



# FLORIDA DEPARTMENT OF Environmental Protection

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August 24, 2023

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c/o

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Permit Modification No. 0296087-008-JN  
Permit No. 0296087-001-JC, Collier County  
Clam Pass North Expansion

Dear Mr. Dorrill and Dr. Dabees:

Your request to modify Permit No. 0296087-001-JC was received on January 18, 2023 and has been reviewed by Florida Department of Environmental Protection (Department) staff. The proposed permit modification is to expand the upland berm and dune disposal area on the north side of Clam Pass to accommodate excess sand at the inlet entrance. As part of this modification, the Department and the Florida Fish and Wildlife Commission (FWC) also updated the General and Specific Conditions to current standards. Additionally, the Department has included Specific Conditions to ensure that flushing and tidal exchange is maintained in the inlet and associated bays during dredging events.

## **Background**

On August 14, 2012, the Department issued Permit No. **0296087-001-JC** to Collier County (Coastal Zone Management) for ten years to restore the alignment of Clam Pass to the previously approved location, and to conduct periodic maintenance dredging of a portion of the Clam Pass Channel in order to maintain tidal exchange between Clam Bay and the Gulf of Mexico. The

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permit authorized approximately 22,000 cubic yards of sand to be dredged from approximately 1,800 feet of Clam Pass. The beach-compatible sand was to be placed north of the Pass, along Pelican Bay Beach, and south of the Pass, along Collier County Clam Pass Park Beach. Additionally, the meandered channel location was to be filled with beach-compatible sand.

For additional background, please see the ***CONSOLIDATED NOTICE OF INTENT TO ISSUE JOINT COASTAL PERMIT AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS*** for Permit No. **0296087-001-JC** at the following website:

[https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=20.29827.1\]&\[profile=Permitting\\_Authorization\]](https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=20.29827.1]&[profile=Permitting_Authorization])

On March 1, 2013, the Department issued Permit Modification No. **0296087-002-JN** to Collier County to change the Permittee from Coastal Zone Management to the Pelican Bay Services Division (PBSD), both of which are branches of Collier County. The modification also revised the channel configuration and the slopes of the placement areas to correspond with the designs authorized by the Nationwide Permit (SAJ-1996-02789 (NWP-WDD)) from the U.S. Army Corps of Engineers (Corps). In addition, the modification revised the Sediment Quality Assurance / Quality Control (QA/QC) Plan and clarified that sand dredged during the initial channel realignment would be placed in the area affected by the channel meander, which was located on the north shore of the realigned channel through the beach.

On May 27, 2015, the Department issued Permit Modification No. **0296087-003-JN** to Collier County - PBSD to revise the channel configuration and fill template to be consistent with the Clam Bay Natural Resource Protection Area (NRPA) Management Plan that was approved by the Collier County Board of County Commissioners on January 13, 2015. Specifically, the channel was to be redesigned to not exceed 100 feet in width at any location and to not encroach within 15 feet of existing mangroves growing in water depths less than -2 feet mean high water (MHW) or within 5 feet of existing mangroves growing in water depths greater than or equal to -2 feet MHW. The channel was also to be shortened slightly to end at station 17+00, the dredge depths were to be slightly reduced, and the inlet throat was to be flared so that it closely mimicked the natural inlet cross section at stable inlet conditions. The fill template was to be slightly adjusted to include a dune and ensure sufficient placement capacity for future maintenance dredging events.

On August 11, 2015, the Department issued Permit Modification No. **0296087-004-JN** to Collier County – PBSD to revise the project description to include the bottom widths of the channel, the buffers between the channel and the mangroves, as shown on the permit drawings dated March 30, 2015 (attached to Permit Modification No. 0296087-003-JN), and a requirement to determine the amount of sand (in cubic yards) to be dredged during each maintenance dredge event on a pre-construction survey conducted prior to each maintenance event.

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On May 20, 2016, the Department issued Permit Modification No. **0296087-005-JN** to Collier County – PBSB to extend the expiration date of the existing permit from August 14, 2022, to August 14, 2027; to reduce the tilling depth required by the existing permit; and to update the water quality monitoring conditions.

On July 21, 2017, the Department issued Permit Modification No. **0296087-006-JN** to Collier County – PBSB to incorporate mark and avoid conservation measures for existing marine turtle nests during the 2017 construction event.

On July 19, 2019, the Department issued Permit Modification No. **0296087-007-JN** to Collier County – PBSB to incorporate updates to the staging area and expand the grading of the inlet throat as well as mark and avoid conservation measures for existing marine turtle nests during emergency maintenance events. The Department also updated the permit language (general and specific conditions).

**Staff Assessment and Justification**

Clam Pass is a small tidal inlet that plays a crucial role in maintaining a balance between tidal flow and littoral processes. Regular maintenance dredging is necessary to keep Clam Pass open, and the physical conditions of the Pass are continuously monitored to ensure timely maintenance events. Unanticipated weather patterns, tropical disturbances, and high wave energy in the area occasionally result in emergency maintenance events to prevent the closure of the Pass due to the sand influx. Furthermore, successive beach nourishment projects on both sides of Clam Pass have introduced a substantial influx of sand into the inlet system. Consequently, the current template may not have adequate capacity to dispose of maintenance dredged material from the Clam Pass.

The proposed modification aims to rectify the issue of an excessive influx of sand at Clam Pass's entrance. Specifically, the northern side of the inlet currently features a comparably smaller design template than its southern counterpart. Following the impact of Hurricane Ian, observations reveal that post-storm conditions on the north side have led to a broader beach with a reduced berm and dune elevations in comparison to the pre-storm state. The expansion of the upland dune and berm sand placement template on the north side of Clam Pass is intended to provide ample space for accommodating the surplus sand accumulated at the inlet's entrance.

The Department and representatives of FWC have reviewed this request and determined that the proposed activity is not expected to result in adverse impacts on the coastal systems or biological resources. Therefore, the Department has revised the project description to reflect this change.

***Inlet flushing and tidal exchange.***

The maintenance dredging for Clam Pass is conducted periodically to improve the inlet stability and hydraulic efficiency throughout the bay system. When performing maintenance that involves dredging the entire permitted template and the encompassing flood shoal areas, the favored

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construction approach has entailed executing the work within a managed environment. The measures typically used are designed to allow the contractor to dredge the entire template under controlled flow conditions and to protect seagrass beds adjacent to the template from potential turbidity spreading by tidal currents. This may include constructing temporary coffer dams, sand dikes, installing turbidity curtains, or a combination of these methods to intermittently regulate water flow into the inlet.

Clam Pass and Clam Bay also include ecologically sensitive habitats, notably mangrove and seagrass ecosystems. These habitats have the potential to be negatively impacted by constrained flushing and limited flows for prolonged periods, which may result in adverse salinity levels and thermal stress affecting the seagrass and mangrove environment. Additionally, the temporary closure of the Pass curtails recreational access to the bay. The Department has therefore included Specific Conditions to minimize potential adverse impacts and implement measures to ensure flow, tidal exchange, and flushing in the inlet.

***Updating Specific Conditions.***

The Department and the FWC have refined the language of certain Specific Conditions to reduce ambiguity. These changes clarify common misinterpretations, update requirements, and ensure consistency across permits. As such, updates have been made throughout the permit.

***Update of the General Consent Conditions.***

Rule 18-21, F.A.C. was revised in 2019, and the revision included an updated set of General Consent Conditions for all sovereign submerged lands authorizations. Accordingly, General Consent Condition (GCC) 8 was added, GCC 8 and 9 were then renumbered as 9 and 10, and the rule cited in the new GCC 10 was updated.

The general consent conditions shall be replaced as follows (~~strikethroughs~~ are deletions, underlines are additions):

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

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4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use or operation of the structure or activity shall not adversely affect any species that is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.
- ~~9~~8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident or fire.
- ~~10~~9. Structures or activities shall be constructed, operated and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(fg), F.A.C., or any other applicable law.

The project description shall be revised as follows (~~strike throughs~~ are deletions, underlines are additions):

The project is to restore the alignment of Clam Pass to the previously approved location and to conduct periodic maintenance dredging of a portion of the Clam Pass Channel in order to maintain tidal exchange between Clam Bay and the Gulf of Mexico. The bottom of the channel between Stations 0+00 and 3+64.5 (Cut A) will not exceed 50 feet in width, and the bottom of the channel between Stations 3+64.5 and 17+00 (Cuts B and C) will not exceed 100 feet in width. The channel will not encroach within 15 feet of existing mangroves growing in water depths less than -2 feet mean high water (MHW) or within 5 feet of existing mangroves growing in water depths greater than or equal to -2 feet MHW. The inlet throat and the meandered channel in the vicinity of Stations 0+00 to 4+10, will be graded, cut or filled as necessary to shape the inlet so that it closely mimics the natural inlet cross section at stable inlet conditions. The amount of sand to be dredged during each maintenance dredge event will be based on a pre-construction survey conducted prior to each maintenance event. Based on conditions of the beach at

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the time of each event, the beach-compatible sand may be placed north of the Pass, within the expanded upland fill template to R-37-300 with a maximum dune crest elevation of +7.0 feet along Pelican Bay Beach, or south of the Pass, along Collier County Clam Pass Park Beaches to a design berm elevation of +5 feet NAVD and extent of fill template previously approved by the department. Beach-compatible sand may also be used to reconstruct the dune along the south fill template as necessary to an elevation of +6.5 feet NAVD. Additionally, the meandered channel location will be filled with beach-compatible sand during the initial channel realignment and subsequent inlet bank grading.

The project location shall be revised as follows (~~striketroughs~~ are deletions, underlines are additions):

The dredging is located in Clam Pass, between R-41 and R-42, and the placement locations are located to the north of the Pass, along Pelican Bay Beach, R-37-300 40+724 and R-41+117, to the south of the Pass, Collier County Clam Pass Park Beaches, between R-42 and R-44+387, near the southern boundary of the county park, in Collier County, Sections 5, 8 and 9, Township 49 South, Range 25 East, Gulf of Mexico, Class III Waters.

The specific conditions shall be revised as follows (~~striketroughs~~ are deletions, underlines are additions):

1. Unless otherwise specified in the specific conditions of this permit, a~~All reports or notices relating to this permit~~ submittals required herein (e.g., progress reports, water-quality reports etc.) shall be electronically submitted (via e-mail, file transfer site or hard drive). Email submittals shall be sent to the Department's JCP Compliance Officer (e-mail address: [JCPCompliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us)) unless otherwise specified in the specific conditions of this permit. If a file transfer site is used, a link shall be e-mailed to the JCP Compliance Officer. If data are too large to be submitted via e-mail or file transfer site, the Permittee may submit the data via an external hard drive, provided by the Permittee. The external hard drive shall be mailed to:

Department of Environmental Protection  
Office of Resilience and Coastal Protection  
Attn: JCP Compliance Officer  
2600 Blair Stone Road, Mail Station 3544  
Tallahassee, FL 32399-2400

2. The Permittee shall not store or stockpile tools, equipment, materials, etc., within littoral zones or elsewhere within surface waters of the state without prior written approval from the Department. Storage, stockpiling or accessing equipment on,

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in, over or through areas with benthic biological resources (including beds of submerged aquatic vegetations [SAV], wetlands, oyster reefs or hardbottom) is prohibited unless it occurs within a work area or ingress/egress corridor that is specifically approved by this permit and is shown on the approved permit drawings. Anchoring or spudding of vessels and barges within areas with benthic biological resources is also prohibited.

3. The Permittee shall not conduct project operations or store project-related equipment in, on or over dunes, or otherwise impact dune vegetation, outside the approved staging, beach access and dune nourishment areas designated in the permit drawings.
4. **Pre-Construction Submittals.** For each construction event under this permit, ~~n~~No work shall commence be conducted under this permit until the Permittee has received a written notice to proceed from the Department for each event satisfactorily submitted all information noted in this condition. At least 45 30 days prior to the requested date of issuance of the notice to proceed commencement of construction, the Permittee shall submit a written request for a Notice to Proceed along with the following items for review and approval by the Department. Unless otherwise notified by the Department within 15 days of receipt of all information specified below, the Permittee shall assume the submittals are satisfactory:
  - a. An electronic copy of detailed ***final construction plans and specifications*** for all authorized activities. The plans and specifications must be consistent with the project description, conditions of this permit and the approved permit drawings of this permit. These documents and shall also be certified by a professional engineer (P.E.), who is registered in the State of Florida. The Permittee shall point out any deviations from the Pproject Ddescription of this permit (as stated above) or the approved permit drawings (attached to this permit), and any significant changes that would require a permit modification. The plans and specifications shall include a description of the dredging and construction methods to be utilized and be accompanied by a letter indicating the project name, the permit number, the anticipated volume of material to be moved and the anticipated schedule. The drawings and surveys shall that show all biological resources and work spaces (e.g., anchoring areas, pipeline corridors, staging areas, boat access corridors, etc.) to be used for this project. Further, the Permittee shall specify any anticipated sites that will be used (such as a disposal or re-use location) and appropriate contact information for those facilities.
  - b. The final plans and specifications for each maintenance dredging event shall include a topographic survey of Clam Pass and adjacent beaches within the

project area where activities are anticipated to occur. The survey shall be conducted within six months prior to the requested date of the issuance of the notice to proceed. The survey and deliverables shall be consistent with the Department's Monitoring Standards for Beach Erosion Control Projects.

c. ***Turbidity monitoring***

± ***Qualifications.*** In order to assure that turbidity levels do not exceed the compliance standards established in this permit, construction at the project site shall be monitored closely by an independent third party with formal training in water quality monitoring and professional experience in ~~monitoring turbidity~~ monitoring for coastal construction beach restoration or nourishment projects. Also, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when ~~fill material is discharged on the beach~~ turbidity generating activities are occurring. This individual shall have authority to alter construction techniques or shut down the dredging or beach construction operations if turbidity levels exceed the compliance standards established in this permit. ~~The names and qualifications of those individuals performing these functions, along with 24-hour contact information, shall be submitted for approval.~~

i. ***Qualifications.*** The names, credentials (demonstrating experience and qualifications) and 24-hour contact information of those individuals performing these functions;

ii. ***A Scope of Work*** for the turbidity monitoring to ensure that the right equipment is available to conduct the monitoring correctly at any location, and under any conditions;

iii. ***Draft turbidity sampling map.*** An example of the geo-referenced map that will be provided with turbidity reports, including aerial photography and the boundaries of SAV beds (pursuant to Specific Condition ~~25~~ 24).

d. ***Fish & Wildlife Monitoring Qualification:*** To ensure that individuals conducting monitoring of fish and wildlife resources have appropriate qualifications, the Permittee shall provide documentation demonstrating expertise / experience in surveying the types of resources that are present in the project. The Department and FWC will review this information for confirmation that the monitors are capable of meeting the requirements in Specific Conditions 7 through ~~21~~ 20. This documentation shall include the following:



- i. ***Marine Turtle Protection:*** A list of the names and the FWC permit numbers for the Marine Turtle Permit Holders who will be working on this project; and the location where marine turtle nests will be relocated.
    - ii. ***Shorebird Protection:*** A list of Bird Monitors, with their contact information, ~~a summary of their qualifications (including bird identification skills, and their avian survey experience);~~ the proposed locations of ~~marked buffer areas,~~ shorebird survey routes, and the location of travel routes corridors, including any proposed modifications from those originally permitted.
  - e. ***Map of Submerged Aquatic Vegetation (SAV):*** The Permittee shall provide the Department with a geo-referenced SAV Map showing the position of SAV boundaries in the project area based on the best and most recent information available. The Permittee shall also provide documentation (e.g., email correspondence) verifying that their contractor has received the SAV Map and that the contractor has been instructed by the Permittee to use this information to avoid impacts to SAV in the project area (pursuant to Specific Condition 21 and 22).
  - f. Documentation from the U.S. Fish and Wildlife Service (USFWS) that this work will be covered under a Statewide Programmatic **Biological Opinion** or a Biological Opinion(s) (BO) issued for construction on this project site. If the BO contains conditions that are not already contained herein, a permit modification may be required prior to construction to include those additional conditions.
  - g. **Minimization Measures to Ensure Flow, Tidal Exchange, and Flushing.** To ensure adequate flushing and water exchange in Clam Pass and Clam Bay during dredging events that utilizes controlled flow construction methodologies the Permittee shall provide the following documents:
    - i. A **Scope of Work** for monitoring and maintenance of the flow, tidal exchange and flushing of the inlet and the adjacent bays.
    - ii. Plans and specifications for the construction and removal of the sand dikes, coffer dams or other similar temporary containment structures.
5. **Pre-Construction Conference. After all items required by a through g above have been submitted to the Department,** ~~Prior to each construction event,~~ the Permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the Permittee's

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contractors, the engineer of record, those responsible for turbidity monitoring, those responsible for protected species monitoring, staff representatives of the Florida Fish and Wildlife Conservation Commission (FWC), and the JCP Compliance Officer (or designated alternate) prior to each construction event. ~~The meeting will provide an opportunity for explanation and/or clarification of the protection measures as well as additional guidelines when construction occurs during nesting season, such as staging equipment and reporting within the work area as well as follow up meetings during construction.~~ In order to ensure that appropriate representatives are available, at least ~~twenty-one (21)~~ fourteen (14) days prior to the intended commencement date for the permitted construction, the Permittee is advised to contact the Department, and the other agency representatives listed below:

DEP  
JCP Compliance Officer  
e-mail: [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us)

DEP South District Office  
e-mail: [southdistrict@dep.state.fl.us](mailto:southdistrict@dep.state.fl.us)

FWC Imperiled Species Management Section  
e-mail: [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com)

FWC Regional Biologist  
See [Contact list](http://myfwc.com/conservation/you-serve/wildlife/shorebirds/contacts) for phone numbers (<http://myfwc.com/conservation/you-serve/wildlife/shorebirds/contacts>)

The Permittee is also advised to schedule the pre-construction conference at least a week prior to the intended commencement date. At least seven (7) days in advance of the pre-construction conference, the Permittee shall provide written notification, advising the participants (~~listed above~~) of the **agreed-upon** date, time and location of the meeting, and also provide a meeting agenda and a teleconference number.

If the actual construction start date is different from the expected start date proposed during the preconstruction conference, at least 48 hours prior to the commencement of each dredging event, the Permittee shall ensure that notification is sent to the FWC indicating the actual start date and the expected completion date to [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com). The Permittee shall also ensure that all contracted workers and observers are provided a copy of all permit conditions.

6. Sediment quality will be assessed as outlined in the Sediment QA/QC plan, approved on February 7, 2013 (attached). Placement of material that is not in compliance with the Plan shall be handled according to the protocols set forth in the Sediment QA/QC plan. The sediment testing result will be submitted to the Department within 90 days following the completion of beach construction. The following requirements are included in the Sediment QA/QC Plan:
  - a. If, during construction, the Permittee determines that the beach fill material does not comply with the sediment compliance specifications, the Permittee shall take measures to avoid further placement of noncompliant fill, and the sediment inspection results shall be reported to the Department.
  - b. The Permittee shall submit post-construction sediment testing results and an analysis report as outlined in the Sediment QA/QC Plan to the Department within 90 days following beach construction. The sediment testing results shall be certified by a P.E. or P.G. from the testing laboratory. A summary table of the sediment samples and test results for the sediment compliance parameters, as outline in Table 1 of the Sediment QA/QC Plan, shall accompany the complete set of laboratory testing results. A statement of how the placed fill material compares to the sediment analysis and volume calculations from the geotechnical investigation shall be included in the sediment testing results report.
  - c. A post-remediation report containing the site map, sediment analysis, and volume of noncompliant fill material removed and replaced shall be submitted to the Department within 7 days following completion of remediation activities.

**Specific Conditions 7 through 21 will be replaced by Specific Conditions 7 through 20.**

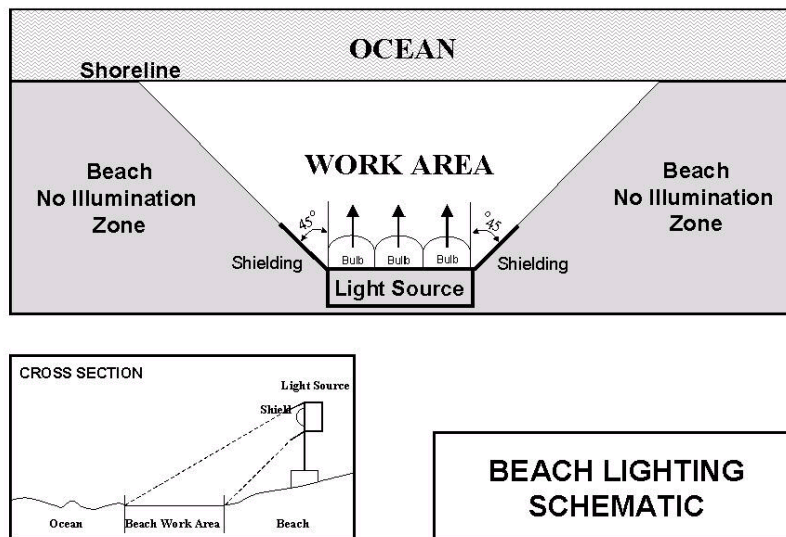
**Fish and Wildlife Protection Conditions for Dredging Activities:**

7. **In-water Activity.** The Permittee shall adhere to the following requirements for all in-water activity:
  - a. The Permittee shall instruct all personnel associated with the project about the presence of marine turtles and manatees, and the need to avoid collisions with (and injury to) these protected marine species. The Permittee shall be responsible for harm to these resources and shall require their contractors to advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees or marine turtles, which are protected under the Endangered Species Act, the Marine Mammal Protection Act, the Marine Turtle Protection Act and the Florida Manatee Sanctuary Act.

- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate project area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers (if used) shall be made of material in which manatees and marine turtles cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee or marine turtle movement or travel.
- d. The Permittee is responsible for all on-site project personnel and shall require them to observe water-related activities for the presence of marine turtles and manatee(s). All in-water operations shall be immediately shut down if a marine turtle or manatee comes within 50 feet of the operation. For unanchored vessels, operators shall disengage the propeller and drift out of the potential impact zone. If drifting would jeopardize the safety of the vessel then idle speed may be used to leave the potential impact zone. Activities shall not resume until the animal(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the animal(s) has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.
- e. Any collision with (or injury to) a marine turtle or manatee shall be reported immediately to the FWC Hotline at 888-404-3922, and to the FWC at [ImperiledSpecies@MyFWC.com](mailto:ImperiledSpecies@MyFWC.com). Any collision with (and/or injury to) a marine turtle shall also be reported immediately to the Sea Turtle Stranding and Salvage Network (STSSN) at [SeaTurtleStranding@MyFWC.com](mailto:SeaTurtleStranding@MyFWC.com).
- f. Temporary signs concerning manatees shall be prominently posted prior to and during all in-water project activities, at sufficient locations to be regularly and easily viewed by all personnel engaged in water-related activities. Two temporary signs, which have already been approved for this use by the FWC, shall be posted at each location. One sign shall read "Caution Boaters - Watch for Manatees". A second sign measuring at least 8 ½" by 11", shall explain the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations. All signs shall be removed by the Permittee upon completion of the project. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to [ImperiledSpecies@MyFWC.com](mailto:ImperiledSpecies@MyFWC.com).

8. **Construction Area Project Lighting.** During the marine turtle nesting season (May 1 through October 31), direct lighting of the beach and nearshore waters shall be limited to the immediate area of active construction. Staging areas, if allowed on the nesting beach, shall not be illuminated unless specifically reviewed and authorized by FWC.

Lighting on offshore and onshore equipment shall be minimized by reducing the number of fixtures, shielding, lowering the height and appropriately placing fixtures to avoid excessive illumination of the water's surface and nesting beach. The intensity of lighting shall be reduced to the minimum standard required for general construction area safety. Shields shall be affixed to the light housing on dredge and on land-based lights and shall be large enough to block lamp light from being transmitted outside the construction area or to the adjacent marine turtle nesting beach. (Figure 1 below).



**Figure 1**

9. **Wildlife Conditions for All Beach Related Activities.** The Permittee shall adhere to the following requirements for all beach-related activities during marine turtle and shorebird nesting/breeding seasons [February 15 through October 31].

a. **Beach Maintenance.**

- i. The Permittee shall require their contractor and protected species monitors to inspect all work areas that have excavations and temporary alterations of beach topography each day, to determine which areas have

deviations (such as depressions, ruts, holes and vehicle tracks) capable of trapping flightless shorebird chicks or marine turtle hatchlings. If so, the deviations outside of the active fill placement area – (see Specific Condition 12) shall be filled or leveled from the natural beach profile prior to 9:00 p.m. each day. The beach surface shall also be inspected subsequent to completion of the project, and all tracks, mounds, ridges or impressions, etc. left by construction equipment on the beach shall be smoothed and leveled.

- ii. All debris, including derelict construction or coastal armoring material, concrete and metal, found on the beach placement site, shall be removed from the beach to the maximum extent practicable prior to any placement of fill material. If debris removal activities will take place during protected species nesting seasons, the work shall be conducted during daylight hours only, and shall not commence until completion of daily monitoring surveys.

**b. Equipment Storage and Placement.**

- i. Staging areas and temporary storage for construction equipment and pipes shall be located off the beach to the maximum extent practicable. Nighttime storage of construction equipment that is not in use shall be located off the beach. If staging and storage areas off the beach are not possible, then additional marine turtle and shorebird protective measures shall be implemented. Such protective measures shall be determined in coordination with the Department and the FWC prior to beginning of construction. All construction pipes that are in use on the beach shall be located as far landward as possible without compromising the integrity of the existing or reconstructed dune system. Pipes placed parallel to the dune shall be 5 to 10 feet away from the toe of the dune.
- ii. If it is necessary to extend construction pipes past a known shorebird nesting site, then those pipes shall be placed landward of the site before birds are active in that area. No pipe or sand shall be placed seaward of a shorebird nesting site during the shorebird nesting season. If such placement is not feasible for the project, the FWC’s Regional Biologist shall be contacted for alternative measures. See contacts available at <https://myfwc.com/conservation/you-protect/conservation/shorebirds/contacts/>.

- c. **Beach Driving.** All vehicles operated on the beach shall operate in accordance with the FWC’s Best Management Practices for Operating Vehicles on the Beach ([http://myfwc.com/conservation/you-](http://myfwc.com/conservation/you-protect/conservation/shorebirds/contacts/)

conserve/wildlife/beach-driving/). Specifically, the vehicle shall be operated at speeds less than 6 mph and run at or below the high-tide line. All personnel associated with the project shall be instructed about the potential presence of protected species, and the need to avoid injury and disturbance to these species. Note: when flightless chicks are present within or adjacent to travel corridors, construction-related vehicles shall not be driven through the corridor unless a Bird Monitor is present pursuant to Specific Condition 20.

10. **Marine Turtle Protection Conditions.** Construction-related activities are authorized to occur on the nesting beach (sandy beach seaward of existing coastal armoring structures or dune crest and all areas used for beach access) during marine turtle nesting season (May 1 through October 31) under the following conditions:
- a. Daily early morning marine turtle nest surveys shall start two weeks prior to marine turtle nesting season (April 15) or 65 days prior to beach placement whichever is later. Daily nesting surveys shall continue through November 30, or until two weeks after the last crawl in the project area, whichever is earlier.
  - b. Daily nesting surveys shall be conducted beginning ½ hour prior to sunrise, and no construction activity may commence until completion of the marine turtle survey each day.
  - c. The Permittee shall ensure that marine turtle nesting surveys are conducted as required in this authorization, and only conducted by personnel with a valid FWC Marine Turtle Permit, that covers all project activities as required by Chapter 68E-1, F.A.C. For information on the authorized Marine Turtle Permit Holders in the project area, contact FWC at [MTP@MyFWC.com](mailto:MTP@MyFWC.com).
  - d. Only those nests laid in the area where sand placement will occur shall be relocated, and nest relocation shall cease after the sand placement is completed. Nests requiring relocation shall be moved no later than 9 a.m., the morning following deposition (no longer than 12 hours from the time the eggs are laid), to a nearby self-release beach site in a secure setting, where artificial lighting will not interfere with hatchling orientation. The relocation site shall be determined in conjunction with and approved by the FWC prior to nest relocations. Relocated nests shall not be placed in organized groupings. Relocated nests shall be randomly staggered along the length and width of beach settings that are not expected to experience any of the following: inundation by high tides; severe erosion; previous egg loss; or illumination by artificial lighting.

e. Nests deposited within areas where construction activities will not occur for 65 days, or nests laid in the nourished berm prior to tilling, shall be marked and left in place. The Marine Turtle Permit Holder shall install on- beach markers at the nest site to establish a minimum 5- foot radius around the approximate clutch location and shall also install a secondary marker at a point as far landward as possible to assure that the nest can be located should the on- beach marker be lost. No activity shall occur within the marked area, nor shall any activities occur that could result in impacts to the nest. Nest sites shall be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.

11. **Emergency Maintenance Events.** Should an emergency maintenance event be required during marine turtle nesting season, the Permittee shall also follow the procedures outlined below:

a. At least 14 days prior to construction activities related to emergency dredging, the Permittee shall arrange a meeting between FWC and the Marine Turtle Permit Holder (MTPH) to review the proposed activities, construction schedule, and nesting activity to determine the appropriate actions to be taken. Requests can be submitted electronically to [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com). *Note: This meeting may be combined with the pre-construction conference detailed in Specific Condition 5.*

b. Marine turtle nests deposited prior to project initiation shall be marked and avoided. In accordance with the FWC Marine Turtle Conservation Handbook, the nest site shall be marked with a radius of ten feet, centered at the clutch, using three to four wooden stakes extending at least 36 inches above the sand and connected by flagging tape. The MTPH shall install an on-beach marker at the nest site and shall also install a secondary marker at a point as far landward as possible to assure that the nest can be located in the future should the on-beach marker be lost.

c. No project-related activity shall occur within a 20-foot radius of each nest. Nest sites shall be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.

d. No construction activity shall occur seaward of an existing nest until those nests are hatched and cleared by the MTPH.

*Note: All new nests within the area of anticipated fill placement shall be relocated upon approval by FWC at the direction of the MTPH in accordance with Specific Condition 13. For the duration of construction where existing nests are marked*



for avoidance, all emergency maintenance work shall be conducted during daylight hours only, unless otherwise authorized by the FWC.

12. **Fill Restrictions.** During the marine turtle nesting season, the contractor shall not advance the beach fill more than 500 feet along the shoreline between dusk and the following day, until the daily nesting survey is completed, and the beach has been cleared for fill advancement. If the 500-foot advancement limitation is not feasible for the project, an alternative distance shall be established during the preconstruction meeting, if a distance can be agreed upon in consultation with the FWC. If the work area is extended, nighttime nesting surveys are required, and a Marine Turtle Permit Holder is required to be present on-site to ensure that no nesting and hatching marine turtles are present. If any nesting turtles are sighted on the beach within the immediate construction area, activities shall cease immediately until the turtle has returned to the water and the Marine Turtle Permit Holder responsible for nest monitoring has relocated the nest.
13. **Marine Turtle or Nest Encounters.** Upon locating a dead or injured marine turtle adult, hatchling, or egg that may have been harmed or destroyed as a result of the project, the Permittee shall be responsible for notifying the FWC Wildlife Alert at 888-404-FWCC (3922). Care shall be taken in handling injured marine turtles or exposed eggs to ensure effective treatment or disposition, and in handling dead specimens to preserve biological materials for later analysis. If a marine turtle nest is excavated during construction activities, but not as part of the authorized nest relocation process outlined in these specific conditions, the permitted person responsible for egg relocation for the project shall be notified immediately so the eggs can be moved to a suitable relocation site.
14. **Tilling, Compaction and Escarpment Remediation Requirements.** For the years after the first- year sand placement (out- year), compaction monitoring, tilling and escarpment monitoring are not required if placed material no longer remains on the dry beach.
  - a. **Compaction Sampling.** Sand compaction shall be monitored in the area of sand placement immediately after completion of the nourishment event, and two weeks prior to the beginning of marine turtle nesting season, for three (3) subsequent years. The requirement for compaction monitoring may be eliminated if the placed sand is tilled, regardless of post- construction compaction levels. If the average value for any depth exceeds 500 pounds per square inch (psi) for any two or more adjacent stations, then that area shall be tilled prior to the beginning of marine turtle nesting season. If a few values exceeding 500 psi are present randomly within the project area, tilling will not be required. Compaction monitoring shall be in accordance with the following protocol:

- i. Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area), and one station shall be midway between the dune line and the high-water line (normal wrack line).
  - ii. At each station, the cone penetrometer shall be pushed to depths of 6, 12 and 18 inches three times (i.e., three replicates at each depth). 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. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth shall be averaged to produce final values for each depth at each station. Reports shall include all 18 values for each transect line, and the final 6 averaged compaction values.
  - iii. If values exceeding 500 psi are distributed throughout the project area, but in no case do those values exist at two adjacent stations at the same depth, then the Permittee shall consult with the FWC to determine if tilling is required. A request for a tilling waiver based on these compaction values shall be submitted to the FWC at [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com).
- b. **Tilling Requirements.** If tilling is performed regardless of post-construction compaction levels or tilling is required based on compaction measurements, the area shall be tilled to a depth of 24 inches. Tilling shall be in accordance with the following protocol:
- i. All tilling activity shall be completed prior to the marine turtle nesting season. If the project is completed during the marine turtle nesting season, tilling shall not be performed in areas where nests have been relocated to or left in place.
  - ii. A relatively even surface, with no deep ruts or furrows, shall be created during tilling. To do this, chain-linked fencing or other material shall be dragged over those areas as necessary after tilling. Each pass of the tilling equipment shall be overlapped to allow thorough and even tilling.
  - iii. Tilling shall occur landward of the wrack line and shall avoid all naturally vegetated areas that are at least 3 square feet in size, as well as

any planted areas that have been authorized by the Department. A 3-foot-wide No-Tilling buffer shall be maintained around vegetated areas. The slope between the mean high-water line and the mean low water line shall be maintained to approximate natural slopes.

c. **Escarpment Surveys.** Visual surveys for escarpments along the project area shall be made immediately after completion of sand placement, within 30 days prior to April 15 and weekly throughout the marine turtle season for three (3) subsequent years, each year placed sand remains on the dry beach. Escarpment remediation shall be as follows:

- i. Prior to marine turtle nesting season, escarpments that interfere with marine turtle nesting or that exceed 18 inches in height for a distance of at least 100 feet shall be leveled to the natural beach contour or the beach profile shall be reconfigured to minimize scarp formation. Any escarpment removal shall be reported relative to R monument location to the FWC at [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com) with a copy sent to the JCP Compliance Officer.
- ii. If weekly surveys during the marine turtle nesting season document escarpments that exceed 18 inches in height for a distance of at least 100 feet and have persisted for more than two weeks, the FWC shall be contacted immediately to determine the appropriate action to be taken. The Permittee shall provide locations and measurements of the escarpments to the closest R monument as well as the coordinates for the location of marine turtle nests located within 20 feet of the escarpments (latitude and longitude in decimal degrees), with photographs when possible. Upon written notification by the FWC that the escarpment needs to be leveled, the Permittee shall level the escarpment. If nests are located nearby, to minimize impacts to any existing nest the Permittee shall also coordinate with the marine turtle permit holder prior to leveling the escarpments. An annual summary documenting weekly escarpment surveys (including dates, presence and height of escarpments) and any remediation actions taken shall be submitted electronically to the FWC ([MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com)) by December 31 of each year.

*Note for Shorebird Protection:* If compaction sampling, tilling or escarpment removal occurs during shorebird breeding season, the Shorebird Conditions (including surveys) included in this authorization shall be followed. No heavy equipment shall operate, and no compaction sampling or tilling shall occur within 300 feet of any shorebird nest. If flightless shorebird chicks are present within the work zone or equipment travel corridor, a Bird Monitor shall be present during

the operation to ensure that no heavy equipment operates within 300 feet of the flightless young or within a site-specific corridor established per Specific Condition 20. It is the responsibility of the Permittee to ensure that their contractors avoid tilling, scarp removal or dune vegetation planting in areas where nesting birds are present.

15. **Post-Construction Lighting Surveys.** The Permittee shall ensure that lighting surveys be conducted from the renourished berm and the following actions taken to address potential adverse impacts expected with artificial lights visible from any dry portion of the newly elevated beach. The surveys shall be conducted from the top of the foreshore slope (i.e., the seaward edge of the filled berm before it slopes into the water), facing landward. The survey shall follow standard techniques for such a survey, such as including the number and type of visible lights, location of lights, and photo documentation (see additional techniques as per the [2015 USFWS Statewide Programmatic Biological Opinion](#)).
- a. The first survey shall be conducted between May 1 and May 15 for the first nesting season following construction. For each visible light source, the Permittee shall document that the property owners have been notified and has been provided with recommendations for correcting the light as soon as possible. Recommendations shall be in accordance with local lighting ordinances. A report summarizing all visible lights and the recommendations for correcting the light shall be forwarded to local code enforcement. If no lighting ordinances exist, the recommendations to the property owners shall be consistent with the FWC lighting guidelines, which include no lights or light sources shall be visible from the newly elevated beach. The second survey shall be conducted between July 15 and August 1 to assess any remaining visible lights requiring corrective action.
- b. A summary report of the surveys and what corrective actions or local enforcement actions have been taken shall be submitted to the FWC at [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com) and copied to [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us) by December 31 of the year in which surveys are conducted. Upon request by the FWC, the Permittee shall set up and hold a meeting with the those responsible for code enforcement (when applicable), the FWC and the USFWS to discuss the report and potential additional corrective action needed, as well as any documented marine turtle disorientations in or adjacent to the project area.
16. **Post-Construction Monitoring and Reporting Marine Turtle Protection Conditions.**

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- a. For each sand placement event, reports for all required marine turtle nesting surveys shall be provided for the post construction (partial or remaining) nesting season and for two full nesting seasons post construction in accordance with the Table 1 (below). If nesting and reproductive success is less than the criteria in the table below, an additional year of monitoring and reporting may be required. If criteria is not met, additional conditions prior to the next sand placement on this beach may be required by the Department and the FWC.
  
- b. Data shall be reported and summarized for the nourished areas and reference beach in accordance with Table 1 (below). Reports shall summarize all crawl activity, hatching success of a representative sampling of nests left in place (if any) by species, project name and applicable project permit numbers and dates of construction. Data on nesting activity on the nourished areas and on an equal length of beach that is not nourished shall be submitted in electronic format (Excel spreadsheets) which are available upon request from [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com). Reports shall be sent to the FWC Imperiled Species Management section at [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com) and **copied to [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us)**. All summaries should be submitted by January 15 of the following year.

**Table 1. Marine Turtle Monitoring for Beach Placement of Material.**

<b>Date</b>	<b>Duration</b>	<b>Variable</b>	<b>Criterion</b>
<u>Nesting Success</u>	<u>Year of in-season construction and two entire nesting seasons post construction, with possible additional year (for a total of three years)<sup>1 &amp; 2</sup></u>	<u>Number of nests and non- nesting emergences by day by species</u>	<u>40 percent or greater</u>
<u>Hatching success</u>	<u>Year of in-season construction and one entire nesting season post construction, with possible additional year<sup>1 &amp; 2</sup></u>	<u>Number of hatchlings by species to hatch from egg</u>	<u>60 percent or greater (a statistically valid number of loggerhead and green nests, and all leatherback nests)</u>

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<b>Date</b>	<b>Duration</b>	<b>Variable</b>	<b>Criterion</b>
<u>Emergence Success</u>	<u>Year of in-season construction and one entire nesting season post construction, with possible additional year<sup>1 &amp; 2</sup></u>	<u>Number of hatchlings by species to emerge from nest onto beach</u>	<u>Average must not be significantly different than the average hatching success</u>
<u>Disorientations</u>	<u>Year of in-season construction and two entire nesting seasons post construction<sup>1</sup></u>	<u>Number of nests and/or individuals that misorient or disorient</u>	
<u>Nests affected by erosion or inundation</u>	<u>Year of construction and two years post construction if placed sand remains on the beach</u>	<u>Number of nests lost and/or affected, by species</u>	
<u>Lighting Surveys</u>	<u>Two in-season surveys the year following construction; First survey between May 1 and May 15 and second survey between July 15 and August 1<sup>1</sup></u>	<u>Number, location and photographs of lights visible from nourished berm, corrective actions recommended, and notifications made</u>	<u>Lighting survey and possible meeting resulting with plan for reduction in lights visible from nourished berm</u>
<u>Compaction</u>	<u>Three nesting seasons beginning with the year of construction. Not required if the beach is tilled prior to nesting season<sup>1</sup></u>	<u>Shear resistance</u>	<u>Less than 500 psi</u>

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Date	Duration	Variable	Criterion
<u>Escarpment Surveys</u>	<u>Weekly during nesting season for three years beginning with year of construction<sup>1</sup></u>	<u>Number of scarps 18 inches or greater extending for more than 100 feet that persist for more than 2 weeks</u>	<u>Successful remediation of all persistent scarps as needed</u>
<p><sup>1</sup> <u>If placed sand remains on the beach</u>  <sup>2</sup> <u>Additional years may be required if variable does not meet criterion based on previous year</u></p>			

17. **Shorebird Protection.** The term “shorebird” is used here to refer to all solitary nesting shorebirds and colonial nesting seabirds that nest on Florida’s beaches. These conditions are intended to avoid direct impacts associated with the construction of the project and may not address all potential take incidental to the operation and use related to this authorization. The Permittee shall adhere to the shorebird protection conditions during the shorebird breeding cycle, which includes nesting.
- a. Shorebird breeding season dates for this project area are **February 15 through September 1** (note that while most species have completed the breeding cycle by September 1, flightless young may be present through September and must be protected if present).
  - b. Any parts of the project where “project activities” on the beach take place *entirely outside the breeding season*, do not require shorebird surveys. The term “project activities” includes operation of vehicles on the beach, movement or storage of equipment on the beach, sand placement or sand removal, and other similar activities that may harm or disturb shorebirds. Bird survey routes must be established and monitored throughout the entire breeding season in any parts of the project area where: 1) potential shorebird breeding habitat occurs, and 2) project activities are expected to occur at any time within the breeding season. Breeding season surveys shall begin on the first day of the breeding season or 10 days prior to project commencement (including survey activities and other pre- construction presence on the beach), whichever is later.
  - c. Bird surveys shall be conducted in all potential beach-nesting bird habitats within the project boundaries that may be impacted by construction or pre-construction activities. One or more shorebird survey routes shall be

established by the Permittee to cover project areas which require shorebird surveys. These routes shall be determined in coordination with the FWC Regional Biologist prior to the initiation of construction. Routes shall not be modified without prior notification to the FWC.

- d. During the pre-construction and construction activities associated with the project, the Permittee shall ensure that surveys for detecting breeding activity and the presence of flightless chicks shall be completed **on a daily basis** by a qualified bird monitor. This shall be completed prior to movement of equipment, operation of vehicles, or other activities that could potentially disrupt breeding behavior or cause harm to the birds or their eggs or young. If all project activities are completed and all personnel and equipment have been removed from the beach prior to the end of the breeding season, route surveys shall continue to be conducted at least weekly through the end of the breeding season. If breeding or nesting behavior is confirmed by the presence of a scrape, eggs or young, the Permittee (or their designee) shall establish a buffer in accordance with Specific Condition 20 around the site and shall notify the FWC Regional Biologist within 24 hours. The posts and materials for the shorebird buffer zones shall be removed once all breeding or nesting behavior has ceased.
- e. The Permittee shall require the Bird Monitor to conduct a shorebird education and identification program (and/or provide educational materials) with the on-site staff to ensure protection of precocial (mobile) chicks. All personnel are responsible for watching for shorebirds, nests, eggs and chicks. If the Bird Monitor finds that shorebirds are breeding within the project area, the Permittee shall place and maintain a bulletin board in the construction staging area with the location map of the construction site showing the bird breeding areas and a warning, clearly visible, stating that “NESTING BIRDS ARE PROTECTED BY LAW INCLUDING THE FLORIDA ENDANGERED AND THREATENED SPECIES ACT AND THE STATE and FEDERAL MIGRATORY BIRD ACTS”.

18. **Shorebird Monitor Requirements.**

- a. The Permittee shall ensure that nesting and breeding shorebird surveys are conducted by trained, dedicated individuals (Bird Monitors) with proven shorebird identification skills and avian survey experience.
- b. Bird Monitor(s) shall be required to review and become familiar with the general information, employ the data collection protocol, and implement data entry procedures outlined on the FWC’s FSD website (<http://www.flshorebirddatabase.org> or [Florida Shorebird Database](#)). They



shall use the data-collection protocol and implement data entry procedures as outlined in that website.

- c. The Permittee shall submit a list of Bird Monitors, with their contact information and a summary of qualifications, including bird identification skills and avian survey experience to the FWC Regional Biologist and [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us), prior to any construction or shorebird surveys. The determination that the selected Bird Monitor(s) meet the required qualifications shall be coordinated between the Permittee and the FWC Regional Biologist. Once approved, the Permittee shall submit the names and contact information of the Bird Monitor(s) who have been approved by the FWC to [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us), prior to any construction or shorebird surveys. The Bird Monitor(s) shall meet the following minimum qualifications:
- i. Has previously participated in beach-nesting shorebird surveys in Florida (provide references or resume). Experience with previous projects must document the ability to 1) identify all species of beach-nesting birds by sight and sound, 2) identify breeding/territorial behaviors, and find nests of shorebirds that occur in the project area, and 3) identify habitats preferred by shorebirds nesting in the project area.
  - ii. Have a clear working knowledge of, and adhere to, the *Breeding Bird Protocol for Florida's Seabirds and Shorebirds*. <https://app.myfwc.com/crossdoi/shorebirds/PDF-files/BreedingBirdProtocol.pdf>
  - iii. Have completed full-length webinars: Route- Surveyor Training and Rooftop Monitoring Training, including the annual refresher training. Training resources can be found on the *Florida Shorebird Database (FSD)* website. <https://app.myfwc.com/crossdoi/shorebirds/>
  - iv. Familiar with the FWC beach driving guidelines. (<https://myfwc.com/conservation/you-serve/wildlife/beach-driving/>).
  - v. Experience posting beach-nesting bird sites, consistent with *Florida Shorebird Alliance (FSA) Guidelines for Posting Shorebird and Seabird Sites in Florida*. <https://flshorebirdalliance.org/media/1055/fsapostingguidelines.pdf>
  - vi. Has registered as a contributor to the FSD.

19. **Shorebird Survey Protocols.** Bird survey protocols, including downloadable field data sheets, are available on the [FSD website](#). All breeding activity shall be reported to the FSD website within one week of data collection. If the use of this website is not feasible for data collection, the FWC Regional Biologist shall be contacted for alternative methods of reporting. The Permittee shall ensure that the Bird Monitors use the following survey protocols:
- a. Surveys shall be conducted by walking the length of all survey routes and visually surveying for the presence of shorebirds exhibiting breeding behavior, shorebird chicks or shorebird juveniles, as outlined in the FSD Breeding Bird Protocol for Shorebirds and Seabirds. Use of binoculars (minimum 8x40) is required and use of a spotting scope may be necessary to accurately survey the area. If an ATV or other vehicle is needed to cover large survey routes, the Bird Monitor shall stop at intervals of no greater than 600 feet to visually inspect for breeding activity.
  - b. Once breeding or nesting behavior is confirmed by the presence of a scrape, eggs or young, the Permittee (or their designee) shall notify the FWC Regional Biologist within 24 hours.
20. **Shorebird Buffer Zones and Travel Corridors.** The Permittee shall require the Bird Monitor(s) and Contractor(s) to meet the following:
- a. The Bird Monitor(s) shall establish a disturbance-free buffer zone around any location within the project area where the Bird Monitor has observed shorebirds engaged in breeding behavior, including territory defense. A 300-foot buffer shall be established around each nest or around the perimeter of each colonial nesting area. A 300-foot buffer shall also be placed around the perimeter of areas where shorebirds are seen digging nest scrapes or defending nest territories. All construction activities, movement of vehicles, stockpiling of equipment, and pedestrian traffic are prohibited in the buffer zone. **Smaller, site-specific buffers may be established if approved in writing by the FWC Regional Biologist.** Travel corridors shall be designated and marked outside the buffer areas for pedestrian, equipment, or vehicular traffic.
  - b. The Bird Monitor(s) shall keep breeding sites under sufficient surveillance to determine if birds appear agitated or disturbed by construction or other activities in adjacent areas. If birds appear to be agitated or disturbed by these activities, then the Bird Monitor(s) shall immediately widen the buffer zone to a sufficient size to protect breeding birds.

- c. The Bird Monitor(s) shall ensure that reasonable and traditional pedestrian access is not blocked in situations where breeding birds will tolerate pedestrian traffic. This is generally the case with lateral movement of beachgoers walking parallel to the beach at or below the highest tide line. Pedestrian traffic may also be allowed when breeding was initiated within 300 feet of an established beach access pathway. The Bird Monitor(s) shall work with the FWC Regional Species Conservation Biologist to determine if pedestrian access can be accommodated without compromising nesting success. These site-specific buffers must be determined in coordination with the FWC Regional Biologist.
- d. The Bird Monitor(s) shall ensure that the perimeters of designated buffer zones shall be marked according to FSA Guidelines for Posting Shorebird and Seabird Sites in Florida available at:<https://flshorebirdalliance.org/media/1055/fsapostingguidelines.pdf> ) with posts, twine and the FWC-approved signs stating “Do Not Enter, Important Nesting Area” or similar language around the perimeter (see example of signage for marking designated buffer zones at <http://myfwc.com/conservation/you- conserve/wildlife/shorebirds/> ). Posts shall not exceed 3 feet in height once installed. Symbolic fencing (twine, string or rope) should be placed between all posts at least 2.5 feet above the ground and rendered clearly visible to pedestrians. If pedestrian pathway and/or equipment travel corridor modifications are approved by the FWC Regional Biologist, these shall be clearly marked. **Posting shall be maintained in good repair until no active nests, eggs, or flightless young are present.** Although solitary nesters may leave the buffer zone temporarily with their chicks, the posted area continues to provide a potential refuge for the family until breeding is complete. Breeding is not considered to be completed until all chicks have fledged.
- e. The Permittee shall ensure that no construction activities, pedestrians, moving vehicles, or stockpiled equipment are allowed within the buffer area.
- f. The Permittee shall ensure that the Bird Monitor(s) designate and mark travel corridors outside the buffer areas so as not to cause disturbance to breeding birds. Heavy equipment, other vehicles, or pedestrians may transit past breeding areas in these corridors. However, other activities such as stopping or turning heavy equipment and vehicles shall be prohibited within the designated travel corridors adjacent to the breeding site.
- g. When flightless chicks are present within or adjacent to travel corridors, construction-related vehicles shall not be driven through the corridor unless a Bird Monitor is present to adequately monitor the travel corridor. The

Permittee shall require the contractor with the oversight of the Bird Monitor(s) to avoid any chicks that may be in the path of moving vehicles. The Permittee shall also require the contractor with the oversight of the Bird Monitor(s) to level any tracks, ruts, or holes that may be capable of trapping flightless chicks, while avoiding any impacts to the chicks.

Notification. Any injury or death of a shorebird (including crushing eggs or young) resulting from project activities shall be reported immediately to the FWC Regional Biologist.

***Installation, Maintenance and Removal of Turbidity Barriers.***

2122. No impacts to submerged aquatic vegetation (SAV) are authorized. Therefore, turbidity curtains shall be used in Section C of Clam Pass to protect SAV. Floating turbidity curtains with weighted skirts (i.e., type 3 turbidity curtains) shall be placed prior to the initiation of work authorized by this permit. The curtains shall be maintained and remain in place for the duration of the construction in Section C. The Permittee shall be responsible for inspecting turbidity curtains regularly throughout the period of construction. The Permittee shall remove turbidity curtains immediately following the completion of each construction event (i.e., within 24 hours or once turbidity levels have decreased to normal background levels).
- a. The Permittee shall install the floating turbidity curtains as close to the construction limits as possible. If submerged aquatic vegetation is present, then curtains shall be installed between the construction activities and the nearest submerged aquatic vegetation bed, if possible.
  - b. Prior to installation of turbidity curtains or initiation of relocation activities, the Permittee shall use the best available information (most current survey) to map the distribution of submerged aquatic vegetation (SAV) in the project area. The Permittee shall instruct their contractor to use this map to avoid impacts to SAV resources, including during the installation and removal of turbidity curtains.
  - c. The Permittee shall be responsible for ensuring turbidity control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until areas disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges. Inspections shall document drag or drift of the devices, or any damage to the devices, requiring repair. If drag, drift, or damage to the curtain is identified during these inspections, then the JCP Compliance Officer shall

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be notified immediately and construction shall cease until the repair has been completed.

- d. The Permittee shall remove floating turbidity curtains and cease construction if weather events capable of displacing the turbidity curtains (i.e., high winds, waves, and currents) are forecasted to impact the project

**MONITORING REQUIRED:**

~~2223~~. Water Quality – Turbidity shall be monitored as follows:

Units: Nephelometric Turbidity Units (NTUs)

Frequency: 2 times daily approximately 4 hours apart, and any other time that there is a likelihood of exceedance of the turbidity standard, during all dredging and sand placement operations. Sampling shall be conducted while **the highest project-related turbidity levels are crossing the edge of the mixing zone**. Since turbidity levels can be related to pumping rates, the dredge pumping rates shall be recorded, and provided to the Department upon request. The compliance samples and the corresponding background samples shall be collected at approximately the same time, i.e., one shall immediately follow the other.

Location: Background: Sampling shall occur at mid-depth clearly outside the influence of any artificially generated turbidity plume or the influence of an outgoing inlet plume.

**Dredge Site:** Samples shall be collected at least 150 meters up-current from the source of turbidity at the dredge site (i.e. in the opposite direction of the prevailing current flow).

**Beach Site:** Samples shall be collected at least 500 meters upcurrent of the point where the return water from the dredged discharge reenters the Gulf of Mexico and the same distance offshore as the associated compliance sample.

Compliance: Sampling shall occur at mid-depth, within the densest portion of any visible turbidity plume generated by this project.

**Dredge Site:** Samples shall be collected 140 meters downcurrent from the dredge head, in the densest portion of any visible turbidity plume.

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Additionally, turbidity curtains shall be used in Section C of Clam Pass to protect SAV.

**Beach Site:** Samples shall be collected where the densest portion of the turbidity plume crosses the edge of the mixing zone, which measures 75 meters offshore and 150 meters downcurrent from the point where the return water from the dredged discharge reenters the Gulf of Mexico.

**Calibration and Verification:** The instruments used to measure turbidity shall be fully calibrated with primary standards within one month of the commencement of the project, and at least once a month throughout the project. Calibration ~~with secondary standards~~ shall be verified each morning prior to use, after each time the instrument is turned on, and after field sampling using two secondary turbidity “standards” that bracket the anticipated turbidity samples. If the post-sampling calibration verification value deviates more than 8% from the previous calibration value, results shall be reported as estimated and a description of the problem shall be included in the field notes.

Analysis of turbidity samples shall be performed in compliance with DEP-SOP-001/01 FT 1600 Field Measurement of Turbidity:

<http://publicfiles.dep.state.fl.us/dear/sas/sopdoc/2008sops/ft1600.pdf>

If the turbidity monitoring protocol specified above prevents the collection of accurate data, the person in charge of the turbidity monitoring shall contact the JCP Compliance Officer to establish a more appropriate protocol. Once approved in writing by the Department, the new protocol shall be implemented through an administrative permit modification.

2324. The **compliance** locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals turbidity levels at the **compliance** sites that are greater than 29 NTUs above the corresponding background turbidity levels, construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the JCP Compliance Officer via email at [JCP Compliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us) and include in the subject line, “TURBIDITY EXCEEDANCE”, and the Project Name and Permit Number. Also notify the Department’s South District office.

Any project-associated turbidity source other than dredging or fill placement for beach nourishment (e.g., scow or pipeline leakage) shall be monitored as close to

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the source as possible. If the turbidity level exceeds 29 NTUs above background, the construction activities related to the exceedance shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. This turbidity monitoring shall continue every hour until background turbidity levels are restored or until otherwise directed by the Department. The Permittee shall notify the Department, by separate email to the JCP Compliance Officer, of such an event within 24 hours of the time the Permittee first becomes aware of the discharge. The subject line of the email shall state "OTHE PROJECT-ASSOCIATED DISCHARGE, TURBIDITY EXCEEDANCE".

- a. When reporting a turbidity exceedance, the following information shall also be included:
  - i. the Project Name;
  - ii. The Permit Number;
  - iii. Location and level (NTUs above background) of the turbidity exceedance;
  - iv. The time and date that the exceedance occurred; and
  - v. the time and date that construction ceased.
- b. Prior to re-commencing the construction, a report shall be emailed to the Department with the same information that was included in the "Exceedance Report", plus the following information:
  - i. Turbidity monitoring data collected during the shutdown documenting the decline in turbidity levels and achievement of acceptable levels;
  - ii. corrective measures that were taken; and
  - iii. cause of the exceedance.

**2425. Turbidity Reports.** All turbidity monitoring data shall be submitted within one week of analysis. The data shall be presented in tabular format, indicating the measured turbidity levels at the compliance sites for each depth, the corresponding background levels at each depth and the number of NTUs over background at each depth. Any exceedances of the turbidity standard (29 NTUs above background) shall be highlighted in the table. In addition to the raw and processed data, the reports shall also contain the following information:

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- a. time of day samples were taken;
- b. dates of sampling and analysis;
- c. GPS location ~~coordinates~~ of sample and source. *When possible coordinates should be provided in decimal degrees with a 5 decimal level of precision (i.e., 0.000001). Please also indicate the datum;*
- d. depth of water body;
- e. depth of each sample;
- f. antecedent weather conditions, including wind direction and velocity;
- g. tidal stage and direction of flow;
- h. water temperature;
- i. a geo-referenced map, overlaid on an aerial photograph, indicating the sampling locations (background and compliance), ~~dredging and discharge locations~~ location of active construction, the visible plume pattern ~~within the applicable mixing zone~~ and direction of flow. The turbidity sampling map shall also include the boundaries of benthic resources within 140 meters of the dredging activities for which turbidity was sampled. A sample map shall be submitted to and reviewed and approved by the Department prior to construction (Specific Condition 4);
- j. a statement describing the methods used in collection, handling, storage and analysis of the samples;
- k. a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, calibration of the meter, ~~and~~ accuracy of the data and precision of the GPS measurements;
- l. When samples cannot be collected, include an explanation in the report. If unable to collect samples due to severe weather conditions, include a copy of a current report from a reliable, independent source, such as an online weather service.

Monitoring reports shall be submitted by email to the Department's JCP Compliance Officer and to the Department's South District office. In the subject line of the reports, include the Project Name, Permit Number and the dates of the



monitoring interval. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the Department's JCP Compliance Officer, on the cover page of the submittal report, and at the top of each page, please state: **"This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0296087-001-JC, for the Clam Pass Maintenance Dredging Project."**

- ~~26. Should an emergency maintenance event be required during marine turtle nesting season, the Permittee shall also follow the procedures outlined below:~~
- ~~a. At least 14 days prior to construction activities related to emergency dredging, the Permittee shall arrange a meeting between FWC and the Marine Turtle Permit Holder (MTPH) to review the proposed activities, construction schedule, and nesting activity to determine the appropriate actions to be taken. Requests can be submitted electronically to [Marineturtle@MyFWC.com](mailto:Marineturtle@MyFWC.com).  
*Note: This meeting may be combined with the pre-construction conference detailed in Specific Condition 5.*~~
  - ~~b. Marine turtle nests deposited prior to project initiation shall be marked and avoided. The MTPH shall install an on-beach marker at the nest site, and shall also install a secondary marker at a point as far landward as possible to assure that the nest can be located in the future should the on-beach marker be lost.~~
  - ~~c. No project-related activity shall occur within a 20-foot radius of each nest. Nest sites shall be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.~~
  - ~~d. No construction activity shall occur seaward of an existing nest until those nests are hatched and cleared by the MTPH.~~

~~Note: All new nests within the area of anticipated fill placement shall be relocated upon approval by FWC at the direction of the MTPH in accordance with Specific Condition 11. For the duration of construction where existing nests are marked for avoidance, all emergency maintenance work shall be conducted during daylight hours only, unless otherwise authorized by the FWC.~~

### **MINIMIZATION MEASURES TO ENSURE FLOW, TIDAL EXCHANGE AND FLUSHING**

25. For dredging events that will utilize controlled flow environment construction methodologies the Permittee shall implement the following:

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- a. Prior to construction the Permittee shall provide the Department with the Plans and Specifications for the construction and removal of the sand dikes, coffer dams or other temporary structures (pursuant to Specific Condition 4 g).
- b. The Permittee shall provide the Department with the *A Scope of Work* for the monitoring and maintenance of flow, tidal exchange and flushing of the inlet and the adjacent bays prior to construction (pursuant to Specific Condition 4 g).
- c. The Permittee shall provide notifications to the Coast Guard, Mariners and shall post notices detailing information regarding the closure of the Pass.
- d. The Permittee shall record and document the water quality conditions in the inlet and the entrances to Inner and Outer Clam Bays for the duration of the closure. Water quality reports shall be submitted to the Department's JCP Compliance Officer upon request and shall include, but not limited to, hourly information on the water temperature, specific conductivity, salinity, and water levels (depth), with Clam Pass and Clam Bay during the period(s) of restricted flows.
- e. The temporary structure(s) shall be periodically opened, outside of dredging operations, to maintain tidal exchange and flushing on a weekly basis. In no case shall flow, tidal exchange, and flushing into Clam Pass and Clam Bay be impaired for longer than 7 consecutive days.
- f. The Permittee shall provide weekly reports to the Department during the period of restricted flows resulting from the construction activities. This report shall be submitted to the Department JCP Compliance Officer with the following information:
  - i. the Project Name;
  - ii. the Permit Number;
  - iii. the time and date the temporary structure was opened and closed;
  - iv. a statement describing the methods used to open and close the temporary structure. If the temporary structure cannot be opened, include an explanation in the report. If this is due to severe weather conditions, include a copy of a current report from a reliable, independent source, such as an online weather service.

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- v. A site plan of pre-construction conditions showing the dredging template and water quality monitoring locations, overlaid on a pre-construction aerial and a sequence of photos of Clam Pass showing the progress from pre-construction conditions until the current week of the report. The photos shall detail the temporary structures constructed to control the flow and construction activities over the entire period of dredging.
  
- g. The removal process shall be carried out in a manner that avoids or minimizes disturbance to the surrounding environment and ensure the restoration of the project site:
  - i. The Permittee shall remove the temporary structure upon completion of the authorized dredging activities.
  - ii. All debris, materials, and equipment associated with the temporary structure shall be properly disposed of or recycled in accordance with applicable regulations and best practices.
  - iii. All excavations and temporary alterations of the temporary structure shall be filled or leveled to the natural beach profile upon project completion.

The set of approved permit drawings shall be appended as follows:

The approved permit drawings (11 pages, certified March 20, 2019) will be replaced by the Clam Pass Maintenance Project Permit Plans (11 pages, certified May, 2023).

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or be contrary to the public interest. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting marine turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the **permit is hereby modified** as stated above. By copy of this letter and the attached drawings and the attached plans, we are notifying all necessary parties of the modification.

This letter of approval does not alter the **August 14, 2027** expiration date of the permit. The only Specific Conditions of the permit that are altered by this modification are those stated above. This letter and the attached drawings and the attached plans must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), as provided below. The

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procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

**NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

**Petition for Administrative Hearing**

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-

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3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

**Time Period for Filing a Petition**

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within **14** days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within **14** days of publication of the notice or within **14** days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

**Extension of Time**

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

**Mediation**

Mediation is not available in this proceeding.

**FLAWAC Review**

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

**Judicial Review**

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the

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appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Rachel Grundl by email at [Rachel.Grundl@FloridaDEP.gov](mailto:Rachel.Grundl@FloridaDEP.gov) or by telephone at (850) 245-7594.

**EXECUTION AND CLERKING:**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Gregory W. Garis  
Program Administrator  
Beaches, Inlets and Ports Program  
Office of Resilience and Coastal Protection

**Attachments:** Approved Permit Drawings (11 pages, certified May, 2023)

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all attachments were sent on the filing date below to the following listed persons:

cc: Greg Garis, RCP	Sarah Lindeman, RCP
Sean Green, RCP	Kristen Becker, RCP
Ivana KennyCarmola, RCP	Ryan Snyder, DEP
Brendan Biggs, RCP	Eric Seckinger, FWC
Natalie Geyer, RCP	Ricardo Zambrano, FWC
Rachel Thomas, RCP	<a href="mailto:fwcconservationplanningservices@myfwc.com">fwcconservationplanningservices@myfwc.com</a>
Maria Gudnitz, RCP	<a href="mailto:MarineTurtle@myfwc.com">MarineTurtle@myfwc.com</a>
Ralph Clark, RCP	<a href="mailto:ImperiledSpecies@myfwc.com">ImperiledSpecies@myfwc.com</a>

**FILING AND ACKNOWLEDGMENT**

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



**Clerk**

08/24/2023

**Date**