

EXHIBIT C

IMPLEMENTATION OF CROSS BAYOU PROJECT & SALT MARSH RESTORATION PROTOCOLS AND PROCEDURES FOR TRUSTEE OVERSIGHT

1. Project Review Group. NOAA, DOI and FDEP will establish a Project Review Group (PRG), consisting of one representative from each agency, to oversee the Defendants' implementation of the Cross Bayou restoration project and the Salt Marsh restoration project (referred to as the Turtle Crawl Point Marsh Restoration and Rookery/Little Bird Key Shoreline Stabilization Projects in the Defendants' Restoration/Compensation Proposal for Biological and Physical Natural Resource Injuries, Exhibit A to the Consent Decree). No later than 10 days after entry of the Consent Decree, NOAA, DOI and FDEP will notify Defendants of the members of this group. In addition, by that same date, the Defendants shall designate one representative to serve as a non-voting member of the PRG. The Defendants' PRG representative will also act as the point-of-contact between the agencies and the Defendants for all matters relating to implementation of the restoration projects. The PRG will:

- a. review and approve the plan(s), including monitoring plans, developed to implement the above projects (hereinafter, encompassed by "project plans");
- b. oversee implementation of approved project plan(s);
- c. certify construction completion for each project (discussed below);
- d. oversee post-construction project monitoring, to the extent monitoring is required by Exhibit A to the Consent Decree, in order to evaluate project viability and allow timely identification of problems or conditions that require corrective action;
- e. certify acceptance of the Cross Bayou restoration project when performance criteria are achieved; and
- f. review and approve any plan(s) for proposed corrective actions, whenever such corrections are required or are otherwise proposed in accordance with Exhibit A to the Consent Decree.

Whenever PRG approval is required under this paragraph, approval will not be unreasonably withheld.

2. Coordination Procedures

- a. Detailed draft work plan(s) for the projects will be submitted to the PRG for review and approval within three months of the date of entry of the Consent Decree. Such draft plan(s) shall be consistent with the terms and specifications identified in the Consent Decree (Exhibits A and B) but will also include detailed drawings and/or construction specifications for implementation of each project, as appropriate. The draft work plan(s) will:
 - i. identify the permits required to construct the project(s);
 - ii. include a schedule for construction (with a proposed date to begin and an anticipated date of completion);
 - iii. identify the performance criteria applicable to each project; and
 - iv. describe the sampling and analysis plan, including measurable

parameters, appropriate quality assurance measures and any statistical tests to be applied, for monitoring and assessing project performance.

b. The PRG will act to review and approve, or disapprove the draft plan(s) with comments, within 30 days of submittal. If disapproved, the Defendants will have 30 days following receipt of PRG comments to revise and resubmit. In disapproving such plan(s), the PRG may not seek a change to any project which is inconsistent with the terms and specifications for the projects identified in this Consent Decree, except where such change is agreed to in writing by both the PRG and the Defendants. In the event of a disapproval, the Defendants will have 30 days following receipt of the PRG's comments to revise and resubmit the draft plan(s) for approval. This process will be repeated until the plan(s) are approved by the PRG, or until dispute resolution is invoked (see below). Upon approval by the PRG, the approved plan(s) become the Final Work Plan(s) and shall be implemented by the Defendants according to the construction schedule identified therein.

c. All permits, right-of-ways, and other documents necessary to implement the restoration projects shall be obtained by the Defendants' at their expense and the Defendants shall comply with all applicable Federal, State and local laws in implementing the restoration projects.

d. The Defendants shall notify the PRG upon completing construction of each restoration project. The PRG shall inspect each restoration project site within 30 days of receipt of such notice and, upon finding its construction is in accordance with the relevant Final Work Plan, shall provide the Defendants with a dated written statement certifying that construction of the project(s) is complete (Construction Certificate). If construction is not in accordance with approved project plan(s), the PRG will identify the deficiencies in a written notice to the Defendants and the Defendants' will present a work plan for cure within 30 days of such notice.

e. For the Salt Marsh restoration project (i.e., the Rookery/Little Bird Key Shoreline Stabilization Projects and Turtle Crawl Point Marsh Restoration referenced in Exhibit A of the Consent Decree), the Construction Certificate will signify final project acceptance.

f. For the Cross Bayou restoration project, the date of the Construction Certificate represents Day One of the Cross Bayou restoration project monitoring.

3. Cross Bayou Restoration Project Monitoring. Implementation of the monitoring plan for the Cross Bayou restoration project will begin on the date of the Construction Certificate issued for that project.

a. The PRG will use data and information provided by the approved monitoring plan to evaluate the project's performance relative to the applicable performance criteria.

b. Monitoring will continue for five years following the date of the Construction Certificate, or from the date of any required reset of this period as a result of mid-course corrections, whichever is later.

c. Whenever monitoring information indicates a mid-course correction is required or may otherwise be appropriate in accordance with Exhibit A to the Consent Decree, the PRG will evaluate and request such actions as may be necessary or appropriate to achieve the performance criteria specified for the project. Within 30 days of receipt of such request, the Defendants will submit a draft work plan providing for such corrective actions to the PRG

for approval. The Defendants will implement plans approved by the PRG.

d. When the Defendants believe the performance criteria for the Cross Bayou restoration project have been achieved, they may request the PRG to issue a written Certificate of Acceptance (PCA). The PRG will issue a PCA if it finds, following receipt of notice, that such criteria have been achieved.

4. Post-acceptance monitoring/maintenance. Following issuance of the PCA, the Defendants will continue to collect and submit monitoring data and reports on the Cross Bayou restoration project to the PRG for three years. In addition, during this same period, the Defendants will be responsible for removal of trash and exotic vegetation from the project site, as specified in Exhibit A of the Consent Decree. Monitoring data and reports during this period will also document that exotic plants have been maintained at less than 5% cover for the entire site and that trash removal has occurred as specified in Exhibit A of the Consent Decree.

5. Resolution of Disputes. Any dispute arising over implementation of the restoration projects will first be considered in informal discussions between the PRG and the Defendants' liaison for a period not to exceed 30 days. In the event the parties cannot resolve the dispute through these informal discussions, then the position advanced by the PRG will be considered binding unless, within 20 days after the conclusion of the informal discussions, the Defendants invoke formal dispute resolution by filing with the Court and serving on the parties a notice of judicial appeal setting forth the matter in dispute, the efforts made by the parties to resolve it, the relief requested, and the schedule, if any, within which the dispute must be resolved to ensure orderly implementation of the restoration projects consistent with the Decree. The United States may file a response to the Defendants's notice. The invocation of formal dispute resolution procedures under in this manner, however, will not extend, postpone, or affect any obligations of the Defendants under this Consent Decree which are not directly in dispute.