



Florida Department of Environmental Protection

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Secretary

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE:

U.S. Army Corps of Engineers
c/o Eric Summa
P.O. Box 4970
Jacksonville, Florida 32232-0018

PERMIT INFORMATION:

Permit Number: 0307923-001-JC

Project Name: Atlantic Intracoastal Waterway
Maintenance Dredging In the
Vicinity of Sawpit Creek

Counties: Nassau and Duval

Issuance Date: July 3, 2012

Expiration Date: July 3, 2022

REGULATORY AUTHORIZATION:

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

PROJECT DESCRIPTION:

The project consists of the following: periodic maintenance dredging of approximately 300,00 cubic yards of sandy material every three years from cuts 24, 25, 26, 26A, 27 (Sta. 00 to Sta. 15), 27A, 27B and 27C of the Atlantic Intracoastal Waterway (AIWW) and the advanced maintenance areas in Sawpit Creek, the South Amelia River and Nassau Sound. The dredged material will be placed on the beach on the south end of Amelia Island. The AIWW is to be maintained at a width of 90 to 150 feet and to a maximum depth of -14 feet below mean lower low water (MLLW), which includes a design depth of -12 feet MLLW, plus 2 feet of allowable overdepth.

PROJECT LOCATION:

The AIWW maintenance dredging is located in the Atlantic Intracoastal Waterway, Latitude 30 degrees 31.0 minutes, Longitude 81 degrees 27.0 minutes, through portions of Sawpit Creek (Class II Waters - Shellfish Harvesting Prohibited), the South Amelia River and Nassau Sound (Class III Waters) within the Nassau River-St. Johns River Marshes Aquatic

Preserve and Timucuan Ecological and Historical Preserve, Outstanding Florida Waters (OFW). The dredged material will be deposited on the beach at the south end of Amelia Island, Latitude 30 degrees 30 minutes, Longitude 81 degrees 26 minutes, Class III Waters of the Atlantic Ocean, Nassau County, Florida.

PROPRIETARY AUTHORIZATION:

This activity also requires a proprietary authorization for the deposition of dredged material, as the activity is located on sovereign submerged lands held in trust by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Board of Trustees delegated, to the Department, the responsibility to review and take final action on this request for proprietary authorization in accordance with Rule 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Rule 62-113, F.A.C. This proprietary authorization has been reviewed in accordance with Chapter 253 and Chapter 258, F.S., Rule 18-20, F.A.C., Rule 18-21, F.A.C., Rule 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 project described above, and has determined that the placement of beach compatible dredged material on the beach at the south end of Amelia Island, which extends into the Atlantic Ocean, qualifies for a Letter of Consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted to the Florida Inland Navigation District, the project's local sponsor, pursuant to Section 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

COASTAL ZONE MANAGEMENT:

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

WATER QUALITY CERTIFICATION:

Granting the associated variance to the antidegradation provisions in Rule 62-4.242(2)(a)2.b., F.A.C., authorizes the Permittee to exceed state water quality standards. Therefore, the Department hereby waives water quality certification for turbidity pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

AGENCY ACTION:

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

(including the permit conditions and the approved permit drawings) prior to commencing the authorized activities, and for ensuring that the work is conducted in conformance with all the terms, conditions and drawings.

GENERAL CONDITIONS:

1. This permit, including its general and specific conditions, must be construed in light of the February 28, 2006 Interagency Coordination Agreement for Civil Works Projects (ICA) between the Florida Department of Environmental Protection (Department) and the U.A. Army Corps of Engineers (Corps). As recognized in the ICA, the Department has the authority to include reasonable conditions in this permit. All of the conditions in this permit, both general and specific, are enforceable to the extent sovereign immunity has been waived under 33 U.S.C. §§ 1323 and 1344(t). The ICA is incorporated herein by reference.
2. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated changes in:
 - a) operational plans;
 - b) project dimensions, size or location;
 - c) ability to adhere to permit conditions;
 - d) project description included in the permit;
 - e) monitoring plans.

If the Department determines that a modification to the permit is required then the Corps shall apply for and obtain the modification. Department approval of the modification shall be obtained prior to implementing the change, unless the change is determined by the Department to reduce the scope of work from that authorized under the original permit, and will not affect compliance with permit conditions or monitoring requirements.

3. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information:
 - a) a description of and cause of noncompliance;
 - b) the period of noncompliance, including dates and times;
 - c) impacts resulting or likely to result from the non-compliance;
 - d) steps being taken to correct the non-compliance; and
 - e) the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

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

4. The Corps shall obtain any applicable licenses, permits, or other authorizations which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project.
5. Nothing herein conveys to the Corps or creates in the Corps any property right, any interest in real property, any title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of Florida's sovereign submerged lands seaward of the mean high-water line or an established erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.
6. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under section 373.421(2), F.S., provides otherwise.
7. Nothing herein authorizes any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or conveys any vested rights or any exclusive privileges.
8. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site of the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.
9. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.
10. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.
11. If historic or archaeological artifacts such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time on the project site, the Corps shall immediately stop all activities in the immediate area which disturb the soil and notify the Department and the State Historic Preservation Officer. In the event that unmarked human remains are encountered during permitted activities, all work shall stop in the immediate area and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

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

SPECIFIC CONDITIONS:

1. No work shall be conducted until and unless the Department issues a Final Order of Variance (File No. 0307923-002-BV) from Rule 62-4.242(2)(a)2.b., F.A.C., to establish a maximum allowable turbidity level above background for work within Outstanding Florida Waters (OFW) for this project.
2. All reports or notices relating to this permit shall be sent to the Department's Bureau of Beaches and Coastal Systems, JCP Compliance Officer, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000 (e-mail address: JCPCompliance@dep.state.fl.us).
3. The Permittee shall not store or stockpile tools, equipment, materials, etc., within littoral zones or elsewhere within surface waters of the state without prior written approval from the Department. Storage, stockpiling or access of equipment on, in, over or through aquatic vegetation beds or wetlands is prohibited. Anchoring or spudding of vessels and barges within beds of aquatic vegetation is also prohibited.
4. The Permittee shall not conduct project operations or store project-related equipment in, on or over dunes, or otherwise impact dune vegetation, outside the approved beach access areas designated in the permit drawings.
5. **Pre-Construction Conference.** The Permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with Permittee's contractors (including but not limited to the migratory bird monitor, the permitted marine turtle surveyor and other species surveyors as appropriate), the engineer of record, the U.S. Fish and Wildlife Service (FWS), and the JCP Compliance Officer (or designated alternate) prior to each dredging event. In order to ensure that appropriate representatives are available, at least twenty-one (21) days prior to the intended commencement date for the permitted construction, the Permittee is advised to contact the Department, and the other agency representatives listed below:

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

DEP Northeast District Office
Submerged Lands & Environmental Resources
7825 Baymeadows Way, Suite B200
Jacksonville, FL 32256
phone: (904) 807-3300

Imperiled Species Management Section
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
phone: (850) 922-4330
fax: (850) 921-4369 or email: marineturtle@myfwc.com

U. S. Fish & Wildlife Service
North Florida Ecological Services Office
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256-7517
Phone: 904-731-3336
Fax: 904-731-3045

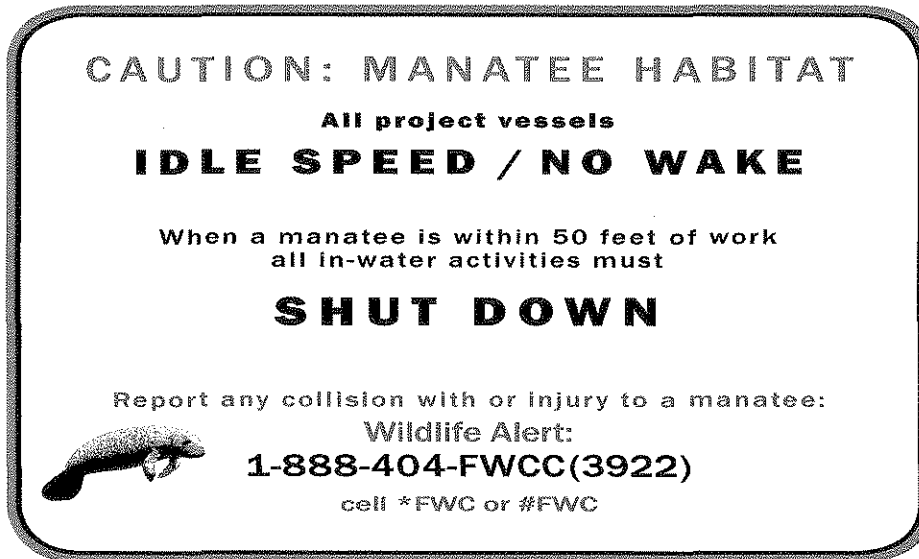
The Permittee is also advised to schedule the pre-construction conference at least a week prior to the intended commencement date. At least seven (7) days in advance of the pre-construction conference, the Permittee shall provide written notification, advising the participants (listed above) of the date, time and location of the meeting, and also provide a meeting agenda and a teleconference number.

6. **Pre-Construction Submittals.** At least fourteen (14) days prior to the date of the pre-construction conference (as required above), the Permittee shall submit the following items to the Department:
 - a. Final plans and specifications for this project, which must be consistent with the project description of this permit and the approved permit drawings. The Permittee shall point out any deviations from the project description or the approved permit drawings, and any significant changes would require a permit modification. Submittal shall include one (1) hardcopy (sized 11 inches by 17 inches or greater, with all text legible) and one (1) electronic copy of the final plans and specifications. The plans and specifications shall be accompanied by a letter indicating the project name, the permit number, the type of construction activity, the specific type of equipment to be used, the anticipated volume of material to be moved and the anticipated schedule. Further, the Permittee shall specify any anticipated staging, storage, stockpiling sites that will be used and appropriate contact information for those facilities. Any such sites in waters wetlands or dunes may require a permit modification. The final plans and specifications submitted under this condition must comply with all conditions set forth in this permit.

- b. **Turbidity Monitoring Qualifications.** Dredging, any in-water transportation or rehandling of dredged material and the placement of dredged material on the beach shall be monitored closely by an experienced person, to assure that turbidity levels do not exceed the compliance standards. Also, an individual familiar with the dredging techniques being used for this project and with turbidity monitoring, shall be present during daylight hours. The people responsible for conducting or supervising the turbidity monitoring shall be a sub-contractor, and have professional experience in monitoring water quality without a record of permit violations. The names, qualifications and records of those individuals performing these functions, along with 24-hour contact information, shall be submitted to the Department.
7. Construction of this project shall not begin until a local sponsor agreement between the Florida Inland Navigation District, the project's local sponsor, and the Department has been fully executed.
8. In the event that the Florida Inland Navigation District, the local sponsor for this project, does not conduct all necessary marine turtle protection and monitoring requirements, the Permittee is still responsible for those marine turtle protection measures specified by the applicable FWS Biological Opinion.
9. The Permittee and the Department, within their respective authorities and funding, shall ensure that beach compatible dredged material is placed on Florida's beaches, consistent with Florida's beach management plan adopted pursuant to Chapter 161, F.S. and other beneficial uses criteria as may be specified by the Department and applicable federal standards.
10. **Manatee and Marine Turtle Protection Construction Conditions.** During all construction authorized by this permit, the Permittee shall comply with the following conditions intended to protect manatees and marine turtles from direct project effects:
 - a. All personnel associated with the project shall be instructed about the presence of marine turtles, manatees and manatee speed zones, and the need to avoid collisions with (and injury to) these protected marine species. The Permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
 - b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
 - c. Siltation or turbidity barriers shall be made of material in which manatees and marine turtles cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid entanglement or entrapment. Barriers must not impede manatee or marine turtle movement.

- d. All on-site project personnel are responsible for observing water-related activities for the presence of marine turtles, and manatee(s). All in-water operations, including vessels, shall be shutdown if a marine turtle or manatee comes within 50 feet of the operation. Activities shall not resume until the animal(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the animal(s) has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.
- e. Any collision with or injury to a marine turtle or manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922, and to FWC at ImperiledSpecies@myFWC.com. Collision and/or injury should also be reported to the FWS in Jacksonville, Florida at 1-904-731-3336.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the Permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Two of these signs are attached, and signs already approved by the FWC can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.





11. **Marine Turtle Construction Conditions for Dredging Activities:** In the event a hopper dredge is utilized, the following requirements shall be met in addition to the Terms and Conditions of the applicable National Marine Fisheries Service (NMFS) Regional Biological Opinion for Hopper Dredging (South Atlantic):

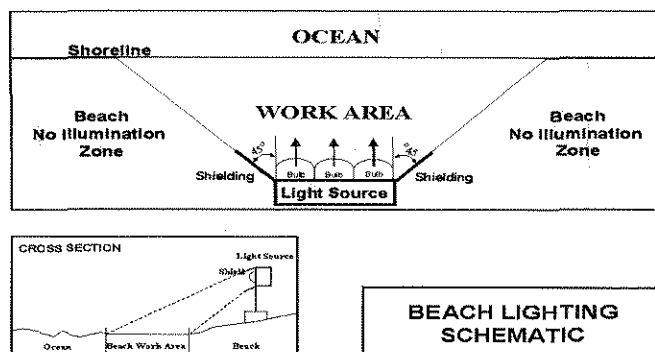
- a. Handling of sea turtles captured during hopper dredging projects shall be conducted only by persons with prior experience and training in these activities and who is duly authorized to conduct such activities as a NMFS-approved sea turtle observer or have submitted documentation to the Corps of meeting the FWC Marine Turtle Conservation Guidelines specific to stranding activities (Section 3). The Corps will forward documentation to FWC and Department for review concurrent with the submission of the contractor Environmental Protection Plan.

Corps staff or their designee that transport live or dead marine turtles or marine turtle parts into, out of or within, the state of Florida shall notify FWC in writing specifying the number, species of sea turtle, type of specimen, and the destination after transport is complete. Before transport, if the turtle is believed to be alive, Corps staff or their designee will coordinate with FWC and/or NMFS to determine the appropriate facility to receive live sea turtles for rehabilitation. Corps staff or their designee shall abide by the State of Florida's FWC Marine Turtle Conservation Guidelines (<http://www.myfwc.com/wildlifehabitats/managed/sea-turtles/conservation-guidelines/>) specific to transport of live stranded turtles.

- b. **Dredging Pumps:** Standard operating procedure shall be that dredging pumps shall be disengaged by the operator, or the draghead bypass valve shall be open and in use when the dragheads are not firmly on the bottom, to minimize impingement or entrainment of sea turtles within the water column. This precaution is especially important during the cleanup phase of dredging operations.

- c. Sea Turtle Deflecting Draghead: A state-of-the-art rigid deflector draghead must be used on all hopper dredges in all channels at all times of the year.
- d. The Sea Turtle Stranding and Salvage Network (STSSN) Coordinator shall be notified at 1-904-573-3930 or via e-mail at Allen.Foley@myfwc.com of the start-up and completion of hopper dredging operations. In the event of capturing or recovering marine turtles or marine turtle parts, the STSSN should be contacted at 1-888-404-FWCC (3922).
- e. Relocation trawling or non-capture trawling shall be implemented in accordance with the applicable NMFS Biological Opinion and Incidental Take authorization. Any activity involving the use of nets to harass and/or to capture and handle marine turtles in Florida waters requires a Marine Turtle Permit from FWC.
 - i. A summary (use attached FWC Trawl Report spreadsheet) of all trawling activity, including non-capture trawling, and all turtles captured in Florida waters, including all measurements, the latitude and longitude (in decimal degrees) of captures and tow start-stop points, and times for the start-stop points of the tows, including those tows on which no turtles are captured, shall be submitted to MTP@myfwc.com by January 15 of the following year.

12. **Project lighting for Marine Turtle Protection.** Direct lighting of the beach and nearshore waters shall be limited to the immediate construction area during the marine turtle nesting season and shall comply with safety requirements. Lighting on offshore or onshore equipment shall be minimized through reduction, shielding, lowering, and appropriate placement to avoid excessive illumination of the water's surface and nesting beach while meeting all Coast Guard, EM 385-1-1, and OSHA requirements. Light intensity of lighting equipment shall be reduced to the minimum standard required by OSHA for General Construction areas, in order not to misdirect sea turtles. Shields shall be affixed to the light housing and be large enough to block light from all lamps from being transmitted outside the construction area (**Figure below**).



Fish and Wildlife Protection Conditions for Beach Placement of Material:

14. **Beach Maintenance.** All derelict concrete, metal, and coastal armoring material and other debris shall be removed from the beach prior to any material placement to the maximum extent practicable. If debris removal activities will take place during migratory bird or marine turtle nesting seasons (as specified in specific conditions below), the work shall be conducted during daylight hours only and shall not commence until completion of daily migratory bird or turtle surveys each day.
15. **Nesting Migratory Bird Protection Conditions:** Nesting migratory bird surveys should be conducted by trained, dedicated individuals (Bird Monitor) with proven shorebird identification skills and avian survey experience. A list of the Bird Monitors with their contact information, summary of qualifications including bird identification skills and avian survey experience shall be provided to the Department and FWC. This information shall be submitted to the FWC regional biologist, prior to any construction or hiring for operational migratory bird surveys for revision and consultation. The FWC regional biologist contact information is listed below:

Alex Kropp
1239 S.W. 10th Street
Ocala, Florida 34474-2797
Phone: (352) 620-7350
email: Alex.Kropp@MyFWC.com

Bird Monitors shall use the following survey protocols:

- a. **Nesting Season Surveys:** Monitors shall review and become familiar with the general information and data collection protocols outlined on the FWC's Beach-Nesting Bird website (www.FLShorebirdDatabase.org). An outline of what data should be collected, including downloadable field data sheets, is available on the website.
 - i. The nesting season is generally April 1 – September 15, but some nesting may occur through September. Nesting season surveys shall begin on April 1, or 10 days prior to project commencement (including surveying activities and other pre-construction presence on the beach), whichever is later. Surveys shall be conducted daily throughout the construction period, or through August if no shorebird nesting activity is observed.
 - ii Nesting season surveys shall be conducted in all potential migratory bird nesting habitat within the project boundaries that may be impacted by construction or pre-construction activities during the nesting season. Portions of the project in which there is no potential for project-related activity during the nesting season may be excluded.

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

- iii. Surveys shall be conducted by walking the length of the project area and visually inspecting, using binoculars or spotting scope, for the presence of shorebirds exhibiting breeding behavior.
- iv. If an ATV or other vehicle is needed to cover large project areas, the vehicle must be operated at a speed <6 mph, shall be run at or below the high-tide line and the Bird Monitor shall stop at no greater than 200-meter intervals to visually inspect for nesting activity.
- v. Once nesting is confirmed by the presence of a scrape, eggs or young, the Bird Monitor shall notify the Contracting Officer within 24 hours. Within 30 days after completion of dredging and dredge related activity, a summary of monitoring shall be submitted to the FWC (with a copy of the cover page sent to the JCP Compliance Officer), which details nesting and nesting success/failure including species, number of nests created, location, number of eggs, number of chicks generated during the project and reasons for nesting success or failure, if known. The Contracting Officer or Project Manager can notify the FWC of activities occurring on site via email to imperiledspecies@myfwc.com.

16. **Buffer Zones and Travel Corridors.** Within the project area, the Permittee shall establish a 300-foot-wide buffer zone around any location where shorebirds have been engaged in nesting behavior, including territory. Any and all construction activities, including movement of vehicles, shall be prohibited in the buffer zone.
- a. The Bird Monitor shall keep nesting sites under sufficient surveillance to determine if birds appear agitated or disturbed by construction, or other activities in adjacent areas. If birds do appear to be agitated or disturbed by these activities, then the width of the buffer zone shall be increased immediately to sufficient size in order to protect nesting birds.
 - b. Site-specific buffers may be implemented in consultation with FWC as needed. Reasonable and traditional pedestrian and personnel access should not be blocked where nesting birds will tolerate pedestrian and personnel traffic. This is generally the case with lateral movement of beach-goers walking parallel to the beach at or below the highest tide line. Pedestrian or personnel traffic may also be tolerated when nesting was initiated within 300 feet of an established beach access pathway.
 - c. Designated buffer zones shall be posted with posts, twine, and clearly marked signs (“No Entry”) around the perimeter that include the name and a phone number of the entity responsible for posting. Posts should not exceed 3 feet in height. Symbolic fencing (twine, string, or rope) should be placed between all posts at least 2.5 feet

above the ground and rendered clearly visible to personnel. If pedestrian pathways are approved within the 300 foot buffer zone, these should be clearly marked. These markings shall be maintained until nesting is completed or terminated. In the case of solitary nesters, nesting is not considered to be completed until all chicks have fledged.

- d. No construction activities, movement of vehicles, or stockpiling of equipment shall be allowed within the buffer area.
 - e. Travel corridors shall be designated and marked outside the buffer areas. Heavy equipment, other vehicles, or personnel may transit past nesting areas in these corridors. However, other activities such as stopping or turning shall be prohibited within the designated travel corridors adjacent to the nesting site. When flightless chicks are present within or adjacent to travel corridor movement of vehicles shall be accompanied by a Bird Monitor who will ensure no chicks are in the path of the moving vehicles and no tracks capable of trapping flightless chicks result.
 - f. To the degree practicable, the Permittee shall maintain some activity within travel corridors on a daily basis, without directly disturbing any migratory birds documented on site or interfering with sea turtle nesting, especially when those corridors are established prior to commencement of construction. Passive methods to modify nesting site suitability in upland placement areas shall be limited to flooding or flagging potential nesting sites prior to the start of nesting, or by other appropriate measures that have been approved by the Contracting Officer. The Bird Monitor shall survey these areas prior to flooding or flagging.
17. **Notification.** If migratory bird nesting occurs within the project area, a bulletin board shall be placed and maintained in the construction area with the location map of the construction site showing the bird nesting areas and a warning, clearly visible, stating that “BIRD NESTING AREAS ARE PROTECTED BY THE FLORIDA ENDANGERED AND THREATENED SPECIES ACT AND THE STATE and FEDERAL MIGRATORY BIRD ACTS”.
18. **Environmental Protection Plan.** The contractor’s Environmental Protection Plan (EPP) shall be submitted for review and comment to Department in coordination with FWC prior to any construction activity. This plan shall include monitoring of nesting migratory birds, marine turtle nests and onsite during construction as well as steps that will be followed to address any unavoidable take of migratory birds, marine turtles should that occur.

Marine Turtle Protection Conditions for Beach Placement of Dredged Material:

19. **Marine Turtle Nest Surveys and Relocation.** For sand placement projects that occur during the period from April 15 through September 30, daily early morning (before 9 a.m.) surveys shall be conducted, and eggs shall be relocated per the requirements below (a. to c.). Sea turtle nesting surveys shall be conducted as indicated below:

Nesting surveys shall be initiated 65 days prior to sand placement activities or by April 15, whichever is later. Nesting surveys shall continue through September 30. If nests are laid in areas where they may be affected by construction activities, eggs shall be relocated per the requirements listed in a. through c. below.

- a. Nesting surveys and egg relocations shall only be conducted by persons with prior experience and training in these activities and who are duly authorized to conduct such activities through a valid permit issued by FWC, pursuant to F.A.C 68E-1. Please contact FWC's Marine Turtle Management Program in Tequesta at (561) 575-5408 for information on the permit holder in the project area. It is the responsibility of the Permittee to ensure that nesting surveys are completed. Nesting surveys shall be conducted daily between sunrise and 9 a.m. (in all time zones).
- b. Only those nests in the area where sand placement occurs shall be relocated. Nest relocation shall not occur upon completion of sand placement. Nests requiring relocation shall be moved no later than 9 a.m. the morning following deposition to a nearby self-release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation. Relocated nests shall not be placed in organized groupings. Relocated nests shall be randomly staggered along the length and width of the beach in settings that are not expected to experience daily inundation by high tides or known to routinely experience severe erosion and egg loss, or subject to artificial lighting. Nest relocations in association with construction activities shall cease when sand placement activities no longer threaten nests.
- c. Nests deposited within areas where construction activities have ceased or will not occur for 65 days or nests laid in the nourished berm prior to tilling shall be marked and left in place unless other factors threaten the success of the nest. The turtle permit holder shall install an on-beach marker at the nest site and/or a secondary marker at a point as far landward as possible to assure that future location of the nest will be possible should the on-beach marker be lost. No activity shall occur within this area nor shall any activities occur that could result in impacts to the nest. Nest sites shall be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.

20. **Marine Turtle or Nest Encounters.** Upon locating a dead or injured sea turtle adult, hatchling or egg that may have been harmed or destroyed as a direct or indirect result of the project, the Corps and/or local sponsor shall be responsible for notifying FWC Wildlife Alert at 1-888-404-FWCC (3922). Care shall be taken in handling injured sea turtles or their eggs to ensure effective treatment or disposition, and in handling dead specimens to preserve biological materials in the best possible state for later analysis. In the event a marine turtle nest is excavated during construction activities, the permitted person responsible for egg relocation for the project shall be notified immediately so the eggs can be moved to a suitable relocation site.

21. **Equipment Storage and Placement.** Staging areas for construction equipment shall be located off the beach, if off-beach staging areas are available, during the sea turtle nesting season. Nighttime storage of construction equipment not in use shall be off beach. 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 or reconstructed dune system. Pipes placed parallel to the vegetation line shall be 5 to 10 feet away from the toe of the vegetation line. Temporary storage of pipes shall be off the beach to the maximum extent possible. If the pipes shall be on the beach, they shall be placed in a manner that will minimize the impact to nesting habitat and shall not compromise the integrity of the dune systems. If it will be necessary to extend construction pipes past a known migratory bird nesting site or over-wintering area for piping plovers, then whenever possible, those pipes should be placed landward of the site before birds are active in that area. No pipe or sand shall be placed within or seaward of a migratory bird nesting site during the migratory bird nesting season.
22. **Fill Restrictions.** During the sea turtle nesting season, the contractor shall not extend the beach fill more than 500 feet along the shoreline between dusk and the following day until the daily nesting survey has been completed and the beach cleared for fill advancement. An exception to this may occur if there is permitted sea turtle surveyor present on-site to ensure no nesting and hatching sea turtles are present within the extended work area. If the 500 feet is not feasible for the project, an agreed upon distance will be decided on during the preconstruction meeting. Once the beach has been cleared and the necessary nest relocations have been completed, the contractor will be allowed to proceed with the placement of fill during daylight hours until dusk, at which time the 500-foot length limitation shall apply.
23. **Compaction Sampling.** Sand compaction shall be monitored in the area of sand placement immediately after completion of the project and prior to April 15th for three (3) subsequent years.
24. Sand compaction shall be monitored in accordance with a protocol agreed to by the FWS, FWC, and the Permittee or local sponsor. (Note: The requirement for compaction monitoring may be eliminated if the decision is made to till regardless of post-construction compaction levels. Additionally, out-year compaction monitoring and remediation are not required if placed material no longer remains on the dry beach or funding is not available).

At a minimum, the protocol provided under a. and b. (below) shall be followed.

- a. Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area), and one station shall be midway between the dune line and the high water line (normal wrack line).
- b. At each station, the cone penetrometer shall be pushed to a depth of 6, 12, and 18 inches three times (three replicates). Material may be removed from the hole if

necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lie over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth shall be averaged to produce final values for each depth at each station. Reports shall include all 18 values for each transect line, and the final 6 averaged compaction values.

- c. If the average value for any depth exceeds 500 pounds per square inch (psi) for any two or more adjacent stations, then that area shall be tilled immediately prior to the following date listed above.
- d. If values exceeding 500 psi are distributed throughout the project area but in no case do those values exist at two adjacent stations at the same depth, then consultation with the FWC or FWS will be required to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling will not be required.
- e. Tilling shall occur landward of the wrack line and avoid all vegetated areas 3 square feet or greater with a 3 square foot buffer around the vegetated areas.

25. **Tilling Requirements.** If tilling is required as specified above, the area shall be tilled to a depth of 36 inches. All tilling activity shall be completed prior to those dates listed above. If tilling occurs during migratory bird nesting season (April 1-September 15), shorebirds surveys prior to tilling may be required per the Shorebird Conditions included within this document. Each pass of the tilling equipment shall be overlapped to allow thorough and even tilling. If the project is completed during the marine turtle nesting season, tilling will not be performed in areas where nests have been left in place or relocated. If compaction measurements are taken, a report on the results of the compaction monitoring shall be submitted electronically to FWC at marineturtle@myfwc.com prior to any tilling actions being taken.

- a. No tilling shall occur within 300 feet of any migratory bird nest.
- b. If flightless migratory bird young are observed within the work zone or equipment travel corridor, a Bird Monitor shall be present during the operation to ensure that equipment does not operate within 300 feet of the flightless young.
- c. A relatively even surface, with no deep ruts or furrows, shall be created during tilling. To do this, chain-linked fencing or other material shall be dragged over those areas as necessary after tilling.

26. **Escarpment Surveys.** Visual surveys for escarpments along the project area shall be made immediately after completion of the sand placement project, and during March 15

to April 15, for three (3) subsequent years if sand from the project area still remains on the beach and funding is available.

Escarpmnts that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of at least 100 feet shall be leveled and the beach profile shall be reconfigured to minimize scarp formation by April 15. Any escarpment removal shall be reported by location. If the project is completed during the sea turtle nesting and hatching season, escarpments may be required to be leveled immediately, while protecting nests that have been relocated or left in place. FWC 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 or hatching season, the FWS or FWC will provide a brief written authorization that describes methods to be used to reduce the likelihood of impacting existing nests. An annual summary of escarpment surveys and actions taken shall be submitted electronically to marineturtle@myfwc.com along with the annual summary as described below. If escarpment removal occurs during migratory bird nesting season (April 1 – September 15), shorebirds surveys may be required per the Shorebird Conditions included within this document prior to removal. (NOTE: Out-year escarpment monitoring and remediation are not required if placed material no longer remains on the dry beach or if funding is not available).

POST-CONSTRUCTION MONITORING AND REPORTING MARINE TURTLE CONDITIONS:

27. Reports on all marine turtle nesting activity shall be provided for the initial marine turtle nesting season (*May 1 through September 30*) provided placed sand remains on the beaches as follows:
 - a. For the initial nesting season, the number and type of emergences (nests or false crawls) shall be reported per species in accordance with the Table below
 - b. For the initial nesting season, reproductive success shall be reported per species in accordance with the Table below. Reproductive success shall be reported for a statistically valid number of loggerhead nests, and all green and leatherback nests if possible
 - c. In the event that the reproductive success documented by species meets or exceeds required criteria (outlined in Table below) for each species, monitoring for reproductive success shall be recommended, but not required for the second year post-construction.
 - d. Monitoring of nesting activity following construction shall include daily surveys and any additional measures authorized by the FWC. Summaries shall include all crawl activity, nesting success rates, hatching success of all relocated nests, hatching

success of a representative sampling of nests left in place (if any) by species, project name and applicable project permit numbers and dates of construction.

Data should be reported for the nourished areas in accordance with the Table below and should include number of nests lost to erosion or washed out. Summaries of nesting activity shall be submitted in electronic format (Excel spreadsheets) to the FWC Imperiled Species Management section at MTP@myfwc.com. All summaries should be submitted by January 15 of the following year. The FWC Excel spreadsheet is available upon request from MTP@myfwc.com.

Table of Marine Turtle Monitoring for Beach Placement of Material

Metric	Duration	Variable	Criterion
Nesting Success	Year of construction	Number of nests and non-nesting emergences by day by species	40% or greater
Hatching Success	Year of construction	Number of hatchlings by species to completely escape egg	Average of 60% or greater (data must include washed out nests)
Emergence Success	Year of construction	Number of hatchlings by species to emerge from nest onto beach naturally	Average must not be significantly different than the average hatching success
Disorientation	Year of construction	Number of nests and individuals that misorient or disorient	
Compaction	Not required if the beach is tilled prior to nesting season each year placed sand remains on beach	Shear resistance	Less than 500 psi
Escarpment Surveys	Weekly during nesting season for up to three years each year placed sand remains on the beach	Number of scarps 18 inches or greater extending for more than 100 feet that persist for more than 2 weeks	Successful remediation of all persistent scarps as needed

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

Monitoring for turbidity shall be conducted for the duration of the dredging and filling activities. Sampling shall commence prior to, but no more than 24 hours before initiation of any dredging or filling activities. Monitoring is to take place at the dredge site, the beach disposal site and anywhere else that has elevated turbidity levels associated with this project.

Units: Nephelometric Turbidity Units (NTUs).

Frequency: Twice daily at least four hours apart during all dredging and sand placement operations.

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

Dredge Site: approximately 300 meters in the opposite direction of the prevailing current flow.

Beach Site: approximately 300 meters upcurrent of the entire beach placement template and the same distance offshore as the associated compliance sample.

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

Dredge Site: Samples shall be collected 150 meters downcurrent from the dredge head, in the densest portion of the turbidity plume.

Beach Site: Samples shall be collected where the densest portion of the turbidity plume extends 150 meters from the point where the return water from the dredged discharge reenters the Atlantic Ocean.

Turbidity Reports. All turbidity monitoring data shall be submitted within one week of collection, along with documents containing the following information:

- a. time of day samples were taken;
- b. dates of sampling and analysis;
- c. depth of water body;
- d. depth of each sample;
- e. antecedent weather conditions, including wind direction and velocity;

- f. tidal stage and direction of flow;
- g. water temperature;
- h. a map indicating the sampling (compliance and background) locations and the OFW boundaries;
- i. a statement describing the methods used in collection, handling, storage and analysis of the samples;
- j. a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, calibration of the meter and accuracy of the data.

Monitoring reports shall be emailed to the JCP Compliance Officer at JCPCCompliance@dep.state.fl.us. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the Department, on the submittal cover page and at the top of each page of the report, please state: "This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0307923-001-JC, Atlantic Intracoastal Waterway Maintenance Dredging In the Vicinity of Sawpit Creek."

Calibration: The instruments used to measure turbidity shall be fully calibrated prior to, but within one month of, the commencement of the current dredging and filling activities, and at least once a month throughout those activities. Calibration shall be verified each morning prior to use, and after each time the instrument is turned on, using a turbidity "standard" that is different from the one used during calibration.

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 compliance sites within OFWs that are greater than 15 NTUs above background levels, or turbidity levels at compliance sites outside of OFWs that are greater than 29 NTUs above background levels, construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the JCP Compliance Officer in Tallahassee at (850) 414-7716 or JCPCCompliance@dep.state.fl.us and the Department's Northeast District office in Jacksonville, Florida, at (904) 807-3300.

Any project-associated discharge other than dredging, disposing, or nourishing the beach (e.g., scow leakage or runoff from temporary containment area) shall also be monitored as close to the source as possible every hour until background turbidity levels return or until otherwise directed by the Department. The Permittee shall notify the Department, by separate email to the JCP Compliance Officer, of such an event within 24 hours of the time the Permittee first becomes aware of the discharge. The subject line of the email shall state "PROJECT-ASSOCIATED DISCHARGE-OTHER", and include the Project Name and the Permit Number.

