

DEPARTMENT OF THE ARMY PERMIT

Permittee: Broward County Board of County Commissioners
Nicole Sharp, Natural Resource Administrator
115 South Andrews Avenue
Fort Lauderdale, FL 33301

Permit No: SAJ-1999-05545(SP-GGL)

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

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

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

Project Description: The overall project includes placement of approximately 706,700 cubic yards (cy) of sand along two separate segments of the Broward County Segment II shoreline totaling 26,100-feet in length. This included placement of 167,700 cy along 5,100 feet of the Pompano Beach/Lauderdale-By-The-Sea (LBTS) shoreline (R-36 to R-41.3) and 539,000 cy along 21,000 feet of the southern LBTS and Ft. Lauderdale shoreline (R-51 to R-72). These volumes include contributions from the design beach fill, advance nourishment, and tapers. An additional 20,000 cy will be placed along the upper beach profile of the shoreline between R-51 and R-72 as dune habitat. The overall project will result in the coverage of approximately 4.87 acres, including 0.92 acres of nearshore hardbottom along the Pompano Beach/LBTS reach (R-36 to R-41.3) and 3.95 acres along the Ft. Lauderdale/LBTS reach (R-51 to R-72). Project also includes construction of 6.8 acres of artificial reef as mitigation for impacts to 4.87 acres of nearshore hardbottom. Sand used for this beach fill project will be from an upland mine(s). The width of the construction template (measured as the seaward distance from the range monuments) for the Pompano Beach segment varies from 203 to 270 feet, the width for the Lauderdale-by-the-Sea segment varies from 153 to 188 feet, and the width for the Fort Lauderdale segment varies from 71 to 244 feet. The dune will have a crest width of 10 feet, a crest height of +11 feet (NAVD) and side slopes of 1:2 (vertical:horizontal). The work described above is to be completed in accordance with the 21 pages of drawings [and 10 attachments] affixed at the end of this permit instrument.

Project Location: The two project segments are located in the Atlantic Ocean, from Florida Department of Environmental Protection (FDEP) monument R-36 to R-41.3

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(Pompano Beach/Lauderdale-By-The-Sea segment) and R-51 to R-72 (southern Lauderdale-By-The-Sea and Ft. Lauderdale segment), in Broward County, Florida.

Directions to site: Directions to the site are as follows: From SR A1A in Pompano Beach, the project is located between SE 4th Street and 1620 S. Ocean Boulevard and in Ft. Lauderdale the project is located between Commercial Boulevard and Terramar Street.

Approximate Central Coordinates:

Pompano Beach/Lauderdale-By-The-Sea segment:

Northern Limit: Latitude 26.229° North, Longitude 80.089° West
Southern Limit: Latitude 26.215° North, Longitude 80.091° West

Southern Lauderdale-By-The-Sea and Ft. Lauderdale segment:

Northern Limit: Latitude: 26.189° North, Longitude 80.094° West
Southern Limit: Latitude: 26.131° North, Longitude 80.103° West

Artificial reef: will be located in the nearshore, approximately between R-44 and R-46.

Clearance and Depth: The constructed reef shall maintain a minimum clearance of 6 feet of navigation relative to Mean Lower Low Water (MLLW). The depth of the area is -10 to -20 feet relative to (MLLW) depending on the location.

Permit Conditions

General Conditions:

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

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

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Reporting Address: The Permittee shall reference this permit number, SAJ-1999-05545 (SP-GGL), and shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following addresses:

a. **For standard mail:** U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410, or for electronic mail send to:

CESAJ-ComplyDocs@usace.army.mil (not to exceed 10 MB).

b. National Oceanic and Atmospheric Administration at: ocs.ndb@noaa.gov
or, Marine Chart Division
Office of Coast Survey, N/CS26, Sta. 7317
1315 East-West Highway
Silver Springs, MD 20910-3282

c. Florida Fish and Wildlife Conservation Commission at:
artificialreefdeployments@MyFWC.com
or, Artificial Reef Program
620 S. Meridian Street, Box 4B2

Tallahassee, Florida 32399

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit/Within 10 days from the date of initiating the work authorized by this permit for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.

3. As-Built Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification By Professional Engineer" form (Attachment 9) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with transparent overlay of the work as constructed in the same scale as the permit drawings on 8½-inch by 11-inch sheets. The plan view drawing should show all "earth disturbance," including aquatic resource impacts and water management structures.

b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification By Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification By Professional Engineer" form does not constitute approval of any deviations by the Corps.

c. Include the Department of the Army permit number on all sheets submitted.

4. Agency Changes/Approvals: Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Palm Beach Gardens Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

5. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work

shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

- 6. Statewide Programmatic Biological Opinion (SPBO):** The Permittee provided information to the U. S. Fish and Wildlife Service (FWS) during consultation for nesting sea turtles. The Permittee has reviewed the Reasonable and Prudent Measures, Terms and Conditions of the SPBO dated August 22, 2011, and agreed to follow the measures included to minimize impacts to nesting sea turtles. The FWS provided concurrence the sand placement activities are consistent with the SPBO provided the Permittee follows the term and conditions. The biological opinion is incorporated by reference and is located on the FWS website at: http://www.fws.gov/verobeach/verobeach_old-dont_delete/sBiologicalOpinion/index.cfm
- 7. Turtle Nesting Season:** To avoid adverse effects on nesting sea turtles, the permittee shall conduct sand placement on the beach outside the peak sea turtle nesting season occurring annually between November 1 and April 30, pursuant to the FWS SPBO dated April 19, 2011.
- 8. Piping Plover Biological Opinion:** The permittee shall comply with all Terms and Conditions as stated in the FWS Programmatic Piping Plover Biological Opinion, dated May 22, 2013. The biological opinion is incorporated by reference and is located on the FWS website at: http://www.fws.gov/verobeach/verobeach_old-dont_delete/sBiologicalOpinion/index.cfm
- 9. Biological Opinion:** This permit does not authorize the Permittee to take an endangered species, in particular Acropora species, other listed coral species, swimming sea turtles or smalltooth sawfish. In order to legally take a listed species, the Permittee must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with “incidental take” provisions with which you must comply). The enclosed National Marine Fisheries Service Biological Opinion (BO) (Attachment 6) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with “incidental take” that is also specified in the BO. Authorization under this permit is conditional upon compliance with all of the mandatory terms and conditions associated with incidental take of the enclosed BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO,

where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The FWS or NMFS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

- 10. Standard Manatee Conditions:** The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 7).
- 11. Sea Turtle and Smalltooth Sawfish Conditions:** The Permittee shall comply with National Marine Fisheries Service's “Sea Turtle and Smalltooth Sawfish Construction Conditions” dated March 23, 2006, (Attachment 8).
- 12. Coral and Hardbottom Avoidance Areas:** The Permittee shall avoid the remaining hardbottom and corals outside the Equilibrated Toe of Fill, as detailed on Attachment 1. These aquatic resources were avoided as part of this permit application review process; and, therefore, the remaining aquatic resources areas will not be disturbed by any activities that would degrade the ecological integrity of the site including dredging, filling, land clearing, or other construction work whatsoever except as required or authorized by this permit. The Corps reserves the right to deny review of any requests for future impacts to these avoided aquatic resource areas.
- 13. Coral Relocation:** All corals meeting the criteria specified in the Coral relocation Plan or the NMFS Biological Opinion shall be relocated in accordance with the Coral Relocation Plan (Attachment 5). Corals removed from the impact area shall be relocated to a suitable location on the artificial reef or nearshore natural hardbottom as close as possible to their original location, but outside the area adversely affected by the project.
- 14. Coral Relocation** If the coral relocation activities do not result in at least 85% of the monitored transplants being securely attached and containing live tissue after two years of monitoring, then within 60-days of the monitoring report identifying the lack of success, a remediation plan shall be prepared by the permittee and submitted to the Corps. The plan shall identify the causes resulting in lack of coral relocation success, implementable measures that will ensure the functions and services of the corals will be fully offset, and a schedule for implementation of the remediation activities. If the anticipated ecological functions and services of the relocated corals are not sufficient, the Corps may require additional mitigation. The Corps will consult with NMFS HCD to ensure coral remediation is appropriate.
- 15. Biological Monitoring:** Pre and Post project monitoring shall be performed in accordance with the Biological Monitoring Plan (Attachment 4). Within 90 days after

completion of each post-construction survey, a nearshore hardbottom monitoring report shall be submitted to the Corps for review. These reports shall discuss and compare the following:

- a. preconstruction dataset to each post-construction dataset and shall be cumulative in nature.
- b. analyze and discuss changes in benthic community,
- c. observed burial and sedimentation on the nearshore hardbottom that may occur due the project as well as observations of non-project related effects.
- d. Reporting will include trends in the benthic community based on location along the project shoreline.
- e. The results with a discussion of the hardbottom edge mapping survey and any changes over time shall also be included in these reports.
- f. The mitigation reef shall exhibit no less than 80% similarity for species richness of stony corals and octocoral assemblages when compared to natural hardbottom within the project area by the end of the biological monitoring period. The permittee shall notify the Corps within 90-days if the 80% performance standard is not achieved by the end of the biological monitoring period.
- g. The natural recruitment of stony corals and octocoral assemblages on the mitigation reef shall exhibit no less than 80% similarity for recruitment, growth, and size structure when compared to the natural hardbottom. The permittee shall notify the Corps within 90-days if the 80% performance standard is not achieved by the end of the biological monitoring period.
- h. The sediment depth measurements shall occur at all monitoring events, including scheduled and post-storm events in accordance with the Biological Monitoring Plan.

16. Turbidity monitoring: The permittee shall utilize a 150-meter mixing zone, pursuant to the FDEP Joint Coastal Permit Broward County Segment II Beach Nourishment and Restoration Permit No.0314535-001-JC (Attachment 2), during beach filling activities to ensure appropriate turbidity monitoring protocols are implemented and detection of unacceptable levels of turbidity will occur prior to the effects result in adverse impacts to aquatic resources in areas outside the mixing zone. If unacceptable levels of turbidity are detected, the permittee shall cease all filling activities until appropriate levels are re-established. Permittee shall implement performance based protective measures to avoid repeat violations of the 29 NTU turbidity threshold. Permittee shall contact the Corps within 24-hours if any turbidity reading exceeds the 29 NTU threshold.

- 17. Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
- 18. Beach Compatible Fill Material:** The sand utilized for beach placement shall originate from an upland sand mine. The maximum silt content shall not exceed 2.0 percent. To avoid potential indirect effects on hardbottom resources from non-native sand placed on native beach, the sand shall have a grain size not less than 0.35 or greater than 0.65 mm in order to ensure the matrix of native/non-native sand is compatible and is stable. If evidence is discovered during construction that the sand is sloughing off, becoming displaced, or otherwise mobilizing outside the fill placement area as a result of grain size incompatibilities or differences in material characteristics, the filling activities shall immediately be stopped. The Corps shall be notified within 24-hours of any stoppages and filling may not resume until the Corps provides written approval.
- 19. Sediment Quality:** Sediment quality shall be assessed as outlined in the Sediment QA/QC plan (Attachment 11). Any occurrences of unacceptable material shall be handled according to the protocols set forth in the Sediment QA/QC plan. The sediment testing result will be submitted to the Corps within 90-days following the completion of beach construction. The sand shall comply with all FDEP requirements for beach sand compatibility as required per Florida Administrative Code (62B-41.007(2)(j)).
- 20. Storm Event Monitoring:** The permittee shall perform field sedimentation assessments in accordance with Section 1.2.3 of the Biological Monitoring Plan (Attachment 4) in the event a “named” storm occurs proximate to, or substantially affecting the coastline of Broward County. Monitoring shall occur one time in each designated timeframe, including 0-3 months post-construction and 3-6 months post-construction if a “named” storm event affects the project shoreline. All monitoring events as outlined in the Biological Monitoring Plan shall occur and will not be replaced by a Storm Event Monitoring assessment.
- 21. Compensatory Mitigation:** The permittee shall complete construction of the 6.64-acre mitigation reef comprised of concrete/limestone modules within one year of construction commencement of the beach filling activities. The Corps acknowledges the permittee is proposing to construct approximately 0.16 acres more mitigation reef than is required by the Corps due to differences between FDEP and Corps time lag factors.

22. Compensatory Mitigation: The construction and implementation of the mitigation activities shall be in accordance with the final compensatory mitigation plan included as (Attachment 3) of this permit.

23. Monitoring and Reporting Timeframes: To document achievement of the performance standards identified in the approved mitigation plan (Attachment 3) and Compensatory Mitigation Special Condition of this permit, the Permittee shall complete the following:

a. Perform a time-zero monitoring event of the mitigation reefs within 60 days of completion of the compensatory mitigation construction and implementation activities identified in the Compensatory Mitigation Special Condition of this permit.

b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least one paragraph depicting baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives and a detailed plan view drawing of all created, enhanced and/or restored mitigation areas.

c. Subsequent to completion of the compensatory mitigation objectives, perform monitoring of the aquatic resource mitigation areas on the following interval: two years post construction, three years post construction, and five years post-construction. The permittee shall provide a Notice of Completion within 30-days of completing the mitigation reef construction.

d. Submit annual monitoring reports to the Corps within 90 days of completion of the monitoring event. Semi-annual monitoring will be combined into one annual monitoring report.

e. Monitor the mitigation area(s) and submit annual monitoring reports to the Corps until released in accordance with the Mitigation Release Special Condition of this permit.

24. Reporting Format: The Permittee shall submit all monitoring documentation to the Corps on 8½-inch by 11-inch paper, and include the following:

a. Project Overview:

(1) Department of the Army Permit Number

(2) Name and contact information of Permittee and consultant

(3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted

(4) A brief paragraph describing the purpose of the approved project, acreage and type of aquatic resources impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts.

(5) Written description of the location, any identifiable landmarks of the compensatory mitigation project including information to locate the site perimeter(s), and coordinates of the mitigation site (expressed as latitude, longitude, UTM, state plane coordinate system, etc.).

(6) Dates compensatory mitigation commenced and/or was complete.

(7) Short statement on whether the performance standards are being met.

(8) Dates of any recent corrective or maintenance activities conducted since the previous report submission

(9) Specific recommendations for any additional corrective or remedial actions.

b. Requirements: List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of this permit, and evaluate whether the compensatory mitigation project site is successfully achieving the approved performance standards or trending towards success. A table is a recommended option for comparing the performance standards to the conditions and status of the developing mitigation site.

c. Summary Data: Summary data should be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Photo documentation may be provided to support the findings and recommendations referenced in the monitoring report and to assist the PM in assessing whether the compensatory mitigation project is meeting applicable performance standards for that monitoring period. Submitted photos should be formatted to print on a standard 8½-inch x 11-inch piece of paper, dated, and clearly labeled with the direction from which the photo was taken. The photo location points should also be identified on the appropriate maps.

d. Maps and Plans: Maps shall be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan. In addition, the submitted maps and plans should clearly delineate the mitigation site perimeter(s). Each map or diagram should be formatted to print on a standard 8½-inch x 11-inch piece of paper and include a legend and the location of any photos submitted for review. As-built plans may be included.

e. Conclusions: A general statement shall be included that describes the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the

Permittee or sponsor, including a timetable, shall be provided. The District Commander will ultimately determine if the mitigation site is successful for a given monitoring period.

25. Remediation: If the compensatory mitigation fails to meet the performance standards by the end of the authorized monitoring plan and the compensatory mitigation objectives are not achieved, the compensatory mitigation will be deemed unsuccessful. Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under this permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of aquatic resource functions associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.

26. Mitigation Release: The Permittee's responsibility to complete the required compensatory mitigation, as set forth in the Compensatory Mitigation Special Condition of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset the authorized impacts in accordance with General Condition 2 of this permit.

27. Initial Agency Notification: The Permittee shall provide to the U.S. Army Corps of Engineers (Corps), National Oceanic and Atmospheric Administration (NOAA), and U.S. Coast Guard (USCG) written notification of the planned deployment start date at least 2 weeks prior to the initial deployment on the authorized artificial reef site.

28. Authorized Reef Materials: No reef materials or module will weigh less than 500 pounds. Reef materials shall be clean and free from asphalt, petroleum, other hydrocarbons and toxic residues, loose free floating material or other deleterious substances. All artificial reef materials and/or structures will be selected, designed, constructed, and deployed to create stable and durable marine habitat. The Permittee shall deploy only the following authorized reef materials:

- a. Prefabricated artificial reef modules composed of concrete, natural rock boulders limestone rock, or a combination of these materials.

- b. The constructed reef shall maintain a minimum clearance of 6-feet of navigation clearance relative to Mean Lower Low Water (MLLW).

29. Reef Parameters: The Permittee shall deploy all reef materials within the site boundaries as defined on permit drawings as specified in the MITIGATION PLAN FOR BROWARD COUNTY, FLORIDA SHORE PROTECTION PROJECT SEGMENT II (Attachment 3).

30. Violation of Reef Parameters Notification: In the event reef material is deployed in a location or manner contrary to the Reef Parameters Special Condition, the Permittee shall immediately notify the USCG Station and provide information as requested by the station. The Permittee shall notify NOAA, USCG and Corps in writing within 24 hours of the occurrence. At a minimum the written notification shall explain how the deployed material exceeds the authorized reef parameters, a description of the material, a description of the vessel traffic in the area, the deployment location in nautical miles at compass bearing from obvious landmarks, the location of the unauthorized material in latitude and longitude coordinates (degree, minute, decimal minute format to the third decimal place), and the water depth above the material from MLW. The document will list the information provided by telephone to the USCG as noted above and include the time of the call and the name of the USCG personnel receiving the information.

31. Protection of Existing Resources: The Permittee shall not deploy artificial reef materials until an assessment of the bottom conditions have been accomplished by diver, submersible video camera, fathometer, depth/bottom sounder (e.g. "fish finder"), or side-scan sonar. The inspection of the deployment area may occur at the time of deployment, but no more than 1 year prior to deployment. The Permittee shall maintain a deployment buffer of at least 50-feet from any submerged beds of sea grasses, coral reefs, live bottom, areas supporting growth of sponges, sea fans, soft corals, and other sessile macroinvertebrates generally associated with rock outcrops, oyster reefs, scallop beds, clam beds, or areas where there are unique or unusual concentrations of bottom-dwelling marine organisms. Should the assessment find any evidence of cultural/archaeological resources such as sunken vessels, ballast, historic refuse piles, or careenage areas, the Permittee shall also maintain a deployment buffer of at least 200-feet from these resources. The Permittee shall provide the information obtained from the assessment to the Corps no less than 14-days prior to deployment of material on an artificial reef in conjunction with the pre-deployment notification.

32. Pre-Deployment Notification: No less than 14 days prior to deployment of material on an artificial reef, the Permittee shall transmit by electronic mail ("email") a

complete and signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form (Attachment 13), to the Corps and Florida Fish and Wildlife Conservation Commission (FWC) to allow inspection of the proposed reef materials as deemed necessary by the agencies. Inspection is allowable at the staging area. By signing the Pre-Deployment Notification the Permittee certifies all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall not deploy material if notified by the Corps or FWC that the material is questionable. The material needs to be evaluated before it is released for deployment. Any material deemed unacceptable for reef material will be disposed in an approved upland disposal site.

Deployment of the material shall not occur until after the end of the 14-day inspection period. The Permittee shall ensure both a copy of this permit and the signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form are maintained aboard the deployment vessel at all times during loading, transit, and deployment.

33. Post-Deployment Placement Report/As-Built Drawing: No less than 30 days after deployment at the reef site, the Permittee shall transmit by email to the Corps, FWC, and NOAA a complete and signed "Florida Artificial Reef Materials Placement Report and Post-Deployment Notification" form (Attachment 13). Please note, the Corps requires the latitude and longitude to be accurate within 5 meters horizontal distance on the post-deployment report. Attach to the report an as-built drawing containing the approximate deployment configurations and the height of the material after placement. Depth shall be verified utilizing fathometer, depth sounder, or similar device accurate to within 1 meter. Also, include information on the condition of the material at the time of deployment. The report and drawing shall be limited to a few pages per deployment. Representative photographs and/or video, if available, should be submitted.

34. Ownership/Maintenance/Liability: By signing this permit, the Permittee certifies and acknowledges ownership of all artificial reef materials deployed on the reef, accepts responsibility for maintenance of the artificial reef, and possesses the ability to assume liability for all damages that may arise with respect to the artificial reef.

35. Marine Life Entrapment: Neither reef structure nor material or the method of design or deployment should pose more than minimal risk of entrapping fish, marine turtles, or marine mammals. The Permittee shall take all necessary action to minimize this risk. Any observation of entrapped marine turtles or marine mammals on this artificial reef site should be reported immediately to the Enforcement Section

by telephone at 561-472-3536 and the National Marine Fisheries Service by telephone at 727-824-5301.

36. Protected Species Guidance: The Permittee shall comply with the “Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting” (Attachment 12), for marine turtles and marine mammals.

37. Physical Monitoring Plan: The applicant will adhere to the approved physical monitoring plan (Attachment 10). The report will detail the performance of the beach fill project, identifying erosion and accretion patterns within the monitored area. In addition, the report shall include a comparative review of project performance to expectations and identify any adverse impacts attributable to the project. Monitoring reports and data associated with the physical monitoring plan shall be submitted to the Corps at the address listed in Special Condition #1 within 90 days of completion of the review.

38. Monitoring Report Timeframes: All pre-construction monitoring reports shall be provided to the District within 90 days of completion of the survey or monitoring event. Post-construction and annual monitoring reports shall be provided within 90 days of completion of the survey.

39. Monitoring Requirements: The Corps may require additional surveys beyond the post-construction monitoring events if impacts attributable to the project are evident prior to or at the conclusion of the monitoring.

40. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Corps. The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. A cultural resources assessment may be required of the permit area, if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO and the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work in the vicinity shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist. The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist, SHPO and the Corps.

e. If historic artifacts, such as pottery or ceramics, metal implements, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*

Further Information:

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

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344)

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

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

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

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c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

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

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

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

(PERMITTEE)

(DATE)

(PERMITTEE NAME-PRINTED)

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

(DISTRICT ENGINEER)
Alan M. Dodd,
Colonel, U.S. Army
District Commander

(DATE)

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

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

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***Attachments to Department of the Army
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1. PERMIT DRAWINGS: 21 pages,
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. 28 pages.
3. COMPENSATORY MITIGATION PLAN
4. BIOLOGICAL MONITORING PLAN
5. CORAL TRANSPLANTATION PLAN
6. NMFS BIOLOGICAL OPINION
7. MANATEE CONDITIONS *Standard Manatee Conditions for In-Water Work – 2011*
8. SWIMMING SEA TURTLES AND SAWFISH CONDITIONS *Sea Turtle and Smalltooth Sawfish Construction Conditions, revised March 23, 2006*
9. AS BUILT CERTIFICATION FORM
10. PHYSICAL MONITORING PLAN
11. SEDIMENT QUALITY CONTROL PLAN
12. VESSEL STRIKE AVOIDANCE MEASURES
13. FLORIDA ARTIFICIAL REEF MATERIAL PLACEMENT FORM