



Florida Department of Environmental Protection

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Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Ryan E. Matthews
Interim Secretary

February 7, 2017

U.S. Army Corps of Engineers
Attn: Gina Paduano Ralph, Ph.D.
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232

Permit Modification No. 0294455-002-JN
Permit No. 0294455-001-JC, St. Johns County
AIWW Maintenance Dredging Near Matanzas Inlet and Beach Placement

Your request to modify Permit No. **0294455-001-JC** was received on January 13, 2017, and has been reviewed by the Florida Department of Environmental Protection (Department). The proposed permit modification is to revise the beach placement template by adding a dune component to the landward side of the beach berm.

The revised berm cross-sectional drawing (Plate 1 of 1) uses a vertical datum of NAVD88 instead of NGVD29, which was used in the original permit drawings. The new drawing shows the berm elevation to be 6.97 feet NAVD, which is the same elevation as 8 feet NGVD, which was shown in the "SUMMERHAVEN BEACH SECTION" on Plate 11/16 of the original permit drawings. Since this change in datum does not change the actual berm elevation, it will not affect the performance of the project.

On October 20, 2010, the Department issued Permit No. **0294455-001-JC** to the U.S. Army Corps of Engineers (Corps). The 10-year permit authorized biennial maintenance dredging of the Atlantic Intracoastal Waterway (AIWW) near Matanzas Inlet, and nourishment of 3,100 feet of beach south of the inlet using beach-quality dredged material.

For additional background, please see the *Consolidated Notice of Intent to Issue Joint Coastal Permit and Authorization to Use Sovereign Submerged Lands* for Permit No. **0294455-001- JC** at the following website:

[ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/st_john/issued/0294455%20AIWW%20Maint%20Dredge%20and%20Beach%20Placement/001-JC%20\(AIWW%20MD%20and%20nourish%20R200-208\)/](ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/st_john/issued/0294455%20AIWW%20Maint%20Dredge%20and%20Beach%20Placement/001-JC%20(AIWW%20MD%20and%20nourish%20R200-208)/)

Staff Assessment

The recent shoreline erosion from Hurricane Matthew (in 2016) resulted in impacts to the beach and coastal system, as well as a high rate of shoaling within the Matanzas Inlet and AIWW. In an attempt to reduce further damage to upland infrastructure (Old A1A) and residential property, the Corps (Permittee) requested the authorized beach placement area to be revised to include a dune component.

The height of the proposed reconstructed dune crest is similar to or lower than frontal dunes in the Matanzas area, and therefore, will not increase the potential for formation of alongshore escarpments. The slopes in the revised fill template comply with the recommendations of the statewide programmatic biological opinion for shore protection. The construction of the proposed dune feature will result in a modest increase in storm protection and prevention of wave run-up overtopping the barrier beach, and is not expected to increase the likelihood of adverse impacts to existing biological resources or violations of water quality standards. Therefore, Permit No. **0294455-001-JC** is modified as follows:

The Activity Description will be revised as follows (~~strike throughs~~ are deletions, underlines are additions):

The project is to maintain the Atlantic Intracoastal Waterway (AIWW) in the vicinity of Matanzas Inlet at the previously authorized and maintained depths by dredging approximately 250,000 cubic yards of material every other year for the duration of the permit. Dredging is authorized to a depth of -14 feet Mean Lower Low Water (MLLW), which includes a design depth of -12 feet MLLW, plus 2 additional feet of allowable over dredge.

The beach-quality dredged material will be pumped directly onto the beach via a submerged pipeline. The dredged material will be placed along 3,100 feet of beach, south of Matanzas Inlet, between DEP monuments R-205 and R-208, in St. Johns County. The berm will be constructed to an elevation of +6.97 ft. NAVD ~~+8.0 ft. NGVD~~, and width of the berm will not exceed 150 ft. A dune feature will be constructed landward of the berm, with a crest elevation of no greater than +10.0 ft. NAVD and a foreshore slope of 1:5 (vertical:horizontal). The width of the dune restoration shall vary, not to exceed 100 feet.

The pipeline from the dredge to the beach placement site will be submerged along the AIWW, cross the AIWW south of Rattlesnake Island, proceed along the Summer Haven River beneath the State Road A1A bridge, and cross the river and the adjacent barrier island to reach the beach at a point approximately 500 feet north of R-205.

The set of approved permit draws shall be revised as follows:

Plate 1 of 1, signed January 24, 2017, shall replace the "SUMMERHAVEN BEACH SECTION" shown on Plate 11/16 of the approved permit drawings, signed May 24, 2010.

After thorough review of your application, staff finds that the proposed modification is not expected to

adversely affect water quality or change the determination that the project is clearly in the public interest. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting sea turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the **permit is hereby modified** as stated above. By copy of this letter and the attached drawing, we are notifying all necessary parties of the modification.

This letter of approval does not alter the **October 20, 2020**, expiration date of the permit. This letter and the attached drawing must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399- 3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399- 3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-110.106, F.A.C., a person may request a copy of the agency action. The Department shall upon receipt of such a request, if agency action has occurred, promptly provide the person with notice. The Department does not require notice of this agency action to be published. However, the applicant may elect to publish notice as prescribed in Rule 62-110.106, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition. If you have any questions regarding this matter, please contact Zach Boudreau by email at William.Boudreau@dep.state.fl.us or by telephone at (850) 245-7085.

Attachments: Drawings (Plate 1 of 1, signed January 2017)

EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Lainie Edwards, Ph.D.
Program Administrator
Beaches, Inlets and Ports Program
Division of Water Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the persons in the "cc" list, above.

cc: Paul Karch, Corps	Martin Seeling, DWRM
marineturtle@myfwc.com	Ralph Clark, DWRM
Trey Hatch, DEP, NE District	Kristen Nelson-Sella, FWC
Andrew Briscoe, DRWM	Neal Shinkre, St Johns County
Bobby Halbert, DWRM	

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Karlyn Massey
Clerk

02/07/2017
Date