



Florida Department of Environmental Protection

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Tallahassee, Florida 32399-2400

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Governor

Carlos Lopez-Cantera
Lt. Governor

Ryan E. Matthews
Interim Secretary

March 3, 2017

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

Permit Modification No. 0294455-003-JN
Permit No. 0294455-001-JC, St. Johns County
AIWW Maintenance Dredging Near Matanzas Inlet and Beach Placement

Dear Dr. Ralph:

Your request to modify Permit No. 0294455-001-JC was received on February 16, 2017, and has been reviewed by Florida Department of Environmental Protection (Department) staff. The proposed permit modification is to revise the beach placement design template by extending the northern boundary from range monument R-205 to R-204.

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)/)

On February 7, 2017, the Department issued Permit Modification No. 0294455-002-JN to the Corps. That modification revised Permit No. 0294455-001-JC in order to authorize construction of a dune on the landward side of the authorized beach berm template.

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On February 6, 2014, the Department issued Permit No. 0313002-001-JC to the St. Augustine Port, Waterway and Beach District, to excavate approximately 216,000 cubic yards of sand from the Summer Haven River that had been deposited in the river following a series of storm-related breaches of the beach and dune complex. The dredged sand will be replaced back onto the adjacent beach and dune complex, between R-200 and R-208, where the breach and adjacent erosion occurred.

For additional background on the Summer Haven River Restoration project, please see the ***CONSOLIDATED NOTICE OF INTENT TO ISSUE JOINT COASTAL PERMIT AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS*** for Permit No. 0313002-001-JC at the following website:

ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/st_john/issued/0313002%20Summer%20Haven%20River%20Restoration/001-JC/Intent%20to%20Issue/Consolidated%20Notice%20of%20Intent%20to%20Issue%20a%20Joint%20Coastal%20Permit%20and%20Authorization%20to%20Use%20Sovereign%20State%20Lands.pdf

On August 17, 2016, the Department issued Modification No. **0313002-002-JN** to the St. Augustine Port, Waterway and Beach District to revise Permit No. 0313002-001-JC. The revisions included dredging of the flood shoal that is located at the confluence of the Summer Haven River and Matanzas Inlet, adjusting the dredge template within the Summer River, and increasing the berm width for beach placement from R-200 to R-202.5.

In October of 2016, Hurricane Matthew opened another breach through the Summer Haven shoreline, this time between R-204 and R-205, connecting the Summer Haven River to the Atlantic Ocean, and depositing sand from the beach into the river bed.

On October 14, 2016, the Department issued Modification No. 0313002-003-JN to the St. Augustine Port, Waterway and Beach District to revise Permit No. 0313002-001-JC. That modification authorized the use of sand excavated from the infilled Summer Haven River bed to close the breach between R-204 and R-205, which occurred during Hurricane Matthew.

Staff Assessment

In preparation for the 2017 AIWW maintenance dredging event under Permit No. 0294455-001-JC, the Corps conducted bathymetric surveys to confirm the volume of sand to be dredged from the navigation channel. The surveys indicated a greater than expected volume of sand available to be bypassed from the AIWW channel to the beach disposal area. The Corps is requesting this modification to allow for the greater beach placement capacity, and also to further stabilize the beach at the site of the 2016 breach. Based on staff's review, this modification is not expected to impact the coastal system beyond that which was authorized in Permit No. 0294455-001-JC.

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The project location shall be revised as follows (~~strikethroughs~~ are deletions, underlines are additions):

The project area is located in St. Johns County and Flagler County; the area to be dredged is located at Sections 13 and 24, Township 9 South, Range 30 East and the beach placement site is located at Section 31, Range 30 and 31 East, Township 9 South. The maintenance dredging will extend from Station 20+00 in Channel Cut SJ-59 through Cut SJ-61, in St. Johns County, and Cut F-2, in Flagler County, all within the Atlantic Intracoastal Waterway, in the vicinity of Matanzas Inlet, Class II waters. The beach placement site is located south of Matanzas Inlet, in St. Johns County, between DEP monuments ~~R-205~~ R-204 and R-208, Atlantic Ocean, Class III waters.

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

Plates 1, 12, 13, and 14 shall replace same numbered plates for Permit No. 0294455-001-JC (dated February 2010, Plates 1-16).

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or be contrary to 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 drawings, we are notifying all necessary parties of the modification.

This letter of approval does not alter the **October 20, 2020**, expiration date or the Specific Conditions of the permit. This letter and the attached drawings 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

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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

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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.

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If you have any questions regarding this matter, please contact Bobby Halbert by email at Robert.Halbert@dep.state.fl.us or by telephone at (850) 245-7667.

Attachments: Approved Drawings 1 of 16, 12 of 16, 13 of 16, 14 of 16 (dated February 2010)

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 following listed persons:

cc: Paul Karch, USACE	Neal Shinkre, St Johns County
Jason Harrah, USACE	MarineTurtle@myfwc.com
Bobby Halbert, DWRM	Marty Seeling, DWRM
Trey Hatch, DEP, NE District	JCP Compliance Officer
Andrew Briscoe, 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.



Clerk

03/03/2017

Date