



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARJORY STONEMAN DOUGLAS BUILDING  
3900 COMMONWEALTH BOULEVARD  
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT  
GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

## CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

### PERMITTEE:

Eric Summa, Chief  
Environmental Branch  
Jacksonville District  
U.S. Army Corps of Engineers  
701 San Marco Blvd.  
Jacksonville, Florida 32207

### PERMIT INFORMATION:

Permit Number: 0039378-010-JC  
  
Project Name: Manatee County Beach Nourishment  
  
County: Manatee  
  
Issuance Date: August 28, 2013  
  
Expiration Date: August 28, 2028

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### 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 Chapter 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 placement of beach compatible sand along 4.7 miles of shoreline of Anna Maria Island, utilizing an offshore borrow area as a sand source. The beach fill template will have a berm elevation of 4.0 feet North American Vertical Datum 88 (NAVD) and a foreshore construction slope of 1:14 (vertical:horizontal).

### PROJECT LOCATION:

The beach nourishment site is located between DEP Reference Monuments R-12 and R-36, along 4.7 miles of shoreline of Anna Maria Island, in Manatee County, Sections 20, 29, 28, 33, 04 and 09, Township 34 South, Range 16 East, extending into the Gulf of Mexico, Class III Waters. The borrow area is located 0.7 miles offshore, at the northern end of Anna Maria Island, in Manatee County, Section 18, Township 34 South, Range 16 East, in the Gulf of Mexico, Class III Waters.

**PROPRIETARY AUTHORIZATION:**

This activity also requires a proprietary authorization, 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 Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. This proprietary authorization has been reviewed in accordance with Chapter 253, Chapter 18-21 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 one-time use of the new offshore borrow area and the placement of sand on the beach qualify 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 Manatee County, the project's local sponsor, pursuant to Chapter 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:**

This permit constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

**LOCAL SPONSOR AGREEMENT:**

The Department shall enter into a contractual agreement with the local project sponsor, Manatee County, under which Manatee County shall be responsible for conducting post construction monitoring for the protection of nearshore hardbottom, as well as nesting marine turtles, their hatchlings and their habitat. The agreement is enforceable against Manatee County and is independent of this permit.

**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

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(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.

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**GENERAL CONDITIONS:**

1. This permit, including its general and specific conditions, must be construed in light of the February 28, 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 shall not effect 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;

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- 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

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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, F.S.
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. The Permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with Permittee's contractors, the engineer of record and the JCP Compliance Officer (or designated alternate) prior to each construction 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:

JCP Compliance Officer  
e-mail: [JCP.Compliance@dep.state.fl.us](mailto:JCP.Compliance@dep.state.fl.us)

DEP Southwest District Office  
Submerged Lands & Environmental Resources  
13051 N. Telecom Parkway  
Temple Terrace, Florida 33637  
phone: 813-632-7600  
fax: 813-632-7665

Imperiled Species Management Section  
Florida Fish & Wildlife Conservation Commission  
620 South Meridian Street

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Tallahassee, Florida 32399-1600  
phone: (850) 922-4330  
fax: (850) 921-4369 or email: [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com)

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 **agreed-upon** date, time and location of the meeting, and also provide a meeting agenda and a teleconference number.

2. During all dredging operations, the Permittee shall require the dredging contractor to have electronic positioning equipment that continuously measures the vertical and horizontal location of the cutterhead, dragarms, dustpan or clamshell at all times during operations. The horizontal positioning equipment shall be installed on the dredge so as to monitor the actual location of the dredge equipment and be interfaced with the depth monitoring device. This equipment shall provide a permanent record of the equipment's position referenced to State Plane Coordinates and NAVD88. As a part of the final report the Permittee shall provide a daily record of the position of the dredge equipment that includes the dredge area limits with actual and maximum authorized dredge depth referenced to state plane coordinates and NAVD88. Vertical and horizontal accuracy of the positioning equipment shall also be reported.
3. All reports or notices relating to this permit shall be sent to the Department's JCP Compliance Officer (e-mail address: [JCP.Compliance@dep.state.fl.us](mailto:JCP.Compliance@dep.state.fl.us)), unless otherwise specified in the specific conditions.
4. 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 seagrass (or other aquatic vegetation) beds or wetlands is prohibited unless within a work area or ingress/egress corridor specifically approved by this permit. Anchoring or spudding of vessels and barges within beds of aquatic vegetation or over hardbottom areas is also prohibited.
5. 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 staging, beach access and dune restoration areas designated in the permit drawings.
6. In the event that the Manatee County, 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 U. S. Fish and Wildlife Service (FWS) Biological Opinion and the local sponsor agreement for this project.

**The following conditions are required to minimize impacts to marine turtles:**

7. ***Manatee, Marine Turtle, and Shorebird Protection Conditions.*** During all construction authorized by this permit, and based on the authorization of incidental take by the National Marine Fisheries Service (NMFS) and the FWS, in accordance with Chapters 161.041 (5) and 379.2431 (1), F.S., the Permittee shall comply with the following conditions intended to protect manatees, marine turtles and shorebirds 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 and for killing marine turtles, which are protected under the Endangered Species Act and the Florida Marine Turtle Protection 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 shall follow routes of deep water whenever possible.
  - c. Siltation or turbidity barriers, if used, 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](mailto:ImperiledSpecies@myFWC.com). Collision and/or injury should also be reported to the FWS in Jacksonville 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 – Watch for Manatees* 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. Signs already approved by the FWC can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

- g. All personnel associated with the project shall be instructed about the potential presence of nesting shorebirds and the need to avoid Take of (including disturbance to) these protected species.
- h. All vehicles shall be operated in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you-conserve/wildlife/beach-driving/>). Specifically, the vehicle must be operated at a speed <6 mph and run at or below the high-tide line.

**Fish and Wildlife Protection Conditions for Dredging Activities:**

- 8. **Hopper Dredging.** In the event a hopper dredge is utilized, the following requirements shall be met in addition to the Terms and Conditions of the applicable NMFS Regional Biological Opinion for Hopper Dredging (Gulf of Mexico):
  - a. Handling of captured sea turtles or sea turtle shall be conducted only by persons with prior experience and training in these activities and who are duly authorized to conduct such activities through a valid Marine Turtle Permit issued by the FWC, pursuant to Chapter 68E-1, F.A.C.
  - b. 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. A state-of-the-art rigid deflector draghead shall 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 [Allen.Foley@myfwc.com](mailto:Allen.Foley@myfwc.com) at the start-up and completion of hopper dredging operations. In the event of capturing or recovering sea turtles or sea turtle parts, the STSSN should be contacted at [SeaTurtleStranding@myfwc.com](mailto:SeaTurtleStranding@myfwc.com)
  - 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. The Permittee or their contractor shall e-mail ([MTP@MyFWC.com](mailto:MTP@MyFWC.com)) weekly reports to the Imperiled Species Management section on Friday each week that trawling is conducted in Florida waters. These weekly reports shall include: the species and number of turtles captured in Florida waters, general health, and release information. A summary (FWC provided Excel 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](mailto:MTP@myfwc.com) by January 15 of the following year or at the end of the project.

**Fish and Wildlife Protection Conditions for Nearshore and Beach Placement of Dredge Material:**

9. ***Beach Maintenance.*** All derelict concrete, metal, and coastal armoring material and other debris shall be removed from the beach to the maximum extent practicable prior to any material placement. If debris removal activities will take place during shorebird breeding or sea turtle nesting seasons, the work shall be conducted during daylight hours only and shall not commence until completion of daily seabird, shorebird or sea turtle surveys each day. All excavations and temporary alterations of the beach topography shall be filled or leveled to the natural beach profile prior to 9 p.m. each day unless otherwise authorized.
10. ***Pre-Construction Meeting.*** A meeting between representatives of the contractor, the FWS, the FWC, the permitted sea turtle surveyor and Bird Monitors, as appropriate, shall be held prior to commencement of work on projects. At least 10-business days advance notice must be provided prior to conducting this meeting. The meeting will provide an opportunity for explanation and/or clarification of the protection measures as well as additional guidelines when construction occurs during nesting season, such as staging equipment and reporting within the work area, as well as follow up meetings during construction.
11. ***Nesting Seabird and Shorebird Protection Conditions.*** Nesting seabird and shorebird (collectively referred to as shorebird) surveys shall be conducted by trained, dedicated individuals (Bird Monitor) with proven shorebird identification skills and avian survey experience. A list of candidate Bird Monitors shall be provided to FWC, along with their contact information, summary of qualifications, including bird identification skills, and avian survey experience. This information shall be submitted to the FWC regional biologist (contact information attached) prior to any construction or hiring for shorebird

surveys for revision and consultation. Bird Monitors shall use the following survey protocols:

- a. Bird Monitors shall review and become familiar with the general information, employ the data collection protocol, and implement data entry procedures outlined on the FWC's Florida Shorebird Database (FSD) website ([www.FLShorebirdDatabase.org](http://www.FLShorebirdDatabase.org)). An outline of data to be collected, including downloadable field data sheets, is available on the website.
- b. Breeding season varies by species. Most species have completed the breeding cycle by September 1, but flightless young may be present through September. The following breeding season date range is based on the best available information regarding ranges and habitat use by species:

All Gulf Coast counties: February 15 – September 1

Breeding season surveys shall begin on the first day of the breeding season, 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 through August 31<sup>st</sup>, or until all breeding activity has concluded, whichever is later.

- c. Breeding season surveys shall be conducted in all potential beach-nesting bird habitats within the project boundaries that may be impacted by construction or pre-construction activities. Portions of the project in which there is no potential for project-related activity during the nesting season may be excluded. One or more shorebird survey routes shall be established in the FSD website to cover these areas.
- d. During the pre-construction and construction phases of the project, surveys for detecting breeding activity and the presence of flightless chicks shall be completed on a daily basis prior to movement of equipment, operation of vehicles, or other activities that could potentially disrupt breeding behavior or cause harm to the birds or their eggs or young.
- e. Surveys shall be conducted by walking the length of the project area and visually surveying for the presence of shorebirds exhibiting breeding behavior, shorebird/seabird chicks, or shorebird/seabird juveniles as outlined in the FSD *Breeding Bird Protocol for Shorebirds and Seabirds*. Use of binoculars is required.
  - i. If an all-terrain vehicle or other vehicle is needed to cover large project areas, operators shall adhere to the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you->

[conserve/wildlife/beach-driving/](#) ). Specifically, the vehicle must be operated at a speed <6 mph and run at or below the high-tide line. The Bird Monitor shall stop at no greater than 200 meter intervals to visually inspect for breeding activity.

- f. Once breeding is confirmed by the presence of a scrape, eggs, or young, the Bird Monitor shall notify the FWC Regional Species Conservation Biologist (contact information attached) within 24 hours. All breeding activity shall be reported to the FSD website within one week of data collection.
12. ***Seabird and Shorebird Buffer Zones and Travel Corridors.*** Within the project area, the Permittee shall establish a disturbance-free buffer zone around any location where shorebirds have been engaged in breeding behavior, including territory defense. A 300 foot-wide buffer is considered adequate based on published studies. However, a smaller, site-specific buffer may be implemented upon approval by the FWC Regional Species Conservation Biologist (contact information attached) as needed. All sources of human disturbance (including pedestrians, pets, and vehicles) shall be prohibited in the buffer zone.
- a. The Bird Monitor shall keep breeding 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 a sufficient size to protect breeding birds.
  - b. Reasonable and traditional pedestrian access should not be blocked where breeding birds will tolerate pedestrian 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 traffic may also be tolerated when breeding was initiated within 300 feet of an established beach access pathway. The Permittee shall work with the FWC Regional Species Conservation Biologist to determine if pedestrian access can be accommodated without compromising nesting success.
  - c. Designated buffer zones shall be marked with posts, twine and signs stating “Do Not Enter, Important Nesting Area” or similar language around the perimeter that includes the name and a phone number of the entity responsible for posting. Posts should not exceed 3 feet in height once installed. 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 pedestrians. If pedestrian pathways are approved by the FWC Regional Species Conservation Biologist within the 300-foot buffer zone, these should be clearly marked. The posting shall be maintained in good repair until breeding is completed or terminated. Although solitary nesters may leave the buffer zone with their chicks, the posted area continues to

provide a potential refuge for the family until breeding is complete. Breeding is not considered to be completed until all chicks have fledged.

- d. No construction activities, pedestrians, 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 so as not to cause disturbance to breeding birds. Heavy equipment, other vehicles, or pedestrians may transit past breeding areas in these corridors. However, other activities such as stopping or turning shall be prohibited within the designated travel corridors adjacent to the breeding site. When flightless chicks are present within or adjacent to travel corridors, movement of vehicles shall be accompanied by the Bird Monitor who shall ensure no chicks are in the path of the moving vehicle and no tracks capable of trapping flightless chicks result.
13. To discourage nesting within the travel corridor, it is recommended that the Permittee should maintain some activity within these corridors on a daily basis, without disturbing any nesting shorebirds documented on site or interfering with sea turtle nesting, especially when those corridors are established prior to commencement of construction.
  14. **Notification.** If shorebird breeding occurs within the project area, a bulletin board shall be placed and maintained in the construction staging area with the location map of the construction site showing the bird breeding areas and a warning, clearly visible, stating that “NESTING BIRDS ARE PROTECTED BY LAW INCLUDING THE FLORIDA ENDANGERED AND THREATENED SPECIES ACT AND THE STATE and FEDERAL MIGRATORY BIRD ACTS”.
  15. **Marine Turtle Nest Surveys and Relocation.** Sand placement may occur during the marine turtle nesting season, May 1 through October 31, provided the following marine turtle protection conditions are met, except where such work is prohibited by the managing agency or under applicable local land use codes.
  16. For sand placement projects that occur during the period from May 1 through October 31, daily early morning (before 9 a.m.) surveys shall be conducted, and marine turtle eggs shall be relocated per the requirements below (a. to c.)(*Note: sea turtle monitors shall not enter posted shorebird buffer areas to conduct monitoring or to relocate nests.*).

Marine turtle nesting surveys shall be initiated 65 days prior to sand placement activities or by April 15, whichever is later, shall continue through September 30 or the end of the project, whichever is earlier, and shall comply with the following requirements:

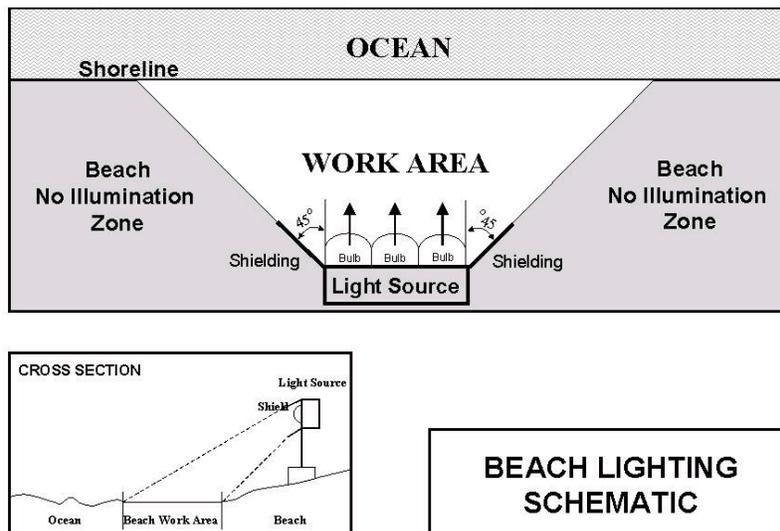
- a. Nesting surveys and nest marking shall only be conducted by persons with prior experience and training in these activities and who are authorized to conduct such activities through a valid permit issued by FWC, pursuant to Chapter 68E-1,

F.A.C. Please contact FWC's Marine Turtle Management Program in Tequesta at [MTP@myfwc.com](mailto:MTP@myfwc.com) for information on the permit holder in the project area. Nesting surveys shall be conducted daily between sunrise and 9 a.m. (this is for all time zones). The contractor shall not initiate work until daily notice has been received from the marine turtle permit holder that the morning survey has been completed. Surveys shall be performed in such a manner so as to ensure that construction activity does not occur in any location prior to completion of the necessary marine turtle protection measures.

- 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 that are 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.
17. ***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 Permittee shall be responsible for notifying STSSN at [SeaTurtleStranding@myfwc.com](mailto:SeaTurtleStranding@myfwc.com). Care shall be taken in handling injured sea turtles or 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 sea 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.
  18. ***Equipment Storage and Placement.*** 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 dune shall be no

farther seaward than 5 to 10 feet away from the toe of the dune. Temporary storage of pipes shall be off the beach to the maximum extent possible. If it is necessary to extend construction pipes past a known shorebird nesting site or over-wintering area for piping plovers, then whenever possible those pipes shall be placed landward of the site before birds are active in that area. No pipe or sand shall be placed seaward of a shorebird nesting site during the shorebird nesting season.

19. **Project Lighting.** Direct lighting of the beach and nearshore waters shall be limited to the immediate construction area during the sea 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**).



20. **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, the Permittee may submit a request for an alternate distance to FWC, and FWC shall decide if that distance is acceptable during the pre-construction meeting. Once the beach has been cleared and

the necessary nest relocations have been completed, the contractor shall be allowed to proceed with the placement of fill during daylight hours until dusk, at which time the 500-foot length limitation shall apply.

21. ***Compaction Sampling.*** Sand compaction shall be monitored in the area of sand placement immediately after completion of the project and prior to April 15<sup>th</sup> for three (3) subsequent years. Compaction shall be monitored in accordance with a protocol agreed to by the FWS, FWC and the Permittee. The requirement for compaction monitoring can be eliminated if the decision is made to till regardless of post-construction compaction levels. Out-year compaction monitoring and remediation are not required if placed material no longer remains on the beach.

At a minimum, the protocol provided below shall be followed. 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. 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 shall be required to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling shall not be required.

- 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 at each depth (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. No compaction sampling shall occur within 300 feet of any shorebird nest.
- d. Any vehicles operated on the beach in association with compaction surveys shall operate in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you-protect/conservation/wildlife/beach-driving/>).

22. ***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 the marine turtle nesting season. If tilling occurs during shorebird nesting season (See Specific Condition 11.b., above), shorebird surveys prior to tilling shall be required per the shorebird conditions included within this document. It is the responsibility of the contractors to avoid tilling, scarp removal, or dune vegetation planting in areas where nesting birds are present. 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 shall 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](mailto:marineturtle@myfwc.com) prior to any tilling actions being taken.
- a. No tilling shall occur within 300 feet of any shorebird nest.
  - b. If flightless shorebird 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.
  - d. Tilling shall occur landward of the wrack line and avoid all vegetated areas 3 square feet or greater, with a 3-foot buffer around the vegetated areas. The slope between the mean high water line and the mean low water line must be maintained in such a manner as to approximate natural slopes.
  - e. Any vehicles operated on the beach in association with tilling shall operate in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you- conserve/wildlife/beach-driving/>).
23. ***Escarpment Surveys.*** Visual surveys for escarpments along the project area shall be made immediately after completion of the sand placement project, weekly during sea turtle nesting season, and during March 15 to April 15, for three (3) subsequent years if sand from the project still remains on the beach. Weekly reports shall be submitted by Friday each week to [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com).

Escarpments 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 to FWC by location. If the project is completed during the sea turtle nesting and hatching season, FWC may require the Permittee to level escarpments immediately, while

protecting nests that have been relocated or left in place. If, during the nesting and hatching season, there is any subsequent reformation of escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet, the Permittee shall immediately contact FWC 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 shall 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](mailto:marineturtle@myfwc.com) along with the annual summary as described below. If escarpment removal occurs during shorebird breeding season (See Specific Condition 11.b.), shorebirds surveys shall be required prior to escarpment removal per the shorebird conditions included within this document. (NOTE: Out-year escarpment monitoring and remediation are not required if placed material no longer remains on the dry beach.)

- a. No heavy equipment shall operate within 300 feet of any shorebird nest.
  - b. If flightless shorebird 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. Any vehicles operated on the beach in association with escarpment surveys or removal shall operate in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you-protect/conservation/wildlife/beach-driving/>).
24. All Terms and Conditions in the FWS Programmatic Piping Plover Biological Opinion, dated May 22, 2013, shall be met as required in that document.

**Post-construction Shorebird Protection Conditions:**

25. If beach cleaning will occur on the nourished beach, a minimum of 30% of the biotic material within the wrack line shall be left on the beach post-cleaning at the strand line in a natural configuration to ensure that the nourished beach re-establishes its function as foraging habitat for shorebirds. This shall occur for as long as the placed sand remains on the beach.

**Post-construction Monitoring and Reporting Marine Turtle Protection Conditions:**

26. For each nourishment event, reports on all marine turtle nesting activity shall be provided for the initial marine turtle nesting (*May 1 through September 15*) and hatching (*through October 31*) season and for up to three additional nesting seasons as follows:
- a. For the initial nesting season and the following year, the number and type of emergences (nests or false crawls) shall be reported per species in accordance

with the **Table below**. An additional year of nesting surveys may be required if nesting success for any species on the nourished beach is less than 40%.

- 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 all sea turtle nests if possible. Otherwise a statistically significant number of nests for each species shall be reported.
- c. In the event that the reproductive success documented by species meets or exceeds required criteria (outlined in the **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 in the seasons 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, applicable project permit numbers and dates of construction.

Data shall be reported for the nourished areas in accordance with the **Table below** and shall 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](mailto:MTP@myfwc.com). All summaries shall be submitted by January 15 of the following year. The FWC Excel spreadsheet is available upon request from [MTP@myfwc.com](mailto:MTP@myfwc.com).

Table. Marine Turtle Monitoring:

Metric	Duration	Variable	Criterion
Nesting Success	Year of construction, one year to two or three years post construction if placed sand remains on beach and variable does not meet criterion based on previous year	Number of nests and non-nesting emergences by day by species	40% or greater
Hatching Success	Year of construction and one to three years post construction if placed sand remains on beach and variable does not meet criterion based on previous year	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 and one to three years post construction if placed sand	Number of hatchlings by species to emerge	Average must not be significantly

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	remains on beach and variable does not meet success criterion based on previous year	from nest onto beach	different than the average hatching success
Disorientation	Year of construction and one to three years post construction if placed sand remains on beach	Number of nests and individuals that misorient or disorient	
Lighting Surveys	Two surveys the year of construction, both immediately prior to and after construction	Number, types, locations, and custodians of artificial light sources that emit light visible from the beach	
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

27. The Contractor shall use the approved sea turtle sub-contractor to perform the two lighting surveys. A nighttime survey shall be conducted of all lighting visible from the beach placement area by the Contractor, using standard techniques for such a survey, both immediately prior to and after construction. During the nighttime lighting surveys, a surveyor shall walk the length of the beach placement area looking for light from artificial sources. During the nighttime lighting surveys, a complete census shall be made of the number, types, locations, and custodians of artificial light sources that emit light visible from the beach. Because problem lighting will be most visible on the darkest nights, lighting inspections are to be conducted when there is no moon visible. Descriptions of light sources identified during the survey should be detailed enough so that anyone can locate the lighting. In addition to a general description of each luminaire (e.g., HPS floodlight directed seaward at top northeast corner of the building at 123 Ocean Street), photographs or sketches of the lighting may be necessary. Descriptions should also include an assessment of how the specific lighting problem can be resolved (e.g., needs turning off; should be redirected 90° to the east, etc.). A summary report of the survey shall be submitted to the Corps' Contracting Officer.
28. Sediment quality shall be assessed as outlined in the Sediment Quality Assurance/Quality Control (QA/QC) plan (approved on July 19, 2013). Any occurrences of placement of material not in compliance with the Plan shall be handled according to the protocols set forth in the Sediment QA/QC plan. The sediment testing result shall be submitted to the

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JCP Compliance Officer within 90 days following the completion of beach construction. The Sediment QA/QC plan includes the following:

- a. If during construction, the Permittee or Engineer determines that the beach fill material does not comply with the sediment compliance specifications, measures shall be taken to avoid further placement of noncompliant fill, and the sediment inspection results shall be reported to the JCP Compliance Officer.
  - b. The Permittee shall submit post-construction sediment testing results and an analysis report as outlined in the Sediment QA/QC plan to the JCP Compliance Officer within 90 days following beach construction. A summary table of the sediment samples and test results for the sediment compliance parameters, as outlined in Table 1 of the Sediment QA/QC plan, shall accompany the complete set of laboratory testing results. A statement of how the placed fill material compares to the sediment analysis and volume calculations from the geotechnical investigation shall be included in the sediment testing results report.
  - c. A post-remediation report containing the site map, sediment analysis, and volume of noncompliant fill material removed and replaced shall be submitted to the JCP Compliance Officer within 7 days following completion of remediation activities.
  - d. Adherence to the maximum large shell content (material retained on the  $\frac{3}{4}$  inch sieve) and carbonate content, as specified in the approved Plan, are **not** a condition of the permit. The fill material shall adhere to the requirements contained in Rule 62B-41.007(2)(j), F.A.C., for these sediment parameters.
29. Construction at the project site shall be monitored closely to assure that turbidity levels do not exceed the compliance standards established in this permit. Accordingly, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when fill material is discharged on the beach. This individual shall serve as site supervisor and shall have authority to alter construction techniques or shut down the dredging or beach construction operations if turbidity levels exceed the compliance standards established in this permit. The names and qualifications of those individuals performing these functions, along with 24-hour contact information, shall be submitted for approval to the JCP Compliance Officer in Tallahassee, with a copy to the Department's Southwest District Office. Any individual who performs this function shall be approved by the Department before beginning to serve in this capacity.
30. ***Water Quality Monitoring.***

Parameter: Turbidity - Nephelometric Turbidity Units (NTUs)

Frequency: Three (3) times per day, at least 4 hours apart, during all dredging and filling operations. Sampling shall be conducted **while the highest**

**project-related turbidity levels are crossing the edge of the mixing zone.** Since turbidity levels can be related to pumping rates, the dredge pumping rates shall be recorded, and provided to the Department upon request. If pumping rates are highest at night, then night-time turbidity monitoring would be required. The compliance samples and the corresponding background samples shall be collected at approximately the same time, i.e., one shall immediately follow the other.

**Location:** Background: At surface, mid-depth, and (for sites with depths greater than 25 feet) 2 meters above the bottom, clearly outside the influence of any artificially generated turbidity plume or the influence of an outgoing inlet plume.

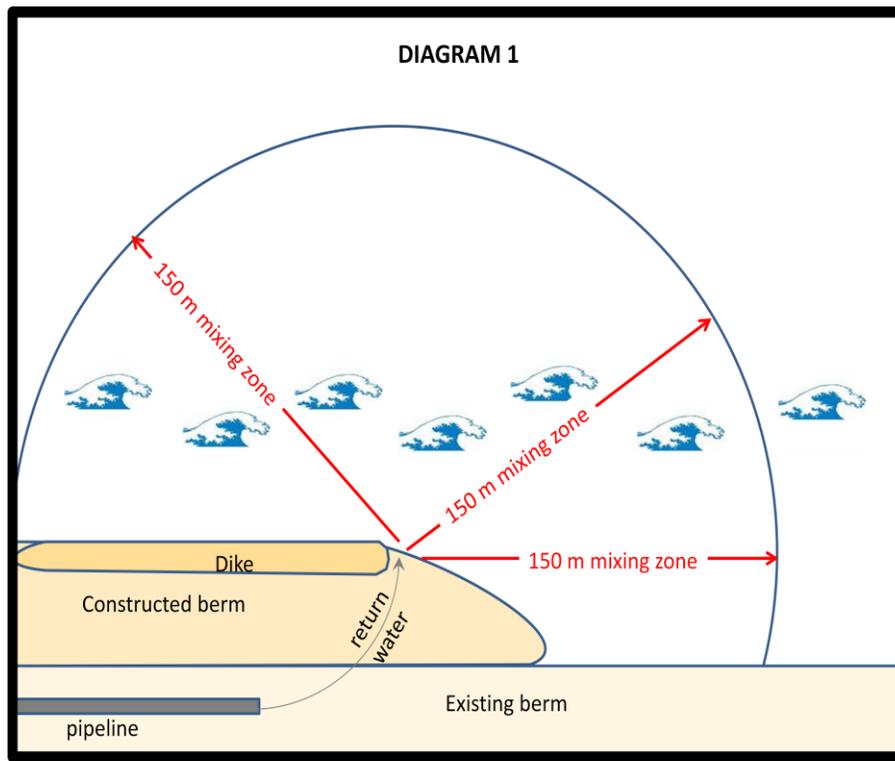
Borrow Site: Samples shall be collected at least 300 meters up-current from the source of turbidity at the dredge site.

Beach Site: Samples shall be collected at least 500 meters up-current from any portion of the beach that has been, or is being, filled during the current construction event, at the same distance offshore as the associated compliance sample.

**Compliance:** At surface, mid-depth, and (for sites with depths greater than 25 feet) 2 meters above the bottom, within the densest portion of any visible turbidity plume generated by this project. If no plume is visible, follow the likely direction of flow.

Borrow Site: Samples shall be collected 150 meters down-current from the source of turbidity at the dredge, which may include the cutterhead or hopper dredge overflow.

Beach Site: Samples shall be collected 150 meters down-current from the point where the return water from the dredged discharge reenters the Gulf of Mexico. *Note: If the plume flows parallel to the shoreline, the densest portion of the plume may cross the edge of the mixing zone at a distance less than less than 150 meters offshore. In that case, it may be necessary to access the sampling location from the shore, in water that is too shallow for a boat. See Diagram 1.*



Calibration: The instruments used to measure turbidity shall be fully calibrated with primary standards within one month of the commencement of the project, and at least once a month throughout the project. Calibration with secondary standards shall be verified each morning prior to use, after each time the instrument is turned on, and after field sampling using two secondary turbidity “standards” that bracket the anticipated turbidity samples. If the post-sampling calibration value deviates more than 8% from the previous calibration value, results shall be reported as estimated and a description of the problem shall be included in the field notes.

Analysis of turbidity samples shall be performed in compliance with the Department’s standard operating procedure (SOP) DEP-SOP-001/01 FT 1600 Field Measurement of Turbidity. A link to the SOP is below:

<http://publicfiles.dep.state.fl.us/dear/sas/sopdoc/2008sops/ft1600.pdf>

If the turbidity monitoring protocol specified above prevents the collection of accurate data, the person in charge of the turbidity monitoring shall contact the JCP Compliance Officer to establish a more appropriate protocol. Once approved in writing by the Department, the new protocol shall be attached to the permit and shall be implemented without the need for a formal permit modification.

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31. The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals turbidity levels at the compliance sites that are greater than 29 NTUs above the corresponding background turbidity 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 via email at [JCPCompliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us) and include in the subject line, "TURBIDITY EXCEEDANCE", along with the Project Name and Permit Number. Also notify the Department's Southwest District office.

Any project-associated turbidity source other than dredging or fill placement for beach nourishment (e.g., scow or pipeline leakage) shall be monitored as close to the source as possible. If the turbidity level exceeds 29 NTUs above background, the construction activities related to the exceedance shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. This turbidity monitoring shall continue every hour until background turbidity levels are restored 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".

When reporting a turbidity exceedance, the following information shall also be included:

- a. the Project Name;
- b. the Permit Number;
- c. location and level (NTUs above background) of the turbidity exceedance;
- d. the time and date that the exceedance occurred; and
- e. the time and date that construction ceased.

Prior to re-commencing the construction, a report shall be emailed to the Department with the same information that was included in the "Exceedance Report", plus the following information:

- a. turbidity monitoring data collected during the shutdown documenting the decline in turbidity levels and achievement of acceptable levels;
- b. corrective measures that were taken; and

- c. cause of the exceedance.
32. Turbidity Reports. All turbidity monitoring data shall be submitted within one week of analysis. The data shall be presented in tabular format, indicating the measured turbidity levels at the compliance sites for each depth, the corresponding background levels at each depth and the number of NTUs over background at each depth. Any exceedances of the turbidity standard (29 NTUs above background) shall be highlighted in the table. In addition to the raw and processed data, the reports shall also contain the following information:
- a. time of day samples were taken;
  - b. dates of sampling and analysis;
  - c. GPS location of sample;
  - d. depth of water body;
  - e. depth of each sample;
  - f. antecedent weather conditions, including wind direction and velocity;
  - g. tidal stage and direction of flow;
  - h. water temperature;
  - i. a map, overlaid on an aerial photograph, indicating the sampling locations, dredging and discharge locations, and direction of flow;
  - j. a statement describing the methods used in collection, handling, storage and analysis of the samples;
  - k. a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, calibration of the meter, accuracy of the turbidity data and precision of the GPS measurements;
  - l. When samples cannot be collected, include an explanation in the report. If unable to collect samples due to severe weather conditions, include a copy of a current report from a reliable, independent source, such as an online weather service.

Monitoring reports shall be submitted by email to the JCP Compliance Officer. In the subject line of the reports, on the cover page to the submittal and at the top of each page, include the Project Name, Permit Number and the dates of the monitoring interval.

Failure to submit reports in a timely manner constitutes grounds for revocation of the permit.

33. ***Hardbottom Monitoring.*** The nearshore hardbottom adjacent to this project shall be monitored for possible secondary impacts. Prior to the second nourishment event that is authorized by this permit, a baseline hardbottom survey shall be conducted by divers according to Department-approved protocol. The Survey shall cover all hardbottom within 300 meters seaward of the equilibrium toe of fill (ETOF) as well as 300 meters updrift and downdrift of the project. Thereafter, monitoring shall be conducted for 3 years after each nourishment event, and shall be compared to the baseline survey to identify any secondary impacts to hardbottom. Prior to implementation of the monitoring, the Permittee shall develop a Monitoring Plan and shall submit it to the Department for approval.
34. This permit does not authorize any secondary impacts to hardbottom. If the hardbottom monitoring identifies any secondary impacts from this project, the Permittee would be responsible for offsetting those impacts.
35. ***Physical Monitoring.*** Pursuant to Chapter 62B-41.005(16), F.A.C., physical monitoring of the project shall be required through acquisition of project-specific data to include, at a minimum, topographic and bathymetric surveys of the beach, offshore, and borrow site areas, and engineering analysis. The monitoring data are necessary in order for both the project sponsor and the Department to regularly observe and assess, with quantitative measurements, the performance of the project, any adverse effects that have occurred, and the need for any adjustments, modifications, or mitigative response to the project. The scientific monitoring process also provides the project sponsor and the Department with information necessary to plan, design and optimize subsequent follow-up projects, potentially reducing the need for and costs of unnecessary work, as well as potentially reducing any environmental impacts that may have occurred or would be expected.

**Prior to construction, the Permittee shall submit an acceptable Monitoring Plan subject to review by the Department.** The Monitoring Plan shall include project drawings that depict the survey profiles and survey grid lines for the beach-offshore profiles on Anna Maria Island and for the bathymetric survey of the entire shoal complex at the north end of Anna Maria Island.

The Monitoring Plan can be revised at any later time by written request of the Permittee and with the written approval of the Department. If, subsequent to approval of the Monitoring Plan, there is a request for modification of the permit, the Department may require revised or additional monitoring requirements as a condition of approval of the permit modification.

An acceptable plan shall generally contain the following items:

- a. Topographic and bathymetric profile surveys of the beach and offshore shall be conducted within 90 days prior to commencement of construction, and within 60 days following completion of construction of the project. Thereafter, monitoring surveys shall be conducted annually for a period of three (3) years; then biennially until the next beach nourishment event or the expiration of the project design life, whichever occurs first. The monitoring surveys shall be conducted during a spring or summer month and repeated as close as practicable during that same month of the year. If the time period between the immediate post-construction survey and the first annual monitoring survey is less than six months, then the Permittee may request a postponement of the first monitoring survey until the following spring/summer. A postponement request should be submitted as part of the cover letter for the post-construction report. A prior design survey of the beach and offshore may be submitted for the pre-construction survey if consistent with the other requirements of this condition.

The monitoring area shall include profile surveys at each of the Department reference monuments within the bounds of the beach fill area and along at least 5,000 feet of the adjacent shoreline, on both sides of the beach fill area (R-1 to R-41, inclusive). For those project areas that contain erosion control structures, such as groins or breakwaters, additional profile lines shall be surveyed at a sufficient number of intermediate locations to accurately identify patterns of erosion and accretion within this subarea (R-33 to R-41, inclusive). All work activities and deliverables shall be conducted in accordance with the latest update of the Beaches, Inlets and Ports Program (BIPP) *Monitoring Standards for Beach Erosion Control Projects, Sections 01000 and 01100*.

- b. Bathymetric surveys of the borrow area(s) shall be conducted within 90 days prior to commencement of construction, and within 60 days following completion of construction of the project concurrently with the beach and offshore surveys required above. Borrow sites located in tidal inlet shoals or in nearshore waters, above the depth of closure for littoral transport processes, shall be surveyed at two (2) year intervals concurrently with the beach and offshore surveys required above (i.e., one-year post-construction, three-year post-construction, five-year post-construction, etc.). A prior design survey of the borrow area may be submitted for the pre-construction survey, if consistent with the other requirements of this condition.

Survey grid lines across the borrow area(s) shall be spaced to provide sufficient detail for accurate volumetric calculations but spaced not more than a maximum of 500 feet apart, and shall extend a minimum of 500 feet beyond the boundaries of the borrow site. For borrow sites located in tidal inlet shoals, bathymetric surveys of the entire shoal complex, including any attachment bars, shall be conducted unless otherwise specified by the Department based upon the size of

the shoal and the potential effects of the dredging on inlet processes. In all other aspects, work activities and deliverables shall be consistent with the BIPP *Monitoring Standards for Beach Erosion Control Projects, Section 01200.*

- c. The Permittee shall submit an engineering report and the monitoring data to the JCP Compliance Officer within 90 days following completion of the post-construction survey and each annual or biennial monitoring survey.

The report shall summarize and discuss the data, the performance of the beach fill project, and identify erosion and accretion patterns within the monitored area. In addition, the report shall include a comparative review of project performance to performance expectations and identification of adverse impacts attributable to the project. The report shall specifically state the percentage of volume remaining and the project berm width or shoreline width remaining. Indicate the volume remaining both above and below the mean high water line.

Appendices shall include plots of survey profiles and graphical representations of volumetric and shoreline position changes for the monitoring area. Results shall be analyzed for patterns, trends, or changes between annual surveys and cumulatively since project construction.

- d. One electronic copy of the monitoring report and one electronic copy of the survey data shall be submitted to the JCP Compliance Officer in Tallahassee. Failure to submit reports and data in a timely manner constitutes grounds for revocation of the permit. When submitting any monitoring information, please include a transmittal cover letter clearly labeled with the following at the top of each page: **"This monitoring information is submitted in accordance with Item No. [XX] of the approved Monitoring Plan for Permit No. [XX] for the monitoring period [XX]."**
36. ***Cultural Resources.*** If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoe remains, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project area, the permitted project should **cease all activities** involving subsurface disturbance in the immediate vicinity of such discoveries. The Permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, and the JCP Compliance Officer if cultural resources are encountered. Project activities shall not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, **all work shall stop** immediately, and the proper authorities shall be notified in accordance with Section 872.05, F.S.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Martin K. Seeling, Administrator  
Beaches, Inlets & Ports Program

**FILING AND ACKNOWLEDGMENT**

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

8/28/13

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Deputy Clerk

Date

Prepared by: Liz Yongue.

Attachments: Approved Permit Drawings (30 pages)  
QA/QC Plan (approved on July 19, 2013)  
FWC Regional Species Conservation Biologist Contact Information

