FLORIDA DEPARTMENT OF Environmental Protection

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Tallahassee, FL 32399

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Secretary

COMPREHENSIVE EVERGLADES RESTORATION PLAN
REGULATION ACT (CERPRA) PERMIT
CONSTRUCTION AND INTERIM OPERATIONS AUTHORIZATION

PERMITTEE:
U.S. Army Corps of Engineers, Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207

ATTENTION:
Dr. Gretchen Ehlinger
Chief, Environmental Branch
Planning Division

Permit Number:	0284349-007	**Date of Original Permit Issuance:**	August 28, 2017
Project:	Broward County Water Preserve Areas	**Permit Renewal Dates:**	June 22, 2021
Phase:	Finger Lakes Berm (L-515), C-11 Impoundment and Mitigation Area-A	**Date of Major Modification:**	August 3, 2016, April 28, 2017; TBD
County:	Broward	**Expiration Date:**	TBD

This permit is issued under the authority of the Comprehensive Everglades Restoration Plan Regulation Act (CERPRA), Chapter 373.1502, Florida Statutes (F.S.); Title 62, Florida Administrative Code (F.A.C.); and pursuant to the Department of Environmental Protection (Department) authority under Chapter 373 and 403, F.S. The activity is not exempt from the requirement to obtain a CERPRA Permit.

The above-named permittee is hereby authorized to initiate the construction activities described on the application, and approved associated drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. The activities authorized by this permit must be conducted in conformance with all the provisions of this permit. Failure to comply with all permit conditions and documents referenced herein shall constitute grounds for revocation of the permit and appropriate enforcement action.

Authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve the permittee from the requirements to obtain all other required permits or authorizations.

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act, 14 U.S.C. § 1456, and constitutes certification of compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. § 1341. Activities described in the related documents are not authorized until the project is determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization, as specifically described below.

PROJECT DESCRIPTION:

The Broward County Water Preserve Areas (BCWPA) Project, a "project component," as defined in Section 373.1501(1), F.S., is a Comprehensive Everglades Restoration Plan (CERP) Project. The Water Resources Development Act of 2000 approved CERP under Section 601 as a framework for modifications to the Central and Southern Florida Project necessary to restore the South Florida ecosystem. The goals and objectives of the BCWPA Project are to reduce seepage loss from Water Conservation Area (WCA) 3A/3B to the C-11 and C-9 basins, and capture, store and distribute surface water from the western C-11 Basin that is currently discharged into WCA 3A/3B.

Additional benefits of the project function are maintaining existing level of service flood protection, groundwater recharge, increasing spatial extent of wetlands, and improving hydroperiods and hydro patterns in WCA 3A/3B. Approximately 563,000 acres in WCA 3 and 200,000 acres in the greater Everglades will benefit from the project's implementation. The project consists of three components that were recommended as part of the CERP (Figure 1):

- C-9 Impoundment
- C-11 Impoundment
- WCA 3A/3B Seepage Management Area

The three water preserve area (WPA) components that make up the BCWPA Project consist of two above-ground impoundments, C-9 and C-11, and a wetland buffer strip known as the WCA 3A/3B Seepage Management Area (Figure 1). These components will provide various functions including reducing seepage from WCA 3, reducing phosphorous loading to WCA 3A, capturing water lost to tide, and providing conveyance features for urban and natural system water deliveries. These functions will be achieved by separating stormwater from seepage collected from WCA 3 and diverting stormwater from the western C-11 Basin and the C-9 Basin to the impoundments.

The future C-9 Impoundment component will be an above ground earthen impoundment with an approximate interior storage of 7,056-acre feet. Previously, the Department issued permit, File No. 0265194-001, to the South Florida Water Management District (District) for construction of the S-511 Structure component of the C-9 Impoundment. The operation of this structure and additional components of this impoundment will be approved in a separate authorization. Within the proposed C-9 Impoundment site there are two existing Department of the Army (DA) 404 permitted mitigation sites (Sunset Lakes and Bregmann tract).

The future WCA 3A/3B Seepage Management Area (WCA 3A/3B SMA) will be approximately 4,353-acres and will be operated primarily for the purpose of managing seepage loss from WCA 3A and WCA 3B, and also function as a natural habitat buffer between the larger WCAs and urban development to the east.

The completed C-11 Impoundment Area will include the C-11 Impoundment and Mitigation Area-A. The Mitigation Area-A, S-507 A-D culverts, and the Finger Lakes Berm (L-515), were authorized by the Department in 2016 and 2017 per File Nos. 0284349-003 and 0284349-004 respectively. It has been determined that the S-507 A-D Culverts are not necessary to achieve the project objectives and are therefore no longer an authorized feature in this permit. The L-515 berm, which is now completed, inhibits runoff from entering the Finger Lakes and provides a walking/hiking path for recreation (Figure 3). The berm also serves to reduce water loss from the Mitigation Area-A, allowing for enhanced function.

Within the proposed C-11 Impoundment site there are three existing DA 404 permitted mitigation sites (Weston Increment III which consists of two sites and White Construction). The South Florida Water Management District (District) has taken control of the DA 404 mitigation sites within the proposed C-11 Impoundment and the associated mitigation responsibilities.

This permit authorizes construction and interim operation of the C-11 Impoundment and Mitigation Area-A phase of the BCWPA, (Figure 2). The C-11 Impoundment feature consists of an above-ground earthen impoundment, a pump station (S-503), embankments, culverts, a communication tower, recreation bridges and other ancillary structures and will direct runoff events from the Western C-11 drainage basin into the impoundment instead of pumping untreated runoff in WCA 3A through the S-9 Pump Station. Once built, the impoundment pool will assist in reducing seepage from WCA 3A and the proposed WCA 3A/3B Seepage Management Area, thereby increasing groundwater recharge in the vicinity of the impoundment and providing an additional source of water for meeting the municipal and agricultural water supply demands and preventing saltwater intrusion into drinking water aquifers. The Mitigation Area-A feature will enhance approximately 350 acres of wetlands within polygons 17 through 21 (Figure 3). This feature also includes 35 acres of levees and water control structures that will serve to manage the hydrology within the mitigation area for maximum ecological benefit.

The United States Army Corps of Engineers (Corps) intends to construct the C-11 Impoundment phase in two separate construction contracts. Generally, Contract 2 includes all project components north of the southern D-511 Embankment reach. Construction of Contract 3 features is not authorized until written approval of Contract 3 final design plans is received from the Department (Figure 5).

The Corps is the federal sponsor of this project component and is responsible for its construction, operation, and maintenance until the project is accepted by the local sponsor (SFWMD). All conditions found herein apply to Corps.

PROJECT LOCATION:

The BCWPA Project is located in western Broward County in south Florida. The project boundaries are bordered by WCA 3A/3B, Interstate 75, and the Miami Canal (C-6 Canal), and are within the city limits of Weston, Pembroke Pines, Miramar, and the town of Southwest Ranches. The C-11 Impoundment is located east of WCA 3, adjacent to and east of U.S. Highway 27 and north of the existing C-11 Canal. When storage is available, untreated urban runoff from the Western C-11 Basin will be pumped into the impoundment rather than into WCA 3A. The impoundment is a 4.7-ft deep aboveground reservoir in Broward County, located in Section 27, Township 50 South, and Range 39 East. The northern boundary of the project is approximately 3.5 miles south of the I-75/US27 Interchange. The C-11 Canal is located 2.3 miles further south and makes up the southern boundary. The Mitigation Area-A is located north of the C-11 Impoundment in Section 15, Township 50 South, and Range 39 East., bordered by the L-511 Levee and the L-512 and L-514 Levee/Berms.

PROJECT COMPONENTS:

C-11 Impoundment Area:

- **Finger Lakes Berm (L-515):** The constructed berm has an approximate total length of 4,950 feet with a 12-foot crest and 1V:4H side slopes with a total width of approximately 40 feet and surrounds the two Finger Lakes. A channel between the two lakes facilitates recreational activities. The scraped material sourced from the area between the Finger Lakes is placed in the Finger Lakes and in a small low-lying area outside the berm. Excess material was placed in the spoil disposal areas located in Staging Area 3 south of SW 26th Street. The total work area was approximately 28 acres excluding the lakes and Staging Area 3. The site can be accessed via SW 26th Street from US 27.

- **C-11 Impoundment Culverts:**
    - Structure S-500A is an ungated double circular culvert. It will convey water to the C-512 Canal from an area north of Mitigation Area-A.
    - S-503A is a gated box culvert. It functions as one of the discharge structures for the Embankment Dam. The structure discharges into C-11 Canal just east of the S-381 Obermeyer Gate.
    - S-504A is a gated box culvert. It is the main discharge structure for the Embankment Dam and will allow releases from the C11 Impoundment to be transferred to the C-9 Impoundment.
    - S-505D is an ungated box culvert that provides conveyance of seepage collected and spilled over the S-505C weir.
    - S-505E is an ungated box culvert whose primary function is to allow maintenance traffic to cross over the C-511 Canal.
    - S-506A is a gated pipe culvert that will provide drainage and stage control to the North Mitigation Area-A.
    - S-506B is a gated culvert that will allow for the drainage from North Mitigation Area-A (Mitigation Area-A). The structure discharges from Mitigation Area-A into the adjacent C-511 seepage canal.
    - S-508B is a gated pipe culvert. The structure conveys seepage flows from C-512 and C-513 seepage canals into the C-511 seepage canal.
    - S-508D is an ungated pipe culvert. The structure conveys seepage and runoff from the Finger Lakes in Mitigation Area-A to the C-511 seepage canal.

  - S-509 is an ungated pipe culvert. The structure conveys seepage and runoff into the C-512 and provides seasonal water control for Mitigation Area-A. Canal
  - S-511 is a gated culvert that will provide seasonal water control for Mitigation Area-A.

- **S-503 Pump Station:** S-503 is the inflow and seepage pump. The inflow pump station has a design capacity of 1,050 cfs. This pump station is located at the southeastern corner of the impoundment on the C-11 Canal, just east of the S-381. S-503 is designed to capture available stormwater runoff in the Western C-11 Basin between S-381 and S-13AW thereby maintaining optimum C-11 Canal stages. The pump station also includes a pump mix to efficiently backpump seepage intercepted by perimeter Seepage Control Canal 511 (C-511). The seepage bank also has three bays with a combined capacity of 345 cfs that include three 115 cfs electric pumps.

- **S-504B Spillway:** S-504B includes both a service and an auxiliary spillway that serve as the Emergency Overflow Spillway. The spillway is located at the southwestern boundary of the C-11 Impoundment and discharges into the C-11 Canal. The spillway is designed with a total length of 150ft. The spillway is designed to discharge no more than what is permitted under the C-11 Basin rules under regulatory design storm conditions. However, for less infrequent storms (longer return-frequency), the spillway will discharge in proportion above the requirement for regulatory lesser intense storms.

- **S-505 A-C, F Weirs:** S-505A, S-505B, S-505C, S-505F are ungated broad crested weirs. S505A is located at the southeastern boundary of the impoundment in the 511 Canal (C-511). The weir maintains optimal seepage canal stage in the southeast reach and discharges into C-11 Canal to be back pumped into the impoundment by S-503 or to meet basin water supply demands. The weir has a sluice gate with a design flow capacity of an additional 115 cfs that is comparable in conveyance capacity with one unit of the S-503 seepage pump station. The weir is capable of draining 345 cfs during non-rainfall events in the event of a pump failure. It also conveys seepage and runoff during rainfall events.

- **C-511 Seepage Canal:** C-511 is the C-11 Impoundment seepage canal located around the western, northern, and eastern boundary of the C-11 Impoundment. All seepage intercepted by C-511 is conveyed and discharged into the C-11 Canal. Seepage to the south is intercepted by the existing C-11 Canal. Seepage collected in C-11 Canal west of S-381 may be pumped into WCA 3A with S-9A Pump Station. Seepage collected east of S-381 may be back pumped into C-11 Impoundment with S-503 Pump Station or used to meet basin water supply demands.

- **D-511 Embankment:** D-511 is the embankment structure for the C-11 Impoundment that allows the normal maximum storage of water up to 4.7 ft deep with a design crest elevation of 20.3 ft-NGVD or 8.5 ft above assumed average natural grade of 5.3 ft-NGVD.

- **L-511, L-512, and L-514 Levees:** L-511, L-512, and L-514 surround the mitigations areas. For this purpose, the levee has a design crest elevation of 9.2 ft-NGVD (7.3 ft-NAVD88). The function of the levees is to create wetlands for a self-mitigating project with an average 1-foot depth.

- **Mitigation Area-A:** Mitigation Area-A enhances approximately 350 acres of wetlands found within polygons 17 through 21 (Figure 3). Wetland enhancement will consist of providing improved hydrologic regimes (water depth and duration of ponding) and exotic plant removal and native plantings. Within Mitigation Area-A is the Finger Lakes area that measures approximately111.6 acres within polygons 15 and 16. Polygon 15 has previously undergone mitigation for environmental enhancement by Broward County (referred to as County Mitigation site/White construction). This approximately one acre area has been excluded from the proposed clearing/grubbing and revegetation design as this area is an established marsh. This area will benefit from the improved hydrologic regimes proposed as part of this project. Within the highly exotic plant infested eastern portion of Mitigation Area-A wetland enhancement consisting of exotic removal and native planting will occur within polygons 17 (38.2 acres of enhancement) and polygon 18 (90.69 acres of enhancement). Within the western portion of Mitigation Area-A, selective exotic plant treatment will occur within polygon 20 measuring

106.52 acres, polygon 19 measuring 53.51 acres and polygon 17 measuring 38.2 acres. Hydrologic regimes in all polygons will be managed to improve their ecology to mimic that of more historic Everglades wetlands.

The Mitigation Area-A will be dependent on direct rainfall, seepage from the impoundment, or water releases from the impoundment into the mitigation areas and is designed and operated to provide high quality habitat to partially offset C-11 Impoundment construction and operation impacts. The mitigation area depths will be monitored and adjusted to provide maximum environmental benefit. Additional water may be drawn from the C-11 Impoundment that will provide for improved hydroperiods and water depth within the wetlands if needed. Structural features (i.e. flashboard risers) will be used and adjusted seasonally as part of the project to achieve maximum environmental benefit. Improvements to hydrologic regimes and vegetative cover, including removal of exotic plants in highly infested areas, will also improve habitat for aquatic fauna and the entire food web.

The Mitigation Area-A will have an inflow structure that controls the release of impoundment water from the associated impoundment when water is available. Outflow structures will provide wetlands area stage control and a means to drain to near dry, if necessary, for maintenance operations. Although the wetland areas within the impoundments will follow the natural hydroperiods, the storage of water up to a 1 ft and 2 ft depth is considered normal operation when additional storage is needed. Releases from the impoundment into the wetland area are made through S-506A.

DECLARATION OF REASONABLE ASSURANCES:

In issuing this permit, the Department finds that the Permittee has given reasonable assurances sufficient to satisfy the requirements of the CERPRA, Section 373.1502, F.S. The Department bases this finding on the following documents:

1. South Florida Water Management District, Dam Safety Program's Design Criteria Memorandum #1-11 (DCM 1-11), (effective June 18, 2007).
2. U.S. Army Corps of Engineers, Jacksonville District, Broward County Water Preserve Areas Project Implementation Report (PIR) and Environmental Impact Statement (EIS) Revised Final (received February 2012)
3. U. S. Army Corps of Engineers, Jacksonville District, Engineer Regulation 405-1-12, Chapter 12 – Real Estate Roles and Responsibilities for Civil Works: Cost Shared and Full Federal Projects – May 1998 (received April 4, 2013)
4. U.S. Army Corps of Engineers, Jacksonville District, BCWPA C-11 Impoundment, Final Design Plans (received May 20, 2014)
5. U.S. Army Corps of Engineers, Jacksonville District, BCWPA Project Mitigation Area-A S-507 A-D Culverts Phase, Construction and Interim Operations CERP Permit Application and associated materials, FDEP File No. 0284349-003 (received April 18, 2016)
6. U.S. Army Corps of Engineers, Jacksonville District, BCWPA Project Mitigation Area-A S-507 A-D Culverts Phase, Response to Request for Additional Information (RAI-1), FDEP File No. 0284349-003 (received May 6, 2016, and additional information on May 11, 2016, May 20, 2016, May 26, 2016, and June 2, 2016)
7. U.S. Army Corps of Engineers, Jacksonville District, September 2002 Phase I Environmental Site Assessment for East Coast Buffer Canal 11 26 Condemnation Properties (received May 20, 2016)
8. U.S. Army Corps of Engineers, Jacksonville District, November 2002 Phase II Environmental Site Assessment for East Coast Buffer Canal 11 26 Condemnation Properties (received May 20, 2016)
9. U.S. Army Corps of Engineers, Jacksonville District, Wetland Assessment Report for Broward County Water Preserve Areas C-11 S-507 A-D Culverts (received June 2, 2016)
10. U.S. Army Corps of Engineers, Jacksonville District, SW 26th Street BCOE Plan Set (5-24-2016) (received June 3, 2016)
11. U.S. Army Corps of Engineers, Jacksonville District, BCWPA Project Finger Lakes Berm (L-515) Phase, Construction and Interim Operations CERP Permit Application and associated materials, FDEP File No. 0284349-004 (received January 20, 2017, February 17, 2017)

12. U.S. Army Corps of Engineers, Jacksonville District, C-11 BCWPA MAA (Finger Lakes) Berm ATR Plans (received March 20, 2017)
13. U.S. Army Corps of Engineers, Jacksonville District, BEM September 2005 Environmental Evaluation Report (received January 20, 2017)
14. U.S. Army Corps of Engineers, Jacksonville District, ECB Selenium Report May 2010 (received January 20, 2017)
15. U.S. Army Corps of Engineers, Jacksonville District, Wetland Assessment Report for Broward County Water Preserve Areas C-11 Mitigation Area-A (MAA) Finger Lakes Berms (received February 6, 2017)
16. U.S. Army Corps of Engineers, Jacksonville District, Request for Verification of an Exemption: BCWPA C-11 Geotech Investigation Work, FDEP File No. 0284349-005 (received November 19, 2018)
17. U.S. Army Corps of Engineers, Jacksonville District, Broward County Water Preserve Areas Permit Renewal Request, FDEP File No. 0284349-006, (received June 4, 2021)
18. U.S. Army Corps of Engineers, Jacksonville District, Broward County Water Preserve Areas, Attachment Operating Manual_Sep_21_2021 FDEP File No. 0284349-007, (received December 6, 2021)
19. U.S. Army Corps of Engineers, Jacksonville District, BCWPA C-11 Impoundment, Comprehensive Everglades Restoration Plan Permit Application, and associated materials, FDEP File No. 0284349-007, (received August 24, 2022)
20. U.S. Army Corps of Engineers, Jacksonville District, BCWPA C-11 Impoundment, Request for Additional Information 1 Response, and associated materials (received December 30, 2022)
21. U.S. Army Corps of Engineers, Jacksonville District, BCWPA C-11 Impoundment, Request for Additional Information 2 Response, and associated materials (received December 1, 2023)
22. U.S. Army Corps of Engineers, Jacksonville District, BCWPA C-11 Impoundment, Intermediate Design Plans, FDEP File No. 0284349-007, (received August 31, 2023)
23. U.S. Army Corps of Engineers, Jacksonville District, BCWPA C-11 Impoundment, Wetland Assessment Report, FDEP File No. 0284349-007, (received December 22, 2023)
24. U.S. Army Corps of Engineers, Jacksonville District, BCWPA C-11 Impoundment, Ecological Monitoring Plan_FPIR, FDEP File No. 0284349-007, (received December 01, 2023)
25. U.S. Army Corps of Engineers, Jacksonville District, BCWPA C-11 Impoundment, Contract 2 Final Submittal Plans, FDEP File No. 0284349-007, (received December 01, 2023)

Specifically, there are reasonable assurances, pursuant to Section 373.1502, F.S., that:

- "The project component will achieve the design objectives set forth in the detailed design documents submitted as part of the application."

- "State water quality standards, including water quality criteria and moderating provisions, will be met. Under no circumstances shall the project component cause or contribute to violation of state water quality standards."

- "Discharges from the project component will not pose a serious danger to public health, safety or welfare."

- "Any impacts to wetlands or threatened or endangered species resulting from implementation of the project component will be avoided, minimized, and mitigated as appropriate."

The Corps agrees to construct, operate, and maintain the project in accordance with the provisions of this permit, permit application, and associated documentation on file with the Department. To the extent sovereign immunity has been waived under 33 U.S.C. §§ 1323 and 1344(t), the Corps' agreement to construct and perform interim operations for the project in accordance with the provisions of this permit and supporting documentation is an enforceable condition of this permit.

The Corps is the federal sponsor of this project. The Corps and its designees are responsible for activities performed during the period of construction and interim operations. If interim operations or additional activities authorized by this permit are performed by any non-federal sponsors, then the permit may be transferred in advance of such activities, or an additional authorization may be required. All conditions found herein apply to the Corps.

GENERAL CONDITIONS

1. This permit, including its general and specific conditions, shall be construed in light of the February 2006 Interagency Cooperative Agreement for Civil Works Projects (ICA) between the Department and the Corps. As recognized in the ICA, the Department has the authority to include reasonable conditions in this permit. All of the conditions in this permit, both general and specific, are enforceable to the extent sovereign immunity has been waived under 33 U.S.C. §§ 1323 and 1344(t). The ICA is incorporated herein by reference.

2. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated changes in:

   A. operational plans;
   B. project dimensions, size, or location;
   C. ability to adhere to permit conditions;
   D. project description included in the permit; and
   E. monitoring plans.

   If the Department determines that a modification to the permit is required, then the Corps shall apply for and obtain the modification. Department approval of the modification shall be obtained prior to implementing the change, unless the change is determined by the Department to reduce the scope of work from that authorized under the original permit and will not affect compliance with permit conditions or monitoring requirements.

3. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information:

   A. a description of and cause of noncompliance;
   B. the period of noncompliance, including dates and times;
   C. the impacts resulting or likely to result from the non-compliance;
   D. steps being taken to correct the non-compliance; and
   E. the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

   Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law with respect to any non-compliance.

4. The Corps shall obtain any applicable licenses, permits, or other authorizations, which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project.

5. Nothing herein conveys to the Corps or creates in the Corps any property right, any interest in real property, any title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of Florida's sovereign submerged lands seaward of the mean high-water line or an established 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.

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

7. Nothing herein authorizes any entrance upon or activities on property, which is not owned or controlled by the Corps or local sponsor, or conveys any vested rights or any exclusive privileges.

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

9. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that shall be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.

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

11. If historic or archaeological artifacts such as, but not limited to, Indian canoes, arrowheads, pottery or physical remains, are discovered at any time on the project site, the Corps shall immediately stop all activities in the immediate area which disturbed the soil and notify the Department and the State Historic Preservation 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 872.05(3)(5) F.S.

12. Within a reasonable time after completion of construction activities authorized by this permit, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided a copy, if requested, of any as-built drawings required of the contractor or survey performed by the Corps.

SPECIFIC CONDITIONS

1. **Addresses.** Reports, plans and notices submitted to the Department in accordance with this permit, unless otherwise specified, shall be submitted to the Department's Office of Water Policy and Ecosystems Restoration (OWPER), 3900 Commonwealth Blvd., MS 24, Tallahassee, Florida 32399-3000, telephone number (850) 245-2228. Electronic copies of reports, plans and notices required by this permit may be sent to RPPS_Comp@FloridaDEP.gov.

2. **Florida Threatened and Endangered Species.** The Permittee shall coordinate with both the Florida Fish and Wildlife Conservation Commission (FWC) and the U.S. Fish and Wildlife Service (USFWS) for appropriate guidance, recommendations, and/or necessary authorizations to avoid, minimize, or mitigate impacts to State and federal listed species. The Permittee shall comply with applicable federal and state law with regard to State and federal listed species and comply with any applicable requirements of the USFWS/FWC to the extent that to do so would not create an irreconcilable conflict with the Permittee's federal responsibilities. Should a potential conflict between FWC's requirements and the Permittee's federal responsibilities occur, the Permittee shall coordinate with all involved federal and state agencies to determine and implement reasonable alternatives, to the maximum extent practicable, in order to avoid such a conflict.

3. **Contaminated Sites and Residual Agrichemicals.** The Permittee shall coordinate with the local sponsor, the District, and the Department concerning assessment and remediation of any contamination, including agricultural chemical residuals (hereafter collectively referred to as "contamination"), identified within the project footprint. The Permittee shall coordinate with the District to address any contamination within the project footprint so that 1) any detrimental impacts to Threatened or Endangered species are minimized to the maximum extent practicable

and 2) state water quality standards are not violated by construction of the project and the interim operations covered by this permit. Any information on identification and delineation of the extent of the contamination shall be promptly provided to the Department. The Permittee shall coordinate with the District and provide any District proposed remedial action plan to redress the contamination to the Department no later than 90 days prior to the initial operation or use of the completed project, unless the Department approves an alternative schedule, whichever is earlier. All assessment and remedial activities shall be performed in accordance with applicable Federal and State law. When contamination has been identified in the project footprint, operation of the facility shall not commence until the Department has reasonable assurance that the operation of the project will not cause the contamination to result in a violation of water quality standards for those particular contaminants of concern and that impacts to threatened or endangered species have been sufficiently addressed. If contamination is discovered after initial operations, any operations which may result in a violation of water quality standards shall cease until the Permittee coordinates with the District to provide an assessment and remedial action plan for Department at the addresses specified in Specific Condition No. 1. Operations which may cause or contribute to a violation of water quality standards shall not re-commence until the Department has provided concurrence on the proposed remediation plan.

4. **Wetland Impact and Project Benefit Analysis/Restoration.** A Uniform Mitigation Assessment Method (UMAM) was conducted May 3, 2016, and October 20, 2016, to assess the impacts to wetlands and other surface waters due to the Mitigation Area-A S-507 A-D Culverts and the Finger Lakes Berm phases of this project. The Mitigation Area-A S-507 A-D Culverts Phase of the project was expected to result in approximately 0.24 acres of permanent impacts to wetlands within the construction limits. Improvements to wetlands associated with the future completion of Mitigation Area-A were expected to offset the functional loss resulting from construction of these two features. The functional losses and gains associated with the Mitigation Area-A S-507 A-D Culverts phase is no longer included in the UMAM for the complete Mitigation Area-A because they are no longer a feature of this project. The Finger Lakes Berm Phase of the project resulted in 2.05 acres of permanent impacts to wetlands within construction limits. Now completed, the Finger Lakes Berm created and restored approximately 16.8 acres of freshwater littoral wetlands.

   On December 17, 2021, a UMAM was conducted to assess the impacts to wetlands and other surface waters due to construction of the C-11 Impoundment levees and Mitigation Area-A levees. The Mitigation Area-A and C-11 Impoundment levees and structures are expected to result in approximately 278.67 acres of permanent impacts to wetlands within the construction limits. To fully offset the permanent wetland impacts, mitigation has been proposed within the previously completed Finger Lakes, and the proposed Mitigation Area-A and Seepage Management Area. Within Mitigation Area-A, exotic plants will be removed, and native vegetation will be planted in polygons 17 and 18 in accordance with the Final Design Plans. The remaining benefits are anticipated to occur from hydrologic improvements in both Mitigation Area-A and the Seepage Management Area.

   If construction or operations are discontinued once impacts have occurred, or in the event impacts of constructed features exceed benefits, and the project has not been accepted by the local sponsor, the Corps shall coordinate with the Department to obtain a modification to the permit prior to renewal or expiration of the permit to address these impacts. As a result of any modification, the Department may require restoration or additional activities necessary to offset the functional loss of any impacted wetlands, acknowledging that future federal authorization and appropriations may be required.

5. **Mitigation Monitoring.** Within 30 days of construction commencement, the permittee shall provide a mitigation monitoring plan for Department review and approval to the address specified in Specific Condition 1. The plan shall at a minimum include a schedule of monitoring events, describe how monitoring will be conducted, and outline mitigation success criteria. Mitigation is not deemed successful until inspection of the area by a representative of the Department has been conducted. If the actions taken to offset the impacts are not meeting success criteria at the end of a ten-year monitoring period, the Permittee shall submit an alternative mitigation plan to the Department for review and approval. If the mitigation areas meet the success criteria prior to the end of the ten-year monitoring period, the Permittee may request permission to suspend mitigation monitoring.

6. **Real Estate.** Prior to contract award, documentation shall be submitted by the Permittee confirming that the Corps, Jacksonville District, is in compliance with Engineer Regulation 405-1-12, Chapter 12 – Real Estate Roles and Responsibilities for Civil Works: Cost Shared and Full Federal Projects – May 1998 (April 4, 2013), which confirms that all real estate interests necessary for the construction of the project have been provided to the Corps. Construction activities shall not be permitted to commence on properties where real estate authorizations have not been obtained. The Corps shall send to the right-of-way(s), leases, easements, land certifications by the local sponsor or other legal agreements that authorize the Permittee to perform the activities described herein at least seven (7) days prior to award of the solicitation for construction or operational activities.

Construction

7. **Authorized Construction.** This permit authorizes the construction of the C-11 Impoundment and Mitigation Area-A components of the BCWPA Project as outlined in the Project Components section of this permit and in accordance with the BCWPA_C-11_CONTRACT 2 FINAL SUBMITTAL_Plans dated September 2023 on file with the Department. The Permittee shall construct the project components in accordance with the plans and documentation submitted by the Permittee as part of the permit application and any subsequent submittals that have been approved and are on file with the Department.

   Any substantial modifications to the construction plans, such as, but not limited to hydrologic modifications or the addition/removal/modification of water control structures or changes to their location must be submitted for review and approval by the Department prior to construction and operation of such modifications. Substantial modifications shall be determined on a case-by-case basis by the Department in consultation with the Permittee.

   The Permittee shall submit final plans and technical specifications, signed and sealed (or equivalent BCOE certification), to the Department for all components of the project for consistency review at least 60 days prior to initiating construction activities. Upon review of the submitted plans and specifications, the Department will determine whether a permit modification is required.

8. **Construction Schedule.** The Permittee shall provide the Department with timely notice of a proposed construction schedule and any modified schedules at the addresses specified in Specific Condition No. 1.

9. **Pre-Construction Meeting.** At least two weeks prior to commencement of construction of each contract or unique project component, the Permittee shall provide the construction commencement date and shall conduct a pre-construction meeting for attendance by the contractor(s), and representatives from the Corps, the Department, the District, and other environmental regulatory agencies. The Department shall receive at least 14 days' notice of the meeting to allow for Department attendance and participation.

10. **Instructions to Construction Personnel and/or Contractors.** The Permittee shall ensure that training be provided regarding the identification and avoidance of harming, harassing, or killing State and Federal listed species and that the conditions contained within this permit, are explained to the contractor/sub-contractor working on the project. A copy of this permit shall be provided to each contractor and subcontractor before the authorized work begins.

11. **Blasting Activities.** Prior to commencing blasting activities, the Permittee shall coordinate with the FWC and USFWS to eliminate the potential for harmful effects on protected species from the use of explosives within the project area, and any other appropriate agencies and municipalities. The activities shall be consistent with the requirements outlined in Specific Condition No. 2.

12. **Construction Status.** Construction Status Reports which summarize progress of all maintenance activities, project components, phases and/or contracts, and Construction Meeting Minutes shall be available to the Department upon request and such reports shall continue to be available throughout the duration of construction activities and until after final completion.

13. **Quality Control Inspections.** For quality control purposes, the Corps' Contracting Officer shall ensure that quality control testing and inspections occur during all phases of construction consistent with the accepted Contractor Quality Control Plan as outlined in the technical specifications.

14. **Construction and Maintenance Best Management Practices (BMPs).** The Permittee shall submit an Environmental Protection Plan (EPP) to the Department for review and approval to the addresses specified in Specific Condition No. 1 at least 30 days prior to commencement of construction activities. The EPP shall describe the methods used to protect environmental resources as a direct result of construction activities. Modifications to the EPP may necessitate further review and approval by the Department. Upon installation of the erosion controls identified in this/these plan(s), the Permittee shall contact the Department to determine whether inspections of the installed controls are necessary. At a minimum, the plan shall include strategies and procedures to be implemented and maintained at all times during construction and maintenance activities to:

    A. prevent negative impact(s) to State and federal listed species and the habitats and habitat characteristics that support them;

    B. prevent negative impact(s) to prehistoric or historic artifacts, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement;

    C. minimize or eliminate project generated turbidity, including details regarding the use of sediment controls to minimize the suspension and transport of soils, levee materials, and roadway materials into waters adjacent to or downstream of the construction site;

    D. prevent or minimize negative impacts to adjacent wetlands, including, but not limited to, specifications for demarcation of said wetlands and exposed soils with construction fencing or other effective physical barriers to prevent encroachment;

    E. prevent the transport of any material into wetlands and surface waters both during and after completion of the construction; and

    F. limit the extent of clearing and grubbing such that impacts to native vegetation, either within or immediately adjacent to the project area shall be minimized or avoided.

15. **Wetland Protection.** Project construction in and near wetlands or other surface waters shall at all times be implemented to minimize impacts on these natural resources. Limits and extent of clearing and grubbing associated with construction activities shall consider minimizing or avoiding impacts to native vegetation, either within or immediately adjacent to the project area. Prior to the commencement of construction, effective physical barriers to prevent encroachment into the protected wetlands and other surface waters shall be installed by the Permittee. Additionally, the Permittee shall schedule a final site visit with the Department for inspection of the project site after the physical barriers have been removed. Wetlands within Mitigation Area-A will be enhanced by the removal of exotic plant species, planting with native plant species and rehydrated for maximum ecological benefit with water derived from the C-11 Impoundment when available. Within the C-11 Impoundment, approximately 215 acres denoted as "wetland area to be preserved and not disturbed" on plan sheets GC0003 and GC0004 shall be avoided during construction. No heavy machinery, excavation or filling is authorized in these areas.

16. **Stockpiles/Soil Disposal Areas.** Vegetative and demolition debris, as well as unwanted excavated material shall be properly disposed.

17. **Site Stabilization.** All graded areas shall be stabilized and vegetated no greater than seven days after construction activities have temporarily or permanently ceased for any portion of the site to minimize erosion. All screens, silt

fences, sheet pile, and other turbidity control devices and preventive operation procedures shall remain in place for the duration of each construction or maintenance activity and maintained until all project-generated turbidity has subsided, the project site has been stabilized, and the turbidity level at the point of discharge from the construction or maintenance work area to receiving waters meets state standards. Once these conditions are met, turbidity and erosion control devices shall be removed within a timely manner and prior to Permittee vacating the project site. If there are multiple work areas within a feature, contract or phase, individual work areas shall be stabilized if there will be a significant lag time prior to completion of the entire feature, contract, or phase.

18. **Site Inspections.** Throughout the construction, maintenance, or operational activities, the Department will conduct periodic site inspections to ensure permit compliance and to monitor progress. The Department will coordinate with the Permittee representative prior to performing any on-site inspections. A third-party inspector and/or consultant may accompany representatives of the Department at any time.

19. **NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities and Generic Permit for Discharge of Ground Water from Dewatering Operations.** The issuance of this Permit does not constitute coverage under the National Pollutant Discharge Elimination System (NPDES) Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) pursuant to Rule 62-621.300(4)(a), F.A.C., or from the discharge of groundwater resulting from construction-related dewatering activities pursuant to Rule 62-621.300(2)(a), F.A.C., incorporated by reference in the CGP. If the project activities require either of these generic permits, the Permittee must adhere to all conditions within such permits.

20. **Water Use Authorization.** For activities that require construction dewatering authorization, the required application, fees and applicable site-specific information shall be submitted to the South Florida Water Management District. The Permittee shall provide the application file number to the Department via the compliance email address RPPS_Comp@dep.state.fl.us upon submission of a water use application to the District. The Permittee shall ensure that Water Use authorization is received from the South Florida Water Management District in accordance with Chapter 40E-2 F.A.C. and that copies of the final site specific dewatering plan and water use permit are provided to the FDEP OEP at the address specified in Specific Condition No. 1.

21. **Water Quality Standards.** Under no circumstances shall the construction, maintenance, or operations of the project or any project component cause or contribute to a violation of state water quality standards. The Permittee shall comply with all applicable state water quality standards described in Chapter 62-302, F.A.C.

22. **Water Quantity and Flooding Impacts.** The Permittee shall be responsible for ensuring that each of the project features are constructed, maintained, and operated so as to not adversely affect adjacent lands with regards to water quantity and/or flooding.

Operation and Maintenance

23. **Emergency Action Plan (EAP) and Initial Filling Plan.** At least six months prior to initial filling of the C-11 Impoundment, the permittee shall submit a preliminary Initial Filling Plan and a draft Emergency Action Plan (EAP) to the Department, which has been prepared in accordance with Design Criteria Memorandum #11. A final Initial Filling Plan and a final Emergency Action Plan (EAP), complete with incorporation of feedback from the Department as appropriate, shall be submitted to the Department no later than 90 days prior to initial fill. Subsequent updates to the EAP, as applicable, shall also be provided to the Department with the Annual Report.

24. **Operation and Maintenance.** The Permittee shall submit to the Department a final project operation plan for review and approval at least six months prior to initiating routine operations. The Permittee shall operate and maintain the project components in accordance with the design documents and the most current approved operation plan(s) on file with the Department.

    This plan shall include background information; operational objectives; inflow control facility; interior control structures; outflow control structures; emergency overflow; seepage control facilities; related facilities; pre-

discharge operations; normal operations; extreme flow operations; drought operations; treatment cells out of service; and foreseen deviations from the operational plan.

The Permittee shall operation and maintain the project until the project is turned over to the non-federal sponsor of the project as provided in the Project Cooperation Agreement. Routine inspections shall be performed by the Permittee to confirm the restored area's hydraulic connections are functional.

In the event of deviations from the approved operation plan, the Permittee shall notify the Department, in writing, with an explanation of the deviation, dates of deviation, and when the Permittee expects to resume the approved schedule. Any long-term or permanent modifications or refinements to the aforementioned operation plan shall be submitted to the Department for review and approval and to determine whether a modification to the permit is required.

If at any time changes to the operation plan is warranted to optimize facility operation or meet the requirements of this permit, and upon verification of data to be supplied by the Permittee that justifies the need for such modification, the operation plan may be modified as mutually agreed upon by the Department and the Permittee.

25. **Water Quantity and Flooding Impacts.** The Permittee shall be responsible for ensuring that each of the project features are constructed, maintained, and/or operated so as not to adversely affect adjacent lands with regards to water quantity and/or flooding. Should adverse effects be determined at any point during construction, maintenance, and/or operation of the project, the Permittee shall make alterations to avoid such effects and develop a schedule and strategy to mitigate such effects. Mitigating strategies developed by the Permittee shall be submitted to the Department for review and approval prior to resuming such activities.

26. **Emergency Operations**. Under emergency conditions that threaten the safety of life, property or the project, the Permittee may modify operations of the project and immediately employ any remedial means to protect life and property in accordance with the emergency provisions of Chapter 373, F.S. The Permittee shall notify the Department within 48 hours of such occurrence and shall provide data justifying the need to employ the emergency modifications to operations of the project.

27. **Public Health, Safety, and Welfare.** Pursuant to Section 373.1502(3)(b)(3), F.S., of the CERPRA, discharges from the project will not pose a serious danger to public health, safety, or welfare.

Monitoring Requirements

28. **Water Quality Monitoring.** The Permittee shall collect and analyze water quality monitoring data in accordance with the most current approved version of the Compliance Monitoring Plan (CMP) for the project using the parameters and frequencies identified in Table 2. Locations are included in Table 1 and Figure 4. The Permittee shall report the results to the Department in accordance with the annual reporting requirements specified in Specific Condition No.28. Any subsequent modifications to the CMP shall be submitted to the Department for review and approval.

29. **Data Quality**. All monitoring data required during the construction and routine operations phases of this permit shall be conducted in accordance with the following:

A. **Quality Assurance and Quality Control**. Sampling and monitoring data shall be collected, analyzed, reported and retained in accordance with Chapter 62-160, F.A.C. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Florida Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300, F.A.C. The laboratory must be certified for all specific method/analyte combinations that are used to comply with this permit. The analytical method used shall be appropriate so as to determine if the sample complies with Class III surface water quality standards as specified in Chapter 62-302, F.A.C. All field activities including on-site tests and sample collection, whether performed by a laboratory or another organization, must follow all applicable procedures described in the most current version of DEP-SOP-001/01. Alternate field procedures and laboratory methods may be used if they have met the requirements of Rules 62-160.220 and 62-160.330, F.A.C.

B. **Method Detection Limits (MDLs).** The sample collection, analytical test methods and MDLs applicable to this permit shall be performed and reported in accordance with Rule 62-4.246, F.A.C. The most current approved list of Department-established analytical methods and corresponding MDLs and practical quantification limits (PQLs), which is titled "Florida Department of Environmental Protection Table as Required by Rule 62-4.246(4) Testing Methods for Discharges to Surface Water" is available from the Department on request. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. More stringent MDLs and PQLs may be necessary for specific parameters. If required, these will be identified in the permit monitoring plan.

30. **Exotic/ Invasive Vegetation Control.** The Permittee shall ensure that category I and II nuisance and exotic vegetation listed in the most recently published list of invasive species by the Florida Invasive Species Council (FISC) is treated or removed within the construction boundary. To the extent practicable, exotic vegetation shall be treated with an appropriate systemic herbicide such as an approved brand that may be used near water, or removed using hand-held equipment in a manner that will minimize impacts to the existing native wetland plants and will not cause ruts in the wetland soils which will impede or divert the flow of surface waters.

31. **Addition of Monitoring Requirements**. If the Department has reason to believe that additional monitoring may be required, or parameters exist that may cause or contribute to water quality violations or degradation of receiving waters, additional monitoring or parameters shall be added to the monitoring section of this permit through a permit modification.

32. **Mercury and Pesticide Monitoring.** The Permittee shall monitor mercury and pesticides, report the results obtained, and take all necessary actions as specified in the most current approved version of the Mercury and Other Toxicants Monitoring Plan. The Permittee shall report the results to the Department in accordance with the annual reporting requirements specified in Specific Condition No. 39. Any revisions to the Mercury and Other Toxicants Monitoring Plan shall be submitted to the Department for review and approval and should be in accordance with the most current approved Protocol for Monitoring Mercury and Other Toxicants or subsequent revisions.

33. **Turbidity Monitoring During Construction and Maintenance.** Effective means of turbidity control shall be employed during all construction or maintenance activities that could result in project-generated turbidity in receiving water bodies. Turbidity control measures shall be in accordance with best management practices contained in the approved BMP Plan referenced in Specific Condition No. 12. Additionally, a project specific Turbidity Control Plan for turbidity monitoring shall be submitted to the Department for review and approval at the addresses specified in Specific Condition No. 1 at least 60 days prior to the initiation of any construction activity and at least 14 days prior to the implementation of any subsequent plan revisions. All turbidity control devices and/or preventive operation procedures shall remain in place until the turbidity level at the compliance sampling site meets state standards or as otherwise approved by the Department.

Turbidity Standard

A. Turbidity shall not exceed 29 Nephelometric Turbidity Units (NTUs) above background in Class III receiving waters.

Sampling Protocols

B. Sampling and analyses shall be performed as required by Chapter 62-160, F.A.C. and in accordance with appropriate FDEP Standard Operating Procedures (FDEP-SOP), located at http://www.dep.state.fl.us/water/sas/sop/sops.htm. Turbidity monitoring equipment and personnel trained to use it shall be available on site at all times during construction or maintenance activities that could result in project-generated turbidity levels beyond the work area that have the potential to be discharged to a receiving water body.

C. During construction or maintenance activities, the Permittee shall monitor turbidity levels at least twice daily for the background and compliance samples, with samples taken a minimum of once every four hours, at the locations described within the project's Turbidity Control Plan.

i. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
ii. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

D. For monitoring purposes, work areas are defined by the turbidity curtains.

E. If there are multiple work areas where construction is creating a visible turbidity plume, each construction activity shall be monitored separately.

Turbidity Exceedance

F. If monitoring reveals project-generated turbidity exceeds the Turbidity Standard authorized in this permit the Permittee shall take the following measures:

i. Immediately cease all work contributing to the water quality violation;
ii. Immediately report turbidity violations to the Department;
    a. The Department shall be notified by phone and at RPPS_Comp@dep.state.fl.us within 24 hours; and
    b. The Permittee shall submit a turbidity exceedance report to the Department at the addresses specified in Specific Condition No. 1. The report shall include a copy of the monitoring data sheets, which indicate violation(s) and a description of the corrective actions being taken or proposed to be taken. The report shall be made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends.
iii. The possible cause of the violation shall be identified;
iv. Modify work procedures that may have contributed to the violation such as installing additional turbidity or erosion protection devices; repairing any non-functional turbidity containment devices, stabilizing exposed soils, and checking calibration of the meter; and
v. Work shall not resume until the activities can be conducted in compliance with the turbidity standards and the Department grants authorization.

Failure to report violation(s) or to follow corrective procedures before resuming work may constitute grounds for formal enforcement action.

Monitoring Logs and Reports

G. Turbidity monitoring results shall be compiled daily and summarized quarterly (every three calendar months) by project component beginning with the first calendar month in which construction or maintenance activities occur that could generate turbidity in receiving waters and continuing until all construction, dredging, stabilization and/or excavation is completed. If no construction activities occur that could generate turbidity and the project site has been stabilized, during the entire or a specific portion of the quarterly monitoring period, this shall be noted in the report and include information regarding continuation of monitoring. Quarterly reports shall be sent to the addresses specified in Specific Condition No. 1.

H. Daily monitoring logs shall clearly identify the following information:

i. Project name and current permit number;
ii. Dates and times of sampling and analysis;
iii. Name of individual collecting samples;
iv. Unique identification of the specific instrument unit(s) used for sample collection and analysis as required by FDEP-SOP-001/01 FT 1600 Field Measurement of Turbidity;
v. Measurement value and reporting units;
vi. Water depth;
vii. Depth of sample;
viii. Weather conditions;
ix. Water level stage in the canal or water body and direction of flow;
x. Clear description of project component activities taking place at the time of sampling that may have contributed to turbidity; and
xi. Signature and statement of authenticity by a properly trained individual indicating that the instrument meets the outlined specifications and has been calibrated in accordance with FDEP-SOP-001/01 FT 1600 Field Measurement of Turbidity.

I. Quarterly reports shall include the daily logs and a summary of the following information:

i. Summary of construction activities that have taken place;
ii. Statement regarding sampling results, the net difference between compliance and background results, and whether the turbidity levels are in compliance;
iii. Summary of any significant compliance issues and how they were resolved;
iv. Statement which explains any gaps in sampling activity (e.g., no construction or maintenance activity that could contribute to turbidity generation in receiving waters, contractor not onsite, work shut down due to weather conditions); and
v. Map indicating the sampling locations and construction activity taken place during the reporting period.

Reports and Notices

34. **Construction Status Reports.** Construction Status Reports, which summarize progress of all maintenance activities, project components, phases and/or contracts, or Construction Meeting Minutes for the project shall be available to the Department upon request and such reports shall continue to be available throughout the duration of construction activities until all disturbed areas are successfully stabilized. These Reports may be requested through the Project Manager, Construction Manager, or obtained at the construction meetings.

35. **Notification of Substantial Completion.** The Permittee shall provide notification to the Department at least 30 days prior to substantial project completion. This deliverable shall serve to notify the Department that the project or project component is ready for inspection for the purpose of verifying site stabilization and functional use of the project.

36. **Construction Completion, As-Built Certification and Record Drawings.** In accordance with General Condition No. 12 and the February 2006 Interagency Cooperative Agreement for Civil Works Projects (ICA), the Permittee shall submit a written statement of construction completion signed by a Professional Engineer, and as-built drawings or equivalent construction documentation to the Department to the addresses specified in Specific Condition No. 1. The statement of completion and certification shall be based on on-site observation of construction and review of the as-built construction drawings for the purpose of determining whether or not the work was completed in compliance with permitted plans and specifications. If there is deviation from the permitted plans, the construction completion statement shall note these deviations and may require inclusion of revised plan sheets and specifications identifying the changes. Note that major deviations may require a modification to this permit. Plans submitted to the Department shall be clearly labeled as "as-built" or "record" drawings with one electronic copy provided in PDF format and one hard copy. The Permittee shall furnish the construction statement and record drawing information to the Department within a reasonable timeframe from substantial completion of construction.

37. **Facility Inspection Plan and Reports.** Within 90 days prior to initiation of interim operations, the permittee shall submit the draft Operation, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R) Manual, to the Department at the address listed in Specific Condition No. 1 for annually evaluating the integrity and functionality of above-ground dams and appurtenant structures.

    During interim operations, the permittee shall be responsible for ensuring that facility inspections are completed in accordance with the OMRR&R and ensure that an inspection summary is included in the Annual Report in accordance with Specific Condition 28. The OMRR&R Manual shall follow the guidelines established under the District's Dam Safety Program (Design Criteria Memorandum #11) including inspections, evaluations, and report preparation. The permittee shall perform a formal inspection and provide a report one year post construction and every five years post construction thereafter evaluating the integrity and functionality of the reservoir, levees, and associated infrastructure including culverts, gates, and water control structures. The inspections shall be conducted by, or under the supervision of, a Professional Engineer.

    The inspection report shall be signed by the Corps or signed and sealed by a Professional Engineer (if a Corp Contractor) and submitted to the Department address identified in Specific Condition No. 1 and by e-mail to the RPPS_Comp@dep.state.fl.us. The cover letter of the inspection report should summarize site conditions and work that was completed, or may be completed, in response to inadequacies found during these inspections. A Professional Engineer or Dam Safety Officer shall review and approve major repair plans or remedial work associated with inadequacies identified during routine and formal inspections.

    Within 30 days of final acceptance and turnover to the local sponsor, the permittee shall provide a digital copy of the final OMRR&R to the Department.

38. **Annual Reports.** The Corps shall submit an annual report to the Department detailing the construction and operations activities of the project during the annual reporting period. These reports shall be submitted to the Department no later than March 1st of each year. The Corps may request a modification to the annual report submission date, and upon approval by the Department, the Corps may modify the submission date to coincide with other reporting requirements and time periods needed for data acquisition and analysis.

    At a minimum, the following information should be included in the annual reports:

    A. **General Information.**
        i. Permit number;
        ii. Permit/Project name;
        iii. Permit administrator;
        iv. List of key contacts with contact information; and
        v. Evaluation of project success in achieving its objectives.

B. **Construction/Interim Operations/Maintenance Summary.** A construction, interim operations, and/or maintenance summary shall include, at a minimum:
   i. Construction/Inspections/Interim Operations/Maintenance progress;
   ii. Summary of the operational record, including deviations from normal operations;
   iii. Annual Facility Inspection Report;
   iv. Construction schedule;
   v. Problems encountered during period covered;
   vi. Actions taken to address problems encountered;
   vii. Summary of monitoring results for turbidity;
   viii. Modifications or changes made to infrastructure of system; and
   ix. Any additional information specifically required by the conditions of this permit or separate authorization.

C. **Performance Evaluation**. The performance evaluation shall include the following:
   i. The operations status of the project;
   ii. During operations, a statistical evaluation of whether the project is performing in a manner consistent with its design objectives/water quality performance estimates. In the event that the project is not performing in this manner, the Department may impose additional evaluation and reporting requirements; and
   iii. Beginning with the second Annual Report, a comparison of performance of current reporting year with performance in previous years.

D. **Implementation Schedules**. When appropriate, the Permittee shall include information on:
   i. BCWPA Project and Comprehensive Everglades Restoration Plan implementation;
   ii. Project adaptive management;
   iii. Project design modifications;
   iv. Implementation of remedial measures in the event of noncompliance with permit conditions;
   v. Project optimization; and
   vi. Should construction or operations be impacted due to State and Federal listed species requirements, provide a summary including the species involved, an estimate of the number of individual animals and species involved, actions taken to avoid deleterious impacts on endangered species, the effect those actions had on compliance with any condition of this permit, and an estimate of when facility operation will no longer be impacted or constrained.

39. **Temporary Suspension of Sampling**. Under hurricane, tropical storm warnings, or other extreme weather conditions, the Permittee's normal sampling schedule may be suspended if necessary. The Permittee shall notify the Department, at the addresses specified in Specific Condition No. 1, of any suspension of sampling associated with hurricanes, tropical storms, or other extreme weather events that may require deviation from the normal sampling schedule. Within seven days following the cessation of emergency conditions, the Permittee shall notify the Department when normal sampling is expected to resume. Suspension of routine sampling for other reasons shall be coordinated with the Department for review and approval.

Renewals and Modifications

40. **Permit Modifications**. The Permittee shall submit proposed modifications of the project to the Department prior to implementation of the modification for review and approval by the Department. Such modifications may include, but not be limited to:

    a. **Modifications to Achieve Design Objectives**. The Permittee shall modify the project, including modifications to the operation plan(s), if the project facilities are not achieving the design objectives

b. **Modifications for Future Facilities**. If the monitoring data indicate the need for the construction/operation of future facilities or structures, prior to construction/operation the Permittee shall apply for modifications to the project, as appropriate to accommodate alterations in operations of the project in conjunction with the construction and operation of the new facilities or structures; and

c. **Future Phases**. This permit does not authorize any construction or operational activities associated with future portions of the project. Future phases shall require separate review and approval by the Department to determine whether a permit modification will be required.

41. **Permit Renewal**. At least 60 days prior to the expiration of this permit, the Permittee shall apply for renewal of this permit. Renewal may be for a period of up to 5 years in accordance with Section 373.1502(3)(g), F.S., of the CERPRA.

42. **Department Review and Approval.** Where conditions in this permit require Department review and approval of remedial actions or plan modifications to be implemented pursuant to this permit, the Department shall consult with the Permittee to ascertain whether mutual agreement can be reached. If mutual agreement on the remedial actions or plan modifications cannot be reached, the action of the Department shall be deemed final agency action and shall be subject to judicial or administrative review, as appropriate.

Table 1: C-11 Impoundment Surface Water Monitoring Stations and GPS Coordinates

Station	Latitude	Longitude	Description
S503	26° 3'46.17"N	80°25'10.49"W	Inflow Pump Structure
S503A	26° 3'43.74"N	80°25'14.98"W	Eastern Impoundment Discharge Structure
S504A	26° 3'43.47"N	80°25'46.45"W	Western Impoundment Discharge Structure
S504B	26° 3'43.25"N	80°25'33.42"W	Emergency Overflow Structure
S505A	26° 3'46.06"N	80°25'5.64"W	Eastern Seepage Discharge Structure
S505C	26° 4'5.29"N	80°25'59.12"W	Western Seepage Discharge Structure

The coordinates are relative to NAD83 HARN horizontal datum.

Table 2: C-11 Impoundment Station Frequency and Parameter Tests

Station	Collection Method	Frequency	Parameter Tests
S503 S503A S504A	Grab	Bi-weekly Recorded Flow (BWRF)[1]	Total Nitrogen (TN), Total Phosphorus (TP)
	In-situ Grab	BWRF[1]	Dissolved Oxygen (DO), pH (PH), Specific Conductance (SCOND), Temperature (TEMP)
S504B S505A S505C	Grab	Event Driven[2]	TN, TP
	In-situ Grab	Event Driven[2]	DO, PH, SCOND, TEMP

[1]The preferred sampling frequency is Biweekly Recorded Flow (BWRF), however if telemetry or near real-time flow data are unavailable the frequency will be Biweekly if flowing (BWF). Stations will be monitored during high-flow or low-flow events.
[2]Sampling will occur within two weeks of flow at the listed structures.

Figure 1. Broward County Water Preserve Area Project Location

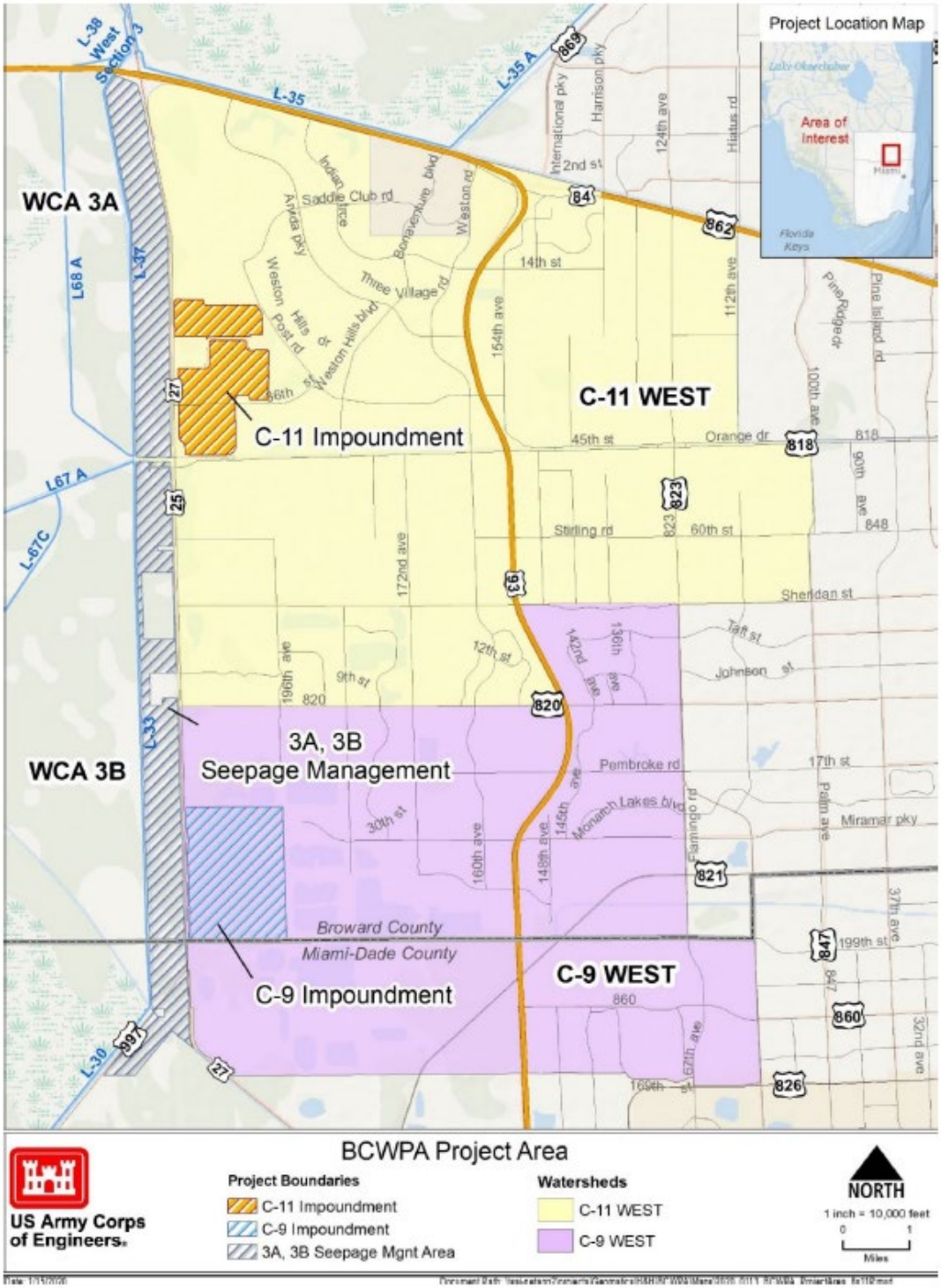

Figure 2. Mitigation Area-A and C-11 Impoundment with Inflow and Outflow Structures

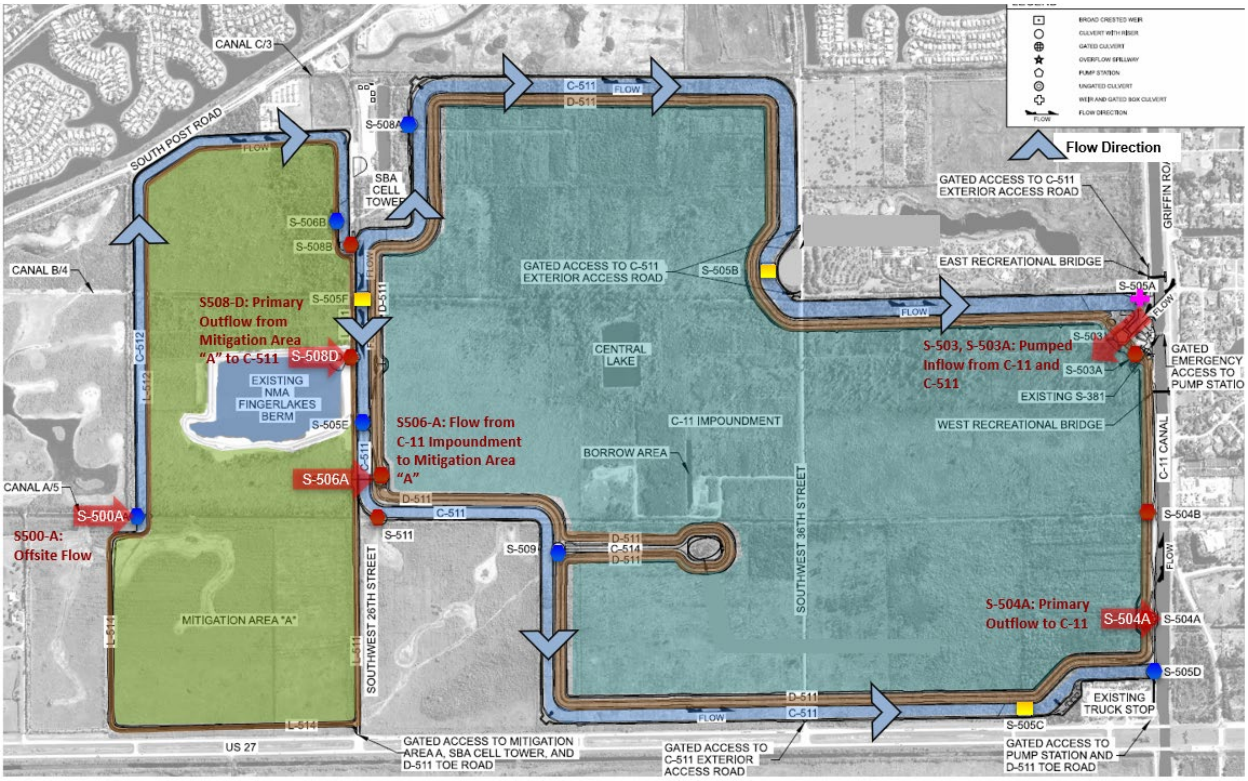

Figure 3. Mitigation Area-A Wetland Polygons to be Enhanced

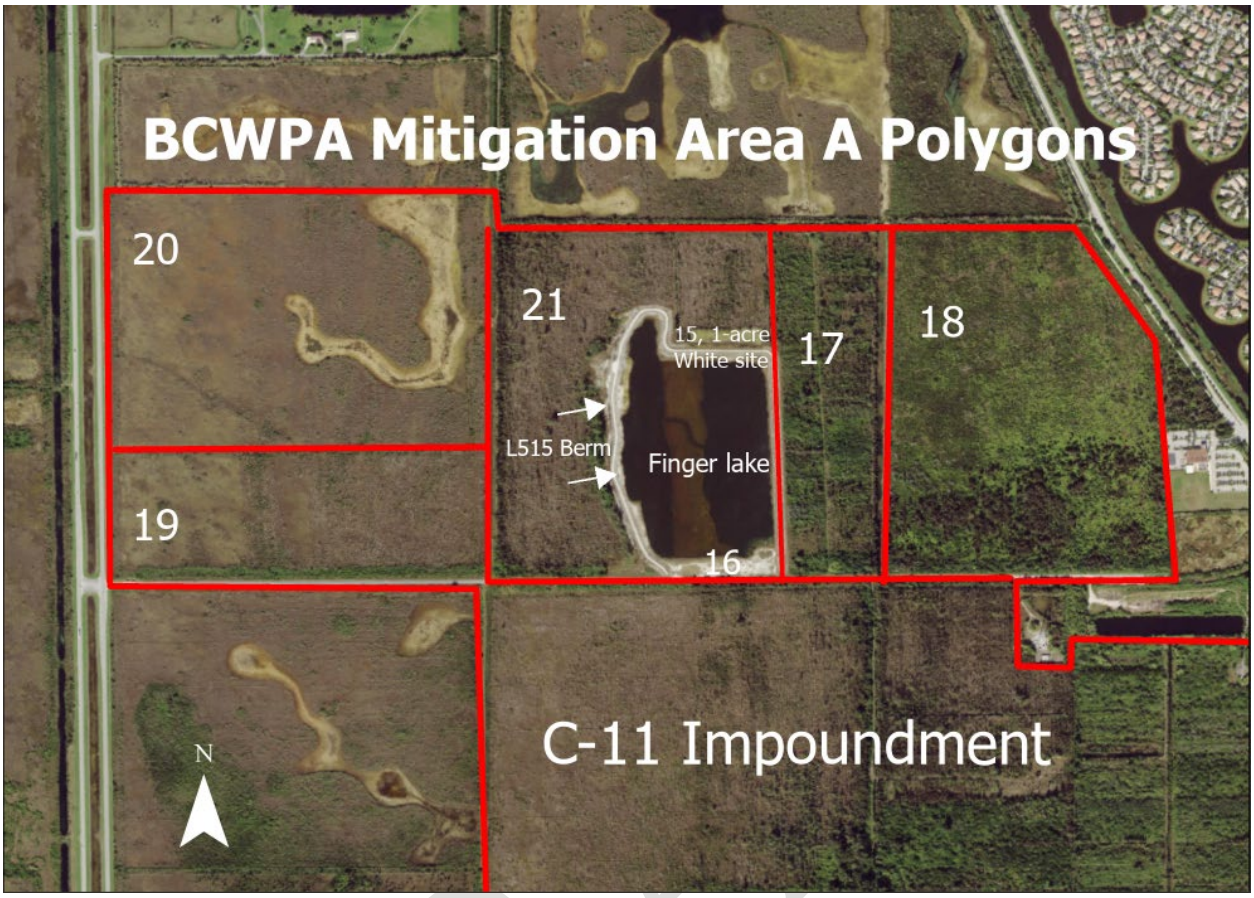

Figure 4. C-11 Impoundment Monitoring Locations

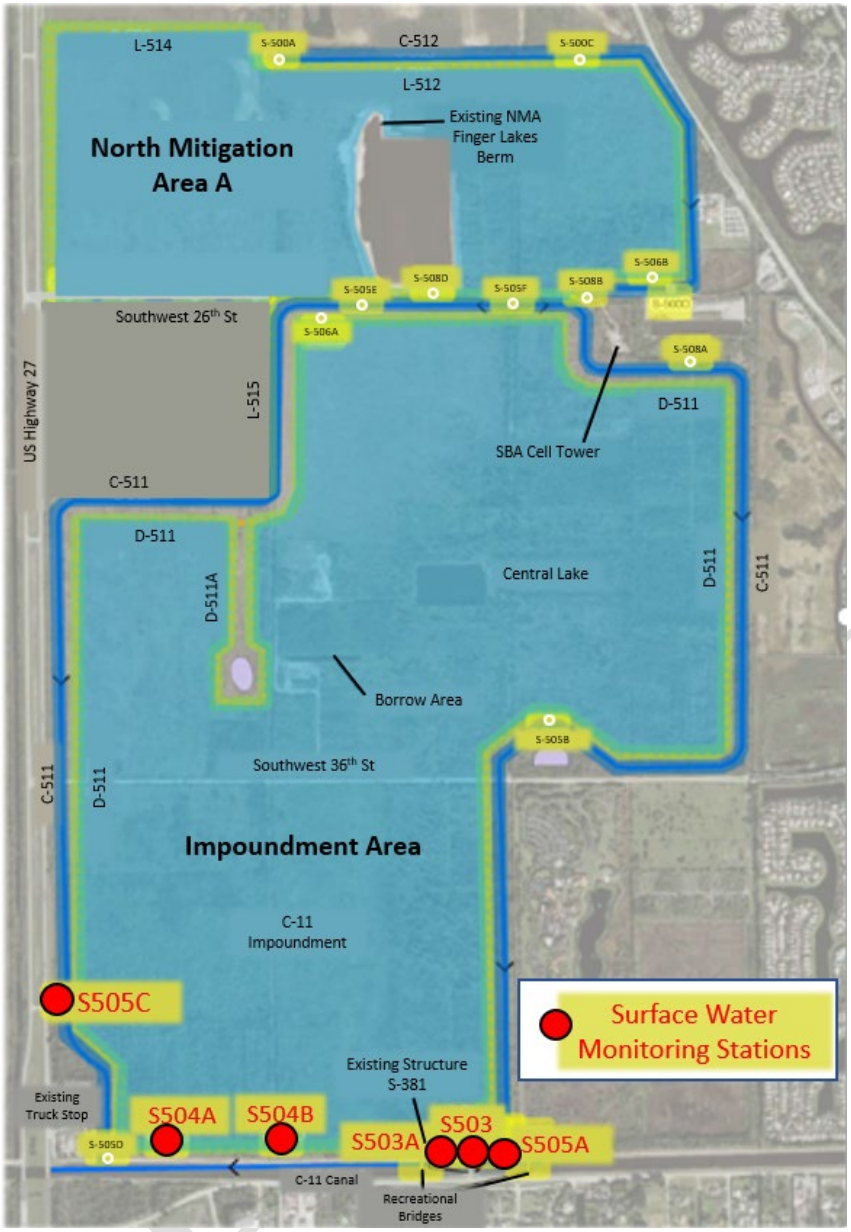

Figure 5. Illustrating Contracts 2 and 3 project components

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

_____
Edward C. Smith, Director
Office of Water Policy and Ecosystems Restoration

ECS/kje/gr

FILING AND ACKNOWLEDGMENT

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

_____
Clerk Date

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