



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

April 25, 2018

U.S. Army Corps of Engineers
Attn: Gina P. Ralph
701 San Marco Blvd Jacksonville, FL 32207
Gina.P.Ralph@usace.army.mil

and

Pinellas County Environmental Management
Attn: John Bishop, Ph.D.
Coastal Management Coordinator
22211 US Hwy. 19 N, Bldg. 10 Clearwater, FL 33765
JBishop@pinellascounty.org

Permit Modification No. 0238664-010-JN
Permit No. 0238664-001-JC, Pinellas
Sand Key Beach Nourishment

Dear Ms. Ralph and Mr. Bishop:

Your request to modify Permit No. 0238664-001-JC was received on April 12, 2018, and has been reviewed by Florida Department of Environmental Protection (Department) staff. The proposed permit modification is to add a pipeline corridor at Egmont Shoal East for use during construction of the Sand Key Beach Nourishment Project.

PERMITTING HISTORY

On July 6, 2011, the Department issued Permit No. **0238664-001-JC** to U.S. Army Corps of Engineers (Corps) to nourish 8.7 miles (14.0 km) of beach on Sand Key. That included two beach fill segments from R-56 to R-66 and from 85 feet north of R-71A to R-107. A one-mile gap between the segments (from R-66 to R-71A) was not filled. The project was authorized to occur multiple times, on an as-needed basis, with the first event requiring approximately 1,017,000 cubic yards of beach-compatible sand.

Variance No. **0238664-002-EV** was also granted to the Corps on July 6, 2011, in association with Permit No. 0238664-001-JC. The variance authorized an expanded turbidity mixing zone that extends up to 150 meters offshore (or 300 meters offshore if

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there is no nearshore hardbottom) and up to 1,500 meters downcurrent from the point of discharge at the beach placement site.

For information describing the project history prior to the current permit, and subjects related to the current permit, please see the ***CONSOLIDATED NOTICE OF INTENT TO ISSUE A JOINT COASTAL PERMIT, VARIANCE AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS***, for Permit No. 0238664-001-JC and Variance No. 0238664-002-EV, dated June 8, 2011, available at the Division website:

ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/pinellas/issued/0238664_Sand_Key/

File Nos. **0238664-003-EE** and **0238664-004-BE** were de minimis exemptions granted to Pinellas County in 2008 and 2009 for the collection of offshore geotechnical vibracores.

On April 18, 2012, the Department issued Modification No. **0238664-005-JN** to include a dune feature in the Sand Key Beach Nourishment template between 4 feet south of R-60 and 182 feet south of R-61A. The dune required an additional 2,000 cubic yards of beach compatible sediment from the previously authorized borrow site.

On October 26, 2012, the Department issued Modification No. **0238664-006-JN** to the Corps to revise the Sand Key Beach Nourishment Permit. The modification extended the southern end of the fill template from R-107 to R-108, along the dry beach only.

On November 27, 2012, the Department issued Modification No. **0238664-007-JN** to the Corps to add Egmont Shoal East Borrow Area as a sand source to the Sand Key Beach Nourishment project.

On December 16, 2016, the Department issued Modification No. **0238664-008-JN** to the Corps to extend the permit duration of Permit No. 0238664-001-JC until 2026 and to add the Pinellas County Board of County Commissioners as a Co-Permittee. That modification also authorized deeper dredge depths for the Egmont Shoal East borrow area, and updated the project description, project location, General Consent Conditions, General Conditions for non-Corps Permittees, the fish and wildlife conditions, the water quality conditions, and the physical monitoring condition

On July 13, 2017, the Department issued Modification No. **0238664-009-JN** to the Corps to elevate the design berm height and to extend the southern end of the fill template from R-108 to R-109. This modification also included a revised comprehensive physical monitoring plan.

Justification and Staff Assessment

The Corps consulted with the Department and the dredging company about methods of construction and have requested to add the proposed pipeline corridor at Egmont Shoal East. Relevant information has been provided to the Department indicating that no hardbottom was detected at the Egmont Shoal. A combination of remote sensing, towed video, and scientific

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diver surveys were conducted between February 20 and March 6, 2018. The results of the surveys concluded that the new proposed pipeline corridor at Egmont Shoal contained no significant cultural resources and that no further archaeological work was required.

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

Plates 1 of 34, 2 of 34, 33 of 34, and 34 of 34 (Authenticated June 19, 2017) will be replaced by Plates 1 of 34, 2 of 34, 33 of 34, and 34 of 34 (Authenticated March 16, 2018)

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

This letter of approval does not alter the **July 6, 2026**, expiration date of the permit. The only Specific Conditions of the permit that are altered by this modification are those stated above. 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 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 Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

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- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, 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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. 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 and persons entitled to written notice under Section 120.60(3), F.S., 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. 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

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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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the 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.

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 Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Karina Kronsis by email at Karina.Kronsis@dep.state.fl.us or by telephone at (850) 245-7545.

EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Gregory W. Garis
Interim Program Administrator
Beaches, Inlets and Ports Program
Division of Water Resource Management

Attachments: Revised Permit Drawings: Plates 2 of 34, 33 of 34, and 34 of 34 (Authenticated March 16, 2018)

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all attachments were sent on the filing date below to the following listed persons:

cc: Paul Karch, USACE
JCP Compliance Officer
Martin Seeling, DWRM
Roxane Dow, DWRM
Brendan Biggs, 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.

Kaslyn Massey 4/25/2018
Clerk Date