



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
STUART REGULATORY OFFICE
218 ATLANTA AVENUE
STUART, FLORIDA 34994

original permit
85IPB ~~21054~~
-21054

October 15, 2002

RECEIVED
OCT 17 2002
ENVIRONMENTAL PROGRAMS

Regulatory Division
South Permits Branch
198501054 (IP-TKA)
Modification

Mr. Marc Bruner
Solid Waste Authority
7501 North Jog Road
West Palm Beach, Florida 33412

Dear Mr. Bruner:

Reference your request received on October 19, 2001, in which you asked to modify Department of the Army permit number 198501054 issued on October 20, 1986, and due to expire on October 20, 2001. The project is located in Section 3, Township 43 south, Range 42 east, and in Sections 22, 27, and 34, Township 42 south, Range 42 east, Palm Beach County, Florida.

The original permit authorized construction of a resource recovery facility and sanitary landfill resulting in 162 acres of fill in wetlands. The modification includes a 20-year permit extension to allow for build out of all permitted landfill cells. The permit extension does not cover additional fill but rather it allows for completion of work described in the original permit.

The impacts of the modification on the environment have been evaluated and found to be insignificant. The permit is hereby modified in accordance with your request and will expire on October 20, 2021. All other conditions of the permit remain in effect. You should attach this letter and the attached drawings to the permit. If you have any questions regarding this letter, please contact Tori Agramonte at the letterhead address or by telephone at 772-781-8085.

Sincerely,

for John R. Hall
Chief, Regulatory Division

Copy furnished:

CESAJ-RD-E/Ivette McGraw

Ted Sentgeorge, 701 Northpoint Pkwy, Suite 100, West Palm Beach,
FL 33407

Application No. _____
 Name of Applicant PALM BEACH COUNTY SOLID WASTE AUTHORITY
 Effective Date OCT 20 1986
 Expiration Date (If applicable) OCT 20 1991

DEPARTMENT OF THE ARMY PERMIT

Referring to written request dated June 5, 1985 for a permit to:

() Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

(X) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344);

() Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1062; P.L. 92-532);

Palm Beach County Solid Waste
 Authority
 5114 Okeechobee Boulevard, Suite 2C
 West Palm Beach, Florida 33417-4575

is hereby authorized by the Secretary of the Army:
 to

place fill in approximately 162 acres of wetlands for a resource recovery facility construction pad, access roads, utility corridor, and sanitary landfill containment cells

in wetlands adjacent to the Florida Turnpike and West Palm Beach Water Catchment Area

at Section 3, Township 43 South, Range 42 East, and Sections 22, 27, and 34, Township 42 South, Range 42 East, Palm Beach County, Florida

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings, give file number or other definite identification marks.)

labeled "85IPB-21054", Palm Beach County Solid Waste Authority Resource Recovery Facility, in twelve sheets, undated

subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, or any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not completed on or before _____ day of _____, 19____, ^{Five}~~Five~~ years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

u. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

II. Special Conditions: (Here list conditions relating specifically to the proposed structure or work authorized by this permit):

a. The conditions imposed by State water quality certification number PA84-20 DOAH85-20-32 issued 29 July 1986, as required by Section 401 of the Clean Water Act are hereby incorporated as a part of this permit.

b. The minimum distance from the edge of the shell pit containing the roost to the edge of the closest resource recovery building shall be 1,100 feet. The minimum distance to the nearest roadway (limited access service road) shall be 825 feet.

c. Native vegetation between the roost shell pit and the roadway adjacent to the facility shall not be cleared or removed.

d. All construction activities immediately adjacent to the roost (specifically for construction of water control structures) shall be performed between September and December of the project year.

e. The roost shell pit shall be fenced and posted to prohibit unofficial human entry.

f. The permittee shall undertake reasonable monitoring of on-site hydrology and hydroperiod to insure the health and maintenance of the site's wetlands.

g. The permittee shall, upon completion of excavation activities, construct littoral shelves along the perimeter of all borrow lakes developed and existing on-site (with the exception of the roost area), total acreage of which shall provide a minimum of 12 acres of fringe habitat.

h. The permittee shall undertake vegetative rehabilitation of the site's southeastern shell pits, utilizing compatible species (e.g., willow and wax myrtle) in such a manner which shall minimize disturbance to the site.

i. The permittee shall undertake a 7-year monitoring/censusing program in accordance with its 3 March 1986 correspondence, with the following modifications:

(1) Preliminary site monitoring/censusing activities shall commence within forty-five (45) days of issuance of the Department of the Army permit

The following Special Conditions will be applicable when appropriate:

STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:

- a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.
- b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.
- c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
- d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.
- e. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

MAINTENANCE DREDGING:

- a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (*ten years unless otherwise indicated*);
- b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:

- a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the Clean Water Act and published in 40 CFR 230;
- b. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.
- c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

DISPOSAL OF DREDGED MATERIAL INTO OCEAN WATERS:

- a. That the disposal will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.
- b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or disposal of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

PERMITTEE

DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


Charles T. Myers III, Colonel, Corps of Engineers

OCT 20 1986

DISTRICT ENGINEER,
U.S. ARMY, CORPS OF ENGINEERS

DATE

Transferee hereby agrees to comply with the terms and conditions of this permit.

TRANSFEE

DATE

for the project. Full scale project implementation shall commence no later than 15 November 1986, and shall continue on a monthly basis for 7 years. During the term of the project, roost/rookery area censusing shall be conducted on a frequency of one census event every six (6) weeks during the period from February through August, and one census each October;

(2) The permittee shall attempt to secure the services of at least four (4) personnel in the conduct of the roost/rookery area monitoring. At a minimum, two (2) personnel shall participate in the conduct of the roost/rookery monitoring and censusing;

(3) The permittee shall develop, based upon available environmental and ecological data, a plan to evaluate rookery response to perturbation resulting from site development activities. Such plan shall contain a mechanism for the development and implementation of remedial responses to such perturbation;

(4) Should the monitoring reveal that the rookery area has been abandoned and is found to be reestablished on another portion of the site, or on another site within reasonable distance and with reasonable access to the permittee, monitoring and censusing of the rookery population shall be continued at such site;

(5) In the event that monitoring activities reveal the presence of more than 25 snail kites on the site, the permittee shall immediately notify the Fish and Wildlife Service (Manager, Loxahatchee National Wildlife Refuge); and

(6) An annual update, reporting the previous years data and observations shall be provided to the Fish and Wildlife Service (Manager, Loxahatchee National Wildlife Refuge and Jacksonville Endangered Species Field Station).

j. The permittee agrees to undertake the off-site mitigation in the J.W. Corbett Wildlife Management Area adjacent to the L-8 Canal proposed by the Florida Game and Fresh Water Fish Commission as contained in the permittee's 3 March 1986 proposal to the Fish and Wildlife Service. This shall include hydrologic studies, engineering, permitting, and construction of structures found necessary to accomplish project purpose of returning more natural hydroperiod to that portion of the Wildlife Management Area.

The undersigned permittee acknowledges that he has read the above special conditions, that they accurately reflect the present conditions of his project, that he is aware of each of the above special conditions, that he agrees to comply with each special condition, and he agrees that if, for any reason, any of these special conditions are not met as determined by the District Engineer, this permit automatically becomes suspended immediately, since any such violation of a special condition shall be deemed not in the

general public interest. A suspension based upon a violation of one of the special conditions cannot be lifted until the violation has been completely resolved.

James L. Smith 10-13-86
PERMITTEE DATE
Executive Director

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for *C. T. Myers III* OCT 20 1986
CHARLES T. MYERS III
Colonel, Corps of Engineers
District Engineer
U.S. Army, Corps of Engineers

TABLE I
DREDGE AND FILL QUANTITIES

A. YARDAGE DREDGED

<u>Location</u>	<u>Yardage</u>
Existing Lake Expansion	8,851,300
Lake West of Landfill	4,833,800
Lakes South of 45th Street	<u>1,259,100</u>
TOTAL CUBIC YARDS	14,944,200

B. YARDAGE CONSUMED

<u>Operation</u>	<u>Yardage</u>
Dyer Boulevard Landfill Closure	1,634,300
Landfill Construction and Operation	12,857,300
Resource Recovery Plant Construction	259,000
North-South Roadway Construction	131,000
Other Construction *	<u>62,600</u>
TOTAL CUBIC YARDS	14,944,200

* Includes 45th Street construction, west property line berm maintenance, conservation area berms.

TABLE II
DIMENSTION OF DREDGE LAKES

	<u>Length (ft)</u>	<u>Width (ft)</u>	<u>Depth (ft)</u>
Existing Lake	2,000	1,500	25
(current) Expansion	3,900	1,600	50
Lake West of Landfill	3,200	850	50
Lakes South of 45th Street (East)	2,550	450	50
(West)	1,900	450	50

TABLE III
DREDGE AND FILL ACREAGES

A. ACREAGE DREDGED

<u>Location</u>	<u>Upland</u>	<u>Wetland</u>	
		<u>COE</u>	<u>DER</u>
Existing Lake Expansion	37.0	8.0	5.9
Lake West of Landfill	43.3	24.7	22.3
Lakes South of 45th Street	<u>40.0</u>	<u>--</u>	<u>--</u>
TOTAL ACREAGE	120.3	32.7	28.2

B. ACREAGE FILLED

<u>Use</u>	<u>Upland</u>	<u>Wetland</u>	
		<u>COE</u>	<u>DER</u>
Landfill	253.9	131.1	91.0
Resource Recovery Plant	35.0	14.6	--
North-South Roadway *	<u>29.4</u>	<u>12.2</u>	<u>12.0</u>
TOTAL ACREAGE	417.3	157.9	103.0

* Acreages of wetlands disturbed by construction of the north-south roadway are approximate depending upon final alignment.

ATTACHMENT D

PICTURES AND DRAWINGS

Notes on Drawings 1 through 3

1. The location of the plant is approximately:

Latitude: 26° 46' 00" N

Longitude: 80° 08' 45" W

2. The extent of wetlands is shown on Drawing 2B with approximate locations and size of facilities indicated on Drawing 2A. Dredge and fill cubic yards and acreages are indicated on Tables I and II under Item 10 of this application. All acreages are landward of the ordinary high water line.

3. The water elevation on site will be maintained at approximately 16.9' NGVD using a wier control structure on the eastern boundary on the site.

A typical landfill cross section is shown in Drawing 3A with proposed landfill planting pictured on Drawing 3B.

Typical plant elevations are depicted on Drawing 3C.

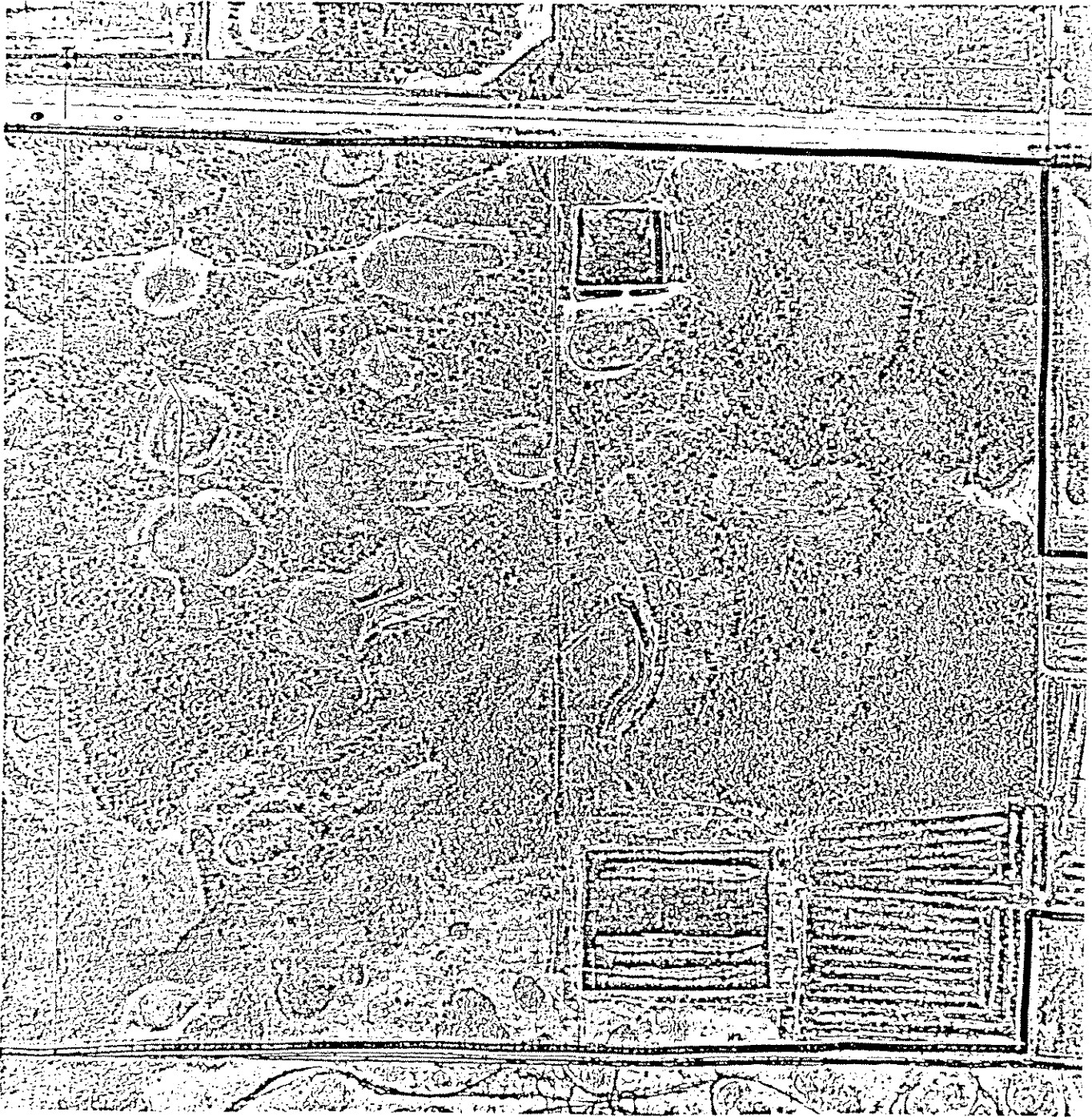
Typical wetlands cross sections are indicated on Drawing 3D.

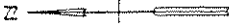
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NOT TO BE REPRODUCED OR
 USED IN ANY MANNER OR FOR ANY
 PURPOSE WITHOUT THE WRITTEN
 PERMISSION OF THE
 PALM BEACH COUNTY
 PLANNING AND
 ECONOMIC DEVELOPMENT
 DEPARTMENT

PALM BEACH
 COUNTY

PROJECT APPROVAL			
42	42	34	42 14



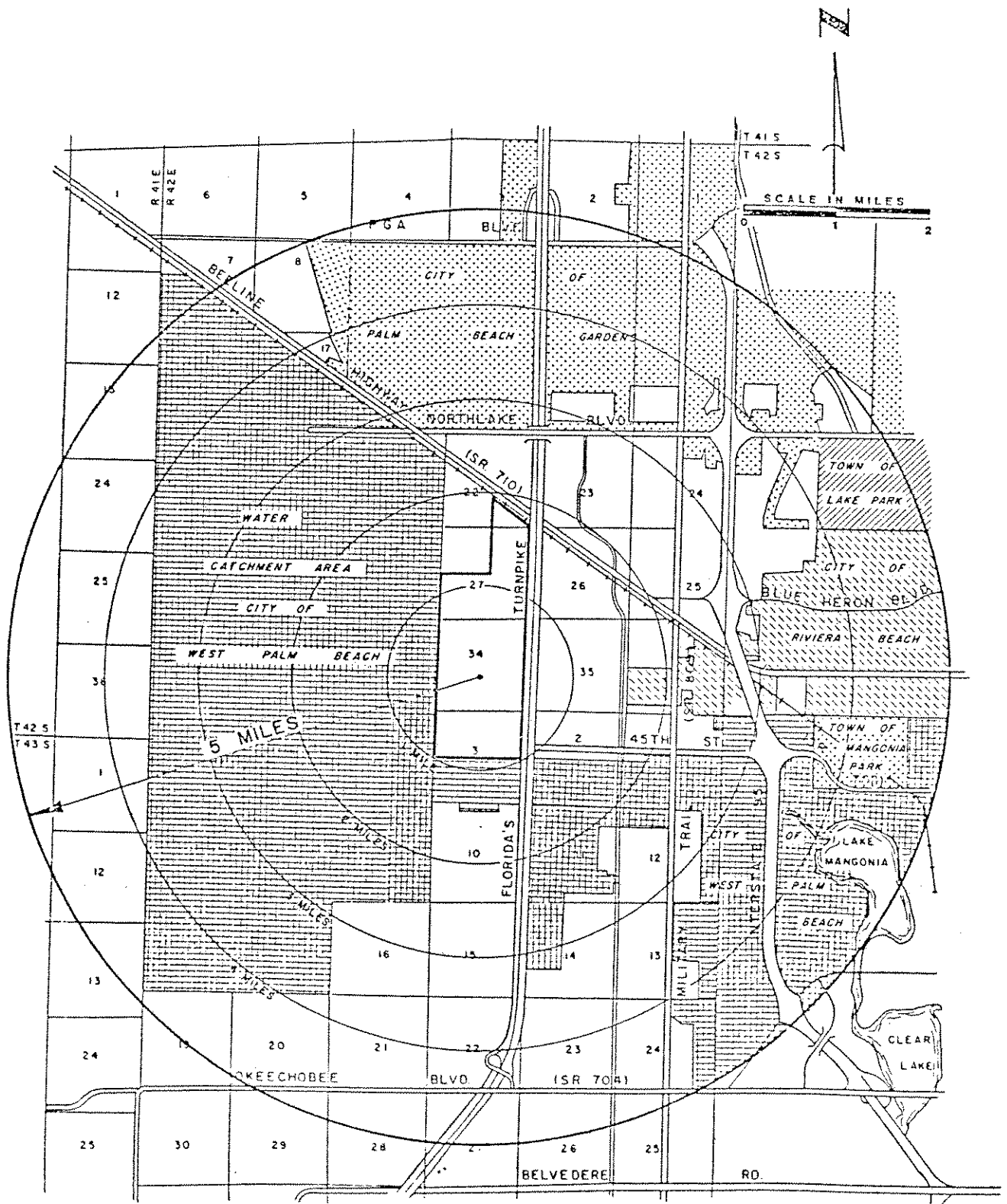


THE FOLLOWING INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE.

PALM BEACH
COUNTY

PROPERTY ADDRESS			
42	43	3	000001



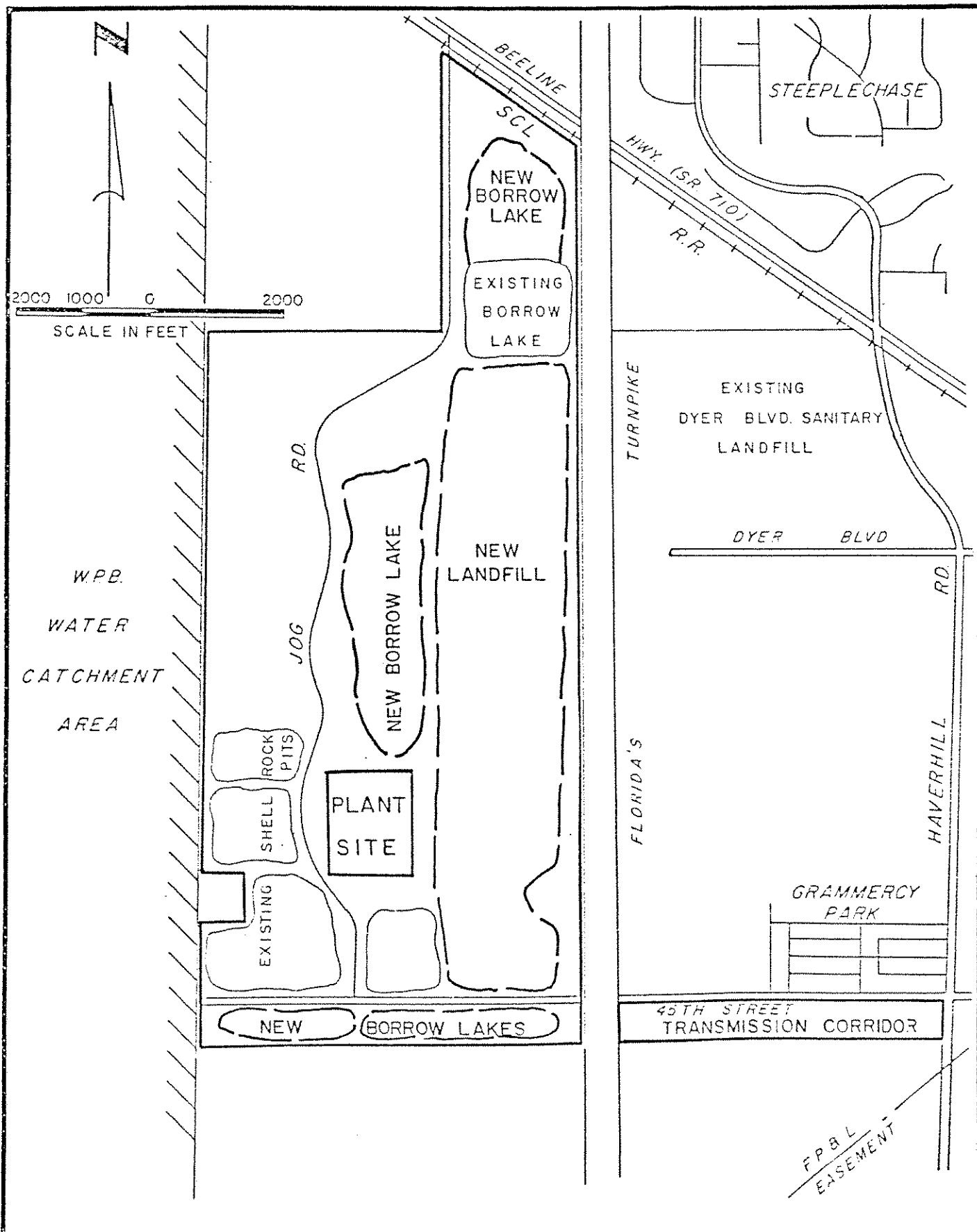


PALM BEACH COUNTY
SOLID WASTE AUTHORITY
RESOURCE RECOVERY FACILITY



VICINITY MAP - WETLANDS ADJACENT
TO FLORIDA'S TURNPIKE & THE CITY OF
WEST PALM BEACH WATER CATCHMENT AREA

DWG. 1

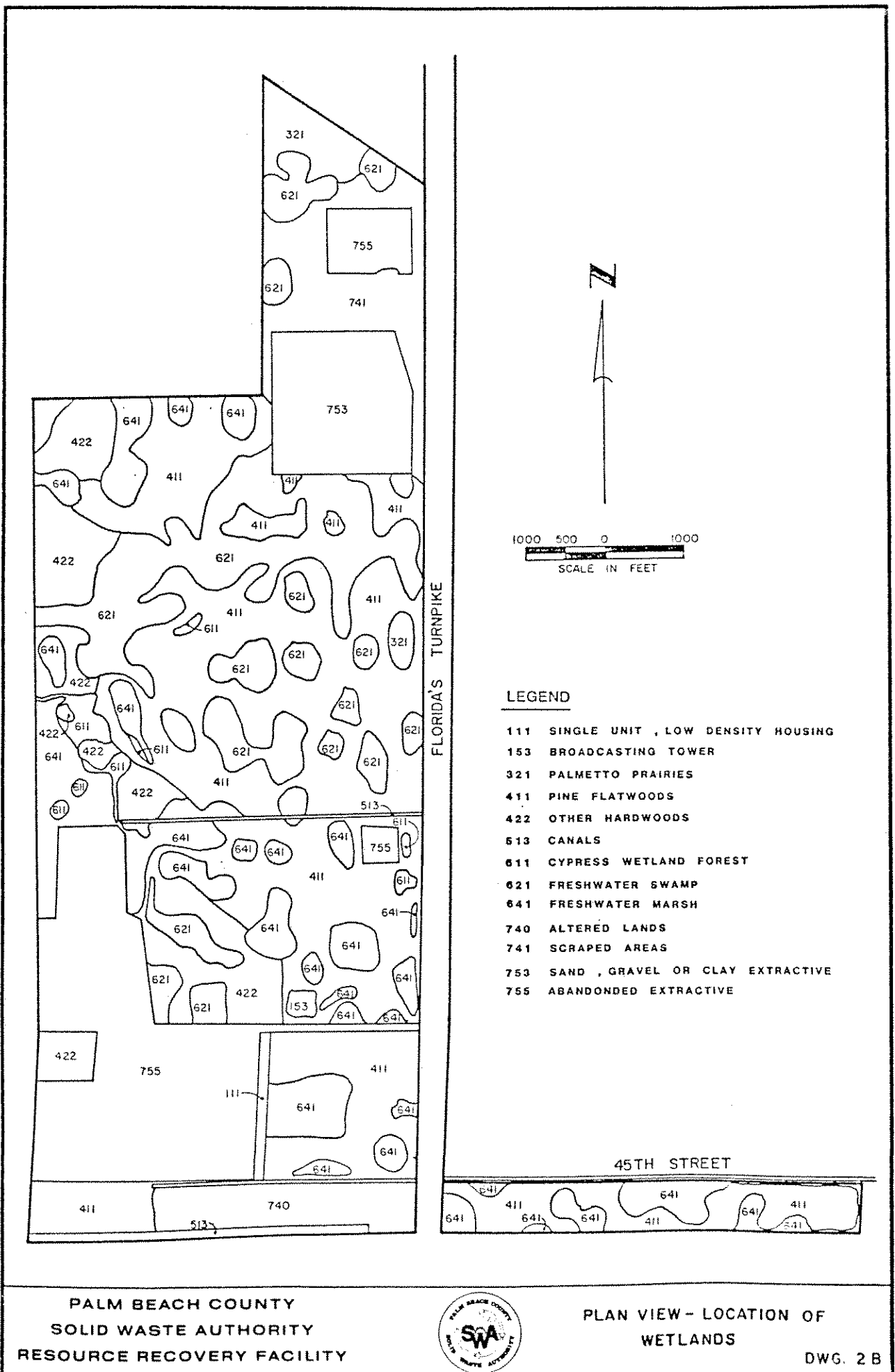


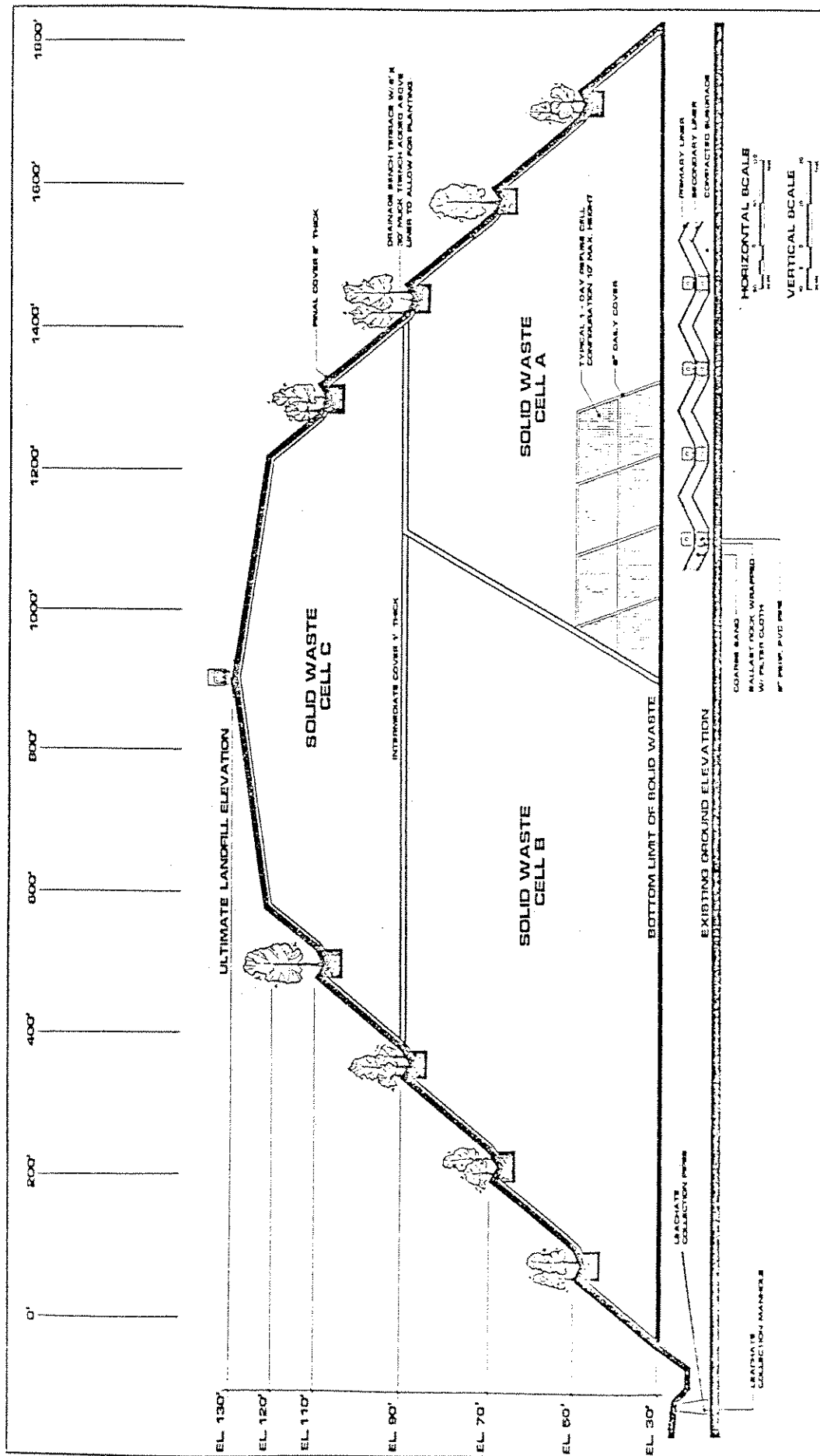
PALM BEACH COUNTY
SOLID WASTE AUTHORITY
RESOURCE RECOVERY FACILITY

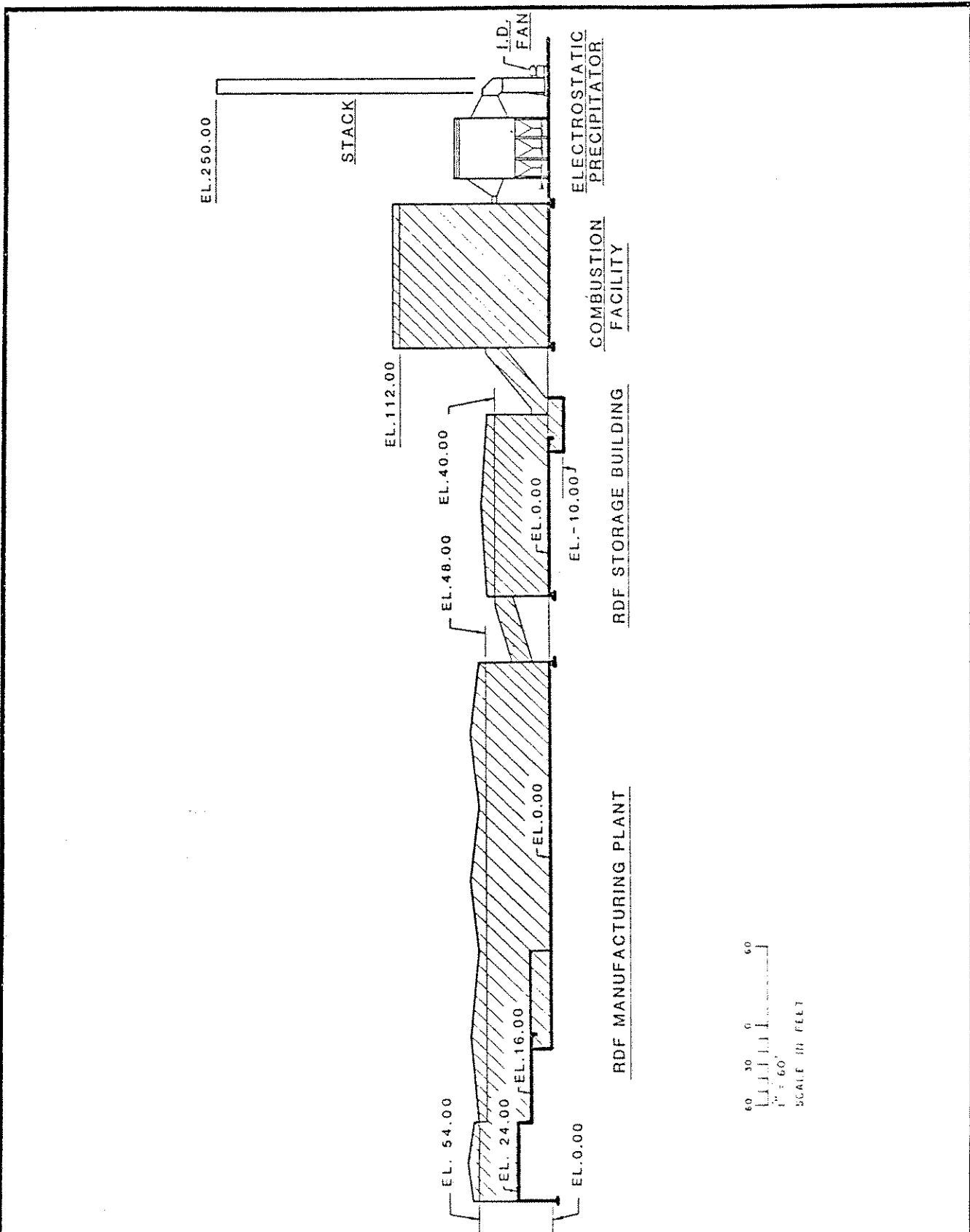


PLAN VIEW-FACILITIES TO BE CONSTRUCTED

DWG. 2A







PALM BEACH COUNTY
SOLID WASTE AUTHORITY
RESOURCE RECOVERY FACILITY



TYPICAL SECTION THROUGH
RESOURCE RECOVERY FACILITY

DWG. 3 C

PALM BEACH COUNTY SOLID WASTE AUTHORITY



March 3, 1986

Mr. Duncan Powell
Biological Scientist III
Florida Game & Freshwater Fish Commission
P. O. Box 1840
Vero Beach, FL 32961

Re: Proposals to Provide On-Site Monitoring &
Off-Site Mitigation
Palm Beach County Solid Waste Authority
Resource Recovery Facility

Dear Duncan:

Enclosed for your review and consideration are proposals for an on-site monitoring program and an off-site mitigation program offered by the Authority in conjunction with its proposed development of a resource recovery facility in Palm Beach County. Both proposals have been developed in close coordination with your agency and the U. S. Fish & Wildlife Service. It is our belief that these proposals are in the best interest of the public and the environment and further, that they address the expressed concerns of your agency.

If you have any questions or comments regarding the proposed programs, please do not hesitate to contact me.

Thank you for your assistance and consideration in this matter.

Sincerely,

Thomas R. Keith
Director
Environmental Programs

TRK/ja
cc: Dr. Marc Bruner, Shalloway, Inc.
Encls.

PALM BEACH COUNTY

SOLID WASTE AUTHORITY

MEMORANDUM



TO: ALL INTERESTED PARTIES

FROM: THOMAS R. KEITH
DIRECTOR OF ENVIRONMENTAL PROGRAMS

SUBJECT: PROPOSALS FOR THE IMPLEMENTATION OF:

- 1.) AN OFF-SITE MITIGATION PROGRAM
- 2.) AN ON-SITE ROOKERY AREA MONITORING PROGRAM

=====

Attached for your review and consideration are proposals for the implementation of programs developed to provide for off-site mitigation of disturbed wetland areas and the monitoring of an active on-site roost/rookery area. The subject proposals have been developed by the Palm Beach County Solid Waste Authority through consultation with the Florida Game and Freshwater Fish Commission, the U.S. Fish and Wildlife Service, the Treasure Coast Regional Planning Council, and the Audubon Society of the Everglades. It is the Authority's belief that acceptance of these proposals and their subsequent implementation will provide environmental benefits far in excess of the impacts associated with the development and operation of the proposed resource recovery facility.

The Authority looks forward to favorable review and acceptance of the attached proposals. If you have any questions regarding the content of the subject proposals, please do not hesitate to contact me.

Thank you for your consideration in this matter.

PALM BEACH COUNTY SOLID WASTE AUTHORITY
APPLICATION FOR POWER PLANT SITE CERTIFICATION
APPLICATION NO. PA 84-20

OFF-SITE MITIGATION PROGRAM
L-8 WETLAND RESTORATION PROJECT

I. PROJECT TASKS, OBJECTIVES, AND PERFORMANCE STANDARDS

CONDUCT A HYDROLOGIC STUDY OF THE L-8 WETLAND AREA TO DETERMINE THE OPTIMAL DESIGN CRITERIA FOR WATER CONTROL STRUCTURES AS PROPOSED BY THE FLORIDA GAME AND FRESHWATER FISH COMMISSION (FGFFC).

DEVELOP ALTERNATIVE DESIGN RECOMMENDATIONS BASED UPON THE RESULTS OF THE HYDROLOGIC STUDY AND A CONSIDERATION OF TECHNICAL AND ECONOMIC FEASIBILITY.

BASED UPON THE RESULTS AND RECOMMENDATIONS OF THE HYDROLOGIC STUDY AND TECHNICAL AND ECONOMIC CONSTRAINTS, THE AUTHORITY WILL INSTALL AND/OR REHABILITATE STRUCTURES, AS REQUIRED, TO SIGNIFICANTLY ENHANCE THE HYDROPERIOD OF THE L-8 WETLAND AREA TO ACHIEVE REVERSAL OF THE DETERIORATION OF THE L-8 WETLAND AREA AND MAINTENANCE OF A HYDROPERIOD CONDUCTIVE TO THE RE-ESTABLISHMENT OF PREDISTURBANCE WETLAND VEGETATION. MORE SPECIFIC INFORMATION IS CONTAINED IN CORRESPONDENCE FROM COL. ROBERT M. BRANTLY TO COL. CHARLES T. MYERS, III, DATED DECEMBER 3, 1985.

THE FLORIDA GAME AND FRESHWATER FISH COMMISSION WILL BE THE LEAD AGENCY IN APPROVING MODIFICATIONS TO THE PROJECT AS INITIALLY PROPOSED BY THAT AGENCY TO THE U.S. ARMY CORP OF ENGINEERS IN CORRESPONDENCE FROM COL. ROBERT M. BRANTLY TO COL. CHARLES T. MYERS, III, DATED DECEMBER 3, 1985.

THE PALM BEACH COUNTY SOLID WASTE AUTHORITY WILL BE RESPONSIBLE FOR THE CONDUCT OF THE REQUIRED STUDIES, AND ALL NECESSARY PERMITTING AND ENGINEERING ACTIVITIES ASSOCIATED WITH THE PROJECT.

II. PROJECT ADVISORY COMMITTEE (PAC)

AS A COMPONENT OF THE OVERALL PROJECT, AN ADVISORY COMMITTEE WILL BE ESTABLISHED TO PROVIDE REVIEW AND COMMENT REGARDING PROJECT ACTIVITIES AND TO PROVIDE RECOMMENDATIONS REGARDING PROJECT OBJECTIVES.

COMMITTEE MEMBERSHIP MAY INCLUDE REPRESENTATIVES OF THE FOLLOWING AGENCIES:

PALM BEACH COUNTY SOLID WASTE AUTHORITY
FLORIDA GAME AND FRESHWATER FISH COMMISSION
UNITED STATES FISH AND WILDLIFE SERVICE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
TREASURE COAST REGIONAL PLANNING COUNCIL

ADDITIONAL PARTICIPATION IN THE PAC MAY BE EXTENDED TO OTHER CONCERNED ENVIRONMENTAL AGENCIES/ORGANIZATIONS.

THE PAC SHALL MEET WITHIN THIRTY (30) DAYS OF THE ISSUANCE OF POWER PLANT SITE CERTIFICATION FOR THE AUTHORITY'S PROPOSED RESOURCE RECOVERY FACILITY AND PERIODICALLY THEREAFTER, AS NECESSARY, FOR THE DURATION OF THE PROJECT.

PALM BEACH COUNTY SOLID WASTE AUTHORITY
CENTRAL RESOURCE RECOVERY FACILITY
WILDLIFE CONSERVATION & MANAGEMENT PROGRAM

INTRODUCTION

Concerns have been expressed by the various environmental review agencies regarding the anticipated impact of the development of the Central Resource Recovery Facility upon an isolated area located in the southwest corner of the facility site. The area, which encompasses approximately 180 acres, is an area characterized by the presence of abandoned shellrock mining operations, portions of which are extensively utilized by various species of wading bird species as rookery and roosting habitat. Portions of these areas have also been observed to be utilized as nesting and foraging habitat by the Everglades Kite.

Through cooperative efforts with the Florida Game & Freshwater Fish Commission, and the United States Department of the Interior Fish and Wildlife Service, the Authority has effected substantial modification to its original plans for site development to accommodate the concerns expressed with regard to sensitive habitat areas. Specifically, the Authority has effected the modification of its original plant site location through relocation of the planned site approximately 900 feet north. In

addition, working with and through the Palm Beach County Department of Engineering, the Authority has effected the realignment of the proposed Jog Road right-of-way to minimize the potential for any impact of the subject areas.

As a part of its efforts to ensure the long-term viability of currently utilized roost, rookery, and foraging areas, the Authority, in consultation with FGFWFC and USFWS, has developed the attached wildlife conservation and monitoring program.

The principal technical reference utilized in the development of this program was the 1978 National Park Service publication, "Guidelines for the Protection and Management of Colonially Nesting Waterbirds", prepared by Buckley and Buckley for the NPS North Atlantic Regional Office.

PALM BEACH COUNTY SOLID WASTE AUTHORITY
RESOURCE RECOVERY FACILITY
WILDLIFE CONSERVATION & MANAGEMENT PROGRAM

In response to the concerns of the Florida Game & Freshwater Fish Commission (FGFFC), the United States Fish & Wildlife Service (USFWS), and the local Chapter of the Florida Audubon Society (FAS), the Authority has developed and hereby proposes to implement the following Wildlife Conservation & Management Program in association with its resource recovery facility development.

1.0 GENERAL PROTECTION MEASURES

In order to ensure minimal potential disturbance of the roost/rookery area, as well as adjacent buffer areas, the following program elements are proposed.

1.1.1 AREAL CLOSURE TO RECREATIONAL OFF-ROAD VEHICLES

The Resource Recovery Facility site will be subject to public access restrictions. In addition to general public access restrictions, specific restrictions will be imposed and enforced with regard to utilization of the site by recreational off-road vehicles in the conservation area.

1.1.2 AREAL CLOSURE TO PEDESTRIAN TRAFFIC

Specific restrictions regarding pedestrian traffic shall be imposed and enforced throughout the conservation area. ALL pedestrian activities proposed in the area of the roost/rookery shall be by personnel authorized by the Authority's Division of Environmental Programs. Unauthorized access shall be prohibited.

1.1.3 SEASONAL CLOSURE TO PEDESTRIAN TRAFFIC

It is recognized that substantial interest in the roost/rookery area may exist among various accredited environmental and/or educational organizations. Consequently, group tours may be arranged through the Authority's Division of Environmental Programs. Tours shall be restricted to the non-prime breeding season, as determined by the Authority in consultation with State and Federal Wildlife experts..

1.2.1 SIGNS AND POSTING

The roost/rookery area, and adjacent buffer area, shall be posted with warning signs at fifty (50) foot intervals along its perimeter. Figure 1 depicts the respective areas and the limits of posting. .

1.6 MONITORING PROGRAM

The Authority proposes to undertake a 7 year roost/rookery area monitoring program. Monitoring of the subject area would commence on January 1, 1987, pending receipt of Power Plant Site Certification. Figure 2 depicts the area of monitoring. The objective of the monitoring program is to establish a data base concerning species populations and activity in the rookery, and determine if site development activities are effecting the rookery. The monitoring program is designed to collect information to evaluate impacts with a statistically valid and biologically sound certainty, while minimizing monitoring related inputs to the rookery.

2.1.1 AREA MONITORING

The Authority shall provide for monitoring of the roost/rookery area according to the attached schedule. Monitoring shall entail one (1) dawn or dusk and one (1) mid-day event each month. Records shall include:

- A. Species Observed
- B. Activity Observed *

Four (4) stationary observation blinds shall be erected to accommodate monitoring activities at the approximate locations depicted in Figure 2. During breeding season, biweekly activity monitoring will be conducted from blinds and canoes.

2.1.2 MONITORING PERSONNEL

For the purpose of conducting monitoring the Authority shall employ:

- A. One (1) trained Professional Biologist
- B. One (1) Trained Non-professional Observer

2.2 AREA CENSUSING

The Authority proposes to undertake a 7 year roost/rookery Census Program. Census of the subject area would commence on January 1, 1987, pending receipt of Power Plant Site Certification. Refer to Figure 2 for limits of the census area.

2.2.1 AREA CENSUS

The Authority shall provide for censusing of the roost/rookery area according to the attached schedule. Censusing shall be conducted during mid-morning periods. Records shall include:

Species and Numbers Observed

Numbers of Nests Observed with Eggs or Young

2.2.2 CENSUS PERSONNEL

For the purpose of conducting censusing the Authority shall employ:

- A. Two (2) Trained Professional Biologists
- B. Two (2) Trained Non-professional Observors

3.0 REPORTS

Throughout the study period the Authority will maintain detailed reports of all monitoring and census activities. The following reports shall be prepared and distributed to the FGFWFC, the USFWS, and FAS.

3.11 QUARTERLY SUMMARY REPORT

See Army Corps of Engineers Permit

The Quarterly Summary Report will summarize activities over the quarter and provide details of observations.

3.2.1 ANNUAL SUMMARY REPORT

The Annual Summary Report will provide a compilation of all activities and all data collected for the period.

3.3.1 FINAL COMPREHENSIVE REPORT

The Final Comprehensive Report will summarize project activities, provide detailed data, and provide an evaluation of the impact of site development activity on the rookery.

*See Attached Sheet

ACTIVITY SCHEDULE

J	F	M	A	M	J	J	A	S	O	N	D
.	.	.	.	.	.	.	.	.	.	.	.
C	M	M C	M M	M C	M M	M C	M M	M	C	M	M
1	1	1 1	1 1	1 1	1 1	1 1	1 1	1	1	1	1
S	S	S S	S S	S S	S S	S S	S S	S	S	S	S
T	T	T T	T T	T T	T T	T T	T T	T	T	T	T
H	H	H	H	H	H	H	H				

C - Census - Identify species and estimate numbers
Number of nests with eggs or young

M - Monitoring - Observe activity patterns*
Record species observed. Look for signs of
Pathological Predation and Anomalous Behavior
or Activity Patterns.

*Flight Paths and Directions, Breeding Activity/Plumage
Feeding Young, Intra and Inter-species Conflicts

Additional Data - Log of Construction/Operation Activities and
Locations, Climatological Data (Temp & Rainfall), Stage elevations
in wetlands, Operation and Closure of existing landfill.

Evaluation/Analysis - Temporal changes in numbers and activity
patterns. Correlation with onset/completion of landfill and
construction.

FLORIDA GAME AND FRESH WATER FISH COMMISSION

THOMAS L. HIRES, SR.
Chairman, Lake Wales

WILLIAM G. BOSTICK, JR.
Vice-Chairman, Winter Haven

C. TOM RAINEY, D.V.M.
Miami

J.H. BAROCO
Pensacola

MRS. GILBERT W. HUMPHREY
Miccosukee

ROBERT M. BRANTLY, Executive Director
F.G. BANKS, Assistant Executive Director



FARRIS BRYANT BUILDING
620 South Meridian Street
Tallahassee, Florida 32301
(904) 485-1960

December 3, 1985

Colonel Charles T. Myers, III
District Engineer
U.S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232

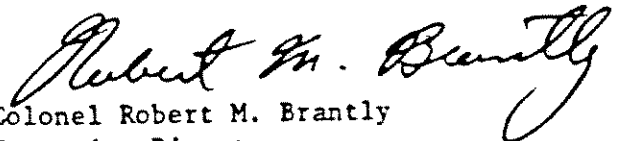
Re: CE 85IPB-21054, Palm Beach
County, Solid Waste Authority

Dear Colonel Myers:

At the October 29 and 30, 1985 Interagency Meeting in your Jacksonville office, Tom Keith of the Palm Beach County Solid Waste Authority (SWA) expressed an interest in possible off-site mitigation measures to compensate for the loss of wetlands associated with the proposed resource recovery facility. The potential for on-site mitigation is extremely limited, yet the loss of approximately 190 acres of wetland habitat will require substantial measures to prevent significant, long-term loss of fish and wildlife resources.

Enclosed is a potential mitigation project involving wetland habitat enhancement within the Game and Fresh Water Fish Commission's J.W. Corbett Wildlife Management Area, which is located west of the SWA site. This proposal would improve critical wildlife habitat on state-owned lands which are managed for conservation purposes. We believe it would appropriately mitigate wetland losses incurred in the SWA project, and ask that you give it your consideration.

Sincerely yours,


Colonel Robert M. Brantly
Executive Director

RMB/DP/rs
Enclosure
Attached Mailing List

MAILING LIST

Mr. Bradley Hartman, Director, Office of Environmental Services
Florida Game and Fresh Water Fish Commission
620 South Meridian Street
Tallahassee, Florida 32301

Mr. Allen Egbert, Director, Division of Wildlife
Florida Game and Fresh Water Fish Commission
620 South Meridian Street
Tallahassee, Florida 32301

Mr. Frank Smith, Chief, Wildlife Land Management
Florida Game and Fresh Water Fish Commission
620 South Meridian Street
Tallahassee, Florida 32301

Lt. Colonel O. Gwynn Kelley, Regional Manager
Florida Game and Fresh Water Fish Commission
551 N. Military Trail
West Palm Beach, Florida 33415

Mr. Robert Ellis, Biological Administrator I
Division of Wildlife, Florida Game and Fresh Water Fish Commission
551 N. Military Trail
West Palm Beach, Florida 33415

Mr. Mark Robson, Biologist Scientist III
Division of Wildlife, Florida Game and Fresh Water Fish Commission
551 N. Military Trail
West Palm Beach, Florida 33415

Mr. Hamilton S. Oven, Jr.
Administrator, Siting Coordination Section
Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32301-8241

Mr. Joseph Carroll
Field Supervisor, Division of Environmental Services
United States Fish and Wildlife Service
P. O. Box 2676
Vero Beach, Florida 32961

Mr. William L. Kruczynski
Environmental Protection Agency
Wetlands Section, Marine and Estuarine Branch
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Mr. Tim Allen
Department of Community Affairs
Bureau of Resource Management
Division of Resource Planning and Management
2571 Executive Center Circle East
Tallahassee, Florida 32301

Mr. Tom Keith
Palm Beach County Solid Waste Authority
5114 Okeechobee Blvd., Suite 2C
West Palm Beach, Florida 33409

Mr. Charles A. Padera
Supervisor, Environmental Section
Resource Control Department
South Florida Water Management District
P. O. Box V
West Palm Beach, Florida 33402

Mr. R. E. Rodgers, P.E.
Chief, Engineering Design Section
South Florida Water Management District
P. O. Box V
West Palm Beach, Florida 33402

L-8 Marsh Restoration Proposal

NEED:

The Florida Game and Fresh Water Fish Commission's (GFC) J.W. Corbett Wildlife Management Area is composed largely of wetlands. The goal of the Commission is to maintain or enhance existing wetland areas within the Corbett Area utilizing natural hydrological processes. There is a 3,400 acre relict sawgrass marsh (L-8 marsh) along the southwest border adjacent to the L-8 canal and levee. Rock weirs originally allowed natural discharge of surface water from Corbett to the southwest. These structures were replaced by steel culverts and stop-log risers. During the past 10 to 15 years, these structures have been degenerating and they currently have unregulated discharge into the L-8 canal. As a result, the L-8 marsh has been severely overdrained. Overdrainage has resulted in the loss of muck topsoil by erosion and oxidation, invasion of the marsh by upland shrubs, and loss of regular and consistent use of the marsh by waterfowl.

PROPOSAL:

As mitigation for wetland losses incurred in the construction of a resource recovery facility and landfill, the Palm Beach County Solid Waste Authority (SWA) would install water control structures and refurbish levees to restore natural hydroperiods to the L-8 marsh (Figure 1).

The SWA, with technical assistance from the GFC, would be responsible for all permits, engineering, purchases, and structure installation for the marsh restoration. A summary of restoration work needed is found in Table 1 and Figure 2. Critical to this process would be a detailed hydrological analysis of the L-8 marsh to indicate the optimal design of structures to restore natural hydroperiods. A preliminary review of this project was done by Mr. Robert Rodgers, Engineering Design Section Chief of the South Florida Water Management District (enclosed). He indicated the preliminary needs outlined in Table 1 were fairly reasonable and would serve as a guideline for a proper engineering study.

PROJECT LOCATION

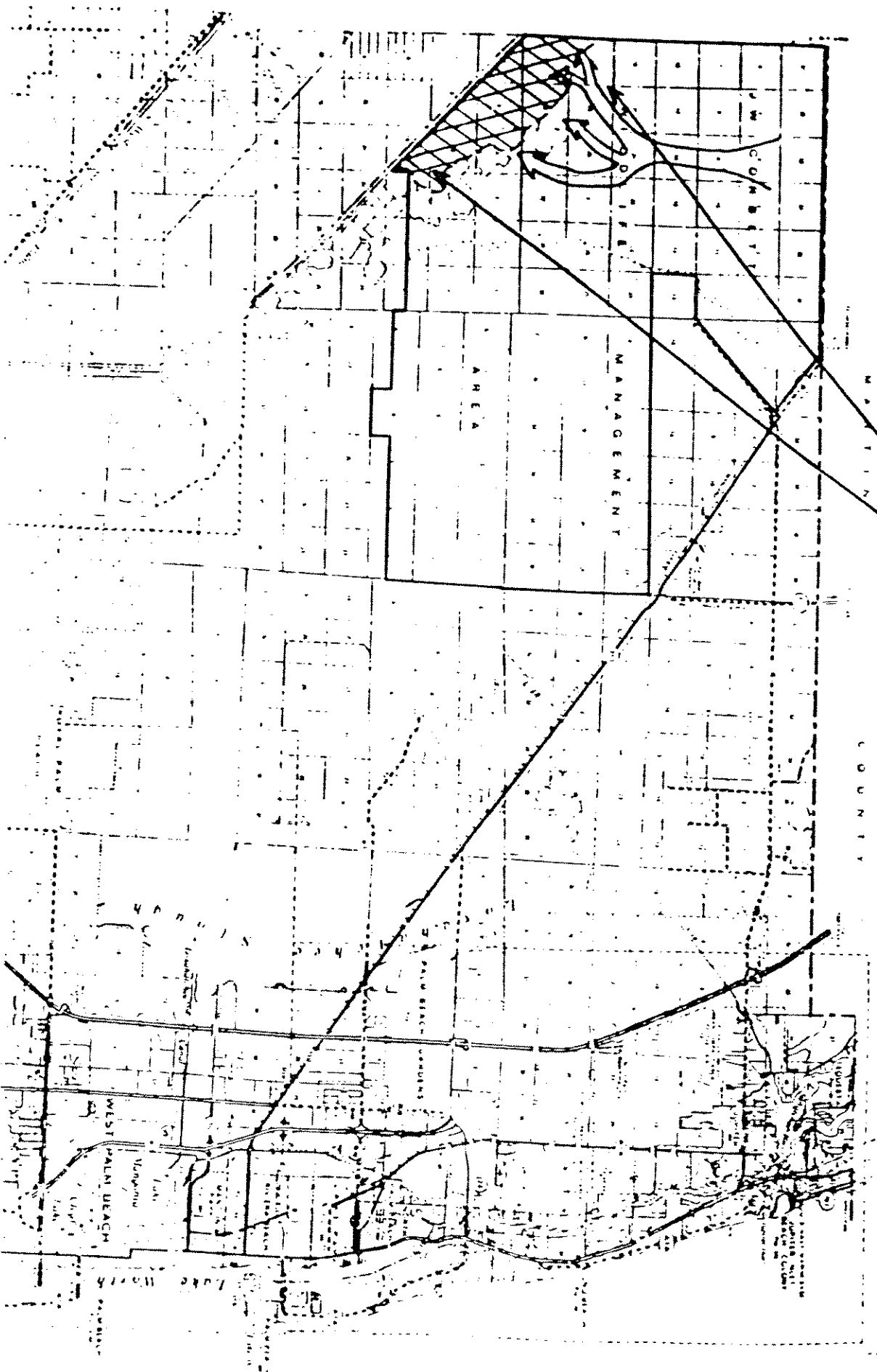


TABLE ONE
SUMMARY OF RESTORATION WORK NEEDED

Map * Code	Structure	Status	Correction	Approx. C
1	1-60"x54' CMP/Riser	Vandalism; Piping failure	1-60"x60' Alum. Alloy w/fixed weir plate riser	\$41,000.
2	2-60"x60' CMP/Riser	Vandalism	2-60"x60' Alum Alloy w/fixed weir plate riser	82,000.
3	2-60"x60' CMP/Riser	Riser not functional; Piping failure; Vandalism	Sheet-pile weir across canal; open culverts under L8 levee	65,000.0
	3-36"x54' Alum. culverts w/risers (powerline side inlets)	Good condition; Vandalism; Improperly installed	Remove existing; Leave 1 on E. side w/o riser; set higher for bleed-off of marsh	2,000.0
	Big Gopher Road	Low Elevation	Bring elev. up as part of weir construction and removal of side inlets	5,000.0
	Big Gopher Levee (west side)	Breeches	Plug Breeches (4)	5,000.0
	Big Gopher Levee (east side)	Overdrainage	Remove 2 inlet culverts; fill inlet ditches from cypress (2)	2,500.00
4	2-48"x54' CMP/Riser	Riser not func- tional; Piping failure; vandalism	2-48"x54' Alum. Alloy w/fixed weir & stop logs	40,000.00
5	2-48"x54' CMP/Riser	Good condition but old	2-48"x54' Alum Alloy w/fixed weir & stop logs	40,000.00
6	Tomato Field Grade between Big Gopher and No. 2	Blocks natural sheet flow to L8	4-18"x40' Alum. Alloy pipe 16 ga. installed under road	2,800.00
7	1-60"x54' CMP/Riser	Riser not func- tional; piping failure; vandalism; possibly inadequate discharge capability	1 or 2-60"x60' Alum. Alloy w/screw-gate structures for control	60,000.00

*SEE FIGURE 2

<u>Map Code</u>	<u>Structure</u>	<u>Status</u>	<u>Correction</u>	<u>Approx. (</u>
8	Connector Road between No. 4 & 5	Blocks natural sheet flow to L8 marsh	5-18"x40' Alum. Alloy pipe 16 ga. installed under road	5,000.
9	South Grade	Blocks natural sheet flow to L8 marsh	1-18"x40' Alum. Alloy pipe 16 ga. installed under road	3,000.
			Total	\$353,300.

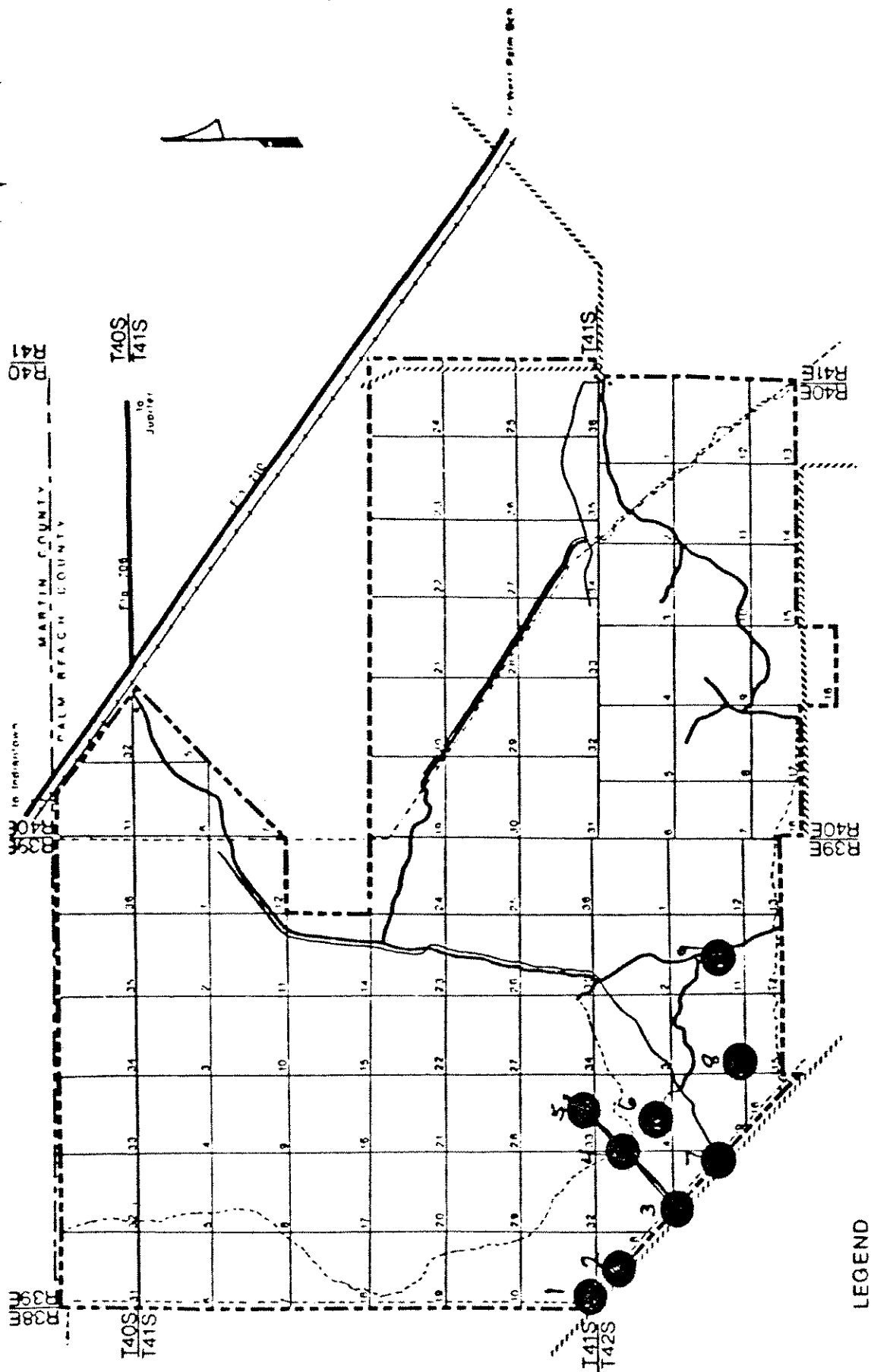


Figure 2.
J.W. CORBETT
WILDLIFE MANAGEMENT AREA
GAME AND FRESH WATER
FISH COMMISSION
1983



LEGEND



IN REPLY REFER TO:

South Florida

Water Management District

Post Office Box V 3301 Gun Club Road
West Palm Beach, Florida 33402
Telephone (305) 686-8800
Florida WATS Line 1-800-432-2045

John R. Woodraska, Executive Director
Timothy C. Creel, Deputy Executive Director

October 17, 1985

Mr. Duncan Powell
Biological Scientist III
Florida Game and Freshwater Fish Commission
P. O. Box 1840
Vero Beach, Florida 32961

Subject: J.W. Corbett Management Area Drainage Facilities

Dear Mr. Powell:

In response to your telecon and subsequent letter of October 2, 1985 (in which you enclosed Mr. Robson's September 19, 1985 memo to Brian Barnett) and as a further follow-up to my October 15, 1985 telecon with you, please be advised that on October 16, 1985 this writer made a field trip and observed the culverts and risers along the north side of L-8 within the subject management area to observe the condition of the culverts within District's right-of-way and to attempt to assess the effectiveness of the proposed work and to get a "feel" for the magnitude of the engineering effort required to satisfy the "needs".

It appears that Mr. Robson has "done his homework" and has come up with a fairly reasonable scope of work that would serve as a guideline for a proper engineering study.

The District planning staff is still reviewing this letter and attached memo and may have further comment upon completion of such a review.

There is some concern as to the length of the culverts and the side slopes in the immediate vicinity of the culverts. Should you go forth with your program, the District would recommend increasing the length of each of the culverts through the north side of L-8 within the limits of your project. This would provide some protection against the sort of "blow-outs" on L-8 that we have experienced in the past.

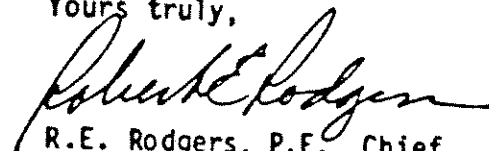
As to the extent that the proposed measures would correct the problem of unauthorized operation of, or vandalism upon, the structures, there should be some improvement with fixed crest structures although you will be losing operational flexibility to control water levels.

Mr. Duncan Powell
Florida Game and Freshwater Fish Commission
October 17, 1985
Page Two

The actual cost estimate for a well engineered solution to this set of problems is still another matter and would best be left to an engineer whom your organization would commission to make such a study.

In Mr. Robson's memo he mentions an amount of \$50,000 which he has ascribed to engineering. It is quite probable that this amount would cover the initial report which would isolate and set forth your options and provide detailed design and contract documents (together with an engineer's estimate).

Yours truly,


R.E. Rodgers, P.E., Chief
Engineering Design Section

RER/smc

cc: Thomas K. MacVicar, P.E.
Ronald F. York, P.E.