



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road, MS 3544
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

CONSOLIDATED JOINT COASTAL PERMIT AND INTENT TO GRANT SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE:

Broward County Board of County Commissioners
115 South Andrews Avenue, Room 329H
Ft. Lauderdale, Florida, 33301

AGENT:

Christopher G. Creed, P.E.
Olsen Associates
2618 Herschel Street
Jacksonville, Florida, 32204

PERMIT INFORMATION:

Permit Number: 0289308-004-JC

Project Name: Port Everglades Inlet
Sand Bypassing Project

County: Broward

Issuance Date: February 3, 2017

Expiration Date: February 3, 2032

REGULATORY AUTHORIZATION:

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

PROJECT DESCRIPTION:

The project is to construct a sediment impoundment basin and rigid coastal structures. Specifically, the project will include the construction of an impoundment basin, and removal of the landward end of a rubble spoil shoal (approximately 1,130 feet in length), which is the product of side-casting dredged material during earlier construction of the harbor entrance channel. The rubble removal will include the excavation and removal of non-beach-compatible material from the nearshore and re-exposure of an area of buried hardbottom. The sediment impoundment basin will be approximately 10.8 acres in size and will be constructed to depths ranging from -29 feet North American Vertical Datum 1988 (NAVD) at the northernmost section, -42 feet NAVD in the central section, and -50 feet NAVD at the southern end, where the basin connects to the Port Everglades Channel. An 80-foot wide portion of the limestone bedrock, between the central and southern sections of the basin, will remain at an elevation

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of -20 feet NAVD, to serve as a sill between the channel and sediment basin. A submerged mounded boulder barrier measuring 577 feet long by 16 feet wide, with a maximum crest elevation of approximately -6 NAVD, will be constructed along the eastern edge of the rubble shoal excavation area to minimize movement of unconsolidated rubble in the unexcavated rubble shoal onto newly exposed hardbottom or the sediment impoundment basin.

The project also includes other rigid coastal structures: the north jetty of the inlet will be sand-tightened and raised to a maximum elevation to +9 feet NAVD; the north jetty will be extended approximately 160 feet towards the northeast; and a 105-foot groin will be constructed at the western end of the inlet shoreline beach with a maximum elevation of +6 feet NAVD.

Non-beach-compatible material dredged from the rubble shoal removal area and the initial excavation of the sediment impoundment basin will be placed in the Port Everglades Ocean Dredged Material Disposal Site (ODMDS), outside of State Waters. At that time, any beach-compatible material will be placed in one of the beach disposal sites, either north or south of the inlet. Once the sediment impoundment basin fills in, the sand will be bypassed to the beach disposal sites on the southern side of the inlet, within the previously authorized beach placement template under Permit No. 0163435-001-JC, at Dr. Von D. Mizell-Eula Johnson State Park, formerly known as John U. Lloyd Beach State Park. The beach fill template will have a maximum berm height of +8.4 feet NAVD, with a variable width. The berm will tie into existing grade at a 1:10 (vertical:horizontal, v:h) slope. A trench will be excavated across the Port Everglades Inlet Channel for temporary placement of a pipeline to facilitate sand bypassing to the south. The trench will be 50 feet wide, with a depth 5 feet below existing grade.

The project is expected to impact 16.65 acres of unconsolidated rubble and boulder habitat that supports benthic resources. As mitigation for this impact, 8.49 acres of mitigation will be required. Re-exposing buried hardbottom from the full or partial removal of the rubble shoal will provide 7.31 acres of hardbottom habitat. A 0.2-acre boulder reef will be constructed just south of the rock rubble barrier. It will be approximately 200 feet in length, placed in water depths that range from -12 to -16 feet NAVD. This reef will serve as a coral nursery and transplant location for corals within the unexcavated portion of the rubble shoal. A 0.3-acre boulder reef will also be constructed in approximately 40 feet of water offshore of Ft. Lauderdale, and will serve as a coral nursery. Both coral nurseries will be actively managed to promote recruitment. The enhancement and expansion of Broward County's Stony Coral Nursery Program by the harvest and reattachment of 3,000 "corals of opportunity" will also provide 0.68 acres of mitigation credit.

The activity includes consideration of an application for a 50-year sovereign submerged lands easement containing 1,431,512.28 square feet, more or less.

PROJECT LOCATION:

The Port Everglades Inlet north jetty enhancements, sediment impoundment basin, the 0.2-acre artificial reef, the beach placement site for initial construction and associated activities

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are located on the north side of Port Everglades Entrance Channel, near Department Reference Monument R-85, in Broward County, Section 13, Township 50 South, Range 42 East, Atlantic Ocean, Class III waters.

The groin will be located on the northern shoreline of Port Everglades Inlet, on the western side of the inlet beach.

The regular bypassing beach placement site is located at Dr. Von D. Mizell-Eula Johnson State Park, south of Port Everglades Inlet, from R-85.7 to R-92, in Broward County, Section 24, Township, 50 South, Range 42 East, Atlantic Ocean, Class III waters.

The Port Everglades Harbor ODMDS is located approximately 3.1 nautical miles east northeast of the entrance to Port Everglades Channel, outside of State Waters.

The 0.3-acre artificial reef will be constructed approximately 1-mile offshore of R-65, Broward County.

PROPRIETARY AUTHORIZATION:

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands held in trust by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Board of Trustees delegated to the Department the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. This proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21 and Section 62-330.075, F.A.C., and the policies of the Board of Trustees.

The Department has also determined that a portion of the pipeline trench south the Port Everglades channel, the artificial reefs and the beach fill placement activities qualify for a Letter of Consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activities on the specified sovereign submerged lands.

As staff to the Board of Trustees, the Department has also determined that the north jetty extension, the submerged mounded boulder barrier, and the sediment impoundment basin require a public easement for the use of those lands, pursuant to Chapter 253.77, F.S. Because of its proximity to the submerged mounded boulder barrier, the 0.2-acre mitigation reef will be within the boundaries of the easement. The Department intends to issue the public easement, subject to the conditions outlined in the previously issued *Consolidated Intent to Issue* and in the Recommended Proprietary Action (entitled *Delegation of Authority*).

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The final documents required to execute the easement will be sent to the Department's Division of State Lands. The Department intends to issue the easement upon satisfactory execution of those documents. **You may not begin construction of this activity on state-owned, sovereign submerged lands until the easement has been executed to the satisfaction of the Department.**

COASTAL ZONE MANAGEMENT:

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

WATER QUALITY CERTIFICATION:

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

OTHER PERMITS:

Authorization from the Department does not relieve you from the responsibility of obtaining other permits (Federal, State, or local) that may be required for the project. When the Department received your permit application, a copy was sent to the U.S. Army Corps of Engineers (Corps) for review. The Corps will issue their authorization directly to you, or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date that your application was received by the Department, contact the nearest Corps regulatory office for status and further information. Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.

AGENCY ACTION:

The above named Permittee is hereby authorized to construct the work that is outlined in the Project Description and Project Location of this permit and as shown on the approved permit drawings, plans and other documents attached hereto. This agency action is based on the information submitted to the Department as part of the permit application, and adherence with the final details of that proposal shall be a requirement of the permit. **This permit and authorization to use sovereign submerged lands are subject to the General Conditions, General Consent Conditions, Specific Conditions, and attached documents referenced in this document, which are a binding part of this permit and authorization.** Both the Permittee and their Contractor are responsible for reading and understanding this permit (including the permit conditions and the approved permit drawings) prior to commencing the authorized activities, and for ensuring that the work is conducted in conformance with all the terms, conditions and drawings.

GENERAL CONDITIONS:

1. All activities authorized by this permit shall be implemented as set forth in the project description, permit drawings, plans and specifications approved as a part of this permit, and all conditions and requirements of this permit. The permittee shall notify the

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Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required pursuant to Rule 62B-49.008, F.A.C.

2. If, for any reason, the permittee does not comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; and, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits that may be required by federal, state, local or special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project that are not addressed in this permit.
4. Pursuant to Sections 253.77 and 373.422, F.S., prior to conducting any works or other activities on state-owned submerged lands, or other lands of the state, title to which is vested in the Board of Trustees, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees shall not be considered received until it has been fully executed.
5. 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 specifically approved unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
6. 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. The issuance of this permit does not convey any vested rights or any exclusive privileges.
7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the permitted activity. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
8. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times, access to the premises where the permitted activity is located or conducted for the purpose of

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ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to and copy any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

9. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall electronically submit to the Department, by email at JCPCompliance@dep.state.fl.us, and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date and an affirmative statement that the permittee and the contractor, if one is to be used, have read the general and specific conditions of the permit and understand them.
10. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, shipwreck remains or anchors, dugout canoes or 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 shall cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)245-6333 or (800)847-7278, as well as the appropriate permitting agency office. Project activities shall not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, F.S.
11. Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the permittee shall electronically submit to the Department, by email at JCPCompliance@dep.state.fl.us, and the appropriate District office of the Department a written statement of completion and certification by a registered professional engineer. This certification shall state that all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specifications, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on as-built drawings electronically submitted to the Department, by email at JCPCompliance@dep.state.fl.us.

GENERAL CONSENT CONDITIONS:

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that

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activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

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

SPECIFIC CONDITIONS:

1. The terms, conditions and provisions of the required easement shall be met. The Notice to Proceed shall not be issued, and construction of this activity shall not commence on sovereign submerged lands, title to which is held by the Board of Trustees, until all easement documents have been executed to the satisfaction of the Department.
2. All reports or notices relating to this permit shall be electronically submitted to the Department's JCP Compliance Officer (e-mail address: JCPCompliance@dep.state.fl.us) unless otherwise specified in the specific conditions of this permit.

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3. The Permittee shall not store or stockpile tools, equipment, materials, etc., within littoral zones or elsewhere within surface waters of the state without prior written approval from the Department. Storage, stockpiling or access of equipment on, in, over or through beds of submerged aquatic vegetation, wetlands or hardbottom is prohibited unless it occurs within a work area or ingress/egress corridor that is specifically approved by this permit and is shown on the approved permit drawings.
4. The Permittee shall not conduct project operations or store project-related equipment in, on or over dunes, or otherwise impact dune vegetation, outside the approved staging, beach access and dune restoration areas designated in the permit drawings.
5. No work shall be conducted under this permit until the Permittee has received a written notice to proceed from the Department for each event. At least 60 days prior to the requested date of issuance of the notice to proceed, the Permittee shall submit a written request for a Notice to Proceed along with the following items for review and approval by the Department:
 - a. An electronic copy of detailed *final construction plans and specifications* for all authorized activities. The plans and specifications must be consistent with the project description of this permit and the attached permit drawings, and shall also be certified by a professional engineer (P.E.), who is registered in the State of Florida. The Permittee shall point out any deviations from the Project Description of this permit (as stated above) or the approved permit drawings (attached to this permit), and any significant changes would require a permit modification. The plans and specifications shall include a description of the dredging and construction methods to be utilized and drawings and surveys that show all biological resources and work spaces (e.g., anchoring areas, pipeline corridors, staging areas, boat access corridors, etc.) to be used for this project;
 - b. Documentation that the *Public Easement* has been executed to the satisfaction of the Department;
 - c. *Turbidity monitoring qualifications*. In order to assure that turbidity levels do not exceed the compliance standards established in this permit, construction at the project site shall be monitored closely by an independent third party with training in water quality monitoring and professional experience in turbidity monitoring for coastal construction projects. Also, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when fill material is discharged on the beach. This individual shall have authority to alter construction techniques or shut down the dredging or beach construction operations if turbidity levels exceed the compliance standards established in this permit. The names and qualifications of

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those individuals performing these functions, along with 24-hour contact information, shall be submitted for approval;

- d. A *Scope of Work* for the turbidity monitoring to ensure that the right equipment is available to conduct the monitoring correctly at any location, and under any conditions;
- e. *Biological monitoring qualifications*. Biological monitoring qualifications of firms and their staff shall be submitted to the JCP Compliance Officer for review and approval. If additional monitoring team(s) are subcontracted, or new staff are added to the monitoring team who will be collecting in-situ data, the proposed changes and qualifications shall be submitted to the JCP Compliance Officer for review at least 30 days prior to a monitoring event. The Permittee's selected biological monitoring firm is fully responsible for training of new staff members and subcontractors, as well as the QA/QC verification of their work;
- f. A finalized *Biological Monitoring Plan* subject to review and approval by the Department. This shall include all transect location data, monitoring methods, as well as monitoring and reporting timelines;
- g. A final *Sediment QA/QC plan* approved by the Department;
- h. A *Baseline Benthic Resource Survey*. A full pre-construction (baseline) survey in the area of the sediment impoundment basin and the turbidity mixing zone north of the inlet shall be completed and submitted to the Department prior to the issuance of the Notice to Proceed. Additionally, prior to any sand placement south the inlet, a baseline survey shall be conducted at the beach placement site south of the inlet. These surveys shall comply with and meet the requirements of applicable approved Biological Monitoring Plan;
- i. A detailed *Physical Monitoring Plan* subject to review and approval by the Department. See specific condition 33 for monitoring plan details.
- j. Documentation from the U.S. Fish and Wildlife Service (FWS) that this work will be covered under a *Biological Opinion* (BO) issued for construction on this project site. If the BO contains conditions that are not already contained herein, or that are contradictory, **the Notice to Proceed will not be issued until the permit has been modified to include those additional conditions;** and
- k. A final *Sea Turtle Nest Management Plan* approved by the Florida Fish and Wildlife Conservation Commission (FWC).

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6. **Pre-Construction Conference.** The Permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with Permittee's contractors, the engineer of record, those responsible for turbidity monitoring and the JCP Compliance Officer (or designated alternate) prior to each construction event. In order to ensure that appropriate representatives are available, at least twenty-one (21) days prior to the intended commencement date for the permitted construction, the Permittee is advised to contact the Department, and the other agency representatives listed below:

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

Imperiled Species Management Section
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
phone: (850) 922-4330
fax: (850) 921-4369 or email: marineturtle@myfwc.com

Florida Fish & Wildlife Conservation Commission
Division of Marine Fisheries
Artificial Reef Program,
620 S. Meridian Street
Tallahassee, FL 32399
Phone: (850) 617-9633
Contact: Keith Mille, keith.mille@myfwc.com

Florida Fish & Wildlife Conservation Commission
Regional Species Conservation Biologist
Contact list: <http://myfwc.com/conservation/you- conserve/wildlife/shorebirds/>

The Permittee is also advised to schedule the pre-construction conference at least a week prior to the intended commencement date. At least seven (7) days in advance of the pre-construction conference, the Permittee shall provide written notification, advising the participants of the agreed-upon date, time and location of the meeting, and also provide a meeting agenda and a teleconference number.

7. Pursuant to Section 379.249, F.S., the transport and deployment of all artificial reef materials off Florida requires a cargo manifest. As a requirement of this permit, the Permittee shall fill out the attached "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form and maintain the manifest on the vessel, listing the materials onboard, during transport and deployment of artificial reef materials. The completed form shall be submitted to the FWC Artificial Reef Program at least 7 days

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prior to the anticipated deployment via email artificialreefdeployments@myfwc.com, or via fax (850) 487-4847. The form is also available online at: <http://myfwc.com/media/131594/FWCArtificialReefCargoManifest.pdf>.

Also pursuant to Section 379.249, F.S., the FWC is required to track all artificial reef deployments state-wide. As a requirement of this permit, the Permittee shall fill out the attached "Florida Artificial Reef Materials Placement Report and Post-Deployment Notification" form and submit it to the FWC within 30 days of completion for each date of deployment or separate deployment location. The completed form shall be submitted to the FWC Artificial Reef Program via email artificialreefdeployments@myfwc.com, via fax (850) 487-4847, or mailed to the FWC Artificial Reef Program, 620 S. Meridian Street, Box 4B2, Tallahassee, FL 32399-1600. The form is also available online at: <http://myfwc.com/media/131597/FWCArtificialReefMaterialPlacementReport.pdf>.

When submitting these forms to FWC, the Permittee shall also e-mail copies to the JCP Compliance Officer. Please indicate on the e-mail that the information is being submitted for the Port Everglades Sand Bypassing Project, Permit No. 0289308-004-JC, as required by Specific Condition 7.

8. When discharging slurried sand onto the beach from a pipeline, the Permittee shall employ best management practices (BMPs) to reduce turbidity. At a minimum, these BMPs shall include the following:
 - a. Use of shore-parallel sand dike to promote settlement of suspended sediment on the beach before return water from the dredged discharge reenters the Atlantic Ocean; and
 - b. A minimum set-back of 50 feet from open water, or at the landward end of the beach berm (without disturbing the dune), whichever is less, for the pipeline discharge location.
9. **In-water Activity.** The Permittee shall adhere to the following requirements for all in-water activity:
 - a. All personnel associated with the project shall be instructed about the presence of marine turtles and manatees, and the need to avoid collisions with (and injury to) these protected marine species. The Permittee/Contractor shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees or marine turtles, which are protected under the Endangered Species Act, the Marine Mammal Protection Act, the Marine Turtle Protection Act and the Florida Manatee Sanctuary Act.
 - b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate project area and while in water where the

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draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.

- c. Siltation or turbidity barriers (if used) shall be made of material in which manatees and marine turtles cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee or marine turtle movement or travel.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of marine turtles and manatees. All in-water operations, including vessels, shall be shut down if a marine turtle or manatee comes within 50 feet of the operation. Activities shall not resume until the animal(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the animal(s) has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.
- e. Any collision with (or injury to) a marine turtle or manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922, and to FWC at ImperiledSpecies@myFWC.com. Any collision with (and/or injury to) a marine turtle shall also be reported immediately to the Sea Turtle Stranding and Salvage Network (STSSN) at SeaTurtleStranding@myfwc.com.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs shall be removed by the Permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC shall be used. One sign which reads "Caution Boaters – Watch for Manatees" shall be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations shall be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to ImperiledSpecies@myFWC.com.

10. **Hopper Dredging.** If a hopper dredge is used for this project, the following requirements shall be met:

- a. Handling of captured marine turtles during hopper dredging activities shall be conducted only by persons with prior experience and training in these activities, and who are duly authorized to conduct such activities through a valid Marine Turtle Permit issued by the FWC, pursuant to Chapter 68E-1, F.A.C.
- b. In order to minimize impingement or entrainment of marine turtles within the water column, dredging pumps shall be disengaged by the operator, or the draghead bypass valve shall be open and in use when the dragheads are not firmly on the bottom.

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This precaution is especially important during the cleanup phase of dredging operations.

- c. A state-of-the-art rigid deflector draghead shall be used on all hopper dredges, at all times of the year.
 - d. The STSSN Coordinator shall be notified at 1-904-573-3930 or via e-mail at Allen.Foley@myfwc.com of the start-up and completion of hopper dredging operations. If a marine turtle is captured or marine turtle parts are recovered, the STSSN shall be contacted at seaturtlestranding@myfwc.com.
11. **Trawling.** If relocation trawling or non-capture trawling for marine turtles is required as per applicable National Marine Fisheries Service Biological Opinions and Incidental Take authorizations, the following is required:
- a. Any activity involving the use of nets to harass and/or to capture and handle marine turtles in Florida waters requires a Marine Turtle Permit from FWC prior to trawling.
 - b. The Permittee or their contractor shall e-mail (MTP@MyFWC.com) weekly reports to the FWC's Imperiled Species Management Section on Friday of each week that trawling is conducted in Florida waters. These weekly reports shall include the species and number of turtles captured, their general health, and release information. A summary of all trawling activity (including non-capture trawling) shall be submitted to MTP@myfwc.com by January 15 of the following year, or at the end of the project. The summary shall be provided on the FWC provided Excel spreadsheet (available at <http://myfwc.com/media/3333816/Trawl-Report-Template.pdf>), and shall list all turtles captured in Florida waters, the measurements of all captured turtles, the location of captures (latitude and longitude in decimal degrees), the location of tow start-stop points (latitude and longitude in decimal degrees), and times for the start-stop points of the tows (including tows when no turtles are captured).
12. **Beach Related Activities.** The Permittee shall adhere to the following requirements for all beach-related activities
- a. *Beach Driving.* All vehicles shall be operated in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you-conserve/wildlife/beach-driving/>). Specifically, the vehicle shall be operated at a speed <6 mph, and run at or below the high-tide line. All personnel associated with the project shall be instructed about the potential presence of shorebirds and marine turtles, and the need to avoid Take of (including disturbance to) these protected species.

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- b. *Beach Maintenance.* All debris, including derelict coastal armoring material, concrete and metal shall be removed from the beach to the maximum extent practicable prior to any placement of construction material on the beach. If debris removal activities will take place during protected species nesting seasons, the work shall be conducted during daylight hours only, and shall not commence until completion of daily monitoring surveys each day. If flightless shorebird young are present within or adjacent to the work zone or equipment travel corridor, a Shorebird Monitor shall be present during the operation to ensure that equipment does not operate within 300 feet of the flightless young. It is the Permittee's responsibility to have their Contractor ensure that no chicks are in the path of the moving vehicle, and that the equipment leaves no tracks capable of trapping flightless chicks. All excavations and temporary alteration of beach topography shall be filled or leveled to the natural beach profile prior to 9:00 p.m. each day. The beach surface shall be inspected subsequent to completion of the project, and all tracks or impressions left by construction equipment on the beach shall be removed.
 - c. *Equipment Storage and Placement.* Staging areas for construction equipment shall be located off the beach, if off-beach staging areas are available. During construction of the north jetty extension and the initial construction of the sediment impoundment basin, nighttime storage of construction equipment that is not in use shall be located in an area that minimizes disturbance to shorebird and marine turtle nesting and hatching activities to the greatest extent possible. For regular maintenance and sand bypassing activities, nighttime storage of construction equipment that is not in use shall be located off the beach. In addition, all construction pipes that are placed on the beach shall be located as far landward as possible without compromising the integrity of the existing or reconstructed dune system. Pipes placed parallel to the dune shall be 5 to 10 feet away from the toe of the dune. Temporary storage of pipes shall be located off the beach to the maximum extent possible. If it will be necessary to extend construction pipes past a known shorebird nesting site, or over-wintering area for piping plovers, then whenever possible, those pipes shall be placed landward of the site before birds are active in that area. No pipe or sand shall be placed seaward of a shorebird nesting site during the shorebird nesting season.
13. **Shorebird Monitoring.** The Permittee shall comply with the following shorebird monitoring requirements:
- a. Shorebird surveys shall be conducted by trained, dedicated individuals (Bird Monitor), with proven shorebird identification skills and avian survey experience.
 - b. Selection of Bird Monitors. A list of Bird Monitors shall be provided to the FWC, along with their contact information and a summary of their qualifications, including bird identification skills and avian survey experience. This information shall be submitted to the FWC Regional Biologist (see contacts available at <http://myfwc.com/conservation/you-protect/wildlife/shorebirds/>) for review and

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consultation prior to any construction or shorebird surveys. Bird Monitors shall meet the following minimum qualifications.

- i. Ability to identify all species of beach-nesting birds that nest in the project area by sight and sound.
 - ii. Ability to identify breeding/territorial behaviors, and find nests of shorebirds and seabirds that occur in the project area.
 - iii. Ability to identify habitats preferred by shorebirds and seabirds nesting in the project area.
 - iv. Completed full introductory course training (online or webinar) on the *Breeding Bird Protocol for Florida's Seabirds and Shorebirds*, including training in data entry. Training resources can be found on the Florida Shorebird Database website (<https://public.myfwc.com/crossdoi/shorebirds/index.aspx>).
 - v. Familiar with FWC beach driving guidelines:
<https://www.myfwc.com/conservation/you-protect/wildlife/beach-driving>.
 - vi. Annually completes refresher course training (online or webinar) for the *Breeding Bird Protocol for Florida's Seabirds and Shorebirds*, including training in data entry.
 - vii. Previously participated in beach-nesting bird surveys associated with FWC, Audubon or FWS in Florida (please provide references).
 - viii. Experience posting beach-nesting bird sites, consistent with Florida Shorebird Alliance (FSA) Guidelines (<http://flshorebirdalliance.org/resources/instructions-manuals.aspx>).
 - ix. Registered contributor to the Florida Shorebird Database.
- c. The Bird Monitor(s) shall review and become familiar with the general information on the FWC's Florida Shorebird Database (FSD) website (www.FLShorebirdDatabase.org). They shall use the data-collection protocol and implement data-entry procedures as outlined in that website. An outline of data to be collected, including downloadable field data sheets, is available on the website.
- d. Breeding season varies by species and region. Most species have completed the breeding cycle by September 1, but flightless young may be present through September. Please see Shorebird Nest dates at <http://myfwc.com/conservation/you-protect/wildlife/shorebirds/>.

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- e. Surveys during the breeding season shall begin on the first day of the breeding (April 1st for Broward County) season, or 10 days before any site work begins, whichever is later. Surveys shall be conducted through August 31, or until all breeding activity has concluded, whichever is later. However, if construction is completed before the end of the shorebird breeding season, weekly shorebird surveys shall be conducted until all nesting activity has concluded. If no nesting has been initiated on site prior to July 15, nesting surveys may be concluded on or after that date.
 - f. During the breeding season, the Bird Monitor(s) shall survey all potential beach-nesting bird habitats that may be affected by construction or pre-construction activities. The Bird Monitor(s) shall establish one or more shorebird survey routes in the FSD website to cover these areas.
 - g. During the pre-construction and construction phases of the project, the Bird Monitor(s) shall complete surveys on a daily basis to detect breeding activity and the presence of flightless chicks before (1) equipment is moved to the area, (2) vehicles are operated in the area, and (3) any other activities occur that have the potential to disrupt breeding behavior or cause harm to the birds, their eggs or their young. Once construction is completed and all personnel and equipment have been removed from the beach, surveys may be conducted at weekly intervals. If no nesting has been initiated on site prior to July 15, surveys may be concluded on or after that date.
 - h. The Bird Monitor(s) shall survey the project area by walking and looking for evidence of (1) shorebirds exhibiting breeding behavior, (2) shorebird chicks, or (3) shorebird juveniles, as outlined in the FSD's Breeding Bird Protocol for Shorebirds and Seabirds. The Bird Monitor(s) shall use binoculars for these surveys.
 - i. If an ATV or other vehicle is needed to cover large project areas, operators shall adhere to the FWC's *Best Management Practices for Operating Vehicles on the Beach* (<http://myfwc.com/conservation/you- conserve/wildlife/beach-driving/>). Specifically, the vehicle shall be operated at a speed under 6 mph, and only on beaches at or below the high-tide line. The Bird Monitor(s) shall stop at no greater than 200-meter intervals to look for breeding activity.
 - j. Once the Bird Monitor(s) confirms that birds are breeding, as evidenced by the presence of a scrape, eggs, or young, the Bird Monitor(s) shall notify the FWC Regional Species Conservation Biologist (see the attached FWC contact information exhibit) within 24 hours. The Bird Monitor(s) shall report all breeding activity to the FSD website within one week of data collection.
14. **Shorebird Buffer Zones and Travel Corridors.** The Bird Monitor(s) shall establish a disturbance-free buffer zone around any location within the project area where shorebirds have been engaged in breeding behavior, including territory defense. The FWC considers a 300-foot-wide buffer to be adequate based on published studies; however, a smaller,

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site-specific buffer may be established if approved by the FWC Regional Species Conservation Biologist. All sources of human disturbance (including pedestrians, pets and vehicles) shall be prohibited in the buffer zone.

- a. The Bird Monitor(s) shall keep breeding sites under sufficient surveillance to determine if birds appear agitated or disturbed by construction or other activities in adjacent areas. If birds appear to be agitated or disturbed by these activities, then the Bird Monitor(s) shall immediately widen the buffer zone to a sufficient size to protect breeding birds.
- b. The Bird Monitor(s) shall ensure that reasonable and traditional pedestrian access is not blocked in situations where breeding birds will tolerate pedestrian traffic. This is generally the case with lateral movement of beach-goers walking parallel to the beach at or below the highest tide line. Pedestrian traffic may also be tolerated when breeding was initiated within 300 feet of an established beach access pathway. The Bird Monitor(s) shall work with the FWC Regional Species Conservation Biologist to determine if pedestrian access can be accommodated without compromising nesting success.
- c. The Bird Monitor(s) shall ensure that the perimeters of designated buffer zones are marked with posts, twine, and signs stating “Do Not Enter, Important Nesting Area” or similar language. The signs shall include the name and a phone number of the entity responsible for posting. Posts shall not be higher than 3 feet once installed. “Symbolic fencing” (i.e., twine, string or rope) shall be placed between all posts and be clearly visible to pedestrians. In areas where marine turtles nest, the ropes shall be at least 2.5 feet above the ground. If pedestrian pathways are approved by the FWC Regional Biologist within the 300-foot buffer zone, these shall be clearly marked. The Bird Monitor(s) shall ensure that the posting is maintained in good repair until breeding is completed or terminated. Although solitary nesters may leave the buffer zone with their chicks, the posted area continues to provide a potential refuge for the family until breeding is complete. Breeding is not considered to be completed until all chicks have fledged.
- d. The Bird Monitor(s) shall ensure that no construction activities, pedestrians, moving vehicles, or stockpiled equipment are allowed within the buffer area.
- e. The Bird Monitor(s) shall designate and mark travel corridors outside the buffer areas so as not to cause disturbance to breeding birds. Heavy equipment, other vehicles, or pedestrians may go past breeding areas in these corridors. However, other activities such as stopping or turning heavy equipment and vehicles shall be prohibited within the designated travel corridors adjacent to the breeding site.

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- f. If flightless shorebird chicks are present within or adjacent to an equipment travel corridor, a Shorebird Monitor shall be present during the operation to ensure that the equipment does not operate within 300 feet of the flightless chicks. It is the Permittee's responsibility to have their contractor ensure that no chicks are in the path of the moving vehicles and that the vehicles leave no tracks capable of trapping flightless chicks. The Bird Monitor shall conduct a shorebird education and identification program with the Contractor to ensure protection of precocial (mobile) chicks.
- g. The FWC recommends that some activity in the travel corridor is maintained daily in order to discourage birds from nesting within the travel corridor. These activities shall not be allowed to disturb shorebirds nesting on site or interfere with marine turtle nesting, especially if the corridors are established before construction has started.
- h. Notification. If the Bird Monitor finds that shorebirds are breeding within the project area, the Permittee shall ensure that an informational bulletin board is placed and maintained in the construction staging area. This bulletin board shall display the location map of the construction site, depict the location(s) of the bird breeding areas, and include a clearly visible warning stating: "NESTING BIRDS ARE PROTECTED BY LAW, INCLUDING THE FLORIDA ENDANGERED AND THREATENED SPECIES ACT AND THE STATE AND FEDERAL MIGRATORY BIRD ACTS".

Marine Turtle Nest Surveys and Relocation.

- 15. **Marine Turtle Nest Surveys and Relocation.** Daily surveys shall be conducted between sunrise and 9 a.m., starting March 1 and continuing through October 31, of all sandy beaches within the project area that are seaward of any existing coastal armoring structures or dune crest, and all areas used for beach access. No construction activity may commence until completion of the marine turtle survey each day.
 - a. *Turtle Monitors.* Nesting surveys and egg relocations shall only be conducted by persons with prior experience and training in these activities and who are duly authorized to conduct such activities through a valid permit issued by FWC, pursuant to Chapter 68E-1, F.A.C. Please contact FWC's Marine Turtle Management Program in Tequesta at MTP@myfwc.com for information on the turtle permit holder in the project area. It is the responsibility of the Permittee to ensure that nesting surveys are completed by the authorized Marine Turtle Permit Holder.
 - b. During the initial construction of the sediment impoundment basin, sand placement is authorized from R-84.3 to R-84.7, or from the Port Everglades Inlet South Jetty to R-89.5 during March 1 through October 31. Additionally, sand placement is authorized from the Port Everglades Inlet South Jetty to R-89.5 during emergency dredging of

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the sediment impoundment basin during March 1 through October 31, provided the following requirements are met:

- i. Daily nesting surveys shall be initiated 65 days prior to sand placement activities, or by the beginning of marine turtle nesting season, whichever is later.
 - ii. Daily nesting surveys shall continue through the end of the project, or until November 30, or until two weeks after the last crawl in the project area, whichever is earlier.
 - iii. After the sand placement is completed, marine turtle nest monitoring and reporting shall continue throughout the nesting season, and shall be conducted according to the Post-construction Monitoring and Reporting of Marine Turtle Nesting requirements in Specific Conditions 22 and 23.
- c. Regular maintenance dredging of the sediment impoundment basin shall occur outside of the marine turtle nesting season, which starts on March 1 and ends on October 31. Construction-related activities are authorized to occur at the beginning and end of the sea turtle nesting season (March 1 through April 30, and November 1 through November 30) under the following conditions:
- i. Marine Turtle Nesting surveys, to assess hatching success, shall be initiated by March 1 and shall continue through October 31, until the last marked nest has hatched, or until two weeks after the last documented crawl if authorized to halt by FWC. Additional surveys shall be conducted as necessary to check on marked nests remaining in the beach. After the sand placement is completed, marine turtle nest monitoring and reporting shall continue throughout the nesting season, and shall be conducted according to the Post-construction Monitoring and Reporting of Marine Turtle Nesting requirements in Specific Conditions 22 and 23.
 - ii. During the period from March 1 through April 30, daytime surveys shall be conducted for leatherback sea turtle nests beginning March 1. Nighttime surveys for leatherback marine turtles shall begin when the first leatherback crawl is recorded within the project or adjacent beach area through April 30, or until completion of the project, whichever is earliest. Nightly nesting surveys shall be conducted from 9 p.m. until 6 a.m. The project area shall be surveyed at 1-hour intervals and eggs shall be relocated per the preceding requirements. Since leatherbacks require at least 1.5 hours to complete nesting, the 1-hour interval will ensure that all nesting leatherbacks are encountered.
- d. If nests are laid in areas where they may be affected by sand placement activities during the early nesting season for maintenance dredging, or if FWC has specifically

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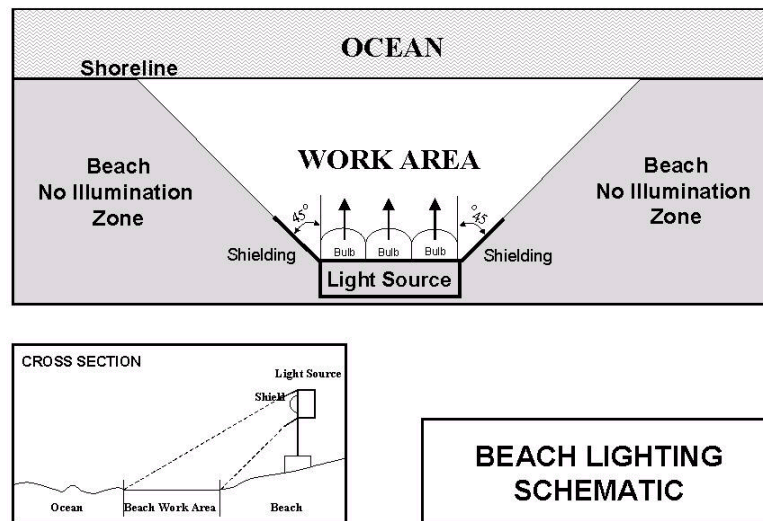
authorized nest relocation within the emergency placement access area (R-88.5 to R 89.5) after notification to mtp@myfwc.com that the sediment impoundment basin will be dredged and sand placement will occur during nesting season, eggs shall be relocated per the requirements in Specific Condition 15.

- i. During initial construction, only those nests laid in the area where sand placement will occur shall be relocated. Nest relocation shall no longer occur after the sand placement is completed. Nests requiring relocation shall be moved no later than 9:00 a.m., the morning following deposition, to a nearby self-release beach site in a secure setting, where artificial lighting would not interfere with hatchling orientation. Relocated nests shall not be placed in organized groupings. Relocated nests shall be randomly staggered along the length and width of beach settings that are not expected to experience any of the following: inundation by high tides; severe erosion; previous egg loss; or illumination by artificial lighting. Nest relocations in association with construction activities shall cease when sand placement activities no longer threaten nests.
 - ii. Nests deposited within areas where construction activities will not occur for 65 days, or nests laid in the nourished berm prior to tilling, shall be marked and left in place. The turtle permit holder shall install an on-beach marker at the nest site, and shall also install a secondary marker at a point as far landward as possible to assure that the nest can be located in the future should the on-beach marker be lost. No activity shall occur within this area, nor shall any activities occur that could result in impacts to the nest. Nest sites shall be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.
16. **Marine Turtle or Nest Encounters.** Upon locating a dead or injured marine turtle adult, hatchling or egg that may have been harmed or destroyed as a direct or indirect result of the project, the Permittee shall notify FWC Wildlife Alert at 1-888-404-FWCC (3922). Care shall be taken in handling injured marine turtles or eggs to ensure effective treatment or disposition, and in handling dead specimens to preserve biological materials in the best possible state for later analysis. If a marine turtle nest is excavated during construction activities, but not as part of the authorized nest relocation process outlined in these specific conditions, the permitted person responsible for egg relocation for the project shall be notified immediately so the eggs can be moved to a suitable relocation site.
17. **Project Lighting.** Direct lighting of the beach and nearshore waters during the marine turtle nesting season shall be limited to the immediate construction area and shall comply with safety requirements. Lighting on offshore or onshore equipment shall be minimized through reduction, shielding, lowering and appropriate placement to avoid excessive illumination of the water's surface and nesting beach, while meeting codified

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requirements for human safety. Light intensity of lighting equipment shall be reduced to the minimum standard required for General Construction areas in order to avoid misdirecting marine turtles. Shields shall be affixed to the light housing and shall be large enough to block light from all lamps from being transmitted outside the construction area (Figure 1 below).

Figure 1. Lighting Schematic



18. **Compaction Sampling.** Sand compaction shall be monitored in the area of sand placement immediately after completion of the nourishment event, and prior to the beginning of marine turtle nesting season, for three (3) subsequent years, and shall be monitored in accordance with a protocol agreed to by the FWC and the Permittee. **The requirement for compaction monitoring can be eliminated if the placed sand is tilled, regardless of post-construction compaction levels.** Out-year compaction monitoring and remediation are not required if placed sand no longer remains on the beach. At a minimum, the protocol provided under Specific Conditions 18.a. and 18.b. (below) shall be followed. If the average value for any depth exceeds 500 pounds per square inch (psi) for any two or more adjacent stations, then that area shall be tilled prior to the beginning of marine turtle nesting season. If values exceeding 500 psi are distributed throughout the project area, but in no case do those values exist at two adjacent stations at the same depth, then the Permittee shall consult with the FWC to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling will not be required.
 - a. Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area), and one station shall be midway between the dune line and the high-water line (normal wrack line).

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- b. At each station, the cone penetrometer shall be pushed to depths of 6, 12 and 18 inches three times (i.e., three replicates at each depth). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lie over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth shall be averaged to produce final values for each depth at each station. Reports shall include all 18 values for each transect line, and the final 6 averaged compaction values.
 - c. No compaction sampling shall occur within 300 feet of any shorebird nest.
 - d. Any vehicles operated on the beach in association with compaction surveys shall operate in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you- conserve/wildlife/beach-driving/>).
19. **Tilling Requirements.** If tilling is required, as specified in Specific Condition 18, above, the area shall be tilled to a depth of 36 inches. All tilling activity shall be completed prior to the marine turtle nesting season. If tilling occurs during shorebird nesting season (April 1 – September 1 in Broward County), shorebird surveys shall be required prior to tilling, per the Shorebird Conditions included within this document. It is the responsibility of the Permittee to ensure that their contractors avoid tilling, scarp removal or dune vegetation planting in areas where nesting birds are present. Each pass of the tilling equipment shall be overlapped to allow thorough and even tilling. If the project is completed during the marine turtle nesting season, tilling shall not be performed in areas where nests have been left in place or relocated. If compaction measurements are taken, a report on the results of the compaction monitoring shall be submitted electronically to FWC at marineturtle@myfwc.com prior to any tilling actions being taken.
- a. No tilling shall occur within 300 feet of any shorebird nest.
 - b. If flightless shorebird young are present within the work zone or equipment travel corridor, a Bird Monitor shall be present during the operation to ensure that equipment does not operate within 300 feet of the flightless young.
 - c. A relatively even surface, with no deep ruts or furrows, shall be created during tilling. To do this, chain-linked fencing or other material shall be dragged over those areas as necessary after tilling.

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- d. Tilling shall occur landward of the wrack line, and shall avoid all naturally vegetated areas that are at least 3 square feet in size, as well as any planted areas that have been authorized by the Department. A 3 foot-wide No Tilling buffer shall be maintained around the vegetated areas. The slope between the mean high water line and the mean low water line shall be maintained to approximate natural slopes.
 - e. Any vehicles operated on the beach in association with tilling shall operate in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you-conserve/wildlife/beach-driving/>).
20. **Escarpment Surveys.** Visual surveys for escarpments along the project area shall be made immediately after completion of sand placement, and two weeks prior to marine turtle nesting season, for three (3) subsequent years if placed sand still remains on the beach. Escarpments that interfere with marine turtle nesting or that exceed 18 inches in height for a distance of at least 100 feet shall be leveled and the beach profile shall be reconfigured to minimize scarp formation by the beginning of marine turtle nesting season. Any escarpment removal shall be reported by location to FWC, with a copy sent to the JCP Compliance Officer. If the project is completed during the marine turtle nesting and hatching season, escarpment leveling may be required immediately, while protecting nests that have been relocated or left in place. The Permittee shall contact FWC immediately if subsequent reformation of escarpments occurs during the nesting and hatching season, and the escarpments interfere with marine turtle nesting or if the escarpments exceed 18 inches in height for a distance of 100 feet. The FWC would then determine the appropriate action to be taken. If it is determined that escarpment leveling is required during the nesting or hatching season, the FWC will provide a brief written authorization that describes methods to be used to reduce the likelihood of impacting existing nests. An annual summary of escarpment surveys and actions taken shall be submitted electronically to marineturtle@myfwc.com along with the annual summary, as described below. If escarpment removal will occur during shorebird breeding season, shorebirds surveys shall be required prior to removal, per the Shorebird Conditions included within this document. See Specific Condition 13 for details. **NOTE: Out-year escarpment monitoring and remediation are not required if placed material no longer remains on the dry beach.**
- a. No heavy equipment shall operate within 300 feet of any shorebird nest. However, a smaller, site-specific buffer may be established if approved by the FWC Regional Species Conservation Biologist (contact information available at: <http://www.myfwc.com/shorebirds>)
 - b. If flightless shorebird young are present within the work zone or equipment travel corridor, a Shorebird Monitor shall be present during the operation to monitor and advise that equipment not operate within 300 feet (or a distance approved by the FWC Regional Species Conservation Biologist) of the flightless young.

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- c. Any vehicles operated on the beach in association with escarpment surveys or removal shall operate in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you-protect/wildlife/beach-driving/>).
21. **Post-construction Shorebird Protection.** If the Permittee conducts beach cleaning on the nourished beach, a minimum of 30% of the biotic material within the wrack line shall be left on the beach after cleaning. The biotic material shall be left at the strand line, in a natural configuration to ensure that the nourished beach re-establishes its function as foraging habitat for shorebirds. This shall occur for as long as the placed sand remains on the beach.
22. **Post-construction Monitoring and Reporting of Marine Turtle Nesting.** Reports on all marine turtle nesting activity shall be provided for the initial marine turtle nesting season (April 15 - November 30) and for up to two additional nesting seasons as follows:
 - a. For the remainder of the nesting season immediately following any sand placement events, and for the following year, the number and type of emergences (nests or false crawls) shall be reported per species in accordance with Table 1 (below). An additional year of nesting surveys may be required if nesting success for any species on the nourished beach is less than 40%.
 - b. For the remainder of the nesting season immediately following any sand placement events, reproductive success shall be reported per species in accordance with Table 1 (below). Reproductive success shall be reported for all loggerhead, Kemp's ridley, green and leatherback nests.
 - c. If the documented reproductive success for each species meets or exceeds the required criteria, as outlined in Table 1 (below), monitoring for reproductive success shall be recommended, but not required for the second year post-construction.
 - d. Monitoring of nesting activity in the seasons following construction shall include daily surveys and any additional measures authorized by the FWC. Summaries shall include all crawl activity, nesting success rates, hatching success of all relocated nests, hatching success of a representative sampling of nests left in place (if any) by species, project name, permit numbers and dates of construction.
23. Data shall be reported for the nourished areas in accordance with the Table 1 (below), and shall include the number of nests that were lost to erosion or that were washed out. Summaries of nesting activity shall be submitted in electronic format (Excel spreadsheets) to the FWC Imperiled Species Management Section at marineturtle@myfwc.com and copied to JCPCCompliance@dep.state.fl.us. All summaries

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shall be submitted by January 15th of the following year. The FWC Excel spreadsheet is available upon request from marineturtle@myfwc.com.

Table 1. Marine Turtle Monitoring for Beach Placement of Material

Metric	Duration	Variable	Criterion
Nesting Success	Year of in-season construction, two years post construction if placed sand remains on beach and variable does not meet criterion based on previous year. ^{1 & 2}	Number of nests and non-nesting events.	40% or greater
Hatching Success	Year of in-season construction. And one year post construction if placed sand remains on beach and variable does not meet success criterion based on previous year. ^{1 & 2}	Number of hatchlings by species to hatch from egg.	60 percent or greater (a statistically valid number of loggerhead and green nests, and all leatherback nests).
Emergence Success	Year of in-season construction and one year post construction if placed sand remains on beach and variable does not meet success criterion based on previous year. ^{1 & 2}	Number of hatchlings by species to emerge from nest onto beach	80 percent or greater (a statistically valid number of loggerhead and green nests, and all leatherback nests).
Disorientation	Year of in-season construction and two years post construction if placed sand remains on the beach. ^{1 & 2}	Number of nests and individuals that misorient or disorient.	Disorientation Report Form http://myfwc.com/media/418153/Seaturtle_Guidelines_A_LDIR_Directions.pdf
Lighting Surveys	Two surveys the year following construction, one survey between May 1 and May 15 and second survey between July 15 and August 1. ^{1 & 2}	Number, location and photographs of lights visible from nourished berm, corrective actions and notifications made	Lighting survey and meeting resulting with plan for reduction in lights visible from nourished berm within one to two month period.
Compaction	Three seasons following construction. Not required if the beach is tilled prior to nesting season each year placed sand remains on beach.	Shear resistance	Less than 500 psi
Escarpment Surveys	Weekly during nesting season for up to three years each year placed sand remains on the beach. ²	Number of scarps 18 inches or greater extending for more than 100 feet that persist for more than 2 weeks	Successful remediation of all persistent scarps as needed

Notes: ¹Not required for maintenance dredging.

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

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MONITORING REQUIRED:

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

Units: Nephelometric Turbidity Units (NTUs).

Frequency: 3 times daily, approximately 4 hours apart, and at any other time that there is a likelihood of an exceedance of the turbidity standard, during all construction operations. Sampling shall be conducted **while the highest project-related turbidity levels are crossing the edge of the mixing zone**. Since turbidity levels can be related to pumping rates, the dredge pumping rates shall be recorded, and provided to the Department upon request. The compliance samples and the corresponding background samples shall be collected at approximately the same time, i.e., one shall immediately follow the other.

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

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

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

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

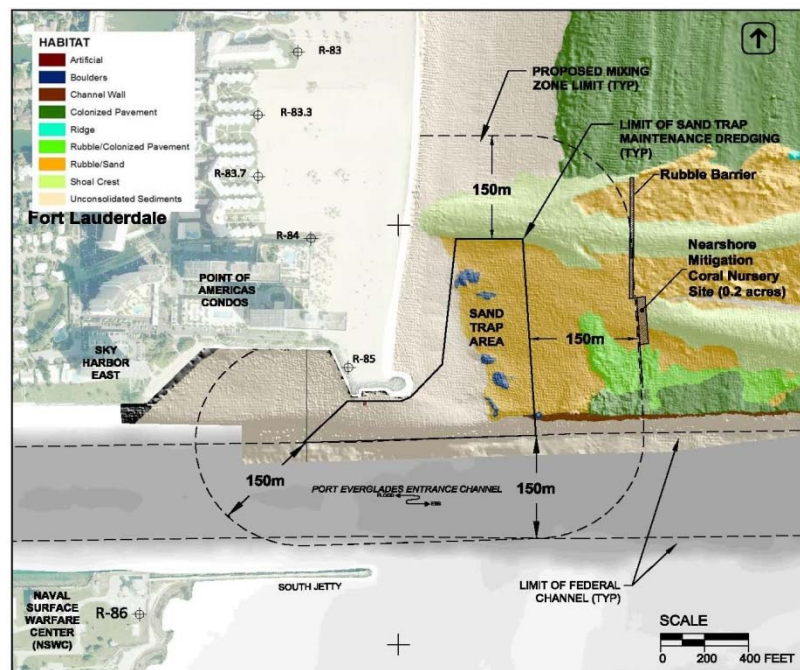
Dredge Site during initial construction of the sediment impoundment basin and related features: Samples shall be collected down-current from the cutterhead or dredge location, **and** from any other source of turbidity generated by the dredge, **in the densest portion of any visible turbidity plume**. If no plume is visible, follow the likely direction of flow. The mixing zone limits for initial construction of the sediment impoundment basin are as follows (all distances are measured from the source of turbidity at the dredge site, **not** from the project limits): 1,000 meters to the west; 300 meters to the north; 500 meters to the east; and 150 meters to the south. See

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the visible turbidity plume extends over these habitats during construction, a single turbidity sample will be collected at mid-depth. The Differential GPS location at which the sample was taken shall be recorded. (See Biological Monitoring Plan for details)

Turbidity shall be monitored weekly over the two largest beds of seagrass (located on the north side of the interior channel) during dredging activities. Turbidity monitoring samples shall be conducted on an incoming tide and samples shall be collected at mid-depth. One sample per seagrass bed is required during each weekly sampling event. (See Biological Monitoring Plan for details)

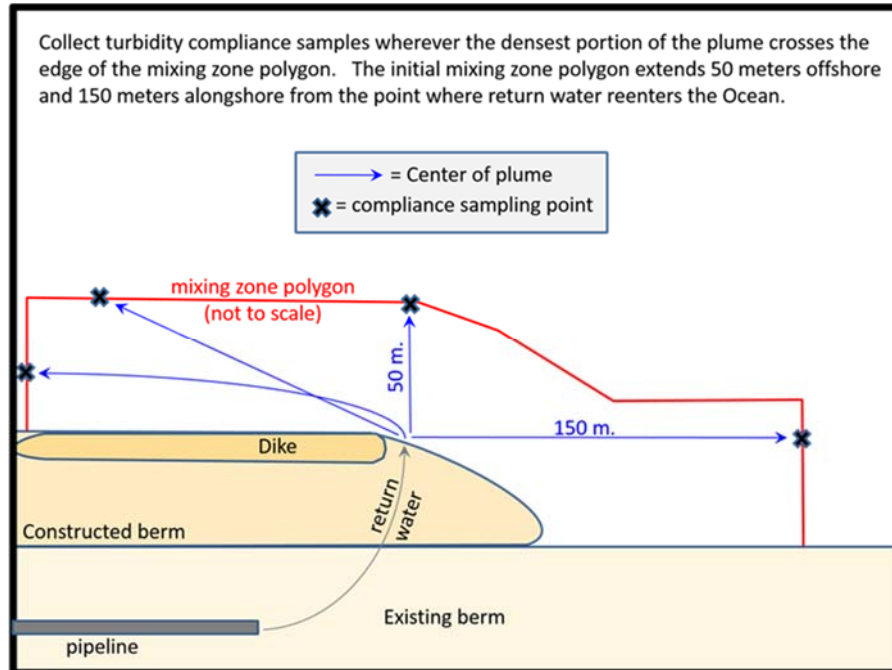
Figure 3.



Beach Site: Samples shall be collected where the densest portion of the turbidity plume crosses the edge of the mixing zone polygon, which measures up to 50 meters offshore and up to 150 meters alongshore from the point where the return water from the dredged discharge reenters the Atlantic Ocean. *Note: If the plume flows parallel to the shoreline, the densest portion of the plume may be close to shore, in shallow water. In that case, it may be necessary to access the sampling location from the shore, in water that is too shallow for a boat. See Figure 4.*

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Figure 4.



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

Analysis of turbidity samples shall be performed in compliance with DEP-SOP-001/01 FT 1600 Field Measurement of Turbidity:
<http://publicfiles.dep.state.fl.us/dear/sas/sopdoc/2008sops/ft1600.pdf>

If the turbidity monitoring protocol specified above prevents the collection of accurate data, the person in charge of the turbidity monitoring shall contact the JCP Compliance Officer to establish a more appropriate protocol. Once approved in writing by the Department, the new protocol shall be implemented through an administrative permit modification.

25. The **compliance** locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals turbidity

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levels at the **compliance** sites that are greater than 29 NTUs above the corresponding background turbidity levels, construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the JCP Compliance Officer via email at JCPCompliance@dep.state.fl.us and include in the subject line, “TURBIDITY EXCEEDANCE”, and the Project Name and Permit Number. Also notify the Department’s Southeast District office.

Any project-associated turbidity source other than dredging or fill placement for beach nourishment (e.g., scow or pipeline leakage) shall be monitored as close to the source as possible. If the turbidity level exceeds 29 NTUs above background, the construction activities related to the exceedance shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. This turbidity monitoring shall continue every hour until background turbidity levels are restored or until otherwise directed by the Department. The Permittee shall notify the Department, by separate email to the JCP Compliance Officer, of such an event within 24 hours of the time the Permittee first becomes aware of the discharge. The subject line of the email shall state “OTHER PROJECT-ASSOCIATED DISCHARGE, TURBIDITY EXCEEDANCE”.

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

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

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

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

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

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work in the contract prepared by the Permittee/contractor. Additionally, monitoring firms conducting surveys shall have experience with biological monitoring. The Department's standard operating procedures are available as a guidance document for Department approved methodology. Monitoring firms shall submit resumes for individuals who will be conducting surveys. These resumes shall be emailed to the JCP Compliance Officer for the Department's approval prior to initiating surveys. The Permittee shall acquire written approval from the Department prior to implementing any changes to monitoring methods required by the approved Biological Monitoring Plan.

28. Biological monitoring of benthic resources shall be conducted during both the initial construction of the sediment impoundment basin and related structures, as well as subsequent maintenance dredging (planned and emergency events) of the sediment impoundment basin, to provide the Department with reasonable assurance that any project-related persistent or temporary negative impacts (direct or indirect) will be documented if they occur. Reports are required to be submitted following each survey, according to the Plan. Additional mitigation may be required to offset any unpermitted project related impacts documented during the course of monitoring. Monitoring shall be conducted as per the approved Biological Monitoring Plan.
29. Biological monitoring of nearshore hardbottom adjacent to the beach fill placement area (between R-85.7 and R-92) shall be conducted to provide the Department with reasonable assurance that any project-related persistent or temporary negative impacts (direct or indirect) will be documented if they occur. Nearshore hardbottom adjacent to the beach fill template shall be surveyed once during the summer prior to the first placement event conducted under this permit. This pre-construction survey shall serve as the baseline for all subsequent monitoring events conducted under this permit. Each sand placement event conducted under this permit shall initiate a complete round of post-construction biological monitoring, which includes three annual post-construction surveys (Years 1, 2, and 3), each conducted in a similar time frame during summer months. Reports are required to be submitted following each survey, according to the Plan. Additional mitigation may be required to offset any unpermitted project-related impacts documented during the course of monitoring that were not previously mitigated for during the 2006 Segment III project. Monitoring shall be conducted as per the approved Biological Monitoring Plan.
30. The biological monitoring firm shall notify the Department (JCP Compliance Officer) when biological monitoring has begun and when biological monitoring has been completed. Additionally, the biological monitoring firm shall submit brief weekly progress reports to the Department during the survey period.

All raw data that are collected pursuant to permit conditions shall be submitted simultaneously to the JCP Compliance Officer, the contractor, and the Permittee as collected in the field and as entered into spreadsheets for analysis, beginning with pre-

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construction monitoring surveys. Raw data shall be provided to the JCP Compliance Officer in electronic format, preferably on a single portable hard drive or via an FTP site. All data shall be provided in a standardized format, as specified in the approved Biological Monitoring Plan. The monitoring agent shall confirm that all data submitted in the Excel workbook (transect monitoring data) are consistent with the field datasheets to ensure accuracy, and shall correct any errors or inconsistencies prior to required data deliverable deadlines. Data provided to the JCP Compliance Officer shall consist of the following: aerial photographs (if required), video and in situ photographs; hardbottom edge survey data; raw transect survey data, and field datasheets. Descriptions of all raw data materials (and their formats) to be provided to the JCP Compliance Officer are detailed in the attached approved Biological Monitoring Plan.

Raw data associated with pre-construction monitoring shall be submitted to the Department no later than 30 days prior to commencement of construction activities. Raw data associated with annual monitoring shall be provided to the JCP Compliance Officer within 45 days of completing annual monitoring. Within 90 days of completing annual monitoring, the monitoring agent shall provide a biological monitoring report to the JCP Compliance Officer in electronic format. The content and format of the monitoring report shall meet the criteria set forth in the approved Biological Monitoring Plan.

31. Following the initial bypassing event to Dr. Von D. Mizell-Eula Johnson State Park, and after related nearshore hardbottom monitoring has been conducted, the approved Biological Monitoring Plan may be modified to incorporate adaptive management practices that will adjust monitoring methodologies to reflect future bypassing events. Adaptive management strategies may be based on the total fill volume of an anticipated bypassing event, or the anticipated average fill density per linear foot of shoreline to be filled.
32. The mitigation plan calls for 4.55 acres of habitat creation by directly removing a portion of the rubble spoil shoal rubble from the buried hardbottom. An additional 2.76 acres of habitat creation shall be accomplished by removing the crest from another portion of the rubble spoil shoal, thereby exposing more of the buried hardbottom. Broward County's Stony Coral Nursery Program shall be enhanced and expanded to provide 0.68 acres of mitigation credit by harvesting and reattaching 3,000 "corals of opportunity." "Corals of opportunity" are stony corals that have been detached from the reef through natural processes or from injury events for which there is no responsible party. Finally, a 0.3-acre boulder reef and a 0.2-acre boulder reef shall be constructed to serve as coral nursery habitat. Mitigation monitoring and success criteria shall adhere to the approved Biological Monitoring Plan. If monitoring suggests mitigation success criteria have not been achieved by the required deadlines, then the Permittee and/or authorized agent shall meet with Department staff to discuss the performance of the mitigation and a path forward to complete the mitigation requirement.

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33. **Prior to issuance of the Notice to Proceed, the Permittee shall submit a detailed Physical Monitoring Plan subject to review and approval by the Department.** The approved Monitoring Plan can be revised at any later time by written request of the Permittee and with the written approval of the Department. If after approval of the Monitoring Plan there is a request for modification of the permit, the Department may require revised or additional monitoring requirements as a condition of approval of the permit modification. As guidance for obtaining Department approval, the plan shall generally contain the following items:

- a. Topographic and bathymetric profile surveys of the beach and offshore shall be conducted prior to commencement of construction and immediately following completion of construction. Thereafter, monitoring surveys shall be conducted annually for a period of three (3) years. A pre-construction survey of the project area to receive beach fill may use surveys conducted for purposes of construction bidding, contracting or construction management. The post-construction survey of the beach fill and impoundment basin may use surveys and other information collected periodically during construction for purposes of construction management and payment. Alternatively, the post-construction survey may consist of a single beach-offshore profile survey event of the project monitoring area conducted within 60 days after completion of beach fill placement.

The monitoring surveys shall be conducted during a spring or summer month and repeated as close as practicable during that same month of the year. If the time between the immediate post-construction survey and the first biennial monitoring survey is less than six months, then the Permittee may at their discretion postpone the first monitoring survey until the following spring/summer.

The monitoring area shall include profile surveys at each of the Department of Environmental Protection's reference monuments between R77 through R94, representing the area 8,000 feet north and south of the inlet. All work activities and deliverables for the monitoring surveys shall be conducted in accordance with the latest update of the Department's *Monitoring Standards for Beach Erosion Control Projects, Sections 01000 and 01100*.

- b. Bathymetric surveys of the inlet channel (the entire inlet width between the north and south jetties) and impoundment basin shall be conducted within 90 days prior to commencement of initial construction of the impoundment basin and within 60 days following completion of that construction, as well as all subsequent sand bypassing events. Thereafter, monitoring surveys of the inlet channel and impoundment basin shall be surveyed one-year following completion of construction. A prior design survey may be submitted for the pre-construction survey.

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- i. Survey grid lines across the inlet shall be spaced to provide sufficient detail for accurate volumetric calculations but spaced not more than a maximum of 250 feet apart. In all other aspects, work activities and deliverables shall be consistent with the Department's Monitoring Standards for Beach Erosion Control Projects, Section 01200.
- c. The Permittee shall submit an engineering report and the monitoring data to the Department within 90 days following completion of the post-construction survey and each annual monitoring survey. The report shall summarize and discuss the data, the performance of the inlet bypassing project, and identify erosion and accretion patterns within the monitored area. Results shall be analyzed for patterns, trends, or changes between annual surveys and cumulatively since initial project construction. In addition, the report shall include a comparative review of project performance to performance expectations and identification of adverse effects attributable to the project. The report shall specifically include:
 - i. A record of the volume and location of all sand placement associated with sand bypass events.
 - ii. The volume and distribution of infilling of the impoundment basin and inlet channel.
 - iii. The MHW shoreline position changes (ft) relative to the pre-construction survey at each individual monument location for all the monitoring periods.
 - iv. Other shoreline position and volumetric analysis the Permittee or engineer deem useful in assessing, with quantitative measurements, the performance of the project.
 - v. An updated sediment budget of Port Everglades and the adjacent beaches north and south for the time period after construction of the impoundment basin and other improvements (Note: Future sediment budgets shall compare the latest monitoring data with the immediate post-impoundment basin initial construction survey.).
- d. The report shall include computations, tables and graphic illustrations of volumetric and shoreline position changes for the monitoring area. An appendix shall be provided, which includes superimposed plots of the two most recent beach profile surveys, the design profile, and pre- and post-construction beach profile at each individual monument location.
- e. A digital copy of the monitoring report and a digital file of the survey data shall be submitted to the Department's JCP Compliance Officer. Failure to submit reports

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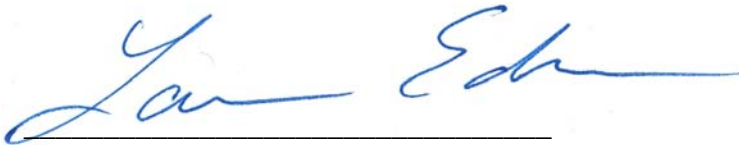
and data in a timely manner constitutes grounds for revocation of the permit. When submitting any monitoring information to the Department, please include a transmittal cover letter clearly labeled with the following at the top of each page: "This monitoring information is submitted in accordance with the approved Monitoring Plan for Permit No. [XX] for the monitoring period [XX]."

34. If the Permittee is unable to complete two maintenance events within the 15-year life of the permit, the Permittee may request (prior to the expiration date of the permit), and the Department shall grant, an extension of the permit expiration date in order to allow completion of the second maintenance event. The extension would be documented through an administrative modification.

Attachments: Approved Permit Drawings (15 pages)

EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Lainie Edwards, Ph.D.
Program Administrator
Beaches, Inlets and Ports Program
Division of Water Resource Management

CERTIFICATE OF SERVICE

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

FILING AND ACKNOWLEDGMENT

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


Clerk

2/03/17
Date