#### **APPENDIX A**

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#### FDEP AND USACE PERMITS





### Florida Department of Environmental Protection

South District Office P.O. Box 2549 Fort Myers, FL 33902-2549 Charlie Crist Governor

Jeff Kottkamp Lt. Governor

Mimi A. Drew Secretary

#### Permittee/Authorized Entity:

City of Naples c/o A. William Moss, City Manager 735 8th Street South Naples, Florida 34102, Collier County

East Naples Bay Dredging Project

#### **Authorized Agent:**

PBS&J c/o Bryan D Flynn 5300 West Cypress Street Tampa, Florida 33607

Environmental Resource Permit
State-owned Submerged Lands Authorization - Granted
U.S. Army Corps of Engineers Authorization - Separate Corps
Authorization Required

Permit No.: 11-0295486-001

Permit Issuance Date: December 30, 2010 Permit Construction Phase Expiration Date: December 30, 2015

#### Consolidated Environmental Resource Permit and State-owned Submerged Lands Authorization

Permittee: City of Naples Permit No: 11-0295486-001

#### **AUTHORIZATIONS**

**East Naples Bay Dredging Project** 

Project Description

The permittee is authorized to dredge existing manmade canals in the Golden Shores, Oyster Bay, and Royal Harbor sections of Naples Bay, encompassing approximately 28.64 acres, to a depth of -6 feet Mean Low Water. The dredging project shall remove approximately 40,900 cubic yards of material from previously dredged canals, to be deposited in an upland location to be dried and transported to the county landfill. A portion of the dredging impacts at the mouth of the canals will occur on state lands, to maintain access to the canals. Authorized activities are depicted on the attached exhibits.

Eighty (80) 8 ½"x11" permit drawings, as prepared by PBS&J., signed and sealed by Jeffery R. Tabar, P.E., dated October 11, 2010, are incorporated by reference and attached to this permit.

The project will impact approximately 0.05 acres of oyster beds and potentially impact 0.06 acres of seagrass habitat impacts (*Halophila decipiens*). To offset unavoidable impacts that will occur from these authorized activities, the permittee shall enhance shoreline habitat at three different locations within the Gordon River/Naples Bay by placing riprap to provide increased habitat for fish, crabs and oysters to help improve water quality in the waterbody. Seagrasses have not been present in the vicinity of the project have not been present since 2007 as a result of increased freshwater in the system, and therefore no additional mitigation will be required by this permit.

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

#### State-owned Submerged Lands Authorization

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

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As staff to the Board of Trustees, the Department has determined that the activity qualifies for a Letter of Consent, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

#### Federal Authorization

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

#### Coastal Zone Management

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

#### Water Quality Certification

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

#### Other Authorizations

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

In addition, you are advised that your project may require additional authorizations or permits from the municipality/county in which the project is located. Please be sure to contact the local county building and environmental department to obtain these required authorizations.

#### PROJECT LOCATION

The activities authorized by this Permit and state-owned submerged lands authorization are located in the man-made canals within Golden Shores, Oyster Bay and Royal Harbor and partially in East Naples Bay/Gordon River, Class II Waters, prohibited for shellfish harvesting, Sections 03, 10, 11, 14 and 15, Township 50 South, Range 25 East, Collier County.

The three shoreline enhancement areas are located:

- On the western shoreline of the Gordon River under the US-41 bridge;
- On the eastern shoreline of the Gordon River under the US-41 bridge; and
- Along the shoreline adjacent to the Auxiliary Coast Guard building.

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#### PERMIT STATE-OWNED SUBMERGED LANDS CONDITIONS

The activities described herein must be conducted in accordance with:

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

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

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit/certification/authorization and state-owned submerged lands authorization, as specifically described above.

#### SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 ("South District Office"). All submittals shall include the project name and indicated permit number when referring to this project.

Note: In the event of an emergency, the Permittee should contact the Department by calling (800) 320-0519. During normal business hours, the permittee should call (239) 344-5600.

- 2. Any deviation from the specific permit conditions or permit drawings shall not be undertaken without modification of this permit and submittal of the appropriate processing fee.
- 3. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.
- 4. Prior to commencement of construction the permittee shall coordinate with the affected boaters and post notices alerting the public of the any channel closure necessary during construction. The Permittee shall post signs no less than 7 days prior, in locations visible to boaters normally navigating in the project area. The Permittee shall also publish notices in the newspaper or other media that will assure notification

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of affected boaters. No less than 7 days prior to construction, the Permittee shall submit a description of these notices, the media used, and locations, for Department review, modification as necessary, and approval no less than 60 days prior to construction.

- 5. **Prior to commencement of construction**, turbidity screens with weighted skirts that extend to the bottom shall be placed to contain any turbid waters generated from dredging/construction. The turbidity screens shall be maintained in functional condition, inspected daily, and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the project construction area do not exceed the ambient water quality levels and do not contribute to impacts of adjacent wetlands or surface waters.
- 6. The following measures shall be taken by the Permittee whenever turbidity levels within waters of the State surrounding the project site, exceed State water quality standards established pursuant to Rule 62-302, F.A.C.:
  - (a) immediately cease all work contributing to the water quality violation;
  - (b) modify the work procedure(s) that were responsible for the violation,;
  - (c) install more turbidity containment devices and repair any non-functioning turbidity containment devices; and
  - (d) notify the DEP South District Office at 239-332-6975 within 12 hours of the time the violation is first detected.
- 7. The project shall comply with applicable State Water Quality Standards, namely: Rule 62-302.500, F.A.C. Surface Waters: Minimum Criteria, General Criteria; Rule 62-302.530, F.A.C. Table: Surface Water Quality Criteria, Class II Waters;
- 8. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statues.

#### SPECIFIC CONDITIONS - CONSTRUCTION ACTIVITIES

9. All dredging shall be conducted in accordance with the locations and depths indicated on the attached permit drawings.

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- 10. During the time of active dredging by the City of Naples, individual property owners within the canal system have the option to independently contract with the dredge contractor for dredging within the setback the City will observe from all the private docks and bulkheads. This additional dredging is authorized by this permit. These areas of possible dredging are shown on the attached sheets 28-32A, and the areas are labeled "Dredge Template (Private)". The permittee shall continue to be responsible for compliance with all conditions and requirements of the permit even if dredging is accomplished by individual homeowners in those areas specified above. The spoil from these areas shall be disposed of in the same sites as the spoil from the area dredged by the City. Any dredging conducted by individual property owners within the canal system must be conducted simultaneously with the authorized dredging project as performed by the City. Any dredging after the City has completed its dredging project will require separate authorization and will not be authorized by this permit.
- 11. Mechanical dredging and hydraulic dredging are authorized dredging methodologies for the proposed dredging. Blasting is not an authorized dredging methodology. Any rock to be removed shall be removed utilizing hydraulic hammer and/or a diamond tooth cutterhead and toothed bucket excavator mounted on a barge.
- 12. All spoil material shall be piped onto the upland disposal site to be dried and trucked to the landfill. The pipeline shall be anchored to the channel bottom within the navigation channel. Any pipeline that is not anchored to the channel bottom shall be clearly marked. The entire pipeline shall be adequately marked in accordance with United States Coast Guard requirements.
- 13. All spoil material from the permitted dredging shall be removed from the spoil containment area shown on the permit drawings at a rate so that the spoil containment area is never filled to capacity. No return water is permitted into waters of the State in a manner that exceeds state water quality standards. The discharge from the spoil site shall be monitored for turbidity as described in the monitoring section of this permit.
- 14. The mooring of construction barges and/or other vessels utilized during construction shall be clearly marked to address navigation, including nighttime lighting, if applicable.

#### SPECIFIC CONDITIONS - MITIGATION

15. **Prior to commencement of construction**, the permittee shall off-set the impacts to 0.06 acres of oysters through enhancement of shoreline based on the attached "Proposed Alternate Mitigation Summary," dated September 3, 2010.

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- 16. Turbidity barriers shall be utilized and properly maintained during the permitted construction, and shall remain in place until any turbidity generated subsides.
- 17. A filter cloth underliner for the riprap shall be staked in place before installation of the riprap material.
- 18. The riprap shall consist only of natural boulders or clean concrete rubble, free of sediments, tar, metal rebar, and other deleterious materials, 12" to 16" in diameter to be placed at a 4:1 slope.

#### SPECIFIC CONDITIONS - MANATEE

- 19. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with, and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- 20. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
- 21. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee movement.
- 22. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All in-water operations, including vessels, shall be shutdown if a manatee comes within 50 feet of the operation. Activities shall not resume until every manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes has elapsed wherein a manatee has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.
- 23. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) for south Florida.

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

http://www.myfwc.com/docs/WildlifeHabitats/Manatee\_EducationalSign.pdf

#### SPECIFIC CONDITIONS - MONITORING/REPORTING REQUIREMENTS

- 25. Once every four hours during all dredging operations, the permittee shall monitor turbidity levels within 5 feet of the turbidity curtain surrounding the active dredge area. The monitoring shall continue during dredging operations until project completion. Compliance samples shall be taken at one sample site within the densest portion of any visible turbidity plume within 5 feet outside of the turbidity curtains. Ambient samples shall be taken up-current at mid-depth and at no time shall the ambient sample be taken within an apparent turbidity plume. Sampling shall commence prior to, but no more than 24 hours before initiation of any dredging activities. Monitoring for turbidity shall be conducted for the duration of the project.
- 26. Compliance samples shall be collected from surface, mid-depth and one foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. Samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs). If monitoring reveals turbidity levels greater than background levels, the permittee shall cease all work pursuant to Specific Condition 30.
- 27. Measurements must be acquired in adherence to the Department's Standard Operating Procedure (SOP) for field turbidity, available at the website: <a href="www.dep.state.fl.us/labs/qa/sops.htm">www.dep.state.fl.us/labs/qa/sops.htm</a>. More specifically, the instruments used to measure turbidity shall be fully calibrated within one month prior to commencement of the project, and at least once a month thereafter during the project. Calibration shall be verified each morning prior to use, and after each time the instrument is turned on, using a turbidity "standard" that is different from the one used during calibration.

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

- 28. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement **until dredging completion**. When submitting this information to the Department, please include, at the top of each page or as a cover page to the submittal: "This information is being provided in partial fulfillment of the monitoring requirements in Permit No. 11-0295486-001-EI04." **Monitoring reports shall** contain the following information:
  - a. Permit number;
  - b. Dates of sampling and analysis;
  - c. A statement describing the methods used in collection, handling, storage, and analysis of the samples;
  - d. A map indicating the sampling locations; and
  - e. Turbidity data for both a compliance sample and an ambient (background) sample for each monitoring event, referenced in Nephelometric Turbdity Units (NTUs).

Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.

- 29. Monitoring reports shall also include the following information for each sample taken:
  - a. Time of day sample was taken;
  - b. Depth of water body;
  - c. Depth of sample;
  - d. Tidal stage and direction of flow; and
  - e. Antecedent weather conditions, including wind direction and velocity.
- 30. If monitoring reveals turbidity levels at the compliance sample location(s) appear to violate the State Water quality standards (i.e., compliance sample(s) exceed background levels), the following measures shall be taken by the permittee:
  - a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels compliant with 62-302, F.A.C.;
  - Modify the work procedures that were responsible for the violation, install
    more turbidity containment devices, and repair any non-functioning turbidity
    containment devices;
  - c. Increase monitoring frequency to every 2 hours until turbidity levels are within acceptable limits. Interim samples collected following the violation(s) shall be collected in the same manner and locations as the routine monitoring.

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- Operations may not resume until the water quality standard for turbidity has returned to ambient levels; and
- d. The violation(s) shall be immediately reported to the Department. The report shall include the description of the corrective actions being taken or proposed to be taken. If violation(s) are noted after normal business hours, on holidays, or on weekends, the report shall be made to the Department as soon as normal business hours resume. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

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

#### SPECIFIC CONDITIONS - POST CONSTRUCTION

31. Within 30 days of completion of the permitted dredging activities, the permittee shall submit to the Department a detailed report describing the completed construction and including as-built drawings showing all structures and bathymetry of the project area. The submitted drawings shall be plan and cross-sectional view drawings, fully scaled and dimensioned, signed and sealed by a registered professional engineer, showing the entire project area. These drawings shall clearly indicate the deviations from the permit drawings attached to this permit. If the as-built drawings show a significant over-dredge that, as determined by the Department, could potentially result in adverse effects to water quality, the permittee shall submit a backfilling plan acceptable to the Department to level the bottom surface by backfilling with clean fill material free of deleterious substances to the authorized design depth. The Department may require follow-up as-built drawings or bathymetry be submitted after any required backfilling activities. Any identified over-dredging shall not be considered corrected until a written compliance statement has been obtained from the Department.

#### **GENERAL CONDITIONS:**

- 1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and a violation of Part IV of Chapter 373, (F.S.).
- 2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

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- 3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violations of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within seven (7) days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving water-body exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter Six of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter, the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
- 4. The permittee shall notify the Department of the anticipated construction start date within thirty (30) days of the date that this permit is issued. **At least forty-eight (48) hours prior** to commencement of the activity authorized by this permit, the permittee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), Florida Administrative Code (F.A.C.)) indicating the actual start date and expected completion date.
- 5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.
- 6. **Within thirty (30) days after completion of construction** of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law utilizing the supplied "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.). The Statement of completion and certification shall be based on on-site observation of construction or review of asbuilt drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations note. Both the original and revised specifications must be clearly shown. The plans must be

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clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

- 7. The operation phase of this permit shall not become effective; until the permittee has complied with the requirements of condition number six (6) above, has submitted a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343.900(7), F.A.C.); the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the Department in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District August 1995, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall initiate transfer of permit to the approved responsible operation entity if different from the permittee. Until the permit is transferred pursuant to Rule 62-343.110(1) (d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.
- 8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
- For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the Department along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – August 1995, prior to lot or unit sales or prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operation entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

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- 10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
- 11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C.
- 12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorization from the Board of Trustees prior to commencing activity on sovereignty lands or other state owned lands.
- 13. The permittee is advised that the rules of the South Florida Water Management District require the permittee to obtain a water use permit from the South Florida Water management District prior to construction dewatering, unless the work qualifies for a general permit pursuant to Rule 40E-20.302(4), F.A.C., also known as the "No Notice" rule.
- 14. The permittee shall hold and save the Department harmless from any and all damages, claims or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by this permit.
- 15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Section 373.421(2). F.S., provides otherwise.
- 16. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be

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required as a result of any violations prior to the sale, conveyance or other transfer of the system.

- 17. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
- 18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate Department office.

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

#### **GENERAL CONSENT CONDITIONS**

#### Chapter 18-21.004(7), F.A.C., General Conditions for Authorizations:

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

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- 7. Structures or activities shall not create a navigational hazard.
- 8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- 9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

#### NOTICE OF RIGHTS

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

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to re-determine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under Rule 62-110.106(4), Florida Administrative Code (F.A.C.), a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the

Permittee: City of Naples Permit No: 11-0295486-001

Permit No: 11-0295486-0 Page 14 of 14 time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

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

In accordance with Rule 62-110.106(3) F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

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

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

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

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

Permittee: City of Naples Permit No: 11-0295486-001

Page 15 of 14

- (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; and
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action;
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

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

This permit constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1), F.S. Requests for

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Permittee: City of Naples Permit No: 11-0295486-001

Page 16 of 14

review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the final order is filed with the Clerk of the Department.

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jon M. Iglehart
District Director

South District Office

JMI/AP/ap

#### Attachments:

Project Drawings and Design Specs., 80 pages
Mitigation Plan, 9 pages
Commencement notice / 62-343.900(3)
Annual status report/62-343.900(4)
As-built certification/62-343.900(5)
Transfer construction to operation phase/ 62-343.900(7)

#### Copies furnished to:

U.S. Army Corps of Engineers, Log # 11765
FWC, Imperiled Species Management Section
Collier County Property Appraiser
U.S. Coast Guard
Department of Community Affairs
Department of Historical Resources
PBS&J, c/o Bryan D. Flynn
File

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on December 30, 2010, to the above listed persons.

#### FILING AND ACKNOWLEDGMENT

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

Jane Blinett 12/30/10

Clerk

Date

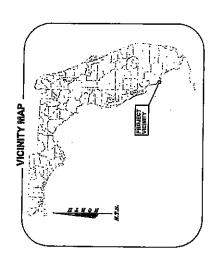
Permittee: City of Naples Permit No: 11-0295486-001

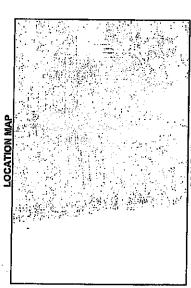
Page 17 of 14

Permit Expiration: December 30, 2015

# EAST NAPLES BAY DREDGING PROJECT PERMIT PLANS AND SPECIFICATIONS

COLLIER COUNTY, FLORIDA





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## CONTROL TABULATION

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CITY OF NAPLES

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PREPARED BY

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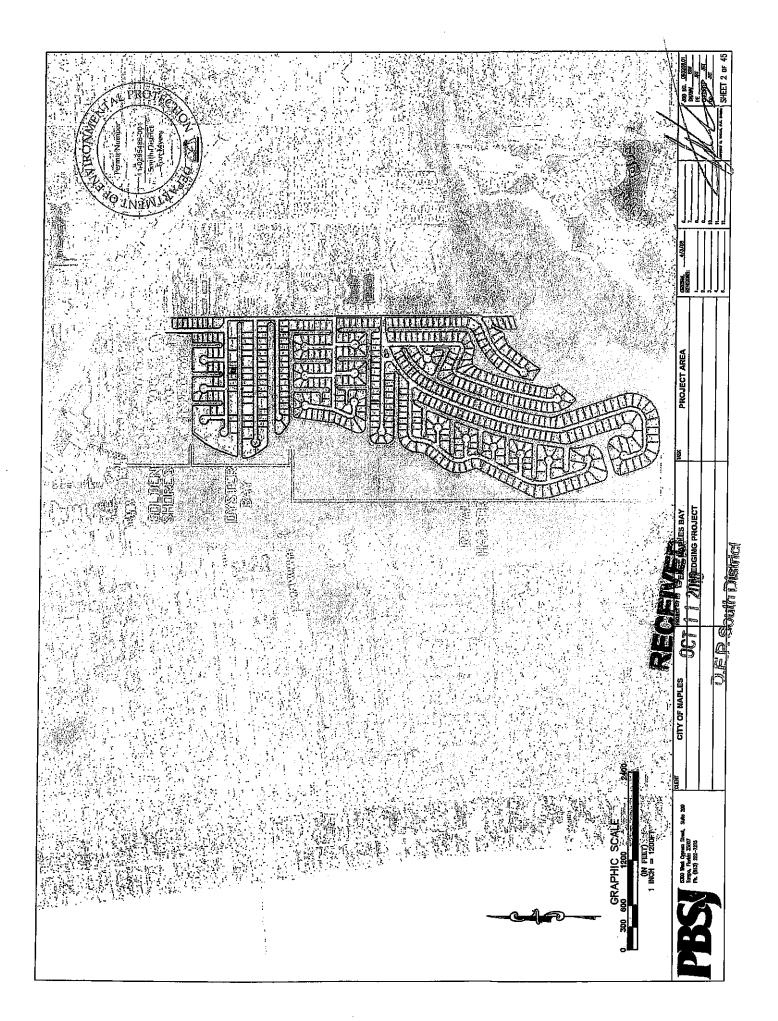


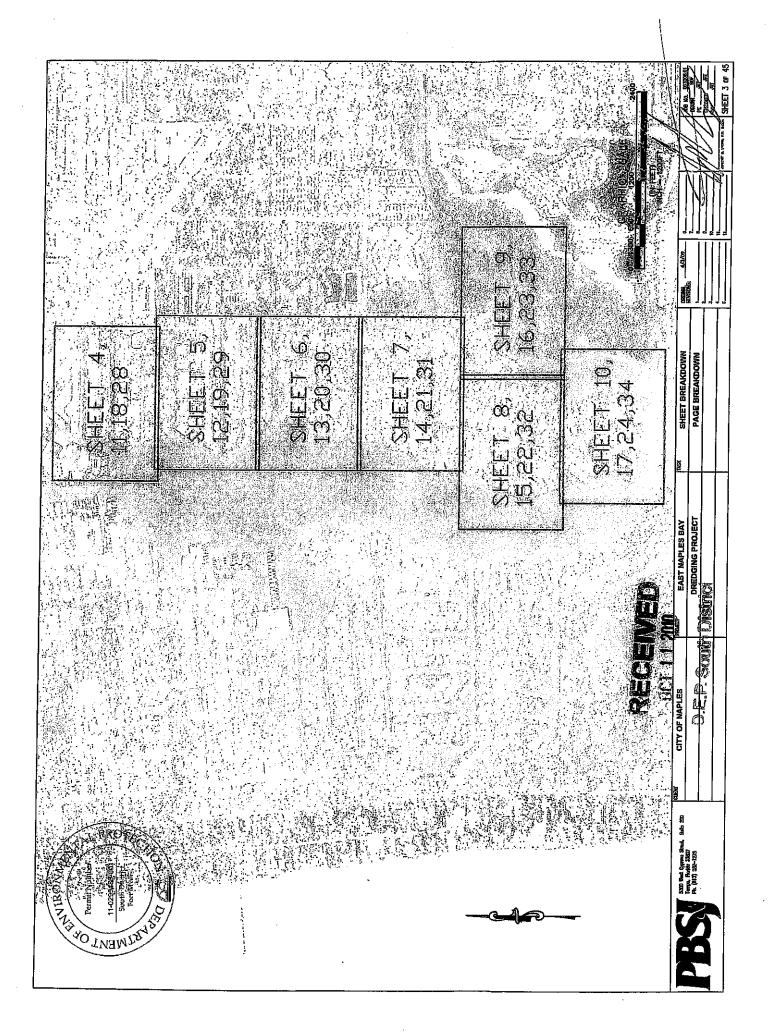
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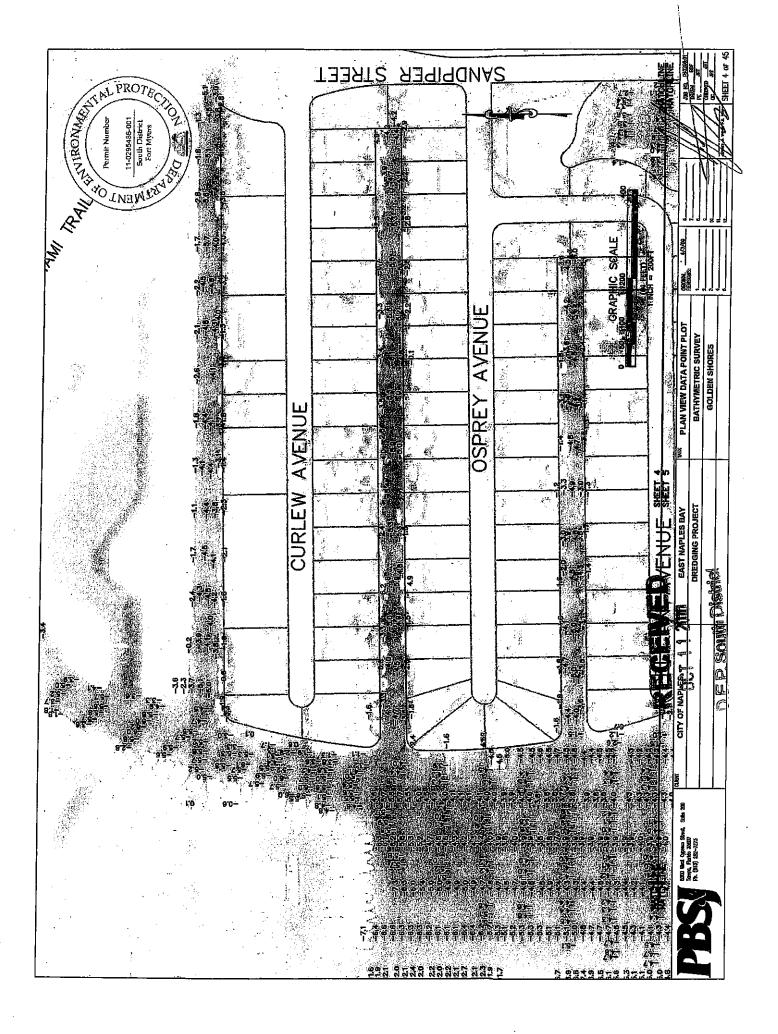
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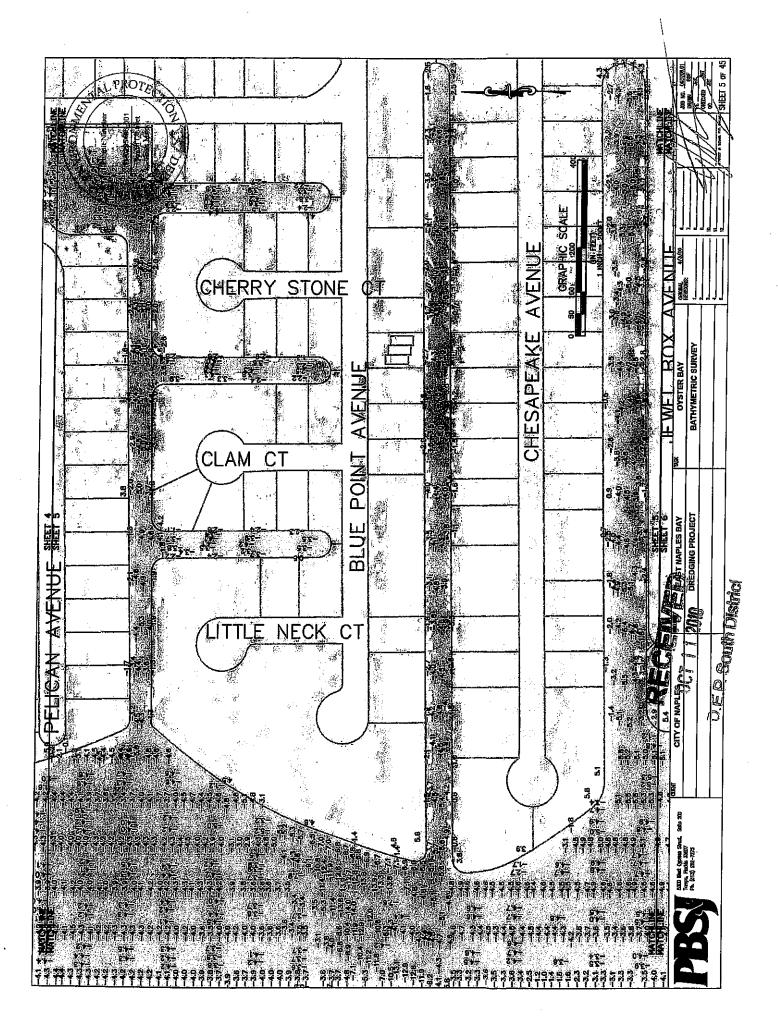


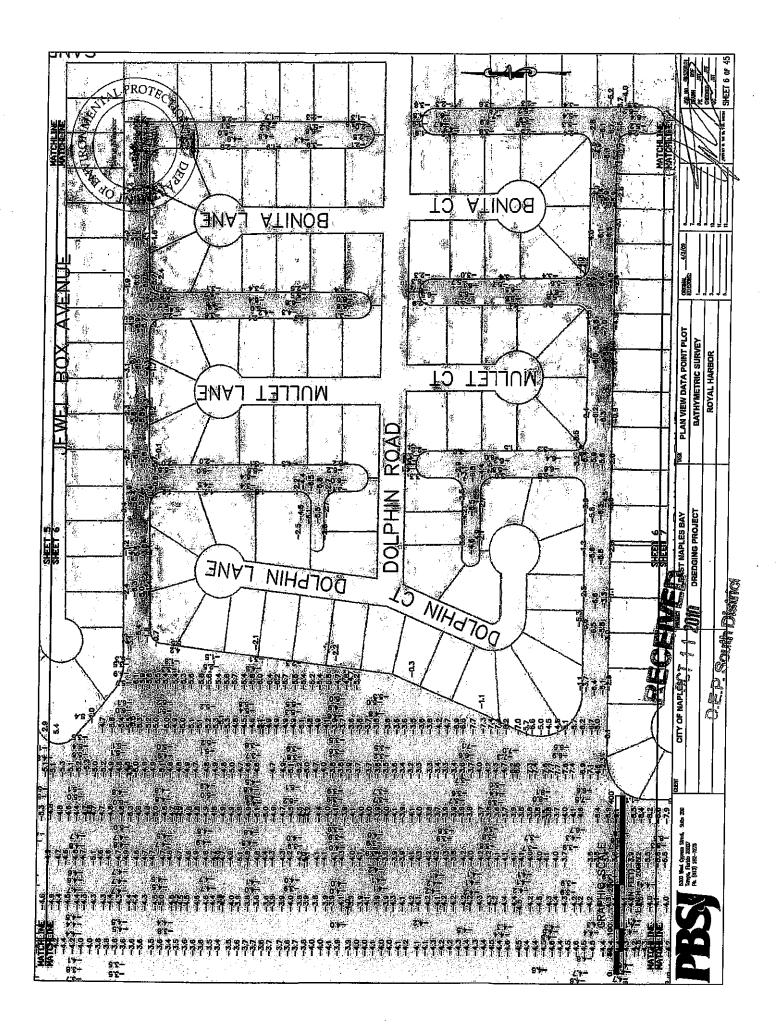
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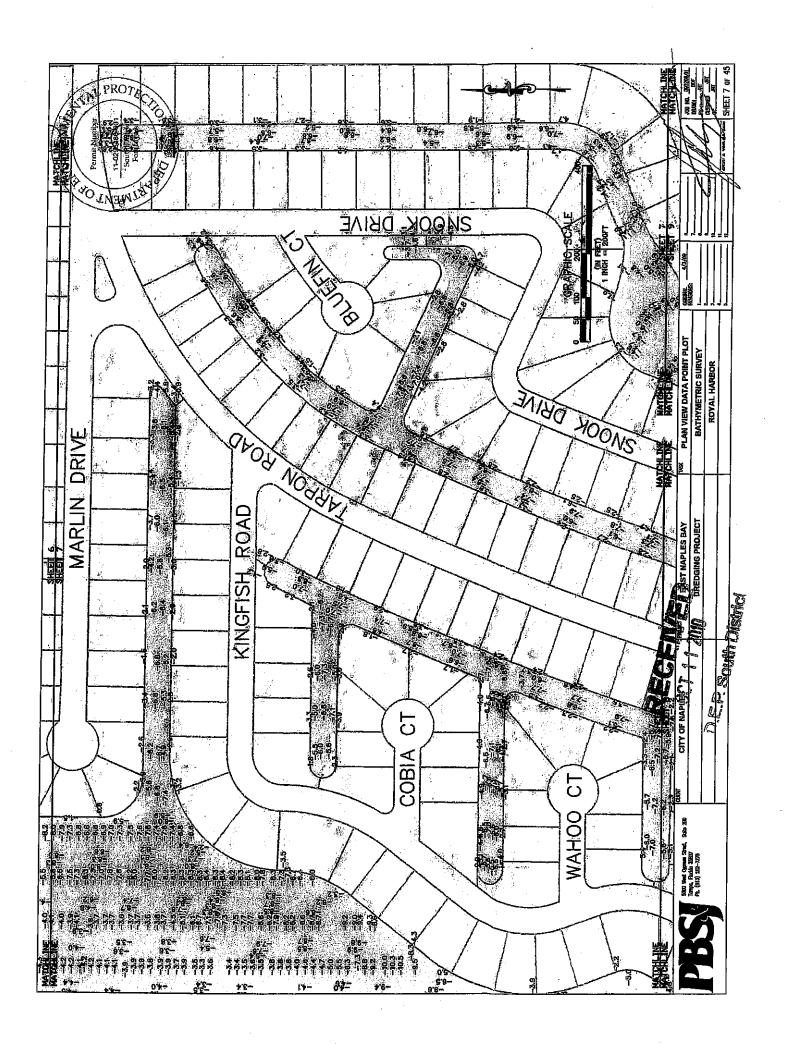


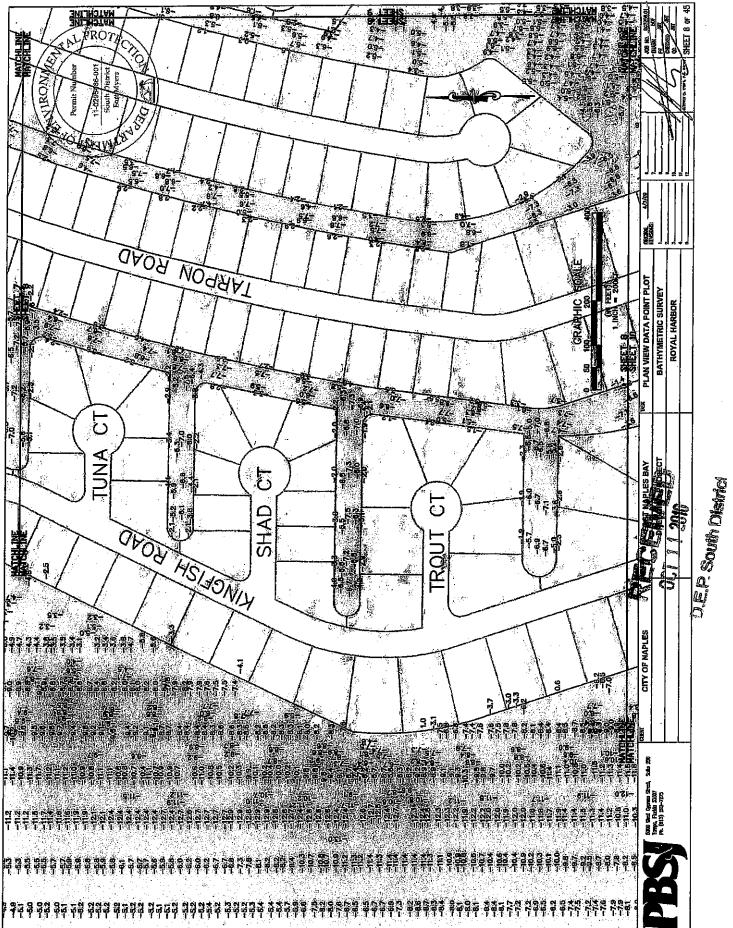


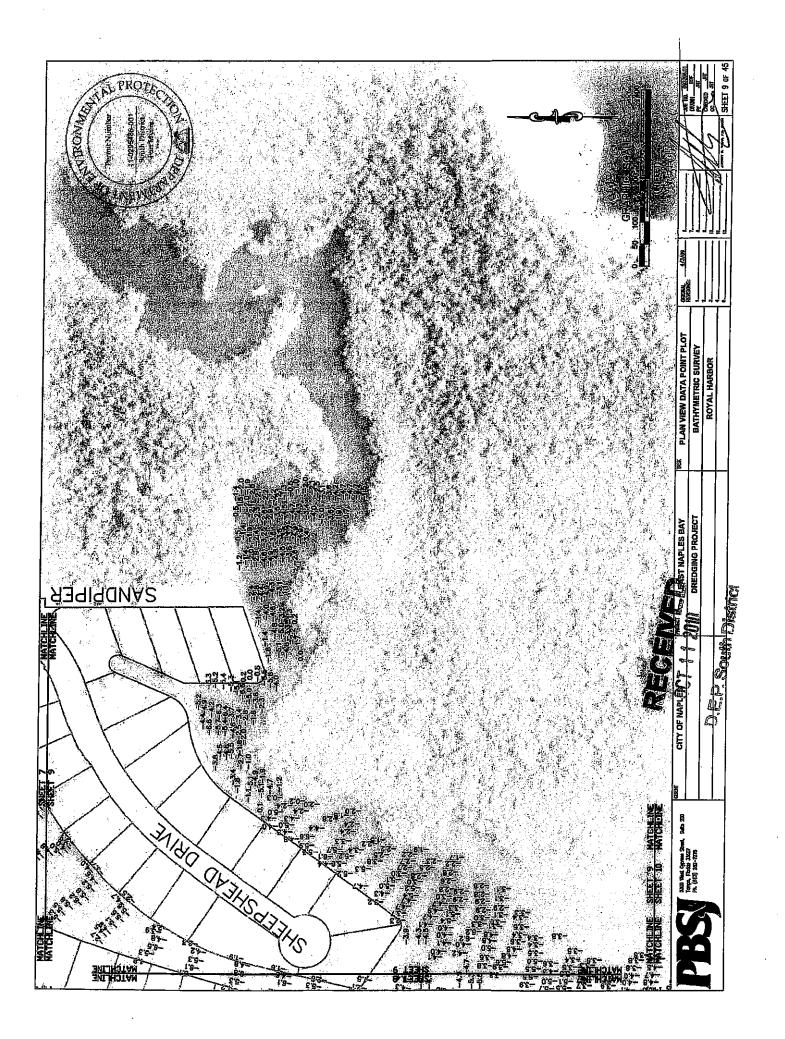


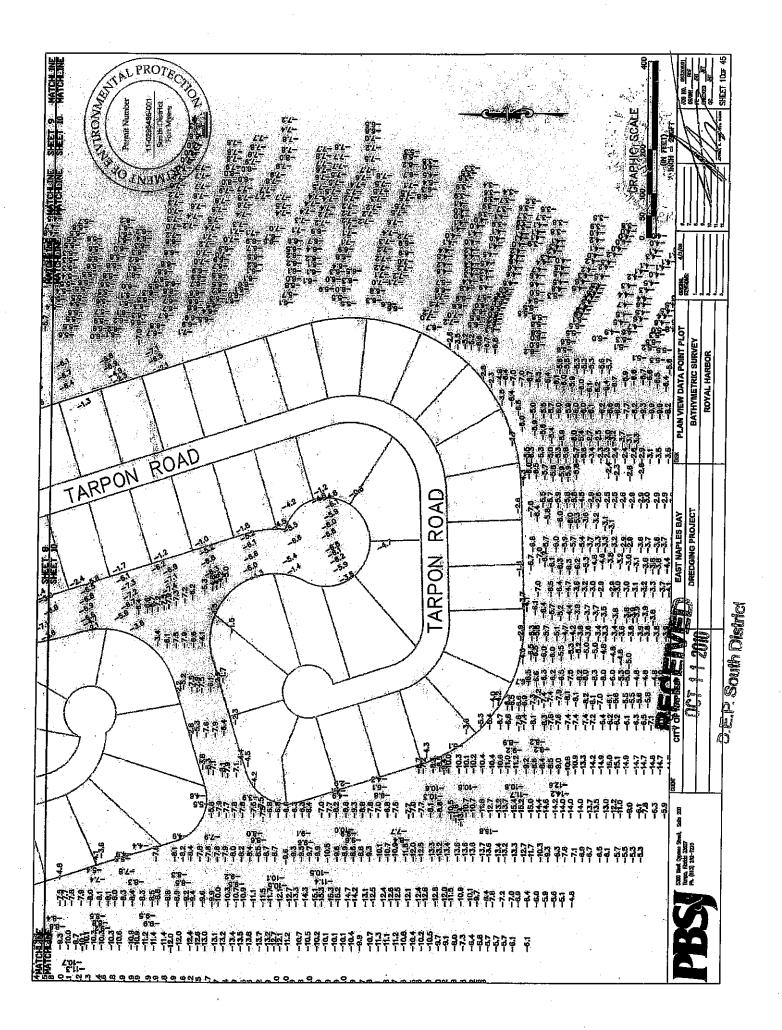


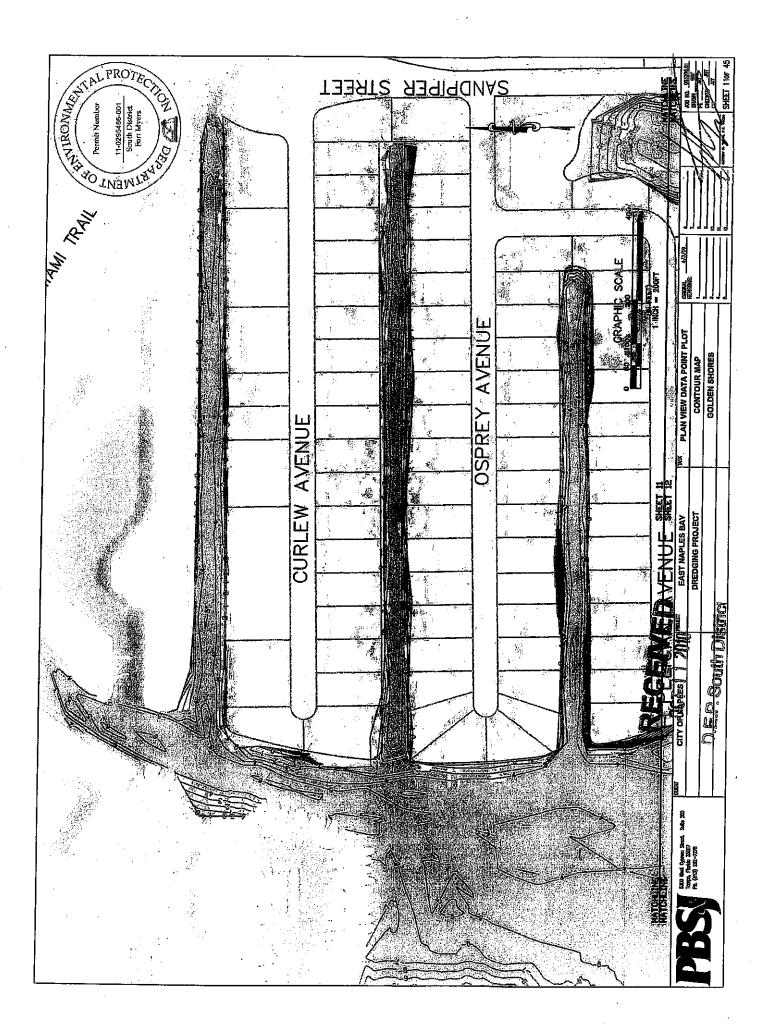


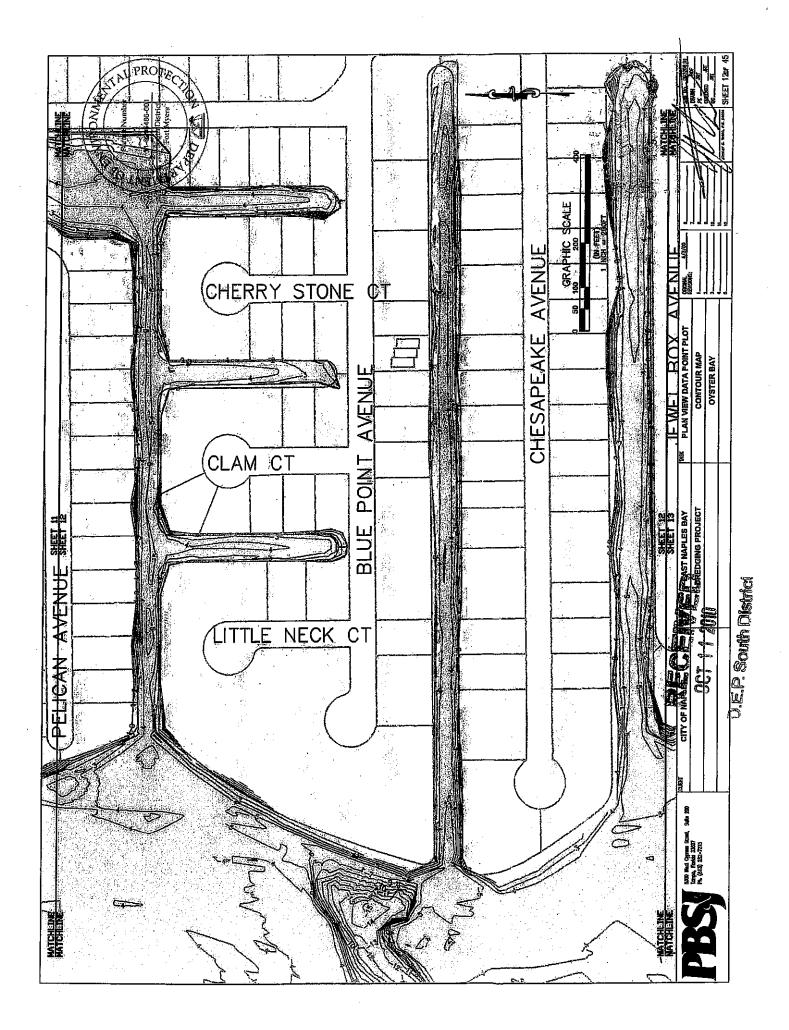


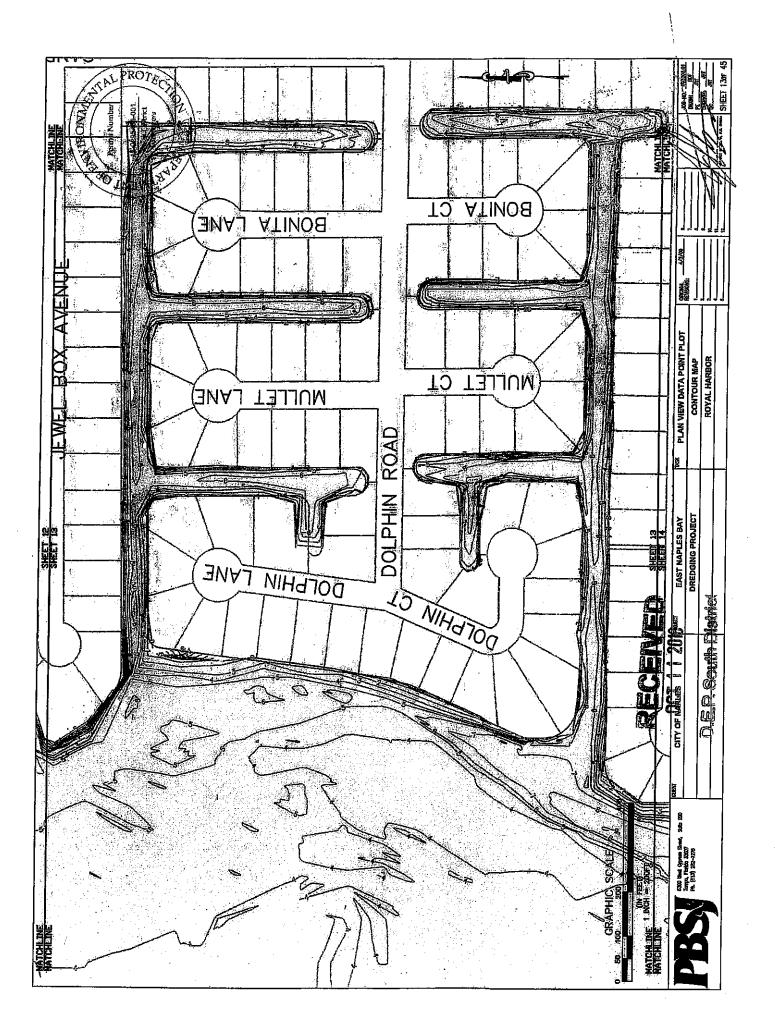


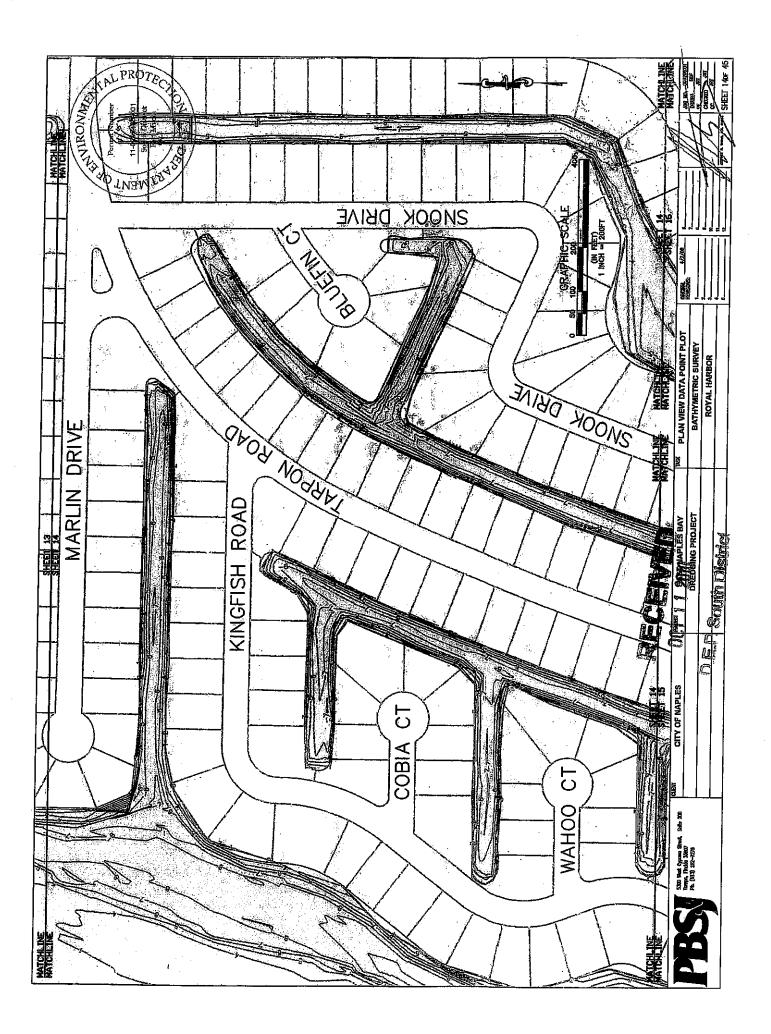


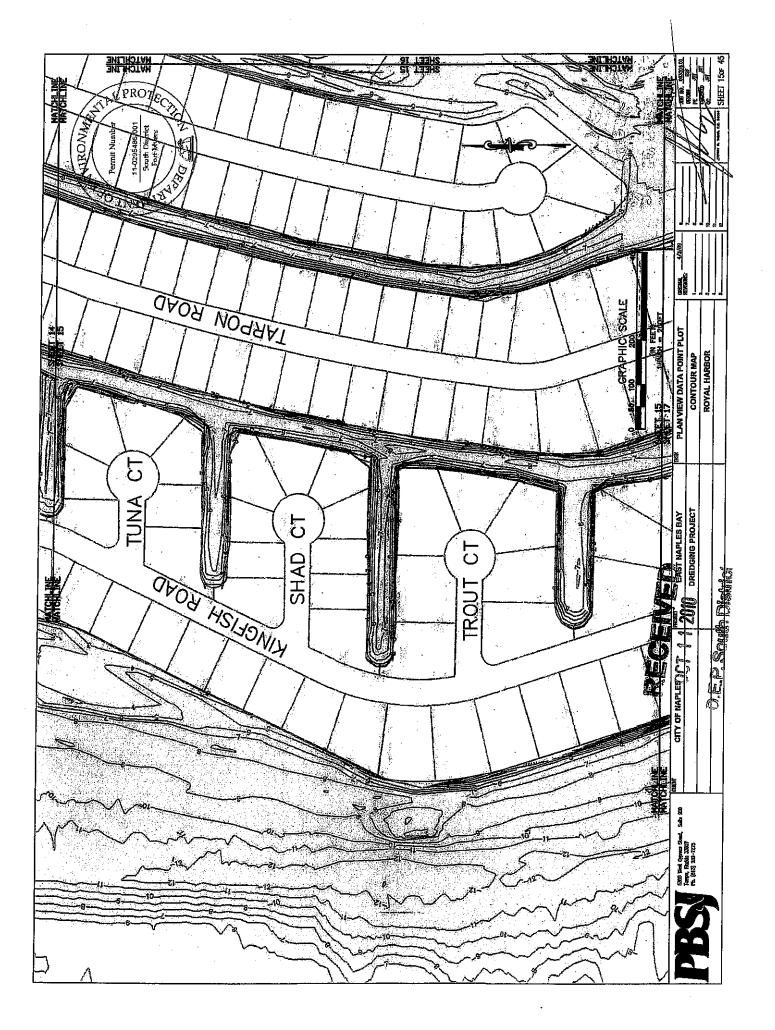


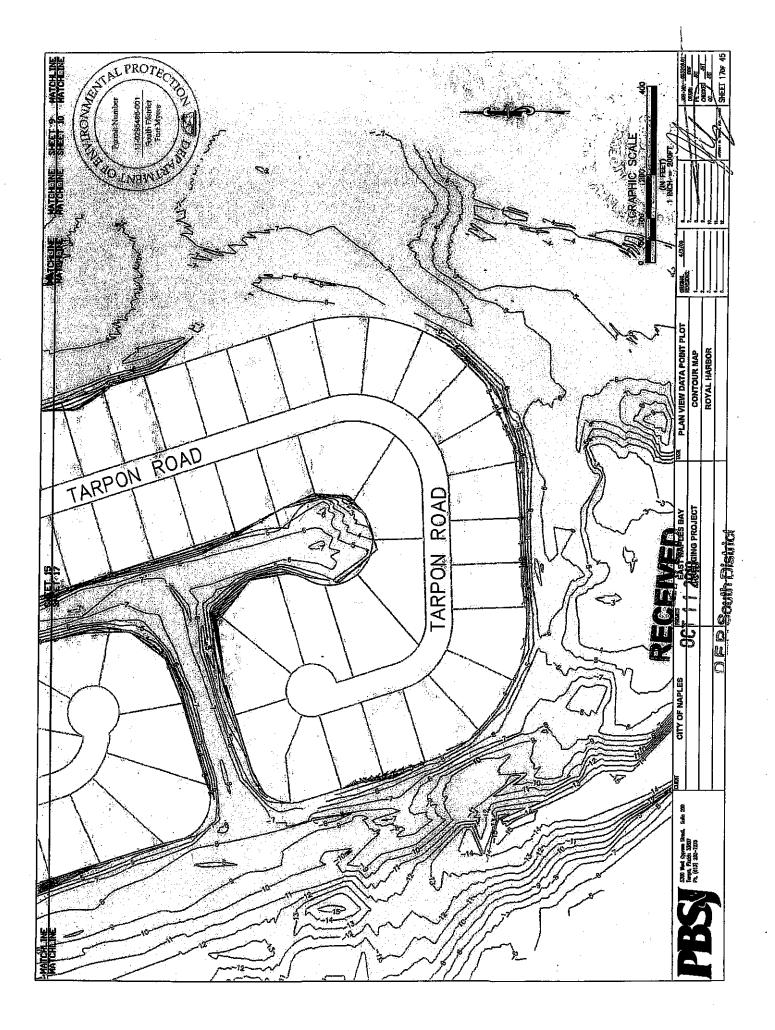




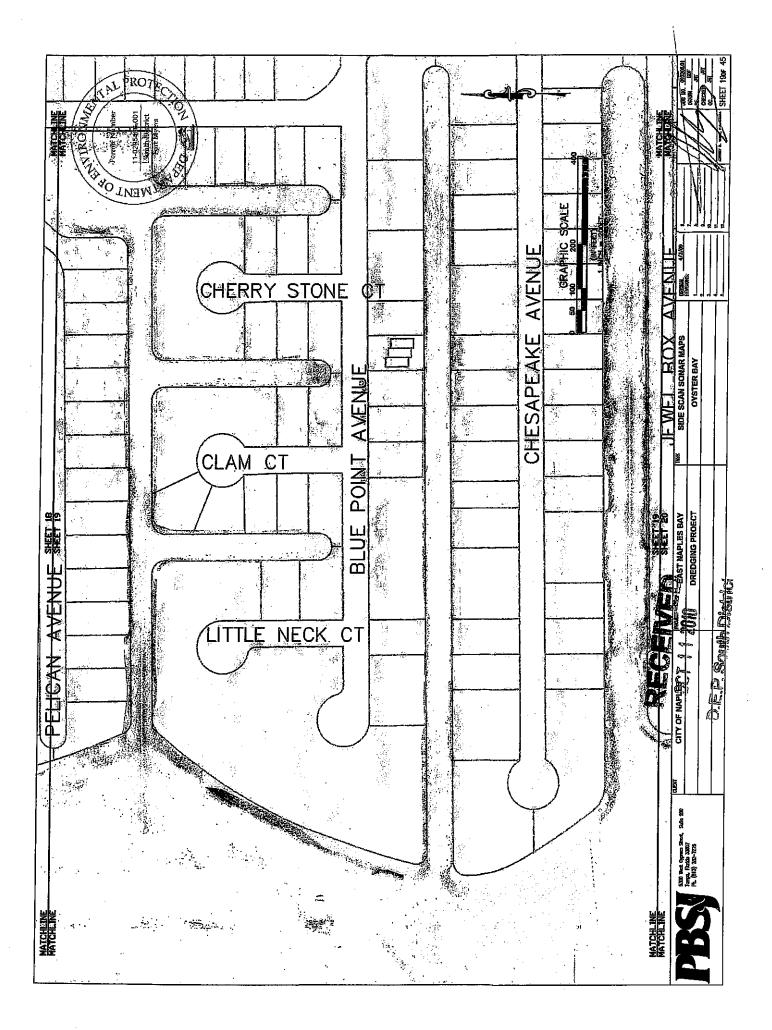


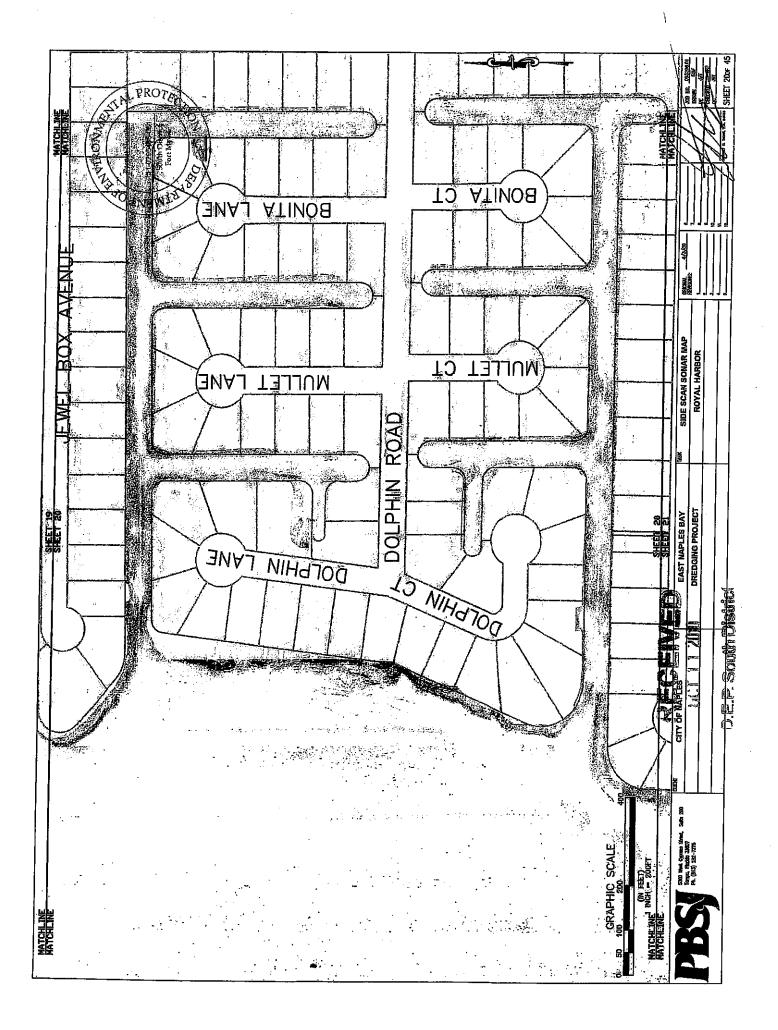


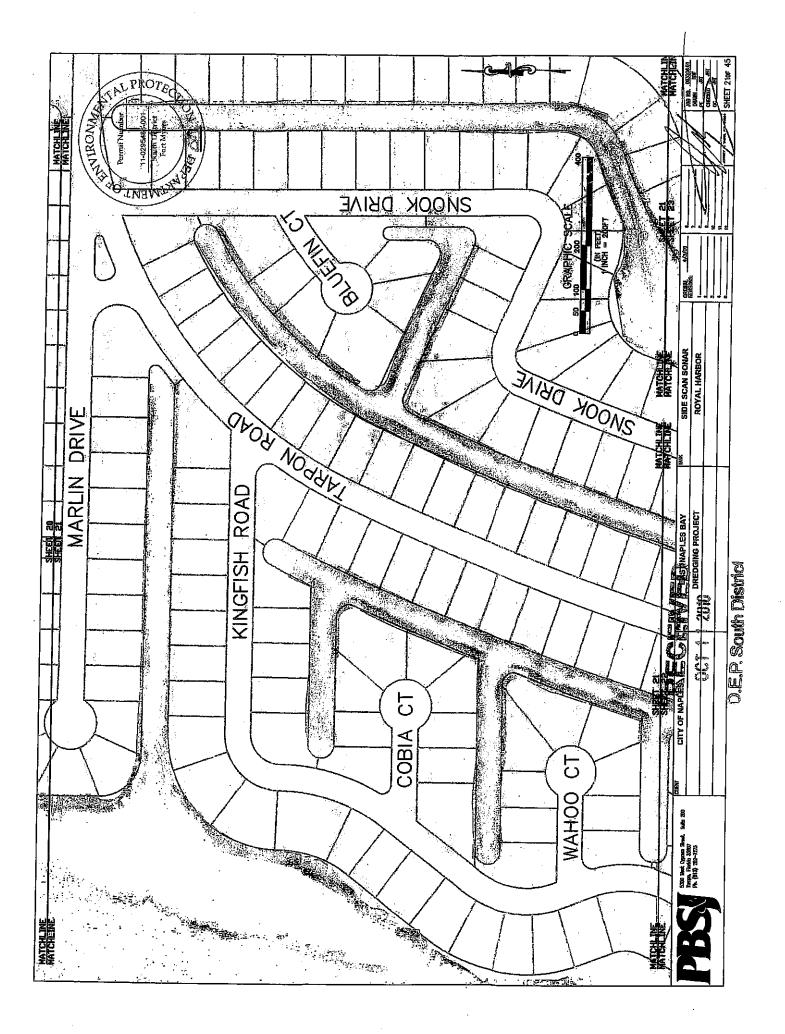


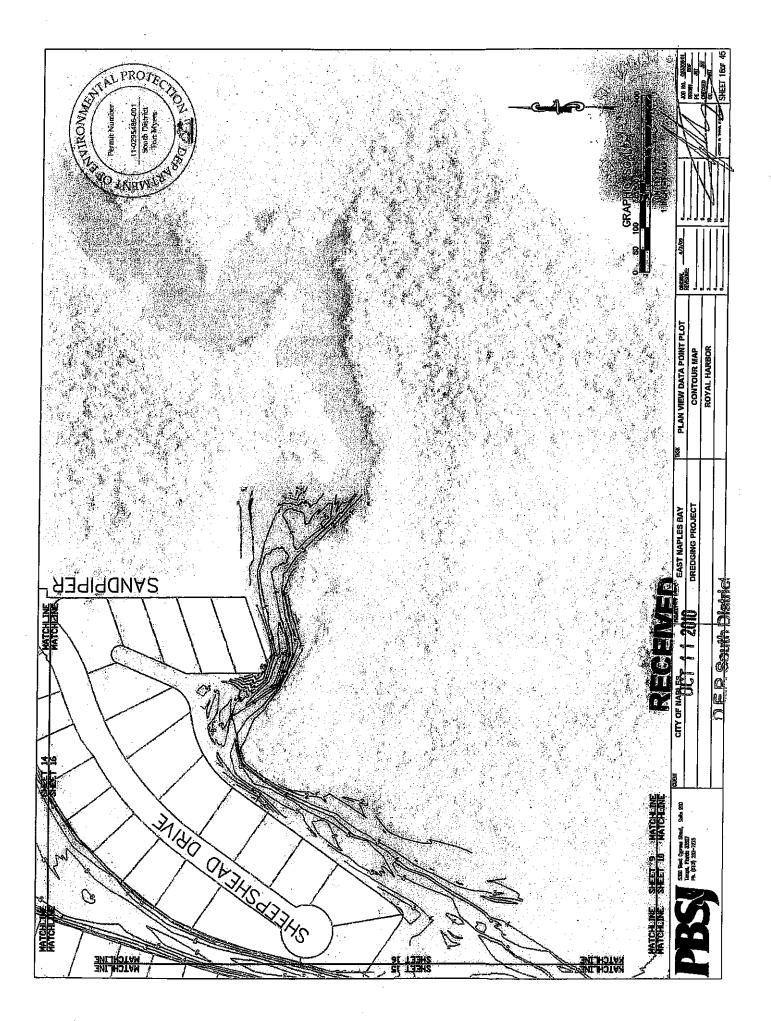


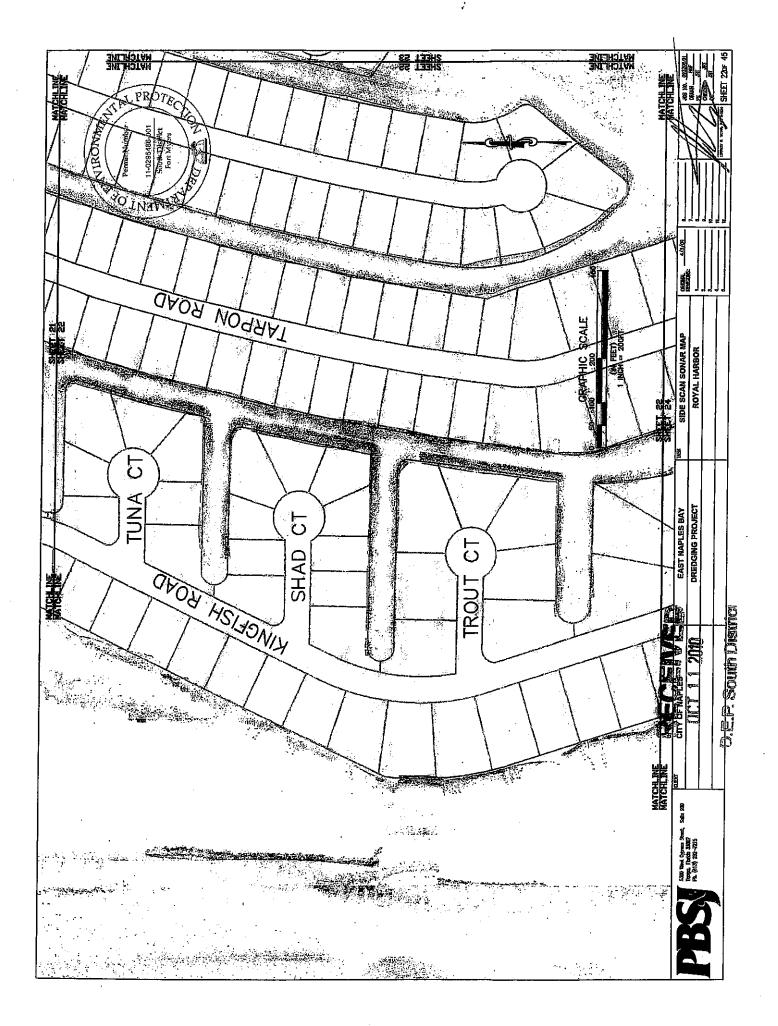
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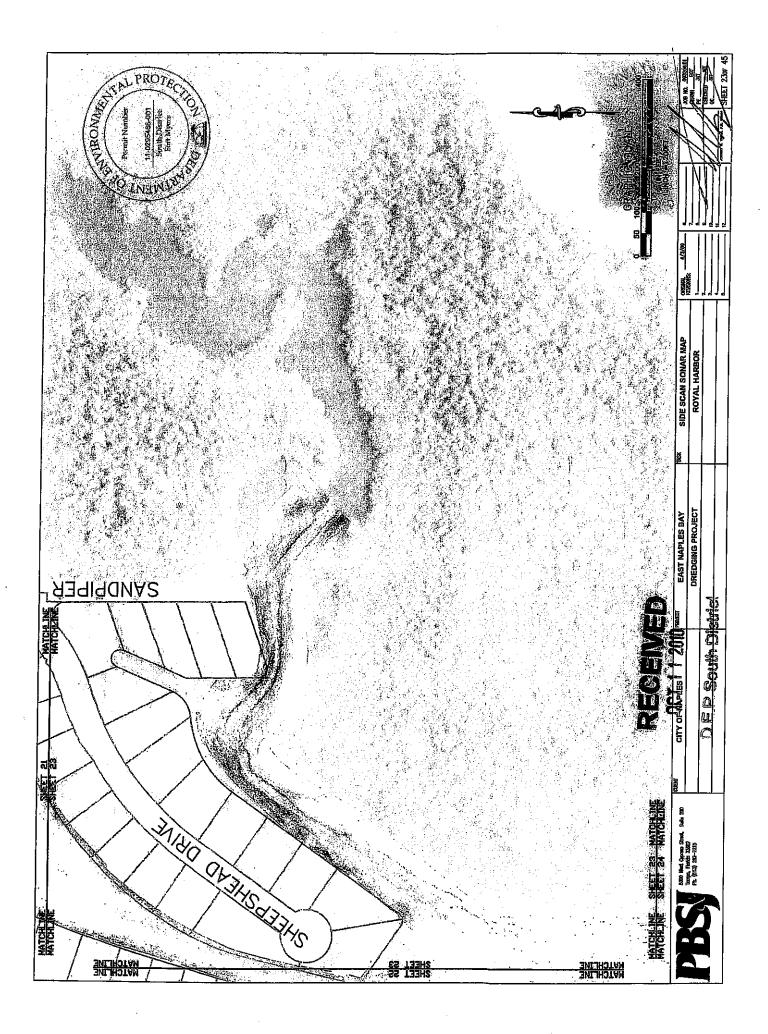


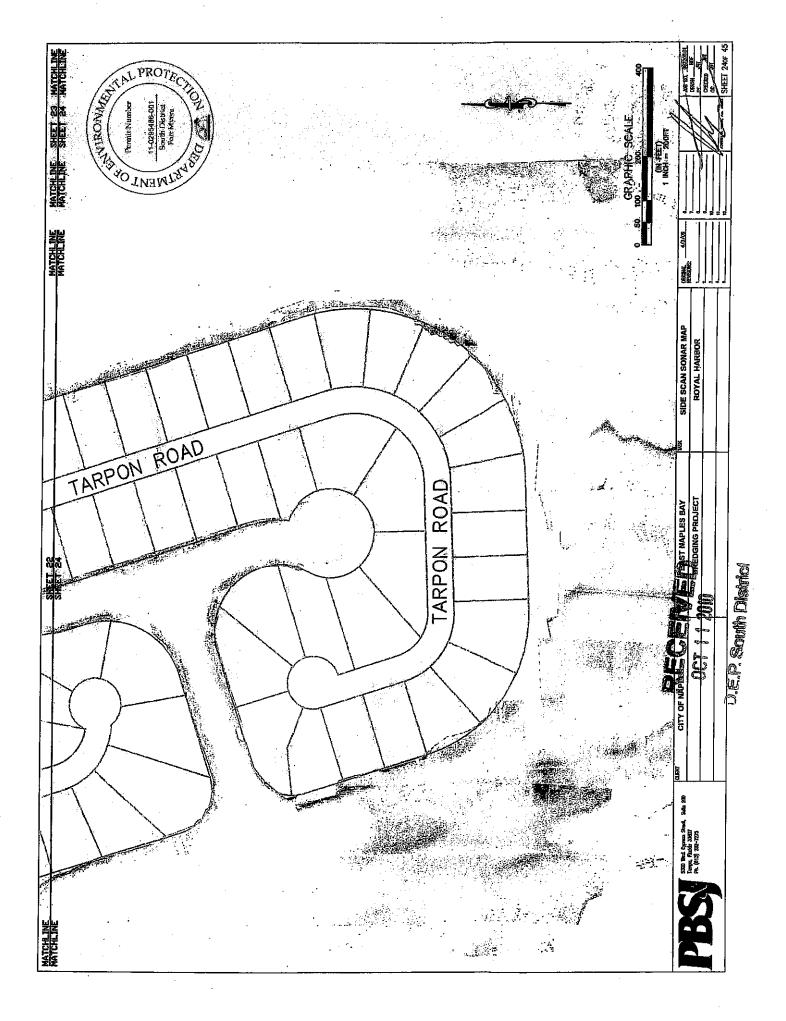


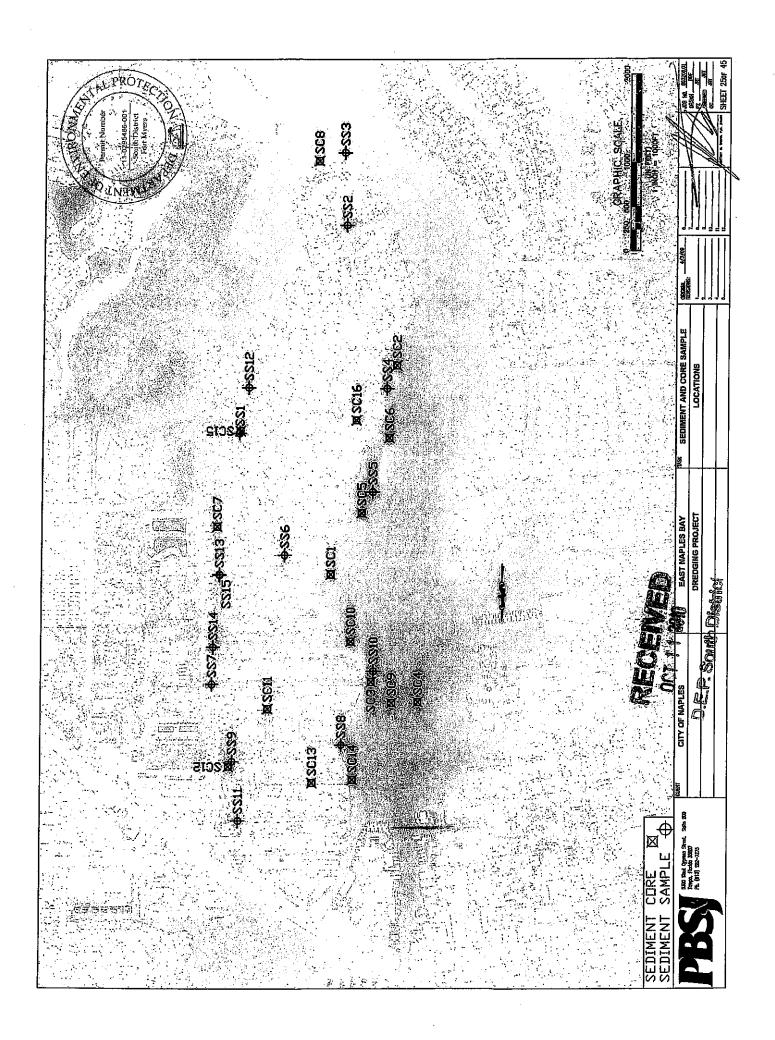


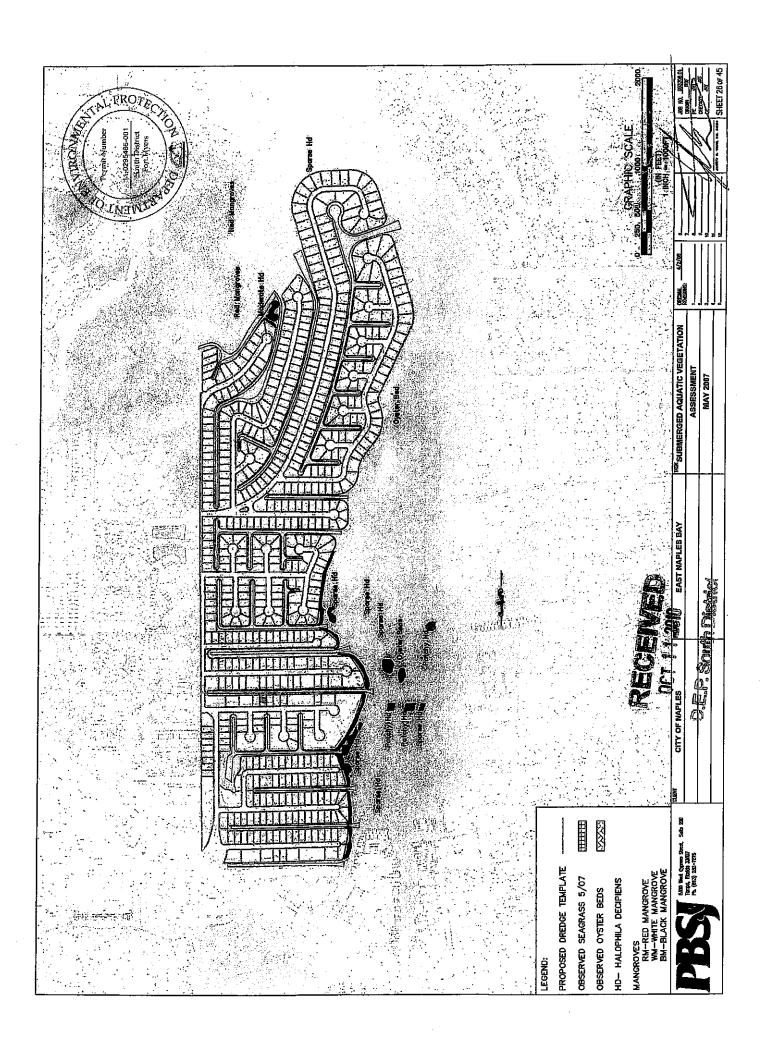


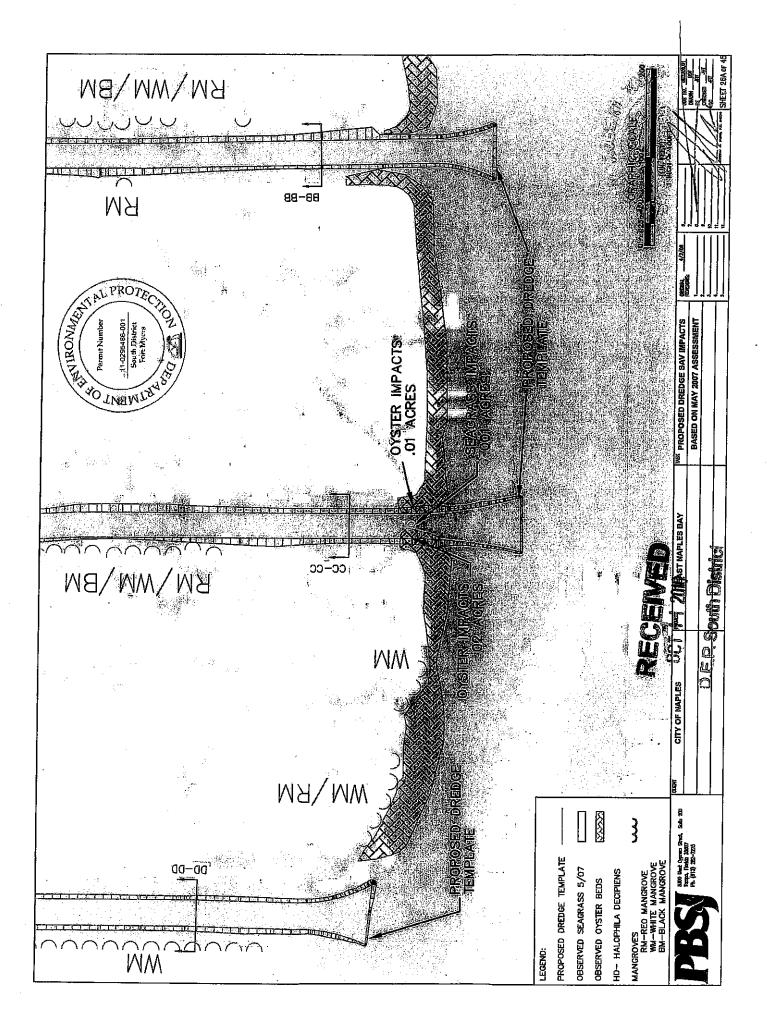


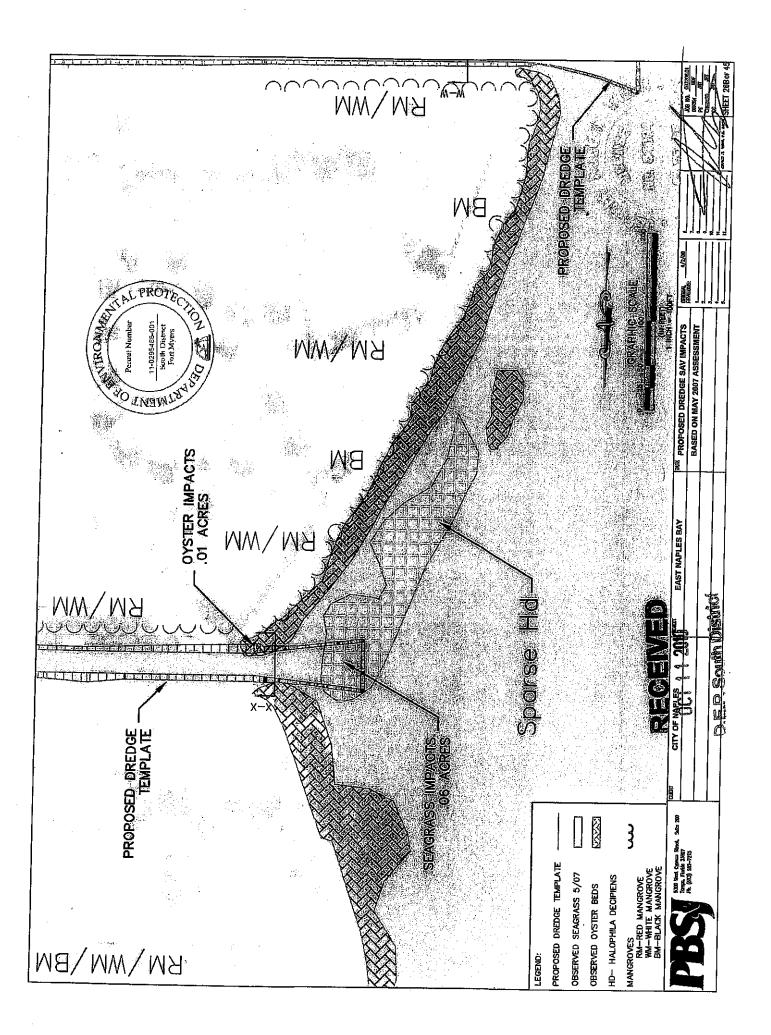


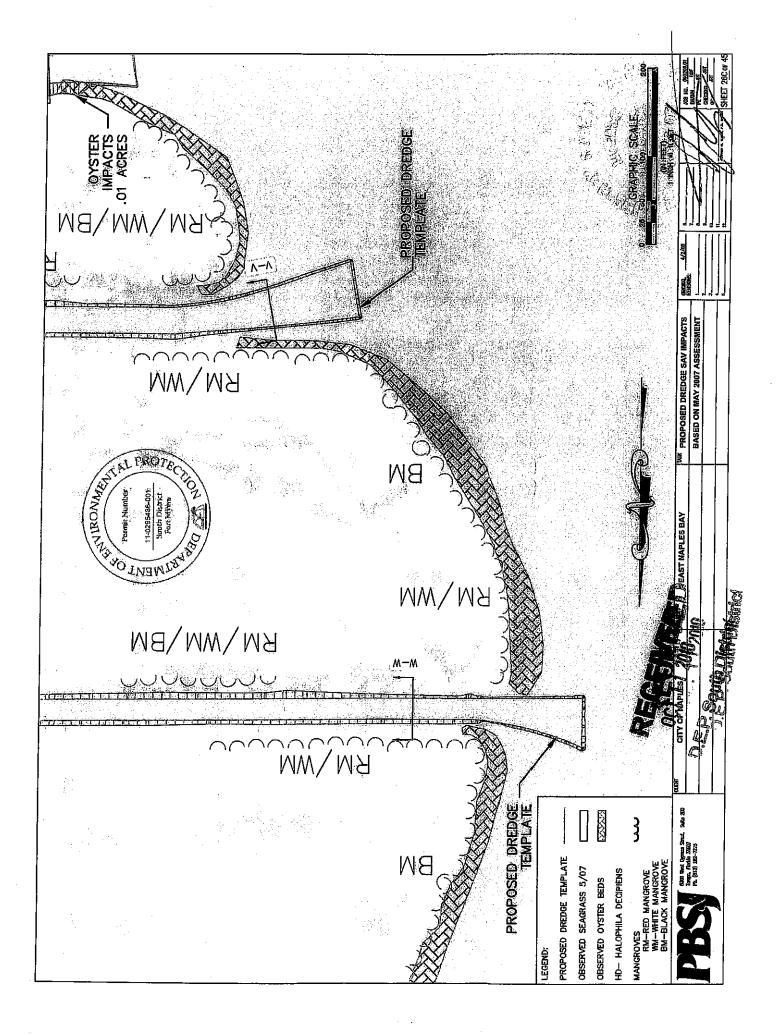


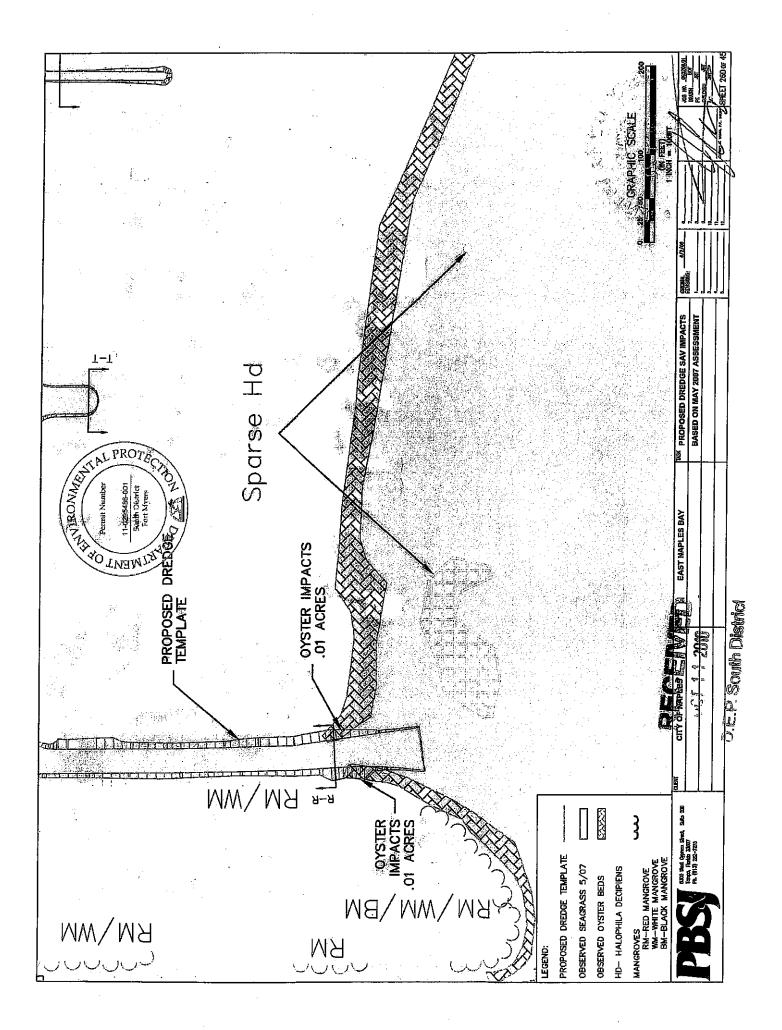


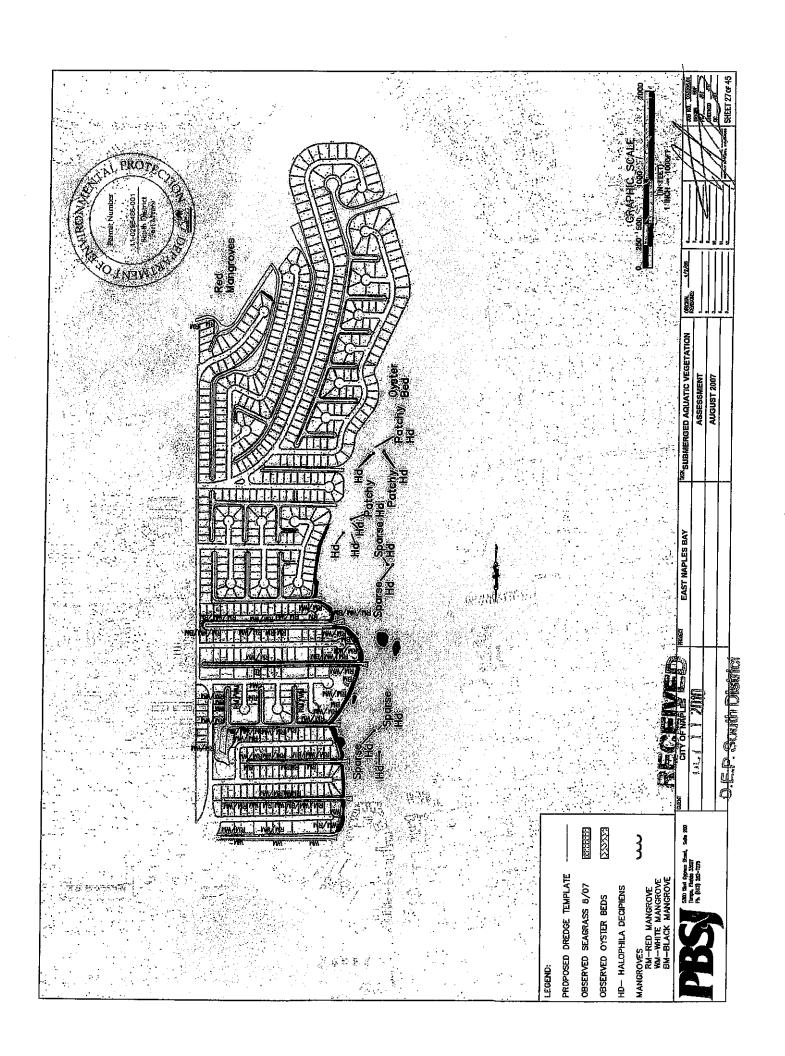


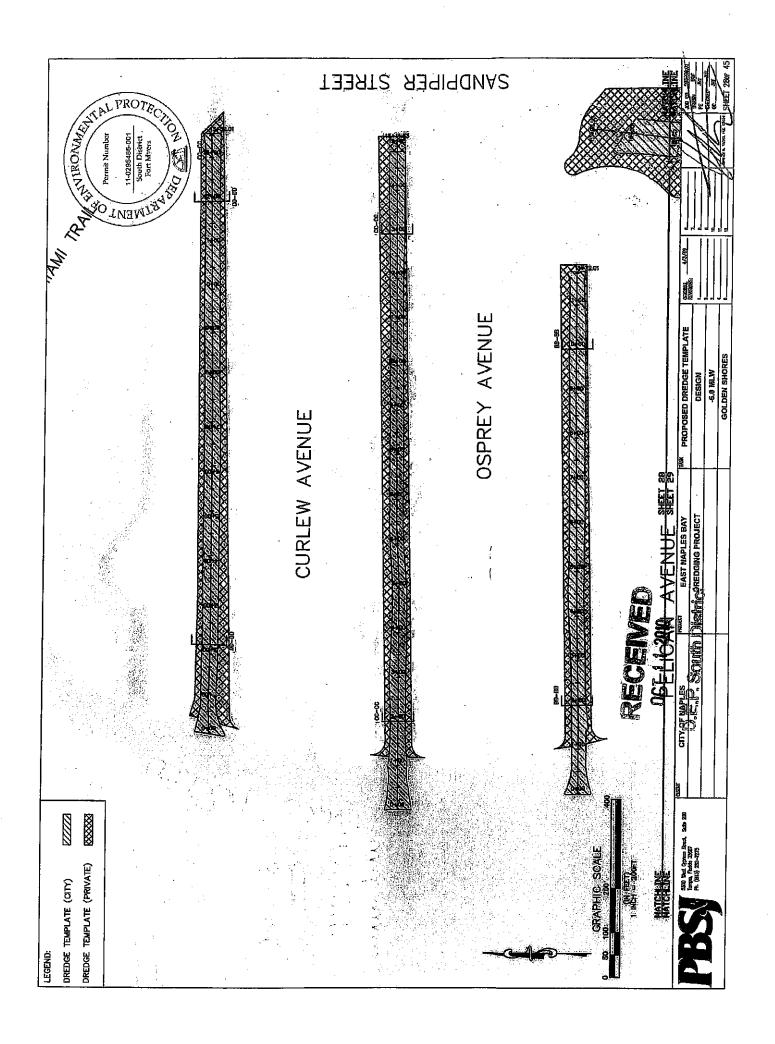


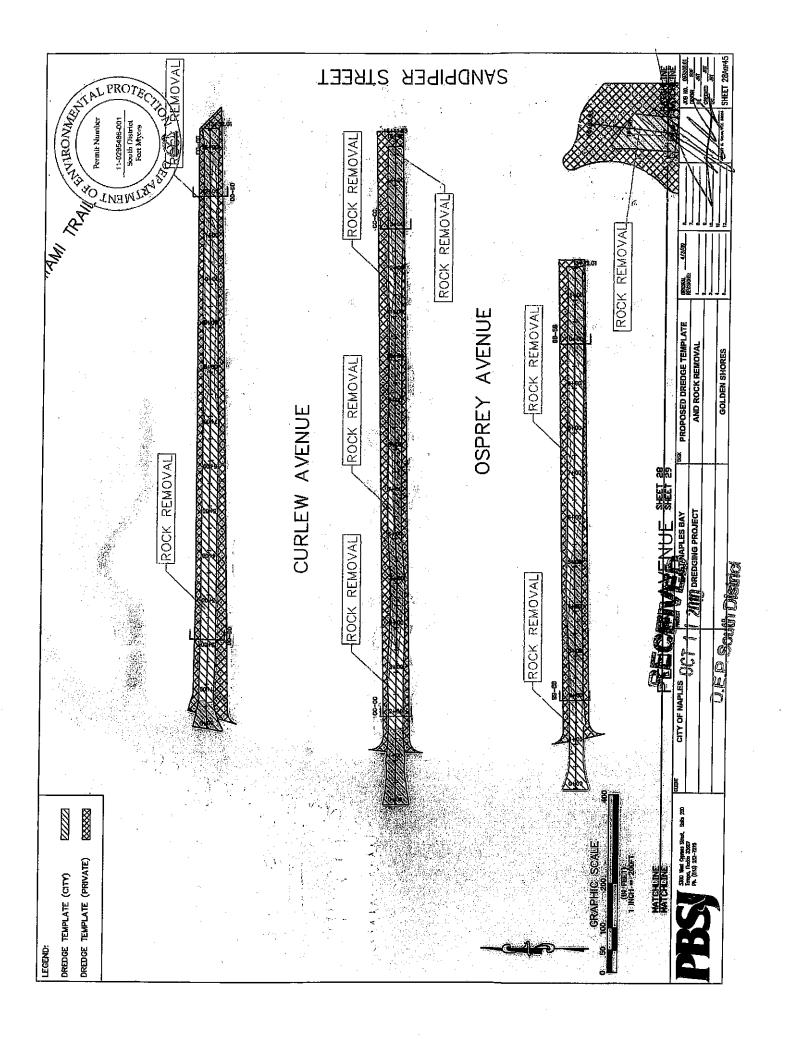


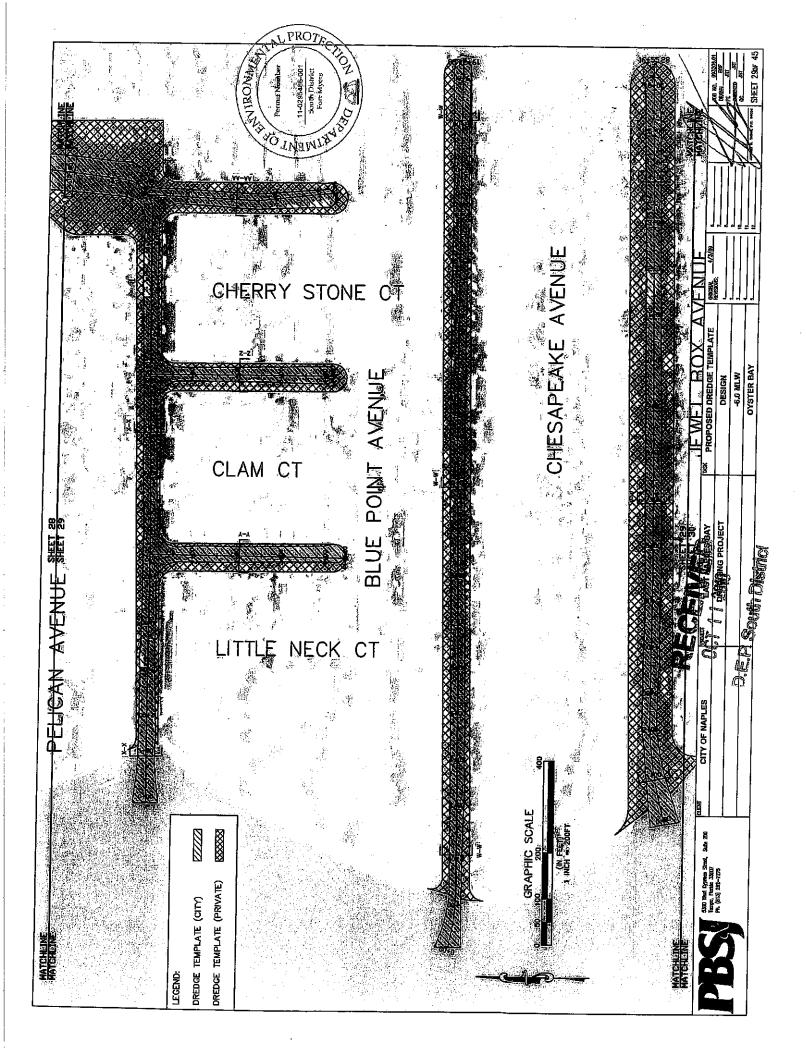


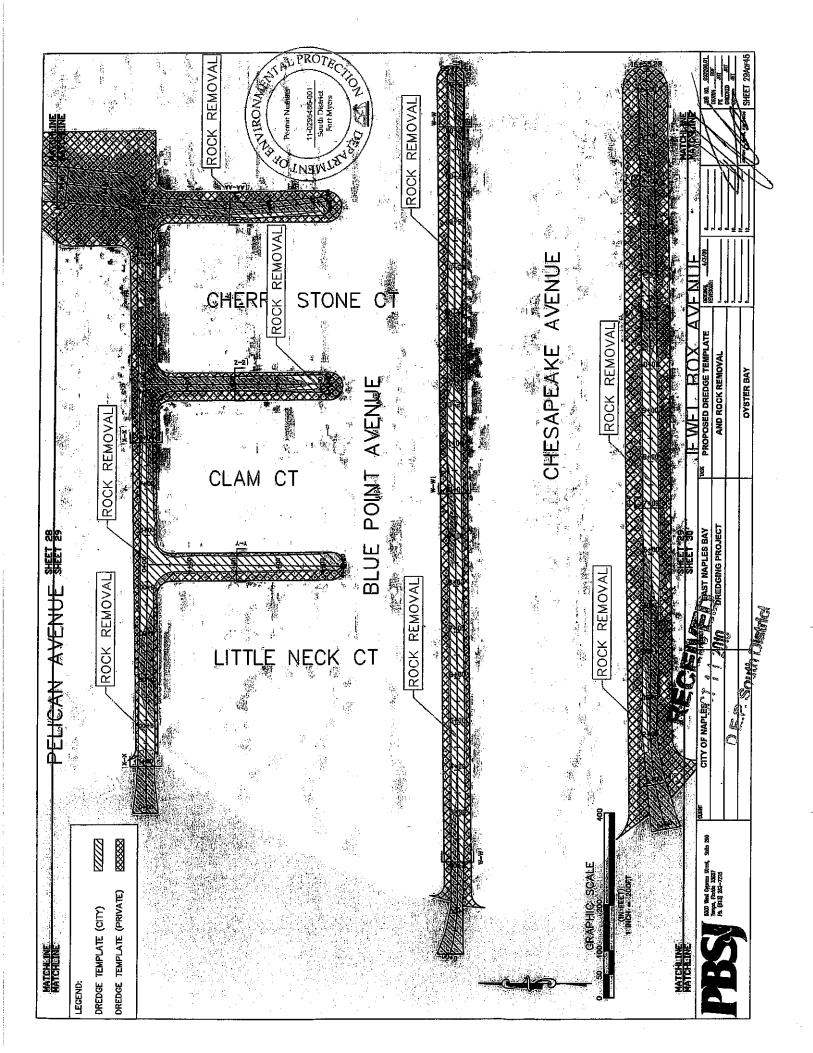


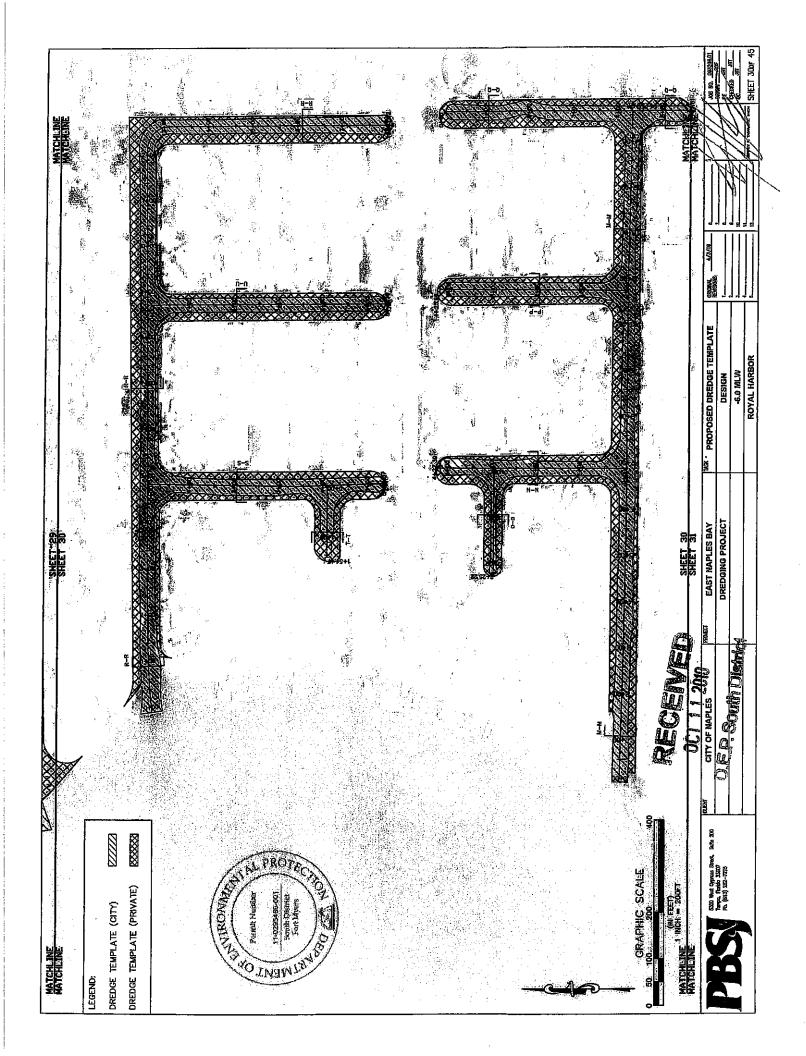


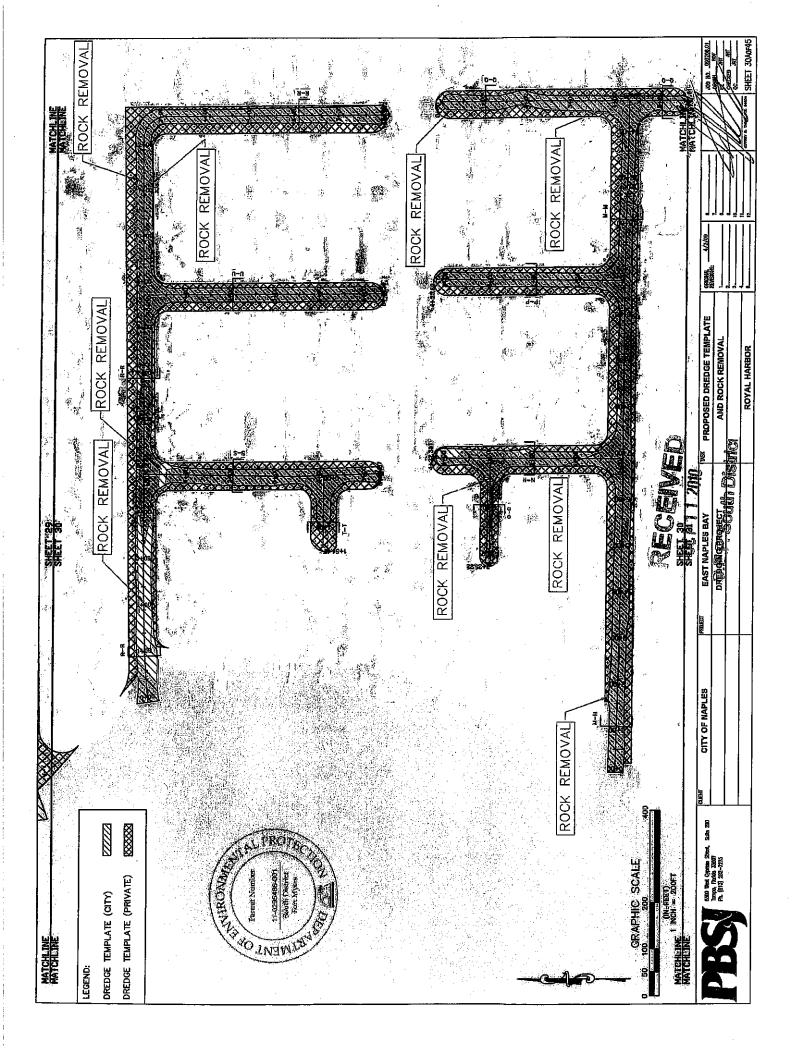


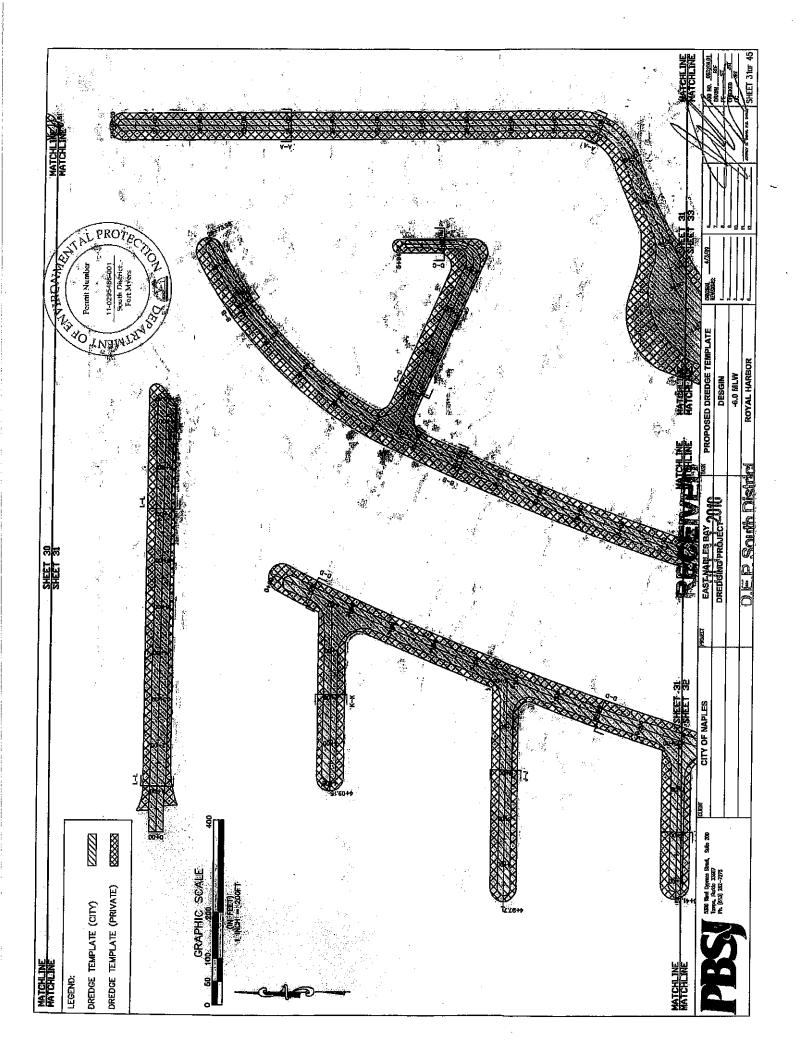


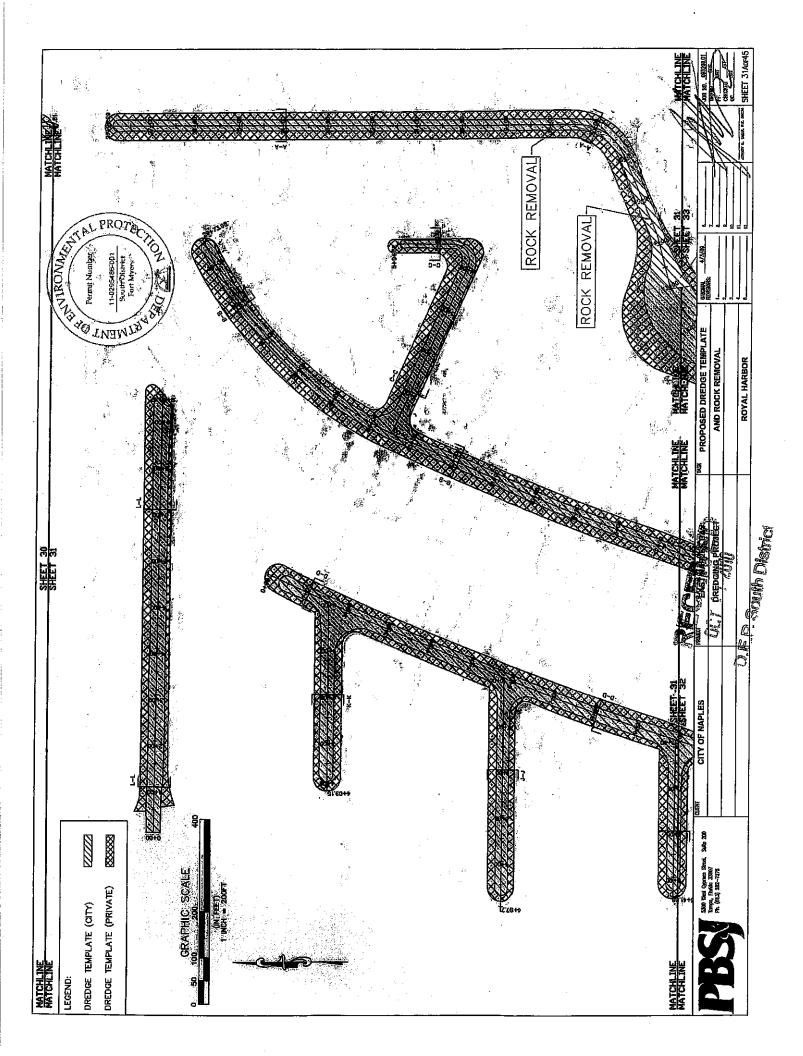


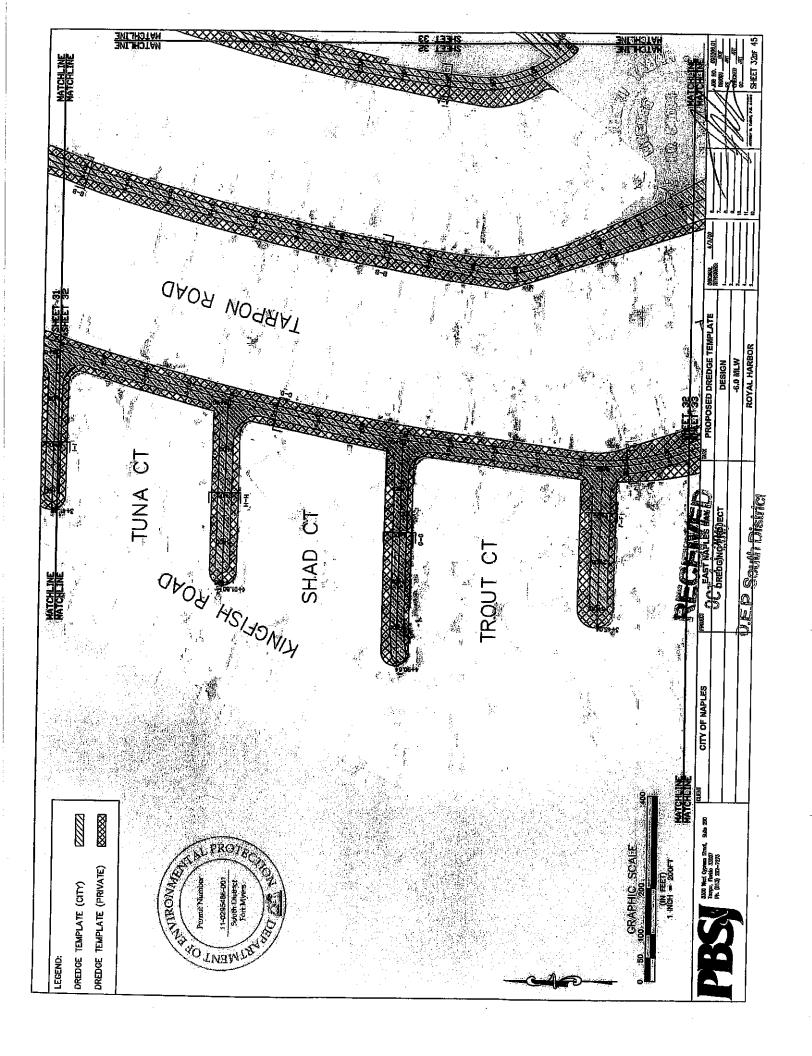


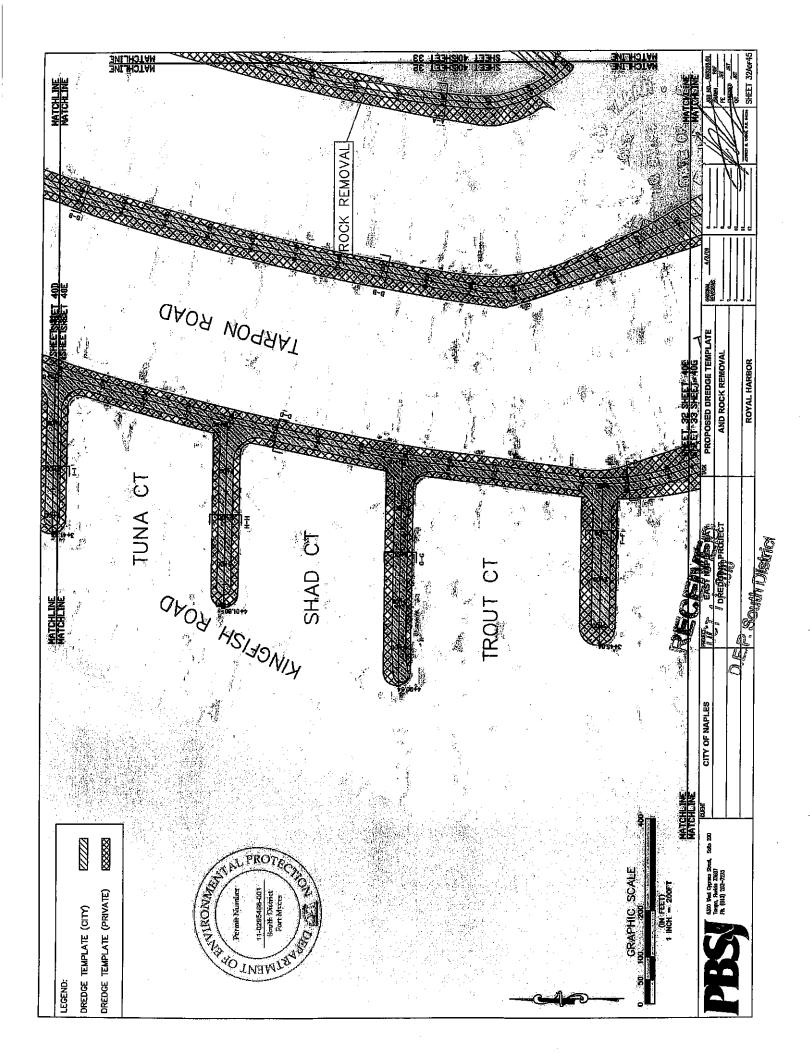


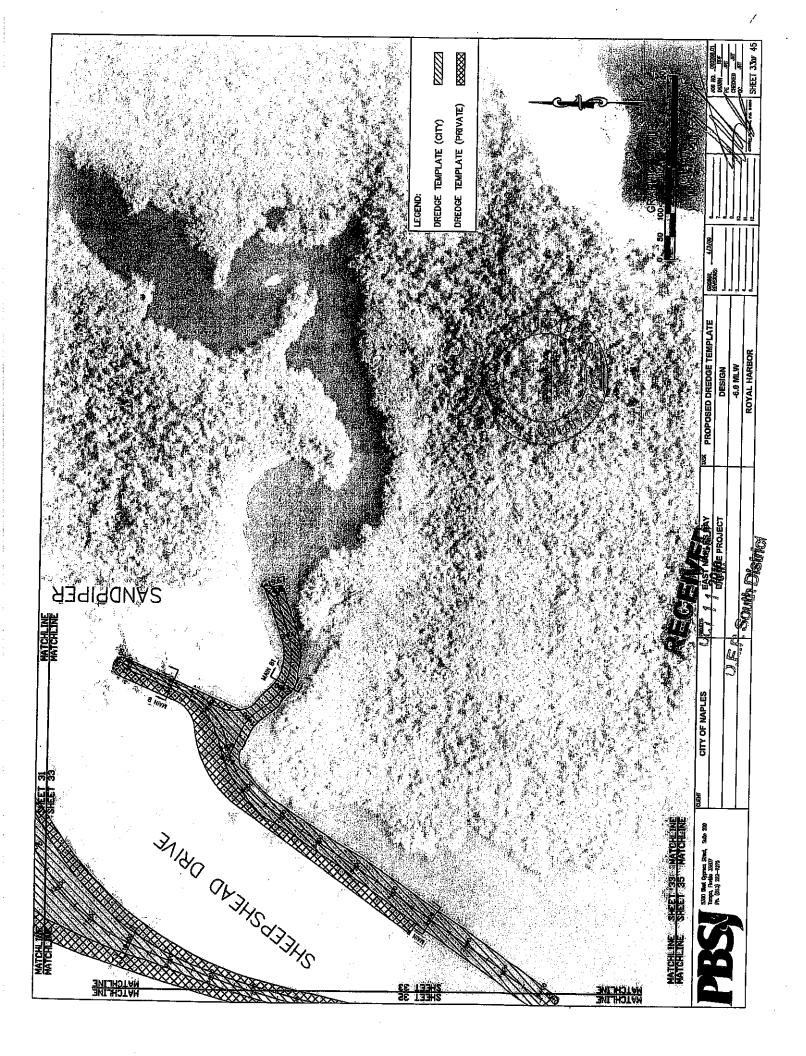


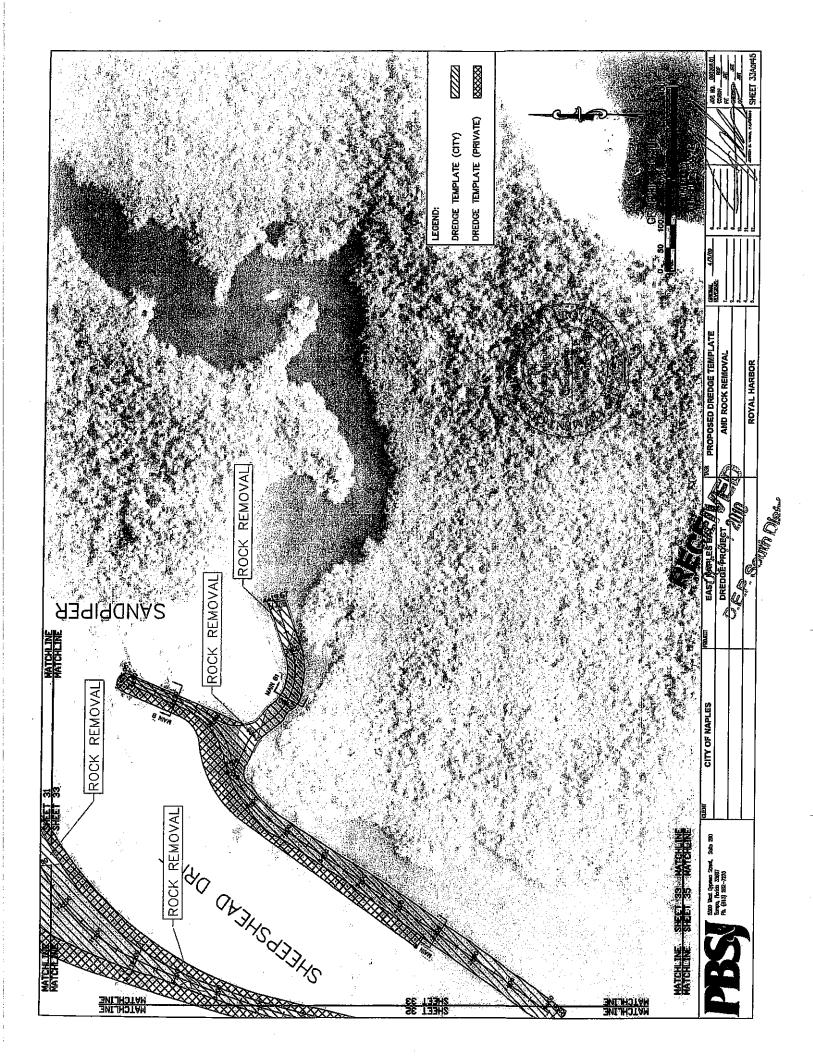


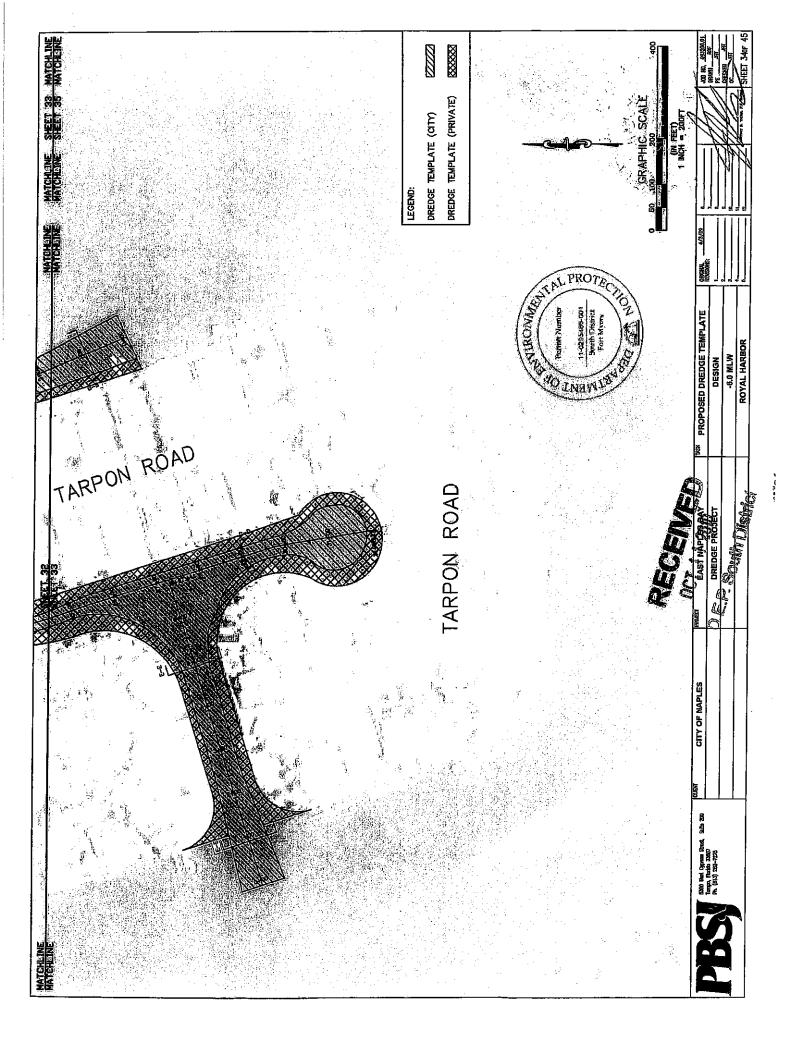


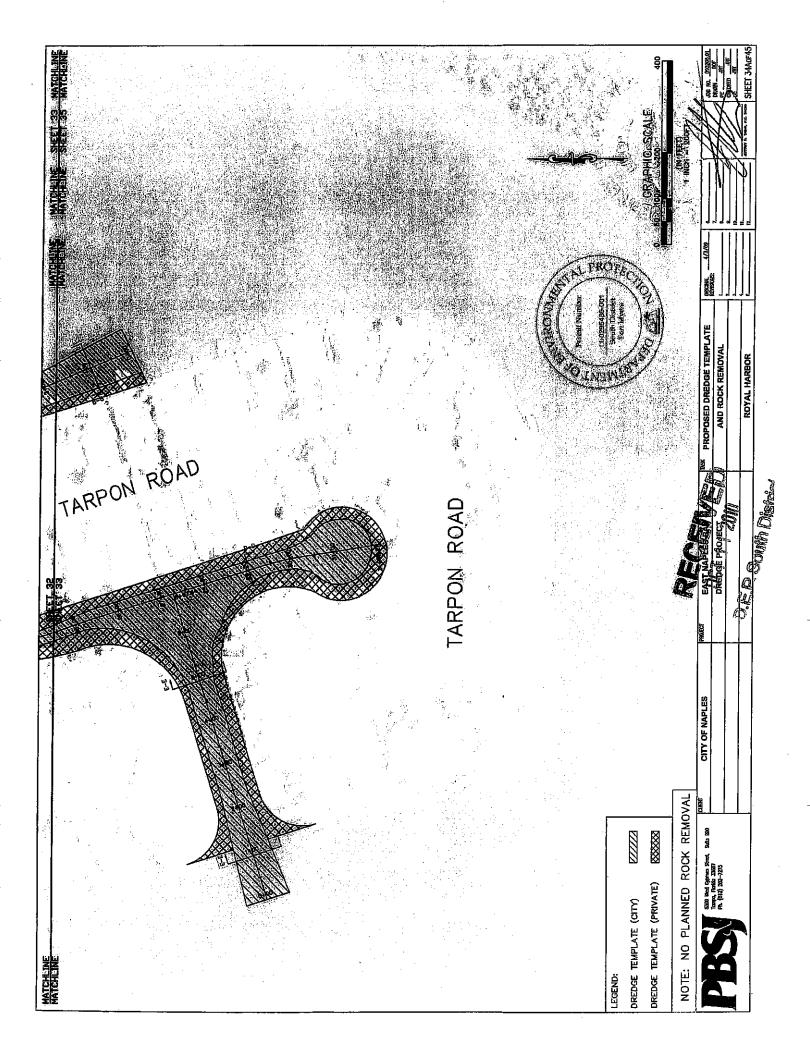


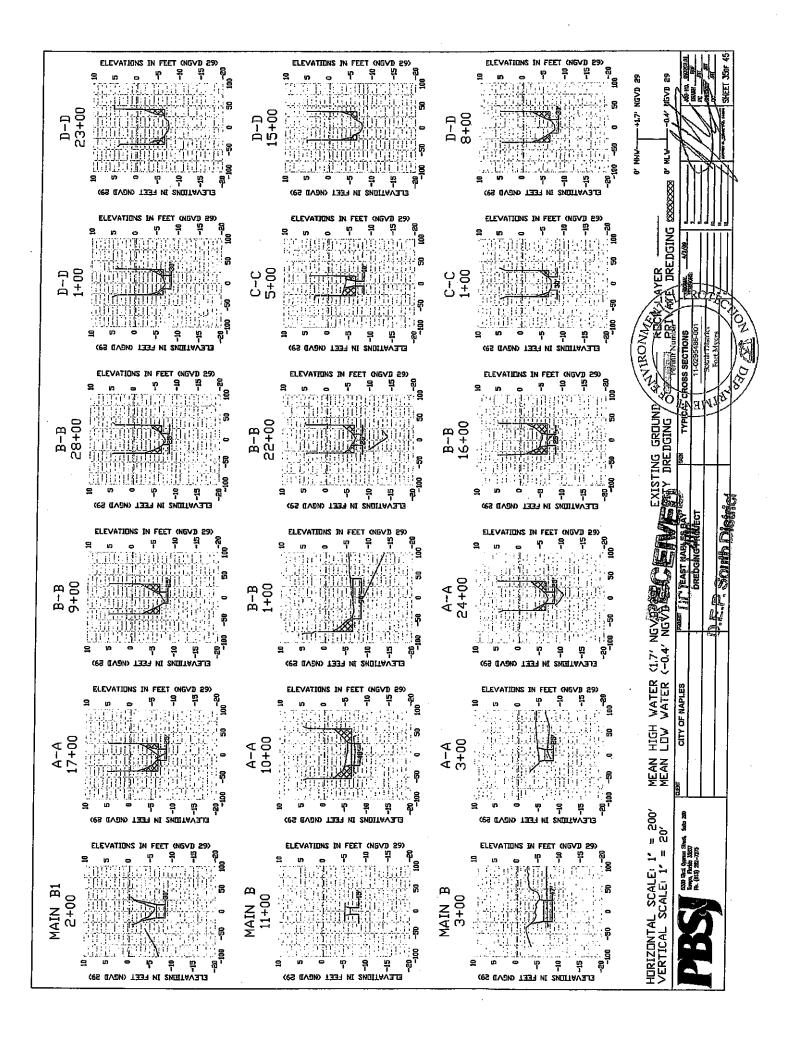


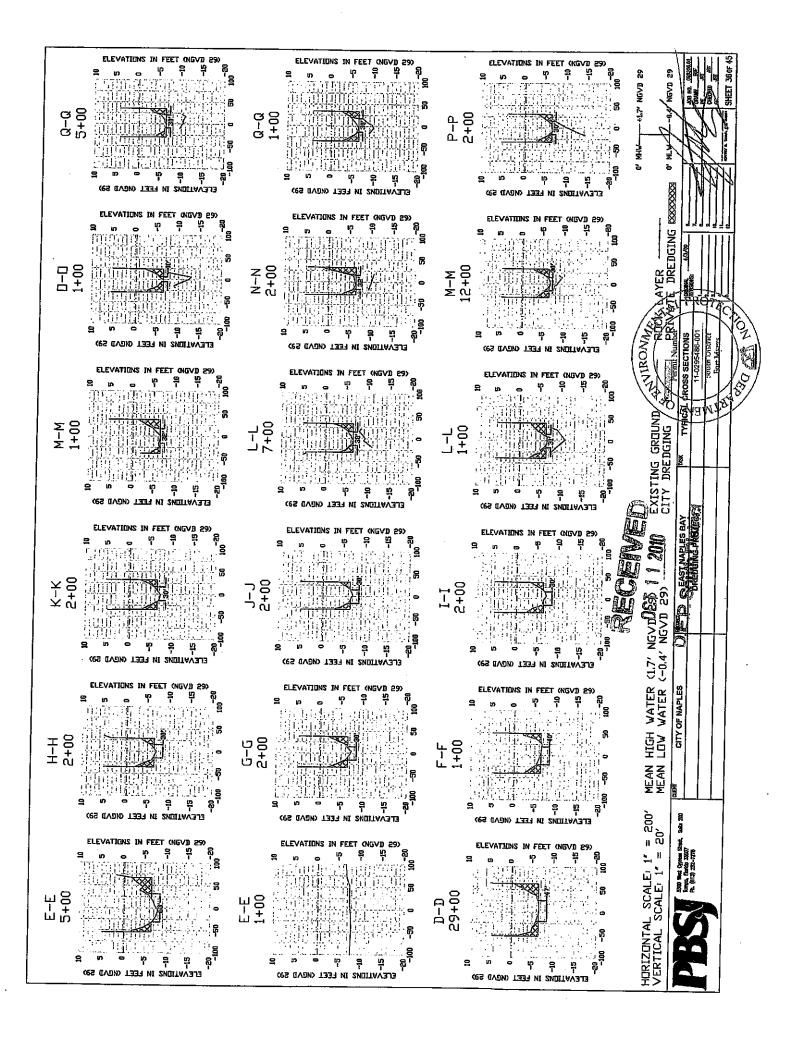


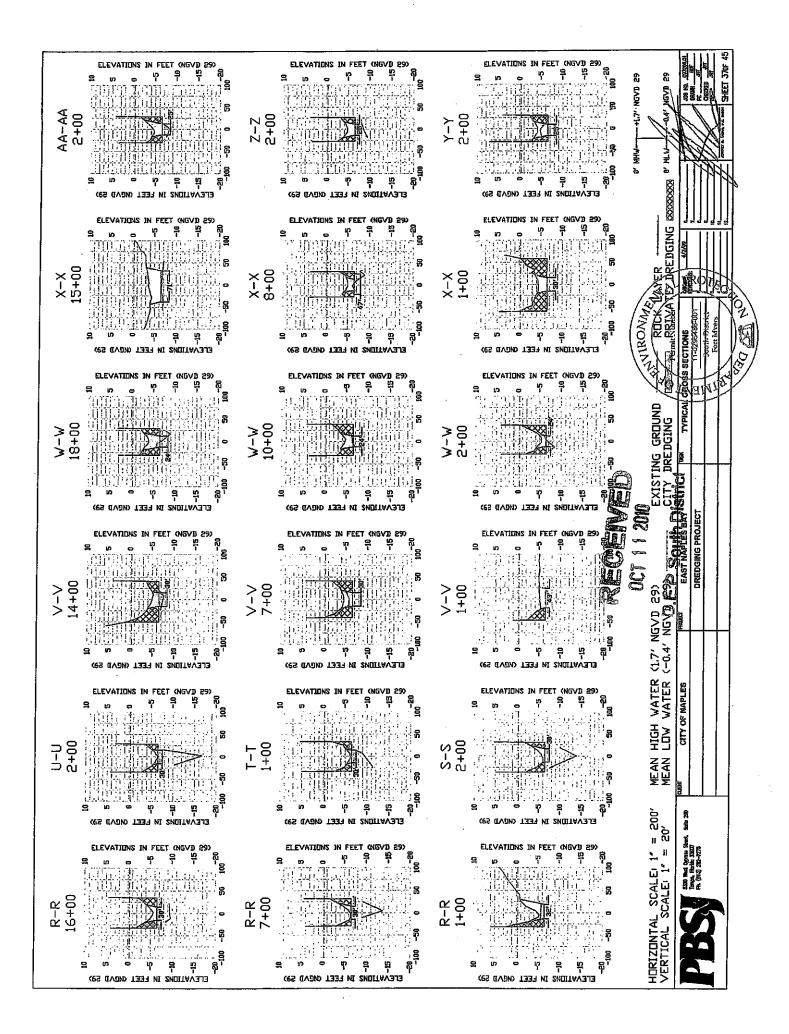


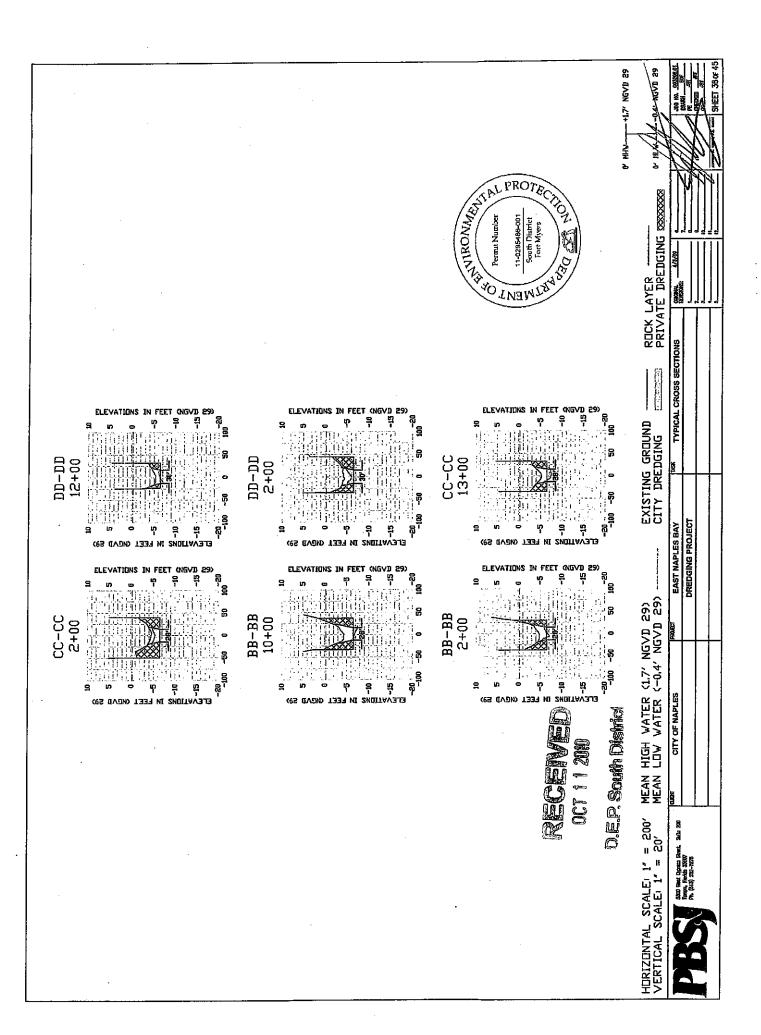


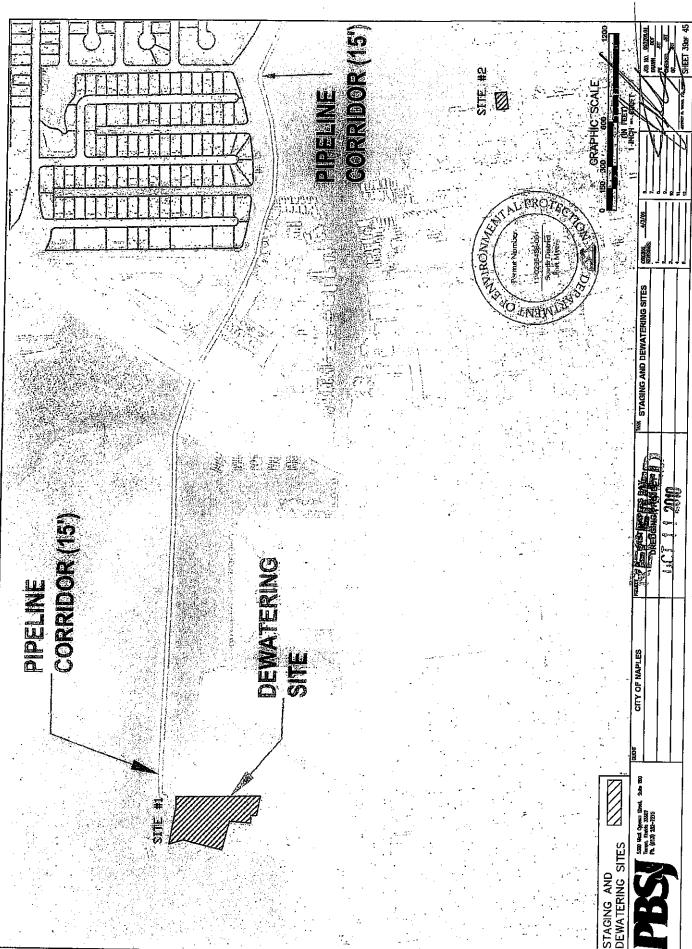




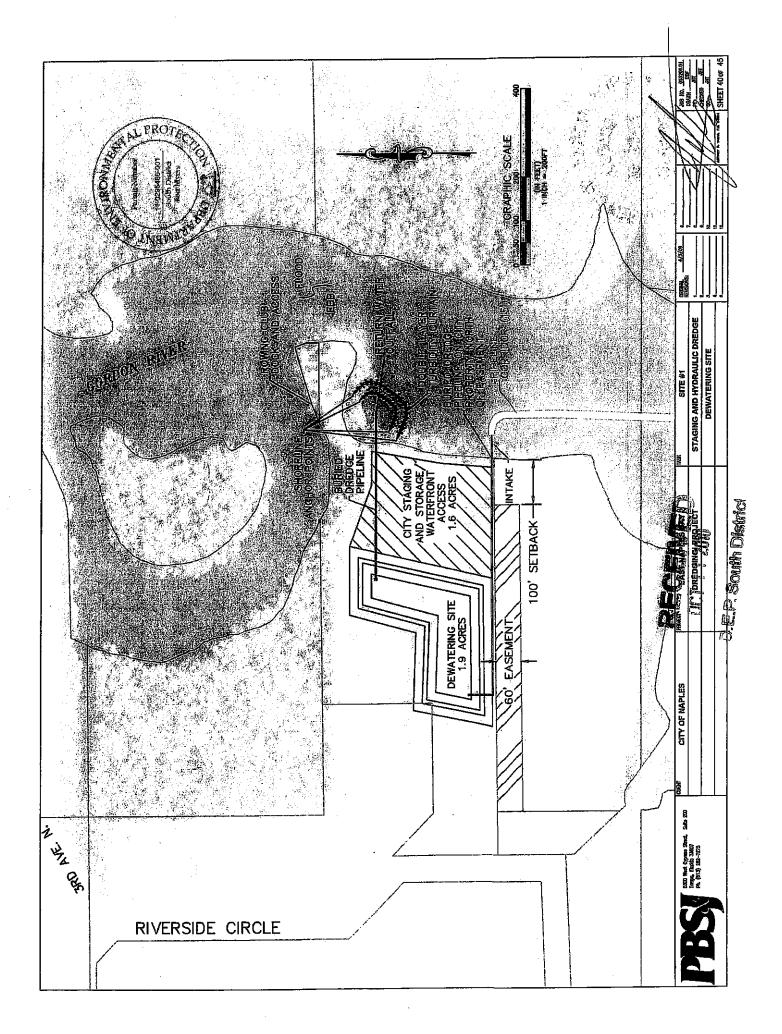


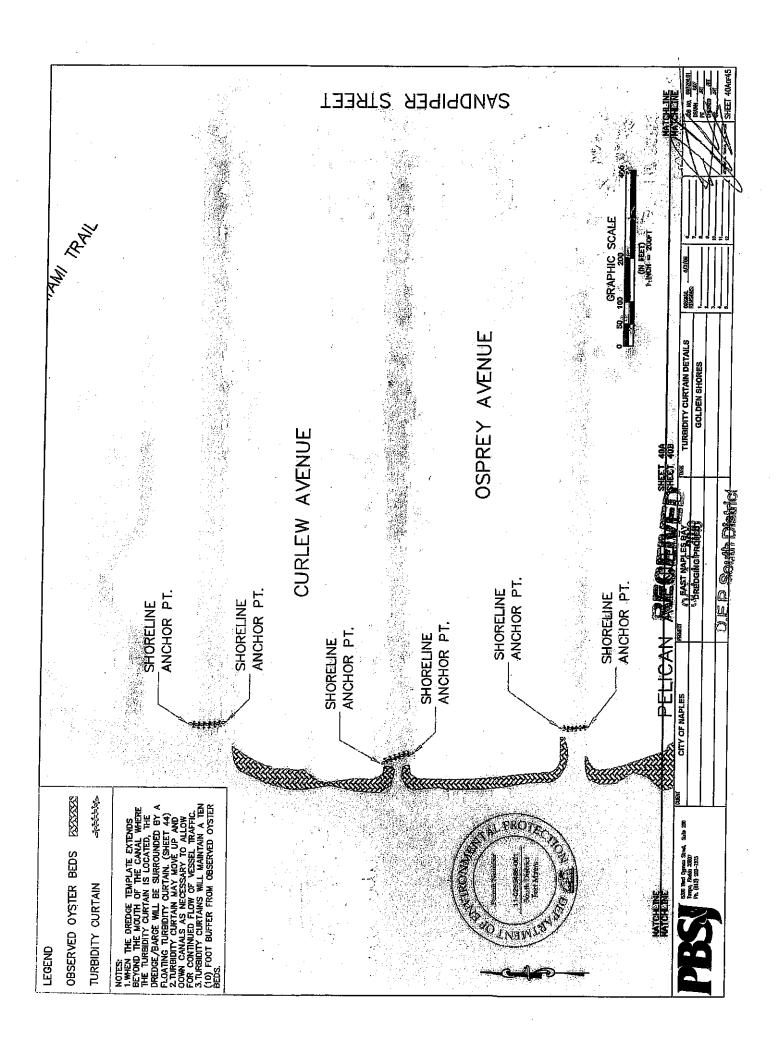


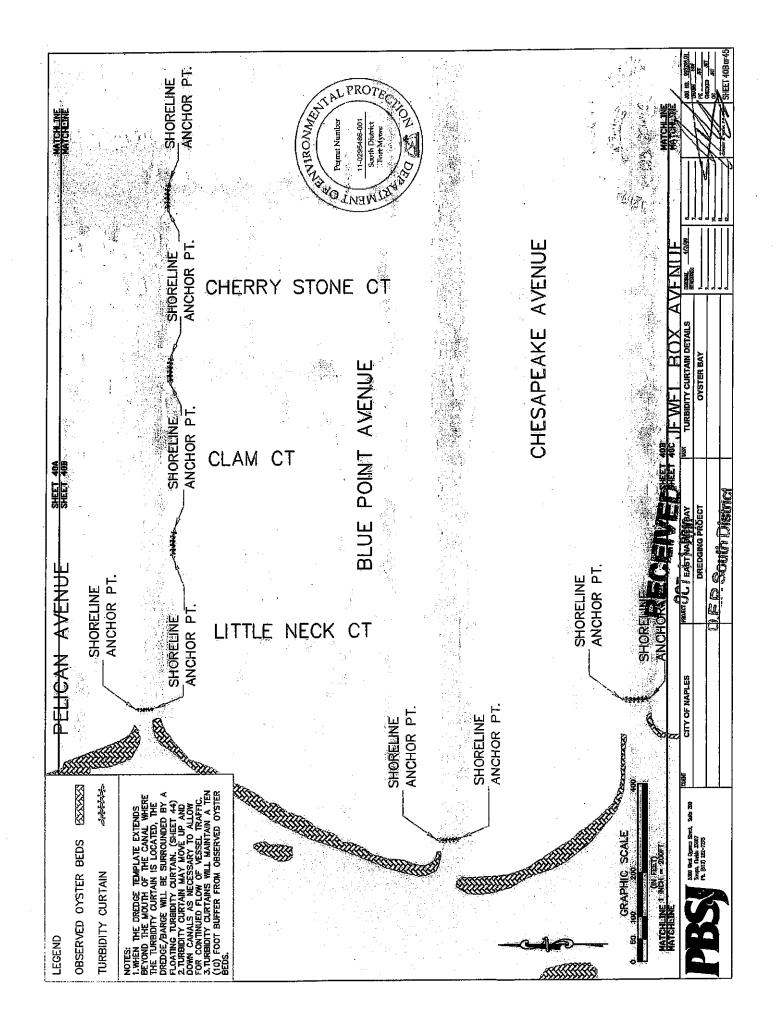


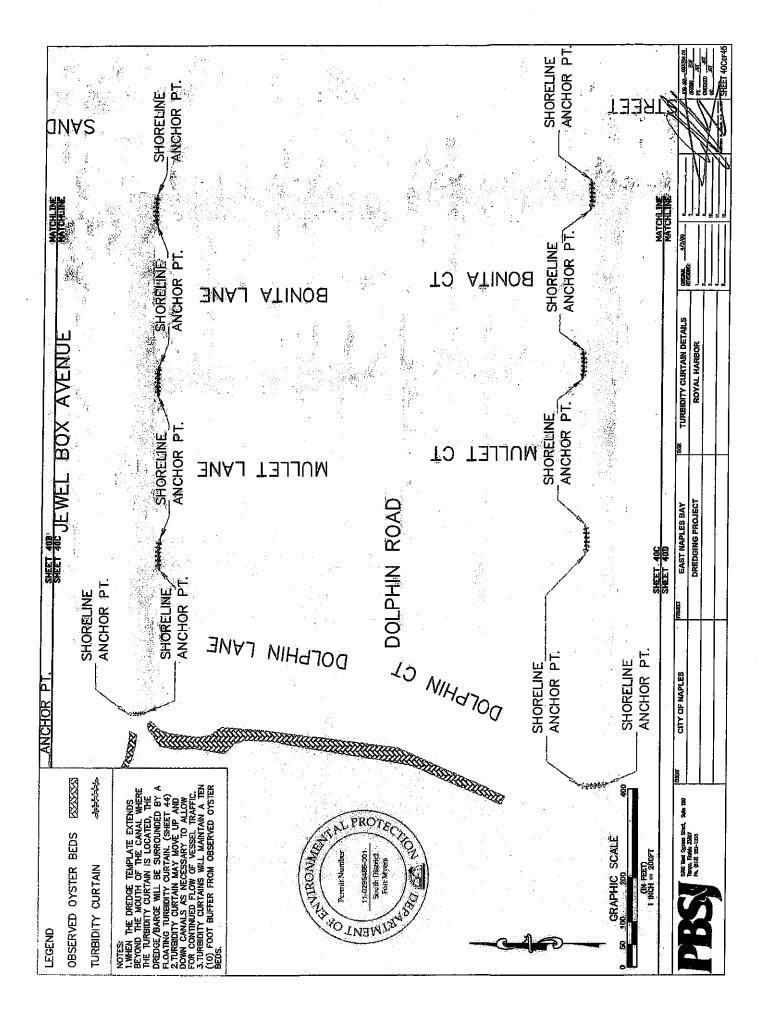


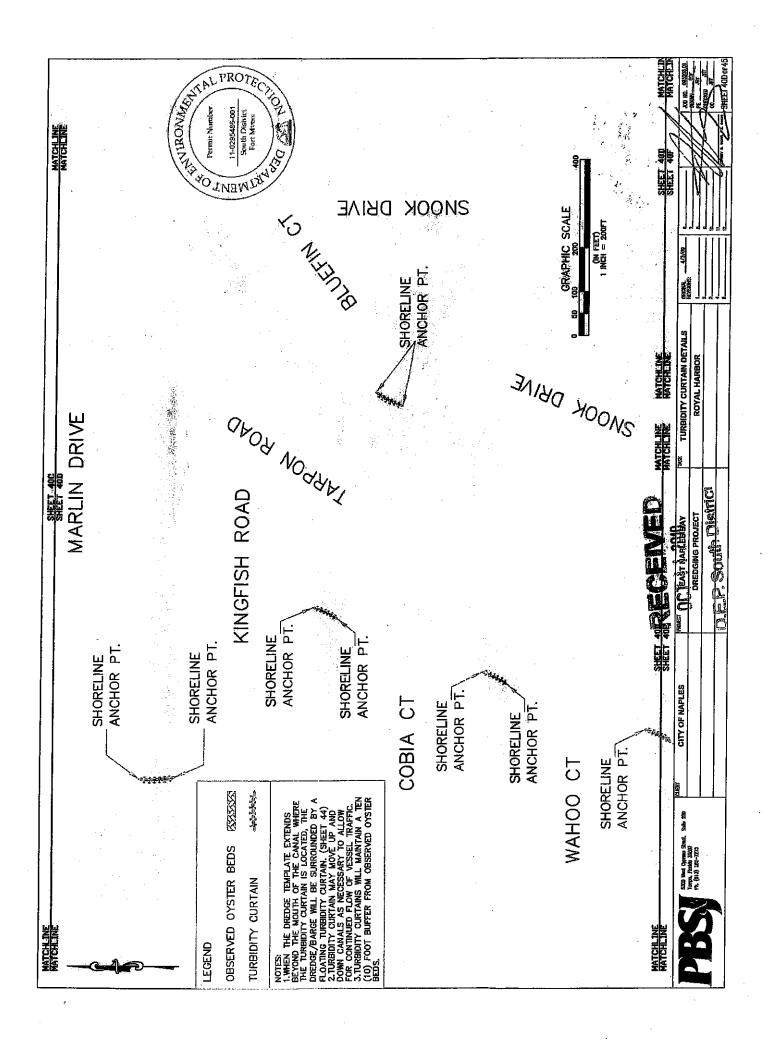
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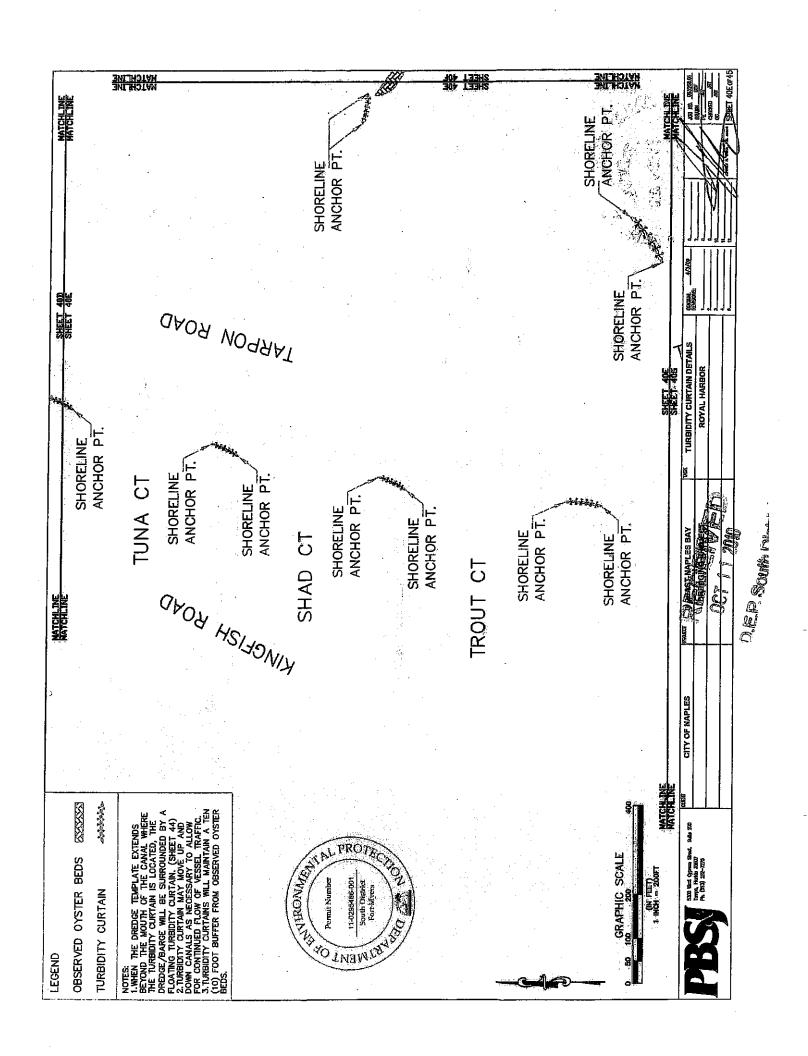


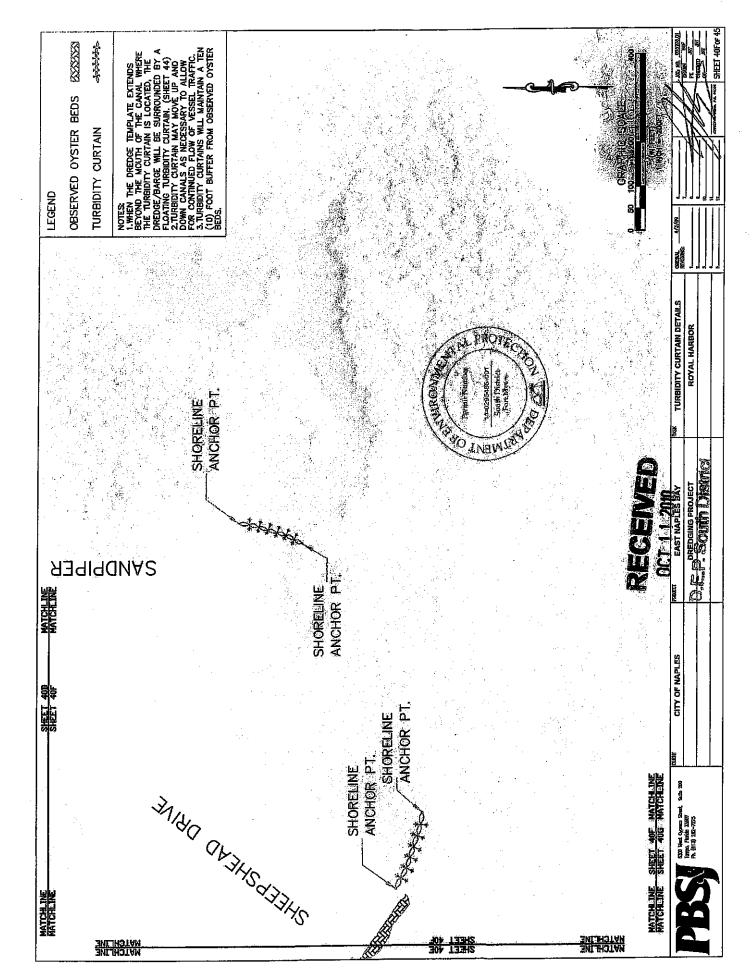


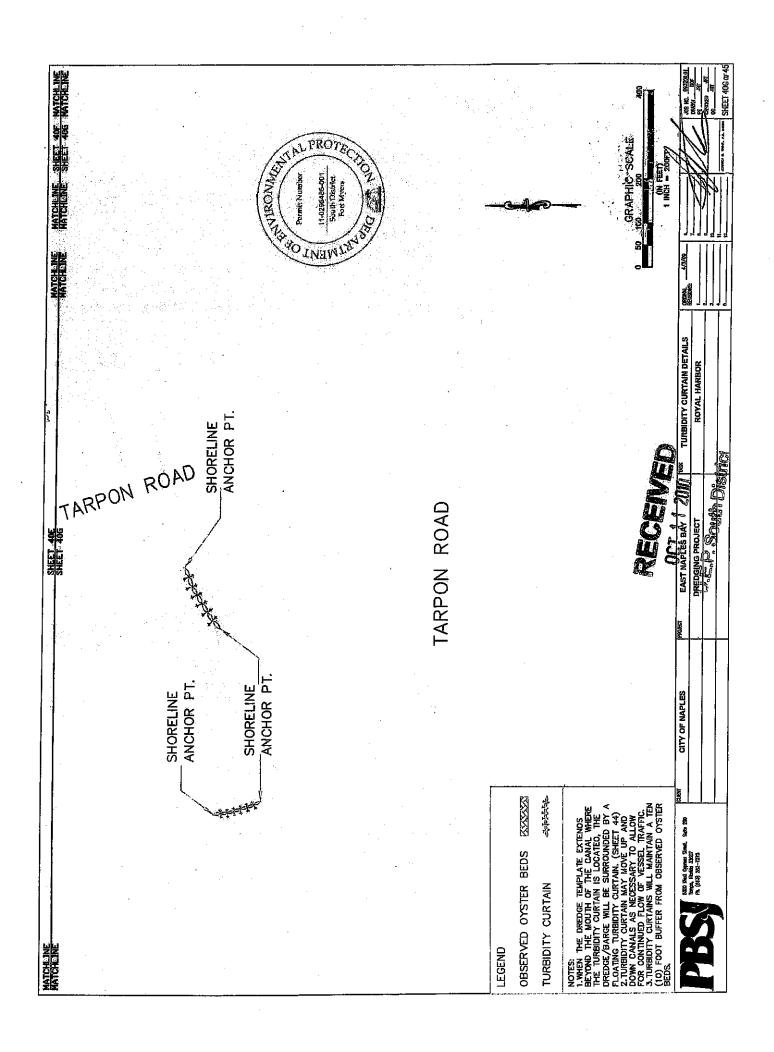


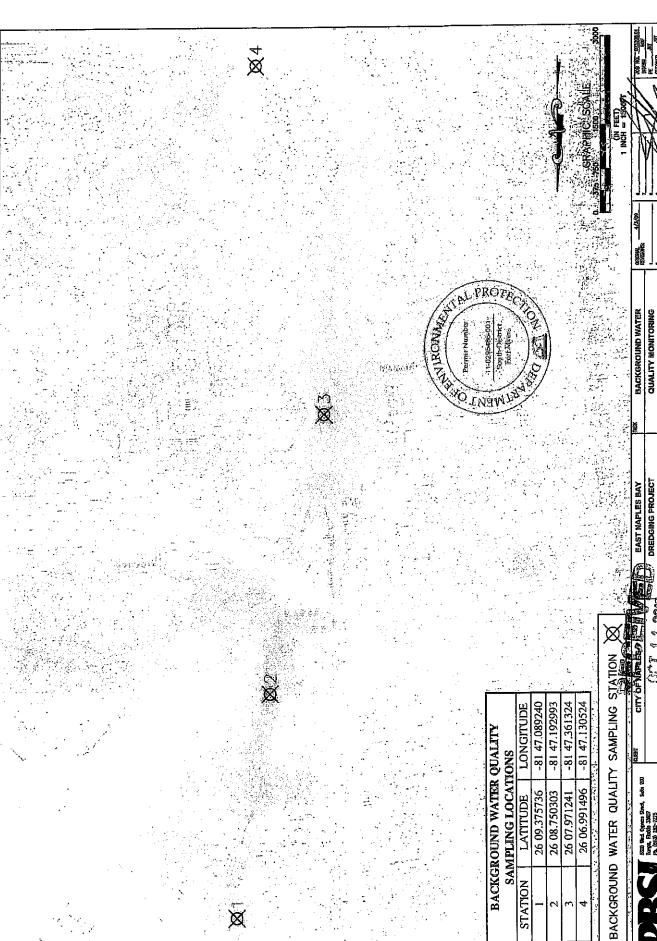




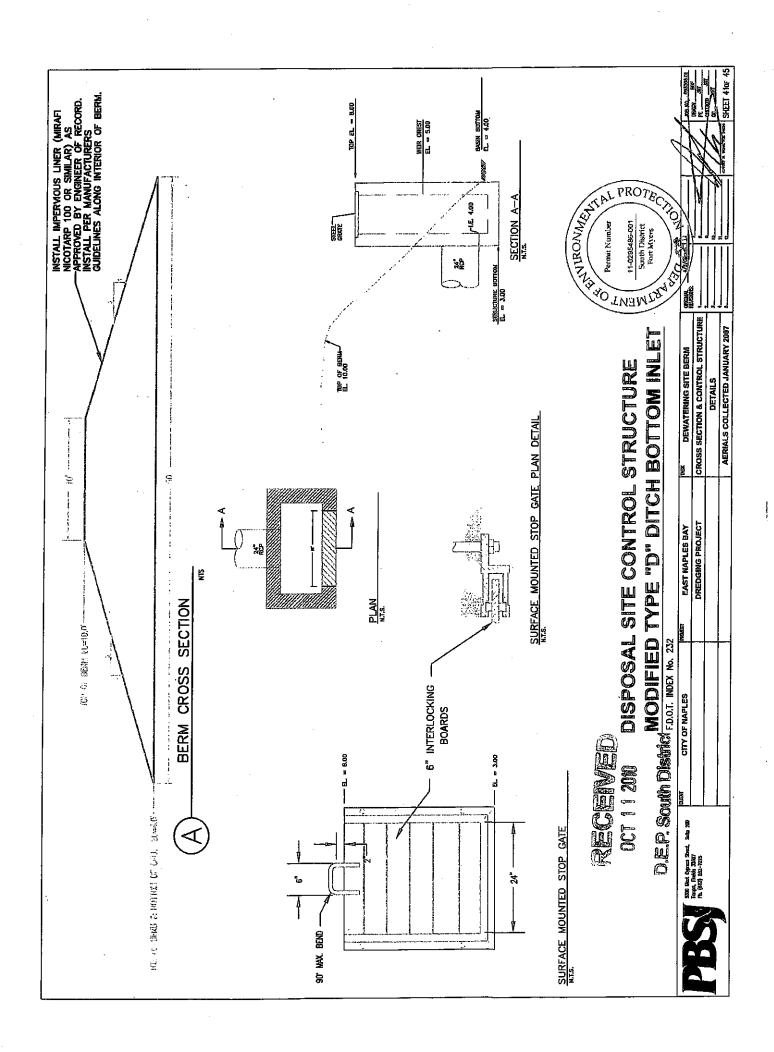


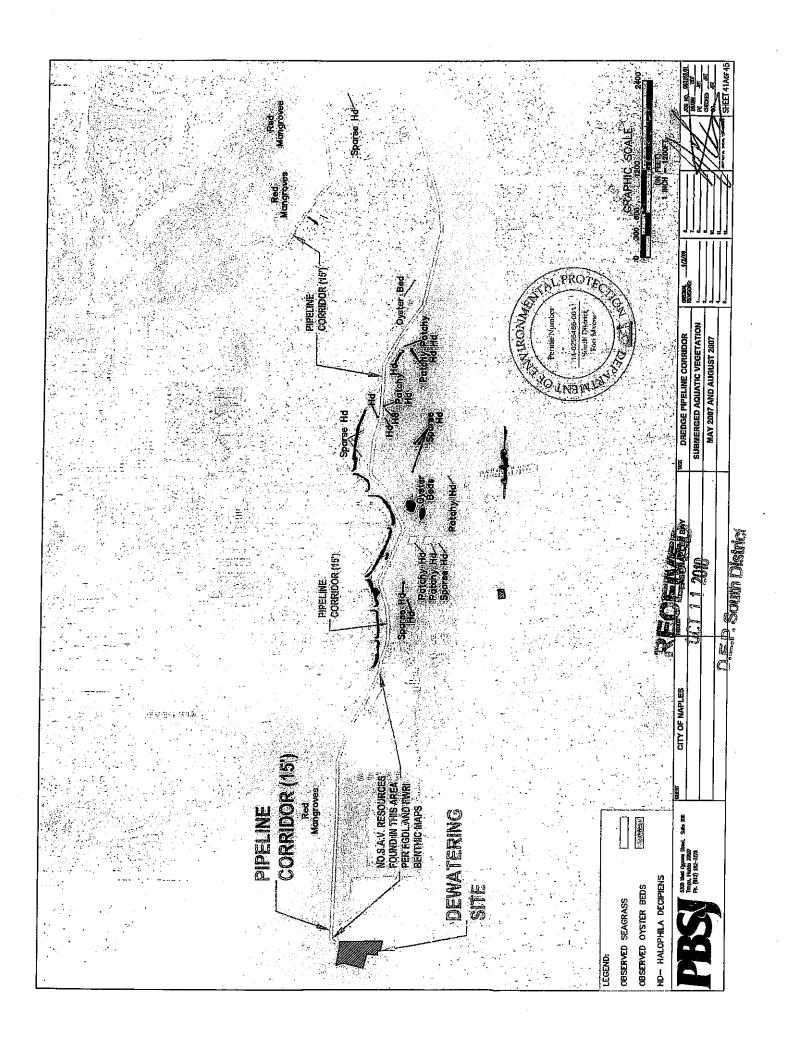


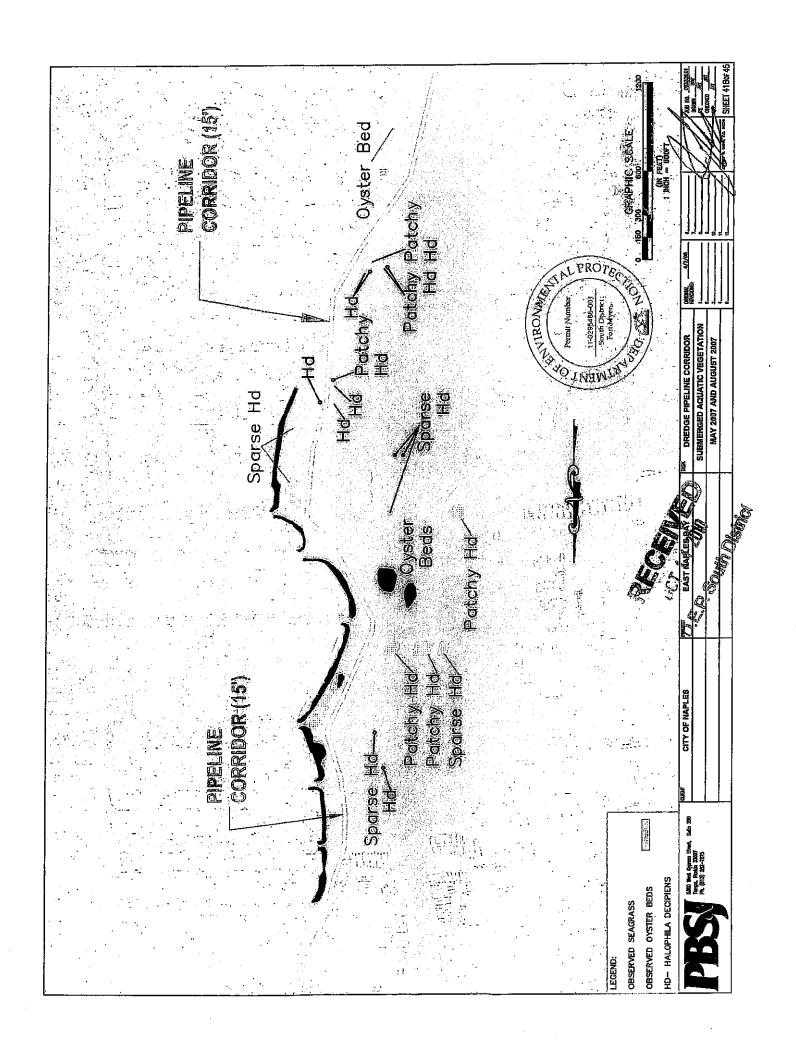


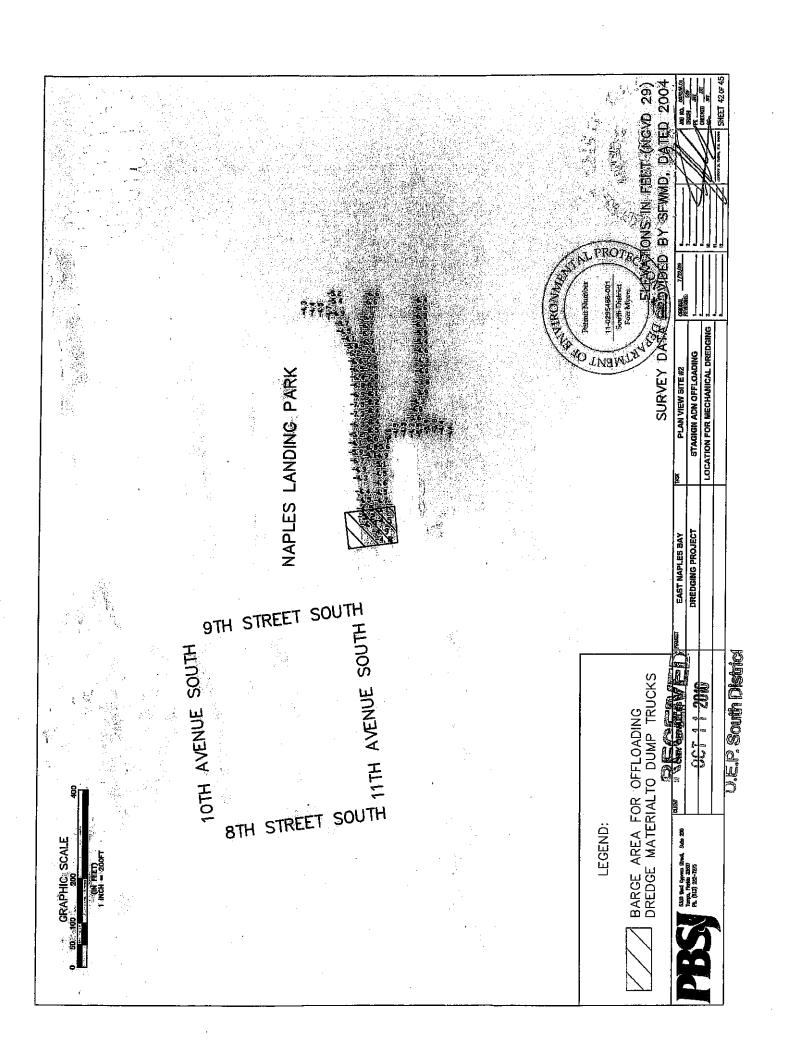


QUALITY MONITORING

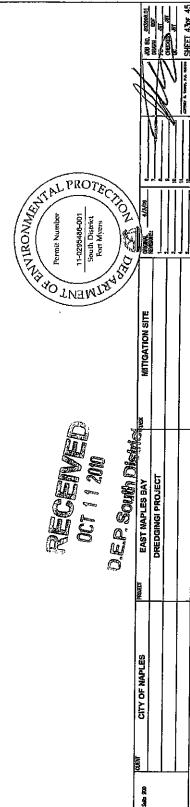


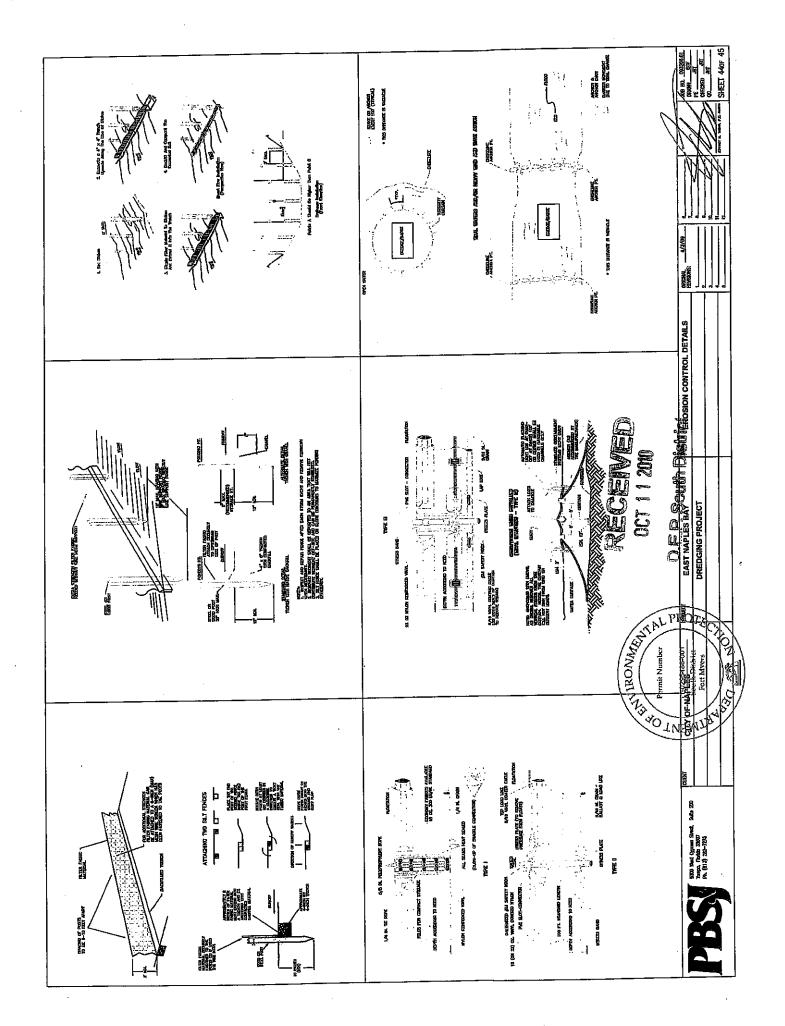






# SEE MITIGATION DETAIL SHEET PAGES 1-14





# General Construction Notes:

- All elevations refer to the National Geodetic Vertical Datum (1929)
- (NSTO 29) are equal to one another for this project area according to benchmarks published on Florida Department of Environmental Protection Land Boundary Information Systems (LABINS) website. Heten Low Water (MLM) and Notional Geodelic Vertical Datum of 1929
- The Contractor shall make their own determandson of the quantities
  of work required to complete the carabitacions between on the plans.
  The Contractor shall also index their own assessment of this site
  and the work required prior to hadding and any discrepancies, errors
  or omissions, shall be brought to the attantion of the County
  representative before the bid due date.
- The Contractor is responsible for verifying the location of all undergound utilities or other obles prior to commencing work of the size. Any utilities or other items damoged during covertuction shall be repaired at no cost to the Compt.
- ores or ferms outside the links of construction that are demaged or disturbed by the Contractor shall be restored to their original or better condition at no cost to the County. ₹
- The Contractor shall sheek plans for conflicts and discrepancies prior to construction. The Contractor shall natify the engineer of record of any conflict before performing any work in the affected area.
- 7. The Contractor is responsible for respliting any dangge to existing facilities, above or before ground, which may occur as a result of the work performed by the Contractor at no cost to the County.
- 8. It is the Cantrockor's responsibility to become formillor with the permit and inspection requirements of the various governmental agencies. The Contractor shall obtain an necessary parnitis prior to construction and schedule inspections according to agency instruction.
- specifications and documents referred to shall be of latest revisions and/or latest edition unless atherwise noted. ₹
- The Contractor is responsible for establishing horizontal and variated control at the site.
  - All work performed shall comply with the regulations and ordinances of the various governmental agencies having jurisatiction over the work.
- Repoir and replacement of all private and public property offected by this work shall be restored to a condition of equal to, or better than existing conditions unless specifically exempted by the plans. 젎
- All disturbed areas within the project not designated for improvements are to be restored to original candillan or better.
- Contractor shall provide a dust management plan to the engineer and the County for approved prior to initiating construction. Approved of the plan shall not obligate the engineer or the County in any way and shall not alleviate the Contractor's responsibility to control fugitive dust. ¥
- Construction traffic shall not Impacte the sofe and efficient use of Riveride Circle and surrounding road-easy. Constructor shall other RRDIT Strandard indices 500 and 514 for maintenance of traffic during construction of the beinpactory construction access connection.
  - Contractor shall be responsible for the timely removal of any fugitive dust, some or debries which may be ecused by his actions from the right of way of Riversides Gircle. <del>6</del>
- 17. Record drowings: The County shall be responsible for howing a registerol dand surveyor to record information on a set of the approved plans concurrently with construction progress oftening find inspection. One (1) set of the find record drowings shall be submitted to the engineer of record. Record drowings shall carrying with the requirements in the scope of earth.

# General Construction Notes Cont'd:

- 18. Engineer of record is the engineer responsible for the design of the project.
  Cantout Jeffrey R. Tohur P.E.
  PERSAL, S200 West Oppress St. Suite 200
  Tomps. Ferida 336472, FAX: 813-286-1207.
- 19. Engineer of record is the engineer hired to observe construction
  - 20. Other contact information will be provided as necessary.

## Safety Notes:

- ii. It shall be the sole responsibility of the Contractor to comply and enforce all oppinicible selector regulations. The information herein has been provided for the Contractor's information only and does not imply that the owner, owner's angineer, or engineer of record will inspect and/or enforce notely regulations.
- 2. During the carestruction and/or maintenance of the praject, all scritterian early regulations are to be adversed. The Contractor or Representative shall be responsible for the control and satisfy of personnel. Labor safety regulations shall conform to the provisions set forth to GSPA in the Federal Register of the Department or Transportation.

# Dewalering Site Construction Notes:

Contractor shall provide location, spece, procedures and permits for the devotaring site to the County and Engineer of record for review prior to

# Dredge Construction Notes:

- ). All work will be completed in accordance with the plans and specifications.
- All work will be completed within designated dredge areas and to designated dredge depths.
- All dredge activity will be conducted during daylight hours from one holf-hour offer sunder to one holf-hour before sunset.
- The Contractor shall strictly adhere to all monstee regulations.
- The Contractor will observe a ten (10) foot buffer around oil dacks, natural resources, seawalls and structures.
- Areas where natural resources (seagrass, cysters, etc.) are present will be protected with turbidity barriers maintained throughout the project.
- Turkidity control mesours will be properly maleicined in compliance with Federal
  and Stote Were Under Standards. If turbility levels exceed water quality
  adulpting, dreiging oxibity will ceese until levels return to the oxepitable.
- Q. If turbidity windtions occur at the discharge/return-water backton of the disposal site, the Contractors shall be prepared to sulfare polymers to reduce turbidity to an acceptable level.
  - Find site grading plans shall be defarmined based on final disposal location(s) and quantities as approved by engineer of record.
- The Contractor will operate in a manner that will cause the least impact to waterway novigation and accommodate focal traffic within reason. \_
- Dradge burges, pipulines, cabbes, buoys, etc. will be removed from the chromel at the completion of each day's work and hove working marking/onchar lights to warn vessels of their location.
- Domage to any property, utilities, efructures or natural resources shall repaired or replaced by the Contractor in a timely manner at the Contractor's expense. ₽

CITY OF NAPLES

# Standard Manatee Construction Conditions

- The Contractor shall camply with the fallowing manatee protection construction conditions:
- The Contractor shall instruct oil personnel associated with the project of the potential presence of municless and the need to avoid collisions with manadess. All construction personnel are irresponsible for observing water—scaled octivities for the presence of municle(s). 6
  - The Contractor shall advise all construction personnel that there are obtained and criminal personnels for Indinise, forwards, or Milling mandless which are protected under the Marine Marmal Profession Act of 1972, the Endangered Species Act of 1973, and the Florido Manoles Sandaray Act. ä
- Sikulion barriers stud be made of material in which manatees commot become entungied, are properly secured, and are regularly manifered to word manate entungement. Barriers must not block manatee entuy to or exit from essertial institut. ن
- All vessels associated with the construction project shall operate at "no water/falls" appeals at all times shills in the construction area and while in water where the draft of the weser provides less than a four fox dearcance from the bottom. All vessels and follows routes of deep water whenever possible.
- If mandae(s) are seen within 100 yords of the active daily construction/draighing operation or vessed morecurate, du appropriate presunitare shall be implemented to ensure president of the implementation of oil moving equipment no closer than 50 feet of a mandee. Operation of any equipment codes than 50 feet of a mandee. Operation of any equipment equipment, educate than 50 feet to a mandae shall inspection of the construction of the construction.
- Any callision with and/or injury to a manatee should be reported immediately to the FVC holling of 1—888—404—404—404. Callisian and/or lajury should also be reported to tife U.S. Fish and Willife Sarvice in Jocksawille (1-904—232—2580) for North Fordo or Vero Beach (1-772—562—3909) in South Florido
- 9. Temporacy signs converning manuless shall be posted prior to and obsing all construction dradigs. A sign measure has be removed by the Controcker poin completien of the policit. A sign measuring at least 3 ft. by 4 ft. wheth reads "Coulton: Manutee Area" will be posted to a least of the third the construction creas. A second sign metalled ho school if wassid are associated with the construction, creas. A second sign metalled ho posted if wassid operator. The second sign should be at least 8-1 by 11 with reads "Cauthon: Manulee Hubbt clie speed is required if operating a vessel in the construction area. All equipment must be shuldown if a menutee come suthin 50 feet of operation. And equipment must be shuldown if a monatee shall be reparted inneutriating by the FPC follion of -1988-40-FPCC. The U.S. Fish and Maillé Service shalled sisce be contracted in Jorisanniale (1-304-232-2389) for Math Florida or Vero Berch (1-772-562-3309) in South Florida.

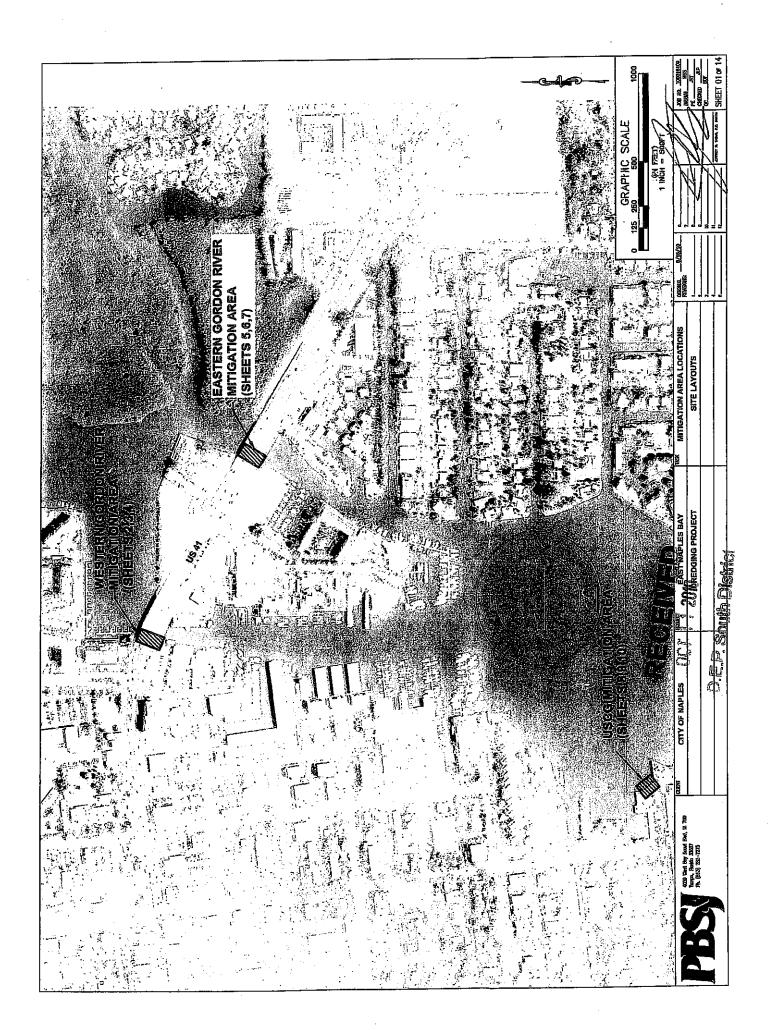


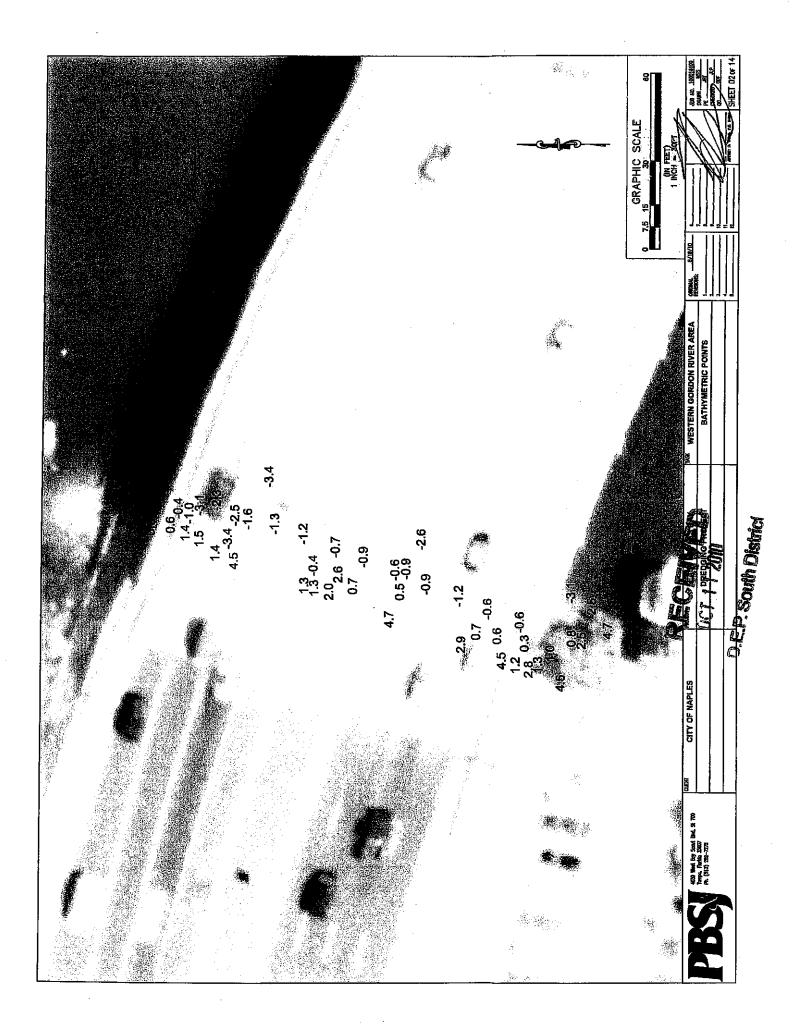


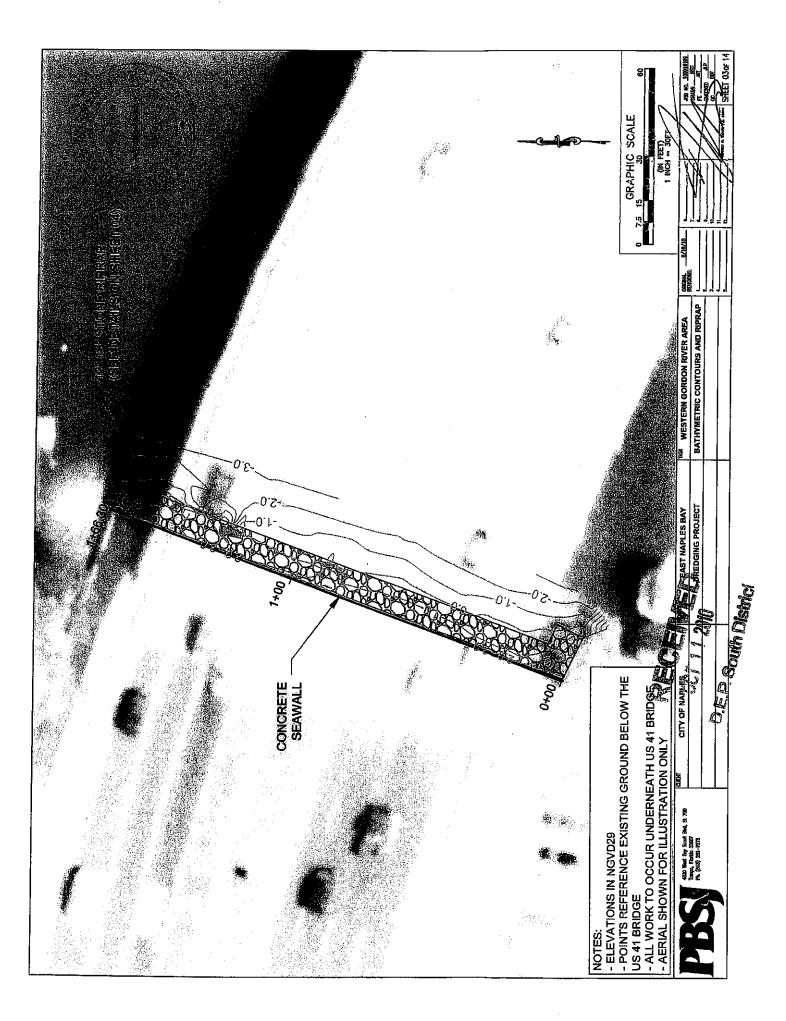
DREDGING BROSET

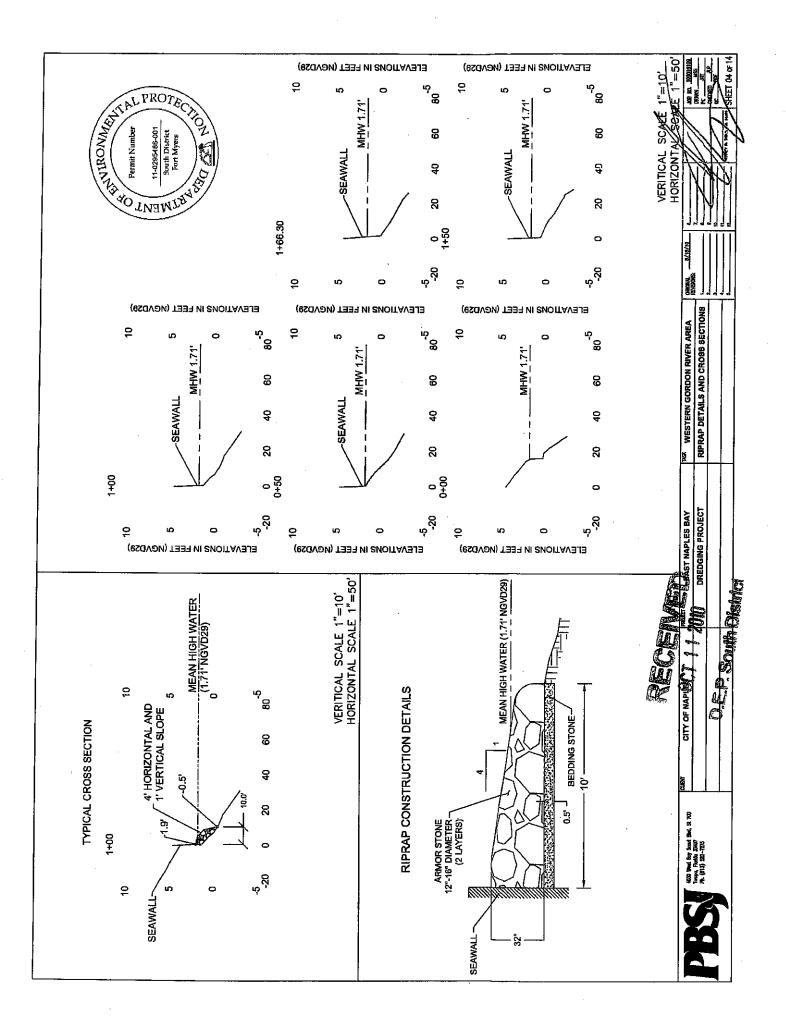
CONSTRUCTION NOTES

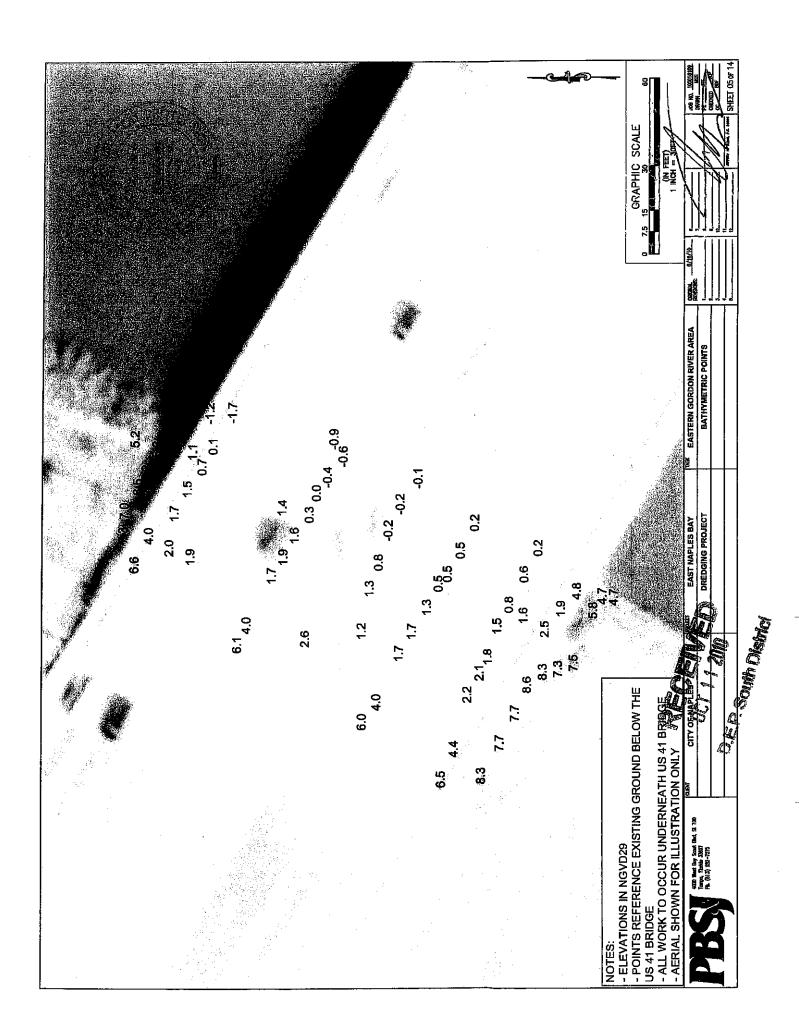
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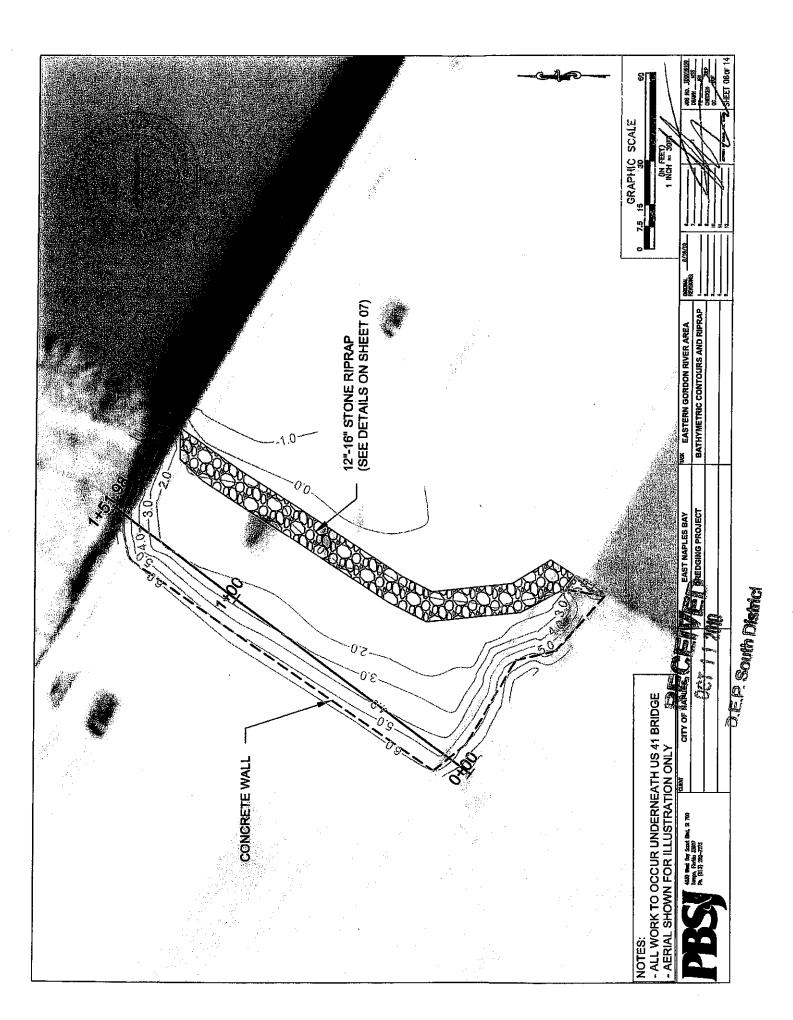


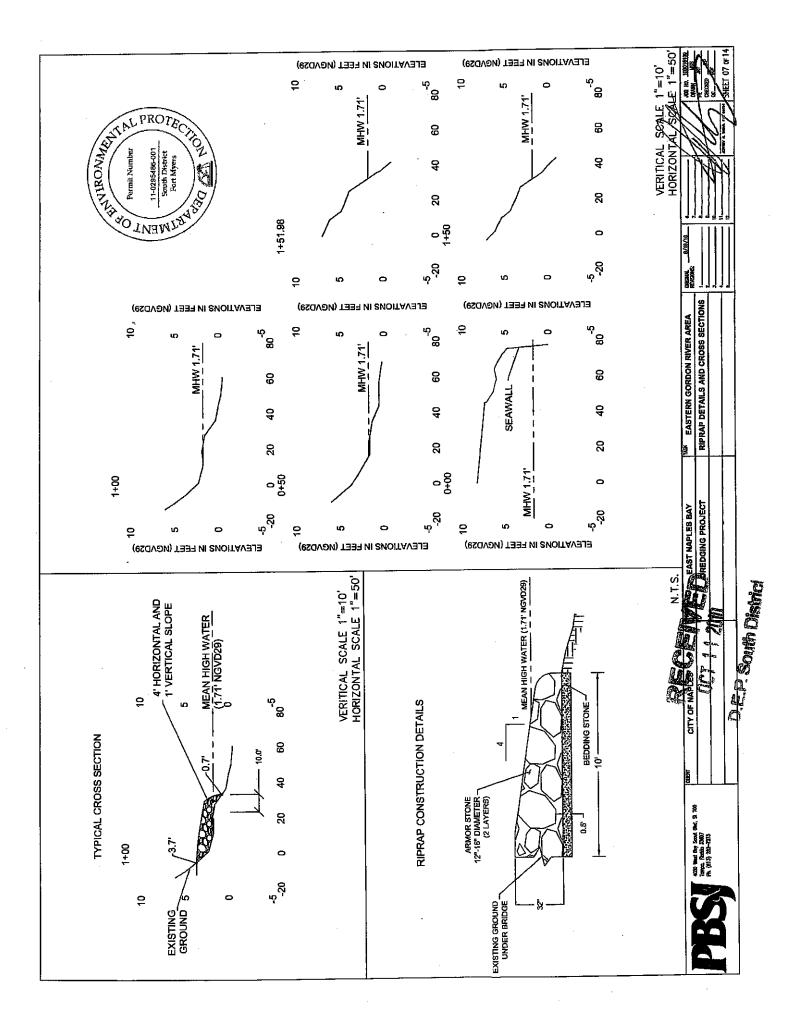




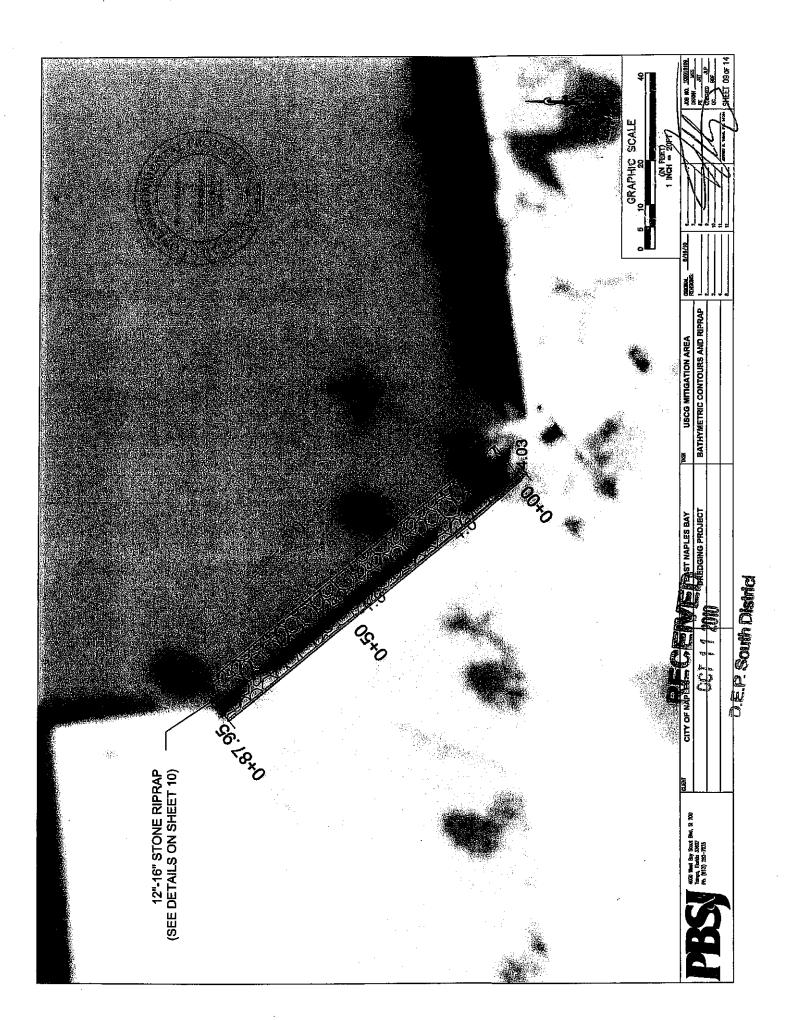


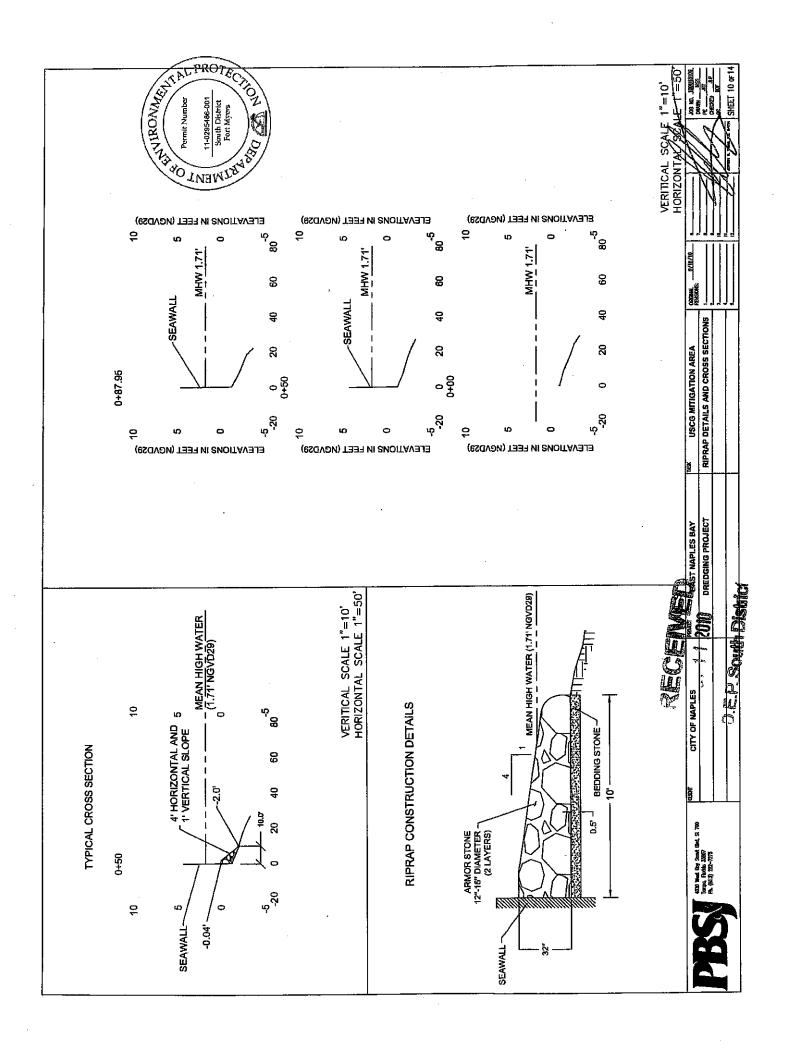


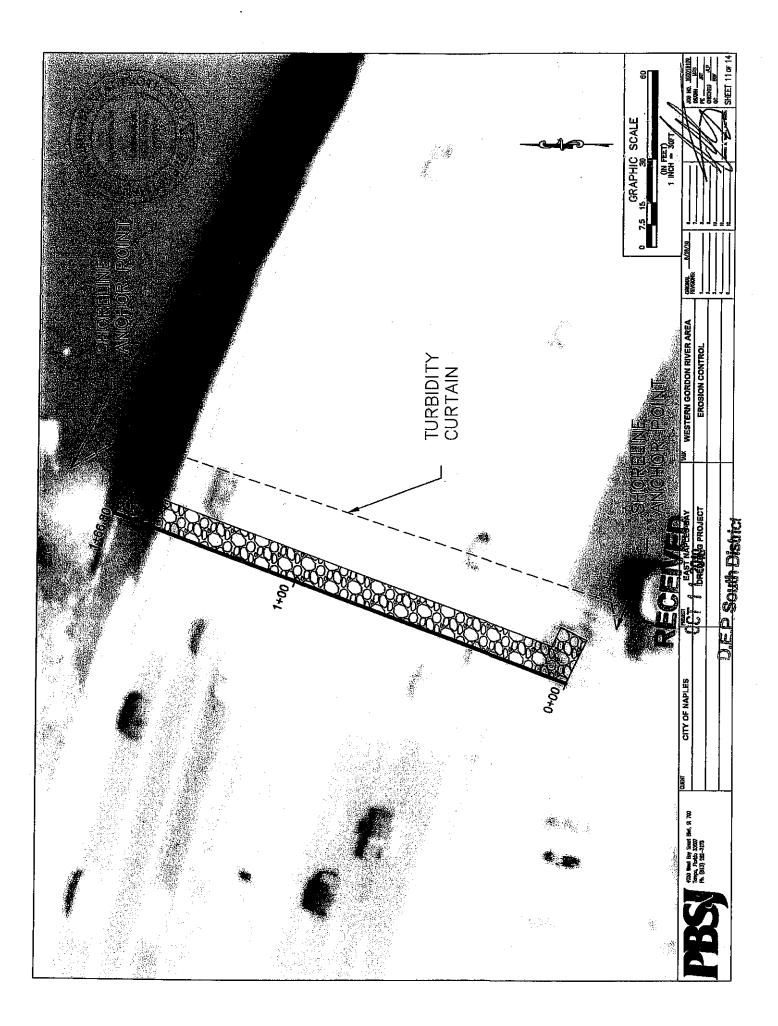


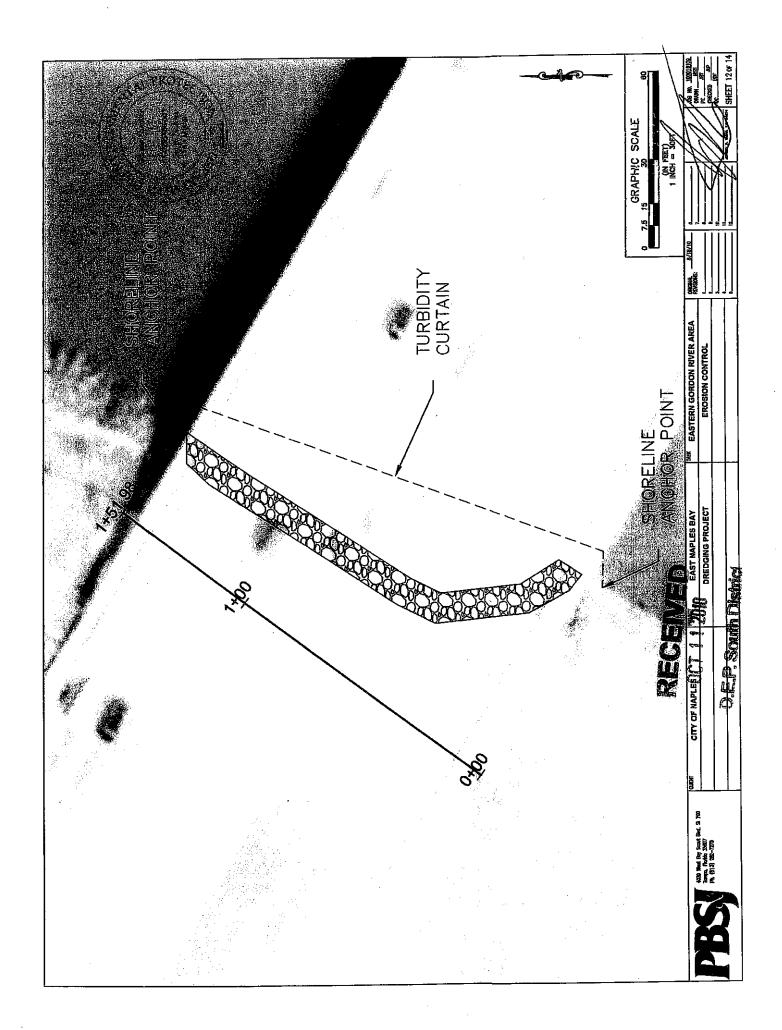


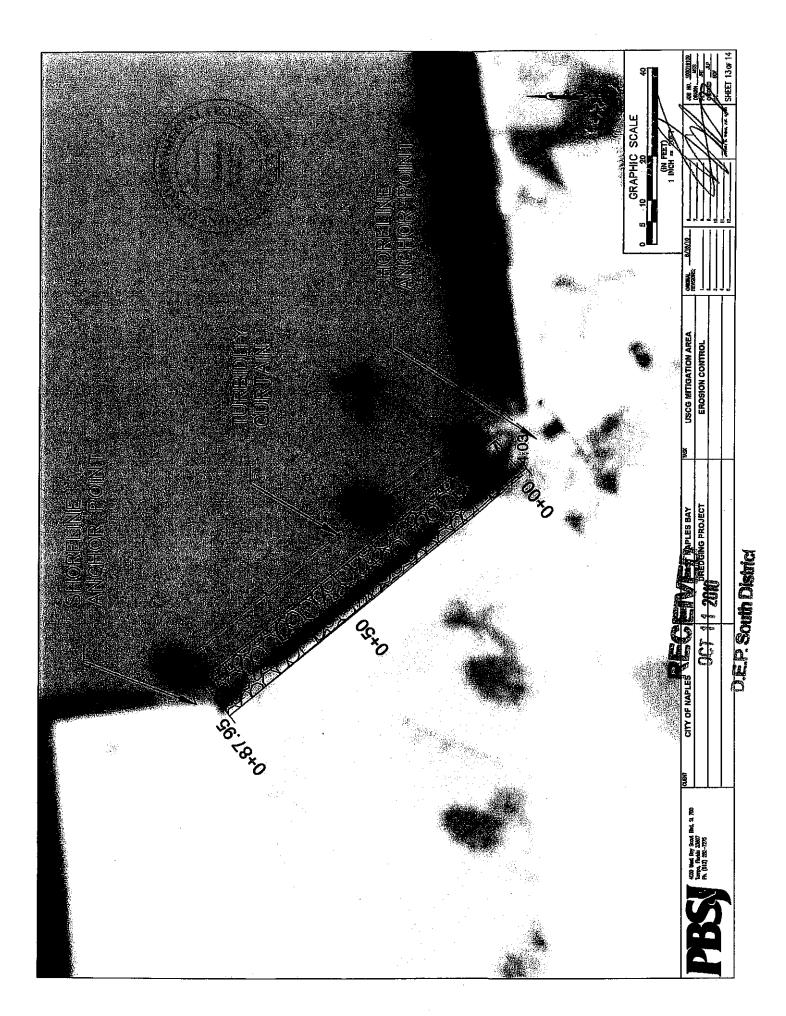


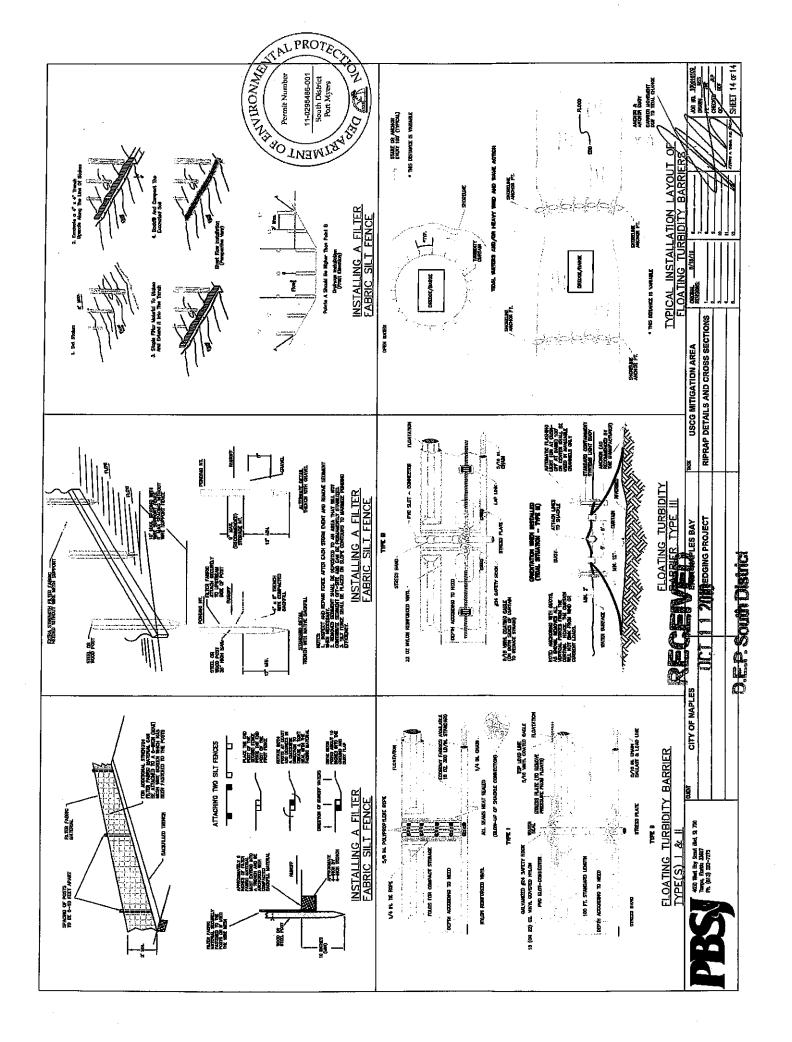










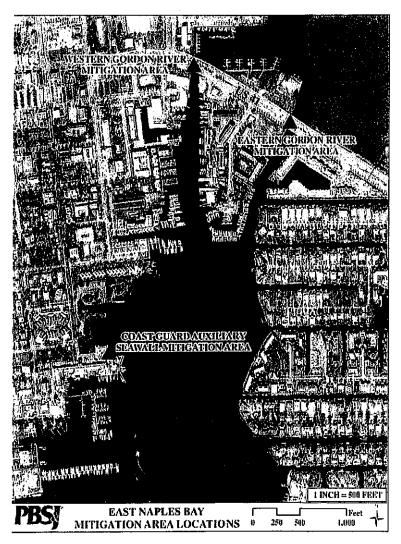


### East Naples Bay Dredge Project Collier County-ERP File No.: 11-0295486-001 Proposed Alternate Mitigation Summary

### Location:

The proposed mitigation areas are located adjacent to three shorelines along the Gordon River/Naples Bay. The first mitigation area is along the western shoreline of the Gordon River under the US41 bridge lat/long (81.790042,26.142010). The second location is located along the eastern shoreline of the Gordon River under the US41 bridge lat/long (-81.786930, 26.140380). The third location is along the seawall next to the Auxiliary Coast Guard Building, Flotilla #93, 1099 9th Street South, Lat/Long (-81.792611, 26.134000), please reference Figure 1.0 location map.

Figure 1.0 Location Map





### **Current Site Condition:**

Several site visits were conducted by PBSJ engineers and scientists to document the current condition of the three proposed mitigation areas. At all three areas the current site condition was recorded, photographs taken and a UMAM assessment completed. A meeting was conducted with FDEP staff scientist Arielle Poulos on

May 24th 2010. During this meeting it was agreed upon that shoreline restoration would be the best replacement of function for the proposed impacts to seagrass and oyster communities.

### **Gordon River Western Shoreline**

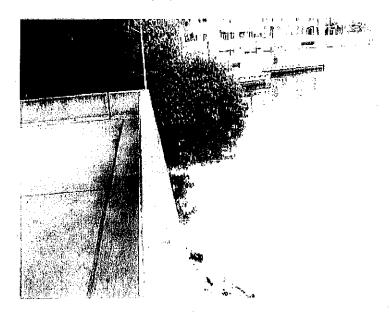
The western shoreline under the US41 bridge currently has a seawall and an upland pedestrian footpath. The shoreline adjacent to the seawall consists of muddy/sandy bottom with scattered clusters of rock and oyster shell. There were no live colonies of oysters observed. There is a large outfall located in the middle of and perpendicular to the seawall. Scattered juvenile fish were observed passing through the area. No vegetation was observed under the bridge due to the limited light availability.

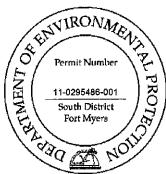




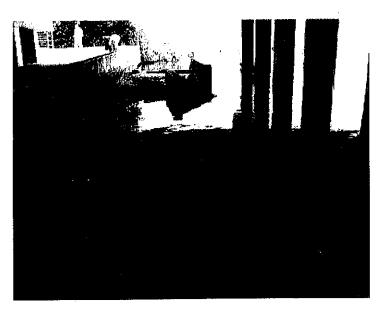
Substrate adjacent to seawall

### Outfall perpendicular to seawall





Southwest corner of seawall



Seawall looking west





Close-up of outfall structure

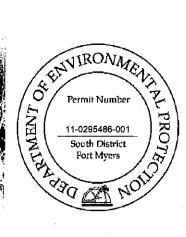


Scattered rocks within the proposed riprap placement area

### Gordon River Eastern Shoreline

The eastern shoreline under the US41 bridge currently has riprap extending from the bridge support to above the mean high water line. Waterward of the riprap and above the mean high water line is sandy sediment with scattered rocks. Waterward of the mean high water line is scattered rocks and oyster shells no live colonies of oysters observed. A few small mangrove saplings were observed along the shoreline but outside the footprint of the bridge. The low height of the bridge approach is limiting light availability and therefore precluding vegetative growth.



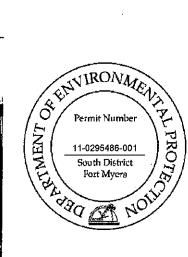


Shoreline from MHW line waterward



Shoreline from MHW line waterward, showing existing riprap

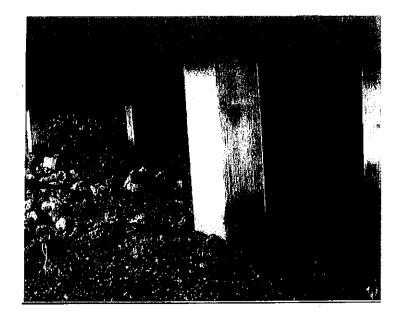




Existing riprap

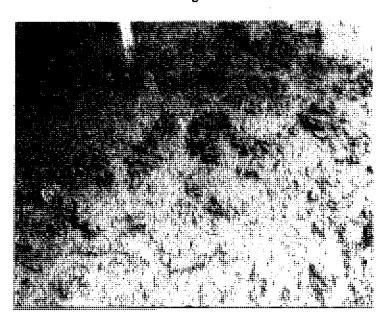


Sandy sediments waterward of riprap





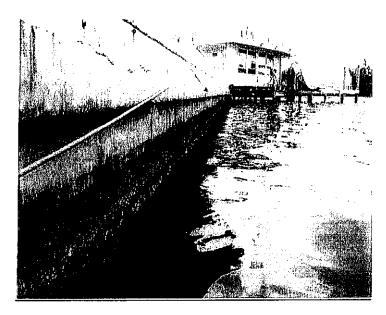
Facing west



Scattered ovster shells

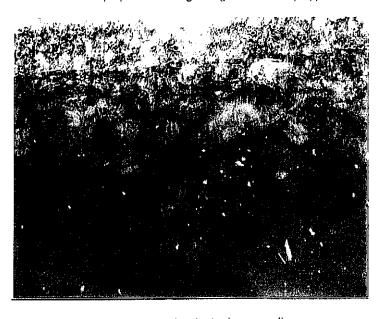
### **Auxiliary Coast Guard Building seawall**

There is an existing seawall along the shoreline adjacent to the Auxiliary Coast Guard building. The submerged bottom adjacent to the wall consists of coarse sediment and scattered rocks. Oysters have colonized on the seawall but no live beds were observed within the sediment. Scattered juvenile fish were observed passing through the area. No mangroves or submerged aquatic vegetation was observed along the wall due to restrictive water depths and light penetration.





Seawall proposed for mitigation (placement of riprap)



Oysters currently colonized on seawall

### **Proposed Mitigation Plan:**

The three assessment areas proposed for mitigation include enhancing shoreline habitat to improve the habitat value and water quality of the immediate areas within the Gordon River/East Naples Bay. The western shoreline along the Gordon River under US41 includes 0.04 acres of submerged habitat. The eastern shoreline under the US41 bridge also include 0.04 acres and the Coast Guard seawall includes 0.02 acres of submerged habitat creation. The proposed activity includes placing riprap starting at the seawall and extending 10 feet waterward. Along the eastern shoreline there is no existing seawall therefore the rock will be placed from the toe of the existing rock to 10 feet beyond the Mean High Water line elevation. The riprap will consist of 12"-16" diameter armoring stone and will be placed at a 4:1 slope (see the plan set for additional details). The riprap will be placed from the uplands using a front loader. Floating turbidity barriers will be installed around the work area is necessary to assure that turbidity levels do not exceed 29 NTU's above background.

The riprap will provide increased habitat for fish and crabs utilizing the area and will increase the likelihood of oyster colonization due to the additional interstitial space. The potential colonization of oysters will improve water quality in the surrounding area.



Form #62-343.900(3) PAC
Form Title: Construction Commencement

Effective Date: October 3,1995

### **ENVIRONMENTAL RESOURCE PERMIT Construction Commencement Notice**

Project:	Pha	se:
I hereby notify the Department of I	Environmental Protection that the constru	action of the surface water
management system authorized by	Environmental Resource Permit Numbe	r has commenced / is
expected to commence on an	nd will require a duration of approximate	ely months week
days to complete. It is under	rstood that should the construction term	extend beyond one year, I am
obligated to submit the Annual Stat	us Report for surface Water Managemen	nt System Construction.
PLEASE NOTE: If the actual cons so notified in writing in order to sat	struction commencement date is not knownisfy permit conditions.	wn, Department staff should b
Permittee or Authorized Agent	Title and Company	Date
Phone	Address	

Form # 62-343.900(4)
Form Title: Annual Status Report
Effective Date: October 3, 1995

# **Environmental Resource Permit Annual Status Report**

Permittee's or Aurthorized Agent's Signatu	re T	itle and Company	Date	٠
Print Name	Ph	one		
Benchmark Description (one per major control struc	ture):			
(Use Additional Sheets As Necessary)				
	·		<del>-</del>	
Permit Condition/Activity %	of Completion	Date of Anticipated Completion	Date of Completion	
The following activity has occurred at the a	bove referenced poro	ject during the past year, betw	een June 1, and May 3	0,
PROJECT NAME:		PHASE:		
PERMIT NUMBER:		COUNTY:		

62-343.900(4) On-Line Document Formatted 12/01/97 kag

Form #62-343.900(5), F.A.C. Form Title: As-Built Certification by a Registered Professional Effective Date: October 3, 1995

## ENVIRONMENTAL RESOURCE PERMIT AS-BUILT CERTIFICATION BY A REGISTERED PROFESSIONAL

Permit Number:	
Project Name:	
I hereby certify that all components of this surface w in accordance with the approved plans and specifical deviations (noted below) from the approved plans an functioning as designed when properly maintained a on-site observation of the system conducted by me of my review of as-built plans certified by a registered p Florida.	d specifications will not prevent the system from nd operated. These determinations are based upon by my designee under my direct supervision and/or
Name (please print)	Signature of Professional
Company Name	Florida Registration Number
Company Address	Date
City, State, Zip Code	
Telephone Number	(Affix Seal)
Substantial deviations from the approved plans and	specifications:
(Note: attach two copies of as-built plans when there	e are substantial deviations)
Within 30 days of completion of the system, submit	two copies of the form to:

Form #: 62-353.900(7)F.A.C. Form Title: Request for Transfer to

Operation Phase

Effective Date: September 25, 1995

### Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase

(To be completed and submitted by the operating entity) Florida Department of Environmental Protection It is requested that Department Permit Number authorizing the construction and operation of a surface water management system for the below mention project be transferred from the construction phase permittee to the operation phase operating entity. Project: Name: From: Address: City: Zip: State: To: Name: Address: City: State: Zip: The surface water management facilities are hereby accepted for operation and maintenance in accordance with the engineers certification and as outlined in the restrictive covenants and articles of incorporation for the operating entity. Enclosed is a copy of the document transferring title of the operating entity for the common areas on which the surface water management system is located. Note that if the operating entity has not been previously approved, the applicant should contact the Department staff prior to filing for a permit transfer. The undersigned hereby agrees that all terms and conditions of the permit and subsequent modifications, if any, have been reviewed, are understood and are hereby accepted. Any proposed modifications shall be applied for and obtained prior to such modification. Operating Entity: Title: Name Telephone: Enclosure copy of recorded transfer of title surface water management system Coy of plat(s) Copy of recorded restrictive covenants, articles of incorporation, and certificate of incorporation.

62-343.900(7) . On-Line Document Formatted 12/01/<u>9</u>7 kag

## DEPARTMENT OF THE ARMY PERMIT

Permittee: City of Naples

735 8th Street South Naples, FL 34102

**Permit No:** SAJ-2009-01709 (IP-LAE)

### Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the Permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The project is for dredging (original Corps permit #88IP-21145 issued November 27, 1989) for the purpose of maintaining safe navigation within multiple man-made access canals (circa 1953) to residential properties (Oyster Bay, Golden Shores, Royal Harbor Subdivisions) within tidal Naples Bay. The target dredge depth is in concert with an historic dredge depth of -6 feet MLW (-6.4 NGVD 1929). The estimated volume of excavated canal materials is 40,900 cubic yards of sand/silt bottom; the work also involves removal of 2,188 cubic yards of rock from 4.6 acres of submerged bottom. The dredging work plans: a) use of mechanical (barge-mounted trac-hoe) and hydraulic dredge for bottom sediment removal; b) use of hydraulic hammer or hydraulic rotary cutter for rock layer thickness >1.5 feet; c) use of trenching bucket or long-tooth bucket excavator for rock layer thickness <1.5 feet; d) with respect to barge-based work, the barge drafts 4.5 feet when fully loaded; e) no blasting. Disposal plans: a) for mechanically-removed sediments, a barge-mounted trac-hoe would offload materials into sealed-bed dump trucks for dewatering at the Naples Landing Park (Disposal Site #2), with subsequent transport to a licensed local disposal facility; b) for sediments removed by hydraulic dredging, the materials would be piped onto a municipal upland disposal site (Disposal Site #1) located off Riverside Drive along the Gordon River; the intake/discharge pipe for return water discharge to the Gordon River would traverse a mangrove fringe, however, no mangrove impacts are proposed. The dredge cut is from shoreline-to-

PERMITTEE: E. Naples Bay Dredge

shoreline with a 10-feet setback to existing structures (e.g., docks, seawalls). Project impacts include: a) 2,698 square-feet/0.06 acre of seagrass beds; b) 2,187 square-feet/0.05 acre of oyster beds. The estimated duration of construction is 1 year. The work described above is to be completed in accordance with the 31 pages of plans (Attachment 1) and 5 other attachments (Attachments 2-6) affixed at the end of this permit instrument.

<u>Project Location</u>: The project area is located within tidal Naples Bay along multiple man-made access canals (circa 1953) to existing residential properties (Oyster Bay, Golden Shores, Royal Harbor Subdivisions) at the eastern side of Naples Bay, in Sections 3, 10, 11, 14, 15, Township 50S, Range 25E, Naples, Collier County, Florida.

<u>Directions to site</u>: From Interstate 75 in Fort Myers, exit at Golden Gate Parkway (Exit #105); travel west 3.6 miles to left onto Goodlette-Frank Road; continue 2 miles to left onto U.S. 41/Tamiami Trail; continue 0.8 mile to right onto Sandpiper Street; the subject canals are located between the streets off the right side of Sandpiper Street.

LATITUDE & LONGITUDE: Latitude 26.129290N; Longitude -81.78658W

#### Permit Conditions

#### General Conditions:

- 1. The time limit for completing the work authorized ends on \_\_\_\_\_. If you find that you need more time to complete the authorized activity, submit your time extension request to this office for consideration at least 1 month before the above date is reached.
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a permit modification from this office, which may require restoration of the area.

PERMITTEE: E. Naples Bay Dredge

3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

- 4. If you sell the property associated with this permit, you must provide a signature and mailing address for the new owner in the space provided and forward a copy of the permit to the Corps Enforcement Division to validate the transfer of this authorization.
- 5. If a conditioned water quality certification or a waiver has been issued for your project, you must comply with the conditions specified as Special Conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

#### Special Conditions:

- 1. Reporting Address: All reports, documentation and correspondence required by the conditions of this permit shall be submitted to: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 1520 Royal Palm Square Boulevard, Suite 310, Fort Myers, FL 33919. The Permittee shall reference permit number SAJ-2009-01709 on all submittals.
- 2. Commencement Notification: Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
- 3. Manatee Conditions: The Permittee shall comply with Standard Manatee Conditions for In-Water Work 2009 (Attachment 2).

PERMITTEE: E. Naples Bay Dredge

4. Sea Turtle and Smalltooth Sawfish Conditions: The Permittee shall comply with Sea Turtle and Smalltooth Sawfish Construction Conditions (Attachment 3).

- 5. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- **6. Regulatory Agency Changes:** Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a permit modification is required prior to initiation of those changes. It is the Permittee's responsibility to request a permit modification from the Fort Myers Regulatory Office.
- 7. Self-Certification: Within 60 days of completion of the authorized work, the Permittee shall complete and submit a "Self-Certification Statement of Compliance" form (Attachment 4) to the Corps. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form does not constitute approval of any deviations by the Corps.
- 8. Mitigation Plan: Upon completion of the authorized work, the Permittee shall complete the following mitigation objectives in accordance with the approved compensatory mitigation plan (Attachment 5): Conduct shoreline habitat enhancement activities at 3 approved mitigation areas situated along the tidal Gordon River involving creation/enhancement of living shoreline habitat via deployment of clean rip rap substrate to support fish, crabs, oysters and native vegetation. The Permittee shall monitor the mitigation areas for a period of 1 year to assess if

PERMITTEE: E. Naples Bay Dredge

any invasive exotic or nuisance vegetation may have grown within the shoreline enhancement areas where rip rap was deployed for purposes of compensatory mitigation; any such invasive exotic or nuisance vegetation will be removed; additionally, the Permittee shall provide a general assessment of the level of natural recruitment of aquatic resources (e.g., oysters, mangroves) within the mitigation areas such that the habitat improvements may be rated as: a) static; b) improved; or c) degraded, when compared with pre-mitigation conditions.

- 9. Mitigation Plan Remediation: At the conclusion of a 1-year monitoring period, at each of the 3 mitigation sites, if shoreline habitat is rated as improved, no remedial mitigation plan would be required; if the habitat is rated as static or degraded, within 60 days of notification of the Corps that the approved and implemented mitigation plan was not successful, the Permittee shall submit an alternate mitigation plan to the Corps to wholly address the loss of aquatic resources associated with the project (i.e., 0.1 acre). Within 60 days of Corps approval of an alternate mitigation plan as per modification of the permit instrument, the Permittee shall implement the approved alternative mitigation plan.
- 10. Monitoring and Reporting Timeframes: To show compliance with the performance standards the Permittee shall complete the following:
- a. Perform a time-zero monitoring event of the mitigation areas (i.e., prior to rip rap deployment) and define the existing conditions with respect to the presence/coverage of aquatic resources (e.g., oysters, native vegetation, etc.).
- b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least 1 paragraph describing baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives.
  - c. Subsequent to completion of the compensatory mitigation objectives, at the 1-year timeframe, perform monitoring of the mitigation areas to assess habitat improvements.
  - d. Submit a monitoring report to the Corps within 60 days of completion of the monitoring event.

PERMITTEE: E. Naples Bay Dredge

11. Reporting Format: The monitoring report shall follow a 10-page maximum report format for assessing compensatory mitigation sites. The Permittee shall submit all documentation to the Corps on 8.5 x 11-inch paper, and include the following:

- a. Project Overview (1 Page):
  - (1) Department of the Army Permit Number
  - (2) Name and contact information of Permittee and agent
- (3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted
- (4) A brief paragraph describing the purpose of the approved project, areal extent (square-feet/acres) and type of aquatic resources impacted, and mitigation areal extent (square-feet/acres) and type of mitigation/habitat improvements authorized to compensate for aquatic impacts associated with the project.
- (5) Written description of the location, any identifiable landmarks of the compensatory mitigation areas including information to locate the boundaries/coordinates of the mitigation sites (e.g., latitude/longitude, UTMs, state plane coordinate system, etc.).
- (6) Date(s) that compensatory mitigation commenced and/or was completed.
- (7) Brief statement regarding whether the performance standards for enhanced shoreline habitat are being met (i.e., general ratings: static, improved, degraded).
- (8) Dates of any corrective or maintenance activities conducted since the time-zero report submission.
- (9) Specific recommendations for any additional corrective or remedial actions.
- b. Requirements (1 page): List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of this permit, and evaluate whether

PERMITTEE: E. Naples Bay Dredge

the compensatory mitigation project sites are successfully achieving the approved performance standards or trending towards success.

- c. Summary Data (maximum 4 pages): Summary data should be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Photo documentation may be provided to support the findings and recommendations referenced in the monitoring report and to assist the Corps in assessing whether the compensatory mitigation project is meeting the applicable standards. Submitted photos should be formatted to print on standard 8.5 x 11-inch paper, dated, and clearly labeled with the direction from which the photo was taken. The photo location points should also be identified on appropriate maps.
- d. Maps and Plans (maximum 3 pages): Maps shall be provided to show the location of the compensatory mitigation sites relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan. In addition, submitted maps and plans should clearly delineate the mitigation site perimeter(s). Each map or diagram should be formatted to print on standard 8.5 x 11-inch paper and include a legend and the location of any photos submitted for review.
- e. Conclusions (1 page): A general statement shall be included that describes the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the Permittee or sponsor, including a timetable, shall be provided. The District Commander will ultimately determine if the mitigation is deemed successful.
- 12. Mitigation Release: The Permittee's responsibility to complete the required compensatory mitigation, as set forth in the Compensatory Mitigation Special Condition of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee.

#### Further Information:

PERMITTEE: E. Naples Bay Dredge

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- (x) Section 10 of the Rivers and Harbors Act of 1899
   (33 U.S.C. 403).
- (x) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 2. Limits of this authorization.
- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

PERMITTEE: E. Naples Bay Dredge

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Re-evaluation of Permit Decision: This office may re-evaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a re-evaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

PERMITTEE: E. Naples Bay Dredge

Your signature below, as Permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

7/28/11 DATE)

(PERMITTEE NAME-PRINTED)

(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

Alfred A. Pantano, Jr.

Colonel, U.S. Army

District Commander

(DATE)

PERMITTEE: E. Naples Bay Dredge

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)	(DATE)	
(NAME-PRINTED)	-	
(ADDRESS)		
(CITY, STATE, AND ZIP CODE)		

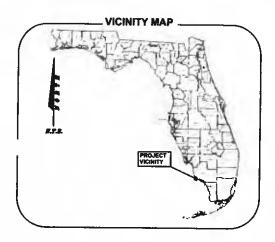
PERMITTEE: E. Naples Bay Dredge

# Attachments to Department of the Army Permit Number SAJ-2009-01709 (IP-LAE)

- 1. PERMIT DRAWINGS: Location maps/plan sheets/construction Drawings (Figures 1-31) April 5, 2011.
- Standard Manatee Conditions for In-Water Work (FWC 2009)
   (2 pages)
- 3. Sea Turtle and Smalltooth Sawfish Construction Conditions (NMFS 2006) (1 page)
- 4. Self-Certification Form (1 page)
- 5. Mitigation Plan (20 pages)
- 6. WATER QUALITY/CZM CERTIFICATION: Specific Conditions of FDEP Permit No. 11-0295486-001 dated December 30, 2010 which constitutes water quality/coastal zone consistency concurrence for the project in accordance with General Condition number 5 on page 3 of this DA permit (6 pages).

## **EAST NAPLES BAY DREDGING PROJECT** PERMIT PLANS AND SPECIFICATIONS

**COLLIER COUNTY, FLORIDA** 





SCALE: 1" = 5000"

#### INDEX OF DRAWINGS

**DVERALL PROJECT SHEET** OVERALL PROJECT AREA SHEET 2 OVERALL PROJECT BREAKDOWN SHEET 3 PLAN VIEW DATA POINT PLOT PLAN VIEW DATA POINT CONTOUR MAS PLAN VIEW SIDE SCAN SOMER PLAN VIEW SEDIMENT AND CORE LOCATIONS SUBMERGED ACUATIC VEGETATION ASSESSMENT MAY 2007 PROPOSED DREDGE SAV IMPACTS BASED ON MAY 2007 ASSESSMENT SUBMERGED ACHATIC VEGETATION ASSESSMENT AUGUST 2007 PROPOSED DREDGE TEMPLATE DESIGN PROPOSED DREDGE TEMPLATE DESIGN AND ROCK REMOVAL TYPICAL CROSS SECTIONS STAGING AND DEWATERING SITES TURBIDITY CURTAIN DETAILS **EROSION CONTROL DETAILS** CONSTRUCTION NOTES

SHEET 11-17 SHEET 18-34 SHEET 25 SHEET 26 SHEET 26A-260 SHEET 27 SHEET 28-34 SHEET 28A-34A SHEET 35-30 SHEET 29-42 SHEET 49A-49G **SHEET 43A-43E** 

SHEET 44

#### **GENERAL NOTES**

- 1. THE PURPOSE OF THIS PROJECT IS TO DREDGE APPROXIMATELY 48,906 CURIC YARDS OF SEDMENT AND 2,180 CUBIC YARDS OF ROCK FROM EAST MAPLES BAY. THESE VOLUMES ARE BASED ON DREDGING TO 4.0 MLW (4.4 MGVD), THE VOLUMES DO NOT ACCOUNT FOR SWELL, OVERDREDGE, ETC.
- 2. DREDGING ACTIVITY WILL BE CONDUCTED IN DESIGNATED AREAS ONLY AND IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.
- 1 DREDGING ACTIVITY WILL OBSERVE A 10' BUFFER FROM ALL DOCKS, NATURAL RESOURCES, SEAWALLS, AND STRUCTURES.
- 4. CONTRACTOR WILL STRICTLY COMPLY WITH ALL MANATEE REGULATIONS.
- 5. CONTRACTOR SHALL MAINTAIN EROSION CONTROL AND TURNIDITY CONTROL MEASURES THROUGHOUT THE PROJECT.
- & TOPOGRAPHIC AND BATHYMETRIC DATA PROVIDED BY MORGAN & EXCLUND, INC.
- 7. GRID COORDINATES ARE IN FEET, AND ARE REFERENCED TO THE PLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF

ATIONS SHOWN ARE IN FEET, AND ARE REFERENCED TO NATIONAL GEODETIC TCAL DATUM OF 1929 (NGVD 29).

I LOW WATER (MLW) IS 8.4" HIGHER THAN HATIONAL GEODETIC VERTICAL DATUM 128 (NGVO 28) AREA ACCORDING TO BENCHMARKS PUBLISHED ON FLORIDA ATMENT OF ENVIRONMENTAL PROTECTION (FDEP) LAND BOUNDARY INFORMATION

VEY INFORMATION DEPICTED REPRESENTS THE EXISTING CONDITIONS AT

IAL PHOTOGRAPHS WERE PROVIDED BY COLLIER COUNTY PROPERTY APPRAISER WERE TAKEN JANUARY 2007.

#### CONTROL TABULATION

	NAD 83/90 SPC	S 0901 US FEET	NGVD 29			1
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S 2110 C LIDAL	654861.37	393015, 92	6, 25	NUS	DISK IN PVC	1979 5110 C
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2	651041.36	405929, 05	7, 80	MAE	CONCRETE HONUNENT	0101
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4	652256. 91	401468, 25	4, 90	ME	CONCRETE MONUMENT	0103
4	650940.62	399406. 39	4.60	MLE	CONCRETE MONUMENT	0104

PREPARED FOR:

#### **CITY OF NAPLES**

PREPARED BY:



**CONSULTING ENGINEERS** 5300 WEST CYPRESS STREET, SUITE 200 **TAMPA, FLORIDA 33607-1066** (800) 477-7275 (VOICE) (813) 286-1207 (FAX)

MORGAN & EXLUND, INC.

PROPESSIONAL SURVEY CONSULTANTS

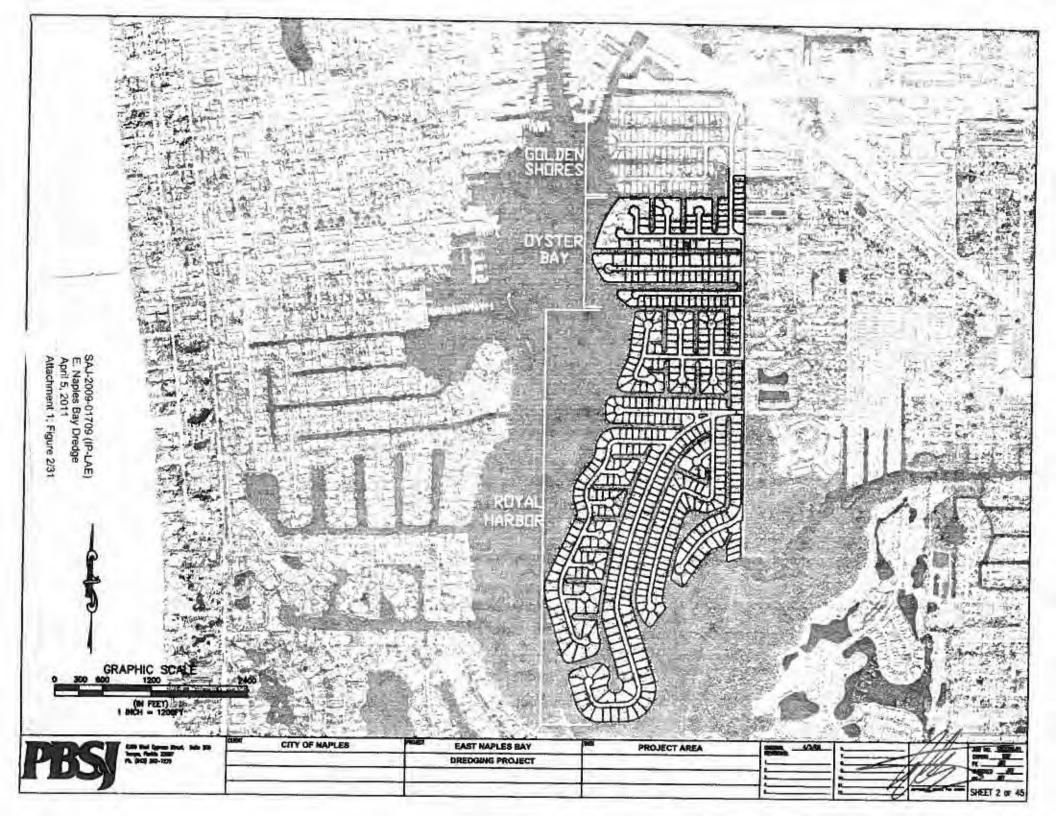


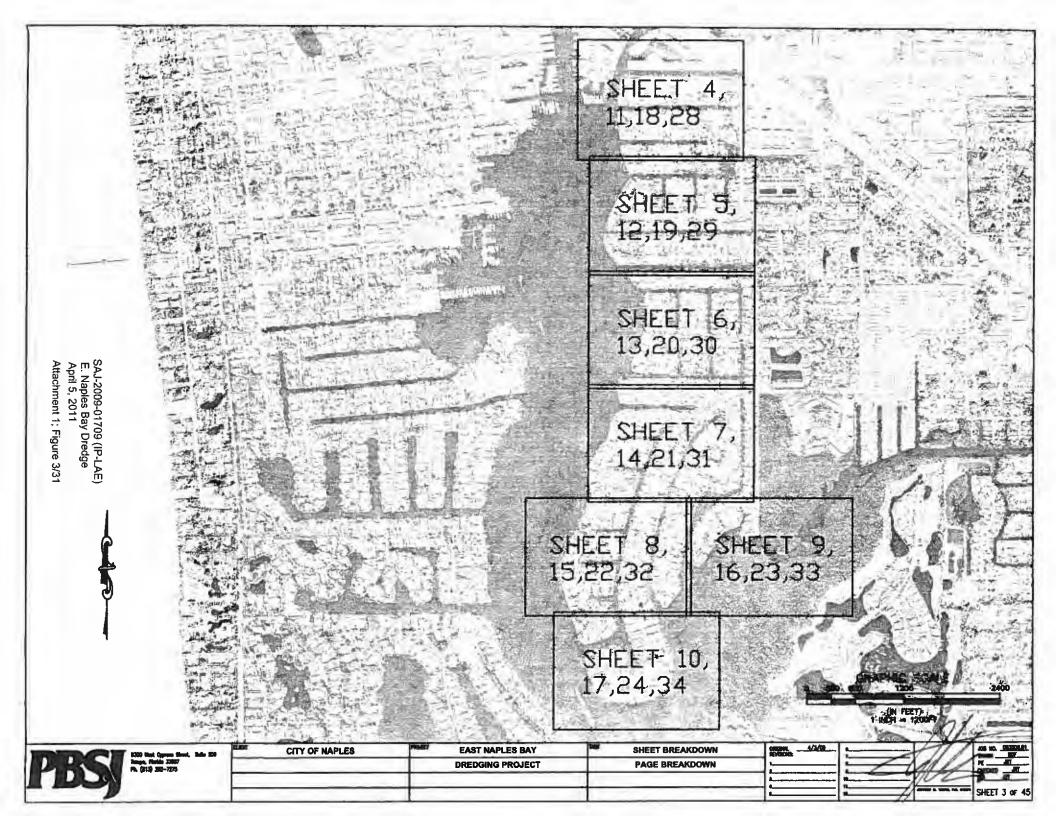
PROJECT LOCATION

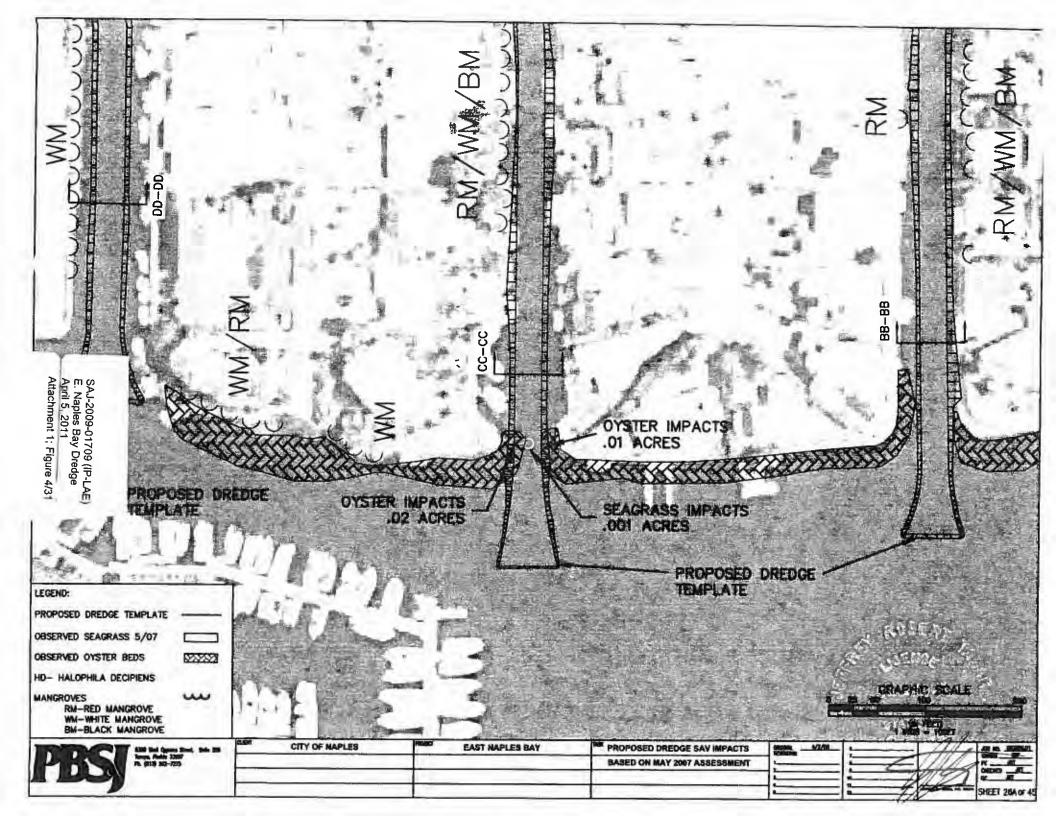
THE PROJECT AREA IS LOCATED IN/AND ALONG NAPLES BAY IN COLLIER COUNTY, FLORIDA

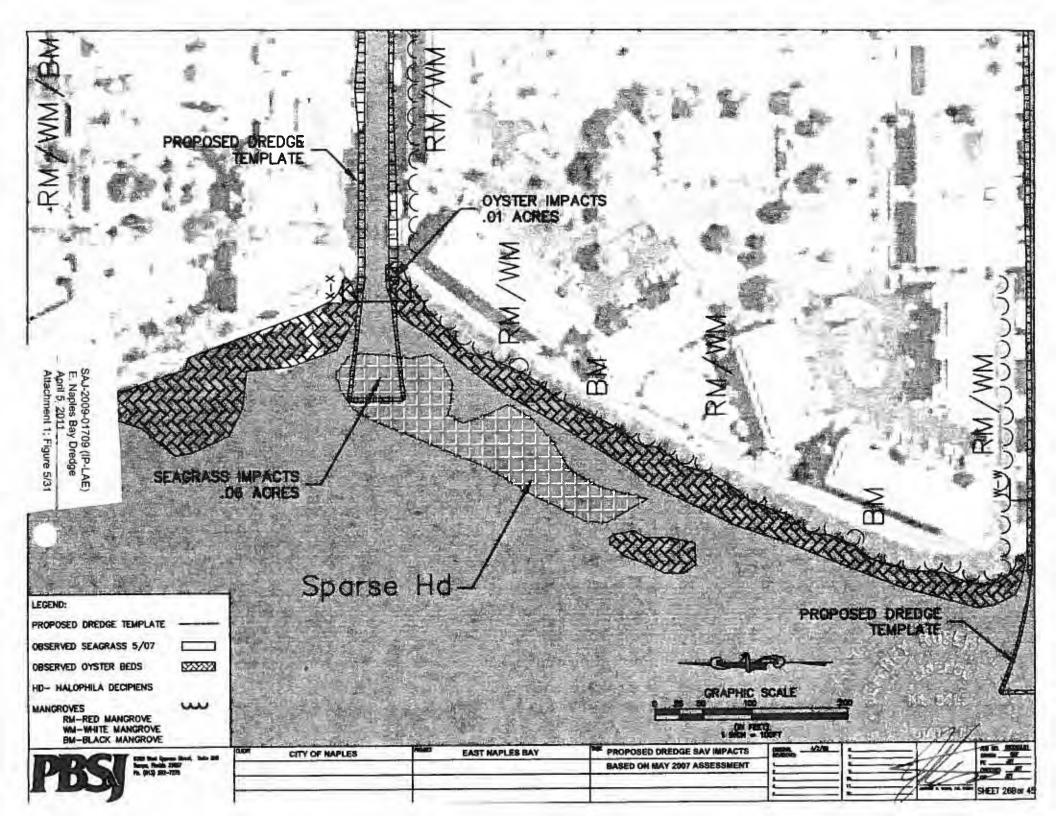
Literally cartify that the design of this project, as prepared under my personal direction and control, coupling with the

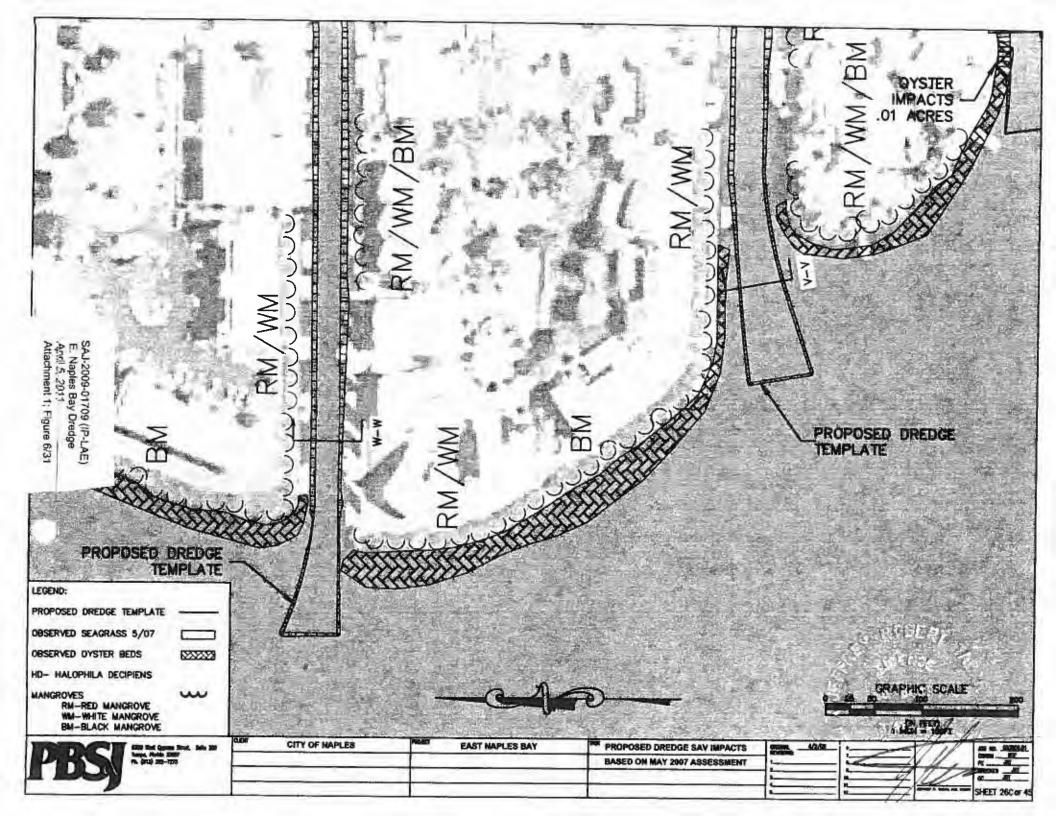
SAJ-2009-01 E. Naples Ba April 5, 2011 Attachment 1 -017 Bay Ě 1/3

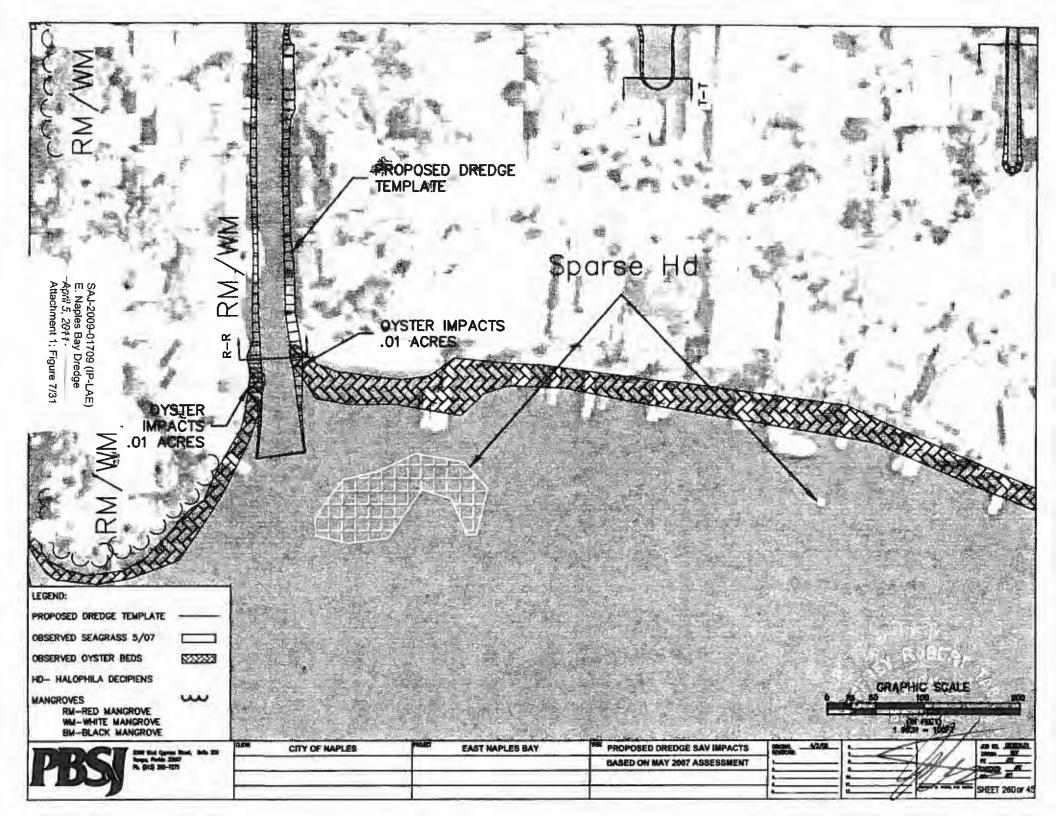


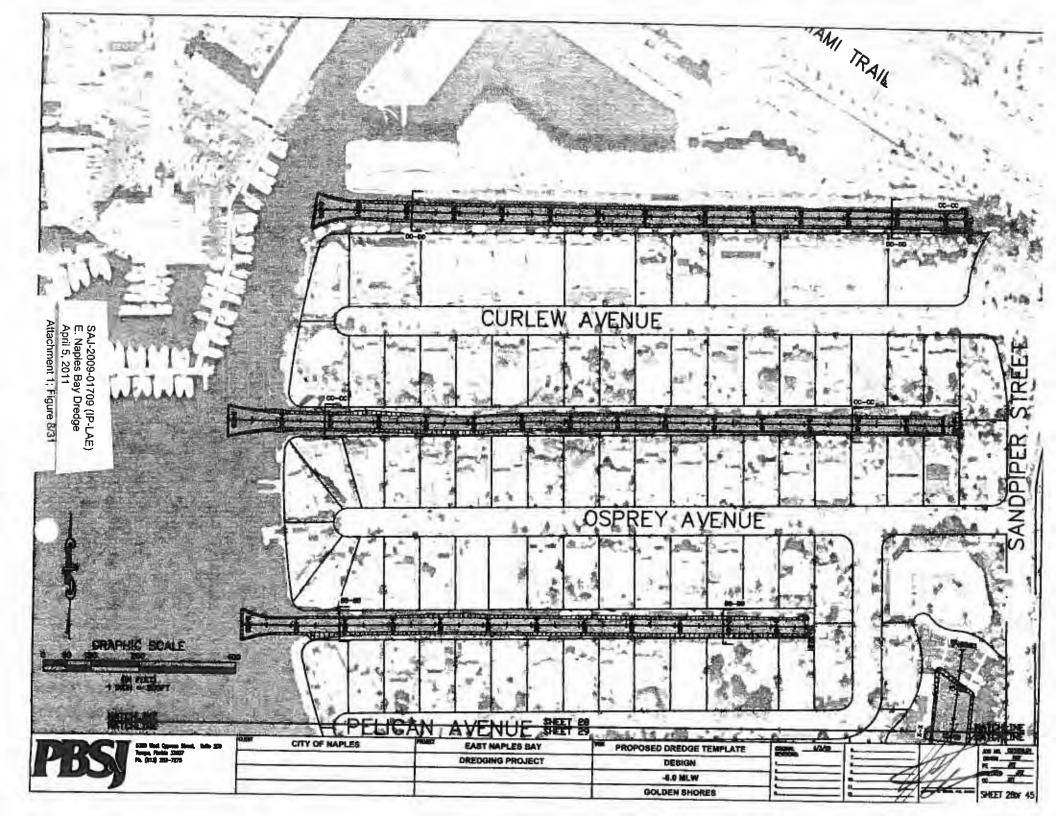


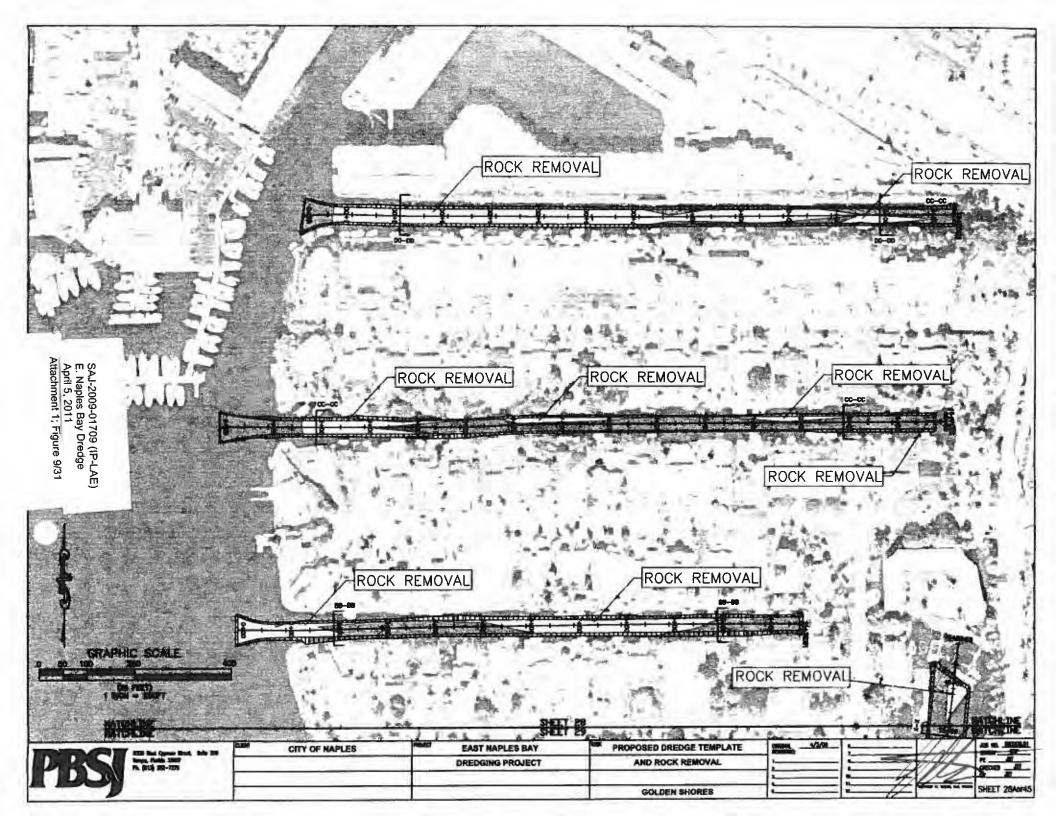


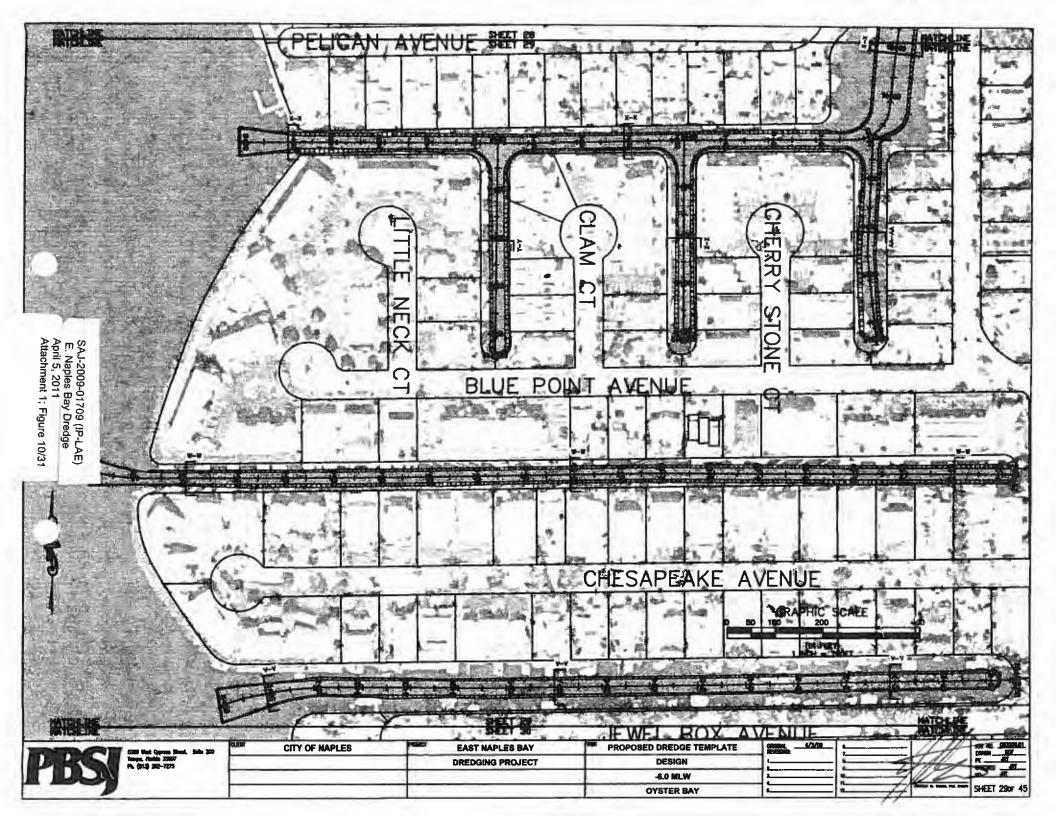


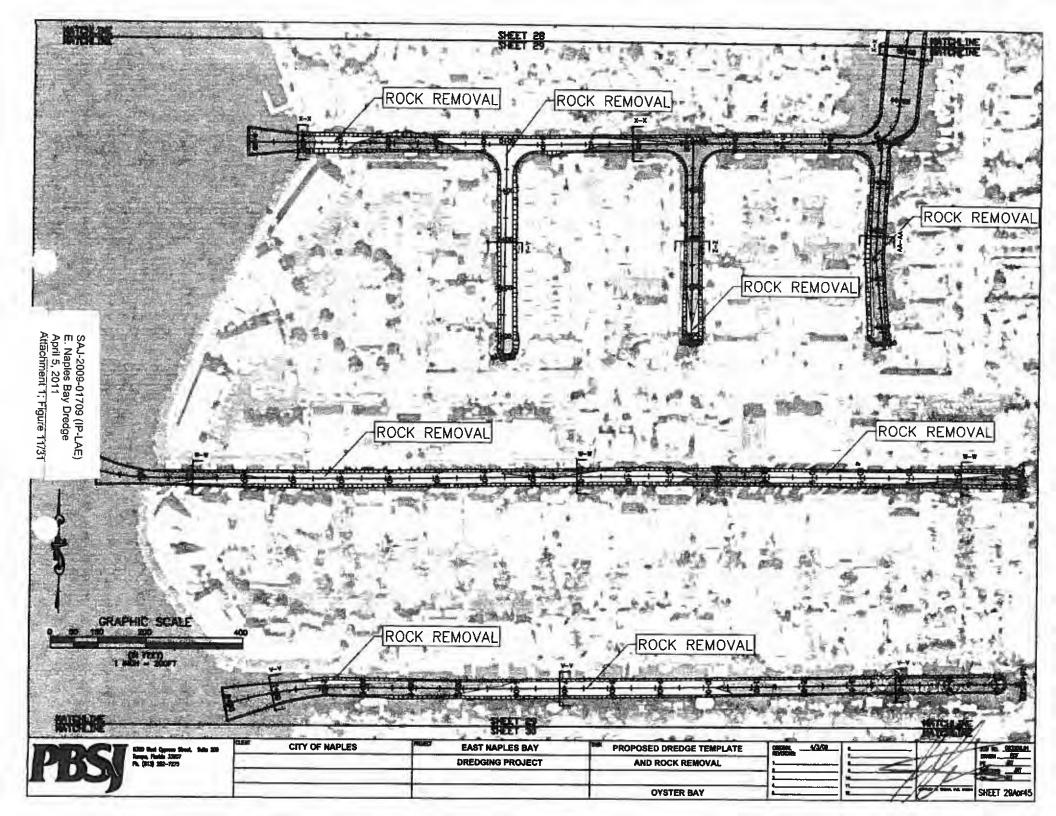


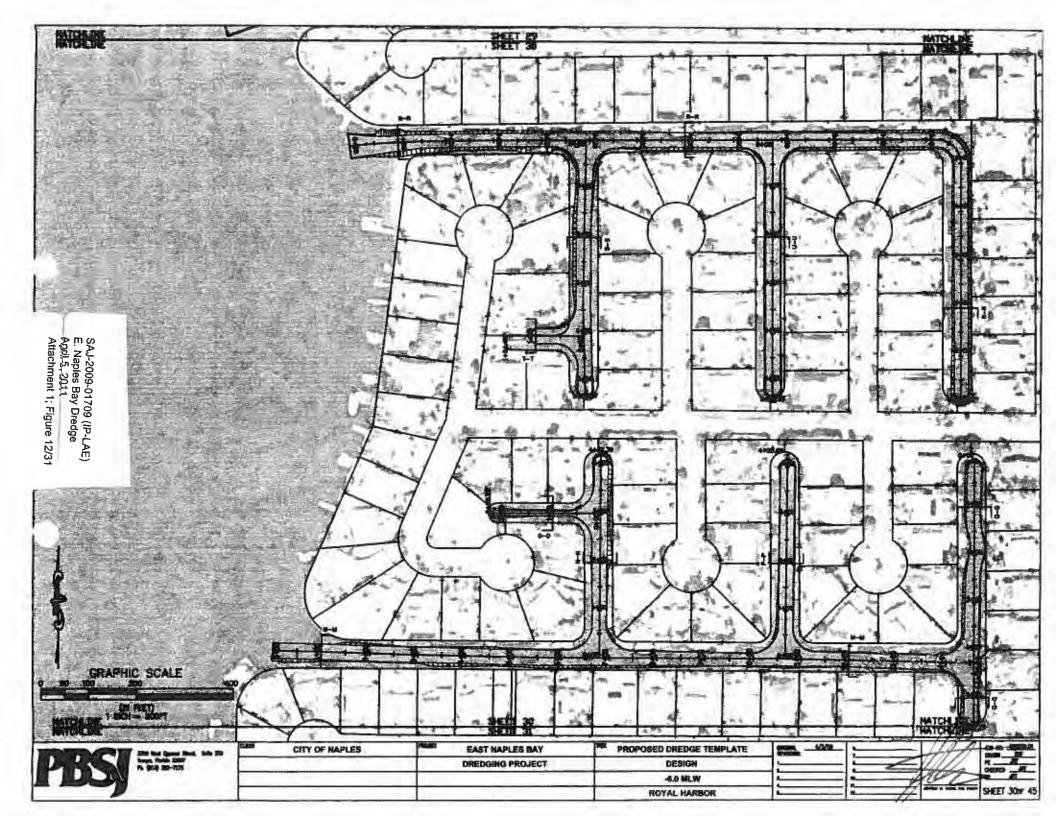


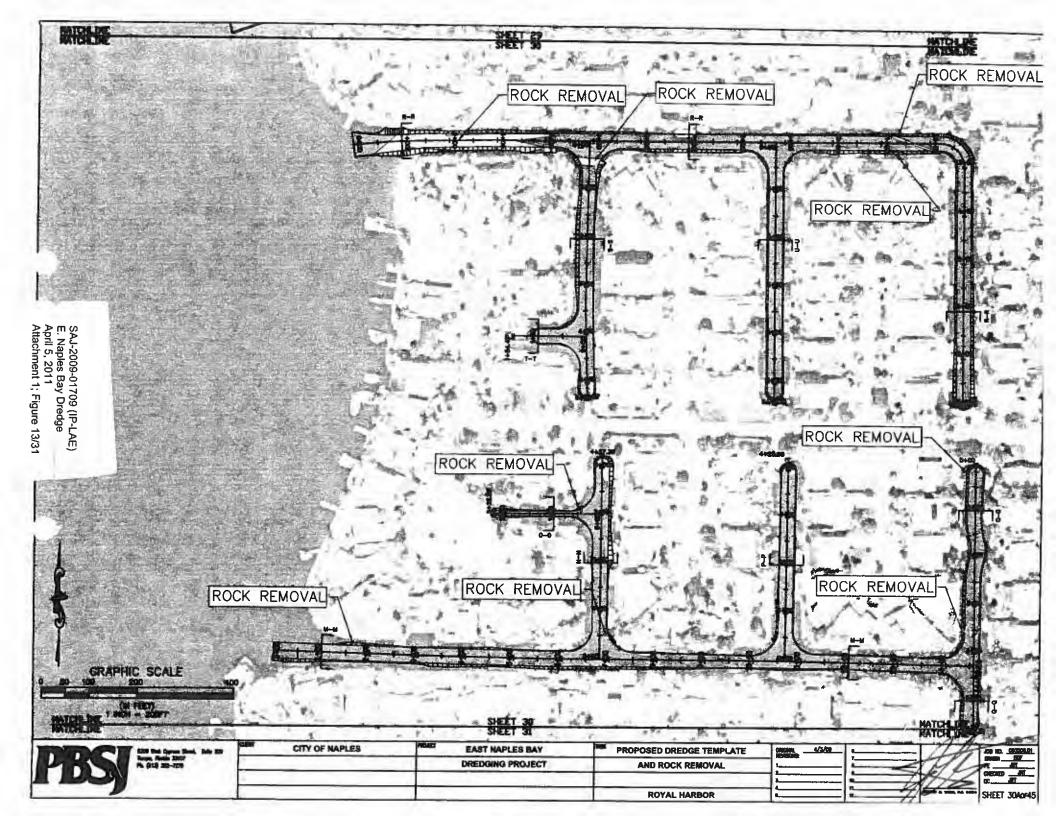


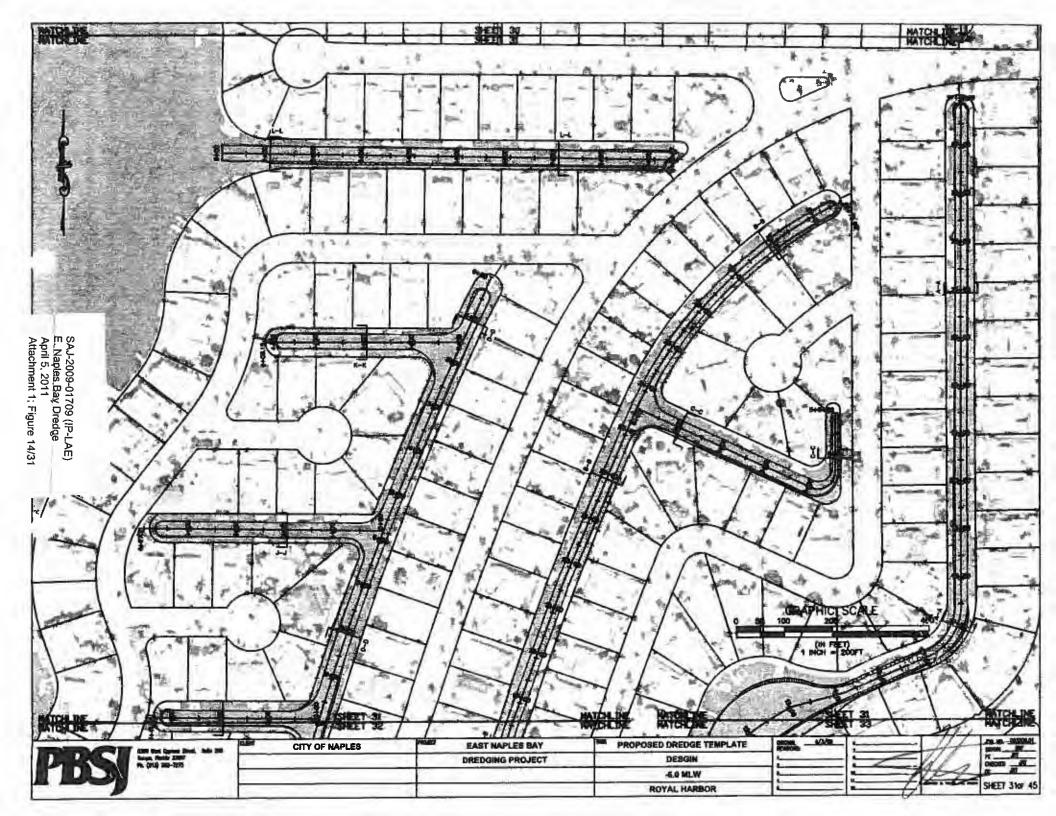


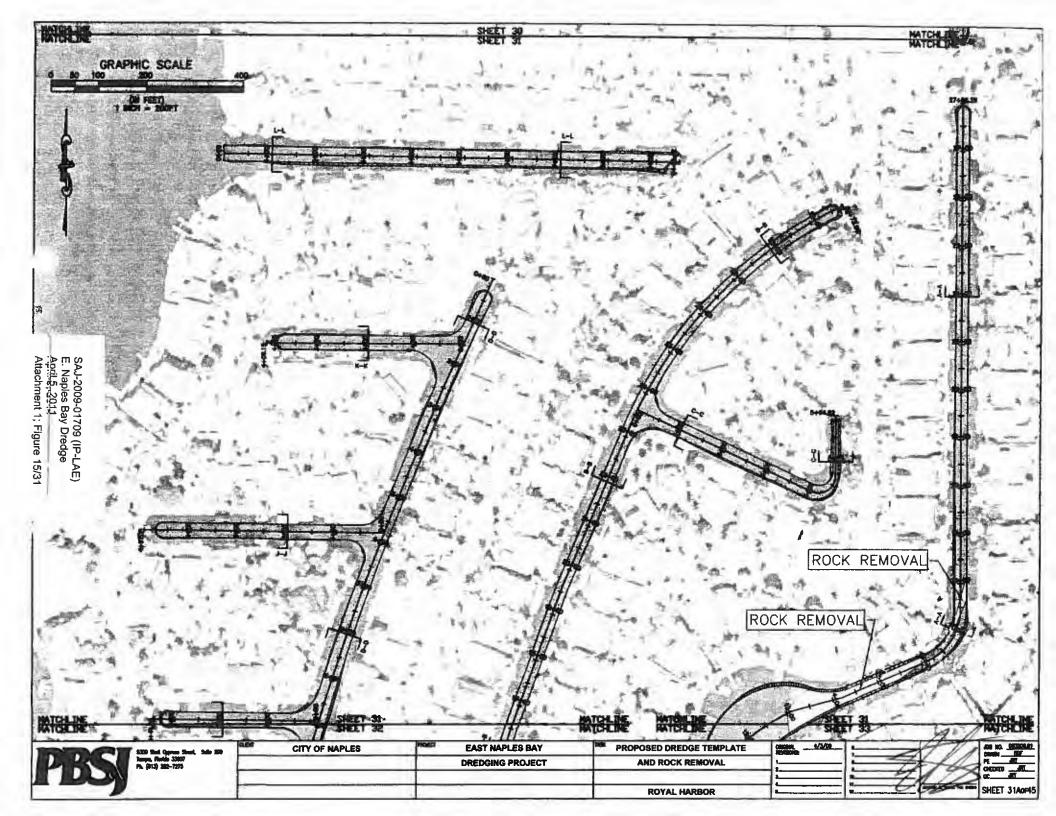


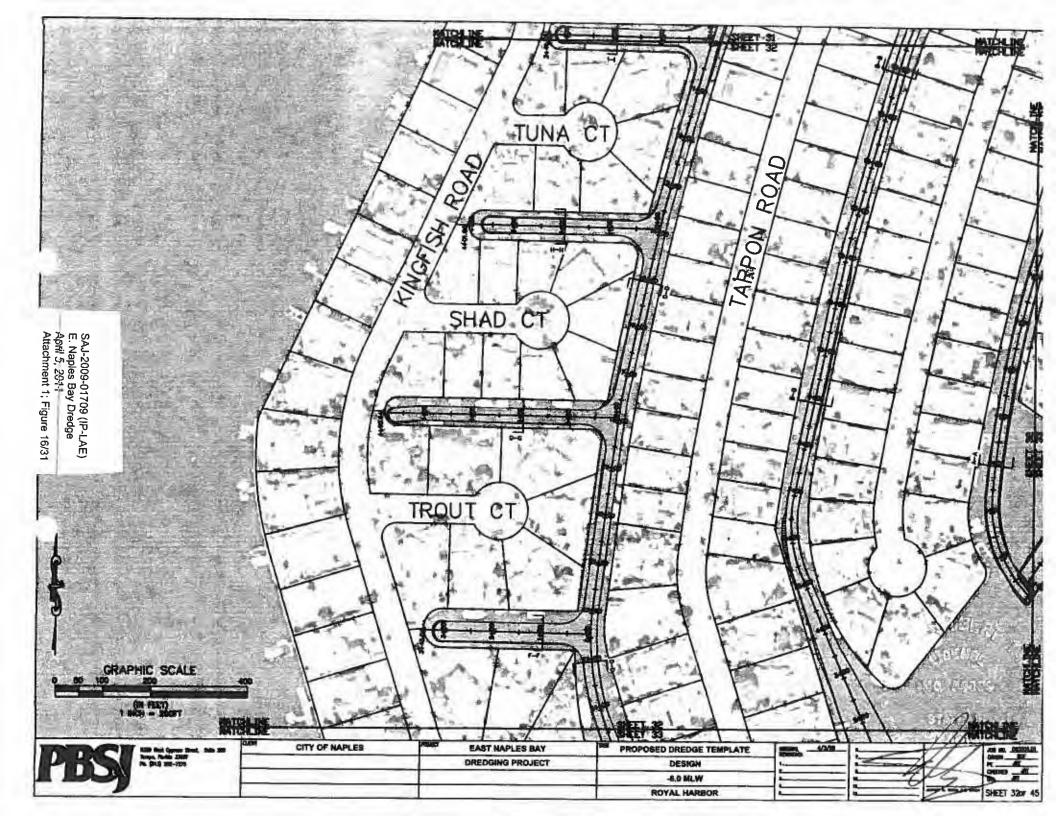


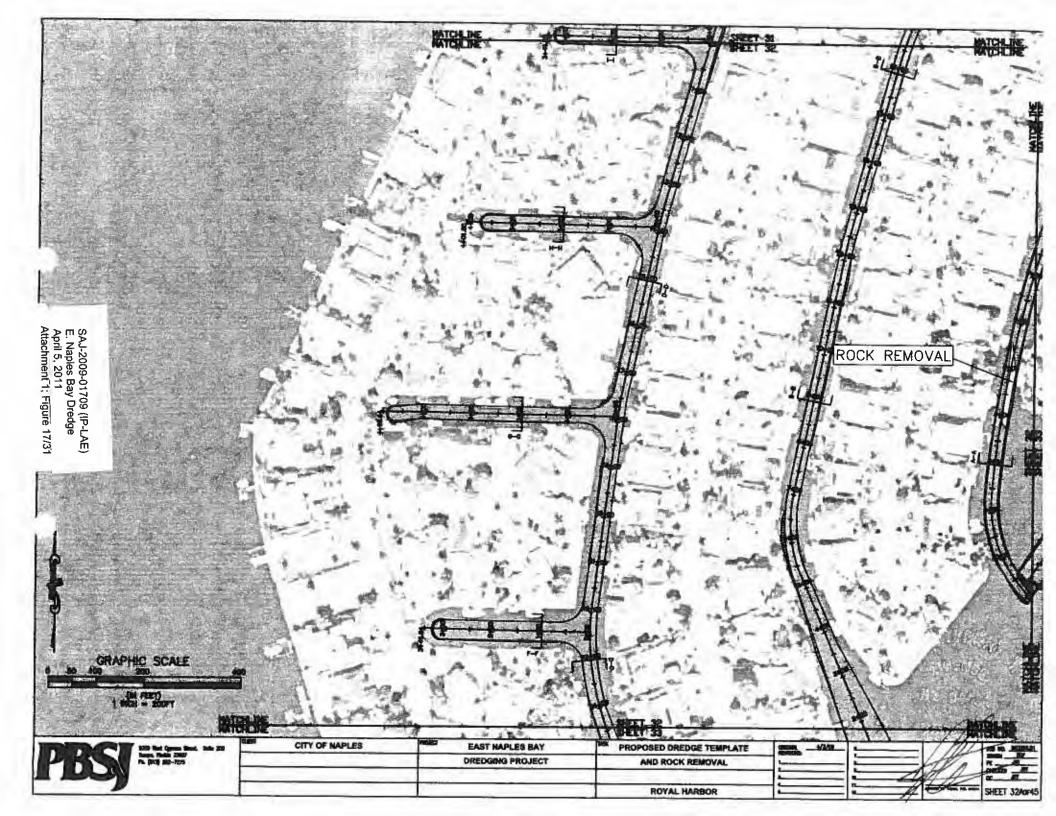


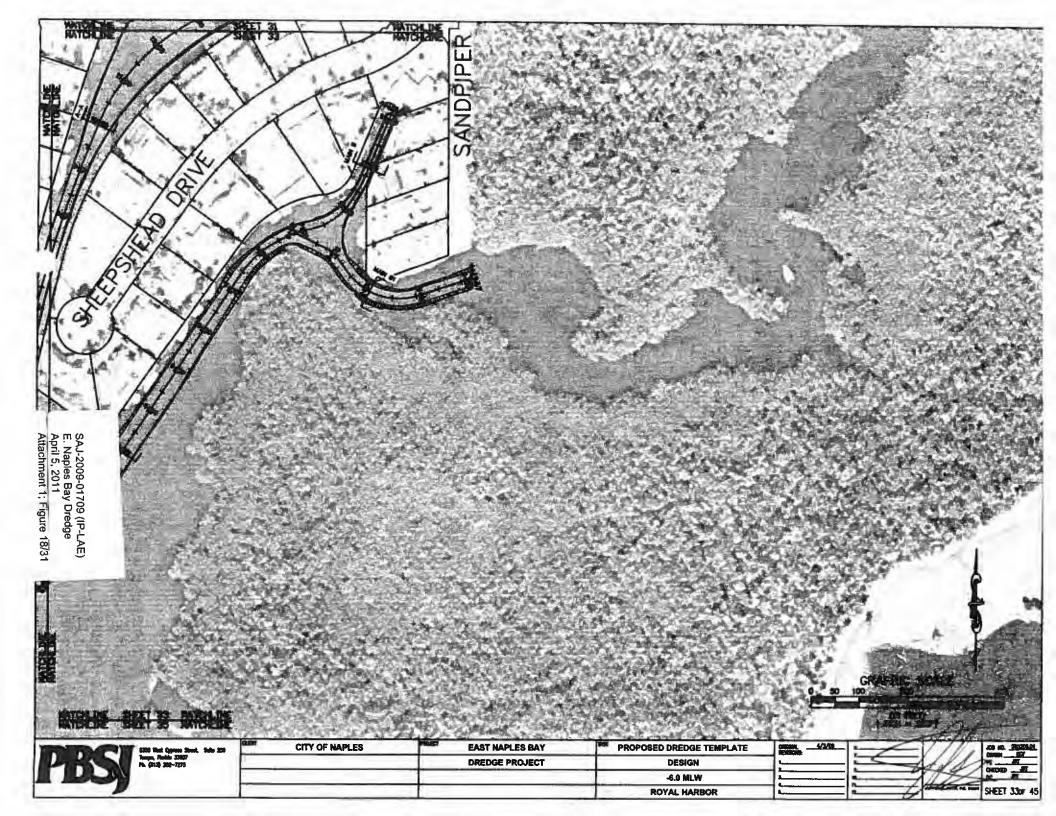


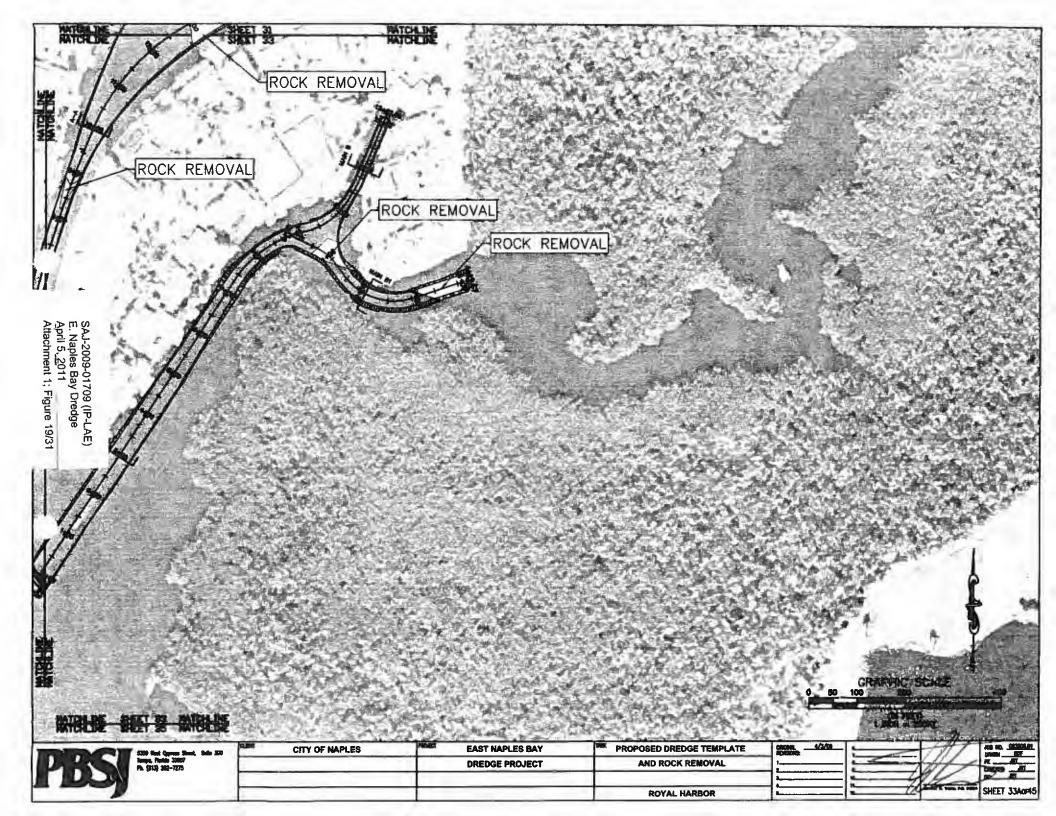


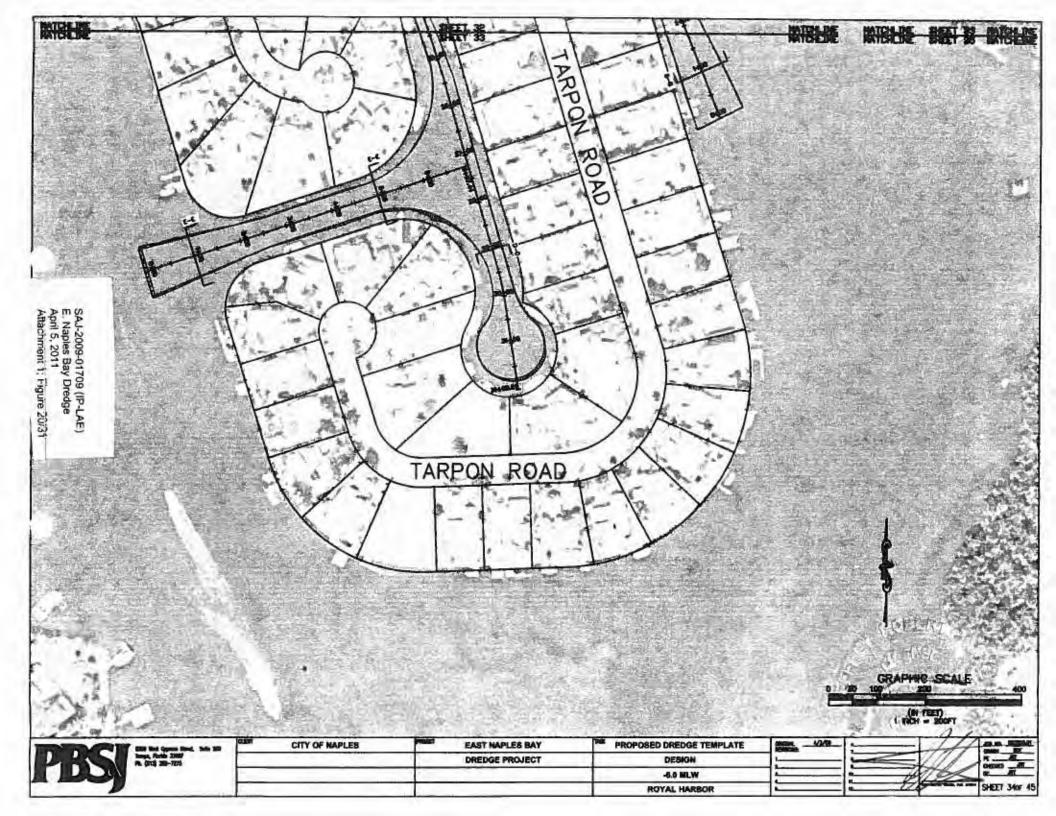


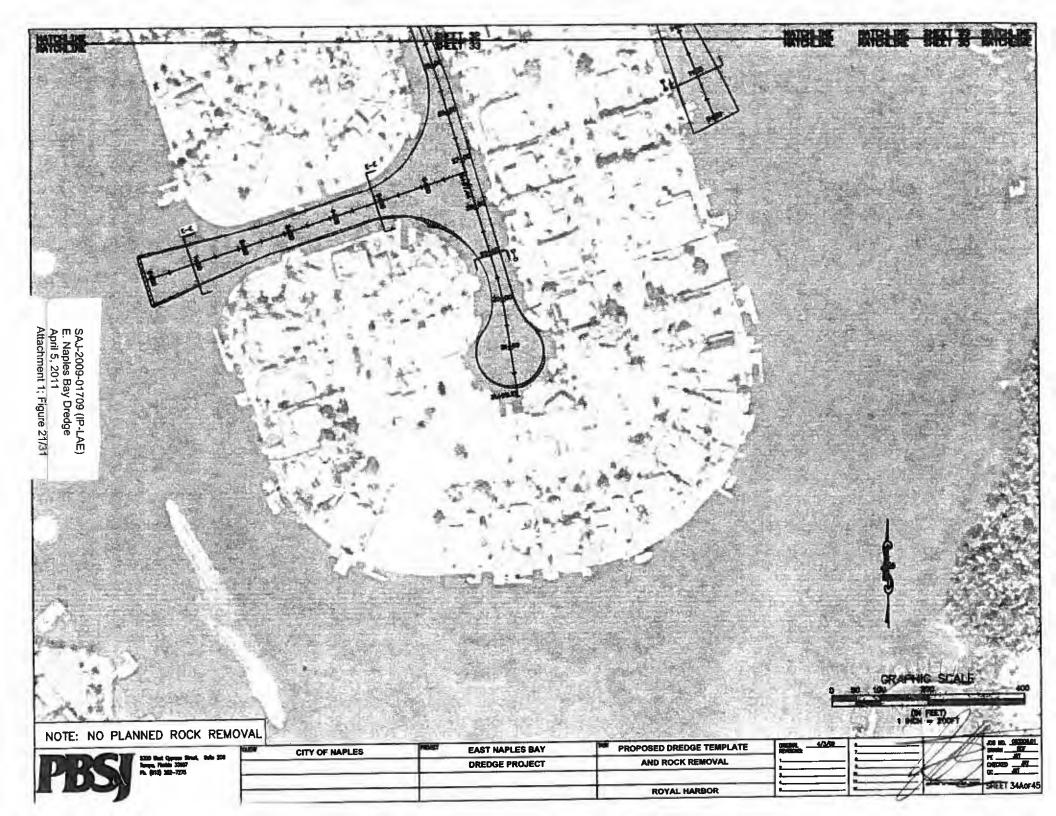


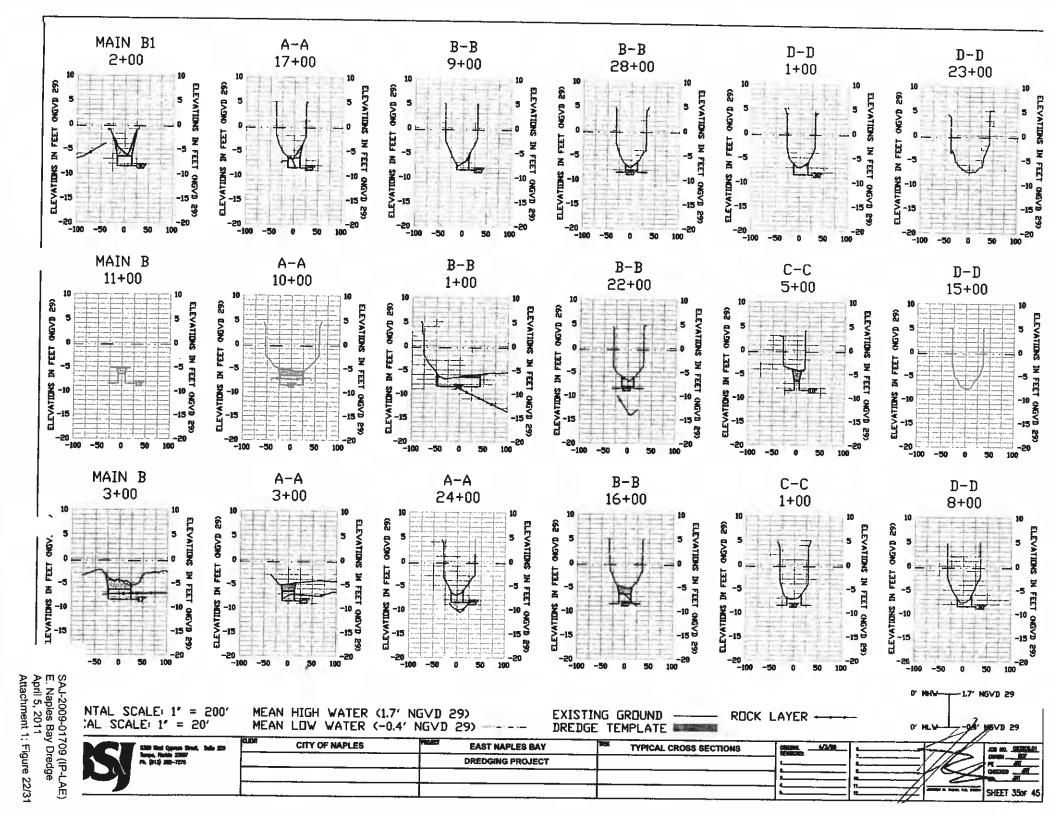


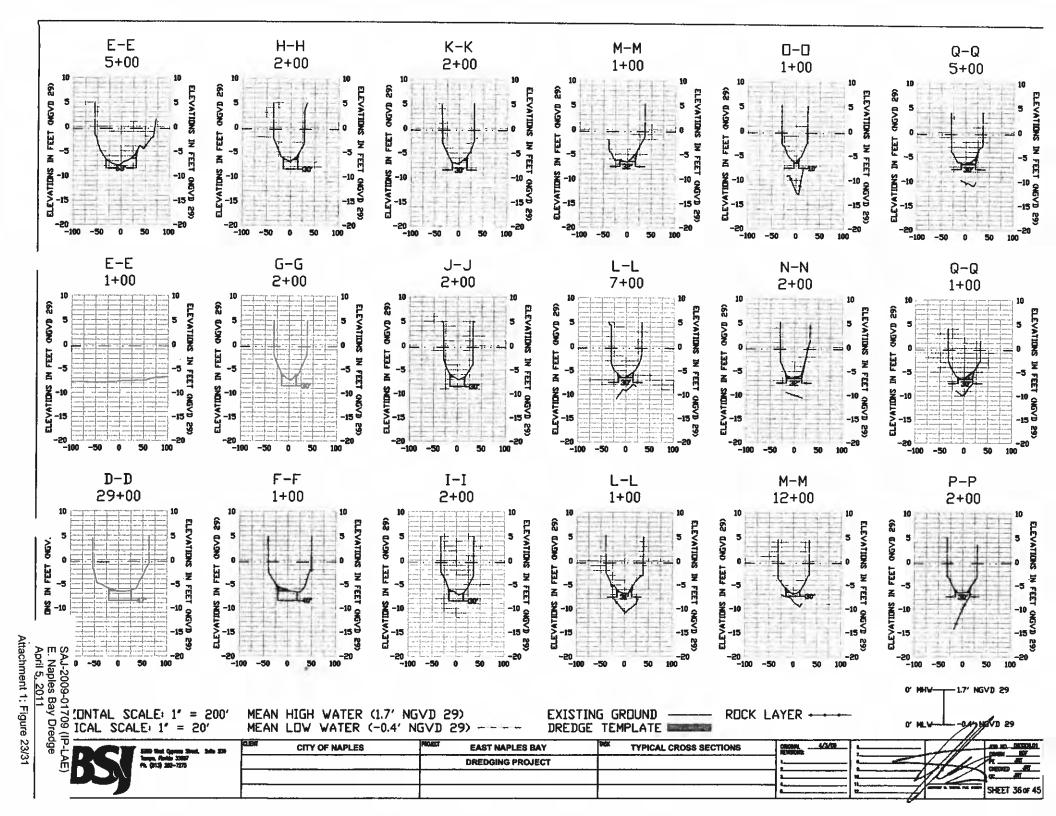


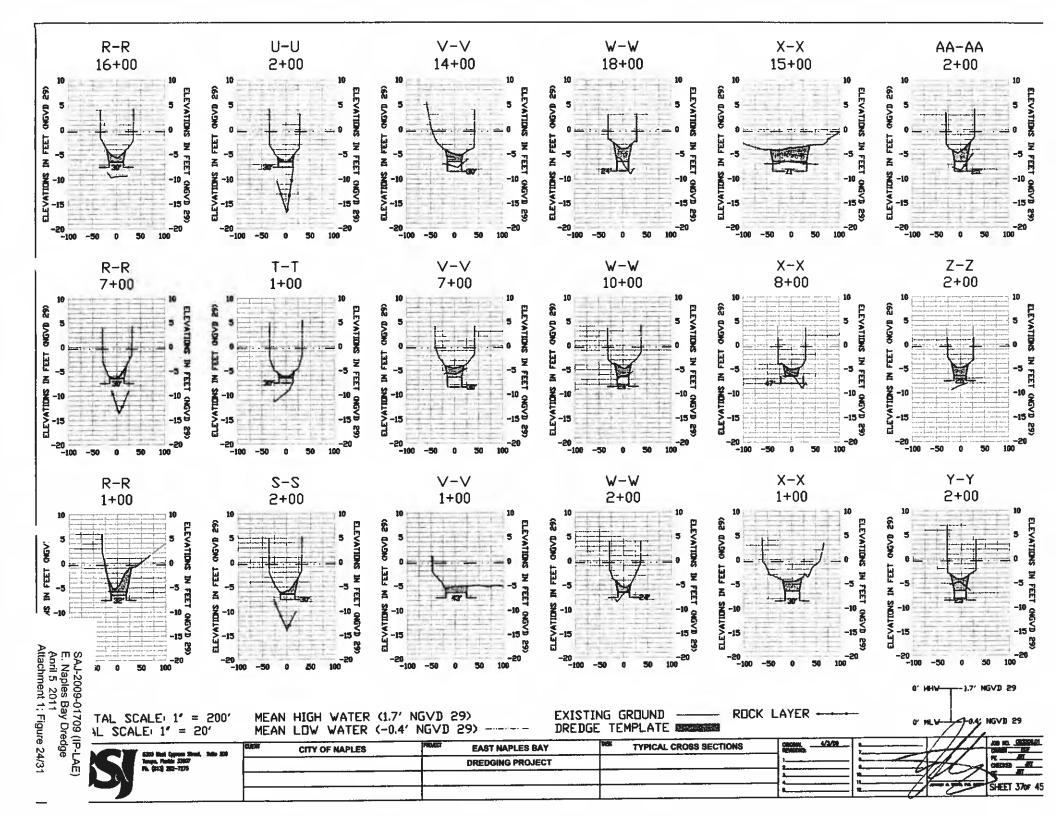


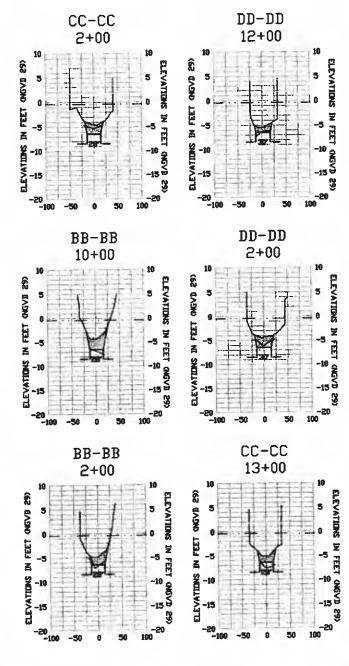












HORIZONTAL SCALE: 1' = 200' VERTICAL SCALE: 1' = 20' MEAN HIGH WATER (1.7' NGVD 29)
MEAN LOW WATER (-0.4' NGVD 29) -----

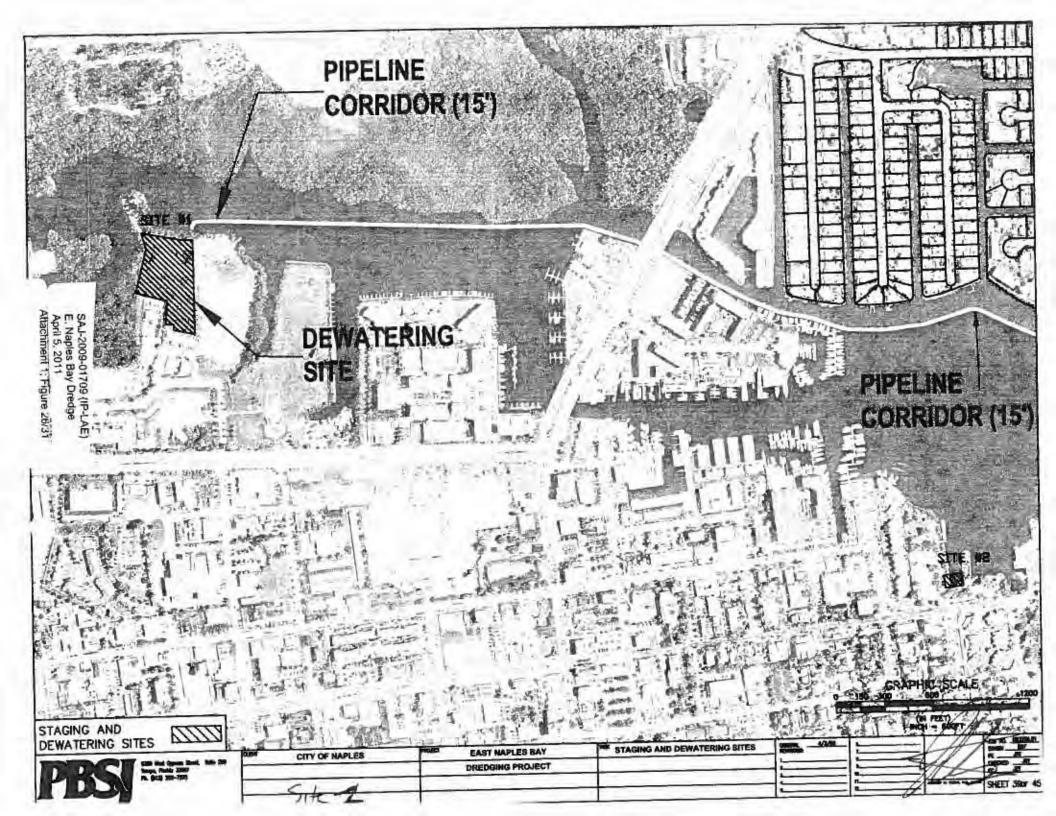
ROCK LAYER +

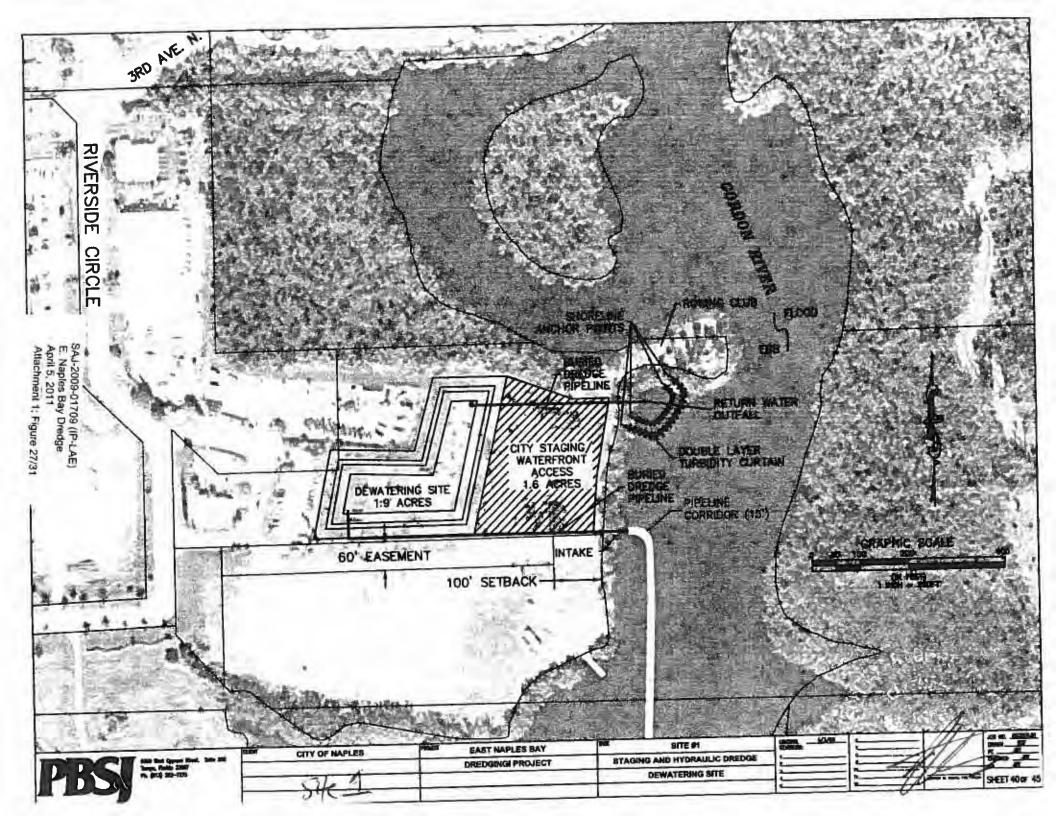
0. MCA: -0'4, NQA0 58

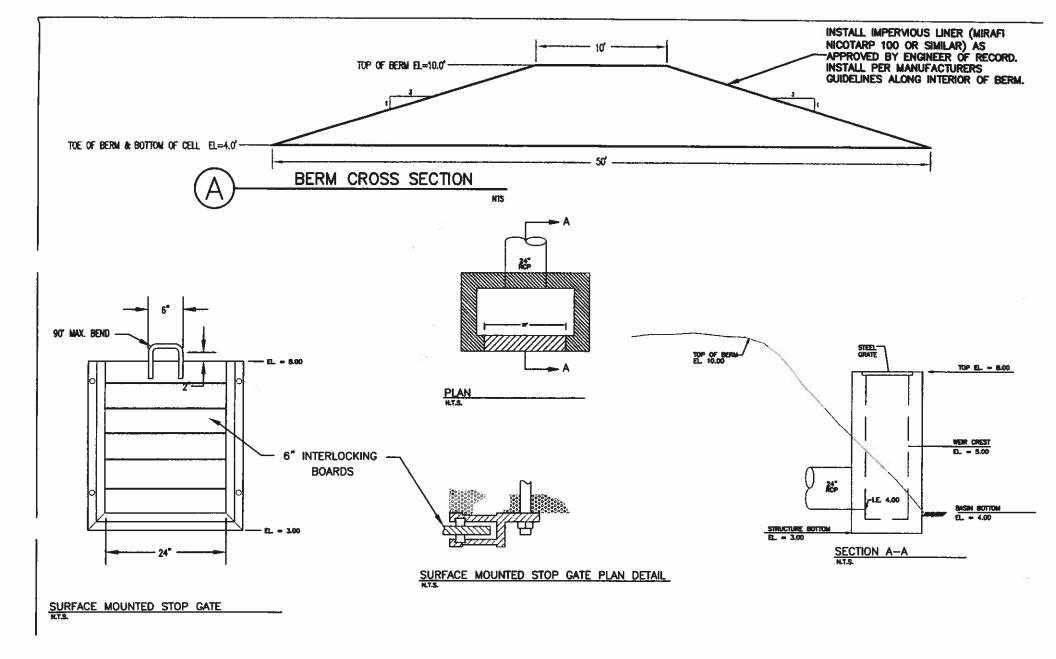
—1.7' NGVD 29

PBS

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### DISPOSAL SITE CONTROL STRUCTURE MODIFIED TYPE "D" DITCH BOTTOM INLET

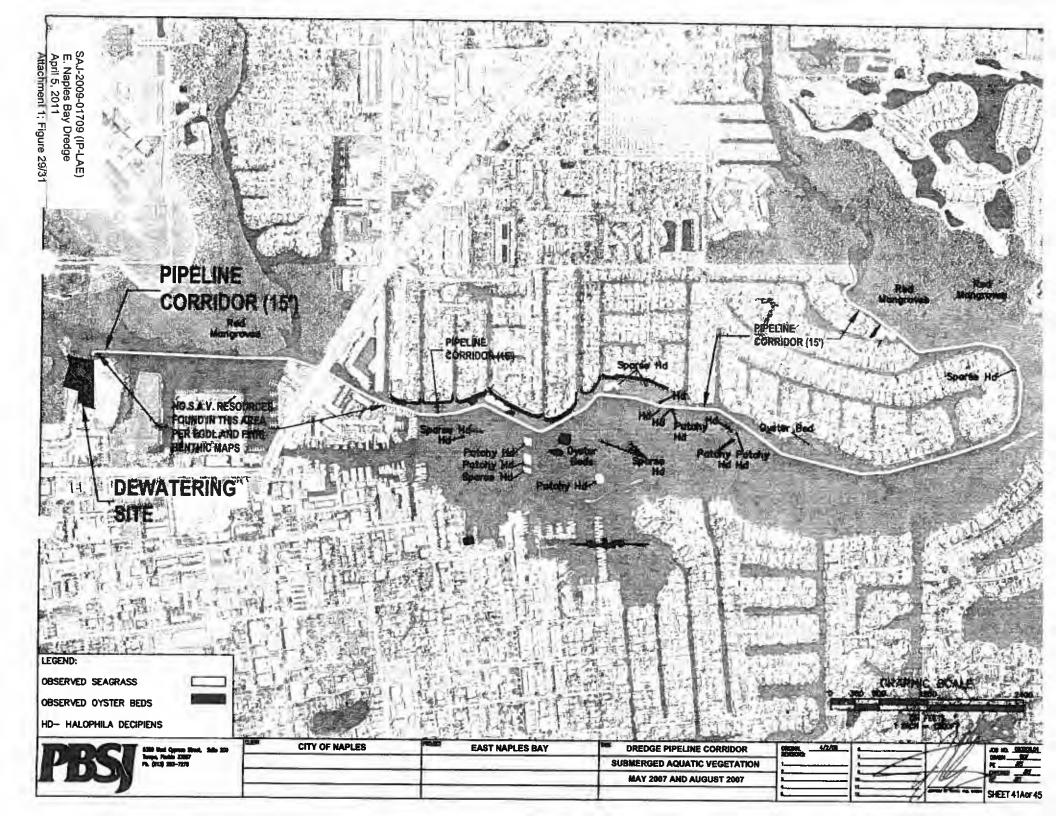
EAST NAPLES BAY
DREDGING PROJECT

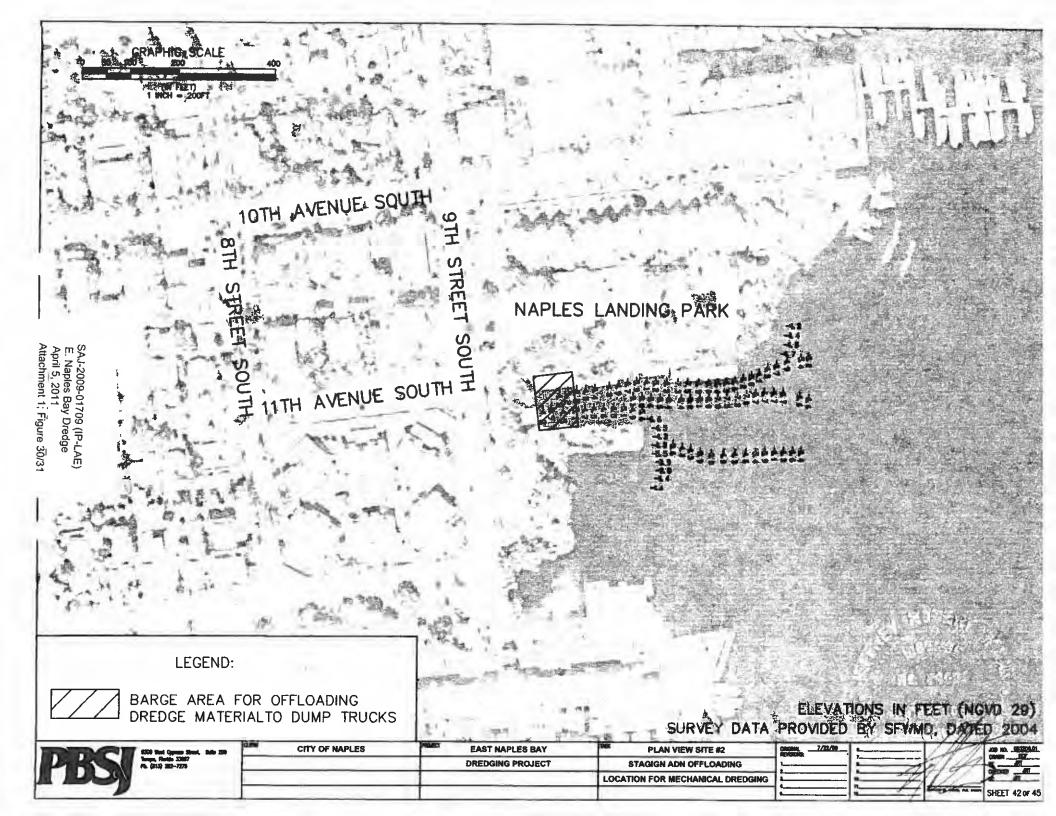
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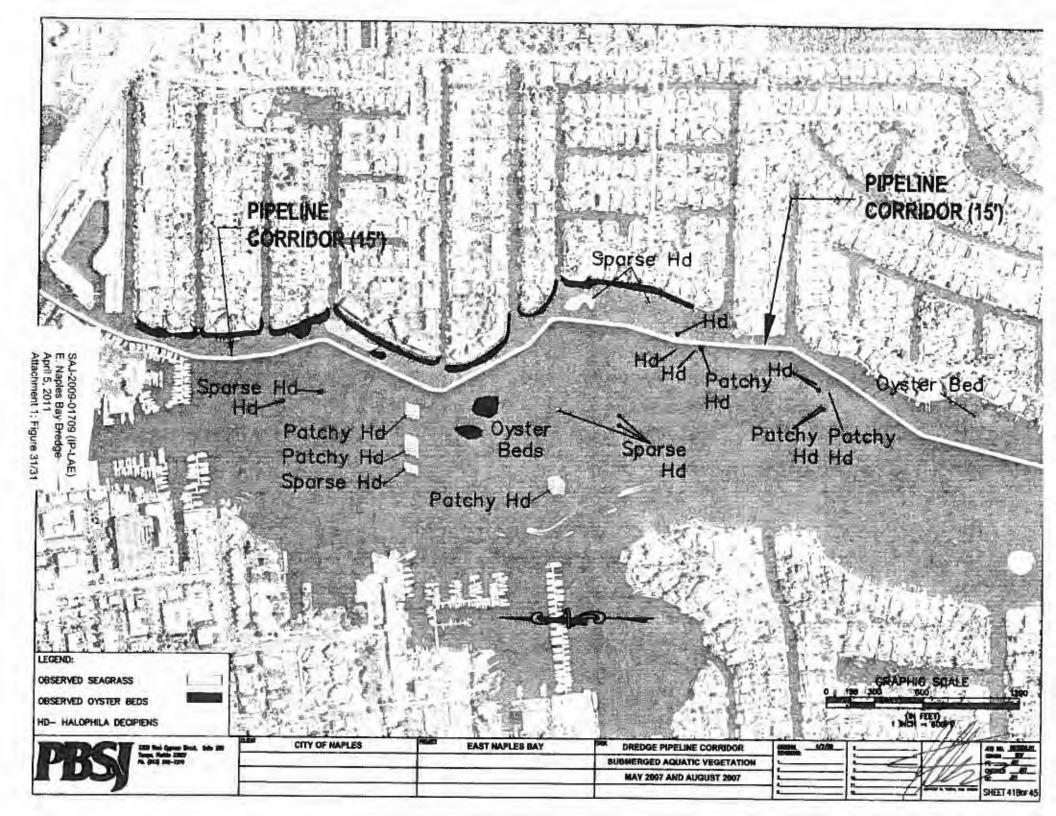
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100 Test Open Street, 340-250	CITY OF NAPLES	_
Norman, Parlish 33907 Ph. (\$13) 202-7275		
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CROSS SECTION & CONTROL STRUCTURE	1
 DETAILS	1
AERIALS COLLECTED JANUARY 2007	

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### STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2009

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com). One sign which reads Caution: Boaters must be posted. A second sign measuring at least 81/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

# CAUTION: MANATEE HABITAT

### **VAKE** SPEED / NO All project vessels

When a manatee is within 50 feet of work all in-water activities must

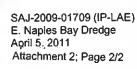
## NAOD LOHS

any collision with or injury to a manatee Report

Wildlife Alert:

1-888-404-FWCC(3922)

cell \*FWC or #FWC





### UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office 263 13th Avenue South St. Petersburg, FL 33701

### SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



### SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2009-01709 (IP-LAE)

Permittee's Name & Address	s (please print or type):
	Date Work Completed:
	e.g. bank stabilization, residential or , dredging, etc.):
Acreage or Square Feet of	Impacts to Waters of the United States:
	eted (if applicable):
	rom Permit (attach drawing(s) depicting
*	*****
accordance with the limit	and mitigation (if applicable) was done in ations and conditions as described in the s described above are depicted on the
	Signature of Permittee
SAJ-2009-01709 (IP-LAE) E. Naples Bay Dredge April 5, 2011 Attachment 4; Page 1/1	Date

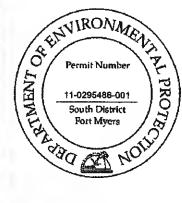
### East Naples Bay Dredge Project Collier County-ERP File No.: 11-0295486-001 Proposed Alternate Mitigation Summary

### Location:

The proposed mitigation areas are located adjacent to three shorelines along the Gordon River/Naples Bay. The first mitigation area is along the western shoreline of the Gordon River under the US41 bridge lat/long (81.790042,26.142010). The second location is located along the eastern shoreline of the Gordon River under the US41 bridge lat/long (-81.786930, 26.140380). The third location is along the seawall next to the Auxiliary Coast Guard Building, Flotilla #93, 1099 9th Street South, Lat/Long (-81.792611, 26.134000), please reference Figure 1.0 location map.

Figure 1.0 Location Map





### **Current Site Condition:**

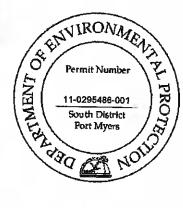
Several site visits were conducted by PBSJ engineers and scientists to document the current condition of the three proposed mitigation areas. At all three areas the current site condition was recorded, photographs taken and a UMAM assessment completed. A meeting was conducted with FDEP staff scientist Arielle Poulos on

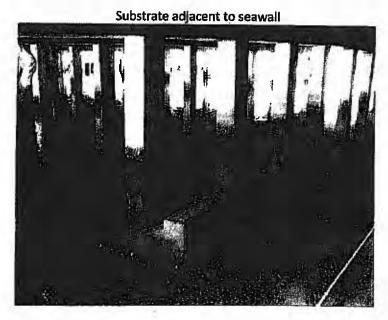
May  $24_h$  2010. During this meeting it was agreed upon that shoreline restoration would be the best replacement of function for the proposed impacts to seagrass and oyster communities.

### **Gordon River Western Shoreline**

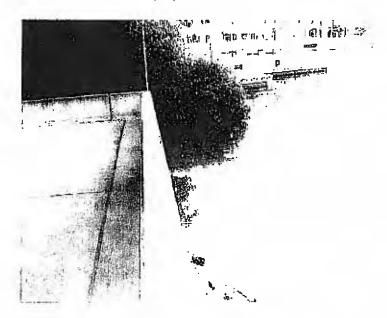
The western shoreline under the US41 bridge currently has a seawall and an upland pedestrian footpath. The shoreline adjacent to the seawall consists of muddy/sandy bottom with scattered clusters of rock and oyster shell. There were no live colonies of oysters observed. There is a large outfall located in the middle of and perpendicular to the seawall. Scattered juvenile fish were observed passing through the area. No vegetation was observed under the bridge due to the limited light availability.





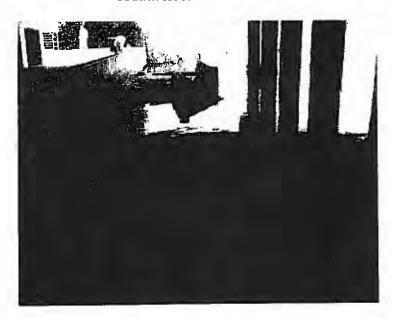


### Outfall perpendicular to seawall



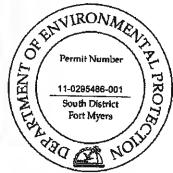


Southwest corner of seawall

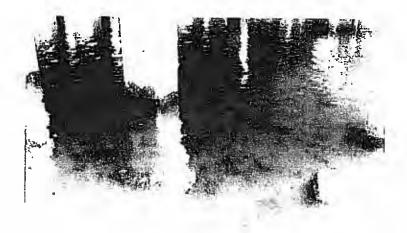


Seawall looking west





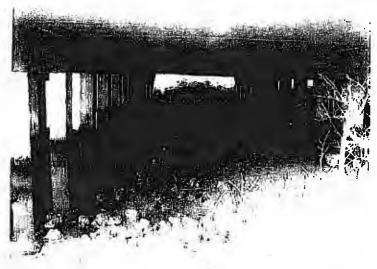
Close-up of outfall structure



Scattered rocks within the proposed riprap placement area

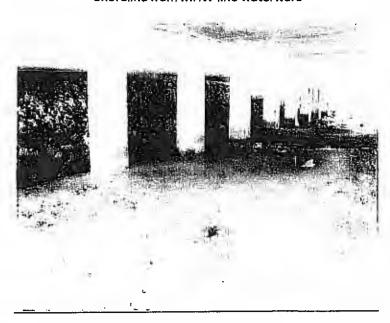
### Gordon River Eastern Shoreline

The eastern shoreline under the US41 bridge currently has riprap extending from the bridge support to above the mean high water line. Waterward of the riprap and above the mean high water line is sandy sediment with scattered rocks. Waterward of the mean high water line is scattered rocks and oyster shells no live colonies of oysters observed. A few small mangrove saplings were observed along the shoreline but outside the footprint of the bridge. The low height of the bridge approach is limiting light availability and therefore precluding vegetative growth.

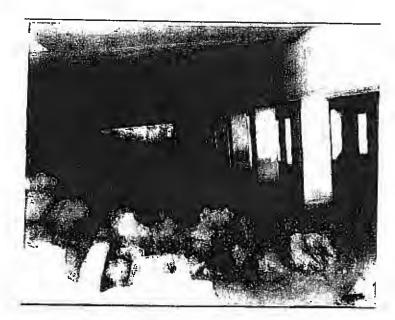


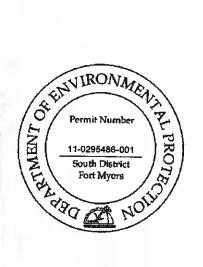


Shoreline from MHW line waterward

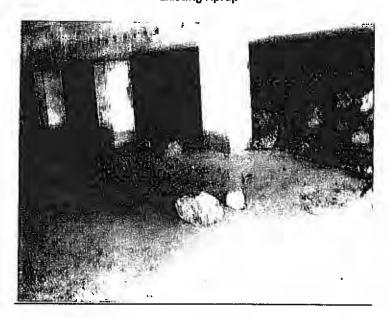


Shoreline from MHW line waterward, showing existing riprap

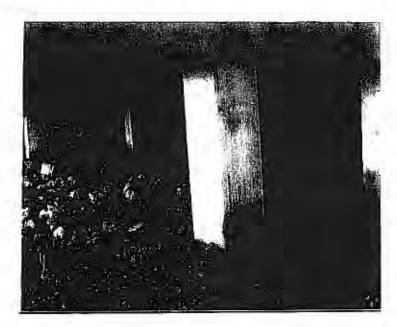




**Existing riprap** 

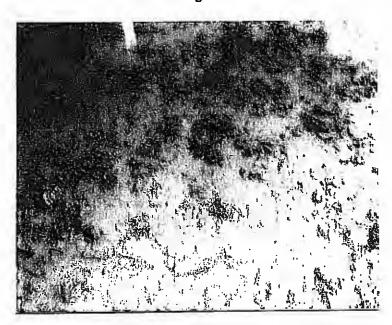


Sandy sediments waterward of riprap





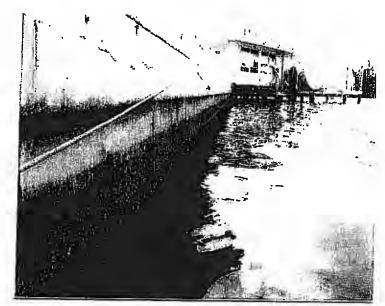
Facing west



Scattered ovster shells

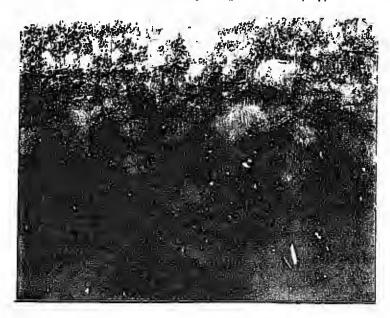
### **Auxiliary Coast Guard Building seawall**

There is an existing seawall along the shoreline adjacent to the Auxiliary Coast Guard building. The submerged bottom adjacent to the wall consists of coarse sediment and scattered rocks. Oysters have colonized on the seawall but no live beds were observed within the sediment. Scattered juvenile fish were observed passing through the area. No mangroves or submerged aquatic vegetation was observed along the wall due to restrictive water depths and light penetration.





Seawall proposed for mitigation (placement of riprap)

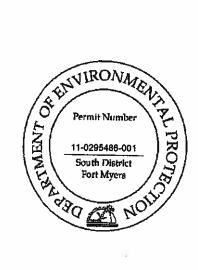


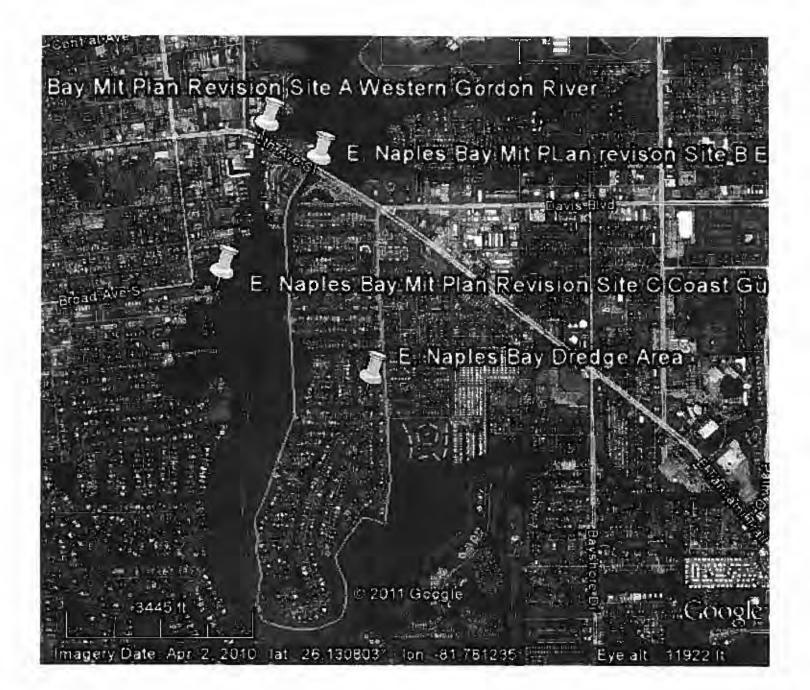
Oysters currently colonized on seawall

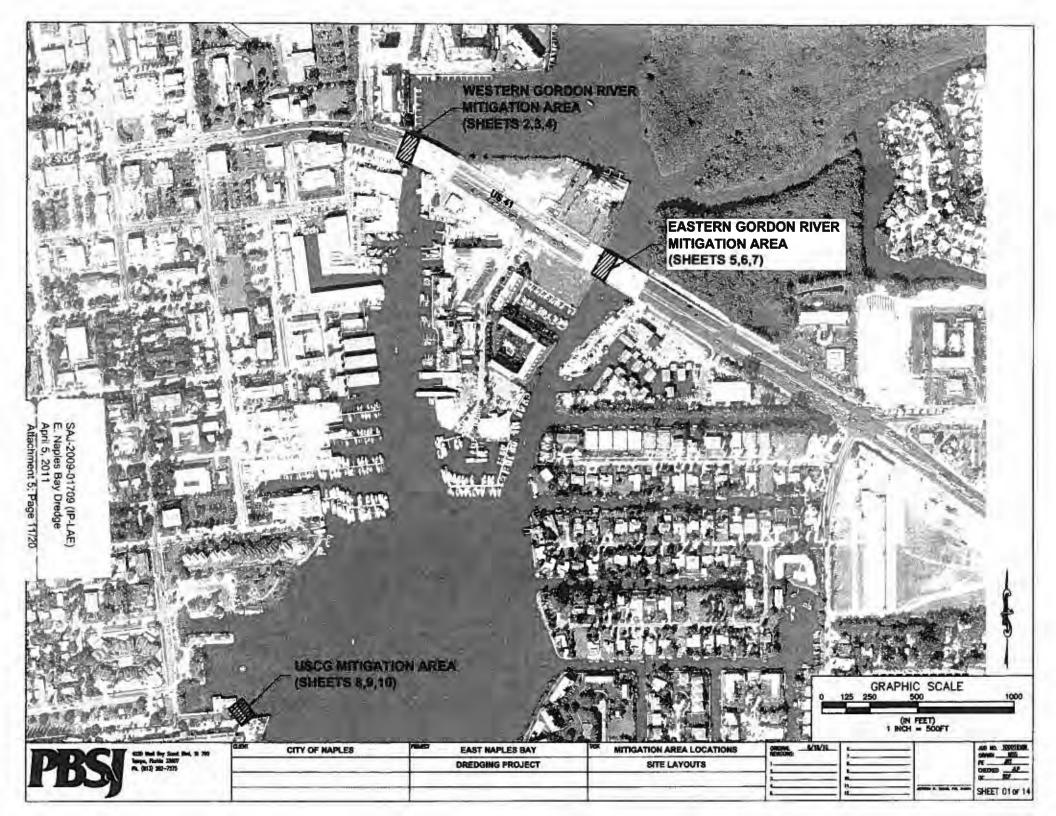
### Proposed Mitigation Plan:

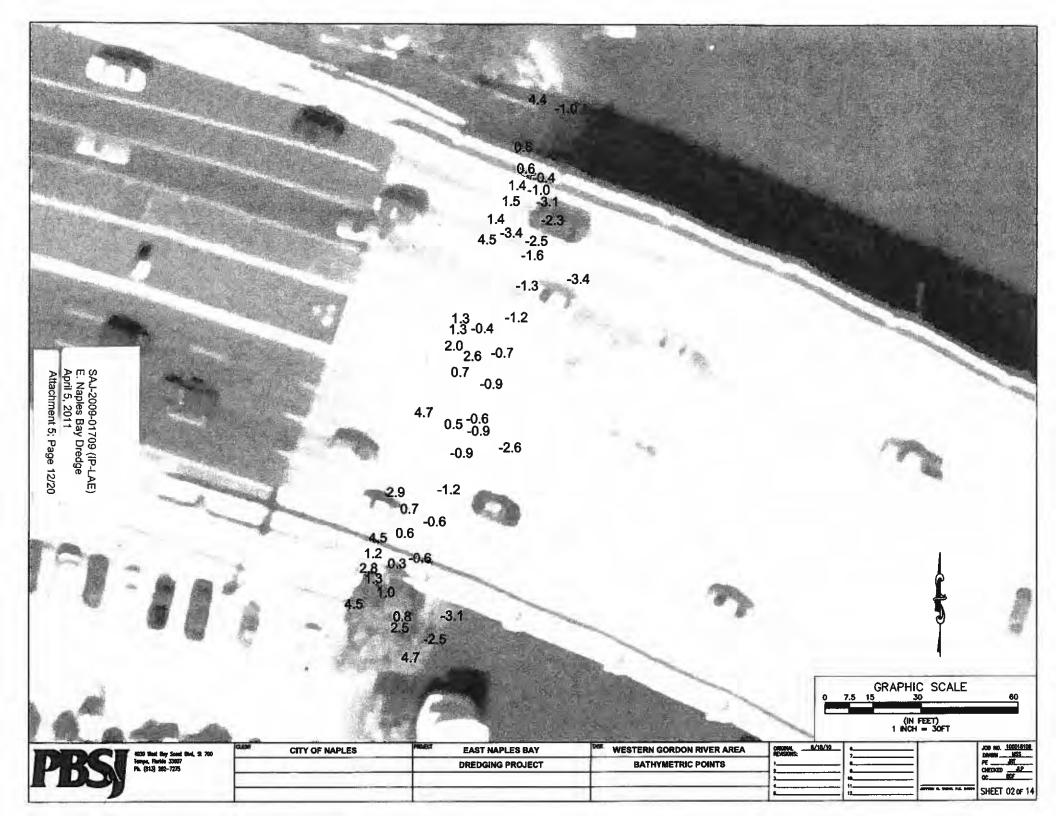
The three assessment areas proposed for mitigation include enhancing shoreline habitat to improve the habitat value and water quality of the immediate areas within the Gordon River/East Naples Bay. The western shoreline along the Gordon River under US41 includes 0.04 acres of submerged habitat. The eastern shoreline under the US41 bridge also include 0.04 acres and the Coast Guard seawall includes 0.02 acres of submerged habitat creation. The proposed activity includes placing riprap starting at the seawall and extending 10 feet waterward. Along the eastern shoreline there is no existing seawall therefore the rock will be placed from the toe of the existing rock to 10 feet beyond the Mean High Water line elevation. The riprap will consist of 12"-16" diameter armoring stone and will be placed at a 4:1 slope (see the plan set for additional details). The riprap will be placed from the uplands using a front loader. Floating turbidity barriers will be installed around the work area is necessary to assure that turbidity levels do not exceed 29 NTU's above background.

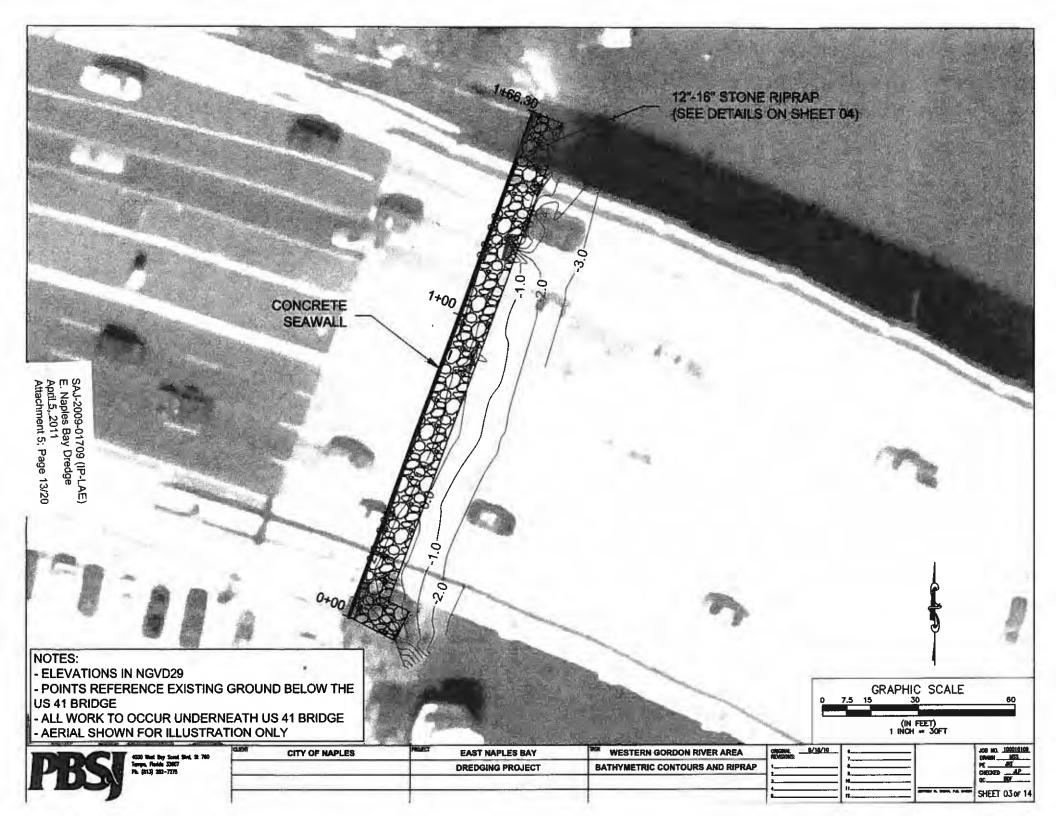
The riprap will provide increased habitat for fish and crabs utilizing the area and will increase the likelihood of oyster colonization due to the additional interstitial space. The potential colonization of oysters will improve water quality in the surrounding area.

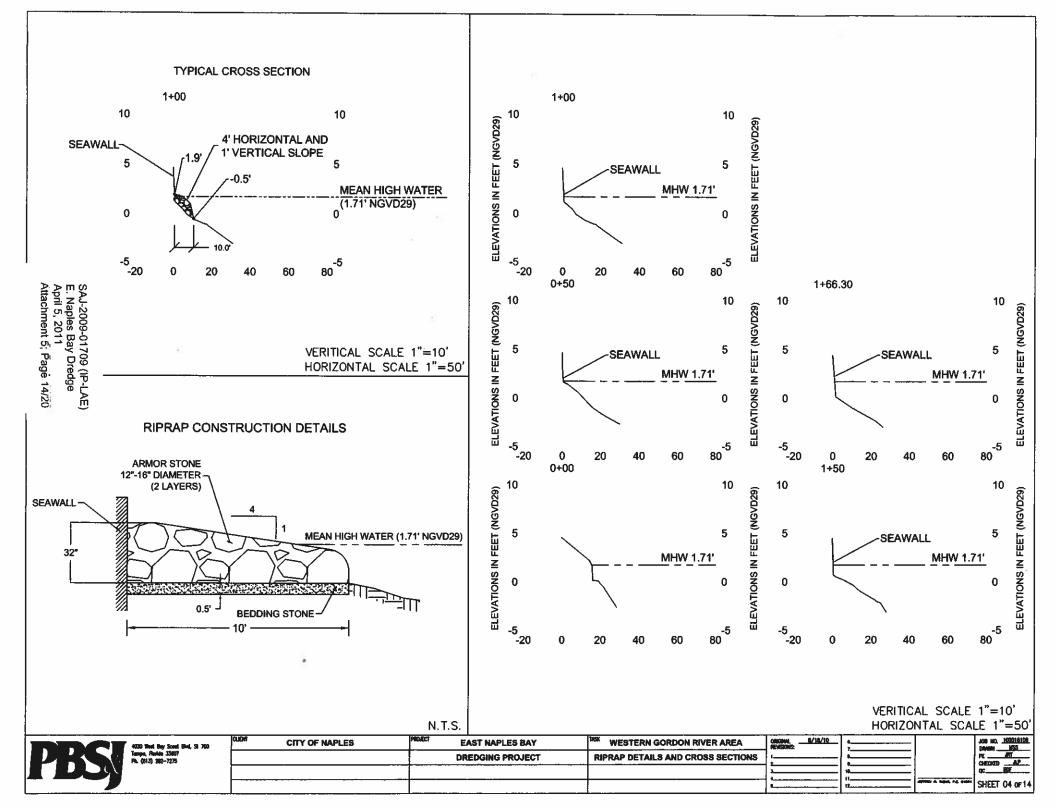


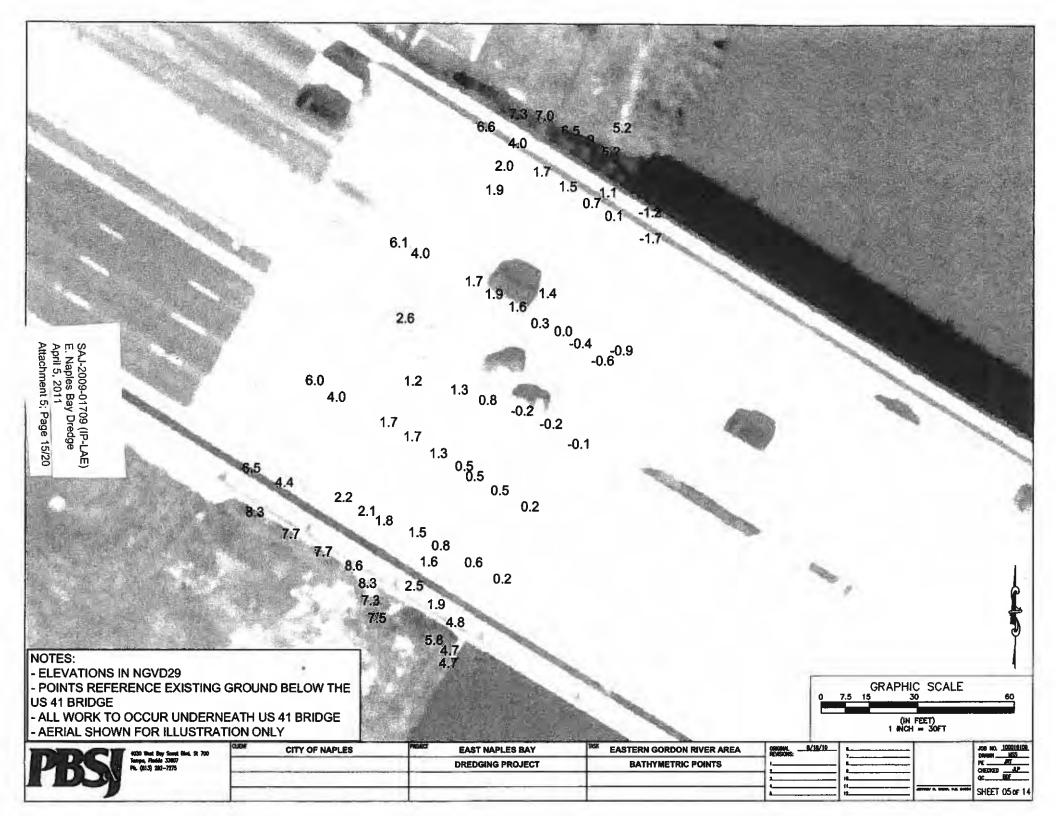




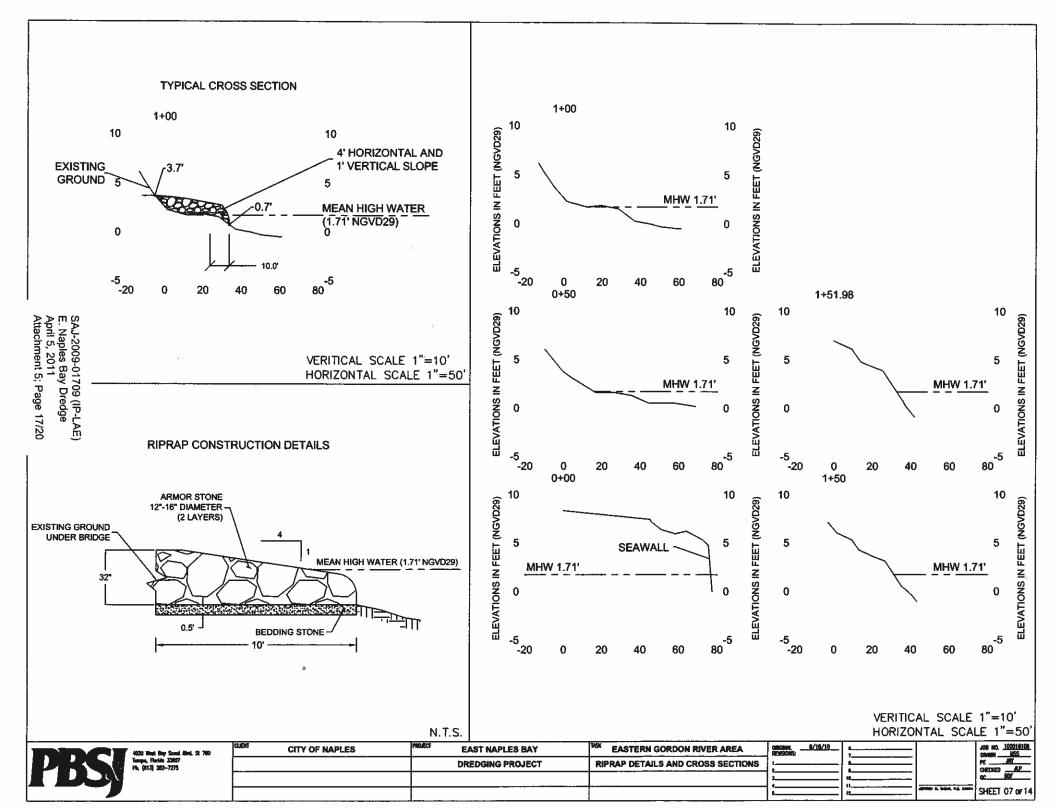


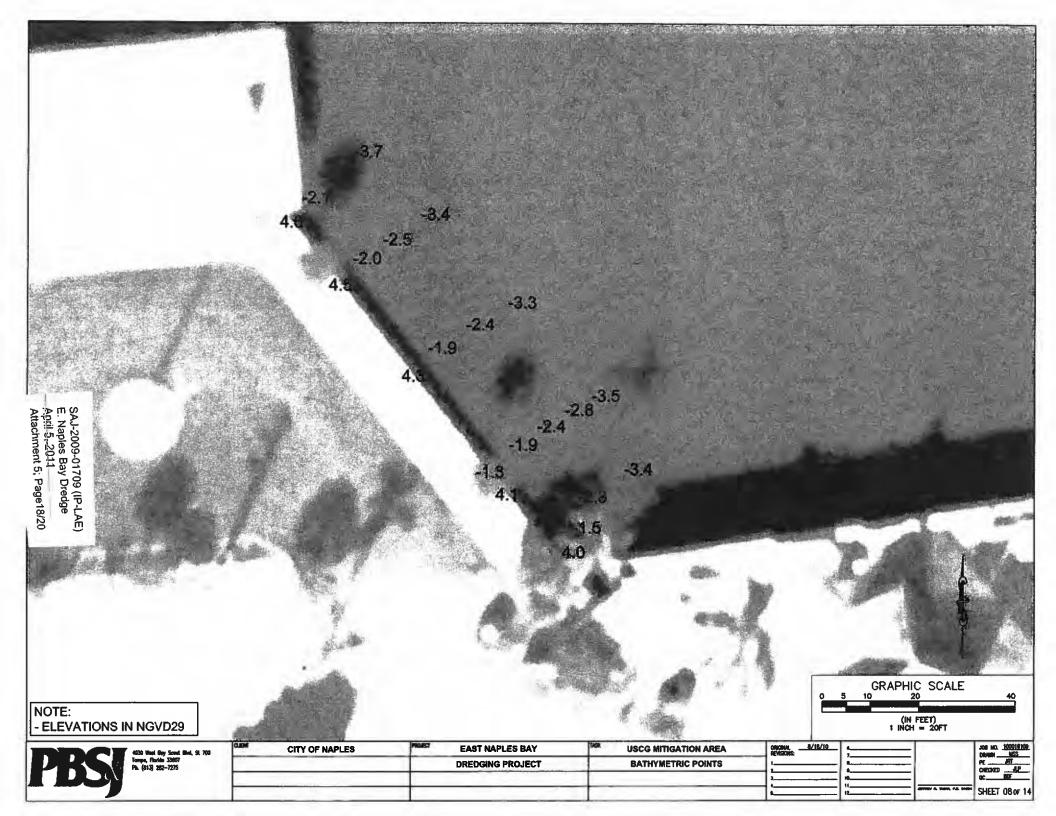


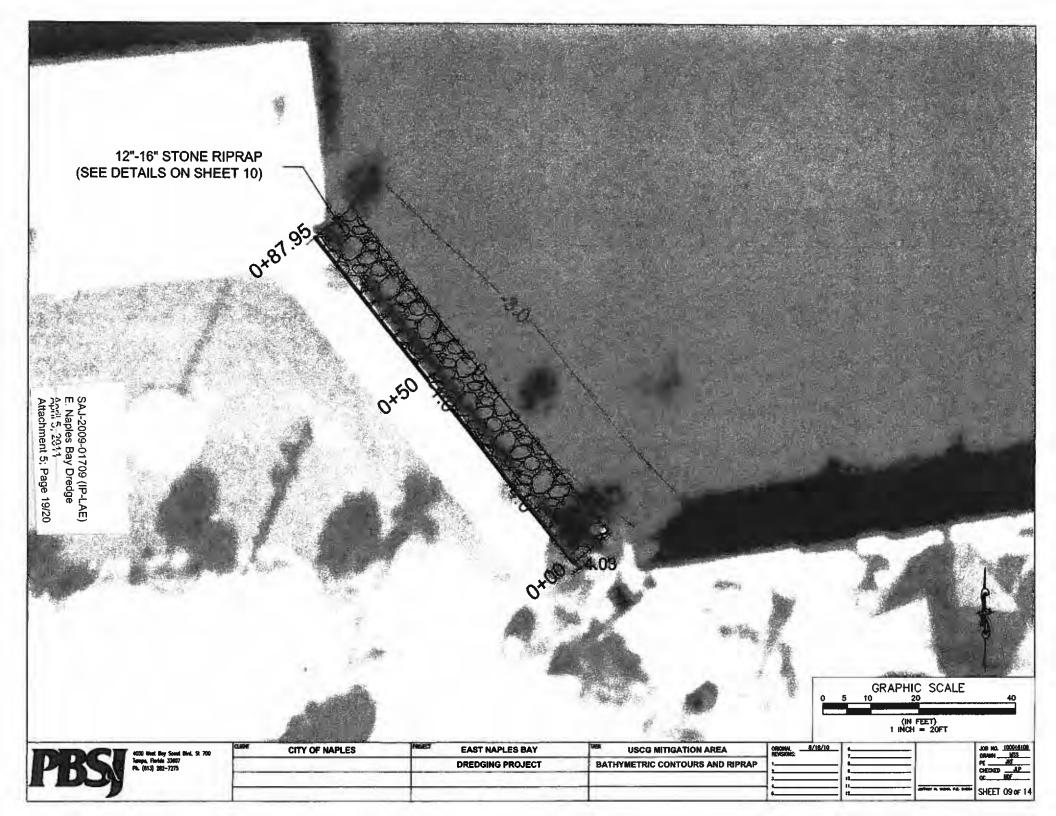


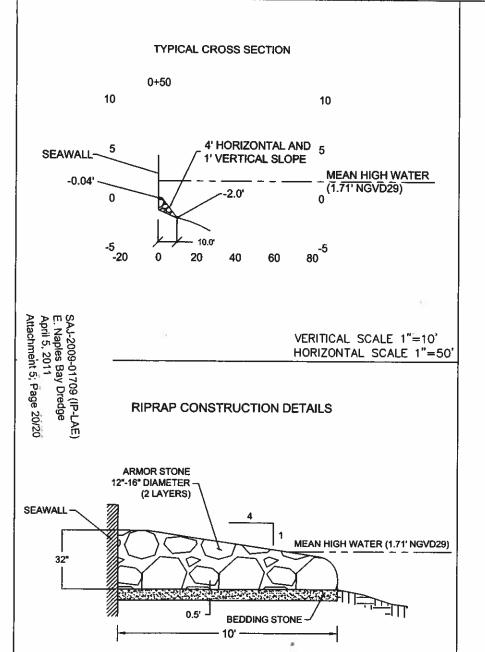


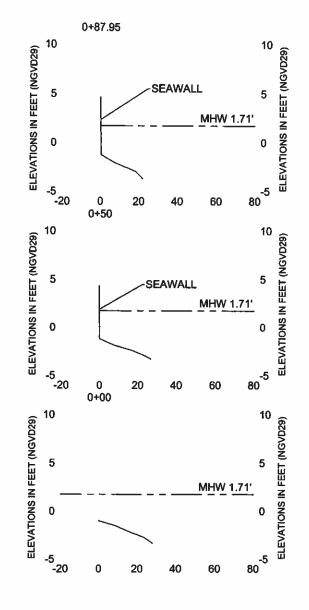












VERITICAL SCALE 1"=10'
HORIZONTAL SCALE 1"=50'

N.T.S.

HORIZONTAL SCALE 1"=50"

SCALE 1"=50"

GEOM CITY OF NAPLES BAY

DREDGING PROJECT

RIPRAP DETAILS AND CROSS SECTIONS

THE COLUMN SCALE 1"=50"

DREDGING PROJECT

RIPRAP DETAILS AND CROSS SECTIONS

THE COLUMN SCALE 1"=50"

DREDGING PROJECT

RIPRAP DETAILS AND CROSS SECTIONS

THE COLUMN SCALE 1"=50"

DREDGING PROJECT

RIPRAP DETAILS AND CROSS SECTIONS

THE COLUMN SCALE 1"=50"

SHEET 10 of 14

SHEET 10 of 14

### PERMIT STATE-OWNED SUBMERGED LANDS CONDITIONS

The activities described herein must be conducted in accordance with:

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

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

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit/certification/authorization and state-owned submerged lands authorization, as specifically described above.

### SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 ("South District Office"). All submittals shall include the project name and indicated permit number when referring to this project.

Note: In the event of an emergency, the Permittee should contact the Department by calling (800) 320-0519. During normal business hours, the permittee should call (239) 344-5600.

- 2. Any deviation from the specific permit conditions or permit drawings shall not be undertaken without modification of this permit and submittal of the appropriate processing fee.
- 3. If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.
- 4. Prior to commencement of construction the permittee shall coordinate with the affected boaters and post notices alerting the public of the any channel closure necessary during construction. The Permittee shall post signs no less than 7 days prior, in locations visible to boaters normally navigating in the project area. The Permittee shall also publish notices in the newspaper or other media that will assure notification

Permittee: City of Naples Permit No: 11-0295486-001

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SAJ-2009-01709 (IP-LAE) E. Naples Bay Dredge April 5, 2011 Attachment 6: Page 1/6

Permit Expiration: December 30, 2015

- 10. During the time of active dredging by the City of Naples, individual property owners within the canal system have the option to independently contract with the dredge contractor for dredging within the setback the City will observe from all the private docks and bulkheads. This additional dredging is authorized by this permit. These areas of possible dredging are shown on the attached sheets 28-32A, and the areas are labeled "Dredge Template (Private)". The permittee shall continue to be responsible for compliance with all conditions and requirements of the permit even if dredging is accomplished by individual homeowners in those areas specified above. The spoil from these areas shall be disposed of in the same sites as the spoil from the area dredged by the City. Any dredging conducted by individual property owners within the canal system must be conducted simultaneously with the authorized dredging project as performed by the City. Any dredging after the City has completed its dredging project will require separate authorization and will not be authorized by this permit.
- 11. Mechanical dredging and hydraulic dredging are authorized dredging methodologies for the proposed dredging. Blasting is not an authorized dredging methodology. Any rock to be removed shall be removed utilizing hydraulic hammer and/or a diamond tooth cutterhead and toothed bucket excavator mounted on a barge.
- 12. All spoil material shall be piped onto the upland disposal site to be dried and trucked to the landfill. The pipeline shall be anchored to the channel bottom within the navigation channel. Any pipeline that is not anchored to the channel bottom shall be clearly marked. The entire pipeline shall be adequately marked in accordance with United States Coast Guard requirements.
- 13. All spoil material from the permitted dredging shall be removed from the spoil containment area shown on the permit drawings at a rate so that the spoil containment area is never filled to capacity. No return water is permitted into waters of the State in a manner that exceeds state water quality standards. The discharge from the spoil site shall be monitored for turbidity as described in the monitoring section of this permit.
- 14. The mooring of construction barges and/or other vessels utilized during construction shall be clearly marked to address navigation, including nighttime lighting, if applicable.

### SPECIFIC CONDITIONS - MITIGATION

15. **Prior to commencement of construction**, the permittee shall off-set the impacts to 0.06 acres of oysters through enhancement of shoreline based on the attached "Proposed Alternate Mitigation Summary," dated September 3, 2010.

Permit Expiration: December 30, 2015

- 16. Turbidity barriers shall be utilized and properly maintained during the permitted construction, and shall remain in place until any turbidity generated subsides.
- 17. A filter cloth underliner for the riprap shall be staked in place before installation of the riprap material.
- 18. The riprap shall consist only of natural boulders or clean concrete rubble, free of sediments, tar, metal rebar, and other deleterious materials, 12" to 16" in diameter to be placed at a 4:1 slope.

### SPECIFIC CONDITIONS - MANATEE

- 19. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with, and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- 20. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
- 21. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee movement.
- 22. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All in-water operations, including vessels, shall be shutdown if a manatee comes within 50 feet of the operation. Activities shall not resume until every manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes has elapsed wherein a manatee has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.
- 23. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) for south Florida.

Permittee: City of Naples Permit No: 11-0295486-001 24. Temporary signs concerning manatees shall be posted prior to and during all inwater project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Please see the Florida Fish and Wildlife Conservation Commission website for information on how to obtain appropriate signs: <a href="http://www.myfwc.com/docs/WildlifeHabitats/Manatee\_EducationalSign.pdf">http://www.myfwc.com/docs/WildlifeHabitats/Manatee\_EducationalSign.pdf</a>

### SPECIFIC CONDITIONS - MONITORING/REPORTING REQUIREMENTS

- 25. Once every four hours during all dredging operations, the permittee shall monitor turbidity levels within 5 feet of the turbidity curtain surrounding the active dredge area. The monitoring shall continue during dredging operations until project completion. Compliance samples shall be taken at one sample site within the densest portion of any visible turbidity plume within 5 feet outside of the turbidity curtains. Ambient samples shall be taken up-current at mid-depth and at no time shall the ambient sample be taken within an apparent turbidity plume. Sampling shall commence prior to, but no more than 24 hours before initiation of any dredging activities. Monitoring for turbidity shall be conducted for the duration of the project.
- 26. Compliance samples shall be collected from surface, mid-depth and one foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. Samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs). If monitoring reveals turbidity levels greater than background levels, the permittee shall cease all work pursuant to Specific Condition 30.
- 27. Measurements must be acquired in adherence to the Department's Standard Operating Procedure (SOP) for field turbidity, available at the website: <a href="https://www.dep.state.fl.us/labs/qa/sops.htm">www.dep.state.fl.us/labs/qa/sops.htm</a>. More specifically, the instruments used to measure turbidity shall be fully calibrated within one month prior to commencement of the project, and at least once a month thereafter during the project. Calibration shall be verified each morning prior to use, and after each time the instrument is turned on, using a turbidity "standard" that is different from the one used during calibration.

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

- 28. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement **until dredging completion**. When submitting this information to the Department, please include, at the top of each page or as a cover page to the submittal: "This information is being provided in partial fulfillment of the monitoring requirements in Permit No. 11-0295486-001-EI04." **Monitoring reports shall** contain the following information:
  - a. Permit number;
  - b. Dates of sampling and analysis;
  - c. A statement describing the methods used in collection, handling, storage, and analysis of the samples;
  - d. A map indicating the sampling locations; and
  - e. Turbidity data for both a compliance sample and an ambient (background) sample for each monitoring event, referenced in Nephelometric Turbdity Units (NTUs).

Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.

- 29. Monitoring reports shall also include the following information for each sample taken:
  - a. Time of day sample was taken;
  - b. Depth of water body;
  - c. Depth of sample;
  - d. Tidal stage and direction of flow; and
  - e. Antecedent weather conditions, including wind direction and velocity.
- 30. If monitoring reveals turbidity levels at the compliance sample location(s) appear to violate the State Water quality standards (i.e., compliance sample(s) exceed background levels), the following measures shall be taken by the permittee:
  - a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels compliant with 62-302, F.A.C.;
  - Modify the work procedures that were responsible for the violation, install
    more turbidity containment devices, and repair any non-functioning turbidity
    containment devices;
  - c. Increase monitoring frequency to every 2 hours until turbidity levels are within acceptable limits. Interim samples collected following the violation(s) shall be collected in the same manner and locations as the routine monitoring.

Permit Expiration: December 30, 2015

- Operations may not resume until the water quality standard for turbidity has returned to ambient levels; and
- d. The violation(s) shall be immediately reported to the Department. The report shall include the description of the corrective actions being taken or proposed to be taken. If violation(s) are noted after normal business hours, on holidays, or on weekends, the report shall be made to the Department as soon as normal business hours resume. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

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

### SPECIFIC CONDITIONS - POST CONSTRUCTION

Within 30 days of completion of the permitted dredging activities, the 31. permittee shall submit to the Department a detailed report describing the completed construction and including as-built drawings showing all structures and bathymetry of the project area. The submitted drawings shall be plan and cross-sectional view drawings, fully scaled and dimensioned, signed and sealed by a registered professional engineer, showing the entire project area. These drawings shall clearly indicate the deviations from the permit drawings attached to this permit. If the as-built drawings show a significant over-dredge that, as determined by the Department, could potentially result in adverse effects to water quality, the permittee shall submit a backfilling plan acceptable to the Department to level the bottom surface by backfilling with clean fill material free of deleterious substances to the authorized design depth. The Department may require follow-up as-built drawings or bathymetry be submitted Any identified over-dredging shall not be after any required backfilling activities. considered corrected until a written compliance statement has been obtained from the Department.

### **GENERAL CONDITIONS:**

- 1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and a violation of Part IV of Chapter 373, (F.S.).
- 2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

Permittee: City of Naples Permit No: 11-0295486-001

### **ATTACHMENT**

### PRELIMINARY JURISDICTIONAL DETERMINATION FORM

### **BACKGROUND INFORMATION**

- A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): July 27, 2010
- B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD: City of Naples, 735 8<sup>th</sup> Street South, Naples, FL 34102
- C. DISTRICT OFFICE, FILE NAME, AND NUMBER:SAJ-2009-0709
- D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: manmade tidal canals near Sandpiper Street, Naples, Collier County, Florida (USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State:FL County/parish/borough: Collier City: Naples Center coordinates of site (lat/long in degree decimal format): Lat. 26.129290° N, Long. -81.78658° **W**.

Universal Transverse Mercator:

Name of nearest waterbody: man-made tidal canals to Oyster Bay, Golden Shores, Royal Harbor residential subdivisions

Identify (estimate) amount of waters in the review area:

Non-wetland waters:

linear feet:

width (ft) and/or

acres.

Cowardin Class: Marine/estuarine

Stream Flow: Perennial Wetlands: 0.0 acres. Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: man-made canals

Non-Tidal:

E.	REVIEW PERFORMED FOR	SITE EVALUATION	(CHECK ALL	THAT
<b>APPL</b>	Y):		(	

$\boxtimes$	Office (Desk)	Determination.	Date:	7/27/10
		_		

Field Determination. Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to

request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply checked items should be included in case file and, where checked and requested, appropriately reference sources below):

Maps, plans, plots or plat submitted	by or on behalf of the
applicant/consultant: .	
☐ Data sheets prepared/submitted by applicant/consultant.	
<ul><li>Office concurs with data sheets/office does not concur with data</li></ul>	•
☐ Data sheets prepared by the Corps:	
Corps navigable waters' study:	
<ul><li>☐ U.S. Geological Survey Hydrologic A</li><li>☐ USGS NHD data.</li><li>☐ USGS 8 and 12 digit HUC maps</li></ul>	
U.S. Geological Survey map(s). Cite	
USDA Natural Resources Conserva	
☐ National wetlands inventory map(s).	
State/Local wetland inventory map(	s): .
FEMA/FIRM maps: .	
☐ 100-year Floodplain Elevation is: of 1929)	(National Geodectic Vertical Datum
	Google Earth Pro.
☐ Previous determination(s). File no. ☐ Other information (please specify):	and date of response letter: .
<b>IMPORTANT NOTE: The information rec</b>	orded on this form has not
necessarily been verified by the Corps a	and should not be relied upon for
later jurisdictional determinations.	
1 7 Just 2/22/	m'A
Signature and date of	Signature and date of
Regulatory Project Manager	person requesting preliminary JD
(REQUIRED)	(REQUIRED, unless obtaining
	the signature is impracticable)