



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

JOINT COASTAL PERMIT AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS

PERMITTEE/AUTHORIZED ENTITY:

U.S. Army Corps of Engineers
c/o Mr. Richard E. Bonner, P.E.
P.O. Box 4970
Jacksonville, Florida
32232-0019

Permit/Authorization No. 0220509-001-JC
Date of Issue: April 22, 2005
Expiration Date: April 22, 2015 (10 year)
County: Broward
Project: Port Everglades Maintenance Dredging

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

ACTIVITY DESCRIPTION:

The project is to maintenance dredge the Port Everglades entrance channel, turning basins, and Pier 7 channel. The project depth (including 2 feet of allowable overdredge) is 49 feet for the outer channel, 46 feet for the inner channel, 33 feet for the north and south turning basins, 39 feet for the NW corner of the south turning basin, 38 feet for the SW corner of the south turning basin, and 40 feet for the Pier 7 channel. This would entail dredging approximately 100,000 cubic yards of material at 3 year intervals or as needed to restore the authorized depths. The inner harbor dredged material may be deposited in the EPA-approved Ocean Dredged Material Disposal Site. Beach-quality sand may be placed within the design template for the Broward County Beach Nourishment Project - Segment III during the life of Permit No. 0163435-001-JC or any subsequent Joint Coastal Permit for that nourishment project at John U. Lloyd Beach State Park (JUL).

Bypassing of beach-quality sand to JUL will remain the first disposal option for the U.S. Army Corps of Engineers (ACOE), pursuant to the State's inlet management plan. However, the ACOE may also redistribute material within the channel if the nourishment template has insufficient capacity, or if the volume of material in the inlet shoal is too low to make a bypassing event financially feasible. Redistribution of material in the channel is limited to placement within the designated *In-Channel Placement Area*, below the 49-foot project depth. The ACOE will provide further details of quantities and technique if this option is proposed.

ACTIVITY LOCATION:

The dredging activity is located east of Port Everglades and north of John U. Lloyd Beach State Park in the Florida city of Dania, Broward County, Sections 13, 24 and 25, Township 50 South, Range 42 East, Atlantic Ocean, Class III Waters.

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

This permit constitutes a determination, pursuant to Section 380.0651(3)(e), F.S., that the facility is located so that it will not contribute to boat traffic in a manner that will adversely impact the West Indian manatee.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, 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. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted to the local sponsor, Broward County, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

When the bypassing is conducted in conjunction with a nourishment event, the beach monitoring and maintenance activities will be conducted by Broward County, pursuant to the requirements of their nourishment permit. However, when bypassing occurs independently of the County's nourishment project, a different set of monitoring and maintenance conditions would be required. Therefore, a local sponsor agreement to conduct the appropriate monitoring and maintenance must be negotiated and executed before such bypassing events proceed. In order to avoid delays in future bypassing events, the ACOE is encouraged to facilitate the agreement between a local entity and the Department, well before the second dredging event is required.

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

GENERAL CONDITIONS:

1. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The ACOE shall notify the Department in writing of any anticipated significant deviation from this authorization prior to implementation so that the Department can determine whether a modification is required. If the Department determines that a deviation is significant, then the ACOE or the local sponsor, as appropriate, shall apply for and obtain the modification prior to its implementation.
2. If, for any reason, the ACOE does not comply with any condition or limitation specified herein, the ACOE shall immediately provide the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law to the extent that federal sovereign immunity has been waived under 33 U.S.C. 1323 and 1344(t).
3. The ACOE shall obtain any applicable licenses or permits which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project. Projects shall not proceed until any other required permits or authorizations have been issued by the responsible agency.
4. Nothing herein conveys title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of sovereign land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.

5. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under Section 373.421(2), F.S., provides otherwise.
6. Nothing herein conveys to the ACOE or creates in the ACOE any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the ACOE or local sponsor, or convey any vested rights or any exclusive privileges.
7. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site on the authorized activity. The ACOE shall require the contractor to review this document prior to commencement of the authorized activity.
8. The ACOE specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with ACOE specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.
9. At least forty-eight (48) hours prior to the commencement of authorized activity, the ACOE shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.
10. If historic or archaeological artifacts are discovered at any time on the project site, the ACOE shall immediately notify the State Historic Preservation Officer, and if a significant deviation is necessary, shall also notify the Department.
11. Within a reasonable time after completion of project construction or a periodic maintenance dredging event, the ACOE 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 ACOE.

SPECIFIC CONDITIONS:

1. If the project description, permit drawings, and Specific Conditions contradict each other, then the Specific Conditions shall prevail.
2. At least 7 days prior to commencement of the dredging and any beach fill placement authorized by this permit, 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, Florida Fish & Wildlife Conservation Commission, and Department staff representatives.

The permittee shall provide written notification, at least 14 days in advance of the meeting, to the following offices advising of the date, time, and location of the pre-construction conference:

DEP Bureau of Beaches & Coastal Systems (BBCS)
JCP Compliance Officer
Mail Station 300
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Phone: (850) 487-4471 ext. 125
Fax: (850) 488-5257

DEP Southeast District Office
Submerged Lands & Environmental Resources
400 N. Congress Ave., Suite 200
West Palm Beach, FL 33401
Phone: (813)-744-6100

Imperiled Species Management Section
Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
Phone: (850) 922-4330
Fax: (850) 921-4369

In the event that Broward County does not conduct all necessary marine turtle protection and monitoring requirements, the ACOE is still responsible for those marine turtle protection measures specified by the applicable U. S. Fish and Wildlife Service Biological Opinion and the plans and specifications for this project.

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

Section 01355 Environmental Protection

- a. 3.1.5 Protection of Fish and Wildlife Resources
- b. 3.1.5.1 Endangered Species Protection
- c. 3.1.5.2 Endangered Species Observers (Hopper Dredge only)
- d. 3.1.5.3 Manatee and Sea Turtle Sighting Reports
- e. 3.1.5.9 Hardground/Reef Protection
- f. 3.1.6 Seagrass Protection

Section 01452 Dredging/Beach Fill Placement

- a. 3.2 Quality Control Plan

These project specifications may be amended as a result of future changes to any Biological Opinion, Essential Fish Habitat, or other environmental coordination.

In addition, the permittee will coordinate with Broward County (the local sponsor) for compliance with the resource protection measures as well as with the BBCS, FWC, and John U. Lloyd Beach State Park during any beach nourishment or disposal.

- 4. State water quality standards shall be met during loading, transporting, and discharge of dredge material.
- 5. During dredging and related activities, any anchoring operations to secure the dredge or equipment shall be conducted either within the navigation channel or in areas outside of the channel without seagrass, algal, hardbottom or coral communities.

MONITORING REQUIRED:

- 6. Water Quality Sampling/Compliance

Turbidity - Nephelometric Turbidity Units (NTUs)

Frequency: Twice daily at least four hours apart during all dredging-related activities, including dredging, disposal (on beach or in State waters), overflow from filling of any hopper dredge, disposal barge or scow barge.

Location: Background: At mid-depth, at least 300 meters upcurrent from the dredge or disposal site discharge point and clearly outside the influence of any turbidity generated by the project, at the same distance from the shore as the compliance sampling site.

Compliance: At mid-depth, no more than 150 meters downcurrent from the dredge or the disposal site discharge point of return water, within the densest portion of any visible turbidity plume.

During all dredging, filling, and disposal operations, turbidity levels shall not exceed these standards and mixing zone limits. If at any time turbidity at the compliance location rises above 29 NTU's above background at the edge of the 150 m mixing zone, construction activities shall **cease immediately** and not resume until modifications or corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to DEP's BBCS in Tallahassee at (850) 487-4471 (att: JCP Compliance Officer) and the DEP Southeast District Office at (813) 744-6100 within 24 hours of the time the violation is first detected.

Turbidity monitoring reports shall be submitted to the BBCS and DEP Southeast District, with reporting requirements as stipulated below.

REPORTING

7. Turbidity monitoring reports shall be submitted to the BBCS and DEP Southeast District Office on a weekly basis within seven days of collection. The report shall be submitted under a cover letter containing the following statement: "**This information is provided in partial fulfillment of the monitoring requirements in Permit 0220509-001-JC; Port Everglades Maintenance Dredging.**" The cover letter shall summarize any significant or non-compliance issues. Also, please clearly reference permit number 0220509-001-JC on each page of the report. In addition to analytical results for samples and quality control, the report should also include:
 - a. time of day samples were taken
 - b. depth of water body
 - c. depth of sample
 - d. antecedent weather conditions
 - e. tidal stage and direction of flow
 - f. wind direction and velocity
 - g. a statement describing the methods used in collection, handling, storage and analysis of the samples
 - h. turbidity meter calibration

- i. a map indicating the location of the current construction activity, the sampling locations (background and compliance), and the visible plume pattern of the 150 m. mixing zone
 - j. a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.
8. Failure to submit monitoring reports in a timely manner constitutes grounds for revocation of the permit.
9. The permittee shall submit two copies of Final After Dredge Surveys to the BBCS within 90 days of completion of construction. The survey drawings shall be based on the Department permitted construction drawings, which should be revised to reflect changes made during construction. Both the original design and constructed elevation must be clearly shown. The report shall be submitted to the DEP's Bureau of Beaches and Coastal Systems (att: JCP Compliance Office) and the DEP Southeast District Office (att: Submerged Lands & Environmental Resources).

Executed in Tallahassee, Florida.

STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Michael R. Barnett, P.E. , Chief
Bureau of Beaches and Coastal Systems
Division of Water Resource Management

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.



Clerk

Date

Attachments: Drawings (8 pages)