

## **AGREEMENT**

25-0933-ITB

### **2025 Pinellas County Dune Planting Services**

This Agreement (the “agreement” or “contract”) is entered into on the date last executed below (“Effective Date”), by and between Pinellas County, a subdivision of the State of Florida whose primary address is 315 Court Street, Clearwater, Florida 33756 (“COUNTY”) and EarthBalance Corporation whose primary address is 2570 Commerce Parkway North Port, FL (hereinafter “CONTRACTOR”) (jointly, the “Parties”).

#### ***NOW THEREFORE, the Parties agree as follows:***

##### **A. Documents Comprising Agreement**

1. This Agreement, including the documents listed below, constitutes the entire agreement and understanding of the Parties with respect to the transactions and services contemplated hereby and supersedes all prior agreements, arrangements, and understandings relating to the subject matter of the Agreement. The documents listed below are hereby incorporated into and made a part of this Agreement:
  - a. Pinellas County Standard Terms & Conditions, located on Pinellas County Purchasing's website, effective 4/10/2025, posted at <https://pinellas.gov/county-standard-terms-conditions/>
  - b. Solicitation Section 4, titled Special Conditions attached as Exhibit C.
  - c. Solicitation Section 5, titled Insurance Requirements attached as Exhibit D.
  - d. Solicitation attachment - Scope of Work and Technical Specifications attached as Exhibit E.
  - e. Solicitation attachment - Appendix 1 - Permits attached as Exhibit F
  - f. Contractor's response to Solicitation Section 9, titled Pricing Proposal attached as Exhibit G.
2. In the case of a conflict, the terms of this document govern, followed by the terms of the documents listed above, which control in the order listed above.

##### **B. Term**

1. The initial term of this Agreement shall be for a period of 12 months from the Effective Date (the “Contract Term”). At the end of the initial term of this contract, this Agreement may be extended for four (4) additional twelve (12) month terms, or such other renewal terms agreed to by the Parties.

##### **C. Expenditures Cap**

1. Payment and pricing terms for the initial and renewal terms are subject to the Pricing Proposals in Exhibit G. County expenditures under the Agreement will not exceed \$2,069,971.20 for the Contract Term without a written amendment to this Agreement.

##### **D. Entire Agreement**

1. This Agreement constitutes the entire agreement between the Parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their undersigned officials, who are duly authorized to bind the Parties to the Agreement.

For Contractor: EarthBalance

Signature: *Cristine Borowski*

Print Name and Title: Cristine Borowski, Vice President

Date: 11/14/2025

For County:

Signature:



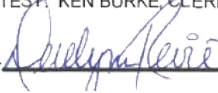
Print Name and Title: Brian Scott, Chair

Date: December 16, 2025.



ATTEST: KEN BURKE, CLERK

By:



**APPROVED AS TO FORM**

By: Keiah Townsend  
Office of the County Attorney

## **Exhibit C - Special Terms & Conditions**

### **1.1. INTENT**

It is the intent of Pinellas County to establish an Agreement for 2025 Pinellas County Dune Planting Services to be ordered, as and when required.

### **1.2. NON-NEGOTIABLE TERMS**

While the County prefers that no exceptions to its contract terms be taken, the solicitation does authorize respondent to take exception to terms as part of its submittal. The County has deemed the following contract terms in the County's Standard Terms & Conditions <https://pinellas.gov/county-standard-terms-conditions/> to be non-negotiable:

Section 3: Compliance with Applicable Laws (all terms)

Section 7: Indemnification & Liability (all terms)

Section 8: Insurance & Conditions Precedent

Section 10(G): Governing Law & Venue

Section 12(A): Fiscal Non-Funding

Section 13: Confidential Records, Public Records, & Audit (all terms)

Section 19: Digital Content (all terms) *(if the Agreement includes software, online, or digital content services)*

Any terms required by law

### **1.3. PRICING/PERIOD OF CONTRACT**

Unit prices submitted of listed items will be held firm for the duration of the Agreement. Duration of the Agreement will be for a period of 12 months from the date of Agreement award and any extension thereof.

### **1.4. TERM EXTENSION(S) OF CONTRACT**

The Agreement may be extended subject to written notice of agreement from the County and successful respondent, for 4 additional 12 month period(s) beyond the primary contract period or earlier if the original contract is completed early. The extension shall be exercised only if all prices, terms and conditions remain the same and approval is granted by the County Administrator or Director of Purchasing.

### **1.5. PRE-COMMENCEMENT MEETING**

Upon award of the Agreement, the County will coordinate a pre-commencement meeting with the successful Contractor. The meeting will require Contractor and the County Representative to review specific Agreement details and deliverable documents at this meeting to ensure the scope of work and work areas are understood.

### **1.6. ORDERS**

Within the term of this Agreement, County may place one or more orders for goods and/or services at the prices listed on the Pricing Proposal section of this solicitation, which is incorporated by reference hereto.

### **1.7. ASBESTOS MATERIALS**

The Contractor must perform all Work in compliance with Federal, State and local laws, statutes, rules, regulations and ordinances, including but not limited to the Department of Environmental Protection (DEP)'s asbestos requirements, 40 CFR Part 61, Subpart M, and OSHA Section 29 CFR 1926.58. Additionally, the

Contractor must be properly licensed and/or certified for asbestos removal as required under Federal, State and local laws, statutes, rules, regulations and ordinances. The County is responsible for filing all DEP notifications and furnish a copy of the DEP notification and approval for demolition to the successful Contractor. The County will furnish a copy of the asbestos survey to the successful Contractor. The Contractor must keep this copy on site at all times during the actual demolition.

## 1.8. SERVICES

***The terms below are applicable if the Solicitation includes the provision of SERVICES:***

- A. **ADD/DELETE LOCATIONS SERVICES** - The County reserves the right to unilaterally add or delete locations/services, either collectively or individually, at the County's sole option, at any time after award has been made as may be deemed necessary or in the best interests of the County. In such case, the Contractor(s) will be required to provide services to this agreement in accordance with the terms, conditions, and specifications.

## 1.9. GOODS & PRODUCTS

***The terms below are applicable if the Solicitation includes the purchase of GOODS or PRODUCTS:***

- A. **DELIVERY/CLAIMS** - Prices quoted will be FOB Destination, freight included and unloaded to location(s) within Pinellas County. Actual delivery address(s) will be identified at time of order. Successful Contractor(s) will be responsible for making any and all claims against carriers for missing or damaged items.

## 1.10. QUANTITIES

Any quantities stated are an estimate only and no guarantee is given or implied as to quantities that will be used during the Agreement period. Estimated quantities are based upon previous use and/or anticipated needs.

## 1.11. PERFORMANCE SECURITY

Not Applicable

## Exhibit D - Insurance Requirements

### 1.12. INSURANCE (General)

The Vendor must provide a certificate of insurance and endorsement in accordance with the insurance requirements listed below, prior to recommendation for award. The Vendor shall obtain and maintain, and require any subcontractor to obtain and maintain, at all times during its performance of the Agreement in Phase 1 insurance of the types and in the amounts set forth. For projects with a Completed Operations exposure, Vendor shall maintain coverage and provide evidence of insurance for 2 years beyond final acceptance. All insurance policies shall be from responsible companies duly authorized to do business in the State of Florida and have an AM Best rating of VIII or better.

### 1.13. INSURANCE (Requirements)

- A. Submittals should include, the Vendor's current Certificate(s) of Insurance. If Vendor does not currently meet insurance requirements, Vendor shall also include verification from their broker or agent that any required insurance not provided at that time of submittal will be in place prior to the award of contract. Upon selection of Vendor for award, the selected Vendor shall email certificate that is compliant with the insurance requirements. If the certificate received is compliant, no further action may be necessary. The Certificate(s) of Insurance shall be signed by authorized representatives of the insurance companies shown on the Certificate(s).
- B. **The Certificate holder section shall indicate Pinellas County, a Political Subdivision of the State of Florida, 400 S Fort Harrison Ave, Clearwater, FL 33756. Pinellas County, a Political Subdivision shall be named as an Additional Insured for General Liability. A Waiver of Subrogation for Workers Compensation shall be provided if Workers Compensation coverage is a requirement.**
- C. Approval by the County of any Certificate(s) of Insurance does not constitute verification by the County that the insurance requirements have been satisfied or that the insurance policy shown on the Certificate(s) of Insurance is in compliance with the requirements of the Agreement. County reserves the right to require a certified copy of the entire insurance policy, including endorsement(s), at any time during the Bid and/or contract period.
- D. If any insurance provided pursuant to the Agreement expires or cancels prior to the completion of the Work, you will be notified by CTrax, the authorized vendor of Pinellas County. Upon notification, renewal Certificate(s) of Insurance and endorsement(s) shall be furnished to Pinellas County Risk Management at [InsuranceCerts@pinellascounty.org](mailto:InsuranceCerts@pinellascounty.org) and to CTrax c/o JDi Data at [PinellasSupport@ididata.com](mailto:PinellasSupport@ididata.com) by the Vendor or their agent prior to the expiration date.
  - 1. Vendor shall also notify County within twenty-four (24) hours after receipt, of any notices of expiration, cancellation, nonrenewal or adverse material change in coverage received by said Vendor from its insurer Notice shall be given by email to Pinellas County Risk Management at [InsuranceCerts@pinellascounty.org](mailto:InsuranceCerts@pinellascounty.org). Nothing contained herein shall absolve Vendor of this requirement to provide notice.
  - 2. Should the Vendor, at any time, not maintain the insurance coverages required herein, the County may terminate the Agreement,.
- E. If subcontracting is allowed under this Bid, the Primary Vendor shall obtain and maintain, at all times during its performance of the Agreement, insurance of the types and in the amounts set forth; and

require any subcontractors to obtain and maintain, at all times during its performance of the Agreement, insurance limits as it may apply to the portion of the Work performed by the subcontractor; but in no event will the insurance limits be less than \$500,000 for Workers' Compensation/Employers' Liability, and \$1,000,000 for General Liability and Auto Liability if required below.

1. All subcontracts between the Vendor and its Subcontractors shall be in writing and are subject to the County's prior written approval. Further, all subcontracts shall
  - a. Require each Subcontractor to be bound to the Vendor to the same extent the Vendor is bound to the County by the terms of the Contract Documents, as those terms may apply to the portion of the Work to be performed by the Subcontractor;
  - b. Provide for the assignment of the subcontracts from the Vendor to the County at the election of Owner upon termination of the Contract;
  - c. Provide that County will be an additional indemnified party of the subcontract;
  - d. Provide that the County will be an additional insured on all insurance policies required to be provided by the Subcontractor except workers compensation and professional liability;
  - e. Provide a waiver of subrogation in favor of the County and other insurance terms and/or conditions
  - f. Assign all warranties directly to the County; and
  - g. Identify the County as an intended third-party beneficiary of the subcontract. The Vendor shall make available to each proposed Subcontractor, prior to the execution of the subcontract, copies of the Contract Documents to which the Subcontractor will be bound by this Section C and identify to the Subcontractor any terms and conditions of the proposed subcontract which may be at variance with the Contract Documents.
- F. Each insurance policy and/or certificate shall include the following terms and/or conditions:
  1. The Named Insured on the Certificate of Insurance and insurance policy must match the entity's name that responded to the solicitation and/or is signing the agreement with the County.
  2. Companies issuing the insurance policy, or policies, shall have no recourse against County for payment of premiums or assessments for any deductibles which all are at the sole responsibility and risk of Vendor.
  3. The term "County" or "Pinellas County" shall include all Authorities, Boards, Bureaus, Commissions, Divisions, Departments and Constitutional offices of County and individual members, employees thereof in their official capacities, and/or while acting on behalf of Pinellas County.
  4. All policies shall be written on a primary, non-contributory basis.

The minimum insurance requirements and limits for this Agreement, which shall remain in effect throughout its duration and for two (2) years beyond final acceptance for projects with a Completed Operations exposure, are as follows:

#### 1.14. WORKERS' COMPENSATION INSURANCE

Worker's Compensation Insurance is required if required pursuant to Florida law. If, pursuant to Florida law, Worker's Compensation Insurance is required, employer's liability, also known as Worker's Compensation Part B, is also required in the amounts set forth herein.

##### A. Limits

1. Employers' Liability Limits Florida Statutory
  - a. Per Employee \$ 500,000
  - b. Per Employee Disease \$ 500,000
  - c. Policy Limit Disease \$ 500,000

If Vendor is not required by Florida law, to carry Workers Compensation Insurance in order to perform the requirements of this Agreement, County Waiver Form for workers compensation must be executed, submitted, and accepted by Risk Management. The County Waiver Form is found at <https://pinellas.gov/services/submit-a-workers-compensation-waiver-request/>. Failure to obtain required Worker's Compensation Insurance without submitting and receiving a waiver from Risk Management constitutes a material breach of this Agreement.

#### 1.15. COMMERCIAL GENERAL LIABILITY INSURANCE

Includes, but not limited to, Independent Vendor, Contractual Liability Premises/Operations, Products/Completed Operations, and Personal Injury.

##### A. Limits

1. Combined Single Limit Per Occurrence \$ 1,000,000
2. Products/Completed Operations Aggregate \$ 2,000,000
3. Personal Injury and Advertising Injury \$ 1,000,000
4. General Aggregate \$ 2,000,000

#### 1.16. BUSINESS AUTOMOBILE OR TRUCKER'S/GARAGE LIABILITY INSURANCE

To cover owned, hired, and non- owned vehicles. If the Vendor does not own any vehicles, then evidence of Hired and Non-owned coverage is sufficient. Coverage shall be on an "occurrence" basis, such insurance to include coverage for loading and unloading hazards, unless Vendor can show that this coverage exists under the Commercial General Liability policy.

##### A. Limit

1. Combined Single Limit Per Accident \$1,000,000

#### 1.17. EXCESS OR UMBRELLA LIABILITY INSURANCE

Excess of the primary coverage required, in paragraphs above.

##### A. Limits

1. Each Occurrence \$ 1,000,000
2. General Aggregate \$ 1,000,000

#### 1.18. PROPERTY INSURANCE

Vendor will be responsible for all damage to its own property, equipment and/or materials.



## **Exhibit E – Solicitation attachment – Scope of Work and Technical Specifications**

### **SCOPE OF WORK**

Pinellas County is seeking bids from qualified and experienced contractors to provide sand dune planting and maintenance, as needed. This project will follow behind the completion of beach nourishment activities, which are currently underway. Pinellas County is undertaking a beach nourishment project for several beach segments to include portions of St. Pete Beach, Treasure Island, Redington Shores, North Redington Beach, Indian Shores, Indian Rocks Beach, Belleair Beach, and Clearwater. Portions of the beach nourishment project include the construction of a sand dune. Constructed dunes will require vegetation to be installed under this scope of work. Dunes have already been constructed in Pass-a-Grille, which will also require vegetation services.

Work under this contract aims to establish vegetation on newly constructed sand dunes to enhance their resistance to erosion. Multiple work assignments may be provided under this contract for various work areas for the same scope of services. For each work assignment, the selected Contractor shall receive a summary approved work areas and any scheduling constraints. Prior to submitting their Work Assignment quantities, the Contractor is required to participate in a Site Visit with the County Project Manager. All plant material must be inspected and accepted on site by the County Project Manager prior to installation. Receipts detailing species, quantity, sizes and cost of material being installed must be provided prior to the inspection. This may include shipping invoices, delivery tickets, or other documentation. Any necessary maintenance activities must also be coordinated through the County's Project Manager.

Contractor will provide the labor and materials necessary to supply, deliver and install native dune vegetation as specified on recently restored dunes along multiple segments of beach in Pinellas County, Florida. All plants will be delivered disease free and in good health at the time of installation. Work will be performed in accordance with project Technical Specifications provided herein. All work will be directed by the County's Project Manager. Deliverables include documentation of plants purchased and installed, photographs at installation and warranty periods.

Contractor responsibilities include the procurement and installation of all plantings, coordination with the County's project manager, meeting warranty requirements, and submittal of timely invoices with required documentation. The County's responsibilities include performing inspections to confirm the Contractor is adhering to Contract requirements to the County's satisfaction and reviewing submittal and invoices and invoices.

#### **1.19. Warranty Exceptions**

The plant survivorship warranty does not include the loss or damage of installed plants due to acts of God such as frost, flood, fire, drought, shoreline erosion, or other catastrophic events, nor does it include loss or damage due to theft, vandalism, fish, animal, chemical treatment, or negligence by others.

### 1.20. Qualifications

Contractor must demonstrate evidence of relevant experience within the last 5 years in plant selection/installation, site maintenance, monitoring and reporting. For each project, provide:

- i. Project team structure, roles, and resumes
- ii. Subcontractor qualifications, roles, and resumes (if applicable)
- iii. Contract dates, agencies, and contact information
- iv. Location maps (if applicable)
- v. Summary of permit requirements and services performed
- vi. Plant survival success

### 1.21. Equipment

Contractor shall provide a list of anticipated equipment needed based on prior projects and site evaluations prior to initiating work under an authorized Work Assignment. Such equipment may include trucks, trailers, watering trucks, etc.

### 1.22. Safety & Notification Requirements

Contractor is required to notify the County project manager and local law enforcement 24 hours prior to entering the beach with any vehicles or equipment. Work may only be performed during daylight hours. The County shall provide a map of available drive-on beach access points at the Contractor's request.

### 1.23. Miscellaneous

Contractor is required to adhere to all applicable permits. Contractor shall remove and properly dispose of all trash and debris from within the entire project area during each maintenance activity. Extreme care must be taken not to alter the integrity of the dunes while planting.

### 1.24. Mobilization

Mobilization to commence project work, including but not limited to those operations necessary for the movement of personnel, equipment, supplies and incidentals to the project site(s), and for the establishment of safety equipment, first aid supplies and sanitary and other accommodations are to be provided by the Contractor as required.

## TECHNICAL SPECIFICATIONS

### PLANTING MATERIALS

#### A. Plant Source

The source of all planting units delivered under this bid item will be limited to seeds and propagated plants collected from the West Central Florida coast from Citrus to Sarasota County. Source material collected from

areas other than the West Central Florida area will be rejected. The CONTRACTOR shall provide written documentation as to the source of the planting units in the bid package. Documentation shall include collection permits or contracts from the Florida Department of Environmental Protection (FDEP), the U.S. Department of Agriculture, or other comparable documents. Bids submitted without this documentation will not be considered.

#### B. Plant Species

The CONTRACTOR shall install the native dune species listed below in accordance with the specified percentages of total plants and within the areas shown in the Drawings. Planting Zones I and II below includes specifications for the diversity species. The CONTRACTOR's Work Plan shall include a detailed description of the proposed planting scheme.

##### **Planting Zone I (Seaward Half of the Dune)**

Sea oats - *Uniola paniculata* 50%

Panic grass - *Panicum amarum* 20%

Planting Zone I Diversity Species 30%

##### **Planting Zone I Diversity Species 30%**

The CONTRACTOR shall provide and install a minimum of two additional native species according to the percentages specified above and in equal proportions. The CONTRACTOR shall plant the Zone I Diversity Species intermittently among the Zone I grasses, in random distributions. Diversity species should not be planted in monocultures. Diversity species may include (but not be limited to):

Seashore Dropseed- *Sporobolus virginicus*

Railroad vine - *Ipomoea pes-caprae*

The CONTRACTOR may recommend additional diversity species for approval by the COUNTY. The CONTRACTOR shall submit appropriate documentation identifying the advantages of the proposed species and certifying the proposed species are suitable for the site.

##### **Planting Zone II (Landward Half of the Dune)**

Sea oats - *Uniola paniculata* 35%

Panic grass - *Panicum amarum* 25%

Planting Zone II Diversity Species 40%

### Planting Zone II Diversity Species 40%

The CONTRACTOR shall provide and install a minimum of six additional native species according to the percentages specified above. Diversity plantings should be comprised of equal proportions of the six ( 6 ) species selected. The CONTRACTOR shall plant the Zone II Diversity Species intermittently among the Zone II grasses, in random distributions. Diversity species should not be planted in monocultures. Diversity species may include (but not limited to):

Coastal sea rocket - *Cakile lanceolata*

Baybean - *Canavalia rosea*

Beach creeper - *Ernodea littoralis* Railroad vine -

*Ipomoea pes-caprae* Beach morning-glory -

*Ipomoea imperati* Seacoast marshelder - *Iva imbricata*

Sea purslane – *Sesuvium portulacastrum* Marshhay

cordgrass - *Spartina patens* Seashore dropseed -

*Sporobolus virginicus* Dune Sunflower - *Helianthus debilis*

The CONTRACTOR may recommend additional diversity species for approval by the ENGINEER or COUNTY. The CONTRACTOR shall submit appropriate documentation identifying the advantages of the proposed species and certifying the proposed species are suitable for the site.

## PROPAGATION METHODS

A. For 4 inch species, all plant materials shall be grown in multi cell liners not to exceed a size of approximately 3.1 inches wide by 3.1 inches long and not less than 3 inches in depth. Root ball (container) volumes shall not be less than 26 cubic inches.

### B. Number of Seeds per Liner

The nursery shall determine, through germination experiments, the number of seeds placed in each liner such that viable planting units with at least four emergent stems for 1-inch planting units are produced. Planting units with fewer than the specified number of stems will not be accepted. Prior to shipping, roots should fill the entire volume of the container, but the containers shall not be root bound. When the plants are pulled from the liner, the roots shall support the soil volume of the container with minimal soil loss. The ENGINEER may require the CONTRACTOR to perform such demonstrations prior to planting

### C. Micropropagation

Planting units grown from approved sources via micropropagation techniques may be accepted. Plants produced from cuttings or the division of larger plants may be used if the material is derived from West Central Florida sources and meets all of the specifications for seed producing planting units. However, planting units derived from micropropagation techniques shall not exceed 20% of the total number of planting units delivered.

### D. Inspections

The CONTRACTOR shall provide the ENGINEER or COUNTY and Owner with access to all nursery operations in the manner and time frame requested by the Owner or ENGINEER or COUNTY for the purpose of performing compliance inspections of the propagation and production methods being employed by the CONTRACTOR.

## PLANT SIZE, AGE, AND CONDITION

### A. Plant Size

For 1-inch planting units, sea oats (*Uniola paniculata*) and panic grasses (*Panicum amarum*) shall be 12 to 24 inches in height, as measured from the top of the root ball to the distal tip of the leaves, and have a minimum of four healthy stems. All diversity grass and forb species shall be 1-inch planting units. For the purposes of this specification, the plant material in a single liner represents one planting unit, regardless of the soil volume or number of viable stems. The ENGINEER or COUNTY will reject any plants not meeting these size constraints.

### B. Plant Age

Planting units shall be 60 to 120 days old for 1-inch planting units, as measured from the approximate time of germination. The ENGINEER or COUNTY may reject planting units younger or older than these specifications. The

CONTRACTOR shall coordinate delivery to ensure planting units are installed within five (5) days of the plant being “pulled” at the nursery.

C. Plant Condition

All planting units provided by the CONTRACTOR shall be of the highest quality and shall have moist, vigorous root systems free of rot, disease, or discoloration at the time of delivery and installation. The ENGINEER or COUNTY will reject planting units not meeting these specifications. As the ENGINEER or COUNTY will not consider rejected planting units as delivered to the site, they will not be eligible for payment for production, delivery, or other costs. The CONTRACTOR will be responsible for properly disposing of rejected planting units. The CONTRACTOR shall maintain the high-quality condition of the plants from the time the plants are “pulled” at the nursery through planting and continuing throughout the 180 day warranty period.

The root ball shall be properly moistened prior to delivery and planting to prevent desiccation. Prior to shipping, roots should be healthy, white, turgid, and fill the entire volume of the container, but should not be root bound. When pulled from the liner/tray, the roots shall support the soil volume of the container with minimal soil loss. All planting units shall be handled, packed, transported, and stored at the installation site in such a manner as to ensure protection against desiccation, thermal stress, disease, or physical damage. The CONTRACTOR shall make the planting units available at all times for inspection by the ENGINEER or COUNTY. The ENGINEER or COUNTY will reject planting units improperly handled, packed, transported, or stored.

D. Number of Planting Units Delivered

Varying site conditions may require adjustments beyond or below the estimated quantities. The CONTRACTOR is required to provide sufficient plant quantities in order to perform the work in accordance with the Contract Documents. The ENGINEER or COUNTY will determine the final number of planting units eligible for payment.

Planting units delivered to the work site shall be contained in consistent, accessible, and uniform packing materials such as waxed boxes. Each box delivered to a work site will be subject to planting unit inspection and counting. The CONTRACTOR will specify a standard number of within- specification planting units to be included in the packaging (e.g., 500 per box) before the ENGINEER or COUNTY will accept the delivery of planting units to the work site. The ENGINEER or COUNTY will reject boxes of planting units that contain fewer than the established standard number of within-specification planting units. If more than one box per delivery is found to contain fewer than the established standard planting unit count, the ENGINEER or COUNTY will reject all boxes of plants within that delivery. Boxes of planting units found to contain more than the standard number of planting units will be considered to contain only the standard number of planting units per box. The CONTRACTOR shall coordinate delivery to ensure an excessive number of plant units and/or boxes are not staged at the construction site and all units are installed within three (3) days of the plants being “pulled” at the nursery.

## PLANTING DEPTH AND SPACING

### A. Planting Unit Depth

The CONTRACTOR shall install sea oats (*Uniola paniculata*) and panic grass (*Panicum amarum*) at a minimum depth of six (6) inches, as measured from the top of the root ball to the sand surface. The ENGINEER or COUNTY will reject plants not installed at or below this depth. The CONTRACTOR shall install all Planting Zone I Diversity Species and Planting Zone II Diversity Species at a minimum depth of two (2) inches, as measured from the top of the root ball to the sand surface. . Planting units out of compliance with this specification and unnoticed by the ENGINEER or COUNTY will be planted solely at the CONTRACTOR's risk and will be subject to all of the survival criteria and warranty provisions detailed below in SUCCESS CRITERIA AND REPLANTING.

### B. Planting Unit Spacing

The planting areas shall be laid out in 500-foot wide (maximum) sections to ensure proper coverage and spacing. Planting units shall be planted in rows, with the most seaward row located along the lower limit of the planting zone marked on the Drawings. The CONTRACTOR will leave 6 foot wide walking paths at each property and public beach access in accordance with where the property's gate, stairs, or other access points to the beach are located. The walking paths will be planted at a 30 degree angle from the center point of the beach access. The walking paths do not have to linear but may have curves within them. Successive rows located on the dune shall be 18 inches apart for Planting Zone I or 18 inches apart for Planting Zone II and planted parallel to the seaward row. Planting units in each row along the dune slope shall be planted on 18-inch centers for Planting Zone I and 18-inch centers for Planting Zone II. Planting units in each row shall be staggered mid way (in the shore parallel direction) between planting units in the adjacent rows. The CONTRACTOR may modify the spacing requirements up to four (4) inches in Planting Zones I and II for up to 25% of the plants to achieve a more natural distribution and appearance. Planting units out of compliance with this specification will be planted solely at the CONTRACTOR's risk and will be subject to all of the survival criteria and warranty provisions detailed below in SUCCESS CRITERIA AND REPLANTING.

### C. Planting Unit Layout

Planting units shall be laid out and planted according to the specifications above in **PLANTING MATERIALS** for Planting Zones I and II. Diversity Species shall be planted intermittently among the grasses in random distributions. Diversity species should not be planted in monocultures.

### D. Installation

The CONTRACTOR shall install planting units by hand labor and tools (e.g., spades, shovels, handheld augers, etc.). The CONTRACTOR shall install planting units to fully cover the planting areas shown in the Drawings. Planting units shall be installed up to existing vegetation, existing structures (e.g., dune walkovers) or access paths.

### E. Final Dressing

The CONTRACTOR shall smooth the planting area to remove any large depressions, mounds, or footprints from the finished grade surface. Filling around plants to provide sufficient burial will not be

## SOIL AMENDMENTS

### A. Fertilizer

Pinellas County has a fertilizer ordinance that includes Fertilizer-free zones (Ord. No. 10-06, § 1, Sec. 58-478) that states Fertilizer shall not be applied within ten feet from the top of bank of any surface water, landward edge of the top of a seawall, designated wetland or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code, as it may be amended or superseded). Since this activity is seaward of the Gulf affronting seawall, the CONTRACTOR is not allowed to apply any fertilizer during the plant installation. However, in Sec. 58-480 of Ord. No. 10-06, § 1, the CONTRACTOR is allowed to place predominately organic in nature applications to improve the physical condition of the soil. These organic in nature applications must be permissible by the State of Florida Coastal Construction Control Line (CCCL) program and a list of the proposed organic soil amendments must be provided by the CONTRACTOR.

### B. Initial and Maintenance Irrigation

The CONTRACTOR will be allowed, but not required to “water in” (initially irrigate) and maintenance irrigate all newly installed planting units such that the root zone of all newly installed planting units is thoroughly saturated. The irrigation must be performed in accordance with a CONTRACTOR prepared and ENGINEER or COUNTY approved irrigation schedule within the submitted watering plan. The watering plan shall detail the proposed number of irrigation events, irrigation methodology, the equipment, water source, timeframes, notifications, and the physical condition(s) of the planting units which signal the need for maintenance irrigation. The CONTRACTOR shall notify the ENGINEER or COUNTY at least 72 hours prior to the application of initial or maintenance irrigation. The CONTRACTOR shall apply irrigation to the planting areas utilizing a non-destructive, non-scouring methodology. The CONTRACTOR will be responsible for all aspects of the irrigation, including but not limited to, compliance with all environmental permits, local beach access regulations, and any damages arising from initial or maintenance irrigation. The cost of the initial and/or maintenance irrigation shall be included within the installed planting unit bid price.

### C. Irrigation Water

The CONTRACTOR will be responsible for obtaining and applying any irrigation water as required and as decided by CONTRACTOR. All water shall be fresh and free from injurious amount of oil, acid, alkali salts or other materials harmful to the growth of the plants. The CONTRACTOR shall comply with all applicable permits and ordinances. No temporary or piped irrigation systems will be allowed. The CONTRACTOR will be responsible for coordinating with local agencies if the use of local hydrants is proposed.



#### D. Vehicle Access

In developing planting and irrigation plans, the CONTRACTOR is advised that vehicle access to the beach and near the dune area is restricted. The COUNTY will provide a map of vehicular beach access points and requirements if requested by the CONTRACTOR.

## SUCCESS CRITERIA AND REPLANTING

#### A. Planting Unit Success Criteria

The ENGINEER or COUNTY will assess the success of the planting effort approximately 180 days after completion of the planting unit installation (for the entire project) using three criteria: whole site survival rate, planting unit survival pattern, and planting unit root penetration. The ENGINEER or COUNTY will consider the planting effort a success and acceptable if all three of the described criteria (Criteria 1-3 below) are met at the 80% level.

#### B. Whole Site Survival Rate (Criteria 1)

A minimum survival rate of 80% of all planting units installed over the site as a whole shall be achieved. The ENGINEER or COUNTY will consider plants as surviving if they show clearly vigorous rhizome and white, turgid roots, even in the absence of vital above ground growth.

#### C. Planting Unit Survival Pattern (Criteria 2)

A minimum of 80% of the planting width perpendicular to the shoreline shall be occupied by surviving planting units at all locations. This survival criterion is needed to minimize the risk of dune overwash during storm events. The ENGINEER or COUNTY may waive this success criterion in areas where plant survival has been adversely impacted by unexpected pedestrian traffic, erosion, overwash, or inundation.

#### D. Planting Unit Root Penetration (Criteria 3)

A minimum of 24 out of 30 (80%) randomly selected plants within each acceptance section shall have achieved root penetration of nine inches or greater, as measured from the top of the root ball down. Following plant installation, the CONTRACTOR and ENGINEER or COUNTY shall tag the 30 randomly selected plants used to determine this measure of success. The ENGINEER or COUNTY may waive this success criterion if lesser root penetration is otherwise determined to be acceptable or if the lesser penetration was caused by factors outside the control of the CONTRACTOR (e.g., excessive natural rainfall).

#### E. Replanting of Units

If any of the above success criteria are not met, as determined by the ENGINEER or COUNTY, the CONTRACTOR shall replant the unsuccessful planting units with viable, within-specification planting units of the same type originally installed. The CONTRACTOR will assume sole responsibility for the replanting of planting units and will complete the

replanting at no cost to the Owner. All warranty and survival provisions and requirements will apply to replanted planting units. The CONTRACTOR will be responsible for properly disposing of all rejected planting units.

F. Initial Planting Unit Survival

The ENGINEER or COUNTY will reject and not consider eligible for payment all planting units that do not survive for a minimum of ten (10) days after installation. Within five (5) days of notification by the ENGINEER or COUNTY that an area of initial planting units did not survive for ten (10) days, the CONTRACTOR shall install new, within-specification planting units in areas identified by the ENGINEER or COUNTY. The CONTRACTOR shall assume sole responsibility for installing the new replacement planting units at no cost to the Owner. The ENGINEER or COUNTY will consider the replacement planting units eligible for payment as “original” planting units only after they have survived a minimum of ten (10) days after installation. The CONTRACTOR will be responsible for properly disposing of all rejected planting units.

## **Permit Required Monitoring and Avoidance**

A. Wildlife Monitoring and Avoidance

The CONTRACTOR shall abide by the State and Federal Permits associated with the dune building project included but not limited to the following: If the planting is to take place during Shorebird Nesting Season (February 15<sup>th</sup> to September 1<sup>st</sup>), the CONTRACTOR will be required to have an Imperiled Beach-nesting Bird (IBNB) certified monitor to ensure that the activities will not have an impact on endangered or imperiled species. Additionally, if the planting takes place during marine turtle nesting season (May 1<sup>st</sup> to October 31<sup>st</sup>), the CONTRACTOR will need to coordinate with the Marine Turtle Permit Holder prior to commencing planting activities to avoid any marine turtle nests in the project areas. If a marine turtle nest is identified within the planting areas, the planting will not occur within a distance determined by Florida Fish and Wildlife Conservation Commission (FWC) staff from the edge of the demarcated nest.

## **Exhibit F – Solicitation Attachment – Appendix 1 - Permits**

### **APPENDIX 1 - PERMITS**

**Project Name:**

**2025 Pinellas County Dune Planting Services**

**P.I.D. No. 001516A, 002574A and 002573A**

#### PERMIT INDEX

AGENCY	PERMIT No.	PERMIT FEE / OTHER
Florida Department of Environmental Protection	0221569-023-JC Treasure Island/Long Key Nourishment	N/A
Florida Department of Environmental Protection	Permit Modification No. 0238664-013-JN Permit No. 0238664-001-JC Sand Key Beach Nourishment	N/A
Permits attached.		



# FLORIDA DEPARTMENT OF Environmental Protection

**Ron DeSantis**  
Governor

**Alexis A. Lambert**  
Secretary

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

June 16, 2025

**PERMITTEES:**

Pinellas County  
Attn: Kelli Levy  
22211 US Hwy 19 N, Bldg. 1  
Clearwater, FL 33765  
[KLevy@pinellascounty.org](mailto:KLevy@pinellascounty.org)

And

U.S. Army Corps of Engineers  
Attn: Gretchen Ehlinger, Ph. D.  
701 San Marco Blvd  
Jacksonville, FL 32207  
[Gretchen.S.Ehlinger@usace.army.mil](mailto:Gretchen.S.Ehlinger@usace.army.mil)

**AGENT:**

Coastal Protection Engineering  
Attn: Lauren Floyd, MS, CEP  
5301 N. Federal Hwy, Suite 335  
[LFloyd@coastalprotectioneng.com](mailto:LFloyd@coastalprotectioneng.com)

Permit Modification No. 0238664-013-JN  
Permit No. 0238664-001-JC, Pinellas County  
Sand Key Beach Nourishment

Dear Ms. Levy, Dr. Ehlinger and Ms. Floyd:

Your request to modify Permit No. 0238664-001-JC was received on March 12, 2025, and has been reviewed by Florida Department of Environmental Protection (Department) staff. The proposed permit modification is to extend the permit duration for an additional 2 years, to allow for completion of a second maintenance event. This request is to also authorize the inclusion of a dune feature.

**Background**

**Joint Coastal Permit  
Sand Key Beach Nourishment  
Permit No. 0238664-013-JN  
Page 2 of 14**

On July 6, 2011, the Department issued Permit No. **0238664-001-JC** to U.S. Army Corps of Engineers (Corps) to nourish 8.7 miles (14.0 km) of beach on Sand Key. That included two beach fill segments from R-56 to R-66 and from 85 feet north of R-71A to R-107. A one-mile gap between the segments (from R-66 to R-71A) was not filled. The project was authorized to occur multiple times, on an as-needed basis, with the first event requiring approximately 1,017,000 cubic yards of beach-compatible sand.

On July 6, 2011, the Department issued Variance No. **0238664-002-EV** to the Corps, in association with Permit No. 0238664-001-JC. The variance authorized an expanded turbidity mixing zone that extends up to 150 meters offshore (or 300 meters offshore if there is no nearshore hardbottom) and up to 1,500 meters downcurrent from the point of discharge at the beach placement site.

For additional background, please see the ***CONSOLIDATED NOTICE OF INTENT TO ISSUE JOINT COASTAL PERMIT, VARIANCE AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS*** for Permit No. **0238664-001-JC** and Variance No. **0238664-002-BV** at the following website:

[https://depeds.deps.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=20.79015.1\]&\[profile=Permitting\\_Authorization](https://depeds.deps.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=20.79015.1]&[profile=Permitting_Authorization)

On May 1, 2008, and July 22, 2009, the Department issued De Minimis Exemptions Nos. **0238664-003-EE** and **0238664-004-BE** to Pinellas County for the collection of offshore geotechnical vibracores.

On April 18, 2012, the Department issued Modification No. **0238664-005-JN** to include a dune feature in the Sand Key Beach Nourishment template between 4 feet south of R-60 and 182 feet south of R-61A. The dune required an additional 2,000 cubic yards of beach compatible sediment from the previously authorized borrow site.

On October 26, 2012, the Department issued Modification No. **0238664-006-JN** to the Corps to revise the Sand Key Beach Nourishment Permit. The modification extended the southern end of the fill template from R-107 to R-108, along the dry beach only.

On November 27, 2012, the Department issued Modification No. **0238664-007-JN** to the Corps to add Egmont Shoal East Borrow Area as a sand source to the Sand Key Beach Nourishment project.

On December 16, 2016, the Department issued Modification No. **0238664-008-JN** to the Corps to extend the permit duration of Permit No. 0238664-001-JC until 2026 and to add the Pinellas County Board of County Commissioners as a Co-Permittee. That modification also authorized deeper dredge depths for the Egmont Shoal East borrow area, and updated the project description, project location, General Consent Conditions, General Conditions for

non- Corps Permittees, the fish and wildlife conditions, the water quality conditions, and the physical monitoring condition.

On July 13, 2017, the Department issued Modification No. **0238664-009-JN** to the Corps to elevate the design berm height and to extend the southern end of the fill template from R-108 to R-109. This modification also included a revised comprehensive physical monitoring plan.

On April 25, 2018, the Department issued Modification No. **0238664-010-JN** to the Corps to authorize the addition of a pipeline corridor at Egmont Shoal East for use during construction of the Sand Key Nourishment Project.

On November 16, 2018, the Department issued Permit Modification No. **0238664-011-JN**, to revise Specific Conditions to allow construction activities to occur in areas containing hardbottom resources. The modification also incorporated a Biological Monitoring Plan with survey and monitoring requirements for hardbottom resources within pipeline corridors and T-pad/barge pad areas.

On May 31, 2024, the Department issued Permit Modification No. **0238663-012-JN**, to revise and update the Sediment QA/QC Plan.

### **Staff Assessment and Justification**

In response to recent storm impacts, the County has requested a modification to incorporate a dune feature. The dune design is based on the model implemented and originally constructed under an Emergency Final Order (EFO) during the 2023 emergency dune repair project, completed ahead of the 2024 hurricane season.

### ***Coastal Engineering***

Pursuant to Section 161.161, Florida Statutes, the Department develops and maintains a comprehensive long-term management plan for the restoration of the state's critically eroded beaches. However, the beach and dunes experienced severe erosion originally from Hurricanes Matthew/Irma, followed by Hurricanes Ian and Nicole in 2022, and most recently from Hurricanes Helene and Milton in 2024. The proposed project is consistent with Rule 62B-41.005(4), F.A.C., which requires flexible coastal protection structures, such as dune restoration and planting, to be used whenever practicable to achieve coastal protection objectives.

The proposed beach-dune construction template for the sand placement is consistent with the recommended slope and seaward location of the toe of fill as described in the Statewide Programmatic Biological Opinion (USFWS, 2015). The proposed dune template includes a maximum dune width of 30 feet and height of +10 feet NAVD, with a tie into the proposed berm seaward at a slope of 5:1. The historical profile surveys of the beach and dune along this segment of shoreline indicate the proposed dune construction template approximates the dune crest elevation and seaward location of the historical conditions. The historical profile surveys indicate

**Joint Coastal Permit  
Sand Key Beach Nourishment  
Permit No. 0238664-013-JN  
Page 4 of 14**

the proposed sand fill material at the seaward toe of fill may be redistributed by normal tides and wave action. The normal waves and tides may erode the fill material almost immediately after placement and transport it onto the lower portion of the beach or into the water. The typical seasonal fluctuations of the beach profile may return the volume of sand to the beach berm resulting in no net loss of sand.

The Department and Florida Fish and Wildlife Commission (FWC) have reviewed the request and determined that the proposed activity is not expected to result in adverse impacts to the coastal system.

**Updating Project Description**

The Department has revised the project description to accurately reflect the proposed modification. These updates will provide a clear and precise understanding of the changes made, enhancing overall clarity and alignment with the project's current scope and objectives.

**Updating Specific Conditions**

The Department has refined the language of certain Specific Conditions to reduce ambiguity. These changes clarify common misinterpretations, update requirements, and ensure consistency across permits. As such, updates have been made throughout the permit.

**Time Extension**

Extending the permit duration until **July 6, 2028**, pursuant to Chapter 62B-49.011, F.A.C. On November 19, 2015, the Joint Coastal Permit rules were revised, and those revisions included the following:

*62B-49.011(1)(a), F.A.C. Unless a shorter duration is requested by an applicant, a joint coastal permit issued for activities authorized by Section 161.041(9), F.S., and Part IV of Chapter 373, F.S., will allow for two maintenance or dredging disposal events or a permit life of 15 years, whichever is greater, subject to the requirements of this chapter. The Department shall grant an extension of the permit expiration date to the extent necessary for completion of the second maintenance or dredging disposal event upon request by the applicant. The extension would be documented through an administrative modification.*

The Department has determined that the request for a time extension is consistent with Rule 62B-49.011(1)(a), F.A.C., because the project was constructed once and the time extension request was timely received. Therefore, the Department will extend the duration of Permit No. 0238664-001-JC, from July 6, 2026, to July 6, 2028, in conformance with Rule 62B-49.011(1)(a) F.A.C.

**Agency Actions**

Pursuant to provisions of Rule 62B-49.011(1)(a), F.A.C., the expiration date of the permit is changed as follows:

**Joint Coastal Permit  
Sand Key Beach Nourishment  
Permit No. 0238664-013-JN  
Page 5 of 14**

Original Expiration Date: **July 6, 2026**

New Expiration Date: **July 6, 2028**

The project description shall be revised as follows (~~striketroughs~~ are deletions, underlines are additions):

The project is to nourish 8.7 miles (14.0 km) of beach on Sand Key. This includes two beach fill segments: from R-56 to R-66 and from 85 feet north of R-71A to R-109.1. Between R-107 and R-109.1, fill will only be placed landward of the mean high water line. A one-mile gap between the segments (from R-66 to R-71A) will not be filled. The project is authorized to occur multiple times, on an as-needed basis, with the first event requiring approximately 1,017,000 cubic yards of beach-compatible sand. The sand will be dredged from the Egmont Shoal East Borrow Area. The project has a design berm elevation of +4.8 feet (1.5 m) NAVD88, with a 0.5-foot construction tolerance to a maximum elevation of +5.3 feet NAVD88 (1.6 m). Berm widths and volumes vary. The project also includes a dune feature with a design elevation of +10 feet NAVD88, a maximum dune width of 30 feet and backslope and seaward slopes of 5H:1V that will tie into the constructed berm.

The specific conditions shall be revised as follows (~~striketroughs~~ are deletions, underlines are additions):

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

DEP, JCP Compliance Officer  
e-mail: [JCP\\_Compliance@dep.state.fl.us](mailto:JCP_Compliance@dep.state.fl.us)

DEP Southwest District Office  
e-mail: [SW\\_ERP@dep.state.fl.us](mailto:SW_ERP@dep.state.fl.us)

FWC Imperiled Species Management Section  
email: [marine.turtle@myfwc.com](mailto:marine.turtle@myfwc.com)



FWC Regional Species Conservation Biologist  
~~Contact list:~~ <http://myfwc.com/conservation/you-see> See [Contact list](#) for phone numbers  
~~conserve/wildlife/shorebirds/~~(<http://myfwc.com/conservation/you-conserve/wildlife/shorebirds/contacts>)

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

Also, within a week prior to the pre-construction conference, the Permittee/Contractor shall submit an Environmental Protection Plan (EPP) for review and comment to the FWC. The EPP shall include site-specific details of protected species monitoring and other conservation measures to be discussed by the Permittee during the pre-construction conference.

If the actual construction start date is different from the expected start date proposed during the preconstruction conference, at least 48 hours prior to the commencement of each dredging event, the Permittee shall ensure that notification is sent to the FWC indicating the actual start date and the expected completion date to [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com). The Permittee shall also ensure that all contracted workers and observers are provided a copy of all permit conditions.

6. **Pre-Construction Submittals.**

a. At least 14 days prior to the date of the preconstruction conference, the Permittee shall submit the **Final Plans and Specifications** for the upcoming event, which must be consistent with the activity description of this permit and the approved permit drawings. The Permittee shall point out any deviations from the activity description or the approved permit drawings, and any significant changes would require a permit modification. Submittal shall include one (1) electronic copy of the final plans and specifications. The plans and specifications shall be accompanied by a letter indicating the project name, the permit number, the type of construction activity, the specific type of equipment to be used, the anticipated volume of material to be moved (if applicable) and the anticipated schedule. The final plans and specifications submitted under this condition must comply with all conditions set forth in this permit.

b. **Turbidity Monitoring**

- i. At least 14 days prior to the date of the preconstruction conference, the Permittee shall submit **Qualifications** of turbidity monitors. In order to assure that turbidity levels do not exceed the compliance standards established in this permit, construction at the project site shall be monitored closely by an independent third party with formal training in water quality monitoring and professional experience in turbidity monitoring for coastal construction projects. Also, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when fill material is discharged on the beach. This individual shall have authority to alter construction techniques or shut down the dredging or beach construction operations if turbidity levels exceed the compliance standards established in this permit. The names and credentials (demonstrating experience and qualifications) of those individuals performing these functions along with 24-hour contact information shall be submitted for review.
  - ii. At least 14 days prior to the date of the preconstruction conference, the Permittee shall submit a **Scope of Work** for the turbidity monitoring to ensure that the right equipment is available to conduct the monitoring correctly at any location, and under any conditions; including the variable mixing zone sizes.
  - iii. **Intermediate Turbidity Monitoring Evaluation:** Should the mixing zone need to be expanded, the results of the intermediate turbidity monitoring shall be evaluated and a summary report provided by the Permittee to the Department (as required in **Specific Condition 2830e**) at least 30 days prior to the date of the preconstruction conference for each subsequent event. If the Department determines that an adjustment to the mixing zone size or antidegradation threshold is required, pursuant to Rule 62-4.244(5)(d), F.A.C., then an administrative modification would be required prior to the up-coming nourishment event.
  - iv. **Draft turbidity sampling map.** An example of the geo-referenced map that will be provided with turbidity reports, including aerial photography and the boundaries of biological resources and/or OFW (pursuant to Specific Condition 31)
- c. At least 14 days prior to the date of the preconstruction conference, the Permittee shall submit a **dredge plan** and **composite geotechnical statistics** for the portion of the Egmont Shoal East Borrow Area to be dredged in each event. This dredge plan should include the outline of the entire borrow area and subareas, notation of the permitted maximum dredge depths, the location

of the vibracores, the latest bathymetric data available, a clear outline of the area to be dredged for that specific event, and notations of all areas previously dredged. The composite geotechnical statistics should be representative of only the portion of the borrow area to be dredged in the current event.

d. **Biological Surveys and Monitoring**

- i. **Biological Monitoring Qualifications.** At least 30 days prior to conducting any surveys or monitoring, Permittee shall submit the names and qualifications of the individuals performing biological surveys and monitoring via email to the JCP Compliance Officer for review and approval by the Department. Written Department approval of personnel will be required prior to proceeding with surveys or monitoring. Individuals that will be performing biological surveys and monitoring shall be certified SCUBA divers, shall have a BS degree or higher in the study of marine biology or a comparable field, shall have scientific knowledge of local benthic marine hardbottom habitats and their flora and fauna, and shall have professional experience in conducting hardbottom monitoring surveys. If additional monitoring team(s) are subcontracted, or new staff are added to the monitoring team, proposed changes as well as names and qualifications of individuals shall be submitted by the Permittee to the JCP Compliance Officer for the Department review and approval at least 30 days prior to conducting any surveys or monitoring. The Permittee shall instruct, and is responsible for ensuring, that their selected biological monitoring firm provides training for new staff members and subcontractors on required survey and monitoring procedures, and conducts QA/QC verification of their work.
- ii. **Pre-Construction Pipeline Corridor and Pad Area Hardbottom Survey Results.**
  - 1) **Pre-Construction Survey Data.** At least 45 days prior to any and all construction activities, the Permittee shall submit all pre-construction pipeline corridor and pad area (T-pad/barge pad) hardbottom survey data collected for the current construction (nourishment) event to the FDEP JCP Compliance Officer in electronic format (e.g., on a single portable hard drive or via an FTP site). See **Section 6.2.1 of the Biological Monitoring Plan** for reporting requirements.
  - 2) **Pre-Construction Survey Report.** At least 30 days prior to any and all construction activities, the Permittee shall submit a detailed pre-construction pipeline corridor and pad area survey **report** for the current construction event to the JCP Compliance Officer in

electronic format. See **Section 6.2.2 of the Biological Monitoring Plan** for reporting requirements.

- iii. **Post-Placement Pre-Pumping Pipeline Survey Results.** When required (see **Section 3.0 of the Biological Monitoring Plan**), post-placement, pre-pumping pipeline **Survey Data** for a pipeline corridor shall be submitted to the JCP Compliance officer 72 hours prior to the intended or actual start of pumping. See **Section 6.3 of the Biological Monitoring Plan** for reporting requirements.
  - iv. **Georeferenced Hardbottom Resource Map.** When required (see **Specific Condition 9.b.ii**), a georeferenced Hardbottom Resource Map for a pad area shall be submitted by the Permittee to their contractor(s), subcontractors(s), and to the JCP Compliance officer at least 72 hours prior to the start of any and all construction activities within a pad (T-pad/barge pad) area.
  - e. Documentation from the U.S. Fish and Wildlife Service (USFWS) that this work will be covered under a Statewide Programmatic **Biological Opinion** or a Biological Opinion(s) (BO) issued for construction on this project site. If the BO contains conditions that are not already contained herein, the Notice to Proceed may be withheld if it is determined that the permit requires a modification to include those additional conditions.
  - f. **Fish & Wildlife Monitoring Qualifications:** To ensure that individuals conducting monitoring of fish and wildlife resources have appropriate qualifications, the Permittee shall provide documentation demonstrating expertise/experience in surveying the types of resources that are present in the project. The Department and the Florida Fish and Wildlife Conservation Commission (FWC) will review this information for confirmation that the monitors are capable of meeting the requirements in **Specific Conditions 12 through 28**. This documentation shall include the following:
    - a. *Marine Turtle Protection:* A list of the names and the FWC permit numbers for the Marine Turtle Permit Holders.
    - b. *Shorebird Protection:* A list of Bird Monitors with their contact information, summary of qualifications including bird identification skills, and avian survey experience, proposed locations of shorebird survey routes, and the locations of travel routes.
31. **Turbidity Reports:** All turbidity monitoring data shall be submitted within one week of analysis. The data shall be presented in tabular format, indicating the

measured turbidity levels at the compliance sites for each depth, the corresponding background levels at each depth and the number of NTUs over background at each depth. Any exceedances of the turbidity standard (9.2 NTUs or 29 NTUs above background) shall be highlighted in the table. In addition to the raw and processed data, the reports shall also contain the following information:

- a. time of day samples were taken;
- b. dates of sampling and analysis;
- c. GPS coordinates of sample and source. When possible, coordinates should be provided in decimal degrees with a 5 decimal level of precision (i.e., 0.00001). Please also indicate the datum;
- d. depth of water body;
- e. depth of each sample;
- f. antecedent weather conditions, including wind direction and velocity;
- g. tidal stage and direction of flow;
- h. water temperature;
- i. a geo-referenced map, overlaid on an aerial photograph, indicating the sampling locations (background and compliance), ~~dredging and discharge locations~~, location of active construction, the visible plume pattern and direction of flow. The map shall also include the boundaries of any benthic resources or OFW. A sample map shall be submitted to the Department for review and approval prior to construction (Specific Condition 6);
- j. a statement describing the methods used in collection, handling, storage and analysis of the samples;
- k. a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, calibration of the meter, accuracy of the data and precision of the GPS measurements;
- l. When samples cannot be collected, include an explanation in the report. If unable to collect samples due to severe weather conditions, include a copy of a current report from a reliable, independent source, such as an online weather service.

Monitoring reports shall be submitted by email to the JCP Compliance Officer. In the subject line of the reports, include the Project Name, Permit Number and the dates of the monitoring interval. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the Department, on the submittal cover page and at the top of each page of the report, please state: **"This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0238664-001-JC, for the Sand Key Nourishment Project."**

The set of approved QA/QC Plan shall be revised as follows:

The "Sand Key, Treasure Island, and Long Key Sediment Quality Assurance/Quality Control Plan" (dated May 15, 2025) shall replace "Sediment QA/QC Plan TILK-Sand Key" (dated May 2024)

The set of approved Physical Monitoring Plan shall be revised as follows:

The "Physical Monitoring Plan" (7 pages, dated May 15, 2025) shall replace the "Comprehensive Physical Monitoring Plan" (5 pages, approved June 21, 2017)

The set of approved Permit Drawings shall be revised as follows:

The "Sand Key Renourishment Project Cross Sections" (sheets 32 to 58, dated April 4, 2025) shall replace "Revised Permit Drawings" (sheets 13 to 30, dated December 2016) and shall include "Example Dune Cross Section" (1 sheet, dated February 28, 2025)

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or change the determination that the project is clearly in the public interest. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting marine turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation the **permit is hereby modified** as stated above. By copy of this letter and the attached drawings and the attached plan, we are notifying all necessary parties of the modification.

This letter of approval extends the expiration date of the permit from **July 6, 2026** to **July 6, 2028**. The only Specific Conditions of the permit that are altered by this modification are those stated above. This letter and the attached drawings and the attached plan must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### **Petition for Administrative Hearing**

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- a. The name and address of each agency affected and each agency's file or identification number, if known;
- b. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- c. A statement of when and how the petitioner received notice of the agency decision;
- d. A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e. A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- f. A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g. A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.



**Time Period for Filing a Petition**

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., 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), F.S., must be filed within **14** days of publication of the notice or within **14** days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

**Extension of Time**

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

**Mediation**

Mediation is not available in this proceeding.

**Judicial Review**

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Madison Williams by email at [Madison.K.Williams@FloridaDEP.gov](mailto:Madison.K.Williams@FloridaDEP.gov) or by telephone at (850) 245-8348.

**EXECUTION AND CLERKING:**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION





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Sean Green  
Environmental Manager  
Beaches, Inlets and Ports Program  
Office of Resilience and Coastal Protection

**Attachments:** Sand Key, Treasure Island, and Long Key Sediment Quality Assurance/Quality Control Plan (dated May 15, 2025)  
Physical Monitoring Plan - Pinellas County – Sand Key Beach Nourishment (7 pages, dated May 15, 2025)  
Example Dune Cross Section (1 sheet, dated February 28, 2025)

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all attachments were sent on the filing date below to the following listed persons:

cc:	Greg Garis, RCP	Serigne Ndiaye, FWC
	Sean Green, RCP	<a href="mailto:BIPP@dep.state.fl.us">BIPP@dep.state.fl.us</a>
	Ivana KennyCarmola, RCP	<a href="mailto:JCPCompliance@dep.state.fl.us">JCPCompliance@dep.state.fl.us</a>
	Zach Boudreau, RCP	<a href="mailto:CE.Review@dep.state.fl.us">CE.Review@dep.state.fl.us</a>
	Brendan Biggs, RCP	<a href="mailto:ImperiledSpecies@myfwc.com">ImperiledSpecies@myfwc.com</a>
	Shamim Murshid, RCP	<a href="mailto:ConservationPlanningServices@myfwc.com">ConservationPlanningServices@myfwc.com</a>
	Ahsan Habib, RCP	<a href="mailto:MarineTurtle@myfwc.com">MarineTurtle@myfwc.com</a>
	Sarah Bodin, RCP	<a href="mailto:BMES@dep.state.fl.us">BMES@dep.state.fl.us</a>
	Eric Seckinger, FWC	

**FILING AND ACKNOWLEDGMENT**

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

  
\_\_\_\_\_  
**Clerk**

06/16/2025  
**Date**



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Alexis A. Lambert**  
Secretary

## CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

### PERMITTEES:

Pinellas County  
Attn: Kelli Levy  
22211 US Hwy 19 N, Bldg. 1  
Clearwater, FL 33765  
[KLevy@pinellascounty.org](mailto:KLevy@pinellascounty.org)

And

U.S. Army Corps of Engineers  
Attn: Gretchen Ehlinger, Ph. D.  
701 San Marco Blvd  
Jacksonville, FL 32207  
[Gretchen.S.Ehlinger@usace.army.mil](mailto:Gretchen.S.Ehlinger@usace.army.mil)

### AGENT:

Coastal Protection Engineering  
Attn: Lauren Floyd, MS, CEP  
5301 N. Federal Hwy, Suite 335  
[LFloyd@coastalprotectioneng.com](mailto:LFloyd@coastalprotectioneng.com)

### PERMIT INFORMATION:

Permit Number: 0221569-023-JC

Project Name: Treasure Island/Long Key  
Nourishment

County: Pinellas

Issuance Date: June 3, 2025

Expiration Date: June 3, 2040

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### REGULATORY AUTHORIZATION:

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

**PROJECT DESCRIPTION:**

The project is to place dredged material along Long Key (Upham Beach: R-144 to R-147 and Pass-A-Grille Beach: R-160-200 to R-166) Treasure Island (Sunshine Beach: between reference monument R-126 to R-128A and Sunset Beach: R-136 to R-143).

Approved sand sources include the Pass-a-Grille Channel, the Grand Canal Dredge Channel, the Grand Canal Sediment Deposition Basin, the Blind Pass Entrance Channel, the Egmont Shoal East Borrow Area and John's Pass Ebb shoal and Channel.

**PROJECT LOCATION:**

The nourishment activity is located along the Upham Beach and Pass-a-Grille Beach shorelines on Long Key in St. Petersburg, and the north and central segments of Treasure Island (Sunshine Beach and Sunset Beach), Pinellas County, Sections 1, 15, 25, 26, and 36, Townships 32 South and 31 South, Range 15 East, Gulf of America.

The Pass-a-Grille Channel is located in Pinellas County, Section 19, Township 32 South, Range 16 East. The Blind Pass Entrance Channel is located in Pinellas County, Section 36, Township 31 South, Range 15 East. The Grand Canal Dredge Channel and Grand Canal Sediment Deposition Basin are located in Pinellas County Section 20, Township 32 South, Range 16 East. The Egmont Shoal East borrow area is located in Hillsborough County, north of Egmont Key. The John's Pass ebb shoal and channel location is seaward of the Gulf Boulevard Bridge, between R-125 and R-126, in Pinellas County, Section 15, Township 31 South, Range 15 East.

The Pass-a-Grille Channel, the Grand Canal Dredge Channel, the Grand Canal Sediment Deposition Basin, the Blind Pass Entrance Channel, John's Pass ebb shoal and channel, and the four beach fill segments are located in the Gulf of America in waters designated as Class III Waters, Pinellas County Aquatic Preserve, Outstanding Florida Waters (OFW), while the Egmont Shoal East borrow area is located in the Gulf of America in waters designated as Class III Waters, not OFW.

**PROPRIETARY AUTHORIZATION:**

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands held in trust by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Board of Trustees delegated, to the Department, the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. This proprietary authorization has been reviewed in accordance with Chapter 253 and Chapter 258, F.S., Chapter 18-20, Chapter 18-21 and Section 62-330.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the project described above, and has determined that the placement of sand on the beach, and the use of sand dredged from Pass-a-Grille Channel, Grand Canal Dredge Channel and Blind Pass Entrance Channel qualify for a Letter of Consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted to Pinellas County, the project's local sponsor, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

The Department has also determined that the Egmont Shoal East borrow area is not on Sovereign Submerged State Lands and, therefore, does not require proprietary authorization.

The Department's Division of State Lands issued public easement (No. 42643). **With this approval, construction on state-owned, sovereign submerged lands may proceed in accordance with the granted easement.**

#### **COASTAL ZONE MANAGEMENT:**

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

#### **WATER QUALITY CERTIFICATION:**

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

#### **OTHER PERMITS:**

Authorization from the Department does not relieve you from the responsibility of obtaining other permits (Federal, State, or local) that may be required for the project.

#### **AGENCY ACTION:**

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

**GENERAL CONDITIONS (for Army Corps of Engineers):**

1. This permit, including its general and specific conditions, must be construed in light of the February 28, 2006 Interagency Coordination Agreement for Civil Works Projects (ICA) between the Department and the Corps. As recognized in the ICA, the Department has the authority to include reasonable conditions in this permit. All of the conditions in this permit, both general and specific, are enforceable to the extent sovereign immunity has been waived under 33 U.S.C. §§ 1323 and 1344(t). The ICA is incorporated herein by reference.
2. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated changes in:
  - a) operational plans;
  - b) project dimensions, size or location;
  - c) ability to adhere to permit conditions;
  - d) project description included in the permit;
  - e) monitoring plans.

If the Department determines that a modification to the permit is required then the Corps shall apply for and obtain the modification. Department approval of the modification shall be obtained prior to implementing the change, unless the change is determined by the Department to reduce the scope of work from that authorized under the original permit, and will not affect compliance with permit conditions or monitoring requirements.

3. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information:
  - a) a description of and cause of noncompliance;
  - b) the period of noncompliance, including dates and times;
  - c) impacts resulting or likely to result from the non-compliance;
  - d) steps being taken to correct the non-compliance; and
  - e) the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law with respect to any non-compliance.

4. The Corps shall obtain any applicable licenses, permits, or other authorizations which may be required by federal, state, local or special district laws and regulations. Nothing

herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project.

5. Nothing herein conveys to the Corps or creates in the Corps any property right, any interest in real property, any title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of Florida's sovereign submerged lands seaward of the mean high-water line or an established 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.
6. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under section 373.421(2), F.S., provides otherwise.
7. Nothing herein authorizes any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or conveys any vested rights or any exclusive privileges.
8. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site of the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.
9. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.
10. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.
11. If historic or archaeological artifacts such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time on the project site, the Corps shall immediately stop all activities in the immediate area which disturb the soil and notify the Department and the State Historic Preservation Officer. In the event that unmarked human remains are encountered during permitted activities, all work shall

stop in the immediate area and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

12. Within a reasonable time after completion of construction activities authorized by this permit, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the Corps.

**GENERAL CONDITIONS (for Pinellas County):**

1. All activities authorized by this permit shall be implemented as set forth in the project description, permit drawings, plans and specifications approved as a part of this permit, and all conditions and requirements of this permit. The permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required pursuant to Rule 62B-49.008, F.A.C.
2. If, for any reason, the permittee does not comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; and, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits that may be required by federal, state, local or special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project that are not addressed in this permit.
4. Pursuant to Sections 253.77 and 373.422, F.S., prior to conducting any works or other activities on state-owned submerged lands, or other lands of the state, title to which is vested in the Board of Trustees, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees shall not be considered received until it has been fully executed.
5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.



6. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee. The issuance of this permit does not convey any vested rights or any exclusive privileges.
7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the permitted activity. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
8. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times, access to the premises where the permitted activity is located or conducted for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to and copy any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.
9. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall electronically submit to the Department, by email at [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us), and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date and an affirmative statement that the permittee and the contractor, if one is to be used, have read the general and specific conditions of the permit and understand them.
10. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, shipwreck remains or anchors, dugout canoes or other physical remains that could be associated with Native American cultures, or early Colonial or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)245-6333 or (800)847-7278, as well as the appropriate permitting agency office. Project activities shall not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, F.S.
11. Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the permittee shall electronically submit to the Department, by email at [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us), and the appropriate District



office of the Department a written statement of completion and certification by a registered professional engineer. This certification shall state that all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specifications, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on as-built drawings electronically submitted to the Department, by email at [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us).

**GENERAL CONSENT CONDITIONS:**

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use or operation of the structure or activity shall not adversely affect any species that is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.
9. 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.

10. 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.

**SPECIFIC CONDITIONS:**

1. Pursuant to Chapter 161.141, F.S., prior to construction of the beach nourishment, groins, or jetty, the Board of Trustees must establish the line of mean high water for any area affected by this project that does not already have an Erosion Control Line (ECL). This is required to establish the boundary line between sovereignty lands of the state bordering on the Gulf of America and the upland properties. No work shall commence until the Erosion Control Line has been established to the satisfaction of the Department and recorded in the public records of the county in which the project is located.
2. Unless otherwise specified in the specific conditions of this permit, all submittals required herein (e.g., progress reports, water-quality reports etc.) shall be electronically submitted (via e-mail, file transfer site or hard drive). Email submittals shall be sent to the Department's JCP Compliance Officer (e-mail address: [JCPCompliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us)). If a file transfer site is used, a link shall be e-mailed to the JCP Compliance Officer. If data are too large to be submitted via e-mail or file transfer site, the Permittee may submit the data via an external hard drive, provided by the Permittee. The external hard drive shall be mailed to:

Department of Environmental Protection  
Office of Resilience and Coastal Protection  
Attn: JCP Compliance Officer  
2600 Blair Stone Road, Mail Station 3544  
Tallahassee, FL 32399-2400

3. The Permittee shall not store or stockpile tools, equipment, materials, etc., within littoral zones or elsewhere within surface waters of the state without prior written approval from the Department. Storing, stockpiling or accessing equipment on, in, over or through areas with benthic biological resources (including beds of submerged aquatic vegetation [SAV], wetlands, oyster reefs or hardbottom) is prohibited unless it occurs within a work area or ingress/egress corridor that is specifically approved by this permit and is shown on the approved permit drawings. Anchoring or spudding of vessels and barges within areas with benthic biological resources is also prohibited.
4. The Permittee shall not conduct project operations or store project-related equipment in, on or over dunes, or otherwise impact dune vegetation, outside the approved staging, beach access and dune restoration areas designated in the permit drawings.

5. ***Pre-Construction Submittals.*** For each construction event under this permit, no work shall commence until the Permittee has satisfactorily submitted all information noted in this condition. At least 30 days prior to commencement of construction, the Permittee shall submit the following items for review by the Department. Unless otherwise notified by the Department within 15 days of receipt of all information specified below, the Permittee shall assume the submittals are satisfactory:
- a. An electronic copy of detailed ***final construction plans and specifications*** for all authorized activities. The plans and specifications must be consistent with the project description, conditions and approved drawings of this permit. The Permittee shall point out any deviations from the Project Description of this permit (as stated above) or the approved permit drawings (attached to this permit), and any significant changes that would require a permit modification. The plans and specifications shall include a description of the dredging and construction methods to be utilized and drawings and surveys that show all biological resources and work spaces (e.g., anchoring areas, pipeline corridors, staging areas, boat access corridors, etc.) to be used for this project.
  - b. Documentation of ***Public Easement*** (#42643), only required prior to construction of the Grand Canal Sediment Deposition Basin;
  - c. Documentation that the ***Erosion Control Line*** has been executed and recorded in the County Records;
  - d. ***Turbidity Monitoring:*** In order to assure that turbidity levels do not exceed the compliance standards established in this permit, construction at the project site shall be monitored closely by an independent third party with formal training in water quality monitoring and professional experience in turbidity monitoring for coastal construction projects. Also, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when turbidity generating activities are occurring. This individual shall have authority to alter construction techniques or shut down the dredging or beach construction operations if turbidity levels exceed the compliance standards established in this permit.
    - i. ***Qualifications.*** The names, credentials (demonstrating experience and qualifications) and 24-hour contact information of those individuals performing these functions;
    - ii. A ***Scope of Work*** for the turbidity monitoring to ensure that the right equipment is available to conduct the monitoring correctly at any location, and under any conditions;

- iii. Draft turbidity sampling map. An example of the geo-referenced map that will be provided with turbidity reports, including aerial photography and the boundaries of biological resources and/or OFW (pursuant to Specific Condition 28.i).
  - iii. Prior to the second event authorized under this permit, and each subsequent event, the results of the intermediate turbidity monitoring shall be evaluated and provided to the Department. If the results indicate that the project can be built using a smaller mixing zone, this adjustment shall be made through an administrative modification to the permit prior to commencement of construction;
- e. **Biological Monitoring:** For each dredging event of the Blind Pass Entrance Channel, the Grand Canal Dredge Channel or Grand Canal Deposition Basin, the following shall be submitted:
- i. **Qualifications.** The names and qualifications of the individuals performing biological monitoring shall be submitted to the Department for review and approval prior to conducting the reconnaissance survey and pre-construction monitoring required for each dredging event of the Blind Pass Entrance Channel or Grand Canal (pursuant to Specific Condition 24 and the approved SAV Monitoring Plan). These individuals shall be certified SCUBA divers, shall have scientific knowledge of SAV, shall have professional experience in conducting SAV monitoring surveys, and shall have a BS degree or higher in the study of marine biology or similar degree. The Department will provide written comments regarding any perceived deficits in qualifications or experience. If additional monitoring team(s) are subcontracted, or new staff are added to the monitoring team, proposed changes and qualifications shall be submitted to the JCP Compliance Officer for review at least 30 days prior to a monitoring event. The Permittee's selected biological monitoring firm is fully responsible for training of new staff members and subcontractors on the required monitoring procedures, as well as the QA/QC verification of their work.
  - ii. **Pre-construction SAV Survey and Monitoring Results.** A reconnaissance survey and pre-construction monitoring event of SAV located within 150 meters of the area(s) to be dredged shall be completed during the summer (June – September) immediately prior to each construction event in accordance with Specific Condition 24. Surveys and monitoring conducted by the local sponsor, their contractors, or third parties, may be submitted by the Permittee to meet this requirement. Pursuant to Specific Condition 24, the Permittee shall provide the Department with the results of the pre-construction reconnaissance survey and monitoring event (, including a summary of existing information based on the desktop assessment, a geo-referenced map

of SAV boundaries, a narrative description of the current conditions, and all raw data that were collected, compiled, and/or produced in association with these deliverables.

- iii. **Pre-Construction Dissemination of SAV Resource Map:** The Permittee shall provide documentation (e.g., email correspondence) at least 72-hours prior to the commencement of dredging activities verifying that their contractor has received the SAV map generated during the pre-construction monitoring event and that the contractor has been instructed by the Permittee to use this information to avoid impacts to SAV in the project area.
- f. **Grand Canal Dredge Channel.** No dredging shall commence for the Grand Canal Dredge Channel until the Permittee has satisfactorily submitted all required information specified in Specific Condition 25a, including pre-construction SAV monitoring results as well as the Permittee proposed path forward. Note: A permit modification may be required prior to construction to incorporate Department approved Mitigation and Mitigation Monitoring Plans.
- g. **Grand Canal Sediment Deposition Basin.** No work shall commence on the Grand Canal Sediment Deposition Basin until the Permittee has satisfactorily submitted all required information specified in Specific Condition 25b, including results of the Pre-Construction Resource Survey and, as stipulated, the Final Order for the Modification of the Permit to incorporate Department approved Mitigation and Mitigation Monitoring Plans.
- h. **Egmont Shoal East Borrow Area:** A dredge plan and composite geotechnical statistics shall be provided for the portion of the Egmont Shoal East Borrow Area to be dredged in each event. This dredge plan shall include the outline of the entire borrow area and subareas, notation of the permitted maximum dredge depths, the location of the vibracores, the latest bathymetric data available, a clear outline of the area to be dredged for that specific event, and notations of all areas previously dredged. The volume of material required for the current event, the volume of the portion of the borrow area to be dredged in the current event, and the volumes dredged from, and remaining in, the borrow area shall be included. The composite geotechnical statistics should be representative of only the portion of the borrow area to be dredged in the current event.
- i. **Fish & Wildlife Monitoring Qualifications:** To ensure that individuals conducting monitoring of fish and wildlife resources have appropriate qualifications, the Permittee shall provide documentation demonstrating expertise/experience in surveying the types of resources that are present in the project. The Department and the Florida Fish and Wildlife Conservation Commission (FWC) will review this information for confirmation that the monitors are capable of meeting the

requirements in Specific Conditions 8 through 23. This documentation shall include the following:

- i. *Marine Turtle Protection:* A list of the names and FWC permit numbers for the Marine Turtle Permit Holders.
- ii. *Shorebird Protection:* A list of Bird Monitors with their contact information, summary of qualifications including bird identification skills, and avian survey experience, proposed locations of shorebird survey routes, and the locations of travel routes.
- iii. *Manatee Protection:* A list of observers with their contact information, qualifications including detailed descriptions of past observational experience including related documentation. For additional information, see FWC's website at: <https://myfwc.com/wildlifehabitats/wildlife/manatee/watch-program/>.
- j. Documentation from the U.S. Fish and Wildlife Service (FWS) that this work will be covered under a Statewide Programmatic **Biological Opinion** or a Biological Opinions (BO) issued for construction on this project site. If the BO contains conditions that are not already contained herein, a permit modification may be required prior to construction to include those additional conditions.
- i. ***Pre-Construction Conference.*** After all items required by a through j above have been submitted to the Department, the Permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the Permittee's contractors, the engineer of record, those responsible for turbidity monitoring, those responsible for protected species monitoring, staff representatives of the Fish and Wildlife Conservation Commission (FWC) and the JCP Compliance Officer (or designated alternate) prior to each construction event. In order to ensure that appropriate representatives are available, at least twenty-one (21) days prior to the intended commencement date for the permitted construction, the Permittee is advised to contact the Department, and the other agency representatives listed below:

DEP, JCP Compliance Officer  
e-mail: [JCPCompliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us)

Randy Runnels, Pinellas County Aquatic Preserve  
e-mail: [Randy.Runnels@FloridaDEP.gov](mailto:Randy.Runnels@FloridaDEP.gov)

FWC Imperiled Species Management Section  
e-mail: [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com)

FWC, Regional Biologist

Contact list: <http://myfwc.com/conservation/you-serve/wildlife/shorebirds/>

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

If the actual construction start date is different from the expected start date proposed during the preconstruction conference, at least 48 hours prior to the commencement of each dredging event, the Permittee shall ensure that notification is sent to the FWC, at [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com), indicating the actual start date and the expected completion date. The Permittee shall also ensure that all contracted workers and observers are provided a copy of all permit conditions.

6. When discharging slurried sand onto the beach from a pipeline, the Permittee shall employ best management practices (BMPs) to reduce turbidity. At a minimum, these BMPs shall include the following:
  - a. Use of shore-parallel sand dike to promote settlement of suspended sediment on the beach before return water from the dredged discharge reenters the Gulf of America; and
  - b. A minimum set-back of 50 feet from open water, or at the landward end of the beach berm (without disturbing the dune), whichever is less, for the pipeline discharge location.
7. Sediment quality shall be assessed as outlined in the offshore Sediment QA/QC Plan (as appropriate for the source), dated May 15, 2025. Placement of material that is not in compliance with the Plan shall be handled according to the protocols set forth in the Sediment QA/QC Plan. The sediment testing result shall be submitted to the Department within 90 days following the completion of beach construction. The following requirements are included in the Sediment QA/QC Plan:
  - a. If, during construction, the Permittee determines that the beach fill material does not comply with the sediment compliance specifications, the Permittee shall take measures to avoid further placement of noncompliant fill, and the sediment inspection results shall be reported to the Department.
  - b. The Permittee shall submit post-construction sediment testing results and an analysis report as outlined in the Sediment QA/QC plan to the Department within 90 days following beach construction. The sediment testing results will be certified by a P.E. or P.G. from the testing laboratory. A summary table of the sediment samples and test



results for the sediment compliance parameters as outlined in Table 1 of the Sediment QA/QC plan shall accompany the complete set of laboratory testing results. A statement of how the placed fill material compares to the sediment analysis and volume calculations from the geotechnical investigation shall be included in the sediment testing results report.

- c. A post-remediation report containing the site map, sediment analysis, and volume of noncompliant fill material removed and replaced shall be submitted to the Department within 7 days following completion of remediation activities.

## **SPECIFIC CONDITIONS-FISH AND WILDLIFE**

8. **In-water Activity.** The Permittee shall adhere to the following requirements for all in-water activity:
  - a. The Permittee shall instruct all personnel associated with the project about the presence of marine turtles and manatees, and the need to avoid collisions with (and injury to) these protected marine species. The Permittee shall be responsible for harm to these resources and shall require their contractors to advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees or marine turtles, which are protected under the Endangered Species Act, the Marine Mammal Protection Act, the Marine Turtle Protection Act and the Florida Manatee Sanctuary Act.
  - b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate project area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
  - c. Siltation or turbidity barriers (if used) shall be made of material in which manatees and marine turtles cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee or marine turtle movement or travel.
  - d. The Permittee is responsible for all on-site project personnel and shall require them to observe water-related activities for the presence of marine turtles and manatee(s). All in-water operations shall be immediately shut down if a marine turtle or manatee comes within 50 feet of the operation. For unanchored vessels, operators shall disengage the propeller and drift out of the potential impact zone. If drifting would jeopardize the safety of the vessel then idle speed may be used to leave the potential impact zone. Activities shall not resume until the animal(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the animal(s) has not reappeared within 50 feet of the



operation. Animals shall not be herded away or harassed into leaving.

- e. Any collision with (or injury to) a marine turtle or manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com). Any collision with (and/or injury to) a marine turtle shall also be reported immediately to the Sea Turtle Stranding and Salvage Network (STSSN) at [SeaTurtleStranding@myfwc.com](mailto:SeaTurtleStranding@myfwc.com).
  - f. Temporary signs concerning manatees shall be prominently posted prior to and during all in-water project activities, at sufficient locations to be regularly and easily viewed by all personnel engaged in water-related activities. Two temporary signs, which have already been approved for this use by the FWC, shall be posted at each location. One sign shall read "Caution Boaters – Watch for Manatees". A second sign measuring at least 8 ½" by 11", shall explain the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations. All signs shall be removed by the Permittee upon completion of the project. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).
9. **Hopper Dredging.** If a hopper dredge is used for this project, the following requirements shall be met:
- a. Handling of captured marine turtles during hopper dredging activities shall be conducted only by persons with prior experience and training in these activities, and who are duly authorized to conduct such activities through a valid Marine Turtle Permit issued by the FWC, pursuant to Chapter 68E-1, F.A.C. The Permittee shall forward documentation of these qualifications to the FWC for review, as required in Specific Condition 5.
  - b. In order to minimize impingement or entrainment of marine turtles within the water column, dredging pumps shall be disengaged by the operator, or the draghead bypass valve shall be open and in use when the dragheads are not firmly on the bottom. This precaution is especially important during the cleanup phase of dredging operations.
  - c. A state-of-the-art rigid deflector draghead shall always be used on all hopper dredges.
  - d. The Sea Turtle Stranding and Salvage Network (STSSN) Coordinator shall be notified of the start-up and completion of hopper dredging operations at 1-904-573-3930 or via e-mail at [Allen.Foley@myfwc.com](mailto:Allen.Foley@myfwc.com). If a marine turtle is captured or marine turtle parts are recovered, the STSSN shall be contacted at [seaturtlestranding@myfwc.com](mailto:seaturtlestranding@myfwc.com).
10. **Trawling.** If relocation trawling or non-capture trawling for marine turtles is required

as per applicable NMFS Biological Opinions and Incidental Take authorizations, the following is required:

- a. Any activity involving the use of nets to harass and/or to capture and handle marine turtles in Florida waters requires a Marine Turtle Permit from FWC prior to trawling.
- b. The Permittee or their contractor shall e-mail ([MTP@MyFWC.com](mailto:MTP@MyFWC.com)) reports to the FWC's Imperiled Species Management Section on Friday of each week that trawling is conducted in Florida waters. These weekly reports shall include the species and number of turtles captured, their general health, and release information. A summary of all trawling activity (including non-capture trawling) shall be submitted to [MTP@myfwc.com](mailto:MTP@myfwc.com) by January 15 of the following year, or at the end of the project. The summary shall be recorded/documented on the FWC-provided Excel spreadsheet (available at <http://myfwc.com/media/33168/Trawl-Report-Template.pdf>), and shall list all turtles captured in Florida waters, the measurements of all captured turtles, the location of captures (latitude and longitude in decimal degrees), the location of tow start-stop points (latitude and longitude in decimal degrees), and times for the start- stop points of the tows (including tows when no turtles are captured).

**11. Construction Area Project Lighting.**

During the marine turtle nesting season (May 1 through October 31), direct lighting of the beach and nearshore waters shall be limited to the immediate area of active construction.

Lighting on offshore and onshore equipment shall be minimized by reducing the number of fixtures, shielding, lowering the height and appropriately placing fixtures to avoid excessive illumination of the water's surface and nesting beach. The intensity of lighting shall be reduced to the minimum standard required for general construction area safety. Shields shall be affixed to the light housing on dredge and on land-based lights and shall be large enough to block lamp light from being transmitted outside the construction area or to the adjacent marine turtle nesting beach. (Figure 1 below).

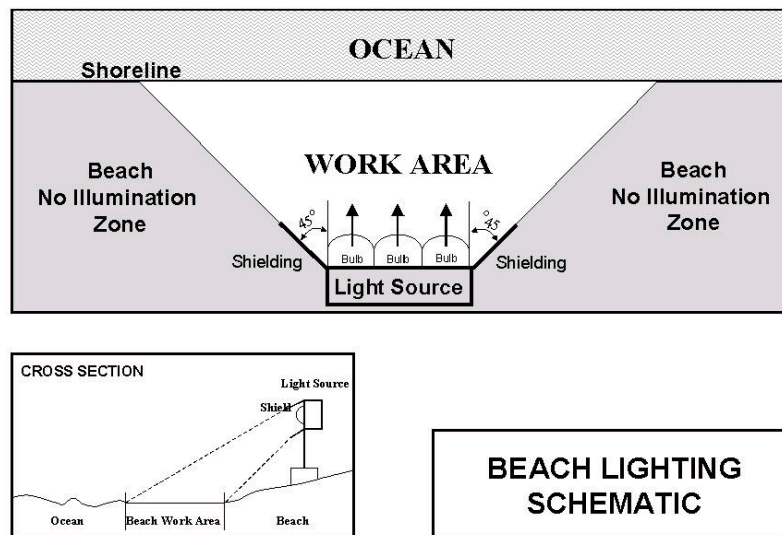


Figure 1

12. **Wildlife Conditions for All Beach Related Activities.** The Permittee shall adhere to the following requirements for all beach-related activities during marine turtle and shorebird nesting/breeding seasons February 15 through September 1.

a. **Beach Maintenance:**

- i. The Permittee shall require their contractor and protected species monitors to inspect all work areas that have excavations and temporary alterations of beach topography each day, to determine which areas have deviations (such as depressions, ruts, holes and vehicle tracks) capable of trapping flightless shorebird chicks or marine turtle hatchlings. If so, the deviations outside of the active fill placement area (see Specific Condition 14) shall be filled or leveled from the natural beach profile prior to 9:00 p.m. each day. The beach surface shall also be inspected subsequent to completion of the project, and all tracks, mounds, ridges or impressions, etc. left by construction equipment on the beach shall be smoothed and leveled.
- ii. All debris, including derelict construction or coastal armoring material, concrete and metal, found on the beach placement site, shall be removed from the beach to the maximum extent practicable prior to any placement of fill material. If debris removal activities will take place during protected species nesting seasons, the work shall be conducted during daylight hours only, and shall not commence until completion of daily monitoring surveys.

b. **Equipment Storage and Placement.**

- i. Staging areas and temporary storage for construction equipment and pipes shall be located off the beach to the maximum extent practicable. Nighttime storage of construction equipment that is not in use shall be located off the beach. If staging and storage areas off the beach are not possible, then additional marine turtle and shorebird protective measures shall be implemented. Such protective measures shall be determined in coordination with the Department and the FWC prior to beginning of construction. All construction pipes that are in use on the beach shall be located as far landward as possible without compromising the integrity of the existing or reconstructed dune system. Pipes placed parallel to the dune shall be 5 to 10 feet away from the toe of the dune.
    - ii. If it is necessary to extend construction pipes past a known shorebird nesting site, then those pipes shall be placed landward of the site before birds are active in that area. No pipe or sand shall be placed seaward of a shorebird nesting site during the shorebird nesting season. If such placement is not feasible for the project, FWC's Regional Biologist shall be contacted for alternative measures. See contacts available at <http://myfwc.com/conservation/you-serve/wildlife/shorebirds/contacts>.
  - c. **Beach Driving.** All vehicles operated on the beach shall operate in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach ([https://myfwc.com/media/15455/beach\\_drive\\_flyer\\_clr.pdf](https://myfwc.com/media/15455/beach_drive_flyer_clr.pdf)). All personnel associated with the project shall be instructed about the potential presence of protected species, and the need to avoid injury and disturbance to these species. *Note: when flightless chicks are present within or adjacent to travel corridors, construction-related vehicles shall not be driven through the corridor unless a Bird Monitor is present pursuant to Specific Condition 21.*
13. **Marine Turtle Protection Conditions.**  
Construction-related activities are authorized to occur on the nesting beach (sandy beach seaward of existing coastal armoring structures or dune crest and all areas used for beach access) during marine turtle nesting season (May 1 through October 31) under the following conditions:
- a. Daily early morning marine turtle nest surveys shall start two weeks prior to marine turtle nesting season (April 15) or 65 days prior to beach placement whichever is later. Daily nesting surveys shall continue through November 30, or until two weeks after the last crawl in the project area, whichever is earlier.
  - b. Daily nesting surveys shall be conducted beginning ½ hour prior to sunrise, and no construction activity may commence until completion of the marine turtle survey each day.

- c. The Permittee shall ensure that marine turtle nesting surveys are conducted as required in this authorization, and only conducted by personnel with a valid FWC Marine Turtle Permit, that covers all project activities as required by Chapter 68E-1, F.A.C. For information on the authorized Marine Turtle Permit Holders in the project area, contact FWC at [MTP@myfwc.com](mailto:MTP@myfwc.com).
  - d. Only those nests laid in the area where sand placement will occur shall be relocated, and nest relocation shall cease after the sand placement is completed. Nests requiring relocation shall be moved no later than 9 a.m., the morning following deposition (no longer than 12 hours from the time the eggs are laid), to a nearby self-release beach site in a secure setting, where artificial lighting will not interfere with hatchling orientation. The relocation site shall be determined in conjunction with and approved by FWC prior to nest relocations. Relocated nests shall not be placed in organized groupings. Relocated nests shall be randomly staggered along the length and width of beach settings that are not expected to experience any of the following: inundation by high tides; severe erosion; previous egg loss; or illumination by artificial lighting.
  - e. Nests deposited within areas where construction activities will not occur for 65 days, or nests laid in the nourished berm prior to tilling, shall be marked and left in place. The Marine Turtle Permit Holder shall install on-beach markers at the nest site to establish a minimum 5-foot radius around the approximate clutch location and shall also install a secondary marker at a point as far landward as possible to assure that the nest can be located should the on-beach marker be lost. No activity shall occur within the marked area, nor shall any activities occur that could result in impacts to the nest. Nest sites shall be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.
14. **Fill Restrictions.** During the marine turtle nesting season, the contractor shall not advance the beach fill more than 500 feet along the shoreline between dusk and the following day, until the daily nesting survey is completed, and the beach has been cleared for fill advancement. If the 500-foot advancement limitation is not feasible for the project, an alternative distance shall be established during the preconstruction meeting, if a distance can be agreed upon in consultation with FWC. If the work area is extended, nighttime nesting surveys are required, and a Marine Turtle Permit Holder is required to be present on-site to ensure that no nesting and hatching marine turtles are present. If any nesting turtles are sighted on the beach within the immediate construction area, activities shall cease immediately until the turtle has returned to the water and the Marine Turtle Permit Holder responsible for nest monitoring has relocated the nest.
15. **Marine Turtle or Nest Encounters.** Upon locating a dead or injured marine turtle adult, hatchling, or egg that may have been harmed or destroyed as a result of the project, the Permittee shall be responsible for notifying FWC Wildlife Alert at 1-888-

404-FWCC (3922). Care shall be taken in handling injured marine turtles or exposed eggs to ensure effective treatment or disposition, and in handling dead specimens to preserve biological materials for later analysis. If a marine turtle nest is excavated during construction activities, but not as part of the authorized nest relocation process outlined in these specific conditions, the permitted person responsible for egg relocation for the project shall be notified immediately so the eggs can be moved to a suitable relocation site.

16. **Tilling, Compaction and Escarpment Remediation Requirements.** For the years after the first-year sand placement (out-year), compaction monitoring, tilling and escarpment monitoring are not required if placed material no longer remains on the dry beach.
- a. **Compaction Sampling.** Sand compaction shall be monitored in the area of sand placement immediately after completion of the nourishment event, and two weeks prior to the beginning of marine turtle nesting season, for three (3) subsequent years. The requirement for compaction monitoring may be eliminated if the placed sand is tilled, regardless of post-construction compaction levels. If the average value for any depth exceeds 500 pounds per square inch (psi) for any two or more adjacent stations, then that area shall be tilled prior to the beginning of marine turtle nesting season. If a few values exceeding 500 psi are present randomly within the project area, tilling will not be required. Compaction monitoring shall be in accordance with the following protocol:
- i. Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area), and one station shall be midway between the dune line and the high-water line (normal wrack line).
  - ii. At each station, the cone penetrometer shall be pushed to depths of 6, 12 and 18 inches three times (i.e., three replicates at each depth). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lie over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth shall be averaged to produce final values for each depth at each station. Reports shall include all 18 values for each transect line, and the final 6 averaged compaction values.
  - iii. If values exceeding 500 psi are distributed throughout the project area, but in no case do those values exist at two adjacent stations at the same depth, then

the Permittee shall consult with the FWC to determine if tilling is required. A request for a tilling waiver based on these compaction values shall be submitted to the FWC at [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com).

- b. **Tilling Requirements.** If tilling is performed regardless of post-construction compaction levels or tilling is required based on compaction measurements, the area shall be tilled to a depth of 24 inches. Tilling shall be in accordance with the following protocol:
  - i. All tilling activity shall be completed prior to the marine turtle nesting season. If the project is completed during the marine turtle nesting season, tilling shall not be performed in areas where nests have been left in place or relocated.
  - ii. A relatively even surface, with no deep ruts or furrows, shall be created during tilling. To do this, chain-linked fencing or other material shall be dragged over those areas as necessary after tilling. Each pass of the tilling equipment shall be overlapped to allow thorough and even tilling.
  - iii. Tilling shall occur landward of the wrack line and shall avoid all naturally vegetated areas that are at least 3 square feet in size, as well as any planted areas that have been authorized by the Department. A 3-foot-wide No-Tilling buffer shall be maintained around vegetated areas. The slope between the mean high-water line and the mean low water line shall be maintained to approximate natural slopes.
- c. **Escarpment Surveys.** Visual surveys for escarpments along the project area shall be made immediately after completion of sand placement, within 30 days prior to April 15 and weekly throughout the marine turtle season for three (3) subsequent years, each year placed sand remains on the dry beach. Escarpment remediation shall be as follows:
  - i. Prior to marine turtle nesting season, escarpments that interfere with marine turtle nesting or that exceed 18 inches in height for a distance of at least 100 feet shall be leveled to the natural beach contour or the beach profile shall be reconfigured to minimize scarp formation. Any escarpment removal shall be reported relative to R- monument location to FWC at [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com), with a copy sent to the JCP Compliance Officer.
  - ii. If weekly surveys during the marine turtle nesting season document escarpments that exceed 18 inches in height for a distance of at least 100 feet and have persisted for more than two weeks, the FWC shall be contacted immediately to determine the appropriate action to be taken. The Permittee shall provide locations and measurements of the escarpments to the closest R monument as well as the coordinates for the location of marine



turtle nests located within 20 feet of the escarpments (latitude and longitude in decimal degrees), with photographs when possible. Upon written notification by FWC that the escarpment needs to be leveled, the Permittee shall level the escarpment. If nests are located nearby, to minimize impacts to any existing nest the Permittee shall also coordinate with the marine turtle permit holder prior to leveling the escarpments. An annual summary of escarpment surveys and actions taken shall be submitted electronically to FWC ([marineturtle@myfwc.com](mailto:marineturtle@myfwc.com)) by December 31 of each year.

*Note for Shorebird Protection:* If compaction sampling, tilling or escarpment removal occurs during shorebird breeding season, the Shorebird Conditions (including surveys) included in this authorization shall be followed. No heavy equipment shall operate, and no compaction sampling or tilling shall occur within 300 feet of any shorebird nest. If flightless shorebird chicks are present within the work zone or equipment travel corridor, a Bird Monitor shall be present during the operation to ensure that no heavy equipment operates within 300 feet of the flightless young or within a site-specific corridor established per Specific Condition 21. It is the responsibility of the Permittee to ensure that their contractors avoid tilling, scarp removal or dune vegetation planting in areas where nesting birds are present.

- d. **Post-Construction Lighting Surveys.** The Permittee shall ensure that lighting surveys be conducted from the renourished berm and the following actions taken to address potential adverse impacts expected with artificial lights visible from any dry portion of the newly elevated beach. The surveys shall be conducted from the top of the foreshore slope (i.e., the seaward edge of the filled berm before it slopes into the water), facing landward. The survey shall follow standard techniques for such a survey, such as including the number and type of visible lights, location of lights, and photo documentation (see additional techniques as per the 2015 USFWS Statewide Programmatic Biological Opinion).
  - a. The first survey shall be conducted between May 1 and May 15 for the first nesting season following construction. For each visible light source, the Permittee shall document that the property owners have been notified and has been provided with recommendations for correcting the light as soon as possible. Recommendations shall be in accordance with local lighting ordinances. A report summarizing all visible lights and the recommendations for correcting the light shall be forwarded to local code enforcement. If no lighting ordinances exist, the recommendations to the property owners shall be consistent with FWC lighting guidelines, which include no lights or light sources shall be visible from the newly elevated beach. The second survey shall be conducted between July 15 and August 1 to assess any remaining visible lights requiring corrective action.



- b. A summary report of the surveys and what corrective actions or local enforcement actions have been taken shall be submitted to FWC at [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com) and copied to [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us) by December 31 of the year in which surveys are conducted. Upon request by the FWC, the Permittee shall set up and hold a meeting with the those responsible for code enforcement (when applicable), FWC and the USFWS to discuss the report and potential additional corrective action needed, as well as any documented marine turtle disorientations in or adjacent to the project area.

**17. Post-Construction Monitoring and Reporting Marine Turtle Protection Conditions**

- a. For each sand placement event, reports for all required marine turtle nesting surveys shall be provided for the post construction (partial or remaining) nesting season and for two full nesting seasons post construction in accordance with the Table 1 (below). If nesting and reproductive success is less than the criteria in the table below, an additional year of monitoring and reporting may be required. If criteria is not met, additional conditions prior to the next sand placement on this beach may be required by the Department and FWC.
- b. Data shall be reported and summarized for the nourished areas in accordance with Table 1 (below). Reports shall summarize all crawl activity, hatching success of a representative sampling of nests left in place (if any) by species, project name and applicable project permit numbers and dates of construction. Data shall be submitted in electronic format (Excel spreadsheets) which are available upon request from [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com). Reports shall be sent to the FWC Imperiled Species Management section at [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com) and **copied to** [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us). All summaries should be submitted by January 15<sup>th</sup> of the following year.

**Table 1. Marine Turtle Monitoring for Beach Placement of Material**

<b>Date</b>	<b>Duration</b>	<b>Variable</b>	<b>Criterion</b>
Nesting Success	Year of in-season construction and two entire nesting seasons post construction, with possible additional year <sup>1</sup> & <sup>2</sup>	Number of nests and non-nesting emergences by day by species	40 percent or greater
Hatching success	Year of in-season construction and one entire nesting season post construction, with possible additional year <sup>1</sup> & <sup>2</sup>	Number of hatchlings by species to hatch from egg	60 percent or greater (a statistically valid number of loggerhead and green nests, and all leatherback nests)
Emergence Success	Year of in-season construction and one entire nesting season post construction, with possible additional year <sup>1</sup> & <sup>2</sup>	Number of hatchlings by species to emerge from nest onto beach	Average must not be significantly different than the average hatching success
Disorientations	Year of in-season construction and two entire nesting seasons post construction <sup>1</sup>	Number of nests and/or individuals that misorient or disorient	
Nests affected by erosion or inundation	Year of construction and two years post construction if placed sand remains on the beach	Number of nests lost and/or affected, by species	

Lighting Surveys	Two in-season surveys the year following construction; First survey between May 1 and May 15 and second survey between July 15 and August 1 <sup>1</sup>	Number, location and photographs of lights visible from nourished berm, corrective actions recommended, and notifications made	Lighting survey and possible meeting resulting with plan for reduction in lights visible from nourished berm
Compaction	Three nesting seasons beginning with the year of construction. Not required if the beach is tilled prior to nesting season <sup>1</sup>	Shear resistance	Less than 500 psi
Escarpment Surveys	Weekly during nesting season for three years beginning with year of construction <sup>1</sup>	Number of scarps 18 inches or greater extending for more than 100 feet that persist for more than 2 weeks	Successful remediation of all persistent scarps as needed
<sup>1</sup> If placed sand remains on the beach <sup>2</sup> Additional years may be required if variable does not meet criterion based on previous year			

18. **Shorebird Protection.** The term “shorebird” is used here to refer to all solitary nesting shorebirds and colonial nesting seabirds that nest on Florida’s beaches. The Permittee shall adhere to the shorebird protection conditions during the shorebird breeding cycle, which includes courtship, nesting and chick-rearing. These conditions are intended to avoid direct impacts associated with the construction of the project and may not address all potential take incidental to the operation and use related to this authorization. If harm or harassment of State Threatened species cannot be avoided, the Permittee should apply for an FWC incidental take permit prior to commencement of the activity. For permitting options and other authorizations, please refer to the Imperiled Beach Nesting Bird Conservation Measures and Permitting Guidelines: <http://www.myfwc.com/IBNB>.

- a. Shorebird breeding season dates in Florida begin **February 15 through September 1** (note that while most species have completed the breeding cycle by

September 1, flightless young may be present beyond this date and must be protected if present).

- b. The term “project activities” includes operation of vehicles on the beach, movement or storage of equipment on the beach, sand placement or sand removal, and other similar activities that may harm or disturb shorebirds.
- c. Any parts of the project where “project activities” on the beach take place *entirely outside the breeding season*, do not require shorebird surveys. If project activities occur during the breeding season, bird survey routes must be established and monitored daily throughout the entire breeding season in any parts of the project area where: 1) potential shorebird breeding habitat occurs, and 2) project activities are expected to occur at any time within the breeding season. Breeding season surveys for detection and reporting of breeding behavior, nests, and young shall begin on the first day of the breeding season or 10 days prior to project commencement (including survey activities and other pre-construction presence on the beach), whichever is later. If project activities are temporarily paused during the breeding season, shorebird monitoring shall continue weekly during the pause and daily shorebird monitoring shall resume at least 10 days before project activities recommence.
- d. Bird surveys shall be conducted in all potential beach-nesting bird habitats within the project boundaries that may be impacted by construction or pre-construction activities. One or more shorebird survey route(s) shall be established by the Permittee to cover project areas which require shorebird surveys. These routes shall be determined in coordination with the [FWC Regional Shorebird Contact](https://myfwc.com/conservation/you- conserve/wildlife/shorebirds/contacts/) (<https://myfwc.com/conservation/you- conserve/wildlife/shorebirds/contacts/>) and established in the Florida Shorebird Database website (FSD) prior to the initiation of breeding season surveys. Routes shall not be modified without prior notification to the FWC Regional Shorebird Contact.
- e. The Permittee shall ensure that breeding season surveys are completed **on a daily basis** by a qualified bird monitor. Surveys shall be completed prior to movement of equipment, operation of vehicles, or other activities that could potentially disrupt breeding behavior or cause harm to birds, eggs or young. If all project activities are completed and all personnel and equipment have been removed from the beach prior to the end of the breeding season, route surveys shall continue to be conducted at least weekly through the end of the breeding season. If breeding or nesting behavior is confirmed by the presence of a scrape, eggs or young, the Permittee (or their designee) shall establish a 300-foot buffer around the site and shall notify the FWC Regional Shorebird Contact within 24 hours. **Smaller, site-specific buffers may be established if approved in writing by the FWC Regional Shorebird Contact.** The posts and materials for the shorebird buffer zones shall be removed once all breeding or nesting behavior has ceased.

- f. Within 1 week prior to commencement of shorebird monitoring, the Permittee shall ensure the Bird Monitor conducts a shorebird education and identification program (and/or provides educational materials) for all on-site staff to ensure protection of nests and flightless chicks. All personnel are responsible for watching for shorebirds, nests, eggs and chicks. If the Bird Monitor finds that shorebirds are breeding within the project area, the Permittee shall place and maintain a bulletin board in the construction staging area with the location map of the construction site showing the bird breeding areas and a warning, clearly visible, stating that “NESTING BIRDS ARE PROTECTED BY LAW INCLUDING THE FLORIDA ENDANGERED AND THREATENED SPECIES ACT AND THE STATE and FEDERAL MIGRATORY BIRD ACTS”.
- g. Deterrents and other actions which prevent shorebirds from nesting or disturb shorebird nesting and brood-rearing behavior are prohibited without authorization from FWC. For permitting options and other authorizations, please refer to the Imperiled Beach Nesting Bird Conservation Measures and Permitting Guidelines: <http://www.myfwc.com/IBNB>.

**19. Shorebird Monitor Requirements.**

- a. The Permittee shall ensure that nesting and breeding shorebird surveys are conducted by trained, dedicated individuals (Bird Monitors) with proven shorebird identification skills and avian survey experience.
- b. Bird Monitor(s) shall be familiar with the *Breeding Bird Protocol for Florida's Shorebirds and Seabirds* and conduct all surveys using this protocol. Furthermore, Bird Monitors shall use data entry procedures outlined in the Florida Shorebird Database website. Information on these data collection and data entry protocols can be found at <http://www.flshorebirddatabase.org/>.
- c. The Permittee shall submit a list of proposed Bird Monitors, with their contact information and a resume for each monitor which summarizes their qualifications to the [FWC Regional Shorebird Contact](mailto:FWCRegionalShorebirdContact@dep.state.fl.us) and [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us), at least 14 days prior to any project activity or shorebird surveys. The FWC Regional Shorebird Contact will review Bird Monitor resumes and notify the Permittee as to which individuals meet the required qualifications and are approved. Once approved by the FWC Regional Shorebird Contact, the Permittee shall submit the names and contact information of the Bird Monitor(s) who have been approved to [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us) prior to the start of project activities and prior to conducting shorebird surveys.
  - i. Approved bird monitors must attend pre-construction meetings (see Under Specific Conditions, 5. Pre-Construction Conference, previously

referenced in this permit).

- ii. If modifications to the approved bird monitors for a project are needed, the Permittee shall notify the FWC Regional Shorebird Contact and [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us) immediately.
  - a) New bird monitor contact information and resumes must be submitted to the FWC Regional Shorebird Contact at least 7 days prior to conducting surveys. Monitors must be approved by the FWC Regional Shorebird Contact prior to conducting surveys through the process described in 19c above. Approved new monitors shall be submitted to [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us).
  - b) New bird monitors shall overlap with the established bird monitor for a period of at least 2 days to ensure they are familiar with current shorebird breeding activity along the survey route(s) and are set up to continue data entry into the FSD.
- d. The Bird Monitor(s) shall meet the following minimum qualifications:
  - i. Has previously participated in beach-nesting shorebird surveys in Florida. Experience with previous projects must document the ability to: 1) identify all species of beach-nesting birds by sight and sound, 2) identify breeding/territorial behaviors, and find nests of shorebirds that occur in the project area, and 3) identify habitats preferred by shorebirds nesting in the project area.
  - ii. Have a clear working knowledge of, and adhere to, the Breeding Bird Protocol for Florida's Seabirds and Shorebirds available at <https://app.myfwc.com/crossdoi/shorebirds/PDF-files/BreedingBirdProtocol.pdf>
  - iii. Have completed full-length webinars on Route- Surveyor Training, including the annual refresher training. Training resources available at <https://app.myfwc.com/crossdoi/shorebirds/resources.aspx>
  - iv. Ability to adhere to FWC's Best Management Practices for Operating Vehicles on the Beach available at <https://myfwc.com/conservation/you-conserve/wildlife/beach-driving/>
  - v. Experience posting beach-nesting bird sites, consistent with Florida Shorebird Alliance (FSA) Guidelines for Posting Shorebird and Seabird Sites in Florida and these permit conditions (<https://flshorebirdalliance.org/>).

vi. Has registered as a contributor to the Florida Shorebird Database.

20. **Shorebird Survey Protocols. Shorebird Survey Protocols.** Bird survey protocols, including downloadable field data sheets, are available at <https://app.myfwc.com/crossdoi/shorebirds/resources.aspx>. The Permittee shall ensure all daily route surveys are reported to the FSD website within one week of data collection. The Permittee shall ensure that the Bird Monitors use the following survey protocols:
- a. Surveys shall be conducted by walking the length of all survey routes and visually surveying for the presence of shorebirds exhibiting breeding behavior, shorebird chicks or shorebird juveniles, as outlined in the FSD Breeding Bird Protocol for Shorebirds and Seabirds. Use of binoculars (minimum 8x40) is required, and use of a spotting scope may be necessary to accurately survey the area. If an ATV or other vehicle is needed to cover large survey routes, the Bird Monitor shall stop at intervals of no greater than 600 feet to visually inspect for breeding activity.
  - b. Once breeding or nesting behavior is identified (e.g. nest scrapes present, territorial behavior, incubation, brooding, brood rearing, presence of active nests, presence of young), the Permittee shall ensure the [FWC Regional Shorebird Contact](#) is notified within 24 hours.
21. **Shorebird Buffer Zones and Travel Corridors.** The Permittee shall require the Bird Monitor(s) and Contractor(s) to meet the following:
- a. The Bird Monitor(s) shall establish a disturbance-free buffer zone around any location within the project area where the Bird Monitor has observed shorebirds engaged in breeding behavior, including territory defense. A 300-foot buffer shall be established around each nest or around the perimeter of each colonial nesting area. A 300-foot buffer shall also be placed around the perimeter of areas where shorebirds are seen engaging in breeding behavior including digging nest scrapes or defending nest territories. All construction activities, movement of vehicles, stockpiling of equipment, and pedestrian traffic are prohibited in the buffer zone. **Smaller, site-specific buffers may be established if approved in writing by the [FWC Regional Shorebird Contact](#).** Travel corridors shall be designated and marked outside the buffer areas for pedestrian, equipment, or vehicular traffic.
  - b. The Bird Monitor(s) shall keep breeding sites under sufficient surveillance to determine if birds appear agitated or disturbed by construction or other activities in adjacent areas. If birds appear to be agitated or disturbed by these activities, then the Bird Monitor(s) shall immediately widen the buffer zone to a sufficient size to protect breeding birds.
  - c. The Bird Monitor(s) shall ensure that reasonable and traditional pedestrian access is not blocked in situations where breeding birds will tolerate pedestrian traffic.



This is generally the case with lateral movement of beach-goers walking parallel to the beach at or below the highest tide line. Pedestrian traffic may also be allowed when breeding was initiated within 300 feet of an established beach access pathway. The Bird Monitor(s) shall work with the FWC Regional Shorebird Contact to determine if pedestrian access can be accommodated without compromising nesting success. These site-specific buffers must be approved by the FWC Regional Shorebird Contact in writing.

- d. The Bird Monitor(s) shall ensure that the perimeters of designated buffer zones are marked in accordance with these shorebird conditions and FSA Guidelines for Posting Shorebird and Seabird Sites in Florida available at <https://flshorebirdalliance.org>. The Permittee shall ensure buffer zones are marked with posts, twine, flagging and the FWC-approved signs stating “Do Not Enter, Important Nesting Area” (see example “Do Not Enter” sign at <https://flshorebirdalliance.org/resources/signs/>). Posts shall not exceed 4 feet in height once installed. Symbolic fencing (twine, string or rope) should be placed between all posts at least 3 feet above the ground and rendered clearly visible to pedestrians. If pedestrian pathway and/or equipment travel corridor modifications are approved by the FWC Regional Shorebird Contact, these shall be clearly marked. **Posting shall be maintained in good repair until no active nests, eggs, or flightless young are present.** Although solitary or colonial nesters may leave the buffer zone temporarily with their chicks, the posted area continues to provide a potential refuge for the family until breeding is complete. Breeding is not considered complete until all chicks have fledged.
- e. The Permittee shall ensure that no construction activities, pedestrians, moving vehicles, or stockpiled equipment are allowed within the buffer area.
- f. The Permittee shall ensure that the Bird Monitor(s) designate and mark travel corridors outside the buffer areas so as not to cause disturbance to breeding birds. Heavy equipment, other vehicles, or pedestrians may transit past breeding areas in these corridors. However, other activities such as stopping or turning heavy equipment and vehicles shall be prohibited within the designated travel corridors adjacent to the breeding site.
- g. When flightless chicks are present within or adjacent to travel corridors, construction related vehicles shall not be driven through the corridor unless a Bird Monitor is present to adequately monitor the travel corridor. The Permittee shall require the contractor with the oversight of the Bird Monitor(s) to avoid any chicks that may be in the path of moving vehicles. The Permittee shall also require the contractor with the oversight of the Bird Monitor(s) to level any tracks, ruts, or holes that may be capable of trapping flightless chicks, while avoiding any impacts to the chicks.



- h. Any injury or death of a shorebird (including crushing eggs or young) resulting from project activities shall be reported immediately to the FWC Regional Shorebird Contact.
- 22. **Post-Construction Shorebird Conditions.** If the Permittee conducts beach cleaning on the nourished beach, a minimum of 30% of the biotic material within the wrack line shall be left on the beach post-cleaning at the strand line in a natural configuration to ensure that the nourished beach re-establishes its function as foraging habitat for shorebirds. This shall occur for as long as the placed sand remains on the beach.
- 23. **Dune Planting Conditions.** Planting of dune vegetation is encouraged outside of marine turtle nesting season. However, planting activities may occur during the marine turtle nesting season May 1 through October 31 under the following conditions:
  - a. It is the responsibility of the Permittee to ensure that the project area and access sites are surveyed for marine turtle nesting activity. All nest surveys and activities involving marine turtles shall be conducted only by persons with a valid FWC permit issued pursuant to Florida Administrative Code 68E-1. For information regarding marine turtle permit holders, contact the FWC at [MTP@MyFWC.com](mailto:MTP@MyFWC.com).
  - b. Marine turtle nest surveys shall be initiated at the beginning of the nesting season or 65 days prior to installation of plants (whichever is later). Surveys shall continue until completion of the project or through October 31 (whichever is earliest). Surveys shall be conducted throughout the project area and all beach access sites.
  - c. Any nests deposited in the area shall be left in place. The marine turtle permit holder shall install an on-beach marker at any nest site and a secondary marker located at a point as far landward as possible to ensure that future location of the nest will be possible should the on-beach marker be lost. A series of stakes and survey ribbon or string shall be installed to establish an area of three (3) feet radius surrounding the nest. No planting or other activity shall occur within this area nor shall any activity occur which might cause indirect impacts within this area. Nest sites shall be inspected daily to ensure nest markers have not been removed.
  - d. The use of heavy equipment (including vehicles such as trucks) is not authorized in marine turtle nesting habitat. A lightweight (ATV style) vehicle, with tire pressures of 10 psi or less can operate on the beach if required.
  - e. All activity shall be confined to daylight hours and shall not occur prior to the completion of all necessary marine turtle surveys and conservation activities within the project area. Nighttime storage of equipment or materials shall be off the beach.
  - f. In the event a nest is disturbed or uncovered during planting activity, the Permittee shall cease all work and immediately contact the marine turtle permit holder

- responsible for marine turtle conservation measures within the project area. If a nest(s) cannot be safely avoided during construction, all activity within the affected project area shall be delayed until complete hatching and emergence of the nest.
- g. All planting related activities must avoid marked marine turtle nests including those that may be on the beach before and after the marine turtle nesting season dates (May 1 through October 31). Any impacts to nests or marine turtles that inadvertently occur shall be immediately reported the Florida Fish and Wildlife Conservation Commission (FWC) at [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com), and all work shall stop until authorized to continue by the Department and the FWC.
  - h. All irrigation lines for the dune restoration planting, if proposed, will be temporarily installed along the landward side of the dune only and will be removed once the plants have become established. Any watering necessary along the seaward side of the dune will be done by hand on an “as needed” basis.

#### **SPECIFIC CONDITIONS - SUBMERGED AQUATIC VEGETATION**

24. **Submerged Aquatic Vegetation Monitoring.** The Permittee shall comply with and adhere to the current, Department-approved submerged aquatic vegetation Monitoring Plan (SMP). The SMP is herein incorporated by reference and enforceable as an integral component of this specific condition of the permit. The Permittee is responsible for ensuring that their selected contractor(s) / subcontractor(s) are knowledgeable of all permit conditions pertaining to survey and monitoring requirements (especially the SMP); not just the scope of work in the contract prepared by the Permittee / contractor. The Permittee shall acquire written approval from the Department prior to implementing any revisions to the SMP.

**No impacts to submerged aquatic vegetation (SAV) are authorized by this permit.** Surveys and monitoring within the influence of the Blind Pass or the Grand Canal portions of the Treasure Island/Long Key Nourishment Project required by the current, approved SMP are necessary to provide the Department with reasonable assurance that impacts to SAV resulting from construction activities, including (but not limited to) sloughing and sedimentation, will be documented, should they occur. Unpermitted project-related impacts documented during the course of monitoring shall be mitigated for. Impacts and their mitigation will be handled through compliance and enforcement action, and the amount of mitigation may be determined according to the Department’s UMAM assessment. Monitoring requirements are summarized below.

- a. All submerged aquatic vegetation (SAV) resources within the potential influence of the project shall be surveyed (reconnaissance) prior to each maintenance dredging event (Table 2). All SAV resources within the potential influence of the project shall be monitored before and after each dredging event (Table 2). All SAV surveys and monitoring shall be completed during the peak growing season (June - September).

- b. The Permittee(s) shall notify the JCP Compliance Officer prior to the initiation of each monitoring event and provide an approximate date that survey work will begin. The Permittee(s) shall notify the JCP Compliance Officer when work has been initiated and when survey work has been completed.
- c. Monitoring shall include all SAV within dredge/construction templates as well as within 150 meters of dredge/construction templates (or within the authorized mixing zone, whichever area is greater). If only a portion (certain Cuts) of the authorized template will be dredged during a construction event, then monitoring shall only be required for the portion of the template to be dredged during that event.
- d. The Reconnaissance Survey shall include the collection of video data along predetermined survey tracks. Each monitoring event shall include 1) delineation of SAV boundaries, 2) qualitative assessment of SAV condition, and 3) quantitative assessment of SAV species composition and abundance.
- e. Reconnaissance Survey and Pre-Construction Monitoring Data (field datasheets and Excel spreadsheets), ArcGIS map files, and video) and Monitoring Information (georeferenced map of SAV boundaries, description of site conditions based on the qualitative assessment, and representative photographs) shall be submitted to the JCP Compliance Officer ([JCPCompliance@floridadep.gov](mailto:JCPCompliance@floridadep.gov)) at least 30 days prior to commencement of construction and within 45 days of the completion of the monitoring event. Post-Construction monitoring data shall be submitted within 45 days of the completion of monitoring. Within 90 days of completion of each Post-Construction monitoring event, a Post-Construction SAV Monitoring Report shall be submitted to the JCP Compliance Officer (Table 2).
- f. All benthic monitoring data and statistical analysis must be provided directly and concurrently from the monitoring firm to the Department, Permittee, Consultant(s), and Local Sponsor(s) in order to comply with the Florida Auditor General report 2014-064 and to be consistent with Section 287.057(19)(a)(1), F.S. Moreover, if a multi-disciplinary firm is contracted for engineering and benthic monitoring services or if the engineering firm subcontracts the post-construction benthic monitoring, the Permittee (or Local Sponsor) shall provide a plan that addresses conflicts of interest, consistent with Section 287.057(19)(a)(1), F.S. This plan shall include a description of organizational, physical, and electronic barriers that will be used to avoid potential conflicts of interest, and this plan must be approved by the Department prior to the initiation of benthic monitoring.

**Table 2: Summary of SAV surveys and associated deliverables.**

Surveys	Timeline for Completion	Deliverables
Reconnaissance Survey	Growing season immediately prior to construction (prior to or concurrent with Pre-Construction Monitoring)	Field notes and a description of reconnaissance survey methods (e.g., transects or positions inspected by biologists). Video recordings, photographs, and ArcGIS map files for survey tracks.
Pre-Construction Survey	Growing season immediately prior to construction	A summary of existing information based on the desktop assessment, a geo-referenced map of SAV boundaries, a narrative description of the current conditions, Excel data files, ArcGIS map files, and representative photographs
Post-Construction Survey*	Growing season immediately following construction	Raw data (Excel data files, ArcGIS map files, and representative photographs) and Post-Construction SAV <u>Monitoring Report</u> .

\*Additional monitoring may be required if impacts are documented.

**25. Submerged Aquatic Vegetation Avoidance and Mitigation.**

**a. Impact Avoidance and/or Mitigation within the Grand Canal Dredge Channel.**

The permit required reconnaissance survey and pre-construction monitoring event (see Specific Condition 24.a. and SMP Sections 2.2 and 2.3) shall be used to identify SAV resources within the authorized Grand Canal Channel prior to each construction event. Areas within the Channel documented as currently containing SAV resources shall either be avoided or offset by compensatory mitigation. A path forward (e.g., avoidance, mitigation, or a combination of the two) shall be proposed by the Permittee and approved, modified, or denied by the Department.

- i. If project related impacts to SAV resources are determined to be avoidable, then the Permittee and its selected contractor(s) shall abide by the following avoidance measures. In the absence of turbidity control devices, construction activities shall maintain a minimum distance of 10 m from the edge of SAV resources within Grand Canal Channel. With turbidity control devices in place and functioning properly, construction activities shall maintain a minimum distance of 5 m from the edge of SAV resources within Grand Canal Channel. Permit required pre- and post- construction monitoring applies to all SAV resources within Grand Canal Channel that will be avoided during construction (see Specific Condition 24 and the approved SMP). Vessels employed in dredging activities shall have the current, georectified map of SAV resources provided by the Permittee (see Specific Condition 5.e.iii) up and running in coordination with their real-time positioning system to ensure resource buffers are maintained and that impacts to resources are avoided.

- ii. If project related impacts to SAV resources are determined to be unavoidable, then the Permittee shall request a modification of the permit so that compensatory mitigation can be provided to offset the anticipated impacts. Modification of the Permit shall incorporate department approved Mitigation and Mitigation Monitoring Plans.
- b. **Mitigation for Impacts within the Grand Canal Sediment Deposition Basin.** No work shall commence on the Grand Canal Sediment Deposition Basin until the Permittee has satisfactorily met the requirements specified in this Condition.
  - i. **Pre-Construction Resource Survey.** A survey to document the current distribution, abundance, composition, and condition of SAV within the template of the grand Canal Sediment Deposition Basin and within the 150 m mixing zone surrounding the Basin template shall be completed during the summer growing season (June – September) prior to construction (see Specific Condition 25.a and SMP Sections 2.2 and 2.3). The survey shall be sufficient to provide information needed by the Department to conduct UMAM analysis, according to 62-345.300(1) F.A.C. The Permittee shall provide the Department with the results of the pre-construction SAV survey and monitoring, including a geo-referenced map of SAV boundaries, a narrative description of the current conditions, and all raw mapping and transect/quadrat survey data.
  - ii. **Permit Modification for Mitigation.** If SAV resources are documented within the Grand Canal Sediment Deposition Basin template during the Pre-Construction Resource Survey (see Specific Condition 25.b.i), then the Permittee shall request a modification of the Permit so that compensatory mitigation can be provided to offset the anticipated impacts. Anticipated impact information submitted with the modification request shall be based on the results of the growing season Pre-Construction Resource Survey (see Specific Condition 25.b.i), which shall have been conducted within six (6) months of the submission of the request. Modification of the Permit shall incorporate department approved Mitigation and Mitigation Monitoring Plans. Pursuant to Section 10.3.3 of the ERP Applicant's Handbook Volume I, the Mitigation Plan shall provide the Department with reasonable assurance that adverse impacts to resources will be offset, and that the mitigation will provide viable and sustainable ecological and hydrological functions. Pursuant to Section 10.3.4 of the ERP Applicants Handbook Volume I, the Mitigation Monitoring Plan shall provide the Department with reasonable assurance that mitigation efforts undertaken to offset adverse, project related impacts have been successful. Authorization to construct the Grand Canal Sediment Deposition Basin shall be contingent on the Permittees receipt of a Department issued Final Order for the herein specified Modification of the Permit.

**SPECIFIC CONDITIONS – MONITORING REQUIRED:**

26. **Water Quality** - Turbidity shall be monitored as follows:

a. Units: Nephelometric Turbidity Units (NTUs).

b. Frequency:

**If a pipeline dredge is used:** During all dredging operations at the Grand Canal Dredge Channel and Deposition Basin, the Pass-a-Grille Channel or the Blind Pass Entrance Channel within the Aquatic Preserve, monitoring shall be conducted 3 times daily, approximately 4 hours apart, and at any other time that there is a likelihood of an exceedance of the turbidity standard. During all dredging operations at the Egmont Shoal East Borrow Area, monitoring shall be conducted 2 times daily, approximately 4 hours apart, beginning at least two hours after dredging begins and at any other time that there is a likelihood of an exceedance of the turbidity standard.

**If a hopper dredge is used:** Monitoring shall be conducted for three hopper dredge loads during daylight hours. At the dredge site, sampling shall be conducted after overflow from the hopper begins and the associated turbidity plume has reached the edge of the mixing zone. At the fill placement site, sampling shall be conducted after discharge from the hopper begins and the associated turbidity plume has reached the edge of the mixing zone.

Sampling shall be conducted **while the highest project-related turbidity levels are crossing the edge of the mixing zone**. Since turbidity levels can be related to pumping rates, the dredge pumping rates shall be recorded, and provided to the Department upon request. The compliance samples and the corresponding background samples shall be collected at approximately the same time, i.e., one shall immediately follow the other.

c. Location:

**Background:** Sampling shall occur at surface and mid-depth, clearly outside the influence of any artificially generated turbidity plume or the influence of an outgoing inlet plume.

**Pass-a-Grille Channel:** Samples shall be collected at least 500 meters up- current from the source of turbidity at the dredge site.

**Grand Canal Dredge Channel and Deposition Basin:** Samples shall be collected at least 200 meters up-current from the source of turbidity at the dredge site.

**Blind Pass Entrance Channel:** Samples shall be collected at least 200 meters up-current from the source of turbidity at the dredge site.

**Egmont Shoal East:** Samples shall be collected at least 200



meters up- current from the source of turbidity at the dredge site.

**John's Pass Ebb Shoal and Channel:** Samples shall be collected at least 500 meters up-current from the source of turbidity at the dredge site.

**Beach Nourishment Sites:** Samples shall be collected at least 1000 meters up-current from any portion of the beach that has been, or is being, filled during the current construction event, at the same distance offshore as the associated compliance samples.

**Compliance:** Sampling shall occur at surface and mid-depth.

**Pass-a-Grille Channel:** Samples shall be collected 1000 meters down- current from the cutterhead (or at the edge of the nearest SAV bed in the down current direction, whichever is closest to the cutterhead, hopper overflow, etc.), **and** from any other source of turbidity generated by the dredge, in the densest portion of any visible turbidity plume. If no plume is visible, follow the likely direction of flow.

**Grand Canal Dredge Channel and Deposition Basin:** Samples shall be collected at least 150 meters down current from the cutterhead (or at the edge of the nearest seagrass bed in the down current direction, whichever is closest to the cutterhead, hopper overflow, etc.), and from any other source of turbidity generated by the dredge, in the densest portion of any visible turbidity plume. If no plume is visible, follow the likely direction of flow.

**Blind Pass Entrance Channel:** Samples shall be collected 150 meters down current from the cutterhead (or at the edge of the nearest seagrass bed in the down current direction, whichever is closest to the cutterhead, hopper overflow, etc.), and from any other source of turbidity generated by the dredge, in the densest portion of any visible turbidity plume. If no plume is visible, follow the likely direction of flow.

**Egmont Shoal East:** Samples shall be collected 150 meters down-current from the cutterhead **and** from any other source of turbidity generated by the dredge, in the densest portion of any visible turbidity plume. If no plume is visible, follow the likely direction of flow.

**John's Pass Ebb Shoal and Channel:** Samples shall be collected 1000 meters down-current from the dredge (cutterhead, hopper overflow, etc.) or at the edge of the nearest seagrass bed/hardbottom in the down current direction, whichever is closest to the dredge (cutter head, hopper overflow, etc.) **and** from any other source of turbidity generated by the dredge, in the densest portion of any visible turbidity plume. If no plume is visible, follow the likely direction of flow.

**Beach Nourishment Sites:** Samples shall be collected where the densest portion of the turbidity plume crosses the edge of the mixing zone polygon, which measures up to 150 meters offshore and up to 1000 meters alongshore from the point where the return water from the dredged discharge reenters the Gulf of America.  
*Note: If the plume flows parallel to the shoreline, the densest portion of the plume may be close to shore, in shallow water. In that case, it may be necessary to access the sampling location from the shore, in water that is too shallow for a boat.*

- d. **Intermediate Monitoring:** (required when using a mixing zone that exceeds 150 meters in size): Sampling shall occur at surface (approximately one foot below the surface), mid-depth (for sites with depths greater than 6 feet), and bottom (approximately 6 feet above the bottom for sites with depths greater than 25 feet). At points approximately 150, 500, and 750 meters downcurrent from the point where the return water from the dredged discharge reenters the Gulf of America (if those points are located inside the mixing zone), within the densest portion of any visible turbidity plume generated by this project. These measurements will be used to calibrate the size of the mixing zone for future events.

Within 90 days following completion of each nourishment event, the Permittee shall provide the Intermediate Monitoring data (in tabular format) to the JCP Compliance Officer. Along with the raw data, the Permittee shall also provide an analysis of the frequency at which the turbidity standard (as specified in Specific Condition 28) was exceeded at each intermediate distance, for each work area (Blind Pass Entrance Channel, Pass-a-Grille Channel, Egmont Shoal East, John's Pass Ebb Shoal and Channel and Beach Nourishment Sites). *If the Department determines that an adjustment to size of any of the mixing zones is required, pursuant to Rule 62-4.244(5)(d), F.A.C., or the antidegradation threshold, pursuant to Rule 62-4.242(2)(b)2.b., then an administrative modification to adjust the dimensions of the mixing zone or the antidegradation threshold would be required prior to the next nourishment event.*

- e. **Calibration and Verification:** The instruments used to measure turbidity shall be



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

Analysis of turbidity samples shall be performed in compliance with DEP-SOP- 001/01 FT 1600 Field Measurement of Turbidity:

<http://publicfiles.dep.state.fl.us/dear/sas/sopdoc/2008sops/ft1600.pdf>

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

27. 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 that are greater than **2.5 NTUs** above the corresponding background turbidity levels at the **nourishment sites**, or greater than **1 NTU** above background levels at **Pass-a-Grille Channel, Grand Canal Dredge Channel and Grand Canal Deposition Basin**, or greater than **6 NTUs** above background levels at **Blind Pass Entrance Channel**, or greater than **8.8 NTUs** above background levels at **John’s Pass Ebb Shoal and Channel**, or greater than **29 NTUs** above the associated background turbidity levels at the **Egmont Shoal East Borrow Area**, construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the JCP Compliance Officer via email at [JCPCompliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us) and include in the subject line, “TURBIDITY EXCEEDANCE”, and the Project Name and Permit Number. Also notify the Department’s Southwest District office.

Any project-associated turbidity source other than dredging or fill placement for beach nourishment (e.g., scow or pipeline leakage) shall be monitored as close to the source as possible. If the turbidity level exceeds the thresholds described above (1 NTU, 2.5 NTUs, 6 NTUs, 8.8 NTUs, or 29 NTUs above background, depending on location), the construction activities related to the exceedance shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. This turbidity monitoring shall continue every hour until background turbidity levels are restored or until otherwise directed by the Department. The Permittee shall notify the Department, by separate email to the JCP Compliance Officer, of such an event within 24 hours of the time the Permittee first becomes aware of the discharge.

The subject line of the email shall state “OTHER PROJECT-ASSOCIATED DISCHARGE, TURBIDITY EXCEEDANCE”.

- a. When reporting a turbidity exceedance, the following information shall also be included:
    - i. the Project Name;
    - ii. the Permit Number;
    - iii. location and level (NTUs above background) of the turbidity exceedance;
    - iv. the time and date that the exceedance occurred; and
    - v. the time and date that construction ceased.
  - b. Prior to re-commencing the construction, a report shall be emailed to the Department with the same information that was included in the “Exceedance Report”, plus the following information:
    - i. turbidity monitoring data collected during the shutdown documenting the decline in turbidity levels and achievement of acceptable levels;
    - ii. corrective measures that were taken; and
    - iii. cause of the exceedance.
28. **Turbidity Reports:** All turbidity monitoring data shall be submitted within one week of analysis. The data shall be presented in tabular format, indicating the measured turbidity levels at the compliance sites for each depth, the corresponding background levels at each depth and the number of NTUs over background at each depth. Any exceedances of the turbidity standard (1 NTU, 2.5 NTUs, 6 NTUs, 8.8 NTUs, or 29 NTUs above background depending on location) shall be highlighted in the table. In addition to the raw and processed data, the reports shall also contain the following information:
- a. time of day samples were taken;
  - b. dates of sampling and analysis;
  - c. GPS location of sample and source. *When possible, coordinates should be provided in decimal degrees with a 5 decimal level of precision (i.e., 0.00001). Please also indicate the datum;*
  - d. depth of water body;

- e. depth of each sample
- f. antecedent weather conditions, including wind direction and velocity;
- g. tidal stage and direction of flow;
- h. water temperature;
- i. a geo-referenced map, overlaid on an aerial photograph, indicating the sampling locations (background and compliance), location of active construction, the visible plume pattern and direction of flow. The map shall also include the boundaries of any benthic resources or OFW. A sample map shall be submitted to and reviewed by the Department prior to construction (Specific Condition 5);
- j. a statement describing the methods used in collection, handling, storage and analysis of the samples;
- k. a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, calibration of the meter, accuracy of the data and precision of the GPS measurements;
- l. When samples cannot be collected, include an explanation in the report. If unable to collect samples due to severe weather conditions, include a copy of a current report from a reliable, independent source, such as an online weather service.

Monitoring reports shall be submitted by email to the Department's JCP Compliance Officer. In the subject line of the reports, include the Project Name, Permit Number and the dates of the monitoring interval. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the Department's JCP Compliance Officer, on the cover page to the submittal and at the top of each page, please state: **"This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0221569-023-JC, for the Treasure Island/Long Key Nourishment Project"**

**29. PHYSICAL MONITORING REQUIRED:**

Pursuant to 62B-41.005(16), F.A.C., physical monitoring of the project shall be required through acquisition of project-specific data to include, at a minimum, topographic and bathymetric surveys of the beach, offshore, and borrow site areas, and engineering analysis. The monitoring data are necessary in order for both the project sponsor and the Department to regularly observe and assess, with quantitative measurements, the performance of the project, any adverse effects that have occurred, and the need for any adjustments, modifications, or mitigative response to the project. The scientific monitoring process also provides the project

sponsor and the Department with information necessary to plan, design, and optimize subsequent follow-up projects, potentially reducing the need for, and costs of, unnecessary work, as well as potentially reducing any environmental impacts that may have occurred or would be expected to occur.

The approved Monitoring Plan can be revised at any later time by written request of the Permittee and with the written approval of the Department. If, subsequent to approval of the Monitoring Plan, there is a request for modification of the permit, the Department may require revised or additional monitoring requirements as a condition of approval of the permit modification.

The Comprehensive Physical Monitoring Plan, dated May 15, 2025, (provided as an attachment to this permit) contains the following items:

- a. **Beach and Offshore Surveys.** Topographic and bathymetric profile surveys of the beach and offshore shall be conducted within 90 days prior to commencement of construction, within 60 days following completion of construction, and biennially thereafter, beginning one to two years following completion of construction. A pre-construction survey of the project area to receive beach fill may use surveys conducted for purposes of construction bidding, contracting or construction management. The post-construction survey of the beach fill may use surveys and other information collected periodically during construction for purposes of construction management and payment. Alternatively, the post-construction survey may consist of a single beach-offshore profile survey event of the project monitoring area, conducted within 60 days after completion of beach fill placement.

Thereafter, monitoring surveys shall be conducted biennially, beginning approximately one year following completion of construction until the next beach nourishment event, or the expiration of the project design life, whichever occurs first. The monitoring surveys shall be conducted during a spring or summer month and repeated as close as practicable during that same month of the year. If the time period between the immediate post-construction survey and the first biennial monitoring survey is less than six months, then the Permittee may, at their discretion, postpone the first monitoring survey until the following spring/summer.

The monitoring area shall include profile surveys at each of the Department of Environmental Protection's reference monuments within the bounds of the beach fill area, and along at least 5,000 feet of the adjacent shoreline on both sides of the beach fill area. All work activities and deliverables for the biennial monitoring surveys shall be conducted in accordance with the latest update of the Department's Monitoring Standards for Beach Erosion Control Projects, Sections 01000 and 01100.

- i. Pre-construction surveys for hotspot nourishment, when placing volumes less than 15,000 cubic yards of sand, will not be required, provided no changes to the permitted sand source is requested.
  - ii. In addition to the above proposed survey intervals, additional survey events shall be conducted following significant storm events. The threshold for initiating surveys following storm events shall be established jointly by Pinellas County, the Department, and the Corps.
- b. **Borrow Area Surveys:** Bathymetric surveys of borrow area(s) located offshore or at inlet channels and shoals shall be conducted within 90 days prior to commencement of construction and within 60 days following completion of construction of the project. Thereafter, monitoring surveys of the inlet borrow area(s) shall be surveyed concurrently with the biennial beach and offshore surveys required above. A prior design survey may be submitted for the pre-construction survey.

Survey grid lines across the borrow area(s) shall be spaced to provide sufficient detail for accurate volumetric calculations but spaced not more than a maximum of 500 feet apart and shall extend a minimum of 500 feet beyond the boundaries of the borrow site. For borrow sites located in tidal inlet shoals, bathymetric surveys of the entire shoal complex, including any attachment bars, shall be conducted unless otherwise specified by the Department based upon the size of the shoal and the potential effects of the dredging on inlet processes.

- i. For Blind Pass, the shore-parallel survey lines shall extend from approximately R-142 to R-146.
- ii. For Pass-a-Grille, the shore-parallel survey lines shall start at approximately R-165 and extend approximately 6,000 feet to the south.
- iii. For Johns Pass, the shore-parallel survey lines shall extend from approximately R-123 to R-130.

In all other aspects, work activities and deliverables shall be consistent with the Department's Monitoring Standards for Beach Erosion Control Projects, Section 01200.

- c. **Annual Monitoring Reports:** The Permittee shall submit an engineering report and the monitoring data to the Department's JCP Compliance Officer

within 120 days following completion of the post-construction survey and each biennial monitoring survey.

The report shall summarize and discuss the data, the performance of the beach fill project, and identify erosion and accretion patterns within the monitored area. The results shall be analyzed for patterns, trends, or changes between annual surveys and cumulatively since project construction. In addition, the report shall include a comparative review of project performance to performance expectations and identification of adverse effects attributable to the project. The report shall specifically include:

- i. A record of the volume excavated and location of excavation of all beach fill or inlet sand bypassing material placed within the project area;
- ii. The volume and distribution of infilling of the inlet borrow area(s) and changes of the inlet channels and shoals;
- iii. The volume and percentage of advance nourishment lost since the last beach nourishment project as measured landward of the MHW line of the most recent survey;
- iv. The most recent MHW shoreline positions (feet) in comparison with the design profile at each individual monument location;
- v. The MHW shoreline position changes (feet) relative to the pre-construction survey at each individual monument location for all the monitoring periods;
- vi. The total measured remaining volume (cubic yards) in comparison with the total predicted remaining volume (cubic yards) above the MHW line and above the Depth of Closure for the entire project area over the successive monitoring periods; and,
- vii. Other shoreline position and volumetric analysis the Permittee or engineer deem useful in assessing, with quantitative measurements, the performance of the project.

The report shall include computations, tables and graphic illustrations of volumetric and shoreline position changes for the monitoring area. An appendix shall include superimposed plots of the two most recent beach profile surveys, the design profile, and pre- and post-construction beach profile at each individual monument location.

- d. An updated sediment budget shall be provided prior to each beach nourishment event that uses the inlet channel and ebb shoal borrow areas as a sand source. The sediment budget shall be included in the biennial engineering report using the data required by the physical monitoring plan.
- e. One electronic copy of the monitoring report and one electronic file of the survey data shall be submitted to the JCP Compliance Officer. Failure to submit reports and data in a timely manner constitutes grounds for revocation of the permit. When submitting any monitoring information to the Department, please include a transmittal cover letter clearly labeled with the following at the top of each page: **"This monitoring information is submitted in accordance with the approved Monitoring Plan for Permit No. 0221569-023-JC, Treasure Island/Long Key Nourishment Project, for the monitoring period [XX]."**
- f. **Storm Monitoring Reports.** When applicable, a report detailing and analyzing the results from Post-Storm hydrographic monitoring conducted during the previous year shall be submitted with the annual reports.

## **POST CONSTRUCTION CONDITIONS**

- 30. Within 90 days after completion of authorized activities, the Permittee shall submit a notice of completion to the JCP Compliance Officer that includes the following information:
  - a. The permit number (0221569-023-JC) and the project name (Treasure Island/Long Key Nourishment).
  - b. A copy of any post-construction As-Built Survey drawings required of the Contractor. If any of the completed activities differ substantially from the permitted plans, any substantial deviations shall be noted and explained.
  - c. A summary of the construction event (the date on which authorized activities began and the date of completion, the volume of sand placed and/or dredged as well as the source of sand and the R-monument locations for construction activities);
  - d. A table identifying any exceedances of turbidity standards that occurred during dredging or disposal, the probable causes of the exceedances, and corrective measures taken to reduce turbidity.
  - e. A table identifying any impacts to biological resources (including SAV and Mangrove communities) and, the probable causes of the impacts, and corrective measures taken.



- f. A table identifying any harm or injury to threatened species, endangered species or protected species, endangered status communities, the probable causes of the take and corrective measures taken.
31. **Post-Construction Meeting.** Within 90 days following each construction activity authorized by this permit, the Permittee shall hold a post-construction conference. Attendees shall include at minimum, the Permittee, Agent, Department representative, and FWC representative.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### **Petition for Administrative Hearing**

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and



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

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### **Time Period for Filing a Petition**

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., 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), F.S., must be filed within **14** days of publication of the notice or within **14** days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### **Extension of Time**

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### **Mediation**

Mediation is not available in this proceeding.

#### **Judicial Review**

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

**EXECUTION AND CLERKING:**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Gregory W. Garis.  
Program Administrator  
Beaches, Inlets and Ports Program  
Office of Resilience and Coastal Protection

**Attachment(s):**

1. Approved Permit Drawings. (24 sheets, signed and sealed January 13, 2025)
2. Comprehensive Sediment QA/QC Plan (Dated May 15, 2025)
3. Treasure Island/Long Key Nourishment Submerged Aquatic Vegetation Monitoring Plan (dated May 2025).
4. Comprehensive Physical Monitoring Plan (7 pages, Dated May 15, 2025)

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all attachments were sent on the filing date below to the following listed persons:

cc:

Gregory Garis, RCP  
Sean Green, RCP  
Ivana KennyCarmola, RCP  
Rachel Thomas, RCP  
Zach Boudreau, RCP  
Brendan Biggs, RCP  
Shamim Murshid, RCP  
Ahsan Habib, RCP  
Sarah Bodin, RCP

Eric Seckinger, FWC  
Stephanie Jones, FWC  
[BIPP@dep.state.fl.us](mailto:BIPP@dep.state.fl.us)  
[CE.Review@dep.state.fl.us](mailto:CE.Review@dep.state.fl.us)  
[JCPCompliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us)  
[BMES@dep.state.fl.us](mailto:BMES@dep.state.fl.us)  
[MarineTurtle@myfwc.com](mailto:MarineTurtle@myfwc.com)  
[ImperiledSpecies@myfwc.com](mailto:ImperiledSpecies@myfwc.com)  
[ConservationPlanningServices@myfwc.com](mailto:ConservationPlanningServices@myfwc.com)

**FILING AND ACKNOWLEDGMENT**

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



**Clerk**

6/3/2025

**Date**

## Exhibit G – Pricing Proposal

25-0933-ITB - 2025 Pinellas County Dune Planting Services  
Quantities & Cost Estimate - One Year

\* All plants are sourced from Charlotte County, Florida

### Attachment A - Pricing Proposal

#### SAND KEY PID 001516A

##### ZONE 1

Common Name	Percentage	Scientific Name	Size	Est. Qty per Acre	No. Acres	Est. Qty per Acre x No. Acres	Installed Unit Price	Total cost
Sea oats	50.00%	<i>Uniola paniculata</i>	1-Inch	16,335	15.5	253192.50	\$1.20	\$303,831.00
Panicgrass	20.00%	<i>Panicum amarum</i>	1-Inch	6,534	15.5	101277.00	\$1.20	\$121,532.40
Railroad vine	15.00%	<i>Ipomoea per-caprae</i>	1-Inch	4,901	15.5	75957.75	\$1.20	\$91,149.30
Seashore dropseed	15.00%	<i>Sporobolus virginicus</i>	1-Inch	4,901	15.5	75957.75	\$1.20	\$91,149.30
SUBTOTAL PLANT COST								\$607,662.00
TOTAL COST PER ACRE								\$39,204.00

##### ZONE 2

Common Name	Percentage	Scientific Name	Size	Est. Qty per Acre	No. Acres	Est. Qty per Acre x No. Acres	Installed Unit Price	Total cost
Sea oats	35.00%	<i>Uniola paniculata</i>	1-Inch	11,435	15.5	177234.75	\$1.20	\$212,681.70
Panicgrass	25.00%	<i>Panicum amarum</i>	1-Inch	8,168	15.5	126596.25	\$1.20	\$151,915.50
Diversity Species	40.00%	See scope	1-Inch	13,068	15.5	202554	\$1.20	\$243,064.80
SUBTOTAL COST								\$607,662.00
SUBTOTAL COST PER ACRE								\$39,204.00
SAND KEY TOTAL COST - ZONE 1 AND 2								\$1,215,324.00
UNSPECIFIED WORK PID 001516A IS 10% OF SANDKEY TOTAL COST - ZONE 1 AND 2								\$121,532.40

#### TREASURE ISLAND PID 002574A

##### ZONE 1

Common Name	Percentage	Scientific Name	Size	Est. Qty per Acre	No. Acres	Est. Qty per Acre x No. Acres	Installed Unit Price	Total cost
Sea oats	50.00%	<i>Uniola paniculata</i>	1-Inch	16,335	5.05	82491.75	\$1.20	\$98,990.10
Panicgrass	20.00%	<i>Panicum amarum</i>	1-Inch	6,534	5.05	32996.7	\$1.20	\$39,596.04
Railroad vine	15.00%	<i>Ipomoea per-caprae</i>	1-Inch	4,901	5.05	24747.525	\$1.20	\$29,697.03
Seashore dropseed	15.00%	<i>Sporobolus virginicus</i>	1-Inch	4,901	5.05	24747.525	\$1.20	\$29,697.03
SUBTOTAL PLANT COST								\$197,980.20
TOTAL COST PER ACRE								\$39,204.00

##### ZONE 2

Common Name	Percentage	Scientific Name	Size	Est. Qty per Acre	No. Acres	Est. Qty per Acre x No. Acres	Installed Unit Price	Total cost
Sea oats	35.00%	<i>Uniola paniculata</i>	1-Inch	11,435	5.05	57744.225	\$1.20	\$69,293.07
Panicgrass	25.00%	<i>Panicum amarum</i>	1-Inch	8,168	5.05	41245.875	\$1.20	\$49,495.05
Diversity Species	40.00%	See scope	1-Inch	13,068	5.05	65993.4	\$1.20	\$79,192.08
SUBTOTAL COST								\$197,980.20
SUBTOTAL COST PER ACRE								\$39,204.00
TREASURE ISLAND TOTAL COST - ZONE 1 AND 2								\$395,960.40
UNSPECIFIED WORK PID 002574A IS 10% OF TREASURE ISLAND TOTAL COST - ZONE 1 AND 2								\$39,596.04

#### PASS-A-GRILLE PID 002573A

##### ZONE 1

Common Name	Percentage	Scientific Name	Size	Est. Qty per Acre	No. Acres	Est. Qty per Acre x No. Acres	Installed Unit Price	Total cost
Sea oats	50.00%	<i>Uniola paniculata</i>	1-Inch	16,335	4	65340	\$1.20	\$78,408.00
Panicgrass	20.00%	<i>Panicum amarum</i>	1-Inch	6,534	4	26136	\$1.20	\$31,363.20
Railroad vine	15.00%	<i>Ipomoea per-caprae</i>	1-Inch	4,901	4	19602	\$1.20	\$23,522.40
Seashore dropseed	15.00%	<i>Sporobolus virginicus</i>	1-Inch	4,901	4	19602	\$1.20	\$23,522.40
SUBTOTAL PLANT COST								\$156,816.00
SUBTOTAL COST PER ACRE								\$39,204.00

##### ZONE 2

Common Name	Percentage	Scientific Name	Size	Est. Qty per Acre	No. Acres	Est. Qty per Acre x No. Acres	Installed Unit Price	Total cost
Sea oats	35.00%	<i>Uniola paniculata</i>	1-Inch	11,435	2.9	33160.05	\$1.20	\$39,792.06
Panicgrass	25.00%	<i>Panicum amarum</i>	1-Inch	8,168	2.9	23685.75	\$1.20	\$28,422.90
Diversity Species	40.00%	See scope	1-Inch	13,068	2.9	37897.2	\$1.20	\$45,476.64
SUBTOTAL COST								\$113,691.60
SUBTOTAL COST PER ACRE								\$39,204.00
PASS-A-GRILLE TOTAL COST - ZONE 1 AND 2								\$270,507.60
UNSPECIFIED WORK PID 002573A IS 10% OF PASS-A-GRILLE TOTAL COST - ZONE 1 AND 2								\$27,050.76

TOTAL COST OF SAND KEY, TREASURE ISLAND, AND PASS-A-GRILLE \$2,069,971.20

TOTAL BID: \$2,069,971.20