

# Florida Department of Environmental Protection

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Tallahassee, Florida 32399-3000

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard, Jr.  
Secretary

## CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT AND STATE-OWNED SUBMERGED LANDS AUTHORIZATION

**PERMITTEE:**

**U.S. Army Corps of Engineers**  
701 San Marco Boulevard  
Jacksonville, FL 32207

**ATTENTION:**

**Mr. Eric Summa**  
Chief, Planning Environmental Branch  
Department of the Army  
Jacksonville District Corps of Engineers

**Permit Number:** 0272794-004

**Project:** Kissimmee River Restoration

**Phase:** (KRR)- Reach 3 Backfill, Contract 12

**County:** Okeechobee and Highlands

**Date of Issue:** November 7, 2011

**Expiration Date:** November 7, 2016

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This permit is issued under the authority of 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 an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Florida Department of Environmental Protection (Department) and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program (CZMP), as required by Section 307 of the Coastal Management Act, 16 U.S.C. § 1456, and constitutes certification of compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. § 1341.

### PROJECT DESCRIPTION:

The Kissimmee River Restoration (KRR) project is a congressionally authorized undertaking sponsored by the U. S. Army Corps of Engineers and the South Florida Water Management District, the Local Sponsor. The project encompasses restoring over 40 square miles of the Kissimmee River floodplain ecosystem, including 43 miles of meandering river channel and 27,000 acres of wetlands. The widespread benefits achieved by the change in drainage pattern to be accomplished by the project include rehydration of the floodplain, increased nutrient uptake within the floodplain, and revitalization of the oxbow system. The purposes of this project are to backfill one section of Reach 3 in the C-38 canal and degrade the Bass Levee, located south of US Highway 98.

The Permittee is authorized to backfill approximately 7,700 linear feet of the C-38 canal within Reach 3. The backfilling will start approximately 1,400 linear feet south of the US Highway 98 bridge crossing and continue south. The material used for the backfill of the C-38 canal will be taken from the existing dredged material on the adjacent banks of the canal. The Bass Levee is located east of the C-38 canal and south of US Highway 98. Approximately 18,500 linear feet of the levee will be degraded. The project will permanently impact approximately 200 acres of wetlands and other surface waters and restore over 6,280

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acres of Kissimmee River floodplain in Pool D. Authorized activities are depicted on the attached exhibits.

The project described above may be conducted only in accordance with the terms, conditions and attachments contained in this permit. The issuance of this permit does not infer, nor guarantee, nor imply that future permits or modifications will be granted by the Department.

#### **ACTIVITY LOCATION:**

The activities authorized by this Permit are located within, along, and adjacent to the C-38 canal in Reach 3 and the Pool D floodplain. The backfill section of the C-38 canal is located approximately 1,400 linear feet south of U.S. Highway 98 bridge crossing. The degradation of the Bass Levee is located on the east bank of the C-38 canal, south of U.S. Highway 98. All activities are located in Class III Waters, Sections 2, 3, 4, 5, 8, 9, 17, Township 36 South, Range 33 East in Okeechobee and Highlands County and Sections 32, 33, 34, 35, 36, Township 35 South, Range 33 East in Okeechobee County.

#### **STATE OWNED SUBMERGED LANDS AUTHORIZATION:**

This activity also requires a proprietary authorization, as the backfill of the C-38 canal 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 Section 253.002 Florida Statutes (F.S.) and Chapter 258 F.S. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed by the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, the proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, F.A.C., and Section 62-343.075, F.A.C.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the backfilling of the C-38 canal is within the boundaries described in Lease No. 4099 and Easement No. 29173 issued to the South Florida Water Management District for the Kissimmee River Restoration Project in cooperation with the U.S. Army Corps of Engineers.

As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined the degrading of the Bass Levee is not on submerged lands owned by the State of Florida. Therefore, this portion of the project is not subject to the requirements of Chapter 253, Florida Statutes.

You are hereby advised that authorizations may also be required by other state, federal, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

#### **REASONABLE ASSURANCES:**

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

- 1) U.S. Army Corps of Engineers, Kissimmee River Restoration (KRR)- Reach 3 Backfill Application and associated materials (April 2011);
- 2) U.S. Army Corps of Engineers, Request for Additional Information Responses, (July 12, 2011 and August 10, 2011);

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- 3) U.S. Army Corps of Engineers, Wetland Assessment Report and Universal Mitigation Assessment Method (Revised August 10, 2011);
- 4) United States Department of the Interior, Fish and Wildlife Service, Biological Opinion (August 31, 2007); and
- 5) United States Department of the Interior, Fish and Wildlife Service, Biological Opinion, Amended Terms and Conditions (March 4, 2008).

The Corps agrees to construct the project in accordance with the provisions of this permit, permit application, and the associated documentation on file with the Department. To the extent sovereign immunity has been waived under 33 U.S.C. 1323 and 1344(t), the Corps' agreement to construct the project in accordance with the provisions of the permit application and supporting documentation is an enforceable condition of this permit.

The Corps and its designees are responsible for activities performed during the period of construction. The Corps 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 is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the provisions 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 shall 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.

#### GENERAL CONDITIONS:

1. This permit, including its general and specific conditions, must be construed in light of the February 2006 Interagency Cooperative Agreement for Civil Works Projects (ICA) between the Department and the Corps. As recognized in the ICA, the Department has the authority to include reasonable conditions in this permit. All of the conditions in this permit, both general and specific, are enforceable to the extent sovereign immunity has been waived under 33 U.S.C. §§ 1323 and 1344(t). The ICA is incorporated herein by reference.
2. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated changes in:
  - 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) description of and cause of noncompliance;
  - b) 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 convey any vested rights or any exclusive privileges.
8. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site of the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.
9. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that 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.

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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. **Addresses.** Reports and notices submitted to the Department in accordance with this permit, unless otherwise specified, shall be submitted to the Office of Ecosystem Projects, Program Coordination and Regulation Section, 3900 Commonwealth Boulevard, MS 24, Tallahassee, Florida, 32399-3000, telephone no. (850) 245-3194. Electronic copies of reports and notices required by this permit shall be sent to [RPPS\\_Comp@dep.state.fl.us](mailto:RPPS_Comp@dep.state.fl.us)
2. **Threatened and Endangered Species.** The Permittee shall coordinate with both the Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (FWS) for appropriate guidance, recommendations and/or necessary authorizations to avoid, minimize, or mitigate impacts to listed species. The Permittee shall comply with federal and state law with regard to protected species and agree to consider input from and to comply with requirements of the FWC to the extent that to do so would not create an irreconcilable conflict with the Permittee's federal responsibilities. Should a potential conflict between FWC's requirements and the Corps' federal responsibilities be identified, the Corps shall coordinate with all involved federal and state agencies to determine and implement reasonable alternatives, to the maximum extent practicable, in order to avoid such a conflict. The Corps shall adhere to all the "Terms and Conditions" contained within the Biological Opinion (BO) and any subsequent consultation so as to avoid and mitigate any impacts to the species identified within. Please submit a copy of the final Caracara survey and reports required by the BO upon completion to the Department at the addresses listed in Specific Condition No. 1.

The Permittee and/or the contractor shall instruct all personnel associated with the project that threatened and endangered species may be present in the area, and the need to avoid harming, harassing, or killing these species and the civil and criminal consequences. Other protected species that might be observed in the region include the American alligator, wood stork, snail kite, eastern indigo snake, manatee, bald eagle, and crested caracara. Construction activities shall be kept under constant surveillance, management, and control to minimize any interference, disturbance, or impact to these and other protected species.

3. **Wetland Protection and Restoration.** This project is expected to result in approximately 200 acres of wetland and other surface water impacts as a result of the backfill of the C-38 canal and the degradation of the Bass Levee. Project construction in and near wetlands or other surface waters shall at all times be implemented to minimize impacts on these natural resources. Prior to the commencement of construction, effective physical barriers to prevent encroachment into the protected wetlands and other surface waters shall be installed by the Permittee. The Permittee shall notify the Department in writing at the address identified in Specific Condition No. 1, upon the contractor's placement of staking/fencing/turbidity curtains to schedule a joint inspection of this work. Additionally, the Permittee shall schedule a final site visit with the Department for inspection of the project site after the temporary works have been removed.
4. **Project Benefits Analysis.** A Uniform Mitigation Assessment Method (UMAM) was conducted on March 23, 2011, to assess the impacts to wetlands and other surface waters due to project construction. The wetland and other surface water impacts are estimated to have a total functional

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loss score of 116.96 which is less than the total functional gain score of 157.89 as stated in the Wetland Assessment Report for Kissimmee River Project, Contract 12. The project benefits analysis indicates that the future habitat and ecological wetland functions of this part of the restoration project are greater than the existing habitat and ecological wetland functions that will be impacted by construction of the project; therefore, no mitigation is required.

## CONSTRUCTION

5. **Authorized Construction.** This permit authorizes construction of the Kissimmee River Restoration - Reach 3 Backfill, Contract 12 in accordance with the final plans to be submitted to the Department after the bid is awarded to the contractor, prior to construction. A copy of this permit will be kept on site at all times until construction is complete.
6. **Instructions to Construction Personnel and/or Contractors.** The Permittee shall ensure that all construction personnel working on the project are briefed on the permit conditions and shall give a copy of this permit to each contractor and subcontractor before the authorized work begins. Prior to construction, the Permittee shall schedule a pre-construction meeting and invite the contractor(s), and representatives from the U.S. Army Corps of Engineers, the Department, and other environmental regulatory agencies. The Department shall receive at least two weeks' prior notice of the meeting (email is the preferred method of notification). Within 30 days from the Notice-to-Proceed to the contractor or upon Permittee's approval of a proposed construction schedule, whichever occurs first, the Permittee shall provide the proposed construction schedule to the Department at the address identified in Specific Condition No. 1.
7. **Environmental Protection Plan.** At least thirty (30) days prior to the commencement of construction, the Permittee shall submit an Environmental Protection Plan to the Department, which addresses compliance with the requirements of the Biological Opinion (BO) of the FWS dated August 31, 2007, the amended BO dated March 4, 2008, or the latest BO. The Department will review and provide a determination of whether or not the plan is consistent with Department statutes and rules. In accordance with Specific Condition No. 2, the plan shall describe the methods used to protect environmental resources, including fish and wildlife and adjacent wetland areas, to ensure that there shall be no unauthorized impacts to listed species, wetland plants or water quality as a direct result of construction activities.
8. **NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities.** The issuance of this permit does not constitute coverage under the National Pollutant Discharge Elimination System (NPDES) Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) pursuant to Rule 62-621.300(4), F.A.C. Prior to the commencement of any construction, the Permittee is advised to contact the Department's NPDES Stormwater Program at (850) 245-7522 or toll free at (866) 336-6312 or to download application information from the Department's web site at <http://www.dep.state.fl.us/water/stormwater/npdes/construction3.htm#permit>.
9. **NPDES General Permit for the Discharge of Produced Ground Water from any Non-Contaminated Site Activity.** The issuance of this permit does not constitute coverage under the NPDES General Permit for the Discharge of Produced Ground Water from any Non-Contaminated Site Activity pursuant to 62-621.300(2), F.A.C. If any offsite discharges will occur due to construction dewatering activities, then coverage under the aforementioned General Permit may be required and the Permittee is advised to review Rule 62-621.300(2), F.A.C. Before discharge of produced ground water can occur, analytical tests on samples of the proposed discharge water shall be performed to

determine if contamination exists. If the analytical results comply with applicable criteria for use of the General Permit, then a short summary of the proposed activity and copy of the analytical tests shall be sent to the address in Specific Condition No. 1 within one week after discharge begins and the Permittee may proceed with the project while abiding by all conditions of the General Permit.

10. **Archaeological Resources.** The Permittee shall comply with State and federal law with regard to cultural and historical resources and shall coordinate with all involved federal and State agencies. After completion of consultation with the Florida Department of State's Division of Historical Resources, the Permittee shall implement their recommendations throughout construction of the project. Prior to construction, a copy of the letter of recommendations from the Florida Department of State's Division of Historical Resources shall be provided to the Department to the addresses listed in Specific Condition No. 1. 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 Permittee shall immediately stop all activities which disturb the soil and notify the Department and the State Historic Preservation Officer.
11. **Construction Best Management Practices.** During construction the Permittee shall use best management techniques for erosion and sedimentation control. All graded areas shall be stabilized and vegetated immediately after construction to prevent erosion. The Permittee shall take all reasonable precautions to minimize the suspension and transport of soils, levee materials, and roadway materials into waters adjacent to or downstream of the construction site. When working within or immediately adjacent to existing surface waters of the Kissimmee River and its tributaries, turbidity barriers/curtains or other appropriate measures shall be installed and anchored in the riverbed to prevent turbidity from escaping from the areas being dredged or other work areas.
12. **Surface Waters.** All construction work is located in Class III Waters of the State; thus, construction in surface waters shall be conducted in a manner to comply with State Water Quality Standards.
13. **Mixing Zone.** A 150-meter (492 feet) temporary mixing zone for turbidity in the C-38 canal and existing oxbows downstream of the construction work area is hereby authorized in accordance with Rule 62-4.244, F.A.C. The mixing zone is authorized for a period not to exceed the permit expiration date or within two weeks after all construction activities which may result in turbidity are completed, whichever is earlier. A maximum limit of twenty-nine (29) nephelometric turbidity units (NTU) above background for turbidity shall be met within a 150-meter mixing zone in surface waters downstream of the construction work area. Failure to achieve the requirements for turbidity at the 150-meter boundary or boundaries may result in the temporary suspension of construction. Construction shall resume only once requirements for turbidity are met at the 150-meter boundary as listed in Specific Condition No. 14 and corrective actions are taken to prevent exceedances from occurring.

Compliance with the mixing zone criteria shall be measured at least twice daily during construction of activities that may create turbidity and shall be reported in the quarterly reports required by Specific Condition No. 14 of this permit. Notification of any non-compliance event shall be submitted electronically within 24 hours of such event to the address in Specific Condition No. 1.

14. **Turbidity Monitoring During Construction and Maintenance.** Effective means of turbidity control, such as, but not limited to, turbidity curtains shall be employed during all construction or maintenance activities that could result in project-generated turbidity levels beyond the work area that have the potential to be discharged to the receiving water body. Turbidity control measures shall be in accordance with best management practices contained in the approved Erosion Control

Plan, Storm Water Pollution Prevention Plan (SWPP) or Environmental Protection Plan (EPP) referenced in Specific Condition No. 7.

#### **Turbidity Standard**

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

#### **Sampling Protocols**

- b. Sampling and analyses shall be performed as required by Chapter 62-160, F.A.C. (FDEP Standard Operating Procedures (FDEP-SOP), located at <http://www.dep.state.fl.us/water/sas/sop/sops.htm>). Turbidity monitoring equipment and personnel trained to use it shall be available on site at all times during construction or maintenance activities that could result in project-generated turbidity levels beyond the work area that have the potential to be discharged to the receiving water body.
- c. During construction or maintenance activities, the Permittee shall monitor turbidity levels at least twice daily, with samples taken a minimum of once every four hours during all operations, at the following locations:
  1. Background Sample(s): One background sample station, at least 30.5 meters (100 feet) upstream of each construction or maintenance work area, in the adjacent canal or water body, outside any visible plume generated by the construction or maintenance activity; and clearly outside of the influence of construction activities.
  2. Compliance Sample(s): One monitoring station located no greater than 150 meters (492 feet) downstream of the work site and within the densest portion of any visible turbidity plume.
- d. For monitoring purposes, work areas are defined by the turbidity curtains.
- e. If there are multiple work areas where construction is creating a visible turbidity plume, each construction activity shall be monitored separately.

#### **Turbidity Exceedance**

- f. The following measures shall be taken whenever project-generated turbidity levels exceed the standard stated above in any receiving waters:
  - i. Immediately cease all project activities contributing to elevated turbidity;
  - ii. Notify the Department by phone and at [RPPS\\_Comp@dep.state.fl.us](mailto:RPPS_Comp@dep.state.fl.us) within 24 hours;
  - iii. Identify the possible cause of the violation;
  - iv. Modify work procedures that may have contributed to the violation such as installing additional turbidity or erosion protection devices; repairing any non-functional turbidity containment devices, stabilizing exposed soils, and checking calibration of the meter.
  - v. Work shall not resume until the activities can be conducted in compliance with the turbidity standards. Please provide notification to the Department at [RPPS\\_Comp@dep.state.fl.us](mailto:RPPS_Comp@dep.state.fl.us) when compliance is achieved. If compliance is achieved after normal business hours then please notify the Department on the next consecutive business day.



### Monitoring Logs and Reports

- g. Turbidity monitoring results shall be compiled daily and summarized quarterly (every three calendar months) by project component beginning with the first calendar month in which construction or maintenance activities occur that could generate turbidity in receiving waters and continuing until all construction, dredging, stabilization and/or excavation is completed. Monitoring data with supporting documents shall be submitted to the Department quarterly, to the address identified in Specific Condition No. 1 or by email to the [RPPS\\_Comp@dep.state.fl.us](mailto:RPPS_Comp@dep.state.fl.us). If no construction activities occur that could generate turbidity and the project site has been stabilized, during the entire or a specific portion of the quarterly monitoring period, this shall be noted in the report and include information regarding continuation of monitoring.
- h. Daily monitoring logs shall clearly identify the following information:
  - i. Dates and time of sampling and analysis;
  - ii. Name of individual collecting samples;
  - iii. Identification of the specific instrument unit(s) used for sample collection, include brand and model.
  - iv. Measurement value and reporting units;
  - v. Water depth;
  - vi. Depth of sample;
  - vii. Weather conditions;
  - viii. Water level stage in the canal or water body and direction of flow;
  - ix. Clear description of project component activities taking place at the time of sampling that may have contributed to turbidity;
- i. Quarterly reports shall include the following information:
  - i. Project name and current permit number;
  - ii. Summary of construction activities that have taken place (e.g., construction progress meeting minutes, SWPPP Inspection Reports, or other relevant information may be submitted to fulfill this requirement);
  - iii. Statement describing the methods used in collection, handling, storage, and analysis of the samples;
  - iv. Statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, and accuracy of the data;
  - v. Statement regarding sampling results, the net difference between compliance and background results, and whether the turbidity levels are in compliance;
  - vi. Summary of any significant compliance issues and how they were resolved;
  - vii. Statement which explains any gaps in sampling activity (e.g., contractor not onsite, work shut down due to weather conditions);
  - viii. Map indicating the sampling locations and construction activity taken place during the reporting period;
  - ix. Signature and statement of authenticity by a properly trained individual indicating that the instrument meets the outlined specifications and has been calibrated.
- j. If no construction or maintenance activity occurs that could contribute to turbidity generation in receiving waters and the project site(s) are stabilized such that a rain event will not generate turbidity in receiving waters during the entire quarterly monitoring period(s), the Permittee may submit a written statement to the [RPPS\\_Comp@dep.state.fl.us](mailto:RPPS_Comp@dep.state.fl.us) in lieu of a quarterly report.

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15. **Haul Roads and Project Access.** Permittee shall utilize existing local roads, the C-38 canal, and/or the historic Kissimmee River Channel for transporting equipment and materials. This permit does not authorize the construction of temporary or permanent access roads outside the project footprint.
16. **Manatee Conditions for Construction.** During all in-water work, the Permittee shall comply with the standard manatee protection construction conditions listed in the attached 2-page "Standard Manatee Conditions for In-Water Work, 2009" (Exhibit 2).

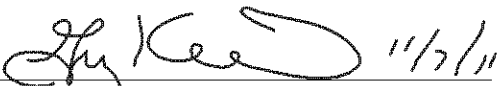
#### REPORTS AND NOTICES

17. **Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R).** The Permittee shall maintain the backfilled area until the project is turned over to the Non-Federal Sponsor of the project as provided in the Project Cooperation Agreement. Routine inspections shall be performed by the Permittee to confirm the restored area's hydraulic connections are functional.
18. **Annual Status Report.** The Permittee shall submit an "Annual Status Report" to the Department detailing the construction activities on an annual basis for projects exceeding one year of construction. If additional reporting modifications are required, the Permittee may request a modification to the annual report submission date and upon approval by the Department, the Permittee may modify the Annual Report submission date to coincide with other reporting requirements and time periods needed for data acquisition and analysis. In addition to the permit number and name of the permit administrator, the Annual Reports shall contain, at a minimum the following information: the project component name, a summary of monitoring results from the work conducted under Specific Conditions 13 and 14, problems encountered during the period covered, actions taken to address problems encountered.

#### RENEWALS AND MODIFICATIONS

19. **Permit Renewal.** At least 60 days prior to the expiration of this permit, the Permittee shall apply for renewal of this permit.
20. **Permit Modifications.** The Permittee shall submit proposed modifications of the KRR - Reach 3 Backfill, Contract 12 to the Department, prior to implementation, for a determination of whether or not a permit modification will be required.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Greg Keech Date

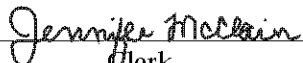
Director  
Office of Ecosystem Projects

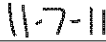
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**FILING AND ACKNOWLEDGMENT**

FILED, on this date, under Section 120.52(7), F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

  
Clerk

  
Date

**ATTACHMENTS:**

Exhibit 1, Project Drawings and Design, 3 pages  
Exhibit 2, Standard Manatee Conditions for In-Water Work, 2009, 2 pgs.

**ELECTRONIC COPIES FURNISHED TO:**

James McAdams, USACE  
Javier Cortes, USACE  
Rebecca Lee-Duffell, USACE  
Tiphonie Jinks, USACE  
David Colangelo, SFWMD  
Jayne Bergstrom, SFWMD  
Heather Tipton, USFWS  
Steve Schubert, USFWS  
ComplianceFWC, FFWCC  
DCPPermits, FDCA  
Ray Eubanks, FDCA  
Michael Hart, FDOS  
Rebecca Elliott, FDACS  
Ron Miedema, USEPA  
Vikki Smith, Okeechobee County Commissioner  
Barbara Stewart, Highlands County Commissioner  
Lauren Engel, FDEP  
Jennifer Stan-Diaz, FDEP  
Ernie Marks, FDEP  
Stacey Feken, FDEP  
Michael Willson, FDEP  
Chad Kennedy, FDEP  
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## EXHIBIT 1

Figure 1. Project boundary and location map of the Reach 3 Backfill section and the Bass Levee.



Permittee: U.S. Army Corps of Engineers  
Project: Kissimmee River Restoration (KRR)  
Phase: Reach 3 Backfill, Contract 12  
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Figure 2. Plan view drawing of the Bass Levee to be degraded and the Backfill in Reach 3 of the C-38 canal.

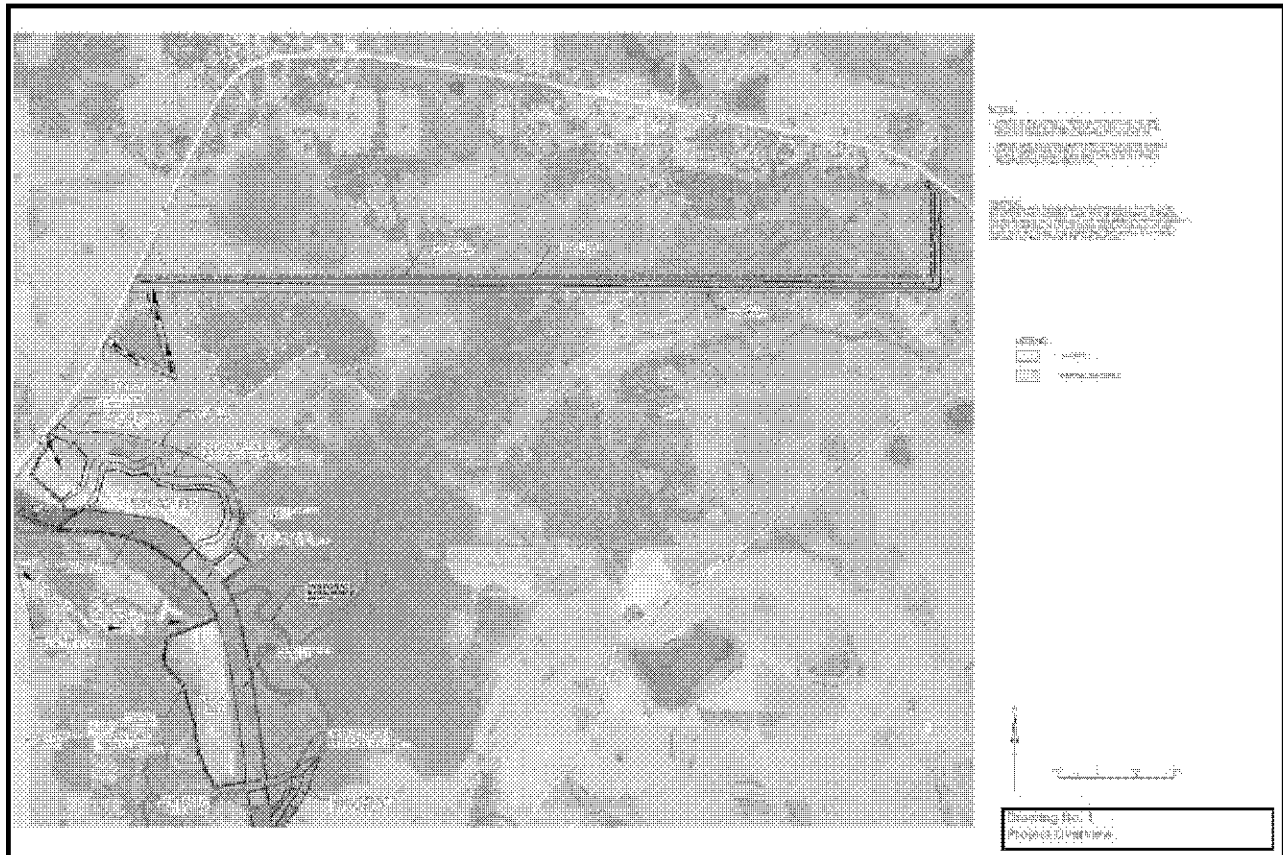
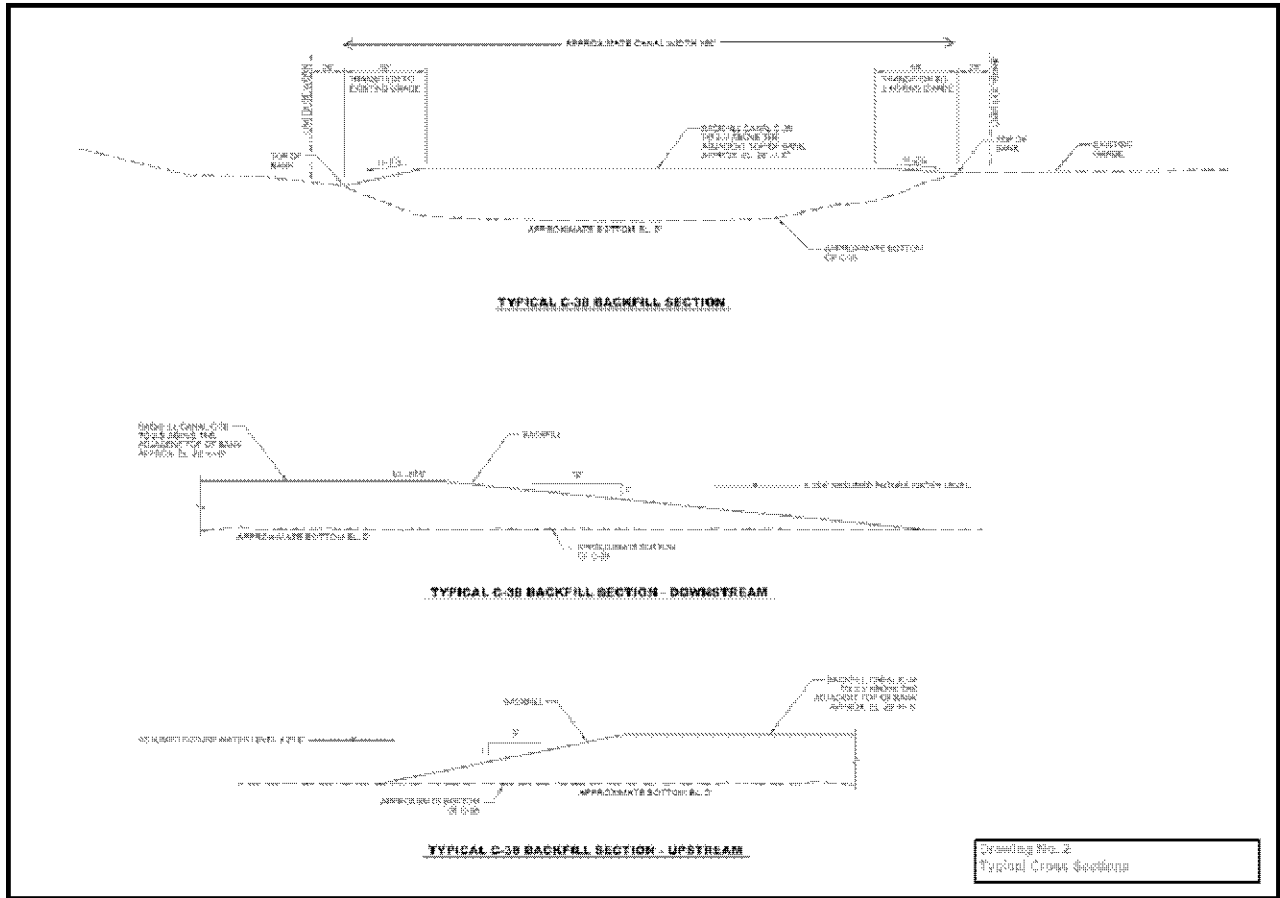


Figure 3. Cross section of the area to be backfilled.



## EXHIBIT 2

### STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

The Permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with an injury to manatees. The Permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).
- 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 have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see [MyFWC.com/manatee](http://MyFWC.com/manatee)). 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 shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

# CAUTION: MANATEE HABITAT

All project vessels

## IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work,  
all in-water activities must

## SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC