Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi A. Drew
Secretary

OCT 11 2010

City of Port Richey
c/o Ellen Posivach, City Manager
6333 Ridge Road
Port Richey, FL 34668

Dear Ms. Posivach:

Enclosed is the Environmental Resource Permit, DEP Project No. 51-0238686-005, issued pursuant to Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code. This permit supersedes permit no. 51-0238686-002.

Appeal rights for you and for any affected third party are described in the text of the permit along with conditions that must be met when authorized activities are undertaken.

You, as the applicant, are responsible for all aspects of permit compliance. You should therefore review this permit document carefully to ensure compliance with the general conditions, general consent conditions, and specific conditions contained herein.

Please be aware of permit specific condition number 5 which states that subsequent to the selection of the contractor to perform the authorized activity and prior to the initiation of work authorized by this permit, the permittee (or authorized agent) and the contractor shall schedule and attend a pre-construction conference with a representative of the Department's Environmental Resource Management staff.

If you have any questions about this document, please contact me at (813) 632-7600, ext. 286.

Thank you for your participation in the permit process and in managing the natural resources of the State of Florida.

Sincerely yours,

Kristina Evans

Kristina Evans
Environmental Specialist II
Environmental Resource Management

Enc: Environmental Resource Permit with attachments (125 pages)

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Permittee/Authorized Entity:
City of Port Richey
c/o Ellen Posivach, City Manager
6333 Ridge Road
Port Richey, FL 34668

City of Port Richey Dredge Project

Authorized Agent:
Taylor Engineering
c/o Joe Wagner, P.E.
10151 Deerwood Park Boulevard
Building 300, Suite 300
Jacksonville, FL 32256

Individual
Environmental Resource Permit

State-owned Submerged Lands Authorization – Conditionally Approved

U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required

Permit No.: 51-0238686-005
Permit Issuance Date: OCT 21 2010
Permit Construction Phase Expiration Date: OCT 21 2015

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Consolidated Environmental Resource Permit and State-owned Submerged Lands Authorization

Permittee: City of Port Richey
Permit No.: 51-0238686-005
Permit Issuance Date: OCT 21 2010
Permit Construction Phase Expiration Date: OCT 21 2015

AUTHORIZATIONS
City of Port Richey Dredge Individual Permit and a Letter of Consent to use State-owned Submerged Lands

Project Description
This permit supersedes permit no. 51-0238686-002 and all subsequent modifications.

The permittee is authorized to dredge approximately 47,000 cubic yards of material from 20 locations within the Pithlachascotee River and Miller's Bayou and adjacent canals to a depth of five feet at mean low water. The dredge material (i.e., large rocks, limerock and sediments) will be removed using an environmental clamshell excavator. The material will be placed into a sealed container on a barge and transported to a temporary spoil disposal impoundment prior to transport to the final spoil disposal site.

The temporary spoil disposal site will be approximately 1.7 acres and will be divided into a wet basin that can hold a maximum of 2,076 cubic yards of spoil material and a dry basin that can hold a maximum of 458 cubic yards of spoil material. Dry spoil material and large rock will be offloaded from the barge using a clamshell bucket and will either be placed directly into dump trucks and transported to the permanent spoil disposal site, or placed into the spoil disposal impoundment dry basin until it can be transferred to the permanent spoil disposal site. Wet spoil material will be pumped from the barge directly into the temporary impoundment wet basin for dewatering through percolation. The maximum operating level (MOL) within the wet and dry basins will be 10 feet NGVD from the bottom (BOT = 6.63 feet NGVD) of the impoundment to the MOL. A swale system will be constructed around the outer toe of slope of the impoundment embankment. The swale system will provide pollutant attenuation volume and total on-site retention for stormwater runoff captured from the embankment from a 25-year, 24-hour design storm event.

At the end of dredging operations, the impoundment will be decommissioned and the site will be restored to pre-development conditions. All of the remaining spoil material will be transported to the permanent spoil disposal site and all disturbed areas will be seeded and mulched.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, was mailed before the close of business on 10/1/10, to the above listed persons.

FILING AND ACKNOWLEDGMENT

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

E Robinson 10/1/10

Clerk Date

Authorized activities are depicted on the attached exhibits.

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

State-owned Submerged Lands Authorization

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

The dredge activities authorized by this permit are conditionally approved for a Letter of Consent pursuant to Chapter 18-21.005(1)(c)(10), Florida Administrative Code (F.A.C.), upon payment of the severance fee. None of the dredge activities authorized by this permit shall commence until the Department has received confirmation from the Division of State Lands that the severance fee required in Specific Condition no. 24 has been paid.

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

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

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

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

PROJECT LOCATION
Dredge activities are located in 20 areas within the Pithlachascotee River, Miller's Bayou and adjacent canals (see attached Exhibit 1), Port Richey, Sections 29, 30 and 32, Township 25 South, Range 16 East, Pasco County.

The temporary spoil disposal site is located at 5544 and 5743 River Gulf Road, Port Richey, Section 32, Township 25 South, Range 16 East, Pasco County.

The final spoil disposal site is located at Coastal Landfill Disposal, 11416 Houston Avenue, Hudson, Section 8, Township 24 South, Range 17 East, Pasco County.

PERMIT/STATE-OWNED SUBMERGED LANDS CONDITIONS
The activities described herein must be conducted in accordance with:

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

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

Dredge activities and operation of the temporary spoil disposal site is not authorized except when determined to be in conformance with all applicable rules and this permit/certification/authorization as specifically described above.

SPECIFIC CONDITIONS

1. The permittee shall be aware of and operate under the 25 General Conditions. The General Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

2. Submittals required herein (i.e., progress reports, turbidity monitoring reports, as-built drawings, inspection reports, etc.) shall be directed to:

   Department of Environmental Protection
   Environmental Resource Management Program
   Southwest District
   13051 North Telecom Parkway
   Temple Terrace, FL 33637-0926

   Submittals shall include the permittee's name and the permit number (51-0238686-005).

3. Progress reports for the project shall be submitted to the Department beginning January 1, 2011, and shall continue to be submitted quarterly until construction of the permitted project is completed. The cover page shall indicate the permit number (51-0238686-005) and the permittee name. Progress reports must be submitted to the Department even if there is no ongoing construction. Reports shall include the current project status and the construction schedule for the following three months. The report shall include the following information:

a. Date permitted activity was begun; if work has not begun on-site, please indicate.

b. Brief description and extent of the work (i.e., construction of the temporary spoil disposal site, dredge activities and operation of the temporary spoil disposal site, removal of the temporary spoil disposal site) completed since the previous report or since the permit was issued. Show on copies of the permit drawings those areas where work has been completed.

c. Brief description and extent of the work (i.e., construction of the temporary spoil disposal site, dredge activities and operation of the temporary spoil disposal site, removal of the temporary spoil disposal site) anticipated in the next three months. Indicate on copies of the permit drawings those areas where it is anticipated that work will be done.

d. This report shall include on the first page, just below the title, the certification of the following statement by the individual who supervised preparation of the report: "This report represents a true and accurate description of the activities conducted during the three month period covered by this report."

4. In the event the permittee files for bankruptcy prior to completion of work permitted and required by this permit, the permittee must notify the Department within 30 days of filing. The notification shall identify the bankruptcy court and case number and shall include a copy of the bankruptcy petition.

TEMPORARY SPOIL DISPOSAL SITE

Prior to construction (The permittee shall comply with the following conditions prior to construction of the temporary spoil disposal site).

5. Subsequent to the selection of the contractor to perform the authorized activity and prior to the initiation of work authorized by this permit, the permittee (or authorized agent) and the contractor shall schedule and attend a pre-construction conference with a representative of the Department's Environmental Resource Management staff.

6. Prior to commencement of construction of the temporary spoil disposal site, the permittee shall provide the following documents for Department review and approval. Construction of the temporary spoil disposal site shall not commence until the Department has approved the following documents:

a. A copy of the Surface Water Pollution Prevention Plan (SWPPP).

b. A plan-view drawing or survey that shows pre-construction elevations at the temporary spoil disposal site. The plan-view drawing or survey shall be signed, sealed and dated by a Florida-registered Professional Engineer or Surveyor.

Construction (The permittee shall comply with the following conditions during construction of the temporary spoil disposal site).

7. Wetland areas or waterbodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, sedimentation, siltation, scouring, excess turbidity, and/or dewatering as depicted on Sheets 3 and 6 of the attached project drawings. Best management practices for erosion control shall be implemented prior to clearing, excavation or placement of fill material, and shall be inspected and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Chapter 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.

8. To ensure compliance with Specific Condition no. 7, the permittee shall install and maintain grass seed or sod on exposed slopes and disturbed soil areas within 48 hours of completing final grade, and at other times as necessary, to prevent erosion, sedimentation or turbid discharges into waters of the state and/or adjacent wetlands. A vegetative cover that stabilizes and prevents erosion of the fill material shall be established within 60 days of sodding or seeding. If a substantial vegetative cover cannot be achieved, the permittee shall submit an alternative ground cover plan for approval by the Department. Turbidity barriers/erosion control devices shall be removed upon establishment of a substantial vegetative/alternative cover.

9. Excavation of the impoundment floor and the perimeter swale is limited to the permitted design specifications as depicted on Sheets 4, 5 and 9 of the attached project drawings. If a clay confining layer is encountered during construction, the Department shall immediately be notified and construction in the affected area shall cease.

10. The temporary spoil disposal site shall be constructed in accordance with the recommendations of the Ardaman and Associates Geotechnical Report dated April 15, 2010.

11. No dewatering activities that produce groundwater are authorized by this permit. Separate authorization from the Department's Industrial Wastewater Section may be required. The permittee is advised to contact Yanisa Angulo, P.E., of the Industrial Wastewater Section at (813) 632-7600, extension 404.

Prior to Operation (The permittee shall comply with the following conditions prior to operation of the temporary spoil disposal site).

12. No spoil material shall be placed into the temporary dredge spoil disposal site until as-built drawings required in Specific Condition no. 13 have been approved by the Department and the entire system has been transferred to operation.

13. The permittee shall submit two copies of signed, sealed and dated as-built drawings to the Department for review and approval within 30 days of completion of construction of the temporary spoil disposal site. The as-built drawings shall be based on the Department

permitted construction drawings, which should be revised to reflect changes made during construction. Both the original design and constructed elevation must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. Surveyed dimensions and elevations required shall be verified and signed, sealed and dated by a Florida registered surveyor or engineer. *As-built drawings shall be submitted to the Department regardless of whether or not deviations are present. In addition to the "As-built Certification" form, the permittee shall submit the "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" form as required in General Condition #13.*

The following information shall be verified on the as-built drawings from the engineering drawings signed and sealed by Robert J. Wagner, P.E., #63028, on July 7, 2010:

Plan-View/Cross Section	Drawing Number
Proposed DMMA Site	Sheet 3
DMMA Sections	Sheet 4
DMMA Typical Section	Sheet 5
Emergency Spillway Elevations	Sheet 8
Ditch Block Details	Sheet 9
Post-Construction Drainage Plan	Sheet 11

14. Prior to operation of the spoil disposal site, the permittee shall install public warning signs and safety fencing around the temporary spoil disposal site. The public warning signs shall state: "Warning, Temporary Spoil Disposal Site, No Trespassing." The signs shall also be shown on the as-built drawing of Sheet no. 3 required in Specific Condition no. 13.

Operation (The permittee shall comply with the following conditions during operation of the temporary spoil disposal site).

15. The maximum operating level (MOL) of the impoundment shall not exceed an elevation of ten feet NGVD. The contractor shall continuously monitor the staff gauge within the impoundment to ensure that the MOL is not exceeded. If the MOL is exceeded, no more dredge material shall be placed within the impoundment until the elevation has dropped below the MOL.

16. The permittee shall take corrective actions immediately if at any time the impoundment is not stable (i.e., develops a leak, excessive seepage, break, or is overtopped), and shall notify the Department within 24 hours of detection. The impoundment slopes shall be sodded or otherwise stabilized within 24 hours of detection of instability and prior to future disposal events.

17. The inspection reports required in Specific Condition no. 21 shall include the date and time of the detection of any leak, excessive seepage, break, overtopping event or instability of the impoundment, the date and time the Department was notified, and the corrective actions taken and follow-up inspections.

18. The permittee shall notify the Department of any sinkhole development in the temporary dredge disposal site including the impoundment, perimeter swale stormwater management system (SWMS), barge offloading area and contractor staging area within 24 hours after discovery and shall submit a detailed sinkhole evaluation and repair plan for approval by the Department within 30 days of discovery.

19. The maintenance of the impoundment and the perimeter swale SWMS shall be in accordance with Exhibit 7: "Temporary Spoil Disposal Site Operation and Maintenance Instructions" attached to this permit. It is the responsibility of the permittee to ensure that the impoundment and perimeter swale SWMS is functioning as designed.

20. The perimeter swale SWMS shall only be used for the purpose of controlling stormwater runoff from the site. The perimeter swale SWMS shall not be used to dispose of or store any solid/liquid waste or for other operational aspects of the temporary dredge disposal site or products generated or used during operation of the site. The perimeter swale SWMS shall be well maintained and stabilized to ensure that it is not subject to erosion.

21. The temporary dredge disposal site shall be inspected by a Florida-registered engineer one month after the site is transferred to operation and every month thereafter. The permittee shall submit inspection reports on the attached Inspection Certification form and on the attached Above Ground Impoundment Inspection Certification form (Exhibit 8) within seven days of each inspection. The report shall include an explanation and description of any structural modifications that were made to the impoundment or to the perimeter swale SWMS.

Restoration (The permittee shall comply with the following conditions after completion of dredge activities).

22. Within 30 days of the completion of dredge activities, the temporary spoil disposal site shall be restored to pre-construction conditions. Grass seed or sod shall be installed and maintained on exposed slopes and disturbed soil areas within 48 hours of completing final grade, and at other times as necessary, to prevent erosion, sedimentation or turbid discharges into surface waters. Turbidity barriers/erosion control devices shall be removed upon establishment of a substantial vegetative cover.

23. Within 60 days of removal of the temporary spoil disposal site, the permittee shall submit two copies of an as-built drawing based on the pre-development site drawing required in Specific Condition no. 6 for Department review and approval. The as-built drawing shall be revised to reflect changes made after removal of the temporary spoil disposal site. The pre-construction and the restoration elevations, drainage arrows, and land forms must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. Surveyed dimensions and elevations shall be verified and signed, dated, and sealed by a Florida registered surveyor or engineer. As-built drawings shall be submitted to the Department regardless of whether or not deviations are present.

DREDGE ACTIVITIES

Prior to Construction (The permittee shall comply with the following conditions prior to commencement of dredge activities).

24. Prior to commencement of dredge activities, the permittee shall submit a severance fee payment in the amount of $45,691.38. The payment is based on $1.25 per cubic yard for the removal of 36,553.1 cubic yards of material from state-owned submerged lands. At least 30 days prior to commencement of dredge activities and prior to submitting the severance fee payment, the permittee shall contact the Department to request an invoice. The invoice must be attached to the check. Please make the check payable to DEP and include the object code on the face of the check. The payment shall be sent to the Department of Environmental Protection, Division of State Lands, Attention: Cashier, Post Office Box 3070, Tallahassee, FL 32399-3070. Do not send your payment to this office. None of the dredge activities authorized by this permit shall commence until the Department has received confirmation from the Division of State Lands that the severance fee has been paid.

25. Prior to commencement of dredge activities authorized by this permit, the permittee shall clearly mark the boundaries of dredge areas 4, 5, 6 and 26 with PVC stakes in the locations shown on Exhibit 3 in order to prevent impacts to submerged resources adjacent to these areas during dredge operations (i.e., ensure barge operators are aware of adjacent resources and to prevent floating turbidity curtains (if used) from encroaching in the adjacent areas). The permittee shall submit photographs showing that the PVC stakes have been placed in the locations shown on Exhibit 3. The locations of the photographs shall be shown on an aerial photograph. The permittee shall not commence dredge activities authorized by this permit until the Department has determined that the PVC stakes have been placed in the locations shown on Exhibit 3.

Construction (The permittee shall comply with the following conditions during dredge operations).

26. Storage or stockpiling of tools and materials within wetlands, along the shoreline, within the littoral zone or elsewhere within wetlands or surface waters is prohibited.

27. Watercraft associated with dredging shall operate within waters of sufficient depth to preclude bottom scouring/prop dredging. There shall be a minimum of one foot between the deepest draft of the vessel (fully loaded and with the engine in the down position) and the top of any submerged resources or the substrate at mean low water.

28. Barges may only access dredge area no.'s 11 and 13 during high tide and the barges shall have at least one foot of clearance between the bottom of the barge (fully loaded with engines in the down position) and the top of any submerged resources or the substrate at all times.

29. Spoil material shall be placed in watertight sealed containers on the barge to prevent dredge material from discharging back into surface waters during transport.

30. Barges shall only be stored within the boundaries of the dredge areas authorized in this permit (as shown on Exhibit 2) when not in use during dredge activities. Barges shall not be placed over submerged aquatic resources outside of the authorized dredge areas when not in use during dredge activities.

31. Direct or secondary impacts to seagrass, oyster beds or hard-bottom communities outside the dredge boundaries are prohibited. If such impacts occur outside of the dredge boundaries, the permittee shall immediately report the incident to the Department, and take immediate corrective action to avoid further impacts. Within 10 days of the unauthorized activity, the permittee shall propose a remediation/mitigation plan to the Department. The remediation/mitigation plan shall be implemented immediately upon approval by the Department.

32. The PVC stakes required in Specific Condition no. 25 shall remain in place during dredge activities and shall be removed within 14 days once dredging is completed in that location.

33. All dredge activities shall be conducted using an environmental clamshell bucket. No other dredge methods shall be utilized without prior approval from the Department.

34. A floating turbidity curtain shall be secured around the barge offloading area as shown on Sheet 3 of the attached project drawings prior to each offloading event.

Mixing Zone

35. Monitoring for turbidity shall be conducted for the duration of the project. Sampling shall commence prior to initiation of the dredging activities. Samples shall be taken every two hours during dredging activities as described below.

36. A minimum of two compliance sampling sites shall be established. The first site will be located immediately outside the mixing zone boundary down-current of the turbidity source within the most visible plume. The second site shall also be located immediately outside the mixing zone boundary up-current from the turbidity source, so that samples may be collected during each tidal cycle.

37. Compliance samples shall be collected from surface, mid-depth and one-foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. Sampling shall be restricted to the axis of the visible plume. If a plume is not visible, samples shall be collected at the intersection of the mixing zone boundary and a line parallel with the water current and extending from the source of turbidity.

38. Background samples shall be collected at the locations shown on Exhibit 4 attached to the permit. These samples shall be collected at surface, mid-depth, and one-foot above bottom. The two background sites shall be marked by temporary buoys and shall be maintained for the duration of the sampling program; these sites shall not be changed without specific written authorization by the Department.

39. Samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs).

40. The permittee shall comply with the following QA/QC requirements for each sample collected:

    a. The instrument shall be calibrated each morning and each time the instrument is turned on, and recalibrated every four hours thereafter.

    b. Calibrations shall be performed against a blank, and at least one formazin or gel-type standard. The standard value should be in the same range as the sample readings.

    c. Calibration procedures shall be recorded in a permanent logbook, and copies must be submitted with the data.

41. Turbidity levels shall not exceed 29 Nephelometric Turbidity Units (NTUs) above background in the locations outlined in Specific Condition no. 36.

42. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement; reports shall include the permittee name and permit number. The report shall also include a cover page that states: "This information is being provided in partial fulfillment of the monitoring requirements in Permit No. 51-0238686-005." Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.

43. Turbidity monitoring reports shall contain the following information:

    a. Permit number;
    b. Dates of sampling and analysis;
    c. A statement describing the methods used in collection and analysis of the samples;
    d. A map showing the sampling locations, along with indicating the latitude and longitude;
    e. Copies of the Quality Assurance/Quality Control log; and
    f. A statement by the individual responsible for implementation of the sampling program certifying the authenticity, precision and accuracy of the data;
    g. Time of day samples taken;
    h. Depth of water body;
    i. Depth of sample;
    j. Tidal stage and direction of flow; and
    k. Antecedent weather conditions, including wind direction and velocity.

44. If monitoring reveals turbidity levels greater than 29 NTUs above background, the permittee shall take the following measures:

a. Immediately cease all work contributing to the water quality violation.

b. Modify work procedures responsible for the violation, install additional turbidity containment devices, repair non-functioning turbidity containment devices; and

c. Increase monitoring frequency to every hour until turbidity levels do not exceed 29 NTUs above background. Interim samples collected following the violation(s) shall be collected in the same manner and locations as the routine monitoring. Operations may not resume until the water quality samples show that turbidity levels no longer exceed 29 NTUs above background. The turbidity containment devices shall be removed when the turbidity levels no longer exceed 29 NTUs above background.

d. Immediately report turbidity violations to the Department. The report shall include the description of the corrective actions being taken or proposed to be taken. The report shall be made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

45. Failure to report violation(s) or to follow correct procedures before resuming work shall constitute grounds for permit revocation and may subject the permittee to formal enforcement action.

Post Construction (The permittee shall comply with the following conditions after completion of dredge activities).

46. The permittee shall submit two copies of signed, dated, and sealed as-built drawings to the Department for review and approval within 30 days of completion of dredge activities. The as-built drawings shall be based on the Department permitted construction drawings, which should be revised to reflect changes made during construction. Both the original design and constructed elevation must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. Surveyed dimensions and elevations required shall be verified and signed, dated, and sealed by a Florida registered surveyor or engineer. *As-built drawings shall be submitted to the Department regardless of whether or not deviations are present. In addition to the "As-built Certification" form, the permittee shall submit the "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" form as required in General Condition #13.*

The following information shall be verified on the as-built drawings from the engineering drawings signed and sealed by Mark E. Kistler, #64449, on May 31, 2007:

Plan-View/Cross-Section	Drawing Number
Channels 3-11, 13-19, 24 Plan Views	P-1-(3-11, 13-19, 24)

Channels 3-11, 13-19, 24 Centerline Profiles	PRO-1-(3-11, 13-19, 24)
Channels 3-11, 14-17, 24 Cross-Sections	XS-1-(3-11, 14-17, 24)
Channels 13 and 19 Cross-Sections	XS-1-(13, 19), XS-2-(13, 19)
Channel 18 Cross-Sections	XS-(1-3)-18
Channel 26 Plan View	P-(1-3)-26
Channel 26 Centerline Profiles	PRO-(1-4)-26
Channel 26 Cross-Sections	XS-(1-8)-26

The following information shall be verified on the as-built drawings from the engineering drawings signed and sealed by Mark E. Kistler, #64449, on November 30, 2007:

Plan-View/Cross-Section	Drawing Number
Channel 26 Key Sheet	P-0-26

The following information shall be verified on the as-built drawings from the engineering drawing signed and sealed by Mark E. Kistler, #64449, on March 24, 2008:

Plan-View/Cross Section	Drawing Number
Channel 1, Plan View	P-1-1
Channel 1, Centerline Profile	PRO-1-1
Channel 1, Cross Sections	XS-1-1

The following information shall be verified on the as-built drawings from the engineering drawing signed and sealed by Robert J. Wagner, P.E., #63028, on March 31, 2010:

Plan-View/Cross Section	Drawing Number
Figure 7, Channel 19 Extension	Sheet 7

MANATEE CONDITIONS

47. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with, and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

48. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.

49. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee movement.

50. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All in-water operations, including vessels, shall be shutdown if a manatee comes within 50 feet of the operation. Activities shall not resume until every manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes has elapsed wherein a manatee has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.

51. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) for south Florida.

52. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" (see Exhibit 5 attached to the permit) and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Please see the Florida Fish and Wildlife Conservation Commission website for information on how to obtain appropriate signs:
http://www.myfwc.com/docs/WildlifeHabitats/Manatee_EducationalSign.pdf

END OF SPECIFIC CONDITIONS

GENERAL CONDITIONS

1. All activities shall be implemented as set forth in the plans, specifications, and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.

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

3. Activities approved by this permit shall be conducted in a manner that does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until

construction is completed and soils are stabilized and vegetation has been established. Thereafter, the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.

5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit prior to the dewatering event as a permit modification. The permittee is advised that the rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.

6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

7. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.

8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.

9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:

    a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.

    b. Any existing septic tanks on site shall be abandoned at the beginning of construction.

c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.

10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.

11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.

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

13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7), F.A.C.). Additionally, if deviations from the approved drawings are discovered during the certification process a copy of the approved permit drawings with deviations noted must accompany the certification.

14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department

until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Pursuant to Section 62-343.110(1)(d), F.A.C., until the Department approves a transfer, the permittee shall be liable for compliance with the terms of the permit.

16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.

17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.

18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.

19. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

20. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.

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

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

23. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.

24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.

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

GENERAL PROPRIETARY CONSENT CONDITIONS

Chapter 18-21.004(7), F.A.C., General Conditions for Authorizations to Use State-owned Lands:

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

5. Construction, use, or operation of the structure or activity shall not adversely affect any species which 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)(g), F.A.C., or any other applicable law.

NOTICE OF RIGHTS

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

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.
Because the administrative hearing process is designed to re-determine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

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

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rule 62-110.106(3) F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section

120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;·· and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

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

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

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

This permit constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of

General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1), F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the final order is filed with the Clerk of the Department.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Deborah Getzoff
District Director
Southwest District

Attachments:
Commencement notice /62-343.900(3) (1 page)
Annual status report/62-343.900(4) (1 page)
As-built certification/62-343.900(5) (1 page)
Inspection certification/62-343.900(6) (1 page)
Transfer construction to operation phase/ 62-343.900(7) (1 page)
Application for transfer of an ERP /62-343.900(8) (1 page)
Exhibit 1, Dredge Locations (1 page)
Exhibit 2, Project Drawings and Design Specs. (83 pages)
Exhibit 3, PVC Stake Locations (1 page)
Exhibit 4, Turbidity Monitoring Background Location Maps (5 pages)
Exhibit 5, Manatee "Idle Speed/No Wake" Sign (1 page)
Exhibit 6, Operational Protocol (2 pages)
Exhibit 7, Temporary Spoil Disposal Site Operation and Maintenance Instructions (2 pages)
Exhibit 8, Above Ground Impoundment Inspection Certification Form (2 pages)

Copies furnished to:
DEP, Office of General Counsel
Joe Wagner, P.E., Taylor Engineering, Inc., 10151 Deerwood Park Boulevard, Building 300, Suite 300, Jacksonville, FL 32256
Mindy Hogan, U.S. Army Corps of Engineers, Melinda.G.Hogan@usace.army.mil
FWC, Imperiled Species Management Section
File