



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
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**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

## CONSOLIDATED JOINT COASTAL PERMIT AND INTENT TO GRANT SOVEREIGN SUBMERGED LANDS AUTHORIZATION

### PERMITTEE:

City of Mexico Beach  
Attn: Douglas Baber  
201 Paradise Path  
Mexico Beach, Florida, 32410  
[d.baber@mexicobeachgov.com](mailto:d.baber@mexicobeachgov.com)

### AGENT:

Baskerville-Donovan, Inc.  
Attn: Dave Hemphill  
449 West Main Street  
Pensacola, Florida, 32502  
[Dkh.7@icloud.com](mailto:Dkh.7@icloud.com)

### PERMIT INFORMATION:

Permit Number: 0206187-004-JC

Project Name: Mexico Beach Fishing Pier

County: Bay

Issuance Date: October 3, 2022

Expiration Date of Construction Phase:  
October 3, 2027

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### REGULATORY AUTHORIZATION:

This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department of Environmental Protection (Department) and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

### PROJECT DESCRIPTION:

The project is to rebuild the Mexico Beach Fishing Pier, which was completely destroyed by Hurricane Michael in 2018. The new pier will be 840 feet long by 19 feet wide, with a 50-foot wide mid pier deck and a 60-foot wide Terminal 'T' deck. The proposed pier will have a deck elevation of +26 feet NGVD and will include a bait shop, a restroom, turtle friendly lighting, educational signage (e.g., turtle information boards), and fish cleaning stations. The proposed pier will be moved approximately 235 feet seaward and will be built "top down".

The activity includes consideration of the modification of the existing 25-year sovereign submerged lands lease (BOT No. 030033711) containing 23,402.81 square feet, more or less, for the proposed reconstruction of the fishing pier.

#### **PROJECT LOCATION:**

The project site is located at R-Monument (R) 129 or the end of South 37<sup>th</sup> Street in Mexico Beach, Bay County, Section 22, Township 3 South, Range 12 West, Gulf of Mexico, Class III Waters.

#### **PROPRIETARY AUTHORIZATION:**

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands held in trust by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Board of Trustees delegated, to the Department, the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. This proprietary authorization has been reviewed in accordance with Chapter 253, Chapter 18-21 and Section 62-330.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has determined that the reconstruction of the pier, where it extends seaward of the existing lease, will require a lease modification for the use of those sovereign submerged lands, pursuant to Chapter 253.77, F.S. The Department intends to issue the lease modification for the pier construction to the City of Mexico Beach, the project's local sponsor, subject to the conditions outlined in the previously issued *Consolidated Intent to Issue* and in the Recommended Proprietary Action (entitled *Delegation of Authority*).

The final documents required to execute the lease modification will be sent to the Department's Division of State Lands. The Department intends to issue the lease modification upon satisfactory execution of those documents. **You may not begin construction of this activity on state-owned, sovereign submerged lands until the lease has been executed to the satisfaction of the Department.**

#### **COASTAL ZONE MANAGEMENT:**

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

**WATER QUALITY CERTIFICATION:**

This permit constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

**OTHER PERMITS:**

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

**AGENCY ACTION:**

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

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**GENERAL CONDITIONS:**

1. All activities authorized by this permit shall be implemented as set forth in the project description, permit drawings, plans and specifications approved as a part of this permit, and all conditions and requirements of this permit. The Permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required pursuant to Rule 62B-49.008, F.A.C.
2. If, for any reason, the Permittee does not comply with any condition or limitation specified in this permit, the Permittee shall immediately provide the Department and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; and, if not corrected, the anticipated time the

noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits that may be required by federal, state, local or special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project that are not addressed in this permit.
4. Pursuant to Sections 253.77 and 373.422, F.S., prior to conducting any works or other activities on state-owned submerged lands, or other lands of the state, title to which is vested in the Board of Trustees, the Permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees shall not be considered received until it has been fully executed.
5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
6. This permit does not convey to the Permittee or create in the Permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Permittee. The issuance of this permit does not convey any vested rights or any exclusive privileges.
7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the permitted activity. The Permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
8. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times, access to the premises where the permitted activity is located or conducted for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to and copy any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.
9. At least 48 hours prior to commencement of activity authorized by this permit, the Permittee shall electronically submit to the Department, by email at [JCPCompliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us), and the appropriate District office of the Department a

written notice of commencement of construction indicating the actual start date and the expected completion date and an affirmative statement that the Permittee and the contractor, if one is to be used, have read the general and specific conditions of the permit and understand them.

10. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, shipwreck remains or anchors, dugout canoes or other physical remains that could be associated with Native American cultures, or early Colonial or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The Permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)245-6333 or (800)847-7278, as well as the appropriate permitting agency office. Project activities shall not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, F.S.
11. Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the Permittee shall electronically submit to the Department, by email at [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us), and the appropriate District office of the Department a written statement of completion and certification by a registered professional engineer. This certification shall state that all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specifications, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on as-built drawings electronically submitted to the Department, by email at [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us).

#### **GENERAL CONSENT CONDITIONS:**

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.
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. 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. 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)(g), F.A.C., or any other applicable law.

#### **SPECIFIC CONDITIONS - ADMINISTRATIVE:**

1. The terms, conditions and provisions of the required lease modification [BOT # 030033711) shall be met. Construction of this activity shall not commence on sovereign submerged lands, title to which is held by the Board of Trustees, until all lease modification documents have been executed to the satisfaction of the Department.

2. Unless otherwise specified in the specific conditions of this permit all 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)). 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

### **SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION**

3. ***Pre-Construction Submittals.*** For each construction event under this permit, no work shall commence until the Permittee has satisfactorily submitted all information noted in this condition. At least **45** days prior to commencement of construction, the Permittee shall submit the following items for review 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 and approved drawings of this permit. These documents shall 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 Project Description 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 drawings and surveys 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.
  - b. Documentation that the **lease modification** (BOT #030033711) has been executed to the satisfaction of the Department
  - c. The draft information displays (signs) that list the appropriate procedures and wildlife rescue/rehabilitation contact(s) in the event that turtles are hooked or entangled in fishing line during pier operations. In accordance with Specific Condition 29, these

draft signs shall be submitted to [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com), with copy to [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us), prior to commencement.

- d. ***Turbidity Monitoring:*** In order to assure that turbidity levels do not exceed the compliance standards established in this permit, pile driving and debris removal activities shall be monitored closely by a party with formal training in water quality monitoring and professional experience in monitoring turbidity for coastal construction projects. Also, an individual familiar with coastal construction techniques and turbidity monitoring shall be present at all times when turbidity generating activities are occurring. This individual shall have authority to alter construction techniques or shut down the beach construction operations if turbidity levels exceed the compliance standards established in this permit.
- 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 biological resources and/or OFW (pursuant to Specific Condition 19).
- e. ***Pre-Construction Conference.*** After all items required by a through d above have been submitted to the Department, the Permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the Permittee's contractors, the engineer of record, those responsible for turbidity monitoring, staff representatives of the Florida Fish and Conservation Commission (FWC) and the JCP Compliance Officer (or designated alternate) prior to each construction event. In order to ensure that appropriate representatives are available, at least twenty-one (21) 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)

FWC, Imperiled Species Management Section  
e-mail: [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com)

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 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, at [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com), indicating the actual start date and the expected completion date. The Permittee shall also ensure that all contracted workers and observers are provided a copy of all permit conditions.

4. A separate preconstruction conference shall be held prior to the electrical rough-in for installation of exterior lights, and shall include the electrician or electrical contractor, the Permittee or authorized agent and staff representatives of the Department and the FWC. This meeting is to establish an understanding among parties as to the approved lighting plan for marine turtle protection. The Permittee shall schedule the preconstruction conference with FWC by contacting [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com), providing at least five (5) business days' notice. *This conference may be held immediately following the pre-construction conference that is required in Specific Condition 3e.* A copy of the permitted exterior lighting plan (approved June 16, 2022) shall be made available on site for the meeting and shall remain on site for consultation during the electrical installation. If FWC staff are unable to attend in person, provisions shall be made for FWC staff to attend by phone. If the electrician or electrical contractor responsible for the installation of exterior lights is not available for the initial preconstruction conference, a construction conference shall be held at the site among the parties identified above prior to commencement of construction for any exterior lighting authorized by this permit. **Requests to modify the permitted exterior lighting plan will not be approved during or after the preconstruction meeting except as specified in the specific conditions of this permit.**

## **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

5. Prior to construction of the pier, remnant debris from the former timber pier shall be removed. Any of the experimental composite piles recovered from the T-section of the former pier shall be measured (lengths) and photos provided to the department in order to determine mode of failure and location of pile breakage (whether at the mud line or higher on the pile).
6. 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. Storing, stockpiling or accessing equipment on, in, over or through with

benthic biological resources (including beds of submerged aquatic vegetation [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 beds of aquatic vegetation or hardbottom is also prohibited.

7. 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 restoration areas designated in the permit drawings.
8. No construction debris shall be discarded into the Gulf. All materials and debris (including rocks, sandbags, construction materials, etc.) shall be removed from the project site and disposed at an approved upland disposal facility (landward of the Coastal Construction Control Line).
9. Best Management Practices (BMPs) for controlling turbidity and runoff from construction and equipment into state waters shall be utilized where appropriate and shall be maintained at all times during the pier construction activity to minimize impairment of state waters.
10. The Permittee shall provide quarterly periodic progress reports certified by an engineer and supported with photos to the Department. The reports shall be submitted on a three-month basis beginning at the start of construction and continuing until all work has been completed. The engineer shall certify that all construction as of the date of each report has been performed in compliance with the plans and the project description approved as a part of the permit, and with all conditions of the permit, or shall specify any deviation from the plans, project description or conditions of the permit. The report shall also state the percent of completion of the project and each major individual component. If progress meetings are held, this requirement may be satisfied by submission of meeting notes from the meeting closest to the quarterly progress report submission.

#### **SPECIFIC CONDITIONS - FISH AND WILDLIFE:**

11. No operation, transportation, storage of equipment or materials or temporary lighting of the construction area is authorized during May 1 through October 31 on marine turtle nesting habitat (any part of the sandy beach or on or seaward of the frontal dune).
12. All activities shall avoid marked marine turtle nests including those that may be on the beach before or after the marine turtle nesting season. Any impacts to nests that may have inadvertently occurred or if a marine turtle nest is exposed, or a dead, injured, or sick marine turtle is discovered, the Permittee shall ensure that the Marine Turtle Permit Holder be notified immediately such that appropriate conservation measures can be taken. For information on the authorized Marine Turtle Permit Holders in the project area,

contact FWC at [MTP@MyFWC.com](mailto:MTP@MyFWC.com). Within 24 hours of any such occurrence, the Permittee shall also submit a report detailing the incident (e.g., date, time, permit number, location, photos, contact information, incident and response descriptions) to the FWC at [MarineTurtle@MyFWC.com](mailto:MarineTurtle@MyFWC.com).

13. All temporary disturbances in the sand (including, but not limited to, ruts, depressions, mounds, etc.) resulting from work activities shall be filled in and raked smooth after project completion.
14. **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 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. 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.
  - c. 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. 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.
  - d. 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).

- e. 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, including use of equipment in or over water. Two temporary signs, approved for this use by the FWC, shall be posted at each location. Signs shall measure at least 8 ½" by 11", and read "CAUTION: MANATEE HABITAT", further directing in-water work activities to shut down when a manatee is present. Information related to these signs can be found here:  
<https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/>.

All signs shall be removed by the Permittee upon completion of the project. Questions concerning these signs can be sent to [ImperiledSpecies@MyFWC.com](mailto:ImperiledSpecies@MyFWC.com)

- 15. To avoid impacts to protected marine species (manatees, dolphins, marine turtles, etc.) during pile driving, the Permittee shall ensure that the following conditions are followed:
  - a. All in-water pile driving activity shall be confined to daylight hours.
  - b. Monitoring for protected marine species shall begin 30 minutes prior to pile driving and shall continue during pile driving and for 30 minutes after pile driving ends. If the activities appear to harass or injure a protected marine species, then work shall cease immediately and not resume until after consultation with FWC staff at [ImperiledSpecies@MyFWC.com](mailto:ImperiledSpecies@MyFWC.com) or 850-922-4330. Prior to re-commencing the pile driving activity, any additional conservation measures deemed necessary by FWC staff shall be implemented to minimize the risks to protected marine species.
  - c. The Contractor shall implement a soft-start (ramp-up) measure during pile driving and removal, i.e., pile driving activities shall start with lower hammer energy levels, then gradually increase to the minimum energy level required for pile installation/removal.

#### **SPECIFIC CONDITIONS - MONITORING REQUIRED:**

- 16. Water Quality - The maximum mixing zone for turbidity shall be a circle with a radius of 150 meters originating from the turbidity source. Beyond the mixing zone, turbidity levels shall not exceed 29 Nephelometric Turbidity Units (NTUs) above background. The Permittee shall monitor for turbidity during pile installation and debris removal activities as follows:

Units:           Nephelometric Turbidity Units (NTUs).

#### **Physical Turbidity Monitoring Protocol:**

Frequency: Monitoring shall occur 3 times daily, approximately 4 hours apart, during all pile installation or debris removal activities, and at any other time that there is a likelihood of an exceedance of the turbidity standard.

Sampling shall be conducted **while the highest project-related turbidity levels are crossing the edge of the mixing zone**. The compliance samples and the corresponding background samples shall be collected at approximately the same time, i.e., background sample shall immediately follow the compliance sample.

Location: Background: Sampling shall occur at surface (approximately one foot below the surface), mid-depth (for sites with depths greater than 6 feet), and bottom (approximately 6 feet above the bottom for sites with depths greater than 25 feet) at least 300 meters upcurrent from the source of turbidity, at the same distances offshore as the associated compliance samples. All background sampling shall occur clearly outside the influence of any artificially generated turbidity plume.

Compliance: Sampling shall occur at surface (approximately one foot below the surface), mid-depth (for sites with depths greater than 6 feet), and bottom (approximately 6 feet above the bottom for sites with depths greater than 25 feet), no more than 150 meters downcurrent from the source of turbidity where the densest portion of the turbidity plume crosses the edge of the mixing zone. **Note: If the densest portion of the plume crosses the edge of the mixing zone in shallow water, it may be necessary to access the sampling location from the shore, if the water is too shallow for a boat.**

**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 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.

17. **Visual Turbidity Monitoring.** If, after 14 consecutive days of turbidity monitoring, compliance turbidity levels never exceed 29 NTUs above background, turbidity may be visually monitored (without collecting samples) during pile installation or debris removal activities. Visual monitoring may continue unless an observed turbidity plume extends more than 150-meter from the turbidity-generating activity, at which point the standard turbidity monitoring in Specific Condition 19 shall resume.

**Visual Turbidity Monitoring Protocol:**

The Permittee shall have a person with experience in turbidity monitoring on site to visually monitor for turbidity plumes during all construction activities. The person conducting the visual turbidity monitoring shall maintain a daily log of at least 3 observations approximately 4 hours apart, as well as an observation at any other time during construction that a turbidity plume is observed. Observations shall document whether a visible turbidity plume extends more than 50-meters from the source of turbidity. If a visible turbidity plume extends more than 50 meters from the active construction site, the occurrence shall be noted in the log and the Permittee shall notify the JCP Compliance Officer within 24 hours. If a second incident occurs, where a visible turbidity plume again extends beyond 50 meters, the Permittee shall commence physical turbidity monitoring, in accordance with the protocol above, to ensure compliance with the water quality standards for turbidity. If physical monitoring is resumed, and this monitoring shows no significant measurable difference between compliance and background turbidity levels, the JCP Compliance Officer may suspend the requirement for physical sampling.

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, for this construction event. To authorize the revised protocol for future construction events, a permit modification shall be requested by the Permittee.

18. 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 [JCPCCompliance@dep.state.fl.us](mailto:JCPCCompliance@dep.state.fl.us) and include in the subject line,

“TURBIDITY EXCEEDANCE”, and the Project Name and Permit Number. Also notify the Department’s Northeast District office.

- 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.

19. **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:

- a. time of day samples were taken;
- b. dates of sampling and analysis;
- c. GPS location of sample and source. *When possible, coordinates should be provided in decimal degrees with a 5 decimal level of precision (i.e., 0.00001). 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), location of active construction, the visible plume pattern and direction of flow. The map shall also include the boundaries of any benthic resources or OFW. A sample map shall be submitted to and reviewed by the Department prior to construction (Specific Condition 3);
- 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, 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. 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 to the submittal and at the top of each page, please state: **"This information is provided in partial fulfillment of the monitoring requirements in Permit No.0206187-004-JC, for the Mexico Beach Fishing Pier"**

#### **SPECIFIC CONDITIONS - POST CONSTRUCTION:**

- 20. Within (30) days of completion of all construction activities, including the installation of all exterior lights, the Permittee shall provide notification of construction completion to

FWC by contacting [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com) (copy to JCPCompliance@dep.state.fl.us). The Permittee agrees to allow access to the site for the FWC representatives to conduct day or nighttime exterior light site inspections upon 48-hour notice of the intent to inspect. Access for FWC site inspections may be needed before, during or after construction. If any of the lights become visible from the beach at any time during the duration of this permit, they may be required to be modified.

21. Within thirty (30) days of the FWC providing verification to the Department and the Permittee that lighting has been installed as indicated on approved plans and is not visible from the beach, marine turtle lighting educational sign(s) shall be installed at each permitted major coastal structure with an approved lighting plan. A copy of the approved sign can be obtained at <https://myfwc.com/wildlifehabitats/wildlife/sea-turtle/beach-activities/>. The sign(s) must be a minimum size of 11 inches by 14 inches and made of durable weatherproof material. The sign(s) must be located near or on each permitted major structure, in centralized areas of high foot traffic visible to most occupants or guests, and should be replaced if they become faded, damaged or outdated.
22. Within 30 days after completion of authorized activities, the Permittee shall submit a notice of completion to the JCP Compliance Officer that includes the following information:
  - a. The permit number **0206187-004-JC** and the project name **Mexico Beach Fishing Pier**.
  - b. A summary of the construction event (the date on which authorized activities began and the date of completion);
  - c. A summary of visual and physical turbidity monitoring, as required by Specific Condition 19;
  - d. A table identifying any harm or injury to threatened species, endangered species or protected species, endangered status communities, the probable causes of the take and corrective measures taken.
  - e. Completed “**As-Built Certification and Request for Conversion to Operation Phase**” on Form No. 62-330.310(1) (attached). Operation shall not commence until the Department determines the system to be in compliance with the permit and has approved the request in writing. The **As-Built Survey** shall be signed, sealed and dated by a Florida-licensed Surveyor and Mapper in accordance with Chapter 61G17-7, F.A.C. The survey shall depict the boundaries of the lease, including the entire preempted area and shall show the size and dimensions of all existing overwater structures and activities located within the lease area. The survey shall contain a statement that all of the depicted structures and activities

occur within the lease boundary. If the surveyor observes that structures or activities are occurring outside of the lease area, the surveyor shall document the condition in the statement and note the deviations on the survey. Constructed deviations may require a permit or lease modification

- f. **Final certification report** from a project engineer, architect or lighting designer certifying that all permanent exterior lighting has been installed in accordance with the attached exterior lighting plan approved by FWC on dated June 16, 2022. A copy of the report and plan shall also be submitted to FWC by e-mail at [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com).
23. **Post-Construction Meeting.** Within 90 days following completion of construction activity authorized by this permit, the Permittee shall hold a post-construction conference. Attendees shall include at minimum, the Permittee, Agent, Department representative, and FWC representative.

#### **SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

24. Following completion of construction, the Permittee agrees to provide free access on or about the pier to Department employees for the purpose of conducting compliance inspections, observations or data acquisition. Sufficient space shall be provided for the installation and maintenance of scientific instrumentation such as those used to record tides, waves, sediment, temperature, turbidity, water quality, meteorology, hydrology, and hydrographics.
25. The Permittee agrees to allow Department staff engineers to access onto the pier immediately following major storm events to evaluate any structural damage and/or beach and coastal erosion conditions.
26. The Permittee shall expeditiously recover any breakaway debris, such as pier deck sections or railing, dislodged from the pier following the impact of major storms. Any storm damage that occurs shall be reported to the Department in writing or by email and be supported by photo documentation.
27. During pier operations (for the life of the structure), the Permittee shall make a reasonable effort to ensure trash, tackle, or fishing line is not discarded into the Gulf of Mexico from any part of the pier. Within 60 days after construction commencement, the Permittee shall install large trash and recycling receptacles (including receptacles for recycling of monofilament fishing line or other used fishing gear) at key points along the pier to ensure adequate collection and removal to approved upland disposal or recycling sites. Educational signs encouraging the use of these bins shall be posted. These receptacles and signs shall be maintained for the life of the facility. A proposal for the location of the bin and the

sign shall be submitted to [ImperiledSpecies@MyFWC.com](mailto:ImperiledSpecies@MyFWC.com). Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded.

28. The Permittee shall install and maintain informational displays on the pier that list the appropriate procedures and wildlife rescue/rehabilitation contact(s), in the event that protected seabirds (pelicans, terns, etc.) are hooked or entangled in fishing line. Equipment designed to safely remove hooked birds from the water shall be made available to pier users at all times.
29. The Permittee shall install and maintain informational displays on the pier that list the appropriate procedures and wildlife rescue/rehabilitation contact(s) in the event that turtles are hooked or entangled in fishing line. A minimum of two (2) signs shall be posted, one at each end of the pier. Prior to commencement of construction, design(s) of the informational displays providing guidance on how to respond if a turtle is hooked should be submitted to [marineturtle@myfwc.com](mailto:marineturtle@myfwc.com) for review. On review of the designs, FWC will provide information on any deficiencies to be corrected prior to procurement of the signs. Signs shall include the following information:
  - Do not cast your line in areas where turtles are observed at or below the surface of the water.
  - In the event that a turtle is caught on a fishing line:
    - Be careful – turtles bite and their flippers and nails can cause injury.
    - Gently lead a hooked or entangled turtle ashore without pulling upward.
    - Text [seaturtlestranding@myfwc.com](mailto:seaturtlestranding@myfwc.com) immediately to report any turtle incident and follow their instructions. If there is no response, within 15 minutes call FWC (888-404-3922) to speak with a dispatcher.
30. All permanent exterior lighting shall be installed and maintained as depicted on the approved lighting drawings, tables and cut sheets stamped by FWC staff, signed and dated **June 16, 2022**. No substitutions or alterations to the approved lighting plan are allowed. Additional exterior lighting (permanent or temporary, including, but not limited to, construction, special event lighting, etc.) is prohibited on any structure or in the landscape in the project area unless otherwise authorized in an approved lighting plan. If during construction, an approved fixture or lamp needs to be changed to a different type, manufacturer or catalog number for any reason, or if the location of any approved fixture needs to be changed, it shall be submitted for review and approval by the Department and the FWC prior to installation. There may be a decrease in the wattage of an approved lamp and/or a decrease in the total number of each approved fixture without submitting a modified lighting plan for review and approval.

31. If any of the lights from the pier become visible from the beach or disorient nesting or hatchling sea turtles at any time, the lights shall be modified such that they are no longer visible from the beach
32. All debris on the pier, suspended in the water and on the Gulf floor within 50 yards around the pier shall be cleaned once per year. The amounts and types of debris collected shall be reported annually to the JCP Compliance Officer.

**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

**Attachment(s):**

1. Approved Permit Drawings (9 pages, signed and sealed December 21, 2021)
2. Lighting Plan (approved on June 16, 2022)
3. Request for Conversion to Operation (3 pages)

cc:	Sean Green, RCP	Michelle Pasawicz, FWC
	Ivana KennyCarmola, RCP	Rachael Anderson, FWC
	Robert Brantly, RCP	Rachel Joffey, FWC
	Ralph Clark, RCP	Nick Vitale, FWC
	Sarah Lindeman, RCP	<a href="mailto:ImperiledSpecies@myfwc.com">ImperiledSpecies@myfwc.com</a>
	Shamim Murshid, RCP	<a href="mailto:fwcconservationplanningservices@myfwc.com">fwcconservationplanningservices@myfwc.com</a>
	Jonathan Brucker, RCP	<a href="mailto:marineturtle@myfwc.com">marineturtle@myfwc.com</a>
	Guy Weeks, RCP	<a href="mailto:conservationplanningservices@myfwc.com">conservationplanningservices@myfwc.com</a>
	Jonathan Dillard, DEP	<a href="mailto:bipp@dep.state.fl.us">bipp@dep.state.fl.us</a>
	Scott Robinson, DEP	<a href="mailto:jcpcompliance@dep.state.fl.us">jcpcompliance@dep.state.fl.us</a>

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all attachments were sent on the filing date below.

**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.

<i>Diana Dukhovskaya</i>	10/03/2022
Clerk	Date