



# Florida Department of Environmental Protection

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## CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

### PERMITTEE:

U.S. Army Corps of Engineers, Jacksonville District  
701 San Marco Blvd.  
Jacksonville, FL 32207

### ATTENTION:

Dr. Gina Ralph, Ph.D.  
Chief, Environmental Branch  
Planning Division

**Permit Number:** 0234604-029

**Project:** Herbert Hoover Dike  
Rehabilitation and Repair

**Phase:** Reach 1 Cutoff Wall Extension

**County:** Palm Beach

**Date of Issue:** January 6, 2017

**Construction Phase**

**Expiration Date:** January 6, 2022

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### PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at the southeast sector of the Herbert Hoover Dike (HHD) off Highway 27, near the city of South Bay, in Section 26, Township 43S, Range 36E; Sections 2, 3, 4, 5, and 6, Township 44S, Range 36E; and Sections 1 and 2, Township 44S, Range 35E within Palm Beach County.

### PROJECT DESCRIPTION

The Permittee is authorized to install approximately 35,000 linear feet of cutoff wall along the centerline of the HHD from the S-351 water control structure southwest to the S-354 water control structure (Reach 1 Cutoff Wall Extension). This project is a component of the HHD Repair and Rehabilitation Project and will provide enhanced protection against levee failure for the Belle Glade, South Bay, and Lake Harbor communities. The proposed cutoff wall will be located at a minimum of 20 feet lakeward of the centerline of the HHD levee. The bottom tip elevation of the proposed cutoff wall extension ranges from -15 feet NAVD88 to -27 feet NAVD88.

A modification to the U.S. Army Corps of Engineers (Corps) permit for any resulting change in the proposed construction of this project may be required should any re-design of the project components trigger substantial changes.

### AUTHORIZATIONS

#### Reach 1 Cutoff Wall Extension Phase of the Herbert Hoover Dike Rehabilitation and Repair Project

##### Environmental Resource Permit

The Florida Department of Environmental Protection (Department/FDEP) has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

##### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.

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As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein. The proposed project activities are located within perpetual easement IWE-29086 and easement IWE-29172. A Letter of Consent requiring that work performed pursuant to this permit be located within the boundaries described herein and with all necessary conditions, has been issued to the South Florida Water Management District (District) as the local sponsor for the HHD Reach 1 Cutoff Wall Extension (File No. 0234604-029).

#### Coastal Zone Management

Issuance of this authorization also 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 also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 United States Code of Federal Regulations (U.S.C.) 1341.

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

### **REASONABLE ASSURANCES**

In issuing this permit, the Department finds that the Permittee has provided reasonable assurances based on the following documents:

1. U.S. Army Corps of Engineers, Herbert Hoover Dike Rehabilitation and Repair Project, Reach 1 Cutoff Wall Extension Phase, Environmental Resource Permit Application and associated materials, FDEP File No. 0234604-029 (received July 21, 2016)
2. U.S. Army Corps of Engineers, Herbert Hoover Dike Supplemental Major Rehabilitation Report (MRR) Environmental Assessment (June 2015)
3. U.S. Army Corps of Engineers, Groundwater Quality Report (July 15, 2016)
4. U.S. Army Corps of Engineers, 02 Civil PQCR HHD CWE Redacted (July 18, 2016)
5. U.S. Army Corps of Engineers, Appendix A Monitoring Well As-Builts (July 21, 2016)
6. U.S. Army Corps of Engineers, Herbert Hoover Dike Rehabilitation and Repair Project, Reach 1 Cutoff Wall Extension Phase, Response to Request for Additional Information (RAI-1), FDEP File No. 0234604-029 (received October 31, 2016 and additional information on November 14, 2016 and November 30, 2016)
7. U.S. Army Corps of Engineers, Brackish Water Interface Monitoring Plan (December 15, 2016)

### **PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the drawings on file with the Department**
- **The term limits of this authorization**

It is the Permittee's responsibility to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings

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prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

#### **SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION**

1. **Addresses.** Reports, plans and notices submitted to the Department in accordance with this permit, unless otherwise specified, shall be submitted to the Department's Office of Ecosystem Projects (OEP), 3900 Commonwealth Boulevard, MS 24, Tallahassee, Florida, 32399-3000, telephone number (850) 245-2228. Electronic copies of reports, plans and notices required by this permit may be sent to [RPPS\\_Comp@dep.state.fl.us](mailto:RPPS_Comp@dep.state.fl.us).
2. **Construction Schedule.** The Permittee shall provide the Department with timely notice of a proposed construction schedule and any modified schedules at the addresses specified in Specific Condition No. 1.
3. **Pre-construction Activities.** At least two weeks prior to execution of each contract, the Permittee shall conduct a pre-construction meeting for attendance by the contractor(s), and representatives from the Corps, the Department, the District, and other environmental regulatory agencies. The Department shall receive at least 14 days' notice of the meeting to allow for Department attendance and participation.
4. **Instructions to Construction Personnel and/or Contractors.** The Permittee shall ensure that training be provided regarding the identification and avoidance of harming, harassing, or killing State and Federal listed species and that the conditions contained within this permit, are explained to the contractor/sub-contractor working on the project. A copy of this permit shall be provided to each contractor and subcontractor before the authorized work begins.
5. **Construction and Maintenance Best Management Practices (BMP).** The Permittee shall submit a BMP Plan to the Department for review and determination of consistency with Department rules and statutes to the addresses specified in Specific Condition No. 1 at least 30 days prior to commencement of construction activities of each feature or phase and including implementation of each contract. Acceptable BMP Plan formats may include Erosion Control Plans, Storm Water Pollution Prevention Plans (SWPPP), or an Environmental Protection Plan (EPP). The EPP / SWPPP shall include project specific plans for control and monitoring of turbidity. Modifications to the BMP Plan may necessitate further review and approval by the Department. The BMP Plan shall describe the methods used to protect environmental resources, including State and Federal listed species, cultural resources, wetlands, and water quality as a direct result of construction activities. Upon installation of the erosion controls identified in this/these plan(s), the Permittee shall contact the Department to determine whether inspections of the installed controls are necessary. At a minimum, the plan shall include strategies and procedures to be implemented and maintained at all times during construction and maintenance activities to:
  - A. prevent negative impact(s) to State and Federal listed species and the habitats and habitat characteristics that support them;
  - B. prevent negative impact(s) to prehistoric or historic artifacts, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement;
  - C. minimize or eliminate project generated turbidity, including details regarding the use of sediment controls to minimize the suspension and transport of soils, levee materials, and roadway materials into waters adjacent to or downstream of the construction site;
  - D. prevent and minimize impacts to adjacent wetlands, including but not limited to, specifications for demarcation of said wetlands and exposed soils with construction fencing or other effective physical barriers to prevent encroachment;

- E. prevent the transport of any material into wetlands and surface waters both during and after completion of the construction; and
  - F. limit the extent of clearing and grubbing such that impacts to native vegetation, either within or immediately adjacent to the project area shall be minimized or avoided.
6. **Wetland Protection.** Prior to the commencement of construction, wetlands adjacent to construction activities shall be flagged, staked, and fenced off with construction fencing or other effective physical barriers to prevent encroachment into these wetlands and other surface waters. The barriers shall remain in place until all adjacent construction activities are complete. Temporary impacts to wetlands, including the construction of haul roads, outside the construction footprint are not authorized in this permit. All areas of exposed soils shall be isolated from wetlands and surface waters to prevent erosion and deposition of sediments into these wetlands during permitted construction activities. All excavated or dredged material shall be placed strategically to prevent the transport of any material into wetlands and surface waters both during and after completion of the construction. Additionally, the Permittee shall schedule a final site visit with the Department for inspection of the project site after the physical barriers have been removed.
7. **Real Estate.** Prior to contract award, documentation shall be submitted by the Permittee confirming that the Corps, Jacksonville District, is in compliance with Engineer Regulation 405-1-12, Chapter 12 – Real Estate Roles and Responsibilities for Civil Works: Cost Shared and Full Federal Projects – May 1998 (April 4, 2013), which confirms that all real estate interests necessary for the construction of the project have been provided to the Corps. Construction activities shall not be permitted to commence on properties where real estate authorizations have not been obtained. The Corps shall send to the Department the Biddability, Constructability, Operability and Environmental (BCOE) certification or alternatively the right-of-way(s), leases, easements, land certifications by the local sponsor or other legal agreements that authorize the Permittee to perform the activities described herein at least seven (7) days prior to award of the solicitation for construction or operational activities.
8. **Water Quantity and Flooding Impacts.** The Permittee shall be responsible for ensuring that each of the project features are constructed, maintained, and operated so as to not adversely affect adjacent lands with regards to water quantity and/or flooding.
9. **NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities and Generic Permit for Discharge of Ground Water from Dewatering Operations.** The issuance of this Permit does not constitute coverage under the National Pollutant Discharge Elimination System (NPDES) Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) pursuant to Rule 62-621.300(4)(a), F.A.C., or from the discharge of groundwater resulting from construction-related dewatering activities pursuant to Rule 62-621.300(2)(a), F.A.C., incorporated by reference in the CGP. If the project activities require either of these generic permits, the Permittee must adhere to all conditions within such permits.
10. **Water Use Authorization.** This permit does not authorize the use of water for any purpose, including, but not limited to, construction dewatering, industrial uses or potable water supply.

For activities that require a water use permit, such as, but not limited to, construction dewatering, industrial uses of surface or ground water, and potable water supply, the USACE shall require that the contractor(s) submit the required application, fees and applicable site-specific information to the South Florida Water Management District for authorization in accordance with the requirements of Chapter 40E-2, F.A.C.

For activities that require construction dewatering authorization, the USACE shall require that that copies of the water use permit and all final site-specific dewatering plans, if required by the water use permit, including modifications, are provided to the FDEP OEP at the address specified in Specific Condition No. 1.

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

11. **Authorized Construction.** This permit authorizes the construction of the Reach 1 Cutoff Wall Extension Phase of the HHD Rehabilitation and Repair Project in accordance with the documentation submitted to the Department. Sixty days prior to commencement of construction, the Permittee shall provide final plans and specifications to the Department for review and determination on whether there are any substantial deviations from the authorized construction. A copy of this permit will be kept on site at all times until construction is complete.
12. **Stockpiles/Soil Disposal Areas.** Vegetative and demolition debris, as well as unwanted excavated material shall be properly disposed.
13. **Site Stabilization.** All graded areas shall be stabilized and vegetated no greater than seven (7) days after construction activities have temporarily or permanently ceased for any portion of the site to minimize erosion. All screens, silt fences, sheet pile, and other turbidity control devices and preventive operation procedures shall remain in place for the duration of each construction activity and maintained until all project-generated turbidity has subsided, the project site has been stabilized, and the turbidity level at the point of discharge from the construction or maintenance work area to receiving waters meets state standards. Once these conditions are met, turbidity and erosion control devices shall be removed within a timely manner and prior to completion of construction. If there are multiple work areas within a feature, contract or phase, individual work areas shall be stabilized if there will be a significant lag time prior to completion of the entire feature, contract or phase.
14. **Site Inspections.** Throughout the construction of the project, the Department will conduct periodic site inspections to ensure permit compliance and to monitor progress. The Department will coordinate with the Construction Manager or other Permittee representative prior to performing any on-site inspections. A third-party inspector and/or consultant may accompany representatives of the Department at any time.
15. **Haul Roads and Project Access.** This permit does not authorize the construction of temporary or permanent access roads outside the project footprint. Construction equipment shall stay within the project's construction limits to protect the surrounding wetlands found in the project site.

#### **SPECIFIC CONDITIONS - OTHER LISTED SPECIES**

16. **Threatened and Endangered Species.** The Permittee shall coordinate with both the Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (USFWS) for appropriate guidance, recommendations and/or necessary authorizations to avoid, minimize, or mitigate impacts to State and Federal listed species. The Permittee shall comply with applicable federal and state law with regard to State and Federal listed species and comply with any applicable requirements of the USFWS/FWC to the extent that to do so would not create an irreconcilable conflict with the Permittee's federal responsibilities. Should a potential conflict between FWC's requirements and the Permittee's federal responsibilities occur, the Permittee shall coordinate with all involved federal and state agencies to determine and implement reasonable alternatives, to the maximum extent practicable, in order to avoid such a conflict.

#### **SPECIFIC CONDITIONS - POST-CONSTRUCTION / OPERATIONAL ACTIVITIES**

17. **Operation, Maintenance, Repair, Replacement and Rehabilitation.** The Permittee shall maintain the restored levee cross-section and structures as needed in the future such that the stability of the HHD levee is enhanced, seepage and piping are reduced, and design capacity to convey stormwater runoff and provide sustained water supply is met. Routine inspections shall be performed by the Permittee to confirm that the restored area's slope and grass cover are adequate, the landward toe ditch is unobstructed, and the hydraulic connections between the new structures and other culverts and lateral ditches are fully functional. No changes to operations are proposed under this authorization.

## **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

18. **Water Quality Standards.** Under no circumstances shall the construction or maintenance of the project or any project component cause or contribute to a violation of state water quality standards. The Permittee shall comply with all applicable state water quality standards described in Chapter 62-302, F.A.C.
19. **Monitoring of Groundwater.** The Permittee shall conduct groundwater monitoring in accordance with the most current approved Brackish Water Interface Monitoring Plan on file with the Department. The Permittee shall conduct an Annual Agency briefing in May of each year. Any revisions to the Brackish Water Interface Monitoring Plan shall be submitted to the Department for review and approval.
20. **Data Quality.** All monitoring data required during the construction and operations of this permit shall be conducted in accordance with the following:
  - A. **Quality Assurance and Quality Control.** Sampling and monitoring data shall be collected, analyzed, reported and retained in accordance with Chapter 62-160, F.A.C. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Florida Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300, F.A.C. The laboratory must be certified for all specific method/analyte combinations that are used to comply with this permit. The analytical method used shall be appropriate so as to determine if the sample complies with Class I and Class III surface water quality standards as specified in Chapter 62-302, F.A.C., and groundwater standards as specified in Chapter 62-520, F.A.C., whichever is more stringent. All field activities including on-site tests and sample collection, whether performed by a laboratory or another organization, must follow all applicable procedures described in the most current version of DEP-SOP-001/01. Alternate field procedures and laboratory methods may be used if they have been approved according to the requirements of Rules 62-160.220, and 62-160.330, F.A.C.
  - B. **Method Detection Limits (MDLs).** The sample collection, analytical test methods and MDLs applicable to this permit shall be performed and reported in accordance with Rule 62-4.246, F.A.C. A list of Department established analytical methods, and corresponding MDLs and practical quantification limits (PQLs), which is titled “Florida Department of Environmental Protection Table as Required by Rule 62-4.246(4) Testing Methods for Discharges to Surface Water” dated April 25, 2006, is available from the Department on request. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory’s MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. More stringent MDLs and PQLs may be necessary for specific parameters. If required, these will be identified in the permit monitoring plan.
21. **Turbidity Monitoring During Construction and Maintenance.** Effective means of turbidity control shall be employed during all construction or maintenance activities that could result in project-generated turbidity in receiving water bodies. Turbidity control measures shall be in accordance with best management practices contained in the approved BMP Plan referenced in Specific Condition No. 5. Additionally, a project specific Turbidity Control Plan for turbidity monitoring shall be submitted to the Department for review and approval at the addresses specified in Specific Condition No. 1 at least 30 days prior to the initiation of any construction activity and at least 14 days prior to the implementation of any subsequent plan revisions. All turbidity control devices and/or preventive operation procedures shall remain in place until the turbidity level at the compliance sampling site meets state standards or as otherwise approved by the Department.

### **Turbidity Standard**

- A. Turbidity shall not exceed 29 Nephelometric Turbidity Units (NTUs) above background in Class I and Class III receiving waters.



### **Sampling Protocols**

- B. Sampling and analyses shall be performed as required by Chapter 62-160, F.A.C., and in accordance with appropriate FDEP Standard Operating Procedures (FDEP-SOP), located at <http://www.dep.state.fl.us/water/sas/sop/sops.htm>. Turbidity monitoring equipment and personnel trained to use it shall be available on site at all times during construction or maintenance activities that could result in project-generated turbidity levels beyond the work area that have the potential to be discharged to a receiving water body.
- C. During construction or maintenance activities, the Permittee shall monitor turbidity levels at least twice daily for the background and compliance samples, with samples taken a minimum of once every four hours, at the locations described within the project's approved Turbidity Control Plan.
  - i. Approximately 100 feet upstream of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
  - ii. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)
- D. For monitoring purposes, work areas are defined by the turbidity curtains.
- E. If there are multiple work areas where construction is creating a visible turbidity plume, each construction activity shall be monitored separately.

### **Turbidity Exceedance**

- F. If monitoring reveals project-generated turbidity exceeds the Turbidity Standard authorized in this permit the Permittee shall take the following measures:
  - i. Immediately cease all work contributing to the water quality violation;
  - ii. Immediately report turbidity violations to the Department;
    - a. The Department shall be notified by phone and at [RPPS\\_Comp@dep.state.fl.us](mailto:RPPS_Comp@dep.state.fl.us) within 24 hours; and
    - b. The Permittee shall submit a turbidity exceedance report to the Department at the addresses specified in Specific Condition No. 1. The report shall include a copy of the monitoring data sheets, which indicate violation(s) and a description of the corrective actions taken or proposed. The report shall be made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends.
  - iii. The possible cause of the violation shall be identified;
  - iv. Modify work procedures that may have contributed to the violation such as installing additional turbidity or erosion protection devices; repairing any non-functional turbidity containment devices, stabilizing exposed soils, and checking calibration of the meter; and
  - v. Work shall not resume until the activities can be conducted in compliance with the turbidity standards and the Department grants authorization.

Failure to report violation(s) or to follow corrective procedures before resuming work may constitute grounds for formal enforcement action.

### **Monitoring Logs and Reports**

- G. Turbidity monitoring results shall be compiled daily and summarized quarterly (every three calendar months) by project component beginning with the first calendar month in which construction or maintenance activities occur that could generate turbidity in receiving waters and continuing until all construction, dredging,

stabilization and/or excavation is completed. If no construction activities occur that could generate turbidity and the project site has been stabilized, during the entire or a specific portion of the quarterly monitoring period, this shall be noted in the report and include information regarding continuation of monitoring. Quarterly reports shall be sent to the addresses specified in Specific Condition No. 1.

H. Daily monitoring logs shall clearly identify the following information:

- i. Project name and current permit number;
- ii. Dates and times of sampling and analysis;
- iii. Name of individual collecting samples;
- iv. Unique identification of the specific instrument unit(s) used for sample collection and analysis as required by FDEP-SOP-001/01 FT 1600 Field Measurement of Turbidity;
- v. Measurement value and reporting units;
- vi. Water depth;
- vii. Depth of sample;
- viii. Weather conditions;
- ix. Water level stage in the canal or water body and direction of flow;
- x. Clear description of project component activities taking place at the time of sampling that may have contributed to turbidity; and
- xi. Signature and statement of authenticity by a properly trained individual indicating that the instrument meets the outlined specifications and has been calibrated in accordance with FDEP-SOP-001/01 FT 1600 Field Measurement of Turbidity.

I. Quarterly reports shall include the daily logs and a summary of the following information:

- i. Summary of construction activities that have taken place;
- ii. Statement regarding sampling results, the net difference between compliance and background results, and whether the turbidity levels are in compliance;
- iii. Summary of any significant compliance issues and how they were resolved;
- iv. Statement which explains any gaps in sampling activity (e.g., no construction or maintenance activity that could contribute to turbidity generation in receiving waters, contractor not onsite, work shut down due to weather conditions); and
- v. Map indicating the sampling locations and construction activity taken place during the reporting period.

22. **Addition of Monitoring Requirements.** If the Department has reason to believe that additional monitoring may be required or parameters exist that may cause or contribute to water quality violations or degradation of receiving waters, additional monitoring or parameters shall be added to the Brackish Water Interface Monitoring Plan.

23. **Removal of Parameters.** Upon demonstration that a specific parameter(s) is not present or is found consistently in compliance with water quality standards, the Permittee may request a modification to the Brackish Water Interface Monitoring Plan as appropriate. The Department may approve a reduction of the monitoring frequency or waive the monitoring requirement for parameters that consistently are reported in compliance with State water quality standards.

24. **Construction Status Reports.** Construction Status Reports which summarize progress of all maintenance activities, project components, phases and/or contracts, and Construction Meeting Minutes shall be available to the Department upon request and such reports shall continue to be available throughout the duration of construction activities until all disturbed areas are successfully stabilized. These Reports may be requested through the Project Manager, Construction Manager, or obtained at the construction meetings.

25. **Annual Reports.** The Corps shall submit an annual report to the Department detailing the construction and maintenance activities of the project during the annual reporting period. These reports shall be submitted to the Department no later than March 1<sup>st</sup> of each year. The Corps may request a modification to the annual report



submission date, and upon approval by the Department, the Corps may modify the submission date to coincide with other reporting requirements and time periods needed for data acquisition and analysis.

At a minimum, the following information should be included in the annual reports:

**A. General Information.**

- i. Permit number;
- ii. Permit/Project name;
- iii. Permit administrator;
- iv. List of key contacts with contact information; and
- v. Evaluation of project success in achieving its objectives.

**B. Construction/Maintenance Summary.** A construction and/or maintenance summary shall include, at a minimum:

- i. Construction/Inspections/Maintenance Progress;
- ii. Construction schedule;
- iii. Problems encountered during period covered;
- iv. Actions taken to address problems encountered;
- v. Summary of monitoring results for turbidity;
- vi. Modifications or changes made to infrastructure of system; and
- vii. Any additional information specifically required by the conditions of this permit or separate authorization.

**C. Water Quality Data.** Records of monitoring information, where applicable, shall include:

- i. Date, location, and time of sampling or measurements;
- ii. Person responsible for performing the sampling or measurements;
- iii. Dates analyses were performed or the appropriate code as required by Chapter 62-160, F.A.C.;
- iv. Laboratory/Person responsible for performing the analyses;
- v. Analytical techniques or methods used, including method detection limit (MDL);
- vi. Results of such analyses, including appropriate data qualifiers;
- vii. Depth of samples;
- viii. Directional flow conditions and weather conditions at time of sampling; and
- ix. Monthly flow volumes.

**D. Implementation Schedules.** When appropriate, the Permittee shall include information on:

- i. Project optimization;
- ii. Project adaptive management;
- iii. Project design modifications;
- iv. Implementation of remedial measures in the event of noncompliance with permit conditions; and
- v. Should construction or operations be impacted due to State and Federal listed species requirements, provide a summary including the species involved, an estimate of the number of individual animals and species involved, actions taken to avoid deleterious impacts on endangered species, the effect those actions had on compliance with any condition of this permit, and an estimate of when facility operation will no longer be impacted or constrained.

## **SPECIFIC CONDITIONS – FACTORS IMPACTING COMPLIANCE**

26. **Factors Outside the Permittee's Control.** In the event that non-compliance or failure of the system to perform as designed occurs for any reason other than those listed below, the Permittee shall take appropriate remedial measures.

- A. Natural Background.** Deviations from water quality standards may occur as a result of natural background conditions, in accordance with Section 403.021(11), F.S.

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- B. **Random Variation.** The Permittee shall report any statistical uncertainty in the methodology using acceptable scientific methods.
  - C. **Other Factors.** Unavoidable legal barriers or restraints, including those arising from actions or regulations not under the control of the Permittee.
27. **Temporary Suspension of Sampling.** Under hurricane, tropical storm warnings, or other extreme weather conditions, the Permittee's normal sampling schedule may be suspended if necessary. The Permittee shall notify the Department at the addresses and telephone number specified in Specific Condition No. 1, of any suspension of sampling associated with hurricanes, tropical storms, or other extreme weather events that may require deviation from the normal sampling schedule. Within seven days following the cessation of emergency conditions, the Permittee shall notify the Department of when normal sampling is expected to resume.

### **SPECIFIC CONDITIONS – RENEWALS AND MODIFICATIONS**

28. **Permit Modifications.** The Permittee shall submit proposed modifications of the project to the Department, prior to implementation of the modification, for review and approval by the Department. Such modifications may include, but not be limited to:
- A. **Modifications for Future Facilities.** If the monitoring data indicate the need for the construction/operation of future facilities or structures, prior to construction/operation the Permittee shall apply for modifications to the project, as appropriate to accommodate alterations in operations of the project in conjunction with the construction and operation of the new facilities or structures; and
  - B. **Future Phases.** This permit does not authorize any construction or operational activities associated with future portions of the project. Future phases shall require separate review and approval by the Department to determine whether a permit modification will be required.
29. **Permit Renewal.** At least 60 days prior to the expiration of this permit, the Permittee shall apply for renewal of this permit if construction activities are not likely to be completed by the permit expiration date.
30. **Department Review and Approval.** Where conditions in this permit require Department review and approval of remedial actions or plan modifications to be implemented pursuant to this permit, the Department shall consult with the Permittee to ascertain whether mutual agreement can be reached. If mutual agreement on the remedial actions or plan modifications cannot be reached, the action of the Department shall be deemed final agency action and shall be subject to judicial or administrative review, as appropriate.

### **GENERAL CONDITIONS**

The general conditions below are in light of the February 2006 Interagency Cooperative Agreement for Civil Works Projects (ICA) between the Department and the Corps:

1. This permit, including its general and specific conditions, must be construed in light of the February 2006 Interagency Cooperative Agreement for Civil Works Projects (ICA) between the Department and the Corps. As recognized in the ICA, the Department has the authority to include reasonable conditions in this permit. All of the conditions in this permit, both general and specific, are enforceable to the extent sovereign immunity has been waived under 33 U.S.C. §§ 1323 and 1344(t). The ICA is incorporated herein by reference.
2. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated changes in:

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- A. operational plans;
- B. project dimensions, size, or location;
- C. ability to adhere to permit conditions;
- D. project description included in the permit; and
- 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. the 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.

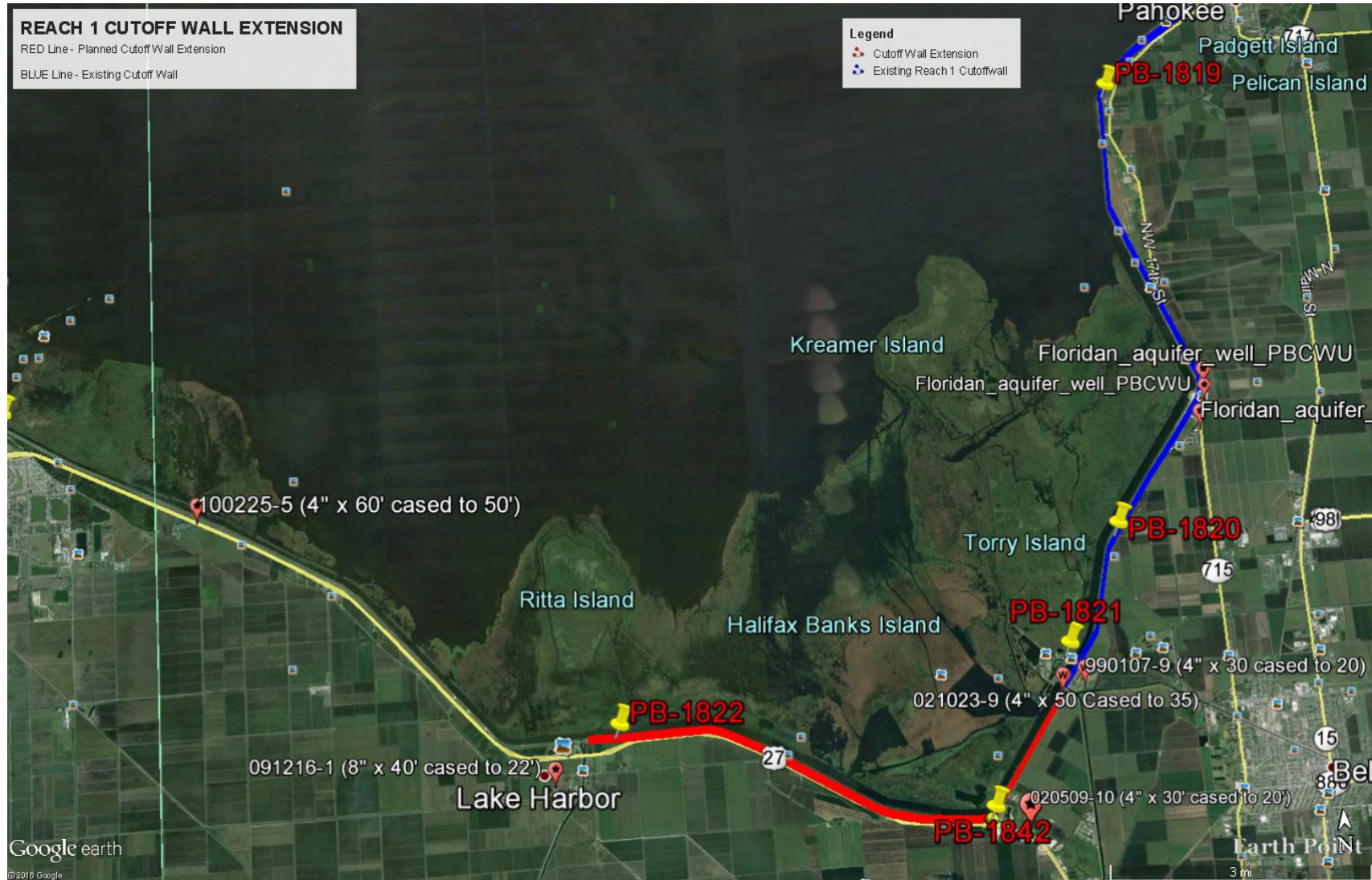
Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law with respect to any non-compliance.

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 convey 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 shall 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, arrowheads, 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 disturbed 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 a copy, if requested, of any as-built drawings required of the contractor or survey performed by the Corps.

Figure 1. Reach 1 Cutoff Wall Extension Map





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Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**




Edward C. Smith, Director  
Office of Ecosystem Projects

ECS/jp/er

**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.

 1/6/17  
Clerk Date

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