



Florida Department of Environmental Protection

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Lt. Governor

Michael W. Sole
Secretary

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

U.S. Army Corps of Engineers
Jacksonville District
c/o Eric P. Summa
Chief, Environmental Branch
Planning Division
701 San Marco Blvd.
Jacksonville, FL 32207

PERMIT INFORMATION:

Permit/Authorization Number: 0158893-005-JC

Issuance Date: March 09, 2009

Expiration Date of Construction Phase: March
6, 2019

Project Name: Matanzas Pass Channel
Restoration and Maintenance Dredging

County: Lee

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.

ACTIVITY DESCRIPTION:

The project is to dredge the Matanzas Pass Federal Navigation channel in order to restore portions of the channel and maintain other portions of the channel to an authorized depth of -12 feet MLLW plus a 2-foot allowable overdepth, to a depth of -14 feet MLLW. Approximately 240,000 cubic yards of dredged material will be placed in the nearshore, seaward of the sand bar on Estero Island.

ACTIVITY LOCATION:

The dredge site is located at Matanzas Pass, Lee County, Section 24, Township 46 South, Range 23 East, and the placement site is located in the nearshore portion of Estero Island, between DEP Reference Monuments R-182 and R-187A, in the Gulf of Mexico, Class III Waters.

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

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the nearshore placement of dredged material qualifies 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. Therefore, consent is hereby granted to the project's local sponsor (Lee County Board of County Commissioners), pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

Although a letter of consent has been granted for the nearshore placement of dredged material on sovereign submerged lands, the Department acknowledges that the actual dredging of the federal navigation 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, the U.S. Army Corps of Engineers (USACE) needs no authorization from the Board of Trustees to utilize sovereignty submerged lands for that activity. 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 dredging 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 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.

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

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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. 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.

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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.

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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. No work shall be conducted until and unless the Department issues a Final Order of Variance (File No. 0158893-006-BV) from Rule 62-4.244(5)(c), F.A.C., to establish an expanded mixing zone for the project.
2. All reports or notices relating to this permit shall be sent to the DEP, Bureau of Beaches and Coastal Systems, JCP Compliance Officer, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000 (e-mail address: [JCP Compliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us)) and the DEP South District Office, 2295 Victoria Avenue, Suite 364, Fort Myers, FL 33901-2896.
3. At least 30 days prior to commencement of construction, the Permittee shall submit the following to the Department as confirmation of reasonable assurances made during the application review process:
 - a. Two hard copies and an electronic copy of detailed ***final construction plans and specifications*** for all authorized activities that are consistent with the activity description of this permit and the attached permit drawings. The cover page shall list all documents in the set and shall be certified by a professional engineer (PE), as required by the Interagency Coordination Agreement, dated February 28, 2006. The plans and specifications shall include a description of the dredging and

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construction methods to be utilized and drawings and surveys that show all biological resources and work spaces (e.g., anchoring area, pipeline corridors, staging areas, boat access corridors, etc.) to be used for this project.

- b. ***Turbidity monitoring qualifications.*** Construction at the project site shall be monitored closely by an experienced Contractor to assure that turbidity levels do not exceed the compliance standards established in this permit. Also, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when fill material is discharged in the nearshore. This individual shall have authority to alter construction techniques or shut down the dredging or beach 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.
4. At least 7 days prior to commencement of the dredging and nearshore placement activities 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, the Contracting Officer Representative, and Department staff representatives. After coordinating with the meeting participants to arrange an acceptable time for the meeting, the Permittee shall provide written notification, at least 4 days in advance of the meeting, to the following offices advising of the date, time, location, and teleconference number of the pre-construction conference:

DEP Bureau of Beaches & Coastal Systems
JCP Compliance Officer
Mail Station 300
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
phone: (850) 414-7716
e-mail: JCP.Compliance@dep.state.fl.us

DEP South District Office
Submerged Lands & Environmental Resources
2295 Victoria Avenue
Suite 364
Fort Myers, FL 33901-2896
Phone: (239) 332-6975

Imperiled Species Management Section
Florida Fish & Wildlife Conservation Commission

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620 South Meridian Street
Tallahassee, Florida 32399-1600
phone: (850) 922-4330
fax: (850) 921-4369

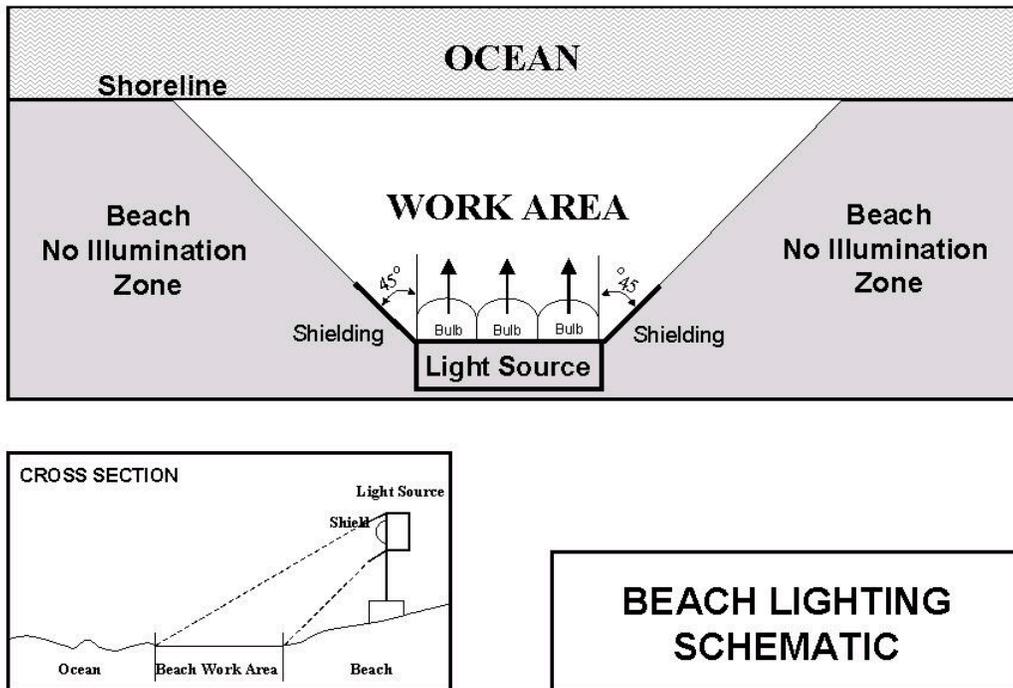
Optional Attendee:
Estero Bay Aquatic Preserve
700-1 Fisherman's Wharf
Fort Myers Beach, FL 33931
phone-239 463 3240
fax-239 463 3634

5. The Permittee shall require the dredge contractor to advance the discharge point such that dredged material will be placed in an approximately uniform manner along the entire shore-parallel length of the nearshore placement area and within the authorized boundaries and vertical limits of the placement area. The Permittee shall include this permit condition in the final construction plans and specifications to be submitted to the Department along with contract specifications for monitoring and reporting on compliance with this permit condition.
6. Electronic Positioning and Dredge Depth Monitoring Equipment. The Contractor shall continuously operate electronic positioning equipment to monitor the precise positioning of the dredge location(s). A Differential Global Positioning System (DGPS) or equivalent shall be used to determine the horizontal position. The horizontal positioning equipment shall maintain an accuracy of +/-5 feet. The vertical positioning equipment shall maintain a static accuracy of +/-0.5 feet with continuous tidal corrections. The measurements shall be recorded and printed at 5 minute intervals, based on MLLW and state plane coordinates. This information shall be made available to the Department (upon request) during construction.
7. Dredge Location Control. The Contractor is required to have, in continuous operation on the dredge, electronic positioning equipment that will accurately compute and plot the position of the dredge. The electronic positioning equipment shall be used so as to monitor, as closely as possible, the actual location of the excavation device(s). Dredge location information shall be made available to the Department (upon request) during construction. The Contractor shall prepare a plot of the data that includes the State Plane Coordinate grid system and the dredge limits.
8. In the event that the local sponsor (Lee County) does not conduct all necessary protection and monitoring requirements outlined in the Local Sponsor Agreement, the Permittee is

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still responsible for those measures specified by the applicable U. S. Fish and Wildlife Service Biological Opinion and National Marine Fisheries Service Biological Opinion.

9. No operation, transportation, staging or storage of equipment or materials is authorized seaward of the dune crest or rigid coastal structure on the marine turtle nesting beach along the Gulf of Mexico from May 1 through October 31.
10. The dredge footprint includes the tip of Estero Island which is a potential sea turtle nesting area. Therefore, if work will continue into sea turtle nesting season, an incidental take authorization will be required from the U.S. Fish and Wildlife Service, and the permit will incorporate the Biological Opinion through a permit modification. In addition, the following conditions shall be required if work will continue past May 1:
 - a. A daily marine turtle nest survey of the nesting beach in the vicinity of the channel alignment, where it cuts through the tip of Estero Island (including areas of beach access). The survey shall be conducted starting April 15 and continue through project completion. Any nests deposited within the project areas 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.
 - b. 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 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.
11. During April through October, 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, as illustrated below.



12. Electronic summaries of all nesting activity shall be provided for the initial nesting season. Monitoring of nesting activity in the seasons following construction shall include daily surveys and any additional measures authorized by the FWC. Information submitted shall include daily report sheets noting all activity (upon request), number of nesting and non-nesting emergences, hatching success of nests left in place, dates of construction and names of all personnel involved in nest surveys. Data should be reported in accordance with the following Table. Summaries of nesting activity shall be submitted in electronic format (Excel spreadsheets). All reports should be submitted within 30 days of completion of the work.

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Characteristic	Parameter	Measurement	Variable
Nesting Success	False crawls - number	Visual assessment of all false crawls	Number and location of false crawls in fill areas and nonfill areas: any interaction of the turtle with obstructions, such as groins, seawalls, or scarps, should be noted.
	False crawl - type	Categorization of the stage at which nesting was abandoned	Number in each of the following categories: emergence-no digging, preliminary body pit, abandoned egg chamber.
	Nests	Number	The number of marine turtle nests in filled and nonfilled areas should be noted. If possible, the location of all marine turtle nests shall be marked on map of project, and approximate distance to sea walls or scarps measured using a meter tape. Any abnormal cavity morphologies should be reported as well as whether turtle touched groins, seawalls, or scarps during nest excavation
		Lost Nests	The number of nests lost to inundation, erosion or the number with lost markers that could not be found.
	Lighting Impacts	Disoriented sea turtles	The number of disoriented hatchlings and adults shall be documented and reported in accordance with existing FWC protocol for disorientation events.
Reproductive Success	Emergence & hatching success	Standard survey protocol	Numbers of the following: unhatched eggs, depredated nests and eggs, live pipped eggs, dead pipped eggs, live hatchlings in nest, dead hatchlings in nest, hatchlings emerged, disoriented hatchlings, depredated hatchlings per each nest.

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

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14. The Permittee shall arrange a meeting between representatives of the contractor, the Department, the FWC, the shorebird monitor and the permitted person responsible for marine turtle nest monitoring 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 marine turtle and shorebird protection measures.

15. Shorebird surveys should be conducted by trained, dedicated individuals (Shorebird Monitor) with proven shorebird identification skills and avian survey experience. Credentials of the Shorebird Monitor will be submitted to the FWC Regional Biologist for review. Shorebird Monitors will use the following survey protocols:
 - a. *Nesting Season Surveys.* Shorebird Monitors should review and become familiar with the general information and data collection protocols outlined on the FWC's Beach-Nesting Bird Website (<http://myfwc.com/shorebirds/BNB/default.asp>). An outline of what data should be collected, including downloadable field data sheets, is available on the website.

 - b. The American Oyster Catcher (*Haematopus palliatus*) typically begins nesting after March 15 on the Gulf and Atlantic coasts, and the imperiled snowy plover (*Charadrius alexandrinus*) may nest as early as February along the west coast and panhandle of Florida. Therefore, nesting season surveys should begin February 15 or 10 days prior to project commencement (including surveying activities and other pre-construction presence on the beach), whichever is later, and be conducted daily throughout the construction period or through August, whichever is earlier. Weekly surveys of the project site shall continue through August or through fledging or loss of identified nests or hatchlings, whichever is later.

 - c. Nesting season surveys shall be conducted in all potential beach-nesting bird habitat within the project boundaries that may be impacted by construction or pre-construction activities. Portions of the project in which there is no potential for project-related activity during the nesting season may be excluded.

 - d. Surveys for detecting new nesting activity will be completed on a daily basis prior to movement of equipment, operation of vehicles, or other activities that could potentially disrupt nesting behavior or cause harm to the birds or their eggs or young.

 - e. Surveys should be conducted by traversing the length of the project area and visually inspecting, using binoculars or spotting scope, for the presence of shorebirds exhibiting breeding behavior.

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- f. If an ATV or other vehicle is needed to cover large project areas, the vehicle must be operated at a speed <6 mph, shall be run at or below the high-tide line, and the Shorebird Monitor will stop at no greater than 200 meter intervals to visually inspect for nesting activity.
 - g. Once breeding is confirmed by the presence of a scrape, eggs, or young, the Bird Monitor will notify the Southwest Regional Shorebird Biologist of the FWC at (863) 648-3205 within 24 hours.
 - h. All breeding activity will be reported to the Beach-Nesting Bird website within one week of data collection.
16. Observations of non-breeding shorebirds should be reported to the Shorebird-Seabird Occurrence Database, as described below:
- a. Data collected on non-breeding shorebirds should be compatible with, and reported to, the Shorebird-Seabird Occurrence Database (<http://ebird.org/content/ebird>).
 - b. Surveys for non-breeding shorebirds should begin 14 days prior to construction and be conducted once every two (2) weeks until project completion and all construction equipment and materials have been removed from the beach. Data collected during these surveys will provide valuable information on the use of nourished beaches to shorebirds.
 - c. Survey for non-breeding shorebirds will include all potential shorebird habitats within the project boundary.
 - d. Data should be entered into the database within one month of collection.
17. The Permittee should maintain some activity within the area to be dredged on Bowditch Park on a daily basis, initiating such activity as soon as possible and preferably prior to February 15. Passive methods to modify nesting site suitability must be approved by the FWC Regional Biologist for that region.
18. Within the project area, the Permittee shall establish a site-specific buffer zone around any location where shorebirds have been engaged in nesting behavior, including territory defense. Any and all construction activities, including movement of vehicles, should be prohibited in the buffer zone.

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- a. Site-specific buffers shall be approved by FWC as needed. The width of the buffer zone shall be increased if birds appear agitated or disturbed by construction or other activities in adjacent areas.
 - b. Reasonable and traditional pedestrian access should not be blocked where nesting birds will tolerate pedestrian traffic. This is generally the case with lateral movement of beach-goers walking parallel to the beach at or below the highest tide line. Pedestrian traffic may also be tolerated when nesting was initiated within 300 feet of an established beach access pathway. The Permittee shall work with FWC staff to determine if pedestrian access can be accommodated without compromising nesting success.
 - c. Designated buffer zones must be posted with clearly marked signs around the perimeter. If pedestrian pathways are approved within the buffer zone, these should be clearly marked. These markings shall be maintained until nesting is completed or terminated. In the case of solitary nesters, nesting is not considered to be completed until all chicks have fledged.
 - d. No construction activities, movement of vehicles, or stockpiling of equipment shall be allowed within the buffer area.
 - e. FWC-approved travel corridors should be designated and marked 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.
 - f. Where such a travel corridor must be established within the project area it should avoid critical areas for shorebirds (known nesting sites, wintering grounds, FWC-designated Critical Wildlife Areas, and USFWS-designated critical piping plover habitat) as much as possible, and be marked with signs clearly delineating the travel corridor from the shorebird buffer areas described above.
19. If shorebird nesting occurs within the project area, a bulletin board will be placed and maintained 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”.
20. The Permittee shall comply with the following conditions intended to protect manatees from direct project effects:

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- 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 will 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, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will 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 must not be herded away or harassed into leaving.
- e. For all in-water activities occurring to the north and east of Estero Island, specific personnel shall be designated as manatee observers. The designated observer(s) shall be dedicated only for this task, must be on site during all in-water activities, and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. The observer(s) shall wear polarized sunglasses to aid in observation.
- f. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Vero Beach (1-772-562-3909).
- g. 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 ft. by 4 ft. which reads *Caution: Manatee*

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Area must be posted. A second sign measuring at least 8 1/2" 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.

21. Prior to dredging through the tip of Estero Island, a gopher tortoise survey shall be conducted of the area within the dredge footprint by a trained individual. Any identified tortoises shall be relocated in accordance with existing FWC guidelines and gopher tortoise relocation permit requirements to an alternative location prior to construction.

WATER QUALITY MONITORING REQUIRED:

22. Turbidity shall be monitored and reported as follows:

A. *Dredge Site:*

Frequency: Two times daily at least 4 hours apart during all dredging and disposal operations, and any time an excessive plume is observed to extend beyond the limits of the mixing zone such that a water quality violation may exist. 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.

Location: Background: at a point approximately 150 meters upcurrent from in the dredge, clearly outside of any visible turbidity plume generated by the project. Samples shall be collected from the surface and mid-depth.

Compliance: at a point downcurrent from the dredge bucket or cutterhead, at a distance of no more than 150 meters or at the edge of the nearest seagrass bed, whichever is closer to the dredge, within the densest portion of any visible turbidity plume. Samples shall be collected from the surface and mid-depth.

B. *Nearshore Placement Site:*

Frequency: Two times daily at least 4 hours apart during all dredging and disposal operations, and any time an excessive plume is observed to extend beyond the limits of the mixing zone such that a water quality violation may exist. Monitoring will occur provided sea, wind, visibility, traffic and other conditions allow for the safe performance of the activity. Permittee or

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contracted designee agrees to document all instances where turbidity monitoring within the bounds of the above parameters could not be performed.

Location: Background: at a point approximately 500 meters upcurrent from the discharge point, clearly outside of any turbidity plume generated by the project. Samples shall be collected from the surface and mid-depth at the same distance offshore as the compliance station.

Compliance: at a point no more than 500 meters downcurrent from the point of discharge into State waters, within the densest portion of any visible turbidity plume. Samples shall be collected from the surface and mid-depth.

Intermediate (used to calibrate the size of the mixing zone for future events – NOT for compliance with the turbidity standard): at 2 points within the mixing zone (approximately 150 meters and 300 meters downcurrent from the point of discharge into State waters), within the densest portion of any visible turbidity plume. Samples shall be collected from the surface and mid-depth.

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 that are greater than 29 NTUs above the corresponding background turbidity levels, 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 be immediately reported to the Department's Bureau of Beaches and Coastal Systems (BBCS) in Tallahassee at (850) 414-7716 (attn: JCP Compliance Officer) and the Department's South District office in Ft. Myers.

In the event elevated turbidity at the edge of the seagrass beds continues to occur, alternative measures shall be taken by the Permittee to control the problem (e.g., change dredge timing/ method so that the seagrasses will not be downdrift of the generation of turbidity). Any such occurrences shall also be immediately reported to the BBCS and the Department's South District office.

All monitoring data shall be submitted within one week of analysis with documents containing the following information: (1) permit number; (2) dates 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; (5) a statement by the individual responsible for implementation of the sampling program concerning the

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authenticity, precision, limits of detection, calibration of the meter and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) depth of water body;
- (c) depth of sample;
- (d) antecedent weather conditions;
- (e) tidal stage and direction of flow;
- (f) wind direction and velocity; and
- (g) water temperature.

Monitoring reports shall be submitted to the BBCS in Tallahassee (attn: JCP Compliance Officer) and to the Department's South District office. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the Department, please clearly include, at the top of each page or as a cover page to the submittal: "This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0158893-005-JC, for the Matanzas Pass Channel Restoration and Maintenance Dredging Project."

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



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

FILING AND ACKNOWLEDGMENT

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

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Sandra Powell 3-9-09
Deputy Clerk Date

Prepared by Lainie Edwards.

Attachments: Permit Drawings (8 pages)
Local Sponsor Agreement