Agenda Item #: 32-1

## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

# AGENDA ITEM SUMMARY

Meeting Date: December 7, 2010

(X) Consent( ) Workshop

( ) Regular( ) Public Hearing

Department

Submitted By:	Environmental Resources Management
Submitted For:	Environmental Resources Management

#### I. <u>EXECUTIVE BRIEF</u>

Motion and Title: Staff recommends motion to approve: Work Order No. 1666-06 to Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02 (R2008-1666) with Eastman Aggregates Enterprises, LLC (Eastman), of Palm Beach County (Primary) in the amount of \$1,174,259 to provide dune restoration services for the Singer Island Dune Restoration Project (Project).

Summary: The BCC approved an annual construction Contract for the Palm Beach County Annual Dune & Wetlands Restoration Project No. 2008ERM02 (R2008-1666) on September 23, 2008. On July 21, 2009, the BCC approved Amendment No. 1 (R2009-1181) to increase the Contract by \$305,880 to a not-to-exceed amount of \$4,603,334, extend the Contract for two (2) years and add bid items. Work Order No. 1666-06 is the sixth work order issued under this annual construction contract and authorizes Eastman to complete dune restoration activities along the eroded Project shoreline. Eastman's SBE goal is 16.14%. There is 39.9% SBE subcontractor participation on this Work Order.

Federal Emergency Management Agency (FEMA) funds awarded in response to erosion incurred during Tropical Storm Fay and Hurricane Hanna will reimburse \$1,027,477 (87.5%) of costs associated with this work order. The remaining cost of \$146,782 is provided from the Beach Improvement Fund supported by Tourist Development Taxes. District 1 (JM)

**Background and Justification:** The shoreline along Singer Island is designated by FDEP as critically eroded. Since 2001, seven (7) dune restoration projects have placed approximately 260,000 c.y. of sand in efforts to help provide beach stabilization and storm protection to upland infrastructure. However, due to continued erosion along the beach the restored dunes have been washed out, leaving the upland infrastructure with limited storm protection.

Attachments: 1. Work Order No. 1666-06 2. Project Plan View

Recommended by:	Ribord E-Walnuly	11/10/10
	Department Director	Date
Approved by:	aprel	12/1/11

# II. FISCAL IMPACT ANALYSIS

# A. Five Year Summary of Fiscal Impact:

Fiscal Years Capital Expenditures Operating Costs	<b>2011</b> 1,174,259	2012	2013	2014	2015
External Revenues Program Income (Count In-Kind Match (County)	( <u>1,027,477</u> ) y)			· · · · · · · · · · · · · · · · · · ·	
NET FISCAL IMPACT	146,782				
# ADDITIONAL FTE POSITIONS (Cumulativ	/e)			,	· · · · · · · · · · · · · · · · · · ·
Is Item Included in Curr Budget Account No.: 369 Feasibility Study	ent Budget? 52 Fund 381 ]	Y) Department	es <u> </u>	No Object 4630	
	Program		-		
B. Recommer FEMA: Beach Impr	ded Sources of ovement Fund:	<b>Funds/Sun</b> \$1,027,47 \$146,782	nmary of Fiscal 77	I Impact:	
C. Departmer	nt Fiscal Review ////// <u>III. REV</u>	v: /IEW COM	IMENTS		
A. OFMB Fis	çal and /or Con	tract Dev.	and Control Co	omments:	
ОЕМВ	Drum II	$\frac{1}{\sqrt{p}} \overline{\mathbf{c}}$	Jm J, ontract Develo	predoct	11)221,10
B. Legal Suff Ann Assistant C	iciency:		This its County	m complies with cur policies.	rent
C. Other Dep	artment Review	<b>v</b> :			

**Department Director** 

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Attachment 1

# WORK ORDER ANNUAL CONTRACT

PROJECT NAME:Palm Beach County Annual Dune & Restoration ProjectPROJECT NO.2008ERM02RESOLUTION #:R2008-1666, R2009-1181

DEPARTMENT: ENVIRONMENTAL RESOURCES MANAGEMENT

WORK ORDER LOCATION/NAME: Singer Island Dune Restoration Project

WORK ORDER NO.: <u>1666-06</u> DISTRICT #: <u>1</u>

BUDGET LINE ITEM: <u>3652-381-M037-4630</u>

[Fiscal approval of Budget Availability: see attached ]

TO: Eastman Aggregates Enterprises, LLC 3705 Bellevue Avenue Lake Worth, Florida 33461

In accordance with the terms of your Contract dated September 23, 2008, you are directed to provide the supplies and services listed in the attached Bid Schedule.

The above work shall be performed at: 5540 to 5060 N. Ocean Drive, Singer Island, FL, in accordance with permit #0267233-002-JC and attached Plan.

This Work is funded in part or in whole by: Palm Beach County ERM and FEMA.

Commencing: Upon written Notice to Proceed and shall be substantially completed within <u>fifty-six (56)</u> calendar days of the Commencement Date.

The amount of Liquidated Damages for this work order is: <u>\$686/day.</u>

Progress Payment Retainage shall be held in the amount of five percent (5%) of the Total Complete.

The total amount of this Work Order, at the contract prices, shall not exceed \$1,174,259.00 as identified in attached proposal, dated November 4, 2010.

# PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

By:

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Karen Marcus, Chair

ATTEST: Sharon R. Bock, Clerk & Comptroller

By: \_

Deputy Clerk

DATE:

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(Seal)

# APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:

Assistant County Attorney

APPROVED AS TO TERMS AND COMPITIONS

Schalen ub By:

Richard E. Walesky, Director Dept. of Environmental Resources Management

# CONTRACTOR AFFIDAVIT AND RECEIPT OF WORK ORDER:

Having carefully examined the Work Order documents, including its attachments and Plans, for the abovereferenced Project, as well as the premises and conditions affecting the Work, and confirming that the site(s) was/were visited, as required, by

UE 10/15/2010 (Date) on (Name of Person)

the undersigned hereby declares that we have carefully and to our full satisfaction examined the Work Order documents, and that we have made a full examination of the location of the proposed Work and the source of supply of materials. Please indicate your receipt of this Work Order by signing and returning two originals.

a BY:

Bernard Eastman Name mR Title

Eastman Aggregate Enterprises, LLC Contractor Name EASTMAN AGGREGATE ENTERPRISES, LLC 3705 BELLEVUE AVE LAKE WORTH, FL 33461 OFFICE: 561-969-7147 FAX: 561-434-3477

DEPT. OF ENVIRONMENTAL RESOURCES MGMT. 2300 NORTH JOG ROAD, 4TH FLOOR WEST PALM BEACH, FL 33411 ATT: MIKE STAHL 11/4/2010

# PROJECT: SINGER ISLAND - WORK ORDER # 1666-06

QTY	UNITS	ITEM	PRICE
9,000.00	TON	9.78	88,020.00
9,000.00	Ton-Mile	1.05	9,450.00
927,000,00	Ton-Mile	0.16	148.320.00
9,000.00	TON	1.68	15,120.00
•			
		TOTAL\$	250,910.00
11.000.00	TON	9.78	107.580.00
11,000,00	TON-MILE	1.05	11.550.00
1 133 000 00	TON-MILE	0.16	181,280.00
11,000.00	TON	1.68	18,480.00
	14	TOTALS	318,890.00
9 000 00	TON	9.78	88.020.00
9,000,00	Ton-Mile	1.05	9,450,00
927 000.00	Ton-Mile	0.16	148 320 00
9,000,00	TON	1 70	15 300.00
9,000.00	TON	1.68	15,120.00
•			
	1	TOTAL \$	276,210.00
9,000.00	TON	9.78	88,020.00
9,000.00	Ton-Mile	1.05	9,450.00
927,000.00	Ton-Mile	0.16	148,320.00
9,000.00	TON	1.70	15,300.00
9,000.00	TON	3.05	27,450.00
		TOTAL S	288.540.00
	192.7		
2.00			6 200 22
3.00	W/O	2100.00	6,300.00
2,100.00	YD2	2.10	4,410.00
40.00	Ton	23.10	924.00
1.00	W/O	1575.00	1,575.00
220	HOUR	75.00	16,500.00
	<b>QTY</b> 9,000.00 9,000.00 927,000.00 9,000.00 11,000.00 1,133,000.00 1,133,000.00 9,000.00	QTY         UNITS           9,000.00         TON           9,000.00         Ton-Mile           927,000.00         Ton-Mile           9,000.00         TON           9,000.00         TON           9,000.00         TON           11,000.00         TON-MILE           11,000.00         TON-MILE           1,133,000.00         TON-MILE           11,000.00         TON-MILE           9,000.00         TON-MILE           9,000.00         TON-MILE           9,000.00         TON-MILE           9,000.00         TON           9,000.00         TON           9,000.00         TON           9,000.00         TON           9,000.00         TON           9,000.00         TON-Mile           9,000.00         TON           9,000.00         TON	OTY         UNITS         ITEM           9,000.00         TON         9.78           9,000.00         Ton-Mile         1.05           927,000.00         TON-Mile         0.16           9,000.00         TON-Mile         0.16           9,000.00         TON-Mile         0.16           9,000.00         TON         9.78           11,000.00         TON-MILE         1.05           11,000.00         TON-MILE         1.05           1,133,000.00         TON-MILE         0.16           11,000.00         TON-MILE         0.16           11,000.00         TON-MILE         0.16           11,000.00         TON-MILE         0.16           11,000.00         TON-MILE         0.16           9,000.00         TON-MILE         1.05           9,000.00         TON         9.78           9,000.00         TON         1.70           9,000.00

TOTAL \$ 29,709.00

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TOTAL PRICE 1,174,259.00



# SCHEDULE 1

:

NAME OF PRIME BIDDER: EAST	man Aggregate e	ENT LLC	ADDRESS_	3705 1	Bellevue	Ave L.	w f1 3=
CONTACT PERSON: BERNA	Id Eastman	•	PHONE NO:	54 969-714	- γ FAX NO:	561 - 969	- 8981
OID OF CHING DATE.	PI FASE IDENTIES		DEPARTMEN	ят: <u> </u>	4		
Name, Address and			CATEGORIES OF	PRIME AND/OR SU	BCONTRACTORS	************	**************
Phone Number	(Check one or bol Minority Business S	h Categories) mall Business	Black	Subcontract / Hispanic	Amount Women -	Caucasian	Other(Please
1. P.O BOX 1058		U	\$	<u>\$46859</u>	60° \$	\$\$	Specify) \$
2.			· \$	\$	\$	\$	\$
3.			\$	\$	_ \$	\$	\$
			\$	\$	\$	\$	\$
			\$	\$	\$	\$	\$
ease use additional sheets if necessary)		Total	\$	\$ 468,54	\$	\$	\$
tal Bid Price \$	259.00'	Total Value of	SBE Participati	me 3	990/0		
TE: 1. The amounts listed on counted toward goal attai 2. Firms may be certified I dollar amount under the a 3. M/WBE information is b	this form must be suppo nment. by Palm Beach County a ppropriate category.	orted by the Sul as an SBE and/	ocontractors (a	nd, if applicable,	Prime) prices in ed as both an S	cluded on Schedu BE and M/WBE, p	ile 2 in order to please indicate

PROJECT NO. 2008ERM02

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SCHEDULE 2	
LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE PRIME OR SUBCONTRACT [MUST BE COMPLETED IN ITS ENTIRETY BY SBE] PROJECT NO. 2008ERM02 PROJECT NAME: Palm Beach County Annual Dune & Wett Restoration Project W.O. * 1666-06	OR lands
TO: <u>Eastman Aggregate Enterprises</u> , JLC (Name of Prime Bidder)	
The undersigned is certified by Palm Beach County as a(n) - (check one or more, as applicable	1. 
Small Business Enterprise Minority Business Enterprise	·]•
Black Hispanic Women Caucasian Other (Please Specify)	
Date of Palm Beach County Certification: Octube 37, 2010	•
The undersigned is prepared to perform the following described work in connection with the a project (Specify in detail, particular work items or parts thereof to be performed):	bove
Ra     Transport: Delivery 1st Tan Mile     Qty/Units     Unit Price     Total Price       B     Transport: Delivery Additional Tan Mile 3,914,000 / .11 / 430,540.0	ω- -
at the following price \$ Four hundred sixty zero hr thousand fire hundred (Subcontractor's quote)	1 Forty
and will enter into a formal agreement for work with you conditioned upon your execution of a con with Palm Beach County.	tract
If undersigned intends to sub-subcontract any portion of this subcontract to a non-certified SBE subcontractor, the amount of any such subcontract must be stated: \$	·
The undersigned subcontractor understands that the provision of this form to prime Bidder does prevent subcontractor from providing quotations to other Bidders.	s not
(Print name of SBE-M/WBE Subcontractor)	
By: Casefac Suijels (Signature) <u>Lice pres</u> Title of person executing on behalf	
of SBE-M/WBE Subcontractor	

of SBE-M/WBE Subcontractor)

Date: 11-3-10

BID FORM - 12

# BUDGET AVAILABILITY STATEMENT

**REQUEST DATE: 11/05/10** 

**REQUESTED BY:** Mike Stahl

PROJECT TITLE: Singer Island Dune Restoration

LOCATION: Atlantic Ocean (District 1)

**ORIGINAL CONTRACT AMOUNT:** 

REQUESTED AMOUNT: \$1,174,259.00

CSA/LOA CHANGE ORDER AMOUNT:

CSA/LOA CHANGE ORDER NUMBER:

CONTRACTOR/CONSULTANT NAME: Eastman Aggregate Enterprises PROVIDE A BRIEF STATEMENT OF THE SCOPE OF SERVICES TO BE PROVIDED BY THE CONSULTANT/CONTRACTOR: Supply sand and placement at designated areas of Singer Island.

**BUDGET ACCOUNT NUMBER (IF KNOWN):** 

FUND: 3652	DEPT: <u>381</u>	UNIT: <u>M037</u> OBJ: <u>4630</u>	PROG_CD: <u>E037</u>	PPC_CD: <u>CIP</u>
TASK 5015	SUBT CSII	ORDER 012		
en (* 1970) 1970 - January State, state (* 1970) 1970 - January State (* 1970)		1988년 1979년 - 1999년 1979년 1 1979년 1979년 197	영상 지원에 관심을 가지 않는 것이 없는 것이다.	

DATE:

[] AD VALOREM

[x] OTHER

(] FEDERAL

**REVENUE:** 

ANTICIPATED DATE OF APPROVAL:

**BAS APPROVED BY** 

**ENCUMBRANCE NUMBER:** 

 $T:\fiss\FinancialManagement\Fiscal\BAS\BAS11\11bas.EastmanSingerDuneRestor\_MS.doc$ 

PHONE: 233-2433 Work Order NO: 1666-06 Project NO: 2008 ERM02 BCC RESOLUTION# R2008-1666 DATE:

# CONTRACT HISTORY Eastman Aggregates Enterprises, LLC Annual Dune & Wetlands Restoration Project Project Number 2008ERM02

Contract R2008-1666 dated September 23, 2008 for period of one year expires on September 22, 2009. Contract Amendment No. 1 (R2009-1181) dated July 21, 2009 extends contract through September 22, 2011 and increases contract by \$305,880.00 to \$4,603,334.00.

SBE-MBE Goal 16.14% (16.14% SBE/H) Work Order summary:

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WORK ORDER NUMBER	APPROVED TOTAL/ SBE AMOUNT	ACTUAL TOTAL/SBE AMOUNT	WORK ORDER DESCRIPTION	WORK AUTH. DATE	COMMENCE- MENT DATE
1666-01	674,448.00	372,343.50	South Palm Beach/Lantana Municipal Beach	BCC	ERM
	262,575.00	143,989.15		11/18/2008	1/5/2009
1666-02	261,118.00	239,382.59	Lake Ida Restoration Project	BCC	ERM
	49,693.50	39,702.96		3/17/2009	3/30/2009
1666-02A	98,772.00	73,500.00	Lake Ida Restoration Project	ERM	ERM
	17,374.50	0.00	,	5/20/2009	3/30/2009
1666-02B	36,400.00	35,035.00	Lake Ida Restoration Project	CRC	ERM
	0.00	0.00		6/10/2009	3/30/2009
1666-03	438,439.90	438,439.90	Ibis Isle Restoration Project	BCC	ERM
	129,956.25	129,956.25		6/16/2009	6/19/2009
1666-03A	182,885.00	182,885.00	Ibis Isle Restoration Project	BCC	ERM
	9,585.00	5,357.08		7/21/2009	6/19/2009
AMEN	DMENT		2 Very Contract Extension	I	BCC
NUMBER 1			2 Tear Contract Extension	7/2	1/2009
1666-03B	293,725.25	275,887.95	Ibis Isle Restoration Project	BCC	ERM
	8,956.13	0.00		11/17/2009	6/19/2009
1666-04	344,621.94	296,524.29	Pondhawk Natural Area Restoration Project	BCC	ERM
	39,253.33	37,956.87		1/12/2010	1/14/2010
CHANG	E ORDER		Addition of Sand Screening for Juno Beach Renourishment	] ]	BCC
NUM	IBER 1		Project	3/2	3/2010
1666-05	985,488.87	955,698.73	Juno Beach Renourishment Project - Sand Screening	BCC	ERM
	6,299.30	6,307.62		3/23/2010	3/23/2010
1666-04A	45,705.78	45,705.78	Pondhawk Natural Area Restoration Project	ERM	ERM
	6,545.49	6,545.49		4/19/2010	1/14/2010
1666-04B <sup>1</sup>	0.00	0.00	Pondhawk Natural Area Restoration Project	CRC	ERM
	0.00	0.00		5/19/2010	1/14/2010
1666-05A	2,916.00	2,916.00	Juno Beach Renourishment Project - Sand Screening	ERM	ERM
	0.00	0.00		6/14/2010	3/23/2010
1666-06	1,174,259.00		Singer Island Dune Restoration	BCC	ERM
	468,540.00				

 Total:
 \$4,092,577.74

 SBE:
 \$838,355.42

 SBE Participation:
 20.48%

Report Date & Filename: T:\eer\engser\Consultants\Eastman Aggregates\[history\_1666.xls]Contract History

11/4/2010

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Footnote: 1) 90 day Time Extension approved by CRC. Cumulative Time Extension = 90 days.



# Florida Department of **Environmental Protection**

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

### **CERTIFIED - RETURN RECEIPT REQUESTED**

October 28, 2010

Richard E. Walesky, Director Department of Environmental Resources Management (ERM) Palm Beach County 2300 North Jog Road, 4th Floor West Palm Beach

> NOTICE OF PERMIT ISSUANCE Permit Number: Applicant Name: Project Name:

0267233-002-JC Palm Beach County ERM Singer Island Dune Restoration

Dear Mr. Walesky:

Enclosure(s): Joint Coastal Permit

Your request for a Joint Coastal Permit, issued pursuant to Chapters 161 and 373, Florida Statutes, and Title 62, Florida Administrative Code, has been approved by the Department. Please read the enclosed permit closely before starting construction. Particularly note the permit conditions pertaining to written notifications which must be submitted to the Department at specified times.

If you have any additional questions, please contact me by phone at (850) 414-7806, or by e-mail at steven.macleod@dep.state.fl.us.

Sincerely, 5tM·LS

Steven MacLeod, Environmental Manager Bureau of Beaches and Coastal Systems

ENVIRONMENTAL RESOURCES MANAGEMENT

"More Protection, Less Process" www.dep.state.fl us

Charlie Crist Governor

Jeff Kottkamp Lt. Governor

Mimi A. Drew

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Secretary Env. Snin & Restoration

ENV. RES. MGMI'.

Resources Protection

Nospoilo Control

Domity Director

Other

Director

Walkial Resources Stewardship

Finance & Sumport Services

Notice of Permit Issuance Permit No. 0267233-002-JC Singer Island Dune Restoration Page 2 of 2

Copies furnished (via e-mail) to:

. . . . Michael Stahl, Palm Beach ERM LeAnn Welch, Palm Beach ERM Tori White, USACE, Palm Beach Gardens Eric Reusch, USACE, Palm Beach Gardens Rob Weber, Town of Palm Beach Carolyn A. Dekle, South Florida RPC Jocelyn Karazsia, NMFS, West Palm Beach Dennis Klemm, NMFS, St. Petersburg Jeffrey Howe, USFWS, Vero Beach Ron Miedema, USEPA, West Palm Beach Mary Ann Poole, FWC, OPSC Robbin Trindell, FWC, ISMS Jane Chabre, FWC, OPSC Lisa Gregg, FWC, MFMS Ricardo Zambrano, FWC, South Region Major Jeffrey Hubert, FWC, South Region A Erika D'avanzo, Surfrider Dan Clark, Cry of the Water Gerald Ward, Singer Is./Riviera Beach resident Janet Llewellyn, DEP, DWRM Director Jennifer Smith, DEP, Southeast District Chantal Collier, DEP, CAMA Joanna Walczak, DEP, CAMA Robert Brantly, BBCS-CE El Kromhout, BBCS-CE Jenny Cheng, BBCS-CE Paden Woodruff, BBCS-BECP Alex Reed, BBCS-BECP Rob Buda, BBCS-BECP Roxane Dow, BBCS-BECP Celora Jackson, BBCS-CCCL Mark Taynton, BBCS-CCCL Martin Seeling, BBCS-JCP Vladimir Kosmynin, BBCS-JCP Stephanie Gudeman, BBCS-JCP JCP Compliance Officer **BBCS** File

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# Florida Department of Environmental Protection

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

Jeff Kottkamp Lt. Governor

Mimi A. Drew Secretary

# CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

### **PERMITTEE:**

Palm Beach County ERM Attn: Richard Walesky, Director 2300 North Jog Road, 4<sup>th</sup> Floor West Palm Beach, FL 33411-2743 PERMIT INFORMATION: Permit Number: 0267233-002-JC Project Name: Singer Island Dune Restoration

County: Palm Beach Issuance Date: October 28, 2010 Expiration Date of Construction Phase: October 28, 2015

#### **REGULATORY AUTHORIZATION:**

This five-year permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department 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 consists of a single dune restoration event placing up to 75,000 cubic yards of sand between R-60+850 and R-65+500. The sand will be transported by truck from the Ortona mine to the dune restoration site. The dune will have a typical cross section extending the dune crest approximately 10 feet seaward at an elevation of +20 NAVD and transitioning at a 3:1 (Horizontal:Vertical) slope to meet the existing berm slope landward of the 2009 mean high water line (MHWL). Fill will not be placed seaward of the highest annual high tide line. Dune vegetation, consisting of at least locally grown sea oats (*Uniola paniculata*) will be planted on the sloped segment of the constructed dune.

#### **ACTIVITY LOCATION:**

The dune restoration site is located between R-60+850 and R-65+500 on Singer Island, in Palm Beach County, Sections 15, 22, 23 and 26, Township 42 South, Range 43 East, Atlantic Ocean, Class III Waters.

# **PROPRIETARY AUTHORIZATION:**

This activity also requires a proprietary authorization, as the fill material will adjust onto sovereign submerged lands held in trust by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a

"More Protection, Less Process" www.dep.state.fl.us Joint Coastal Permit Singer Island Dune Restoration Permit No. 0267233-002-JC Page 2 of 9

proprietary authorization. The Board of Trustees delegated the Department the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. This proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21 and Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

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

# **COASTAL ZONE MANAGEMENT:**

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

#### **OTHER PERMITS:**

Authorization from the Department does not relieve you from the responsibility of obtaining other permits (Federal, State, or local) that may be required for the project. When the Department received your permit application, a copy was sent to the U.S. Army Corps of Engineers (USACE) for review. The USACE may issue a separate authorization directly to you, or contact you if additional information is needed. If you have not heard from the USACE within 30 days from the date that your application was received by the Department, contact the nearest USACE regulatory office for status and further information. Failure to obtain any required USACE authorization prior to construction could subject you to federal enforcement action by that agency.

#### **AGENCY ACTION:**

The above named Permittee is hereby authorized to construct the work outlined in the activity description and activity location of this permit and shown on the approved permit drawings, plans and other documents attached hereto. This agency action is based on the information submitted to the Department as part of the permit application, and adherence with the final details of that proposal shall be a requirement of the permit. This permit and authorization to use sovereign submerged lands are subject to the General Conditions and Specific Conditions, which are a binding part of this permit and authorization. Both the Permittee and their Contractor are responsible for reading and understanding this permit (including the permit conditions and the approved permit drawings) prior to commencing the authorized activities, and for ensuring that the work is conducted in conformance with all the terms, conditions and drawings.

Joint Coastal Permit Singer Island Dune Restoration Permit No. 0267233-002-JC Page 3 of 9

#### **GENERAL CONDITIONS:**

- 1. All activities authorized by this permit shall be implemented as set forth in the plans and specifications approved as a part of this permit, and all conditions and requirements of this permit. The Permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required pursuant to section 62B-49.008, Florida Administrative Code.
- 2. If, for any reason, the Permittee does not comply with any condition or limitation specified in this permit, the Permittee shall immediately provide the Bureau of Beaches and Coastal Systems and the appropriate District office of 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.
- 3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits that may be required by federal, state, local, special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project that are not addressed in this permit.
- 4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of sovereignty 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. The Permittee is responsible for obtaining any necessary authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to commencing activity on sovereign lands or other state-owned lands.
- 5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
- 6. This permit does not convey to the Permittee or create 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. The issuance of this permit does not convey any vested rights or any exclusive privileges.
- 7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the

Joint Coastal Permit Singer Island Dune Restoration Permit No. 0267233-002-JC Page 4 of 9

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permitted activity. The Permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times, access to the premises where the permitted activity is located or conducted for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to an copy any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

9. At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the Permittee shall submit to the Bureau of Beaches and Coastal Systems (JCP Compliance Officer) and the appropriate District office of the Department a written
— notice of commencement of construction indicating the actual start date and the expected completion date and an affirmative statement that the Permittee and the contractor, if one is to be used, have read the general and specific conditions of the permit and understand them.

10. If historic or archaeological artifacts, such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time on the project site, the Permittee shall immediately stop all activities in the immediate area that disturb the soil in the immediate locale and notify the State Historic Preservation Officer and the Bureau of Beaches and Coastal Systems (JCP Compliance Officer). In the event that unmarked human remains are encountered during permitted activities, all work shall stop in the immediate area and the proper authorities notified in accordance with Section 872.02, F.S.

Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the Permittee shall submit to the Bureau of Beaches and Coastal Systems (JCP Compliance Officer) and the appropriate District office of the Department a written statement of completion and certification by a registered professional engineer. This certification shall state that all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specifications, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on two paper copies and one electronic copy of as-built drawings submitted to the Bureau of Beaches and Coastal Systems (JCP Compliance Officer)

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#### **SPECIFIC CONDITIONS:**

- 1. Unless otherwise specified in the conditions below, all reports or notices relating to this permit shall be sent to the DEP, Bureau of Beaches and Coastal Systems, JCP Compliance Officer, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000 (e-mail: JCPCompliance@dep.state.fl.us).
- 2. Sediment quality will be assessed as outlined in the approved Sediment QA/QC plan (attached). Any occurrences of unacceptable material will be handled according to the protocols set forth in the attached Sediment QA/QC plan, dated May 19, 2010 (and approved by the Department on May 28, 2010), or a subsequently revised plan that is approved in writing by the Department. The sediment testing results shall be submitted to DEP within 90 days following the completion of dune restoration construction.

### Marine Turtles

- 3. No operation, transportation or storage of equipment or materials is authorized seaward of the dune crest or rigid coastal structure during the marine turtle nesting season. The marine turtle nesting season in Palm Beach County, where leatherback turtle nesting occurs, is March 1 through October 31.
- 4. Visual surveys for escarpments at the seaward edge (i.e., the toe) of the constructed dune shall be made weekly during sea turtle nesting season for one (1) year following the completion of sand placement or until placed sand no longer remains on the beach, whichever is greater, not to exceed three (3) years following completion of construction. However, escarpment measurements only need to be conducted if less than 100 feet of berm width remains between a dune escarpment and the approximate mean high water line, or if the escarpment is otherwise observed to interfere with sea turtle nesting (e.g., false crawls terminate at the dune escarpment).
  - a. The number, length and location of escarpments shall be recorded during each weekly survey and reported each week. Notations on the height of these escarpments shall be included (0 to 2 feet, 2 to 4 feet, and 4 feet or higher) as well as the maximum height of all escarpments.
  - b. The Permittee shall contact the DEP and the FWC if dune escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet form on the beach during nesting season.
- 5. Early morning surveys for sea turtle nests along both the dune and berm in the construction area must be conducted daily, from March 1 through October 1. These surveys shall be conducted during the year immediately before sand will be placed on the beach under this permit and for at least one (1) year after sand is placed on the beach, or until placed sand no longer remains on the beach, whichever is greater. These surveys do not need to continue for more than three (3) years following completion of construction.

Joint Coastal Permit Singer Island Dune Restoration Permit No. 0267233-002-JC Page 6 of 9

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- a. Nesting surveys will only be conducted by personnel with prior experience and training in nesting survey procedures. Nests shall not be relocated for construction or conservation purposes on site. Surveyors must have a valid FWC permit issued pursuant to Florida Administrative Code Rule 68E-1. Nesting surveys must be conducted daily between sunrise and 9 a.m.
- b. Nests deposited in the project area shall be marked and left *in situ*. The Marine Turtle Permit Holder must install an on-beach marker at the nest site and/or a secondary marker at a point landward as possible to assure that future location of the nest will be possible should the on-beach marker be lost. For nests located on the beach when construction occurs (between October 31 and March 1), a series of stakes and highly visible survey ribbon or string must be installed to establish a 10-foot radius around the nest. No activity shall occur within this area or shall any activities occur that could result in impacts to the nest. Nest sites must be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the restoration activity.
- c. Sand placement conducted outside the marine turtle nesting season must avoid all marked nests. No use of lights or nighttime construction shall occur within 300 feet of nests that are due to hatch.
- 6. Immediately after completion of the dune restoration project, and by March 1 of the year that sand is placed on the beach, sand compaction must be monitored in the area of restoration in accordance with a protocol below, agreed to by FWC, DEP and the U.S. Fish and Wildlife Service. If required, the unvegetated area must be tilled to a depth of 36 inches. In lieu of sand compaction monitoring, the Permittee may elect to perform the tilling. All compaction and tilling activity must be completed prior to March 1 in accordance with the following:
  - a. Compaction sampling locations shall be distributed along the restored dune at shore-parallel intervals of 500 feet. At each location, one station must be at the seaward edge of the dune and one station must be midway atop the dune.
  - b. At each station, the cone penetrometer will be pushed to a depth of 6, 12, and 18 inches. Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lie over less compact layers.
    - Reports of each compaction reading shall be submitted within 30 days of collection and prior to any tilling actions being taken.

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**Joint Coastal Permit Singer Island Dune Restoration** Permit No. 0267233-002-JC Page 7 of 9

- If the average value for any depth exceeds 500 pounds per square inch (psi) for d. any two or more adjacent stations, then that area must be tilled immediately prior to March 1.
- Each pass of the tilling equipment shall be overlapped to allow more thorough e. and even tilling.
- Reports on all nesting activity and marine turtle protection measures taken shall be 7. provided for the initial nesting season following the completion of fill placement. Reports shall be submitted to FWC no later than 60 days after the completion of all monitoring activities, and shall include daily report sheets noting all activity, nesting success rates, the number of nests washed out or lost, hatching success of all nests. Reports shall also document any interactions between nesting females and hatchlings and scarps or beach equipment.
- No additional exterior lights are authorized. 8.

# **Dune Restoration**

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- Within 90 days following the completion of dune restoration construction activity, and 9 prior to 1 May, the Permittee shall vegetate the sand dune. This shall be done according to the following conditions:
  - The Permittee shall restore any disturbed dune topography to pre-project a. elevations, grades and configuration. The Permittee shall place clean, beach compatible sand to create a stable dune system seaward of the major structure and continuous with the natural dune features in the area. Dune restoration and vegetation plantings shall be constructed according to the approved typical crosssectional drawings. The seaward toe of the fill is to be located so as not to extend waterward of the highest annual high tide elevation. Side slopes of the restored dune shall match the slope of natural dunes in the area, and in no case shall exceed a 3:1 horizontal run to vertical rise ratio. The crest elevation of the restored dune shall be set at the crest elevation of natural dunes in the area.
  - No dune restoration construction activity shall occur seaward of the frontal dune b. during the marine turtle nesting season (1 March through 31 October), and no temporary lighting of the construction area is authorized during that period. The Permittee may plant dune vegetation during daylight hours between 1 March and 1 May provided that only manual labor is utilized upon the beach and dune system.
    - The Permittee shall plant the restored dune with Florida native plant species, consisting predominantly of locally grown sea oats (Uniola paniculata). The restored dune shall include a minimum of 70% coverage by dune grasses. Planting materials shall be appropriate to the region of the planting site. Dune

Joint Coastal Permit Singer Island Dune Restoration Permit No. 0267233-002-JC Page 8 of 9

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restoration plants shall be spaced throughout the designated area in staggered rows. Plant units shall be four-inch size or less, spaced a maximum distance of 18 inches apart and installed a minimum of six inches deep. The Permittee shall fertilize and water the planting units at the time of installation and irrigate and fertilize only as necessary until the plants are established and meet the survival criteria below. Irrigation systems, if necessary, shall be installed below grade and remain below grade until removed.

Irrigation (if proposed) shall be entrenched 1 to 3 inches below grade so as not to pose a barrier to hatchlings and to allow for easy removal. Irrigation piping shall avoid all marked nests by a minimum of ten (10) feet. The irrigation system shall be designed and maintained so that watering of the unplanted sandy beach does not occur. In the event a marine turtle nest is deposited within the newly established dune planting area, the permittee shall modify the irrigation system so that watering within 10 feet of the nest does not occur. The Permittee shall conduct daily inspection of the irrigation system to ensure compliance with this condition.

The dune restoration area shall be protected from foot traffic or other encroachments. Signs, rope and bollard barriers, or sand fencing shall be constructed as required by the Department field representative to prevent trampling of vegetation and erosion of the dune feature.

In addition to the final construction certification referenced in General Permit Condition 11, the Permittee shall submit a written statement of completion of the planting and irrigation plan to the Department within 30 days after completion of planting. This written statement, and the associated as-built drawings, shall be prepared and signed by a person knowledgeable in dune planting techniques. If the completed planting or irrigation activity differs substantially from the approved plans, any substantial deviations shall be noted and explained on two copies of the submittal.

g. Within 180 days, a minimum of 80 percent overall survival rate of the planting units shall be established and 80 percent of the planted area shall be covered with the selected species. Gaps in the shore parallel coverage shall be replanted. The permittee shall replant all deficient areas and maintain the plantings until the above success criteria are met. Irrigation systems and other structures placed during plant installation shall be removed only after approval of planting success by the Department and within thirty (30) days from the submittal for final project certification.

# **Turbidity Monitoring**

10. Turbidity levels at the project site are expected to remain well below 29 NTUs above background (the water quality standard for turbidity). Therefore, no mixing zone has been approved, and the Department does not require routine turbidity monitoring.

Joint Coastal Permit Singer Island Dune Restoration Permit No. 0267233-002-JC Page 9 of 9

However, if a significant turbidity plume is observed coming from the adjusting fill material, the Permittee shall immediately notify the JCP Compliance Officer via e-mail (JCPcompliance@dep.state.fl.us). The Permittee shall then conduct turbidity monitoring on at least three (3) separate occasions, at the direction of the JCP Compliance Officer, to help determine if the water quality standard has been exceeded and if additional turbidity control measures would be required in future permits.

Executed in Tallahassee, Florida.

# STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Michael R. Barnett, P.E., Chief Bureau of Beaches and Coastal Systems

# FILING AND ACKNOWLEDGMENT

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

ongin 10/28/10 Date

Prepared by S. MacLeod and M. Neely.

Attachments: Approved Permit Drawings (2 pages) Approved QA/QC Plan (dated May 19, 2010)

#### **SEDIMENT QUALITY CONTROL/QUALITY ASSURANCE PLAN** FOR BEACH OR DUNE RESTORATION USING AN UPLAND SAND SOURCE

#### 0267233-002-JC

Palm Beach County

Singer Island Dune Restoration

May 19, 2010

APPROVED Sediment QC/QA Plan Permit #: 0267233-002-JC Approval: June 10, 2010 Bureau of Beaches and Coastal Systems

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A. INTRODUCTION

Pursuant to Fla. Admin. Code r. 62B-41.008 (1) (k) 4.b., permit applications for inlet excavation, beach restoration, or nourishment shall include a quality control/assurance plan that will ensure that the sediment from the borrow areas to be used in the project will meet the standard in Fla. Admin. Code r. 62B-41.007(2)(j). To protect the environmental functions of Florida's beaches, only beach compatible fill shall be placed on the beach or in any associated dune system. Beach compatible fill is material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system.

The Department has received the results of geotechnical investigations that provide adequate data concerning the character of the sediment and the quantities available within the spatial limits of the upland sand source(s). The Department has received an analysis of the existing or native sediment and the sediment within the permitted upland sand source(s), including the methods of mining and post-mining processing, that demonstrates its compatibility with the naturally occurring beach sediment in accordance with Fla. Admin. Code r. 62B-41.007(2)(j). The sediment analysis and volume calculations were performed using established industry standards, and are certified by a Professional Engineer or a Professional Geologist registered in the State of Florida.

Based upon this information, the Department of Environmental Protection (Department) has determined that use of the sediment from the upland sand source(s) will maintain the general character and functionality of the sediment occurring on the beach and in the adjacent dune and coastal system. Furthermore, this information provides sufficient quality control/quality assurance (QC/QA) that the mean grain size and carbonate content of the sediment from the upland sand source(s) will meet the requirements of Fla. Admin. Code r. 62B-41.007(2)(j); hence, additional QC/QA procedures are not required for these sediment parameters during construction.

This plan outlines the responsibilities of each stakeholder in the project as they relate to the placement of beach compatible material on the beach. These responsibilities are in response to the possibility that non-beach compatible sediments may exist within the upland sand source(s) and could be unintentionally placed on the beach. The QC Plan specifies the minimum construction management, inspection and reporting requirements placed on the Contractor and enforced by the Permittee, to ensure that the sediment from the upland sand source(s) to be used in the project meet the compliance specifications. The QA Plan specifies the minimum construction oversight, inspection and reporting requirements to be undertaken by the Permittee or the Permittee's On-Site Representative to observe, sample, and test the placed sediments to verify the sediments are in compliance.

#### **B. SEDIMENT QUALITY SPECIFICATIONS**

The sediment from the upland sand source(s) is similar in Munsell color and grain size distribution to the material in the existing coastal system at the beach placement site. The Department and the Permittee acknowledge that it is possible that discrete occurrences of non-beach compatible sediments may exist within the permitted upland sand source(s) that do not comply with the limiting parameters of Fla. Admin. Code r. 62B-41.007(2)(j) 1. – 5., or vary in Munsell color from the composite value. Furthermore, the Department may consider more restrictive values for the sediment parameters to ensure that the sediment from the upland sand source(s) is similar in color and grain size distribution to the sediment in the existing coastal system at the beach placement site. Therefore, fill material compliance specifications for the sediment from the upland sand source(s) proposed for this project are provided in Table 1.

The compliance specifications take into account the variability of sediment on the native or existing beach, and are values which may reasonably be attained given what is known about the upland sand source(s). Beach fill material which falls outside of these limits will be considered unacceptable and subject to remediation.

radie 1- Sediment Compliance Specification	Tat	ble	1-	Sediment	Complia	nce Specificati	ons
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Sediment Parameter	Parameter Definition	Compliance Value
Max. Silt Content	passing #230 sieve	1%
Max. Shell Content*	retained on #4 sieve	5%
Munsell Color Value	moist Value (chroma = 1)	7
The beach fill material sh	all not contain construction debris, toxic	material, other foreign matter,

\*Shell Content is used as the indicator of fine gravel content for the implementation of quality control/quality assurance procedures.

#### C. QUALITY CONTROL PLAN

The contract documents shall incorporate the following technical requirements, or equivalent language that addresses the sediment quality monitoring on the beach, and, if necessary, remedial actions. The Permittee will seek to enforce these contract requirements during the execution of work. The Contractor's Quality Control Plan shall be submitted for review and acceptance by the Permittee. This Plan shall also address sediment quality assurance by including: (1) the specific sampling frequency and testing methodology to be provided by the Contractor, (2) the name, address and point of contact for the Licensed Testing Laboratory to be used for the required collection of samples and laboratory testing, and (3) how the Contractor intends to assess compliance with the Sediments Compliance Specifications as shown in Table 1 above.

The characteristics of the in-situ materials in the upland sand source(s) are indicated the geotechnical data, including the boring logs and grain size distribution curves. The characteristics of the processed material are also included with the geotechnical data. However, the Contractor should be aware that it is possible for material of differing characteristics to be present and that the mining process may correspondingly require revisions to produce beach compatible sand consistent with the Sediment Compliance Specifications in Table 1.

1. Assessment at Upland Sand Source. To ensure processed material from an upland sand source is consistent with the Sediment Compliance Specifications in Table 1 for beach compatible material, sampling and laboratory testing of the processed material shall be conducted from the stockpiled material before the material is transported to the Construction Access/Staging Areas. The operator of the material processor shall take samples of the finished material off the processing belt every hour and test for compliance with the sediment specifications identified in Table 1. Hourly testing results shall be electronically logged and available in hardcopy upon request. A QC/QA Inspector shall collect a composite sample consisting of four (4) cores taken from the stockpile no less than six (6) inches below the surface. The core samples shall be combined and quartered per ASTM D75-03 procedures and tested at a Licensed Testing Laboratory using ASTM D422-63 (Standard Test Method for Particle Size Analysis of Soils) and ASTM D1140 (Standard Test Method for Amount of Material in Soils Finer than the No. 200 Sieve) procedures. The sediment testing results shall be certified by a P.E. or P.G. registered in the State of Florida. One composite test shall be conducted prior to the transport of any material from the upland source to verify compliance with the sediment specifications. The certified report must be provided to the Contractor and Permittee prior to the delivery of any material at the staging site. The QC/QA Inspector must conduct a minimum of two (2) composite tests of the stockpile each day that material is being hauled for beach placement.

The material shall be observed while being loaded into the trucks for transport to the Construction Access/ Staging Area. Both the Contractor and the Permittee will have benchmark samples labeled with the permit number, "Benchmark Sample", date collected, site name and information on where the sample was attained. The benchmark sample shall be material that has been deemed beach compatible in accordance with the Sediment Compliance Specifications and shall serve as the minimum requirement for the material being placed on the beach. If any,

material appears to be non-compliant, it shall be set aside for testing and/or further processing and not transported to the beach.

If a sample does not meet the Sediment Compliance Specifications in Table 1, then the stockpile of material represented by that sample shall not be transported to the Construction Access/Staging Area. The material may undergo further processing to meet the Sediment Compliance Specifications with additional testing to verify the additional processing produce material that meets the Sediment Compliance Specifications, or the material shall be set aside and not used.

2. Beach Observation. The Contractor will continuously visually monitor the sediment being placed on the beach. An assessment will be made during placement at a minimum of once every hour. This assessment will consist of handling the fill material to ensure that it is predominantly sand and to note the physical characteristics, and assure the material meets the Sediment Compliance Specifications in Table 1. If noncompliant sediment is placed on the beach, the Contractor will immediately cease placement until any stockpiled material at the beach construction staging area can be verified as beach compatible and verbally notify the Permittee's On-site Representative, providing the time, location, and description of the noncompliant sediment. The Contractor will take the appropriate remediation actions as directed by the Permittee or Permittee's Engineer.

#### D. QUALITY ASSURANCE PLAN

The Permittee will seek to enforce the construction contract and Department permits related to sediment quality. In order to do so, the following steps shall be followed:

1. **Pre-placement Testing at the Staging Area.** To confirm the material arriving at the staging site is in compliance with the sediment specifications, the contractor shall take a sample from an arriving truck every 1000 c.y and conduct a geotechinical analysis using an on-site mobile laboratory. The load number and geotechinical results shall be documented in the Contractor's Daily Report. As verification of the on-site testing, a minimum of one (1) sample per day shall be tested by an independent licensed technician. The associated sample shall be archived by the Permittee for 60 days and the independent technician's report shall be attached to the Contractor's Daily Report.

2. Construction Observation. Construction observation by the Permittee's On-Site Representative will be performed daily during periods of active construction. The Permittee's On-Site Representative will collect a sediment sample to visually assess grain size, Munsell color, shell content, and silt content against the benchmark sample. The observation will include handling the fill material to ensure that it is predominantly sand to note the physical characteristics, and assure the material meets the sediment compliance parameter specified in this Plan.

3. **On-Site Representative.** The Permittee will provide on-site observation by individuals with training or experience in beach nourishment and construction inspection and testing, and who are knowledgeable of the project design and permit conditions. The project Engineer will actively coordinate with the Permittee's On-Site Representative, who may be an employee or sub-contractor of the Permittee or the Engineer. Communications will take place between the Engineer and the Permittee's On-Site Representative on a weekly basis.

4. **Pre-Construction Meeting.** The project QC/QA Plan will be discussed as a matter of importance at the preconstruction meeting. The Contractor will be required to acknowledge the goals and intent of the above described QC/QA Plan, in writing, prior to commencement of construction.

5. Contractor's Daily Reports. The Permittee's On-Site Representative will review the Contractor's Daily Reports which will characterize the nature of the sediments encountered at the upland sand source and placed along the project shoreline with specific reference to moist sand color and the occurrence of rock, rubble, shell, silt or debris. The Contractor's Daily Report will also consist of the QC/QA Inspector's certified testing results for that day from the upland source, the contractor's pre-placement geotechnical testing results and the Independent Technician's Daily Testing Report.

Page 3 of 5

6. On Call. The project Engineer will be continuously on call during the period of construction for the purpose of making decisions regarding issues that involve QC/QA Plan compliance.

7. Addendums. Any addendum or change order to the Contract between the Permittee and the Contractor will be evaluated to determine whether or not the change in scope will potentially affect the QC\QA Plan.

#### E. REMEDIATION

1. **Compliance Area.** If a sample does not meet the compliance value for construction debris, toxic material, other foreign material, coarse gravel, or rock the Permittee shall determine the aerial extent of the noncompliant beach fill material and remediate regardless of the extent of the noncompliant material. If a sample is noncompliant for the silt content, shell content, or Munsell color, and the aerial extent exceeds 10,000 square feet of beach berm or 100 linear feet of dune for dune-only projects, the Permittee shall remediate.

2. Notification. If an area of newly constructed beach or dune does not meet the sediment compliance specifications, then the Department (JCPCompliance@dep.state.fl.us) will be notified. Notification will indicate the aerial extent and location of any areas of noncompliant beach fill material and remediation planned. As outlined in section E.4 below, the Permittee will immediately undertake remediation actions without additional approvals from the Department. The results of any remediation will be reported to the Department following completion of the remediation activities and shall indicate the volume of noncompliant fill material removed and replaced.

3. Sampling to determine extent. In order to determine if an area greater than 10,000 square feet of beach berm or 100 linear feet of dune for dune-only projects is noncompliant, the following procedure will be performed by the Permittee's On-site Representative or Engineer:

- a. Upon determination that the first sediment sample is noncompliant, at minimum, five (5) additional sediment samples will be collected at a maximum 25-foot spacing in all directions and assessed. If the additional samples are also noncompliant, then additional samples will be collected at a 25-foot spacing in all directions until the aerial extent is identified.
- b. The samples will be visually compared to the acceptable sand criteria. If deemed necessary by the Engineer, quantitative assessments of the sand will be conducted for grain size, silt content, shell content, and Munsell color using the methods outlined in section D.7.b. Samples will be archived by the Permittee.
- c. A site map will be prepared depicting the location of all samples and the boundaries of all areas of noncompliant fill.
- d. The total square footage will be determined.
- e. The site map and analysis will be included in the Contractor's Daily Report.

4. Actions. The Permittee or Permittee's Engineer shall have the authority to determine whether the material placed on the beach is compliant or noncompliant. If placement of noncompliant material occurs, the Contractor will be directed by the Permittee or Permittee's Engineer on the necessary corrective actions. Should a situation arise during construction that cannot be corrected by the remediation methods described within this QC/QA Plan, the Department will be notified. The remediation actions for each sediment parameter are as follows:

- a. Silt: blending the noncompliant fill material with compliant fill material within the adjacent construction berm or dune sufficiently to meet the compliance value, or removing the noncompliant fill material and replacing it with compliant fill material.
- b. Shell: blending the noncompliant fill material with compliant fill material within the adjacent construction berm or dune sufficiently to meet the compliance value or removing the noncompliant fill material and replacing it with compliant fill material.
- c. Munsell color: blending the noncompliant fill material with compliant fill material within the adjacent construction berm or dune sufficiently to meet the compliance value or removing the noncompliant fill material and replacing it with compliant fill material.
- d. Coarse gravel: screening and removing the noncompliant fill material and replacing it with compliant fill material.

e. Construction debris, toxic material, or other foreign matter: removing the noncompliant fill material and replacing it with compliant fill material.

All noncompliant fill material removed from the beach will be transported to an appropriate upland disposal facility located landward of the Coastal Construction Control Line or returned to the upland mine.

5. Post-Remediation Testing. Re-sampling shall be conducted following any remediation actions in accordance with the following protocols:

a. Within the boundaries of the remediation actions, samples will be taken at maximum of 25-foot spacing. b. The samples will be visually compared to the acceptable sand criteria. If deemed necessary by the Engineer, quantitative assessments of the sand will be conducted for grain size, silt content, and Munsell color using the methods outlined in section D.7.b. Samples will be archived by the Permittee.

c. A site map will be prepared depicting the location of all samples and the boundaries of all areas of remediation actions.

6. **Reporting.** A post-remediation report containing the site map, sediment analysis, and volume of noncompliant fill material removed and replaced will be submitted to the Department within 7 days following completion of remediation activities.

All reports or notices relating to this permit shall be emailed and sent to the Department at the following locations: **DEP Bureau of Beaches & Coastal Systems** 

JCP Compliance Officer Mail Station 300 3900 Commonwealth Boulevard Tallahassee, Florida 32399-3000 phone: (850) 414-7716 e-mail: JCP Compliance@dep.state.fl.us

End of Plan

FDEP Version dated April 20, 2010



26



Photo 09/2009

Singer Island Dune Restoration Project Plan View

# PERMIT # 267233002



Attachment 2

