



Jack Long, Director
Southeast District Office

Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
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Charlie Crist
Governor

Jeff Kotikamp
Lt. Governor

Michael W. Sole
Secretary

OCT 23 2009

City of Fort Pierce, Engineering Department
c/o John Andrews II, P.E.
100 N. US Highway One
Fort Pierce, FL 34950

Dear Mr. Andrews:

Enclosed is Environmental Resource Permit No. 56-0129156-011 issued pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.).

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

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

If you have any questions about this document, please contact me at 561/681-6646 or via email at Benny.Luedike@dep.state.fl.us.

Sincerely,

Benny Luedike
Environmental Specialist III
Submerged Lands & Environmental
Resources Program

RECEIVED
OCT 27 2009
CITY OF FORT PIERCE
ENGINEERING DEPARTMENT



Florida Department of Environmental Protection

Southeast District
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401

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CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT AND INTENT TO GRANT SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

City of Fort Pierce, Engineering Department
c/o John Andrews II, P.E.
100 N. US Highway One
Fort Pierce, FL 34950

Permit Number: 56-0129156-011

Date of Issue: OCT 23 2009

Expiration Date

of Construction: OCT 22 2014

County: Saint Lucie

Project: Fort Pierce City Marina
Dock Reconfiguration, Dredging &
Storm Protection Habitat Islands

This project requires an Environmental Resource Permit. Under the operating agreements between the Department and the water management districts, the Department has the authority to issue this permit. References: Part IV of Chapter 373, Florida Statutes; Title 62, Florida Administrative Code; Operating Agreements with the water management districts in Chapter 62-113, Florida Administrative Code.

ACTIVITY DESCRIPTION:

The purpose of the project is to perform the following activities: (1) construct a chain of twelve islands and one peninsular structure, comprised of 14.66-acres (628,589.6 square feet, more or less) by placing 207,964 cubic yards (CY) of sediments and limestone material on sovereignty submerged lands; (2) rebuild the previously existing southern marina, consisting of 125 mooring piles, 98 boat slips, 8 sewage pump-out stations, and 35,038 ft² of overwater docking structure in the same footprint and of the same dimensions and configuration as the previously existing marina, as shown on the attached permit sketches and as authorized submerged lands lease No. 560109629; (3) reconfigure the previously existing northern marina, consisting of 12 mooring piles, 39 boat slips, which is an increase of 7 slips at this location, and 13,310 ft² of overwater docking structure, as depicted on the attached permit sketches; and (4) maintenance dredge 8,683 CY of sovereign submerged lands within the northern and southern marina (572,443 ft²) to maximum depths of -8 feet mean low water, utilizing the sediments for the construction of the islands. The project qualifies for waiver of the severance fee pursuant to Chapter 18-21.011(3)(c)(3), F.A.C.

14.66-acres of submerged bottoms shall be permanently filled for the islands and peninsular structure, which is comprised of 5.92-acres of potential suitable submerged aquatic vegetation habitat, 0.43-acres of directly observed seagrasses, including Johnson's seagrass (*Halophila johnsonii*), shoal grass (*Halodule wrightii*), paddle grass (*Halophila decipiens*), and manatee grass (*Syringodium filiforme*), and 8.31-acres of unvegetated sandy substrate, which is not likely to support submerged aquatic vegetation resources.

In order to offset the above impacts, the permittee shall convey 26-acres of privately owned submerged lands back to the State, create 1.94-acres of SAV habitat by filling a portion of a 2.65-acre dredge hole, scrape down a 0.12-acre spoil island and adjacent submerged lands in order to create SAV habitat, restore 0.04-acres of prop scar, create 1.28-acres of oyster habitat as a component of the islands, create 1.54-acres of mangrove habitat as a component of the islands, and install navigational safety signage in order to protect 4.24-acres of shallow submerged aquatic vegetation adjacent to a nearby boat ramp. The permittee shall operate the islands and implement the details of the attached City of Fort Pierce Waterfront Storm Protection System Mitigation Plan, City of Fort Pierce Waterfront Storm Protection System Habitat Monitoring Plan, City of Fort Pierce Waterfront Storm Protection System Island Maintenance Plan, City of Fort Pierce Waterfront Storm Protection System, City of Fort Pierce Island Performance Plan, City of Fort Pierce Waterfront Storm Protection System Habitat Creation Plan, and City of Fort Pierce Turbidity Control and Monitoring Plan in accordance with the applicable specific conditions and plans included and attached herein.

In order for the project to be "clearly in the public interest", pursuant to Chapter 18-21, F.A.C, the permittee shall convey 30-acres of privately owned submerged lands back to the state. A total of 56-acres (30-acres for proprietary public interest and 26-acres for regulatory mitigation) shall be conveyed to the state by the permittee through a special warranty deed. In addition, the City has agreed to maintain the 98-slip marina facility as a 100 percent open to the public on a first-come, first-served basis in perpetuity.

The standard manatee conditions shall be adhered to during all in water work. All construction material shall be transported from the upland staging area in a vessel with a fully loaded draft not to exceed 4-feet. All construction vessels shall only operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel to the top of the submerged bottom) so as to preclude bottom scouring or prop dredging and staging of construction vessels shall not occur over the shallow shoal located immediately to the east of the project area at any time. In order to minimize turbidity levels, all limestone riprap material shall be mechanically or hand placed into the authorized areas and shall not be indiscriminately dumped or released above the surface of the water. Furthermore, all limestone and/or any other rock material shall be thoroughly rinsed prior to placing into the waters of the state.

Due to the nature of the project site, turbidity curtains are not feasible when constructing the free-form islands and during the initial filling of the large habitat island and Tombolo Point, therefore a temporary mixing zone is allowed under this permit to occur up to 75-meters down current of the construction activity. Staked and/or weighted floating turbidity curtains, extending to within one foot from the bottom shall be utilized around the large habitat island and Tombolo Point following the initial filling of these areas. Turbidity shall be monitored and recorded every 1 hour during filling activities and every four hours during dredging and riprap installation outside of the turbidity curtains and at the edge of the mixing zones to ensure that turbidity levels do not exceed 29 NTUs above ambient background levels within Indian River Lagoon. All waterbodies

Permittee: City of Fort Pierce
Permit No.: 56-0129156-011
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and wetlands outside the specific limits of construction, authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring. Staked turbidity or siltation screens and/or hay bales shall be installed and maintained around all staging areas and in all areas where construction activities are adjacent to wetlands and/or surface waters.

ACTIVITY LOCATION:

The project is located in the Indian River, Class III Waters, adjacent to 1 Avenue A, Fort Pierce (Section 10, Township 35 South, Range 40 East), in St. Lucie County (Latitude N 27° 26' 59.47", Longitude W 80° 19' 17.22").

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

This permit also constitutes certification of compliance with water quality standards under 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 sovereignty 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, 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, Chapter 18-21, and Section 62-343.075, F.A.C.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity requires a new lease (BOT # 560344636) and a modification to an existing lease (BOT # 560109629) for the use of those lands, pursuant to Chapter 253.77, F.S. On **August 11, 2009**, and subject to Special Approval Conditions, the Board of Trustees granted authority for the Department to proceed with issuance of a new lease and a modification to the existing lease for the use for the subject activity.

Federal authorization for the proposed project is reviewed by DEP pursuant to an agreement between the Department and the U.S. Army Corps of Engineers (Corps). The agreement is outlined in a document titled *Coordination Agreement Between the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act*.

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). As shown on the attached drawings, the proposed project is **not** consistent with the

SPGP program. A copy of your application has been sent to the Corps who may require a separate permit. Failure to obtain their authorization prior to construction could subject you to enforcement action. For further information, contact the Corps directly at 561-472-3530.

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 attached drawing(s), plans, and other documents attached hereto and made a part hereof. **This permit and intent to grant authorization to use sovereignty submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached 19 General Conditions, 9 General Consent Conditions, and 51 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. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facilities authorized in this permit is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization as specifically described below.

GENERAL CONDITIONS:

- (1) All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
- (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 the 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 which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity

barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

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

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

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

(7) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, has **submitted a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase"** (Form No. 62-343.900(7), F.A.C.); the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the Department in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved

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

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

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

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

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

(12) The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal

Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

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

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

(15) 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.

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

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

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

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

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 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)(f), F.A.C., or any other applicable law.

SPECIFIC CONDITIONS:

PROPRIETARY AUTHORIZATION REQUIRED:

(1) The terms, conditions, and provisions of the required lease (BOT # 560344636) and lease modification (BOT # 560109629) shall be met. Prior to obtaining the required leases, all Special Approval Conditions set forth in the August 11, 2009 BOT Agenda Certification shall be met. Construction of this activity shall not commence on sovereign submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease documents have been executed to the satisfaction of the Department.

PROJECT DRAWINGS & FORMS:

(2) The attached project drawings, sheets 1 through 40; the 7-page permit checklist; the 43-page "City of Fort Pierce Waterfront Protection Project Mitigation Plans" (Exhibit I); the 15-page City of Fort Pierce Island Performance Plan (Exhibit II); the 15-page "City of Fort Pierce Waterfront Protection Habitat Creation Plans" (Exhibit III); the 19-page "City of Fort Pierce Waterfront Storm Protection System Habitat Monitoring Plan" (Exhibit IV); the 8-page "City of

Fort Pierce Waterfront Storm Protection System Island Maintenance Plan” (Exhibit V); the 25-page “City of Fort Pierce Turbidity Control and Monitoring Plan” (Exhibit VI); the 2-page “Standard Manatee Conditions for In-Water Work, 2009” (Exhibit VII); and DEP forms: 62-343.900(3), (4), (5), and (7) F.A.C., which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>, become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6646 to request the aforementioned forms and/or document(s).

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

PRE-CONSTRUCTION MEETING:

(4) Prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. The permittee shall contact the Department in writing to schedule the conference: Department of Environmental Protection, Port St. Lucie Southeast District Branch, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Eric Shea, 1801 Hillmoor Drive, Suite C-204, Port St. Lucie, Florida 34952 (phone: 772/398-2806).

CONSTRUCTION PERSONNEL:

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

PROJECT LIMITS:

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

FINAL ENGINEERING DRAWING REVIEW:

(7) The permittee shall not commence construction of the storm protection islands until each of the following requirements have been satisfied:

- (a) Permittee submits a revised design wave height. This submittal shall be based on the design breaking wave crests or wave approach as superimposed on the storm surge with dynamic wave setup of a 100-year storm.
- (b) Permittee submits a revised structural design plan. This plan shall be based on the results of (a) above, for the construction of the storm protection islands and shall specify rock dimensions sufficiently sized to withstand the 100-year storm.
- (c) The Department approves the requirements of (a) and (b) above.

RESOURCE IMPACTS & MITIGATION:

(8) In order to offset the permanent impacts to 6.35-acres of seagrass habitat (as depicted in Appendix E in Exhibit I), the permittee shall convey 26-acres of privately owned submerged lands back to the State, create 1.94-acres of SAV habitat by filling a portion of a 2.65-acre dredge hole, scrape down a 0.12-acre spoil island and adjacent submerged lands in order to create SAV habitat, restore 0.04-acres of prop scars, create 1.28-acres of oyster habitat as a component of the islands, create 1.54-acres of mangrove habitat as a component of the islands, and install navigational safety signage in order to protect 4.24-acres of shallow submerged aquatic vegetation adjacent to a nearby boat ramp. The permittee shall commence on the prop-scar restoration and navigation safety signage mitigation components no later than 6 months following the commencement of creating the islands and/or peninsular structure. The filling of the dredge hole, island scrape down, mangrove, and oyster mitigation components shall all commence no later than 6 months following completion of the island system construction. If the attached mitigation plan (Exhibit I) conflicts with the specific conditions, then the specific conditions shall prevail.

(9) Impacts to submerged resources outside the project footprint shall not be authorized during construction activities and/or at any time post-construction.

(10) Prior to the permittee commencing island construction, a special warranty deed conveying a minimum of -acres of privately owned submerged lands located in the Indian River Lagoon (as depicted in Exhibit I) to the Board of Trustees shall be provided to the Department at the address listed in Specific Condition No. 4. The conveyance of the 56-acres of privately owned submerged lands includes 26-acres for regulatory mitigation and 30-acres for proprietary public interest.

(11) In order to protect the existing seagrass beds and other benthic resources, prior to initiating the seagrass restoration mitigation work at each of the off-site mitigation project locations, the limits of each mitigation area shall be clearly marked in a way which is visible and obvious to anyone performing work on-site. Possible methods include installation of tall flagged stakes and/or floating buoys outlining the area limits.

(12) Prior to initiating activities related to restoring the prop-scars, filling the dredge hole, scraping down the spoil island, creating the mangrove habitat, and creating the oyster habitat, the permittee shall document the existing conditions of the mitigation sites before any restoration treatments are performed ("Baseline" Report). The investigations shall contain a brief summary of the existing conditions; photographs, taken from referenced locations to represent the entire site; and a vegetative index (species name, quantities and approximate size) of the mitigation area. Additionally, a drawing shall be included to show the location of the referenced photo-stations. The limits of the mitigation area and photo stations shall be clearly marked for the life of the facility. The "Baseline" Report shall be combined with the "Time Zero" Report as outlined in Specific Condition No. 13 and shall be sent to the Department at the address listed in

Specific Condition No. 4 and to the Florida Fish & Wildlife Conservation Commission (FWC) at the address listed in Specific Condition No. 45.

(13) Within 60 days after completing each of the mitigation projects (prop-scar restoration, filling the dredge hole, scraping down the spoil island, planting the mangrove habitat, and installing the shelled oysters), the permittee shall submit to the Department the "Baseline" Report and a "Time Zero" Report. The "Time Zero" report shall contain a brief summary of the existing conditions after restoration activities are completed; photographs, taken from the same locations as in the "Baseline" Report; and a vegetative index (species name, quantities and approximate size) of the mitigation area. The same photo station drawing that was created in the "Baseline" Report shall be submitted with the "Time Zero" Report. The reports shall be sent to the Department at the address in Specific Condition No. 4 and to the FWC at the address listed in Specific Condition No. 45

(14) Subsequent "Semi-Annual and Annual Monitoring" Reports shall be submitted for a period of five years for the prop-scar restoration area, the filled dredge hole area, and the spoil island scrape down area. The first three years of monitoring shall include six "Semi-Annual Monitoring" Reports (one in seagrass growing season and one not in seagrass growing season), the first one due at six months after the "Time Zero" Report. The two Annual Monitoring Reports are required on the 4th and 5th year. All subsequent "Semi-Annual and Annual Monitoring" Reports shall contain a brief summary of the existing conditions; photographs, taken from the same locations as in the "Baseline" and "Time Zero" Reports; a vegetative index (species name, quantities and approximate size) of the mitigation area; the percent-coverage of species observed; and explanations if survivorship and/or the overall mitigation project is trending toward failure. The same photo station drawing that was submitted with the "Baseline" Report shall be submitted with each "Semi-Annual and Annual Monitoring" Report. The reports shall be sent to the Department at the address in Specific Condition No. 4 and to the FWC at the address listed in Specific Condition No. 45.

(15) Prior to restoring 0.04-acres of prop-scars within the 4.26-acre shallow submerged aquatic vegetation area, the permittee shall obtain the necessary authorization for the one proposed navigational marker and two informational waterway markers from respective agencies (U.S. Coast Guard or the Florida Fish and Wildlife Conservation Commission Boating Safety and Waterway Management section). The permittee shall submit all correspondence and authorizations to the Department at the address listed in Specific Condition No. 4.

(16) A "Time Zero" Report shall be submitted to the Department within 60 days from installing the proposed navigational markers. The "Time Zero" Report shall contain data collected from the permittee, which includes establishing a minimum of 10 north/south transects, representative of the entire 4.24-acre mitigation area, a brief summary of the existing conditions with indication of how many prop-scars were observed along each transect and percent coverage of species observed, and the most recent available aerial showing this mitigation area. Subsequent "Semi-Annual and Annual Monitoring" Reports shall be submitted for a period of five years for this mitigation area. The first two years of monitoring shall include four "Semi-

Annual Monitoring” Reports (one in seagrass growing season and one not in seagrass growing season), the first one due at six months after the “Time Zero” Report. The three “Annual Monitoring” Reports are required on the 3rd, 4th and 5th year. All subsequent “Semi-Annual and Annual Monitoring” Reports shall contain the same information required in the “Time Zero” Report; a brief summary of the existing conditions compared to the previous report; and explanations if the mitigation project is trending toward failure. The reports shall be sent to the Department at the address in Specific Condition No. 4 and to the FWC at the address listed in Specific Condition No. 45

(17) The mitigation shall be deemed successful when all of the success criteria, as detailed in the attached mitigation plan (Exhibit I) have been continuously met for a period of at least two seagrass growing seasons (but no earlier than two years after the initial mitigation commencement activities), and/or as outlined below:

- 20% minimum coverage of seagrasses within all prop-scar restoration areas;
- 20% minimum coverage of seagrasses within filled dredge hole area;
- 20% minimum coverage of seagrasses within spoil island scrape down area;
- An average reduction of 50% in new prop-scar occurrence within the 4.24-acre shallow water seagrass habitat over the 5-year monitoring period;
- Establishment of 1.28-acres of oyster habitat at 30 oysters per square meter; and
- Establishment of 1.54-acres of mangrove canopy habitat and 80% survivorship.

When the mitigation is deemed complete, monitoring for the successful mitigation areas can be suspended. Compensatory mitigation may be required if the mitigation projects do not meet the mitigation success criteria within the 5-year monitoring period.

(18) The responsibility to determine if the mitigation activities described in the attached mitigation plan, are meeting the permit-specified success criteria shall not fall solely on the Department. Within the first two years following implementation of the mitigation activities, if the permittee becomes aware that the project is not meeting the success criteria and probably will not meet the criteria based on site observations, then the permittee shall notify the Department at the address in Specific Condition No. 4. The permittee shall then submit an alternative mitigation plan to the Department for review and approval. The final UMAM scores on file with the Department prior to permit issuance shall be utilized in the calculation for the required compensatory mitigation.

(19) For any reason, if the mitigation proposed by the permittee is not fully executed, then the permittee shall be responsible for compensatory mitigation. The final UMAM scores on file with the Department prior to permit issuance shall be utilized in the calculation for the required compensatory mitigation.

ISLAND PERFORMANCE MONITORING & DAMAGE REPAIR:

(20) The submerged lands adjacent to the islands and peninsular structure shall be monitored in accordance with the attached City of Fort Pierce Island Performance Plan (Exhibit II) and City of Fort Pierce Habitat Monitoring Plan (Exhibit IV) for secondary impacts that may occur from the island system.

a.) Injury During Discrete Events

Should a discrete event such as storm damage or a vessel grounding occur that causes damage to the island structures and is causing or may cause damage to adjacent benthic resources, then the City shall immediately contact the Department at the address listed in Specific Condition No. 4 to coordinate the methods to be used to protect the resources and repair the damage. Repair and close coordination with the Department during repairs shall preclude the need to request a modification to this permit. Once the structure or structures are repaired, resource restoration shall commence immediately and shall require monitoring for restoration success. Because resource restoration is time-sensitive, both the permittee and Department are required to establish the repair and restoration protocols within two weeks of the injury.

b.) Long Term Effects

The islands and surrounding submerged lands shall be visually inspected annually and after discrete events or incidents in perpetuity. Topographic and hydrographic surveys shall be performed every 3-years for the first six years of the project, on the 10th year and then every 5 years thereafter. If the first three topographic and hydrographic surveys (after ten years) reveal that there are no significant changes to the island configuration and there is no evidence of artificial accretion or artificial erosion in areas surrounding the island system, then the topographic and hydrographic surveys can be suspended. Additionally, monitoring of the adjacent submerged lands and seagrass beds shall occur for 5 years, including bi-annual reports for the first 3 years and annual reports for next two years, in accordance with the attached "City of Fort Pierce Waterfront Storm Protection System Habitat Monitoring Plan (Exhibit IV). If within the first 10 years of the project life, it can be demonstrated beyond a reasonable doubt that the islands are causing artificial accretion or artificial erosion or other adverse affects to the surrounding submerged resources, compensatory mitigation or restoration shall be required.

(21) The permitte shall obtain and maintain adequate insurance coverage and/or establish and maintain an island maintenance and performance fund sufficient to cover the repair of any damages to the islands as a result of any event.

HABITAT CREATION PLAN:

(22) As depicted in the attached "City of Fort Pierce Waterfront Protection Habitat Creation Plans" (Exhibit III), the permittee shall incorporate coastal dune habitat, mangrove habitat, oyster reef habitat, and lime-rock reef habitat into the design of the project. Within 90 days of starting construction of the coastal dune habitat, the permittee shall contact the Florida Fish and Wildlife Conservation Commission and Audubon of Florida and submit the attached "City of Fort Pierce Waterfront Protection Habitat Creation Plans" for their comments and suggestions regarding

shorebird habitat. Reasonable suggestions may be incorporated into the permittee's design. Minor deviations in the planting plan required as a result of this consultation with the stakeholder and agency should not result in the need to request a permit modification. If the entities above do not respond to the permittee with final comments within 30 days of the initial contact date, then the permittee can construct the coastal dune and bird habitats as outlined in the attached approved plans.

ECOLOGICAL MONITORING & MAINTENANCE:

(23) The permittee shall provide ecological monitoring of the proposed habitat islands and surrounding submerged lands in accordance with the attached "City of Fort Pierce Waterfront Storm Protection System Habitat Monitoring Plan" (Exhibit IV) and Specific Condition No. 20-b above. The benthic habitats shall be monitored to evaluate the overall ecological success of the project. Following the 5-year habitat monitoring events outlined in Exhibit IV and Specific Condition No. 20-b above, the permittee shall provide brief, one paragraph descriptions of the overall condition of each habitat and submit them to the Department as part of the visual monitoring reporting requirements outlined in Exhibit II (i.e. following extreme storm events or any other occurrence that may affect the overall integrity of the storm protection system and/or ecological components thereof). Upon availability, the permittee shall submit the applicable monitoring reports to the Department at the address listed in Specific Condition No. 4 and to the Florida Fish and Wildlife Conservation Commission at the address listed in Specific Condition No. 45.

(24) The permittee shall maintain all components of the islands free of exotic vegetation and debris in accordance with the attached "City of Fort Pierce Waterfront Storm Protection System Island Maintenance Plan" (Exhibit V). Annual maintenance reports shall be submitted to the Department at the address listed in Specific Condition No. 4 and to the FWC at the address listed in Specific Condition No. 45.

(25) In consultation with FWC, the Department reserves the right to require minor and reasonable modifications to any of the above required monitoring reports, including additional monitoring techniques that will more clearly determine whether the mitigation is a success or failure and/or determine the overall island performance in relation to the surrounding submerged lands and resources. The Department shall provide comments and requested revisions within 45 calendar days of receiving the permittee's first semi-annual and/or annual monitoring report and the requested changes shall be incorporated in all subsequent monitoring events/reports.

TURBIDITY CONTROL & MONITORING:

(26) The construction sequence of the islands shall occur in accordance with the attached "City of Fort Pierce Turbidity Control and Monitoring Plan" (Exhibit VI) and initial filling activities of the free-form island known as Snook Island shall not occur during slack tides. The permittee shall notify the Department at the address listed in Specific Condition No. 4. within 48-hours prior to commencement of the initial filling of each island per General Condition No. 4. The Department reserves the right to require additional turbidity control measures deemed possible and/or additional monitoring during construction based on field observations and/or collected data.

(27) As depicted in Exhibit VI, floating turbidity curtains with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the fill footprint of the large habitat island and Tombolo Point following the initial filling activities at these locations. At these locations, turbidity control devices shall be maintained and remain in place for the duration of the project construction to ensure that turbidity levels directly outside the turbidity curtains do not exceed 29 NTUs above background levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.

Turbidity levels directly outside the temporary mixing zones during the installation of the free-form islands and during the initial filling activities of the large habitat island and Tombolo Point shall not exceed 29 NTUs above ambient levels.

The following measures shall be taken by the permittee whenever turbidity levels within waters of the State directly outside of the turbidity curtains or at the edge of the 75-meter temporary mixing zones surrounding the project site exceed 29 NTUS above the ambient turbidity levels:

- a. Notify the DEP-Southeast District Branch Office ERP Compliance/Enforcement Section at 772/398-2806 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation. Operations may not resume until the Department gives authorization to do so.
- c. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functioning turbidity containment devices. Do not continue any in or over water work until approval has been given by DEP staff.

(28) Turbidity Monitoring. Water turbidity levels shall be monitored and recorded at least every 1 hour during filling operations, and every 4 hours during dredging and riprap installation, or upon the occurrence of other circumstances that might create water quality violations on site. Samples shall be taken one foot below the surface at monitoring stations located as follows:

- a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
- b. Directly outside the turbidity curtains surrounding the work sites at the large habitat island and Tombolo Point, at the edge of the temporary mixing zone, and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

If at any time during construction, the turbidity level directly outside turbidity curtains or the authorized temporary mixing zones surrounding the work sites exceeds 29 NTUS above background levels within the Indian River Lagoon, the permittee or permittee's contractor shall

take the following actions: (1) immediately cease the operations that cause the water quality violations; (2) notify the Department's Division of Environmental Resource Permitting at the time the violation is first detected; and (3) modify the work procedures that were responsible for the violation.

(29) Turbidity Monitoring Reports. During construction, the permittee or permittee's contractor shall submit daily monitoring reports on a weekly basis containing the turbidity data gathered to the Department of Environmental Protection, Southeast District Branch Office, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Eric Shea, 1801 SE Hillmoor Drive, Suite C-204, Port St. Lucie, Florida 34952 (phone: 772/398-2806). The reports shall contain the following information:

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

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

Monitoring reports shall be submitted to the Department of Environmental Protection, Southeast District Branch Office, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, Attention: Eric Shea, 1801 SE Hillmoor Drive, Suite C-204, Port St. Lucie, Florida 34952 (phone: 772/398-2806). Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the DEP, the following wording shall be included at the top of each page or as a cover page to the submittal: "This information being provided in partial fulfillment of the monitoring requirements in Permit No. 56-0129156-011."

CONSTRUCTION DETAILS & METHODOLOGIES:

(30) Dredging shall be conducted from a construction barge with a fully loaded draft of no more than 4-feet and the severed material removed from the site via a pipeline to the geotubes. The material shall be hydraulically dredged and temporarily placed at the location depicted on the attached drawings. The pipeline shall be floated along the surface or secured to the bottom and shall be installed to completely avoid impacts to submerged resources and shall not impede navigation. Return water shall not be discharged into the adjacent surface waters and best

management practices shall be implemented during temporary placement and handling of material, as to prevent the sediments and turbid water from re-entering the adjacent waterbody.

(31) During active dredging operations, the pipeline used to transport the dredged material to the site shall be inspected twice daily by the selected contractor in order to ensure there are no leaks discharging material into surface waters of the state. At the first sign of any leaks, the permittee shall immediately contact the Department and cease all operations until repairs have been made.

(32) All dredging and excavation shall be in accordance with the attached permit drawings and shall not exceed the areas and depths (-8 feet NGVD) as indicated on the attached drawings.

(33) All additional sediment material required for the construction of the islands that is not coming from Stewart Mining Industries, located in Fort Pierce, Florida, shall be tested prior to final placement in the waters of the state, and sediment analyses shall be provided to the Department at the address in Specific Condition No. 4 for approval. All sediments utilized in the construction of the islands shall be free of toxic or otherwise deleterious substances.

(34) Riprap for the islands may consist of any of the following materials: graded limestone, unconsolidated boulders, or rocks, of which, the appropriate rock sizes shall be subject to approval by DEP staff. The riprap material shall be thoroughly washed prior to placing into the waters of the state and shall be free of sediment, debris, and toxic or otherwise deleterious substance.

(35) All riprap and rock material used in the initial filling of the dredge hole shall be thoroughly washed prior to placing into the waters of the state. Any material to be used shall consist of unconsolidated boulders, rocks, or clean concrete rubble without exposed reinforcing rods or similar protrusions, and shall be free of sediment, debris, and toxic or otherwise deleterious substance.

(36) Riprap shall be installed at the authorized impact areas and in accordance with the specifications shown on the attached permit drawings. The riprap shall not be indiscriminately dumped or released above the surface of the water to minimize water turbidity levels at all of the riprap placement areas.

(37) The riprap boulder material shall be transported to the deployment sites in a self-contained barge. Discharge of water or riprap material into waters of the state other than the authorized impact and mitigation areas shall not be authorized during transport.

(38) There shall be no staging of equipment and/or machinery or storage and/or stockpiling of tools and materials (i.e., lumber, pilings, debris) along the shoreline adjacent to waters of the state (below MHWL), unless specifically approved in the permit. All staging areas shall be clearly marked with staked turbidity screens and/or hay bales prior to utilization. All cleared vegetation, excess lumber, scrap wood, trash, garbage and other type of debris shall be removed

from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

(39) All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel to the submerged bottom) so as to preclude bottom scouring or prop dredging. **The staging of construction vessels shall not occur on or over the existing shoal that exists to the east of the free-form islands during any phases of the project. The contractor shall delineate the boundaries of this shoal with floating buoys to delineate the area as a no-work zone and keep them in place until work adjacent to the shoal area is complete.**

(40) All wood mooring pilings used in the construction of the docking facilities shall be wrapped with an impervious membrane one-foot above the mean high water line to one-foot below the substrate.

(41) Installation of the dock and mooring piles shall be conducted from a barge. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel to the top of submerged resources) so as to preclude bottom scouring or prop dredging. All construction equipment/tools and materials shall be transported to and from the site via barge and upland roadways and all equipment/tools and materials shall be stored on the barge and uplands.

(42) Within 10 days following completion of dock construction, permanent handrails and "No Mooring" signs shall be installed in all non-mooring areas, in accordance with the attached permit sketches. Handrails and signs shall be maintained for the life of the facility.

(43) All vessels permanently moored at the marina complex structure shall moor only within the approved mooring areas and shall be limited to a maximum of 98-slips in the southern exterior marina, 39-slips in the northern exterior marina, 19-slips in the Moore's Creek marina, designated for sailboats only between November 15th and March 31st, pursuant to Chapter 68C-22.008(2)(b), F.A.C.; and 113-slips in the interior marina basin at any time. Vessels utilizing this structure shall maintain a minimum of one foot clearance between the deepest draft of the vessel with the engine in the down position and the top of submerged resources so as to preclude bottom scouring or prop dredging.

(44) Liveboards and sewage pump-out facilities are authorized for the southern marina facility. Liveboards shall only be moored in those dock slips that have sewage pump-out access, as depicted on the permit sketches. Fueling facilities are authorized in the sovereignty submerged land lease, however, prior to installation of any additional fueling facilities at the marina complex, proper DEP approval shall be obtained by the permittee. Overboard discharges of trash, human or animal waste, or fuel shall not occur at this marina complex facility.

FISH AND WILDLIFE:

(45) All mitigation, habitat and island performance monitoring reports required in the above conditions shall be submitted for review to Florida Fish and Wildlife Conservation Commission's Aquatic Habitat Conservation and Restoration Section (FWC-AHCRS) at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600. FWC shall recommend to the Department minor and reasonable modifications to any of the aforementioned monitoring reports, including additional monitoring techniques that will more clearly determine whether the mitigation is a success or failure and/or determine the overall island performance in relation to the surrounding submerged lands and resources. The Department shall provide comments and requested revisions within 45 calendar days of receiving the permittee's first semi-annual and/or annual monitoring report and the requested changes shall be incorporated in all subsequent monitoring events/reports.

(46) FWC recommends the following permit conditions that are required for the protection of the Florida manatee.

- a. The permittee shall provide specific personnel to be designated as manatee observers. The designated observer(s) shall be dedicated only for this task, must be on site during all in-water activities, and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. The observer(s) shall wear polarized sunglasses to aid in observation. If in-water work is being performed from November 15 – March 31 the designated manatee observers shall have a minimum of 30 hours of manatee observation experience on previous dredging projects. Movement of a work barge, other associated vessels, or any in-water work shall not be performed after sunset, when the possibility of spotting manatees is negligible. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. A report, summarizing all activities noted in the observer logs, the location and name of project, and the dates and times of work shall be submitted within 30 days following project completion, to the Florida Fish and Wildlife Conservation Commission's Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600, or e-mailed at fcmpmail@myfwc.com.
- b. In order to avoid marine mammal entrapment, turbidity barriers must be monitored while deployed in the water, and shall not be left unattended. If a manatee becomes entangled, the Florida Fish and Wildlife Conservation Commission should be notified immediately at 1-888-404-FWCC.
- c. The Permittee shall develop and implement a Florida Fish and Wildlife Conservation Commission (FWC)-approved marina educational program. The Permittee shall develop this educational program with the assistance of FWC, and FWC shall approve this education plan prior to its implementation. The program may include (at a minimum) the posting of permanent manatee educational signs and the display of brochures in a prominent location. This educational program must be maintained for the life of the

facility. Contact the Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600 (telephone 850/922-4330) for additional information.

- d. The attached Standard Manatee Conditions for In-Water Work (revision 2009) shall be followed for all in-water activity (Exhibit VII).

(47) The applicant should coordinate with FWC's South Region Office (West Palm Beach) biological staff at (561)-625-5122 to provide assistance in designing appropriate bird nesting, loafing and or roosting habitat on the proposed habitat island. If the FWC do not respond to the permittee with final comments within 30 days of the initial contact date, then the permittee can construct the coastal dune and bird habitats as outlined in the attached approved plans.

(48) In order to enhance the wildlife habitat value of the storm protection habitat island system, and reduce disturbance to those species anticipated to use the island, signs stating that "no public access allowed" shall be posted around all components of the system in a manner that is clearly visible to any persons utilizing the surrounding submerged lands. Additionally, to preclude public access from Tombolo Point, a fence with a locked access gate shall be installed and maintained in perpetuity immediately landward of the peninsular structure.

(49) The FWC Division of Law Enforcement issues permits for placement of navigational aids and mooring buoys. This Division, and in particular, Tara Alford (tara.alford@myfwc.com: (850) 410-0656 Ext. 17169) will need to be consulted to ensure all markers and buoys have appropriate markings and adhere to uniform waterway marking safety standards pursuant to Chapter 372, F.S. and the United States Coast Guard's Aids to Navigation.

HISTORICAL RESOURCES:

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

AS-BUILT CERTIFICATION:

(51) Within 60 days after completion of construction, the permittee shall submit record drawings (as-builts) to the office listed in Specific Condition No. 4. The drawings shall be in a

Permittee: City of Fort Pierce
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format that will facilitate a direct comparison of the permitted activities and the work actually constructed.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jack Long Date 10/23/09
Southeast District Director
Submerged Lands & Environmental Resources Program

JL/js/jk/bl
Prepared by Benny Luedike.
174 pages attached.

Copies furnished to:

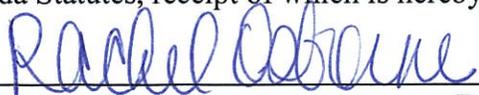
Eric Shea, FDEP Compliance & Enforcement, Eric.Shea@dep.state.fl.us
Ron Mezich, FFWCC-Bureau of Imperiled Species Management, Ron.Mezich@myfwc.com
Ricardo Zambrano, FFWCC- South Region Office, Ricard.Zambrano@myfwc.com
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Jayne Bergstrom, Tetra Tech EC, Inc., Jayne.Bergstrom@tetratech.com
Richard Czlapinski, Tetra Tech EC, Inc., Richard.Czlapinski@tetratech.com

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and intent to grant authorization to use sovereignty submerged lands and all copies were mailed before the close of business on OCT 23 2009, to the above listed persons.

FILING AND ACKNOWLEDGMENT

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



Clerk Date 10/23/09