



# Department of Environmental Protection

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## CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

**PERMITTEE/AUTHORIZED ENTITY:**

Port Everglades Dept. of Broward Co.  
c/o Mr. Allan D. Sosnow  
Environmental Projects Manager  
1850 Eller Drive  
Fort Lauderdale, FL 33316-4201

Permit/Authorization No.: 0226688-001-JC

Date of Issue: November 4, 2004

Expiration Date of Construction Phase:  
November 4, 2009

County: Broward

Project: Port Everglades Entrance Channel  
Shoal Removal

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This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62 and 40, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Florida Department of Environmental Protection (Department or DEP) 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.

**ACTIVITY DESCRIPTION:**

The project is to dredge (once only) the approximately 1.4-acre northern shoal within the federally maintained Port Everglades Harbor Entrance Channel and place the sandy material at a "Broward County Segment III Beach Nourishment Project" pumpout facility. This material shall be used to supplement the borrow material dredged for beach nourishment under Permit No. 0163435-001-JC. Rocky material that is too coarse for beach placement shall be deposited in designated offshore disposal sites. Use of these rock disposal sites is authorized for this project as well as the Broward County Beach Nourishment Project (Permit No. 0163435-001-JC).

**ACTIVITY LOCATION:**

The dredging site is located within the northern section of the Federal Navigation Channel, at the entrance to Port Everglades Inlet, directly south of Fort Lauderdale, Class III waters. The northern rock disposal site lies approximately 2.2 miles offshore, east the city of Deerfield Beach, in the Atlantic Ocean. The southern disposal site lies approximately 2.5 miles offshore, east the city of Hallandale, in the Atlantic Ocean. The John U. Lloyd Beach State Park (JUL) pumpout facility is located on the Atlantic intracoastal waterway (AIWW), Class III Waters, not OFW. Pumpout stations near Hollywood, Hallandale and Dania beaches are located nearshore, between R-104 and R-128, in the Atlantic Ocean, Class III waters. All sites lie within the local jurisdiction of Broward County.

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

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by 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, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has 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. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the dredging activity qualifies for a letter of consent to use sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the dredging activity on the specified sovereign submerged lands.

The Department has further determined that the disposal of coarse material over  $\frac{3}{4}$  inches (19 mm) in diameter requires a public easement for use of those offshore sites within state waters, pursuant to Rule 18-21.005(1)(f), F.A.C. The final documents required to execute the easement have been sent to the Division of State Lands (DSL). The Department intends to issue the public easement upon satisfactory execution of those documents. **You may not begin disposal activities on state-owned, sovereign submerged lands until the public easement has been executed to the satisfaction of the Department.**

A copy of this authorization has been sent to the U. S. Army Corps of Engineers (USACE) for review. The USACE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the General Conditions and Specific Conditions, which are a binding part of this permit and authorization.** You are advised to read and

understand these drawings and conditions 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 drawings and conditions prior to commencing the authorized activities.

**GENERAL CONDITIONS:**

1. All activities authorized by this permit shall be implemented as set forth in the plans and specifications approved as a part of this permit, and all conditions and requirements of this permit. The permittee shall notify the 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.
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 Bureau of Beaches and Coastal Systems (Bureau) 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; or, 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 which 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 which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of sovereignty land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State. The permittee is responsible for obtaining any necessary authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to commencing activity on sovereign lands or other state-owned lands.
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

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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 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. Reasonable time may depend on the nature of the concern being investigated.
9. At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Bureau 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.
10. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the State Historic Preservation Officer and the Bureau.
11. Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the permittee shall submit to the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department a written statement of completion and certification by a licensed professional engineer registered in the state of Florida. 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 two copies of as-built drawings submitted to the Department.

**SPECIFIC CONDITIONS:**

1. This project shall be conducted in conjunction with construction activities of the Broward County Beach Nourishment Project (Segment III). No part of this permit shall be construed to allow activities that would violate the conditions of Permit No.

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0163435-001-JC or its subsequent modifications. In case of conflict between permit terms, the more stringent conditions shall apply.

2. Hopper dredges used to excavate and transport the sediment shall include screening devices to separate the coarser material from the sand. The coarser limestone fragments exceeding  $\frac{3}{4}$  inches (19 mm) in diameter may be deposited in two (2) deepwater disposal areas located in Florida State waters, offshore of Broward County, as delineated in the attached drawings. These areas are authorized as disposal sites only for initial dredge and fill activities conducted under this permit and the Broward County Beach Nourishment (Segment III) project (Permit No. 0163435-001-JC). This condition does not preclude dumping of rock/rubble material in any other approved spoil disposal area, such as the Port Everglades Harbor Ocean Dredged Material Disposal Site (ODMDS).
3. All reports or notices relating to this permit shall be sent to the following offices:

DEP Bureau of Beaches & Coastal Systems  
Attn: JCP Compliance Officer  
3900 Commonwealth Boulevard  
Mail Station 300  
Tallahassee, Florida 32399-3000  
Phone: (850) 487-4471  
Fax: (850) 488-5257

DEP Southeast District Office  
Submerged Lands & Environmental Resources  
400 N. Congress Avenue, Suite 200  
West Palm Beach, FL 33401  
Phone: (561) 681-6600  
Fax: (561) 681-6755

4. At least 48 hours prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction.

At least 14 days prior to commencement of the dredging and beach fill placement construction activities authorized by this permit, 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, and Department staff representatives. The permittee shall provide written notification, at least 14 days in advance of the meeting, to the Bureau (to the attention of the JCP Compliance Officer), the DEP district office and the following Fish & Wildlife Conservation Commission (FWC) office, advising of the date, time, and location of the pre-construction conference.

Imperiled Species Management Section  
Fish & Wildlife Conservation Commission  
620 South Meridian Street  
Tallahassee, Florida 32399-1600  
Phone: (850) 922-4330  
Fax: (850) 921-4369

6. The Permittee shall develop a Sediment Quality Control/Quality Assurance Plan, as required by Rule 62B-41.008(1)(k)4.b., F.A.C. Once approved by the Department,

compliance with the Plan shall be a specific condition of this permit and must be incorporated in the relevant Terms and Conditions of construction contracts. The plan shall include a project-specific sediment quality specification for grain size distribution, color, and carbonate composition to ensure that the sediment from the borrow site will meet the standards in Rule 62B-41.007(2)(j), F.A.C. The plan shall also provide quality control procedures for excavating sediment from within the authorized horizontal and vertical limits of the permitted borrow site (i.e. within the Federal Channel).

7. **No work shall be conducted** under this permit until the permittee has received a written Notice to Proceed from the Department. At least 30 days prior to the requested date of issuance of the notice to proceed, the permittee shall submit the following for review and approval by the Department:
- a. ***A Sediment Quality Control/Quality Assurance Plan***, as required by Rule 62B-41.008(1)(k)4.b., F.A.C. and Specific Condition No. 6;
  - b. A copy of the ***Physical Monitoring Plan*** described in Permit No. 0163435-001-JC, revised to include bathymetric surveys of the inlet dredge area in pre and post-construction monitoring activities. Under this plan, an engineering report and the monitoring data shall be submitted within 90 days following completion of a survey. The physical monitoring plan shall be supplemented by the Offshore Disposal Site Monitoring Plan, as described in Specific Condition No. 10 (Physical Monitoring section);
  - c. Two hard copies and an electronic copy of detailed ***final construction plans and specifications*** for all authorized activities, including a vessel operations plan. These documents shall be signed and sealed by the design engineer, who must be registered in the State of Florida, and shall bear the certifications specified in Rule 62B-41.007(4), F.A.C. The plans and specifications shall include a description of the beach construction methods to be utilized and drawings and surveys which show all biological resources and work spaces (e.g. anchoring area, pipeline corridors, staging areas, boat access corridors, etc.) to be used for this project. The Department may request additional information that may be necessary to understand and evaluate the proposal;
  - d. ***Turbidity monitoring qualifications***. Construction at the project site shall be monitored closely to assure that turbidity levels do not exceed the compliance standards established in this permit. This individual shall have authority to alter construction techniques or shut down the dredging operations if turbidity levels exceed the compliance standards established in this permit. The names and qualifications of those individuals performing these functions along with 24-hour contact information shall be submitted for approval;

- e. ***Biological monitoring qualifications.*** The names and qualifications of those individuals performing the biological monitoring shall be submitted for Department approval. All biological monitoring required by this permit shall be conducted by individuals having a good working knowledge of manatee behavior.
8. Data collection for this permit may coincide with other project or annual county-wide monitoring, and consolidation of data collection should be considered. However, monitoring submittals must clearly identify all permits and permit conditions that the submittals are intended to satisfy. This will allow for permit compliance tracking by the Department and more efficient accounting by all parties.

**MONITORING REQUIRED:**

9. **Water Quality Monitoring (Turbidity)**

Turbidity monitoring in the vicinity of the dredge area shall be monitored during construction. Turbidity will be measured at background and compliance stations.

Dredge Site

**Frequency:** Immediately following the completion of each dredge cycle (i.e. one or more consecutive dredging passes through inlet shoal), plus once every six (6) hours if the dredge cycle exceeds six (6) hours.

**Location:** Background: Mid-depth, at least 300 meters upcurrent from the dredge site, clearly outside of any turbidity generated by the project.

**Compliance:** Mid-depth, no more than 150 meters downcurrent from the dredge site, within the densest portion of any visible turbidity plume.

Weekly summaries of all turbidity monitoring data shall be submitted to the Bureau of Beaches and Coastal Systems' JCP Compliance Officer and to the Southeast District Office within one week of collection, with documents containing the following information: (1) "Permit Number 0226688-001-JC"; (2) "Port Everglades Entrance Channel Shoal Removal"; (3) dates and times of sampling and analysis; (4) a statement describing the methods used in collection, handling, storage and analysis of the samples; (5) a map indicating the sampling locations, current direction, plume configuration and the location of the dredge and discharge point(s); and (6) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Monitoring reports shall also include the following information for each sample that is taken: a) time of day samples taken; b) depth of water body; c) depth of sample; d) antecedent weather conditions; e) tidal stage and direction of flow; f) wind direction and velocity; and g) DGPS position.

The compliance locations given above shall be considered the limits of the temporary

mixing zone for turbidity allowed during construction. If monitoring reveals turbidity levels at the compliance sites are greater than 29 NTUs above the associated background turbidity levels, construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels.

**10. Physical Monitoring**

The physical monitoring conditions described in Permit No. 0163435-001-JC, revised to include the inlet dredge area in pre- and post-construction bathymetric surveys, shall apply. The volume of sand removed from the shoal shall be calculated from the bathymetric surveys. Monitoring reports and data submitted to the Department shall reference all applicable permits and permit conditions.

In addition, the rock/rubble disposal sites shall be monitored 90 days after construction is complete for any of the authorized projects, and at subsequent years 1 and 3, or coincident with monitoring required by USACE Permit No. SAJ-1999-5545(IP-SLN). The permittee shall develop an Offshore Disposal Site Monitoring Plan prior to construction. The monitoring plan shall identify scope of work, monitoring methods to be used and types of data analyses. Monitoring shall be conducted using towed video survey (the same survey methodology used for the baseline survey), for comparative purposes.

Copies of the baseline and annual monitoring reports submitted to the U.S. Army Corps of Engineers shall be submitted to the two offices listed in Specific Condition No. 3. The initial monitoring report shall clearly identify the final location of deposited materials in relation to the boundaries delineated in the Easement to be executed by the DEP Division of State Lands. The monitoring report at years 1 and 3 shall compare results of the baseline surveys with archival reports or assessment data of similar offshore reef sites as available, or where appropriate. The final contract report shall discuss the success/failure of recruitment of natural resources to the rock/rubble deposited at the site.

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 Item No. [XX] of Permit No. [XX] for the monitoring period [XX].**"

**11. Biological Monitoring (Manatees)**

In order to ensure that manatees are not adversely affected by the activities authorized by this permit, the permittee shall adhere to the following conditions:

- a. The contractor shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All project personnel are responsible for observing water-related activities for the

presence of manatees, and shall implement appropriate precautions to ensure their protection.

- b. All construction personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.
- c. Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
- d. All vessels associated with the project shall operate at "idle speed/no wake" at all times while in water where the draft of the vessel provides less than 4 ft. of clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- e. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
- f. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol (1-888-404-FWCC) and to the U. S. Fish and Wildlife Service Vero Beach Field Office (772-562-3909).
- g. Prior to commencement of construction, the prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees. For all vessels, a temporary sign (at least 8.5" X 11") reading "**Manatee Habitat/Idle Speed In Construction Area**" will be placed in a prominent location visible to employees operating the vessels. In the absence of a vessel, a temporary sign (at least 2' X 2') reading "**Warning: Manatee Habitat**" will be posted in a location prominently visible to land based, water-related construction crews.

**A second temporary sign (at least 8.5" X 11") reading "Warning, Manatee Habitat: Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Any collision with**

