



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

JOINT COASTAL PERMIT

PERMITTEE/AUTHORIZED ENTITY:

U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

Permit/Authorization No.: 0183817-001-JC

Date of Issue: January 18, 2005

Expiration Date of Construction Phase:
January 18, 2010

County: Volusia

Project: AIWW Maintenance Dredging
Vicinity of Volusia County

This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62 and 40, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

ACTIVITY DESCRIPTION:

The project is to perform maintenance dredging along the Intracoastal Waterway in Volusia County. Approximately 400,000 to 800,000 cubic yards of material will be dredged every two to three years. Dredging will include cuts V-22 north of Ponce de Leon Inlet to cut V-40 south of the Mosquito Lagoon Aquatic Preserve to the 12 foot authorized depth plus 2-feet of allowable overdepth at mean low low water. Three wideners located in cuts V-23, V-24, V-26 (labeled as "sediment basins") will also be dredged to the 12 foot authorized depth plus 2-feet of allowable overdepth at mean low low water. Dredged material will be placed in Upland Disposal Site V26, as authorized in St. John's River Water Management District Permit # 4-127-65055-1, or in the nearshore disposal site authorized in Permit # 0177220-001-JC.

ACTIVITY LOCATION:

The activity is located within the Atlantic Intracoastal Waterway, in the vicinity of Ponce de Leon Inlet (north from Rose Bay to just south of Three Sisters Islands), Volusia County, Class II and III Waters, conditionally restricted and restricted Shellfish Harvesting Areas, partially within Mosquito Lagoon Aquatic Preserve and Spruce Creek Special Waters, Outstanding Florida Waters.

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act. This permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit (# 0183817-001-JC) 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.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities.

GENERAL CONDITIONS:

1. All activities 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 significant deviation from this authorization prior to implementation so that the Department can determine whether a modification is required. If the Department determines that a deviation is significant, then the Corps or the local sponsor, as appropriate, shall apply for and obtain the modification prior to its implementation.
2. 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 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. Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law to the extent that federal sovereign immunity has been waived under 33 U.S.C. 1323 and 1344(t).
3. The Corps shall obtain any applicable licenses or permits, 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. Projects shall not proceed until any other required permits or authorizations have been issued by the responsible agency.
4. Nothing herein conveys title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of sovereign 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.

5. 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.

6. Nothing herein conveys to the Corps or creates in the Corps any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or convey any vested rights or any exclusive privileges.

7. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site on the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.

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

9. 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.

10. If historic or archaeological artifacts are discovered at any time on the project site, the Corps shall immediately notify the State Historic Preservation Officer, and if a significant deviation is necessary, shall also notify the Department.

11. Within a reasonable time after completion of project construction or a periodic maintenance dredging event, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the Corps.

SPECIFIC CONDITIONS:

1. The permittee shall conduct all work in accordance with the resource protection measures included in the following sections of the July 30, 2004 draft plans and specifications for the project submitted as part of the permit application file:

- a. 3.1.2.4 Protection of Mangrove Areas
 - 3.1.4 Protection of Water Resources
 - 3.1.4.5 Oil, Fuel, and Hazardous Substance Spill Prevention and Mitigation
 - 3.1.5 Protection of Fish and Wildlife Resources
 - 3.1.5.1 Endangered Species Protection
 - 3.1.5.2 Sea Turtle Beach Nest Monitoring
 - 3.1.5.3 Beach and Nearshore Placement Restrictions
 - 3.1.5.4 Escarpments
 - 3.1.5.5 Protection of Migratory Bird Species

2. Prior to issuance of a Notice to Proceed the following must be completed:

- a. At least 60 days prior to the commencement of each construction event, the Corps shall provide two copies of the FINAL construction Plans and Specifications for all authorized activities to the BBCS. The transmittal cover sheet shall provide itemized citations to these resource protection measures, which shall be identical or substantially similar to the measures referenced in Specific Condition 1a. The provisions of the FINAL Plans and Specifications shall be enforceable under this permit, to the extent that sovereign immunity has been waived under 33 U.S.C. 1323 and 1344 (t).
- b. At least 30 days prior to the commencement of each maintenance dredging event to be conducted during the term of this permit, the Corps shall submit a proposed schedule of dredging for the maintenance dredging event to the following:

DEP, Bureau of Beaches and Coastal Systems
JCP Compliance Officer
3900 Commonwealth Boulevard, Mail Station 300
Tallahassee, Florida 32399-3000

DEP, Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida, 32803

and

Florida Inland Navigation District
David Roach
1314 Marcinski Road
Jupiter, Florida, 33477.

- c. At least 30 days prior to commencement of the initial maintenance dredging event, the Corps shall coordinate site inspections by BBCS staff (during the summer growing season) to confirm the absence of seagrasses at widener areas located within cuts V-23, V-24, and V-26.

3. At least 7 days prior to the planned commencement date of each maintenance dredging event to be conducted during the term of this permit, the permittee shall schedule a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the permittee's contractors, work crews, and the Department's permit staff representative. The permittee shall provide a minimum 7 days advance written notification to the following offices advising of the date, time, and location of the pre-construction conference. If sand is being placed in the nearshore area under the FIND permit (0177220-005-JC), the two pre-construction conferences may be combined.

DEP Bureau of Beaches and Coastal Systems
JCP Compliance Officer
Mail Station 300
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
phone: (850) 487-4471

DEP Bureau of Protected Species Management
Mail Station 245
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
phone: (850) 922-4330

DEP Central District Office
Submerged Lands and Environmental Resources Program
3319 Maguire Boulevard
Orlando, Florida 32803-3767
phone: (407) 894-7555

4. Turbidity Requirements

Water Quality Monitoring Required:
Turbidity - Nephelometric Turbidity Units (NTUs)

Dredging Location:

Frequency: Every four (4) hours during all daylight dredging operations.

Background: 300 meters from the suction head in the opposite direction of the prevailing current flow, clearly outside the influence of any turbid plume. Samples shall be collected from mid-depth.

Compliance: No more than 25 meters downcurrent from the dredge site, in the densest portion of any visible turbidity plume. Samples shall be collected from mid-depth.

Turbidity Standards to be met:

Outside of the Outstanding Florida Waters of Mosquito Lagoon Aquatic Preserve and Spruce Creek Special Waters turbidity levels shall not exceed 29 NTU's above background.

Within the Mosquito Lagoon Aquatic Preserve (cuts 38-40) and the Spruce Creek Special Waters (cuts 23 and 24) turbidity levels shall not exceed 0 NTU's above background.

The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. During all maintenance dredging and disposal operations, turbidity levels shall not exceed the standards and mixing zone limits indicated above. If monitoring reveals turbidity levels at the compliance sites exceed the standards, construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels.


The following measures shall be taken by the permittee whenever turbidity levels at the limit of the mixing zone exceed the standards described in the Monitoring Required section, pursuant to Rule 62-302, F.A.C.:

- a. Immediately cease all work contributing to the water quality violation.
- b. Modify the work procedures that were responsible for the violation.
- c. Notify the Bureau of Beaches and Coastal Systems, JCP Compliance Officer, at (850) 487-4471 and the DEP Central District Office at (407) 894-7555 within 24 hrs. of the time the violation is first detected.

Copies of all turbidity reports shall be submitted to the JCP Compliance Officer, Bureau of Beaches and Coastal Systems in Tallahassee on a weekly basis within seven days of collection. The data shall be submitted under a cover letter containing the following information: (1) "AIWW Maintenance Dredging, Volusia County, Permit No. 0183817-001-JC"; (2) a statement describing the methods used in collection, handling, storage and analysis of the samples; (3) a map indicating the sampling locations; and (4) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data; (5) the cut number.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


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

FILING AND ACKNOWLEDGMENT

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

Della Weaver *1/18/05*
Deputy Clerk Date

Prepared by *Jani Gist*.

17 pages attached.