



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE:

U.S. Army Corps of Engineers
Jacksonville District
Attn: Eric P. Summa, Chief
Environmental Branch
PO Box 4970
Jacksonville, FL 32232-0019

PERMIT INFORMATION:

Permit Number: 030774-002-JC

Project Name: Bal Harbor Nourishment

County: Miami-Dade

Issuance Date: July 11, 2013

Expiration Date: July 11, 2028

REGULATORY AUTHORIZATION:

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

PROJECT DESCRIPTION:

The project involves the periodic nourishment of 0.9 miles of eroding shoreline at Bal Harbor. Fill material for the project will be excavated from the Bakers Haulover Inlet ebb shoal.

PROJECT LOCATION:

The borrow area is located approximately 800 feet east of Bakers Haulover Inlet. The beach nourishment site is located south of Bakers Haulover Inlet, and extends from DEP Range monument R-27 to approximately 350 feet south of R-31, in Miami-Dade County, Sections 23, 26 and 35, Township 52 South, Range 42 East, Atlantic Ocean, Class III Waters.

PROPRIETARY AUTHORIZATION:

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands held in trust by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), 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 Board of Trustees delegated, to the Department, 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. This proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the project described above, and has determined that the beach nourishment activities qualify for a Letter of 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. Pursuant to the Interagency Coordination Agreement (dated February 28, 2006), activities by the U.S. Army Corps of Engineers (Corps) on sovereign submerged lands that do not fall within one of the federal powers listed in the Sovereign Submerged Lands Act under 43 USC 1311 (d) or 43 USC 1314 will require proprietary authorization from the State, and "the parties agree that authorization to use sovereignty submerged lands may be issued to the project local sponsor." Therefore, consent is hereby granted to Miami-Dade County's Department of Regulatory and Economic Resources (RER), the project's local sponsor, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

The Department has also determined that the use of the offshore borrow area for more than 5 years requires a public easement for the use of those lands, pursuant to Chapter 253.77, F.S. The Department intends to issue the public easement to RER, the project's local sponsor, subject to the conditions outlined in the previously issued *Consolidated Intent to Issue* and in the Recommended Proprietary Action (entitled *Delegation of Authority*).

The final documents required to execute the easement have been sent to the Division of State Lands. The Department intends to issue the easement upon satisfactory execution of those documents. **You may not begin construction of this activity on state-owned, sovereign submerged lands until the easement has been executed to the satisfaction of the Department.**

COASTAL ZONE MANAGEMENT:

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.

WATER QUALITY CERTIFICATION:

This permit constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

LOCAL SPONSOR AGREEMENT:

The Department will enter into a contractual agreement with the local project sponsor, RER, under which RER will be responsible for conducting monitoring, for the protection of hardbottom, nesting marine turtles, their hatchlings and their habitat. The agreement is enforceable against RER and is independent of this permit. In the event that RER does not conduct all necessary marine turtle protection and monitoring requirements, the Permittee is still

responsible for those marine turtle protection measures specified by the applicable U.S. Fish & Wildlife Service Biological Opinion and the National Marine Fisheries Service Biological Opinion for this project.

AGENCY ACTION:

The above named Permittee is hereby authorized to construct the work outlined in the activity description and activity location of this permit and shown on the approved permit drawings, plans and other documents attached hereto. This agency action is based on the information submitted to the Department as part of the permit application, and adherence with the final details of that proposal shall be a requirement of the permit. **This permit and authorization to use sovereign submerged lands are subject to the General Conditions and Specific Conditions, which are a binding part of this permit and authorization.** Both the Permittee and their Contractor are responsible for reading and understanding this permit (including the permit conditions and the approved permit drawings) prior to commencing the authorized activities, and for ensuring that the work is conducted in conformance with all the terms, conditions and drawings.

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 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 which may be required by federal, state, local or special district laws and regulations. Nothing 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 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. All reports or notices relating to this permit shall be sent to the JCP Compliance Officer (E-mail: JCPCompliance@dep.state.fl.us), unless otherwise specified in the permit condition. **All submittals shall clearly indicate the project name (Bal Harbor Nourishment), permit number (0307741-002-JC) and relevant permit condition numbers.**
2. At least **28 days** prior to construction, and at least **14 days** prior to the pre-construction meeting (referenced above), the Permittee shall submit, for review by the Department, one (1) electronic copy of detailed **final construction plans** and one (1) electronic copy of the **final construction specifications** that are consistent with the Activity Description of this permit and the approved permit drawings. Any significant deviations from the permit or permit drawings, and any significant changes made during construction, as necessitated by field conditions, shall be addressed pursuant to General Condition #2. At a minimum, the final construction plans and specifications should include the following:

- a. A written summary of the construction schedule, the specific type of dredge equipment and construction methods to be used and the (final) anticipated volume of material to be dredged from each borrow area;
 - b. A plan view of all staging and beach access areas, overlaid on a recent aerial photograph;
 - c. The names, credentials and contact information for the individuals who will conduct the turbidity monitoring and biological monitoring;
 - d. A copy of the Contractor's Environmental Protection Plan, or equivalent, that provides **project-specific** details of the Best Management Practices (BMPs) that will be implemented to prevent erosion, turbidity and the release of hazardous substances at the dredge, pump-out and pipeline locations and staging areas; and
 - e. A Grade Stake Recovery Plan (for beach areas).
3. At least **14 days** prior to the commencement of project construction, the Permittee shall conduct a conference to review the specific conditions and monitoring requirements of this permit and the Local Sponsor Agreement with the Permittee's contractors (including the authorized marine turtle handler), a Local Sponsor (RER) representative, the area or district engineer of record, the Florida Fish and Wildlife Conservation Commission (FWC) and the Department's JCP Compliance Office (or their designee). This condition can be best met at the pre-construction conference arranged by the Permittee. In order to ensure that appropriate representatives are available, the Permittee is advised to contact the Department and other agency representatives at least 14 days prior to the intended meeting date. Once the required participants have confirmed their availability, the Permittee shall provide written notification, at least **seven (7) days** in advance of the meeting, to the following offices advising of the agreed-upon date, time, location and teleconference information for the pre-construction meeting:

JCP Compliance Officer
Email: JCPCompliance@dep.state.fl.us

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

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

4. Construction shall not commence until the public easement for the borrow area has been executed to the satisfaction of the Department and a Local Sponsor Agreement between the Department and RER (DRAFT attached) that adopts a final, Department-approved Physical and Biological Monitoring Plan for this project has also been executed. Additionally, **construction shall not commence** until the local sponsor has completed all pre-construction requirements of the approved Monitoring Plan. The plans include provisions for turtle and shorebird nest monitoring, scarp monitoring and leveling, sand compaction monitoring and tilling, reef/hardbottom impact assessment and coral relocation, and topographic/bathymetric monitoring of the beach placement and excavation areas. Such activities will take place before, during and after construction, as outlined in the plans.
5. In the event RER does not conduct all necessary monitoring requirements under the Local Sponsor Agreement, the Corps will abide by the terms and conditions specified by the applicable Biological Opinions issued by the U. S. Fish and Wildlife Service and NOAA National Marine Fisheries Service.
6. Best management practices (BMPs) shall be utilized where appropriate and maintained at all times during project construction to minimize turbidity generation, and to prevent the spillage of hazardous substances into waters of the state from the dredge and scows. When discharging slurried sand onto the beach from a pipeline, the Permittee shall use shore-parallel sand dikes on the beach berm, seaward of the pipeline discharge point, to maximize settlement of suspended sediment on the beach before return water from the dredged discharge reenters the Atlantic Ocean.
7. The Permittee shall not store or stockpile project-related tools, equipment, materials, etc., within littoral zones or elsewhere within surface waters of the state, unless it is done within work area specifically approved by the Department under this permit or within established anchorage areas or port/marina facilities.
8. Storage, stockpiling or access of equipment on, in, over or through seagrass (or other aquatic vegetation) beds or wetlands is prohibited. Anchoring or spudding of vessels and barges within beds of aquatic vegetation or over hardbottom areas is also prohibited.
9. In accordance with Rule 62B-41.008(1)(k)4, F.A.C., a sediment quality control/quality assurance plan for this project was submitted and has been approved. The plan will ensure that the sediment from the borrow area will meet the standards in Rule 62B-41.007(2)(j), F.A.C. The Department requires compliance with the approved plan. Any occurrences of unacceptable material shall be handled according to the protocols set forth in the Sediment QA/QC plan. The sediment testing result shall be submitted to the Department within 90 days following the completion of beach construction.

The Sediment QC/QA plan includes the following:

- a. If during construction, the Permittee or Engineer determines that the beach fill material does not comply with the sediment compliance specifications, measures shall be taken to avoid further placement of noncompliant fill, and the sediment inspection results shall be reported to the Department.
- b. The Permittee shall submit post-construction sediment testing results and an analysis report as outlined in the Sediment QC/QA plan to the Department within 90 days following beach construction. The sediment testing results shall be certified by a P.E. or P.G. from the testing laboratory. A summary table of the sediment samples and test results for the sediment compliance parameters as outlined in Table 1 of the Sediment QC/QA plan shall accompany the complete set of laboratory testing results. A statement of how the placed fill material compares to the sediment analysis and volume calculations from the geotechnical investigation shall be included in the sediment testing results report.
- c. A post-remediation report containing the site map, sediment analysis, and volume of noncompliant fill material removed and replaced shall be submitted to the Department within 7 days following completion of remediation activities.

THREATENED AND ENDANGERED SPECIES

10. The following measures shall be taken to protect marine turtles from impacts if construction occurs during the marine turtle nesting season (March 1 to November 30). Certain turtle-related tasks, such as nest monitoring, will be performed by RER under the Local Sponsor Agreement, and conditions are outlined in that document (attached).
 - a. Beach nourishment may proceed during the sea turtle nesting season, provided early morning surveys for sea turtle nests are conducted daily by RER from March 1 through September 15 or until two weeks after the last documented crawl. A series of stakes and highly visible survey ribbon or string will be installed to establish a 10-foot radius around the nest. No project activity shall occur within this area that could result in impacts to the nest.
 - b. Construction activity shall not commence until completion of the marine turtle survey each day.
 - c. During marine turtle nesting season, staging areas for construction equipment shall be located off the beach to the maximum extent possible. 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 or interfering with shorebird nesting.

- d. The Permittee shall arrange a meeting between representatives of the contractor, the Department, the FWC, and the permitted person responsible for marine turtle nest monitoring at least 30 days prior to the commencement of work on this project. At least 15 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.
- e. 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 shall be notified so the eggs can be moved to a suitable relocation site.
- f. For construction during marine turtle nesting season, 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 (Figure 1).

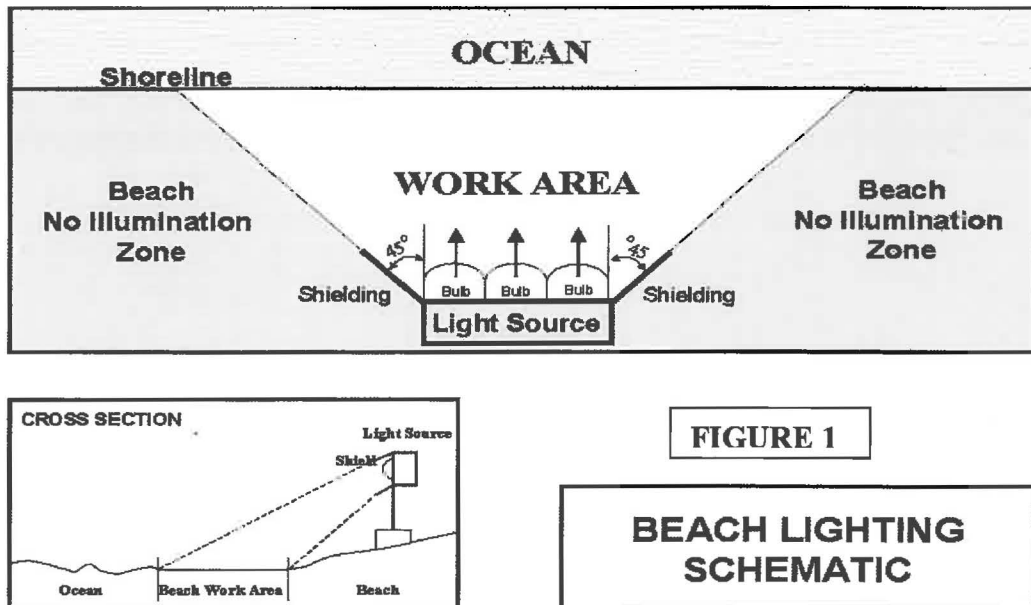


Figure 1.

- g. Upon locating a dead, injured, or sick endangered or threatened sea turtle specimen by project personnel, 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.
- h. In the event a hopper dredge is utilized, the following requirements shall be met in addition to the Terms and Conditions of the appropriate NMFS Biological Opinion:
 - i. Handling of sea turtles captured during hopper dredging projects 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 FWC, pursuant to Florida Administrative Code 68E-1.
 - ii. *Dredging Pumps:* To prevent impingement of sea turtles within the water column, every effort should be made to keep the dredge pumps disengaged when the dragheads are not firmly on the bottom.
 - iii. *Sea Turtle Deflecting Draghead:* A sea turtle deflecting draghead is required for all hopper dredging during the months that turtles may be present, unless a waiver is granted by the Corps (South Atlantic District) in consultation with NMFS.
 - iv. The Sea Turtle Stranding and Salvage Network (STSSN) Coordinator, Dr. Allen Foley, shall be notified at (904) 573-3930 of the start-up and completion of hopper dredging operations.
 - v. If required, non-capture trawling, as authorized by NMFS, shall be undertaken at all projects where **any** of the following conditions are met; however, other ongoing projects not meeting these conditions are not required to conduct relocation trawling:
 - Two or more turtles are taken in a 24-hour period in the project.
 - Four or more turtles are taken in the project.

If applicable, the Permittee shall fax (850-921-6988) or e-mail (Meghan.Conti@MyFWC.com) weekly reports to the Imperiled Species Management

section on Friday each week that relocation trawling is conducted in Florida water. These faxes shall include: the species and number of turtles captured in Florida waters, general health, and release information. A summary of all turtles captured in Florida waters, including all measurements, the latitude and longitude (in decimal degrees) of captures and tow start-stop points, and times for the start-stop points of the tows, including those tows on which no turtles are captured shall be submitted to the ISM by January 15 of the following year.

11. The following measures shall be taken to protect migratory shorebirds from impacts if construction occurs during the shorebird nesting season (generally April 1 to September 1). Certain shorebird-related tasks, such as nest monitoring, will be performed by RER under the Local Sponsor Agreement, and conditions are outlined in that document.
 - a. *Buffer Zones.* Within the project area, RER will establish a buffer zone around any location where shorebirds have been engaged in nesting behavior, including territory defense. Designated buffer zones will be posted with clearly marked signs around the perimeter. Any and all construction activities, including movement of vehicles, shall be prohibited in the buffer zone. No construction activities, movement of vehicles, or stockpiling of equipment shall be allowed within the buffer area.
 - b. *Travel Corridors.* Travel corridors, approved in consultation with FWC, shall be designated and marked by RER outside the buffer areas. Heavy equipment, other vehicles, or pedestrians may transit past nesting areas in these corridors. However, other activities such as stopping or turning shall be prohibited within the designated travel corridors adjacent to the nesting site. To the degree possible, the Permittee should maintain some activity within these corridors on a daily basis, without directly disturbing any shorebirds documented on site or interfering with sea turtle nesting, especially when those corridors are established prior to commencement of construction. Passive methods to modify nesting site suitability must be approved by FWC Regional Biologist for that region.
 - c. *Notification.* If shorebird nesting occurs within the project area, a bulletin board shall be placed and maintained by the Permittee in the construction area with the location map of the construction site showing the bird nesting areas and a warning, clearly visible, stating that “BIRD NESTING AREAS ARE PROTECTED BY THE FLORIDA THREATENED AND ENDANGERED SPECIES ACT AND THE STATE AND FEDERAL MIGRATORY BIRD ACTS”.
 - d. *Placement of Equipment and Sand.* If it will be necessary to extend construction pipes past a known shorebird nesting site, then whenever possible those pipes should be placed landward of the site before birds are active in that area. No pipe

or sand shall be placed seaward of a known shorebird nesting site during the shorebird nesting season.

12. The Permittee shall comply with the following conditions intended to protect manatees from direct project effects:
 - a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. 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 shall follow routes of deep water whenever possible.
 - 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 manatee(s). All in-water operations, including vessels, shall be shutdown if a manatee(s) comes within 50 feet of the operation. Activities shall not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.
 - e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury shall also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com.
 - 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. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters - Watch for Manatees* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all

personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

- g. After sunset, movement of any vessel associated with work authorized by this permit within the Biscayne Bay Aquatic Preserve should be minimized to the greatest extent possible under normal operating procedures, as the likelihood of spotting submerged animals is limited.

MONITORING REQUIRED:

13. Water Quality - Turbidity shall be monitored as follows:

Units: Nephelometric Turbidity Units (NTUs).

Frequency: Sampling shall occur three times per day, at least 2 hours apart, during the periods of peak project related turbidity generation, which may be related to pumping rates. Sampling shall be conducted while the highest project-related turbidity levels are crossing the edge of the mixing zone. The compliance samples and the corresponding background samples shall be collected at approximately the same time, i.e., one shall immediately follow the other.

Location: Background: At surface and mid-depth, clearly outside the influence of any artificially generated turbidity plume.

Nourishment Site: approximately 500 meters upcurrent from any portion of the beach that has been, or is being, filled during the current construction event, at the same distance offshore as the associated compliance sample.

Borrow Site: At least 500 meters upcurrent from the source of turbidity at the dredge site.

Compliance: At surface and mid-depth, within the densest portion of any visible turbidity plume generated by this project.

Nourishment Site: Samples shall be collected in the densest portion of the turbidity plume, at a distance of 150 meters downcurrent from the point where the return water from the dredged discharge reenters the Atlantic Ocean. For each sampling event, compliance samples shall be collected within the area of highest turbidity. *Note: If the plume flows parallel to the shoreline, the densest portion of the plume may be too*

close to shore to access by boat. In that case, it may be necessary to access the sampling location from the shore.

Borrow Site: Samples shall be collected 150 meters downcurrent from the dredge head, **and** from any other source of turbidity generated by the dredge, in the densest portion of any visible turbidity plume. If no plume is visible, follow the likely direction of flow.

Analysis of turbidity samples shall be performed in compliance with DEP-SOP-001/01 FT 1600 Field Measurement of Turbidity:

<http://publicfiles.dep.state.fl.us/dear/sas/sopdoc/2008sops/ft1600.pdf>

Calibration: The instruments used to measure turbidity shall be fully calibrated with primary standards within one month of the commencement of the project, and at least once a month throughout the project. Calibration with secondary standards shall be verified each morning prior to use, and after each time the instrument is turned on, and after field sampling using two secondary turbidity “standards” that bracket the anticipated turbidity samples. If the post-sampling calibration value deviates more than 8% from the previous calibration value, results shall be reported as estimated and a description of the problem shall be included in the field notes.

14. If the turbidity monitoring protocol specified above prevents the collection of accurate data, the person in charge of the turbidity monitoring shall contact the JCP Compliance Officer to establish a more appropriate protocol. Once approved in writing by the Department, the new protocol shall be attached to the permit and shall be implemented without the need for a permit modification.
15. The compliance locations given above shall be considered the limits of the turbidity mixing zone allowed during construction. If monitoring reveals compliance turbidity levels greater than 29 NTUs above the associated background at the dredge site or beach placement site, construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the Department via email at [JCP Compliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us). The subject line of the email shall state “TURBIDITY EXCEEDANCE”.

Any project-associated discharge other than dredging or fill placement (e.g., scow or pipeline leakage) shall be monitored as close to the source as possible. If the turbidity level exceeds 29 NTUs above background, the construction activities related to the exceedance shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. This turbidity monitoring shall continue every hour until background turbidity levels are achieved or until otherwise

directed by the Department. The Permittee shall notify the Department, by separate email to the JCP Compliance Officer, of such an event within 24 hours of the time the Permittee first becomes aware of the discharge. The subject line of the email shall state "PROJECT-ASSOCIATED DISCHARGE-OTHER".

When reporting a turbidity exceedance, the following information shall also be included:

- a. the Project Name;
- b. the Permit Number;
- c. location and level (NTUs above background) of the turbidity exceedance;
- d. the time and date that the exceedance occurred; and
- e. the time and date that construction ceased.

Prior to re-commencing the construction, a report shall be emailed to the Department with the same information that was included in the "Exceedance Report", plus the following information:

- a. turbidity monitoring data collected during the shutdown documenting the decline in turbidity levels and achievement of acceptable levels;
- b. corrective measures that were taken; and
- c. cause of the exceedance.

16. **Turbidity Reports.** All turbidity monitoring data shall be submitted within one week of analysis. The data shall be presented in tabular format, indicating the measured turbidity levels at the compliance sites for each depth, the corresponding background levels at each depth and the number of NTUs over background at each depth. Any exceedances of the turbidity standard (29 NTUs above background) shall be highlighted in the table. In addition to the raw and processed data, the reports shall also contain the following information:

- a. time of day samples were taken;
- b. dates of sampling and analysis;
- c. GPS location of sample
- d. depth of water body;

- e. depth of each sample;
 - f. antecedent weather conditions, including wind direction and velocity;
 - g. tidal stage and direction of flow;
 - h. water temperature;
 - i. a digitized map, outlining key project features (preferably overlaid on an aerial photograph) indicating the sampling locations, dredging and discharge locations, and direction of flow;
 - j. a statement describing the methods used in collection, handling, storage and analysis of the samples;
 - k. a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, calibration of the meter and accuracy of the turbidity and GPS data;
 - l. Monitoring will occur provided sea, wind, visibility, traffic and other conditions allow for the safe performance of the activity. Permittee or contracted designee agrees to document all instances where turbidity monitoring within the bounds of the above parameters could not be performed. When samples cannot be collected, include an explanation in the report. If unable to collect samples due to severe weather conditions, include a copy of a current report from a reliable, independent source, such as an online weather service.
17. Monitoring reports shall be submitted by email to the JCP Compliance Officer. In the subject line of the reports, on the cover page to the submittal and at the top of each page, include the Project Name, Permit Number and the dates of the monitoring interval. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT .
OF ENVIRONMENTAL PROTECTION



Marty K. Seeling, Administrator
Beaches, Inlets, and Ports Program

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.



Deputy Clerk

July 11, 2013
Date

Attachments: Permit Drawings (12 pages)
Biological Monitoring Plan (dated July 2013)
Local Sponsor Agreement (dated July 10, 2013)
Sediment QA/QC plan (dated May 2012)