



FLORIDA DEPARTMENT OF Environmental Protection

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CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE:

U.S. Army Corps of Engineers
Attn: Gina P. Ralph, PhD
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Jacksonville, FL 32207
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PERMIT INFORMATION:

Permit Number: 0364028-001-JC

Project Name: Venice Inlet and GIWW
Maintenance Dredging

County: Sarasota

Issuance Date: January 8, 2019

Expiration Date: January 8, 2034

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 is to maintain previously authorized navigational dredged depths within the Federal Navigation Channel at Venice Inlet, in Cuts 2 thru 4, and the Gulf Intracoastal Waterway (GIWW), in Cut S-16 (from Station 4+00 to Station 20+73.17) Cut S-17 (from Station 0+00 to Station 5+00), and Cut S-20 (from station 5+00 to station 16+58.18), in the vicinity of Venice Inlet. Cut S-16 (at Station 11+00) to Cut S-17 (at Station 5+00) will be dredged to a design depth of -7 feet MLLW, plus 1 foot of allowable over-depth, for a maximum allowable dredged depth of -8 feet MLLW. All other cuts will be dredged to a design depth of -9 feet MLLW, plus 2 feet of allowable over-depth, for a maximum allowable dredged depth of -11 feet MLLW. Approximately 20,000 to 50,000 cubic yards of dredged material are expected to be removed during each dredging event. The material will be placed in a 2,450-foot long beach placement template on Venice Beach, south of Venice Inlet.

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PROJECT LOCATION:

The beach disposal site is located south of Venice Inlet, and extends from 300 feet north of DEP range monument R-116 to R-133, in Sarasota County, Sections 1, 2, 12, 13 and 19, Township 39 South, Range 18 and 19 East, extending into the Gulf of Mexico, Class III Waters. The channel dredging is located in Venice Inlet, from Cut 2 through Cut 4, and in the GIWW, in Cut S-16 (from Station 4+00 to Station 20+73.17), Cut S-17 (from Station 0+00 to Station 5+00), and Cut S-20 (from Station 5+00 to Station 16+58.18). All Cuts are in Class III Waters. Cuts 2 through 4 and Cut S-20 are within the Sarasota Bay estuarine system, designated as Outstanding Florida Waters (OFW).

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 and Section 62-330.075, F.A.C., and the policies of the Board of Trustees.

Department acknowledges that the navigational dredging (but not the placement of dredged material on the beach) falls within one of the federal powers listed in the Submerged Lands Act under 43 United States Code (USC) § 1311(d) or 43 USC § 1314, and, under those provisions, the U.S. Army Corps of Engineers (Corps) needs no authorization from the Board of Trustees to utilize sovereignty submerged lands for that dredging activity. However, under the provisions of the Coastal Zone Management Act (16 USC §§ 1451-1465), this activity requires Florida's concurrence with a determination of consistency with the sovereignty submerged lands provisions of Florida's approved Coastal Management Program prior to federal approval of the proposed activity. The State has determined that the activity is consistent with the sovereignty submerged lands provisions of Florida's approved Coastal Management Program.

The Department has also determined that the beach placement activity qualifies for a Letter of Consent to use sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted to the West Coast Inland Navigation District, the project's local sponsor, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

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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 will enter into a contractual agreement with the local project sponsor, The West Coast Inland Navigation District under which The West Coast Inland Navigation District will be responsible for conducting post construction monitoring, mitigation, and beach maintenance activities for the protection of listed shorebirds, nesting marine turtles, their hatchlings and their habitat. The agreement is enforceable against The West Coast Inland Navigation District and is independent of this permit. This Local Sponsor Agreement must be executed prior to the commencement of construction.

AGENCY ACTION:

The above-named Permittee is hereby authorized to construct the work that is outlined in the Project Description and Project Location of this permit and as 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, General Consent Conditions and Specific Conditions, which are a binding part of this permit and authorization.** Both the Permittee and their Contractor are responsible for reading and understanding this permit (including the permit conditions and the approved permit drawings) prior to commencing the authorized activities, and for ensuring that the work is conducted in conformance with all the terms, conditions and drawings.

GENERAL CONDITIONS:

1. This permit, including its general and specific conditions, must be construed in light of the February 28, 2006 Interagency Coordination Agreement for Civil Works Projects (ICA) between the 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.

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2. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated changes in:
 - a) operational plans;
 - b) project dimensions, size or location;
 - c) ability to adhere to permit conditions;
 - d) project description included in the permit;
 - e) monitoring plans.

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

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

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

4. The Corps shall obtain any applicable licenses, permits, or other authorizations which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project.
5. Nothing herein conveys to the Corps or creates in the Corps any property right, any interest in real property, any title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of Florida's sovereign submerged lands seaward of the mean high-water line or an established erosion control line, unless herein provided, and the necessary title, lease, easement, or

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other form of consent authorizing the proposed use has been obtained from the State.

6. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under section 373.421(2), F.S., provides otherwise.
7. Nothing herein authorizes any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or conveys any vested rights or any exclusive privileges.
8. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site of the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.
9. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.
10. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.
11. If historic or archaeological artifacts such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time on the project site, the Corps shall immediately stop all activities in the immediate area which disturb the soil and notify the Department and the State Historic Preservation Officer. In the event that unmarked human remains are encountered during permitted activities, all work shall stop in the immediate area and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.
12. Within a reasonable time after completion of construction activities authorized by this permit, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work

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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.

GENERAL CONSENT CONDITIONS:

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use or operation of the structure or activity shall not adversely affect any species that is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident or fire.
9. Structures or activities shall be constructed, operated and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

SPECIFIC CONDITIONS - ADMINISTRATIVE:

1. Submittals required herein for compliance (e.g., progress reports, water-quality and benthic resource monitoring reports) shall be submitted electronically (via e-mail or through a file transfer site) when practicable, and shall include the project name and the permit number (0364028-001-JC). Email submittals shall be sent to the Joint Coastal Permit (JCP) Compliance Officer at JCPCCompliance@dep.state.fl.us with the following subject line: "Compliance: Permit Number 0364028-001-JC." A link shall be e-mailed to the JCP Compliance Officer if a file transfer site is used. If data are too large to be submitted via e-mail or through a file transfer site, the Permittee may submit the data via a hard drive, provided by the Permittee. The hard drive shall be mailed to:

Department of Environmental Protection
Division of Water Resource Management
Attn: JCP Compliance Officer
2600 Blair Stone Road, Mail Station 3566
Tallahassee, FL 32399-2400

2. Monthly progress reports for the activities authorized by this permit shall be submitted to the JCP Compliance Officer following the commencement of construction (i.e., initiation of any activities authorized by the permit), and shall continue to be submitted until construction of the project is completed (i.e., all activities authorized by this permit, in the active project phase, have been completed). Progress reports shall be submitted to the JCP Compliance Officer, even if there is no ongoing construction. Reports shall include the following:
 - a. Brief description and extent of the work completed since the permit was issued or since the previous report. Indicate on the drawings those areas where work has been completed.
 - b. Brief description and extent of the work anticipated in the next month. Indicate on the drawings those areas where it is anticipated that work will be performed and / or completed in the next month.

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

3. **Pre-Construction Conference.** Prior to each construction event, 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

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of record, those responsible for turbidity monitoring, the JCP Compliance Officer (or designated alternate) the Marine Turtle Monitor (Marine Turtle Permit Holder), the Bird Monitors, and staff representatives from the Florida Fish and Wildlife Conservation Commission (FWC). The Permittee is advised to contact the Department and the other agency representatives listed below at least twenty-one (21) days in advance of the preferred meeting date to ensure that appropriate representatives are available:

JCP Compliance Officer
e-mail: JCPCCompliance@dep.state.fl.us

FWC Imperiled Species Management Section
email: marineturtle@myfwc.com

FWC Regional Biologist
See [Contact list](http://myfwc.com/conservation/you-conserve/wildlife/shorebirds/contacts) for phone numbers (<http://myfwc.com/conservation/you-conserve/wildlife/shorebirds/contacts>)

The Permittee is also advised to plan to hold the pre-construction conference at least one week in advance of the intended commencement date to allow for unanticipated preconstruction actions that may need to be taken. At least seven (7) days in advance of the pre-construction conference, the Permittee shall provide written notification, advising the participants of the agreed-upon date, time and location of the meeting, and also provide a meeting agenda and a teleconference number.

4. **Pre-Construction Submittals.** No work shall be conducted under this permit until the Permittee has submitted the following at least thirty (15) days (unless earlier submittal of a deliverable is specified below) prior to the date of the pre-construction conference (as required above):
 - a. ***Final Plans and Specifications:*** an electronic copy of the final plans and specifications for this project, which must be consistent with the activity description of this permit and the approved permit drawings. The Permittee shall point out any deviations from the activity description or the approved permit drawings, and any significant changes would require a permit modification. The plans and specifications shall be accompanied by a letter indicating the project name, the permit number, the type of construction activity, the specific type of equipment to be used, the anticipated volume of material to be moved (if applicable) and the anticipated schedule. Further, the Permittee shall specify any anticipated sites that will be used (such as staging areas, access areas, anchorage areas, etc.) and appropriate contact information

for those facilities. The final plans and specifications submitted under this condition must comply with all conditions set forth in this permit.

- b. ***Benthic Resource Monitoring Qualifications.*** To ensure that individuals conducting monitoring of benthic resources have appropriate qualifications, documentation demonstrating expertise / experience in surveying the types of benthic resources that are present in the project, including oyster reefs and submerged aquatic vegetation (SAV), shall be provided to the Department for review *prior to the initiation of monitoring tasks that are required by Specific Condition 31*; The Department will review this information and confirm that monitors are capable of meeting the requirements in Specific Condition 36. The Department will provide written comments regarding any perceived deficits in qualifications or experience.

- c. ***Pre-construction survey results.*** An assessment of benthic resources (i.e., oyster reefs and SAV) located within 150 meters of the area(s) to be dredged shall be completed during the summer (June – September), immediately prior to each construction event in accordance with Specific Condition 31. Surveys conducted by the local sponsor, their contractors, or third parties, may be submitted by the Permittee to meet this requirement. The Permittee shall provide the Department with a **Summary of Existing Information on Benthic Resources** based on the desktop assessment, a geo-referenced **Benthic Resource Map** with SAV and oyster reef boundaries, a **Benthic Resource Report** with a narrative description of the current condition of SAV and oyster reef resources, and all **raw data** that were compiled or produced in association with these deliverables. The Permittee shall also provide documentation (e.g., email correspondence) verifying that their contractor has received the Benthic Resource Map and Report and that the contractor has been instructed by the Permittee to use this information to avoid impacts to benthic resources in the project area (pursuant to Specific Condition 31).

- d. ***Turbidity Monitoring Qualifications:*** The names, credentials (demonstrating experience and qualifications) and contact information for the individuals who will conduct the turbidity monitoring. Turbidity monitors shall have prior training in water quality monitoring and experience in turbidity monitoring for major dredging projects. The turbidity monitors shall be independent of the design engineer and the dredging/construction contractor. If turbidity levels exceed the compliance standards established in this permit, the turbidity monitor shall be required (pursuant to Specific Conditions 34 and 35) to immediately inform the Corps' Contracting Officer, and also inform the JCP Compliance Officer within 24 hours.

- e. ***Turbidity Scope of Works:*** A Scope of Work for the turbidity monitoring shall be provided to ensure that the right equipment is available and that monitoring protocols will be sufficient to conduct the monitoring correctly at any location, and under any conditions.
- f. ***Draft turbidity sampling map.*** An example of the geo-referenced map that will be provided with turbidity reports, including aerial photography and the boundaries for benthic resources (pursuant to Specific Condition 36).
- g. ***Fish & Wildlife Monitoring Qualification:*** To ensure that individuals conducting monitoring of fish and wildlife resources have appropriate qualifications, the Permittee shall provide documentation demonstrating expertise / experience in surveying the types of resources that are present in the project. The Department and FWC will review this information for confirmation that the monitors are capable of meeting the requirements in Specific Conditions 11 through 29. This documentation shall include the following:
 - i. ***Marine Turtle Protection:*** A list of the names and permit numbers for the Marine Turtle Permit Holders;
 - ii. ***Shorebird Protection:*** A list of Bird Monitors with their contact information, summary of qualifications including bird identification skills, and avian survey experience, proposed locations of shorebird survey routes, and the locations of travel routes.
- h. ***Biological Opinion:*** Documentation from the U.S. Fish and Wildlife Service (FWS) that this work will be covered under a Statewide Programmatic Biological Opinion, a Biological Opinions (BO) or a FWS coordination letter issued for construction on this project site.
- i. ***Local Sponsor Agreement.*** Construction of this project shall not begin until the Local Sponsor Agreement is executed (signed by both the Department and the West Coast Inland Navigation District).
- j. Prior to subsequent dredging and beach placement events under this authorization, representative ***geotechnical data*** characterizing the material proposed for beach placement shall be collected. The data shall be submitted to the Department at least 60 days prior to the planned mobilization date for construction. Written confirmation from the Department will be sent to the Permittee, stating the material is of sufficient quality for beach placement.

5. Construction Commencement Notice: At least 48 hours prior to the commencement of construction, the Permittee shall submit a completed Construction Commencement Notice form (Exhibit 6) to the JCP Compliance Officer at JCP@dep.state.fl.us with "Attention JCP- 0364028-001-JC" in the subject line, to the Department's District Office and to FWC at ImperiledSpecies@myfwc.com.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

6. The Permittee and the Department, within their respective authorities and funding, shall ensure that beach compatible dredged material is placed on Florida's beaches, consistent with Florida's beach management plan adopted pursuant to Chapter 161, F.S. and other beneficial uses criteria as may be specified by the Department and applicable federal standards.
7. The Permittee shall not store or stockpile tools, equipment, or materials within littoral zones or elsewhere within surface waters of the state without prior written approval from the Department. Storage, stockpiling, or accessing equipment on, in, over, or through areas with benthic resources (including beds of submerged aquatic vegetation [SAV], wetlands, oyster reefs, or hardbottom) is prohibited unless it occurs within a work area or ingress / egress corridor that is specifically approved by this permit and is shown on the approved permit drawings. Anchoring or spudding of vessels and barges within areas with benthic resources (including beds of SAV, oyster reefs, or hardbottom) is also prohibited. Specific Condition 35 contains additional restrictions and reporting requirements for work near benthic resources.
8. 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 or beach access areas designated in the permit drawings.
9. Best management practices (BMPs) for controlling turbidity shall be utilized where appropriate and shall be maintained at all times during project construction to minimize turbidity generation to the maximum extent practicable at the dredge and when discharging slurried sand onto the beach from a pipeline during beach placement. At a minimum, these BMPs shall include the following:
 - a. Use of shore-parallel sand dike to promote settlement of suspended sediment on the beach before return water from the dredged discharge reenters the Gulf of Mexico;

- b. A minimum set-back of 50 feet from open water, or at the landward end of the beach berm (without disturbing the dune), whichever is less, for the pipeline discharge location;
10. If any derelict concrete, metal, coastal armoring geotextile material or other debris occurs on the beach placement site, it shall be removed from the beach to the maximum extent practicable prior to the placement of any dredged material.

SPECIFIC CONDITIONS – FISH AND WILDLIFE

11. In the event that the West Coast Inland Navigation District, the local sponsor for this project, does not conduct all necessary marine turtle protection and monitoring requirements, the Permittee is still responsible for those marine turtle and shorebird protection measures specified by the applicable FWS Biological Opinion, the local sponsor agreement for this project, and the requirements in this authorization.
12. All personnel associated with the project shall be instructed about the presence of protected species in the project area, their endangered status and the need to prevent harm or injury to these threatened or endangered species. The Permittee shall be responsible for any harm to these resources, and shall require their contractors to advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees or marine turtles, which are protected under the Endangered Species Act, the Marine Mammal Protection Act, the Marine Turtle Protection Act, and the Florida Manatee Sanctuary Act; and migratory birds, which are protected under the Migratory Bird Treaty Act.
13. **In-water Activity.** The Permittee shall adhere to the following requirements for all in-water activity:
 - a. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate project 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.
 - b. 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 manatee entanglement or entrapment. Barriers shall not impede manatee or marine turtle movement or travel.

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- c. All on-site project personnel are responsible for observing water-related activities for the presence of marine turtles and manatees. All in-water operations, including vessels, shall be shut down if a marine turtle or manatee comes within 50 feet of the operation. For unanchored vessels, operators shall disengage the propeller and drift out of the potential impact zone. If drifting would jeopardize the safety of the vessel then idle speed may be used to leave the potential impact zone. 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.
 - d. Any collision with (or injury to) a marine turtle or manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922, and to FWC at ImperiledSpecies@myFWC.com. Any collision with (and/or injury to) a marine turtle shall also be reported immediately to the Sea Turtle Stranding and Salvage Network (STSSN) at SeaTurtleStranding@myfwc.com.
 - e. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities at sufficient locations to be regularly and easily viewed by all personnel engaged in water-related activities. All signs shall be removed by the Permittee upon completion of the project. Two temporary signs that have already been approved for this use by the FWC shall be used at each location. One sign which reads "*Caution Boaters – Watch for Manatees*" shall be posted. A second sign measuring at least 8 ½" by 11" shall explain the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to ImperiledSpecies@myFWC.com.
14. **Hopper Dredging.** If a hopper dredge is used for this project, the following requirements shall be met:
- a. Handling of captured marine turtles during hopper dredging activities shall be conducted only by persons with prior experience and training in these activities, such as a National Marine Fisheries Service (NMFS)-approved marine turtle observer, or by persons who have submitted documentation to the Corps of meeting the FWC Marine Turtle Conservation Guidelines specific to stranding activities. The Corps shall forward documentation of these qualifications to FWC for review, as required in Specific Condition 4. Corps staff or their designee who transport live or dead marine turtles or marine turtle parts into, out of, or within, the state of Florida shall

notify FWC in writing, specifying the number of transported specimens, species of turtle, type of specimen, and the destination after transport is complete. Before transport, if the turtle is believed to be alive, Corps staff or their designee shall coordinate with FWC to determine the appropriate facility to receive live marine turtles for rehabilitation. Corps staff or their designee shall abide by the State of Florida's FWC Marine Turtle Conservation Guidelines

(<http://www.myfwc.com/wildlifehabitats/managed/sea-turtles/conservation-guidelines/>) specific to transport of live stranded turtles.

- b. In order to minimize impingement or entrainment of marine turtles within the water column, when initiating dredging, suction through the drag heads shall be allowed just long enough to prime the pumps, then the drag heads shall be placed firmly on the bottom. When lifting the drag heads from the bottom, suction through the drag heads shall be allowed just long enough to clear the lines, and then shall cease while maneuvering or during travel to/from the placement area. When possible, dredging pumps shall be disengaged by the operator when the drag-heads are not firmly on the bottom.
 - c. A state-of-the-art rigid deflector drag-head, equipped with inflow/overflow screens, using a standard mesh of no greater than 4-inch by 4-inch or other screen sizes approved by NMFS, shall be used on all hopper dredges, at all times of the year.
 - d. The Sea Turtle Stranding and Salvage Network (STSSN) Coordinator shall be notified of the start-up and completion of hopper dredging operations at 1-904-573-3930 or via e-mail at Allen.Foley@myfwc.com. If a marine turtle is captured or marine turtle parts are recovered, the STSSN shall be contacted at seaturtlestranding@myfwc.com.
15. **Trawling.** If relocation trawling or non-capture trawling for marine turtles is required as per applicable NMFS Biological Opinions and Incidental Take authorizations, the following is required:
- a. 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 prior to trawling.
 - b. The Permittee or their contractor shall e-mail (MTP@MyFWC.com) weekly reports to the FWC's Imperiled Species Management Section on Friday of each week that trawling is conducted in Florida waters. These

weekly reports shall include the species and number of turtles captured, their general health, and release information. A summary of all trawling activity (including non-capture trawling) shall be submitted to MTP@myfwc.com by January 15 of the following year, or at the end of the project. The summary shall be provided on the FWC-provided Excel spreadsheet (available at <http://myfwc.com/media/3333816/Trawl-Report-Template.pdf>), and shall list all turtles captured in Florida waters, the measurements of all captured turtles, the location of captures (latitude and longitude in decimal degrees), the location of tow start-stop points (latitude and longitude in decimal degrees), and times for the start-stop points of the tows (including tows when no turtles are captured).

16. **Beach Related Activities.** The Permittee shall adhere to the following requirements for all beach-related activities during marine turtle and shorebird nesting/breeding seasons:
 - a. *Beach Driving.* All vehicles shall be operated at a speed <6 mph, and run at or below the high-tide line. All personnel associated with the project shall be instructed about the potential presence of shorebirds and marine turtles, and the need to avoid Take of (including disturbance to) these protected species. In addition, 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-protect/wildlife/beach-driving/>). *Note: when flightless chicks are present within or adjacent to travel corridors, construction-related vehicles shall not be driven through the corridor unless a Bird Monitor is present pursuant to Specific Condition 21.*
 - b. *Beach Maintenance.*
 - i. All debris, including derelict coastal armoring material, concrete and metal shall be removed from the beach to the maximum extent practicable prior to any placement of construction material on the beach. If debris removal activities will take place during protected species nesting seasons, the work shall be conducted during daylight hours only, and shall not commence until completion of daily monitoring surveys each day.
 - ii. The Permittee shall require their contractor and protected species monitors to inspect all work areas that have excavations and temporary alteration of beach topography to determine which areas have deviations (such as depressions, ruts, holes and vehicle tracks) capable of trapping flightless shorebird chicks or marine turtle hatchlings each

day. If so, the deviations from the natural beach profile shall be filled or leveled prior to 9:00 p.m. each day. The beach surface shall also be inspected after completion of the project, and all tracks, mounds, ridges or impressions, etc. left by construction equipment on the beach shall be smoothed and leveled.

c. Equipment Storage and Placement.

- i. Between February 15 and October 31, staging areas and temporary storage for construction equipment and pipes shall be located off the beach to the maximum extent practicable. Between May 1 and October 31, nighttime storage of construction equipment that is not in use shall be located off the beach. Due to the anticipated storage area at the State Park for this project, there may be limited use for entry onto, and exit off of, the beach. If staging and storage areas off the beach are not possible, then additional marine turtle and shorebird protective measures shall be implemented. Such protective measures shall be determined in coordination with the Department and FWC prior to beginning of construction. All construction pipes that are in use on the beach shall be located as far landward as possible without compromising the integrity of the existing or reconstructed dune system, and if placed parallel to the dune shall be 5 to 10 feet away from the toe of the dune.
- ii. If it will be necessary to extend construction pipes past a known shorebird nesting site, then 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. If such placement is not feasible for the project, FWC's Regional Biologist shall be contacted for alternative measures. See contacts available at [http://myfwc.com/conservation/you-protect/wildlife/shorebirds/contacts](http://myfwc.com/conservation/you-protect/conservation/you-protect/wildlife/shorebirds/contacts).

Shorebird Protection Conditions *For simplicity, the term "shorebird" is used here to refer to all solitary nesting shorebirds and colonial nesting seabirds that nest on Florida beaches. If any project activities as described below are conducted, the following shorebird protection conditions are required during the shorebird breeding cycle, which includes nesting. The following conditions are intended to avoid direct impacts associated with the construction of the project, and may not address all potential take incidental to the operation and use related to this authorization.*

17. Shorebird breeding season dates for this project area are **February 15 through September 1** (note that while most species have completed the breeding cycle by

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- September 1, flightless young may be present through September and must be protected if present).
18. Any parts of the project where “project activities” on the beach take place entirely outside the breeding season, do not require shorebird surveys. The term “project activities” includes operation of vehicles on the beach, movement or storage of equipment on the beach, sand placement or sand removal, and other similar activities that may harm or disturb shorebirds. Breeding season surveys shall begin on the first day of the breeding season or 10 days prior to project commencement (including survey activities and other pre-construction presence on the beach), whichever is later.
 19. Bird 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. One or more shorebird survey routes shall be established by the Permittee to cover project areas that require shorebird surveys. These routes shall be determined in coordination with the FWC Regional Biologist prior to the initiation of construction. Routes shall not be modified without prior notification to FWC.
 20. During all pre-construction and construction activities associated with the project, the Permittee shall ensure that surveys for detecting breeding activity and the presence of flightless chicks shall be completed **on a daily basis** by a qualified bird monitor 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. If all project activities are completed and all personnel and equipment have been removed from the beach prior to the end of the breeding season, route surveys shall continue to be conducted at least weekly through the end of the breeding season. Surveys shall also determine whether the completed project has attracted birds to the renourished area and appropriate shorebird buffer zones shall be installed and removed as per required in this authorization. If breeding or nesting behavior is confirmed by the presence of a scrape, eggs or young, the Permittee (or their designee) shall establish a 300-foot buffer around the site and notify the FWC Regional Biologist within 24 hours. The posts and materials for the shorebird buffer zones shall be removed once all breeding or nesting behavior has ceased.
 21. The Bird Monitor shall conduct a shorebird education and identification program (and/or provide educational materials) with the on-site staff to ensure protection of precocial (mobile) chicks. All personnel are responsible for watching for shorebirds, nests, eggs and chicks. If the Bird Monitor finds that shorebirds are breeding 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”.

22. Shorebird Monitor Requirements.

- a. The Permittee shall ensure that shorebird surveys are conducted by trained, dedicated individuals (Bird Monitor), with proven shorebird identification skills and avian survey experience.
- b. Bird Monitor(s) shall review and become familiar with the general information, employ the data collection protocol, and implement data entry procedures outlined on the FWC’s FSD website (<http://www.flshorebirddatabase.org> or [Florida Shorebird Database](#)). They shall use the data-collection protocol and implement data-entry procedures as outlined in that website.
- c. The Permittee shall submit a list of Bird Monitors, with their contact information and a summary of qualifications, including bird identification skills and avian survey experience, to the FWC Regional Biologist and JCPCCompliance@dep.state.fl.us, prior to any construction or shorebird surveys. The determination that the selected Bird Monitors meet the required qualifications shall be coordinated between the Permittee and the FWC Regional Biologist. The Bird Monitors shall meet the following minimum qualifications:
 - i. Has previously participated in beach-nesting bird surveys of Florida beach nesting birds and relevant work experience (provide references or resume). Experience with previous projects must document the ability to do the following: 1) identify all species of beach-nesting birds by sight and sound, 2) identify breeding/territorial behaviors, and find nests of shorebirds that occur in the project area, and 3) identify habitats preferred by shorebirds nesting in the project area.
 - ii. Have a clear working knowledge of, and adhere to, the Breeding Bird Protocol for Florida’s Seabirds and Shorebirds: (<https://publictemp.myfwc.com/crossdoi/shorebirds/resources.aspx>)
 - iii. Have completed full-length webinars: Route Surveyor Training and Rooftop Monitoring Training, including annual refresher training. Training resources can be found on the Florida Shorebird Database (FSD): <https://publictemp.myfwc.com/crossdoi/shorebirds/index.aspx>

- iv. Familiar with FWC beach driving guidelines:
www.myfwc.com/conservation/you-serve/wildlife/beach-driving.
- v. Experience posting beach-nesting bird sites, consistent with Florida Shorebird Alliance (FSA) Guidelines
(<http://flshorebirdalliance.org/resources/instructions-manuals.aspx>).

Has registered as a contributor to the FSD.

23. **Bird Survey Protocols.** Bird survey protocols, including downloadable field data sheets, are available on the FSD website. All breeding activity shall be reported to the FSD website within one week of data collection. If the use of this website is not feasible for data collection, the FWC Regional Biologist shall be contacted for alternative methods of reporting. The Permittee shall ensure that the Bird Monitors use the following survey protocols:

- a. Surveys shall be conducted by walking the length of all survey routes and visually surveying for the presence of shorebirds exhibiting breeding behavior, shorebird chicks or shorebird juveniles, as outlined in the FSD Breeding Bird Protocol for Shorebirds and Seabirds. Use of binoculars (minimum 8x40) is required, and use of spotting scope may be necessary to accurately survey the area. If an ATV or other vehicle is needed to cover large survey routes, the Bird Monitor shall stop at intervals of no greater than 600 feet to visually inspect for breeding activity.
- b. Once breeding or nesting behavior is confirmed by the presence of a scrape, eggs or young, the Permittee (or their designee) shall notify the FWC Regional Biologist within 24 hours.

24. **Shorebird Buffer Zones and Travel Corridors.** The Permittee shall require the Bird Monitor(s) and Contractor(s) to meet the following requirements:

- a. The Bird Monitor(s) shall establish a disturbance-free buffer zone around any location within the project area where shorebirds have been engaged in breeding behavior, including territory defense. A 300-foot buffer shall be established around each nest or around the perimeter of each colonial nesting area. A 300-foot buffer shall also be placed around the perimeter of areas where shorebirds are seen digging nest scrapes or defending nest territories. All construction activities, movement of vehicles, stockpiling of equipment, and pedestrian traffic are prohibited in the buffer zone. **Smaller, site-specific buffers may be established if determined appropriate when reviewed in coordination with the FWC Regional Biologist.** Travel corridors shall be

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designated and marked outside the buffer areas for pedestrian, equipment or vehicular traffic

- b. The Bird Monitor(s) 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 appear to be agitated or disturbed by these activities, then the Bird Monitor(s) shall immediately widen the buffer zone to a sufficient size to protect breeding birds.
- c. The Bird Monitor(s) shall ensure that reasonable and traditional pedestrian access is not blocked in situations where breeding birds will tolerate pedestrian traffic. This is generally the case with lateral movement of beachgoers 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 Bird Monitor(s) shall work with the FWC Regional Species Conservation Biologist to determine if pedestrian access can be accommodated without compromising nesting success. These site-specific buffers must be determined in coordination with the FWC Regional Biologist.
- d. The Bird Monitor(s) shall ensure that the perimeters of designated buffer zones are marked according to FSA Posting Guidelines (available at: <http://flshorebirdalliance.org/resources/instructions-manuals.aspx>) with posts, twine and FWC-approved signs stating “Do Not Enter, Important Nesting Area” or similar language around the perimeter (see example of signage for marking designated buffer zones at <http://myfwc.com/conservation/you-protect/wildlife/shorebirds/>). Posts shall not exceed 3 feet in height once installed. Symbolic fencing (twine, string or rope) shall be placed between all posts at least 2.5 feet above the ground and rendered clearly visible to pedestrians. If pedestrian pathway and/or equipment travel corridor modifications are determined and coordinated with the FWC Regional Biologist, these shall be clearly marked. **Posting shall be maintained in good repair until no active nests, eggs, or flightless young are present.** Although solitary nesters may leave the buffer zone temporarily 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.
- e. The Permittee shall ensure that no construction activities, pedestrians, moving vehicles, or stockpiled equipment are allowed within the buffer area.
- f. The Permittee shall ensure that the Bird Monitor(s) designate and mark travel corridors outside the buffer areas so as not to cause disturbance to breeding

birds. Heavy equipment, other vehicles, or pedestrians may go past breeding areas in these corridors. However, other activities such as stopping or turning heavy equipment and vehicles shall be prohibited within the designated travel corridors adjacent to the breeding site.

- g. When flightless shorebird chicks are present within or adjacent to travel corridors, construction related vehicles shall not be driven through the corridor unless a Bird Monitor is present to adequately monitor the travel corridor. The Permittee shall require the contractor to avoid any chicks that may be in the path of moving vehicles. The Permittee shall also require the contractor, with the oversight of the Bird Monitor(s), to level any vehicular tracks that may be capable of trapping flightless chicks, while avoiding any impacts to the chicks.
 - h. *Notification.* Any injury or death of a shorebird (including crushing eggs or young) resulting from project activities shall be reported immediately to the FWC Regional Biologist.
25. **Marine Turtle Protection Conditions.** Construction-related activities are authorized to occur on the nesting beach (seaward of existing coastal armoring structures or dune crest and all areas used for beach access during the marine turtle nesting season (May 1 through October 31) under the following conditions:
- a. Daily early morning marine turtle nest surveys shall start at the beginning of marine turtle nesting season. Daily nesting surveys shall continue through November 30, or until two weeks after the last crawl in the project area, whichever is earlier.
 - b. Daily nesting surveys shall be conducted beginning ½ hour prior to sunrise, and no construction activity may commence until completion of the marine turtle survey each day.
 - c. *Nesting surveys and nest relocations.* The Permittee shall ensure that marine turtle nesting surveys and nest relocation are conducted as required in this authorization, and only conducted by personnel with a valid FWC Marine Turtle Permit that covers all project activities as required by Chapter 68E-1, F.A.C. If needed, contact FWC at MTP@myfwc.com for information on the authorized Marine Turtle Permit Holders in the project area.
 - d. Only those nests laid in the area where sand placement will occur shall be relocated, and nest relocation shall cease in any given area after the sand placement is completed in that area. Nests requiring relocation shall be moved no later than 9 a.m., the morning following deposition (no longer than

12 hours from the time the eggs are laid), to a nearby self-release beach site, in a secure setting, where artificial lighting will not interfere with hatchling orientation. The relocation site shall be determined with FWC concurrence prior to nest relocations. Relocated nests shall not be placed in organized groupings. Relocated nests shall be randomly staggered along the length and width of beach settings that are not expected to experience any of the following: inundation by high tides; severe erosion; previous egg loss; or illumination by artificial lighting.

- e. Nests deposited within areas where construction activities will not occur for 65 days, or nests laid in the nourished berm prior to tilling, shall be marked and left in place. The Marine Turtle Permit Holder shall install on-beach markers at the nest site, and shall also install a secondary marker at a point as far landward as possible to assure that the nest can be located should the on-beach marker be lost. The approximate location of the clutch shall be determined, and nests shall be marked. A series of stakes and highly visible survey ribbon or string shall be installed to establish a 5-foot radius around the approximate clutch location. No activity shall occur within the marked 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.
26. **Marine Turtle or Nest Encounters.** Upon locating a dead or injured marine turtle adult, hatchling or egg that may have been harmed or destroyed as a direct or indirect result of the project, the Permittee shall notify FWC Wildlife Alert at 1-888-404-FWCC (3922). Care shall be taken in handling injured marine 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. If a marine turtle nest is excavated during construction activities, but not as part of the authorized nest relocation process outlined in these specific conditions, 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.
27. **Project Lighting.** During marine turtle nesting season (May 1 through October 31), direct lighting of the beach and nearshore waters during the marine turtle nesting season shall be limited to the immediate construction area, and shall comply with safety requirements as required by law. 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 codified requirements for human safety. The intensity of lighting shall be reduced to the minimum standard required for general construction areas safety. Shields shall be affixed to the light housing on

dredge and land-based lights, and shall be large enough to block lamp light from being transmitted outside the construction area or to the adjacent marine turtle nesting beach (Figure 1 below).

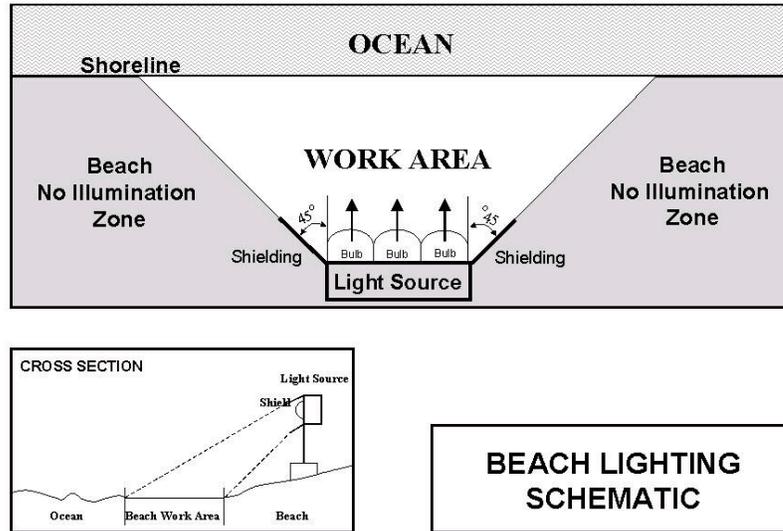


Figure. 1

28. **Fill Restrictions.** During the marine turtle nesting season, the contractor shall not advance the beach fill more than 500 feet along the shoreline between dusk and the following day, until the daily nesting survey is completed and the beach has been cleared for fill advancement. If the 500-foot advancement limitation is not feasible for the project, an alternative distance shall be established during the preconstruction meeting, if a distance can be agreed upon in consultation with FWC. If the work area is extended, nighttime nesting surveys are required and a Marine Turtle Permit Holder is required to be present on-site to ensure that no nesting and hatching marine turtles are present. If any nesting turtles are sighted on the beach within the immediate construction area, activities shall cease immediately until the turtle has returned to the water and the Marine Turtle Permit Holder responsible for nest monitoring has relocated the nest.
29. **Tilling, Compaction and Escarpment Remediation Requirements.** If beach fill is tested and considered compacted, placed sand shall be tilled. The requirement for compaction sampling monitoring can be eliminated if the placed sand is tilled, regardless of post-construction compaction levels. For the years subsequent to the first-year sand placement (out-year), compaction monitoring, tilling and escarpment monitoring are not required if placed material no longer remains on the dry beach.
- a. **Compaction Sampling.** Sand compaction shall be monitored in the area

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of sand placement immediately after completion of the nourishment event, and for three (3) subsequent years prior to April 15. 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 prior to the beginning of marine turtle nesting season. If compaction measurements are taken, a report on the results of the compaction monitoring shall be submitted to FWC at marineturtle@myfwc.com prior to any tilling actions being taken. If a few values exceeding 500 psi are present randomly within the project area, tilling will not be required. Compaction monitoring shall be in accordance with the following protocol:

- i. 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).
 - ii. At each station, the cone penetrometer shall be pushed to depths of 6, 12 and 18 inches three times (i.e., three replicates at each depth). 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.
 - iii. If values exceeding 500 psi are distributed throughout the project area, but do not exist at two adjacent stations at the same depth, then the Permittee shall consult with the FWC to determine if tilling is required. A tilling waiver based on these compaction values shall be submitted to the FWC at marineturtle@myfwc.com.
- b. **Tilling Requirements.** If it is decided that tilling will be performed in lieu of compaction sampling or tilling is required based on compaction measurements specified in Specific Condition 29.a., above, the area shall be tilled to a depth of 36 inches. Tilling shall be in accordance with the following protocol:
- i. All tilling activity shall be completed prior to the marine turtle nesting season. If the project is completed during the marine turtle nesting

season, then tilling shall not be performed in areas where nests have been left in place or relocated.

- ii. Each pass of the tilling equipment shall be overlapped to allow thorough and even tilling. 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.
 - iii. Tilling shall occur landward of the wrack line and shall avoid all naturally vegetated areas that are at least 3 square feet in size, as well as any planted areas that have been authorized by the Department. A 3-foot-wide No-Tilling buffer shall be maintained around vegetated areas. The slope between the mean high-water line and the mean low water line shall be maintained to approximate natural slopes.
- c. **Escarpment Surveys.** Visual surveys for escarpments along the project area shall be made immediately after completion of sand placement and within 30 days prior to April 15 for three (3) subsequent years, each year placed sand remains on the dry beach. Escarpment remediation shall be as follows:
- i. Prior to marine turtle nesting season, escarpments that interfere with marine turtle nesting or that exceed 18 inches in height, for a distance of at least 100 feet, shall be leveled to the natural beach contour or the beach profile shall be reconfigured to minimize scarp formation. Any escarpment removal shall be reported relative to the Department's Reference monument location to FWC at marineturtle@myfwc.com, with a copy sent to the JCP Compliance Officer.
 - ii. If weekly surveys during the marine turtle nesting season document escarpments that exceed 18 inches in height for a distance of at least 100 feet and have persisted for more than two weeks, the FWC shall be contacted immediately to determine the appropriate action to be taken. Upon written notification, the Permittee shall level escarpments in accordance with methods approved by the FWC. An annual summary of escarpment surveys and actions taken shall be submitted electronically to FWC (marineturtle@myfwc.com).
- d. If compaction sampling, tilling or escarpment removal occurs during shorebird breeding season, the Shorebird Conditions (including surveys) included in this authorization shall be followed. No heavy equipment shall operate, and no compaction sampling or tilling shall occur within 300 feet

of any shorebird nest. If flightless shorebird chicks are present within the work zone or equipment travel corridor, a Bird Monitor shall be present during the operation to ensure that no heavy equipment operates within 300 feet of the flightless young or within a site-specific corridor established per specific condition 24.a. It is the responsibility of the Permittee to ensure that their contractors avoid tilling, scarp removal or dune vegetation planting in areas where nesting birds are present.

SPECIFIC CONDITIONS - SEDIMENT QUALITY:

30. Sediment quality will be assessed as outlined in the Sediment QA/QC Plan, dated 20 June 2018 (attached). 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 Department 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 Department.
 - b. The Permittee shall submit post-construction sediment testing results and an analysis report as outlined in the Sediment QA/QC Plan to the Department within 90 days following beach construction. The sediment testing results shall be certified by a P.E. or P.G. from the testing laboratory. 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 will be submitted to the Department within 7 days following completion of remediation activities.

SPECIFIC CONDITIONS – MINIMIZATION MEASURES AND MONITORING FOR POTENTIAL IMPACTS TO BENTHIC RESOURCES:

31. **Pre-construction benthic resource survey:** An in-water survey of benthic resources (i.e., oyster reefs and SAV) located within 150 meters of the area(s) to

be dredged shall be completed during the summer (June – September), immediately prior to each construction event. Surveys conducted by the local sponsor, their contractors, or third parties that meet the following requirements may be submitted by the Permittee to meet this requirement. The purpose of this survey is to delineate the edges of any benthic resources and to document their current condition. This information shall be used to minimize potential impacts to benthic resources as specified below.

- a. ***Qualifications for biologists.*** Documentation demonstrating expertise / experience of all individuals that will be conducting biological monitoring shall be provided to the Department prior to initiation of monitoring tasks (pursuant to Specific Condition 4). All in-water survey work of benthic resources and preparation of associated deliverables shall be completed by individuals with:
 - i. A Bachelor of Science in either marine biology, biology with a concentration in marine sciences, environmental science with a minor in biology, or a similar degree.
 - ii. Professional experience and expertise in surveying the types of benthic resources that are present in the project area.
 - iii. Scientific knowledge of the types of benthic resources that are present in the project area.
 - iv. Experience and certification in SCUBA.

- b. ***Desktop assessment of benthic resources.*** Prior to initiation of any field work for the pre-construction survey, the biologists shall conduct a desktop assessment to identify potential benthic resources within 150 meters of the area(s) to be dredged using the best available information (e.g., historical aerial photography, data from previous surveys in the vicinity). Potential SAV habitats include areas known to be currently vegetated, as well as areas that have historically supported SAV and currently possess the appropriate water environment and sediment characteristics necessary for SAV growth. The results of this desktop assessment shall be provided in a **Summary of Existing Information on Benthic Resources**, which shall be provided to the Department at least 15 days prior to the pre-construction conference (pursuant to Specific Condition 4).

- c. ***Delineation of benthic resources.*** The purpose of this delineation survey shall be to produce a geo-referenced map that illustrates the spatial distribution of all benthic resources in the project area. All areas determined to potentially contain benthic resources, based on the desktop assessment, shall be surveyed, and a rapid on-site reconnaissance survey shall be conducted to determine whether any other areas within 150 meters of the area(s) to be dredged contain benthic resources that should also be surveyed.

The reconnaissance survey may be completed using a towed video camera or a remotely-operated vehicle (ROV), but these survey methods are only acceptable if the video is viewed in real-time by observers on the vessel to ensure that the camera is positioned at the appropriate angle and towed at the appropriate speed, and that video is of sufficient quality to identify benthic resources. Following the reconnaissance survey, biologists shall visually locate the edge of all SAV beds and oyster reefs within 150 meters of the area(s) to be dredged and shall record the position of resource edges using a sub-meter accurate GPS unit. This delineation survey should be completed by biologists using snorkeling or SCUBA equipment (whichever is necessary to make an accurate assessment); biologists may swim or may be towed by a vessel to traverse the survey area. The Permittee shall provide the geo-referenced **Biological Resource Map** based on this delineation survey to their contractor and to the Department at least 15 days prior to the pre-construction conference (pursuant to Specific Condition 4). The Permittee shall require their contractor to upload this geo-referenced Biological Resource Map onto the dredge's on-board computer navigation system and onto any other GPS equipment that will be used during construction and / or for compliance activities.

- d. *Visual assessment of benthic resources.* Concurrent with the delineation survey above, qualified biologists shall complete an in-water visual assessment of benthic resources within 150 meters of the area(s) to be dredged. Biologists shall document the species composition, above-ground biomass, epiphyte coverage, and the general condition of each SAV patch and the project area overall. A visual assessment of oyster reefs shall also be completed by biologists in-situ, and the current condition of oyster reef resources shall also be reported. A detailed narrative description and representative photographs documenting the current condition of benthic resources shall be provided to the Department in a **Benthic Resource Report** at least 15 days prior to the pre-construction conference (pursuant to Specific Condition 4).
32. **Measures to Minimize, Document, and Address Potential Impacts to Benthic Resources:** No impacts to benthic resources are authorized under this permit; therefore, the following measures shall be implemented to minimize, document and address potential impacts to benthic resources:
- a. *Dredging near benthic resources.*
 - i. *Avoidance and minimization measures.* To avoid direct impacts to benthic resources located proximate to the dredging template, dredging or dragging the dredge head on the bottom

shall not occur outside of the channel top of side slopes and undercutting the toe of the side slopes shall not occur to such an extent that it causes the side slopes of the channel to slough beyond the permitted template.

- ii. ***Evaluation of physical monitoring results to verify avoidance:*** Following construction, the Permittee shall evaluate the physical monitoring data (i.e., “as-built” survey results) to determine if dredging activities caused any sloughing of materials to occur beyond the permitted template in any portions of the project within 150 meters of benthic resources. Within 90 days following construction, the results of this analyses shall be submitted to the Department in an **Evaluation of Physical Monitoring Results Near Benthic Resources Report**. If any deviations from the authorized construction activities are identified, information shall be provided pursuant to Specific Condition 37b and the Permittee shall provide the pre- and post-construction bathymetric survey data to the Department concurrent with the report. This data shall consist of ASCII files containing raw x, y, and z data points for each survey. Point drawings with area maps amassed into .pdf documents of all data collected with elevations shall also be provided. Horizontal datum shall be the HARN NAD83/90 standard and vertical datum shall be the NAVD 88. Additionally, if requested by the Department, the Permittee shall require their contractor to provide other evidence that the dredging occurred only within the authorized areas. Such evidence shall include, but is not limited to, electronic records of the track-lines and dredge depths showing the 3-dimensional position of the dredge head during construction, as well as the locations where anchors and/or spuds were deployed.
- b. ***Work near benthic resources.*** No vessels or equipment shall be anchored, stored, staged, or stockpiled within 10 meters of benthic resources (including SAV beds and oyster reefs). If work occurs within 30 meters of benthic resources, then the Permittee shall provide documentation to verify avoidance of these resources (see 32.b.ii below). The Permittee shall require their contractor to report any violations of this condition to the Department, via email to the JCP Compliance Officer, within 24 hours.
 - i. ***Avoidance and minimization measures.*** The Permittee shall require the contractor to use the Benthic Biological Resource Map (provided pursuant to Specific Conditions 4 and 31) to

identify appropriate locations to anchor, store, stage, and stockpile equipment including pipeline(s) and vessels to ensure that no vessels or equipment are anchored, stored, staged, or stockpiled within 10 meters of benthic resources. During construction, as visibility allows, the Permittee shall require their contractor to visually inspect (i.e., from the vessel) the benthos prior to anchoring/spudding or emplacement of any construction vessels, equipment, or materials including pipeline(s) on the benthos within 30 meters of mapped benthic resources to confirm that no benthic resources are present.

- ii. ***Verification of avoidance during work near benthic resources.*** The GPS coordinates of all vessels, equipment, or materials including pipeline(s) that are anchored, stored, staged, or stockpiled within 30 meters of benthic resources, shall be recorded using DGPS technology, with an accuracy of no less than one (1) meter. As soon as possible but no later than 90 days post-construction, a geo-referenced map and the GPS coordinates for these locations shall be provided to the Department in a **Work Near Benthic Resources Report**. However, this report shall be provided sooner, concurrent with the Benthic Resource Impact Assessment Report, if an impact assessment is required (pursuant to 32d and 32e below).
- c. ***Protocol for pipeline rupture near benthic resources.*** If a leak or rupture of the pipeline is detected within 150 meters of benthic resources, then the Permittee shall:
 - i. Require their contractor to immediately (as soon as possible but no later than 24 hours from identifying the leak / rupture) take corrective actions to minimize impacts due to the pipeline rupture / leak,
 - ii. Provide a Pipeline Rupture Report to the Department (as soon as practicable but no later than 48 hours from identifying the leak / rupture) describing the pipeline leak / rupture and any corrective action(s) taken to remediate the situation, and
 - iii. Complete a Benthic Resource Impact Assessment (in accordance with Specific Condition 32 below) to document potential impacts as soon as practicable but no later than 30 days following the leak / rupture.

- d. ***Events requiring a Benthic Resource Impact Assessment to document potential impacts.*** The Department will require the Permittee to complete an in-water visual assessment of benthic resources if unauthorized impacts are observed during construction or are likely to have occurred during construction. Events and activities that will require a Benthic Resource Impact Assessment:
- i. Unauthorized anchoring, storage, staging, or stockpiling of vessels or equipment within 10 meters of benthic resources,
 - ii. Turbidity exceedances (as documented pursuant to Specific Conditions 34 and 35) during construction in portions of the channel proximate to benthic resources, or
 - iii. A pipeline leak / rupture within 150 meters of benthic resources.
 - iv. Any unauthorized or unanticipated construction-related events or activities that are likely to have resulted in potential impacts to benthic resources.
- e. ***Timeline and reporting for Benthic Resource Impact Assessments:*** The Permittee shall complete an assessment of potential impacts to benthic resources as soon as practicable but no more than 30 days after receiving notification from the Department that an assessment will be required. The Permittee shall submit a **Benthic Resource Impact Assessment Report** to the Department, via email to the JCP Compliance Officer, within 30 days of the completion of this assessment, unless a time extension is granted in writing by the Department. The Impact Assessment Report shall include a narrative description of the current condition of benthic resources in the project area and representative photographs. Any visually conspicuous signs of impacts, such as physical damage to benthic resources caused by dredging equipment, boat groundings, propeller scars, anchors, sloughing, sedimentation, etc., shall be documented in the report. The GPS coordinates for any locations with impacted benthic resources shall be recorded and reported; a geo-referenced map of impacted benthic resources shall also be provided. The Benthic Resource Impact Assessment Report shall describe the severity of functional losses that were observed (e.g., reduction in biomass or deposition of dredging-related sedimentation on the benthos) and the spatial extent (i.e., acreage) of impacts to benthic resources. The Benthic Resource Impact Assessment Report shall provide all information necessary for the Department to calculate the amount of compensatory mitigation that may be required to offset unpermitted impacts using the Uniform Mitigation Assessment Method.

- f. *Corrective Action Plan for unpermitted impacts to benthic resources.* No impacts to benthic resources are authorized under this permit. If any unauthorized impacts to benthic resources occur or are suspected to have occurred due to construction activities authorized by this permit, then the Permittee shall notify JCP Compliance within 24 hours. If the Permittee notifies the Department (or the Department notifies the Permittee) that unauthorized impacts to benthic resources have occurred as a result of construction activities, then within 14 days of notification - unless a time extension is granted in writing by the Department, the Permittee shall submit a draft **Corrective Action Plan** describing actions that will be taken by the Permittee to monitor, remediate, and / or mitigate the unauthorized impacts. The Corrective Action Plan shall be implemented by the Permittee within 30 days of receiving notification that the Corrective Action Plan has been approved by the Department, unless a time extension is granted in writing by the Department.

SPECIFIC CONDITIONS – WATER QUALITY MONITORING:

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

Units: Nephelometric Turbidity Units (NTUs).

Frequency: Monitoring for a pipeline dredge shall be conducted 3 times daily, approximately 4 hours apart, at both the dredge and fill placement sites, and at any other time that there is a likelihood of an exceedance of the turbidity standard, during all dredging and sand placement operations. Monitoring for a hopper dredge shall be conducted at both the dredge and fill placement sites, for each hopper dredge load during daylight hours. At the dredge site, sampling shall be conducted after overflow from the hopper begins and the associated turbidity plume has reached the edge of the mixing zone. At the fill placement site, sampling shall be conducted after discharge from the hopper begins and the associated turbidity plume has reached the edge of the mixing zone. 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. 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:* Sampling shall occur 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.

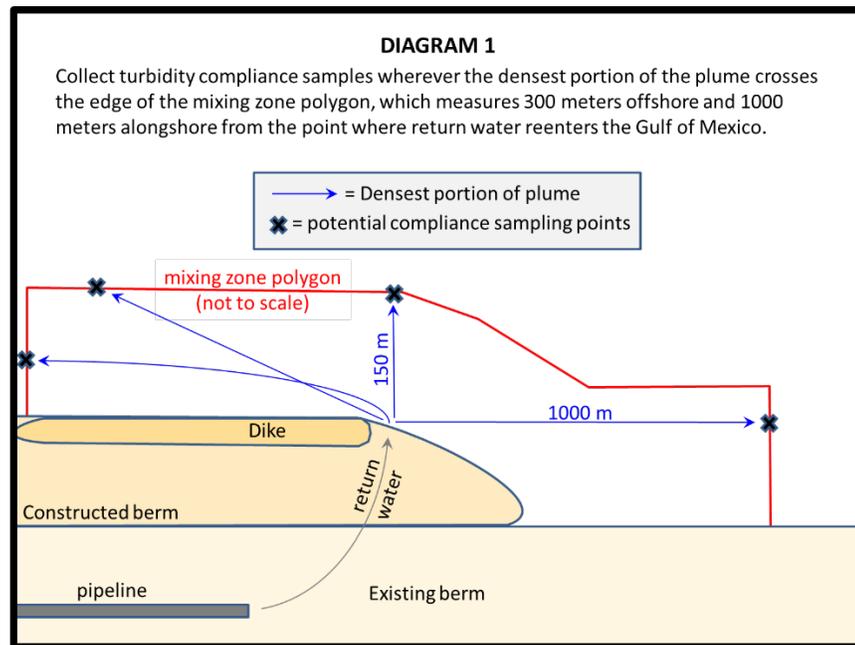
Dredge Site: Samples shall be collected at least 300 meters up-current from the source of turbidity at the dredge site.

Beach Site: Samples shall be collected at least 300 meters up-current from any portion of the beach that has been, or is being, filled during the current construction event, at the same distances offshore as the associated compliance samples.

Compliance: Sampling shall occur at surface, mid-depth, and (for sites with depths greater than 25 feet) 2 meters above the bottom.

Dredge Site: Samples shall be collected 150 meters down-current from the cutter-head or the hopper dredge overflow point, or at the edge of the nearest biological resource (i.e., oyster reef or submerged aquatic vegetation bed) in the down current direction, whichever is closest to the cutter-head or overflow point **and** from any other source of turbidity generated by the dredge, in the densest portion of any visible turbidity plume. If no plume is visible, follow the likely direction of flow.

Beach Site: Samples shall be collected where the densest portion of the turbidity plume crosses the edge of the mixing zone polygon, which measures up to 150 meters offshore and up to 1,000 meters alongshore 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 be close to shore, in shallow water. 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 DEP-SOP-001/01 FT 1600 Field Measurement of Turbidity:

<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 implemented through an administrative permit modification.

Duration of Work within or adjacent to OFW: Turbidity mixing zones associated with dredging activities that extend into an OFW are authorized for the duration of construction, which is expected to be 100 days, pursuant to Rule 62-4.242(2)(a)2.b., F.A.C. Any requests to further extend this time period shall be

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made to the Department in writing. Approval of extended time may be granted without modification to this Permit, but must be done so in writing.

34. 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 located outside of the OFW (beach placement site, Cut S-16 and Cut S-17) that are greater than 29 NTUs above background or if turbidity levels at the **compliance** sites located within the OFW (Cuts 2 through 4 and Cut S-20) that are greater than 3.5 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 via email at JCPCompliance@dep.state.fl.us and include in the subject line, "TURBIDITY EXCEEDANCE", and the Project Name and Permit Number. Also notify the Department's South District office.
35. 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 outside of the OFW or 3.5 NTUs above background within the OFW, the turbidity monitor shall immediately inform the Corps' Contracting Officer, who shall **immediately cease** construction activities related to the exceedance 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 "OTHER PROJECT-ASSOCIATED DISCHARGE, TURBIDITY EXCEEDANCE".

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

- a. the Project Name;
- b. the Permit Number (0364028-01-JC);
- c. location and level (NTUs above background) of the turbidity exceedance (shown on map with GPS coordinates);
- d. Level (NTUs above background) of the turbidity exceedance;

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- e. the time and date that the exceedance occurred; and
- f. 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.

36. **Turbidity Reports:** All turbidity monitoring data shall be submitted on a weekly basis within seven days of collection. 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 outside of the OFW and 3.5 NTUs above background within the OFW) shall be highlighted in the table. In addition to the raw and processed data, the weekly 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_and turbidity source. When possible, coordinates should be provided in decimal degrees;
- 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;

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- i. a geo-referenced map, overlaid on an aerial photograph, indicating the sampling locations (background and compliance), dredging and discharge locations, the visible plume pattern within the applicable mixing zone and direction of flow. For turbidity monitoring reports associated with dredging activities, the turbidity sampling map shall also include the boundaries of benthic resources within 150 meters of the dredging activities for which turbidity was sampled. A sample map shall be reviewed by the Department prior to construction;
- 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 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.

Weekly turbidity monitoring reports shall be submitted electronically to the JCP Compliance Officer at JCPCompliance@dep.state.fl.us. Reports shall be submitted under a cover letter containing the following statement: "This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0364028-001-JC." The cover letter shall summarize any significant compliance issues. Also, please clearly reference the permit number and project name on each page of the report.

Failure to submit monitoring reports in a timely manner constitutes a violation of the permit pursuant to Chapter 403.161, F.S.,

SPECIFIC CONDITIONS - NOTICE OF COMPLETION:

37. Within 90 days after completion of authorized activities, the Permittee shall submit a notice of completion to the JCP Compliance Officer that includes the following information:
- a. The permit number (0364028-001-JC) and the project name (Venice Inlet and GIWW Maintenance Dredging).
 - b. A copy of any post-construction As-Built Survey drawings required of the Contractor or survey performed by the Corps. If any of the completed activities differ substantially from the permitted plans, any substantial deviations shall be noted and explained. Any significant changes shall require a permit modification.
 - c. The date on which authorized activities began and the date of completion;
 - d. A table identifying any exceedances of turbidity standards which occurred during dredging or disposal, the probable causes of the violations, and corrective measures taken to reduce turbidity.
 - e. A table identifying any impacts to benthic resources, including oyster reefs and SAV communities the probable causes of the impacts, and corrective measures taken.
 - f. A table identifying any harm or injury to threatened, endangered species or protected species endangered status communities the probable causes of the take and corrective measures taken.

NOTICE OF RIGHTS

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

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Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Attachments: Approved Permit Drawings (13 pages)
Sediment QA/QC Plan

EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Gregory W. Garis
Program Administrator
Beaches, Inlets and Ports Program
Division of Water Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below.

cc: Robert Brantly, FDEP, DWRM,
Robert.Brantly@dep.state.fl.us;
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JCP Compliance Officer
BBCS Permit File
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ConservationPlanningServices@myfwc.com

FILING AND ACKNOWLEDGMENT

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


Clerk

01/08/2019
Date