RESOLUTION NO. 143-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, COMMITTING TO CONTROL THE TIMING OF THE DECORATIVE LIGHTING ON BLUE HERON BRIDGE PILLARS DURING SEA TURTLE NESTING SEASON; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach's Blue Heron Boulevard/SR AIA project, which includes the Blue Heron Bridge, is in the final stage of permitting; and

WHEREAS, the City of Riviera Beach wishes to demonstrate its commitment to operate and maintain the lights on timers as reasonable assurance that the Blue Heron/SR AIA project will not result in adverse secondary impacts to sea turtles; and

WHEREAS, the City will commit to control the timing of the under bridge lighting during sea turtle nesting season, which is March 1st to October 31st to begin lighting at 8 PM and automatically turn lighting off at 9PM; and

WHEREAS, the City Engineer will maintain on a quarterly basis an inspection of the timers and the lights and will immediately correct any deficiencies in the fixtures and or timers during these inspections or immediately at any other time that deficiencies occur during sea turtle nesting season.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The City Council of the City of Riviera Beach commits to control the timing of the decorative lights under the Blue Heron Bridge to shut off no later than 9PM during sea turtle nesting season, which is March 1st to October 31st.

SECTION 2. This resolution shall become effective upon its passage.

PASSED AND APPROVED this 18 **day of** November**, 2009.**

APPROVED:

THOMAS A. MASTERS
MAYOR

DAWN S. PARDO
CHAIRPERSON

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

JUDY L. DAVIS
CHAIR PRO TEM

Absent
BILLIE E. BROOKS
COUNCILPERSON

TONYA DAVIS JOHNSON
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY:	J. DAVIS
SECONDED BY:	T. DAVIS-JOHNSON
D. PARDO	AYE
J. DAVIS	AYE
B. BROOKS	ABSENT
T. JOHNSON	AYE
S. LOWE	AYE

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: _____

existing outfall in Yacht Harbor Basin will be abandoned and plugged. Special Condition No. 20 contains additional requirements for protection of listed species, as detailed in Exhibit 2, Pages 26-27 of 171.

The roadway lighting plans and those for the decorative downlights on Blue Heron Bridge were carefully developed to address specific problem point source lights and to minimize further lighting impacts to the nesting beaches on Singer Island, which currently experience high rates of hatchling mortality and disorientation related to problem lighting. Recent permits for Ocean Mall Redevelopment (Application No. 080417-23) and Ocean Mall Municipal Beach (Application No. 090617-10) include provisions to significantly reduce adverse lighting impacts. Special Condition No. 17 requires the permittee to comply with the lighting plan approved by the Florida Fish and Wildlife Conservation Commission and other conditions specified by the Commission, all as detailed in Exhibit 4. The City of Riviera Beach approved a Resolution that the decorative lighting on Blue Heron Bridge will not be turned on at night during sea turtle nesting season (Exhibit 5). A summary of protective provisions for listed species is contained in Exhibit 2, Pages 26-27 of 171. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if, in the future, other endangered/threatened species or species of special concern are discovered on the site.

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4.361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

SOVEREIGN/SUBMERGED LANDS:

The Florida Department of Environmental Protection, Division of State Lands (DSL), Title and Land Records Section, provided information regarding lands within the project area subject to proprietary requirements. Placement of approximately 100 square feet of rip rap at the base of the proposed new outfall in Yacht Harbor Basin will occur on Sovereign Submerged Land (SSL) which is subject to SSL Easement No. 40307 (5483-50) granted to Florida Power and Light Company (FPL) (see Exhibit 2, Page 60). The 10' x 10' rip rap bedding area is intended to prevent scouring of the submerged bottom and will extend no farther than 10 feet waterward of the seawall face of the outfall. FPL provided a letter, dated September 22, 2009, authorizing FDOT to place the rip rap within the easement area. The District considers FPL's acknowledgement sufficient basis for determining that the proposed activity is consistent with the terms of the easement, and no further authorization for SSL is required for the proposed activities. The two locations in the Island Drive canal, where rip rap will be placed at the base of existing outfalls, are on submerged lands transferred by Board of Trustees of the Internal Improvement Trust Fund (TIITF)