



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

WETLAND RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY:

U.S Army Corps of Engineers
c/o Curtis Flakes
Mobile District Office
P.O. Box 2288
Mobile, AL 36628-0001

PERMIT INFORMATION:

Permit/Authorization Number: 0182865-001-DF

Issuance Date: May 15, 2006

Expiration Date: May 15, 2011

And

County: Escambia

Northwest Florida Water Management District
c/o Douglas Barr
81 Water Management Drive
Havana, FL 32333

Project: Bayou Chico Maintenance Dredging and
Disposal

This permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain a wetland resource permit. Pursuant to Operating Agreements executed between the Department of Environmental Protection (Department) and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

ACTIVITY DESCRIPTION:

The project is to conduct maintenance dredging of the federal navigation channel in Bayou Chico, to maintain a 4,400 ft. long, 75 ft. wide channel, and a 250,000 sq. ft. turning basin to a depth of -14 ft. MLW, plus 2 ft. of advance maintenance and 2 ft. of allowable overdredge. Approximately 230,000 cubic yards of material will be hydraulically dredged and pumped to a disposal site at the north Clark Sand Pit.

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 2 of 15

ACTIVITY LOCATION:

The activity is located in the City of Pensacola, Escambia County, Section 40, Township 2 South, Range 31 West, in Bayou Chico, a Class II waterbody, Prohibited for shellfish harvesting, **not** Outstanding Florida Waters.

The Department acknowledges that maintenance of public navigation falls within one of the federal powers listed in the Submerged Lands Act under 43 USC 1311(d) or 43 USC 1314, and, under those provisions, needs no authorization from the Board of Trustees to utilize sovereignty submerged lands. However, under the provisions of the Coastal Zone Management Act (16 USC 1451-1465), this activity requires Florida's concurrence with a determination of consistency with the sovereignty submerged lands provisions of Florida's approved Coastal Management program prior to federal approval of the proposed activity. The State has determined that the activity is consistent with the sovereignty submerged lands provisions of Florida's approved Coastal Management program.

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act. This permit also constitutes certification of compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), attached monitoring plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit is subject to the limits, conditions, and locations of work shown in the attached drawings (Attachment #1), and is also subject to General Conditions and Specific Conditions, which are a binding part of this permit. 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. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

GENERAL CONDITIONS:

1. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The permittee shall notify the Department in writing of any anticipated significant deviation from this authorization prior to implementation so that the Department can determine whether a modification is required. If the Department determines that a deviation is significant, then the permittee or the local sponsor, as appropriate, shall apply for and obtain the modification prior to its implementation.

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 3 of 15

2. If, for any reason, the permittee does not comply with any condition or limitation specified herein, the permittee shall immediately provide the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; 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. Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law to the extent that federal sovereign immunity has been waived under 33 U.S.C. 1323 and 1344(t).

3. The permittee shall obtain any applicable licenses or permits which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project. Projects shall not proceed until any other required permits or authorizations have been issued by the responsible agency.

4. Nothing herein conveys title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of sovereign land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.

5. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under section 373.421(2), F.S., provides otherwise.

6. Nothing herein conveys to the permittee or creates in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee or local sponsor, or convey any vested rights or any exclusive privileges.

7. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site on the authorized activity. The permittee shall require the contractor to review this document prior to commencement of the authorized activity.

8. The permittee specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with permittee specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment,

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 4 of 15

practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.

9. At least forty-eight (48) hours prior to the commencement of authorized activity, the permittee shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.

10. If historic or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the State Historic Preservation Officer, and if a significant deviation is necessary, shall also notify the Department.

11. Within a reasonable time after completion of project construction or a periodic maintenance dredging event, the permittee shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the permittee.

SPECIFIC CONDITIONS:

1. At least 7 days prior to commencement of the construction activities authorized by this permit, the Permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the Permittee's contractors, the engineer of record, and Department staff representatives. The Permittee shall provide written notification, at least 14 days in advance of the meeting, to the following offices advising of the date, time, and location of the pre-construction conference.

DEP Bureau of Beaches & Coastal Systems (BBCS)
JCP Compliance Officer
Mail Station 300
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Phone: (850) 414-7798
Fax: (850) 414-7725

DEP Northwest District Office
Wetland Resource Permitting
160 Governmental Center
Pensacola, Florida 32502
Phone: (850) 595-8300

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 5 of 15

Fax: (850) 595-8417

Imperiled Species Management Section
Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
Phone: (850) 922-4330
Fax: (850) 921-4369

2. No work shall be conducted under this permit until the permittee has received a written Notice to Proceed (NTP) from the Department. At least 45 days prior to the requested date of issuance of the notice to proceed, the permittee shall document commitments made for reasonable assurance and provide the final project details by submitting the following documents for review and approval by the Department:

- a. Final Plans & Specifications (both electronic and hard copies);
- b. Credentials of people conducting the water quality monitoring (surface and groundwater);
- c. Post-construction Disposal Site Management Plan from the County, in which the public's health and safety are protected by permanently prohibiting swimming, boating and fishing in the north Clark Sand pit. The plan shall address a reevaluation, after reviewing the results of the post-disposal sediment analysis, in order to determine if there are greater risks to public health and safety that would warrant additional restrictions.
- d. The Final Dredged Material Disposal Plan, including:
 - i. Plan and cross-sectional drawings showing existing and proposed conditions in the sand pit. Indicate existing berms (or shelves) and the locations of any proposed internal berms;
 - ii. Pipeline locations (floating or submerged pipe) and point(s) of discharge into the sand pit;
 - iii. Sand pit (pond) bathymetry; and
 - iv. Description, location and design of the outfall weir, including the range of control elevations, a picture(s) of the structure and proposed water levels under operating conditions.

3. In order to ensure an upward gradient in the groundwater flow, the permittee shall provide water level monitoring for both surface water (within the North Clark Sand Pit) and groundwater (with and without Peoples Water Well #8 pumping) to document site-wide non-

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 6 of 15

drought conditions. All existing monitor wells and surface water gauges shall be used. The weir located at the southeast corner of the sand pit can be adjusted to regulate the surface water levels within the pit, which can subsequently control the groundwater (hydraulic head) levels.

4. An upward gradient from the aquifer to the sand pit shall be documented by the permittee prior to dredging and disposal, and maintained throughout the dredging and disposal operations, in order to protect the groundwater resources of the area from contamination by salt water. In accordance with the Water Level Compliance Metrics Plan (Attachment # 2), the following two metrics shall be used by the permittee to determine when dredging will be allowed in Bayou Chico:

- a. The first metric shall be a positive head difference of one foot or greater between well #DW3 and well # PZ19, resulting in upward flow, based on averaging data from continuous recorders (30 minute intervals) in both wells.
- b. The second metric will be used to forecast any unfavorable hydrologic conditions that would delay or suspend dredging. It is based on the identification of two distinct periods during 2002 and 2003 where water levels appear to be in a condition of stable equilibrium. The metric of 2.5 feet for a weekly average in well # DW3 is roughly midway between the average water levels during the drought (0.75 ft) and more normal conditions (4.36 ft.). Data for this metric are obtained from the continuous recorder on well DW3.

5. Solid waste, such as tires, white goods, other metal products, etc., removed from Bayou Chico shall be placed in an approved solid waste facility.

6. In order to ensure that manatees are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:

- a. The permittee/contractor shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s), and shall implement appropriate precautions to ensure protection of the manatee(s).
- b. The permittee/contractor shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act 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.

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 7 of 15

- c. Prior to commencement of construction, the prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees. For all vessels, a temporary sign (at least 8.5" X 11") reading "Manatee Habitat/Idle Speed In Construction Area" will 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" will 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 1-888-404-FWCC (1-888-404-3922) and the U. S. Fish and Wildlife Service at (1-904-232-2580) for north Florida or (1-772-562-3909) for south Florida" will be located prominently adjacent to the displayed issued construction permit. Temporary notices are to be removed by the permittee upon completion of construction.

- d. Siltation barriers shall be properly secured so that manatees cannot become entangled, and monitored at least daily to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from essential habitat.
- e. All vessels associated with the project shall operate 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 shall follow routes of deep water whenever possible.
- f. If a manatee(s) is seen within 100 yards of the active daily construction/dredging operation, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of 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. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U. S. Fish and Wildlife Service in

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 8 of 15

Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) for south Florida.

- h. The contractor shall 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 Imperiled Species Management Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600. This report must be submitted within 90 days of completion of the activities conducted in accordance with the permit.

7. In order to minimize water quality degradation, the following limitations shall apply to specific dredging equipment:

- a. When a closed clamshell type bucket is utilized for material removal, the material shall be placed into a hopper barge, or onto a deck barge with a fully-enclosed containment bin. No spillage or overflow shall be allowed during the dredging or during the transportation of material to the disposal site.
- b. When a hopper barge is utilized for material removal or transfer, no overflow of the hopper shall be allowed.
- c. Dredge spoil conveyance pipelines associated with any of the above dredging operations are to be maintained free from breaks and leaks. The permittee shall require the contractor to provide a surveillance and maintenance plan. The plan shall provide details regarding the inspection of all dredge spoil conveyance pipelines and specify actions to be taken to prevent violations of State water quality in the event a leak or break is discovered. Any breaks or significant leaks shall be immediately reported to the BBCS's JCP Compliance Officer and DEP's Northwest District Office - WRP Section.

MONITORING:

8. Surface Water Quality at dredge site:

Turbidity - Nephelometric Turbidity Units (NTUs)

During dredging activities, turbidity shall be monitored as a water quality parameter and shall also serve as an indicator of metal or organics that are bound to suspended sediment.

Frequency: Twice daily at least 4 hours apart during all dredging operations.

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 9 of 15

Location: Background: At mid-depth, at least 300 meters upcurrent from the dredge and clearly outside the influence of any turbidity generated by the project.

Compliance: At mid-depth, no more than 150 meters downcurrent from the dredge, within the densest portion of any visible turbidity plume.

9. Surface water and groundwater quality at the disposal site (sand pit), during and post-disposal, shall be monitored by the permittee according to the attached Groundwater and Surface Water Monitoring Plan (Plan) (Attachment #3), unless otherwise stated herein.

- a. In addition to the constituents listed in the Plan, surface water grab samples shall be analyzed by the permittee for the following constituents: Antimony (Sb), Arsenic (As), Beryllium (Be), Cadmium (Cd), Chromium (Cr), Copper (Cu), Mercury (Hg), Nickel (Ni), Zinc (Zn), Lead (Pb), Selenium (Se), Thallium (Tl), Silver (Ag), Aluminum (Al), total recoverable petroleum hydrocarbons, and Iron (Fe).
- b. In addition to the monitoring events included in the Plan, prior to commencement of dredging and disposal operations, baseline groundwater monitoring shall be conducted by the permittee for all primary and secondary drinking water standards at the sentinel wells described in Specific Condition 9.d. below. It is recognized that the baseline monitoring may reveal pre-existing levels of contaminants in the groundwater. Any such pre-existing levels shall be taken into account when implementing the provisions of Specific Condition #10, below.
- c. Groundwater quality parameters to be measured by the permittee shall, in addition to those listed in the Plan, include the following: Antimony (Sb), Arsenic (As), Beryllium (Be), Cadmium (Cd), Chromium (Cr), Copper (Cu), Mercury (Hg), Nickel (Ni), Zinc (Zn), Lead (Pb), Selenium (Se), Thallium (Tl), Silver (Ag), nutrients, hardness, and temperature. In addition, monitoring for Volatile Organic Compounds (VOCs) shall be undertaken by the permittee when required as described in Specific Condition 10.
- d. Using existing wells PZ-19 and DW-3, PZ-01 and DW-2, and supplementing with additional wells, the permittee shall establish a sentinel well network to monitor the surficial zone down to the Main Producing Zone at approximately the locations shown on Exhibit 1A, resulting in a total of twelve wells. The precise location of the wells and well screens shall be determined in the field on the basis of site conditions, of geophysical well logs, and other available hydrogeologic and water quality data collected on site by the permittee, but shall provide the vertical sampling coverage as depicted conceptually on Exhibits 1B-1 through 1B-4. One

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 10 of 15

of the wells shall be screened over an interval of up to 40 feet at a selected location between -65 and -155 feet below land surface, if determined by a professional geologist employed by or under contract to the permittee that the well screen can be located such that the screened section of the well would not cause a cross connection between the Surficial Zone and the Main Producing Zone where such a cross connection would otherwise not be present. The first preference for this well shall be at the well cluster located closest to People's Well # 8. Prior to well installation, the permittee shall obtain well construction permits. Well installation shall be conducted by a Florida-licensed water well contractor. Following well completion, the permittee shall submit to the Department a drawing(s) depicting the final, installed locations and depths of the wells.

- e. If the three year, long-term monitoring included in the Plan shows a statistically significant upward trend in a parameter(s) concentration that is reasonably attributable to the dredging and disposal project, and that is reasonably anticipated to reach the one-half groundwater standard level, then groundwater monitoring may be required of the permittee beyond three years. If such a trend occurs, the permittee shall schedule and meet with the Department to determine the additional sampling, including parameters, locations, and duration, that will be required.

10. The compliance locations given in the individual monitoring requirements for surface water shall be considered the limits of the temporary mixing zone allowed during construction. The zone of discharge for groundwater shall be 100 feet horizontally and 55 feet vertically. If monitoring reveals water quality levels at the compliance site exceed the water quality standards in Rule 62-302, F.A.C., dredging, disposal and discharge activities by the permittee shall cease immediately and not resume until corrective measures have been taken by the permittee and water quality has returned to acceptable levels. Any such occurrence shall also be immediately reported by the permittee to the BBCS (attention JCP Compliance Officer) and the DEP NW District office at 160 Governmental Center, Pensacola, Florida 32502-5794.

The purpose of monitoring the sentinel well network is to detect any lateral or vertical migration of dredge sediment contaminants towards Peoples Well #8 or beyond the zone of discharge. When sampling of any of the sentinel wells shows one-half of the ground water standard for any monitored constituent is reached as a result of dredge operations or dredge materials disposal, per Rule 62-520, F.A.C., the permittee shall:

- a. Immediately notify the BBCS (attention JCP Compliance Officer) and the DEP NW District office at 160 Governmental Center, Pensacola, Florida 32502-5794 that the one-half ground water standard has been reached for any monitored constituent in a specified well at a specified concentration.

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 11 of 15

- b. Initiate the Protocol for Contingent Groundwater Remediation (Protocol) included as Attachment #4.
- c. Add Volatile Organic Compounds (VOCs) to the list of groundwater monitoring parameters required for the wells that reached or exceeded one-half the groundwater standard. VOCs may be deleted from the monitoring if two consecutive sampling events indicate no detection of VOCs.
- d. Within 30 days, notify the Department of any immediate actions that have or will be taken to address the lateral or vertical migration of contaminants, including any additional monitoring that will be conducted as part of the Focused Characterization included in the Protocol.
- e. Ensure that the Remedial Action Plan developed according to the Protocol includes specific performance standards which are protective of People's Well #8 and which will remediate any groundwater contamination that exceeds groundwater standards outside the permitted Zone of Discharge.
- f. Develop the Remedial Action Plan in accordance with the timeframes in the Protocol, and submit the Plan to the Department for review and approval. Following approval, the permittee shall implement the Remedial Action Plan.

11. All monitoring data shall be submitted by the permittee to the Department within one week of analysis with documents containing the following information: (1) "Permit Number 0182865-001-DF, Bayou Chico Maintenance Dredging and Disposal Project"; (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; (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; and (6) documentation that the laboratory performing the sampling and analyses has an approved quality control and assurance plan on file with the DEP.

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.

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 12 of 15

Monitoring reports shall be submitted to the BBCS (JCP Compliance Officer) in Tallahassee and to the DEP NW District office. Failure to submit 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. 0182865-001-DF, Bayou Chico Maintenance Dredging and Disposal Project".

The Permittee also intends to submit a courtesy copy of all monitoring reports to Peoples Water Service Company of Florida, Inc., P.O. Box 4815, Pensacola, FL 32507, Attention: Mr. Mark Cross, at the same time they are submitted to BBCS.

12. The dredged material disposal areas, including dikes and perimeter ditches, shall not encroach into jurisdictional wetlands. The permittee shall inspect each disposal area 30 days and 12 months after final placement of fill in the disposal area. The permittee shall report to the Department whether there has been any encroachment of fill into jurisdictional wetlands. If there has been encroachment, the permittee shall remove such fill and restore the wetland areas impacted. The permittee shall be responsible, after consultation and approval from the Department, for redesigning the dikes so that encroachment does not occur in the future.

13. If wetlands or other surface waters are damaged or destroyed by construction activities or the escape of dredged material from the disposal site, the impacted areas shall be restored to their original contours and elevations. If those areas were vegetated, they shall be replanted, after recontouring, with vegetation of the size, densities and species as is present in the adjacent wetland areas. Exotic or nuisance plant species shall be replaced with native wetland species that are suitable for the given location. The restoration shall be completed within 30 days following completion of the dredging operation, and the Department shall be so notified within the same 30-day period. The wetland restoration work, if required, shall be designed and supervised by a qualified wetland ecologist, and the permittee shall provide the Department with the credentials of the person in charge of any wetland restoration. Appropriate turbidity and erosion control measures shall be followed during the restoration work. One year after completion of any wetland restoration activities, the permittee shall submit a report to the BBCS (attention JCP Compliance Officer) summarizing the success of the restoration and proposing additional restoration if the original restoration efforts were unsuccessful. Nothing in this condition shall preclude the Department from taking enforcement action against the permittee or contractor for impacts to wetlands and other surface waters not authorized by this permit.

14. The following conditions relate to equipment access to and from the spoil disposal areas:

- a. Access through wetlands will require the use of equipment with tracks or with low ground pressure tires, the temporary placement of mats over the marsh, or the

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 13 of 15

lifting of equipment over the wetland areas into the disposal sites. No dredging or filling, other than the mats, is authorized for access to the disposal sites.

- b. Equipment access corridors shall be restricted to an area no wider than 20 ft. The boundaries of these corridors shall be flagged prior to the use of the disposal sites. All equipment must remain within the access corridor or disposal area.
- c. Equipment access points shall be limited to the areas indicated on the attached permit drawings. The same equipment access area must be used for both entrance and exit from the disposal sites.
- d. Upon completion of disposal activity at the spoil sites, all equipment must be removed from the sites and temporary mats removed within 1 month of the completion of dredging.
- e. Any wetlands damage from these activities shall be restored according to Specific Condition 11.

15. If at any time the disposal area dikes are not stable (i.e., develop a break or leak), corrective actions shall be taken immediately. The dike slopes shall then be sodded or otherwise stabilized within 30 days of detection of the instability and prior to any future disposal event.

16. All wetland areas or water bodies outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring, dewatering and/or upland runoff. Staked filter cloth shall be positioned at the edge of the permitted fill slopes where they are adjacent to wetlands in order to prevent turbid runoff and erosion. Turbidity barriers shall be installed prior to any excavation or placement of fill material and shall be maintained in effective condition at all locations until construction is completed and disturbed areas are stabilized. Thereafter, the permittee must remove the barriers. At no time shall there be any discharge in violation of the water quality standards in Chapter 62-302, Florida Administrative Code. Turbidity/erosion controls shall be installed prior to any clearing, excavation or placement of fill material and shall be maintained in an effective condition at all locations until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than 29 NTU's above background. The permittee shall be responsible for ensuring that erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit. Once these conditions are met, the turbidity and erosion control devices shall be removed within 14 days.

17. There shall be no storage or stockpiling of tools, materials (i.e., lumber, pilings, debris) within wetlands, along the shoreline within the littoral zone or elsewhere within waters of the state unless specifically approved in the permit. All cleared vegetation, excess lumber, scrap

Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 14 of 15

wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

18. Post-disposal Sediment Monitoring Plan (within disposal site):

After disposal of sediments into the sand pit is completed, and sufficient time is allowed for the sediments to settle to the bottom of the pit, the permittee shall characterize the dredged material placed in the sand pit. This characterization shall be done according to Attachment #5 (excerpt from the Dredged Spoil Sediment and Analysis Plan). However, the permittee shall collect and analyze 20 cores, rather than the 11 cores proposed in the plan. The exact locations of the 20 borings shall be proposed by the permittee at the completion of disposal and must be approved by the Department. Two samples for each boring (for a total of 40 samples) shall be composited over the full depth of material dredged from Bayou Chico, and analyzed.

The samples shall be analyzed following parameters: The 13 priority pollutant metals (Antimony (Sb), Arsenic (As), Beryllium (Be), Cadmium (Cd), Chromium (Cr), Copper (Cu), Mercury (Hg), Nickel (Ni), Zinc (Zn), Lead (Pb), Selenium (Se), Thallium (Tl), and Silver (Ag)) PAHs, organochlorine pesticides, TRPH.


The purpose of this sampling is to establish contaminant concentrations after hydraulic dredge mixing and whether any leachable material is present. Within 30 days after the sediment sampling is completed, the permittee shall arrange a meeting between the NFWFMD, the Department (Division of Water Resource Management and Northwest District staff), and Escambia County to accomplish the following: 1) review the results, 2) determine if any further analysis is necessary, 3) determine the appropriate parameters needed for the groundwater compliance monitoring, and 4) determine if the level of sediment contamination poses a greater risk to public health and safety and warrants addition protection measures in the County's Post-construction Disposal Site Management Plan.

19. The U.S. Army Corps of Engineers and the Northwest Florida Water Management District shall be jointly and severally responsible for compliance with the terms and conditions of this permit.

**Wetland Resource Permit
Bayou Chico Maintenance Dredging and Disposal
Permit No. 0182865-001-DF
Page 15 of 15**


Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Janet G. Llewellyn, Deputy Director
Division of Water Resource Management

FILING AND ACKNOWLEDGMENT

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

 5/15/06
Clerk Date

Prepared by Jamie Christoff.

Attachments:

- 1) 13 pages of drawings
- 2) Identification of Water Level Compliance Metrics During Dredging: Clark Sand Pit, Pensacola, FL
- 3) A Ground Water and Surface Water Monitoring Plan for the Proposed Dredge Disposal at the Clark Sand Pits, Pensacola, FL
- 4) Protocol for Contingent Ground Water Remediation
- 5) Dredged Spoil Sediment Sampling and Analysis Plan (Section 3)