



Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
561-681-6600

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Florida Inland Navigation District (FIND)
c/o David Roach, Executive Director
1314 Marcinski Road
Jupiter, FL 33477
Via email: droach@aicw.org

Dear Mr. Roach:

Enclosed is Environmental Resource Permit No. 06-0283683-002 issued pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.).

Appeal rights for you as the permittee and for any affected third party are described in the text of the permit along with conditions which must be met when permitted activities are undertaken. Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. As the permittee, you are responsible for compliance with these conditions. **Please ensure all construction personnel associated with your activity review and understand the attached drawings and conditions.** Failure to comply with this permit may result in liability for damages and restoration, and the imposition of civil penalties up to \$10,000.00 per violation per day pursuant to Sections 403.141 and 403.161, F.S.

In addition, please ensure the construction commencement notice and all other reporting conditions are forwarded to the appropriate office as indicated in the specific conditions.

If you have any questions about this document, please contact me at 561/681-6638 or by email at Jill.M.King@dep.state.fl.us.

Sincerely,

Jill M. King
Environmental Manager
Submerged Lands & Environmental
Resources Program



Florida Department of Environmental Protection

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Permittee/Authorized Entity:

Florida Inland Navigation District (FIND)
c/o David Roach, Executive Director
1314 Marcinski Road
Jupiter, FL 33477
droach@aicw.org

Project Name or Phase:

Florida Inland Navigation District (FIND) ICWW Dredge

Authorized Agent:

Taylor Engineering, Inc.
Attn: Joe Wagner, P.E.
10151 Deerwood Park Blvd., Bldg. 300, Suite 300
Jacksonville, Florida, 32256
JWagner@Taylorentengineering.com

ERP Processor:

Jill M. King
Phone: 561-681-6638
Email: jill.M.King@dep.state.fl.us

**Environmental Resource Permit
State-owned Submerged Lands Authorization -Granted**

**U.S. Army Corps of Engineers Authorization -Separate Corps Authorization
Required**

Permit No.: 06-0283683-002

Permit Issuance Date: Aug 16 2011
Permit Construction Phase Expiration Date: Aug 15 2016



Permit Review Checklist

(a summary of the required monitoring and reporting activities for your project)

Pre-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Contact DEP to schedule pre-construction meeting	Prior to construction	_____
<input type="checkbox"/> Submit "Pre-Construction Notice Form" to DEP	48 hrs. before construction	_____
<input type="checkbox"/> Conduct a pre-construction resource survey	Growing season prior to construction commencement (dredging) (April 1 st – October 31 st)	_____
<input type="checkbox"/> Temporary turbidity control structures in place (where feasible)	Prior to construction	_____
<input type="checkbox"/> Clearly mark off the resource areas to be avoided with buoys or other visible markers	Prior to construction	_____
<input type="checkbox"/> Notify the Department of the resource survey results and implement contingency plan (if necessary)	60 days following survey and Prior to construction	_____
<input type="checkbox"/> Relocate identified corals	Prior to construction	_____

Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> Permit with all attachments kept at the work site	Permit shall be available on-site for DEP inspector at all times	_____
<input type="checkbox"/> Turbidity control structures in place	Structures should be inspected daily	_____
<input type="checkbox"/> Turbidity monitoring reports	Submitted as necessary	_____
<input type="checkbox"/> "Annual Status Report" submitted	Following June of each year until complete	_____
<input type="checkbox"/> Contingency mitigation plan finalized (if necessary)	90 days after construction commencement	_____
<input type="checkbox"/> Report changes to permitted drawings/plans/activities	Contact DEP before any changes	_____

Post-Construction Requirements

Activity	Date Due	Date Completed
<input type="checkbox"/> "Completion and Certification (As-Built) Form" signed & sealed by P.E. and sent to DEP	30 Days after construction	_____
<input type="checkbox"/> Conduct a post-construction resource survey	30 Days after construction completion	_____

- | | | |
|--|---------------------------------------|-------|
| <input type="checkbox"/> Submit post-construction resource Survey to the Department for review | 60 days after construction completion | _____ |
| <input type="checkbox"/> Contingency mitigation plan implemented | 90 days after construction completion | _____ |
-
- | | | |
|--|--|-------|
| <input type="checkbox"/> "Permit Transfer Form" submitted to DEP | Within 30 days sale of property (if property sold) | _____ |
|--|--|-------|

For the above criteria that require you to contact DEP – you should contact the Southeast District Office, Environmental Resources Permitting Section, Compliance and Enforcement, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401, Attention: Jena Sansgaard. Phone: 561/681-6655, Fax: 561/681-6780.

PLEASE NOTE:

As the property owner/permittee, you are ultimately responsible for ensuring that the required conditions of your permit are complied with and timely reported to the Department. Please ensure that any designated contractors or agents acting on your behalf are familiar with these requirements.

**Consolidated Environmental Resource Permit and State-owned Submerged Lands
Authorization Environmental Resource Permit**

Permittee:

**Florida Inland Navigation District (FIND)
c/o David Roach, Executive Director
1314 Marcinski Road
Jupiter, FL 33477
E-mail: droach@aicw.org**

Permit No:

06-0283683-002

Project Name or Phase:

Florida Inland Navigation District (FIND) ICWW Dredge

AUTHORIZATIONS

Project Description

The permittee is authorized to deepen the Intracoastal Waterway (ICWW) channel to accommodate larger vessels by dredging along a 14,400 linear foot distance (43.61 acres) (282,491 cubic yards) of sovereignty submerged lands to a maximum depth of -17 feet Mean Low Water (MLW) (project depth of -15 feet MLW and 2 feet of overdredge) in order to create a uniform depth throughout the ICWW channel. The project is located in the Intracoastal Waterway, Class III Waters. Authorized activities are depicted on the attached exhibits.

The submerged bottom at the project site consists of a variety of habitats consisting of silty barren bottom, hardbottom habitat with an assortment of hard and soft corals, and a variety of seagrass habitats. The permittee has modified the project footprint to avoid the resource areas; however, for additional assurance they shall conduct a pre-construction resource survey the growing season prior to the commencement of dredging (April 1st - October 31st). The permittee shall mark with buoys (or other identifiable feature) any resource areas and shall adjust the dredging footprint to avoid these resource areas. All vessels and construction equipment, tools, and dredging activities shall maintain a 10 foot buffer between any seagrasses and the top of the stabilized post-construction side slope (lateral distance of at least 25-feet and 7-feet vertically from any vessels, dredging, and equipment). If seagrass resources remain within the dredging footprint and cannot be avoided, the permittee shall contact the Department prior to construction commencement and will be responsible to implement the attached contingency mitigation plan.

With regard to coral resources, there are twelve identified corals located within the project footprint. These corals shall be removed and relocated prior to the commencement of any dredging. If the pending resource survey listed above identifies additional coral resources

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within the project footprint, the permittee shall carefully remove the corals and relocate them in accordance with the attached plan.

All construction equipment/tools and materials shall be transported to and from the site via barge and upland roadways and all equipment/tools and materials shall be stored on the barge and uplands. The boats shall operate within waters of sufficient depth to preclude bottom scouring and prop dredging of resources.

The material shall be mechanically dredged using an environmentally sealed clamshell bucket from a shallow draft barge. Turbidity curtains shall be utilized, when feasible, along the sides of identified resource areas to prevent turbid waters from entering these areas. Due to the nature of the project site within the ICWW, turbidity curtains may not be feasible due to boat traffic, tide conditions, etc., and therefore a temporary mixing zone is allowed under this permit to occur up to 150 meters down current of the construction activity (barge location), depending on the tide within the ICWW. Turbidity shall be monitored and recorded at the edge of identified resource areas and at the edge of the mixing zones to ensure that turbidity levels do not exceed 29 NTUs above ambient background levels outside of the mixing zones. The standard manatee conditions will be adhered to during all in water work.

Dredge material removed by mechanical operations shall be placed directly in a self-contained barge with containment rails to hold the spoil and prevent return water from entering surface waters, then transported to Port Everglades, where it shall be temporarily stored within uplands and tested prior to transportation to a final spoil disposal location to be approved by the Department. Return water shall not be discharged into any waterbody during transport, or unloading activities. The temporary spoil containment area shall be constructed to contain all off loaded spoil material and prevent the escape of dredged material and associated effluent into surface waters.

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

State-owned Submerged Lands Authorization

The activity is located on submerged lands owned by the State of Florida. It therefore also requires authorization, from the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.002 Florida Statutes (F.S.) 253.77, Florida Statutes (F.S.)

As staff to the Board of Trustees, the Department has determined that the activity qualifies for a Letter of Consent, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

Permittee: FIND-ICWW Dredge

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Federal Authorization

A copy of this permit has been sent to the U.S. Army Corps of Engineers (USACE). The USACE may require a separate permit. Failure to obtain any required federal permits prior to construction could subject you to enforcement action by that agency.

Coastal Zone Management

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

Water Quality Certification

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

Other Authorizations

You are advised that authorizations or permits for this project may be required by other federal, state or local entities including but not limited to local governments and homeowner's associations. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

In addition, you are advised that your project may require additional authorizations or permits from the municipality/county in which the project is located. Please be sure to contact the local county building and environmental department to obtain these required authorizations.

PROJECT LOCATION

The activities authorized by this Permit are located in the Intracoastal Waterway, beginning at the channel between Intracoastal Drive and Bayshore Drive and ending just south of the 17th Street Bridge, Class III Waters, Ft. Lauderdale (Section 25, Township 50 South, Range 42 East), in Broward County (Beginning Latitude N 26° 7' 47.58", Longitude W 80° 6' 35.64" and Ending Latitude N 26° 6' 0.94", Longitude W 80° 7' 6.74").

PERMIT /STATE-OWNED SUBMERGED LANDS CONDITIONS

The activities described herein must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General Consent Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to commencing the authorized activities, and to ensure the work is conducted in

conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these conditions and drawings prior to commencing the authorized activities. Failure to comply with these conditions, including any mitigation requirements, shall constitute grounds for revocation of the Permit and appropriate enforcement action by the Department.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit/certification/authorization and state-owned submerged lands authorization, as specifically described above.

SPECIFIC CONDITIONS

PROJECT DRAWINGS & FORMS

(1) The project drawings, sheets 1 through 25; the 8-page Contingency Mitigation Plan; the attached 2-page permit checklist; DEP forms: 62-343.900(3), (4), (5), and (7) F.A.C., which can be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>, and the 2-page "Standard Manatee Conditions for In-Water Work, 2011", become part of this permit. If the applicant does not have access to the Internet, please contact the Department at (561) 681-6656 to request the aforementioned forms and/or document(s).

(2) If the attached permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

PRE-CONSTRUCTION MEETING

(3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. The permittee shall contact the Department in writing to schedule the conference. Department of Environmental Protection, Southeast District, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Jena Sansgaard, 400 N. Congress Ave., Suite 200, West Palm Beach, Florida 33401 (phone: 561/681-6655).

CONSTRUCTION PERSONNEL

(4) The permittee shall be responsible for ensuring that the permit conditions are explained to all construction personnel working on the project, and for providing each contractor and subcontractor with a copy of this permit before construction begins.

PROJECT LIMITS

(5) The work authorized by this permit shall not be conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.

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RESOURCE IMPACTS

(6) The permittee shall conduct a pre-construction resource survey the growing season prior to the commencement of dredging (April 1st - October 31st) within the proposed project footprint. The survey shall be conducted as close to the start of construction as possible (within the growing season) to ensure the most accurate data is collected. This survey shall identify any submerged seagrass resources and hard/soft corals that may be impacted.

(7) Within 60 days of completion of the pre-construction survey and prior to commencement of dredging, the permittee shall submit the results of the survey to the Department for review. If seagrass resources are identified at the time of this survey, the permittee shall modify the dredging footprint to minimize impacts to any seagrass resources. If there are remaining seagrass resources that cannot be avoided, the permittee in coordination with the Department, shall be responsible to finalize and implement the attached contingency mitigation plan.

(8) The permittee shall be responsible to relocate the twelve identified corals within the project footprint. The locations of these corals and any other corals identified shall be recorded by GPS. These corals shall be removed and relocated temporarily to a similar depth and site conditions until the dredging is completed. Once the dredging has been completed, the corals shall then be placed back in their previous location.

(9) Any coral resources identified during the resource survey shall be handled by individuals experienced in coral relocation. The corals shall be carefully removed and relocated in compliance with the Florida Keys National Marine Sanctuary (FKNMS) guidance and recommendations.

(10) Once the dredging has been completed, the permittee shall conduct a post-construction resource survey within 30 days of dredging completion that shall identify that the permittee successfully avoided any seagrass/coral resources. This report shall be submitted to the Department for review within 60 days of the construction completion. Any remaining unanticipated impacts shall be mitigated for through the attached contingency mitigation plan.

(11) The permittee shall be responsible to apply to the Department for a separate environmental resource permit for the proposed contingency mitigation in accordance with the attached plan (if necessary).

CONSTRUCTION METHODOLOGIES

(12) All watercraft associated with the dredging shall only operate within waters of sufficient depth so as to preclude bottom scouring, prop dredging, or damage to the submerged bottom or submerged resources. During all construction activities, there shall

Permittee: FIND-ICWW Dredge

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be a minimum of 1-foot clearance between the draft of the construction vessel to the submerged lands and/or to the top of any submerged resource.

(13) There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state. All cleared vegetation, excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

(14) All areas to be dredged shall be in accordance with the attached permit drawings and shall not exceed the areas and depths indicated on those drawings.

(15) Dredging shall be conducted from a shallow draft barge with a fully loaded draft of no more than 6 feet. The material shall be mechanically dredged by an environmentally sealed clamshell dredge bucket and deposited directly into a fully-lined barge with containment rails to hold the spoil and prevent return water from entering surface waters. Return water shall not be discharged into the ICWW and all spoil materials shall be temporarily placed in a self-contained upland retention area prior to final placement in Port Everglades, located in Dania Beach/Broward County, in accordance with the attached permit drawings. The spoil containment areas shall be constructed to contain all off loaded spoil material and prevent the escape of dredged material and associated effluent into surface waters.

(16) Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed at the dredge site where feasible. If utilized, the permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the mixing zone. Turbidity shall be monitored as described in the monitoring portion of this permit.

TURBIDITY MONITORING

(17) Turbidity Monitoring. Water turbidity levels shall be monitored and recorded at least every 4 hours during construction operations or upon the occurrence of other circumstances that might create water quality violations on site. Samples shall be taken one foot above the bottom, mid-depth, and one-foot below the surface at the following monitoring stations located as follows:

- a. Approximately 180-m up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)

- b. Three compliance locations 150-m, 100-m, and 50-m down current of the dredge barge and two sample points at the edge of resources on the same side of the channel as the dredging is occurring (i.e. at the edge of the mixing zone), within the densest portion of any visible turbidity plume. (These samples shall serve as the compliance samples.)

Samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs). If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 18, the permittee shall cease all work pursuant to Specific Condition 18.

(18) The following measures shall be taken by the permittee if at any time turbidity levels at the edge of the mixing zone surrounding the project site exceed 29 NTU's above the ambient turbidity levels of the surrounding surface waters:

- a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels; and
- b. Modify work procedures responsible for the violation, which may include installing additional turbidity containment devices, and/or repairing non-functioning turbidity containment devices; and
- c. Increase monitoring frequency to every 2 hours until turbidity levels are within acceptable limits as specified above. Interim samples collected following the violation (s) shall be collected in the same manner and locations as the routine monitoring. Operations may not resume until the turbidity levels outside of the mixing zone have returned to background levels.
- d. The violation shall be immediately reported to the DEP-Southeast District Office ERP Compliance/Enforcement Section at 561/681-6643 by phone, at the time it is first detected. A follow up report shall be submitted which shall include the description of the corrective actions being taken or proposed to be taken. The report shall be made to the Department as soon as normal business hours resume if violation(s) are noted after normal business

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hours, on holidays, or on weekends. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

(19) Turbidity Monitoring Reports. During construction, the permittee or permittee's contractor shall submit daily monitoring reports on a weekly basis containing the turbidity data gathered to the Department of Environmental Protection, Southeast District Office, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Jena Sansgaard, 400 N. Congress Ave., Suite 200, West Palm Beach, Florida 33401 (phone: 561/681-6655). The reports shall contain the following information:

- a. permit number
- b. project name
- c. dates of sampling and analysis
- d. turbidity sampling results
- e. description of data collection methods
- f. a map indicating the sampling locations
- g. time of day profile was taken
- h. depth of water body
- i. weather conditions at times of sampling
- j. tidal stage and direction of flow
- k. wind direction and velocity
- l. water temperature

Furthermore, each monitoring report shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data.

Monitoring reports shall be submitted to the Department of Environmental Protection, Southeast District Office, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Jena Sansgaard, 400 N. Congress Ave., Suite 200, West Palm Beach, Florida 33401 (phone: 561/681-6655). Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the DEP, the following wording shall be included at the top of each page or as a cover page to the submittal: "This information being provided in partial fulfillment of the monitoring requirements in Permit No. 06-0283683-002."

SPOIL DISPOSAL

(20) The dredged material shall be transported to and disposed of temporarily at Port Everglades in accordance with the attached permit drawings, located in Dania Beach/Broward County.

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(21) Prior to placement in the final disposal location, the spoil material shall be tested to determine whether the material is suitable for placement at the final disposal site. If the spoil is taken to a landfill, testing may not be required. Triplicate sediment samples shall be collected and analyzed in accordance with the following guidance documents:

-General – FDEP-SOP-001/01 FS 4000 Sediment Sampling;

-Marine/Estuarine Guidelines;

-1994 Florida Sediment Quality Assessment Guidelines (SQAGs)

All metals and other substances (parameters) should be analyzed based on the method detection limits provided in the "62-MDL/PQL Table" on the following website

<http://www.dep.state.fl.us/labs/library/index.htm>

Laboratories may use additional analytical methods approved in 40 CFR Part 136.3 that are not found in the 62-4.246(4) Method List. Sampling should be taken from the top 2 cm unless otherwise specified.

Parameters to be sampled:

PARAMETER	SAMPLE
Aluminum	Top 2 cm.
Arsenic	Top 2 cm.
Cadmium	Top 2 cm.
Chromium	Top 2 cm.
Copper	Top 2 cm.
Mercury	Top 2 cm.
Nickel	Top 2 cm.
Lead	Top 2 cm.
Zinc	Top 2 cm.
Tributyltins (TBT)	Top 2 cm.
Oil & greases (mg/l)	Top 2 cm.

Analyze two of the sediment samples from each station and archive the third for subsequent analyses if the results from the first two samples are below standards or upon the Department's request to analyze the archived Test results shall be submitted within one week of commencement of the dredging event to the Department of Environmental Protection, Southeast District Office, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Jena Sansgaard, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401 (phone: 561/681-6655). If the testing results render the spoil material unsuitable for commercial/industrial placement pursuant to Chapter 62-777, F.A.C., the material must be disposed of at an approved landfill. Within 30 days of disposal, landfill receipts shall be submitted to the Department at the address listed above. If the testing results render the spoil material suitable for residential or commercial/industrial placement, the permittee shall submit a spoil disposal

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plan which must be reviewed and approved by the Department prior to final placement of the spoil material.

AS-BUILT SURVEY

(22) Within 60 days after completion of construction, the permittee shall submit record drawings (as-builts) to the office listed in specific condition number 3. The drawings shall be in a format that will facilitate a direct comparison of the permitted activities and the work actually constructed.

FISH & WILDLIFE

(23) The permittee has not proposed blasting for this project. If in the future, the permittee determines the need for blasting and changes the proposed project construction methodology to incorporate blasting, a modification of the permit will be required in order to address fish and wildlife issues.

(24) Observers shall be designated as dedicated marine mammal observers during in-water work. The observers shall have experience in dredge activity marine mammal observation and be equipped with polarized sunglasses to aid in observation. The manatee observers must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work shall not be performed after sunset, when the possibility of spotting manatees is negligible.

(25) Prior to commencement of work, the permittee shall ensure that the contractor submit the names and contact information for all observers to the FWC at ImperiledSpecies@myfwc.com. The permittee shall also ensure that the contractor maintains a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. Within 30 days following project completion, the logs and a report summarizing incidents and sightings shall be submitted to the Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section at: ImperiledSpecies@myfwc.com.

(26) Dredging shall be prohibited between Station 0.00 and Station 70.00 from December 1st through March 15th.

(27) During all in-water work, the permittee shall comply with the standard manatee protection construction conditions listed in the attached 2-page "Standard Manatee Conditions for In-Water Work, 2011".

DIVISION OF HISTORICAL RESOURCES

(28) If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at 850/245-6333 or 800/847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

GENERAL CONDITIONS

(29) All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.

(30) This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

(31) Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

(32) The permittee shall notify the Department of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department an **"Environmental Resource Permit Construction Commencement"** notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.

(33) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an **"Annual Status Report Form"** (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

(34) Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied **"Environmental Resource Permit As-Built Certification by a Registered Professional"** (Form No. 62-343.900(5), F.A.C.). The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviation from the attached drawings is discovered during the certification process, the certification must be accompanied by a copy of the attached permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

(35) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (16) above, has submitted a **"Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase"** (Form No. 62-343.900(7), F.A.C.); the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the Department in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(36) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

(37) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the Department along with any other final operation and maintenance documents required by sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(38) Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(39) This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C.

(40) The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee

is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

(41) The permittee is advised that the rules of the South Florida Water Management District require the permittee to obtain a water use permit from the South Florida Water Management District prior to construction dewatering, unless the work qualifies for a general permit pursuant to subsection 40E-20.302(4), F.A.C., also known as the "No Notice" rule.

(42) The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

(43) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.

(44) The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

(45) Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

(46) If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate Department office.

(47) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

NOTICE OF RIGHTS

This Permit is hereby final unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57 of the Florida Statutes (F.S.) as provided below. The procedures for petitioning for a hearing are set forth below.

Permittee: FIND-ICWW Dredge

Permit No: 06-0283683-002

Page 14 of 18

Mediation is not available.

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. The petition must contain the information set forth below and 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.

Because the administrative hearing process is designed to re-determine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under Rule 62-110.106(4), Florida Administrative Code (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. 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. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention 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.

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) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Permittee: FIND-ICWW Dredge

Permit No: 06-0283683-002

Page 15 of 18

Under section 120.60(3) of the Florida Statutes, 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 petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing 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 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based 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, 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; and

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action;

(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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 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 when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1), 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 the final order is filed with the Clerk of the Department.

Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jennifer K. Smith
Program Administrator
Submerged Lands & Environmental
Resource Program

Permit Review Checklist, 2 pages
Exhibit 1, Project Drawings and Design Specs., 25 pages
Exhibit 2, Broward County ICWW Deepening Project Contingency Mitigation Plan, 8 pages
Exhibit 3, "Standard Manatee Conditions for In-Water Work, 2011", 2 pages
Commencement notice / 62-343.900(3)*
Annual status report/62-343.900(4)*
As-built certification/62-343.900(5)*
Transfer construction to operation phase/ 62-343.900(7)*

*Can be downloaded at: <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>

Copies furnished to:

FDEP Compliance and Enforcement, Jena Sansgaard, Jena.Sansgaard@dep.state.fl.us
USACOE, Samantha Rice, Samantha.L.Rice@usace.army.mil
NOAA-Jocelyn Karazsia, Jocelyn.Karazsia@noaa.gov
FFWCC, Bureau of Imperiled Species Management, Kellie Youmans, kellie.youmans@myfwc.com

Permittee: FIND-ICWW Dredge

Permit No: 06-0283683-002

Page 17 of 18

FFWCC, Bureau of Imperiled Species Management, Erin McDevitt,
erin.mcdevitt@myfwc.com

Broward County Env. Protection and Growth Mgmt. Division, Attn: Ryan St. George,
rstgeorge@broward.org

Taylor Engineering, Inc., Attn: Robert J. Wagner, jwagner@taylorengeering.com
Dial Cordy and Associates, Inc., Attn: Martha Robbart, mrobbart@dialcordy.com

FILING AND ACKNOWLEDGMENT

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

Rachel Osborne 8/16/11
Clerk Date

Exhibit 1 Project Drawings and Design Specifications



RECEIVED
AUG 01 2011
FL DEP
WEST PALM BEACH

PROJECT LOCATION ICWW CHANNEL
TOWNSHIP 50 SOUTH
RANGE 42 EAST
SECTION 25

ATLANTIC OCEAN

JOHN U. LLOYD PARK

DREDGED MATERIAL
OFF LOADING FACILITY
(PORT EVERGLADES)



0 4,000' 8,000'

SCALE: 1" = 4,000'

AERIAL REFERENCE: LABINS 2004

TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256

CERTIFICATE OF AUTHORIZATION #4815

FIGURE 1
LOCATION MAP
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT C2005-076-07	DRAWN BY RLJ/CAS	SHEET 1 of 25	DATE JULY 2011
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SEAL

[Signature]
JUL 27 2011
ROBERT J. WAGNER P.E. # 63326

DATE: 7/27/2011 3:29:48 PM
DRAWN BY: RLJ/CAS
PROJECT: C2005-076-07
SHEET: 2 of 25
DATE: JULY 2011



TAYLOR ENGINEERING INC.
10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION #4815

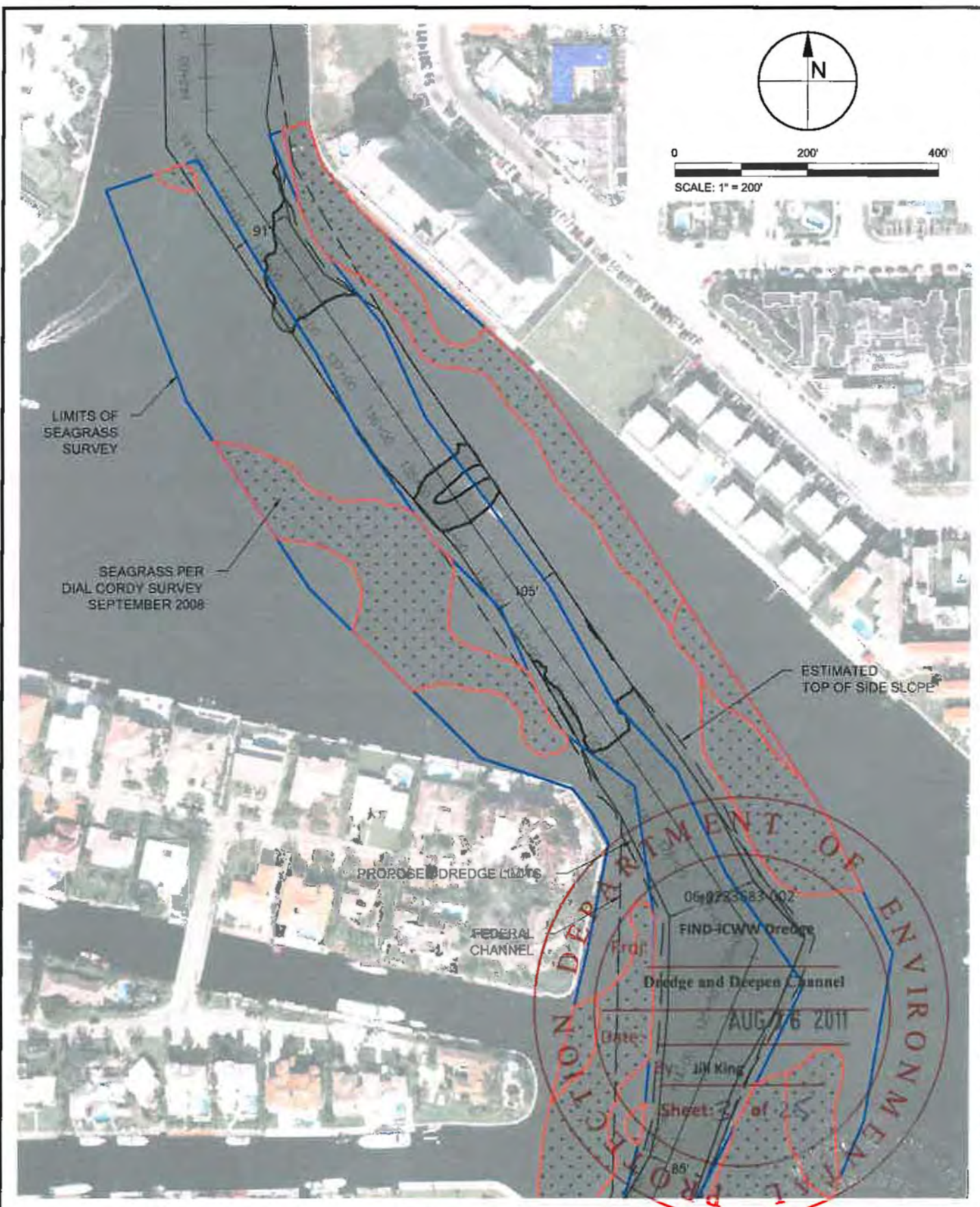
PROJECT: C2005-076-07
DRAWN BY: RLJ/CAS
SHEET: 2 of 25
DATE: JULY 2011

SEAL
[Signature]
JUL 27 2011
ROBERT J. WAGNER P.E. # 63226
DATE:

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.

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C:\HY\SHILL\1\5\15\PROJECT\INC\2005-076 BROWARD COUNTY DEEPENING PERMIT ICWW COMBINED\2005-076-A LIMITS OF DREDGE INC.DWG



TAYLOR ENGINEERING INC.
10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4816

FIGURE 3
SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT	DRAWN BY	SHEET	DATE
C2005-076-07	RLJ/CAS	3 of 25	JULY 2011

SEAL

[Signature]
JUL 27 2011
ROBERT J. WAGNER P.E. # 13028 DATE

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.



0 200' 400'

SCALE: 1" = 200'

LIMITS OF
SEAGRASS
SURVEY

PROPOSED DREDGE LIMITS

FEDERAL
CHANNEL

SEAGRASS PER
DIAL CORDY SURVEY
SEPTEMBER 2008

ESTIMATED
TOP OF SIDE SLOPE



TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256

CERTIFICATE OF AUTHORIZATION # 4816

FIGURE 4

SITE DREDGING PLAN

FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT	DRAWN BY	SHEET	DATE
C2005-076-07	RLJ/CAS	4 of 25	JULY 2011

SEAL

JUL 27 2011

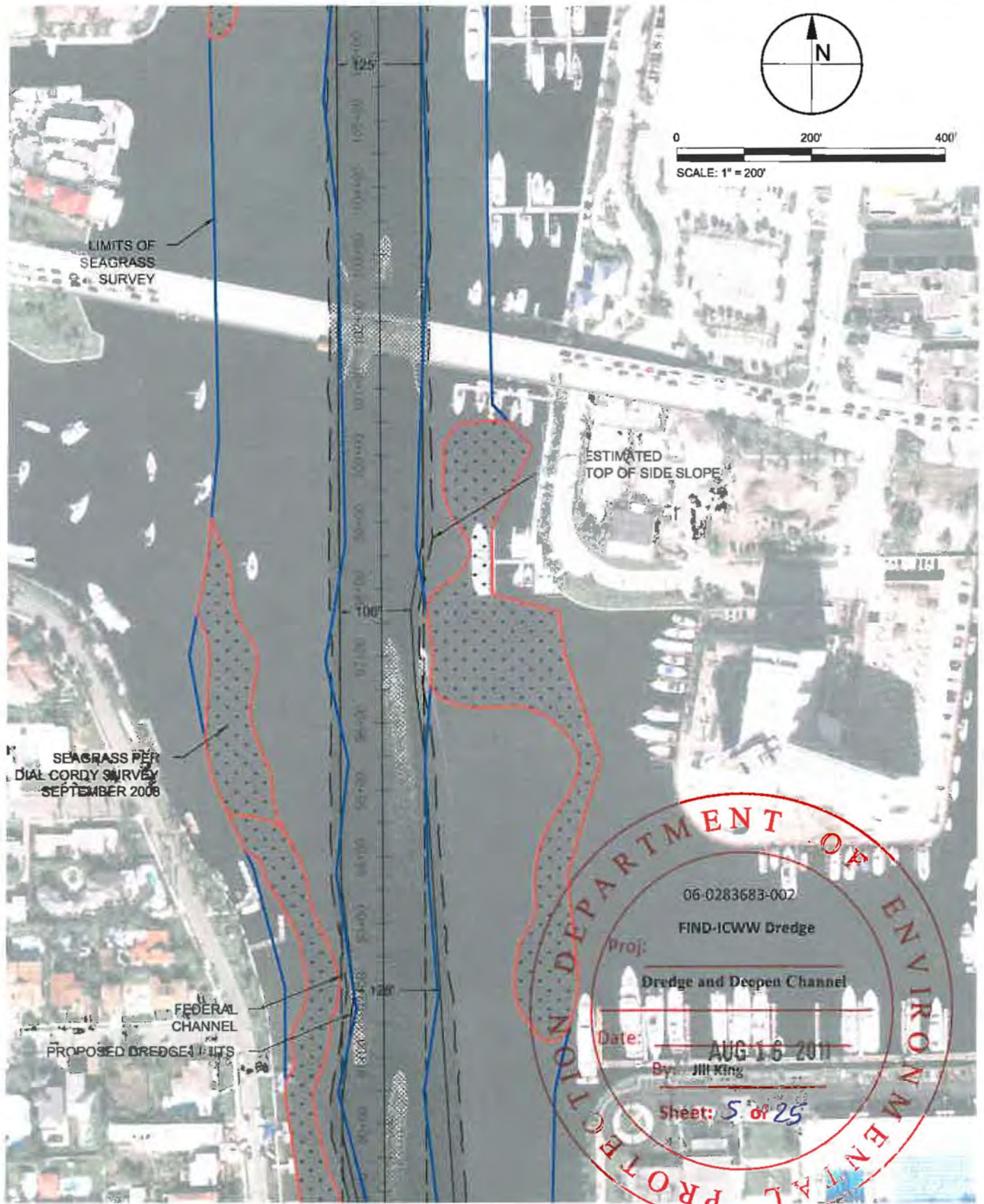
ROBERT J. WAGNER, P.E. # 67028

DATE

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.

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TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256

CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 5

**SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA**

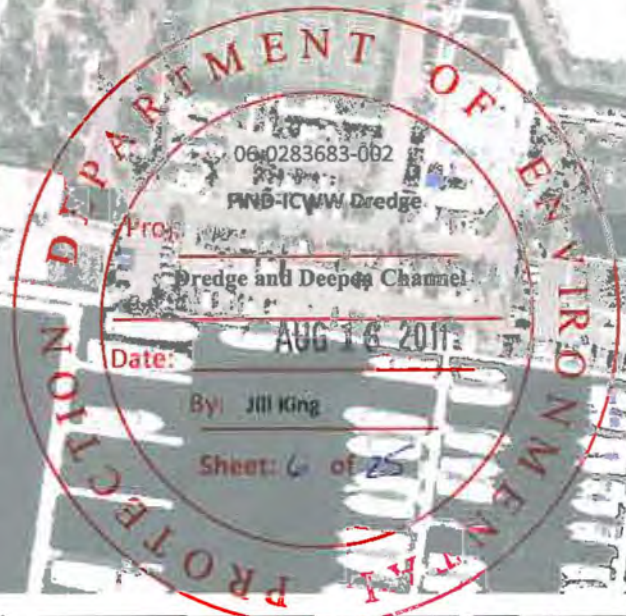
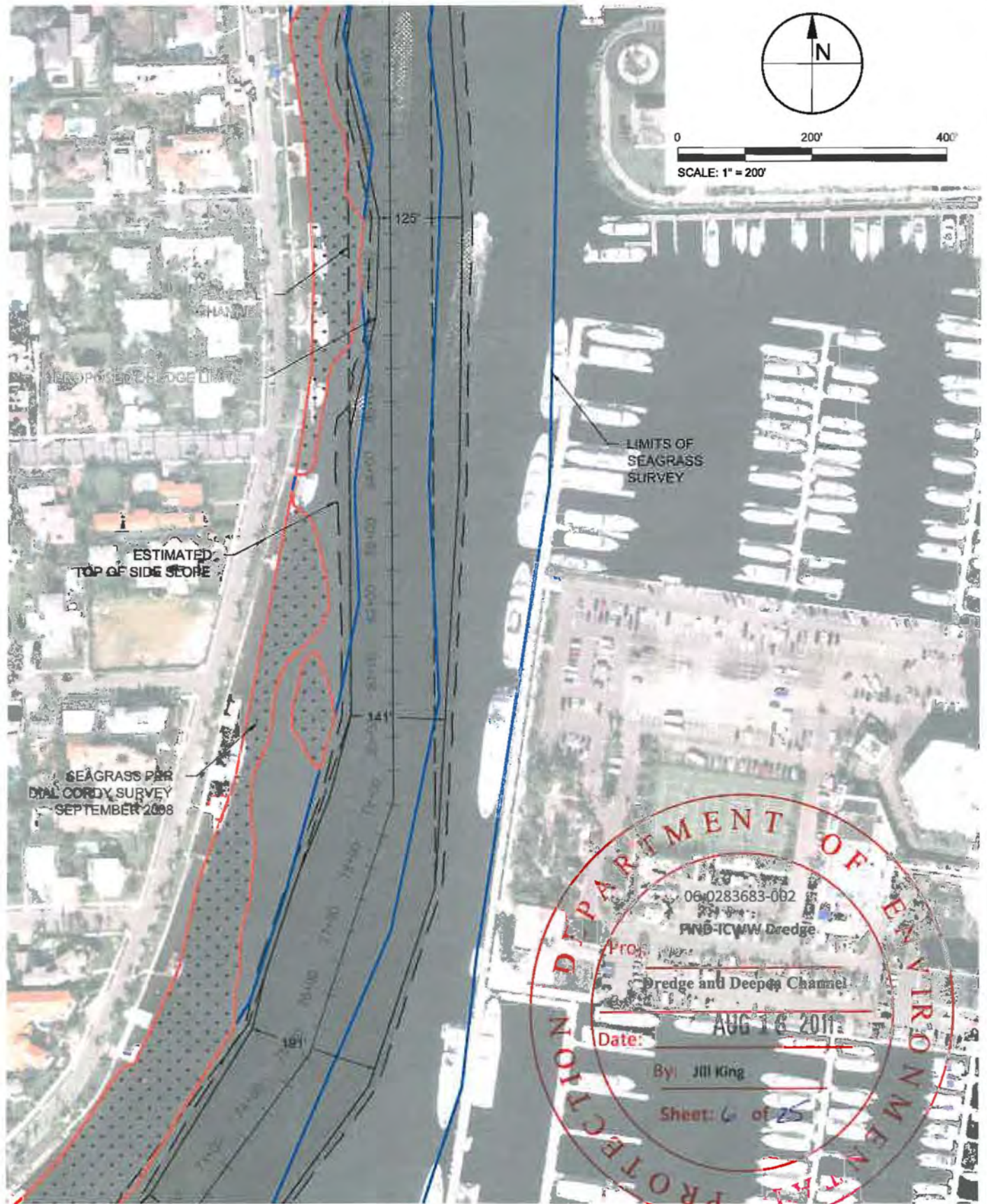
PROJECT C2005-078-07	DRAWN BY RLJ/CAS	SHEET 5 of 25	DATE JULY 2011
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JUL 27 2011

ROBERT J. WAGNER P.E. 63028

DATE



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	TAYLOR ENGINEERING INC.	FIGURE 6 SITE DREDGING PLAN FIND BROWARD CO. ICWW DEEPENING PROJECT BROWARD COUNTY, FLORIDA		SEAL JUL 27 2011
	10151 DEERWOOD PARK BLVD. BLDG. 300, SUITE 300 JACKSONVILLE, FL 32256			
	CERTIFICATE OF AUTHORIZATION # 4815	PROJECT: C2005-076-07 DRAWN BY: RLJ/CAS SHEET: 6 of 25 DATE: JULY 2011	ROBERT J. WAGNER P.E. # 63028 DATE:	

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.



0 200' 400'

SCALE: 1" = 200'

LIMITS OF
SEAGRASS
SURVEY

FEDERAL
CHANNEL

PROPOSED DREDGE LIMITS

ESTIMATED
TOP OF SIDE SLOPE

SEAGRASS PER
DIAL CORDY SURVEY
SEPTEMBER 2008



TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256

CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 7

SITE DREDGING PLAN

FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT: C2005-076-07 DRAWN BY: RLJ/CAS SHEET: 7 of 25 DATE: JULY 2011

SEAL

[Signature]
JUL 27 2011

ROBERT J. WAGNER, P.E. # 83028

DATE

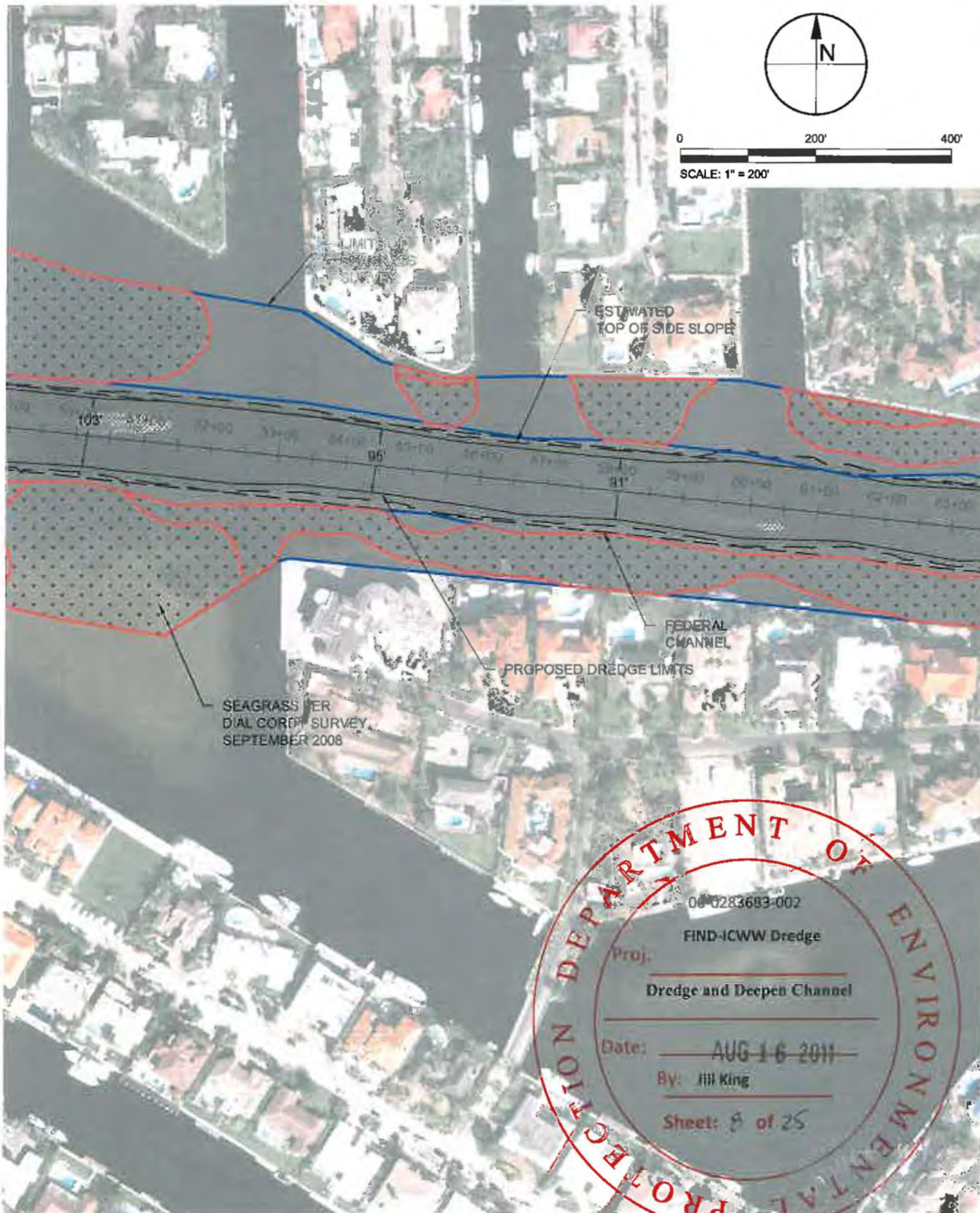
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PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.

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TAYLOR ENGINEERING INC.
10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

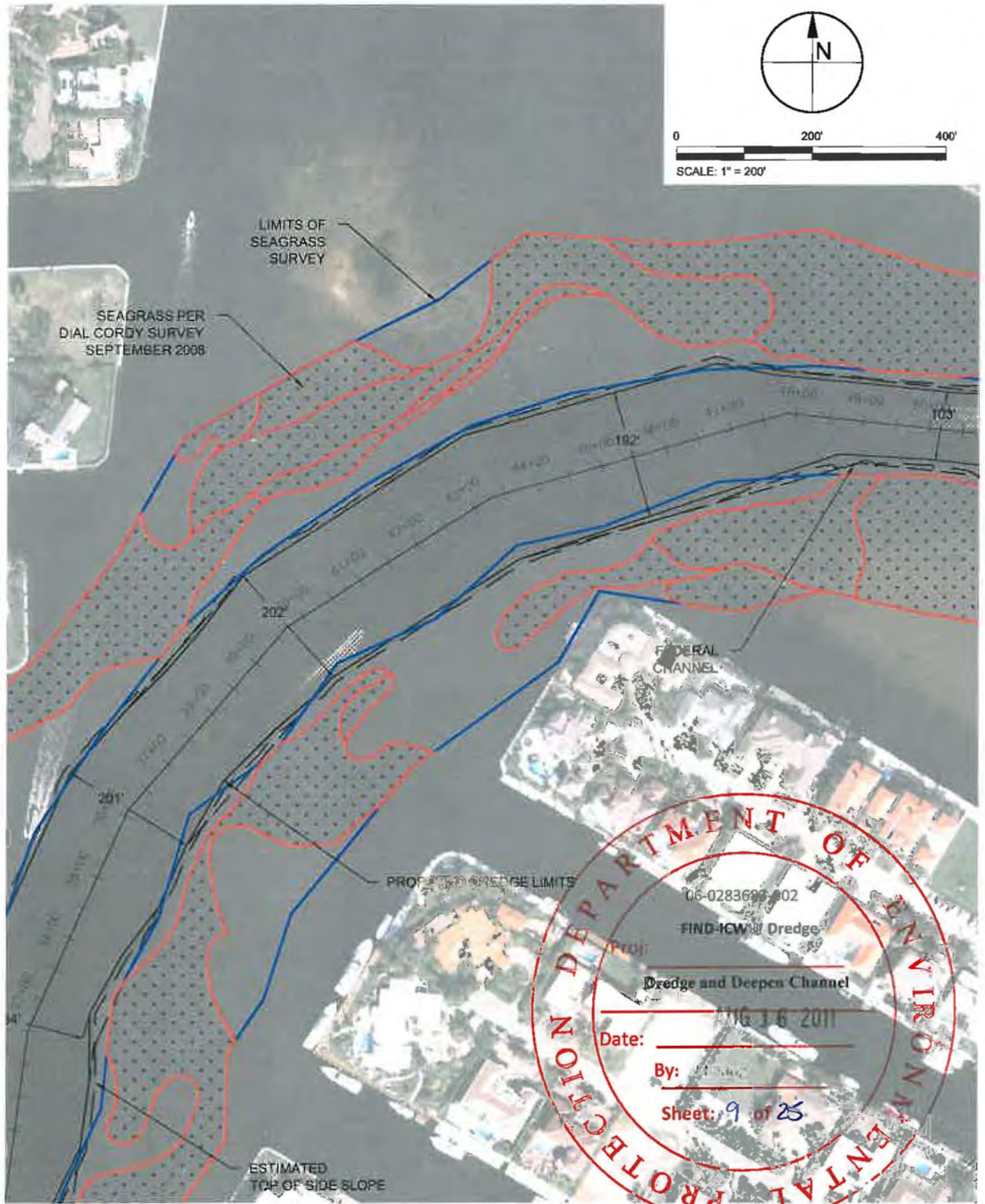
FIGURE 8
SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT C2005-078-07	DRAWN BY RLJ/CAS	SHEET 8 of 25	DATE JULY 2011
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SEAL

JUL 27 2011
ROBERT J. WAGNER P.E. # 63028
DATE

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.



TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256

CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 9

SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT C2005-076-07	DRAWN BY RLJ/CAS	SHEET 9 of 25	DATE JULY 2011
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SEAL

[Signature]
JUL 27 2011

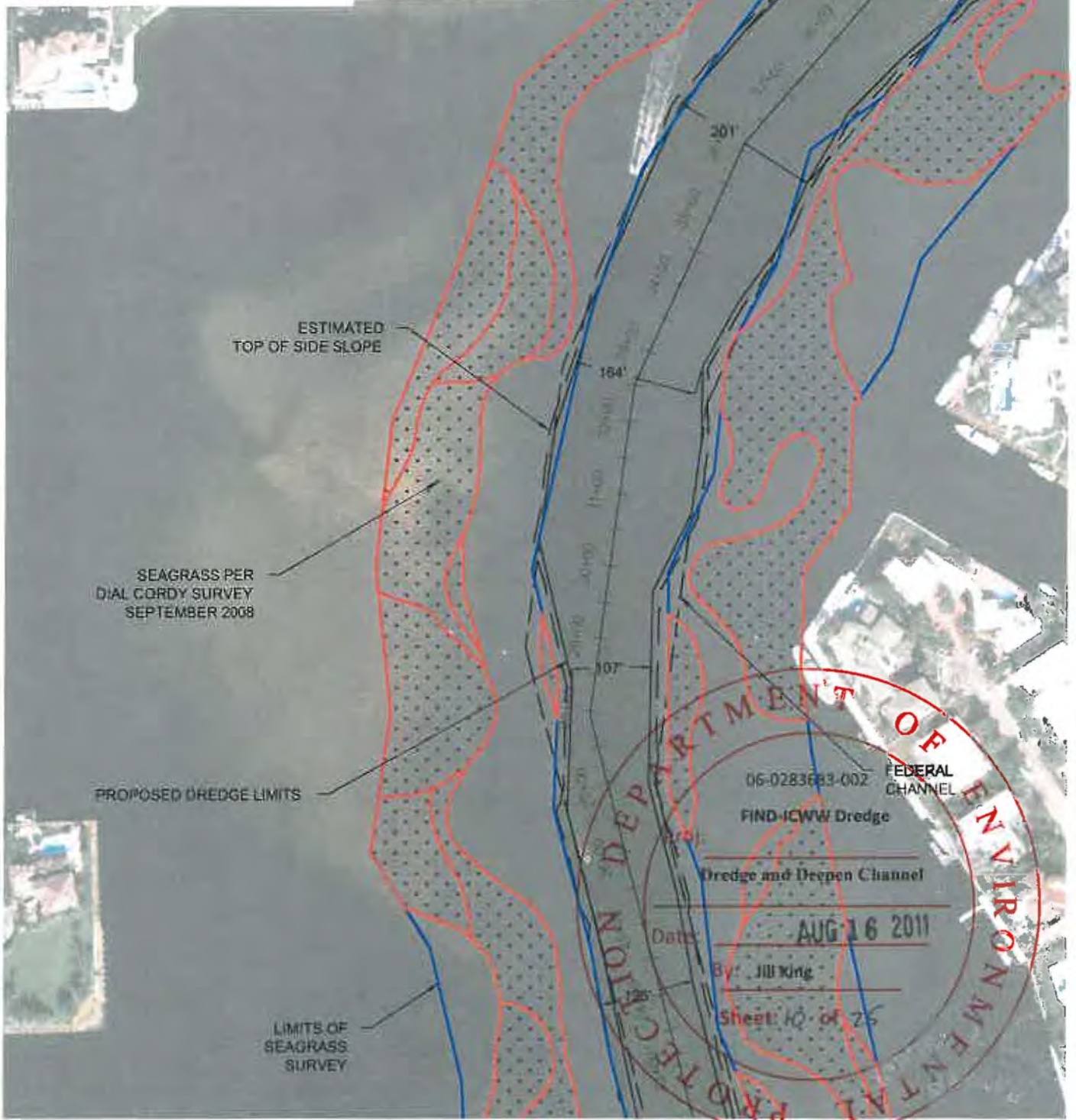
ROBERT J. WAGNER P.E. # 63038

DATE



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SCALE: 1" = 200'



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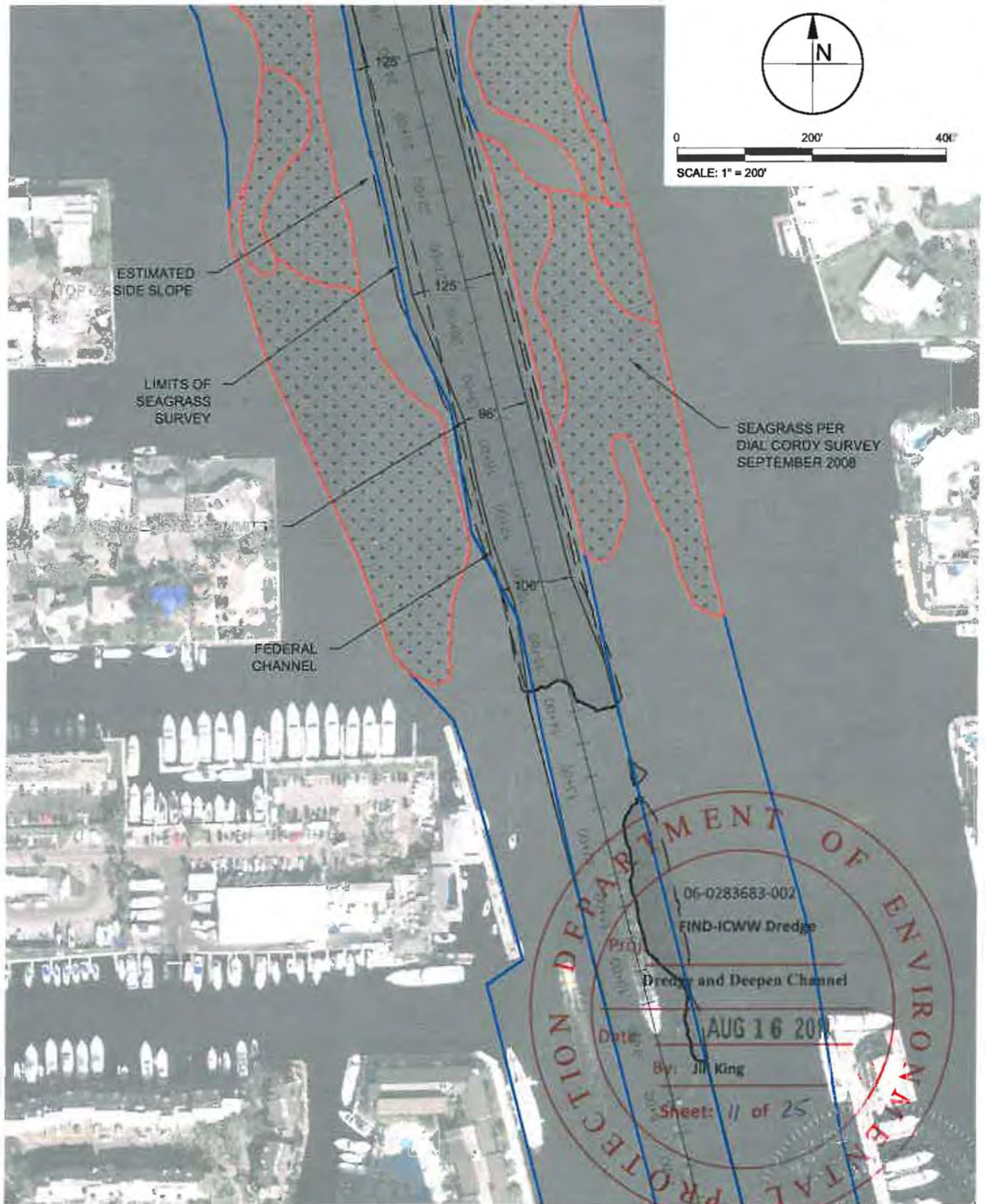
TAYLOR ENGINEERING INC.
10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 10
SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT	DRAWN BY	SHEET	DATE
C2005-076-07	RLJ/KAS	10 of 25	JULY 2011

SEAL
[Signature]
JUL 27 2011
ROBERT J. WAGNER P.E. # 63028
D/18

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.



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06-0283683-002
 FIND-ICWW Dredge
 Dredge and Deepen Channel
 Date: **AUG 16 2011**
 By: JIM KING
 Sheet: 11 of 25

	TAYLOR ENGINEERING INC.		FIGURE 11 SITE DREDGING PLAN		SEAL
	10151 DEERWOOD PARK BLVD. BLDG. 300, SUITE 300 JACKSONVILLE, FL 32256 CERTIFICATE OF AUTHORIZATION #4815		FIND BROWARD CO. ICWW DEEPENING PROJECT BROWARD COUNTY, FLORIDA		JUL 27 2011 <small>ROBERT J. WAGNER P.E. #61028</small>
	PROJECT C2005-076-07	DRAWN BY RLJ/CAS	SHEET 11 of 25	DATE JULY 2011	<small>DATE</small>

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.



0 200' 400'
SCALE: 1" = 200'

SEAGRASS PER
DIAL CORDY SURVEY
SEPTEMBER 2008

LIMITS OF
SEAGRASS
SURVEY

PROPOSED DREDGE LIMITS

FEDERAL
CHANNEL

ESTIMATED
TOP OF SIDE SLOPE



TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256

CERTIFICATE OF AUTHORIZATION #4815

FIGURE 13

SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT: C2005-076-07 DRAWN BY: RLJ/CAS SHEET: 13 of 25 DATE: JULY 2011

CEAL

[Signature]
JUL 27 2011

ROBERT J. WAGNER P.E. #13028

DATE

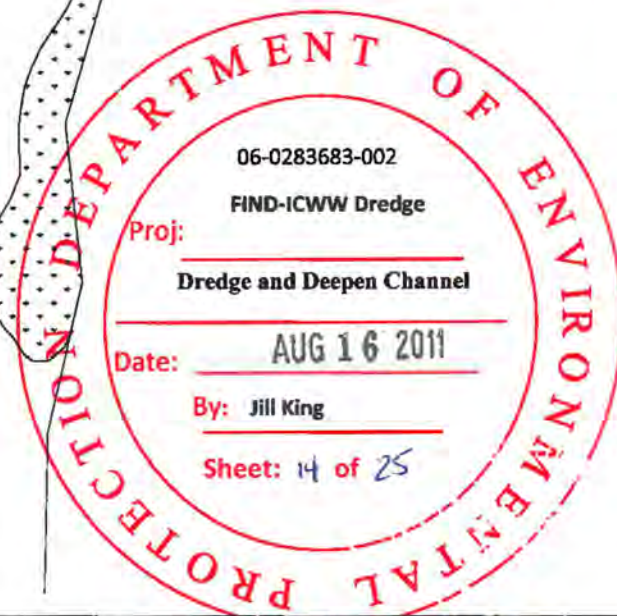


LIMITS OF SEAGRASS SURVEY

ESTIMATED
TOP OF SIDE SLOPE

SEAGRASS PER
DIAL CORDY SURVEY
SEPTEMBER 2008

FEDERAL
CHANNEL
PROPOSED DREDGE LIMITS



TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256

CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 14
SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT C2005-076-07	DRAWN BY RLJ/CAS	SHEET 14 of 25	DATE JULY 2011
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[Signature]
JUL 27 2011

ROBERT J. WAGNER P.E. 003028

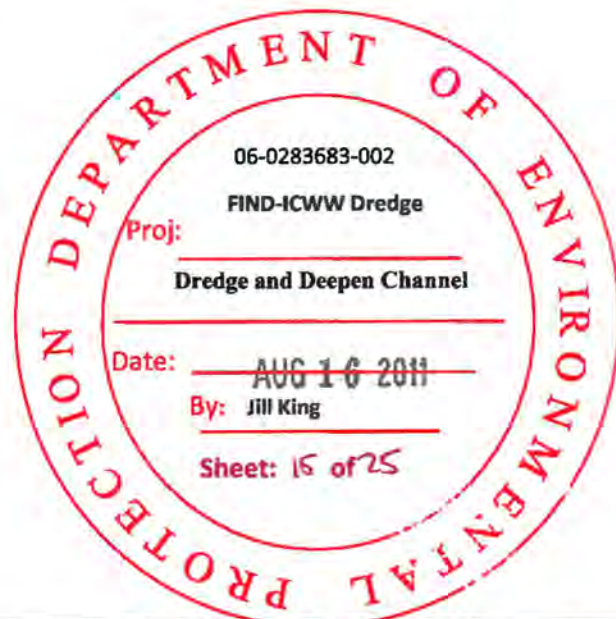
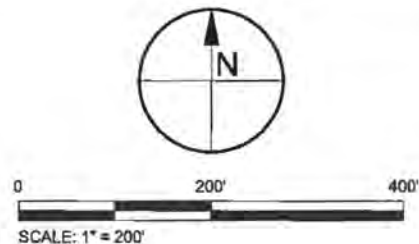
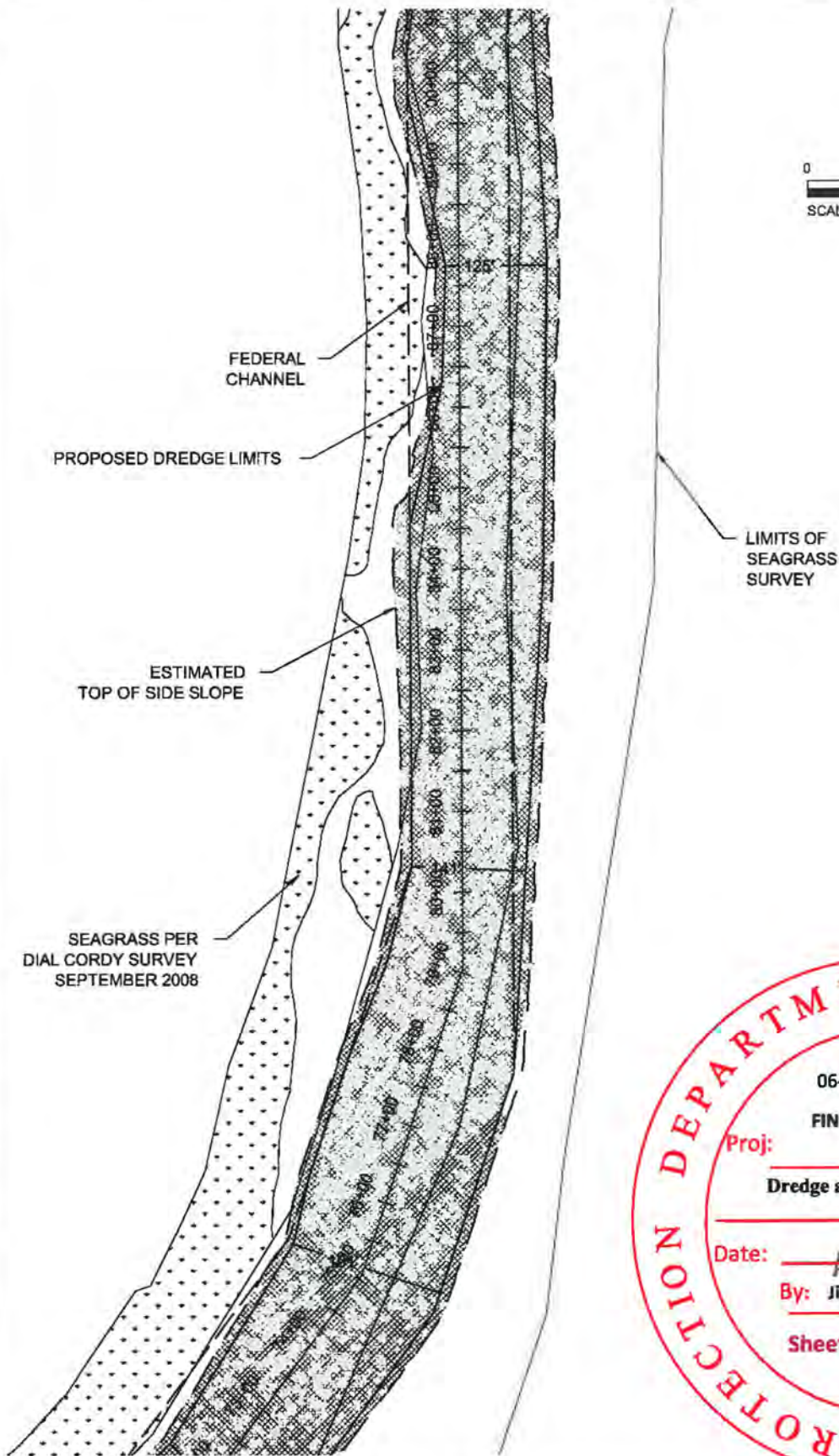
DATE _____

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CATHY SWEET X:\SYSTEM\PROJECTS\2006-07\BROWARD COUNTY DEEPENING PROJECT\UC\WWW COMBINED\2005-07\6 PLUMTS OF DREDGING UNLAWD

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.

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TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256

CERTIFICATE OF AUTHORIZATION #4815

FIGURE 15
SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT: C2005-076-07	DRAWN BY: RLJ/CAS	SHEET: 15 of 25	DATE: JULY 2011
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SEAL

[Signature]
JUL 27 2011

ROBERT J. WAGNER, P.E. #63028

DATE



0 200' 400'
SCALE: 1" = 200'

LIMITS OF
SEAGRASS
SURVEY

ESTIMATED
TOP OF SIDE SLOPE

FEDERAL
CHANNEL

PROPOSED DREDGE LIMITS

SEAGRASS PER
DIAL CORDY SURVEY
SEPTEMBER 2008




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CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 18
SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

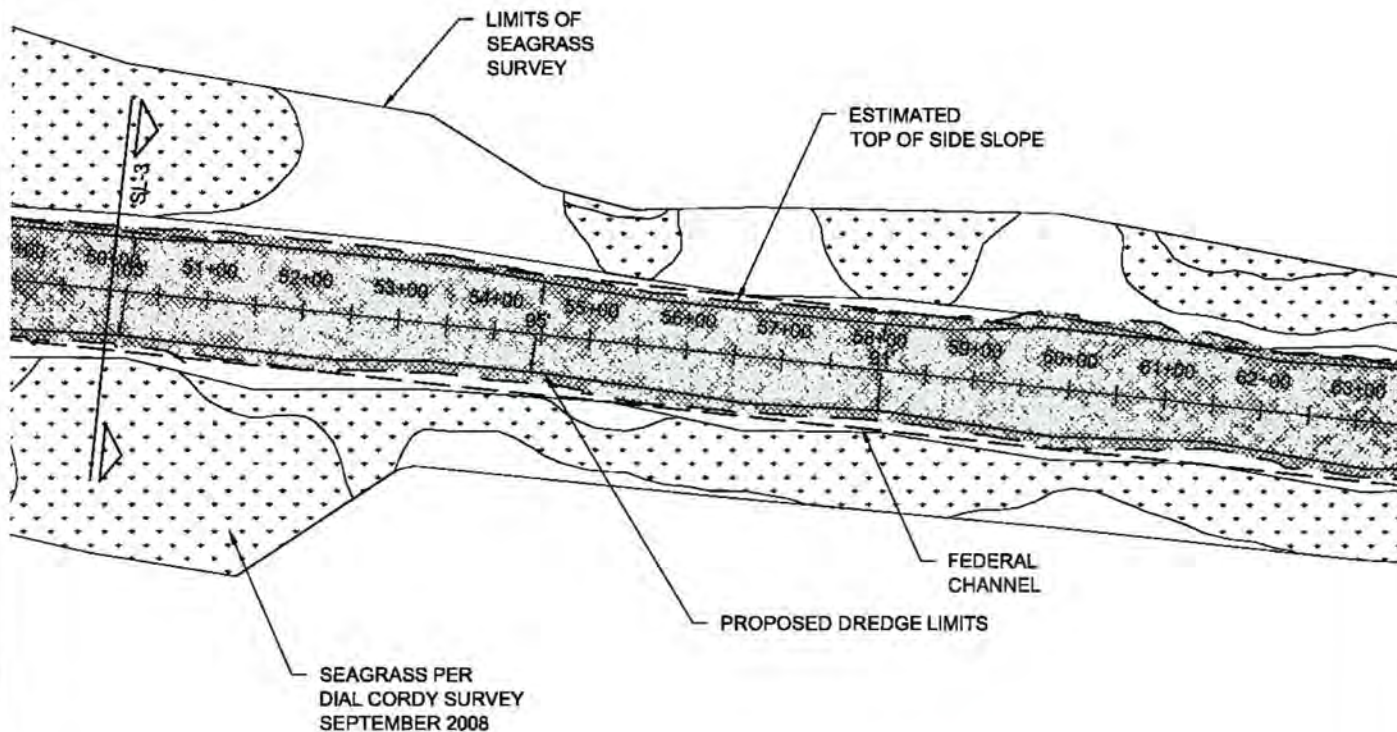
PROJECT: C2005-076-07 DRAWN BY: RLJ/CAS SHEET: 16 of 25 DATE: JULY 2011

SEAL

JUL 27 2011
ROBERT J. WAGNER P.E. # 69028 DATE

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.



0 200' 400'
SCALE: 1" = 200'



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10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32258

CERTIFICATE OF AUTHORIZATION #7816

FIGURE 17
SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

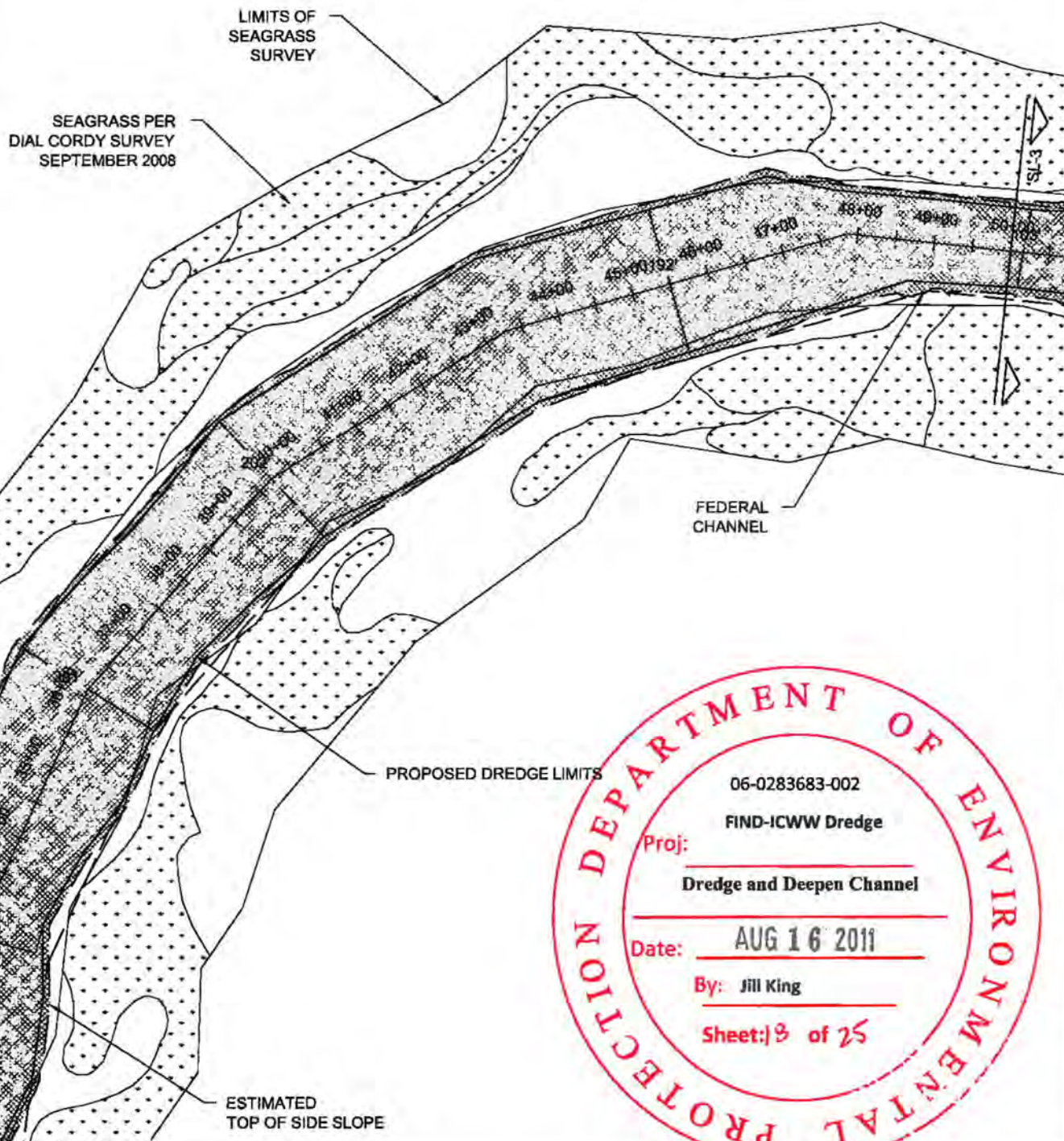
PROJECT C2005-076-07	DRAWN BY RLJ/CAS	SHEET 17 of 25	DATE JULY 2011
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SEAL

[Signature]
JUL 27 2011
ROBERT J. WAGNER P.E. # 63028



0 200' 400'
SCALE: 1" = 200'



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JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 18
SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT: C2005-076-07 DRAWN BY: RLJ/CAS SHEET: 18 of 25 DATE: JULY 2011

SEAL

JUL 27 2011
ROBERT J. WAGNER P.E. # 63028 DATE:

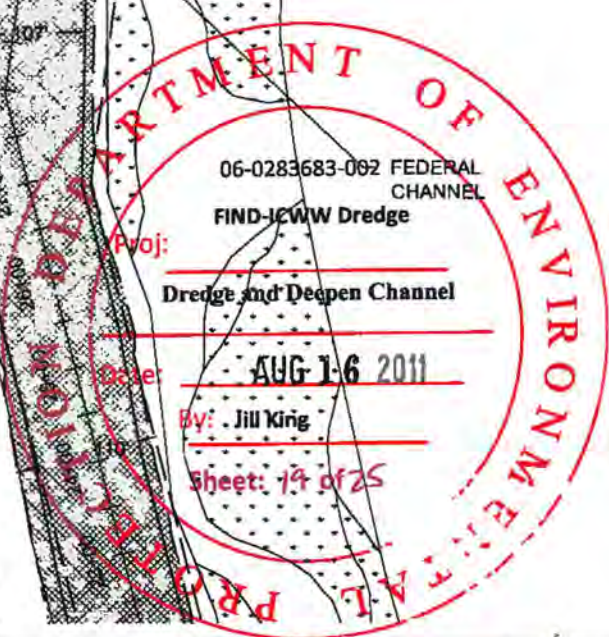
PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.



SEAGRASS PER
DIAL CORDY SURVEY
SEPTEMBER 2008

PROPOSED DREDGE LIMITS

LIMITS OF SEAGRASS SURVEY



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JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 19
SITE DREDGING PLAN
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT C2005-076-07	DRAWN BY RLJ/CAS	SHEET 19 of 25	DATE JULY 2011
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BEA

JUL 27 2011

ROBERT J. WIGNER P.E. # 63324

DATE _____

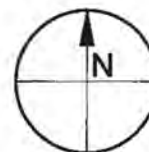
ESTIMATED
TOP OF SIDE SLOPE

LIMITS OF
SEAGRASS
SURVEY

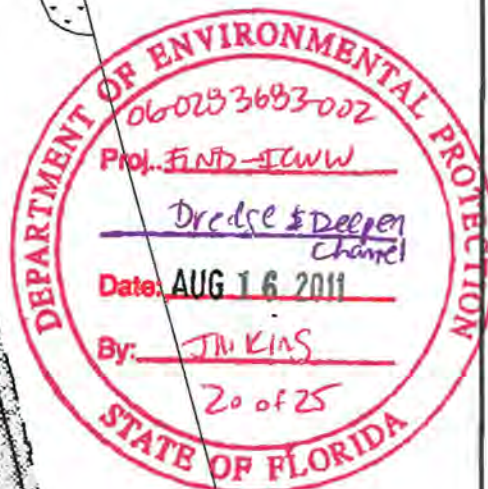
PROPOSED DREDGE LIMITS

FEDERAL
CHANNEL

SEAGRASS PER
DIAL CORDY SURVEY
SEPTEMBER 2008



0 200' 400'
SCALE: 1" = 200'



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JACKSONVILLE, FL 32256

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FIGURE 20

SITE DREDGING PLAN

FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT	DRAWN BY	SHEET	DATE
C2005-078-07	RLJ/CAS	20 of 25	JULY 2011

SEAL

Robert J. Wagner
JUL 27 2011

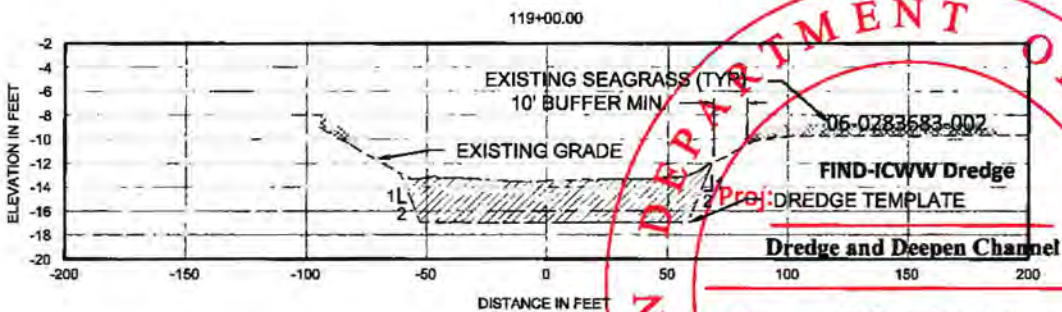
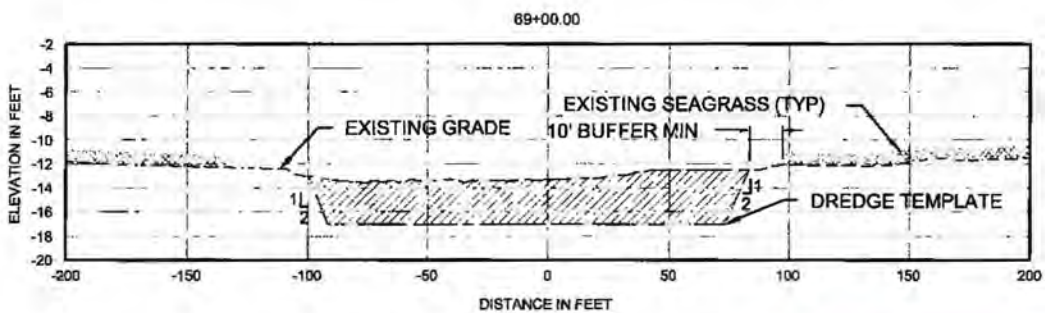
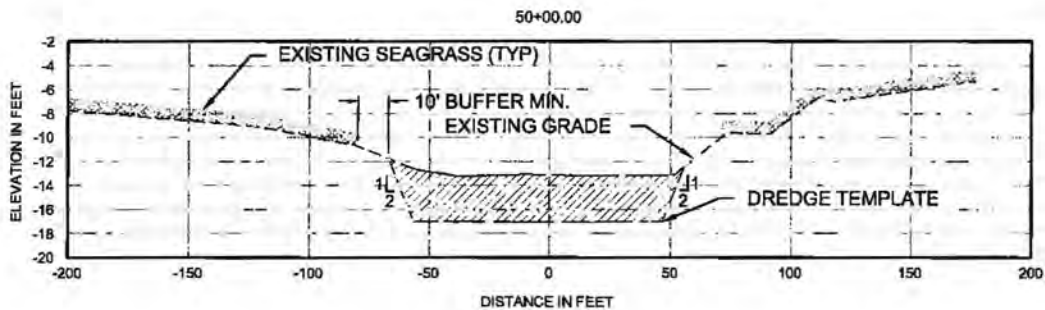
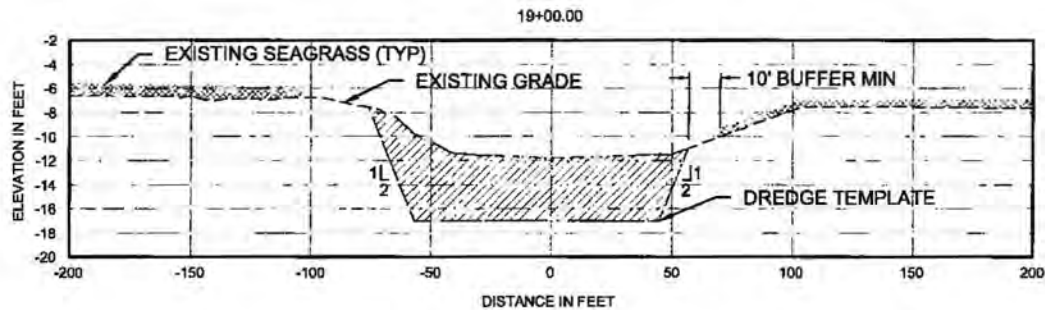
ROBERT J. WAGNER P.E. # 82328

DATE

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ICWW DREDGE SECTIONS

SCALE: 1" = 80'
V-SCALE: 1" = 16'



Date: AUG 16 2011

By: Jill King

Sheet: 21 of 25

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JACKSONVILLE, FL 32256

CERTIFICATE OF AUTHORIZATION #4815

FIGURE 21
DREDGING CROSS SECTIONS
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT	C2005-076-07	DRAWN BY	RLJ/CAS	SHEET	21 of 25	DATE	JULY 2011
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SEAL

JUL 27 2011

ROBERT J. WIGNER, P.E. # 63026

DATE



0 300' 600'
SCALE: 1" = 300'

PORT EVERGLADES SOUTHPORT

PERIMETER DIKE WALL 4' HIGH,
8' TOP WIDTH, 4:1 SIDE SLOPES

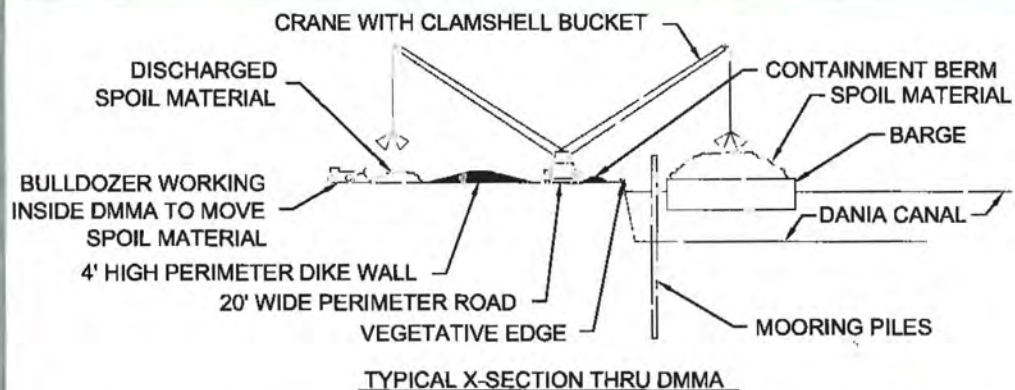
B
FIG. 24

ACCESS ROAD TO CONTAINMENT AREA

± 6.0
ACRES

BROWARD COUNTY - ID No. 504235190019

DANIA CUTOFF CANAL



TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
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JACKSONVILLE, FL 32256
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FIGURE 22
DREDGED MATERIAL MANAGEMENT AREA
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT	C2005-076-07
DRAWN BY	RLJ/CAS
SHEET	22 of 25
DATE	JULY 2011

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JUL 27 2011
ROBERT WAGNER, P.E. # 63028
DATE

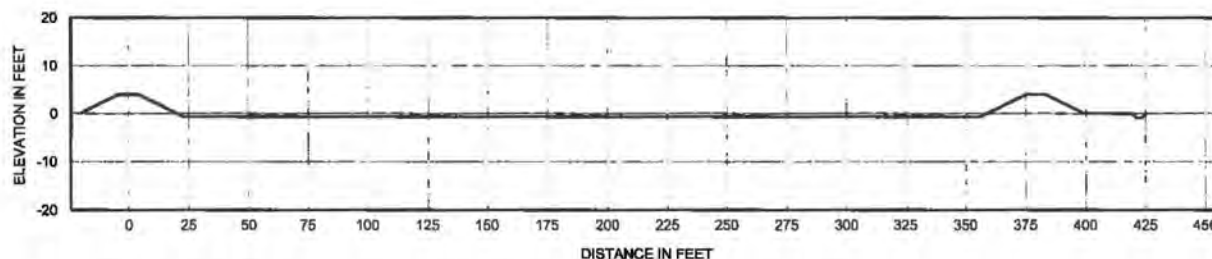


PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.

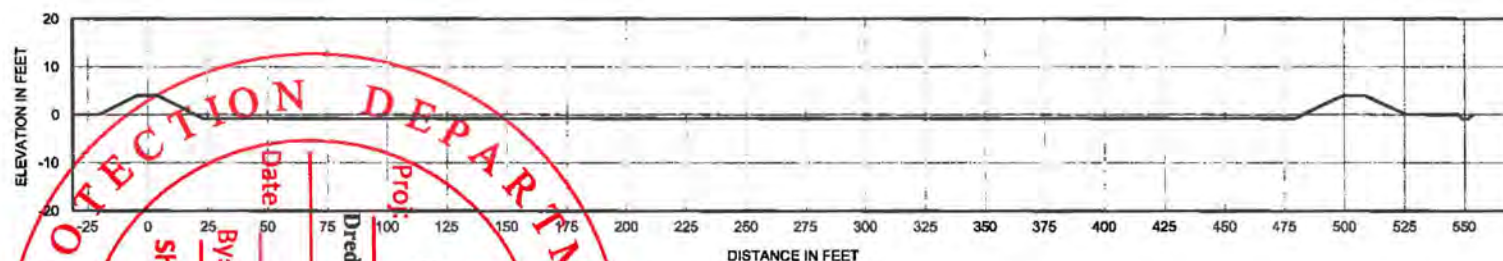
LEGEND

FINISH GRADE: _____

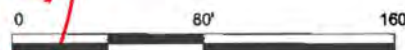
EXISTING GRADE: - - - -



A
WEST-EAST CROSS-SECTION THROUGH DIKE
FIG. 22



B
NORTH-SOUTH CROSS-SECTION THROUGH DIKE
FIG. 22



SCALE: 1" = 80'
VERTICAL EXAGGERATION: 2X

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FIGURE 24
PROPOSED DMMA CROSS SECTIONS
FIND BROWARD CO. ICWW DEEPENING PROJECT
BROWARD COUNTY, FLORIDA

PROJECT C2005-076-07

DRAWN BY RLJ/CAS

SHEET 24 of 25

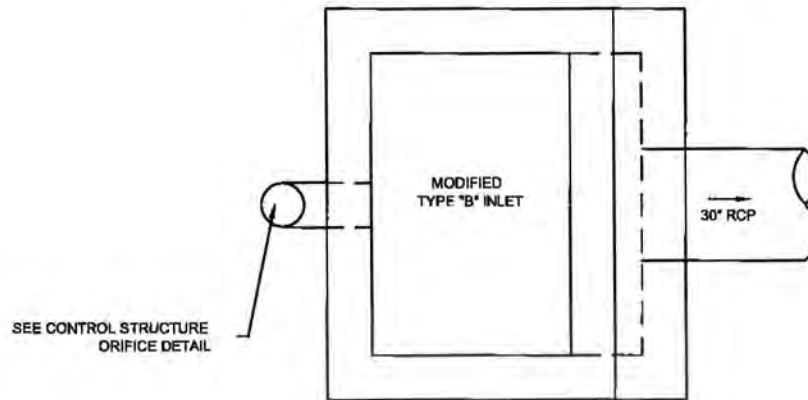
DATE JULY 2011

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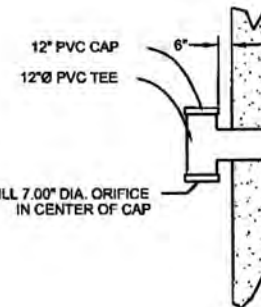
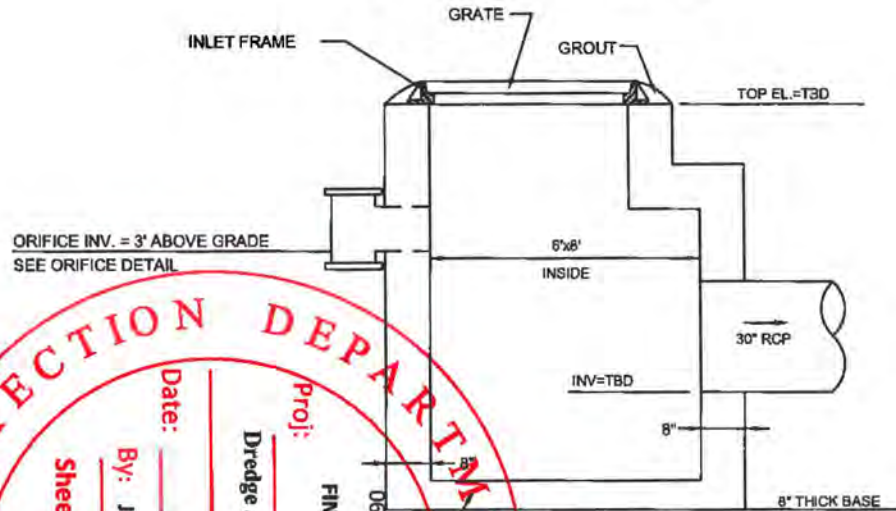
[Signature]
JUL 27 2011
ROBERT J. WILSON P.E. # 81028 DATE

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C:\P\1\BELL_KURT\PROJECTS\2005-076-BROWARD COUNTY DEEPENING PROJECT\DMMA\FIG. 24-DMAA.DWG



(PLAN VIEW FOR ORIENTATION PURPOSES ONLY)



ORIFICE DETAIL
N.T.S.

CONTROL STRUCTURE DETAILS

FLORIDA DEPARTMENT OF
 ENVIRONMENTAL PROTECTION
 PROJECT: Dredge and Deepen Channel
 Date: AUG 16 2011
 By: Jill King
 Sheet: 25 of 25
 Project ID: 06-0283683-002
 FIND-ICWW Dredge
 FIG. 22 N.T.S.

TAYLOR ENGINEERING INC.

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 JACKSONVILLE, FL 32256
 CERTIFICATE OF AUTHORIZATION # 4615

FIGURE 25
 CONTROL STRUCTURE DETAILS
 FIND BROWARD CO. ICWW DEEPENING PROJECT
 BROWARD COUNTY, FLORIDA

PROJECT	C2005-076-07
DRAWN BY	RLJ/CAS
SHEET	25 of 25
DATE	JULY 2011

SEAL

JUL 27 2011
 ROBERT J. WACHNER, P.E. # 63026
 DATE

**Broward County Environmental Protection & Growth Management Department &
Environmental Regulation Division
File No. DF10-1018**

**Broward County ICWW Deepening Project
Contingency Mitigation Plan
August 2011**

Introduction

The Florida Inland Navigation District (FIND) has proposed a project to deepen a Broward County, FL section of the Atlantic Intracoastal Waterway (ICWW). FIND has already performed a detailed site survey and redesigned the channel template to avoid all seagrass and hard corals found in those surveys. Broward County and Florida Department of Environmental Protection (FDEP) have requested contingency mitigation plans for seagrass and corals. The contingency mitigation plans outline appropriate procedures should construction errors result in unanticipated impacts to seagrass or if the pre-construction survey locates hard corals greater than 10 cm diameter within the predicted equilibrium footprint of the project (the top edge of the channel side-slope after it has settled post-construction). As a response to this request, the contingency mitigation plan below details

- 1) preconstruction and post-construction efforts to provide baseline seagrass data and protect any hard corals greater than 10 cm diameter
- 2) a plan for creation of seagrass habitat at Deerfield Island County Park in Broward County
- 3) a plan for temporary coral relocation and subsequent replacement at the end of construction.

Pre- and Post-Construction Seagrass Surveys

The summer prior to project construction, FIND will conduct a seagrass survey to map the location of existing seagrass beds and provide UMAM documentation of existing habitat conditions and quality. This survey will provide the basis for UMAM impact and mitigation calculations, should post-construction surveys identify project-related impacts to seagrass.

If the pre-construction field survey does find seagrass within the predicted equilibrium footprint of the project, the FIND engineer of record will modify the dredge template to avoid the potential impact.

FIND will conduct a seagrass survey to assess post-construction seagrass conditions using the same methods as for the pre-construction survey. Comparison of pre- and post-construction surveys will form the basis for assessment of project impacts (if any). FIND will schedule that survey (1) within 30

days of the beginning of the state or federal seagrass survey season, whichever is later, or (2) within 30 days of construction completion of the construction ends if construction ends after the beginning of the most restrictive (state or federal) seagrass survey season.

Survey methods will include the methods described in the initial seagrass survey already provided to the FDEP, USACE, and Broward County as part of the permit application package. Experienced field biologists using SCUBA gear will follow the same transects defined for the initial survey. Post-construction, another seagrass survey, using the same transects and same methods will provide the rest of the data necessary to assess possible project construction-related seagrass impacts.

FIND will schedule the baseline seagrass survey the summer before project construction, within the seagrass survey window for the project area. FIND will submit the report to FDEP within 60 days of fieldwork completion. FIND will schedule a post-construction survey within 30 days of construction completion, and will submit a report for FDEP within 90 days of construction end. This schedule allows a 30-day window to schedule fieldwork, 30 days after fieldwork to complete a draft report for FIND review, and 30 days for the FIND contractor to make any necessary changes and submit a final report to FIND for submission to FDEP and other interested regulatory agencies.

The seagrass reports will include survey methods, seagrass maps, and notes of any significant observations. The post-construction report will also include a quantitative comparison of the pre- and post-construction maps, an impact area calculation and, if appropriate, a UMAM with mitigation calculations.

Seagrass Contingency Mitigation Plan

Palm Beach County has successfully developed seagrass communities by scraping down upland areas and placing fill to bring estuary bottom to seagrass habitat elevations. Each construction site occurred in areas adjacent to existing seagrass beds. These methods have provided successful seagrass creation in areas such as Snook Island (fill to appropriate levels), Munyon Island (excavation), Peanut Island boat basin, and flushing channels (excavation and fill). Note that the Peanut Island Project recently completed the required five-year monitoring effort, and received state approval of the seagrass community creation in the boat basin and flushing channels (Julie Bishop, Palm Beach County, personal communication July 27, 2011). FIND proposes to scrape down a portion of Deerfield Island (Figure 1) to create of seagrass habitat as a contingency mitigation plan should the proposed project inadvertently impact seagrass during construction.

Joint consultation with FDEP and federal agency representatives to define the required mitigation, success criteria, and implementation schedule would begin immediately after recognition and quantification of any seagrass impacts. The conceptual design (below) would provide the basis of those discussions. Engineering design of the seagrass habitat would begin immediately after written agreement between FIND and regulatory agencies on specific project details.

FIND owns Deerfield Island Park in Broward County (Figure 1, Figure 2, Latitude 26°19'11.17" Longitude N 80° 4'54.87" W). This 55-acre park, an island located on the Broward County portion of the ICWW north of the project area, provides a location to mitigate for unanticipated project impacts.

Scrub vegetation mixed with Australian pine dominates the Deerfield island upland vegetation community in the area considered for scrapedown (Figure 2). Island borders where scrapedown would occur include Australian pine, Brazilian pepper, and bare sand.

Figure 2 shows the extent of and species of seagrass found around the island as of July 25, 2011 (Dial Cordy Associates, letter report July 26, 2011, provided to Jill King, FDEP). The report also indicates that the grasses grew in water depths from 10 cm to 1.5 m, and described species-specific densities. FIND proposes to create habitat by clearing upland vegetation and scraping down upland areas on the ICWW side of the island to maintain a depth of at least 20 cm for almost all tidal conditions. Based on plant signatures and the presence of beach (Figure 2), the area outlined in white — 10 acres of mostly upland habitat on the ICWW side of the island — provides clear opportunities for habitat creation. This location provides the greatest opportunity to create appropriate physical and water quality conditions, and to provide a nearby source of seagrass propagules to colonize the new habitat.

Project design will begin with site fieldwork to identify the plant communities on site, particularly to support a design that avoids wetland (mangrove) vegetation. Exotic vegetation dominates a considerable portion of the island upland area, but some native vegetation likely occurs. FIND will provide sufficient vegetation community detail to identify mitigation area associated with removal of exotics as part of the total mitigation provided by the mitigation project. FIND will submit UMAM calculations for all habitats associated with the mitigation design. FIND believes that creation of a seagrass habitat must also consider the borders of that habitat and transitions from open water to upland. Wetland inclusions may occur within the proposed location. The mitigation design will avoid impacting wetland species, unless those species are exotic and/or nuisance species acceptable for removal (e.g. Brazilian pepper).

Success monitoring will include the entire footprint of the project (from undisturbed upland edge to undisturbed ICWW bottom). Mitigation accounting will recognize areas of seagrass development and successful (and necessary) plantings of wetlands (red and black mangroves) to stabilize the creation area banks and provide an appropriate transition to upland elevations. To the extent necessary and appropriate, hydraulic flushing simulations (RMA-2/RMA-4 modeling) will help identify an appropriate physical design and demonstrate satisfactory hydraulic performance of the selected design.

At the initial mitigation site design stage, FIND will confer with regulatory agencies to define specific, detailed monitoring plans and success criteria. However, at a minimum, the plans would include the following unless otherwise agreed with FDEP and others at the time of detailed monitoring plan development:

- Collection of salinity, water temperature, tidal condition (flood, ebb, spring or neap) and water depths along a transect across any primary depth gradient of the creation area, time of day
- Seagrass species and density along transects spaced every 25 ft or more (depending on the size of the creation area). A square meter quadrat would provide the basic measurement unit along each transect. Selection of the number of quadrats per transect would depend on the length and number of transects. For analysis purposes, the site will be treated as a single sampling unit (i.e. all transects and samples would represent independent locations within a single habitat).
- Site photographs at pre-selected stations would provide
 - One or more general views of the project area
 - One or more views of any wetland mitigation
 - one or more views of any wetland left undisturbed but located in or at the edge of the creation area
- Underwater close-up photographs would document specific conditions at the microhabitat level
- A three-year post-construction monitoring effort will provide the data necessary to assess the success of the project and indicate any need of additional monitoring. If mitigation success occurs prior to the three years, FIND will discuss termination or reduction of fieldwork at the site based on the monitoring data. An immediate post-construction monitoring event will provide the baseline data for assessment of monitoring success.
 - Monitoring of seagrass creation area and any wetland creation area will occur during seagrass monitoring season each year. A report, provided to appropriate regulatory staffs will detail the field survey methods and findings, and will provide any necessary recommendations for improvement of the mitigation.

- Monitoring would include the creation area and a reference site adjacent to the island. Success criteria would include at least 50% average seagrass cover compared to that of a reference area adjacent to the island or 10% cover, whichever is greater. Because of the extreme variability of seagrass cover, mitigation success will occur when this density occurs, regardless of the year in which it occurs. Please note that the success criteria for the Peanut Island West Boat Basin area mitigation include 10% cover of seagrass (Eric Anderson, Palm Beach County, personal communication July 2011).
- For mangrove plantings, survival would provide the basic success criterion: 80% survival of planted seedlings after three years would provide the standard for success.



Figure 1. Location of Deerfield Island Park, Broward County, FL



Figure 2. Seagrass Distribution around Deerfield Island County Park, Broward County, Florida, and 10-Acre Mitigation Opportunity Area (white boundary)

Pre-Construction Hard Coral Search

Based on baseline surveys, the project design avoids all hard coral specimens of significant size (> 10 cm diameter) in the dredge footprint at equilibrium (dredge template plus area allowed for sideslope settling). However, the potential exists that the baseline survey could have missed individual hard coral specimens. Based on baseline transect survey results of the project area inside and outside the current equilibrium slope areas, up to approximately one dozen additional corals of relocation size may occur (but were not located) during baseline transect surveys

The pre-construction survey will occur during the summer prior to construction and if possible during the same period as the seagrass survey. Biologists using SCUBA will search for corals by swimming transects parallel to the channel approximately 1 meter above the surface, searching for corals. Transects will cover the entire hardbottom habitat area within the equilibrium side slope and buffer zones. The areas of survey are described and illustrated in the Dial Cordy and Associates report Hardbottom Substrate Mapping and Biological Characterization, Florida Inland Navigational District Survey: ICWW 17th Street Bridge to 4,000 Feet North of the Las Olas Blvd. (January 2011).

Hard Coral Contingency Mitigation Plan

Biologists performing the hard coral survey will select an appropriate location adjacent to the project area outside all potential project effects (including dredging activity and any turbidity), collect all hard corals greater than 10 cm diameter, and transfer those corals to the selected location for temporary protection.

- As the first part of the survey work, biologists will identify an appropriate coral holding location. This site will provide a safe location for temporary placement of the corals. Site selection will occur with agency consultation in the field, if desired. The field crew will keep regulatory agency representatives informed of their schedule for fieldwork during the planning stage.
- Using sub-meter accuracy DGPS, the field biologists will record the location of any corals larger than 10 cm diameter. They will record the location and assign a number to the coral location and the coral collected at the site.
- Coral collection will occur using a hammer and chisel to separate each coral from its' substrate. Using this method, divers can remove the entire colony intact. If divers find coral attached to loose substrate, they will remove the coral without chiseling. The biologists will temporarily cache collected corals in the preselected location until the end of construction.
- At the end of construction, divers will replace the corals in a stable location as near as possible to the original locations.

Table 1. Hard Coral Species Likely Present in the Broward ICWW Deepening Project Area

Latin Name	Common Name
<i>Solenastrea bournoni</i>	Smooth star coral
<i>Oculina diffusa</i>	Diffuse ivory bush coral
<i>Cladocora arbuscula</i>	Tube coral
* <i>Stephanocoenia intersepta</i>	Blushing star coral
* <i>Siderastrea siderea</i>	Massive starlet coral
* <i>Siderastrea radians</i>	Lesser starlet coral

*Possibly present – not seen during baseline survey but known to occur nearby

References:

- Dial Cordy and Associates. 2008. Florida Inland Navigational District Seagrass and Vegetation Survey: ICWW 17th Street Bridge to 4,000 Feet North of the Las Olas Blvd. Bridge and Dania Cut-Off Canal. Report prepared for Taylor Engineering, Inc. 34 pages.
- Dial Cordy and Associates. 2011. Hardbottom Substrate Mapping and Biological Characterization, Florida Inland Navigational District Survey: ICWW 17th Street Bridge to 4,000 Feet North of the Las Olas Blvd. Report prepared for Taylor Engineering, Inc. 109 pages.

National Marine Fisheries Service. 2002. Recovery Plan for Johnson's Seagrass (*Halophila johnsonii*). Prepared by the Johnson's Seagrass Recovery Team for the National Marine Fisheries Service, Silver Spring, Maryland. 134 pages.

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

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

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
561-681-6600

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

APR 26 2012

Florida Inland Navigation District (FIND)
c/o David Roach, Executive Director
1314 Marcinski Road
Jupiter, FL 33477
E-mail: droach@aicw.org

Re: File Name: FIND-ICWW Dredge
File No.: 06-0283683-004
Modification of File No.: 06-0283683-002

Dear Mr. Roach:

Your request to modify this permit has been received and reviewed by Department staff. The modifications are the following: modify some of the original permit language and specific conditions to clarify permit requirements.

The project is located in the Intracoastal Waterway, beginning at the channel between Intracoastal Drive and Bayshore Drive and ending just south of the 17th Street Bridge, Class III Waters, Ft. Lauderdale (Section 25, Township 50 South, Range 42 East), in Broward County (Beginning Latitude N 26° 7' 47.58", Longitude W 80° 6' 35.64" and Ending Latitude N 26° 6' 0.94", Longitude W 80° 7' 6.74").

The above modifications are not expected to adversely affect water quality and will be clearly in the public interest provided the following **PROJECT DESCRIPTION** and **SPECIFIC CONDITION(S)** are amended and added to the permit as issued. Please note that additions are underlined and deletions are stricken:

PROJECT DESCRIPTION:

The permittee is authorized to deepen the Intracoastal Waterway (ICWW) channel to accommodate larger vessels by dredging along a 14,400 linear foot distance (43.61 acres) (282,491 cubic yards) of sovereignty submerged lands to a maximum depth of -17 feet Mean Low Water (MLW) (project depth of -15 feet MLW and 2 feet of overdredging) in order to create a uniform depth throughout the ICWW channel. The project is located in the Intracoastal Waterway, Class III Waters. Authorized activities are depicted on the attached exhibits.

The submerged bottom at the project site consists of a variety of habitats consisting of silty barren bottom, hardbottom habitat with an assortment of hard and soft corals, and a variety of seagrass habitats. The permittee has modified the project footprint to avoid the resource areas but shall conduct a pre-construction resource survey the growing season prior to the commencement of dredging (April 1st - October 31st). The permittee shall mark with buoys (or other identifiable feature) any resource areas and shall adjust the dredging footprint to avoid these resource areas. All vessels and construction equipment, tools, and dredging activities shall maintain a 10 foot buffer between any seagrasses and the top of the stabilized post-construction side slope (lateral distance of at least 25-feet and 7-feet vertically from any vessels, dredging, and equipment). If seagrass resources remain within the dredging footprint and cannot be avoided, the permittee shall contact the Department prior to construction commencement and will be responsible to implement the attached contingency mitigation plan.

~~With regard to coral resources, there are twelve identified corals located within the project footprint. No known hard coral resources occur within the project footprint. The project footprint has been designed to avoid any hard coral resources, however in the event that hard corals are identified in the equilibrium footprint during the pre-construction resource survey, these corals shall be removed and relocated prior to the commencement of any dredging in accordance with the attached plan. If the pending resource survey listed above identifies additional coral resources within the project footprint, the permittee shall carefully remove the corals and relocate them.~~

All construction equipment/tools and materials shall be transported to and from the site via barge and upland roadways and all equipment/tools and materials shall be stored on the barge and uplands. The boats shall operate within waters of sufficient depth to preclude bottom scouring and prop dredging of resources.

The material shall be mechanically dredged using an environmentally sealed clamshell bucket from a shallow draft barge. Turbidity curtains shall be utilized when feasible along the sides of identified resource areas to prevent turbid waters from entering the waterbody. Due to the nature of the project site within the ICWW, turbidity curtains may not be feasible due to boat traffic, tide conditions, etc., and therefore a temporary mixing zone is allowed under this permit to occur up to 150 meters down current of the construction activity (barge location), depending on the tide within the ICWW. Turbidity shall be monitored and recorded at the edge of identified resource areas and at the edge of the mixing zones to ensure that turbidity levels do not exceed 29 NTUs

above ambient background levels outside of the mixing zones. The standard manatee conditions will be adhered to during all in water work.

Dredge material removed by mechanical operations shall be placed directly in a self-contained barge with containment rails to hold the spoil and prevent return water from entering surface waters, then transported to a Dredged Material Management Area (DMMA) on the Port Everglades site, where it shall be temporarily stored within uplands and may remain at the Port Everglades site permanently and/or disposed of permanently at the Class I Solid Waste Landfill in Pompano Beach, and tested prior to transportation to a final spoil disposal location to be approved by the Department. Turbidity curtains will be placed at the terminal end of the DMMA outfall pipe to prevent turbid waters from entering the waterbody. Return water shall not be discharged into any waterbody during transport, or unloading activities. The temporary spoil containment area shall be constructed to contain all off loaded spoil material and prevent the escape of dredged material and associated effluent into surface waters. Return water shall be allowed into the Dania Canal once the material has been placed into the DMMA on the Port Everglades site but shall be tested and monitored in accordance with the attached Water Quality Monitoring Plan prior to discharge into the Dania Canal.

SPECIFIC CONDITIONS

(6) The permittee shall conduct a pre-construction resource survey the growing season prior to the commencement of dredging (April 1st – October 31st) within the proposed project footprint. The survey shall be conducted as close to the start of construction (within the growing season) to ensure the most accurate data is collected. This survey shall identify any submerged seagrass resources and hard/~~soft~~ corals that may be impacted.

~~(8) The permittee shall be responsible to relocate the twelve identified corals within the project footprint. The locations of these corals and any other corals identified shall be recorded by GPS. These corals shall be removed and relocated temporarily to a similar depth and site conditions until the dredging is completed. Once the dredging has been completed, the corals shall then be placed back in their previous location.~~

(8) The permittee shall be responsible to survey and relocate any hard corals found within the project equilibrium slope boundaries prior to the commencement of dredging. The locations of these corals shall be recorded by GPS. The permittee shall notify the Department within 60 days of completion of the resource survey and shall

provide the GPS coordinates to the Department. These corals shall be removed and relocated temporarily to a location of similar depth and site conditions until the dredging is completed. Once the dredging has been completed, the corals shall then be placed back in their previous location.

(9) Any hard coral resources identified during the resource survey shall be handled by individuals experienced in coral relocation. The corals shall be carefully removed and relocated in compliance with the attached contingency mitigation plan for the project and Florida Keys National Marine Sanctuary (FKNMS) guidance and recommendations for handling and moving corals.

~~(10) — Once the dredging has been completed, the permittee shall conduct a post-construction resource survey within 30 days of dredging completion that shall identify that the permittee successfully avoided any seagrass/coral resources. This report shall be submitted to the Department for review within 60 days of the construction completion. Any remaining unanticipated impacts shall be mitigated for through the attached contingency mitigation plan.~~

(10) Once the dredging has been completed, the permittee shall conduct a post-construction resource survey within 30 days of dredging completion that shall identify that the permittee has successfully avoided any seagrass/hard coral resources. If the project completion occurs more than 30 days from the beginning of seagrass survey season, the permittee will perform a survey to determine whether any bottom alterations occurred from project equipment or spilled dredged materials within previously documented seagrass/hard coral locations to document that the permittee has successfully avoided seagrass/hard coral impacts. The permittee will then perform a post-construction resource survey within the seagrass survey period to document any changes in seagrass/hard coral resources.

These reports will be submitted to the Department for review within 60 days of the completion of the resource surveys. Any remaining unanticipated impacts (if any) shall be mitigated for through the attached contingency mitigation plan.

(15) Dredging shall be conducted from a shallow draft barge, with a fully loaded draft of no more than 6 feet. The vessels shall operate within waters of sufficient depth to preclude bottom scouring and prop dredging of resources. At all times, the barge shall maintain at least two feet of clearance above the bottom. The material shall be mechanically dredged by an environmentally sealed clamshell dredge bucket. The

dredger shall deposit the material of the bucket into a self-contained (sealed) barge with containment rails to hold the spoil and prevent water within the barge from entering surface waters. and deposited directly into a fully lined barge with containment rails to hold the spoil and prevent return water from entering surface waters. Return water shall not be discharged into the ICW. and All spoil materials shall be temporarily placed in a self-contained upland retention area prior to final placement in Port Everglades and/or the Class I Solid Waste Landfill in Pompano Beach, located in Dania Beach/Broward County, in accordance with the attached permit drawings. The spoil containment areas shall be constructed to contain all off loaded spoil material and prevent the escape of dredged material and associated effluent into surface waters. Return water shall be allowed into the Dania Canal once the material has been placed into the DMMA on the Port Everglades site but shall be tested and monitored in accordance with the attached Water Quality Monitoring Plan prior to discharge into the Dania Canal.

(17) Turbidity Monitoring. Water turbidity levels shall be monitored and recorded at least every 4 hours during construction operations or upon the occurrence of other circumstances that might create water quality violations on site. Samples shall be taken one foot above the bottom, mid-depth, and one-foot below the surface at the following four monitoring stations located as follows:

- a. Approximately 180-m up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
- b. ~~Three compliance locations 150 m, 100 m, and 50 m down current of the dredge barge and two sample points at the edge of resources on the same side of the channel as the dredging is occurring (i.e. at the edge of the mixing zone), within the densest portion of any visible turbidity plume. (These samples shall serve as the compliance samples.)~~

Sampling for measurement of compliance with the 29 NTU turbidity standard shall occur at the following locations:

- When dredging between Station 0+00 to Station 38+00 and between Station 80+00 to Station 144+00, sampling shall occur at the edge of resources nearest (on the same side of the channel as) the dredge and within the densest portion of any visible turbidity

plume 150m down current of the dredge,

• When dredging between Station 38+00 to Station 80+00, sampling shall occur at the edge of resources nearest (on the same side of the channel as) the dredge and within the densest portion of any visible turbidity plume 150m down current of the dredge, and also within 200 ft of either of the following locations depending which is down current of the dredge

-26° 6' 43.92"N 80° 7' 05.02"W

-26° 6' 37.99"N 80° 6' 36.79"W

If at any time during construction, the turbidity level directly outside the mixing zone surrounding the work sites exceeds 29 NTU's above natural background levels, the permittee or permittee's contractor shall take the following actions: (1) immediately cease the operations that cause the water quality violations; (2) notify the Department's Division of Environmental Resource Permitting at the time the violation is first detected; and (3) modify the work procedures that were responsible for the violation. **Do not continue any in or over water work until approval has been given by DEP staff.**

(20) The dredged material shall be transported to and disposed of temporarily at the DMMA at the Port Everglades site where it shall be temporarily stored within uplands and may remain at the Port Everglades site permanently and/or disposed of permanently at the Class I Solid Waste Landfill in Pompano Beach.

~~(21) Prior to placement in the final disposal location, the spoil material shall be tested to determine whether the material is suitable for placement at the final disposal site. If the spoil is taken to a landfill, testing may not be required. Triplicate sediment samples shall be collected and analyzed in accordance with the following guidance documents:~~

~~-General FDEP SOP 001/01 FS 4000 Sediment Sampling;~~

~~-Marine/Estuarine Guidelines;~~

~~-1994 Florida Sediment Quality Assessment Guidelines (SQAGs)~~

~~All metals and other substances (parameters) should be analyzed based on the method detection limits provided in the "62 MDL/PQL Table" on the following website~~

~~<http://www.dep.state.fl.us/labs/library/index.htm>~~

~~Laboratories may use additional analytical methods approved in 40 CFR Part 136.3 that are not found in the 62.4.246(4) Method List. Sampling should be taken from the top 2 cm unless otherwise specified.~~

Parameters to be sampled:

PARAMETER	SAMPLE
Aluminum	Top 2 cm.
Arsenic	Top 2 cm.
Cadmium	Top 2 cm.
Chromium	Top 2 cm.
Copper	Top 2 cm.
Mercury	Top 2 cm.
Nickel	Top 2 cm.
Lead	Top 2 cm.
Zinc	Top 2 cm.
Tributyltins (TBT)	Top 2 cm.
Oil & greases (mg/l)	Top 2 cm.

Analyze two of the sediment samples from each station and archive the third for subsequent analyses if the results from the first two samples are below standards or upon the Department's request to analyze the archived Test results shall be submitted within one week of commencement of the dredging event to the Department of Environmental Protection, Southeast District Office, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Jena Sansgaard, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401 (phone: 561/681-6655). If the testing results render the spoil material unsuitable for commercial/industrial placement pursuant to Chapter 62-777, F.A.C., the material must be disposed of at an approved landfill. Within 30 days of disposal, landfill receipts shall be submitted to the Department at the address listed above. If the testing results render the spoil material suitable for residential or commercial/industrial placement, the permittee shall submit a spoil disposal plan which must be reviewed and approved by the Department prior to final placement of the spoil material.

(29) If the Class I Solid Waste Landfill in Pompano Beach is utilized for final disposal, the permittee shall provide receipts from the landfill within 30 days of disposal of the material.

Since the proposed modifications are not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified as requested. By copy of this letter, we are notifying all necessary parties of the modifications.

This letter of approval does not alter the original expiration date of August 15, 2016, the original General or Specific Conditions (except as modified herein), or monitoring requirements of the permit (except as modified herein). This letter must be attached to the original permit.

These permit modifications are hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

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 of the Florida Statutes. The petition must contain the information set forth below and 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.

Under rule 62-110.106(4) of the Florida Administrative Code, 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. 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. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

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) of the Florida Statutes 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) of the Florida Statutes, 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 petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing 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 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based 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, 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; 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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This permit modification constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 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 when the order is filed with the Clerk of the Department.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Jennifer K. Smith Date
Program Administrator
Submerged Lands & Environmental Resources
Program

File Name: FIND-ICWW Dredge
File No.: 06-0283683-004
Modification of Permit No.: 06-0283683-002
Page 11

Enclosures

Attachment 2; Water Quality Monitoring Plan

cc:

FDEP Compliance and Enforcement, Jason Andreotta, Jason.Andreotta@dep.state.fl.us
USACOE, Samantha Rice, Samantha.L.Rice@usace.army.mil
NOAA-Jocelyn Karazsia, Jocelyn.Karazsia@noaa.gov
FFWCC, Bureau of Imperiled Species Management, Kellie Youmans, kellie.youmans@myfwc.com
FFWCC, Bureau of Imperiled Species Management, Erin McDevitt, erin.mcdevitt@myfwc.com
Broward County Env. Protection and Growth Mgmt. Division, Attn: Ryan St. George, rstgeorge@broward.org
Taylor Engineering, Inc., Attn: Robert J. Wagner, jwagner@taylorengeering.com
Dial Cordy and Associates, Inc., Attn: Martha Robbart, mrobbart@dialcordy.com

FILING AND ACKNOWLEDGMENT

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

 4/26/12
Clerk Date

**WATER QUALITY MONITORING PLAN
FLORIDA INLAND NAVIGATION DISTRICT BROWARD COUNTY INTRACOASTAL
WATERWAY DREDGING DREDGED MATERIAL MANAGEMENT AREA DISCHARGE**

BACKGROUND

As detailed in Attachment 1, screening of canal sediment test results found some substances in one or more samples that exceeded “threshold effect level” (TEL) concentrations as defined by Florida Department of Protection (FDEP) guidance (MacDonald, 1994¹). Specifically, dibenzo(a,h)anthracene, Total PCB’s, copper, and mercury exceeded the TEL. All of these substances fell well below “probable effect level” concentrations and below any soil cleanup target levels as defined in Chapter 62-777, F.A.C. In reviewing these results, however, Broward County Environmental Protection Department staff expressed concern that handling the dredged sediment could introduce constituents into the discharge water at concentrations that would exceed Broward County water quality standards (Chapter 27-195, Broward County Code). Of the above listed substances, Chapter 27-195 contains marine water quality standards for dibenzo(a,h)anthracene, Total PCB’s, copper, and mercury.

The discharge must also comply with a turbidity criterion, measured within a mixing zone (50 feet downstream from the point of discharge) allowed by Broward County Code Section 27-339(2)d. A turbidity curtain shall be deployed within the mixing zone so that turbidity levels do not exceed the permitted criterion.

The objective of this water quality monitoring plan is to obtain data to determine whether water discharged from the dredged material management area (DMMA) would violate the Broward County water quality standards for the three listed substances or turbidity requirements outlined in the license.

This water quality monitoring plan applies only to the discharge from the DMMA; the FDEP and U.S. Army Corps of Engineers (USACE) permits and Broward County license for the project prescribe water quality monitoring at the dredging site.

WATER QUALITY MONITORING PLAN

Before initial discharge, the licensee will collect duplicate water samples inside the DMMA at the discharge weir and analyze them for dibenzo(a,h)anthracene, Total PCB’s, copper, and mercury, and turbidity. The licensee will also collect replicate samples for turbidity measurement from ambient water in the Dania Cutoff Canal upstream of the DMMA discharge point and representing the ambient condition unaffected by dredging. If the analyses show that each of the above parameters meet the license requirements or Chapter 27-195 water quality standards water discharge from the DMMA can occur.

If the initial analyses reveal substance concentrations or turbidity values not meeting these criteria, no discharge will occur until additional sample collection and analyses determine that the water meets the Chapter 27-195 standards. In general, procedures for samples not meeting criteria include:

1. Inspect the material within the DMMA and, as necessary, allow additional time for material to settle within the DMMA;
2. Visually observe water quality in vicinity of the weir and obtain a minimum of 2 replicate turbidity samples meeting the designated water quality discharge criteria;
3. Resample and analyze for selected contaminants; and,

¹MacDonald, D. D., 1994. Approach to the Assessment of Sediment Quality in Florida Coastal Waters. FDEP, Tallahassee, FL.

4. If samples fail to meet permitted criteria, repeat steps No. 1-3 with additional DMMA interior considerations (e.g., internal dikes, flocculants, etc.).

Water quality monitoring shall characterize the discharge, for the four predetermined contaminants, as dredging occurs within each of seven acceptance sections (Table 1). Within one day of beginning discharge from an acceptance section, the licensee will collect additional water samples for analyses in the manner and locations specified above. If the results of these samples indicate that water quality continues to meet the water quality standards, the licensee will conduct no further chemical testing for that acceptance section. If the samples fail to meet water quality standards, discharge will stop until additional testing indicates acceptable water quality.

Table 1. Broward ICWW Project Acceptance Sections

ACCEPTANCE SECTION NO.	PROJECT STATIONING
1	STA 0+00 to STA 20+00
2	STA 20+00 to STA 40+00
3	STA 40+00 to STA 60+00
4	STA 60+00 to STA 80+00
5	STA 80+00 to STA 100+00
6	STA 100+00 to STA 120+00
7	STA 120+00 to STA 144+00

Prior to initial discharge for each acceptance section, the licensee will measure turbidity inside the DMMA at the discharge structure and at the edge of the mixing zone. No water shall be discharged from the DMMA until the turbidity at the discharge structure is less than 29 NTU above the ambient value. During discharge, the licensee will monitor turbidity at the downstream edge of the mixing zone and at an ambient location at the upstream edge of the mixing zone at no less than six hour intervals. If turbidity exceeds 29 NTU above ambient at the downstream edge of the mixing zone, discharge shall stop until turbidity monitoring at the discharge structure inside the DMMA indicates acceptable water quality.

All sampling and analyses will proceed in accordance with FDEP-approved field procedures and laboratory methods as specified in Chapter 62-160, F.A.C.



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
SOUTHEAST DISTRICT OFFICE
400 NORTH CONGRESS AVE., THIRD FLOOR
WEST PALM BEACH, FL 33401
561-681-6600

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

August 22, 2014

Florida Inland Navigation District (FIND)
c/o Mark Crosley, Executive Director
1314 Marcinski Road
Jupiter, FL 33477
E-mail: mcrosley@aicw.org

Re: File Name: FIND-ICWW Dredge
File No.: 06-0283683-006
Modification of File No.: 06-0283638-002, 004

Dear Mr. Crosley:

Your request to modify this permit has been received and reviewed by Department staff. The modifications include the following: (1) extend the expiration date from August 15, 2016 to August 15, 2019, to achieve an expiration date that is more consistent with the Army Corps permit and (2) revise portions of the original permit language and specific conditions regarding dredging and to allow alternative spoil disposal locations.

PROJECT LOCATION

The project is located in the Intracoastal Waterway, beginning at the channel between Intracoastal Drive and Bayshore Drive and ending just south of the 17th Street Bridge, Class III Waters, Ft. Lauderdale (Section 25, Township 50 South, Range 42 East), in Broward County (Beginning Latitude N 26° 7' 47.58", Longitude W 80° 7' 6.74").

The above modifications are not expected to adversely affect water quality and will be clearly in the public interest provided the following **PROJECT DESCRIPTION and SPECIFIC CONDITION(S)** are amended and added to the permit as issued. Please note that additions are underlined and deletions are stricken:

PROJECT DESCRIPTION

The permittee is authorized to deepen the Intracoastal Waterway (ICWW) channel to accommodate larger vessels by dredging along a 14,400 linear foot distance (43.61 acres) (282, 491 cubic yards) of sovereignty submerged lands to a maximum depth of -17 feet Mean Low Water (MLW) (project depth of -15 feet MLW and 2 feet of over-dredging) in order to create a uniform depth throughout the ICWW channel. The project is located in the Intracoastal Waterway, Class III Waters. Authorized activities are depicted on the attached exhibits.

The submerged bottom at the project site consists of a variety of habitats consisting of silty barren bottom, hardbottom habitat with an assortment of hard and soft corals, and a variety of seagrass

habitats. The permittee has modified the project footprint to avoid the resources but shall conduct a pre-construction resource survey the growing season prior to commencement of dredging (April 1st- October 31st). The permittee shall mark with buoys (or other identifiable feature) any resource areas and shall adjust the dredging footprint to avoid these resource areas. All vessels and construction equipment, tools, and dredging activities shall maintain a 10-foot buffer between any seagrasses and the top of the stabilized post-construction side slope (lateral distance of at least 25-feet and 7-feet vertically from any vessels, dredging, and equipment). If seagrass resources remain within the dredging footprint and cannot be avoided, the permittee shall contact the Department prior to construction commencement and will be responsible to implement the attached contingency mitigation plan.

No known hard coral resources occur within the project footprint. The project footprint has been designed to avoid any hard coral resources, however in the event that hard corals are identified in the equilibrium footprint during the pre-construction resource survey, these corals shall be removed and relocated prior to the commencement of any dredging in accordance with the attached plan.

All equipment/tools and materials shall be transported to and from the site via barge and upland roadways and all equipment/tools and materials shall be stored on the barge and uplands. The boats shall operate within waters of sufficient depth to preclude bottom scouring and prop dredging of resources.

The material shall be mechanically dredged ~~using an environmentally sealed clamshell bucket from a shallow draft barge~~. Turbidity curtains shall be utilized when feasible along the sides of the identified resource areas to prevent turbid waters from entering the waterbody. Due to the nature of the project site within the ICWW, turbidity curtains may not be feasible due to boat traffic, tide conditions, etc., and therefore a temporary mixing zone is allowed under this permit to occur up to 150 meters down current of the construction activity (barge location), depending on the tide within the ICWW. Turbidity shall be monitored and recorded at the edge of identified resource areas and at the edge of the mixing zones to ensure that turbidity levels do not exceed 29 NTUs above ambient background levels outside of the mixing zones. The standard manatee conditions will be adhered to during all in water work.

Dredge material removed by mechanical operations shall be placed directly in a self-contained barge with containment rails to hold the spoil and prevent return water from entering surface waters, then transported to a Dredged Material Management Area (DMMA) on the Port Everglades site, where it shall be temporarily stored within uplands and may remain at the Port Everglades site permanently and/or disposed of permanently at a Class I Solid Waste Landfill ~~in Pompano Beach~~ or an upland commercial site. Turbidity curtains will be placed at the terminal end of the DMMA outfall pipe to prevent turbid waters from entering the waterbody. Return water shall not be discharged into any waterbody during transport, or unloading activities. The temporary spoil containment area shall be constructed to contain all off loaded spoil material and prevent the escape

of dredged material and associated effluent into surface waters. Return water shall be allowed into the Dania Canal once the material has been placed in the DMMA on the Port Everglades site but shall be tested and monitored in accordance with the attached Water Quality Monitoring Plan prior to discharge into the Dania Canal.

SPECIFIC CONDITIONS

(15) Dredging shall be conducted from a shallow draft barge. The vessels shall operate within waters of sufficient depths to preclude bottom scouring and prop dredging of resources. At all times the barge shall maintain at least two feet of clearance above the bottom. The materials shall be mechanically dredged, ~~by an environmentally sealed clamshell dredge bucket.~~ The dredger shall deposit the material ~~of the bucket~~ into a self-contained (sealed) barge with containment rails to hold the spoil and prevent water within the barge from entering surface waters. Return water shall not be discharged into the ICW. All spoil materials shall be temporarily placed in a self-contained upland retention area prior to final placement in Port Everglades and/or a the Class I Solid Waste Landfill in Pompano Beach Broward County and/or an upland commercial site in accordance with the attached permit drawings. The spoil containment areas shall be constructed to contain all off loaded spoil material and prevent the escape of dredged material and associated effluent into surface waters. Return water shall be allowed into the Dania Canal once the material has been placed into the DMMA on the Port Everglades site but shall be tested and monitored in accordance with the attached Water Quality Monitoring Plan prior to discharge into the Dania Canal.

(20) The dredged material shall be transported to and disposed of at the DMMA at the Port Everglades site where it shall be temporarily stored within uplands and may remain at the Port Everglades site permanently and/or disposed of permanently at ~~the~~ a Class I Solid Waste Landfill in Pompano Beach or at an upland commercial site.

(29) ~~If the Class I Solid Waste Landfill in Pompano Beach is utilized for final disposal, the permittee shall provide receipts from the landfill within 30 days of the disposal of the material. Prior to commencement of dredging, the permittee shall notify the Department of the anticipated final disposal site.~~

Since the proposed modifications are not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified as requested. By copy of this letter, we are notifying all necessary parties of the modifications.

This letter of approval **changes the expiration date to August 15, 2019**, and does not change the original General or Specific Conditions (except as modified herein), or monitoring requirements of the permit (except as modified herein). This letter must be attached to the original permit.

These permit modifications are hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient

petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

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 of the Florida Statutes. The petition must contain the information set forth below and 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.

Under rule 62-110.106(4) of the Florida Administrative Code, 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. 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. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

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) of the Florida Statutes 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) of the Florida Statutes, 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 petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing 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 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based 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, 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; 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.


A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This permit modification constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 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 when the order is filed with the Clerk of the Department.

Permittee: FIND-ICWW Dredge
File No.: 06-0283683-006
Modification of Permit No.: 06-0283683-002, 004
Page 6 of 6

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

 8/22/14

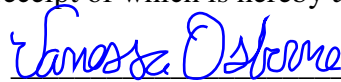
Jason Andreotta
Program Administrator
Submerged Lands & Environmental
Resources Program

Copies furnished to:

Joseph Wagner, Taylor Engineering; JWagner@Taylorengineering.com
FDEP Compliance and Assistance; Gregory.Vazquez@dep.state.fl.us
FFWCC Bureau of Imperiled Species Management, Mary.Duncan@myfwc.com
Samantha Rice, USACOE Palm Beach Gardens, Samantha.L.Rice@usace.army.mil
Linda Sunderland, Broward County EPD, LSunderland@broward.org

FILING AND ACKNOWLEDGMENT

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

 8/22/14

Clerk

Date



Florida Department of Environmental Protection

SOUTHEAST DISTRICT OFFICE
3301 GUN CLUB ROAD, MSC 7210-1
WEST PALM BEACH, FL 33406
561-681-6600

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

Florida Inland Navigation District (FIND)
c/o Mark Crosley, Executive Director
1314 Marcinski Road
Jupiter, FL 33477
mcrosley@aicw.org

Re: File Name: FIND-ICWW Dredge
File No.: 06-0283683-007-EM
Modification of File No.: 06-0283683-002-EI

Dear Mr. Crosley:

Your request to modify this permit has been received and reviewed by Department staff. The modifications include the following: (1) widening of the dredge footprint in two areas; and (2) facilitating dredging underneath two bridges between sunset and sunrise.

PROJECT LOCATION

The project is located in the Intracoastal Waterway, beginning at the channel between Intracoastal Drive and Bayshore Drive and ending just south of the 17th Street Bridge, Class III Waters, Ft. Lauderdale (Section 25, Township 50 South, Range 42 East), in Broward County (Beginning Latitude N 26° 7' 47.58", Longitude W 80° 7' 6.74").

The above modifications are not expected to adversely affect water quality and will not be contrary to the public interest provided the following **PROJECT DESCRIPTION** and **SPECIFIC CONDITION** are amended and added to the permit as issued. Please note that additions are underlined and deletions are stricken:

PROJECT DESCRIPTION

This modification allows for an expansion of the project dredge footprint to restore the Federal Channel within two areas located at the following: (1) Between stations 26+50 and 30+25 in the attached plans, adding a 13,925 ft² area (1,406 yd³); and (2) between stations 63+00 to 71+50 in the attached plans, adding a 47,504 ft² area (6,487 yd³), increasing the total dredge footprint by 1.41 acres for a total 45.02 acres, and increasing the removal of spoil material by 7,893 cy³ for a total 290,384 cy³.

SPECIFIC CONDITION

(24) Observers shall be designated as dedicated marine mammal observers during in-water work. The observers shall have experience in dredge activity marine mammal observation and be equipped with polarized sunglasses to aid in observation. The manatee observers must be on site

during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work shall not be performed after sunset, when the possibility of spotting manatees is negligible; however, the dredging directly underneath the 17th Street (Stations 0+00 to 2+50) and Las Olas Boulevard (Stations 100+50 to 105+00) bridges is authorized between sunset and sunrise.

Since the proposed modifications are not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified as requested. By copy of this letter, we are notifying all necessary parties of the modifications.

This letter of approval does not alter the expiration date of August 15, 2019, and does not change the original General or Specific Conditions (except as modified herein), or monitoring requirements of the permit (except as modified herein). This letter and attached drawings must be attached to the original permit.

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.

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 21 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 21 days of publication of the notice or within 21 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 21 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.

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.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Diane Pupa
Permitting Program Administrator
Southeast District

Enclosures:

Revised Permit Sketches, 3 pages

Copies furnished to:

FDEP – Monica Sovacool, Diana Martí-Ancona, Gregory Vazquez
USACOE- Palm Beach Gardens, Samantha Rice, Samantha.L.Rice@usace.army.mil
Linda Sunderland, Broward County EPD, LSunderland@broward.org
FFWCC- Bureau of Imperiled Species Management General Email, fcmpmail@myfwc.com
FFWCC – Imperiled Species Management, Kristen Nelson Sella, Kristen.Sella@myfwc.com
FFWCC – Conservation Planning Services, FWCCConservationPlanningServices@myfwc.com
FFWCC- Boating and Waterways Section, Waterway Management Unit,
waterway.management@myfwc.com
Department of State, Division of Historical Resources, compliancepermits@dos.myflorida.com
Lori Brownell, Taylor Engineering, Inc., LBrownell@Taylorengineering.com

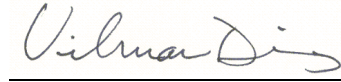
CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this determination, including all copies, was mailed before the close of business on August 24, 2016, to the above listed persons.

Permittee: Florida Inland Navigation District (F.I.N.D.)
File No.: 06-0283683-006-EM
Modification of Permit No.: 06-0283683-002-EI
Page 5 of 5

FILING AND ACKNOWLEDGMENT

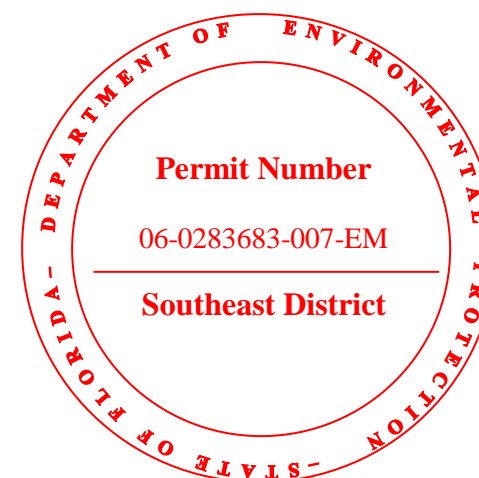
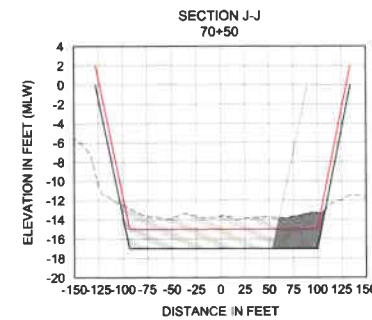
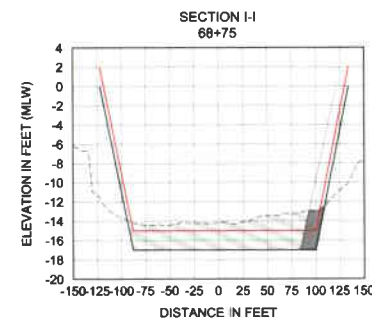
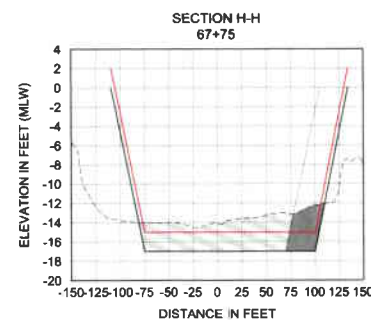
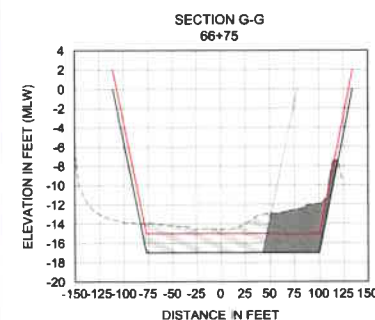
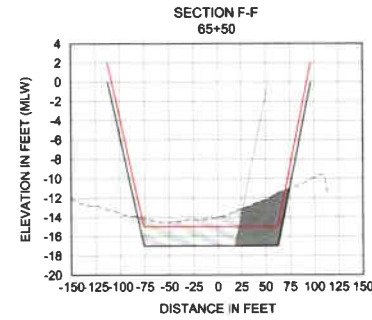
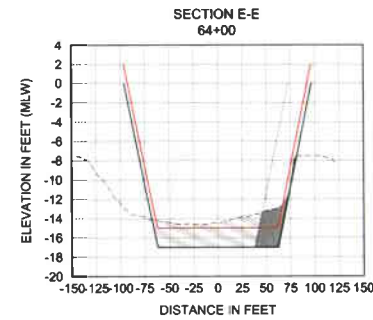
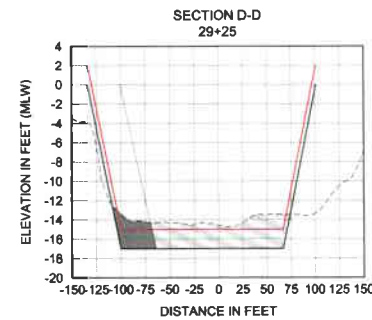
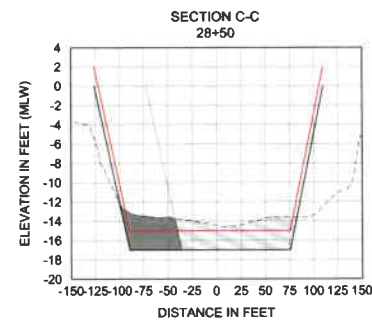
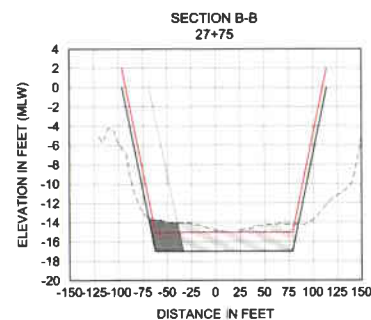
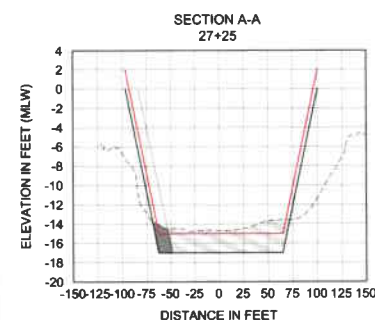
FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department
Clerk, receipt of which is hereby acknowledged.



Clerk

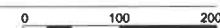
August 24, 2016

Date



SECTIONS

22X34: 1" = 100'
11X17: 1" = 200'
VERT. SCALE: 1" = 10' (22x34)
VERT. SCALE: 1" = 20' (11x17)



RECEIVED

AUG 10 2016

FL DEP
WEST PALM BEACH



TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FLORIDA 32256
(904)-731-7040

1675 PALM BEACH LAKES, SUITE 210
WEST PALM BEACH, FLORIDA 33401
(561)-640-7310

CERTIFICATE OF AUTHORIZATION # 4813

SEAL

LORI S. BROWNELL P.E.# 60025

PROJECT TITLE

INTRACOASTAL WATERWAY
DEEPENING
BROWARD COUNTY, FLORIDA

Always call 811 two full business days before you dig.

Sunshine811.com

[illegible]

PROJECT NO	C2005-076-11
DATE	JULY 2016
DESIGNED	JFA
DRAWN	CAS
CHECKED	JTA
REVIEWED	LSB
SCALE	AS SHOWN

DRAWING TITLE

SECTIONS
(REVISED)

SHT 3

SHEET 3 OF 3