criteria as may be specified by the Department and applicable federal standards. To further the parties' goals for sediment management, prior to each dredging event the Corps shall provide the Department with existing geotechnical information characterizing the sediments to be dredged and alternative disposal options with projected costs to allow the Department to participate in funding alternative disposal options over the least costly method.
3. As soon as practicable prior to construction for the initial dredging event, and at least 28 days prior to each subsequent dredging event that may be authorized through a permit modification, the permittee shall submit, for review by the Department, one (1) printed copy and one (1) electronic copy of detailed *final construction plans and specifications* for all authorized activities, including an Environmental Protection Plan and Grade Stake Recovery Plan (for beach placement), to be provided by the contractor. The plans and specifications shall include a description of the beach and nearshore construction methods to be utilized, including details on dredge location and suction head position monitoring and controls. Any significant changes made to these documents during construction, as necessitated by field conditions, will be dealt with pursuant to General Condition #2.
4. As soon as practicable prior to commencement of the first maintenance dredging event authorized by this permit, and at least 14 days prior to each subsequent event that may be authorized through a permit modification, the permittee shall conduct a conference to review the specific conditions and monitoring requirements of this permit with the permittee's contractors (including the authorized marine turtle handler) and the engineer

of record. Florida Fish and Wildlife Conservation Commission personnel and Department staff representatives will be invited to attend this meeting. The permittee shall provide written notification, at least 10 days in advance of the meeting, to the following offices advising of the date, time, and location of the pre-construction conference. This will provide an opportunity for explanation and/or clarification of the environmental protection measures.

DEP Bureau of Beaches & Coastal Systems
JCP Compliance Officer
Mail Station 300
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Phone: (850) 488-7708
Fax: (850) 488-5257

DEP Southeast District Office
Submerged Lands & Environmental
Resources Program
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
Phone: (561) 681-6600
Fax: (561) 681-6755

FWC Imperiled Species Management
Section
620 South Meridian Street
Tallahassee, Florida 32399-1600
Phone: (850) 922-4330
Fax: (850) 921-4369

Biscayne Bay Aquatic Preserve
1275A NE 79th Street
Miami, FL 33138
Phone: (305) 795- 3485
Fax: (305) 795- 3470

5. Seagrass

- a. A seagrass survey shall be conducted prior to the initiation of construction activities. The in-water survey shall involve a visual inspection of the proposed pipeline route, the 150-meter mixing zone adjacent the dredge area, and all vessel operation areas. However, areas that are clearly revealed to be barren sand in aerial photography from the late spring/summer of 2005 (as determined by a qualified biologist with experience in seagrass assessment) need not be surveyed. Transects shall be no more than 20 meters apart, or the minimum spacing necessary for visual assessment of all marine substrate within the areas of concern. The perimeter of all seagrass beds within the mixing zone shall be delineated on a map at a resolution sufficient to help the contractor avoid anchoring within the beds, and for use in Specific Condition No. 9.a (Water Quality Monitoring) below. Qualitative species type and abundance information shall also be noted and spatially referenced. A copy of this map shall be provided to the Department with the first weekly turbidity report described in Specific Condition No. 9.
- b. The identified pipeline corridor shall be free of seagrass resources (within a 3-meter radius of the centerline), or else a quantitative estimate of seagrass acreage and density (including species type) within the corridor shall be determined, and

reported to the Department in an application for a permit modification that proposes seagrass avoidance, mitigation or remediation strategies.

- c. Coordinates of all dredge anchor drop points shall be recorded using DGPS technology, accurate to two (2) meters. The permittee shall instruct the contractor to anchor outside of seagrass beds whenever possible.
 - d. Within 21 days of construction completion, a post-construction seagrass survey shall be conducted following the same approximate transect routes as were used for the pre-construction survey, except that areas previously identified as barren sand do not need to be re-surveyed. Also, divers shall visit all anchor locations that were positioned within the perimeter of a seagrass bed. Within 60 days of the post-construction seagrass survey, a report (one electronic and one paper copy) shall be submitted to the Department documenting all signs of impact to the seagrass beds since the pre-construction survey (e.g., reduced perimeter, reduced density, and scouring), an approximate quantification of the extent of the impacts, and an evaluation of the likelihood that the listed impacts are attributable to the dredge operations.
 - e. Impacts to seagrasses are not approved by this permit unless so authorized through a permit modification. Unintentional impacts to seagrasses will require remediation and may be subject to further action.
6. The permittee will submit to the Department a memorandum that references the specifications that are intended to ensure that the material placed on the beach complies with Rule 62B-41.007(2)(k), F.A.C. This rule states, in part, that “sandy sediment derived from the maintenance of coastal navigation channels shall be deemed suitable for beach placement with up to 10% fine material passing the #230 sieve... If this material contains between 10% and 20% fine material passing the #230 sieve by weight, and it meets all other sediment and water quality standards, it shall be considered suitable for placement in the nearshore portion of the beach.”
 7. Pursuant to General Condition #12 and the Department’s request, the permittee will supply to the Bureau a copy of any drawings and surveys of the dredge area cross-sections with the statement of completion. These drawings will include pre-construction survey data and drawings, acquired within six (6) months of dredging, and following the last major storm. Both the original design and constructed elevation should be clearly shown. The statement of completion should also include volume dredged for each work area.
 8. As soon as practicable, but prior to the initiation of the dredge activity, the permittee shall submit to the Department drawings and surveys that depict biological resource avoidance areas for this project, including a list of specific activities that are restricted within the avoidance areas. At a minimum, these restrictions shall include:

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- a. No anchoring in seagrass beds
- b. Pipeline shall not be placed within three (3) feet of seagrass beds
- c. Vessels crossing seagrass beds shall have a minimum of eighteen (18) inches of water below the draft or the propeller(s), whichever is lower.

The drawings and surveys shall reference Permit No. 0173188-002-JC, and will be of sufficient resolution that both the contractor and Department staff can readily determine on-site compliance. Lack of compliance with the designated avoidance areas shall constitute a violation of this permit.

MONITORING REQUIRED:

9. Water Quality Monitoring (Turbidity)

a. Dredge Site:

Frequency: At least three (3) times daily during daytime dredging, at least four (4) hours apart, and at least once during peak flood tide (i.e., at the time of maximum incoming current through the inlet). Additional times, as necessary, when abnormally turbid plumes are spotted, or as directed by Department staff following turbidity exceedances.

Location: Compliance 1: No more than 150 meters downcurrent of the point of dredging or unauthorized discharge, within the densest portion of any visible turbidity plume, at mid-depth.

Compliance 2: Downcurrent, at the nearest edge of any seagrass bed within 150 meters of the point of dredging or unauthorized discharge, within the densest portion of any visible turbidity plume, at mid-depth.

Background: At least 300 meters upcurrent of the point of dredging or unauthorized discharge, outside any visible turbidity plume and any influence of this project, at mid-depth.

Threshold: One (1) nephelometric turbidity unit (NTU) above background at Compliance Location 1, and 29 NTUs above background at Compliance Location 2.

b. Disposal Site:

Frequency: Twice daily, at least six (6) hours apart, after disposal has been continual for at least one (1) hour.

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Location: Compliance: 150 meters from the discharge point, within the densest portion of any visible turbidity plume, at surface and mid-depth. If no plume is visible, samples shall be collected 150 meters downcurrent of the discharge point and 50 meters offshore.

Background: At least 300 meters upcurrent of the discharge point outside of any visible turbidity plume and any influence of this project, at the same distance offshore as the compliance point.

Threshold: 29 NTUs above background.

Weekly summaries of all turbidity monitoring data shall be submitted to the JCP Compliance Officer of the Bureau of Beaches and Coastal Systems and to the Southeast District Office within one week of collection, with documents containing the following information: (1) **“Permit Number 0173188-002-JC”**; (2) **“Bakers Haulover Inlet and AIWW Maintenance Dredging”** (3) dates and times of sampling and analysis; (4) a statement describing the methods used in collection, handling, storage and analysis of the samples; (5) a map indicating the sampling locations, current direction, plume configuration and the location of the dredge and discharge point(s); and (6) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Monitoring reports shall also include the following information for each sample that is taken: a) time of day samples taken; b) depth of water body; c) depth of sample; d) antecedent weather conditions; e) tidal stage and direction of flow; f) wind direction and velocity; and g) DGPS position. Reports may be submitted electronically.

The 150-meter compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals that the turbidity levels at the compliance sites, including the edges of seagrass beds within the mixing zone, are greater than the indicated thresholds construction activities shall cease immediately (unless otherwise directed by the Department) and not resume until corrective measures have been taken and turbidity has returned to acceptable levels (i.e., following two consecutive measurements resulting in below-threshold values).

Any measurement greater than zero (0) NTUs above background within the Aquatic Preserve (dredge site) or 29 NTUs above background outside the Aquatic Preserve (disposal site) shall constitute a turbidity violation and must be immediately reported to the JCP Compliance Officer and Biscayne Bay Aquatic Preserve Manager. Any exceedance of the thresholds stated above shall also be reported immediately, along with the associated corrective actions. Although exceedances at Compliance Station 1 that fall between the 0 NTU standard and the 1 NTU threshold do not require immediate shutdown, they must still be reported immediately. For every third exceedance of the

indicated thresholds within any seven day period, the permittee shall consult with Bureau staff prior to resuming construction.

10. Marine Turtles

- a. From April 1 through November 30, all project lighting shall be limited to the immediate area of active construction only and shall be the minimal lighting necessary to comply with U.S. Coast Guard and/or OSHA requirements. Stationary lighting on the beach and all lighting on the dredge shall be minimized through reduction, shielding, lowering, and appropriate placement of lights to minimize illumination of the nesting beach and water. Shields must be affixed to the light housing and be large enough to block light from all lamps from being transmitted outside the construction area, according to Figure 1 below.

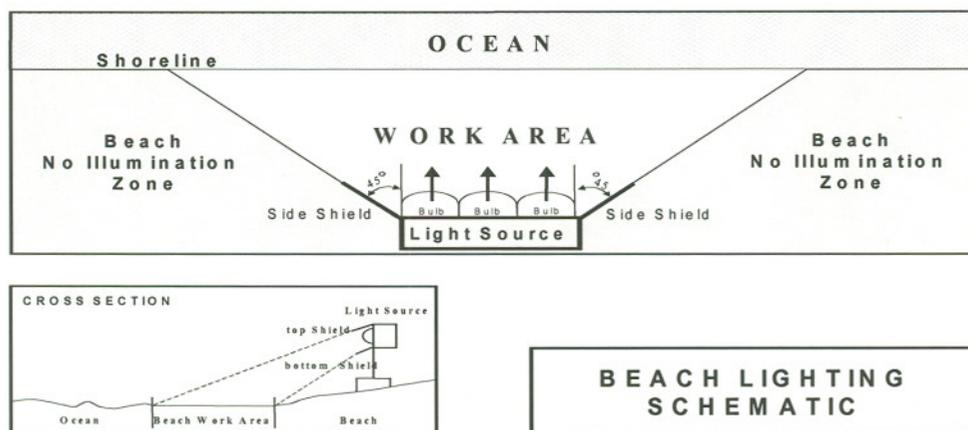


Figure 1

- b. From April 1 through November 30, staging areas for construction equipment shall be located off the beach. Nighttime storage of construction equipment not in use shall be off the beach to minimize disturbance to sea turtle nesting and hatching activities. All construction pipes that are placed on the beach shall be located as far landward as possible without compromising the integrity of the existing or reconstructed dune system.
- c.. Construction-related activities are authorized to occur on the nesting beach (seaward of existing coastal armoring structures or the dune crest) during the nesting season (May 1 through October 31) under the following conditions:
 - i. A daily marine turtle nest survey of the nesting beach in the vicinity of the project (including areas of beach access) shall be conducted starting April

- 1 and continue until September 30. Only those nests that may be affected by construction activities shall be relocated for this project; all other relocations shall occur in accordance with the existing Marine Turtle Permit for this beach.
- ii. Nests requiring relocation shall be moved no later than 9 a.m. the morning following deposition to a nearby self-release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation. Nest relocations in association with construction activities shall cease when construction activities no longer threaten nests.
 - iii. Nests deposited within areas where construction activities have ceased or will not occur for 65 days shall be marked and left in place unless other factors threaten the success of the nest or in accordance with the existing Marine Turtle Permit for this beach.
 - iv. Such nests will be marked and the actual location of the clutch determined. A circle with a radius of ten (10) feet, centered at the clutch, shall be marked by stake and survey tape or string. No construction activities shall enter this circle and no adjacent construction shall be allowed which might directly or indirectly disturb the area within the staked circle.
 - v. No construction activity may commence until completion of the marine turtle survey each day.

It is the responsibility of the permittee to ensure that the project area and access sites are surveyed for marine turtle nesting activity. All nesting surveys, nest relocations screening or caging activities etc. shall be conducted only by persons with prior experience and training in these activities and who is duly authorized to conduct such activities through a valid permit issued by the Fish and Wildlife Conservation Commission (FWC), pursuant to Rule 68E-1, F.A.C.

- d. If the beach nourishment project will be conducted during the period from November 1 through November 30, daily early morning sea turtle nesting surveys must be conducted 65 days prior to project initiation and continue through September 30, and eggs must be relocated per the preceding requirements.
- e. Beach compaction testing and tilling requirements are included in the attached Local Sponsor Agreement.
- f. Escarpment monitoring and maintenance requirements are included in the attached Local Sponsor Agreement.

- g. In the event a sea turtle nest is excavated during construction activities, all work shall cease in that area immediately and the permitted person responsible for egg relocation for the project should be notified so the eggs can be moved to a suitable relocation site.
- h. Upon locating a dead, injured, or sick endangered or threatened sea turtle specimen, initial notification must be made to the FWC at 1-888-404-FWCC. Care should be taken in handling sick or injured specimens to ensure effective treatment and care and in handling dead specimens to preserve biological materials in the best possible state for later analysis of cause of death. In conjunction with the care of sick or injured endangered or threatened species or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.
- i. Marine turtle nest monitoring and reporting requirements are included in the attached Local Sponsor Agreement.

11. Manatees

- a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s). The observer(s) shall contact the captain of the vessel in order to reduce the speed or alter the course, as necessary, should any manatees be observed. For the smaller boats associated with this project, the vessel operator can fulfill this requirement.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
- c. Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

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- e. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
- f. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) in south Florida.
- g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-772-562-3909) for south Florida.
- h. At least one observer shall be present when in-water work is being performed. Observers shall have a degree in biology, marine biology, oceanography, or the equivalent, and a minimum of 40 hours of manatee survey experience. Otherwise, prior to dredging, the manatee observers must specifically be approved by the Department, in consultation with the FWC Imperiled Species Management Section.
 - i. The names, contact information and résumés of the designated manatee observers shall be submitted to the Department a minimum of one week prior to construction. Résumés should specify projects involving documented manatee sightings.
 - ii. Within 30 days following completion of the project, a report detailing manatee sightings, boat-manatee collisions, and manatee injuries shall be submitted to the Imperiled Species Management Section, Division of

Habitat and Species Conservation, 620 South Meridian Street, Mailbox 6A, Tallahassee, FL 32399-1600.

- iii. The manatee observers must be onsite during all in-water construction activities and be given authority to advise personnel to cease operation upon sighting a manatee within 50-feet of any in-water construction activity.

- i. After sunset, vessel movement within the Biscayne Bay Aquatic Preserve will be minimized to the greatest extent possible under normal operating procedures, as the likelihood of spotting submerged animals is limited. Within Biscayne Bay, lighting should be used, as appropriate, to assist in manatee observations. No dredging shall be performed at night using a clamshell-type vessel.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Michael R. Barnett, P.E., Chief
Bureau of Beaches and Coastal Systems

FILING AND ACKNOWLEDGMENT

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

 10.21.05
Deputy Clerk Date

Prepared by S. MacLeod.

Attachments: Turtle Monitoring Table (1 page)
Permit Drawings (6 pages)
Local Sponsor Agreement (4 pages)