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July 13, 2017

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and

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Permit Modification No. 0238664-009-JN
Permit No. 0238664-001-JC, Pinellas County
Sand Key Beach Nourishment

Dear Ms. Ralph and Mr. Bishop:

Your request to modify Permit No. 0238664-001-JC was received on March 15, 2017, and has been reviewed by Florida Department of Environmental Protection (Department) staff. The proposed permit modification is to elevate the design berm height from +4.1 feet (1.3m) NAVD, with a construction tolerance of 1.0 feet, to a height of +4.8 feet (1.5m) NAVD, with a construction tolerance of 0.5 feet; to extend the southern end of the fill template from R-108 to R-109; and to incorporate the revised comprehensive physical monitoring plan and the complete set of authenticated permit drawings, in accordance with Specific Conditions 30 and 6c, respectively. To ensure consistency across overlapping permits, this modification also incorporates a revised Sediment QA/QC Plan and updates Specific Condition 9. Additionally, the turbidity monitoring requirements are adjusted as follows: the maximum allowable turbidity level for work in Outstanding Florida Waters (OFW) will be changed from the permitted zero (0) Nephelometric Turbidity Units (NTUs) above background to 9.2 NTUs above background, and the limit of the temporary mixing zone will be reduced from 1,500 meters to 150 meters. These changes are reflected in revisions to Specific Conditions 27, 28, and 29. Since a variance to the mixing zone rule is no longer required, the Department will rescind Variance 0238664-002-BV.

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Also, as a part of this modification, the project description and location will be updated to remove reference to offshore borrow area 'L' and the dune feature previously constructed at R-60, in accordance with the revised permit drawings. The Department also modified Specific Condition 6, "Pre-Construction Submittals", Specific Condition 20, "Post-Construction Monitoring and Reporting of Marine Turtle Nesting", Specific Condition 30, "Physical Monitoring", and corrected a clerical error in Specific Condition 31.

PERMITTING HISTORY

On July 6, 2011, the Department issued Permit No. **0238664-001-JC** to U.S. Army Corps of Engineers (Corps) to nourish 8.7 miles (14.0 km) of beach on Sand Key. That included two beach fill segments from R-56 to R-66 and from 85 feet north of R-71A to R-107. A one-mile gap between the segments (from R-66 to R-71A) was not filled. The project was authorized to occur multiple times, on an as-needed basis, with the first event requiring approximately 1,017,000 cubic yards of beach-compatible sand.

Variance No. **0238664-002-EV** was also granted to the Corps on July 6, 2011, in association with Permit No. 0238664-001-JC. The variance authorized an expanded turbidity mixing zone that extends up to 150 meters offshore (or 300 meters offshore if there is no nearshore hardbottom) and up to 1,500 meters downcurrent from the point of discharge at the beach placement site.

For information describing the project history prior to the current permit, and subjects related to the current permit, please see the ***CONSOLIDATED NOTICE OF INTENT TO ISSUE A JOINT COASTAL PERMIT, VARIANCE AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS***, for Permit No. 0238664-001-JC and Variance No. 0238664-002-EV, dated June 8, 2011, available at the Bureau website:

ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/pinellas/issued/0238664_Sand_Key/001-JC%20and%20002-BV/Intent/Sand%20Key%20Intent%20-%206-8-2011.pdf

File Nos. **0238664-003-EE** and **0238664-004-BE** were *de minimis* exemptions granted to Pinellas County in 2008 and 2009 for the collection of offshore geotechnical vibracores.

On April 18, 2012, the Department issued Modification No. **0238664-005-JN** to include a dune feature in the Sand Key Beach Nourishment template between 4 feet south of R-60 and 182 feet south of R-61A. The dune required an additional 2,000 cubic yards of beach compatible sediment from the previously authorized borrow site.

On October 26, 2012, the Department issued Modification No. **0238664-006-JN** to the Corps to revise the Sand Key Beach Nourishment Permit. The modification extended the southern end of the fill template from R-107 to R-108, along the dry beach only.

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On November 27, 2012, the Department issued Modification No. **0238664-007-JN** to the Corps to add Egmont Shoal East Borrow Area as a sand source to the Sand Key Beach Nourishment project.

On December 16, 2016, the Department issued Modification No. **0238664-008-JN** to the Corps to extend the permit duration of Permit No. 0238664-001-JC until 2026 and to add the Pinellas County Board of County Commissioners as a Co-Permittee. That modification also authorized deeper dredge depths for the Egmont Shoal East borrow area, and updated the project description, project location, General Consent Conditions, General Conditions for non-Corps Permittees, the fish and wildlife conditions, the water quality conditions, and the physical monitoring condition.

Justification and Staff Assessment

Complete set of authenticated Permit Drawings

Prior to issuance of the previous modification, the Permittee was not able to provide the complete set of revised permit drawings. Therefore, as a condition of the modification (Specific Condition 6c), the complete set of authenticated permit drawings were to be submitted prior to the next event. The Permittee used the opportunity to correct the design elevations of the berm template, to request an extension of the fill template and to remove reference to Borrow Area 'L' and the dune restoration previously conducted at R-060.

The design elevation of the berm specified in the federal permit is 6 feet above the Mean Low Water (MLW) elevation, which translates to 4.8 feet NAVD and not 4.1 feet NAVD, as was originally specified. Reducing the construction tolerance from 1 foot to 0.5 foot is in conformance with industry standards. The Department has determined that the proposed changes to the design elevation of the berm template are not expected to increase the potential for escarpment formation.

The shoreline between R-108 and R-109 is designated as critically eroded beach; extending the southern end of the fill template to R-109 is therefore expected to further stabilize Sand Key. To minimize the potential for impacts to nearshore hardbottom resources the Permittee has limited the extended portion of the beach fill template, between R-108 and R-109, to the berm completely landward of the mean high water line (MHWL). This is similar to limitations placed on the fill template between R-107 and R-108 and ensures that the fill is placed approximately 500 feet landward of the closest nearshore hardbottom. Therefore, filling the extended template is not expected to cause impacts to nearshore hardbottom adjacent to Sand Key.

The Permittee has indicated that offshore borrow area 'L' will no longer be utilized under this permit and as such it was removed from the updated permit drawings. The Permittee has also indicated that the dune feature previously constructed between R-60 and R-61 was a one-time only event; as such they opted not to provide a corresponding sheet in the updated permit drawings.

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Department staff have reviewed and approved these drawings and the requested modifications; the project description, the project location and Specific Condition 6 have been modified accordingly, and the complete set of authenticated drawings will be appended to the permit by reference in this modification.

Comprehensive Physical Monitoring Plan

Prior to issuance of the previous modification, the Permittee was not able to provide the revised Physical Monitoring Plan. Therefore, as a condition of the modification (Specific Condition 30), the revised physical monitoring plan was to be submitted prior to the next event.

Additionally, the Corps and Pinellas County are Co-Permittees on three projects in the vicinity, which comprise the Pinellas County Shore Protection Project: the Sand Key Beach Nourishment (No. 0238664-001-JC), Treasure Island and Long Key Beach Nourishment (No. 0221569-016-JN), and the Johns Pass Maintenance Dredging (No. 0270453-003-JN). In order to consolidate and better manage the physical monitoring requirements and efforts (i.e., data collection, analysis and reporting), the Department requested that a comprehensive physical monitoring plan be provided that includes all three projects.

Department staff have reviewed and approved the revised comprehensive physical monitoring plan; Specific Conditions 6 and 30 have been modified accordingly and the revised comprehensive physical monitoring plan will be appended to the permit by reference in this modification

Variance and the Mixing Zone

The Department reviewed existing turbidity monitoring data from the Sand Key Beach Nourishment Project to determine if the expanded mixing zone of 1,500 meters downcurrent was necessary, as authorized by Variance 0238664-002-BV. Of 59 samples taken at the 1,500m compliance location, only 6 samples demonstrated turbidity in excess of 5 NTUs over background levels, and no samples exceeded 10 NTUs over background. In comparisons between samples taken at the 150m intermediate location and compliance samples taken at the 1,500m downcurrent location, the greatest observed variation in turbidity between the sites was only 4.8 NTUs. Consequently, the Department has determined that the alongshore dimension of the mixing zone should be reduced from 1500m to 150m and that Variance 0238664-002-BV is no longer needed. **The Department hereby rescinds Variance 0238664-002-BV.**

Turbidity Threshold (Anti-degradation)

When the permit was issued, the antidegradation provisions of Rule 62-4.242(2)(a)2.b., F.A.C., did not allow activities in an OFW to elevate turbidity levels above background levels (0 NTUs above background). Since then, the antidegradation rule was revised to allow a deviation from 0 NTUs above background, but only up to the natural range in background turbidity levels based on a normal tidal cycle.

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During the 2012 Sand Key nourishment event, the Permittee monitored background turbidity levels across a tidal cycle within the project area, and found fluctuations in background turbidity levels as high as 9.2 NTUs. These data were submitted to the Department as justification for their request to increase the maximum allowable turbidity level for work. Therefore, according to Rule 62-4.242(2)(b), F.A.C., the Permittee will be allowed to deviate by 9.2 NTUs above background turbidity levels during construction within the project area. Specific Conditions 28 and 29 have been modified accordingly.

Additionally, the permit clearly indicated that the turbidity reports require the GPS coordinates for each sample collected; however, it did not indicate that GPS coordinates of the source (dredge or discharge pipe) were also required. As such, the Department clarified Specific Condition 29 such that turbidity reports clearly require that the GPS coordinates of the source location are also reported.

Revised Sediment QA/QC Plan

The Egmont Shoal East Borrow Area is authorized for use in both this Sand Key Permit (No. 0238664-001-JC) and the Treasure Island and Long Key (TI/LK) Permit (No. 0221596-016-JN). During concurrent review of the modification requests for both the afore mentioned permits, Department Staff consulted with the Permittee and recommended that one Sediment QA/QC plan be used to regulate compliance activities for both permits. Consequently, a Sediment QA/QC Plan was approved on June 16, 2017, for use on both permits. This Sediment QA/QC Plan will be incorporated in this permit via reference in Specific Condition 9.

Additionally, Specific Condition 9 previously referred to the Sediment QA/QC Plan as both a QA/QC plan and a QC/QA plan. To standardize the term used throughout the document we have replaced reference to “QC/QA” with “QA/QC.”

Post-Construction Marine Turtle Monitoring

The text of Specific Condition 20 indicated that post-construction marine turtle monitoring was required for *‘a minimum of three additional seasons as follows: ...’*. That statement contradicted the details in the sub-conditions (20a -20f) and Table 1, as well as the U.S. Fish & Wildlife Service’s Biological Opinion, which require post construction monitoring of marine turtles for *‘up to two additional nesting seasons’*. Table 1 of Specific Condition 20 also included two footnotes that erroneously limited the post construction turtle monitoring requirements for maintenance dredging and nearshore placement projects.

Department Staff, in consultation with staff from the Florida Fish & Wildlife Conservation Commission (FWC), reviewed and approved changes to the condition. The text of Specific Condition 20 has been modified to indicate that post construction marine turtle monitoring is required for *‘up to two additional nesting seasons’* and the footnotes have been removed.

The project description shall be revised as follows (~~strikethroughs~~ are deletions, underlines are additions):

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The project is to nourish 8.7 miles (14.0 km) of beach on Sand Key. This includes two beach fill segments: from R-56 to R-66 and from 85 feet north of R-71A to ~~R-108R-109.1~~. Between R-107 and ~~R-108R-109.1~~, fill will only be placed landward of the mean high water line. A one-mile gap between the segments (from R-66 to R-71A) will not be filled. The project is authorized to occur multiple times, on an as-needed basis, with the first event requiring approximately 1,017,000 cubic yards of beach-compatible sand. The sand will be dredged from ~~an offshore borrow area located in federal waters and the~~ Egmont Shoal East Borrow Area. The project has a design berm elevation of ~~+4.1~~ +4.8 feet (~~1.3 m~~) (1.5 m) NAVD88, with a ~~one-foot~~ 0.5-foot construction tolerance to a maximum elevation of ~~+5.1~~ +5.3 feet NAVD88 (1.6 m). Berm widths and volumes vary. ~~An additional 2,000 cubic yards of beach-compatible sand will be placed between 4 feet south of R-60 and 182 feet south of R-61A for the purpose of dune nourishment, with a dune crest elevation of 7.1 feet (NAVD) and a crest width of 7.5 feet.~~

The project location shall be revised as follows (~~striketroughs~~ are deletions, underlines are additions):

The beach nourishment site is located on Sand Key, between R-56 to R-66 and between 85 feet north of R-71A to ~~R-108R-109.1~~, in central Pinellas County, Sections 1, 12, 13, 18, 19, 24, 25, 30, 31 and 36, Townships 29 and 30 South, Ranges 14 and 15 East, in the Gulf of Mexico, Class III Waters, Pinellas County Aquatic Preserve, Outstanding Florida Waters. ~~The borrow area is located 10.5 nautical miles offshore of the northern end of the placement area, in the Gulf of Mexico, outside of State Waters.~~ The Egmont Shoal East borrow area is located in the Gulf of Mexico, north of Egmont Key, in Hillsborough County, **not** an OFW.

The Specific Conditions shall be revised as follows: (~~striketroughs~~ are deletions, underlines are additions):

6. **Pre-Construction Submittals.** At least fourteen (14) days prior to the date of the pre-construction conference, the Permittee shall submit:
 - a. The **final plans and specifications** for the upcoming event, 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. Submittal shall include one (1) electronic copy of the final plans and specifications. The plans and specifications shall be accompanied by a letter indicating the project name, the permit number, the type of construction activity, the specific type of equipment to be used, the anticipated volume of material to be

moved (if applicable) and the anticipated schedule. The final plans and specifications submitted under this condition must comply with all conditions set forth in this permit.

b. Turbidity Monitoring

i. **Qualifications** of turbidity monitors. In order to assure that turbidity levels do not exceed the compliance standards established in this permit, construction at the project site shall be monitored closely by an independent third party with formal training in water quality monitoring and professional experience in turbidity monitoring for coastal construction projects. Also, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when fill material is discharged on the beach. This individual shall have authority to alter construction techniques or shut down the dredging or beach construction operations if turbidity levels exceed the compliance standards established in this permit. The names and qualifications of those individuals performing these functions along with 24-hour contact information shall be submitted for review.

ii. A **Scope of Work** for the turbidity monitoring to ensure that the right equipment is available to conduct the monitoring correctly at any location, and under any conditions; including the variable mixing zone sizes.

iii. **Intermediate Turbidity Monitoring Evaluation:** ~~Prior to the second event authorized under this permit, and each subsequent event~~ Should the mixing zone need to be expanded, the results of the intermediate turbidity monitoring shall be evaluated and a summary report provided to the Department (as required in Specific Condition 27~~de~~) prior to each subsequent event. If the Department determines that an adjustment to the mixing zone size or antidegradation threshold is required, pursuant to Rule 62-4.244(5)(d), F.A.C., then an administrative modification ~~to adjust the dimensions of the mixing zone~~ would be required prior to the up-coming nourishment event.

e. ~~Prior to construction of the first event subsequent to issuance of Modification No. 0238664-008-JN, an accurate, complete set of authenticated permit drawings shall be submitted and approved through a permit modification.~~

- cd. A **dredge plan** and **composite geotechnical statistics** shall be provided for the portion of the Egmont Shoal East Borrow Area to be dredged in each event. This dredge plan should include the outline of the entire borrow area and subareas, notation of the permitted maximum dredge depths, the location of the vibracores, the latest bathymetric data available, a clear outline of the area to be dredged for that specific event, and notations of all areas previously dredged. The composite geotechnical statistics should be representative of only the portion of the borrow area to be dredged in the current event.
 - e. ~~A **revised detailed Physical Monitoring Plan**, prepared in accordance with Specific Condition 30, indicating the performance of the beach fill project, identifying erosion and accretion patterns within the monitored area, and including an analysis of the ebb shoal borrow area. In addition, the report shall include a comparative review of project performance to performance expectations and identification of adverse impacts attributable to the project.~~
 - df. **Biological Monitoring Qualifications.** The names and qualifications of the individuals performing biological monitoring for the purpose of pipeline placement shall be submitted to the Department for review and approval prior to each construction event. These individuals shall be certified SCUBA divers, shall have professional experience in conducting hardbottom monitoring surveys, and shall have a BS degree or higher in the study of marine biology. If additional monitoring team(s) are subcontracted, or new staff are added to the monitoring team, proposed changes and qualifications shall be submitted to the JCP Compliance Officer for review at least 30 days prior to a monitoring event. The Permittee's selected biological monitoring firm is fully responsible for training of new staff members and subcontractors on the required monitoring procedures, as well as the QA/QC verification of their work.
9. Sediment quality shall be assessed as outlined in the Sediment QA/QC Plan (~~dated April 11th, 2011, and approved by the Department June 16, 2017~~), which is attached herein. Placement of material that is 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 following requirements are included in the Sediment ~~QC/QA~~ QA/QC Plan:
- a. If, during construction, the Permittee determines that the beach fill material does not comply with the sediment compliance specifications, the Permittee shall take measures 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 ~~QC/QA~~ 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 ~~QC/QA~~ QA/QC Plan, shall accompany the complete set of laboratory testing results. A statement of how the placed fill material compares to the sediment analysis and volume calculations from the geotechnical investigation shall be included in the sediment testing results report.
- c. A post-remediation report containing the site map, sediment analysis, and volume of noncompliant fill material removed and replaced shall be submitted to the Department within 7 days following completion of remediation activities.

20. Post-Construction Monitoring and Reporting of Marine Turtle Nesting.

Monitoring of nesting activity in the seasons following construction shall include daily report sheets noting all activity, nesting success rates, hatching success of all relocated nests, hatching success of a representative sampling of nests left in place (if any), dates of construction and names of all personnel involved in nest surveys and relocation activities. Data should be reported separately for the nourished areas and for an equal length of adjacent beach that is not nourished in accordance with the attached Table. Reports on all nesting activity shall be provided for the initial nesting season and for ~~a minimum of~~ up to two ~~three~~ additional nesting seasons as follows:

- a. For the remainder of the nesting season immediately following construction, and for the following year, the number and type of emergences (nests or false crawls) shall be reported per species in accordance with **Table 1** (below). An additional year of nesting surveys may be required if nesting success for any species on the nourished beach is less than 40%.
- b. For the remainder of the nesting season immediately following construction, reproductive success shall be reported per species in accordance with **Table 1** (below). Reproductive success shall be reported for all loggerhead, Kemp's ridley, green and leatherback nests.

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- c. If the documented reproductive success for each species meets or exceeds the required criteria, as outlined in **Table 1** (below), monitoring for reproductive success shall be recommended, but not required for the second year post-construction.
- d. Monitoring of nesting activity in the seasons following construction shall include daily surveys and any additional measures authorized by the FWC. Summaries shall include all crawl activity, nesting success rates, hatching success of all relocated nests, hatching success of a representative sampling of nests left in place (if any) by species, project name, permit numbers and dates of construction.
- e. **Lighting Surveys.** Two lighting surveys shall be conducted of all artificial lighting visible from the nourished berm. The first survey shall be conducted between May 1 and May 15 of the first nesting season following construction, or immediately after placement if construction is not completed until after May 15. The second survey shall be conducted between July 15 and August 1. The survey shall be conducted from the top of the foreshore slope (i.e., the seaward edge of the filled berm before it slopes into the water), facing landward. The survey shall follow standard techniques for such a survey and include number and type of visible lights, location of lights and photo documentation. For each visible light source, the Permittee shall document that the property owner has been notified of the problem light and has been provided with recommendations for correcting the light. Recommendations shall be in accordance with local lighting ordinances, and a report summarizing all visible lights shall be forwarded to local code enforcement, or if no lighting ordinances exist, the recommendation shall be that no lights, light sources or glow shall be visible from the newly elevated beach. A report summarizing all visible lights shall be submitted to FWC Imperiled Species Management Section at marineturtle@myfwc.com and **copied to** JCPCCompliance@dep.state.fl.us by the 1st of the month following the survey. A summary report documenting what corrective actions or local enforcement actions have been taken shall also be submitted by December 15 of that year. After the annual report is completed, the Permittee shall set up a meeting with the county or municipality and FWC to discuss the survey report, as well as any documented marine turtle disorientations in or adjacent to the project area.
- f. Data shall be reported for the nourished areas in accordance with the **Table 1** (below), and shall include the number of nests that were lost to erosion or that were washed out. Data on nesting activity on the nourished beach and on equal length of beach that is not nourished shall be reported

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separately, and should include number of nests lost to erosion or washed out. Summaries of nesting activity shall be submitted in electronic format (Excel spreadsheets) to the FWC Imperiled Species Management Section at marineturtle@myfwc.com and **copied to** JCPCCompliance@dep.state.fl.us. All summaries shall be submitted by January 15th of the following year. The FWC Excel spreadsheet is available upon request from marineturtle@myfwc.com.

Table 1. Marine Turtle Monitoring for Beach Placement of Material

Metric	Duration	Variable	Criterion
Nesting Success	Year of in-season construction, two years post construction if placed sand remains on beach and variable does not meet criterion based on previous year. ^{1&2}	Number of nests and non-nesting events.	40% or greater
Hatching Success	Year of in-season construction. And one year post construction if placed sand remains on beach and variable does not meet success criterion based on previous year. ^{1&2}	Number of hatchlings by species to hatch from egg.	60 percent or greater (a statistically valid number of loggerhead and green nests, and all leatherback nests).
Emergence Success	Year of in-season construction and one year post construction if placed sand remains on beach and variable does not meet success criterion based on previous year. ^{1&2}	Number of hatchlings by species to emerge from nest onto beach	80 percent or greater (a statistically valid number of loggerhead and green nests, and all leatherback nests).
Disorientation	Year of in-season construction and two years post construction if placed sand remains on the beach. ^{1&2}	Number of nests and individuals that misorient or disorient.	Disorientation Report Form http://myfwc.com/media/418153/Seaturtle_Guidelines_A_LDIR_Directions.pdf

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Metric	Duration	Variable	Criterion
Lighting Surveys	Two surveys the year following construction, one survey between May 1 and May 15 and second survey between July 15 and August 1. ^{1&} ²	Number, location and photographs of lights visible from nourished berm, corrective actions and notifications made	Lighting survey and meeting resulting with plan for reduction in lights visible from nourished berm within one to two month period.
Compaction	Three seasons following construction. Not required if the beach is tilled prior to nesting season each year placed sand remains on beach.	Shear resistance	Less than 500 psi
Escarpment Surveys	Weekly during nesting season for up to three years each year placed sand remains on the beach. ²	Number of scarps 18 inches or greater extending for more than 100 feet that persist for more than 2 weeks	Successful remediation of all persistent scarps as needed

Notes: ~~¹Not required for maintenance dredging.~~

~~²Not required if dredged sand is placed in the nearshore swash or littoral zones only.~~

27. **Turbidity shall be monitored as follows (~~applicable to State of Florida waters only~~):**

a. Units: Nephelometric Turbidity Units (NTUs).

b. Frequency:

If a pipeline dredge is used: Monitoring shall be conducted 3 times daily, approximately 4 hours apart, and at any other time that there is a likelihood of an exceedance of the turbidity standard, during all dredging and sand placement operations.

If a hopper dredge is used: Monitoring shall be conducted for three hopper dredge loads 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.

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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.

c. 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.

Egmont Shoal East Borrow Area: Samples shall be collected at least 200 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.

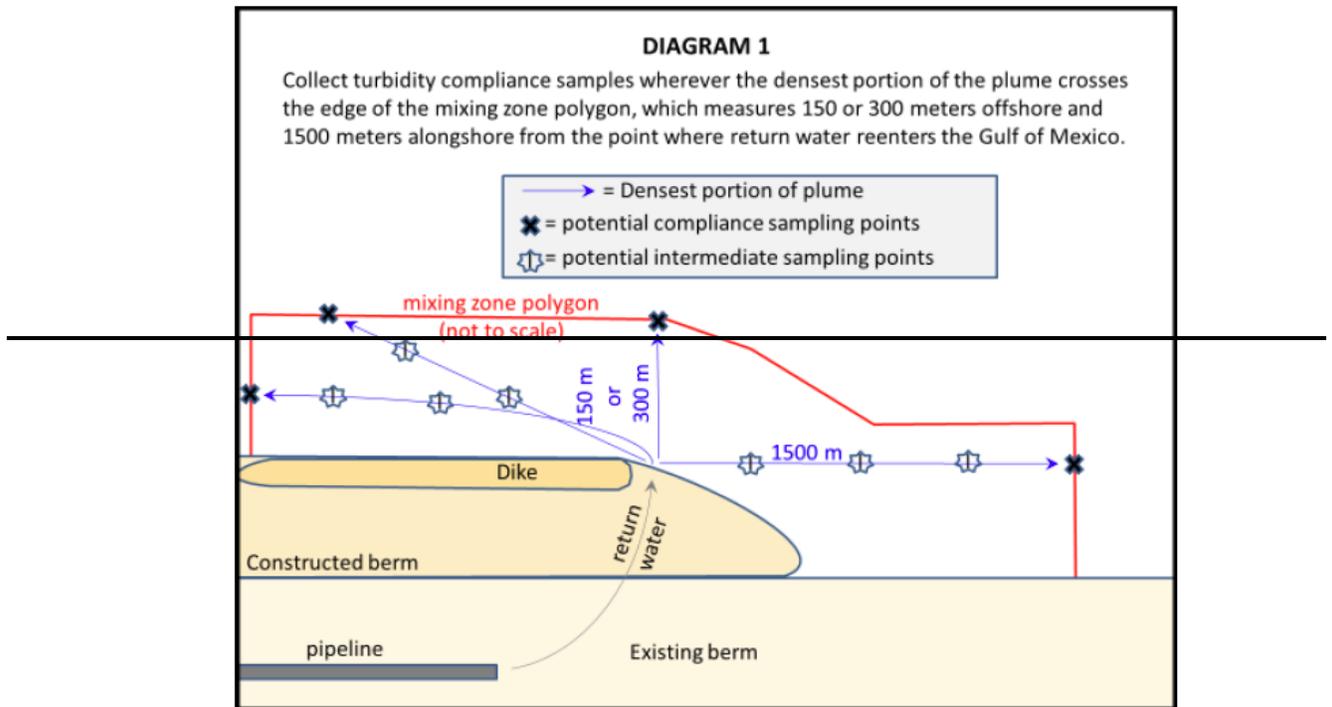
Compliance: Sampling shall occur at surface, mid-depth, and (for sites with depths greater than 25 feet) 2 meters above the bottom.

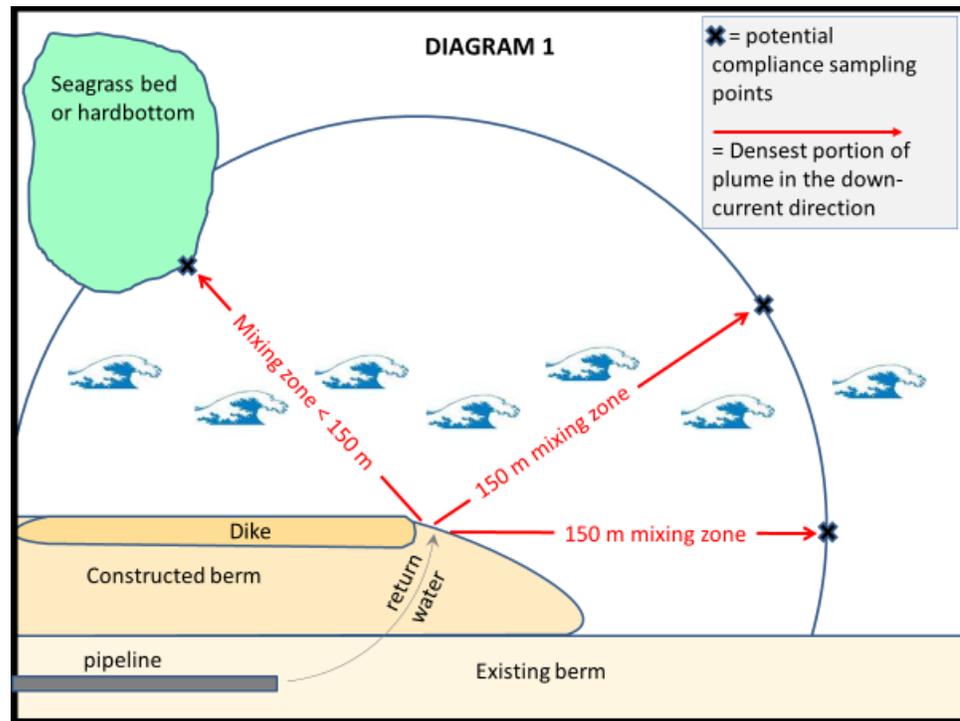
Egmont Shoal East Borrow Area: Samples shall be collected 150 meters downcurrent from the source of turbidity at the dredge (cutterhead, hopper overflow, etc.) and from any other source of turbidity generated by the dredge, in the densest portion of any visible turbidity plume. If no plume is visible, follow the likely direction of flow.

Beach Site; with hardbottom resources directly offshore (R-72 to R-107): Samples shall be collected 150 meters downcurrent from the discharge point or at the edge of the nearest seagrass bed/hardbottom in the downcurrent direction, whichever is closest to the discharge point, within the densest portion of the turbidity plume, where the densest portion of the turbidity plume crosses the edge of the mixing zone polygon, which measures 150 meters offshore and 1,500 meters downcurrent 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.

~~**Beach Site without hardbottom resources offshore (R-56 to R-72):** Samples shall be collected where the densest portion of the turbidity plume crosses the edge of the mixing zone polygon, which measures 300 meters offshore and 1,500 meters downcurrent 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~~





- d. **Expanded Mixing Zone:** If 2 or more exceedances occur at the beach placement site within a given week, the Permittee may request a minor modification of this permit to expand the alongshore dimension of the mixing zone for the remainder of the current construction event. If sufficient data is provided to justify the expansion of the mixing zone to the minimum size necessary to meet the turbidity standard under normal conditions, pursuant to Rule 62B-4.244(5)(c) and (d), F.A.C., the Department will expedite the request.
- e. **Intermediate Monitoring** (required when using a mixing zone that exceeds 150 meters in size): Samples shall be collected ~~At~~ surface, mid-depth, and (for sites with depths greater than 25 feet) 2 meters above bottom. At points approximately 150, 500, and 750 ~~and 1000~~ meters downcurrent from the point where the return water from the dredged discharge reenters the Gulf of Mexico (only if those points are located inside the mixing zone), within the densest portion of any visible turbidity plume generated by this project. These measurements will be used to calibrate the size of the mixing zone for future events. Please note that the sampling locations should not exceed 150 meters offshore, ~~between R-72 and R-107, or 300 meters offshore, between from R-56 and R-72.~~ See Diagram 1.

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Within 90 days following completion of ~~each~~ any nourishment event that utilizes an expanded mixing zone, the Permittee shall provide the Intermediate Monitoring data (in tabular format) to the JCP Compliance Officer. Along with the raw data, the Permittee shall also provide an analysis of the frequency at which the turbidity standard (as specified in Specific Condition 28) was exceeded at each intermediate distance, for each work area (Borrow Areas and Beach Nourishment Sites). If the Department determines that an adjustment to size of any of the mixing zones ~~is required~~, pursuant to Rule 62-4.244(5)(d), F.A.C., or the antidegradation allowance, pursuant to 62-4.242(2)(b), F.A.C., is required then an administrative modification to adjust the dimensions of the mixing zone or the antidegradation threshold would be required prior to the next nourishment event.

- ef. **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.

28. The **compliance** locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals turbidity levels at the **compliance** sites that are greater than ~~0~~ **9.2 NTUs** above the corresponding background turbidity levels at the nourishment sites ~~when the plume extends into OFW, or greater than 29 NTUs above the~~ corresponding background turbidity levels at the Egmont Shoal East Borrow Area, construction activities shall **cease immediately** and not resume until

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corrective measures have been taken and turbidity has returned to acceptable levels, or until otherwise authorized by the Department. 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 Southwest District office.

Any project-associated turbidity source other than dredging or fill placement for beach nourishment (e.g., scow or pipeline leakage) shall be monitored as close to the source as possible. If the turbidity level exceeds the thresholds described above (0 9.2 NTUs or 29 NTUs above background, depending on the location), the construction activities related to the exceedance shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels, or until otherwise authorized by the Department. 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”.

- a. When reporting a turbidity exceedance, the following information shall also be included:
 - i. the Project Name;
 - ii. the Permit Number;
 - iii. location and level (NTUs above background) of the turbidity exceedance;
 - iv. the time and date that the exceedance occurred; and
 - v. the time and date that construction ceased.
- b. 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:
 - i. turbidity monitoring data collected during the shutdown documenting the decline in turbidity levels and achievement of acceptable levels;

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- ii. corrective measures that were taken; and
- iii. cause of the exceedance.

29. Turbidity Reports: All turbidity monitoring data shall be submitted within one week of analysis. The data shall be presented in tabular format, indicating the measured turbidity levels at the compliance sites for each depth, the corresponding background levels at each depth and the number of NTUs over background at each depth. Any exceedances of the turbidity standard (~~0~~ 9.2 NTUs or 29 NTUs above background, depending on location) shall be highlighted in the table. In addition to the raw and processed data, the reports shall also contain the following information:

- a. time of day samples were taken;
- b. dates of sampling and analysis;
- c. GPS coordinates ~~location~~ of sample and source;
- d. depth of water body;
- e. depth of each sample;
- f. antecedent weather conditions, including wind direction and velocity;
- g. tidal stage and direction of flow;
- h. water temperature;
- i. a map, overlaid on an aerial photograph, indicating the sampling locations, dredging and discharge locations, and direction of flow. A sample map shall be submitted to the Department for review and approval 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;

1. 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, 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. When submitting this information to the Department, on the submittal cover page and at the top of each page of the report, please state: "This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0238664-001-JC, for the Sand Key Nourishment Project."

30. PHYSICAL MONITORING REQUIRED:

Pursuant to 62B-41.005(16), F.A.C., physical monitoring of the project shall be required through acquisition of project-specific data to include, at a minimum, topographic and bathymetric surveys of the beach, offshore, and borrow site areas, and engineering analysis. The monitoring data are necessary in order for both the project sponsor and the Department to regularly observe and assess, with quantitative measurements, the performance of the project, any adverse effects which have occurred, and the need for any adjustments, modifications, or mitigative response to the project. The scientific monitoring process also provides the project sponsor and the Department information necessary to plan, design, and optimize subsequent follow-up projects, potentially reducing the need for and costs of unnecessary work, as well as potentially reducing any environmental impacts that may have occurred or would be expected to occur.

~~**Prior to the next construction event, the Permittee shall submit a revised detailed Physical Monitoring Plan to the Department for review and approval.**~~

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

~~As guidance for obtaining Department approval, the plan shall generally contain the following items:~~ The Comprehensive Physical Monitoring Plan, approved June 21, 2017, contains the following requirements:

- a. **Beach and Offshore Surveys.** Topographic and bathymetric profile surveys of the beach and offshore shall be conducted within 90 days prior to commencement of construction, and again within 60 days following completion of construction. A pre-construction survey of the project area to receive beach fill may use surveys conducted for purposes of construction bidding, contracting or construction management. The post-construction survey of the beach fill may use surveys and other information collected periodically during construction for purposes of construction management and payment. Alternatively, the post-construction survey may consist of a single beach-offshore profile survey event of the project monitoring area, conducted within 60 days after completion of beach fill placement.

Thereafter, monitoring surveys shall be conducted biennially, beginning approximately one year following completion of construction, until the next beach nourishment event or the expiration of the project design life, whichever occurs first. The monitoring surveys shall be conducted during a spring or summer month and repeated as close as practicable during that same month of the year. If the time period between the immediate post-construction survey and the first biennial monitoring survey is less than six months, then the Permittee may, at their discretion, request a postponement of the first monitoring survey until the following spring/summer.

The monitoring area shall include profile surveys at each of the Department of Environmental Protection's reference monuments within the bounds of the beach fill area, and along at least 5,000 feet of the adjacent shoreline on both sides of the beach fill area. All work activities and deliverables shall be conducted in accordance with the latest update of the Department's *Monitoring Standards for Beach Erosion Control Projects, Sections 01000 and 01100*.

- Pre-construction surveys for hotspot nourishment, when placing volumes less than 15,000 cubic yards of sand, will not be required, provided no changes to the permitted sand source is requested.
- In addition to the above proposed survey intervals, additional survey events shall be conducted following significant storm events. The threshold for initiating surveys following storm events will be established jointly by Pinellas County, the Department, and the Corps.

- b. **Offshore Borrow Area Surveys.** Bathymetric surveys of the borrow area(s) shall be conducted within 90 days prior to commencement of construction and within 60 days following completion of construction of the project, concurrently with the beach and offshore survey required above. Alternatively, the post-construction survey of the borrow area may consist of surveys and other information collected during construction for purposes of construction management. A prior design survey may be submitted for the pre-construction survey.

Survey grid lines across the borrow area(s) shall be spaced to provide sufficient detail for accurate volumetric calculations, but spaced not more than a maximum of 500 feet apart, and shall extend a minimum of 500 feet beyond the boundaries of the borrow site. ~~For borrow sites located in tidal inlet shoals, bathymetric surveys of the entire shoal complex, including any attachment bars, shall be conducted unless otherwise specified by the Department based upon the size of the shoal and the potential effects of the dredging on inlet processes.~~ In all other aspects, work activities and deliverables shall be consistent with the Department's *Monitoring Standards for Beach Erosion Control Projects, Section 01200*.

- c. **Annual Monitoring Reports.** The Permittee shall submit an engineering report and the monitoring data to the JCP Compliance Officer within 120 days following completion of the post-construction survey and each biennial monitoring survey. The report shall summarize and discuss the data, the performance of the beach fill project, and identify erosion and accretion patterns within the monitored area. The results shall be analyzed for patterns, trends, or changes between annual surveys and cumulatively since project construction. In addition, the report shall include a comparative review of project performance to performance expectations and identification of adverse impacts attributable to the project. The report shall specifically include:

- A record of the volume excavated and location of excavation of all beach fill or inlet sand bypassing material placed within the project area;
- The volume and percentage of advance nourishment lost since the last beach nourishment project as measured landward of the MHW line of the most recent survey;
- The most recent MHW shoreline positions (feet) in comparison with the design profile at each individual monument location;

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- The MHW shoreline position changes (feet) relative to the pre-construction survey at each individual monument location for all the monitoring periods;
- The total measured remaining volume (cubic yards) in comparison with the total predicted remaining volume (cubic yards) landward of the MHW line and shallower than the Depth of Closure for the entire project area over the successive monitoring periods; and,
- Other shoreline position and volumetric analysis the Permittee or engineer deem useful in assessing, with quantitative measurements, the performance of the project.

The report shall include computations, tables and graphic illustrations of volumetric and shoreline position changes for the monitoring area. An appendix shall include superimposed plots of the two most recent beach profile surveys, the design profile, and pre- and post-construction beach profile at each individual reference monument location.

- d. One electronic copy of the monitoring report, and one electronic copy of the survey data shall be submitted to the JCP Compliance Officer. Failure to submit reports and data in a timely manner constitutes grounds for revocation of the permit. When submitting any monitoring information to the JCP Compliance Officer, please include a transmittal cover letter clearly labeled with the following at the top of each page: "**This monitoring information is submitted in accordance with the approved Monitoring Plan for Permit No. 0238664-001-JC, Sand Key Beach Nourishment, for the monitoring period [XX].**"
 - e. **Storm Monitoring Reports.** When applicable, a report detailing and analyzing the results from Post-Storm hydrographic monitoring conducted during the previous year shall be submitted with the annual reports.
31. Pursuant to Chapter 161.141, F.S., prior to construction of beach restoration or, beach nourishment, the Board of Trustees must establish the line of mean high water for any area affected by this project that does not already have an Erosion Control Line (ECL). This is required to establish the boundary line between sovereignty lands of the state bordering on the Gulf of Mexico and the upland properties. No work shall commence until the Erosion Control Line has been established to the satisfaction of the Department and recorded in the public records of the county in which the project is located.

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Prior to placement of fill between the existing ECL (point of beginning approximately ~~R-106.7~~R-106.8) and R-109.1 the Permittee shall have established an Erosion Control Line (ECL). Please contact Mr. Weeks (email: William.Weeks@dep.state.fl.us) in the Beaches, Inlets and Ports Program for guidance on establishing this ECL.

The set of approved permit drawings shall be revised as follows:

Plates 1 to 34 of 34 shall be replaced with an updated set of 34 new plates (authenticated March 16, 2017).

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting sea turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the **permit is hereby modified** as stated above. By copy of this letter, the attached drawings, and the attached plan, we are notifying all necessary parties of the modification.

This letter of approval does not alter the **July 6, 2026**, expiration date of the permit. The only Specific Conditions of the permit that are altered by this modification are those stated above. This letter and the attached drawings must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

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Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

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Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

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.

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.

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-110.106, F.A.C., a person may request a copy of the agency action. The Department shall upon receipt of such a request, if agency action has occurred, promptly provide the person with notice. The Department does not require notice of this agency action to be published. However, the applicant may elect to publish notice as prescribed in Rule 62-110.106, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition.

If you have any questions regarding this matter, please contact Zach Boudreau by email at William.Boudreau@dep.state.fl.us or by telephone at (850) 245-7585.

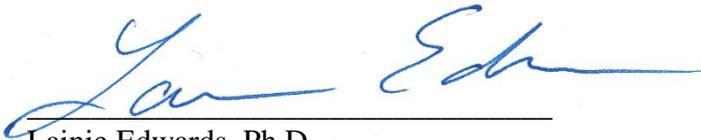
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Attachments: Revised Permit Drawings, Plates 1 to 34 of 34 (Authenticated June 19, 2017)
Revised Physical Monitoring Plan (Approved June 21, 2017)
Revised Sediment QA/QC Plan (Approved June 16, 2017)

EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Lainie Edwards, Ph.D.
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 to the following listed persons:

cc: Paul Karch, USACE	Robert Rosbough, SW District
Gregory Garis, DWRM	Randy Runnels, Tampa Bay Aquatic Preserve
Martin Seeling, DWRM	Bruce Laurion, Tampa Port Authority
Robert Brantly, DWRM	Luke Davis, FWC
Ralph Clark, DWRM	MarineTurtle@myfwc.com
Jennifer Steele, DWRM	FWCConservationPlanningServices@myfwc.com
Vladimir Kosmynin, DWRM	tampareg@usace.army.mil
Roxane Dow, DWRM	JCP Compliance Officer
Rob Buda, DWRA	Permit File
Catherine Florko, DWRA	CE Review
Pamela Vazquez, SW District	

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.

Kaelyn Massey 7/13/2017
Clerk Date