

Franklin County Two Mile Channel Dredging Project



REPLY TO: ☐
BOARD OF COUNTY COMMISSIONERS
33 MARKET STREET, SUITE 203
APALACHICOLA, FL 32320
(850) 653-8861, EXT. 100
(850) 653-4795 FAX

FRANKLIN COUNTY



REPLY TO: ☐
PLANNING & BUILDING DEPARTMENT
34 FORBES STREET, SUITE 1
APALACHICOLA, FL 32320
(850) 653-9783
(850) 653-9799 FAX

June 21, 2016

Subject: Support for Franklin County Two-Mile Channel Dredging

The Franklin County Board of County Commissioners (BOCC) would like to express full support for the submittal of the Two Mile Channel Dredging project to the Florida State Portal. On June 7, 2016, the BOCC voted unanimously (with one member absent) to direct its staff to submit this project to the State Portal. This project is important and urgent to fisheries and resource access for our community.

The Two Mile Channel must be dredged to maintain navigate of the channel and access to and from Apalachicola Bay. The resources of Franklin County are highly valued and intrinsically tied to economic prosperity and quality of life for the citizens of Franklin County. As such, this project is a high priority for our community and we support an application for funding this project.

Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

William Massey,
Franklin County BOCC Chairman



CITY OF APALACHICOLA

1 Avenue E • Apalachicola, Florida 32320 • 850-653-9319 • Fax 850-653-2205

www.cityofapalachicola.com

Mayor

Van W. Johnson, Sr.

June 14, 2016

Commissioners

Brenda Ash

John M. Bartley, Sr.

Frank Cook

James L. Elliott

To Whom It May Concern:

The purpose of this correspondence is to note for the record the unwavering support of the Apalachicola Board of City Commissioners towards the dredging of the two-mile channel.

City Administrator

Lee H. Mathes, MMC

The importance of the channel to the economy of Franklin County cannot be understated, as it provides safe access to the western end of Apalachicola Bay for both commercial and sports fishermen.

City Clerk

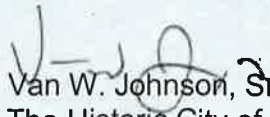
Deborah Guillotte, CMC

In addition, the dredging is absolutely necessary because the channel has filled in to the point where there are obstacles that need to be immediately removed.

City Attorney

J. Patrick Floyd

With warm regards,



Van W. Johnson, Sr., Mayor

The Historic City of Apalachicola, Florida

Established in the year of Our Lord 1831



June 28, 2016

Alan Pierce, Restore Coordinator
Franklin County Board of County Commissioners (BOCC)
34 Forbes Street, Suite 1
Apalachicola, FL 32320

Subject: Support for Franklin County Two-Mile Channel Dredging

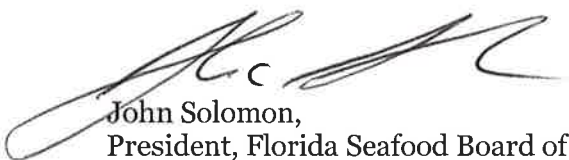
Dear Mr. Pierce:

The Florida Seafood Festival would like to express full support for the submittal of the Two Mile Channel Dredging project to the Florida State Portal. We understand the urgency and importance of this project as it relates to fisheries and resource access for our community.

We know that the Two Mile Channel must be dredged to maintain navigate of the channel and access to and from Apalachicola Bay. The resources of Franklin County are highly valued and intrinsically tied to economic prosperity and quality of life for the citizens of Franklin County. As such, this project is a high priority for our community and we support an application for funding this project.

Please do not hesitate to contact me if I may be of further assistance.

Sincerely,



John Solomon,
President, Florida Seafood Board of Directors



June 28, 2016

Alan Pierce, Restore Coordinator
Franklin County Board of County Commissioners (BOCC)
34 Forbes Street, Suite 1
Apalachicola, FL 32320

Subject: Support for Franklin County Two-Mile Channel Dredging

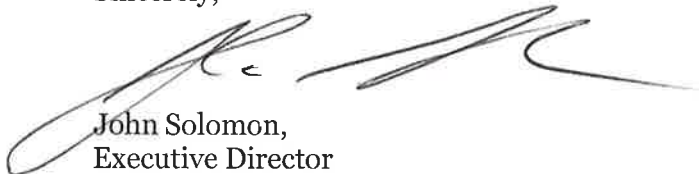
Dear Mr. Pierce:

The Apalachicola Bay Chamber of Commerce would like to express full support for the submittal of the Two Mile Channel Dredging project to the Florida State Portal. We understand the urgency and importance of this project as it relates to fisheries and resource access for our community.

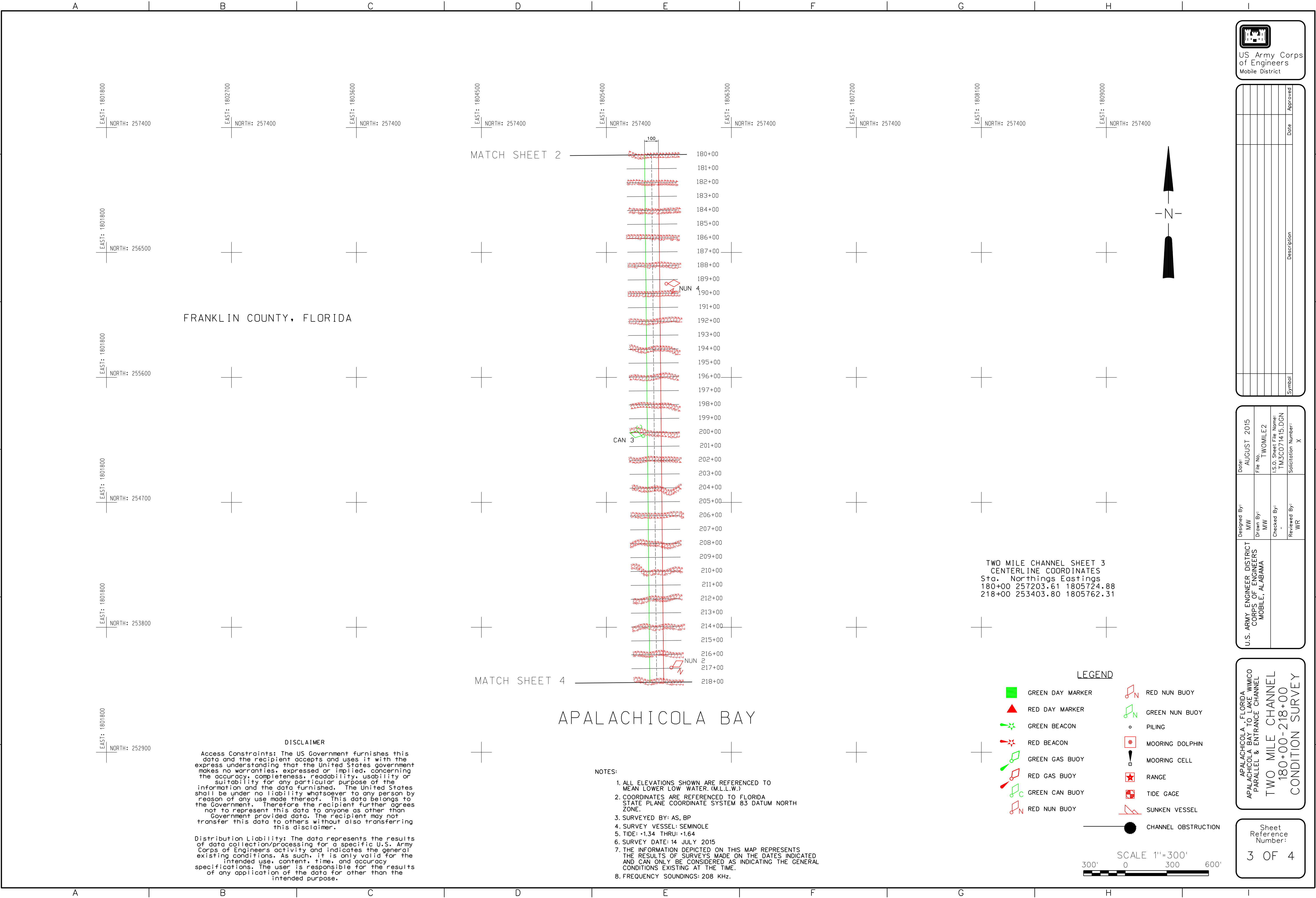
We know that the Two Mile Channel must be dredged to maintain navigate of the channel and access to and from Apalachicola Bay. The resources of Franklin County are highly valued and intrinsically tied to economic prosperity and quality of life for the citizens of Franklin County. As such, this project is a high priority for our community and we support an application for funding this project.

Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John Solomon".

John Solomon,
Executive Director



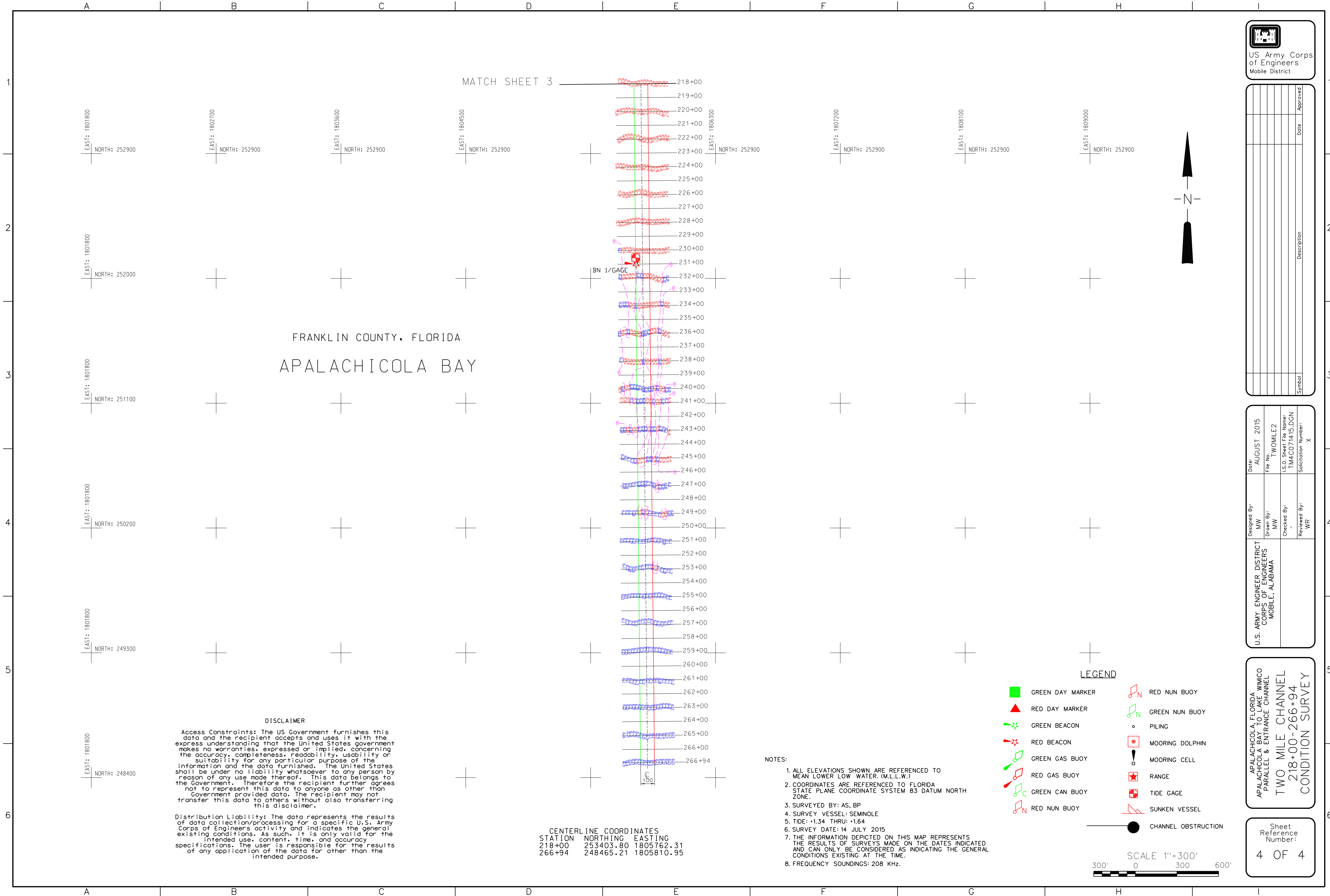
[illegible]

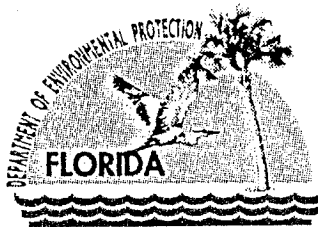
U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS MOBILE, ALABAMA	Drawn By: MW	File No. TWOMILE2	AUGUST 2015
	Checked By: -	ISO Sheet File Name: TM4C071415.DGN	
	Reviewed By: WR	Solicitation Number: X	

APALACHICOLA BAY TO LAKE WIMICO
PARALLEL & ENTRANCE CHANNEL
TWO MILE CHANNEL
218+00-266+94
CONDITION SURVEY

Sheet
Reference
Number:

- OF 4





Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

March 21, 2000

U. S. Army Corps of Engineers
c/o Mr. Curtis M. Flakes, Chief
Planning and Environmental Division
Post Office Box 2288
Mobile, Alabama 36628-0001

Permit No. 0161946-001-DF, Franklin County
U. S. Army Corps of Engineers, Mobile District
Two Mile Channel Maintenance Dredging

Dear Mr. Flakes:

Your request for a Wetland Resource Permit, issued pursuant to Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code, has been approved by the Department. Please read the enclosed permit and permit conditions closely before starting construction. Particularly note the permit conditions pertaining to written reports which must be submitted to the Department at specified times.

This permit and sovereign submerged lands authorization are hereby granted unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57, Florida Statutes, as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under section 120.573, F.S., is not available for this proceeding.

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 redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit and sovereign submerged lands authorization 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/consent of use automatically becomes only proposed agency

Notice of Permit Issuance
U. S. Army Corps of Engineers, Mobile District
Permit No. 0161946-001-DF
Page 2

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/consent of use 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, 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 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 judge upon the filing of a motion in compliance with rule 28-106.205, F.A.C.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(1), 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), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under section 120.60(3), F.S., 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, F.S.

In accordance with rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information:

Notice of Permit Issuance
U. S. Army Corps of Engineers, Mobile District
Permit No. 0161946-001-DF
Page 3

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

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 review before the Land and Water Adjudicatory Commission must be filed

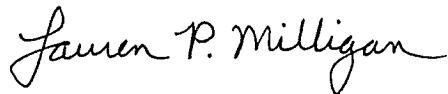
Notice of Permit Issuance
U. S. Army Corps of Engineers, Mobile District
Permit No. 0161946-001-DF
Page 4

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.

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in rule 62-110.106, F.A.C., a person may request a copy of the agency action. The Department shall upon receipt of such a request, if agency action has occurred, promptly provide the person with notice. The Department does not require notice of this agency action to be published. However, the applicant may elect to publish notice as prescribed in rule 62-110.106, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition.

Please direct any questions regarding this document to me by letter at the above address (add Mail Station 300), or by telephone at (850) 487-4471, ext. 141.

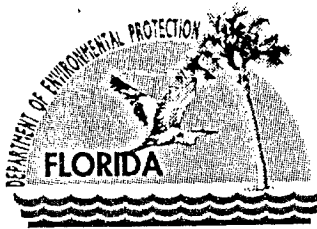
Sincerely,



Lauren P. Milligan
Environmental Specialist
Office of Beaches and Coastal Systems

Enclosures

cc: Connie Krystof, DEP, Northwest District
Gerry Neubauer, DEP, Tallahassee Branch Office
Woody Miley, DEP, ANERR, Eastpoint
Susan Rees, USACOE, Mobile
✓ Glenn Harbin, USACOE, Mobile
Terry Jangula, USACOE, Panama City Area Office
Gail Carmody, USFWS, Panama City
Alan Huff, FWCC, FMRI, St. Petersburg
Alan Pierce, Franklin County
Susan Anderson, Apalachicola Bay and Riverkeeper
DEP, OBCS Permit Information Center
DEP, OBCS File



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

CONSOLIDATED WETLAND RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

U. S. Army Corps of Engineers
c/o Mr. Curtis M. Flakes, Chief
Planning and Environmental Division
Post Office Box 2288
Mobile, Alabama 36628-0001

Permit/Authorization No.: 0161946-001-DF
Date of Issue: March 21, 2000
Expiration Date: March 21, 2010
County: Franklin
Project: Two Mile Channel Maintenance Dredging

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

ACTIVITY DESCRIPTION:

The project is to maintenance dredge approximately 450,000 cubic yards of sediment initially and approximately 50,000 cubic yards of sediment every 2-3 years from the Two Mile Channel. The channel will be dredged to a design depth of -6 ft. MLW plus 2 ft. advanced maintenance and 2 ft. allowable overdepth and dredged material placed in a 40-acre upland disposal site on Apalachicola Airport property north of U. S. Highway 98.

ACTIVITY LOCATION:

Located in Apalachicola Bay south of the City of Apalachicola, Franklin County, Class II Waters prohibited and conditionally restricted for shellfish harvesting, Apalachicola Bay Aquatic Preserve and Apalachicola National Estuarine Research Reserve - Outstanding Florida Waters.

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act. This permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341. In addition, the Department has determined, pursuant to Section 380.0651(3)(e), F.S., that the facility is located so that it will not adversely impact Outstanding Florida Waters or Class II waters, and will not contribute to boat traffic in a manner that will adversely impact the manatee.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapters 253 and 258, F.S., Chapters 18-20 and 18-21, F.A.C., Section 62-312.065, F.A.C., and the policies of the Board of Trustees.

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

The above named permittee is hereby authorized to construct the work shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit and authorization to use sovereign submerged lands are subject to the limits, conditions, and locations of work shown in the attached drawings, and are also subject to the General Conditions and Specific Conditions, which are a binding part of this permit and authorization.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities.

GENERAL CONDITIONS:

1. 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, 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.

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 Sections 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, 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 Rules 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).

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.

SPECIFIC CONDITIONS:

1. If historical or archaeological artifacts, such as, but not limited to, Indian canoes, arrowheads, pottery or physical remains, are discovered at any time within the project site, the permittee shall immediately stop dredging in the affected area and notify DEP and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, phone no. (850) 487-2333.

2. At least seven (7) days prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction. All documents relating to the permit shall be sent to the DEP Northwest District Office, 160 Governmental Center, Suite 202, Pensacola, Florida 32501-5794, phone no. (850) 595-8300, and the DEP Office of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, phone no. (850) 487-4471.

3. If oyster beds are encountered within the Two Mile Channel dredging area, DEP shall be notified within five (5) working days. All oyster beds and clumps found in the channel shall be removed and relocated to adjacent uncolonized inter-tidal areas, prior to the commencement of any dredging activities in the channel. Total number, size, and location of relocated oyster clumps shall be recorded and reported to the Department within seven (7) days of completion of relocation.

4. Best management practices shall be used at all times during dredging operations to minimize turbidity at the dredge and disposal sites. The upland disposal site shall be constructed

and maintained in a manner that minimizes the discharge of turbid waters into waters of the state. Turbidity shall be monitored at the dredge and disposal sites as specified in the monitoring required section of this permit.

5. Due to the proximity of the upland disposal site to the Apalachicola Airport and the potential for birds to be attracted to this site during disposal operations, which may create hazardous conditions for airplanes using the airport, runways 36 and 31 shall be closed to landings and runways 18 and 13 shall be closed to take-offs for the duration of the dredging project. In lieu of these runway closings, bird control methodologies acceptable to the U. S. Department of Agriculture and Federal Aviation Administration shall be employed to discourage use of the site by birds for the duration of the project or until daily monitoring over time shows that birds are not attracted to the site.

6. To protect Gulf sturgeon that may be moving through, resting or feeding in the project area, the permittee shall:

- a. Include the Terms and Conditions of the U. S. Fish and Wildlife Service (USFWS) Biological Opinion in all revised dredging plans and specifications, work orders and any modifying documents and provide all above revised documents to the USFWS for review.
- b. Suspend dredging operations when notified by USFWS personnel or cooperators.
- c. Operate the dredge in a manner that will reduce the risk of entraining Gulf sturgeon, such as disengaging the dredge pump when the cutterhead is above the substrate and avoiding pump and pipe flushing from the bottom of the water column.
- d. Verbally report any Gulf sturgeon takes to the USFWS and Florida Fish and Wildlife Conservation Commission (FWCC) within 24 working hours. A report summarizing the circumstances of the mortality and the recoverable body parts shall be forwarded to the USFWS, 1612 June Avenue, Panama City, Florida 32405-3721.
- e. Instruct all personnel associated with the project of the potential presence of Gulf sturgeon and provide and explain the USFWS Reasonable and Prudent Measures and Terms and Conditions.
- f. Advise all construction personnel that there are prohibitions and civil penalties for taking, harming, or harassing Gulf sturgeon.
- g. Make all information, records, and observations regarding dredge production available to the USFWS for determination of compliance with the Terms and Conditions.

7. In order to ensure that manatees are not adversely affected by the dredging activities authorized by this permit, the permittee shall:

a. 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. 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 of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.

c. Construct and display at least two temporary signs (placards) concerning manatees prior to commencement of construction. For all vessels, a temporary sign (at least 8.5" X 11") reading **"Manatee Habitat/Idle Speed In Construction Area"** shall be placed in a prominent location visible to employees operating the vessels. In the absence of a vessel, a temporary sign (at least 2' X 2') reading **"Caution: Manatee Area"** shall be posted in a location prominently visible to land based, water-related construction crews.

A second temporary sign (at least 8.5" X 11") reading **"Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A 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) and the U. S. Fish and Wildlife Service at (1-904-232-2580) for north Florida or (1-561-562-3909) for south Florida."** shall be located prominently adjacent to the displayed issued construction permit. Temporary notices are to be removed by the permittee upon completion of construction.

d. Properly secure siltation barriers so that manatees cannot become entangled and monitor at least daily to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from essential habitat.

e. Operate all vessels associated with the project at "no wake/idle speed" at all times while in the construction 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.

f. Implement all appropriate precautions to ensure protection of the manatee if a manatee(s) is seen within 100 yards of the active daily construction/dredging operation. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities shall not resume until the manatee(s) has departed the project area of its own volition.

g. Immediately report any collision with and/or injury to a manatee to the "Manatee Hotline" at 1-800-DIAL-FMP (1-800-342-5367). Collision and/or injury should also be reported to the USFWS in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.

h. Maintain a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. A report summarizing incidents and sightings shall be submitted to the FWCC Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600 and to the USFWS, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216-0912. This report must be submitted within 90 days of completion of the activities conducted in accordance with the permit.

MONITORING REQUIRED:

Water Quality - Turbidity - Nephelometric Turbidity Units (NTUs)

Frequency: Twice daily, at least four hours apart, during all dredging and during discharges from the disposal site.

Locations: Background: At mid-depth, at least 300 meters upcurrent from the dredge or the discharge point of return water to the bay, outside of any visible turbidity plume.

Compliance: At mid-depth, no more than 150 meters downcurrent from the dredge or the discharge point of return water to the bay, in the densest portion of any visible turbidity plume.

Weekly summaries of the turbidity monitoring data shall be submitted to the Office of Beaches and Coastal Systems and to the Northwest District Office within one week of analysis with documents containing the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations; and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken:

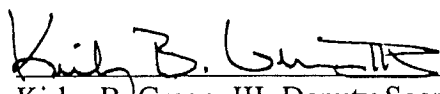
- (a) time of day samples taken;
- (b) depth of water body;
- (c) depth of sample;
- (d) antecedent weather conditions;
- (e) tidal stage and direction of flow; and
- (f) wind direction and velocity.

The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals that turbidity levels at the compliance site within Outstanding Florida Waters exceed turbidity levels at the background site, construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the Northwest District Office in Pensacola at (850) 595-8300 and the Office of Beaches and Coastal Systems in Tallahassee at (850) 487-4471 within 24 hours of the time the violation is first detected.

Failure to submit monitoring reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the DEP, please clearly include, at the top of each page or as a cover page to the submittal: **"This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0161946-001-DF."**

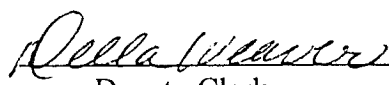
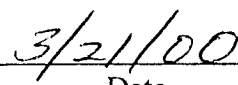
Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Kirby B. Green, III, Deputy Secretary

FILING AND ACKNOWLEDGMENT

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

 
Deputy Clerk Date

APALACHICOLA BAY FLORIDA

REVISED TO 30 SEPTEMBER 1989

OFFICE OF THE DISTRICT ENGINEER
MOBILE, ALABAMA

PERMIT NO. 161946001-DF

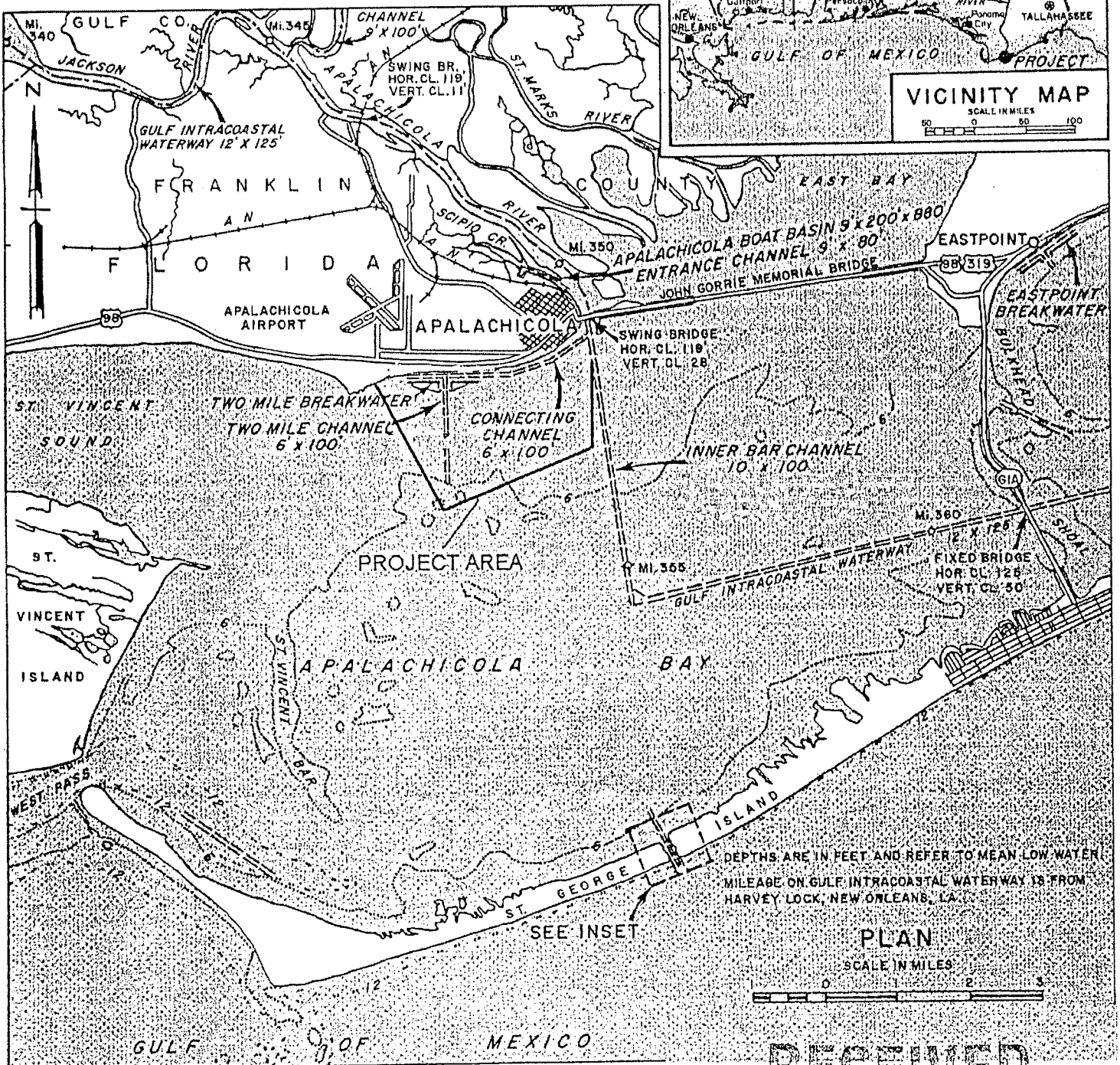
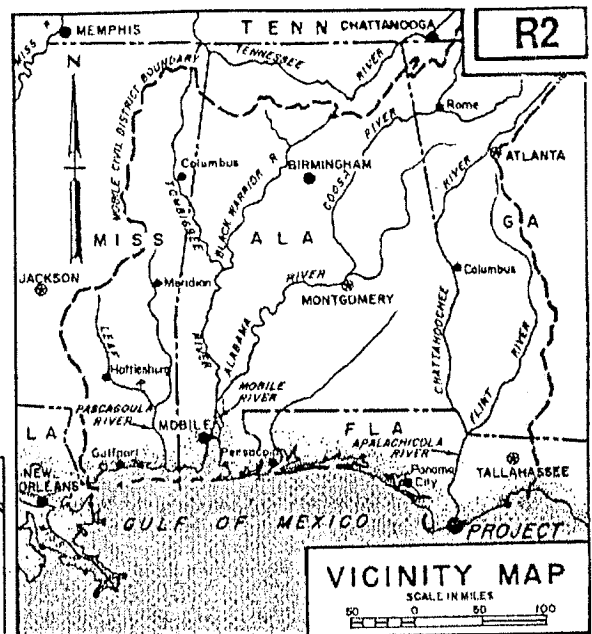


Figure 1

OCT 25 1999

BUREAU OF BEACHES
& COASTAL SYSTEMS

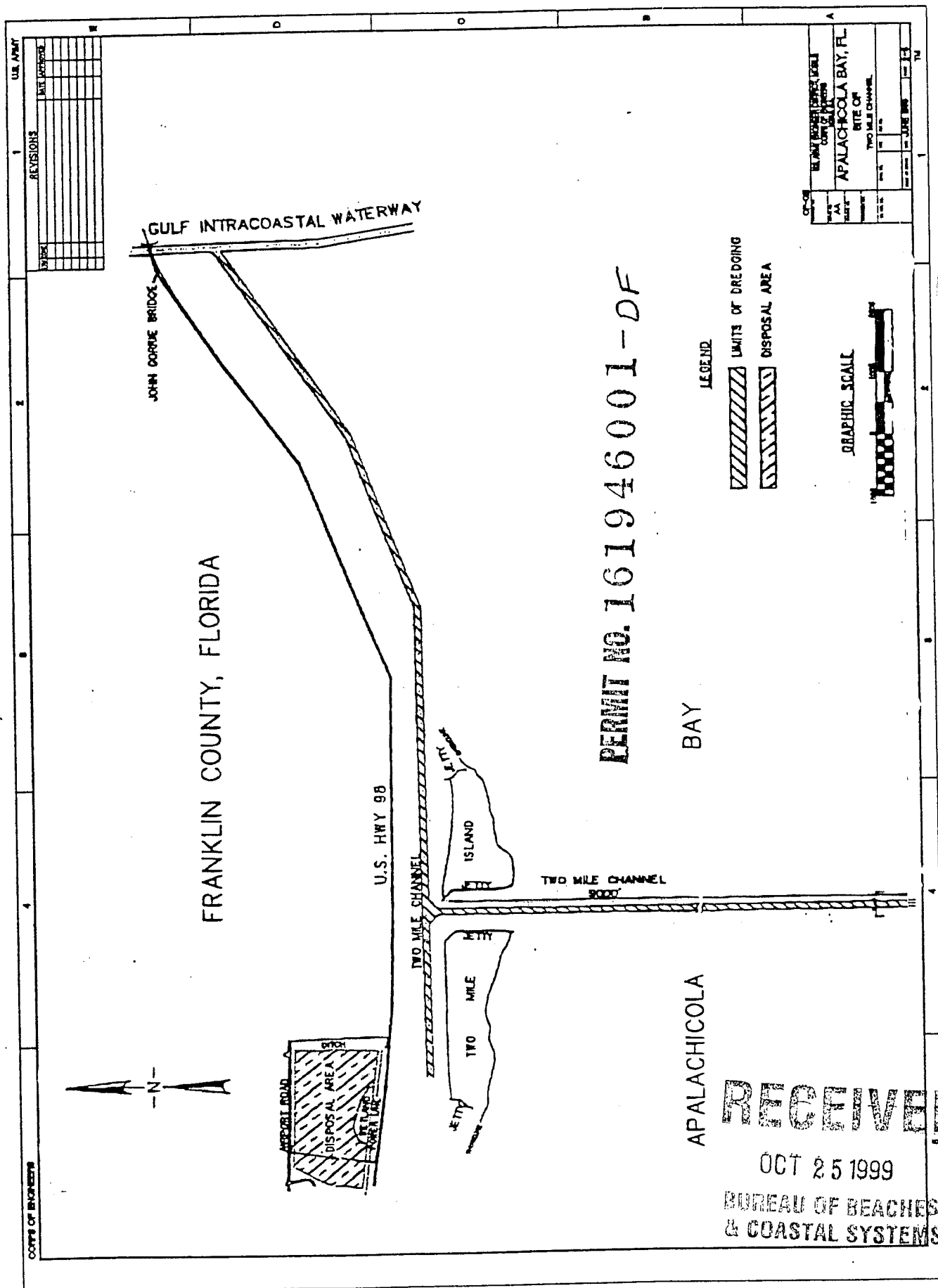
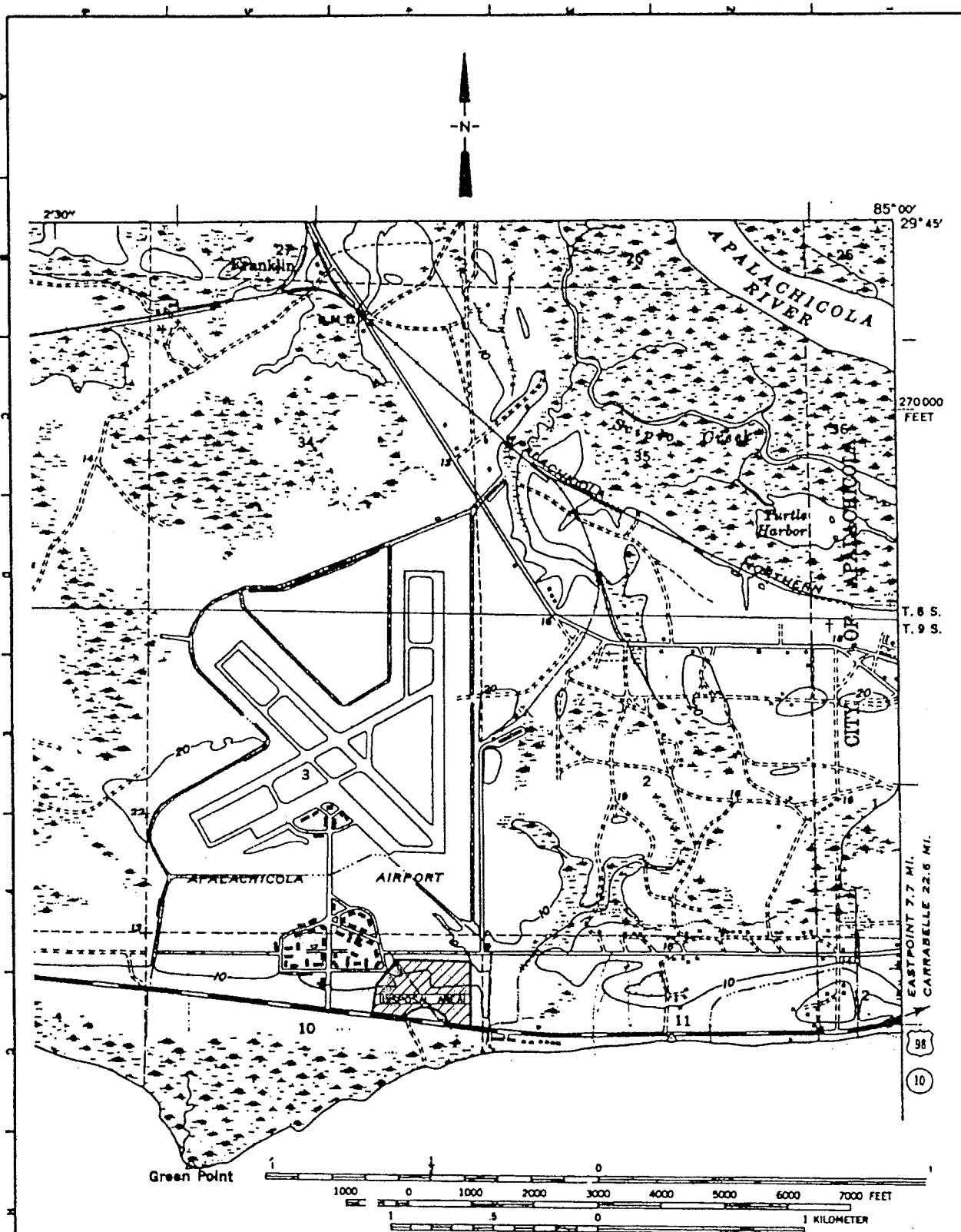


Figure 2

RECEIVED

MAR 14 2000

OFFICE OF BEACHES
& COASTAL SYSTEMS



1101	Franklin County, Georgia Apalachicola River District 10000
------	--

DISPOSAL AREA LOCATION MAP

U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS WATER RESOURCES DIVISION	DATE 01 DEC 99
---	-------------------

PROJECT NO.	161946001-DF
PROJECT NAME	DISPOSAL AREA LOCATION MAP
PROJECT LOCATION	Franklin County, Georgia
PROJECT STATUS	Completed

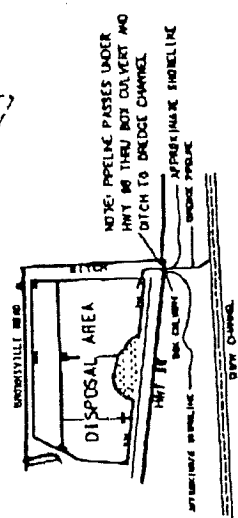
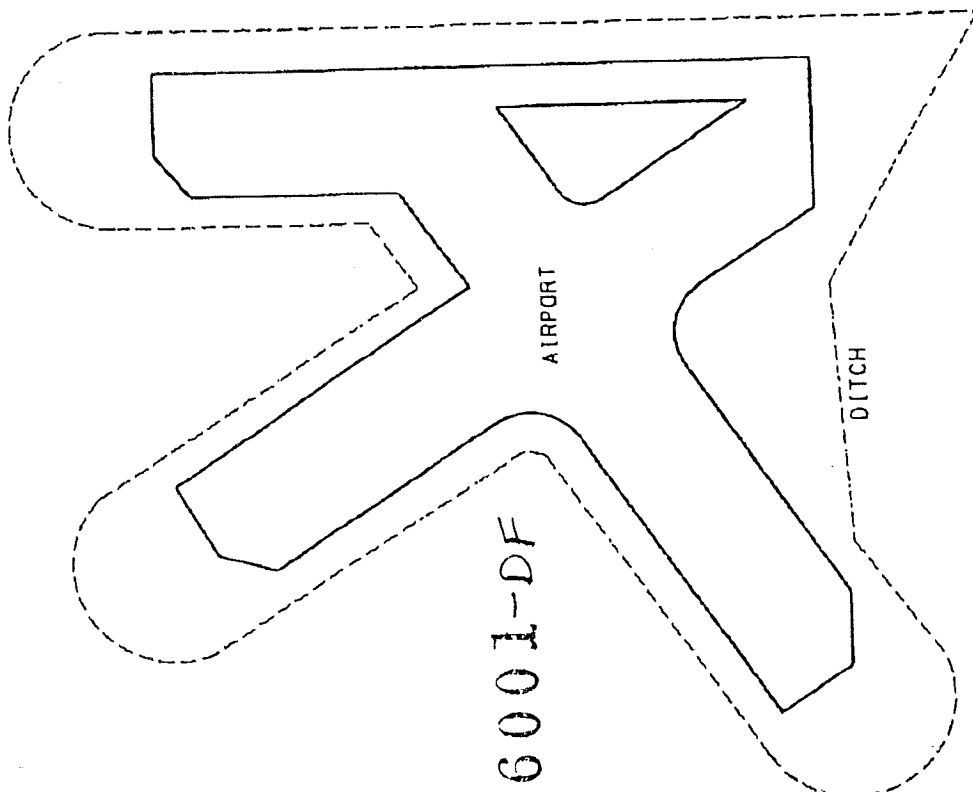
U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS WATER RESOURCES DIVISION

XX-X
1957

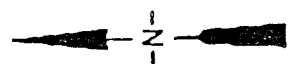
NOT TO SCALE

DISPOSAL AREA
SITE OF
AIRPORT

1	2	3
4	5	6
7	8	9
10	11	12
13	14	15
16	17	18
19	20	21
22	23	24
25	26	27
28	29	30
31	32	33
34	35	36
37	38	39
40	41	42
43	44	45
46	47	48
49	50	51
52	53	54
55	56	57
58	59	60
61	62	63
64	65	66
67	68	69
70	71	72
73	74	75
76	77	78
79	80	81
82	83	84
85	86	87
88	89	90
91	92	93
94	95	96
97	98	99
100	101	102
103	104	105
106	107	108
109	110	111
112	113	114
115	116	117
118	119	120
121	122	123
124	125	126
127	128	129
130	131	132
133	134	135
136	137	138
139	140	141
142	143	144
145	146	147
148	149	150
151	152	153
154	155	156
157	158	159
160	161	162
163	164	165
166	167	168
169	170	171
172	173	174
175	176	177
178	179	180
181	182	183
184	185	186
187	188	189
190	191	192
193	194	195
196	197	198
199	200	201
202	203	204
205	206	207
208	209	210
211	212	213
214	215	216
217	218	219
220	221	222
223	224	225
226	227	228
229	230	231
232	233	234
235	236	237
238	239	240
241	242	243
244	245	246
247	248	249
250	251	252
253	254	255
256	257	258
259	260	261
262	263	264
265	266	267
268	269	270
271	272	273
274	275	276
277	278	279
280	281	282
283	284	285
286	287	288
289	290	291
292	293	294
295	296	297
298	299	300
301	302	303
304	305	306
307	308	309
310	311	312
313	314	315
316	317	318
319	320	321
322	323	324
325	326	327
328	329	330
331	332	333
334	335	336
337	338	339
340	341	342
343	344	345
346	347	348
349	350	351
352	353	354
355	356	357
358	359	360
361	362	363
364	365	366
367	368	369
370	37	

[illegible]

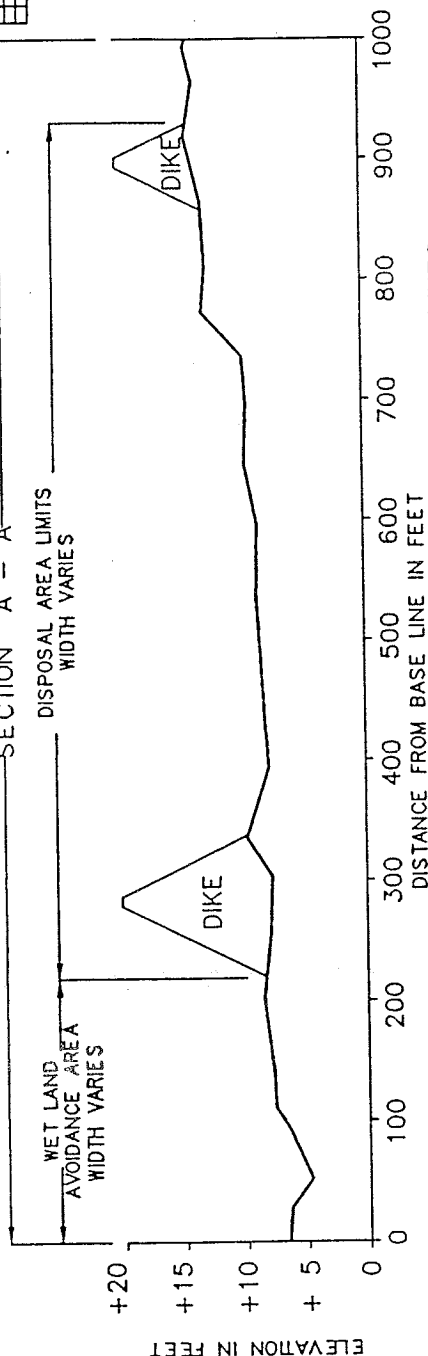
REF ID: A6194601-DF

OFFICE OF BEACHES
& COASTAL SYSTEMS

MAR 14 2000

20
 11
 9
 11
 11
 11
 11
 11

SECTION A - A-



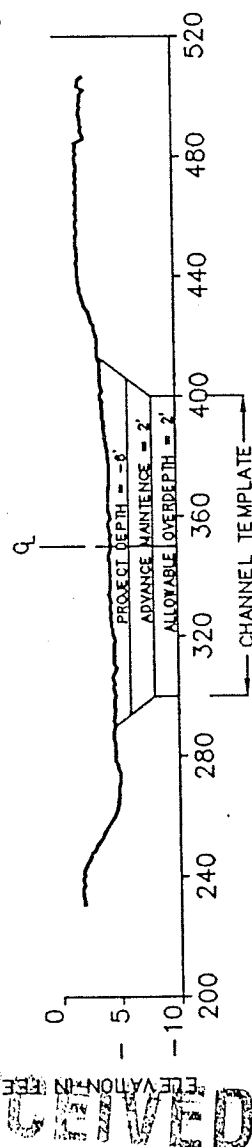
DIKES
HEIGHT: +20'
SLOPE: 2:1
CROWN WIDTH: 8'

SCALE
HORIZ: 1" = 100'
VERT: 1" = 10'

NOTE: TOE OF DIKE SHALL BE AT LEAST 10' FROM BOUNDRIES OF WET LANDS

TYPICAL CHANNEL SECTION

STATION 79+00



SCALE
HORIZ: 1" = 40'
VERT: 1" = 10'

DISTANCE FROM BASE LINE IN FEET

CHANNEL TEMPLATE
WIDTH: 100' SLOPE: 3:1
DEPTH: -6'
ADVANCE MAINTENANCE: 2'
ALLOWABLE OVERDEPTH: 2'

Figure 4

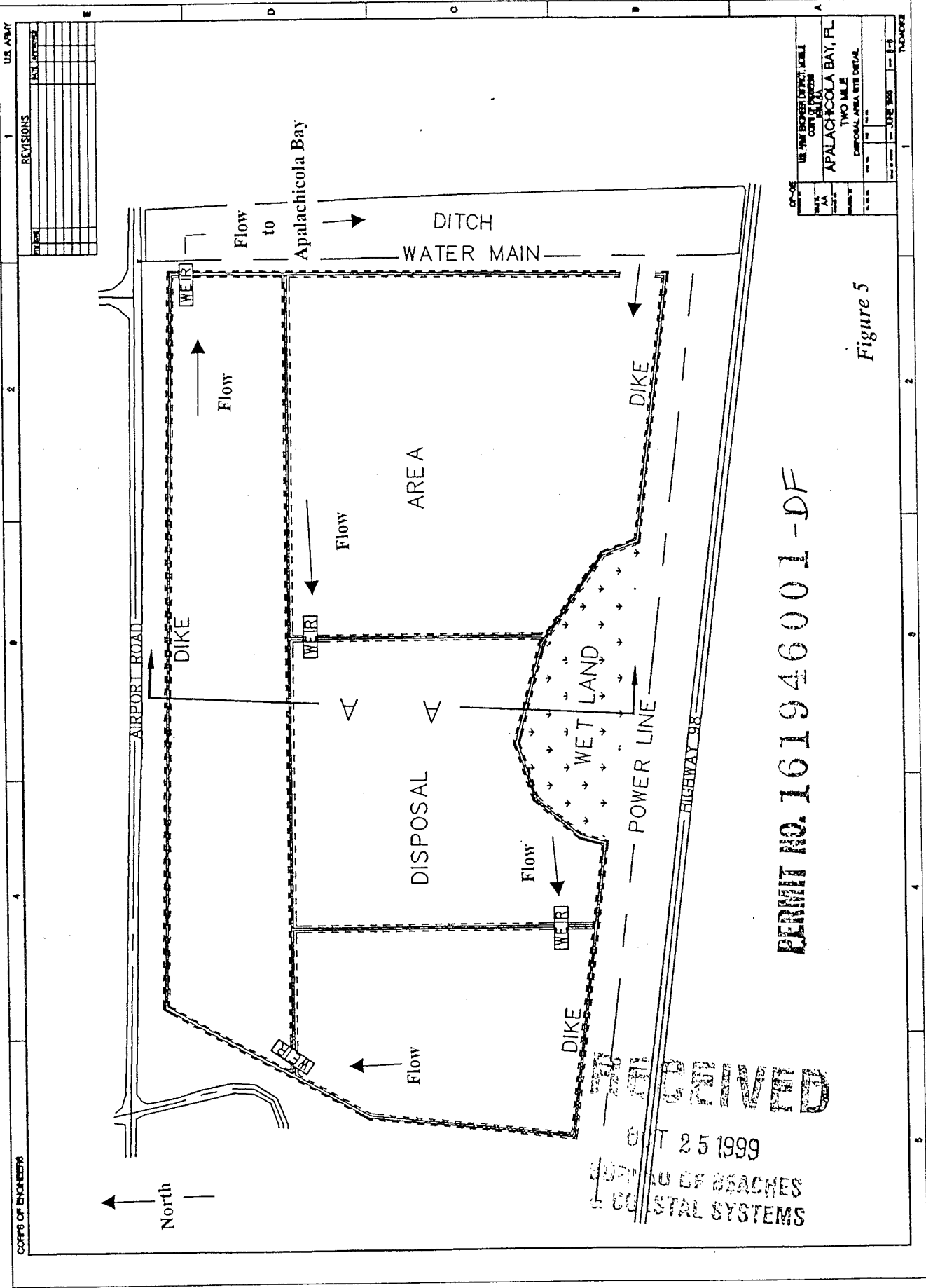
REF ID: A6194601-DF

OCT 25 1999
BUREAU OF BEACHES
& COASTAL SYSTEMS

RECEIVED

OCT 25 1999

07-08		US ARMY BROWER DISTRICT, MOBILE COMD OF INDIANAS MILITARY	APALACHICOLA BAY, FL TWO MILE TYPICAL DVA + CHANNEL SECTIONS			JUNE 1968	P-1
-------	--	---	--	--	--	-----------	-----



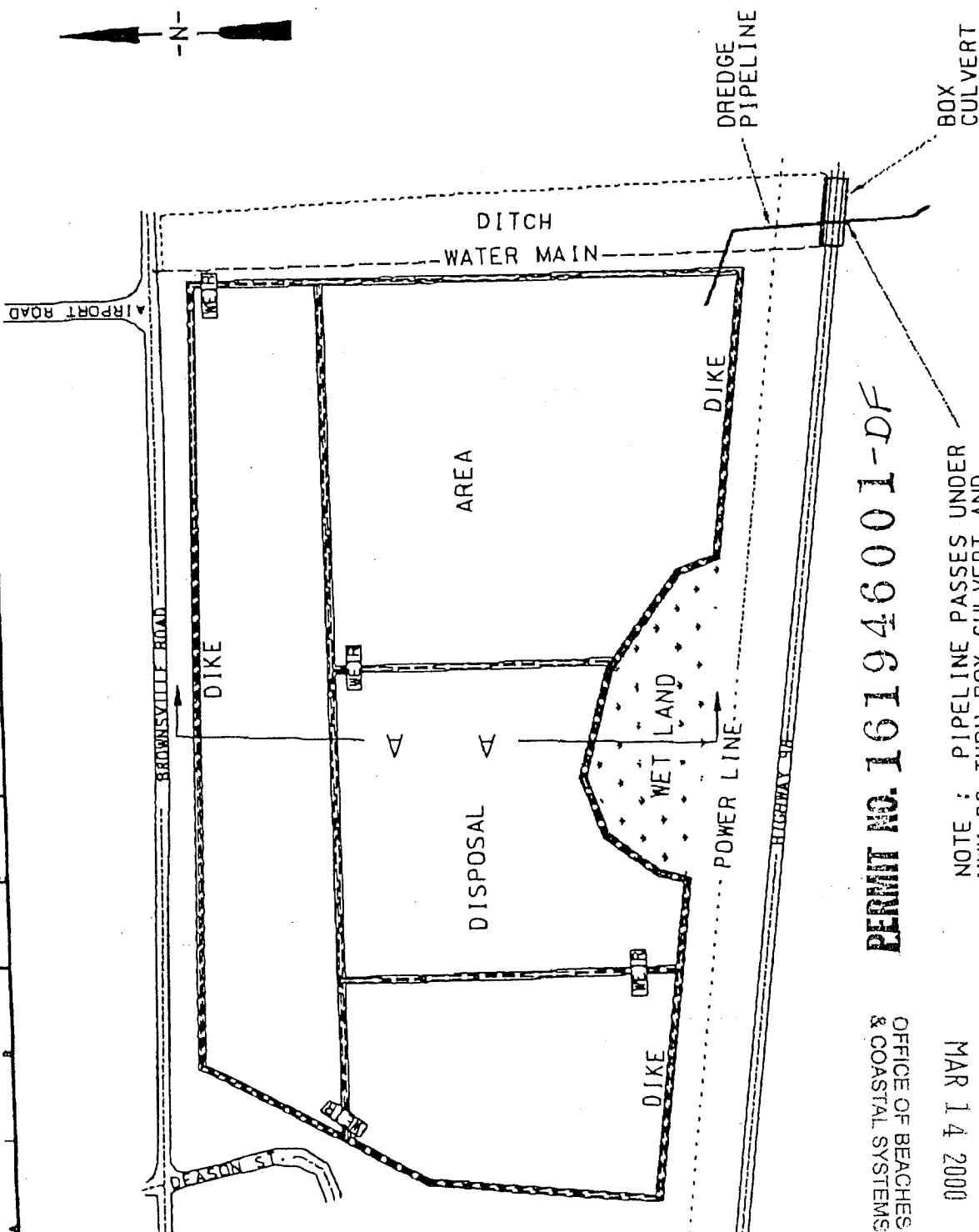
RECEIVED

MAR 14 2000

OFFICE OF BEACHES
& COASTAL SYSTEMS

PERMIT NO. 161946001-DF

NOTE : PIPELINE PASSES UNDER
HWY 98 THRU BOX CULVERT AND
TO DREDGE CHANNEL.



NO. 161946001-DF

DISPOSAL AREA
DETAIL

DATE	10/1/99
BY	W. J. B. / J. M. B.
FOR	DISPOSAL AREA
NO.	161946001-DF

NO.	161946001-DF
DATE	10/1/99
BY	W. J. B. / J. M. B.
FOR	DISPOSAL AREA
NO.	161946001-DF
DATE	10/1/99
BY	W. J. B. / J. M. B.
FOR	DISPOSAL AREA
NO.	161946001-DF
DATE	10/1/99
BY	W. J. B. / J. M. B.
FOR	DISPOSAL AREA



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PERMIT ISSUANCE

The Department of Environmental Protection gives notice that a permit has been issued (File No. 0161946-001-DF) to the U. S. Army Corps of Engineers, c/o Curtis M. Flakes, Chief, Planning and Environmental Division, Post Office Box 2288, Mobile, Alabama 36628-0001, to maintain dredge approximately 450,000 cubic yards of sediment initially and approximately 50,000 cubic yards of sediment every 2-3 years from the Two Mile Channel. The channel will be dredged to a design depth of -6 ft. MLW plus 2 ft. advanced maintenance and 2 ft. allowable overdepth and dredged material placed in a 40-acre upland disposal site on Apalachicola Airport property north of U. S. Highway 98.

The site is located in Apalachicola Bay south of the City of Apalachicola, Franklin County, Class II Waters prohibited and conditionally restricted for shellfish harvesting, Apalachicola Bay Aquatic Preserve and Apalachicola National Estuarine Research Reserve - Outstanding Florida Waters.

A person whose substantial interests are affected by the Department's permitting decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57, Florida Statutes. 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 redetermine 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. Under rule 62-110.106(4), Florida Administrative Code, 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 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 judge upon the filing of a motion in compliance with rule 28-106.205, F.A.C.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(1), 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), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under section

120.60(3), F.S., 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, F.S.

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

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 notice of permit issuance 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 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 that the final order was filed with the Clerk of the Department.

The permit file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the DEP, Office of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201.