

# Department of Environmental Protection

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Dept. of Environ. Protection Port St. Lucie

Lawton Chiles Governor

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Port St. Lucie Branch Office 1801 SE Hillmoor Drive Suite C-204 Port St. Lucie, FL 34952

(407)871-7662 (407)335-4310

RECEIVED Virginia B. Wetherell Secretary

AUG 3 0 2000

Dept. of Environ. Protection Port St. Lucie

# PERMITTEE:

North River Shores POA c/o Gordon D. Craig 724 NW Spruce Ridge Drive Stuart, FL 34994 I.D. Number: 5143P01826 Permit/Certificate: 432686988 Issuance Date: DECEMBER 26, 1995 Expiration Date: DECEMBER 26, 2000

County: Martin

Latitude/Longitude: 27°13'46"/80°16'35" Section/Township/Range: 30&31/37S/41E

Project: Maintenance Dredging

This permit is issued under the provisions of Chapter 403 and 373, Florida Statutes (F.S.), Public Law 92-500 and Title 62, Florida Administrative Code Rules (F.A.C.). The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

### TO:

Maintenance dredge a maximum of 4,400 cubic yards of substrate from four (4) existing boat channels and manmade canals to a depth of minus (-) five feet mean low water. Dredging will be accomplished using a barge mounted clamshell. Spoil material will be contained on the barge and transported to the approved upland spoil disposal area.

### IN ACCORDANCE WITH:

The eighteen (18) stamped drawings which are attached and a part hereof and DEP Application Form 62-312.900(1) dated February 28, 1995 and signed by Charles E. Wallenhorst (not attached).

# LOCATED AT:

North River Shores Subdivision, access channels within the boundaries of the North Fork St. Lucie River-Aquatic Preserve and Manmade Canals, Class III Waters, Section 30 and 31, Township 37 South, Range 41 East, Stuart, Martin County.

# SUBJECT TO:

GENERAL CONDITIONS one (1) through fifteen (15) and SPECIFIC CONDITIONS one (1) through eleven (11).

DEP Form 62-312.900(1) Effective October 30, 1991

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# GENERAL CONDITIONS:

- The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.) The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- 2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- 3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
- 4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- 5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- 6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- 7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - (a) Have access to and copy any records that must be kept under conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - (c) Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.

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# GENERAL CONDITIONS:

Reasonable time may depend on the nature of the concern being investigated.

- 8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
  - (a) A description of and cause of noncompliance; and
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
- 9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- 10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500 Florida Administrative Code (F.A.C.) shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
- 11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300 F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- 12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
- 13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500).

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# **GENERAL CONDITIONS:**

- 14. The permittee shall comply with the following:
  - (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - (c) Records of monitoring information shall include:
    - 1. the date, exact place, and time of sampling or measurements;
    - 2. the person responsible for performing the sampling or measurements;
    - 3. the dates analyses were performed;
    - 4. the person responsible for performing the analyses;
    - 5. the analytical techniques or methods used; and
    - 6. the results of such analyses.
- 15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

Dept. of Environ. Protection

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County: Martin

Latitude/Longitude: 27°13'46"/80°16'35" Section/Township/Range: 30&31/37S/41E

Project: Maintenance Dredging

## SPECIFIC CONDITIONS:

1. At least forty-eight (48) hours prior to commencement of work authorized by this permit, the permittee shall provide written notification to the Department of Environmental Protection, Division of Environmental Resource Permitting, Southeast Florida District Branch Office in Port St. Lucie, of this commencement. Written notification shall also be provided within forty-eight (48) hours after completion of construction.

2. An effective means of turbidity control, such as, but not limited to, turbidity curtains, shall be employed during all operations that may create turbidity in excess of background as provided in Chapters 62-302 and 62-4 of the Florida Administrative Code. Turbidity control shall remain in place until all turbidity has subsided.

# 3. Monitoring required:

Description: Turbidity (NTU)

Frequency: Turbidity - Once every two (2) hours during

dredging operations for each and every dredging operation. Sampling shall be done a minimum of

four (4) times daily.

Location: Immediately outside the perimeter of the

turbidity screen which shall be located within fifty (50) feet from the dredge site. All turbidity samples shall be collected from top and bottom depths where any existing turbidity plume is visually observed to have the highest turbidity level. Background turbidity samples shall also be taken every two (2) hours from an area unaffected by the dredging process. A

certified laboratory shall be used to perform

the monitoring requirements.

Permittee shall provide to the Department, the name(s) and address(es) of the individuals(s) and or organization(s) that will be conducting (chemical, physical or biological) sampling and analysis of samples. The permittee shall also provide a Statement of Qualifications for all individuals or organizations proposed to be involved in taking or analyzing samples. This Statement of Qualifications shall list relevant, qualifications and experience. This information shall be provided, and Departmental approval of same shall be required prior to the commencement of sampling.

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# SPECIFIC CONDITIONS: (#3 continued)

3. Monitoring reports shall be submitted to the Department of Environmental Protection, Southeast Florida District Branch Office in Port St. Lucie, within forty-eight (48) hours of project completion.

If monitoring indicates turbidity exceeding the turbidity levels specified, all dredging operations shall be immediately discontinued until further directed by the Department's Southeast Florida District Branch office (Port St. Lucie). This office shall be notified immediately of the time of violation of this criterion and of steps taken to correct the situation.

- 4. All spoil material and associated wastewater shall be placed and maintained in the approved upland spoil site. A berm shall be constructed around the perimeter of the spoil area, an overflow control structure placed and both shall be maintained during construction.
- 5. Areas disturbed by dredging, filling or equipment access shall be seeded/sodded within fourteen (14) days of final grading.
- 6. Dredging shall be accomplished by a barge mounted clamshell.

# 7. STANDARD MANATEE PROTECTION CONSTRUCTION CONDITIONS

- A. The contractor shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s) and shall implement appropriate precautions to ensure protection of the manatee(s).
- B. All construction personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of negligent or intentional activities related to construction/dredging.

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# 7. STANDARD MANATEE PROTECTION CONSTRUCTION CONDITIONS (continued)

- C. Prior to commencement of construction, the prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees. All signs shall be removed by the permittee upon completion of the construction project.
- a) A sign measuring at least 8½" by 11" which reads "Caution: Manatee Habitat. Idle Speed Is Required If Operating A Vessel In The Construction Area" shall be placed at all vessel control stations or in a prominent location visible to employees operating the vessels (example enclosed). A second sign (at least  $8\frac{1}{2}$ " X 11") reading "Caution: Manatee Habitat. Equipment Must Be Shutdown Immediately If A Manatee Comes Within 50 Feet of Operation" shall be placed at all dredge operator control stations and shall be prominently located adjacent to the displayed issued construction permit (example enclosed).
- b) If no vessel is utilized for the work project, a sign measuring at least 3' X 4' which reads "Caution: Manatee Area" shall be posted on shore in a location prominently visible to land based, water-related construction crews (can be obtained from sign supplier). A second sign (at least 8½" X 11") reading "Caution: Manatee Habitat. Equipment Must Be Shutdown Immediately If A Manatee Comes Within 50 Feet of Operation" shall be placed at all dredge operator control stations and also shall be located prominently adjacent to the displayed issued construction permit (example enclosed).

The permittee/grantee/lessee shall insure that:

- D. Siltation barriers shall be properly secured so that manatees cannot become entangled, and shall be monitored at least daily to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
- E. All vessels associated with the project shall operate at "idle speed/no wake" at all times while in the construction area and while in waters 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.

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# 7. STANDARD MANATEE PROTECTION CONSTRUCTION CONDITIONS (continued)

- F. If manatees are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment.
- G. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL FMP (1-800-342-5367).
- H. The contractor shall maintain a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. A report summarizing all sightings and incidents shall be submitted to the Florida Department of Environmental Protection, Office of Protected Species
  Management, Mail Station 245, 3900 Commonwealth Boulevard,
  Tallahassee, Florida 32399 and to the U.S. Fish and Wildlife Service Office, 6620 South Point Drive South, Suite 310, Jacksonville, Florida 32216-0912. This report must be submitted annually or following the completion of the project if the contract period is less than a year. If you have any questions regarding these standard construction conditions, you may contact the Office of Protected Species Management at (904) 922-4330.
- 8. All other necessary State, Federal, or local permits must be applied for and received prior to the start of work.
- 9. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site the permittee shall immediately notify the district office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.S. Gray Building, 500 S. Bronough, Tallahassee, Florida 32399-0250.

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# SPECIFIC CONDITIONS:

- 10. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund under Chapter 253 Florida Statutes (F.S.), until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Rule 160-14, Florida Administrative Code (F.A.C.) if such work is done without consent, or if a person otherwise damages State land or products of State land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.
- 11. The permittee shall be aware of and operate under the attached "General Permit Conditions Number 1 thru 15". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

Issued this of December 20, 1995.

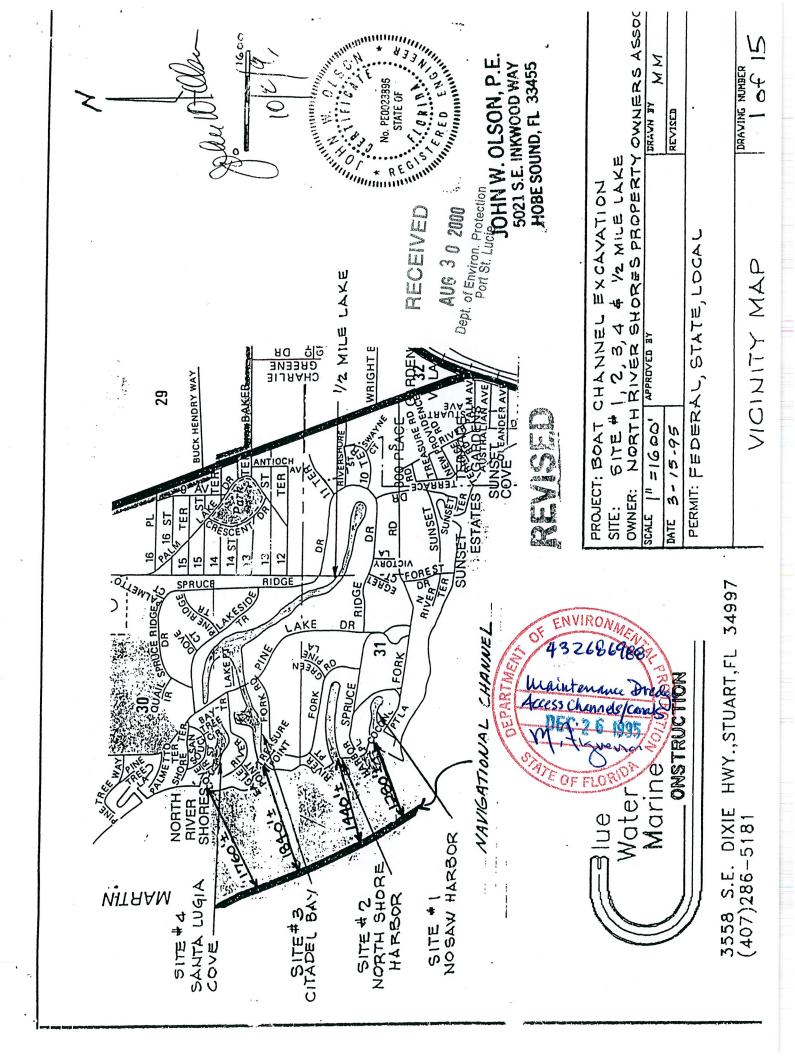
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

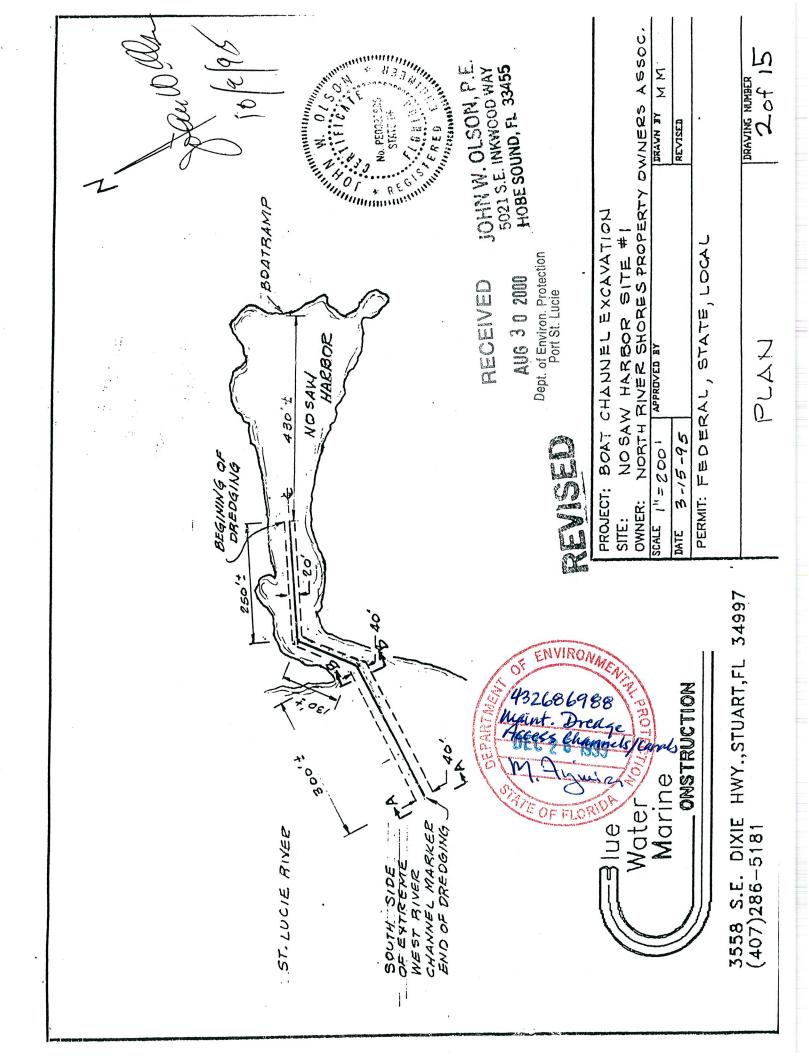
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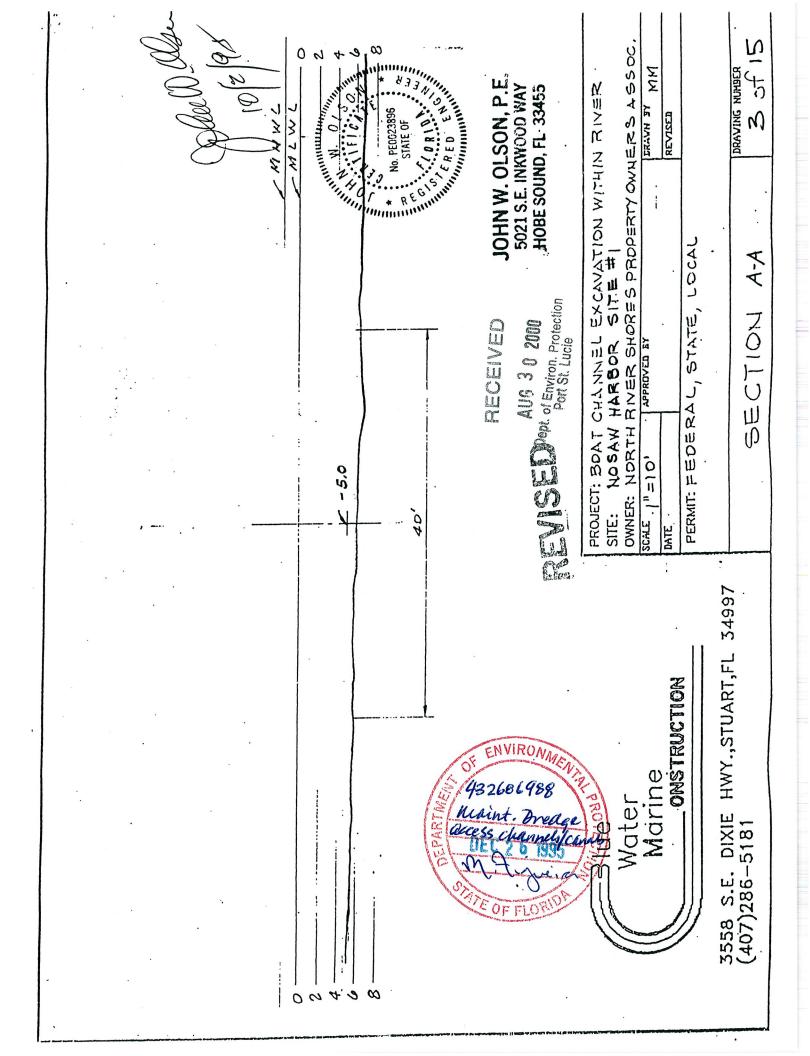
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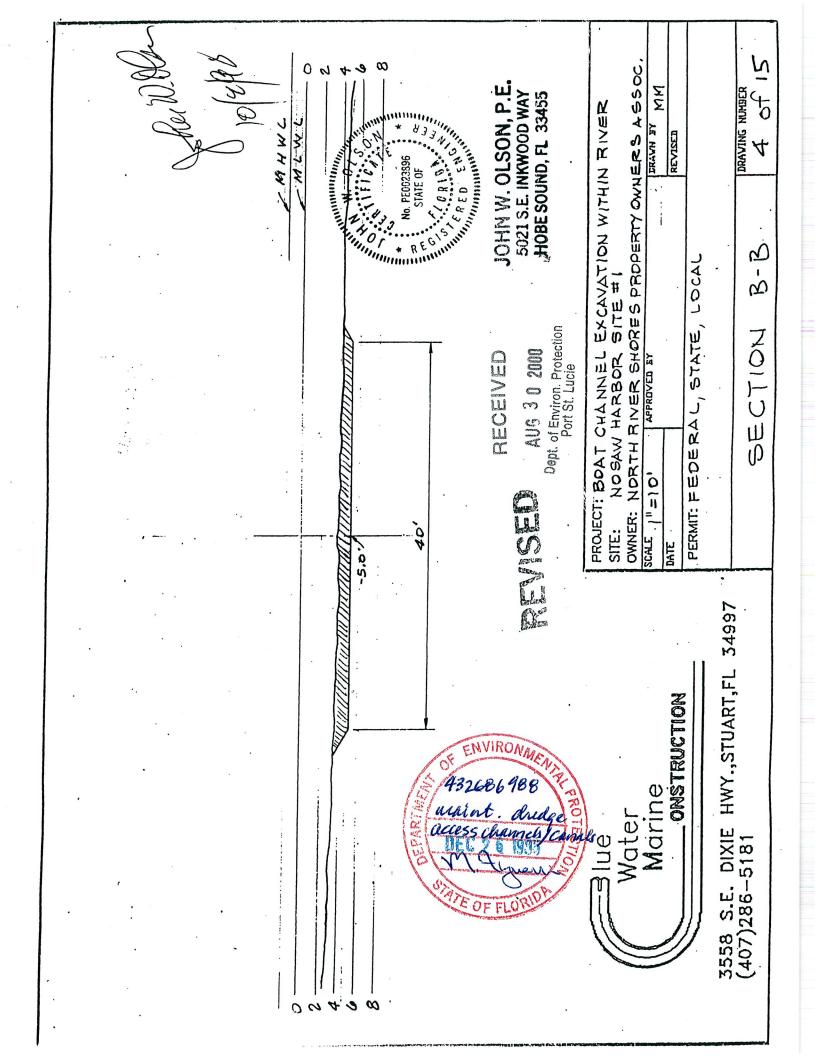
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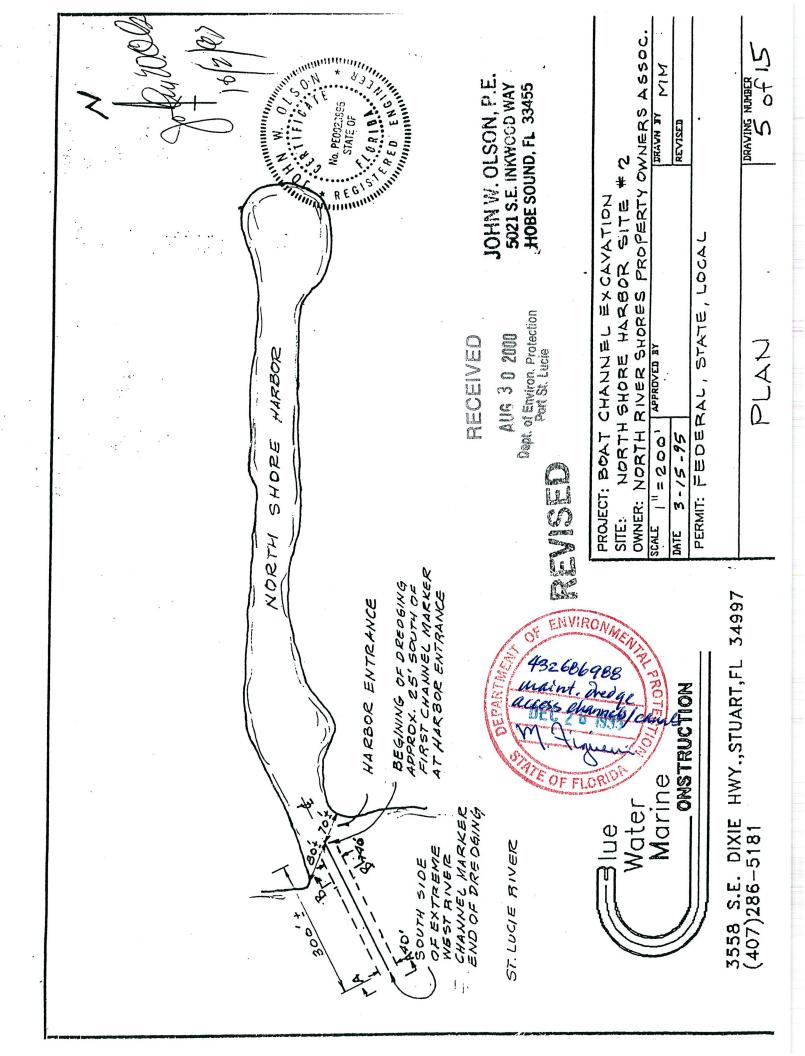
<u>18</u> pages attached

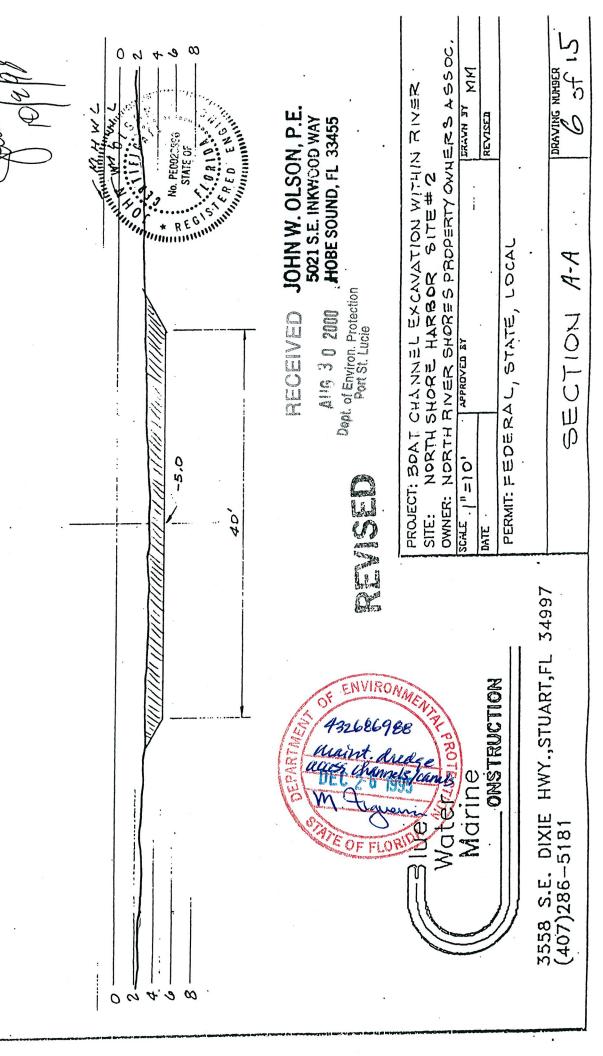


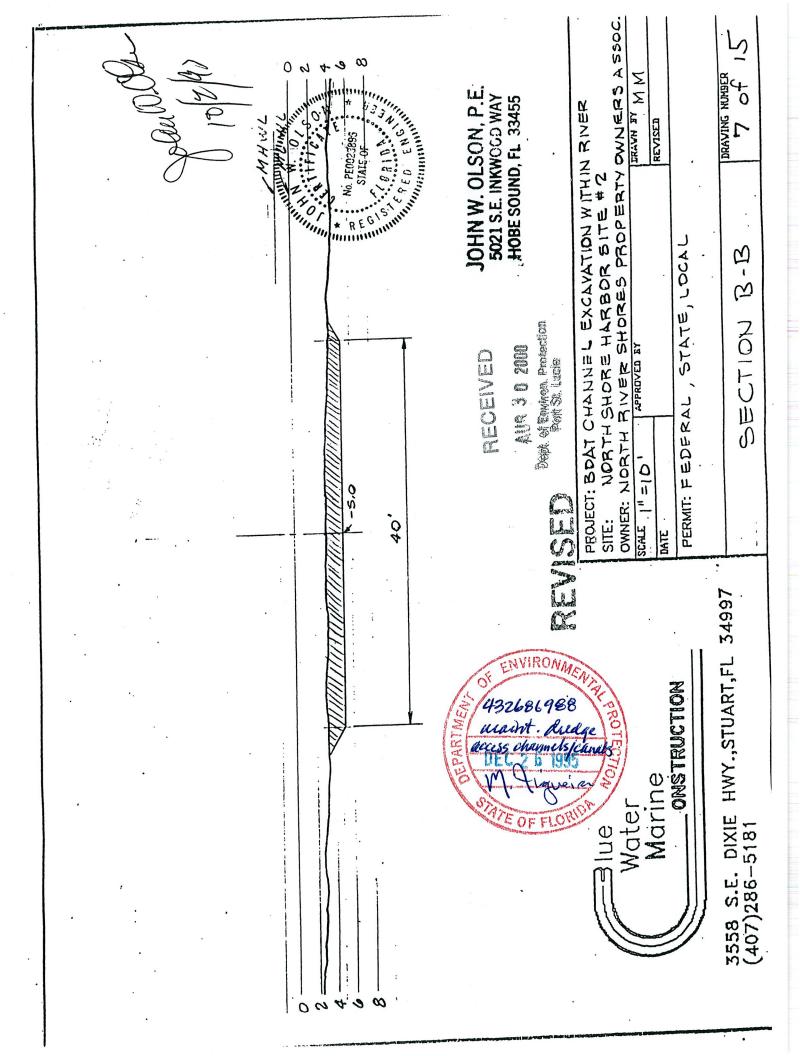


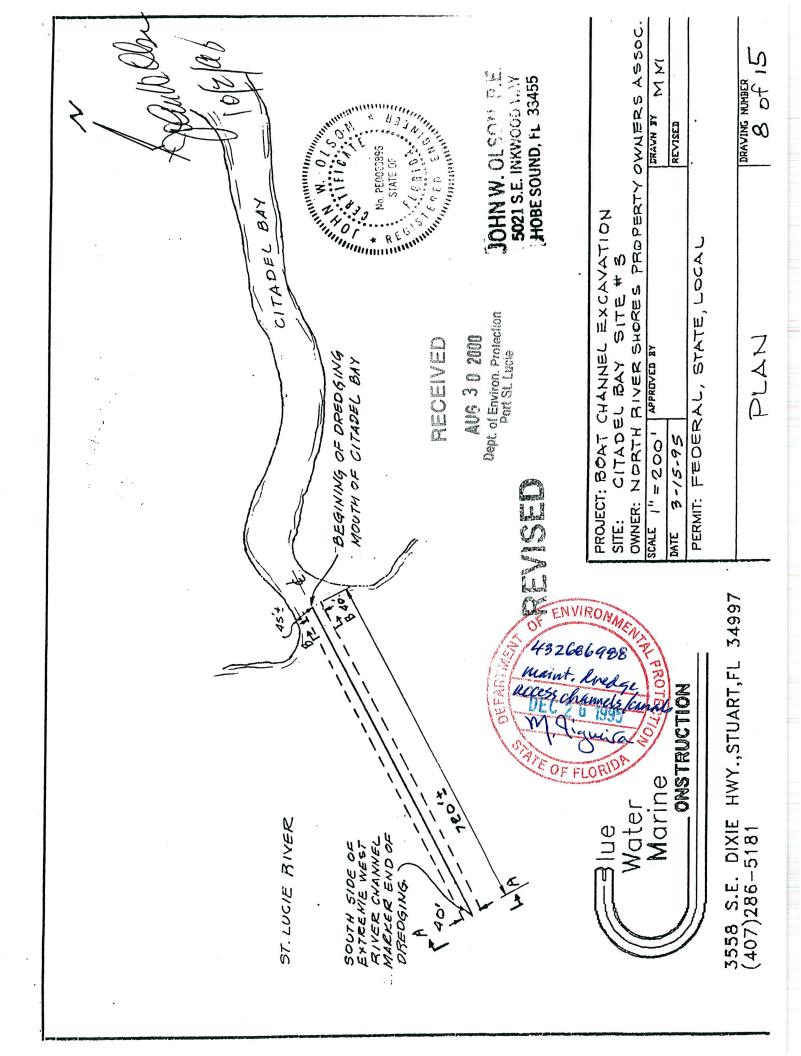


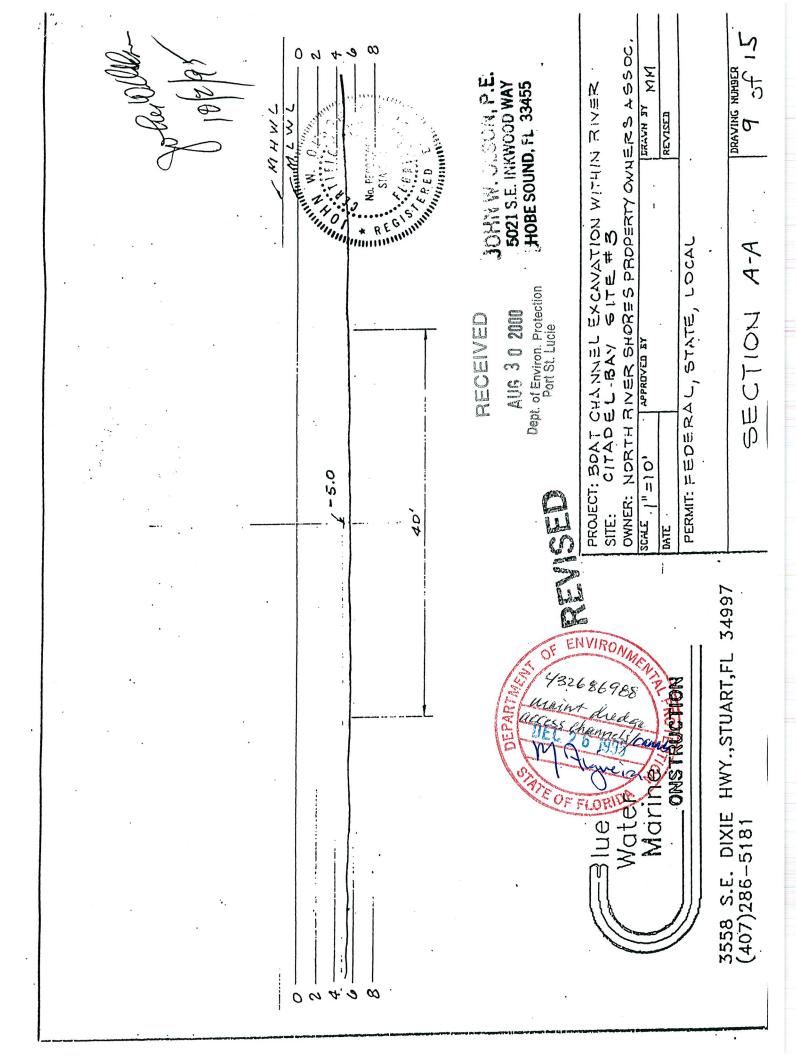


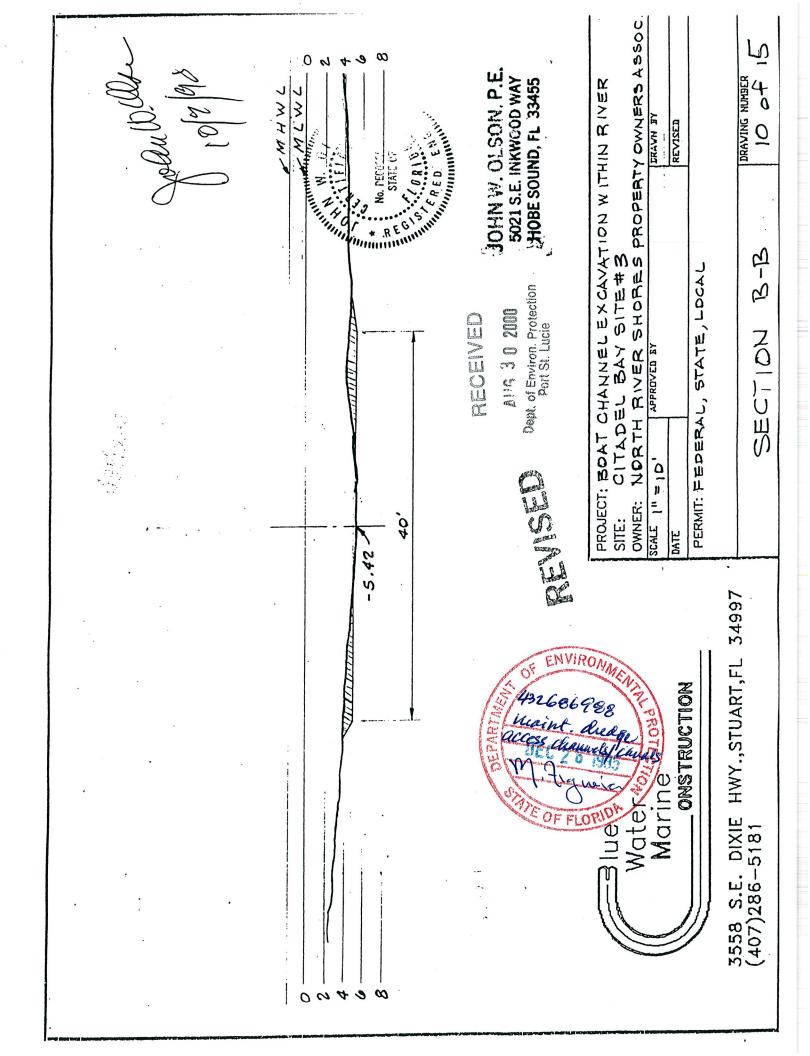


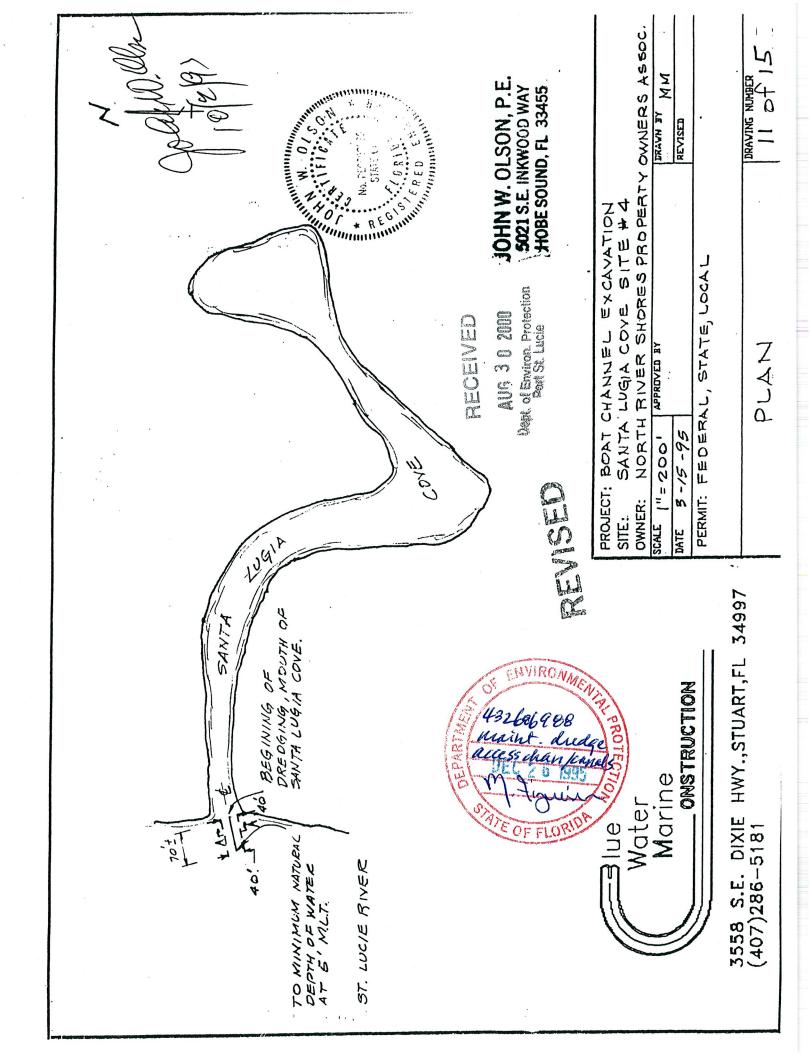


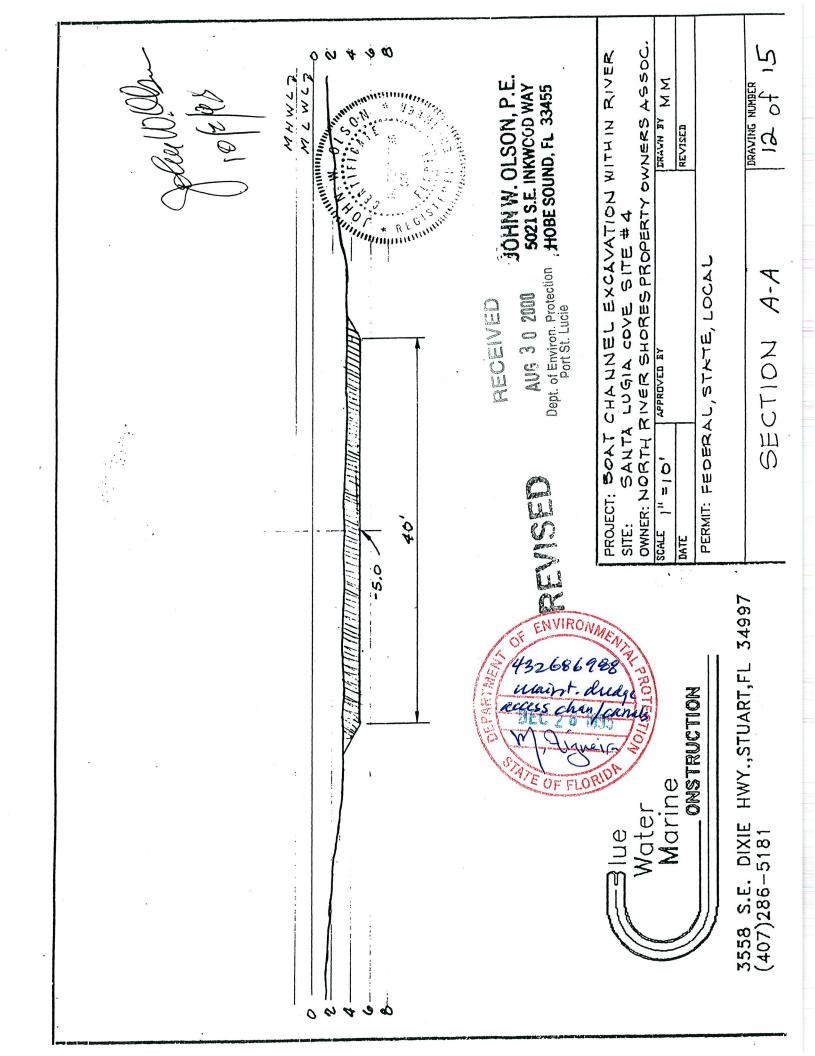


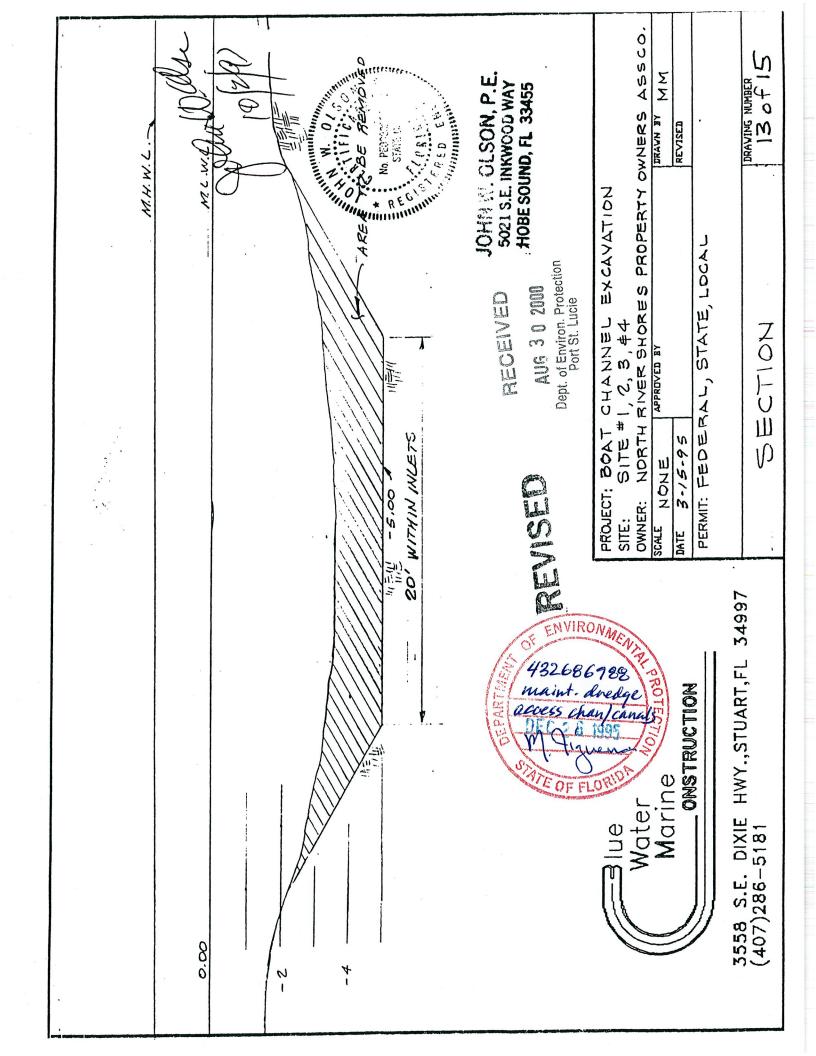


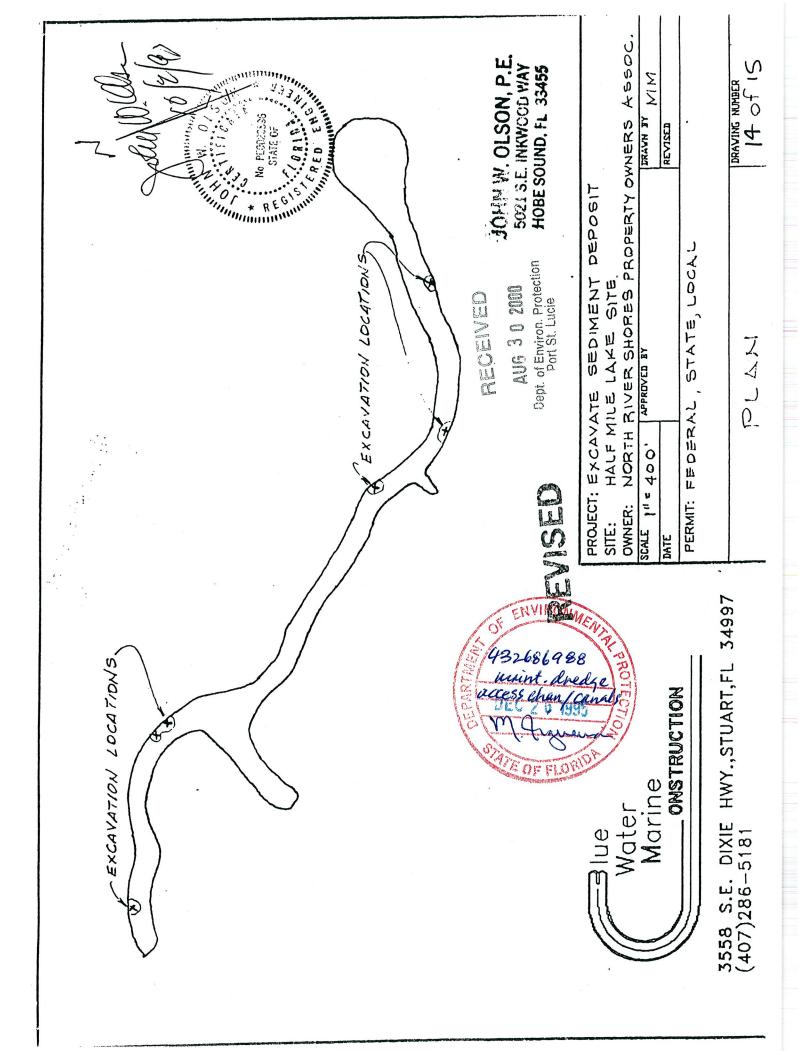


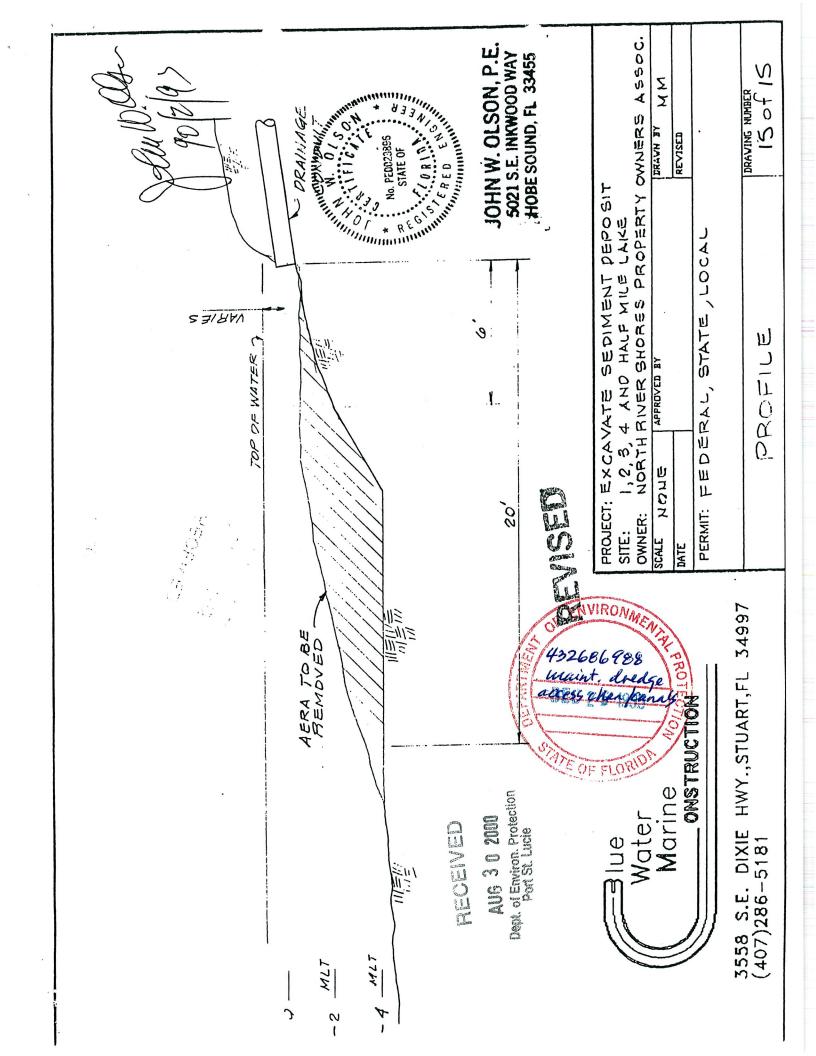


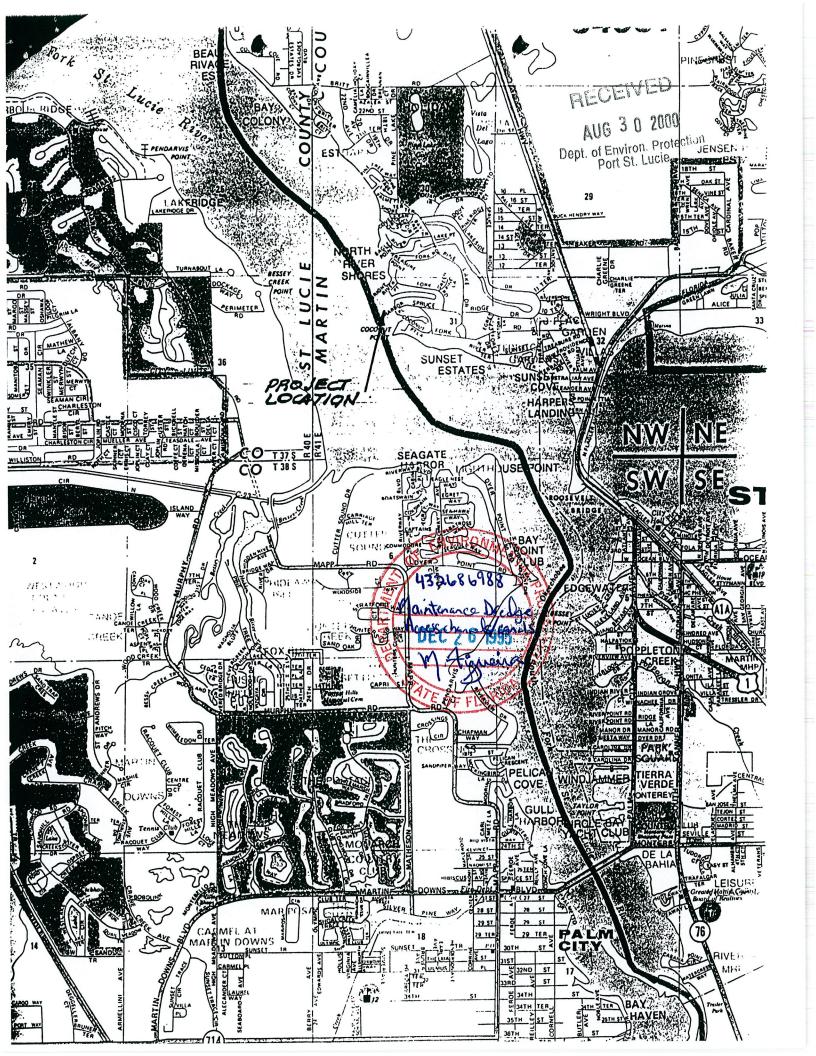


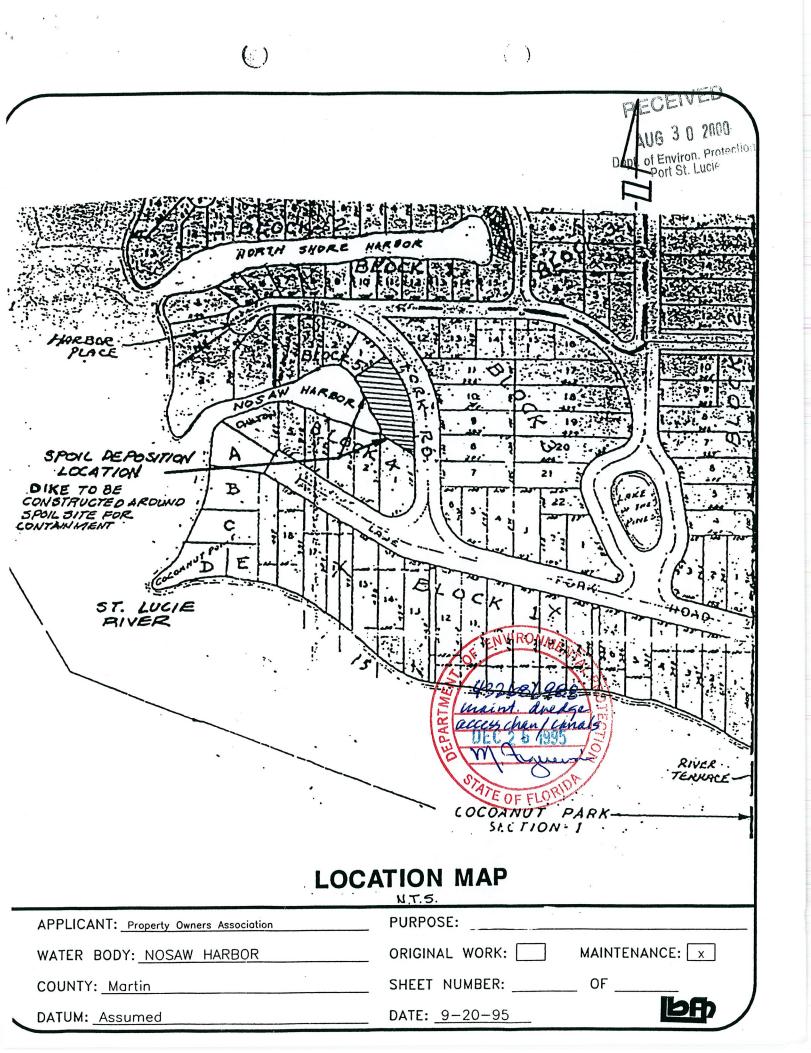












RECEIVED AUG 3 0 2000 Dept. of Environ. Protection Top of Dike Port St. Lucie 1/2 of 24° CAP Boffle Contileve 1/2 of 24° CAP Riser 54 L.F. of 24" CAP SIDE VIEW FRONT VIEW CANTILEVER DETAIL CONTROL STRUCTURE NTS TEMPORARY STOCK PILE AREA Existing Ditch Overflow Riser-Construct Dike Natural Ground SPOIL SITE PERIMETER BERM SPOIL DEPOSITION LOCATION DIKE TO BE CONSTRUCTED AROUND SPOIL SITE FOR Closed Cell Solid Plastic Foam Flotation (6" Dia. Equiv.) (12 Lbs. Per Ft. Buoyancy) CONTAINMENT Polypro Rope HARBOR (600 lb. Breaking 18 Oz. Nylon Reinforced PVC Fobric (300 psi Test) With Lacing Grommets NOSAW Strength) √ Galvanized Chain SHORE LINE LUCIE RIVE FLOATING TURBIDITY BARRIER, TYRICALRONMENTO BE INSTALLED AROUND ALL FLOATING TURBIDITY BARRIER DREDGING ACTIVITIES TYPE I NTS Notes: 1.) Contractor shall install and maintain Type I Floating Turbidity Barrier during all dredging activities. SPOIL 2.) Contractor shall construct and maintain Berm and Overflow Control Structure around perimeter of Spoil Site. NTS E OF FLO APPLICANT: NORTH RIVER SHORES
Property Owners Association PURPOSE: DREDGING PERMIT WATER BODY: NOSAW HARBOR ORIGINAL WORK: MAINTENANCE: X COUNTY: Martin SHEET NUMBER: OF **b**Fb DATUM: None DATE: <u>9-20-95</u>

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