

**Blind Pass Restoration  
Project Update  
April 11, 2008**

**Acronyms:**

**Agencies of the Florida Department of Environmental Protection (DEP)**

BBCS – Bureau of Beaches and Coastal Systems;  
CHAP – Charlotte Harbor Aquatic Preserve;  
FWC – Florida Fish and Wildlife Conservation Commission

**Federal Agencies:**

USACE – United States Army Corps of Engineers  
FWS – U.S. Fish and Wildlife Service  
NMFS – National Marine Fisheries (also part of NOAA)

**Local Agencies:**

CEPD – Captiva Erosion Prevention District  
NWR – J. N. Ding Darling National Wildlife Refuge

**Other:**

RAI – Request for Additional Information  
BO – Biological Opinion (issued by FWS through USACE)  
JCP – Joint Coastal Permit  
NTP – Notice To Proceed

**Items Previously Completed:**

Prior to the month of December the state and federal agencies had conceptually agreed to the maintenance dredging project and were awaiting the specific details of the proposed work and mitigation. The main concerns were as follows:

- (1) How to separate and handle the non-beach compatible material during the dredging event and
- (2) What type of mitigation efforts would clearly satisfy all concerns the project would be in the best interest of the environment and public.

In December the BBCS stated their concerns were addressed, allowing the federal process to begin. The first step was for FWS to provide a biological opinion (BO) addressing any potential impacts to federally listed endangered species. This included mangroves, manatee, eagles, and sawfish, and certain types of shorebirds and seagrasses.

The FWS completed the BO on March 21<sup>st</sup> and the BBCS noted the permit application as complete. This step formally documented that all concerns from the State agencies had been addressed and satisfied. BBCS took 18 days (including weekends) after deeming the permit complete to issue an Intent for the permit. (90 days were allowed by Florida Statute.) The Intent is a formal notification that a permit will be issued unless someone

from the public objects with reasonable concerns. If there are no objections a Final Order (State Permit) will be issued.

### **Progress This Month:**

The legal notice publishing BBCS's intent to issue a permit was satisfied on Friday, April 18<sup>th</sup>. This allows the Final Order to be issued as early as May 5<sup>th</sup>. The State is currently reviewing a modification to the proposed construction techniques of the steel sheetpile containment cell to be used for dewatering material on the beach. It is hopeful only a clarification to the permit will be required, and not a modification. The final order is not anticipated until after resolution to this issue. This is anticipated during May.

Efforts began to select a professional coastal engineering consulting firm to assist with the State required biological monitoring and construction phase services.

The NMFS required channel marker plan was submitted on April 7<sup>th</sup>. This allows NMFS to complete their review of the project. However, final approval is not anticipated until after the construction techniques of the sheetpile containment cell are resolved. This is anticipated during May.

The NWR and BBCS continued work to complete a management plan and lease agreement, respectively, for the "No Motor Zone" in Wulfert Flats. Both must be completed prior to the BBCS issued NTP. The NTP is the BBCS's final approval to begin construction and must come after a contractor is selected. Both agencies are on schedule to accomplish this in adequate time.

### **Outstanding Items:**

The focus is now on completing the consultant selection process, the contract documents, and preconstruction mitigation. This entails preparing the construction plans and specifications to send to potential bidders. Bids are anticipated to go out in late June.

Lee County must also document the current condition of the seagrass resources in Blind Pass and Wulfert Flats to establish a "No Motor Zone". This must be done during peak growing season and prior to construction. The peak growing season for seagrass does not begin until June.

Black and white permit drawings for the federal permit are scheduled for submittal the week of May 12<sup>th</sup>. The drawings and the letter of no objection from NMFS will complete the federal permit process. However, a permit is not anticipated until after resolution of the sheetpile containment cell construction techniques. This is anticipated in May.

The schedule continues to progress and is still positive to bid the project in the 2<sup>nd</sup> quarter of 2008 and construct in the 3<sup>rd</sup> quarter. Construction is expected to last 6 months.