



# Florida Department of Environmental Protection

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Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## ENVIRONMENTAL RESOURCE PERMIT

### PERMITTEE/AUTHORIZED ENTITY: PERMIT INFORMATION:

U.S. Army Corps of Engineers  
c/o Mr. Richard E. Bonner, P.E.  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Permit/Authorization Number: **183480-001-EI**

Issuance Date: **March 2, 2007**

Expiration Date of Construction Phase:  
**March 2, 2017**

Project Name: Manatee Harbor Maintenance  
Dredging  
County: Manatee

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This permit is issued under the authority of Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an environmental resource permit. 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 Manatee Harbor entrance channel, located seaward of Station 60+00, as referenced on the approved plans. The proposed project consists of the removal of approximately 25,000 cubic yards of material from the federal channel and disposal of the dredged material into the Tampa Ocean Dredged Material Disposal Site (ODMDS), which is subject to U.S. Environmental Protection Agency approval. The proposed dredging activities are to maintain previously dredged depths using a hopper dredge, not to exceed a depth of -40 feet Mean Lower Low Water (MLLW) plus a 2.0 foot allowable overdredge (-42.0 feet MLLW, maximum total dredge depth), with 3:1 (horizontal to vertical) side slopes. No new resource impacts are authorized.

### ACTIVITY LOCATION:

The dredging activity is located adjacent to Port Manatee, Hillsborough and Manatee Counties, northwest of Sections 1 and 12, Township 33 South, Range 17 East, Tampa Bay, Class III Waters. These dredging activities are in proximity of the Terra Ceia Aquatic Preserve, Cockroach Bay Aquatic Preserve, and Pinellas County Aquatic Preserve (all are Outstanding Florida Waters), but this work is NOT within these Outstanding Florida Waters. The disposal site is located in the Gulf of Mexico, approximately 34 miles west of Tampa Bay, outside of state waters.

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The Department acknowledges that maintenance dredging of the federally authorized deepwater port channel 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 consistency with the sovereignty submerged lands provisions of Florida's approved Coastal Management program prior to federal approval of the proposed activity. The State has determined that the activity is consistent with the sovereignty submerged lands provisions of Florida's approved Coastal Management program.

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act. This permit also constitutes certification of compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), 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 attached 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. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization, as specifically described above.

Abbreviations used in the general and specific permit conditions below include:

BBCS: Bureau of Beaches and Coastal Systems (DEP)  
CAMA: Office of Coastal & Aquatic Managed Areas (DEP)  
DEP or Department: Florida Department of Environmental Protection  
FWC: Florida Fish and Wildlife Conservation Commission  
F.A.C.: Florida Administrative Code  
F.S.: Florida Statutes  
ICA: Interagency Coordination Agreement  
ISMS: Imperiled Species Management Section (FWC)  
OFW: Outstanding Florida Waters  
USACE or Corps: U.S. Army Corps of Engineers  
U.S.C.: United States Code

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**GENERAL CONDITIONS:**

1. This permit, including its general and specific conditions, must be construed in light of the February 28, 2006 Interagency Coordination 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 effect 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 which may be required by federal, state, local or special district laws and regulations. Nothing

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herein 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 in the immediate area which disturb the soil and notify the Department and the State Historic Preservation Officer. In the event that unmarked human remains are encountered during permitted activities, all work shall

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stop in the immediate area and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

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. The following contact information applies when this permit requires communication with the listed organizations.

DEP, Bureau of Beaches & Coastal  
Systems (BBCS)  
Attn: JCP Compliance Officer  
3900 Commonwealth Boulevard  
Mail Station 300  
Tallahassee, FL 32399-3000  
Phone: (850) 414-7716  
Fax: (850) 414-7725  
E-mail: [JCPcompliance@dep.state.fl.us](mailto:JCPcompliance@dep.state.fl.us)

DEP, Office of Coastal & Aquatic Managed  
Areas (CAMA)  
Tampa Bay Aquatic Preserves  
P.O. Box 309  
Terra Ceia, FL 34250  
Phone: (941) 721-2068  
Fax: (941) 721-2070

FWC, Imperiled Species Management  
Section (ISMS)  
620 South Meridian Street, 6A  
Tallahassee, FL 32399-1600  
Phone: (850) 922-4330  
Fax: (850) 921-4369

DEP, Southwest District Office  
Permitting & Compliance/Enforcement  
13051 N. Telecom Pkwy  
Tampa, FL 33637  
Phone: (813) 632-7600

2. At least 30 days prior to the commencement of each maintenance dredging event to be conducted during the term of this permit, the permittee shall submit a proposed schedule of dredging for the event to the following offices:
  - DEP, Bureau of Beaches and Coastal Systems
  - DEP, Southwest District Office
3. At least 7 days prior to commencement of the dredging authorized by this permit, the permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the permittee's contractors, Contracting Officer Representative, and Department staff representatives. The permittee shall

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provide written notification, at least 14 days in advance of the meeting, to the following offices advising of the date, time, and location of the pre-construction conference:

- DEP, Bureau of Beaches and Coastal Systems
  - DEP, Southwest District Office
  - FWC, Imperiled Species Management Section
  - DEP, Office of Coastal and Aquatic Managed Areas
4. Final Plans and Specifications for each maintenance dredging event authorized under this permit shall be provided to the Department's BBCS at least 7 days prior to commencement of work.
  5. There shall be no storage or stockpiling of equipment, tools, or materials within wetlands or along the shoreline within the littoral zone. No portion of the dredge vessel or any related equipment shall be temporarily stored, anchored, or laid on or over areas where there are seagrass, algal, hardbottom, or coral communities without prior Department approval.
  6. No direct or secondary impacts are authorized to wetlands, submerged aquatic vegetation, shellfish beds or hardbottom communities outside of the limits of the specified reaches of the federally authorized channel. If any such impacts occur outside of the authorized reaches of this channel, the permittee shall immediately report the damage to the Department's BBCS and take corrective action to avoid any further damage. Within 30 days of any such damage, the permittee shall propose a remediation/mitigation plan, which shall be implemented upon approval by the Department.
  7. The permittee shall comply with the following conditions intended to protect manatees and sea turtles from direct project effects:
    - a. All personnel associated with the project shall be instructed about the presence of sea turtles, manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees and sea turtles. 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, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
    - b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate 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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- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
  - d. All on-site project personnel are responsible for observing water-related activities for the presence of manatees and sea turtles. **All in-water activities, including vessel operation, must be shutdown if a manatee or sea turtle comes within 50 feet of the active construction site.** Activities will not resume until the manatee or sea turtle has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee or sea turtle has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
  - e. Any collision with and/or injury to a manatee or marine turtle 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).
  - f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. **One sign** measuring at least 3 feet by 4 feet which reads “**Caution: Manatee Area**” must be posted in a location prominently visible to all personnel engaged in water-related activities. **A second sign** measuring at least 8 ½ inches by 11 inches explaining the requirements for “Idle Speed/No Wake” and the shut down of in-water operations must be posted on vessels associated with the construction, and should be placed visible to the vessel operator.
  - g. The contractor shall maintain a log detailing sightings, collisions, or injuries to manatees and sea turtles should they occur during the contract period. Within 30 days following project completion, a report summarizing incidents and sightings shall be submitted to the FWC Imperiled Species Management Section.
8. The following measures shall be taken whenever turbidity levels at the limit of the mixing zone exceed the standards described in Specific Condition No. 9 below, pursuant to Rule 62-302, F.A.C.:
- a. Immediately cease all work that may be contributing to the water quality violation.

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- b. Notify the Department's BBCS (JCP Compliance Officer) and the Department's Southwest District within 24 hours of the time the violation is first detected. The violation report shall include the description of the corrective actions being taken or proposed to be taken.
- c. Modify the work procedures that were responsible for the violation and/or install more or repair any non-functioning turbidity containment devices.
- d. Maintain the cessation of all dredging until continued monitoring has revealed no further violation exists.
- e. Provide a copy of all monitoring data sheets that indicate violations to the Department's BBCS (JCP Compliance Officer) and to the Department's Southwest District Office.
- f. After a water quality related work cessation specifically ordered by the Department, construction/dredging operations may continue only upon Department approval.

**MONITORING**

9. Water Quality Sampling/Compliance (Turbidity)

LOCATION (within state waters):

Background - At mid-depth, at least 300 meters upcurrent from the hopper dredge (including intake and discharge points) and clearly outside the influence of any turbidity generated by this project or other obvious turbidity plumes.

Compliance Site Type 1 - For dredging and discharge activities that are more than 150 meters (in the direction of flow) from seagrass beds or Outstanding Florida Waters (OFW). At mid-depth, 150 meters downcurrent from the hopper dredge intake or discharge point), within the densest portion of any visible turbidity plume.

Compliance Site Type 2 - For dredging and discharge activities that are within 150 meters (in the direction of flow) from seagrass beds. At mid-depth, at the **edge of the seagrass bed** within the densest portion of any visible turbidity plume. If no plume is visible, then the location shall be at the nearest edge of the seagrass bed in the direction of flow.

Compliance Site Type 3 - For dredging and discharge activities that are upcurrent from OFWs. At mid-depth, in the direction of the densest portion of any visible turbidity plume flowing toward the OFW, at the point where the plume may first intersect the **boundary of the OFW** (i.e., the Cockroach Bay, Pinellas County

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and Terra Ceia Aquatic Preserves).

These compliance locations define the extent of the approved mixing zones.

**FREQUENCY:**

Background: Equivalent to the corresponding compliance samples.

Compliance Site Types 1 and 2: Twice daily at least four (4) hours apart during all dredging operations within state waters. If overflow occurs from filling of hopper dredge, disposal barge or scow barge, then monitoring shall occur at least once during each discharge event when the turbidity plume reaches the edge of the mixing zone.

Compliance Site Types 2 and 3: Hourly, when visual observation indicates a turbidity plume extends into seagrass beds or to within 500 meters of OFWs. If overflow occurs from filling of hopper dredge, disposal barge or scow barge, then monitoring frequency shall be increased to every 30 minutes during discharge and up to 30 minutes after overflow has ceased.

During all dredging operations, turbidity levels at the edge of the approved mixing zones shall not exceed 29 Nephelometric Turbidity Units (NTUs) above background levels for non-OFWs and/or 0 NTUs above background levels for OFWs. As per Specific Condition No. 8 above, if at any time turbidity levels at the compliance locations rise more than 29 NTUs above background, or exceeds background in adjacent Outstanding Florida Waters (i.e., the nearby aquatic preserves), construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence of a water quality violation shall be reported to the Department's BBCS in Tallahassee at (850) 414-7716 (attn: JCP Compliance Officer) and to the Department's Southwest District Office at (813) 632-7600 within 24 hours of the time the violation is first detected.

Turbidity monitoring reports shall be submitted to the Department's BBCS and Southwest District, with the report details stipulated below.

**REPORTS**

10. Water Quality monitoring reports shall be submitted to the Department's BBCS and Southwest District Office on a weekly basis within seven days of collection. Reports shall be submitted under a cover letter containing the following statement: "**This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0183480-001-EI, Manatee Harbor Maintenance Dredging Project.**" The cover letter shall summarize any significant compliance issues. Also, please clearly reference the permit number on each page of the report. In addition to analytical results

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for samples and quality control, the report should also include:

- a. time of day samples were 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
- g. a statement describing the methods used in collection, handling, storage and analysis of the samples
- h. turbidity meter calibration
- i. a map indicating the location of the current construction activity, the sampling locations (background and compliance), and the visible plume pattern of the 150 meter mixing zone
- j. a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Failure to submit monitoring reports in a timely manner constitutes grounds for revocation of the permit.

11. In accordance with General Condition No. 12, the permittee shall include a written statement of completion. The following information shall be included:
  - a. The permit number (**0183480-001-EI**)
  - b. The specific location of the dredging and disposal site(s) used;
  - c. A description of the dredging and disposal methods and equipment used;
  - d. The date on which dredging began and the date of completion;
  - e. A table identifying any violations of turbidity standards which occurred during dredging or disposal, the probable causes of the violations, and corrective measures taken to reduce turbidity; and
  - f. The quality and quantity of material dredged.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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

