

SOUTH FLORIDA WATER MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE PERMIT NO. 56-03461-P

DATE ISSUED: DECEMBER 23, 2016

Updated on July 10, 2017

Green = Complete; Red = Time Sensitive/Past Due; Orange=On-going

PERMIT CONDITION								
Item #	Type	Description	ACTION BY WHOM	STATUS	REMARKS	AGENCY	DELIVERABLE	DUE DATE
1	STANDARD	The construction phase of this permit shall expire on December 23, 2021.		on-going		SFWMD	Construction within life of permit	December 23, 2021
2	STANDARD	Operation of the surface water management system shall be the responsibility of the City of Port St. Lucie.	CITY	on-going		SFWMD		
3	STANDARD	Discharge Facilities: See Exhibit 2.3		as needed	Notification if discharge facilities should change.	SFWMD	Modification	NA
4	STANDARD	Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.		COMPLETED	The design has accommodated this requirement. Pond 5 will receive the treatment	SFWMD	AS-BUILTS	2017
5	STANDARD	A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.		Action	These monuments will be placed toward the end of the project	SFWMD	Elevation reference in certification report	2019
6	STANDARD	Minimum road crown elevation: See Exhibit 2.3		as needed		SFWMD	Modification	NA
7	STANDARD	Exhibits Recognized		as needed		SFWMD	Modification	NA
8	STANDARD	Prior to initiating construction activities associated with this Environmental Resource Permit (ERP), the permittee is required to hold a pre-construction meeting with field representatives, consultants, contractors, District Environmental Resource Compliance (ERC) staff, and any other local government entities as necessary.		COMPLETE		SFWMD	Sign-In Sheet	Dec. 19, 2016
9	STANDARD	No construction within state-owned land, described by this permit, may commence until a sovereignty submerged lands easement and a state lands easement have been issued by the FDEP.		COMPLETE		SFWMD	Easement File	December 27, 2016 for a period of 50 years
10	STANDARD	Prior to commencement of construction that includes wetland impacts, the permittee shall submit an application for a minor modification to Permit 56-03199-P to deduct from that permit a total of 11.25 functional units, consisting of 6.13 marsh functional units, 0.88 floodplain forest functional units and 4.24 mixed wetland hardwoods functional units as mitigation for this project.	American	COMPLETE		SFWMD	Platt's Creek Letter M	21-Apr-17
11	STANDARD	Prior to the commencement of construction in wetlands, the limits of construction shall be staked/roped/fenced to prevent encroachment into the protected areas. Using Global Positioning System (GPS) technology, the perimeter of the preserve area(s) shall be identified for future reference. The data shall be differentially corrected and accurate to less than a meter (+/- one meter or better). Electronic copies of the GPS data shall be provided to the District's Environmental Resource Compliance staff. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon completion of staking/roping/fencing and schedule an inspection of this work. The staking/roping/fencing shall be subject to District staff approval. The permittee shall modify the staking/roping/fencing if District staff determines that it is insufficient or is not in conformance with the intent of this permit. The staking/roping/fencing shall remain in place until all adjacent construction activities are complete.		COMPLETED	Josh sent files to Guy - May 22, 2017 - Approval received	SFWMD	Written Approval and Field Review	Jun-17
12	STANDARD	All barge activity shall occur only in areas where at least one-foot bottom clearance is maintained at all times.		on-going		SFWMD		on-going
13	STANDARD	If proceeding with a General Permit by rule for construction dewatering, the Permittee acknowledges that the dewatering operation is subject to the Permit Conditions in Section 5.0 of the Applicant's Handbook for Water Use Permit Applications, including responsibility for mitigating any harm that may occur as a result of the dewatering to existing legal uses, off-site land uses, or natural resources.	Felix	on-going		SFWMD		on-going
14	STANDARD	The permittee shall install an impermeable barrier around the perimeter of the stormwater management lake as shown on Exhibit 2.1, page 14 of 19, to prevent any adverse impacts to adjacent wetlands due to the hydrologic gradient between the wetland and the stormwater management lake. The impermeable barrier shall be constructed of 40 mm thick Poly, PVC, or geosynthetic clay liner and installed to a depth equal to the bottom of the adjacent stormwater lake. At the time of the project engineer's certification of the stormwater management system, the permittee shall provide proof of the impermeable barrier construction, including photo documentation of the impermeable liner's construction as part of the certification materials.		Action needed		SFWMD		2017
15	STANDARD	Construction of the permitted activities shall be conducted in accordance with Exhibit No. 3.4, which describes the methodologies considered under this application.		on-going		SFWMD		on-going
16	STANDARD	Mangrove alteration or removal is authorized only under the footprint of the bridge and within temporary impact areas where the mangroves are too tall to survive trimming, as described in Exhibit 3.4. All mangrove trimming activities shall be accomplished by a certified professional mangrove trimmer and in accordance with the Mangrove Trimming and Preservation Act (Sections 403.9321-403.9333 Florida Statutes).	Earth Advisor	Action needed		SFWMD		2017
17	STANDARD	All temporary wetland impacts within forested wetlands shall be restored in accordance with Exhibit No. 3.4. Impacts from the trestle or gantry system to the forested wetlands (assessment areas AA3 and AA10) will be replanted with native species to provide ground stabilization and aid in restoration of the site. The Contractor will prepare a site-specific revegetation and monitoring plan based on the actual temporary impacts and Exhibit 3.4. This plan must be submitted to the District compliance staff for review along with proposed dates for submittal of monitoring reports. Revegetation must be completed within 30 days of final equipment removal for bridge construction.	Quest Ecology	Action needed	Pre-construction Survey Complete May 2017	SFWMD		30 days of final equipment removal for bridge construction.
18	STANDARD	A monitoring program shall be implemented in accordance with Exhibit No. 3.4 for temporary impact areas, both herbaceous and forested. The monitoring program shall extend for a period of 1 year with quarterly reports submitted to District staff. At the end of the year, the forested temporary impact areas shall contain an 80% survival of planted vegetation. The 80% survival rate shall be maintained throughout the remainder of the monitoring program, with replanting as necessary. If appropriate native species do not achieve a 60% coverage in both forested and herbaceous temporary impact areas, native species shall be planted.	Quest Ecology/Arch er Western	Action needed		SFWMD		After bridge built
19	STANDARD	When submitting the temporary impact planting and monitoring plan described in Exhibit 3.4, the permittee shall submit a work schedule with specific calendar dates for the anticipated completion of activities associated with the proposed mitigation, monitoring and maintenance plans.	Quest Ecology/Arch er Western	Action needed		SFWMD		30 days of final equipment removal for bridge construction.
20	STANDARD	A water quality monitoring program shall be implemented as outlined below for turbidity expressed in nephelometric turbidity units (ntu): - Background samples shall be taken 200 feet upstream of any construction activity within adjacent surface waters. Compliance samples shall be taken 200 feet downstream. Samples shall be taken twice daily, with at least a four-hour interval, during all work authorized by this permit. - Monitoring shall begin on the first day of construction for all activities within or adjacent to surface waters. The monitoring data must demonstrate that turbidity 200 feet downstream and 200 feet upstream of all proposed activities is less than or equal to 0 NTU's above natural background turbidity to meet DFW standards for a period of 7 consecutive days after completion of construction. If monitoring shows such levels to be exceeded, construction shall cease and District compliance staff shall be notified immediately. Work shall not resume until District staff is satisfied that adequate corrective measures have been taken and turbidity has returned to acceptable levels. - All monitoring data shall be maintained on site and be available to District staff during regular business hours. The content of the data shall include: 1) permit and application number; 2) dates of sampling and analysis; 3) statement describing the methods used in collection, handling, storage and analysis of the samples; 4) a map indicating the sampling locations, and 5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. - Monitoring reports shall also include the following information for each sample that is taken: (a) time of day samples taken; (b) depth of water body; (c) depth of samples; (d) antecedent weather conditions; (e) wind direction and velocity; (f) direction of tide.		On-going		SFWMD		
21	STANDARD	Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) and/or the U.S. Fish and Wildlife Service (USFWS) for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.		On-going		SFWMD		

22		Wildlife surveys shall be conducted during the nesting season of the bald eagle (October 1 - May 15) to locate any nests within 1000 feet of the limits of construction. Should any nests be identified, District staff shall be notified and the adjacent construction schedule shall be adjusted to avoid activity within the primary of secondary zone of the nest, in accordance with the FWC Bald Eagle Management Plan or the permittee shall obtain authorization as necessary from the FWC to proceed.	On-going	Seasonal - 2016/17 Eagle Survey Complete	SFWMD	Report	
23	STANDARD	The permittee shall comply with the following conditions intended to protect manatees and marine turtles from direct project effects: a. All personnel associated with the project shall be instructed about the presence of marine turtles, manatees and manatee speed zones, and the need to avoid collisions with and injuries to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species 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 area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible. c. Siltation or turbidity barriers 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 and marine turtle entanglement or entrapment. Barriers must not impede manatee movement. d. All on-site project personnel are responsible for observing water-related activities for the presence of marine turtles and manatee(s). All in-water operations, including vessels, must be shutdown if a marine turtle or manatee(s) comes within 50 feet of the operation. Activities will 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 must 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 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com. f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area must be posted. A second sign measuring at least 81/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to FWC at ImperiledSpecies@myFWC.com.	Action Required	Submit to FWC list of manatee observers	SFWMD		June/July 2017
24	STANDARD	The permittee shall comply with the following protected species construction conditions: a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species. b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing smalltooth sawfish, which are protc. Siltation barriers shall be made of material in which a smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida. c. Siltation barriers shall be made of material in which a smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida. d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible. e. If a smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition. f. Any collision with and/or injury to a smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312).			SFWMD		
1	General	All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, Florida Administrative Code (F.A.C.). Any deviations that are not so authorized shall subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.	as needed		SFWMD	Modification	
2	General	A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.	Action required?		SFWMD		
3	General	Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the "State of Florida Erosion and Sediment Control Designer and Reviewer Manual" (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the "Florida Stormwater Erosion and Sedimentation Control Inspector's Manual" (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.	On-going		SFWMD		
4	General	At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice" indicating the expected start and completion dates. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.	COMPLETE		SFWMD		
5	General	Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.	On-going		SFWMD		
6	General	Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable: a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex- "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; orb. For all other activities- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.	Action required?		SFWMD		Completion of Project
7	General	If the final operation and maintenance entity is a third party: a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Applicant's Handbook Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.	as needed		SFWMD		as needed
8	General	The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.	as needed	Modification RS&H	SFWMD		as needed
9	General	This permit does not: a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.; b. Convey to the permittee or create in the permittee any interest in real property; c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.	Noted		SFWMD		NA
10	General	Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, 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 of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.	Complete		SFWMD		Jun-17

11	General	The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.		Noted		SFWMD		
12	General	The permittee shall notify the Agency in writing: a. Immediately if any previously submitted information is discovered to be inaccurate; and b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.		as needed		SFWMD		
13	General	Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.		Noted		SFWMD		NA
14	General	If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. 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. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.		Noted	George coordinated with SHPO based on Easement direction	SFWMD		Jun-17
15	General	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 binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.		Noted		SFWMD		NA
16	General	The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.		on-going		SFWMD		on-going
17	General	This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.		Noted		SFWMD		NA
18	General	A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.		on-going		SFWMD		on-going
1	SOVEREIGN SUBMERGED LANDS	Chapter 18-21.004(7), F.A.C., provides that all authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for aquaculture activities and geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or Chapter 258, Part II, F.S.		Noted		SFWMD		NA
2	SOVEREIGN SUBMERGED LANDS	Chapter 18-21.004(7), F.A.C., General Conditions for Authorizations:(a) 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.		Noted		SFWMD		NA
3	SOVEREIGN SUBMERGED LANDS	(b) 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.		Noted		SFWMD		NA
4	SOVEREIGN SUBMERGED LANDS	(c) 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.		Noted		SFWMD		NA
5	SOVEREIGN SUBMERGED LANDS	(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.		on-going		SFWMD		on-going
6	SOVEREIGN SUBMERGED LANDS	(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.		on-going		SFWMD		on-going
7	SOVEREIGN SUBMERGED LANDS	(f) 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.		Noted		SFWMD		NA
8	SOVEREIGN SUBMERGED LANDS	(g) Structures or activities shall not create a navigational hazard.		on-going		SFWMD		on-going
9	SOVEREIGN SUBMERGED LANDS	(h) 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.		on-going		SFWMD		on-going
10	SOVEREIGN SUBMERGED LANDS	(i) 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.		Noted		SFWMD		NA

USACE Permit No: SAJ-2008-04052(SP-KDS)

DATE ISSUED: MARCH 27, 2017

Updated on July 10, 2017

PERMIT CONDITION								
Item #	Type	Description	ACTION BY WHOM	STATUS	REMARKS	AGENCY	DELIVERABLE	DUE DATE
1	General	The time limit for completing the work authorized ends on. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.		On-going		USACE	Time extension	Prior to permit expiration
2	General	You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.		On-going		USACE	Permit Modification	
3	General	If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.		Noted	George coordinated with SHPO based on Easement direction	USACE	Consultation if needed	
4	General	If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.		Noted		USACE		
5	General	If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Attachment B).		On-going	Cites SFWMD Permit Special Conditions	USACE		
6	General	You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.		Noted		USACE		
1	Special	Reporting Address: The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:				USACE		
1	Special	a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410.				USACE		
1	Special	b. For electronic mail CESAJ-ComplyDocs@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2008-04052(SP-KDS), on all submittals.				USACE		
2	Special	Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.		COMPLETE	Done	USACE		
3	Special	As-Built Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification By Professional Engineer" form (Attachment C) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:		Action Required		USACE		60 days of completion of the work
3	Special	a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with transparent overlay of the work as constructed in the same scale as the permit drawings on 8½-inch by 11-inch sheets. The plan view drawing should show all "earth disturbance," including wetland impacts and water management structures.		Action Required		USACE	As-builts	60 days of completion of the work
3	Special	b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification By Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification By Professional Engineer" form does not constitute approval of any deviations by the Corps.		Action Required		USACE		60 days of completion of the work
3	Special	c. Include the Department of the Army permit number on all sheets submitted.		Noted		USACE		
4	Special	Agency Changes/Approvals: Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Palm Beach Gardens Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.		As-needed		USACE	Permit Modification	
5	Special	Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.		On-going		USACE & USCG		
6	Special	United States Coast Guard: Prior to initiation of bridge construction, the Permittee is required to obtain a permit from the United States Coast Guard.		Complete		USACE & USCG		3-May-17
7	Special	Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.		On-going		USACE		

8	Special	Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1 foot or eliminate distance from bottom of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.		On-going		USACE		
9	Special	Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.		On-going		USACE		
10	Special	Fill Material: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.		On-going		USACE		
11	Special	Secondary Impact Avoidance: The permittee shall install an impermeable barrier around the perimeter of the stormwater management lake identified as Pond 5 to prevent any adverse impacts to adjacent wetlands due to the hydrologic gradient between the wetland and the stormwater management lake. The impermeable barrier shall be constructed of 40 mm thick Poly, PVC, or geosynthetic clay liner and installed to a depth equal to the bottom of the adjacent stormwater lake. At the time of the project engineer's certification of the stormwater management system, the permittee shall provide proof of the impermeable barrier construction, including photo documentation of the impermeable liner's construction as part of the certification materials.		COMPLETE	Included in design for pond 5. Installation late 2017	USACE		June/July 2017
12	Special	Eastern Indigo Snake Protection Measures and Inspection: Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013, as provided in Attachment D of this permit. All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at http://myfwc.com/gophertortoise . If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.		On-going	Signs posted, Gopher Tortoise relocation on-going	USACE		
13	Special	Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act: The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.		On-going	Annual Bald Eagle Nest Survey (16/17 complete) & Osprey Nest	USACE		
14	Special	Platt's Creek Mitigation Area: Prior to commencement of construction that includes wetland impacts, the permittee shall submit an application for a modification to Platt's Creek Mitigation Area (SAJ-1998-06236) to deduct from that permit a total of 1.22 functional units, consisting of 0.38 freshwater herbaceous functional units and 0.84 freshwater forested functional units as mitigation for this project.	American	COMPLETE	Applied for but not received to date	USACE		Jun-17
15	Special	Remediation: If the compensatory mitigation at Platt's Creek Mitigation Area, authorized by SAJ-1998-06236, fails to meet the performance standards 5 years after completion of the compensatory mitigation objectives, the compensatory mitigation will be deemed unsuccessful. Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under this permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of wetland functions associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.		Noted		USACE		
16	Special	Memorandum of Understanding: The Permittee shall perform the water quality improvements, land acquisition, construction of the Halpatokee canoe access project, and improvements to the existing Savannas Preserve State Park Education Center as described in the Memorandum of Understanding (Attachment E) between State of Florida and City of Port St. Lucie dated April 26, 2010. This permit does not authorize the activities included in the MOU. A separate permit may be required.	City of Port St. Lucie	COMPLETE	done	USACE		

PERMIT CONDITION								
Item #	Type	Description	ACTION BY WHOM	STATUS	REMARKS	AGENCY	DELIVERABLE	DUE DATE
1	Condition	No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant.			Only if design modification	USCG	Modification if required.	As required
2	Condition	The construction of falsework, pilings, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Seventh Coast Guard District, prior to construction of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigation depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the District Commander, when in the judgement of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the bridge has been opened to traffic.		On-going	Coordination required	USCG	1) modification of falsework, pilings, cofferdams or other obstructions shall be in accordance with plans submitted to and approved by USCG prior to construction; 2) Notice(s) to USCG of any potential navigation affects; 3) Consultation with USCG prior to 90 days of bridge being opened to traffic.	1) modification of falsework, pilings, cofferdams or other obstructions shall be in accordance with plans submitted to and approved by USCG prior to construction; 2) timely notice for any events that may affect navigation ; 3) coordination of any potential channel(s) obstruction 90 days prior to bridge being opened to traffic.
3	Condition	Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of any federal, state, or local authority having cognizance of any aspect of the location, construction or maintenance of said bridge.		on-going		USCG	remain in compliance	on-going
4	Condition	A bridge fendering system shall be installed and maintained in good condition by and at the expense of the owner of the bridge when so required by the District Commander. Said installation and maintenance shall be for the safety of navigation and be in accordance with plans submitted to and approved by the District Commander prior to its construction.		COMPLETE		USCG	fender system or clearance gauges not required	NA
5	Condition	Clearance gauges shall be installed and maintained in a good and legible condition by and at the expense of the owner of the bridge when so required by the District Commander. The type of gauges and the locations in which they are to be installed will be submitted to the District Commander for approval.		COMPLETE		USCG	fender system or clearance gauges not required	NA
6	Condition	When the proposed bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon notice from the District Commander.	City of Port St. Lucie			USCG		on-going
7	Condition	The approval hereby granted shall cease and be null and void unless construction of the bridge is commenced within three years and completed within five years after the date of this permit.				USCG	Build bridge within current permit duration dates	on-going

Board of Trustees of the Internal Improvements of the State of Florida

Sovereignty Submerged Lands Easement

Easement No. # 41730

BOT File No. # 560238426

PA No. # 090107-1

December 27, 2016 for a period of 50 years

Updated on July 10, 2017

EASEMENT CONDITIONS								
Item #	Type	Description	ACTION BY WHOM	STATUS	REMARKS	AGENCY	DELIVERABLE	DUE DATE
1	USE OF PROPERTY	The above described parcel of land shall be used solely for public transportation (public vehicular bridge) only by or under the supervision of the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION or such local government entity having maintenance responsibility. grantee shall not engage in any activity related to this use except as described in the South Florida Water Management District Environmental Resource Permit No. <u>56-03461-P</u> , dated <u>December 23, 2016</u> , incorporated herein and made a part of this easement by reference. All of the foregoing subject to the remaining conditions of this easement.	City of Port St. Lucie	Noted		State		
2	EASEMENT CONSIDERATION	In the event the Grantor amends its rules related to fees and amended rules provide the Grantee will be charged a fee or an increased fee for this activity, the Grantee agrees to pay all charges required by such amended rules within 90 days of the date the amended rules become effective or by a date provided by an invoice from the Department, whichever is later. All fees charged under the provision shall be prospective in nature; i.e. they shall begin to accrue on the date that the amended rules become effective.	City of Port St. Lucie	Noted		State		
3	TERMINATION	The Grantee, by acceptance of this easement, binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Grantee, its successors and assigns. In the event the Grantee fails or refuses to comply with the provisions and conditions herein set forth or in the event the Grantee violates any of the provisions and conditions herein, this easement may be terminated by the Grantor upon 30 days written notice to the Grantee. f terminated, all of the above-described parcel of land shall revert to the Grantor. Any costs or expenses incurred by the Grantor in removing the Grantee or its property from the easement area shall be paid by the Grantee. All notices required to be given to the Grantee by this easement or applicable law or administrative rules shall be sent by U.S. Mail to the following address: City of Port St. Lucie, Florida Attention: Ms. Patricia Roebing, P.E. 121 S.W. Port St. Lucie Blvd. Port St. Lucie, Florida 34984 The Grantee agrees to notify the Grantor by certified mail of any changes to this address at least ten (10) days before the change is effective.	City of Port St. Lucie	Noted		State		
4	WARRANTY OF TILE/GUARANTEE OF SUITABILITY OF USE OF LAND	Grantor neither warrants title to the lands described herein nor guarantees the suitability of any of the lands for any particular use.	City of Port St. Lucie	Noted		State		
5	RIGHTS GRANTED	The rights hereby granted shall be subject to any and all prior rights of the United States and any and all prior grants by the Grantor in and to the submerged lands situated within the limits of this easement.	City of Port St. Lucie	Noted		State		
6	DAMAGE TO EASEMENT PROPERTY AND INTERFERENCE WITH PUBLIC AND PRIVATE RIGHTS	Grantee shall not damage the easement lands or unduly interfere with public or private rights therein.	City of Port St. Lucie	Noted		State		
7	GRANTOR'S RIGHT TO GRANT COMPATIBLE USES OF THE EASEMENT PROPERTY	This easement is nonexclusive, and the Grantor, or its duly authorized agent, shall retain the right to enter the property or to engage in management activities not inconsistent with the use herein provided for and shall retain the right to grant compatible uses of the property to third parties during the term of this easement.	City of Port St. Lucie	Noted		State		
8	RIGHT TO INSPECT	Grantor, or its duly authorized agent, shall have the right at any time to inspect the works and operations of the Grantee in any matter pertaining to this easement.	City of Port St. Lucie	Noted		State		
9	RESOLUTION OF ANY INEQUITIES	Any inequities that may subsequently arise as a result of this easement shall be subject to negotiation upon written request of either party hereto, and the parties agree to negotiate in good faith. In case of failure by the respective staffs to resolve the conflict(s), the matter shall be referred to the Grantor for final resolution.	City of Port St. Lucie	Noted		State		
10	LIABILITY / INVESTIGATION OF ALL CLAIMS	The Grantee shall investigate all claims of every nature at its expense. Each party is responsible for all personal injury and property damage attributable to the negligent acts of omissions of that party and the officers, employees and agents thereof. Nothing herein shall be construed as an indemnity or a waiver of sovereign immunity enjoyed by any party hereto, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.	City of Port St. Lucie	Noted		State		
11	ASSIGNMENT OF EASEMENT	This easement shall not be assigned or otherwise transferred without prior written consent of the Grantor or its duly authorized agent and which consent shall not be unreasonable withheld. Any assignment or other transfer without prior written consent of the Grantor shall be null and void and without legal effect.	City of Port St. Lucie	Noted		State		
12	TAXS AMD ASSESSMENTS	The Grantee shall assume all responsibilities for liabilities that accrue to the subject property or to the improvement thereon, including any and all drainage or special assessments or taxes of every kind and period of this easement which result from the grant of this easement of the activities of Grantee hereunder.	City of Port St. Lucie	Noted		State		
13	CESSATION OF AUTHORIZATION REMOVAL OF STRUCTURES	Upon termination of this easement all authorized granted shall cease and terminate and Grantee shall remove all facilities and related structures erected at its expense.	City of Port St. Lucie	Assuming this does not mean bridge?		State & USACE		

14	ENFORCEMENT OF PROVISIONS	No failure, or successive failures, on the part of the Grantor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Grantor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.	City of Port St. Lucie	Noted		State		
15	AMENDMENTS/MODIFICATIONS	This easement is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this easement must be in writing and must be accepted, acknowledged and executed by the Grantee and Grantor.	City of Port St. Lucie	Noted		State		
16	USACE AUTHORIZATION	Prior to commencement of construction and/or activities herein, the Grantee shall obtain the U.S. Army Corps of Engineers (USACE) permit if it is required by the USACE. Any modifications to the construction and/or activities authorized herein that may be required by the USACE shall require consideration by and the prior written approval of the Grantor prior to the commencement of construction and/or any activities on sovereign, submerged lands.	City of Port St. Lucie	COMPLETE		State		
17	ADDITIONAL STRUCTURES OR ACTIVITIES/EMERGENCY STRUCTURAL REPAIRS	No additional structures shall be erected and/or activities undertaken, including but not limited to, dredging, relocation/realignment or major repairs or renovations made to authorized structures, on, in or over sovereignty, submerged lands without the prior written consent of the Grantor, with the exception of emergency repairs. Unless specifically authorized in writing by the Grantor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Grantee to administrative fines under Chapter 18-14, Florida Administrative Code. If emergency repairs are required to be undertaken in the interests of public health, safety or welfare, the Grantee shall notify the Grantor of such repairs as quickly as is practicable; provided, however, that such emergency activities shall not exceed the activities authorized by this easement.	City of Port St. Lucie	as needed		State	Modification	
18	UPLAND RIPARIAN PROPERTY INTEREST	During the term of this easement, Grantee must have satisfactory evidence of sufficient upland interest as defined in subsection 18-21.003(60), Florida Administrative Code, to the extent required by paragraph 18-21.004(3)(b), Florida Administrative Code, in order to conduct the activity described in this easement. If at any time during the term of this easement, Grantee fails to comply with this requirement, use of sovereignty, submerged lands described in this easement shall immediately cease and this easement shall terminate and title to this easement shall revert to and vest in the Grantor immediately and automatically.	City of Port St. Lucie	Noted		State		

CITY AND FDEP FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING

March 13th, 2014

Updated on July 10, 2017

CITY AND FDEP FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING								
Item #	Type	Description	ACTION BY WHOM	STATUS	REMARKS	AGENCY	DELIVERABLE	DUE DATE
		Prior to the CITY'S commencement of construction of the Crosstown Parkway Extension, the CITY must obtain easements from the Governor and Cabinet who sit as the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("TRUSTEES") for the purpose of using state-owned uplands and sovereignty lands for the Crosstown Parkway Extension	City of Port St. Lucie	COMPLETE				Dec. 27, 2016
		The Proprietary Mitigation Projects defined in the MOU include (1) the undertaking of four water quality improvement projects (Evans Creek, Site 5 West, Riverplace Upstream, and Otter Tail), (2) the purchase of approximately 110 acres of wetlands and uplands to convey to the TRUSTEES, (3) the construction of the Savannas Recreation Area Trail, (4) the replacement and construction of improvements to the Halpatoikeye Canoe/Kayak Launch, (5) the construction of improvements to Savannas Preserve State Park Education Center, and (6) the construction of improvements to the Savannas Preserve State Park Canoe/Kayak Launch.	City of Port St. Lucie	COMPLETE	mitigation complete			
		City undertaking the design and permitting of the above-described Proprietary Mitigation Projects	City of Port St. Lucie	COMPLETE	mitigation complete			
A	Water Quality Improvements	The City agrees to complete four restoration projects as mutually agreed upon by the CITY and DEP. The four restoration projects area as follows: (1) Evans Creek, (2) Site 5 west, (3) Riverplace Upstream, and (4) the construction of up to maximum number of five (5) baffle boxes as depicted on page 3 of 3 Exhibit "A," which is attached hereto and incorporated herein. Restoration efforts will include dredging shoals or berms, widening or deepening certain ions of the area's waterways, and other work mutually identified and agreed upon by DEP and the City. The City will complete the four restoration projects to the reasonable satisfaction of DEP. The total costs to be incurred by the CITY for the entire scope of work for the above d restoration projects, including but not limited to design, permitting, construction, and inspection, shall not exceed TWO MILLION DOLLARS AND NO CENTS (\$2,000,000.00).	City of Port St. Lucie	COMPLETE	mitigation complete			
2	Paragraph 1.B.	Land Acquisition: The CITY agrees to convey, subject to acceptance of the deed of conveyance by the TRUSTEES in accordance with Section 259.041(10)(a), Fla. Stat., approximately 110 acres of wetlands and uplands, more or less (hereafter the "Proprietary Mitigation Lands"), as identified and described on Exhibit "B," which is attached hereto and incorporated herein. The CITY agrees to convey marketable fee simple title to the TRUSTEES subject only to such encumbrances as are acceptable to the TRUSTEES. The conveyance shall comply with the requirements of RULE 18-1.013, Florida Administrative Code, and shall require that the property to be conveyed is in compliance with all state and federal laws concerning the emission, discharge, seepage, release or threatened release of any contaminant, solid waste, hazardous waste, pollutant, irritant, petroleum product, waste product, radioactive material, flammable or corrosive substance, material or waste of any kind into the environment. The parties agree that from the date of the CITY'S transfer of the Propriety Mitigation Lands to the TRUSTEES, the CITY shall undertake certain property enhancement efforts that involve the removal of exotic vegetation for a period of five (5) consecutive years. The CITY'S removal of any exotics vegetation may be completed through mechanical or chemical means from the ground, whichever is most cost-effective, as mutually agreed upon by the CITY and DEP. The City shall be responsible for all costs associated with the acquisition and transfer of the Proprietary Mitigation Lands to the TRUSTEES, including, but not limited to the costs of obtaining any title insurance, survey(s), and environmental sit assessments. The costs to be incurred by the CITY for the removal of identifiable exotics from said lands shall not exceed a total sum of SEVEN HUNDRED THOUSAND DOLLARS AND NOT CENTS (\$700,000.00) for the 5-year consecutive exotic vegetation maintenance period. In the event the removal and maintenance of exotics with the Property Mitigation Lands is estimated to cost more that \$700,000.00 for the above-described 5-year period, the parties hereby agree that the scope of work for any such removal and maintenance of exotics will be revised and modified, as mutually agreed upon by the City and DEP, so that the total anticipated costs for such work does not exceed a total sum of \$700,000.00.	City of Port St. Lucie	COMPLETE	transfer complete			
(i)	PERMISSION TO PERFORM WORK	DEP hereby agrees that following the conveyance and transfer of title to the Proprietary Mitigation Lands from the CITY to the TRUSTEES, DEP will allow the CITY to preform the work associated with the removal and maintenance of exotic vegetation within said lands, as contemplated in the MOU, and any amendments thereto. This MOU provides authorization for the CITY, its contractors, employees agents and consultant to access, enter and perform the activities related to the removal and maintenance of exotics. This authorization to enter and perform work shall terminate immediately following the end of the -year period described above, unless otherwise provided for herein.	City of Port St. Lucie	Noted				

D	RECREATION OPPORTUNITIES-OTHER	The CITY agrees to construct, as mutually agreed upon between the parties, two (2) recreational projects that have been identified by DEP, and which are described and depicted in Exhibit "C," which is attached hereto and incorporated herein. The two recreational projects are referred to as (1) the Halpatoiokee Canoe Access Replacement, and (2) Improvements to Existing Savannas Preserve State Park Education Center. The total costs to be incurred by the CITY for the entire scope of work, including but not limited to the design, permitting, construction, and inspection, for the recreational projects which are more particularly described below shall not exceed a total sum of TWO MILLION DOLLARS AND NO CENTS (\$2,000,000.00). In the event the total cost for all the work to be performed by the CITY for the construction of the recreational project is estimated to exceed \$2,000,000.00, then in the CITY'S sole discretion, the scope of the work for said projects will be revised and modified so that the anticipated costs does not exceed a total sum of \$2,000,000.00.	City of Port St. Lucie	on-going				
	a	The Halpatoiokee Canoe Access Replacement Project will consist of (1) a new canoe and kayak launch that will be located south of the existing launch area, (2) a 6-foot by 30-foot boardwalk, (3) the construction of certain park facilities such as a pavilion restroom(s), an interpretive kiosk, and paved parking for approximately 20 vehicles, and (4) the construction and installation of a paved entrance road approximately 0.60 miles long and road signage. All improvements will be designed and constructed so as to ensure fill compliance with the American with Disabilities Act of 1990. This MOU provides authorization for the City, its contractors, employees, agents and consultants to access, enter and complete this project.	City of Port St. Lucie	Action Item				
	b	The Improvements to the Existing Savannas Preserve State Park Education center Project will consist of (1) the construction of a 3,000-square-foot addition to the existing structure, which will ne used for classrooms and a laboratory, and (2) paving the existing trail and construction of an 11-foot by 30-foot observation platform. All improvements will be designed and constructed so as to ensure fill compliance with the Americans with Disabilities Act of 1990. However, the City will not be responsible for providing any upgrades, modifications, or other work whatsoever that may be necessary to bring any portion of the existing facility into compliance with any rules, requirements, regulations or design standards of the American with Disabilities Act of 1990, as may be amended. This MOU provides authorization for the CITY, its contractors, employees, agents and consultants to access, enter and complete this project.	City of Port St. Lucie	COMPLETE	mitigation complete			

Updated on July 10, 2017

PD&E COMMITMENTS							
Item #	Description	ACTION BY WHOM	STATUS	REMARKS	AGENCY	DELIVERABLE	DUE DATE
PD&E	During the design phase, the City will elicit input from the community at one or more City Council meetings regarding the lighting and visual aspects of the bridge and landscaping for the project. Visual treatments for the bridge design, such as concrete cap shapes, color, surface finishes, or decorative features (e.g., lighting or decorative ironwork) will be finalized or selected during detailed design and after consideration of public input [Section 5.3.2 (Visual and Aesthetic)].	D/B TEAM	Complete	THE CITY HAS BEEN SOLICITING INPUT ON THE PROJECT VIA THEIR WEBSITE AND HELD A PUBLIC MEETING 3/26/14 FOR SAME. THE RFP HAS INCLUDED THE RESULTS OF THAT INPUT			26-Mar-14
PD&E	Several permits and other actions will require coordination with the following agencies during the design phase [Section 5.3.20 (Permits Required)]:	D/B TEAM WILL NEED TO ACQUIRE PERMIT MODIFICATIONS IF NECESSARY					
PD&E	- U.S. Army Corps of Engineers: Individual Permit under Section 404 of the Clean Water Act;	D/B Team	Complete		USACE	USACE Permit No: SAI-2008-04052(SP-KDS)	DATE ISSUED: MARCH 27, 2017
PD&E	- U.S. Coast Guard: Permit for the construction of bridges crossing navigable waters of the United States;	D/B Team	Complete		USCG	U.S. Coast Guard Bridge Permit (4-17-7)	DATE ISSUED: MAY 3, 2017
PD&E	- Florida Department of Environmental Protection: National Pollutant Discharge Elimination System (NPDES) permit to control and minimize potential water quality impacts generated by construction operations and an authorization for construction or use on, over, or under submerged lands owned by the state;	D/B Team	Complete		FDEP	Submerged Lands Easement	December 27, 2016 for a period of 50 years
PD&E	- South Florida Water Management District: Individual Environmental Resource Permit (ERP); Water Use Permit for dewatering. An ERP will also provide Water Quality Certification, as required by the Clean Water Act, Section 401;	D/B Team	Complete		SFWMD	SFWMD ERP No. 56-03461-P	DATE ISSUED: DECEMBER 23, 2016
PD&E	- Florida Fish and Wildlife Conservation Commission: Relocation permit for gopher tortoises and their commensal species; and	D/B Team	Complete	Continue to survey for any tortoises entering project corridor	FWC	Several permits	Jul-17
PD&E	- Florida Department of Transportation: A right of way Utilization Permit from FDOT for a connection to U.S. 1 and for utility or drainage work in FDOT rights of way.	D/B Team	Complete?				
PD&E	The USCG determined that the clearances for new bridges over the NFSLR and the North Coral Reef Waterway must meet or exceed those of the downstream (and controlling elevation) Port St. Lucie Boulevard Bridge. Those clearances are 18.6 feet vertically and 75.5 feet horizontally [Section 5.3.18 (Navigation)].	D/B Team	Complete	CONCEPT PLANS AND PERMIT INCLUDE THIS REQUIREMENT	USCG	U.S. Coast Guard Bridge Permit (4-17-7)	DATE ISSUED: MAY 3, 2017
PD&E	Prior to construction, a site-specific assessment including soil and groundwater testing will be performed to further define the nature and extent of contamination and, if necessary, to evaluate avoidance or remediation options [Section 5.3.9 (Contamination)].	City of Port St. Lucie	Phase I - Completed	D/B TEAM WILL DO ADDITIONAL ASSESSMENTS AND INVESTIGATION IF WARRANTED BY PHASE ONE REPORT			
PD&E	Bridge piers located in the water will be oriented to avoid restriction of water movement and to maximize the River's hydraulic section [Section 7.2 (Minimization)].	D/B Team	Complete	complete via design			
PD&E	Maintenance of traffic and sequence of construction will be planned and scheduled to minimize traffic delays throughout the project. In addition, the local news media will be notified in advance of road closings and other construction-related activities. Access to all businesses and residences will be maintained to the extent practicable through controlled construction scheduling [Section 5.3.19 (Construction)].	D/B Team	On-going	CEI WILL PROVIDE NOTIFICATIONS AND COORDINATION VIA PIO			

PD&E	The suburban typical section west of Manth Lane will include a wide area of green space with 8-foot meandering sidewalks along both sides of the roadway. The green space will include berms to aid in buffering the adjacent residential areas from the roadway. Bicycles will be accommodated by a 5-foot designated bicycle lane within the outside shoulder on both sides of the roadway. The urban typical section between the bridge and U.S. 1 will accommodate pedestrians with 8-foot sidewalks on both sides of the roadway, and bicycles will be accommodated with a 5-foot designated bicycle lane adjacent to the outside travel lanes along both sides of the roadway. The bridge typical section will accommodate pedestrians with a 6-foot sidewalk and a 5-foot bicycle lane/paved shoulder on each side of the roadway. The bicycle lane/paved shoulder and sidewalk will be separated by a traffic barrier between them [Section 5.3.1(Pedestrian/Bicycle Facilities)].	D/B Team	Complete	complete via design /RFC plans			
PD&E	Landscaping within the right of way will be incorporated where space and safety allow [Section 5.3.2 (Visual and Aesthetic)].	D/B Team	Complete	included in RFC plans			
PD&E	To improve traffic and pedestrian safety, a signal at the major intersection of Floresta Drive and a signalized pedestrian control at the major intersection of Floresta Drive will be provided [Section 7.2.2 (Social Environment)].	D/B Team	Complete	superstreet concept provides signals and ped safety			
PD&E	An addendum to the EFH Assessment will be prepared during the design phase. The addendum will include detailed impacts to EFH, assurance the compensatory mitigation plan has been completed, and amended responses to the CR, if necessary [Section 5.3.15 (Essential Fish Habitat)].	D/B Team	Complete	American created the EFH Addendum as part of the permitting process. The NFMS gave final concurrence on the project on January 5, 2015.			
PD&E	Prior to construction, the City in coordination with FDOT will conduct a site-specific survey to determine the presence of bald eagle nests in or near the construction area. Additional coordination will be conducted with USFWS and FWC should any new nests be identified that would be impacted by the project. [Section 5.3.14 (Wildlife and Habitat)].	D/B Team	Complete	PRE-CONSTRUCTION BALD EAGLE NEST SURVEY COMPLETED. ACTIVE NESTS ARE BEYOND THE 660-FOOT DISTANCE REQUIRED BY USFWS AND FWC.			
PD&E	Prior to construction, the City in coordination with FDOT will conduct a site-specific survey to determine if gopher tortoises are present within the construction zone/right of way and within 25 feet of any other construction-related activity (i.e., ponds, staging areas, etc.) [Section 5.3.14 (Wildlife and Habitat)]. If active gopher tortoise burrows are identified, the City will coordinate with the FWC to relocate the gopher tortoises and commensal species.	D/B Team	Complete				
PD&E	Prior to construction, the City in coordination with FDOT will conduct a site-specific survey to determine if any gopher frogs are present within the area of the Preferred Alternative [Section 5.3.14 (Wildlife and Habitat)]. The gopher frogs will be relocated as part of the gopher tortoise relocation effort.	D/B Team	Complete				
PD&E	The contractor will be required to follow The National Marine Fisheries Service "Sea Turtle and Smalltooth Sawfish Construction Conditions" during all construction activities [Section 5.3.14 (Wildlife and Habitat)].	D/B Team	On-going	CONTRACTOR COMMITTED TO FOLLOWING SEA TURTLE AND SAWTOOTH SAWFISH CONSTRUCTION CONDITIONS			
PD&E	The contractor will be required to follow the "Standard Protection Measures for the Eastern Indigo Snake" during all construction activities [Section 5.3.14 (Wildlife and Habitat)].	D/B Team	On-going	CONTRACTOR COMMITTED TO FOLLOWING STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE			
PD&E	The contractor will be required to follow the standard manatee protection measures during bridge construction [Section 5.3.14 (Wildlife and Habitat)].	D/B Team	On-going	CONTRACTOR COMMITTED TO FOLLOWING STANDARD MANATEE PROTECTION MEASURES DURING BRIDGE CONSTRUCTION			
PD&E	The mitigation measures and other provisions described in the Memorandum of Understanding dated April 26, 2010, and the Memorandum of Agreement dated July 27, 2010 will be followed [Sections 6.7(Compensatory Mitigation for Section 4(f) Uses) and 7.3 (Compensatory Mitigation for Unavoidable Impacts)]. Details of the compensatory mitigation plan are contained in Appendix L and Appendix M.	City of Port St. Lucie	On-going	THE MOU DESCRIBING MITIGATION MEASURES TO BE FOLLOWED HAS BEEN COMMITTED TO			

PD&E	The City has committed to build a bridge over the AP and the SPSP using a top down construction method, or construction from temporary platforms, trestles or other similar methods to avoid impacts to the maximum extent practicable. The top down construction method constructs a bridge span from the previously completed span. Construction from temporary platforms, trestles or other similar methods constructs a temporary work platform known as a "trestle." One of these methods will be employed to avoid and minimize potential impacts to environmentally-sensitive resources [Section 5.19 (Construction)].	D/B Team	On-going	Trestle System			
PD&E	On the east side of the NFSLR, construction staging and construction site access areas will be limited to the footprint of the bridge approach roadway [Section 7.2 (Minimization)].	D/B Team	On-going	NO CONSTRUCTION /FILL OUTSIDE DEP EASEMENT			
PD&E	Residences were identified as the only land use potentially sensitive to vibration during construction. During final design, vibration sensitive sites will be confirmed and if it is determined that provisions to control vibration are necessary, the project's construction provisions will be modified as needed [Section 5.3.19 (Construction)].	D/B Team	On-going	sites being monitored as per spec			
PD&E	Retaining walls and/or MSE walls will be used to minimize the amount of right of way needed; sloped bridge approaches will not be used [Section 7.2 (Minimization)].	D/B Team	Complete	RFC plans have included this concept			
PD&E	To mitigate for noise impacts, noise barriers will be constructed for the Preferred Alternative at the noise-impacted locations contingent upon the following conditions [Section 5.3.4 (Noise)]:	D/B Team	NA - ONLY IF CHANGE IN HORIZONTAL /VERTICAL ALIGNMENT	CITY HAS CONDUCTED A DESIGN TRAFFIC NOISE STUDY			NA
PD&E	Subsequent to any significant design changes, the noise analysis conducted during final design continues to support the need, feasibility, and reasonableness for providing abatement;	D/B Team	NA - ONLY IF CHANGE IN HORIZONTAL /VERTICAL ALIGNMENT	CITY HAS CONDUCTED A DESIGN TRAFFIC NOISE STUDY			NA
PD&E	Community input during the design phase supporting the types, height and locations of the noise barriers is provided to the District office; and	D/B Team	NA - ONLY IF CHANGE IN HORIZONTAL /VERTICAL ALIGNMENT	CITY HAS CONDUCTED A DESIGN TRAFFIC NOISE STUDY			NA
PD&E	An assessment of the impact of noise barriers on billboards that may be affected has already been made and no billboards were found to be blocked by noise barriers. A final determination of impacted billboards will be made based on the final design vertical and horizontal alignments. Public involvement related to billboards will occur in accordance with Section 479.25, F.S.	D/B Team	NA - ONLY IF CHANGE IN HORIZONTAL /VERTICAL ALIGNMENT	CITY HAS CONDUCTED A DESIGN TRAFFIC NOISE STUDY			NA
PD&E	To reduce the impacts of the Preferred Alternative to wetlands, listed species habitats, and essential fish habitat, the bridge typical section was reduced from 143 feet to 103 feet. Wetland impacts were reduced from 10.1 acres to 6.83 acres, a reduction of 3.27 acres. The reduced typical section also resulted in a reduction in wetland functional loss from 11.26 to 8.34 functional loss units (includes direct and indirect impacts). Upland impacts were reduced from 6.45 acres to 2.96 acres [Section 7.1.1 (Additional Avoidance and Minimization Measures for the Preferred Alternative)].	D/B Team	Complete	RFC plans have included this requirement			
PD&E	No haul roads within the bridge easement will be used [Section 5.3.19 (Construction)].	D/B Team	Complete	RFC plans have included this requirement			
PD&E	The top down construction method, or construction methods from temporary platform, trestles, or other similar methods will use driven precast concrete pile-supported bent foundations (versus drilled or other types of excavated foundations) to reduce benthic impacts within the NFSLR. No water jetting will be allowed [Section 7.2 (Minimization)].	D/B Team	Complete	RFC plans have included this requirement			
PD&E	Stormwater management systems (ponds) have been located within the right of way or within already developed areas to avoid additional impacts to wetlands or other sensitive habitats [Section 7.2 (Minimization)].	D/B Team	Complete	RFC plans have included this requirement			
PD&E	Scuppers will not be used. All stormwater runoff will be directed to a drainpipe mounted below the bridge, which will convey runoff to the stormwater management system [Section 7.2 (Minimization)].	D/B Team	Complete	RFC plans have included this requirement			

PD&E	Contractors will use noise attenuation techniques during in-water construction (e.g. bubble curtains) [Section 7.2 (Minimization)]. 2 A confined bubble curtain is a circular- or square-shaped device made of rubber, plastic, or steel tubing that is placed completely around a pile and extends to the bottom of the water column. The bubbles produced within the curtain absorb the generated sound wave and limit its dissipation. An unconfined bubble curtain can also be used (bubbles only) if currents do not carry the bubbles downstream.	D/B Team	On-going	contractor is utilizing a bubble curtain while driving piling in water			
PD&E	Construction activities will be limited to timeframes that minimize disruption to wildlife [Section 7.2 (Minimization)].	D/B Team	On-going	Permitting condition			
PD&E	In response to concerns expressed by USACE about geotechnical investigation in the natural habitats, the City will use specialized equipment, such as, rubber tire mounted equipment, amphibious track rigs, rigs mounted on all-terrain vehicles, and tripod drill rigs, during geotechnical/soil investigations in sensitive habitats to minimize the impacts of drilling rigs [Section 7.2 (Minimization)].	D/B Team	Complete	Complete			
PD&E	Specialized lighting fixtures will be used to direct light onto the pavement (rather than lighting mounted on poles) to reduce light trespass into natural habitats and surrounding areas to the maximum extent practicable [Section 7.2 (Minimization)].	D/B Team	Complete	RFC plans have included this requirement			
PD&E	The St. Lucie County Transportation Planning Organization will amend the Long Range Transportation Plan to reflect current funding commitments prior to authorization of construction of the project, and prior to approval of the next State Transportation Improvement Plan.	SLCTPO	Complete				