



Department of Environmental Protection

Jeb Bush
Governor

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3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Martin County
c/o Kathy FitzPatrick, P.E.
2401 S.E. Monterey Road
Stuart, Florida 34996

Permit/Authorization No.: 0129368-002-JC

Date of Issue: April 18, 2001

Expiration Date: April 18, 2006

County: Martin

Project: St. Lucie Inlet Improvements

This 5-year Joint Coastal 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 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 construct improvements within St. Lucie Inlet. This includes the initial construction of an impoundment basin, which will be created by dredging sand overburden and rock substratum from a 1750 ft. long x 450 ft. wide area to a depth of -16 ft. MLW, plus 2 ft. of allowable overdredge, and (for the initial excavation only) the removal of 2 additional ft. of rock as a safety buffer for future maintenance dredging (for a total dredge depth of -20 ft. MLW for the initial event only). The project also involves raising the outer 450 ft. section of the north jetty with additional armor stone and widening its footprint, as well as extending the south jetty by 200 ft. through the installation of a steel sheetpile wall flanked by armor stone. In addition, the landward portion of the north jetty will be sand tightened with a geotextile membrane core overlain by 8 ton armor stone beginning at the terminus of the current sheetpile wall at Sailfish Point and extending seaward for a distance of 440-ft. Approximately 100,000 cy of sand overburden and approximately 200,000 cy of limestone rock will be excavated. Excavation will be conducted by either hydraulic dredge or marine excavator. All excavated material will be deposited at a permitted offshore artificial reef site located northeast of the inlet (DEP Permit No. 43-0166768-001-EI).

ACTIVITY LOCATION:

Located at St. Lucie Inlet, Martin County, Sections 16 and 17, Township 38 south, Range 42 East, Atlantic Ocean, Class III Waters.

This permit constitutes a finding of consistency with Florida's Coastal Zone 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.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the dredging activity and deposition in the artificial reef tract 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, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

A copy of this authorization has been sent to the U. S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

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 and authorization to use sovereign submerged lands 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 and authorization.** 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.

GENERAL CONDITIONS:

1. All activities authorized by this permit shall be implemented as set forth in the drawings incorporated by reference and all conditions and requirements of this permit. The permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required.
2. If, for any reason, the permittee does not comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Office of Beaches and Coastal Systems (Office) and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of

noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits which may be required by federal, state, local or special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of sovereignty land of Florida seaward of the mean high-water line, or, if established, the 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. The permittee is responsible for obtaining any necessary authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to commencing activity on sovereign lands or other state-owned lands.

5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.

6. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee. The issuance of this permit does not convey any vested rights or any exclusive privileges.

7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the permitted activity. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

8. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times and in compliance with specified safety standards, access to the premises where the permitted activity is located or conducted for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to and copy any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

9. At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Office and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date.

10. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the State Historic Preservation Officer and the Office.

11. Within a reasonable time after completion of construction, the permittee shall submit to the Office of Beaches and Coastal Systems and the appropriate District office of the Department a written statement of completion and certification by a licensed professional engineer registered in the state of Florida. (*NOTE: Certification by a licensed professional engineer registered in the State of Florida is not required for written statements of completion submitted by the U.S. Army Corps of Engineers*). This certification shall state that: all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specifications, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on two copies of as-built drawings submitted to the Department. For that part of the project construction undertaken by the U.S. Army Corps of Engineers, the Corps shall submit to the Department a written statement of completion, in lieu of this certification. This statement shall notify the Department that the work has been completed and shall include a description of the actual work completed under the Corps' direction. If requested, the Department shall be provided a copy of any as-built drawings required of the Corps' contractor or survey performed by the Corps.

SPECIFIC CONDITIONS:

1. Prior to commencement of construction, the permittee shall submit the following:
 - a. *Final plans and specifications.* Two copies of detailed final construction plans and specifications for all authorized activities. These documents shall be signed and sealed by the design engineer, who must be registered in the State of Florida, and shall bear the certifications specified in Rule 62B-33.007(3)(b) and 62B-33.007(3)(n), Florida Administrative Code. (*NOTE: Certification by a licensed professional engineer registered in the State of Florida is not required for submittals by the U.S. Army Corps of Engineers*).
 - b. *Final plans and specifications - electronic copies.* The information provided in section (a) above shall also be provided to the Office in electronic format, on compact diskette or

other electronic media. Electronic submittals shall be in ArcViewGIS or AutoCAD format or similar, compatible format and clearly referenced as to datum and projection. Electronic files shall be accompanied by corresponding information as to dates of and responsible parties performing all associated data collection and any other pertinent information about the data collection.

- c. *Turbidity monitoring qualifications.* Construction at the project site shall be monitored closely to assure that turbidity levels do not exceed the compliance standards established in this permit. An individual familiar with dredging construction techniques and turbidity monitoring shall serve as site supervisor and shall have authority to alter construction techniques or shut down the dredging construction operations if turbidity levels exceed the compliance standards established in this permit. The names and qualifications of those individuals performing these functions along with 24-hour contact information shall be submitted prior to construction.
 - d. *Hydrographic monitoring plan.* A hydrographic plan shall be submitted for approval to monitor the performance of the inlet channel, to identify potential erosion and accretion patterns along the adjacent shoreline, to verify the analyses that were conducted in the development of the design of the project, and to identify any adverse impacts, which would be attributable to the project authorized by this permit. The monitoring plan shall contain an executive summary, a table of contents, and a list of tables and figures. The plan shall also contain a table and plan view map showing the location, length, and all control information (i.e., state plane coordinates, azimuths, etc.) for all beach profiles to be monitored. The proposed plan shall demonstrate what specific data is to be collected, the time period for data collection, the proposed analyses to be conducted and the format in which the results are to be presented. The monitoring plan is subject to modification at the direction of the Department should shoreline conditions change.
2. The turbidity mixing zone shall not exceed 29 NTU's above background at a distance greater than 150 meters from the dredge area unless the Department issues a Final Order of Variance (File No. 0129368-003-EV) from Rule 62-4.244(5)(c), F.A.C. to establish a temporary mixing zone greater than 150 meters.
 3. Prior to construction of the south jetty extension and north jetty improvements, sketch drawings and legal descriptions shall be provided to the Department for execution of a Public Easement. The terms, conditions, and provisions of the required Public Easement for the jetty improvements shall be met. Construction of the jetty improvements shall not commence on sovereign submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all Public Easement documents have been executed to the satisfaction of the Department.

4. At least 14 days prior to the commencement date, the permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the permittee's contractors, and Department staff representatives. The permittee shall provide a minimum 7 days advance written notification to the following offices advising of the date, time, and location of the pre-construction conference.

DEP, Beaches and Coastal Systems,
M.S. 300
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
phone: (850) 487-4471
fax: (850) 488-5257

fax: (561) 681-6780
Mark Taynton, Field Engineer, DEP, OBCS
P.O. Box 15425
West Palm Beach FL 33416
phone: (561) 681-6637
fax: (561) 681-6780

FWC, Bureau of Protected Species Management
620 South Meridian Street
Tallahassee, Florida 32399-1600
phone: (850) 922-4330
fax: (850) 921-4369

FWC - Artificial Reef Program
620 South Meridian Street, Box MF-MFM
Tallahassee, Florida 32399-1600
phone: (850) 922-4340
fax: (850)922-0463

DEP/SLERP - Southeast Florida District
400 North Congress Avenue
West Palm Beach, Florida 33401
phone: (561) 681-6600

4. In addition to the conditions contained herein, the permittee shall adhere to the conditions of DEP Permit No. 43-0166768-001-EI during placement of dredged material in the Artificial Reef Site.
5. In order to ensure that manatees are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:
 - a. The contractor instructs 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), and shall implement appropriate precautions to ensure protection of the manatee(s).
 - b. All construction personnel are advised 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. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.

- c. Prior to commencement of construction, the prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees. For all vessels, a temporary sign (at least 8.5" X 11") reading "**Manatee Habitat/Idle Speed In Construction Area**" will be placed in a prominent location visible to employees operating the vessels. In the absence of a vessel, a temporary sign (at least 2' X 2') reading "**Warning: Manatee Habitat**" will be posted in a location prominently visible to land based, water-related construction crews.

A second temporary sign (at least 8.5" X 11") reading "**Warning, Manatee Habitat: Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL-FMP**" will be located prominently adjacent to the displayed issued construction permit. Temporary notices are to be removed by the permittee upon completion of construction.

- d. Siltation barriers shall be properly secured so that manatees cannot become entangled, and are monitored at least daily to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
- e. All vessels associated with the project operate at "idle speed/no wake" 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.
- f. If manatees are seen within 100 yards of the active daily construction/dredging operation 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.
- g. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol (1-800-DIAL-FMP) and to the FWC Bureau of Protected Species Management (850) 922-4330.
- h. The permittee shall ensure that the contractor maintains a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. A report summarizing incidents and sightings shall be submitted to the FWC Bureau of Protected Species Management, 3900 Commonwealth Boulevard, Mail Station 245, Tallahassee, Florida 32399-3000 and to the U. S. Fish and Wildlife Service, 6620 Southpoint Drive

South, Suite 310, Jacksonville, Florida 32216-0912. This report must be submitted within 90 days of completion of the activities conducted in accordance with the permit.

- i. Blasting shall be prohibited.
 - j. At least one person shall be designated as a manatee observer when in-water work is being performed. That person shall have experience in manatee observation, and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Operation of clamshell type excavators shall not be performed after sunset, when the possibility of spotting manatees is negligible.
6. In order to ensure that marine turtles are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:
- a. Prior to any relocation of nests or excavation in the project area, the permittee must receive authorization for incidental take from the U.S. Fish & Wildlife Service (FWS). Upon receipt of incidental take from the FWS, construction-related activities are authorized to occur on the nesting beach (seaward of existing coastal armoring structures or the dune crest) under the following conditions.
 - b. 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 March 1 and continue until October 31. Only those nests that may be affected by construction activities shall be relocated. 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. 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. 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.
 - c. No construction activity may commence on any previously undisturbed section of adjacent beach more than 100 feet from the active work site until completion of the marine turtle survey each day unless the permittee has made provisions for nighttime marine turtle

surveys of the area prior to any work, including movement of equipment or pipes, in that area.

- d. 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 Florida Administrative Code 68E-1.
 - e. 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. Lighting on dredge equipment shall be minimized through reduction, shielding lowering, and appropriate placement of lights to avoid excessive illumination of the water, while meeting all U.S. Coast Guard and OSHA requirements.
 - f. The applicant shall arrange a meeting between representatives of the contractor, the Department, the FWC, and the permitted person responsible for egg relocation at least 30 days prior to the commencement of work on this project. At least 10 days advance notice shall be provided prior to conducting this meeting. This will provide an opportunity for explanation and/or clarification of the sea turtle protection measures.
 - g. In the event a sea turtle nest is excavated during construction activities, the permitted person responsible for egg relocation for the project shall be notified immediately so that appropriate conservation measures can be initiated and eggs can be moved to a suitable relocation site.
 - h. Staging areas for construction equipment shall be located off the beach to the maximum extent practicable. Nighttime storage of construction equipment not in use shall be off the beach to minimize disturbance to sea turtle nesting and hatching activities.
7. In order to ensure that seagrasses are not adversely affected by the construction activities authorized by this permit, prior to each dredging event the permittee shall adhere to the following conditions:
- a. The Contractor shall instruct all personnel associated with the project of the presence of seagrasses in the inlet vicinity and the need to avoid contact with seagrass.

- b. The current location of all seagrass beds within 1,000 ft. of the dredge area limits shall be determined (including in-water verification) and depicted on the final construction plans.
- c. All construction personnel shall be advised that there are state and federal penalties for unauthorized impacts to seagrasses. The Contractor may be held responsible for any seagrasses harmed or destroyed due to construction activities.
- d. The Contractor shall limit pipeline placement and dredge anchorage such that contact with and impacts to seagrasses are avoided. The Contractor shall not move, place or store any equipment in or over any seagrass bed. Operators of small craft associated with the dredging shall avoid seagrasses whenever possible and will operate at no wake speeds when it is necessary to transit any areas containing seagrasses in order to avoid prop scarring

MONITORING REQUIRED:

1. Water Quality

Parameter: Turbidity - Nephelometric Turbidity Units (NTUs)

DONALDSON ARTIFICIAL REEF SITE

Frequency: At the completion of disposal of each barge load of excavated material.

Location:

Background: At least 500 meters upcurrent from the barge discharge location, outside of any visible turbidity plume, at mid-depth.

Compliance: No more than 150 meters downcurrent from the barge discharge location, within the densest portion of any visible turbidity plume, at mid-depth.

DREDGING\EXCAVATION SITE

Frequency: Twice each day during dredging operations: 1) at the mid-point of the tidal cycle during a flood tide, and 2) at the mid-point of the tidal cycle during an ebb tide.

Location:

Background: 1) During flood tide: The average of measurements taken at (seaward) stations A1, A2, and A3, taken at mid-depth.
2) During ebb tide: The average of measurements taken at (landward) stations B1, B2, and B3, taken at mid-depth.

- Compliance: 1) During flood tide: At (landward) stations B1, B2, and B3, taken at mid-depth.
2) During ebb tide: At (seaward) stations A1, A2, and A3, taken at mid-depth.

Weekly summaries of all monitoring data shall be submitted to the Office of Beaches and Coastal Systems and to the Southeast District Office within one week of analysis with documents containing the following information: (1) permit number; (2) dates and times of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations; and (5) 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) calibration of the turbidity meter;
- (b) depth of water body;
- (c) depth of sample;
- (d) antecedent weather conditions;
- (e) tidal stage and direction of flow; and
- (f) wind direction and velocity.

The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals turbidity levels at the compliance sites greater than 29 NTUs above background turbidity levels, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels.

2. Hydrographic Monitoring

A monitoring program shall be conducted in accordance with the monitoring plan approved as part of Special Permit Condition 1 (above). The permittee may incorporate the requirements of this monitoring plan into existing monitoring programs being conducted by the permittee and/or other county-wide surveys. The hydrographic monitoring program shall include the following:

- a. Beach and offshore profile surveys shall be conducted immediately prior to sand placement, immediately following completion of the project, and annually thereafter. The profile alignments will be identical to the azimuths previously established for each monument. All beach profiles shall extend from the monument at least 3000 feet seaward and out to the depth of closure if greater. Additional surveys may be required following a major storm as determined by the Department.

