



Department of Environmental Protection

Lawton Chiles
Governor

Marjory Sconeman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Weche
Secretary

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE:

Martin County Board of County Commissioners
c/o Michael P. Walther, P.E., President
Coastal Technology Corporation
3625 20th Street
Vero Beach, Florida 32960

Permit/Authorization No.:
43-294982-9

Date of Issuance: February 20, 1997
Expiration Date: February 20, 2012
County: Martin
Project: St. Lucie Inlet
Sand Bypassing

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.). The activity is not exempt from the requirement to obtain a Joint Coastal Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

This permit also constitutes certification compliance with water quality standards under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

This activity 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, 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, and 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 below, and has determined that the activity qualifies for a public easement for the borrow site at the

St. Lucie Inlet flood shoal and a consent of use for beach disposal along the shoreline of Jupiter Island, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, the Department hereby approves the request for a public easement and consent of use subject to the conditions listed below, pursuant to Chapter 253.77, F.S.

The final documents required to execute the public easement have been sent to the Division of State Lands. Easement number 29703 has been assigned. The Department intends to issue the public easement upon satisfactory execution of those documents. You may not begin construction of this activity on state-owned, sovereign submerged lands until the public easement has been executed to the satisfaction of the Department.

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

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the General Conditions and Specific Conditions, which are a binding part of this permit and authorization. You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

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

ACTIVITY DESCRIPTION:

The activity is to perform the periodic bypassing of sand from the interior flood shoal, sedimentation basin, and navigation channel of St. Lucie Inlet to the beaches of Jupiter Island.

Dredge material will either be immediately placed at the disposal site or stored temporarily in the Florida Inland Navigation District's MSA-M5 dredged material management site. Storage at the site would take place for dredging events when it would be necessary to avoid beach placement during marine turtle nesting season. Beach disposal will be authorized from the inlet's south jetty to the south limits of the Town of Jupiter Island's beach restoration project. The specific location of beach placement within this area will be determined prior to each event. Sand will be bypassed to areas most in need of sand based on monitoring surveys.

ACTIVITY LOCATION:

The activity is located within the waters of St. Lucie Inlet and along the beaches of Jupiter Island (between the inlet's south jetty at DEP reference monument R-45 and approximately 220 feet north of DEP reference monument R-117), in Martin County, in Section 16, Township 38 South, Range 42 East; Sections 10, 14, 23, 25, 26, 36, Township 39 South, Range 42 East; Sections 1, 12, Township 40 South, Range 42 East; Sections 7, 18, Township 40 South, Range 43 East, Class III waters, Outstanding Florida Waters along the beachfront of St. Lucie Inlet State Park and the Hobe Sound National Wildlife Refuge.

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 161.041, 370.021, 403.141, 403.727, and/or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific coastal construction and operations for which the permit was granted in accordance with the plans and specifications which were approved by the Department as part of the permit. Any deviation therefrom, without written approval from the Bureau, shall be grounds for suspension of the work and revocation of the permit pursuant to Section 120.60(7), Florida Statutes, and enforcement action by the Department, including assessment of civil and administrative fines or issuance of an order to alter or remove the unauthorized structure, or both.
3. The issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. The permittee shall obtain any applicable licenses or permits which may be required by federal, state, county or municipal law. This permit is not a waiver of or approval of any other

Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall hold and save the State of Florida, the Department, its officers and employees, harmless from any damage, no matter how occasioned and no matter what the amount, to persons or property which might result from the coastal construction authorized under the permit and from any and all claims and judgments resulting from such damage.

5. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of sovereignty land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

6. This permit or a copy thereof, complete with all conditions, attachments, exhibits, modifications, and time extensions shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

7. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date.

8. The permittee shall conduct the coastal construction authorized under the permit using extreme care to prevent any adverse impacts to the coastal system, marine turtles, nests and their habitat or adjacent property and structures. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards.

9. The permittee shall not disturb existing beach and dune or inlet topography and vegetation, or other biological communities in the project area, except as expressly authorized in the permit. Before the project is considered complete, any disturbed topography or

vegetation shall be restored as prescribed in the permit, with suitable fill material or revegetated with appropriate beach and dune vegetation.

10. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

11. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

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

13. The permittee shall provide periodic progress reports certified by an engineer registered in the State of Florida or other appropriate individual as authorized by law. The reports shall be submitted to the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department on a monthly basis beginning at the start of construction and continuing until

all work has been completed. The engineer shall certify that all construction as of the date of each report has been performed in compliance with the plans and the project description approved as a part of the permit, and with all conditions of the permit, or shall specify any deviation from the plans, project description or conditions of the permit. The report shall also state the percent of completion of the project and each major individual component.

14. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation under this permit which are submitted to the Department may be used by the Department as evidence in any enforcement case or any purpose it may deem necessary or convenient, except where such use is otherwise specifically forbidden by law.

15. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. Records of monitoring information shall include: the date, exact place, and time of sampling or measurements; the person responsible for performing the sampling or measurements; the dates analyses were performed; the person responsible for performing the analyses; the analytical techniques or methods used; and the results of such analyses. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

16. Within thirty (30) days following completion of the work, the permittee shall provide the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department with a final report certified by an engineer registered in the State of Florida or other appropriate individual as authorized by law. The report shall state that: all locations and elevations specified by the permit have been verified; the coastal construction authorized by the permit has been performed in compliance with the plans and project description approved as a part of the permit and all conditions of the permit; and shall describe any deviations from the approved plans, project description or permit conditions and any work not performed.

17. The permittee shall adjust, alter or remove any permitted structure or other physical evidence of the work or activity permitted, upon written notice from the Department that the coastal construction in question results in a significant adverse impact or is inconsistent with

Section 370.12, Florida Statutes, or otherwise proves to be undesirable or becomes unnecessary. The permittee shall also be required to restore the impacted coastal system. Adjustment, alteration, or removal required under this provision, shall be accomplished by the permittee at no cost to the State of Florida.

18. The permittee shall cease work if shoreline conditions change such that continued construction under the permit would result in an adverse impact to the coastal system. The permit is subject to suspension, revocation or modification by the Department in order to eliminate any adverse impact.

19. By accepting this permit, the permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

20. The following conditions pertain to the authorization to use sovereign submerged lands:

a. No activities other than those set forth in this permit/authorization are authorized. Any additional activities on state-owned sovereignty submerged lands must receive further consent from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (hereinafter the "Board") or their properly designated agent.

b. Grantee agrees that all title and interest to all lands lying below the historical mean high water line or ordinary high water line are vested in the Board, and shall make no claim of title or interest in said lands by reason of the occupancy or use thereof.

c. Grantee agrees to use or occupy the subject premises for those purposes specified herein, and Grantee shall not permit the premises or any part thereof to be used or occupied for any other purpose or knowingly permit or suffer any nuisances or illegal operations of any kind on the premises.

d. Grantee agrees to maintain the premises in good condition in the interest of the public health, safety and welfare. The premises are subject to inspection by the Board or its designated agent at any reasonable time.

e. Grantee agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands arising out of this consent.

f. No failure, or successive failures, on the part of the Board to enforce any provision, waiver or successive waivers on the part of the Board of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Board to enforce the same in the event of subsequent breach.

g. Grantee binds itself and its successors and assigns to abide by the provisions and conditions set forth herein. In the event Grantee fails or refuses to comply with the provisions and conditions of this consent, the consent of use may be terminated by the Board after written notice to the Grantee. Upon receipt of such notice, the Grantee shall have thirty (30) days in which to correct the violation. Failure to correct the violations within this period shall result in the automatic revocation of this Letter of Consent.

h. All costs, including attorneys' fees, incurred by the Board in enforcing the terms and conditions of this consent shall be paid by the Grantee. Grantee agrees to accept service by certified mail of any notice required by Chapter 18-14, Florida Administrative Code, at the address shown on page one of this Agreement and further agrees to notify the Board in writing of any change of address at least ten days before the change becomes effective.

i. Grantee agrees to assume responsibility for all liabilities that accrue to the sovereignty submerged land or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of this consent.

j. Grantee agrees that any dispute arising from matters relating to this consent shall be governed by the laws of Florida and initiated only in Leon County, Florida.

k. The Letter of Consent associated with these General Consent Conditions as well as these conditions themselves are subject to modification after 5 years in order to reflect any applicable changes in statutes, rule or policies of the Board or its designated agent.

l. In the event that any part of the structure(s) consented to herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Grantee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this consent and shall be grounds for its immediate termination.

m. The easement granted for use of the flood shoal does not convey exclusive use or other proprietary rights to the sediments contained in the flood shoal.

SPECIFIC CONDITIONS:

1. Prior to commencement of each sand bypassing event, the permittee must obtain a written notice to proceed from the Department.
 - a. Prior to issuance of the notice to proceed the permittee shall submit two copies of detailed final construction plans and specifications for all authorized structures or excavation, including all appurtenant structures and utilities. These documents shall be signed and sealed by the design engineer, who must be registered in the State of Florida, and shall bear the certifications specified in Rule 62B-41.007(4), F.A.C. The plans and specifications shall include a description of the beach construction methods to be utilized and drawings and surveys which show all work spaces (e.g. anchoring area, pipeline corridors, staging areas, boat access corridors, etc.) to be used for this project. The drawings shall include mapping of any significant natural resources located in and within 1,000 feet of the work spaces and a detailed description of any significant natural resources within these areas. Significant natural resources include hardbottom areas, rock outcroppings, and algal and seagrass beds. This submittal shall also include a discussion of the feasibility of using alternate corridors and staging areas that cross less significant habitat.
 - b. For each sand bypassing event, prior to commencement of construction, the permittee shall submit the names and qualifications of the individuals familiar with beach construction techniques and turbidity monitoring who shall be present at the sand disposal sites at all times when fill material is discharged onto the beaches. These individuals shall serve as site supervisor and shall have authority to alter construction techniques or shut down the dredging or beach construction operations if turbidity exceeds 29 NTUs above natural background levels outside of the designated mixing zone. Any individual who performs this function shall be approved by the Department before beginning to serve in this capacity.
2. Every 5 years from the date of issuance of the final permit, the Department will conduct a comprehensive review of the authorized activities and determine if work may continue under the existing permit. If changes to the permit and the conduct of the authorized activities are required, then a minor modification of the permit shall be required. At the time of review, the applicant shall provide any additional information that the Department requests in order to assess the effects of the project. Work may not commence until after the permittee receives a written authorization stating that the permittee may continue sand bypassing activities under the existing permit or receives a formal minor modification of the permit.
3. A monitoring program shall be conducted in accordance with the minimum specifications described in the hydrographic monitoring section below. All monitoring data required under the program and an engineering report summarizing the monitoring results and

project performance shall be submitted to the Bureau of Beaches and Coastal Systems within 90 days of completion of each annual survey.

4. Prior to commencement of each sand bypassing event, the permittee shall conduct a preconstruction conference with all contractors, the engineer of record, the marine turtle permit holder, and a staff representative of the Bureau of Beaches and Coastal Systems to establish an understanding among the parties as to the items specified in the special and standard conditions of the permit. The permittee shall provide a minimum of 7 days advance written notification to the Bureau of Beaches and Coastal Systems and the Southeast District Office of the date, time, and location of the pre-construction conference.
5. The permittee shall require the dredging contractor to have electronic positioning equipment which continuously measures the vertical and horizontal location of the cutterhead, dragarms, dustpan or clamshell at all times during operations. The horizontal positioning equipment shall be installed on the dredge so as to monitor the actual location of the dredge equipment and be interfaced with the depth monitoring device. Horizontal accuracy for dredge positioning shall be 3.0 feet. Vertical accuracy for the dredge depth monitoring shall be 1.0 foot. This equipment shall provide a permanent record of the equipment's position referenced to State Plane Coordinates and NGVD. As a part of the final report the permittee shall provide a daily record of the position of the dredge equipment which includes the borrow area limits and seagrass buffer zones referenced to state plane coordinates and NGVD.
6. The permittee shall comply with the best management practices as required by General Condition 10. Additionally, the permittee shall maintain a shore-parallel sand dike at the beach disposal area at all times during hydraulic discharge on the beach. The opening of the discharge pipe shall be landward of the dike and at least ~~150 feet~~ from the end of the dike where discharge water flows onto the beach and into the gulf waters. During the initiation of hydraulic discharge the opening of the pipe may not be extended until the 150-foot long dike is completed.
7. No final permit for the beach nourishment shall be issued and no work shall be conducted until and unless the Department issues a Final Order of Variance from Rule 62-4.242(2) (a)2.b., F.A.C. The variance would allow a temporary elevation of turbidity, not exceeding 29 nephelometric turbidity units (NTUs) above background conditions, within Outstanding Florida Waters at the edge of a 150 meter mixing zone, along the beachfront of St. Lucie State Park and the Hobe Sound National Wildlife Refuge.
8. A 100-meter buffer zone shall be maintained between the seagrass beds and dredging activities at all times.

9. All sand bypassing material shall be deposited on the beach, unless the material has been determined by the Department not to be suitable for beach disposal. The use of the MSA-M5 dredged material management site shall be reserved for dredging events during the period that beach disposal is precluded by marine turtle nesting. Prior to placement of any dredged material into the MSA-M5 site, the permittee shall provide notification to the Bureau of Beaches and Coastal Systems, in Tallahassee, in order to discuss the storage of material.

10. At least 90 days prior to each sand bypassing event involving the entrance channel or sedimentation basin, the permittee shall submit a geotechnical analysis of the shoals to be dredged. The geotechnical information should include a particle size analysis of the sediment and a measure of the percent organics by dry weight. Provide core boring logs and sediment grain size analysis from representative points throughout the area to be excavated. Logs should extend at least two feet below the proposed bottom elevation. The depth of each visible horizon in the log should be reported relative to MSL and the material in each horizon classified according to grain size (See Engineering and Design-Geotechnical Manual for surface and subsurface investigations, USACOE, South Atlantic Division, July 1985). Gradation curves should be produced from sieve analysis of each visible horizon in the core. Grain size distributions must be determined down to the standard unit 200 sieve size [See 62-312.080(1), F.A.C.]. A transmittal sheet labeled "This information is submitted in accordance with the requirements of Specific Condition No. 10 of Permit No. 43-294982-9" shall be attached to the above-referenced information when submitted to the Department.

11. In order to ensure that marine turtles are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:

a. Project construction shall be completed outside of the main portion of the marine turtle nesting season (May 1 through October 31).

b. If work associated with this permit is performed during the early part of marine turtle nesting season (March 1 to April 30), or during the latter portion of the marine turtle nesting season (November 1 through November 30) the following marine turtle protection measures shall be implemented:

1) For work during the early portion of the marine turtle nesting season (March 1 through April 30), daily marine turtle nest surveys of the project area (including vehicle access routes) shall be initiated on March 1 and shall continue through completion of the project or April 30 (whichever is earliest).

- 2) For work during the latter portion of the marine turtle nesting season (November 1 through November 30), daily early morning surveys for sea turtle nests shall be conducted 65 days prior to project initiation and continue through September 30.
- 3) Nests that may be affected by construction activities shall be relocated prior to 9:00 a.m. each day to nearby self-release beach locations where artificial lighting and/or other disturbances will not interfere with successful incubation, hatching or hatchling orientation. Such locations shall be selected prior to commencement of relocations and approved by the Department prior to usage.
- 4) Nest relocation in association with construction activities shall cease when construction activities no longer threaten nests. Nests deposited within the project boundaries in areas where beach fill has been completed shall be clearly marked and left in place, unless other factors (inundation, lighting) threaten the success of the nest.. All other construction activities (tilling, escarpment removal etc.) shall avoid marked nests by a minimum of 10 feet (or an appropriate distance so as not to disturb incubating clutches).
- 5) During construction, if a nesting female is observed in an area that is close to the discharge or within an area that is likely to be disturbed by effluent from the discharge, appropriate measures shall be implemented (e.g., temporarily halt discharge, cease all movement of construction equipment, etc.) so as to minimize disturbance or injury to the marine turtle. The permittee shall notify the person(s) responsible for marine turtle nest survey and relocation activities so that the appropriate conservation measures including immediate nest relocation are conducted.
- 6) In the event a sea turtle nest is excavated during construction activities, the permitted person responsible for egg relocation for the project shall be notified immediately so that appropriate conservation measures can be initiated and eggs can be moved to a suitable relocation site.
- 7) All marine turtle nest surveys and nest and egg manipulation activities shall be conducted by persons with prior experience and training in these activities and duly authorized to conduct such activities through a valid permit issued by the Department, Division of Marine Resources, pursuant to Florida Administrative Code Rule 62R-1.
- 8) Staging areas for construction equipment shall be located off the beach to the maximum extent practicable. Nighttime storage of construction equipment not in use shall be off the beach to minimize disturbance to sea turtle nesting and hatching activities. In addition, all construction pipes that are placed on the beach shall be located as far landward as possible without compromising the integrity of the existing dune system.

Temporary storage of pipes and equipment shall be off of the beach to the maximum extent possible. Temporary storage of pipes on the beach shall be in such a manner so as to impact the least amount of nesting habitat and shall likewise not compromise the integrity of the dune system (placement of pipes perpendicular to the shoreline is recommended as the method of storage).

9) Temporary lighting of the construction area shall be limited to the immediate area of active construction only. Such lighting shall be shielded low pressure sodium vapor lights for project lighting that is visible from the beach. All equipment operation at night shall be minimized as much as possible, while maintaining the minimum requirements for project safety. Lighting on offshore equipment shall be similarly minimized through reduction, shielding, lowering, and appropriate placement of lights to avoid excessive illumination of the water, while meeting all U.S. Coast Guard and OSHA requirements. Shielded low pressure sodium vapor lights are highly recommended for lights on offshore equipment that cannot be eliminated.

c. A pre-work conference shall be held between representatives of the contractor, the permittee, the individuals responsible for all nest marking and manipulation and the Department. At least 10 days advance notice shall be provided prior to conducting this meeting.

d. Immediately after completion of the construction project and prior to February 15 of the next two nesting seasons, monitoring of sand compaction shall be performed in accordance with compaction monitoring protocols as approved by the Department or alternative protocols acceptable to the Department. If compaction measurements exceed 500 pounds per square inch (psi) as determined by monitoring, the beaches shall be plowed (tilled) to a depth of 36 inches. Tilling shall be performed in such a manner so as to ensure abatement of all compacted fill material. All post-construction year tilling activity must be completed prior to March 1.

e. Visual-surveys for escarpments along the project area shall be made immediately after completion of the beach nourishment project and prior to March 1 for two subsequent years following completion of the project. Results of the surveys shall be submitted to the Department by April 1. If necessary, escarpments which interfere with marine turtle nesting or which exceed 18 inches in height for a distance of 100 feet or more shall be mechanically leveled to the natural beach contour to ensure that no escarpments are present on March 1. The Department shall be contacted immediately if subsequent reformation of escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet occurs during the nesting and hatching season to determine the appropriate action to be taken. If it is determined that escarpment leveling is required during the nesting season, the Department will provide a brief written authorization that describes methods to be used to reduce the likelihood of impacting existing nests.

f. In order to assess the effect of this project on marine turtle nesting, daily early morning surveys of the project beach shall be conducted for the year of construction and during the two consecutive marine turtle nesting seasons immediately following the construction year. Surveys shall commence on March 1 and continue until September 15 of each year. The persons(s) conducting daily surveys shall keep a record of all nesting activity, nesting success rates, hatching success of all relocated nests, and hatching success of all *in situ* nests.

g. An annual written report containing; compaction measurements, results of escarpment surveys, daily surveys enumerating nesting activity, nesting success rates, hatching success of all relocated nests, hatching success of a statistically valid sample set of *in situ* nests, dates of construction, names of all personnel involved in marine turtle activities and any actions taken by the permittee regarding removal of escarpments and tilling for compaction shall be submitted to the Department. A report shall be provided to the Department for the year of construction and the two consecutive marine turtle nesting seasons immediately following the construction year. Each report shall be provided to the Department by December 31, after the completion of each nesting season that surveys are conducted in association with this permit. All reports shall be submitted to the FDEP, 3900 Commonwealth Boulevard, MS-245, Tallahassee, Florida 32399-3900.

12. The permittee shall comply with the following manatee protection construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

b. 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 of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

c. Siltation barriers shall be made of material in which manatees cannot become entangled; are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.

d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

e. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

f. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL FMP (1-800-342-5367). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-407-562-3909) in south Florida.

g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2" by 11" which reads *Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL FMP (1-800-342-5367). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-407-562-3909) for south Florida.*

13. If sediments will be transported by barge to the Peck Lake transfer site, the applicant shall contact The Department's Bureau of Protected Species Management to determine if additional special conditions for the protection of manatees are necessary. Additional conditions may include but are not limited to; a dedicated onboard manatee observer during all in-water work or transport of sediments and no nighttime sediment transport by barge.

MONITORING REQUIRED:

1. Water Quality

Parameter: Turbidity - Nephelometric Turbidity Units (NTUs)

BORROW SITE:

Frequency: Every four hours during dredging*

Location

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

Compliance: No more than 150 meters downcurrent from the dredge, in the densest portion of any visible turbidity plume, at mid-depth.

BEACH DISPOSAL SITE

Frequency: Every four hours during beach fill placement.

Location

Background: At least 1000 meters upcurrent from the discharge point, outside of any visible turbidity plume, at mid-depth.

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

Weekly summaries of all monitoring data shall be submitted to the Bureau of Beaches and Coastal Systems and to the Southwest District Office within one week of analysis with documents containing the following information: (1) permit number; (2) dates and times of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations; and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken:
a) time of day samples taken; b) depth of water body; c) depth of sample; d) antecedent weather conditions; e) tidal stage and direction of flow; and f) wind direction and velocity.

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

Monitoring reports shall be submitted to the Bureau of Beaches and Coastal Systems in Tallahassee. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the DEP, please clearly include, at the top of each page or as a cover page to the submittal: "This information being provided in partial fulfillment of the monitoring requirements in Permit No. 43-294982-9."

2. Hydrographic

The hydrographic monitoring program shall include the following:

- a. Beach and offshore profile surveys of the fill and adjacent area shall be conducted immediately prior to and following completion of each sand transfer event. Additional profile surveys of the designated beach disposal area ^① south jetty of St. Lucie Inlet and DEP reference monument R-117 shall be profile surveys shall extend seaward from the each DEP reference monument to the depth of closure previously established at offshore.
- b. Bathymetric and topographic surveys of the adjacent area shall be conducted immediately following completion of each sand transfer event and annually thereafter.
- c. The survey data shall be submitted immediately following the data collection on 3.5-inch double-sided high density floppy disk in an ASCII format. The data shall be arranged according to the DEP/DBS specifications and shall include all of the information required by the DEP/DBS specifications.
- d. Rectified aerial photography of the designated beach disposal area and the St. Lucie Inlet shall be taken immediately following completion of the initial sand transfer event and annually thereafter. The photography shall be stereoscopic, near vertical and centered on the local shoreline, and taken at approximate low water and as close to the date of the annual topographic surveys as possible. The photography shall be submitted as 9-inch by 9-inch contact prints.
- e. The permittee shall submit an annual engineering report summarizing the monitoring data and project performance to the Bureau in accordance with the approved monitoring plan within 90 days of completion of each annual survey. The engineering summary shall include an analysis of changes for both the designated beach disposal area and the flood shoal and shall be quantified in terms of both volumetric and elevation contour changes.

*St. Lucie
CRP Shoal*

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Kathy B. Wetherell
Virginia B. Wetherell
Secretary

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.

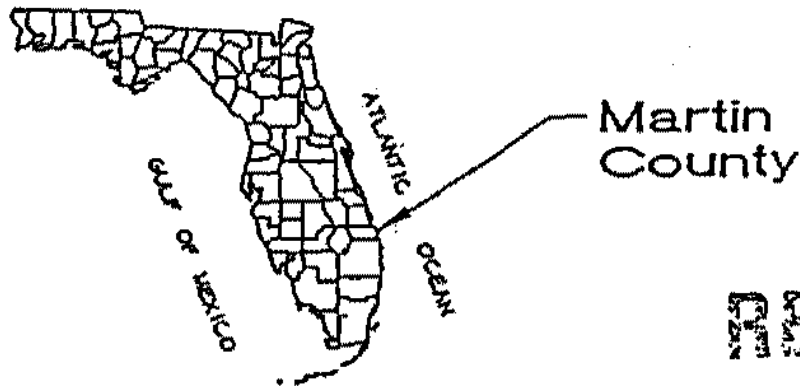
Philip H. Kelly 2/20/97
Deputy Clerk Date

PERMIT NO. 432949007

St. Lucie Inlet

SAND TRANSFER

Martin County, Florida



RECEIVED

DEC 13 1996

BUREAU OF BEACHES
& COASTAL SYSTEMS

INDEX OF SHEETS

SHEET	DESCRIPTION
1.	COVER SHEET
2.	PLAN VIEW-25 YEAR SAND TRANSFER/ BEACH NOURISHMENT AREAS
3.	PLAN VIEW-25 YEAR PROJECT BORROW AREAS
4.	PLAN VIEW-ADJUSTED TOE OF MAXIMUM FILL TEMPLATE WITH HARDBOTTOM
5.	PLAN VIEW- ADJUSTED TOE OF INITIAL FILL TEMPLATE WITH HARDBOTTOM
6.	PROFILES--DNR MONS R-47 & R-63
7.	PROFILES--DNR MONS R-65 & R-71
8.	PROFILES--DNR MONS R-75 & R-79
9.	PLAN VIEW--BORROW AREA
10.	BORROW AREA SECTION A-A
11.	BORROW AREA SECTION B-B
12.	NOTES

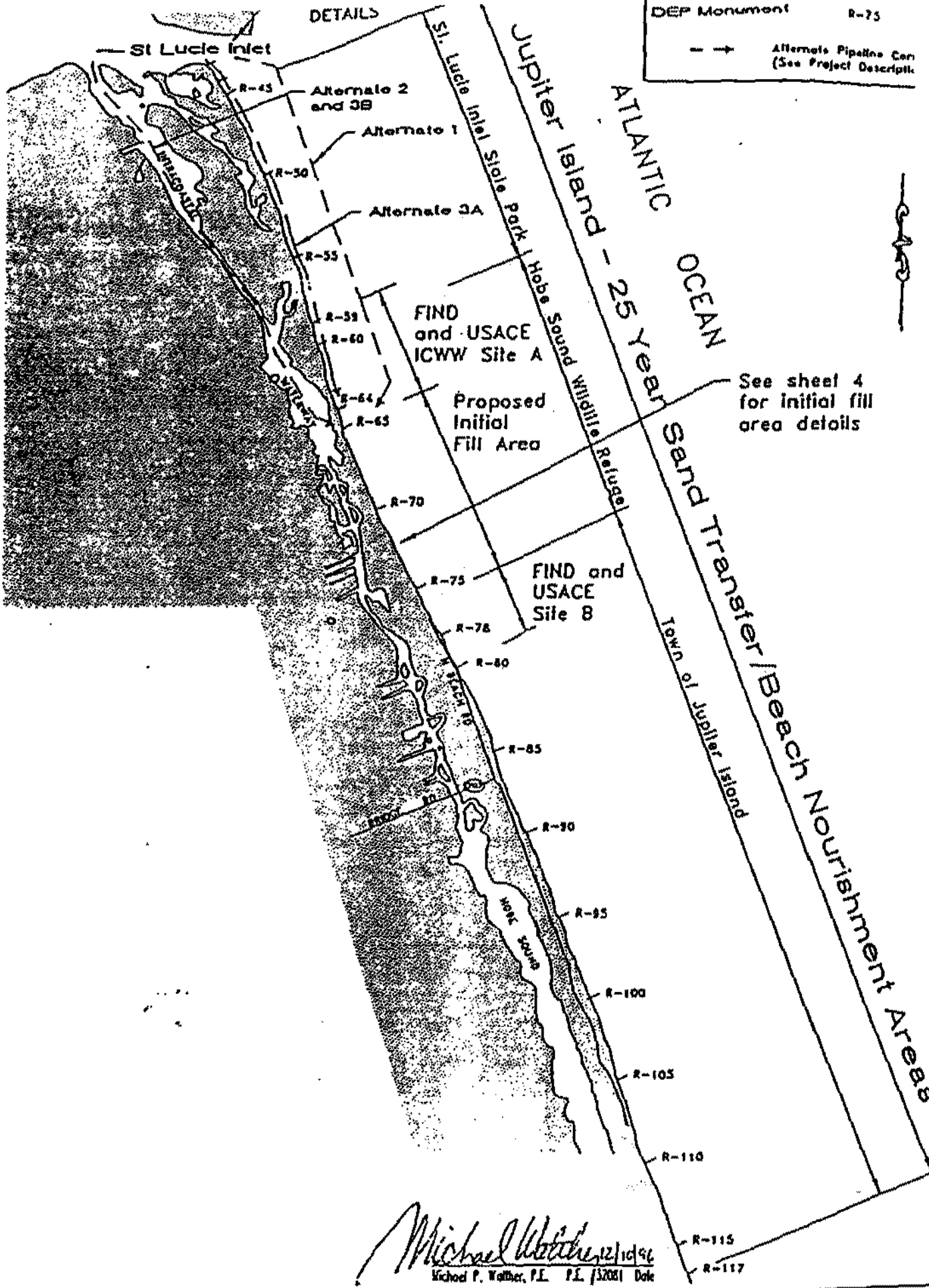
Michael P. Walker
Michael P. Walker, P.E. P.L. 132081

COASTAL TECH <small>3675 30TH STREET, VERO BEACH, FL 32900</small>	COVER SHEET		SHEET 1 OF 12 SHEETS
	ENGR PJE	REV MPW	DATE 9/4/96 LAST REV 8/27/96

799PRO1

PERMIT NO. 432 9829

DEP Monument R-75
--> Alternate Pipeline Cor. (See Project Descript.)



Michael Walther 12/10/96
 Michael P. Walther, P.E. P.E. 132081 Dale

79900A15

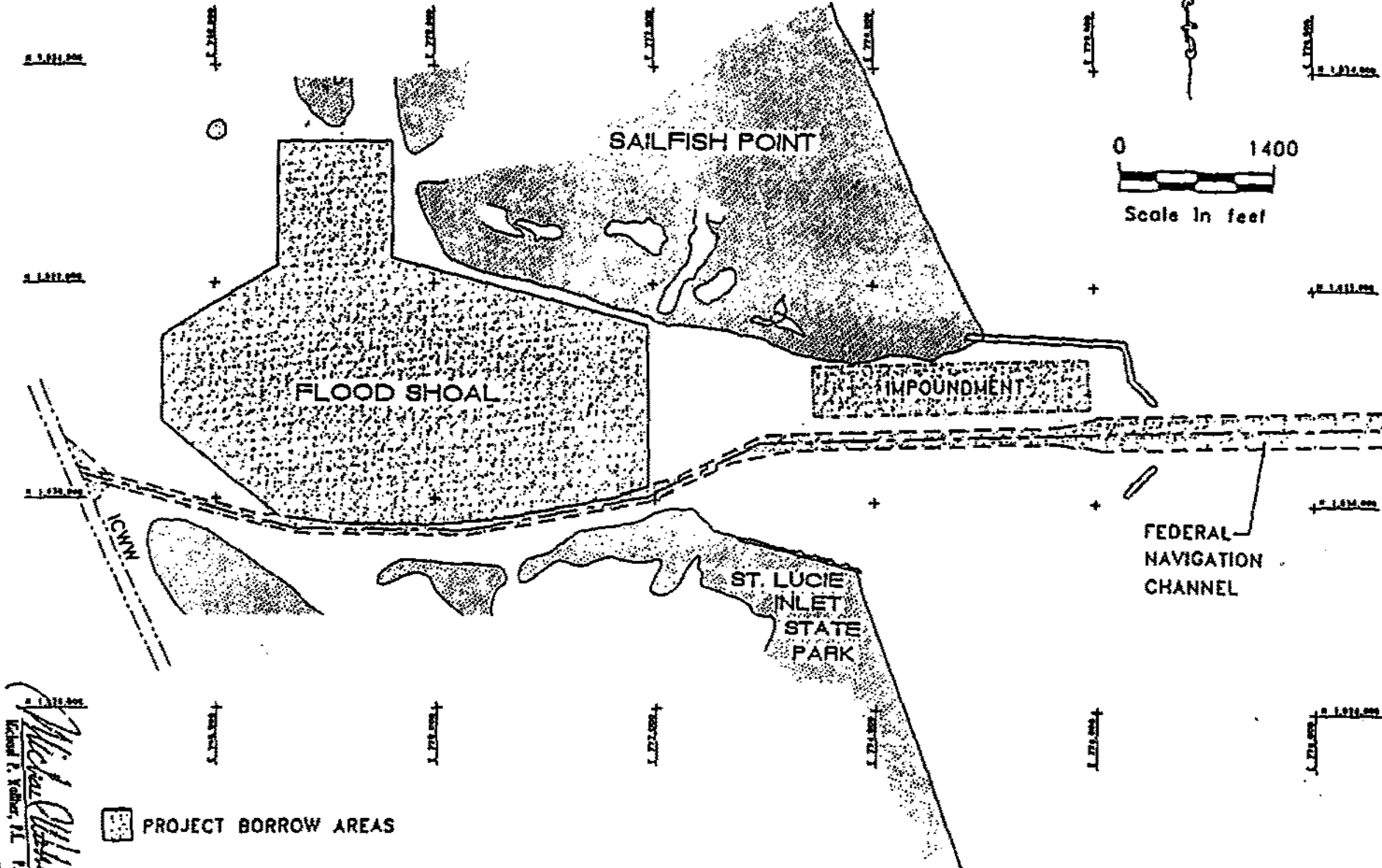
St. Lucie Inlet Sand Transfer		Plan View - 25 Year Sand Transfer/ Beach Nourishment Areas			SHEET 2	
COASTAL TECH 3625 20TH STREET, VERO BEACH, FL 32909		CHKR PJE	REV MPW	DATE 9/4/95	JOB NO 79,900	OF 10 SHEETS
				LAST REV 10/7/96		



St. Lucie Inlet
Sand Transfer
COASTAL TECH
3425 20TH STREET, VERO BEACH, FL 32980

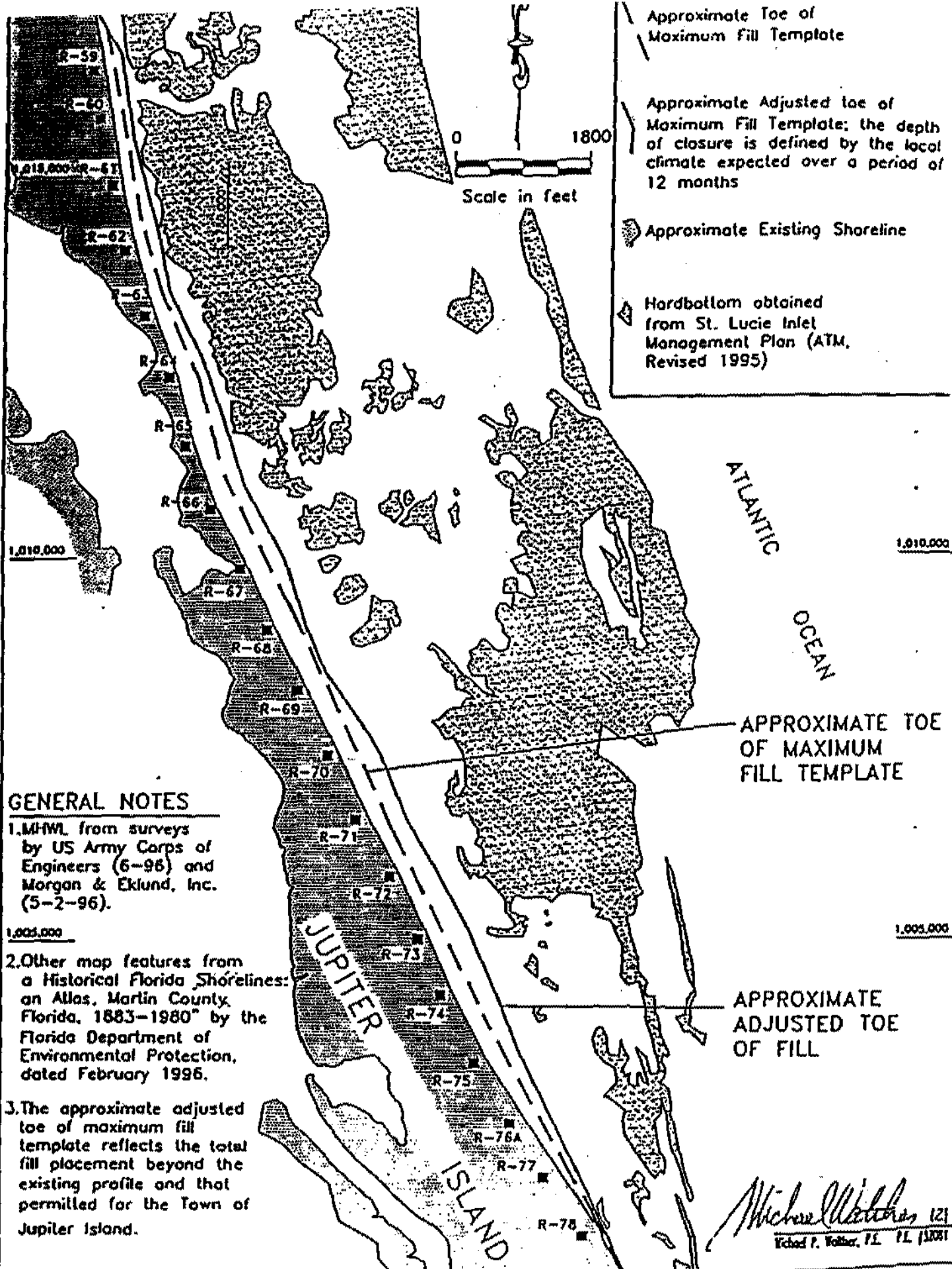
Project Barrow Areas
ICMW
MPW
PJE
DATE 9/4/96
LAST REV. NO. 001

PROJECT 3
JOB NO. 79,900



Michael Miller
Michael Miller
12/14/96
Michael Miller
12/14/96

PERMIT NO. 432949329



Approximate Toe of Maximum Fill Template

Approximate Adjusted toe of Maximum Fill Template; the depth of closure is defined by the local climate expected over a period of 12 months

Approximate Existing Shoreline

Hardbottom obtained from St. Lucie Inlet Management Plan (ATM, Revised 1995)

GENERAL NOTES

1. MHWL from surveys by US Army Corps of Engineers (6-98) and Morgan & Eklund, Inc. (5-2-96).

2. Other map features from a Historical Florida Shorelines: an Atlas, Martin County, Florida, 1883-1980" by the Florida Department of Environmental Protection, dated February 1996.

3. The approximate adjusted toe of maximum fill template reflects the total fill placement beyond the existing profile and that permitted for the Town of Jupiter Island.

APPROXIMATE TOE OF MAXIMUM FILL TEMPLATE

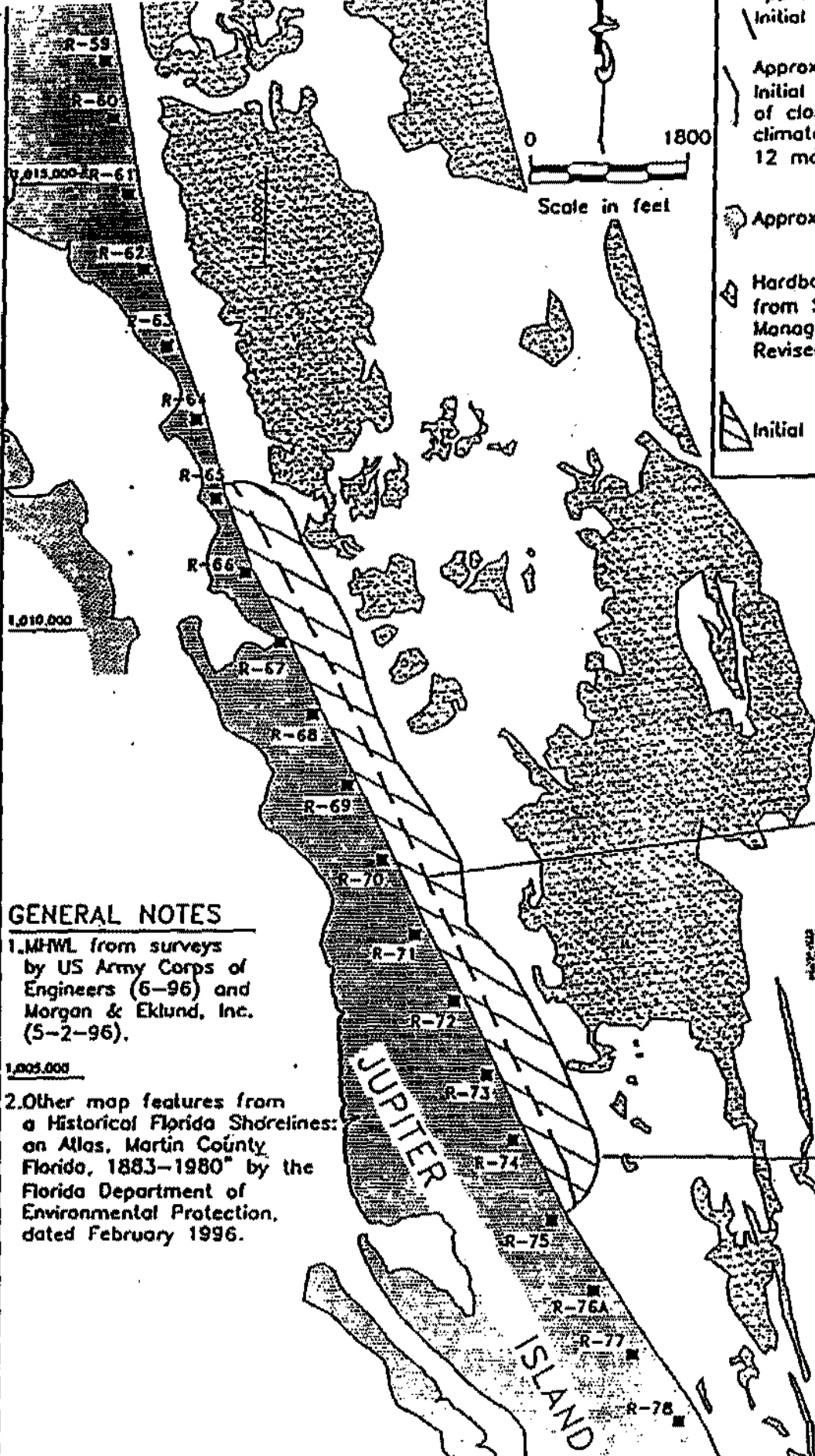
APPROXIMATE ADJUSTED TOE OF FILL

Michael Wilkins 12/10
 Richard P. Walker, P.E. P.L. (S) 01

<p>COASTAL TECH 3625 30TH STREET, VERO BEACH, FL 32908</p>	St. Lucie Inlet Sand Transfer		Plan View - Adjusted Toe of Maximum Fill Template with Hardbottom		SHEET 4 OF 10 SHEETS
	DATE 9/4/96 LAST REV 11/14/96	PJE	MPW	JOB NO 79.900	

799PROJ

PERMIT NO. 432949929



Approximate toe of Initial Fill Template

Approximate Adjusted toe of Initial Fill Template: the depth of closure is defined by the local climate expected over a period of 12 months

Approximate Existing Shoreline

Hardbottom obtained from St. Lucie Inlet Management Plan (ATM, Revised 1995)

Initial Fill Area - Adjusted

GENERAL NOTES

1. MHWL from surveys by US Army Corps of Engineers (6-96) and Morgan & Eklund, Inc. (5-2-96).

2. Other map features from a Historical Florida Shorelines: an Atlas, Martin County Florida, 1883-1980" by the Florida Department of Environmental Protection, dated February 1996.

RECEIVED

DEC 13 1996

BUREAU OF BEACHES & COASTAL SYSTEMS

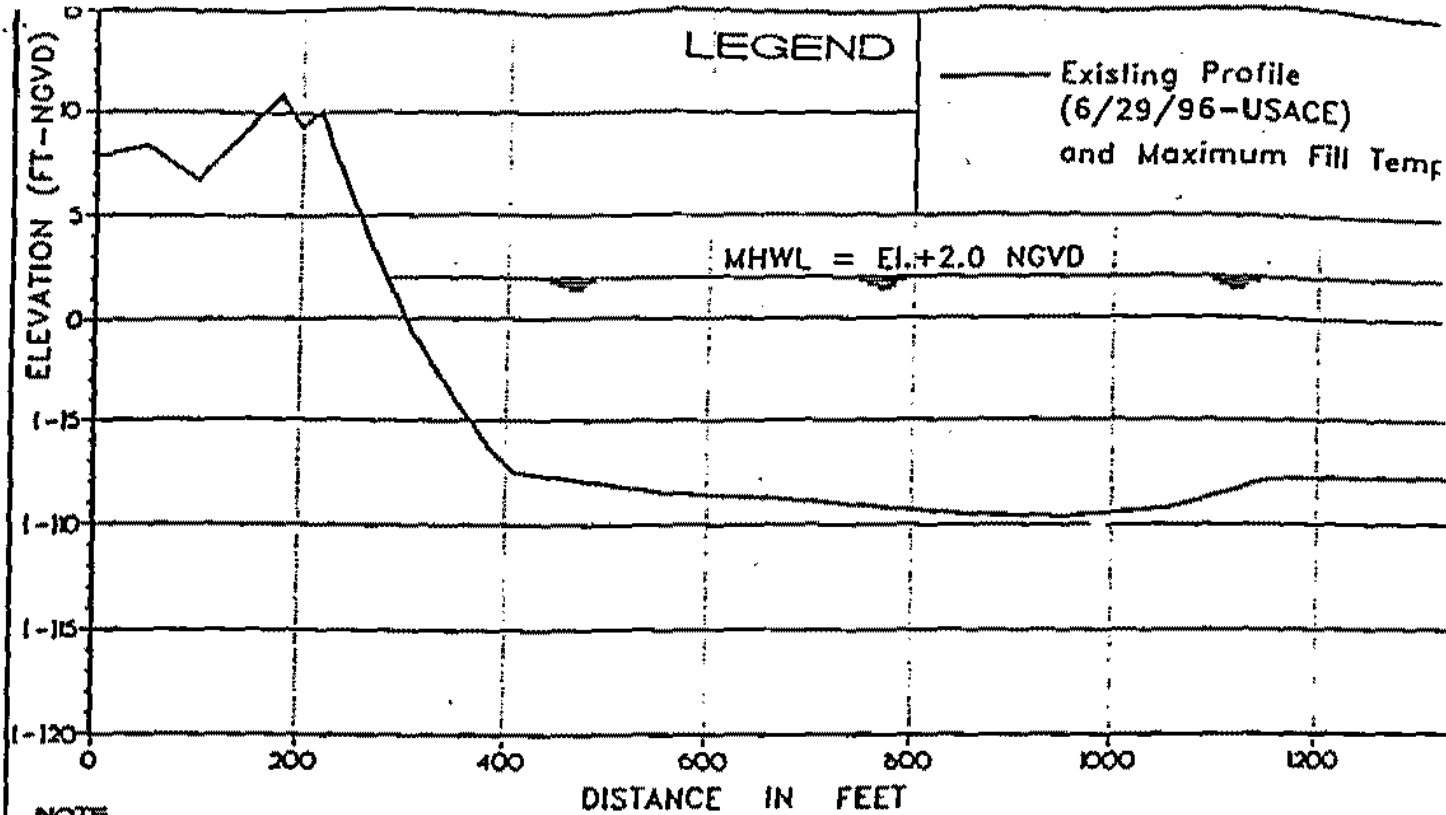
APPROXIMATE ADJUSTED TOE OF INITIAL FILL

Michael Walker
Michael E. Walker, P.E. P.E. 132081

<p>St. Lucie Inlet Sand Transfer</p> <p>COASTAL TECH 3035 30TH STREET, VERO BEACH FL 32960</p>	<p>Plan View - Adjusted Toe of Initial Fill Template with Hardbottom</p>		<p>SHEET 5</p>
	<p>ENG. PJE</p>	<p>REV. MPW</p>	<p>DATE 9/4/96</p> <p>LAST REV. NUMBER</p>

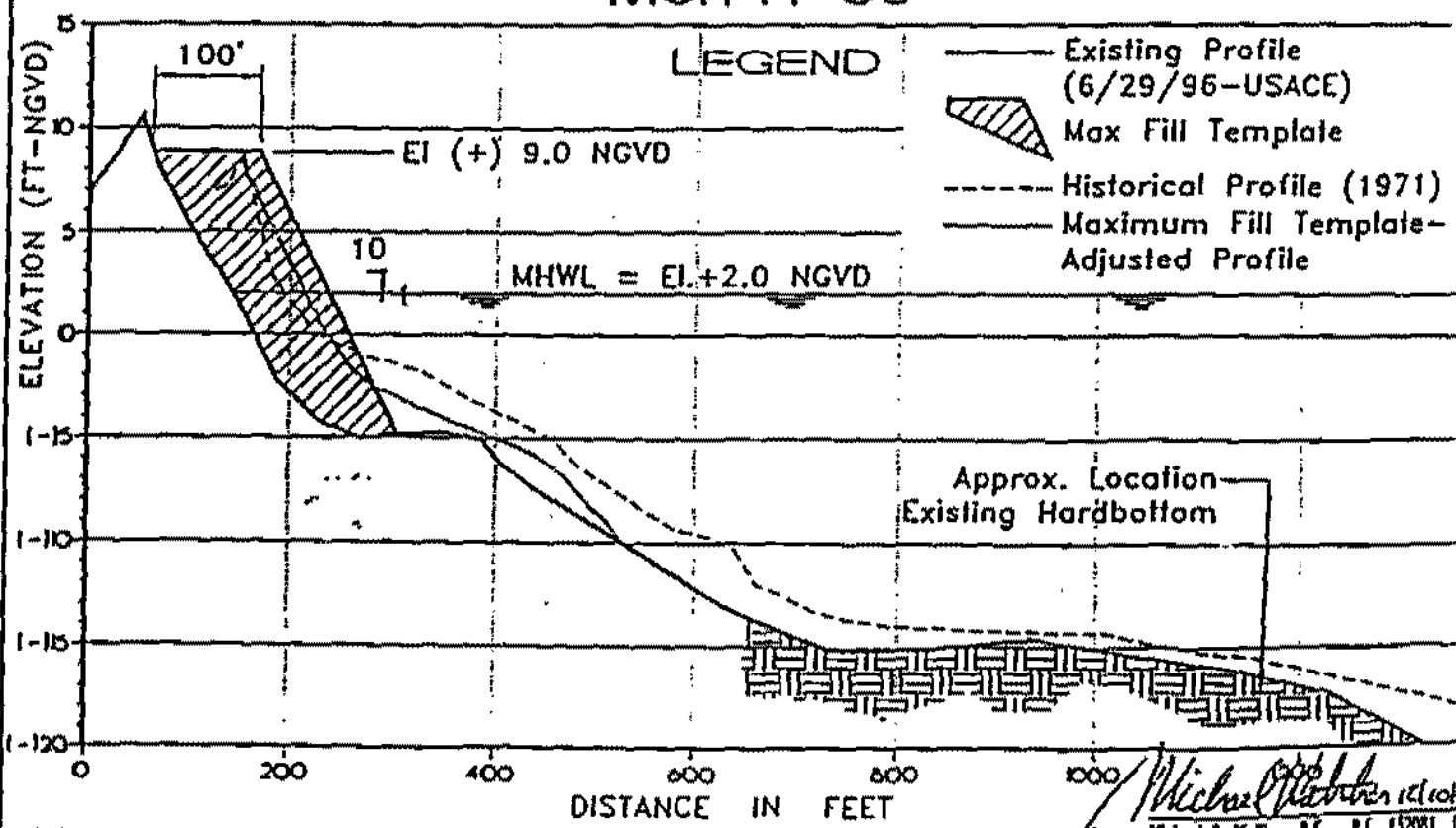
799PROJ

PERMIT NO. 432749929



NOTE
 - From the South Jetty at the St. Lucie Inlet to Mon R-58, the Maximum Fill Template shall be the existing profile as surveyed by the (USACE- 6/96); From R-58 to R-59 the Maximum Fill Template shall transition to a berm width of 100'.

Mon R-63



NOTE
 - From Mon. R-59 to R-65 the Maximum Fill Template shall have a berm width of 100' at elevation +9.0 NGVD with a 10:1 (H/V) slope to the existing profile.

Michael P. Vetter
 Michael P. Vetter, P.E. P.L. 152081

799PR47



COASTAL TECH
 3025 30TH STREET, VERO BEACH, FL 32900

St. Lucie Inlet Sand Transfer

Profile-DNR Mons R-47 & R-52

SHEET 6 OF 13 SHEETS

DESIGN PJE

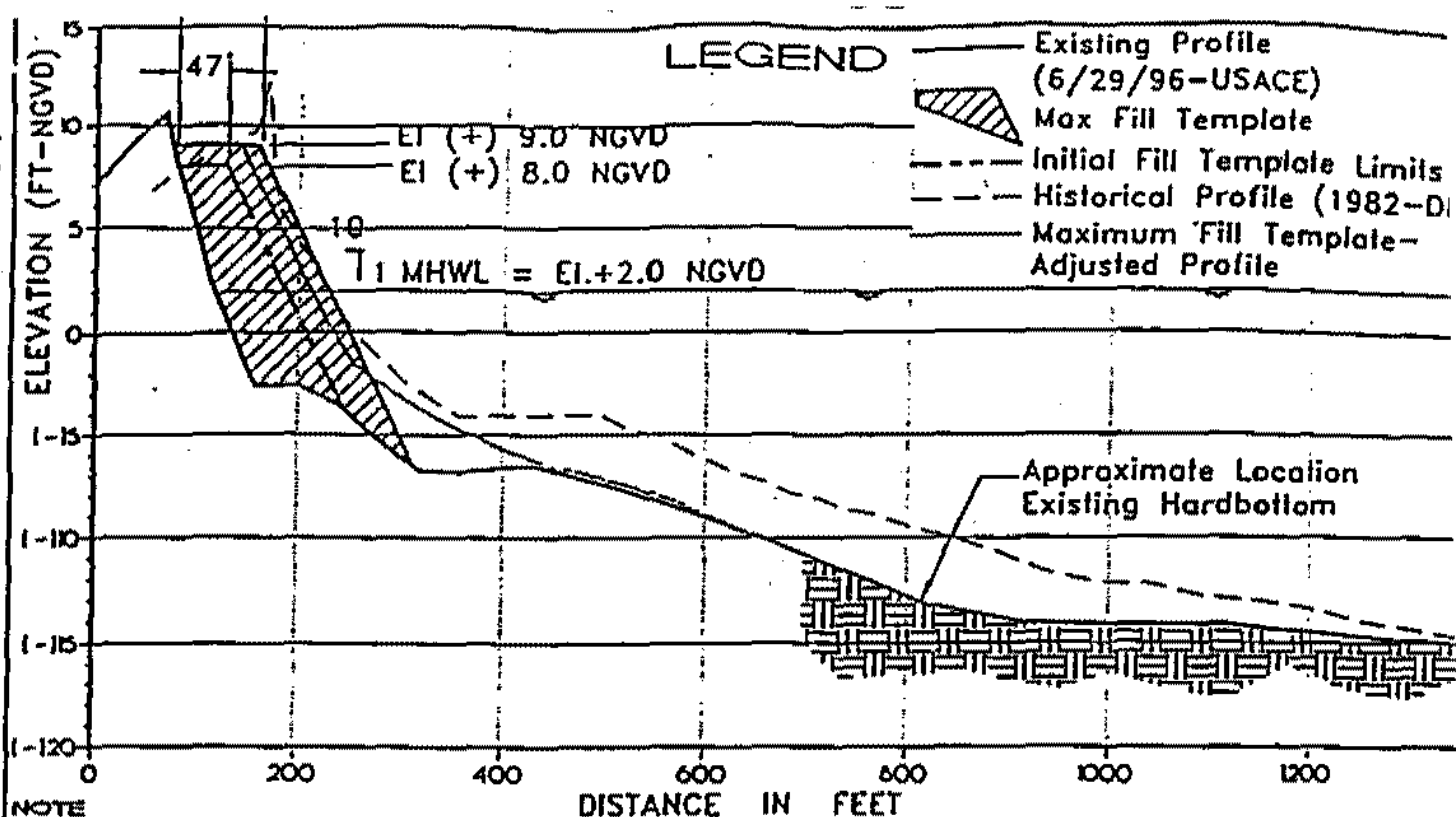
REV MPW

DATE 9/4/96

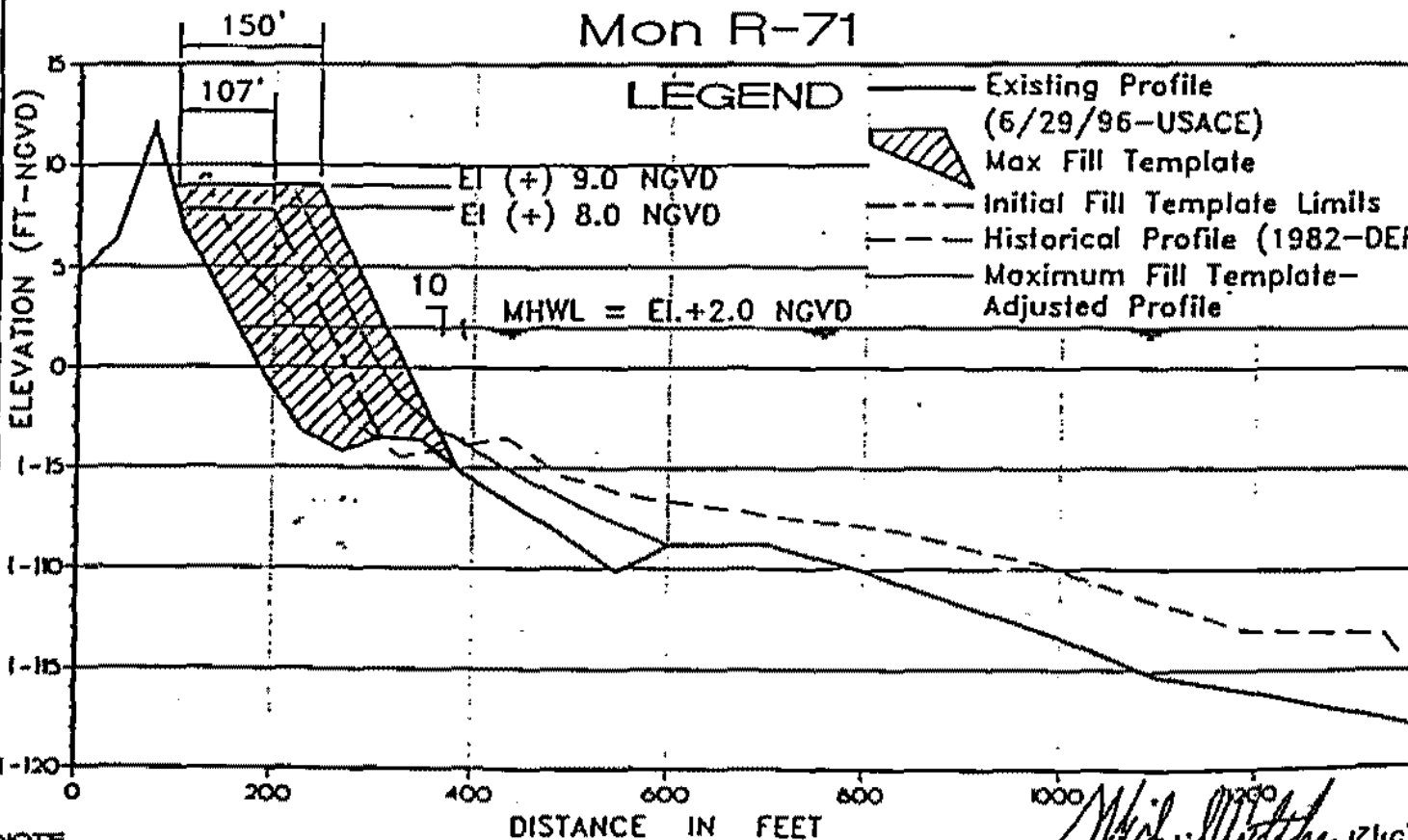
JOB NO 79:900

LAST REV 12/10/96

PERMIT NO. 432949829



NOTE
 - From Mon. R-65 to R-66 the Maximum Fill Template shall transition from 100' at R-65 to 150' at R-66 maintaining a berm elevation of +9.00 N.G.V.D., with a 10:1 (H/V) slope to the existing profile.
 - The Initial Fill Template shall have a berm width of 47' at elevation +8.0 NGVD and a 10:1 (H/V) slope to match the Fill template proposed by FND (for Winter- 1996/97) with a transition to a berm width of 105' at R-66.



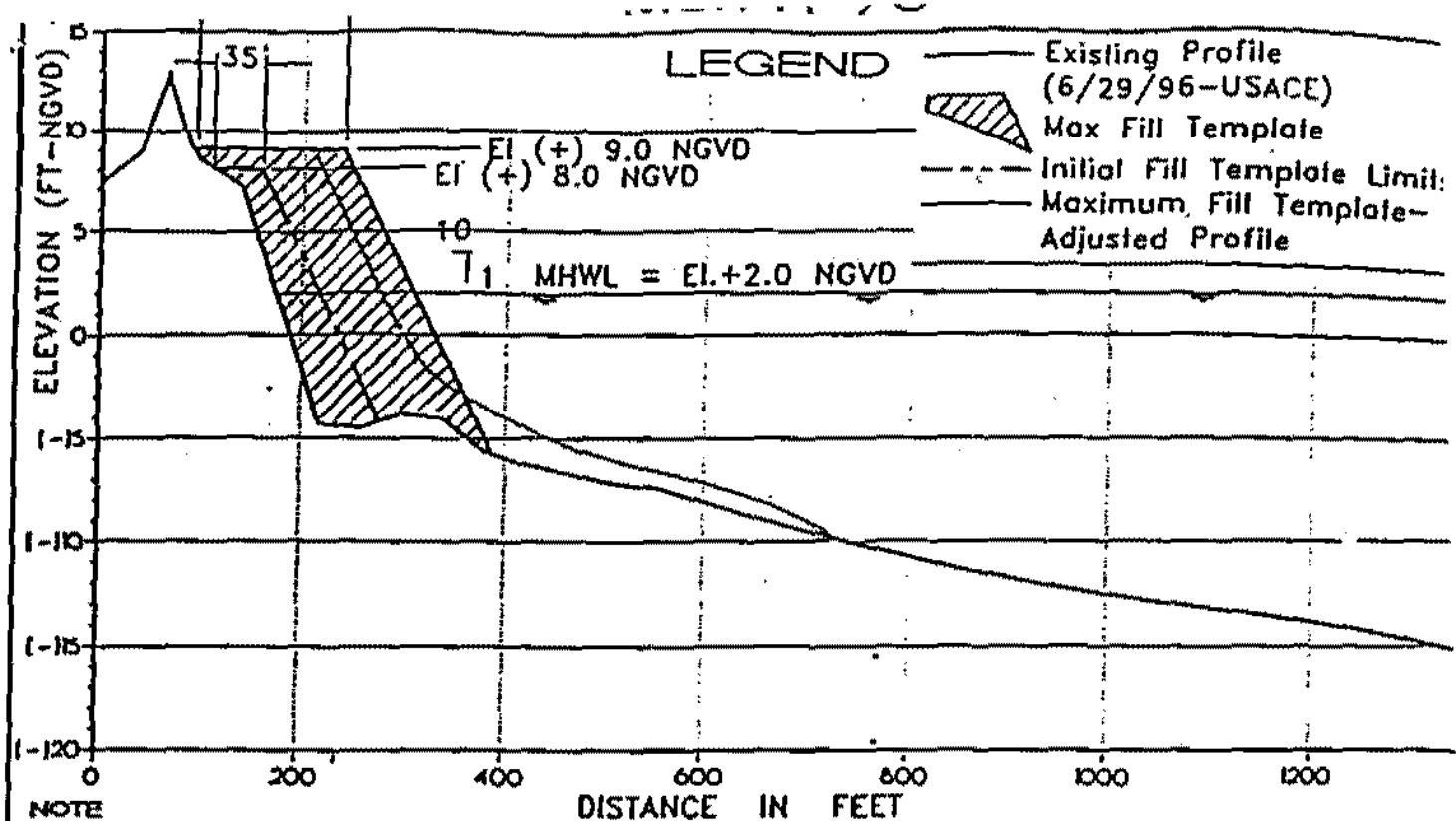
NOTE
 - From Mon. R-66 to R-75 the Maximum Fill Template shall maintain a berm width of 150' at an elevation of +9.00 N.G.V.D., with a 10:1 (H/V) slope to the existing profile.
 - The Initial Fill Template shall have a berm width of 105' at El. +8.0 NGVD and a 10:1 (H/V) slope from R-66 South to R-75.

Michael P. Walker, P.E.
 Michael P. Walker, P.E. P.E. 137081

299PR65

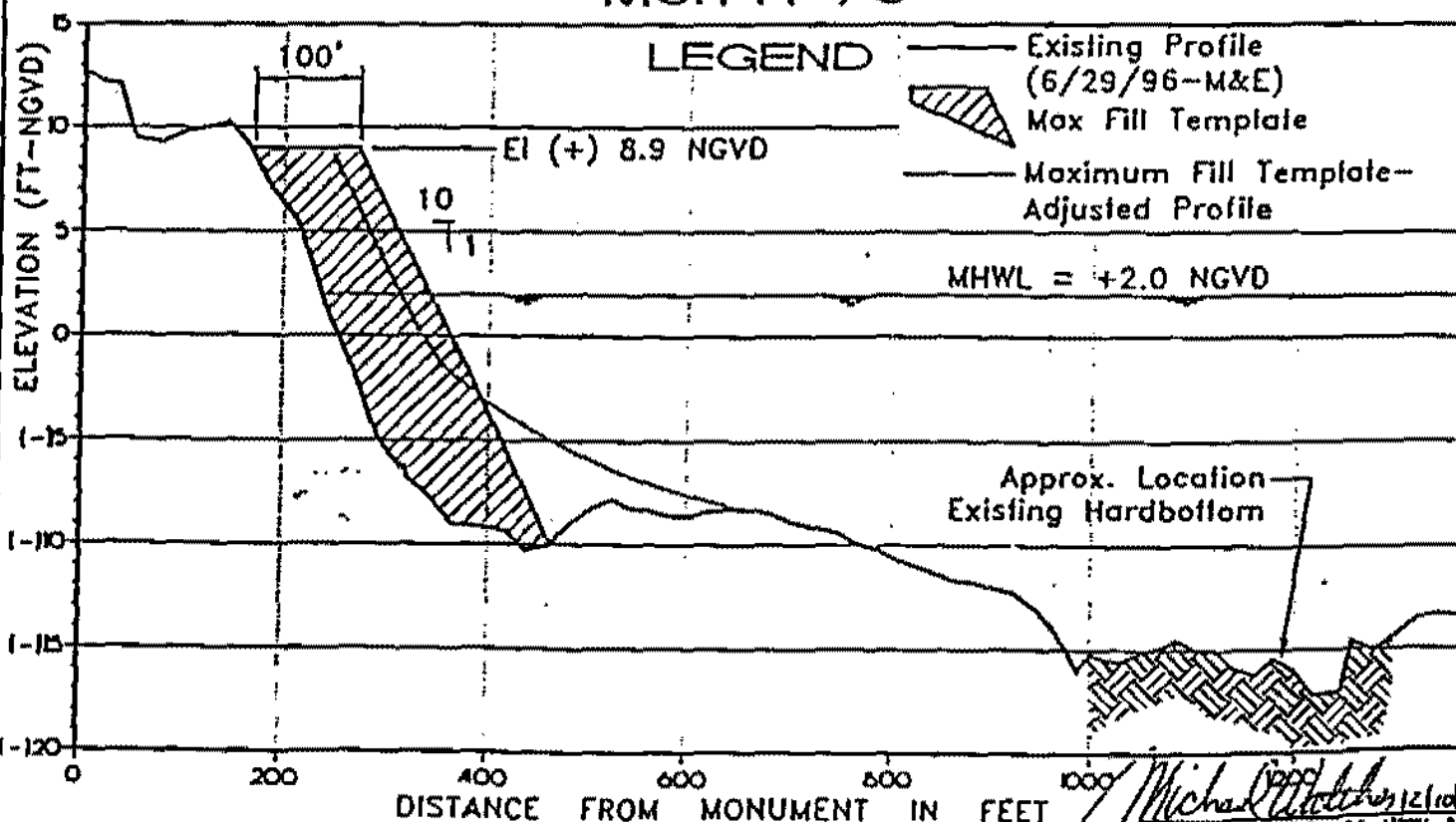
St. Lucie Inlet Sand Transfer		Profile-DNR Mons R-65 & R-71		SHEET 7
 COASTAL TECH 3625 30TH STREET, VERO BEACH, FL 32909		ENGR PJE	REV MPW	DATE 9/4/96
		LAST REV 12/01/96		JOB NO 79,900

PERMIT NO. 432949B29



NOTE
 - From Mon. R-75 to R-76A the Maximum Fill Template shall transition from 150' at R-75 to 100' at R-76A maintaining a berm elevation of +9.00 N.G.V.D., with a (10:1 H/ V) slope to the existing profile.
 - The Initial Fill Template shall have a berm width of 105' at elevation +8.0 NGVD at R-74 with a transition to a berm width 35' at R-75 to match the Fill template proposed by FND Project (for Winter- 1996/97).

Mon R-79



NOTE
 - From Mon. R-76A to the South Limits of the area permitted by the Town of Jupiter Island, Maximum Fill Template shall be the Template permitted for the Town of Jupiter Island.

799PR75

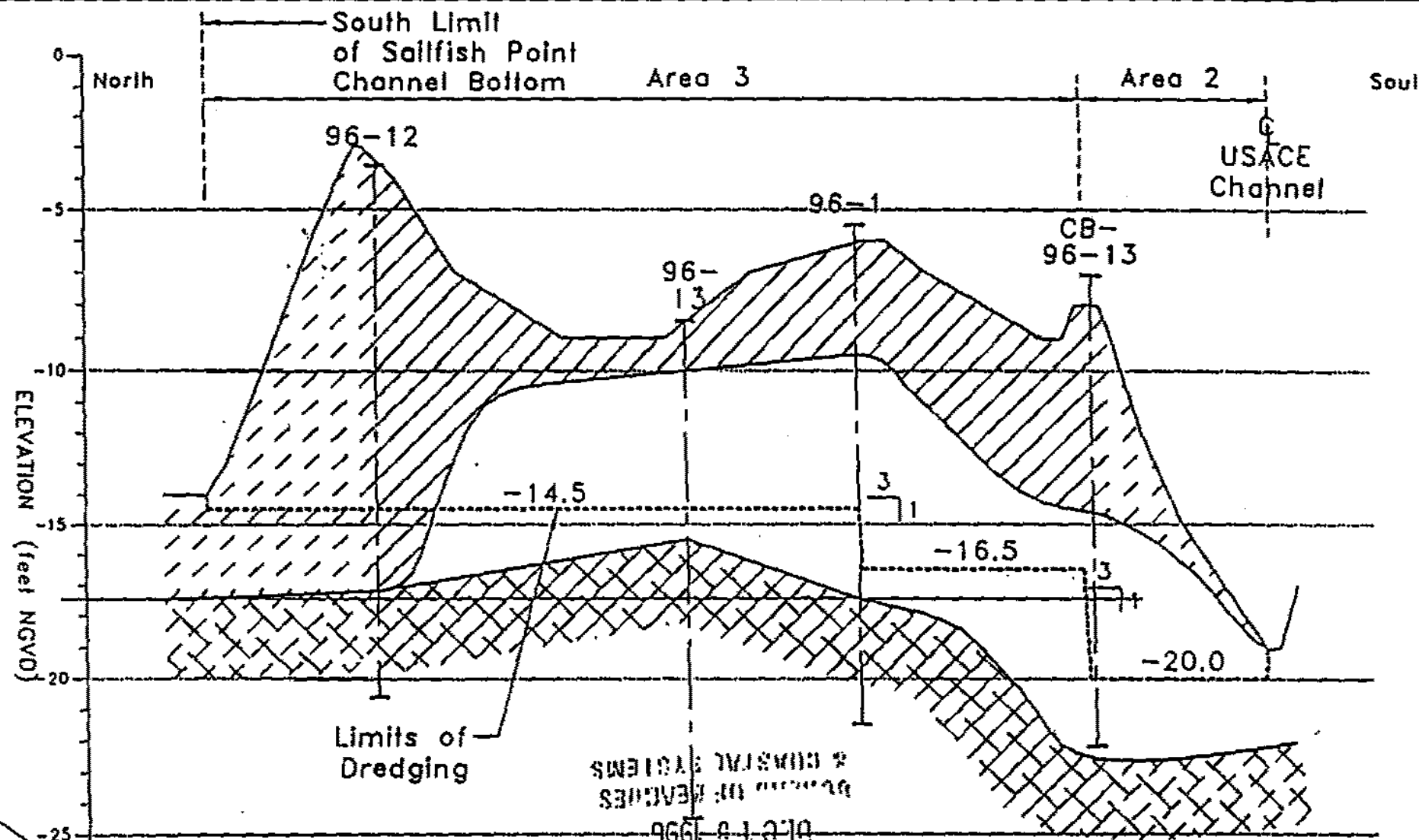
St. Lucie Inlet Sand Transfer		Profile-DNR Mons R-75 & R-77		SHEET 8
COASTAL TECH 3625 30TH STREET, VERO BEACH, FL 32909		ENGR PJE	REV MPW	DATE 9/4/96
		LAST REV 12/10/96		JOB NO 79,900

79900A20

COASTAL TECH
305 SOUTH STREET, WEAVER PARK, FL 32909

St. Lucie Inlet
Sand Transfer

Borrow Area Section A-A
Date 9/4/96
Rate 79,000
Job No 79,000



- SOILS LEGEND**
- SAND, med-fine grained, poorly graded, brown to gray
 - SAND, fine grained, trace of silt, gray
 - Silty SAND
 - Dashed lines—extrapolated

- BORING LEGEND**
- CB-96-13 Corps of Engineers, 1996
 - 96-1 Martin County, 1996
 - Limits of dredging
 - Limits of core boring
 - - - Centerline of core boring



Section A-A

Michael R. ...
Michael R. ...
P.L. 12081 D

79900824

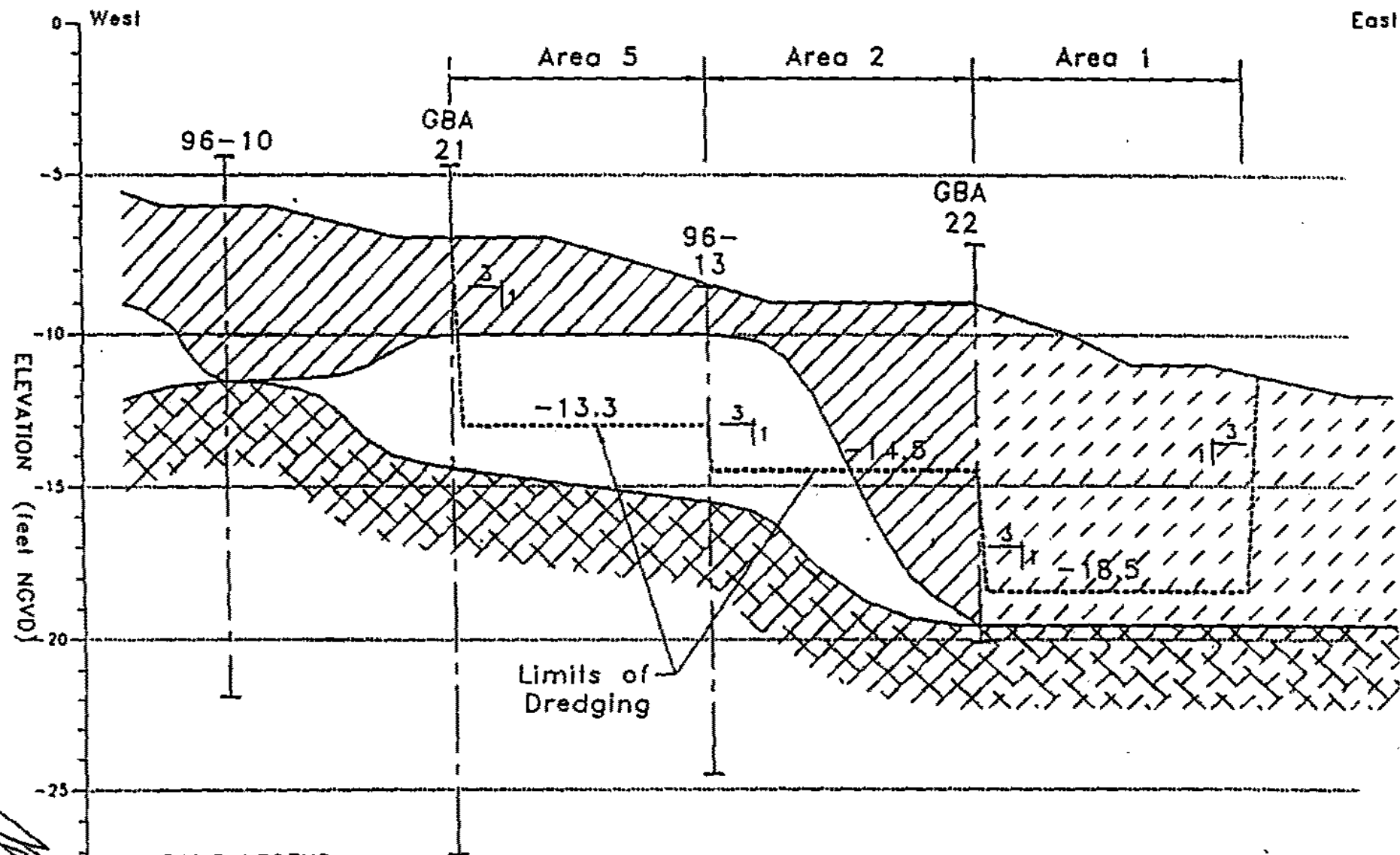


St. Lucie Inlet
Sand Transfer

Borrow Area Section B-B

DATE 9/4/96
LAST REV. BY

79,900



- SOILS LEGEND**
- SAND, med-fine grained, poorly graded, brown to gray
 - SAND, fine grained, trace of silt, gray
 - Silty SAND
 - Dashed lines—extrapolated

- BORING LEGEND**
- CB-96-13 Corps of Engineers, 1996
 - 96-1 Martin County, 1996
 - Limits of dredging
 - Limits of core boring


Section B-B

Richard P. Kober, P.E.
Richard P. Kober, P.E.
P.L. 12081

PERMIT NO. 4325.1929

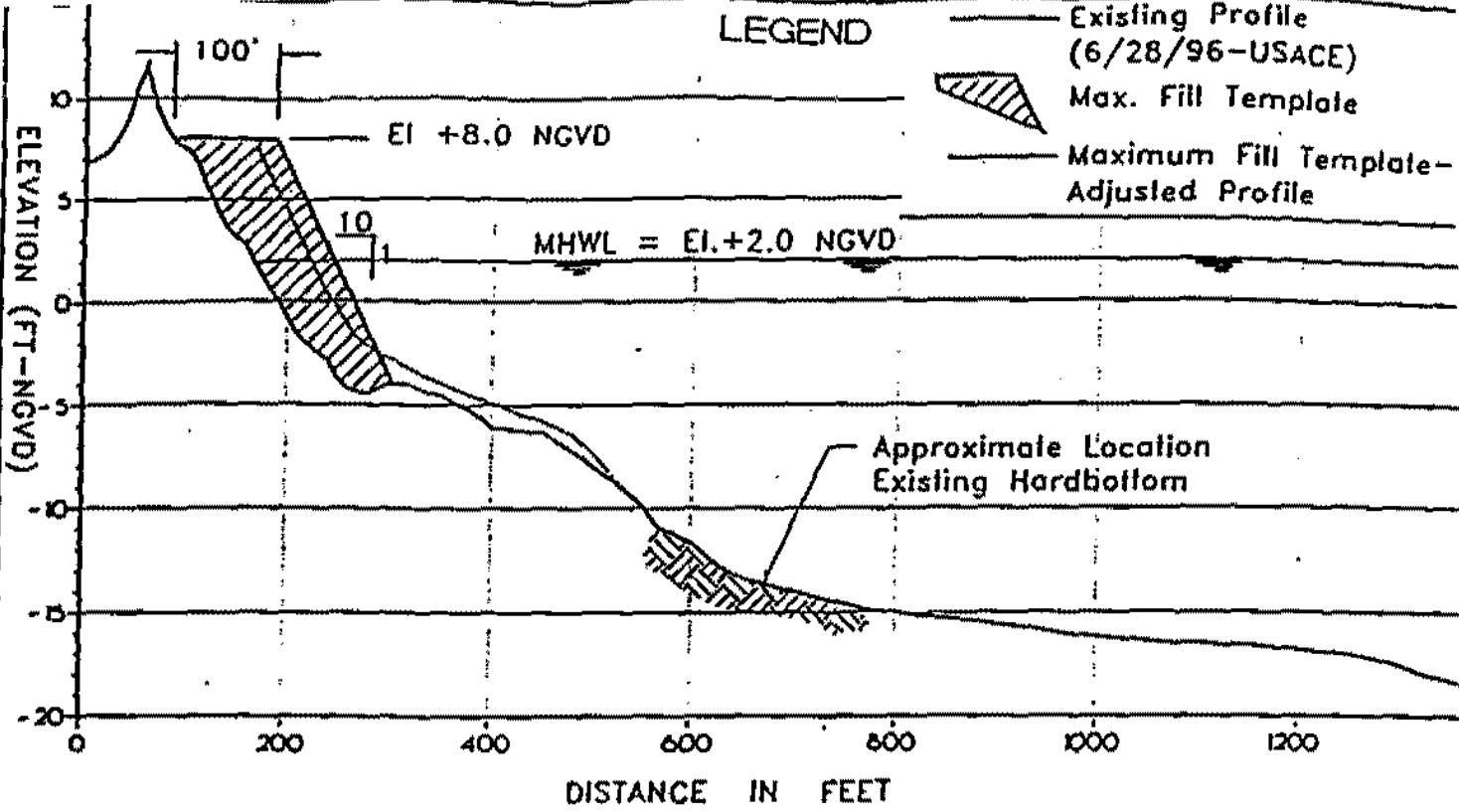
- 1) These drawings are "Permit Sketches" intended to provide sufficient data to facilitate evaluation of the "Proposed Sand Transfer for St. Lucie Inlet" in Martin County, Florida. THESE DRAWINGS ARE PERMIT SKETCHES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION.
- 2) Elevations refer to National Geodetic Vertical Datum (NGVD).
- 3) Profiles shown on Sheets 4, 5, and 6 were taken from survey for Martin County by the US Army Corps of Engineers (6/28/95) Morgan & Eklund, Inc., (5/2/96).
- 4) Plan View—Borrow Area on Sheet 8 is from a drawing by Gahagan & Bryant Associates, Inc., dated 7/96, titled: "Martin County, Florida, St. Lucie Inlet Management Plan, Flood Shoal Bathymetry and Boring Locations". Hydrographic surveys were performed by Gahagan & Bryant, Associates, Inc. on June 5, 6, and 7, 1996.
- 5) As the initial fill project by Martin County, approx. 400,000 c.y. of sand is proposed to be placed on the beach south of the St. Lucie Inlet between DNR Monuments R-65A through R-76 as shown on the Plan View—Fill Area on Sheet 4 and as shown as the Design Template on Sheets 4, 5, and 6.
- 6) 400,000 c.y. of material is proposed to be dredged from the St. Lucie Inlet Flood Shoal in the areas as shown on the Plan View—Borrow Area on Sheet 8.
- 7) Turbidity control and monitoring will be performed during construction to assure reasonable compliance with State Water Quality Standards.
- 8) Hardbottom location was approximated from the St. Lucie Inlet Management Plan (ATM, revised 1995)

Michael P. Walker
 Michael P. Walker, P.E. P.E. #32081 D

St. Lucie Inlet Sand Transfer	NOTES			SHEET 12 OF 0 SHEETS
 COASTAL TECH <small>2675 30TH STREET, VERO BEACH, FL 32900</small>	<small>DRG</small> PJE	<small>REV</small> MPW	<small>DATE</small> 9/4/96 <small>LAST REV</small> 10/7/96	<small>JOB NO</small> 79,900


799PR02

PERMIT NO. 4329-1929.



799P62

Michael W. [Signature]
 PE # 3001 12/10/96

St. Lucie Inlet Sand Transfer	Profile-DNR Mon R-62	SHEET 1 OF 1 SHEETS
 COASTAL TECH 3675 20TH STREET, VERO BEACH, FL 32900	ENGR PJE	REV MPW
DATE 12/10/96	JOB NO 79,900	

DEP Easement

No. 29703

This Instrument Prepared By:
Patrick J. Scott
Submerged Lands Section
Bureau of Land Management Services
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGN SUBMERGED LANDS EASEMENT

NO. 29703
BOT FILE NO. 432949829

THIS EASEMENT is hereby granted by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Grantor.

WITNESSETH: That for the faithful and timely performance of and compliance with the terms and conditions stated herein, the Grantor does hereby grant to Martin County Board of County Commissioners, hereinafter referred to as the Grantee, a nonexclusive easement on, under and across the sovereign lands, if any, contained in the following legal description:

A parcel of submerged land in Sections 17 and 20, Township 38 South, Range 42 East, in St. Lucie Inlet, Martin County, as is more particularly described and shown on Attachment A, dated September 4, 1996.

TO HAVE THE USE OF the hereinabove described premises from February 20, 1997, the effective date of this easement. The terms and conditions of and for which this easement is granted are as follows:

- 1. **USE OF PROPERTY:** The above described parcel of land shall be used solely for a harbor site and Grantee shall not engage in any activity except as described in the Consolidated Joint Coastal Permit and Sovereign Lands Authorization No. 43-294982-9, dated February 20, 1997, incorporated herein and made a part of this easement by reference.
- 2. **WARRANTY OF TITLE/GUARANTEE OF SUITABILITY OF USE OF LAND:** Grantor neither warrants title to the lands described herein nor guarantees the suitability of any of the lands for any particular use.
- 3. **RIGHTS GRANTED:** The rights hereby granted shall be subject to any and all prior rights of the United States and any and all prior grants by the Grantor in and to the submerged lands situated within the limits of this easement.
- 4. **DAMAGE TO EASEMENT PROPERTY AND INTERFERENCE WITH PUBLIC AND PRIVATE RIGHTS:** Grantee shall not damage the easement lands or unduly interfere with public or private rights therein.
- 5. **GRANTOR'S RIGHT TO GRANT COMPATIBLE USES OF THE EASEMENT PROPERTY:** This easement is nonexclusive, and the Grantor, or its duly authorized agent, shall retain the right to enter the property or to engage in management activities not inconsistent with the use herein provided for and shall retain the right to grant compatible uses of the property to third parties during the term of this easement.
- 6. **RIGHT TO INSPECT:** Grantor, or its duly authorized agent, shall have the right at any time to inspect the works and operations of the Grantee in any matter pertaining to this easement.
- 7. **INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS:** "The Grantee shall investigate all claims of every nature at its expense. Each party is responsible for all personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees and agents thereof. Nothing herein shall be construed as an indemnity or a waiver of sovereign immunity enjoyed by any party hereto, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims."

any such litigation between Grantor and Grantee shall be initiated and maintained only in Leon County, Florida.

9. ASSIGNMENT OF EASEMENT: This easement shall not be assigned or otherwise transferred without prior written consent of the Grantor or its duly authorized agent. Any assignment or other transfer without prior written consent of the Grantor shall be null and void and without legal effect.

10. TERMINATION: The Grantee, by acceptance of this easement, binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Grantee, its successors and assigns. In the event the Grantee fails or refuses to comply with the provisions and conditions herein set forth or in the event the Grantee violates any of the provisions and conditions herein, this easement may be terminated by the Grantor upon 30 days written notice to Grantee. If terminated, all of the above-described parcel of land shall revert to the Grantor. All costs, including attorneys' fees, incurred by the Grantor to enforce the provisions of this easement shall be paid by the Grantee. All notices required to be given to Grantee by this easement or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Martin County Board of County Commissioners
2401 Monterey Road
Stuart, Florida 34996

The Grantee agrees to notify the Grantor by certified mail of any changes to this address at least ten (10) days before the change is effective.

11. TAXES AND ASSESSMENTS: The Grantee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this easement which result from the grant of this easement or the activities of Grantee hereunder.

12. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Grantee does not remove said structures and equipment occupying and erected upon the premises after expiration or cancellation of this easement, such structures and equipment will be deemed forfeited to the Grantor, and the Grantor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Grantee at the address specified in Item 11 or at such address on record as provided to the Grantor by the Grantee. However, such remedy shall be in addition to all other remedies available to Grantor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

13. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Grantor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Grantor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

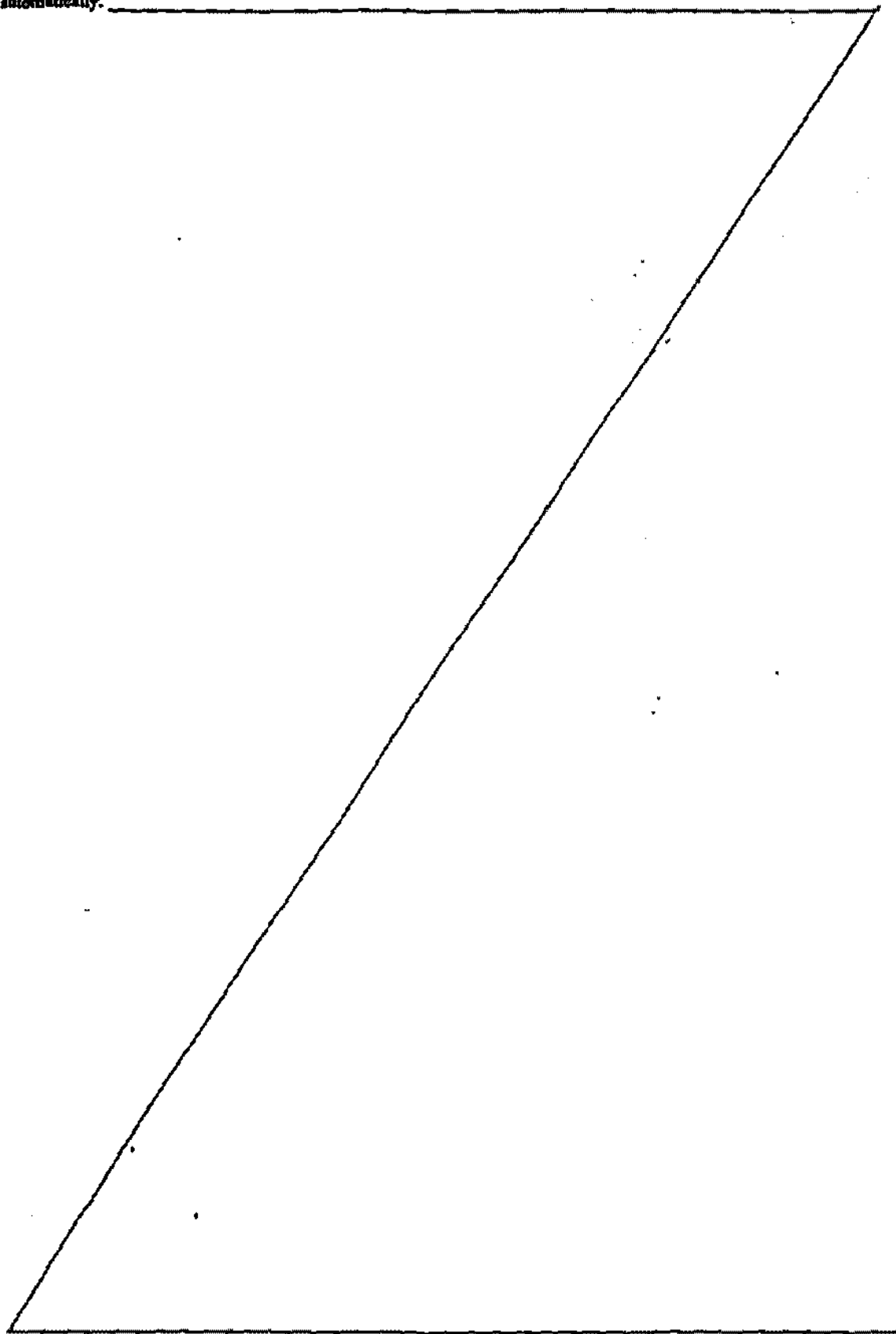
14. RECORDATION OF EASEMENT: The Grantee, at its own expense, shall record this fully executed easement in its entirety in the public records of the county within which the easement site is located within fourteen (14) days after receipt, and shall provide to the Grantor within ten (10) days following the recordation a copy of the recorded easement in its entirety which contains the O.R. Book and page at which the easement is recorded.

15. AMENDMENTS/MODIFICATIONS: This easement is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this easement must be in writing and must be accepted, acknowledged and executed by the Grantee and Grantor.

16. COE AUTHORIZATION: Prior to commencement of construction and/or activities authorized herein, the Grantee shall obtain the U.S. Army Corps of Engineers (COE) permit if it is required by the COE. Any modifications to the construction and/or activities authorized herein that may be required by the COE shall require consideration by and the prior written approval of the Grantor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

17. ADDITIONAL STRUCTURES OR ACTIVITIES/EMERGENCY STRUCTURAL REPAIRS: No additional structures shall be erected and/or activities undertaken, including but not limited to, dredging, relocation/realignment or major repairs or renovations made to authorized structures, on, in or over sovereignty, submerged lands without the prior written consent of the Grantor, with the exception of emergency repairs. Unless specifically authorized in writing by the Grantor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Grantee to administrative fines under Chapter 18-14, Florida Administrative Code. If emergency repairs are required to be undertaken in the interests of public health, safety or welfare, the Grantee shall notify the Grantor of such repairs as quickly as is practicable; provided, however, that such emergency activities shall not exceed the activities authorized by this easement.

GENERAL PUBLIC INTEREST: During the term of this easement, Grantee, pursuant to section 18-21.009, Florida Administrative Code, must either be the record owner of the riparian upland property or have the written consent of the riparian upland property owner(s) to conduct the activity described in this easement. If at any time during the term of this easement, Grantee fails to comply with this requirement, this easement shall terminate and title to this easement shall revert to and vest in the Grantor immediately and automatically.



WITNESSES:

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

Pam Gerard
Original Signature

(SEAL)

Pam Gerard
Typed/Printed Name of Witness

BY Kim B. [Signature]
Jeremy A. Craig, Director, Division of Environmental Resource Permitting, Agent for the Board of Trustees of the Internal Improvement Trust Fund

Leigh O'Shields
Original Signature

Leigh O'Shields
Typed/Printed Name of Witness

"GRANTOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 31st day of March, 1997
by Jeremy A. Craig, Division Director, who is personally known to me.
Kim B. [Signature], Deputy Secretary, Department of Environmental Protection

APPROVED AS TO FORM AND LEGALITY:

Carolyn Thompson
Notary Public, State of Florida

David [Signature]
DEP Attorney

CAROLYN THOMPSON
Printed, Typed or Stamped Name

My Commission Expires:  CAROLYN THOMPSON
MY COMMISSION EXPIRES MAY 8, 1998
Commission/Serial No. _____

WITNESSES:

Martin County Board of County Commissioners
Grantee (SEAL)

Anna Colgan
Original Signature

BY M. J. Wilcox
Original Signature of Executing Authority

ANNA COLGAN
Typed/Printed Name of Witness

Marshal Wilcox
Typed/Printed Name of Executing Authority

Karen Reynolds
Original Signature

Chairman
Title of Executing Authority

KAREN REYNOLDS
Typed/Printed Name of Witness

"GRANTEE"

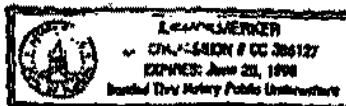
STATE OF Florida

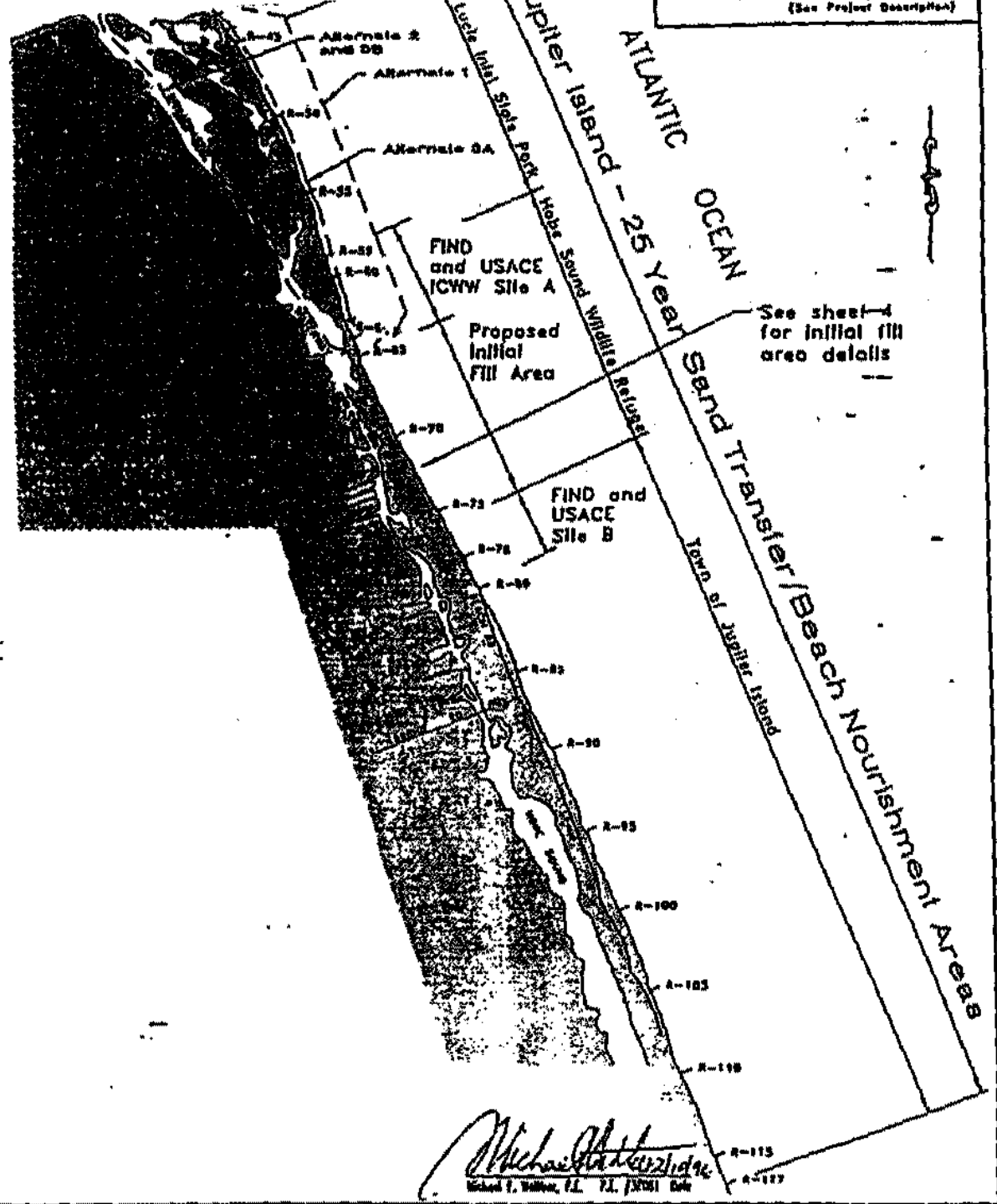
COUNTY OF Martin


The foregoing instrument was acknowledged before me this 27 day of February, 1997
by Marshal Wilcox as Chairman, for and on behalf of Martin County Board of County Commissioners. He
is personally known to me or who has produced _____ as identification.

My Commission Expires: _____
Commission/Serial No. _____

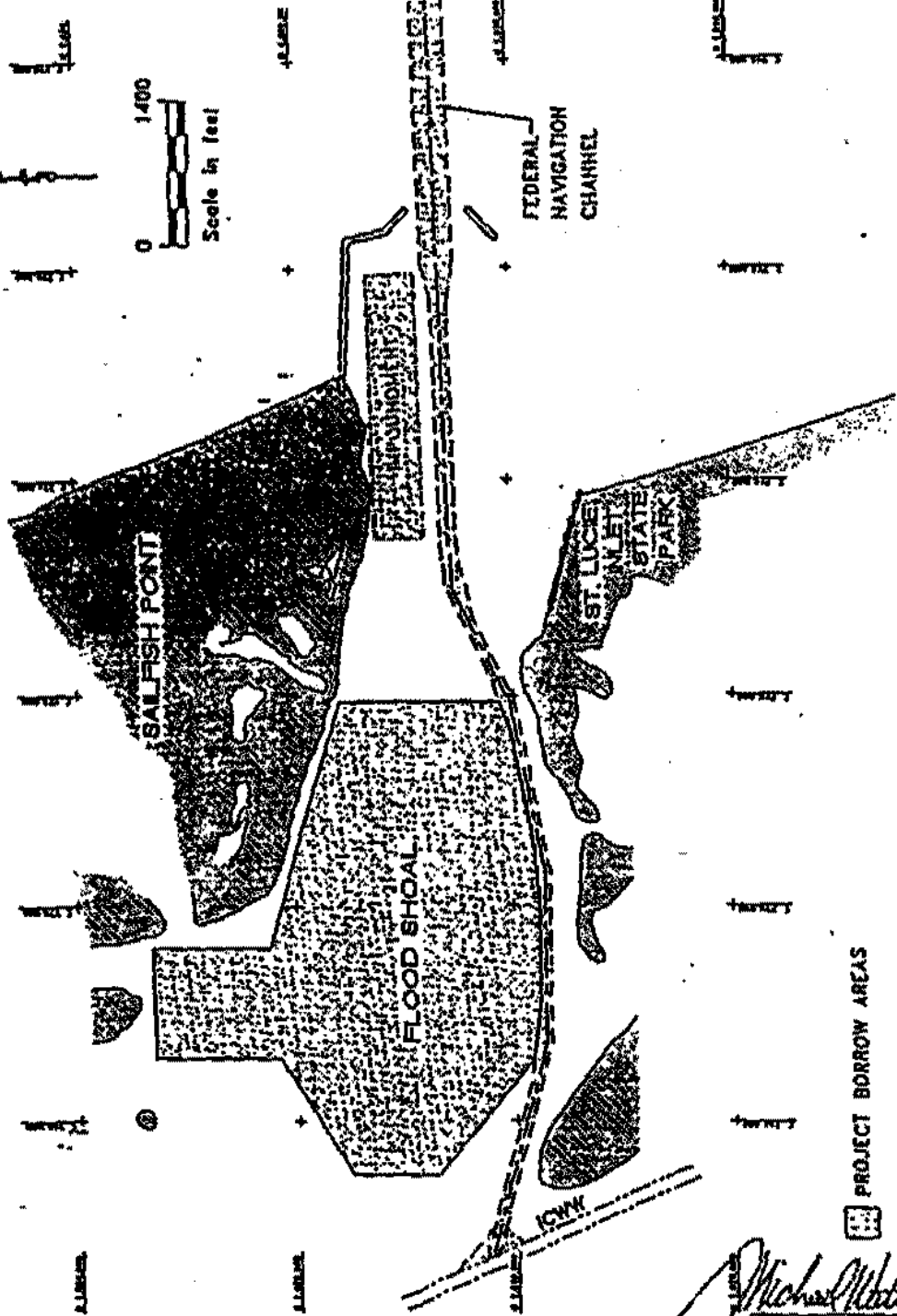
Laura Manker
Notary Public, State of Florida
Printed, Typed or Stamped Name





St. Lucie Inlet Sand Transfer	Plan View - 25 Year Sand Transfer/Beach Nourishment Areas	SHEET 2 OF 6 SHEETS
 COASTAL TECH <small>1000 SOUTH STREET, WEST PALM BEACH, FL 33411</small>	ENGR PJE REV MPW DATE 9/4/96 LAST REV 00776	JOB NO 79.900

Attachment A
Page 5 of 7 Pages
Easement No. 29703



St. Lucie Inlet Sand Transfer

Plan View Project Borrow Areas

Sheet 3



DATE	BY	DATE	NO.
	PJE	9/4/96	79,900
	MPW		

(Sketch of Survey)
Legal Description of Easement
St. Lucie Inlet
Martin County Florida
Township 38 South, Range 42 East

Commencing at the U.S. Army Corps of Engineers Brass Survey Marker stamped SLI-11, 1994, set flush in the center of a concrete seawall on the south side of a condominium at 2800 S.E. Dune Drive in Sailfish Point Community, go N 77 degrees 01' 32" W 1,322.17' to U.S. Army Corps of Engineers Brass Survey Marker stamped SLI-12, 1994, driven flush in the south side of a golf cart path, 175' south of the cul-de-sac at the southerly end of Harbor Circle Drive in Sailfish Point Community. Thence go S 57 degrees 07' 13" W 152.19' to the Point Of Beginning in the waters of St. Lucie Inlet. Thence go around the parcel by the following twelve (12) courses:

- 1) S 00 degrees 00' 14" E 1,474.66 feet
- 2) S 71 degrees 11' 56" W 327.66 feet
- 3) S 78 degrees 27' 47" W 1,062.26 feet
- 4) S 84 degrees 30' 17" W 596.66 feet
- 5) N 86 degrees 40' 32" W 1,415.99 feet
- 6) N 51 degrees 02' 15" W 1,386.82 feet
- 7) N 0 degrees E 781.00 feet
- 8) N 57 degrees 27' 18" E 1,269.83 feet
- 9) N 0 degrees E 1,132.30 feet
- 10) N 90 degrees E 1,047.78 feet
- 11) S 0 degrees E 1,064.19 feet
- 12) S 74 degrees 37' 43" E 2,406.16 feet

RECEIVED
NOV 1996
COASTAL TECH
SURVEYING SYSTEMS

to the Point Of Beginning, containing 231.23 acres, .m.o.l.

Legal description prepared from information prepared by
Coastal Tech, 7/22/96

43-2949829

MMO Mark
9-4-96

Attachment A
Page 7 of 7 Pages
Easement No. 29703

